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**TITLE __—BUILDING
 EFFICIENCY**

Subtitle A—Building Codes

**SEC. __01. GREATER ENERGY EFFICIENCY IN BUILDING
 CODES.**

(a) IN GENERAL.—Section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) is amended 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 2016.

19 “(B) SPECIFIC YEARS.—

20 “(i) IN GENERAL.—Targets for spe-
21 cific years shall be set by the Secretary at
22 least 3 years in advance of each target
23 year, coordinated with the IECC and
24 ASHRAE Standard 90.1 cycles, at the
25 maximum level of energy efficiency that is
26 technologically feasible and life-cycle cost

1 effective and on a path to achieving net-
2 zero-energy buildings.

3 “(ii) DIFFERENT TARGET YEARS.—
4 Subject to paragraph (2)(D), prior to
5 2013, the Secretary may set a different
6 target year for 1 or both model codes de-
7 scribed in subparagraph (A) if the Sec-
8 retary determines that a 50 percent target
9 cannot be met in 2016.

10 “(C) TECHNICAL ASSISTANCE TO MODEL
11 CODE-SETTING AND STANDARD DEVELOPMENT
12 ORGANIZATIONS.—

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

17 “(ii) ASSISTANCE.—The assistance
18 shall include technical assistance as re-
19 quested by the organizations in—

20 “(I) evaluating code or standards
21 proposals or revisions;

22 “(II) building energy analysis
23 and design tools;

24 “(III) building demonstrations;
25 and

1 “(IV) design assistance and
2 training.

3 “(D) AMENDMENT PROPOSALS.—The Sec-
4 retary shall submit code and standard amend-
5 ment proposals, with supporting evidence, suffi-
6 cient to enable the national model building en-
7 ergy codes and standards to meet the targets
8 established under subparagraph (A).

9 “(2) REVISION OF BUILDING ENERGY USE
10 STANDARDS.—

11 “(A) IN GENERAL.—If the provisions of
12 the IECC or ASHRAE Standard 90.1 regard-
13 ing building energy use are revised, the Sec-
14 retary shall make a preliminary determination
15 not later than 90 days after the date of the re-
16 vision, and a final determination not later than
17 1 year after the date of the revision, on whether
18 the revision will—

19 “(i) improve energy efficiency in
20 buildings; and

21 “(ii) meet the targets under para-
22 graph (1).

23 “(B) CODES OR STANDARDS NOT MEETING
24 TARGETS.—

1 “(i) IN GENERAL.—If the Secretary
2 makes a determination under subpara-
3 graph (A)(ii) that a code or standard does
4 not meet the targets established under
5 paragraph (1), not later than 1 year after
6 the date of the determination, the Sec-
7 retary shall provide the model code or
8 standard developer with proposed changes
9 that would result in a model code that
10 meets the targets.

11 “(ii) INCORPORATION OF CHANGES.—
12 On receipt of the proposed changes, the
13 model code or standard developer shall
14 have an additional 180 days to incorporate
15 the proposed changes into the model code
16 or standard.

17 “(iii) ESTABLISHMENT BY SEC-
18 RETARY.—If the proposed changes are not
19 incorporated into the model code or stand-
20 ard, the Secretary shall establish a modi-
21 fied code or standard that meets the estab-
22 lished targets.

23 “(iv) ADMINISTRATION.—Any code or
24 standard modified under this subparagraph
25 shall—

“(I) achieve the maximum level of energy savings that is technologically feasible and life-cycle cost-effective;

“(II) be based on the latest edition of the IECC or ASHRAE Standard 90.1, including any subsequent amendments, addenda, or additions, but may also consider other model codes or standards; and

14 “(C) CODES OR STANDARDS NOT UPDATED
15 FOR 3 YEARS.—

“(i) IN GENERAL.—If a national model code or standard is not updated for more than 3 years, the Secretary shall, not later than 1 year after the date of the determination, establish a modified code or standard that meets the targets.

22 “(ii) REQUIREMENTS.—Any modified
23 code or standard shall—

24 “(I) achieve the maximum level
25 of energy savings that is techno-

1 logically feasible and life-cycle cost-ef-
2 fective;

3 “(II) be based on the latest revi-
4 sion of the IECC or ASHRAE Stand-
5 ard 90.1, including any amendments
6 or additions to the code or standard,
7 but may also consider other model
8 codes or standards; and

9 “(III) serve as the baseline for
10 the next determination under sub-
11 paragraph (A)(i).

12 “(D) ADMINISTRATION.—The Secretary
13 shall—

14 “(i) provide an opportunity for public
15 comment on targets, determinations, and
16 modified codes and standards under this
17 subsection; and

18 “(ii) publish notice of targets, deter-
19 minations, and modified codes and stand-
20 ards under this subsection in the Federal
21 Register.

22 “(b) STATE CERTIFICATION OF BUILDING ENERGY
23 CODE UPDATES.—

24 “(1) REVIEW AND UPDATING OF CODES BY
25 EACH STATE.—

1 “(A) IN GENERAL.—Not later than 2 years
2 after the date of enactment of the [_____
3 of 2009], each State shall certify to the Sec-
4 retary whether or not the State has reviewed
5 and updated the provisions of the residential
6 and commercial building codes of the State re-
7 garding energy efficiency.

8 “(B) DEMONSTRATION.—The certification
9 shall include a demonstration that the code pro-
10 visions of the State—

11 “(i) meet or exceed the 2009 IECC
12 for residential buildings and the ASHRAE
13 Standard 90.1–2007 for commercial build-
14 ings; or

15 “(ii) achieve equivalent or greater en-
16 ergy savings.

