



AMENDMENT NO. _____ Calendar No. _____

Purpose: To establish greater energy efficiency and cost-effectiveness in building codes.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

AMENDMENT N^o 1514	
By <u>PORTMAN</u>	research and
To: <u>Amo No 1407</u>	's.
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<u>29</u>	rinted
Page(s)	
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PORTMAN (for	
himself and Mrs. SHIAHEEN) to the amendment (No.	
1407) proposed by Ms. MURKOWSKI	

Viz:

1 At the end of chapter 1 of subpart A of part I of
2 subtitle A of title I, add the following:

3 **SEC. 10 ____ . GREATER ENERGY EFFICIENCY IN BUILDING**
4 **CODES.**

5 (a) DEFINITIONS.—Section 303 of the Energy Con-
6 servation and Production Act (42 U.S.C. 6832) (as
7 amended by section 1034(a)) is amended—

8 (1) by striking paragraph (17) (as redesignated
9 by that section) and inserting the following:

1 “(17) MODEL BUILDING ENERGY CODE.—The
2 term ‘model building energy code’ means a voluntary
3 building energy code or standard developed and up-
4 dated by interested persons, such as the code or
5 standard developed by—

6 “(A) the Council of American Building Of-
7 ficials, or its legal successor, International Code
8 Council, Inc.;

9 “(B) the American Society of Heating, Re-
10 frigerating, and Air-Conditioning Engineers; or

11 “(C) other appropriate organizations.”;

12 (2) by redesignating paragraphs (11) through
13 (17) (as amended by that section) as paragraphs
14 (13) through (19), respectively; and

15 (3) by inserting after paragraph (10) (as redes-
16 ignated by that section) the following:

17 “(11) IECC.—The term ‘IECC’ means the
18 International Energy Conservation Code.

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

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

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

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

5 “(a) ACTION BY SECRETARY.—The Secretary shall—

6 “(1) encourage and support the adoption of
7 building energy codes by States, Indian tribes, and,
8 as appropriate, by local governments that meet or
9 exceed the model building energy codes, or achieve
10 equivalent or greater energy savings; and

11 “(2) support full compliance with the State and
12 local codes.

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

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

17 “(A) IN GENERAL.—Not later than 2 years
18 after the date of publication of a revision to a
19 model building energy code, each State or In-
20 dian tribe shall certify whether the State or In-
21 dian tribe, respectively, has reviewed and up-
22 dated the energy provisions of the building code
23 of the State or Indian tribe, respectively.

24 “(B) DEMONSTRATION.—The certification
25 shall include a demonstration of whether the

1 energy savings for the code provisions that are
2 in effect throughout the territory of the State
3 or Indian tribe meet or exceed the energy sav-
4 ings of the updated model building energy code.

5 “(C) NO MODEL BUILDING ENERGY CODE
6 UPDATE.—If a model building energy code is
7 not updated by a target date established under
8 section 307(b)(2)(E), each State or Indian tribe
9 shall, not later than 2 years after the specified
10 date, certify whether the State or Indian tribe,
11 respectively, has reviewed and updated the en-
12 ergy provisions of the building code of the State
13 or Indian tribe, respectively, to meet or exceed
14 the target in section 307(b)(2).

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

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

22 “(B) if the determination is positive, vali-
23 date the certification.

24 “(c) IMPROVEMENTS IN COMPLIANCE WITH BUILD-
25 ING ENERGY CODES.—

1 “(1) REQUIREMENT.—

2 “(A) IN GENERAL.—Not later than 3 years
3 after the date of a certification under sub-
4 section (b), each State and Indian tribe shall
5 certify whether the State and Indian tribe, re-
6 spectively, has—

7 “(i) achieved full compliance under
8 paragraph (3) with the applicable certified
9 State and Indian tribe building energy
10 code or with the associated model building
11 energy code; or

12 “(ii) made significant progress under
13 paragraph (4) toward achieving compliance
14 with the applicable certified State and In-
15 dian tribe building energy code or with the
16 associated model building energy code.

17 “(B) REPEAT CERTIFICATIONS.—If the
18 State or Indian tribe certifies progress toward
19 achieving compliance, the State or Indian tribe
20 shall repeat the certification until the State or
21 Indian tribe certifies that the State or Indian
22 tribe has achieved full compliance, respectively.

