

**Calendar No. 227**

103D CONGRESS  
1ST SESSION

**S. 978**

**[Report No. 103-156]**

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**A BILL**

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

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OCTOBER 5 (legislative day, SEPTEMBER 27), 1993  
Reported with an amendment

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## IN THE SENATE OF THE UNITED STATES

MAY 18 (legislative day, APRIL 19), 1993

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

OCTOBER 5 (legislative day, SEPTEMBER 27), 1993

Reported by Mr. BAUCUS, with an amendment

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

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## A BILL

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

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

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

4 (a) ~~SHORT TITLE.~~—This Act may be cited as the  
5 “National Environmental Technology Act of 1993”.

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

- Sec. 1. Short title; table of contents.  
Sec. 2. Findings.  
Sec. 3. Definitions.

TITLE I—NATIONAL ENVIRONMENTAL TECHNOLOGY PANEL

- Sec. 101. Establishment.  
Sec. 102. Membership.  
Sec. 103. National environmental technology strategy.  
Sec. 104. Coordination of budget requests for environmental technology.  
Sec. 105. Report to Congress.  
Sec. 106. Termination.

TITLE II—NATIONAL ENVIRONMENTAL TECHNOLOGIES  
INSTITUTE; CLEARINGHOUSE

- Sec. 201. Purposes.

Subtitle A—National Environmental Technologies Institute

- Sec. 211. Establishment.  
Sec. 212. Reports.  
Sec. 213. Environmental technology trade promotion.

Subtitle B—Environmental Technology Clearinghouse

- Sec. 221. Database.

TITLE III—ENVIRONMENTAL INNOVATION RESEARCH PROGRAM;  
TECHNOLOGY TESTING

- Sec. 301. Findings; purpose.

Subtitle A—Environmental Innovation Research Program

- Sec. 311. Environmental innovation research program.  
Sec. 312. Guidelines and regulations of the environmental innovation research  
program.

Subtitle B—Innovative Technology Testing

- Sec. 321. Program.

TITLE IV—ADDITIONAL PROGRAMS

Subtitle A—Verification of Environmental Technologies

- Sec. 401. Program.

Subtitle B—Environmental Technology Advisory Council

- Sec. 411. Establishment.  
Sec. 412. Report by the Comptroller General.

Subtitle C—Coordination With National Institute of Standards and  
Technology

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

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

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

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

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

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

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

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

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

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

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

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

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

21 **SEC. 3. DEFINITIONS.**

22           As used in this Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9           **TITLE           I—NATIONAL           ENVI-**  
10           **RONMENTAL           TECHNOLOGY**  
11           **PANEL**

12           **SEC. 101. ESTABLISHMENT.**

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

22           **SEC. 102. MEMBERSHIP.**

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

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

1 **SEC. 103. NATIONAL ENVIRONMENTAL TECHNOLOGY**  
2 **STRATEGY.**

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

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

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

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

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

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

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

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

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

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

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

13          (d) COORDINATION WITH OTHER GROUPS.—

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

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

1           (B) the Advanced Manufacturing Council  
2 of the Federal Council established under section  
3 401 of such Act (42 U.S.C. 6651);

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

7           (D) the Advanced Research Projects Agen-  
8 cy of the Department of Defense;

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

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

17           (G) the Environmental Technology Advi-  
18 sory Council established under section 411; and

19           (H) the environmental innovation and re-  
20 search program established under section 311.

