

(B) if an eligible product described in subparagraph (A) is not available, the eligible product with the lowest available standby power wattage in the standby power consuming mode of the eligible product.

**(3) Limitation**

The requirements of paragraph (2) shall apply to a purchase by an agency only if—

- (A) the lower-wattage eligible product is—
- (i) lifecycle cost-effective; and
  - (ii) practicable; and

(B) the utility and performance of the eligible product is not compromised by the lower wattage requirement.

**(4) Eligible products**

The Secretary, in consultation with the Secretary of Defense, the Administrator of the Environmental Protection Agency, and the Administrator of General Services, shall compile a publicly accessible list of cost-effective eligible products that shall be subject to the purchasing requirements of paragraph (2).

**(f) Regulations**

Not later than 180 days after August 8, 2005, the Secretary shall issue guidelines to carry out this section.

(Pub. L. 95–619, title V, §553, as added Pub. L. 109–58, title I, §104(a), Aug. 8, 2005, 119 Stat. 609; amended Pub. L. 110–140, title V, §§524, 525(a), Dec. 19, 2007, 121 Stat. 1662, 1663.)

**Editorial Notes**

AMENDMENTS

2007—Subsec. (b)(1). Pub. L. 110–140, §525(a)(1), inserted “in a product category covered by the Energy Star program or the Federal Energy Management Program for designated products” after “energy consuming product” in introductory provisions.

Subsec. (c). Pub. L. 110–140, §525(a)(2), in second sentence, inserted “list in their catalogues, represent as available, and” after “shall” and substituted “in which the head of the agency” for “where the agency”.

Subsecs. (e), (f). Pub. L. 110–140, §524, added subsec. (e) and redesignated former subsec. (e) as (f).

**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.

CATALOGUE LISTING DEADLINE

Pub. L. 110–140, title V, §525(b), Dec. 19, 2007, 121 Stat. 1663, provided that: “Not later than 9 months after the date of enactment of this Act [Dec. 19, 2007], the General Services Administration and the Defense Logistics Agency shall ensure that the requirement established by the amendment made by subsection (a)(2)(A) [amending this section] has been fully complied with.”

**§§ 8260, 8261. Omitted**

**Editorial Notes**

CODIFICATION

Sections 8260 and 8261 were omitted in the general amendment of this part by Pub. L. 100–615, §2(a), Nov. 5, 1988, 102 Stat. 3185.

Section 8260, Pub. L. 95–619, title V, §550, Nov. 9, 1978, 92 Stat. 3280, directed each Federal agency to periodically furnish Secretary with full and complete information on its activities under this part, and directed Secretary to annually submit to Congress a comprehensive report on all activities under this part and on progress made toward achievement of objectives of this part.

Section 8261, Pub. L. 95–619, title V, §551, Nov. 9, 1978, 92 Stat. 3280, authorized to be appropriated to Secretary not to exceed \$2,000,000 for fiscal year ending Sept. 30, 1979, to enable Secretary to perform analytical and administrative functions under this part.

**§ 8262. Definitions**

For purposes of this subtitle—<sup>1</sup>

(1) the term “agency” means<sup>2</sup> has the meaning given such term in section 551(1) of title 5, except that such term does not include the United States Postal Service;

(2) the term “facility energy supervisor” means the employee with responsibility for the daily operations of a Federal facility, including the management, installation, operation, and maintenance of energy systems in Federal facilities which may include more than one building;

(3) the term “trained energy manager” means a person who has demonstrated proficiency, or who has completed a course of study in the areas of fundamentals of building energy systems, building energy codes and applicable professional standards, energy accounting and analysis, life-cycle cost methodology, fuel supply and pricing, and instrumentation for energy surveys and audits;

(4) the term “Task Force” means the Inter-agency Energy Management Task Force established under section 8257 of this title; and

(5) the term “energy conservation measures” has the meaning given such term in section 8259(4) of this title.

(Pub. L. 102–486, title I, §151, Oct. 24, 1992, 106 Stat. 2843.)

**Editorial Notes**

REFERENCES IN TEXT

This subtitle, referred to in text, is subtitle F (§§151–168) of title I of Pub. L. 102–486, Oct. 24, 1992, 106 Stat. 2843, which enacted this section and sections 8258a, 8258b, 8262a to 8262k of this title, amended sections 8252 to 8256, 8258, 8259, 8287, and 8287c of this title and section 490 of former Title 40, Public Buildings, Property, and Works, enacted provisions set out as notes under section 8262h of this title and former section 1815 of Title 2, The Congress, and repealed provisions set out as a note under section 8253 of this title. For complete classification of subtitle F to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Energy Policy Act of 1992, and not as part of the National Energy Conservation Policy Act which comprises this chapter.

**§ 8262a. Report by General Services Administration**

Not later than one year after October 24, 1992, and annually thereafter, the Administrator of General Services shall report to the Committee

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

<sup>2</sup> So in original. The word “means” probably should not appear.