

117TH CONGRESS  
2D SESSION

# H. R. 9576

To require the Administrator of the Environmental Protection Agency to develop and carry out a benchmarking and transparency initiative for commercial and multifamily properties to advance knowledge about building energy and water use and greenhouse gas emissions and inform efforts to reduce energy and water consumption and greenhouse gas emissions nationwide, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 2022

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

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## A BILL

To require the Administrator of the Environmental Protection Agency to develop and carry out a benchmarking and transparency initiative for commercial and multifamily properties to advance knowledge about building energy and water use and greenhouse gas emissions and inform efforts to reduce energy and water consumption and greenhouse gas emissions nationwide, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “Leveraging Our Water and Energy data to Reduce En-  
 4 ergy Bills Act of 2022” or the “LOWER Energy Bills Act  
 5 of 2022”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Covered property benchmarking and transparency initiative.
- Sec. 4. National benchmarking requirement.
- Sec. 5. Exemptions and extensions.
- Sec. 6. Data transparency and sharing.
- Sec. 7. Federal assistance.
- Sec. 8. Penalties.
- Sec. 9. Report.
- Sec. 10. Residential benchmarking study.
- Sec. 11. Regulations.
- Sec. 12. Definitions.
- Sec. 13. Authorization of appropriations.

8 **SEC. 2. FINDINGS.**

9 Congress finds the following:

10 (1) The climate crisis is raging and is already  
 11 imposing significant costs on the economy of the  
 12 United States.

13 (2) The Biden-Harris Administration has com-  
 14 mitted to reducing harmful climate pollution by 50  
 15 to 52 percent below 2005 levels economy-wide by  
 16 2030.

17 (3) Increasing energy efficiency will improve en-  
 18 ergy security, save money on energy bills, create  
 19 jobs, and reduce harmful climate pollution.

1           (4) Building energy benchmarking and disclo-  
2           sure helps provide transparency in building energy  
3           efficiency and has provided substantial benefits at  
4           affordable costs to State and local governments who  
5           have adopted benchmarking, including reducing en-  
6           ergy use and emissions, helping tenants become in-  
7           formed about the utility costs associated with prop-  
8           erties, helping tenants experience better health and  
9           comfort in properties, helping building owners expe-  
10          rience lower vacancy and turnover rates, and allow-  
11          ing policymakers to make more informed decisions  
12          about future energy efficiency policies.

13           (5) A Federal benchmarking requirement will  
14          reduce harmful climate pollution that crosses State  
15          boundaries, provide information for people relocating  
16          to other States, and harmonize building energy effi-  
17          ciency and disclosure requirements in metropolitan  
18          areas that cross State lines.

19 **SEC. 3. COVERED PROPERTY BENCHMARKING AND TRANS-**  
20 **PARENCY INITIATIVE.**

21           (a) PURPOSE.—The Administrator shall develop and  
22          carry out a benchmarking and transparency initiative for  
23          covered properties the purpose of which is to—

1           (1) advance the knowledge of owners and occu-  
2           pants regarding building energy and water use and  
3           greenhouse gas emissions; and

4           (2) inform efforts to reduce energy and water  
5           use and greenhouse gas emissions nationwide.

6           (b) CONSULTATION AND COORDINATION.—In devel-  
7           oping the initiative, the Administrator shall consult with  
8           and coordinate with the Secretary, other relevant agencies,  
9           and relevant stakeholders, including State and local gov-  
10          ernments with relevant benchmarking programs and ex-  
11          perts from academia, nonprofits, and industry.

12          (c) EXISTING PROGRAMS.—In developing the initia-  
13          tive, the Administrator shall make appropriate use of ex-  
14          isting Federal programs.

15       **SEC. 4. NATIONAL BENCHMARKING REQUIREMENT.**

16          (a) IN GENERAL.—In carrying out the initiative, the  
17          Administrator shall require each owner of a covered prop-  
18          erty to, as applicable, submit data annually to the Admin-  
19          istrator (in this Act referred to as a “benchmarking sub-  
20          mission”) in accordance with this section.

