

## Comparison of Building Energy Code Provisions in Existing Legislation from the 115<sup>th</sup> Congress

There are currently three competing proposals in Congress regarding building energy codes. The first is contained within S. 385, and its identical companion H.R. 1443, the Energy Savings and Industrial Competitiveness Act. This bill is sponsored by Sens. Rob Portman (R-Ohio) and Jeanne Shaheen (D-N.H.) in the Senate and Reps. David McKinley (R-W.Va.) and Peter Welch (D-Vt.) in the House. In the Senate and House these bills are referred to as the “Portman-Shaheen” and “McKinley-Welch” bills, respectively. The second proposal is S. 1460, the Energy and Natural Resources Act of 2017, which was introduced by Sens. Lisa Murkowski (R-Alaska) and Maria Cantwell (D-Wash.) and is based on S. 2012, the Energy Policy Modernization Act of 2015, with some notable differences. The third proposal is H.R. 2361, the Energy Savings and Building Efficiency Act of 2017, which was introduced by Reps. Marsha Blackburn (R-Tenn.) and Kurt Schrader (D-Ore.) and is referred to as “Blackburn-Schrader”. This fact sheet compares the building energy code provisions from the three bills with existing law.

S. 385 – the Energy Savings and Industrial Competitiveness Act <i>As Passed by Committee: March 30, 2017</i>	S. 1460 – the Energy and Natural Resources Act of 2017 <i>As introduced: June 29, 2017</i>	H.R. 2361 – the Energy Savings and Building Efficiency Act of 2017 <i>As Introduced: May 4, 2017</i>	Existing Law
Sec. 101	Sec. 1101	Sec. 101	
<i>Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended to read as follows:</i>			
Includes definitions of relevant building energy codes. Amends the State Building Energy Efficient Codes—Section 304 of the Energy Conservation and Production Act.	Similar to S. 385, but not an identical list of definitions.	Similar to S. 385, but includes addition clarifications for technically feasible and simple payback.	
Model Building Energy Code—defined as a voluntary building energy code or standard developed and updated through a consensus process among interested persons, such as the IECC or ASHRAE Standard 90.1 or code used by other appropriate organizations.	Not included in S. 1460.	Model Building Energy Code— No substantive change.	Adds this definition to the list of definitions included in existing law.
Not included in S. 385.	Note included in S. 1460.	ASHRAE Standard 90.1—The term ‘ASHRAE Standard 90.1’ means the American Society of Heating, Refrigerating and Air Conditioning Engineers ANSI/ASHRAE/IESNA Standard 90.1 Energy Standard for Buildings Except Low-Rise Residential Buildings.	Adds this definition to the list of definitions included in existing law.

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Not included in S. 385.	Not included in S. 1460.	Cost Effective– Defined as having a simple payback of 10 years or less.	Adds this definition to the list of definitions included in existing law.
IECC – refers to the International Energy Conservation Code as published by the International Code Council (ICC).	Same as S. 385.	Same as S. 385.	Adds this definition to the list of definitions included in existing law.
Indian Tribe—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).	Same as S. 385.	Same as S. 385.	Adds this definition to the list of definitions included in existing law by referencing a previous law.
Not included in S. 385.	Not included in S. 1460.	Simple Payback—The term ‘simple payback’ means the time in years that is required for energy savings to exceed the incremental first cost of a new requirement or code.	Adds this definition to the list of definitions included in existing law.
Not included in S. 385.	Not included in S. 1460.	Technically Feasible—The term ‘technically feasible’ means capable of being achieved, based on widely available appliances, equipment, technologies, materials, and construction practices.	Adds this definition to the list of definitions included in existing law.
<b><i>Section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) is amended to read as follows:</i></b>			
(a) Directs the secretary to “encourage and support the adoption of building energy codes” by States, Indian tribes, local governments that “meet or exceed the model building energy codes, or achieve equivalent or greater energy savings.”  Support full compliance with the State and local codes.  <i>(continued)</i>	Similar to S. 385, but references “voluntary building energy codes” instead of “model building energy codes.”  Same as S. 385.  <i>(continued)</i>	(a) Directs only for the Secretary to provide “technical assistance” for the implementation of building energy codes that are “technically feasible and cost-effective.”  Same as S. 385.  <i>(continued)</i>	The Secretary shall provide technical assistance to help States with implementation, and to improve and implement State residential and commercial building efficiency codes or to otherwise promote the design and construction of energy efficient buildings.  <i>(continued)</i>

