

Calendar No. 534

103^D CONGRESS
2^D SESSION

H. R. 3870

A BILL

To promote the research and development of
environmental technologies.

JULY 27 (legislative day, JULY 20), 1994
Placed on the calendar

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IN THE SENATE OF THE UNITED STATES

JULY 27 (legislative day, JULY 20), 1994
Received; read twice and placed on the calendar

AN ACT

To promote the research and development of environmental technologies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—GENERAL PROVISIONS**

4 **SEC. 101. SHORT TITLE; TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Environmental Technologies Act of 1994”.

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

TITLE I—GENERAL PROVISIONS

- Sec. 101. Short title; table of contents.
- Sec. 102. Findings.
- Sec. 103. Purposes.
- Sec. 104. Definitions.

TITLE II—POLICY COORDINATION AND TECHNOLOGY PROGRAMS

Subtitle A—Policy Coordination and Program Planning

- Sec. 201. Coordination of environmental technology research and development.
- Sec. 202. Life-cycle assessments.
- Sec. 203. Environmental technologies in ongoing programs.

Subtitle B—Environmental Technology Innovation Initiative

- Sec. 211. Establishment and administration of initiative.
- Sec. 212. Innovative environmental technology program.
- Sec. 213. President's total environmental quality award and the national environmentally sound technology award.
- Sec. 214. Incorporation of information on environmental technologies into existing networks.
- Sec. 215. Use of Federal facilities for environmental technology demonstration.
- Sec. 216. Study of factors affecting innovation in environmental technologies.
- Sec. 217. Disclaimer.

Subtitle C—Other Research Activities

- Sec. 221. Environmentally advanced engineering research.

TITLE III—PERFORMANCE MEASUREMENTS

- Sec. 301. Performance measurements.
- Sec. 302. Verification of environmental technologies.
- Sec. 303. Use of certain environmental technologies by the Federal government.

TITLE IV—DEPARTMENT OF ENERGY ENVIRONMENTAL
TECHNOLOGY DEVELOPMENT

- Sec. 401. Environmental restoration and waste management technology development.
- Sec. 402. Metals recycling demonstration program.
- Sec. 403. Funding and authorization.
- Sec. 404. Coordination.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

- Sec. 501. Authorization of appropriations.
- Sec. 502. Limitation on appropriations.
- Sec. 503. Competition requirement for awards of financial assistance.

1 **SEC. 102. FINDINGS.**

2 The Congress finds the following:

3 (1) Promoting a sound economy and maintain-
4 ing a healthy environment are among the urgent
5 public policy challenges of the United States.

6 (2) The research, development, and demonstra-
7 tion of environmental technologies will enhance the
8 economic standing of the United States and global
9 environmental security.

10 (3) Although better designs for products and
11 processes offer new opportunities for substantially
12 improved environmental performance in growing do-
13 mestic and international markets, current govern-
14 ment regulations and market barriers do not allow
15 these opportunities to be fully exploited.

16 (4) Although the Federal Government, research
17 institutes, universities, and industries are conducting
18 substantial basic environmental research and devel-
19 opment, environmental concerns must become a
20 more pervasive and central dimension of technology
21 research and development.

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

1 **SEC. 103. PURPOSES.**

2 It is the purpose of this Act—

3 (1) to improve, consistent with applicable provi-
4 sions of law, coordination and integration of environ-
5 mental technology research and development per-
6 formed by and across Federal agencies;

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

14 (3) to facilitate the dissemination of informa-
15 tion regarding innovations in environmental tech-
16 nologies;

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

20 (5) to direct the study of policy changes that
21 will provide for the more efficient research, develop-
22 ment, and demonstration of environmental tech-
23 nologies.

24 **SEC. 104. DEFINITIONS.**

25 For the purposes of this Act:

1 (1) The term “Administrator” means the Ad-
2 ministrator of the Environmental Protection Agency.

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

9 (3) The term “environmental technology”
10 means a cost-efficient technology that is primarily
11 intended to improve the quality of the environment
12 through pollution prevention, pollution monitoring,
13 pollution control, pollution remediation, reuse, recy-
14 cling, or disposal, or that is capable of cost-effec-
15 tively offering significant environmental benefits
16 when compared with a technology it replaces.

17 (4) The term “advanced precommercial environ-
18 mental technologies” means any environmental tech-
19 nology that enables the commercial potential of a
20 new product or process but requires a further invest-
21 ment in addition to, and comparable to, the assist-
22 ance provided under this Act to develop and market
23 application-specific commercial prototypes, products,
24 and processes.

1 (5) The term “Federal laboratory” has the
2 meaning given the term “laboratory” in section
3 12(d)(2) of the Stevenson-Wydler Technology Inno-
4 vation Act of 1980 (15 U.S.C. 3710a(d)(2)).

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

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

15 (8) The term “sustainable economic develop-
16 ment” means the integration of environmental and
17 economic development concerns leading to continu-
18 ous and long-term economic development with re-
19 duced pollution and the more efficient use of energy
20 and materials.

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

1 **TITLE II—POLICY COORDINA-**
2 **TION AND TECHNOLOGY PRO-**
3 **GRAMS**

4 **Subtitle A—Policy Coordination**
5 **and Program Planning**

6 **SEC. 201. COORDINATION OF ENVIRONMENTAL TECH-**
7 **NOLOGY RESEARCH AND DEVELOPMENT.**

8 (a) INTERAGENCY COORDINATION.—The President,
9 acting through the Director of the Office of Science and
10 Technology Policy or other entity designated by the Presi-
11 dent and in coordination with the heads of other Federal
12 agencies that have substantial capabilities in the research,
13 development, and demonstration of environmental tech-
14 nologies, shall develop an interagency strategy that is in
15 accordance with the policies, requirements, and objectives
16 of the applicable Federal statutes administered by those
17 agencies and that—

18 (1) ensures, to the maximum extent practicable,
19 the coordinated, interagency promotion of the re-
20 search, development, and demonstration of environ-
21 mental technologies; and

22 (2) develops priorities for Federal environ-
23 mental technology research, development, and dem-
24 onstration efforts, by using scientifically objective in-
25 formation, data, and assessments of risk.

1 (b) IMPLEMENTATION.—In carrying out this section,
2 the President, acting through the Director of the Office
3 of Science and Technology Policy or other entity des-
4 ignated by the President, shall—

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

9 (2) recommend the specific responsibilities of
10 each appropriate Federal agency to achieve the pri-
11 orities developed under this section;

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

16 (4) develop a means for ensuring, to the maxi-
17 mum extent practicable, that the principles of sus-
18 tainable economic development are integrated into
19 the research, development, and technology programs
20 of all Federal agencies;

21 (5) ensure that programs and activities estab-
22 lished under this Act are fully coordinated with ex-
23 isting Federal capabilities and an overall Federal
24 strategy for the research, development, and dem-
25 onstration of environmental technologies;

1 (6) ensure that the efforts of the Federal Gov-
2 ernment are coordinated with the efforts of State
3 and local governments and private and nonprofit or-
4 ganizations promoting the research, development,
5 and demonstration of environmental technologies;

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

14 (8) ensure that programs and activities estab-
15 lished under this Act develop technologies that could
16 assist States and regional associations of States to
17 comply with existing environmental regulations, in-
18 cluding air pollution regulations; and

19 (9) submit to the Congress any recommenda-
20 tions regarding legislative or administrative action,
21 including recommendations on the roles of Federal
22 agencies, which may be required to carry out this
23 section.

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

1 sess, in conjunction with other entities designated by the
2 President and before the President submits to the Con-
3 gress the budget for a fiscal year, the budget estimate of
4 each relevant Federal agency for consistency with the
5 plans, reviews, and priorities developed under this section.
6 The Director shall make the results of the annual assess-
7 ment available to the appropriate elements of the Execu-
8 tive Office of the President, particularly the Office of Man-
9 agement and Budget, for use in the preparation of such
10 budget.

