

116TH CONGRESS
2D SESSION

S. 5001

To amend the Energy Independence and Security Act of 2007 to fund job-creating improvements in energy and resiliency for Federal buildings managed by the General Services Administration, to enable a portfolio of clean buildings by 2030, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2020

Mr. CARDIN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Energy Independence and Security Act of 2007 to fund job-creating improvements in energy and resiliency for Federal buildings managed by the General Services Administration, to enable a portfolio of clean buildings by 2030, 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 “GSA Resilient, Energy
5 Efficient, and Net-Zero Building Jobs Act of 2020” or
6 the “GREEN Building Jobs Act of 2020”.

1 **SEC. 2. FEDERAL BUILDING LEASING.**

2 (a) IN GENERAL.—Section 435 of the Energy Inde-
 3 pendence and Security Act of 2007 (42 U.S.C. 17091) is
 4 amended to read as follows:

5 **“SEC. 435. LEASING.**

6 “(a) DEFINITION OF LESSOR.—In this section, the
 7 term ‘lessor’ means any individual, firm, partnership, lim-
 8 ited liability company, trust, association, State, unit of
 9 local government, or legal entity that is the rightful owner
 10 of a property leased to the Federal Government.

11 “(b) LEASING REQUIREMENTS.—

12 “(1) IN GENERAL.—Except as provided in sub-
 13 section (c), effective beginning on the date that is 1
 14 year after the date of enactment of the GREEN
 15 Building Jobs Act of 2020, no Federal agency shall
 16 enter into a contract to lease space unless—

17 “(A) the space is for a building or space
 18 in a building that—

19 “(i) in the most recent year, has
 20 earned the Energy Star label under the
 21 Energy Star program established by sec-
 22 tion 324A of the Energy Policy and Con-
 23 servation Act (42 U.S.C. 6294a); and

24 “(ii) has obtained or will obtain as a
 25 required performance specification a green
 26 building certification consistent with rec-

ommendations of the Administrator based
on the review of high-performance building
certification systems carried out by the Ad-
ministrator pursuant to section 436(h);
and

“(B) the contract includes—

“(i) a requirement for the lessor of
the building to disclose data on consump-
tion of utilities (energy and water)—

“(I) for the portion of the build-
ing occupied by the agency; and

“(II) that is provided by the les-
sor through submetering or an alter-
native method identified by the Ad-
ministrator for buildings lacking sub-
meters; and

“(ii) 1 or more mechanisms to ensure
that the lessor of the building takes rea-
sonable steps to maintain the requirements
of the building described in subparagraph
(A).

“(2) LOCATION.—In determining the geo-
graphic location of a space to lease under paragraph
(1), the Administrator shall not use as a criterion
the presence or absence of buildings in that location

1 that have an Energy Star label described in para-
2 graph (1)(A)(i) or a green building certification de-
3 scribed in paragraph (1)(A)(ii).

4 “(c) WAIVER.—

5 “(1) IN GENERAL.—Subject to paragraph (2), a
6 Federal agency may enter into a contract to lease
7 space that does not meet a requirement described in
8 clause (i) or (ii) of subsection (b)(1)(A) if—

9 “(A) no other space is available that can
10 meet that requirement within a reasonable pe-
11 riod and meet the functional requirements of
12 the agency, including locational needs;

13 “(B) the agency proposes to remain in a
14 building or a space in a building—

15 “(i) that the agency has occupied pre-
16 viously; and

17 “(ii) less than 50 percent of the
18 leasable space of which is leased by the
19 Federal Government;

20 “(C) the agency proposes to lease a build-
21 ing or space in a building of historical, architec-
22 tural, or cultural significance (as defined in sec-
23 tion 3306(a) of title 40, United States Code);
24 or

1 “(D) the lease is for not more than 10,000
2 gross square feet of space in a building less
3 than 50 percent of the leasable space of which
4 is leased by the Federal Government.

5 “(2) WAIVER APPROVAL.—

6 “(A) IN GENERAL.—A Federal agency may
7 enter into a contract under paragraph (1) if—

8 “(i)(I) the agency submits a request
9 to the Federal Director of the Office of
10 Federal High-Performance Green Build-
11 ings indicating the basis for the request
12 under paragraph (1); and

13 “(II) the Federal Director of that Of-
14 fice approves the request; and

15 “(ii) in the case of a waiver under
16 subparagraph (A), (B), or (C) of para-
17 graph (1), the contract includes the re-
18 quirements described in subparagraph
19 (B)(ii), which—

20 “(I) in the case of a waiver under
21 subparagraph (A) of that paragraph,
22 shall be required to be implemented
23 prior to occupancy of the building or
24 space in the building by the Federal
25 agency; and

1 “(II) in the case of a waiver
2 under subparagraph (B) or (C) of
3 that paragraph, shall be required to
4 be implemented not later than 1 year
5 after the Federal agency signs the
6 contract.

7 “(B) CONTRACT REQUIREMENTS.—

8 “(i) DEFINITION OF
9 NONBENCHMARKED SPACE.—In this sub-
10 paragraph, the term ‘nonbenchmark-
11 space’ means a building or space in a
12 building for which owners cannot access
13 whole building utility consumption data,
14 including buildings—

15 “(I) that are located in States
16 that do not require utilities to provide,
17 and utilities do not provide, such ag-
18 gregated information to multitenant
19 building owners; and

20 “(II) the tenants of which do not
21 provide energy consumption informa-
22 tion to the commercial building owner
23 in response to a request from that
24 owner.

