

106TH CONGRESS
2D SESSION

S. 397

IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2000

Referred to the Committee on Science

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.