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

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

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

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

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

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

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

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

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

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

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

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

15           ~~(1) a summary of all Panel activities;~~

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

18           ~~(3) any major findings of the Panel;~~

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

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

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

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

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

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

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

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

20 **SEC. 106. TERMINATION.**

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

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

4 **SEC. 201. PURPOSES.**

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

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

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

16 **Subtitle A—National Environ-**  
 17 **mental Technologies Institute**

18 **SEC. 211. ESTABLISHMENT.**

19 (a) IN GENERAL.—

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

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

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

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

10          (b) ~~FUNCTIONS.~~—The Director shall—

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

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

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

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

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

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

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

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

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

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

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

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

8                   (C) any educational institution;

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

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

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

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

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

4           (2) AUTHORITY TO REQUIRE PAYMENT.—

5           (A) IN GENERAL.—A cooperative agree-  
6           ment or other arrangement entered into under  
7           paragraph (1) may include a provision that re-  
8           quires a person or other entity to make a pay-  
9           ment or payments to the Institute (or any other  
10          department, agency, or independent establish-  
11          ment of the United States) as a condition of re-  
12          ceiving assistance from the Institute under the  
13          agreement or other arrangement.

14          (B) AMOUNT OF PAYMENT.—The amount  
15          of any payment received by a department, agen-  
16          cy, or independent establishment of the United  
17          States pursuant to paragraph (1) shall be cred-  
18          ited to the Fund in such amount as the Direc-  
19          tor specifies.

20          (C) NONDUPLICATION AND OTHER CONDI-  
21          TIONS.—The Director shall ensure that, to the  
22          extent practicable, a cooperative agreement or  
23          other arrangement entered into under this sec-  
24          tion—

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

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

10       ~~(d) FEDERAL SHARE.—~~

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

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

21       ~~(e) PROGRAM REQUIREMENTS.—~~

22           ~~(1) SELECTION CRITERIA.—~~

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

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

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

9                   ~~(i)~~ include requirements outlining  
10                  business plans;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4           (5) DISSEMINATION OF RESEARCH RESULTS.—

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

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

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

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

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

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

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

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

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

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

1           (F) LICENSING FEES AND ROYALTIES.—

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

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

21           (H) DISSOLUTION; RESIDUAL ASSETS.—

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

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

4 ~~(f) REVOLVING FUND.—~~

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

12 ~~(2) EXPENDITURES FROM THE FUND.—~~  
13 Amounts in the Fund shall be available, as provided  
14 in appropriations Acts, to carry out this section.

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

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

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

3           (i) have a repayment schedule and  
4 maturity date determined by the Secretary  
5 of the Treasury;

6           (ii) bear interest at a rate determined  
7 by the Secretary of the Treasury (as of the  
8 close of the calendar month preceding the  
9 month in which the loan is made) to be 3  
10 percent less than the current market yield  
11 on outstanding marketable obligations of  
12 the United States with remaining periods  
13 to maturity comparable to the period for  
14 which the loan is made.

15           (C) REPAYMENTS.—Repayments on a loan  
16 made under this section and the proceeds from  
17 any other agreement entered into by the Direc-  
18 tor under this subtitle shall be credited to the  
19 Fund.

20           (4) MANAGEMENT OF FUND.—

21           (A) IN GENERAL.—The Secretary of the  
22 Treasury shall manage the Fund and, after  
23 consultation with the Director, report to Con-  
24 gress each year on the financial condition and  
25 the results of the operation of the Fund during

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

4 ~~(B)~~ INVESTMENT.—

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

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

15 ~~(g)~~ AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

1           ~~(3) FEDERAL COOPERATIVE AGREEMENTS.—~~

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

8   **SEC. 212. REPORTS.**

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

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

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

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

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

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

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

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

12           The Director shall—

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

17                   (A) sources of financial assistance;

18                   (B) sources of technical assistance; and

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

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

24           (3) consult with—

1           (A) the Working Group on the Environ-  
2           ment of the Trade Promotion Coordinating  
3           Council; and

4           (B) the National Environmental Tech-  
5           nology Trade Initiative within the Department  
6           of Commerce,

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

9           **Subtitle B—Environmental**  
10          **Technology Clearinghouse**

11       **SEC. 221. DATABASE.**

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

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

18           (1) descriptions of environmental technologies  
19           verified under the program established under section  
20           401;

21           (2) descriptions of environmental technologies  
22           tested under the program established under section  
23           321;

