

113TH CONGRESS  
2D SESSION

# H. R. 5027

To promote energy savings in residential and commercial buildings and industry, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JULY 8, 2014

Mrs. BLACKBURN (for herself and Mr. SCHRADER) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To promote energy savings in residential and commercial buildings and industry, 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 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Energy Savings and Building Efficiency Act of 2014”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definition of Secretary.

### TITLE I—BUILDINGS

#### Subtitle A—Building Energy Codes

- Sec. 101. Greater energy efficiency in building codes.

Subtitle B—Worker Training and Capacity Building

Sec. 111. Building training and assessment centers.

TITLE II—MISCELLANEOUS

Sec. 201. Voluntary nature of building asset rating program.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-  
3 retary of Energy.

4 **TITLE I—BUILDINGS**

5 **Subtitle A—Building Energy Codes**

6 **SEC. 101. GREATER ENERGY EFFICIENCY IN BUILDING**  
7 **CODES.**

8 (a) DEFINITIONS.—Section 303 of the Energy Con-  
9 servation and Production Act (42 U.S.C. 6832) is amend-  
10 ed—

11 (1) by striking paragraph (14) and inserting  
12 the following:

13 “(14) MODEL BUILDING ENERGY CODE.—The  
14 term ‘model building energy code’ means a voluntary  
15 building energy code or standard developed and up-  
16 dated through a consensus process among interested  
17 persons, such as the IECC or ASHRAE Standard  
18 90.1 or the code used by other appropriate organiza-  
19 tions.”; and

20 (2) by adding at the end the following:

1           “(17) IECC.—The term ‘IECC’ means the  
2 International Energy Conservation Code as pub-  
3 lished by the International Code Council.

4           “(18) ASHRAE STANDARD 90.1.—The term  
5 ‘ASHRAE Standard 90.1’ means the American So-  
6 ciety of Heating, Refrigerating and Air Conditioning  
7 Engineers ANSI/ASHRAE/IESNA Standard 90/1  
8 Energy Standard for Buildings Except Low-Rise  
9 Residential Buildings.

10           “(19) INDIAN TRIBE.—The term ‘Indian tribe’  
11 has the meaning given the term in section 4 of the  
12 Native American Housing Assistance and Self-De-  
13 termination Act of 1996 (25 U.S.C. 4103).

14           “(20) SIMPLE PAYBACK.—The term ‘simple  
15 payback’ means the time in years that is required  
16 for energy savings to exceed the incremental first  
17 cost of a new requirement or code.

18           “(21) TECHNICALLY FEASIBLE.—The term  
19 ‘technically feasible’ means capable of being  
20 achieved, based on widely available appliances/equip-  
21 ment, technologies, materials, and construction prac-  
22 tices.”.

23           (b) STATE BUILDING ENERGY EFFICIENCY  
24 CODES.—Section 304 of the Energy Conservation and

1 Production Act (42 U.S.C. 6833) is amended to read as  
2 follows:

3 **“SEC. 304. UPDATING STATE BUILDING ENERGY EFFI-**  
4 **CIENCY CODES.**

5 “(a) IN GENERAL.—The Secretary shall provide tech-  
6 nical assistance, as described in subsection (f), for the pur-  
7 poses of—

8 “(1) implementation of building energy codes  
9 by States, Indian tribes, and, as appropriate, by  
10 local governments that are technically feasible and  
11 cost-effective; and

12 “(2) supporting full compliance with the State  
13 and local codes.

14 “(b) STATE AND INDIAN TRIBE CERTIFICATION OF  
15 BUILDING ENERGY CODE UPDATES.—

16 “(1) REVIEW AND UPDATING OF CODES BY  
17 EACH STATE AND INDIAN TRIBE.—

18 “(A) IN GENERAL.—Not later than 3 years  
19 after the date on which a model building energy  
20 code is published, each State or Indian tribe  
21 shall certify whether or not the State or Indian  
22 tribe, respectively, has reviewed and updated  
23 the energy provisions of the building code of the  
24 State or Indian tribe, respectively.

