103D CONGRESS
2D SESSION

H. R. 3870

AN ACT

To promote the research and development of environmental technologies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Environmental Technologies Act of 1994''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 102. FINDINGS.

The Congress finds the following:

(1) Promoting a sound economy and maintaining a healthy environment are among the urgent public policy challenges of the United States.

(2) The research, development, and demonstration of environmental technologies will enhance the economic standing of the United States and global environmental security.

(3) Although better designs for products and processes offer new opportunities for substantially improved environmental performance in growing domestic and international markets, current government regulations and market barriers do not allow these opportunities to be fully exploited.

(4) Although the Federal Government, research institutes, universities, and industries are conducting substantial basic environmental research and development, environmental concerns must become a more pervasive and central dimension of technology research and development.

(5) The coordination of Federal, State, and local activities for the research, development, and demonstration of environmental technologies will greatly enhance the effectiveness of environmental policies of the United States.

SEC. 103. PURPOSES.

It is the purpose of this Act—

(1) to improve, consistent with applicable provisions of law, coordination and integration of environmental technology research and development performed by and across Federal agencies;

(2) to assist and catalyze efforts of private industry, universities, nonprofit research centers, and Federal laboratories in the research, development, and demonstration of cost-effective, energy-efficient, and safe environmental technologies and, in the process, to promote the competitiveness of United States companies;

(3) to facilitate the dissemination of information regarding innovations in environmental technologies;

(4) to promote the development of technical performance measurements of environmentally sound products; and

(5) to direct the study of policy changes that will provide for the more efficient research, development, and demonstration of environmental technologies.

SEC. 104. DEFINITIONS.

For the purposes of this Act:

(1) The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) The term ''design-for-environment'' means the process of synthesis in which waste prevention and the efficient management of materials during a product's life cycle are treated as design objectives, in addition to conventional attributes such as cost, performance, manufacturability, and safety.

(3) The term ''environmental technology'' means a cost-efficient technology that is primarily intended to improve the quality of the environment through pollution prevention, pollution monitoring, pollution control, pollution remediation, reuse, recycling, or disposal, or that is capable of cost-effectively offering significant environmental benefits when compared with a technology it replaces.

(4) The term ''advanced precommercial environmental technologies'' means any environmental technology that enables the commercial potential of a new product or process but requires a further investment in addition to, and comparable to, the assistance provided under this Act to develop and market application-specific commercial prototypes, products, and processes.

(5) The term ''Federal laboratory'' has the meaning given the term ''laboratory'' in section 12(d)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)).

(6) The term ''life-cycle assessment'' means an inventory of the resource use and waste generation involved in developing a technology, including materials extraction, materials conversion, transportation, energy use, end use, recycling, and disposal, and their associated costs and environmental impacts.

(7) The term ''small business concern'' means a United States company that is a small business concern within the meaning given such term in the Small Business Act (15 U.S.C 631 et seq.).

(8) The term ''sustainable economic development'' means the integration of environmental and economic development concerns leading to continuous and long-term economic development with reduced pollution and the more efficient use of energy and materials.

(9) The term ''technology'' means a product, a manufacturing process, a system, a service, or any other method by which individual or societal needs are met through technical activities.

TITLE II—POLICY COORDINATION AND TECHNOLOGY PROGRAMS

Subtitle A—Policy Coordination and Program Planning

SEC. 201. COORDINATION OF ENVIRONMENTAL TECHNOLOGY RESEARCH AND DEVELOPMENT.

(a) INTERAGENCY COORDINATION.—The President, acting through the Director of the Office of Science and Technology Policy or other entity designated by the President and in coordination with the heads of other Federal agencies that have substantial capabilities in the research, development, and demonstration of environmental technologies, shall develop an interagency strategy that is in accordance with the policies, requirements, and objectives of the applicable Federal statutes administered by those agencies and that—

(1) ensures, to the maximum extent practicable, the coordinated, interagency promotion of the research, development, and demonstration of environmental technologies; and

(2) develops priorities for Federal environmental technology research, development, and demonstration efforts, by using scientifically objective information, data, and assessments of risk.

(b) IMPLEMENTATION.—In carrying out this section, the President, acting through the Director of the Office of Science and Technology Policy or other entity designated by the President, shall—

(1) review current Federally funded programs, including Federal budget outlays for these programs, to determine their role in the research, development, and demonstration of environmental technologies;

(2) recommend the specific responsibilities of each appropriate Federal agency to achieve the priorities developed under this section;

(3) describe the recommended levels of Federal funding required for each Federal agency to carry out the specific responsibilities recommended in paragraph (2);

(4) develop a means for ensuring, to the maximum extent practicable, that the principles of sustainable economic development are integrated into the research, development, and technology programs of all Federal agencies;

(5) ensure that programs and activities established under this Act are fully coordinated with existing Federal capabilities and an overall Federal strategy for the research, development, and demonstration of environmental technologies;

(6) ensure that the efforts of the Federal Government are coordinated with the efforts of State and local governments and private and nonprofit organizations promoting the research, development, and demonstration of environmental technologies;

(7) ensure that in developing the interagency strategy for the research, development, and demonstration of environmental technologies pursuant to this section, priority is given to geographic areas of significant environmental need, including geographic areas that have been designated as nonattainment areas under section 107(d)(1)(A)(i) of the Clean Air Act (42 U.S.C. 7407(d)(1)(A)(i));

(8) ensure that programs and activities established under this Act develop technologies that could assist States and regional associations of States to comply with existing environmental regulations, including air pollution regulations; and

(9) submit to the Congress any recommendations regarding legislative or administrative action, including recommendations on the roles of Federal agencies, which may be required to carry out this section.

(c) BUDGET COORDINATION.—The Director of the Office of Science and Technology Policy shall annually as-

sess, in conjunction with other entities designated by the President and before the President submits to the Congress the budget for a fiscal year, the budget estimate of each relevant Federal agency for consistency with the plans, reviews, and priorities developed under this section. The Director shall make the results of the annual assessment available to the appropriate elements of the Executive Office of the President, particularly the Office of Management and Budget, for use in the preparation of such budget.

(d) STRATEGIC PLAN AND ANNUAL REVIEW.—The Director of the Office of Science and Technology Policy or other entity designated by the President shall submit to the Congress—

(1) within one year after the date of the enactment of this Act and periodically thereafter, a report on the strategy referred to in subsection (a) and any revisions to the strategy for executing interagency coordination of programs and activities conducted under this section, including the timely research, development, and demonstration of innovative environmental control and remediation technologies; and

(2) annually a report that describes the progress made in implementing the strategy, including the programs and activities conducted under this

Act, and the amendments made by this Act, in achieving the purposes of this Act.

(e) NON-FEDERAL PARTICIPATION.—The Director of the Office of Science and Technology Policy shall establish mechanisms to ensure the participation of non-Federal entities, including State and local governments, United States companies, United States industrial associations and consortia, United States institutions of higher education, United States worker organizations, United States professional associations, and United States nonprofit organizations, in carrying out this section, including the development of the plans, reviews, and recommendations developed under this section.

SEC. 202. LIFE-CYCLE ASSESSMENTS.

(a) FINDINGS.—The Congress finds the following:

(1) Consideration of life-cycle consequences of the development of a technology can greatly assist in the achievement of more environmentally sound products, processes, and services and enhanced industrial efficiency. Life-cycle assessments and other design-for-environment resources can facilitate this achievement by clarifying materials flows and energy flows and by enhancing capabilities to assess these flows in the design of such products, processes, and services.

(2) Methods of life-cycle assessment and other design-for-environment resources are underused in both the public and private sectors, particularly as applied to sustainable economic development.

(3) The data necessary for meaningful life-cycle assessment and other design-for-environment resources are often difficult to acquire, and no system exists to make such data readily available to public and private groups.