1 “(ii) REQUIREMENTS.—The require-
2 ments referred to in subparagraph (A)(ii)
3 are the following:

4 “(I) The building or space in a
5 building—

6 “(aa) meets the requirement
7 described in subsection
8 (b)(1)(A)(i); or

9 “(bb) is renovated for all
10 feasible energy efficiency and
11 conservation improvements that
12 will be cost effective over the life
13 of the lease (including any op-
14 tional and reasonably anticipated
15 extensions or renewals of the
16 lease), including improvements in
17 lighting, windows, heating, ven-
18 tilation, and air conditioning sys-
19 tems and controls.

20 “(II) The building or space in a
21 building is—

22 “(aa) benchmarked under a
23 nationally recognized, online, and
24 free benchmarking program, and

1 the benchmark is publicly dis-
2 closed; or

3 “(bb) a nonbenchmarked
4 space.

5 “(III) In the case of a building
6 or space in a building that is a
7 nonbenchmarked space, the Federal
8 agency provides to the building owner,
9 or authorizes the owner to obtain
10 from the utility, the energy consump-
11 tion data of the space to enable
12 benchmarking of the building.

13 “(C) INCORPORATION OF ASSISTANCE INTO
14 LEASE.—In the case of a contract to lease
15 space that receives a waiver under paragraph
16 (1)(A), the Administrator may—

17 “(i) include in the relevant lease pro-
18 curement documents a statement about the
19 availability of financial incentives and tech-
20 nical assistance under the pilot program
21 established under subsection (g); or

22 “(ii)(I) incorporate into the terms of
23 the lease with the lessor any financial in-
24 centive or technical assistance provided to
25 that lessor under that pilot program; and

1 “(II) if subclause (I) is carried out,
2 extend the deadline required under sub-
3 paragraph (A)(ii)(I).

4 “(d) REVISION OF FEDERAL REGULATIONS.—Not
5 later than 1 year after the date of enactment of the
6 GREEN Building Jobs Act of 2020, the Administrator
7 shall revise Part 102–73(c) of the Federal Management
8 Regulation and Part 570 of the General Services Adminis-
9 tration Acquisition Manual, as appropriate, to reflect the
10 requirements of this section.

11 “(e) REPORT.—The Administrator shall annually
12 publish on the website of the General Services Administra-
13 tion a report on the aggregate compliance of all leased
14 buildings and spaces in buildings held by the General
15 Services Administration with the most recent version of
16 the Guiding Principles for Sustainable Federal Buildings.

17 “(f) COMPLIANCE IMPROVEMENT.—Not later than
18 180 days after the date of enactment of the GREEN
19 Building Jobs Act of 2020, the Administrator shall de-
20 velop and implement a policy to improve lessor compliance
21 with energy efficiency provisions of leases, including by
22 considering a variety of approaches.

23 “(g) INCENTIVE PILOT PROGRAM.—

24 “(1) IN GENERAL.—The Administrator shall es-
25 tablish a pilot program to provide financial incen-

1 tives for lessors to achieve an Energy Star label
2 under the Energy Star program established by sec-
3 tion 324A of the Energy Policy and Conservation
4 Act (42 U.S.C. 6294a) in a building—

5 “(A) in which space is leased to a Federal
6 agency; and

7 “(B)(i) in which the total space leased by
8 the Federal Government is less than 50 percent
9 of the leasable space of the building;

10 “(ii) that is of historical, architectural, or
11 cultural significance (as defined in section
12 3306(a) of title 40, United States Code); or

13 “(iii) for which a waiver is granted under
14 subsection (c)(1)(A).

15 “(2) DIVERSITY.—In carrying out the pilot pro-
16 gram established under paragraph (1), the Adminis-
17 trator shall ensure—

18 “(A) a diversity in the buildings and
19 spaces owned by lessors provided financial as-
20 sistance under that paragraph, including build-
21 ings with multiple, separate leases that individ-
22 ually do not trigger requirements under this
23 Act; and

24 “(B) geographical diversity, including the
25 representation of rural areas.

1 “(3) TECHNICAL ASSISTANCE.—As part of the
2 pilot program established under paragraph (1), the
3 Administrator may provide technical assistance, di-
4 rectly or through contracts, to lessors receiving fi-
5 nancial assistance under that pilot program.

6 “(4) AUTHORIZATION OF APPROPRIATIONS.—
7 There is authorized to be appropriated to the Ad-
8 ministrator \$50,000,000 to carry out this sub-
9 section, to remain available until expended.”.

10 (b) REPORT ON REALTY SERVICES.—Section 102(b)
11 of the Better Buildings Act of 2015 (42 U.S.C. 17062(b))
12 is amended by adding at the end the following:

13 “(5) REPORT.—Not later than 90 days after
14 the date of enactment of the GREEN Building Jobs
15 Act of 2020, the Administrator shall submit to Con-
16 gress, and make publicly available on the website of
17 the General Services Administration, a report on the
18 implementation of paragraph (3), including—

19 “(A) the results of the policies and prac-
20 tices described in that paragraph, including the
21 number of leases implementing the measures
22 described in that paragraph;

23 “(B) a description of any barriers to
24 achieving greater energy and water efficiency;
25 and

1 “(C) recommendations to address those
2 barriers.”.

