

employees to comply with this section [amending this section and section 6832 of this title] and the amendments made by this section in the acquisition, construction, or major renovation of any facility. The members of the Federal Acquisition Regulatory Council (established under section 25 of the Office of Federal Procurement Policy Act ([former] 41 U.S.C. 421) [see 41 U.S.C. 1302]) shall consult with the Federal Director and the Commercial Director before promulgating regulations to carry out this subsection.

“(d) GUIDANCE.—Not later than 90 days after the date of promulgation of the revised regulations under subsection (c), the Administrator for Federal Procurement Policy shall issue guidance to all Federal procurement executives providing direction and instructions to renegotiate the design of proposed facilities and major renovations for existing facilities to incorporate improvements that are consistent with this section.”

[For definitions of “Federal Director” and “Commercial Director” as used in section 433(c) of Pub. L. 110-140, set out above, see section 17061 of this title.]

### § 6835. Federal compliance

#### (a) Procedures

(1) The head of each Federal agency shall adopt procedures necessary to assure that new Federal buildings meet or exceed the Federal building energy standards established under section 6834 of this title.

(2) The Federal building energy standards established under section 6834 of this title shall apply to new buildings under the jurisdiction of the Architect of the Capitol. The Architect shall adopt procedures necessary to assure that such buildings meet or exceed such standards.

#### (b) Construction of new buildings

The head of a Federal agency may expend Federal funds for the construction of a new Federal building only if the building meets or exceeds the appropriate Federal building energy standards established under section 6834 of this title.

(Pub. L. 94-385, title III, § 306, as added Pub. L. 102-486, title I, § 101(a)(2), Oct. 24, 1992, 106 Stat. 2785.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 6835, Pub. L. 94-385, title III, § 306, Aug. 14, 1976, 90 Stat. 1148; Pub. L. 96-399, title III, § 326(d), Oct. 8, 1980, 94 Stat. 1650; Pub. L. 97-35, title X, § 1041(d), Aug. 13, 1981, 95 Stat. 621, related to compliance with final performance standards by Federal agencies, prior to repeal by Pub. L. 102-486, title I, § 101(a)(2), Oct. 24, 1992, 106 Stat. 2783.

### § 6836. Support for voluntary building energy codes

#### (a) In general

Not later than 1 year after October 24, 1992, the Secretary, after consulting with the Secretary of Housing and Urban Development, the Secretary of Veterans Affairs, other appropriate Federal agencies, CABO, ASHRAE, the National Conference of States on Building Codes and Standards, and any other appropriate building codes and standards organization, shall support the upgrading of voluntary building energy codes for new residential and commercial buildings. Such support shall include—

(1) a compilation of data and other information regarding building energy efficiency

standards and codes in the possession of the Federal Government, State and local governments, and industry organizations;

(2) assistance in improving the technical basis for such standards and codes;

(3) assistance in determining the cost-effectiveness and the technical feasibility of the energy efficiency measures included in such standards and codes; and

(4) assistance in identifying appropriate measures with regard to radon and other indoor air pollutants.

#### (b) Review

The Secretary shall periodically review the technical and economic basis of voluntary building energy codes and, based upon ongoing research activities—

(1) recommend amendments to such codes including measures with regard to radon and other indoor air pollutants;

(2) seek adoption of all technologically feasible and economically justified energy efficiency measures; and

(3) otherwise participate in any industry process for review and modification of such codes.

(Pub. L. 94-385, title III, § 307, as added Pub. L. 102-486, title I, § 101(a)(2), Oct. 24, 1992, 106 Stat. 2785.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 6836, Pub. L. 94-385, title III, § 307, Aug. 14, 1976, 90 Stat. 1149; Pub. L. 95-619, title II, § 255, Nov. 9, 1978, 92 Stat. 3238, set forth provisions respecting grants to States for adoption and implementation of performance standards, prior to repeal by Pub. L. 97-35, title X, § 1041(b), Aug. 13, 1981, 95 Stat. 621.

### § 6837. Omitted

#### Editorial Notes

##### CODIFICATION

Section, Pub. L. 94-385, title III, § 308, as added Pub. L. 102-486, title I, § 101(a)(2), Oct. 24, 1992, 106 Stat. 2786, which required the Secretary to report annually to Congress on activities conducted pursuant to this subchapter, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, the 4th item on page 88 of House Document No. 103-7.

A prior section 6837, Pub. L. 94-385, title III, § 308, Aug. 14, 1976, 90 Stat. 1149; Pub. L. 97-35, title X, § 1041(e), Aug. 13, 1981, 95 Stat. 621, related to technical assistance to States, etc., prior to repeal by Pub. L. 102-486, § 101(a)(2).

