

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3870

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## AN ACT

To promote the research and development of environmental technologies.

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

### 3 **TITLE I—GENERAL PROVISIONS**

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

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

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

TITLE I—GENERAL PROVISIONS

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

TITLE II—POLICY COORDINATION AND TECHNOLOGY PROGRAMS

Subtitle A—Policy Coordination and Program Planning

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

Subtitle B—Environmental Technology Innovation Initiative

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

Subtitle C—Other Research Activities

- Sec. 221. Environmentally advanced engineering research.

TITLE III—PERFORMANCE MEASUREMENTS

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

TITLE IV—DEPARTMENT OF ENERGY ENVIRONMENTAL  
TECHNOLOGY DEVELOPMENT

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

TITLE V—AUTHORIZATION OF APPROPRIATIONS

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

1 **SEC. 102. FINDINGS.**

2 The Congress finds the following:

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

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

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

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

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

1 **SEC. 103. PURPOSES.**

2 It is the purpose of this Act—

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

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

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

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

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

24 **SEC. 104. DEFINITIONS.**

25 For the purposes of this Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10       (b) LIFE-CYCLE ASSESSMENT COORDINATION.—

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

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

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

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

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

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

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

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

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

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

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

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

1 other design-for-environment data or methods by any Fed-  
2 eral agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (1) in section 102(d)—

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

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

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

14 (2) in section 103—

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

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

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

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

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

3       (e) NSF AMENDMENTS.—

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

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

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

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

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

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

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

20       “(g) For purposes of this Act:

21            “(1) The term”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (f) ADMINISTRATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6           (5) Applicability to other industrial processes.

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

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

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

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

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

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

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

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

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

8 (4) The Administrator has determined that—

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

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

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

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

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

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

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

6           (f) RECOUPMENT.—

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

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

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

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

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

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

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

13                   (B) the profitability of the project; and

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 “(1) Manufacturing technologies.

8 “(2) Industrial or consumer products.

9 “(3) Consumer services.

10 “(4) Recycling technologies.

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

13 “(6) Pollution remediation technologies.

14 “(7) Other technologies as appropriate.

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

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

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

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

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

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

1 (1) information on—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the cleanup of communities significantly affected by  
2 pollution.

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

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

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

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

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

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

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

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

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

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

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

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

1       mental technologies demonstrated pursuant to this  
2       section.

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

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

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

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

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

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

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

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

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

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

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

4 **SEC. 217. DISCLAIMER.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (i) REVIEW.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (f) REPORTS TO CONGRESS.—

11 (1) REQUIREMENT.—The Secretary shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 **SEC. 404. COORDINATION.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (A) specifically refers to this section;

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

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

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

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

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

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

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

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

19                   (1) Criteria for accepting and evaluating data.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **SEC. 603. DEFINITIONS.**

7 For purposes of this title:

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

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

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

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

1 choose among alternative hypotheses, and assump-  
2 tions, or experimental models.

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

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

## 11 **TITLE VII—BUY AMERICA**

### 12 **SEC. 704. PURCHASE OF AMERICAN-MADE EQUIPMENT** 13 **AND PRODUCTS.**

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

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

1 shall provide to such entity a notice describing the state-  
2 ment made in subsection (a) by the Congress.

Passed the House of Representatives July 26, 1994.

Attest:

*Clerk.*



103<sup>RD</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3870**

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**AN ACT**

To promote the research and development of  
environmental technologies.