

110TH CONGRESS
1ST SESSION

H. R. 2635

To reduce the Federal Government's contribution to global warming through measures that promote efficiency in the Federal Government's management and operations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2007

Mr. WAXMAN introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on Energy and Commerce, Armed Services, Transportation and Infrastructure, Natural Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reduce the Federal Government's contribution to global warming through measures that promote efficiency in the Federal Government's management and operations, 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 "Carbon-Neutral Gov-
5 ernment Act of 2007".

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) The harms associated with global warming
4 are serious and well recognized. These include the
5 global retreat of mountain glaciers, reduction in
6 snow cover extent, the earlier spring melting of riv-
7 ers and lakes, the accelerated rate of rise of sea lev-
8 els during the 20th century relative to the past few
9 thousand years, and increased intensity of hurri-
10 canes and typhoons.

11 (2) The risks associated with a global mean
12 surface temperature increase above 2 °C (3.6 °F)
13 above preindustrial temperature are grave. Accord-
14 ing to the Intergovernmental Panel on Climate
15 Change, such temperature increases would increase
16 the severity of ongoing alterations of terrestrial and
17 marine environments, with potentially catastrophic
18 results. Ongoing and projected effects include more
19 prevalent droughts in dry regions, an increase in the
20 spread of disease, a significant reduction in water
21 storage in winter snowpack in mountainous regions
22 with direct and important economic consequences, a
23 precipitous rise in sea levels by the end of the cen-
24 tury, the potential devastation of coastal commu-
25 nities, severe and irreversible changes to natural eco-
26 systems such as the bleaching and destruction of

1 much of the world's coral, and the potential extinc-
2 tion of 30 percent of all living species.

3 (3) That these climate change risks are widely
4 shared does not minimize the adverse affects indi-
5 vidual persons have suffered and will suffer because
6 of global warming.

7 (4) To preserve the ability to stabilize atmos-
8 pheric greenhouse gas concentrations at levels likely
9 to protect against a temperature rise above 2 °C
10 (3.6 °F) will require reductions of greenhouse gas
11 emissions of 50 percent to 85 percent globally.

12 (5) Achieving such reductions will require a
13 multitude of actions across the global economy that
14 may each address a relatively minute quantity of
15 emissions, but will be cumulatively significant.

16 (6) With only 5 percent of the world population,
17 the United States emits approximately 20 percent of
18 the world's total greenhouse gas emissions, and must
19 be a leader in addressing global warming.

20 (7) The United States Government is the larg-
21 est energy consumer in the United States and is re-
22 sponsible for roughly 100,000,000 metric tons of
23 CO₂-equivalent emissions annually.

24 (8) A reduction in greenhouse gas emissions by
25 Federal agencies would slow the increase of global

1 emissions and hence of global warming. In addition,
2 Federal action would accelerate the pace of develop-
3 ment and adoption of technologies that will be crit-
4 ical to addressing global warming in the United
5 States and worldwide.

6 (9) A failure by any Federal agency to comply
7 with the provisions of this Act requiring reductions
8 in its greenhouse gas emissions would exacerbate the
9 pace and extent of global warming and the harms
10 caused by the agency beyond what would otherwise
11 occur. Although the emissions increments involved
12 could be relatively small, such a failure allowing in-
13 crementally greater emissions would injure all
14 United States citizens.

15 (10) Improved management of Government op-
16 erations, including acquisitions and procurement and
17 operation of Government facilities, can maximize the
18 use of existing energy efficiency and renewable en-
19 ergy technologies to reduce global warming pollution,
20 while saving taxpayers' money, reducing our depend-
21 ence on oil, enhancing national security, cleaning the
22 air, and protecting pristine places from drilling and
23 mining.

24 (11) Enhancing the accountability and trans-
25 parency of Government operations through setting

1 milestones for agency activities, planning, measuring
2 results, tracking results over time, and public report-
3 ing can improve Government management and make
4 Government operations more efficient and cost effec-
5 tive.

6 **TITLE I—FEDERAL GOVERN-**
7 **MENT INVENTORY AND MAN-**
8 **AGEMENT OF GREENHOUSE**
9 **GAS EMISSIONS**

10 **SEC. 101. INVENTORY OF FEDERAL GOVERNMENT GREEN-**
11 **HOUSE GAS EMISSIONS.**

12 (a) IN GENERAL.—Each agency shall, in accordance
13 with the guidance issued under subsection (b), annually
14 inventory and report its greenhouse gas emissions for the
15 preceding fiscal year. Each such inventory and report shall
16 indicate as discrete categories—

17 (1) any direct emission of greenhouse gas as a
18 result of an activity of the agency;

19 (2) the quantity of indirect emissions of green-
20 house gases attributable to the generation of elec-
21 tricity used by the agency and commercial air travel
22 by agency personnel; and

23 (3) the quantity of emissions of greenhouse
24 gases associated with the work performed for the
25 agency by Federal contractors, comprising direct

1 emissions and indirect emissions associated with
2 electricity used by, and commercial air travel by,
3 such contractors.