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<p>(b) States and Indian Tribe Certification of Building Energy Code Updates—</p> <p>Requires states or Indian tribes to review and update energy provisions in building codes within <b>2 years</b>.</p> <p>State/Tribe Certification Requires:</p> <p>Demonstration - The certification shall include a <b>demonstration</b> of whether or not the energy savings for the code provisions that are in effect meet or exceed—</p> <ul style="list-style-type: none"> <li>- the energy savings of the updated model building energy code; or</li> <li>- the targets established under section 307(b)(2).</li> </ul> <p>No Model Building Energy Code Update - If a model building energy code is not updated by a target date established under section 307(b)(2)(D), each State/tribe must certify, within <b>2 years</b>, whether or not they have reviewed and updated the energy provisions of the building code of the State or Indian tribe to meet or exceed the target of 307(b)(2).</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>(c) States and Indian Tribe Certification of Building Energy Code Updates—</p> <p>Requires states or Indian tribes to review and update energy provisions in (“<b>voluntary</b>”) building codes within <b>2 years</b>.</p> <p>State/Tribe Certification Requires:</p> <p>Same as S. 385, but <b>references “voluntary” building energy codes instead of “model” building energy codes.</b></p> <p>Same as S. 385.</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>(b) States and Indian Tribe Certification of Building Energy Code Updates—</p> <p>Requires states and Indian tribes to review and update energy provisions in building codes within <b>3 years</b>.</p> <p>State/Tribe Certification Requires: Does not require a demonstration, only a statement.</p> <p>Demonstration --The certification shall include a <b>statement</b> of whether or not the energy savings for the code provisions that are in effect meet or exceed—</p> <ul style="list-style-type: none"> <li>- the energy savings of the updated model building energy code; or</li> <li>- the targets established under section 307(b)(2).</li> </ul> <p>No Model Building Energy Code Update - If a model building energy code is not updated by a target date established under section 307(b)(2)(D), each State/tribe must certify, within <b>3 years</b>, whether or not they have reviewed and updated the energy provisions of the building code of the State or Indian tribe to meet or exceed the target of 307(b)(2).</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>Current law does not reference Indian Tribes.</p> <p>Residential – Following the release of a new building energy code, the Secretary is required to make a determination within 12 months on whether the update would improve energy efficiency in residential buildings. If this occurs, each State must, within 2 years, certify that it has reviewed the provisions of its residential building code regarding energy efficiency. The state is not required to adopt the new energy code, but must make a determination as to whether it is appropriate for it to do so.</p> <p>Commercial – Following the release of a new building energy code, the Secretary is required to make a determination within 12 months on whether the updated code would improve energy efficiency in commercial buildings. If this occurs, each State must, within 2 years, certify that is has reviewed and updated the provisions of its commercial building code regarding energy efficiency in accordance with the standard that has been revised.</p> <p style="text-align: right;"><i>(continued)</i></p>

