

112TH CONGRESS  
1ST SESSION

# S. 1000

To promote energy savings in residential and commercial buildings and industry, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 16, 2011

Mrs. SHAHEEN (for herself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To promote energy savings in residential and commercial buildings and industry, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Energy Savings and Industrial Competitiveness Act of  
6 2011”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of  
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BUILDINGS

Subtitle A—Building Energy Codes

Sec. 101. Greater energy efficiency in building codes.

Subtitle B—Appliance Standards

- Sec. 111. Energy conservation standards.
- Sec. 112. Energy conservation standards for heat pump pool heaters.
- Sec. 113. GU-24 base lamps.
- Sec. 114. Efficiency standards for bottle-type water dispensers, commercial hot food holding cabinets, and portable electric spas.
- Sec. 115. Test procedure petition process.
- Sec. 116. Amendments to home appliance test methods.
- Sec. 117. Credit for Energy Star smart appliances.
- Sec. 118. Video game console energy efficiency study.
- Sec. 119. Refrigerator and freezer standards.
- Sec. 120. Room air conditioner standards.
- Sec. 121. Uniform efficiency descriptor for covered water heaters.
- Sec. 122. Clothes dryers.
- Sec. 123. Standards for clothes washers.
- Sec. 124. Dishwashers.
- Sec. 125. Standards for certain reflector lamps.
- Sec. 126. Petition for amended standards.
- Sec. 127. Prohibited acts.
- Sec. 128. Outdoor lighting.
- Sec. 129. Standards for commercial furnaces.
- Sec. 130. Service over the counter, self-contained, medium temperature commercial refrigerators.
- Sec. 131. Motor market assessment and commercial awareness program.
- Sec. 132. Study of compliance with energy standards for appliances.
- Sec. 133. Study of direct current electricity supply in certain buildings.
- Sec. 134. Technical corrections.

Subtitle C—Worker Training and Capacity Building

Sec. 141. Building training and assessment centers.

TITLE II—BUILDING EFFICIENCY FINANCE

- Sec. 201. Rural energy savings program.
- Sec. 202. Loan program for energy efficiency upgrades to existing buildings.

TITLE III—INDUSTRIAL EFFICIENCY AND COMPETITIVENESS

Subtitle A—Manufacturing Energy Efficiency

- Sec. 301. State partnership industrial energy efficiency revolving loan program.
- Sec. 302. Coordination of research and development of energy efficient technologies for industry.
- Sec. 303. Energy efficient technologies assessment.
- Sec. 304. Future of Industry program.
- Sec. 305. Sustainable manufacturing initiative.
- Sec. 306. Study of advanced energy technology manufacturing capabilities in the United States.
- Sec. 307. Industrial Technologies steering committee.
- Sec. 308. Authorization of appropriations.

Subtitle B—Supply Star

Sec. 311. Supply Star.

Subtitle C—Electric Motor Rebate Program

Sec. 321. Energy saving motor control rebate program.

TITLE IV—FEDERAL AGENCY ENERGY EFFICIENCY

Sec. 401. Adoption of personal computer power savings techniques by Federal agencies.

Sec. 402. Availability of funds for design updates.

Sec. 403. Best practices for advanced metering.

Sec. 404. Federal energy management and data collection standard.

Sec. 405. Electric vehicle charging infrastructure.

Sec. 406. Broadening definition of renewable energy to include thermal.

Sec. 407. Study on Federal data center consolidation.

TITLE V—MISCELLANEOUS

Sec. 501. Budgetary effects.

Sec. 502. Advance appropriations required.

