

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

ENERGY EFFICIENCY IMPROVEMENT ACT OF 2015

Mr. WHITFIELD. Madam Speaker, I move to suspend the rules and pass the bill (S. 535) to promote energy efficiency.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Energy Efficiency Improvement Act of 2015”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BETTER BUILDINGS

Sec. 101. Short title.

Sec. 102. Energy efficiency in Federal and other buildings.

Sec. 103. Separate spaces with high-performance energy efficiency measures.

Sec. 104. Tenant Star program.

TITLE II—GRID-ENABLED WATER HEATERS

Sec. 201. Grid-enabled water heaters.

TITLE III—ENERGY INFORMATION FOR COMMERCIAL BUILDINGS

Sec. 301. Energy information for commercial buildings.

TITLE I—BETTER BUILDINGS

SEC. 101. SHORT TITLE.

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

SEC. 102. ENERGY EFFICIENCY IN FEDERAL AND OTHER BUILDINGS.

(a) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of General Services.

(2) **COST-EFFECTIVE ENERGY EFFICIENCY MEASURE.**—The term “cost-effective energy efficiency measure” means any building product, material, equipment, or service, and the installing, implementing, or operating thereof, that provides energy savings in an amount that is not less than the cost of such installing, implementing, or operating.

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

(b) **MODEL PROVISIONS, POLICIES, AND BEST PRACTICES.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy and after providing the public with an opportunity for notice and com-

ment, shall develop model commercial leasing provisions and best practices in accordance with this subsection.

(2) **COMMERCIAL LEASING.**—

(A) **IN GENERAL.**—The model commercial leasing provisions developed under this subsection shall, at a minimum, align the interests of building owners and tenants with regard to investments in cost-effective energy efficiency measures and cost-effective water efficiency measures to encourage building owners and tenants to collaborate to invest in such measures.

(B) **USE OF MODEL PROVISIONS.**—The Administrator may use the model commercial leasing provisions developed under this subsection in any standard leasing document that designates a Federal agency (or other client of the Administrator) as a landlord or tenant.

(C) **PUBLICATION.**—The Administrator shall periodically publish the model commercial leasing provisions developed under this subsection, along with explanatory materials, to encourage building owners and tenants in the private sector to use such provisions and materials.

(3) **REALTY SERVICES.**—The Administrator shall develop policies and practices to implement cost-effective energy efficiency measures and cost-effective water efficiency measures for the realty services provided by the Administrator to Federal agencies (or other clients of the Administrator), including periodic training of appropriate Federal employees and contractors on how to identify and evaluate those measures.

(4) **STATE AND LOCAL ASSISTANCE.**—The Administrator, in consultation with the Secretary of Energy, shall make available model commercial leasing provisions and best practices developed under this subsection to State, county, and municipal governments for use in managing owned and leased building space in accordance with the goal of encouraging investment in all cost-effective energy efficiency measures and cost-effective water efficiency measures.

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

(a) **IN GENERAL.**—Subtitle B of title IV of the Energy Independence and Security Act of 2007 (42 U.S.C. 17081 et seq.) is amended by adding at the end the following:

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

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

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

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

“(b) **STUDY.**—

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

“(A) significantly improving energy efficiency in commercial buildings through the design and construction, by owners and tenants, of separate spaces with high-performance energy efficiency measures; and

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

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

“(A) descriptions of—

“(i) high-performance energy efficiency measures that should be considered as part of the initial design and construction of separate spaces;

“(ii) processes that owners, tenants, architects, and engineers may replicate when designing and constructing separate spaces with high-performance energy efficiency measures;

“(iii) policies and best practices to achieve reductions in energy intensities for lighting, plug loads, heating, cooling, cooking, laundry, and other systems to satisfy the needs of the commercial building tenant;

“(iv) return on investment and payback analyses of the incremental cost and projected energy savings of the proposed set of high-performance energy efficiency measures, including consideration of available incentives;

“(v) models and simulation methods that predict the quantity of energy used by separate spaces with high-performance energy efficiency measures and that compare that predicted quantity to the quantity of energy used by separate spaces without high-performance energy efficiency measures but that otherwise comply with applicable building code requirements;

“(vi) measurement and verification platforms demonstrating actual energy use of high-performance energy efficiency measures installed in separate spaces, and whether such measures generate the savings intended in the initial design and construction of the separate spaces;

“(vii) best practices that encourage an integrated approach to designing and constructing separate spaces to perform at optimum energy efficiency in conjunction with the central systems of a commercial building; and

“(viii) any impact on employment resulting from the design and construction of separate spaces with high-performance energy efficiency measures; and

“(B) case studies reporting economic and energy savings returns in the design and construction of separate spaces with high-performance energy efficiency measures.