1           “(B) DEMONSTRATION.—The certification  
2 shall include a statement of whether or not the  
3 energy savings for the code provisions that are  
4 in effect throughout the State or Indian tribal  
5 territory meet or exceed—

6                   “(i) the energy savings of the most re-  
7 cently published model building energy  
8 code; or

9                   “(ii) the targets established under sec-  
10 tion 307(b)(2).

11           “(C) NO MODEL BUILDING ENERGY CODE  
12 UPDATE.—If a model building energy code is  
13 not updated by a target date established under  
14 section 307(b)(2)(D), each State or Indian tribe  
15 shall, not later than 3 years after the specified  
16 date, certify whether or not the State or Indian  
17 tribe, respectively, has reviewed and updated  
18 the energy provisions of the building code of the  
19 State or Indian tribe, respectively, to meet or  
20 exceed the target in section 307(b)(2).

21           “(2) VALIDATION BY SECRETARY.—Not later  
22 than 90 days after a State or Indian tribe certifi-  
23 cation under paragraph (1), the Secretary shall—

1           “(A) determine whether the code provi-  
2           sions of the State or Indian tribe, respectively,  
3           meet the criteria specified in paragraph (1);

4           “(B) determine whether the certification  
5           submitted by the State or Indian tribe, respec-  
6           tively is complete; and

7           “(C) if the requirements of subparagraph  
8           (B) are satisfied, validate the certification.

9           “(3) LIMITATION.—Nothing in this section  
10          shall be interpreted to require a State or Indian  
11          tribe to adopt any building code or provision within  
12          a code.

13          “(c) IMPROVEMENTS IN COMPLIANCE WITH BUILD-  
14          ING ENERGY CODES.—

15                 “(1) REQUIREMENT.—

16                         “(A) IN GENERAL.—Not later than 3 years  
17                         after the date of a certification under sub-  
18                         section (b), each State and Indian tribe shall  
19                         certify whether or not the State and Indian  
20                         tribe, respectively, has—

21                                 “(i) achieved full compliance under  
22                                 paragraph (3) with the applicable certified  
23                                 State and Indian tribe building energy  
24                                 code or with the associated model building  
25                                 energy code; or

1           “(ii) made significant progress under  
2           paragraph (4) toward achieving compliance  
3           with the applicable certified State and In-  
4           dian tribe building energy code or with the  
5           associated model building energy code.

6           “(B) REPEAT CERTIFICATIONS.—If the  
7           State or Indian tribe certifies progress toward  
8           achieving compliance, the State or Indian tribe  
9           shall repeat the certification until the State or  
10          Indian tribe certifies that the State or Indian  
11          tribe has achieved full compliance, respectively.

12          “(2) MEASUREMENT OF COMPLIANCE.—A cer-  
13          tification under paragraph (1) shall include docu-  
14          mentation of the rate of compliance based on—

15                 “(A) inspections of a random sample of the  
16                 buildings covered by the code in the preceding  
17                 year; or

18                 “(B) an alternative method that yields an  
19                 accurate measure of compliance.

20          “(3) ACHIEVEMENT OF COMPLIANCE.—A State  
21          or Indian tribe shall be considered to achieve full  
22          compliance under paragraph (1) if—

23                 “(A) at least 90 percent of building space  
24                 covered by the code in the preceding year sub-  
25                 stantially meets all the requirements of the ap-

1 applicable code specified in paragraph (1), or  
2 achieves equivalent or greater energy savings  
3 level; or

4 “(B) the estimated excess energy use of  
5 buildings that did not meet the applicable code  
6 specified in paragraph (1) in the preceding  
7 year, compared to a baseline of comparable  
8 buildings that meet this code, is not more than  
9 5 percent of the estimated energy use of all  
10 buildings covered by this code during the pre-  
11 ceding year.

