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Subtitle C—Building Efficiency

PART I—BUILDING CODES

SEC. 241. 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:

"SEC. 304. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.

"(a) UPDATING NATIONAL MODEL BUILDING ENERGY CODES.—

"(1) TARGETS.—

"(A) IN GENERAL.—The Secretary shall support updating the national model building energy codes and standards at least every 3 years to achieve overall energy savings, compared to the 2006 IECC for residential buildings and ASHRAE Standard 90.1–2004 for commercial buildings, of at least—

"(i) 30 percent in editions of each model code or standard released during or after 2010; and

"(ii) 50 percent in editions of each model code or standard released during or after 2016.

"(B) SPECIFIC YEARS.—

"(i) IN GENERAL.—Targets for specific years shall be set by the Secretary at least 3 years in advance of each target year, coordinated with the IECC and ASHRAE Standard 90.1 cycles, at the maximum level of energy efficiency that is technologically feasible and life-cycle cost effective and on a path to achieving net-zero-energy buildings.

"(ii) DIFFERENT TARGET YEARS.—Subject to paragraph (2)(D), prior to 2013, the Secretary may set a different target year for 1 or both model codes described in subparagraph (A) if the Secretary determines that a 50 percent target cannot be met in 2016.

"(C) TECHNICAL ASSISTANCE TO MODEL CODE-SETTING AND STANDARD DEVELOPMENT ORGANIZATIONS.—

"(i) IN GENERAL.—The Secretary shall, on a timely basis, provide technical assistance to model code-setting and standard development organizations.

"(ii) ASSISTANCE.—The assistance shall include technical assistance as requested by the organizations in—

"(I) evaluating code or standards proposals or revisions;

"(II) building energy analysis and design tools;

"(III) building demonstrations; and

"(IV) design assistance and training.

"(D) AMENDMENT PROPOSALS.—The Secretary shall submit code and standard amendment proposals, with supporting evidence, sufficient to enable the national model building energy codes and standards to meet the targets established under subparagraph (A).

"(2) REVISION OF BUILDING ENERGY USE STANDARDS.—

"(A) IN GENERAL.—If the provisions of the IECC or ASHRAE Standard 90.1 regarding building energy use are revised, the Secretary shall make a determination not later than 1 year after the date of the revision, on whether the revision will—

"(i) improve energy efficiency in buildings; and

"(ii) meet the targets under paragraph (1).

"(B) CODES OR STANDARDS NOT MEETING TARGETS.—

"(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (A)(ii) that a code or standard does not meet the targets established under paragraph (1), not later than 1 year after the date of the determination, the Secretary shall provide the model code or standard developer with proposed changes that would result in a model code that meets the targets.

"(ii) INCORPORATION OF CHANGES.—On receipt of the proposed changes, the model code or standard developer shall have an additional 180 days to incorporate the proposed changes into the model code or standard.

"(iii) ESTABLISHMENT BY SECRETARY.—If the proposed changes are not incorporated into the model code or standard, the Secretary shall establish a modified code or standard that meets the established targets.

"(iv) ADMINISTRATION.—Any code or standard modified under this subparagraph 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

"(III) serve as the baseline for the next determination under subparagraph (A)(i).

"(C) CODES OR STANDARDS NOT UPDATED 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.

"(ii) REQUIREMENTS.—Any modified code or standard shall—

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

"(II) be based on the latest revision of the IECC or ASHRAE Standard 90.1, including any amendments or additions to the code or standard, but may also consider other model codes or standards; and

"(III) serve as the baseline for the next determination under subparagraph (A)(i).

"(D) ADMINISTRATION.—The Secretary shall—

"(i) provide an opportunity for public comment on targets, determinations, and modified codes and standards under this subsection; and

"(ii) publish notice of targets, determinations, and modified codes and standards under this subsection in the Federal Register.

"(b) STATE CERTIFICATION OF BUILDING ENERGY CODE UPDATES.—

"(1) REVIEW AND UPDATING OF CODES BY EACH STATE.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of the American Clean Energy Leadership Act of 2009, each State shall certify to the Secretary whether or not the State has reviewed and updated the provisions of the residential and commercial building codes of the State regarding energy efficiency.

"(B) DEMONSTRATION.—The certification shall include a demonstration that the code provisions of the State—

"(i) meet or exceed the 2009 IECC for residential buildings and the ASHRAE Standard 90.1–2007 for commercial buildings; or

"(ii) achieve equivalent or greater energy savings.

"(2) REVIEW AND UPDATING OF CODES BASED ON DETERMINATION OF SECRETARY.—

"(A) DETERMINATION OF IMPROVEMENT OF ENERGY EFFICIENCY IN BUILDINGS; MODIFIED CODES OR STANDARDS.—

"(i) IN GENERAL.—If the Secretary makes an affirmative determination under subsection (a)(2)(A)(i) or establishes a modified code or standard under subsection (a)(2)(B), each State shall, not later than 2 years after the date of the determination or establishment, certify whether or not the State has reviewed and updated the provisions of the building code of the State regarding energy efficiency.

"(ii) DEMONSTRATION.—The certification shall include a demonstration that the code provisions of the State meet or exceed the revised code or standard, or achieve equivalent or greater energy savings.

"(B) NO DETERMINATION OF IMPROVEMENT OF ENERGY EFFICIENCY IN BUILDINGS.—If the Secretary fails to make a determination under subsection (a)(2)(A)(i) by the date specified in subsection (a)(2), or makes a negative determination, each State shall not later than 2 years after the specified date or the date of the determination, certify whether or not the State has reviewed the revised code or standard, and updated the provisions of the building code of the State regarding energy efficiency to meet or exceed any provisions found to improve energy efficiency in buildings, or to achieve equivalent or greater energy savings in other ways.

"(c) STATE CERTIFICATION OF COMPLIANCE WITH BUILDING CODES.—

"(1) REQUIREMENT.—

"(A) IN GENERAL.—Not later than 3 years after the date of a certification under subsection (b), each State shall certify whether or not the State has—

"(i) achieved compliance under paragraph (3) with the certified State building energy code or with the associated model code or standard; or

"(ii) made significant progress under paragraph (4) toward achieving compliance with the certified State building energy code or with the associated model code or standard.

