

Calendar No. 335

111TH CONGRESS
2D SESSION**S. 1830**

To establish the Chief Conservation Officers Council to improve the energy efficiency of Federal agencies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 21, 2009

Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

MARCH 25, 2010

Reported by Mr. LIEBERMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To establish the Chief Conservation Officers Council to improve the energy efficiency of Federal agencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Agency En-
5 ergy Efficiency Improvement Act of 2009”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CHIEF CONSERVATION OFFICER.—The term
4 “Chief Conservation Officer” means an individual
5 designated as a Chief Conservation Officer under
6 section 3(a)(1).

7 (2) COUNCIL.—The term “Council” means the
8 Chief Conservation Officers Council established by
9 section 4(a).

10 (3) FEDERAL AGENCY.—The term “Federal
11 agency” means an agency of the Federal Govern-
12 ment described in section 901(b) of title 31, United
13 States Code.

14 **SEC. 3. CHIEF CONSERVATION OFFICERS.**

15 (a) DESIGNATION.—

16 (1) IN GENERAL.—As soon as practicable after
17 the date of enactment of this Act, each head of a
18 Federal agency shall designate a Chief Conservation
19 Officer.

20 (2) REQUIREMENTS.—

21 (A) EMPLOYMENT STATUS.—An individual
22 designated as a Chief Conservation Officer
23 under paragraph (1) shall serve in a Senior Ex-
24 ecutive Service position.

25 (B) PRIMARY RESPONSIBILITY.—

(i) ~~IN GENERAL.~~—The primary responsibility of an individual designated as a Chief Conservation Officer for a Federal agency under paragraph (1) shall be to serve as Chief Conservation Officer for the Federal agency.

(ii) ~~OTHER CAPACITIES.~~—Subject to clause (i), an individual described in clause (i) may serve in another capacity in the Federal Government.

~~(3) AGENCY ENVIRONMENTAL EXECUTIVES.~~—If the head of a Federal agency has designated an Agency Environmental Executive in accordance with Executive Order 13101 (63 Fed. Reg. 49643), the head of the Federal agency may designate the Agency Environmental Executive as a Chief Conservation Officer.

(b) ~~GENERAL RESPONSIBILITIES.~~—A Chief Conservation Officer of a Federal agency shall—

(1) ensure that the Federal agency—

(A) complies with each energy policy of the Federal Government; and

(B) takes steps to ensure the compliance of the Federal agency with each energy policy of the Federal Government;

1 (2) provide advice and other assistance to the
2 head of the Federal agency (including other applica-
3 ble senior executive management personnel of the
4 Federal agency) to enhance the conservation efforts
5 of the Federal agency (including the review of acqui-
6 sition plans and requirements developments at the
7 earliest practicable stage in a contracting process);

8 (3) collect data to determine—

9 (A) the energy consumption of each build-
10 ing owned or operated by the Federal agency;
11 and

12 (B) the energy consumption of major
13 equipment located within each building de-
14 scribed in subparagraph (A);

15 (4) provide to the Council the results of the
16 data collected under paragraph (3);

17 (5) develop and implement policies for the Fed-
18 eral agency to minimize the quantities of energy con-
19 sumed by the Federal agency;

20 (6) collect additional data as requested by the
21 Council;

22 (7) take actions—

23 (A) to increase the energy efficiency of the
24 Federal agency; and

- 1 ~~(B)~~ to maintain or increase the energy se-
2 curity and cost savings of the Federal agency;
3 ~~(8)~~ develop, facilitate, and maintain the imple-
4 mentation of a sound energy efficiency information
5 technology architecture for the Federal agency;
6 ~~(9)~~ promote the effective and efficient design
7 and operation of all major information resources
8 management processes of the Federal agency; and
9 ~~(10)~~ participate in each activity carried out by
10 the Council.

11 ~~(c)~~ DUTIES.—

12 ~~(1)~~ PRIMARY DUTY.—A Chief Conservation Of-
13 ficer shall be responsible for the management of the
14 energy efficiency of the Federal agency under the ju-
15 risdiction of the Chief Conservation Officer.