12 “(4) SIGNIFICANT PROGRESS TOWARD  
13 ACHIEVEMENT OF COMPLIANCE.—A State or Indian  
14 tribe shall be considered to have made significant  
15 progress toward achieving compliance for purposes  
16 of paragraph (1) if the State or Indian tribe—

17 “(A) has developed and is implementing a  
18 plan for achieving compliance during the 8-year  
19 period beginning on the date of enactment of  
20 this paragraph, including annual targets for  
21 compliance and active training and enforcement  
22 programs; and

23 “(B) has met the most recent target under  
24 subparagraph (A).



1           “(5) VALIDATION BY SECRETARY.—Not later  
2 than 90 days after a State or Indian tribe certifi-  
3 cation under paragraph (1), the Secretary shall—

4           “(A) determine whether the State or In-  
5 dian tribe has demonstrated meeting the cri-  
6 teria of this subsection, including accurate  
7 measurement of compliance;

8           “(B) determine whether the certification  
9 submitted by the State or Indian tribe is com-  
10 plete; and

11           “(C) if the requirements of subparagraph  
12 (B) are satisfied, validate the certification.

13           “(6) LIMITATION.—Nothing in this section  
14 shall be interpreted to require a State or Indian  
15 tribe to adopt any building code or provision within  
16 a code.

17           “(d) STATES OR INDIAN TRIBES THAT DO NOT  
18 ACHIEVE COMPLIANCE.—

19           “(1) REPORTING.—A State or Indian tribe that  
20 has not made a certification required under sub-  
21 section (b) or (c) by the applicable deadline shall  
22 submit to the Secretary a report on the status of the  
23 State or Indian tribe with respect to meeting the re-  
24 quirements and submitting the certification.

1           “(2) STATE SOVEREIGNTY.—Nothing in this  
2 section shall be interpreted to require a State or In-  
3 dian tribe to adopt any building code or provision  
4 within a code.

5           “(3) LOCAL GOVERNMENT.—In any State or  
6 Indian tribe for which the Secretary has not vali-  
7 dated a certification under subsection (b) or (c), a  
8 local government may be eligible for Federal support  
9 by meeting the certification requirements of sub-  
10 sections (b) and (c).

11           “(4) ANNUAL REPORTS BY SECRETARY.—

12           “(A) IN GENERAL.—The Secretary shall  
13 annually submit to Congress, and publish in the  
14 Federal Register, a report on—

15                   “(i) the status of model building en-  
16 ergy codes;

17                   “(ii) the status of code adoption and  
18 compliance in the States and Indian tribes;

19                   “(iii) implementation of this section;  
20 and

21                   “(iv) improvements in energy savings  
22 over time as a result of the targets estab-  
23 lished under section 307(b)(2).

24           “(B) IMPACTS.—The report shall include  
25 estimates of impacts of past action under this

1 section, and potential impacts of further action,  
2 on—

3 “(i) upfront financial and construction  
4 costs, cost benefits and returns (using a  
5 return on investment analysis), and life-  
6 time energy use for buildings;

7 “(ii) resulting energy costs to individ-  
8 uals and businesses; and

9 “(iii) resulting overall annual building  
10 ownership and operating costs.

11 “(e) TECHNICAL ASSISTANCE TO STATES AND IN-  
12 DIAN TRIBES.—The Secretary shall provide technical as-  
13 sistance to States and Indian tribes to implement the goals  
14 and requirements of this section, including procedures and  
15 technical analysis for States and Indian tribes—

16 “(1) to implement State residential and com-  
17 mercial building energy codes; and

18 “(2) to document the rate of compliance with a  
19 building energy code.

20 “(f) TECHNICAL ASSISTANCE TO STATES AND IN-  
21 DIAN TRIBES.—

22 “(1) IN GENERAL.—The Secretary shall, upon  
23 request, provide technical assistance to States and  
24 Indian tribes to implement the goals and require-  
25 ments of this section—

1           “(A) to implement State residential and  
2 commercial building energy codes; and

3           “(B) to document the rate of compliance  
4 with a building energy code.