3 **SEC. 3. ENERGY AND WATER EFFICIENCY, NET-ZERO, AND**
4 **ZERO EMISSION VEHICLE INFRASTRUCTURE**
5 **GOALS.**

6 (a) IN GENERAL.—Subtitle C of title IV of the En-
7 ergy Independence and Security Act of 2007 (Public Law
8 110–140; 121 Stat. 1607) is amended by adding at the
9 end the following:

10 **“SEC. 442. ENERGY AND WATER EFFICIENCY GOALS.**

11 “(a) ESTABLISHMENT.—Subject to subsections (b),
12 (c), and (d), the Administrator shall, for each of fiscal
13 years 2021 through 2030—

14 “(1) reduce average building energy intensity
15 (as measured in British thermal units per gross
16 square foot) at GSA facilities by 2.5 percent each
17 fiscal year so that the average building energy inten-
18 sity of GSA facilities is reduced by 25 percent or
19 greater by 2030, relative to the average building en-
20 ergy intensity of GSA facilities in fiscal year 2018;

21 “(2) improve water use efficiency and manage-
22 ment at GSA facilities by reducing average potable
23 water consumption intensity (as measured in gallons
24 per gross square foot)—

1 “(A) by 54 percent by fiscal year 2030,
2 relative to the average water consumption of
3 GSA facilities in fiscal year 2007; and

4 “(B) through reductions of 2 percent each
5 fiscal year;

6 “(3) reduce industrial, landscaping, and agricul-
7 tural water consumption at GSA facilities (as meas-
8 ured in gallons)—

9 “(A) by 20 percent by fiscal year 2030,
10 relative to the industrial, landscaping, and agri-
11 cultural water consumption of GSA facilities in
12 fiscal year 2018; and

13 “(B) through reductions of 2 percent each
14 fiscal year; and

15 “(4) to the maximum extent practicable, carry
16 out paragraphs (1) through (3) in a manner that is
17 lifecycle cost effective.

18 “(b) ENERGY AND WATER INTENSIVE FACILITY EX-
19 CLUSIONS.—

20 “(1) IN GENERAL.—The Administrator may ex-
21 clude from the requirements under paragraph (1) or
22 (2) of subsection (a), as applicable, any GSA facility
23 in which energy- or water-intensive activities are car-
24 ried out.

1 “(2) REPORT.—The Administrator shall include
2 in the report submitted to the Secretary of Energy
3 under section 548(a) of the National Energy Con-
4 servations Policy Act (42 U.S.C. 8258(a)) a list iden-
5 tifying each GSA facility excluded under paragraph
6 (1) and a statement of whether the exclusion is on
7 the basis of energy-intensive activities, water-inten-
8 sive activities, or both energy- and water-intensive
9 activities.

10 “(c) ALTERNATIVE METRIC FOR MEASURING POTABLE
11 WATER CONSUMPTION INTENSITY.—

12 “(1) IN GENERAL.—The Administrator may de-
13 velop an alternative metric for measuring potable
14 water consumption intensity under subsection (a)(2),
15 including by using occupancy, building use type, or
16 other attributes relevant to potable water use and
17 potential for efficiency.

18 “(2) ORIGINAL METRIC.—If the Administrator
19 develops an alternative metric under paragraph (1),
20 the Administrator shall not cease tracking and re-
21 porting potable water consumption intensity in gal-
22 lons per gross square foot.

23 “(d) STRINGENT GOALS.—In the case of a conflict
24 between a goal established under subsection (a) and a
25 Federal energy or water intensity goal established under

1 section 543(a) of the National Energy Conservation Policy
2 Act (42 U.S.C. 8253(a)) with respect to GSA facilities,
3 the Administrator shall apply the more stringent goal.

4 “(e) PRIVATE SECTOR FINANCING PRIORITY.—

5 “(1) IN GENERAL.—In carrying out this sec-
6 tion, the Administrator shall prioritize projects in
7 which Federal funds will be used to leverage private
8 sector financing using public-private partnerships,
9 including through energy savings performance con-
10 tracts and other mechanisms.

11 “(2) ANALYSIS.—The Administrator shall select
12 priority projects under paragraph (1) on the basis of
13 analysis that ensures a maximum beneficial use of
14 private finance for the project.

15 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated to the Administrator
17 \$500,000,000 to carry out this section and section 443,
18 to remain available until expended, including—

19 “(1) to supplement project budgets beyond cost-
20 effective and minimum efficiency requirements;

21 “(2) for onsite or community renewable energy
22 and energy storage and other approaches to reduce
23 total carbon footprints of GSA facilities;

24 “(3) to achieve embodied carbon reductions on
25 new construction and major renovation projects; and

1 “(4) for pilot testing of new construction and
 2 retrofit technologies that may help achieve net-zero
 3 energy and net-zero carbon (as those terms are de-
 4 fined in section 443(a)).

5 **“SEC. 443. NET-ZERO GOALS.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) ALLOWED CARBON OFFSET.—The term
 8 ‘allowed carbon offset’ means an allowed carbon off-
 9 set as defined by the Federal Director of the Office
 10 of Federal High-Performance Green Buildings.

11 “(2) ALLOWED OFFSITE RENEWABLE ENERGY
 12 SOURCE.—The term ‘allowed offsite renewable en-
 13 ergy source’ means an allowed offsite renewable en-
 14 ergy source as defined by the Federal Director of
 15 the Office of Federal High-Performance Green
 16 Buildings—

17 “(A) including requirements for district
 18 energy systems, community sources, and pur-
 19 chase options; and

20 “(B) taking into consideration an effi-
 21 ciency-first strategy, optimization of carbon im-
 22 pact, and ensuring accountability.

23 “(3) NET-ZERO CARBON.—

24 “(A) IN GENERAL.—The term ‘net-zero
 25 carbon’ means, with respect to a highly energy-

1 efficient building (as determined by the Admin-
2 istrator) or group of highly energy-efficient
3 buildings, a building or group of buildings of
4 which, for not less than 1 year, the carbon
5 emissions resulting from building operations, as
6 described in subparagraph (B), are equal to or
7 less than the carbon emissions avoided or off-
8 set, as described in subparagraph (C).

