

Calendar No. 222116TH CONGRESS
1ST SESSION**S. 1857****[Report No. 116-119]**

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.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2019

Ms. MURKOWSKI (for herself, Mr. MANCHIN, Mr. PORTMAN, Mrs. SHAHEEN, Mr. GARDNER, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 25, 2019

Reported by Ms. MURKOWSKI, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Energy and
3 Water Management Performance Act of 2019”.

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

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

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

11 (2) in subsection (a)—

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

14 (B) by striking paragraph (1) and insert-
15 ing the following:

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

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

25 “(B) for each of fiscal years 2020 through
26 2030, improve water use efficiency and manage-

1 ment, including stormwater management, at fa-
2 cilities of the agency by reducing agency potable
3 *water consumption intensity*—

4 “(i) by 54 percent by fiscal year 2030,
5 *relative to the water consumption of the*
6 *agency in fiscal year 2007, through reduc-*
7 *tions of 2 percent each fiscal year (as meas-*
8 *ured in gallons per gross square foot);*

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

16 “(iii) by installing appropriate infra-
17 *structure features on federally owned prop-*
18 *erty to improve stormwater and wastewater*
19 *management; and water consumption in-*
20 *tensity (as measured in gallons per gross*
21 *square foot)—*

22 “(i) by 54 percent by fiscal year 2030,
23 relative to the water consumption of the
24 agency in fiscal year 2007; and

1 ~~“(ii) through reductions of 2 percent~~
2 ~~each fiscal year, and~~

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

7 (C) in paragraph (2)—

8 (i) by striking “(2) An agency” and
9 inserting the following:

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

12 (ii) in the first sentence, by inserting
13 “and water” after “energy” each place it
14 appears; and

15 (D) by striking paragraph (3) and insert-
16 ing the following:

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

19 “(A) review the results of the implementa-
20 tion of the energy and water performance re-
21 quirements established under paragraph (1);
22 and

23 “(B) submit to Congress recommendations
24 concerning energy and water performance re-

1 requirements for fiscal years 2031 through
2 2040.”;

3 (3) in subsection (b)—

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

6 (B) by striking paragraph (1) and insert-
7 ing the following:

8 “(1) IN GENERAL.—Each agency shall—

9 “(A) not later than October 1, 2019, to
10 the maximum extent practicable, begin install-
11 ing in Federal buildings owned by the United
12 States all energy and water conservation meas-
13 ures determined by the Secretary to be life cycle
14 cost effective (as defined in subsection (f)(1));
15 and

16 “(B) complete the installation described in
17 subparagraph (A) as soon as practicable after
18 the date referred to in that subparagraph.”;

19 (4) in subsection (c)(1)—

20 (A) in subparagraph (A)—

21 (i) in the matter preceding clause (i),
22 by striking “An agency” and inserting
23 “The head of each agency”; and

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

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

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

5 (6) in subsection (e)—

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

8 (B) in paragraph (1)—

9 (i) in the first sentence—

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

12 (II) by inserting “and water”
13 after “energy”; and

14 (III) by inserting “and water”
15 after “electricity”;

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

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

20 (C) in paragraph (2)—

21 (i) in subparagraph (A)—

22 (I) by striking “and” before
23 “Federal”; and

1 (II) by inserting “and any other
2 person the Secretary deems nec-
3 essary,” before “shall”;

4 (ii) in subparagraph (B)—

5 (I) in clause (i)(II), by inserting
6 “and water” after “energy” each
7 place it appears;

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

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

12 (iii) by adding at the end the fol-
13 lowing:

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

20 (D) in paragraph (3), in the matter pre-
21 ceding subparagraph (A), by striking “estab-
22 lished under paragraph (2)” and inserting “up-
23 dated under paragraph (2)(C)”; and

24 (E) in paragraph (4)—

25 (i) in subparagraph (A)—

1 (I) by striking “this paragraph”
2 and inserting “the Federal Energy
3 and Water Management Performance
4 Act of 2019”; and

5 (II) by inserting “and water” be-
6 fore “use in”; and

7 (ii) in subparagraph (B)(ii), in the
8 matter preceding clause (I), by inserting
9 “and water” after “energy”; and

10 (7) in subsection (f)—

11 (A) in paragraph (2)—

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

14 (ii) in subparagraph (B)—

15 (I) by striking “energy” before
16 “efficiency”; and

17 (II) by inserting “or water” be-
18 fore “use”;

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

21 (C) in paragraph (9)(A), in the matter
22 preceding clause (i), by inserting “and water”
23 after “energy”.

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 estab-
 10 lish 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 ~~implement new~~ *establish and implement*
19 Federal building sustainable design prin-
20 ciples for ~~new~~ Federal facilities;

21 “(v) manage the implementation of
22 Federal building energy efficiency stand-
23 ards ~~and sustainable design principles~~ es-
24 tablished under section 305 of the Energy

1 Conservation and Production Act (42
2 U.S.C. 6834); and

3 “(vi) designate products *that meet the*
4 *highest energy conservation standards* for
5 categories not covered under the Energy
6 Star program established under section
7 324A of the Energy Policy and Conserva-
8 tion Act (42 U.S.C. 6294a).

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

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

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

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

24 “(ii) coordinate and facilitate energy
25 and water management, energy-related in-

1 vestment practices, and environmental
2 stewardship through the Interagency En-
3 ergy Management Task Force established
4 under section 547; and

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

10 “(I) the Office of Management
11 and Budget;

12 “(II) the Council on Environ-
13 mental Quality; and

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

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

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

24 “(ii) in building new construction and
25 major renovations to meet the sustainable

1 design and energy and water performance
2 standards required under this section;

3 “(iii) in developing guidelines for—

4 “(I) building commissioning; and

5 “(II) facility operations and
6 maintenance; and

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

11 “(3) FEDERAL DIRECTOR.—

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

18 “(B) DUTIES.—The Federal Director
19 shall—

20 “(i) oversee, manage, and administer
21 the Program;

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

1 agencies and other appropriate entities;
2 and

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

5 “(I) convene not less frequently
6 than once every quarter; and

7 “(II) consist of representatives
8 from—

9 “(aa) the Council on Envi-
10 ronmental Quality;

11 “(bb) the Office of Manage-
12 ment and Budget; and

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

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

22 “(5) AUTHORIZATION OF APPROPRIATIONS.—
23 There is authorized to be appropriated to the Sec-
24 retary to carry out this subsection \$36,000,000 for
25 each of fiscal years 2020 through 2030.”.

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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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Reported with amendments