“(3) **PUBLIC PARTICIPATION.**—Not later than 90 days after the date of the enactment of this section, the Secretary shall publish a notice in the Federal Register requesting public comments regarding effective methods, measures, and practices for the design and construction of separate spaces with high-performance energy efficiency measures.

“(4) **PUBLICATION.**—The Secretary shall publish the study on the website of the Department of Energy.”

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the Energy Independence and Security Act of 2007 is amended by inserting after the item relating to section 423 the following new item:

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

SEC. 104. TENANT STAR PROGRAM.

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

“SEC. 425. TENANT STAR PROGRAM.

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

“(1) **HIGH-PERFORMANCE ENERGY EFFICIENCY MEASURE.**—The term ‘high-performance energy efficiency measure’ has the meaning given the term in section 424.

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

“(b) **TENANT STAR.**—The Administrator of the Environmental Protection Agency, in

consultation with the Secretary of Energy, shall develop a voluntary program within the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), which may be known as ‘Tenant Star’, to promote energy efficiency in separate spaces leased by tenants or otherwise occupied within commercial buildings.

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

“(1) collect, through each Commercial Buildings Energy Consumption Survey of the Energy Information Administration that is conducted after the date of enactment of this section, data on—

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

“(B) other aspects of the property, building operation, or building occupancy determined by the Administrator of the Energy Information Administration, in consultation with the Administrator of the Environmental Protection Agency, to be relevant in lowering energy consumption;

“(2) with respect to the first Commercial Buildings Energy Consumption Survey conducted after the date of enactment of this section, to the extent full compliance with the requirements of paragraph (1) is not feasible, conduct activities to develop the capability to collect such data and begin to collect such data; and

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

“(d) RECOGNITION OF OWNERS AND TENANTS.—

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

“(A) in a manner similar to the Energy Star rating system for commercial buildings, develop policies and procedures to recognize tenants in commercial buildings that voluntarily achieve high levels of energy efficiency in separate spaces;

“(B) establish building occupancy categories eligible for Tenant Star recognition based on the data collected under subsection (c) and any other appropriate data sources; and

“(C) consider other forms of recognition for commercial building tenants or other occupants that lower energy consumption in separate spaces.

“(2) DESIGN- AND CONSTRUCTION-BASED RECOGNITION.—After the study required by section 424(b) is completed, the Administrator of the Environmental Protection Agency, in consultation with the Secretary and following an opportunity for public notice and comment, may develop a voluntary program to recognize commercial building owners and tenants that use high-performance energy efficiency measures in the design and construction of separate spaces.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Energy Independence and Security Act of 2007 is amended by inserting after the item relating to section 424 (as added by section 103(b)) the following new item:

“Sec. 425. Tenant Star program.”.

TITLE II—GRID-ENABLED WATER HEATERS

SEC. 201. GRID-ENABLED WATER HEATERS.

Part B of title III of the Energy Policy and Conservation Act is amended—

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

“(6) ADDITIONAL STANDARDS FOR GRID-ENABLED WATER HEATERS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) ACTIVATION LOCK.—The term ‘activation lock’ means a control mechanism (either a physical device directly on the water heater or a control system integrated into the water heater) that is locked by default and contains a physical, software, or digital communication that must be activated with an activation key to enable the product to operate at its designed specifications and capabilities and without which activation the product will provide not greater than 50 percent of the rated first hour delivery of hot water certified by the manufacturer.

“(ii) GRID-ENABLED WATER HEATER.—The term ‘grid-enabled water heater’ means an electric resistance water heater that—

“(I) has a rated storage tank volume of more than 75 gallons;

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

“(III) has—

“(aa) an energy factor of not less than 1.061 minus the product obtained by multiplying—

“(AA) the rated storage volume of the tank, expressed in gallons; and

“(BB) 0.00168; or

“(bb) an equivalent alternative standard prescribed by the Secretary and developed pursuant to paragraph (5)(E);

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

“(V) bears a permanent label applied by the manufacturer that—

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

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

“(cc) advises purchasers and end-users of the intended and appropriate use of the product with the following notice printed in 16.5 point Arial Narrow Bold font:

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

“(B) REQUIREMENT.—The manufacturer or private labeler shall provide the activation key for a grid-enabled water heater only to a utility or other company that operates an electric thermal storage or demand response program that uses such a grid-enabled water heater.

“(C) REPORTS.—

“(i) MANUFACTURERS.—The Secretary shall require each manufacturer of grid-enabled water heaters to report to the Secretary annually the quantity of grid-enabled water heaters that the manufacturer ships each year.

