

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

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SUBJECT: EO revised

TO: Meagan M. Earley (CN=Meagan M. Earley/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TEXT:

Can you print out the Word versions of each? This will be long --
probably 50 pages or so. tds

----- Forwarded by Todd Stern/WHO/EOP on 05/21/99 03:20
PM -----

Joan.Glickman@ee.doe.gov

05/21/99 02:11:38 PM

Record Type: Record

To: Todd Stern/WHO/EOP

cc:

Subject: EO revised

Todd -- Attached are four files: The latest draft EO in both MS Word and Wordperfect and a comparison document in both MS Word and Wordperfect. The comparison documents shows changes between the current version and the one that went out for interagency review. Hope this is useful. Look forward to seeing you at the next meeting. Thanks. -- Joan Glickman

(See attached file: eombms.doc)(See attached file: eombcompms.doc)(See attached file: eomb.wpd)(See attached file: eombcomp.wpd)

- eombms.doc
- eombcompms.doc
- eomb.wpd
- eombcomp.wpd

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

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{\plain EXECUTIVE ORDER \par
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}{\plain \b DRAFT}{\plain \par
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{\plain \b Greening the Government through Efficient Energy Management }{\plain
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}{\plain By the authority vested in me as President by the Constitution and the
laws of the
United States of America, including the National Energy Conservation Policy Act

(Public Law 95-619, 92 Stat.3206, 42 U.S. C. 8252 et seq.) as amended by the
Energy Policy Act of 1992 (EPACT) (Public Law 102\ 486, 106 Stat. 2776), and
section 301 of title 3, United States Code, it is hereby ordered as follows:\pa

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}{\plain \b\scaps\fs28 Part 1 _ Preamble}{\plain \par
}{\plain \par
}{\plain Section 101. }{\plain \b Federal Leadership. }{\plain The Federal Go
vernment, as the nation\'92s
largest energy consumer, shall significantly improve its energy management in

order to save taxpayer dollars and reduce emissions that contribute to air poll
ution
and global climate change. With more than 500,000 facilities, the Federal
Government can lead the nation in energy efficient building design, constructio
n,
and operation. As a major consumer that spends \$200 billion annually on produc
ts
and services, the Federal Government can promote the use of energy efficient,

}{\plain \b water}{\plain efficient, and renewable energy products and help fo
ster markets for
emerging technologies. In encouraging effective energy management in the
Federal Government, this order builds on work begun under EPACT and previous
Executive orders. This order supercedes Executive Orders 12902, 12845, and
Sections 3, 9, and 10 of Executive Order 12759.\par

}{\plain \par
}{\plain \b\scaps\fs28 Part 2 - Goals\par
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}{\plain Section 201. }{\plain \b Greenhouse Gases Reduction Goal. }{\plain T
hrough life-cycle cost-effective energy measures, each agency shall reduce its
greenhouse gas emissions
attributed to facility energy use by 30% by 2010 compared to 1990 levels. In

order to encourage optimal investment in energy improvements, agencies can
count greenhouse gas reductions from improvements in non-facility energy use
toward this goal to the extent that these reductions are approved by OMB.}{\pla
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{\plain Section 202. }{\plain \b Energy Efficiency Improvement Goals. }{\plain Through life cycle cost-effective measures, each agency shall reduce energy consumption per gross square foot of its Federal (non- industrial or laboratory)facilities by 30 percent by 2005, and 35 percent by 2010 when compared to the energy use of its facilities in use in 1985. No facilities will be exempt from these goals unless they meet new criteria for exemptions, to be issued by the Department of Energy.}{\plain \highlight2 \par

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{\plain \b }{\plain Section 203. }{\plain \b Industrial and Laboratory Facilities.}{\plain Through life cycle cost-effective measures, each agency shall reduce energy consumption per square foot, per unit of production, or per other unit as applicable to usage by 20 percent by 2005 and 25 percent by 2010 relative to 1990. No facilities will be exempt from these goals unless they meet new criteria for exemptions, as issued by the Department of Energy. }{\plain \cfl \par }{\plain \cfl \par

{\plain Section 204. }{\plain \b Renewable Energy. }{\plain Through life cycle cost-effective measures, each agency shall expand the use of renewable energy within its facilities and other

activities by implementing renewable energy projects and by purchasing electricity from renewable energy sources. In support of the Million Solar Roofs Initiative, the Federal Government shall strive to install 2,000 solar energy systems by the end

of 2000, and 20,000 solar energy systems at Federal facilities by 2010. }{\plain \cfl }{\plain \par

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{\plain Section 205. }{\plain \b Petroleum. }{\plain Through life cycle cost-effective measures, each agency shall reduce the use of petroleum within its facilities. Agencies may accomplish this

reduction by switching to a less greenhouse gas intensive, non-petroleum energy source, such as natural gas or renewable energy sources; by eliminating unnecessary fuel use; or through other appropriate methods. Where alternative fuels are no

t
practical or life cycle cost effective, agencies should strive to improve the e
fficiency
with which they use petroleum in their facilities. \par
{\plain \par
{\plain Section 206. }{\plain \b Source Energy.}{\plain The Federal Governm
ent shall strive to reduce total
energy use and associated greenhouse gas and other air emissions, as measured
at
the source. To that end, agencies shall undertake life cycle cost effective pr
ojects in
which source energy decreases, even if site energy use increases. In such case
s,
agencies will receive credit, through guidelines developed by the Department of

Energy, toward energy reduction goals.\par
{\plain \tab \tab \par
{\plain Section 207. }{\plain \b Water Conservation. }{\plain Through life c
ycle cost effective measures,
agencies shall reduce water consumption and associated energy use in their faci
lities
to reach the goals set in Section 505. Where possible, water cost savings shal
l be
included in Energy Savings Performance Contracts and other financing mechanisms
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{\plain }{\plain \scaps\fs28 \tab }{\plain \b\scaps\fs28 Part 3 _ ORGANIZATI
ON AND ACCOUNTABILITY}{\plain \par
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{\plain Section 301. }{\plain \b Annual Budget Submission.}{\plain Each ag
ency\'92s budget submission to
OMB shall specifically request funding necessary to achieve the goals of this o
rder,
including the costs associated with encouraging the use of, administering and

fulfilling agency responsibilities under Energy Savings Performance Contracts
and}{\plain \b
{\plain utility energy-efficiency service contracts and other contractual plat
forms for
achieving conservation goals; implementing life cycle cost effective measures;

procuring life cycle cost effective products; and constructing sustainable new

buildings. OMB will issue guidelines to assist agencies in developing appropri
ate
requests that support sound investments in energy improvements and energy-using

products. OMB shall consider establishing a fund which agencies could draw on
to
finance exemplary energy management activities and investments with higher firs
t

costs but lower life cycle costs.} {\plain \cf1 \par
} {\plain \cf1 \par
} {\plain Section 302. } {\plain \b Government Performance and Results Act. } {\plain Each agency shall
develop an implementation plan for fulfilling the requirements of this order.
The
implementation plan should clearly show how the requested funds will be used to

achieve the specific goals. Each agency shall include the goals and objectives
from
its implementation plan in its Strategic and Annual Performance Plans required
by
the Government Performance and Results Act. \par
} {\plain \par
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} {\plain Section 303. } {\plain \b Annual Reports to the President. } {\plain Each agency shall measure and
report its progress in meeting the goals and requirements of this order on an annual
basis. Agencies shall follow reporting guidelines as developed under Section 306
(b)(1) of this order. In order to minimize additional reporting requirements,
the
guidelines will clarify how the Annual Report to the President should build on
each
agency's annual Federal energy reports submitted to DOE and Congress. Annual
Reports to the President are due on January 1 of each year beginning in the year
2000.} {\plain \cf1 \par
} {\plain \cf1 \par
} {\plain Each agency's Annual Report to the President shall describe how the
agency is
using each of the strategies described in Part 4 of this order to help meet energy and
greenhouse gas reduction goals. The Annual Report to the President shall explain
why certain strategies, if any, have not been used. \par
} {\plain \par
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} {\plain Section 304. } {\plain \b Designation of Senior Agency Official.} {\plain Each agency shall designate
a senior official, at the Assistant Secretary level or above, to be responsible
for
meeting the goals and requirements of this order including preparing the Annual

Report to the President. Such designation shall be reported by each Cabinet
Secretary or agency head to the President within 30 days of the effective date
of
this order.} {\plain \cf1 } {\plain Designated officials are encouraged to participate in the Interagency
Energy Policy Committee. The Committee shall communicate its activities to all

designated officials to assure proper coordination and achievement of the goals of this order.

Section 305. Designation of Agency Energy Teams.

Within 90 days, each agency shall form a technical support team consisting of appropriate procurement, legal, budget, management and technical representatives to expedite and encourage the agency's use of appropriations, Energy Savings Performance Contracts and

other alternative financing mechanisms necessary to meet the goals and requirements of this order. Agency energy team activities shall be undertaken in collaboration with each agency's Interagency Energy Management Task Force representative.

Section 306. Interagency Coordination.

(a) Office of Management and Budget. The Deputy Director for Management in the Office of Management and Budget (OMB), in consultation with DOE, shall be responsible for evaluating each agency's progress in improving energy management and for submitting agency energy scorecards to the President to report progress.

(1) OMB, in consultation with DOE and other agencies, shall develop the agency energy scorecards and scoring system to evaluate each agency's progress in meeting the goals of this order. The scoring criteria shall include the extent to which agencies are taking advantage of key tools to save energy and reduce greenhouse gas emissions, such as Energy Savings Performance Contracts, utility energy-efficiency service contracts, ENERGY STAR and other energy efficient products, renewable energy technologies, electricity from renewable energy sources, and other strategies listed in Part 4 of this order, as well as overall efficiency and greenhouse gas metrics and use of other

innovative energy efficiency practices. The scorecards will be based on the annual energy reports submitted to the President under Section 303 of this order.

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energy efficiency.}

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Federal Energy Management Program (FEMP) shall be responsible for working with the agencies to ensure that they meet the goals of this order and

report their progress.}

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consisting of the Deputy Secretaries of all Federal agencies, will discuss agencies' progress in improving Federal energy management at least twice each year. The PMC will provide a forum for identifying barriers to use of Energy

Savings Performance Contracts, utility energy-efficiency service contracts, and

other energy management tools. The PMC will also discuss how to engage all levels of agency management and staff in carrying out effective energy management.

(d) Interagency Energy Policy Committee. As established by the Department

of Energy Organization Act, this Committee, consisting of senior agency officials designated in accordance with Section 304 of this Order, will continue

to work together to encourage effective implementation of energy efficiency policies and practices. Participation in the Committee is only required for the

major energy-consuming agencies as designated by DOE. The Committee shall communicate its activities to all designated senior agency officials to promote

coordination and achievement of the goals of this Order.

(e) Interagency Energy Management Task Force. As established by the

National Energy Conservation Policy Act, this task force, consisting of each agency's chief energy managers, will continue to work toward improving agencies' use of energy management tools and sharing information on Federal

energy management across agencies.

Section 307. (b) Public/Private Advisory Committee. The Secretary of Energy, in

consultation with the President's Management Council, will appoint an advisory

committee consisting of representatives from Federal agencies, state governments,

energy service companies; utilities; equipment manufacturers; construction and

architectural companies; environmental, energy and consumer groups; and other

energy-related organizations. The committee will provide input on Federal energy

gy
management, including how to improve use of Energy Savings Performance Contract
s
and utility energy-efficiency service contracts, improve procurement of ENERGY

STAR\ae and other energy efficient products, improve building design, reduce p
rocess
energy use, and enhance applications of efficient and renewable energy technolo
gies
at Federal facilities. \par

}}{\plain \par
}}{\plain Section 308. }}{\plain \b Applicability}}{\plain . This order applies
to all Federal departments and
agencies. The General Services Administration (GSA) is responsible for working
with
agencies to meet the requirements of this order for those facilities for which
GSA has
delegated operations and maintenance authority. The Department of Defense is su
bject
to this order with the exception of military operations and training (including
tactical
aircraft, ships, weapons systems, combat training and border security).\tab \ta
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{\plain }}{\plain Section 401. }}{\plain \b Life Cycle Cost Analysis. }}{\plain
Agencies shall use life cycle cost analysis in
their investments in products, services, construction, and other projects to lo
wer the
Federal Government\92s costs and to reduce energy and water consumption. When
e
appropriate, agencies shall consider the life cycle costs of combinations of pr
jects,
particularly to encourage bundling of energy efficiency projects with renewable
energy
projects. Agencies shall also retire inefficient equipment on an accelerated b
asis where

replacement results in lower life cycle costs. \par
}\plain \par
}\plain Section 402. }{\plain \b Facility Energy Audits.}\plain Agencies shall continue to conduct energy and water audits for approximately 10 percent of their facilities each year, either

independently or through Energy Savings Performance Contracts or utility energy efficiency service contracts. These audits should assist agencies in identifying potential energy-saving projects. \par

}\plain \par
}\plain Section 403. }{\plain \b Energy Management Strategies and Tools. }{\plain Agencies shall use a variety of energy management tools and strategies, where cost effective, to meet the goals of this order. An agency's use of these tools and strategies will be taken into account in assessing the agency's progress and formulating its score card. \tab \tab \tab \tab \tab \par

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{\plain (a) }{\plain \b Financing Mechanisms.}\plain Agencies shall maximize their use of available alternative financing contracting mechanisms, including Energy Savings Performance Contracts and utility energy efficiency service contracts, when life cycle cost effective, to reduce energy use and cost in their facilities and operations. }{\plain Energy Saving Performance Contracts, which are authorized under the National Energy Conservation Policy Act, as modified by the Energy Policy

Act of 1992, }{\plain and utility energy efficiency service contracts}\plain provide significant opportunities for making Federal facilities more energy efficient at no net cost to taxpayers.\par

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{\plain (b) }{\plain \b ENERGY STAR\ae and Other Energy Efficient Products.}\plain Agencies shall select ENERGY STAR\ae and other energy efficient products when acquiring

energy-using products. For product groups where ENERGY STAR\ae labels are not yet available, agencies shall select products that are in the upper 25

percent of energy efficiency as designated by DOE/FEMP. EPA and DOE shall work to expedite the process of designating products as ENERGY STAR\ae and will merge their current efficiency rating procedures. In addition, EPA and DOE will work with GSA and the Defense Logistics Agency to create clear catalogue listings that designate these products in both print and electronic

formats. \par
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{\plain Agencies shall incorporate energy efficient criteria consistent with EN
ERGY
STAR\ae and other DOE/FEMP designated energy efficiency levels into all guide

specifications and project specifications developed for new construction and renovation, as well as product specification language developed for Basic Ordering Agreements, Blanket Purchasing Agreements, Government Wide Acquisition Contracts, and all other purchasing procedures. \par
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{\plain DOE should also }{\plain explore the creation of financing agreements w
ith private
sector suppliers to provide private funding to offset higher up-front costs of

efficient products. Within 9 months of this order, DOE shall report back to th
e
President\92s Management Council on the viability of such alternative financin
g
options.\par
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{\plain (c) }{\plain \b ENERGY STAR\ae Buildings. }{\plain Agencies shall str
ive to meet the ENERGY
STAR\ae Building criteria for energy performance and indoor environmental
quality in their eligible facilities to the maximum extent practicable by the e
nd
of 2002. }{\plain Agencies can use Energy Savings Performance Contracts, utili
ty
energy-efficiency service contracts, or other means to conduct evaluations and

make improvements to buildings in order to meet the criteria. Buildings that

rank in the top 25 percent in energy efficiency relative to comparable
commercial and Federal buildings will receive the ENERGY STAR\ae Building
label. Agencies should integrate this building rating tool into their general

facility audits. }{\plain \par
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(d) Sustainable Building Design. Agencies shall apply sustainable design principles to the siting, design, and construction of new facilities. Agencies shall optimize life-cycle costs, pollution, and other environmental and energy costs

associated with the construction, integrated building commissioning, and life-cycle operation and decommissioning of the facility. Agencies should adopt sustainable design and development principles, to be developed by a DOD/GSA-led interagency team in consultation with DOE and EPA. A}

Agencies should consider using Energy Savings Performance Contracts or utility energy-efficiency service contracts to aid them in constructing sustainable buildings.}

(e) Model Lease Provisions. Agencies entering into leases, including the renegotiation or extension of existing leases, shall incorporate lease provisions that encourage energy and water efficiency wherever life cycle cost effective.

Build-to-suit lease solicitations shall contain criteria encouraging sustainable design and development, energy efficiency, and integrated building commissioning. Agencies shall include a preference for buildings having the ENERGY STAR® Building Label in their selection criteria for acquiring leased

buildings. In addition, all agencies should encourage lessors to apply for the

ENERGY STAR® Building Label and to explore and implement projects that would reduce costs to the Federal Government, including projects carried out through the lessors' Energy Savings Performance Contracts or utility energy-efficiency service contracts. }

(f) Industrial Facility Efficiency Improvements. Agencies shall explore efficiency opportunities in industrial facilities for steam systems, boiler operation, air compressor systems, industrial processes, and fuel switching including cogeneration, and other efficiency, solar and other renewable energy

technologies. }

Highly Efficient Systems. Agencies shall implement district energy systems, and other highly efficient systems, in new construction or retrofit projects when life cycle cost effective. Agencies shall consider combined cooling, heat and power when upgrading and assessing facility power needs and

shall use combined cooling, heat and power systems when life cycle cost effective. Agencies shall survey local natural resources to optimize use of available biomass, bioenergy, geothermal or other naturally occurring energy sources.

Off-Grid Generation. Agencies shall use off-grid generation systems, including solar hot water, solar electric, solar outdoor lighting, small wind

turbines, fuel cells, and other off-grid alternatives, where such systems are life cycle cost-effective and offer benefits including energy efficiency, pollution

prevention, source energy reductions, avoided infrastructure costs, or expedited service.

Section 404. Electricity Use. To advance the greenhouse gas and renewable energy goals of this order, and reduce source energy use, each agency shall strive to use

electricity from clean, efficient, and renewable energy sources. An agency's progress in purchasing electricity from efficient and renewable energy sources will be taken into account in assessing the agency's progress and formulating its score card.

Competitive Power. Agencies shall take advantage of competitive opportunities in the electricity and natural gas markets to reduce costs and enhance services. Agencies are encouraged to aggregate demand across facilities or agencies to maximize their economic advantage.

