

BULB REPLACEMENT IMPROVING GOVERNMENT WITH
HIGH-EFFICIENCY TECHNOLOGY ACT

DECEMBER 8, 2022.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. DEFAZIO, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 7636]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 7636) to amend title 40, United States Code, to require the Administrator of General Services to procure the most life-cycle cost effective and energy efficient lighting products and to issue guidance on the efficiency, effectiveness, and economy of those products, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

CONTENTS

	Page
Purpose of Legislation	2
Background and Need for Legislation	2
Hearings	2
Legislative History and Consideration	3
Committee Votes	3
Committee Oversight Findings	4
New Budget Authority and Tax Expenditures	4
Congressional Budget Office Cost Estimate	4
Performance Goals and Objectives	4
Duplication of Federal Programs	4
Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ...	5
Federal Mandates Statement	5
Preemption Clarification	5
Advisory Committee Statement	5
Applicability to Legislative Branch	5
Section-by-Section Analysis of the Legislation	5
Changes in Existing Law Made by the Bill, as Reported	6

PURPOSE OF LEGISLATION

The purpose of H.R. 7636, the *Bulb Replacement Improving Government with High-Efficiency Technology (BRIGHT) Act*, is to ensure that public buildings are using the most life-cycle cost effective and energy efficient technology when performing normal maintenance, altering, or constructing public buildings.

BACKGROUND AND NEED FOR LEGISLATION

From 2012 to 2018, the General Services Administration (GSA) released a series of reports evaluating the cost and energy-saving potential of utilizing the most efficient light bulbs, fixtures, and controls.¹ Currently, federal energy guidance for lighting directs the GSA Administrator to use energy efficient options to the extent feasible.² All ENERGY STAR light bulbs satisfy this requirement, using at least two-thirds less energy than a standard incandescent bulb. Since the ENERGY STAR guidance was established, technology has improved significantly. However, the prevailing lighting guidance from the *Energy Independence and Security Act of 2007* (EISA, P.L. 110–140) does not ask GSA to use the most cost-efficient lighting fixture and bulb procurement, nor does it mention efficient lighting systems to fully encompass all relevant equipment, including lamps, sensors, controls, daylighting, etc.

The BRIGHT Act directs GSA to procure the most life-cycle cost effective and energy efficient lighting for public buildings. Such guidance will codify GSA’s report suggestions to ensure they pursue and use the most up to date, efficient lighting for all routine maintenance, alterations, and construction to the extent feasible as technology continues to evolve. The bill does not endorse, nor does it prohibit specific technology, but rather it guides GSA to pursue the most efficient option. Finally, the bill requires GSA to issue guidance to federal agencies, and state, local and Tribal entities to further streamline efficiency and effectiveness across government.

HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 117th Congress, the following hearings were used to develop or consider H.R. 7636:

On November 2, 2021, the Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing titled “The General Services Administration’s Priorities for 2021 and Beyond.” The Subcommittee received testimony from Hon. Robin Carnahan, Administrator, General Services Administration; and, Ms. Nina Albert, Commissioner, Public Buildings Services, General Services Administration. This hearing examined the current and future priorities of the GSA.

On June 22, 2022, the Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing titled “Capital Investment Program: Identifying Risk to GSA Facilities.” The Subcommittee received testimony from Ms. Nina Albert,

¹ <https://www.gsa.gov/governmentwide-initiatives/sustainability/emerging-building-technologies/published-findings/lighting>.

² https://www.sustainability.gov/pdfs/guiding_principles_for_sustainable_federal_buildings.pdf.

Commissioner, Public Buildings Service, General Services Administration.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 7636, the “*Bulb Replacement Improving Government with High-Efficiency Technology (BRIGHT) Act*”, was introduced in the House on April 28, 2022, by Ms. Titus and referred to the Committee on Transportation and Infrastructure. Within the Committee on Transportation and Infrastructure, H.R. 7636 was referred to the Subcommittee on Economic Development, Public Buildings, and Emergency Management.

The Subcommittee on Economic Development, Public Buildings, and Emergency Management was discharged from further consideration of H.R. 7636 on July 20, 2022.

The Committee considered H.R. 7636 on July 20, 2022, and ordered the measure to be favorably reported to the House by a record vote of 49 yeas and 4 nays (Roll Call No. 100).