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<p>Validation by Secretary—Not later than 90 days after such certification DOE shall—</p> <ul style="list-style-type: none"> <li>- determine whether the code provisions meet the criteria; and</li> <li>- <b>if the determination is positive</b>, validate the certification.</li> <li>- Not included in S. 385</li> </ul> <p>Limitation is not included in S. 385.</p>	<p>Same as S. 385.</p> <ul style="list-style-type: none"> <li>- Not included in S. 1460.</li> </ul> <p>Limitation not included in S. 1460.</p>	<p>Validation by Secretary— Not later than 90 days after such certification DOE shall—</p> <ul style="list-style-type: none"> <li>- determine whether the code provisions meet the criteria; and</li> <li>- <b>determine whether the</b> certification submitted is complete,</li> <li>- if these requirements are satisfied, validate the certification.</li> </ul> <p>(3) <b>Inserts limitation</b> that this section does not require state or Indian tribes to adopt building codes.</p>	<p>Such certification shall include a demonstration that the provisions of a State’s commercial building code meet or exceed the revised standard. If the Secretary determines that the revised standard will not improve energy efficiency in commercial buildings, State commercial building code provisions for energy efficiency shall meet or exceed the last revised standard for which an affirmative determination has been made by the Secretary.</p> <p>The Secretary shall permit extensions for the certification requirements of both residential and commercial buildings if a State can demonstrate that is has made a good faith effort to comply and has made significant progress in meeting the requirements.</p>
<p>(c) Improvements in Compliance with Building Energy Codes—Requires states and Indian tribes, within 3 years, to certify they have achieved full compliance or made significant progress toward achieving full compliance with applicable model building energy codes.</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>(d) Improvements in Compliance with Building Energy Codes – Similar to S. 385, but does not include the requirement for States or Indian tribes to repeat the certification, if it previously certified that progress has been made, until it has achieved full compliance.</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>(c) Improvements in Compliance with Building Energy Codes—Similar to S. 385, but does not require independent inspections.</p> <p style="text-align: right;"><i>(continued)</i></p>	

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<p>If a State or Indian tribe certifies that progress has been made, it must repeat the certification until it has achieved full compliance. Independent inspections of buildings will ensure continued measurement of compliance. For states and Indian tribes to be in compliance, at least 90% of building space covered by the code in previous year must be covered by applicable code or achieve greater energy savings OR the estimated excess energy use of buildings that did not meet the applicable code must be less than 5% when compared to a baseline of comparable buildings that did meet this code.</p> <p>Validation process is the same as above section.</p> <p>Limitation is not included in S. 385.</p>	<p>Validation process is the same as S. 385.</p> <p>Limitation not included in S. 1460.</p>	<p><b>Changes to validation of certification:</b> if the certification (which requires a statement, not a demonstration) is complete, then the Secretary must validate the certification.</p> <p><b>Limitation:</b> this section does not require state or Indian tribes to adopt building codes.</p>	
<p>(d) States or Indian Tribes that Do Not Achieve Compliance—Entities that do not meet the certification requirement by target deadline must:</p> <ul style="list-style-type: none"> <li>- Submit a report to the Secretary of the status of compliance.</li> <li>- Submit a plan for meeting the requirement and certification.</li> </ul> <p style="text-align: right;"><i>(continued)</i></p>	<p>(e) States or Indian Tribes that Do Not Achieve Compliance – Similar to S. 385, but the report must only include information about the status of the entity with respect to meeting the requirements and submitting the certification, <b>it does not require the entity to include a plan for meeting those requirements.</b></p> <p style="text-align: right;"><i>(continued)</i></p>	<p>(d) States or Indian Tribes that Do Not Achieve Compliance— Entities that do not meet the certification requirement by target deadline are <b>not required to submit a plan</b> for meeting the requirement and certification.</p> <p style="text-align: right;"><i>(continued)</i></p>	

