

AMENDMENT NO. 2

**TO THE CHAIRMAN’S MARK FOR TITLE VI
OF THE ENERGY POLICY BILL**

Intended to be proposed by JOINT STAFF

Purpose: To authorize a pilot program for non-building applications of energy savings performance contracts.

Viz:

1 [1.] On page 8, between lines 19 and 20, insert the following:

2 “(f) PILOT PROGRAM FOR NON-BUILDING APPLICATIONS.—

3 “(1) The Secretary of Defense, and the heads of other interested Federal agencies, are
4 authorized to enter into up to 10 energy savings performance contracts under Title VIII of the
5 National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.) for the purpose of
6 achieving energy or water savings, secondary savings, and benefits incidental to those purposes,
7 in non-building applications, provided that the aggregate payments to be made by the Federal
8 government under such contracts shall not exceed \$100,000,000.

9 “(2) The Secretary of Energy, in consultation with the Secretary of Defense and the
10 heads of other interested Federal agencies, shall select projects that demonstrate the
11 applicability and benefits of energy savings performance contracting to a range of non-building
12 applications.

13 “(3) For the purposes of this subsection:

1 (A) the term “non-building application” means —

2 (i) any class of vehicles, devices, or equipment that is transportable
3 under its own power by land, sea, or air that consumes energy from any fuel
4 source for the purpose of such transportability, or to maintain a controlled
5 environment within such vehicle, device, or equipment; or

6 (ii) any Federally owned equipment used to generate electricity or
7 transport water.

8 (B) the term “secondary savings”, means additional energy or cost savings that
9 are a direct consequence of the energy or water savings that result from the financing
10 and implementation of the energy savings performance contract, including, but not
11 limited to, energy or cost savings that result from a reduction in the need for fuel
12 delivery and logistical support, or the increased efficiency in the production of
13 electricity.

14 “(4) Not later than 3 years after the date of enactment of this section, the Secretary of
15 Energy shall report to the Congress on the progress and results of the projects funded pursuant
16 to this section. Such report shall include a description of projects undertaken; the energy,
17 water and cost savings, secondary savings and other benefits that resulted from such projects;
18 and recommendations on whether the pilot program should be extended, expanded, or
19 authorized permanently as a part of the program authorized under Title VIII of the National
20 Energy Conservation Policy act (42 U.S.C. 8287 et seq.).

21 “(5) Section 546(c)(3) of the National Energy Conservation Policy Act (42 U.S.C.

- 1 8256) is amended by striking the word “facilities”, and inserting the words “facilities, equipment
- 2 and vehicles”, in lieu thereof.”.
- 3 **[2.]** On page 8, line 20, strike “(f)” and insert “(g)”.