S. 1

AN ACT

To approve the Keystone XL Pipeline.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Keystone XL Pipeline Approval Act”.

SEC. 2. KEYSTONE XL APPROVAL.

(a) IN GENERAL.—TransCanada Keystone Pipeline, L.P. may construct, connect, operate, and maintain the pipeline and cross-border facilities described in the application filed on May 4, 2012, by TransCanada Corporation to the Department of State (including any subsequent revision to the pipeline route within the State of Nebraska required or authorized by the State of Nebraska).

(b) ENVIRONMENTAL IMPACT STATEMENT.—The Final Supplemental Environmental Impact Statement issued by the Secretary of State in January 2014, regarding the pipeline referred to in subsection (a), and the environmental analysis, consultation, and review described in that document (including appendices) shall be considered to fully satisfy—

(1) all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

and

(2) any other provision of law that requires Federal agency consultation or review (including the consultation or review required under section 7(a) of the Endangered Species Act of 1973 (16 U.S.C.
1536(a))) with respect to the pipeline and facilities
referred to in subsection (a).

(c) PERMITS.—Any Federal permit or authorization
issued before the date of enactment of this Act for the
pipeline and cross-border facilities referred to in sub-
section (a) shall remain in effect.

(d) JUDICIAL REVIEW.—Except for review in the Su-
preme Court of the United States, the United States
Court of Appeals for the District of Columbia Circuit shall
have original and exclusive jurisdiction over any civil ac-
tion for the review of an order or action of a Federal agen-
cy regarding the pipeline and cross-border facilities de-
scribed in subsection (a), and the related facilities in the
United States, that are approved by this Act (including
any order granting a permit or right-of-way, or any other
agency action taken to construct or complete the project
pursuant to Federal law).

(e) PRIVATE PROPERTY SAVINGS CLAUSE.—Nothing
in this Act alters any Federal, State, or local process or
condition in effect on the date of enactment of this Act
that is necessary to secure access from an owner of private
property to construct the pipeline and cross-border facili-
ties described in subsection (a).

(f) PRIVATE PROPERTY PROTECTION.—Land or an
interest in land for the pipeline and cross-border facilities
described in subsection (a) may only be acquired consistently with the Constitution.

SEC. 3. COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.

(a) DEFINITIONS.—In this section:

(1) SCHOOL.—The term “school” means—

(A) an elementary school or secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

(B) an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a));

(C) a school of the defense dependents’ education system under the Defense Dependents’ Education Act of 1978 (20 U.S.C. 921 et seq.) or established under section 2164 of title 10, United States Code;

(D) a school operated by the Bureau of Indian Affairs;

(E) a tribally controlled school (as defined in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511)); and
(F) a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))).

(2) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(b) DESIGNATION OF LEAD AGENCY.—The Secretary, acting through the Office of Energy Efficiency and Renewable Energy, shall act as the lead Federal agency for coordinating and disseminating information on existing Federal programs and assistance that may be used to help initiate, develop, and finance energy efficiency, renewable energy, and energy retrofitting projects for schools.

(c) REQUIREMENTS.—In carrying out coordination and outreach under subsection (b), the Secretary shall—

(1) in consultation and coordination with the appropriate Federal agencies, carry out a review of existing programs and financing mechanisms (including revolving loan funds and loan guarantees) available in or from the Department of Agriculture, the Department of Energy, the Department of Education, the Department of the Treasury, the Internal Revenue Service, the Environmental Protection Agency, and other appropriate Federal agencies with jurisdiction over energy financing and facilitation
that are currently used or may be used to help ini-
tiate, develop, and finance energy efficiency, renew-
able energy, and energy retrofitting projects for
schools;

(2) establish a Federal cross-departmental col-
laborative coordination, education, and outreach ef-
fort to streamline communication and promote avail-
able Federal opportunities and assistance described
in paragraph (1) for energy efficiency, renewable en-
ergy, and energy retrofitting projects that enables
States, local educational agencies, and schools—

(A) to use existing Federal opportunities
more effectively; and

(B) to form partnerships with Governors,
State energy programs, local educational, finan-
cial, and energy officials, State and local gov-
ernment officials, nonprofit organizations, and
other appropriate entities to support the initi-
atation of the projects;

(3) provide technical assistance for States, local
educational agencies, and schools to help develop
and finance energy efficiency, renewable energy, and
energy retrofitting projects—

(A) to increase the energy efficiency of
buildings or facilities;
(B) to install systems that individually generate energy from renewable energy resources;