“(ii) OPERATORS.—The Secretary shall require utilities and other demand response and thermal storage program operators to report annually the quantity of grid-enabled water heaters activated for their programs using forms of the Energy Information Agency or using such other mechanism that the Secretary determines appropriate after an opportunity for notice and comment.

“(iii) CONFIDENTIALITY REQUIREMENTS.—The Secretary shall treat shipment data reported by manufacturers as confidential business information.

“(D) PUBLICATION OF INFORMATION.—

“(i) IN GENERAL.—In 2017 and 2019, the Secretary shall publish an analysis of the data collected under subparagraph (C) to assess the extent to which shipped products are put into use in demand response and thermal storage programs.

“(ii) PREVENTION OF PRODUCT DIVERSION.—If the Secretary determines that sales of grid-enabled water heaters exceed by 15 percent or greater the quantity of such products activated for use in demand response and thermal storage programs annually, the Secretary shall, after opportunity for notice and comment, establish procedures to prevent product diversion for non-program purposes.

“(E) COMPLIANCE.—

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

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

“(II) sales of grid-enabled water heaters exceed by 15 percent or greater the quantity of such products activated for use in demand response and thermal storage programs annually and procedures to prevent product diversion for non-program purposes would not be adequate to prevent such product diversion.

“(ii) EFFECTIVE DATE.—If the Secretary exercises the authority described in clause (i) or amends the efficiency requirement for grid-enabled water heaters, that action will take effect on the date described in subsection (m)(4)(A)(ii).

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

“(iv) REQUIREMENTS.—In carrying out this paragraph, the Secretary shall require that grid-enabled water heaters be equipped with communication capability to enable the grid-enabled water heaters to participate in ancillary services programs if the Secretary determines that the technology is available, practical, and cost-effective.”.

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

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

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

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

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

(E) by adding at the end the following:

“(8) for any person—

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

“(B) to distribute an activation key for a grid-enabled water heater with knowledge that such activation key will be used to activate a grid-enabled water heater that is not used as part of an electric thermal storage or demand response program;

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

“(D) to knowingly remove or render illegible the label of a grid-enabled water heater described in section 325(e)(6)(A)(ii)(V).”.

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

(A) by striking “section 332(a)(5)” and inserting “paragraph (5), (6), (7), or (8) of section 332(a)”;

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

(4) in section 334 (42 U.S.C. 6304)—

(A) by striking “section 332(a)(5)” and inserting “paragraph (5), (6), (7), or (8) of section 332(a)”;

(B) by striking “section 332(a)(6)” and inserting “section 332(a)(7)”.

TITLE III—ENERGY INFORMATION FOR COMMERCIAL BUILDINGS

SEC. 301. ENERGY INFORMATION FOR COMMERCIAL BUILDINGS.

(a) REQUIREMENT OF BENCHMARKING AND DISCLOSURE FOR LEASING BUILDINGS WITHOUT ENERGY STAR LABELS.—Section 435(b)(2) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17091(b)(2)) is amended—

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

(2) by striking “signing the contract,” and all that follows through the period at the end and inserting the following:

“signing the contract, the following requirements are met:

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

“(B)(i) Subject to clause (ii), the space is benchmarked under a nationally recognized, online, free benchmarking program, with public disclosure, unless the space is a space for which owners cannot access whole building utility consumption data, including spaces—

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

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

“(ii) A Federal agency that is a tenant of the space shall provide to the building owner, or authorize the owner to obtain from the utility, the energy consumption information of the space for the benchmarking and disclosure required by this subparagraph.”.

(b) STUDY.—

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

(A) on the impact of—

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

(ii) programs and systems in which utilities provide aggregated information regarding whole building energy consumption and usage information to owners of multitenant commercial, residential, and mixed-use buildings;

(B) that identifies best practice policy approaches studied under subparagraph (A) that have resulted in the greatest improvements in building energy efficiency; and

(C) that considers—

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

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

(iii) exceptions to compliance in existing laws where building owners are not able to gather or access whole building energy information from tenants or utilities;

(iv) the treatment of buildings with—

(I) multiple uses;

(II) uses for which baseline information is not available; and

(III) uses that require high levels of energy intensities, such as data centers, trading floors, and television studios;

(v) implementation practices, including disclosure methods and phase-in of compliance;

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

(vii) international experiences with regard to building benchmarking and disclosure laws and data aggregation for multitenant buildings.

(2) SUBMISSION TO CONGRESS.—At the conclusion of the study, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and Committee on Energy and Natural Resources of the Senate a report on the results of the study.