21          (b) BENCHMARKING SCHEDULE.—

22               (1) IN GENERAL.—The owner of a covered  
23          property shall, as applicable, make a benchmarking  
24          submission for the covered property with respect to  
25          the previous calendar year not later than—

1 (A) for a covered property that is greater  
2 than 200,000 square feet in gross floor area—

3 (i) May 1, 2025; and

4 (ii) May 1 of each calendar year  
5 thereafter;

6 (B) for a covered property that is greater  
7 than 100,000 square feet in gross floor area,  
8 but equal to or less than 200,000 square feet  
9 in gross floor area—

10 (i) May 1, 2026; and

11 (ii) May 1 of each calendar year  
12 thereafter; and

13 (C) for a covered property that is greater  
14 than 50,000 square feet in gross floor area, but  
15 equal to or less than 100,000 square feet in  
16 gross floor area—

17 (i) May 1, 2027; and

18 (ii) May 1 of each calendar year  
19 thereafter.

20 (2) SMALLER COVERED PROPERTIES.—The Ad-  
21 ministrator may, as the Administrator determines  
22 appropriate, require an owner of a covered property  
23 that is equal to or less than 50,000 square feet in  
24 gross floor area to make a benchmarking submission

1 for the covered property with respect to the previous  
2 calendar year.

3 (c) NOTIFICATION.—

4 (1) FIRST SUBMISSIONS.—Between January 1  
5 and March 1 of each year, for at least the first 3  
6 years during which an owner of a covered property  
7 is required to make a benchmarking submission, the  
8 Administrator shall attempt to notify such owner of  
9 such requirement via direct mail, electronically via  
10 email, or through a public posting on a website.

11 (2) FAILURE TO NOTIFY.—Failure of the Ad-  
12 ministrator to notify an owner of a covered property  
13 under this subsection shall not affect the obligation  
14 of such owner to make a benchmarking submission.

15 (d) BENCHMARKING DATA COLLECTION AND RE-  
16 PORTING.—

17 (1) REQUIREMENTS.—

18 (A) IN GENERAL.—The Administrator  
19 shall develop requirements for benchmarking  
20 submissions.

21 (B) FAILURE TO DEVELOP REQUIRE-  
22 MENTS.—If the Administrator fails to develop  
23 requirements pursuant to subparagraph (A),  
24 the owner of a covered property shall make a

1 benchmarking submission in accordance with  
2 paragraphs (2) and (3).

3 (C) UPDATING REQUIREMENTS.—The Ad-  
4 ministrator may periodically update the require-  
5 ments developed under this paragraph to in-  
6 crease data transparency for the purposes of re-  
7 ducing energy and water use and greenhouse  
8 gas emissions of covered properties.

9 (2) DATA REQUIREMENTS.—The requirements  
10 developed under paragraph (1) shall include a re-  
11 quirement that each benchmarking submission for a  
12 covered property include—

13 (A) descriptive information about the cov-  
14 ered property; and

15 (B) information about the operational  
16 characteristics of the covered property, includ-  
17 ing—

18 (i) aggregated whole-building data re-  
19 garding energy and water use for the cov-  
20 ered property compiled or submitted in ac-  
21 cordance with subsection (e); and

22 (ii) any other information that is re-  
23 quired by the Administrator for purposes  
24 of the Energy Star Portfolio Manager.

25 (3) VERIFICATION REQUIREMENT.—

1 (A) IN GENERAL.—The requirements de-  
2 veloped under paragraph (1) shall include a re-  
3 quirement that each owner of a covered prop-  
4 erty verify, not less than once every 3 years, as  
5 applicable, that data submitted in each  
6 benchmarking submission for the covered prop-  
7 erty, including data regarding energy and water  
8 use for the covered property, is accurate.

9 (B) REQUIREMENTS.—The Administrator  
10 shall develop requirements for verification of  
11 data required under subparagraph (A), includ-  
12 ing requirements related to third-party data  
13 verification, the use of licensed professionals for  
14 such verification, and any appropriate waivers  
15 for such verification.

16 (e) AGGREGATED WHOLE-BUILDING DATA.—

17 (1) COMPILATION OF DATA.—For purposes of  
18 meeting the requirements of the initiative, an owner  
19 of a covered property may obtain aggregated whole-  
20 building data on the energy and water use of the  
21 covered property—

22 (A) by obtaining such data from an electric  
23 utility, gas utility, or public water system pur-  
24 suant to paragraph (2);



1 (B) by collecting such data from all ten-  
2 ants pursuant to paragraph (3); or

3 (C) by reading a master meter or reading  
4 all meters serving the covered property.