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

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

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

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

14                   (A) sources of financial assistance;

15                   (B) sources of technical assistance; and

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

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

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

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

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

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

12          (d) ADMINISTRATION.—

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

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

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

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

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

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

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

11        (a) FINDINGS.—Congress finds that:

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

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

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

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

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

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

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

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

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

22          (b) FUNDING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           ~~(iii)~~ commercial applications of research or  
2           research and development funded by environ-  
3           mental innovation research programs are fund-  
4           ed by non-Federal sources of capital or, for  
5           products or services intended for use by the  
6           Federal Government, by Federal funding  
7           sources other than environmental innovation re-  
8           search programs.

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

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

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

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

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

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

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

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

15 (A) the timely receipt and review of pro-  
16 posals;

17 (B) the protection of proprietary informa-  
18 tion provided in project proposals;

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

21 (D) the retention of rights in data gen-  
22 erated in the performance of a contract or other  
23 agreement by the private concern under the en-  
24 vironmental technology research project;

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

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

5           (F) cost sharing; and

6           (G) cost principles and payment schedules;

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

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

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

1 **Subtitle B—Innovative Technology**  
2 **Testing**

3 **SEC. 321. PROGRAM.**

4 (a) ESTABLISHMENT.—In consultation with other ap-  
5 propriate Federal departments and agencies, the Adminis-  
6 trator shall establish a program for testing environmental  
7 technology at federally owned facilities and sites listed on  
8 the National Priorities List established under section  
9 105(a)(8)(B) of the Comprehensive Environmental Re-  
10 sponse, Compensation, and Liability Act of 1980 (42  
11 U.S.C. 9605(a)(8)(B)), and the inventory of Federal agen-  
12 cy hazardous waste facilities under section 3016 of the  
13 Resource Conservation and Recovery Act of 1976 (42  
14 U.S.C. 6937) (referred to in this section as “applicable  
15 sites”).

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

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

22 (2) solicit and accept applications to test envi-  
23 ronmental technology suitable for prevention, con-  
24 trol, or remediation of contamination at applicable

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

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

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

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

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

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

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

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

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

18 (A) any business concern or consortium;

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

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

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

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

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

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

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

15 (D) a business plan that includes—

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

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

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

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

- 1                   (II) the estimated number of jobs  
2                   created if the technology is success-  
3                   fully commercialized; and  
4                   (iv) the projected capitalization costs  
5                   and income; and  
6                   (E) provisions that provide special consid-  
7                   eration to the needs of small business concerns;  
8                   (4) criteria for verification of the efficacy of  
9                   tested environmental technologies, including—  
10                   (A) the efficiency of destruction or removal  
11                   of contaminants;  
12                   (B) the reduction in the volume, toxicity,  
13                   or mobility of contaminants;  
14                   (C) the operational and capital costs; and  
15                   (D) the operational reliability;  
16                   (5) specific procedures for the management and  
17                   oversight of testing at applicable sites, including pro-  
18                   cedures for consultation or entering mutual agree-  
19                   ments with—  
20                   (A) other Federal departments and agen-  
21                   cies responsible for management and remedi-  
22                   ation of applicable sites;  
23                   (B) potentially responsible parties respon-  
24                   sible for management and remediation of appli-  
25                   cable sites;

1           (C) State and local government entities;

2           (D) private citizens or citizen groups con-  
3           cerned with management and remediation of  
4           applicable sites;

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

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

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

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

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

1           (1) the number of sites where environmental  
2 technologies have been tested, classified by the type  
3 of problem remedied and the technology tested;

4           (2) the number of environmental technologies  
5 tested that have subsequently become commercially  
6 viable;

7           (3) the number of sites for which environmental  
8 technologies tested have been selected in a formal  
9 agency record of decision;

10          (4) the number of sites that have been fully  
11 remedied with environmental technologies tested in  
12 the program;

13          (5) the cost in terms of labor and contract  
14 funds expended by the agency on the program;

15          (6) the estimated number of jobs and increased  
16 income associated with the development and com-  
17 mercialization of the environmental technologies  
18 tested;

19          (7) the estimated risk reduced through the use  
20 of environmental technologies tested; and

21          (8) the appropriateness of expanding the pro-  
22 gram to additional sites.