(c) CREATION AND MAINTENANCE OF DATABASE.—

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

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

(B) information on buildings that have disclosed energy ratings and certifications; and

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

(2) COMPLEMENTARY PROGRAMS.—The database maintained pursuant to paragraph (1) shall complement and not duplicate the functions of the Environmental Protection Agency's Energy Star Portfolio Manager tool.

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

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

Passed the Senate March 26 (legislative day, March 27), 2015.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from Vermont (Mr. WELCH) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. WHITFIELD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous materials in the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. WHITFIELD. Madam Speaker, I yield myself such time as I may consume.

Today, we are considering S. 535, the Energy Efficiency Improvement Act of 2015, a bill to address energy efficiency in Federal buildings, energy conservation through the continued use of grid-enabled water heaters, and energy information for federally leased commercial buildings.

I also want to thank the gentleman from Vermont (Mr. WELCH) for working with us on this important legislation. Both sides of the aisle came together in this legislation, and I want to thank all of them and their staffs for the work that they have done.

Madam Speaker, the first title in this bill would establish a Tenant Star program—a voluntary certification and recognition program—within ENERGY STAR to promote energy efficiency in separate spaces. This program allows for a voluntary, market-driven approach to aligning the interests of commercial building owners and their tenants to reduce energy consumption. The DOE would also be required to complete a study on feasible approaches to improving the energy efficiency of tenant-occupied spaces in commercial buildings.

The second title in this bill relates to hot water heaters. There are approximately 250 electric cooperatives in 34 States that utilize large electric resistance water heaters in demand response programs to help with reliability and consumer costs during peak periods of energy use.

In March 2010, the Department of Energy issued new energy efficiency standards for large electric resistance water heaters that would, in effect, prohibit the manufacture of these water heaters that are 55 gallons or larger in favor of heat pump technology for water heaters of 55 gallons or larger. These standards took effect last week.

I might say that the American people from whom I frequently hear are totally frustrated by the micromanagement of the government in almost every aspect of their lives, and this regulation about water heaters is just one example.

At the hearing that we held on this regulation, the manufacturers testified that this regulation would basically double the cost of these water heaters. We have a situation in which many heat pump water heaters are not compatible with certain utility thermal energy storage and demand response programs that allow utilities to reduce or to shift their loads during certain periods of energy use. Title II would allow for the continued manufacture of large electric resistant water heaters above certain gallons specifically for use in these energy savings programs.

This is very common sense, Congress' responding to concerns by the general

public that the Department of Energy is trying to micromanage this small part of the energy sector in the United States.

I might mention that the third title of this bill requires that federally leased buildings without ENERGY STAR labels benchmark and disclose their energy usage data where practicable. Federally owned buildings are already subject to benchmarking requirements pursuant to section 432 of the Energy Independence and Security Act of 2007. Title III simply requires the DOE to complete a study of best practices regarding State and local performance benchmarking and disclosure policies for commercial and multifamily buildings in addition to the impact of utility policies for providing aggregated information to owners of multi-tenant buildings to assist with benchmarking programs.

This is a commonsense piece of legislation. It has passed the House and the Senate. The Senate bill was a little bit different than ours, so we are taking up their bill.

I reserve the balance of my time.

Mr. WELCH. Madam Speaker, I yield myself such time as I may consume.

I thank the gentleman for his excellent work.

Today is a very good day in Congress and in our country as we send to the President's desk bipartisan legislation that will: one, lower energy bills for families and businesses; two, create good jobs in manufacturing American-made energy efficiency products; and, three, improve our environment by reducing carbon emissions. I am hopeful that the common ground we have found in this bill sets the stage for further cooperation by both parties and by both Chambers in addressing many of the challenges facing our country.

I want to thank Chairman UPTON and Chairman WHITFIELD, and I want to thank Ranking Member PALLONE and Ranking Member RUSH for working with us to advance this important legislation.

Thank you, especially, Representative MCKINLEY, for partnering with me this term and last on this issue. Your background as an engineer and as a small business owner has provided much-needed expertise to our committee, and I am grateful to you for your partnership and leadership on this issue.

The bill before us today, as Mr. WHITFIELD said, advanced by Senators SHAHEEN and PORTMAN in the Senate, also includes some very good ideas from many Members of this House, those from Representatives CRAMER, DOYLE, LATTA, LOEBSACK, CASTOR, and KINZINGER.

Thank you all for your contributions to this good, bipartisan bill.