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

1 “(A) independent inspections of a random
2 sample of the buildings covered by the code in
3 the preceding year; or

4 “(B) an alternative method that yields an
5 accurate measure of compliance.

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

9 “(A) at least 90 percent of building space
10 covered by the code in the preceding year sub-
11 stantially meets all the requirements of the ap-
12 plicable code specified in paragraph (1), or
13 achieves equivalent or greater energy savings
14 level; or

15 “(B) the estimated excess energy use of
16 buildings that did not meet the applicable code
17 specified in paragraph (1) in the preceding
18 year, compared to a baseline of comparable
19 buildings that meet this code, is not more than
20 5 percent of the estimated energy use of all
21 buildings covered by this code during the pre-
22 ceding year.

23 “(4) SIGNIFICANT PROGRESS TOWARD
24 ACHIEVEMENT OF COMPLIANCE.—A State or Indian
25 tribe shall be considered to have made significant

1 progress toward achieving compliance for purposes
2 of paragraph (1) if the State or Indian tribe—

3 “(A) has developed and is implementing a
4 plan for achieving compliance during the 8-
5 year-period beginning on the date of enactment
6 of the American Energy Innovation Act of
7 2020, including annual targets for compliance
8 and active training and enforcement programs;
9 and

10 “(B) has met the most recent target under
11 subparagraph (A).

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

15 “(A) determine whether the State or In-
16 dian tribe has demonstrated meeting the cri-
17 teria of this subsection, including accurate
18 measurement of compliance; and

19 “(B) if the determination is positive, vali-
20 date the certification.

21 “(d) STATES OR INDIAN TRIBES THAT DO NOT
22 ACHIEVE COMPLIANCE.—

23 “(1) REPORTING.—A State or Indian tribe that
24 has not made a certification required under sub-

1 section (b) or (c) by the applicable deadline shall
2 submit to the Secretary a report describing—

3 “(A) the status of the State or Indian tribe
4 with respect to meeting the requirements and
5 submitting the certification; and

6 “(B) a plan for meeting the requirements
7 and submitting the certification.

8 “(2) FEDERAL SUPPORT.—For any State or In-
9 dian tribe for which the Secretary has not validated
10 a certification by a deadline under subsection (b) or
11 (c), the lack of the certification may be a consider-
12 ation for Federal support authorized under this sec-
13 tion for code adoption and compliance activities.

14 “(3) LOCAL GOVERNMENT.—In any State or
15 Indian tribe for which the Secretary has not vali-
16 dated a certification under subsection (b) or (c), a
17 local government may be eligible for Federal support
18 under subsections (e) and (f) by meeting the certifi-
19 cation requirements of subsections (b) and (c).

20 “(4) REPORTS BY SECRETARY.—

21 “(A) IN GENERAL.—Not later than De-
22 cember 31, 2021, and not less frequently than
23 once every 3 years thereafter, the Secretary
24 shall submit to Congress and publish a report
25 describing—

1 “(i) the status of model building en-
2 ergy codes;

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

5 “(iii) implementation of this section;
6 and

7 “(iv) improvements in energy savings
8 over time as result of the targets estab-
9 lished under section 307(b)(2).

10 “(B) IMPACTS.—The report shall include
11 estimates of impacts of past action under this
12 section, and potential impacts of further action,
13 on—

14 “(i) upfront financial and construction
15 costs, cost benefits and returns (using in-
16 vestment analysis), and lifetime energy use
17 for buildings;

18 “(ii) resulting energy costs to individ-
19 uals and businesses; and

20 “(iii) resulting overall annual building
21 ownership and operating costs.

22 “(c) TECHNICAL ASSISTANCE TO STATES AND IN-
23 DIAN TRIBES.—The Secretary shall provide technical as-
24 sistance to States and Indian tribes to implement the goals

1 and requirements of this section, including procedures and
2 technical analysis for States and Indian tribes—

3 “(1) to improve and implement State residential
4 and commercial building energy codes;

5 “(2) to demonstrate that the code provisions of
6 the States and Indian tribes achieve equivalent or
7 greater energy savings than the model building en-
8 ergy codes and targets;

9 “(3) to document the rate of compliance with a
10 building energy code; and

11 “(4) to otherwise promote the design and con-
12 struction of energy- and water-efficient buildings.