"(B) REPEAT CERTIFICATIONS.—If the State certifies progress toward achieving compliance, the State shall repeat the certification each year until the State certifies that the State has achieved compliance.

"(2) MEASUREMENT OF COMPLIANCE.—A certification under paragraph (1) shall include documentation of the rate of compliance based on—

"(A) independent inspections of a random sample of the new and renovated buildings covered by the code in the preceding year; or

"(B) an alternative method that yields an accurate measure of compliance.

"(3) ACHIEVEMENT OF COMPLIANCE.—

"(A) IN GENERAL.—A State shall be considered to achieve compliance under paragraph (1) if—

"(i) at least 90 percent of new and renovated building space covered by the code in the preceding year substantially meets all the requirements of the code regarding energy efficiency, or achieves an equivalent energy savings level; or

"(ii) the estimated excess energy use of new and renovated buildings that did not meet the code in the preceding year, compared to a baseline of comparable buildings that meet the code, is not more than 5 percent of the estimated energy use of all new and renovated buildings covered by the code during the preceding year.

"(B) RENOVATED BUILDINGS.—If the Secretary determines that the percentage targets under subparagraph (A) are not reasonably achievable for renovated residential or commercial buildings, the Secretary may reduce the targets for the renovated buildings to the highest achievable level.

"(4) SIGNIFICANT PROGRESS TOWARD ACHIEVEMENT OF COMPLIANCE.—

"(A) IN GENERAL.—A State shall be considered to have made significant progress toward achieving compliance for purposes of paragraph (1) if the State—

"(i) has developed and is implementing a plan for achieving compliance within 8 years, assuming continued adequate funding, including active training and enforcement programs;

"(ii) after 1 or more years of adequate funding, has demonstrated progress, in conformance with the plan described in clause (i), toward compliance;

"(iii) after 5 or more years of adequate funding, meets the requirements of paragraph (3) if '80 percent' is substituted for '90 percent' or '10 percent' is substituted for '5 percent'; and

"(iv) has not had more than 8 years of adequate funding.

"(B) ADEQUATE FUNDING.—For purposes of this paragraph, funding shall be considered adequate if the Federal Government provides to the States at least $50,000,000 for a fiscal year in funding and support for development and implementation of State building energy codes, including for training and enforcement.

"(C) TECHNICAL ASSISTANCE TO STATES.—The Secretary shall provide technical assistance to States to implement the requirements of this section, including procedures for States—

"(i) to demonstrate that the code provisions of the States achieve equivalent or greater energy savings than the national model codes and standards; and

"(ii) to improve and implement State residential and commercial building energy efficiency codes or to otherwise promote the design and construction of energy efficient buildings.

"(D) VOLUNTARY ADVANCED CODES.—

"(i) IN GENERAL.—The Secretary shall support the development of voluntary advanced model codes and standards for residential and commercial buildings that achieve energy savings of at least 30 percent compared to the national model building codes and standards.

"(ii) UPDATES.—The voluntary advanced model codes and standards shall be updated at least once every 3 years, for use in—

"(I) green building design;

"(II) voluntary and market transformation programs;

"(III) incentive criteria; and

"(IV) voluntary adoption by States.

"(iii) PREFERENCE.—In carrying out this subparagraph, the Secretary shall give preference to voluntary advanced model codes and standards developed by the International Code Council and by ASHRAE.

"(d) FAILURE TO MEET DEADLINES.—

"(1) IN GENERAL.—A State that has not made a certification required under subsection (b) or (c) by the applicable deadline shall submit to the Secretary a report on—

"(A) the status of the State with respect to meeting the requirements and submitting the certification; and

"(B) a plan for meeting the requirements and submitting the certification.

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

"(3) LOCAL GOVERNMENT.—In any State that is out of compliance with this section, a local government may be considered in compliance with this section by meeting the certification requirements under subsections (b) and (c).

“(4) ANNUAL REPORTS BY SECRETARY.—

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

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

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

“(iii) implementation of this section.

“(B) IMPACTS.—The report shall include estimates of impacts of past action under this section, and potential impacts of further action, on lifetime energy use by buildings and resulting energy costs to individuals and businesses.

“(e) AVAILABILITY OF INCENTIVE FUNDING.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—The Secretary shall provide incentive funding to States to implement the requirements of this section, and to improve and implement State residential and commercial building energy efficiency codes, including increasing and verifying compliance with the codes.

"(B) STATE ACTIONS.—In determining whether, and in what amount, to provide incentive funding under this subsection, the Secretary shall consider the actions proposed by the State—

"(i) to implement the requirements of this section;

"(ii) to improve and implement residential and commercial building energy efficiency codes; and

"(iii) to promote building energy efficiency through the use of the codes.

"(2) ADDITIONAL FUNDING.—Additional funding shall be provided under this subsection for implementation of a plan to achieve and document at least a 90 percent rate of compliance with residential and commercial building energy efficiency codes, based on energy performance—

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

"(i) a residential building energy efficiency code that meets or exceeds the requirements of the 2009 IECC, or any succeeding version of that code that has received an affirmative determination from the Secretary under subsection (a)(2)(A)(i); and

"(ii) a commercial building energy efficiency code that meets or exceeds the requirements of the ASHRAE Standard 90.1–2007, or any succeeding version of that standard that has received an affirmative determination from the Secretary under subsection (a)(2)(A)(i); or

"(B) in a State in which there is no Statewide energy code for either residential buildings or commercial buildings, or in which State codes fail to comply with subparagraph (A), to a local government that has adopted and is implementing residential and commercial building energy efficiency codes, as described in subparagraph (A).

"(3) TRAINING.—Of the amounts made available under this subsection, the State may use amounts required, but not to exceed $500,000 for a State, to train State and local building code officials to implement and enforce codes described in paragraph (2).

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

"(A) $100,000,000 for each of fiscal years 2009 through 2013; and

"(B) such sums as are necessary for fiscal year 2014 and each fiscal year thereafter.".

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

"(17) IECC.—The term 'IECC' means the International Energy Conservation Code.".