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

15 (1) within one year after the date of the enact-
16 ment of this Act and periodically thereafter, a report
17 on the strategy referred to in subsection (a) and any
18 revisions to the strategy for executing interagency
19 coordination of programs and activities conducted
20 under this section, including the timely research, de-
21 velopment, and demonstration of innovative environ-
22 mental control and remediation technologies; and

23 (2) annually a report that describes the
24 progress made in implementing the strategy, includ-
25 ing the programs and activities conducted under this

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

3 (e) NON-FEDERAL PARTICIPATION.—The Director of
4 the Office of Science and Technology Policy shall establish
5 mechanisms to ensure the participation of non-Federal en-
6 tities, including State and local governments, United
7 States companies, United States industrial associations
8 and consortia, United States institutions of higher edu-
9 cation, United States worker organizations, United States
10 professional associations, and United States nonprofit or-
11 ganizations, in carrying out this section, including the de-
12 velopment of the plans, reviews, and recommendations de-
13 veloped under this section.

14 **SEC. 202. LIFE-CYCLE ASSESSMENTS.**

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

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

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

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

10 (b) LIFE-CYCLE ASSESSMENT COORDINATION.—

11 (1) IN GENERAL.—As part of, and consistent
12 with, the overall Federal environmental technology
13 strategy established in section 201, the Director of
14 the Office of Science and Technology Policy or other
15 entity designated by the President shall, in collabo-
16 ration with the heads of other appropriate Federal
17 agencies (including the Secretary of Commerce, the
18 Secretary of Energy, and the Secretary of Defense),
19 coordinate Federal activities and resources that are
20 applied to life-cycle assessment and other design-for-
21 environment resources in order to maximize the con-
22 tribution of life-cycle assessments and other design-
23 for-environment resources to the efficient design, de-
24 velopment, and use of technologies, and to sustain-
25 able economic development.

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

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

10 (B) coordinate with State and local govern-
11 ments developing life-cycle assessment and
12 other design-for-environment resources; and

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

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

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

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

8 (B) to utilize, to the fullest extent prac-
9 ticable, existing networks and supporting
10 databases which provide access to publicly avail-
11 able information that will facilitate the use of
12 life-cycle assessments and other design-for-envi-
13 ronment resources;

14 (C) to sponsor demonstrations for public
15 policy and business decisionmakers of the effec-
16 tive use of life-cycle assessment and other de-
17 sign-for-environment data and methods de-
18 scribed in this section; and

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

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

1 ment or other design-for-environment data or meth-
2 ods by any Federal agency.

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

9 **SEC. 203. ENVIRONMENTAL TECHNOLOGIES IN ONGOING**
10 **PROGRAMS.**

11 (a) STEVENSON-WYDLER AMENDMENTS.—The Ste-
12 venson-Wydler Technology Innovation Act of 1980 (15
13 U.S.C. 3701) is amended—

14 (1) in section 2(2), by inserting “greater envi-
15 ronmental sustainability,” after “employment oppor-
16 tunities,”;

17 (2) in section 3(1), by inserting “for sustainable
18 economic development” after “stimulate technology”;

19 (3) in section 4, by adding at the end the fol-
20 lowing new paragraph:

21 “(14) ‘Sustainable economic development’
22 means the integration of environmental and eco-
23 nomic development concerns leading to continuous
24 and long-term economic development with reduced

1 pollution and the more efficient use of energy and
2 materials.”;

3 (4) in section 6(a), by inserting “and sustain-
4 able economic development in their regions” after
5 “enhance the competitiveness of American busi-
6 ness”;

7 (5) in section 6(d), by inserting “and sustain-
8 able economic development in their regions” after
9 “enhance the competitiveness of American busi-
10 nesses”;

11 (6) in section 7(a), by inserting “and sustain-
12 able economic development” after “enhance techno-
13 logical innovation”;

14 (7) in section 7(c)(1), by inserting “sustainable
15 economic development,” after “employment,”;

16 (8) in section 9(a), by inserting “and sustain-
17 able economic development” after “enhance techno-
18 logical innovation”; and

19 (9) in section 11(c)(1), by inserting “and would
20 enhance sustainable economic development” after
21 “commercial applications”.

22 (b) NIST AMENDMENTS.—The National Institute of
23 Standards and Technology Act (15 U.S.C. 271) is amend-
24 ed—

1 (1) in section 1(b)(1), by inserting “sustainable
2 economic development,” after “improved product re-
3 liability and manufacturing processes,”;

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

6 “(c) For purposes of this section, the term ‘sustain-
7 able economic development’ means the integration of envi-
8 ronmental and economic development concerns leading to
9 continuous and long-term economic development with re-
10 duced pollution and the more efficient use of energy and
11 materials.”; and

12 (3) in section 2(b)(1), by inserting “to enhance
13 sustainable economic development (as that term is
14 defined in section 1(c)),” after “to improve qual-
15 ity,”.

16 (c) TECHNICAL AMENDMENT.—Section 214 of the
17 National Aeronautics and Space Administration Author-
18 ization Act, Fiscal Year 1989 (42 U.S.C. 2451 note) is
19 amended—

20 (1) by striking “102(c)” and inserting
21 “102(d)”; and

22 (2) by striking “2451(c)” and inserting
23 “2451(d)”.

1 (d) NASA AMENDMENTS.—The National Aero-
2 nautics and Space Act of 1958 (42 U.S.C. 2451 note) is
3 amended—

4 (1) in section 102(d)—

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

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

10 “(6) The making available to Federal and non-
11 Federal entities of the United States, technologies
12 that will enhance the sustainable economic develop-
13 ment of the Nation.”; and

14 (2) in section 103—

15 (A) by striking “; and” in paragraph (1)
16 and inserting a semicolon;

17 (B) by striking the period at the end of
18 paragraph (2) and inserting “; and”; and

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

21 “(3) the term ‘sustainable economic develop-
22 ment’ means the integration of environmental and
23 economic development concerns leading to continu-
24 ous and long-term economic development with re-

1 duced pollution and the more efficient use of energy
2 and materials.”.

3 (e) NSF AMENDMENTS.—

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

7 (A) in paragraph (6), by striking “; and”
8 and inserting a semicolon;

9 (B) in paragraph (7), by striking the pe-
10 riod and inserting “; and”; and

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

13 “(8) to foster education and research that
14 would promote sustainable economic development
15 nationally and internationally.”.

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

18 (A) By striking “(g) For purposes of this
19 Act, the term” and inserting the following:

20 “(g) For purposes of this Act:

21 “(1) The term”.

22 (B) By adding after paragraph (1), as des-
23 ignated by subparagraph (A) of this paragraph,
24 the following new paragraph:

1 “(2) The term ‘sustainable economic develop-
2 ment’ means the integration of environmental and
3 economic development concerns leading to continu-
4 ous and long-term economic development with re-
5 duced pollution and the more efficient use of energy
6 and materials.”.

7 **Subtitle B—Environmental**
8 **Technology Innovation Initiative**

9 **SEC. 211. ESTABLISHMENT AND ADMINISTRATION OF INI-**
10 **TIATIVE.**

11 (a) ESTABLISHMENT.—There is established an inter-
12 agency Environmental Technologies Innovation Initiative,
13 to be implemented as part of, and consistent with, the
14 overall Federal environmental technology strategy estab-
15 lished in section 201, to promote the research, develop-
16 ment, and demonstration of technologies that will contrib-
17 ute significantly to sustainable economic development. The
18 Administrator shall administer the initiative in collabora-
19 tion with the heads of other Federal agencies, including
20 the Secretary of Commerce, the Secretary of Energy, the
21 Secretary of Defense, the Director of the National Science
22 Foundation, the Secretary of Agriculture, and the Sec-
23 retary of Interior, that have substantial capabilities in ad-
24 vanced technology research and development.

