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103D CONGRESS
1ST SESSION

H. R. 3603

To promote the research and development of environmental technologies.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 1993

Mr. BROWN of California (for himself, Mr. VALENTINE, Mr. MINETA, Mrs. LLOYD, Mr. BOEHLERT, Mr. SWETT, Mr. KLEIN, Ms. ESHOO, Mr. TRAFICANT, Mr. TANNER, Mr. BACCHUS of Florida, Mr. BARCIA of Michigan, Mr. FINGERHUT, Ms. HARMAN, Mr. JOHNSON of Georgia, Mr. COPPERSMITH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MINGE, Mr. DEAL, Mr. SCOTT, Mr. BECERRA, and Mr. RUSH) introduced the following bill, which was referred jointly to the Committees on Science, Space, and Technology, the Judiciary, Education and Labor, Banking, Finance and Urban Affairs, Public Works and Transportation, Energy and Commerce, and Government Operations

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A BILL

To promote the research and development of environmental technologies.

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

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Environmental Technologies Act of 1993''.

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

SEC. 102. FINDINGS.

The Congress finds the following:

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

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

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

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

(5) The coordination of Federal, State, and local activities for developing and adopting environmental technologies will greatly enhance the effec-

tiveness of environmental policies of the United States.

SEC. 103. PURPOSES.

It is the purpose of this Act—

(1) to improve coordination and integration of environmental technology research and development performed by and across Federal agencies;

(2) to assist and catalyze efforts of private industry, universities, nonprofit research centers, and Federal laboratories in developing and deploying environmental technologies and, in the process, to promote the competitiveness of United States companies;

(3) to facilitate the development, diffusion, and export of environmental technologies by improving the availability of information;

(4) to promote industrial, academic, and public knowledge of sustainable economic development;

(5) to promote the development of technical standards for substitution of an environmentally sound product or technology for a traditional one, for environmental performance and efficacy of new technologies and products, and for environmental advertising and labeling of products;

(6) to encourage sustainable economic development internationally and to promote United States exports of environmental technologies; and

(7) to direct the study of tax and regulatory changes that will provide for the more efficient development and use of environmental technologies.

SEC. 104. DEFINITIONS.

For the purposes of this Act:

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

(2) The term ''environmental technology'' means—

(A) a technology that is primarily intended to improve the quality of the environment through pollution reduction or remediation;

(B) a product, manufacturing process, or service that is capable of cost-effectively replacing the functions of an existing product, process, or service, and as compared with the product, process, or service it replaces, significantly reducing overall pollution or significantly improving the efficiency of energy or materials use; or

(C) a technology within the meaning of subparagraphs (A) and (B).

(3) The term ''Federal laboratory'' means a Government-owned, Government-operated laboratory, or a Government-owned, contractor-operated laboratory.

(4) The term ''life-cycle assessment'' means the assessment of the complete systems involved in converting resources to products, including resource extraction, materials conversion, energy use, end use, recycling, and disposal, and their associated costs.

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

(6) The term ''United States company'' means a company described in section 28(d)(9)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(d)(9)(B)).

TITLE II—POLICY COORDINATION AND TECHNOLOGY PROGRAMS

Subtitle A—Policy Coordination and Program Planning

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

(a) INTERAGENCY COORDINATION.—The Director of the Office of Science and Technology Policy shall, in coordination with the heads of other Federal agencies that have substantial investment in the development and adoption of environmental technologies, take any action necessary—

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

(2) to develop priorities for Federal environmental technology research, development, and adoption efforts.

(b) IMPLEMENTATION.—In carrying out this section, the Director of the Office of Science and Technology Policy shall—

(1) review current Federally funded programs, including Federal budget outlays for these programs,

to determine their role in the development and dissemination of environmental technologies;

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

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

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

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

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

(c) BUDGET COORDINATION.—The Director of the Office of Science and Technology Policy shall annually assess, before the President submits to the Congress the budget for a fiscal year, the budget estimate of each relevant Federal agency for consistency with the plans, reviews, and priorities developed under this section. The Director shall make the results of the annual assessment available to the appropriate elements of the Executive Office of the President, particularly the Office of Management and Budget, for use in the preparation of such budget.

(d) ANNUAL REVIEW AND PLAN.—The Director of the Office of Science and Technology shall annually submit to the Congress a report containing an evaluation and plan that assesses the progress of Federal efforts in advancing the research, development, and adoption of environmental technologies.

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

cluding the development of the plans and reviews developed under this section.

SEC. 202. LIFE-CYCLE ASSESSMENTS.

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

(1) Life-cycle assessments have much potential for identifying opportunities for achieving more environmentally sound products, processes, and services and enhanced industrial efficiency.

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

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

(b) LIFE-CYCLE ASSESSMENT COORDINATION.—

(1) IN GENERAL.—The Director of the Office of Science and Technology Policy, as part of activities to coordinate environmental technology research, development, and adoption described in section 201, shall coordinate Federal activities and resources that are applied to life-cycle assessment in order to maximize the contribution of life-cycle assessments to sustainable economic development.

(2) IMPLEMENTATION.—In carrying out this subsection, the Director of the Office of Science and Technology Policy shall—

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

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

(C) consider the life-cycle assessment capabilities of the private sector.

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

(A) to collect, develop, and disseminate information regarding analytic methods and, as required, to develop such methods, that will significantly enhance the ability of United States companies and other organizations to evaluate materials extraction, transportation, conversion, end use, recycling, and disposal, and their associated costs and environmental impacts;

(B) to utilize, to the fullest extent practicable, existing networks and supporting databases providing ready access to nonproprietary information that will facilitate the use of life-cycle assessments; and

(C) to sponsor demonstrations for public policy and business decisionmakers of the effective use of the database and methodologies described in this section.

