

Calendar No. 227

103D CONGRESS
1ST SESSION

S. 978

[Report No. 103-156]

A BILL

To establish programs to promote environmental technology, and for other purposes.

OCTOBER 5 (legislative day, SEPTEMBER 27), 1993

Reported with an amendment

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To establish programs to promote environmental technology, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 18 (legislative day, APRIL 19), 1993

Mr. BAUCUS (for himself, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. KERRY, Mr. WOFFORD, Mr. LAUTENBERG, Mr. MOYNIHAN, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

OCTOBER 5 (legislative day, SEPTEMBER 27), 1993

Reported by Mr. BAUCUS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish programs to promote environmental technology,
and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**
- 4 (a) **SHORT TITLE.**—This Act may be cited as the
- 5 “**National Environmental Technology Act of 1993**”.

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

See. 1. Short title; table of contents.

See. 2. Findings.

See. 3. Definitions.

TITLE I—NATIONAL ENVIRONMENTAL TECHNOLOGY PANEL

See. 101. Establishment.

See. 102. Membership.

See. 103. National environmental technology strategy.

See. 104. Coordination of budget requests for environmental technology.

See. 105. Report to Congress.

See. 106. Termination.

TITLE II—NATIONAL ENVIRONMENTAL TECHNOLOGIES INSTITUTE; CLEARINGHOUSE

See. 201. Purposes.

Subtitle A—National Environmental Technologies Institute

See. 211. Establishment.

See. 212. Reports.

See. 213. Environmental technology trade promotion.

Subtitle B—Environmental Technology Clearinghouse

See. 221. Database.

TITLE III—ENVIRONMENTAL INNOVATION RESEARCH PROGRAM; TECHNOLOGY TESTING

See. 301. Findings; purpose.

Subtitle A—Environmental Innovation Research Program

See. 311. Environmental innovation research program.

See. 312. Guidelines and regulations of the environmental innovation research program.

Subtitle B—Innovative Technology Testing

See. 321. Program.

TITLE IV—ADDITIONAL PROGRAMS

Subtitle A—Verification of Environmental Technologies

See. 401. Program.

Subtitle B—Environmental Technology Advisory Council

See. 411. Establishment.

See. 412. Report by the Comptroller General.

Subtitle C—Coordination With National Institute of Standards and
Technology

See. 421. Coordination with National Institute of Standards and Technology.
See. 422. Coordination with other federally supported extension programs.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) environmental problems facing the world
4 pose a threat to the environmental and economic se-
5 curity of the United States and other nations;

6 (2) promoting a sound economy while maintain-
7 ing a healthy environment is among the urgent pub-
8 lic policy challenges of the United States, on both
9 domestic and international levels;

10 (3) the development and deployment of environ-
11 mental technologies will both enhance global environ-
12 mental security and the economic standing of the
13 United States in the world marketplace;

14 (4) the growing demand for environmentally
15 sound products and processes, and for cost effective
16 environmental cleanup and pollution control tech-
17 nologies, presents strategic business opportunities;

18 (5) advances in environmental cleanup, pollu-
19 tion control, and pollution prevention technologies
20 could significantly reduce Government and private
21 cleanup expenditures and improve cleanup results;

1 (6) innovative environmental technologies face
2 barriers to commercialization and diffusion, and are
3 often slow to be adopted;

4 (7) while the Federal Government, research in-
5 stitutes, universities, and industries are conducting
6 substantial relevant basic environmental research
7 and development—

8 (A) environmental concerns must become a
9 more pervasive and central dimension of tech-
10 nology research and development; and

11 (B) Federal environmental technology re-
12 search and development programs should be
13 better coordinated and better aligned with long-
14 term, strategic environmental needs and busi-
15 ness opportunities; and

16 (8) a coordinated, up-to-date, interagency strat-
17 egy for environmental technology will greatly help
18 the United States develop critical environmental
19 technology that can respond to environmental pro-
20 grams and create jobs and new sources of income.

21 **SEC. 3. DEFINITIONS.**

22 As used in this Act:

23 (1) ADMINISTRATOR.—The term “Adminis-
24 trator” means the Administrator of the Environ-
25 mental Protection Agency.

1 (2) COVERED FEDERAL AGENCY.—The term
2 “covered Federal agency” means a Federal agency
3 for which, for a fiscal year, an amount greater than
4 \$50,000,000 is made available for environmental
5 cleanup.

6 (3) CRITICAL ENVIRONMENTAL TECH-
7 NOLOGY.—The term “critical environmental tech-
8 nology” means environmental technology that—

9 (A) embodies a significant technical ad-
10 vance;

11 (B) has the potential to bring about large,
12 cost effective reductions in risk to human health
13 or the environment;

14 (C) is generically applicable at the
15 precommercial stage; and

16 (D) if adopted, would result in a favorable
17 ratio of social to private returns.

18 (4) DIRECTOR.—The term “Director” means
19 the head of the National Environmental Technology
20 Institute established under section 211.

21 (5) ENVIRONMENTAL INNOVATION RE-
22 SEARCH.—The term “environmental innovation re-
23 search” means research related to the development,
24 application, or commercialization of environmental
25 technology.

1 (6) ENVIRONMENTAL TECHNOLOGY.—The term
2 “environmental technology” means a technology,
3 product, or process that reduces environmental risks
4 by—

5 (A) fulfilling a function other than protec-
6 tion of the environment with less impact during
7 its manufacture, use, or disposal on the envi-
8 ronment than other technologies, products, and
9 processes; and

10 (B) protecting or enhancing the environ-
11 ment through pollution control, prevention, or
12 environmental remediation.

13 (7) FUND.—The term “Fund” means the Envi-
14 ronmental Advanced Research Projects Revolving
15 Fund established under section 211(f).

16 (8) FUNDING AGREEMENT.—The term “fund-
17 ing agreement” means a contract, cooperative agree-
18 ment, grant agreement, patent agreement, royalty
19 agreement, license agreement, equity agreement, or
20 other appropriate legal agreement between the head
21 of a covered Federal agency and a private business
22 concern to provide funding and support to carry out
23 environmental innovation research.

1 (9) INSTITUTE.—The term “Institute” means
2 the National Environmental Technologies Institute
3 established under section 211.

4 (10) SMALL BUSINESS CONCERN.—The term
5 “small business concern” means a business concern
6 that is recognized as a small business concern under
7 section 3(a) of the Small Business Act (15 U.S.C.
8 632(a)).

9 **TITLE I—NATIONAL ENVIRONMENTAL TECHNOLOGY**
10 **PANEL**

12 **SEC. 101. ESTABLISHMENT.**

13 There is established within the Office of Science and
14 Technology Policy a National Environmental Technology
15 Panel (referred to in this section as the “Panel”), to oper-
16 ate as a Presidential initiative panel of the Federal Coordi-
17 nating Council for Science, Engineering, and Technology.
18 The Panel shall be responsible for coordinating environ-
19 mental technology programs within the Federal Govern-
20 ment and the development of a National environmental
21 technology strategy.

22 **SEC. 102. MEMBERSHIP.**

23 The Panel shall consist of—
24 (1) the Administrator;

- 1 (2) the Director of the National Science Foun-
2 dation;
3 (3) the Administrator of the National Oceanic
4 and Atmospheric Agency of the Department of Com-
5 mmerce;
6 (4) the Secretary of Energy;
7 (5) the Secretary of the Interior;
8 (6) the Administrator of the National Aero-
9 nautics and Space Administration;
10 (7) the Secretary of Agriculture;
11 (8) the Secretary of Defense;
12 (9) the Secretary of Health and Human Serv-
13 ices;
14 (10) the Secretary of Commerce;
15 (11) the Secretary of Transportation;
16 (12) the United States Trade Representative;
17 (13) the Director of the National Environ-
18 mental Technologies Institute; and
19 (14) the Director of the Office of Science and
20 Technology Policy, who shall serve as the Chair-
21 person of the Panel (referred to in this title as the
22 “Chairperson”).

1 SEC. 103. NATIONAL ENVIRONMENTAL TECHNOLOGY

2 **STRATEGY.**

3 (a) DEVELOPMENT OF NATIONAL ENVIRONMENTAL
4 TECHNOLOGY STRATEGY.—Not later than 1 year after
5 the date of enactment of this Act, the Panel shall develop
6 a National Environmental Technology Strategy.

7 (b) STRATEGY REQUIREMENTS.—The Strategy
8 shall—

9 (1) identify critical environmental technologies
10 for focused governmental support;

11 (2) prioritize the technologies identified in para-
12 graph (1) based on trends in global and domestic en-
13 vironmental problems and the potential for economic
14 benefits;

15 (3) recommend effective public and private
16 partnership arrangements for the development and
17 diffusion of environmental technologies;

18 (4) recommend approaches to encourage the
19 commercialization and diffusion of environmental
20 technologies, with special attention to small- and me-
21 dium-sized business concerns;

22 (5) identify economic, regulatory, and other
23 barriers and incentives to the development, deploy-
24 ment, and trade in environmental technologies;

1 (6) recommend administrative actions to re-
2 move barriers to and create incentives for the devel-
3 opment and diffusion of environmental technology;

4 (7) recommend administrative actions to pro-
5 mote and assist trade in United States environ-
6 mental technology; and

7 (8) recommend, as appropriate, changes in Fed-
8 eral procurement guidelines to promote the purchase
9 of environmental technology.

10 (c) REVISION OF STRATEGY.—The Panel shall review
11 and revise the Strategy not less frequently than once every
12 3 years.

13 (d) COORDINATION WITH OTHER GROUPS.—

14 (1) IN GENERAL.—The Panel shall consult with
15 organizations involved in formulating Federal tech-
16 nology policy, organizations involved in technology
17 development and commercialization, and organiza-
18 tions involved in making recommendations for
19 redirecting research on military applications to civil-
20 ian uses, including—

21 (A) the National Critical Technologies
22 Panel established under section 601 of the Na-
23 tional Science and Technology Policy, Organiza-
24 tion, and Priorities Act of 1976 (42 U.S.C.
25 6681);

(B) the Advanced Manufacturing Council of the Federal Council established under section 401 of such Act (42 U.S.C. 6651);

(C) the Defense Technology Conversion Council of the Advanced Research Projects Agency of the Department of Defense;

(D) the Advanced Research Projects Agency of the Department of Defense;

(E) the Advanced Technology Program established under section 28 of the National Institutes of Standards and Technology Act (15 U.S.C. 278n);

(F) the Strategic Environmental Research and Development Program Council established under section 2902 of title 10, United States Code;

(G) the Environmental Technology Advisory Council established under section 411; and

(H) the environmental innovation and research program established under section 311.

(2) RECOMMENDATIONS.—The Panel shall make recommendations to the organizations covered in paragraph (1) to avoid duplication of efforts and promote coordination of environmental technology efforts.

1 (3) TECHNICAL SUPPORT.—The Chairperson
2 shall provide technical assistance regarding policy
3 formulation to the Panel and may request technical
4 and policy assistance from members of the Panel
5 and other organizations, including the Academies of
6 Science and Engineering.

7 **SEC. 104. COORDINATION OF BUDGET REQUESTS FOR EN-**
8 **VIROUNMENTAL TECHNOLOGY.**

9 (a) STATUS OF FEDERAL ACTIVITY.—Not later than
10 180 days after the date of enactment of this Act, and an-
11 nually thereafter, the Chairperson, in consultation with
12 the Director of the Office of Management and Budget,
13 shall—

14 (1) submit to Congress a listing of all federally
15 funded activities that promote, develop, or support
16 environmental technology; and

17 (2) review the budget summary to determine
18 whether the summary is consistent with the strategy
19 developed under section 103.

20 (b) REPORT.—The Chairperson shall report any com-
21 ments or views of the Panel regarding the budget sum-
22 mary to the Director of the Office of Management and
23 Budget.

1 (e) CONSIDERATION BY DIRECTOR OF OFFICE OF
2 MANAGEMENT AND BUDGET.—The Director of the Office
3 of Management and Budget shall—

4 (1) consider all Federal agency requests for re-
5 search related to environmental technology as one
6 integrated, coherent, and multiagency request; and

7 (2) review the budget summary developed in
8 subsection (a) and the comments submitted in sub-
9 section (b) prior to submission of the annual budget
10 request of the President.

11 **SEC. 105. REPORT TO CONGRESS.**

12 Not later than 1 year after the date of enactment
13 of this Act, and annually thereafter, the Chairperson shall
14 submit a report to Congress that includes—

15 (1) a summary of all Panel activities;

16 (2) the most recently prepared version of the
17 strategy developed under section 103;

18 (3) any major findings of the Panel;

19 (4) the interagency budget summary developed
20 under section 104 with any comments submitted by
21 the Chairperson;

22 (5) descriptions of significant research initia-
23 tives in environmental technology;

1 (6) a listing of all public and private partner-
2 ships in critical environmental technology, including
3 projects funded by—

4 (A) the Advanced Research Projects Agen-
5 cy of the Department of Defense, excluding any
6 classified information;

7 (B) the Advanced Technology Program es-
8 tablished under section 28 of the National In-
9 stitutes of Standards and Technology Act (15
10 U.S.C. 278n);

11 (C) the National Environmental Tech-
12 nologies Institute established under section 211;
13 and

14 (D) the environmental innovations research
15 program under section 311; and

16 (7) a listing of all federally funded activities
17 that promote, develop, or support critical environ-
18 mental technology identified under section
19 103(b)(1).