1 (b) CONDUCT OF INITIATIVE PROGRAMS AND ACTIVI-
2 TIES.—The initiative referred to in subsection (a) shall in-
3 clude—

4 (1) the administration and award of the Presi-
5 dent's Total Environmental Quality Award estab-
6 lished under section 24 of the Stevenson-Wydler
7 Technology Innovation Act of 1980 (15 U.S.C. 3701
8 et seq.), as added by section 213, and of the Na-
9 tional Environmentally Sound Technology Award es-
10 tablished under section 25 of such Act, as added by
11 section 213;

12 (2) the conduct of the Innovative Environ-
13 mental Technology Program described in section
14 212, the information activities described in section
15 214, and the environmental technology demonstra-
16 tion program described in section 215, the dem-
17 onstration program established pursuant to section
18 218, and the international environmental technology
19 demonstration assistance provided under section
20 219; and

21 (3) the study provided for in section 216.

22 (c) AGREEMENTS WITH OTHER AGENCIES; ASSIST-
23 ANCE.—

24 (1) IN GENERAL.—To carry out a section re-
25 ferred to in subsection (b)(2), the Administrator

1 may enter into an agreement with the head of an-
2 other Federal agency, and enter into contracts and
3 cooperative agreements with, and award grants to,
4 entities eligible for financial assistance under that
5 section.

6 (2) COMPETITIVE PROCESS.—The Adminis-
7 trator (or the head of a Federal agency under an
8 agreement under paragraph (1)) shall select propos-
9 als for financial assistance under a section referred
10 to in subsection (b)(2) solely through a competitive,
11 merit-based evaluation process.

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

21 (d) OTHER ASSISTANCE AUTHORIZED.—The Admin-
22 istrator, in collaboration with the heads of other appro-
23 priate Federal agencies that have substantial capabilities
24 in advanced technology research and development and as
25 appropriate, may provide an entity receiving financial as-

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

6 (e) ANNUAL INTERAGENCY PLAN AND REVIEW.—
7 The Administrator, in collaboration with the heads of
8 other appropriate Federal agencies (including the Sec-
9 retary of Commerce and the Secretary of Energy) and in
10 consultation with representatives of industry, nonprofit,
11 and other appropriate organizations, shall develop a stra-
12 tegic plan for the programs and activities referred to in
13 subsection (b)(2) as part of, and consistent with, the over-
14 all Federal environmental technology strategy established
15 in section 201 and shall report to the Congress on the
16 performance of such programs and activities as part of
17 the annual report described in section 201(d). Such report
18 shall include an evaluation of—

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

21 (2) the nature and extent of participation of so-
22 cially disadvantaged individuals and economically
23 disadvantaged individuals, as such terms are defined
24 in paragraphs (6)(A) and (5) of section 8(a) of the
25 Small Business Act (15 U.S.C. 637(a)(6)(A),(5)),

1 respectively, including women, including an evalua-
2 tion of any steps taken to encourage the participa-
3 tion of such individuals.

4 (f) ADMINISTRATION.—

5 (1) IN GENERAL.—In administering the pro-
6 grams and activities referred to in subsection (b)(2),
7 the Administrator shall—

8 (A) monitor the manner in which any tech-
9 nologies developed as a result of the programs
10 and activities are used, and report periodically
11 to the Congress on the extent of any inter-
12 national transfer of these technologies;

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

16 (C) take any other action the Adminis-
17 trator considers necessary to carry out the pro-
18 grams and activities and to avoid unnecessary
19 duplication of effort by Federal agencies.

20 (2) APPLICABILITY OF OTHER LAW.—Para-
21 graphs (5), (6), (7), (8), and (11) of section 28(d)
22 of the National Institute of Standards and Tech-
23 nology Act (15 U.S.C. 278n(d)) shall apply to the
24 administration of the programs and activities re-
25 ferred to in subsection (b)(2).

1 (3) PARTICIPATION OF SOCIALLY AND ECO-
2 NOMICALLY DISADVANTAGED INDIVIDUALS.—In car-
3 rying out the sections referred to in subsection
4 (b)(2), the Administrator shall encourage the par-
5 ticipation of socially disadvantaged individuals and
6 economically disadvantaged individuals, as such
7 terms are defined in paragraphs (6)(A) and (5) of
8 section 8(a) of the Small Business Act (15 U.S.C.
9 637(a)(6)(A),(5)), respectively, including women.

10 (g) ECONOMICALLY DEPRESSED AREAS.—The Ad-
11 ministrators, in collaboration with the heads of other ap-
12 propriate Federal agencies, shall seek to ensure that enti-
13 ties eligible for assistance under a section referred to in
14 subsection (b)(2) and located in areas determined by the
15 Administrator to have a depressed economy, or a signifi-
16 cant concentration of defense-related industries, or chron-
17 ically high unemployment, are notified of the assistance
18 made available under that section and, to the extent prac-
19 ticable, to encourage and facilitate the participation of
20 such entities in activities for which assistance is provided
21 under that section.

22 (h) LIMITATION ON CONSTRUCTION OF FACILI-
23 TIES.—The Administrator may not provide financial as-
24 sistance to an entity under this section for the construc-
25 tion of facilities.

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

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

7 (2) providing consideration of in-kind contribu-
8 tions by a non-Federal Government entity participat-
9 ing in a program or activity conducted under such
10 section for the purpose of determining the share of
11 the costs of participating in the program or activity
12 that have been or are being undertaken by that en-
13 tity.

14 **SEC. 212. INNOVATIVE ENVIRONMENTAL TECHNOLOGY**
15 **PROGRAM.**

16 (a) ESTABLISHMENT.—The Administrator, in col-
17 laboration with the heads of other appropriate Federal
18 agencies (including the Secretary of Commerce, the Sec-
19 retary of Energy, and the Secretary of Defense), shall con-
20 duct an interagency innovative environmental technology
21 program to develop or demonstrate advanced
22 precommercial environmental technologies and which, to
23 avoid redundancy and ensure efficiency, will be a part of,
24 and consistent with, the overall Federal environmental
25 strategy established in section 201.

1 (b) ELIGIBILITY FOR FINANCIAL ASSISTANCE.—An
2 entity shall be eligible for financial assistance to conduct
3 a demonstration or development project under the pro-
4 gram established under subsection (a) only if the entity
5 is either a single United States company or a partnership
6 which—

7 (1) includes two or more United States compa-
8 nies; and

9 (2) may include, as determined appropriate by
10 the Administrator, a Federal laboratory or labora-
11 tories, United States nonprofit organizations, United
12 States institutions of higher education, agencies of
13 States governments, and other entities that partici-
14 pate in the partnership by supporting the activities
15 conducted by such companies or corporations under
16 this section.

17 (c) CRITERIA FOR SELECTION OF PROPOSALS.—The
18 Administrator shall give priority consideration to the fol-
19 lowing criteria in evaluating proposals for financial assist-
20 ance under this section:

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

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

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

4 (4) Improvement in the environment of the
5 workplace.

6 (5) Applicability to other industrial processes.

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

9 (7) Innovative application of post-consumer ma-
10 terials.

11 (8) Direct application to environmental tech-
12 nologies needed for United States business and in-
13 dustry.

14 (9) Other criteria established by the Adminis-
15 trator.

16 (d) AWARD CONDITIONS.—Financial assistance pro-
17 vided under this section shall be subject to the following
18 conditions:

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

22 (2) Except as provided in paragraph (3), the
23 Federal Government may provide financial assist-
24 ance to an entity under this section in an amount

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

3 (3) The Federal share of the cost of a project
4 conducted by a partnership under this section may
5 exceed the limitation described in paragraph (2) if
6 the partnership is composed entirely of small busi-
7 ness concerns.

8 (4) The Administrator has determined that—

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

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

15 (5) Each project under this section shall be car-
16 ried out under such terms and conditions as the Ad-
17 ministrator shall require to ensure the protection of
18 human health and the environment.

19 (e) EVALUATION.—As part of the annual evaluation
20 referred to in section 211(e), the Administrator shall con-
21 duct an evaluation of—

22 (1) the extent to which technologies developed
23 pursuant to the program established under sub-
24 section (a) are used;

1 (2) the contribution of such technologies to re-
2 duced pollution and the more efficient use of energy
3 and materials; and

4 (3) the contribution of such technologies to eco-
5 nomic development.