5 (2) ENERGY AND WATER DATA.—

6 (A) REQUEST.—An owner of a covered  
7 property may request, for purposes of meeting  
8 the requirements of the initiative, that an elec-  
9 tric utility, gas utility, or public water system—

10 (i) provide the owner aggregated  
11 whole-building data on the energy or water  
12 use of the covered property; and

13 (ii) directly submit to the Adminis-  
14 trator aggregated whole-building data on  
15 the energy or water use of the covered  
16 property.

17 (B) FULFILLMENT OF REQUEST.—

18 (i) IN GENERAL.—An electric utility,  
19 gas utility, or public water system shall,  
20 not later than 10 days after receiving a re-  
21 quest from an owner of a covered property  
22 under subparagraph (A), provide the owner  
23 aggregated whole-building data on the en-  
24 ergy or water use of the covered property  
25 and submit to the Administrator aggre-

1 gated whole-building data on the energy or  
2 water use of the covered property, provided  
3 that—

4 (I) the number of individually  
5 metered accounts associated with the  
6 covered property is at least 4; or

7 (II) the electric utility, gas util-  
8 ity, or public water system receives  
9 consent from tenants, or in the case  
10 of a condominium, receives consent  
11 from an individual unit owner, for the  
12 electric utility, gas utility, or public  
13 water system to provide and submit  
14 the data.

15 (ii) EXCEPTION.—Clause (i) shall not  
16 apply to a public water system, with re-  
17 spect to a covered property, if such public  
18 water system does not measure and record  
19 water usage of such covered property.

20 (C) SPECIFICATIONS.—Data provided or  
21 submitted under subparagraph (B) shall—

22 (i) be provided in an electronic, auto-  
23 mated, machine readable form, without ad-  
24 ditional charge;

1 (ii) include information on at least 24  
2 months of energy or water use; and

3 (iii) be provided in a manner that pro-  
4 vides adequate protections for the security  
5 of the information and consumer privacy.

6 (3) TENANT DATA.—If an electric utility, gas  
7 utility, or public water system does not provide ag-  
8 gregated whole-building data pursuant to this sub-  
9 section, the owner of a covered property shall re-  
10 quest any information that cannot otherwise be ac-  
11 quired by the owner and that is needed by the owner  
12 to comply with the requirements of this section from  
13 each tenant or, in the case of a condominium, an in-  
14 dividual unit owner, located on the covered property.

15 (4) USE OF DATA.—Nothing in this section  
16 shall be construed to relieve covered property owners  
17 from compliance with State or local laws governing  
18 direct access to utility data by a tenant or, in the  
19 case of a condominium, an individual unit owner,  
20 from the responsible electric utility, gas utility, or  
21 public water system.

22 (5) UNMETERED WATER USE.—In making a  
23 benchmarking submission, the owner of a covered  
24 property shall not be required to include aggregated  
25 whole-building data regarding water use if the cov-

1       ered property does not have a meter that measures  
2       and records water usage data.

3 **SEC. 5. EXEMPTIONS AND EXTENSIONS.**

4       (a) STATE OR LOCAL BENCHMARKING.—

5           (1) EXEMPTION.—The owner of a covered prop-  
6       erty shall not be required to make a benchmarking  
7       submission to comply with the initiative with respect  
8       to the covered property for a calendar year if the  
9       owner is required for such calendar year to comply  
10      with a benchmarking requirement of a State or local  
11      government that the Administrator has determined  
12      meets or exceeds the benchmarking submission re-  
13      quirements under section 4.

14           (2) LISTING.—

15           (A) IN GENERAL.—For purposes of this  
16       section, the Administrator shall list, and update  
17       the list periodically, the States and local govern-  
18       ments that have benchmarking requirements  
19       that meet or exceed the benchmarking submis-  
20       sion requirements under section 4.

21           (B) REMOVAL.—The Administrator may  
22       remove a State or local government from the  
23       list under subparagraph (A) if the Adminis-  
24       trator determines that the benchmarking re-  
25       quirements of such State or local government

1 no longer meet or exceed the benchmarking  
2 submission requirements under section 4, in-  
3 cluding due to low compliance with the  
4 benchmarking requirements of such State or  
5 local government.

