

thority of Congress that detail simple, cost-effective methods to save energy and taxpayer dollars in the workplace.

(c) Annual report

The Architect of the Capitol shall submit to Congress annually a report on congressional energy management and conservation programs required under this section that describes in detail—

- (1) energy expenditures and savings estimates for each facility;
- (2) energy management and conservation projects; and
- (3) future priorities to ensure compliance with this section.

(Pub. L. 95-619, title V, §552, as added Pub. L. 109-58, title I, §101(a), Aug. 8, 2005, 119 Stat. 605.)

§ 8259b. Federal procurement of energy efficient products

(a) Definitions

In this section:

(1) Agency

The term “agency” has the meaning given that term in section 7902(a) of title 5.

(2) Energy Star product

The term “Energy Star product” means a product that is rated for energy efficiency under an Energy Star program.

(3) Energy Star program

The term “Energy Star program” means the program established by section 6294a of this title.

(4) FEMP designated product

The term “FEMP designated product” means a product that is designated under the Federal Energy Management Program of the Department of Energy as being among the highest 25 percent of equivalent products for energy efficiency.

(5) Product

The term “product” does not include any energy consuming product or system designed or procured for combat or combat-related missions.

(b) Procurement of energy efficient products

(1) Requirement

To meet the requirements of an agency for an energy consuming product in a product category covered by the Energy Star program or the Federal Energy Management Program for designated products, the head of the agency shall, except as provided in paragraph (2), procure—

- (A) an Energy Star product; or
- (B) a FEMP designated product.

(2) Exceptions

The head of an agency is not required to procure an Energy Star product or FEMP designated product under paragraph (1) if the head of the agency finds in writing that—

- (A) an Energy Star product or FEMP designated product is not cost-effective over the life of the product taking energy cost savings into account; or

- (B) no Energy Star product or FEMP designated product is reasonably available that meets the functional requirements of the agency.

(3) Procurement planning

The head of an agency shall incorporate into the specifications for all procurements involving energy consuming products and systems, including guide specifications, project specifications, and construction, renovation, and services contracts that include provision of energy consuming products and systems, and into the factors for the evaluation of offers received for the procurement, criteria for energy efficiency that are consistent with the criteria used for rating Energy Star products and for rating FEMP designated products.

(c) Listing of energy efficient products in Federal catalogs

Energy Star products and FEMP designated products shall be clearly identified and prominently displayed in any inventory or listing of products by the General Services Administration or the Defense Logistics Agency. The General Services Administration or the Defense Logistics Agency shall list in their catalogues, represent as available, and supply only Energy Star products or FEMP designated products for all product categories covered by the Energy Star program or the Federal Energy Management Program, except in cases in which the head of the agency ordering a product specifies in writing that no Energy Star product or FEMP designated product is available to meet the buyer’s functional requirements, or that no Energy Star product or FEMP designated product is cost-effective for the intended application over the life of the product, taking energy cost savings into account.

(d) Specific products

(1) In the case of electric motors of 1 to 500 horsepower, agencies shall select only premium efficient motors that meet a standard designated by the Secretary. The Secretary shall designate such a standard not later than 120 days after August 8, 2005, after considering the recommendations of associated electric motor manufacturers and energy efficiency groups.

(2) All Federal agencies are encouraged to take actions to maximize the efficiency of air conditioning and refrigeration equipment, including appropriate cleaning and maintenance, including the use of any system treatment or additive that will reduce the electricity consumed by air conditioning and refrigeration equipment. Any such treatment or additive must be—

(A) determined by the Secretary to be effective in increasing the efficiency of air conditioning and refrigeration equipment without having an adverse impact on air conditioning performance (including cooling capacity) or equipment useful life;

(B) determined by the Administrator of the Environmental Protection Agency to be environmentally safe; and

(C) shown to increase seasonal energy efficiency ratio (SEER) or energy efficiency ratio (EER) when tested by the National Institute of

Standards and Technology according to Department of Energy test procedures without causing any adverse impact on the system, system components, the refrigerant or lubricant, or other materials in the system.

Results of testing described in subparagraph (C) shall be published in the Federal Register for public review and comment. For purposes of this section, a hardware device or primary refrigerant shall not be considered an additive.

