

(other than the Department of Defense) with respect to funds appropriated for any fiscal year beginning after fiscal year 1992 (including financial benefits resulting from energy savings performance contracts under subchapter VII of this chapter and utility energy efficiency rebates) shall, subject to appropriation, remain available for expenditure by such agency for additional energy efficiency measures which may include related employee incentive programs, particularly at those facilities at which energy savings were achieved.

“(B) Agencies shall establish a fund and maintain strict financial accounting and controls for savings realized and expenditures made under this subsection. Records maintained pursuant to this subparagraph shall be made available for public inspection upon request.”

2005—Subsec. (e). Pub. L. 109–58 added subsec. (e).

1992—Subsec. (a). Pub. L. 102–486, §152(f)(1), (2), substituted “Contracts” for “In general” in heading, designated existing provisions as par. (1), and redesignated former subsec. (b) as subsec. (a)(2) and amended it generally. Prior to amendment, par. (2) read as follows: “The head of each agency shall, no later than 120 days after November 5, 1988, implement procedures for entering into such contracts and for identifying, verifying, and utilizing, on a fiscal year basis, the cost savings resulting from such contracts.”

Subsec. (b). Pub. L. 102–486, §152(f)(4), added subsec. (b). Former subsec. (b) redesignated par. (2) of subsec. (a).

Subsecs. (c), (d). Pub. L. 102–486, §152(f)(3), (4), added subsecs. (c) and (d) and struck out former subsec. (c) which read as follows: “The portion of the funds appropriated to an agency for energy expenses for a fiscal year that is equal to the amount of cost savings realized by such agency for such year from contracts entered into under subchapter VII of this chapter shall remain available for obligation, without further appropriation, to undertake additional energy conservation measures.”

1988—Pub. L. 100–615 amended section generally, substituting statement of incentives for agencies for provisions relating to energy performance targets for Federal buildings.

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.

ENERGY EFFICIENCY AND WATER CONSERVATION MEASURES; USE OF REBATES AND SAVINGS

Pub. L. 104–52, title VI, §625, Nov. 19, 1995, 109 Stat. 502, provided that:

“(a) Beginning in fiscal year 1996 and thereafter, for each Federal agency, except the Department of Defense (which has separate authority), and except as provided in Public Law 102–393, title IV, section 13 (40 U.S.C. 490g) [now 40 U.S.C. 592(f)] with respect to the Fund established pursuant to 40 U.S.C. 490(f) [now 40 U.S.C. 592(a)–(c)(1), (d), (e)], an amount equal to 50 percent of—

“(1) the amount of each utility rebate received by the agency for energy efficiency and water conservation measures, which the agency has implemented; and

“(2) the amount of the agency’s share of the measured energy savings resulting from energy-savings performance contracts,

may be retained and credited to accounts that fund energy and water conservation activities at the agency’s facilities, and shall remain available until expended for additional specific energy efficiency or water conservation projects or activities, including improvements and retrofits, facility surveys, additional or improved utility metering, and employee training and awareness programs, as authorized by section 152(f) of the Energy

Policy Act (Public Law 102–486) [amending this section].

“(b) The remaining 50 percent of each rebate, and the remaining 50 percent of the amount of the agency’s share of savings from energy-savings performance contracts, shall be transferred to the General Fund of the Treasury at the end of the fiscal year in which received.”

§ 8257. Interagency Energy Management Task Force

(a) In general

To assist the interagency committee organized under section 7266 of this title to coordinate the activities of the Federal Government in promoting energy conservation and the efficient use of energy and in informing non-Federal entities of the Federal experience in energy conservation, the Secretary shall establish an Interagency Energy Management Task Force (hereafter in this section referred to as the “Task Force”).

(b) Members

The Task Force shall be composed of the chief energy managers of agencies represented on the interagency committee organized under section 7266 of this title.

(c) Duties

The Task Force shall meet when the Secretary requests, but not less often than twice a year, to—

(1) assess the progress of the various agencies in achieving energy savings;

(2) collect and disseminate information to agencies, States, local governments, and the public on effective survey techniques, innovative approaches to the efficient use of energy, incentive programs developed under section 8256 of this title, innovative contracting methods developed under subchapter VII of this chapter, the use of cogeneration facilities and renewable resources, and other technologies that promote the conservation and efficient use of energy;

(3) coordinate energy surveys conducted by the agencies;

(4) develop options for use in conserving energy;

(5) report to the committee organized under section 7266 of this title; and

(6) review, from time to time as may be necessary, the regulations relating to building temperature settings to determine whether changes in such regulations would be appropriate to assist in meeting the goals specified in section 8253 of this title.

(Pub. L. 95–619, title V, §547, Nov. 9, 1978, 92 Stat. 3279; Pub. L. 100–615, §2(a), Nov. 5, 1988, 102 Stat. 3187.)

Editorial Notes

AMENDMENTS

1988—Pub. L. 100–615 amended section generally, substituting provisions relating to creation of an Interagency Energy Management Task Force for provisions relating to energy audits and retrofitting of existing Federal buildings.