6 (b) EXEMPTIONS FOR CERTAIN CONDITIONS.—

7 (1) CONDITIONS.—The Administrator may  
8 grant an exemption from making a benchmarking  
9 submission or a time extension for making a  
10 benchmarking submission if the request for such ex-  
11 emption or a time extension establishes that due to  
12 special circumstances not based on a condition  
13 caused by actions of the applicant, compliance with  
14 requirements of the initiative would cause undue  
15 hardship or would not be in the public interest.

16 (2) DETERMINATION.—The Administrator shall  
17 determine and describe the circumstances in which  
18 the owner of a covered property may be exempt from  
19 making a benchmarking submission or may be  
20 granted a time extension for making a  
21 benchmarking submission in accordance with this  
22 subsection.

23 **SEC. 6. DATA TRANSPARENCY AND SHARING.**

24 (a) DATA TRANSPARENCY.—

1           (1) IN GENERAL.—In carrying out the initia-  
2           tive, the Administrator shall, to help inform owners,  
3           managers, tenants, and the market at large about a  
4           covered property’s energy and water use, annually  
5           make available, on a publicly accessible website, the  
6           subset of data, determined in accordance with para-  
7           graph (3), that is submitted to the Administrator as  
8           part of a benchmarking submission for the previous  
9           calendar year for such covered property.

10           (2) MAPPING AND AUTOMATED DATA ACCESS.—  
11           The Administrator shall seek to make data made  
12           available under this subsection easily accessible and  
13           interpretable, including—

14                   (A) through interactive web-based maps,  
15                   including by city or region;

16                   (B) by making the data available for  
17                   download in 1 or more forms to enable analysis  
18                   and use of the data;

19                   (C) by encouraging real estate listing serv-  
20                   ices to include the data for all listed properties;  
21                   and

22                   (D) if the Administrator determines appro-  
23                   priate, by assigning covered properties letter  
24                   grades or other categorical ratings based on

1           such data to improve understanding of the  
2           data.

3           (3) SHARED BENCHMARKING INFORMATION.—

4           The Administrator shall determine the subset of  
5           data submitted to the Administrator as part of a  
6           benchmarking submission to be made publicly avail-  
7           able under paragraph (1), which shall include gross  
8           floor area and the information described in section  
9           4(d)(2)(B), as the Administrator determines appro-  
10          prium.

11          (4) EXCLUSIONS.—The Administrator may de-  
12          termine that data be excluded from publication  
13          under this subsection because publication of such  
14          data is not in the public interest.

15          (b) SHARING OF DATA.—

16          (1) SHARING OF NONANONYMIZED DATA.—The  
17          Administrator may provide data regarding a covered  
18          property that is not anonymized data from  
19          benchmarking submissions to any electric utility, gas  
20          utility, or public water system serving the covered  
21          property or to any Federal, State, county or city-  
22          managed energy efficiency or management program,  
23          provided that the data will be used only for purposes  
24          of offering government regulated programs, services,

1 and incentives related to energy and water efficiency  
2 and management.

3 (2) DISCLOSURE OF ANONYMIZED DATA.—The  
4 Administrator may disclose any data from  
5 benchmarking submissions to a third party for aca-  
6 demic or other non-commercial research purposes  
7 provided that such data is anonymized data.

8 **SEC. 7. FEDERAL ASSISTANCE.**

9 (a) ENERGY STAR PORTFOLIO MANAGER SUP-  
10 PORT.—In carrying out the initiative, the Administrator  
11 shall improve the Energy Star Portfolio Manager and en-  
12 hance implementation of the initiative, including by—

13 (1) expanding the types of buildings eligible for  
14 Energy Star scores;

15 (2) considering the most effective use of data  
16 gathered from the initiative and the Commercial  
17 Buildings Energy Consumption Survey in deter-  
18 mining timely and accurate Energy Star scores for  
19 covered properties;

20 (3) considering greenhouse gas emissions in de-  
21 termining eligibility for Energy Star recognition; and

22 (4) making any other improvements the Admin-  
23 istrator determines appropriate.

24 (b) TECHNICAL AND FINANCIAL ASSISTANCE.—



1           (1) TECHNICAL ASSISTANCE.—In carrying out  
2 the initiative, the Administrator may provide tech-  
3 nical assistance to any State or local government  
4 that has or intends to establish a building energy  
5 and water benchmarking requirement.

