

retary of Defense for Acquisition, Technology, and Logistics who is” for “Deputy Under Secretary of Defense”.

2003—Subsec. (g). Pub. L. 108-136 struck out designation for par. (1) before “Not later than February” and struck out par. (2) which read as follows: “Not later than March 15 of each year, the Secretary of Defense shall submit such annual report to Congress, along with such comments as the Secretary considers appropriate.”

2000—Subsec. (d)(3)(D). Pub. L. 106-398 added subpar. (D).

1999—Subsec. (b)(1). Pub. L. 106-65 substituted “Deputy Under Secretary of Defense for Science and Technology” for “Director of Defense Research and Engineering”.

1998—Subsec. (b)(6). Pub. L. 105-245 substituted “Science” for “Energy Research”.

1996—Subsec. (b). Pub. L. 104-106, §203(a)(1), substituted “12” for “thirteen” in introductory provisions.

Subsec. (b)(3) to (7). Pub. L. 104-106, §203(a)(2), (3), redesignated pars. (4) to (8) as (3) to (7), respectively, and struck out former par. (3) which read as follows: “The Assistant Secretary of the Air Force responsible for matters relating to space.”

Subsec. (b)(8). Pub. L. 104-106, §203(a)(3), (4), redesignated par. (9) as (8) and struck out “, who shall be non-voting members” after “Coast Guard”. Former par. (8) redesignated (7).

Subsec. (b)(9), (10). Pub. L. 104-106, §203(a)(3), redesignated pars. (9) and (10) as (8) and (9), respectively.

Subsec. (d)(3). Pub. L. 104-106, §203(b)(1)(A), added par. (3) and struck out former par. (3) which read as follows: “To prepare an annual five-year strategic environmental research and development plan that shall cover the fiscal year in which the plan is prepared and the four fiscal years following such fiscal year.”

Subsec. (d)(4). Pub. L. 104-106, §203(b)(1)(B), substituted “National Science and Technology Council” for “Federal Coordinating Council on Science, Engineering, and Technology”.

Subsec. (e)(3). Pub. L. 104-106, §203(c), substituted “national security programs” for “national security programs, particularly technologies that have the potential for industrial, commercial, and other governmental applications, and to support programs of research in and development of such applications”.

Subsecs. (f), (g). Pub. L. 104-106, §203(b)(2), added subsec. (g), redesignated former subsec. (g) as (f), and struck out former subsec. (f) which authorized Secretaries of Defense and Energy to submit to the Council proposals for conducting environmental research under this chapter.

Subsec. (h). Pub. L. 104-106, §203(b)(2)(A), struck out subsec. (h) which required Council to submit to Secretary of Defense and to Congress an annual report on annual five-year strategic environmental research and development plan.

1993—Subsec. (b)(1) to (4). Pub. L. 103-160, §265(a)(1)–(3), redesignated pars. (2) to (4) as (1) to (3), respectively, added par. (4), and struck out former par. (1) which read as follows: “The Assistant Secretary of Defense responsible for matters relating to production and logistics.”

Subsec. (b)(6). Pub. L. 103-160, §265(a)(4), added par. (6) and struck out former par. (6) which read as follows: “The Director of the Department of Energy Office of Environmental Restoration and Waste Management.”

1992—Subsec. (b)(9). Pub. L. 102-484 substituted “nonvoting” for “non-voting”.

1991—Subsec. (b). Pub. L. 102-190, §257(a)(1), substituted “thirteen” for “nine” in introductory provisions.

Subsec. (b)(9), (10). Pub. L. 102-190, §257(a)(2), (3), added par. (9) and redesignated former par. (9) as (10).

Subsec. (f)(2)(A). Pub. L. 102-190, §1061(a)(19), substituted “department’s” for “Department’s”.

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-383 effective Jan. 1, 2011, see section 901(p) of Pub. L. 111-383, set out as a note under section 131 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-106, div. A, title II, §203(b)(3), Feb. 10, 1996, 110 Stat. 218, provided that: “The amendments made by this subsection [amending this section] shall apply with respect to the annual report prepared during fiscal year 1997 and each fiscal year thereafter.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

FIRST ANNUAL REPORT OF STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM COUNCIL

Pub. L. 101-510, div. A, title XVIII, §1801(c), Nov. 5, 1990, 104 Stat. 1758, provided that the first annual report required by former subsec. (h) of this section be submitted to Secretary of Defense, Secretary of Energy, and Administrator of the Environmental Protection Agency not later than Feb. 1, 1992, that the Strategic Environmental Research and Development Program Council conduct and include as part of report an assessment of advisability of, and various alternatives to, charging fees for information released, as required pursuant to section 2901(b)(3) of this title and subsecs. (e)(1), (2), and (g)(2)(I) [now (f)(2)(I)] of this section, to private sector entities operating for a profit, and that Secretary of Defense, Secretary of Energy, and Administrator of the Environmental Protection Agency submit to Congress any recommendations for changes in structure or personnel of Council that Secretaries and Administrator consider necessary to carry out environmental activities of strategic environmental research and development program.

§ 2903. Executive Director

(a) There shall be an Executive Director of the Council appointed by the Secretary of Defense after consultation with the Secretary of Energy.

(b) Subject to the authority, direction, and control of the Secretary of Defense, the Executive Director is responsible for the management of the Strategic Environmental Research and Development Program in accordance with the policies established by the Council.

