

115TH CONGRESS
2D SESSION

H. R. 6584

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

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2018

Mr. CARTER of Georgia (for himself and Mr. GENE GREEN of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 2018”.

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) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1)—

3 (i) by inserting “to the maximum ex-
4 tent life cycle cost-effective,” after “para-
5 graph (2),”;

6 (ii) by striking “2015” and inserting
7 “2017”; and

8 (iii) in the table at the end—

9 (I) by striking the period at the
10 end; and

11 (II) by adding at the end the fol-
12 lowing:

“2016	32.5
2017	35.0.”;

13 and

14 (B) by striking paragraphs (2) and (3) and
15 inserting the following:

16 “(2) EXCLUSION FOR BUILDINGS WITH ENERGY IN-
17 TENSIVE ACTIVITIES.—

18 “(A) IN GENERAL.—An agency may exclude
19 from the requirements of paragraph (1) any building
20 (including the associated energy consumption and
21 gross square footage of the building) in which en-
22 ergy intensive activities are carried out.

23 “(B) REPORTS.—Each agency shall identify
24 and include in each report under section 548(a) each

1 building designated by the agency for exclusion
2 under subparagraph (A) during the period covered
3 by the report.”; and

4 (2) in subsection (f)—

5 (A) in paragraph (1)—

6 (i) by redesignating subparagraphs
7 (E), (F), and (G) as subparagraphs (F),
8 (G), and (H), respectively; and

9 (ii) by inserting after subparagraph
10 (D) the following:

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

19 (B) in paragraph (2), by adding at the end
20 the following:

21 “(C) ENERGY MANAGEMENT SYSTEM.—An
22 energy manager designated for a facility under
23 subparagraph (A) shall take into consider-
24 ation—

1 “(i) the use of a system to manage
2 energy use at the facility; and

3 “(ii) applicability of certification of
4 the facility in accordance with the Inter-
5 national Organization for Standardization
6 standard numbered 50001 and entitled
7 ‘Energy Management Systems’.”; and

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

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

12 “(A) EVALUATIONS.—Except as provided
13 in subparagraph (B), not later than the date
14 that is 180 days after the date of enactment of
15 the All-of-the-Above Federal Building Energy
16 Conservation Act of 2018, and annually there-
17 after, each energy manager shall complete, for
18 the preceding calendar year, a comprehensive
19 energy and water evaluation and recommis-
20 sioning or retrocommissioning for approxi-
21 mately 25 percent of the facilities of the appli-
22 cable agency that meet the criteria under para-
23 graph (2)(B) in a manner that ensures that an
24 evaluation of each such facility is completed not
25 less frequently than once every 4 years.

1 “(B) EXCEPTIONS.—An evaluation and re-
2 commissioning shall not be required under sub-
3 paragraph (A) with respect to a facility that, as
4 of the date on which the evaluation and re-
5 commissioning or retrocommissioning would
6 otherwise occur—

7 “(i) has had a comprehensive energy
8 and water evaluation during the preceding
9 8-year period;

10 “(ii)(I) has been commissioned, re-
11 commissioned, or retrocommissioned dur-
12 ing the preceding 10-year period; or

13 “(II) is under ongoing commissioning;

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

17 “(iv) has been benchmarked with pub-
18 lic disclosure under paragraph (8) during
19 the preceding calendar year; and

20 “(v)(I) based on the benchmarking de-
21 scribed in clause (iv), has achieved at a fa-
22 cility level the most-recent cumulative en-
23 ergy savings target under subsection (a),
24 as compared to the earlier of—

1 “(aa) the date of the most recent
2 evaluation; and

3 “(bb) the date—

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

7 “(BB) on which ongoing
8 commissioning began; or

9 “(II) has a long-term contract in
10 place guaranteeing energy savings at least
11 as great as the energy savings target under
12 subclause (I).

13 “(4) IMPLEMENTATION OF IDENTIFIED ENERGY
14 AND WATER EFFICIENCY MEASURES.—Not later
15 than 2 years after the completion of each evaluation
16 under paragraph (3), each energy manager shall—

17 “(A) implement any energy- or water-sav-
18 ing measure that the Federal agency identified
19 in the evaluation conducted that is life cycle
20 cost-effective; and

21 “(B) bundle individual measures of varying
22 paybacks together into combined projects.”.

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

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

7 (1) in each of paragraphs (1) through (16), by
8 inserting a paragraph heading, the text of which is
9 comprised of the term defined in that paragraph;

10 (2) by redesignating paragraphs (2) through
11 (16) (as so amended) as paragraphs (3), (4), (6),
12 (7), (8), (10), (12), (13), (14), (15), (16), (9), (17),
13 (5), and (2), respectively, and moving the para-
14 graphs so as to appear in numerical order; and

15 (3) by inserting after paragraph (10) (as so re-
16 designated) the following:

17 “(11) MAJOR RENOVATION.—The term ‘major
18 renovation’ means a modification of the energy sys-
19 tems of a building that is sufficiently extensive to
20 ensure that the entire building can achieve compli-
21 ance with applicable energy standards for new build-
22 ings, based on such criteria as the Secretary shall
23 establish, by regulation.”.