9 “(B) CARBON EMISSIONS FROM BUILDING
10 OPERATIONS.—Carbon emissions resulting from
11 building operations—

12 “(i) shall include carbon related to en-
13 ergy consumption from onsite and offsite
14 sources; and

15 “(ii) may include other sources of
16 emissions, such as occupant transpor-
17 tation, water, waste, and embodied carbon
18 of materials.

19 “(C) CARBON EMISSIONS AVOIDED OR
20 OFFSET.—Carbon emissions avoided or offset—

21 “(i) shall include carbon associated
22 with exports of renewable energy generated
23 on site; and

1 “(ii) may include allowed offsite re-
2 newable energy sources and allowed carbon
3 offsets.

4 “(4) NET-ZERO ENERGY.—

5 “(A) IN GENERAL.—The term ‘net-zero en-
6 ergy’ means, with respect to a highly energy-ef-
7 ficient building (as determined by the Adminis-
8 trator), a building for which, on a source energy
9 basis, the annual delivered energy is less than
10 or equal to the sum obtained by adding the on-
11 site renewable exported energy and the allowed
12 offsite renewable energy sources.

13 “(B) INCLUSION.—A highly energy-effi-
14 cient building is net-zero energy if it is located
15 within a group of buildings for which, when
16 treated as a unit, on a source energy basis, the
17 annual delivered energy is less than or equal to
18 the sum obtained by adding the onsite renew-
19 able exported energy and the allowed offsite re-
20 newable energy sources.

21 “(5) NET-ZERO WASTE BUILDING.—Unless oth-
22 erwise defined by the Federal Director of the Office
23 of Federal High-Performance Green Buildings, the
24 term ‘net-zero waste building’ means a building op-
25 erated to reduce, reuse, recycle, compost, or recover

1 solid waste streams that result in zero waste dis-
2 posal to landfills or incinerators (except for haz-
3 ardous and medical waste).

4 “(6) NET-ZERO WATER BUILDING.—

5 “(A) IN GENERAL.—Unless otherwise de-
6 fined by the Federal Director of the Office of
7 Federal High-Performance Green Buildings, the
8 term ‘net-zero water building’ means a building
9 that—

10 “(i) maximizes alternative water
11 sources;

12 “(ii) minimizes wastewater discharge;
13 and

14 “(iii) returns water to the original
15 water source such that, for a 1-year pe-
16 riod, the water consumption volume is
17 equivalent to the sum obtained by adding
18 the volume of alternative water use and the
19 water returned to the original source dur-
20 ing that 1-year period.

21 “(B) INCLUSION.—A building is a net-zero
22 water building if it is located within a group of
23 buildings that, when treated as a unit, meet the
24 requirements described in clauses (i) through
25 (iii) of subparagraph (A).

1 “(7) SCOPE 1 GREENHOUSE GAS EMISSIONS.—

2 The term ‘scope 1 greenhouse gas emissions’ means
3 direct emissions from sources that are owned or con-
4 trolled by the Federal agency, such as vehicles and
5 equipment, stationary sources, onsite landfills,
6 wastewater treatment facilities, and fugitive emis-
7 sions.

8 “(8) SCOPE 2 GREENHOUSE GAS EMISSIONS.—

9 The term ‘scope 2 greenhouse gas emissions’ means
10 indirect emissions resulting from the generation of
11 electricity, heat, or steam purchased by a Federal
12 agency.

13 “(b) ESTABLISHMENT.—Subject to subsection (c),
14 the Administrator shall—

15 “(1) for each of fiscal years 2021 through
16 2030, reduce aggregate portfolio-wide scope 1 green-
17 house gas emissions and scope 2 greenhouse gas
18 emissions (as measured in MTCO₂-equivalents) at
19 GSA facilities by at least 4 percent each fiscal year,
20 so that the aggregate portfolio-wide scope 1 green-
21 house gas emissions and scope 2 greenhouse gas
22 emissions are reduced by not less than 40 percent by
23 fiscal year 2030 relative to the aggregate portfolio-
24 wide scope 1 greenhouse gas emissions and scope 2

1 greenhouse gas emissions at GSA facilities in fiscal
2 year 2018; and

3 “(2) ensure that, in the case of the construction
4 of a new GSA facility with more than 10,000 gross
5 square feet—

6 “(A) for which a prospectus is submitted
7 during the period of fiscal years 2021 through
8 2025, not less than 50 percent of cumulative
9 gross floor area and not less than 25 percent of
10 cumulative building projects are designed to
11 perform as net-zero energy buildings in oper-
12 ation, and, if feasible, net-zero carbon buildings,
13 net-zero water buildings, and net-zero waste
14 buildings;

15 “(B) for which a prospectus is submitted
16 during the period of fiscal years 2026 through
17 2030, not less than 90 percent of cumulative
18 gross floor area and not less than 45 percent of
19 cumulative building projects are designed to
20 perform as net-zero energy buildings in oper-
21 ation and, if feasible, net-zero carbon buildings,
22 net-zero water buildings, and net-zero waste
23 buildings; and

24 “(C) for which a prospectus is submitted
25 in fiscal year 2031 or any fiscal year thereafter,

1 not less than 100 percent of cumulative gross
2 floor area and not less than 100 percent of cu-
3 mulative building projects are designed to per-
4 form as net-zero energy buildings in operation
5 and, if feasible, net-zero carbon buildings, net-
6 zero water buildings, and net-zero waste build-
7 ings.

8 “(c) BUILDING EXCLUSION.—

9 “(1) IN GENERAL.—The Administrator may ex-
10 clude from the requirements of subsection (b)(1) any
11 new GSA facility for which net-zero energy is tech-
12 nically infeasible.

13 “(2) REPORT.—The Administrator shall include
14 in the report submitted to the Secretary of Energy
15 under section 548(a) of the National Energy Con-
16 servation Policy Act (42 U.S.C. 8258(a)) a list iden-
17 tifying each GSA facility excluded under paragraph
18 (1).