20 **SEC. 106. TERMINATION.**

21 The authority provided by this title shall terminate
22 on the date that is 7 years after the date of enactment
23 of this Act.

1 **TITLE II—NATIONAL ENVIRON-**
2 **MENTAL TECHNOLOGIES IN-**
3 **STITUTE; CLEARINGHOUSE**

4 **SEC. 201. PURPOSES.**

5 It is the purpose of this title to improve the environ-
6 ment and strengthen the economic competitiveness of the
7 United States through—

8 (1) assisting private industry, universities, non-
9 profit research centers, and Government laboratories
10 in developing and commercializing environmental
11 technologies; and

12 (2) facilitating the diffusion, adoption, and ex-
13 port of environmental technologies by improving the
14 information available on new environmental tech-
15 nologies.

16 **Subtitle A—National Environmental Technologies Institute**

17 **SEC. 211. ESTABLISHMENT.**

18 (a) IN GENERAL.—

19 (1) ESTABLISHMENT OF INSTITUTE.—There is
20 established within the Environmental Protection
21 Agency the National Environmental Technologies
22 Institute (referred to in this section as the “Insti-
23 tute”).

1 (2) DIRECTOR.—The Institute shall be headed
2 by a Director who shall be appointed by the Presi-
3 dent, with the advice and consent of the Senate.

4 (3) CONFORMING AMENDMENT.—Section 5316
5 of title 5, United States Code, is amended by adding
6 at the end the following:

7 “Director of the National Environmental Tech-
8 nologies Institute, Environmental Protection Agen-
9 cy.”.

10 (b) FUNCTIONS.—The Director shall—

11 (1) in cooperation with the heads of other agen-
12 cies, support and assist the development of products
13 oriented research, development, and demonstration
14 of environmental technology at the precommercial
15 stage by industrial, academic, governmental, and
16 nongovernmental entities;

17 (2) monitor on a continuing basis the research
18 and development being conducted on environmental
19 technologies by private industry in the United States
20 and provide technical assistance to private industry
21 conducting environmental research;

22 (3) in cooperation with the heads of other agen-
23 cies, develop and transfer environmental technologies
24 and mechanisms to address international environ-
25 mental problems;

1 (4) develop and maintain a clearinghouse, as es-
2 tablished under subtitle B, to provide information to
3 private and public concerns that develop, apply, or
4 export environmental technology;

5 (5) advise other officials, as appropriate, within
6 the Environmental Protection Agency, and within
7 other Federal departments and agencies, on pro-
8 grams and strategies for promoting the development
9 and diffusion of environmental technology, including
10 program managers for the environmental innovation
11 research program established under subtitle A of
12 title III, as appropriate;

13 (6) to the extent allowable by law, in coopera-
14 tion with the Administrator or the head of any other
15 Federal agency that the Director determines to be
16 appropriate, ensure the availability of an initial mar-
17 ket for critical environmental technologies;

18 (7) make recommendations for changes in Fed-
19 eral procurement guidelines to ensure the availability
20 of an initial market for environmental technology;
21 and

22 (8) consult with the Panel established under
23 title I and the programs established under title III.

24 (e) COOPERATIVE AGREEMENTS AND OTHER AR-
25 RANGEMENTS.—

1 (1) IN GENERAL.—In carrying out the func-
2 tions of the Institute under this subtitle, the Direc-
3 tor may enter into cooperative agreements or other
4 arrangements with—

5 (A) any department, agency, or independ-
6 ent establishment of the United States;

7 (B) any unit of State or local government;

8 (C) any educational institution;

9 (D) any company that is a United States-
10 owned company; or

11 (E) any company that the Secretary finds
12 is incorporated in the United States and has a
13 parent company that is incorporated in a coun-
14 try that—

15 (i) affords to United States-owned
16 companies opportunities, comparable to
17 those afforded to any other company, to
18 participate in any cooperative agreement
19 similar to those authorized under this sub-
20 section;

21 (ii) affords to United States-owned
22 companies local investment opportunities
23 comparable to those afforded to any other
24 company; and

(iii) affords adequate and effective protection for the intellectual property rights of United States-owned companies.

4 (2) AUTHORITY TO REQUIRE PAYMENT.—

1 (i) does not provide for research that
2 duplicates research being conducted under
3 other programs carried out by the private
4 sector or by a department, agency, or inde-
5 pendent establishment of the United
6 States; and

7 (ii) requires the other party to the
8 agreement or arrangement to share the
9 cost of the project or activity concerned.

10 (d) FEDERAL SHARE.—

11 (1) IN GENERAL.—Subject to paragraph (2),
12 the Federal share of the cost of a research and de-
13 velopment project under this section may not exceed
14 50 percent.

15 (2) SMALL BUSINESS EXCEPTION.—The Fed-
16 eral share of the cost of a research and development
17 project conducted pursuant to a cooperative agree-
18 ment or other arrangement entered into with a small
19 business concern under subsection (c) may not ex-
20 ceed 75 percent.

21 (e) PROGRAM REQUIREMENTS.—

22 (1) SELECTION CRITERIA.—

23 (A) IN GENERAL.—Not later than 180
24 days after the date of enactment of this section,
25 the Director shall publish in the Federal Reg-

1 ister proposed criteria, and not later than 1
2 year after the date of enactment of this section,
3 following a public comment period, final cri-
4 teria, for the selection of recipients of contracts,
5 leases, grants, and cooperative agreements
6 under this section.

7 (B) CRITERIA.—Selection criteria under
8 subparagraph (A) shall—

9 (i) include requirements outlining
10 business plans;

11 (ii) address the advancement of Unit-
12 ed States environmental technology and
13 the promotion of the competitiveness of
14 businesses of the United States; and

15 (iii) give special consideration to the
16 needs of small business concerns.

17 (2) ADMINISTRATION OF PROGRAM FUNDS.—In
18 cooperation with the heads of other agencies, the Di-
19 rector shall—

20 (A) determine categories of projects to be
21 funded by the National Environmental Tech-
22 nologies Institute;

23 (B) issue solicitations for projects to be
24 funded by the Institute;

1 (C) receive and evaluate proposals result-
2 ing from solicitations;

3 (D) select participants for funding agree-
4 ments of the Institute;

5 (E) administer the funding agreements of
6 the Institute; and

7 (F) make payments to recipients of fund-
8 ing agreements on the basis of progress toward,
9 or completion of, the funding agreement re-
10 quirements.

11 (3) CONSULTATION.—The Director shall, as ap-
12 propriate, consult with the Panel established in title
13 I and with the Environmental Technology Advisory
14 Council established in subtitle B of title IV.

15 (4) FINANCIAL REPORTING AND AUDITING.—
16 The Director, in consultation with the chief financial
17 officer of the Environmental Protection Agency,
18 shall establish financial reporting and auditing pro-
19 cedures to ensure that contracts and awards—

20 (A) are used for the purposes specified in
21 this section;

22 (B) are made in accordance with sound ac-
23 counting practices; and

24 (C) are not used for research programs ex-
25 isting or planned on the date of enactment of

1 this section that would be substantially con-
2 ducted in the same time period in the absence
3 of financial assistance under this subtitle.

4 **(5) DISSEMINATION OF RESEARCH RESULTS.—**

5 The Director shall provide for the dissemination of
6 research results of the programs of the Institute es-
7 tablished under this subtitle through the database
8 established under section 221.

9 **(6) CONTRACTS OR AWARDS; CRITERIA; RE-**
10 **STRICTIONS.—**

11 **(A) IN GENERAL.**—No contract or award
12 may be made under this section until the re-
13 search project in question has been subject to
14 a merit review by the Environmental Tech-
15 nology Advisory Council established under sec-
16 tion 411, and has, in the opinion of the review-
17 ers, been shown to have scientific and technical
18 merit.

19 **(B) DIRECT COSTS ONLY.**—Federal funds
20 made available under this subtitle shall be used
21 only for direct costs and not for indirect costs,
22 profits, or management fees of any contractor.

23 **(C) CONSIDERATION.**—In determining
24 whether to make an award to a joint venture,
25 the Director shall consider whether the mem-

1 bers of the joint venture have provided for the
2 appropriate participation of small businesses of
3 the United States in the joint venture.

4 (D) ADMINISTRATIVE PROCEDURE.—Sec-
5 tion 552 of title 5, United States Code, shall
6 not apply to the following information obtained
7 by the Federal Government on a confidential
8 basis in connection with the activities of any
9 business or joint venture that receives funding
10 under this section:

11 (i) Information on the business oper-
12 ation of a member of the business or joint
13 venture.

14 (ii) Trade secrets possessed by any
15 business or by a member of the joint ven-
16 ture.

17 (E) INTELLECTUAL PROPERTY.—Intellec-
18 tual property owned and developed by a busi-
19 ness or joint venture that receives funding
20 under this subtitle or by any member of such
21 a joint venture may not be disclosed by any of-
22 ficer or employee of the United States except in
23 accordance with a written agreement between
24 the owner or developer and the Director.

1 (F) LICENSING FEES AND ROYALTIES.—

2 The United States shall be entitled to a share
3 of the licensing fees and royalty payments made
4 to and retained by a business or joint venture
5 to which the United States contributes under
6 this section in an amount that is proportionate
7 to the Federal share of the costs incurred by
8 the business or joint venture, as determined by
9 an independent audit.

10 (G) DISCONTINUANCE.—A contract or
11 award under this subtitle shall contain appro-
12 priate provisions for the discontinuance of the
13 project and the return of the unspent Federal
14 funds to the Institute (after payment of all al-
15 lowable costs and an audit) if it appears that,
16 due to technical difficulties, financial difficulty
17 on the part of the recipient, or for any other
18 reason, the recipient is not making satisfactory
19 progress toward successful completion of the
20 project.

21 (H) DISSOLUTION; RESIDUAL ASSETS.—

22 Upon dissolution of a joint venture that receives
23 funding under this section or at a time other-
24 wise agreed upon, the United States shall be
25 entitled to a share of the residual assets of a

1 joint venture that is proportionate to the Fed-
2 eral share of the costs of the joint venture, as
3 determined by an independent audit.

4 (f) REVOLVING FUND.—

5 (1) ESTABLISHMENT.—There is established in
6 the Treasury of the United States a revolving fund
7 to be known as the “Environmental Advanced Re-
8 search Projects Revolving Fund” (referred to in this
9 section as the “Fund”), that shall consist of such
10 amounts as are appropriated or credited to the Fund
11 from time to time.

12 (2) EXPENDITURES FROM THE FUND.—

13 Amounts in the Fund shall be available, as provided
14 in appropriations Acts, to carry out this section.

15 (3) LOANS, GRANTS, LOAN GUARANTEES, AND
16 OTHER FINANCIAL ASSISTANCE.—

17 (A) IN GENERAL.—The Director may use
18 the Fund for the purpose of making loans,
19 grants, loan guarantees (of both principal and
20 interest), and other financial assistance to in-
21 dustrial and nonprofit research centers, univer-
22 sities, and other entities that serve the long-
23 term environmental security needs of the Unit-
24 ed States, to carry out this subtitle.

(B) REPAYMENT SCHEDULE.—A loan made under this section shall—

20 (4) MANAGEMENT OF FUND.—

1 the preceding fiscal year and on the expected
2 condition and operations of the Fund during
3 the next 5 fiscal years.

4 (B) INVESTMENT.—

5 (i) AUTHORITY TO INVEST.—Subject
6 to clause (ii), the Secretary of the Treas-
7 ury shall invest the portion of the Fund
8 that is not, in the judgment of the Sec-
9 retary, required to meet current withdraw-
10 als.

11 (ii) LIMITATION.—Investments of
12 moneys in the Fund may be made only in
13 interest bearing obligations of the United
14 States.

15 (g) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) AMOUNTS.—There are authorized to be ap-
17 propriated to the Institute to carry out this sec-
18 tion—

19 (A) \$36,000,000 for fiscal year 1994;
20 (B) \$80,000,000 for fiscal year 1995; and
21 (C) \$120,000,000 for fiscal year 1996.

22 (2) LIMITATION ON USE.—Of amounts appro-
23 priated to the Institute, not more than 5 percent
24 may be used to pay for administrative expenses of
25 the Institute.

1 (3) FEDERAL COOPERATIVE AGREEMENTS.—

2 The Director shall allocate a significant percentage
3 of the amounts made available to the Institute for
4 the purpose of entering into cooperative agreements
5 with departments, agencies, or independent estab-
6 lishments of the United States pursuant to sub-
7 section (e)(1).