### § 6838. Cost-effective codes implementation for efficiency and resilience

#### (a) Definitions

In this section:

##### (1) Eligible entity

The term “eligible entity” means—

(A) a relevant State agency, as determined by the Secretary, such as a State building code agency, State energy office, or Tribal energy office; and

(B) a partnership.

**(2) Partnership**

The term “partnership” means a partnership between an eligible entity described in paragraph (1)(A) and 1 or more of the following entities:

- (A) Local building code agencies.
- (B) Codes and standards developers.
- (C) Associations of builders and design and construction professionals.
- (D) Local and utility energy efficiency programs.
- (E) Consumer, energy efficiency, and environmental advocates.
- (F) Other entities, as determined by the Secretary.

**(3) Secretary**

The term “Secretary” means the Secretary of Energy.

**(b) Establishment****(1) In general**

The Secretary shall establish within the Building Technologies Office of the Department of Energy a program under which the Secretary shall award grants on a competitive basis to eligible entities to enable sustained cost-effective implementation of updated building energy codes.

**(2) Updated building energy code**

An update to a building energy code under this section, including an amendment that results in increased efficiency compared to the previously adopted building energy code, shall include any update made available after the existing building energy code, even if it is not the most recent updated code available.

**(c) Criteria; priority**

In awarding grants under subsection (b), the Secretary shall—

- (1) consider—
  - (A) prospective energy savings and plans to measure the savings, including utilizing the Environmental Protection Agency Portfolio Manager, the Home Energy Score rating of the Office of Energy Efficiency and Renewable Energy of the Department of Energy, the Energy Star Building rating methodologies of the Environmental Protection Agency, and other methodologies determined appropriate by the Secretary;
  - (B) the long-term sustainability of those measures and savings;
  - (C) prospective benefits, and plans to assess the benefits, including benefits relating to—
    - (i) resilience and peak load reduction;
    - (ii) occupant safety and health; and
    - (iii) environmental performance;
  - (D) the demonstrated capacity of the eligible entity to carry out the proposed project; and
  - (E) the need of the eligible entity for assistance; and
- (2) give priority to applications from partnerships.

**(d) Eligible activities****(1) In general**

An eligible entity awarded a grant under this section may use the grant funds—

(A) to create or enable State or regional partnerships to provide training and materials to—

- (i) builders, contractors and subcontractors, architects, and other design and construction professionals, relating to meeting updated building energy codes in a cost-effective manner; and
- (ii) building code officials, relating to improving implementation of and compliance with building energy codes;

(B) to collect and disseminate quantitative data on construction and codes implementation, including code pathways, performance metrics, and technologies used;

(C) to develop and implement a plan for highly effective codes implementation, including measuring compliance;

(D) to address various implementation needs in rural, suburban, and urban areas; and

(E) to implement updates in energy codes for—

- (i) new residential and commercial buildings (including multifamily buildings); and
- (ii) additions and alterations to existing residential and commercial buildings (including multifamily buildings).

**(2) Related topics**

Training and materials provided using a grant under this section may include information on the relationship between energy codes and—

- (A) cost-effective, high-performance, and zero-net-energy buildings;
- (B) improving resilience, health, and safety;
- (C) water savings and other environmental impacts; and
- (D) the economic impacts of energy codes.

**(e) Authorization of appropriations**

There is authorized to be appropriated to the Secretary to carry out this section \$225,000,000 for the period of fiscal years 2022 through 2026.

(Pub. L. 94-385, title III, §309, as added Pub. L. 117-58, div. D, title V, §40511(a), Nov. 15, 2021, 135 Stat. 1058.)

**Editorial Notes****PRIOR PROVISIONS**

A prior section 6838, Pub. L. 94-385, title III, §309, Aug. 14, 1976, 90 Stat. 1149; Pub. L. 97-35, title X, §1041(a), Aug. 13, 1981, 95 Stat. 621, related to consultations by Secretary with interested and affected groups in developing and promulgating voluntary performance standards and establishment of advisory committees, prior to repeal by Pub. L. 102-486, title I, §101(a)(2), Oct. 24, 1992, 106 Stat. 2783.

**Statutory Notes and Related Subsidiaries****WAGE RATE REQUIREMENTS**

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of this title.

**§§ 6839, 6840. Repealed. Pub. L. 102-486, title I, § 101(a)(2), Oct. 24, 1992, 106 Stat. 2783**

Section 6839, Pub. L. 94-385, title III, §310, Aug. 14, 1976, 90 Stat. 1149; Pub. L. 95-91, title III, §§301(a), 304(a), title VII, §§703, 707, 709(e)(2), Aug. 4, 1977, 91 Stat. 577, 580, 606, 607, 608; Pub. L. 97-35, title X, §1041(a), Aug. 13, 1981, 95 Stat. 621; Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433, related to support activities necessary or appropriate to develop and implement voluntary performance standards.