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{{\plain \tab (b) }}{\plain \b Reduced Greenhouse Gas Intensity of Electric Power . }}{\plain When selecting

electricity providers, agencies shall purchase electricity from sources using high

efficiency electric generating technologies when life-cycle cost-effective}}{\plain \b .}}{\plain

Agencies should consider the greenhouse gas intensity of the source of the electricity and strive to minimize the greenhouse gas intensity of purchased electricity.\par

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{{\plain \tab (c) }}{\plain \b Purchasing Electricity from Renewable Energy Sources}}{\plain . Each agency

shall evaluate its current use of electricity from renewable energy sources and

report this level in its Annual Report to the President. Based on this review,

each agency should set goals, adopt policies, and pursue projects that increase

the use of such electricity. Agencies should include provisions for the purchase

of electricity from renewable energy sources as a component of their requests

for bids whenever procuring electricity. Where possible, agencies shall use savings from energy efficiency projects to pay additional incremental costs of

electricity from renewable energy sources.\par

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{{\plain In evaluating opportunities to comply with this section, agencies should

consider the Administration\'92s goal of tripling non-hydroelectric renewable

energy capacity in the United States by 2010; the renewable portfolio standard

specified in the restructuring guidelines for the state in which the facility is

located; the General Services Administration\'92s efforts to make electricity from

renewable energy sources available to Federal electricity purchasers; and the

Environmental Protection Agency\'92s guidelines on crediting renewable energy

power in implementation of Clean Air Act standards.}}{\plain \b }}{\plain \tab \par

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{\plain Section 405. } {\plain \b Mobile Equipment. } {\plain Each agency shall seek to improve the design,

construction, and operation of its mobile equipment and implement all life-cycle cost-effective energy efficiency measures that result in cost savings while improving mission

performance. To the extent that such measures are life cycle cost effective, agencies

should consider enhanced use of alternative or renewable-based fuels. \par

} {\plain \par

} {\plain Section 406.} {\plain } {\plain \b Management/Government Performance. }

{\plain Agencies shall use the

following management strategies to assist them in meeting the goals of this order. } {\plain \b \par

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{\plain \b } {\plain (a) } {\plain \b Awards.} {\plain Agencies shall use employee incentive programs to reward

exceptional performance in implementing this order. \par

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{\plain (b) } {\plain \b Performance Evaluations.} {\plain Agencies shall include successful

implementation of provisions of this order in areas such as Energy Savings

Performance Contracts, sustainable design, energy efficient procurement, energy

efficiency, water conservation, and renewable energy projects in the position

descriptions and performance evaluations of agency heads, members of the

agency energy team, principal program managers, heads of field offices, facility

managers, energy managers, their superiors, and other appropriate employees.} {\plain \cf1 \par

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{\plain \cf1 } {\plain (c) } {\plain \b Retention of Savings/Rebates} {\plain .} {\plain \b } {\plain Agencies granted statutory authority to

retain a portion of savings generated from efficient energy and water

management are encouraged to permit the retention of the savings at the facility

or site where the savings occur to provide greater incentive for that facility

and its site managers to undertake more energy management initiatives, invest in

renewable energy systems, and purchase electricity from renewable energy

sources. \par
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{\plain (d) }{\plain \b Training and Education. }{\plain Agencies shall ensure that all appropriate

personnel receive training for implementing this order. \par

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{\plain (1) DOE, DOD, and GSA shall provide relevant training or training materials for those programs that they make available to all Federal agencies relating to the energy management strategies contained in this order. \par

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{\plain \tab \tab (2) The Federal Acquisition Institute and the Defense Acquisition

tion
University shall incorporate into existing procurement courses information on

Federal energy management tools, including Energy Savings Performance Contracts, utility energy-efficiency service contracts, energy efficient and ENERGY STAR\ae and other energy efficient products, and life cycle cost analysis. \tab \tab \tab \par

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{\plain (3) All agencies are encouraged to develop outreach programs that include education, training and promotion of ENERGY STAR\ae and other energy efficient products for Federal purchase card users. Such programs may include promotions with billing statements, user training, catalog awareness and exploration of vendor data collection of purchases. \par

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{\plain (e) }{\plain \b Showcase Facilities.}{\plain Agencies shall designate
exemplary new and existing
facilities with significant public access and exposure as showcase facilities t
o
highlight energy or water efficiency and renewable energy improvements. \par
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}\plain \b PART 5 }{\plain \b\scaps\fs28 '96 Technical Assistance\par
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}\plain Section 501. Within 180 days of this order, the Secretary of Defense
and the
Administrator of the General Services Administration, in consultation with othe
r agency
heads, shall:\par
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{\plain (a) develop and issue sustainable design and development principles to
serve as
guidance for the siting, design, and construction of new facilities. \tab \par
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}\plain Section 502. Within 180 days of this order, the Director of the Offic
e of Management
and Budget, in collaboration with the Secretary of Energy, shall:\par
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{\plain \tab (a) develop and issue guidance to agency budget officers on prepar
ation of annual
funding requests associated with the terms of this order beginning with the FY
2001
budget.\tab \par
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{ \plain \tab (b) clarify for agencies their ability to retain savings and reinvest in other energy and

water management projects. \tab \par

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{ \plain \tab (c) through the Office of Federal Procurement Policy, brief agencies'92 procurement

personnel on the use of Federal energy management tools, including Energy Savings

Performance Contracts, utility energy-efficiency service contracts, and procurement

of energy efficient products and electricity from renewable energy sources. \par

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{ \plain \tab \tab \tab \tab Section 503. Within 180 days of this order, the Secretary of Energy, in collaboration with other agency heads, shall: \par

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{ \plain (a) issue guidelines to assist agencies in measuring energy per square foot, per unit

of production, or other applicable unit in industrial, laboratory, research, and other

energy-intensive facilities. \par

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{ \plain (b) establish criteria for facilities to be exempt from the order. In addition, DOE

must provide guidance for agencies to report proposed exemptions. \par

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{ \plain (c) develop guidance to assist agencies in calculating appropriate energy baselines

for previously-exempt facilities and facilities occupied after 1990 in order to measure

progress toward goals. \par

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{\plain (d) issue guidance to clarify how agencies determine the life-cycle cost for investments required by the order, including how to compare different energy and fuel options and assess the current tools.\par}

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{\plain (e) determine the feasibility of providing credit toward energy efficiency goals for cost-effective projects where source energy use declines, but site energy use increases. If determined feasible, guidance for providing such credit will be issued for agency use in reporting progress toward energy efficiency improvement goals.\par}

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{\plain Section 504. Within 1 year of this order, the Secretary of Energy, in collaboration with other agency heads, shall: \par}

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{\plain (a) provide guidance for counting renewable energy projects and purchases of electricity from renewable energy sources toward agencies'92 progress in reaching greenhouse gas and energy reduction goals. \par}

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{\plain (b) develop goals for the amount of energy generated on-site from renewable energy technologies at Federal facilities by 2000, 2005, and 2010. \par}

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{\plain (c) provide guidance to assist each agency to determine a baseline of water consumption by January 1, 2000. \par}

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{\plain (d) support efforts to develop standards for the certification of low

environmental impact hydropower facilities in order to facilitate the Federal

purchase of such power.\par

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{\plain (e) work with GSA and DLA to develop a plan and purchase advanced energy products in bulk quantities for use by multiple agencies.\par

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{\plain (f) issue guidelines for agency use estimating the greenhouse gas emissions

attributable to facility energy use. These guidelines shall include emissions

associated with the production, transportation and use of energy consumed in Federal facilities.\par

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{{\plain Section 505. }}{\plain By January 1, 2001, the Secretary of Energy, in consultation with other

agencies, shall establish water conservation goals for Federal agencies.\par

{{\plain \b \tab \tab \tab \tab \tab }}{\plain \tab \tab \tab \par

{{\plain Section 506. Within 180 days of this order, the Administrator of the General Services

Administration, in collaboration with the Secretary of Defense, the Secretary of Energy,

and other agency heads, shall: \par

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{\plain (a) develop and issue guidance to assist agencies in ensuring that all project

cost estimates, bids, and agency budget requests for design, construction, and renovation of facilities are based on life-cycle costs. Incentives for contractors involved in the design and construction must be structured to encourage the contractors to design and build at the lowest }}{\plain \b life cycle}}{\plain cost.}}{\plain \cfl \par

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{\plain (b) make information available on opportunities to purchase electricity from

renewable energy sources as defined by this order. This information should accommodate various state regulations and be updated periodically based on technological advances and market changes, at least every two years.

(c) develop Internet-based tools for both GSA and Defense Logistics Agency customers to assist individual and agency purchasers in identifying and purchasing ENERGY STAR and other energy efficient products for acquisition.

(d) undertake pilot projects for selected energy-using products to show energy operating costs as a "second price tag" in both printed and electronic catalogs and assess the impact of providing this information on Federal purchasing decisions.

(e) develop model lease provisions that incorporate energy efficiency and sustainable design.

PART 6 General Provisions

Section 601. Compliance by Independent Agencies.

Independent agencies are encouraged to comply with the provisions of this order.

Section 602. Waivers.

If an agency determines that certain requirements in this order are inconsistent with the mission of the agency, the agency may seek a waiver of the provision from DOE. Any waivers authorized by DOE must be included in the annual report to the President under Section 303 of this order.

}}{\plain Section 603. }}{\plain \b Limitation.}}{\plain \par
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}}{\plain (a) This order is intended only to improve the internal management of the Executive branch and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable by law by a party against the United States, its agencies, its officers, or any other person.}\par

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}}{\plain (b) This order applies to agency facilities in any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession over which the United States has jurisdiction. Agencies with facilities outside of these areas, however, are encouraged to make best efforts to comply with the goals of this order for those facilities. In addition, agencies can report energy improvements made outside the United States in their Annual Report to the President; these improvements may be considered in agency score card evaluations. }}{\plain \par

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}}{\plain \par
}}{\plain Section 604. }}{\plain \b Coordination with Other Executive Orders. }}{\plain Agencies must coordinate their activities under this order with other related Executive Orders.}\par

}}{\plain \tab \tab \tab \par
}}{\plain Section 605. }}{\plain \b Statutory Authority.}}{\plain Agencies must carry out the provisions of this order to the extent consistent with their statutory authority.}\par

}}{\plain \par
}}{\plain Section 606. }}{\plain \b Revocations. }}{\plain Executive Order 12902 of March 9, 1994, Sections 3, 9, and 10 of Executive Order 12759 of April 17, 1991, and Executive Order 12845 of

April 21, 1993, are revoked. \par

}}{\plain \par
}}{\plain Section 607. }}{\plain \b Amendments to Federal Regulations. }}{\plain The Federal Acquisition Regulations and other Federal regulations will be amended to reflect changes as

necessary by this order, including an amendment to facilitate agency purchases of electricity from renewable energy sources. \par

}}{\plain \par
}}{\plain \b\scaps\fs28 Part 7 - Definitions}}{\plain \par
}}{\plain \par
}}{\plain For the purposes of this order all definitions:}\par

}}{\plain \par
}}{\plain Section 701. '93Acquisition'94 means acquiring by contract supplies or services (including construction) by and for the use of the Federal Government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, demonstrated, and evaluated. Acquisition begins at the point when agency needs are established and includes the description of requirements to satisfy agency needs, solicitation and selection of sources, award of contracts, contract financing, contract performance, contract administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract.\par

}}{\plain \par
}}{\plain Section 702. '93Agency'94 means }}{\plain an Executive agency as defined in 5 U.S.C. 105. For the purpose of this order, military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.\par

}}{\plain \tab \tab \tab \tab \par
}}{\plain Section 703. '93Energy Savings Performance Contract'94 means a contract which provides for the performance of services for the design, acquisition, financing, installation, testing, operation, and where appropriate, maintenance and repair of an identified energy or water conservation measure or series of measures at one or more locations. Such contracts should }}{\plain provide that the contractor must incur costs of implementing energy savings measures, including at least the cost (if any) incurred in making energy audits, acquiring and installing equipment, and training personnel in exchange for a predetermined share of the value of the energy savings directly resulting from

implementation of such measures during the term of the contract. Payment to the contractor is contingent upon realizing a guaranteed stream of future energy and cost savings. All additional savings accrue to the Federal Government. \par

}}{\plain \par
}}{\plain Section 704. '93Exempt facility'94 or '93Exempt mobile equipment'94 means a facility or a piece of mobile equipment for which an agency uses DOE-established criteria to

determine that compliance with the Energy Policy Act of 1992 or this order is not practical.\par

}}{\plain \par
}}{\plain Section 705. '93Facility'94 means any individual building or collec

tion of buildings,
grounds, or structure, as well as any fixture or part thereof, including the as
sociated
energy or water-consuming support systems, which is constructed, renovated, or

purchased in whole or in part for use by the Federal Government. It includes l
eased
facilities where the Federal Government has a purchase option or facilities pla
nned for
purchase. In any provision of this order, the term also includes any building
100 percent
leased for use by the Federal Government where the Federal Government pays dire
ctly
or indirectly for the utility costs associated with its leased space. The term
also includes
government-owned contractor operated facilities.\par

}}\plain \par
}}\plain Section 706. "Industrial facility" means any fixed equipment, buildin
g, or complex for
production, manufacturing or other processes that uses large amounts of capital

equipment in connection with, or as part of, any process or system, and within
which

the majority of energy use is not devoted to the heating, cooling, lighting,
ventilation,
or to service the water heating energy load requirements of the facility.\par

}}\plain \par
}}\plain Section 707. '93Life cycle cost effective'94 means the minimum net
present value of costs

to the Federal Government over the useful life of the project, product, or meas
ure.

Additional guidance on measuring cost-effectiveness is specified in 10 CFR 436.
18 (a),

(b), and (c). \par

}}\plain \par
}}\plain Section 708. "Life cycle costs" means the sum of the present values of
investment costs,

capital costs, installation costs, energy costs, operating costs, maintenance c
osts, and

disposal costs, over the lifetime of the project, product or measure. Additio
nal

guidance on measuring life cycle costs is specified in 10 CFR 436.19. \par

}}\plain \par
}}\plain Section 709. '93Mobile equipment'94 means all Federally owned ships
, aircraft, and non-road vehicles.\par

}}\plain \par
}}\plain Section 710. "Renewable energy" means energy produced by solar, wind,
geothermal
and biomass. \par

}}\plain \par
}}\plain Section 711. '93Renewable energy technology'94 means technologies t
hat use renewable

energy to provide light, heat, cooling, or mechanical or electrical energy for
use in

facilities or other activities. The term also means the use of integrated whole-building designs which rely upon renewable energy resources, including passive solar design.

Section 712. '93Source energy'94 means the total energy resources used to generate and transport electricity, steam, or gas. It includes any losses that occur in the generation and transmission of the energy product. It is the equivalent of primary energy.

Section 713. "Utility" means public agencies and privately owned companies which market, generate, and/or distribute energy or water, including electricity, natural gas, manufactured gas, steam, hot water, chilled water, and water as commodities for public use and which provide the service under Federal, state or local regulated authority to all authorized customers. Utilities include Federally owned non-profit producers; municipal organizations and investor or privately owned producers regulated by state and/or the Federal Government; cooperatives owned by members and providing services mostly to their members; and other non-profit state and local government agencies serving in this capacity.

Section 714. '93Utility energy-efficiency service'94 means demand side management services provided by a utility to improve the efficiency of use of the commodity (electricity, gas, etc.) being distributed. Services can include, but are not limited to, energy efficiency and renewable energy project auditing, financing, design, installation, operation, maintenance, and monitoring.

WILLIAM J. CLINTON
THE WHITE HOUSE
}}===== END ATTACHMENT 1 =====

===== ATTACHMENT 2 =====
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}}{\plain \b Greening the Government through Efficient Energy Management }}{\plain \par
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}}{\plain By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Energy }}{\plain \strike Policy and }}{\plain Conservation }}{\plain \revised Policy }}{\plain Act (Public Law }}{\plain \strike 94_163}}{\plain \revised 95-619}}{\plain , }}{\plain \strike 89}}{\plain \revised 92}}{\plain Stat.}}{\plain \revised 3206, 42 U.S.}}{\plain }}{\plain \strike 871, 42 U.S.}}{\plain C. }}{\plain \strike 6201}}{\plain \revised 8252}}{\plain et seq.) as amended by the Energy Policy Act of 1992 (EPACT) (Public Law 102_486, 106 Stat. 2776), and section 301 of title 3, United States Code, it is hereby ordered as follows:\par
}}{\plain \tab \tab \tab \tab \tab \tab \tab \tab \par
}}{\plain \b\scaps\fs28 Part 1 _ Preamble}}{\plain \par
}}{\plain \par
}}{\plain Section 101. }}{\plain \b Federal Leadership. }}{\plain The Federal Government, as the nation\92s largest energy consumer, shall significantly improve its energy management in order to save taxpayer dollars and reduce emissions that contribute }}{\plain \revised to }}{\plain air pollution and global climate change. With more than 500,000 }}{\plain \strike buildings}}{\plain \revised facilities}}{\plain , the Federal Government can lead the nation in energy efficient building design, construction, and operation. As a major consumer that spends \$200 billion annually on products and services, the Federal Government can promote the use of energy efficient}}{\plain \revised ,}}{\plain }}{\plain \b\revised water}}{\plain \revised efficient,}}{\plain and renewable energy products and help foster markets for emerging technologies. In encouraging effective energy management in the Federal Government, this order builds on work begun under EPACT and previous Executive orders. This order supercedes Executive Orders 12902, 12845, and Sections 3, 9, and 10 of Executive Order 12759.\par
}}{\plain \par
}}{\plain \b\scaps\fs28 Part 2 - Goals\par
}}{\plain \b \par
}}{\plain Section 201. }}{\plain \b Greenhouse Gases Reduction Goal. }}{\plain Through }}{\plain \revised life-cycle }}{\plain cost-effective energy measures, each agency shall reduce its greenhouse gas emissions attributed to }}{\plain \strike building}}{\plain \revised facility}}{\plain energy use by 30% by 2010 compared to 1990 levels. In order to encourage optimal investment in energy improvements, agencies can

count greenhouse gas reductions from improvements in }{\plain \strike non-build
ing}}{\plain \revised non-facility}}{\plain
energy use toward this goal to the extent that these reductions are approved by

OMB.}}{\plain \cfl \par
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{\plain Section 202. }{\plain \b Energy }{\plain \b\strike Consumption Reducti
on}}{\plain \b\revised Efficiency Improvement}}{\plain \b Goals. }}{\plain
Through }}{\plain \revised life cycle }}{\plain cost-effective measures, each age
ncy shall reduce energy
consumption per gross square foot of its Federal (non- industrial or laboratory
)}}{\plain \strike
buildings}}{\plain \revised facilities}}{\plain by 30 percent by 2005, and 35 pe
rcent by 2010 when compared
to the energy use of its }}{\plain \strike buildings}}{\plain \revised facilities
}}{\plain in use in 1985. No }}{\plain \strike buildings}}{\plain \revised facil
ities}}{\plain will
be exempt from these goals unless they meet new criteria for exemptions, to be

issued by the Department of Energy.}}{\plain \highlight2 }}{\plain \strike\highli
ght2 }}{\plain \highlight2 \par

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{\plain \b }{\plain Section 203. }{\plain \b Industrial and Laboratory Facilit
ies.}}{\plain Through }}{\plain \revised life cycle }}{\plain cost-effective mea
sures, each agency shall reduce energy consumption per square foot}}{\plain \str
ike

or}}{\plain \revised ,}}{\plain per unit of production}}{\plain \strike (}{\plai
n \revised , or per other unit }}{\plain as applicable}}{\plain \strike)}}{\plain
\revised to usage}}{\plain by 20 percent
by 2005 and 25 percent by 2010 relative to 1990. No facilities will be exempt
from

these goals unless they meet new criteria for exemptions, as issued by the
Department of Energy. }}{\plain \cfl \par