13 “(f) AVAILABILITY OF INCENTIVE FUNDING.—

14 “(1) IN GENERAL.—The Secretary shall provide
15 incentive funding to States and Indian tribes—

16 “(A) to implement the requirements of this
17 section;

18 “(B) to improve and implement residential
19 and commercial building energy codes, including
20 increasing and verifying compliance with the
21 codes and training of State, tribal, and local
22 building code officials to implement and enforce
23 the codes; and

1 “(C) to promote building energy and water
2 efficiency through the use of the codes and
3 standards.

4 “(2) ADDITIONAL FUNDING.—Additional fund-
5 ing shall be provided under this subsection for im-
6 plementation of a plan to achieve and document full
7 compliance with residential and commercial building
8 energy codes under subsection (c)—

9 “(A) to a State or Indian tribe for which
10 the Secretary has validated a certification under
11 subsection (b) or (c); and

12 “(B) in a State or Indian tribe that is not
13 eligible under subparagraph (A), to a local gov-
14 ernment that is eligible under this section.

15 “(3) TRAINING.—Of the amounts made avail-
16 able under this subsection, the State or Indian tribe
17 may use amounts required, but not to exceed
18 \$750,000 for a State, to train State and local build-
19 ing code officials to implement and enforce codes de-
20 scribed in paragraph (2).

21 “(4) LOCAL GOVERNMENTS.—States may share
22 grants under this subsection with local governments
23 that implement and enforce the codes.

24 “(g) STRETCH CODES AND ADVANCED STAND-
25 ARDS.—

1 “(1) IN GENERAL.—The Secretary shall provide
2 technical and financial support for the development
3 of stretch codes and advanced standards for residen-
4 tial and commercial buildings for use as—

5 “(A) an option for adoption as a building
6 energy code by local, tribal, or State govern-
7 ments; and

8 “(B) guidelines for energy-efficient build-
9 ing design.

10 “(2) TARGETS.—The stretch codes and ad-
11 vanced standards shall be designed—

12 “(A) to achieve substantial energy savings
13 compared to the model building energy codes;
14 and

15 “(B) to meet targets under section 307(b),
16 if available, at least 3 to 6 years in advance of
17 the target years.

18 “(h) STUDIES.—The Secretary, in consultation with
19 building science experts from the National Laboratories
20 and institutions of higher education, designers and build-
21 ers of energy-efficient residential and commercial build-
22 ings, code officials, code and standards developers, and
23 other stakeholders, shall undertake a study of the feasi-
24 bility, impact, economics, and merit of—

1 “(1) code and standards improvements that
2 would require that buildings be designed, sited, and
3 constructed in a manner that makes the buildings
4 more adaptable in the future to become zero-net-en-
5 ergy after initial construction, as advances are
6 achieved in energy-saving technologies;

7 “(2) code procedures to incorporate measured
8 lifetimes, not just first-year energy use, in trade-offs
9 and performance calculations;

10 “(3) legislative options for increasing energy
11 savings from building energy codes and standards,
12 including additional incentives for effective State
13 and local action, and verification of compliance with
14 and enforcement of a code or standard other than by
15 a State or local government; and

16 “(4) code and standards improvements that
17 consider energy efficiency and water efficiency and,
18 to the maximum extent practicable, consider energy
19 efficiency and water efficiency in an integrated man-
20 ner.

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

1 “(j) VOLUNTARY PROVISIONS.—Nothing in this sec-
2 tion shall be binding on a State, local government, or In-
3 dian tribe as a matter of Federal law.

4 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
5 is authorized to be appropriated to carry out this section
6 and section 307 \$200,000,000, to remain available until
7 expended.”.

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

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

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

19 “(a) IN GENERAL.—The Secretary shall support the
20 updating of model building energy codes.

21 “(b) TARGETS.—

22 “(1) IN GENERAL.—The Secretary shall sup-
23 port the updating of the model building energy codes
24 to enable the achievement of aggregate energy sav-
25 ings targets established under paragraph (2).

1 “(2) TARGETS.—

2 “(A) IN GENERAL.—The Secretary shall
3 work with State, Indian tribes, local govern-
4 ments, code and standards developers (such as
5 the entities described in section 303(14)), and
6 other interested parties to support the updating
7 of model building energy codes by establishing
8 one or more national aggregate energy savings
9 targets to achieve the purposes of this section.