SEC. 242. MULTIFAMILY AND MANUFACTURED HOUSING ENERGY EFFICIENCY GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means a State or local government agency or nonprofit organization that implements energy efficiency programs to increase energy efficiency in multifamily buildings or manufactured housing.

(2) ENERGY EFFICIENCY PROGRAM.—The term "energy efficiency program" means a program designed to increase energy efficiency in multifamily buildings and manufactured housing through financial incentives, building renovation and construction,

appliance retrofits, or other means, as determined by an eligible entity.

(3) ENERGY STAR PROGRAM.—The term ''Energy Star program'' means the program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a).

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

(5) MULTIFAMILY BUILDING.—The term ''multifamily building'' means a structure with 5 or more dwelling units.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the ''Multifamily and Manufactured Housing Energy Efficiency Grant Program'', under which the Secretary shall provide grants to eligible entities to carry out energy efficiency programs in accordance with this section.

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

(1) demonstrates an innovative approach to energy efficiency;

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

(3) maximizes energy efficiency potential for recipients;

(4) prioritizes recipients with the greatest financial need;

(5) prioritizes efficiency programs with high levels of matching funds;

(6) maintains geographical diversity in allocating grants; and

(7) is replicable.

(d) GRANTS.—The Secretary shall make grants to eligible entities to implement energy efficiency program under this section through—

(1) in the case of multifamily buildings—

(A) renovation of multifamily buildings; and

(B) encouragement and recommendations for replacement of appliances, equipment, and systems with low energy efficiency with appliances, equipment, and systems that meet criteria established under the Energy Star program;

(2) in the case of manufactured housing, rebates to owners of manufactured housing constructed before calendar year 1976 to assist the owners in replacing the manufactured housing with manufactured housing that meets criteria established under the Energy Star program; and

(3) other innovative approaches, as determined by the eligible entities and approved by the Secretary.

(e) ADMINISTRATION.—An eligible entity that receives a grant under this section shall—

(1) maintain such records and evidence of compliance as the Secretary may require;

(2) develop and distribute information and materials and conduct programs to provide technical services and assistance to encourage planning, financing, and design of energy-efficient multifamily buildings or manufactured housing; and

(3) report publicly the results of a project conducted under this section to enable other eligible entities to learn from each project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 243. BUILDING TRAINING AND ASSESSMENT CENTERS.

(a) IN GENERAL.—The Secretary of Energy shall provide grants to institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) to establish building training and assessment centers—

(1) to identify opportunities for optimizing energy efficiency and environmental performance in buildings;

(2) to promote the application of emerging concepts and technologies in commercial and institutional buildings;

(3) to train engineers, architects, building scientists, building energy permitting and enforcement officials, and building technicians in energy-efficient design and operation;

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

(5) to promote research and development for the use of alternative energy sources to supply heat and power for buildings, particularly energy-intensive buildings; and

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

(b) COORDINATION AND NONDUPLICATION.—

(1) IN GENERAL.—The Secretary shall coordinate the program with the Industrial Assessment Centers program established under this Act and with other Federal programs to avoid duplication of effort.

(2) COLLOCATION.—To the maximum extent practicable, building, training, and assessment centers established under this section shall be collocated with Industrial Assessment Centers.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

PART II—WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS

SEC. 251. WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the double periods at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) $1,700,000,000 for each of fiscal years 2011 through 2015.".

PART III—STATE ENERGY PROGRAM

SEC. 255. STATE ENERGY PROGRAM.

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

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

PART IV—STATE ENERGY EFFICIENCY GRANTS PROGRAM

SEC. 261. DEFINITIONS.

In this part:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency, acting in consultation with the Secretary.

(2) ANSI.—The term "ANSI" means the American National Standards Institute.

(3) ASHRAE.—The term "ASHRAE" means the American Society of Heating, Refrigerating and Air Conditioning Engineers.

(4) BUILDING ENERGY CODE POLICY.—The term "building energy code policy" means a policy that provides—

(A) a building energy code for residential buildings throughout a State that meets or exceeds the 2009 International Energy Conservation Code;

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

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

(i) active training and enforcement programs; and

(ii) measurement of the rate of compliance each year.

(5) COMMERCIAL BUILDING.—The term ''commercial building'' means a building that is—

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

(B) located in the United States; and

(C) constructed before the date of enactment of this Act.

(6) ELECTRIC UTILITY.—The term ''electric utility'' means any individual, entity, or State agency that distributes electricity directly to retail consumers pursuant to a legal, regulatory, or contractual obligation.

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

(8) HOME.—The term ''home'' means a principal residential dwelling unit that is—

(A) located in the United States; and

(B) constructed before the date of enactment of this Act.

(9) IESNA.—The term ''IESNA'' means the Illuminating Engineering Society of North America.

(10) NATURAL GAS UTILITY.—The term ''natural gas utility'' means any individual, entity, or State agency engaged in the local distribution of natural gas to any ultimate consumer of natural gas.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, acting in consultation with the Administrator.

(12) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa; and

(F) the United States Virgin Islands.

SEC. 262. STATE ENERGY EFFICIENCY RETROFIT PROGRAMS.

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

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

(1) the cost-effectiveness of the energy efficiency programs;

(2) the number and quality of jobs created;

(3) the quantity of energy and water saved;

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

(5) the inclusion of measures—

(A) to reach underserved populations;

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

(C) to leverage private sector funds and use innovative financing methods to implement more comprehensive energy efficiency projects, including the methods described in section 266;

(6) the effective use of grant funds provided under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5); and

(7) progress on the adoption and implementation of the building energy code policies.

(c) IMPLEMENTATION.—A State that receives a grant to carry out an energy efficiency program under this section may implement the program through the State or a third party designated by the State, including an energy service company, an electric utility, a natural gas utility, a third party administrator designated by the State, or a unit of local government.

(d) HOME EFFICIENCY RETROFITS PROGRAM.—

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

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

(B) the performance-based option described in paragraph (3).

(2) PRESCRIPTIVE OPTION.—

(A) IN GENERAL.—A grant provided for the energy retrofit of a home under the prescriptive option described in this paragraph shall be made for achieving energy savings from measures—

(i) selected from a prescriptive list established under subparagraph (B); and

(ii) installed in the home.

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

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

(ii) 20 percent on whole home energy consumption.