Section 6840, Pub. L. 94-385, title III, §311, Aug. 14, 1976, 90 Stat. 1149; Pub. L. 97-375, title II, §207(b), Dec. 21, 1982, 96 Stat. 1824, related to monitoring of State and local adoption and implementation of standards and reports to Congress on implementation and effectiveness of standards.

**SUBCHAPTER III—ENERGY CONSERVATION AND RENEWABLE-RESOURCE ASSISTANCE FOR EXISTING BUILDINGS**

**§ 6851. Congressional findings and purpose**

(a) The Congress finds that—

(1) the fastest, most cost-effective, and most environmentally sound way to prevent future energy shortages in the United States, while reducing the Nation's dependence on imported energy supplies, is to encourage and facilitate, through major programs, the implementation of energy conservation and renewable-resource energy measures with respect to dwelling units, nonresidential buildings, and industrial plants;

(2) current efforts to encourage and facilitate such measures are inadequate as a consequence of—

(A) a lack of adequate and available financing for such measures, particularly with respect to individual consumers and owners of small businesses;

(B) a shortage of reliable and impartial information and advisory services pertaining to practicable energy conservation measures and renewable-resource energy measures and the cost savings that are likely if they are implemented in such units, buildings, and plants; and

(C) the absence of organized programs which, if they existed, would enable consumers, especially individuals and owners of small businesses, to undertake such measures easily and with confidence in their economic value;

(3) major programs of financial incentives and assistance for energy conservation measures and renewable-resource energy measures in dwelling units, nonresidential buildings, and industrial plants would—

(A) significantly reduce the Nation's demand for energy and the need for petroleum imports;

(B) cushion the adverse impact of the high price of energy supplies on consumers, particularly elderly and handicapped low-income persons who cannot afford to make the modifications necessary to reduce their residential energy use; and

(C) increase, directly and indirectly, job opportunities and national economic output;

(4) the primary responsibility for the implementation of such major programs should be

lodged with the governments of the States; the diversity of conditions among the various States and regions of the Nation is sufficiently great that a wholly federally administered program would not be as effective as one which is tailored to meet local requirements and to respond to local opportunities; the State should be allowed flexibility within which to fashion such programs, subject to general Federal guidelines and monitoring sufficient to protect the financial investments of consumers and the financial interest of the United States and to insure that the measures undertaken in fact result in significant energy and cost savings which would probably not otherwise occur;

(5) to the extent that direct Federal administration is more economical and efficient, direct Federal financial incentives and assistance should be extended through existing and proven Federal programs rather than through new programs that would necessitate new and separate administrative bureaucracies; and

(6) such programs should be designed and administered to supplement, and not to supplant or in any other way conflict with, State energy conservation programs under part C of title III of the Energy Policy and Conservation Act [42 U.S.C. 6321 et seq.]; the emergency energy conservation program carried out by community action agencies pursuant to section 2809(a)(12)<sup>1</sup> of this title; and other forms of assistance and encouragement for energy conservation.

(b) It is, therefore, the purpose of this subchapter to encourage and facilitate the implementation of energy conservation measures and renewable-resource energy measures in dwelling units, nonresidential buildings, and industrial plants, through—

(1) supplemental State energy conservation plans; and

(2) Federal financial incentives and assistance.

(Pub. L. 94-385, title IV, §402, Aug. 14, 1976, 90 Stat. 1150.)

**Editorial Notes**

**REFERENCES IN TEXT**

The Energy Policy and Conservation Act, referred to in subsec. (a)(5), is Pub. L. 94-163, Dec. 22, 1975, 89 Stat. 871. Part C of title III of the Energy Policy and Conservation Act is classified generally to part B (§6321 et seq.) of subchapter III of chapter 77 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6201 of this title and Tables.

Section 2809(a)(12) of this title, referred to in subsec. (a)(6), which was redesignated as section 2809(a)(5) by Pub. L. 95-568, §5(a)(2)(E), Nov. 2, 1978, 92 Stat. 2426, was subsequently repealed by Pub. L. 97-35, title VI, §683(a), Aug. 13, 1981, 95 Stat. 519.

This subchapter, referred to in subsec. (b), was in the original "this title," meaning title IV of Pub. L. 94-385, known as the Energy Conservation in Existing Buildings Act of 1976, which enacted this subchapter, section 6327 of this title, and section 1701z-8 of Title 12, Banks and Banking, amended sections 6323, 6325, and 6326 of this title, and enacted provisions set out as a note

<sup>1</sup> See References in Text note below.