

117TH CONGRESS
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H. R. 2060

To amend the Energy Independence and Security Act of 2007 to fund job-creating improvements in energy and resiliency for Federal buildings, to enable a portfolio of clean buildings by 2030, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2021

Mr. SARBANES (for himself, Mr. WELCH, Ms. NORTON, Ms. DEGETTE, Mr. MCNERNEY, Mrs. HAYES, Ms. BLUNT ROCHESTER, Mr. RASKIN, Mr. CÁRDENAS, Ms. MATSUI, and Mr. NADLER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Oversight and Reform, Armed Services, Veterans' Affairs, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Energy Independence and Security Act of 2007 to fund job-creating improvements in energy and resiliency for Federal buildings, to enable a portfolio of clean buildings by 2030, 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 “Federal Building Clean
5 Jobs Act of 2021”.

1 **SEC. 2. FEDERAL BUILDING LEASING.**

2 (a) IN GENERAL.—Section 435 of the Energy Inde-
3 pendence and Security Act of 2007 (42 U.S.C. 17091) is
4 amended to read as follows:

5 **“SEC. 435. LEASING.**

6 “(a) DEFINITION OF LESSOR.—In this section, the
7 term ‘lessor’ means any individual, firm, partnership, lim-
8 ited liability company, trust, association, State, unit of
9 local government, or legal entity that is the rightful owner
10 of a property leased to the Federal Government.

11 “(b) LEASING REQUIREMENTS.—Except as provided
12 in subsection (c), effective beginning on the date that is
13 1 year after the date of enactment of the Federal Building
14 Clean Jobs Act of 2021, no Federal agency shall enter
15 into a contract to lease space unless—

16 “(1) the space is for a building or space in a
17 building that—

18 “(A) in the most recent year, has earned
19 the Energy Star label under the Energy Star
20 program established by section 324A of the En-
21 ergy Policy and Conservation Act (42 U.S.C.
22 6294a); and

23 “(B) has obtained or will obtain as a re-
24 quired performance specification a green build-
25 ing certification consistent with recommenda-
26 tions of the Administrator of General Services

1 based on the review of high-performance build-
2 ing certification systems carried out by the Ad-
3 ministrator pursuant to section 436(h) (42
4 U.S.C. 17092(h)); and

5 “(2) the contract includes—

6 “(A) a requirement for the lessor of the
7 building to disclose data on consumption of util-
8 ities (energy and water)—

9 “(i) for the portion of the building oc-
10 cupied by the agency; and

11 “(ii) that is provided by the lessor
12 through submetering or an alternative
13 method identified by the Administrator for
14 buildings lacking submeters; and

15 “(B) 1 or more mechanisms to ensure that
16 the lessor of the building reasonably maintains
17 the requirements of the building described in
18 paragraph (1).

19 “(c) WAIVER.—

20 “(1) IN GENERAL.—Subject to paragraph (2), a
21 Federal agency may enter into a contract to lease
22 space that does not meet a requirement described in
23 subparagraph (A) or (B) of subsection (b)(1) if—

24 “(A) no other space is available that can
25 meet that requirement within a reasonable pe-

1 riod and meet the functional requirements of
2 the agency, including locational needs;

3 “(B) the agency proposes to remain in a
4 building or a space in a building—

5 “(i) that the agency has occupied pre-
6 viously; and

7 “(ii) less than 50 percent of the
8 leasable space of which is leased by the
9 Federal Government;

10 “(C) the agency proposes to lease a build-
11 ing or space in a building of historical, architec-
12 tural, or cultural significance (as defined in sec-
13 tion 3306(a) of title 40, United States Code);
14 or

15 “(D) the lease is for not more than 10,000
16 gross square feet of space in a building less
17 than 50 percent of the leasable space of which
18 is leased by the Federal Government.

19 “(2) WAIVER APPROVAL.—

20 “(A) IN GENERAL.—A Federal agency may
21 enter into a contract under paragraph (1) if—

22 “(i)(I) the agency submits a request
23 to the Federal Director of the Office of
24 Federal High-Performance Green Build-

1 ings indicating the basis for the request
2 under paragraph (1); and

3 “(II) the Federal Director of that
4 Office approves the request; and

5 “(ii) in the case of a waiver under
6 subparagraph (A), (B), or (C) of para-
7 graph (1), the contract includes the re-
8 quirements described in subparagraph
9 (B)(ii), which—

10 “(I) in the case of a waiver under
11 subparagraph (A) of that paragraph,
12 shall be required to be implemented
13 prior to occupancy of the building or
14 space in the building by the Federal
15 agency; and

16 “(II) in the case of a waiver
17 under subparagraph (B) or (C) of
18 that paragraph, shall be required to
19 be implemented not later than 1 year
20 after the Federal agency signs the
21 contract.

22 “(B) CONTRACT REQUIREMENTS.—

23 “(i) DEFINITION OF
24 NONBENCHMARKED SPACE.—In this sub-
25 paragraph, the term ‘nonbenchmark

1 space’ means a building or space in a
2 building for which owners cannot access
3 whole building utility consumption data,
4 including buildings—

5 “(I) that are located in States
6 that do not require utilities to provide,
7 and utilities do not provide, such ag-
8 gregated information to multitenant
9 building owners; and

10 “(II) the tenants of which do not
11 provide energy consumption informa-
12 tion to the commercial building owner
13 in response to a request from that
14 owner.

15 “(ii) REQUIREMENTS.—The require-
16 ments referred to in subparagraph (A)(ii)
17 are the following:

18 “(I) The building or space in a
19 building—

20 “(aa) meets the requirement
21 described in subsection (b)(1)(A);
22 or

23 “(bb) is renovated for all
24 feasible energy efficiency and
25 conservation improvements that

1 will be cost effective over the life
2 of the lease (including any nego-
3 tiated optional extensions or re-
4 newals of the lease), including
5 improvements in lighting, win-
6 dows, heating, ventilation, and
7 air conditioning systems and con-
8 trols.