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

Committee on Transportation and Infrastructure Roll Call No. 100

On: Agreeing to Amendment #1 offered by Mr. Perry (732)

Agreed to: 49 yeas and 4 nays

Member	Vote	Member	Vote
Mr. DeFazio	Yea	Mr. Graves of MO .....	.....
Ms. Norton	Yea	Mr. Crawford	Yea
Ms. Johnson of TX	Yea	Mr. Gibbs .....	.....
Mr. Larsen of WA	Yea	Mr. Webster	Yea
Mrs. Napolitano	Yea	Mr. Massie .....	.....
Mr. Cohen .....	.....	Mr. Perry	Nay
Mr. Sires	Yea	Mr. Rodney Davis of IL .....	.....
Mr. Garamendi	Yea	Mr. Katko .....	.....
Mr. Johnson of GA	Yea	Mr. Babin	Yea
Mr. Carson	Yea	Mr. Graves of LA .....	.....
Ms. Titus	Yea	Mr. Rouzer	Nay
Mr. Maloney of NY	Yea	Mr. Bost	Yea
Mr. Huffman	Yea	Mr. Weber of TX	Nay
Ms. Brownley	Yea	Mr. LaMalfa	Yea
Ms. Wilson of FL .....	.....	Mr. Westerman .....	.....
Mr. Payne	Yea	Mr. Mast	Yea
Mr. Lowenthal	Yea	Mr. Gallagher	Yea
Mr. DeSaulnier	Yea	Mr. Fitzpatrick	Yea
Mr. Lynch	Yea	Miss González-Colón .....	.....
Mr. Carbajal	Yea	Mr. Balderson	Yea
Mr. Brown of MD	Yea	Mr. Stauber	Yea
Mr. Malinowski	Yea	Mr. Burchett .....	.....
Mr. Stanton	Yea	Mr. Johnson of SD	Yea
Mr. Allred	Yea	Mr. Van Drew	Yea
Ms. Davids of KS	Yea	Mr. Guest	Yea
Mr. Garcia of IL	Yea	Mr. Nehls	Yea
Mr. Pappas	Yea	Ms. Mace .....	.....
Mr. Lamb	Yea	Ms. Malliotakis	Yea
Mr. Moulton .....	.....	Ms. Van Duyne	Nay
Mr. Auchincloss .....	.....	Mr. Gimenez	Yea

Member	Vote	Member	Vote
Ms. Bourdeaux	Yea	Mrs. Steel	Yea
Mr. Kahele	Yea		
Ms. Strickland	Yea		
Ms. Williams of GA .....	.....	
Ms. Newman	Yea		
Mr. Carter of LA	Yea		
Mrs. Cherfilus-McCormack	Yea		

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to ensure that public buildings are using the most life-cycle cost effective and energy efficient technology when performing normal maintenance, altering, or constructing public buildings.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 7636 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Ac-

accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 7636 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Title

This section provides that this bill may be cited as the “Bulb Replacement Improving Government with High-Efficiency Technology Act” or “BRIGHT Act”.

Sec. 2. Guidance

This section directs GSA within one year to issue guidance to Federal agencies for the procurement and use of the most life-cycle cost effective and energy efficient lighting systems.

Sec. 3. Procurement of life-cycle cost effective and energy efficient lighting systems

This section directs GSA to the maximum extent practicable to procure the most life-cycle cost effective and energy efficient light-

ing systems during construction, alteration, acquisition or leasing of public buildings.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italics*, and existing law in which no change is proposed is shown in roman):

TITLE 40, UNITED STATES CODE

* * * * *

SUBTITLE II—PUBLIC BUILDINGS AND WORKS

* * * * *

PART A—GENERAL

* * * * *

CHAPTER 33—ACQUISITION, CONSTRUCTION, AND ALTERATION

Sec.

* * * * *

[3313. Use of energy efficient lighting fixtures and bulbs.]

3313. Procurement of life-cycle cost effective and energy efficient lighting systems.

* * * * *

**§ 3313. [Use of energy efficient lighting fixtures and bulbs]
*Procurement of life-cycle cost effective and energy efficient lighting systems***

[(a) CONSTRUCTION, ALTERATION, AND ACQUISITION OF PUBLIC BUILDINGS.—Each public building constructed, altered, or acquired by the Administrator of General Services shall be equipped, to the maximum extent feasible as determined by the Administrator, with lighting fixtures and bulbs that are energy efficient.

[(b) MAINTENANCE OF PUBLIC BUILDINGS.—Each lighting fixture or bulb that is replaced by the Administrator in the normal course of maintenance of public buildings shall be replaced, to the maximum extent feasible, with a lighting fixture or bulb that is energy efficient.