17 “(2) REVIEW AND UPDATING OF CODES BASED
18 ON DETERMINATION OF SECRETARY.—

19 “(A) DETERMINATION OF IMPROVEMENT
20 OF ENERGY EFFICIENCY IN BUILDINGS; MODI-
21 FIED CODES OR STANDARDS.—

22 “(i) IN GENERAL.—If the Secretary
23 makes an affirmative determination under
24 subsection (a)(2)(A)(i) or establishes a
25 modified code or standard under sub-

1 section (a)(2)(B), each State shall, not
2 later than 2 years after the date of the de-
3 termination or establishment, certify
4 whether or not the State has reviewed and
5 updated the provisions of the building code
6 of the State regarding energy efficiency.

7 “(ii) DEMONSTRATION.—The certifi-
8 cation shall include a demonstration that
9 the code provisions of the State meet or
10 exceed the revised code or standard, or
11 achieve equivalent or greater energy sav-
12 ings.

13 “(B) NO DETERMINATION OF IMPROVE-
14 MENT OF ENERGY EFFICIENCY IN BUILD-
15 INGS.—If the Secretary fails to make a deter-
16 mination under subsection (a)(2)(A)(i) by the
17 date specified in subsection (a)(2), or makes a
18 negative determination, each State shall not
19 later than 2 years after the specified date or
20 the date of the determination, certify whether
21 or not the State has reviewed the revised code
22 or standard, and updated the provisions of the
23 building code of the State regarding energy effi-
24 ciency to meet or exceed any provisions found
25 to improve energy efficiency in buildings, or to

1 achieve equivalent or greater energy savings in
2 other ways.

3 “(c) STATE CERTIFICATION OF COMPLIANCE WITH
4 BUILDING CODES.—

5 “(1) REQUIREMENT.—

6 “(A) IN GENERAL.—Not later than 3 years
7 after the date of a certification under sub-
8 section (b), each State shall certify whether or
9 not the State has—

10 “(i) achieved compliance under para-
11 graph (3) with the certified State building
12 energy code or with the associated model
13 code or standard; or

14 “(ii) made significant progress under
15 paragraph (4) toward achieving compliance
16 with the certified State building energy
17 code or with the associated model code or
18 standard.

19 “(B) REPEAT CERTIFICATIONS.—If the
20 State certifies progress toward achieving com-
21 pliance, the State shall repeat the certification
22 each year until the State certifies that the State
23 has achieved compliance.

1 “(2) MEASUREMENT OF COMPLIANCE.—A cer-
2 tification under paragraph (1) shall include docu-
3 mentation of the rate of compliance based on—

4 “(A) independent inspections of a random
5 sample of the new and renovated buildings cov-
6 ered by the code in the preceding year; or

7 “(B) an alternative method that yields an
8 accurate measure of compliance.

9 “(3) ACHIEVEMENT OF COMPLIANCE.—

10 “(A) IN GENERAL.—A State shall be con-
11 sidered to achieve compliance under paragraph
12 (1) if—

13 “(i) at least 90 percent of new and
14 renovated building space covered by the
15 code in the preceding year substantially
16 meets all the requirements of the code re-
17 garding energy efficiency, or achieves an
18 equivalent energy savings level; or

19 “(ii) the estimated excess energy use
20 of new and renovated buildings that did
21 not meet the code in the preceding year,
22 compared to a baseline of comparable
23 buildings that meet the code, is not more
24 than 5 percent of the estimated energy use

1 of all new and renovated buildings covered
2 by the code during the preceding year.

3 “(B) RENOVATED BUILDINGS.—If the Sec-
4 retary determines that the percentage targets
5 under subparagraph (A) are not reasonably
6 achievable for renovated residential or commer-
7 cial buildings, the Secretary may reduce the
8 targets for the renovated buildings to the high-
9 est achievable level.

10 “(4) SIGNIFICANT PROGRESS TOWARD
11 ACHIEVEMENT OF COMPLIANCE.—

12 “(A) IN GENERAL.—A State shall be con-
13 sidered to have made significant progress to-
14 ward achieving compliance for purposes of para-
15 graph (1) if the State—

16 “(i) has developed and is imple-
17 menting a plan for achieving compliance
18 within 8 years, assuming continued ade-
19 quate funding, including active training
20 and enforcement programs;

21 “(ii) after 1 or more years of ade-
22 quate funding, has demonstrated progress,
23 in conformance with the plan described in
24 clause (i), toward compliance;

1 “(iii) after 5 or more years of ade-
2 quate funding, meets the requirements of
3 paragraph (3) if ‘80 percent’ is substituted
4 for ‘90 percent’ or ‘10 percent’ is sub-
5 stituted for ‘5 percent’; and

6 “(iv) has not had more than 8 years
7 of adequate funding.

8 “(B) ADEQUATE FUNDING.—For purposes
9 of this paragraph, funding shall be considered
10 adequate if the Federal Government provides to
11 the States at least \$50,000,000 for a fiscal year
12 in funding and support for development and im-
13 plementation of State building energy codes, in-
14 cluding for training and enforcement.

15 “(C) TECHNICAL ASSISTANCE TO
16 STATES.—The Secretary shall provide technical
17 assistance to States to implement the require-
18 ments of this section, including procedures for
19 States—

20 “(i) to demonstrate that the code pro-
21 visions of the States achieve equivalent or
22 greater energy savings than the national
23 model codes and standards; and

24 “(ii) to improve and implement State
25 residential and commercial building energy

1 efficiency codes or to otherwise promote
2 the design and construction of energy effi-
3 cient buildings.

