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1 **TITLE __—BUILDING**
 2 **EFFICIENCY**
 3 **Subtitle A—Building Codes**

4 **[SEC. __01. ADVANCED BUILDING CODES.]**

5 **[(a) IN GENERAL.—Section 304 of the Energy Con-**
 6 **servation and Production Act (42 U.S.C. 6833) is amend-**
 7 **ed to read as follows:]**

1 **["SEC. 304. UPDATING STATE BUILDING ENERGY EFFI-**
2 **CIENCY CODES.]**

3 **["(a) UPDATING NATIONAL MODEL BUILDING EN-**
4 **ERGY CODES.—]**

5 **["(1) TARGETS.—]**

6 **["(A) IN GENERAL.—**The Secretary shall
7 support updating the national model building
8 energy codes and standards at least every 3
9 years to achieve overall energy savings, com-
10 pared to the 2006 IECC for residential build-
11 ings and ASHRAE Standard 90.1–2004 for
12 commercial buildings, of at least—**]**

13 **["(i) 30 percent in editions of each**
14 **model code or standard released during or**
15 **after 2010; and]**

16 **["(ii) 50 percent in editions of each**
17 **model code or standard released during or**
18 **after [20____].]**

19 **["(B) SPECIFIC YEARS.—**Targets for spe-
20 cific years shall be set by the Secretary at least
21 3 years in advance of each target year, coordi-
22 nated with the IECC and ASHRAE Standard
23 90.1 cycles, at the maximum level of energy ef-
24 ficiency that is technologically feasible and life-
25 cycle cost effective and on a path to achieving
26 net-zero-energy buildings.**]**

1 【“(2) REVISION OF BUILDING ENERGY USE
2 STANDARDS.—】

3 【“(A) IN GENERAL.—If the provisions of
4 the IECC or ASHRAE Standard 90.1 regard-
5 ing building energy use are revised, the Sec-
6 retary shall make a preliminary determination
7 not later than 90 days after the date of the re-
8 vision, and a final determination not later than
9 1 year after the date of the revision, on whether
10 the revision will —】

11 【“(i) improve energy efficiency in
12 buildings; and】

13 【“(ii) meet the targets under para-
14 graph (1).】

15 【“(B) MODIFIED CODES OR STAND-
16 ARDS.—】

17 【“(i) IN GENERAL.—If the Secretary
18 makes a determination under subpara-
19 graph (A)(ii) that a code or standard does
20 not meet the targets under paragraph (1),
21 or if a national model code or standard is
22 not updated for more than 3 years, the
23 Secretary shall, not later than 1 year after
24 the date of the determination, establish a

1 modified code or standard that meets the
2 targets.】

3 【“(ii) REQUIREMENTS.—Any modi-
4 fied code or standard shall—】

5 【“(I) achieve the maximum level
6 of energy savings that is techno-
7 logically feasible and life-cycle cost-ef-
8 fective;】

9 【“(II) be based on the latest re-
10 vision of the IECC or ASHRAE
11 Standard 90.1, including any amend-
12 ments or additions to the code or
13 standard, but may also consider other
14 model codes or standards; and】

15 【“(III) serve as the baseline for
16 the next determination under sub-
17 paragraph (A)(i).】

18 【“(C) ADMINISTRATION.—The Secretary
19 shall—】

20 【“(i) provide an opportunity for pub-
21 lic comment on targets, determinations,
22 and modified codes and standards under
23 this subsection; and】

24 【“(ii) publish notice of targets, deter-
25 minations, and modified codes and stand-

1 ards under this subsection in the Federal
2 Register.】

3 【“(b) STATE CERTIFICATION OF BUILDING ENERGY
4 CODE UPDATES.—】

5 【“(1) REVIEW AND UPDATING OF CODES BY
6 EACH STATE.—】

7 【“(A) IN GENERAL.—Not later than 2
8 years after the date of enactment of the
9 【_____ of 2009】], each State shall
10 certify to the Secretary that the State has re-
11 viewed and updated the provisions of the resi-
12 dential and commercial building codes of the
13 State regarding energy efficiency.】

14 【“(B) DEMONSTRATION.—The certifi-
15 cation shall include a demonstration that the
16 code provisions of the State—】

17 【“(i) meet or exceed the 2006 IECC
18 for residential buildings and the ASHRAE
19 Standard 90.1–2007 for commercial build-
20 ings; or】

21 【“(ii) achieve equivalent or greater
22 energy savings.】

23 【“(2) REVIEW AND UPDATING OF CODES
24 BASED ON DETERMINATION OF SECRETARY.—】

1 **【“(A) DETERMINATION OF IMPROVEMENT**
2 **OF ENERGY EFFICIENCY IN BUILDINGS; MODI-**
3 **FIED CODES OR STANDARDS.—】**

4 **【“(i) IN GENERAL.—**If the Secretary
5 makes an affirmative determination under
6 subsection (a)(2)(A)(i) or establishes a
7 modified code or standard under sub-
8 section (a)(2)(B), each State shall, not
9 later than 2 years after the date of the de-
10 termination or establishment, certify that
11 the State has reviewed and updated the
12 provisions of the building code of the State
13 regarding energy efficiency.**】**

14 **【“(ii) DEMONSTRATION.—**The certifi-
15 cation shall include a demonstration that
16 the code provisions of the State meet or
17 exceed the revised code or standard, or
18 achieve equivalent or greater energy sav-
19 ings.**】**

20 **【“(B) NO DETERMINATION OF IMPROVE-**
21 **MENT OF ENERGY EFFICIENCY IN BUILD-**
22 **INGS.—**If the Secretary fails to make a deter-
23 mination under subsection (a)(2)(A)(i) by the
24 date specified in subsection (a)(2), or makes a
25 negative determination, each State shall not

1 later than 2 years after the specified date or
2 the date of the determination, certify that the
3 State has reviewed the revised code or stand-
4 ard, and updated the provisions of the building
5 code of the State regarding energy efficiency to
6 meet or exceed any provisions found to improve
7 energy efficiency in buildings, or to achieve
8 equivalent or greater energy savings in other
9 ways.]

10 **【“(c) STATE CERTIFICATION OF COMPLIANCE WITH**
11 **BUILDING CODES.—】**

12 **【“(1) REQUIREMENT.—】**

13 **【“(A) IN GENERAL.—**Not later than 3
14 years after the date of a certification under
15 subsection (b), each State shall certify that the
16 State has—**】**

17 **【“(i) achieved compliance under para-**
18 **graph (3) with the certified State building**
19 **energy code or with the associated model**
20 **code or standard; or】**

21 **【“(ii) made significant progress under**
22 **paragraph (4) toward achieving compliance**
23 **with the certified State building energy**
24 **code or with the associated model code or**
25 **standard.】**

1 **【“(B) REPEAT CERTIFICATIONS.—If the**
2 State certifies progress toward achieving com-
3 pliance, the State shall repeat the certification
4 each year until the State certifies that the State
5 has achieved compliance.】

6 **【“(2) MEASUREMENT OF COMPLIANCE.—A cer-**
7 tification under paragraph (1) shall include docu-
8 mentation of the rate of compliance based on—】

9 **【“(A) independent inspections of a random**
10 sample of the new and renovated buildings cov-
11 ered by the code in the preceding year; or】

12 **【“(B) an alternative method that yields an**
13 accurate measure of compliance.】

14 **【“(3) ACHIEVEMENT OF COMPLIANCE.—】**

15 **【“(A) IN GENERAL.—A State shall be con-**
16 sidered to achieve compliance under paragraph
17 (1) if—】

18 **【“(i) at least 90 percent of new and**
19 renovated building space covered by the
20 code in the preceding year substantially
21 meets all the requirements of the code re-
22 garding energy efficiency, or achieves an
23 equivalent energy savings level; or】

24 **【“(ii) the estimated excess energy use**
25 of new and renovated buildings that did

1 not meet the code in the preceding year,
2 compared to a baseline of comparable
3 buildings that meet the code, is not more
4 than 5 percent of the estimated energy use
5 of all new and renovated buildings covered
6 by the code during the preceding year.】

