

113TH CONGRESS
1ST SESSION

S. 1199

To improve energy performance in Federal buildings, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2013

Mr. HOEVEN (for himself and Mr. MANCHIN) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To improve energy performance in Federal buildings, and
for other purposes.

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 “All-Of-The-Above Fed-
5 eral Building Energy Conservation Act of 2013”.

6 **SEC. 2. ENERGY PERFORMANCE REQUIREMENT FOR FED-**
7 **ERAL BUILDINGS.**

8 Section 543 of the National Energy Conservation
9 Policy Act (42 U.S.C. 8253(a)) is amended—

1 (1) by striking subsection (a) and inserting the
 2 following:

3 “(a) ENERGY PERFORMANCE REQUIREMENT FOR
 4 FEDERAL BUILDINGS.—

5 “(1) REQUIREMENT.—Subject to paragraph
 6 (2), each agency shall apply energy conservation
 7 measures to, and shall improve the design for the
 8 construction of, the Federal buildings of the agency
 9 (including each industrial or laboratory facility) so
 10 that the energy consumption per gross square foot
 11 of the Federal buildings of the agency in fiscal years
 12 2006 through 2020 is reduced, as compared with the
 13 energy consumption per gross square foot of the
 14 Federal buildings of the agency in fiscal year 2003,
 15 by the percentage specified in the following table:

“Fiscal Year	Percentage Reduction
2006	2
2007	4
2008	9
2009	12
2010	15
2011	18
2012	21
2013	24
2014	27
2015	30
2016	33
2017	36
2018	39
2019	42
2020	45.

16 “(2) EXCLUSION FOR BUILDINGS WITH ENERGY
 17 INTENSIVE ACTIVITIES.—

1 “(A) IN GENERAL.—An agency may ex-
2 clude from the requirements of paragraph (1)
3 any building (including the associated energy
4 consumption and gross square footage) in which
5 energy intensive activities are carried out.

6 “(B) REPORTS.—Each agency shall iden-
7 tify and list in each report made under section
8 548(a) the buildings designated by the agency
9 for exclusion under subparagraph (A).

10 “(3) REVIEW.—Not later than December 31,
11 2016, the Secretary shall review the results of the
12 implementation of the energy performance require-
13 ments established under paragraph (1).

14 “(4) SUBSEQUENT FISCAL YEARS.—The Sec-
15 retary may amend or set energy performance re-
16 quirements for Federal buildings for each of fiscal
17 years 2018 through 2025 by a rule that—

18 “(A) includes cost-benefit analysis and an
19 opportunity for public comment;

20 “(B) establishes levels that are technically
21 feasible and economically justifiable; and

22 “(C) considers any energy- and water-sav-
23 ing measures identified in evaluations con-
24 ducted under subsection (f)(3).”; and

25 (2) in subsection (f)—

1 (A) in paragraph (1)—

2 (i) by redesignating subparagraphs
3 (E), (F), and (G) as subparagraphs (F),
4 (G), and (H), respectively; and

5 (ii) by inserting after subparagraph
6 (D) the following:

7 “(E) ONGOING COMMISSIONING.—The
8 term ‘ongoing commissioning’ means an ongo-
9 ing process of commissioning using monitored
10 data, the primary goal of which is to ensure
11 continuous optimum performance of a facility,
12 in accordance with design or operating needs,
13 over the useful life of the facility, while meeting
14 facility occupancy requirements.”;

15 (B) in paragraph (2), by adding at the end
16 the following:

17 “(C) ENERGY MANAGEMENT SYSTEM.—An
18 energy manager designated under subparagraph
19 (A) shall consider use of a system to manage
20 energy use at the facility and certification of
21 the facility in accordance with the International
22 Organization for Standardization standard
23 numbered 50001 and entitled ‘Energy Manage-
24 ment Systems’.”;

(C) by striking paragraphs (3) and (4) and inserting the following:

“(3) ENERGY AND WATER EVALUATIONS AND COMMISSIONING.—

“(A) EVALUATIONS.—Except as provided in subparagraph (B), effective beginning on the date that is 180 days after the date of enactment of the All-Of-The-Above Federal Building Energy Conservation Act of 2013, and annually thereafter, each energy manager shall complete, for each calendar year, a comprehensive energy and water evaluation and recommissioning or retrocommissioning for approximately 25 percent of the facilities of each agency that meet the criteria under paragraph (2)(B) in a manner that ensures that an evaluation of each facility is completed at least once every 4 years.

