

113TH CONGRESS  
1ST SESSION

# S. 1308

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

---

## IN THE SENATE OF THE UNITED STATES

JULY 16 (legislative day, JULY 15), 2013

Mr. COONS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

## 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:

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. Retrofits seek to  
12          reduce energy use, improve infrastructure, protect  
13          national security, and cut facility operations and  
14          maintenance costs.

15 **SEC. 3. USE OF ENERGY EFFICIENCY MEASURES IN FED-**  
16 **ERAL BUILDINGS.**

17          (a) IMPLEMENTATION OF IDENTIFIED ENERGY EF-  
18          FICIENCY MEASURES.—Section 543(f)(4) of the National  
19          Energy Conservation Policy Act (42 U.S.C. 8253(f)(4))  
20          is amended to read as follows:

21                 “(4) IMPLEMENTATION OF IDENTIFIED ENERGY  
22                 EFFICIENCY MEASURES.—

23                         “(A) IN GENERAL.—Not later than 2 years  
24                         after the completion of each evaluation under

1 paragraph (3), each energy manager shall con-  
2 sider—

3 “(i) implementing any energy-saving  
4 or conservation measure that the Federal  
5 agency identified in the evaluation con-  
6 ducted under paragraph (3) that is life  
7 cycle cost-effective; and

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

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

18 (b) ANNUAL CONTRACTING GOAL.—Section  
19 543(f)(10)(C) of the National Energy Conservation Policy  
20 Act (42 U.S.C. 8253(f)(10)(C)) is amended—

21 (1) by striking “Each Federal agency” and in-  
22 serting the following:

23 “(i) IN GENERAL.—Each Federal  
24 agency”; and

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

3                   “(ii) TRACKING.—Each Federal agen-  
4 cy shall use the benchmarking systems se-  
5 lected or developed for the agency under  
6 paragraph (8) to track energy savings real-  
7 ized by the agency through the implemen-  
8 tation of energy-saving or conservation  
9 measures pursuant to paragraph (4), and  
10 shall submit information regarding such  
11 savings to the Secretary to be published on  
12 a public Web site of the Department of  
13 Energy.

14                   “(iii) CONSIDERATION.—Each Federal  
15 agency shall consider using energy savings  
16 performance contracts or utility energy  
17 service contracts to implement energy-sav-  
18 ing or conservation measures pursuant to  
19 paragraph (4).

20                   “(iv) CONTRACTING GOAL.—It shall  
21 be the goal of the Federal Government, in  
22 the implementation of energy-saving or  
23 conservation measures pursuant to para-  
24 graph (4), to enter into energy savings per-  
25 formance contracts or utility energy service

1 contracts equal to \$1,000,000,000 in each  
2 year during the 5-year period beginning on  
3 January 1, 2014.

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

○