

(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. Use of energy efficient lighting fixtures and bulbs

(a) **CONSTRUCTION, ALTERATION, AND ACQUISITION OF PUBLIC BUILDINGS.**—Each public building constructed, altered, or acquired by the Administrator of General Services shall be equipped, to the maximum extent feasible as determined by the Administrator, with lighting fixtures and bulbs that are energy efficient.

(b) **MAINTENANCE OF PUBLIC BUILDINGS.**—Each lighting fixture or bulb that is replaced by the Administrator in the normal course of maintenance of public buildings shall be replaced, to the maximum extent feasible, with a lighting fixture or bulb that is energy efficient.

(c) **CONSIDERATIONS.**—In making a determination under this section concerning the feasibility of installing a lighting fixture or bulb that is energy efficient, the Administrator shall consider—

(1) the life-cycle cost effectiveness of the fixture or bulb;

(2) the compatibility of the fixture or bulb with existing equipment;

(3) whether use of the fixture or bulb could result in interference with productivity;

(4) the aesthetics relating to use of the fixture or bulb; and

(5) such other factors as the Administrator determines appropriate.

(d) **ENERGY STAR.**—A lighting fixture or bulb shall be treated as being energy efficient for purposes of this section if—

(1) the fixture or bulb is 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 fixture or bulb is energy efficient.

(e) **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 use in public buildings.

(f) **GUIDELINES.**—The Administrator shall develop guidelines for the use of energy efficient lighting technologies that contain mercury in child care centers in public buildings.

(g) **APPLICABILITY OF BUY AMERICAN ACT.**—Acquisitions carried out pursuant to this section shall be subject to the requirements of the Buy American Act<sup>1</sup> (41 U.S.C. 10c et seq.).

(h) **EFFECTIVE DATE.**—The requirements of subsections (a) and (b) shall take effect 1 year after the date of enactment of this subsection.

(Added Pub. L. 110-140, title III, §323(c)(1)(B), Dec. 19, 2007, 121 Stat. 1590.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Buy American Act, referred to in subsec. (g), 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 (§8301 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.

The date of enactment of this subsection, referred to in subsec. (h), is the date of enactment of Pub. L. 110-140, which was approved Dec. 19, 2007.

##### PRIOR PROVISIONS

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

#### 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.

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

**§ 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) PUBIC<sup>1</sup> 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 Gen-

<sup>1</sup> So in original. Probably should be “PUBLIC”.

eral 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