

107TH CONGRESS
1ST SESSION

S. 72

To amend the National Energy Conservation Policy Act to enhance and extend authority relating to energy savings performance contracts of the Federal Government.

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2001

Mr. BINGAMAN 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 enhance and extend authority relating to energy savings performance contracts of the Federal Government.

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 Efficient Cost
5 Savings Improvement Act of 2001”.

1 **SEC. 2. ENHANCEMENT AND EXTENSION OF AUTHORITY**
 2 **RELATING TO ENERGY SAVINGS PERFORM-**
 3 **ANCE CONTRACTS OF THE FEDERAL GOV-**
 4 **ERNMENT.**

5 (a) ENERGY SAVINGS THROUGH CONSTRUCTION OF
 6 REPLACEMENT FACILITIES.—Section 804 of the National
 7 Energy Conservation Policy Act (42 U.S.C. 8287c) is
 8 amended—

9 (1) in paragraph (2)—

10 (A) by redesignating subparagraphs (A)
 11 and (B) as clauses (i) and (ii), respectively;

12 (B) by inserting “(A)” after “(2)”; and

13 (C) by adding at the end the following new
 14 subparagraph:

15 “(B) The term also means a reduction in the
 16 cost of energy, from such a base cost, that would
 17 otherwise be utilized in a federally owned building or
 18 buildings or other federally owned facilities by rea-
 19 son of the construction and operation of one or more
 20 buildings or facilities to replace such federally owned
 21 building or buildings or other federally owned facili-
 22 ties.”; and

23 (2) in paragraph (3), by inserting after the first
 24 sentence the following new sentence: “The terms
 25 also mean a contract that provides for energy sav-
 26 ings through the construction and operation of one

1 or more buildings or facilities to replace one or more
 2 existing buildings or facilities.”.

3 (b) COST SAVINGS FROM OPERATION AND MAINTENANCE EFFICIENCIES IN REPLACEMENT FACILITIES.—
 4
 5 Section 801(a) of that Act (42 U.S.C. 8287(a)) is amended by adding at the end the following new paragraph:

7 “(3)(A) In the case of an energy savings contract or
 8 energy savings performance contract providing for energy
 9 savings through the construction and operation of one or
 10 more buildings or facilities to replace one or more existing
 11 buildings or facilities, benefits ancillary to the purpose of
 12 such contract under paragraph (1) may include savings
 13 resulting from reduced costs of operation and maintenance
 14 at such replacement buildings or facilities when compared
 15 with costs of operation and maintenance at the buildings
 16 or facilities being replaced.

17 “(B) Notwithstanding paragraph (2)(B), aggregate
 18 annual payments by an agency under an energy savings
 19 contract or energy savings performance contract referred
 20 to in subparagraph (A) may take into account (through
 21 the procedures developed pursuant to this section) savings
 22 resulting from reduced costs of operation and maintenance
 23 as described in that subparagraph.”.

24 (c) FIVE-YEAR EXTENSION OF AUTHORITY.—Section
 25 801(c) of that Act (42 U.S.C. 8287(c)) is amended by

1 striking “October 1, 2003” and inserting “October 1,
2 2008”.

