

106TH CONGRESS
2D SESSION

S. 3271

To require increased waste prevention and recycling measures to be incorporated in the daily operations of Federal agencies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 14 (legislative day, SEPTEMBER 22), 2000

Mr. TORRICELLI introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To require increased waste prevention and recycling measures to be incorporated in the daily operations of Federal agencies, 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.**

4 This Act may be cited as the “Greening the Govern-
5 ment Act of 2000”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1 (1) the Pollution Prevention Act of 1990 (42
2 U.S.C. 13101 et seq.) established a national policy
3 of preventing pollution whenever feasible;

4 (2) in accordance with that policy—

5 (A) pollution that cannot be prevented
6 should be recycled;

7 (B) pollution that cannot be prevented or
8 recycled should be treated in an environ-
9 mentally safe manner;

10 (C) disposal of pollution should be em-
11 ployed only as a last resort; and

12 (3) consistent with the demands of efficiency
13 and cost effectiveness, the head of each Federal
14 agency should—

15 (A) incorporate increased waste prevention
16 and recycling measures in the daily operations
17 of the agency; and

18 (B) work to expand markets for recovered
19 products through greater preference and de-
20 mand for those products by the Federal Gov-
21 ernment.

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

23 (1) to require Federal agencies to comply with
24 certain policies in—

1 (A) the acquisition and use of recycled con-
2 tent products and environmentally preferable
3 products and services (including biobased prod-
4 ucts);

5 (B) the implementation of cost-effective ac-
6 quisition preference programs favoring the pur-
7 chase of those products and services; and

8 (2) to establish positions in each Federal agen-
9 cy, and to appoint a steering committee, a Federal
10 Environmental Executive, and a task force, to assist
11 in carrying out this Act.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) ACQUISITION.—The term “acquisition” has
15 the meaning given the term in Executive Order
16 13101 (63 Fed. Reg. 49643 (September 16, 1998)).

17 (2) ADMINISTRATOR.—The term “Adminis-
18 trator” means the Administrator of the Environ-
19 mental Protection Agency.

20 (3) AFFIRMATIVE ACQUISITION PROGRAM.—The
21 term “affirmative acquisition program” means the
22 program developed under section 7(b).

23 (4) AGENCY.—

1 (A) IN GENERAL.—The term “agency” has
2 the meaning given the term “executive agency”
3 in section 105 of title 5, United States Code.

4 (B) INCLUSION.—The term “agency” in-
5 cludes the military departments (as defined in
6 section 102 of title 5, United States Code).

7 (5) AGENCY ENVIRONMENTAL EXECUTIVE.—
8 The term “agency environmental executive” means
9 an individual designated under section 6(b).

10 (6) BIOBASED PRODUCT.—

11 (A) IN GENERAL.—The term “biobased
12 product” means a commercial or industrial
13 product that uses biological products or renew-
14 able domestic agricultural material (such as
15 plant, animal, or marine material) or forestry
16 material, as determined by the Secretary of Ag-
17 riculture.

18 (B) EXCLUSION.—The term “biobased
19 product” does not include—

20 (i) food for human consumption; or

21 (ii) feed for livestock.

22 (7) COMPREHENSIVE PROCUREMENT GUIDE-
23 LINE.—The term “comprehensive procurement
24 guideline” means a guideline for procurement of a
25 product or service prepared by the Administrator

1 under section 6002(e) of the Solid Waste Disposal
2 Act (42 U.S.C. 6962(e)).

3 (8) ENVIRONMENTALLY PREFERABLE PRODUCT
4 OR SERVICE.—The term “environmentally preferable
5 product or service” means a product or service, the
6 raw material acquisition, production, manufacturing,
7 packaging, distribution, reuse, operation, mainte-
8 nance, or disposal of which causes the product or
9 service to have a lesser or reduced effect on human
10 health and the environment than a competing prod-
11 uct or service that serves the same purpose.

12 (9) FACILITY.—The term “facility” has the
13 meaning given the term in Executive Order 13148
14 (65 Fed. Reg. 24605 (April 26, 2000)).

15 (10) FEDERAL ENVIRONMENTAL EXECUTIVE.—
16 The term “Federal Environmental Executive”
17 means the individual designated under section 5(a).

18 (11) FEDERAL PROCUREMENT DATA SYSTEM.—
19 The term “Federal Procurement Data System”
20 means the system provided for under section 6(d)(4)
21 of the Office of Federal Procurement Policy Act (41
22 U.S.C. 405(d)(4)(A)).

23 (12) GUIDELINE ITEM.—The term “guideline
24 item” means a product or service designated as a
25 guideline item by the Administrator under section

1 6002 of the Solid Waste Disposal Act (42 U.S.C.
2 6962), as codified in part 247 of title 40, Code of
3 Federal Regulations.

4 (13) LIFE CYCLE ASSESSMENT.—The term “life
5 cycle assessment” means the comprehensive exam-
6 ination of the environmental and economic aspects
7 and potential impacts of a product throughout its
8 lifetime (including throughout raw material extrac-
9 tion, transportation, manufacturing, use, and dis-
10 posal of the product).

11 (14) LIFE CYCLE COST.—

12 (A) IN GENERAL.—The term “life cycle
13 cost” means the amortized annual cost of a
14 product or service discounted over the lifetime
15 of the product or service.

16 (B) INCLUSIONS.—The term “life cycle
17 cost” includes amortized annual capital costs,
18 installation costs, operating costs, maintenance
19 costs, and disposal costs of a product or service.

20 (15) MAJOR PROCURING AGENCY.—The term
21 “major procuring agency” means an agency that, in
22 the preceding fiscal year, procured more than
23 \$50,000,000 in products and services.