6           (2) NEW BENCHMARKING PROGRAMS.—The Ad-  
7 ministrator may provide financial assistance to  
8 States and local governments to help such State and  
9 local governments establish building energy and  
10 water benchmarking programs. Not later than 180  
11 days after the date of enactment of this Act, the Ad-  
12 ministrator shall develop application materials for  
13 State and local governments to apply for such assist-  
14 ance and funding award limits for such assistance.

15 **SEC. 8. PENALTIES.**

16           (a) PENALTIES ASSESSED ON OWNERS OF COVERED  
17 PROPERTIES.—

18           (1) WRITTEN WARNING.—The Administrator  
19 shall issue a written warning to an owner of a cov-  
20 ered property if the Administrator determines that  
21 the owner of the covered property has—

22                   (A) failed to submit a benchmarking sub-  
23 mission for the covered property by the applica-  
24 ble deadline under section 4(b);

1 (B) misrepresented any material fact in a  
2 benchmarking submission;

3 (C) submitted incomplete or inaccurate in-  
4 formation in a benchmarking submission; or

5 (D) failed to verify that data submitted in  
6 a benchmarking submission for the covered  
7 property is accurate in accordance with section  
8 4(d).

9 (2) NOTICE OF VIOLATION AND INITIAL PEN-  
10 ALTIES.—If an owner of a covered property does not  
11 make or appropriately update a benchmarking sub-  
12 mission, or verify data, as applicable, within 30 days  
13 of the date on which a written warning is issued to  
14 such owner under paragraph (1), the Administrator  
15 may issue such owner a notice of violation assessing  
16 a penalty of not more than 1 cent per square foot  
17 of the applicable covered property per month of non-  
18 compliance.

19 (3) SUBSEQUENT PENALTIES.—If an owner of  
20 a covered property does not make or appropriately  
21 update a benchmarking submission, or verify data,  
22 as applicable, within 90 days of the date on which  
23 a notice of violation is issued to such owner under  
24 paragraph (2), the Administrator may, at that time,  
25 and every three months thereafter, assess an addi-

1 tional penalty against such owner of not more than  
2 2 cents per square foot of the applicable covered  
3 property per month of noncompliance.

4 (b) PENALTIES ASSESSED ON UTILITIES.—

5 (1) WRITTEN WARNING.—The Administrator  
6 shall issue a written warning to an electric utility,  
7 gas utility, or public water system that is, with re-  
8 spect to a covered property, required under section  
9 4(e)(2) to provide the owner of such covered prop-  
10 erty aggregated whole-building data on the energy or  
11 water use of the covered property and to submit to  
12 the Administrator such aggregated whole-building  
13 data, if the Administrator determines that the elec-  
14 tric utility, gas utility, or public water system has  
15 failed to provide or submit such aggregated whole-  
16 building data in accordance with section 4(e)(2).

17 (2) NOTICE OF VIOLATION AND INITIAL PEN-  
18 ALTIES.—If an electric utility, gas utility, or public  
19 water system that is described in paragraph (1) and  
20 issued a written warning under such paragraph does  
21 not provide or submit aggregated whole-building  
22 data to the applicable owner or to the Administrator  
23 within 30 days of the date on which such written  
24 warning is issued, the Administrator may issue such  
25 electric utility, gas utility, or public water system a

1 notice of violation assessing a penalty of not more  
2 than \$5,000 per violation.

3 (3) SUBSEQUENT PENALTIES.—If an electric  
4 utility, gas utility, or public water system that is de-  
5 scribed in paragraph (1) and issued a notice of viola-  
6 tion under paragraph (2) does not provide or submit  
7 aggregated whole-building data to the applicable  
8 owner or the Administrator within 90 days of the  
9 date on which such notice of violation is issued, the  
10 Administrator may, at that time, and every three  
11 months thereafter, assess an additional penalty  
12 against such electric utility, gas utility, or public  
13 water system, of not more than \$10,000 per viola-  
14 tion.