8 **SEC. 212. REPORTS.**

9 (a) IN GENERAL.—The Director shall, not less fre-
10 quently than annually, and at such other times as the Di-
11 rector considers to be appropriate, submit a report to the
12 Committees on Environment and Public Works and Ap-
13 propriations of the Senate, and the Committees on
14 Science, Space, and Technology and Appropriations of the
15 House of Representatives describing—

16 (1) the activities of the Institute, including de-
17 scriptions and funding levels of all projects devel-
18 oped with assistance from the Institute;

19 (2) each phase of the implementation and oper-
20 ation of the environmental innovation research pro-
21 grams administered by the Director and the heads
22 of covered Federal agencies under subtitle A of title
23 III;

24 (3) the plans of the Institute for future activi-
25 ties;

1 (4) the manner and extent to which tech-
2 nologies developed with assistance from the Institute
3 have been commercialized and used; and

4 (5) the extent to which the technologies have
5 been transferred to foreign nations.

6 (b) RECOMMENDATIONS.—Each report submitted
7 under this section shall include such recommendations for
8 program improvements as the Director considers to be ap-
9 propriate.

10 **SEC. 213. ENVIRONMENTAL TECHNOLOGY TRADE PRO-**
11 **MOTION.**

12 The Director shall—

13 (1) collect and disseminate through the clear-
14 inghouse established under subtitle B, information
15 useful for promoting the export of environmental
16 technology, including information concerning—

17 (A) sources of financial assistance;

18 (B) sources of technical assistance; and

19 (C) the environmental needs of foreign na-
20 tions;

21 (2) as appropriate, consult with the heads of
22 other Federal agencies to facilitate the export of en-
23 vironmental technologies; and

24 (3) consult with—

(B) the National Environmental Technology Trade Initiative within the Department of Commerce;

7 regarding the appropriate administrative actions for
8 the promotion of trade in environmental technology.

9 Subtitle B—Environmental

10 Technology Clearinghouse

11 SEC. 221. DATABASE.

12 (a) ESTABLISHMENT.—Not later than 2 years after
13 the date of enactment of this section, the Administrator
14 shall establish an operational electronic database to serve
15 as a clearinghouse for the collection and dissemination of
16 nonproprietary information on environmental technology.

17 (b) CONTENTS.—The database shall include—

(1) descriptions of environmental technologies verified under the program established under section 401;

(2) descriptions of environmental technologies tested under the program established under section 321:

1 (3) descriptions of environmental technologies
2 developed under programs of the Institute under sec-
3 tion 311;

4 (4) descriptions of environmental technologies
5 developed under the environmental innovation re-
6 search programs established under title III;

7 (5) analytical test results, costs, vendor infor-
8 mation, performance specifications, and other appro-
9 priate information for all environmental technologies
10 described in the database;

11 (6) information useful for promoting the export
12 of environmental technology, including information
13 concerning—

14 (A) sources of financial assistance;

15 (B) sources of technical assistance; and

16 (C) the environmental needs of foreign na-
17 tions; and

18 (7) other relevant information on environmental
19 technology.

20 (e) ACCESS TO CLEARINGHOUSE.—The clearinghouse
21 shall be made available through an electronic data system
22 (such as a computer bulletin board) and in paper report
23 format, and shall be accessible to all persons and groups
24 interested in environmental technology, including—

1 (1) industries that may use the evaluated envi-
2 ronmental technologies either for compliance with
3 any applicable regulations or voluntarily;

4 (2) Federal, State, and local programs likely to
5 review permit applications proposing use of environ-
6 mental technologies; and

7 (3) Federal, State, and local programs respon-
8 sible for developing regulations establishing a level of
9 performance or specific equipment for the preven-
10 tion, mitigation, or abatement of environmental pol-
11 lution.

12 (d) ADMINISTRATION.—

13 (1) UPDATING.—The data stored in the clear-
14 inghouse shall be updated continuously as new infor-
15 mation is made available, but not less often than
16 every 12 months.

17 (2) EXISTING RESOURCES.—The clearinghouse
18 shall build on existing data sources and, to the ex-
19 tent feasible, shall be integrated with other tech-
20 nology databases maintained by the Environmental
21 Protection Agency on the date of enactment of this
22 section.

23 (3) OUTREACH.—The Administrator shall con-
24 duct appropriate outreach efforts to advertise, de-

1 liver, and disseminate the information stored in the
2 clearinghouse.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated such sums as are nec-
5 essary to carry out this section.

6 **TITLE III—ENVIRONMENTAL IN-**
7 **NOVATION RESEARCH PRO-**
8 **GRAM; TECHNOLOGY TEST-**
9 **ING**

10 **SEC. 301. FINDINGS; PURPOSE.**

11 (a) FINDINGS.—Congress finds that:

12 (1) estimates of the cost to clean up the con-
13 taminated sites in the United States range as high
14 as \$1,000,000,000 over the next 30 years;

15 (2) the Office of Technology Assessment has
16 found that, at some Federal sites, it may be impos-
17 sible with current technology to remove contami-
18 nants from groundwater plumes and deeply buried
19 soils;

20 (3) new technologies are needed to address
21 these serious contamination problems in a more
22 timely and cost-effective manner, with an enormous
23 potential savings for the Government and private in-
24 dustry;

1 (4) the use of innovative technologies at certain
2 contaminated sites has reduced site cleanup costs by
3 more than half; and

4 (5) demonstration and testing of environmental
5 technologies for performance and cost characteristics
6 is often a barrier to successful commercialization of
7 environmental technology.

8 (b) PURPOSE.—It is the purpose of this title to re-
9 duce Federal and private cleanup costs by promoting the
10 development and commercialization of environmental tech-
11 nologies.

12 **Subtitle A—Environmental 13 Innovation Research Program**

14 **SEC. 311. ENVIRONMENTAL INNOVATION RESEARCH PRO- 15 GRAM.**

16 (a) ESTABLISHMENT.—The head of each covered
17 Federal agency shall establish an environmental innova-
18 tion research program for the development and commer-
19 cialization of environmental technology to further the
20 progress of cleanup, pollution prevention, or abatement ac-
21 tivities of the agency.

22 (b) FUNDING.—

23 (i) IN GENERAL.—The head of each covered
24 Federal agency shall annually—

1 (A) notwithstanding any other provision of
2 law—

3 (i) set aside not less than 1.25 per-
4 cent of the amount of funds made available
5 to the agency for environmental cleanup;
6 and

7 (ii) reserve the amount set aside
8 under clause (i) for awards to private con-
9 cerns or other entities for the development
10 and commercialization of environmental
11 technology through a uniform process as
12 described in subsection (e); and

13 (B) consult with the Environmental Tech-
14 nology Advisory Council established under sec-
15 tion 411 and the Panel established under title
16 I concerning the expenditure of the funds set
17 aside pursuant to subparagraph (A).

18 (2) CONSTRUCTION.—Nothing in this Act shall
19 be construed to limit the amount of funds that a
20 covered Federal agency may spend on the research,
21 development, or commercialization of environmental
22 technology or any other environmental activity.

23 (e) DUTIES OF HEADS OF COVERED FEDERAL
24 AGENCIES.—In carrying out an environmental innovation
25 research program established under this section, the head

1 of each covered Federal agency shall, in accordance with
2 the requirements of this section—

3 (1) certify annually the amount of agency funds
4 set aside in accordance with subsection (b)(1)(A);

5 (2) determine categories of projects to be in-
6 cluded in the environmental innovation research pro-
7 gram of the agency;

8 (3) issue environmental innovation research so-
9 licitations;

10 (4) receive and evaluate proposals resulting
11 from the solicitations;

12 (5) select participants for the environmental in-
13 novation research funding agreements of the covered
14 Federal agency;

15 (6) in administering paragraphs (3), (4), and
16 (5), consider the needs of small business concerns;

17 (7) administer the environmental innovation re-
18 search funding agreements of the covered agency (or
19 delegate the administration to another agency);

20 (8) make payments to recipients of environ-
21 mental innovation research funding agreements on
22 the basis of progress toward, or completion of, the
23 funding agreement requirements; and

24 (9) submit an annual report on the environ-
25 mental innovation research program to the National

1 Environmental Technologies Institute established in
2 section 211 and the Office of Science and Tech-
3 nology Policy, which shall include—

4 (A) an accounting of the number and
5 amount of awards made under the environ-
6 mental innovation research program, classified
7 by categories of projects; and

8 (B) the amount of funds awarded to
9 projects for environmental cleanup, expressed
10 as a percentage of the total funds awarded.

11 (d) COOPERATIVE AGREEMENTS.—The head of each
12 covered Federal agency may enter into a cooperative
13 agreement with the head of another Federal agency for
14 the provision of technical assistance and other appropriate
15 assistance to business concerns or other entities conduct-
16 ing an approved project.

17 (e) PHASES OF ENVIRONMENTAL INNOVATION RE-
18 SEARCH PROGRAM.—The head of each covered Federal
19 agency shall carry out an environmental innovation re-
20 search program consisting of the following 3 phases:

21 (1)(A) A first phase for determining, insofar as
22 possible, the scientific and technical merit and fea-
23 sibility of ideas that appear to have commercial po-
24 tential, submitted pursuant to environmental innova-
25 tion research program solicitations.

1 (B) With respect to the first phase, the head of
2 the covered Federal agency may enter into funding
3 agreements with governmental, industrial, academic,
4 and other nongovernmental entities, each of which
5 shall be in an amount not to exceed \$250,000.

6 (2)(A) A second phase to further develop pro-
7 posals that meet particular program needs, and with
8 respect to which awards shall be made on the basis
9 of the scientific and technical merit and feasibility of
10 each proposal, as evidenced by the first phase (as
11 described in paragraph (1)), taking into consider-
12 ation, among other considerations, the commercial
13 potential of each proposal, as evidenced by—

14 (i) the record of the private concern or
15 other entity of successfully commercializing en-
16 vironmental innovation research or other re-
17 search;

18 (ii) the existence of funding commitments
19 for the second phase carried out under this
20 paragraph from the private sector or sources
21 other than the environmental innovation re-
22 search programs to fund the development
23 phase;

24 (iii) the existence of follow-on commit-
25 ments for the third phase carried out under

1 paragraph (3) for research conducted pursuant
2 to this clause; and

3 (iv) the presence of other indicators of the
4 commercial potential of the proposal.

5 (B) With respect to the second phase, the head
6 of the covered Federal agency may enter into fund-
7 ing agreements with private concerns or other enti-
8 ties, each of which shall be in an amount not to ex-
9 ceed \$750,000, unless the head of the covered Fed-
10 eral agency finds that additional funding is nec-
11 essary and appropriate.

12 (3)(A) If appropriate, a third phase, in which—

13 (i) environmental innovation research fund-
14 ing is used to continue development activity
15 that has demonstrated outstanding commercial
16 potential in the second phase of the environ-
17 mental research program and merits further en-
18 vironmental innovation research funding;

19 (ii) awards from funding sources other
20 than the environmental innovation research pro-
21 grams are used for the continuation of research
22 or research and development that has been
23 competitively selected using peer review or sci-
24 entific review criteria; or

(iii) commercial applications of research or
research and development funded by environmental innovation research programs are funded by non-Federal sources of capital or, for products or services intended for use by the Federal Government, by Federal funding sources other than environmental innovation research programs.

9 (B) With respect to a research and development
10 project funded under subparagraph (A)(i), the Fed-
11 eral share shall not exceed 50 percent of the total
12 cost of the project.

13 (C) With respect to the assistance provided
14 under this paragraph, the covered Federal agency
15 may also assist the private concern or other entity
16 in pursuing funding or procurement from other Fed-
17 eral cleanup programs and in pursuing financial and
18 technical assistance for the export of technology de-
19 veloped under the environmental innovation research
20 program.

21 (4) Funding agreements authorized under para-
22 graphs (2) and (3)(A)(i) may make available, if ap-
23 propriate, funds to test environmental technology in
24 the program established under section 321.

**1 SEC. 312. GUIDELINES AND REGULATIONS OF THE ENVI-
2 RONMENTAL RESEARCH PROGRAM.**

3 (a) GUIDELINES.—Not later than 180 days after the
4 date of enactment of this Act, the Director shall promul-
5 gate guidelines for environmental innovation research con-
6 ducted by covered Federal agencies pursuant to this sub-
7 title.

8 (b) CONTENTS.—The guidelines promulgated by the
9 Director under subsection (a) shall, at a minimum, provide
10 for—

11 (1) simplified, standardized, and timely solicita-
12 tions of project proposals;

(2) a simplified, standardized funding process
that provides for—

(B) the protection of proprietary information provided in project proposals;

19 (C) the selection of environmental tech-
20 nology projects;

(D) the retention of rights in data generated in the performance of a contract or other agreement by the private concern under the environmental technology research project;

(E) to the extent allowable by law, the transfer of title to property provided by a Fed-

1 eral agency to the private concern conducting
2 an environmental research project, if the trans-
3 fer would be more cost-effective than recovery
4 of the property by the Federal agency;

5 (F) cost sharing; and

6 (G) cost principles and payment schedules;

7 (3) exemptions from the requirements of para-
8 graph (2) in any case in which national security or
9 intelligence functions would be jeopardized; and

10 (4) to the extent allowable by law and as appro-
11 priate, minimizing the regulatory burden of each pri-
12 vate concern that participates in an environmental
13 technology research project to improve the cost ef-
14 fectiveness of the environmental technology research
15 and development conducted under the program.