5           “(2) TECHNICAL ASSISTANCE.—The assistance  
6 shall include, as requested by the State or Indian  
7 tribe, technical assistance in—

8           “(A) evaluating the energy savings of  
9 building energy codes;

10           “(B) assessing the economic consider-  
11 ations, referenced in section 307(b)(4), of im-  
12 plementing building energy codes;

13           “(C) building energy analysis and design  
14 tools;

15           “(D) energy simulation models;

16           “(E) building demonstrations;

17           “(F) developing the definitions of energy  
18 use intensity and building types for use in  
19 model building energy codes to evaluate the effi-  
20 ciency impacts of the model building energy  
21 codes; and

22           “(G) complying with a performance-based  
23 pathway referenced in the model code.

24           “(3) EXCLUSION.—For purposes of this section,  
25 ‘technical assistance’ shall not include actions that

1 advocate, promote, or discourage the adoption of a  
2 particular building energy code, code provision, or  
3 energy savings target to a State or Indian tribe.

4 “(4) INFORMATION QUALITY AND TRANS-  
5 PARENCY.—For purposes of this section, information  
6 provided by the Secretary, attendant to any tech-  
7 nical assistance provided to a State or Indian tribe,  
8 is ‘influential information’ and shall satisfy the  
9 guidelines established by the Office of Management  
10 and Budget and published at 67 Federal Register  
11 8,452 (Feb. 22, 2002).

12 “(g) FEDERAL SUPPORT.—

13 “(1) IN GENERAL.—The Secretary shall provide  
14 support to States and Indian tribes—

15 “(A) to implement the reporting require-  
16 ments of this section; and

17 “(B) to implement residential and commer-  
18 cial building energy codes, including increasing  
19 and verifying compliance with the codes and  
20 training of State, tribal, and local building code  
21 officials to implement and enforce the codes.

22 “(2) EXCLUSION.—Support shall not be given  
23 to support adoption and implementation of model  
24 building energy codes for which the Secretary has

1 made a determination under section 307(d)(1)(C),  
2 that the code is not cost-effective.

3 “(3) TRAINING.—Support shall be offered to  
4 States, to train State and local building code offi-  
5 cials to implement and enforce codes described in  
6 paragraph (2).

7 “(4) LOCAL GOVERNMENTS.—States may work  
8 under this subsection with local governments that  
9 implement and enforce the codes.

10 “(h) VOLUNTARY PROGRAMS TO EXCEED MODEL  
11 BUILDING ENERGY CODE.—

12 “(1) IN GENERAL.—The Secretary shall provide  
13 technical assistance, as described in subsection (f),  
14 for the development of voluntary programs that ex-  
15 ceed the model building energy codes for residential  
16 and commercial buildings for use as—

17 “(A) voluntary incentive programs adopted  
18 by local, tribal, or State governments; and

19 “(B) non-binding guidelines for energy-ef-  
20 ficient building design.

21 “(2) TARGETS.—The voluntary programs de-  
22 scribed in paragraph (1) shall be designed—

23 “(A) to achieve substantial energy savings  
24 compared to the model building energy codes;  
25 and

1           “(B) to meet targets under section 307(b),  
2           if available, up to 3 to 6 years in advance of the  
3           target years.

4           “(i) STUDIES.—

5           “(1) GAO STUDY.—

6           “(A) The Comptroller General of the  
7           United States shall conduct a study of the im-  
8           pacts of updating the national model building  
9           energy codes for residential and commercial  
10          buildings. In conducting the study, the Comp-  
11          troller General shall consider and report, at a  
12          minimum—

13                 “(i) the actual energy consumption  
14                 savings stemming from updated energy  
15                 codes compared to the energy consumption  
16                 savings predicted during code development;

17                 “(ii) the actual consumer cost savings  
18                 stemming from updated energy codes com-  
19                 pared to predicted consumer cost savings;  
20                 and

21                 “(iii) an accounting of expenditures of  
22                 the Federal funds under each program au-  
23                 thorized by the title or by amendments  
24                 made by this title.

1           “(B) REPORT TO CONGRESS.—Not later  
2 than 3 years after the date of enactment of this  
3 Act, the Comptroller General of the United  
4 States shall submit a report to the Committee  
5 on Energy and Natural Resources of the Senate  
6 and the Committee on Energy and Commerce  
7 of the House of Representatives including the  
8 study findings and conclusions.

