

AMENDMENT TO RULES COMMITTEE PRINT 116-

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OFFERED BY MR. CASTEN OF ILLINOIS

Page 1115, after line 5, insert the following:

1 **SEC. 1762. RESILIENCY AND SUSTAINABILITY GOALS FOR**
2 **THE DEPARTMENT OF DEFENSE.**

3 (a) IN GENERAL.—For fiscal year 2021 and any sub-
4 sequent fiscal year, the Secretary of Defense shall—

5 (1) reduce energy intensity (measured in Brit-
6 ish thermal unites per gross square foot) in build-
7 ings of the Department by 2.5 percent annually
8 through the end of fiscal year 2027, relative to the
9 baseline energy use in buildings of the Department
10 in 2008 by implementing efficiency measures.

11 (2) improve data center energy efficiency at De-
12 partment facilities by—

13 (A) ensuring the chief information officer
14 of the Department promotes energy optimiza-
15 tion, efficiency, and performance in data cen-
16 ters;

17 (B) installing and monitoring advanced en-
18 ergy meters in all data centers by 2023; and

1 (C) establishing a power usage effective-
2 ness target of 1.2 to 1.4 for new data centers
3 and less than 1.5 for existing data centers;

4 (3) ensure that electric energy and thermal en-
5 ergy in Department buildings are comprised of clean
6 energy, in amounts—

7 (A) not less than 28 percent for fiscal
8 years 2028 and 2029;

9 (B) not less than 33 percent for fiscal
10 years 2030 and 2031;

11 (C) not less than 37 percent for fiscal
12 years 2032 and 2033;

13 (D) not less than 39 percent for fiscal
14 years 2034 and 2035;

15 (E) not less than 42 percent for fiscal
16 years 2036 and 2037; and

17 (F) not less than 45 percent for fiscal year
18 2038 and each year thereafter;

19 (4) ensure that the percentage of the total
20 amount of electric energy consumed by the Depart-
21 ment that is clean energy is—

22 (A) not less than 28 percent for fiscal year
23 2025;

24 (B) not less than 30 percent for fiscal
25 years 2026 and 2027;

1 (C) not less than 33 percent for fiscal
2 years 2028 and 2029;

3 (D) not less than 37 percent for fiscal
4 years 2030 and 2031;

5 (E) not less than 40 percent for fiscal
6 years 2032 and 2033;

7 (F) not less than 43 percent for fiscal
8 years 2034 and 2035;

9 (G) not less than 46 percent for fiscal
10 years 2036 and 2037; and

11 (H) not less than 50 percent for fiscal year
12 2038 and each year thereafter;

13 (5) ensure that all clean energy capacity added
14 between 2021 and 2040 comes from sources based
15 on projects that are not in operation as of the date
16 of the installation or signing of any financial agree-
17 ment for the purchase of the clean electric or ther-
18 mal energy;

19 (6) include in the electric energy portion of the
20 clean energy requirements established in paragraphs
21 (3) and (4), and retain all renewable energy certifi-
22 cates and clean energy attributes for, clean electric
23 energy associated with—

24 (A) installing clean energy on site at De-
25 partment facilities;

1 (B) contracting for the purchase of energy,
2 which includes—

3 (i) the installation of renewable en-
4 ergy on site at a Department facility or off
5 site from a Department facility; and

6 (ii) the installation of clean energy op-
7 erating or owned by a third party on site
8 of a Department facility that is directly
9 serving local loads, and for which the facil-
10 ity has a commitment to procure, for a
11 contract period of not less than 10 years
12 and up to a period of 40 years, the lesser
13 of—

14 (I) 100 percent of clean energy
15 asset output; or

16 (II) 100 percent of facility energy
17 needs; and

18 (iii) a contract for differences with a
19 minimum off-take period of 10 years, and
20 up to a period of 40 years, for the installa-
21 tion of clean energy not physically located
22 on site at a Department facility nor elec-
23 trically connected to the facility, for which
24 the department agrees to procure the en-
25 ergy (in MWh), as well as corresponding