10 “(B) SEPARATE TARGETS.—The Secretary
11 shall establish separate targets for commercial
12 and residential buildings.

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

18 “(D) CODE CYCLES.—The targets estab-
19 lished under subparagraph (A) shall align with
20 the respective code development cycles deter-
21 mined by the model building energy code-setting
22 and standards development organizations de-
23 scribed in section 303(14).

24 “(E) SPECIFIC YEARS.—

1 “(i) IN GENERAL.—Targets for spe-
2 cific years shall be established and revised
3 by the Secretary through rulemaking and
4 coordinated with code and standards devel-
5 opers (such as the entities described in sec-
6 tion 303(14)) at a level that—

7 “(I) is at the maximum level of
8 energy efficiency that is techno-
9 logically feasible and lifecycle cost ef-
10 fective, while accounting for the eco-
11 nomic considerations under paragraph
12 (4);

13 “(II) is higher than the preceding
14 target;

15 “(III) promotes the achievement
16 of commercial and residential high-
17 performance buildings (as defined in
18 section 401 of the Energy Independ-
19 ence and Security Act of 2007 (42
20 U.S.C. 17061)) through high perform-
21 ance energy efficiency; and

22 “(IV) takes into consideration
23 the variations in climate zones used in
24 model building energy codes.

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

5 “(iii) DIFFERENT TARGET YEARS.—
6 Subject to clause (i), prior to the applica-
7 ble year, the Secretary may set a later tar-
8 get year for any of the model building en-
9 ergy codes described in subparagraph (A)
10 if the Secretary determines that a target
11 cannot be met.

12 “(iv) SMALL BUSINESS.—When estab-
13 lishing targets under this paragraph
14 through rulemaking, the Secretary shall
15 ensure compliance with the Small Business
16 Regulatory Enforcement Fairness Act of
17 1996 (5 U.S.C. 601 note; Public Law 104–
18 121).

19 “(3) APPLIANCE STANDARDS AND OTHER FAC-
20 TORS AFFECTING BUILDING ENERGY USE.—In es-
21 tablishing building code targets under paragraph
22 (2), the Secretary shall develop and adjust the tar-
23 gets in recognition of potential savings and costs re-
24 lating to—

1 “(A) efficiency gains made in appliances,
2 lighting, windows, insulation, and building enve-
3 lope sealing;

4 “(B) advancement of distributed genera-
5 tion and on-site renewable power generation
6 technologies;

7 “(C) equipment improvements for heating,
8 cooling, and ventilation systems;

9 “(D) building management systems and
10 smart technologies to reduce energy use; and

11 “(E) other technologies, practices, and
12 building systems that the Secretary considers
13 appropriate regarding building plug load and
14 other energy uses.

15 “(4) ECONOMIC CONSIDERATIONS.—In estab-
16 lishing and revising building code targets under
17 paragraph (2), the Secretary shall consider the eco-
18 nomic feasibility of achieving the proposed targets
19 established under this section and the potential costs
20 and savings for consumers and building owners, in-
21 cluding a return on investment analysis.

22 “(c) TECHNICAL ASSISTANCE TO MODEL BUILDING
23 ENERGY CODE-SETTING AND STANDARDS DEVELOPMENT
24 ORGANIZATIONS.—

1 “(1) IN GENERAL.—The Secretary shall, on a
2 timely basis, provide technical assistance to model
3 building energy code-setting and standards develop-
4 ment organizations consistent with the goals of this
5 section.

6 “(2) ASSISTANCE.—The assistance shall in-
7 clude, as requested by the organizations, technical
8 assistance in—

9 “(A) evaluating code or standards pro-
10 posals or revisions;

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

13 “(C) building demonstrations;

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

18 “(E) performance-based standards;

19 “(F) evaluating economic considerations
20 under subsection (b)(4); and

21 “(G) developing model building energy
22 codes by Indian tribes in accordance with tribal
23 law.

24 “(3) AMENDMENT PROPOSALS.—The Secretary
25 may submit timely model building energy code

1 amendment proposals to the model building energy
2 code-setting and standards development organiza-
3 tions, with supporting evidence, sufficient to enable
4 the model building energy codes to meet the targets
5 established under subsection (b)(2).