19 “(d) INNOVATIVE BUILDING TECHNOLOGIES.—In
20 carrying out subsection (b), the Administrator may use
21 lifecycle cost effective (including the cost of carbon) inno-
22 vative building technologies, including onsite energy stor-
23 age, all-electric buildings, building-grid integration tech-
24 nologies, electric construction vehicles, and other tech-
25 nologies.

1 “(e) PRIVATE SECTOR FINANCING PRIORITY.—In
 2 carrying out renovation projects under this section, the
 3 Administrator shall prioritize projects in which Federal
 4 funds will be used to leverage private sector financing
 5 using public-private partnerships, including through en-
 6 ergy savings performance contracts and other mecha-
 7 nisms.

8 “(f) FUNDS.—The Administrator shall use a portion
 9 of the funds made available under section 442(f) to carry
 10 out this section.

11 **“SEC. 444. ZERO EMISSION VEHICLE INFRASTRUCTURE**
 12 **GOALS.**

13 “(a) ANNUAL GOALS.—The Administrator shall—

14 “(1) develop annual goals for deployment of
 15 zero emission vehicle infrastructure, including elec-
 16 tric vehicle supply equipment, at GSA facilities such
 17 that by December 31, 2030, at least 50 percent of
 18 GSA facilities with 200 or more daily employees and
 19 visitors offer zero emission vehicle charging or fuel-
 20 ing; and

21 “(2) develop guidance to ensure progress to-
 22 wards those annual goals.

23 “(b) PLAN.—The Administrator shall prepare a de-
 24 tailed plan—

1 “(1) to achieve the goals described in subsection
2 (a)(1); and

3 “(2) that identifies particular GSA facilities or
4 campuses as priority facilities or campuses, as appli-
5 cable, at which to achieve those goals, including by
6 considering demand for zero emission vehicle charg-
7 ing and fueling, locations of zero emission vehicle
8 fleets of the General Services Administration and
9 tenant Federal agencies, locations relevant to State
10 zero emission vehicle charging and fueling needs,
11 geographical gaps in zero emission vehicle charging
12 infrastructure, availability of incentives, and other
13 factors.

14 “(c) INCLUSION IN PROJECTS.—The Administrator
15 shall, to the maximum extent practicable, ensure that ap-
16 propriate zero emission vehicle infrastructure, including
17 electric vehicle supply equipment and electric vehicle infra-
18 structure, are included in, with respect to a GSA facility—

19 “(1) any prospectus for a construction, alter-
20 ation, or lease project;

21 “(2) any prospectus for an alteration of a
22 leased building;

23 “(3) any contract for parking lot paving or re-
24 paving; and

25 “(4) any other appropriate project.

1 “(d) PRIVATE SECTOR FINANCING.—In carrying out
2 this section, the Administrator is encouraged to use funds
3 to leverage private sector financing if doing so is advan-
4 tageous to the General Services Administration.

5 “(e) REPORT.—Not later than 2 years after the date
6 of enactment of this section, the Administrator shall sub-
7 mit to Congress a report describing the progress made in
8 meeting the goals described in subsection (a)(1).

9 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
10 is authorized to be appropriated to the Administrator
11 \$50,000,000—

12 “(1) to achieve the zero emission vehicle infra-
13 structure goals developed under subsection (a)(1),
14 including through projects in support of those goals;
15 and

16 “(2) for the cost of any additional employees,
17 contractors, and training needed to support those
18 goals.

19 **“SEC. 445. DEEP ENERGY RETROFIT GOALS.**

20 “(a) DEFINITION OF DEEP ENERGY RETROFIT
21 PROJECT.—In this section, the term ‘deep energy retrofit
22 project’ means a project that—

23 “(1) reduces the energy consumption of a GSA
24 facility by not less than 35 percent as compared to

1 the energy consumption of the GSA facility before
2 the project;

3 “(2) moves a facility toward net-zero energy (as
4 defined in section 443(a)); and

5 “(3) may include water efficiency and distrib-
6 uted energy resources.

7 “(b) ESTABLISHMENT.—Subject to the availability of
8 appropriated funds, the Administrator shall, for each of
9 fiscal years 2021 through 2030, obligate funds for deep
10 energy retrofit projects that, in total, are carried out at
11 not less than 3 percent of GSA facilities, which shall rep-
12 resent not less than 5 percent of the total square footage
13 of all GSA facilities.

14 “(c) RENOVATIONS.—The Administrator shall—

15 “(1) seek to coordinate deep energy retrofit
16 projects with other building renovations and capital
17 projects; and

18 “(2) in conducting preplanning for a prospec-
19 tive capital project, evaluate the appropriateness,
20 and the costs and benefits, of including a deep en-
21 ergy retrofit project.

22 “(d) PRIVATE SECTOR FINANCING PRIORITY.—

23 “(1) IN GENERAL.—In carrying out this sec-
24 tion, the Administrator shall prioritize projects in
25 which Federal funds will be used to leverage private

1 sector financing using public-private partnerships,
 2 including through energy savings performance con-
 3 tracts and other mechanisms.

4 “(2) ANALYSIS.—The Administrator shall select
 5 priority projects under paragraph (1) on the basis of
 6 analysis that ensures a maximum beneficial use of
 7 private finance for the project.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
 9 for the Energy Independence and Security Act of 2007
 10 (Public Law 110–140; 121 Stat. 1494) is amended by
 11 adding after the item relating to section 441 the following:

“Sec. 442. Energy and water efficiency goals.

“Sec. 443. Net-zero goals.

“Sec. 444. Zero emission vehicle infrastructure goals.