(c) ANNUAL REVIEW.—The Director of the Office of Science and Technology Policy shall annually submit to the Congress a report containing an evaluation of the life-cycle assessment activities of the Federal Government.

SEC. 203. ENVIRONMENTAL TECHNOLOGIES IN ONGOING PROGRAMS.

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

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

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

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

''(14) 'Sustainable economic development' means the integration of environment and economic development concerns leading to long-term economic development with reduced pollution and the more efficient use of energy and materials;'';

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

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

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

(7) in section 7(c)(1), by striking ''economic competitiveness'' and inserting ''sustainable economic development'';

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

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

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

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

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

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

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

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

(1) in section 102(d)—

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

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

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

(2) in section 103—

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

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

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

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

(d) NSF AMENDMENTS.—

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

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

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

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

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

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

''(g) For purposes of this Act:

''(1) The term 'United States' when used in a geographical sense means the States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

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

(e) TITLE 10 AMENDMENTS.—

(1) IN GENERAL.—Section 2501(b) of title 10, United States Code, is amended by striking ''economic growth'' in paragraphs (1) and (2) and inserting ''sustainable economic development''.

(2) DEFINITION.—Section 2491 of such title is amended by adding at the end the following new paragraph:

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

(f) TITLE 49 AMENDMENT.—Section 101(b)(4) of title 49, United States Code, is amended by inserting ''and sustainable economic development (as defined in section 104(5) of the Environmental Technologies Act of 1993)'' after ''technological advances''.

Subtitle B—Environmental Technology

SEC. 211. ENVIRONMENTAL TECHNOLOGIES DEVELOPMENT AND INTEGRATION PROGRAM.

(a) ESTABLISHMENT.—There is established an Environmental Technologies Development and Integration Program, to be administered by the Administrator, to promote the research, development, and integration of technologies that will contribute significantly to sustainable economic development.

(b) INTERAGENCY COORDINATION.—The Administrator shall administer the program established in subsection (a) in cooperation with the heads of other agencies that have substantial capabilities in advanced technology research and development.

(c) FINANCIAL ASSISTANCE.—To carry out the program referred to in subsection (a), the Administrator may enter into contracts and cooperative agreements with, and award grants to, entities eligible for such assistance under subsection (e).

(d) PROGRAM ELEMENTS.—Projects eligible for assistance under this section are projects that—

(1) develop advanced, precommercial environmental technologies, with emphasis on technologies within the meaning of section 104(2)(B), that will significantly contribute to sustainable economic development; or

(2) develop and demonstrate the integration of multiple steps in the conversion of materials that are involved in the manufacture, reuse, or recycling of a product, the recycling of process wastes, or the provision of a service.

(e) ELIGIBILITY FOR ASSISTANCE.—Entities shall be eligible for financial assistance under subsection (c) only if—

(1) the entity submits a proposal for such assistance in the form, time, and manner required by the Administrator;

(2) the entity is either a single company or a partnership which may include—

(A) two or more companies;

(B) a nonprofit research corporation established by two or more eligible firms; and

(C) as determined appropriate by the Administrator, a Federal laboratory or laboratories, institutions of higher education, agencies of State governments, and other entities that participate in the partnership by supporting the activities conducted by such firms or corporations under this section; and

(3) the company is a United States company and the Administrator finds that the company's participation in the Program would be in the economic interest of the United States, as evidenced by—

(A) investments in the United States in research, development, and manufacturing (including manufacturing major components or subassemblies in the United States);

(B) significant contributions to employment in the United States; and

(C) an agreement with respect to any technology arising from assistance provided under this section to promote the manufacture within the United States of products resulting from that technology (taking into account the goals

of promoting the competitiveness of United States industry), and to procure parts and materials from competitive suppliers.

(f) SELECTION OF PROPOSALS.—

(1) COMPETITIVE PROCESS.—The Administrator shall select proposals for financial assistance under this section solely through a competitive, merit-based evaluation process established by the Administrator.

(2) SELECTION CRITERIA.—Criteria used to evaluate proposals for financial assistance under this section shall include the following:

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

(B) Contribution to industrial competitiveness, including new markets, reduced production costs, and enhanced export potential.

(C) Improvement in the work environment.

(D) Applicability to other industrial processes.

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

(F) Contribution to the environmental priorities established pursuant to section 201.

(3) INTEGRATION OF INDUSTRY VIEWS.—The Administrator shall develop mechanisms for integrating the views of representatives of industry into the process by which proposals for financial assistance under this section are evaluated.

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

(1) Such assistance may be made for not more than three years for single firms and not more than five years for partnerships.

(2) The Federal Government may provide not more than a minority cost-share of the awards to partnerships. The Administrator shall prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a partnership for the purpose of determining the share of the partnership costs that have been or are being undertaken by such participant.

(h) OTHER ASSISTANCE AUTHORIZED.—The Administrator, in cooperation with the heads of other appropriate Federal agencies that have substantial capabilities in advanced technology research and development, may

provide entities receiving financial assistance under this section with any technical and other assistance the Administrator considers necessary to carry out this section. In providing such assistance, the Administrator may make available to a partnership any equipment and facilities of Federal laboratories (including the scientists and engineers at those laboratories) that the Administrator considers appropriate for the work to be performed by the partnership.

