

110TH CONGRESS
1ST SESSION

S. 1072

To require Federal agencies to conduct their environmental, transportation, and energy-related activities in support of their respective missions in an environmentally, economically, and fiscally sound manner, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 29, 2007

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

A BILL

To require Federal agencies to conduct their environmental, transportation, and energy-related activities in support of their respective missions in an environmentally, economically, and fiscally sound manner, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Federal Agency Environmental Responsibility Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. short title; table of contents.

TITLE I—FEDERAL AGENCY ENVIRONMENTAL RESPONSIBILITY

Sec. 101. Declaration of policy.

Sec. 102. Agency goals.

Sec. 103. Duties of heads of agencies.

Sec. 104. Additional duties of the chairman of the Council on Environmental Quality.

Sec. 105. Duties of the Director of the Office of Management and Budget.

Sec. 106. Duties of the Federal Environmental Executive.

Sec. 107. Limitations.

Sec. 108. Exemption authority.

Sec. 109. General provisions.

Sec. 110. Energy efficient standby power devices.

Sec. 111. Public utility contracting authority.

Sec. 112. Project costs for energy innovations.

Sec. 113. Definitions.

TITLE II—ENERGY EFFICIENT LIGHTING

Sec. 201. Statement of purpose.

Sec. 202. Replacement of low energy efficient bulbs.

Sec. 203. Disposal plan.

Sec. 204. Progress report.

Sec. 205. Working with industry.

Sec. 206. Definitions.

1 **TITLE I—FEDERAL AGENCY EN-**
 2 **VIRONMENTAL RESPONSIBI-**
 3 **BILITY**

4 **SEC. 101. DECLARATION OF POLICY.**

5 The Congress finds and declares that it is the policy
 6 of the United States that Federal agencies conduct their
 7 environmental, transportation, and energy-related activi-
 8 ties under the law in support of their respective missions
 9 in an environmentally, economically and fiscally sound, in-
 10 tegrated, continuously improving, efficient, and sustain-
 11 able manner.

12 **SEC. 102. AGENCY GOALS.**

13 The head of each agency shall—

1 (1) improve energy efficiency and reduce green-
2 house gas emissions of the agency, through reduc-
3 tion of energy intensity by—

4 (A) 3 percent annually through the end of
5 fiscal year 2014; or

6 (B) 30 percent by the end of fiscal year
7 2014, relative to the baseline of the agency's
8 energy use in fiscal year 2003;

9 (2) ensure that—

10 (A) at least half of the statutorily required
11 renewable energy consumed by the agency in a
12 fiscal year comes from new renewable sources;
13 and

14 (B) to the extent feasible, the agency im-
15 plements renewable energy generation projects
16 on agency property for agency use;

17 (3) beginning in fiscal year 2008, reduce water
18 consumption intensity, relative to the baseline of the
19 agency's water consumption in fiscal year 2007 and
20 including both indoor and outdoor consumption,
21 through life-cycle cost-effective measures by 2 per-
22 cent annually through the end of fiscal year 2014 or
23 16 percent by the end of fiscal year 2014;

24 (4) require in agency acquisitions of goods and
25 services—

1 (A) the use of sustainable environmental
2 practices, including acquisition of biobased, en-
3 vironmentally preferable, energy-efficient,
4 water-efficient, and recycled-content products;
5 and

6 (B) the use of paper that has at least 30
7 percent post-consumer fiber content;

8 (5) ensure that the agency—

9 (A) reduces the quantity of toxic and haz-
10 ardous chemicals and materials acquired, used,
11 or disposed of by the agency;

12 (B) increases diversion of solid waste as
13 appropriate; and

14 (C) maintains cost-effective waste preven-
15 tion and recycling programs in its facilities;

16 (6) ensure that if the agency operates a fleet of
17 at least 20 motor vehicles, the agency, relative to
18 agency baselines for fiscal year 2005—