24 (16) MICRO-PURCHASE THRESHOLD.—The
25 term “micro-purchase threshold” has the meaning

1 given the term in section 32(f) of the Office of Fed-
2 eral Procurement Policy Act (41 U.S.C. 428(f)).

3 (17) POLLUTION PREVENTION.—The term
4 “pollution prevention” means—

5 (A) source reduction (as defined in section
6 6603 of the Pollution Prevention Act of 1990
7 (42 U.S.C. 13102)); and

8 (B) any other practice that reduces or
9 eliminates the creation of pollutants through—

10 (i) increased efficiency in the use of
11 raw materials, energy, water, or other re-
12 sources; or

13 (ii) the protection of natural resources
14 through conservation.

15 (18) POSTCONSUMER MATERIAL.—The term
16 “postconsumer material” means a material or fin-
17 ished product that has—

18 (A) served its intended use;

19 (B) completed its life as a consumer item;

20 and

21 (C) been discarded for disposal or recovery.

22 (19) RECOVERED MATERIAL.—The term “re-
23 covered material” has the meaning given the term in
24 section 1004 of the Solid Waste Disposal Act (42
25 U.S.C. 6903).

1 (20) RECYCLABILITY.—The term
2 “recyclability” means the extent to which a product
3 or material may be recovered from, or otherwise di-
4 verted from, the solid waste stream for the purpose
5 of recycling.

6 (21) RECYCLING.—

7 (A) IN GENERAL.—The term “recycling”
8 means the series of activities by which a prod-
9 uct or material is recovered from the solid
10 waste stream for use as a raw material in the
11 manufacture of a new product, other than fuel,
12 for producing heat or power by combustion.

13 (B) INCLUSIONS.—The term “recycling”
14 includes collection, separation, and processing.

15 (22) STEERING COMMITTEE.—The term “Steer-
16 ing Committee” means the Steering Committee on
17 Greening the Government established by section
18 4(a).

19 (23) SUSTAINABLY PRODUCED WOOD PROD-
20 UCT.—The term “sustainably produced wood prod-
21 uct” means a wood product that has been verified
22 through a chain of custody system to have originated
23 in a forest that has been certified as being
24 sustainably managed by an organization that, as de-
25 termined by the Federal Environmental Executive—

1 (A) does not have an equity interest in the
2 forest or the management of the forest;

3 (B) is independent from any timber trade
4 association;

5 (C) adheres, at a minimum, to the Prin-
6 ciples and Criteria of the Forest Stewardship
7 Council in effect as of February 2000 (or the
8 equivalent requirements of a similar organiza-
9 tion); and

10 (D) conducts annual on-the-ground audits
11 of each forest certified.

12 (24) TASK FORCE.—The term “Task Force”
13 means the Task Force on Greening the Government
14 established under section 6(a).

15 (25) WASTE.—The term “waste” has the mean-
16 ing given the term “solid waste” in section 1004 of
17 the Solid Waste Disposal Act (42 U.S.C. 6903).

18 (26) WASTE PREVENTION.—The term “waste
19 prevention” means—

20 (A) a change in the design, manufacture,
21 purchase, or use of a product or material (in-
22 cluding packaging) to reduce the volume or tox-
23 icity of the product or material before the prod-
24 uct or material is discarded; or

25 (B) the reuse of a product or material.

1 (27) WASTE REDUCTION.—The term “waste re-
2 duction” means the use of waste prevention, recy-
3 cling, or the purchase of recycled and environ-
4 mentally preferable products and materials to pre-
5 vent or decrease the generation of waste.

6 **SEC. 4. STEERING COMMITTEE.**

7 (a) IN GENERAL.—There is established a Steering
8 Committee on Greening the Government.

9 (b) COMPOSITION.—

10 (1) MEMBERS.—The Steering Committee shall
11 be composed of—

12 (A) the Chair of the Council on Environ-
13 mental Quality, who shall serve as Chairperson
14 of the Steering Committee;

15 (B) the Federal Environmental Executive;
16 and

17 (C) the Administrator for Federal Procure-
18 ment Policy.

19 (2) DUTIES.—The Steering Committee shall es-
20 tablish, and provide policy direction to, a Task Force
21 to facilitate the implementation of this Act in ac-
22 cordance with section 6(a).

1 **SEC. 5. FEDERAL ENVIRONMENTAL EXECUTIVE.**

2 (a) IN GENERAL.—The President, acting through the
3 Administrator, shall designate a Federal Environmental
4 Executive.

5 (b) DUTIES.—The Federal Environmental Executive
6 shall—

7 (1) serve as Chairperson of the Task Force;

8 (2) take all actions necessary to ensure that ex-
9 ecutive agencies comply with this Act; and

10 (3) in accordance with section 6(a)(3), working
11 through the Task Force and in consultation with
12 agency environmental executives, submit to the
13 President a biennial report on the progress made in
14 carrying out this Act that includes—

15 (A) information from agency reports con-
16 cerning the progress of the Federal Government
17 in implementing—

18 (i) Executive Order 13101 (63 Fed.
19 Reg. 49643 (September 16, 1998));

20 (ii) Executive Order 13148 (65 Fed.
21 Reg. 24595 (April 21, 2000));

22 (iii) Executive Order 13149 (65 Fed.
23 Reg. 24607 (April 21, 2000));

24 (iv) Executive Order 13134 (64 Fed.
25 Reg. 44639 (August 12, 1999)); and

1 (v) Executive Order 13123 (64 Fed.
2 Reg. 30851 (June 3, 1999));

3 (B) the agency environmental scorecards
4 completed under paragraph (4);

5 (4) in coordination with the Director of the Of-
6 fice of Management and Budget, develop agency en-
7 vironmental scorecards and a scoring system to
8 evaluate each agency's progress in meeting the goals
9 of this Act, that includes, at a minimum—