(i) ANNUAL REVIEW.—The Administrator shall annually submit to the Congress a report that contains an evaluation of the program established under subsection (a). The report shall evaluate the success of innovations resulting from the program based on criteria that include those described in subsection (f)(2).

(j) PROGRAM ADMINISTRATION.—

(1) IN GENERAL.—In administering the program established under this section, the Administrator shall—

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

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

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

(2) APPLICABILITY OF FOIA.—Section 552 of title 5, United States Code, shall not apply to the following information obtained by the Federal Government on a confidential basis in connection with the activities of any firm or partnership receiving financial assistance under this section:

(A) Information on the operation of any firm or member of a partnership.

(B) Trade secrets possessed by any business or any member of the partnership.

(3) DISCLOSURE OF INTELLECTUAL PROPERTY.—Intellectual property owned and developed by any business or partnership receiving financial assistance under this section or by any member of such a partnership may not be disclosed by any officer or employee of the Federal Government except in accordance with a written agreement between the

owner or developer of the intellectual property and the Administrator.

(4) VESTING OF INTELLECTUAL PROPERTY RIGHTS.—

(A) IN GENERAL.—Title to any intellectual property arising from assistance provided under this section shall vest in a company or companies incorporated in the United States or in an institution of higher education in the United States. The Federal Government may reserve a nonexclusive, nontransferable, irrevocable paid-up license, to have practiced for or on behalf of the Federal Government, in connection with any such intellectual property, but shall not, in the exercise of such license, publicly disclose proprietary information related to the license. Title to any such intellectual property shall not be transferred or passed, except to a company incorporated in the United States, until the expiration of the first patent obtained in connection with such intellectual property.

(B) DEFINITION.—For purposes of this paragraph, the term ''intellectual property'' means an invention patentable under title 35,

United States Code, or any patent on such an invention.

(C) EFFECT ON LICENSING.—Nothing in this paragraph shall be construed to prohibit the licensing to any company of intellectual property rights arising from financial assistance provided under this section.

(5) SUSPENSION OF FINANCIAL ASSISTANCE.—The Administrator may, within 30 days after notice to the Congress, suspend a company or partnership from continued financial assistance under this section if the Administrator determines that the company, the country of incorporation of the company or a parent company, or the partnership has failed to satisfy any of the requirements of this section, and that it is in the national interest of the United States to do so.

SEC. 212. ENVIRONMENTAL REMEDIATION AND MONITORING TECHNOLOGIES.

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

(1) Existing permit and compliance policies and practices are a key barrier to the widespread use of innovative environmental monitoring and remediation technologies.

(2) Past efforts to develop new containment and clean-up technologies have yielded only modest results and have reached the application stage only after many years of substantial and consistent efforts.

(3) More aggressive and integrated Federal programs to develop, demonstrate, and make available alternate and innovative monitoring and remediation technologies are needed to ensure the timely and widespread application of the most suitable technical solutions to costly environmental problems.

(b) INTERAGENCY COORDINATION IN REMEDIATION TECHNOLOGY DEVELOPMENT PROGRAMS.—Within one year after the date of the enactment of this Act, the Administrator, the Secretary of Energy, and the Secretary of Defense shall jointly submit to the Congress a detailed strategic plan for interagency coordination of Federal programs for the timely development, demonstration, and deployment of innovative environmental control and remediation technologies.

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

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

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

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

(A) helping to stimulate United States companies to develop and deploy environmental technologies;

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

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

(b) PURPOSE.—It is the purpose of this section to provide for the establishment and conduct of a President's Total Environmental Quality Award Program and a National Environmentally Sound Technology Award Pro-

gram under which awards are given to recognize the successful development and deployment of environmental technologies and information is disseminated about such success.

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

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

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

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

''(c) AWARD SELECTION PROCESS.—The Secretary, in cooperation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall establish a process for the acceptance and evaluation of Award applicants. The Secretary shall, to the maximum extent practicable, use the same procedures and facilities provided for the administration of the Malcolm Baldrige Award, including the definition of award categories, the

delegation of responsibilities, and provisions for publicity, evaluation feed-back, and information transfer.

''(d) PRESENTATION OF AWARD.—

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

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

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

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

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

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

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

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

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

''(g) FUNDING.—The Secretary may seek and accept gifts from public and private sources to carry out this section. The Secretary may provide for the imposition of a fee upon the organizations applying for the Award.

''(h) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall submit to the President and the Congress a report on the progress made in carrying out this section. The report shall include any recommendations of the Secretary for any modifications of the Award the Secretary considers necessary.

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

''(a) ESTABLISHMENT.—There is established a National Environmentally Sound Technology Award for the purpose of awarding individuals who have pioneered the development and use of highly innovative environmental technologies within the meaning of section 104(2)(B) of the Environmental Technologies Act of 1993.

''(b) ADMINISTRATION.—Using the authority and procedures established in section 24 and subject to the conditions described in this section, the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, shall receive and evaluate applications for the National Environmentally Sound Technology Award and provide for presentation of such Award.

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

''(1) Manufacturing technologies.

''(2) Industrial or consumer products.

''(3) Consumer services.

''(4) Recycling technologies.

''(d) QUALIFIED APPLICANTS.—Any citizen or permanent resident of the United States may qualify for such Award. Any such individual who is employed by or otherwise works for a business, Federal laboratory, or other or-

ganization may qualify for such Award only if the individual was substantially involved in the invention or innovation for which such Award is presented.

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

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

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

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

(2) performance standards regarding environmental technologies;

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

(4) other information determined by the Administrator to be of substantial value in promoting the development and adoption of environmental technologies.