(C) AMOUNT OF GRANT.—Subject to subparagraph (E)(ii), the amount of a grant provided to the owner of a home under this paragraph shall be—

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

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

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

(i) are described on the list established under subparagraph (B); and

(ii) were installed properly.

(E) ADMINISTRATION.—The Secretary may—

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

(ii) adjust the amount of grants provided under this paragraph.

(3) PERFORMANCE-BASED OPTION.—

(A) IN GENERAL.—A grant provided for the energy retrofit of a home under the performance-based option described in this paragraph shall be made for retrofits that achieve whole home energy savings.

(B) AMOUNT OF GRANT.—Subject to subparagraph (E), the amount of a grant provided to the owner of a home under this paragraph shall be—

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

(ii) an additional $150 for each additional 1-percent reduction up to the lower of—

(I) $12,000; or

(II) 50 percent of the total retrofit cost.

(C) ENERGY SAVINGS.—

(i) IN GENERAL.—Energy savings under this paragraph shall be determined by a comparison of the energy consumption of the home before the retrofit to the consumption of the home after the retrofit.

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

(I) the use of whole home simulation software programs approved by the Administrator; or

(II) a comparison of the difference before and after the retrofit as measured by home energy ratings on the Home Energy Rating System Index as specified in the Residential Energy Services Network Publication No. 06–001 (or a successor publication).

(D) VERIFICATION.—

(i) IN GENERAL.—Subject to clause (ii), the Administrator shall ensure that at least 15 percent of the retrofits performed under this paragraph are randomly subject to a third party verification of all work associated with the retrofit.

(ii) ADJUSTMENT.—On or after the date that is 1 year after the date of enactment of this Act, the Administrator may adjust the percentage specified under clause (i) based on program experience.

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

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

(II) may adjust the level in response to program data.

(iv) ADVANCED CONTRACTOR CERTIFICATIONS.—The Secretary may develop an additional incentive for advanced contractor certifications under clause (iii).

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

(e) COMMERCIAL BUILDINGS EFFICIENCY RETROFITS PROGRAM.—

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

(2) ENERGY SAVINGS.—

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

(B) BENCHMARKING TOOL.—The energy savings shall be determined by using an established energy benchmarking tool designated by the Administrator.

(3) INCENTIVES.—

(A) IN GENERAL.—The Secretary shall establish the amount and form of the incentives provided under this subsection in a manner that encourages implementation of retrofits that achieve the largest and most durable improvements in energy performance.

(B) AMOUNT.—

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

(I) $0.15 per square foot of retrofit floor area for 20 to 24 percent savings;

(II) $0.75 per square foot of retrofit floor area for 25 to 29 percent savings;

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

(IV) $1.60 per square foot of retrofit floor area for 35 to 39 percent savings;

(V) $2.05 per square foot of retrofit floor area for 40 to 44 percent savings;

(VI) $2.50 per square foot of retrofit floor area for 45 to 49 percent savings; and

(VII) $3.00 per square foot of retrofit floor area for 50 or more percent savings.

(ii) MODIFICATION.—The Secretary may modify the amount and form of incentives provided under this subsection based on data gathered during program implementation, including the development of incentives for particular building types.

(C) TIMING.—

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

(ii) REMAINING PAYMENTS.—During the 3-year period beginning on the date of the initial payment under clause (i), the State shall provide to the owner or agent of the commercial building the remaining 40 percent of the qualified incentive amount for the retrofit determined under subparagraph (B) for any energy savings of 20 percent or more, with the amount awarded proportionate to the level of sustained performance improvement.

(iii) MINIMUM IMPROVEMENTS.—No incentives shall be provided under this subsection for sustained performance improvements of less than 20 percent, as determined by annual audits.

(iv) DISCLOSURE.—The Secretary may require such information as is necessary to determine energy performance under this subsection.

(f) HISTORIC BUILDINGS.—Notwithstanding subsections (d) and (e), a building that is eligible for or listed in the National Register of Historic Places shall be eligible for incentives under this section in amounts of up to 120 percent of the applicable amounts described in subsections (d) and (e).

(g) REPORT.—

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

(2) CONTENTS.—The report shall include a description of—

(A) the measured and verified energy savings produced under this section;

(B) the projected energy savings under this section during the subsequent 1-year period;

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

(D) the beneficiaries who received the efficiency improvements;

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

(F) the sources (such as mortgage lenders, utility companies, and local governments) and types of financing used by the beneficiaries to finance the retrofit expenses that were not covered by grants provided in this part;

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

(H) the results of verification requirements; and

(I) any other information the Secretary considers appropriate.

(3) NONCOMPLIANCE.—If the Secretary determines that a State has not provided the information required under this subsection, the Secretary shall provide to the State a period of at least 90 days to provide any necessary information.

SEC. 263. ADMINISTRATIVE AND TECHNICAL SUPPORT.

Subject to section 265(b)(2), not later than 90 days after the date of enactment of this Act, the Secretary may provide such administrative and technical support to States as is necessary to carry out this part.

SEC. 264. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this part.

SEC. 265. FUNDING.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this part for each of fiscal years 2010 through 2015.

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

(1) In the case of State energy efficiency grants programs under section 262:

(A) 45 percent for the home efficiency retrofits program under section 262(d).

(B) 45 percent for the commercial buildings efficiency retrofits program under section 262(e).

(C) 10 percent to provide administrative and technical support to the States to carry out this part.

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

(1) 10 percent of the funds provided for a fiscal year under this part for administration of programs under this part; and

(2) 5 percent of the funds provided for a fiscal year under part for measurement and verification.

SEC. 266. HOME ENERGY RETROFIT FINANCE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTICIPANT.—The term ''eligible participant'' means a homeowner, apartment complex owner, residential cooperative association, or condominium association that finances energy efficiency improvements to homes and residential buildings under this section.

(2) PROGRAM.—The term ''program'' means the Home Energy Retrofit Finance Program established under subsection (b).

(3) QUALIFIED PROGRAM DELIVERY ENTITY.—The term ''qualified program delivery entity'' means a local government, energy utility, or any other entity designated by the Secretary that administers the program for a State under this section.