23       (f) INCORPORATION OF DEMONSTRATED TECH-  
24 NOLOGY.—Where practicable, the covered Federal agency  
25 shall incorporate the demonstrated technology in the pre-

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

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

6 **TITLE IV—ADDITIONAL**  
7 **PROGRAMS**  
8 **Subtitle A—Verification of**  
9 **Environmental Technologies**

10 **SEC. 401. PROGRAM.**

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

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

17 (2) the Federal Water Pollution Control Act

18 (commonly referred to as the “Clean Water Act”)

19 (33 U.S.C. 1251 et seq.);

20 (3) title XIV of the Public Health Service Act

21 (commonly referred to as the “Safe Drinking Water

22 Act”) (42 U.S.C. 300f et seq.);

23 (4) the Resource Conservation and Recovery

24 Act of 1976 (42 U.S.C. 6901 et seq.); and

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

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

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

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

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

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

23           (c) GUIDELINES.—

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

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

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

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

8           (i) any large business concern;

9           (ii) any small business concern; or

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

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

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

23           (ii) required data and findings; and

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

1           (C) provisions excluding from verification  
2 any environmental technology that causes sig-  
3 nificant increases in environmental pollution in  
4 any media or is determined by the Adminis-  
5 trator to have other unacceptable side effects;

6           (D) general criteria for verification and  
7 listing of environmental technologies, includ-  
8 ing—

9           (i) compliance with any applicable  
10 regulation at a lower cost than the esti-  
11 mated cost of the technology used to estab-  
12 lish the applicable regulation; or

13           (ii) compliance with any applicable  
14 regulation with additional pollution preven-  
15 tion, control, or remediation benefits than  
16 the technology used to establish an appli-  
17 cable regulation;

18           (E) a schedule of fees for applications to  
19 cover the costs of the program, including—

20           (i) a sliding scale of fees based on the  
21 category of eligible applicants defined in  
22 subparagraph (A); and

23           (ii) lower fees for applicants defined  
24 in clause (ii) or (iii) of subparagraph (A);  
25 and

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

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

11          (e) ADMINISTRATION.—

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

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

21          (f) NO REVISION OF APPLICABLE REGULATIONS.—

22 Nothing in this section shall be construed to revise any  
23 applicable regulation or release any person subject to an  
24 applicable regulation from the duty to fully comply with  
25 the applicable regulation.

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

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

6 **SEC. 411. ESTABLISHMENT.**

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

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

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

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

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

21               (4) include—

22                       (A) at least 1 representative of a leading  
23 consortium of manufacturing and technology  
24 firms;

1           ~~(B)~~ at least 1 representative of small busi-  
2           ness concerns;

3           ~~(C)~~ at least 1 representative of a State  
4           government;

5           ~~(D)~~ at least one representative of a local  
6           government body; and

7           ~~(E)~~ at least one representative of a non-  
8           governmental public interest organization.

9           ~~(c) CHAIRPERSON AND VICE CHAIRPERSON.—~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (B) new environmental technologies;

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

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

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

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

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

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

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

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

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

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

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

*Sec. 1. Short title; table of contents.*

*Sec. 2. Findings and purposes.*

*Sec. 3. Definitions.*

*TITLE I—NATIONAL ENVIRONMENTAL TECHNOLOGY PANEL*

*Sec. 101. Establishment.*

*Sec. 102. Membership.*

*Sec. 103. National Environmental Technology Strategy.*

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

*Sec. 105. Report to Congress.*

*Sec. 106. Termination.*

TITLE II—BUREAU OF ENVIRONMENTAL TECHNOLOGIES;  
CLEARINGHOUSE

*Subtitle A—Bureau of Environmental Technologies*

- Sec. 201. Establishment.*  
*Sec. 202. Reports.*  
*Sec. 203. Environmental technology export promotion.*