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

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

(2) add to existing data sources; and

(3) integrate data described in subsection (a) into other technology databases maintained by the Environmental Protection Agency, the Department of Commerce, the Department of Energy, and other appropriate Federal agencies.

(c) OUTREACH.—The Administrator shall conduct appropriate outreach efforts to advertise, deliver, and disseminate the information made available through the networks referred to in subsection (a), including information on participation in Alliances referred to in subsection (d).

(d) ENVIRONMENTAL TECHNOLOGY TRANSFER ALLIANCES.—

(1) TECHNOLOGY TRANSFER.—The Administrator may enter into partnership agreements (in this section referred to as ''Alliances'') with an agency of a State or local government, a non-profit organization in which a State or local government is a member, an institution of higher education designated by a State or local government, or a manufacturing extension and outreach service or regional technical assistance service approved by the Federal Government or a State in order to—

(A) facilitate access to information incorporated in the networks referred to in subsection (a); and

(B) transfer to entities referred to in paragraph (2) other information that would enhance the development and adoption of environmental technologies.

(2) ENTITIES ELIGIBLE FOR ALLIANCE PARTICIPATION.—Entities eligible for participation in an Alliance include United States companies, United States non-profit organizations, Federal laboratories, United States institutions of higher education, spon-

soring organizations, and other organizations that the Administrator considers to be appropriate.

(3) ALLIANCE ACTIVITIES.—Under a partnership agreement referred to in paragraph (1), an Alliance—

(A) may disseminate information made available through the networks to any other entity the Alliance considers necessary to advance the goals of this section;

(B) is encouraged to collect, and disseminate to United States companies in the region, information regarding opportunities for the more efficient use of materials and energy and for waste minimization, materials conversion, and recycling;

(C) is encouraged to provide technical assistance to United States companies related to activities under this subsection; and

(D) may undertake any other activities the Administrator considers appropriate to carry out this subsection.

(4) USE OF EXISTING PROGRAMS.—In selecting partners for a partnership agreement referred to in paragraph (1), the Administrator shall, to the maximum extent practicable, use existing programs for

technical assistance and technical information dissemination.

(5) FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—To carry out this subsection, the Administrator may provide financial assistance to an Alliance under terms and conditions prescribed by the Administrator.

(B) LIMITATIONS.—The Administrator may not provide financial assistance to an Alliance under this subsection—

(i) for construction of facilities; or

(ii) in an amount that exceeds a minority cost share of the activities carried out by the Alliance under this subsection.

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

(a) ESTABLISHMENT.—The Administrator shall establish a program to demonstrate the performance of environmental technologies at Federal laboratories and other Federal facilities.

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

(1) environmental technologies that can be applied to a major pollution control or remediation

need, as determined by the Administrator, at a Federal laboratory or other Federal facility;

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

(3) other environmental technologies that the Administration considers to have significant potential as an environmental technology that will contribute to sustainable economic growth.

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

(1) may enter into cooperative agreements with other Federal departments and agencies for the purpose of demonstrating the performance of environmental technologies;

(2) may enter into contracts and cooperative agreements for such purpose with organizations selected under paragraph (7);

(3) except as provided in paragraph (4), may not provide Federal resources under a cooperative agreement referred to in paragraphs (1) and (2) in an amount that exceeds one-half of the total cost of carrying out services and activities under the agreement;

(4) may make special provisions for small businesses, including the provision of Federal resources under a cooperative agreement entered into with a small business under paragraph (1) or (2) in an amount that exceeds one-half of the total cost of carrying out services and activities under the agreement;

(5) shall establish procedures to solicit and accept applications for environmental technologies for demonstration under this program;

(6) shall, in consultation and cooperation with other Federal agencies, make available information through the networks described in section 214 and make available through other means—

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

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

(7) shall establish procedures for the merit-based review of all applications for demonstration

projects under this program through a process that includes representatives of industry and United States nonprofit organizations and select organizations to carry out such projects based upon such procedures;

(8) shall document the performance and cost of characteristics of the environmental technology demonstrated; and

(9) shall list and disseminate, through the networks described in section 214, nonproprietary information regarding the performance and cost characteristics of the environmental technologies demonstrated pursuant to this section.

(d) QUALIFYING ORGANIZATIONS.—Entities eligible to carry out a demonstration project as part of the program established under subsection (a) are United States companies (including small businesses), United States nonprofit organizations, United States institutions of higher education, and other organizations that the Administrator considers appropriate.

(e) PROGRAM EVALUATION AND REPORTING.—The Administrator shall, in cooperation with other Federal agencies and in consultation with the United States companies and United States nonprofit organizations, annu-

ally submit to the Congress a report that evaluates the performance of the program, including a statement of—

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

(2) the number of environmental technologies demonstrated in the program that have since become commercially viable and their estimated impact; and

(3) the Federal and non-Federal financial resources committed to the program.

SEC. 216. FEDERAL ACQUISITION AND USE OF ENVIRONMENTALLY EFFICIENT BUILDING MATERIALS.

(a) DEMONSTRATION OF ACQUISITION AND USE OF MATERIALS.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall establish a 3-year pilot program to promote research on, and development of, environmentally efficient building materials through demonstration of the acquisition and use of environmentally efficient building materials in the construction of new Federal facilities and buildings and in existing Federal facilities and buildings.