15 **SEC. 9. REPORT.**

16 Not later than December 1, 2027, the Administrator  
17 shall conduct an assessment of the initiative, including an  
18 assessment of compliance rates for the initiative, and sub-  
19 mit to Congress a report—

20 (1) on the findings of the assessment, includ-  
21 ing—

22 (A) a summary of energy and water use  
23 data submitted under the initiative;

24 (B) an evaluation of the accuracy, and  
25 issues affecting the accuracy, of such data; and

1 (C) changes in the energy and water use  
2 and greenhouse gas emissions of covered prop-  
3 erties over time; and

4 (2) that includes any recommendations for  
5 modifications to improve the impact of the assist-  
6 ance provided under section 7(b) to help achieve the  
7 purpose of the initiative.

8 **SEC. 10. RESIDENTIAL BENCHMARKING STUDY.**

9 (a) IN GENERAL.—In carrying out the initiative, the  
10 Administrator, in consultation and coordination with the  
11 Secretary, shall—

12 (1) conduct a study on energy rating and as-  
13 sessment programs for residential buildings, includ-  
14 ing—

15 (A) an evaluation of the impacts of State  
16 and local energy benchmarking, energy audit,  
17 home energy rating, and other related energy  
18 benchmarking and transparency policies for res-  
19 idential buildings, including multifamily units  
20 and single-family homes, on energy use and  
21 emissions of greenhouse gases and other air  
22 pollutants;

23 (B) identification of best practice policy  
24 approaches studied under subparagraph (A), in-  
25 cluding approaches for rating systems, that

1 have resulted in the greatest reductions in resi-  
2 dential building energy use and emissions of  
3 greenhouse gases and other air pollutants; and

4 (C) consideration of the impacts of a Fed-  
5 eral residential benchmarking and transparency  
6 requirement modeled after best practice policy  
7 approaches identified under subparagraph (B),  
8 including on—

9 (i) the benefits and costs to home-  
10 owners, tenants, landlords, enforcement  
11 agencies, and other parties;

12 (ii) residential energy use;

13 (iii) residential emissions of green-  
14 house gases and other air pollutants;

15 (iv) distributional effects, especially  
16 for low-income communities and commu-  
17 nities of color;

18 (v) housing affordability; and

19 (vi) energy insecurity; and

20 (2) based on the study conducted under para-  
21 graph (1), develop recommendations on changes to  
22 existing Federal programs or new Federal policies,  
23 programs, or incentives to better provide information  
24 on home energy use and emissions of greenhouse  
25 gases and other air pollutants to homeowners and

1 tenants for the purposes of reducing residential en-  
2 ergy use and emissions of greenhouse gases and  
3 other air pollutants and alleviating household energy  
4 burdens.

5 (b) SUBMISSION TO CONGRESS.—Not later than 12  
6 months after the date of enactment of this Act, the Ad-  
7 ministrator shall submit to the Committee on Energy and  
8 Commerce of the House of Representatives and Commit-  
9 tees on Environment and Public Works and Energy and  
10 Natural Resources of the Senate a report on the results  
11 of the study conducted, and the recommendations devel-  
12 oped under subsection (a).

13 **SEC. 11. REGULATIONS.**

14 (a) IN GENERAL.—The Administrator shall promul-  
15 gate and revise such regulations as are necessary to carry  
16 out the initiative.

17 (b) INITIAL REGULATIONS.—The Administrator shall  
18 promulgate initial regulations under this section not later  
19 than 12 months after the date of enactment of this Act.

20 **SEC. 12. DEFINITIONS.**

21 For purposes of this Act:

22 (1) ADMINISTRATOR.—The term “Adminis-  
23 trator” means the Administrator of the Environ-  
24 mental Protection Agency.

1           (2) ANONYMIZED DATA.—The term  
2 “anonymized data” means data that does not reveal  
3 names, addresses, or any other information that  
4 would identify an individual or business.

5           (3) CONDOMINIUM.—The term “condominium”  
6 means a property that combines separate ownership  
7 of individual units with common ownership of other  
8 elements, such as common areas.

9           (4) COVERED PROPERTY.—

10           (A) IN GENERAL.—The term “covered  
11 property” means any of the following prop-  
12 erties:

13                   (i) A single building.

14                   (ii) One or more buildings held in the  
15 condominium form of ownership.

16                   (iii) A campus of two or more build-  
17 ings which are owned and operated by the  
18 same party and are—

19                           (I) behind a common utility  
20 meter, or served by a common me-  
21 chanical or electrical system (such as  
22 a chilled water loop), which would pre-  
23 vent the owner from being able to eas-  
24 ily determine the energy use attrib-



1                   utable to each of the individual build-  
2                   ings; or

3                   (II) used primarily as—

4                   (aa) an elementary or sec-  
5                   ondary school;

6                   (bb) a hospital;

7                   (cc) a hotel;

8                   (dd) multifamily housing; or

9                   (ee) a senior care commu-  
10                  nity.