16 ~~(2)~~ GENERAL DUTIES.—In carrying out the pri-
17 mary duty of the Chief Conservation Officer under
18 paragraph ~~(1)~~, the Chief Conservation Officer
19 shall—

20 ~~(A)~~ monitor the performance of each en-
21 ergy efficiency program of the Federal agency;

22 ~~(B)~~ evaluate the performance of each pro-
23 gram described in subparagraph ~~(A)~~ on the
24 basis of applicable performance measurements;

as determined by the Chief Conservation Officer;

(C) advise the head of the Federal agency regarding whether to continue, modify, or terminate any program or project carried out by the Federal agency; and

(D) in conjunction with the Chief Information Officer of the Federal agency, prepare an energy usage report, which shall—

(i) include data regarding the information technology energy usage of the Federal agency; and

(ii) be included in the first budget submitted to Congress under section 1105(a) of title 31, United States Code, after the report is prepared.

SEC. 4. CHIEF CONSERVATION OFFICERS COUNCIL.

(a) **ESTABLISHMENT.**—There is established in the executive branch a council to be known as the “Chief Conservation Officers Council”.

(b) **COMPOSITION.**—The Council shall be composed of—

(1) the Secretary of Energy;

(2) the Administrator of the Environmental Protection Agency;

1 ~~(3) the Deputy Director for Management of the~~
 2 ~~Office of Management and Budget;~~

3 ~~(4) the Program Manager for the Federal En-~~
 4 ~~ergy Management Program of the Department of~~
 5 ~~Energy;~~

6 ~~(5) the Chief Information Officer of each Fed-~~
 7 ~~eral agency;~~

8 ~~(6) each Chief Conservation Officer;~~

9 ~~(7) the Federal Environmental Executive; and~~

10 ~~(8) any other officer or employee of the Federal~~
 11 ~~Government, as designated by the Chairperson or~~
 12 ~~Vice Chairperson.~~

13 ~~(c) CHAIRPERSON; VICE CHAIRPERSON.—~~

14 ~~(1) CHAIRPERSON.—The Deputy Director for~~
 15 ~~Management of the Office of Management and~~
 16 ~~Budget shall serve as the Chairperson of the Coun-~~
 17 ~~cil.~~

18 ~~(2) VICE CHAIRPERSON.—The Program Man-~~
 19 ~~ager for the Federal Energy Management Program~~
 20 ~~of the Department of Energy shall serve as the Vice~~
 21 ~~Chairperson of the Council.~~

22 ~~(d) DUTIES OF CERTAIN HEADS OF FEDERAL AGEN-~~
 23 ~~CIES.—~~

1 (1) SECRETARY OF ENERGY.—The Secretary of
2 Energy shall carry out each activity of the Council
3 on behalf of the Chairperson of the Council.

4 (2) ADMINISTRATOR OF GENERAL SERVICES.—
5 The Administrator of General Services shall provide
6 administrative and other related support to the
7 Council.

8 (e) FUNCTION.—The Council shall function as the
9 principal interagency forum for improving the practices of
10 Federal agencies relating to the design, acquisition, devel-
11 opment, modernization, use, operation, sharing, and per-
12 formance of energy efficiency efforts of the Federal Gov-
13 ernment.

14 (f) DUTIES OF COUNCIL.—

15 (1) IN GENERAL.—The Council shall carry out
16 appropriate actions, including the collection of infor-
17 mation from each Chief Conservation Officer regard-
18 ing the energy usage of the Federal agency of the
19 Chief Conservation Officer, including the ratio
20 that—

21 (A) the equipment energy usage of the
22 Federal agency; bears to

23 (B) the building energy usage of the Fed-
24 eral agency.

