

114TH CONGRESS
1ST SESSION

H. R. 1629

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2015

Mr. KINZINGER of Illinois (for himself and Mr. WELCH) introduced the following bill; which was referred to the Committee on Energy and Commerce

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 2015”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Private sector funding and expertise can
9 help address the energy efficiency challenges facing
10 the United States.

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

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

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

9 (5) Performance contracting is a way to retrofit
10 Federal buildings using private sector investment in
11 the absence of appropriated dollars.

12 (6) Retrofits that reduce energy use also im-
13 prove infrastructure, protect national security, and
14 cut facility operations and maintenance costs.

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

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

20 (1) by redesignating subparagraphs (A) and
21 (B) as clauses (i) and (ii), respectively and by mov-
22 ing the margins 2 ems to the right;

23 (2) by striking “Not later than” and inserting
24 the following:

25 “(A) IN GENERAL.—Not later than”; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(B) MEASURES NOT IMPLEMENTED.—
4 Each energy manager, as part of the certifi-
5 cation system under paragraph (7) and using
6 guidelines developed by the Secretary, shall pro-
7 vide an explanation regarding any life-cycle
8 cost-effective measures described in subpara-
9 graph (A)(i) that have not been implemented.”.

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

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

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

17 (3) by adding at the end the following new
18 paragraph:

19 “(5) the status of each agency’s energy savings
20 performance contracts and utility energy service con-
21 tracts, the investment value of such contracts, the
22 guaranteed energy savings for the previous year as
23 compared to the actual energy savings for the pre-
24 vious year, the plan for entering into such contracts
25 in the coming year, and information explaining why

1 any previously submitted plans for such contracts
2 were not implemented.”.

3 (c) FEDERAL ENERGY MANAGEMENT DEFINI-
4 TIONS.—Section 551(4) of the National Energy Conserva-
5 tion Policy Act (42 U.S.C. 8259(4)) is amended by strik-
6 ing “or retrofit activities” and inserting “retrofit activi-
7 ties, or energy consuming devices and required support
8 structures”.

9 (d) AUTHORITY TO ENTER INTO CONTRACTS.—Sec-
10 tion 801(a)(2)(F) of the National Energy Conservation
11 Policy Act (42 U.S.C. 8287(a)(2)(F)) is amended—

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

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

15 (3) by adding at the end the following new
16 clause:

17 “(iii) limit the recognition of oper-
18 ation and maintenance savings associated
19 with systems modernized or replaced with
20 the implementation of energy conservation
21 measures, water conservation measures, or
22 any series of energy conservation measures
23 and water conservation measures.”.

24 (e) MISCELLANEOUS AUTHORITY.—Section
25 801(a)(2) of the National Energy Conservation Policy Act

1 (42 U.S.C. 8287(a)) is amended by adding at the end the
2 following:

3 “(H) MISCELLANEOUS AUTHORITY.—Not-
4 withstanding any other provision of law, a Fed-
5 eral agency may sell or transfer energy savings
6 and apply the proceeds of such sale or transfer
7 to fund a contract under this title.”.

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

13 (g) ENERGY SAVINGS PERFORMANCE CONTRACTS
14 DEFINITIONS.—Section 804(2) of the National Energy
15 Conservation Policy Act (42 U.S.C. 8287c(2)) is amend-
16 ed—

17 (1) in subparagraph (A), by striking “federally
18 owned building or buildings or other federally owned
19 facilities” and inserting “Federal building (as de-
20 fined in section 551 (42 U.S.C. 8259))” each place
21 it appears;

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

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

1 (4) by adding at the end the following new sub-
2 paragraphs:

3 “(E) the use, sale, or transfer of energy in-
4 centives, rebates, or credits (including renew-
5 able energy credits) from Federal, State, or
6 local governments or utilities; and

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

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