| **Department of Energy’s Energy and Water Management Requirements Matrix – Revision 2** | | |
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| **Requirement** | **Drivers** | **Notes** |
| **Reporting** | |  |
| Federal agencies must submit to the Office of Management and Budget (OMB) an annual government efficiency status report on compliance with the implementation of initiatives to improve energy efficiency, reduce energy costs, lower greenhouse gas emissions, and savings to U.S. taxpayers resulting from mandated improvements. | [EISA 2007 § 527](https://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf);  [42 U.S.C. § 17143](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section17143&f=treesort&fq=true&num=0) | SPO uses annual data submitted to the Sustainability Dashboard data to produce the DOE’s Annual Energy Management Report. This report is submitted to OMB and the Federal Energy Management Program (FEMP) and fulfills DOE’s reporting requirement. |
| **Renewable Energy** | | |
| Renewable electric energy should account for not less than 7.5% of total agency electric consumption by FY 2013 and each year thereafter. | [EPAct 2005 § 203](http://www.gpo.gov/fdsys/pkg/PLAW-109publ58/pdf/PLAW-109publ58.pdf);  [42 U.S.C. § 15852(a)](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section15852&f=treesort&fq=true&num=0) | For calculation purposes, the renewable energy credit will be doubled if the electricity is: (1) produced and used on-site at a Federal facility; (2) or produced on Federal lands and used at a Federal facility; or (3) produced on Indian land and used at a Federal facility. |
| If life cycle cost-effective, at least 30% of hot water demand in new Federal buildings or Federal buildings undergoing major renovations must be met with solar hot water. | [EISA 2007 § 523](http://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf);  [42 U.S.C. § 6834(a)(3)(A)(iii)](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section6834&f=treesort&fq=true&num=0) |  |
| **Energy and Water Efficiency** |  |  |
| New buildings and major renovations are to be designed that a building's fossil fuel-generated energy consumption is reduced by 80% beginning in FY 2020, 90% beginning in FY 2025, and 100% beginning in FY 2030 as compared to a similar building in FY 2003.  This rule applies to new construction and major renovations that exceed the below cost thresholds:   * For Federally owned public buildings (as defined in statute), the threshold is approximately $3.6 million in 2024 dollars. * For Federally owned non-public Federal buildings, the threshold is approximately $3.8 million in 2024 dollars. * For leased Federal buildings (both public and non-public buildings), the threshold is approximately $1.8 million in 2024 dollars. | [Clean Energy for New Federal Buildings and Major Renovations of Federal Buildings](https://www.federalregister.gov/documents/2024/05/01/2024-08196/clean-energy-for-new-federal-buildings-and-major-renovations-of-federal-buildings);  [EISA 2007 § 433](https://www.govinfo.gov/content/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf) | Section 433 of Energy Independence and Security Act (EISA) 2007 directs DOE to establish, by rule, revised Federal building energy efficiency performance standards for new buildings and major renovations such that certain Federal buildings shall be designed to reduce on-site fossil fuel-generated energy consumption, as compared to a similar building in FY 2003.  The Clean Energy Rule focuses on on-site combustion of Scope 1 fossil fuels emissions:   * Applies to fossil fuel use in building operational end-uses only. * Does not allow renewable electricity to offset on-site fossil fuel use. (cont.) * Excludes industrial and manufacturing process loads.   New provisions regarding the Clean Energy Rule were [issued](https://www.federalregister.gov/documents/2024/05/01/2024-08196/clean-energy-for-new-federal-buildings-and-major-renovations-of-federal-buildings) on May 1st, 2024, but on May 5th, 2025, DOE filed a notice to stay the compliance date until May 1, 2026. During this period, DOE will review the implementation guidance for consistency with current energy policies. |
