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{ REPORT
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HIGH-PERFORMANCE GREEN BUILDINGS ACT OF 2006

NOVEMBER 9, 2006.—Ordered to be printed

Mr. INHOFE, from the Committee on Environment and Public Works, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany S. 3591]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 3591) to improve the efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes, having considered the same reports favorably thereon and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

On April 24, 2002, the Senate Committee on Environment and Public Works hosted a roundtable that involved all relevant Federal agencies, State and local green building officials, the U.S. Green Building Council, universities, and environmental building experts, including designers and architects. The purpose of the roundtable was to begin a dialogue between the Congress and green building interests. The findings and recommendations that came out of the roundtable were summarized in a report entitled, “Building Momentum: National Trends and Prospects for High-Performance Green Buildings.”

In addition, the Environment and Public Works Committee conducted a hearing on October 1, 2002, to assess green school initiatives: environmental standards for schools, school siting in relation to toxic waste sites, and “green” building codes. The Committee re-

viewed activities undertaken by the EPA's Office of Children's Environmental Health, the Office of Indoor Air Quality, and the Department of Energy concerning environmental and energy issues relevant to school properties.

In September 2003, the White House Office of the Federal Environmental Executive published a report entitled, "The Federal Commitment to Green Building: Experiences and Expectations," that included a list of recommendations to improve the Federal effort on green building activities. These recommendations included better coordination of all green building activities, better guidance and direction for Federal agencies, a need for research on the benefits of green buildings, and the development of green building tools. Soon after, the Federal Green Building Council, whose members include senior officials of many Federal agencies including GSA, EPA, DOE, DOD and ten others was established in 2003 to guide policy development and research on green building initiatives within each Federal agency.

Federal green practices for buildings and operations have been started through various directives such as Executive Order 13123, "Greening the Government through Efficient Energy Management" (June 1999) and Executive Order 13101, "Greening the Government through Waste Prevention, Recycling, and Federal Acquisition" (September 1998). The Interagency Sustainability Working Group (ISWG) was established in 2001 in response to Executive Order 13123, and was designed as a forum for the exchange of information on sustainable design activities within the Federal government.

Earlier this year, the White House Summit on Federal Sustainable Buildings resulted in the signing of a Memorandum of Understanding (MOU) for Federal Leadership in High Performance and Sustainable Buildings between the Office of the Federal Environmental Executive and 19 Federal agencies. A copy of the MOU is attached.

With regard to school environments, the President's Task Force on Environmental Health Risks and Safety Risks to Children was created in 1998 under Executive Order 13045 (April 21, 1997) to coordinate and promote children's environmental health issues across the Federal government. The task force addressed a number of important environmental school issues, including asthma, lead-based paint, childhood cancers, and unintentional injuries. In 2001, the task force created a schools workgroup, which developed a Federal inventory of school environmental health programs and activities and supported the development of a government-wide web portal on school environmental health issues. The task force expired in 2005. In early 2005, OFEE convened an interagency task force to address promoting environmental and energy stewardship in schools by having agencies share their case studies and best practices with the educational community. This group was merged with the Education Initiative Team under the Cooperative Conservation Executive Order 13352 Task Force.

In the 108th Congress, Senator Jeffords introduced S. 2620, the High-Performance Green Buildings Act of 2004 based upon the recommendations and findings of both reports mentioned above. No Committee action was taken on S. 2620.

In the 109th Congress, Senator Jeffords reintroduced his original green building legislation, slightly modified, as S. 3591, the High-Performance Green Buildings Act of 2006.

OBJECTIVES OF THE LEGISLATION

S. 3591 creates an office within the General Services Administration to ensure full coordination of all Federal green building activities including agency performance with green initiatives, research on the latest tools, findings and impacts of green buildings on the environment, health and productivity of occupants, to improve the leadership of the Federal government in this area, and to address barriers for building high-performance green buildings.

This bill also strives to assist schools with the identification of potentially hazardous environmental conditions and solutions for addressing and correcting these conditions through a Federal grant program administered by the Environmental Protection Agency (EPA) to qualified State agencies.

In addition, passage of this bill would codify green building policies present in various executive orders and the recent Federal MOU.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides that this Act may be cited as the “High-Performance Green Buildings Act of 2006.”

Section 2. Definitions

This section defines the terms “Administrator,” “Committee,” “Director,” “Federal Facility,” “High-Performance Green Building,” “Life-Cycle,” “Life-Cycle Assessment,” “Life-Cycle Costing,” and “Office.”

