

116TH CONGRESS  
2D SESSION

# H. R. 5650

To amend the National Energy Conservation Policy Act to improve Federal energy and water performance requirements for Federal buildings and establish a Federal Energy Management Program.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2020

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

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## A BILL

To amend the National Energy Conservation Policy Act to improve Federal energy and water performance requirements for Federal buildings and establish a Federal Energy Management Program.

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 “Federal Energy and  
5 Water Management Performance Act of 2020”.

1 **SEC. 2. ENERGY AND WATER PERFORMANCE REQUIRE-**  
2 **MENT FOR FEDERAL BUILDINGS.**

3 (a) IN GENERAL.—Section 543 of the National En-  
4 ergy Conservation Policy Act (42 U.S.C. 8253) is amend-  
5 ed—

6 (1) in the section heading, by inserting “**AND**  
7 **WATER**” after “**ENERGY**”;

8 (2) in subsection (a)—

9 (A) in the subsection heading, by inserting  
10 “**AND WATER**” after “**ENERGY**”;

11 (B) by striking paragraph (1) and insert-  
12 ing the following:

13 “(1) IN GENERAL.—Subject to paragraph (2),  
14 the head of each Federal agency shall—

15 “(A) for each of fiscal years 2020 through  
16 2030, reduce average building energy intensity  
17 (as measured in British thermal units per gross  
18 square foot) at facilities of the agency by 2.5  
19 percent each fiscal year relative to the average  
20 building energy intensity of the facilities of the  
21 agency in fiscal year 2018;

22 “(B) for each of fiscal years 2020 through  
23 2030, improve water use efficiency and manage-  
24 ment, including stormwater management, at fa-  
25 cilities of the agency by reducing agency water  
26 consumption intensity—

1 “(i) by reducing the potable water  
2 consumption by 54 percent by fiscal year  
3 2030, relative to the potable water con-  
4 sumption of the agency in fiscal year 2007,  
5 through reductions of 2 percent each fiscal  
6 year (as measured in gallons per gross  
7 square foot);

8 “(ii) by reducing the industrial, land-  
9 scaping, and agricultural water consump-  
10 tion of the agency, as compared to a base-  
11 line of that consumption by the agency in  
12 fiscal year 2010, through reductions of 2  
13 percent each fiscal year (as measured in  
14 gallons); and

15 “(iii) by installing appropriate infra-  
16 structure features on federally owned prop-  
17 erty to improve stormwater and waste-  
18 water management; and

19 “(C) to the maximum extent practicable, in  
20 carrying out subparagraphs (A) and (B), take  
21 measures that are life cycle cost effective (as  
22 defined in subsection (f)(1)).”;

23 (C) in paragraph (2)—

24 (i) by striking “(2) An agency” and  
25 inserting the following:

1 “(2) ENERGY AND WATER INTENSIVE BUILDING  
2 EXCLUSION.—An agency”; and

3 (ii) in the first sentence, by inserting  
4 “and water” after “energy” each place it  
5 appears; and

6 (D) by striking paragraph (3) and insert-  
7 ing the following:

8 “(3) RECOMMENDATIONS.—Not later than De-  
9 cember 31, 2029, the Secretary shall—

10 “(A) review the results of the implementa-  
11 tion of the energy and water performance re-  
12 quirements established under paragraph (1);  
13 and

14 “(B) submit to Congress recommendations  
15 concerning energy and water performance re-  
16 quirements for fiscal years 2031 through  
17 2040.”;

18 (3) in subsection (b)—

19 (A) in the subsection heading, by inserting  
20 “AND WATER” after “ENERGY”; and

21 (B) by striking paragraph (1) and insert-  
22 ing the following:

23 “(1) IN GENERAL.—Each agency shall—

24 “(A) not later than October 1, 2020, to  
25 the maximum extent practicable, begin install-

1 ing in Federal buildings owned by the United  
2 States all energy and water conservation meas-  
3 ures determined by the Secretary to be life cycle  
4 cost effective (as defined in subsection (f)(1));  
5 and