10 (A) purchases of recycled content products
11 and environmentally preferable products and
12 services of the agency;

13 (B) the recycling or waste diversion rate of
14 the agency; and

15 (C) innovative recycling and waste preven-
16 tion practices of the agency;

17 (5) in coordination with the Administrator for
18 Federal Procurement Policy, the Administrator, the
19 Administrator of General Services, and the Secretary
20 of Agriculture, convene a group of acquisition man-
21 agers, State environmental officials, and State and
22 local government managers to cooperate with State
23 and local governments in improving the use by Fed-
24 eral, State, and local governments of recycled con-

1 tent products and environmentally preferable prod-
2 ucts and services;

3 (6) coordinate appropriate Federal Government-
4 wide education and training programs for executive
5 agencies; and

6 (7) establish committees and work groups, as
7 necessary (including the designation of appropriate
8 personnel in the areas of acquisition, standards and
9 specifications, electronic commerce, facilities man-
10 agement, pollution and waste prevention, and recy-
11 cling, and other areas), to identify, assess, and rec-
12 ommend actions to be taken to meet and carry out
13 the goals, responsibilities, and initiatives of the Fed-
14 eral Environmental Executive.

15 **SEC. 6. TASK FORCE; AGENCY ENVIRONMENTAL EXECU-**
16 **TIVES.**

17 (a) TASK FORCE.—

18 (1) IN GENERAL.—As soon as practicable after
19 the date of enactment of this Act, the Steering Com-
20 mittee shall establish a Task Force on Greening the
21 Government.

22 (2) COMPOSITION.—The Task Force shall be—

23 (A) chaired by the Federal Environmental
24 Executive; and

1 (B) composed of senior staff from the
2 major procuring agencies, as determined by the
3 Steering Committee in consultation with the
4 major procuring agencies.

5 (3) DUTIES.—The Task Force shall—

6 (A) assist the Federal Environmental Ex-
7 ecutive and agencies in carrying out this Act,
8 subject to policy direction provided by the
9 Steering Committee; and

10 (B) acting through the Federal Environ-
11 mental Executive, submit to the Chairperson of
12 the Steering Committee a biennial report on the
13 progress made in carrying out this Act.

14 (4) RESOURCES; SUPPORT.—On request by the
15 Steering Committee, a major procuring agency shall
16 provide resources and support to the Task Force
17 and the Federal Environmental Executive, to the ex-
18 tent practicable.

19 (b) AGENCY ENVIRONMENTAL EXECUTIVES.—

20 (1) DESIGNATION.—Not later than 90 days
21 after the date of enactment of this Act, the head of
22 each major procuring agency shall designate as an
23 agency environmental executive an employee of the
24 major procuring agency who serves at a level not
25 lower than Assistant Secretary (or the equivalent).

1 (2) DUTIES.—An agency environmental execu-
2 tive shall—

3 (A) translate the Government-Wide Stra-
4 tegic Plan to Implement Executive Order
5 13101, dated March 12, 1999, into an agency-
6 specific plan;

7 (B) implement the plan;

8 (C) report to the Federal Environmental
9 Executive on the progress in implementing the
10 plan;

11 (D) work with the Federal Environmental
12 Executive and the Task Force in carrying out
13 this Act;

14 (E) track, and report to the Federal Envi-
15 ronmental Executive in accordance with the rec-
16 ommendations developed in under section
17 5(b)(7), the purchases of the major procuring
18 agency of products and services designated as
19 guideline items;

20 (F) require acquisition personnel, in cases
21 in which guideline items purchased by an agen-
22 cy are purchased in quantities that exceed the
23 micro-purchase threshold, to—

24 (i) justify in writing to the agency en-
25 vironmental executive the reasons pur-

1 chasing the guideline items in those quan-
2 tities; and

3 (ii) submit to the agency environ-
4 mental executive a plan and schedule for
5 any further increases in agency purchases
6 of guideline items; and

7 (G) not later than 1 year after a product
8 or service is determined to be a biobased prod-
9 uct, estimate and report to the Secretary of Ag-
10 riculture the annual level of purchases by the
11 agency of those products and services.

12 **SEC. 7. ACQUISITION PLANNING AND AFFIRMATIVE ACQUI-**
13 **SITION PROGRAMS.**

14 (a) ACQUISITION PLANNING.—

15 (1) IN GENERAL.—In developing a plan, draw-
16 ing, work statement, specification, or other product
17 description, an agency shall consider, as appropriate,
18 a broad range of factors, including—

19 (A) the elimination of virgin material re-
20 quirements;

21 (B) the use of biobased products;

22 (C) the use of recovered materials;

23 (D) the reuse of products;

24 (E) life cycle cost;

25 (F) recyclability;

1 (G) the use of environmentally preferable
2 products and services;

3 (H) waste prevention (including toxicity re-
4 duction or elimination); and

5 (I) ultimate disposal.

6 (2) CONSIDERATION OF FACTORS.—The factors
7 specified in paragraph (1) should be considered in
8 acquisition planning for all procurement and in the
9 evaluation and award of contracts, as appropriate.

10 (3) PROGRAM AND ACQUISITION MANAGERS.—
11 The program and acquisition managers of an agency
12 should take an active role in the consideration of
13 factors under paragraph (2).