4 “(D) VOLUNTARY ADVANCED CODES.—

5 “(i) IN GENERAL.—The Secretary
6 shall support the development of voluntary
7 advanced model codes and standards for
8 residential and commercial buildings that
9 achieve energy savings of at least 30 per-
10 cent compared to the national model build-
11 ing codes and standards.

12 “(ii) UPDATES.—The voluntary ad-
13 vanced model codes and standards shall be
14 updated at least once every 3 years, for
15 use in—

16 “(I) green building design;

17 “(II) voluntary and market
18 transformation programs;

19 “(III) incentive criteria; and

20 “(IV) voluntary adoption by
21 States.

22 “(iii) PREFERENCE.—In carrying out
23 this subparagraph, the Secretary shall give
24 preference to voluntary advanced model
25 codes and standards developed by the

1 International Code Council and by
2 ASHRAE.

3 “(d) FAILURE TO MEET DEADLINES.—

4 “(1) IN GENERAL.—A State that has not made
5 a certification required under subsection (b) or (c)
6 by the applicable deadline shall submit to the Sec-
7 retary a report on—

8 “(A) the status of the State with respect
9 to meeting the requirements and submitting the
10 certification; and

11 “(B) a plan for meeting the requirements
12 and submitting the certification.

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

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

23 “(4) ANNUAL REPORTS BY SECRETARY.—

1 “(A) IN GENERAL.—The Secretary shall
2 annually submit to Congress, and publish in the
3 Federal Register, a report on—

4 “(i) the status of national model
5 building energy codes and standards;

6 “(ii) the status of code adoption and
7 compliance in the States; and

8 “(iii) implementation of this section.

9 “(B) IMPACTS.—The report shall include
10 estimates of impacts of past action under this
11 section, and potential impacts of further action,
12 on lifetime energy use by buildings and result-
13 ing energy costs to individuals and businesses.

14 “(e) AVAILABILITY OF INCENTIVE FUNDING.—

15 “(1) IN GENERAL.—

16 “(A) REQUIREMENT.—The Secretary shall
17 provide incentive funding to States to imple-
18 ment the requirements of this section, and to
19 improve and implement State residential and
20 commercial building energy efficiency codes, in-
21 cluding increasing and verifying compliance
22 with the codes.

23 “(B) STATE ACTIONS.—In determining
24 whether, and in what amount, to provide incen-
25 tive funding under this subsection, the Sec-

1 retary shall consider the actions proposed by
2 the State—

3 “(i) to implement the requirements of
4 this section;

5 “(ii) to improve and implement resi-
6 dential and commercial building energy ef-
7 ficiency codes; and

8 “(iii) to promote building energy effi-
9 ciency through the use of the codes.

10 “(2) ADDITIONAL FUNDING.—Additional fund-
11 ing shall be provided under this subsection for im-
12 plementation of a plan to achieve and document at
13 least a 90 percent rate of compliance with residential
14 and commercial building energy efficiency codes,
15 based on energy performance—

16 “(A) to a State that has adopted and is
17 implementing, on a Statewide basis—

18 “(i) a residential building energy effi-
19 ciency code that meets or exceeds the re-
20 quirements of the 2006 IECC, or any suc-
21 ceeding version of that code that has re-
22 ceived an affirmative determination from
23 the Secretary under subsection
24 (a)(2)(A)(i); and

1 “(ii) a commercial building energy ef-
2 ficiency code that meets or exceeds the re-
3 quirements of the ASHRAE Standard
4 90.1–2007, or any succeeding version of
5 that standard that has received an affirma-
6 tive determination from the Secretary
7 under subsection (a)(2)(A)(i); or

8 “(B) in a State in which there is no State-
9 wide energy code for either residential buildings
10 or commercial buildings, or in which State
11 codes fail to comply with subparagraph (A), to
12 a local government that has adopted and is im-
13 plementing residential and commercial building
14 energy efficiency codes, as described in subpara-
15 graph (A).

16 “(3) TRAINING.—Of the amounts made avail-
17 able under this subsection, the State may use
18 amounts required, but not to exceed \$500,000 for a
19 State, to train State and local building code officials
20 to implement and enforce codes described in para-
21 graph (2).

22 “(4) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated to carry out
24 this subsection—

1 “(A) \$100,000,000 for each of fiscal years
2 2009 through 2013; and

3 “(B) such sums as are necessary for fiscal
4 year 2014 and each fiscal year thereafter.”.

5 (b) DEFINITION OF IECC.—Section 303 of the En-
6 ergy Conservation and Production Act (42 U.S.C. 6832)
7 is amended by adding at the end the following:

8 “(17) IECC.—The term ‘IECC’ means the
9 International Energy Conservation Code.”.

10 **SEC. __02. MULTIFAMILY AND MANUFACTURED HOUSING**
11 **ENERGY EFFICIENCY GRANT PROGRAM.**

12 (a) DEFINITIONS.—In this section:

13 (1) ELIGIBLE ENTITY.—The term “eligible enti-
14 ty” means a State or local government agency or
15 nonprofit organization that implements energy effi-
16 ciency programs to increase energy efficiency in mul-
17 tifamily buildings or manufactured housing.