| Subject to certain exclusions, each Federal agency must reduce the energy consumption per gross square foot of its Federal buildings relative to a FY 2003 baseline by 27% by 2014 and by 30% by FY 2015. | [EISA 2007 § 431; EPAct 2005 § 102(c)](https://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf);  [42 U.S.C. § 8253(a)](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section8253&f=treesort&fq=true&num=0) ﷟ | SPO is awaiting guidance on energy consumption goals for 2025 and onward. Previously, goals have been set via Executive Order and through DOE’s Sustainability Plan. |
| Agencies are required to install all life cycle cost-effective energy and water conservation measures in owned buildings to the maximum extent practicable, as soon as practicable after October 1, 2022. Agencies are then required to report non-compliance to DOE every two years, beginning January 1, 2022. | [EA 2020 §1002](https://republicans-science.house.gov/sites/republicans.science.house.gov/files/Division%20Z%20-%20Energy%20Act.pdf);  [42 U.S.C. § 8253(b)](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section8253&f=treesort&fq=true&num=1) |  |
| Agency energy managers are required to complete an annual comprehensive energy and water evaluation for approximately 25% of “covered” facilities in a manner that ensures that an evaluation of such facility is completed at least once every four years. Exceptions for evaluations if complicated criteria are met.  **Energy and Water Efficiency and Conservation Measures (ECMs)**  Two years after the date of completion of each evaluation, each energy manager shall implement all life cycle cost effective ECMs (individually or bundled) AND Each Federal agency shall use performance contracting to address at least 50% of the measures identified (Guidance to determine criteria: 50% of implementation cost, counting of measures problematic).  For each measure implemented under 42 U.S.C. § 8253(f)(4), agencies are required to ensure that equipment is fully commissioned at acceptance to be operating at design specifications; a plan for appropriate operations, maintenance, and repair of the equipment is in place at acceptance and is followed; equipment and system performance is measured during its entire life to ensure proper operations, maintenance, and repair; and energy and water savings are measured and verified. | [EISA 2007 § 432;  EA 2020 §1002](https://www.govinfo.gov/content/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf);  [42 U.S.C. § 8253(f)(3)(A)](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section8253&f=treesort&fq=true&num=1)  [EISA 2007 § 432](https://www.govinfo.gov/content/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf);  [EA 2020 §1002](https://science.house.gov/_cache/files/f/3/f3916ab1-1d9b-428c-9f81-bbc33d9b5b55/501924497A34C21E5EF3C335F2BE370C.division-z---energy-act.pdf);  [42 U.S.C. § 8253(f)(4)](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section8253&f=treesort&fq=true&num=1)  [EISA 2007 § 432](https://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf);  [42 U.S.C. § 8253(f)(5)](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section8253&f=treesort&fq=true&num=1) | Annual energy and water evaluation data and energy and water ECM data is submitted to the Sustainability Dashboard and ENERGY STAR’s Portfolio Manager. SPO complies and reports on site data through FEMP’s Compliance Tracking System. |
| As part of the evaluation under 42 U.S.C. § 8253(f)(3)(A), energy managers are required to identify and assess recommissioning measures (or if the facility has never been commissioned, retrocommissioning measures) for the facility. | [EISA 2007 § 432](https://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf);  [42 U.S.C. § 8253(f)(3)(A)-(B)](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section8253&f=treesort&fq=true&num=1) |  |
| Agencies are required to install metering and advanced metering devices for energy and water in Federal buildings in accordance with U.S. Department of Energy metering guidelines. | [EISA 2007 § 434; EPAct 2005 § 103; EA 2020 §1002](https://republicans-science.house.gov/sites/republicans.science.house.gov/files/Division%20Z%20-%20Energy%20Act.pdf)  [42 U.S.C. § 8253(e)](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section8253&f=treesort&fq=true&num=1) | FEMP produced updated metering guidance in 2022 in coordination with the Energy Act of 2020. The updated metering guidance can be found [here](https://www.energy.gov/femp/articles/federal-metering-guidance-energy-act-2020-sec-1002g). |