(b) ESTABLISHMENT.—The Secretary shall provide Home Energy Retrofit Finance Program grants to States for the purpose of establishing or expanding a State revolving finance fund to support financing offered by qualified program delivery entities for energy efficiency measures and renewable energy improvements to existing homes and residential buildings (including apartment complexes, residential cooperative associations, and condominium buildings under 5 stories).

(c) FUNDING MECHANISM.—In carrying out the program, the Secretary shall provide funds to States, for use by qualified program delivery entities that administer finance programs directly or under agreements with collaborating third party entities, to capitalize revolving finance funds and increase participation in associated financing programs.

(d) ELIGIBILITY OF QUALIFIED PROGRAM DELIVERY ENTITIES.—To be eligible to participate in the program, a qualified program delivery entity shall establish a method by which eligible participants may pay over time for the financed cost of allowable energy efficiency measures and renewable energy improvements.

(e) ALLOCATION.—In making funds available to States for each fiscal year under this section, the Secretary shall use the allocation formula used to allocate funds to States to carry out State energy conservation plans under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(f) USE OF FUNDS.—Of the amounts in a State revolving finance fund—

(1) not more than 20 percent may be used by qualified program delivery entities for interest rate reductions for eligible participants; and

(2) the remainder shall be available to provide direct funding or other financial support to qualified program delivery entities.

(g) STATE REVOLVING FINANCE FUNDS.—On repayment of any funds made available by qualified program delivery entities under the program, the funds shall be deposited in the applicable State revolving finance fund to support additional financing to qualified program delivery entities for energy efficiency measures and renewable energy improvements.

(h) COORDINATION WITH STATE ENERGY EFFICIENCY RETROFIT PROGRAMS.—Home energy retrofit programs that receive financing through the program shall be carried out in accordance with all authorized measures, performance criteria, and other requirements of section 262(d).

(i) PROGRAM EVALUATION.—

(1) IN GENERAL.—The Secretary shall conduct a program evaluation to determine—

(A) how the program is being used by eligible participants, including what improvements have been most typical and what regional distinctions exist, if any;

(B) what improvements could be made to increase the effectiveness of the program; and

(C) the quantity of verifiable energy savings and renewable energy deployment achieved through the program.

(2) REPORTS.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the program evaluation required under this subsection, including any recommendations.

(B) STATE REPORTS.—Not less than once every 2 years, States participating in the program shall submit to the Secretary reports on the use of funds through the program that include any information that the Secretary may require.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2010 through 2015.

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 5 percent of the amounts made available under paragraph (1) shall be available for each

fiscal year to pay the administrative expenses necessary to carry out this section.

PART V—FEDERAL EFFICIENCY AND RENEWABLES

SEC. 271. FEDERAL PURCHASE REQUIREMENT.

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

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''electric'';

(2) in subsection (b)(2), by striking ''electric'';

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

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

''(1) shall be calculated separately from renewable energy used; and

''(2) may be used individually or in combination to comply with subsection (a).''; and

(4) by adding at the end the following:

''(e) CONTRACT PERIOD.—

''(1) IN GENERAL.—Notwithstanding section 501(b)(1)(B) of title 40, United States Code, a contract entered into by a Federal agency to acquire renewable energy may be made for a period of not more than 30 years.

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

"(3) STANDARDIZED RENEWABLE ENERGY PURCHASE AGREEMENT.—Not later than 90 days after the date of enactment of this subsection, the Secretary, acting through the Federal Energy Management Program, shall publish a standardized renewable energy purchase agreement setting forth commercial terms and conditions that can be used by Federal agencies to acquire renewable energy.".

SEC. 272. COMPETITION REQUIREMENTS FOR TASK OR DELIVERY ORDERS UNDER ENERGY SAVINGS PERFORMANCE CONTRACTS.

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

"(3) TASK OR DELIVERY ORDERS.—

"(A) IN GENERAL.—The head of a Federal agency may issue a task or delivery order under an energy savings performance contract by—

"(i)(I) notifying all contractors that have received an award under the contract that the agency proposes to consider using energy savings performance services for all or part of the facilities of the agency;

"(II) soliciting an expression of interest in the performance of site surveys or investigations and feasibility designs and studies and the submission of qualifications from the contractors; and

"(III) including in the notice summary information concerning energy use for any facilities that the agency has specific interest in including in the contract;

"(ii) reviewing all expressions of interest and qualifications submitted pursuant to the notice provided under clause (i);

"(iii) selecting 2 or more contractors (from among the contractors reviewed under clause (ii)) to analyze the respective qualifications of the contractors to implement potential energy conservation measures, including requesting references demonstrating experience on similar efforts and the resulting energy savings of the similar efforts;

"(iv) selecting and authorizing—

"(I) more than 1 contractor (from among the contractors selected under clause (iii)) to conduct site surveys, investigations, feasibility designs and studies, or similar assessments for the energy savings performance contract services (or for discrete portions of the services), for the purpose of allowing each such contractor to submit a firm, fixed-price proposal to implement specific energy conservation measures; or

"(II) 1 contractor (from among the contractors selected under clause (iii)) to conduct a site survey, investigation, feasibility design and study, or similar assessment for the purpose of allowing the contractor to submit a firm, fixed-price proposal to implement specific energy conservation measures;

"(v) negotiating a task or delivery order for energy savings performance contracting services with the 1 or more contractors selected under clause (iv) based on the energy conservation measures identified; and

"(vi) issuing a task or delivery order for energy savings performance contracting services to the 1 or more contractors.

"(B) COMPETITION REQUIREMENTS.—The issuance of a task or delivery order for energy savings performance contracting services pursuant to subparagraph (A) shall be consider to satisfy the task and delivery order competition requirements of section 2304c(d) of title 10, United States Code, and section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)).

"(C) GUIDANCE.—The Secretary may issue guidance as necessary to Federal agencies issuing task or delivery orders pursuant to subparagraph (A).".

(b) NONAPPLICABILITY.—The amendment made by subsection (a) does not apply to a task or delivery order issued before the date of enactment of this Act.

SEC. 273. FUNDING FLEXIBILITY.