19 (A) reduces the fleet's total consumption of
20 petroleum products by 2 percent annually
21 through the end of fiscal year 2014;

22 (B) increases the total fuel consumption
23 that is non-petroleum-based by 10 percent an-
24 nually; and

1 (C) uses plug-in hybrid vehicles when such
2 vehicles are commercially available at a cost
3 reasonably comparable, on the basis of life-cycle
4 cost, to other vehicles; and

5 (8) ensure that the agency—

6 (A) when acquiring an electronic product
7 to meet its requirements, meets at least 95 per-
8 cent of those requirements with an electronic
9 product that is registered for the Electronic
10 Product Environmental Assessment Tool, un-
11 less there is no Electronic Product Environ-
12 mental Assessment Tool standard for such
13 product;

14 (B) enables the Energy Star feature on
15 agency computers and monitors;

16 (C) establishes and implements policies to
17 extend the useful life of agency electronic equip-
18 ment; and

19 (D) uses environmentally sound practices
20 with respect to disposition of agency electronic
21 equipment that has reached the end of its use-
22 ful life.

23 **SEC. 103. DUTIES OF HEADS OF AGENCIES.**

24 The head of each agency shall—

1 (1) implement sustainable practices within the
2 agency for—

3 (A) energy efficiency, greenhouse gas emis-
4 sions avoidance or reduction, and petroleum
5 products use reduction;

6 (B) renewable energy, including bioenergy;

7 (C) water conservation;

8 (D) acquisition;

9 (E) pollution and waste prevention and re-
10 cycling;

11 (F) reduction or elimination of acquisition
12 and use of toxic or hazardous chemicals;

13 (G) high performance construction, lease,
14 operation, and maintenance of buildings;

15 (H) vehicle fleet management; and

16 (I) electronic equipment management;

17 (2) implement within the agency environmental
18 management systems at all appropriate organiza-
19 tional levels to ensure—

20 (A) the use of environmental management
21 systems as the primary management approach
22 for addressing environmental aspects of internal
23 agency operations and activities, including envi-
24 ronmental aspects of energy and transportation
25 functions;

1 (B) establishment of agency objectives and
2 targets to ensure implementation of this title;
3 and

4 (C) collection, analysis, and reporting of
5 information to measure performance in the im-
6 plementation of this title;

7 (3) establish within the agency programs for—

8 (A) environmental management training;

9 (B) environmental compliance review and
10 audit; and

11 (C) leadership awards to recognize out-
12 standing environmental, energy, or transpor-
13 tation management performance in the agency;

14 (4) within 30 days after the date of enactment
15 of this Act—

16 (A) designate a senior civilian officer of the
17 United States, compensated annually in an
18 amount at or above the amount payable at level
19 IV of the Executive Schedule, to be responsible
20 for implementation of this title within the agen-
21 cy;

22 (B) report such designation to the Director
23 of the Office of Management and Budget and
24 the Chairman of the Council on Environmental
25 Quality; and

1 (C) assign the designated official the au-
2 thority and duty—

3 (i) to monitor and report to the head
4 of the agency on agency activities to carry
5 out paragraphs (1) and (2) of this sub-
6 section; and

7 (ii) to perform such other duties relat-
8 ing to the implementation of this title
9 within the agency as the head of the agen-
10 cy deems appropriate;

11 (5) ensure that contracts entered into after the
12 date of enactment of this Act for contractor oper-
13 ation of government-owned facilities or vehicles re-
14 quire the contractor to comply with the provisions of
15 this title with respect to such facilities or vehicles to
16 the same extent as the agency would be required to
17 comply if the agency operated the facilities or vehi-
18 cles;

19 (6) ensure that agreements, permits, leases, li-
20 censes, or other legally-binding obligations between
21 the agency and a tenant or concessionaire entered
22 into after the date of enactment of this Act, to the
23 extent the head of the agency determines appro-
24 priate, that the tenant or concessionaire take actions
25 relating to matters within the scope of the contract

1 that facilitate the agency's compliance with the re-
2 quirements of this section;

3 (7) provide reports on agency implementation of
4 this title to the Chairman of the Council on such
5 schedule and in such format as the Chairman of the
6 Council may require; and

7 (8) provide information and assistance to the
8 Director of the Office of Management and Budget,
9 the Chairman of the Council, and the Federal Envi-
10 ronmental Executive.

