

115TH CONGRESS  
2D SESSION

# S. 3295

To improve energy performance in Federal buildings, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 26, 2018

Mr. HOEVEN (for himself and Mr. MANCHIN) introduced the following bill;  
which was read twice and referred to the Committee on Energy and Nat-  
ural Resources

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## A BILL

To improve energy performance in Federal buildings, and  
for other purposes.

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 “All-of-the-Above Fed-  
5 eral Building Energy Conservation Act of 2018”.

6 **SEC. 2. ENERGY PERFORMANCE REQUIREMENT FOR FED-**  
7 **ERAL BUILDINGS.**

8 Section 543 of the National Energy Conservation  
9 Policy Act (42 U.S.C. 8253) is amended—

10 (1) in subsection (a)—

- 1 (A) in paragraph (1)—
- 2 (i) by inserting “to the maximum ex-
- 3 tent life cycle cost-effective,” after “para-
- 4 graph (2),”;
- 5 (ii) by striking “2015” and inserting
- 6 “2017”; and
- 7 (iii) in the table at the end—
- 8 (I) by striking the period at the
- 9 end; and
- 10 (II) by adding at the end the fol-
- 11 lowing:

“2016 .....	32.5
2017 .....	35.0.”;

- 12 and
- 13 (2) by striking paragraphs (2) and (3) and in-
- 14 serting the following:
- 15 “(2) EXCLUSION FOR BUILDINGS WITH ENERGY
- 16 INTENSIVE ACTIVITIES.—
- 17 “(A) IN GENERAL.—An agency may ex-
- 18 clude from the requirements of paragraph (1)
- 19 any building (including the associated energy
- 20 consumption and gross square footage of the
- 21 building) in which energy intensive activities are
- 22 carried out.
- 23 “(B) REPORTS.—Each agency shall iden-
- 24 tify and include in each report under section

1           548(a) each building designated by the agency  
2           for exclusion under subparagraph (A) during  
3           the period covered by the report.”;

4           (3) in subsection (f)—

5                 (A) in paragraph (1)—

6                     (i) by redesignating subparagraphs  
7                     (E), (F), and (G) as subparagraphs (F),  
8                     (G), and (H), respectively; and

9                     (ii) by inserting after subparagraph  
10                    (D) the following:

11                    “(E)   ONGOING   COMMISSIONING.—The  
12                    term ‘ongoing commissioning’ means an ongo-  
13                    ing process of commissioning using monitored  
14                    data, the primary goal of which is to ensure  
15                    continuous optimum performance of a facility,  
16                    in accordance with design or operating needs,  
17                    over the useful life of the facility, while meeting  
18                    facility occupancy requirements.”;

19                    (B) in paragraph (2), by adding at the end  
20                    the following:

21                    “(C) ENERGY MANAGEMENT SYSTEM.—An  
22                    energy manager designated for a facility under  
23                    subparagraph (A) shall take into consider-  
24                    ation—

1           “(i) the use of a system to manage  
2           energy use at the facility; and

3           “(ii) the applicability of certification  
4           of the facility in accordance with the Inter-  
5           national Organization for Standardization  
6           standard numbered 50001 and entitled  
7           ‘Energy Management Systems.’”; and

8           (C) by striking paragraphs (3) and (4) and  
9           inserting the following:

10           “(3) ENERGY AND WATER EVALUATIONS AND  
11           COMMISSIONING.—

12           “(A) EVALUATIONS.—Except as provided  
13           in subparagraph (B), not later than the date  
14           that is 180 days after the date of enactment of  
15           the All-of-the-Above Federal Building Energy  
16           Conservation Act of 2018, and annually there-  
17           after, each energy manager shall complete, for  
18           the preceding calendar year, a comprehensive  
19           energy and water evaluation and recommis-  
20           sioning or retrocommissioning for approxi-  
21           mately 25 percent of the facilities of the appli-  
22           cable agency that meet the criteria under para-  
23           graph (2)(B) in a manner that ensures that an  
24           evaluation of each such facility is completed not  
25           less frequently than once every 4 years.