(b) SELECTION CRITERIA.—In selecting environmentally efficient building materials, the Administrator shall use the criteria of—

(1) maximizing the conservation and preservation of natural resources;

(2) ensuring that the materials are similar in quality and durability to comparable, more conventional materials;

(3) ensuring that the materials are cost competitive with comparable, more conventional materials on a life-cycle cost basis;

(4) ensuring that the materials meet appropriate environmental, public health, and safety standards; and

(5) ensuring that the materials meet appropriate standards for energy efficiency.

(c) PREFERENCES AMONG ENVIRONMENTALLY EFFICIENT BUILDING MATERIALS.—When making choices between comparable environmentally efficient building materials that meet all the criteria under subsection (b), the Administrator shall give preference to those materials that best satisfy such criteria.

(d) REPORT.—Not later than 30 days after completion of the pilot program established under this section, the Administrator shall submit to the Congress a report on the implementation of the pilot program. The report shall include—

(1) a listing of the type and quantities of environmentally efficient building materials used;

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

(3) an assessment of the extent to which the acquisition and use of such materials can be expanded beyond the scope of the pilot program;

(4) an assessment of how well the materials meet the criteria under subsection (b)(1); and

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

(e) INTEGRATION OF OTHER VIEWS.—In carrying out this section, the Administrator shall develop mechanisms for integrating the views of the Administrator of General Services, the Army Corps of Engineers, and representatives of the environmental community, the construction industry (including small business), manufacturing companies (including small businesses) that produce environmentally efficient materials, and the scientific and technical community.

(f) GUIDELINES TO FEDERAL AGENCIES.—The Administrator shall, after consultation with the Administrator of General Services, promulgate regulations containing guidelines to Federal agencies on minimizing the creation of solid waste and on maximizing the use of environmentally efficient building materials in the construction of Federal buildings. Such regulations shall include—

(1) a requirement that any bid or proposal for Federal contracts for the construction of Federal buildings include a plan for minimizing the generation of solid waste and for maximizing the use of environmentally efficient building materials in such construction; and

(2) standards for an acceptable plan that satisfies the requirement under paragraph (1).

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

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

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

facture, fabrication, and use of comparable, more conventional materials.

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

(4) The term ''solid waste'' means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

(5) The term ''construction'' with respect to any project of construction under this section, means—

(A) the erection or building of new structures and acquisition of lands or interests therein, or the acquisition, replacement, expansion, remodeling, alteration, modernization, or extension of existing structures;

(B) the acquisition and installation of initial equipment of, or required in connection with, new or newly acquired structures or the expanded, remodeled, altered, modernized or extended part of existing structures (including trucks and other motor vehicles, and tractors, cranes, and other machinery) necessary for the proper utilization and operation of the facility after completion of the project, including preliminary planning to determine the economic and engineering feasibility and the public health and safety aspects of the project, the engineering, architectural, legal, fiscal, and economic investigations and studies, and any surveys, designs, plans, working drawings, specifications, and other action necessary for the carrying out of the project; and

(C) the inspection and supervision of the process of carrying out the project to completion.

TITLE III—EDUCATION

SEC. 301. ENVIRONMENTALLY ADVANCED EDUCATION.

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

(1) With the exception of environmental engineering curricula, environmental considerations are typically not integrated into the required design course work for the various engineering disciplines.

(2) The integration of environmental considerations into all engineering, industrial, design, and other technology-oriented curricula in a timely fashion is essential to better achieving sustainable economic development.

(b) PURPOSE.—The purpose of this title is to encourage the National Science Foundation to provide assistance to colleges and universities for comprehensive research and education activities that will integrate environmental considerations into the design, manufacturing, and production processes.

(c) NATIONAL SCIENCE FOUNDATION ENGINEERING ENVIRONMENTALLY ADVANCED EDUCATION PROGRAMS.—The Director of the National Science Foundation shall support undergraduate and graduate activities in the development of coursework materials and curricula in all scientific, engineering and technical disciplines to incorporate environmental soundness and total cost account-

ing principles into the corresponding curricula. In carrying out this section, the Director of the National Science Foundation shall cooperate with the Environmental Protection Agency and other appropriate Federal agencies and consult with appropriate private sector organizations, including the Accreditation Board for Engineering and Technology.

(d) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—

(1) IN GENERAL.—In carrying out this section, the Director of the National Science Foundation shall encourage the participation of socially disadvantaged individuals and economically disadvantaged individuals.

(2) DEFINITIONS.—For purposes of this subsection:

(A) The term ''economically disadvantaged individuals'' has the meaning given such term in section 8(a)(6)(A) of the Small Business Act, 15 U.S.C. 637(a)(6)(A), and includes women.

(B) The term ''socially disadvantaged individuals'' has the meaning given such term in section 8(a)(5) of the Small Business Act, 15 U.S.C. 637(a)(5), and includes women.

(e) SPECIAL NEEDS.—In carrying out the provisions of this section, the Director of the National Science Foundation shall take into account any special needs of 2-year colleges, as applicable.

SEC. 302. GENERAL EDUCATION IN ENVIRONMENTAL TECHNOLOGIES.

(a) IN GENERAL.—The Director of the Office of Research and Development of the Environmental Protection Agency, in consultation and coordination with other Federal agencies (including the National Science Foundation) and agencies of State and local governments, shall develop and support programs and related efforts to improve understanding of the relationships between technology and the environment, including—

(1) information on—

(A) relations between economic activity and the environment and opportunities for improvement in such relations; and

(B) systems which encompass resource extraction or introduction, transformation, consumption, recycle and disposal, and the energy and resources consumed and the value-yielding results; and

(2) any other information the Director of the Office of Research and Development of the Environ-

mental Protection Agency, in consultation with other Federal agencies (including the National Science Foundation) and agencies of State and local governments, considers appropriate.

