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H. R. 1819

To promote research on, and development, acquisition, and use of, environmentally efficient materials in the construction, repair, and maintenance of Federal buildings.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 1993

Mr. FINGERHUT introduced the following bill; which was referred jointly to the Committees on Science, Space, and Technology and Public Works and Transportation

A BILL

To promote research on, and development, acquisition, and use of, environmentally efficient materials in the construction, repair, and maintenance of Federal buildings.

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 “Federal Environ-
5 mentally Efficient Building Materials Act of 1993”.

6 **SEC. 2. DEFINITIONS.**

7 For purposes of this Act:

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

1 (2) The term “agency” means an Executive
2 agency as defined under section 105 of title 5, Unit-
3 ed States Code, and any agency of the judicial
4 branch of Government.

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

12 (4) The term “environmentally efficient build-
13 ing materials” means any environmentally efficient
14 material which may be used in the construction of
15 a building or facility.

16 (5) The term “solid waste” means any garbage,
17 refuse, sludge from a waste treatment plant, water
18 supply treatment plant, or air pollution control facil-
19 ity and other discarded material, including solid, liq-
20 uid, semisolid, or contained gaseous material result-
21 ing from industrial, commercial, mining, and agri-
22 cultural operations, and from community activities,
23 but does not include solid or dissolved material in
24 domestic sewage, or solid or dissolved materials in
25 irrigation return flows or industrial discharges which

1 are point sources subject to permits under section
2 402 of the Federal Water Pollution Control Act (33
3 U.S.C. 1342) or source, special nuclear, or byprod-
4 uct material as defined by the Atomic Energy Act of
5 1954 (42 U.S.C. 2011 et seq.).

6 (6) The term “construction” with respect to
7 any project of construction under this Act, means
8 (A) the erection or building of new structures and
9 acquisition of lands or interests therein, or the ac-
10 quisition, replacement, expansion, remodeling, alter-
11 ation, modernization, or extension of existing struc-
12 tures, and (B) the acquisition and installation of ini-
13 tial equipment of, or required in connection with,
14 new or newly acquired structures or the expanded,
15 remodeled, altered, modernized or extended part of
16 existing structures (including trucks and other
17 motor vehicles, and tractors, cranes, and other ma-
18 chinery) necessary for the proper utilization and op-
19 eration of the facility after completion of the project;
20 and includes preliminary planning to determine the
21 economic and engineering feasibility and the public
22 health and safety aspects of the project, the engi-
23 neering, architectural, legal, fiscal, and economic in-
24 vestigations and studies, and any surveys, designs,
25 plans, working drawings, specifications, and other

1 action necessary for the carrying out of the project,
2 and (C) the inspection and supervision of the proc-
3 ess of carrying out the project to completion.

4 **SEC. 3. FEDERAL ACQUISITION AND USE OF ENVIRON-**
5 **MENTALLY EFFICIENT BUILDING MATE-**
6 **RIALS.**

7 (a) DEMONSTRATION OF ACQUISITION AND USE OF
8 MATERIALS.—Not later than 90 days after the date of the
9 enactment of this Act, the Administrator shall establish
10 a 3-year pilot program to promote research on, and devel-
11 opment of, environmentally efficient building materials
12 through demonstration of the acquisition and use of envi-
13 ronmentally efficient building materials in the construc-
14 tion of new Federal facilities and buildings and in existing
15 Federal facilities and buildings. In carrying out the pilot
16 program, the Administrator shall take into consideration
17 the advice and recommendations of the Environmentally
18 Efficient Building Material Advisory Board established
19 under section 5.

20 (b) SELECTION CRITERIA.—In selecting environ-
21 mentally efficient building materials, the Administrator
22 shall use the criteria of—

23 (1) maximizing the conservation and preserva-
24 tion of natural resources;

1 (2) ensuring that the materials are similar in
2 quality and durability to comparable, more conven-
3 tional materials;

4 (3) ensuring that the materials are cost com-
5 petitive with comparable, more conventional mate-
6 rials on a life-cycle cost basis;

7 (4) ensuring that the materials meet appro-
8 priate environmental, public health, and safety
9 standards; and

10 (5) ensuring that the materials meet appro-
11 priate standards for energy efficiency.