Madam Speaker, I have long believed that energy efficiency is an issue that lends itself to looking past partisan differences to find common ground in our Congress. We may disagree on the causes of climate change and of the

best fuel mix to meet America's energy needs, but we can all agree that using less of whatever energy source is more. We can all agree that creating demand for American-made, energy-efficient products will create good jobs, and we can all agree that cutting the energy bills of homeowners, businesses, and the Federal Government is a very good thing.

Vermont has been a leader for a long time in energy efficiency. We were the first in the Nation to establish an "energy efficiency utility" to provide assistance to homeowners and businesses that were seeking to lower their energy bills. In 2013 alone, the work of Efficiency Vermont yielded a lifetime customer savings of \$206 million for Vermonters. That is real money.

The bill before us today takes an important step towards making America more energy efficient. It includes the Better Buildings Act, also known as Tenant Star, which will drive private sector innovation in the energy efficiency sector. Homes and buildings consume 40 percent of our energy in the United States. That is 40 percent. In commercial buildings, owners report that tenants consume up to 50 percent or more of the total building energy.

One of the challenges facing commercial buildings has been the issue of "split incentives." Building owners and tenants are not always on the same page when it comes to energy performance. Part of the problem is that only one party is paying the energy bill. The other part of the problem is that, while we recognize energy-efficient buildings through our ENERGY STAR program, we have no similar recognition program for tenant spaces. Our bill creates a voluntary Tenant Star recognition program for separate spaces in commercial buildings.

When we combine ENERGY STAR buildings with Tenant Star rentals, we can optimize energy efficiency and shorten payback periods. A good example of this synergy can be found in the ENERGY STAR-certified Vermont Innovation Center, located in Burlington, Vermont. The Vermont Energy Investment Corporation is located in this building as well as my own district office.

The VEIC took aggressive action to optimize the efficiency of its tenant space in the building. It converted the overhead fluorescent lighting to highly efficient LEDs and applied 6 inches of spray foam insulation to the exterior walls. Making these improvements in an ENERGY STAR building optimized an already efficient tenant space. The VEIC expects to save nearly \$11,000 a year in energy savings. However, there is no recognition program for these improvements, and we don't know what else VEIC could be doing to increase energy savings.

Under this bill, we will study the best ways to optimize commercial tenant spaces and to recognize such spaces with a new Tenant Star label. By combining energy-efficient tenant build-

outs with ENERGY STAR buildings, we will double down on a successful program and optimize energy savings in commercial buildings, all through voluntary action.

In addition to Tenant Star, this legislation includes two other important efficiency provisions.

First, the bill makes much-needed changes to energy efficiency standards for large water heaters used in demand response programs. These water heaters act as residential energy storage devices and allow utilities to curb energy demand during peak hours.

Mr. WHITFIELD, thank you again for your leadership on this.

Second, the bill will require the disclosure of the amount of energy consumed in federally leased buildings and begin benchmarking their energy use.

In the coming weeks, I look forward to working with my colleagues to pass additional bipartisan energy efficiency bills, including a more expansive version of the McKinley-Welch-Shaheen-Portman legislation before us today. We should also pass legislation to encourage performance contracting in Federal buildings and streamline the Federal green schools efforts.

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Madam Speaker, energy efficiency is not a partisan issue. I am encouraged by the steps we are taking today and look forward to working with my colleagues on additional initiatives that cut energy bills, create jobs, and improve the environment. I urge Members to vote for this bill.

I reserve the balance of my time.

Mr. WHITFIELD. Madam Speaker, I reserve the balance of my time.

Mr. WELCH. I yield such time as he may consume to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I thank the gentleman for yielding.

Madam Speaker, I rise in support of S. 535, the Energy Efficiency Improvement Act of 2015, and I want to join with my colleague, Mr. WELCH, in congratulating all in the leadership: Mr. WHITFIELD, Mr. WELCH, Mr. PALLONE, and the chairman of the full committee.

Mr. Speaker, this is a modest but, most importantly, a bipartisan piece of legislation that combines three separate energy efficiency titles. This bill was passed by unanimous consent out of the Senate just this last month.

The bill before us today is also similar to H.R. 2126, which passed out of this House in the last session of Congress on an overwhelmingly bipartisan vote of 375-36.

The first title of this bill, Madam Speaker, is the Better Buildings Act, which was introduced into the Congress by my friends and colleagues, the gentleman from West Virginia (Mr. MCKINLEY) and the gentleman from Vermont (Mr. WELCH).

This title simply directs the General Services Administration to develop model leasing provisions and best practices to encourage commercial building

owners and their tenants to invest in cost-effective energy efficiency measures. These model leasing provisions may then be used in Federal leases and, along with the best practices, Madam Speaker, shall be made available to all State and local governments.