}}{\plain \cfl \par

}}{\plain Section 204. }{\plain \b Renewable Energy. }{\plain Through }}{\plain
\revised life cycle }}{\plain cost-effective measures, each
agency shall }}{\plain \strike substantially }}{\plain expand the use of renewabl
e energy within its facilities
and other activities by implementing renewable energy projects and by purchasin

g
electricity from renewable energy sources. In support of the Million Solar Roo
fs
Initiative, the Federal Government shall strive to install 2,000 solar energy s
ystems
by the end of 2000, and 20,000 solar energy systems }{\plain \strike on}{\plain
\revised at}{\plain Federal facilities by 2010.
}{\plain \strike \par
}{\plain \revised\cfl }{\plain \revised \par
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}{\plain Section 205. }{\plain \b Petroleum. }{\plain Through }{\plain \revis
ed life cycle }{\plain cost-effective measures, each agency
shall }{\plain \strike take all necessary measures to }{\plain reduce the use o
f petroleum within its }{\plain \strike buildings
and }{\plain facilities. Agencies may accomplish this reduction by switching t
o a less
}{\plain \strike carbon}{\plain \revised greenhouse gas}{\plain intensive, non
-petroleum energy source, such as natural gas
or renewable energy sources; by eliminating unnecessary fuel use; or through ot
her
appropriate methods. Where alternative fuels are not practical or }{\plain \st
rike cost-effective}{\plain \revised life
cycle cost effective}{\plain , agencies should strive to improve the efficiency
with which
they use petroleum in their }{\plain \strike buildings and }{\plain facilities.
\par
}{\plain \par
}{\plain Section 206. }{\plain \b Source Energy.}{\plain The Federal }{\plai
n \strike government}{\plain \revised Government}{\plain shall strive to
reduce total energy use }{\plain \strike as measured at the source}{\plain and
associated }{\plain \strike carbon}{\plain \revised greenhouse
gas and other air}{\plain emissions}{\plain \revised , as measured at}{\plain
}{\plain \revised the source}{\plain . To that end, agencies shall
undertake }{\plain \revised life cycle }{\plain cost effective projects }{\plai
n \strike where}{\plain \revised in which}{\plain source energy decreases,
even if site energy use increases. In such cases, agencies will receive }{\pla
in \strike additional
}{\plain credit, through guidelines developed by the Department of Energy, }{\p
lain \strike }{\plain toward energy
reduction goals.\par
}{\plain \tab \tab \par
}{\plain Section 207. }{\plain \b Water Conservation. }{\plain Through }{\pla
in \strike cost-effective}{\plain \revised life cycle cost effective}{\plain
measures, agencies shall }{\plain \strike implement measures to }{\plain reduce
water consumption and
associated energy use in their }{\plain \strike buildings}{\plain \revised faci
lities}{\plain to reach the goals set in Section
}{\plain \strike 503(d)}{\plain \revised 505}{\plain . Where possible, water c
ost savings shall be included in Energy Savings
Performance Contracts and other financing mechanisms.}{\plain \strike }{\plain
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}{\plain \par
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{\plain }{\plain \scaps\fs28 \tab }{\plain \b\scaps\fs28 Part 3 _ ORGANIZATI
ON AND ACCOUNTABILITY}{\plain \par
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}{\plain Section 301. }{\plain \b Annual Budget Submission.}{\plain Each ag
ency's budget submission to
OMB shall }{\plain \strike include a line item that }{\plain specifically }{\pl
ain \strike requests}{\plain \revised request}{\plain funding necessary to
achieve the goals of this order, including the costs associated with }{\plain \
revised encouraging the
use of, administering and}{\plain }{\plain fulfilling }{\plain \strike contrac
tual}{\plain \revised agency }{\plain responsibilities under Energy
Savings Performance Contracts}{\plain \revised and}{\plain \b }{\plain \revis
ed utility energy-efficiency service contracts and
other contractual platforms for}{\plain }{\plain \revised achieving conservati
on goals}{\plain ; implementing }{\plain \strike cost-effective}{\plain \revis
ed life cycle cost effective}{\plain measures; procuring }{\plain \revised life
cycle }{\plain cost effective
products; and constructing sustainable new buildings. OMB will issue guideline
s to
assist agencies in developing appropriate requests that support sound investmen
ts in
energy improvements and energy-using products. OMB }{\plain \strike should}{\p
lain \revised shall}{\plain consider
establishing a fund which agencies could draw on to finance exemplary energy
management activities and investments with higher first costs but lower }{\plai
n \strike lifecycle}{\plain \revised life
cycle}{\plain costs.}{\plain \cfl \par
}{\plain \cfl \par
}{\plain Section 302. }{\plain \b Government Performance and Results Act. }{\p
lain Each agency shall
develop an implementation plan for fulfilling the requirements of this order.
}{\plain \revised The
implementation plan should clearly show how the requested funds will be used to

achieve the specific goals. }{\plain Each agency shall include the goals and o
bjectives from
its implementation plan in its Strategic and Annual Performance Plans required
by
the Government Performance and Results Act. \par
}{\plain \par
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{\plain Section 303. }{\plain \b Annual Reports to the President. }{\plain Ea
ch agency shall measure and
report its progress in meeting the goals and requirements of this order on an a
nnual
basis. Agencies shall follow reporting guidelines as developed under Section 3
06
(}{\plain \strike a}{\plain \revised b)(1}{\plain) of this order. In order to
minimize additional reporting requirements, the
guidelines will clarify how the Annual Report to the President should build on
each

agency's annual Federal energy reports submitted to DOE and Congress. Annual Reports to the President are due on January 1 of each year beginning in the year 2000.

Each agency's Annual Report to the President shall describe how the agency is using each of the strategies described in Part 4 of this order to help meet energy and ~~carbon~~ revised greenhouse gas reduction goals. The Annual Report to the President shall explain why certain strategies ~~revised~~, if any, have not been used.

Section 304. **Designation of Senior Agency Official.** Each agency shall designate a senior official, at the Assistant Secretary level or above, to be responsible for meeting the goals and requirements of this order including preparing the Annual

Report to the President. Such designation shall be reported by each Cabinet Secretary or agency head to the President within 30 days ~~after~~ revised of the effective date of this order.

~~Designated officials are encouraged to participate in the Interagency Energy Policy Committee.~~ The Committee shall communicate its activities to all designated officials to assure proper coordination and achievement of the goals of this order.

Section 305. **Designation of Agency Energy Teams.** ~~Each~~ revised Within 90 days, each agency shall form a technical support team consisting of appropriate procurement, legal, revised budget, management and technical representatives to expedite and encourage the agency's use of revised appropriations, Energy Savings Performance Contracts and other alternative financing mechanisms necessary to meet the goals and requirements of this order.

~~Agency energy team activities shall be undertaken in collaboration with each agency's Interagency Energy Management Task Force representative.~~

}}\plain \revised \par
}}\plain Section 306. }}\plain \b Interagency Coordination. \par
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{\plain (a) }}\plain \b\strike Interagency Federal Energy Coordination}}\plain \revised Office of Management and Budget}}\plain . The }}\plain \revised Deputy Director for Management}}\plain }}\plain \revised in the }}\plain Office of Management and }}\plain \strike Budget\92s Deputy Director for Management shall be responsible for working}}\plain \revised Budget (OMB), in consultation}}\plain with }}\plain \strike the agencies to ensure that they meet the goals of this order and report their progress. In addition, the Deputy Director}}\plain \revised DOE,}}\plain shall be responsible for evaluating each agency\92s progress in improving energy management}}\plain \strike ; and,}}\plain \revised and for}}\plain submitting agency }}\plain \revised energy }}\plain scorecards to the President to report progress.}}\plain \revised }}\plain \revised \par
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{\plain \revised (1) OMB, in consultation with DOE and other agencies, shall develop}}\plain }}\plain \revised the agency energy scorecards and scoring system to evaluate each}}\plain }}\plain \revised agency\92s progress in meeting the goals of this order.}}\plain The }}\plain \strike Deputy Director for Management will also work with DOE and other agencies to create:\par
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{\plain \strike (1) guidelines for agencies\92 preparation of the Annual Report to the President on energy management;}}\plain \strike\ul \par
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{\plain \strike (2) an agency energy scorecard including}{\plain \revised scori
ng}{\plain criteria }{\plain \strike to evaluate
each agency\92s progress}{\plain \revised shall include the extent to which ag
encies are
taking advantage of key tools to save energy and reduce greenhouse
gas emissions, such as}{\plain \revised Energy Savings Performance Contracts,
utility
energy-efficiency service contracts, ENERGY STAR\ae and other
energy efficient products, renewable energy technologies, electricity
from renewable energy sources,}{\plain \revised and other strategies listed}{\
plain in }{\plain \strike meeting
the goals}{\plain \revised Part 4}{\plain of this order}{\plain \revised , as}
{\plain }{\plain \revised well as overall efficiency and
greenhouse gas metrics and use of other}{\plain }{\plain \revised innovative e
nergy efficiency
practices}{\plain . The }{\plain \strike criteria shall include}{\plain \revis
ed scorecards will be based on}{\plain the
}{\plain \strike extent to which agencies are taking advantage of key strategie
s to save
energy and reduce carbon emissions, such as using Energy Savings
Performance Contracts, other financing tools, procuring ENERGY
STAR\ae products, using renewable technologies, purchasing green
power, and employing sustainable design principles; and,\par
}\pard \qj\sl0\tx0\tx720\tx1440\tx2160\tx2880\tx3600\tx4320\tx5040\tx5760\tx648
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{\plain \strike (3) a new }{\plain annual }{\plain \strike Presidential award t
o reward outstanding agency
energy management team(s).\tab \tab \par
}\pard \qj\sl0\tx0\tx720\tx1440\tx2160\tx2880\tx3600\tx4320\tx5040\tx5760\tx648
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{\plain \strike (b) }{\plain \b\strike President\92s Management Council}{\plai
n \revised energy reports submitted to the
President under Section 303 of this order}{\plain .}{\plain \revised \par
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0\tx6480\tx7200\tx7920\tx8640\tx8640\tx10080\tx10800\tx11520\tx12240\tx12960
{\plain \revised (2) The Deputy Director for Management of OMB shall also selec
t
outstanding agency energy management team(s), from among
candidates nominated by DOE,}{\plain \revised for a new annual Presidential aw

ard for
energy efficiency.\par
{\pard \ql\li1440\sl0\tx-720\tx0\tx720\tx1440\tx2160\tx2880\tx3600\tx4320\tx5040\tx5760\tx6480\tx7200\tx7200\tx8640\tx9360\tx10080\tx10800\tx11520\tx12240}{\plain \revised \par
{\pard \ql\li720\sl0\tx0\tx720\tx1440\tx2160\tx2880\tx3600\tx4320\tx5040\tx5760\tx6480\tx7200\tx7920\tx8640\tx8640\tx10080\tx10800\tx11520\tx12240\tx12960}{\plain \revised (b) Federal Energy Management Program. The Department of Energy\92s

Federal Energy Management Program (FEMP) shall be responsible for working with the agencies to ensure that they meet the goals of this order and

report their progress.\par
{\pard \ql\li720\sl0\tx0\tx720\tx1440\tx2160\tx2880\tx3600\tx4320\tx5040\tx5760\tx6480\tx7200\tx7920\tx7920\tx9360\tx10080\tx10800\tx11520\tx12240\tx12960}{\plain \revised \par
{\pard \ql\li1440\sl0\tx0\tx720\tx1440\tx2160\tx2880\tx3600\tx4320\tx5040\tx5760\tx6480\tx7200\tx7920\tx8640\tx8640\tx10080\tx10800\tx11520\tx12240\tx12960}{\plain \revised (I) FEMP, in consultation with OMB, shall develop and issue guidelines for agencies\92 preparation of their Annual Reports to the President on energy management, as required in Section 303 of this order. FEMP will also have primary responsibility for collecting and analyzing the data, and will assist OMB in ensuring that agency reports are received in a timely manner.\par

{\pard \ql\li1440\sl0\tx-720\tx0\tx720\tx1440\tx2160\tx2880\tx3600\tx4320\tx5040\tx5760\tx6480\tx7200\tx7200\tx8640\tx9360\tx10080\tx10800\tx11520\tx12240}{\plain \revised \par
{\pard \ql\li720\sl0\tx0\tx720\tx1440\tx2160\tx2880\tx3600\tx4320\tx5040\tx5760\tx6480\tx7200\tx7920\tx8640\tx8640\tx10080\tx10800\tx11520\tx12240\tx12960}{\plain \revised (c) President\92s Management Council. The President\92s Management Council (PMC), chaired by the Deputy Director for Management at OMB and consisting of the Deputy Secretaries of all Federal agencies, will discuss agencies\92 progress in improving Federal energy management at least twice each year. The PMC will provide a forum for identifying barriers to use of Energy

Savings Performance Contracts, utility energy-efficiency service contracts, and

other energy management tools.}}{\plain }}{\plain \strike The President\92s Management Council,

chaired by the Deputy Director for Management at OMB and consisting of the Deputy Secretaries of all Federal agencies, will consider agencies\92 progress in

improving Federal energy management on a regular basis. The President\92s Management Council will provide a forum for identifying barriers to use of Energy Savings Performance Contracts, utility agreements, and other energy management tools. The Council will also discuss how to engage all levels of agency management and staff in carrying out effective energy management. }}{\plain \strike\ul \par

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{\plain \strike (c) }{\plain \b\strike Interagency Energy Policy Committee. }{\
\plain \strike As established by the
Department of Energy Organization Act, this committee consisting of Assistant

Secretaries from agencies including DOE, DOD, and GSA, will continue to
work to encourage effective implementation of energy efficiency policies and
practices. \par

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960

{\plain \strike \tab (d) }{\plain \b\strike Interagency Energy Management Task
Force. }{\plain \strike As established by the
National Energy Conservation Policy Act, this task force consisting of each
agencies\92 chief energy managers, will continue to work toward improving
agencies\92 use of energy management tools and sharing information on Federal

energy management across agencies. \par
} \pard \qj \fi-720 \sl0 \tx0 \tx720 \tx1440 \tx2160 \tx2880 \tx3600 \tx4320 \tx5040 \tx576
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{\plain \strike Section 307. }{\plain \revised The PMC will also discuss how to
engage all levels of agency management
and staff in carrying out effective energy management. \par

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{\plain \revised (d) Interagency Energy Policy Committee. As established by th
e Department

of Energy Organization Act, this Committee, consisting of senior agency
officials designated in accordance with Section 304 of this Order, will continu
e

to work together to encourage effective implementation of energy efficiency
policies and practices. Participation in the Committee is only required for th
e

major energy\ consuming agencies as designated by DOE. The Committee shall
communicate its activities to all designated senior agency officials to promote

coordination and achievement of the goals of this Order. \par

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{\plain \revised (e) Interagency Energy Management Task Force. As established
by the

National Energy Conservation Policy Act, this task force, consisting of each

agency's chief energy managers, will continue to work toward improving agencies' use of energy management tools and sharing information on Federal

energy management across agencies.

Revised

Public/Private Advisory Committee.

The Deputy Director for Management, in consultation with the President's Management Council, will appoint an advisory committee consisting of representatives from Federal agencies, state governments, energy service companies; utilities; equipment manufacturers; construction and architectural companies; environmental, energy and consumer groups; and other energy-related organizations. The committee will provide input on Federal energy management, including how to improve use of Energy Savings Performance Contracts and utility agreements, revised energy-efficiency service contracts, improve procurement of ENERGY STAR products, improve building design, reduce process energy use, and enhance applications of

efficient and renewable energy technologies at Federal facilities.

Revised

Section 308. Applicability. This order applies to all Federal departments and agencies. The General Services Administration (GSA) is responsible for working with agencies to meet the requirements of this order for those facilities for which GSA holds revised has delegated revised operations and maintenance authority. The Department of Defense is subject to this order with the exception of military operations and training (including tactical aircraft, ships, weapons systems, combat training and border security).

Revised

Part 4 - Promoting Federal Leadership in Energy

Management

Section 1980

Section 1350

Section 1

Section 2

Section 3

Section 4

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{*\pnseclvl6\pnlcrm\pnstartl {\pntxtb ({\pntxta)}}
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\tx7200\tx7920\tx8640

{\plain }{\plain Section 401. }{\plain \b Life Cycle Cost Analysis. }{\plain
}{\plain \strike For investments in products, services,
construction, and other projects}{\plain \revised Agencies}{\plain shall}{\pla
in \strike agencies}{\plain }{\plain \revised use}{\plain life}{\plain \strik
e consider}{\plain cycle }{\plain \revised cost
analysis in}{\plain }{\plain \revised their investments in products}{\plain ,
}{\plain \strike costs}{\plain \revised services, construction, and other proje
cts}{\plain
to lower the Federal Government\92s costs and to reduce energy and water consu
mption.

Where appropriate, agencies shall consider the }{\plain \strike lifecycle}{\pla
in \revised life cycle}{\plain costs of combinations
of projects, particularly to encourage bundling of energy efficiency projects w
ith
renewable energy projects. Agencies shall also retire inefficient equipment on
an

accelerated basis where replacement results in lower }{\plain \strike lifecycle
}{\plain \revised life cycle}{\plain costs. \par
}{\plain \par

}{\plain Section 402. }{\plain \b Facility }{\plain \b\strike Audits and}{\pla
in \b Energy Audits.}{\plain Agencies shall continue to conduct
energy and water audits for }{\plain \revised approximately 10 percent of }{\pl
ain their facilities }{\plain \strike through Energy
Savings Performance Contracts}{\plain \revised each year}{\plain , }{\plain \st
rike utility agreements, or}{\plain \revised either}{\plain independently}{\pl
ain \revised or
through Energy Savings Performance Contracts or utility energy-efficiency servi
ce

contracts}{\plain . These audits should assist agencies in identifying potenti
al energy-saving
projects.}{\plain \strike }{\plain \revised }{\plain \par
}{\plain \par

}{\plain Section 403. }{\plain \b Energy Management Strategies}{\plain \b\revi
sed and Tools}{\plain \b . }{\plain \strike To meet the goals of this
order, agencies, wherever cost-effective,}{\plain \revised Agencies}{\plain sh
all}{\plain \strike : \tab \tab \par
}{\plain \strike \par

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{\plain \strike (}{\plain \revised use }{\plain a}{\plain \strike) }{\plain \b
\strike use energy savings performance contracts, utility energy efficiency
services, and other available alternative financing mechanisms to reduce
energy use and}{\plain \revised variety of energy management tools and strateg
ies, where}{\plain cost
}{\plain \strike in their facilities and other activities}{\plain \revised effe
ctive, to meet the goals of this order}{\plain .

DOE will work with GSA and the Defense Logistics Agency to create clear catalogue listings that designate these products in both print and electronic

formats.

STAR and other DOE/FEMP designated energy efficiency levels into all guide

specifications and project specifications developed for new construction and renovation, as well as product specification language developed for Basic Ordering Agreements, Blanket Purchasing Agreements, Government Wide Acquisition Contracts, and all other purchasing procedures.

sector suppliers to provide private funding to offset higher up-front costs of

efficient products. Within 9 months of this order, DOE shall report back to the

President's Management Council on the viability of such alternative financing

options.

ible buildings and leasing activities

based on the ENERGY STAR building criteria by the end of 2002.

revised Agencies shall strive to meet the ENERGY

STAR Building criteria for energy performance and indoor environmental quality in their eligible facilities to the maximum extent practicable by the end

of 2002. Agencies can use Energy Savings Performance Contracts, utility

agreements, revised energy-efficiency service contracts

, or other means to conduct

evaluations and make improvements to buildings in order to meet the criteria.