7 【“(B) ADMINISTRATION.—】

8 【“(i) BUILDING PERMITS.—Only ren-
9 ovations with building permits are covered
10 under this paragraph.】

11 【“(ii) RENOVATED BUILDINGS.—If
12 the Secretary determines that the percent-
13 age targets under subparagraph (A) are
14 not reasonably achievable for renovated
15 residential or commercial buildings, the
16 Secretary may reduce the targets for the
17 renovated buildings to the highest achiev-
18 able level.】

19 【“(4) SIGNIFICANT PROGRESS TOWARD
20 ACHIEVEMENT OF COMPLIANCE.—】

21 【“(A) IN GENERAL.—A State shall be con-
22 sidered to have made significant progress to-
23 ward achieving compliance for purposes of para-
24 graph (1) if the State—】

1 【“(i) has developed and is imple-
2 menting a plan for achieving compliance
3 within 8 years, assuming continued ade-
4 quate funding, including active training
5 and enforcement programs;】

6 【“(ii) after 1 or more years of ade-
7 quate funding, has demonstrated progress,
8 in conformance with the plan described in
9 clause (i), toward compliance;】

10 【“(iii) after 5 or more years of ade-
11 quate funding, meets the requirements of
12 paragraph (3) if ‘80 percent’ is substituted
13 for ‘90 percent’ or ‘10 percent’ is sub-
14 stituted for ‘5 percent’; and】

15 【“(iv) has not had more than 8 years
16 of adequate funding.】

17 【“(B) ADEQUATE FUNDING.—For pur-
18 poses of this paragraph, funding shall be con-
19 sidered adequate if the Federal Government
20 provides to the States at least \$50,000,000 for
21 a fiscal year in funding and support for devel-
22 opment and implementation of State building
23 energy codes, including for training and en-
24 forcement.】

25 【“(d) FAILURE TO MEET DEADLINES.—】

1 **【“(1) IN GENERAL.—A State that has not**
2 made a certification required under subsection (b) or
3 (c) by the applicable deadline shall submit to the
4 Secretary a report on—**】**

5 **【“(A) the status of the State with respect**
6 to meeting the requirements and submitting the
7 certification; and**】**

8 **【“(B) a plan for meeting the requirements**
9 and submitting the certification.**】**

10 **【“(2) NONACCEPTANCE OF CERTIFICATION.—**
11 Any State for which the Secretary has not accepted
12 a certification by a deadline under subsection (b) or
13 (c) shall be considered out of compliance with this
14 section.**】**

15 **【“(3) LOCAL GOVERNMENT.—In any State that**
16 is out of compliance with this section, a local govern-
17 ment may be considered in compliance with this sec-
18 tion by meeting the certification requirements under
19 subsections (b) and (c).**】**

20 **【“(4) ANNUAL REPORTS BY SECRETARY.—**】****

21 **【“(A) IN GENERAL.—The Secretary shall**
22 annually submit to Congress, and publish in the
23 Federal Register, a report on—**】**

24 **【“(i) the status of national model**
25 building energy codes and standards;**】**

1 【“(ii) the status of code adoption and
2 compliance in the States; and】

3 【“(iii) implementation of this sec-
4 tion.】

5 【“(B) IMPACTS.—The report shall include
6 estimates of impacts of past action under this
7 section, and potential impacts of further action,
8 on lifetime energy use by buildings and result-
9 ing energy costs to individuals and businesses.】

10 【“(e) TECHNICAL ASSISTANCE.—】

11 【“(1) MODEL CODE-SETTING AND STANDARD
12 DEVELOPMENT ORGANIZATIONS.—】

13 【“(A) IN GENERAL.—The Secretary shall,
14 on a timely basis, provide technical assistance
15 to model code-setting and standard development
16 organizations.】

17 【“(B) ASSISTANCE.—The assistance shall
18 include technical assistance as requested by the
19 organizations in—】

20 【“(i) evaluating code or standards
21 proposals or revisions;】

22 【“(ii) building energy analysis and de-
23 sign tools;】

24 【“(iii) results of building research and
25 demonstrations; and】

1 **【“(C) PREFERENCE.—**In carrying out this
2 paragraph, the Secretary shall give preference
3 to voluntary advanced model codes and stand-
4 ards developed by the International Code Coun-
5 cil and by ASHRAE.**】**

6 **【“(3) STATES.—**The Secretary shall provide
7 technical assistance to States to implement the re-
8 quirements of this section, including procedures for
9 States**—】**

10 **【“(A) to implement the requirements of**
11 this section, including procedures for States to
12 demonstrate that the code provisions of the
13 States achieve equivalent or greater energy sav-
14 ings than the national model codes and stand-
15 ards and to document rates of compliance; and**】**

16 **【“(B) to improve and implement State res-**
17 idential and commercial building energy effi-
18 ciency codes or to otherwise promote the design
19 and construction of energy efficient buildings.**】**

20 **【“(f) AVAILABILITY OF INCENTIVE FUNDING.—】**

21 **【“(1) IN GENERAL.—】**

22 **【“(A) FUNDING FOR STATES.—**The Sec-
23 retary shall provide incentive funding to States
24 to implement the requirements of this section,
25 and to improve and implement State residential

1 and commercial building energy efficiency
2 codes, including increasing and verifying com-
3 pliance with the codes.】

4 【“(B) CRITERIA.—In determining wheth-
5 er, and in what amount, to provide incentive
6 funding under this subsection, the Secretary
7 shall consider the actions proposed by the
8 State—】

9 【“(i) to implement the requirements
10 of this section;】

11 【“(ii) to improve and implement resi-
12 dential and commercial building energy ef-
13 ficiency codes; and】

14 【“(iii) to promote building energy ef-
15 ficiency through the use of the codes.】

16 【“(2) ADDITIONAL FUNDING FOR COMPLI-
17 ANCE.—Additional funding shall be provided under
18 this subsection for implementation of a plan to
19 achieve compliance under subsection (c)—】

20 【“(A) to a State that has adopted and is
21 implementing, on a Statewide basis, residential
22 and commercial building energy efficiency codes
23 that meet the requirements of subsection (b);
24 or】

1 **【“(B) in a State that does not meet the**
2 **criteria described in subparagraph (A), to a**
3 **local government that has adopted and is imple-**
4 **menting residential and commercial building en-**
5 **ergy efficiency codes, as described in subpara-**
6 **graph (A).】**

7 **【“(3) TRAINING.—Of the amounts made avail-**
8 **able under this subsection, the Secretary may use**
9 **amounts required, but not to exceed \$500,000 for a**
10 **State, to train State and local officials to implement**
11 **codes described in paragraph (2).】**

12 **【“(4) AUTHORIZATION OF APPROPRIATIONS.—**
13 **There are authorized to be appropriated to carry out**
14 **this subsection—】**

15 **【“(A) \$70,000,000 for each of fiscal years**
16 **2010 through 2014; and】**

17 **【“(B) such sums as are necessary for fis-**
18 **cal year 2015 and each fiscal year there-**
19 **after.”.】**

20 **【(b) DEFINITION OF IECC.—Section 303 of the En-**
21 **ergy Conservation and Production Act (42 U.S.C. 6832)**
22 **is amended by adding at the end the following:】**

23 **【“(17) IECC.—The term ‘IECC’ means the**
24 **International Energy Conservation Code.”.】**

1 **SEC. __02. MULTIFAMILY AND MANUFACTURED HOUSING**
2 **ENERGY EFFICIENCY GRANT PROGRAM.**

3 (a) DEFINITIONS.—In this section:

4 (1) ELIGIBLE ENTITY.—The term “eligible enti-
5 ty” means a State or local government agency or
6 nonprofit organization that implements energy effi-
7 ciency programs to increase energy efficiency in mul-
8 tifamily buildings or manufactured housing.

9 (2) ENERGY EFFICIENCY PROGRAM.—The term
10 “energy efficiency program” means a program de-
11 signed to increase energy efficiency in multifamily
12 buildings and manufactured housing through finan-
13 cial incentives, building renovation and construction,
14 appliance retrofits, or other means, as determined by
15 an eligible entity.

