

116TH CONGRESS
1ST SESSION

H. R. 3586

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2019

Mr. SCHRADER (for himself, Mr. FLORES, Mr. CORREA, Mr. PETERSON, and Mr. O'HALLERAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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 2019”.

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 a 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) COST-EFFECTIVE.—The term ‘cost-effec-
11 tive’ means having a simple payback of 10 years or
12 less.

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

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

21 “(22) TECHNICALLY FEASIBLE.—The term
22 ‘technically feasible’ means capable of being
23 achieved, based on widely available appliances,
24 equipment, technologies, materials, and construction
25 practices.”.

1 (b) STATE BUILDING ENERGY EFFICIENCY
2 CODES.—Section 304 of the Energy Conservation and
3 Production Act (42 U.S.C. 6833) is amended to read as
4 follows:

5 **“SEC. 304. UPDATING STATE BUILDING ENERGY EFFI-**
6 **CIENCY CODES.**

7 “(a) IN GENERAL.—The Secretary shall provide tech-
8 nical assistance, as described in subsection (e), for the
9 purposes of—

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

14 “(2) supporting full compliance with the State
15 and local codes.

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

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

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

1 the energy provisions of the building code of the
2 State or Indian tribe, respectively.

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

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

11 “(ii) the energy savings of the existing
12 Energy code previously in effect.

13 “(C) NO MODEL BUILDING ENERGY CODE
14 UPDATE.—If a model building energy code is
15 not updated, each State or Indian tribe shall
16 not be subject to any certification requirements.

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

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

23 “(B) determine whether the certification
24 submitted by the State or Indian tribe, respec-
25 tively is complete; and

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

3 “(3) LIMITATION.—Nothing in this section
4 shall be interpreted to require a State or Indian
5 tribe to adopt any building code or provision within
6 a code.

7 “(c) IMPROVEMENTS IN COMPLIANCE WITH BUILD-
8 ING ENERGY CODES.—

9 “(1) REQUIREMENT.—

10 “(A) IN GENERAL.—Not later than 3 years
11 after the date of a certification under sub-
12 section (b), each State and Indian tribe shall
13 certify whether or not the State and Indian
14 tribe, respectively, has—

15 “(i) achieved full compliance under
16 paragraph (3) with the applicable certified
17 State and Indian tribe building energy
18 code or with the associated model building
19 energy code; or

20 “(ii) made significant progress under
21 paragraph (4) toward achieving compliance
22 with the applicable certified State and In-
23 dian tribe building energy code or with the
24 associated model building energy code.

1 “(B) REPEAT CERTIFICATIONS.—If the
2 State or Indian tribe certifies progress toward
3 achieving compliance, the State or Indian tribe
4 shall repeat the certification until the State or
5 Indian tribe certifies that the State or Indian
6 tribe has achieved full compliance, respectively.

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

10 “(A) inspections of a random sample of the
11 buildings covered by the code in the preceding
12 year; or

13 “(B) an alternative method that yields an
14 accurate measure of compliance.

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

18 “(A) at least 90 percent of building space
19 covered by the code in the preceding year sub-
20 stantially meets all the requirements of the ap-
21 plicable code specified in paragraph (1), or
22 achieves equivalent or greater energy savings
23 level; or

24 “(B) the estimated excess energy use of
25 buildings that did not meet the applicable code

1 specified in paragraph (1) in the preceding
2 year, compared to a baseline of comparable
3 buildings that meet this code, is not more than
4 5 percent of the estimated energy use of all
5 buildings covered by this code during the pre-
6 ceding year.

7 “(4) SIGNIFICANT PROGRESS TOWARD
8 ACHIEVEMENT OF COMPLIANCE.—A State or Indian
9 tribe shall be considered to have made significant
10 progress toward achieving compliance for purposes
11 of paragraph (1) if the State or Indian tribe has de-
12 veloped and is implementing a plan for achieving
13 compliance during the 8-year period beginning on
14 the date of enactment of this paragraph, including
15 annual targets for compliance and active training
16 and enforcement programs.

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

20 “(A) determine whether the State or In-
21 dian tribe has demonstrated meeting the cri-
22 teria of this subsection, including accurate
23 measurement of compliance;

1 “(B) determine whether the certification
2 submitted by the State or Indian tribe is com-
3 plete; and

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

6 “(6) LIMITATION.—Nothing in this section
7 shall be interpreted to require a State or Indian
8 tribe to adopt any building code or provision within
9 a code.

10 “(d) STATES OR INDIAN TRIBES THAT DO NOT
11 ACHIEVE COMPLIANCE.—

12 “(1) REPORTING.—A State or Indian tribe that
13 has not made a certification required under sub-
14 section (b) or (c) by the applicable deadline shall
15 submit to the Secretary a report on the status of the
16 State or Indian tribe with respect to meeting the re-
17 quirements and submitting the certification.