TITLE I—OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS

Section 101. Oversight

This section establishes and appoints an SES career individual to serve as Director for the Office of High-Performance Green Buildings and provides compensation.

Subsection (a) establishes the Director position and appoints a career SES individual to manage the office in accordance with section 102.

Subsection (b) provides compensation for the Director at a maximum rate of basic pay for a Senior Executive Service under section 5382 of title 5, U.S. Code.

Section 102. Office of High-Performance Green Buildings

This section establishes an office within the General Services Administration as the Office of High-Performance Green Buildings and outlines the duties of the Director of the Office.

Subsection (a) establishes the Office of High-Performance Green Buildings within the General Services Administration.

Subsection (b) outlines the duties of the Director to include: (1) ensuring full coordination of all green building activities within the General Services Administration and all relevant Federal agencies that at a minimum include: the Environmental Protection Agency,

the Office of the Federal Environmental Executive, Department of Energy, Office of the Federal Procurement Policy, Department of Health and Human Services, and the Department of Defense; (2) establishing a senior-level green building advisory committee to provide advice and recommendations to the Director; (3) identifying and biennially reassessing improved or higher rating standards; (4) establishing a high-performance green building clearinghouse; (5) ensuring full coordination of research and development information; (6) identifying and developing green building standards; (7) establishing green building practices for Federal facilities; (8) reviewing and analyzing Federal budget practices relating to green buildings; and (9) providing a report to Congress.

Subsection (c) requires that a report be submitted to Congress within 2 years of enactment and biennially thereafter that includes: (1) a description of green building initiatives under this act and other programs in effect prior to this Act along with the current status of each and funding levels; (2) identification of barriers within the planning, budgeting and construction process that prevent new and existing facilities from becoming high-performance green buildings as defined by a silver rating under the Leadership in Energy and Environmental Design Building Rating System (LEED) established by the U.S. Green Building Council or an equivalent rating obtained through a comparable, or an improved or higher rating standard; (3) identification of inconsistencies within current law; (4) recommendations of language for uniform standards for all Federal agencies; (5) a review of the budget process for alternatives to address energy and environmental cost accounting and include benefits to health and productivity, permitting Federal agencies to retain savings accrued through life-cycle costing, and identifying short and long term savings from high-performance green building initiatives, including those related to health and productivity; (6) identification of green self-sustaining technologies to address operational needs of Federal facilities in times of national security emergencies, natural disasters, or other dire emergencies; (7) a summary of developments at the State and local levels; and (8) recommendations to address these issues.

A variety of green building rating systems are currently available for use by the U.S. building industry. While this bill specifically references the United States Green Building Council's Leadership in Energy and Environmental Design (LEED), the Committee intends that other rating systems be eligible under this bill to determine high-performance green buildings. Both LEED and the Green Globes rating system from the Green Building Initiative (GBI) have U.S.-specific versions; examples of other rating systems include (but are not limited to) the Building Research Establishment's Environmental Assessment Method (BREEAM), the Comprehensive Assessment System for Building Environmental Efficiency (CASBEE), and GBTool. The Committee intends that the Office of High-Performance Green Buildings evaluate all credible green building rating systems as they develop to determine how they may be applied to help new and existing facilities become high-performance green buildings.

Subsection (d) requires that the Office carry out a plan for implementing these initiatives.

Section 103. Green Building Advisory Committee

This section establishes a Green Building Advisory Committee of both Federal and non-Federal entities, sets specific parameters on the membership, and requires that the Director set a regular schedule of meetings. This section explains the role of the Committee and provides an exemption to section 14 of the Federal Advisory Committee Act.

Subsection (a) establishes that no later than 180 days after enactment, the Director shall create the Green Building Advisory Committee.

Subsection (b) outlines the membership of the Committee to include all relevant Federal agencies and at least one representative of each of the following: state and local government green building programs, independent green building associations or councils, building experts, security advisors, and environmental health experts for both adults and children. The Committee may not have more than 15 non-Federal members.

Subsection (c) requires that a regular schedule of meetings be set. The Committee recommends that the Green Building Advisory Committee meet as often as 6 times each year, if deemed necessary by the Director in consultation with other members of the Advisory Committee, but realizes that a physical meeting may not always be necessary.

Subsection (d) explains that the role of the Committee is to provide advice and expertise to the Director for carrying out his duties under this Act.

Subsection (e) exempts the Committee from section 14 of the Federal Advisory Committee Act that dissolves committees after 2 years.