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

"(E) FUNDING OPTIONS.—Notwithstanding any other provision of law, in carrying out a contract under this title, a Federal agency may use any combination of—

"(i) appropriated funds; and

"(ii) private financing under energy savings performance contracts or other private financing of energy savings measures.".

SEC. 274. DEFINITION OF ENERGY SAVINGS.

Section 804(2)(B) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)(B)) is amended by inserting "and installation of renewable energy systems" after "cogeneration or heat recovery".

SEC. 275. NATIONAL ENERGY EFFICIENCY IMPROVEMENT GOALS.

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

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

(2) to maintain that annual rate of improvement each year through 2030.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy (referred to in this section as the ''Secretary''), in cooperation with the Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies, shall develop a strategic plan to achieve the national goals for improvement in energy productivity established under subsection (a).

(2) PUBLIC INPUT AND COMMENT.—The Secretary shall develop the plan in a manner that provides appropriate opportunities for public input and comment.

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

(1) establish future regulatory, funding, and policy priorities to ensure compliance with the national goals;

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

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

(d) PLAN UPDATES.—

(1) IN GENERAL.—The Secretary shall—

(A) update the strategic plan biennially; and

(B) include the updated strategic plan in the national energy policy plan required by section 801 of the Department of Energy Organization Act (42 U.S.C. 7321).

(2) CONTENTS.—In updating the plan, the Secretary shall—

(A) report on progress made toward implementing efficiency policies to achieve the national goals established under subsection (a); and

(B) verify, to the maximum extent practicable, energy savings resulting from the policies.

(e) REPORT TO CONGRESS AND PUBLIC.—The Secretary shall submit to Congress, and make available to the public, the initial strategic plan developed under subsection (b) and each updated plan.

SEC. 276. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS AND LOANS FOR INSTITUTIONS.

Section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1) is amended—

(1) in subsection (a)(5), by striking "'or a designee'" and inserting "'a not-for-profit hospital, a

not-for-profit inpatient health care facility, or a designated agent' '';

(2) in subsection (c)(1), by striking subparagraph (C);

(3) in subsection (f)(3)(A), by striking ''$1,000,000'' and inserting ''$2,500,000''; and

(4) in subsection (i)(1), by striking '' '$250,000,000 for each of fiscal years 2009 through 2013' '' and inserting '' 'such sums as are necessary for each of fiscal years 2010 through 2015''.

SEC. 277. FEDERAL IMPLEMENTATION STRATEGY FOR ENERGY-EFFICIENT INFORMATION AND COMMUNICATIONS TECHNOLOGIES.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended—

(1) by redesignating the second subsection (f) (relating to large capital energy investments) as subsection (g); and

(2) by adding at the end the following:

''(h) FEDERAL IMPLEMENTATION STRATEGY FOR ENERGY-EFFICIENT INFORMATION AND COMMUNICATIONS TECHNOLOGIES.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, each Federal agency shall collaborate with the Director of the Office of Management and Budget (referred to in this subsection as the 'Director') to create an implementation strategy (including best-practices and measurement and verification techniques) for the maintenance, purchase, and use of energy efficient and energy-reducing information and communications technologies and practices.

''(2) ADMINISTRATION.—In developing an implementation strategy, each Federal agency shall—

''(A) consider information and communications technologies and infrastructure, including—

''(i) advanced metering infrastructure;

''(ii) information and communications technology services and products;

''(iii) efficient data center strategies;

''(iv) computer power management;

''(v) applications modernization and rationalization;

''(vi) building systems energy efficiency; and

''(vii) telework;

"(B) ensure that the agency is eligible to realize savings and rewards brought about through increased efficiency; and

"(C) to the maximum extent practicable, incorporate existing standards, specifications, performance metrics, and best management practices.

"(3) PERFORMANCE GOALS.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Director shall establish performance goals for evaluating the efforts of Federal agencies in improving the maintenance, purchase, and use of energy efficiency of information and communications technology systems.

"(B) ADMINISTRATION.—The performance goals shall—

"(i) measure information technology costs over a specific time period of 3 to 5 years; and

"(ii) provide, to the maximum extent practicable, a complete picture of all costs, including energy costs.

"(4) REPORTS.—

"(A) AGENCY REPORTS.—Each Federal agency subject to the requirements of this subsection shall include in the report of the agency under section 527 of the Energy Independence and Security Act of 2007(42 U.S.C. 17143) a description of the efforts of the agency under this subsection.

"(B) OMB GOVERNMENT EFFICIENCY REPORT AND SCORE CARDS.—Effective beginning not later than April 1, 2011, the Director shall include in the annual report and scorecard of the Director under section 528 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17143) a description of the efforts of Federal agencies under this subsection.".

SEC. 278. INCENTIVES FOR FEDERAL AGENCIES TO PARTICIPATE IN ENERGY EFFICIENCY PROGRAMS.

Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended—

(1) in paragraph (1), by inserting "(including Independent System Operators, State agencies, and third party entities implementing those programs on behalf of utilities or State agencies)" after "electric utilities";

(2) in paragraph (2), by inserting ''State agency, and third party entity implementing those programs on behalf of utilities or State agencies,'' after ''such utility,'';

(3) in paragraph (3), by inserting ''State agencies, and third party entities implementing those programs on behalf of utilities or State agencies,'' after ''gas utilities''; and

(4) in the paragraph (4), by inserting ''or State agency'' after ''a utility''.

PART VI—ENERGY EFFICIENCY INFORMATION ON HOMES AND BUILDINGS

SEC. 281. BUILDING ENERGY PERFORMANCE INFORMATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ACHIEVED PERFORMANCE.—The term ''achieved performance'' means the measured energy consumption of a building determined using actual consumption data normalized for appropriate variables.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(3) BUILDING ENERGY PERFORMANCE.—The term ''building energy performance'' means primary

energy consumption per square foot of floor space, or other measure of energy consumption per energy service, as determined by the Secretary for a building type.

(4) BUILDING ENERGY PERFORMANCE VALUE.—The term ''building energy performance value'' means a value used for comparing building energy performance among buildings, as determined by methods developed by the Administrator.

(5) BUILDING TYPE.—The term ''building type'' means a type of a building, as identified by the 1 or more principal activities in the building, such as office buildings, laboratories, libraries, data centers, retail spaces, hotels, food sales, food service, warehouses, and educational facilities.