(e) Federally-procured appliances with standby power

(1) Definition of eligible product

In this subsection, the term “eligible product” means a commercially available, off-the-shelf product that—

- (A)(i) uses external standby power devices; or
- (ii) contains an internal standby power function; and
- (B) is included on the list compiled under paragraph (4).

(2) Federal purchasing requirement

Subject to paragraph (3), if an agency purchases an eligible product, the agency shall purchase—

- (A) an eligible product that uses not more than 1 watt in the standby power consuming mode of the eligible product; or
- (B) if an eligible product described in subparagraph (A) is not available, the eligible product with the lowest available standby power wattage in the standby power consuming mode of the eligible product.

(3) Limitation

The requirements of paragraph (2) shall apply to a purchase by an agency only if—

- (A) the lower-wattage eligible product is—
 - (i) lifecycle cost-effective; and
 - (ii) practicable; and
- (B) the utility and performance of the eligible product is not compromised by the lower wattage requirement.

(4) Eligible products

The Secretary, in consultation with the Secretary of Defense, the Administrator of the Environmental Protection Agency, and the Administrator of General Services, shall compile a publicly accessible list of cost-effective eligible products that shall be subject to the purchasing requirements of paragraph (2).

(f) Regulations

Not later than 180 days after August 8, 2005, the Secretary shall issue guidelines to carry out this section.

(Pub. L. 95-619, title V, §553, as added Pub. L. 109-58, title I, §104(a), Aug. 8, 2005, 119 Stat. 609; amended Pub. L. 110-140, title V, §§524, 525(a), Dec. 19, 2007, 121 Stat. 1662, 1663.)

Editorial Notes

AMENDMENTS

2007—Subsec. (b)(1). Pub. L. 110-140, §525(a)(1), inserted “in a product category covered by the Energy Star program or the Federal Energy Management Pro-

gram for designated products” after “energy consuming product” in introductory provisions.

Subsec. (c). Pub. L. 110-140, §525(a)(2), in second sentence, inserted “list in their catalogues, represent as available, and” after “shall” and substituted “in which the head of the agency” for “where the agency”.

Subsecs. (e), (f). Pub. L. 110-140, §524, added subsec. (e) and redesignated former subsec. (e) as (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

CATALOGUE LISTING DEADLINE

Pub. L. 110-140, title V, §525(b), Dec. 19, 2007, 121 Stat. 1663, provided that: “Not later than 9 months after the date of enactment of this Act [Dec. 19, 2007], the General Services Administration and the Defense Logistics Agency shall ensure that the requirement established by the amendment made by subsection (a)(2)(A) [amending this section] has been fully complied with.”

§§ 8260, 8261. Omitted

Editorial Notes

CODIFICATION

Sections 8260 and 8261 were omitted in the general amendment of this part by Pub. L. 100-615, §2(a), Nov. 5, 1988, 102 Stat. 3185.

Section 8260, Pub. L. 95-619, title V, §550, Nov. 9, 1978, 92 Stat. 3280, directed each Federal agency to periodically furnish Secretary with full and complete information on its activities under this part, and directed Secretary to annually submit to Congress a comprehensive report on all activities under this part and on progress made toward achievement of objectives of this part.

Section 8261, Pub. L. 95-619, title V, §551, Nov. 9, 1978, 92 Stat. 3280, authorized to be appropriated to Secretary not to exceed \$2,000,000 for fiscal year ending Sept. 30, 1979, to enable Secretary to perform analytical and administrative functions under this part.

§ 8262. Definitions

For purposes of this subtitle—¹

(1) the term “agency” means² has the meaning given such term in section 551(1) of title 5, except that such term does not include the United States Postal Service;

(2) the term “facility energy supervisor” means the employee with responsibility for the daily operations of a Federal facility, including the management, installation, operation, and maintenance of energy systems in Federal facilities which may include more than one building;

(3) the term “trained energy manager” means a person who has demonstrated proficiency, or who has completed a course of study in the areas of fundamentals of building energy systems, building energy codes and applicable professional standards, energy accounting and analysis, life-cycle cost methodology, fuel supply and pricing, and instrumentation for energy surveys and audits;

(4) the term “Task Force” means the Inter-agency Energy Management Task Force established under section 8257 of this title; and

¹ See References in Text note below.

² So in original. The word “means” probably should not appear.