(b) PROGRAM FUNCTIONS AND ACTIVITIES.—The programs and efforts referred to in subsection (a) shall include, at a minimum—

(1) the development and widest dissemination practicable of model curricula, educational materials, and training programs for technical college, secondary, and elementary students and other interested groups;

(2) the provision of information to local education agencies, State education and natural resource agencies, and others; and

(3) the training of education professionals in the development and delivery of the environmental education materials developed under this Act.

TITLE IV—STANDARDS

SEC. 401. PERFORMANCE STANDARDS.

(a) AUTHORIZATION.—The Secretary of Commerce, in cooperation with the Administrator, the Secretary of Energy, and the heads of other appropriate Federal agencies, and in consultation with non-Federal standards organizations, shall establish a program to support the clari-

fication of standards of performance for environmental technologies to clarify quality, performance, and substitutability for conventional products.

(b) EXISTING PROGRAMS.—In developing the program established in subsection (a), the Secretary of Commerce shall, to the maximum extent practicable, coordinate efforts under such program with existing non-Federal standards activities that affect environmental technologies.

(c) NON-FEDERAL PROGRAM CERTIFICATION.—The Secretary of Commerce, in cooperation with the Administrator and the Secretary of Energy, shall establish a mechanism for recognizing non-Federal organizations engaged in environmental standards setting and associated product performance verification activities for the purpose of ensuring quality and enhancing consumer confidence and international recognition.

(d) INTERNATIONAL HARMONIZATION.—The Secretary of Commerce shall work with domestic and international standards organizations to insure harmonization of domestic standards with international standards.

SEC. 402. VERIFICATION OF ENVIRONMENTAL TECHNOLOGIES.

(a) ENVIRONMENTAL TECHNOLOGY VERIFICATION CENTERS.—The Administrator may enter into joint agree-

ments with State and local governments and private sector representatives to support Environmental Technology Verification Centers (in this section referred to as ''Verification Centers'') that verify, evaluate, and disseminate information on the performance and cost of environmental technologies.

(b) FUNCTIONS.—Verification Centers may, under subsection (a)—

(1) evaluate cost and performance data for environmental technologies;

(2) provide information that describes whether the environmental technology evaluated and verified—

(A) meets the performance criteria of applicable law (including regulations issued by the Administrator) under tested conditions;

(B) meets the performance criteria of applicable law (including regulations issued by the Administrator) at comparable or lower costs; and

(C) constitutes a significant advance with broad applicability.

(c) ADMINISTRATION.—The Administrator shall—

(1) establish procedures for soliciting applications for and selecting, pursuant to criteria referred

to in subsection (d), Verification Centers to perform functions under this section;

(2) establish criteria for eligibility to act as a Verification Center;

(3) certify appropriate protocols developed by Verification Centers to verify the quality and credibility of cost and performance data submitted by Verification Centers;

(4) ensure that information regarding environmental technologies verified and evaluated under this program is disseminated through the networks referred to in section 214;

(5) ensure that fees charged by Verification Centers are reasonable and include—

(A) lower fees for small businesses, nonprofit organizations, and institutions of higher education; and

(B) lower fees for verifying environmental technologies that provide source reduction; and

(6) consult with other Federal agencies to make available the sources and expertise of Federal laboratories through cooperative agreements with the Verification Centers.

(d) SELECTION CRITERIA.—The Administrator, in consultation with other Federal agencies, State and local

governments, and private sector organizations, shall select Verification Centers based on the following criteria:

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

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

(3) The likelihood of the continued viability of the Verification Center.

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

(5) Other criteria that the Administrator considers appropriate.

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

(f) FINANCIAL ASSISTANCE.—The Administrator may provide financial assistance to a Verification Center under this section. Such financial assistance shall—

(1) be for not more than 5 years; and

(2) provide not more than 30 percent of the cost of operating the Verification Center.

(g) DIRECT PARTNERSHIPS.—If the Administrator determines that Verification Centers cannot adequately verify the performance of environmental technologies because of scale or complexity, the Administrator may engage directly with private sector organizations through direct verification partnerships to verify the performance of such technologies. The Administrator may engage in a direct verification partnership under this subsection only if—

(1) the Administrator documents that the verification cannot be conducted at a Verification Center, or comparable commercial service, established under this section for reasonable cost;

(2) the Federal Government provides not more than 30 percent of the cost-share of the project; and

(3) the Administrator determines that the verification will make a significant contribution to sustainable economic development.

(h) JUDICIAL REVIEW.—

(1) DECISION TO LIST OR NOT LIST.—The verification or evaluation of a technology under this section shall not—

(A) constitute a final action by the Administrator; and

(B) be subject to judicial review.

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

SEC. 403. CONSUMER CLAIMS ON ENVIRONMENTAL TECHNOLOGIES.

The Federal Trade Commission shall—

(1) conduct a study of scientific and technological information needed for the fair evaluation of commercial performance claims regarding environmental technologies; and

(2) develop a plan for close collaboration with Federal agencies, including the Environmental Protection Agency, the Department of Energy, and the Department of Commerce, that have expertise in environmental technologies to ensure the use of the best available scientific and technological informa-

tion by the Federal Trade Commission in evaluating such claims.

TITLE V—INTERNATIONAL PROGRAMS

SEC. 501. FINDINGS.

The Congress finds the following:

(1) The global market for environmental technologies, goods, and services is currently $270,000,000,000 and is estimated to grow to $500,000,000,000 by the year 2000.

