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(Original Signature of Member)

113TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. GARDNER introduced the following bill; which was referred to the Committee on _____

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”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

4 (2) The Federal Government spends more than
5 \$6 billion annually in energy costs.

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

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

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

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

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

24 “(4) IMPLEMENTATION OF IDENTIFIED ENERGY
25 AND WATER EFFICIENCY MEASURES.—

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

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

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

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

20 (b) ANNUAL CONTRACTING GOAL.—Section
21 543(f)(10)(C) of the National Energy Conservation Policy
22 Act (42 U.S.C. 8253(f)(10)(C)) is amended—

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

1 “(i) IN GENERAL.—Each Federal
2 agency”;

3 (2) by adding at the end the following new
4 clauses:

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

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

22 “(iv) CONTRACTING GOAL.—It shall
23 be the goal of the Federal Government, in
24 the implementation of energy- or water-
25 saving or conservation measures pursuant

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

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