16 (e) REGULATIONS.—The head of each covered Fed-
17 eral agency shall, on the basis of the guidelines issued
18 under subsection (a), promulgate such regulations as are
19 necessary to ensure that the environmental innovation re-
20 search program of the covered Federal agency meets the
21 requirements of the guidelines.

1 Subtitle B—Innovative Technology

2 Testing

3 SEC. 321. PROGRAM.

(a) ESTABLISHMENT.—In consultation with other appropriate Federal departments and agencies, the Administrator shall establish a program for testing environmental technology at federally owned facilities and sites listed on the National Priorities List established under section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)), and the inventory of Federal agency hazardous waste facilities under section 3016 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6937) (referred to in this section as “applicable sites”).

16 (b) DESCRIPTION.—As part of the program, the Ad-
17 ministrator shall—

18 (1) enter into cooperative agreements with
19 other Federal departments and agencies for the pur-
20 pose of testing environmental technology at applica-
21 ble sites;

(2) solicit and accept applications to test environmental technology suitable for prevention, control, or remediation of contamination at applicable

1 sites, subject to the guidelines established under sub-
2 section (e);

3 (3) in consultation and cooperation with other
4 Federal departments and agencies, State and local
5 governments, industry consortia, and other groups
6 interested in control, prevention, and remediation of
7 environmental pollution at any applicable site, man-
8 age and oversee testing and evaluation of environ-
9 mental technology at applicable sites subject to the
10 guidelines established under subsection (e);

11 (4) document the performance and cost charac-
12 teristics provided by any environmental technology
13 tested at an applicable site;

14 (5) list and disseminate, through the clearing-
15 house established under section 221, nonproprietary
16 information regarding the performance and cost
17 characteristics of environmental technology that has
18 been tested at one or more applicable sites and has
19 been determined to be effective by the appropriate
20 criteria in the guidelines established under sub-
21 section (e); and

22 (6) build upon, not duplicate, and, to the extent
23 feasible, incorporate existing Environmental Protec-
24 tion Agency programs that facilitate testing of envi-
25 ronmental technology at applicable sites, including

1 the alternative or innovative treatment technology
2 research and demonstration program established
3 under section 311(b) of the Comprehensive Environ-
4 mental Response, Compensation, and Liability Act
5 of 1980 (42 U.S.C. 9660(b)).

6 (c) GUIDELINES.—Not later than 2 years after the
7 date of enactment of this section, the Administrator shall,
8 after notice and opportunity for comment, promulgate
9 guidelines for the operation of the program established
10 under this section. The guidelines shall include—

11 (1) an initial listing of applicable sites poten-
12 tially available for testing of environmental tech-
13 nology categorized by site characteristics, including
14 site geology and site contaminants;

15 (2) the criteria designating eligibility of appli-
16 cants to the program established under this section,
17 including—

18 (A) any business concern or consortium;

19 (B) any small business concern or consor-
20 tium; or

21 (C) any nonprofit group, university, or
22 State or local government entity or consortium;

23 (3) the application procedures for entities des-
24 ignated under paragraph (2) desiring to apply for
25 testing of environmental technology at an applicable

1 site including data, equipment, and findings or demon-
2 strations required in a complete application for
3 testing, including—

4 (A) appropriate testing and analytical pro-
5 cedures to demonstrate the effectiveness of an
6 environmental technology;

7 (B) required data, findings, equipment, or
8 demonstrations for a complete application for
9 testing;

10 (C) provisions for sharing the costs of test-
11 ing with applicants designated under subparagraph (B) or (C) of paragraph (2) that limit
12 the Federal share to not more than 50 percent
13 of the total cost of testing;

14 (D) a business plan that includes—

15 (i) the environmental problem the en-
16 vironmental technology is proposed to ad-
17 dress;

18 (ii) the means by which the technology
19 will be commercialized and marketed; and

20 (iii) the estimated benefits of the tech-
21 nology, including—

22 (I) quantitative or qualitative es-
23 timates of reductions in health and
24 environmental risks; and

1 (I) the estimated number of jobs

2 created if the technology is success-
3 fully commercialized; and

4 (iv) the projected capitalization costs
5 and income; and

6 (E) provisions that provide special consid-
7 eration to the needs of small business concerns;

8 (4) criteria for verification of the efficacy of
9 tested environmental technologies, including—

10 (A) the efficiency of destruction or removal
11 of contaminants;

12 (B) the reduction in the volume, toxicity,
13 or mobility of contaminants;

14 (C) the operational and capital costs; and
15 (D) the operational reliability;

16 (5) specific procedures for the management and
17 oversight of testing at applicable sites, including pro-
18 cedures for consultation or entering mutual agree-
19 ments with—

20 (A) other Federal departments and agen-
21 cies responsible for management and remedi-
22 ation of applicable sites;

23 (B) potentially responsible parties respon-
24 sible for management and remediation of appli-
25 cable sites;

1 (C) State and local government entities;
2 (D) private citizens or citizen groups con-
3 cerned with management and remediation of
4 applicable sites;

5 (E) nonprofit organizations concerned with
6 management and remediation of applicable
7 sites; or

8 (F) any persons or business concerns inter-
9 ested in investing in the commercialization of
10 tested environmental technology; and

11 (6) appropriate provisions to limit the liability
12 and, to the extent feasible, indemnify successful ap-
13 plicants to the program established under this sec-
14 tion.

15 (d) LISTING OF VERIFIED TECHNOLOGY.—In the
16 case of a technology tested under the program established
17 by this section, the Administrator shall publish the test
18 results, cost information, and a general description of the
19 tested environmental technology, and disseminate the in-
20 formation through the clearinghouse established under
21 section 221.

22 (e) AUDIT.—Not later than 3 years after the date of
23 enactment of this Act, the Administrator shall audit the
24 performance of the program and report the results of the
25 audit to Congress, including—

- 1 (1) the number of sites where environmental
2 technologies have been tested, classified by the type
3 of problem remedied and the technology tested;
 - 4 (2) the number of environmental technologies
5 tested that have subsequently become commercially
6 viable;
 - 7 (3) the number of sites for which environmental
8 technologies tested have been selected in a formal
9 agency record of decision;
 - 10 (4) the number of sites that have been fully
11 remedied with environmental technologies tested in
12 the program;
 - 13 (5) the cost in terms of labor and contract
14 funds expended by the agency on the program;
 - 15 (6) the estimated number of jobs and increased
16 income associated with the development and com-
17 mercialization of the environmental technologies
18 tested;
 - 19 (7) the estimated risk reduced through the use
20 of environmental technologies tested; and
 - 21 (8) the appropriateness of expanding the pro-
22 gram to additional sites.
- 23 (f) INCORPORATION OF DEMONSTRATED TECH-
24 NOLOGY.—Where practicable, the covered Federal agency
25 shall incorporate the demonstrated technology in the pre-

1 vention, control, or remediation of contamination at appli-
2 cable sites.

3 (g) FUNDING.—Evaluations conducted by the Admin-
4 istrator under this section are eligible for funding under
5 section 311.

6 **TITLE IV—ADDITIONAL 7 PROGRAMS**

8 **Subtitle A—Verification of 9 Environmental Technologies**

10 **SEC. 401. PROGRAM.**

11 (a) ESTABLISHMENT.—The Administrator shall es-
12 tablish a program to evaluate, verify, and disseminate per-
13 formance and cost information on environmental tech-
14 nologies appropriate for compliance with regulations pro-
15 mulgated under—

16 (1) the Clean Air Act (42 U.S.C. 7401 et seq.);

17 (2) the Federal Water Pollution Control Act
18 (commonly referred to as the “Clean Water Act”)
19 (33 U.S.C. 1251 et seq.);

20 (3) title XIV of the Public Health Service Act
21 (commonly referred to as the “Safe Drinking Water
22 Act”) (42 U.S.C. 300f et seq.);

23 (4) the Resource Conservation and Recovery
24 Act of 1976 (42 U.S.C. 6901 et seq.); and

1 (5) other laws that the Administrator deter-
2 mines appropriate,
3 collectively referred to in this section as "applicable regu-
4 lations".

5 (b) FUNCTIONS.—As part of the program, the Ad-
6 ministrator shall—

7 (1) accept applications to evaluate environ-
8 mental technology subject to the guidelines estab-
9 lished under subsection (c);

10 (2) evaluate and verify the performance and
11 cost information on any environmental technology
12 provided by an applicant subject to the guidelines es-
13 tablished under subsection (c);

14 (3) develop protocols, test procedures, and qual-
15 ity assurance procedures to ensure quality, credibil-
16 ity, and comparability of data and information devel-
17 oped by applicants; and

18 (4) list and disseminate information regarding
19 environmental technology that meets or exceeds the
20 appropriate criteria in the guidelines established
21 under subsection (c) through the clearinghouse es-
22 tablished under section 221.

23 (c) GUIDELINES.—

24 (1) IN GENERAL.—Not later than 18 months
25 after the date of enactment of this Act, the Adminis-

1 trator shall, after notice and opportunity for com-
2 ment, promulgate guidelines for the operation of the
3 program.

4 (2) DESCRIPTION.—The guidelines shall in-
5 clude—

6 (A) criteria for determining eligibility of
7 applicants to the program, including—

- 8 (i) any large business concern;
9 (ii) any small business concern; or

10 (iii) any nonprofit group, university,
11 or State or local government entity;

12 (B) application requirements and proce-
13 dures for submitting data and information for
14 evaluation and verification, including appro-
15 priate specifications, protocols, and quality as-
16 surance requirements relating to data and in-
17 formation development and presentation, in-
18 cluding—

19 (i) appropriate, independently verified,
20 analytical testing procedures to dem-
21 onstrate compliance with the applicable
22 regulations;

23 (ii) required data and findings; and

24 (iii) appropriate equipment or dem-
25 onstrations;

- 1 (C) provisions excluding from verification
2 any environmental technology that causes sig-
3 nificant increases in environmental pollution in
4 any media or is determined by the Adminis-
5 trator to have other unacceptable side effects;
- 6 (D) general criteria for verification and
7 listing of environmental technologies, includ-
8 ing—
- 9 (i) compliance with any applicable
10 regulation at a lower cost than the esti-
11 mated cost of the technology used to estab-
12 lish the applicable regulation; or
- 13 (ii) compliance with any applicable
14 regulation with additional pollution preven-
15 tion, control, or remediation benefits than
16 the technology used to establish an appli-
17 cable regulation;
- 18 (E) a schedule of fees for applications to
19 cover the costs of the program, including—
- 20 (i) a sliding scale of fees based on the
21 category of eligible applicants defined in
22 subparagraph (A); and
- 23 (ii) lower fees for applicants defined
24 in clause (ii) or (iii) of subparagraph (A);
25 and

1 (F) provisions that provide special consid-
2 eration to the needs of small business concerns.

3 (d) LISTING OF TECHNOLOGY.—For technologies
4 that the Administrator finds, through the evaluation pro-
5 cedure established in subsection (c), meet or exceed all of
6 the verification criteria established in subsection (c), the
7 Administrator shall publish the results of the evaluation
8 and a description of the evaluated environmental tech-
9 nology and disseminate the information through the clear-
10 inghouse established under section 221.

11 (e) ADMINISTRATION.—

12 (1) USE OF FEES.—All fees collected by the
13 Administrator through the operation of the program
14 established under this section shall be used to sup-
15 port the operation of the program.

16 (2) EVALUATION DEADLINE.—All evaluations
17 conducted under the program established under this
18 section shall be completed, and the applicant notified
19 of the results, not later than 6 months after the re-
20 ceipt of a complete application.

21 (f) NO REVISION OF APPLICABLE REGULATIONS.—
22 Nothing in this section shall be construed to revise any
23 applicable regulation or release any person subject to an
24 applicable regulation from the duty to fully comply with
25 the applicable regulation.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to carry out this section.

4 **Subtitle B—Environmental**
5 **Technology Advisory Council**

6 **SEC. 411. ESTABLISHMENT.**

7 (a) ESTABLISHMENT.—There is established the Envi-
8 ronmental Technology Advisory Council (referred to in
9 this section as the “Advisory Council”).

10 (b) MEMBERSHIP.—The Director shall appoint the
11 members of the Advisory Council. The individuals ap-
12 pointed as members of the Advisory Council shall—

13 (1) be eminent in the fields of business, re-
14 search, new product development, engineering, labor,
15 education, management consulting, environment, or
16 international relations;

17 (2) be selected solely on the basis of established
18 records of distinguished service;

19 (3) not be employees of the Federal Govern-
20 ment; and

21 (4) include—

22 (A) at least 4 representative of a leading
23 consortium of manufacturing and technology
24 firms;

- 1 (B) at least 1 representative of small busi-
2 ness concerns;
- 3 (C) at least 1 representative of a State
4 government;
- 5 (D) at least one representative of a local
6 government body; and
- 7 (E) at least one representative of a non-
8 governmental public interest organization.