| Agencies are required to enter energy use data for each metered covered facility into a building energy use benchmarking system. | [EISA 2007 § 432](https://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf);  [42 U.S.C. § 8253(f)(8)](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section8253&f=treesort&fq=true&num=1) |  |
| If water is used to achieve energy efficiency in new Federal buildings in accordance with 42 U.S.C. § 6834(a)(3), then water conservation measures shall be applied to the extent that they are life cycle cost-effective.  In addition to the use of water conservation technologies otherwise required by 42 U.S.C. 6834, water conservation technologies are to be applied to the extent that the technologies are life cycle cost-effective. | [EPAct 2005 § 109](http://www.gpo.gov/fdsys/pkg/PLAW-109publ58/pdf/PLAW-109publ58.pdf);  [42 U.S.C. § 6834(a)(3)(A)(ii)](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section6834&f=treesort&fq=true&num=0);  [42 U.S.C. § 6834(a)(3)(D)(vii)](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section6834&f=treesort&fq=true&num=0) |  |
| Each agency, in consultation with the Federal Acquisition Regulatory Council, is to establish criteria for the improvement of energy efficiency in Federal facilities operated by Federal government contractors or subcontractors. | [EPAct 1992 § 167](https://www.govinfo.gov/content/pkg/STATUTE-106/pdf/STATUTE-106-Pg2776.pdf);  [42 U.S.C. § 8262k(a)](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section8262k&f=treesort&fq=true&num=0) | Federal contractors, and their subcontractors, which manage and operate Federally owned facilities, to adopt and utilize energy conservation measures designed to reduce energy costs in Government-owned and contractor-operated facilities and which are ultimately borne by the Federal Government. |
| Use of a system to manage energy and water use at the facility, such as ISO 50001 | [42 U.S.C. §8253 (f)](https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section8253&num=0&edition=prelim) |  |
| **Fleet Management- A full list of Sustainable Fleet goals can be found** [**here**](https://www.energy.gov/femp/federal-laws-and-requirements-search) |  |  |
| **Alternative Fuel Vehicle Targets**  75% of light duty vehicle acquisitions must consist of alternative fuel vehicles (AFV).  Subject to certain exceptions, Federal agency shall not acquire a light-duty vehicle or a medium-duty passenger vehicle that is not a low greenhouse gas (GHG) emitting vehicle. | [42 U.S.C §13212](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section13212&num=0&edition=prelim) | Electric vehicles, including electricity from solar energy, are alternative fuel vehicles. |
| Not later than October 1, 2015, and for each year thereafter, achieve a 10% increase in annual alternative fuel consumption relative to an FY 2005 baseline. | [42 U.S.C. §6374e (a)(2)](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section6374e&num=0&edition=prelim) |  |
| Dual-fueled vehicles acquired are to operate on alternative fuels unless an agency qualifies for and receives a waiver from this requirement from the Secretary. | [42 U.S.C. § 6374(a)(3)(E)](https://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section6374&f=treesort&fq=true&num=0) |  |
| Agencies are to purchase, to the maximum extent feasible, dedicated and dual-fueled vehicles and to ensure that each type of alternative fuel vehicle is used by the Federal Government. | [42 U.S.C. § 6374(a)(3)(A)-(D)](https://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section6374&f=treesort&fq=true&num=0) |  |
| **Petroleum Reduction Targets**  Not later than October 1, 2015, and for each year thereafter, achieve at least a 20% reduction in annual petroleum consumption relative to an FY 2005 baseline. | [42 U.S.C. §6374e (a)(2)](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section6374e&num=0&edition=prelim) |  |