Section 104. Public outreach

This section requires the Director to carry out public outreach to inform individuals and entities of green building activities government-wide through the creation of a national high-performance green building clearinghouse that identifies similar green building activities and provides direct links to each Federal agency's green building activities, as well as major developments, findings or studies at the State and local level, the private sector, and other relevant organizations, including those of other countries. The clearinghouse shall also provide access to technical information, including tools and resources helpful for making decisions that are more cost-effective, energy-efficient, health-protective and environmentally beneficial, and that would be useful for constructing a high-performance green building, as well as information on how to certify a green building.

Section 105. Research and development

This section requires the Director to coordinate ongoing green building activities, to survey recent findings and developments, and to develop a research plan on high-performance green buildings. The research shall involve the relationship between human health, occupant productivity and each of the following: emissions from materials and products in the building, natural day lighting, ventilation choices and technologies, heating and cooling systems, moisture control and mold, maintenance and cleaning, pest control,

and other issues relating to health, comfort, productivity, and performance of the occupants of the building.

The research plan shall also include the development and dissemination of tools to measure the life-cycle performance of a building, a review of the benefits of using high-performance green buildings during a natural disaster or national emergency, as well as other areas the Director deems necessary.

Section 106. Budget and life-cycle costing and contracting

This section requires the Director to identify, review, and analyze current budget and contracting practices for building a high-performance green building, to develop guidance and conduct training sessions on life-cycle costing, to identify tools to aid in life-cycle cost decision making, and to explore the feasibility for including the benefits of green buildings, such as security benefits, into life-cycle cost decision making.

Section 107. Authorization of appropriations

This section authorizes \$3,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

TITLE II—HEALTHY HIGH-PERFORMANCE SCHOOLS

Section 201. Definition of high-performance school

This section defines a healthy high-performing school.

Section 202. Grants for healthy school environments

This section authorizes the Administrator of the Environmental Protection Agency in consultation with the Secretary of Education to provide grants to qualified State agencies to provide technical assistance in implementing EPA school environmental programs such as the Tools for Schools Program and the Healthy School Environmental Assessment Tool. The grant money may also be used to develop State school environmental quality plans that include standards for school building design, construction and renovation that would achieve a healthy high-performing school and plans that would identify ongoing environmental problems in the school and include recommendations on how to address these problems that would also include an assessment of information on the exposure of children to environmental hazards in school facilities.

The Committee intends that such grants may also be made available to tribes.

Section 203. Model guidelines for siting of school facilities

This section directs the Administrator of the Environmental Protection Agency, in consultation with the Secretaries of Education and Health and Human Services to develop school site selection guidelines that take into account the special vulnerability of children to hazardous substances or pollution exposures in any case where possible contamination would exist, modes of transportation available to students and staff, and the potential use of the school facility as an emergency shelter in the event of a natural disaster or other national emergency.

Section 204. Public outreach

This section requires the Administrator of the Environmental Protection Agency to report to the Director on all activities carried out under this Title. The Director is required to make this information available on the clearinghouse established in section 104 to the maximum extent practicable, in particular, information on the exposure of children to environmental hazards in school facilities.

Section 205. Authorization of appropriations

This section authorizes \$5,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

TITLE III—STRENGTHENING FEDERAL LEADERSHIP

Section 301. Incentives

This section requires that the Director identify incentives to encourage the use of green buildings and related technologies in the operations of the Federal Government that would include recognition awards and the ability of an agency to keep any financial savings they accrue by utilizing green building initiatives.

Section 302. Federal procurement

This section requires that regulations be issued requiring that to the maximum extent practicable, all Federal building projects for new construction, major repair and renovation be sustainable and that leases be in facilities that are both energy efficient and constructed or repaired with high-performing and sustainable design. In addition, guidance shall also be issued to aid in the redesign of proposed facilities.

Subsection (a) directs the Director of the Office of Federal Procurement Policy, in consultation with the Director of the Office of High-Performance Green Buildings and the Under Secretary of Defense for Acquisition, Technology and Logistics, within two years of enactment, to revise applicable regulations directing Federal procurement executives to apply, to the maximum extent practicable, the key principles of the Memorandum of Understanding signed by 19 Federal agencies in January of 2006 to every Federal project for new construction, major repair and renovation. These principles of integrated design, optimizing building and systems energy performance, protecting and conserving water, enhancing indoor environmental quality, and reducing environmental impacts of materials and waste flows will assist the Federal government in utilizing more high-performing green buildings.

