

114TH CONGRESS
1ST SESSION

H. R. 873

To promote energy efficiency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2015

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

A BILL

To promote energy efficiency, 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 **TITLE I—BETTER BUILDINGS**

4 **SECTION 101. SHORT TITLE.**

5 This title may be cited as the “Better Buildings Act
6 of 2015”.

7 **SEC. 102. ENERGY EFFICIENCY IN FEDERAL AND OTHER**
8 **BUILDINGS.**

9 (a) DEFINITIONS.—In this section:

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

1 (2) COST-EFFECTIVE ENERGY EFFICIENCY
2 MEASURE.—The term “cost-effective energy effi-
3 ciency measure” means any building product, mate-
4 rial, equipment, or service, and the installing, imple-
5 menting, or operating thereof, that provides energy
6 savings in an amount that is not less than the cost
7 of such installing, implementing, or operating.

8 (3) COST-EFFECTIVE WATER EFFICIENCY
9 MEASURE.—The term “cost-effective water efficiency
10 measure” means any building product, material,
11 equipment, or service, and the installing, imple-
12 menting, or operating thereof, that provides water
13 savings in an amount that is not less than the cost
14 of such installing, implementing, or operating.

15 (b) MODEL PROVISIONS, POLICIES, AND BEST PRAC-
16 TICES.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of enactment of this Act, the Adminis-
19 trator, in consultation with the Secretary of Energy
20 and after providing the public with an opportunity
21 for notice and comment, shall develop model com-
22 mercial leasing provisions and best practices in ac-
23 cordance with this subsection.

24 (2) COMMERCIAL LEASING.—

1 (A) IN GENERAL.—The model commercial
2 leasing provisions developed under this sub-
3 section shall, at a minimum, align the interests
4 of building owners and tenants with regard to
5 investments in cost-effective energy efficiency
6 measures and cost-effective water efficiency
7 measures to encourage building owners and ten-
8 ants to collaborate to invest in such measures.

9 (B) USE OF MODEL PROVISIONS.—The
10 Administrator may use the model commercial
11 leasing provisions developed under this sub-
12 section in any standard leasing document that
13 designates a Federal agency (or other client of
14 the Administrator) as a landlord or tenant.

15 (C) PUBLICATION.—The Administrator
16 shall periodically publish the model commercial
17 leasing provisions developed under this sub-
18 section, along with explanatory materials, to en-
19 courage building owners and tenants in the pri-
20 vate sector to use such provisions and mate-
21 rials.

22 (3) REALTY SERVICES.—The Administrator
23 shall develop policies and practices to implement
24 cost-effective energy efficiency measures and cost-ef-
25 fective water efficiency measures for the realty serv-

1 ices provided by the Administrator to Federal agen-
2 cies (or other clients of the Administrator), including
3 periodic training of appropriate Federal employees
4 and contractors on how to identify and evaluate
5 those measures.

6 (4) STATE AND LOCAL ASSISTANCE.—The Ad-
7 ministrator, in consultation with the Secretary of
8 Energy, shall make available model commercial leas-
9 ing provisions and best practices developed under
10 this subsection to State, county, and municipal gov-
11 ernments for use in managing owned and leased
12 building space in accordance with the goal of encour-
13 aging investment in all cost-effective energy effi-
14 ciency measures and cost-effective water efficiency
15 measures.

16 **SEC. 103. SEPARATE SPACES WITH HIGH-PERFORMANCE**
17 **ENERGY EFFICIENCY MEASURES.**

18 (a) IN GENERAL.—Subtitle B of title IV of the En-
19 ergy Independence and Security Act of 2007 (42 U.S.C.
20 17081 et seq.) is amended by adding at the end the fol-
21 lowing:

22 **“SEC. 424. SEPARATE SPACES WITH HIGH-PERFORMANCE**
23 **ENERGY EFFICIENCY MEASURES.**

24 “(a) DEFINITIONS.—In this section:

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

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

12 “(b) STUDY.—

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

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

23 “(B) encouraging owners and tenants to
24 implement high-performance energy efficiency
25 measures in separate spaces.

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

3 “(A) descriptions of—

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

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

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

19 “(iv) return on investment and pay-
20 back analyses of the incremental cost and
21 projected energy savings of the proposed
22 set of high-performance energy efficiency
23 measures, including consideration of avail-
24 able incentives;

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

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

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

23 “(viii) any impact on employment re-
24 sulting from the design and construction of

1 separate spaces with high-performance en-
2 ergy efficiency measures; and

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

7 “(3) PUBLIC PARTICIPATION.—Not later than
8 90 days after the date of the enactment of this sec-
9 tion, the Secretary shall publish a notice in the Fed-
10 eral Register requesting public comments regarding
11 effective methods, measures, and practices for the
12 design and construction of separate spaces with
13 high-performance energy efficiency measures.

