



H.R. 1029 — EPA Science Advisory Board Reform Act of 2015 (Rep. Lucas, R-OK)

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FLOOR SCHEDULE: MARCH 4, 2015 UNDER A STRUCTURED [RULE](#) WHICH MAKES 4 AMENDMENTS IN ORDER.

TOPLINE SUMMARY: [H.R. 1029](#) would reform the Environmental Protection Agency's (EPA) Science Advisory Board in an effort to bring diversity to its membership and encourage additional public participation.

CONSERVATIVE CONCERNS: There are no major substantive concerns.

- **Expand the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS: The bill would require the administrator of the EPA to select members so that the points of view represented are fairly balanced and that at least ten percent of board members are from state, local, and tribal governments. Individuals affiliated with entities with an interest in the board's activities are not excluded from membership as long as those interests (1) are disclosed; and (2) those members are barred from participating in an activity that they have an interest in or from reviewing their own work, unless fully disclosed to the public and the work has been externally peer-reviewed. Registered federal lobbyists would be prohibited from serving on the board.

Board members would be designated as [Special Government Employees](#). This designation allows individuals to perform governmental duties on a temporary basis without having to "forego their private professional lives."

Nominations for board members would be made public, as well as the entities that nominated them. The EPA would solicit public comments on the nominees in the Federal Register. Nominees would be required to file a publicly available report regarding potential conflicts of interest, including financial relationships.

H.R. 1029 would add "risk or hazard assessments" to the proposals the EPA is required to provide to the board for comment and advice, and would also require the EPA and the Board to make all reports and scientific information public at the same time they are provided to the Board. The bill would require additional public

COST: The Congressional Budget Office (CBO) [estimates](#) that this legislation would cost less than \$500,000 annually and about \$2 million over the 2015-2020 period, subject to the availability of appropriated funds. That funding would provide for additional personnel and related administrative expenses.

Enacting H.R. 1029 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

interaction with the board, including public information gathering sessions, soliciting public comments, and requiring written responses to significant public comments.

The [EPA Science Advisory Board](#) was established by the Environmental Research, Development, and Demonstration Authorization Act of 1978. The mission of the Board is to “review the quality and relevance of the scientific and technical information being used by the EPA or proposed as the basis for Agency regulations; review EPA research programs and plans; provide science advice as requested by the EPA Administrator, and advise the agency on broad scientific matters.” Currently, the Board has [52 members](#), which are appointed by the administrator of the EPA to serve a three-year term. According to [testimony](#) before the House Committee on Science, Space, and Technology on March 13, 2013, the large majority of members are affiliated with academic institutions, while private industry is underrepresented. The only state governments represented are California and Vermont’s environmental protection agencies, while local and tribal governments do not have any representation. Members also represent radical left-wing groups such as the ClimateWorks Foundation and the Environmental Defense Fund.

An identical bill ([H.R. 1422](#)) was introduced in the House in the 113th Congress and passed by the recorded vote ([229 - 191](#)). The RSC’s legislative bulletin for H.R. 1422 can be found [here](#).

OUTSIDE GROUPS SUPPORT:

- [U.S. Chamber of Commerce](#)

COMMITTEE ACTION: This bill was introduced on February 24, 2015 and was referred to the House Committee on Science, Space, and Technology.

ADMINISTRATION POSITION: No statement of administration position is available at this time. According to the [Statement of Administration Policy](#) on H.R. 1422, “if the President were presented with H.R. 1422, his senior advisors would recommend that he veto the bill.”

CONSTITUTIONAL AUTHORITY: “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3: The Congress shall have power to regulate commerce with foreign nations, and among the several states, and with Indian tribes and Article I, Section 8, Clause 18: The Congress shall have power to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Power vested by this Constitution in the Government of the United States, or in any Department of Officer thereof.”

AMENDMENTS:

- [Grayson \(D-FL\)](#): This amendment would prohibit an EPA Science Advisory Board member from participating in any advisory action for which there is evidence that the action may involve a specific party in which the member has an interest.
- [McKinley \(R-WV\)](#): This amendment would prohibit an individual from sitting on the Science Advisory Board if they are currently receiving EPA contracts or grants. This amendment would also prohibit individuals from being allowed to apply for, 3 years after serving as a Board member, for any EPA contracts or grants.
- [Polis \(D-CO\)](#): This amendment would require the administrator of the Environmental Protection Agency to solicit nominations for Advisory Board membership from (1) Institutions of Higher Education; and (2) research institutions based in work relevant to that of the board.

- **Bonamici (D-OR) (Substitute):** This amendment would modify the requirement for selecting members for the EPA's Science Advisory Board by requiring that: (1) the board be fairly balanced in its membership in terms of the points of view represented; (2) no board member shall participate in an advisory activity of the board involving a particular matter or specific party which the board member has a direct or predictable financial interest and the functions to be performed; (3) no board member be a registered lobbyist, or has served as a registered lobbyist within a 4-year period prior to nomination to the Board; and (4) board members shall be designated as special Government employees. The administrator of the EPA is mandated to require nominees to complete a written form disclosing information related to financial relationships and interests that may, or could be predicted to, be relevant to the board's advisory activities, and relevant professional activities and public statements, for the 2-year period prior to the date of their nomination.

H.R. 1030 — Secret Science Reform Act of 2015 (Rep. Smith, R-TX)

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FLOOR SCHEDULE: MARCH 4, 2015 UNDER A STRUCTURED [RULE](#) WHICH MAKES 2 AMENDMENTS IN ORDER.

TOPLINE SUMMARY: [H.R. 1030](#) would prohibit the Environmental Protection Agency (EPA) Administrator from proposing, finalizing, or disseminating a “covered action” unless all scientific and technical information relied upon is the best available science, specifically identified, and publicly available online in a manner that is sufficient for independent analysis and substantial reproduction of research results.

COST: No Congressional Budget Office (CBO) estimate is available. The CBO estimate for H.R. 4012 can be found [here](#).

CONSERVATIVE CONCERNS: There are no major substantive concerns.

- **Expand the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS: H.R. 1030 would clarify that the bill does not require the administrator of the EPA to disseminate scientific and technical information, nor does it supersede any nondiscretionary statutory requirements.

The EPA is required to carry out the bill in a manner that does not exceed \$1,000,000 per fiscal year, to be derived from amounts otherwise authorized to be appropriated.

The term “covered action” is defined as a risk, exposure or hazard assessment criteria document, standard, limitation, regulation, regulatory impact analysis, or guidance.

The House Report (H. Rept. 114-34) accompanying H.R. 1030 can be found [here](#). A House Committee on Science, Space, and Technology press release on EPA's secret science can be found [here](#). A similar bill (H.R. 4012) was introduced in the 113th Congress and passed in the House by recorded vote ([237 – 190](#)) on November 19, 2014. The RSC's legislative bulletin for [H.R. 4012](#) can be found [here](#).

OUTSIDE GROUPS SUPPORT:

- [U.S. Chamber of Commerce](#)

COMMITTEE ACTION: This bill was introduced on February 24, 2015 and was referred to the House Committee on Science, Space, and Technology.

ADMINISTRATION POSITION: No statement of administration position is available at this time.

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AMENDMENTS:

- [Edwards \(D-MD\)](#): This amendment would authorize to be appropriated \$250 million for each of fiscal years 2016 through 2019 for the EPA.
- [Kennedy \(D-MA\)](#): This amendment would allow the EPA to use all peer-reviewed scientific publications, even if such publication is based on data that is prohibited from public disclosure.

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