(b) LIFE-CYCLE ASSESSMENT COORDINATION.—

(1) IN GENERAL.—As part of, and consistent with, the overall Federal environmental technology strategy established in section 201, the Director of the Office of Science and Technology Policy or other entity designated by the President shall, in collaboration with the heads of other appropriate Federal agencies (including the Secretary of Commerce, the Secretary of Energy, and the Secretary of Defense), coordinate Federal activities and resources that are applied to life-cycle assessment and other design-for-environment resources in order to maximize the contribution of life-cycle assessments and other design-for-environment resources to the efficient design, development, and use of technologies, and to sustainable economic development.

(2) IMPLEMENTATION.—In carrying out this subsection, the Director of the Office of Science and Technology Policy or other entity designated by the President shall—

(A) ensure that the life-cycle assessment and other design-for-environment resources of each Federal agency are developed and disseminated in a coordinated fashion, partitioning agency responsibilities where appropriate;

(B) coordinate with State and local governments developing life-cycle assessment and other design-for-environment resources; and

(C) consult with industry, professional, nonprofit, and other appropriate private-sector organizations to take into account the life-cycle assessment and other design-for-environment capabilities of the private sector in carrying out this section.

(3) OTHER ACTIVITIES.—In carrying out this subsection, the Director of the Office of Science and Technology Policy or other entity designated by the President shall also encourage appropriate Federal agencies—

(A) to collect and disseminate information regarding analytic methods (and, as required,

to develop such methods) that will significantly enhance the ability of United States companies and other organizations to evaluate materials extraction, materials conversion, transportation, energy use, end use, recycling, and disposal, and their associated costs and environmental impacts;

(B) to utilize, to the fullest extent practicable, existing networks and supporting databases which provide access to publicly available information that will facilitate the use of life-cycle assessments and other design-for-environment resources;

(C) to sponsor demonstrations for public policy and business decisionmakers of the effective use of life-cycle assessment and other design-for-environment data and methods described in this section; and

(D) to ensure that private-sector life-cycle assessment and other design-for-environment capabilities are, and continue to be, fully integrated into activities under this section.

(4) LIMITATION.—Nothing in this section shall be considered to require the use of life-cycle assessment or

other design-for-environment data or methods by any Federal agency.

(c) ANNUAL REVIEW.—The Director of the Office of Science and Technology Policy or other entity designated by the President shall annually submit to the Congress a report containing an evaluation of the life-cycle assessment or other design-for-environment activities of the Federal Government.

SEC. 203. ENVIRONMENTAL TECHNOLOGIES IN ONGOING PROGRAMS.

(a) STEVENSON-WYDLER AMENDMENTS.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701) is amended—

(1) in section 2(2), by inserting ''greater environmental sustainability,'' after ''employment opportunities,'';

(2) in section 3(1), by inserting ''for sustainable economic development'' after ''stimulate technology'';

(3) in section 4, by adding at the end the following new paragraph:

''(14) 'Sustainable economic development' means the integration of environmental and economic development concerns leading to continuous and long-term economic development with reduced

pollution and the more efficient use of energy and materials.'';

(4) in section 6(a), by inserting ''and sustainable economic development in their regions'' after ''enhance the competitiveness of American business'';

(5) in section 6(d), by inserting ''and sustainable economic development in their regions'' after ''enhance the competitiveness of American businesses'';

(6) in section 7(a), by inserting ''and sustainable economic development'' after ''enhance technological innovation'';

(7) in section 7(c)(1), by inserting ''sustainable economic development,'' after ''employment,'';

(8) in section 9(a), by inserting ''and sustainable economic development'' after ''enhance technological innovation''; and

(9) in section 11(c)(1), by inserting ''and would enhance sustainable economic development'' after ''commercial applications''.

(b) NIST AMENDMENTS.—The National Institute of Standards and Technology Act (15 U.S.C. 271) is amended—

(1) in section 1(b)(1), by inserting ''sustainable economic development,'' after ''improved product reliability and manufacturing processes,'';

(2) in section 1, by adding after subsection (b) the following new subsection:

''(c) For purposes of this section, the term 'sustainable economic development' means the integration of environmental and economic development concerns leading to continuous and long-term economic development with reduced pollution and the more efficient use of energy and materials.''; and

(3) in section 2(b)(1), by inserting ''to enhance sustainable economic development (as that term is defined in section 1(c)),'' after ''to improve quality,''.

(c) TECHNICAL AMENDMENT.—Section 214 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (42 U.S.C. 2451 note) is amended—

(1) by striking ''102(c)'' and inserting ''102(d)''; and

(2) by striking ''2451(c)'' and inserting ''2451(d)''.

(d) NASA AMENDMENTS.—The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 note) is amended—

(1) in section 102(d)—

(A) by redesignating paragraphs (6), (7), (8), and (9) as paragraphs (7), (8), (9), and (10), respectively; and

(B) by inserting after paragraph (5) the following new paragraph:

''(6) The making available to Federal and non-Federal entities of the United States, technologies that will enhance the sustainable economic development of the Nation.''; and

(2) in section 103—

(A) by striking ''; and'' in paragraph (1) and inserting a semicolon;

(B) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(3) the term 'sustainable economic development' means the integration of environmental and economic development concerns leading to continuous and long-term economic development with re-

duced pollution and the more efficient use of energy and materials.''.

(e) NSF AMENDMENTS.—

(1) FUNCTIONS.—Section 3(a) of the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is amended—

(A) in paragraph (6), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (7), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(8) to foster education and research that would promote sustainable economic development nationally and internationally.''.

(2) DEFINITION.—Subsection (g) of section 14 of such Act is amended as follows:

(A) By striking ''(g) For purposes of this Act, the term'' and inserting the following:

''(g) For purposes of this Act:

''(1) The term''.

(B) By adding after paragraph (1), as designated by subparagraph (A) of this paragraph, the following new paragraph:

''(2) The term 'sustainable economic development' means the integration of environmental and economic development concerns leading to continuous and long-term economic development with reduced pollution and the more efficient use of energy and materials.''.

Subtitle B—Environmental Technology Innovation Initiative

SEC. 211. ESTABLISHMENT AND ADMINISTRATION OF INITIATIVE.

(a) ESTABLISHMENT.—There is established an interagency Environmental Technologies Innovation Initiative, to be implemented as part of, and consistent with, the overall Federal environmental technology strategy established in section 201, to promote the research, development, and demonstration of technologies that will contribute significantly to sustainable economic development. The Administrator shall administer the initiative in collaboration with the heads of other Federal agencies, including the Secretary of Commerce, the Secretary of Energy, the Secretary of Defense, the Director of the National Science Foundation, the Secretary of Agriculture, and the Secretary of Interior, that have substantial capabilities in advanced technology research and development.

(b) CONDUCT OF INITIATIVE PROGRAMS AND ACTIVITIES.—The initiative referred to in subsection (a) shall include—

(1) the administration and award of the President's Total Environmental Quality Award established under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as added by section 213, and of the National Environmentally Sound Technology Award established under section 25 of such Act, as added by section 213;

(2) the conduct of the Innovative Environmental Technology Program described in section 212, the information activities described in section 214, and the environmental technology demonstration program described in section 215, the demonstration program established pursuant to section 218, and the international environmental technology demonstration assistance provided under section 219; and

(3) the study provided for in section 216.

(c) AGREEMENTS WITH OTHER AGENCIES; ASSISTANCE.—

(1) IN GENERAL.—To carry out a section referred to in subsection (b)(2), the Administrator

may enter into an agreement with the head of another Federal agency, and enter into contracts and cooperative agreements with, and award grants to, entities eligible for financial assistance under that section.

(2) COMPETITIVE PROCESS.—The Administrator (or the head of a Federal agency under an agreement under paragraph (1)) shall select proposals for financial assistance under a section referred to in subsection (b)(2) solely through a competitive, merit-based evaluation process.

