

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
BONAMICI OF OREGON OR HER DESIGNEE, DEBATABLE FOR 20
MINUTES

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO THE RULES COMMITTEE PRINT FOR H.R. 1029
OFFERED BY MS. BONAMICI OF OREGON**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “EPA Science Advisory
3 Board Improvement Act of 2015”.

4 SEC. 2. SCIENCE ADVISORY BOARD.

5 (a) MEMBERSHIP.—Section 8(b) of the Environ-
6 mental Research, Development, and Demonstration Au-
7 thorization Act of 1978 (42 U.S.C. 4365(b)) is amended
8 to read as follows:

9 “(b)(1) The Board, as established in subsection (a),
10 shall be composed of at least 9 members, 1 of whom shall
11 be designated Chair, and shall meet at such times and
12 places as may be designated by the Chair of the Board,
13 in consultation with the Administrator.

14 “(2) Each member of the Board shall be qualified by
15 education, training, and experience to evaluate scientific
16 and technical information on matters referred to the
17 Board under this section. The Administrator shall ensure
18 that—

1 “(A) the Board is fairly balanced in its mem-
2 bership in terms of the points of view represented
3 and the functions to be performed;

4 “(B) no Board member shall participate in an
5 advisory activity of the Board involving a particular
6 matter or specific party which the Board member
7 has a direct or predictable financial interest;

8 “(C) no Board member is a registered lobbyist,
9 or has served as a registered lobbyist within a 4-year
10 period prior to nomination to the Board; and

11 “(D) Board members shall be designated as
12 special Government employees.

13 “(3) The Administrator shall—

14 “(A) solicit public nominations for the Board by
15 publishing a notification in the Federal Register;

16 “(B) make public the list of nominees, includ-
17 ing—

18 “(i) the identity of the entities that nomi-
19 nated each nominee; and

20 “(ii) the professional credentials of each
21 nominee, including relevant expertise and expe-
22 rience, as well as the sources of research fund-
23 ing and professional activities such as represen-
24 tational work, expert testimony, and contract
25 work dating back 2 years;

1 “(C) solicit public comment on the nominees;

2 “(D) develop, and make publically available, a
3 formal memorandum describing each advisory activ-
4 ity to be undertaken by the Board which shall in-
5 clude—

6 “(i) the charge to the Board, including an
7 explanation of the scope of issues to be ad-
8 dressed by the Board and the formal statement
9 of questions posed to the Board;

10 “(ii) the ethics rules, if applicable, that
11 would apply to Board members; and

12 “(iii) other information relied on to sup-
13 port the selection of panel members; and

14 “(E) require that, upon their provisional nomi-
15 nation, nominees shall be required to complete a
16 written form disclosing information related to finan-
17 cial relationships and interests that may, or could be
18 predicted to, be relevant to the Board’s advisory ac-
19 tivities, and relevant professional activities and pub-
20 lic statements, for the 2-year period prior to the
21 date of their nomination, in a manner sufficient for
22 the Administrator to assess the independence and
23 points of view of the candidates.”.

1 (b) PUBLIC PARTICIPATION AND TRANSPARENCY.—

2 Section 8(h) of such Act (42 U.S.C. 4365(h)) is amended

3 to read as follows:

4 “(h)(1) The Board shall make every effort, consistent
5 with applicable law, including section 552 of title 5,
6 United States Code (commonly known as the ‘Freedom
7 of Information Act’) and section 552a of title 5, United
8 States Code (commonly known as the ‘Privacy Act’), to
9 maximize public participation and transparency, including
10 making the scientific and technical advice of the Board
11 and any committees or investigative panels of the Board
12 publicly available in electronic form on the website of the
13 Environmental Protection Agency.

14 “(2) The Administrator and the Board shall encour-
15 age and solicit public comments on the advisory activities
16 of Board, including written and oral comments, especially
17 comments that provide specific scientific or technical in-
18 formation or analysis for the Board to consider, or com-
19 ments related to the clarity or accuracy of the rec-
20 ommendations being considered by the Board.

21 “(3) The Administrator shall specify the areas of ex-
22 pertise being sought and make every effort to solicit can-
23 didate recommendations from the public, and solicit public
24 comments on candidates selected.”.

1 (c) OPERATIONS.—Section 8 of such Act (42 U.S.C.
2 4365) is further amended by adding at the end the fol-
3 lowing new subsection:

4 “(j)(1) In carrying out its advisory activities, the
5 Board shall strive to avoid making policy determinations
6 or recommendations, and, in the event the Board deter-
7 mines that it would be appropriate or useful to offer policy
8 advice, shall explicitly distinguish between scientific deter-
9 minations and policy advice.

10 “(2) While recognizing that consensus recommenda-
11 tions and conclusions are the most useful to the Adminis-
12 trator and Congress, the Board shall ensure the views of
13 all Board members, including dissenting views, are ade-
14 quately incorporated into reports and recommendations
15 from the Board.”.

16 **SEC. 3. RELATION TO THE FEDERAL ADVISORY COM-**
17 **MITTEE ACT.**

18 Nothing in this Act or the amendments made by this
19 Act shall be construed as supplanting the requirements of
20 the Federal Advisory Committee Act (5 U.S.C. App.).

1 **SEC. 4. RELATION TO THE ETHICS IN GOVERNMENT ACT OF**
2 **1978.**

3 Nothing in this Act or the amendments made by this
4 Act shall be construed as supplanting the requirements of
5 the Ethics in Government Act of 1978 (5 U.S.C. App.).