Buildings that rank in the top 25 percent in energy efficiency relative to comparable commercial and Federal buildings will receive the ENERGY STAR^{ae} Building label. Agencies ~~shall strive to meet the ENERGY STAR^{ae} Building criteria for energy performance and indoor environmental quality to the~~
~~greatest extent practicable.~~~~par~~
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~~{\plain \strike (d) }{\plain \b\strike apply sustainable design principles to the siting, design, and construction of new facilities}~~~~{\plain \revised should integrate this building rating tool into their general facility audits}~~~~{\plain .}~~~~{\plain \revised }~~~~{\plain \revised \par~~
~~{\pard \qj\sl0\tx0\tx720\tx1440\tx2160\tx2880\tx3600\tx4320\tx5040\tx5760\tx6480\tx7200\tx7920\tx8640\tx9360~~
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~~{\pard \qj\li720\sl0\tx0\tx720\tx1440\tx2160\tx2880\tx3600\tx4320\tx5040\tx5760\tx6480\tx7200\tx7920\tx8640\tx9360~~
~~{\plain \revised (d) }{\plain \b\revised Sustainable Building Design.}~~~~{\plain \revised Agencies shall apply sustainable design principles to the siting, design, and construction of new facilities.}~~~~{\plain {\plain \b }{\plain \strike All agencies}~~~~{\plain \revised Agencies}~~~~{\plain shall }~~~~{\plain \strike minimize}~~~~{\plain \revised optimize}~~~~{\plain life-cycle costs, pollution, and other environmental and energy costs associated with the construction, integrated building commissioning, and life-cycle operation and decommissioning of the facility. Agencies should adopt sustainable design and development principles,~~

~~to be developed by a DOD/GSA-led interagency team in consultation with DOE and EPA. }~~~~{\plain \b A}~~~~{\plain gencies should consider using Energy Savings Performance Contracts or utility }~~~~{\plain \strike agreements}~~~~{\plain \revised energy-efficiency service contracts}~~~~{\plain to aid them in constructing sustainable buildings.}~~~~{\plain \cfl }~~~~{\plain \strike\cfl }~~~~{\plain \cfl \par~~
~~{\pard \qj\sl0\tx0\tx720\tx1440\tx2160\tx2880\tx3600\tx4320\tx5040\tx5760\tx6480\tx7200\tx7920\tx8640\tx9360~~
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~~{\plain \cfl }{\plain (e) }{\plain \b\strike incorporate model lease provisions that encourage energy and water efficiency when agencies enter into leases, including the renegotiation or extension of existing leases}~~~~{\plain \b\revised Model Lease Provisions}~~~~{\plain \b . }~~~~{\plain \strike Build-to-suit}~~~~{\plain \revised Agencies entering into leases, including the renegotiation or extension of existing leases,~~
~~shall incorporate}~~~~{\plain lease }~~~~{\plain \strike solicitations should contain criteria encouraging sustainable design and development,}~~~~{\plain \revised provisions that encourage}~~

{\plain energy }{\plain \revised and water
}{\plain efficiency}{\plain \strike , and integrated building commissioning}{\p
lain \revised wherever life cycle cost
effective}{\plain . }{\plain \strike Agencies shall include ENERGY STAR\ae Bu
ilding Label energy
performance and indoor environmental criteria, where available, in their
competitive}{\plain \revised Build-to-suit}{\plain lease }{\plain \strike acqu
isition processes. \par
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{\plain \strike In addition, all agencies should encourage lessors to explore a
nd implement
projects that would reduce costs to the Federal government, including projects

carried out through Energy Savings Performance Contracts or utility
agreements}{\plain \revised solicitations shall contain criteria encouraging su
stainable design and
development, energy efficiency, and integrated building commissioning}{\plain .
}{\plain \revised
}{\plain \revised Agencies shall include a preference for buildings having the
ENERGY STAR\ae
Building Label in their selection criteria for acquiring leased buildings. In

addition, all agencies should encourage lessors to apply for the ENERGY
STAR\ae Building Label and to explore and implement projects that would
reduce costs to the Federal Government, including projects carried out through

the lessors\92 Energy Savings Performance Contracts or utility energy-efficien
cy
service contracts. }{\plain \b\revised \par
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{*\pnseclvl5\pnlcltr\pnstart1\pnindent720{\pntxtb ({\pntxta })}}
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\tx6480\tx7200\tx7920\tx8640\tx9360
{\plain \revised (f)}{\plain \b\revised Industrial Facility Efficiency Improve
ments.}{\plain \b }{\plain \strike Operation, maintenance,
and energy cost savings resulting from energy efficiency improvements should
not weigh against GSA prospectus limits}{\plain \revised Agencies shall explore
efficiency

opportunities in industrial facilities for steam systems, boiler operation, air

compressor systems, industrial processes, and fuel switching including cogeneration, and other efficiency, solar and other renewable energy technologies. } {plain . } {plain \cf1 } {plain \revised\cf1 } {plain \cf1 \par } {plain \qj\sl0\tx0\tx720\tx1440\tx2160\tx2880\tx3600\tx4320\tx5040\tx5760\tx6480\tx7200\tx7920\tx8640\tx9360

{plain \cf1 \par } {plain \qj\li720\sl0\tx0\tx720\tx1440\tx2160\tx2880\tx3600\tx4320\tx5040\tx5760\tx6480\tx7200\tx7920\tx8640\tx9360

{plain \cf1 } {plain (} {plain \strike f} {plain \b\strike develop action plans for industrial facilities to document efficiency

opportunities in steam systems, boiler operation, air compressor systems, industrial processes, and fuel switching including cogeneration, solar and other renewable energy technologies. } {plain \strike \par } {plain \qj\sl0\tx0\tx720\tx1440\tx2160\tx2880\tx3600\tx4320\tx5040\tx5760\tx6480\tx7200\tx7920\tx8640\tx9360

{plain \strike \par } {plain \qj\li720\sl0\tx0\tx720\tx1440\tx2160\tx2880\tx3600\tx4320\tx5040\tx5760\tx6480\tx7200\tx7920\tx8640\tx9360

{plain \strike (} {plain g } {plain \b\revised Highly Efficient Systems. } {plain \revised Agencies shall } {plain implement district energy systems, and other highly efficient systems, in new construction or retrofit projects } {plain \revised when life cycle cost effective } {plain . Agencies shall consider combined

cooling, heat and power when upgrading and assessing facility power needs and

shall use combined cooling, heat and power systems when } {plain \strike cost-effective and

technically feasible } {plain \revised life cycle cost effective } {plain . } {plain Agencies shall survey local natural resources to optimize use of available biomass, bioenergy, geothermal or other

naturally occurring energy sources. } {plain \b\strike \tab \tab \tab \tab } {plain \strike \par

} {plain \qj\sl0\tx0\tx720\tx1440\tx2160\tx2880\tx3600\tx4320\tx5040\tx5760\tx6480\tx7200\tx7920\tx8640\tx9360

{plain \strike \par } {plain \qj\li720\sl0\tx0\tx720\tx1440\tx2160\tx2880\tx3600\tx4320\tx5040\tx5760\tx6480\tx7200\tx7920\tx8640\tx9360

{plain \strike (h) } {plain \b\strike use off-grid energy generation systems, including solar hot water, solar

electric, solar outdoor lighting, small wind mills, fuel cells, and other off-grid alternatives, where such systems are cost-effective and offer benefits including energy efficiency, pollution prevention, avoided infrastructure costs, or expedited service. } {plain \revised \par

} {plain \qj\sl0\tx0\tx720\tx1440\tx2160\tx2880\tx3600\tx4320\tx5040\tx5760\tx6480\tx7200\tx7920\tx8640\tx9360

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{plain \revised } {plain \strike \par } {plain \qj\sl0\tx0\tx720\tx1440\tx2160\tx2880\tx3600\tx4320\tx5040\tx5760\tx6480\tx7200\tx7920\tx8640\tx9360

Agencies shall use off-grid generation systems, including solar hot water, solar electric, solar outdoor lighting, small wind turbines, fuel cells, and other off-grid alternatives, where such systems are life cycle cost-effective and offer benefits including energy efficiency, pollution prevention, source energy reductions, avoided infrastructure costs, or expedited service.

Section 404. Electricity Use. Each agency shall strive to use electricity from clean, efficient, energy sources and thereby advance the greenhouse gas and renewable energy goals of this order.

To advance the greenhouse gas and renewable energy goals of this order, and reduce source energy use, each agency shall strive to use electricity from clean, efficient, and renewable energy sources.

(a) Competitive Power

An agency's progress in purchasing electricity from efficient and renewable energy sources will be taken into account in assessing

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h the
facility is located, \tab \tab \tab \par
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{\plain \strike 3) the 7.5 percent renewable portfolio standard to be achieved
by 2010,
included in the Administration\'92s 1999 electricity restructuring proposal,\pa
r
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{\plain \strike 4)}}{\plain \revised consider}{\plain the Administration\'92s g
oal of tripling non-hydroelectric
renewable energy capacity in the United States by 2010}{\plain \strike ,\par
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{\plain \strike 5)}}{\plain \revised ; the renewable portfolio standard specifie
d in the restructuring
guidelines for the state in which the facility is located;}{\plain the General

Services Administration\'92s efforts to make }{\plain \strike green power
alternatives}{\plain \revised electricity from renewable energy sources}{\plain
available to
Federal electricity purchasers}{\plain \strike ,}{\plain \revised ;}{\plain an
d}{\plain \strike \par
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{\plain \strike 6)}}{\plain the Environmental Protection Agency\'92s guidelines
on crediting }{\plain \strike green
power in the State Implementation Plan process under the}{\plain \revised renew
able
energy power in implementation of}{\plain Clean Air Act}{\plain \revised stan
dards}{\plain .}{\plain \b\strike \par
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{\plain Section 405. }{\plain \b Mobile Equipment. }{\plain Each agency shal

l }{\plain \revised seek to }{\plain improve the design,
construction, and operation of its mobile equipment and implement all }{\plain
\revised life-cycle cost-effective }{\plain energy efficiency measures that res
ult in cost savings while improving mission
performance. To the extent that such measures are }{\plain \strike cost-effect
ive}{\plain \revised life cycle cost
effective}{\plain , agencies should consider enhanced use of alternative or ren
ewable-based
fuels.\par
}{\plain \par
}{\plain Section 406.}{\plain }{\plain \b Management/Government Performance. }
{\plain Agencies shall use the
following management strategies to assist them in meeting the goals of this ord
er. }{\plain \b \par
}{\plain \b \par
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{\plain \b }{\plain (a) }{\plain \b Awards.}{\plain Agencies shall use employ
ee incentive programs to reward
exceptional performance in implementing this order. \par
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{\plain (b) }{\plain \b Performance Evaluations.}{\plain Agencies shall includ
e successful
implementation of provisions of this order in areas such as Energy Savings
Performance Contracts, sustainable design, energy efficient procurement, energy
efficiency, water conservation, and renewable energy projects in the position
descriptions and performance evaluations of agency heads, members of the
agency energy team, }{\plain \revised principal program managers, heads of fiel
d offices, }{\plain facility
managers, energy managers, their superiors, and other appropriate employees.}{\
plain \cf1 \par
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{\plain \cf1 }{\plain (c) }{\plain \b Retention of Savings/Rebates}{\plain .}{\
plain \b }{\plain Agencies granted statutory authority to
retain a portion of savings generated from efficient energy }{\plain \revised a
nd water}{\plain
}{\plain management are encouraged to permit the retention of the savings at th
e facility
or site where the savings occur to provide greater incentive for that facility
and
its site managers to undertake more energy management initiatives, invest in
renewable energy systems, and purchase }{\plain \strike green power}{\plain \re
vised electricity from renewable
energy sources}{\plain . \par

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{\plain (d) }{\plain \b Training and Education. }{\plain Agencies shall ensure
that all appropriate
personnel receive training for implementing this order. \par
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{\plain (1) DOE}{\plain \strike and}{\plain \revised ,}{\plain DOD}{\plain \r
evised , and GSA}{\plain shall }{\plain \strike make}{\plain \revised provide}
{\plain relevant training or
training materials }{\plain \revised for those programs that they make }{\plain
available to all
Federal agencies }{\plain \strike on}{\plain \revised relating to}{\plain the
energy management strategies
contained in this order.\par
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{\plain \strike \tab \tab }{\plain \revised \tab \tab }{\plain (2) The Federal
Acquisition Institute and the Defense
Acquisition University shall incorporate into existing
procurement courses}{\plain \strike ,}{\plain information on Federal energy
management tools, including Energy Savings Performance
Contracts, utility }{\plain \revised energy-efficiency service }{\plain contrac
ts, energy
efficient and ENERGY STAR\ae }{\plain \revised and}{\plain }{\plain \revised
other}{\plain }{\plain \strike and lifecycle energy
costs}{\plain \revised energy efficient }{\plain products}{\plain \revised , an
d life cycle}{\plain }{\plain \revised cost}{\plain }{\plain \revised analysi
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{\plain (3) All agencies are encouraged to develop outreach programs that
include education, training and promotion of ENERGY STAR\ae }{\plain \revised
and}{\plain
}{\plain \revised other energy efficient }{\plain products for Federal purchase
card users. Such
programs may include promotions with billing statements, user training,
catalog awareness and exploration of vendor data collection of
purchases.\par
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{\plain (e) }{\plain \b Showcase Facilities.}{\plain Agencies shall designate }{\plain \revised exemplary }{\plain new and existing }{\plain \strike buildings}{\plain \revised facilities with significant public access and exposure}{\plain as showcase facilities to highlight energy or water efficiency and renewable energy improvements. \par

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{\plain \b\scaps \par }{\plain \b PART 5 }{\plain \b\scaps\fs28 '96 Technical Assistance\par }{\plain \revised \tab }{\plain \par }{\plain Section 501. Within }{\plain \strike 120}{\plain \revised 180}{\plain days of this order, the Secretary of Defense and the Administrator of the General Services Administration, in consultation with other agency heads, shall:\par }{\plain \par

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{\plain (a) develop and issue sustainable design and development principles to serve as guidance for the siting, design, and construction of new facilities. \tab \par

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{\plain \par }{\plain Section 502. Within }{\plain \strike 120}{\plain \revised 180}{\plain days of this order, the Director of the Office of Management and Budget, in collaboration with the Secretary of Energy, shall:\par }{\plain \par

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{\plain \tab (a) develop and issue guidance to agency budget officers on preparation of annual

funding requests associated with the terms of this order beginning }{\plain \strike in}{\plain \revised with the }{\plain FY2001 }{\plain \revised budget}{\plain .\tab \par

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{\pard \fi-360\li360\sl0\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560 {\plain \tab (b) clarify for agencies their ability to retain savings and reinvest in other energy }}{\plain \revised and}}{\plain }}{\plain \revised water }}{\plain management projects. \tab \par }{\pard \fi-360\li360\sl0\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560 {\plain \par }{\pard \fi-360\li360\sl0\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560 {\plain \tab (c) through the Office of Federal Procurement Policy, brief agencies'92 procurement personnel on the use of Federal energy management tools, including Energy Savings Performance Contracts, utility }}{\plain \revised energy-efficiency service }}{\plain contracts, and procurement of energy efficient products}}{\plain \revised and electricity from renewable energy sources}}{\plain .\par }{\pard \fi-360\li360\sl0\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560 {\plain }}{\plain \strike \par }{\pard \fi-360\li360\sl0\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560 {\plain \strike }}{\plain \revised \tab \tab \tab \tab \par }{\pard \sl0\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560 {\plain Section 503. Within 180 days of this order, the Secretary of Energy, in collaboration with other agency heads, shall:\par }}{\plain \par }{\pard \li360\sl0\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560 {\plain (a) issue guidelines to assist agencies in measuring energy per square foot}}{\plain \strike or}}{\plain \revised ,}}{\plain per unit of production}}{\plain \revised , or other applicable unit}}{\plain in industrial}}{\plain \strike and}}{\plain \revised ,}}{\plain laboratory}}{\plain revised , research, and other}}{\plain }}{\plain \revised energy-intensive}}{\plain facilities. \par r }{\pard \sl0\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560 {\plain \par }{\pard \li360\sl0\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560 {\plain (b) establish criteria for facilities to be exempt from the order. In addition, DOE must provide guidance for agencies to report proposed exemptions. \par }{\pard \sl0\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560 {\plain \par }{\pard \li360\sl0\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560 {\plain (c) develop guidance to assist agencies in calculating appropriate energy baselines

for previously-exempt facilities }{\plain \revised and facilities occupied after 1990 }{\plain in order to measure progress toward goals.\par }{\p \slo\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560 }{\plain \par }{\p \li360\slo\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560 }{\plain (d) }{\plain \strike provide} {\plain \revised issue} {\plain guidance to }{\plain \strike assist each agency to} {\plain \revised clarify how agencies }{\plain determine }{\plain \strike a baseline of water consumption} {\plain \revised the life-cycle cost for investments required} {\plain by }{\plain \strike January 1} {\plain \revised the order} {\plain , } {\plain \strike 2000} {\plain \revised including how to compare different energy and fuel options and assess the current tools} {\plain .} {\plain \strike } {\plain \revised \par }{\p \slo\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560 }{\plain \revised \par }{\p \li360\slo\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560 }{\plain \revised } {\plain \strike By January 1, 2001, DOE, in consultation with the General Services Administration }{\plain () } {\plain \strike GSA} {\plain \revised e} {\plain) } {\plain \strike and EPA, shall establish water conservation} {\plain \revised determine the feasibility of providing credit toward energy efficiency} {\plain goals for } {\plain \strike Federal agencies} {\plain \revised cost-effective projects where source energy use declines, but site energy use increases} {\plain n .} {\plain \strike \par }{\p \slo\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560 }{\plain \strike \par }{\p \li360\slo\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560 }{\plain \strike } {\plain \revised If determined feasible, guidance for providing such credit will be issued for agency use in reporting progress toward energy efficiency improvement goals.} {\plain \strike (e) provide guidance for counting renewable energy projects and green power purchases toward agencies'92 progress in reaching energy reduction goals.} {\plain \revised \par }{\p \slo\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560 }{\plain \revised \par }{\p \li360\slo\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560 }{\plain \revised } {\plain \strike \par }{\p \slo\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560 }{\plain \strike \par }

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~~{\plain \strike (f) develop goals for the amount of energy generated on-site from renewable energy technologies at Federal facilities by 2000, 2005, and 2010. \par~~
~~}\pard \sl0\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560~~
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~~{\plain \strike (g) issue guidance to clarify how agencies determine the life-cycle cost for investments required by the order, including how to compare different energy and fuel options and assess the current tools.\par~~
~~}\pard \sl0\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560~~
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~~{\plain \strike (h) develop a plan to aggregate demand for at least three advanced energy products across the agencies; work with GSA to procure these products on behalf of all agencies; and work with GSA to distribute the products for widespread use among agencies. \par~~
~~}\pard \sl0\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560~~
~~{\plain \strike \par~~
~~}{\plain Section 504. Within }{\plain \strike 180 days}{\plain \revised 1 year~~
~~}{\plain of this order, the }{\plain \strike Administrator of the General Services Administration, in collaboration with the Secretary of Defense, the }{\plain Secretary of Energy, }{\plain \strike and}{\plain \revised in collaboration with}{\plain other agency heads, shall: \par~~
~~}{\plain \strike \tab \par~~
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~~{\plain \revised }{\plain (a) }{\plain \strike develop and issue}{\plain \revised provide}{\plain guidance }{\plain \strike to assist agencies in ensuring that all project cost estimates, bids, and agency budget requests }{\plain for }{\plain \strike design, construction, and renovation of buildings are based on life-cycle costs}{\plain \revised counting renewable energy projects and purchases of electricity from renewable energy sources toward agencies'92 progress in reaching greenhouse gas and energy reduction goals}{\plain .}{\plain \revised \par~~
~~}\pard \sl0\tx-360\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx0\tx360\tx1080\tx1800\tx2520\tx3240\tx3960\tx4680\tx5400\tx6120\tx6840\tx7560~~

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{\plain \revised (b) develop goals for the amount of energy generated on-site from
renewable energy technologies at Federal facilities by 2000, 2005, and 2010. \par
ar
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{\plain \revised (c) provide guidance to assist each agency to determine a base line of water
consumption by January 1, 2000. \par
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{\plain \revised (d) support efforts to develop standards for the certification of low
environmental impact hydropower facilities in order to facilitate the Federal
purchase of such power.\par
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{\plain \revised (e) work with GSA and DLA to develop a plan and purchase advanced
energy products in bulk quantities for use by multiple agencies.\par
}\pard \fi-2160\li2160\sl0\tx0\tx360\tx1440\tx2160\tx2880\tx3600\tx4320\tx5040\tx5760\tx6480\tx7200\tx7920\tx8640\tx9360
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{\plain \revised (f) issue guidelines for agency use estimating the greenhouse gas emissions
attributable to facility energy use. These guidelines shall include emissions
associated with the production, transportation and use of energy consumed in Federal facilities.\par
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}}{\plain \revised Section 505. }}{\plain \revised By January 1, 2001, the Secretary of Energy, in consultation with other
agencies, shall establish water conservation goals for Federal agencies.\par
}}{\plain \b\revised \tab \tab \tab \tab \tab }}{\plain \revised \tab \tab \tab \par
}}{\plain \revised Section 506. Within 180 days of this order, the Administrator of the General Services

