

through loan or mortgage insurance premiums, of a newly constructed building or of an alteration of an existing building above 5,000 gross square feet within the wildland-urban interface at moderate or greater wildfire risk shall consider updating its procedures for providing the assistance to be consistent with sections 2(a) and 2(b) of this order, to ensure appropriate consideration of wildfire-resistant design and construction.

(g) To the extent permitted by law, the heads of all agencies may:

(i) require higher performance levels than exist in the codes described in section 2(a) of this order;

(ii) apply the requirements within section 2(a) of this order to new buildings less than 5,000 gross square feet on Federal land within the wildland-urban interface at moderate or greater wildfire risk; and

(iii) apply the requirements within section 2(b) of this order to existing buildings less than 5,000 gross square feet on Federal land within the wildland-urban interface at moderate or greater wildfire risk.

(h) When calculating whether a building is at moderate or greater wildfire risk, agencies should act in accordance with the methods described in the 2015 edition of the IWUIC, or any subsequent version that is determined to be a nationally recognized code for the purposes of 40 U.S.C. 3312(b), or an equivalent code, or in accordance with an equivalent method.

(i) Each building constructed or altered in accordance with section 2(a) or (b) of this order shall comply with the IWUIC, or an equivalent code, only to the maximum extent feasible as determined by the head of an agency.

SEC. 3. *Agency Responsibilities.* (a) The heads of all agencies that own Federal buildings above 5,000 gross square feet on Federal land within the wildland-urban interface at moderate or greater wildfire risk shall determine the appropriate process within their respective agencies to ensure compliance with this order.

(b) The Mitigation Framework Leadership Group (MitFLG) shall:

(i) create implementing guidelines to advise and assist agency compliance with the code requirements within 240 days of the date of this order;

(ii) provide assistance to the agencies in interpreting the implementing guidelines.

(c) When determining whether buildings are located within the wildland-urban interface, agencies shall use the U.S. Department of Agriculture Forest Service's, "The 2010 Wildland-Urban Interface of the Conterminous United States," or an equivalent tool. The Secretary of Agriculture shall provide assistance to the agencies in determining whether buildings are located within the wildland-urban interface.

(d) The heads of agencies whose activities are covered by sections 2(a) and 2(b) of this order shall submit a report once every 2 years to the Chair of the MitFLG on their progress in implementing the order, commencing 2 years from the date of this order.

SEC. 4. *Definition.* As used in this order, "building" means a constructed asset that is enclosed with walls and a roof that provides space for agencies to perform activities or store materials as well as provides spaces for people to live or work.

SEC. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law, including the National Historic Preservation Act of 1966, and subject to the availability of appropriations.

(c) This order applies only to buildings within the United States and its territories and possessions.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

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

(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.

(f) ENERGY STAR.—A lighting system shall be treated as being energy efficient for purposes of this section if—

(1) 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 lighting system is energy efficient.

(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.

(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.

(i) **APPLICABILITY OF BUY AMERICAN ACT.**—Acquisitions carried out pursuant to this section shall be subject to the requirements of the Buy American Act¹ (41 U.S.C. 10c et seq.).

(Added Pub. L. 110-140, title III, §323(c)(1)(B), Dec. 19, 2007, 121 Stat. 1590; amended Pub. L. 117-202, §3(a), Oct. 17, 2022, 136 Stat. 2224.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the BRIGHT Act, referred to in subsec. (b)(1)(B), is the date of enactment of Pub. L. 117-202, which was approved Oct. 17, 2022.

The Buy American Act, referred to in subsec. (i), is title III of act Mar. 3, 1933, ch. 212, 47 Stat. 1520, which was classified generally to sections 10a, 10b, and 10c of former Title 41, Public Contracts, and was substantially repealed and restated in chapter 83 (§301 et seq.) of Title 41, Public Contracts, by Pub. L. 111-350, §§3, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855. For complete classification of this Act to the Code, see Short Title of 1933 Act note set out under section 101 of Title 41 and Tables. For disposition of sections of former Title 41, see Disposition Table preceding section 101 of Title 41.

PRIOR PROVISIONS

A prior section 3313 was renumbered section 3315 of this title.

AMENDMENTS

2022—Pub. L. 117-202, §3(a)(3), substituted “Procurement of life-cycle cost effective and energy efficient lighting systems” for “Use of energy efficient lighting fixtures and bulbs” in section catchline.

¹ See References in Text note below.

Subsecs. (a) to (c). Pub. L. 117-202, §3(a)(3), added subsecs. (a) to (c) and struck out former subsecs. (a) to (c) which related to use of energy efficient lighting fixtures and bulbs in new and existing public buildings.

Subsecs. (d), (e). Pub. L. 117-202, §3(a)(3), added subsecs. (d) and (e). Former subsecs. (d) and (e) redesignated (f) and (g), respectively.

Subsec. (f). Pub. L. 117-202, §3(a)(2), (4)(A), redesignated subsec. (d) as (f) and substituted “lighting system” for “lighting fixture or bulb” in introductory provisions. Former subsec. (f) redesignated (h).

Subsec. (f)(1). Pub. L. 117-202, §3(a)(4)(B), substituted “the lighting system or the individual components of the lighting system are” for “the fixture or bulb is”.

Subsec. (f)(3). Pub. L. 117-202, §3(a)(4)(C), substituted “lighting system” for “fixture or bulb”.

Subsec. (g). Pub. L. 117-202, §3(a)(2), (5), redesignated subsec. (e) as (g) and inserted “procurement and” before “use in public buildings”. Former subsec. (g) redesignated (i).

Subsec. (h). Pub. L. 117-202, §3(a)(2), (6), redesignated subsec. (f) as (h) and inserted “procurement and” before “use of energy efficient”. Former subsec. (h) struck out.

Pub. L. 117-202, §3(a)(1), struck out subsec. (h). Text read as follows: “The requirements of subsections (a) and (b) shall take effect 1 year after the date of enactment of this subsection.”

Subsec. (i). Pub. L. 117-202, §3(a)(2), redesignated subsec. (g) as (i).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

GUIDANCE

Pub. L. 117-202, §2, Oct. 17, 2022, 136 Stat. 2224, provided that: “Not later than 1 year after the date of enactment of this Act [Oct. 17, 2022], the Administrator of General Services shall—

“(1) issue guidance to Federal agencies for the procurement and use of the most life-cycle cost effective and energy efficient lighting systems (as determined in accordance with section 3313 of title 40, United States Code) to increase the efficiency, effectiveness, and economy of the Federal Government; and

“(2) publish on the internet or otherwise make available to State, local, and Tribal entities information on ways to improve efficiency, effectiveness, and economy by procuring and using the most life-cycle cost effective and energy efficient lighting systems (as determined in accordance with section 3313 of title 40, United States Code).”

§ 3314. Baby changing facilities in restrooms

(a) **ADDITIONAL REQUIREMENT FOR THE CONSTRUCTION, ALTERATION, AND ACQUISITION OF PUBLIC BUILDINGS.**—Except as provided in subsection (b) and subject to any reasonable accommodations that may be made for individuals in accordance with the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) restrooms in a public building shall be equipped with baby changing facilities that the Administrator determines are physically safe, sanitary, and appropriate.

(b) **EXCEPTIONS.**—The requirement under subsection (a) shall not apply—

(1) to a restroom in a public building that is not available or accessible for public use;

(2) to a restroom in a public building that contains clear and conspicuous signage indicating where a restroom with a baby changing table is located on the same floor of such public building;