16 (3) ENERGY STAR PROGRAM.—The term “En-
17 ergy Star program” means the program established
18 by section 324A of the Energy Policy and Conserva-
19 tion Act (42 U.S.C. 6294a).

20 (4) MANUFACTURED HOUSING.—The term
21 “manufactured housing” means a manufactured
22 home (as defined in section 603 of the National
23 Manufactured Housing Construction and Safety
24 Standards Act of 1974 (42 U.S.C. 5402)).

1 (5) MULTIFAMILY BUILDING.—The term “mul-
2 tifamily building” means a structure with 5 or more
3 dwelling units.

4 (6) SECRETARY.—The term “Secretary” means
5 the Secretary of Energy.

6 (b) ESTABLISHMENT.—The Secretary shall establish
7 a program, to be known as the “Multifamily and Manufac-
8 tured Housing Energy Efficiency Grant Program”, under
9 which the Secretary shall provide grants to eligible entities
10 to carry out energy efficiency programs in accordance with
11 this section.

12 (c) PURPOSE.—The purpose of the program estab-
13 lished under this section is to provide financial assistance
14 to eligible entities to carry out energy efficiency programs
15 to increase energy efficiency in multifamily buildings and
16 manufactured housing in a manner that—

17 (1) demonstrates an innovative approach to en-
18 ergy efficiency;

19 (2) maximizes the cost effectiveness of Federal
20 and non-Federal expenditures;

21 (3) maximizes energy efficiency potential for re-
22 cipients;

23 (4) prioritizes recipients with the greatest fi-
24 nancial need;

1 (5) prioritizes efficiency programs with high lev-
2 els of matching funds;

3 (6) maintains geographical diversity in allo-
4 cating grants; and

5 (7) is replicable.

6 (d) GRANTS.—The Secretary shall make grants to el-
7 igible entities to implement energy efficiency program
8 under this section through—

9 (1) in the case of multifamily buildings—

10 (A) renovation of multifamily buildings;

11 and

12 (B) encouragement and recommendations
13 for replacement of appliances, equipment, and
14 systems with low energy efficiency with appli-
15 ances, equipment, and systems that meet cri-
16 teria established under the Energy Star pro-
17 gram;

18 (2) in the case of manufactured housing, re-
19 bates to owners of manufactured housing con-
20 structed before calendar year 1976 to assist the
21 owners in replacing the manufactured housing with
22 manufactured housing that meets criteria estab-
23 lished under the Energy Star program; and

1 (3) other innovative approaches, as determined
2 by the eligible entities and approved by the Sec-
3 retary.

4 (e) ADMINISTRATION.—An eligible entity that re-
5 ceives a grant under this section shall—

6 (1) maintain such records and evidence of com-
7 pliance as the Secretary may require;

8 (2) develop and distribute information and ma-
9 terials and conduct programs to provide technical
10 services and assistance to encourage planning, fi-
11 nancing, and design of energy-efficient multifamily
12 buildings or manufactured housing; and

13 (3) report publicly the results of a project con-
14 ducted under this section to enable other eligible en-
15 tities to learn from each project.

16 (f) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated such sums as are nec-
18 essary to carry out this section.

19 **SEC. _03. BUILDING TRAINING AND ASSESSMENT CEN-**
20 **TERS.**

21 (a) IN GENERAL.—The Secretary of Energy shall
22 provide grants to institutions of higher education (as de-
23 fined in section 101 of the Higher Education Act of 1965
24 (20 U.S.C. 1001)) to establish building training and as-
25 sessment centers—

1 (1) to identify opportunities for optimizing en-
2 ergy efficiency and environmental performance in
3 buildings;

4 (2) to promote the application of emerging con-
5 cepts and technologies in commercial and institu-
6 tional buildings;

7 (3) to train engineers, architects, building sci-
8 entists, and building technicians in energy-efficient
9 design and operation;

10 (4) to assist institutions of higher education in
11 training building technicians;

12 (5) to promote research and development for
13 the use of alternative energy sources to supply heat
14 and power for buildings, particularly energy-inten-
15 sive buildings; and

16 (6) to coordinate with and assist State-accred-
17 ited technical training centers, community colleges,
18 and local offices of the National Institute of Food
19 and Agriculture and ensure appropriate services are
20 provided under this section to each region of the
21 United States.

22 (b) COORDINATION AND NONDUPLICATION.—

23 (1) IN GENERAL.—The Secretary shall coordi-
24 nate the program with the Industrial Assessment
25 Centers program established under this Act and with

1 other Federal programs to avoid duplication of ef-
2 fort.

3 (2) COLLOCATION.—To the maximum extent
4 practicable, building, training, and assessment cen-
5 ters established under this section shall be collocated
6 with Industrial Assessment Centers.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated such sums as are nec-
9 essary to carry out this section.

10 **Subtitle B—Weatherization**
11 **Assistance for Low-Income Persons**

12 **SEC. _11. WEATHERIZATION ASSISTANCE FOR LOW-IN-**
13 **COME PERSONS.**

14 Section 422 of the Energy Conservation and Produc-
15 tion Act (42 U.S.C. 6872) is amended—

16 (1) in paragraph (4), by striking “and” at the
17 end;

18 (2) in paragraph (5), by striking the double pe-
19 riods at the end and inserting “; and”; and

20 (3) by adding at the end the following:

21 “(6) \$1,700,000,000 for each of fiscal years
22 2011 through 2015.”.

1 **Subtitle C—State Energy Program**

2 **SEC. __21. STATE ENERGY PROGRAM.**

3 Section 365 of the Energy Policy and Conservation
4 Act (42 U.S.C. 6325) is amended by striking subsection
5 (f) and inserting the following:

6 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated to the Secretary to carry
8 out this part \$250,000,000 for each of fiscal years 2011
9 through 2015, to remain available until expended.”.

10 **Subtitle D—State Energy** 11 **Efficiency Grants Program**

12 **SEC. __31. DEFINITIONS.**

13 In this subtitle:

14 (1) ADMINISTRATOR.—The term “Adminis-
15 trator” means the Administrator of the Environ-
16 mental Protection Agency, acting in consultation
17 with the Secretary.

18 (2) ANSI.—The term “ANSI” means the
19 American National Standards Institute.

20 (3) ASHRAE.—The term “ASHRAE” means
21 the American Society of Heating, Refrigerating and
22 Air Conditioning Engineers.

23 (4) BUILDING ENERGY CODE POLICY.—The
24 term “building energy code policy” means a policy
25 that provides—

1 (A) a building energy code for residential
2 buildings throughout a State that meets or ex-
3 ceeds the 2009 International Energy Conserva-
4 tion Code;

5 (B) a building energy code for commercial
6 buildings throughout the State that meets or
7 exceeds the ANSI/ASHRAE/IES Standard 90.1
8 (2007); and

9 (C) a plan for the jurisdiction achieving
10 compliance with subparagraphs (A) and (B) not
11 later than 8 years after the date of enactment
12 of this Act in at least 90 percent of new and
13 renovated residential and commercial building
14 space, including compliance through—

15 (i) active training and enforcement
16 programs; and

17 (ii) measurement of the rate of com-
18 pliance each year.

19 (5) **COMMERCIAL BUILDING.**—The term “com-
20 mercial building” means a building that is—

21 (A) covered by ASHRAE/IES Standard
22 90.1 (2007);

23 (B) located in the United States; and

24 (C) constructed before the date of enact-
25 ment of this Act.

1 (6) **ELECTRIC UTILITY.**—The term “electric
2 utility” means any individual, entity, or State agen-
3 cy that distributes electricity directly to retail con-
4 sumers pursuant to a legal, regulatory, or contrac-
5 tual obligation.

6 (7) **ENERGY EFFICIENCY MEASURE.**—The term
7 “energy efficiency measure” means an installed
8 measure (including products, equipment, systems,
9 services, and practices) that result in reductions in
10 end-use demand for externally supplied energy, or
11 fuel, by a consumer, facility, or user.

12 (8) **HOME.**—The term “home” means a prin-
13 cipal residential dwelling unit that is—

14 (A) located in the United States; and

15 (B) constructed before the date of enact-
16 ment of this Act.