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<p>Not included in S. 385.</p> <p>States or local governments that do not meet the certification requirement by the target deadline may be considered for federal support.</p> <p>DOE will also submit annual reports to Congress on the status of model building codes, state of code compliance and adoption, and improvements in energy savings over time. The report must also include an estimate of financial impacts.</p>	<p>Not included in S. 1460.</p> <p>Same as S. 385.</p> <p>Same as S. 385.</p>	<p>This section also expresses state sovereignty, which states that entities are not required to adopt building codes.</p> <p>The consideration of Federal support is limited to local governments in H.R. 2361.</p> <p>Same as S. 385.</p>	
<p>(e) Technical Assistance to States and Indian Tribes— Allows DOE to provide technical assistance for implementation of residential and commercial energy codes, demonstrations to show energy savings, documentation of compliance, and to otherwise promote the design and construction of energy efficient buildings.</p> <p>Not included in S. 385.</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>(f) Technical Assistance to States and Indian Tribes – Similar to S. 385, but <b>references “voluntary” building energy codes instead of “model” building energy codes.</b></p> <p>Not included in S. 1460.</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>(e) Technical Assistance to States and Indian Tribes— DOE may only provide technical assistance to implement or document rate of compliance with residential or commercial building codes.</p> <p>Technical assistance – defines the activities that are included under the term ‘technical assistance’.</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>The Secretary shall provide technical assistance to help States with implementation, and to improve and implement State residential and commercial building efficiency codes or to otherwise promote the design and construction of energy efficient buildings.</p>

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<p>Not included in S. 385.</p> <p>Not included in S. 385.</p>	<p>Not included in S. 1460.</p> <p>Not included in S. 1460.</p>	<p>Exclusion – ‘technical assistance’ shall not include actions that promote or discourage the adoption of a particular building energy code, code provision or energy savings target to a State or Indian tribe.</p> <p>Information Quality and Transparency – Provides that information provided by the Secretary, attendant to any technical assistance provided to a State or Indian tribe, is considered ‘<b>influential information</b>’ and must follow the guidelines of the Office of Management and Budget, published at 67 Federal Register 8452 (Feb. 22, 2002).<sup>1</sup></p>	
<p>(f) Availability of Incentive Funding – DOE will provide incentive funding to implement and improve residential and commercial building codes, to increase and verify compliance with codes, to train local building code officials, and promote building energy efficiency through codes.</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>(g) Availability of Incentive Funding – Same as S. 385.</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>Not included in H.R. 2361.</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>The Secretary shall provide incentive funding to States to implement these requirements and to improve and implement State residential and commercial building energy efficiency codes, including increasing and verifying compliance with such codes.</p> <p style="text-align: right;"><i>(continued)</i></p>

<sup>1</sup>“Influential”, when used in the phrase “influential scientific, financial, or statistical information”, means that the agency can reasonably determine that dissemination of the information will have or does have a clear and substantial impact on important public policies or important private sector decisions. Each agency is authorized to define “influential” in ways appropriate for it given the nature and multiplicity of issues for which the agency is responsible. <http://www.whitehouse.gov/sites/default/files/omb/fedreg/reproducible2.pdf>.

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<p>Additional Funding—funding will be provided for implementation of a plan to achieve and document full compliance with building codes.</p> <p>Training—Funding up to \$750,000 is made available for training of State or tribal building code officials to implement and enforce building codes.</p> <p>Local Governments—States may share grants to local governments that implement and enforce codes.</p>	<p>Same as S. 385.</p> <p>Same as S. 385.</p> <p>Local Governments – Similar to S. 385, but does not include “...that implement and enforce codes” in the provision.</p>	<p>Not included in H.R. 2361.</p> <p>Training—Similar to S. 385. DOE may offer support for training, but does not make funding available.</p> <p>Local Governments— States may work with local governments under this section, <b>but it is not explicitly stated that they may share grants.</b></p>	<p>Additional funding shall be provided for implementation of a plan to achieve at least 90 percent compliance with residential and commercial building energy efficiency codes if a State is implementing a code that meet or exceeds the most recent residential or commercial code that received an affirmative determination or to help a local government to do so, if it is located within a State that does not have a statewide code.</p> <p>Training – the Secretary may use \$500,000 for each fiscal year to train State and local officials to implement residential and commercial building codes.</p>
<p>(g) Stretch Codes and Advanced Standards—</p> <p>Prescribes that DOE shall provide technical and financial support for the development of stretch codes and advance standards for residential and commercial buildings. Specifies these stretch codes can be used as an option for adoption as building energy codes</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>Not included in S. 1460.</p> <p>Not included in S. 1460.</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>(f) Voluntary Programs to Exceed Model Building Energy Code—</p> <p>DOE will provide technical assistance described in subsection (f) to develop voluntary incentive programs and non-binding guidelines for building designs that exceed model building energy codes.</p> <p style="text-align: right;"><i>(continued)</i></p>	