1 renewable energy certificates, and clean en-
2 ergy attributes, at a defined price for the
3 period of the contract;

4 (7) include, in the thermal electric energy por-
5 tion of the clean energy requirement established in
6 paragraph (3), clean energy associated with—

7 (A) installing thermal clean energy on site
8 at Department facilities and retaining cor-
9 responding renewable and clean attributes; and

10 (B) fulfilling the requirements of the en-
11 ergy policy of the Department as provided in
12 section 2911 of title 10, United States Code;

13 (8) improve water use efficiency and manage-
14 ment, including stormwater management, by—

15 (A) reducing potable water consumption
16 intensity, measured in gallons per gross square
17 foot, by 36 percent by fiscal year 2025 through
18 reductions of 2 percent annually through fiscal
19 year 2025 relative to a baseline of the water
20 consumption of the Department in fiscal year
21 2007;

22 (B) installing water meters and collecting
23 and using building and facility water balance
24 data to improve water conservation and man-
25 agement;

1 (C) reducing the industrial, landscaping,
2 and agricultural water consumption, measured
3 in gallons, by 2 percent annually through fiscal
4 year 2025 relative to a baseline of the indus-
5 trial, landscaping, and agricultural water con-
6 sumption of the Department during fiscal year
7 2010; and

8 (D) installing appropriate green infrastruc-
9 ture features on Department property to help
10 with stormwater and wastewater management;

11 (9) improve building efficiency, performance,
12 and management by—

13 (A) ensuring, for fiscal year 2021 and each
14 subsequent fiscal year, that the new construc-
15 tion of any Department building larger than
16 5,000 gross square feet that enters the plan-
17 ning process is designed to achieve energy net-
18 zero and, water or waste net-zero by fiscal year
19 2035;

20 (B) identifying, beginning in fiscal year
21 2021, as part of the planning requirements of
22 section 3, a percentage of at least 15 percent,
23 measured by number or total square footage, of
24 the existing Department buildings larger than
25 5,000 gross square feet that will, by fiscal year

1 2030, comply with the revised Guiding Prin-
2 ciples for Federal Leadership in High Perform-
3 ance and Sustainable Buildings (Guiding Prin-
4 ciples), and will reach 100 percent conformance
5 with the Guiding Principles for building inven-
6 tory by 2050;

7 (C) identifying, as part of the planning re-
8 quirements of this section, a percentage of the
9 existing buildings of the Department that are
10 larger than 5,000 gross square feet and in-
11 tended to be energy, waste, or water net-zero
12 buildings by fiscal year 2030, and implementing
13 actions that will allow those buildings to meet
14 that target;

15 (D) including in all new Department lease
16 solicitations for buildings or facilities larger
17 than 10,000 rentable square feet—

18 (i) criteria for energy efficiency either
19 as a required performance specification or
20 as a source selection evaluation factor in
21 best-value tradeoff procurements; and

22 (ii) requirements for building lessor
23 disclosure of carbon emission or energy
24 consumption data for any portion of the
25 building occupied by the Department that

1 may be provided by the lessor through sub-
2 metering or estimation from prorated occu-
3 pancy data, whichever is more cost-effec-
4 tive;

5 (E) including in the planning for new
6 buildings or leases cost-effective strategies to
7 optimize sustainable space usage and consider-
8 ation of existing community transportation
9 planning and infrastructure, including access to
10 public transit; and

11 (F) including the incorporation of climate-
12 resilient design and management elements into
13 the operation, repair, and renovation of existing
14 Department buildings and the design of new
15 Department buildings;

16 (10) promote sustainable acquisition and pro-
17 curement by ensuring that environmental perform-
18 ance and sustainability factors are included for all
19 applicable procurements in the planning, award, and
20 execution phases of the acquisition by—

21 (A) preferentially purchasing—

22 (i) recycled content products des-
23 ignated by the Environmental Protection
24 Agency;

1 (ii) energy and water efficient prod-
2 ucts and services identified by the Environ-
3 mental Protection Agency and the Depart-
4 ment of Energy; and