17 (9) **IESNA.**—The term “IESNA” means the Il-
18 luminating Engineering Society of North America.

19 (10) **NATURAL GAS UTILITY.**—The term “nat-
20 ural gas utility” means any individual, entity, or
21 State agency engaged in the local distribution of
22 natural gas to any ultimate consumer of natural gas.

23 (11) **SECRETARY.**—The term “Secretary”
24 means the Secretary of Energy, acting in consulta-
25 tion with the Administrator.

1 (12) STATE.—The term “State” means—

2 (A) a State;

3 (B) the District of Columbia;

4 (C) the Commonwealth of Puerto Rico;

5 (D) Guam;

6 (E) American Samoa; and

7 (F) the United States Virgin Islands.

8 **SEC. ____ 32. STATE ENERGY EFFICIENCY RETROFIT PRO-**
9 **GRAMS.**

10 (a) IN GENERAL.—The Secretary shall make grants
11 to States to carry out energy efficiency retrofit programs
12 in accordance with this section.

13 (b) GRANT AWARDS.—The Secretary shall apply per-
14 formance-based criteria in awarding grants to States
15 under this section, which shall give priority for funding
16 of energy efficiency retrofit programs based on—

17 (1) the cost-effectiveness of the energy effi-
18 ciency programs;

19 (2) the number and quality of jobs created;

20 (3) the quantity of energy and water saved;

21 (4) the development of an effective plan for
22 evaluation, measurement, and verification of energy
23 savings;

24 (5) the inclusion of measures—

25 (A) to reach underserved populations;

1 (B) to provide for independent evaluation
2 and adequate incentives for successful program
3 management; and

4 (C) to leverage private sector funds and
5 use innovative financing methods to implement
6 more comprehensive energy efficiency projects;

7 (6) the effective use of grant funds provided
8 under the American Recovery and Reinvestment Act
9 of 2009; and

10 (7) progress on the adoption and implementa-
11 tion of the building energy code policies.

12 (c) IMPLEMENTATION.—A State that receives a grant
13 to carry out an energy efficiency program under this sec-
14 tion may implement the program through the State or a
15 third party designated by the State, including an energy
16 service company, an electric utility, a natural gas utility,
17 a third party administrator designated by the State, or
18 a unit of local government.

19 (d) HOME EFFICIENCY RETROFITS PROGRAM.—

20 (1) IN GENERAL.—A State may use a grant
21 provided under this section to provide a grant to an
22 owner of a home for an energy efficiency retrofit of
23 the home, on completion of the retrofit, if the ret-
24 rofit is carried out in accordance with—

1 (A) the prescriptive option described in
2 paragraph (2); or

3 (B) the performance-based option de-
4 scribed in paragraph (3).

5 (2) PRESCRIPTIVE OPTION.—

6 (A) IN GENERAL.—A grant provided for
7 the energy retrofit of a home under the pre-
8 scriptive option described in this paragraph
9 shall be made for achieving energy savings from
10 measures—

11 (i) selected from a prescriptive list es-
12 tablished under subparagraph (B); and

13 (ii) installed in the home.

14 (B) LIST.—Not later than 90 days after
15 the date of enactment of this Act, the Secretary
16 shall establish a list of combinations of energy
17 savings measures that can be implemented by
18 the owner of a home to save at least—

19 (i) 10 percent on whole home energy
20 consumption; and

21 (ii) 20 percent on whole home energy
22 consumption.

23 (C) AMOUNT OF GRANT.—Subject to sub-
24 paragraph (E)(ii), the amount of a grant pro-

1 vided to the owner of a home under this para-
2 graph shall be—

3 (i) \$1,000 for energy savings of 10
4 percent described in subparagraph (B)(i);
5 and

6 (ii) \$2,000 for energy savings of not
7 less than 20 percent, but not more than 50
8 percent, described in subparagraph (B)(ii).

9 (D) VERIFICATION.—To be eligible for a
10 grant for the energy retrofit of a home in a
11 State under this paragraph, the owner of a
12 home shall submit to the State a certification
13 by the contractor or installer that carried out
14 the retrofit that the measures undertaken for
15 the retrofit—

16 (i) are described on the list estab-
17 lished under subparagraph (B); and

18 (ii) were installed properly.

19 (E) ADMINISTRATION.—The Secretary
20 may—

21 (i) discontinue the prescriptive option
22 established under this paragraph at any
23 time after the date that is 1 year after the
24 date of enactment of this Act; and

1 (ii) adjust the amount of grants pro-
2 vided under this paragraph.

3 (3) PERFORMANCE-BASED OPTION.—

4 (A) IN GENERAL.—A grant provided for
5 the energy retrofit of a home under the per-
6 formance-based option described in this para-
7 graph shall be made for retrofits that achieve
8 whole home energy savings.

9 (B) AMOUNT OF GRANT.—Subject to sub-
10 paragraph (E), the amount of a grant provided
11 to the owner of a home under this paragraph
12 shall be—

13 (i) \$3,000 for a 20-percent reduction
14 in whole home energy consumption; and

15 (ii) an additional \$150 for each addi-
16 tional 1-percent reduction up to the lower
17 of—

18 (I) \$12,000; or

19 (II) 50 percent of the total ret-
20 rofit cost.

21 (C) ENERGY SAVINGS.—

22 (i) IN GENERAL.—Energy savings
23 under this paragraph shall be determined
24 by a comparison of the energy consump-

1 tion of the home before the retrofit to the
2 consumption of the home after the retrofit.

3 (ii) DOCUMENTATION.—The percent
4 improvement in energy consumption under
5 this paragraph shall be documented
6 through—

7 (I) the use of whole home simula-
8 tion software programs approved by
9 the Administrator; or

10 (II) a comparison of the dif-
11 ference before and after the retrofit as
12 measured by home energy ratings on
13 the Home Energy Rating System
14 Index as specified in the Residential
15 Energy Services Network Publication
16 No. 06–001 (or a successor publica-
17 tion).

18 (D) VERIFICATION.—

19 (i) IN GENERAL.—Subject to clause
20 (ii), the Administrator shall ensure that at
21 least 15 percent of the retrofits performed
22 under this paragraph are randomly subject
23 to a third party verification of all work as-
24 sociated with the retrofit.

1 (ii) ADJUSTMENT.—On or after the
2 date that is 1 year after the date of enact-
3 ment of this Act, the Administrator may
4 adjust the percentage specified under
5 clause (i) based on program experience.

6 (iii) CONTRACTOR CERTIFICATION.—
7 Subject to clause (iv), the Administrator—

8 (I) shall determine the level of
9 contractor certification appropriate
10 for retrofits performed under this
11 paragraph; and

12 (II) may adjust the level in re-
13 sponse to program data.

14 (iv) ADVANCED CONTRACTOR CERTIFI-
15 CATIONS.—The Secretary may develop an
16 additional incentive for advanced con-
17 tractor certifications under clause (iii).

18 (E) ADMINISTRATION.—On or after the
19 date that is 1 year after the date of enactment
20 of this Act, the Secretary may adjust the grant
21 amounts provided under this paragraph based
22 on program data.

23 (e) COMMERCIAL BUILDINGS EFFICIENCY RETRO-
24 FITS PROGRAM.—

1 (1) IN GENERAL.—A State may use a grant
2 provided under this section to provide incentives for
3 energy efficiency retrofits to the owner of 1 or more
4 commercial buildings, including submetered areas or
5 individual tenant spaces within a commercial build-
6 ing or an aggregation of commercial buildings.

7 (2) ENERGY SAVINGS.—

8 (A) IN GENERAL.—A State may provide
9 incentives to the owner of 1 or more commercial
10 buildings for energy efficiency retrofits under
11 this subsection if the retrofits improve energy
12 performance by at least 20 percent compared to
13 energy consumption during the previous year of
14 the 1 or more commercial buildings, while ad-
15 justing for other relevant factors including
16 changes in occupancy loads and process energy.

