

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:

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

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

6 (1) by striking subparagraph (B);

7 (2) in the matter preceding subparagraph (A),
8 by striking “may” and all that follows through “the
9 Federal” in subparagraph (A) and inserting the fol-
10 lowing: “shall implement any energy- or water-sav-
11 ing measure that—

12 “(i) the Federal”;

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

16 “(A) **IN GENERAL.**—Not later”;

17 (4) in subparagraph (A) (as so designated)—

1 (A) in clause (i), by striking “paragraph
2 (3) that is” and inserting the following: “para-
3 graph (3); and

4 “(ii) is”;

5 (B) in clause (ii) (as so designated), by
6 striking “; and” and inserting “, as determined
7 by evaluating an individual measure or a bundle
8 of measures with varying paybacks.”; and
9 (5) by adding at the end the following:

10 “(B) PERFORMANCE CONTRACTING.—Each
11 Federal agency shall use performance con-
12 tracting to address at least ½ of the measures
13 identified under subparagraph (A)(i).”.

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

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

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

21 (3) by adding at the end the following:

22 “(5)(A) the status of the energy savings per-
23 formance contracts and utility energy service con-
24 tracts of each agency, to the extent that the infor-

1 mation is not duplicative of information provided to
2 the Secretary under a separate authority;

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

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

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

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

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

18 (c) DEFINITION OF ENERGY CONSERVATION MEAS-
19 URES.—Section 551(4) of the National Energy Conserva-
20 tion Policy Act (42 U.S.C. 8259(4)) is amended by strik-
21 ing “or retrofit activities” and inserting “retrofit activi-
22 ties, or energy consuming devices and required support
23 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:

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

16 (e) **MISCELLANEOUS AUTHORITY; EXCLUDED CON-**
17 **TRACTS.**—Section 801(a)(2) of the National Energy Con-
18 servation Policy Act (42 U.S.C. 8287(a)(2)) is amended
19 by adding at the end the following:

20 “(H) **MISCELLANEOUS AUTHORITY.**—Not-
21 withstanding subtitle I of title 40, United
22 States Code, a Federal agency may accept, re-
23 tain, sell, or transfer, and apply the proceeds of
24 the sale or transfer of, any energy and water
25 incentive, rebate, grid services revenue, or cred-

1 it (including a renewable energy certificate) to
2 fund a contract under this title.

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

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

9 “(ii) at a hydroelectric facility owned
10 and operated by the Tennessee Valley Au-
11 thority established under the Tennessee
12 Valley Authority Act of 1933 (16 U.S.C.
13 831 et seq.).”.

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

19 (g) DEFINITION OF ENERGY SAVINGS.—Section
20 804(2) of the National Energy Conservation Policy Act
21 (42 U.S.C. 8287c(2)) is amended—

22 (1) in subparagraph (A), by striking “federally
23 owned building or buildings or other federally owned
24 facilities” and inserting “Federal building (as de-
25 fined in section 551)” each place it appears;

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

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

5 (4) by adding at the end the following:

6 “(E) the use, sale, or transfer of any en-
7 ergy and water incentive, rebate, grid services
8 revenue, or credit (including a renewable energy
9 certificate); and

10 “(F) any revenue generated from a reduc-
11 tion in energy or water use, more efficient
12 waste recycling, or additional energy generated
13 from more efficient equipment.”.

