

114TH CONGRESS  
1ST SESSION

# H. R. 1867

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

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IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 2015

Ms. CASTOR of Florida (for herself and Mr. KINZINGER of Illinois) introduced  
the following bill; which was referred to the Committee on Energy and  
Commerce

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## 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: “signing the contract, the fol-  
6           lowing requirements are met:

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

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

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

23                           “(II) for which tenants do not provide  
24                           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) STUDY.—

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

15 (A) on the impact of—

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

21 (ii) programs and systems in which  
22 utilities provide aggregated information re-  
23 garding whole building energy consumption  
24 and usage information to owners of multi-

1 tenant commercial, residential, and mixed-  
2 use buildings;

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

7 (C) that considers—

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

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

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

22 (iv) the treatment of buildings with—

23 (I) multiple uses;

24 (II) uses for which baseline infor-  
25 mation is not available; and

1 (III) uses that require high levels  
2 of energy intensities, such as data  
3 centers, trading floors, and televisions  
4 studios;

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

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

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

16 (2) SUBMISSION TO CONGRESS.—At the conclu-  
17 sion of the study, the Secretary shall submit to the  
18 Committee on Energy and Commerce of the House  
19 of Representatives and Committee on Energy and  
20 Natural Resources of the Senate a report on the re-  
21 sults of the study.

22 (c) CREATION AND MAINTENANCE OF DATABASE.—

23 (1) IN GENERAL.—Not later than 18 months  
24 after the date of enactment of this Act and following  
25 opportunity for public notice and comment, the Sec-

1       retary of Energy, in coordination with other relevant  
2       agencies, shall maintain, and if necessary create, a  
3       database for the purpose of storing and making  
4       available public energy-related information on com-  
5       mercial and multifamily buildings, including—

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

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

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

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

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

24              (e) REPORT.—Not later than 2 years after the date  
25              of enactment of this Act, and every 2 years thereafter,

1 the Secretary of Energy shall submit to the Committee  
2 on Energy and Commerce of the House of Representatives  
3 and Committee on Energy and Natural Resources of the  
4 Senate a report on the progress made in complying with  
5 this section.

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