11 **SEC. 104. ADDITIONAL DUTIES OF THE CHAIRMAN OF THE**
12 **COUNCIL ON ENVIRONMENTAL QUALITY.**

13 The Chairman of the Council on Environmental
14 Quality—

15 (1)(A) shall establish a Steering Committee on
16 Strengthening Federal Environmental, Energy, and
17 Transportation Management to advise the Director
18 of the Office of Management and Budget and the
19 Chairman of the Council on the performance of their
20 functions under this title that shall consist exclu-
21 sively of—

22 (i) the Federal Environmental Executive,
23 who shall chair, convene, and preside at meet-
24 ings of, determine the agenda of, and direct the
25 work of, the Steering Committee; and

1 (ii) the senior officials designated under
2 section 103(4)(A); and

3 (B) may establish subcommittees of the Steer-
4 ing Committee, to assist it in developing its advice
5 on particular subjects;

6 (2) may, after consultation with the Director of
7 the Office of Management and Budget and the
8 Steering Committee, issue instructions to implement
9 this title, other than instructions within the author-
10 ity of the Director to issue under section 105; and

11 (3) shall administer a presidential leadership
12 award program to recognize exceptional and out-
13 standing environmental, energy, or transportation
14 management performance and excellence in agency
15 efforts to implement this title.

16 **SEC. 105. DUTIES OF THE DIRECTOR OF THE OFFICE OF**
17 **MANAGEMENT AND BUDGET.**

18 In implementing the policy of this title, the Director
19 of the Office of Management and Budget shall, after con-
20 sultation with the Chairman of the Council and the Steer-
21 ing Committee, issue instructions to the heads of agencies
22 concerning—

23 (1) the periodic evaluation of agency implemen-
24 tation of this title;

1 (2) budget and appropriations matters relating
2 to implementation of this title;

3 (3) implementation of section 102(4) of this
4 title; and

5 (4) amendments of the Federal Acquisition
6 Regulation necessary to implement this title.

7 **SEC. 106. DUTIES OF THE FEDERAL ENVIRONMENTAL EX-**
8 **ECUTIVE.**

9 (a) **ESTABLISHMENT OF OFFICE.**—There is estab-
10 lished within the Environmental Protection Agency a Fed-
11 eral Environmental Office. The Office shall be headed by
12 the Federal Environmental Executive, who shall be ap-
13 pointed by the President.

14 (b) **DUTIES.**—The Federal Environmental Executive
15 shall—

16 (1) monitor, and advise the Chairman of the
17 Council on, performance by agencies with the re-
18 quirements of sections 102 and 103 of this title;

19 (2) submit a report to the President, through
20 the Chairman of the Council, not less often than
21 once every 2 years, on the activities of agencies to
22 comply with the requirements of this title; and

23 (3) advise the Chairman of the Council on the
24 Chairman's exercise of the authority provided by
25 section 104(3) of this title.

1 **SEC. 107. LIMITATIONS.**

2 (a) UNITED STATES OPERATIONS.—Except as pro-
3 vided in subsection (b), this title shall apply to an agency
4 only with respect to the activities, personnel, resources,
5 and facilities of the agency that are located within the
6 United States.

7 (b) FOREIGN OPERATIONS.—

8 (1) IN GENERAL.—The head of an agency may
9 provide that this title shall apply in whole or in part
10 with respect to the activities, personnel, resources,
11 and facilities of the agency that are not located with-
12 in the United States, if the head of the agency de-
13 termines that such application is in the interest of
14 the United States.