| **Alternative Fuel Vehicle Fueling**  Authorizes federal agencies to install, operate, and maintain electric vehicle supply equipment (EVSE) for personally owned vehicles in parking areas used by federal employees and authorized users. | [Fixing America’s Surface Transportation Act](https://www.congress.gov/114/plaws/publ94/PLAW-114publ94.pdf) | Federal agencies shall charge fees to the individuals who use the battery recharging station in such amount as is necessary to ensure that the respective agency recovers all the costs such agency incurs in installing, |
| To the maximum extent practicable, arrange for the fueling of alternative fueled vehicles at commercial fueling facilities that offer alternative fuels for sale to the public. | [42 U.S.C. §13213 (a)](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section13213&num=0&edition=prelim) |  |
| Not later than January 1, 2010, install at least 1 renewable fuel pump at each Federal fleet fueling center. | [42 U.S.C. §17053](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section17053&num=0&edition=prelim)  [EISA 2007 §246](https://www.congress.gov/110/plaws/publ140/PLAW-110publ140.pdf) | Section 246 requires Federal fueling centers distributing more than 100,000 gallons of petroleum fuel annually to also have renewable fuel infrastructure. Section 246 is the basis for the annual fueling center and EVSE inventory data. |
| Refueling sites providing alternative fuels to agencies must be accessible to the public when feasible. | [42 U.S.C. § 6374(c)](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section6374&f=treesort&fq=true&num=0) |  |
| **Sustainable Buildings** |  |  |
| In leasing buildings for its own use or that of another agency, each agency is required to fully consider the efficiency of all potential building space at the time of renewing or entering a new lease. | [EPAct 1992 § 152(d)(2)](https://www.govinfo.gov/content/pkg/STATUTE-106/pdf/STATUTE-106-Pg2776.pdf);  [42 U.S.C. § 8254(b)(2)](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section8254&f=treesort&fq=true&num=0&saved=%7CZ3JhbnVsZWlkOlVTQy0yMDEyLXRpdGxlNDItc2VjdGlvbjgyNTM%3D%7CdHJlZXNvcnQ%3D%7CdHJ1ZQ%3D%3D%7C0%7Cfalse%7C2012) |  |
| With certain exceptions, Federal agencies are not to enter into a contract to lease space in a building that has not earned the ENERGY STAR label in the most recent year. | [EISA 2007 § 435](http://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf);  [42 U.S.C. § 17091](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-prelim-title42-section17091&f=treesort&num=0&saved=%7CMTcwOTE%3D%7CdHJlZXNvcnQ%3D%7CdHJ1ZQ%3D%3D%7C3%7Ctrue%7Cprelim) |  |
| If life cycle cost-effective, new Federal buildings must be designed to achieve ASHRAE 90.1 energy consumption levels and 30% below such levels. The version of ASHRAE 90.1 that Federal agencies must use depends on when design for construction begins. | [42 U.S.C. §6834](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section6834&num=0&edition=prelim) (a)(3)(A); 10 CFR Parts 433, Subpart A and 435, Subpart A |  |
| New Federal buildings and major renovations of existing buildings are to reduce fossil fuel-generated energy consumption by 55% in FY 2010, 65% in FY 2015, 80% in FY 2020, 90% in FY 2025, and 100% in FY 2030, compared to a FY 2003 baseline. | [42 U.S.C. §6834](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section6834&num=0&edition=prelim) (a)(3)(D); 10 CFR Parts 433, Subpart B and 435, Subpart B |  |
| The sponsor of any development or redevelopment project involving a Federal facility with a footprint that exceeds 5,000 square feet is required to use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum amount technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow. | [EISA 2007 § 438](http://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf);  [42 U.S.C. § 17094](http://uscode.house.gov/view.xhtml?req=%28title%3A%20section%3A17094%20edition%3Aprelim%29%20OR%20%28granuleid%3AUSC-prelim-title-section17094%29&f=treesort&edition=prelim&num=0&jumpTo=true) |  |
| New Federal buildings and major renovations of existing buildings are to apply sustainable design principles to the siting, design, and construction of such buildings. | [EISA 2007 § 433](http://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf);  [42 U.S.C. 6834](https://uscode.house.gov/view.xhtml?req=granuleid:USC-1999-title42-section6834&num=0&edition=1999) | Pending General Services Administration (GSA) guidelines, agencies must consider this guidance for siting of Federal facilities. |