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

11 “(d) DETERMINATION.—

12 “(1) REVISION OF MODEL BUILDING ENERGY
13 CODES.—If the provisions of the IECC or ASHRAE
14 Standard 90.1 regarding building energy use are
15 proposed to be revised, the Secretary shall make a
16 preliminary determination, by not later than 90 days
17 after the date of receipt of the proposed revision,
18 and a final determination by not later than 15
19 months after the date of publication of the revision,
20 regarding whether the revision will—

21 “(A) improve energy efficiency in build-
22 ings, as compared to the existing model build-
23 ing energy code; and

24 “(B) meet the applicable targets under
25 subsection (b)(2).

1 “(2) CODES OR STANDARDS NOT MEETING TAR-
2 GETS.—

3 “(A) PRELIMINARY DETERMINATION BY
4 SECRETARY.—If the Secretary makes a prelimi-
5 nary determination under paragraph (1)(B)
6 that a code or standard does not meet an appli-
7 cable target under subsection (b)(2), the Sec-
8 retary shall contemporaneously provide to the
9 developer of the model building energy code or
10 standard not fewer than 2 proposed changes
11 that would result in a model building energy
12 code that meets the applicable target, together
13 with supporting evidence, taking into consider-
14 ation—

15 “(i) whether the modified code is tech-
16 nically feasible and lifecycle cost effective;

17 “(ii) available appliances, technologies,
18 materials, and construction practices; and

19 “(iii) the economic considerations
20 under subsection (b)(4).

21 “(B) DETERMINATION OR ELECTION BY
22 DEVELOPER.—Not later than 270 days after
23 the date of receipt of proposed changes of the
24 Secretary under subparagraph (A), a developer
25 shall—

1 “(i) determine whether—

2 “(I) to publish a new revised
3 code accepting the proposed changes;
4 or

5 “(II) to reject the proposed
6 changes; or

7 “(ii) if the developer elects not to
8 make a determination under clause (i),
9 publish a notice of that election, together
10 with the proposed changes.

11 “(C) FINAL DETERMINATION BY SEC-
12 RETARY.—

13 “(i) IN GENERAL.—A final determina-
14 tion by the Secretary shall be made on the
15 model building energy code or standard, as
16 modified by the changes proposed by the
17 Secretary under subparagraph (A).

18 “(ii) ADDITIONAL DETERMINA-
19 TIONS.—If a model building energy code or
20 standards developer makes an election pur-
21 suant to subparagraph (B)(ii), the Sec-
22 retary shall make the following final deter-
23 minations for purposes of this subsection:

24 “(I) A final determination re-
25 garding whether the code or standard

1 of the developer, absent any changes
2 proposed by the Secretary under sub-
3 paragraph (A), will—

4 “(aa) improve energy effi-
5 ciency in buildings, as compared
6 to the existing model building en-
7 ergy code; and

8 “(bb) meet the applicable
9 targets under subsection (b)(2).

10 “(II) A final determination re-
11 garding whether the code or standard
12 of the developer, as modified by the
13 changes proposed by the Secretary
14 under subparagraph (A), would—

15 “(aa) improve energy effi-
16 ciency in buildings, as compared
17 to the existing model building en-
18 ergy code; and

19 “(bb) meet the applicable
20 targets under subsection (b)(2).

21 “(e) ADMINISTRATION.—In carrying out this section,
22 the Secretary shall—

23 “(1) publish notice of targets and supporting
24 analysis and determinations under this section in the
25 Federal Register to provide an explanation of and

1 the basis for such actions, including any supporting
2 modeling, data, assumptions, protocols, and cost-
3 benefit analysis, including return on investment; and
4 “(2) provide an opportunity for public comment
5 on targets and supporting analysis and determina-
6 tions under this section.”.

7 **SEC. 10 ____ . COST-EFFECTIVE CODES IMPLEMENTATION**
8 **FOR EFFICIENCY AND RESILIENCE.**

9 (a) IN GENERAL.—Title III of the Energy Conserva-
10 tion and Production Act (42 U.S.C. 6831 et seq.) is
11 amended by adding at the end the following:

12 **“SEC. 309. COST-EFFECTIVE CODES IMPLEMENTATION FOR**
13 **EFFICIENCY AND RESILIENCE.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
16 tity’ means—

17 “(A) a relevant State agency, as deter-
18 mined by the Secretary, such as a State build-
19 ing code agency or State energy office; and

20 “(B) a partnership.