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Targets—These standards must achieve substantial energy savings targets at least 3 to 6 years in advance of target years.	Not included in S. 1460.	Targets—these voluntary programs must be designed to achieve substantial energy savings compared to model building codes and meet targets, if available, up to 3 to 6 years in advance.	
<p>(h) Studies—</p> <p>Not included in S. 385.</p> <p>Studies— The Secretary, in consultation with a broad selection of applicable stakeholders, shall undertake a study of the feasibility, impact, economics, and merit of:</p> <ul style="list-style-type: none"> <li>- Code improvements that require building design, siting, and constructed so they can be adapted to net-zero buildings in the future;</li> <li>- Code procedures to incorporate measured lifetimes, not just first-year energy use, in trade-offs and performance calculations; and</li> <li>- Legislative options for increasing energy savings from building energy codes. <i>(continued)</i></li> </ul>	<p>(h) Studies –</p> <p>Not included in S. 1460.</p> <p>Similar to S. 385, but with one difference. S. 385 states “code procedures to incorporate measured lifetimes, not just first-year energy use, in trade-offs and performance calculations” while S. 1460 states “<b>code procedures that adopt energy efficiency measures that are technologically feasible and economically justified.</b>” <i>(continued)</i></p>	<p>(g) Studies—</p> <p>GAO Study—Requires GAO to study the impacts of updating national model building codes and must submit a report to Congress within 3 years. The study should include and analysis of the energy savings from updating the codes, the actual consumer cost savings, and accounting of expenditures of the Federal funds under each program authorized.</p> <p>Similar to S. 385 with some differences, including a new title, “Feasibility Study.” DOE, in consultation with other experts and stakeholders, must study the feasibility, impact, and economics of:</p> <ul style="list-style-type: none"> <li>- Code improvements that require building design, siting, and constructed so they can be adapted to net-zero buildings in the future;</li> <li>- Code procedures to incorporate <b>10-year simple payback</b> in calculations</li> <li>- Legislative options for increasing energy savings from building codes <i>(continued)</i></li> </ul>	

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Not included in S. 385.	Not included in S. 385.	Energy data in multi-tenant buildings—DOE required to undertake study of best practices of aggregate energy consumption information to owners and building managers.	
(i) Effect on Other Laws—No section supersedes or modifies the application of Section 321-346 of Energy Policy and Conservation Act.	(i) Effect on Other Laws—Identical to S. 385.	(h) Effect on Other Laws—Identical to S. 385.	
Not included in S. 385.	Not included in S. 1460.	(i) Funding Limitations—No federal funding will be used to support the actions of DOE, or the States to advocate, promote, or discourage the adoption of a building energy code, code provision, or energy saving target.	
(j) Authorization of Appropriations—This section authorizes <b>\$200,000,000</b> to remain available until expended.	(j) Authorization of Appropriations – Same as S. 385.	Not included in H.R. 2361.	Authorized \$25,000,000 for each of fiscal years 2006-2010 and such sums as are necessary for fiscal year 2011 and each fiscal year thereafter.
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<b><i>Section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) is amended as follows:</i></b>			
Replaces “voluntary building energy codes” with “model building energy codes.”	Not included in S. 1460.	Identical to S. 385.	
<b><i>Section 307 of the Energy Conservation and Production Act (42 U.S.C. 6836) is amended to read as follows:</i></b>			
(a) In general—DOE shall support the updating of model building energy codes.	(a) In general—Similar to S. 385, <b>but references “voluntary” building energy codes instead of “model” building energy codes.</b>	(a) In general—DOE shall provide technical assistance for the updating of model building energy codes.	DOE, after consulting with a collection of relevant stakeholders, shall support the upgrading of ‘voluntary’ building energy codes for new residential and commercial buildings.