| Large capital energy investments that are not classified as "major renovations" but involve the replacement of installed equipment (or involves renovation, rehabilitation, expansion, or remodeling) should employ the most energy-efficient designs, systems, equipment and controls that are life cycle cost-effective. | [EISA 2007 § 434](http://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf);  [42 U.S.C. § 8253(g)](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section8253&f=treesort&fq=true&num=0) |  |
| The design of new Federal buildings shall be made using life cycle cost methods and procedures established under 42 U.S.C. § 8254(a). | [Federal Energy Management Improvement Act of 1988 § 2](https://www.congress.gov/bill/100th-congress/senate-bill/1382);  [42 U.S.C. § 8254(b)(1)](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section8254&f=treesort&fq=true&num=0&saved=%7CZ3JhbnVsZWlkOlVTQy0yMDEyLXRpdGxlNDItc2VjdGlvbjgyNTM%3D%7CdHJlZXNvcnQ%3D%7CdHJ1ZQ%3D%3D%7C0%7Cfalse%7C2012) |  |
| Agencies must report annually on Federal building sustainability metrics in the Federal Real Property Profile Management System. | [40 U.S.C. § 524](https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title40-section524&num=0&edition=prelim) | Goals for High Performance Sustainable Buildings are set by Executive Order. [DOE Order 430.1C Real Property Asset Management](https://www.directives.doe.gov/directives-documents/400-series/0430.1-BOrder-c-chg2-adminchg) requires construction or renovation of existing DOE-owned buildings above 5,000 gross square feet meet federal sustainability guiding principles.  [DOE Order 413.3B Program and Project Management for the Acquisition of Capital Assets (Appendix C)](https://www.directives.doe.gov/directives-documents/400-series/0413.3-BOrder-B-chg7-ltdchg/@@images/file) requires capital asset projects with a total project cost of more than $50M and greater than 25,000 gross square feet meet the Guiding Principles for Sustainable Federal Buildings.  High-performance green buildings are defined in [42 U.S.C. §17061](https://uscode.house.gov/view.xhtml?req=17061&f=treesort&fq=true&num=5&hl=true&edition=prelim&granuleId=USC-prelim-title42-section17061) and [42 U.S.C. § 17092.](https://uscode.house.gov/view.xhtml?req=17092&f=treesort&fq=true&num=4&hl=true&edition=prelim&granuleId=USC-prelim-title42-section17092)  The 2020 Guiding Principles for Sustainable Federal Buildings guidance is [available here.](https://www.sustainability.gov/pdfs/guiding_principles_for_sustainable_federal_buildings.pdf) |
| Federal agencies may use a green building certification system as a tool to help them meet the Guiding Principles or their own internal sustainability goals. Agencies should select a green building certification system that meets the prescribed criteria and a level of certification that promotes attainment of the Guiding Principles. | [10 CFR 433.300 and 10 CFR 435.300](https://www.federalregister.gov/documents/2014/10/14/2014-24150/green-building-certification-systems-for-federal-buildings); and [42 U.S.C. § 6834(a)(3)(D)(III)](https://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-1994-title42-section6834&num=0). | Appendix C of the [2020 Guiding Principles for Sustainable Federal Buildings guidance](https://www.sustainability.gov/pdfs/guiding_principles_for_sustainable_federal_buildings.pdf) provides a list of applicable third-party certification systems recommended by the U.S. General Services Administration (GSA) in accordance with its authority under 42 U.S. Code § 17092.  [DOE Order 413.3B](https://www.directives.doe.gov/directives-documents/400-series/0413.3-BOrder-B-chg7-ltdchg/@@images/file) requires at a minimum, that all capital asset projects with a total project cost of more than $50M (subject to certain exemptions) must meet U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Gold certification absent an approved waiver from the Project Management Executive. |
| **Resilience** | | |