1           “(B) EXCEPTIONS.—An evaluation and re-  
2           commissioning or retrocommissioning shall not  
3           be required under subparagraph (A) with re-  
4           spect to a facility that, as of the date on which  
5           the evaluation and recommissioning or retro-  
6           commissioning would otherwise occur—

7                   “(i) has had a comprehensive energy  
8                   and water evaluation during the preceding  
9                   8-year period;

10                   “(ii)(I) has been commissioned, re-  
11                   commissioned, or retrocommissioned dur-  
12                   ing the preceding 10-year period; or

13                   “(II) is under ongoing commissioning;

14                   “(iii) has not had a major change in  
15                   function or use since the previous evalua-  
16                   tion and recommissioning;

17                   “(iv) has been benchmarked with pub-  
18                   lic disclosure under paragraph (8) during  
19                   the preceding calendar year; and

20                   “(v)(I) based on the benchmarking de-  
21                   scribed in clause (iv), has achieved at a fa-  
22                   cility level the most-recent cumulative en-  
23                   ergy savings target under subsection (a),  
24                   as compared to the earlier of—

1                   “(aa) the date of the most recent  
2                   evaluation; and

3                   “(bb) the date—

4                       “(AA) of the most recent  
5                       commissioning, recommissioning,  
6                       or retrocommissioning; or

7                       “(BB) on which ongoing  
8                       commissioning began; or

9                       “(II) has a long-term contract in  
10                       place guaranteeing energy savings at least  
11                       as great as the energy savings target under  
12                       subclause (I).

13                   “(4) IMPLEMENTATION OF IDENTIFIED ENERGY  
14                   AND WATER EFFICIENCY MEASURES.—Not later  
15                   than 2 years after the completion of each evaluation  
16                   under paragraph (3), each energy manager shall—

17                       “(A) implement any energy- or water-sav-  
18                       ing measure that the Federal agency identified  
19                       in the evaluation conducted that is life cycle  
20                       cost-effective; and

21                       “(B) bundle individual measures of varying  
22                       paybacks together into combined projects.”.

1 **SEC. 3. FEDERAL BUILDING ENERGY EFFICIENCY PER-**  
2 **FORMANCE STANDARDS; CERTIFICATION**  
3 **SYSTEM AND LEVEL FOR GREEN BUILDINGS.**

4 (a) DEFINITIONS.—Section 303 of the Energy Con-  
5 servation and Production Act (42 U.S.C. 6832) is amend-  
6 ed—

7 (1) in each of paragraphs (1) through (16), by  
8 inserting a paragraph heading, the text of which is  
9 comprised of the term defined in that paragraph;

10 (2) by redesignating paragraphs (2) through  
11 (16) (as so amended) as paragraphs (3), (4), (6),  
12 (7), (8), (10), (12), (13), (14), (15), (16), (9), (17),  
13 (5), and (2), respectively, and moving the para-  
14 graphs so as to appear in numerical order; and

15 (3) by inserting after paragraph (10) (as so re-  
16 designated) the following:

17 “(11) MAJOR RENOVATION.—The term ‘major  
18 renovation’ means a modification of the energy sys-  
19 tems of a building that is sufficiently extensive to  
20 ensure that the entire building can achieve compli-  
21 ance with applicable energy standards for new build-  
22 ings, based on such criteria as the Secretary shall  
23 establish, by regulation.”.

24 (b) FEDERAL BUILDING EFFICIENCY STANDARDS.—  
25 Section 305(a)(3) of the Energy Conservation and Pro-  
26 duction Act (42 U.S.C. 6834(a)(3)) is amended—

1           (1) by striking “(3)(A) Not later than” and all  
2 that follows through subparagraph (B) and inserting  
3 the following:

4           “(3) REVISED FEDERAL BUILDING ENERGY EF-  
5 FICIENCY PERFORMANCE STANDARDS; CERTIFI-  
6 CATION FOR GREEN BUILDINGS.—

7           “(A) REVISED FEDERAL BUILDING EN-  
8 ERGY EFFICIENCY PERFORMANCE STAND-  
9 ARDS.—

10           “(i) IN GENERAL.—Not later than 1  
11 year after the date of enactment of the All-  
12 of-the-Above Federal Building Energy  
13 Conservation Act of 2018, the Secretary  
14 shall establish, by regulation, revised Fed-  
15 eral building energy efficiency performance  
16 standards that require that—

17           “(I) unless demonstrated not to  
18 be life-cycle cost-effective for new  
19 Federal buildings and Federal build-  
20 ings with major renovations—