9 “(II) The building or space in a
10 building is—

11 “(aa) benchmarked under a
12 nationally recognized, online, and
13 free benchmarking program, and
14 the benchmark is publicly dis-
15 closed; or

16 “(bb) a nonbenchmarkd
17 space.

18 “(III) In the case of a building
19 or space in a building that is a
20 nonbenchmarkd space, the Federal
21 agency provides to the building owner,
22 or authorizes the owner to obtain
23 from the utility, the energy consump-
24 tion data of the space to enable
25 benchmarking of the building.

1 “(C) INCORPORATION OF ASSISTANCE INTO
2 LEASE.—In the case of a contract to lease
3 space that receives a waiver under paragraph
4 (1)(A), the Administrator may—

5 “(i) include in the relevant lease pro-
6 curement documents a statement about the
7 availability of financial incentives and tech-
8 nical assistance under the pilot program
9 established under subsection (g); or

10 “(ii)(I) incorporate into the terms of
11 the lease with the lessor any financial in-
12 centive or technical assistance provided to
13 that lessor under that pilot program; and

14 “(II) if subclause (I) is carried
15 out, extend the deadline required
16 under subparagraph (A)(ii)(I).

17 “(d) REVISION OF FEDERAL REGULATIONS.—Not
18 later than 1 year after the date of enactment of the Fed-
19 eral Building Clean Jobs Act of 2021, the Administrator
20 shall revise Part 102–73(c) of the Federal Management
21 Regulation and Part 570 of the General Services Adminis-
22 tration Acquisition Manual, as appropriate, to reflect the
23 requirements of this section.

24 “(e) REPORT.—The Administrator shall annually
25 publish on the website of the General Services Administra-

1 tion a report on the aggregate compliance of all leased
2 buildings and spaces in buildings held by the General
3 Services Administration with the most recent version of
4 the Guiding Principles for Sustainable Federal Buildings.

5 “(f) COMPLIANCE IMPROVEMENT.—Not later than
6 180 days after the date of enactment of the Federal Build-
7 ing Clean Jobs Act of 2021, the Administrator shall de-
8 velop and implement a policy to improve lessor compliance
9 with energy efficiency provisions of leases, including by
10 considering a variety of approaches.

11 “(g) INCENTIVE PILOT PROGRAM.—

12 “(1) IN GENERAL.—The Administrator shall es-
13 tablish a pilot program to provide financial incen-
14 tives for lessors to achieve an Energy Star label
15 under the Energy Star program established by sec-
16 tion 324A of the Energy Policy and Conservation
17 Act (42 U.S.C. 6294a) in a building—

18 “(A) in which space is leased to a Federal
19 agency; and

20 “(B)(i) in which the total space leased by
21 the Federal Government is less than 50 percent
22 of the leasable space of the building;

23 “(ii) that is of historical, architec-
24 tural, or cultural significance (as defined

1 in section 3306(a) of title 40, United
2 States Code); or

3 “(iii) for which a waiver is granted
4 under subsection (c)(1)(A).

5 “(2) DIVERSITY.—In carrying out paragraph
6 (1), the Administrator shall ensure—

7 “(A) a diversity in the buildings and
8 spaces owned by lessors provided financial as-
9 sistance under that paragraph, including build-
10 ings with multiple, separate leases that individ-
11 ually do not trigger requirements under this
12 Act; and

13 “(B) geographical diversity, including the
14 representation of rural areas.

15 “(3) TECHNICAL ASSISTANCE.—The Adminis-
16 trator may provide technical assistance, directly or
17 through contracts, to lessors receiving financial as-
18 sistance under paragraph (1).

19 “(4) AUTHORIZATION OF APPROPRIATIONS.—
20 There is authorized to be appropriated to the Ad-
21 ministrator \$50,000,000 to carry out this sub-
22 section, to remain available until expended.”.

23 (b) REPORT ON REALTY SERVICES.—Section 102(b)
24 of the Better Buildings Act of 2015 (42 U.S.C. 17062(b))
25 is amended by adding at the end the following:

1 “(5) REPORT.—Not later than 180 days after
2 the date of enactment of the Federal Building Clean
3 Jobs Act of 2021, the Administrator shall submit to
4 Congress, and make publicly available on the website
5 of the General Services Administration, a report on
6 the implementation of paragraph (3), including—

7 “(A) the results of the policies and prac-
8 tices described in that paragraph, including the
9 number of leases implementing the measures
10 described in that paragraph;

11 “(B) a description of any barriers to
12 achieving greater energy and water efficiency;
13 and

14 “(C) recommendations to address those
15 barriers.”.

16 **SEC. 3. ENERGY AND WATER EFFICIENCY, NET-ZERO, AND**
17 **ZERO EMISSION VEHICLE INFRASTRUCTURE**
18 **GOALS.**

19 (a) IN GENERAL.—Part 3 of Title V of the National
20 Energy Conservation Policy Act (Public Law 96–619; 92
21 Stat. 3277; 42 U.S.C. 8251 et seq.) is amended by adding
22 after section 543 the following:

1 **“SEC. 543a. 2030 ENERGY AND WATER EFFICIENCY GOALS.**

2 “(a) ESTABLISHMENT.—Subject to subsections (b),
3 (c), and (d), the head of each agency shall, for each of
4 fiscal years 2021 through 2030—

5 “(1) reduce average building energy intensity
6 (as measured in British thermal units per gross
7 square foot) at the Federal facilities of the agency
8 by 2.5 percent each fiscal year so that the average
9 building energy intensity of such facilities is reduced
10 by 25 percent or greater by 2030, relative to the av-
11 erage building energy intensity of the Federal facili-
12 ties of the agency in fiscal year 2018;

13 “(2) improve water use efficiency and manage-
14 ment at Federal facilities of the agency by reducing
15 average potable water consumption intensity (as
16 measured in gallons per gross square foot)—

17 “(A) by 54 percent by fiscal year 2030,
18 relative to the average water consumption of
19 the Federal facilities of the agency in fiscal year
20 2007; and

21 “(B) through reductions of 2 percent each
22 fiscal year;

23 “(3) reduce industrial, landscaping, and agricul-
24 tural water consumption at Federal facilities of the
25 agency (as measured in gallons)—

1 “(A) by 20 percent by fiscal year 2030,
2 relative to the industrial, landscaping, and agri-
3 cultural water consumption of Federal facilities
4 of the agency in fiscal year 2018; and

5 “(B) through reductions of 2 percent each
6 fiscal year; and

7 “(4) to the maximum extent practicable, carry
8 out paragraphs (1) through (3) in a manner that is
9 lifecycle cost effective.

