

**Suspend the Rules And Pass the Bill, H.R. 2126, with Amendments**

**(The amendments strike all after the enacting clause and insert a new text and a new title)**

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2126

To facilitate better alignment, cooperation, and best practices between commercial real estate landlords and tenants regarding energy efficiency in buildings, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2013

Mr. MCKINLEY (for himself and Mr. WELCH) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To facilitate better alignment, cooperation, and best practices between commercial real estate landlords and tenants regarding energy efficiency in buildings, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Energy Efficiency Im-  
5 provement Act of 2014”.

1       **TITLE I—BETTER BUILDINGS**

2       **SEC. 101. SHORT TITLE.**

3           This title may be cited as the “Better Buildings Act  
4 of 2014”.

5       **SEC. 102. ENERGY EFFICIENCY IN FEDERAL AND OTHER**  
6                               **BUILDINGS.**

7           (a) **DEFINITIONS.**—In this section:

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

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

18                   (3) **COST-EFFECTIVE WATER EFFICIENCY**  
19 **MEASURE.**—The term “cost-effective water efficiency  
20 measure” means any building product, material,  
21 equipment, or service, and the installing, imple-  
22 menting, or operating thereof, that provides water  
23 savings in an amount that is not less than the cost  
24 of such installing, implementing, 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 com-  
8 mercial leasing provisions and best practices in ac-  
9 cordance with this 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 and cost-effective water efficiency  
17 measures to encourage building owners and ten-  
18 ants to collaborate to invest in such measures.

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

1           (C) PUBLICATION.—The Administrator  
2           shall periodically publish the model commercial  
3           leasing provisions developed under this sub-  
4           section, along with explanatory materials, to en-  
5           courage building owners and tenants in the pri-  
6           vate sector to use such provisions and mate-  
7           rials.

8           (3) REALTY SERVICES.—The Administrator  
9           shall develop policies and practices to implement  
10          cost-effective energy efficiency measures and cost-ef-  
11          fective water efficiency measures for the realty serv-  
12          ices provided by the Administrator to Federal agen-  
13          cies (or other clients of the Administrator), including  
14          periodic training of appropriate Federal employees  
15          and contractors on how to identify and evaluate  
16          those measures.

17          (4) STATE AND LOCAL ASSISTANCE.—The Ad-  
18          ministrator, in consultation with the Secretary of  
19          Energy, shall make available model commercial leas-  
20          ing provisions and best practices developed under  
21          this subsection to State, county, and municipal gov-  
22          ernments for use in managing owned and leased  
23          building space in accordance with the goal of encour-  
24          aging investment in all cost-effective energy effi-

1       ciency measures and cost-effective water efficiency  
2       measures.

3       **SEC. 103. SEPARATE SPACES WITH HIGH-PERFORMANCE**  
4                                   **ENERGY EFFICIENCY MEASURES.**

5       (a) IN GENERAL.—Subtitle B of title IV of the En-  
6       ergy Independence and Security Act of 2007 (42 U.S.C.  
7       17081 et seq.) is amended by adding at the end the fol-  
8       lowing:

9       **“SEC. 424. SEPARATE SPACES WITH HIGH-PERFORMANCE**  
10                                   **ENERGY EFFICIENCY MEASURES.**

11       “(a) DEFINITIONS.—In this section:

12               “(1) HIGH-PERFORMANCE ENERGY EFFICIENCY  
13       MEASURE.—The term ‘high-performance energy effi-  
14       ciency measure’ means a technology, product, or  
15       practice that will result in substantial operational  
16       cost savings by reducing energy consumption and  
17       utility costs.

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

23       “(b) STUDY.—

24               “(1) IN GENERAL.—Not later than 1 year after  
25       the date of enactment of this section, the Secretary,

1 acting through the Assistant Secretary of Energy  
2 Efficiency and Renewable Energy, shall complete a  
3 study on the feasibility of—

4 “(A) significantly improving energy effi-  
5 ciency in commercial buildings through the de-  
6 sign and construction, by owners and tenants,  
7 of separate spaces with high-performance en-  
8 ergy efficiency measures; and

9 “(B) encouraging owners and tenants to  
10 implement high-performance energy efficiency  
11 measures in separate spaces.