17 (B) BENCHMARKING TOOL.—The energy
18 savings shall be determined by using an estab-
19 lished energy benchmarking tool designated by
20 the Administrator.

21 (3) INCENTIVES.—

22 (A) IN GENERAL.—The Secretary shall es-
23 tablish the amount and form of the incentives
24 provided under this subsection in a manner that
25 encourages implementation of retrofits that

1 achieve the largest and most durable improve-
2 ments in energy performance.

3 (B) AMOUNT.—

4 (i) IN GENERAL.—Subject to clause
5 (ii), the amount of the incentives provided
6 under this subsection shall be equal to—

7 (I) \$0.15 per square foot of ret-
8 rofit floor area for 20 to 24 percent
9 savings;

10 (II) \$0.75 per square foot of ret-
11 rofit floor area for 25 to 29 percent
12 savings;

13 (III) \$1.20 per square foot of
14 retrofit floor area for 30 to 34 percent
15 savings;

16 (IV) \$1.60 per square foot of ret-
17 rofit floor area for 35 to 39 percent
18 savings;

19 (V) \$2.05 per square foot of ret-
20 rofit floor area for 40 to 44 percent
21 savings;

22 (VI) \$2.50 per square foot of ret-
23 rofit floor area for 45 to 49 percent
24 savings; and

1 (VII) \$3.00 per square foot of
2 retrofit floor area for 50 or more per-
3 cent savings.

4 (ii) MODIFICATION.—The Secretary
5 may modify the amount and form of incen-
6 tives provided under this subsection based
7 on data gathered during program imple-
8 mentation, including the development of
9 incentives for particular building types.

10 (C) TIMING.—

11 (i) PAYMENT ON COMPLETION.—On
12 the completion of the energy retrofit of 1
13 or more commercial buildings and the
14 verification of at least a 20-percent energy
15 savings from the retrofit, the State shall
16 provide to the owner or agent of the 1 or
17 more commercial buildings 60 percent of
18 the qualified incentive amount for the ret-
19 rofit determined under subparagraph (B).

20 (ii) REMAINING PAYMENTS.—During
21 the 3-year period beginning on the date of
22 the initial payment under clause (i), the
23 State shall provide to the owner or agent
24 of the commercial building the remaining
25 40 percent of the qualified incentive

1 amount for the retrofit determined under
2 subparagraph (B) for any energy savings
3 of 20 percent or more, with the amount
4 awarded proportionate to the level of sus-
5 tained performance improvement.

6 (iii) MINIMUM IMPROVEMENTS.—No
7 incentives shall be provided under this sub-
8 section for sustained performance improve-
9 ments of less than 20 percent, as deter-
10 mined by annual audits.

11 (iv) DISCLOSURE.—The Secretary
12 may require such information as is nec-
13 essary to determine energy performance
14 under this subsection.

15 (f) REPORT.—

16 (1) IN GENERAL.—Not later than 300 days
17 after the date that the Secretary initially provides
18 funds to a State under this section, the State shall
19 submit to the Secretary a report on the use of the
20 funds.

21 (2) CONTENTS.—The report shall include a de-
22 scription of—

23 (A) the measured and verified energy sav-
24 ings produced under this section;

1 (B) the projected energy savings under
2 this section during the subsequent 1-year pe-
3 riod;

4 (C) the specific entities implementing the
5 energy efficiency programs;

6 (D) the beneficiaries who received the effi-
7 ciency improvements;

8 (E) the manner in which funds provided
9 under this section were used;

10 (F) the sources (such as mortgage lenders,
11 utility companies, and local governments) and
12 types of financing used by the beneficiaries to
13 finance the retrofit expenses that were not cov-
14 ered by grants provided in this subtitle;

15 (G) the direct and indirect employment
16 created as a result of the programs supported
17 by the funds;

18 (H) the results of verification require-
19 ments; and

20 (I) any other information the Secretary
21 considers appropriate.

22 (3) NONCOMPLIANCE.—If the Secretary deter-
23 mines that a State has not provided the information
24 required under this subsection, the Secretary shall

1 provide to the State a period of at least 90 days to
2 provide any necessary information.

3 **SEC. ___ 33. ADMINISTRATIVE AND TECHNICAL SUPPORT.**

4 Subject to section ___35(b)(2), not later than 90
5 days after the date of enactment of this Act, the Secretary
6 may provide such administrative and technical support to
7 States as is necessary to carry out this subtitle.

8 **SEC. ___ 34. REGULATIONS.**

9 Not later than 180 days after the date of enactment
10 of this Act, the Secretary shall promulgate such regula-
11 tions as are necessary to carry out this subtitle.

12 **SEC. ___ 35. FUNDING.**

13 (a) IN GENERAL.—There are authorized to be appro-
14 priated such sums as are necessary to carry out this sub-
15 title for each of fiscal years 2010 through 2015.

16 (b) USE.—Funds provided for a fiscal year under
17 subsection (a) shall be allocated as follows:

18 (1) In the case of State energy efficiency grants
19 programs under section ___32:

20 (A) 45 percent for the home efficiency ret-
21 rofits program under section ___32(d).

22 (B) 45 percent for the commercial build-
23 ings efficiency retrofits program under section
24 ___32(e).

1 (C) 10 percent to provide administrative
2 and technical support to the States to carry out
3 this subtitle.

4 (c) LIMITATION ON THE USE OF FUNDS.—A State
5 shall use not more than—

6 (1) 10 percent of the funds provided for a fiscal
7 year under this subtitle for administration of pro-
8 grams under this subtitle; and

9 (2) 5 percent of the funds provided for a fiscal
10 year under subtitle for measurement and
11 verification.

12 **Subtitle E—Federal Efficiency and** 13 **Renewables**

14 **SEC. 41. FEDERAL PURCHASE REQUIREMENT.**

15 Section 203 of the Energy Policy Act of 2005 (42
16 U.S.C. 15852) is amended—

17 (1) in subsection (a), in the matter preceding
18 paragraph (1), by striking “electric”;

19 (2) in subsection (b)(2), by striking “electric”;

20 (3) by striking subsection (c) and inserting the
21 following:

22 “(c) CALCULATION.—Renewable energy produced at
23 a Federal facility, on Federal land, or on Indian land (as
24 defined in section 2601 of the Energy Policy Act of 1992
25 (25 U.S.C. 3501))—

1 “(1) shall be calculated separately from renew-
2 able energy used; and

3 “(2) may be used individually or in combination
4 to comply with subsection (a).”; and

5 (4) by adding at the end the following:

6 “(e) CONTRACT PERIOD.—

7 “(1) IN GENERAL.—Notwithstanding section
8 501(b)(1)(B) of title 40, United States Code, a con-
9 tract entered into by a Federal agency to acquire re-
10 newable energy may be made for a period of not
11 more than 30 years.

12 “(2) TECHNICAL ASSISTANCE.—The Secretary
13 shall provide technical assistance to Federal agencies
14 to enter into contracts under this subsection.

15 “(3) STANDARDIZED RENEWABLE ENERGY PUR-
16 CHASE AGREEMENT.—Not later than 90 days after
17 the date of enactment of this subsection, the Sec-
18 retary, acting through the Federal Energy Manage-
19 ment Program, shall publish a standardized renew-
20 able energy purchase agreement setting forth com-
21 mercial terms and conditions that can be used by
22 Federal agencies to acquire renewable energy.”.