18 (2) ENERGY EFFICIENCY PROGRAM.—The term
19 “energy efficiency program” means a program de-
20 signed to increase energy efficiency in multifamily
21 buildings and manufactured housing through finan-
22 cial incentives, building renovation and construction,
23 appliance retrofits, or other means, as determined by
24 an eligible entity.

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

5 (4) MANUFACTURED HOUSING.—The term
6 “manufactured housing” means a manufactured
7 home (as defined in section 603 of the National
8 Manufactured Housing Construction and Safety
9 Standards Act of 1974 (42 U.S.C. 5402)).

10 (5) MULTIFAMILY BUILDING.—The term “mul-
11 tifamily building” means a structure with 5 or more
12 dwelling units.

13 (6) SECRETARY.—The term “Secretary” means
14 the Secretary of Energy.

15 (b) ESTABLISHMENT.—The Secretary shall establish
16 a program, to be known as the “Multifamily and Manufac-
17 tured Housing Energy Efficiency Grant Program”, under
18 which the Secretary shall provide grants to eligible entities
19 to carry out energy efficiency programs in accordance with
20 this section.

21 (c) PURPOSE.—The purpose of the program estab-
22 lished under this section is to provide financial assistance
23 to eligible entities to carry out energy efficiency programs
24 to increase energy efficiency in multifamily buildings and
25 manufactured housing in a manner that—

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

3 (2) maximizes the cost effectiveness of Federal
4 and non-Federal expenditures;

5 (3) maximizes energy efficiency potential for re-
6 cipients;

7 (4) prioritizes recipients with the greatest fi-
8 nancial need;

9 (5) prioritizes efficiency programs with high lev-
10 els of matching funds;

11 (6) maintains geographical diversity in allo-
12 cating grants; and

13 (7) is replicable.

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

17 (1) in the case of multifamily buildings—

18 (A) renovation of multifamily buildings;

19 and

20 (B) encouragement and recommendations
21 for replacement of appliances, equipment, and
22 systems with low energy efficiency with appli-
23 ances, equipment, and systems that meet cri-
24 teria established under the Energy Star pro-
25 gram;

1 (2) in the case of manufactured housing, re-
2 bates to owners of manufactured housing con-
3 structed before calendar year 1976 to assist the
4 owners in replacing the manufactured housing with
5 manufactured housing that meets criteria estab-
6 lished under the Energy Star program; and

7 (3) other innovative approaches, as determined
8 by the eligible entities and approved by the Sec-
9 retary.

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

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

14 (2) develop and distribute information and ma-
15 terials and conduct programs to provide technical
16 services and assistance to encourage planning, fi-
17 nancing, and design of energy-efficient multifamily
18 buildings or manufactured housing; and

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

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

1 **SEC. __03. BUILDING TRAINING AND ASSESSMENT CEN-**
2 **TERS.**

3 (a) IN GENERAL.—The Secretary of Energy shall
4 provide grants to institutions of higher education (as de-
5 fined in section 101 of the Higher Education Act of 1965
6 (20 U.S.C. 1001)) to establish building training and as-
7 sessment centers—

8 (1) to identify opportunities for optimizing en-
9 ergy efficiency and environmental performance in
10 buildings;

11 (2) to promote the application of emerging con-
12 cepts and technologies in commercial and institu-
13 tional buildings;

14 (3) to train engineers, architects, building sci-
15 entists, and building technicians in energy-efficient
16 design and operation;

17 (4) to assist institutions of higher education in
18 training building technicians;

19 (5) to promote research and development for
20 the use of alternative energy sources to supply heat
21 and power for buildings, particularly energy-inten-
22 sive buildings; and

23 (6) to coordinate with and assist State-accred-
24 ited technical training centers, community colleges,
25 and local offices of the National Institute of Food
26 and Agriculture and ensure appropriate services are

1 provided under this section to each region of the
2 United States.

3 (b) COORDINATION AND NONDUPLICATION.—

4 (1) IN GENERAL.—The Secretary shall coordi-
5 nate the program with the Industrial Assessment
6 Centers program established under this Act and with
7 other Federal programs to avoid duplication of ef-
8 fort.

9 (2) COLLOCATION.—To the maximum extent
10 practicable, building, training, and assessment cen-
11 ters established under this section shall be collocated
12 with Industrial Assessment Centers.

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

16 **Subtitle B—Weatherization**
17 **Assistance for Low-Income Persons**

18 **SEC. __11. WEATHERIZATION ASSISTANCE FOR LOW-IN-**
19 **COME PERSONS.**

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

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

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

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

2 “(6) \$1,700,000,000 for each of fiscal years
3 2011 through 2015.”.

4 **Subtitle C—State Energy Program**

5 **SEC. __21. STATE ENERGY PROGRAM.**

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

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

13 **Subtitle D—State Energy** 14 **Efficiency Grants Program**

15 **SEC. __31. DEFINITIONS.**

16 In this subtitle:

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

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

23 (3) ASHRAE.—The term “ASHRAE” means
24 the American Society of Heating, Refrigerating and
25 Air Conditioning Engineers.

1 (4) BUILDING ENERGY CODE POLICY.—The
2 term “building energy code policy” means a policy
3 that provides—

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

8 (B) a building energy code for commercial
9 buildings throughout the State that meets or
10 exceeds the ANSI/ASHRAE/IES Standard 90.1
11 (2007); and

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

18 (i) active training and enforcement
19 programs; and

20 (ii) measurement of the rate of com-
21 pliance each year.