12 “(2) SCOPE.—The study shall, at a minimum,  
13 include—

14 “(A) descriptions of—

15 “(i) high-performance energy effi-  
16 ciency measures that should be considered  
17 as part of the initial design and construc-  
18 tion of separate spaces;

19 “(ii) processes that owners, tenants,  
20 architects, and engineers may replicate  
21 when designing and constructing separate  
22 spaces with high-performance energy effi-  
23 ciency measures;

24 “(iii) policies and best practices to  
25 achieve reductions in energy intensities for

1 lighting, plug loads, heating, cooling, cook-  
2 ing, laundry, and other systems to satisfy  
3 the needs of the commercial building ten-  
4 ant;

5 “(iv) return on investment and pay-  
6 back analyses of the incremental cost and  
7 projected energy savings of the proposed  
8 set of high-performance energy efficiency  
9 measures, including consideration of avail-  
10 able incentives;

11 “(v) models and simulation methods  
12 that predict the quantity of energy used by  
13 separate spaces with high-performance en-  
14 ergy efficiency measures and that compare  
15 that predicted quantity to the quantity of  
16 energy used by separate spaces without  
17 high-performance energy efficiency meas-  
18 ures but that otherwise comply with appli-  
19 cable building code requirements;

20 “(vi) measurement and verification  
21 platforms demonstrating actual energy use  
22 of high-performance energy efficiency  
23 measures installed in separate spaces, and  
24 whether such measures generate the sav-

1                   ings intended in the initial design and con-  
2                   struction of the separate spaces;

3                   “ (vii) best practices that encourage an  
4                   integrated approach to designing and con-  
5                   structing separate spaces to perform at op-  
6                   timum energy efficiency in conjunction  
7                   with the central systems of a commercial  
8                   building; and

9                   “ (viii) any impact on employment re-  
10                  sulting from the design and construction of  
11                  separate spaces with high-performance en-  
12                  ergy efficiency measures; and

13                  “ (B) case studies reporting economic and  
14                  energy savings returns in the design and con-  
15                  struction of separate spaces with high-perform-  
16                  ance energy efficiency measures.

17                  “ (3) PUBLIC PARTICIPATION.—Not later than  
18                  90 days after the date of the enactment of this sec-  
19                  tion, the Secretary shall publish a notice in the Fed-  
20                  eral Register requesting public comments regarding  
21                  effective methods, measures, and practices for the  
22                  design and construction of separate spaces with  
23                  high-performance energy efficiency measures.



1           “(4) PUBLICATION.—The Secretary shall pub-  
2           lish the study on the website of the Department of  
3           Energy.”.

4           (b) CLERICAL AMENDMENT.—The table of contents  
5           in section 1(b) of the Energy Independence and Security  
6           Act of 2007 is amended by inserting after the item relat-  
7           ing to section 423 the following new item:

          “Sec. 424. Separate spaces with high-performance energy efficiency measures.”.

8           **SEC. 104. TENANT STAR PROGRAM.**

9           (a) IN GENERAL.—Subtitle B of title IV of the En-  
10          ergy Independence and Security Act of 2007 (42 U.S.C.  
11          17081 et seq.) (as amended by section 3) is amended by  
12          adding at the end the following:

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

14          “(a) DEFINITIONS.—In this section:

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

19                  “(2) SEPARATE SPACES.—The term ‘separate  
20                  spaces’ has the meaning given the term in section  
21                  424.

22          “(b) TENANT STAR.—The Administrator of the Envi-  
23          ronmental Protection Agency, in consultation with the  
24          Secretary of Energy, shall develop a voluntary program  
25          within the Energy Star program established by section

1 324A of the Energy Policy and Conservation Act (42  
2 U.S.C. 6294a), which may be known as Tenant Star, to  
3 promote energy efficiency in separate spaces leased by ten-  
4 ants or otherwise occupied within commercial buildings.