12 (c) PREFERENCES AMONG ENVIRONMENTALLY EF-
13 FICIENT BUILDING MATERIALS.—When making choices
14 between comparable environmentally efficient building ma-
15 terials that meet all the criteria under subsection (b), the
16 Administrator shall give preference to those materials that
17 best satisfy the criteria under subsection (b)(1).

18 **SEC. 4. REPORT.**

19 Not later than 30 days after completion of the pilot
20 program established under section 3, the Administrator
21 shall submit to Congress a report on its implementation.
22 Such a report shall include—

23 (1) a listing of the type and quantities of envi-
24 ronmentally efficient building materials used;

1 (2) the cost and performance of such materials
2 compared to comparable, more conventional mate-
3 rials;

4 (3) an assessment of the extent to which the ac-
5 quisition and use of such materials can be expanded
6 beyond the scope of the pilot program;

7 (4) an assessment of how well the materials
8 meet the criteria under section 3(b); and

9 (5) an assessment of the extent to which re-
10 search on, and development of, such materials oc-
11 curred as a result of the pilot program and the ex-
12 tent to which further support is needed to stimulate
13 such research and development.

14 **SEC. 5. ENVIRONMENTALLY EFFICIENT BUILDING MATE-**
15 **RIAL ADVISORY BOARD.**

16 (a) ESTABLISHMENT.—There is established the Envi-
17 ronmentally Efficient Building Material Advisory Board
18 (hereafter in this section referred to as the “Board”). The
19 Board shall consist of 11 members appointed by the Ad-
20 ministrator of whom—

21 (1) one shall be a representative from the Envi-
22 ronmental Protection Agency;

23 (2) one shall be a representative from the Gen-
24 eral Services Administration;

1 (3) one shall be a representative from the Army
2 Corps of Engineers;

3 (4) two shall be representatives from the envi-
4 ronmental community;

5 (5) two shall be representatives from the con-
6 struction industry, of whom at least one shall be
7 from a small business;

8 (6) two shall be representatives from manufac-
9 turing companies that produce environmentally effi-
10 cient materials, of whom at least one shall be from
11 a small business; and

12 (7) two shall be representatives from the sci-
13 entific and technical community.

14 (b) DUTIES.—The Board shall—

15 (1) provide advice and recommendations to the
16 Administrator on the implementation of the pilot
17 program established under section (3);

18 (2) advise the Administrator on the latest re-
19 search on, and development of, environmentally effi-
20 cient building materials and design and how such re-
21 search and development may be incorporated into
22 the construction of Federal buildings;

23 (3) make recommendations to the Adminis-
24 trator on actions needed to further facilitate the re-
25 search on, and development, acquisition, and use of,

1 environmentally efficient materials in Federal con-
2 struction; and

3 (4) make recommendations to the Adminis-
4 trator on actions needed to minimize the generation
5 of solid waste in the construction of Federal build-
6 ings and facilities.

7 (c) CHAIRMAN.—The Administrator shall serve as
8 Chairman of the Board and shall be a voting member.

9 (d) MEETINGS.—The Board shall meet on a quar-
10 terly basis. The Board shall comply with the provisions
11 of the Federal Advisory Committee Act (5 U.S.C. App.).

12 (e) APPOINTMENTS.—No later than 90 days after the
13 date of the enactment of this Act, the Administrator shall
14 make the initial appointments to the Board. The ap-
15 pointees shall serve until the Board's termination.

16 (f) HEARINGS.—The Board may hold such hearings,
17 sit and act at such times and places, take such testimony,
18 and receive such evidence as the Board considers advisable
19 to carry out the purposes of this Act.

20 (g) INFORMATION FROM FEDERAL AGENCIES.—The
21 Board may secure directly from any Federal department
22 or agency such information as the Board considers nec-
23 essary to carry out the provisions of this Act. Upon re-
24 quest of the Chairman of the Board, the head of such de-

1 partment or agency shall furnish such information to the
2 Board.

3 (h) POSTAL SERVICES.—The Board may use the
4 United States mail in the same manner and under the
5 same conditions as other departments and agencies of the
6 Federal Government.