10 “(b) ENERGY AND WATER INTENSIVE FACILITY EX-
11 CLUSIONS.—

12 “(1) IN GENERAL.—An agency may exclude
13 from the requirements under paragraph (1) or (2) of
14 subsection (a), as applicable, any Federal facility of
15 the agency in which energy- or water-intensive ac-
16 tivities are carried out.

17 “(2) REPORT.—Each agency shall include in
18 each report submitted to the Secretary of Energy
19 under section 548(a) of the National Energy Con-
20 servation Policy Act (42 U.S.C. 8258(a)) a list iden-
21 tifying each Federal facility of the agency excluded
22 under paragraph (1) and a statement of whether the
23 exclusion is on the basis of energy-intensive activi-
24 ties, water-intensive activities, or both energy- and
25 water-intensive activities.

1 “(c) ALTERNATIVE METRIC FOR MEASURING POTABLE WATER CONSUMPTION INTENSITY.—

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3 “(1) IN GENERAL.—The Administrator of General Services, in consultation with the Secretary of Energy and the Secretary of Defense, may develop for use by agencies an alternative metric for measuring potable water consumption intensity under subsection (a)(2), including by using occupancy, building use type, or other attributes relevant to potable water use and potential for efficiency.

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10 “(2) ORIGINAL METRIC.—If the Administrator develops an alternative metric under paragraph (1), agencies shall not cease tracking and reporting potable water consumption intensity in gallons per gross square foot.

11 “(d) DEFINITION.—The term ‘facility’ shall have the meaning established in section 543(f)(1)(C) of this title.

12 “(e) REQUIREMENTS.—Agencies shall meet these goals with any combination of appropriated funding, including operations and maintenance funding, and non-federal sources of financing such as public-private partnerships including through energy savings performance contracts and other performance guaranteed mechanisms.

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16 **“SEC. 543b. NET-ZERO GOALS.**

17 “(a) DEFINITIONS.—In this section:

1 “(1) ALLOWED CARBON OFFSET.—The term
2 ‘allowed carbon offset’ means an allowed carbon off-
3 set as defined by the Federal Director of the Office
4 of Federal High-Performance Green Buildings, in
5 consultation with the Administrator of the Environ-
6 mental Protection Agency.

7 “(2) ALLOWED OFFSITE RENEWABLE ENERGY
8 SOURCE.—The term ‘allowed offsite renewable en-
9 ergy source’ means an allowed offsite renewable en-
10 ergy source as defined by the Federal Director of
11 the Office of Federal High-Performance Green
12 Buildings, in consultation with the Administrator of
13 the Environmental Protection Agency—

14 “(A) including requirements for district
15 energy systems, community sources, and pur-
16 chase options; and

17 “(B) taking into consideration an effi-
18 ciency-first strategy, optimization of carbon im-
19 pact, and ensuring accountability.

20 “(3) NET-ZERO CARBON.—

21 “(A) IN GENERAL.—The term ‘net-zero
22 carbon’ means, with respect to a highly energy-
23 efficient building (as determined by the Federal
24 Director of the Office of Federal High-Perform-
25 ance Green Buildings in consultation with the

1 Administrator of the Environmental Protection
2 Agency) or group of highly energy-efficient
3 buildings, a building or group of buildings of
4 which, for not less than 1 year, the carbon
5 emissions resulting from building operations, as
6 described in subparagraph (B), are equal to or
7 less than the carbon emissions reduced through
8 renewable energy or project offsets, as described
9 in subparagraph (C).

10 “(B) CARBON EMISSIONS FROM BUILDING
11 OPERATIONS.—Carbon emissions resulting from
12 building operations—

13 “(i) shall include carbon related to en-
14 ergy consumption from onsite and offsite
15 sources; and

16 “(ii) may include other sources of
17 emissions, such as occupant transpor-
18 tation, water, waste, refrigerants, and em-
19 bodied carbon of materials.

20 “(C) CARBON EMISSIONS REDUCED OR
21 OFFSET.—Carbon emissions reduced or offset—

22 “(i) shall include carbon associated
23 with exports of renewable energy generated
24 on site and substantiated with ownership
25 of renewable energy certificates; and

1 “(ii) may include allowed offsite re-
2 newable energy sources substantiated with
3 renewable energy certificates and allowed
4 carbon offsets.

5 “(4) NET-ZERO ENERGY.—

6 “(A) IN GENERAL.—The term ‘net-zero en-
7 ergy’ means, with respect to a highly energy-ef-
8 ficient building (as determined by the Federal
9 Director of the Office of Federal High-Perform-
10 ance Green Buildings), a building for which, on
11 a source energy basis, the annual delivered en-
12 ergy is less than or equal to the sum obtained
13 by adding the onsite renewable exported energy
14 and the allowed offsite renewable energy
15 sources, which shall be substantiated with re-
16 newable energy certificates.

17 “(B) INCLUSION.—A highly energy-effi-
18 cient building is net-zero energy if it is located
19 within a group of buildings for which, when
20 treated as a unit, on a source energy basis, the
21 annual delivered energy is less than or equal to
22 the sum obtained by adding the onsite renew-
23 able exported energy and the allowed offsite re-
24 newable energy sources, which shall be substan-
25 tiated with renewable energy certificates.

1 “(5) NET-ZERO WASTE BUILDING.—Unless oth-
2 erwise defined by the Federal Director of the Office
3 of Federal High-Performance Green Buildings, the
4 term ‘net-zero waste building’ means a building op-
5 erated to reduce, reuse, recycle, compost, or recover
6 solid waste streams that result in zero waste dis-
7 posal to landfills or incinerators (except for haz-
8 ardous and medical waste).