*Subtitle B—Environmental Technology Clearinghouse*

- Sec. 211. Establishment.*

TITLE III—ENVIRONMENTAL INNOVATION RESEARCH PROGRAM;  
TECHNOLOGY TESTING

*Subtitle A—Environmental Innovation Research Program*

- Sec. 301. Environmental innovation research program.*  
*Sec. 302. Guidelines and regulations of the environmental innovation research program.*

*Subtitle B—Innovative Technology Testing*

- Sec. 311. Program.*

TITLE IV—ADDITIONAL PROGRAMS

*Subtitle A—Verification of Environmental Technologies*

- Sec. 401. Program.*

*Subtitle B—Environmental Technology Advisory Council*

- Sec. 411. Establishment.*  
*Sec. 412. Report by the Comptroller General.*

*Subtitle C—Coordination With National Institute of Standards and Technology*

- Sec. 421. Coordination with National Institute of Standards and Technology.*  
*Sec. 422. Coordination with other federally supported extension programs.*  
*Sec. 423. Statutory construction.*

**1 SEC. 2. FINDINGS AND PURPOSES.**

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

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

1           (2) *promoting a sound economy while maintain-*  
2           *ing a healthy environment is among the urgent public*  
3           *policy challenges of the United States;*

4           (3) *the development and utilization of environ-*  
5           *mental technologies will enhance both global environ-*  
6           *mental security and the economic standing of the*  
7           *United States in the world marketplace;*

8           (4) *the growing worldwide demand for environ-*  
9           *mentally sound products and processes, and for cost-*  
10          *effective environmental cleanup and pollution control*  
11          *technologies, presents significant business opportuni-*  
12          *ties;*

13          (5) *innovative environmental technologies face*  
14          *barriers to commercialization and utilization, and*  
15          *are often slow to be adopted;*

16          (6) *advances in source reduction, environmental*  
17          *cleanup, and pollution control technologies could sig-*  
18          *nificantly reduce Federal Government and private*  
19          *cleanup expenditures, improve cleanup results, and*  
20          *help prevent future contamination;*

21          (7) *the development and implementation of effec-*  
22          *tive public and private partnership arrangements*  
23          *will help promote successful technology development*  
24          *programs;*

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

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

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

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

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

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

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

1 **SEC. 3. DEFINITIONS.**

2 *As used in this Act:*

3 (1) *ADMINISTRATOR.*—The term “Adminis-  
4 trator” means the Administrator of the Environ-  
5 mental Protection Agency.

6 (2) *BUREAU.*—The term “Bureau” means the  
7 Bureau of Environmental Technologies established  
8 under section 201.

9 (3) *COVERED FEDERAL AGENCY.*—The term  
10 “covered Federal agency” means a Federal agency for  
11 which, for a fiscal year, an amount greater than  
12 \$50,000,000 is made available for environmental  
13 cleanup.

14 (4) *CRITICAL ENVIRONMENTAL TECHNOLOGY.*—  
15 The term “critical environmental technology” means  
16 environmental technology that—

17 (A) *embodies a significant technical ad-*  
18 *vance;*

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

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

24 (D) *if adopted, is reasonably expected to re-*  
25 *sult in a favorable ratio of social to private re-*  
26 *turns.*

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

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

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

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

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

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

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

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

9        ***SEC. 101. ESTABLISHMENT.***

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

19        ***SEC. 102. MEMBERSHIP.***

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

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

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

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

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

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

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

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

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

1       *recommend appropriate actions in response to the*  
2       *identification.*