25 (2) EFFICIENCY DUTIES.—The Council shall—

1 (A) require each Chief Conservation Offi-
2 cer to collect and report any necessary addi-
3 tional energy usage data of the Federal agency
4 of the Chief Conservation Officer;

5 (B) assist each Chief Conservation Officer
6 in developing energy baselines and goals;

7 (C) provide guidance and develop rec-
8 ommendations for each Chief Conservation Offi-
9 cer to assist each Chief Conservation Officer in
10 developing policies to enable the Federal agency
11 of the Chief Conservation Officer to meet the
12 energy efficiency goals of the Federal agency;

13 (D) provide guidance and develop rec-
14 ommendations for each Chief Conservation Offi-
15 cer to assist each Chief Conservation Officer in
16 implementing energy policies;

17 (E) share experiences, ideas, best prac-
18 tices, and innovative approaches relating to the
19 development of energy efficiencies;

20 (F) develop a universal metric to be used
21 by Federal agencies to measure the effective-
22 ness of the conservation efforts of the Federal
23 agencies; and

24 (G) provide reports (including rec-
25 ommendations) regarding energy efficiency poli-

1 cies of Federal agencies covered by the reports
2 to—

3 (i) the appropriate committees of Con-
4 gress; and

5 (ii) the Office of Management and
6 Budget.

7 ~~(3) CONSULTATION REQUIREMENT.—In ear-~~
8 ~~rying out each duty of the Council under this sub-~~
9 ~~section, the Council shall consult regularly with rep-~~
10 ~~resentatives of appropriate State, local, and tribal~~
11 ~~governments.~~

12 ~~(g) OFFICE OF MANAGEMENT AND BUDGET GOV-~~
13 ~~ERNMENT EFFICIENCY REPORTS AND SCORECARDS.—~~
14 ~~Not later than 180 days after the date of enactment of~~
15 ~~this Act, the Director of the Office of Management and~~
16 ~~Budget shall—~~

17 (1) include in the annual report and scorecard
18 of the Director under section 528 of the Energy
19 Independence and Security Act of 2007 (42 U.S.C.
20 17144) a description of the efforts of Federal agen-
21 cies under this section; and

22 (2) make the description under paragraph (1)
23 available on the website of the Office of Management
24 and Budget.

1 **SEC. 5. AUTHORIZATION FOR ACQUISITIONS.**

2 (a) **USE OF CERTAIN SUPPLY SCHEDULES.**—Section
3 502(c)(1) of title 40, United States Code, is amended by
4 adding at the end the following:

5 “(C) Environmentally preferable ‘green’
6 products and services (as contained in Federal
7 supply classification code groups 03FAC, 51V,
8 56, 72IA, 73, 75, and 899, including any
9 amended or subsequent version of the Federal
10 supply classification code groups).”.

11 (b) **DUTY OF NON-FEDERAL USERS REGARDING**
12 **USE OF SUPPLY SCHEDULES.**—Section 502(c) of title 40,
13 United States Code, is amended—

14 (1) by redesignating paragraph (3) as para-
15 graph (4); and

16 (2) by inserting after paragraph (2) the fol-
17 lowing:

18 “(3) **DUTY OF NON-FEDERAL USERS REGARD-**
19 **ING USE OF FEDERAL SUPPLY SCHEDULES.**—During
20 the use of a Federal supply schedule, an authorized
21 non-Federal user shall act in accordance with the or-
22 dering guidance provided by the Administrator of
23 General Services.”.

24 **SEC. 6. POWER PURCHASE AGREEMENT PILOT PROGRAM.**

25 (a) **DEFINITIONS.**—In this section:

1 ~~(1) COST-EFFECTIVE.—~~The term “cost-effective” means, with respect to a power purchase agreement entered into by the head of an executive agency for a Federal facility that is owned or controlled by the executive agency, that the 20-year average cost for the purchase of electricity under the power purchase agreement from ~~1~~ or more renewable energy generating systems is not greater than an amount equal to ~~110~~ percent of the cost of an equal quantity of electricity from the current electricity supplier of the Federal facility, taking into consideration each—

13 ~~(A)~~ applicable cost, including any cost resulting from—

- 15 ~~(i)~~ a demand charge;
- 16 ~~(ii)~~ an applicable rider;
- 17 ~~(iii)~~ a fuel adjustment charge; or
- 18 ~~(iv)~~ any other surcharge; and

19 ~~(B)~~ reasonably anticipated increase in the cost of the electricity resulting from—

- 21 ~~(i)~~ inflation;
- 22 ~~(ii)~~ increased regulatory requirements;
- 23 ~~(iii)~~ decreased availability of fossil
- 24 fuels; and

1 (iv) any other factor that may in-
2 crease the cost of electricity.