14 (b) AFFIRMATIVE ACQUISITION PROGRAMS.—

15 (1) IN GENERAL.—Not later than 90 days after
16 the date of enactment of this Act, the head of each
17 agency shall—

18 (A) develop and implement an affirmative
19 acquisition program in accordance with section
20 6002 of the Solid Waste Disposal Act (42
21 U.S.C. 6962); and this Act; and

22 (B) consider incorporating within the af-
23 firmative acquisition program of the agency the
24 use of acquisition tools and methods described
25 in section 1657 of the Alternative Agricultural

1 Research and Commercialization Act of 1990 (7
2 U.S.C. 5909).

3 (2) DUTIES OF PERSONNEL.—The head of each
4 agency shall ensure that responsibilities for prepara-
5 tion, implementation, and monitoring of an affirma-
6 tive acquisition program under this subsection are
7 shared between the program personnel and acquisi-
8 tion personnel.

9 (c) GUIDELINE ITEMS.—

10 (1) IN GENERAL.—Except as provided in para-
11 graph (2), as soon as practicable after the date of
12 enactment of this Act, each agency shall establish an
13 affirmative acquisition program for all products and
14 services procured by the agency that are guideline
15 items.

16 (2) NEWLY-DESIGNATED ITEMS.—Not later
17 than 1 year after the date on which the Adminis-
18 trator designates a product or service as a guideline
19 item, an agency that purchases the newly-designated
20 guideline item shall revise the affirmative acquisition
21 program of the agency.

22 (3) AGENCY PURCHASES.—

23 (A) IN GENERAL.—Except for purchases of
24 biobased products, subject to subparagraph (B),
25 the head of each agency shall ensure, to the

1 maximum extent practicable, that any affirma-
2 tive acquisition program of the agency requires
3 100 percent of each purchase of the agency (in-
4 cluding a purchase below the micro-purchase
5 threshold) to meet or exceed the comprehensive
6 procurement guideline for each product and
7 service purchased.

8 (B) PURCHASES BELOW MICRO-PURCHASE
9 THRESHOLD.—

10 (i) IN GENERAL.—Not later than 180
11 days after the date of enactment of this
12 Act, each agency shall issue, and submit to
13 the Administrator for Federal Procure-
14 ment Policy, guidance concerning the pur-
15 chase of guideline items in quantities not
16 in excess of the equivalent of the micro-
17 purchase threshold.

18 (ii) AGGREGATION.—The guidance
19 issued under clause (i) should encourage
20 the aggregation of agency purchases of
21 guideline items to promote economy and
22 efficiency.

23 (iii) RECYCLED CONTENT PRODUCTS
24 AND SERVICES.—No written justification
25 from an agency shall be required for the

1 purchase by the agency of a product that
2 is not a recycled content product if the
3 purchase is below the micro-purchase
4 threshold.

5 **SEC. 8. FEDERAL FACILITY COMPLIANCE.**

6 (a) FEDERAL INSPECTIONS.—For any inspection of
7 a Federal facility under subtitle F of the Solid Waste Dis-
8 posal Act (42 U.S.C. 6961 et seq.) (including any multi-
9 media inspection carried out by the Administrator at a
10 Federal facility), the inspection shall include an evaluation
11 of the compliance of the Federal facility with section 6002
12 of that Act (42 U.S.C. 6962) (including regulations and
13 any implementing guidance).

14 (b) STATE INSPECTIONS.—

15 (1) IN GENERAL.—For any inspection of a Fed-
16 eral facility that is carried out by an authorized
17 State under the Solid Waste Disposal Act (42
18 U.S.C. 6901 et seq.), the Administrator shall require
19 the State to include in the inspection an evaluation
20 of the compliance of the Federal facility with section
21 6002 of that Act (42 U.S.C. 6962) that takes into
22 consideration, as appropriate, any regulations and
23 implementing guidance.

24 (2) ASSISTANCE.—The Administrator may pro-
25 vide information and technical assistance to a State

1 to assist the State in considering guidance in con-
2 nection with an inspection under paragraph (1).

3 (c) REPORT.—Not later than February 1, 2002, and
4 annually thereafter, the Administrator shall submit to the
5 Federal Environmental Executive a report describing the
6 results of each inspection performed by the Administrator
7 or a State under this section during the preceding fiscal
8 year.

9 **SEC. 9. SPECIFICATIONS, STANDARDS, AND PRODUCT AND**
10 **SERVICE DESCRIPTIONS.**

11 (a) IN GENERAL.—

12 (1) USE OF RECOVERED MATERIAL; PUR-
13 CHASING CRITERIA.—When developing, reviewing, or
14 revising a specification, product or service descrip-
15 tion (including a commercial item description), or
16 standard, an agency shall—

17 (A) consider recycled content material and
18 any environmentally preferable purchasing cri-
19 teria developed by the Administrator; and

20 (B) comply with the purchasing criteria.

21 (2) REPORTS.—

22 (A) SUBMISSION TO FEDERAL ENVIRON-
23 MENTAL EXECUTIVE.—An agency shall annu-
24 ally submit to the Federal Environmental Exec-
25 utive a report that describes the compliance by

1 the agency with paragraph (1) during the pre-
2 ceding year.

3 (B) INCORPORATION IN BIENNIAL RE-
4 PORT.—The Federal Environmental Executive
5 shall incorporate each report under subpara-
6 graph (A) in the biennial report submitted to
7 the President under section 6002 of the Solid
8 Waste Disposal Act (42 U.S.C. 6962).

9 (b) INCONSISTENCY WITH APPLICABLE LAW.—

10 (1) IN GENERAL.—If the Federal Environ-
11 mental Executive determines that there is an incon-
12 sistency between a specification, standard, or prod-
13 uct description of an agency and a provision of sec-
14 tion 6002 of the Solid Waste Disposal Act (42
15 U.S.C. 6962) or of this Act, the Federal Environ-
16 mental Executive shall request that the agency envi-
17 ronmental executive of the agency submit to the
18 Federal Environmental Executive—

19 (A) a statement of reasons why the speci-
20 fication, standard, or product description can-
21 not be revised to eliminate the inconsistency; or

22 (B) a plan for revising the specification
23 standard, or product description not later than
24 60 days after the date of submission of the
25 plan.