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

6       **(c) COORDINATION WITH OTHER GROUPS.**—

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

13               **(2) TECHNICAL SUPPORT.**—*The Chairperson*  
14       *may request technical and policy assistance from*  
15       *members of the Panel and other organizations, includ-*  
16       *ing the Academies of Science and Engineering.*

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

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

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

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

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

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

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

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

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

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

3 **SEC. 106. TERMINATION.**

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

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

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

12 **SEC. 201. ESTABLISHMENT.**

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

16 *(b) FUNCTIONS.—The Director shall—*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           (C) an educational institution;

2           (D) nonprofit research centers; or

3           (E) a company that is incorporated in the  
4 United States or has a parent company that is  
5 incorporated in the United States or is incor-  
6 porated in a country that the Secretary of Com-  
7 merce determines affords—

8                   (i) to all foreign and domestic compa-  
9 nies opportunities similar to the opportuni-  
10 ties afforded under this subsection; or

11                   (ii) adequate and effective protection  
12 for the intellectual property rights of all for-  
13 eign and domestic companies.

14           (2) *LIMITATION.*—A grant, loan, or loan guaran-  
15 tee made pursuant to this section shall be limited to  
16 no more than 5 years.

17           (d) *FEDERAL SHARE.*—

18                   (1) *IN GENERAL.*—Except as provided in para-  
19 graphs (2) and (3), the Federal share of the cost of  
20 a project conducted under this section may not exceed  
21 50 percent.

22                   (2) *SMALL BUSINESS CONCERNS.*—Except as  
23 provided in paragraph (3), the Federal share of the  
24 cost of a project conducted pursuant to a cooperative  
25 agreement or funding agreement entered into with a

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

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

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

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

14 (e) *PROGRAM REQUIREMENTS.—*

15 (1) *SELECTION CRITERIA.—*

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

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

1           (i) include requirements outlining  
2           business plans;

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

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

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

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

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

1           (A) *determine categories of projects to be*  
2 *funded by the Bureau;*

3           (B) *issue solicitations for projects to be*  
4 *funded by the Bureau;*

5           (C) *receive and evaluate proposals resulting*  
6 *from solicitations;*

7           (D) *select participants for funding agree-*  
8 *ments of the Bureau;*

9           (E) *administer the funding agreements of*  
10 *the Bureau; and*

11           (F) *make payments to recipients of funding*  
12 *agreements on the basis of progress toward, or*  
13 *completion of, the funding agreement require-*  
14 *ments.*

15       (3) *CONSULTATION.—*

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

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

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

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

12          (6) *CONFIDENTIAL INFORMATION.*—

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

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

1       (f) *AUTHORIZATION OF APPROPRIATIONS.*—

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

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

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

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

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

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

19 **SEC. 202. REPORTS.**

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

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

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

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

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

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

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

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

22                   (A) *sources of financial assistance;*

23                   (B) *sources of technical assistance; and*

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

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

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

8           ***SEC. 211. ESTABLISHMENT.***

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

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

18                  (2) *information compiled under section 203.*

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

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

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

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

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

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

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

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

22 (b) *FUNDING.*—

23 (1) *IN GENERAL.*—

1           (A) *SET-ASIDE.*—For each fiscal year, the  
2 head of each covered Federal agency shall, not-  
3 withstanding any other provision of law—

4           (i) set aside not less than 1.25 percent  
5 of the amount of funds appropriated to the  
6 head of the covered agency for the following  
7 purposes:

8           (I) with respect to the Secretary of  
9 Energy, funds appropriated for envi-  
10 ronmental restoration and waste man-  
11 agement;

12           (II) with respect to the Secretary  
13 of Defense, funds made available for  
14 environmental restoration;

15           (III) with respect to the Secretary  
16 of the Interior, funds appropriated for  
17 environmental cleanup; and

18           (IV) with respect to the Adminis-  
19 trator of the Environmental Protection  
20 Agency, funds appropriated from the  
21 Superfund pursuant to the Comprehen-  
22 sive Environmental Response, Com-  
23 pensation, and Liability Act of 1980  
24 (42 U.S.C. 9601 et seq.); and

1           (ii) reserve the amount set aside under  
2           clause (i) for awards to private concerns or  
3           other entities, through a uniform process (as  
4           described in subsection (d)) for the develop-  
5           ment and commercialization of environ-  
6           mental technology as set forth in subpara-  
7           graph (B).