15 (2) OTHER FOREIGN OPERATIONS.—The head
16 of an agency shall manage activities, personnel, re-
17 sources, and facilities of the agency that are not lo-
18 cated within the United States, and with respect to
19 which the head of the agency has not made a deter-
20 mination under subsection (a) of this section, in a
21 manner consistent with the policy of this title to the
22 extent the head of the agency determines prac-
23 ticable.

24 **SEC. 108. EXEMPTION AUTHORITY.**

25 (a) INTELLIGENCE ACTIVITIES.—The Director of
26 National Intelligence may exempt an intelligence activity

1 of the United States, and related personnel, resources, and
2 facilities, from the provisions of this title to the extent the
3 Director determines necessary to protect intelligence
4 sources and methods from unauthorized disclosure.

5 (b) LAW ENFORCEMENT ACTIVITIES.—The head of
6 an agency may exempt law enforcement activities of that
7 agency, and related personnel, resources, and facilities,
8 from the provisions of this title to the extent the head of
9 an agency determines necessary to protect undercover op-
10 erations from unauthorized disclosure.

11 (c) SPECIAL PURPOSE VEHICLES.—The head of an
12 agency may exempt law enforcement, protective, emer-
13 gency response, or military tactical vehicle fleets of that
14 agency from the provisions of this title. Notwithstanding
15 any such exemption, the head of an agency shall manage
16 fleets of such vehicles in a manner consistent with the pol-
17 icy of this title to the extent practicable.

18 (d) ACTIVITIES.—The head of an agency may submit
19 to the President, through the Chairman of the Council,
20 a request for an exemption of an agency activity and re-
21 lated personnel, resources, and facilities from this title.

22 **SEC. 109. GENERAL PROVISIONS.**

23 (a) IN GENERAL.—This title shall be implemented in
24 a manner consistent with applicable law and subject to
25 the availability of appropriations.

1 (b) OMB FUNCTIONS.—Nothing in this title shall be
2 construed to impair or otherwise affect the functions of
3 the Director of the Office of Management and Budget re-
4 lating to budget, administrative, or legislative proposals.

5 (c) NO RIGHT OF RECOURSE.—This title is intended
6 only to improve the internal management of the Federal
7 Government and is not intended to, and does not, create
8 any right or benefit, substantive or procedural, enforceable
9 at law or in equity by a party against the United States,
10 its departments, agencies, instrumentalities, entities, offi-
11 cers, employees or agents, or any other person.

12 **SEC. 110. ENERGY EFFICIENT STANDBY POWER DEVICES.**

13 (a) IN GENERAL.—Whenever a Federal agency pur-
14 chases a commercially available, off-the-shelf product that
15 uses an external standby power device, or that contains
16 an internal standby power function, it shall purchase—

17 (1) products that use no more than 1 Watt in
18 their standby power mode; or

19 (2) when such a product is not available, prod-
20 ucts with the lowest standby power wattage while in
21 their standby power mode.

22 (b) LIMITATION.—Subsection (a) applies only if com-
23 pliance with its requirements is practicable and life-cycle
24 cost-effective, and a product's utility and performance is

1 not be compromised by compliance with those require-
2 ments.

3 (c) GUIDELINES.—The Secretary of Energy, in con-
4 sultation with the Secretary of Defense and the Adminis-
5 trator of the General Services Administration shall com-
6 pile and maintain a list of products subject to subsection
7 (a) and a list of products that meet the requirements of
8 that subsection.

9 **SEC. 111. PUBLIC UTILITY CONTRACTING AUTHORITY.**

10 Section 501(b)(1)(B) of title 40, United States Code,
11 is amended to read as follows:

12 “(B) PUBLIC UTILITY CONTRACTS.—

13 “(i) IN GENERAL.—A contract for
14 public utility services may be made for a
15 period of not more than 10 years.

