

**(d) Program implementation**

In carrying out this section, the Secretary shall—

- (1) implement the recommendations from the report in subsection (c); and
- (2) coordinate across all relevant program offices at the Department to achieve the goals established in this section, including the Office of Electricity.

(Pub. L. 110-140, title IV, §426, as added Pub. L. 116-260, div. Z, title I, §1007(e)(1), Dec. 27, 2020, 134 Stat. 2435.)

PART C—HIGH-PERFORMANCE FEDERAL  
BUILDINGS

**§ 17091. Leasing****(a) In general**

Except as provided in subsection (b), effective beginning on the date that is 3 years after December 19, 2007, no Federal agency shall enter into a contract to lease space in a building that has not earned the Energy Star label in the most recent year.

**(b) Exception****(1) Application**

This subsection applies if—

- (A) no space is available in a building described in subsection (a) that meets the functional requirements of an agency, including locational needs;
- (B) the agency proposes to remain in a building that the agency has occupied previously;
- (C) the agency proposes to lease a building of historical, architectural, or cultural significance (as defined in section 3306(a)(4) of title 40) or space in such a building; or
- (D) the lease is for not more than 10,000 gross square feet of space.

**(2) Buildings without Energy Star label**

If one of the conditions described in paragraph (1) is met, the agency may enter into a contract to lease space in a building that has not earned the Energy Star label in the most recent year if the lease contract includes provisions requiring that, prior to occupancy or, in the case of a contract described in paragraph (1)(B), not later than 1 year after signing the contract, the following requirements are met:

- (A) The space is renovated for all energy efficiency and conservation improvements that would be cost effective over the life of the lease, including improvements in lighting, windows, and heating, ventilation, and air conditioning systems.
- (B)(i) Subject to clause (ii), the space is benchmarked under a nationally recognized, online, free benchmarking program, with public disclosure, unless the space is a space for which owners cannot access whole building utility consumption data, including spaces—

(I) that are located in States with privacy laws that provide that utilities shall not provide such aggregated information to multitenant building owners; and

(II) for which tenants do not provide energy consumption information to the commercial building owner in response to a request from the building owner.

(ii) A Federal agency that is a tenant of the space shall provide to the building owner, or authorize the owner to obtain from the utility, the energy consumption information of the space for the benchmarking and disclosure required by this subparagraph.

**(c) Revision of Federal Acquisition Regulation****(1) In general**

Not later than 3 years after December 19, 2007, the Federal Acquisition Regulation described in section 1121(b) and (c)(1) of title 41 shall be revised to require Federal officers and employees to comply with this section in leasing buildings.

**(2) Consultation**

The members of the Federal Acquisition Regulatory Council established under section 1302(a) of title 41 shall consult with the Federal Director and the Commercial Director before promulgating regulations to carry out this subsection.

(Pub. L. 110-140, title IV, §435, Dec. 19, 2007, 121 Stat. 1615; Pub. L. 114-11, title III, §301(a), Apr. 30, 2015, 129 Stat. 189.)

**Editorial Notes**

## CODIFICATION

In subsec. (c)(1), “section 1121(b) and (c)(1) of title 41” substituted for “section 6(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(a))” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

In subsec. (c)(2), “section 1302(a) of title 41” substituted for “section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

## AMENDMENTS

2015—Subsec. (b)(2). Pub. L. 114-11 substituted “paragraph (1) is met” for “paragraph (2) is met” and “signing the contract, the following requirements are met:” for “signing the contract, the space will be renovated for all energy efficiency and conservation improvements that would be cost effective over the life of the lease, including improvements in lighting, windows, and heating, ventilation, and air conditioning systems.” and added subpars. (A) and (B).

**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.

**§ 17092. High-performance green Federal buildings****(a) Establishment of Office**

Not later than 60 days after December 19, 2007, the Administrator shall establish within the General Services Administration an Office of Federal High-Performance Green Buildings, and appoint an individual to serve as Federal Direc-