1                   **TITLE I—BUILDINGS**  
 2    **Subtitle A—Building Energy Codes**  
 3    **SEC. 101. GREATER ENERGY EFFICIENCY IN BUILDING**  
 4                   **CODES.**

5           (a) IN GENERAL.—Section 304 of the Energy Con-  
 6    servation and Production Act (42 U.S.C. 6833) is amend-  
 7    ed to read as follows:

8    **“SEC. 304. UPDATING STATE BUILDING ENERGY EFFI-**  
 9                   **CIENCY CODES.**

10           “(a) UPDATING NATIONAL MODEL BUILDING EN-  
 11    ERGY CODES.—

12                   “(1) IN GENERAL.—The Secretary shall—

13                           “(A) support the development of national  
 14                   model building energy codes, including the up-  
 15                   dating of ASHRAE and IECC model building  
 16                   energy codes and standards;

1           “(B) encourage and support the adoption  
2 of building energy codes by States and, as ap-  
3 propriate, by local governments that meet or ex-  
4 ceed the national model building energy codes,  
5 or achieve equivalent or greater energy savings;  
6 and

7           “(C) support full compliance with the  
8 State and local codes.

9           “(2) TARGETS AND GOALS.—

10           “(A) IN GENERAL.—The Secretary shall  
11 support the updating of the national model  
12 building energy codes for residential buildings  
13 and commercial buildings to enable the achieve-  
14 ment of energy savings goals established under  
15 subparagraph (B) and the targets established  
16 under subparagraph (C).

17           “(B) GOALS.—The Secretary shall—

18           “(i) establish goals of zero-net-energy  
19 for new commercial and residential build-  
20 ings by 2030; and

21           “(ii) work with State and local gov-  
22 ernments, the International Code Council,  
23 ASHRAE, and other interested parties to  
24 achieve these goals through a combination  
25 of national model building energy codes,

1 appliance and lighting standards, and re-  
2 search, development, and demonstration of  
3 new efficiency and clean energy tech-  
4 nologies.

5 “(C) TARGETS.—

6 “(i) IN GENERAL.—The Secretary  
7 shall support the updating of national  
8 model building energy codes by estab-  
9 lishing 1 or more aggregate energy savings  
10 targets to achieve the goals set under sub-  
11 paragraph (B).

12 “(ii) SEPARATE TARGETS.—The Sec-  
13 retary may establish separate targets for  
14 commercial and residential buildings.

15 “(iii) BASELINES.—The baseline for  
16 updating national model codes shall be the  
17 2009 IECC for residential buildings and  
18 ASHRAE Standard 90.1–2010 for com-  
19 mercial buildings.

20 “(iv) SPECIFIC YEARS.—

21 “(I) IN GENERAL.—Targets for  
22 specific years shall be established and  
23 revised by the Secretary through rule-  
24 making and coordinated with the

1 IECC and ASHRAE Standard 90.1  
2 cycles at a level that is—

3 “(aa) at the maximum level  
4 of energy efficiency that is tech-  
5 nologically feasible and life-cycle  
6 cost effective, while accounting  
7 for the economic considerations  
8 under subparagraph (E);

9 “(bb) higher than the pre-  
10 ceeding target; and

11 “(cc) on a path to achieving  
12 zero-net-energy buildings.

13 “(II) INITIAL TARGETS.—Not  
14 later than 1 year after the date of en-  
15 actment of this clause, the Secretary  
16 shall establish initial targets under  
17 this subparagraph.

18 “(III) DIFFERENT TARGET  
19 YEARS.—Subject to subclause (I),  
20 prior to the applicable year, the Sec-  
21 retary may set a different target year  
22 for any of model codes described in  
23 clause (i) if the Secretary determines  
24 that a higher target cannot be met.

1                   “(IV) SMALL BUSINESS.—When  
2                   establishing targets under this sub-  
3                   paragraph through rulemaking, the  
4                   Secretary shall ensure compliance  
5                   with the Small Business Regulatory  
6                   Enforcement Fairness Act of 1996 (5  
7                   U.S.C. 601 note; Public Law 104–  
8                   121).

