

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2126
OFFERED BY MR. MCKINLEY OF WEST VIRGINIA
AND MR. WELCH OF VERMONT**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Better Buildings Act
3 of 2013”.

**4 SEC. 2. ENERGY EFFICIENCY IN FEDERAL AND OTHER
5 BUILDINGS.**

6 (a) DEFINITIONS.—In this section:

7 (1) ADMINISTRATOR.—The term “Adminis-
8 trator” means the Administrator of General Serv-
9 ices.

10 (2) COST-EFFECTIVE ENERGY EFFICIENCY
11 MEASURE.—The terms “cost-effective energy effi-
12 ciency measure” and “measure” mean any building
13 product, material, equipment, or service and the in-
14 stalling, implementing, or operating thereof, that
15 provides energy savings in an amount that is not
16 less than the cost of such installing, implementing,
17 or operating.

1 (b) MODEL PROVISIONS, POLICIES, AND BEST PRAC-
2 TICES.—

3 (1) IN GENERAL.—Not later than 180 days
4 after the date of enactment of this Act, the Adminis-
5 trator, in consultation with the Secretary of Energy
6 and after providing the public with an opportunity
7 for notice and comment, shall develop model leasing
8 provisions and best practices in accordance with this
9 subsection.

10 (2) COMMERCIAL LEASING.—

11 (A) IN GENERAL.—The model commercial
12 leasing provisions developed under this sub-
13 section shall, at a minimum, align the interests
14 of building owners and tenants with regard to
15 investments in cost-effective energy efficiency
16 measures to encourage building owners and ten-
17 ants to collaborate to invest in such measures.

18 (B) USE OF MODEL PROVISIONS.—The
19 Administrator may use the model provisions de-
20 veloped under this subsection in any standard
21 leasing document that designates a Federal
22 agency (or other client of the Administrator) as
23 a landlord or tenant.

24 (C) PUBLICATION.—The Administrator
25 shall periodically publish the model leasing pro-

1 visions developed under this subsection, along
2 with explanatory materials, to encourage build-
3 ing owners and tenants in the private sector to
4 use such provisions and materials.

5 (3) REALTY SERVICES.—The Administrator
6 shall develop policies and practices to implement
7 cost-effective energy efficiency measures for the real-
8 ty services provided by the Administrator to Federal
9 agencies (or other clients of the Administrator), in-
10 cluding periodic training of appropriate Federal em-
11 ployees and contractors on how to identify and
12 evaluate those measures.

13 (4) STATE AND LOCAL ASSISTANCE.—The Ad-
14 ministrator, in consultation with the Secretary of
15 Energy, shall make available model leasing provi-
16 sions and best practices developed under this sub-
17 section to State, county, and municipal governments
18 to manage owned and leased building space in ac-
19 cordance with the goal of encouraging investment in
20 all cost-effective energy efficiency measures.

21 **SEC. 3. SEPARATE SPACES WITH HIGH-PERFORMANCE EN-**
22 **ERGY EFFICIENCY MEASURES.**

23 Subtitle B of title IV of the Energy Independence and
24 Security Act of 2007 (42 U.S.C. 17081 et seq.) is amend-
25 ed by adding at the end the following:

1 **“SEC. 424. SEPARATE SPACES WITH HIGH-PERFORMANCE**
2 **ENERGY EFFICIENCY MEASURES.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) HIGH-PERFORMANCE ENERGY EFFICIENCY
5 MEASURE.—The term ‘high-performance energy effi-
6 ciency measure’ means a technology, product, or
7 practice that will result in substantial operational
8 cost savings by reducing energy consumption and
9 utility costs.

10 “(2) SEPARATE SPACES.—The term ‘separate
11 spaces’ means areas within a commercial building
12 that are leased or otherwise occupied by a tenant or
13 other occupant for a period of time pursuant to the
14 terms of a written agreement.

15 “(b) STUDY.—

16 “(1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of this section, the Secretary,
18 acting through the Assistant Secretary of Energy
19 Efficiency and Renewable Energy, shall complete a
20 study on the feasibility of—

21 “(A) significantly improving energy effi-
22 ciency in commercial buildings through the de-
23 sign and construction, by owners and tenants,
24 of separate spaces with high-performance en-
25 ergy efficiency measures; and

1 “(B) encouraging owners and tenants to
2 implement high-performance energy efficiency
3 measures in separate spaces.

4 “(2) SCOPE.—The study shall, at a minimum,
5 include—

6 “(A) descriptions of—

7 “(i) high-performance energy effi-
8 ciency measures that should be considered
9 as part of the initial design and construc-
10 tion of separate spaces;

11 “(ii) processes that owners, tenants,
12 architects, and engineers may replicate
13 when designing and constructing separate
14 spaces with high-performance energy effi-
15 ciency measures;

16 “(iii) policies and best practices to
17 achieve reductions in energy intensities for
18 lighting, plug loads, heating, cooling, cook-
19 ing, laundry, and other systems to satisfy
20 the needs of the commercial building ten-
21 ant;

22 “(iv) return on investment and pay-
23 back analyses of the incremental cost and
24 projected energy savings of the proposed
25 set of high-performance energy efficiency

1 measures, including consideration of avail-
2 able incentives;