6 “(B) complete the installation described in  
7 subparagraph (A) as soon as practicable after  
8 the date referred to in that subparagraph.”;

9 (4) in subsection (c)(1)—

10 (A) in subparagraph (A)—

11 (i) in the matter preceding clause (i),  
12 by striking “An agency” and inserting  
13 “The head of each agency”; and

14 (ii) by inserting “or water” after “en-  
15 ergy” each place it appears; and

16 (B) in subparagraph (B)(i), by inserting  
17 “or water” after “energy”;

18 (5) in subsection (d)(2), by inserting “and  
19 water” after “energy”;

20 (6) in subsection (e)—

21 (A) in the subsection heading, by inserting  
22 “AND WATER” after “ENERGY”;

23 (B) in paragraph (1)—

24 (i) in the first sentence—

1 (I) by striking “October 1, 2012”  
2 and inserting “October 1, 2020”;

3 (II) by inserting “and water”  
4 after “energy”; and

5 (III) by inserting “and water”  
6 after “electricity”;

7 (ii) in the second sentence, by insert-  
8 ing “and water” after “electricity”; and

9 (iii) in the fourth sentence, by insert-  
10 ing “and water” after “energy”;

11 (C) in paragraph (2)—

12 (i) in subparagraph (A)—

13 (I) by striking “and” before  
14 “Federal”; and

15 (II) by inserting “and any other  
16 person the Secretary deems nec-  
17 essary,” before “shall”;

18 (ii) in subparagraph (B)—

19 (I) by amending clause (i)(II) to  
20 read as follows:

21 “(II) the extent to which meter-  
22 ing is expected to result in increased  
23 potential for energy and water man-  
24 agement, increased potential for en-  
25 ergy and water savings, energy and

1 water efficiency improvements, and  
2 cost, energy, and water savings due to  
3 utility contract aggregation; and”.

4 (II) in clause (ii), by inserting  
5 “and water” after “energy”; and

6 (III) in clause (iv), by inserting  
7 “and water” after “energy”; and

8 (iii) by adding at the end the fol-  
9 lowing:

10 “(C) UPDATE.—Not later than 180 days  
11 after the date of enactment of this subpara-  
12 graph, the Secretary shall update the guidelines  
13 established under subparagraph (A) to take into  
14 account water efficiency requirements under  
15 this section.”;

16 (D) in paragraph (3), in the matter pre-  
17 ceding subparagraph (A), by striking “estab-  
18 lished under paragraph (2)” and inserting “up-  
19 dated under paragraph (2)(C)”; and

20 (E) in paragraph (4)—

21 (i) in subparagraph (A)—

22 (I) by striking “this paragraph”  
23 and inserting “the Federal Energy  
24 and Water Management Performance  
25 Act of 2020”; and

1 (II) by inserting “and water” be-  
 2 fore “use in”; and

3 (ii) in subparagraph (B)(ii), in the  
 4 matter preceding clause (I), by inserting  
 5 “and water” after “energy”;

6 (7) in subsection (f)—

7 (A) in paragraph (1)(B)(i)(II), by inserting  
 8 “and water” after “energy”;

9 (B) in paragraph (2)—

10 (i) in subparagraph (A), by inserting  
 11 “and water” before “use”; and

12 (ii) in subparagraph (B)—

13 (I) by striking “energy” before  
 14 “efficiency”; and

15 (II) by inserting “or water” be-  
 16 fore “use”;

17 (C) in paragraph (7)(B)(ii)(II), by insert-  
 18 ing “and water” after “energy”; and

19 (D) in paragraph (9)(A), in the matter  
 20 preceding clause (i), by inserting “and water”  
 21 after “energy”; and

22 (8) in subsection (g)(1), by striking “energy ef-  
 23 ficient” and inserting “energy and water efficient”.

24 (b) CONFORMING AMENDMENT.—The table of con-  
 25 tents for the National Energy Conservation Policy Act

1 (Public Law 95–619; 92 Stat. 3206) is amended by strik-  
 2 ing the item relating to section 543 and inserting the fol-  
 3 lowing:

“Sec. 543. Energy and water management requirements.”.