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<p>(b) Targets—DOE shall to provide support the updating of model building energy codes. DOE shall also support updating of codes to enabled achievements of established aggregate energy savings targets. DOE will work with State, Indian tribes, local governments, and other stakeholders for updating model building energy codes by establishing one or more aggregate energy savings targets. DOE may establish separate targets for both residential and commercial buildings.</p> <p>Baselines for updating codes are 2009 IECC for residential and ASHRAE 90.1-2010 for commercial buildings.</p> <p>Specific, yearly targets shall be established and revised by DOE through collaboration with recognized codes and standards developers that <b>maximize energy efficiency and life-cycle cost effectiveness</b>. Targets must be higher than preceding targets, and promote the achievement through performance energy efficiency.</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>(b) Targets – Similar to S. 385, <b>but references “voluntary” building energy codes instead of “model” building energy codes</b> and refers to the achievement of <b>“consensus-based, aggregate energy savings targets”</b> instead of <b>“aggregate energy savings targets.”</b> DOE will work with State, Indian tribes, local governments, and other stakeholders for updating voluntary building energy codes by establishing one or more consensus-based, aggregate energy savings targets. DOE may establish separate targets for both residential and commercial buildings.</p> <p>Identical to S. 385.</p> <p>Similar to S. 385 - <b>consensus-based targets</b> for specific years shall be established and revised through collaboration with recognized codes and standards developers that <b>maximize energy efficiency that is technologically justified and economically feasible</b>. Targets must be higher than preceding targets, and promote the achievement through performance energy efficiency.</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>Not included in H.R. 2361.</p> <p>Not included in H.R. 2361.</p> <p>Not included in H.R. 2361.</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>DOE support shall include:</p> <ul style="list-style-type: none"> <li>- A compilation of data and other information regarding building energy efficiency standards and codes;</li> <li>- Assistance in improving the technical basis for such standards and codes;</li> <li>- Assistance in determining the cost-effectiveness and the technical feasibility of the energy efficiency measures included in such standards and codes; and</li> <li>- Assistance in identifying appropriate measures with regard to radon and other indoor air pollutants.</li> </ul> <p>DOE shall periodically review the technical and economic basis of voluntary building energy codes and, based upon ongoing research activities:</p> <ul style="list-style-type: none"> <li>- Recommend amendments to such codes including measures with regard to radon and other indoor pollutants;</li> <li>- Seek adoption of all technologically feasible and economically justified energy efficiency measures; and</li> </ul> <p style="text-align: right;"><i>(continued)</i></p>

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<p>Initial Target - must be established within 1 year. DOE may also set a later target year for any model building energy codes if determined that target cannot be met.</p> <p>When establishing targets, DOE must ensure compliance with the Small Business Regulatory Enforcement Fairness Act of 1996.</p>	<p>Similar to S. 385, but references “<b>consensus-based targets</b>” instead of “<b>targets.</b>” DOE may also set a later target year for any “<b>voluntary</b>” building energy codes if determined that target cannot be met.</p> <p>Identical to S. 385.</p>	<p>Not included in H.R. 2361.</p> <p>(c)(3) Same as S. 385.</p>	<p>- Otherwise participate in any industry process for review and modification of such codes.</p>
<p>Appliance &amp; Other Considerations—In establishing <b>building code</b> targets, DOE shall develop or adjust targets in recognition of potential energy and costs savings related to appliance standards, on-site renewable energy sources, improvements in HVAC equipment, building management systems, or other appropriate technologies, practices or building systems.</p> <p>Economic Considerations—Economic feasibility and potential costs to consumers must be considered when developing and revising code targets, which should also include a return on investment analysis.</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>Appliance &amp; Other Considerations – Similar to S. 385, but references “<b>consensus-based building code targets</b>” instead of “<b>building code targets.</b>”</p> <p>Not included in S. 1460.</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>(c)(4) Identical to S. 385.</p> <p>(c)(5) Economic Considerations—The economic feasibility of achieving the proposed targets and the potential costs and savings for consumers and building owners must be considered by <b>conducting a return on investment analysis, using a simple payback methodology over a 3-, 5-, and 7- year period.</b></p> <p style="text-align: right;"><i>(continued)</i></p>	