Administration, in collaboration with the Secretary of Defense, the Secretary of Energy,
and other agency heads, shall: \par
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{\plain \revised (a) develop and issue guidance to assist agencies in ensuring that all project
cost estimates, bids, and agency budget requests for design, construction, and renovation of facilities are based on life-cycle costs.}{\plain Incentive
s for
contractors involved in the design and construction must be structured to encourage the contractors to design and build at the lowest }{\plain \b\strike economic}{\plain \b\revised life
cycle}{\plain cost.}{\plain \revised\cfl }{\plain \cfl \par
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{\plain (b) make information available on opportunities to purchase electricity from
renewable }{\plain \revised energy }{\plain sources as defined by this order. This information should
accommodate various }{\plain \strike State}{\plain \revised state}{\plain regulations and be updated periodically
based on technological advances and market changes, at least every }{\plain \b }{\plain \b\strike five}{\plain \b\revised two}{\plain \revised }{\plain years. \par
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{\plain (c) develop Internet-based tools for both GSA and Defense Logistics Agency customers to assist individual and agency purchasers in identifying and purchasing ENERGY STAR\ae }{\plain \revised and other energy efficient }{\plain products for
acquisition. \par
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{\plain (d) undertake pilot projects for selected energy-using products to show
energy operating costs as a "second price tag" in both printed and electronic
catalogs and assess the impact of providing this information on Federal purchasing decisions.\par
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{\plain \revised (e) develop model lease provisions that incorporate energy efficiency and sustainable design. \par

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{\plain }{\plain \b PART 6 }{\plain \b\scaps\fs28 \'96 General Provisions}{\plain in \tab \par

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{\plain \par

}{\plain Section 601.}{\plain \b Compliance by Independent Agencies.}{\plain

Independent agencies are

encouraged to comply with the provisions of this order.}{\plain \par

}{\plain \par

}{\plain Section 602. }{\plain \b Waivers.}{\plain If an agency determines that certain requirements in this order

are inconsistent with the mission of the agency, the agency may seek a waiver of the

provision from DOE. Any waivers authorized by DOE must be included in the annual

report to the President under }{\plain \strike Part 5}{\plain \revised Section 303}{\plain of this order. \par

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}{\plain Section 603. }{\plain \b Limitation.}{\plain \par

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{\plain (a) This order is intended only to improve the internal management of the

Executive branch and is not intended to create any right, benefit, or trust

responsibility, substantive or procedural, enforceable by law by a party

against the United States, its agencies, its officers, or any other person.\par

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{\plain (b) }{\plain \strike With the exception of existing data collection requirements, this}{\plain \revised This}{\plain

order }{\plain \strike does not apply}{\plain \revised applies}{\plain to agency

facilities }{\plain \strike outside}{\plain \revised in any State of the

United States, the District of Columbia,}{\plain the }{\plain \strike customs

territory}{\plain \revised Commonwealth}{\plain of }{\plain \strike the United

States}{\plain \revised Puerto Rico}{\plain , }{\plain \strike such as}{\plain

\revised Guam,

American Samoa, the}{\plain United States }{\plain \strike diplomatic}{\plain

\revised Virgin Islands, the Northern

Mariana Islands, and any other territory or possession over which the United States has jurisdiction. Agencies with

such facilities revised outside of these areas, however, are encouraged to make best efforts to comply with the goals of this order for those facilities. In

addition, agencies can include revised report energy improvements made outside the United States in their Annual Report to the President and can take credit for these improvements as part of their progress in meeting the requirements and goals of this order may be considered in agency score card

evaluations. revised

Section 604. Coordination with Other Executive Orders. Agencies must coordinate their activities under this order with other related Executive Orders.

Section 605. Statutory Authority. Agencies must carry out the provisions of this order to the extent consistent with their statutory authority.

Section 606. Revocations. Executive Order 12902 of March 9, 1994, Sections 3, 9, and 10 of Executive Order 12759 of April 17, 1991, and Executive Order 12845 of

April 21, 1993, are revoked.

Section 607. Existing Executive Orders revised Amendments to Federal Regulations. All The Federal Acquisition Regulations and other Executive Orders remain in force revised Federal regulations will be amended to reflect changes as necessary by this order, including an amendment to facilitate agency purchases of electricity from renewable

energy sources. revised

Part 7 - Definitions

For the purposes of this order all definitions:

Section 701. '93 Acquisition '94 means acquiring by contract supplies or services (including construction) by and for the use of the Federal Government through purchase or lease,

whether the supplies or services are already in existence or must be created, developed, demonstrated, and evaluated. Acquisition begins at the point when agency needs are established and includes the description of requirements to satisfy agency needs, solicitation and selection of sources, award of contracts, contract financing, contract performance, contract administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract.

Section 702. ~~'93Agency'~~ means ~~'93Agency'~~ means ~~'93Agency'~~ means an Executive agency as defined in 5 U.S.C. 105. For the purpose of this order, military departments, as defined in 5 U.S.C.

102, are covered under the auspices of the Department of Defense.

Section 703. ~~'93Energy Savings Performance Contract'~~ means a contract which provides

for the performance of services for the design, acquisition, financing, installation,

testing, operation, and where appropriate, maintenance and repair of an identified

energy or water conservation measure or series of measures at one or more locations.

~~'93Cost effective'~~ means minimizing the net present value of costs to the Federal

Government over the useful life of the project, product, or measure. Additional

guidance on measuring cost-effectiveness is specified in 10 CFR 436.18 (a), (b), and (c).

Such contracts should provide that the contractor must incur costs of implementing

energy savings measures, including at least the cost (if any) incurred in making energy

audits, acquiring and installing equipment, and training personnel in exchange for a

predetermined share of the value of the energy savings directly resulting from

implementation of such measures during the term of the contract. Payment to the

contractor is contingent upon realizing a guaranteed stream of future energy and cost

savings. All additional savings accrue to the Federal Government.

Section 704. ~~'93Energy Savings Performance Contract'~~

~~'93Exempt facility'~~ or ~~'93Exempt~~

mobile equipment' means a ~~contract~~ ~~facility or a piece of mobile equipment for~~ which

~~provides for the performance of services for the design, acquisition,~~

sition, installation, testing,
operation, and where appropriate, maintenance and repair of}}{\plain an }}{\plain
\revised agency}}{\plain }}{\plain \strike identified
energy}}{\plain \revised uses DOE-established criteria to determine that complia
nce with the Energy
Policy Act of 1992}}{\plain or }}{\plain \strike water conservation measure or s
eries of measures at one or more
locations}}{\plain \revised this order is not practical}}{\plain .}}{\plain \revis
ed \par
}}{\plain \revised \par
}}{\plain Section 705. }}{\plain \strike '93Exempt facility'94 or '93Exempt m
obile equipment'94 means a facility or a
piece of mobile equipment for which an agency uses DOE-established criteria to

determine that compliance with the Energy Policy Act of 1992 or this order is n
ot
practical.\par
}}{\plain \strike \par
}}{\plain \strike Section 706. '93Facility" means any individual building or c
ollection of buildings,
grounds, or structure, as well as any fixture or part thereof, including the as
sociated
energy or water-consuming support systems, which is constructed, renovated, or

purchased in whole or in part for use by the Federal Government.}}{\plain \revis
ed '93Facility'94 means any
individual building or collection of buildings, grounds, or structure, as well
as any
fixture or part thereof, including the associated energy or water-consuming sup
port
systems, which is constructed, renovated, or purchased in whole or in part for
use by
the Federal Government.}}{\plain It includes leased facilities where the Feder
al Government has
a purchase option or facilities planned for purchase. In any provision of this
order, the
term }}{\plain \strike "Federal facility" }}{\plain also includes any building }
{\plain \strike at least 30}}{\plain \revised 100}}{\plain percent leased for us
e
by the Federal Government where the Federal Government pays directly or indirec
tly
for the utility costs associated with its leased space. The term also includes

government-owned contractor operated facilities.\par
}}{\plain \par
}}{\plain Section }}{\plain \strike 707}}{\plain \revised 706}}{\plain . }}{\plain
\strike '93Green power'94 means electricity produced from renewable sources

as defined by this order. \par
}}{\plain \strike \par
}}{\plain \revised "Industrial facility" means any fixed equipment, building, or
complex for production,
manufacturing or other processes that uses large amounts of capital equipment i
n

connection with, or as part of, any process or system, and within which the majority of energy use is not devoted to the heating, cooling, lighting, ventilation, or to service

the water heating energy load requirements of the facility.\par

}}\plain \revised \par

}}\plain \revised Section 707. '93Life cycle cost effective'94 means the minimum net present value of costs

to the Federal Government over the useful life of the project, product, or measure.

Additional guidance on measuring cost-effectiveness is specified in 10 CFR 436.

18 (a),

(b), and (c). \par

}}\plain \revised \par

}}\plain Section 708.}}\plain \strike }}\plain \revised "Life cycle costs" means the sum of the present values of investment

costs, capital costs, installation costs, energy costs, operating costs, maintenance costs,

and disposal costs, over the lifetime of the project, product or measure.}}\plain \strike "Industrial

facilities" means any fixed equipment, building, or complex for the production,

manufacturing or other processes that use large amounts of capital equipment in

connection with, or as part of, any process or system, and within which the majority of energy use is not devoted to the heating, cooling, lighting, ventilation, or to service

the hot water energy load requirements of the building \par

}}\plain \strike \par

}}\plain \strike Section 709. "Life cycle costs" means the sum of the present values of investment costs,

capital costs, installation costs, energy costs, operating costs, maintenance costs, and

disposal costs, discounted over the lifetime of the project, product or measure

}}\plain

Additional guidance on measuring life cycle costs is specified in 10 CFR 436.19

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}}\plain \revised Section 709. '93Mobile equipment'94 means all Federally owned ships, aircraft, and non-road vehicles.\par

}}\plain \revised \par

}}\plain Section 710. }}\plain \strike '93Mobile equipment'94 means all Federally owned ships, aircraft, and non-highway vehicles.\par

}}\plain \strike \par

}}\plain \revised "Renewable energy" means energy produced by solar, wind, geothermal and biomass. \par

}}\plain \revised \par

}}\plain Section 711. }}\plain \strike "Renewable energy" means energy produced by solar, wind, geothermal

and biomass. \par

}}\plain \strike \par

}}\plain \strike Section 712. '93Renewable energy technology'94 means technologies that generate

renewable energy by providing light, heat, cooling, or mechanical energy for use in facilities or other activities.}}{\plain \revised '93Renewable energy technology\94 means technologies that use renewable energy to provide light, heat, cooling, or mechanical or electrical energy for use in facilities or other activities.}}{\plain The term also means the use of integrated whole-building designs which rely upon renewable energy resources, including passive solar

design.\par

}}{\plain \par

}}{\plain Section }}{\plain \strike 713}}{\plain \revised 712}}{\plain .}}{\plain \revised }}{\plain \revised '93Source energy\94 means the total energy resources used to generate

and transport electricity, steam, or gas. It includes any losses that occur in the

generation and transmission of the energy product. It is the equivalent of primary

energy. \par

}}{\plain \revised \par

}}{\plain \revised Section 713.}}{\plain "Utility" means public agencies and privately owned companies which

market, generate, and/or distribute energy}}{\plain \revised or water}}{\plain , including electricity, natural gas,

manufactured gas, steam, hot water, chilled water, and water as commodities for public

use and which provide the service under Federal, state or local regulated authority to

all authorized customers. Utilities include Federally owned non-profit producers;

municipal organizations and investor or privately owned producers regulated by

}}{\plain \strike State}}{\plain \revised state}}{\plain and/or the Federal Government; cooperatives owned by members and

providing services mostly to their members; and other non-profit }}{\plain \strike ke State}}{\plain \revised state}}{\plain and local

government agencies serving in this capacity.\par

}}{\plain \par

}}{\plain Section 714. '93Utility }}{\plain \strike services\94}}{\plain \revised energy-efficiency service\94}}{\plain means demand side

management services provided by a utility to improve the efficiency of use of the

commodity (electricity, gas, etc.) being distributed. Services can include, but are not

limited to, energy efficiency and renewable energy project auditing, financing, design,

installation, operation, maintenance, and monitoring.\par

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{\plain WILLIAM J. CLINTON\par

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{\plain THE WHITE HOUSE }}{\plain \strike \par

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{{\plain \strike \par Each agency shall set annual and increasing targets for purchasing electricity from

renewable sources. \par

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}}===== END ATTACHMENT 2 =====

===== ATTACHMENT 3 =====

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The following is a HEX DUMP:

EXECUTIVE ORDER

DRAFT

Greening the Government through Efficient Energy Management

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Energy Conservation Policy Act (Public Law 95-619, 92 Stat.3206, 42 U.S. C. 8252 et seq.) as amended by the Energy Policy Act of 1992 (EPACT) (Public Law 102-486, 106 Stat. 2776), and section 301 of title 3, United States Code, it is hereby ordered as follows:

PART 1 - PREAMBLE

Section 101. **Federal Leadership.** The Federal Government, as the nation's largest energy consumer, shall significantly improve its energy management in order to save taxpayer dollars and reduce emissions that contribute to air pollution and global climate change. With more than 500,000 facilities, the Federal Government can lead the nation in energy efficient building design, construction, and operation. As a major consumer that spends \$200 billion annually on products and services, the Federal Government can promote the use of energy efficient, **water** efficient, and renewable energy products and help foster markets for emerging technologies. In encouraging effective energy management in the Federal Government, this order builds on work begun under EPACT and previous Executive orders. This order supercedes Executive Orders 12902, 12845, and Sections 3, 9, and 10 of Executive Order 12759.

PART 2 - GOALS

Section 201. **Greenhouse Gases Reduction Goal.** Through life-cycle cost-effective energy measures, each agency shall reduce its greenhouse gas emissions attributed to facility energy use by 30% by 2010 compared to 1990 levels. In order to encourage optimal investment in energy improvements, agencies can count greenhouse gas reductions from improvements in non-facility energy use toward this goal to the extent that these reductions are approved by OMB.

Section 202. **Energy Efficiency Improvement Goals.** Through life cycle cost-effective measures, each agency shall reduce energy consumption per gross square foot of its Federal (non- industrial or laboratory)facilities by 30 percent by 2005, and 35 percent by 2010 when compared to the energy use of its facilities in

use in 1985. No facilities will be exempt from these goals unless they meet new criteria for exemptions, to be issued by the Department of Energy.

Section 203. **Industrial and Laboratory Facilities.** Through life cycle cost-effective measures, each agency shall reduce energy consumption per square foot, per unit of production, or per other unit as applicable to usage by 20 percent by 2005 and 25 percent by 2010 relative to 1990. No facilities will be exempt from these goals unless they meet new criteria for exemptions, as issued by the Department of Energy.

Section 204. **Renewable Energy.** Through life cycle cost-effective measures, each agency shall expand the use of renewable energy within its facilities and other activities by implementing renewable energy projects and by purchasing electricity from renewable energy sources. In support of the Million Solar Roofs Initiative, the Federal Government shall strive to install 2,000 solar energy systems by the end of 2000, and 20,000 solar energy systems at Federal facilities by 2010.

Section 205. **Petroleum.** Through life cycle cost-effective measures, each agency shall reduce the use of petroleum within its facilities. Agencies may accomplish this reduction by switching to a less greenhouse gas intensive, non-petroleum energy source, such as natural gas or renewable energy sources; by eliminating unnecessary fuel use; or through other appropriate methods. Where alternative fuels are not practical or life cycle cost effective, agencies should strive to improve the efficiency with which they use petroleum in their facilities.

Section 206. **Source Energy.** The Federal Government shall strive to reduce total energy use and associated greenhouse gas and other air emissions, as measured at the source. To that end, agencies shall undertake life cycle cost effective projects in which source energy decreases, even if site energy use increases. In such cases, agencies will receive credit, through guidelines developed by the Department of Energy, toward energy reduction goals.

Section 207. **Water Conservation.** Through life cycle cost effective measures, agencies shall reduce water consumption and associated energy use in their facilities to reach the goals set in Section 505. Where possible, water cost savings shall be included in Energy Savings Performance Contracts and other financing mechanisms.

PART 3 - ORGANIZATION AND ACCOUNTABILITY

Section 301. **Annual Budget Submission.** Each agency's budget submission to OMB shall specifically request funding necessary to achieve the goals of this order, including the costs associated with encouraging the use of, administering and

fulfilling agency responsibilities under Energy Savings Performance Contracts and utility energy-efficiency service contracts and other contractual platforms for achieving conservation goals; implementing life cycle cost effective measures; procuring life cycle cost effective products; and constructing sustainable new buildings. OMB will issue guidelines to assist agencies in developing appropriate requests that support sound investments in energy improvements and energy-using products. OMB shall consider establishing a fund which agencies could draw on to finance exemplary energy management activities and investments with higher first costs but lower life cycle costs.

Section 302. Government Performance and Results Act. Each agency shall develop an implementation plan for fulfilling the requirements of this order. The implementation plan should clearly show how the requested funds will be used to achieve the specific goals. Each agency shall include the goals and objectives from its implementation plan in its Strategic and Annual Performance Plans required by the Government Performance and Results Act.

Section 303. Annual Reports to the President. Each agency shall measure and report its progress in meeting the goals and requirements of this order on an annual basis. Agencies shall follow reporting guidelines as developed under Section 306 (b)(1) of this order. In order to minimize additional reporting requirements, the guidelines will clarify how the Annual Report to the President should build on each agency's annual Federal energy reports submitted to DOE and Congress. Annual Reports to the President are due on January 1 of each year beginning in the year 2000.

Each agency's Annual Report to the President shall describe how the agency is using each of the strategies described in Part 4 of this order to help meet energy and greenhouse gas reduction goals. The Annual Report to the President shall explain why certain strategies, if any, have not been used.

Section 304. Designation of Senior Agency Official. Each agency shall designate a senior official, at the Assistant Secretary level or above, to be responsible for meeting the goals and requirements of this order including preparing the Annual Report to the President. Such designation shall be reported by each Cabinet Secretary or agency head to the President within 30 days of the effective date of this order. Designated officials are encouraged to participate in the Interagency Energy Policy Committee. The Committee shall communicate its activities to all designated officials to assure proper coordination and achievement of the goals of this order.

Section 305. Designation of Agency Energy Teams. Within 90 days, each agency shall form a technical support team consisting of appropriate procurement, legal, budget, management and technical representatives to expedite and encourage

the agency's use of appropriations, Energy Savings Performance Contracts and other alternative financing mechanisms necessary to meet the goals and requirements of this order. Agency energy team activities shall be undertaken in collaboration with each agency's Interagency Energy Management Task Force representative.

Section 306. Interagency Coordination.

(a) Office of Management and Budget. The Deputy Director for Management in the Office of Management and Budget (OMB), in consultation with DOE, shall be responsible for evaluating each agency's progress in improving energy management and for submitting agency energy scorecards to the President to report progress.

(1) OMB, in consultation with DOE and other agencies, shall develop the agency energy scorecards and scoring system to evaluate each agency's progress in meeting the goals of this order. The scoring criteria shall include the extent to which agencies are taking advantage of key tools to save energy and reduce greenhouse gas emissions, such as Energy Savings Performance Contracts, utility energy-efficiency service contracts, ENERGY STAR® and other energy efficient products, renewable energy technologies, electricity from renewable energy sources, and other strategies listed in Part 4 of this order, as well as overall efficiency and greenhouse gas metrics and use of other innovative energy efficiency practices. The scorecards will be based on the annual energy reports submitted to the President under Section 303 of this order.

