

113TH CONGRESS
1ST SESSION

H. R. 2689

To amend the National Energy Conservation Policy Act to encourage the increased use of performance contracting in Federal facilities.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2013

Mr. GARDNER (for himself, Mr. WELCH, Mr. COFFMAN, Mrs. ROBY, Mr. KINZINGER of Illinois, Mr. MATHESON, Mr. GRIFFIN of Arkansas, Ms. KUSTER, Ms. BORDALLO, Mr. PETERS of California, Mr. HUFFMAN, Mr. BERA of California, Mr. NOLAN, Mr. LOWENTHAL, Mr. MCNERNEY, Mr. YOUNG of Indiana, Mr. MORAN, Mr. SCHRADER, Mr. BLUMENAUER, Mr. MAFFEI, Mr. LOEBSACK, Mr. COOPER, Mr. BISHOP of Georgia, Mr. CICILLINE, Mr. SEAN PATRICK MALONEY of New York, and Mr. OWENS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the National Energy Conservation Policy Act to encourage the increased use of performance contracting in Federal facilities.

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 “Energy Savings
5 Through Public-Private Partnerships Act of 2013”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Private sector funding and expertise can
4 help address the energy efficiency challenges facing
5 the United States.

6 (2) The Federal Government spends more than
7 \$6 billion annually in energy costs.

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

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

14 (5) Performance contracting is a way to retrofit
15 Federal buildings using private sector investment in
16 the absence of appropriated dollars. Retrofits seek to
17 reduce energy use, improve infrastructure, protect
18 national security, and cut facility operations and
19 maintenance costs.

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

22 (a) IMPLEMENTATION OF IDENTIFIED ENERGY AND
23 WATER EFFICIENCY MEASURES.—Section 543(f)(4) of
24 the National Energy Conservation Policy Act (42 U.S.C.
25 8253(f)(4)) is amended to read as follows:

1 “(4) IMPLEMENTATION OF IDENTIFIED ENERGY
2 AND WATER EFFICIENCY MEASURES.—

3 “(A) IN GENERAL.—Not later than 2 years
4 after the completion of each evaluation under
5 paragraph (3), each energy manager shall con-
6 sider—

7 “(i) implementing any energy- or
8 water-saving or conservation measure that
9 the Federal agency identified in the evalua-
10 tion conducted under paragraph (3) that is
11 life cycle cost-effective; and

12 “(ii) bundling individual measures of
13 varying paybacks together into combined
14 projects.

15 “(B) MEASURES NOT IMPLEMENTED.—
16 The energy manager, as part of the certification
17 system under paragraph (7) and using guide-
18 lines developed by the Secretary, shall provide
19 reasons for not implementing any life cycle
20 cost-effective measures under subparagraph
21 (A).”.

22 (b) ANNUAL CONTRACTING GOAL.—Section
23 543(f)(10)(C) of the National Energy Conservation Policy
24 Act (42 U.S.C. 8253(f)(10)(C)) is amended—

1 (1) by striking “Each Federal agency” and in-
2 serting the following:

3 “(i) IN GENERAL.—Each Federal
4 agency”; and

5 (2) by adding at the end the following new
6 clauses:

7 “(ii) TRACKING.—Each Federal agen-
8 cy shall use the benchmarking systems se-
9 lected or developed for the agency under
10 paragraph (8) to track energy savings real-
11 ized by the agency through the implemen-
12 tation of energy- or water-saving or con-
13 servation measures pursuant to paragraph
14 (4), and shall submit information regard-
15 ing such savings to the Secretary to be
16 published on a public website of the De-
17 partment of Energy.

18 “(iii) CONSIDERATION.—Each Federal
19 agency shall consider using energy savings
20 performance contracts or utility energy
21 service contracts to implement energy- or
22 water-saving or conservation measures pur-
23 suant to paragraph (4).

24 “(iv) CONTRACTING GOAL.—It shall
25 be the goal of the Federal Government, in

1 the implementation of energy- or water-
2 saving or conservation measures pursuant
3 to paragraph (4), to enter into energy sav-
4 ings performance contracts or utility en-
5 ergy service contracts equal to
6 \$1,000,000,000 in each year during the 5-
7 year period beginning on January 1, 2014.

8 “(v) REPORT TO CONGRESS.—Not
9 later than September 30 of each year dur-
10 ing the 5-year period referred to in clause
11 (iv), each Federal agency shall submit to
12 the Secretary information regarding
13 progress made by the agency towards
14 achieving the goal described in such clause.
15 Not later than 60 days after each such
16 September 30, the Secretary, acting
17 through the Federal Energy Management
18 Program, shall submit to the Committee
19 on Energy and Commerce of the House of
20 Representatives and the Committee on En-
21 ergy and Natural Resources of the Senate
22 a report describing the progress made by
23 the Federal Government towards achieving
24 such goal.”.

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