

116TH CONGRESS  
1ST SESSION

# S. 1857

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 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

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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 2019”.

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 potable

1 water consumption intensity (as measured in  
2 gallons per gross square foot)—

3 “(i) by 54 percent by fiscal year 2030,  
4 relative to the water consumption of the  
5 agency in fiscal year 2007; and

6 “(ii) through reductions of 2 percent  
7 each fiscal year; and

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

12 (C) in paragraph (2)—

13 (i) by striking “(2) An agency” and  
14 inserting the following:

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

17 (ii) in the first sentence, by inserting  
18 “and water” after “energy” each place it  
19 appears; and

20 (D) by striking paragraph (3) and insert-  
21 ing the following:

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

24 “(A) review the results of the implementa-  
25 tion of the energy and water performance re-

1           requirements established under paragraph (1);  
2           and

3                   “(B) submit to Congress recommendations  
4           concerning energy and water performance re-  
5           quirements for fiscal years 2031 through  
6           2040.”;

7           (3) in subsection (b)—

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

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

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

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

20                   “(B) complete the installation described in  
21           subparagraph (A) as soon as practicable after  
22           the date referred to in that subparagraph.”;

23           (4) in subsection (c)(1)—

24                   (A) in subparagraph (A)—

1 (i) in the matter preceding clause (i),  
2 by striking “An agency” and inserting  
3 “The head of each agency”; and

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

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

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

10 (6) in subsection (e)—

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

13 (B) in paragraph (1)—

14 (i) in the first sentence—

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

17 (II) by inserting “and water”  
18 after “energy”; and

19 (III) by inserting “and water”  
20 after “electricity”;

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

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

25 (C) in paragraph (2)—

1 (i) in subparagraph (A)—

2 (I) by striking “and” before  
3 “Federal”; and

4 (II) by inserting “and any other  
5 person the Secretary deems nec-  
6 essary,” before “shall”;

7 (ii) in subparagraph (B)—

8 (I) in clause (i)(II), by inserting  
9 “and water” after “energy” each  
10 place it appears;

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

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

15 (iii) by adding at the end the fol-  
16 lowing:

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

23 (D) in paragraph (3), in the matter pre-  
24 ceding subparagraph (A), by striking “estab-

- 1 lished under paragraph (2)” and inserting “up-  
2 dated under paragraph (2)(C)”;
- 3 (E) in paragraph (4)—
- 4 (i) in subparagraph (A)—
- 5 (I) by striking “this paragraph”  
6 and inserting “the Federal Energy  
7 and Water Management Performance  
8 Act of 2019”;
- 9 (II) by inserting “and water” be-  
10 fore “use in”; and
- 11 (ii) in subparagraph (B)(ii), in the  
12 matter preceding clause (I), by inserting  
13 “and water” after “energy”; and
- 14 (7) in subsection (f)—
- 15 (A) in paragraph (2)—
- 16 (i) in subparagraph (A), by inserting  
17 “and water” before “use”; and
- 18 (ii) in subparagraph (B)—
- 19 (I) by striking “energy” before  
20 “efficiency”; and
- 21 (II) by inserting “or water” be-  
22 fore “use”;
- 23 (B) in paragraph (7)(B)(ii)(II), by insert-  
24 ing “and water” after “energy”; and

1 (C) in paragraph (9)(A), in the matter  
 2 preceding clause (i), by inserting “and water”  
 3 after “energy”.

4 (b) CONFORMING AMENDMENT.—The table of con-  
 5 tents for the National Energy Conservation Policy Act  
 6 (Public Law 95–619; 92 Stat. 3206) is amended by strik-  
 7 ing the item relating to section 543 and inserting the fol-  
 8 lowing:

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

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

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

13 “(h) FEDERAL ENERGY MANAGEMENT PROGRAM.—

14 “(1) IN GENERAL.—The Secretary shall estab-  
 15 lish a program, to be known as the ‘Federal Energy  
 16 Management Program’ (referred to in this sub-  
 17 section as the ‘Program’), to facilitate the implemen-  
 18 tation by the Federal Government of cost-effective  
 19 energy and water management and energy-related  
 20 investment practices—

21 “(A) to coordinate and strengthen Federal  
 22 energy and water resilience; and

23 “(B) to promote environmental steward-  
 24 ship.

25 “(2) PROGRAM ACTIVITIES.—



1           “(A) STRATEGIC PLANNING AND TECH-  
2           NICAL ASSISTANCE.—Under the Program, the  
3           Federal Director appointed under paragraph  
4           (3)(A) (referred to in this subsection as the  
5           ‘Federal Director’) shall—

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

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

20                   “(iii) in coordination with the Federal  
21                   Acquisition Regulatory Council, establish  
22                   appropriate procedures, methods, and best  
23                   practices for use by Federal agencies to se-  
24                   lect, monitor, and terminate contracts en-

1 tered into under section 801 with energy  
2 service contractors and utilities;

3 “(iv) establish and maintain internet-  
4 based information resources and project  
5 tracking systems and tools for energy and  
6 water management;

7 “(v) coordinate comprehensive and  
8 strategic approaches to energy and water  
9 resilience planning for Federal agencies;  
10 and

11 “(vi) establish a recognition program  
12 for Federal achievement in energy and  
13 water management, energy-related invest-  
14 ment practices, environmental stewardship,  
15 and other relevant areas, through events  
16 such as individual recognition award cere-  
17 monies and public announcements.