4 **SEC. 3. FEDERAL ENERGY MANAGEMENT PROGRAM.**

5 Section 543 of the National Energy Conservation  
 6 Policy Act (42 U.S.C. 8253) is amended by adding at the  
 7 end the following:

8 “(h) **FEDERAL ENERGY MANAGEMENT PROGRAM.**—

9 “(1) **IN GENERAL.**—The Secretary shall carry  
 10 out a program, to be known as the ‘Federal Energy  
 11 Management Program’ (referred to in this sub-  
 12 section as the ‘Program’), to facilitate the implemen-  
 13 tation by the Federal Government of cost-effective  
 14 energy and water management and energy-related  
 15 investment practices—

16 “(A) to coordinate and strengthen Federal  
 17 energy and water resilience; and

18 “(B) to promote environmental steward-  
 19 ship.

20 “(2) **PROGRAM ACTIVITIES.**—

21 “(A) **STRATEGIC PLANNING AND TECH-**  
 22 **NICAL ASSISTANCE.**—Under the Program, the  
 23 Federal Director appointed under paragraph  
 24 (3)(A) (referred to in this subsection as the  
 25 ‘Federal Director’) shall—

1 “(i) provide technical assistance and  
2 project implementation support and guid-  
3 ance to Federal agencies to identify, imple-  
4 ment, procure, and track energy and water  
5 conservation measures required under this  
6 Act and under other provisions of law (in-  
7 cluding regulations);

8 “(ii) in coordination with the Admin-  
9 istrator of the General Services Adminis-  
10 tration, establish appropriate procedures,  
11 methods, and best practices for use by  
12 Federal agencies to select, monitor, and  
13 terminate contracts entered into under sec-  
14 tion 546 with utilities;

15 “(iii) in coordination with the Federal  
16 Acquisition Regulatory Council, establish  
17 appropriate procedures, methods, and best  
18 practices for use by Federal agencies to se-  
19 lect, monitor, and terminate contracts en-  
20 tered into under section 801 with energy  
21 service contractors and utilities;

22 “(iv) establish and maintain internet-  
23 based information resources and project  
24 tracking systems and tools for energy and  
25 water management;

1 “(v) coordinate comprehensive and  
2 strategic approaches to energy and water  
3 resilience planning for Federal agencies;  
4 and

5 “(vi) establish a recognition program  
6 for Federal achievement in energy and  
7 water management, energy-related invest-  
8 ment practices, environmental stewardship,  
9 and other relevant areas, through events  
10 such as individual recognition award cere-  
11 monies and public announcements.

12 “(B) ENERGY AND WATER MANAGEMENT  
13 AND REPORTING.—Under the Program, the  
14 Federal Director shall—

15 “(i) track and report on the progress  
16 of Federal agencies in meeting the require-  
17 ments of the agency under this section;

18 “(ii) make publicly available annual  
19 Federal agency performance data required  
20 under—

21 “(I) this section and sections 544  
22 through 548; and

23 “(II) section 203 of the Energy  
24 Policy Act of 2005 (42 U.S.C.  
25 15852);

1 “(iii)(I) collect energy and water use  
2 and consumption data from each Federal  
3 agency; and

4 “(II) based on that data, submit to  
5 each Federal agency a report that will fa-  
6 cilitate the energy and water management,  
7 energy-related investment practices, and  
8 environmental stewardship of the agency in  
9 support of Federal goals under this Act  
10 and under other provisions of law (includ-  
11 ing regulations);

12 “(iv)(I) establish new Federal building  
13 energy efficiency standards; and

14 “(II) in consultation with the Admin-  
15 istrator of the General Services Adminis-  
16 tration, acting through the head of the Of-  
17 fice of High-Performance Green Buildings,  
18 establish and implement Federal building  
19 sustainable design principles for Federal  
20 facilities;

21 “(v) manage the implementation of  
22 Federal building energy efficiency stand-  
23 ards established under section 305 of the  
24 Energy Conservation and Production Act  
25 (42 U.S.C. 6834); and

1 “(vi) designate products that meet the  
2 highest energy conservation standards for  
3 categories not covered under the Energy  
4 Star program established under section  
5 324A of the Energy Policy and Conserva-  
6 tion Act (42 U.S.C. 6294a).

