

113TH CONGRESS
1ST SESSION

H. R. 1659

To provide for utilizing energy savings performance contracts and utility energy service contracts.

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2013

Mr. WELCH (for himself and Mr. GARDNER) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To provide for utilizing energy savings performance contracts
and utility energy service contracts.

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 Buildings En-
5 ergy Savings Act of 2013”.

6 **SEC. 2. UTILIZING ENERGY SAVINGS PERFORMANCE CON-**
7 **TRACTS AND UTILITY ENERGY SERVICE CON-**
8 **TRACTS.**

9 (a) **IMPLEMENTATION OF ENERGY MANAGEMENT**
10 **REQUIREMENTS.**—Section 543(f)(10) of the National En-

1 energy Conservation Policy Act (42 U.S.C. 8253(f)(10)) is
2 amended—

3 (1) in subparagraph (B)(i), by striking “To
4 carry” and inserting “To the extent consistent with
5 subparagraph (C), to carry”;

6 (2) in subparagraph (B)(ii), by striking “A
7 Federal” and inserting “To the extent consistent
8 with subparagraph (C), a Federal”; and

9 (3) by amending subparagraph (C) to read as
10 follows:

11 “(C) IMPLEMENTATION.—

12 “(i) GENERAL RULE.—Except as pro-
13 vided in clause (i) or (ii) of this subpara-
14 graph, each Federal agency shall imple-
15 ment the requirements under this sub-
16 section through private financing described
17 in subparagraph (B)(i)(II).

18 “(ii) EXCEPTION.—A Federal agency
19 may implement the requirements under
20 this subsection using appropriated funds
21 described in subparagraph (B)(i)(I) if im-
22 plementation pursuant to clause (i) of this
23 subparagraph conflicts with the primary
24 mission of the agency or facility, or if
25 greater cost savings can be generated

1 under a different program. A Federal
2 agency shall provide a written justification
3 for any decision to implement such require-
4 ments under this clause, including an anal-
5 ysis of the impact of such decision on the
6 taxpayer.

7 “(iii) FEDERAL ADMINISTRATIVE
8 COSTS.—A Federal agency may implement
9 the requirements under this subsection
10 using appropriated funds described in sub-
11 paragraph (B)(i)(I) to the extent necessary
12 to cover Federal administrative costs with
13 respect to implementation pursuant to
14 clause (i) of this subparagraph.”.

15 (b) TERMINATION CLAUSES.—Section 801(b)(2) of
16 the National Energy Conservation Policy Act (42 U.S.C.
17 8287(b)(2)) is amended—

18 (1) by striking “and” at the end of subpara-
19 graph (B);

20 (2) by striking the period at the end of sub-
21 paragraph (C)(iv) and inserting “; and”; and

22 (3) by adding at the end the following new sub-
23 paragraph:

24 “(D) require each agency to include in con-
25 tracts appropriate termination clauses for facili-

1 ties that will or may close before the end of the
2 term of the contract.”.

3 (c) ESPCS FOR ELECTRIC VEHICLES AND FUELING
4 INFRASTRUCTURE.—Section 804 of the National Energy
5 Conservation Policy Act (42 U.S.C. 8287e) is amended—

6 (1) by striking “or” at the end of subparagraph
7 (A);

8 (2) by striking the period at the end of sub-
9 paragraph (B) and inserting “; or”; and

10 (3) by adding at the end the following new sub-
11 paragraph:

12 “(C) a measure to support the use of elec-
13 tric vehicles or the fueling or charging infra-
14 structure necessary for electric vehicles.”.

15 (d) UESCS FOR ELECTRIC VEHICLES AND FUELING
16 INFRASTRUCTURE.—Section 546 of the National Energy
17 Conservation Policy Act (42 U.S.C. 8256) is amended in
18 subsection (c)(1) by inserting “, including measures taken
19 to finance the acquisition or use of electric-powered vehi-
20 cles or their fueling infrastructure,” after “demand”.

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