1 **SEC. 42. COMPETITION POLICY FOR ENERGY SAVINGS**
2 **PERFORMANCE CONTRACTS.**

3 (a) IN GENERAL.—Section 801(a) of the National
4 Energy Conservation Policy Act (42 U.S.C. 8287(a)) is
5 amended by adding at the end the following:

6 “(3) COMPETITIVE AWARD OF TASK OR DELIV-
7 ERY ORDERS.—

8 “(A) IN GENERAL.—Notwithstanding any
9 other provision of law, the head of each Federal
10 agency may enter into a task or delivery order
11 for energy savings performance contract serv-
12 ices by—

13 “(i) reviewing the qualifications of 2
14 or more contractors that have been com-
15 petitively awarded multiple award, indefi-
16 nite delivery, and indefinite quantity con-
17 tracts to provide energy savings perform-
18 ance services;

19 “(ii) selecting and authorizing 1 con-
20 tractor to conduct a site survey or inves-
21 tigation and a feasibility design and study
22 to allow the contractor to submit a firm-
23 fixed-price proposal to implement specific
24 energy conservation measures;

25 “(iii) certifying in writing to the Sec-
26 retary that the agency has selected a quali-

1 fied contractor that, as determined by the
2 agency, has the experience and expertise
3 necessary to achieve the objectives of the
4 program under this section;

5 “(iv) negotiating a task or delivery
6 order for energy savings performance con-
7 tracting services with the selected firm
8 based on the specific energy conservation
9 measures identified in the site survey or
10 investigation and feasibility design and
11 study; and

12 “(v) entering into a task or delivery
13 order for energy savings performance con-
14 tracting services with the firm.

15 “(B) COMPETITION REQUIREMENTS.—The
16 award of a task or delivery order for energy
17 savings performance contracting services pursu-
18 ant to subparagraph (A) and subsection
19 (b)(2)(C) shall be considered to satisfy the task
20 and delivery order competition requirements in
21 section 2304e(d) of title 10, United State Code,
22 and section 303J(d) of the Federal Property
23 and Administrative Services Act of 1949 (41
24 U.S.C. 253j(d)).

1 “(C) GUIDANCE.—The Secretary may
2 issue guidance as necessary to Federal agencies
3 entering into task or delivery orders pursuant
4 to subparagraph (A).”.

5 (b) APPLICABILITY.—The amendment made by sub-
6 section (a) applies to a task or delivery order entered into
7 on or after the date of enactment of this Act.

8 **SEC. 43. FUNDING FLEXIBILITY.**

9 Section 801(a)(2) of the National Energy Conserva-
10 tion Policy Act (42 U.S.C. 8287(a)(2)) is amended by
11 striking subparagraph (E) and inserting the following:

12 “(E) FUNDING OPTIONS.—Notwith-
13 standing any other provision of law, in carrying
14 out a contract under this title, a Federal agency
15 may use any combination of—

16 “(i) appropriated funds; and

17 “(ii) private financing under energy
18 savings performance contracts or other pri-
19 vate financing of energy savings meas-
20 ures.”.

21 **SEC. 44. DEFINITION OF ENERGY SAVINGS.**

22 Section 804(2)(B) of the National Energy Conserva-
23 tion Policy Act (42 U.S.C. 8287c(2)(B)) is amended by
24 inserting “and installation of renewable energy systems”
25 after “cogeneration or heat recovery”.

1 **SEC. 45. NATIONAL ENERGY EFFICIENCY IMPROVEMENT**

2 **GOALS.**

3 (a) GOALS.—The goals of the United States are—

4 (1) to achieve an improvement in the overall en-
5 ergy productivity of the United States (measured in
6 gross domestic product per unit of energy input) of
7 at least 2.5 percent per year by the year 2012; and

8 (2) to maintain that annual rate of improve-
9 ment each year through 2030.

10 (b) STRATEGIC PLAN.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, the Secretary of
13 Energy (referred to in this section as the “Sec-
14 retary”), in cooperation with the Administrator of
15 the Environmental Protection Agency and the heads
16 of other appropriate Federal agencies, shall develop
17 a strategic plan to achieve the national goals for im-
18 provement in energy productivity established under
19 subsection (a).

20 (2) PUBLIC INPUT AND COMMENT.—The Sec-
21 retary shall develop the plan in a manner that pro-
22 vides appropriate opportunities for public input and
23 comment.

24 (c) PLAN CONTENTS.—The strategic plan shall—

1 (1) establish future regulatory, funding, and
2 policy priorities to ensure compliance with the na-
3 tional goals;

4 (2) include energy savings estimates for each
5 sector; and

6 (3) include data collection methodologies and
7 compilations used to establish baseline and energy
8 savings data.

9 (d) PLAN UPDATES.—

10 (1) IN GENERAL.—The Secretary shall—

11 (A) update the strategic plan biennially;
12 and

13 (B) include the updated strategic plan in
14 the national energy policy plan required by sec-
15 tion 801 of the Department of Energy Organi-
16 zation Act (42 U.S.C. 7321).

17 (2) CONTENTS.—In updating the plan, the Sec-
18 retary shall—

19 (A) report on progress made toward imple-
20 menting efficiency policies to achieve the na-
21 tional goals established under subsection (a);
22 and

23 (B) verify, to the maximum extent prac-
24 ticable, energy savings resulting from the poli-
25 cies.

1 (e) REPORT TO CONGRESS AND PUBLIC.—The Sec-
2 retary shall submit to Congress, and make available to the
3 public, the initial strategic plan developed under sub-
4 section (b) and each updated plan.

5 **Subtitle F—Energy Efficiency In-**
6 **formation on Homes and Build-**
7 **ings**

8 **[SEC. 51. BUILDING ENERGY PERFORMANCE LABELING**
9 **PROGRAM.]**

10 **[(a) DEFINITIONS.—In this section:]**

11 **[(1) ACHIEVED PERFORMANCE.—The term**
12 **“achieved performance” means the measured energy**
13 **consumption of a building determined using actual**
14 **consumption data normalized for appropriate vari-**
15 **ables.]**

16 **[(2) ADMINISTRATOR.—The term “Adminis-**
17 **trator” means the Administrator of the Environ-**
18 **mental Protection Agency.]**

19 **[(3) BUILDING ENERGY PERFORMANCE.—The**
20 **term “building energy performance” means primary**
21 **energy consumption per square foot of floor space,**
22 **or other measure of energy consumption per energy**
23 **service, as determined by the Secretary for a build-**
24 **ing type.]**

1 **[(4) BUILDING ENERGY PERFORMANCE BENCH-**
2 **MARK.—**The term “building energy performance
3 benchmark” means a value used for comparing
4 building energy performance among buildings, as de-
5 termined by methods developed by the Administrator
6 for a labeling program established under this sec-
7 tion.】

8 **[(5) BUILDING TYPE.—**The term “building
9 type” means a type of a building, as identified by
10 the 1 or more principal building activities in the
11 building, such as houses, office buildings, labora-
12 tories, libraries, data centers, retail spaces, hotels,
13 food sales, food service, warehouses, and educational
14 facilities.】

15 **[(6) COMMERCIAL BUILDINGS ENERGY CON-**
16 **SUMPTION SURVEY.—**The term “Commercial Build-
17 ings Energy Consumption Survey” means the Com-
18 mercial Buildings Energy Consumption Survey au-
19 thorized by section 205(k) of the Department of En-
20 ergy Organization Act (42 U.S.C. 7135(k)).】

21 **[(7) COVERED BUILDING TYPE.—**The term
22 “covered building type” means a building type for
23 which statistically significant energy performance
24 data exist to serve as the basis of measurement pro-

1 protocols and labeling requirements for building energy
2 use.】

3 【(8) DESIGNED PERFORMANCE.—The term
4 “designed performance” means the estimated energy
5 performance of a building using a standardized set
6 of operational conditions obtained from building con-
7 struction documents and data collected during an
8 energy audit or other reliable sources.】

9 【(9) MEASUREMENT PROTOCOL.—The term
10 “measurement protocol” means the methodology,
11 prescribed by the Administrator, for determining the
12 achieved performance or designed performance and
13 the associated building energy performance bench-
14 mark for a building of a specific building type.】

15 【(10) MODEL LABELING SPECIFICATION.—The
16 term “model labeling specification” means a speci-
17 fication of the form and content for a building type
18 of a model label or other means of disclosure of en-
19 ergy performance for a building, as determined in
20 accordance with the applicable measurement pro-
21 tocol.】

22 【(11) RESIDENTIAL ENERGY CONSUMPTION
23 SURVEY.—The term “Residential Energy Consump-
24 tion Survey” means the Residential Energy Con-
25 sumption Survey authorized by section 205(k) of the