5 (iii) BioPreferred and biobased prod-
6 ucts, as designated by the Department of
7 Agriculture;

8 (B) purchasing sustainable products and
9 services identified by the Environmental Protec-
10 tion Agency;

11 (C) purchasing products or services that—

12 (i) meet or exceed specifications,
13 standards, or labels recommended by the
14 Environmental Protection Agency that
15 have been determined to assist agencies in
16 meeting their needs and further advance
17 sustainable procurement goals; or

18 (ii) meet environmental performance
19 criteria developed or adopted by voluntary
20 consensus standards bodies consistent with
21 section 12(d) of the National Technology
22 Transfer and Advancement Act of 1995
23 (15 U.S.C. 272 note(d));

24 (D) acting, as part of the implementation
25 of planning requirements under section 3, until

1 the Department achieves at least 95 percent
2 compliance with the BioPreferred and biobased
3 purchasing requirement in this paragraph, to—

4 (i) establish annual targets for the
5 number of contracts to be awarded with
6 BioPreferred and biobased criteria and the
7 dollar value of BioPreferred and biobased
8 products to be delivered and reported
9 under those contracts in the following fis-
10 cal year, by considering—

11 (I) the dollar value of designated
12 BioPreferred and biobased products
13 reported in previous years;

14 (II) the specifications reviewed
15 and revised for inclusion of BioPre-
16 ferred and biobased products; and

17 (III) the number of applicable
18 product and service contracts to be
19 awarded, including construction, oper-
20 ations and maintenance, food services,
21 vehicle maintenance, and janitorial
22 services; and

23 (ii) ensure contractors submit timely
24 annual reports on BioPreferred and
25 biobased purchases; and

1 (E) reducing copier and printing paper use
2 and acquiring uncoated printing and writing
3 paper containing at least 30 percent post-con-
4 sumer recycled content or greater; and

5 (11) implement energy savings performance
6 contracts for Department buildings by—

7 (A) using energy savings performance con-
8 tracting as a tool to help meet energy efficiency
9 and management goals while implementing life-
10 cycle cost-effective energy efficiency and clean
11 energy technology and water conservation meas-
12 ures; and

13 (B) providing annual Department targets
14 for performance contracting for energy savings
15 for fiscal year 2021 and subsequent fiscal years
16 as part of the planning requirements of section
17 3.

18 (b) STRATEGIC SUSTAINABILITY PERFORMANCE
19 PLAN.—For each of fiscal years 2021 through 2040, the
20 Secretary of Defense shall develop, implement, and annu-
21 ally update an integrated Strategic Sustainability Per-
22 formance Plan for the Department. Not later than 180
23 days before the end of the fiscal year, each year the Sec-
24 retary shall submit to Congress the plan for the Depart-
25 ment for the subsequent fiscal year. Each such plan shall

1 be made publicly available on the website of the Depart-
2 ment.

3 (c) LIMITATIONS.—This section shall apply with re-
4 spect to activities, personnel, resources, and facilities of
5 the Department that are located within the United States.
6 The Secretary of Defense may provide that this section
7 shall apply in whole or in part with respect to the activi-
8 ties, personnel, resources, and facilities of the Department
9 that are not located within the United States, if the Sec-
10 retary determines that such application is in the interest
11 of the United States.

12 (d) WAIVER AUTHORITY.—

13 (1) IN GENERAL.—The Secretary of Defense
14 may waive the requirements of this section with re-
15 spect to a particular activity or facility of the De-
16 partment if the Secretary determines such a waiver
17 is in the national security interests of the United
18 States.

19 (2) NOTICE.—Not later than 30 days after the
20 Secretary issues a waiver under subsection (a), the
21 Secretary shall submit to the chair and ranking
22 member of the Committees on Armed Services of the
23 Senate and House of Representatives notice of the
24 waiver and the reason for the waiver.