(6) COMMERCIAL BUILDINGS ENERGY CONSUMPTION SURVEY.—The term ''Commercial Buildings Energy Consumption Survey'' means the Commercial Buildings Energy Consumption Survey authorized by section 205(k) of the Department of Energy Organization Act (42 U.S.C. 7135(k)).

(7) COVERED BUILDING TYPE.—The term ''covered building type'' means a building type for which statistically significant energy performance data

exist to serve as the basis of measurement protocols and certifications for building energy use.

(8) DESIGNED PERFORMANCE.—The term ''designed performance'' means the estimated energy performance of a building using a standardized set of operational conditions obtained from building construction documents and other available data.

(9) MEASUREMENT PROTOCOL.—The term ''measurement protocol'' means the methodology, prescribed by the Administrator, for determining the achieved performance or designed performance and the associated building energy performance value for a building of a specific building type.

(10) RESIDENTIAL ENERGY CONSUMPTION SURVEY.—The term ''Residential Energy Consumption Survey'' means the Residential Energy Consumption Survey authorized by section 205(k) of the Department of Energy Organization Act (42 U.S.C. 7135(k)).

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) BUILDING ENERGY PERFORMANCE INFORMATION PROGRAM.—The Administrator, in consultation with the Secretary, shall establish a voluntary energy performance information program with broad applicability to buildings nationwide—

(1) to provide timely and accurate information on comparative energy performance; and

(2) to increase public awareness of the importance of building energy efficiency and energy performance through public education.

(c) BUILDING TYPE DETERMINATION FOR ASSESSMENT OF ENERGY PERFORMANCE.—

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

(A) all principal building types for which statistically significant energy performance data exists to serve as the basis for building energy performance information; and

(B) those building types for which additional data are required.

(2) ADDITIONAL RESOURCES AND REPORTS.—

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

(i) additional resources that will be required to fully develop the relevant databases; and

(ii) the anticipated timeline for completion of the data development.

(B) ADDITIONAL REPORTS.—The Secretary shall submit to Congress additional reports on information required under this subsection as often as is considered necessary by the Secretary, but not less than once every 2 years.

(d) IMPROVING BUILDING ENERGY CONSUMPTION DATABASES.—

(1) COMMERCIAL BUILDINGS ENERGY CONSUMPTION SURVEY.—The Secretary shall support improvements to the Commercial Buildings Energy Consumption Survey or such other commercial buildings energy performance databases as the Secretary considers appropriate—

(A) to characterize the achieved performance of existing commercial buildings for the building types covered by the Commercial Buildings Energy Consumption Survey (as of the date of enactment of this Act); and

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

(2) RESIDENTIAL ENERGY CONSUMPTION SURVEY.—While conducting the Residential Energy Consumption Survey, the Secretary may evaluate whether the data, or other data types are appropriate, to enable the development of achieved performance measurement formats for residential building energy not later than 5 years after the date of enactment of this Act.

(e) ENERGY PERFORMANCE MEASUREMENT.—

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

(A) methods to measure achieved performance and designed performance; and

(B) procedures for collecting and updating information.

(2) INFORMATION DISPLAY.—After providing notice and soliciting public comment, the Administrator may—

(A) establish 1 or more formats that—

(i) display achieved performance and designed performance;

(ii) are tailored to building types; or

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

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

(3) EXISTING PROGRAMS.—In developing formats under this subsection, the Administrator shall consider existing public and private programs for building energy performance information, including programs outside of the United States.

(4) CERTIFICATES.—After providing for appropriate notice and comment, the Administrator shall publish the final specifications for the information, including on certificates or other forms of information applicable to covered building types.

(5) PROGRAM REVIEW.—At least once every 5 years, the Administrator shall review, and as necessary, modify the building energy performance information program.

(f) PUBLIC OUTREACH.—In consultation with the Administrator and in conjunction with other energy efficiency awareness efforts, the Secretary shall establish a business and consumer education program to increase awareness of the importance of building energy efficiency and the availability of building energy performance information, to facilitate widespread use of building energy performance information programs.

(g) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Administrator, in consultation with the Secretary shall conduct demonstration projects for different building types to evaluate the sufficiency of the model certificate specifications, measurement, and other alternatives proposed by State or local agencies, utilities, or other implementing organizations.

(2) ZERO-NET ENERGY COMMERCIAL BUILDINGS INITIATIVE.—The Secretary shall coordinate demonstration projects under this subsection with the Zero-Net Energy Commercial Buildings Initiative established under section 422 of the Energy

Independence and Security Act of 2007 (42 U.S.C. 17082).

(h) VOLUNTARY STATE AND LOCAL INFORMATION PROGRAM.—

(1) COORDINATION WITH STATES AND LOCAL GOVERNMENTS.—On the request of a State or local government, the Secretary may—

(A) coordinate with the State energy office or other State agencies, or with the appropriate local government offices, on the development of a building energy performance information program;

(B) provide technical assistance and information on best practices; and

(C) in the case of a program that includes the key elements in paragraph (2), provide a grant for initial program administration.

(2) KEY ELEMENTS OF A BUILDING ENERGY PERFORMANCE INFORMATION PROGRAM.—A model building energy information performance program shall—

(A) make information on building energy performance available to the public; and

(B) use the information formats established by the Administrator under subsection (e) or alternative formats.

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

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

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

(i) PUBLIC BUILDING IMPLEMENTATION.—

(1) FEDERAL BUILDINGS.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, each Federal agency owning or operating buildings of covered building types shall implement the building energy information program in a manner that—

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

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

(B) GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop guidelines for the implementation of Federal building energy performance information programs.

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

(A) IN GENERAL.—Effective beginning on the date that is 3 years after the date of enactment of this Act, any newly constructed building to be owned by a State, county, or local government that is a covered building and receives Federal financial assistance shall be required to use the certificate provided for under this section.

(B) INFORMATION.—The Secretary shall provide information concerning the building energy performance information program for Federal buildings (including information on the results, best practices, accompanying analysis, and implementation) to States and units of local governments for adaptation and adoption, at the discretion of the States and units of local government, as soon as practicable after the date of enactment of this Act.