9 “(6) NET-ZERO WATER BUILDING.—

10 “(A) IN GENERAL.—Unless otherwise de-
11 fined by the Federal Director of the Office of
12 Federal High-Performance Green Buildings, the
13 term ‘net-zero water building’ means a building
14 that—

15 “(i) maximizes alternative water
16 sources;

17 “(ii) minimizes wastewater discharge;
18 and

19 “(iii) returns water to the original
20 water source such that, for a 1-year pe-
21 riod, the water consumption volume is
22 equivalent to the sum obtained by adding
23 the volume of alternative water use and the
24 water returned to the original source dur-
25 ing that 1-year period.

1 “(B) INCLUSION.—A building is a net-zero
2 water building if it is located within a group of
3 buildings that, when treated as a unit, meet the
4 requirements described in clauses (i) through
5 (iii) of subparagraph (A).

6 “(7) SCOPE 1 GREENHOUSE GAS EMISSIONS.—
7 The term ‘scope 1 greenhouse gas emissions’ means
8 direct emissions from sources that are owned or con-
9 trolled by the Federal agency, that cover the fol-
10 lowing activities:

11 “(A) Generation of electricity.

12 “(B) Cooling or steam.

13 “(C) Mobile sources.

14 “(D) Fugitive emissions.

15 “(E) Process emissions.

16 “(8) SCOPE 2 GREENHOUSE GAS EMISSIONS.—
17 The term ‘scope 2 greenhouse gas emissions’ means
18 indirect emissions resulting from the generation of
19 electricity, heat, or steam purchased by a Federal
20 agency.

21 “(b) ESTABLISHMENT.—Subject to subsection (c),
22 the head of each agency shall—

23 “(1) for each of fiscal years 2021 through
24 2030, reduce aggregate portfolio-wide scope 1 green-
25 house gas emissions and scope 2 greenhouse gas

1 emissions (as measured in MTCO₂-equivalents) at
2 Federal facilities of the agency by at least 4 percent
3 each fiscal year, so that the aggregate portfolio-wide
4 scope 1 greenhouse gas emissions and scope 2 green-
5 house gas emissions are reduced by not less than 40
6 percent by fiscal year 2030 relative to the aggregate
7 portfolio-wide scope 1 greenhouse gas emissions and
8 scope 2 greenhouse gas emissions at Federal facili-
9 ties of the agency in fiscal year 2018; and

10 “(2) ensure that, in the case of the construction
11 of a new Federal facility with more than 10,000
12 gross square feet and with an estimated total ex-
13 penditure in excess of \$1,500,000—

14 “(A) which is included, in part or in whole,
15 in an appropriation for fiscal years 2021
16 through 2025, not less than 50 percent of cu-
17 mulative gross floor area and not less than 25
18 percent of cumulative building projects are de-
19 signed to perform as net-zero energy buildings
20 in operation, and, if feasible, net-zero carbon
21 buildings, net-zero water buildings, and net-zero
22 waste buildings;

23 “(B) which is included, in part or in whole,
24 in an appropriation for fiscal years 2026
25 through 2030, not less than 90 percent of cu-

1 cumulative gross floor area and not less than 45
2 percent of cumulative building projects are de-
3 signed to perform as net-zero energy buildings
4 in operation and, if feasible, net-zero carbon
5 buildings, net-zero water buildings, and net-zero
6 waste buildings; and

7 “(C) which is included, in part or in whole,
8 in an appropriation for fiscal year 2031 or any
9 fiscal year thereafter, not less than 100 percent
10 of cumulative gross floor area and not less than
11 100 percent of cumulative building projects are
12 designed to perform as net-zero energy build-
13 ings in operation and, if feasible, net-zero car-
14 bon buildings, net-zero water buildings, and
15 net-zero waste buildings.

16 “(c) BUILDING EXCLUSION.—

17 “(1) IN GENERAL.—An agency may exclude
18 from the requirements of subsection (b)(2) any new
19 Federal facility of the agency for which net-zero en-
20 ergy is technically infeasible.

21 “(2) REPORT.—The agency shall include in the
22 report submitted to the Secretary of Energy under
23 section 548(a) of the National Energy Conservation
24 Policy Act (42 U.S.C. 8258(a)) a list identifying

1 each Federal facility of the agency excluded under
2 paragraph (1).

3 “(d) INNOVATIVE BUILDING TECHNOLOGIES.—In
4 carrying out subsection (b), each agency may use lifecycle
5 cost effective (including the cost of carbon) innovative
6 building technologies, including onsite energy storage, all-
7 electric buildings, building-grid integration technologies,
8 electric construction vehicles, and other technologies, in-
9 cluding demonstration testing of technologies to achieve
10 net-zero energy and net-zero carbon buildings in new con-
11 struction and retrofit projects.

12 “(e) RELATIONSHIP TO ENERGY AND WATER EFFI-
13 CIENCY GOALS.—In implementing projects to meet green-
14 house gas emissions reductions under this section, agen-
15 cies are encouraged to pursue comprehensive projects that
16 address the energy and water efficiency goals established
17 in section 543a in order to maximize results and decrease
18 redundancy.

19 **“SEC. 543c. DEEP ENERGY RETROFIT GOALS.**

20 “(a) DEFINITION OF DEEP ENERGY RETROFIT
21 PROJECT.—In this section, the term ‘deep energy retrofit
22 project’ means a project that—

23 “(1) reduces the energy consumption of a Fed-
24 eral facility by not less than 35 percent as compared

1 to the energy consumption of the facility before the
2 project;

3 “(2) moves a Federal facility toward net-zero
4 energy (as defined in section 543b); and

5 “(3) may include water efficiency and distrib-
6 uted energy resources.

7 “(b) ESTABLISHMENT.—Subject to the availability of
8 appropriated funds, the head of each agency shall, for each
9 of fiscal years 2021 through 2030, obligate funds for deep
10 energy retrofit projects that, in total, are carried out at
11 not less than 3 percent of the Federal facilities of the
12 agency, which shall represent not less than 5 percent of
13 the total square footage of all Federal facilities of the
14 agency.