21 “(2) PARTNERSHIP.—The term ‘partnership’
22 means a partnership between an eligible entity de-
23 scribed in paragraph (1)(A) and one or more of the
24 following entities:

25 “(A) Local building code agencies.

1 “(B) Codes and standards developers.

2 “(C) Associations of builders and design
3 and construction professionals.

4 “(D) Local and utility energy efficiency
5 programs.

6 “(E) Consumer, energy efficiency, and en-
7 vironmental advocates.

8 “(F) Other entities, as determined by the
9 Secretary.

10 “(3) SECRETARY.—The term ‘Secretary’ means
11 the Secretary of Energy.

12 “(b) ESTABLISHMENT.—

13 “(1) IN GENERAL.—The Secretary shall estab-
14 lish within the Building Technologies Office of the
15 Department of Energy a program under which the
16 Secretary shall award grants on a competitive basis
17 to eligible entities to enable sustained cost-effective
18 implementation of updated building energy codes.

19 “(2) UPDATED BUILDING ENERGY CODE.—An
20 update to a building energy code under this section
21 shall include any update made available after the ex-
22 isting building energy code, even if it is not the most
23 recent updated code available.

24 “(c) CRITERIA; PRIORITY.—In awarding grants
25 under subsection (b), the Secretary shall—

1 “(1) consider—

2 “(A) prospective energy savings and plans
3 to measure the savings;

4 “(B) the long-term sustainability of those
5 measures and savings;

6 “(C) prospective benefits, and plans to as-
7 sess the benefits, including benefits relating
8 to—

9 “(i) resilience and peak load reduc-
10 tion;

11 “(ii) occupant safety and health; and

12 “(iii) environmental performance;

13 “(D) the demonstrated capacity of the eli-
14 gible entity to carry out the proposed project;
15 and

16 “(E) the need of the eligible entity for as-
17 sistance; and

18 “(2) give priority to applications from partner-
19 ships.

20 “(d) ELIGIBLE ACTIVITIES.—

21 “(1) IN GENERAL.—An eligible entity awarded
22 a grant under this section may use the grant
23 funds—

1 “(A) to create or enable State or regional
2 partnerships to provide training and materials
3 to—

4 “(i) builders, contractors and sub-
5 contractors, architects, and other design
6 and construction professionals, relating to
7 meeting updated building energy codes in a
8 cost-effective manner; and

9 “(ii) building code officials, relating to
10 improving implementation of and compli-
11 ance with building energy codes;

12 “(B) to collect and disseminate quan-
13 titative data on construction and codes imple-
14 mentation, including code pathways, perform-
15 ance metrics, and technologies used;

16 “(C) to develop and implement a plan for
17 highly effective codes implementation, including
18 measuring compliance;

19 “(D) to address various implementation
20 needs in rural, suburban, and urban areas; and

21 “(E) to implement updates in energy codes
22 for—

23 “(i) new residential and commercial
24 buildings (including multifamily buildings);
25 and

1 “(ii) additions and alterations to ex-
2 isting residential and commercial buildings
3 (including multifamily buildings).

4 “(2) RELATED TOPICS.—Training and mate-
5 rials provided using a grant under this section may
6 include information on the relationship between en-
7 ergy codes and—

8 “(A) cost-effective, high-performance, and
9 zero-net-energy buildings;

10 “(B) improving resilience, health, and safe-
11 ty;

12 “(C) water savings and other environ-
13 mental impacts; and

14 “(D) the economic impacts of energy
15 codes.

16 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the Secretary to carry
18 out this section—

19 “(1) \$25,000,000 for each of fiscal years 2021
20 through 2030; and

21 “(2) for fiscal year 2030 and each fiscal year
22 thereafter, such sums as are necessary.”.

23 (b) CONFORMING AMENDMENT.—Section 303 of the
24 Energy Conservation and Production Act (42 U.S.C.
25 6832) is amended, in the matter preceding paragraph (1),

- 1 by striking “As used in” and inserting “Except as other-
- 2 wise provided, in”.