4 (b) GUIDANCE; ASSISTANCE.—Not later than 3
5 months after the date of the enactment of this Act, the
6 Administrator shall issue guidance for agencies for con-
7 ducting inventories under this section and reporting under
8 section 102. Such guidance shall establish inventory and
9 reporting procedures that are at least as rigorous as the
10 inventory procedures established under the Environmental
11 Protection Agency’s Climate Leaders program and shall
12 define the scope of the inventories of direct emissions de-
13 scribed in subsection (a)(1) to be complete and consistent
14 with the national obligation for reporting inventories
15 under the United Nations Framework Convention on Cli-
16 mate Change. The Administrator shall provide assistance
17 to agencies in preparing their inventories.

18 (c) INITIAL INVENTORY BY AGENCIES.—

19 (1) SUBMISSION.—Not later than 1 year after
20 the date of the enactment of this Act, each agency
21 shall submit to the Administrator and make publicly
22 available on the agency’s website an initial inventory
23 of the agency’s greenhouse gas emissions for the
24 preceding fiscal year.

1 (2) CERTIFICATION.—Not later than 6 months
2 after an agency submits an initial inventory under
3 paragraph (1), the Administrator shall review the in-
4 ventory for compliance with the guidance issued
5 under subsection (b) and—

6 (A) certify that the inventory is technically
7 valid; or

8 (B) decline to certify the inventory and
9 provide an explanation of the actions or revi-
10 sions that are necessary for the inventory to be
11 certified under subparagraph (A).

12 (3) REVISION.—If the Administrator declines to
13 certify the inventory of an agency under paragraph
14 (2)(B), the agency shall submit to the Administrator
15 and make publicly available on the agency’s website
16 a revised inventory not later than 6 months after the
17 date on which the Administrator provides the agency
18 with the explanation required by such paragraph.

19 (d) FEDERAL LAND MANAGEMENT.—Beginning not
20 later than 2 years after the date of enactment of this Act,
21 the Secretary of the Interior and the Secretary of Agri-
22 culture shall include as a discrete category in any inven-
23 tory under this section any emission of greenhouse gas and
24 any biological sequestration of greenhouse gases associ-
25 ated with land managed by the Bureau of Land Manage-

1 ment or the Forest Service. Such emissions and biological
2 sequestration of greenhouse gases shall not be considered
3 for the purposes of setting or measuring progress toward
4 targets under section 102.

5 **SEC. 102. MANAGEMENT OF FEDERAL GOVERNMENT**
6 **GREENHOUSE GAS EMISSIONS.**

7 (a) EMISSION REDUCTION TARGETS.—Not later than
8 18 months after the date of the enactment of this Act,
9 the Administrator shall promulgate annual reduction tar-
10 gets for the total quantity of greenhouse gas emissions de-
11 scribed in section 101(a), expressed as carbon dioxide
12 equivalents, of all agencies, taken collectively, for each of
13 fiscal years 2010 through 2050.

14 (b) GOALS.—The targets promulgated under sub-
15 section (a) shall be calculated so as—

16 (1) to prevent the total quantity of greenhouse
17 gas emissions of all agencies in fiscal year 2011 and
18 each subsequent fiscal year from exceeding the total
19 quantity of such emissions in fiscal year 2010; and

20 (2) to reduce such greenhouse gas emissions as
21 rapidly as possible, but at a minimum by a quantity
22 equal to 2 percent of projected fiscal year 2010
23 emissions each fiscal year, so as to achieve zero net
24 annual greenhouse gas emissions from the agencies
25 by fiscal year 2050.

1 (c) PROPORTIONATE SHARE.—Each agency shall
2 limit the quantity of its greenhouse gas emissions de-
3 scribed in section 101(a) to its proportionate share so as
4 to enable the agencies to achieve the targets promulgated
5 under subsection (a). The Administrator shall promulgate
6 annual reduction targets to be met by each agency to com-
7 ply with this subsection.

8 (d) AGENCY PLANS FOR MANAGING EMISSIONS.—

9 (1) SUBMISSION.—Not later than 2 years after
10 the date of the enactment of this Act, each agency
11 shall develop, submit to the Administrator, and
12 make publicly available on the agency’s website a
13 plan for achieving the annual reduction targets ap-
14 plicable to such agency under this section through
15 fiscal year 2020. Not later than 2 years before the
16 10-year period beginning in 2021 and each subse-
17 quent 10-year period, the agency shall develop, sub-
18 mit to the Administrator, and make publicly avail-
19 able an updated plan for achieving such targets for
20 the respective period. Each plan developed under
21 this paragraph shall—

22 (A) identify the specific actions to be taken
23 by the agency; and

1 (B) estimate the quantity of reductions of
2 greenhouse gas emissions to be achieved
3 through each such action.