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

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 423 the following new item:

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

21 **SEC. 104. TENANT STAR PROGRAM.**

22 (a) IN GENERAL.—Subtitle B of title IV of the En-
23 ergy Independence and Security Act of 2007 (42 U.S.C.
24 17081 et seq.) (as amended by section 103) is amended
25 by adding at the end the following:

1 **“SEC. 425. TENANT STAR PROGRAM.**

2 “(a) DEFINITIONS.—In this section:

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

7 “(2) SEPARATE SPACES.—The term ‘separate
8 spaces’ has the meaning given the term in section
9 424.

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

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

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

25 “(A) categories of building occupancy that
26 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 term in section 11101 of title 40, United States
2 Code.

3 “(b) DEVELOPMENT OF IMPLEMENTATION STRAT-
4 EGY.—Not later than 1 year after the date of enactment
5 of this section, each Federal agency shall coordinate with
6 the Director, the Secretary, and the Administrator of the
7 Environmental Protection Agency to develop an implemen-
8 tation strategy (that includes best practices and measure-
9 ment and verification techniques) for the maintenance,
10 purchase, and use by the Federal agency of energy-effi-
11 cient and energy-saving information technologies, taking
12 into consideration the performance goals established under
13 subsection (d).

14 “(c) ADMINISTRATION.—In developing an implemen-
15 tation strategy under subsection (b), each Federal agency
16 shall consider—

17 “(1) advanced metering infrastructure;

18 “(2) energy-efficient data center strategies and
19 methods of increasing asset and infrastructure utili-
20 zation;

21 “(3) advanced power management tools;

22 “(4) building information modeling, including
23 building energy management;

24 “(5) secure telework and travel substitution
25 tools; and

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

4 “(d) PERFORMANCE GOALS.—

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

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

18 “(A) energy savings performance con-
19 tracting; and

20 “(B) utility energy services contracting.

21 “(e) REPORTS.—

22 “(1) AGENCY REPORTS.—Each Federal agency
23 shall include in the report of the agency under sec-
24 tion 527 a description of the efforts and results of
25 the agency under this section.

1 “(2) OMB GOVERNMENT EFFICIENCY REPORTS
2 AND SCORECARDS.—Effective beginning not later
3 than October 1, 2016, the Director shall include in
4 the annual report and scorecard of the Director re-
5 quired under section 528 a description of the efforts
6 and results of Federal agencies under this section.”.

7 **SEC. 203. ENERGY EFFICIENT DATA CENTERS.**

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

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

11 (2) by striking subsections (e) through (g) and
12 inserting the following:

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

21 “(1) have members with expertise in energy ef-
22 ficiency and in the development, operation, and
23 functionality of data centers, information technology
24 equipment, and software, such as representatives of

1 hardware manufacturers, data center operators, and
2 facility managers;

3 “(2) obtain and address input from Department
4 of Energy National Laboratories or any college, uni-
5 versity, research institution, industry association,
6 company, or public interest group with applicable ex-
7 pertise;

8 “(3) follow—

9 “(A) commonly accepted procedures for
10 the development of specifications; and

11 “(B) accredited standards development
12 processes; and

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

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

22 “(e) STUDY.—The Secretary, in collaboration with
23 the Administrator, shall, not later than 18 months after
24 the date of enactment of the Energy Efficient Government
25 Technology Act, make available to the public an update

1 to the Report to Congress on Server and Data Center En-
2 ergy Efficiency published on August 2, 2007, under sec-
3 tion 1 of Public Law 109–431 (120 Stat. 2920), that pro-
4 vides—

5 “(1) a comparison and gap analysis of the esti-
6 mates and projections contained in the original re-
7 port with new data regarding the period from 2008
8 through 2015;

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

12 “(3) an evaluation of the impact of the com-
13 bination of cloud platforms, mobile devices, social
14 media, and big data on data center energy usage;
15 and

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

18 “(f) DATA CENTER ENERGY PRACTITIONER PRO-
19 GRAM.—The Secretary, in collaboration with key stake-
20 holders and the Director of the Office of Management and
21 Budget, shall maintain a data center energy practitioner
22 program that leads to the certification of energy practi-
23 tioners qualified to evaluate the energy usage and effi-
24 ciency opportunities in Federal data centers. Each Federal
25 agency shall consider having the data centers of the agen-

1 cy evaluated every 4 years by energy practitioners certified
2 pursuant to such program, whenever practicable using cer-
3 tified practitioners employed by the agency.