3 ~~(2) EXECUTIVE AGENCY.—~~The term “executive
4 agency” has the meaning given the term in section
5 4 of the Office of Federal Procurement Policy Act
6 (41 U.S.C. 403).

7 ~~(3) FEDERAL FACILITY.—~~The term “Federal
8 facility” means any building at which electricity is
9 used, owned, operated, obtained through a long-term
10 lease, or otherwise controlled by, or assigned to—

11 (A) an executive or military department of
12 the Federal Government;

13 (B) a Government corporation;

14 (C) an independent establishment;

15 (D) a Federal court;

16 (E) an executive agency;

17 (F) Congress;

18 (G) the United States Postal Service; or

19 (H) the Executive Office of the President.

20 ~~(4) GOVERNMENT CORPORATION.—~~The term
21 “Government corporation” has the meaning given
22 the term in section 103 of title 5, United States
23 Code.

1 (5) ~~LONG-TERM LEASE.~~—The term “long-term
2 lease” means a lease the duration of which is not
3 less than 20 years.

4 (6) ~~RENEWABLE ENERGY SOURCE.~~—The term
5 “renewable energy source” includes—

6 (A) a solar photovoltaic system;

7 (B) a wind turbine; and

8 (C) any other renewable energy technology.

9 (b) ~~PILOT PROJECTS.~~—

10 (1) ~~AUTHORIZATION OF HEADS OF EXECUTIVE~~
11 ~~AGENCIES.~~—In accordance with paragraphs (2) and
12 (3), the head of each executive agency may establish
13 1 or more pilot programs under which the head of
14 the executive agency may offer to enter into power
15 purchase agreements during the 5-year period begin-
16 ning on the date of enactment of this Act for the
17 purchase of electricity from 1 or more Federal facili-
18 ties that are owned or controlled by the executive
19 agency from renewable energy sources located at the
20 Federal facility.

21 (2) ~~COST-EFFECTIVE REQUIREMENT.~~—A head
22 of an executive agency described in paragraph (1)
23 may offer to enter into a power purchase agreement
24 described in that paragraph only if the power pur-
25 chase agreement is cost-effective.

1 ~~(3)~~ TERM OF POWER PURCHASE AGREE-
 2 MENT.—Notwithstanding any other provision of law
 3 (including regulations), the term of a power pur-
 4 chase agreement described in paragraph (1) may not
 5 be longer than a period of 20 years.

6 ~~(4)~~ ALLOCATION OF INCREMENTAL COSTS.—
 7 Each head of an executive agency (including the Ad-
 8 ministrator of General Services) who enters into a
 9 power purchase agreement under paragraph (1) for
 10 the purchase of electricity at a Federal facility that
 11 is owned or controlled by the executive agency for
 12 distribution to 1 or more other executive agencies
 13 shall allocate, on an annual basis for the period cov-
 14 ered by the power purchase agreement, the incre-
 15 mental cost or incremental savings of the power pur-
 16 chase agreement for the purchase of electricity at a
 17 Federal facility from renewable energy sources (as
 18 compared to the cost of electricity from the elec-
 19 tricity supplier of the Federal facility) among each
 20 user of the Federal facility based on the proportion
 21 that—

22 ~~(A)~~ the electricity usage of the user of the
 23 Federal facility; bears to

24 ~~(B)~~ the aggregate electricity usage of all
 25 users of the Federal facility.

1 ~~(e) AUTHORIZATION OF APPROPRIATIONS.—There~~
 2 are authorized to be appropriated such sums as are nec-
 3 essary to carry out this section for each of fiscal years
 4 2009 through 2019, to remain available until expended.

5 **SEC. 7. CLARIFICATION OF RENEWABLE ENERGY.**

6 Section 203 of the Energy Policy Act of 2005 (42
 7 U.S.C. 15852) is amended—

8 (1) in subsection (a), in the matter preceding
 9 paragraph (1), by striking “electric”; and

10 (2) in subsection (b)—

11 (A) in paragraph (1)(D), by striking “for
 12 the production of electricity”; and

13 (B) in paragraph (2), by striking “elec-
 14 tric”.