Additionally, section 103 directs the Department of Energy to conduct a study on the feasibility of significantly improving energy efficiency in commercial buildings through the design and construction of separate tenant spaces with high-performance energy efficiency measures.

Section 104 directs the EPA to develop a “Tenant Star” program within the ENERGY STAR program to promote energy efficiency in separate spaces leased by tenants in commercial buildings. This data can then be used to establish an ENERGY STAR rating system to recognize tenants in commercial buildings that voluntarily achieve high levels of energy efficiency in separate spaces.

Madam Speaker, title II of this bill, the Grid-Enabled Water Heaters bill, was introduced by my colleague and my good friend, Chairman WHITFIELD, along with Mr. WELCH, Mr. LATTA, Mr. LOEBSACK, Mr. CRAMER, and Mr. DOYLE. This section establishes a separate energy efficiency standard for grid-enabled water heaters, which are used in utility demand and thermal storage programs.

Finally, Madam Speaker, title III of this bill, the Energy Information for Commercial Buildings bill, which was introduced into Congress by my friend and colleague, Ms. CASTOR of Florida, requires Federally leased buildings without ENERGY STAR labels to benchmark and disclose their energy usage data in most cases.

It also requires the Department of Energy to complete a study of best practices for and impacts of, one, State and local performance benchmarking and disclosure policies for commercial and multifamily buildings; and, two, utility policies for providing aggregated information to owners of multi-tenant buildings to assist with benchmarking programs. In addition, Madam Speaker, the DOE is required to maintain a database to store and make available public energy-related information on commercial and multifamily buildings.

Madam Speaker, in recent history, we have not been able to pass bipartisan energy legislation through both Chambers and into law, so it is important that we move this bill to the President's desk so that we can demonstrate once again to the American people that this Congress is still capable of functioning properly and legislating on their behalf.

Madam Speaker, I urge all my colleagues to vote for this bill.

Mr. WHITFIELD. Madam Speaker, I don't believe we have any additional speakers on our side, and I would like the opportunity to close, so I will reserve the balance of my time.

Mr. WELCH. Madam Speaker, I yield myself the balance of my time, and thank the gentleman from Illinois (Mr. RUSH) not just for his remarks on this bill, but for his leadership on this issue and other issues in the committee over the years.

It is a good day when we can come together to do something constructive. This legislation finds that spot, energy efficiency, where we can join in embracing the enormous benefit of creating ways where homeowners and business owners of commercial buildings can figure out how to cut down on their bills. Whatever fuel source they use, if they have got a lower bill, that is a good thing.

To achieve that goal, we have to put Americans to work, a lot of tradespeople who have got real skills and need a place to use them. They are the ones who retrofit these buildings, commercial buildings and homes. There is an incidental benefit: We reduce carbon emissions since we are using less fuel. This is tremendous.

I want to thank the gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from Michigan (Mr. UPTON) for all the good work that they did.

Madam Speaker, seeing no other speakers here, I yield back the balance of my time.

Mr. WHITFIELD. Madam Speaker, I want to thank my colleagues on both sides of the aisle once again, specifically Senators SHAHEEN and PORTMAN, Congressmen MCKINLEY and WELCH, Mr. UPTON and Mr. PALLONE, and certainly Mr. RUSH of Illinois. All of them worked very diligently on this, and I know they are committed to efficiency.

I want to just say one more time that I am specifically pleased that this legislation will stop the Department of Energy's regulation that would prohibit the manufacture of heat-resistant water heaters above 55 gallons. If that regulation had been allowed to continue, it would have cost the American public a lot more money going to the heat pump technology. So this legislation has stopped that. It is going to improve efficiency. I would urge all of my colleagues to support this legislation.

I yield back the balance of my time.

Mr. PALLONE. Madam Speaker, I rise in support of S. 535, the Energy Efficiency Improvement Act of 2015. This is bipartisan legislation to promote energy efficiency that recently passed the Senate by unanimous consent.

S. 535—sponsored by Senators PORTMAN and SHAHEEN—is very similar to legislation reported last Congress by the Energy and Commerce Committee which passed the House with an overwhelmingly bipartisan vote. The bill addresses three main areas: energy efficient buildings, the grid-enabled water heaters, and energy benchmarking and information disclosure for federal buildings.