6 (f) RECOUPMENT.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of the enactment of this Act, the Ad-
9 ministrator shall establish procedures and criteria
10 for recoupment in connection with any project, for
11 which financial assistance is provided under this sec-
12 tion, which has led to the development of a product
13 or process which is marketed or used.

14 (2) REQUIREMENT AS CONDITION FOR
15 AWARD.—

16 (A) IN GENERAL.—Except as provided in
17 subparagraph (B), such recoupment shall be re-
18 quired as a condition for the provision of finan-
19 cial assistance under this section, shall be pro-
20 portional to the Federal share of the cost of the
21 project, and shall be derived from the proceeds
22 of royalties or licensing fees received in connec-
23 tion with such product or process.

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

1 nancial assistance under this section for the
2 production and sale of its own products or proc-
3 esses, the recoupment shall consist of a pay-
4 ment equivalent to the payment which would be
5 made under subparagraph (A).

6 (3) WAIVER.—The Administrator may at any
7 time waive or defer all or some of the recoupment
8 requirements of this subsection as necessary, de-
9 pending on—

10 (A) the commercial competitiveness of the
11 entity or entities developing or using the prod-
12 uct or process;

13 (B) the profitability of the project; and

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

16 **SEC. 213. PRESIDENT'S TOTAL ENVIRONMENTAL QUALITY**
17 **AWARD AND THE NATIONAL ENVIRON-**
18 **MENTALLY SOUND TECHNOLOGY AWARD.**

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

20 (1) Award programs such as the Malcolm
21 Baldrige National Quality Award Program have
22 made substantial contributions to private enterprise
23 by providing a framework upon which organizations
24 can improve their operations and by focusing on is-
25 sues important to their competitiveness.

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

6 (A) helping to stimulate United States
7 companies to research, develop, and dem-
8 onstrate environmental technologies;

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

13 (C) establishing guidelines and criteria
14 that can be used by business, industrial, gov-
15 ernmental, and other organizations in evaluat-
16 ing their own research, development, and dem-
17 onstration of environmental technologies.

18 (b) PURPOSE.—It is the purpose of this section to
19 provide for the establishment and conduct of a President's
20 Total Environmental Quality Award Program and a Na-
21 tional Environmentally Sound Technology Award Pro-
22 gram under which awards are given to recognize the suc-
23 cessful research, development, and demonstration of envi-
24 ronmental technologies, and information is disseminated
25 about such success.

1 (c) ESTABLISHMENT OF AWARDS.—The Stevenson-
2 Wydler Technology Innovation Act of 1980 (15 U.S.C.
3 3701 et seq.) is amended by inserting after section 23 the
4 following new sections:

5 **“SEC. 24. PRESIDENT’S TOTAL ENVIRONMENTAL QUALITY**
6 **AWARD.**

7 “(a) ESTABLISHMENT.—There is hereby established
8 the President’s Total Environmental Quality Award (in
9 this section referred to as the ‘Award’).

10 “(b) DESIGN.—The Award shall be evidenced by a
11 medal bearing the inscription ‘President’s Total Environ-
12 mental Quality Award’.

13 “(c) AWARD SELECTION PROCESS.—The Secretary,
14 in collaboration with the Secretary of Energy, the Admin-
15 istrator of the Environmental Protection Agency, and the
16 Secretary of Defense, shall establish a process for the ac-
17 ceptance and evaluation of Award applicants. The Sec-
18 retary shall, to the extent practicable, refer to the proce-
19 dures used in the administration of the Malcolm Baldrige
20 National Quality Award, including the definition of award
21 categories, the delegation of responsibilities, and provi-
22 sions for publicity, evaluation feed-back, and information
23 transfer, as a model for the President’s Total Environ-
24 mental Quality Award.

25 “(d) PRESENTATION OF AWARD.—

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

5 “(2) SELECTION BY THE PRESIDENT.—On the
6 basis of recommendations received under paragraph
7 (1), the President shall periodically select for receipt
8 of the Award United States companies and other or-
9 ganizations which in the judgment of the President
10 have substantially benefited the environmental, eco-
11 nomic, and social well-being of the United States
12 through the research, development, and demonstra-
13 tion of environmental technologies and the effective
14 integration of environmental concerns into its oper-
15 ations and management, and which as a consequence
16 are deserving of special recognition.

17 “(3) PRESENTATION CEREMONY.—The Presi-
18 dent or the Vice President shall present the Award
19 to recipients selected under paragraph (2) with such
20 ceremony as the President or the Vice President
21 considers to be appropriate.

22 “(e) LIMITATION.—The information gathered in eval-
23 uating Award applications may be used only for the eval-
24 uation of such applications and for publicity by winners

1 of the Award. Such information may not be used for regu-
2 latory or compliance purposes.

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

5 “(1) The effectiveness of the organization’s de-
6 velopment and demonstration of environmental tech-
7 nologies, as well as the organization’s provision for
8 environmental technologies in its future plans.

9 “(2) The effectiveness of the integration of en-
10 vironmental concerns into the operations and man-
11 agement of the organization.

12 “(3) The effectiveness of energy and materials
13 use from the perspective of the life-cycle of the pro-
14 duction, use, recycle, and disposal of a product.

15 “(4) The effective use of an integrated ap-
16 proach to pollution prevention and control that con-
17 sideres all environmental media (liquid, solid, gase-
18 ous).

19 “(5) The overall environmental performance of
20 the organization, including environmental compli-
21 ance.

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

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

4 “(h) REPORT.—Not later than 3 years after the date
5 of the enactment of the Environmental Technologies Act
6 of 1994 and biennially thereafter, the Secretary shall sub-
7 mit to the President and the Congress a report on the
8 progress made in carrying out this section, including a re-
9 port on any indications that the Award has influenced the
10 practices of United States companies and other organiza-
11 tions. The report shall include any recommendations of
12 the Secretary for any modifications of the Award the Sec-
13 retary considers necessary.

14 **“SEC. 25. NATIONAL ENVIRONMENTALLY SOUND TECH-**
15 **NOLOGY AWARD.**

16 “(a) ESTABLISHMENT.—There is established a Na-
17 tional Environmentally Sound Technology Award for the
18 purpose of awarding individuals who have pioneered the
19 development and use of highly innovative environmental
20 technologies within the meaning of section 104(3) of the
21 Environmental Technologies Act of 1994.

22 “(b) ADMINISTRATION.—Using the authority and
23 procedures established in section 24 and subject to the
24 conditions described in this section, the Secretary, in col-
25 laboration with the Administrator of the Environmental

1 Protection Agency and the Secretary of Energy, shall re-
2 ceive and evaluate applications for the National Environ-
3 mentally Sound Technology Award and provide for presen-
4 tation of such Award.

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

7 “(1) Manufacturing technologies.

8 “(2) Industrial or consumer products.

9 “(3) Consumer services.

10 “(4) Recycling technologies.

11 “(5) Pollution monitoring and control tech-
12 nologies.

13 “(6) Pollution remediation technologies.

14 “(7) Other technologies as appropriate.

15 “(d) QUALIFIED APPLICANTS.—Any citizen or per-
16 manent resident of the United States may qualify for such
17 Award. Any such individual who is employed by or other-
18 wise works for a business, Federal laboratory, or other or-
19 ganization may qualify for such Award only if the individ-
20 ual was substantially involved in the invention or innova-
21 tion for which such Award is presented.

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

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

1 of 1994 and biennially thereafter, the Secretary shall sub-
2 mit to the Congress a report on the progress made in car-
3 rying out this section. The report shall contain an evalua-
4 tion of the performance of such Award, including an as-
5 sessment of the extent to which the public recognizes such
6 Award and such Award encourages innovation of environ-
7 mental technologies.”.