(3) INTEGRATION OF INDUSTRY AND OTHER VIEWS.—The Administrator (or the head of a Federal agency under an agreement under paragraph (1)) shall develop mechanisms for integrating the views of representatives of industry and nonprofit and other appropriate organizations into the process by which proposals for financial assistance under a section referred to in subsection (b)(2) are evaluated and selected.

(d) OTHER ASSISTANCE AUTHORIZED.—The Administrator, in collaboration with the heads of other appropriate Federal agencies that have substantial capabilities in advanced technology research and development and as appropriate, may provide an entity receiving financial as-

sistance under a section referred to in subsection (b)(2) with any technical and other assistance, including any equipment and facilities of Federal laboratories (including the scientists and engineers at those laboratories), necessary to carry out such section.

(e) ANNUAL INTERAGENCY PLAN AND REVIEW.—The Administrator, in collaboration with the heads of other appropriate Federal agencies (including the Secretary of Commerce and the Secretary of Energy) and in consultation with representatives of industry, nonprofit, and other appropriate organizations, shall develop a strategic plan for the programs and activities referred to in subsection (b)(2) as part of, and consistent with, the overall Federal environmental technology strategy established in section 201 and shall report to the Congress on the performance of such programs and activities as part of the annual report described in section 201(d). Such report shall include an evaluation of—

(1) the success of innovations resulting from such programs and activities; and

(2) the nature and extent of participation of socially disadvantaged individuals and economically disadvantaged individuals, as such terms are defined in paragraphs (6)(A) and (5) of section 8(a) of the Small Business Act (15 U.S.C. 637(a)(6)(A),(5)),

respectively, including women, including an evaluation of any steps taken to encourage the participation of such individuals.

(f) ADMINISTRATION.—

(1) IN GENERAL.—In administering the programs and activities referred to in subsection (b)(2), the Administrator shall—

(A) monitor the manner in which any technologies developed as a result of the programs and activities are used, and report periodically to the Congress on the extent of any international transfer of these technologies;

(B) provide for appropriate dissemination of the results of any research conducted under such program and activities; and

(C) take any other action the Administrator considers necessary to carry out the programs and activities and to avoid unnecessary duplication of effort by Federal agencies.

(2) APPLICABILITY OF OTHER LAW.—Paragraphs (5), (6), (7), (8), and (11) of section 28(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(d)) shall apply to the administration of the programs and activities referred to in subsection (b)(2).

(3) PARTICIPATION OF SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—In carrying out the sections referred to in subsection (b)(2), the Administrator shall encourage the participation of socially disadvantaged individuals and economically disadvantaged individuals, as such terms are defined in paragraphs (6)(A) and (5) of section 8(a) of the Small Business Act (15 U.S.C. 637(a)(6)(A),(5)), respectively, including women.

(g) ECONOMICALLY DEPRESSED AREAS.—The Administrator, in collaboration with the heads of other appropriate Federal agencies, shall seek to ensure that entities eligible for assistance under a section referred to in subsection (b)(2) and located in areas determined by the Administrator to have a depressed economy, or a significant concentration of defense-related industries, or chronically high unemployment, are notified of the assistance made available under that section and, to the extent practicable, to encourage and facilitate the participation of such entities in activities for which assistance is provided under that section.

(h) LIMITATION ON CONSTRUCTION OF FACILITIES.—The Administrator may not provide financial assistance to an entity under this section for the construction of facilities.

(i) MANAGEMENT.—The Administrator shall prescribe any regulations necessary to carry out each section referred to in subsection (b)(2), including regulations—

(1) prescribing the form, time, and manner in which proposals for financial assistance under such section shall submitted; and

(2) providing consideration of in-kind contributions by a non-Federal Government entity participating in a program or activity conducted under such section for the purpose of determining the share of the costs of participating in the program or activity that have been or are being undertaken by that entity.

SEC. 212. INNOVATIVE ENVIRONMENTAL TECHNOLOGY PROGRAM.

(a) ESTABLISHMENT.—The Administrator, in collaboration with the heads of other appropriate Federal agencies (including the Secretary of Commerce, the Secretary of Energy, and the Secretary of Defense), shall conduct an interagency innovative environmental technology program to develop or demonstrate advanced precommercial environmental technologies and which, to avoid redundancy and ensure efficiency, will be a part of, and consistent with, the overall Federal environmental strategy established in section 201.

(b) ELIGIBILITY FOR FINANCIAL ASSISTANCE.—An entity shall be eligible for financial assistance to conduct a demonstration or development project under the program established under subsection (a) only if the entity is either a single United States company or a partnership which—

(1) includes two or more United States companies; and

(2) may include, as determined appropriate by the Administrator, a Federal laboratory or laboratories, United States nonprofit organizations, United States institutions of higher education, agencies of States governments, and other entities that participate in the partnership by supporting the activities conducted by such companies or corporations under this section.

(c) CRITERIA FOR SELECTION OF PROPOSALS.—The Administrator shall give priority consideration to the following criteria in evaluating proposals for financial assistance under this section:

(1) Contribution to the priorities established pursuant to section 201(a)(2).

(2) Significant improvement in environmental soundness of the production process.

(3) Contribution to industrial competitiveness, including new markets, reduced production costs, and enhanced global competitiveness.

(4) Improvement in the environment of the workplace.

(5) Applicability to other industrial processes.

(6) Improvement in technological capability to recycle complex combinations of materials.

(7) Innovative application of post-consumer materials.

(8) Direct application to environmental technologies needed for United States business and industry.

(9) Other criteria established by the Administrator.

(d) AWARD CONDITIONS.—Financial assistance provided under this section shall be subject to the following conditions:

(1) Such assistance may be made for not more than five years for single United States companies and not more than five years for partnerships.

(2) Except as provided in paragraph (3), the Federal Government may provide financial assistance to an entity under this section in an amount

that is not more than a minority share of the cost of the project conducted by the partnership.

(3) The Federal share of the cost of a project conducted by a partnership under this section may exceed the limitation described in paragraph (2) if the partnership is composed entirely of small business concerns.

(4) The Administrator has determined that—

(A) an applicant for any such assistance has made reasonable efforts to obtain non-Federal funding for the Federal cost share sought to be received under this section; and

(B) such non-Federal funding could not be reasonably obtained.

(5) Each project under this section shall be carried out under such terms and conditions as the Administrator shall require to ensure the protection of human health and the environment.

(e) EVALUATION.—As part of the annual evaluation referred to in section 211(e), the Administrator shall conduct an evaluation of—

(1) the extent to which technologies developed pursuant to the program established under subsection (a) are used;

(2) the contribution of such technologies to reduced pollution and the more efficient use of energy and materials; and

(3) the contribution of such technologies to economic development.

(f) RECOUPMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall establish procedures and criteria for recoupment in connection with any project, for which financial assistance is provided under this section, which has led to the development of a product or process which is marketed or used.

(2) REQUIREMENT AS CONDITION FOR AWARD.—

(A) IN GENERAL.—Except as provided in subparagraph (B), such recoupment shall be required as a condition for the provision of financial assistance under this section, shall be proportional to the Federal share of the cost of the project, and shall be derived from the proceeds of royalties or licensing fees received in connection with such product or process.

(B) EXCEPTION.—In the case of a product or process which is used by the recipient of fi-

nancial assistance under this section for the production and sale of its own products or processes, the recoupment shall consist of a payment equivalent to the payment which would be made under subparagraph (A).

(3) WAIVER.—The Administrator may at any time waive or defer all or some of the recoupment requirements of this subsection as necessary, depending on—

(A) the commercial competitiveness of the entity or entities developing or using the product or process;

(B) the profitability of the project; and

(C) the commercial viability of the product or process used.