4 (2) CERTIFICATION.—Not later than 6 months
5 after an agency submits a plan under paragraph (1),
6 the Administrator shall—

7 (A) certify that the plan is technically
8 sound and, if implemented, is expected to limit
9 the quantity of the agency’s greenhouse gas
10 emissions to its proportionate share under sub-
11 section (c); or

12 (B) decline to certify the plan and provide
13 an explanation of the revisions that are nec-
14 essary for the plan to be certified under sub-
15 paragraph (A).

16 (3) REVISION.—If the Administrator declines to
17 certify the plan of an agency under paragraph (2),
18 the agency shall submit to the Administrator and
19 make publicly available on the agency’s website a re-
20 vised plan not later than 6 months after the date on
21 which the Administrator provides the agency with
22 the explanation required by paragraph (2)(B).

23 (e) EMISSIONS MANAGEMENT.—

24 (1) REQUIREMENT.—Each agency shall manage
25 its greenhouse gas emissions to meet the annual re-

1 duction targets applicable to such agency under this
2 section.

3 (2) REVISION OF PLAN.—If any agency fails to
4 meet such targets for a fiscal year, as indicated by
5 the inventory and report prepared by the agency for
6 such fiscal year, the agency shall submit to the Ad-
7 ministrator and make publicly available on the agen-
8 cy’s website a revised plan under subsection (d) not
9 later than March 31 of the following fiscal year. The
10 Administrator shall certify or decline to certify the
11 revised plan in accordance with subsection (d)(2) not
12 later than 3 months after receipt of the revised plan.

13 (3) OFFSETS.—

14 (A) PROPOSAL.—If no national mandatory
15 economy-wide cap-and-trade program for green-
16 house gases has been enacted by fiscal year
17 2010, the Administrator shall develop and sub-
18 mit to the Congress by 2011 a proposal to allow
19 agencies to meet the annual reduction targets
20 applicable to such agencies under this section in
21 part through emissions offsets, beginning in fis-
22 cal year 2015.

23 (B) CONTENTS.—The proposal developed
24 under subparagraph (A) shall ensure that emis-
25 sions offsets are—

1 (i) real, surplus, verifiable, permanent,
2 and enforceable; and

3 (ii) additional for both regulatory and
4 financial purposes (such that the generator
5 of the offset is not receiving credit or com-
6 pensation for the offset in another regu-
7 latory or market context).

8 (C) RULEMAKING.—If by 2012 the Con-
9 gress has not enacted a statute for the express
10 purpose of codifying the proposal developed
11 under subparagraph (A) or an alternative to
12 such proposal, the Administrator shall imple-
13 ment the proposal through rulemaking.

14 (f) MANAGEMENT STRATEGIES FOR LARGE TRACTS
15 OF PUBLIC LANDS.—The Forest Service, the Bureau of
16 Land Management, the National Park Service, and the
17 United States Fish and Wildlife Service shall—

18 (1) within 2 years after the date of the enact-
19 ment of this Act, conduct studies of the opportuni-
20 ties for management strategies, and identify those
21 management strategies with the greatest potential,
22 to—

23 (A) enhance net biological sequestration of
24 greenhouse gases on Federal lands they manage

1 while avoiding harmful effects on other environ-
2 mental values; and

3 (B) reduce negative impacts of global
4 warming on biodiversity, water supplies, forest
5 health, biological sequestration and storage, and
6 related values;

7 (2) within 3 years after the date of the enact-
8 ment of this Act, implement programs on selected
9 land management units in different parts of the Na-
10 tion to test the management strategies identified as
11 having the greatest potential to achieve the benefits
12 described in paragraph (1); and

13 (3) report to the Congress on the results of the
14 studies and the management strategies identified.

15 (g) STUDY ON URBAN AND WILDLAND-URBAN FOR-
16 ESTRY PROGRAMS.—Within 2 years of the date of enact-
17 ment of this Act, the Forest Service, in consultation with
18 appropriate State and local agencies, shall conduct a study
19 of the opportunities of urban and wildland-urban interface
20 forestry programs to enhance net biological sequestration
21 of greenhouse gases and achieve other benefits.

22 (h) REPORTING.—

23 (1) REPORTS BY AGENCIES.—Not later than
24 December 31 each fiscal year, each agency shall sub-
25 mit to the Administrator and make publicly available

1 on the agency’s website a report on the agency’s im-
2 plementation of its plan required by subsection (d)
3 for the preceding fiscal year, including the inventory
4 of greenhouse gas emissions of the agency during
5 such fiscal year.

6 (2) ANNUAL REPORT TO CONGRESS.—The Ad-
7 ministrator shall review each report submitted under
8 paragraph (1) for technical validity and compile
9 such reports in an annual report on the Federal
10 Government’s progress toward carbon neutrality.
11 The Administrator shall submit such annual report
12 to the Committee on Oversight and Government Re-
13 form of the House of Representatives and the Com-
14 mittee on Governmental Affairs of the Senate and
15 make such annual report publicly available on the
16 Environmental Protection Agency’s website.