22 (5) COMMERCIAL BUILDING.—The term “com-
23 mercial building” means a building that is—

24 (A) covered by ASHRAE/IES Standard
25 90.1 (2007);

1 (B) located in the United States; and

2 (C) constructed before the date of enact-
3 ment of this Act.

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

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

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

17 (A) located in the United States; and

18 (B) constructed before the date of enact-
19 ment of this Act.

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

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

1 (11) SECRETARY.—The term “Secretary”
2 means the Secretary of Energy, acting in consulta-
3 tion with the Administrator.

4 (12) STATE.—The term “State” means—

5 (A) a State;

6 (B) the District of Columbia;

7 (C) the Commonwealth of Puerto Rico;

8 (D) Guam;

9 (E) American Samoa; and

10 (F) the United States Virgin Islands.

11 **SEC. ____ 32. STATE ENERGY EFFICIENCY RETROFIT PRO-**
12 **GRAMS.**

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

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

20 (1) the cost-effectiveness of the energy effi-
21 ciency programs;

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

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

1 (4) the development of an effective plan for
2 evaluation, measurement, and verification of energy
3 savings;

4 (5) the inclusion of measures—

5 (A) to reach underserved populations;

6 (B) to provide for independent evaluation
7 and adequate incentives for successful program
8 management; and

9 (C) to leverage private sector funds and
10 use innovative financing methods to implement
11 more comprehensive energy efficiency projects;

12 (6) the effective use of grant funds provided
13 under the American Recovery and Reinvestment Act
14 of 2009; and

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

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

24 (d) HOME EFFICIENCY RETROFITS PROGRAM.—

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

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

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

10 (2) PRESCRIPTIVE OPTION.—

11 (A) IN GENERAL.—A grant provided for
12 the energy retrofit of a home under the pre-
13 scriptive option described in this paragraph
14 shall be made for achieving energy savings from
15 measures—

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

18 (ii) installed in the home.

19 (B) LIST.—Not later than 90 days after
20 the date of enactment of this Act, the Secretary
21 shall establish a list of combinations of energy
22 savings measures that can be implemented by
23 the owner of a home to save at least—

24 (i) 10 percent on whole home energy
25 consumption; and

1 (ii) 20 percent on whole home energy
2 consumption.

3 (C) AMOUNT OF GRANT.—Subject to sub-
4 paragraph (E)(ii), the amount of a grant pro-
5 vided to the owner of a home under this para-
6 graph shall be—

7 (i) \$1,000 for energy savings of 10
8 percent described in subparagraph (B)(i);
9 and

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

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

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

22 (ii) were installed properly.

23 (E) ADMINISTRATION.—The Secretary
24 may—

- 1 (i) discontinue the prescriptive option
2 established under this paragraph at any
3 time after the date that is 1 year after the
4 date of enactment of this Act; and
5 (ii) adjust the amount of grants pro-
6 vided under this paragraph.

7 (3) PERFORMANCE-BASED OPTION.—

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

13 (B) AMOUNT OF GRANT.—Subject to sub-
14 paragraph (E), the amount of a grant provided
15 to the owner of a home under this paragraph
16 shall be—

- 17 (i) \$3,000 for a 20-percent reduction
18 in whole home energy consumption; and
19 (ii) an additional \$150 for each addi-
20 tional 1-percent reduction up to the lower
21 of—

22 (I) \$12,000; or

23 (II) 50 percent of the total ret-
24 rofit cost.

25 (C) ENERGY SAVINGS.—

1 (i) IN GENERAL.—Energy savings
2 under this paragraph shall be determined
3 by a comparison of the energy consump-
4 tion of the home before the retrofit to the
5 consumption of the home after the retrofit.

6 (ii) DOCUMENTATION.—The percent
7 improvement in energy consumption under
8 this paragraph shall be documented
9 through—

10 (I) the use of whole home simula-
11 tion software programs approved by
12 the Administrator; or

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

21 (D) VERIFICATION.—

22 (i) IN GENERAL.—Subject to clause
23 (ii), the Administrator shall ensure that at
24 least 15 percent of the retrofits performed
25 under this paragraph are randomly subject

1 to a third party verification of all work as-
2 sociated with the retrofit.

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

8 (iii) CONTRACTOR CERTIFICATION.—
9 Subject to clause (iv), the Administrator—
10 (I) shall determine the level of
11 contractor certification appropriate
12 for retrofits performed under this
13 paragraph; and

14 (II) may adjust the level in re-
15 sponse to program data.

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

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

1 (e) COMMERCIAL BUILDINGS EFFICIENCY RETRO-
2 FITS PROGRAM.—

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

9 (2) ENERGY SAVINGS.—

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

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

23 (3) INCENTIVES.—

24 (A) IN GENERAL.—The Secretary shall es-
25 tablish the amount and form of the incentives

1 provided under this subsection in a manner that
2 encourages implementation of retrofits that
3 achieve the largest and most durable improve-
4 ments in energy performance.

5 (B) AMOUNT.—

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

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

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

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

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

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

1 (VI) \$2.50 per square foot of ret-
2 rofit floor area for 45 to 49 percent
3 savings; and

4 (VII) \$3.00 per square foot of
5 retrofit floor area for 50 or more per-
6 cent savings.

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

13 (C) TIMING.—

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

23 (ii) REMAINING PAYMENTS.—During
24 the 3-year period beginning on the date of
25 the initial payment under clause (i), the

1 State shall provide to the owner or agent
2 of the commercial building the remaining
3 40 percent of the qualified incentive
4 amount for the retrofit determined under
5 subparagraph (B) for any energy savings
6 of 20 percent or more, with the amount
7 awarded proportionate to the level of sus-
8 tained performance improvement.