The regulations shall also be revised to give preference, to the maximum extent practicable, to the leasing of facilities that are energy efficient and have applied high-performance and sustainable design principles during construction and renovation.

Subsection (b) requires that 90 days after the regulations have been revised, guidance be issued by the Director of the Office of Federal Procurement Policy providing direction and the option to renegotiate the design of proposed facilities to incorporate improvements consistent with this section.

Section 303. Federal Green Building performance

This section requires that a General Accountability Office (GAO) report be issued on the implementation of this Act and its initiatives and provides for specific requirements of the report. In addition, authorization is given for the Director to enhance and expand the existing scorecard system currently used to rate agency performance in green initiatives.

Subsection (a) requires that by October 31 of each of the two fiscal years following the fiscal year of enactment, the Comptroller General of the United States conduct an audit on the implementation of this Act and submit a report on its findings to the Office, the Committee, the Administrator and Congress.

Subsection (b) outlines that the report shall include an assessment of budget, life-cycle costing and contracting issues, the level of coordination among the Office, OMB and relevant agencies, the performance of the Office in carrying out the implementation plan, the design stage of high-performance green building measures and findings associated with high-performance green building data that has been collected and reported to the office, as well as other issues the Comptroller deems appropriate.

Subsection (c) requires the Director consult with the Advisory Committee on how best to enhance and implement the existing Environmental Stewardship Scorecard system to measure the performance of each Federal agency in implementing sustainable design and green building initiatives.

TITLE IV—DEMONSTRATION PROJECT

Section 401. Coordination of goals

This section establishes guidelines for implementing a Federal demonstration project in the State of Vermont that would achieve the highest rating under the U.S. Green Building Council's LEED rating system or equivalent rating of a comparable system.

Subsection (a) authorizes the Director to establish a demonstration project.

Subsection (b) provides for a Federal demonstration project in the State of Vermont to evaluate green building initiatives covered under the Act and requires that the facility achieve a platinum rating under the U.S. Green Building Council's LEED rating system or equivalent rating under a comparable system.

Subsection (c) outlines the criteria of the Federal demonstration project to ensure that the project be an appropriate model on the effectiveness of high-performing green building technologies, to provide an analysis of materials, components and systems used in the building on occupant health and productivity, to analyze life-cycle costing and life-cycle assessment of materials and systems, to provide a location and design that promotes access to the facility through walking, hiking, and mass transit, and that possesses sufficient technological and organizational adaptability.

Subsection (d) requires that a report be provided to the Administrator one year after enactment, and annually thereafter through September 30, 2013, on the current status and findings of the demonstration project.

Section 402. Authorization of appropriations

This section authorizes \$5,000,000 for the period of fiscal years 2008–2012, to remain available until expended.

LEGISLATIVE HISTORY

S. 3591 was introduced by Senator Jeffords on June 28, 2006, with Ms. Snowe, Mr. Lautenberg, Mr. Chafee, Mrs. Boxer, Mrs. Feinstein, Mrs. Clinton, Mr. Lieberman, and Mr. Obama as original cosponsors. Additional cosponsors include Mr. Wyden, Mr. Menendez, and Mr. Bingaman. S. 3591 was referred to the Committee on Environment and Public Works and ordered reported favorably out of Committee with an amendment in the nature of a substitute on September 13, 2006.

In the 108th Congress, a similar bill, S. 2620, was introduced by Senator Jeffords and referred to the Committee on Environment and Public Works.

HEARINGS

There were no legislative hearings held on S. 3591.

A public hearing was held by the Senate Committee on Environment and Public Works on October 1, 2002, entitled, “Green Schools: Environmental Standards for Schools.”

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 3591 on September 13, 2006. The Committee accepted an amendment in the nature of a substitute to the introduced bill. The Committee members completed action on the bill and reported S. 3591, as amended, favorably by voice vote. Senator Bond was recorded as voting against the bill and Senator Lautenberg was recorded as voting in support of the bill.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes evaluation of the regulatory impact of the reported bill.

The bill does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the Committee finds that S. 3591 would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

*S. 3591—High-Performance Green Buildings Act of 2006**Summary*

S. 3591 would authorize the appropriation of \$25 million over the 2008–2012 period to make federal buildings more energy efficient, develop building technologies that minimize adverse effects on the natural environment to build structures known as “green buildings,” and provide environmental grants to schools. Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 3591 would cost \$4 million in 2008 and about \$20 million over the 2008–2011 period. An additional \$5 million in outlays would fall in 2012. Enacting the bill would not affect direct spending or revenues.