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

22 “(3) LOCAL GOVERNMENT.—In any State or
23 Indian tribe for which the Secretary has not vali-
24 dated a certification under subsection (b) or (c), a
25 local government may be eligible for Federal support

1 by meeting the certification requirements of sub-
2 sections (b) and (c).

3 “(4) ANNUAL REPORTS BY SECRETARY.—

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

7 “(i) the status of model building en-
8 ergy codes;

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

11 “(iii) implementation of this section;
12 and

13 “(iv) improvements in energy savings
14 over time.

15 “(B) IMPACTS.—The report shall include
16 estimates of impacts of past action under this
17 section, and potential impacts of further action,
18 on—

19 “(i) upfront financial and construction
20 costs, cost benefits and returns (using a
21 simple payback analysis);

22 “(ii) resulting energy costs to individ-
23 uals and businesses; and

24 “(iii) resulting overall annual building
25 ownership and operating costs.

1 “(e) TECHNICAL ASSISTANCE TO STATES AND IN-
2 DIAN TRIBES.—

3 “(1) IN GENERAL.—The Secretary shall, upon
4 request, provide technical assistance to States and
5 Indian tribes to implement the goals and require-
6 ments of this section, including procedures and tech-
7 nical analysis for States and Indian tribes—

8 “(A) to implement State residential and
9 commercial building energy codes, including in-
10 creasing and verifying compliance with the
11 codes and training of State, tribal, and local
12 building code officials to implement and enforce
13 the codes; and

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

16 “(2) TECHNICAL ASSISTANCE.—The assistance
17 shall include, as requested by the State or Indian
18 tribe, technical assistance in—

19 “(A) evaluating the energy savings of
20 building energy codes;

21 “(B) assessing the economic consider-
22 ations, referenced in section 307(e)(5), of im-
23 plementing building energy codes;

24 “(C) building energy analysis and design
25 tools;

1 “(D) energy simulation models;

2 “(E) building demonstrations;

3 “(F) developing the definitions of energy
4 use intensity and building types for use in
5 model building energy codes to evaluate the effi-
6 ciency impacts of the model building energy
7 codes; and

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

10 “(3) EXCLUSION.—Technical assistance under
11 this section—

12 “(A) shall not include actions that promote
13 or discourage the adoption of a particular build-
14 ing energy code or code provision to a State or
15 Indian tribe; and

16 “(B) shall not be provided for adoption
17 and implementation of model building energy
18 codes for which the Secretary has made a deter-
19 mination under section 307(f)(2)(C) that the
20 code is not cost-effective.

21 “(4) INFORMATION QUALITY AND TRANS-
22 PARENCY.—For purposes of this section, information
23 provided by the Secretary, attendant to any tech-
24 nical assistance provided to a State or Indian tribe,
25 is ‘influential information’ and shall satisfy the

1 guidelines established by the Office of Management
2 and Budget and published in the Federal Register
3 on February 22, 2002 (67 Fed. Reg. 8452).

4 “(5) TRAINING.—Support shall be offered to
5 States to train State and local building code officials
6 to implement and enforce model building energy
7 codes.

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

11 “(7) STATES ADOPTING OTHER CODES.—Upon
12 a State’s written request, technical assistance may
13 be provided to States adopting an energy code other
14 than a model building energy code.

15 “(f) VOLUNTARY PROGRAMS TO EXCEED MODEL
16 BUILDING ENERGY CODE.—

17 “(1) IN GENERAL.—The Secretary shall provide
18 technical assistance, as described in subsection (e),
19 for the development of voluntary programs that ex-
20 ceed the model building energy codes for residential
21 and commercial buildings for use as—

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

24 “(B) non-binding guidelines for energy-ef-
25 ficient building design.

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

3 “(A) to achieve substantial energy savings
4 compared to the model building energy codes;
5 and

6 “(B) to achieve these savings up to 3 to 6
7 years in advance.

8 “(g) STUDIES.—

9 “(1) GAO STUDY.—

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

17 “(i) the actual energy consumption
18 savings stemming from updated energy
19 codes compared to the energy consumption
20 savings predicted during code development;

21 “(ii) the actual consumer cost savings
22 stemming from updated energy codes com-
23 pared to predicted consumer cost savings;
24 and

1 “(iii) an accounting of expenditures of
2 the Federal funds under each program au-
3 thorized by the title or by amendments
4 made by this title.

5 “(B) REPORT TO CONGRESS.—Not later
6 than 3 years after the date of enactment of the
7 Energy Savings and Building Efficiency Act of
8 2019, the Comptroller General of the United
9 States shall submit a report to the Committee
10 on Energy and Natural Resources of the Senate
11 and the Committee on Energy and Commerce
12 of the House of Representatives including the
13 study findings and conclusions.

