

106TH CONGRESS  
2D SESSION

# S. 397

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IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2000

Referred to the Committee on Science

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## AN ACT

To authorize the Secretary of Energy to establish a multi-agency program to alleviate the problems caused by rapid economic development along the United States-Mexico border, particularly those associated with public health and environmental security, to support the Materials Corridor Partnership Initiative, and to promote energy efficient, environmentally sound economic development along that border through the development and use of new technology, particularly hazardous waste and materials technology.

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.**

4 This Act may be cited as the “National Materials  
5 Corridor and United States-Mexico Border Technology  
6 Partnership Act of 2000”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the 2,000 mile long United States-Mexico  
4 border region, extending 100 kilometers north and  
5 south of the international boundary, has undergone  
6 rapid economic growth that has provided economic  
7 opportunity to millions of people;

8 (2) the border region's rapid economic growth  
9 has unfortunately created serious problems including  
10 pollution, hazardous wastes, and the inefficient use  
11 of resources that threaten people's health and the  
12 prospects for long-term economic growth in the re-  
13 gion;

14 (3) there are a significant number of major in-  
15 stitutions in the border States of both countries cur-  
16 rently conducting research, development and testing  
17 activities in technologies that might help alleviate  
18 these problems;

19 (4)(A) these new technologies may provide  
20 major opportunities for significantly—

21 (i) minimizing industrial wastes and pollu-  
22 tion that may pose a threat to public health;

23 (ii) reducing emissions of atmospheric pol-  
24 lutants;

25 (iii) using recycled natural resources as  
26 primary materials for industrial production; and

1 (iv) improving energy efficiency; and

2 (B) such advances will directly benefit both  
3 sides of the United States-Mexico border by encour-  
4 aging energy efficient, environmentally sound eco-  
5 nomic development that improves the health and  
6 protects the natural resources of the border region;

7 (5) in August 1998, the binational United  
8 States-Mexico Border Region Hazardous Wastes  
9 Forum, organized by the Department of Energy's  
10 Carlsbad Area Office, resulted in a consensus of ex-  
11 perts from the United States and Mexico that the  
12 Department of Energy's science and technology  
13 could be leveraged to address key environmental  
14 issues in the border region while fostering further  
15 economic development of the border region;

16 (6) the Carlsbad Area Office, which manages  
17 the Waste Isolation Pilot Plant in Carlsbad, New  
18 Mexico, is well suited to lead a multiagency program  
19 focused on the problems of the border region given  
20 its significant expertise in hazardous materials and  
21 location near the border;

22 (7)(A) promoting clean materials industries in  
23 the border region that are energy efficient has been  
24 identified as a high priority issue by the United

1 States-Mexico Foundation for Science Cooperation;  
2 and

3 (B) at the 1998 discussions of the United  
4 States-Mexico Binational Commission, Mexico for-  
5 mally proposed joint funding of a “Materials Cor-  
6 ridor Partnership Initiative”, proposing \$1,000,000  
7 to implement the Initiative if matched by the United  
8 States;

9 (8) recognizing the importance of materials  
10 processing, research institutions in the border States  
11 of both the United States and Mexico, in conjunction  
12 with private sector partners of both nations, and  
13 with strong endorsement from the Government of  
14 Mexico, in 1998 organized the Materials Corridor  
15 Council to implement a cooperative program of ma-  
16 terials research and development, education and  
17 training, and sustainable industrial development as  
18 part of the Materials Corridor Partnership Initiative;  
19 and

20 (9) successful implementation of this Act would  
21 advance important United States energy, environ-  
22 mental, and economic goals not only in the United  
23 States-Mexico border region but also serve as a  
24 model for similar collaborative, transnational initia-  
25 tives in other regions of the world.

1 **SEC. 3. PURPOSE.**

2 The purpose of this Act is to establish a multiagency  
3 program to—

4 (1) alleviate the problems caused by rapid eco-  
5 nomic development along the United States-Mexico  
6 border;

7 (2) support the Materials Corridor Partnership  
8 Initiative referred to in section 2(7); and

9 (3) promote energy efficient, environmentally  
10 sound economic development along that border  
11 through the development and use of new tech-  
12 nologies, particularly hazardous waste and materials  
13 technologies.

14 **SEC. 4. DEFINITIONS.**

15 In this Act:

16 (1) PROGRAM.—The term “program” means  
17 the program established under section 5(a).

18 (2) SECRETARY.—The term “Secretary” means  
19 the Secretary of Energy.

20 **SEC. 5. ESTABLISHMENT AND IMPLEMENTATION OF THE**  
21 **PROGRAM.**

22 (a) ESTABLISHMENT.—

23 (1) IN GENERAL.—The Secretary shall establish  
24 a multiagency program to—

25 (A) alleviate the problems caused by rapid  
26 economic development along the United States-

1 Mexico border, particularly those associated  
2 with public health and environmental security;

3 (B) support the Materials Corridor Part-  
4 nership Initiative; and

5 (C) promote energy efficient, environ-  
6 mentally sound economic development along  
7 that border through the development and use of  
8 new technologies, particularly hazardous waste  
9 and materials technologies.