9           “(2) FEASIBILITY STUDY.—The Secretary, in  
10 consultation with building science experts from the  
11 National Laboratories and institutions of higher  
12 education, designers and builders of energy-efficient  
13 residential and commercial buildings, code officials,  
14 and other stakeholders, shall undertake a study of  
15 the feasibility, impact, economics, and merit of—

16           “(A) code improvements that would require  
17 that buildings be designed, sited, and con-  
18 structed in a manner that makes the buildings  
19 more adaptable in the future to become zero-  
20 net-energy after initial construction, as ad-  
21 vances are achieved in energy-saving tech-  
22 nologies;

23           “(B) code procedures to incorporate a ten-  
24 year payback, not just first-year energy use, in  
25 trade-offs and performance calculations; and



1           “(C) legislative options for increasing en-  
2           ergy savings from building energy codes, includ-  
3           ing additional incentives for effective State and  
4           local verification of compliance with and en-  
5           forcement of a code.

6           “(3) ENERGY DATA IN MULTI-TENANT BUILD-  
7           INGS.—The Secretary, in consultation with appro-  
8           priate representatives of the utility, utility regu-  
9           latory, building ownership, and other stakeholders,  
10          shall—

11           “(A) undertake a study of best practices  
12           regarding delivery of aggregated energy con-  
13           sumption information to owners and managers  
14           of residential and commercial buildings with  
15           multiple tenants and uses; and

16           “(B) consider the development of a memo-  
17           randum of understanding between and among  
18           affected stakeholders to reduce barriers to the  
19           delivery of aggregated energy consumption in-  
20           formation to such owners and managers.

21           “(j) EFFECT ON OTHER LAWS.—Nothing in this sec-  
22           tion or section 307 supersedes or modifies the application  
23           of sections 321 through 346 of the Energy Policy and  
24           Conservation Act (42 U.S.C. 6291 et seq.).

1       “(k) FUNDING LIMITATIONS.—No Federal funds  
2 shall be used to support actions by the Secretary, or  
3 States, to advocate, promote, or discourage the adoption  
4 of a particular building energy code, code provision, or en-  
5 ergy saving target to a State or Indian tribe; or be pro-  
6 vided to private third parties or non-governmental organi-  
7 zations that engage in this type of advocacy.”.

8       (c) FEDERAL BUILDING ENERGY EFFICIENCY  
9 STANDARDS.—Section 305 of the Energy Conservation  
10 and Production Act (42 U.S.C. 6834) is amended by strik-  
11 ing “voluntary building energy code” each place it appears  
12 in subsections (a)(2)(B) and (b) and inserting “model  
13 building energy code”.

14       (d) MODEL BUILDING ENERGY CODES.—Section 307  
15 of the Energy Conservation and Production Act (42  
16 U.S.C. 6836) is amended to read as follows:

17       **“SEC. 307. SUPPORT FOR MODEL BUILDING ENERGY**  
18                               **CODES.**

19       “(a) IN GENERAL.—The Secretary shall provide tech-  
20 nical assistance, as described in subsection (c), for updat-  
21 ing of model building energy codes.

22       “(b) TARGETS.—

23               “(1) IN GENERAL.—The Secretary shall provide  
24 technical assistance, for updating the model building  
25 energy codes.

1 “(2) TARGETS.—

2 “(A) IN GENERAL.—The Secretary shall  
3 provide technical assistance, to States, Indian  
4 tribes, local governments, nationally recognized  
5 code and standards developers, and other inter-  
6 ested parties for updating of model building en-  
7 ergy codes by establishing one or more aggre-  
8 gate energy savings targets through rulemaking  
9 in accordance with section 553 of title 5,  
10 United States Code, to achieve the purposes of  
11 this section.

12 “(B) SEPARATE TARGETS.—Separate tar-  
13 gets may be established for commercial and res-  
14 idential buildings.

15 “(C) BASELINES.—The baseline for updat-  
16 ing model building energy codes shall be the  
17 2009 IECC for residential buildings and  
18 ASHRAE Standard 90.1–2010 for commercial  
19 buildings.

