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

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

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

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

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

SEC. 3. USE OF ENERGY AND WATER EFFICIENCY MEASURES IN FEDERAL BUILDINGS.

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

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

“(i) implementing any energy- or water-saving or conservation measure that the Federal agency identified in the evaluation conducted under paragraph (3) that is life cycle cost-effective; and

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

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

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

(1) by striking “Each Federal agency” and inserting the following:
“(i) IN GENERAL.—Each Federal agency”; and

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

“(ii) TRACKING.—Each Federal agency shall use the benchmarking systems selected or developed for the agency under paragraph (8) to track energy savings realized by the agency through the implementation of energy- or water-saving or conservation measures pursuant to paragraph (4), and shall submit information regarding such savings to the Secretary to be published on a public website of the Department of Energy.

“(iii) CONSIDERATION.—Each Federal agency shall consider using energy savings performance contracts or utility energy service contracts to implement energy- or water-saving or conservation measures pursuant to paragraph (4).

“(iv) CONTRACTING GOAL.—It shall be the goal of the Federal Government, in the implementation of energy- or water-saving or conservation measures pursuant
to paragraph (4), to enter into energy sav-
ings performance contracts or utility en-
ergy service contracts equal to
$1,000,000,000 in each year during the 5-
year period beginning on January 1, 2014.

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