

115TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

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—

10 (1) in subsection (a)—

11 (A) in paragraph (1)—

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

4 (ii) by striking “2015” and inserting
 5 “2017”; and

6 (iii) in the table at the end—

7 (I) by striking the period at the
 8 end; and

9 (II) by adding at the end the fol-
 10 lowing:

“2016	32.5
2017	35.0.”; and

11 (2) by striking paragraphs (2) and (3) and in-
 12 serting the following:

13 “(2) EXCLUSION FOR BUILDINGS WITH ENERGY
 14 INTENSIVE ACTIVITIES.—

15 “(A) IN GENERAL.—An agency may ex-
 16 clude from the requirements of paragraph (1)
 17 any building (including the associated energy
 18 consumption and gross square footage of the
 19 building) in which energy intensive activities are
 20 carried out.

21 “(B) REPORTS.—Each agency shall iden-
 22 tify and include in each report under section
 23 548(a) each building designated by the agency

1 for exclusion under subparagraph (A) during
2 the period covered by the report.”;

3 (3) in subsection (f)—

4 (A) in paragraph (1)—

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

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

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

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

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

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

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

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

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

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

24 “(B) EXCEPTIONS.—An evaluation and re-
25 commissioning or retrocommissioning shall not

1 be required under subparagraph (A) with re-
2 spect to a facility that, as of the date on which
3 the evaluation and recommissioning or
4 retrocommissioning would otherwise occur—

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

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

11 “(II) is under ongoing commissioning;

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

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

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

23 “(aa) the date of the most recent
24 evaluation; and

25 “(bb) the date—

6

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

4 “(BB) on which ongoing
5 commissioning began; or

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

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

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

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

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

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

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

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

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

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

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

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

1 the date of enactment of the All-
2 of-the-Above Federal Building
3 Energy Conservation Act of
4 2018, unless the Secretary deter-
5 mines, pursuant to subparagraph
6 (B), that a subsequent version of
7 such a standard or code shall
8 apply; and

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

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

20 “(III) if life-cycle cost-effective,
21 as compared to other reasonably avail-
22 able technologies, not less than 30
23 percent of the hot water demand for
24 each new Federal building or Federal
25 building undergoing a major renova-

1 tion shall be met through the installa-
2 tion and use of solar hot water heat-
3 ers.

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

13 (2) in subparagraph (C)—

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

16 “(C) BUDGET REQUEST.—In the budget
17 request”; and

18 (B) by indenting clauses (i) and (ii) appro-
19 priately; and

20 (3) in subparagraph (D)—

21 (A) in the matter preceding clause (i), by
22 striking “that require that:” and inserting
23 “that require the following:”;

24 (B) in clause (i), by striking “annually for
25 inflation for other buildings:” in the matter pre-

1 ceding subclause (I) and all that follows
2 through “(III) Sustainable design principles”
3 and inserting “annually for inflation for other
4 buildings, sustainable design principles”;

5 (C) in clause (v), by striking “clause
6 (i)(III)” each place it appears and inserting
7 “clause (i)”; and

8 (D) in clause (vi)—

9 (i) by striking “subclauses (I) and
10 (III) of”; and

11 (ii) by striking “energy savings, sus-
12 tainable design, and green building per-
13 formance” and inserting “sustainable de-
14 sign and green building performance”.

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

18 (1) in subsection (a)—

19 (A) in paragraph (1)—

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

22 “(1) IN GENERAL.—The head”; and

23 (ii) by striking “assure that new Fed-
24 eral buildings” and inserting “ensure that

1 new Federal buildings and Federal build-
2 ings with major renovations”; and

3 (B) in paragraph (2)—

4 (i) by striking the second sentence
5 and inserting the following:

6 “(B) PROCEDURES.—The Architect of the
7 Capitol shall adopt procedures necessary to en-
8 sure that the buildings referred to in subpara-
9 graph (A) meet or exceed the standards de-
10 scribed in that subparagraph.”; and

11 (ii) in the first sentence—

12 (I) by inserting “and Federal
13 buildings with major renovations”
14 after “new buildings”; and

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

17 “(2) APPLICABILITY.—

18 “(A) IN GENERAL.—The Federal”; and

19 (2) in subsection (b), by striking the subsection
20 designation and heading and all that follows through
21 “new Federal building” and inserting the following:

22 “(b) EXPENDITURES.—The head of a Federal agency
23 may expend Federal funds for the construction of a new
24 Federal building or a Federal building with major renova-
25 tions”.