3 “(v) models and simulation methods
4 that predict the quantity of energy used by
5 separate spaces with high-performance en-
6 ergy efficiency measures and that compare
7 that predicted quantity to the quantity of
8 energy used by separate spaces without
9 high-performance energy efficiency meas-
10 ures but that otherwise comply with appli-
11 cable building code requirements;

12 “(vi) measurement and verification
13 platforms demonstrating actual energy use
14 of high-performance energy efficiency
15 measures installed in separate spaces, and
16 whether such measures generate the sav-
17 ings intended in the initial design and con-
18 struction of the separate spaces;

19 “(vii) best practices that encourage an
20 integrated approach to designing and con-
21 structing separate spaces to perform at op-
22 timum energy efficiency in conjunction
23 with the central systems of a commercial
24 building; and

1 “(viii) any impact on employment re-
2 sulting from the design and construction of
3 separate spaces with high-performance en-
4 ergy efficiency measures; and

5 “(B) case studies reporting economic and
6 energy saving returns in the design and con-
7 struction of separate spaces with high-perform-
8 ance energy efficiency measures.

9 “(3) PUBLIC PARTICIPATION.—Not later than
10 90 days after the date of the enactment of this sec-
11 tion, the Secretary shall publish a notice in the Fed-
12 eral Register requesting public comments regarding
13 effective methods, measures, and practices for the
14 design and construction of separate spaces with
15 high-performance energy efficiency measures.

16 “(4) PUBLICATION.—The Secretary shall pub-
17 lish the study on the website of the Department of
18 Energy.”.

19 **SEC. 4. TENANT STAR PROGRAM.**

20 Subtitle B of title IV of the Energy Independence and
21 Security Act of 2007 (42 U.S.C. 17081 et seq.) (as
22 amended by section 3) is amended by adding at the end
23 the following:

24 **“SEC. 425. TENANT STAR PROGRAM.**

25 “(a) DEFINITIONS.—In this section:

1 “(1) HIGH-PERFORMANCE ENERGY EFFICIENCY
2 MEASURE.—The term ‘high-performance energy effi-
3 ciency measure’ has the meaning given the term in
4 section 424.

5 “(2) SEPARATE SPACES.—The term ‘separate
6 spaces’ has the meaning given the term in section
7 424.

8 “(b) TENANT STAR.—The Administrator of the Envi-
9 ronmental Protection Agency, in consultation with the
10 Secretary of Energy, shall develop a voluntary program
11 within the Energy Star program established by section
12 324A of the Energy Policy and Conservation Act (42
13 U.S.C. 6294a), which may be known as Tenant Star, to
14 promote energy efficiency in separate spaces leased by ten-
15 ants or otherwise occupied within commercial buildings.

16 “(c) EXPANDING SURVEY DATA.—The Secretary of
17 Energy, acting through the Administrator of the Energy
18 Information Administration, shall—

19 “(1) collect, through each Commercial Build-
20 ings Energy Consumption Survey of the Energy In-
21 formation Administration that is conducted after the
22 date of enactment of this section, data on—

23 “(A) categories of building occupancy that
24 are known to consume significant quantities of

1 energy, such as occupancy by data centers,
2 trading floors, and restaurants; and

3 “(B) other aspects of the property, build-
4 ing operation, or building occupancy determined
5 by the Administrator of the Energy Information
6 Administration, in consultation with the Admin-
7 istrator of the Environmental Protection Agen-
8 cy, to be relevant in lowering energy consump-
9 tion;

10 “(2) with respect to the first Commercial Build-
11 ings Energy Consumption Survey conducted after
12 the date of enactment of this section, to the extent
13 full compliance with the requirements of paragraph
14 (1) is not feasible, conduct activities to develop the
15 capability to collect such data and begin to collect
16 such data; and

17 “(3) make data collected under paragraphs (1)
18 and (2) available to the public in aggregated form
19 and provide such data, and any associated results, to
20 the Administrator of the Environmental Protection
21 Agency for use in accordance with subsection (d).

22 “(d) RECOGNITION OF OWNERS AND TENANTS.—

23 “(1) OCCUPANCY-BASED RECOGNITION.—Not
24 later than 1 year after the date on which sufficient
25 data is received pursuant to subsection (c), the Ad-

1 administrator of the Environmental Protection Agency
2 shall, following an opportunity for public notice and
3 comment—

4 “(A) in a manner similar to the Energy
5 Star rating system for commercial buildings,
6 develop policies and procedures to recognize
7 tenants in commercial buildings that voluntarily
8 achieve high levels of energy efficiency in sepa-
9 rate spaces;

10 “(B) establish building occupancy cat-
11 egories eligible for Tenant Star recognition
12 based on the data collected under subsection (c)
13 and any other appropriate data sources; and

14 “(C) consider other forms of recognition
15 for commercial building tenants or other occu-
16 pants that lower energy consumption in sepa-
17 rate spaces.

18 “(2) DESIGN- AND CONSTRUCTION-BASED REC-
19 OGNITION.—After the study required by section
20 424(b) is completed, the Administrator of the Envi-
21 ronmental Protection Agency, in consultation with
22 the Secretary and following an opportunity for pub-
23 lic notice and comment, may develop a voluntary
24 program to recognize commercial building owners
25 and tenants that use high-performance energy effi-

- 1 efficiency measures in the design and construction of
- 2 separate spaces.”.