9 (c) CHAIRPERSON AND VICE CHAIRPERSON.—

10 (1) SELECTION.—The Advisory Council shall
11 appoint from among the members of the Advisory
12 Council a person to serve as Chairperson and a per-
13 son to serve as Vice Chairperson, each of whom shall
14 serve as Chairperson or Vice Chairperson, respec-
15 tively, for a term of 1 year and shall not thereafter
16 be eligible to serve as Chairperson or Vice Chair-
17 person, respectively, until 1 year has elapsed after
18 the end of the term.

19 (2) VICE CHAIRPERSON.—The Vice Chairperson
20 of the Advisory Council shall perform the duties of
21 the Chairperson in the absence of the Chairperson.

22 (d) DUTIES.—The Advisory Committee shall—

23 (1) review and make recommendations regard-
24 ing general policy for the Institute established under
25 title II, and the organization, budget, and programs

1 of the Institute within the framework of national
2 policies set forth by the President and Congress;

3 (2) review guidelines and regulations of the en-
4 vironmental innovative research program established
5 under title III;

6 (3) on the basis of the reviews conducted under
7 paragraphs (1) and (2), make recommendations to
8 the Administrator, the Director, and the head of
9 each covered Federal agency regarding the merits of
10 the distribution of the funds under proposed funding
11 agreements to fund proposed projects under the en-
12 vironmental innovation research program established
13 under title III;

14 (4) establish merit review panels consisting of
15 members with technical expertise and related busi-
16 ness experience to review proposals for funding sub-
17 mitted to the Institute;

18 (5) consult with the heads of Federal agencies
19 covered by the environmental innovation research
20 program established under title III concerning the
21 expenditure of funds from programs established
22 under section 311;

23 (6) consult with the Panel established under
24 title I in the development of the national environ-
25 mental technology strategy;

1 (7) review the effectiveness of the clearinghouse
2 established in section 221;

3 (8) make recommendations to the Director to
4 improve the effective dissemination by the clearing-
5 house of research information and results; and

6 (9) make recommendations to the Director re-
7 garding administrative actions to promote the export
8 of environmental technologies.

9 **SEC. 412. REPORT BY THE COMPTROLLER GENERAL.**

10 Not later than 2 years after the date of enactment
11 of this Act, the Comptroller General of the United States
12 shall submit to the Committees on Environment and Pub-
13 lic Works and Appropriations of the Senate and the Com-
14 mittee on Science, Space, and Technology and Appropria-
15 tions of the House of Representatives a report concerning
16 the implementation of the programs established under ti-
17 tles II and III, including a description of the research con-
18 ducted under the programs.

19 **Subtitle C—Coordination With Na-**
20 **tional Institute of Standards**
21 **and Technology**

22 **SEC. 421. COORDINATION WITH NATIONAL INSTITUTE OF**
23 **STANDARDS AND TECHNOLOGY.**

24 (a) AGREEMENTS.—Not later than 180 days after
25 the date of enactment of this section, the Administrator

1 and the Secretary of Commerce shall enter into such
2 agreements as may be necessary to permit the Environ-
3 mental Protection Agency to provide technical assistance
4 and support to the Manufacturing Technology Centers ad-
5 ministered by the National Institute of Standards and
6 Technology of the Department of Commerce.

7 (b) ASSISTANCE.—The assistance shall include—

8 (1) the preparation of environmental assistance
9 packages for small business concerns generally and,
10 where appropriate, for specific small business sec-
11 tors, including information on—

12 (A) environmental compliance require-
13 ments and methods for achieving compliance;

14 (B) new environmental technologies;

15 (C) alternatives for preventing pollution
16 that are generally applicable to the small busi-
17 ness sectors;

18 (D) guidance for identifying and applying
19 opportunities for preventing pollution at indi-
20 vidual facilities;

21 (2) providing technical assistance to small busi-
22 ness concerns seeking to act on the information pro-
23 vided under paragraph (1);

24 (3) coordinating with the National Institute of
25 Standards and Technology to identify those small

1 business sectors that need improvement in environ-
 2 mental compliance or in developing methods to pre-
 3 vent pollution; and

4 (4) developing and implementing an action plan
 5 for providing assistance to improve environmental
 6 performance of small business sectors in need of im-
 7 provement.

8 **SEC. 422. COORDINATION WITH OTHER FEDERALLY SUP-
 9 PORTED EXTENSION PROGRAMS.**

10 The Administrator may coordinate with representa-
 11 tives of small business and agricultural extension pro-
 12 grams and centers, as appropriate, to provide environ-
 13 mental assistance to small businesses.

14 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

15 (a) *SHORT TITLE.*—This Act may be cited as the “Na-
 16 tional Environmental Technology Act of 1993”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions.

TITLE I—NATIONAL ENVIRONMENTAL TECHNOLOGY PANEL

Sec. 101. Establishment.

Sec. 102. Membership.

Sec. 103. National Environmental Technology Strategy.

Sec. 104. Coordination of budget requests for environmental technology.

Sec. 105. Report to Congress.

Sec. 106. Termination.

TITLE II—BUREAU OF ENVIRONMENTAL TECHNOLOGIES;
CLEARINGHOUSE

Subtitle A—Bureau of Environmental Technologies

Sec. 201. Establishment.

Sec. 202. Reports.

Sec. 203. Environmental technology export promotion.

Subtitle B—Environmental Technology Clearinghouse

Sec. 211. Establishment.

TITLE III—ENVIRONMENTAL INNOVATION RESEARCH PROGRAM;
TECHNOLOGY TESTING

Subtitle A—Environmental Innovation Research Program

Sec. 301. Environmental innovation research program.

Sec. 302. Guidelines and regulations of the environmental innovation research program.

Subtitle B—Innovative Technology Testing

Sec. 311. Program.

TITLE IV—ADDITIONAL PROGRAMS

Subtitle A—Verification of Environmental Technologies

Sec. 401. Program.

Subtitle B—Environmental Technology Advisory Council

Sec. 411. Establishment.

Sec. 412. Report by the Comptroller General.

Subtitle C—Coordination With National Institute of Standards and Technology

Sec. 421. Coordination with National Institute of Standards and Technology.

Sec. 422. Coordination with other federally supported extension programs.

Sec. 423. Statutory construction.

1 SEC. 2. FINDINGS AND PURPOSES.

2 (a) *FINDINGS.—Congress finds that—*

3 (1) *environmental problems facing the world*

4 *pose a threat to the environmental and economic secu-*

5 *rity of the United States and other nations;*

- 1 (2) promoting a sound economy while maintaining
2 a healthy environment is among the urgent public
3 policy challenges of the United States;
- 4 (3) the development and utilization of environmental
5 technologies will enhance both global environmental
6 security and the economic standing of the
7 United States in the world marketplace;
- 8 (4) the growing worldwide demand for environmentally sound products and processes, and for cost-effective environmental cleanup and pollution control technologies, presents significant business opportunities;
- 9 (5) innovative environmental technologies face
10 barriers to commercialization and utilization, and
11 are often slow to be adopted;
- 12 (6) advances in source reduction, environmental cleanup, and pollution control technologies could significantly reduce Federal Government and private cleanup expenditures, improve cleanup results, and help prevent future contamination;
- 13 (7) the development and implementation of effective public and private partnership arrangements will help promote successful technology development programs;

1 (8) a coordinated, interagency strategy for envi-
2 ronmental technology will greatly facilitate the devel-
3 opment of critical environmental technology that can
4 respond to environmental programs and create jobs
5 and new sources of income; and

6 (9) successful Federal Government programs to
7 foster the development and utilization of environ-
8 mental technology depend on coordination and co-
9 operation among agencies involved in environmental
10 protection and agencies involved in technology devel-
11 opment.

12 (b) PURPOSES.—The purposes of this Act are—

13 (1) to further environmental protection, spur the
14 creation of jobs, and enhance the ability of domestic
15 companies to compete in the international market-
16 place by facilitating the development and utilization
17 of environmental technologies;

18 (2) to encourage the development and utilization
19 of environmental technologies that prevent pollution;

20 (3) to help overcome market barriers that hinder
21 the successful commercialization of environmental
22 technologies; and

23 (4) to coordinate Federal Government policies,
24 actions, and budgets with respect to environmental
25 technologies.

1 **SEC. 3. DEFINITIONS.**2 *As used in this Act:*3 (1) *ADMINISTRATOR*.—The term “Administrator” means the Administrator of the Environmental Protection Agency.6 (2) *BUREAU*.—The term “Bureau” means the Bureau of Environmental Technologies established under section 201.9 (3) *COVERED FEDERAL AGENCY*.—The term “covered Federal agency” means a Federal agency for which, for a fiscal year, an amount greater than \$50,000,000 is made available for environmental cleanup.14 (4) *CRITICAL ENVIRONMENTAL TECHNOLOGY*.—The term “critical environmental technology” means environmental technology that—

17 (A) embodies a significant technical advance;

19 (B) has the potential to bring about large, cost-effective reductions in risk to human health or the environment;

22 (C) is broadly applicable at the precommercial stage; and

24 (D) if adopted, is reasonably expected to result in a favorable ratio of social to private returns.

1 (5) *DIRECTOR*.—The term “Director” means the
2 *Director of the Bureau established under section 201*.

3 (6) *ENVIRONMENTAL INNOVATION RESEARCH*.—
4 The term “environmental innovation research” means
5 research related to the development, application, or
6 commercialization of environmental technology.

7 (7) *ENVIRONMENTAL TECHNOLOGY*.—The term
8 “environmental technology” means an advanced or
9 improved technology, product, process, or service that
10 reduces environmental risks by protecting or enhancing
11 the environment through source reduction, design
12 or process changes, pollution control, or environ-
13 mental remediation.

14 (8) *FUNDING AGREEMENT*.—The term “funding
15 agreement” means a contract, cooperative agreement,
16 grant agreement, patent agreement, royalty agree-
17 ment, license agreement, equity agreement, or other
18 appropriate legal agreement between the head of a
19 covered Federal agency and a private business con-
20 cern, government, academic or nongovernment entities
21 to provide funding and support to carry out environ-
22 mental innovation research.

23 (9) *SMALL BUSINESS CONCERN*.—The term
24 “small business concern” means a business concern
25 that is recognized as a small business concern under

1 section 3(a) of the Small Business Act (15 U.S.C.
2 632(a)).

3 (10) SOURCE REDUCTION.—The term “source re-
4 duction” has the same meaning as is provided for the
5 term in section 6603(5) of the Pollution Prevention
6 Act of 1990 (42 U.S.C. 13102(5)).

7 **TITLE I—NATIONAL ENVIRON-
8 MENTAL TECHNOLOGY PANEL**

9 **SEC. 101. ESTABLISHMENT.**

10 There is authorized to be established, within the Office
11 of Science and Technology Policy of the Executive Office
12 of the President, a National Environmental Technology
13 Panel (referred to in this title as the “Panel”), to operate
14 as a panel of the Federal Coordinating Council for Science,
15 Engineering, and Technology. The Panel shall be respon-
16 sible for coordinating environmental technology programs
17 within the Federal Government and the development of a
18 National Environmental Technology Strategy.

19 **SEC. 102. MEMBERSHIP.**

20 The Panel shall consist of the heads of agencies with
21 substantial investment or interest in the development and
22 utilization of environmental technology or the designees of
23 the heads (or a combination of heads of agencies and des-
24 ignees). The Director of the Office of Science Technology

1 *Policy, shall appoint the Chairperson of the Panel (referred*
2 *to in this title as the “Chairperson”).*

3 **SEC. 103. NATIONAL ENVIRONMENTAL TECHNOLOGY**

4 **STRATEGY.**

5 *(a) DEVELOPMENT.—Not later than 1 year after the*
6 *date of establishment of the Panel, the President, with ad-*
7 *vice from the Panel, shall develop a National Environ-*
8 *mental Technology Strategy (referred to in this section as*
9 *a “Strategy”). The Strategy shall—*

10 *(1) identify areas that would benefit from the de-*
11 *velopment of critical environmental technology;*

12 *(2) prioritize the areas identified under para-*
13 *graph (1) based on trends in global and domestic en-*
14 *vironmental threats and the potential for environ-*
15 *mental and economic benefits;*

16 *(3) recommend effective public and private part-*
17 *nership arrangements for the development and utili-*
18 *zation of environmental technologies;*

19 *(4) recommend approaches to encourage the com-*
20 *mercialization and utilization of environmental tech-*
21 *nologies, with special attention to small business con-*
22 *cerns; and*

23 *(5) identify economic, regulatory, and other bar-*
24 *riers to, and incentives for, the development, utiliza-*
25 *tion, and export of environmental technologies, and*

recommend appropriate actions in response to the identification.