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

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

18 (f) REPORT.—

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

24 (2) CONTENTS.—The report shall include a de-
25 scription of—

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

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

6 (C) the specific entities implementing the
7 energy efficiency programs;

8 (D) the beneficiaries who received the effi-
9 ciency improvements;

10 (E) the manner in which funds provided
11 under this section were used;

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

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

20 (H) the results of verification require-
21 ments; and

22 (I) any other information the Secretary
23 considers appropriate.

24 (3) NONCOMPLIANCE.—If the Secretary deter-
25 mines that a State has not provided the information

1 required under this subsection, the Secretary shall
2 provide to the State a period of at least 90 days to
3 provide any necessary information.

4 **SEC. ____ 33. ADMINISTRATIVE AND TECHNICAL SUPPORT.**

5 Subject to section ____ 35(b)(2), not later than 90
6 days after the date of enactment of this Act, the Secretary
7 may provide such administrative and technical support to
8 States as is necessary to carry out this subtitle.

9 **SEC. ____ 34. REGULATIONS.**

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

13 **SEC. ____ 35. FUNDING.**

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

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

19 (1) In the case of State energy efficiency grants
20 programs under section ____ 32:

21 (A) 45 percent for the home efficiency ret-
22 rofits program under section ____ 32(d).

23 (B) 45 percent for the commercial build-
24 ings efficiency retrofits program under section
25 ____ 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 2304c(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 activities in the building,
11 such as houses, office buildings, laboratories, librar-
12 ies, data centers, retail spaces, hotels, food sales,
13 food service, warehouses, and educational facilities.

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

20 (7) COVERED BUILDING TYPE.—The term “cov-
21 ered building type” means a building type for which
22 statistically significant energy performance data
23 exist to serve as the basis of measurement protocols
24 and labeling specifications for building energy use.

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

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

13 (10) MODEL LABELING SPECIFICATION.—The
14 term “model labeling specification” means a speci-
15 fication of the form and content for a model label
16 or other means of information about the energy per-
17 formance for a building, as determined in accord-
18 ance with the applicable measurement protocol.

19 (11) RESIDENTIAL ENERGY CONSUMPTION SUR-
20 VEY.—The term “Residential Energy Consumption
21 Survey” means the Residential Energy Consumption
22 Survey authorized by section 205(k) of the Depart-
23 ment of Energy Organization Act (42 U.S.C.
24 7135(k)).

1 (12) SECRETARY.—The term “Secretary”
2 means the Secretary of Energy.

3 (b) PURPOSES.—The Administrator, in consultation
4 with the Secretary, shall establish a voluntary energy per-
5 formance labeling and information program with broad
6 applicability to residential and commercial buildings na-
7 tionwide—

8 (1) to make energy performance more visible in
9 the market and more relevant to investment and op-
10 erating decisions;

11 (2) to provide timely and accurate information
12 on comparative energy performance; and

13 (3) to increase public awareness of the impor-
14 tance of building energy efficiency and energy per-
15 formance through public education.

16 (c) BUILDING TYPE DETERMINATION FOR ASSESS-
17 MENT OF ENERGY PERFORMANCE.—

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

21 (A) all principal building types for which
22 statistically significant energy performance data
23 exists to serve as the basis for building energy
24 performance benchmarks and model labels; and

1 (B) those building types for which addi-
2 tional data are required to serve as the basis.

3 (2) ADDITIONAL RESOURCES AND REPORTS.—

4 (A) IN GENERAL.—For each principal
5 building type identified under paragraph
6 (1)(B), the Secretary shall include a description
7 of—

8 (i) additional resources that will be re-
9 quired to fully develop the relevant data-
10 bases; and

11 (ii) the anticipated timeline for com-
12 pletion of the data development.

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

19 (d) IMPROVING BUILDING ENERGY CONSUMPTION
20 DATABASES.—

21 (1) COMMERCIAL BUILDINGS ENERGY CON-
22 SUMPTION SURVEY.—The Secretary shall support
23 improvements to the Commercial Buildings Energy
24 Consumption Survey or such other commercial build-

1 ings energy performance databases as the Secretary
2 considers appropriate—

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

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

15 (2) RESIDENTIAL ENERGY CONSUMPTION SUR-
16 VEY.—The Secretary shall support similar improve-
17 ments to the Residential Energy Consumption Sur-
18 vey, or such other residential energy performance
19 databases as the Secretary considers appropriate, to
20 enable the development of achieved performance
21 measurement protocols for residential building en-
22 ergy use that cover at least 90 percent of all residen-
23 tial building energy use not later than 5 years after
24 the date of enactment of this Act.

1 (e) ENERGY PERFORMANCE MEASUREMENT PROTO-
2 COLS AND MODEL LABELING SPECIFICATIONS.—

3 (1) MEASUREMENT PROTOCOLS.—Not later
4 than 2 years after identifying a covered building
5 type, the Administrator shall, after providing notice
6 and soliciting public comment, establish—

7 (A) an achieved performance measurement
8 protocol;

9 (B) a designed performance measurement
10 protocol; and

11 (C) procedures for collecting and updating
12 information in accordance with the measure-
13 ment protocols established under this sub-
14 section.