9                   “(D) APPLIANCE STANDARDS AND OTHER  
10                  FACTORS AFFECTING BUILDING ENERGY USE.—  
11                  In establishing building code targets under sub-  
12                  paragraph (C), the Secretary shall develop and  
13                  adjust the targets in recognition of potential  
14                  savings and costs relating to—

15                         “(i) efficiency gains made in appli-  
16                         ances, lighting, windows, and insulation;

17                         “(ii) advancement of distributed gen-  
18                         eration and on-site renewable power gen-  
19                         eration technologies;

20                         “(iii) equipment improvements for  
21                         heating, cooling, and ventilation systems;

22                         “(iv) building management systems  
23                         and SmartGrid technologies to reduce en-  
24                         ergy use; and

1                   “(v) other technologies, practices, and  
2                   building systems that the Secretary con-  
3                   siders appropriate regarding building plug  
4                   load and other energy uses.

5                   “(E) ECONOMIC CONSIDERATIONS.—In es-  
6                   tablishing and revising building code targets  
7                   under subparagraph (C), the Secretary shall  
8                   consider the economic feasibility of achieving  
9                   the proposed targets established under this sec-  
10                  tion and the potential costs and savings for con-  
11                  sumers and building owners, including a return  
12                  on investment analysis.

13                  “(3) TECHNICAL ASSISTANCE TO MODEL CODE-  
14                  SETTING AND STANDARD DEVELOPMENT ORGANIZA-  
15                  TIONS.—

16                  “(A) IN GENERAL.—The Secretary shall,  
17                  on a timely basis, provide technical assistance  
18                  to model code-setting and standard development  
19                  organizations.

20                  “(B) ASSISTANCE.—The assistance shall  
21                  include, as requested by the organizations, tech-  
22                  nical assistance in—

23                          “(i) evaluating code or standards pro-  
24                          posals or revisions;

1 “(ii) building energy analysis and de-  
2 sign tools;

3 “(iii) building demonstrations;

4 “(iv) developing definitions of energy  
5 use intensity and building types for use in  
6 model codes or in evaluating the efficiency  
7 impacts of the codes;

8 “(v) performance-based standards;  
9 and

10 “(vi) evaluating economic consider-  
11 ations under paragraph (2)(E).

12 “(C) AMENDMENT PROPOSALS.—The Sec-  
13 retary may submit timely code and standard  
14 amendment proposals to the model code-setting  
15 and standard development organizations, with  
16 supporting evidence, sufficient to enable the  
17 model building energy codes and standards to  
18 meet the targets established under paragraph  
19 (2)(C).

20 “(D) ANALYSIS METHODOLOGY.—The Sec-  
21 retary shall make publicly available the entire  
22 calculation methodology (including input as-  
23 sumptions and data) used by the Secretary to  
24 estimate the energy savings of code or standard  
25 proposals and revisions.

1 “(4) DETERMINATION AND ESTABLISHMENT.—

2 “(A) REVISION OF MODEL BUILDING  
3 CODES AND STANDARDS.—If the provisions of  
4 the IECC or ASHRAE Standard 90.1 regard-  
5 ing building energy use are revised, the Sec-  
6 retary shall make a preliminary determination  
7 not later than 90 days after the date of the re-  
8 vision, and a final determination not later than  
9 1 year after the date of the revision, on whether  
10 the revision will—

11 “(i) improve energy efficiency in  
12 buildings compared to the existing national  
13 model building energy code; and

14 “(ii) meet the applicable targets under  
15 paragraph (2)(C).

16 “(B) CODES OR STANDARDS NOT MEETING  
17 TARGETS.—

18 “(i) IN GENERAL.—If the Secretary  
19 makes a preliminary determination under  
20 subparagraph (A)(ii) that a code or stand-  
21 ard does not meet the targets established  
22 under paragraph (2)(C), the Secretary may  
23 at the same time provide the model code or  
24 standard developer with proposed changes  
25 that would result in a model code that

1 meets the targets and with supporting evi-  
2 dence, taking into consideration—

3 “(I) whether the modified code is  
4 technically feasible and life-cycle cost  
5 effective;

6 “(II) available appliances, tech-  
7 nologies, materials, and construction  
8 practices; and

9 “(III) potential costs, savings  
10 and other benefits for consumers and  
11 building owners, including the impact  
12 on overall building ownership and op-  
13 erating costs.

