

115TH CONGRESS
1ST SESSION

S. 1071

To require the evaluation and consolidation of duplicative green building programs within the Department of Energy.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2017

Mr. FLAKE (for himself and Mrs. MCCASKILL) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To require the evaluation and consolidation of duplicative green building programs within the Department of Energy.

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 “Duplicative Green
5 Building Program Evaluation Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATIVE EXPENSES.—

9 (A) IN GENERAL.—The term “administra-
10 tive expenses” has the meaning given the term

by the Director of the Office of Management and Budget under section 504(b)(2) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (31 U.S.C. 1105 note; Public Law 111–85).

(B) INCLUSIONS.—The term “administrative expenses” includes, with respect to an agency—

(i) costs incurred by—

(I) the agency; or

(II) any grantee, subgrantee, or other recipient of funds from a grant program or other program administered by the agency; and

(ii) expenses relating to personnel salaries and benefits, property management, travel, program management, promotion, reviews and audits, case management, and communication regarding, promotion of, and outreach for programs and program activities administered by the agency.

(2) APPLICABLE PROGRAM.—The term “applicable program” means any program that is—

(A) listed in Table 9 (pages 348–350) of the report of the Government Accountability

Office entitled “2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue”; and

(B) administered by the Secretary.

(3) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(4) SERVICE.—

(A) IN GENERAL.—Subject to subparagraph (B), the term “service” has the meaning given the term by the Director of the Office of Management and Budget.

(B) REQUIREMENTS.—For purposes of subparagraph (A), the term “service” shall be limited to activities, assistance, or other aid that provides a direct benefit to a recipient, such as—

(i) the provision of technical assistance;

(ii) assistance for housing or tuition;

or

(iii) financial support (including grants, loans, tax credits, and tax deductions).

1 **SEC. 3. EVALUATION AND CONSOLIDATION OF DUPLICA-**
2 **TIVE GREEN BUILDING PROGRAMS WITHIN**
3 **THE DEPARTMENT OF ENERGY.**

4 (a) REPORT.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Secretary
7 shall submit to Congress and make available on the
8 public Internet website of the Department of Energy
9 a report that describes the outcomes of all applicable
10 programs.

11 (2) REQUIREMENTS.—In preparing the report
12 under paragraph (1), the Secretary shall—

13 (A) determine the total administrative ex-
14 penses of each applicable program;

15 (B) determine the expenditures for services
16 for each applicable program;

17 (C) estimate the number of—

18 (i) clients served by each applicable
19 program; and

20 (ii) beneficiaries who received services
21 under the applicable program (if applica-
22 ble);

23 (D) estimate—

24 (i) the number of full-time employees
25 who administer each applicable program;
26 and

1 (ii) the number of full-time equiva-
2 lents (the salary of whom is paid in part
3 or full by the Federal Government through
4 a grant or contract, a subaward of a grant
5 or contract, a cooperative agreement, or
6 another form of financial award or assist-
7 ance) who assist in administering the ap-
8 plicable program;

9 (E) describe the type of services each ap-
10 plicable program provides, such as grants, tech-
11 nical assistance, loans, tax credits, or tax de-
12 ductions;

13 (F) describe the type of recipient who ben-
14 efits from the services provided under the appli-
15 cable program, such as individual property own-
16 ers or renters, local governments, businesses,
17 nonprofit organizations, or State governments;
18 and

19 (G) identify whether written program goals
20 are available for each applicable program.

21 (b) RECOMMENDATIONS.—Not later than 1 year
22 after the date of enactment of this Act, the Secretary shall
23 submit to Congress a report that includes—

24 (1) an analysis of whether any applicable pro-
25 gram should be eliminated or consolidated, including

1 any legislative changes that would be necessary to
 2 eliminate or consolidate applicable programs; and

3 (2) methods to improve the applicable programs
 4 by establishing program goals or increasing collabo-
 5 ration to reduce the overlap and duplication identi-
 6 fied in—

7 (A) the 2011 report of the Government Ac-
 8 countability Office entitled “Federal Initiatives
 9 for the Nonfederal Sector Could Benefit from
 10 More Interagency Collaboration”; and

11 (B) the report of the Government Account-
 12 ability Office entitled “2012 Annual Report:
 13 Opportunities to Reduce Duplication, Overlap
 14 and Fragmentation, Achieve Savings, and En-
 15 hance Revenue”.

16 (c) ANALYSES.—Not later than 1 year after the date
 17 of enactment of this Act, the Secretary shall identify—

18 (1) which applicable programs were specifically
 19 authorized by Congress; and

20 (2) which applicable programs are carried out
 21 solely under the discretionary authority of the Sec-
 22 retary.

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