1 Department of Energy Organization Act (42 U.S.C.
2 7135(k)).】

3 【(12) SECRETARY.—The term “Secretary”
4 means the Secretary of Energy.】

5 【(b) PURPOSES.—The Administrator, in consultation
6 with the Secretary, shall establish a voluntary energy per-
7 formance labeling and disclosure program with broad ap-
8 plicability to residential and commercial buildings nation-
9 wide—】

10 【(1) to make energy performance more visible
11 in the market and more relevant to investment and
12 operating decisions;】

13 【(2) to provide timely and accurate information
14 on comparative energy performance; and】

15 【(3) to increase public awareness of the impor-
16 tance of building energy efficiency and energy per-
17 formance through public education.】

18 【(c) BUILDING TYPE DETERMINATION FOR ASSESS-
19 MENT OF ENERGY PERFORMANCE.—】

20 【(1) REPORT.—Not later than 90 days after
21 the date of enactment of this Act, the Secretary
22 shall submit to Congress a report that describes—
23 】

24 【(A) all principal building types for which
25 statistically significant energy performance data

1 exists to serve as the basis for building energy
2 performance benchmarks and model labels;
3 and】

4 【(B) those building types for which addi-
5 tional data are required to serve as the basis.】

6 【(2) ADDITIONAL RESOURCES AND REPORTS.—

7 【(A) IN GENERAL.—For each principal
8 building type identified under paragraph
9 (1)(B), the Secretary shall include a description
10 of—】

11 【(i) additional resources that will be
12 required to fully develop the relevant data-
13 bases; and】

14 【(ii) the anticipated timeline for com-
15 pletion of the data development.】

16 【(B) ADDITIONAL REPORTS.—The Sec-
17 retary shall submit to Congress additional re-
18 ports on information required under this sub-
19 section as often as is considered necessary by
20 the Secretary, but not less than once every 2
21 years.】

22 【(d) IMPROVING BUILDING ENERGY CONSUMPTION
23 DATABASES.—】

24 【(1) COMMERCIAL BUILDINGS ENERGY CON-
25 SUMPTION SURVEY.—The Secretary shall support

1 improvements to the Commercial Buildings Energy
2 Consumption Survey or such other commercial build-
3 ings energy performance databases as the Secretary
4 considers appropriate—】

5 【(A) to characterize fully the achieved per-
6 formance of existing commercial buildings for
7 the building types covered by the Commercial
8 Buildings Energy Consumption Survey (as of
9 the date of enactment of this Act); and】

10 【(B) to cover additional building types, as
11 identified by the Secretary, to enable the devel-
12 opment of measurement protocols for those
13 building types under subsection (e) that cover
14 at least 85 percent of all major commercial
15 building energy use not later than 5 years after
16 the date of enactment of this Act.】

17 【(2) RESIDENTIAL ENERGY CONSUMPTION SUR-
18 VEY.—The Secretary shall support similar improve-
19 ments to the Residential Energy Consumption Sur-
20 vey, or such other residential energy performance
21 databases as the Secretary considers appropriate, to
22 enable the development of achieved performance
23 measurement protocols for residential building en-
24 ergy use that cover at least 90 percent of all residen-

1 tial building energy use not later than 5 years after
2 the date of enactment of this Act.】

3 【(e) ENERGY PERFORMANCE MODEL LABELING
4 SPECIFICATIONS.—】

5 【(1) IN GENERAL.—Not later than 1 year after
6 identifying a covered building type, the Adminis-
7 trator shall propose by rule—】

8 【(A) an achieved performance measure-
9 ment protocol and procedures for evaluating the
10 designed performance of the covered building
11 type; and】

12 【(B) procedures for evaluating the de-
13 signed performance of covered building types.】

14 【(2) CONTENTS.—For each covered building
15 type, the rule shall include—】

16 【(A) procedures for collecting and updat-
17 ing information according to the measurement
18 protocol developed under this subsection; and】

19 【(B) 1 or more model labeling specification
20 formats that—】

21 【(i) display achieved performance and
22 designed performance;】

23 【(ii) are tailored to residential and
24 commercial buildings and single occupancy
25 and multitenant buildings; or】

1 【(iii) display other desired informa-
2 tion related to building energy perform-
3 ance.】

4 【(3) ENERGY PERFORMANCE LABELING MODEL
5 PROGRAM.—The building energy performance label
6 model program shall—】

7 【(A) provide for the display of both
8 achieved performance and designed performance
9 for a building, other than in a case in which
10 data are not available, practicable, or cost effec-
11 tive; and】

12 【(B) provide information and levels of de-
13 tail appropriate for different building types and
14 for decision makers who can affect the energy
15 efficiency of a building.】

16 【(4) EXISTING PROGRAMS.—In developing
17 model labeling specifications under this subsection,
18 the Administrator shall consider existing programs,
19 including—】

20 【(A) the Energy Star Portfolio Manager
21 program of the Environmental Protection Agen-
22 cy, and the Home Energy Rating System
23 (HERS) II program Custom Approach of the
24 State of California, for the achieved perform-
25 ance component of the label;】

1 **[(B) the Home Energy Rating System**
2 **(HERS) Index system for the designed per-**
3 **formance component of the label;]**

4 **[(C) the ASHRAE Building Energy La-**
5 **beling Program for both designed performance**
6 **and measured performance;]**

7 **[(D) existing State and municipal pro-**
8 **grams for building energy performance labeling;**
9 **and]**

10 **[(E) other Federal programs, including—**
11 **]**

12 **[(i) programs of the Department of**
13 **Energy relating to building technologies**
14 **and labeling; and]**

15 **[(ii) the Federal Energy Management**
16 **Program.]**

17 **[(5) FINAL RULE.—After providing for appro-**
18 **priate notice and comment, the Administrator shall**
19 **publish a final rule establishing the labels applicable**
20 **to covered building types.]**

21 **[(6) PROGRAM REVIEW.—At least once every 5**
22 **years, the Administrator shall review, and as nec-**
23 **essary, modify the building energy performance la-**
24 **beling program.]**

1 **[(f) DEMONSTRATION PROJECTS FOR LABELING**
2 **PROGRAM.—]**

3 **[(1) IN GENERAL.—**The Administrator, in con-
4 sultation with the Secretary shall conduct building
5 energy performance labeling demonstration projects
6 for different building types to evaluate the suffi-
7 ciency of the model labeling specification and of
8 measurement protocols, as the model labeling pro-
9 gram and measurement protocols are completed, and
10 evaluate other alternatives proposed by State or local
11 agencies, utilities, or other implementing organiza-
12 tions—**]**

13 **[(A) to identify additional or improved**
14 data needed from the existing Energy Con-
15 sumption Survey or other data sources, includ-
16 ing data from other labeled buildings, to serve
17 as the basis for new measurement protocols and
18 benchmarks for designed performance and
19 achieved performance;**]**

20 **[(B) to inform the development of meas-**
21 **urement protocols for additional building**
22 **types;]**

23 **[(C) to identify any additional data, ele-**
24 **ments, and procedures that are needed to en-**
25 **sure effective use of the model label;]**

1 **[(D) to test different methods and times**
2 **of disclosure of building energy performance**
3 **benchmarks, model labels, and related informa-**
4 **tion;]**

5 **[(E) to examine other energy performance**
6 **disclosure methods, such as utility bills, real-**
7 **time displays, and information about individual**
8 **energy-using systems; and]**

9 **[(F) to pretest label designs with typical**
10 **users and evaluate the effectiveness of the**
11 **building energy labeling programs in commu-**
12 **nicating relative energy performance.]**

13 **[(2) BUILDING TYPES.—Demonstration**
14 **projects under this subsection shall include—]**

15 **[(A) buildings located in diverse geo-**
16 **graphical and climate regions;]**

17 **[(B) buildings located in urban and rural**
18 **areas; and]**

19 **[(C) public and private sector buildings.]**

20 **[(3) BUILDING TYPES.—In carrying out this**
21 **subsection, the Administrator or the Secretary shall**
22 **conduct at least 1 demonstration project for each of**
23 **the following building types:]**

24 **[(A) Single family residential buildings.]**

1 **[(B) Multifamily residential building with**
2 more than 50 units, including at least 1 project
3 that provides affordable housing to individuals
4 of diverse incomes.]