8 **SEC. 214. INCORPORATION OF INFORMATION ON ENVIRON-**
9 **MENTAL TECHNOLOGIES INTO EXISTING**
10 **NETWORKS.**

11 (a) IN GENERAL.—Not later than one year after the
12 date of the enactment of this Act, the Administrator,
13 through the Office of Research and Development of the
14 Environmental Protection Agency and in collaboration
15 with the Under Secretary for Technology of the Depart-
16 ment of Commerce and the heads of any other appropriate
17 Federal agencies, shall, to the maximum extent prac-
18 ticable, use existing information network capabilities of
19 the Federal Government as part of, and consistent with,
20 the overall Federal environmental technology strategy es-
21 tablished in section 201 to provide coordinated access to
22 data on environmental technologies or protocols developed,
23 tested, verified, or certified under programs established by
24 this Act, and by other appropriate Federal and non-Fed-
25 eral sources. Such data shall include—

1 (1) information on—

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

4 (B) performance standards regarding envi-
5 ronmental technologies;

6 (C) significant international developments
7 in environmental technologies, fully coordinat-
8 ing with other international technology informa-
9 tion programs of the Federal Government; and

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

12 (2) other information determined by the Admin-
13 istrator to be of substantial value in promoting the
14 research, development, and demonstration of envi-
15 ronmental technologies.

16 (b) USE OF EXISTING RESOURCES.—In carrying out
17 this section, the Administrator shall, to the maximum ex-
18 tent practicable—

19 (1) use existing public and private sector infor-
20 mation providers and carriers; and

21 (2) coordinate with the heads of other appro-
22 priate Federal agencies to make data described in
23 subsection (a) accessible through appropriate
24 database systems of those Federal agencies.

1 (c) OUTREACH.—The Administrator, through the Of-
2 fice of Research and Development of the Environmental
3 Protection Agency and in collaboration with the Under
4 Secretary for Technology of the Department of Commerce
5 and the heads of any other appropriate Federal agencies,
6 shall conduct outreach efforts to advertise, deliver, and
7 disseminate the information made available pursuant to
8 subsection (a). As part of such efforts, the Administrator
9 shall consult with United States industrial associations
10 and take appropriate action to ensure access to such infor-
11 mation by industrial assistance organizations and pro-
12 grams supported by a State or local government, a non-
13 profit organization in which a State or local government
14 is a member, an institution of higher education designated
15 by a State or local government, a manufacturing extension
16 and outreach service or regional technical assistance serv-
17 ice approved by the Federal Government, or a Federal lab-
18 oratory.

19 (d) EVALUATION AND REPORT.—As part of the an-
20 nual evaluation referred to in section 211(e), the Adminis-
21 trator shall conduct an evaluation of the extent to which
22 the data provided pursuant to this section are used.

1 **SEC. 215. USE OF FEDERAL FACILITIES FOR ENVIRON-**
2 **MENTAL TECHNOLOGY DEMONSTRATION.**

3 (a) ESTABLISHMENT.—The Administrator shall es-
4 tablish a program, in collaboration with the heads of ap-
5 propriate Federal agencies (including the Secretary of En-
6 ergy, the Secretary of Commerce, and the Secretary of De-
7 fense) as part of, and consistent with, the overall Federal
8 environmental technology strategy established in section
9 201, to demonstrate the performance of environmental
10 technologies at Federal laboratories and other Federal fa-
11 cilities.

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

15 (1) environmental technologies that can be ap-
16 plied to a major pollution control or remediation
17 need at a Federal laboratory or other Federal facil-
18 ity;

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

23 (3) other environmental technologies that have
24 significant potential as an environmental technology
25 that will contribute to sustainable economic develop-
26 ment or that will make a significant contribution to

1 the cleanup of communities significantly affected by
2 pollution.

3 (c) ADMINISTRATION.—As part of the program estab-
4 lished under this section, the Administrator—

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

11 (2) shall establish application procedures for an
12 eligible entity under subsection (d) to apply to dem-
13 onstrate an environmental technology at an available
14 site or facility, including—

15 (A) provisions for sharing the cost of dem-
16 onstrating the technology with an applicant
17 that limit the Federal share of the cost to not
18 more than 50 percent of the total cost of dem-
19 onstrating the technology; and

20 (B) provisions that provide special consid-
21 eration of the needs of small business concerns;

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

1 (4) shall establish specific procedures for the
2 management and oversight of demonstration activi-
3 ties conducted under this section;

4 (5) shall, pursuant to section 214, in consulta-
5 tion and collaboration with other Federal agencies,
6 and consistent with the Federal environmental tech-
7 nology strategy established in section 201, make
8 available for entities eligible under subsection (d) in-
9 formation regarding—

10 (A) the facilities and expertise available at
11 Federal laboratories that would be valuable to
12 the demonstration of environmental tech-
13 nologies; and

14 (B) sites at Federal laboratories or other
15 Federal facilities potentially available for dem-
16 onstrating environmental technologies, charac-
17 terized by specific site characteristics, including
18 site geology and site contaminants where appro-
19 priate;

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

23 (7) shall list and disseminate, pursuant to sec-
24 tion 214, nonproprietary information regarding the
25 performance and cost characteristics of the environ-

1 mental technologies demonstrated pursuant to this
2 section.

3 (d) ENTITIES ELIGIBLE FOR PARTICIPATION.—Enti-
4 ties eligible to carry out a demonstration project as part
5 of the program established under subsection (a) are Unit-
6 ed States companies (including small business concerns),
7 United States nonprofit organizations, United States in-
8 stitutions of higher education, and other entities that the
9 Administrator considers appropriate.

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

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

17 (2) the Federal and non-Federal financial re-
18 sources committed to the program; and

19 (3) the extent to which technologies dem-
20 onstrated pursuant to this section are used.

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

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

9 **SEC. 216. STUDY OF FACTORS AFFECTING INNOVATION IN**
10 **ENVIRONMENTAL TECHNOLOGIES.**

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

16 (b) REPORT.—The Administrator shall include in the
17 agreement referred to in subsection (a) a requirement that
18 the National Research Council complete a report describ-
19 ing the results of the study referred to in such subsection
20 not later than two years after the date of the enactment
21 of this Act. The report shall identify specific incentives
22 for and barriers to technological innovation and describe
23 the reasons for the positive or negative influences identi-
24 fied. The Administrator shall submit the report to the
25 Congress within 30 days after receiving the report from

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

4 **SEC. 217. DISCLAIMER.**

5 Nothing in this Act, or the amendments made by this
6 Act, shall be construed by the Administrator or the Sec-
7 retary of Energy, or any officer or employee of the Envi-
8 ronmental Protection Agency or the Department of En-
9 ergy, or by any court as altering, affecting, supplanting,
10 modifying, or changing, directly or indirectly, any law
11 which on the day before the date of the enactment of this
12 Act referred to, and provided authorities or responsibilities
13 for, or was administered by, the Environmental Protection
14 Agency or the Department of Energy or the Administrator
15 of the Environmental Protection Agency or the Secretary
16 of Energy.

17 **SEC. 218. ENVIRONMENTALLY EFFICIENT BUILDING MATE-**
18 **RIALS.**

19 (a) DEMONSTRATION OF ENVIRONMENTALLY EFFI-
20 CIENT MATERIALS.—Not later than 90 days after the date
21 of the enactment of this Act, the Administrator, in co-
22 operation with the Administrator of General Services, and
23 the heads of other appropriate agencies, may establish a
24 3-year demonstration program to promote research on,
25 and development of, environmentally efficient building ma-

1 terials, including the use of such materials in the construc-
2 tion of new Federal facilities and buildings and in existing
3 Federal facilities and buildings.

4 (b) CHARACTERISTICS OF MATERIALS.—In selecting
5 environmentally efficient building materials under the
6 demonstration program, the Administrator shall give pri-
7 ority to those materials that most cost-effectively maxi-
8 mize the conservation and preservation of natural re-
9 sources.

10 (c) PERFORMANCE VERIFICATION.—Before using en-
11 vironmentally efficient building materials under this sec-
12 tion, the Administrator, in cooperation with the Adminis-
13 trator of General Services and the heads of other appro-
14 priate agencies (including the Director of the National In-
15 stitute of Standards and Technology), shall verify,
16 through support of appropriate tests and using, to the
17 maximum extent practicable, existing Federal capabilities,
18 that such materials—

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

21 (2) meet applicable Federal environmental, pub-
22 lic health, safety, and energy efficiency standards.