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

14          (C) *WAIVER.*—

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

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

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

1                   graph (A)) available to the covered  
2                   Federal agency from the amounts spec-  
3                   ified in subparagraph (A)(i) to address  
4                   the unforeseen emergency cir-  
5                   cumstances.

6                   (ii) *REPORT.*—If the head of a covered  
7                   agency waives a provision of this para-  
8                   graph pursuant to clause (i), the head of the  
9                   covered Federal agency shall provide a re-  
10                  port that explains the reasons for the waiver  
11                  to Congress.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (2) *to the extent feasible, standardized applica-*  
14 *tion procedures with the procedures established under*  
15 *title II, including the submission of business plans.*

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

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

24 **SEC. 311. PROGRAM.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14       *(e) AUDIT.—*

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

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

1           (B) the number of environmental tech-  
2 nologies tested that have subsequently become  
3 commercially viable;

4           (C) the number of sites for which environ-  
5 mental technologies tested have been selected for  
6 additional applications;

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

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

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

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

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

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

5   **SEC. 401. PROGRAM.**

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

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

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

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

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

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

6           (c) *GUIDELINES.—*

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

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

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

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

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

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

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

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

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

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

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

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

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

24          (d) REPORTING OF TECHNOLOGY.—

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

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

13       (e) *ADMINISTRATION.*—

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

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

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

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

3 (g) *JUDICIAL REVIEW.*—

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

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

9 (B) be subject to judicial review.

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

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

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

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

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

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

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

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

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

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

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

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

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

1           (3) on the basis of the reviews conducted under  
2 paragraphs (1) and (2), make recommendations to the  
3 Administrator, the Director, and the head of each cov-  
4 ered Federal agency regarding the organization and  
5 effectiveness of the Bureau and environmental innova-  
6 tion research programs established under title III;

7           (4) consult with the Panel authorized under title  
8 I in the development of the National Environmental  
9 Technology Strategy;

10          (5) make recommendations for administrative  
11 and legislative actions to stimulate environmental  
12 technology innovation;

13          (6) make recommendations to the Director to im-  
14 prove the effective dissemination by the clearinghouse  
15 of research information and results; and

16          (7) make recommendations to the Director re-  
17 garding administrative actions to promote the export  
18 of environmental technologies.

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

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

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

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

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

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

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

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

21 *(A) environmental compliance requirements*  
22 *and methods for achieving compliance;*

23 *(B) new environmental technologies;*

1           (C) alternatives for source reduction that  
2           are generally applicable to the small business  
3           sectors; and

4           (D) guidance for identifying and applying  
5           opportunities for source reduction at individual  
6           facilities;

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

10          (3) coordinating with the National Institute of  
11          Standards and Technology to identify those small  
12          business sectors that need improvement in environ-  
13          mental compliance or in developing methods for  
14          source reduction; and

15          (4) developing and carrying out an action plan  
16          for providing assistance to improve the environmental  
17          performance of small business sectors in need of im-  
18          provement.

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

22          **SEC. 422. COORDINATION WITH OTHER FEDERALLY SUP-**  
23          **PORTED EXTENSION PROGRAMS.**

24          The Administrator may coordinate with—

1           (1) *small business development centers (estab-*  
 2           *lished pursuant to section 21 of the Small Business*  
 3           *Act (15 U.S.C. 648)); and*

4           (2) *as appropriate, other small business and ag-*  
 5           *ricultural extension programs and centers,*  
 6           *to provide environmental assistance to small business con-*  
 7           *cerns.*

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

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

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