(C) to establish partnerships to leverage economies of scale and additional financing mechanisms available to larger clean energy initiatives; or

(D) to promote—

(i) the maintenance of health, environmental quality, and safety in schools, including the ambient air quality, through energy efficiency, renewable energy, and energy retrofit projects; and

(ii) the achievement of expected energy savings and renewable energy production through proper operations and maintenance practices;

(4) develop and maintain a single online resource website with contact information for relevant technical assistance and support staff in the Office of Energy Efficiency and Renewable Energy for States, local educational agencies, and schools to effectively access and use Federal opportunities and assistance described in paragraph (1) to develop en-
ergy efficiency, renewable energy, and energy retro-
fitting projects; and

(5) establish a process for recognition of schools
that—

(A) have successfully implemented energy
efficiency, renewable energy, and energy retro-
fitting projects; and

(B) are willing to serve as resources for
other local educational agencies and schools to
assist initiation of similar efforts.

(d) REPORT.—Not later than 180 days after the date
of enactment of this Act, the Secretary shall submit to
Congress a report describing the implementation of this
section.

SEC. 4. CONSULTATION WITH INDIAN TRIBES.

Nothing in this Act relieves the United States of its
responsibility to consult with Indian nations as required
under executive order 13175 (67 Fed. Reg. 67249) (No-

SEC. 5. SENSE OF THE SENATE REGARDING CLIMATE
CHANGE.

It is the sense of the Senate that climate change is
real and not a hoax.
SEC. 6. SENSE OF SENATE REGARDING THE OIL SPILL LIABILITY TRUST FUND.

It is the sense of the Senate that—

(1) Congress should approve a bill to ensure that all forms of bitumen or synthetic crude oil derived from bitumen are subject to the per-barrel excise tax associated with the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986;

(2) it is necessary for Congress to approve a bill described in paragraph (1) because the Internal Revenue Service determined in 2011 that certain forms of petroleum are not subject to the per-barrel excise tax;

(3) under article I, section 7, clause 1 of the Constitution, the Senate may not originate a bill to raise new revenue, and thus may not originate a bill to close the legitimate and unintended loophole described in paragraph (2);

(4) if the Senate attempts to originate a bill described in paragraph (1), it would provide a substantive basis for a “blue slip” from the House of Representatives, which would prevent advancement of the bill; and

(5) the House of Representatives, consistent with article I, section 7, clause 1 of the Constitution,
should consider and refer to the Senate a bill to ensure that all forms of bitumen or synthetic crude oil derived from bitumen are subject to the per-barrel excise tax associated with the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986.

DIVISION B—ENERGY EFFICIENCY IMPROVEMENT

SECTION 1. SHORT TITLE.

This division may be cited as the “Energy Efficiency Improvement Act of 2015”.

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, imple-
menting, 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 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.

**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 relat-
ing to section 424 (as added by section 103(b)) the fol-
lowing new item:

“See. 425. Tenant Star program.”.

3 **TITLE II—GRID-ENABLED WATER HEATERS**

5 **SEC. 201. GRID-ENABLED WATER HEATERS.**

Part B of title III of the Energy Policy and Conserva-
tion 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-EN-
ABLED WATER HEATERS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) ACTIVATION LOCK.—The term
‘activation lock’ means a control mecha-
nism (either a physical device directly on
the water heater or a control system inte-
grated into the water heater) that is locked
by default and contains a physical, soft-
ware, or digital communication that must
be activated with an activation key to en-
able 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 vol-
ume 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 multi-
pling—

“(AA) the rated storage
volume of the tank, ex-
pressed in gallons; and

“(BB) 0.00168; or

“(bb) an equivalent alter-
native standard prescribed by the
Secretary and developed pursu-
ant 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 ship-
ment 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 speci-
fication 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 illegi-
ble the label of a grid-enabled water heater de-
scribed 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 in-
serting “paragraph (5), (6), (7), or (8) of sec-
tion 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)”;

and

(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)”;

and

(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)”;

and

(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 re-
quired 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 re-
garding whole building energy consumption
and usage information to owners of multi-
tenant commercial, residential, and mixed-
use buildings;

(B) that identifies best practice policy ap-
proaches 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 televisions 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 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 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 dis-
closed energy ratings and certifications; and

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

(2) COMPLEMENTARY PROGRAMS.—The data-
base 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
1 Senate a report on the progress made in complying with
2 this section.

Passed the Senate January 29, 2015.

Attest:

Secretary.
To approve the Keystone XL Pipeline:

AN ACT

S. 1

114TH CONGRESS

1ST SESSION