21           “(aa) the buildings shall be  
22 designed to achieve energy con-  
23 sumption levels that are not less  
24 than 30 percent below the levels  
25 established in the version of the



1 ASHRAE Standard or the Inter-  
2 national Energy Conservation  
3 Code, as appropriate, in effect on  
4 the date of enactment of the All-  
5 of-the-Above Federal Building  
6 Energy Conservation Act of  
7 2018, unless the Secretary deter-  
8 mines, pursuant to subparagraph  
9 (B), that a subsequent version of  
10 such a standard or code shall  
11 apply; and

12 “(bb) sustainable design  
13 principles are applied to the loca-  
14 tion, siting, design, and construc-  
15 tion of all new Federal buildings  
16 and replacement Federal build-  
17 ings;

18 “(II) if water is used to achieve  
19 energy efficiency, water conservation  
20 technologies shall be applied to the ex-  
21 tent that the technologies are life-  
22 cycle cost-effective; and

23 “(III) if life-cycle cost-effective,  
24 as compared to other reasonably avail-  
25 able technologies, not less than 30

1                   percent of the hot water demand for  
2                   each new Federal building or Federal  
3                   building undergoing a major renova-  
4                   tion shall be met through the installa-  
5                   tion and use of solar hot water heat-  
6                   ers.

7                   “(B) UPDATES.—Not later than 1 year  
8                   after the date of approval of each subsequent  
9                   revision of the ASHRAE Standard or the Inter-  
10                  national Energy Conservation Code, as appro-  
11                  priate, the Secretary shall determine whether  
12                  the revised standards established under sub-  
13                  paragraph (A) should be updated to reflect the  
14                  revisions, based on the energy savings and life-  
15                  cycle cost-effectiveness of the revisions.”;

16                  (2) in subparagraph (C)—

17                         (A) by striking “(C) In the budget re-  
18                         quest” and inserting the following:

19                                 “(C) BUDGET REQUEST.—In the budget  
20                                 request”; and

21                                 (B) by indenting clauses (i) and (ii) appro-  
22                                 priately; and

23                  (3) in subparagraph (D)—

1 (A) in the matter preceding clause (i), by  
2 striking “that require that:” and inserting  
3 “that require the following:”;

4 (B) in clause (i), by striking “annually for  
5 inflation for other buildings:” in the matter pre-  
6 ceding subclause (I) and all that follows  
7 through “(III) Sustainable design principles”  
8 and inserting “annually for inflation for other  
9 buildings, sustainable design principles”;

10 (C) in clause (v), by striking “clause  
11 (i)(III)” each place it appears and inserting  
12 “clause (i)”;

13 (D) in clause (vi)—

14 (i) by striking “subclauses (I) and  
15 (III) of”; and

16 (ii) by striking “energy savings, sus-  
17 tainable design, and green building per-  
18 formance” and inserting “sustainable de-  
19 sign and green building performance”.

20 (c) FEDERAL COMPLIANCE.—Section 306 of the En-  
21 ergy Conservation and Production Act (42 U.S.C. 6835)  
22 is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (1)—

1 (i) by striking “(1) The head” and in-  
2 serting the following:

3 “(1) IN GENERAL.—The head”; and

4 (ii) by striking “assure that new Fed-  
5 eral buildings” and inserting “ensure that  
6 new Federal buildings and Federal build-  
7 ings with major renovations”; and

8 (B) in paragraph (2)—

9 (i) by striking the second sentence  
10 and inserting the following:

11 “(B) PROCEDURES.—The Architect of the  
12 Capitol shall adopt procedures necessary to en-  
13 sure that the buildings referred to in subpara-  
14 graph (A) meet or exceed the standards de-  
15 scribed in that subparagraph.”; and

16 (ii) in the first sentence—

17 (I) by inserting “and Federal  
18 buildings with major renovations”  
19 after “new buildings”; and

20 (II) by striking “(2) The Fed-  
21 eral” and inserting the following:

22 “(2) APPLICABILITY.—

23 “(A) IN GENERAL.—The Federal”; and

1           (2) in subsection (b), by striking the subsection  
2           designation and heading and all that follows through  
3           “new Federal building” and inserting the following:  
4           “(b) EXPENDITURES.—The head of a Federal agency  
5           may expend Federal funds for the construction of a new  
6           Federal building or a Federal building with major renova-  
7           tions”.

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