5 “(c) EXPANDING SURVEY DATA.—The Secretary of  
6 Energy, acting through the Administrator of the Energy  
7 Information Administration, shall—

8 “(1) collect, through each Commercial Build-  
9 ings Energy Consumption Survey of the Energy In-  
10 formation Administration that is conducted after the  
11 date of enactment of this section, data on—

12 “(A) categories of building occupancy that  
13 are known to consume significant quantities of  
14 energy, such as occupancy by data centers,  
15 trading floors, and restaurants; and

16 “(B) other aspects of the property, build-  
17 ing operation, or building occupancy determined  
18 by the Administrator of the Energy Information  
19 Administration, in consultation with the Admin-  
20 istrator of the Environmental Protection Agen-  
21 cy, to be relevant in lowering energy consump-  
22 tion;

23 “(2) with respect to the first Commercial Build-  
24 ings Energy Consumption Survey conducted after  
25 the date of enactment of this section, to the extent

1 full compliance with the requirements of paragraph  
2 (1) is not feasible, conduct activities to develop the  
3 capability to collect such data and begin to collect  
4 such data; and

5 “(3) make data collected under paragraphs (1)  
6 and (2) available to the public in aggregated form  
7 and provide such data, and any associated results, to  
8 the Administrator of the Environmental Protection  
9 Agency for use in accordance with subsection (d).

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

11 “(1) OCCUPANCY-BASED RECOGNITION.—Not  
12 later than 1 year after the date on which sufficient  
13 data is received pursuant to subsection (c), the Ad-  
14 ministrator of the Environmental Protection Agency  
15 shall, following an opportunity for public notice and  
16 comment—

17 “(A) in a manner similar to the Energy  
18 Star rating system for commercial buildings,  
19 develop policies and procedures to recognize  
20 tenants in commercial buildings that voluntarily  
21 achieve high levels of energy efficiency in sepa-  
22 rate spaces;

23 “(B) establish building occupancy cat-  
24 egories eligible for Tenant Star recognition

1 based on the data collected under subsection (c)  
2 and any other appropriate data sources; and

3 “(C) consider other forms of recognition  
4 for commercial building tenants or other occu-  
5 pants that lower energy consumption in sepa-  
6 rate spaces.

7 “(2) DESIGN- AND CONSTRUCTION-BASED REC-  
8 OGNITION.—After the study required by section  
9 424(b) is completed, the Administrator of the Envi-  
10 ronmental Protection Agency, in consultation with  
11 the Secretary and following an opportunity for pub-  
12 lic notice and comment, may develop a voluntary  
13 program to recognize commercial building owners  
14 and tenants that use high-performance energy effi-  
15 ciency measures in the design and construction of  
16 separate spaces.”.

17 (b) CLERICAL AMENDMENT.—The table of contents  
18 in section 1(b) of the Energy Independence and Security  
19 Act of 2007 is amended by inserting after the item relat-  
20 ing to section 424 (as added by section 3(b)) the following  
21 new item:

“Sec. 425. Tenant Star program.”.

1 **TITLE II—GRID-ENABLED WATER**  
2 **HEATERS**

3 **SEC. 201. GRID-ENABLED WATER HEATERS.**

4 Part B of title III of the Energy Policy and Conserva-  
5 tion Act (42 U.S.C. 6291 et seq.) is amended—

6 (1) in section 325(e) (42 U.S.C. 6295(e)), by  
7 adding at the end the following:

8 “(6) **ADDITIONAL STANDARDS FOR GRID-EN-**  
9 **ABLED WATER HEATERS.—**

10 “(A) **DEFINITIONS.—**In this paragraph:

11 “(i) **ACTIVATION LOCK.—**The term  
12 ‘activation lock’ means a control mecha-  
13 nism (either a physical device directly on  
14 the water heater or a control system inte-  
15 grated into the water heater) that is locked  
16 by default and contains a physical, soft-  
17 ware, or digital communication that must  
18 be activated with an activation key to en-  
19 able the product to operate at its designed  
20 specifications and capabilities and without  
21 which activation the product will provide  
22 not greater than 50 percent of the rated  
23 first hour delivery of hot water certified by  
24 the manufacturer.