5 **[(C) Single occupant commercial buildings**
6 that are larger than 30,000 square feet.]

7 **[(D) Multitenant commercial buildings**
8 that are larger than 30,000 square feet.]

9 **[(4) PRIORITY.—In selecting demonstration**
10 projects under this subsection, the Administrator, in
11 consultation with the Secretary, shall give priority to
12 projects that facilitate large-scale implementation of
13 the labeling program for samples of buildings across
14 neighborhoods, geographic regions, cities, or States.]

15 **[(5) ZERO-NET ENERGY COMMERCIAL BUILD-**
16 INGS INITIATIVE.—The Secretary shall coordinate
17 demonstration projects under this subsection and the
18 labeling program under this section with the Zero-
19 Net Energy Commercial Buildings Initiative estab-
20 lished under section 422 of the Energy Independ-
21 ence and Security Act of 2007 (42 U.S.C. 17082).]

22 **[(g) STATE AND LOCAL IMPLEMENTATION OF**
23 MODEL ENERGY PERFORMANCE LABELING PROGRAMS.—
24 **]**

1 **[(1) KEY ELEMENTS.—**The Secretary shall
2 provide assistance to States and local governments
3 to implement a model energy performance labeling
4 program for covered building types that—**]**

5 **[(A)** use the applicable model labels estab-
6 lished under subsection (e) or alternative meas-
7 urement and labeling approaches approved by
8 the Administrator; and**]**

9 **[(B)** is designed to achieve—**]**

10 **[(i)** not later than 5 years after the
11 date of establishment of a labeling pro-
12 gram, the labeling of at least 30 percent of
13 the stock of covered building types built
14 before the establishment of the program;**]**

15 **[(ii)** not later than 5 years after the
16 date of establishment of a labeling pro-
17 gram, the labeling of at least 90 percent of
18 the stock of covered building types built
19 after the establishment of the program;
20 and**]**

21 **[(iii)** not later than January 1, 2020,
22 the labeling of at least 90 percent of all
23 covered building types.**]**

24 **[(2) GUIDANCE AND COORDINATION WITH**
25 STATES.—The Secretary shall—**]**

1 **[(A) coordinate with State energy offices**
2 **or other State agencies to assist in the imple-**
3 **mentation of a model building energy labeling**
4 **program consistent with paragraph (1);]**

5 **[(B) coordinate with appropriate local and**
6 **county offices to assist in the implementation of**
7 **a model building energy labeling program con-**
8 **sistent with paragraph (1);]**

9 **[(C) provide technical assistance, guid-**
10 **ance, and best practices for implementation of**
11 **labeling programs designed to achieve the goals**
12 **described in paragraph (1)(B); and]**

13 **[(D) provide a grant for initial program**
14 **administration to a State that implements a la-**
15 **beling program.]**

16 **[(3) PROGRESS REPORT.—Not later than 3**
17 **years after the date of enactment of this Act, the**
18 **Secretary shall submit to Congress a progress report**
19 **that—]**

20 **[(A) evaluates the effectiveness of efforts**
21 **to advance use of the labeling program by**
22 **States and units of local government; and]**

23 **[(B) recommends any further steps that**
24 **are necessary to broaden the use of the pro-**
25 **gram by States and units of local government.]**

1 **[(4) AUTHORITY.—**After submitting the
2 progress report, the Secretary may**—]**

3 **[(A)** act on recommendations in the re-
4 port; and**]**

5 **[(B)** take such other steps as necessary to
6 broaden the use of the labeling program by
7 States and units of local government, including
8 the advancement of additional requirements and
9 incentives.**]**

10 **[(h) IMPLEMENTATION OF LABELING IN PUBLIC**
11 **BUILDINGS.—]**

12 **[(1) FEDERAL BUILDINGS.—**

13 **[(A) IN GENERAL.—**Not later than 3 years
14 after the date of enactment of this Act, each
15 Federal agency owning or operating buildings
16 of covered building types shall provide for the
17 labeling of at least**—]**

18 **[(i)** 30 percent of covered buildings
19 built before the final rule establishing the
20 labeling program; and**]**

21 **[(ii)** 90 percent of the stock of cov-
22 ered building types built after the estab-
23 lishment of the program.**]**

1 **[(B) GUIDELINES.—**The Secretary shall
2 develop guidelines for the implementation of
3 Federal building labeling programs.]

4 **[(2) STATE AND UNITS OF LOCAL GOVERN-**
5 **MENT BUILDINGS.—**

6 **[(A) IN GENERAL.—**Effective beginning on
7 the date that is 3 years after the date of enact-
8 ment of this Act, labeling in accordance with
9 this section shall be required as a condition of
10 providing Federal financial assistance for the
11 construction of any building to be owned by a
12 State, county, or local government that is a cov-
13 ered building type.]

14 **[(B) INFORMATION.—**The Secretary shall
15 provide information concerning the labeling pro-
16 gram for Federal buildings (including informa-
17 tion on the results, best practices, accom-
18 panying analysis, and implementation) to States
19 and units of local governments for adaptation
20 and adoption, at the discretion of the States
21 and units of local government, as soon as prac-
22 ticable after the date of enactment of this Act.]

23 **[(i) PUBLIC OUTREACH.—**In consultation with the
24 Administrator and in conjunction with other energy effi-
25 ciency awareness efforts, the Secretary shall establish a

1 business and consumer education program to increase
2 awareness of the importance of building energy efficiency
3 and the availability of building energy performance infor-
4 mation, to facilitate widespread use of building energy per-
5 formance labeling.】

6 【(j) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated such sums as are nec-
8 essary to carry out this section.】

9 **SEC. _52. EVALUATION, MEASUREMENT, AND**
10 **VERIFICATION OF ENERGY SAVINGS.**

11 (a) DEFINITIONS.—In this section:

12 (1) EVALUATION.—The term “evaluation”
13 means the performance of studies and activities to
14 determine—

15 (A) the effects of a program or project;

16 (B) changes in energy efficiency markets;

17 (C) levels of demand or energy savings;

18 and

19 (D) program cost-effectiveness.

20 (2) IMPACT EVALUATION.—The term “impact
21 evaluation” means the evaluation of the program or
22 project-specific, directly induced changes in energy
23 savings and greenhouse gas emissions reductions at-
24 tributable to a program or project.

1 (3) MEASUREMENT AND VERIFICATION.—The
2 term “measurement and verification” means data
3 collection, monitoring, and analysis associated with
4 the calculation of total energy and demand savings
5 from individual sites or projects, including as a part
6 of an impact evaluation.

7 (b) RULES.—Not later than 2 years after the date
8 of enactment of this Act, the Secretary shall promulgate
9 uniform rules to document the energy savings and avoided
10 greenhouse gas emissions of energy efficiency programs
11 and projects that—

12 (1) receive funding from Federal, State, or local
13 governments or public utilities;

14 (2) require specific levels of energy reductions;
15 and

16 (3) are eligible for allowances or allowance pro-
17 ceeds based on energy savings and greenhouse gas
18 emissions reductions under climate change regula-
19 tions.

20 (c) REQUIREMENTS.—

21 (1) IN GENERAL.—In developing rules under
22 subsection (b), the Secretary shall ensure, to the
23 maximum extent practicable, that the rules—

24 (A) are enforceable;

1 (B) give reasonable assurance that energy
2 savings and avoided greenhouse gas emission
3 from energy efficiency programs and projects
4 are verifiable and additional;

5 (C) are complete and transparent;

6 (D) balance risk management, certainty of
7 estimated impacts, and implementation costs;
8 and

9 (E) provide sufficient direction relating to
10 methodologies and assumptions (including
11 additionality, market transformation impacts,
12 and measure persistence) to ensure—

13 (i) reasonable uniformity among var-
14 ious States and entities; and

15 (ii) consistency in results.

16 (2) PROCESS.—In developing rules under sub-
17 section (b), the Secretary shall—

18 (A) consider and harmonize the rules with
19 existing domestic and international protocols
20 wherever practicable; and

21 (B) consult with States, utilities, and other
22 appropriate stakeholders.