23 (d) RESEARCH AND DEVELOPMENT.—The Adminis-
24 trator may support the research, development and dem-
25 onstration of environmentally efficient materials that show

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

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

11 (f) REPORT.—Not later than 60 days after comple-
12 tion of the demonstration program, the Administrator
13 shall submit to the Congress a report on the implementa-
14 tion of the demonstration program. The report shall in-
15 clude the following:

16 (1) A listing of the type and quantities of envi-
17 ronmentally efficient building materials tested, devel-
18 oped, and used.

19 (2) A statement of the cost and performance of
20 such materials compared to comparable, more con-
21 ventional materials.

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

1 (4) An assessment of the extent to which re-
2 search on, and development of, such materials oc-
3 curred as a result of the demonstration program and
4 the extent to which further support is needed to
5 stimulate such research and development.

6 (g) INTEGRATION OF OTHER VIEWS.—In carrying
7 out this section, the Administrator, in cooperation with the
8 Administrator of General Services, shall develop mecha-
9 nisms for integrating the views of other agencies that
10 carry out major construction programs, including the
11 Army Corps of Engineers and the Veterans Administra-
12 tion, and representatives of the environmental community,
13 the construction industry (including small business), man-
14 ufacturing companies (including small businesses) that
15 produce environmentally efficient materials, and the sci-
16 entific and technical community.

17 (h) PREEMPTION.—Nothing in this section is in-
18 tended to preempt any provision of law of a State or a
19 political subdivision of a State that is more restrictive than
20 a provision of this Act.

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

22 (1) The term “agency” means an Executive
23 agency as defined under section 105 of title 5, Unit-
24 ed States Code, and any agency of the judicial or
25 legislative branch of the Federal Government.

1 (2) The term “environmentally efficient mate-
2 rials” means any recycled, recovered, reclaimed, or
3 reused material whose production, manufacture, fab-
4 rication, and use conserves and preserves natural re-
5 sources when compared to the production, manufac-
6 ture, fabrication, and use of comparable, more con-
7 ventional materials.

8 (3) The term “environmentally efficient build-
9 ing materials” means any environmentally efficient
10 material which may be used in the construction of
11 a building or facility.

12 (4) The term “construction” with respect to
13 any project under construction under this section,
14 means the erection or building of new structures or
15 the replacement, expansion, remodeling, alteration,
16 or modernization of existing structures.

17 **SEC. 219. INTERNATIONAL ENVIRONMENTAL TECHNOLOGY**
18 **DEMONSTRATION ASSISTANCE.**

19 The Administrator may enter into agreements with
20 the heads of other appropriate agencies that support the
21 export of technologies to provide support for demonstrat-
22 ing the technical and economic feasibility of innovative en-
23 vironmental technologies substantially manufactured in
24 the United States and used in other nations. Nothing in
25 this section shall be applicable if the President determines

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

5 **Subtitle C—Other Research**
6 **Activities**

7 **SEC. 221. ENVIRONMENTALLY ADVANCED ENGINEERING**
8 **RESEARCH.**

9 (a) IN GENERAL.—The Director of the National
10 Science Foundation shall take appropriate actions to sup-
11 port research activities that will advance the integration
12 of engineering practices and environmental protection in
13 the development of advanced technologies.

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

18 (c) INTEGRATION OF INFORMATION.—The Director
19 of the National Science Foundation shall, to the maximum
20 extent practicable, provide for the dissemination of infor-
21 mation developed as a result of the research activities re-
22 ferred to in subsection (a) through education activities of
23 the Foundation and through the information dissemina-
24 tion activities developed pursuant to section 214.

1 **TITLE III—PERFORMANCE**
2 **MEASUREMENTS**

3 **SEC. 301. PERFORMANCE MEASUREMENTS.**

4 (a) AUTHORIZATION.—The Secretary of Commerce,
5 through the Director of the National Institute of Stand-
6 ards and Technology, in collaboration with the Adminis-
7 trator and the heads of other appropriate Federal agen-
8 cies, in consultation with non-Federal standards organiza-
9 tions, and as part of, and consistent with, the overall Fed-
10 eral environmental technology strategy established in sec-
11 tion 201, shall establish a program to support the clari-
12 fication of measurements of performance—

13 (1) for environmental technologies (not includ-
14 ing technologies primarily intended to improve the
15 quality of the environment through pollution control,
16 pollution remediation, pollution monitoring, and dis-
17 posal), to clarify performance and substitutability
18 for conventional technologies and for the fair evalua-
19 tion of performance claims regarding such environ-
20 mental technologies; and

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

23 (b) EXISTING NON-FEDERAL PROGRAMS.—In devel-
24 oping the program established in subsection (a), the Direc-
25 tor of the National Institute of Standards and Technology

1 shall, to the maximum extent practicable, coordinate ef-
2 forts under such program with existing non-Federal stand-
3 ards activities that affect the environmental technologies
4 covered by subsection (a)(1).

5 (c) COORDINATION WITH OTHER FEDERAL AGEN-
6 CIES.—The Secretary of Commerce, through the Director
7 of the National Institute of Standards and Technology,
8 shall coordinate with the heads of other appropriate Fed-
9 eral agencies to ensure, to the maximum extent prac-
10 ticable, the use of the best available scientific and tech-
11 nical information in the evaluation of environmental per-
12 formance claims by such agencies.

13 (d) GLOSSARY OF TERMS.—The Secretary of Com-
14 merce, through the Director of the National Institute of
15 Standards and Technology, shall work with the heads of
16 appropriate Federal agencies and private-sector standards
17 organizations to facilitate the development and mainte-
18 nance of a glossary of standard definitions of terms used
19 in the evaluation of environmental performance claims.

20 (e) INTERNATIONAL HARMONIZATION.—The Sec-
21 retary of Commerce, through the Director of the National
22 Institute of Standards and Technology, shall work with
23 domestic and international standards organizations to en-
24 sure harmonization of domestic performance measure-

1 ments with international performance measurements con-
2 sistent with applicable Federal and State laws.

3 **SEC. 302. VERIFICATION OF ENVIRONMENTAL TECH-**
4 **NOLOGIES.**

5 (a) DESIGNATION OF ENTITIES TO PERFORM ENVI-
6 RONMENTAL TECHNOLOGY VERIFICATION.—The Admin-
7 istrator may, in accordance with this section and as part
8 of, and consistent with, the overall Federal environmental
9 technology strategy developed in section 201, designate
10 entities to perform the functions described in paragraphs
11 (1) through (3) of subsection (b). The Administrator may
12 enter into joint agreements with Federal agencies, State
13 and local governments, and nonprofit, private-sector rep-
14 resentatives to support entities designated by the Adminis-
15 trator under this section.

16 (b) FUNCTIONS.—Each entity designated under sub-
17 section (a)—

18 (1) shall verify, evaluate, and, to the maximum
19 extent practicable, certify the performance, cost-ef-
20 fectiveness, and ecological benefits of environmental
21 technologies;

22 (2) shall disseminate information on the charac-
23 teristics referred to in paragraph (1), including in-
24 formation that describes whether each environmental
25 technology evaluated and verified—

1 (A) meets the performance criteria of ap-
2 plicable law (including regulations issued by the
3 Administrator) under tested conditions at com-
4 parable or lower costs than other existing envi-
5 ronmental technologies; and

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

9 (3) shall submit to the Administrator data and
10 other information compiled by the entity with re-
11 spect to each environmental technology verified and
12 evaluated by the entity under this section; and

13 (4) may use support provided under this section
14 to develop technologies necessary for effective ver-
15 ification and evaluation under paragraph (1) and
16 may charge appropriate fees for such verification
17 and evaluation.

18 (c) REVIEW BY ADMINISTRATOR.—After receiving
19 data and other information from an entity designated
20 under subsection (a) with respect to an environmental
21 technology under subsection (b)(1), the Administrator
22 shall conduct appropriate review of the data, other infor-
23 mation, and protocols developed by such entity with re-
24 spect to such technology.