“Sec. 445. Deep energy retrofit goals.”.

12 **SEC. 4. RESILIENT AND HEALTHY BUILDINGS.**

13 (a) IN GENERAL.—Subtitle C of title IV of the En-
 14 ergy Independence and Security Act of 2007 (Public Law
 15 110–140; 121 Stat. 1607) (as amended by section 3(a))
 16 is amended by adding at the end the following:

17 **“SEC. 446. RESILIENT AND HEALTHY BUILDINGS.**

18 “(a) DEFINITIONS.—In this section:

19 “(1) FLOOD RISK AREA.—

20 “(A) IN GENERAL.—Subject to subpara-
 21 graph (B), the term ‘flood risk area’ means—

1 “(i) an area delineated by an elevation
 2 of 2 feet above the 100-year floodplain;
 3 and

4 “(ii) an area delineated by an ele-
 5 vation equal to the 500-year floodplain.

6 “(B) CLIMATE SCIENCE.—In applying the
 7 definition of the term ‘flood risk area’ for pur-
 8 poses of carrying out this section, the Adminis-
 9 trator shall consider current climate science in
 10 identifying the elevation of the 100-year and
 11 500-year floodplain.

12 “(2) RESILIENCE.—The term ‘resilience’ means
 13 the ability to adapt to changing conditions and with-
 14 stand and rapidly recover from disruption due to an
 15 emergency.

16 “(b) FLOOD PROTECTION.—For any construction or
 17 rehabilitation project administered by the Administrator,
 18 the Administrator shall—

19 “(1) determine whether there is a flood risk
 20 area in the location of the project; and

21 “(2) in the case of a positive determination
 22 under paragraph (1)—

23 “(A) to the extent possible, avoid new con-
 24 struction in the flood risk area; and

1 “(B) if new construction cannot be avoided
2 under subparagraph (A)—

3 “(i) ensure that the new construction
4 will—

5 “(I) raise all essential services 5
6 feet above the applicable floodplain;
7 and

8 “(II) include a design for quick
9 recovery in a flooding event;

10 “(ii) rehabilitate existing buildings lo-
11 cated in the flood risk area to better with-
12 stand flood risk; and

13 “(iii) develop a flood vulnerability as-
14 sessment and mitigation plan to protect
15 life and property.

16 “(c) RESILIENCE METRICS.—The Administrator
17 shall—

18 “(1) pilot test metrics to measure and improve
19 the resilience of GSA facilities, including the phys-
20 ical aspects of the facilities, the health and wellness
21 of occupants of the facilities, and communities and
22 systems serving or served by the facilities; and

23 “(2) in carrying out paragraph (1), consider
24 emerging resilience tools and rating systems for re-
25 silience, including building-grid optimization.

1 “(d) GREEN INFRASTRUCTURE.—The Administrator
2 shall prioritize the use of appropriate green infrastructure
3 features on federally owned property—

4 “(1) to improve stormwater and wastewater
5 management;

6 “(2) to alleviate onsite and offsite flooding and
7 water quality impacts; and

8 “(3) to reduce and mitigate risks of climate
9 change to GSA facilities and proximate communities.

10 “(e) OPERATING BUILDINGS FOR HEALTH.—

11 “(1) METRICS AND DATA.—The Administrator
12 shall—

13 “(A) implement human-centric metrics and
14 measurement tools to improve the indoor envi-
15 ronmental qualities, including air and water
16 quality, that support improved health and
17 wellness of Federal employees; and

18 “(B) collect, manage, and analyze the data
19 generated by the metrics and tools implemented
20 under subparagraph (A).

21 “(2) STRATEGIC PLAN.—Not later than 1 year
22 after the date of enactment of the GREEN Building
23 Jobs Act of 2020, the Administrator shall develop
24 and make publicly available a strategic plan for the

1 design, construction, and operation of GSA facilities
2 that—

3 “(A) is based on the data described in
4 paragraph (1)(B);

5 “(B) provides for implementation of pri-
6 ority practices by the end of fiscal year 2022;
7 and

8 “(C) may provide for phased implementa-
9 tion of additional effective practices.

10 “(3) ADMINISTRATION.—In carrying out para-
11 graphs (1) and (2), the Administrator shall—

12 “(A) consider emerging occupant-centric
13 environmental health monitoring tools and
14 building control systems for improved health
15 and wellness, including approaches such as
16 measurement of accumulated daily circadian
17 light dosage, surveys of occupant satisfaction
18 and perceptions, assessments of physical activ-
19 ity, social interaction, and mobility, and meas-
20 urement of reduced exposure to contaminants
21 in air and drinking water;

22 “(B) incorporate strategies to reduce risk
23 of transmission of viruses and other pathogens;
24 and

1 “(C)(i) benchmark health and well-being
2 management performance to leadership stand-
3 ards; and

4 “(ii) include in certification activities the
5 strategies and performance measures considered
6 and used under this subsection as tools to mon-
7 itor and improve outcomes.

8 “(f) GUIDANCE; TRAINING.—The Administrator, act-
9 ing through the Federal Director of the Office of Federal
10 High-Performance Green Buildings, may issue guidance
11 and provide training to implement this section.

12 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
13 is authorized to be appropriated to the Administrator
14 \$300,000,000 to carry out this section, to remain available
15 until expended.”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 for the Energy Independence and Security Act of 2007
18 (Public Law 110–140; 121 Stat. 1494) (as amended by
19 section 3(b)) is amended by adding after the item relating
20 to section 445 the following:

“Sec. 446. Resilient and healthy buildings.”.

21 **SEC. 5. FEDERAL BUILDING IMPROVEMENTS.**

22 (a) DEFINITIONS.—In this section:

23 (1) ADMINISTRATOR.—The term “Adminis-
24 trator” means the Administrator of General Serv-
25 ices.