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Not included in S. 385.	Not included in S. 1460.	<b>The Secretary is prohibited from proposing or providing technical or financial assistance for any code, provision, energy target, or amendment that has a payback greater than 10 years.</b>	
<p>(c) Technical Assistance to Model Building Energy Code-Setting and Standard Development Organizations—</p> <p>As requested, DOE shall provide technical assistance to model building energy code setting and standard development organizations. Outlines what <b>assistance</b> DOE is able to provide.</p> <p>Not included in S. 385.</p> <p>Not included in S. 385.</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>(c) Technical Assistance to Voluntary Building Energy Code-Setting and Standard Development Organizations—</p> <p>Similar to S. 385, <b>but references “voluntary building energy codes” instead of “model building energy codes.”</b> Outlines what <b>assistance</b> DOE is able to provide.</p> <p>Not included in S. 1460.</p> <p>Not included in S. 1460.</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>(b) Technical Assistance to Model Building Energy Code-Setting and Standard Development Organizations—</p> <p>Same as S. 385, but outlines the type of ‘<b>technical assistance</b>’ DOE can provide.</p> <p>Exclusion— Defines technical assistance as activities that do not advocate, promote, or discourage the adoption of a particular building energy code, code provision, or energy savings target.</p> <p>Information Quality and Transparency – Information used to develop energy savings targets is considered influential information and must meet certain guidelines (See footnote 1).</p> <p style="text-align: right;"><i>(continued)</i></p>	

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<p>Amendment Proposals—DOE may submit amendment proposals to building codes and standard development organizations with supporting evidence that will allow energy codes to meet the established targets.</p> <p>Not included in S. 385.</p>	<p>Amendment Proposals – Similar to S. 385, <b>but references “voluntary building energy codes” instead of “model building energy codes.”</b></p> <p>Not included S. 1460.</p>	<p>(c) Amendment Proposals— Nearly identical to S. 385, but further specifies the process and factors that amendments must go through.</p> <p>Process and Factors—All amendment proposals submitted by DOE shall be published in the Federal Register and made available on the DOE website 90 days prior to submittal to a code development body and shall be subject to a 60-day public comment period. Information provided by DOE is considered “influential information” and must meet guidelines established by OMB (see footnote 1) DOE will also use climate zone weighted averages for equipment heating, cooling, ventilation systems, and water heating systems, using equipment that is actually installed.</p>	
<p>Same as H.R. 2361.</p>	<p>Same as H.R. 2361.</p>	<p>(d) Analysis Methodology – DOE will make publicly available the entire calculation methodology used by DOE to estimate energy savings of code or standard proposals and revisions.</p>	
<p>Not included in S. 385.</p>	<p>Not included in S. 1460.</p>	<p>(e) Methodology Development— DOE shall establish methodology to evaluate cost-effectiveness of energy code changes in multifamily buildings that incorporate various economic parameters.</p>	