S. 3591 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would benefit state and local governments, and any costs to those governments would result from complying with grant conditions.

Estimated cost to the Federal Government

The estimated budgetary impact of S. 3591 is shown in the following table. The costs of this legislation fall within budget functions 300 (natural resources and environment) and 800 (general government).

	By fiscal year, in millions of dollars					
	2007	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Office of High-Performance Green Buildings:						
Authorization Level	0	3	3	3	3	3
Estimated Outlays	0	2	3	3	3	3
Healthy High-Performance Schools:						
Estimated Authorization Level	0	1	1	1	1	1
Estimated Outlays	0	1	1	1	1	1
Demonstration Project:						
Estimated Authorization Level	0	1	1	1	1	1
Estimated Outlays	0	1	1	1	1	1
Other Provisions:						
Estimated Authorization Level	*	*	*	0	0	0
Estimated Outlays	*	*	*	0	0	0
Total Changes:						
Estimated Authorization Level	*	5	5	5	5	5
Estimated Outlays	*	4	5	5	5	5

NOTE: * = less than \$500,000.

Basis of estimate

For this estimate, CBO assumes that S. 3591 will be enacted near the start of fiscal year 2007 and that amounts authorized will be appropriated beginning in 2008. Estimates of outlays are based on historical spending patterns for similar programs. S. 3591 would authorize the appropriation of \$25 million over the 2008–2012 period. These amounts would be used to make federal buildings more energy efficient, develop green buildings, and provide environmental grants to schools.

Office of High-Performance Green Buildings

Title I would authorize the appropriation of \$3 million annually over the 2008–2012 period to establish an Office of High-Perform-

ance Green Buildings within the General Services Administration to coordinate and promote green building technologies within the federal government. The office would conduct research, outreach programs, and coordinate budget and procurement issues. Assuming appropriation of the authorized amounts, CBO estimates that the office activities would cost about \$15 million over the 2008–2012 period.

Healthy High-Performance Schools

Title II would authorize the appropriation of \$5 million over the 2008–2012 period for the Environmental Protection Agency to award grants to states to assist schools in addressing environmental issues. CBO expects that \$1 million would be provided each year over the 2008–2012 period. Appropriation of the authorized amount would result in discretionary spending of \$5 million over the 2008–2012 period.

Demonstration project

Title IV would authorize the appropriation of \$5 million over the 2008–2012 period to the Office of High-Performance Green Buildings to fund a demonstration project of a federal building in Vermont that employs green building technologies. CBO expects that \$1 million would be provided each year over the 2008–2012 period. Assuming appropriation of the authorized amount, CBO estimates that the project would cost \$5 million over the 2008–2012 period.

Other provisions

Title III would require the Office of Federal Procurement Policy to revise procurement regulations to encourage the use of energy efficient and green building technologies. In addition, the legislation would require the Government Accountability Office to provide reports to the Congress on the impact of the legislation. CBO estimates that these provisions would cost less than \$500,000 a year.

Intergovernmental and Private-Sector Impact

S. 3591 contains no intergovernmental or private-sector mandates as defined in UMRA. Title II would authorize \$5 million in grants to build environmentally friendly schools and to remedy environmental problems at current schools. Any costs to state, local, or tribal governments would result from complying with grant conditions.

Estimate prepared by: Federal Costs: Matthew Pickford. Impact on State, Local, and Tribal Governments: Sarah Puro. Impact on the private sector: Amy Petz.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires the committee to publish changes in existing law made by the bill as reported. Passage of this bill will make no changes to existing law.

ADDITIONAL VIEWS OF SENATOR BOND

Mr. Bond, from the Committee on Environment and Public Works, submitted the following additional views to accompany the report on S. 3591, the High-Performance Green Buildings Act of 2006.

TITLE I—OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS

Section (c) requires a report to be submitted to Congress within 2 years of enactment and biennially thereafter. Section (c)(2)(A) indicates that this report is to identify within the planning, budgeting and construction process all types of Federal facility procedures that inhibit new and existing Federal facilities from becoming high-performance green buildings as measured by—(A) a silver rating, as defined by the Leadership in Energy and Environmental Design (LEED) Building Rating System standard established by the United States Green Building Council (or equivalent rating obtained through a comparable system).