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

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

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

23 “(j) PROTECTION OF PROPRIETARY INFORMATION.—
24 The Secretary and the Administrator shall not disclose
25 any proprietary information or trade secrets provided by

1 any individual or company for the purposes of carrying
2 out this section or the programs and initiatives established
3 under this section.”.

4 **TITLE III—ENERGY INFORMA-**
5 **TION FOR COMMERCIAL**
6 **BUILDINGS**

7 **SEC. 301. ENERGY INFORMATION FOR COMMERCIAL BUILD-**
8 **INGS.**

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

14 (1) by striking “paragraph (2)” and inserting
15 “paragraph (1)”; and

16 (2) by striking “signing the contract,” and all
17 that follows through the period at the end and in-
18 serting the following: “signing the contract, the fol-
19 lowing requirements are met:

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

1 “(B)(i) Subject to clause (ii), the space is
2 benchmarked under a nationally recognized, on-
3 line, free benchmarking program, with public
4 disclosure, unless the space is a space for which
5 owners cannot access whole building utility con-
6 sumption data, including spaces—

7 “(I) that are located in States
8 with privacy laws that provide that
9 utilities shall not provide such aggre-
10 gated information to multitenant
11 building owners; and

12 “(II) for which tenants do not
13 provide energy consumption informa-
14 tion to the commercial building owner
15 in response to a request from the
16 building owner.

17 “(ii) A Federal agency that is a ten-
18 ant of the space shall provide to the build-
19 ing owner, or authorize the owner to obtain
20 from the utility, the energy consumption
21 information of the space for the
22 benchmarking and disclosure required by
23 this subparagraph.”.

24 (b) STUDY.—

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

6 (A) on the impact of—

7 (i) State and local performance
8 benchmarking and disclosure policies, and
9 any associated building efficiency policies,
10 for commercial and multifamily buildings;
11 and

12 (ii) programs and systems in which
13 utilities provide aggregated information re-
14 garding whole building energy consumption
15 and usage information to owners of multi-
16 tenant commercial, residential, and mixed-
17 use buildings;

18 (B) that identifies best practice policy ap-
19 proaches studied under subparagraph (A) that
20 have resulted in the greatest improvements in
21 building energy efficiency; and

22 (C) that considers—

23 (i) compliance rates and the benefits
24 and costs of the policies and programs on

1 building owners, utilities, tenants, and
2 other parties;

3 (ii) utility practices, programs, and
4 systems that provide aggregated energy
5 consumption information to multitenant
6 building owners, and the impact of public
7 utility commissions and State privacy laws
8 on those practices, programs, and systems;

9 (iii) exceptions to compliance in exist-
10 ing laws where building owners are not
11 able to gather or access whole building en-
12 ergy information from tenants or utilities;

13 (iv) the treatment of buildings with—

14 (I) multiple uses;

15 (II) uses for which baseline infor-
16 mation is not available; and

17 (III) uses that require high levels
18 of energy intensities, such as data
19 centers, trading floors, and televisions
20 studios;

21 (v) implementation practices, includ-
22 ing disclosure methods and phase-in of
23 compliance;

24 (vi) the safety and security of
25 benchmarking tools offered by government

1 agencies, and the resiliency of those tools
2 against cyber-attacks; and

3 (vii) international experiences with re-
4 gard to building benchmarking and disclo-
5 sure laws and data aggregation for multi-
6 tenant buildings.

7 (2) SUBMISSION TO CONGRESS.—At the conclu-
8 sion of the study, the Secretary shall submit to the
9 Committee on Energy and Commerce of the House
10 of Representatives and Committee on Energy and
11 Natural Resources of the Senate a report on the re-
12 sults of the study.

13 (c) CREATION AND MAINTENANCE OF DATABASE.—

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

22 (A) data provided under Federal, State,
23 local, and other laws or programs regarding
24 building benchmarking and energy information
25 disclosure;

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

3 (C) energy-related information on buildings
4 provided voluntarily by the owners of the build-
5 ings, only in an anonymous form unless the
6 owner provides otherwise.

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

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

15 (e) REPORT.—Not later than 2 years after the date
16 of enactment of this Act, and every 2 years thereafter,
17 the Secretary of Energy shall submit to the Committee
18 on Energy and Commerce of the House of Representatives
19 and Committee on Energy and Natural Resources of the
20 Senate a report on the progress made in complying with
21 this section.

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