17 (3) ELECTRONIC SUBMISSION.—In complying
18 with any requirement of this title for submission of
19 inventories, plans, or reports, an agency shall use
20 electronic reporting in lieu of paper copy reports.

21 **SEC. 103. PILOT PROJECT FOR PURCHASE OF OFFSETS AND**
22 **CERTIFICATES.**

23 (a) PILOT PROJECT.—Executive agencies and legisla-
24 tive branch offices may purchase qualified greenhouse gas
25 offsets and qualified renewable energy certificates in any

1 open market transaction that complies with all applicable
2 procurement rules and regulations.

3 (b) QUALIFIED GREENHOUSE GAS OFFSETS.—For
4 purposes of this section, the term “qualified greenhouse
5 gas offset” means a real, additional, verifiable, enforce-
6 able, and permanent domestic—

7 (1) reduction of greenhouse gas emissions; or

8 (2) sequestration of greenhouse gases.

9 (c) QUALIFIED RENEWABLE ENERGY CERTIFI-
10 CATES.—For purposes of this section, the term “qualified
11 renewable energy certificate” means a certificate rep-
12 resenting a specific amount of energy generated by a re-
13 newable energy project that is real, additional, and
14 verifiable.

15 (d) GUIDANCE.—No later than 180 days after the
16 date of enactment of this section, the Administrator shall
17 issue guidelines, for Executive agencies, establishing cri-
18 teria for qualified greenhouse gas offsets and qualified re-
19 newable energy certificates, which shall—

20 (1) establish performance standards for green-
21 house gas offset projects that benchmark reliably ex-
22 pected greenhouse gas reductions from identified
23 categories of projects that reduce greenhouse gas
24 emissions or sequester carbon in accordance with
25 subsection (b); and

1 (2) establish criteria for qualified renewable en-
2 ergy certificates to ensure that energy generated is
3 renewable and is in accordance with subsection (c).

4 (e) REPORT.—The Comptroller General of the United
5 States shall evaluate the program established by this sec-
6 tion, including identifying environmental and other bene-
7 fits of the program, as well as its financial costs and any
8 disadvantages associated with the program. No later than
9 April 1, 2011, the Comptroller General shall provide a re-
10 port to the Committee on Oversight and Government Re-
11 form of the House of Representatives and the Committee
12 on Homeland Security and Governmental Affairs of the
13 Senate providing the details of the evaluation and any rec-
14 ommendations for improvement.

15 (f) ADDITIONAL DEFINITIONS.—In this section:

16 (1) Notwithstanding section 105(3) of this Act,
17 the term “Executive agency” has the meaning given
18 to such term in section 105 of title 5, United States
19 Code.

20 (2) The term “renewable energy” has the
21 meaning given that term in section 203(b) of the
22 Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)),
23 except that energy generated from municipal solid
24 waste shall not be renewable energy.

1 (g) AUTHORIZATION.—Of the amount appropriated
2 to each Executive agency or legislative branch office for
3 each of fiscal years 2009 and 2010, not more than 0.01
4 percent of such amount may be used for the purpose of
5 carrying out this section. Such funding shall be in addition
6 to any other funds available to the Executive agency or
7 legislative branch office for such purpose.

8 (h) SUNSET CLAUSE.—This section ceases to be ef-
9 fective at the end of fiscal year 2010.

10 **SEC. 104. SAVINGS CLAUSE.**

11 Nothing in this Act shall be interpreted to preempt
12 or limit the authority of a State to take any action to ad-
13 dress global warming.

14 **SEC. 105. DEFINITIONS.**

15 In this title:

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

18 (2) The term “carbon dioxide equivalent”
19 means, for each greenhouse gas, the quantity of the
20 greenhouse gas that makes the same contribution to
21 global warming as 1 metric ton of carbon dioxide, as
22 determined by the Administrator, taking into ac-
23 count the global warming potentials published by the
24 Intergovernmental Panel on Climate Change.

1 (3) The term “agency” has the meaning given
2 to that term in section 551 of the National Energy
3 Conservation Policy Act (42 U.S.C. 8259).

4 (4) The term “greenhouse gas” means—

5 (A) carbon dioxide;

6 (B) methane;

7 (C) nitrous oxide;

8 (D) hydrofluorocarbons;

9 (E) perfluorocarbons;

10 (F) sulfur hexafluoride; or

11 (G) any other anthropogenically-emitted
12 gas that the Administrator, after notice and
13 comment, determines contributes to global
14 warming to a non-negligible degree.

15 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated such sums
17 as may be necessary to implement this title.