15 (2) MODEL LABEL CONTENTS.—After providing
16 notice and soliciting public comment, the Adminis-
17 trator shall—

18 (A) establish 1 or more model labeling
19 specification formats that—

20 (i) display achieved performance and
21 designed performance;

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

1 (iii) display other desired information
2 related to building energy performance;
3 and

4 (B) provide for the display of both
5 achieved performance and designed performance
6 for a building, other than in a case in which
7 data are not available, practicable, or cost effective.
8

9 (3) EXISTING PROGRAMS.—In developing model
10 labeling specifications under this subsection, the Ad-
11 ministrator shall consider existing programs, includ-
12 ing—

13 (A) the Energy Star Portfolio Manager
14 program of the Environmental Protection Agen-
15 cy, and the Home Energy Rating System
16 (HERS) II program Custom Approach of the
17 State of California, for the achieved perform-
18 ance component of the label;

19 (B) the Home Energy Rating System
20 (HERS) Index system for the designed per-
21 formance component of the label; and

22 (C) existing public and private programs
23 for building energy performance labeling, in-
24 cluding programs outside of the United States.

1 (4) ESTABLISHMENT OF MODEL LABEL.—After
2 providing for appropriate notice and comment, the
3 Administrator shall publish the final specifications
4 for establishing the labels applicable to covered
5 building types.

6 (5) PROGRAM REVIEW.—At least once every 5
7 years, the Administrator shall review, and as nec-
8 essary, modify the building energy performance la-
9 beling program.

10 (f) DEMONSTRATION PROJECTS FOR LABELING PRO-
11 GRAM.—

12 (1) IN GENERAL.—The Administrator, in con-
13 sultation with the Secretary shall conduct building
14 energy performance labeling demonstration projects
15 for different building types to evaluate the suffi-
16 ciency of the model labeling specification and of
17 measurement protocols and evaluate other alter-
18 natives proposed by State or local agencies, utilities,
19 or other implementing organizations—

20 (A) to identify additional or improved data
21 needed from the existing Energy Consumption
22 Survey or other data sources, including data
23 from other labeled buildings, to serve as the
24 basis for new measurement protocols and

1 benchmarks for designed performance and
2 achieved performance;

3 (B) to inform the development of measure-
4 ment protocols for additional building types;

5 (C) to identify any additional data, ele-
6 ments, and procedures that are needed to en-
7 sure effective use of the model label;

8 (D) to test label designs with typical users
9 and evaluate the effectiveness of the building
10 energy labeling programs in communicating rel-
11 ative energy performance;

12 (E) to test different methods and times of
13 disclosure of building energy performance
14 benchmarks, model labels, and related informa-
15 tion; and

16 (F) to examine other energy performance
17 disclosure methods, such as utility bills, real-
18 time displays, and information about individual
19 energy-using systems.

20 (2) BUILDING TYPES.—Demonstration projects
21 under this subsection shall include—

22 (A) buildings located in diverse geo-
23 graphical and climate regions;

24 (B) buildings located in urban and rural
25 areas; and

1 (C) public and private sector buildings.

2 (3) BUILDING TYPES.—In carrying out this
3 subsection, the Administrator or the Secretary shall
4 conduct at least 1 demonstration project for each of
5 the following building types:

6 (A) Single family residential buildings.

7 (B) Multifamily residential building with
8 more than 50 units, including at least 1 project
9 that provides affordable housing to individuals
10 of diverse incomes.

11 (C) Single occupant commercial buildings
12 that are larger than 30,000 square feet.

13 (D) Multitenant commercial buildings that
14 are larger than 30,000 square feet.

15 (4) PRIORITY.—In selecting demonstration
16 projects under this subsection, the Administrator, in
17 consultation with the Secretary, shall give priority to
18 projects that facilitate large-scale implementation of
19 the labeling program for samples of buildings across
20 neighborhoods, geographic regions, cities, or States.

21 (5) ZERO-NET ENERGY COMMERCIAL BUILD-
22 INGS INITIATIVE.—The Secretary shall coordinate
23 demonstration projects under this subsection and the
24 labeling program under this section with the Zero-
25 Net Energy Commercial Buildings Initiative estab-

1 lished under section 422 of the Energy Independ-
2 ence and Security Act of 2007 (42 U.S.C. 17082).

3 (g) PUBLIC OUTREACH.—In consultation with the
4 Administrator and in conjunction with other energy effi-
5 ciency awareness efforts, the Secretary shall establish a
6 business and consumer education program to increase
7 awareness of the importance of building energy efficiency
8 and the availability of building energy performance infor-
9 mation, to facilitate widespread use of building energy per-
10 formance labeling.

11 (h) STATE AND LOCAL IMPLEMENTATION OF MODEL
12 ENERGY PERFORMANCE LABELING PROGRAMS.—

13 (1) KEY ELEMENTS.—The Secretary shall pro-
14 vide assistance to States and local governments to
15 implement a model energy performance labeling pro-
16 gram for covered building types that—

17 (A) makes information on building energy
18 performance accessible to new and prospective
19 owners, lenders, tenants, occupants, and other
20 relevant parties;

21 (B) uses the applicable model labels estab-
22 lished under subsection (e) or alternative meas-
23 urement and labeling approaches approved by
24 the Administrator; and

25 (C) is designed to achieve—

1 (i) not later than 5 years after the
2 date of establishment of a labeling pro-
3 gram, the labeling of at least 30 percent of
4 the stock of covered building types built
5 before the establishment of the program;

6 (ii) not later than 5 years after the
7 date of establishment of a labeling pro-
8 gram, the labeling of at least 90 percent of
9 the stock of covered building types built
10 after the establishment of the program;
11 and

12 (iii) not later than January 1, 2020,
13 the labeling of at least 90 percent of all
14 covered building types.

