

112TH CONGRESS  
1ST SESSION

# S. 77

To amend the Clean Air Act to reduce pollution and lower costs for building owners.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 5), 2011

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Clean Air Act to reduce pollution and lower costs for building owners.

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 “Pollution and Costs  
5       Reduction Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) actions taken to reduce emissions of air pol-  
9       lutants, as defined in section 302 of the Clean Air  
10       Act (42 U.S.C. 7602), will spur investments that

1 create new jobs and foster innovation and entrepre-  
 2 neurship in clean technology industries; and

3 (2) according to the Environmental Protection  
 4 Agency—

5 (A) the average building wastes 30 percent  
 6 of the energy consumed by the building because  
 7 of inefficiency; and

8 (B) the operating costs of the nearly  
 9 5,000,000 buildings in the United States exceed  
 10 \$100,000,000,000 per year.

11 **SEC. 3. BUILDING POLLUTION REDUCTION PROGRAM.**

12 Section 105 of the Clean Air Act (42 U.S.C. 7405)  
 13 is amended by adding at the end the following:

14 “(f) BUILDING POLLUTION REDUCTION PROGRAM.—

15 “(1) DEFINITIONS.—In this subsection:

16 “(A) AIR POLLUTANT.—The term ‘air pol-  
 17 lutant’ has the meaning given the term in sec-  
 18 tion 302.

19 “(B) EMISSIONS.—The term ‘emissions’  
 20 means—

21 “(i) direct emissions of an air pollut-  
 22 ant from sources that are owned or con-  
 23 trolled by an owner of a building; and

24 “(ii) indirect emissions of an air pol-  
 25 lutant resulting from the generation of

1 electricity, heat, or steam purchased by the  
2 owner of a building.

3 “(2) PROGRAM.—The Administrator shall es-  
4 tablish and carry out a program, to be known as the  
5 ‘Building Pollution Reduction Program’, to provide  
6 assistance to owners of buildings in the United  
7 States to reduce the emission of air pollutants and  
8 building operating costs by—

9 “(A) constructing highly efficient buildings  
10 in the United States; or

11 “(B) increasing the efficiency of and re-  
12 ducing the emissions associated with existing  
13 buildings in the United States.

14 “(3) REQUIREMENTS.—The Administrator shall  
15 provide assistance under this section to owners of  
16 buildings in the United States based on the extent  
17 to which projects relating to the buildings of the  
18 owners result in verifiable, additional, and enforce-  
19 able reductions in emissions of air pollutants  
20 through operational improvements such as—

21 “(A) improved energy efficiency;

22 “(B) increased water-use efficiency;

23 “(C) use of renewable energy sources; and

24 “(D) such additional measures, as deter-  
25 mined by the Administrator, as will result in a

1 measurable decrease in emissions of air pollut-  
2 ants.

3 “(4) PRIORITY.—In providing assistance under  
4 this subsection, the Administrator shall give priority  
5 to projects that—

6 “(A) achieve the following minimum scores  
7 as evaluated by energy performance bench-  
8 marking tools—

9 “(i) in new or renovated buildings  
10 that demonstrate exemplary performance  
11 by achieving—

12 “(I) a minimum score of 75 on  
13 the benchmarking tool of the Energy  
14 Star program established by section  
15 324A of the Energy Policy and Con-  
16 servation Act (42 U.S.C. 6294a); or

17 “(II) an equivalent score on an  
18 established energy performance bench-  
19 marking metric selected by the Ad-  
20 ministrator, such as the metric used  
21 for the National Building Rating Pro-  
22 gram of the Department of Energy;  
23 and

24 “(ii) in retrofitted existing buildings  
25 that demonstrate—

1                   “(I) substantial improvement in  
2                   the score or rating on the bench-  
3                   marking tool described in clause (i) by  
4                   a minimum of 30 points; or

5                   “(II) an equivalent improvement  
6                   using an established performance  
7                   benchmarking metric selected by the  
8                   Administrator;

9                   “(B) are completed by building owners  
10                  with a proven track record of reducing pollution  
11                  through the measures described in paragraph  
12                  (3); and

13                  “(C) result in measurable pollution reduc-  
14                  tion benefits not encompassed within the  
15                  metrics of the Energy Star program described  
16                  in subparagraph (A)(i)(I).

17                  “(5) AUTHORIZATION OF APPROPRIATIONS.—  
18                  There are authorized to be appropriated to the Ad-  
19                  ministrator to carry out this section such sums as  
20                  are necessary for each of fiscal years 2012 through  
21                  2016.”.

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