3 (b) *REVISION OF STRATEGY*.—The Panel shall review
4 and, if appropriate, recommend that the President revise
5 the Strategy not less frequently than once every 3 years.

6 (c) COORDINATION WITH OTHER GROUPS.—

7 (1) *IN GENERAL.*—The Panel shall, to the extent
8 practicable, consult with public and private organiza-
9 tions involved in technology development and com-
10 mercialization, and organizations involved in making
11 recommendations for converting research on military
12 applications to civilian uses.

**17 SEC. 104. COORDINATION OF BUDGET REQUESTS FOR ENVI-
18 RONMENTAL TECHNOLOGY.**

19 (a) *IN GENERAL.*—The head of each Federal depart-
20 ment or agency shall, as part of the annual request of the
21 department or agency for appropriations pursuant to sec-
22 tion 1108 of title 31, *United States Code*, submit a report
23 to the Office of Management and Budget and the Chair-
24 person that—

1 (1) identifies the activities of the department or
2 agency that promote, develop, or support environ-
3 mental technology; and

4 (2) states that portion of the request of the de-
5 partment or agency for appropriations that will be
6 allocated to activities that promote, develop, or sup-
7 port environmental technology.

8 (b) REVIEW AND REPORT.—Beginning with the first
9 budget cycle after the Strategy under section 103 is com-
10 pleted—

11 (1) the Director of the Office of Management and
12 Budget and the Chairperson shall review the report of
13 each department and agency submitted under sub-
14 section (a), in light of the goals, priorities, and re-
15 sponsibilities of the department or agency as may be
16 set forth in the Strategy; and

17 (2) the annual budget submitted by the President
18 pursuant to section 1105 of title 31, United States
19 Code, shall include a statement indicating those por-
20 tions of the annual budget of each department and
21 agency that relate to activities covered by the Strat-
22 egy.

23 **SEC. 105. REPORT TO CONGRESS.**

24 Not later than 1 year after the date of establishment
25 of the Panel, and every 3 years thereafter, the Chairperson

1 shall submit a report to Congress that includes a summary
2 of all Panel activities.

3 **SEC. 106. TERMINATION.**

4 The authority provided by this title shall terminate on
5 the date that is 7 years after the date of enactment of this
6 Act.

7 **TITLE II—BUREAU OF ENVIRON-
8 MENTAL TECHNOLOGIES;
9 CLEARINGHOUSE**

10 **Subtitle A—Bureau of
11 Environmental Technologies**

12 **SEC. 201. ESTABLISHMENT.**

13 (a) IN GENERAL.—There is established, within the En-
14 vironmental Protection Agency, the Bureau of Environ-
15 mental Technologies which shall be headed by a Director.

16 (b) FUNCTIONS.—The Director shall—

17 (1) in cooperation with the heads of other agen-
18 cies, support and assist the development of process or
19 products, oriented research, development, and dem-
20 onstration of environmental technology at the
21 precommercial stage by industrial, academic, govern-
22 mental, and nongovernmental entities;

23 (2) using information that is either in the public
24 domain or voluntarily submitted, track on a continu-
25 ing basis the research and development being con-

1 ducted on environmental technologies by private in-
2 dustry in the United States;

3 (3) in cooperation with the heads of other agen-
4 cies, develop and promote the transfer of environ-
5 mental technologies and mechanisms to address inter-
6 national environmental problems;

7 (4) develop and maintain a clearinghouse, as es-
8 tablished under subtitle B, to provide information to
9 private and public concerns that develop, apply, or
10 export environmental technology;

11 (5) advise other officials, as appropriate, within
12 the Environmental Protection Agency and within
13 other Federal departments and agencies, concerning
14 programs, strategies, and regulatory reforms for pro-
15 moting the development and utilization of environ-
16 mental technology;

17 (6) to the extent allowable by law, in cooperation
18 with the Administrator or the head of any other Fed-
19 eral agency that the Director determines to be appro-
20 priate, facilitate the availability of an initial market
21 for environmental technologies, including development
22 of recommendations for changes in Federal procure-
23 ment guidelines;

24 (7) in coordination with the Secretary of De-
25 fense, provide advice and assistance to regional tech-

1 *nology centers and similar community-based alliances*
2 *that are supporting a transition from defense tech-*
3 *nology research, development and production to envi-*
4 *ronmental technology research, development and pro-*
5 *duction, including—*

6 *(A) ensuring that the centers and alliances*
7 *have ready access to the technology clearinghouse*
8 *established under subtitle B; and*

9 *(B) on a regular basis, informing the cen-*
10 *ters and alliances of Federal Government envi-*
11 *ronmental technology development program*
12 *needs and opportunities;*

13 *(8) consult with the Panel authorized under title*
14 *I; and*

15 *(9) coordinate the activities of the Bureau with*
16 *the activities undertaken pursuant to title III.*

17 *(c) COOPERATIVE AGREEMENTS AND FUNDING AGREE-*
18 *MENTS.—*

19 *(1) IN GENERAL.—In carrying out the functions*
20 *of the Bureau under this subtitle, the Director may*
21 *enter into a cooperative agreement or funding agree-*
22 *ment with—*

23 *(A) a department or agency of the United*
24 *States;*

25 *(B) a unit of State or local government;*

- 1 (C) an educational institution;
- 2 (D) nonprofit research centers; or
- 3 (E) a company that is incorporated in the
- 4 United States or has a parent company that is
- 5 incorporated in the United States or is incor-
- 6 porated in a country that the Secretary of Com-
- 7 merce determines affords—
 - 8 (i) to all foreign and domestic compa-
 - 9 nies opportunities similar to the opportuni-
 - 10 ties afforded under this subsection; or
 - 11 (ii) adequate and effective protection
 - 12 for the intellectual property rights of all for-
 - 13 eign and domestic companies.
- 14 (2) *LIMITATION.*—A grant, loan, or loan guaran-
- 15 tee made pursuant to this section shall be limited to
- 16 no more than 5 years.
- 17 (d) *FEDERAL SHARE.*—
 - 18 (1) *IN GENERAL.*—Except as provided in para-
 - 19 graphs (2) and (3), the Federal share of the cost of
 - 20 a project conducted under this section may not exceed
 - 21 50 percent.
 - 22 (2) *SMALL BUSINESS CONCERNS.*—Except as
 - 23 provided in paragraph (3), the Federal share of the
 - 24 cost of a project conducted pursuant to a cooperative
 - 25 agreement or funding agreement entered into with a

1 *small business concern under this section may not ex-*
2 *ceed 75 percent.*

3 (3) *INCREASED FEDERAL SHARE.*—*The Federal*
4 *share of the cost of a project conducted under this sec-*
5 *tion may exceed the limitations under paragraphs (1)*
6 *and (2) if the Director finds that—*

7 (A) *the project is for the development of*
8 *critical environmental technology that the Panel*
9 *determines pursuant to title I to be of high pri-*
10 *ority; and*

11 (B) *the Director determines that the appli-*
12 *cant would be financially unable to meet the*
13 *matching requirements of paragraphs (1) or (2).*

14 (e) *PROGRAM REQUIREMENTS.*—

15 (1) *SELECTION CRITERIA.*—

16 (A) *IN GENERAL.*—*Not later than 180 days*
17 *after the date of establishment of the Bureau, the*
18 *Director shall publish in the Federal Register*
19 *proposed criteria, and not later than 1 year after*
20 *the date of establishment of the Bureau, following*
21 *a public comment period, final criteria, for the*
22 *selection of recipients of funding agreements*
23 *under this section.*

24 (B) *CRITERIA.*—*The selection criteria under*
25 *subparagraph (A) shall—*

1 (i) include requirements outlining
2 business plans;

3 (ii) give special consideration to the
4 needs of small business concerns; and

5 (iii) be consistent with the source-re-
6 duction hierarchy established in section
7 6602(b) of the Pollution Prevention Act of
8 1990 (42 U.S.C. 13101(b)).

9 (C) CONSIDERATION.—In determining
10 whether to enter into a funding agreement with
11 a joint venture, the Director may consider
12 whether the members of the joint venture have
13 provided for the appropriate participation of
14 small business concerns in the joint venture.

15 (D) SET-ASIDE FOR SMALL BUSINESS.—Not
16 less than 25 percent of the funds made available
17 under this section shall be made available to
18 fund the Federal share of the cost of projects con-
19 ducted pursuant to cooperative agreements or
20 funding agreements entered into with small busi-
21 ness concerns.

22 (2) ADMINISTRATION OF PROGRAM FUNDS.—In
23 cooperation with the heads of other agencies, the Di-
24 rector is authorized to—

1 (A) determine categories of projects to be
2 funded by the Bureau;
3 (B) issue solicitations for projects to be
4 funded by the Bureau;
5 (C) receive and evaluate proposals resulting
6 from solicitations;
7 (D) select participants for funding agree-
8 ments of the Bureau;
9 (E) administer the funding agreements of
10 the Bureau; and
11 (F) make payments to recipients of funding
12 agreements on the basis of progress toward, or
13 completion of, the funding agreement require-
14 ments.

15 (3) CONSULTATION.—

16 (A) IN GENERAL.—The Director shall, as
17 appropriate, consult with experts in the Federal
18 Government, the private sector, academia, and
19 nonprofit groups before making offers for partici-
20 pation in funding agreements.

21 (B) CONFIDENTIALITY.—The Director shall
22 ensure that the confidentiality of all proposals
23 submitted under subparagraph (A) is protected
24 at all times (including when consulting with ex-
25 perts under this paragraph).

1 (4) *FINANCIAL REPORTING AND AUDITING.*—*The*
2 *Director, in consultation with the chief financial offi-*
3 *cer of the Environmental Protection Agency, shall es-*
4 *tablish appropriate financial reporting and auditing*
5 *procedures for the Bureau.*

6 (5) *DISSEMINATION OF RESEARCH RESULTS.*—
7 *The Director shall provide for the dissemination of*
8 *nonproprietary research results of the projects sup-*
9 *ported by the Bureau including the dissemination of*
10 *results through the clearinghouse established under*
11 *subtitle B.*

12 (6) *CONFIDENTIAL INFORMATION.*—

13 (A) *INTELLECTUAL PROPERTY.*—*Except as*
14 *provided in subparagraph (B), trade secrets or*
15 *confidential business information or information*
16 *classified for reasons of national security may*
17 *not be disclosed by an officer or employee of the*
18 *United States acting under any provision of this*
19 *Act. The information shall not be subject to dis-*
20 *closure under section 552 of title 5, United*
21 *States Code.*

22 (B) *EXCEPTION.*—*Confidential business in-*
23 *formation may be disclosed in accordance with a*
24 *written agreement between the owner or devel-*
25 *oper of the information and the Director.*

1 (f) AUTHORIZATION OF APPROPRIATIONS.—

2 (1) IN GENERAL.—There are authorized to be ap-
3 propriated to carry out this section—

4 (A) \$36,000,000 for fiscal year 1994;

5 (B) \$80,000,000 for fiscal year 1995; and

6 (C) \$120,000,000 for fiscal year 1996.

7 (2) LIMITATION ON USE.—Of amounts appro-
8 priated to carry out this section, not more than 10
9 percent for fiscal year 1994, and 5 percent for each
10 year thereafter, may be used to pay for administra-
11 tive expenses of the Bureau.

12 (3) FEDERAL COOPERATIVE AGREEMENTS.—The
13 Director may allocate a significant percentage of the
14 amounts made available to the Bureau for the pur-
15 pose of entering into cooperative agreements for fund-
16 ing environmental technology development projects
17 with other departments or agencies of the United
18 States.

19 **SEC. 202. REPORTS.**

20 (a) IN GENERAL.—The Director shall, not less fre-
21 quently than every 3 years, and at such other times as the
22 Director considers to be appropriate, submit a report to
23 Congress describing—

1 (1) the activities of the Bureau, including de-
2 scriptions and funding levels of all projects developed
3 with assistance from the Bureau;

4 (2) the implementation and operation of the en-
5 vironmental innovation research programs under sub-
6 title A of title III; and

7 (3) the manner and extent to which technologies
8 developed with assistance from the Bureau have been
9 commercialized and used.

10 (b) RECOMMENDATIONS.—A report submitted under
11 this section may include recommendations for program im-
12 provements.

13 **SEC. 203. ENVIRONMENTAL TECHNOLOGY EXPORT PRO-**

14 **MOTION.**

15 In cooperation and consultation with the Secretary of
16 Commerce and the heads of other agencies involved in ex-
17 port promotion as appropriate, the Director may—

18 (1) collect and disseminate through the clearing-
19 house established under subtitle B, information useful
20 for promoting the export of environmental technology,
21 including information concerning—

22 (A) sources of financial assistance;

23 (B) sources of technical assistance; and

24 (C) the environmental needs of foreign
25 countries; and

1 (2) consult with the heads of other Federal agen-
2 cies to facilitate the export of environmental tech-
3 nologies and recommend appropriate administrative
4 actions for promoting the export of environmental
5 technology.