1 (2) REVISION.—If the response of an agency is
2 to the effect that the agency will be able to revise
3 the specification, standard, or product description to
4 eliminate the inconsistency, but will not be able to
5 do so within 60 days, the agency environmental ex-
6 ecutive shall monitor and implement the plan for re-
7 vising the specification, standard, or product de-
8 scription.

9 **SEC. 10. DESIGNATION OF PRODUCTS THAT CONTAIN RE-**
10 **COVERED MATERIAL.**

11 (a) IN GENERAL.—The Administrator shall designate
12 products that are or can be made with recovered material
13 in accordance with section 6002(e) of the Solid Waste Dis-
14 posal Act (42 U.S.C. 6962(e)) and this section.

15 (b) AMENDMENT OF COMPREHENSIVE PROCURE-
16 MENT GUIDELINES.—

17 (1) IN GENERAL.—The Administrator shall des-
18 ignate products and services that are or can be made
19 with recovered material, by promulgating amend-
20 ments to the comprehensive procurement guidelines.

21 (2) UPDATING.—The Administrator shall
22 amend the comprehensive procurement guideline at
23 least every 2 years.

24 (c) RECOVERED MATERIAL ADVISORY NOTICES.—

1 (1) IN GENERAL.—Concurrent with the promul-
2 gation of amendments to the comprehensive procure-
3 ment guideline, the Administrator shall publish for
4 comment in the Federal Register Recovered Material
5 Advisory Notices that describe the range of recov-
6 ered material content levels within which the des-
7 ignated products are currently available.

8 (2) UPDATING.—The content levels referred to
9 in paragraph (1) shall be updated periodically, after
10 opportunity for public comment, to reflect changes
11 in market conditions.

12 (d) MODIFICATION OF PROCUREMENT PROGRAMS.—
13 After the Administrator revises the comprehensive pro-
14 curement guidelines to designate products containing re-
15 covered material, each agency shall modify its affirmative
16 acquisition program to require that purchases of those
17 designated products by the agency meet or exceed the re-
18 covered material content levels in the Recovered Material
19 Advisory Notices described in subsection (c), unless writ-
20 ten justification is provided to the appropriate agency en-
21 vironmental executive.

22 **SEC. 11. ACQUISITION OF ENVIRONMENTALLY PREF-**
23 **ERABLE PRODUCTS AND SERVICES.**

24 (a) UPDATING OF GUIDANCE.—The Administrator
25 shall update Environmental Protection Agency guidance

1 to agencies on environmentally preferable purchasing at
2 least every 2 years.

3 (b) ENVIRONMENTALLY PREFERABLE PRODUCTS
4 AND SERVICES LIST.—

5 (1) PUBLICATION.—Not later than 1 year after
6 the date of enactment of this Act, the Administrator
7 shall publish an Environmentally Preferable Prod-
8 ucts and Services List for the use of agencies in
9 complying with this Act that—

10 (A) designates products and services that
11 have environmentally preferable characteristics;

12 (B) describes the relevant environmentally
13 preferable characteristics to consider when pur-
14 chasing those products and services;

15 (C) recommends environmentally pref-
16 erable levels for each characteristic;

17 (D) recommends practices with respect to
18 the acquisition of those products and services;
19 and

20 (E) identifies known manufacturers or ven-
21 dors of the designated products and services
22 within the recommended levels.

23 (2) COMPLIANCE.—Not later than 1 year after
24 the date of publication of the list under paragraph
25 (1), each agency shall—

1 (A) comply with this Act in making acqui-
2 sitions of products and services on the list; and

3 (B) purchase the environmentally pref-
4 erable products and services.

5 (c) PILOT PROJECTS.—

6 (1) IN GENERAL.—Each agency shall imme-
7 diately test and evaluate the principles and concepts
8 in the Guidance on the Acquisition of Environ-
9 mentally Preferable Products and Services through
10 the implementation of 5 pilot projects to provide
11 practical information to the Administrator for use in
12 future updates of the guidance.

13 (2) ASPECTS OF PILOT PROJECTS.—

14 (A) IN GENERAL.—

15 (i) USE.—The pilot projects referred
16 to in paragraph (1) shall be focused
17 around those product and service cat-
18 egories, including printing, that have wide
19 use within the Federal Government.

20 (ii) PRIORITIES.—Priorities con-
21 cerning which product and service cat-
22 egories to pilot shall be developed by the
23 individual agencies and the Administrator,
24 in consultation with the Administrator for
25 Federal Procurement Policy, the Federal

1 Environmental Executive, and the appro-
2 priate agency procurement executives.

3 (iii) DISAGREEMENTS.—Any policy
4 disagreements shall be resolved by the
5 Steering Committee.

6 (B) RESOURCES.—

7 (i) IN GENERAL.—Each agency should
8 use all of the options available to the agen-
9 cy in determining the environmentally pref-
10 erable characteristics of products and serv-
11 ices in a pilot project of the agency, includ-
12 ing the use of technical expertise of—

13 (I) nongovernmental entities
14 (such as labeling, certification, or
15 standard-developing organizations);
16 and

17 (II) the National Institute of
18 Standards and Technology.

19 (ii) FEDERAL ASSISTANCE.—On re-
20 quest by an agency and to the extent prac-
21 ticable, the Administrator shall assist the
22 agency in designing, implementing, and
23 documenting the results of a pilot project
24 under this paragraph.