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

21 “(A) code improvements that would require
22 that buildings be designed, sited, and con-
23 structed in a manner that makes the buildings
24 more adaptable in the future to become zero-
25 net-energy after initial construction, as ad-

1 vances are achieved in energy-saving tech-
2 nologies;

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

6 “(C) legislative options for increasing en-
7 ergy savings from building energy codes, includ-
8 ing additional incentives for effective State and
9 local verification of compliance with and en-
10 forcement of a code.

11 “(3) ENERGY DATA IN MULTI-TENANT BUILD-
12 INGS.—The Secretary, in consultation with appro-
13 priate representatives of the utility, utility regu-
14 latory, building ownership, and other stakeholders,
15 shall—

16 “(A) undertake a study of best practices
17 regarding delivery of aggregated energy con-
18 sumption information to owners and managers
19 of residential and commercial buildings with
20 multiple tenants and uses; and

21 “(B) consider the development of a memo-
22 randum of understanding between and among
23 affected stakeholders to reduce barriers to the
24 delivery of aggregated energy consumption in-
25 formation to such owners and managers.

1 ment organizations consistent with the goals of this
2 section.

3 “(2) TECHNICAL ASSISTANCE.—The technical
4 assistance shall include, as requested by the organi-
5 zations, technical assistance in—

6 “(A) evaluating the energy savings of
7 building energy codes;

8 “(B) assessing the economic consider-
9 ations, under subsection (c)(5), of code or
10 standards proposals or revisions;

11 “(C) building energy analysis and design
12 tools;

13 “(D) energy simulation models;

14 “(E) building demonstrations;

15 “(F) developing definitions of energy use
16 intensity and building types for use in model
17 building energy codes to evaluate the efficiency
18 impacts of the model building energy codes;

19 “(G) developing a performance-based path-
20 way for compliance;

21 “(H) developing model building energy
22 codes by Indian tribes in accordance with tribal
23 law; and

24 “(I) code development meetings, including
25 through direct Federal employee participation

1 in committee meetings, hearings and online
2 communication, voting, and presenting research
3 and technical or economic analyses during such
4 meetings.

5 “(3) EXCLUSION.—For purposes of this section,
6 ‘technical assistance’ shall not include actions that
7 promote or discourage the adoption of a particular
8 building energy code or code provision. Notwith-
9 standing this exclusion, the Secretary shall be per-
10 mitted to participate fully in code development ac-
11 tivities consistent with the paragraph (2)(I).

12 “(4) INFORMATION QUALITY AND TRANS-
13 PARENCY.—For purposes of this section, information
14 provided by the Secretary is ‘influential information’
15 and shall satisfy the guidelines established by the
16 Office of Management and Budget and published in
17 the Federal Register on February 22, 2002 (67 Fed.
18 Reg. 8452).

19 “(c) AMENDMENT PROPOSALS.—

20 “(1) IN GENERAL.—The Secretary may submit
21 to the model building energy code-setting and stand-
22 ard development organizations timely model building
23 energy code amendment proposals, with supporting
24 evidence, that—

1 “(A) are at the maximum level of energy
2 efficiency that is technically feasible, tech-
3 nology-neutral, and cost effective, while ac-
4 counting for the economic considerations under
5 paragraph (5);

6 “(B) promote the achievement of commer-
7 cial and residential high-performance buildings
8 through high-performance energy efficiency
9 (within the meaning of section 401 of the En-
10 ergy Independence and Security Act of 2007
11 (42 U.S.C. 17061)); and

12 “(C) increase adoptability and compliance
13 according to section 304 and paragraph (3).

14 “(2) PROCESS AND FACTORS.—All amendment
15 proposals submitted by the Secretary, along with the
16 entire calculation methodology (including input as-
17 sumptions and data), shall be published in the Fed-
18 eral Register and made available on the Department
19 of Energy website 90 days prior to any submittal to
20 a code development body. Additionally, the Secretary
21 shall accept public comments for a period of not less
22 than 60 days. Information provided by the Sec-
23 retary, attendant to submission of any amendment
24 proposals, is ‘influential information’, and shall sat-
25 isfy the guidelines established by the Office of Man-

1 agement and Budget and published in the Federal
2 Register on February 22, 2002 (67 Fed. Reg.
3 8452). When calculating the costs and benefits of an
4 amendment, the Secretary shall use climate zone
5 weighted averages for equipment efficiency for heat-
6 ing, cooling, ventilation systems and water heating
7 systems, using equipment that is actually installed.