(c) The Executive Director may enter into contracts using competitive procedures. The Executive Director may enter into other agreements in accordance with applicable law. In either case, the Executive Director shall first obtain the approval of the Council for any contract or agreement in an amount equal to or in excess of \$500,000 or such lesser amount as the Council may prescribe.

(d)(1) The Executive Director, with the concurrence of the Council, may appoint such professional and clerical staff as may be necessary to carry out the responsibilities and policies of the Council.

(2) The Executive Director, with the concurrence of the Council and without regard to the provisions of chapter 51 of title 5 and subchapter III of chapter 53 of such title, may establish the rates of basic pay for professional, scientific, and technical employees appointed pursuant to paragraph (1).

(Added Pub. L. 101-510, div. A, title XVIII, §1801(a)(1), Nov. 5, 1990, 104 Stat. 1755; amended

Pub. L. 102-25, title VII, §701(h)(2), Apr. 6, 1991, 105 Stat. 115; Pub. L. 103-160, div. A, title II, §265(b), Nov. 30, 1993, 107 Stat. 1611; Pub. L. 104-106, div. A, title II, §203(d), (e)(1), Feb. 10, 1996, 110 Stat. 218.)

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-106, §203(d), substituted “contracts using competitive procedures. The Executive Director may enter into” for “contracts or” and “law. In either case,” for “law, except that”.

Subsec. (d)(2). Pub. L. 104-106, §203(e)(1), struck out at end “The authority provided in the preceding sentence shall expire on September 30, 1995.”

1993—Subsec. (d)(2). Pub. L. 103-160 substituted “September 30, 1995” for “November 5, 1992”.

1991—Subsec. (d)(2). Pub. L. 102-25 substituted “on November 5, 1992” for “two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1991”.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-106, div. A, title II, §203(e)(2), Feb. 10, 1996, 110 Stat. 218, provided that: “The amendment made by paragraph (1) [amending this section] shall take effect as of September 29, 1995.”

§ 2904. Strategic Environmental Research and Development Program Scientific Advisory Board

(a) The Secretary of Defense and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, shall jointly appoint a Strategic Environmental Research and Development Program Scientific Advisory Board (hereafter in this section referred to as the “Advisory Board”) consisting of not less than six and not more than 14 members.

(b)(1) The following persons shall be permanent members of the Advisory Board:

(A) The Science Advisor to the President, or his designee.

(B) The Administrator of the National Oceanic and Atmospheric Administration, or his designee.

(2) Other members of the Advisory Board shall be appointed from among persons eminent in the fields of basic sciences, engineering, ocean and environmental sciences, education, research management, international and security affairs, health physics, health sciences, or social sciences, with due regard given to the equitable representation of scientists and engineers who are women or who represent minority groups. At least one member of the Advisory Board shall be a representative of environmental public interest groups and one member shall be a representative of the interests of State governments.

(3) The Secretary of Defense and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, shall request—

(A) that the head of the National Academy of Sciences, in consultation with the head of the National Academy of Engineering and the head of the Institutes of Medicine of the National Academy of Sciences, nominate persons for appointment to the Advisory Board;

(B) that the Council on Environmental Quality nominate for appointment to the Advisory Board at least one person who is a representative of environmental public interest groups; and

(C) that the National Association of Governors nominate for appointment to the Advisory Board at least one person who is representative of the interests of State governments.

(4) Members of the Advisory Board shall be appointed for terms of not less than two and not more than four years.

(c) A member of the Advisory Board who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee, except for the purposes of chapter 81 of title 5 (relating to compensation for work-related injuries) and chapter 171 of title 28 (relating to tort claims).

(d) The Advisory Board shall prescribe procedures for carrying out its responsibilities. Such procedures shall define a quorum as a majority of the members, provide for annual election of the Chairman by the members of the Advisory Board, and require at least four meetings of the Advisory Board each year.

(e) The Council shall refer to the Advisory Board, and the Advisory Board shall review, each proposed research project including its estimated cost, for research in and development of technologies related to environmental activities in excess of \$1,000,000. The Advisory Board shall make any recommendations to the Council that the Advisory Board considers appropriate regarding such project or proposal.

(f) The Advisory Board may make recommendations to the Council regarding technologies, research, projects, programs, activities, and, if appropriate, funding within the scope of the Strategic Environmental Research and Development Program.

(g) The Advisory Board shall assist and advise the Council in identifying the environmental data and analytical assistance activities that should be covered by the policies and procedures prescribed pursuant to section 2902(d)(1) of this title.

(h) Each member of the Advisory Board shall be required to file a financial disclosure report under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(Added Pub. L. 101-510, div. A, title XVIII, §1801(a)(1), Nov. 5, 1990, 104 Stat. 1756; amended Pub. L. 102-190, div. A, title II, §257(b), Dec. 5, 1991, 105 Stat. 1331; Pub. L. 105-85, div. A, title III, §341, Nov. 18, 1997, 111 Stat. 1686; Pub. L. 106-398, §1 [[div. A], title III, §313(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-55.)

REFERENCES IN TEXT

The Ethics in Government Act of 1978, referred to in subsec. (h), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, as amended. Title I of the Act is set out in the Appendix to Title 5, Government Organization and Employees. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Pub. L. 95-521 in the Appendix to Title 5 and Tables.

AMENDMENTS

2000—Subsecs. (h), (i). Pub. L. 106-398 redesignated subsec. (i) as (h) and struck out former subsec. (h) which read as follows: “Not later than March 15 of each year, the Advisory Board shall submit to the Congress an annual report setting forth its actions during the year preceding the year in which the report is submitted and any recommendations, including recommenda-