(2) Such market represents a major opportunity to increase high-quality jobs in the United States and to assist nations in implementing sustainable economic development programs.

(3) Although the United States has historically been an international leader in the development of environmental technologies, United States companies have not gained a corresponding share of the international market, in part because other nations have more extensive programs to assist in promoting the export of environmental technologies.

SEC. 502. INTERNATIONAL ENVIRONMENTAL TECHNOLOGY DEMONSTRATION.

(a) IN GENERAL.—The Administrator, in cooperation with the Secretary of Commerce, the Secretary of Energy,

and the heads of other appropriate Federal agencies and utilizing, to the maximum extent practicable, existing Federal programs, is encouraged to support programs in other nations for the purpose of enhancing United States exports of environmental technologies and promoting the contribution of United States environmental technologies to international sustainable economic development.

(b) ACTIVITIES AND SERVICES.—Activities and services under subsection (a) shall include—

(1) providing scientific and technical data and other information to the host government or organizations designated by the host government that would illustrate the value of United States environmental technologies in achieving environment policy goals of that nation;

(2) identifying United States sources of expertise or technology that could assist the host nation in achieving its environmental goals;

(3) providing assistance in conducting scientific and technological environmental policy assessments conducted by the host government to illustrate the benefits of different options and the contributions to be made through science and technology; and

(4) providing other services authorized by the Administrator that would carry out this section.

(c) COOPERATIVE ASSESSMENTS.—The Administrator may enter into cooperative agreements with the host government or organizations designated by the host government to carry out the activities and services described in subsection (b).

(d) USER FEES.—The Administrator may impose fees to defray the costs of activities and services under this section.

(e) GRANT RECEIPT.—To carry out this section, the Administrator may receive unconditional grants of financial support from the host government or nonprofit philanthropic Foundations. Such grants may be accepted only if they are unconditional and in no way influence the direction of activities and services under this section.

(f) EVALUATION AND REPORT.—Within 2 years after the establishment of the program under this section, and annually thereafter, the Administrator shall submit to the Congress a report that contains an evaluation of the program and the effectiveness of the activities and services carried out under the program with respect to each host nation. The evaluation shall provide recommendations for continuation, improvement, or termination of such activities and services.

SEC. 503. PROMOTION OF ENVIRONMENTAL TECHNOLOGY EXPORTS.

(a) ESTABLISHMENT.—The Secretary of Commerce, in consultation with the Administrator and the heads of other appropriate agencies and utilizing, to the maximum extent practicable, existing programs of the Federal and State governments, shall support activities to promote the export of United States environmental technologies.

(b) SERVICES.—Services and activities under this section may include the provision of—

(1) information on international market opportunities, including trade fairs, international environmental regulations, and applicable technical and financial assistance programs;

(2) education and training that will assist in adapting and developing environmental technologies and services with substantial potential for export to major international markets; and

(3) training, in cooperation with the Administrator of the Agency for International Development, to individuals from nations other than the United States concerning the operation, maintenance, and full value of United States environmental technologies and services.

(c) OTHER ASSISTANCE AUTHORIZED.—The Secretary of Commerce may provide technical and other as-

sistance to carry out this section. Such assistance may include equipment and facilities of Federal laboratories (including the scientists and engineers at those laboratories). The Secretary shall coordinate with the heads of other Federal agencies to make the capabilities of the Federal laboratories available under this section.

(d) COORDINATION WITH OTHER PROGRAMS.—The Secretary of Commerce shall coordinate the activities and services under this section with other programs of the Federal Government, including programs carried out by the Environmental Protection Agency, the Department of Energy, the Agency for International Development, and the Overseas Private Investment Corporation, to avoid redundancy and ensure maximum use of the Federal investment.

(e) ANNUAL REVIEW.—The Secretary of Commerce shall annually submit to the Congress a report containing a review of activities and services carried out under this section.

SEC. 504. FINANCIAL ASSISTANCE FOR TECHNOLOGY ADAPTATION TO PROMOTE EXPORTS.

(a) ESTABLISHMENT.—There is established a revolving fund to be known as the Environmental Technology Export Revolving Fund for the purpose of providing financial assistance for the adaptation and demonstration of

United States environmental technologies to enhance exports to major international markets.

(b) FORMS OF FINANCIAL ASSISTANCE.—To carry out this section, the Secretary of Commerce may, to the extent provided in appropriations Acts, use the Fund for the purpose of making loans, loan guarantees, or other forms of financial assistance to United States companies, independent research centers, institutions of higher education, and other organizations the Secretary considers appropriate.

(c) PRIORITIES.—In providing financial assistance under this section, the Secretary of Commerce shall give priority to environmental technologies—

(1) that require modifications through further research and development to enable commercialization in international markets;

(2) that have substantial potential for use in export markets; and

(3) for which substantial manufacture will remain in the United States.

(d) OPERATING PLAN.—Not later than January 1, 1995, the Secretary of Commerce shall submit to the Congress an operating plan to carry out this section. The plan shall contain a description of coordination efforts with other sources of export finance assistance, including the

Agency for International Development and the Overseas Private Investment Corporation, and an evaluation of alternative approaches to carrying out this section (including priorities referred to in subsection (c)). The Secretary shall develop recommendations, as appropriate, to carry out this section in the most effective and efficient manner achievable. The recommendations shall include a description of the system of evaluation used under this subsection.