14 “(ii) INCORPORATION OF CHANGES.—

15 “(I) IN GENERAL.—On receipt of  
16 the proposed changes, the model code  
17 or standard developer shall have an  
18 additional 180 days to incorporate  
19 changes into the model code or stand-  
20 ard.

21 “(II) FINAL DETERMINATION.—

22 A final determination under subpara-  
23 graph (A) shall be on the modified  
24 model code or standard.

1           “(C) POSITIVE DETERMINATIONS.—If the  
2 Secretary makes positive final determinations  
3 under clauses (i) and (ii) of subparagraph (A)  
4 or under clause (i) of subparagraph (A) if the  
5 applicable target has not been established, the  
6 revised IECC or ASHRAE Standard 90.1 shall  
7 be established as the relevant national model  
8 building energy code.

9           “(D) ESTABLISHMENT BY SECRETARY.—

10           “(i) IN GENERAL.—If the Secretary  
11 makes a negative final determination under  
12 subparagraph (A)(ii), the Secretary shall  
13 at the same time establish a modified na-  
14 tional model building energy code.

15           “(ii) CODES OR STANDARDS NOT UP-  
16 DATED.—If the IECC or ASHRAE Stand-  
17 ard 90.1 is not revised by a target date  
18 under paragraph (2), the Secretary shall,  
19 not later than 90 days after the target  
20 date, issue a draft of, and not later than  
21 1 year after the target date, establish, a  
22 modified national model building energy  
23 code.

1           “(iii) REQUIREMENTS.—Any national  
2           model building energy code established  
3           under this subparagraph shall—

4                   “(I) meet the targets established  
5                   under paragraph (2);

6                   “(II) achieve the maximum level  
7                   of energy savings that is techno-  
8                   logically feasible and life-cycle cost-ef-  
9                   fective, while accounting for the eco-  
10                  nomic considerations under paragraph  
11                  (2)(E); and

12                  “(III) be based on the latest edi-  
13                  tion of the IECC or ASHRAE Stand-  
14                  ard 90.1, including any subsequent  
15                  amendments, addenda, or additions,  
16                  but may also consider other model  
17                  codes or standards.

18           “(5) ADMINISTRATION.—In carrying out this  
19           section, the Secretary shall—

20                   “(A) publish notice of targets, determina-  
21                   tions, and national model building energy codes  
22                   under this section in the Federal Register to  
23                   provide an explanation of and the basis for such  
24                   actions, including any supporting modeling,

1 data, assumptions, protocols, and cost-benefit  
2 analysis, including return on investment; and

3 “(B) provide an opportunity for public  
4 comment on targets, determinations, and na-  
5 tional model building energy codes under this  
6 section.

7 “(b) STATE CERTIFICATION OF BUILDING ENERGY  
8 CODE UPDATES.—

9 “(1) REVIEW AND UPDATING OF CODES BY  
10 EACH STATE.—

11 “(A) IN GENERAL.—Not later than 2 years  
12 after the date on which a national model build-  
13 ing energy code is established or revised under  
14 subsection (a), each State shall certify whether  
15 or not the State has reviewed and updated the  
16 energy provisions of the building code of the  
17 State.

18 “(B) DEMONSTRATION.—The certification  
19 shall include a demonstration of whether or not  
20 the code provisions that are in effect through-  
21 out the State—

22 “(i) meet or exceed the revised model  
23 code; or

24 “(ii) achieve equivalent or greater en-  
25 ergy savings.

1           “(C) NO MODEL CODE UPDATE.—If the  
2           Secretary fails to revise a national model build-  
3           ing energy code by the date specified in sub-  
4           section (a)(4), each State shall, not later than  
5           2 years after the specified date, certify whether  
6           or not the State has reviewed and updated the  
7           energy provisions of the building code of the  
8           State to meet or exceed the target in subsection  
9           (a)(2).