SEC. 213. PRESIDENT'S TOTAL ENVIRONMENTAL QUALITY AWARD AND THE NATIONAL ENVIRONMENTALLY SOUND TECHNOLOGY AWARD.

(a) FINDINGS.—The Congress finds the following:

(1) Award programs such as the Malcolm Baldrige National Quality Award Program have made substantial contributions to private enterprise by providing a framework upon which organizations can improve their operations and by focusing on issues important to their competitiveness.

(2) A President's Total Environmental Quality Award Program modeled on the Malcolm Baldrige National Quality Award Program would contribute to environmental quality and sustainable economic development by—

(A) helping to stimulate United States companies to research, develop, and demonstrate environmental technologies;

(B) recognizing the achievements of such companies which successfully research, develop, and demonstrate environmental technologies; and

(C) establishing guidelines and criteria that can be used by business, industrial, governmental, and other organizations in evaluating their own research, development, and demonstration of environmental technologies.

(b) PURPOSE.—It is the purpose of this section to provide for the establishment and conduct of a President's Total Environmental Quality Award Program and a National Environmentally Sound Technology Award Program under which awards are given to recognize the successful research, development, and demonstration of environmental technologies, and information is disseminated about such success.

(c) ESTABLISHMENT OF AWARDS.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by inserting after section 23 the following new sections:

"SEC. 24. PRESIDENT'S TOTAL ENVIRONMENTAL QUALITY AWARD.

''(a) ESTABLISHMENT.—There is hereby established the President's Total Environmental Quality Award (in this section referred to as the 'Award').

''(b) DESIGN.—The Award shall be evidenced by a medal bearing the inscription 'President's Total Environmental Quality Award'.

''(c) AWARD SELECTION PROCESS.—The Secretary, in collaboration with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the Secretary of Defense, shall establish a process for the acceptance and evaluation of Award applicants. The Secretary shall, to the extent practicable, refer to the procedures used in the administration of the Malcolm Baldrige National Quality Award, including the definition of award categories, the delegation of responsibilities, and provisions for publicity, evaluation feed-back, and information transfer, as a model for the President's Total Environmental Quality Award.

''(d) PRESENTATION OF AWARD.—

''(1) RECOMMENDATIONS BY SECRETARY.—The Secretary shall submit to the President, and make available to the public, the recommendations of the Secretary for the selection of Award applicants.

''(2) SELECTION BY THE PRESIDENT.—On the basis of recommendations received under paragraph (1), the President shall periodically select for receipt of the Award United States companies and other organizations which in the judgment of the President have substantially benefited the environmental, economic, and social well-being of the United States through the research, development, and demonstration of environmental technologies and the effective integration of environmental concerns into its operations and management, and which as a consequence are deserving of special recognition.

''(3) PRESENTATION CEREMONY.—The President or the Vice President shall present the Award to recipients selected under paragraph (2) with such ceremony as the President or the Vice President considers to be appropriate.

''(e) LIMITATION.—The information gathered in evaluating Award applications may be used only for the evaluation of such applications and for publicity by winners

of the Award. Such information may not be used for regulatory or compliance purposes.

''(f) EVALUATION CRITERIA.—Criteria for evaluating Award applications shall include the following:

''(1) The effectiveness of the organization's development and demonstration of environmental technologies, as well as the organization's provision for environmental technologies in its future plans.

''(2) The effectiveness of the integration of environmental concerns into the operations and management of the organization.

''(3) The effectiveness of energy and materials use from the perspective of the life-cycle of the production, use, recycle, and disposal of a product.

''(4) The effective use of an integrated approach to pollution prevention and control that considers all environmental media (liquid, solid, gaseous).

''(5) The overall environmental performance of the organization, including environmental compliance.

''(g) FUNDING.—The Secretary may seek and accept gifts from public and private sources (and may, subject to annual appropriations, use such gifts) to carry out this section. The Secretary shall annually make available to the

public a list of any such gifts and the sources of the gifts. The Secretary may provide for the imposition of a fee upon the organizations applying for the Award.

''(h) REPORT.—Not later than 3 years after the date of the enactment of the Environmental Technologies Act of 1994 and biennially thereafter, the Secretary shall submit to the President and the Congress a report on the progress made in carrying out this section, including a report on any indications that the Award has influenced the practices of United States companies and other organizations. The report shall include any recommendations of the Secretary for any modifications of the Award the Secretary considers necessary.

''SEC. 25. NATIONAL ENVIRONMENTALLY SOUND TECHNOLOGY AWARD.

''(a) ESTABLISHMENT.—There is established a National Environmentally Sound Technology Award for the purpose of awarding individuals who have pioneered the development and use of highly innovative environmental technologies within the meaning of section 104(3) of the Environmental Technologies Act of 1994.

''(b) ADMINISTRATION.—Using the authority and procedures established in section 24 and subject to the conditions described in this section, the Secretary, in collaboration with the Administrator of the Environmental

Protection Agency and the Secretary of Energy, shall receive and evaluate applications for the National Environmentally Sound Technology Award and provide for presentation of such Award.

''(c) QUALIFIED TECHNOLOGIES.—Technologies that qualify for such Award may include the following:

''(1) Manufacturing technologies.

''(2) Industrial or consumer products.

''(3) Consumer services.

''(4) Recycling technologies.

''(5) Pollution monitoring and control technologies.

''(6) Pollution remediation technologies.

''(7) Other technologies as appropriate.

''(d) QUALIFIED APPLICANTS.—Any citizen or permanent resident of the United States may qualify for such Award. Any such individual who is employed by or otherwise works for a business, Federal laboratory, or other organization may qualify for such Award only if the individual was substantially involved in the invention or innovation for which such Award is presented.

''(e) LIMITATION.—Not more than five such Awards may be presented annually.

''(f) REPORT.—Not later than 2 years after the date of the enactment of the Environmental Technologies Act

of 1994 and biennially thereafter, the Secretary shall submit to the Congress a report on the progress made in carrying out this section. The report shall contain an evaluation of the performance of such Award, including an assessment of the extent to which the public recognizes such Award and such Award encourages innovation of environmental technologies.''.

SEC. 214. INCORPORATION OF INFORMATION ON ENVIRONMENTAL TECHNOLOGIES INTO EXISTING NETWORKS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Administrator, through the Office of Research and Development of the Environmental Protection Agency and in collaboration with the Under Secretary for Technology of the Department of Commerce and the heads of any other appropriate Federal agencies, shall, to the maximum extent practicable, use existing information network capabilities of the Federal Government as part of, and consistent with, the overall Federal environmental technology strategy established in section 201 to provide coordinated access to data on environmental technologies or protocols developed, tested, verified, or certified under programs established by this Act, and by other appropriate Federal and non-Federal sources. Such data shall include—

(1) information on—

(A) activities carried out under this Act and the amendments made by this Act;

(B) performance standards regarding environmental technologies;

(C) significant international developments in environmental technologies, fully coordinating with other international technology information programs of the Federal Government; and

(D) cost-effectiveness and performance of environmental technologies; and

(2) other information determined by the Administrator to be of substantial value in promoting the research, development, and demonstration of environmental technologies.

(b) USE OF EXISTING RESOURCES.—In carrying out this section, the Administrator shall, to the maximum extent practicable—

(1) use existing public and private sector information providers and carriers; and

(2) coordinate with the heads of other appropriate Federal agencies to make data described in subsection (a) accessible through appropriate database systems of those Federal agencies.

(c) OUTREACH.—The Administrator, through the Office of Research and Development of the Environmental Protection Agency and in collaboration with the Under Secretary for Technology of the Department of Commerce and the heads of any other appropriate Federal agencies, shall conduct outreach efforts to advertise, deliver, and disseminate the information made available pursuant to subsection (a). As part of such efforts, the Administrator shall consult with United States industrial associations and take appropriate action to ensure access to such information by industrial assistance organizations and programs supported by a State or local government, a nonprofit organization in which a State or local government is a member, an institution of higher education designated by a State or local government, a manufacturing extension and outreach service or regional technical assistance service approved by the Federal Government, or a Federal laboratory.