11                (B) EXCLUSIONS.—The term “covered  
12                property” does not include any of the following:

13                (i) Single family, duplex, triplex, and  
14                fourplex residential homes and related ac-  
15                cessory structures, or any other residential  
16                building with less than 5 units.

17                (ii) Properties classified as manufac-  
18                turing per designated Standard Industrial  
19                Classification (SIC) codes 20 through 39.

20                (iii) Other building types not meeting  
21                the purpose of the initiative, as determined  
22                by the Administrator.

23                (5) ELECTRIC UTILITY.—The term “electric  
24                utility” has the meaning given such term in section

1 3 of the Public Utility Regulatory Policies Act of  
2 1978 (16 U.S.C. 2602).

3 (6) ENERGY STAR PORTFOLIO MANAGER.—The  
4 term “Energy Star Portfolio Manager” means the  
5 tool developed and maintained by the Administrator  
6 to track and assess the relative energy performance  
7 of buildings.

8 (7) ENERGY STAR SCORE.—The term “Energy  
9 Star score” means the 1–100 numeric rating gen-  
10 erated by the Energy Star Portfolio Manager as a  
11 measurement of a building’s energy efficiency.

12 (8) GAS UTILITY.—The term “gas utility” has  
13 the meaning given such term in section 302 of the  
14 Public Utility Regulatory Policies Act of 1978 (15  
15 U.S.C. 3202).

16 (9) GREENHOUSE GAS.—The term “greenhouse  
17 gas” means the air pollutants carbon dioxide,  
18 hydrofluorocarbons, methane, nitrous oxide,  
19 perfluorocarbons, and sulfur hexafluoride.

20 (10) GROSS FLOOR AREA.—The term “gross  
21 floor area” has the meaning given such term in the  
22 glossary for the Energy Star Portfolio Manager.

23 (11) INITIATIVE.—The term “initiative” means  
24 the benchmarking and transparency initiative for

1 commercial and multifamily properties developed  
2 and carried out pursuant to section 3.

3 (12) OWNER.—The term “owner” means any of  
4 the following:

5 (A) An individual or entity possessing title  
6 to a property.

7 (B) In the case of a condominium, the  
8 board of the owners’ association or the master  
9 association, as applicable.

10 (C) The board of directors, in the case of  
11 a cooperative apartment corporation.

12 (D) An agent authorized to act on behalf  
13 of any individual or entity described in subpara-  
14 graph (A), (B), or (C).

15 (13) PUBLIC WATER SYSTEM.—The term “pub-  
16 lic water system” has the meaning given such term  
17 in section 1401(4) of the Safe Drinking Water Act  
18 (42 U.S.C. 300f(4)).

19 (14) STATE.—The term “State” means each of  
20 the several States, the District of Columbia, each  
21 territory or possession of the United States, and the  
22 governing body of each federally recognized Indian  
23 Tribe, band, nation, pueblo, or other organized  
24 group or community which is recognized as eligible  
25 for the special programs and services provided by

1 the United States to Indians because of their status  
2 as Indians.

3 (15) SECRETARY.—The term “Secretary”  
4 means the Secretary of Energy.

5 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) INITIAL DEVELOPMENT AND REGULATIONS.—  
7 For each of fiscal years 2023 through 2027, there is au-  
8 thorized to be appropriated to develop and carry out the  
9 initiative, including to promulgate initial regulations under  
10 section 11, \$10,000,000, to remain available until ex-  
11 pended.

12 (b) IMPLEMENTATION OF INITIATIVE.—In addition  
13 to amounts authorized to be appropriated under sub-  
14 section (a), for each of fiscal years 2023 through 2032,  
15 there is authorized to be appropriated—

16 (1) \$5,000,000 to carry out section 7(a), to re-  
17 main available until expended;

18 (2) \$50,000,000 to provide technical and finan-  
19 cial assistance under section 7(b), to remain avail-  
20 able until expended; and

21 (3) \$5,000,000 to carry out section 8, to re-  
22 main available until expended.

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