15 **SECTION 1. SHORT TITLE.**

16 *This Act may be cited as the “Federal Agency Energy*
 17 *Efficiency Improvement Act of 2009”.*

18 **SEC. 2. DEFINITIONS.**

19 *In this Act:*

20 (1) *CHIEF CONSERVATION OFFICER.—The term*
 21 *“Chief Conservation Officer” means an individual*
 22 *designated as a Chief Conservation Officer under sec-*
 23 *tion 3(a)(1).*

1 (2) *COUNCIL*.—The term “Council” means the
 2 Chief Conservation Officers Council established by sec-
 3 tion 4(a).

4 (3) *FEDERAL AGENCY*.—The term “Federal agen-
 5 cy” means an agency of the Federal Government de-
 6 scribed in section 901(b) of title 31, United States
 7 Code.

8 **SEC. 3. CHIEF CONSERVATION OFFICERS.**

9 (a) *DESIGNATION*.—

10 (1) *IN GENERAL*.—As soon as practicable after
 11 the date of enactment of this Act, each head of a Fed-
 12 eral agency shall designate a Chief Conservation Offi-
 13 cer.

14 (2) *REQUIREMENTS*.—

15 (A) *EMPLOYMENT STATUS*.—An individual
 16 designated as a Chief Conservation Officer under
 17 paragraph (1) shall serve in a Senior Executive
 18 Service position.

19 (B) *PRIMARY RESPONSIBILITY*.—

20 (i) *IN GENERAL*.—The primary respon-
 21 sibility of an individual designated as a
 22 Chief Conservation Officer for a Federal
 23 agency under paragraph (1) shall be to
 24 serve as Chief Conservation Officer for the
 25 Federal agency.

1 (ii) *OTHER CAPACITIES.*—Subject to
 2 *clause (i), an individual described in clause*
 3 *(i) may serve in another capacity in the*
 4 *Federal Government.*

5 (b) *GENERAL RESPONSIBILITIES.*—A Chief Conserva-
 6 tion Officer of a Federal agency shall—

7 (1) *ensure that the Federal agency—*

8 (A) *complies with each energy policy of the*
 9 *Federal Government; and*

10 (B) *takes steps to ensure the compliance of*
 11 *the Federal agency with each energy policy of the*
 12 *Federal Government;*

13 (2) *provide advice and other assistance to the*
 14 *head of the Federal agency (including other applica-*
 15 *ble senior executive management personnel of the Fed-*
 16 *eral agency) to enhance the conservation efforts of the*
 17 *Federal agency (including the review of acquisition*
 18 *plans and requirements developments at the earliest*
 19 *practicable stage in a contracting process);*

20 (3) *collect data to determine—*

21 (A) *the energy consumption of each building*
 22 *owned or operated by the Federal agency; and*

23 (B) *the energy consumption of major equip-*
 24 *ment, including information technology assets,*

1 *located within each building described in sub-*
2 *paragraph (A);*

3 *(4) provide to the Council the results of the data*
4 *collected under paragraph (3);*

5 *(5) develop and implement policies for the Fed-*
6 *eral agency to minimize the quantities of energy con-*
7 *sumed by the Federal agency;*

8 *(6) collect additional data as requested by the*
9 *Council;*

10 *(7) take actions—*

11 *(A) to increase the energy efficiency of the*
12 *Federal agency; and*

13 *(B) to maintain or increase the energy secu-*
14 *rity and cost savings of the Federal agency;*

15 *(8) coordinate with the Chief Information Officer*
16 *to develop, facilitate, and maintain the implementa-*
17 *tion of a sound energy efficiency information tech-*
18 *nology architecture for the Federal agency;*

19 *(9) coordinate with the Chief Information Officer*
20 *to ensure energy consumption is considered in the de-*
21 *sign and operation of all major information resources*
22 *management processes of the Federal agency;*

23 *(10) consider the short- and long-term cost effec-*
24 *tiveness of each initiative before taking actions; and*