(d) EVALUATION AND REPORT.—As part of the annual evaluation referred to in section 211(e), the Administrator shall conduct an evaluation of the extent to which the data provided pursuant to this section are used.

SEC. 215. USE OF FEDERAL FACILITIES FOR ENVIRONMENTAL TECHNOLOGY DEMONSTRATION.

(a) ESTABLISHMENT.—The Administrator shall establish a program, in collaboration with the heads of appropriate Federal agencies (including the Secretary of Energy, the Secretary of Commerce, and the Secretary of Defense) as part of, and consistent with, the overall Federal environmental technology strategy established in section 201, to demonstrate the performance of environmental technologies at Federal laboratories and other Federal facilities.

(b) QUALIFYING TECHNOLOGY DEMONSTRATION PROJECTS.—Technologies that qualify for demonstration under such program include—

(1) environmental technologies that can be applied to a major pollution control or remediation need at a Federal laboratory or other Federal facility;

(2) environmental technologies the development of which would be significantly advanced by unique facilities or capabilities of a Federal laboratory or other Federal facility; and

(3) other environmental technologies that have significant potential as an environmental technology that will contribute to sustainable economic development or that will make a significant contribution to

the cleanup of communities significantly affected by pollution.

(c) ADMINISTRATION.—As part of the program established under this section, the Administrator—

(1) may enter into a cooperative agreement with any other Federal agency to make available, as appropriate, any expertise, site, or facility under the jurisdiction of such agency to an eligible entity under subsection (d) for the purpose of demonstrating the performance of an environmental technology;

(2) shall establish application procedures for an eligible entity under subsection (d) to apply to demonstrate an environmental technology at an available site or facility, including—

(A) provisions for sharing the cost of demonstrating the technology with an applicant that limit the Federal share of the cost to not more than 50 percent of the total cost of demonstrating the technology; and

(B) provisions that provide special consideration of the needs of small business concerns;

(3) shall establish criteria for verification of the efficacy of demonstrated environmental technologies;

(4) shall establish specific procedures for the management and oversight of demonstration activities conducted under this section;

(5) shall, pursuant to section 214, in consultation and collaboration with other Federal agencies, and consistent with the Federal environmental technology strategy established in section 201, make available for entities eligible under subsection (d) information regarding—

(A) the facilities and expertise available at Federal laboratories that would be valuable to the demonstration of environmental technologies; and

(B) sites at Federal laboratories or other Federal facilities potentially available for demonstrating environmental technologies, characterized by specific site characteristics, including site geology and site contaminants where appropriate;

(6) shall document the performance and cost characteristics of each environmental technology demonstrated pursuant to this section; and

(7) shall list and disseminate, pursuant to section 214, nonproprietary information regarding the performance and cost characteristics of the environ-

mental technologies demonstrated pursuant to this section.

(d) ENTITIES ELIGIBLE FOR PARTICIPATION.—Entities eligible to carry out a demonstration project as part of the program established under subsection (a) are United States companies (including small business concerns), United States nonprofit organizations, United States institutions of higher education, and other entities that the Administrator considers appropriate.

(e) PROGRAM EVALUATION AND REPORTING.—In the report required by section 211(e), the Administrator shall evaluate the performance of the program established under this section, including an evaluation and statement of—

(1) the number of environmental technologies demonstrated and the type of problems addressed;

(2) the Federal and non-Federal financial resources committed to the program; and

(3) the extent to which technologies demonstrated pursuant to this section are used.

(f) SAVINGS PROVISION.—Nothing in this section shall be construed to supersede any other provision of law that provides authority to a Federal agency to demonstrate environmental technologies. Technologies eligible for demonstration under this section that are also eligible

for demonstration at sites under section 311(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(b)) shall be subject to the limitations and requirements of that section. Demonstration projects and activities under this section shall not alter or interfere with the conduct or expeditious completion of response actions at facilities proposed for or listed on the National Priorities List.

SEC. 216. STUDY OF FACTORS AFFECTING INNOVATION IN ENVIRONMENTAL TECHNOLOGIES.

(a) STUDY.—The Administrator shall enter into an agreement with the National Research Council to conduct a study of the influences on technological innovation in environmental technologies of economic, governmental, competitive, financial, and other incentives and barriers.

(b) REPORT.—The Administrator shall include in the agreement referred to in subsection (a) a requirement that the National Research Council complete a report describing the results of the study referred to in such subsection not later than two years after the date of the enactment of this Act. The report shall identify specific incentives for and barriers to technological innovation and describe the reasons for the positive or negative influences identified. The Administrator shall submit the report to the Congress within 30 days after receiving the report from

the National Research Council. Nothing in this section may be construed as authorizing the reprogramming of funds for such an agreement.

SEC. 217. DISCLAIMER.

Nothing in this Act, or the amendments made by this Act, shall be construed by the Administrator or the Secretary of Energy, or any officer or employee of the Environmental Protection Agency or the Department of Energy, or by any court as altering, affecting, supplanting, modifying, or changing, directly or indirectly, any law which on the day before the date of the enactment of this Act referred to, and provided authorities or responsibilities for, or was administered by, the Environmental Protection Agency or the Department of Energy or the Administrator of the Environmental Protection Agency or the Secretary of Energy.

SEC. 218. ENVIRONMENTALLY EFFICIENT BUILDING MATERIALS.

(a) DEMONSTRATION OF ENVIRONMENTALLY EFFICIENT MATERIALS.—Not later than 90 days after the date of the enactment of this Act, the Administrator, in cooperation with the Administrator of General Services, and the heads of other appropriate agencies, may establish a 3-year demonstration program to promote research on, and development of, environmentally efficient building ma-

terials, including the use of such materials in the construction of new Federal facilities and buildings and in existing Federal facilities and buildings.

(b) CHARACTERISTICS OF MATERIALS.—In selecting environmentally efficient building materials under the demonstration program, the Administrator shall give priority to those materials that most cost-effectively maximize the conservation and preservation of natural resources.

(c) PERFORMANCE VERIFICATION.—Before using environmentally efficient building materials under this section, the Administrator, in cooperation with the Administrator of General Services and the heads of other appropriate agencies (including the Director of the National Institute of Standards and Technology), shall verify, through support of appropriate tests and using, to the maximum extent practicable, existing Federal capabilities, that such materials—

(1) are cost-competitive with comparable, more conventional materials on a life-cycle cost basis; and

(2) meet applicable Federal environmental, public health, safety, and energy efficiency standards.

(d) RESEARCH AND DEVELOPMENT.—The Administrator may support the research, development and demonstration of environmentally efficient materials that show

substantial promise for use in buildings. Paragraphs (2), (3), and (5) of section 212(d) shall apply to support provided under this subsection.

(e) GUIDELINES.—The Administrator shall cooperate with the Administrator of General Services and the heads of other agencies to ensure that, where applicable, the results of the activities conducted pursuant to subsection (a) are incorporated into guidelines developed by appropriate Federal agencies for the use of environmentally efficient building materials.

(f) REPORT.—Not later than 60 days after completion of the demonstration program, the Administrator shall submit to the Congress a report on the implementation of the demonstration program. The report shall include the following:

(1) A listing of the type and quantities of environmentally efficient building materials tested, developed, and used.

(2) A statement of the cost and performance of such materials compared to comparable, more conventional materials.

(3) An assessment of the extent to which the use of such materials can be expanded beyond the scope of the demonstration program.

(4) An assessment of the extent to which research on, and development of, such materials occurred as a result of the demonstration program and the extent to which further support is needed to stimulate such research and development.