25 (e) DEFINITIONS.—In this section:

1 (1) The term “advanced energy meters” mean
2 those energy meters that meet the requirements for
3 certification as defined by the Leadership in Energy
4 and Environmental Design (LEED) program as
5 maintained by the U.S. Green Building Council
6 (USGBC).

7 (2) The term “average greenhouse gas intensity
8 of power generation on the United States electric
9 grid” means the total net greenhouse gas emissions
10 from the electricity sector in the previous fiscal year
11 as measured in carbon dioxide equivalents and deter-
12 mined by the Energy Information Administration in
13 consultation with the Environmental Protection
14 Agency, divided by the national net power generation
15 over the same period as determined by the Energy
16 Information Administration.

17 (3) The term “best-value tradeoff procure-
18 ments” means a process by which the Government
19 considers whether it is in the best interest of the
20 Government to award a contract to an entity other
21 than the lowest price offeror or other than the high-
22 est technically rated offeror based on established
23 evaluation factors.

24 (4) The term “clean energy” means any energy
25 produced by a generation project that is at least 50

1 percent less greenhouse gas intensive on a marginal
2 basis as measured by carbon dioxide equivalents per
3 megawatt-hour than the average greenhouse gas in-
4 tensity of power generation on the United States
5 electric grid over the previous fiscal year at the time
6 of contracting.

7 (5) The term “clean energy attributes” means
8 the technology and non-energy attributes that rep-
9 resent proof that 1 megawatt-hour of electricity was
10 generated from an eligible clean energy resource,
11 that can be sold separately from the underlying ge-
12 neric electricity with which they are associated by
13 sources of clean energy placed into service within 10
14 years prior to the start of the fiscal year.

15 (6) The term “climate resilient design” means
16 to design assets to prepare for, withstand, respond
17 to, or quickly recover from disruptions due to severe
18 weather events and climate change for the intended
19 life of the asset.

20 (7) The term “Department facility” means any
21 building or collection of buildings, grounds, or struc-
22 tures, as well as any fixture or part thereof, which
23 is owned by the Department of Defense or that is
24 held by the Department under a lease-acquisition
25 agreement under which the Department will receive

1 fee simple title under the terms of such agreement
2 without further negotiation.

3 (8) The term “energy net zero” means a build-
4 ing where the total energy used by the building on
5 an annual basis is equal to the amount of clean en-
6 ergy created in site.

7 (9) The term “equal value replacement renew-
8 able energy certificates” means a quantity of renew-
9 able energy certificates equal to the number of
10 megawatt-hours of clean electricity generated from
11 an eligible renewable energy resource.

12 (10) The term “greenhouse gas” means carbon
13 dioxide, methane, nitrous oxide, hydrofluorocarbons,
14 perfluorocarbons, nitrogen trifluoride, sulfur
15 hexafluoride, and any other substance so identified
16 by the Administrator of the Environmental Protec-
17 tion Agency.

18 (11) The term “greenhouse gas intensity on a
19 marginal basis” means the marginal fossil fuel use
20 multiplied by the lower heating value of the fossil
21 fuel, as defined by the Energy Information Adminis-
22 tration, multiplied by the carbon dioxide emissions
23 coefficients of the fossil fuel, as defined by the En-
24 ergy Information Administration. If a project uses

1 no fossil fuel, the marginal greenhouse gas emissions
2 are defined as zero.

3 (12) The term “green infrastructure features”
4 means features of infrastructure which use natural
5 hydrologic features to manage water and provide en-
6 vironmental and community benefits.

7 (13) The term “life-cycle cost-effective” means
8 the costs of a product, project, or measure during
9 the life of the product, project, or measure are esti-
10 mated to be equal to or less than the current or
11 standard practice or product.

12 (14) The term “marginal greenhouse gas emis-
13 sions” means the marginal fossil fuel use multiplied
14 by the lower heating value of the fossil fuel, as de-
15 fined by the Energy Information Administration,
16 multiplied by the carbon dioxide emissions coeffi-
17 cients of the fossil fuel, as defined by the Energy In-
18 formation Administration. If a project uses no fossil
19 fuel, the marginal greenhouse gas emissions are de-
20 fined as zero.