15 “(c) RENOVATIONS.—The head of each agency
16 shall—

17 “(1) seek to coordinate deep energy retrofit
18 projects with other building renovations and capital
19 projects; and

20 “(2) in conducting preplanning for a prospec-
21 tive capital project, evaluate the appropriateness,
22 and the costs and benefits, of including a deep en-
23 ergy retrofit project.

1 **“SEC. 543d. ZERO EMISSION VEHICLE INFRASTRUCTURE**
2 **GOALS.**

3 “(a) COVERED AGENCIES.—For purposes of this sec-
4 tion, ‘covered agencies’ shall mean the U.S. General Serv-
5 ices Administration, the Department of Defense, the De-
6 partment of Homeland Security, and the Veteran’s Ad-
7 ministration.

8 “(b) ANNUAL GOALS.—The head of each covered
9 agency shall—

10 “(1) develop annual goals for deployment of
11 zero emission vehicle infrastructure, including elec-
12 tric vehicle supply equipment, at Federal facilities of
13 the agency such that by December 31, 2030, at least
14 50 percent of Federal facilities of the agency with
15 200 or more daily employees and visitors offer zero
16 emission vehicle charging or fueling; and

17 “(2) develop guidance to ensure progress to-
18 wards those annual goals.

19 “(c) PLAN.—Each covered agency shall prepare a de-
20 tailed plan—

21 “(1) to achieve the goals described in subsection
22 (b)(1);

23 “(2) that identifies particular facilities or cam-
24 puses of the agency as priority facilities or cam-
25 puses, as applicable, at which to achieve those goals,
26 including by considering demand for zero emission

1 vehicle charging and fueling, locations of zero emis-
2 sion vehicle fleets, locations relevant to State zero
3 emission vehicle charging and fueling needs, geo-
4 graphical gaps in zero emission vehicle charging in-
5 frastructure, availability of incentives, and other fac-
6 tors; and

7 “(3) that includes a specific requirement that
8 all applicable electric vehicle supply equipment saves
9 energy, for which compliance with this requirement
10 can only be met by purchasing electric vehicle supply
11 equipment that is ENERGY STAR certified.

12 “(d) INCLUSION IN PROJECTS.—Each covered agency
13 shall, to the maximum extent practicable, ensure that ap-
14 propriate zero emission vehicle infrastructure, including
15 electric vehicle supply equipment and electric vehicle infra-
16 structure, are included in, with respect to a Federal facil-
17 ity of the agency—

18 “(1) any prospectus or requested appropriation
19 for a construction, alteration, or lease project;

20 “(2) any prospectus or requested appropriation
21 for an alteration of a leased building;

22 “(3) any contract for parking lot paving or re-
23 paving; and

24 “(4) any other appropriate project.

1 “(e) REPORT.—Beginning not later than 2 years
2 after the date of enactment of this section, the head of
3 each covered agency shall include in the agency’s annual
4 sustainability report and implementation plan information
5 describing the progress made in meeting the goals de-
6 scribed in subsection (b)(1).”.

7 (b) UTILITY INCENTIVE PROGRAMS.—Section
8 546(c)(1) of the National Energy Conservation Policy Act
9 (42 U.S.C. 8256(c)(1)) is amended by inserting “(includ-
10 ing measures to support the use of zero emission vehicles
11 (as such term is defined section 400AA(g) of the Energy
12 Policy and Conservation Act (42 U.S.C. 6374(g)) or the
13 fueling or charging infrastructure necessary for such vehi-
14 cles)” after “demand”.

15 (c) ENERGY SAVINGS PERFORMANCE CONTRACTS.—

16 (1) AUTHORITY TO ENTER CONTRACTS.—Sec-
17 tion 801(a)(2)(B) of the National Energy Conserva-
18 tion Policy Act (42 U.S.C. 8287(a)(2)(B)) is amend-
19 ed in the first sentence by inserting “or petroleum”
20 after “utilities”.

21 (2) PAYMENT OF COSTS.—Section 802 of the
22 National Energy Conservation Act (42 U.S.C.
23 8287a) is amended by inserting “petroleum,” after
24 “water,”.

1 (3) DEFINITIONS.—Section 804 of the National
2 Energy Conservation Policy Act (42 U.S.C. 8287e)
3 is amended—

4 (A) in paragraph (2)—

5 (i) in subparagraph (D) by striking “;
6 and” and inserting a semicolon;

7 (ii) in subparagraph (E) by striking
8 the period and inserting “; or”; and

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

11 “(F) a reduction in the use of petroleum
12 through the use of zero emission vehicles or the
13 fueling or charging infrastructure necessary for
14 zero emission vehicles, including the use of con-
15 tracts to support zero emission vehicles or in-
16 frastructure.”;

17 (B) in paragraph (4)—

18 (i) in subparagraph (A) by striking “;
19 or” and inserting a semicolon;

20 (ii) in subparagraph (B) by striking
21 the period and inserting “; or” ; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(C) a measure to support the use of zero
25 emission vehicles or the fueling or charging in-

1 frastructure necessary for zero emission vehi-
2 cles, including the use of contracts to support
3 zero emission vehicles or infrastructure.”; and

4 (C) by adding at the end the following:

5 “(5) ZERO EMISSION VEHICLE.—The term ‘zero
6 emission vehicle’ has the meaning given such term in
7 section 5312(e)(6) of title 49, United States Code.”.

8 (d) AUTHORIZATION OF APPROPRIATIONS AND PRI-
9 ORITY.—

10 (1) There is authorized to be appropriated an-
11 nually to the General Services Administration
12 \$205,000,000, to remain available until expended, to
13 carry out sections 543b and 543c of Part 3 of Title
14 V of the National Energy Conservation Policy Act
15 (Public Law 96–619; 92 Stat. 3277; 42 U.S.C. 8251
16 et seq.).