(2) The Deputy Director for Management of OMB shall also select outstanding agency energy management team(s), from among candidates nominated by DOE, for a new annual Presidential award for energy efficiency.

(b) Federal Energy Management Program. The Department of Energy's Federal Energy Management Program (FEMP) shall be responsible for working with the agencies to ensure that they meet the goals of this order and report their progress.

(1) FEMP, in consultation with OMB, shall develop and issue guidelines for agencies' preparation of their Annual Reports to the President on energy management, as required in Section 303 of this order. FEMP will also have primary responsibility for collecting and analyzing the data, and will assist OMB in ensuring that agency reports are received in a timely manner.

(c) President's Management Council. The President's Management Council (PMC), chaired by the Deputy Director for Management at OMB and consisting of the Deputy Secretaries of all

Federal agencies, will discuss agencies' progress in improving Federal energy management at least twice each year. The PMC will provide a forum for identifying barriers to use of Energy Savings Performance Contracts, utility energy-efficiency service contracts, and other energy management tools. The PMC will also discuss how to engage all levels of agency management and staff in carrying out effective energy management.

(d) Interagency Energy Policy Committee. As established by the Department of Energy Organization Act, this Committee, consisting of senior agency officials designated in accordance with Section 304 of this Order, will continue to work together to encourage effective implementation of energy efficiency policies and practices. Participation in the Committee is only required for the major energy-consuming agencies as designated by DOE. The Committee shall communicate its activities to all designated senior agency officials to promote coordination and achievement of the goals of this Order.

(e) Interagency Energy Management Task Force. As established by the National Energy Conservation Policy Act, this task force, consisting of each agency's chief energy managers, will continue to work toward improving agencies' use of energy management tools and sharing information on Federal energy management across agencies.

Section 307. Public/Private Advisory Committee. The Secretary of Energy, in consultation with the President's Management Council, will appoint an advisory committee consisting of representatives from Federal agencies, state governments, energy service companies; utilities; equipment manufacturers; construction and architectural companies; environmental, energy and consumer groups; and other energy-related organizations. The committee will provide input on Federal energy management, including how to improve use of Energy Savings Performance Contracts and utility energy-efficiency service contracts, improve procurement of ENERGY STAR® and other energy efficient products, improve building design, reduce process energy use, and enhance applications of efficient and renewable energy technologies at Federal facilities.

Section 308. Applicability. This order applies to all Federal departments and agencies. The General Services Administration (GSA) is responsible for working with agencies to meet the requirements of this order for those facilities for which GSA has delegated operations and maintenance authority. The Department of Defense is subject to this order with the exception of military operations and training (including tactical aircraft, ships, weapons systems, combat training and border security).

PART 4 - PROMOTING FEDERAL LEADERSHIP IN ENERGY MANAGEMENT

Section 401. Life Cycle Cost Analysis. Agencies shall use life cycle cost

analysis in their investments in products, services, construction, and other projects to lower the Federal Government's costs and to reduce energy and water consumption. Where appropriate, agencies shall consider the life cycle costs of combinations of projects, particularly to encourage bundling of energy efficiency projects with renewable energy projects. Agencies shall also retire inefficient equipment on an accelerated basis where replacement results in lower life cycle costs.

Section 402. Facility Energy Audits. Agencies shall continue to conduct energy and water audits for approximately 10 percent of their facilities each year, either independently or through Energy Savings Performance Contracts or utility energy-efficiency service contracts. These audits should assist agencies in identifying potential energy-saving projects.

Section 403. Energy Management Strategies and Tools. Agencies shall use a variety of energy management tools and strategies, where cost effective, to meet the goals of this order. An agency's use of these tools and strategies will be taken into account in assessing the agency's progress and formulating its score card.

(a) **Financing Mechanisms.** Agencies shall maximize their use of available alternative financing contracting mechanisms, including Energy Savings Performance Contracts and utility energy-efficiency service contracts, when life cycle cost effective, to reduce energy use and cost in their facilities and operations. Energy Saving Performance Contracts, which are authorized under the National Energy Conservation Policy Act, as modified by the Energy Policy Act of 1992, and utility energy-efficiency service contracts provide significant opportunities for making Federal facilities more energy efficient at no net cost to taxpayers.

(b) **ENERGY STAR® and Other Energy Efficient Products.** Agencies shall select ENERGY STAR® and other energy efficient products when acquiring energy-using products. For product groups where ENERGY STAR® labels are not yet available, agencies shall select products that are in the upper 25 percent of energy efficiency as designated by DOE/FEMP. EPA and DOE shall work to expedite the process of designating products as ENERGY STAR® and will merge their current efficiency rating procedures. In addition, EPA and DOE will work with GSA and the Defense Logistics Agency to create clear catalogue listings that designate these products in both print and electronic formats.

Agencies shall incorporate energy efficient criteria consistent with ENERGY STAR® and other DOE/FEMP designated energy efficiency levels into all guide specifications and project specifications developed for new construction and renovation, as well as product specification language

developed for Basic Ordering Agreements, Blanket Purchasing Agreements, Government Wide Acquisition Contracts, and all other purchasing procedures.

DOE should also explore the creation of financing agreements with private sector suppliers to provide private funding to offset higher up-front costs of efficient products. Within 9 months of this order, DOE shall report back to the President's Management Council on the viability of such alternative financing options.

(c) ENERGY STAR® Buildings. Agencies shall strive to meet the ENERGY STAR® Building criteria for energy performance and indoor environmental quality in their eligible facilities to the maximum extent practicable by the end of 2002. Agencies can use Energy Savings Performance Contracts, utility energy-efficiency service contracts, or other means to conduct evaluations and make improvements to buildings in order to meet the criteria. Buildings that rank in the top 25 percent in energy efficiency relative to comparable commercial and Federal buildings will receive the ENERGY STAR® Building label. Agencies should integrate this building rating tool into their general facility audits.

(d) Sustainable Building Design. Agencies shall apply sustainable design principles to the siting, design, and construction of new facilities. Agencies shall optimize life-cycle costs, pollution, and other environmental and energy costs associated with the construction, integrated building commissioning, and life-cycle operation and decommissioning of the facility. Agencies should adopt sustainable design and development principles, to be developed by a DOD/GSA-led interagency team in consultation with DOE and EPA. Agencies should consider using Energy Savings Performance Contracts or utility energy-efficiency service contracts to aid them in constructing sustainable buildings.

(e) Model Lease Provisions. Agencies entering into leases, including the renegotiation or extension of existing leases, shall incorporate lease provisions that encourage energy and water efficiency wherever life cycle cost effective. Build-to-suit lease solicitations shall contain criteria encouraging sustainable design and development, energy efficiency, and integrated building commissioning. Agencies shall include a preference for buildings having the ENERGY STAR® Building Label in their selection criteria for acquiring leased buildings. In addition, all agencies should encourage lessors to apply for the ENERGY STAR® Building Label and to explore and implement projects that would reduce costs to the Federal Government, including projects carried out through the lessors' Energy Savings Performance Contracts or utility energy-efficiency service contracts.

(f) **Industrial Facility Efficiency Improvements.** Agencies shall explore efficiency opportunities in industrial facilities for steam systems, boiler operation, air compressor systems, industrial processes, and fuel switching including cogeneration, and other efficiency, solar and other renewable energy technologies.

(g) **Highly Efficient Systems.** Agencies shall implement district energy systems, and other highly efficient systems, in new construction or retrofit projects when life cycle cost effective. Agencies shall consider combined cooling, heat and power when upgrading and assessing facility power needs and shall use combined cooling, heat and power systems when life cycle cost effective. Agencies shall survey local natural resources to optimize use of available biomass, bioenergy, geothermal or other naturally occurring energy sources.

(h) **Off-Grid Generation.** Agencies shall use off-grid generation systems, including solar hot water, solar electric, solar outdoor lighting, small wind turbines, fuel cells, and other off-grid alternatives, where such systems are life cycle cost-effective and offer benefits including energy efficiency, pollution prevention, source energy reductions, avoided infrastructure costs, or expedited service.

Section 404. **Electricity Use.** To advance the greenhouse gas and renewable energy goals of this order, and reduce source energy use, each agency shall strive to use electricity from clean, efficient, and renewable energy sources. An agency's progress in purchasing electricity from efficient and renewable energy sources will be taken into account in assessing the agency's progress and formulating its score card.

(a) **Competitive Power.** Agencies shall take advantage of competitive opportunities in the electricity and natural gas markets to reduce costs and enhance services. Agencies are encouraged to aggregate demand across facilities or agencies to maximize their economic advantage.

(b) **Reduced Greenhouse Gas Intensity of Electric Power.** When selecting electricity providers, agencies shall purchase electricity from sources using high efficiency electric generating technologies when life-cycle cost-effective. Agencies should consider the greenhouse gas intensity of the source of the electricity and strive to minimize the greenhouse gas intensity of purchased electricity.

(c) **Purchasing Electricity from Renewable Energy Sources.** Each agency shall evaluate its current use of electricity from renewable energy

sources and report this level in its Annual Report to the President. Based on this review, each agency should set goals, adopt policies, and pursue projects that increase the use of such electricity. Agencies should include provisions for the purchase of electricity from renewable energy sources as a component of their requests for bids whenever procuring electricity. Where possible, agencies shall use savings from energy efficiency projects to pay additional incremental costs of electricity from renewable energy sources.

In evaluating opportunities to comply with this section, agencies should consider the Administration's goal of tripling non-hydroelectric renewable energy capacity in the United States by 2010; the renewable portfolio standard specified in the restructuring guidelines for the state in which the facility is located; the General Services Administration's efforts to make electricity from renewable energy sources available to Federal electricity purchasers; and the Environmental Protection Agency's guidelines on crediting renewable energy power in implementation of Clean Air Act standards.

Section 405. Mobile Equipment. Each agency shall seek to improve the design, construction, and operation of its mobile equipment and implement all life-cycle cost-effective energy efficiency measures that result in cost savings while improving mission performance. To the extent that such measures are life cycle cost effective, agencies should consider enhanced use of alternative or renewable-based fuels.

Section 406. Management/Government Performance. Agencies shall use the following management strategies to assist them in meeting the goals of this order.

(a) **Awards.** Agencies shall use employee incentive programs to reward exceptional performance in implementing this order.

(b) **Performance Evaluations.** Agencies shall include successful implementation of provisions of this order in areas such as Energy Savings Performance Contracts, sustainable design, energy efficient procurement, energy efficiency, water conservation, and renewable energy projects in the position descriptions and performance evaluations of agency heads, members of the agency energy team, principal program managers, heads of field offices, facility managers, energy managers, their superiors, and other appropriate employees.

(c) **Retention of Savings/Rebates.** Agencies granted statutory authority to retain a portion of savings generated from efficient energy and water management are encouraged to permit the retention of the savings at the facility or site where the savings occur to provide greater incentive for that facility and its site managers to undertake more energy management

initiatives, invest in renewable energy systems, and purchase electricity from renewable energy sources.

(d) **Training and Education.** Agencies shall ensure that all appropriate personnel receive training for implementing this order.

(1) DOE, DOD, and GSA shall provide relevant training or training materials for those programs that they make available to all Federal agencies relating to the energy management strategies contained in this order.

(2) The Federal Acquisition Institute and the Defense Acquisition University shall incorporate into existing procurement courses information on Federal energy management tools, including Energy Savings Performance Contracts, utility energy-efficiency service contracts, energy efficient and ENERGY STAR® and other energy efficient products, and life cycle cost analysis.

(3) All agencies are encouraged to develop outreach programs that include education, training and promotion of ENERGY STAR® and other energy efficient products for Federal purchase card users. Such programs may include promotions with billing statements, user training, catalog awareness and exploration of vendor data collection of purchases.

(e) **Showcase Facilities.** Agencies shall designate exemplary new and existing facilities with significant public access and exposure as showcase facilities to highlight energy or water efficiency and renewable energy improvements.

PART 5 – TECHNICAL ASSISTANCE

Section 501. Within 180 days of this order, the Secretary of Defense and the Administrator of the General Services Administration, in consultation with other agency heads, shall:

(a) develop and issue sustainable design and development principles to serve as guidance for the siting, design, and construction of new facilities.

Section 502. Within 180 days of this order, the Director of the Office of Management and Budget, in collaboration with the Secretary of Energy, shall:

(a) develop and issue guidance to agency budget officers on preparation of annual funding requests associated with the terms of this order beginning with

the FY2001 budget.

(b) clarify for agencies their ability to retain savings and reinvest in other energy and water management projects.

(c) through the Office of Federal Procurement Policy, brief agencies' procurement personnel on the use of Federal energy management tools, including Energy Savings Performance Contracts, utility energy-efficiency service contracts, and procurement of energy efficient products and electricity from renewable energy sources.

Section 503. Within 180 days of this order, the Secretary of Energy, in collaboration with other agency heads, shall:

(a) issue guidelines to assist agencies in measuring energy per square foot, per unit of production, or other applicable unit in industrial, laboratory, research, and other energy-intensive facilities.

(b) establish criteria for facilities to be exempt from the order. In addition, DOE must provide guidance for agencies to report proposed exemptions.

(c) develop guidance to assist agencies in calculating appropriate energy baselines for previously-exempt facilities and facilities occupied after 1990 in order to measure progress toward goals.

(d) issue guidance to clarify how agencies determine the life-cycle cost for investments required by the order, including how to compare different energy and fuel options and assess the current tools.

(e) determine the feasibility of providing credit toward energy efficiency goals for cost-effective projects where source energy use declines, but site energy use increases. If determined feasible, guidance for providing such credit will be issued for agency use in reporting progress toward energy efficiency improvement goals.

Section 504. Within 1 year of this order, the Secretary of Energy, in collaboration with other agency heads, shall:

(a) provide guidance for counting renewable energy projects and purchases of electricity from renewable energy sources toward agencies' progress in reaching greenhouse gas and energy reduction goals.

(b) develop goals for the amount of energy generated on-site from renewable energy technologies at Federal facilities by 2000, 2005, and

2010.

(c) provide guidance to assist each agency to determine a baseline of water consumption by January 1, 2000.

(d) support efforts to develop standards for the certification of low environmental impact hydropower facilities in order to facilitate the Federal purchase of such power.

(e) work with GSA and DLA to develop a plan and purchase advanced energy products in bulk quantities for use by multiple agencies.

(f) issue guidelines for agency use estimating the greenhouse gas emissions attributable to facility energy use. These guidelines shall include emissions associated with the production, transportation and use of energy consumed in Federal facilities.

Section 505. By January 1, 2001, the Secretary of Energy, in consultation with other agencies, shall establish water conservation goals for Federal agencies.

Section 506. Within 180 days of this order, the Administrator of the General Services Administration, in collaboration with the Secretary of Defense, the Secretary of Energy, and other agency heads, shall:

(a) develop and issue guidance to assist agencies in ensuring that all project cost estimates, bids, and agency budget requests for design, construction, and renovation of facilities are based on life-cycle costs. Incentives for contractors involved in the design and construction must be structured to encourage the contractors to design and build at the lowest **life cycle** cost.

(b) make information available on opportunities to purchase electricity from renewable energy sources as defined by this order. This information should accommodate various state regulations and be updated periodically based on technological advances and market changes, at least every **two** years.

(c) develop Internet-based tools for both GSA and Defense Logistics Agency customers to assist individual and agency purchasers in identifying and purchasing ENERGY STAR® and other energy efficient products for acquisition.

(d) undertake pilot projects for selected energy-using products to show energy operating costs as a "second price tag" in both printed and

electronic catalogs and assess the impact of providing this information on Federal purchasing decisions.

(e) develop model lease provisions that incorporate energy efficiency and sustainable design.

PART 6 – GENERAL PROVISIONS

Section 601. **Compliance by Independent Agencies.** Independent agencies are encouraged to comply with the provisions of this order.

Section 602. **Waivers.** If an agency determines that certain requirements in this order are inconsistent with the mission of the agency, the agency may seek a waiver of the provision from DOE. Any waivers authorized by DOE must be included in the annual report to the President under Section 303 of this order.

Section 603. **Limitation.**

(a) This order is intended only to improve the internal management of the Executive branch and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable by law by a party against the United States, its agencies, its officers, or any other person.

(b) This order applies to agency facilities in any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession over which the United States has jurisdiction. Agencies with facilities outside of these areas, however, are encouraged to make best efforts to comply with the goals of this order for those facilities. In addition, agencies can report energy improvements made outside the United States in their Annual Report to the President; these improvements may be considered in agency score card evaluations.

Section 604. **Coordination with Other Executive Orders.** Agencies must coordinate their activities under this order with other related Executive Orders.

Section 605. **Statutory Authority.** Agencies must carry out the provisions of this order to the extent consistent with their statutory authority.

Section 606. **Revocations.** Executive Order 12902 of March 9, 1994, Sections 3, 9, and 10 of Executive Order 12759 of April 17, 1991, and Executive Order 12845 of April 21, 1993, are revoked.

Section 607. **Amendments to Federal Regulations.** The Federal Acquisition Regulations and other Federal regulations will be amended to reflect changes as necessary by this order, including an amendment to facilitate agency purchases of electricity from renewable energy sources.

PART 7 - DEFINITIONS

For the purposes of this order all definitions:

Section 701. “Acquisition” means acquiring by contract supplies or services (including construction) by and for the use of the Federal Government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, demonstrated, and evaluated. Acquisition begins at the point when agency needs are established and includes the description of requirements to satisfy agency needs, solicitation and selection of sources, award of contracts, contract financing, contract performance, contract administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract.

Section 702. “Agency” means an Executive agency as defined in 5 U.S.C. 105. For the purpose of this order, military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.

Section 703. “Energy Savings Performance Contract” means a contract which provides for the performance of services for the design, acquisition, financing, installation, testing, operation, and where appropriate, maintenance and repair of an identified energy or water conservation measure or series of measures at one or more locations. Such contracts should provide that the contractor must incur costs of implementing energy savings measures, including at least the cost (if any) incurred in making energy audits, acquiring and installing equipment, and training personnel in exchange for a predetermined share of the value of the energy savings directly resulting from implementation of such measures during the term of the contract. Payment to the contractor is contingent upon realizing a guaranteed stream of future energy and cost savings. All additional savings accrue to the Federal Government.

Section 704. “Exempt facility” or “Exempt mobile equipment” means a facility or a piece of mobile equipment for which an agency uses DOE-established criteria to determine that compliance with the Energy Policy Act of 1992 or this order is not practical.

Section 705. “Facility” means any individual building or collection of buildings, grounds, or structure, as well as any fixture or part thereof, including the associated

energy or water-consuming support systems, which is constructed, renovated, or purchased in whole or in part for use by the Federal Government. It includes leased facilities where the Federal Government has a purchase option or facilities planned for purchase. In any provision of this order, the term also includes any building 100 percent leased for use by the Federal Government where the Federal Government pays directly or indirectly for the utility costs associated with its leased space. The term also includes government-owned contractor operated facilities.

Section 706. "Industrial facility" means any fixed equipment, building, or complex for production, manufacturing or other processes that uses large amounts of capital equipment in connection with, or as part of, any process or system, and within which the majority of energy use is not devoted to the heating, cooling, lighting, ventilation, or to service the water heating energy load requirements of the facility.

Section 707. "Life cycle cost effective" means the minimum net present value of costs to the Federal Government over the useful life of the project, product, or measure. Additional guidance on measuring cost-effectiveness is specified in 10 CFR 436.18 (a), (b), and (c).