1                   “(ii) GRID-ENABLED WATER HEAT-  
2                   ER.—The term ‘grid-enabled water heater’  
3                   means an electric resistance water heater  
4                   that—

5                   “(I) has a rated storage tank vol-  
6                   ume of more than 75 gallons;

7                   “(II) is manufactured on or after  
8                   April 16, 2015;

9                   “(III) has—

10                   “(aa) an energy factor of  
11                   not less than 1.061 minus the  
12                   product obtained by multi-  
13                   plying—

14                   “(AA) the rated storage  
15                   volume of the tank, ex-  
16                   pressed in gallons; and

17                   “(BB) 0.00168; or

18                   “(bb) an equivalent alter-  
19                   native standard prescribed by the  
20                   Secretary and developed pursu-  
21                   ant to paragraph (5)(E);

22                   “(IV) is equipped at the point of  
23                   manufacture with an activation lock;  
24                   and

1 “(V) bears a permanent label ap-  
2 plied by the manufacturer that—

3 “(aa) is made of material  
4 not adversely affected by water;

5 “(bb) is attached by means  
6 of non-water-soluble adhesive;  
7 and

8 “(cc) advises purchasers and  
9 end-users of the intended and ap-  
10 propriate use of the product with  
11 the following notice printed in  
12 16.5 point Arial Narrow Bold  
13 font:

14 “‘IMPORTANT INFORMATION: This water heater is  
15 intended only for use as part of an electric thermal storage  
16 or demand response program. It will not provide adequate  
17 hot water unless enrolled in such a program and activated  
18 by your utility company or another program operator.  
19 Confirm the availability of a program in your local area  
20 before purchasing or installing this product.’

21 “(B) REQUIREMENT.—The manufacturer  
22 or private labeler shall provide the activation  
23 key for a grid-enabled water heater only to a  
24 utility or other company that operates an elec-  
25 tric thermal storage or demand response pro-

1           gram that uses such a grid-enabled water heat-  
2           er.

3           “(C) REPORTS.—

4                   “(i) MANUFACTURERS.—The Sec-  
5           retary shall require each manufacturer of  
6           grid-enabled water heaters to report to the  
7           Secretary annually the quantity of grid-en-  
8           abled water heaters that the manufacturer  
9           ships each year.

10                   “(ii) OPERATORS.—The Secretary  
11           shall require utilities and other demand re-  
12           sponse and thermal storage program oper-  
13           ators to report annually the quantity of  
14           grid-enabled water heaters activated for  
15           their programs using forms of the Energy  
16           Information Agency or using such other  
17           mechanism that the Secretary determines  
18           appropriate after an opportunity for notice  
19           and comment.

20                   “(iii) CONFIDENTIALITY REQUIRE-  
21           MENTS.—The Secretary shall treat ship-  
22           ment data reported by manufacturers as  
23           confidential business information.

24           “(D) PUBLICATION OF INFORMATION.—



1                   “(i) IN GENERAL.—In 2017 and  
2                   2019, the Secretary shall publish an anal-  
3                   ysis of the data collected under subpara-  
4                   graph (C) to assess the extent to which  
5                   shipped products are put into use in de-  
6                   mand response and thermal storage pro-  
7                   grams.

8                   “(ii) PREVENTION OF PRODUCT DI-  
9                   VERSION.—If the Secretary determines  
10                  that sales of grid-enabled water heaters ex-  
11                  ceed by 15 percent or greater the quantity  
12                  of such products activated for use in de-  
13                  mand response and thermal storage pro-  
14                  grams annually, the Secretary shall, after  
15                  opportunity for notice and comment, estab-  
16                  lish procedures to prevent product diver-  
17                  sion for non-program purposes.

18                  “(E) COMPLIANCE.—

19                  “(i) IN GENERAL.—Subparagraphs  
20                  (A) through (D) shall remain in effect  
21                  until the Secretary determines under this  
22                  section that—

23                                 “(I) grid-enabled water heaters  
24                                 do not require a separate efficiency  
25                                 requirement; or

1                   “(II) sales of grid-enabled water  
2 heaters exceed by 15 percent or great-  
3 er the quantity of such products acti-  
4 vated for use in demand response and  
5 thermal storage programs annually  
6 and procedures to prevent product di-  
7 version for non-program purposes  
8 would not be adequate to prevent such  
9 product diversion.

10                   “(ii) EFFECTIVE DATE.—If the Sec-  
11 retary exercises the authority described in  
12 clause (i) or amends the efficiency require-  
13 ment for grid-enabled water heaters, that  
14 action will take effect on the date de-  
15 scribed in subsection (m)(4)(A)(ii).