7 (i) GIFTS.—The Board may accept, use, and dispose
8 of gifts or donations of services or property for purposes
9 of carrying out its duties under this section.

10 (j) COMPENSATION OF MEMBERS.—Each member of
11 the Board who is not an officer or employee of the Federal
12 Government shall be compensated at a rate equal to the
13 daily equivalent of the annual rate of basic pay prescribed
14 for level IV of the Executive Schedule under section 5315
15 of title 5, United States Code, for each day (including
16 travel time) during which such member is engaged in the
17 performance of the duties of the Board. All members of
18 the Board who are officers or employees of the United
19 States shall serve without compensation in addition to that
20 received for their services as officers or employees of the
21 United States.

22 (k) TRAVEL EXPENSES.—The members of the Board
23 shall be allowed travel expenses, including per diem in lieu
24 of subsistence, at rates authorized for employees of agen-
25 cies under subchapter I of chapter 57 of title 5, United

1 States Code, while away from their homes or regular
2 places of business in the performance of services for the
3 Board.

4 (l) STAFF.—(1) The Chairman of the Board may,
5 without regard to the civil service laws and regulations,
6 appoint and terminate an executive director and such
7 other additional personnel as may be necessary to enable
8 the Board to perform its duties. The employment of an
9 executive director shall be subject to confirmation by the
10 Board.

11 (2) The Chairman of the Board may fix the com-
12 pensation of the executive director and other personnel
13 without regard to the provisions of chapter 51 and sub-
14 chapter III of chapter 53 of title 5, United States Code,
15 relating to classification of positions and General Schedule
16 pay rates, except that the rate of pay for the executive
17 director and other personnel may not exceed the rate pay-
18 able for level V of the Executive Schedule under section
19 5316 of such title.

20 (m) DETAIL OF GOVERNMENT EMPLOYEES.—Any
21 Federal Government employee may be detailed to the
22 Board without reimbursement, and such detail shall be
23 without interruption or loss of civil service status or privi-
24 lege.

1 (n) PROCUREMENT OF TEMPORARY AND INTERMIT-
2 TENT SERVICES.—The Chairman of the Board may pro-
3 cure temporary and intermittent services under section
4 3109(b) of title 5, United States Code, at rates for individ-
5 uals which do not exceed the daily equivalent of the annual
6 rate of basic pay prescribed for level V of the Executive
7 Schedule under section 5316 of such title.

8 (o) REPORT.—(1) Taking into consideration the re-
9 sults of the pilot program established under section 3, the
10 Board shall submit a report to Congress and the Adminis-
11 trator that—

12 (A) makes recommendations on actions needed
13 to further facilitate the research on, and develop-
14 ment, acquisition, and use of, environmentally effi-
15 cient materials in Federal construction;

16 (B) makes recommendations on actions needed
17 to minimize the generation of solid waste in the con-
18 struction of Federal buildings and facilities; and

19 (C) includes any dissenting minority views.

20 (2) The report required by paragraph (1) shall be
21 submitted not later than 90 days after completion of the
22 pilot program established under section 3.

23 (p) TERMINATION.—The Board shall cease to exist
24 within 1 year after the submission of its report under sub-
25 section (o).

1 **SEC. 6. GUIDELINES TO FEDERAL AGENCIES.**

2 (a) IN GENERAL.—No later than 1 year after the En-
3 vironmentally Efficient Building Material Advisory Board
4 submits its report under section 5(o), the Administrator
5 shall, after consultation with the Administrator of General
6 Services, promulgate regulations containing guidelines to
7 Federal agencies on minimizing the creation of solid waste
8 and on maximizing the use of environmentally efficient
9 building materials in the construction of Federal build-
10 ings. Such regulations shall include—

11 (1) a requirement that any bid or proposal for
12 Federal contracts for the construction of Federal
13 buildings include a plan for minimizing the genera-
14 tion of solid waste and for maximizing the use of en-
15 vironmentally efficient building materials in such
16 construction; and

17 (2) standards for an acceptable plan that satis-
18 fies the requirement under paragraph (1).

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