17 (2) There is authorized to be appropriated an-
18 nually to the Department of Energy
19 \$4,098,000,000, to remain available until expended,
20 to provide grants under the authority of 42 U.S.C.
21 8256(b) to agencies to carry out sections 543b and
22 543c of Part 3 of Title V of the National Energy
23 Conservation Policy Act (Public Law 96–619; 92
24 Stat. 3277; 42 U.S.C. 8251 et seq.).

1 (3) Agencies may use such funds as may be ap-
2 propriated pursuant to paragraphs (1) and (2)—

3 (A) to initiate projects to enable agency
4 progress towards goals established in sections
5 543b and 543c of Part 3 of Title V of the Na-
6 tional Energy Conservation Policy Act;

7 (B) to supplement project funding from
8 other appropriations and private sources to
9 achieve greater energy and water efficiency and
10 greenhouse gas emission reductions beyond
11 those achievable under cost-effective and min-
12 imum efficiency requirements;

13 (C) in conjunction with energy efficiency
14 projects or at highly efficient facilities, for on-
15 site, campus, or community renewable energy
16 and energy storage and other approaches to re-
17 duce total carbon footprints of Federal facili-
18 ties, including groups of facilities;

19 (D) to achieve embodied carbon reductions
20 on new construction and major renovation
21 projects; and

22 (E) for the cost of additional employees,
23 contractors, and training needed to support
24 those goals.

25 (4) PRIVATE SECTOR PRIORITY FUNDING.—

1 (A) IN GENERAL.—In carrying out sections
2 543a, 543b, and 543c of Part 3 of Title V of
3 the National Energy Conservation Policy Act,
4 each agency shall prioritize—

5 (i) projects using performance con-
6 tracting;

7 (ii) projects using public-private part-
8 nerships which include a performance com-
9 ponent that ensures effective use of funds,
10 lasting energy and cost savings; and

11 (iii) projects in which Federal funds
12 will be used to leverage private sector fi-
13 nancing,

14 on the basis of analysis that ensures a max-
15 imum beneficial use of private finance for the
16 project.

17 (B) GOAL.—Each agency shall establish
18 annual goals for the investment value of per-
19 formance contracting and other public-private
20 partnerships, provided that such goal shall be
21 no less than 40 percent of funds appropriated
22 under subsections (1) and (2).

23 (5) AUTHORIZATION OF APPROPRIATION FOR
24 ZERO EMISSION VEHICLE INFRASTRUCTURE.—

1 (A) There is authorized to be appropriated
2 to the General Services Administration
3 \$35,000,000, to remain available until expended
4 to carry out section 543d of Part 3 of Title V
5 of the National Energy Conservation Policy Act
6 (Public Law 96–619; 92 Stat. 3277; 42 U.S.C.
7 8251 et seq.). The Administration is encour-
8 aged to use funds to leverage private sector fi-
9 nancing if doing so is advantageous to the Fed-
10 eral Government.

11 (B) There is authorized to be appropriated
12 to the Department of Energy \$65,000,000, to
13 remain available until expended to provide
14 grants under the authority of section 546(b) of
15 the National Energy Conservation Policy Act
16 (42 U.S.C. 8256(b)) to covered agencies to
17 carry out section 543d of Part 3 of Title V of
18 the National Energy Conservation Policy Act
19 (Public Law 96–619; 12 92 Stat. 3277; 42
20 U.S.C. 8251 et seq.). The Department and cov-
21 ered agencies are encouraged to use funds to le-
22 verage private sector financing if doing so is ad-
23 vantageous to the Federal Government.

24 (e) CLERICAL AMENDMENT.—The table of contents
25 for Part 3 of Title V of the National Energy Conservation

1 Policy Act (Public Law 96–619; 92 Stat. 3277; 42 U.S.C.
2 8251 et seq.) is amended by adding after the item relating
3 to section 543 the following:

“Sec. 543a. Energy and water efficiency goals.

“Sec. 543b. Net-zero goals.

“Sec. 543c. Deep energy retrofit goals.

“Sec. 543d. Zero emission vehicle infrastructure goals.”.

4 **SEC. 4. FEDERAL BUILDING IMPROVEMENTS.**

5 Section 543(f)(4) of title V of the National Energy
6 Conservation Policy Act (42 U.S.C. 8253(f)(4)) is amend-
7 ed—

8 (1) by redesignating subparagraph (B) as sub-
9 paragraph (C);

10 (2) by inserting after subparagraph (A) the fol-
11 lowing:

12 “(B) **ADDITIONAL ENERGY EFFICIENCY**
13 **IMPROVEMENTS.**—The head of each agency
14 shall carry out additional energy efficiency im-
15 provements to Federal facilities of the agency,
16 including—

17 “(i) actionable energy projects identi-
18 fied in an evaluation completed under
19 paragraph (3) prior to passage of the En-
20 ergy Act of 2020 and that are life-cycle
21 cost-effective;

22 “(ii) additional measures to support
23 the goals of each of sections 543a through

1 543d of the Energy Independence and Se-
2 curity Act of 2007 (Public Law 110–140);

3 “(iii) additional measures to support
4 activities under section 543e of the Energy
5 Independence and Security Act of 2007
6 (Public Law 110–140); and

7 “(iv) combining projects to reduce
8 cost, administration, or implementation
9 time, or otherwise add value.”; and

10 (3) in subparagraph (C) (as so redesignated) by
11 striking “under subparagraph (A)(i)” and inserting
12 “under subparagraphs (A)(i) and (B)(i)”.

13 **SEC. 5. RESILIENT AND HEALTHY BUILDINGS.**

14 (a) IN GENERAL.—Part 3 of Title V of the National
15 Energy Conservation Policy Act (Public Law 96–619; 92
16 Stat. 3277; 42 U.S.C. 8251 et seq.) (as amended by sec-
17 tion 3(a)) is further amended by adding at the end the
18 following:

19 **“SEC. 543e. RESILIENT AND HEALTHY BUILDINGS.**

20 “(a) DEFINITIONS.—In this section:

21 “(1) FLOOD RISK AREA.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (B), the term ‘flood risk area’ means—

1 “(i) an area delineated by an elevation
2 of 2 feet above the 100-year floodplain;
3 and

4 “(ii) an area delineated by an ele-
5 vation equal to the 500-year floodplain.