18 **TITLE II—FEDERAL GOVERN-**
19 **MENT ENERGY EFFICIENCY**

20 **SEC. 201. FEDERAL VEHICLE FLEETS.**

21 (a) AMENDMENTS.—Section 303 of the Energy Pol-
22 icy Act of 1992 (42 U.S.C. 13212) is amended—

23 (1) by redesignating subsection (f) as sub-
24 section (g); and

1 (2) by inserting after subsection (e) the fol-
2 lowing new subsection:

3 “(f) VEHICLE EMISSION REQUIREMENTS.—

4 “(1) PROHIBITION.—No Federal agency shall
5 acquire a light duty motor vehicle or medium duty
6 passenger vehicle that fails, on an individual vehicle
7 basis, to meet the numerical Greenhouse Gas Ex-
8 haust Mass Emission Requirement for the appro-
9 priate model year and vehicle type set out in section
10 1961.1(a)(1)(A) of title 13, California Code of Regu-
11 lations, taking into account the emissions allowances
12 and adjustment factors provided in that section.

13 “(2) GUIDANCE.—Each year, the Administrator
14 of the Environmental Protection Agency shall issue
15 guidance identifying the vehicle makes and model
16 numbers that satisfy the requirements of paragraph
17 (1).

18 “(3) DEFINITION.—For purposes of this sub-
19 section, the term ‘medium duty passenger vehicle’
20 has the meaning given that term section 523.2 of
21 title 49 of the Code of Federal Regulations.”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall take effect on the date that the State
24 of California regulations referred to in the subsection

1 (f)(1) proposed to be inserted by subsection (a)(2) of this
2 section take effect and become enforceable.

3 **SEC. 202. AGENCY ANALYSES FOR MOBILITY ACQUISITIONS.**

4 (a) **COST ESTIMATE REQUIREMENT.**—Each Federal
5 agency that owns, operates, maintains, or otherwise funds
6 infrastructure, assets, or personnel to provide delivery of
7 fuel to its operations shall apply activity based cost ac-
8 counting principles to estimate the fully burdened cost of
9 fuel.

10 (b) **USE OF COST ESTIMATE.**—Each agency shall use
11 the fully burdened cost of fuel, as estimated under sub-
12 section (a), in conducting analyses and making decisions
13 regarding its activities that create a demand for energy.
14 Such analyses and decisions shall include—

15 (1) the use of models, simulations, wargames,
16 and other analytical tools to determine the types of
17 energy consuming equipment that an agency needs
18 to conduct its missions;

19 (2) life-cycle cost benefit analyses and other
20 trade-off analyses for determining the cost effective-
21 ness of measures that improve the energy efficiency
22 of an agency's equipment and systems;

23 (3) analyses and decisions conducted or made
24 by others for the agency; and

1 (4) procurement and acquisition source selec-
2 tion criteria, requests for proposals, and best value
3 determinations.

4 (c) REVISION OF ANALYTICAL TOOLS.—If a Federal
5 agency employs models, simulations, wargames, or other
6 analytical tools that require substantial upgrades to enable
7 compliance with this section, the agency shall complete
8 such necessary upgrades not later than 2 years after the
9 date of enactment of this Act.

10 (d) DEFINITION.—For purposes of this section, the
11 term “fully burdened cost of fuel” means the commodity
12 price for the fuel plus the total cost of all personnel and
13 assets required to move and, where applicable, protect, the
14 fuel from the point at which the fuel is received from the
15 commercial supplier to the point of use.

16 **SEC. 203. FEDERAL PROCUREMENT OF ENERGY EFFICIENT**
17 **PRODUCTS.**

18 (a) AMENDMENTS.—Section 553 of the National En-
19 ergy Conservation Policy Act (42 U.S.C. 8259b) is amend-
20 ed—

21 (1) in subsection (b)(1), by inserting “in a
22 product category covered by the Energy Star pro-
23 gram or the Federal Energy Management Program
24 for designated products” after “energy consuming
25 product”;

1 (2) in subsection (b)(2)—

2 (A) by striking “in writing that” and all
3 that follows through “(A) an Energy Star” and
4 inserting “in writing that an Energy Star”; and

5 (B) by striking “account; or” and all that
6 follows through “requirements of the agency”
7 and inserting “account”; and

8 (3) in subsection (c)—

9 (A) by inserting “list in their catalogues,
10 represent as available, and” after “Logistics
11 Agency shall”;

12 (B) by striking “where the agency” and in-
13 serting “where the head of the agency”; and

14 (C) by striking “writing that no Energy
15 Star product” and all that follows through “re-
16 quirements, or” and inserting “writing”.

17 (b) CATALOGUE LISTING DEADLINE.—Not later than
18 6 months after the date of enactment of this Act, the Gen-
19 eral Services Administration and the Defense Logistics
20 Agency shall ensure that the prohibition in the amendment
21 made under subsection (a)(2)(A) has been fully complied
22 with.