16                   “(iii) CONSIDERATION.—In carrying  
17 out this section with respect to electric  
18 water heaters, the Secretary shall consider  
19 the impact on thermal storage and demand  
20 response programs, including any impact  
21 on energy savings, electric bills, peak load  
22 reduction, electric reliability, integration of  
23 renewable resources, and the environment.

24                   “(iv) REQUIREMENTS.—In carrying  
25 out this paragraph, the Secretary shall re-

1           quire that grid-enabled water heaters be  
2           equipped with communication capability to  
3           enable the grid-enabled water heaters to  
4           participate in ancillary services programs if  
5           the Secretary determines that the tech-  
6           nology is available, practical, and cost-ef-  
7           fective.”;

8           (2) in section 332(a) (42 U.S.C. 6302(a))—

9           (A) in paragraph (5), by striking “or” at  
10          the end;

11          (B) in the first paragraph (6), by striking  
12          the period at the end and inserting a semicolon;

13          (C) by redesignating the second paragraph  
14          (6) as paragraph (7);

15          (D) in subparagraph (B) of paragraph (7)  
16          (as so redesignated), by striking the period at  
17          the end and inserting “; or”; and

18          (E) by adding at the end the following:

19          “(8) for any person to—

20                 “(A) activate an activation lock for a grid-  
21                 enabled water heater with knowledge that such  
22                 water heater is not used as part of an electric  
23                 thermal storage or demand response program;

24                 “(B) distribute an activation key for a  
25                 grid-enabled water heater with knowledge that

1 such activation key will be used to activate a  
2 grid-enabled water heater that is not used as  
3 part of an electric thermal storage or demand  
4 response program;

5 “(C) otherwise enable a grid-enabled water  
6 heater to operate at its designed specification  
7 and capabilities with knowledge that such water  
8 heater is not used as part of an electric thermal  
9 storage or demand response program; or

10 “(D) knowingly remove or render illegible  
11 the label of a grid-enabled water heater de-  
12 scribed in section 325(e)(6)(A)(ii)(V).”;

13 (3) in section 333(a) (42 U.S.C. 6303(a))—

14 (A) by striking “section 332(a)(5)” and in-  
15 sserting “paragraph (5), (6), (7), or (8) of sec-  
16 tion 332(a)”;

17 (B) by striking “paragraph (1), (2), or (5)  
18 of section 332(a)” and inserting “paragraph  
19 (1), (2), (5), (6), (7), or (8) of section 332(a)”;  
20 and

21 (4) in section 334 (42 U.S.C. 6304)—

22 (A) by striking “section 332(a)(5)” and in-  
23 sserting “paragraph (5), (6), (7), or (8) of sec-  
24 tion 332(a)”;

1 (B) by striking “section 332(a)(6)” and in-  
2 serting “section 332(a)(7)”.

3 **TITLE III—ENERGY EFFICIENT**  
4 **GOVERNMENT TECHNOLOGY**

5 **SEC. 301. SHORT TITLE.**

6 This title may be cited as the “Energy Efficient Gov-  
7 ernment Technology Act”.

8 **SEC. 302. ENERGY-EFFICIENT AND ENERGY-SAVING INFOR-**  
9 **MATION TECHNOLOGIES.**

10 Subtitle C of title V of the Energy Independence and  
11 Security Act of 2007 (Public Law 110–140; 121 Stat.  
12 1661) is amended by adding at the end the following:

13 **“SEC. 530. ENERGY-EFFICIENT AND ENERGY-SAVING INFOR-**  
14 **MATION TECHNOLOGIES.**

15 “(a) DEFINITIONS.—In this section:

16 “(1) DIRECTOR.—The term ‘Director’ means  
17 the Director of the Office of Management and Budg-  
18 et.

19 “(2) INFORMATION TECHNOLOGY.—The term  
20 ‘information technology’ has the meaning given that  
21 term in section 11101 of title 40, United States  
22 Code.

23 “(b) DEVELOPMENT OF IMPLEMENTATION STRAT-  
24 EGY.—Not later than 1 year after the date of enactment  
25 of this section, each Federal agency shall coordinate with

1 the Director, the Secretary, and the Administrator of the  
2 Environmental Protection Agency to develop an implemen-  
3 tation strategy (that includes best practices and measure-  
4 ment and verification techniques) for the maintenance,  
5 purchase, and use by the Federal agency of energy-effi-  
6 cient and energy-saving information technologies, taking  
7 into consideration the performance goals established under  
8 subsection (d).