(g) INTEGRATION OF OTHER VIEWS.—In carrying out this section, the Administrator, in cooperation with the Administrator of General Services, shall develop mechanisms for integrating the views of other agencies that carry out major construction programs, including the Army Corps of Engineers and the Veterans Administration, and representatives of the environmental community, the construction industry (including small business), manufacturing companies (including small businesses) that produce environmentally efficient materials, and the scientific and technical community.

(h) PREEMPTION.—Nothing in this section is intended to preempt any provision of law of a State or a political subdivision of a State that is more restrictive than a provision of this Act.

(i) DEFINITIONS.—For purposes of this section:

(1) The term ''agency'' means an Executive agency as defined under section 105 of title 5, United States Code, and any agency of the judicial or legislative branch of the Federal Government.

(2) The term ''environmentally efficient materials'' means any recycled, recovered, reclaimed, or reused material whose production, manufacture, fabrication, and use conserves and preserves natural resources when compared to the production, manufacture, fabrication, and use of comparable, more conventional materials.

(3) The term ''environmentally efficient building materials'' means any environmentally efficient material which may be used in the construction of a building or facility.

(4) The term ''construction'' with respect to any project under construction under this section, means the erection or building of new structures or the replacement, expansion, remodeling, alteration, or modernization of existing structures.

SEC. 219. INTERNATIONAL ENVIRONMENTAL TECHNOLOGY DEMONSTRATION ASSISTANCE.

The Administrator may enter into agreements with the heads of other appropriate agencies that support the export of technologies to provide support for demonstrating the technical and economic feasibility of innovative environmental technologies substantially manufactured in the United States and used in other nations. Nothing in this section shall be applicable if the President determines

that any provision of this section is actionable under the General Agreements on Tariffs and Trade, or any other international agreement to which the United States is a party.

Subtitle C—Other Research Activities

SEC. 221. ENVIRONMENTALLY ADVANCED ENGINEERING RESEARCH.

(a) IN GENERAL.—The Director of the National Science Foundation shall take appropriate actions to support research activities that will advance the integration of engineering practices and environmental protection in the development of advanced technologies.

(b) INTERAGENCY COLLABORATION.—The Director of the National Science Foundation shall collaborate with the heads of other appropriate Federal agencies, including the Administrator, in carrying out this section.

(c) INTEGRATION OF INFORMATION.—The Director of the National Science Foundation shall, to the maximum extent practicable, provide for the dissemination of information developed as a result of the research activities referred to in subsection (a) through education activities of the Foundation and through the information dissemination activities developed pursuant to section 214.

TITLE III—PERFORMANCE MEASUREMENTS

SEC. 301. PERFORMANCE MEASUREMENTS.

(a) AUTHORIZATION.—The Secretary of Commerce, through the Director of the National Institute of Standards and Technology, in collaboration with the Administrator and the heads of other appropriate Federal agencies, in consultation with non-Federal standards organizations, and as part of, and consistent with, the overall Federal environmental technology strategy established in section 201, shall establish a program to support the clarification of measurements of performance—

(1) for environmental technologies (not including technologies primarily intended to improve the quality of the environment through pollution control, pollution remediation, pollution monitoring, and disposal), to clarify performance and substitutability for conventional technologies and for the fair evaluation of performance claims regarding such environmental technologies; and

(2) to develop appropriate standard reference materials required to implement paragraph (1).

(b) EXISTING NON-FEDERAL PROGRAMS.—In developing the program established in subsection (a), the Director of the National Institute of Standards and Technology

shall, to the maximum extent practicable, coordinate efforts under such program with existing non-Federal standards activities that affect the environmental technologies covered by subsection (a)(1).

(c) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary of Commerce, through the Director of the National Institute of Standards and Technology, shall coordinate with the heads of other appropriate Federal agencies to ensure, to the maximum extent practicable, the use of the best available scientific and technical information in the evaluation of environmental performance claims by such agencies.

(d) GLOSSARY OF TERMS.—The Secretary of Commerce, through the Director of the National Institute of Standards and Technology, shall work with the heads of appropriate Federal agencies and private-sector standards organizations to facilitate the development and maintenance of a glossary of standard definitions of terms used in the evaluation of environmental performance claims.

(e) INTERNATIONAL HARMONIZATION.—The Secretary of Commerce, through the Director of the National Institute of Standards and Technology, shall work with domestic and international standards organizations to ensure harmonization of domestic performance measure-

ments with international performance measurements consistent with applicable Federal and State laws.

SEC. 302. VERIFICATION OF ENVIRONMENTAL TECHNOLOGIES.

(a) DESIGNATION OF ENTITIES TO PERFORM ENVIRONMENTAL TECHNOLOGY VERIFICATION.—The Administrator may, in accordance with this section and as part of, and consistent with, the overall Federal environmental technology strategy developed in section 201, designate entities to perform the functions described in paragraphs (1) through (3) of subsection (b). The Administrator may enter into joint agreements with Federal agencies, State and local governments, and nonprofit, private-sector representatives to support entities designated by the Administrator under this section.

(b) FUNCTIONS.—Each entity designated under subsection (a)—

(1) shall verify, evaluate, and, to the maximum extent practicable, certify the performance, cost-effectiveness, and ecological benefits of environmental technologies;

(2) shall disseminate information on the characteristics referred to in paragraph (1), including information that describes whether each environmental technology evaluated and verified—

(A) meets the performance criteria of applicable law (including regulations issued by the Administrator) under tested conditions at comparable or lower costs than other existing environmental technologies; and

(B) constitutes a significant advance in the development of environmental technologies with broad applicability;

(3) shall submit to the Administrator data and other information compiled by the entity with respect to each environmental technology verified and evaluated by the entity under this section; and

(4) may use support provided under this section to develop technologies necessary for effective verification and evaluation under paragraph (1) and may charge appropriate fees for such verification and evaluation.

(c) REVIEW BY ADMINISTRATOR.—After receiving data and other information from an entity designated under subsection (a) with respect to an environmental technology under subsection (b)(1), the Administrator shall conduct appropriate review of the data, other information, and protocols developed by such entity with respect to such technology.

(d) ADMINISTRATION.—In carrying out this section, the Administrator shall—

(1) by rule establish competitive procedures for soliciting applications for and selecting, pursuant to criteria referred to in subsection (e), entities to perform functions described in subsection (b) and, as appropriate, designate model entities;

(2) by rule establish eligibility criteria for entities to be designated under this section;

(3) in collaboration with the heads of other appropriate Federal agencies, including the Director of the National Institute of Standards and Technology, certify, and as appropriate, develop common protocols to evaluate the cost and performance of environmental technologies;

(4) make generally available through guidance manuals or other appropriate methods information regarding testing protocols for environmental technologies and establish a regular process for approving and updating such protocols;

(5) ensure that information regarding environmental technologies verified and evaluated under this program is disseminated pursuant to section 214;

(6) develop mechanisms to facilitate the verification of—

(A) environmental technologies developed or demonstrated by small business concerns, nonprofit organizations, and United States institutions of higher education; and

(B) environmental technologies that provide source reduction; and

(7) consult with the heads of other Federal agencies to make available, through cooperative agreements with the entities designated under this section, sources and expertise of Federal laboratories for use by such entities in performing the functions described in subsection (b).

(e) SELECTION CRITERIA.—The Administrator, in consultation with the heads of other Federal agencies, State and local governments, and private sector organizations, shall select entities under this section based on the following criteria:

(1) The capabilities of the applicant to provide a thorough and credible technical and financial evaluation of environmental technologies.

(2) The clarity and efficiency of the proposed procedures for the receipt and review of applications for technology verification.

(3) The likelihood of the continued viability of the entity.

(4) The existence of a plan for disseminating nonproprietary information regarding technologies verified by the entity.