1 **SEC. 204. FEDERAL BUILDING ENERGY EFFICIENCY PER-**
 2 **FORMANCE STANDARDS.**

3 (a) STANDARDS.—Section 305(a)(3) of the Energy
 4 Conservation and Production Act (42 U.S.C. 6834(a)(3))
 5 is amended by adding at the end the following new sub-
 6 paragraph:

7 “(D) Not later than 1 year after the date of enact-
 8 ment of the Carbon-Neutral Government Act of 2007, the
 9 Secretary shall establish, by rule, revised Federal building
 10 energy efficiency performance standards that require that:

11 “(i) For new Federal buildings and Federal
 12 buildings undergoing major renovations:

13 “(I) The buildings shall be designed so
 14 that the fossil fuel-generated energy consump-
 15 tion of the buildings is reduced, as compared
 16 with such energy consumption by a similar
 17 building in fiscal year 2003 (as measured by
 18 Commercial Buildings Energy Consumption
 19 Survey or Residential Energy Consumption
 20 Survey data from the Energy Information
 21 Agency), by the percentage specified in the fol-
 22 lowing table:

“Fiscal Year	Percentage Reduction
2010	60
2015	70
2020	80
2025	90
2030	100.

1 “(II) Sustainable design principles shall be
2 applied to the siting, design, and construction
3 of such buildings. For building types for which
4 the United States Green Building Council
5 Leadership in Energy and Environmental De-
6 sign (LEED) certification for New Construction
7 and Major Renovation is applicable, such build-
8 ings shall be designed to meet, at a minimum,
9 the LEED silver level standard (or any suc-
10 cessor standard thereto), or if any additional
11 capital cost is projected to be recoverable
12 through energy and other operational cost sav-
13 ings within 10 years, the LEED gold level
14 standard (or any successor standard thereto).

15 “(ii) In addition to any use of water conserva-
16 tion technologies otherwise required by this section,
17 water conservation technologies shall be applied to
18 the extent that the technologies are life-cycle cost-ef-
19 fective.”.

20 (b) DEFINITIONS.—Section 303 of the Energy Con-
21 servation and Production Act (42 U.S.C. 6832) is amend-
22 ed—

23 (1) in paragraph (6), by striking “which is not
24 legally subject to State or local building codes or
25 similar requirements.” and inserting “. Such term

1 shall include buildings built for the purpose of being
2 leased by a Federal agency, and privatized military
3 housing.”; and

4 (2) by adding at the end the following new
5 paragraph:

6 “(17) The term ‘major renovation’ means the
7 renovation of a major component or substantial
8 structural part of a building that materially in-
9 creases the value of the building, substantially pro-
10 longs the useful life of the building, or adapts the
11 building to a new or different use.”.

12 **SEC. 205. MANAGEMENT OF FEDERAL BUILDING EFFI-**
13 **CIENCY.**

14 (a) BENCHMARKING AND RECOMMISSIONING.—Sec-
15 tion 543 of the National Energy Conservation Policy Act
16 (42 U.S.C. 8253) is amended by adding at the end the
17 following new subsections:

18 “(f) ENERGY PERFORMANCE BENCHMARKING.—

19 “(1) REQUIREMENTS.—Each Federal agency
20 shall, with respect to each of its Federal buildings
21 with greater than 40,000 square feet of space or
22 greater than \$75,000 per year in energy costs, annu-
23 ally benchmark the energy efficiency performance of
24 the building and, where feasible, rate that perform-
25 ance compared to similar buildings.

1 “(2) BENCHMARKING AND RATING TOOL.—A
2 Federal agency shall use the Energy Star Portfolio
3 Manager Buildings Benchmark Tool in carrying out
4 paragraph (1). If the building is a type of building
5 for which that tool does not allow rating the build-
6 ing’s comparative performance, and the Federal En-
7 ergy Management Program has identified an appro-
8 priate tool for rating the building’s comparative per-
9 formance, the agency may use such tool to bench-
10 mark and rate the building’s performance.

11 “(3) USE OF INFORMATION TO ENHANCE
12 BUILDING MANAGEMENT.—The Federal facilities
13 manager for each building subject to the require-
14 ments in paragraph (1) shall use the benchmark
15 performance, rating, and annual energy costs to
16 identify and evaluate opportunities for improving the
17 building’s energy efficiency performance and reduc-
18 ing costs.

19 “(4) PUBLIC DISCLOSURE.—Each Federal
20 agency shall post the benchmarking information gen-
21 erated under this subsection, along with each build-
22 ing’s annual energy use per square foot and energy
23 costs, on the agency’s website. The agency shall up-
24 date such information each year, and shall include in
25 such reporting previous years’ information to allow

1 changes in building performance to be tracked over
2 time.

3 “(g) RECOMMISSIONING AND DIAGNOSTIC ENERGY
4 AUDIT.—

5 “(1) REQUIREMENT.—Each Federal agency
6 shall each year recommission or retrocommission, as
7 applicable, and conduct a diagnostic energy audit
8 with respect to, approximately 20 percent of its Fed-
9 eral buildings with greater than 40,000 square feet
10 of space or greater than \$75,000 per year in energy
11 costs, so that all such buildings are recommissioned
12 or retrocommissioned, as applicable, and audited at
13 least once every 5 years.