Title one is comprised of the Better Buildings Act, bipartisan legislation sponsored in the House by Reps. MCKINLEY and WELCH. Section 102 of the bill directs the General Services Administration to develop model leasing provisions and best practices to en-

courage commercial building owners and tenants to invest in cost-effective energy efficiency measures. It also ensures the model leasing provisions are available for use in federal leases and, along with the best practices, are available for state and local governments to also use. Additionally, Section 103 directs the Department of Energy (DOE) to study improving energy efficiency in commercial buildings through design and construction of separate tenant spaces with high-performance energy efficiency measures. And, Section 104 directs EPA to develop a voluntary “Tenant Star” program within the Energy Star program to promote energy efficiency in separate spaces leased by tenants in commercial buildings and requires the Agency to establish an Energy Star rating system to recognize tenants in commercial buildings that voluntarily achieve high levels of energy efficiency in separate spaces.

Title two establishes a separate energy efficiency standard for grid-enabled water heaters, which are used in utility demand-response and thermal storage programs. This is substantially the same language included in H.R. 906, legislation sponsored by Chairman WHITFIELD, Mr. LOEBSACK and others that was reported without dissent last week by our committee. In addition to establishing a separate standard for these water heaters, the provision requires those units to have a built-in activation lock to ensure their participation in such a program.

Finally, title three is essentially the same as H.R. 1867, legislation sponsored by Reps. CASTOR and KINZINGER regarding energy information for commercial buildings. Section 301 requires federally-leased buildings without Energy Star labels to benchmark and disclose their energy usage data except in certain circumstances. It also requires DOE to complete a study of best practices regarding the impacts of state and local performance benchmarking and disclosure policies for commercial and multifamily buildings, as well as utility policies for providing aggregated information to owners of multi-tenant buildings to assist with benchmarking programs. In addition, it requires DOE to maintain a database to store and make available public energy-related information on commercial and multifamily buildings.

S. 535 is a stripped down version of the Shaheen-Portman efficiency legislation that has taken far too long to pass either chamber. However, I am disappointed that—unlike the original Shaheen-Portman bill—the proposal before us does not contain provisions authored by Rep. ESHOO that would address the efficiency of federal data centers. This is an area where we can easily see a great gain in efficiency relatively quickly and easily and her proposal has good bipartisan support. So, I have to note with concern the fact that something as useful and bipartisan as that federal data center efficiency language could not make it into the final package, despite being something that enjoys support on both sides.

I hope that is an anomaly and not a harbinger of things to come, because we need to look at both sides of the equation—demand and supply, consumers and producers—to construct an energy policy for the future, one that is both economically and environmentally sustainable. And we need the resources of both sides of the aisle, both chambers of Congress and all branches of government to get there.

Today, the Obama Administration released the first installment of its Quadrennial Energy Review (QER) after a year-long, detailed examination of our energy needs. The QER is not exactly glamorous, but it is a serious, thoughtful and necessary look at how best to modernize America's energy infrastructure to create jobs and grow our economy in a manner that ensures our energy security and protects our environment. While I look forward to reviewing the complete report, I know that the progress updates we have received throughout the year have elicited positive and hopeful reactions from both sides of the aisle.

That's why I'm particularly pleased that the Administration is releasing this now while our Committee and our counterparts in the other body are considering the components of a possible bipartisan energy bill. We must meet consumers' need for reliable, affordable and, just as importantly, clean energy—one of the nation's most pressing issues. The QER looks to the future of our economy to take full advantage of American innovation and the new sources of domestic energy supply that are transforming the nation's energy marketplace. Just like efficiency, energy infrastructure—particularly with regard to size, scope, volume and siting—is critical to that endeavor. So, too, is the makeup—not just the volume—of the jobs that are created in modernizing that infrastructure; they must be jobs that are long-term, well-paying, and a gateway to the American dream for a diverse range of women and men.

As Chairman UPTON, Chairman WHITFIELD, Ranking Member RUSH and I continue to explore the potential for developing and moving a bipartisan energy bill during this Congress, I hope we will take advantage of the QER, as well as the best consensus ideas on both sides of the aisle here in Congress. That, to me, is the only successful path forward and it is the process embodied in the legislation before us today.

I urge my colleagues to support both the legislation before us and continuing the effort to build a broad, bipartisan partnership on energy issues. Only through this kind of cooperation can we enact energy legislation that truly powers our economy and our future.

Mr. PETERSON. Madam Speaker, I strongly support the Energy Efficiency Improvement Act, which will create a special category for large volume water heaters in the Department of Energy's new energy efficiency standards. Without this bill, manufacturers would no longer be able to make large volume water heaters, which are commonly used in Minnesota homes.

This legislation is necessary because the DOE failed to recognize the many benefits that large-volume water heaters provide, like bringing more renewable energy onto the grid, and allowing power plants to run more efficiently. The Department then made a problematic rule even worse by pulling a waiver for this technology three weeks before the rule went final this month.