6 “(B) CLIMATE SCIENCE.—In applying the
7 definition of the term ‘flood risk area’ for pur-
8 poses of carrying out this section, the head of
9 each agency, other than the Department of De-
10 fense, shall consider current climate science in
11 identifying the elevation of the 100-year and
12 500-year floodplain.

13 “(2) RESILIENCE.—The term ‘resilience’ means
14 the ability to adapt to changing conditions and with-
15 stand and rapidly recover from disruption due to an
16 emergency.

17 “(b) FLOOD PROTECTION.—For any Federal build-
18 ing construction or rehabilitation project administered by
19 an agency other than the Department of Defense, the
20 agency shall—

21 “(1) determine whether there is a flood risk
22 area in the location of the project; and

23 “(2) in the case of a positive determination
24 under paragraph (1)—

1 “(A) to the extent possible, avoid new con-
2 struction in the flood risk area; and

3 “(B) if new construction cannot be avoided
4 under subparagraph (A)—

5 “(i) ensure that the new construction
6 will—

7 “(I) raise all essential services 5
8 feet above the applicable floodplain;
9 and

10 “(II) include a design for quick
11 recovery in a flooding event;

12 “(ii) rehabilitate existing buildings lo-
13 cated in the flood risk area to better with-
14 stand flood risk; and

15 “(iii) develop a flood vulnerability as-
16 sessment and mitigation plan to protect
17 life and property.

18 “(c) RESILIENCE METRICS.—The head of each agen-
19 cy shall—

20 “(1) pilot test metrics to measure and improve
21 the resilience of Federal facilities of the agency, in-
22 cluding the physical aspects of the facilities, the
23 health and wellness of occupants of the facilities,
24 and communities and systems serving or served by
25 the facilities; and

1 “(2) in carrying out paragraph (1), consider
2 emerging resilience tools and rating systems for re-
3 silience, including building-grid optimization.

4 “(d) GREEN INFRASTRUCTURE.—Each agency shall
5 prioritize the use of appropriate green infrastructure fea-
6 tures on federally owned property of the agency—

7 “(1) to improve stormwater and wastewater
8 management;

9 “(2) to alleviate onsite and offsite flooding and
10 water quality impacts; and

11 “(3) to reduce and mitigate risks of climate
12 change to Federal facilities and proximate commu-
13 nities.

14 “(e) OPERATING BUILDINGS FOR HEALTH.—

15 “(1) METRICS AND DATA.—The Federal Direc-
16 tor of the Office of Federal High-Performance Green
17 Buildings shall—

18 “(A) implement human-centric metrics and
19 measurement tools to improve the indoor envi-
20 ronmental qualities, including air and water
21 quality, that support improved health and
22 wellness of Federal employees; and

23 “(B) collect, manage, and analyze the data
24 generated by the metrics and tools implemented
25 under subparagraph (A).

1 “(2) STRATEGIC PLAN.—Not later than 1 year
2 after the date of enactment of the Federal Building
3 Clean Jobs Act of 2021, the Federal Director of the
4 Office of Federal High-Performance Green Buildings
5 shall develop and make publicly available a strategic
6 plan for the design, construction, and operation of
7 Federal facilities that—

8 “(A) is based on the data described in
9 paragraph (1)(B);

10 “(B) provides for implementation of pri-
11 ority practices by the end of fiscal year 2022;
12 and

13 “(C) may provide for phased implementa-
14 tion of additional effective practices.

15 “(3) ADMINISTRATION.—In carrying out para-
16 graphs (1) and (2), the Federal Director of the Of-
17 fice of Federal High-Performance Green Buildings
18 shall—

19 “(A) consider emerging occupant-centric
20 environmental health monitoring tools and
21 building control systems for improved health
22 and wellness, including approaches such as
23 measurement of accumulated daily circadian
24 light dosage, surveys of occupant satisfaction
25 and perceptions, assessments of physical activ-

1 ity, social interaction, and mobility, and meas-
2 urement of reduced exposure to contaminants
3 in air and drinking water;

4 “(B) incorporate strategies to reduce risk
5 of transmission of viruses and other pathogens;
6 and

7 “(C)(i) benchmark health and well-being
8 management performance to leadership stand-
9 ards; and

10 “(ii) include in certification activities
11 the strategies and performance measures
12 considered and used under this subsection
13 as tools to monitor and improve outcomes.

14 “(f) GUIDANCE; TRAINING.—The Federal Director of
15 the Office of Federal High-Performance Green Buildings,
16 may issue guidance and provide training to Federal agen-
17 cies to implement the metrics and priority practices in-
18 cluded in the Strategic Plan developed under subpara-
19 graph (e)(2) of this section.

20 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated to the Federal Office of
22 Federal High-Performance Green Buildings \$300,000,000
23 to carry out this section, to remain available until ex-
24 pended.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 for Part 3 of Title V of the National Energy Conservation
3 Policy Act (Public Law 96–619; 92 Stat. 3277; 42 U.S.C.
4 8251 et seq.) (as amended by section 3(b)) is further
5 amended by adding after the item relating to section 543d
6 the following:

“Sec. 543e. Resilient and healthy buildings.”.

7 **SEC. 6. CONTRACTS FOR FEDERAL PURCHASES OF EN-**
8 **ERGY.**

9 (a) IN GENERAL.—Part 3 of title V of the National
10 Energy Conservation Policy Act (42 U.S.C. 8251 et seq.)
11 is amended by adding at the end the following new section:

12 **“SEC. 554. LONG-TERM CONTRACTS FOR ENERGY.**

13 “(a) IN GENERAL.—Notwithstanding section
14 501(b)(1)(B) of title 40, United States Code, an agency
15 may enter into a contract for the acquisition of energy
16 generated and renewable energy certificates from renew-
17 able energy sources or from cogeneration facilities cov-
18 ering a period of not more than 30 years. In cases where
19 a contract from a renewable energy source does not in-
20 clude the associated renewable energy certificates, the
21 General Services Administration may secure as part of the
22 original contract the amount of replacement renewable en-
23 ergy certificates for a period of equal term and quantity
24 to match the energy procurement contract.