8 “(3) SMALL BUSINESS.—When establishing
9 amendments under paragraph (1), the Secretary
10 shall ensure compliance with the Small Business
11 Regulatory Enforcement Fairness Act of 1996 (5
12 U.S.C. 601 note; Public Law 104–121) for any indi-
13 rect economic effect on small entities that is reason-
14 ably foreseeable and a result of such amendment
15 rule.

16 “(4) APPLIANCE STANDARDS AND OTHER FAC-
17 TORS AFFECTING BUILDING ENERGY USE.—

18 “(A) IN GENERAL.—In establishing
19 amendments under paragraph (1), the Sec-
20 retary shall develop and adjust the amendments
21 in recognition of potential savings and costs re-
22 lating to—

23 “(i) efficiency gains made in appli-
24 ances, lighting, windows, insulation, and
25 building envelope sealing;

1 “(ii) advancement of distributed gen-
2 eration and on-site renewable power gen-
3 eration technologies;

4 “(iii) equipment improvements for
5 heating, cooling, ventilation systems and
6 water heating systems;

7 “(iv) building management systems
8 and SmartGrid technologies to reduce en-
9 ergy use; and

10 “(v) other technologies, practices, and
11 building systems regarding building plug
12 load and other energy uses.

13 “(B) REQUIREMENT.—In developing and
14 adjusting the amendments, the Secretary shall
15 use climate zone weighted averages for equip-
16 ment efficiency for heating, cooling, ventilation
17 systems and water heating systems, using
18 equipment that is actually installed.

19 “(5) ECONOMIC CONSIDERATIONS.—In estab-
20 lishing and revising amendments under paragraph
21 (1), the Secretary shall consider the economic feasi-
22 bility of achieving the proposed amendments estab-
23 lished under this section and the potential costs and
24 savings for consumers and building owners, by con-
25 ducting a return on investment analysis, using a

1 simple payback methodology over a 3-, 5-, and 7-
2 year period. The Secretary shall not propose, or pro-
3 vide technical or financial assistance for, any provi-
4 sion in the code or amendment that has a simple
5 payback greater than 10 years.

6 “(d) ANALYSIS METHODOLOGY.—The Secretary shall
7 make publicly available the entire calculation methodology
8 (including input assumptions and data) used by the Sec-
9 retary to estimate the energy savings of code or standard
10 proposals and revisions.

11 “(e) METHODOLOGY DEVELOPMENT.—The Secretary
12 shall establish a methodology for evaluating cost-effective-
13 ness of energy code changes in multifamily buildings that
14 incorporates economic parameters representative of typical
15 multifamily buildings.

16 “(f) DETERMINATION.—

17 “(1) ANALYSIS.—If the provisions of the IECC
18 or ASHRAE Standard 90.1 regarding building en-
19 ergy use are revised, not later than 90 days after the
20 date of the publication of the revised code, the Sec-
21 retary shall conduct a return on investment analysis
22 of the entire code, by climate zone, using a simple
23 payback methodology over a 3-, 5-, and 7-year pe-
24 riod.

1 “(2) DETERMINATION.—If the provisions of the
2 IECC or ASHRAE Standard 90.1 regarding build-
3 ing energy use are revised, the Secretary shall make
4 a determination not later than 15 months after the
5 date of the publication of the revised code, on wheth-
6 er or not the revised code—

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

10 “(B) is technically feasible; and

11 “(C) is cost-effective.

12 “(g) ADMINISTRATION.—In carrying out this section,
13 the Secretary shall—

14 “(1) publish notice of amendment proposals and
15 supporting analysis and determinations under this
16 section in the Federal Register to provide an expla-
17 nation of and the basis for such actions, including
18 any supporting modeling, data, assumptions, proto-
19 cols, and cost benefit analysis, including return on
20 investment; and

21 “(2) provide an opportunity for public comment
22 on amendment proposals and supporting analysis
23 and determinations under this section.

24 “(h) VOLUNTARY CODES AND STANDARDS.—Not
25 withstanding any other provision of this section, any

1 model building code or standard established under this
2 section shall not be binding on a State, local government,
3 or Indian tribe as a matter of Federal law.”.

4 **Subtitle B—Worker Training and** 5 **Capacity Building**

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

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

13 (1) to identify opportunities for optimizing en-
14 ergy efficiency and environmental performance in
15 buildings;

16 (2) to promote the application of emerging con-
17 cepts and technologies in commercial and institu-
18 tional buildings; and

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

1 **TITLE II—MISCELLANEOUS**

2 **SEC. 201. VOLUNTARY NATURE OF BUILDING ASSET RAT-**
3 **ING PROGRAM.**

4 (a) **IN GENERAL.**—Any program of the Secretary
5 that may enable the owner of a commercial building or
6 a residential building to obtain a rating, score, or label
7 regarding the actual or anticipated energy usage or per-
8 formance of a building shall be made available on a vol-
9 untary, optional, and market-driven basis.

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

○