6 **Subtitle B—Environmental**
7 **Technology Clearinghouse**

8 **SEC. 211. ESTABLISHMENT.**

9 (a) *IN GENERAL.*—Not later than 2 years after the
10 date of enactment of this Act, the Director shall establish
11 an operational electronic database to serve as a clearing-
12 house for the collection and dissemination of
13 nonproprietary information on environmental technology,
14 including—

15 (1) descriptions of environmental technologies de-
16 veloped, tested, or verified under the programs estab-
17 lished under this Act; and

18 (2) information compiled under section 203.

19 (b) *ACCESS TO CLEARINGHOUSE.*—The clearinghouse
20 shall be made available through an electronic data system
21 (such as a computer bulletin board) and in paper report
22 format, and shall be publicly available at reasonable cost.

23 (c) *COMPATIBILITY.*—The clearinghouse established
24 under this section shall be compatible with data systems
25 used by the Manufacturing Technology Centers adminis-

1 *tered by the National Institute of Standards and Tech-*
2 *nology of the Department of Commerce and, to the extent*
3 *practicable, shall be integrated into the data systems.*

4 (d) *ADMINISTRATION.—The data stored in the clear-*
5 *inghouse shall be updated continuously as new information*
6 *is made available, but not less often than annually.*

7 (e) *AUTHORIZATION OF APPROPRIATIONS.—There are*
8 *authorized to be appropriated \$2,500,000 for each of fiscal*
9 *years 1994 through 1997.*

10 **TITLE III—ENVIRONMENTAL IN-**
11 **NOVATION RESEARCH PRO-**
12 **GRAM; TECHNOLOGY TESTING**
13 **Subtitle A—Environmental**
14 **Innovation Research Program**

15 **SEC. 301. ENVIRONMENTAL INNOVATION RESEARCH PRO-**
16 **GRAM.**

17 (a) *ESTABLISHMENT.—The head of each covered Fed-*
18 *eral agency shall establish an environmental innovation re-*
19 *search program for the development and commercialization*
20 *of environmental technology to promote the cleanup, abate-*
21 *ment, and source reduction activities of the agency.*

22 (b) *FUNDING.—*

23 (1) *IN GENERAL.—*

- 1 (A) *SET-ASIDE.*—For each fiscal year, the
2 head of each covered Federal agency shall, notwithstanding any other provision of law—
3 (i) set aside not less than 1.25 percent
4 of the amount of funds appropriated to the
5 head of the covered agency for the following
6 purposes:
7 (I) with respect to the Secretary of
8 Energy, funds appropriated for environmental restoration and waste man-
9 agement;
10 (II) with respect to the Secretary
11 of Defense, funds made available for environmental restoration;
12 (III) with respect to the Secretary
13 of the Interior, funds appropriated for environmental cleanup; and
14 (IV) with respect to the Administrator
15 of the Environmental Protection Agency, funds appropriated from the Superfund pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980
16 (42 U.S.C. 9601 et seq.); and
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1 (ii) reserve the amount set aside under
2 clause (i) for awards to private concerns or
3 other entities, through a uniform process (as
4 described in subsection (d)) for the develop-
5 ment and commercialization of environ-
6 mental technology as set forth in subpara-
7 graph (B).

8 (B) USE OF SET-ASIDE FUNDS.—The funds
9 set aside under subparagraph (A)(i) shall be
10 used to fund the development of environmental
11 technology that contributes to the program objec-
12 tives for which the funds were initially made
13 available.

14 (C) WAIVER.—

15 (i) IN GENERAL.—The head of a cov-
16 ered Federal agency may waive the require-
17 ments of this paragraph in full or part if—

18 (I) unforeseen emergency cir-
19 cumstances require the covered Federal
20 agency to redirect funds for technology
21 development to other purposes; and

22 (II) the head of the covered Fed-
23 eral agency has redirected all tech-
24 nology development funds (other than
25 funds set aside pursuant to subpara-

graph (A)) available to the covered Federal agency from the amounts specified in subparagraph (A)(i) to address the unforeseen emergency circumstances.

12 (2) CONSTRUCTION.—Nothing in this Act shall
13 be construed, interpreted, or applied to limit the
14 amount of funds that a covered Federal agency may
15 spend on the research, development, or commercializa-
16 tion of environmental technology.

17 (c) DUTIES OF HEADS OF COVERED FEDERAL AGEN-
18 CIES.—In carrying out an environmental innovation re-
19 search program established under this section, the head of
20 each covered Federal agency shall, in accordance with the
21 requirements of this section—

22 (1) certify annually to the Director the amount
23 of agency funds set aside in accordance with sub-
24 section (b)(1);

1 (2) in carrying out the program established
2 under this section, consider the needs of small busi-
3 ness concerns for the development and utilization of
4 environmental technology; and

5 (3) submit an annual report on the environ-
6 mental innovation research program to the Bureau
7 and the Office of Science and Technology Policy of the
8 Executive Office of the President. The report shall in-
9 clude an accounting of the number and amount of
10 awards made under the environmental innovation re-
11 search program, classified by categories of projects.

12 (d) *PHASES OF ENVIRONMENTAL INNOVATION RE-*
13 *SEARCH PROGRAMS.*—The head of each covered Federal
14 agency shall carry out an environmental innovation re-
15 search program consisting of the following 3 phases:

16 (1)(A) A first phase for determining, insofar as
17 practicable, the scientific and technical merit and fea-
18 sibility of proposals that are submitted pursuant to
19 environmental innovation research program solicita-
20 tions and appear to have commercial potential.

21 (B) With respect to the first phase, the head of
22 the covered Federal agency may enter into funding
23 agreements with governmental, industrial, academic,
24 and other nongovernmental entities, each of which
25 shall be in an amount not to exceed \$250,000 to sup-

1 port the initial development of proposed environ-
2 mental technologies.

3 (2)(A) A second phase to fund the further devel-
4 opment of environmental technologies funded under
5 subparagraph (B) that meet particular program
6 needs, and with respect to which awards shall be
7 made on the basis of the scientific and technical merit
8 and feasibility of each proposal, as evidenced by the
9 first phase (as described in paragraph (1)), taking
10 into consideration, among other considerations, the
11 commercial potential of each proposal, as evidenced
12 by—

13 (i) the record of the private concern or other
14 entity of successfully commercializing tech-
15 nologies, products or processes developed as a re-
16 sult of environmental innovation research or
17 other research;

18 (ii) the existence of funding commitments,
19 from the private sector or sources other than the
20 environmental innovation research programs, to
21 fund the further development of the environ-
22 mental technology;

23 (iii) the existence of funding commitments
24 from the private sector or sources other than the
25 environmental innovation research programs for

1 *the third phase of research to be conducted pur-*
2 *suant to paragraph (3)(A); and*

3 *(iv) the presence of other indicators of the*
4 *commercial potential of the environmental tech-*
5 *nology.*

6 *(B) With respect to the second phase, the head of*
7 *the covered Federal agency may enter into funding*
8 *agreements with private concerns or other entities,*
9 *each of which shall be in an amount not to exceed*
10 *\$750,000, unless the head of the covered Federal agen-*
11 *cy finds that additional funding is necessary and ap-*
12 *propriate.*

13 *(3)(A) If appropriate, a third phase, in which—*

14 *(i) environmental innovation research fund-*
15 *ing is used to continue development activity that*
16 *has demonstrated outstanding commercial poten-*
17 *tial in the second phase of the environmental in-*
18 *novation research program and merits further*
19 *environmental innovation research funding;*

20 *(ii) awards from funding sources other than*
21 *the environmental innovation research programs*
22 *are used for the continuation of research or re-*
23 *search and development that has been competi-*
24 *tively selected using peer review or scientific re-*
25 *view criteria; or*

1 (iii) commercial applications of research or
2 research and development funded by environ-
3 mental innovation research programs are funded
4 by non-Federal sources of funds or, for environ-
5 mental technologies intended for use by the Fed-
6 eral Government, by Federal funding sources
7 other than environmental innovation research
8 programs.

9 (B) With respect to a research and development
10 project funded under subparagraph (A)(i), the Fed-
11 eral share shall not exceed 50 percent of the total cost
12 of the project.

13 (C) With respect to the assistance provided under
14 this paragraph, the covered Federal agency may as-
15 sist the private concern or other entity in pursuing
16 funding or procurement from other Federal programs
17 and in pursuing financial and technical assistance
18 for the export of technology developed under the envi-
19 ronmental innovation research program, including
20 providing the information gathered under section 203.

21 (D) The head of the covered Federal agency may,
22 in lieu of the 3-phase process established under this
23 subsection, fund proposals for the development of cer-
24 tain technologies through an alternative competitive
25 process, on the basis of a written finding that—

1 (i) the proposed technology is at a stage in
2 development comparable to the stage in develop-
3 ment of technologies that would emerge from the
4 second phase of the process established under this
5 section; and

6 (ii) employing the first 2 phases of the proc-
7 ess established under this section would be inap-
8 propiate.

9 (E) With respect to a development project funded
10 under subparagraph (D)—

11 (i) awards shall be based on scientific and
12 technical merit and demonstrated outstanding
13 commercial potential;

14 (ii) the Federal share shall not exceed 50
15 percent; and

16 (iii) the head of the covered Federal agency
17 shall notify the Congress in writing of the award
18 and provide a copy of the written finding made
19 under subparagraph (D).

20 (e) TESTING ENVIRONMENTAL TECHNOLOGY.—Fund-
21 ing agreements authorized under paragraphs (2) and
22 (3)(A)(i) of subsection (d) may make available, if appro-
23 priate, funds to test environmental technology in the pro-
24 gram established under section 311.

1 **SEC. 302. GUIDELINES AND REGULATIONS OF THE ENVI-**
 2 **RONMENTAL INNOVATION RESEARCH PRO-**
 3 **GRAM.**

4 (a) *GUIDELINES.*—Not later than 180 days after the
 5 date of establishment of the Bureau under title II, the Director
 6 shall issue guidelines for environmental innovation re-
 7 search conducted by covered Federal agencies pursuant to
 8 this subtitle.

9 (b) *CONTENTS.*—The guidelines issued by the Director
 10 shall, at a minimum, provide for—

11 (1) simplified, standardized, and timely solicita-
 12 tions of project proposals; and
 13 (2) to the extent feasible, standardized applica-
 14 tion procedures with the procedures established under
 15 title II, including the submission of business plans.

16 (c) *REGULATIONS.*—The head of each covered Federal
 17 agency may, on the basis of the guidelines issued under sub-
 18 section (a), issue such regulations as are necessary to ensure
 19 that the environmental innovation research program of the
 20 covered Federal agency meets the requirements of the guide-
 21 lines.

22 **Subtitle B—Innovative Technology**
 23 **Testing**

24 **SEC. 311. PROGRAM.**

25 (a) *ESTABLISHMENT.*—In consultation with the heads
 26 of other appropriate Federal departments and agencies, the

1 Administrator is authorized to establish a program for test-
2 ing environmental technology at federally owned facilities
3 and sites including listed sites—

4 (1) on the National Priorities List established
5 under section 105(a)(8)(B) of the Comprehensive En-
6 vironmental Response, Compensation, and Liability
7 Act of 1980 (42 U.S.C. 9605(a)(8)(B)); and

8 (2) in the inventory of Federal agency hazardous
9 waste facilities under section 3016 of the Solid Waste
10 Disposal Act (42 U.S.C. 6937),

11 collectively referred to in this section as “applicable sites”.