16 “(ii) RENEWABLE ENERGY CON-
17 TRACTS.—A contract for renewable energy
18 may be made for a period of not more than
19 20 years.

20 “(iii) DEFINITIONS.—In this subpara-
21 graph:

22 “(I) PUBLIC UTILITY SERV-
23 ICES.—The term ‘public utility serv-
24 ices’ means generation, transmission,

1 distribution, or other services directly
2 used in providing electric energy.

3 “(II) RENEWABLE ENERGY.—
4 The term ‘renewable energy’ means
5 electric energy generated from solar,
6 wind, biomass, landfill gas, ocean (in-
7 cluding tidal, wave, current, and ther-
8 mal), geothermal, municipal solid
9 waste, or new hydroelectric generation
10 capacity achieved from increased effi-
11 ciency, or additional new capacity an
12 existing hydroelectric project.”.

13 **SEC. 112. PROJECT COSTS FOR ENERGY INNOVATIONS.**

14 Section 3307(c) of title 40, United States Code, is
15 amended by striking “cost.” and inserting “cost, unless
16 the increase is for the addition of energy-efficient tech-
17 nologies that were not included in the design of the build-
18 ing on the date the prospectus was transmitted to Con-
19 gress and the amount of the increase is projected to be
20 recoverable during the first 10 years of the operation (or
21 operational phase) of the building.”.

22 **SEC. 113. DEFINITIONS.**

23 In this title:

24 (1) AGENCY.—The term “agency” means an
25 executive agency as defined in section 105 of title 5,

1 United States Code, excluding the Government Ac-
2 countability Office.

3 (2) CHAIRMAN OF THE COUNCIL.—The term
4 “Chairman of the Council” means the Chairman of
5 the Council on Environmental Quality, including in
6 the Chairman’s capacity as Director of the Office of
7 Environmental Quality.

8 (3) COUNCIL.—The term “Council” means the
9 Council on Environmental Quality.

10 (4) ENVIRONMENTAL.—The term “environ-
11 mental” means environmental aspects of internal
12 agency operations and activities, including those en-
13 vironmental aspects related to energy and transpor-
14 tation functions.

15 (5) GREENHOUSE GAS.—The term “greenhouse
16 gas” means carbon dioxide, methane, nitrous oxide,
17 hydrofluorocarbons, perfluorocarbons, and sulfur
18 hexafluoride.

19 (6) LIFE-CYCLE COST-EFFECTIVE.—The term
20 “life-cycle cost-effective” means the life-cycle costs
21 of a product, project, or measure are estimated to be
22 equal to or less than the base case (i.e., current or
23 standard practice or product).

24 (7) NEW RENEWABLE SOURCES.—The term
25 “new renewable sources” means sources of renew-

1 able energy placed into service after January 1,
2 1999.

3 (8) RENEWABLE ENERGY.—The term “renew-
4 able energy” means energy produced by solar, wind,
5 biomass, landfill gas, ocean (including tidal, wave,
6 current and thermal), geothermal, municipal solid
7 waste, or new hydroelectric generation capacity
8 achieved from increased efficiency or additions of
9 new capacity at an existing hydroelectric project.

10 (9) ENERGY INTENSITY.—The term “energy in-
11 tensity” means energy consumption per square foot
12 of building space, including industrial or laboratory
13 facilities.

14 (10) STEERING COMMITTEE.—The term “Steer-
15 ing Committee” means the Steering Committee on
16 Strengthening Federal Environmental, Energy, and
17 Transportation Management established under sec-
18 tion 104(1) of this title.

19 (11) SUSTAINABLE.—The term “sustainable”
20 means to create and maintain conditions, under
21 which humans and nature can exist in productive
22 harmony, that permit fulfilling the social, economic,
23 and other requirements of present and future gen-
24 erations of Americans.