15 (2) GUIDANCE AND COORDINATION WITH
16 STATES.—The Secretary shall—

17 (A) coordinate with State energy offices or
18 other State agencies to assist in the implemen-
19 tation of a model building energy labeling pro-
20 gram consistent with paragraph (1);

21 (B) coordinate with appropriate local and
22 county offices to assist in the implementation of
23 a model building energy labeling program con-
24 sistent with paragraph (1);

1 (C) provide technical assistance, guidance,
2 and best practices for implementation of label-
3 ing programs designed to achieve the goals de-
4 scribed in paragraph (1)(B); and

5 (D) provide a grant for initial program ad-
6 ministration to a State that implements a label-
7 ing program.

8 (3) PROGRESS REPORT.—Not later than 3
9 years after the date of enactment of this Act, the
10 Secretary shall submit to Congress a progress report
11 that—

12 (A) evaluates the effectiveness of efforts to
13 advance use of the labeling program by States
14 and units of local government; and

15 (B) recommends any further steps that are
16 necessary to broaden the use of the program by
17 States and units of local government.

18 (4) AUTHORITY.—After submitting the progress
19 report, the Secretary may—

20 (A) act on recommendations in the report;
21 and

22 (B) take such other steps as necessary to
23 broaden the use of the labeling program by
24 States and units of local government, including

1 the advancement of additional requirements and
2 incentives.

3 (i) IMPLEMENTATION OF LABELING IN PUBLIC
4 BUILDINGS.—

5 (1) FEDERAL BUILDINGS.—

6 (A) IN GENERAL.—Not later than 3 years
7 after the date of enactment of this Act, each
8 Federal agency owning or operating buildings
9 of covered building types shall provide for the
10 labeling of at least—

11 (i) 30 percent of covered buildings
12 built before the final rule establishing the
13 labeling program; and

14 (ii) 90 percent of the stock of covered
15 building types built after the establishment
16 of the program.

17 (B) GUIDELINES.—The Secretary shall de-
18 velop guidelines for the implementation of Fed-
19 eral building labeling programs.

20 (2) STATE AND UNITS OF LOCAL GOVERNMENT
21 BUILDINGS.—

22 (A) IN GENERAL.—Effective beginning on
23 the date that is 3 years after the date of enact-
24 ment of this Act, any newly constructed build-
25 ing to be owned by a State, county, or local

1 government that is a covered building and re-
2 ceives Federal financial assistance shall be re-
3 quired to use the model label provided for under
4 this section.

5 (B) INFORMATION.—The Secretary shall
6 provide information concerning the labeling pro-
7 gram for Federal buildings (including informa-
8 tion on the results, best practices, accom-
9 panying analysis, and implementation) to States
10 and units of local governments for adaptation
11 and adoption, at the discretion of the States
12 and units of local government, as soon as prac-
13 ticable after the date of enactment of this Act.

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

17 **SEC. 52. EVALUATION, MEASUREMENT, AND**
18 **VERIFICATION OF ENERGY SAVINGS.**

19 (a) DEFINITIONS.—In this section:

20 (1) EVALUATION.—The term “evaluation”
21 means the performance of studies and activities to
22 determine—

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

24 (B) changes in energy efficiency markets;

1 (C) levels of demand or energy savings;
2 and

3 (D) program cost-effectiveness.

4 (2) IMPACT EVALUATION.—The term “impact
5 evaluation” means the evaluation of the program or
6 project-specific, directly induced changes in energy
7 savings and greenhouse gas emissions reductions at-
8 tributable to a program or project.

9 (3) MEASUREMENT AND VERIFICATION.—The
10 term “measurement and verification” means data
11 collection, monitoring, and analysis associated with
12 the calculation of total energy and demand savings
13 from individual sites or projects, including as a part
14 of an impact evaluation.

15 (b) RULES.—Not later than 2 years after the date
16 of enactment of this Act, the Secretary shall promulgate
17 uniform rules to document the energy savings and avoided
18 greenhouse gas emissions of energy efficiency programs
19 and projects that—

20 (1) receive funding from Federal, State, or local
21 governments or public utilities;

22 (2) require specific levels of energy reductions;
23 and

24 (3) are eligible for allowances or allowance pro-
25 ceeds based on energy savings and greenhouse gas

1 emissions reductions under climate change regula-
2 tions.

3 (c) REQUIREMENTS.—

4 (1) IN GENERAL.—In developing rules under
5 subsection (b), the Secretary shall ensure, to the
6 maximum extent practicable, that the rules—

7 (A) are enforceable;

8 (B) give reasonable assurance that energy
9 savings and avoided greenhouse gas emission
10 from energy efficiency programs and projects
11 are verifiable and additional;

12 (C) are complete and transparent;

13 (D) balance risk management, certainty of
14 estimated impacts, and implementation costs;
15 and

16 (E) provide sufficient direction relating to
17 methodologies and assumptions (including
18 additionality, market transformation impacts,
19 and measure persistence) to ensure—

20 (i) reasonable uniformity among var-
21 ious States and entities; and

22 (ii) consistency in results.

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

- 1 (A) consider and harmonize the rules with
- 2 existing domestic and international protocols
- 3 wherever practicable; and
- 4 (B) consult with States, utilities, and other
- 5 appropriate stakeholders.