1 (11) *participate in each activity carried out by*
2 *the Council.*

3 (c) *DUTIES.*—

4 (1) *PRIMARY DUTY.*—*A Chief Conservation Offi-*
5 *cer shall be responsible for the management of the en-*
6 *ergy efficiency of the Federal agency under the juris-*
7 *diction of the Chief Conservation Officer.*

8 (2) *GENERAL DUTIES.*—*In carrying out the pri-*
9 *mary duty of the Chief Conservation Officer under*
10 *paragraph (1), the Chief Conservation Officer shall—*

11 (A) *monitor the performance of each energy*
12 *efficiency program of the Federal agency;*

13 (B) *evaluate the performance of each pro-*
14 *gram described in subparagraph (A) on the basis*
15 *of applicable performance measurements, as de-*
16 *termined by the Chief Conservation Officer;*

17 (C) *advise the head of the Federal agency or*
18 *Senior Sustainability Officer regarding whether*
19 *to continue, modify, or terminate any program*
20 *or project carried out by the Federal agency; and*

21 (D) *in conjunction with the Chief Informa-*
22 *tion Officer of the Federal agency, prepare an*
23 *energy usage report, which shall—*

1 (i) include data regarding the informa-
2 tion technology energy usage of the Federal
3 agency; and

4 (ii) be included in the first budget sub-
5 mitted to Congress under section 1105(a) of
6 title 31, United States Code, after the report
7 is prepared.

8 **SEC. 4. CHIEF CONSERVATION OFFICERS COUNCIL.**

9 (a) *ESTABLISHMENT.*—There is established in the exec-
10 utive branch a council to be known as the “Chief Conserva-
11 tion Officers Council”.

12 (b) *COMPOSITION.*—The Council shall be composed
13 of—

14 (1) the Secretary of Energy;

15 (2) the Administrator of the Environmental Pro-
16 tection Agency;

17 (3) the Deputy Director for Management of the
18 Office of Management and Budget;

19 (4) the Program Manager for the Federal Energy
20 Management Program of the Department of Energy;

21 (5) the Chief Information Officer of each Federal
22 agency;

23 (6) each Chief Conservation Officer;

24 (7) the Federal Environmental Executive; and

1 (8) *any other officer or employee of the Federal*
 2 *Government, as designated by the Chairperson or Vice*
 3 *Chairperson.*

4 (c) *CHAIRPERSON; VICE CHAIRPERSON.—*

5 (1) *CHAIRPERSON.—The Deputy Director for*
 6 *Management of the Office of Management and Budget*
 7 *shall serve as the Chairperson of the Council.*

8 (2) *VICE CHAIRPERSON.—The Program Manager*
 9 *for the Federal Energy Management Program of the*
 10 *Department of Energy shall serve as the Vice Chair-*
 11 *person of the Council.*

12 (d) *DUTIES OF CERTAIN HEADS OF FEDERAL AGEN-*
 13 *CIES.—*

14 (1) *SECRETARY OF ENERGY.—The Secretary of*
 15 *Energy shall carry out each activity of the Council on*
 16 *behalf of the Chairperson of the Council.*

17 (2) *ADMINISTRATOR OF GENERAL SERVICES.—*
 18 *The Administrator of General Services shall provide*
 19 *administrative and other related support to the Coun-*
 20 *cil.*

21 (e) *FUNCTION.—The Council shall function as the*
 22 *principal interagency forum for improving the practices of*
 23 *Federal agencies relating to the design, acquisition, develop-*
 24 *ment, modernization, use, operation, sharing, and perform-*
 25 *ance of energy efficiency efforts of the Federal Government.*

1 (f) *DUTIES OF COUNCIL.*—

2 (1) *IN GENERAL.*—*The Council shall carry out*
 3 *appropriate actions, including the collection of infor-*
 4 *mation from each Chief Conservation Officer regard-*
 5 *ing the energy usage of the Federal agency of the*
 6 *Chief Conservation Officer, including the ratio that—*

7 (A) *the equipment energy usage of the Fed-*
 8 *eral agency; bears to*

9 (B) *the building energy usage of the Federal*
 10 *agency.*

11 (2) *EFFICIENCY DUTIES.*—*The Council shall—*

12 (A) *require each Chief Conservation Officer*
 13 *to collect and report any necessary additional*
 14 *energy usage data of the Federal agency of the*
 15 *Chief Conservation Officer;*