“(B) EXCEPTIONS.—An evaluation and recommissioning shall not be required under subparagraph (A) with respect to a facility that—

“(i) has had a comprehensive energy and water evaluation during the 8-year period preceding the date of the evaluation;

“(ii)(I) has been commissioned, recommissioned, or retrocommissioned dur-

ing the 10-year period preceding the date
of the evaluation; or

“(II) is under ongoing commissioning;

“(iii) has not had a major change in
function or use since the previous evalua-
tion and commissioning;

“(iv) has been benchmarked with pub-
lic disclosure under paragraph (8) within
the year preceding the evaluation; and

“(v)(I) based on the benchmarking,
has achieved at a facility level the most re-
cent cumulative energy savings target
under subsection (a) compared to the ear-
lier of—

“(aa) the date of the most recent
evaluation; or

“(bb) the date—

“(AA) of the most recent
commissioning, recommissioning,
or retrocommissioning; or

“(BB) on which ongoing
commissioning began; or

“(II) has a long-term contract in
place guaranteeing energy savings at least

1 as great as the energy savings target under
2 subclause (I).

3 “(4) IMPLEMENTATION OF IDENTIFIED ENERGY
4 AND WATER EFFICIENCY MEASURES.—

5 “(A) IN GENERAL.—Not later than 2 years
6 after the date of completion of each evaluation
7 under paragraph (3), each energy manager
8 may—

9 “(i) implement any energy- or water-
10 saving measure that the Federal agency
11 identified in the evaluation conducted
12 under paragraph (3) that is life-cycle cost
13 effective; and

14 “(ii) bundle individual measures of
15 varying paybacks together into combined
16 projects.

17 “(B) MEASURES NOT IMPLEMENTED.—
18 The energy manager shall, as part of the cer-
19 tification system under paragraph (7), explain
20 the reasons why any life-cycle cost effective
21 measures were not implemented under subpara-
22 graph (A) using guidelines developed by the
23 Secretary.”; and

24 (D) in paragraph (7)(C), by adding at the
25 end the following:

1 “(iii) SUMMARY REPORT.—The Sec-
 2 retary shall make available a report that
 3 summarizes the information tracked under
 4 subparagraph (B)(i) by each agency and,
 5 as applicable, by each type of measure.”.

6 **SEC. 3. FEDERAL BUILDING ENERGY EFFICIENCY PER-**
 7 **FORMANCE STANDARDS; CERTIFICATION**
 8 **SYSTEM AND LEVEL FOR GREEN BUILDINGS.**

9 (a) DEFINITIONS.—Section 303 of the Energy Con-
 10 servation and Production Act (42 U.S.C. 6832) is amend-
 11 ed—

12 (1) in paragraph (6), by striking “to be con-
 13 structed” and inserting “constructed or altered”;
 14 and

15 (2) by adding at the end the following:

16 “(17) MAJOR RENOVATION.—The term ‘major
 17 renovation’ means a modification of building energy
 18 systems sufficiently extensive that the whole building
 19 can meet energy standards for new buildings, based
 20 on criteria to be established by the Secretary
 21 through notice and comment rulemaking.”.

22 (b) FEDERAL BUILDING EFFICIENCY STANDARDS.—
 23 Section 305 of the Energy Conservation and Production
 24 Act (42 U.S.C. 6834) is amended—

25 (1) in subsection (a)(3)—

1 (A) by striking “(3)(A) Not later than”
 2 and all that follows through subparagraph (B)
 3 and inserting the following:

4 “(3) REVISED FEDERAL BUILDING ENERGY EF-
 5 FICIENCY PERFORMANCE STANDARDS; CERTIFI-
 6 CATION FOR GREEN BUILDINGS.—

7 “(A) REVISED FEDERAL BUILDING EN-
 8 ERGY EFFICIENCY PERFORMANCE STAND-
 9 ARDS.—

10 “(i) IN GENERAL.—Not later than 1
 11 year after the date of enactment of the All-
 12 Of-The-Above Federal Building Energy
 13 Conservation Act of 2013 and after the
 14 date of approval of each subsequent revi-
 15 sion of ASHRAE Standard 90.1 or the
 16 International Energy Conservation Code,
 17 as appropriate, the Secretary shall estab-
 18 lish, by rule, revised Federal building en-
 19 ergy efficiency performance standards that
 20 require that—

21 “(I) new Federal buildings and
 22 alterations and additions to existing
 23 Federal buildings—