| Agency head required to incorporate natural resilience into real property asset management and investment decisions made by the agency | [31 U.S.C. §501](https://uscode.house.gov/view.xhtml?req=(title:31%20section:501%20edition:prelim)%20OR%20(granuleid:USC-prelim-title31-section501)&f=treesort&edition=prelim&num=0&jumpTo=true) | The Disaster Resiliency Planning Act amended this code on December 5th, 2022. Each head of an agency shall be directed by OMB guidance to incorporate assessments of natural disaster risk information conducted by the agency, such as from vulnerability and other risk assessments, into real property asset management investment decisions made by the agency. |
| **Performance Contracting** | | |
| Authority to enter into performance contracts. | [42 U.S.C. § 8287,](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section8287&f=treesort&fq=true&num=0&saved=%7CZ3JhbnVsZWlkOlVTQy0yMDEyLXRpdGxlNDItc2VjdGlvbjgyODdi%7CdHJlZXNvcnQ%3D%7CdHJ1ZQ%3D%3D%7C0%7Cfalse%7C2012) et seq;  [10 CFR 436 Subpart B](http://www.ecfr.gov/cgi-bin/text-idx?SID=bd38ad8dd759be0696293fbc613cbb5e&mc=true&node=se10.3.436_131&rgn=div8) | The head of a Federal agency may enter into contracts under this subchapter solely for the purpose of achieving energy savings and benefits ancillary to that purpose. Each such contract may, notwithstanding any other provision of law, be for a period not to exceed 25 years. |
| Each Federal agency shall use performance contracting to address at least 50 percent of the measures identified via covered facility evaluations. | [EISA 2007 § 432](https://www.govinfo.gov/content/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf);  [EA 2020 §1002](https://science.house.gov/_cache/files/f/3/f3916ab1-1d9b-428c-9f81-bbc33d9b5b55/501924497A34C21E5EF3C335F2BE370C.division-z---energy-act.pdf);  [[42 U.S.C. §8253 (f)](https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section8253&num=0&edition=prelim)](https://www.govinfo.gov/content/pkg/FR-2021-12-13/pdf/2021-27114.pdf) | The Energy Act of 2020 amended 42 U.S.C. § 8253(f)(4), Implementation of Identified Energy and Water Efficiency Measures. Guidance can be found [here](https://www.energy.gov/femp/performance-contracting-requirements-related-energy-act-2020). |
| Maximize the use of energy savings performance contracts (ESPCs). | [FAR Part 23.2: Energy Savings Performance Contracts](https://www.acquisition.gov/far/part-23#FAR_Subpart_23_2) | Agencies should make maximum use of the authority provided in the National Energy Conservation Policy Act (42 U.S.C. 8287) to use an ESPC, when life-cycle cost-effective, to reduce energy use and cost in the agency’s facilities and operation. |
| Authority for agencies to enter contracts for public utility services for periods up to 10 years. DOE’s delegation of authority to enter into new contracts or modify existing contracts for electric services. | [40 U.S.C. § 501](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title40-section501&f=treesort&fq=true&num=0);  [Federal Property and Administrative Services Act of 1949 § 201](http://uscode.house.gov/statviewer.htm?volume=63&page=383); FAR 41.103 |  |
| Authority for agencies to accept financial incentives, goods, or services generally available from a utility to increase energy efficiency or to conserve water or manage electricity demand. | [42 U.S.C. § 8256(c)](http://uscode.house.gov/view.xhtml?hl=false&edition=2012&req=granuleid%3AUSC-prelim-title42-section8256&f=treesort&fq=true&num=0) |  |
| **Savings Reinvestment Programs** |  |  |
| Authority for an agency to retain any funds appropriated to that agency for energy expenditures, water expenditures, or wastewater treatment expenditures that are not made because of energy savings or water savings. Such funds may be used only for energy efficiency, water conservation, or unconventional and renewable energy resources projects. | [42 U.S.C. § 8256(e)](http://uscode.house.gov/view.xhtml?hl=false&edition=2012&req=granuleid%3AUSC-prelim-title42-section8256&f=treesort&fq=true&num=0) |  |
| **Pollution Prevention & Waste Management** |  |  |