14 “(2) USE OF INFORMATION TO ENHANCE
15 BUILDING MANAGEMENT.—The Federal facilities
16 manager for each building and the agency official re-
17 sponsible for facilities management shall use the in-
18 formation produced from the energy audits under
19 paragraph (1) as a management tool for prioritizing
20 capital expenditures for maintenance and building
21 upgrades and allocating such expenditures within a
22 facility and across all of the agency’s facilities, as
23 applicable.

24 “(h) LARGE CAPITAL ENERGY INVESTMENTS.—Each
25 Federal agency shall ensure that any large capital energy

1 investment in an existing building that is not a major ren-
2 ovation but involves replacement of installed equipment,
3 such as heating and cooling systems, or involves renova-
4 tion, rehabilitation, expansion, or remodeling of existing
5 space, employs the most energy efficient designs, systems,
6 equipment, and controls that are life-cycle cost effective.
7 Not later than 6 months after the date of enactment of
8 the Carbon-Neutral Government Act of 2007, each Fed-
9 eral agency shall develop a process for reviewing each such
10 large capital energy investment decision to ensure that the
11 requirement of this subsection is met, and shall report to
12 the Office of Management and Budget on the process es-
13 tablished. This process shall incorporate the information
14 produced under subsections (f) and (g). Not later than one
15 year after the date of enactment of the Carbon-Neutral
16 Government Act of 2007, the Office of Management and
17 Budget shall evaluate and report to Congress on each
18 agency's compliance with this subsection.”.

19 (b) METERING.—Section 543(e)(1) of the National
20 Energy Conservation Policy Act (42 U.S.C. 8253(e)(1))
21 is amended by inserting “By October 1, 2016, each agency
22 shall also provide for equivalent metering of natural gas,
23 steam, chilled water, and water, in accordance with guide-
24 lines established by the Secretary under paragraph (2).”
25 after “buildings of the agency.”.

1 **SEC. 206. LEASING.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (b), effective 3 years after the date of enactment of this
4 Act, no Federal agency shall enter into a new contract
5 to lease space in a building that has not earned the Energy
6 Star label in the most recent year.

7 (b) EXCEPTION.—If—

8 (1) no space is available in such a building that
9 meets an agency’s functional requirements, including
10 locational needs; or

11 (2) the agency is proposing to remain in a
12 building that the agency has occupied previously,
13 the agency may enter into a contract to lease space in
14 a building that has not earned the Energy Star label in
15 the most recent year if the lease contract includes provi-
16 sions requiring that, prior to occupancy, or in the case
17 of a contract described in paragraph (2) not later than
18 6 months after signing the contract, the space will be ren-
19 ovated for all energy efficiency improvements that would
20 be cost effective over a 5-year period or the life of the
21 lease, whichever is greater, including improvements in
22 lighting, windows, and heating, ventilation, and air condi-
23 tioning systems.

1 **SEC. 207. PROCUREMENT AND ACQUISITION OF ALTER-**
2 **NATIVE FUELS.**

3 No Federal agency shall enter into a contract for pro-
4 curement of an alternative or synthetic fuel, including a
5 fuel produced from non-conventional petroleum sources,
6 for any mobility-related use, other than for research or
7 testing, unless the contract specifies that the lifecycle
8 greenhouse gas emissions associated with the production
9 and combustion of the fuel supplied under the contract
10 must, on an ongoing basis, be less than or equal to or
11 less than such emissions from the equivalent conventional
12 fuel produced from conventional petroleum sources.

13 **SEC. 208. CONTRACTS FOR RENEWABLE ENERGY FOR EX-**
14 **ECUTIVE AGENCIES.**

15 Section 501(b)(1) of title 40, United States Code, is
16 amended—

17 (1) in subparagraph (B), by striking “A con-
18 tract” and inserting “Except as provided in subpara-
19 graph (C), a contract”; and

20 (2) by adding at the end the following new sub-
21 paragraph:

22 “(C) RENEWABLE ENERGY CONTRACTS.—
23 A contract for renewable energy may be made
24 for a period of not more than 20 years. For the
25 purposes of this subparagraph, the term ‘renew-
26 able energy’ has the meaning given that term in

1 section 203(b) of the Energy Policy Act of
2 2005 (42 U.S.C. 15852(b)(2)), except that en-
3 ergy generated from municipal solid waste shall
4 not be considered renewable energy.”.

5 **SEC. 209. GOVERNMENT EFFICIENCY STATUS REPORTS.**

6 (a) IN GENERAL.—Each Federal agency subject to
7 any of the requirements of this Act and the amendments
8 made by this Act shall compile and submit to the Director
9 of the Office of Management and Budget an annual Gov-
10 ernment efficiency status report on—

11 (1) compliance by the agency with each of the
12 requirements of this Act and the amendments made
13 by this Act; and

14 (2) the status of the implementation by the
15 agency of initiatives to improve energy efficiency, re-
16 duce energy costs, and reduce emissions of green-
17 house gases.