[(c) CONSIDERATIONS.—In making a determination under this section concerning the feasibility of installing a lighting fixture or bulb that is energy efficient, the Administrator shall consider—

[(1) the life-cycle cost effectiveness of the fixture or bulb;

[(2) the compatibility of the fixture or bulb with existing equipment;

[(3) whether use of the fixture or bulb could result in interference with productivity;

[(4) the aesthetics relating to use of the fixture or bulb; and

[(5) such other factors as the Administrator determines appropriate.]

(a) DEFINITIONS.—*In this section:*

(1) ADMINISTRATOR.—*The term “Administrator” means the Administrator of General Services.*

(2) LIGHTING SYSTEM.—*The term “lighting system” means the elements required to maintain a desired light level, including lamps, light fixtures, fixture distribution, sensors and control technologies, interior design elements, and daylighting sources.*

(b) PROCUREMENT.—

(1) IN GENERAL.—*To the maximum extent practicable, the Administrator shall—*

(A) *procure the most life-cycle cost effective and energy efficient lighting systems; and*

(B) *ensure that procurements after the date of enactment of the BRIGHT Act of lighting systems or the individual components of lighting systems maximize life-cycle cost effectiveness and energy efficiency.*

(2) USE.—*Each public building constructed, altered, acquired, or leased by the Administrator shall be equipped, to the maximum extent practicable as determined by the Administrator, with the most life-cycle cost effective and energy efficient lighting systems for each application.*

(c) MAINTENANCE OF PUBLIC BUILDINGS.—*Each individual component of a lighting system, including a lamp or fixture, that is replaced by the Administrator in the normal course of maintenance of public buildings shall be replaced, to the maximum extent practicable, with the most life-cycle cost effective and energy efficient lighting system possible for the application.*

(d) CONSIDERATIONS.—

(1) CONTRACTING OPTIONS.—*In carrying out this section, the Administrator shall consider appropriate contracting options for the procurement of the most life-cycle cost effective and energy efficient lighting systems.*

(2) PROCUREMENT AND USE.—*In making a determination under this section concerning the practicability of procuring and installing the most life-cycle cost effective and energy efficient lighting system, the Administrator shall consider—*

(A) *the compatibility of the lighting system with existing equipment, including consideration of a cost effective retrofit;*

(B) *whether procurement and use of the lighting system could result in interference with productivity;*

(C) *the aesthetics relating to the use of the lighting system; and*

(D) such other factors as the Administrator determines to be appropriate.

(e) *LIFE-CYCLE COST EFFECTIVE.*—The Administrator shall use the procedures and methods established under section 544(a) of the National Energy Conservation Policy Act (42 U.S.C. 8254(a)) in determining whether a lighting system is life-cycle cost effective.

[(d)] (f) *ENERGY STAR.*—A [lighting fixture or bulb] lighting system shall be treated as being energy efficient for purposes of this section if—

(1) [the fixture or bulb is] the lighting system or the individual components of the lighting system are certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a);

(2) in the case of all light-emitting diode (LED) luminaires, lamps, and systems whose efficacy (lumens per watt) and Color Rendering Index (CRI) meet the Department of Energy requirements for minimum luminaire efficacy and CRI for the Energy Star certification, as verified by an independent third-party testing laboratory that the Administrator and the Secretary of Energy determine conducts its tests according to the procedures and recommendations of the Illuminating Engineering Society of North America, even if the luminaires, lamps, and systems have not received such certification; or

(3) the Administrator and the Secretary of Energy have otherwise determined that the [fixture or bulb] lighting system is energy efficient.

[(e)] (g) *ADDITIONAL ENERGY EFFICIENT LIGHTING DESIGNATIONS.*—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall give priority to establishing Energy Star performance criteria or Federal Energy Management Program designations for additional lighting product categories that are appropriate for *procurement and* use in public buildings.

[(f)] (h) *GUIDELINES.*—The Administrator shall develop guidelines for the *procurement and* use of energy efficient lighting technologies that contain mercury in child care centers in public buildings.

[(g)] (i) *APPLICABILITY OF BUY AMERICAN ACT.*—Acquisitions carried out pursuant to this section shall be subject to the requirements of the Buy American Act (41 U.S.C. 10c et seq.).

[(h) EFFECTIVE DATE.—The requirements of subsections (a) and (b) shall take effect 1 year after the date of enactment of this subsection.]

* * * * *