20 “(D) SPECIFIC YEARS.—

21 “(i) IN GENERAL.—Targets for spe-  
22 cific years shall be established and revised  
23 by the Secretary through rulemaking in ac-  
24 cordance with section 553 of title 5,  
25 United States Code, and coordinated with

1 nationally recognized code and standards  
2 developers at a level that—

3 “(I) is at the maximum level of  
4 energy efficiency that is technically  
5 feasible and cost effective, while ac-  
6 counting for the economic consider-  
7 ations under paragraph (4); and

8 “(II) promotes the achievement  
9 of commercial and residential high  
10 performance buildings through high  
11 performance energy efficiency (within  
12 the meaning of section 401 of the En-  
13 ergy Independence and Security Act  
14 of 2007 (42 U.S.C. 17061)).

15 “(ii) INITIAL TARGETS.—Not later  
16 than 1 year after the date of enactment of  
17 this clause, the Secretary shall establish  
18 initial targets under this subparagraph.

19 “(iii) DIFFERENT TARGET YEARS.—  
20 Subject to clause (i), prior to the applica-  
21 ble year, the Secretary may set a later tar-  
22 get year for any of the model building en-  
23 ergy codes described in subparagraph (A)  
24 if the Secretary determines that a target  
25 cannot be met.

1           “(E) SMALL BUSINESS.—When estab-  
2           lishing targets under this paragraph through  
3           rulemaking, the Secretary shall ensure compli-  
4           ance with the Small Business Regulatory En-  
5           forcement Fairness Act of 1996 (5 U.S.C. 601  
6           note; Public Law 104–121) for any indirect eco-  
7           nomic effect on small entities that is reasonably  
8           foreseeable and a result of such rule.

9           “(3) APPLIANCE STANDARDS AND OTHER FAC-  
10          TORS AFFECTING BUILDING ENERGY USE.—In es-  
11          tablishing energy savings targets under paragraph  
12          (2), the Secretary shall develop and adjust the tar-  
13          gets in recognition of potential savings and costs re-  
14          lating to—

15                 “(A) efficiency gains made in appliances,  
16                 lighting, windows, insulation, and building enve-  
17                 lope sealing;

18                 “(B) advancement of distributed genera-  
19                 tion and on-site renewable power generation  
20                 technologies;

21                 “(C) equipment improvements for heating,  
22                 cooling, ventilation systems and water heating  
23                 systems;

1           “(D) building management systems and  
2           SmartGrid technologies to reduce energy use;  
3           and

4           “(E) other technologies, practices, and  
5           building systems regarding building plug load  
6           and other energy uses.

7           In developing and adjusting the targets, the Sec-  
8           retary shall use climate zone weighted averages for  
9           equipment efficiency for heating, cooling, ventilation  
10          systems and water heating systems, using equipment  
11          that is actually installed.

12          “(4) ECONOMIC CONSIDERATIONS.—In estab-  
13          lishing and revising energy savings targets under  
14          paragraph (2), the Secretary shall consider the eco-  
15          nomic feasibility of achieving the proposed targets  
16          established under this section and the potential costs  
17          and savings for consumers and building owners, by  
18          conducting a return on investment analysis, using a  
19          simple payback methodology over a 3-, 5-, and 7-  
20          year period. The Secretary shall not propose or pro-  
21          vide technical or financial assistance for any code,  
22          provision in the code, or energy target, or amend-  
23          ment thereto that has a payback greater than 10  
24          years.

1       “(c) TECHNICAL ASSISTANCE TO MODEL BUILDING  
2 ENERGY CODE-SETTING AND STANDARD DEVELOPMENT  
3 ORGANIZATIONS.—

4           “(1) IN GENERAL.—The Secretary shall, on a  
5 timely basis, provide technical assistance to model-  
6 ment organizations consistent to implement the  
7 goals of this section.