<p>S. 385 – the Energy Savings and Industrial Competitiveness Act <i>As Passed by Committee: March 30, 2017</i></p>	<p>S. 1460 – the Energy and Natural Resources Act of 2017 <i>As introduced: June 29, 2017</i></p>	<p>H.R. 2361 – the Energy Savings and Building Efficiency Act of 2017 <i>As Introduced: May 4, 2017</i></p>	<p>Existing Law</p>
<p>(d) Determination – If provisions of the IECC or ASHRAE Standard 90.1 regarding building energy use are revised, DOE must make a preliminary determination not later than 90 days after the date of the revision and a final determination not later than 15 months after the date of the revision. This will determine whether or not the revision improves energy efficiency in buildings compared to existing code and meets applicable targets.</p> <p>Codes or standards not meeting criteria – if the preliminary determination of the revision states that a code or standard does not meet the targets, DOE may at that time provide the model building energy code or standard developer with proposed changes. These proposals should consider whether the modified code is technically feasible and life-cycle cost-effective, available technologies and appliances, and other economic considerations.</p> <p>Incorporation of changes – On receipt of proposed changes, the model building energy code or standard developer shall have an additional 270 days to accept or reject the proposed changes from DOE.</p> <p style="text-align: right;"><i>(continued)</i></p>	<p>(d) Determination – Similar to S. 385, but <b>references “voluntary building energy codes” instead of “model building energy codes.”</b></p> <p>Similar to S. 385, but <b>references “voluntary building energy codes” instead of “model building energy codes,” “consensus-based targets” instead of “targets,” and whether the modified code is “technologically feasible and economically justified” instead of “technically feasible and life-cycle cost-effective.”</b></p> <p>Similar to S. 385, but <b>references “voluntary building energy codes” instead of “model building energy codes.”</b></p> <p style="text-align: right;"><i>(continued)</i></p>	<p>(f) Determination— Similar to S. 385, but states that if provisions of the IECC or ASHRAE Standard 90.1 are revised, the Secretary shall conduct a return on investment analysis of the entire code, by climate zone, using a simple payback methodology over 3, 5, and 7 year periods. A final determination must then be made not later than 15 months after the date of the revision.</p> <p>Not included in H.R. 2361.</p> <p>Same as S. 385.</p> <p style="text-align: right;"><i>(continued)</i></p>	

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Final Determination – a final determination shall be made on the modified model building energy code or standard.	Not included in S. 1460.	Same as S. 385.	
(e) Administration— DOE required to publish notice of targets and supporting analysis and determinations to the Federal Register.  Opportunity for public comment will also be established.	(e) Administration – Similar to S. 385, <b>but references “consensus-based targets” instead of “targets.”</b>  Similar to S. 385, <b>but references “consensus-based targets” instead of “targets.</b>	(g) Administration— Same as S. 385.  Same as S. 385.	
(f) Voluntary Codes and Standards—Any other provision or model building code or standard will not be binding on State, local governments, or Indian tribes as matter of federal law.	Similar to S. 385, but referenced in Section 304 (a): Voluntary Building Energy Code – Nothing in this section or section 307 makes a building energy code established under this section or an updated voluntary building energy code under section 307 binding on a State, local government, or Indian tribe as a matter of federal law.	(h) Voluntary Codes and Standards—Nearly identical to S. 385.	
Not included in S. 385.  <i>(continued)</i>	(f) Definition of Economically Justified – In determining whether or not an established or updated “voluntary” building energy code is <b>‘economically justified,’</b> the Secretary shall determine if the benefits of the building energy code exceed the burdens by considering the economic impact of the building energy code on:  <i>(continued)</i>	Not included in H.R. 2361.  <i>(continued)</i>	



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	<p>manufacturers and home or building owners, the savings in operating costs over the estimate average life of the building compared to any increase in initial costs, the total projected energy or water savings, any reduction or increase in the utility or performance of the buildings, and other factors the Secretary considers relevant.</p>		
<p>S. 385 – the Energy Savings and Industrial Competitiveness Act <i>As Passed by Committee: March 30, 2017</i></p>	<p>S. 1460 – the Energy and Natural Resources Act of 2017 <i>As introduced: June 29, 2017</i></p>	<p>H.R. 2361 – the Energy Savings and Building Efficiency Act of 2017 <i>As Introduced: May 4, 2017</i></p>	<p>Existing Law</p>
<p>Not included in S. 385.</p>	<p>Not included in S. 1460.</p>	<p><b><u>Section 201: Voluntary Nature of Building Asset Rating program</u></b></p>	
<p>Not included in S. 385.</p>	<p>Not included in S. 1460.</p>	<p>DOE may enable the owner of commercial or residential building to obtain rating score or label for actual or anticipated energy use or performance. Emphasizes that any information made available by DOE is not intended to be the basis for regulatory program by the Federal, State, local, or municipal government body.</p>	