10 (2) CONSIDERATIONS.—In developing the pro-  
11 gram, the Secretary shall give due consideration to  
12 the proposal made to the United States-Mexico Bi-  
13 national Commission for the Materials Corridor  
14 Partnership Initiative.

15 (3) PROGRAM MANAGEMENT.—This program  
16 shall be managed for the Secretary by the Depart-  
17 ment's Carlsbad Area Office, with support, as nec-  
18 essary, from the Albuquerque Operations Office.

19 (b) PARTICIPATION OF OTHER FEDERAL AGENCIES  
20 AND COMMISSIONS.—The Secretary shall organize and  
21 conduct the program jointly with—

22 (1) the Department of State;

23 (2) the Environmental Protection Agency;

24 (3) the National Science Foundation;

1           (4) the National Institute of Standards and  
2           Technology;

3           (5) the United States-Mexico Border Health  
4           Commission; and

5           (6) any other departments, agencies, or com-  
6           missions the participation of which the Secretary  
7           considers appropriate.

8           (c) PARTICIPATION OF THE PRIVATE SECTOR.—

9           When appropriate, funds made available under this act  
10          shall be made available for technology deployment, re-  
11          search, and training activities that are conducted with the  
12          participation and support of private sector organizations  
13          located in the United States and, subject to section  
14          7(c)(2), Mexico, to promote and accelerate in the United  
15          States-Mexico border region the use of energy efficient,  
16          environmentally sound technologies and other advances re-  
17          sulting from the program.

18          (d) MEXICAN RESOURCE CONTRIBUTIONS.—The  
19          Secretary shall—

20                 (1) encourage public, private, nonprofit, and  
21                 academic organizations located in Mexico to con-  
22                 tribute significant financial and other resources to  
23                 the program; and

24                 (2) take any such contributions into account in  
25                 conducting the program.

1           (e) TRANSFER OF TECHNOLOGY FROM NATIONAL  
2 LABORATORIES.—In conducting the program, the Sec-  
3 retary shall emphasize the transfer and use of technology  
4 developed by the national laboratories of the Department  
5 of Energy.

6 **SEC. 6. ACTIVITIES AND MAJOR PROGRAM ELEMENTS.**

7           (a) ACTIVITIES.—Funds made available under this  
8 Act shall be made available for technology deployment, re-  
9 search, and training activities, particularly related to haz-  
10 ardous waste and materials technologies, that will alleviate  
11 the problems caused by rapid economic development along  
12 the United States-Mexico border, that focus on issues re-  
13 lated to the protection of public health and environmental  
14 security, and that promote—

15                 (1) minimization of industrial wastes and pol-  
16 lutants;

17                 (2) reducing emissions of atmospheric pollut-  
18 ants;

19                 (3) use of recycled resources as primary mate-  
20 rials for industrial production; and

21                 (4) improvement of energy efficiency.

22           (b) MAJOR PROGRAM ELEMENTS.—

23                 (1) IN GENERAL.—The program shall have the  
24 following major elements, all of which shall empha-  
25 size hazardous waste and materials technologies:

1 (A) Technology Deployment, focused on  
2 the clear, operational demonstration of the util-  
3 ity of well developed technologies in new organi-  
4 zations or settings.

5 (B) Research, focused on developing, ma-  
6 turing, and refining technologies to investigate  
7 or improve the feasibility or utility of the tech-  
8 nologies.

9 (C) Training, focused on training busi-  
10 nesses, industries, and their workers in the bor-  
11 der region in energy efficient, environmentally  
12 sound technologies that minimize waste, de-  
13 crease public health risks, increase recycling,  
14 and improve environmental security.

15 (2) TECHNOLOGY DEPLOYMENT AND RE-  
16 SEARCH.—Projects under paragraph (1)(A) and  
17 (1)(B) should typically involve significant participa-  
18 tion from private sector organizations that would use  
19 or sell such a technology.

20 **SEC. 7. PARTICIPATION OF DEPARTMENTS, AGENCIES, AND**  
21 **COMMISSIONS OTHER THAN THE DEPART-**  
22 **MENT OF ENERGY.**

23 (a) AGREEMENT.—Not later than 120 days after the  
24 date of enactment of this Act, the Secretary shall enter  
25 into an agreement with the departments, agencies, and

1 commissions referred to in section 5(b) on the coordina-  
2 tion and implementation of the program.

3 (b) ACTIONS OF DEPARTMENTS, AGENCIES, AND  
4 COMMISSIONS.—Any action of a department, agency, or  
5 commission under an agreement under subsection (a) shall  
6 be the responsibility of that department, agency, or com-  
7 mission and shall not be subject to approval by the Sec-  
8 retary.