18 (b) SUBMISSION.—Such report shall be submitted—

19 (1) to the Director at such time as the Director
20 requires;

21 (2) in electronic, not paper, format; and

22 (3) consistent with related reporting require-
23 ments.

1 **SEC. 210. OMB GOVERNMENT EFFICIENCY REPORTS AND**
2 **SCORECARDS.**

3 (a) REPORTS.—Not later than April 1 of each year,
4 the Director of the Office of Management and Budget
5 shall submit an Annual Government Efficiency report to
6 the Committee on Oversight and Government Reform of
7 the House of Representatives and the Committee on Gov-
8 ernmental Affairs of the Senate, which shall contain—

9 (1) a summary of the information reported by
10 agencies under section 209;

11 (2) an evaluation of the Government’s overall
12 progress toward achieving the goals of this Act and
13 the amendments made by this Act; and

14 (3) recommendations for additional actions nec-
15 essary to meet the goals of this Act and the amend-
16 ments made by this Act.

17 (b) SCORECARDS.—The Office of Management and
18 Budget shall include in any annual energy scorecard it is
19 otherwise required to submit a description of each agen-
20 cy’s compliance with the requirements of this Act and the
21 amendments made by this Act.

22 **SEC. 211. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated such sums
24 as may be necessary to implement this title.

1 **SEC. 212. JUDICIAL REVIEW.**

2 (a) FINAL AGENCY ACTION.—Any nondiscretionary
3 act or duty under this Act or any amendment made by
4 this Act is a final agency action for the purposes of judi-
5 cial review under chapter 7 of title 5, United States Code.
6 Except as inconsistent with this section, the provisions of
7 such chapter shall apply to actions under this section.

8 (b) CITIZEN SUITS.—Except as otherwise provided in
9 subsection (c), a person aggrieved within the meaning of
10 this Act may commence a civil action against any Federal
11 agency that has a responsibility under this Act or any
12 amendment made by this Act where there is an alleged
13 failure of such agency—

14 (1) to collect and report information to the pub-
15 lic via its website as required under this Act or any
16 amendment made by this Act, including collecting
17 and reporting such information according to the
18 schedules set forth in this Act or any amendment
19 made by this Act;

20 (2) to perform any nondiscretionary act or duty
21 under this Act or any amendment made by this Act
22 other than those duties identified in paragraph (1);
23 or

24 (3) to perform any nondiscretionary act or duty
25 according to the schedules set forth in this Act or

1 any amendment made by this Act other than those
2 duties identified in paragraph (1).

3 In a civil action under this subsection, the district courts
4 of the United States shall have jurisdiction, without re-
5 gard to the amount in controversy or the citizenship of
6 the parties, to order a Federal agency to perform such
7 act or duty. The courts shall advance on the docket, and
8 expedite the disposition of, all causes filed therein pursu-
9 ant to this subsection. If the court finds that a Federal
10 agency has failed to comply with a deadline established
11 in this Act or any amendment made by this Act, the court
12 shall have jurisdiction to order appropriate relief, includ-
13 ing relief that will ensure the Federal agency's compliance
14 with future deadlines for the same circumstances.

15 (c) LIMITATION.—No action may be commenced
16 under subsection (b) prior to 60 days after the date on
17 which the plaintiff has given notice of the alleged failure
18 to the Federal agency concerned.

19 (d) LITIGATION COSTS.—In any judicial proceeding
20 under this section, the court may award costs of litigation,
21 including reasonable attorney fees and expert fees, to any
22 substantially prevailing plaintiff or to any other plaintiff
23 whenever the court determines such an award is appro-
24 priate. Such an award, and an award under subsection
25 (e), is appropriate when such litigation contributes to a

1 Federal agency’s compliance with this Act or any amend-
2 ment made by this Act.

3 (e) REMEDY.—With respect to a claim under sub-
4 section (b)(2) or (b)(3), in addition to any relief author-
5 ized under chapter 7 of title 5, United States Code, a
6 court may award a payment up to the amount provided
7 in section 1332(b) of title twenty-eight, United States
8 Code, for a significant violation of this Act, payable by
9 the United States Treasury, to a plaintiff to mitigate any
10 impact from global warming suffered by the plaintiff, or
11 to be used in a beneficial mitigation project selected by
12 the plaintiff that is consistent with this Act.

13 (f) PRESERVATION OF OTHER RELIEF.—Nothing in
14 this section shall restrict any right which any person, or
15 class of persons, may have under any statute or common
16 law to seek enforcement of this Act or any amendment
17 made by this Act, or any rule thereunder, or to seek any
18 other relief.

19 (g) DEFINITION.—For the purposes of this section,
20 and consistent with the findings in section 2, a person is
21 “aggrieved” if a Federal agency fails to reduce its green-
22 house gas emissions in accordance with the requirements
23 under this Act or any amendment made by this Act, or
24 if a Federal agency fails to collect and provide information

- 1 to the public as required by this Act or any amendment
- 2 made by this Act.

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