7 “(C) FEDERAL POLICY COORDINATION.—  
8 Under the Program, the Federal Director  
9 shall—

10 “(i) develop and implement accredited  
11 training consistent with existing Federal  
12 programs and activities—

13 “(I) relating to energy and water  
14 use, management, and resilience in  
15 Federal buildings, energy-related in-  
16 vestment practices, and environmental  
17 stewardship; and

18 “(II) that includes in-person  
19 training, internet-based programs,  
20 and national in-person training  
21 events;

22 “(ii) coordinate and facilitate energy  
23 and water management, energy-related in-  
24 vestment practices, and environmental  
25 stewardship through the Interagency En-

1           ergy Management Task Force established  
2           under section 547; and

3           “(iii) report on the implementation of  
4           the priorities of the President, including  
5           Executive orders, relating to energy and  
6           water use in Federal buildings, in coordi-  
7           nation with—

8           “(I) the Office of Management  
9           and Budget;

10          “(II) the Council on Environ-  
11          mental Quality; and

12          “(III) any other entity, as consid-  
13          ered necessary by the Federal Direc-  
14          tor.

15          “(D) FACILITY AND FLEET OPTIMIZA-  
16          TION.—Under the Program, the Federal Direc-  
17          tor shall develop guidance, supply assistance to,  
18          and track the progress of Federal agencies—

19          “(i) in conducting portfolio-wide facil-  
20          ity energy and water resilience planning  
21          and project integration;

22          “(ii) in building new construction and  
23          major renovations to meet the sustainable  
24          design and energy and water performance  
25          standards required under this section;

1 “(iii) in developing guidelines for—

2 “(I) building commissioning; and

3 “(II) facility operations and  
4 maintenance; and

5 “(iv) in coordination with the Admin-  
6 istrator of the General Services Adminis-  
7 tration, in meeting statutory and agency  
8 goals for Federal fleet vehicles.

9 “(3) FEDERAL DIRECTOR.—

10 “(A) APPOINTMENT.—The Secretary shall  
11 appoint an individual to serve as Federal Direc-  
12 tor of the Program, which shall be a career po-  
13 sition in the Senior Executive service, to man-  
14 age the Program and carry out the activities of  
15 the Program described in paragraph (2).

16 “(B) DUTIES.—The Federal Director  
17 shall—

18 “(i) oversee, manage, and administer  
19 the Program;

20 “(ii) provide leadership in energy and  
21 water management, energy-related invest-  
22 ment practices, and environmental stew-  
23 ardship through coordination with Federal  
24 agencies and other appropriate entities;  
25 and

1 “(iii) establish a management council  
2 to advise the Federal Director that shall—

3 “(I) convene not less frequently  
4 than once every quarter; and

5 “(II) consist of representatives  
6 from—

7 “(aa) the Council on Envi-  
8 ronmental Quality;

9 “(bb) the Office of Manage-  
10 ment and Budget; and

11 “(cc) the Office of Federal  
12 High-Performance Green Build-  
13 ings in the General Services Ad-  
14 ministration.

15 “(4) SAVINGS CLAUSE.—Nothing in this sub-  
16 section impedes, supersedes, or alters the authority  
17 of the Secretary to carry out the remainder of this  
18 section or section 305 of the Energy Conservation  
19 and Production Act (42 U.S.C. 6834).

20 “(5) AUTHORIZATION OF APPROPRIATIONS.—  
21 There is authorized to be appropriated to the Sec-  
22 retary to carry out this subsection \$36,000,000 for  
23 each of fiscal years 2020 through 2024.”.

○