Section 708. "Life cycle costs" means the sum of the present values of investment costs, capital costs, installation costs, energy costs, operating costs, maintenance costs, and disposal costs, over the lifetime of the project, product or measure. Additional guidance on measuring life cycle costs is specified in 10 CFR 436.19.

Section 709. "Mobile equipment" means all Federally owned ships, aircraft, and non-road vehicles.

Section 710. "Renewable energy" means energy produced by solar, wind, geothermal and biomass.

Section 711. "Renewable energy technology" means technologies that use renewable energy to provide light, heat, cooling, or mechanical or electrical energy for use in facilities or other activities. The term also means the use of integrated whole-building designs which rely upon renewable energy resources, including passive solar design.

Section 712. "Source energy" means the total energy resources used to generate and transport electricity, steam, or gas. It includes any losses that occur in the generation and transmission of the energy product. It is the equivalent of primary energy.

Section 713. "Utility" means public agencies and privately owned companies which market, generate, and/or distribute energy or water, including electricity, natural gas, manufactured gas, steam, hot water, chilled water, and water as

commodities for public use and which provide the service under Federal, state or local regulated authority to all authorized customers. Utilities include Federally owned non-profit producers; municipal organizations and investor or privately owned producers regulated by state and/or the Federal Government; cooperatives owned by members and providing services mostly to their members; and other non-profit state and local government agencies serving in this capacity.

Section 714. "Utility energy-efficiency service" means demand side management services provided by a utility to improve the efficiency of use of the commodity (electricity, gas, etc.) being distributed. Services can include, but are not limited to, energy efficiency and renewable energy project auditing, financing, design, installation, operation, maintenance, and monitoring.

WILLIAM J. CLINTON
THE WHITE HOUSE

April 28, 1999

EXECUTIVE ORDER

DRAFT

Greening the Government through Efficient Energy Management

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Energy Policy and Conservation Policy Act (Public Law ~~94-163~~ 95-619, 89 Stat. 3206, 42 U.S.C. 871, 42 U.S.C. ~~6201~~ 8252 et seq.) as amended by the Energy Policy Act of 1992 (EPACT) (Public Law 102-486, 106 Stat. 2776), and section 301 of title 3, United States Code, it is hereby ordered as follows:

PART 1 - PREAMBLE

Section 101. **Federal Leadership.** The Federal Government, as the nation's largest energy consumer, shall significantly improve its energy management in order to save taxpayer dollars and reduce emissions that contribute to air pollution and global climate change. With more than 500,000 ~~buildings~~ facilities, the Federal Government can lead the nation in energy efficient building design, construction, and operation. As a major consumer that spends \$200 billion annually on products and services, the Federal Government can promote the use of energy efficient, water efficient, and renewable energy products and help foster markets for emerging technologies. In encouraging effective energy management in the Federal Government, this order builds on work begun under EPACT and previous Executive orders. This order supercedes Executive Orders 12902, 12845, and Sections 3, 9, and 10 of Executive Order 12759.

PART 2 - GOALS

Section 201. **Greenhouse Gases Reduction Goal.** Through life-cycle cost-effective energy measures, each agency shall reduce its greenhouse gas emissions attributed to building facility energy use by 30% by 2010 compared to 1990 levels. In order to encourage optimal investment in energy improvements, agencies can count greenhouse gas reductions from improvements in ~~non-building~~ non-facility energy use toward this goal to the extent that these reductions are approved by OMB.

Section 202. **Energy Consumption Reduction Efficiency Improvement Goals.**

Through life cycle cost-effective measures, each agency shall reduce energy consumption per gross square foot of its Federal (non- industrial or laboratory)-~~buildings~~facilities by 30 percent by 2005, and 35 percent by 2010 when compared to the energy use of its ~~buildings~~facilities in use in 1985. No ~~buildings~~facilities will be exempt from these goals unless they meet new criteria for exemptions, to be issued by the Department of Energy.—

Section 203. **Industrial and Laboratory Facilities.** Through life cycle cost-effective measures, each agency shall reduce energy consumption per square foot ~~or, per unit of production (, or per other unit as applicable)~~ to usage by 20 percent by 2005 and 25 percent by 2010 relative to 1990. No facilities will be exempt from these goals unless they meet new criteria for exemptions, as issued by the Department of Energy.

Section 204. **Renewable Energy.** Through life cycle cost-effective measures, each agency shall ~~substantially~~ expand the use of renewable energy within its facilities and other activities by implementing renewable energy projects and by purchasing electricity from renewable energy sources. In support of the Million Solar Roofs Initiative, the Federal Government shall strive to install 2,000 solar energy systems by the end of 2000, and 20,000 solar energy systems ~~on~~at Federal facilities by 2010.

Section 205. **Petroleum.** Through life cycle cost-effective measures, each agency shall ~~take all necessary measures to~~ reduce the use of petroleum within its ~~buildings and~~ facilities. Agencies may accomplish this reduction by switching to a less ~~carbon~~greenhouse gas intensive, non-petroleum energy source, such as natural gas or renewable energy sources; by eliminating unnecessary fuel use; or through other appropriate methods. Where alternative fuels are not practical or ~~cost effective~~life cycle cost effective, agencies should strive to improve the efficiency with which they use petroleum in their ~~buildings and~~ facilities.

Section 206. **Source Energy.** The Federal ~~government~~Government shall strive to reduce total energy use ~~as measured at the source~~ and associated ~~carbon~~greenhouse gas and other air emissions, as measured at the source. To that end, agencies shall undertake life cycle cost effective projects ~~wherein which~~ source energy decreases, even if site energy use increases. In such cases, agencies will receive ~~additional~~ credit, through guidelines developed by the Department of Energy, -toward energy reduction goals.

Section 207. **Water Conservation.** Through ~~cost effective~~life cycle cost effective measures, agencies shall ~~implement measures to~~ reduce water consumption and associated energy use in their ~~buildings~~facilities to reach the

goals set in Section ~~503(d)~~505. Where possible, water cost savings shall be included in Energy Savings Performance Contracts and other financing mechanisms.–

PART 3 - ORGANIZATION AND ACCOUNTABILITY

Section 301. **Annual Budget Submission.** Each agency's budget submission to OMB shall ~~include a line item that specifically requests~~request funding necessary to achieve the goals of this order, including the costs associated with encouraging the use of, administering and fulfilling contractual agency responsibilities under Energy Savings Performance Contracts and utility energy-efficiency service contracts and other contractual platforms for achieving conservation goals; implementing ~~cost-effective~~ life cycle cost effective measures; procuring life cycle cost effective products; and constructing sustainable new buildings. OMB will issue guidelines to assist agencies in developing appropriate requests that support sound investments in energy improvements and energy-using products. OMB ~~should~~shall consider establishing a fund which agencies could draw on to finance exemplary energy management activities and investments with higher first costs but lower ~~life cycle~~life cycle costs.

Section 302. **Government Performance and Results Act.** Each agency shall develop an implementation plan for fulfilling the requirements of this order. The implementation plan should clearly show how the requested funds will be used to achieve the specific goals. Each agency shall include the goals and objectives from its implementation plan in its Strategic and Annual Performance Plans required by the Government Performance and Results Act.

Section 303. **Annual Reports to the President.** Each agency shall measure and report its progress in meeting the goals and requirements of this order on an annual basis. Agencies shall follow reporting guidelines as developed under Section 306 ~~(a)(1)~~ of this order. In order to minimize additional reporting requirements, the guidelines will clarify how the Annual Report to the President should build on each agency's annual Federal energy reports submitted to DOE and Congress. Annual Reports to the President are due on January 1 of each year beginning in the year 2000.–

Each agency's Annual Report to the President shall describe how the agency is using each of the strategies described in Part 4 of this order to help meet energy and ~~carbon~~greenhouse gas reduction goals. The Annual Report to the President shall explain why certain strategies, if any, have not been used.

Section 304. **Designation of Senior Agency Official.** Each agency shall designate a senior official, at the Assistant Secretary level or above, to be responsible for meeting the goals and requirements of this order including

preparing the Annual Report to the President. Such designation shall be reported by each Cabinet Secretary or agency head to the President within 30 days ~~after~~^{of} the effective date of this order.

Designated officials are encouraged to participate in the Interagency Energy Policy Committee. The Committee shall communicate its activities to all designated officials to assure proper coordination and achievement of the goals of this order.

Section 305. Designation of Agency Energy Teams. ~~Each~~Within 90 days, each agency shall form a technical support team consisting of appropriate procurement, legal, budget, management and technical representatives to expedite and encourage the agency's use of appropriations, Energy Savings Performance Contracts and other alternative financing mechanisms necessary to meet the goals and requirements of this order.

Agency energy team activities shall be undertaken in collaboration with each agency's Interagency Energy Management Task Force representative.

Section 306. Interagency Coordination.

(a) ~~Interagency Federal Energy Coordination~~Office of Management and Budget. The Deputy Director for Management in the Office of Management and Budget's Deputy Director for Management ~~shall be responsible for working~~Budget (OMB), in consultation with the agencies to ensure that they meet the goals of this order and report their progress. ~~In addition, the Deputy Director~~DOE shall be responsible for evaluating each agency's progress in improving energy management ~~and~~and for submitting agency energy scorecards to the President to report progress.

(1) OMB, in consultation with DOE and other agencies, shall develop the agency energy scorecards and scoring system to evaluate each agency's progress in meeting the goals of this order. ~~The Deputy Director for Management will also work with DOE and other agencies to create:~~

~~(1) guidelines for agencies' preparation of the Annual Report to the President on energy management;~~

~~(2) an agency energy scorecard including~~scoring criteria to evaluate each agency's progress~~shall include the extent to which agencies are taking advantage of key tools to save energy and reduce greenhouse gas emissions, such as Energy Savings Performance Contracts, utility energy-efficiency service contracts, ENERGY STAR® and other energy efficient products, renewable energy technologies, electricity from renewable energy sources, and other strategies listed in~~meeting the goals~~Part 4 of this order, as well as overall efficiency and greenhouse gas metrics and use of other innovative energy efficiency practices.~~

The ~~criteria shall include~~ scorecards will be based on the extent to which agencies are taking advantage of key strategies to save energy and reduce carbon emissions, such as using Energy Savings Performance Contracts, other financing tools, procuring ENERGY STAR® products, using renewable technologies, purchasing green power, and employing sustainable design principles; and,

(3) ~~a new annual Presidential award to reward outstanding agency energy management team(s).~~

~~(b) President's Management Council~~ energy reports submitted to the President under Section 303 of this order.

(2) The Deputy Director for Management of OMB shall also select outstanding agency energy management team(s), from among candidates nominated by DOE, for a new annual Presidential award for energy efficiency.

(b) Federal Energy Management Program. The Department of Energy's Federal Energy Management Program (FEMP) shall be responsible for working with the agencies to ensure that they meet the goals of this order and report their progress.

(1) FEMP, in consultation with OMB, shall develop and issue guidelines for agencies' preparation of their Annual Reports to the President on energy management, as required in Section 303 of this order. FEMP will also have primary responsibility for collecting and analyzing the data, and will assist OMB in ensuring that agency reports are received in a timely manner.

(c) President's Management Council. The President's Management Council (PMC), chaired by the Deputy Director for Management at OMB and consisting of the Deputy Secretaries of all Federal agencies, will discuss agencies' progress in improving Federal energy management at least twice each year. The PMC will provide a forum for identifying barriers to use of Energy Savings Performance Contracts, utility energy-efficiency service contracts, and other energy management tools. The President's Management Council, chaired by the Deputy Director for Management at OMB and consisting of the Deputy Secretaries of all Federal agencies, will consider agencies' progress in improving Federal energy management on a regular basis. The President's Management Council will provide a forum for identifying barriers to use of Energy Savings Performance Contracts, utility agreements, and other energy management tools. The Council will also discuss how to engage all levels of agency management and staff in carrying out effective energy management.

(c) Interagency Energy Policy Committee. As established by the Department of Energy Organization Act, this committee consisting of Assistant Secretaries from agencies including DOE,

~~DOE, and GSA, will continue to work to encourage effective implementation of energy efficiency policies and practices.~~

~~(d) Interagency Energy Management Task Force. As established by the National Energy Conservation Policy Act, this task force consisting of each agency's chief energy managers, will continue to work toward improving agencies' use of energy management tools and sharing information on Federal energy management across agencies.~~

~~Section 307. The PMC will also discuss how to engage all levels of agency management and staff in carrying out effective energy management.~~

~~(d) Interagency Energy Policy Committee. As established by the Department of Energy Organization Act, this Committee, consisting of senior agency officials designated in accordance with Section 304 of this Order, will continue to work together to encourage effective implementation of energy efficiency policies and practices. Participation in the Committee is only required for the major energy-consuming agencies as designated by DOE. The Committee shall communicate its activities to all designated senior agency officials to promote coordination and achievement of the goals of this Order.~~

~~(e) Interagency Energy Management Task Force. As established by the National Energy Conservation Policy Act, this task force, consisting of each agency's chief energy managers, will continue to work toward improving agencies' use of energy management tools and sharing information on Federal energy management across agencies.~~

~~Section 307. **Public/Private Advisory Committee.** The Deputy Director for Management Secretary of Energy, in consultation with the President's Management Council, will appoint an advisory committee consisting of representatives from Federal agencies, state governments, energy service companies; utilities; equipment manufacturers; construction and architectural companies; environmental, energy and consumer groups; and other energy-related organizations. The committee will provide input on Federal energy management, including how to improve use of Energy Savings Performance Contracts and utility agreements, energy-efficiency service contracts, improve procurement of ENERGY STAR® and other energy efficient products, improve building design, reduce process energy use, and enhance applications of efficient and renewable energy technologies at Federal facilities.~~

~~Section 308. **Applicability.** This order applies to all Federal departments and agencies. The General Services Administration (GSA) is responsible for working with agencies to meet the requirements of this order for those facilities for which GSA holds delegated operations and maintenance authority. The Department of Defense is subject to this order with the exception of military operations and training (including tactical aircraft, ships, weapons systems, combat training and~~

border security).

PART 4 - PROMOTING FEDERAL LEADERSHIP IN ENERGY MANAGEMENT

Section 401. Life Cycle Cost Analysis. ~~For investments in products, services, construction, and other projects~~ Agencies shall use life cycle cost analysis in their investments in products, services, construction, and other projects to lower the Federal Government's costs and to reduce energy and water consumption. Where appropriate, agencies shall consider the ~~life cycle~~ life cycle costs of combinations of projects, particularly to encourage bundling of energy efficiency projects with renewable energy projects. Agencies shall also retire inefficient equipment on an accelerated basis where replacement results in lower ~~life cycle~~ life cycle costs.

Section 402. Facility Audits and Energy Audits. Agencies shall continue to conduct energy and water audits for approximately 10 percent of their facilities through Energy Savings Performance Contracts each year, utility agreements, or either independently or through Energy Savings Performance Contracts or utility energy-efficiency service contracts. These audits should assist agencies in identifying potential energy-saving projects.—

Section 403. Energy Management Strategies and Tools. ~~To meet the goals of this order, agencies, wherever cost-effective,~~ Agencies shall:—

~~(use a) use energy savings performance contracts, utility energy efficiency services, and other available alternative financing mechanisms to reduce energy use and~~ variety of energy management tools and strategies, where cost in their facilities and other activities effective, to meet the goals of this order. Energy Saving Performance Contracts, which are authorized under the National Energy Conservation Policy Act, as modified by the Energy Policy Act of 1992, and utility energy efficiency services provide significant opportunities for making Federal buildings more energy efficient at little or no cost to taxpayers.—

~~(b) select ENERGY STAR® and other energy efficient products when acquiring energy using products~~ these tools and strategies will be taken into account in assessing the agency's progress and formulating its score card.

(a) Financing Mechanisms. Agencies shall maximize their use of available alternative financing contracting mechanisms, including Energy Savings Performance Contracts and utility energy-efficiency service contracts, when life cycle cost effective, to reduce energy use and cost in their facilities and operations. Energy Saving Performance Contracts, which are authorized under the National Energy Conservation Policy Act, as

modified by the Energy Policy Act of 1992, and utility energy-efficiency service contracts provide significant opportunities for making Federal facilities more energy efficient at no net cost to taxpayers.

(b) ENERGY STAR® and Other Energy Efficient Products. Agencies shall select ENERGY STAR® and other energy efficient products when acquiring energy-using products. For product groups where ENERGY STAR® labels are not yet available, agencies shall select products that are in the upper 25 percent of energy efficiency as designated by DOE/FEMP. EPA and DOE shall work to expedite the process of designating products as ENERGY STAR® and will merge their current efficiency rating procedures.

In addition, EPA and DOE will work with GSA and the Defense Logistics Agency to create clear catalogue listings that designate these products in both print and electronic formats.

Agencies shall incorporate energy efficient criteria consistent with ENERGY STAR® and other DOE/FEMP designated energy efficiency levels into all guide specifications and project specifications developed for new construction and renovation, as well as product specification language developed for Basic Ordering Agreements, Blanket Purchasing Agreements, Government Wide Acquisition Contracts, and all other purchasing procedures.

DOE should also explore the creation of financing agreements with private sector suppliers to provide private funding to offset higher up-front costs of efficient products. Within 9 months of this order, DOE shall report back to the President's Management Council on the viability of such alternative financing options.

~~(e) assess at least 75 percent of their eligible buildings and leasing activities based on the ENERGY STAR® building criteria by the end of 2002.~~

(c) ENERGY STAR® Buildings. Agencies shall strive to meet the ENERGY STAR® Building criteria for energy performance and indoor environmental quality in their eligible facilities to the maximum extent practicable by the end of 2002. Agencies can use Energy Savings Performance Contracts, utility ~~agreements~~ energy-efficiency service contracts, or other means to conduct evaluations and make improvements to buildings in order to meet the criteria. Buildings that rank in the top 25 percent in energy efficiency relative to comparable commercial and Federal buildings will receive the ENERGY STAR® Building label. ~~Agencies shall strive to meet the ENERGY STAR® Building criteria for energy performance and indoor environmental quality to the greatest extent practicable.~~

~~(d) apply sustainable design principles to the siting, design, and construction of new facilities~~should integrate this building rating tool into their general facility audits.

(d) Sustainable Building Design. Agencies shall apply sustainable design principles to the siting, design, and construction of new facilities. ~~All agencies~~Agencies shall ~~minimize~~optimize life-cycle costs, pollution, and other environmental and energy costs associated with the construction, integrated building commissioning, and life-cycle operation and decommissioning of the facility. Agencies should adopt sustainable design and development principles, to be developed by a DOD/GSA-led interagency team in consultation with DOE and EPA. Agencies should consider using Energy Savings Performance Contracts or utility ~~agreements~~energy-efficiency service contracts to aid them in constructing sustainable buildings.-

~~(e) incorporate model lease provisions that encourage energy and water efficiency when agencies enter into leases, including the renegotiation or extension of existing leases~~Model Lease Provisions.
~~Build-to-suit~~Agencies entering into leases, including the renegotiation or extension of existing leases, shall incorporate lease solicitations should contain criteria encouraging sustainable design and development, provisions that encourage energy and water efficiency, and integrated building commissioning wherever life cycle cost effective. ~~Agencies shall include ENERGY STAR® Building Label energy performance and indoor environmental criteria, where available, in their competitive~~Build-to-suit lease acquisition processes.

~~In addition, all agencies should encourage lessors to explore and implement projects that would reduce costs to the Federal government, including projects carried out through Energy Savings Performance Contracts or utility agreements~~solicitations shall contain criteria encouraging sustainable design and development, energy efficiency, and integrated building commissioning.
Agencies shall include a preference for buildings having the ENERGY STAR® Building Label in their selection criteria for acquiring leased buildings. In addition, all agencies should encourage lessors to apply for the ENERGY STAR® Building Label and to explore and implement projects that would reduce costs to the Federal Government, including projects carried out through the lessors' Energy Savings Performance Contracts or utility energy-efficiency service contracts.