9 (c) USE OF FUNDS.—

10 (1) IN GENERAL.—The Secretary and the de-  
11 partments, agencies, and commissions referred to in  
12 section 5(b) may use funds made available for the  
13 program for technology deployment, research, or  
14 training activities carried out by—

15 (A) State and local governments and aca-  
16 demic, nonprofit, and private organizations lo-  
17 cated in the United States; and

18 (B) State and local governments and aca-  
19 demic, nonprofit, and private organizations lo-  
20 cated in Mexico.

21 (2) CONDITION.—Funds may be made available  
22 to a State or local government or organization lo-  
23 cated in Mexico only if a government or organization  
24 located in Mexico (which need not be the recipient  
25 of the funds) contributes a significant amount of fi-

1 nancial or other resources to the project to be fund-  
2 ed.

3 (d) TRANSFER OF FUNDS.—The Secretary may  
4 transfer funds to the departments, agencies, and commis-  
5 sions referred to in section 5(b) to carry out the respon-  
6 sibilities of the departments, agencies, and commissions  
7 under this Act.

8 **SEC. 8. PROGRAM ADVISORY COMMITTEE.**

9 (a) ESTABLISHMENT.—

10 (1) IN GENERAL.—The Secretary shall establish  
11 an advisory committee consisting of representatives  
12 of the private, academic, and public sectors.

13 (2) CONSIDERATIONS.—In establishing the ad-  
14 visory committee, the Secretary shall take into con-  
15 sideration organizations in existence on the date of  
16 enactment of this Act, such as the Materials Cor-  
17 ridor Council and the Business Council for Sustain-  
18 able Development-Gulf Mexico.

19 (b) CONSULTATION AND COORDINATION.—Depart-  
20 ments, agencies, and commissions of the United States to  
21 which funds are made available under this Act shall con-  
22 sult and coordinate with the advisory committee in identi-  
23 fying and implementing the appropriate types of projects  
24 to be funded under this Act.

1 **SEC. 9. FINANCIAL AND TECHNICAL ASSISTANCE.**

2 (a) IN GENERAL.—Federal departments, agencies,  
3 and commissions participating in the program may pro-  
4 vide financial and technical assistance to other organiza-  
5 tions to achieve the purpose of the program.

6 (b) TECHNOLOGY DEPLOYMENT AND RESEARCH.—

7 (1) USE OF COOPERATIVE AGREEMENTS.—

8 (A) IN GENERAL.—Federal departments,  
9 agencies, and commissions shall, to the extent  
10 practicable, use cooperative agreements to fund  
11 technology deployment and research activities  
12 by organizations outside the Federal Govern-  
13 ment.

14 (B) NATIONAL LABORATORIES.—In the  
15 case of a technology deployment or research ac-  
16 tivity conducted by a national laboratory, a  
17 funding method other than a cooperative agree-  
18 ment may be used if such a funding method  
19 would be more administratively convenient.

20 (2) FEDERAL SHARE.—

21 (A) IN GENERAL.—The Federal Govern-  
22 ment shall pay not more than 50 percent of the  
23 cost of technology deployment or research ac-  
24 tivities under the program.

25 (B) QUALIFIED FUNDING AND RE-  
26 SOURCES.—No funds or other resources ex-

1           pended either before the start of a project  
2           under the program or outside the scope of work  
3           covered by the funding method determined  
4           under paragraph (1) shall be credited toward  
5           the non-Federal share of the cost of the project.

6           (c) TRAINING.—

7           (1) IN GENERAL.—Federal departments, agen-  
8           cies, and commissions shall, to the extent prac-  
9           ticable, use grants to fund training activities by or-  
10          ganizations outside the Federal Government.

11          (2) NATIONAL LABORATORIES.—In the case of  
12          a training activity conducted by a national labora-  
13          tory, a funding method other than a grant may be  
14          used if such a funding method would be more ad-  
15          ministratively convenient.

16          (3) FEDERAL SHARE.—The Federal Govern-  
17          ment may fund 100 percent of the cost of the train-  
18          ing activities of the program.

19          (d) SELECTION.—All projects funded under  
20          contracts, grants, or cooperative agreements estab-  
21          lished under this program shall, to the maximum ex-  
22          tent practicable, be selected in an open, competitive  
23          process using such selection criteria as the Sec-  
24          retary, through his program management, and in  
25          consultation with the departments, agencies, and

1 commissions referred to in section 5(b), determines  
2 to be appropriate. Any such selection process shall  
3 weigh the benefits to the border region.

4 (e) ACCOUNTING STANDARDS.—

5 (1) WAIVER.—To facilitate participation in the  
6 program, Federal departments, agencies, and com-  
7 missions may waive any requirements for Govern-  
8 ment accounting standards by organizations that  
9 have not established such standards.

10 (2) GAAP.—Generally accepted accounting  
11 principles shall be sufficient for projects under the  
12 program.

13 (f) NO CONSTRUCTION.—No program funds may be  
14 used for construction.

15 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

16 There is authorized to be appropriated to carry out  
17 this Act \$10,000,000 for each of fiscal years 2000 through  
18 2004.

Passed the Senate April 13, 2000.

Attest:

GARY SISCO,  
*Secretary.*