
IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2020

Mr. Welch (for himself, Mr. Kinzinger, and Mr. Moulton) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL


Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Energy and Water Management Performance Act of 2020”.

SEC. 2. ENERGY AND WATER PERFORMANCE REQUIRE-
MENT FOR FEDERAL BUILDINGS.

(a) In General.—Section 543 of the National En-
ergy Conservation Policy Act (42 U.S.C. 8253) is amend-
ed—

(1) in the section heading, by inserting “AND
WATER” after “ENERGY”;

(2) in subsection (a)—

(A) in the subsection heading, by inserting
“AND WATER” after “ENERGY”;

(B) by striking paragraph (1) and insert-
ing the following:

“(1) IN GENERAL.—Subject to paragraph (2),
the head of each Federal agency shall—

“(A) for each of fiscal years 2020 through
2030, reduce average building energy intensity
(as measured in British thermal units per gross
square foot) at facilities of the agency by 2.5
percent each fiscal year relative to the average
building energy intensity of the facilities of the
agency in fiscal year 2018;

“(B) for each of fiscal years 2020 through
2030, improve water use efficiency and manage-
ment, including stormwater management, at fa-
cilities of the agency by reducing agency water
consumption intensity—
“(i) by reducing the potable water consumption by 54 percent by fiscal year 2030, relative to the potable water consumption of the agency in fiscal year 2007, through reductions of 2 percent each fiscal year (as measured in gallons per gross square foot);

“(ii) by reducing the industrial, landscaping, and agricultural water consumption of the agency, as compared to a baseline of that consumption by the agency in fiscal year 2010, through reductions of 2 percent each fiscal year (as measured in gallons); and

“(iii) by installing appropriate infrastructure features on federally owned property to improve stormwater and wastewater management; and

“(C) to the maximum extent practicable, in carrying out subparagraphs (A) and (B), take measures that are life cycle cost effective (as defined in subsection (f)(1)).”;

(C) in paragraph (2)—

(i) by striking “(2) An agency” and inserting the following:
“(2) Energy and water intensive building
exclusion.—An agency”; and

(ii) in the first sentence, by inserting
“and water” after “energy” each place it
appears; and

(D) by striking paragraph (3) and insert-
ing the following:

“(3) Recommendations.—Not later than De-
cember 31, 2029, the Secretary shall—

“(A) review the results of the implementa-
tion of the energy and water performance re-
quirements established under paragraph (1);
and

“(B) submit to Congress recommendations
concerning energy and water performance re-
quirements for fiscal years 2031 through
2040.”;

(3) in subsection (b)—

(A) in the subsection heading, by inserting
“AND WATER” after “ENERGY”; and

(B) by striking paragraph (1) and insert-
ing the following:

“(1) In general.—Each agency shall—

“(A) not later than October 1, 2020, to
the maximum extent practicable, begin install-
ing in Federal buildings owned by the United States all energy and water conservation measures determined by the Secretary to be life cycle cost effective (as defined in subsection (f)(1)); and

“(B) complete the installation described in subparagraph (A) as soon as practicable after the date referred to in that subparagraph.”;

(4) in subsection (c)(1)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “An agency” and inserting “The head of each agency”; and

(ii) by inserting “or water” after “energy” each place it appears; and

(B) in subparagraph (B)(i), by inserting “or water” after “energy”;  

(5) in subsection (d)(2), by inserting “and water” after “energy”;

(6) in subsection (c)—

(A) in the subsection heading, by inserting “AND WATER” after “ENERGY”;  

(B) in paragraph (1)—

(i) in the first sentence—
(I) by striking “October 1, 2012” and inserting “October 1, 2020”;

(II) by inserting “and water” after “energy”; and

(III) by inserting “and water” after “electricity”; (ii) in the second sentence, by inserting “and water” after “electricity”; and (iii) in the fourth sentence, by inserting “and water” after “energy”;

(C) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “and” before “Federal”; and

(II) by inserting “and any other person the Secretary deems necessary,” before “shall”; (ii) in subparagraph (B)—

(I) by amending clause (i)(II) to read as follows:

“(II) the extent to which metering is expected to result in increased potential for energy and water management, increased potential for energy and water savings, energy and
water efficiency improvements, and
cost, energy, and water savings due to
utility contract aggregation; and”.

(II) in clause (ii), by inserting
“and water” after “energy”; and

(III) in clause (iv), by inserting
“and water” after “energy”; and

(iii) by adding at the end the fol-
lowing:

“(C) UPDATE.—Not later than 180 days
after the date of enactment of this subpar-
graph, the Secretary shall update the guidelines
established under subparagraph (A) to take into
account water efficiency requirements under
this section.”;

(D) in paragraph (3), in the matter pre-
ceding subparagraph (A), by striking “estab-
lished under paragraph (2)” and inserting “up-
dated under paragraph (2)(C)”;

(E) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking “this paragraph”
and inserting “the Federal Energy
and Water Management Performance
Act of 2020”; and
(II) by inserting “and water” before “use in”; and

(ii) in subparagraph (B)(ii), in the matter preceding clause (I), by inserting “and water” after “energy”;

(7) in subsection (f)—

(A) in paragraph (1)(B)(i)(II), by inserting “and water” after “energy”;

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting “and water” before “use”; and

(ii) in subparagraph (B)—

(I) by striking “energy” before “efficiency”; and

(II) by inserting “or water” before “use”;

(C) in paragraph (7)(B)(ii)(II), by inserting “and water” after “energy”; and

(D) in paragraph (9)(A), in the matter preceding clause (i), by inserting “and water” after “energy”; and

(8) in subsection (g)(1), by striking “energy efficient” and inserting “energy and water efficient”.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act
(Public Law 95–619; 92 Stat. 3206) is amended by striking the item relating to section 543 and inserting the following:

"Sec. 543. Energy and water management requirements."