25 (C) DATABASE.—

1 (i) IN GENERAL.—The Administrator,
2 in coordination with the heads of other
3 agencies, shall develop, submit to the Fed-
4 eral Environmental Executive a report on,
5 and make publicly accessible via the Inter-
6 net, a database of information on pilot
7 projects under this paragraph.

8 (ii) CONTENT.—The database shall
9 include—

10 (I) the number and status of
11 pilot projects;

12 (II) examples of policy directives
13 of agencies carrying out a pilot
14 project;

15 (III) revisions to specifications;

16 (IV) solicitation procedures; and

17 (V) grant or contract policies
18 that facilitate adoption of environ-
19 mentally preferable purchasing prac-
20 tices.

21 **SEC. 12. DESIGNATION OF BIOBASED PRODUCTS BY THE**

22 **USDA.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of enactment of this Act, the Secretary of Agri-
25 culture, acting through the Biobased Products Coordina-

1 tion Council, shall, in consultation with the Federal Envi-
2 ronmental Executive, publish in the Federal Register a
3 Biobased Products List.

4 (b) REVISION.—The Secretary of Agriculture shall
5 biannually update the list under subsection (a) to include
6 additional biobased products, as appropriate.

7 (c) MODIFICATION OF PROCUREMENT PROGRAMS.—
8 On publication of the list under subsection (a), each agen-
9 cy shall modify the affirmative acquisition program of the
10 agency to give consideration to products and services on
11 the list.

12 **SEC. 13. MINIMUM CONTENT STANDARD FOR PRINTING**
13 **AND WRITING PAPER.**

14 (a) IN GENERAL.—The head of each agency shall en-
15 sure, to the maximum extent practicable, that the agency
16 meets or exceeds the following minimum materials content
17 standards when purchasing printing and writing paper:

18 (1) HIGH QUALITY PAPER.—

19 (A) IN GENERAL.—Beginning December
20 31, 2005, for high speed copier paper, offset
21 paper, forms bond, computer printout paper,
22 carbonless paper, file folders, white wove enve-
23 lopes, writing and office paper, book paper, cot-
24 ton fiber paper, and cover stock, the minimum
25 content standard shall be not less than—

1 (i) 40 percent postconsumer mate-
2 rials; or

3 (ii) 30 percent postconsumer mate-
4 rials/100 percent Processed Chlorine free.

5 (B) NONAVAILABILITY.—If paper de-
6 scribed in subparagraph (A) is not reasonably
7 available as of the date specified in subpara-
8 graph (A), does not meet reasonable perform-
9 ance requirements, or is available only at an
10 unreasonable price, the agency shall purchase
11 paper containing not less than 30 percent
12 postconsumer material.

13 (C) REVISION.—The Steering Committee,
14 in consultation with the agency environmental
15 executives, shall revise the standards described
16 in subparagraphs (A) and (B) as necessary.

17 (2) ALTERNATIVE FOR PRINTING AND WRITING
18 PAPER.—As an alternative to meeting the standards
19 under paragraph (1), for all printing and writing pa-
20 pers, the minimum content standard may be not less
21 than 50 percent recovered material that is a waste
22 material byproduct of a finished product (other than
23 a paper or textile product) that would otherwise be
24 disposed of in a landfill, as determined by the State
25 in which the facility is located.

1 (b) PROHIBITION OF PURCHASE OR SALE OF SUB-
2 STANDARD PAPER.—Effective January 1, 2006, no agen-
3 cy shall purchase, sell, or arrange for the purchase of,
4 printing and writing paper that fails to meet the minimum
5 standards under this section.

6 **SEC. 14. ACQUISITION OF REREFINED LUBRICATING OIL**
7 **AND RETREAD TIRES.**

8 (a) IMPLEMENTATION.—

9 (1) IN GENERAL.—Each agency shall imple-
10 ment the acquisition guidelines of the Administrator
11 for rerefined lubricating oil and retread tires.

12 (2) ACQUISITION.—Fleet and commodity man-
13 agers of each agency shall take immediate steps, as
14 appropriate, to procure rerefined lubricating oil and
15 retread tires in accordance with section 6002 of the
16 Solid Waste Disposal Act (42 U.S.C. 6962).

17 (3) ACQUISITION OF BIOBASED OILS.—Nothing
18 in this section precludes the acquisition of a
19 biobased oil (such as a vegetable oil).

20 (b) EDUCATION.—The Federal Environmental Exec-
21 utive shall educate the personnel of each agency about the
22 new Department of Defense Cooperative Tire Qualifica-
23 tion Program (including the Cooperative Approval Tire
24 List and Cooperative Plant Qualification Program), as
25 those programs apply to retread tires.

1 **SEC. 15. ACQUISITION OF CERTIFIED WOOD PRODUCTS.**

2 (a) IN GENERAL.—Not later than December 31,
3 2005, the head of each agency shall ensure, to the max-
4 imum extent practicable, that not less than 5 percent of
5 the wood products purchased by the agency are
6 sustainably produced wood products.

7 (b) APPLICABILITY.—This section does not apply to
8 an agency to which sufficient quantities of sustainably
9 managed wood products are not reasonably available.

10 **SEC. 16. AGENCY GOALS.**

11 (a) RECYCLING GOALS.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of this Act, each agency
14 shall establish and submit to the Federal Environ-
15 mental Executive—

16 (A) a goal for solid waste prevention and
17 a goal for recycling to be achieved by each of
18 January 1, 2005, January 1, 2010, and Janu-
19 ary 1, 2015; or

20 (B) a goal for solid waste diversion to be
21 achieved by each of January 1, 2005, January
22 1, 2010, and January 1, 2015.