1 (2) GSA FACILITY.—The term “GSA facility”
2 has the meaning given the term in section 401 of the
3 Energy Independence and Security Act of 2007 (42
4 U.S.C. 17061).

5 (b) ENERGY EFFICIENCY IMPROVEMENTS.—

6 (1) IN GENERAL.—The Administrator shall
7 carry out energy efficiency improvements to GSA fa-
8 cilities, including—

9 (A) actionable energy projects identified in
10 the most recent energy and water evaluation for
11 a facility conducted under section 543(f)(3) of
12 the National Energy Conservation Policy Act
13 (42 U.S.C. 8253(f)(3)) that are life-cycle cost-
14 effective;

15 (B) additional measures to support the
16 goals of each of sections 442 through 444 of
17 the Energy Independence and Security Act of
18 2007 (Public Law 110–140);

19 (C) additional measures to support activi-
20 ties under section 445 of the Energy Independ-
21 ence and Security Act of 2007 (Public Law
22 110–140); and

23 (D) combining projects to reduce cost, ad-
24 ministration, or implementation time, or other-
25 wise add value.

1 (2) LEVERAGING PRIVATE SECTOR FUNDS.—

2 (A) IN GENERAL.—In carrying out im-
 3 provements under paragraph (1) in a fiscal-year
 4 period, the Administrator shall, to the max-
 5 imum extent practicable, use not less than the
 6 amount made available under paragraph (3) for
 7 that fiscal year to leverage private sector fi-
 8 nancing using public-private partnerships, in-
 9 cluding through energy savings performance
 10 contracts and other mechanisms.

11 (B) PERFORMANCE REQUIREMENT.—Any
 12 public-private partnership entered into pursuant
 13 to subparagraph (A) shall include a perform-
 14 ance component that ensures effective use of
 15 funds, lasting energy and cost savings, and job
 16 creation.

17 (3) AUTHORIZATION OF APPROPRIATIONS.—

18 There is authorized to be appropriated to the Ad-
 19 ministrator to carry out this subsection
 20 \$1,000,000,000, to remain available until expended.

21 **SEC. 6. CLEAN ENERGY CONTRACTING.**

22 (a) LONG-TERM CONTRACTS FOR RENEWABLE EN-
 23 ERGY.—

24 (1) DEFINITIONS.—In this subsection:

1 (A) COGENERATION FACILITY.—The term
 2 “cogeneration facility” has the meaning given
 3 the term in section 3 of the Federal Power Act
 4 (16 U.S.C. 796).

5 (B) RENEWABLE ENERGY SOURCE.—The
 6 term “renewable energy source” has the mean-
 7 ing given the term “renewable energy” in sec-
 8 tion 203(b) of the Energy Policy Act of 2005
 9 (42 U.S.C. 15852(b)).

10 (2) CONTRACTS.—The Administrator of Gen-
 11 eral Services may enter into a contract—

12 (A) for the acquisition of energy generated
 13 from renewable energy sources or from cogen-
 14 eration facilities; and

15 (B) notwithstanding section 501(b)(1)(B)
 16 of title 40, United States Code, the term of
 17 which is not more than 30 years.

18 (b) PERFORMANCE CONTRACTING.—

19 (1) AUTHORITY TO ENTER INTO CONTRACTS.—
 20 Section 801(a)(2) of the National Energy Conserva-
 21 tion Policy Act (42 U.S.C. 8287(a)(2)) is amend-
 22 ed—

23 (A) in subparagraph (E)—

(i) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately;

(ii) in the matter preceding subclause (I) (as so redesignated), by striking “In carrying out” and inserting the following:

“(i) IN GENERAL.—In carrying out”; and

(iii) by adding at the end the following:

“(ii) GENERAL SERVICES ADMINISTRATION.—Notwithstanding subtitle I of title 40, United States Code, the Administrator of General Services may accept, retain, sell, or transfer, and apply the proceeds of the sale or transfer of, any energy and water incentive, rebate, grid service revenue, or credit (including a renewable energy certificate) to fund a contract under this title.”; and

(B) in subparagraph (F), by striking clauses (i) and (ii) and inserting the following:

“(i)(I) establish a Federal agency policy that limits the maximum contract term

under subparagraph (D) to a period shorter than 25 years; or

“(II) limit the total amount of obligations under energy savings performance contracts or other private financing of energy savings measures; and

“(ii) in the case of the General Services Administration, limit the recognition of operation and maintenance savings associated with systems modernized or replaced with the implementation of energy conservation measures, water conservation measures, or any combination of energy conservation measures and water conservation measures.”.

(2) PAYMENT OF COSTS.—Section 802 of the National Energy Conservation Policy Act (42 U.S.C. 8287a) is amended—

(A) by striking “Any amount paid by a Federal agency” and inserting the following:

“(a) IN GENERAL.—Any amount paid by a Federal agency other than the General Services Administration”;

(B) in subsection (a) (as so designated), by striking “(and related operation and maintenance expenses)” and inserting “, including re-

1 lated operations and maintenance expenses”;
2 and

3 (C) by adding at the end the following:

4 “(b) GENERAL SERVICES ADMINISTRATION.—Any
5 amount paid by the General Services Administration pur-
6 suant to any contract entered into under this title may
7 be paid only from funds appropriated or otherwise made
8 available to the General Services Administration for the
9 payment of energy, water, or wastewater treatment ex-
10 penses, including related operations and maintenance ex-
11 penses.”.