12 (b) DESCRIPTION.—As part of the program established
13 under this section, the Administrator may—

14 (1) enter into cooperative agreements with other
15 Federal departments and agencies for the purpose of
16 testing environmental technology at applicable sites;

17 (2) solicit and accept applications to test an en-
18 vironmental technology suitable for prevention, con-
19 trol, or remediation of contamination at applicable
20 sites, subject to the guidelines established under sub-
21 section (c);

22 (3) in consultation and cooperation with rep-
23 resentatives of other Federal departments and agen-
24 cies, State and local governments, industry consortia,
25 and other groups interested in control, prevention,

1 *and remediation of contamination at an applicable
2 site, manage and oversee testing and evaluation of en-
3 vironmental technology at the site, subject to the
4 guidelines established under subsection (c);*

5 *(4) document the performance and cost charac-
6 teristics of an environmental technology tested at an
7 applicable site;*

8 *(5) list and disseminate, through the clearing-
9 house established under section 211, nonproprietary
10 information regarding the performance and cost char-
11 acteristics of environmental technology that has been
12 tested at 1 or more applicable sites and has been de-
13 termined to be effective by the appropriate criteria in
14 the guidelines established under subsection (c); and*

15 *(6) to the extent feasible, incorporate Environ-
16 mental Protection Agency programs in existence on
17 the date of enactment of this Act that facilitate testing
18 of environmental technology at applicable sites, in-
19 cluding the alternative or innovative treatment tech-
20 nology research and demonstration program estab-
21 lished under section 311(b) of the Comprehensive En-
22 vironmental Response, Compensation, and Liability
23 Act of 1980 (42 U.S.C. 9660(b)).*

24 *(c) GUIDELINES.—The Administrator may, after no-
25 tice and opportunity for comment, issue guidelines for the*

1 operation of the program established under this section. The
2 guidelines shall include—

3 (1) an initial listing of applicable sites poten-
4 tially available for testing of environmental tech-
5 nology categorized by site characteristics, including
6 production processes and technologies and, in the case
7 of contaminated sites requiring remediation, site geol-
8 ogy and site contaminants;

9 (2) criteria for designating the eligibility of ap-
10 plicants to the program established under this section;

11 (3) the application procedures for applicants
12 designated under paragraph (2) desiring to apply for
13 testing of environmental technology at an applicable
14 site, including—

15 (A) provisions for sharing the costs of test-
16 ing with applicants that limit the Federal share
17 to not more than 50 percent of the total cost of
18 testing; and

19 (B) provisions that provide special consider-
20 ation to the needs of small business concerns;

21 (4) criteria for verification of the efficacy of test-
22 ed environmental technologies;

23 (5) specific procedures for the management and
24 oversight of testing at applicable sites, including pro-
25 cedures for consultation or entering into cooperative

1 *agreements with other Federal departments and agen-*
2 *cies responsible for the management or remediation of*
3 *applicable sites and affected entities; and*

4 *(6) criteria for determining whether and to what*
5 *extent legal authorities should be used to indemnify*
6 *successful applicants to the program established under*
7 *this section.*

8 *(d) LISTING OF TESTED TECHNOLOGY.—In the case*
9 *of a technology tested under the program established under*
10 *this section, the Administrator shall publish the test results,*
11 *cost information, and a general description of the tested en-*
12 *vironmental technology, and disseminate the information*
13 *through the clearinghouse established under section 211.*

14 *(e) AUDIT.—*

15 *(1) IN GENERAL.—Not later than 3 years after*
16 *the date of enactment of this Act, the Comptroller*
17 *General of the United States shall audit the perform-*
18 *ance of the program established under this section*
19 *and report the results of the audit to Congress, in-*
20 *cluding—*

21 *(A) the number of sites where environmental*
22 *technologies have been tested, classified by the*
23 *type of problem remedied and the technology*
24 *tested;*

1 (B) the number of environmental technologies tested that have subsequently become
2 commercially viable;

4 (C) the number of sites for which environmental technologies tested have been selected for
5 additional applications;

7 (D) the cost in terms of labor and contract
8 funds expended by the agency on the program;
9 and

10 (E) the estimated number of jobs and increased income associated with the development
11 and commercialization of the environmental
12 technologies tested.

14 (2) REPORT.—The results of the audit conducted
15 under this subsection shall be included as part of the
16 report required under section 412.

17 (f) FUNDING.—Testing conducted under this section
18 shall be eligible for funding under section 301 pursuant to
19 the guidelines established under subsection (c).

20 (g) AUTHORIZATION OF APPROPRIATIONS.—There are
21 authorized to be appropriated \$15,000,000 for each of fiscal
22 years 1994 through 1997 to carry out this section.

1 **TITLE IV—ADDITIONAL**
2 **PROGRAMS**
3 **Subtitle A—Verification of**
4 **Environmental Technologies**

5 **SEC. 401. PROGRAM.**

6 (a) *ESTABLISHMENT.*—The Administrator is author-
7 ized to establish a program to verify, evaluate, and dissemi-
8 nate performance and cost information on environmental
9 technologies appropriate for meeting the performance cri-
10 teria of regulations issued as performance standards under
11 laws that the Administrator determines are appropriate,
12 collectively referred to in this section as “applicable regula-
13 tions”.

14 (b) *FUNCTIONS.*—As part of the program established
15 under this section, the Administrator may—

16 (1) accept applications from the public to verify
17 and evaluate cost and performance characteristics of
18 environmental technology;

19 (2) develop appropriate protocols to verify the
20 quality and credibility of cost and performance data
21 submitted by applicants;

22 (3) evaluate cost and performance data for envi-
23 ronmental technology relative to applicable regula-
24 tions, subject to the guidelines established under sub-
25 section (c); and

1 (4) list and disseminate information regarding
2 environmental technology verified and evaluated
3 under the guidelines established under subsection (c)
4 through the clearinghouse established under section
5 211.

6 (c) *GUIDELINES.*—

7 (1) *IN GENERAL.*—The Administrator may, after
8 notice and opportunity for comment, issue guidelines
9 for the operation of the program established under
10 this section.

11 (2) *DESCRIPTION.*—The guidelines may in-
12 clude—

13 (A) the criteria for designating the eligi-
14 bility of applicants to the program established
15 under this section;

16 (B) application requirements and proce-
17 dures for submitting data for verification;

18 (C) general criteria for the evaluation of en-
19 vironmental technologies, including an evalua-
20 tion, with respect to each technology evaluated, of
21 the ability of the technology to—

22 (i) meet the performance criteria of
23 any applicable regulation under tested con-
24 ditions with additional source reduction,
25 control, or remediation benefits as compared

1 to the technology evaluated to establish the
2 applicable regulation;

3 (ii) meet the performance criteria of
4 any applicable regulation under tested con-
5 ditions at a comparable or lower cost than
6 the estimated cost of the technology eval-
7 uated to establish the applicable regulation;
8 or

9 (iii) constitute a significant advance
10 in the development of environmental tech-
11 nology with broad applicability;

12 (D) a schedule of fees for applications to
13 cover the costs of the program, including—

14 (i) lower fees for each applicant des-
15 ignated as a small business concern, non-
16 profit group, institution of higher edu-
17 cation, or State or local government entity;
18 and

19 (ii) lower fees for applications to verify
20 environmental technology that provides
21 source reduction; and

22 (E) such other provisions as the Adminis-
23 trator may consider appropriate.

24 (d) REPORTING OF TECHNOLOGY.—

1 (1) *IN GENERAL.*—*In the case of a technology*
2 *that the Administrator evaluates in accordance with*
3 *the guidelines established under subsection (c), the Ad-*
4 *ministrator may publish the results of the evaluation*
5 *and a nonproprietary description of the evaluated*
6 *technology and disseminate the information through*
7 *the clearinghouse established under section 211.*

8 (2) *SIGNIFICANT ADVANCES.*—*The Administrator*
9 *may establish a list of technologies verified under the*
10 *program established by this section that represent sig-*
11 *nificant advances as compared to then current avail-*
12 *able technology.*

13 (e) *ADMINISTRATION.*—

14 (1) *USE OF FEES.*—*All fees collected by the Ad-*
15 *ministrator through the operation of the program es-*
16 *tablished under this section shall, subject to appro-*
17 *priations, be used to support the operation of the pro-*
18 *gram.*

19 (2) *EVALUATION DEADLINE.*—*All evaluations*
20 *conducted under the program established under this*
21 *section shall be completed, and the applicant notified*
22 *of the results, not later than 180 days after the receipt*
23 *of a complete application.*

24 (f) *NO REVISION OF REGULATIONS.*—*Nothing in this*
25 *Act shall be construed, interpreted, or applied in any man-*

1 ner to revise any regulation or release a person subject to
2 any regulation from the duty to comply with the regulation.

3 (g) *JUDICIAL REVIEW.*—

4 (1) *DECISIONS TO LIST OR NOT LIST.*—The ver-
5 ification or evaluation of a technology under the pro-
6 gram established under this section shall not—

7 (A) constitute a final action by the Admin-
8 istrator; and

9 (B) be subject to judicial review.

10 (2) *FAILURE TO COMPLY.*—If a technology veri-
11 fied, evaluated and listed pursuant to the program es-
12 tablished under this section fails to result in compli-
13 ance with any applicable regulation, the verification,
14 evaluation and listing shall not constitute a defense
15 in an enforcement action or citizen suit and shall not
16 create a cause of action against the Environmental
17 Protection Agency.

18 (h) *AUTHORIZATION OF APPROPRIATIONS.*—There are
19 authorized to be appropriated \$2,000,000 for each of the
20 fiscal years 1994 through 1997 to carry out this section.

21 ***Subtitle B—Environmental***
22 ***Technology Advisory Council***

23 ***SEC. 411. ESTABLISHMENT.***

24 (a) *ESTABLISHMENT.*—The Director may establish the
25 Environmental Technology Advisory Council (referred to in

1 *this section as the “Advisory Council”) as a subgroup with-*
2 *in an appropriate advisory committee in existence on the*
3 *date of enactment of this Act that has a charter approved*
4 *under the Federal Advisory Committee Act (5 U.S.C. App.*
5 *2).*

6 (b) *MEMBERSHIP.—The Director may appoint the*
7 *members of the Advisory Council. The individuals ap-*
8 *pointed as members of the Advisory Council shall—*

9 (1) *be eminent in the fields of business, research,*
10 *new product development, engineering, labor, edu-*
11 *cation, management consulting, environment, source*
12 *reduction, or international relations;*

13 (2) *be selected solely on the basis of established*
14 *records of distinguished service; and*

15 (3) *not be employees of the Federal Government.*

16 (c) *DUTIES.—The Advisory Council may—*

17 (1) *review and make recommendations regarding*
18 *general policy for the Bureau, and the organization,*
19 *budget, and programs of the Bureau within the*
20 *framework of national policies set forth by the Presi-*
21 *dent and Congress;*

22 (2) *review guidelines and regulations of the envi-*
23 *ronmental innovation research program established*
24 *under title III;*

- 1 (3) on the basis of the reviews conducted under
2 paragraphs (1) and (2), make recommendations to the
3 Administrator, the Director, and the head of each cov-
4 ered Federal agency regarding the organization and
5 effectiveness of the Bureau and environmental innova-
6 tion research programs established under title III;
- 7 (4) consult with the Panel authorized under title
8 I in the development of the National Environmental
9 Technology Strategy;
- 10 (5) make recommendations for administrative
11 and legislative actions to stimulate environmental
12 technology innovation;
- 13 (6) make recommendations to the Director to im-
14 prove the effective dissemination by the clearinghouse
15 of research information and results; and
- 16 (7) make recommendations to the Director re-
17 garding administrative actions to promote the export
18 of environmental technologies.

19 **SEC. 412. REPORT BY THE COMPTROLLER GENERAL.**

20 Not later than 3 years after the date of enactment of
21 this Act, the Comptroller General of the United States shall
22 submit to Congress a report concerning the implementation
23 of the programs established under titles II and III and this
24 title. The report shall include a description of the research
25 conducted under the programs, the estimated environmental

1 and economic benefits resulting from the programs, and the
2 cost of the programs.

3 **Subtitle C—Coordination With Na-**
4 **tional Institute of Standards**
5 **and Technology**

6 **SEC. 421. COORDINATION WITH NATIONAL INSTITUTE OF**
7 **STANDARDS AND TECHNOLOGY.**

8 (a) AGREEMENTS.—Not later than 180 days after the
9 date of enactment of this Act, the Administrator and the
10 Secretary of Commerce shall enter into such agreements as
11 are necessary to permit the Environmental Protection
12 Agency to provide technical assistance and support to the
13 Manufacturing Technology Centers administered by the Na-
14 tional Institute of Standards and Technology of the Depart-
15 ment of Commerce.

16 (b) ASSISTANCE.—The assistance shall include—

17 (1) the preparation of environmental assistance
18 packages for small business concerns generally and, if
19 appropriate, for specific small business sectors, in-
20 cluding information on—

21 (A) environmental compliance requirements
22 and methods for achieving compliance;
23 (B) new environmental technologies;

1 (C) alternatives for source reduction that
2 are generally applicable to the small business
3 sectors; and
4 (D) guidance for identifying and applying
5 opportunities for source reduction at individual
6 facilities;

7 (2) providing technical assistance to small busi-
8 ness concerns seeking to act on the information pro-
9 vided under paragraph (1);

10 (3) coordinating with the National Institute of
11 Standards and Technology to identify those small
12 business sectors that need improvement in environ-
13 mental compliance or in developing methods for
14 source reduction; and
15 (4) developing and carrying out an action plan
16 for providing assistance to improve the environmental
17 performance of small business sectors in need of im-
18 provement.

19 (c) *AUTHORIZATION OF APPROPRIATIONS.*—There are
20 authorized to be appropriated \$2,000,000 for each of fiscal
21 years 1994 through 1997 to carry out this section.

22 **SEC. 422. COORDINATION WITH OTHER FEDERALLY SUP-**

23 **PORTED EXTENSION PROGRAMS.**

24 The Administrator may coordinate with—

1 (1) small business development centers (established pursuant to section 21 of the Small Business
2 Act (15 U.S.C. 648)); and
3
4 (2) as appropriate, other small business and agricultural extension programs and centers,
5
6 to provide environmental assistance to small business con-
7 cerns.

8 **SEC. 423. STATUTORY CONSTRUCTION.**

9 Nothing in this Act shall be construed, interpreted, or
10 applied in any manner to affect the obligation or duty of
11 any Federal agency to comply with all applicable environ-
12 mental laws and requirements.

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