23 (2) MATERIALS TO BE RECYCLED.—The recy-
24 cling programs established to meet the goals estab-
25 lished under paragraph (1) shall provide for—

1 (A) recycling of white paper, mixed paper
2 and cardboard, aluminum, plastic, and glass;

3 (B) recycling, reuse, or refurbishment of
4 pallets;

5 (C) collection of toner cartridges for re-
6 manufacturing; and

7 (D) the reduction of use of, or the recy-
8 cling of, batteries, scrap metal, fluorescent
9 lamps and ballasts, and electronic equipment.

10 (b) GOALS FOR PURCHASES OF RECYCLED CONTENT
11 PRODUCTS AND ENVIRONMENTALLY PREFERABLE PROD-
12 UCTS AND SERVICES.—

13 (1) GOVERNMENT-WIDE GOAL.—There is estab-
14 lished a Federal Government-wide goal for purchases
15 of green products that is equal to not less than 15
16 percent of the total value of all contract awards for
17 the previous fiscal year.

18 (2) MAJOR PROCURING AGENCIES.—In each fis-
19 cal year, each major procuring agency shall conduct
20 not fewer than 5 pilot purchases of environmentally
21 preferable products and services.

22 (c) INCORPORATION OF GOALS INTO ANNUAL PER-
23 FORMANCE PLANS.—Beginning with the submission to the
24 Director of the Office of Management and Budget of the
25 annual performance plan under section 1115 of title 31,

1 United States Code, that accompanies the budget for fiscal
 2 year 2002, each agency shall incorporate into each annual
 3 performance plan of the agency submitted under that
 4 section—

5 (1) the goals established under this section; and

6 (2) the 100 percent goal for purchasing recycled content products established by the Govern-
 7 ment-wide Strategic Plan to Implement Executive
 8 Order 13101, dated March 12, 1999.

10 (d) REPORTS TO FEDERAL ENVIRONMENTAL EXECU-
 11 TIVE.—Each agency shall submit to the Federal Environ-
 12 mental Executive for inclusion in the biennial report and
 13 scorecard required under section 5(b)(3) reports on
 14 progress in achieving the goals established under this sec-
 15 tion.

16 **SEC. 17. ACCOUNTABILITY, APPLICABILITY, AND OTHER**
 17 **REQUIREMENTS.**

18 (a) CONTRACTOR AND SUBCONTRACTOR APPLICA-
 19 BILITY.—

20 (1) IN GENERAL.—A contract awarded by an
 21 agency after the date of enactment of this Act shall
 22 include clauses that obligate the contractor or a sub-
 23 contractor under the contract to comply with this
 24 Act in conducting operations under the contract if
 25 the contract provides for—

1 (A) contractor or subcontractor operation
2 of a facility that is owned or leased by the Fed-
3 eral Government; or

4 (B) contractor, subcontractor, or other
5 support services to be furnished at a facility
6 that is owned or operated by the Federal Gov-
7 ernment.

8 (2) COMPLIANCE REPORTS.—

9 (A) IN GENERAL.—As soon as practicable
10 after the date of enactment of this Act, and an-
11 nually thereafter, using the Federal Procure-
12 ment Data System, an agency shall submit to
13 the Federal Environmental Executive and the
14 Administrator for Federal Procurement Policy
15 a report on the compliance of contractors and
16 subcontractors of the agency with this section.

17 (B) DATA.—The Administrator for Fed-
18 eral Procurement Policy shall submit to Con-
19 gress, in the biennial report to Congress re-
20 quired by section 6002 of the Solid Waste Dis-
21 posal Act (42 U.S.C. 6962) and through use of
22 the Federal Procurement Data System, all data
23 collected using the Federal Procurement Data
24 System by the Administrator for Federal Pro-
25 curement Policy during the 2 fiscal years pre-

1 ceding the year in which the report is sub-
2 mitted.

3 (b) REAL PROPERTY ACQUISITION AND MANAGE-
4 MENT.—

5 (1) IN GENERAL.—Not later than 90 days after
6 the date of enactment of this Act, to the extent per-
7 mitted by law and as economically feasible, each
8 agency shall ensure, to the maximum extent prac-
9 ticable, that the agency complies with this Act in the
10 acquisition and management of real property by the
11 Federal Government.

12 (2) ENVIRONMENTAL AND RECYCLING PROVI-
13 SIONS.—The Administrator of General Services and
14 heads of other agencies shall include environmental
15 and recycling provisions in each contract for—

16 (A) the acquisition and management of all
17 real property leased by an agency; or

18 (B) the construction of a new Federal
19 building.

20 (c) RETENTION OF FUNDS.—

21 (1) IN GENERAL.—Not later than 90 days after
22 the date of enactment of this Act, the Administrator
23 of General Services shall develop a legislative pro-
24 posal to continue the program that—

1 (A) retains, for use by agencies, the pro-
2 ceeds from each sale of material recovered
3 through recycling or waste prevention pro-
4 grams; and

5 (B) specifies the eligibility requirements
6 for the material being recycled.

7 (2) RETURN OF FUNDS.—The legislative pro-
8 posal under paragraph (1) shall provide that pro-
9 ceeds described in paragraph (1)(A) shall be re-
10 turned to the facility generating the material, to be
11 used in enhancing recycling or waste prevention pro-
12 grams.

13 (3) NON-GSA MANAGED FACILITIES.—Each
14 agency having jurisdiction over a facility that is not
15 managed by the Administrator of General Services,
16 to the extent permitted by law, shall develop a plan
17 to retain the proceeds of any sale of material recov-
18 ered through a recycling or waste prevention pro-
19 gram of the agency.