9 “(c) ADMINISTRATION.—In developing an implemen-  
10 tation strategy under subsection (b), each Federal agency  
11 shall consider—

12 “(1) advanced metering infrastructure;

13 “(2) energy-efficient data center strategies and  
14 methods of increasing asset and infrastructure utili-  
15 zation;

16 “(3) advanced power management tools;

17 “(4) building information modeling, including  
18 building energy management;

19 “(5) secure telework and travel substitution  
20 tools; and

21 “(6) mechanisms to ensure that the agency re-  
22 alizes the energy cost savings brought about through  
23 increased efficiency and utilization.

24 “(d) PERFORMANCE GOALS.—

1           “(1) IN GENERAL.—Not later than 180 days  
2 after the date of enactment of this section, the Di-  
3 rector, in consultation with the Secretary, shall es-  
4 tablish performance goals for evaluating the efforts  
5 of Federal agencies in improving the maintenance,  
6 purchase, and use of energy-efficient and energy-sav-  
7 ing information technology.

8           “(2) BEST PRACTICES.—The Chief Information  
9 Officers Council established under section 3603 of  
10 title 44, United States Code, shall recommend best  
11 practices for the attainment of the performance  
12 goals, which shall include Federal agency consider-  
13 ation of the use of—

14                   “(A) energy savings performance con-  
15 tracting; and

16                   “(B) utility energy services contracting.

17           “(e) REPORTS.—

18           “(1) AGENCY REPORTS.—Each Federal agency  
19 shall include in the report of the agency under sec-  
20 tion 527 a description of the efforts and results of  
21 the agency under this section.

22           “(2) OMB GOVERNMENT EFFICIENCY REPORTS  
23 AND SCORECARDS.—Effective beginning not later  
24 than October 1, 2015, the Director shall include in  
25 the annual report and scorecard of the Director re-

1       quired under section 528 a description of the efforts  
2       and results of Federal agencies under this section.”.

3       **SEC. 303. ENERGY EFFICIENT DATA CENTERS.**

4       Section 453 of the Energy Independence and Security  
5 Act of 2007 (42 U.S.C. 17112) is amended—

6               (1) by striking subsection (b)(3); and

7               (2) by striking subsections (e) through (g) and  
8       inserting the following:

9       “(c) **STAKEHOLDER INVOLVEMENT.**—The Secretary  
10 and the Administrator shall carry out subsection (b) in  
11 collaboration with information technology industry and  
12 other key stakeholders, with the goal of producing results  
13 that accurately reflect the best knowledge in the most per-  
14 tinent domains. In such collaboration, the Secretary and  
15 the Administrator shall pay particular attention to organi-  
16 zations that—

17               “(1) have members with expertise in energy ef-  
18       ficiency and in the development, operation, and  
19       functionality of data centers, information technology  
20       equipment, and software, such as representatives of  
21       hardware manufacturers, data center operators, and  
22       facility managers;

23               “(2) obtain and address input from Department  
24       of Energy National Laboratories or any college, uni-  
25       versity, research institution, industry association,



1 company, or public interest group with applicable ex-  
2 pertise;

3 “(3) follow—

4 “(A) commonly accepted procedures for  
5 the development of specifications; and

6 “(B) accredited standards development  
7 processes; and

8 “(4) have a mission to promote energy effi-  
9 ciency for data centers and information technology.

10 “(d) MEASUREMENTS AND SPECIFICATIONS.—The  
11 Secretary and the Administrator shall consider and assess  
12 the adequacy of the specifications, measurements, and  
13 benchmarks described in subsection (b) for use by the  
14 Federal Energy Management Program, the Energy Star  
15 Program, and other efficiency programs of the Depart-  
16 ment of Energy or the Environmental Protection Agency.

