

113TH CONGRESS
1ST SESSION

S. 1206

To encourage benchmarking and disclosure of energy information for
commercial buildings.

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2013

Mr. FRANKEN introduced the following bill; which was read twice and referred
to the Committee on Energy and Natural Resources

A BILL

To encourage benchmarking and disclosure of energy
information for commercial buildings.

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. ENERGY INFORMATION FOR COMMERCIAL**
4 **BUILDINGS.**

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

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

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

6 “signing the contract, the following requirements are
7 met:

8 “(A) The space is renovated for all energy
9 efficiency and conservation improvements that
10 would be cost effective over the life of the lease,
11 including improvements in lighting, windows,
12 and heating, ventilation, and air conditioning
13 systems.

14 “(B)(i) Subject to clause (ii), the space is
15 benchmarked under a nationally recognized, on-
16 line, free benchmarking program, with public
17 disclosure, unless the space is a space for which
18 owners cannot access whole building utility con-
19 sumption data, including spaces—

20 “(I) that are located in States with
21 privacy laws that provide that utilities shall
22 not provide such aggregated information to
23 multitenant building owners; and

24 “(II) for which tenants do not provide
25 energy consumption information to the

1 commercial building owner in response to a
2 request from the building owner.

3 “(ii) A Federal agency that is a tenant of
4 the space shall provide to the building owner, or
5 authorize the owner to obtain from the utility,
6 the energy consumption information of the
7 space for the benchmarking and disclosure re-
8 quired by this subparagraph.”.

9 (b) DEPARTMENT OF ENERGY STUDY.—

10 (1) IN GENERAL.—Not later than 2 years after
11 the date of enactment of this Act, the Secretary
12 shall complete a study, with opportunity for public
13 comment—

14 (A) on the impact of—

15 (i) State and local performance
16 benchmarking and disclosure policies, and
17 any associated building efficiency policies,
18 for commercial and multifamily buildings;
19 and

20 (ii) programs and systems in which
21 utilities provide aggregated information re-
22 garding whole building energy consumption
23 and usage information to owners of multi-
24 tenant commercial, residential, and mixed-
25 use buildings;

1 (B) that identifies best practice policy ap-
2 proaches studied under subparagraph (A) that
3 have resulted in the greatest improvements in
4 building energy efficiency; and

5 (C) that considers—

6 (i) compliance rates and the benefits
7 and costs of the policies and programs on
8 building owners, utilities, tenants, and
9 other parties;

10 (ii) utility practices, programs, and
11 systems that provide aggregated energy
12 consumption information to multitenant
13 building owners, and the impact of public
14 utility commissions and State privacy laws
15 on those practices, programs, and systems;

16 (iii) exceptions to compliance in exist-
17 ing laws where building owners are not
18 able to gather or access whole building en-
19 ergy information from tenants or utilities;

20 (iv) the treatment of buildings with—

21 (I) multiple uses;

22 (II) uses for which baseline infor-
23 mation is not available; and

24 (III) uses that require high levels
25 of energy intensities, such as data

1 centers, trading floors, and televisions
2 studios;

3 (v) implementation practices, includ-
4 ing disclosure methods and phase-in of
5 compliance;

6 (vi) the safety and security of
7 benchmarking tools offered by government
8 agencies, and the resiliency of those tools
9 against cyber-attacks; and

10 (vii) international experiences with re-
11 gard to building benchmarking and disclo-
12 sure laws and data aggregation for multi-
13 tenant buildings.

14 (2) SUBMISSION TO CONGRESS.—At the conclu-
15 sion of the study, the Secretary shall submit to Con-
16 gress a report on the results of the study.

17 (c) CREATION AND MAINTENANCE OF DATABASES.—

18 (1) IN GENERAL.—Not later than 18 months
19 after the date of enactment of this Act and following
20 opportunity for public notice and comment, the Sec-
21 retary, in coordination with other relevant agencies
22 shall, to carry out the purpose described in para-
23 graph (2)—

24 (A) assess existing databases; and

25 (B) as necessary—

1 (i) modify and maintain existing data-
 2 bases; or

3 (ii) create and maintain a new data-
 4 base platform.

5 (2) PURPOSE.—The maintenance of existing
 6 databases or creation of a new database platform
 7 under paragraph (1) shall be for the purpose of stor-
 8 ing and making available public energy-related infor-
 9 mation on commercial and multifamily buildings, in-
 10 cluding—

11 (A) data provided under Federal, State,
 12 local, and other laws or programs regarding
 13 building benchmarking and energy information
 14 disclosure;

15 (B) buildings that have received energy
 16 ratings and certifications; and

17 (C) energy-related information on buildings
 18 provided voluntarily by the owners of the build-
 19 ings, in an anonymous form, unless the owner
 20 provides otherwise.

21 (d) COMPETITIVE AWARDS.—Based on the results of
 22 the research for the portion of the study described in sub-
 23 section (b)(1)(A)(ii), and with criteria developed following
 24 public notice and comment, the Secretary may make com-
 25 petitive awards to utilities, utility regulators, and utility

1 partners to develop and implement effective and promising
2 programs to provide aggregated whole building energy
3 consumption information to multitenant building owners.

4 (e) INPUT FROM STAKEHOLDERS.—The Secretary
5 shall seek input from stakeholders to maximize the effec-
6 tiveness of the actions taken under this section.

7 (f) REPORT.—Not later than 2 years after the date
8 of enactment of this Act, and every 2 years thereafter,
9 the Secretary shall submit to Congress a report on the
10 progress made in complying with this section.

11 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out subsection (b)
13 \$2,500,000 for each of fiscal years 2014 through 2018,
14 to remain available until expended.