(5) The capability of the applicant to conduct evaluations of technologies that address priority environmental concerns consistent with the priorities established in section 201 of this Act, including geographic areas that have been designated as nonattainment areas under section 107(d)(1)(A)(i) of the Clean Air Act (42 U.S.C. 7407(d)(1)(a)(i)).

(6) Other criteria that the Administrator considers appropriate.

(f) MERIT-BASED SELECTION PROCESS.—Entities supported under this section shall be selected only through a merit-based selection process, established by the Administrator, pursuant to the criteria described in subsection (e).

(g) AUTHORITY OF ADMINISTRATOR.—The Administrator may, consistent with applicable provisions of law and this section, enter into cooperative agreements and contracts to carry out this section.

(h) DIRECT VERIFICATION.—If the Administrator determines that entities designated under this section cannot adequately verify the performance of environmental technologies because of scale or complexity, the Adminis-

trator may, consistent with applicable provisions of law and this section, enter into direct agreements to verify the performance of such technologies.

(i) REVIEW.—

(1) IN GENERAL.—Any action by the Administrator to verify or evaluate a technology (or to review a verification or evaluation) under this section shall not constitute a final action by the Administrator and shall not be subject to judicial review.

(2) FAILURE TO COMPLY.—If a technology verified, evaluated, or reviewed pursuant to this section fails to comply with any applicable law (including regulations issued by the Administrator), the verification, evaluation, or confirmation shall not constitute a defense in an enforcement action or suit and shall not create a cause of action against the Environmental Protection Agency.

(3) DISCLAIMER.—Nothing in this section may be construed to authorize the Administrator to grant a seal of approval of any kind for any entity or technology, to create any competitive advantage or disadvantage for any entity, to authorize the Administrator to require any person to install or use any technology pursuant to any program administered by the Environmental Protection Agency, or to des-

ignate any technology as meeting a regulatory requirement.

(j) REPORT.—The Administrator, in consultation with the heads of other appropriate Federal agencies, and industry, nonprofit, and other appropriate organizations, shall annually submit to the Congress a report that evaluates the implementation of this section. The report shall include a description of the technologies verified pursuant to this section, the number of the technologies verified, and the extent of their use.

SEC. 303. USE OF CERTAIN ENVIRONMENTAL TECHNOLOGIES BY THE FEDERAL GOVERNMENT.

(a) ESTABLISHMENT.—In any program of the President for evaluating, prioritizing, and approving the purchase by the Federal Government of environmental technologies, the President shall, consistent with applicable procurement laws, consider for such program any performance measurements for environmental technologies as may have been developed by the Secretary of Commerce pursuant to section 301(a).

(b) REPORT.—Within one year after the date of the enactment of this Act and annually thereafter, the President shall submit to the Congress a report describing the progress made in carrying out this section and plans for

carrying out this section for the three years immediately following the year in which the report is submitted.

TITLE IV—DEPARTMENT OF ENERGY ENVIRONMENTAL TECHNOLOGY DEVELOPMENT

SEC. 401. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT TECHNOLOGY DEVELOPMENT.

(a) PROGRAM.—The Secretary of Energy (in this title referred to as the ''Secretary'') shall conduct programs of research, development, and demonstration on—

(1) new and improved technologies for environmental restoration and waste management (including waste minimization);

(2) training for environmental technicians, engineers, and scientists; and

(3) technologies for reducing worker exposure to radioactivity in association with site remediation.

In carrying out this section, the Secretary shall appropriately consider the strategic plan submitted under section 201.

(b) IMPLEMENTATION AUTHORITY.—In implementing this section, the Secretary may award grants to, and enter into contracts, cooperative agreements, and other appropriate arrangements with institutions of higher edu-

cation, industry, the National Laboratories, and other Federal agencies.

(c) COORDINATION WITH INITIATIVE.—The Secretary shall ensure that the activities conducted pursuant to this section are appropriately coordinated with the activities conducted pursuant to the Environmental Technologies Innovation Initiative established under section 211.

(d) COORDINATION WITH CERTAIN OTHER ACTIVITIES.—The Secretary shall coordinate activities under this section with activities conducted by the Secretary of Labor under the new technology program referred to in section 126(b)(9) of the Superfund Amendment and Reauthorization Act of 1986 and by the hazardous substance research development and demonstration centers established pursuant to subsections (l) and (o) of section 118 of such Act. Nothing in this section may be construed to affect the obligation of the Secretary of Energy to comply with section 126 of such Act.

SEC. 402. METALS RECYCLING DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a program to demonstrate the technological and economic feasibility of recycling and reusing radioactively uncontaminated and decontaminated metals and equipment, and of other waste minimization techniques. Under

the program, the Secretary shall analyze the extent to which sufficient private sector commitment to provide decontamination services and to purchase uncontaminated and decontaminated metals and equipment either exists or can be generated to support such a program of recycling and reuse.

(b) SCOPE.—The demonstration program established under subsection (a) shall provide for the recycling and reuse of the metals and equipment at a minimum of 3 National Laboratories or former nuclear weapons production facilities, and shall be of sufficient scope, and shall include an appropriate variety of materials, to demonstrate the feasibility of recycling and reusing radioactively uncontaminated and decontaminated metals and equipment at all National Laboratories and former nuclear weapons production facilities. Such demonstration program shall be carried out for a period of 3 years.

(c) DECONTAMINATION TECHNOLOGIES.—In the course of carrying out the demonstration program, the Secretary shall seek to promote the development of decontamination technologies.

(d) IMPLEMENTATION AUTHORITY.—In implementing this section, the Secretary may award grants to, and enter into contracts, cooperative agreements, and other appropriate arrangements with institutions of higher edu-

cation, industry, the National Laboratories, and other Federal agencies.

(e) WASTE STORAGE CONTAINERS.—As part of the demonstration program, the Secretary shall seek to demonstrate the technological and economic feasibility of using only materials owned by the Department of Energy on the date of enactment of this Act for containers to store or dispose of radioactively contaminated metals and equipment.

(f) REPORTS TO CONGRESS.—

(1) REQUIREMENT.—The Secretary shall—

(A) annually during the course of the demonstration program established under this section, report to the Congress on the progress made in the previous year under such program; and

(B) within 6 months after the completion of such demonstration program, transmit a final report to the Congress on the results of the program.

(2) CONTENTS OF FINAL REPORT.—The report required under paragraph (1)(B) shall include—

(A) the findings of the Secretary on the success of the demonstration program at achieving its purposes under this section;

(B) a comparison of recycling and reusing radioactively contaminated metals and equipment with the alternative of containing and disposing of such metals and equipment;

(C) the quantitative assessment described in paragraph (3) of this subsection; and

(D) a proposal, including any recommendations for necessary legislation, for expanding the demonstration program to cover radioactively uncontaminated and decontaminated metals and equipment at all National Laboratories and former nuclear weapons production facilities.

(3) QUANTITATIVE ASSESSMENT.—To enable the Secretary to carry out paragraph (2)(D), the Secretary shall develop a quantitative estimate of—

(A) all metals and equipment owned by the Department at the National Laboratories and former nuclear weapons production facilities that are not radioactively contaminated and that are suitable for resale or recycling;

(B) all metals and equipment owned by the Department at the National Laboratories and former nuclear weapons production facilities that have been radioactively contaminated but

can be recycled or reused by the Department; and

(C) all metals and equipment owned by the Department at the National Laboratories and former nuclear weapons production facilities that have been radioactively contaminated but can be decontaminated and may be appropriate for sale to the public.

(4) FACTORS IN COMPARISON.—In making the comparison required under paragraph (2)(B), the Secretary shall consider the full life cycle costs of each alternative, including revenues or savings realized and the costs of treatment, containment, storage, disposal, monitoring, and replacement. Disposal costs shall be calculated on the basis of the costs of such disposal to commercial disposal companies.