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

3 (1) by rule establish competitive procedures for
4 soliciting applications for and selecting, pursuant to
5 criteria referred to in subsection (e), entities to per-
6 form functions described in subsection (b) and, as
7 appropriate, designate model entities;

8 (2) by rule establish eligibility criteria for enti-
9 ties to be designated under this section;

10 (3) in collaboration with the heads of other ap-
11 propriate Federal agencies, including the Director of
12 the National Institute of Standards and Technology,
13 certify, and as appropriate, develop common proto-
14 cols to evaluate the cost and performance of environ-
15 mental technologies;

16 (4) make generally available through guidance
17 manuals or other appropriate methods information
18 regarding testing protocols for environmental tech-
19 nologies and establish a regular process for approv-
20 ing and updating such protocols;

21 (5) ensure that information regarding environ-
22 mental technologies verified and evaluated under this
23 program is disseminated pursuant to section 214;

24 (6) develop mechanisms to facilitate the ver-
25 ification of—

1 (A) environmental technologies developed
2 or demonstrated by small business concerns,
3 nonprofit organizations, and United States in-
4 stitutions of higher education; and

5 (B) environmental technologies that pro-
6 vide source reduction; and

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

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

18 (1) The capabilities of the applicant to provide
19 a thorough and credible technical and financial eval-
20 uation of environmental technologies.

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

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

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

4 (5) The capability of the applicant to conduct
5 evaluations of technologies that address priority en-
6 vironmental concerns consistent with the priorities
7 established in section 201 of this Act, including geo-
8 graphic areas that have been designated as non-
9 attainment areas under section 107(d)(1)(A)(i) of
10 the Clean Air Act (42 U.S.C. 7407(d)(1)(A)(i)).

11 (6) Other criteria that the Administrator con-
12 siders appropriate.

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

18 (g) AUTHORITY OF ADMINISTRATOR.—The Adminis-
19 trator may, consistent with applicable provisions of law
20 and this section, enter into cooperative agreements and
21 contracts to carry out this section.

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

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

4 (i) REVIEW.—

5 (1) IN GENERAL.—Any action by the Adminis-
6 trator to verify or evaluate a technology (or to re-
7 view a verification or evaluation) under this section
8 shall not constitute a final action by the Adminis-
9 trator and shall not be subject to judicial review.

10 (2) FAILURE TO COMPLY.—If a technology veri-
11 fied, evaluated, or reviewed pursuant to this section
12 fails to comply with any applicable law (including
13 regulations issued by the Administrator), the ver-
14 ification, evaluation, or confirmation shall not con-
15 stitute a defense in an enforcement action or suit
16 and shall not create a cause of action against the
17 Environmental Protection Agency.

18 (3) DISCLAIMER.—Nothing in this section may
19 be construed to authorize the Administrator to grant
20 a seal of approval of any kind for any entity or tech-
21 nology, to create any competitive advantage or dis-
22 advantage for any entity, to authorize the Adminis-
23 trator to require any person to install or use any
24 technology pursuant to any program administered by
25 the Environmental Protection Agency, or to des-

1 ignite any technology as meeting a regulatory re-
2 quirement.

3 (j) REPORT.—The Administrator, in consultation
4 with the heads of other appropriate Federal agencies, and
5 industry, nonprofit, and other appropriate organizations,
6 shall annually submit to the Congress a report that evalu-
7 ates the implementation of this section. The report shall
8 include a description of the technologies verified pursuant
9 to this section, the number of the technologies verified,
10 and the extent of their use.

11 **SEC. 303. USE OF CERTAIN ENVIRONMENTAL TECH-**
12 **NOLOGIES BY THE FEDERAL GOVERNMENT.**

13 (a) ESTABLISHMENT.—In any program of the Presi-
14 dent for evaluating, prioritizing, and approving the pur-
15 chase by the Federal Government of environmental tech-
16 nologies, the President shall, consistent with applicable
17 procurement laws, consider for such program any per-
18 formance measurements for environmental technologies as
19 may have been developed by the Secretary of Commerce
20 pursuant to section 301(a).

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

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

3 **TITLE IV—DEPARTMENT OF EN-**
4 **ERGY ENVIRONMENTAL**
5 **TECHNOLOGY DEVELOPMENT**

6 **SEC. 401. ENVIRONMENTAL RESTORATION AND WASTE**
7 **MANAGEMENT TECHNOLOGY DEVELOPMENT.**

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

11 (1) new and improved technologies for environ-
12 mental restoration and waste management (includ-
13 ing waste minimization);

14 (2) training for environmental technicians, engi-
15 neers, and scientists; and

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

18 In carrying out this section, the Secretary shall appro-
19 priately consider the strategic plan submitted under sec-
20 tion 201.

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

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

3 (c) COORDINATION WITH INITIATIVE.—The Sec-
4 retary shall ensure that the activities conducted pursuant
5 to this section are appropriately coordinated with the ac-
6 tivities conducted pursuant to the Environmental Tech-
7 nologies Innovation Initiative established under section
8 211.

9 (d) COORDINATION WITH CERTAIN OTHER ACTIVI-
10 TIES.—The Secretary shall coordinate activities under this
11 section with activities conducted by the Secretary of Labor
12 under the new technology program referred to in section
13 126(b)(9) of the Superfund Amendment and Reauthoriza-
14 tion Act of 1986 and by the hazardous substance research
15 development and demonstration centers established pursu-
16 ant to subsections (l) and (o) of section 118 of such Act.
17 Nothing in this section may be construed to affect the obli-
18 gation of the Secretary of Energy to comply with section
19 126 of such Act.

20 **SEC. 402. METALS RECYCLING DEMONSTRATION PROGRAM.**

21 (a) ESTABLISHMENT.—The Secretary shall establish
22 a program to demonstrate the technological and economic
23 feasibility of recycling and reusing radioactively
24 uncontaminated and decontaminated metals and equip-
25 ment, and of other waste minimization techniques. Under

1 the program, the Secretary shall analyze the extent to
2 which sufficient private sector commitment to provide de-
3 contamination services and to purchase uncontaminated
4 and decontaminated metals and equipment either exists
5 or can be generated to support such a program of recy-
6 cling and reuse.

7 (b) SCOPE.—The demonstration program established
8 under subsection (a) shall provide for the recycling and
9 reuse of the metals and equipment at a minimum of 3
10 National Laboratories or former nuclear weapons produc-
11 tion facilities, and shall be of sufficient scope, and shall
12 include an appropriate variety of materials, to dem-
13 onstrate the feasibility of recycling and reusing radio-
14 actively uncontaminated and decontaminated metals and
15 equipment at all National Laboratories and former nu-
16 clear weapons production facilities. Such demonstration
17 program shall be carried out for a period of 3 years.

18 (c) DECONTAMINATION TECHNOLOGIES.—In the
19 course of carrying out the demonstration program, the
20 Secretary shall seek to promote the development of decon-
21 tamination technologies.

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

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

3 (e) WASTE STORAGE CONTAINERS.—As part of the
4 demonstration program, the Secretary shall seek to dem-
5 onstrate the technological and economic feasibility of using
6 only materials owned by the Department of Energy on the
7 date of enactment of this Act for containers to store or
8 dispose of radioactively contaminated metals and equip-
9 ment.

10 (f) REPORTS TO CONGRESS.—

11 (1) REQUIREMENT.—The Secretary shall—

12 (A) annually during the course of the dem-
13 onstration program established under this sec-
14 tion, report to the Congress on the progress
15 made in the previous year under such program;
16 and

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

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

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

1 (B) a comparison of recycling and reusing
2 radioactively contaminated metals and equip-
3 ment with the alternative of containing and dis-
4 posing of such metals and equipment;

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

7 (D) a proposal, including any recommenda-
8 tions for necessary legislation, for expanding
9 the demonstration program to cover radio-
10 actively uncontaminated and decontaminated
11 metals and equipment at all National Labora-
12 tories and former nuclear weapons production
13 facilities.

