

# Union Calendar No. 435

115TH CONGRESS  
2D SESSION

# H. R. 723

[Report No. 115–575]

To amend the National Energy Conservation Policy Act to encourage the increased use of performance contracting in Federal facilities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2017

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

FEBRUARY 23, 2018

Additional sponsors: Mrs. LOVE, Mr. PERLMUTTER, Mr. GRIJALVA, Mr. COLE,  
Mr. CARTWRIGHT, and Mr. PETERS

FEBRUARY 23, 2018

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 30, 2017]

# **A BILL**

To amend the National Energy Conservation Policy Act to encourage the increased use of performance contracting in Federal facilities, 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 “Energy Savings Through*  
 5 *Public-Private Partnerships Act of 2017”.*

6 **SEC. 2. USE OF ENERGY AND WATER EFFICIENCY MEAS-**  
 7 **URES IN FEDERAL BUILDINGS.**

8 *(a) ENERGY MANAGEMENT REQUIREMENTS.—Section*  
 9 *543(f)(4) of the National Energy Conservation Policy Act*  
 10 *(42 U.S.C. 8253(f)(4)) is amended by striking “may” and*  
 11 *inserting “shall”.*

12 *(b) REPORTS.—Section 548(b) of the National Energy*  
 13 *Conservation Policy Act (42 U.S.C. 8258(b)) is amended—*

14 *(1) in paragraph (3), by striking “and” at the*  
 15 *end;*

16 *(2) in paragraph (4), by striking the period at*  
 17 *the end and inserting “; and”; and*

18 *(3) by adding at the end the following:*

19 *“(5)(A) the status of the energy savings perform-*  
 20 *ance contracts and utility energy service contracts of*  
 21 *each agency;*

22 *“(B) the investment value of the contracts;*

23 *“(C) the guaranteed energy savings for the pre-*  
 24 *vious year as compared to the actual energy savings*  
 25 *for the previous year;*

1           “(D) the plan for entering into the contracts in  
2           the coming year; and

3           “(E) information explaining why any previously  
4           submitted plans for the contracts were not imple-  
5           mented.”.

6           (c) *DEFINITION OF ENERGY CONSERVATION MEAS-*  
7           *URES.*—Section 551(4) of the National Energy Conserva-  
8           tion Policy Act (42 U.S.C. 8259(4)) is amended by striking  
9           “or retrofit activities” and inserting “retrofit activities, or  
10          energy consuming devices and required support structures”.

11          (d) *AUTHORITY TO ENTER INTO CONTRACTS.*—Sec-  
12          tion 801(a)(2)(F) of the National Energy Conservation Pol-  
13          icy Act (42 U.S.C. 8287(a)(2)(F)) is amended—

14                 (1) in clause (i), by striking “or” at the end;

15                 (2) in clause (ii), by striking the period at the  
16          end and inserting “; or”; and

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

18                         “(iii) limit the recognition of operation  
19                         and maintenance savings associated with  
20                         systems modernized or replaced with the  
21                         implementation of energy conservation  
22                         measures, water conservation measures, or  
23                         any combination of energy conservation  
24                         measures and water conservation meas-  
25                         ures.”.

1       (e) *MISCELLANEOUS AUTHORITY.*—Section 801(a)(2)  
 2   *of the National Energy Conservation Policy Act (42 U.S.C.*  
 3   *8287(a)(2)) is amended by adding at the end the following:*

4               “(H) *MISCELLANEOUS AUTHORITY.*—Not-  
 5       withstanding any other provision of law, a Fed-  
 6       eral agency may sell or transfer energy savings  
 7       and apply the proceeds of the sale or transfer to  
 8       fund a contract under this title.”.

9       (f) *PAYMENT OF COSTS.*—Section 802 of the National  
 10   *Energy Conservation Policy Act (42 U.S.C. 8287a) is*  
 11   *amended by striking “(and related operation and mainte-*  
 12   *nance expenses)” and inserting “, including related oper-*  
 13   *ations and maintenance expenses”.*

14       (g) *DEFINITION OF FEDERAL BUILDING.*—Section  
 15   *551(6) of the National Energy Conservation Policy Act (42*  
 16   *U.S.C. 8259(6)) is amended by striking the semicolon at*  
 17   *the end and inserting “; the term does not include a dam,*  
 18   *reservoir, or hydropower facility owned or operated by a*  
 19   *Federal agency;”.*

20       (h) *DEFINITION OF ENERGY SAVINGS.*—Section 804(2)  
 21   *of the National Energy Conservation Policy Act (42 U.S.C.*  
 22   *8287c(2)) is amended—*

23               (1) *in subparagraph (A), by striking “federally*  
 24       *owned building or buildings or other federally owned*

1       *facilities” and inserting “Federal building (as defined*  
2       *in section 551)” each place it appears;*

3               *(2) in subparagraph (C), by striking “; and”*  
4       *and inserting a semicolon;*

5               *(3) in subparagraph (D), by striking the period*  
6       *at the end and inserting a semicolon; and*

7               *(4) by adding at the end the following:*

8                       *“(E) the use, sale, or transfer of energy in-*  
9                       *centives, rebates, or credits (including renewable*  
10                      *energy credits) from Federal, State, or local gov-*  
11                      *ernments or utilities; and*

12                      *“(F) any revenue generated from a reduc-*  
13                      *tion in energy or water use, more efficient waste*  
14                      *recycling, or additional energy generated from*  
15                      *more efficient equipment.”.*



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