8           “(2) TECHNICAL ASSISTANCE.—The assistance  
9 shall include, as requested by the organizations,  
10 technical assistance in—

11           “(A) evaluating the energy savings of  
12 building energy codes;

13           “(B) assessing the economic consider-  
14 ations, under subsection (b)(4), of code or  
15 standards proposals or revisions;

16           “(C) building energy analysis and design  
17 tools;

18           “(D) energy simulation models;

19           “(E) building demonstrations;

20           “(F) developing definitions of energy use  
21 intensity and building types for use in model  
22 building energy codes to evaluate the efficiency  
23 impacts of the model building energy codes;

24           “(G) developing a performance-based path-  
25 way for compliance; and

1           “(H) developing model building energy  
2 codes by Indian tribes in accordance with tribal  
3 law.

4           “(3) EXCLUSION.—For purposes of this section,  
5 ‘technical assistance’ shall not include actions that  
6 advocate, promote, or discourage the adoption of a  
7 particular building energy code, code provision, or  
8 energy savings target.

9           “(4) INFORMATION QUALITY AND TRANS-  
10 PARENCY.—For purposes of this section, information  
11 provided by the Secretary, attendant to development  
12 of any energy savings targets, is ‘influential informa-  
13 tion’ and shall satisfy the guidelines established by  
14 the Office of Management and Budget and published  
15 at 67 Federal Register 8,452 (Feb. 22, 2002).

16           “(d) AMENDMENT PROPOSALS.—

17           “(1) IN GENERAL.—The Secretary may submit  
18 timely model building energy code amendment pro-  
19 posals to the model building energy code-setting and  
20 standard development organizations, with supporting  
21 evidence, sufficient to enable the model building en-  
22 ergy codes to meet the targets established under  
23 subsection (b)(2).

24           “(2) PROCESS AND FACTORS.—Amendment  
25 proposals submitted by the Secretary shall follow



1 rulemaking in accordance with section 553 of title 5,  
2 United States Code, and the factors and standards  
3 set forth in subsections (b)(2)(E), (b)(3), and (b)(4).  
4 Information provided by the Secretary, attendant to  
5 submission of any amendment proposals, is ‘influential  
6 information’, and shall satisfy the guidelines established  
7 by the Office of Management and Budget  
8 and published at 67 Federal Register 8,452 (Feb.  
9 22, 2002). When calculating the costs and benefits  
10 of an amendment, the Secretary shall use climate  
11 zone weighted averages for equipment efficiency for  
12 heating, cooling, ventilation systems and water heating  
13 systems, using equipment that is actually installed.  
14

15 “(e) ANALYSIS METHODOLOGY.—The Secretary shall  
16 make publicly available the entire calculation methodology  
17 (including input assumptions and data) used by the Secretary  
18 to estimate the energy savings of code or standard  
19 proposals and revisions.

20 “(f) METHODOLOGY DEVELOPMENT.—The Secretary  
21 shall establish a methodology for evaluating cost-effectiveness  
22 of energy code changes in multifamily buildings that  
23 incorporates economic parameters representative of typical  
24 multifamily buildings.

25 “(g) DETERMINATION.—

1           “(1) REVISION OF MODEL BUILDING ENERGY  
2 CODES.—If the provisions of the IECC or ASHRAE  
3 Standard 90.1 regarding building energy use are re-  
4 vised, the Secretary shall make a preliminary deter-  
5 mination not later than 90 days after the date of the  
6 revision, and a final determination not later than 15  
7 months after the date of the revision, on whether or  
8 not the revision—

9           “(A) improves energy efficiency in build-  
10 ings compared to the existing model building  
11 energy code;

12           “(B) meets the applicable targets under  
13 subsection (b)(2); and

14           “(C) is technically feasible and cost-effec-  
15 tive.

