

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2689
OFFERED BY MR. GARDNER OF COLORADO AND
MR. WELCH OF VERMONT**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Energy Savings
3 Through Public-Private Partnerships Act of 2014”.

4 SEC. 2. FINDINGS.

5 Congress finds the following:

6 (1) Private sector funding and expertise can
7 help address the energy efficiency challenges facing
8 the United States.

9 (2) The Federal Government spends more than
10 \$6 billion annually in energy costs.

11 (3) Reducing Federal energy costs can help
12 save money, create jobs, and reduce waste.

13 (4) Energy savings performance contracts and
14 utility energy service contracts are tools for utilizing
15 private sector investment to upgrade Federal facili-
16 ties without any up-front cost to the taxpayer.

1 (5) Performance contracting is a way to retrofit
2 Federal buildings using private sector investment in
3 the absence of appropriated dollars.

4 (6) Retrofits that reduce energy use also im-
5 prove infrastructure, protect national security, and
6 cut facility operations and maintenance costs.

7 **SEC. 3. USE OF ENERGY AND WATER EFFICIENCY MEAS-**
8 **URES IN FEDERAL BUILDINGS.**

9 (a) **ENERGY MANAGEMENT REQUIREMENTS.**—Sec-
10 tion 543(f)(4) of the National Energy Conservation Policy
11 Act (42 U.S.C. 8253(f)(4)) is amended—

12 (1) by redesignating subparagraphs (A) and
13 (B) as clauses (i) and (ii), respectively;

14 (2) by striking “Not later than” and inserting
15 the following:

16 “(A) **IN GENERAL.**—Not later than”; and

17 (3) by adding at the end the following new sub-
18 paragraph:

19 “(B) **MEASURES NOT IMPLEMENTED.**—

20 Each energy manager, as part of the certifi-
21 cation system under paragraph (7) and using
22 guidelines developed by the Secretary, shall pro-
23 vide an explanation regarding any life-cycle
24 cost-effective measures described in subpara-
25 graph (A)(i) that have not been implemented.”.

1 (b) REPORTS.—Section 548(b) of the National En-
2 ergy Conservation Policy Act (42 U.S.C. 8258(b)) is
3 amended—

4 (1) in paragraph (3), by striking “and” at the
5 end;

6 (2) in paragraph (4), by striking the period at
7 the end and inserting “; and”; and

8 (3) by adding at the end the following new
9 paragraph:

10 “(5) the status of each agency’s energy savings
11 performance contracts and utility energy service con-
12 tracts, the investment value of such contracts, the
13 guaranteed energy savings for the previous year as
14 compared to the actual energy savings for the pre-
15 vious year, the plan for entering into such contracts
16 in the coming year, and information explaining why
17 any previously submitted plans for such contracts
18 were not implemented.”.

19 (c) FEDERAL ENERGY MANAGEMENT DEFINI-
20 TIONS.—Section 551(4) of the National Energy Conserva-
21 tion Policy Act (42 U.S.C. 8259(4)) is amended by strik-
22 ing “or retrofit activities” and inserting “retrofit activi-
23 ties, or energy consuming devices and required support
24 structures”.

1 (d) AUTHORITY TO ENTER INTO CONTRACTS.—Sec-
2 tion 801(a)(2)(F) of the National Energy Conservation
3 Policy Act (42 U.S.C. 8287(a)(2)(F)) is amended—

4 (1) in clause (i), by striking “or” at the end;

5 (2) in clause (ii), by striking the period at the
6 end and inserting “; or”; and

7 (3) by adding at the end the following new
8 clause:

9 “(iii) limit the recognition of oper-
10 ation and maintenance savings associated
11 with systems modernized or replaced with
12 the implementation of energy conservation
13 measures, water conservation measures, or
14 any series of energy conservation measures
15 and water conservation measures.”.

16 (e) MISCELLANEOUS AUTHORITY.—Section 801(a) of
17 the National Energy Conservation Policy Act (42 U.S.C.
18 8287(a)) is amended by adding at the end the following:

19 “(H) MISCELLANEOUS AUTHORITY.—Not-
20 withstanding any other provision of law, a Fed-
21 eral agency may sell or transfer energy savings
22 and apply the proceeds of such sale or transfer
23 to fund a contract under this title.”.

24 (f) PAYMENT OF COSTS.—Section 802 of the Na-
25 tional Energy Conservation Policy Act (42 U.S.C. 8287a)

1 is amended by striking “(and related operation and main-
2 tenance expenses)” and inserting “, including related op-
3 erations and maintenance expenses”.

4 (g) ENERGY SAVINGS PERFORMANCE CONTRACTS
5 DEFINITIONS.—Section 804(2) of the National Energy
6 Conservation Policy Act (42 U.S.C. 8287c(2)) is amend-
7 ed—

8 (1) in subparagraph (A), by striking “federally
9 owned building or buildings or other federally owned
10 facilities” and inserting “Federal building (as de-
11 fined in section 551 (42 U.S.C. 8259))” each place
12 it appears;

13 (2) in subparagraph (C) , by striking “; and”
14 and inserting a semicolon;

15 (3) in subparagraph (D), by striking the period
16 at the end and inserting a semicolon; and

17 (4) by adding at the end the following new sub-
18 paragraphs:

19 “(E) the use, sale, or transfer of energy in-
20 centives, rebates, or credits (including renew-
21 able energy credits) from Federal, State, or
22 local governments or utilities; and

23 “(F) any revenue generated from a reduc-
24 tion in energy or water use, more efficient

1 waste recycling, or additional energy generated
2 from more efficient equipment.”.