16 (B) *assist each Chief Conservation Officer*
 17 *in developing energy baselines and goals;*

18 (C) *provide guidance and develop rec-*
 19 *ommendations for each Chief Conservation Offi-*
 20 *cer to assist each Chief Conservation Officer in*
 21 *developing policies to enable the Federal agency*
 22 *of the Chief Conservation Officer to meet the en-*
 23 *ergy efficiency goals of the Federal agency;*

24 (D) *provide guidance and develop rec-*
 25 *ommendations for each Chief Conservation Offi-*

cer to assist each Chief Conservation Officer in
implementing energy policies;

(E) share experiences, ideas, best practices,
and innovative approaches relating to the devel-
opment of energy efficiencies;

(F) develop a universal metric to be used by
Federal agencies to measure the effectiveness of
the conservation efforts of the Federal agencies;
and

(G) provide an annual report (including in-
formation about agency-by-agency energy usage
and reductions, agency and government-wide
trends in energy usage, agency and government-
wide cost savings, and best practices and rec-
ommendations) regarding energy efficiency poli-
cies of Federal agencies covered by the reports
to—

(i) the appropriate committees of Con-
gress; and

(ii) the Office of Management and
Budget.

(3) CONSULTATION REQUIREMENT.—In carrying
out each duty of the Council under this subsection, the
Council shall consult regularly with representatives of
appropriate State, local, and tribal governments.

1 (g) *OFFICE OF MANAGEMENT AND BUDGET GOVERN-*
 2 *MENT EFFICIENCY REPORTS AND SCORECARDS.*—Not later
 3 than 180 days after the date of enactment of this Act, the
 4 Director of the Office of Management and Budget shall—

5 (1) include in the annual report and scorecard
 6 of the Director under section 528 of the Energy Inde-
 7 pendence and Security Act of 2007 (42 U.S.C. 17144)
 8 a description of the efforts of Federal agencies under
 9 this section; and

10 (2) make the description under paragraph (1)
 11 available on the website of the Office of Management
 12 and Budget.

13 **SEC. 5. AUTHORIZATION FOR ACQUISITIONS.**

14 (a) *USE OF CERTAIN SUPPLY SCHEDULES.*—Section
 15 502(c)(1) of title 40, United States Code, is amended by
 16 adding at the end the following:

17 “(C) Environmentally preferable ‘green’
 18 products and services (as contained in Federal
 19 supply classification code groups 03FAC, 51V,
 20 56, 72IA, 73, 75, and 899, including any
 21 amended or subsequent version of the Federal
 22 supply classification code groups).”.

23 (b) *DUTY OF NON-FEDERAL USERS REGARDING USE*
 24 *OF SUPPLY SCHEDULES.*—Section 502(c) of title 40, United
 25 States Code, is amended—

1 (1) *by redesignating paragraph (3) as para-*
 2 *graph (4); and*

3 (2) *by inserting after paragraph (2) the fol-*
 4 *lowing:*

5 “(3) *DUTY OF NON-FEDERAL USERS REGARDING*
 6 *USE OF FEDERAL SUPPLY SCHEDULES.—During the*
 7 *use of a Federal supply schedule, an authorized non-*
 8 *Federal user shall act in accordance with the ordering*
 9 *guidance provided by the Administrator of General*
 10 *Services.”.*

11 **SEC. 6. CLARIFICATION OF RENEWABLE ENERGY.**

12 *Section 203 of the Energy Policy Act of 2005 (42*
 13 *U.S.C. 15852) is amended—*

14 (1) *in subsection (a), in the matter preceding*
 15 *paragraph (1), by striking “electric”; and*

16 (2) *in subsection (b)—*

17 (A) *in paragraph (1)(D), by striking “for*
 18 *the production of electricity”; and*

19 (B) *in paragraph (2), by striking “electric”.*

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11TH CONGRESS
2^D Session

S. 1830

A BILL

To establish the Chief Conservation Officers Council to improve the energy efficiency of Federal agencies, and for other purposes.

MARCH 25, 2010

Reported with an amendment