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

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

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

1 can be recycled or reused by the Department;
2 and

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

9 (4) FACTORS IN COMPARISON.—In making the
10 comparison required under paragraph (2)(B), the
11 Secretary shall consider the full life cycle costs of
12 each alternative, including revenues or savings real-
13 ized and the costs of treatment, containment, stor-
14 age, disposal, monitoring, and replacement. Disposal
15 costs shall be calculated on the basis of the costs of
16 such disposal to commercial disposal companies.

17 **SEC. 403. FUNDING AND AUTHORIZATION.**

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

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

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

8 (1) \$10,000,000 for fiscal year 1995; and

9 (2) \$11,500,000 for fiscal year 1996,

10 for nondefense research and development activities of the
11 Office of Technology Development, including the advanced
12 robotics program, for the development of safer, less expen-
13 sive, and more efficient environmental restoration and
14 waste management technologies.

15 **SEC. 404. COORDINATION.**

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

19 **TITLE V—AUTHORIZATION OF**
20 **APPROPRIATIONS**

21 **SEC. 501. AUTHORIZATION OF APPROPRIATIONS.**

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

1 (b) ENVIRONMENTAL TECHNOLOGIES INNOVATION
2 INITIATIVE.—There is hereby authorized to be appro-
3 priated to carry out the Environmental Technologies Inno-
4 vation Initiative established in subtitle B of title II the
5 following:

6 (1) For fiscal year 1995, \$70,000,000, of which
7 \$500,000 is authorized to be appropriated for the
8 President's Total Environmental Quality Award es-
9 tablished in section 213 for fiscal year 1995 and
10 \$700,000 is authorized to be appropriated for the
11 study referred to in section 216.

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

16 **SEC. 502. LIMITATION ON APPROPRIATIONS.**

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

22 **SEC. 503. COMPETITION REQUIREMENT FOR AWARDS OF**
23 **FINANCIAL ASSISTANCE.**

24 (a) COMPETITION REQUIREMENT.—No financial as-
25 sistance (including a grant, a contract, or any other award

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

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

9 (1) IN GENERAL.—A provision of law may not
10 be construed as modifying or superseding subsection
11 (a), or as requiring that financial assistance (includ-
12 ing a grant, a contract, or any other type of finan-
13 cial assistance) be awarded under a section of this
14 Act in a manner inconsistent with subsection (a),
15 unless such provision of law—

16 (A) specifically refers to this section;

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

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

1 (2) NOTICE AND WAIT REQUIREMENT.—No fi-
2 nancial assistance (including a grant, a contract, or
3 any other type of financial assistance) may be
4 awarded pursuant to a provision of law that requires
5 or authorizes the award of the financial assistance
6 under this Act in a manner inconsistent with sub-
7 section (a) until—

8 (A) the head of the Federal agency intend-
9 ing to award the financial assistance submits to
10 the Congress a written notice of the intent to
11 award the financial assistance; and

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

14 **TITLE VI—RISK ASSESSMENT** 15 **IMPROVEMENT**

16 **SEC. 601. CRITERIA FOR RISK ASSESSMENT.**

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

19 (1) Criteria for accepting and evaluating data.

20 (2) A complete description of any mathematical
21 models or other assumptions likely to be used in the
22 risk assessment, including a discussion of their plau-
23 sibility.

24 (3) A description of the default options, the jus-
25 tification and validation for the default options, and

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

5 (4) The technical justification for, and a de-
6 scription of the degree of, conservatism each default
7 option imposes upon the risk assessment.

8 (5) Criteria for using iterative or tiered ap-
9 proaches to risk assessment, with varying levels of
10 effort and data requirements in the conduct of risk
11 assessment based on the need for accuracy of the
12 risk estimate.

13 (6) Criteria for conducting uncertainty analysis
14 during the course of the risk assessment, and an ex-
15 planation of the data needs for such analysis.

16 (7) Effective methods for reporting risk assess-
17 ment, to ensure that the results are reasonably un-
18 derstandable by interested persons, including for-
19 mats which clearly identify and distinguish sources
20 of uncertainty and variability in the risk assessment.

21 (8) Criteria for identification and use of the
22 most plausible and unbiased methodologies and as-
23 sumptions, given the scientific information available.

1 (9) Relevant information on data and assess-
2 ment methods that significantly influence the risk
3 estimate.

4 (10) A statement of the limitations, assump-
5 tions, and default options included in the assessment
6 and a statement of the rationale and extent of sci-
7 entific consensus with respect to their use.

8 (11) A statement that identifies major uncer-
9 tainties and their influence upon the assessment.
10 The statement shall characterize uncertainties asso-
11 ciated with experimental measurement errors and
12 uncertainties associated with the choice of specific
13 models and default options.

14 (12) The range and distribution of exposures
15 derived from exposure scenarios used in a risk as-
16 sessment, including, for example, upper-bound and
17 central estimate(s) and their qualitative, or where
18 possible quantitative, likelihood, and, when available
19 and appropriate, the identification of highly suscep-
20 tible groups, species, individuals, and subpopulations
21 whose exposure exceeds that of the general popu-
22 lation.

23 (13) The use of both quantitative and quali-
24 tative descriptors, when available and appropriate, to
25 present a comprehensive range of risks which are or

1 may be encountered by the various populations and
2 individuals in a human health risk assessment, or by
3 the various species and ecological communities in an
4 ecological risk assessment, exposed to the environ-
5 mental hazard being evaluated in the risk assess-
6 ment.

7 (14) A description of appropriate statistical ex-
8 pressions of the range and variability of the risk es-
9 timate, including the population or populations ad-
10 dressed by any risk estimate(s), central estimates of
11 the risk for the specific population, any appropriate
12 upper-bound and lower-bound estimates, and the
13 reasonable range or other description of uncertain-
14 ties in the assessment process.

15 (15) Comparisons of risk to public health, in-
16 cluding appropriate comparisons with estimates of
17 other risks to health, including those that are famil-
18 iar to and routinely encountered by the general pub-
19 lic, and relevant substitution risks, where informa-
20 tion on such risks is made available. Comparisons
21 shall identify relevant distinctions among categories
22 or risks and limitations to comparisons.

23 **SEC. 602. SAVINGS PROVISION.**

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

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

6 **SEC. 603. DEFINITIONS.**

7 For purposes of this title:

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

14 (2) The term “default option” means a condi-
15 tion, assumption, or fact that is presumed on the
16 basis of available data and prevailing theory.

17 (3) The term “risk assessment” means the
18 process or procedure by which the potential adverse
19 health or ecological effects of exposure of human or
20 nonhuman species to environmental hazards is char-
21 acterized.

22 (4) The term “uncertainty analysis” means the
23 systematic process of identifying that which is not
24 known or is unclear, including measurement errors,
25 the lack of fundamental knowledge needed to choose

1 among alternative hypotheses, and assumptions, or
2 experimental models.

3 (5) The term “central estimates” means esti-
4 mates of central tendencies or expected risk based,
5 to the extent feasible, on the most plausible and un-
6 biased assumptions, given the scientific information
7 available.

8 (6) The term “substitution risk” means a po-
9 tential increase in certain types of risk from a strat-
10 egy designed to decrease other risks.

11 **TITLE VII—BUY AMERICA**

12 **SEC. 701. PURCHASE OF AMERICAN-MADE EQUIPMENT** 13 **AND PRODUCTS.**

14 (a) SENSE OF CONGRESS.—It is the sense of the Con-
15 gress that, to the greatest extent practicable, all equip-
16 ment and products purchased with funds made available
17 in this Act should be American-made.

18 (b) NOTICE REQUIREMENT.—In providing financial
19 assistance to, or entering into any contract with, any en-
20 tity using funds made available in this Act, the head of
21 each Federal agency, to the greatest extent practicable,
22 shall provide to such entity a notice describing the state-
23 ment made in subsection (a) by the Congress.

Passed the House of Representatives July 26, 1994.

Attest: DONNALD K. ANDERSON,
Clerk.

HR 3870 PCS—2

HR 3870 PCS—3

HR 3870 PCS—4

HR 3870 PCS—5

HR 3870 PCS—6