AMENDMENT TO
RULES COMMITTEE PRINT 116–54
OFFERED BY MR. WELCH OF VERMONT

In title III of division G, after section 33252, insert the following:

**SEC. 33253. USE OF ENERGY AND WATER EFFICIENCY MEASURES IN FEDERAL BUILDINGS.**

(a) Energy Management Requirements.—Section 543(f)(4) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(4)) is amended—

(1) by striking subparagraph (B);

(2) in the matter preceding subparagraph (A), by striking “may” and all that follows through “the Federal” in subparagraph (A) and inserting the following: “shall implement any energy- or water-saving measure that—

“(i) the Federal”;

(3) in the matter preceding clause (i) (as so designated), by striking “Not later” and inserting the following:

“(A) IN GENERAL.—Not later”;

(4) in subparagraph (A) (as so designated)—
(A) in clause (i), by striking “paragraph (3) that is” and inserting the following: “paragraph (3); and
“(ii) is”;
(B) in clause (ii) (as so designated), by striking “; and” and inserting “, as determined by evaluating an individual measure or a bundle of measures with varying paybacks.”; and
(5) by adding at the end the following:
“(B) PERFORMANCE CONTRACTING.—Each Federal agency shall use performance contracting to address at least ½ of the measures identified under subparagraph (A)(i).”.
(b) REPORTS.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—
(1) in paragraph (3), by striking “and” at the end;
(2) in paragraph (4), by striking the period at the end and inserting “; and”; and
(3) by adding at the end the following:
“(5)(A) the status of the energy savings performance contracts and utility energy service contracts of each agency, to the extent that the infor-
mation is not duplicative of information provided to
the Secretary under a separate authority;

“(B) the quantity and investment value of the
contracts for the previous year;

“(C) the guaranteed energy savings, or for con-
tracts without a guarantee, the estimated energy
savings, for the previous year, as compared to the
measured energy savings for the previous year;

“(D) a forecast of the estimated quantity and
investment value of contracts anticipated in the fol-
lowing year for each agency; and

“(E)(i) a comparison of the information de-
scribed in subparagraph (B) and the forecast de-
scribed in subparagraph (D) in the report of the
previous year; and

“(ii) if applicable, the reasons for any dif-
f erences in the data compared under clause (i).”.

(e) Definition of Energy Conservation Meas-
ures.—Section 551(4) of the National Energy Conserva-
tion Policy Act (42 U.S.C. 8259(4)) is amended by strik-
ing “or retrofit activities” and inserting “retrofit activi-
ties, or energy consuming devices and required support
structures”.
(d) Authority To Enter Into Contracts.—Section 801(a)(2)(F) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(F)) is amended—

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

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

(3) by adding at the end the following:

“(iii) limit the recognition of operation and maintenance savings associated with systems modernized or replaced with the implementation of energy conservation measures, water conservation measures, or any combination of energy conservation measures and water conservation measures.”.

(e) Miscellaneous Authority; Excluded Contracts.—Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) is amended by adding at the end the following:

“(H) Miscellaneous Authority.—Notwithstanding subtitle I of title 40, United States Code, a Federal agency may accept, retain, sell, or transfer, and apply the proceeds of the sale or transfer of, any energy and water incentive, rebate, grid services revenue, or cred-
it (including a renewable energy certificate) to
fund a contract under this title.

“(I) EXCLUDED CONTRACTS.—A contract
entered into under this title may not be for
work performed—

“(i) at a Federal hydroelectric facility
that provides power marketed by a Power
Marketing Administration; or

“(ii) at a hydroelectric facility owned
and operated by the Tennessee Valley Au-
thority established under the Tennessee
Valley Authority Act of 1933 (16 U.S.C.
831 et seq.).”.

(f) PAYMENT OF COSTS.—Section 802 of the Na-
tional Energy Conservation Policy Act (42 U.S.C. 8287a)
is amended by striking “(and related operation and main-
tenance expenses)” and inserting “, including related op-
erations and maintenance expenses”.

(g) DEFINITION OF ENERGY SAVINGS.—Section
804(2) of the National Energy Conservation Policy Act
(42 U.S.C. 8287c(2)) is amended—

(1) in subparagraph (A), by striking “federally
owned building or buildings or other federally owned
facilities” and inserting “Federal building (as de-
defined in section 551)” each place it appears;
(2) in subparagraph (C), by striking ‘‘; and’’ and inserting a semicolon;

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

(4) by adding at the end the following:

“(E) the use, sale, or transfer of any energy and water incentive, rebate, grid services revenue, or credit (including a renewable energy certificate); and

“(F) any revenue generated from a reduction in energy or water use, more efficient waste recycling, or additional energy generated from more efficient equipment.”.