This could have been where the story ended, but a diverse coalition of stakeholders had been working together to ensure that this technology can continue to be used.

They know that using electricity in a smarter way not only saves consumers money, but it is also good for the environment and helps to stabilize the grid.

That is why industry, environmental and energy efficiency stakeholders support these hot

water heaters when used as part of demand response systems. I hope that with the passage of this bill, the Department can get quickly reverse course, and move forward.

This is good, reasonable legislation and I urge my colleagues to vote yes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and pass the bill, S. 535.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ENSURING PATIENT ACCESS AND EFFECTIVE DRUG ENFORCEMENT ACT OF 2015

Mrs. BLACKBURN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 471) to improve enforcement efforts related to prescription drug diversion and abuse, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ensuring Patient Access and Effective Drug Enforcement Act of 2015".

SEC. 2. REGISTRATION PROCESS UNDER CONTROLLED SUBSTANCES ACT.

(a) DEFINITIONS.—

(1) FACTORS AS MAY BE RELEVANT TO AND CONSISTENT WITH THE PUBLIC HEALTH AND SAFETY.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

"(i) In this section, the phrase 'factors as may be relevant to and consistent with the public health and safety' means factors that are relevant to and consistent with the findings contained in section 101."

(2) IMMINENT DANGER TO THE PUBLIC HEALTH OR SAFETY.—Section 304(d) of the Controlled Substances Act (21 U.S.C. 824(d)) is amended—

(A) by striking "(d) The Attorney General" and inserting "(d)(1) The Attorney General"; and

(B) by adding at the end the following:

"(2) In this subsection, the phrase 'imminent danger to the public health or safety' means that, in the absence of an immediate suspension order, controlled substances will continue to be distributed or dispensed by a registrant who knows or should know through fulfilling the obligations of the registrant under this Act—

"(A) the dispensing is outside the usual course of professional practice;

"(B) the distribution or dispensing poses a present or foreseeable risk of adverse health consequences or death due to the abuse or misuse of the controlled substances; or

"(C) the controlled substances will continue to be diverted outside of legitimate distribution channels."

(b) OPPORTUNITY TO SUBMIT CORRECTIVE ACTION PLAN PRIOR TO REVOCATION OR SUSPENSION.—Subsection (c) of section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) by striking the last two sentences;

(2) by striking "(c) Before" and inserting "(c)(1) Before"; and

(3) by adding at the end the following:

"(2) An order to show cause under paragraph (1) shall—

"(A) contain a statement of the basis for the denial, revocation, or suspension, including specific citations to any laws or regulations alleged to be violated by the applicant or registrant;

"(B) direct the applicant or registrant to appear before the Attorney General at a time and place stated in the order, but not less than 30 days after the date of receipt of the order; and

"(C) notify the applicant or registrant of the opportunity to submit a corrective action plan on or before the date of appearance.

"(3) Upon review of any corrective action plan submitted by an applicant or registrant pursuant to paragraph (2), the Attorney General shall determine whether denial, revocation or suspension proceedings should be discontinued, or deferred for the purposes of modification, amendment, or clarification to such plan.

"(4) Proceedings to deny, revoke, or suspend shall be conducted pursuant to this section in accordance with subchapter II of chapter 5 of title 5, United States Code. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under this title or any other law of the United States.

"(5) The requirements of this subsection shall not apply to the issuance of an immediate suspension order under subsection (d)."

SEC. 3. REPORT TO CONGRESS ON EFFECTS OF LAW ENFORCEMENT ACTIVITIES ON PATIENT ACCESS TO MEDICATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs and the Director of the Centers for Disease Control and Prevention, in coordination with the Administrator of the Drug Enforcement Administration and in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, shall submit a report to the Committee on the Judiciary of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on Health, Education, Labor, and Pensions of the Senate identifying—

(1) obstacles to legitimate patient access to controlled substances;

(2) issues with diversion of controlled substances; and

(3) how collaboration between Federal, State, local, and tribal law enforcement agencies and the pharmaceutical industry can benefit patients and prevent diversion and abuse of controlled substances.

(b) CONSULTATION.—The report under subsection (a) shall incorporate feedback and recommendations from the following:

(1) Patient groups.

(2) Pharmacies.

(3) Drug manufacturers.

(4) Common or contract carriers and warehousemen.

(5) Hospitals, physicians, and other health care providers.

(6) State attorneys general.

(7) Federal, State, local, and tribal law enforcement agencies.

(8) Health insurance providers and entities that provide pharmacy benefit management services on behalf of a health insurance provider.

(9) Wholesale drug distributors.

(10) Veterinarians.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from