

Congress of the United States
Washington, DC 20515

January 26, 2021

The Honorable Gene L. Dodaro
Comptroller General
United States Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Comptroller Dodaro:

We are writing today to request that the Government Accountability Office (GAO) investigate federal agency noncompliance with evaluation and implementation of energy and water efficiency measures at federal facilities in order to improve government-wide building performance and reduce federal greenhouse gas emissions.

Building energy use accounts for about 32 percent of total U.S. greenhouse gas emissions.¹ Thus, decarbonizing the building sector will be critical to achieving economy-wide net-zero emissions and staving off the worst impacts of the climate crisis.

As the largest building manager in the country, the federal government should provide leadership by increasing energy efficiency and reducing associated emissions from the federal building stock, and Congress has acknowledged this role in statute.

To improve energy and water efficiency in federal buildings, Section 432 of the Energy Independence and Security Act of 2007 (EISA) (42 U.S.C. 8253(f)) requires federal agencies to undertake several measures, including:

- designating facility energy managers;
- completing comprehensive energy and water evaluations;
- implementing identified energy and water efficiency measures;
- following-up on implemented measures;
- benchmarking federal facility energy use; and
- tracking and scoring agency compliance.²

¹ Environmental Protection Agency, *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990 – 2018* (online at www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks-1990-2018) (accessed Jan. 2021).

² 42 U.S.C. § 8253.

The Federal Energy Management Program at the Department of Energy maintains an online EISA 432 Compliance Tracking System,³ and the Office of Management and Budget provides annual scorecards on federal agency energy performance.⁴

According to the federal government's own reporting, the vast majority of covered federal facilities are not in compliance with EISA Section 432.

Only 21 percent have undergone comprehensive energy and water evaluations, only 12 percent are benchmarked, and reductions in government-wide building energy intensity has stagnated over the last four years.

Given the gaps in compliance and lack of implementation of identified efficiency measures, we ask GAO to investigate the following:

1. What are the barriers to agency compliance with requirements of Section 432 of EISA—including conducting energy and water evaluations under (f)(3), follow-up on implemented measures under (f)(5), reporting under (f)(7), and benchmarking under (f)(8)—and agency implementation of cost-effective measures under (f)(4)?
2. To what extent have agencies identified resources, including staffing and funding, needed to comply, and to what extent have they allocated such resources?
3. What process and criteria do agencies use to determine when to exempt facilities from reporting requirements, and to what extent have agencies demonstrated national security risks or other reasons for exemptions?
4. What best practices are used by agencies with above-average compliance rates?
5. What best practices are used by agencies to assure and track effectiveness of implemented energy conservation measures, including projects using performance contracts and those using traditional contracts or agency implementation?
6. To what extent are there differences in implementation of energy conservation measures and in effectiveness of implemented measures by the type of measure?

Thank you for your consideration of this timely issue. If you have any questions, please contact Fatima Maria Ahmad with the House Select Committee on the Climate Crisis at (202) 225-1106; Emily Burns with the House Committee on Oversight and Reform at (202) 225-5051; and Tuley Wright with the House Committee on Energy and Commerce at (202) 225-2927.

³ Department of Energy, *FEMP EISA 432 Compliance Tracking System* (online at <https://ctsedweb.ee.doe.gov/CTSDDataAnalysis/ComplianceOverview.aspx>) (accessed Jan. 2021).

⁴ Council on Environmental Quality, *Federal Government-Wide Performance Data* (online at www.sustainability.gov/performance.html) (accessed Jan. 2021).

Sincerely,



Kathy Castor
Chair
Select Committee on the Climate Crisis



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Frank Pallone, Jr.
Chairman
Committee on Energy and Commerce



Bobby L. Rush
Chairman
Subcommittee on Energy
Committee on Energy and Commerce