§ 8258. Reports**(a) Reports to Secretary**

Each agency shall transmit a report to the Secretary, at times specified by the Secretary but at least annually, with complete information on its activities under this part, including information on—

(1) the agency's progress in achieving the goals established by section 8253 of this title; and

(2) the procedures being used by the agency pursuant to section 8256(a)(2) of this title, the number of contracts entered into by such agency under subchapter VII of this chapter, the energy and cost savings that have resulted from such contracts and any termination penalty exposure, the use of such cost savings under section 8256(c) of this title, and any problem encountered in entering into such contracts and otherwise implementing section 8256 of this title.

(b) Reports to the President and Congress

The Secretary shall report, not later than April 2 of each year, with respect to each fiscal year beginning after November 5, 1988, to the President and Congress—

(1) on all activities carried out under this part and on the progress made toward achievement of the objectives of this part, including—

(A) a copy of the list of the exclusions made under sections 8253(a)(2) and 8253(c)(3) of this title;

(B) the information required under section 8253(b)(2)¹ of this title; and

(C) a statement detailing the amount of funds awarded to each agency under section 8256(b) of this title, the energy and water conservation measures installed with such funds, the projected energy and water savings to be realized from installed measures, and, for each installed measure for which the projected energy and water savings reported in the previous year were not realized, the percentage of such projected savings that was not realized, the reasons such savings were not realized, and proposals for, and projected costs of, achieving such projected savings in the future;

(2) the number of contracts entered into by all agencies under subchapter VII of this chapter, the difficulties (if any) encountered in attempting to enter into such contracts, and proposed solutions to those difficulties;

(3) the extent and nature of interagency exchange of information concerning the conservation and efficient utilization of energy;

(4) the information required under section 8262g(d) of this title; and

(5)(A) the status of the energy savings performance contracts and utility energy service contracts of each agency, to the extent that the information is not duplicative of information provided to the Secretary under a separate authority;

(B) the quantity and investment value of the contracts for the previous year;

(C) the guaranteed energy savings, or for contracts without a guarantee, the estimated

energy savings, for the previous year, as compared to the measured energy savings for the previous year;

(D) a forecast of the estimated quantity and investment value of contracts anticipated in the following year for each agency; and

(E)(i) a comparison of the information described in subparagraph (B) and the forecast described in subparagraph (D) in the report of the previous year; and

(ii) if applicable, the reasons for any differences in the data compared under clause (i).

(c) Other report

The Secretary, in consultation with the Administrator of General Services, shall—

(1) conduct a study and evaluate legal, institutional, and other constraints to connecting buildings owned or leased by the Federal Government to district heating and district cooling systems; and

(2) not later than 18 months after October 24, 1992, transmit to the Congress a report containing the findings and conclusions of such study, including recommendations for the development of streamlined processes for the consideration of connecting buildings owned or leased by the Federal Government to district heating and cooling systems.

(Pub. L. 95-619, title V, § 548, Nov. 9, 1978, 92 Stat. 3279; Pub. L. 100-615, § 2(a), Nov. 5, 1988, 102 Stat. 3187; Pub. L. 102-486, title I, § 152(g), (i)(1), Oct. 24, 1992, 106 Stat. 2848, 2851; Pub. L. 104-66, title I, § 1052(d), Dec. 21, 1995, 109 Stat. 718; Pub. L. 109-58, title I, § 102(g), Aug. 8, 2005, 119 Stat. 608; Pub. L. 110-140, title V, § 511(b), Dec. 19, 2007, 121 Stat. 1658; Pub. L. 116-260, div. Z, title I, § 1002(a), Dec. 27, 2020, 134 Stat. 2422.)

Editorial Notes

REFERENCES IN TEXT

Section 8253(b)(2) of this title, referred to in subsec. (b)(1)(B), was repealed, and a new section 8253(b)(2) was added which required the Secretary to report to Congress on any noncompliance by an agency with the requirements of section 8253(b)(1) of this title not later than January 1, 2022, and every 2 years thereafter, by Pub. L. 116-260, div. Z, title I, § 1002(g)(2)(B), Dec. 27, 2020, 134 Stat. 2423.

AMENDMENTS

2020—Subsec. (b)(5). Pub. L. 116-260 added par. (5).

2007—Subsec. (a)(2). Pub. L. 110-140 inserted “and any termination penalty exposure” after “from such contracts”.

2005—Subsec. (b). Pub. L. 109-58 inserted “the President and” before “Congress” in heading and “President and” before “Congress” in introductory provisions.

1995—Subsec. (b)(1). Pub. L. 104-66, § 1052(d)(1), added subpar. (B) and redesignated former subpar. (B) as (C). Subsec. (b)(4). Pub. L. 104-66, § 1052(d)(2)-(4), added par. (4).

1992—Subsec. (a)(2). Pub. L. 102-486, § 152(i)(1)(A), substituted “8256(a)(2)” for “8256(b)”.

Subsec. (b). Pub. L. 102-486, § 152(i)(1)(B), substituted “, not later than April 2 of each year,” for “annually,”.

Subsec. (b)(1). Pub. L. 102-486, § 152(g)(1), substituted “including—” and subpars. (A) and (B) for “including a copy of the list of the exclusions made under section 8253(a)(2) of this title;”.

Subsec. (c). Pub. L. 102-486, § 152(g)(2), added subsec. (c).

1988—Pub. L. 100-615 amended section generally, substituting provisions relating to reports to Secretary

¹ See References in Text note below.