SEC. 3. FEDERAL ENERGY MANAGEMENT PROGRAM.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

"(h) FEDERAL ENERGY MANAGEMENT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall carry out a program, to be known as the ‘Federal Energy Management Program’ (referred to in this subsection as the ‘Program’), to facilitate the implementation by the Federal Government of cost-effective energy and water management and energy-related investment practices—

"(A) to coordinate and strengthen Federal energy and water resilience; and

"(B) to promote environmental stewardship.

"(2) PROGRAM ACTIVITIES.—

"(A) STRATEGIC PLANNING AND TECHNICAL ASSISTANCE.—Under the Program, the Federal Director appointed under paragraph (3)(A) (referred to in this subsection as the ‘Federal Director’) shall—
“(i) provide technical assistance and project implementation support and guidance to Federal agencies to identify, implement, procure, and track energy and water conservation measures required under this Act and under other provisions of law (including regulations);

“(ii) in coordination with the Administrator of the General Services Administration, establish appropriate procedures, methods, and best practices for use by Federal agencies to select, monitor, and terminate contracts entered into under section 546 with utilities;

“(iii) in coordination with the Federal Acquisition Regulatory Council, establish appropriate procedures, methods, and best practices for use by Federal agencies to select, monitor, and terminate contracts entered into under section 801 with energy service contractors and utilities;

“(iv) establish and maintain internet-based information resources and project tracking systems and tools for energy and water management;
“(v) coordinate comprehensive and strategic approaches to energy and water resilience planning for Federal agencies; and

“(vi) establish a recognition program for Federal achievement in energy and water management, energy-related investment practices, environmental stewardship, and other relevant areas, through events such as individual recognition award ceremonies and public announcements.

“(B) ENERGY AND WATER MANAGEMENT AND REPORTING.—Under the Program, the Federal Director shall—

“(i) track and report on the progress of Federal agencies in meeting the requirements of the agency under this section;

“(ii) make publicly available annual Federal agency performance data required under—

“(I) this section and sections 544 through 548; and

“(II) section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852);
“(iii)(I) collect energy and water use and consumption data from each Federal agency; and

“(II) based on that data, submit to each Federal agency a report that will facilitate the energy and water management, energy-related investment practices, and environmental stewardship of the agency in support of Federal goals under this Act and under other provisions of law (including regulations);

“(iv)(I) establish new Federal building energy efficiency standards; and

“(II) in consultation with the Administrator of the General Services Administration, acting through the head of the Office of High-Performance Green Buildings, establish and implement Federal building sustainable design principles for Federal facilities;

“(v) manage the implementation of Federal building energy efficiency standards established under section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834); and
“(vi) designate products that meet the highest energy conservation standards for categories not covered under the Energy Star program established under section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a).

“(C) FEDERAL POLICY COORDINATION.—

Under the Program, the Federal Director shall—

“(i) develop and implement accredited training consistent with existing Federal programs and activities—

“(I) relating to energy and water use, management, and resilience in Federal buildings, energy-related investment practices, and environmental stewardship; and

“(II) that includes in-person training, internet-based programs, and national in-person training events;

“(ii) coordinate and facilitate energy and water management, energy-related investment practices, and environmental stewardship through the Interagency En-
ergy Management Task Force established
under section 547; and

“(iii) report on the implementation of
the priorities of the President, including
Executive orders, relating to energy and
water use in Federal buildings, in coordi-
nation with—

“(I) the Office of Management
and Budget;

“(II) the Council on Environ-
mental Quality; and

“(III) any other entity, as consid-
ered necessary by the Federal Direc-
tor.

“(D) FACILITY AND FLEET OPTIMIZA-
TION.—Under the Program, the Federal Direc-
tor shall develop guidance, supply assistance to,
and track the progress of Federal agencies—

“(i) in conducting portfolio-wide facil-
ity energy and water resilience planning
and project integration;

“(ii) in building new construction and
major renovations to meet the sustainable
design and energy and water performance
standards required under this section;
“(iii) in developing guidelines for—

“(I) building commissioning; and

“(II) facility operations and maintenance; and

“(iv) in coordination with the Administrator of the General Services Administration, in meeting statutory and agency goals for Federal fleet vehicles.

“(3) FEDERAL DIRECTOR.—

“(A) APPOINTMENT.—The Secretary shall appoint an individual to serve as Federal Director of the Program, which shall be a career position in the Senior Executive service, to manage the Program and carry out the activities of the Program described in paragraph (2).

“(B) DUTIES.—The Federal Director shall—

“(i) oversee, manage, and administer the Program;

“(ii) provide leadership in energy and water management, energy-related investment practices, and environmental stewardship through coordination with Federal agencies and other appropriate entities; and
“(iii) establish a management council to advise the Federal Director that shall—

“(I) convene not less frequently than once every quarter; and

“(II) consist of representatives from—

“(aa) the Council on Environmental Quality;

“(bb) the Office of Management and Budget; and

“(cc) the Office of Federal High-Performance Green Buildings in the General Services Administration.

“(4) SAVINGS CLAUSE.—Nothing in this subsection impedes, supersedes, or alters the authority of the Secretary to carry out the remainder of this section or section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834).

“(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $36,000,000 for each of fiscal years 2020 through 2024.”.