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:

SECTION 1. SHORT TITLE.

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

SEC. 2. SCIENCE ADVISORY BOARD.

(a) MEMBERSHIP.—Section 8(b) of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4365(b)) is amended to read as follows:

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

“(2) Each member of the Board shall be qualified by education, training, and experience to evaluate scientific and technical information on matters referred to the Board under this section. The Administrator shall ensure that—
“(A) the Board is fairly balanced in its membership in terms of the points of view represented and the functions to be performed;

“(B) 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;

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

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

“(3) The Administrator shall—

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

“(B) make public the list of nominees, including—

“(i) the identity of the entities that nominated each nominee; and

“(ii) the professional credentials of each nominee, including relevant expertise and experience, as well as the sources of research funding and professional activities such as representational work, expert testimony, and contract work dating back 2 years;
“(C) solicit public comment on the nominees;

“(D) develop, and make publically available, a formal memorandum describing each advisory activity to be undertaken by the Board which shall include—

“(i) the charge to the Board, including an explanation of the scope of issues to be addressed by the Board and the formal statement of questions posed to the Board;

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

“(iii) other information relied on to support the selection of panel members; and

“(E) require that, upon their provisional nomination, nominees shall be required 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, in a manner sufficient for the Administrator to assess the independence and points of view of the candidates.”.
(b) Public Participation and Transparency.—

Section 8(h) of such Act (42 U.S.C. 4365(h)) is amended to read as follows:

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

“(2) The Administrator and the Board shall encourage and solicit public comments on the advisory activities of Board, including written and oral comments, especially comments that provide specific scientific or technical information or analysis for the Board to consider, or comments related to the clarity or accuracy of the recommendations being considered by the Board.

“(3) The Administrator shall specify the areas of expertise being sought and make every effort to solicit candidate recommendations from the public, and solicit public comments on candidates selected.”.
(c) OPERATIONS.—Section 8 of such Act (42 U.S.C. 4365) is further amended by adding at the end the following new subsection:

“(j)(1) In carrying out its advisory activities, the Board shall strive to avoid making policy determinations or recommendations, and, in the event the Board determines that it would be appropriate or useful to offer policy advice, shall explicitly distinguish between scientific determinations and policy advice.

“(2) While recognizing that consensus recommendations and conclusions are the most useful to the Administrator and Congress, the Board shall ensure the views of all Board members, including dissenting views, are adequately incorporated into reports and recommendations from the Board.”.

SEC. 3. RELATION TO THE FEDERAL ADVISORY COMMITTEE ACT.

Nothing in this Act or the amendments made by this Act shall be construed as supplanting the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).
SEC. 4. RELATION TO THE ETHICS IN GOVERNMENT ACT OF 1978.

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