While S. 3591 specifically references the United States Green Building Council's Leadership in Energy and Environmental Design (LEED), the Committee intends other rating systems to be eligible under this bill to determine high performance green buildings under this bill. Both LEED and the Green Globes rating system from the Green Building Initiative (GBI) have U.S.-specific versions. Examples of other rating systems include, (but are not limited to) the Building Research Establishment's Environmental Assessment Method (BREEAM), the Comprehensive Assessment System for Building Environmental Efficiency (CASBEE), and GB Tool. The Committee expects the Office of High-Performance Green Buildings to evaluate all credible green building rating systems as they develop to determine how they may be applied to help new and existing facilities become high-performance green buildings. Under no circumstances does this legislation favor one rating system over another.

TITLE II—HEALTHY PERFORMANCE SCHOOLS

Section 203 of Title II directs the EPA in consultation with the Department of Education and the Department of Health and Human Services to develop model (non-mandatory) guidelines for the siting of local schools. Increasing unnecessary paperwork on local schools in a system already overburdened by paperwork and bureaucracy is a concern. When selecting school sites, schools already take into consideration potential hazardous substance/pollution exposure, transportation concerns and the use of the facility as an emergency shelter. The involvement of the EPA may create additional bureaucratic steps without necessarily adding any benefit to the process. Further, school facilities are primarily funded with local dollars and additional EPA involvement could create delays

and add costs to the construction projects as schools have to expend additional resources to file paperwork and wait for approvals.

CHRISTOPHER S. BOND.

ADDITIONAL VIEWS OF SENATOR VITTER

S. 3591 contains language referencing to the Leadership in Energy Environmental Design (LEED) Green Building rating system designed by the U.S. Green Building Council (USGBC) which is of great concern to the forestry and chemical industries in Louisiana.

Specifically, section 102 of the bill defines “high-performance green buildings” must meet the USGBC’s LEED silver standard. In addition, Title IV of the bill specifies federal buildings must meet the USGBC’s LEED platinum standard. These two sections of S. 3591 essentially create a congressionally mandated monopoly requiring the General Services Administration to the USGBC’s LEED rating standard for government building. The LEED rating system discriminates against the use of renewable wood products and plastics.

S. 3591 should include language which ensures that all alternative rating systems are made eligible to participate in the bill’s objectives. Until other alternative rating systems are included I believe the Louisiana forestry and chemical industries will be adversely affected. The exclusion of wood products and plastics in this legislation could possible harm the recovery efforts being made post Hurricanes Katrina and Rita.

DAVID VITTER.

ADDITIONAL VIEWS OF SENATORS JEFFORDS,
LAUTENBERG, LIEBERMAN, CLINTON, OBAMA, AND BOXER

The High-Performance Green Buildings Act of 2006 has received wide support from many organizations, including the American Institute of Architects, the National Association of Realtors, the Healthy Schools Network, Center for Health, Environment, and Justice, the U.S. Green Building Council, the Environment and Energy Study Institute, the American Society of Civil Engineers, and the Greenguard Environmental Institute.

At the direction of Congress through Section 609 of the Transportation, Treasury, Housing and Urban Development, The Judiciary, the District of Columbia, and Independent Agencies Appropriations Act of 2006 (P.L. 109–115), the General Services Administration (GSA) was asked to report on their progress of recognizing other building ratings systems within their sustainable building process. To do so, GSA contracted a third party, the Pacific Northwest National Laboratory (PNNL), to study available sustainable rating systems and measure how each rating system meets the building needs of GSA. The findings of this study were published in a July 2006 report, “Sustainable Building Rating Systems.”

The PNNL report does not recommend a particular rating system to GSA, but provides a complete summary of each rating system and its ability to address the different building projects of GSA. In addition, a review is made on the reliability and completeness of each rating system and its ability to achieve an end rating that is understood and clearly conveyed.

In a September 15, 2006, letter submitted to Congress, GSA stated, “Based upon the results of the study, GSA finds that the U.S. Green Building Council’s LEED rating system continues to be the most appropriate and credible sustainable building rating system available for evaluation of GSA projects.”

The purpose of this report is not to endorse or reject any particular green building rating system but to provide to the Congress and the public objective and fact based information on currently available green building rating systems and a third party examination of their utility and credibility for the primary federal agency that constructs and renovates real property for use by the government.

We believe a credible rating system is one that has been proven, has the ability to track quantifiable aspects of building design, is verified by trained professionals, and enables buildings to achieve a high-performing green certification that is easily understood and measured.

JIM JEFFORDS,
FRANK R. LAUTENBERG,
JOE LIEBERMAN,
HILLARY RODHAM CLINTON,
BARACK OBAMA,
BARBARA BOXER.