17 “(e) STUDY.—The Secretary, in collaboration with  
18 the Administrator, shall, not later than 18 months after  
19 the date of enactment of the Energy Efficient Government  
20 Technology Act, make available to the public an update  
21 to the Report to Congress on Server and Data Center En-  
22 ergy Efficiency published on August 2, 2007, under sec-  
23 tion 1 of Public Law 109–431 (120 Stat. 2920), that pro-  
24 vides—

1           “(1) a comparison and gap analysis of the esti-  
2           mates and projections contained in the original re-  
3           port with new data regarding the period from 2007  
4           through 2014;

5           “(2) an analysis considering the impact of in-  
6           formation technologies, to include virtualization and  
7           cloud computing, in the public and private sectors;

8           “(3) an evaluation of the impact of the com-  
9           bination of cloud platforms, mobile devices, social  
10          media, and big data on data center energy usage;  
11          and

12          “(4) updated projections and recommendations  
13          for best practices through fiscal year 2020.

14          “(f) DATA CENTER ENERGY PRACTITIONER PRO-  
15          GRAM.—The Secretary, in collaboration with key stake-  
16          holders and the Director of the Office of Management and  
17          Budget, shall maintain a data center energy practitioner  
18          program that leads to the certification of energy practi-  
19          tioners qualified to evaluate the energy usage and effi-  
20          ciency opportunities in Federal data centers. Each Federal  
21          agency shall consider having the data centers of the agen-  
22          cy evaluated every 4 years by energy practitioners certified  
23          pursuant to such program, whenever practicable using cer-  
24          tified practitioners employed by the agency.

1           “(g) OPEN DATA INITIATIVE.—The Secretary, in col-  
2 laboration with key stakeholders and the Office of Man-  
3 agement and Budget, shall establish an open data initia-  
4 tive for Federal data center energy usage data, with the  
5 purpose of making such data available and accessible in  
6 a manner that encourages further data center innovation,  
7 optimization, and consolidation. In establishing the initia-  
8 tive, the Secretary shall consider the use of the online  
9 Data Center Maturity Model.

10          “(h) INTERNATIONAL SPECIFICATIONS AND  
11 METRICS.—The Secretary, in collaboration with key  
12 stakeholders, shall actively participate in efforts to har-  
13 monize global specifications and metrics for data center  
14 energy efficiency.

15          “(i) DATA CENTER UTILIZATION METRIC.—The Sec-  
16 retary, in collaboration with key stakeholders, shall facili-  
17 tate in the development of an efficiency metric that meas-  
18 ures the energy efficiency of a data center (including  
19 equipment and facilities).

20          “(j) PROTECTION OF PROPRIETARY INFORMATION.—  
21 The Secretary and the Administrator shall not disclose  
22 any proprietary information or trade secrets provided by  
23 any individual or company for the purposes of carrying  
24 out this section or the programs and initiatives established  
25 under this section.”.

1 **TITLE IV—ENERGY INFORMA-**  
2 **TION FOR COMMERCIAL**  
3 **BUILDINGS**

4 **SEC. 401. ENERGY INFORMATION FOR COMMERCIAL BUILD-**  
5 **INGS.**

6 (a) REQUIREMENT OF BENCHMARKING AND DISCLO-  
7 SURE FOR LEASING BUILDINGS WITHOUT ENERGY STAR  
8 LABELS.—Section 435(b)(2) of the Energy Independence  
9 and Security Act of 2007 (42 U.S.C. 17091(b)(2)) is  
10 amended—

11 (1) by striking “paragraph (2)” and inserting  
12 “paragraph (1)”; and

13 (2) by striking “signing the contract,” and all  
14 that follows through the period at the end and in-  
15 serting the following:

16 “signing the contract, the following requirements are  
17 met:

18 “(A) The space is renovated for all energy  
19 efficiency and conservation improvements that  
20 would be cost effective over the life of the lease,  
21 including improvements in lighting, windows,  
22 and heating, ventilation, and air conditioning  
23 systems.

24 “(B)(i) Subject to clause (ii), the space is  
25 benchmarked under a nationally recognized, on-

1 line, free benchmarking program, with public  
2 disclosure, unless the space is a space for which  
3 owners cannot access whole building utility con-  
4 sumption data, including spaces—

5 “(I) that are located in States with  
6 privacy laws that provide that utilities shall  
7 not provide such aggregated information to  
8 multitenant building owners; and

9 “(II) for which tenants do not provide  
10 energy consumption information to the  
11 commercial building owner in response to a  
12 request from the building owner.