1 “(b) STANDARDIZED ENERGY PURCHASE AGREE-
2 MENT.—Not later than 90 days after the date of enact-
3 ment of this section, the Secretary, through the Federal
4 Energy Management Program, shall publish a standard-
5 ized energy purchase agreement, setting forth commercial
6 terms and conditions, that agencies may use to acquire
7 energy generated from renewable energy sources or from
8 cogeneration facilities.

9 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
10 provide technical assistance to assist agencies in imple-
11 menting this section.”.

12 (b) TABLE OF CONTENTS AMENDMENT.—The table
13 of contents for such Act is amended by adding at the end
14 of the items relating to such part 3 the following new item:

“Sec. 554. Long-term contracts for energy.”.

15 **SEC. 7. RECOMMENDATIONS.**

16 (a) DEFINITION OF ADMINISTRATOR.—In this sec-
17 tion, the term “Administrator” means the Administrator
18 of General Services, acting through the Federal Director
19 of the Office of High-Performance Green Buildings.

20 (b) SUSTAINABILITY AND RESILIENCE.—The Admin-
21 istrator, in consultation with the Secretary of Health and
22 Human Services, the Secretary of Homeland Security, the
23 Administrator of the Federal Emergency Management
24 Agency, the Secretary of Veterans Affairs, the Adminis-
25 trator of the Environmental Protection Agency, the Sec-

1 retary of Energy, and the Chair of the Council on Envi-
2 ronmental Quality, shall develop recommendations for sus-
3 tainability and resilience at hospitals and health care fa-
4 cilities, including by—

5 (1) incorporating building and health sciences
6 research related to health and wellness;

7 (2) identifying relevant metrics;

8 (3) prioritizing proven strategies;

9 (4) referencing, as appropriate, criteria in the
10 Guiding Principles for Sustainable Federal Build-
11 ings; and

12 (5) developing corresponding recommended con-
13 tract provisions and other templates for use in pro-
14 curement.

15 (c) COMPLIANCE WITH GUIDING PRINCIPLES FOR
16 SUSTAINABLE FEDERAL BUILDINGS.—The Adminis-
17 trator, in consultation with the Administrator of the Envi-
18 ronmental Protection Agency, the Director of the Federal
19 Energy Management Program, and the Chair of the Coun-
20 cil on Environmental Quality, shall develop recommenda-
21 tions for systems, including customized Energy Star Port-
22 folio Manager fields and dashboards, for use by Federal
23 facilities in tracking compliance and progress of new and
24 existing buildings with the Guiding Principles for Sustain-
25 able Federal Buildings, including by considering—

1 (1) campus, installation, and portfolio ap-
2 proaches;

3 (2) suggested targets; and

4 (3) relevant metrics.

5 (d) STUDY ON FEDERAL BUILDINGS FUND LENDING
6 PROGRAM.—Not later than 1 year after the date of enact-
7 ment of this Act, the Administrator shall make publicly
8 available a report that evaluates and describes the poten-
9 tial efficacy, costs, and benefits of a program under which
10 the Administrator would—

11 (1) borrow funds from the Federal Buildings
12 Fund for building energy and water efficiency and
13 resilience retrofits, including through projects that
14 use funds to leverage private sector financing, in-
15 cluding through energy savings performance con-
16 tracts; and

17 (2) repay the Federal Buildings Fund from
18 utility savings.

19 (e) ANNUAL REPORTING ON LEVERAGED PRIVATE
20 FINANCING.—

21 (1) IN GENERAL.—Section 548(b)(5) of the Na-
22 tional Energy Conservation Policy Act (42 U.S.C.
23 8258(b)) is amended—

1 (A) in subparagraph (A) by striking “the
2 status of” and all that follows through “author-
3 ity” and inserting the following:

4 “the status of the energy savings performance contracts,
5 utility energy service contracts, and other forms of public-
6 private partnership contracts that leverage private sector
7 financing for energy efficiency projects, of each agency,
8 to the extent that the information is not duplicative of in-
9 formation provided to the Secretary under a separate au-
10 thority”;

11 (B) in subparagraph (D) by striking “;
12 and” and inserting a semicolon;

13 (C) in subparagraph (E)(ii) by striking the
14 period and inserting a semicolon; and

15 (D) by adding at the end the following:

16 “(F) information reported pursuant to
17 subparagraphs (A) through (E) shall distin-
18 guish among contract types;

19 “(G) the total estimated implementation
20 costs and estimated lifecycle cost savings of out-
21 standing energy conservation measures at facili-
22 ties that meet the criteria described in section
23 543(f)(2)(B) of the National Energy Conserva-
24 tion Policy Act (42 U.S.C. 8253(f)(2)(B)); and

1 “(H) recommendations to increase the ag-
2 gregate benefits and value provided to the agen-
3 cy through public-private partnerships with re-
4 spect to energy efficiency, renewable energy,
5 and energy resilience.”.

6 (2) ANNUAL PLAN.—For each of fiscal years
7 2021 through 2030, the head of each agency shall
8 include a summary of the information described in
9 Section 548(b)(5) of the National Energy Conserva-
10 tion Policy Act (42 U.S.C. 8258(b)(5)) in the annual
11 agency Sustainability Report and Implementation
12 Plan.

13 (f) COORDINATION.—The heads of agencies are en-
14 couraged to carry out this Act and the amendments made
15 by this Act in collaboration with States, including by—

16 (1) sharing resources and providing technical
17 advice to States regarding net-zero buildings and
18 carbon reducing technologies;

19 (2) coordinating with multistate organizations
20 on charging infrastructure technology, procurement,
21 and strategic locations relating to zero-emission ve-
22 hicles;

23 (3) allowing State officials to participate in ap-
24 propriate training opportunities; and

- 1 (4) coordinating with States on renewable en-
- 2 ergy procurement benefitting a Federal facility and
- 3 local communities.

○