SEC. 403. FUNDING AND AUTHORIZATION.

(a) RESEARCH AND DEVELOPMENT FUNDING.—The Secretary shall incrementally increase the proportion of the annual budget request for the Environmental Restoration and Waste Management program that is attributable to research and development until such proportion is at least 10 percent, except that the Secretary shall ensure that an increase under this subsection does not affect other programs and activities of the Department of En-

ergy. This subsection shall apply to budget requests beginning with the budget request for the 2nd fiscal year that begins after the date of the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of the funds made available for the nondefense Environmental Restoration and Waste Management program, there are authorized to be appropriated—

(1) $10,000,000 for fiscal year 1995; and

(2) $11,500,000 for fiscal year 1996,

for nondefense research and development activities of the Office of Technology Development, including the advanced robotics program, for the development of safer, less expensive, and more efficient environmental restoration and waste management technologies.

SEC. 404. COORDINATION.

The Secretary shall, where appropriate, coordinate the implementation of this title with the implementation of sections 212 and 215 of this Act.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), there is hereby authorized to be appropriated for fiscal years 1995 and 1996 such sums as may be necessary to carry out this Act and the amendments made by this Act.

(b) ENVIRONMENTAL TECHNOLOGIES INNOVATION INITIATIVE.—There is hereby authorized to be appropriated to carry out the Environmental Technologies Innovation Initiative established in subtitle B of title II the following:

(1) For fiscal year 1995, $70,000,000, of which $500,000 is authorized to be appropriated for the President's Total Environmental Quality Award established in section 213 for fiscal year 1995 and $700,000 is authorized to be appropriated for the study referred to in section 216.

(2) For fiscal year 1996, $120,000,000, of which $1,500,000 is authorized to be appropriated for the President's Total Environmental Quality Award established in section 213.

SEC. 502. LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of this Act, no funds are authorized to be appropriated for any fiscal year after fiscal year 1996 for carrying out the programs and activities for which funds are authorized by this Act, or the amendments made by this Act.

SEC. 503. COMPETITION REQUIREMENT FOR AWARDS OF FINANCIAL ASSISTANCE.

(a) COMPETITION REQUIREMENT.—No financial assistance (including a grant, a contract, or any other award

of financial assistance) may be provided under a section of this Act for research, development, or demonstration activities, or for the construction of research, development, or precommercial demonstration facilities, unless a competitive, merit-based evaluation process consistent with such section is used to award the financial assistance.

(b) REQUIREMENT OF SPECIFIC MODIFICATION OF COMPETITION PROVISION.—

(1) IN GENERAL.—A provision of law may not be construed as modifying or superseding subsection (a), or as requiring that financial assistance (including a grant, a contract, or any other type of financial assistance) be awarded under a section of this Act in a manner inconsistent with subsection (a), unless such provision of law—

(A) specifically refers to this section;

(B) specifically states that such provision of law modifies or supersedes subsection (a); and

(C) specifically identifies the person to be awarded the financial assistance and states that the financial assistance to be awarded pursuant to such provision of law is being awarded in a manner inconsistent with subsection (a).

(2) NOTICE AND WAIT REQUIREMENT.—No financial assistance (including a grant, a contract, or any other type of financial assistance) may be awarded pursuant to a provision of law that requires or authorizes the award of the financial assistance under this Act in a manner inconsistent with subsection (a) until—

(A) the head of the Federal agency intending to award the financial assistance submits to the Congress a written notice of the intent to award the financial assistance; and

(B) 180 days has elapsed after the date on which the notice is received by the Congress.

TITLE VI—RISK ASSESSMENT IMPROVEMENT

SEC. 601. CRITERIA FOR RISK ASSESSMENT.

Any risk assessment under section 201(a)(2) shall contain the following:

(1) Criteria for accepting and evaluating data.

(2) A complete description of any mathematical models or other assumptions likely to be used in the risk assessment, including a discussion of their plausibility.

(3) A description of the default options, the justification and validation for the default options, and

an explicit statement of the rationale for selecting a particular default option, in the absence of adequate data, based on explicitly stated science policy choices and consideration of relevant scientific information.

(4) The technical justification for, and a description of the degree of, conservatism each default option imposes upon the risk assessment.

(5) Criteria for using iterative or tiered approaches to risk assessment, with varying levels of effort and data requirements in the conduct of risk assessment based on the need for accuracy of the risk estimate.

(6) Criteria for conducting uncertainty analysis during the course of the risk assessment, and an explanation of the data needs for such analysis.

(7) Effective methods for reporting risk assessment, to ensure that the results are reasonably understandable by interested persons, including formats which clearly identify and distinguish sources of uncertainty and variability in the risk assessment.

(8) Criteria for identification and use of the most plausible and unbiased methodologies and assumptions, given the scientific information available.

(9) Relevant information on data and assessment methods that significantly influence the risk estimate.

(10) A statement of the limitations, assumptions, and default options included in the assessment and a statement of the rationale and extent of scientific consensus with respect to their use.

(11) A statement that identifies major uncertainties and their influence upon the assessment. The statement shall characterize uncertainties associated with experimental measurement errors and uncertainties associated with the choice of specific models and default options.

(12) The range and distribution of exposures derived from exposure scenarios used in a risk assessment, including, for example, upper-bound and central estimate(s) and their qualitative, or where possible quantitative, likelihood, and, when available and appropriate, the identification of highly susceptible groups, species, individuals, and subpopulations whose exposure exceeds that of the general population.

(13) The use of both quantitative and qualitative descriptors, when available and appropriate, to present a comprehensive range of risks which are or

may be encountered by the various populations and individuals in a human health risk assessment, or by the various species and ecological communities in an ecological risk assessment, exposed to the environmental hazard being evaluated in the risk assessment.

(14) A description of appropriate statistical expressions of the range and variability of the risk estimate, including the population or populations addressed by any risk estimate(s), central estimates of the risk for the specific population, any appropriate upper-bound and lower-bound estimates, and the reasonable range or other description of uncertainties in the assessment process.

(15) Comparisons of risk to public health, including appropriate comparisons with estimates of other risks to health, including those that are familiar to and routinely encountered by the general public, and relevant substitution risks, where information on such risks is made available. Comparisons shall identify relevant distinctions among categories or risks and limitations to comparisons.

SEC. 602. SAVINGS PROVISION.

Nothing in this title shall be construed to modify any requirement or standard provided for in another provision

of law that provides for risk assessment or is designed to protect health, safety, or the environment. Nothing in this title shall be construed to require the conduct of a risk assessment or a risk characterization that is not required by law.

SEC. 603. DEFINITIONS.

For purposes of this title:

(1) The term ''comparisons of risk'' means a process to systematically, estimate, compare, and rank the size and severity of environmental risks or health risks in order to provide a common basis for evaluating strategies for reducing or preventing those risks.

(2) The term ''default option'' means a condition, assumption, or fact that is presumed on the basis of available data and prevailing theory.

(3) The term ''risk assessment'' means the process or procedure by which the potential adverse health or ecological effects of exposure of human or nonhuman species to environmental hazards is characterized.

(4) The term ''uncertainty analysis'' means the systematic process of identifying that which is not known or is unclear, including measurement errors, the lack of fundamental knowledge is needed to

choose among alternative hypotheses, and assumptions, or experimental models.

(5) The term ''central estimates'' means estimates of central tendencies or expected risk based, to the extent feasible, on the most plausible and unbiased assumptions, given the scientific information available.

(6) The term ''substitution risk'' means a potential increase in certain types of risk from a strategy designed to decrease other risks.

TITLE VII—BUY AMERICA

SEC. 704. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable,

shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Passed the House of Representatives July 26, 1994.

Attest:

Clerk.

103D CONGRESS
2D SESSION

H. R. 3870

AN ACT

To promote the research and development of environmental technologies.