1 (b) COMPLETE CHANGE-OVER.—Within 5 years after
2 the date of enactment of this Act, the Administrator shall
3 ensure that—

4 (1) all low energy efficient light bulbs in Fed-
5 eral buildings have been replaced by energy-efficient
6 light bulbs;

7 (2) all low energy efficient light bulbs in traffic
8 signals on Federal property have been replaced by
9 energy-efficient light bulbs;

10 (3) all low energy efficient light bulbs in exte-
11 rior lights on Federal property have been replaced
12 by energy-efficient light bulbs;

13 (4) all exit signs on Federal property that have
14 low energy efficient light bulbs have been replaced
15 by energy-efficient light bulbs; and

16 (5) only energy-efficient light bulbs may be
17 used in Federal buildings.

18 (c) EXCEPTIONS.—The Administrator may authorize
19 exceptions to the requirements of subsections (a) and (b)
20 for good cause shown. The Administrator shall include a
21 description of any exceptions authorized by the Adminis-
22 trator in the report required by section 204(a).

1 **SEC. 203. DISPOSAL PLAN.**

2 Within 6 months after the date of enactment of this
3 Act, the Administrator, in consultation with the Adminis-
4 trator of the Environmental Protection Agency, shall—

5 (1) develop a plan for the disposal of used light
6 bulbs, including energy-efficient light bulbs that may
7 contain mercury, that have been used by the Federal
8 government, taking into consideration the disposition
9 of bulbs with useful life remaining; and

10 (2) shall submit the plan to the Senate Com-
11 mittee on Commerce, Science, and Transportation
12 and the House of Representatives Committee on En-
13 ergy and Commerce.

14 **SEC. 204. PROGRESS REPORT.**

15 (a) **IN GENERAL.**—The Administrator shall report
16 annually on progress in implementing this title. The report
17 shall include information on energy savings, cost savings,
18 greenhouse gas emissions avoided, and plans for the up-
19 coming fiscal year. The President shall include the most
20 recent report in the Budget of the United States.

21 (b) **PUBLIC OUTREACH.**—The Administrator shall
22 ensure that lessons learned from implementing this title
23 are made available to the public in order to educate the
24 public about the benefits of using energy-efficient light
25 bulbs.

1 **SEC. 205. WORKING WITH INDUSTRY.**

2 (a) IN GENERAL.—The Administrator, the Secretary
3 of Energy, and the Director of the National Institute of
4 Standards and Technology shall work with industry to de-
5 velop new consensus national standards for energy-effi-
6 cient light bulb disposal based upon the General Services
7 Administration’s experience in implementing this title and
8 other successful Federal programs utilizing energy effi-
9 cient light bulbs.

10 (b) LABELING STANDARDS FOR HAZARDOUS EN-
11 ERGY-EFFICIENT LIGHT BULBS.—The Administrator, the
12 Secretary of Energy, and the Director of the National In-
13 stitute of Standards and Technology shall work with man-
14 ufacturers and importers of energy-efficient light bulbs to
15 develop consensus national standards for labeling energy-
16 efficient light bulbs containing mercury or other toxic sub-
17 stances.

18 **SEC. 206. DEFINITIONS.**

19 In this title:

20 (1) ADMINISTRATOR.—The term “Adminis-
21 trator” means the Administrator of the General
22 Services Administration.

23 (2) ENERGY EFFICIENT LIGHT BULB.—The
24 term “energy efficient light bulb” means—

25 (A) for calendar years ending after the
26 date of enactment of this Act and before Janu-

1 ary 1, 2018, a light bulb with a lumens-per-
2 Watt rating of not less than 30; and

3 (B) for calendar years ending after 2017,
4 a light bulb with a lumens-per-Watt rating of
5 not less than 45.

6 (3) FEDERAL BUILDING.—The term “Federal
7 building” means a public building (as defined in sec-
8 tion 3301(5) of title 40, United States Code).

9 (4) LOW ENERGY EFFICIENT LIGHT BULB.—
10 The term “low energy efficient light bulb” means a
11 light bulb with a lumens-per-Watt rating of less than
12 30.

○