12 (3) DEFINITIONS.—Section 804 of the National
13 Energy Conservation Policy Act (42 U.S.C. 8287c)
14 is amended—

15 (A) in paragraph (2)—

16 (i) in subparagraph (A), by redesign-
17 nating clauses (i) through (iii) as sub-
18 clauses (I) through (III), respectively, and
19 indenting appropriately;

20 (ii) by redesignating subparagraphs
21 (A) through (D) as clauses (i) through
22 (iv), respectively, and indenting appro-
23 priately;

24 (iii) by striking the paragraph des-
25 ignation and all that follows through

1 “means—” in the matter preceding clause
 2 (i) (as so redesignated) and inserting the
 3 following:

4 “(2) ENERGY SAVINGS.—

5 “(A) IN GENERAL.—The term ‘energy sav-
 6 ings’ means—”; and

7 (iv) by adding at the end the fol-
 8 lowing:

9 “(B) GSA INCLUSIONS.—With respect to
 10 the General Services Administration, the term
 11 ‘energy savings’ includes—

12 “(i) the use, sale, or transfer of any
 13 energy and water incentive, rebate, grid
 14 service revenue, or credit (including a re-
 15 newable energy certificate); and

16 “(ii) any revenue generated from a re-
 17 duction in energy or water use, more effi-
 18 cient waste recycling, or additional energy
 19 generated from more efficient equipment.”;
 20 and

21 (B) in paragraph (4)(A), by striking
 22 “551” and inserting “551, which includes, in
 23 the case of a measure taken by the Adminis-
 24 trator of General Services, a measure that is
 25 applied to a Federal building that involves en-

1 ergy consuming devices and required support
2 structures”.

3 **SEC. 7. RECOMMENDATIONS.**

4 (a) DEFINITION OF ADMINISTRATOR.—In this sec-
5 tion, the term “Administrator” means the Administrator
6 of General Services, acting through the Federal Director
7 of the Office of High-Performance Green Buildings.

8 (b) SUSTAINABILITY AND RESILIENCE.—The Admin-
9 istrator, in consultation with the Secretary of Health and
10 Human Services, the Secretary of Homeland Security, the
11 Administrator of the Federal Emergency Management
12 Agency, the Secretary of Veterans Affairs, the Adminis-
13 trator of the Environmental Protection Agency, the Sec-
14 retary of Energy, and the Chair of the Council on Envi-
15 ronmental Quality, shall develop recommendations for sus-
16 tainability and resilience at hospitals and health care fa-
17 cilities, including by—

- 18 (1) incorporating building and health sciences
19 research related to health and wellness;
20 (2) identifying relevant metrics;
21 (3) prioritizing proven strategies;
22 (4) referencing, as appropriate, criteria in the
23 Guiding Principles for Sustainable Federal Build-
24 ings; and

1 (5) developing corresponding recommended con-
2 tract provisions and other templates for use in pro-
3 curement.

4 (c) COMPLIANCE WITH GUIDING PRINCIPLES FOR
5 SUSTAINABLE FEDERAL BUILDINGS.—The Adminis-
6 trator, in consultation with the Administrator of the Envi-
7 ronmental Protection Agency, the Director of the Federal
8 Energy Management Program, and the Chair of the Coun-
9 cil on Environmental Quality, shall develop recommenda-
10 tions for systems, including customized Energy Star Port-
11 folio Manager fields and dashboards, for use by Federal
12 facilities in tracking compliance and progress of new and
13 existing buildings with the Guiding Principles for Sustain-
14 able Federal Buildings, including by considering—

15 (1) campus, installation, and portfolio ap-
16 proaches;

17 (2) suggested targets; and

18 (3) relevant metrics.

19 (d) STUDY ON FEDERAL BUILDINGS FUND LENDING
20 PROGRAM.—Not later than 1 year after the date of enact-
21 ment of this Act, the Administrator shall make publicly
22 available a report that evaluates and describes the poten-
23 tial efficacy, costs, and benefits of a program under which
24 the Administrator would—

1 (1) borrow funds from the Federal Buildings
2 Fund for building energy and water efficiency and
3 resilience retrofits, including through projects that
4 use funds to leverage private sector financing, in-
5 cluding through energy savings performance con-
6 tracts; and

7 (2) repay the Federal Buildings Fund from
8 utility savings.

9 (e) ANNUAL REPORTING ON LEVERAGED PRIVATE
10 FINANCING.—

11 (1) IN GENERAL.—For each of fiscal years
12 2021 through 2030, the Administrator shall include
13 the information described in paragraph (2)—

14 (A) in the annual report prepared by the
15 Administrator pursuant to section 527 of the
16 Energy Independence and Security Act of 2007
17 (42 U.S.C. 17143); and

18 (B) in the annual General Services Admin-
19 istration Sustainability Report and Implementa-
20 tion Plan.

21 (2) INFORMATION.—The information referred
22 to in paragraph (1) is, with respect to the fiscal year
23 covered by a report—

1 (A) the investment value and number of
2 energy savings performance contracts entered
3 into by the Administrator;

4 (B) the investment value and number of
5 other forms of public-private partnerships that
6 leverage private sector financing entered into by
7 the Administrator for energy efficiency projects;

8 (C) for each of the 2 fiscal years following
9 the fiscal year covered by the report, the pro-
10 jected value and number described in each of
11 subparagraphs (A) and (B);

12 (D) the total estimated implementation
13 costs and estimated lifecycle cost savings of out-
14 standing energy conservation measures at facili-
15 ties that meet the criteria described in section
16 543(f)(2)(B) of the National Energy Conserva-
17 tion Policy Act (42 U.S.C. 8253(f)(2)(B)); and

18 (E) recommendations to increase the ag-
19 gregate benefits and value provided to the Gen-
20 eral Services Administration through public-pri-
21 vate partnerships with respect to energy effi-
22 ciency, renewable energy, and energy resilience.

○