16           “(2) CODES OR STANDARDS NOT MEETING CRI-  
17 TERIA.—

18           “(A) IN GENERAL.—If the Secretary  
19 makes a preliminary determination under para-  
20 graph (1)(B) that a code or standard does not  
21 meet the targets established under subsection  
22 (b)(2), is not technically feasible, or is not cost-  
23 effective, the Secretary may at the same time  
24 provide technical assistance, as described in  
25 subsection (c), to the model building energy

1 code or standard developer, with proposed  
2 changes that would result in a model building  
3 energy code that meets the criteria and with  
4 supporting evidence. Proposed changes sub-  
5 mitted by the Secretary shall follow rulemaking  
6 in accordance with section 553 of title 5,  
7 United States Code, and the factors and stand-  
8 ards set forth in subsections (b)(2)(E), (b)(3),  
9 and (b)(4). Information provided by the Sec-  
10 retary, attendant to submission of any amend-  
11 ment proposals, is ‘influential information’, and  
12 shall satisfy the guidelines established by the  
13 Office of Management and Budget and pub-  
14 lished at 67 Federal Register 8,452 (Feb. 22,  
15 2002).

16 “(B) INCORPORATION OF CHANGES.—

17 “(i) IN GENERAL.—On receipt of the  
18 technical assistance, as described in sub-  
19 section (c), the model building energy code  
20 or standard developer shall have an addi-  
21 tional 270 days to accept or reject the pro-  
22 posed changes of the Secretary the model  
23 building energy code or standard for the  
24 Secretary to make a final determination.

1                   “(ii) FINAL DETERMINATION.—A  
2                   final determination under paragraph (1)  
3                   shall be on the modified model building en-  
4                   ergy code or standard.

5                   “(h) ADMINISTRATION.—In carrying out this section,  
6 the Secretary shall—

7                   “(1) publish notice of targets, amendment pro-  
8                   posals and supporting analysis and determinations  
9                   under this section in the Federal Register to provide  
10                  an explanation of and the basis for such actions, in-  
11                  cluding any supporting modeling, data, assumptions,  
12                  protocols, and cost benefit analysis, including return  
13                  on investment; and

14                  “(2) provide an opportunity for public comment  
15                  on targets, amendment proposals and supporting  
16                  analysis and determinations under this section, in  
17                  accordance with section 553 of title 5, United States  
18                  Code.

19                  “(i) VOLUNTARY CODES AND STANDARDS.—Not  
20                  withstanding any other provision of this section, any  
21                  model building code or standard established under this  
22                  section shall not be binding on a State, local government,  
23                  or Indian tribe as a matter of Federal law.”.

1     **Subtitle B—Worker Training and**  
2                     **Capacity Building**

3     **SEC. 111. BUILDING TRAINING AND ASSESSMENT CENTERS.**

4             The Secretary shall provide grants to institutions of  
5 higher education (as defined in section 101 of the Higher  
6 Education Act of 1965 (20 U.S.C. 1001)) and Tribal Col-  
7 leges or Universities (as defined in section 316(b) of that  
8 Act (20 U.S.C. 1059c(b))) to establish building training  
9 and assessment centers—

10                 (1) to identify opportunities for optimizing en-  
11 ergy efficiency and environmental performance in  
12 buildings;

13                 (2) to promote the application of emerging con-  
14 cepts and technologies in commercial and institu-  
15 tional buildings; and

16                 (3) to train engineers, architects, building sci-  
17 entists, building energy permitting and enforcement  
18 officials, and building technicians in energy-efficient  
19 design and operation.

20     **TITLE II—MISCELLANEOUS**

21     **SEC. 201. VOLUNTARY NATURE OF BUILDING ASSET RAT-**  
22                     **ING PROGRAM.**

23             (a) IN GENERAL.—Any program of the Secretary  
24 that may enable the owner of a commercial building or  
25 a residential building to obtain a rating, score, or label

1 regarding the actual or anticipated energy usage or per-  
2 formance of a building shall be made available on a vol-  
3 untary, optional, and market-driven basis.

4 (b) DISCLAIMER AS TO REGULATORY INTENT.—In-  
5 formation disseminated by the Secretary regarding the  
6 program described in subsection (a), including any infor-  
7 mation made available by the Secretary on a website, shall  
8 include language plainly stating that such program is not  
9 developed or intended to be the basis for a regulatory pro-  
10 gram by a Federal, State, local, or municipal government  
11 body.

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