| Pollution should be prevented or reduced at the source whenever feasible; pollution that cannot be prevented should be recycled in an environmentally safe manner, whenever feasible; pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible; and disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner. | [[42 U.S.C. §13101](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section13101&num=0&edition=prelim)](https://www.govinfo.gov/content/pkg/FR-2021-12-13/pdf/2021-27114.pdf) |  |
| A procuring agency shall, to the maximum extent possible, manage or arrange for the procurement of solid waste management services in a manner which maximizes energy and resource recovery. | [42 U.S.C. §6962(f)](https://uscode.house.gov/view.xhtml?req=(title:42%20section:6962%20edition:prelim)%20OR%20(granuleid:USC-prelim-title42-section6962)&f=treesort&edition=prelim&num=0&jumpTo=true) |  |
| **Clean Air** |  |  |
| Federal agencies must follow EPA rules with regards to maximizing reclamation and minimizing releases of hydrofluorocarbons (HFCs) and their substitutes from equipment. Managing HFCs includes activities related to servicing, repair, installation, and disposal of equipment containing HFCs and their substitutes. | [American Innovation and Manufacturing (AIM) Act of 2020, 42 U.S.C. §7675](https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section7675(a)&num=0&edition=prelim) | 42 U.S.C. §7675 (h) directs EPA to promulgate regulations for the management of HFCs and their substitutes, which was done through the [Final Rule: Management of Certain HFCs and Their Substitutes Under the AIM Act](https://www.federalregister.gov/documents/2024/10/11/2024-21967/phasedown-of-hydrofluorocarbons-management-of-certain-hydrofluorocarbons-and-substitutes-under-the)  [Fact Sheet – Final Rule – Phasedown of Hydrofluorocarbons](https://www.bing.com/ck/a?!&&p=ea33a96b627a028af513f301fa40a4d273a2e100024a33c692683e901ff55177JmltdHM9MTczOTQwNDgwMA&ptn=3&ver=2&hsh=4&fclid=09f78c49-5d64-6d47-1109-9f285cd36cca&psq=Final+Rule%3a+Management+of+Certain+HFCs+and+Their+Substitutes+Under+the+AIM+Act&u=a1aHR0cHM6Ly93d3cuZXBhLmdvdi9zeXN0ZW0vZmlsZXMvZG9jdW1lbnRzLzIwMjQtMDkvZXJyLWZhY3Qtc2hlZXQucGRm&ntb=1) |
| Federal agencies must adhere to air pollution control requirements for greenhouse gas, including fugitive emissions, identified in their Title V Permits. | [Clean Air Act (CAA), 42 U.S.C. §7401 et seq.](https://www.govinfo.gov/content/pkg/USCODE-2011-title42/html/USCODE-2011-title42-chap85.htm) | [Title V](https://www.epa.gov/title-v-operating-permits/basic-information-about-operating-permits) permits are generally issued by State regulatory agencies, implementing EPA and State requirements. |
| **Sustainable Procurement** |  |  |
| Agencies are required to give preference to products that are energy and water efficient, non-ozone depleting substances, made from biobased or recycled content, and environmentally preferable. | [FAR Subpart 23.1](https://www.acquisition.gov/far/part-23); | [48 CFR Part 23](https://www.ecfr.gov/current/title-48/chapter-1/subchapter-D/part-23);  [FAR Subpart 52.223](https://www.acquisition.gov/far/52.223);  [42 U.S.C. §6962](http://uscode.house.gov/view.xhtml?req=(title:42%20section:6962%20edition:prelim)%20OR%20(granuleid:USC-prelim-title42-section6962)&f=treesort&edition=prelim&num=0&jumpTo=true);  [42 U.S.C. §7671 et seq.](http://uscode.house.gov/view.xhtml?req=(title:42%20section:7671%20edition:prelim)%20OR%20(granuleid:USC-prelim-title42-section7671)&f=treesort&edition=prelim&num=0&jumpTo=true);  [7 U.S.C. §8102](http://uscode.house.gov/view.xhtml?req=(title:7%20section:8102%20edition:prelim)%20OR%20(granuleid:USC-prelim-title7-section8102)&f=treesort&edition=prelim&num=0&jumpTo=true);  [42 U.S.C. Ch 133](https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter133&edition=prelim);  [42 U.S.C. §8259b(b), (d), (e)(2)-(4)](https://uscode.house.gov/view.xhtml?req=(title:42%20section:8259b%20edition:prelim)%20OR%20(granuleid:USC-prelim-title42-section8259b)&f=treesort&edition=prelim&num=0&jumpTo=true) | This includes:   * Recycled content products identified by EPA’s Comprehensive Procurement Guideline Program ([FAR Subpart 23.107-1](https://www.acquisition.gov/far/part-23#FAR_23_107); [42 USC §6962](http://uscode.house.gov/view.xhtml?req=(title:42%20section:6962%20edition:prelim)%20OR%20(granuleid:USC-prelim-title42-section6962)&f=treesort&edition=prelim&num=0&jumpTo=true)); * Biobased products in categories designated by the