

(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was classified generally to sections 10a, 10b, and 10c of former Title 41, Public Contracts, and was substantially repealed and restated in chapter 83 (§301 et seq.)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;

(3) if new construction would be required to install a baby changing facility in the public building and the cost of such construction is unfeasible; or

(4) to a building not subject to an alteration as set forth in section 3307.

(c) DEFINITIONS.—In this section:

(1) BABY CHANGING FACILITY.—The term “baby changing facility” means a table or other device suitable for changing the diaper of a child age 3 or under.

(2) PUBIC¹ BUILDING.—The term “public building” means a public building as defined in section 3301 and controlled by the Public Building Service of the General Services Administration.

(Added Pub. L. 114-235, §2(a)(2), Oct. 7, 2016, 130 Stat. 964.)

Editorial Notes

REFERENCES IN TEXT

The Americans with Disabilities Act, referred to in subsec. (a), probably means the Americans with Disabilities Act of 1990, Pub. L. 101-336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 3314 was renumbered section 3315 of this title.

Statutory Notes and Related Subsidiaries

APPLICABILITY

Pub. L. 114-235, §2(c), Oct. 7, 2016, 130 Stat. 965, provided that: “The requirement under section 3314(a) of title 40, United States Code, shall apply in the case of a public building constructed, altered, or acquired by the Administrator of General Services on or after the date that is 1 year after the date of the enactment of this Act [Oct. 7, 2016], beginning on that date.”

§ 3315. Delegation

(a) WHEN ALLOWED.—The carrying out of the duties and powers of the Administrator of General Services under this chapter, in accordance with standards the Administrator prescribes—

(1) shall, except for the authority contained in section 3305(b) of this title, be delegated on request to the appropriate executive agency when the estimated cost of the project does not exceed \$100,000; and

(2) may be delegated to the appropriate executive agency when the Administrator determines that delegation will promote efficiency and economy.

(b) NO EXEMPTION FROM OTHER PROVISIONS OF CHAPTER.—Delegation under subsection (a) does not exempt the person to whom the delegation is made, or the carrying out of the delegated duty or power, from any other provision of this chapter.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1166, §3313; Pub. L. 109-304, §17(g)(3), Oct. 6, 2006, 120 Stat. 1709; renumbered §3314, Pub. L. 110-140,

title III, §323(c)(1)(A), Dec. 19, 2007, 121 Stat. 1590; renumbered §3315, Pub. L. 114-235, §2(a)(1), Oct. 7, 2016, 130 Stat. 964.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3313(a)	40:614 (1st sentence).	Pub. L. 86-249, §15, Sept. 9, 1959, 73 Stat. 483.
3313(b)	40:614 (last sentence).	

In subsection (a), before clause (1), the words “duties and powers” are substituted for “responsibilities and authorities” for consistency in the revised title and with other titles of the United States Code.

Editorial Notes

PRIOR PROVISIONS

A prior section 3315 was renumbered section 3316 of this title.

AMENDMENTS

2016—Pub. L. 114-235 renumbered section 3314 of this title as this section.

2007—Pub. L. 110-140 renumbered section 3313 of this title as this section.

2006—Subsec. (a). Pub. L. 109-304 substituted “The” for “Except for the authority contained in section 3305(b) of this title, the” in introductory provisions and “shall, except for the authority contained in section 3305(b) of this title,” for “shall” in par. (1).

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.

§ 3316. Report to Congress

(a) REQUEST BY EITHER HOUSE OF CONGRESS OR ANY COMMITTEE.—Within a reasonable time after a request of either House of Congress or any committee of Congress, the Administrator of General Services shall submit a report showing the location, space, cost, and status of each public building the construction, alteration, or acquisition of which—

(1) is to be under authority of this chapter; and

(2) was uncompleted as of the date of the request, or as of another date the request may designate.

(b) REQUEST OF COMMITTEE ON PUBLIC WORKS AND ENVIRONMENT OR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The Administrator and the United States Postal Service shall make building project surveys requested by resolution by the Committee on Environment and Public Works of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives, and within a reasonable time shall make a report on the survey to Congress. The report shall contain all other information required to be included in a prospectus of the proposed public building project under section 3307(b) of this title.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1166, §3314; renumbered §3315, Pub. L. 110-140, title III, §323(c)(1)(A), Dec. 19, 2007, 121 Stat. 1590; renun-

¹ So in original. Probably should be “PUBLIC”.