(j) ENERGY STAR FOR EXISTING BUILDINGS PROGRAM.—The Administrator may use information, measurements, and other forms of energy performance information developed under this section to establish a voluntary Energy Star program that recognizes high efficiency retrofits of existing commercial and residential buildings.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 282. EVALUATION, MEASUREMENT, AND VERIFICATION OF ENERGY SAVINGS.

(a) DEFINITIONS.—In this section:

(1) EVALUATION.—The term ''evaluation'' means the performance of studies and activities to determine—

(A) the effects of a program or project;

(B) changes in energy efficiency markets;

(C) levels of demand or energy savings; and

(D) program cost-effectiveness.

(2) IMPACT EVALUATION.—The term ''impact evaluation'' means the evaluation of the program or project-specific, directly induced changes in energy savings and greenhouse gas emissions reductions attributable to a program or project.

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

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

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

(2) require specific levels of energy reductions; and

(3) are eligible for allowances or allowance proceeds based on energy savings and greenhouse gas emissions reductions under climate change regulations.

(c) REQUIREMENTS.—

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

(A) are enforceable;

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

(C) are complete and transparent;

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

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

(i) reasonable uniformity among various States and entities; and

(ii) consistency in results.

(2) PROCESS.—In developing rules under subsection (b), the Secretary shall—

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

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

PART VII—RESIDENTIAL HIGH PERFORMANCE ZERO-NET-ENERGY BUILDINGS INITIATIVE

SEC. 291. RESIDENTIAL HIGH PERFORMANCE ZERO-NET-ENERGY BUILDINGS INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of Residential High-Performance Zero-Net-Energy Buildings appointed under subsection (c).

(2) INITIATIVE.—The term ''Initiative'' means the Residential High Performance Zero-Net-Energy Buildings Initiative established under subsection (b).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, acting through the Assistant Secretary of Energy Efficiency and Renewable Energy.

(4) ZERO-NET-ENERGY BUILDING.—The term ''zero-net-energy building'' means a residential building 4 stories or less that is designed, constructed, and operated—

(A) to require greatly reduced needs for energy through efficiency gains;

(B) to meet the balance of energy needs through renewable technologies;

(C) to produce no net emissions of greenhouse gases in space heating, cooling, domestic water heating, lighting, and appliances; and

(D) to be economically viable.

(b) ESTABLISHMENT.—The Secretary shall establish and carry out an initiative, to be known as the "Residential High-Performance Zero-Net-Energy Buildings Initiative"—

(1) to reduce the quantity of energy consumed, and increase the quantity of renewable energy generated, in residential buildings located in the United States; and

(2) to promote the development of zero-net-energy buildings in the United States.

(c) DIRECTOR.—

(1) IN GENERAL.—The Secretary shall appoint a Director of Residential High-Performance Zero-Net-Energy Buildings to carry out the Initiative.

(2) POSITION.—The position of the Director shall be a career reserved position in the Senior Executive Service,

(d) HIGH-PERFORMANCE RESIDENTIAL GREEN BUILDING PARTNERSHIP CONSORTIUM.—

(1) INITIAL PERIOD.—Not later than 180 days after the date of enactment of this Act, the Director shall—

(A) use existing resources and frameworks (such as the residential research and development program) to enter into 1 or more agreements with the competitively selected Building America Industry consortia in existence on the date of enactment of this Act, if feasible, to develop and carry out the Initiative during the 5-year period beginning on the date of enactment of this Act; or

(B) competitively select, and enter into 1 or more agreements with, 1 or more consortia to develop and carry out the Initiative during the 5-year period.

(2) SUBSEQUENT PERIODS.—Not later than 5 years after the date of enactment of this Act and every 5 years thereafter, the Director shall competitively select, and enter into 1 or more agreements with, 1 or more consortia to develop and carry out the Initiative during a 5-year period.

(3) AGREEMENTS.—In entering into an agreement with a consortium under this subsection, the Director shall, if appropriate, use the authority de-

scribed in section 646(g) of the Department of Energy Organization Act (42 U.S.C. 7256(g)).

(e) GOALS.—The goals of the Initiative shall be—

(1) to develop and disseminate technologies, practices, and policies for the development and establishment of zero-net-energy buildings; and

(2) to promote technologies and strategies that will enable—

(A) the design and construction of zero-net-energy buildings (including identification and validation) by 2015; and

(B) any new residential building constructed on or after 2020 to be a cost-effective zero-net-energy building.

(f) COMPONENTS.—In carrying out the Initiative, the Director, in consultation with the consortium selected under subsection (d) and leveraging existing resources and initiatives to the maximum extent practicable, may—

(1) conduct research and development on building science, design, materials, components, equipment and controls, operation and other practices, integration, energy use measurement, and benchmarking;

(2) conduct pilot programs and demonstration projects to evaluate replicable approaches to achiev-

ing energy-efficient residential buildings using renewable technologies for a variety of building types in a variety of climate zones;

(3) consider the energy benefits of improved land planning and transportation planning to maximize use of existing infrastructure;

(4) conduct deployment, dissemination, and technical assistance activities to encourage widespread adoption of technologies, practices, and policies to achieve energy efficient residential buildings;

(5) conduct other research, development, demonstration, and deployment activities necessary to achieve each goal of the Initiative, as determined by the Director, in consultation with the consortium;

(6) develop training materials and courses for building professionals and trades on achieving cost-effective zero-net-energy buildings;

(7) develop and disseminate public education materials to share information on the benefits and cost-effectiveness of zero-net-energy buildings;

(8) support code-setting organizations and State and local governments in developing minimum performance standards in building codes that recognize the ready availability of many technologies used in zero-net-energy buildings;

(9) develop strategies for overcoming the split incentives between builders and purchasers, and landlords and tenants, to ensure that energy-efficiency and renewable technology investments are made that are cost-effective on a lifecycle basis; and

(10) develop improved means of measurement and verification of energy savings and performance for public dissemination.

(g) COST SHARING.—In carrying out this section, the Director shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $40,000,000 for fiscal year 2010;

(2) $60,000,000 for each of fiscal years 2011 and 2012; and

(3) $100,000,000 for each of fiscal years 2013 through 2020.