Department of Agriculture ([FAR Subpart 23.107-2](https://www.acquisition.gov/far/part-23#FAR_23_107); [7 U.S.C. §8102](http://uscode.house.gov/view.xhtml?req=(title:7%20section:8102%20edition:prelim)%20OR%20(granuleid:USC-prelim-title7-section8102)&f=treesort&edition=prelim&num=0&jumpTo=true)); * Energy efficient products certified by ENERGY STAR and energy and water efficient products designated by DOE-FEMP ([FAR Subpart 23.107-3](https://www.acquisition.gov/far/part-23#FAR_23_107); [42 USC §8259b(b)](https://uscode.house.gov/view.xhtml?req=(title:42%20section:8259b%20edition:prelim)%20OR%20(granuleid:USC-prelim-title42-section8259b)&f=treesort&edition=prelim&num=0&jumpTo=true)); * Products made with or containing acceptable alternatives to ozone-depleting substances listed by EPA’s Significant New Alternatives Policy (SNAP) program ([FAR Subpart 23.107-4](https://www.acquisition.gov/far/part-23#FAR_23_107); [42 U.S.C. §7671 et seq.](http://uscode.house.gov/view.xhtml?req=(title:42%20section:7671%20edition:prelim)%20OR%20(granuleid:USC-prelim-title42-section7671)&f=treesort&edition=prelim&num=0&jumpTo=true)); * Agencies are to buy products with low standby power of not more than 1 watt if the lower-wattage product is life cycle cost effective and if the performance of the product is not compromised ([FAR Subpart 23.107-3](https://www.acquisition.gov/far/part-23#FAR_23_107); [42 U.S.C. §8259b(e)(2)-(4)](https://www.govinfo.gov/content/pkg/USCODE-2023-title42/pdf/USCODE-2023-title42-chap91-subchapIII-partB-sec8259b.pdf)); and environmentally preferable products that prevent or decrease the amount of solid and hazardous waste ([FAR Subpart 52.223-10](https://www.acquisition.gov/far/52.223-10); [42 U.S.C. §6962](file:///\\Doe\dfsfr\ORG_MA\MA-20\SPO\Statutes%20and%20Requirements\Requirements%20Matrix\42%20USC%206962)) |
| **Data Centers & Electronic Stewardship** |  |  |
| Each Federal agency shall consider energy efficient data center strategies and methods of increasing asset and infrastructure utilization; and address data center efficiency holistically, reflecting the total energy consumption of data centers as whole systems, including both equipment and facilities. | [[42 U.S.C. §8253 (h)](https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section8253&num=0&edition=prelim); 42 U.S.C. §17112;](https://uscode.house.gov/view.xhtml?req=(title:42%20section:17112%20edition:prelim)%20OR%20(granuleid:USC-prelim-title42-section17112)&f=treesort&edition=prelim&num=0&jumpTo=true) [42 U.S.C. §18642 (h)](https://uscode.house.gov/view.xhtml?req=(title:42%20section:18642%20edition:prelim)) |  |
| Federal agencies are required to incorporate energy-efficiency criteria consistent with ENERGY STAR and FEMP designated products for all procurements involving energy-consuming products and services. | [EPAct 2005 § 104](http://www.gpo.gov/fdsys/pkg/PLAW-109publ58/pdf/PLAW-109publ58.pdf);  [42 U.S.C. § 8259b(b)](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-prelim-title42-section8259b&f=treesort&fq=true&num=0&saved=%7CZ3JhbnVsZWlkOlVTQy0yMDEyLXRpdGxlNDItc2VjdGlvbjgyNTM%3D%7CdHJlZXNvcnQ%3D%7CdHJ1ZQ%3D%3D%7C0%7Cfalse%7C2012) | b(e)(2)-(4) | Agencies are exempt from procuring ENERGY STAR products or FEMP-designated products if: an ENERGY STAR product or FEMP-designated product is not cost-effective over the life of the product, taking energy cost savings into account or, no ENERGY STAR product or FEMP-designated product is reasonably available that meets the functional requirements of the agency. |
| **Training** |  |  |
| Required training for Federal Building Personnel | [40 U.S.C. §581](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title40-section581&num=0&edition=prelim) | FEMP has worked with GSA to develop courses to cover the core competencies of the Federal Building Personnel Training Act of 2010. |
| Each agency is required to establish and maintain a program to ensure that facility energy managers are trained energy managers. | [EPAct 1992 § 157](https://www.govinfo.gov/content/pkg/STATUTE-106/pdf/STATUTE-106-Pg2776.pdf);  [42 U.S.C. § 8262c(a)](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-2012-title42-section8262c&f=treesort&fq=true&num=0) |  |

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