13 “(ii) A Federal agency that is a tenant of  
14 the space shall provide to the building owner, or  
15 authorize the owner to obtain from the utility,  
16 the energy consumption information of the  
17 space for the benchmarking and disclosure re-  
18 quired by this subparagraph.”.

19 (b) STUDY.—

20 (1) IN GENERAL.—Not later than 2 years after  
21 the date of enactment of this Act, the Secretary of  
22 Energy, in collaboration with the Administrator of  
23 the Environmental Protection Agency, shall complete  
24 a study—

25 (A) on the impact of—

1 (i) State and local performance  
2 benchmarking and disclosure policies, and  
3 any associated building efficiency policies,  
4 for commercial and multifamily buildings;  
5 and

6 (ii) programs and systems in which  
7 utilities provide aggregated information re-  
8 garding whole building energy consumption  
9 and usage information to owners of multi-  
10 tenant commercial, residential, and mixed-  
11 use buildings;

12 (B) that identifies best practice policy ap-  
13 proaches studied under subparagraph (A) that  
14 have resulted in the greatest improvements in  
15 building energy efficiency; and

16 (C) that considers—

17 (i) compliance rates and the benefits  
18 and costs of the policies and programs on  
19 building owners, utilities, tenants, and  
20 other parties;

21 (ii) utility practices, programs, and  
22 systems that provide aggregated energy  
23 consumption information to multitenant  
24 building owners, and the impact of public

1 utility commissions and State privacy laws  
2 on those practices, programs, and systems;  
3 (iii) exceptions to compliance in exist-  
4 ing laws where building owners are not  
5 able to gather or access whole building en-  
6 ergy information from tenants or utilities;  
7 (iv) the treatment of buildings with—  
8 (I) multiple uses;  
9 (II) uses for which baseline infor-  
10 mation is not available; and  
11 (III) uses that require high levels  
12 of energy intensities, such as data  
13 centers, trading floors, and television  
14 studios;  
15 (v) implementation practices, includ-  
16 ing disclosure methods and phase-in of  
17 compliance;  
18 (vi) the safety and security of  
19 benchmarking tools offered by government  
20 agencies, and the resiliency of those tools  
21 against cyber-attacks; and  
22 (vii) international experiences with re-  
23 gard to building benchmarking and disclo-  
24 sure laws and data aggregation for multi-  
25 tenant buildings.

1           (2) SUBMISSION TO CONGRESS.—At the conclu-  
2           sion of the study, the Secretary shall submit to the  
3           Committee on Energy and Commerce of the House  
4           of Representatives and Committee on Energy and  
5           Natural Resources of the Senate a report on the re-  
6           sults of the study.

7           (c) CREATION AND MAINTENANCE OF DATABASE.—

8           (1) IN GENERAL.—Not later than 18 months  
9           after the date of enactment of this Act and following  
10          opportunity for public notice and comment, the Sec-  
11          retary of Energy, in coordination with other relevant  
12          agencies, shall maintain, and if necessary create, a  
13          database for the purpose of storing and making  
14          available public energy-related information on com-  
15          mercial and multifamily buildings, including—

16                (A) data provided under Federal, State,  
17                local, and other laws or programs regarding  
18                building benchmarking and energy information  
19                disclosure;

20                (B) information on buildings that have dis-  
21                closed energy ratings and certifications; and

22                (C) energy-related information on buildings  
23                provided voluntarily by the owners of the build-  
24                ings, only in an anonymous form unless the  
25                owner provides otherwise.



1           (2) COMPLEMENTARY PROGRAMS.—The data-  
2           base maintained pursuant to paragraph (1) shall  
3           complement and not duplicate the functions of the  
4           Environmental Protection Agency’s Energy Star  
5           Portfolio Manager tool.

6           (d) INPUT FROM STAKEHOLDERS.—The Secretary of  
7           Energy shall seek input from stakeholders to maximize the  
8           effectiveness of the actions taken under this section.

9           (e) REPORT.—Not later than 2 years after the date  
10          of enactment of this Act, and every 2 years thereafter,  
11          the Secretary of Energy shall submit to the Committee  
12          on Energy and Commerce of the House of Representatives  
13          and Committee on Energy and Natural Resources of the  
14          Senate a report on the progress made in complying with  
15          this section.

          Amend the title so as to read: “A bill to promote en-  
          ergy efficiency, and for other purposes.”.