18 “(B) ENERGY AND WATER MANAGEMENT  
19 AND REPORTING.—Under the Program, the  
20 Federal Director shall—

21 “(i) track and report on the progress  
22 of Federal agencies in meeting the require-  
23 ments of the agency under this section;

1 “(ii) make publicly available annual  
2 Federal agency performance data required  
3 under—

4 “(I) this section and sections 544  
5 through 548; and

6 “(II) section 203 of the Energy  
7 Policy Act of 2005 (42 U.S.C.  
8 15852);

9 “(iii)(I) collect energy and water use  
10 and consumption data from each Federal  
11 agency; and

12 “(II) based on that data, submit to  
13 each Federal agency a report that will fa-  
14 cilitate the energy and water management,  
15 energy-related investment practices, and  
16 environmental stewardship of the agency in  
17 support of Federal goals under this Act  
18 and under other provisions of law (includ-  
19 ing regulations);

20 “(iv)(I) establish new Federal building  
21 energy efficiency standards; and

22 “(II) in consultation with the Admin-  
23 istrator of the General Services Adminis-  
24 tration, acting through the head of the Of-  
25 fice of High-Performance Green Buildings,

1           implement new Federal building sustain-  
2           able design principles for new Federal fa-  
3           cilities;

4           “ (v) manage the implementation of  
5           Federal building energy efficiency stand-  
6           ards and sustainable design principles es-  
7           tablished under section 305 of the Energy  
8           Conservation and Production Act (42  
9           U.S.C. 6834); and

10           “ (vi) designate products for categories  
11           not covered under the Energy Star pro-  
12           gram established under section 324A of  
13           the Energy Policy and Conservation Act  
14           (42 U.S.C. 6294a).

15           “(C) FEDERAL POLICY COORDINATION.—  
16           Under the Program, the Federal Director  
17           shall—

18           “ (i) develop and implement accredited  
19           training consistent with existing Federal  
20           programs and activities—

21           “ (I) relating to energy and water  
22           use, management, and resilience in  
23           Federal buildings, energy-related in-  
24           vestment practices, and environmental  
25           stewardship; and

1                   “(II) that includes in-person  
2                   training, internet-based programs,  
3                   and national in-person training  
4                   events;

5                   “(ii) coordinate and facilitate energy  
6                   and water management, energy-related in-  
7                   vestment practices, and environmental  
8                   stewardship through the Interagency En-  
9                   ergy Management Task Force established  
10                  under section 547; and

11                  “(iii) report on the implementation of  
12                  the priorities of the President, including  
13                  Executive orders, relating to energy and  
14                  water use in Federal buildings, in coordi-  
15                  nation with—

16                         “(I) the Office of Management  
17                         and Budget;

18                         “(II) the Council on Environ-  
19                         mental Quality; and

20                         “(III) any other entity, as consid-  
21                         ered necessary by the Federal Direc-  
22                         tor.

23                         “(D) FACILITY AND FLEET OPTIMIZA-  
24                         TION.—Under the Program, the Federal Direc-

1           tor shall develop guidance, supply assistance to,  
2           and track the progress of Federal agencies—

3                   “(i) in conducting portfolio-wide facil-  
4                   ity energy and water resilience planning  
5                   and project integration;

6                   “(ii) in building new construction and  
7                   major renovations to meet the sustainable  
8                   design and energy and water performance  
9                   standards required under this section;

10                   “(iii) in developing guidelines for—

11                           “(I) building commissioning; and

12                           “(II) facility operations and  
13                           maintenance; and

14                   “(iv) in coordination with the Admin-  
15                   istrator of the General Services Adminis-  
16                   tration, in meeting statutory and agency  
17                   goals for Federal fleet vehicles.

18           “(3) FEDERAL DIRECTOR.—

19                   “(A) APPOINTMENT.—The Secretary shall  
20                   appoint an individual to serve as Federal Direc-  
21                   tor of the Program, which shall be a career po-  
22                   sition in the Senior Executive service, to man-  
23                   age the Program and carry out the activities of  
24                   the Program described in paragraph (2).

1           “(B) DUTIES.—The Federal Director  
2 shall—

3           “(i) oversee, manage, and administer  
4 the Program;

5           “(ii) provide leadership in energy and  
6 water management, energy-related invest-  
7 ment practices, and environmental stew-  
8 ardship through coordination with Federal  
9 agencies and other appropriate entities;  
10 and

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

13           “(I) convene not less frequently  
14 than once every quarter; and

15           “(II) consist of representatives  
16 from—

17           “(aa) the Council on Envi-  
18 ronmental Quality;

19           “(bb) the Office of Manage-  
20 ment and Budget; and

21           “(cc) the Office of Federal  
22 High-Performance Green Build-  
23 ings in the General Services Ad-  
24 ministration.

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

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

○