(e) TERMS AND CONDITIONS FOR FINANCIAL ASSISTANCE.—

(1) LIMITATION ON PROJECT AMOUNT.—Loans, loan guarantees, and other forms of financial assistance made under this section shall be in such form and under such terms and conditions as the Secretary of Commerce may prescribe by regulation. The amount of assistance provided under this section for a project may not exceed 50 percent of the total eligible project costs. The term ''total eligible project costs'' shall be defined by the Secretary of Commerce by regulation.

(2) LIMITATION ON TOTAL COST.—Financial assistance under this section shall be made under such terms and conditions as are necessary to ensure that the cost of carrying out this section shall

not exceed 15 percent of the corresponding credit authority to carry out this section. For purposes of this paragraph—

(A) the term ''cost'' has the meaning given such term in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a); and

(B) the term ''credit authority'' has the meaning given such term in section 3(10) of the Congressional Budget Act of 1974 (2 U.S.C. 622(10)).

(f) REPAYMENT.—Repayment on loans made under this section and the proceeds from any other agreement entered into by the Secretary of Commerce under this section shall be credited to the Fund. A loan or loan guarantee agreement under this section may, at the discretion of the Secretary of Commerce, include a requirement—

(1) that a portion of any royalties received in connection with a technology developed with financial assistance under this section be paid to the United States; and

(2) in any case in which the technology is used by the recipient of such financial assistance for the production and sale of goods, that a payment equal to the amount paid under paragraph (1) in connec-

tion with the technology be paid to the United States.

(g) INTEREST.—Interest on a loan, or portion of a loan, awarded or guaranteed by the Federal Government under this section shall be at a rate determined by the Secretary of the Treasury, at the time such loan is made, to equal the then current average market yield on outstanding debt obligations of the United States with remaining periods to maturity comparable to the maturity of such loan, plus an additional charge of up to 1 percent applied by the Secretary of Commerce to cover expected defaults and reasonable administrative costs of carrying out this section. For purposes of this section, the term ''default'' shall be defined by the Secretary of Commerce by regulation.

(h) MANAGEMENT OF THE FUND.—The Secretary of Commerce shall manage the Fund and shall annually submit to the Congress a report on the financial condition and the results of operation of the Fund during the preceding fiscal year.

(i) TECHNICAL ASSISTANCE.—The Secretary of Commerce shall, upon request, provide technical assistance and services, as appropriate and needed, to awardees under this section and shall ensure that awardees have ready access to such assistance. The Secretary may charge fees

for technical assistance and services. The Secretary may waive such fees on a case-by-case basis. Fees paid to the United States under this section shall be deposited in the revolving fund.

(j) COORDINATION WITH OTHER FEDERAL ACTIVITIES.—The Secretary of Commerce shall, to the maximum extent practicable, coordinate the activities under this section with similar Federal activities to avoid unnecessary duplication of effort.

(k) OUTREACH TO ECONOMICALLY DEPRESSED AREAS.—The Secretary of Commerce shall seek to ensure that qualified business concerns located in areas determined by the Secretary to have a depressed economy, or a significant concentration of defense-related industries, or chronically high unemployment, are notified of the availability of financial assistance under this section and, to the extent practicable, to encourage and facilitate the participation of such qualified business concerns in activities for which financial assistance is provided under this section.

TITLE VI—FINANCIAL AND REGULATORY INCENTIVES

SEC. 601. USE OF ENVIRONMENTAL TECHNOLOGY PRODUCTS BY THE FEDERAL GOVERNMENT.

(a) ESTABLISHMENT.—The President shall establish a program for evaluating and approving the purchase by the Federal Government of environmental technology products. The President shall—

(1) work with the performance standards programs established under section 401 to ensure substitutability of environmental technologies for conventional technologies for the purposes of the Federal Government;

(2) establish a priority list of technologies for inclusion under the program; and

(3) implement a plan for the procurement of environmental technologies.

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

SEC. 602. STUDY OF REGULATORY INFLUENCES ON INNOVATION IN ENVIRONMENTAL TECHNOLOGIES.

(a) REVIEW.—The Administrator, working with State regulatory agencies, shall conduct a study of current environmental regulations and their effect upon innovation in environmental technologies and the introduction of new environmental products.

(b) REPORT.—The Administrator shall, within one year after the date of the enactment of this Act, submit to the Congress a report on the results of the study described in subsection (a). The report shall contain any suggestions of the Administrator for actions that could be taken to increase the regulatory incentives for industrial use of new environmental technologies.

SEC. 603. STUDY OF THE IMPACT OF TAX INCENTIVES ON INNOVATION IN ENVIRONMENTAL TECHNOLOGIES.

The President shall study the potential for efficiently encouraging the development and use of environmental technologies through tax incentives. The study shall—

(1) review existing environmental and technology development tax incentives and estimate their impact on the development and use of environmental technologies;

(2) assess the potential of alternative tax incentives that are considered promising for accelerating

the development and use of environmental technologies; and

(3) in coordination with the study of regulatory effects on innovation in environmental technologies established in section 602, assess the relationship between existing regulations and proposed regulatory reforms on the influence of existing and potential tax incentives.

TITLE VII—AUTHORIZATION OF APPROPRIATIONS

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

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

(b) ENVIRONMENTAL TECHNOLOGIES DEVELOPMENT AND INTEGRATION PROGRAM.—There is hereby authorized to be appropriated to carry out the Environmental Technologies Development and Integration Program established in section 211—

(1) $80,000,000 for fiscal year 1995; and

(2) $120,000,000 for fiscal year 1996.

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HR 3603 IH——2

HR 3603 IH——3

HR 3603 IH——4

HR 3603 IH——5

HR 3603 IH——6