(f) Industrial Facility Efficiency Improvements. ~~Operation, maintenance, and energy cost savings resulting from energy efficiency~~

~~improvements should not weigh against GSA prospectus limits.~~ Agencies shall explore efficiency opportunities in industrial facilities for steam systems, boiler operation, air compressor systems, industrial processes, and fuel switching including cogeneration, and other efficiency, solar and other renewable energy technologies.

~~(f) develop action plans for industrial facilities to document efficiency opportunities in steam systems, boiler operation, air compressor systems, industrial processes, and fuel switching including cogeneration, solar and other renewable energy technologies.~~

(g) Highly Efficient Systems. Agencies shall implement district energy systems, and other highly efficient systems, in new construction or retrofit projects when life cycle cost effective. Agencies shall consider combined cooling, heat and power when upgrading and assessing facility power needs and shall use combined cooling, heat and power systems when ~~cost effective and technically feasible~~ life cycle cost effective. Agencies shall survey local natural resources to optimize use of available biomass, bioenergy, geothermal or other naturally occurring energy sources.

~~(h) use off-grid energy generation systems, including solar hot water, solar electric, solar outdoor lighting, small wind mills, fuel cells, and other off-grid alternatives, where such systems are cost effective and offer benefits including energy efficiency, pollution prevention, avoided infrastructure costs, or expedited service.~~

(h) Off-Grid Generation. Agencies shall use off-grid generation systems, including solar hot water, solar electric, solar outdoor lighting, small wind turbines, fuel cells, and other off-grid alternatives, where such systems are life cycle cost-effective and offer benefits including energy efficiency, pollution prevention, source energy reductions, avoided infrastructure costs, or expedited service.

Section 404. Electricity Use. ~~Each agency shall strive to use electricity from clean, efficient, energy sources and thereby~~ To advance the greenhouse gas and renewable energy goals of this order, and reduce source energy use, each agency shall strive to use electricity from clean, efficient, and renewable energy sources.

~~(a) Competitive Power.~~ An agency's progress in purchasing electricity from efficient and renewable energy sources will be taken into account in assessing the agency's progress and formulating its score card.

(a) Competitive Power. Agencies shall take advantage of competitive

opportunities in the electricity and natural gas markets to reduce costs and enhance services. Agencies are encouraged to aggregate demand across facilities or agencies to maximize their economic advantage.

(b) **Reduced ~~Carbon~~Greenhouse Gas Intensity of Electric Power.** When selecting electricity providers, agencies ~~should~~shall purchase electricity from sources using high efficiency electric generating technologies when life-cycle cost-effective. Agencies should consider the ~~carbon~~greenhouse gas intensity of the source of the electricity and strive to minimize the ~~carbon~~greenhouse gas intensity of purchased electricity.

(c) **Purchasing Electricity from Renewable Energy Sources.** Each agency shall ~~set targets for green power~~evaluate its current use of electricity from renewable energy sources and report this level in its Annual Report to the President. Based on this review, each agency should set goals, adopt policies, and pursue projects that increase the use of such electricity. Agencies should include provisions for the purchase of electricity from renewable energy sources as a component of their requests for bids whenever procuring electricity. ~~Based on these targets, which should increase over time~~Where possible, agencies should ~~include provisions for the purchase~~shall use savings from energy efficiency projects to pay additional incremental costs of electricity from renewable energy sources as a component of their requests for bids whenever procuring electricity.

In ~~setting such targets~~evaluating opportunities to comply with this section, agencies should ~~take into account the following previously stated commitments and goals to purchase green power:~~

1) ~~the renewable portfolio standard specified in the restructuring guidelines for the state in which the facility is located,~~

2) ~~the current renewable generation level for the state in which the facility is located,~~_____

3) ~~the 7.5 percent renewable portfolio standard to be achieved by 2010, included in the Administration's 1999 electricity restructuring proposal,~~

4) ~~consider~~ the Administration's goal of tripling non-hydroelectric renewable energy capacity in the United States by 2010;

5) ~~the renewable portfolio standard specified in the restructuring guidelines for the state in which the facility is located;~~ the General

Services Administration's efforts to make ~~green power alternatives~~ electricity from renewable energy sources available to Federal electricity purchasers; and

6) the Environmental Protection Agency's guidelines on crediting ~~green power in the State Implementation Plan process under the~~ renewable energy power in implementation of Clean Air Act standards.

Section 405. **Mobile Equipment.** Each agency shall seek to improve the design, construction, and operation of its mobile equipment and implement all life-cycle cost-effective energy efficiency measures that result in cost savings while improving mission performance. To the extent that such measures are ~~cost-effective~~ life cycle cost effective, agencies should consider enhanced use of alternative or renewable-based fuels.

Section 406. **Management/Government Performance.** Agencies shall use the following management strategies to assist them in meeting the goals of this order.

(a) **Awards.** Agencies shall use employee incentive programs to reward exceptional performance in implementing this order.

(b) **Performance Evaluations.** Agencies shall include successful implementation of provisions of this order in areas such as Energy Savings Performance Contracts, sustainable design, energy efficient procurement, energy efficiency, water conservation, and renewable energy projects in the position descriptions and performance evaluations of agency heads, members of the agency energy team, principal program managers, heads of field offices, facility managers, energy managers, their superiors, and other appropriate employees.

(c) **Retention of Savings/Rebates.** Agencies granted statutory authority to retain a portion of savings generated from efficient energy and water management are encouraged to permit the retention of the savings at the facility or site where the savings occur to provide greater incentive for that facility and its site managers to undertake more energy management initiatives, invest in renewable energy systems, and purchase ~~green power~~ electricity from renewable energy sources.

(d) **Training and Education.** Agencies shall ensure that all appropriate personnel receive training for implementing this order.

(1) DOE~~and~~, DOD, and GSA shall ~~make~~provide relevant training or training materials for those programs that they make available to all Federal agencies ~~on~~relating to the energy management strategies contained in this order.

(2) The Federal Acquisition Institute and the Defense Acquisition University shall incorporate into existing procurement courses; information on Federal energy management tools, including Energy Savings Performance Contracts, utility energy-efficiency service contracts, energy efficient and ENERGY STAR® and other ~~and lifecycle energy costs~~energy efficient products, and life cycle cost analysis.

(3) All agencies are encouraged to develop outreach programs that include education, training and promotion of ENERGY STAR® and other energy efficient products for Federal purchase card users. Such programs may include promotions with billing statements, user training, catalog awareness and exploration of vendor data collection of purchases.

(e) **Showcase Facilities.** Agencies shall designate exemplary new and existing ~~buildings~~facilities with significant public access and exposure as showcase facilities to highlight energy or water efficiency and renewable energy improvements.

PART 5 – TECHNICAL ASSISTANCE

Section 501. Within ~~420~~180 days of this order, the Secretary of Defense and the Administrator of the General Services Administration, in consultation with other agency heads, shall:

(a) develop and issue sustainable design and development principles to serve as guidance for the siting, design, and construction of new facilities.

Section 502. Within ~~420~~180 days of this order, the Director of the Office of Management and Budget, in collaboration with the Secretary of Energy, shall:

(a) develop and issue guidance to agency budget officers on preparation of annual funding requests associated with the terms of this order beginning ~~in~~with the FY2001 budget.

(b) clarify for agencies their ability to retain savings and reinvest in other energy and water management projects.

(c) through the Office of Federal Procurement Policy, brief agencies' procurement personnel on the use of Federal energy management tools, including Energy Savings Performance Contracts, utility energy-efficiency service contracts, and procurement of energy efficient products and electricity from renewable energy sources.

Section 503. Within 180 days of this order, the Secretary of Energy, in collaboration with other agency heads, shall:

(a) issue guidelines to assist agencies in measuring energy per square foot ~~or~~, per unit of production, or other applicable unit in industrial and laboratory, research, and other energy-intensive facilities.

(b) establish criteria for facilities to be exempt from the order. In addition, DOE must provide guidance for agencies to report proposed exemptions.

(c) develop guidance to assist agencies in calculating appropriate energy baselines for previously-exempt facilities and facilities occupied after 1990 in order to measure progress toward goals.

(d) ~~provide~~ issue guidance to ~~assist each agency to~~ clarify how agencies determine a baseline of water consumption the life-cycle cost for investments required by January 1 the order, 2000 including how to compare different energy and fuel options and assess the current tools.—

~~By January 1, 2001, DOE, in consultation with the General Services Administration (GSA) and EPA, shall establish water conservation~~ determine the feasibility of providing credit toward energy efficiency goals for Federal agencies cost-effective projects where source energy use declines, but site energy use increases.

If determined feasible, guidance for providing such credit will be issued for agency use in reporting progress toward energy efficiency improvement goals. ~~(e) provide guidance for counting renewable energy projects and green power purchases toward agencies' progress in reaching energy reduction goals.~~

~~(f) develop goals for the amount of energy generated on site from renewable energy technologies at Federal facilities by 2000, 2005, and 2010.~~

~~(g) issue guidance to clarify how agencies determine the life cycle cost for~~

~~investments required by the order, including how to compare different energy and fuel options and assess the current tools.~~

~~(h) develop a plan to aggregate demand for at least three advanced energy products across the agencies; work with GSA to procure these products on behalf of all agencies; and work with GSA to distribute the products for widespread use among agencies.~~

Section 504. Within ~~180 days~~ 1 year of this order, the ~~Administrator of the General Services Administration, in collaboration with the Secretary of Defense, the Secretary of Energy, and~~ in collaboration with other agency heads, shall:

~~(a) develop and issue~~ provide guidance to assist agencies in ensuring that all project cost estimates, bids, and agency budget requests for design, construction, and renovation of buildings are based on life cycle costs counting renewable energy projects and purchases of electricity from renewable energy sources toward agencies' progress in reaching greenhouse gas and energy reduction goals.

(b) develop goals for the amount of energy generated on-site from renewable energy technologies at Federal facilities by 2000, 2005, and 2010.

(c) provide guidance to assist each agency to determine a baseline of water consumption by January 1, 2000.

(d) support efforts to develop standards for the certification of low environmental impact hydropower facilities in order to facilitate the Federal purchase of such power.

(e) work with GSA and DLA to develop a plan and purchase advanced energy products in bulk quantities for use by multiple agencies.

(f) issue guidelines for agency use estimating the greenhouse gas emissions attributable to facility energy use. These guidelines shall include emissions associated with the production, transportation and use of energy consumed in Federal facilities.

Section 505. By January 1, 2001, the Secretary of Energy, in consultation with other agencies, shall establish water conservation goals for Federal agencies.

Section 506. Within 180 days of this order, the Administrator of the General Services Administration, in collaboration with the Secretary of Defense, the

Secretary of Energy, and other agency heads, shall:

(a) develop and issue guidance to assist agencies in ensuring that all project cost estimates, bids, and agency budget requests for design, construction, and renovation of facilities are based on life-cycle costs. Incentives for contractors involved in the design and construction must be structured to encourage the contractors to design and build at the lowest ~~economic~~ life cycle cost._

(b) make information available on opportunities to purchase electricity from renewable energy sources as defined by this order. This information should accommodate various ~~State~~state regulations and be updated periodically based on technological advances and market changes, at least every ~~five~~two years.

(c) develop Internet-based tools for both GSA and Defense Logistics Agency customers to assist individual and agency purchasers in identifying and purchasing ENERGY STAR® and other energy efficient products for acquisition.

(d) undertake pilot projects for selected energy-using products to show energy operating costs as a "second price tag" in both printed and electronic catalogs and assess the impact of providing this information on Federal purchasing decisions.

(e) develop model lease provisions that incorporate energy efficiency and sustainable design.

PART 6 – GENERAL PROVISIONS

Section 601. **Compliance by Independent Agencies.** Independent agencies are encouraged to comply with the provisions of this order.

Section 602. **Waivers.** If an agency determines that certain requirements in this order are inconsistent with the mission of the agency, the agency may seek a waiver of the provision from DOE. Any waivers authorized by DOE must be included in the annual report to the President under ~~Part 5~~Section 303 of this order.

Section 603. **Limitation.**

(a) This order is intended only to improve the internal management of the Executive branch and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable by law by a

party against the United States, its agencies, its officers, or any other person.

(b) ~~With the exception of existing data collection requirements, this~~ This order ~~does not apply~~ applies to agency facilities ~~outside~~ in any State of the United States, the District of Columbia, the ~~customs territory~~ Commonwealth of the United States Puerto Rico, ~~such as~~ Guam, American Samoa, the United States ~~diplomatic~~ Virgin Islands, the Northern Mariana Islands, and ~~consular missions abroad~~ any other territory or possession over which the United States has jurisdiction. Agencies with ~~such~~ facilities outside of ~~are~~ these areas, however, are encouraged to make best efforts to comply with the goals of this order for those facilities. In addition, agencies can ~~include~~ report energy improvements made outside the United States in their Annual Report to the President ~~and can take credit for~~ these improvements ~~as part of their progress in meeting the requirements and goals of this order~~ may be considered in agency score card evaluations.

Section 604. **Coordination with Other Executive Orders.**— Agencies must coordinate their activities under this order with other related Executive Orders.

Section 605. **Statutory Authority.** Agencies must carry out the provisions of this order to the extent consistent with their statutory authority.

Section 606. **Revocations.** Executive Order 12902 of March 9, 1994, Sections 3, 9, and 10 of Executive Order 12759 of April 17, 1991, and Executive Order 12845 of April 21, 1993, are revoked.

Section 607. ~~Existing Executive Orders~~ **Amendments to Federal Regulations.** ~~All~~ The Federal Acquisition Regulations and other ~~Executive Orders remain in force~~ Federal regulations will be amended to reflect changes as necessary by this order, including an amendment to facilitate agency purchases of electricity from renewable energy sources.

PART 7 - DEFINITIONS

For the purposes of this order all definitions:

Section 701. “Acquisition” means acquiring by contract supplies or services (including construction) by and for the use of the Federal Government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, demonstrated, and evaluated. Acquisition begins at the point when agency needs are established and includes the description of requirements to satisfy agency needs, solicitation and selection of sources, award of

contracts, contract financing, contract performance, contract administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract.

Section 702. ~~“Agency” means~~ “Agency” means an Executive agency as defined in 5 U.S.C. 105. For the purpose of this order, military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.-

Section 703. “Energy Savings Performance Contract” means a contract which provides for the performance of services for the design, acquisition, financing, installation, testing, operation, and where appropriate, maintenance and repair of an identified energy or water conservation measure or series of measures at one or more locations. ~~“Cost effective” means minimizing the net present value of costs to the Federal Government over the useful life of the project, product, or measure. Additional guidance on measuring cost effectiveness is specified in 10 CFR 436.18 (a), (b), and (c).~~

Such contracts should provide that the contractor must incur costs of implementing energy savings measures, including at least the cost (if any) incurred in making energy audits, acquiring and installing equipment, and training personnel in exchange for a predetermined share of the value of the energy savings directly resulting from implementation of such measures during the term of the contract. Payment to the contractor is contingent upon realizing a guaranteed stream of future energy and cost savings. All additional savings accrue to the Federal Government.

Section 704. ~~“Energy Savings Performance Contract”~~ “Exempt facility” or “Exempt mobile equipment” means a contract facility or a piece of mobile equipment for which provides for the performance of services for the design, acquisition, installation, testing, operation, and where appropriate, maintenance and repair of an agency identified energy ~~uses DOE-established criteria to determine that compliance with the Energy Policy Act of 1992 or water conservation measure or series of measures at one or more locations~~ this order is not practical.

Section 705. ~~“Exempt facility” or “Exempt mobile equipment” means a facility or a piece of mobile equipment for which an agency uses DOE established criteria to determine that compliance with the Energy Policy Act of 1992 or this order is not practical.~~

Section 706. ~~“Facility” means any individual building or collection of buildings, grounds, or structure, as well as any fixture or part thereof, including the associated energy or water-consuming support systems, which is constructed, renovated, or purchased in whole or in part for use by the Federal Government.~~ “Facility” means any individual building or collection of buildings, grounds, or structure, as well as

any fixture or part thereof, including the associated energy or water-consuming support systems, which is constructed, renovated, or purchased in whole or in part for use by the Federal Government. It includes leased facilities where the Federal Government has a purchase option or facilities planned for purchase. In any provision of this order, the term "Federal facility" also includes any building at least 30100 percent leased for use by the Federal Government where the Federal Government pays directly or indirectly for the utility costs associated with its leased space. The term also includes government-owned contractor operated facilities.

Section 707706. "Green power" means electricity produced from renewable sources as defined by this order.

"Industrial facility" means any fixed equipment, building, or complex for production, manufacturing or other processes that uses large amounts of capital equipment in connection with, or as part of, any process or system, and within which the majority of energy use is not devoted to the heating, cooling, lighting, ventilation, or to service the water heating energy load requirements of the facility.

Section 707. "Life cycle cost effective" means the minimum net present value of costs to the Federal Government over the useful life of the project, product, or measure. Additional guidance on measuring cost-effectiveness is specified in 10 CFR 436.18 (a), (b), and (c).

Section 708.— "Life cycle costs" means the sum of the present values of investment costs, capital costs, installation costs, energy costs, operating costs, maintenance costs, and disposal costs, over the lifetime of the project, product or measure. "Industrial facilities" means any fixed equipment, building, or complex for the production, manufacturing or other processes that use large amounts of capital equipment in connection with, or as part of, any process or system, and within which the majority of energy use is not devoted to the heating, cooling, lighting, ventilation, or to service the hot water energy load requirements of the building

Section 709. "Life cycle costs" means the sum of the present values of investment costs, capital costs, installation costs, energy costs, operating costs, maintenance costs, and disposal costs, discounted over the lifetime of the project, product or measure. Additional guidance on measuring life cycle costs is specified in 10 CFR 436.19.

Section 709. "Mobile equipment" means all Federally owned ships, aircraft, and non-road vehicles.

Section 710. "Mobile equipment" means all Federally owned ships, aircraft, and non-highway vehicles.

"Renewable energy" means energy produced by solar, wind, geothermal and biomass.

Section 711. ~~"Renewable energy" means energy produced by solar, wind, geothermal and biomass.~~

~~Section 712. "Renewable energy technology" means technologies that generate renewable energy by providing light, heat, cooling, or mechanical energy for use in facilities or other activities.~~ "Renewable energy technology" means technologies that use renewable energy to provide light, heat, cooling, or mechanical or electrical energy for use in facilities or other activities. The term also means the use of integrated whole-building designs which rely upon renewable energy resources, including passive solar design.

~~Section 713712. "Source energy" means the total energy resources used to generate and transport electricity, steam, or gas. It includes any losses that occur in the generation and transmission of the energy product. It is the equivalent of primary energy.~~

Section 713. "Utility" means public agencies and privately owned companies which market, generate, and/or distribute energy or water, including electricity, natural gas, manufactured gas, steam, hot water, chilled water, and water as commodities for public use and which provide the service under Federal, state or local regulated authority to all authorized customers. Utilities include Federally owned non-profit producers; municipal organizations and investor or privately owned producers regulated by Statestate and/or the Federal Government; cooperatives owned by members and providing services mostly to their members; and other non-profit Statestate and local government agencies serving in this capacity.

Section 714. ~~"Utility services"~~"energy-efficiency service" means demand side management services provided by a utility to improve the efficiency of use of the commodity (electricity, gas, etc.) being distributed. Services can include, but are not limited to, energy efficiency and renewable energy project auditing, financing, design, installation, operation, maintenance, and monitoring.

WILLIAM J. CLINTON
THE WHITE HOUSE

~~Each agency shall set annual and increasing targets for purchasing electricity from renewable sources.—~~