24 “(aa) meet or exceed the
 25 most recent revision of the Inter-

1 national Energy Conservation
2 Code (in the case of residential
3 buildings) or ASHRAE Standard
4 90.1 (in the case of commercial
5 buildings) that the Secretary de-
6 termines saves energy compared
7 to previous versions of the Code
8 or Standard; and

9 “(bb) meet or exceed the en-
10 ergy provisions of state and local
11 building codes applicable to the
12 building, if the codes are more
13 stringent than the International
14 Energy Conservation Code or
15 ASHRAE Standard 90.1, as ap-
16 plicable;

17 “(II) unless demonstrated not to
18 be life-cycle cost effective for new
19 Federal buildings and Federal build-
20 ings with major renovations—

21 “(aa) the buildings be de-
22 signed to achieve energy con-
23 sumption levels that are at least
24 30 percent below the levels estab-
25 lished in the version of the

1 ASHRAE Standard or the Inter-
2 national Energy Conservation
3 Code, as appropriate, that is ap-
4 plied under clause (i); and

5 “(bb) sustainable design
6 principles are applied to the
7 siting, design, and construction
8 of all new Federal buildings and
9 replacement Federal buildings;

10 “(III) if water is used to achieve
11 energy efficiency, water conservation
12 technologies shall be applied to the ex-
13 tent that the technologies are life-
14 cycle cost effective; and

15 “(IV) if life-cycle cost effective,
16 as compared to other reasonably avail-
17 able technologies, not less than 30
18 percent of the hot water demand for
19 each new Federal building or Federal
20 building undergoing a major renova-
21 tion be met through the installation
22 and use of solar hot water heaters.

23 “(ii) LIMITATION.—Clause (i)(I) shall
24 not apply to unaltered portions of existing

1 Federal buildings and systems that have
 2 been added to or altered.”;

3 (B) in subparagraph (C), by striking “(C)
 4 In the budget request” and inserting the fol-
 5 lowing:

6 “(B) BUDGET REQUEST.—In the budget
 7 request”; and

8 (C) in subparagraph (D)—

9 (i) by striking clause “(D) Not later
 10 than” and all that follows through the first
 11 sentence of subclause (III) and inserting
 12 the following:

13 “(C) CERTIFICATION FOR GREEN BUILD-
 14 INGS.—

15 “(i) IN GENERAL.—”;

16 (ii) by striking clause (ii);

17 (iii) in clause (iii), by striking “(iii) In
 18 identifying” and inserting the following:

19 “(ii) CONSIDERATIONS.—In identi-
 20 fying”;

21 (iv) in clause (iv)—

22 (I) by striking “(iv) At least
 23 once” and inserting the following:

24 “(iii) STUDY.—At least once”; and

1 (II) by striking “clause (iii)” and
 2 inserting “clause (ii)”;

3 (v) in clause (v)—

4 (I) by striking “(v) The Sec-
 5 retary may” and inserting the fol-
 6 lowing:

7 “(iv) INTERNAL CERTIFICATION PROC-
 8 ESSES.—The Secretary may”; and

9 (II) by striking “clause (i)(III)”
 10 each place it appears and inserting
 11 “clause (i)”;

12 (vi) in clause (vi)—

13 (I) by striking “(vi) With re-
 14 spect” and inserting the following:

15 “(v) PRIVATIZED MILITARY HOUS-
 16 ING.—With respect”; and

17 (II) by striking “develop alter-
 18 native criteria to those established by
 19 subclauses (I) and (III) of clause (i)
 20 that achieve an equivalent result in
 21 terms of energy savings, sustainable
 22 design, and” and inserting “develop
 23 alternative certification systems and
 24 levels than the systems and levels

1 identified under clause (i) that achieve
2 an equivalent result in terms of”; and
3 (vii) in clause (vii), by striking “(vii)
4 In addition to” and inserting the following:
5 “(vi) WATER CONSERVATION TECH-
6 NOLOGIES.—In addition to”; and
7 (2) by striking subsections (c) and (d) and in-
8 serting the following:
9 “(c) PERIODIC REVIEW.—The Secretary shall—
10 “(1) every 5 years, review the Federal building
11 energy standards established under this section; and
12 “(2) on completion of a review under paragraph
13 (1), if the Secretary determines that significant en-
14 ergy savings would result, upgrade the standards to
15 include all new energy efficiency and renewable en-
16 ergy measures that are technologically feasible and
17 economically justified.”.

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