24 (b) FEDERAL BUILDING EFFICIENCY STANDARDS.—
25 Section 305(a)(3) of the Energy Conservation and Pro-
26 duction Act (42 U.S.C. 6834(a)(3)) is amended—

1 (1) by striking “(3)(A) Not later than” and all
2 that follows through subparagraph (B) and inserting
3 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 2018, the Secretary
14 shall establish, by regulation, revised Fed-
15 eral building energy efficiency performance
16 standards that require that—

17 “(I) 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 shall be
22 designed to achieve energy con-
23 sumption levels that are not less
24 than 30 percent below the levels
25 established in the version of the

1 ASHRAE Standard or the Inter-
2 national Energy Conservation
3 Code, as appropriate, in effect on
4 the date of enactment of the All-
5 of-the-Above Federal Building
6 Energy Conservation Act of
7 2018, unless the Secretary deter-
8 mines, pursuant to subparagraph
9 (B), that a subsequent version of
10 such a standard or code shall
11 apply; and

12 “(bb) sustainable design
13 principles are applied to the loca-
14 tion, siting, design, and construc-
15 tion of all new Federal buildings
16 and replacement Federal build-
17 ings;

18 “(II) if water is used to achieve
19 energy efficiency, water conservation
20 technologies shall be applied to the ex-
21 tent that the technologies are life-
22 cycle cost-effective; and

23 “(III) if life-cycle cost-effective,
24 as compared to other reasonably avail-
25 able technologies, not less than 30

1 percent of the hot water demand for
2 each new Federal building or Federal
3 building undergoing a major renova-
4 tion shall be met through the installa-
5 tion and use of solar hot water heat-
6 ers.

7 “(B) UPDATES.—Not later than 1 year
8 after the date of approval of each subsequent
9 revision of the ASHRAE Standard or the Inter-
10 national Energy Conservation Code, as appro-
11 priate, the Secretary shall determine whether
12 the revised standards established under sub-
13 paragraph (A) should be updated to reflect the
14 revisions, based on the energy savings and life-
15 cycle cost-effectiveness of the revisions.”;

16 (2) in subparagraph (C)—

17 (A) by striking “(C) In the budget re-
18 quest” and inserting the following:

19 “(C) BUDGET REQUEST.—In the budget
20 request”; and

21 (B) by indenting clauses (i) and (ii) appro-
22 priately; and

23 (3) in subparagraph (D)—

1 (A) in the matter preceding clause (i), by
2 striking “that require that:” and inserting
3 “that require the following:”;

4 (B) in clause (i), by striking “annually for
5 inflation for other buildings:” in the matter pre-
6 ceding subclause (I) and all that follows
7 through “(III) Sustainable design principles”
8 and inserting “annually for inflation for other
9 buildings, sustainable design principles”;

10 (C) in clause (v), by striking “clause
11 (i)(III)” each place it appears and inserting
12 “clause (i)”; and

13 (D) in clause (vi)—

14 (i) by striking “subclauses (I) and
15 (III) of”; and

16 (ii) by striking “energy savings, sus-
17 tainable design, and green building per-
18 formance” and inserting “sustainable de-
19 sign and green building performance”.

20 (c) FEDERAL COMPLIANCE.—Section 306 of the En-
21 ergy Conservation and Production Act (42 U.S.C. 6835)
22 is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (1)—

1 (i) by striking “(1) The head” and in-
2 serting the following:

3 “(1) IN GENERAL.—The head”; and

4 (ii) by striking “assure that new Fed-
5 eral buildings” and inserting “ensure that
6 new Federal buildings and Federal build-
7 ings with major renovations”; and

8 (B) in paragraph (2)—

9 (i) by striking the second sentence
10 and inserting the following:

11 “(B) PROCEDURES.—The Architect of the
12 Capitol shall adopt procedures necessary to en-
13 sure that the buildings referred to in subpara-
14 graph (A) meet or exceed the standards de-
15 scribed in that subparagraph.”; and

16 (ii) in the first sentence—

17 (I) by inserting “and Federal
18 buildings with major renovations”
19 after “new buildings”; and

20 (II) by striking “(2) The Fed-
21 eral” and inserting the following:

22 “(2) APPLICABILITY.—

23 “(A) IN GENERAL.—The Federal”; and

1 (2) in subsection (b), by striking the enu-
2 merator and heading and all that follows through
3 “new Federal building” and inserting the following:
4 “(b) EXPENDITURES.—The head of a Federal agency
5 may expend Federal funds for the construction of a new
6 Federal building or a Federal building with major renova-
7 tions”.

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