20 (d) MODEL DEMONSTRATION PROGRAMS.—Each
21 agency shall establish a model demonstration program for
22 recycling or waste prevention that incorporates, as deter-
23 mined to be appropriate by the head of the agency—

24 (1) the demonstration and testing of new and
25 innovative approaches to recycling and waste man-

1 agement, such as the incorporation of environ-
2 mentally preferable products and services or
3 biobased products;

4 (2) an increase in the quantity and types of
5 products and services used by the agency that con-
6 tain recovered materials;

7 (3) the expansion of collection programs;

8 (4) the implementation of source reduction pro-
9 grams;

10 (5) the composting of organic material, when
11 feasible; and

12 (6) the exploration of partnerships between the
13 public sector and private sector to develop markets
14 for recovered materials.

15 (e) RECYCLING PROGRAMS.—

16 (1) IN GENERAL.—As soon as practicable after
17 the date of enactment of this Act, each agency shall
18 implement a program to promote cost-effective waste
19 prevention and recycling of material in all of the fa-
20 cilities of the agency.

21 (2) COMPLIANCE.—A recycling program imple-
22 mented under this section shall be consistent with
23 applicable State and local recycling requirements.

24 (3) RECYCLING COORDINATOR.—

1 (A) IN GENERAL.—In carrying out this
2 subsection, an agency shall designate a recycling
3 coordinator for each facility of the agency.

4 (B) DUTIES.—The recycling coordinator
5 shall implement or maintain waste prevention
6 and recycling programs in the action plans of
7 the agency.

8 (4) COOPERATION.—In carrying out this sub-
9 section, an agency shall take into consideration coop-
10 erative ventures with State and local governments to
11 promote community recycling and waste reduction.

12 (5) REVIEW OF IMPLEMENTATION.—The In-
13 spector General (or an equivalent officer) of an
14 agency that implements a program under this sub-
15 section shall periodically review the compliance of
16 the agency with this subsection.

17 (6) ANNUAL BUDGET SUBMISSION.—

18 (A) IN GENERAL.—Each agency shall in-
19 clude in the annual budget submission of the
20 agency a specific request for funding to carry
21 out this section.

22 (B) GUIDANCE.—As soon as practicable
23 after the date of enactment of this Act, the Di-
24 rector of the Office on Management and Budget
25 shall issue guidance to assist an agency in de-

1 veloping appropriate requests that support
2 sound investments in recycled content, environ-
3 mentally preferable products and services, and
4 environmental improvements.

5 (C) ASSISTANCE FUND.—The Director of
6 the Office on Management and Budget shall de-
7 termine the feasibility of establishing a fund to
8 assist agencies that implement programs under
9 this subsection in—

10 (i) financing environmental manage-
11 ment activities; and

12 (ii) making investments that may
13 have higher initial costs but lower life-cycle
14 costs.

15 **SEC. 18. AWARENESS, TRAINING, AND AWARDS PROGRAMS.**

16 (a) AWARENESS.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of enactment of this Act, the Federal
19 Acquisition Institute and the Defense Acquisition
20 University shall submit to the Federal Environ-
21 mental Executive, the Administrator for Federal
22 Procurement Policy, and, relating to the Defense Ac-
23 quisition University, the Secretary of Defense, rec-
24 ommendations for curriculum changes to ensure, to
25 the maximum extent practicable, that acquisition of-

1 officials of each agency are informed of the require-
2 ments of this Act.

3 (2) REVISIONS.—Not later than 14 days after
4 the date of receipt of revisions requested by the Fed-
5 eral Environmental Executive or the Office of Pro-
6 curement Policy, the Federal Acquisition Institute
7 and Defense Acquisition University shall make those
8 revisions.

9 (3) IMPLEMENTATION.—Not later than 30 days
10 after the date of receipt by the Federal Environ-
11 mental Executive and the Administrator for Federal
12 Procurement Policy of recommendations under para-
13 graph (1), the Federal Acquisition Institute and De-
14 fense Acquisition University shall implement the rec-
15 ommendations approved by the Federal Environ-
16 mental Executive and the Administrator for Federal
17 Procurement Policy.

18 (b) TRAINING.—

19 (1) IN GENERAL.—To ensure, to the maximum
20 extent practicable, that management personnel of
21 each agency are informed of the requirements of this
22 Act, the head of each agency shall provide appro-
23 priate training to program management personnel,
24 including—

25 (A) senior level management personnel;

- 1 (B) program managers;
- 2 (C) contracting and acquisition personnel;
- 3 (D) facility and fleet managers;
- 4 (E) contractors;
- 5 (F) purchase card holders; and
- 6 (G) other personnel, as appropriate.

7 (2) SENIOR LEVEL MANAGEMENT TRAINING.—

8 In providing training under this subsection, the head
9 of each agency shall include training on the require-
10 ments of this Act in all standard senior level man-
11 agement training, including—

12 (A) all senior level management training
13 courses conducted by the Office of Personnel
14 Management; and

15 (B) training provided by the Federal Exec-
16 utive Institute.

17 (c) AWARDS PROGRAMS.—

18 (1) INTERNAL AGENCY AWARDS PROGRAMS.—

19 (A) IN GENERAL.—As soon as practicable
20 after the date of enactment of this Act, the
21 head of each agency that has not already done
22 so shall develop an internal agency-wide awards
23 program to reward personnel that develop the
24 most innovative environmental programs.

1 (B) ELIGIBILITY FOR OTHER AWARDS PRO-
2 GRAMS.—A winner of an agency-wide award
3 under subparagraph (A) shall be eligible for
4 entry to the White House Awards Program
5 under paragraph (2).

6 (2) WHITE HOUSE AWARDS PROGRAM.—The
7 Federal Environmental Executive, in cooperation
8 with the Council on Environmental Quality, shall
9 recognize, through a White House Awards Program,
10 the Federal programs that are the most innovative
11 in educating on the objectives of, and implementing,
12 this Act.

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