21 (15) The term “marginal fossil fuel use” means
22 the fossil fuel combusted to produce energy by the
23 project, measured in metric tons per year, minus
24 any existing fossil combustion, measured in metric
25 tons per year, within the same system that is deter-

1 mined by the Administrator of the Environmental
2 Protection Agency in consultation with the Secretary
3 of Energy and Administrator of the Energy Infor-
4 mation Administration to be necessary to the pro-
5 duction of the contracted energy generation and
6 would have been consumed regardless of the addition
7 of the contracted energy generation.

8 (16) The term “energy savings performance
9 contract” means a contract that—

10 (A) provides for the performance of serv-
11 ices for the design, acquisition, installation,
12 testing, and, where appropriate, operation,
13 maintenance, and repair, of an identified energy
14 conservation measure or series of measures at
15 1 or more locations; and

16 (B) with respect to an agency facility that
17 is a public building (as such term is defined in
18 section 3301 of title 40, United States Code),
19 is in compliance with the prospectus require-
20 ments and procedures of section 3307 of title
21 40, United States Code.

22 (17) The term “power usage effectiveness”
23 means the ratio obtained by dividing the total
24 amount of electricity and other power consumed in
25 running a data center by the power consumed by the

1 information and communications technology in the
2 data center.

3 (18) The term “renewable attributes” means
4 the environmental benefits associated with one
5 megawatt-hour of electricity generated from a re-
6 newable energy resource.

7 (19) The term “renewable energy certificate”
8 means the technology and non-energy attributes that
9 represent proof that 1 megawatt-hour of electricity
10 was generated from an eligible renewable energy re-
11 source, that can be sold separately from the under-
12 lying generic electricity with which they are associ-
13 ated and were produced by sources of renewable en-
14 ergy placed into service within 10 years prior to the
15 start of the fiscal year.

16 (20) The term “resiliency” means the ability to
17 maintain or quickly restore functionality or use of
18 applicable infrastructure following a disruptive exter-
19 nal event including, but not limited to, severe
20 storms, extreme heat, flooding, and earthquakes.

21 (21) The term “source selection evaluation fac-
22 tor” means factors an agency uses to determine
23 which of several competing proposals submitted in
24 response to an request for proposal would best meet
25 the agency’s needs.

1 (22) The term “sustainability” means a meas-
2 ure of the ability of a development, infrastructure
3 project, or of general Department operations to meet
4 current operational needs without compromising the
5 ability of future generations to meet these needs
6 through the depletion of strategic resources, long-
7 term environmental harm or pollution, contributing
8 to an unsafe climate, or other any other measures as
9 deemed by the Secretary with consultation from the
10 Administrator of the Environmental Protection
11 Agency and Chair of the Council on Environmental
12 Quality.

13 (23) The term “United States” means the fifty
14 States, the District of Columbia, the Commonwealth
15 of Puerto Rico, Guam, American Samoa, the United
16 States Virgin Islands, and the Northern Mariana Is-
17 lands, and associated territorial waters and airspace.

18 (24) The term “waste net zero” means refers to
19 any building which through the reduction, reuse, re-
20 cycling, composting, or recovery of solid waste
21 streams (with the exception of any hazardous mate-
22 rials or medical waste) results in the elimination of
23 any waste that is sent for disposal to landfills or in-
24 cinerators.

1 (25) The term “water balance” means a com-
2 parison of the water supplied to a defined system to
3 the water consumed by that system in order to iden-
4 tify the proportion of water consumed for specific
5 end-uses and ensure potential water leaks in the sys-
6 tem are addressed.

7 (26) The term “water net zero” means any
8 building which returns water to the original water
9 source such that the annual water consumption is
10 equivalent to the alternative water use plus water re-
11 turned to the original source over the course of a
12 year through practices that minimize total water
13 consumption, maximize alternative water sources,
14 and minimize wastewater discharge from the build-
15 ing.

