

rial, 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 April 30, 2015, the Administrator, in consultation with the Secretary of Energy and after providing the public with an opportunity for notice and comment, 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.

(Pub. L. 114-11, title I, §102, Apr. 30, 2015, 129 Stat. 182.)

**Editorial Notes**

**CODIFICATION**

Section was enacted as part of the Better Buildings Act of 2015, and also as part of the Energy Efficiency Improvement Act of 2015, and not as part of the Energy Independence and Security Act of 2007 which comprises this chapter.

**§ 17063. Energy information for commercial buildings**

**(a) Omitted**

**(b) Study**

**(1) In general**

Not later than 2 years after April 30, 2015, 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<sup>1</sup> studios;

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

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

<sup>1</sup> So in original. Probably should be “television”.

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 multi-tenant 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 April 30, 2015, 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 April 30, 2015, 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.

(Pub. L. 114–11, title III, §301, Apr. 30, 2015, 129 Stat. 189.)

**Editorial Notes**

**CODIFICATION**

Section is comprised of section 301 of Pub. L. 114–11. Subsec. (a) of section 301 of Pub. L. 114–11 amended section 17091 of this title.

Section was enacted as part of the Energy Efficiency Improvement Act of 2015, and not as part of the Energy Independence and Security Act of 2007 which comprises this chapter.

**§ 17064. Smart building acceleration**

**(a) Definitions**

In this section:

**(1) Department**

The term “Department” means the Department of Energy.

**(2) Program**

The term “program” means the Federal Smart Building Program established under subsection (b)(1).

**(3) Secretary**

The term “Secretary” means the Secretary of Energy.

**(4) Smart building**

The term “smart building” means a building, or collection of buildings, with an energy system that—

(A) is flexible and automated;

(B) has extensive operational monitoring and communication connectivity, allowing remote monitoring and analysis of all building functions;

(C) takes a systems-based approach in integrating the overall building operations for control of energy generation, consumption, and storage;

(D) communicates with utilities and other third-party commercial entities, if appropriate;

(E) protects the health and safety of occupants and workers; and

(F) incorporates cybersecurity best practices.

**(5) Smart building accelerator**

The term “smart building accelerator” means an initiative that is designed to demonstrate specific innovative policies and approaches—

(A) with clear goals and a clear timeline; and

(B) that, on successful demonstration, would accelerate investment in energy efficiency.

**(b) Federal Smart Building Program**

**(1) Establishment**

Not later than 1 year after December 27, 2020, the Secretary shall, in consultation with the Administrator of General Services, establish a program to be known as the “Federal Smart Building Program”—

(A) to implement smart building technology; and

(B) to demonstrate the costs and benefits of smart buildings.

**(2) Selection**

**(A) In general**

The Secretary shall coordinate the selection of not fewer than 1 building from among each of several key Federal agencies, as described in paragraph (4), to compose an appropriately diverse set of smart buildings based on size, type, and geographic location.

**(B) Inclusion of commercially operated buildings**

In making selections under subparagraph (A), the Secretary may include buildings that are owned by the Federal Government but are commercially operated.