10           “(2) VALIDATION BY SECRETARY.—Not later  
11           than 90 days after a State certification under para-  
12           graph (1), the Secretary shall—

13                   “(A) determine whether the code provi-  
14                   sions of the State meet the criteria specified in  
15                   paragraph (1); and

16                   “(B) if the determination is positive, vali-  
17                   date the certification.

18           “(c) IMPROVEMENTS IN COMPLIANCE WITH BUILD-  
19           ING ENERGY CODES.—

20                   “(1) REQUIREMENT.—

21                   “(A) IN GENERAL.—Not later than 3 years  
22                   after the date of a certification under sub-  
23                   section (b), each State shall certify whether or  
24                   not the State has—

1           “(i) achieved full compliance under  
2           paragraph (3) with the certified State  
3           building energy code or with the associated  
4           national model building energy code; or

5           “(ii) made significant progress under  
6           paragraph (4) toward achieving compliance  
7           with the certified State building energy  
8           code or with the associated national model  
9           building energy code.

10          “(B) REPEAT CERTIFICATIONS.—If the  
11          State certifies progress toward achieving com-  
12          pliance, the State shall repeat the certification  
13          until the State certifies that the State has  
14          achieved full compliance.

15          “(2) MEASUREMENT OF COMPLIANCE.—A cer-  
16          tification under paragraph (1) shall include docu-  
17          mentation of the rate of compliance based on—

18                 “(A) independent inspections of a random  
19                 sample of the buildings covered by the code in  
20                 the preceding year; or

21                 “(B) an alternative method that yields an  
22                 accurate measure of compliance.

23          “(3) ACHIEVEMENT OF COMPLIANCE.—A State  
24          shall be considered to achieve full compliance under  
25          paragraph (1) if—

1           “(A) at least 90 percent of building space  
2 covered by the code in the preceding year sub-  
3 stantially meets all the requirements of the ap-  
4 plicable code specified in paragraph (1), or  
5 achieves equivalent or greater energy savings  
6 level; or

7           “(B) the estimated excess energy use of  
8 buildings that did not meet the applicable code  
9 specified in paragraph (1) in the preceding  
10 year, compared to a baseline of comparable  
11 buildings that meet this code, is not more than  
12 5 percent of the estimated energy use of all  
13 buildings covered by this code during the pre-  
14 ceding year.

15           “(4)    SIGNIFICANT    PROGRESS    TOWARD  
16 ACHIEVEMENT OF COMPLIANCE.—A State shall be  
17 considered to have made significant progress toward  
18 achieving compliance for purposes of paragraph (1)  
19 if the State—

20           “(A) has developed and is implementing a  
21 plan for achieving compliance during the 8-  
22 year-period beginning on the date of enactment  
23 of this paragraph, including annual targets for  
24 compliance and active training and enforcement  
25 programs; and

1           “(B) has met the most recent target under  
2           subparagraph (A).

3           “(5) VALIDATION BY SECRETARY.—Not later  
4           than 90 days after a State certification under para-  
5           graph (1), the Secretary shall—

6           “(A) determine whether the State has  
7           demonstrated meeting the criteria of this sub-  
8           section, including accurate measurement of  
9           compliance; and

10           “(B) if the determination is positive, vali-  
11           date the certification.

12           “(d) STATES THAT DO NOT MEET TARGETS.—

13           “(1) REPORTING.—A State that has not made  
14           a certification required under subsection (b) or (c)  
15           by the applicable deadline shall submit to the Sec-  
16           retary a report on—

17           “(A) the status of the State with respect  
18           to meeting the requirements and submitting the  
19           certification; and

20           “(B) a plan for meeting the requirements  
21           and submitting the certification.

22           “(2) STATES OUT OF CONFORMANCE.—Any  
23           State for which the Secretary has not accepted a  
24           certification by a deadline under subsection (b) or  
25           (c) shall be considered out of conformance with this

1 section until such time as the State submits and the  
2 Secretary validates the required certification.

3 “(3) LOCAL GOVERNMENT.—In any State that  
4 is out of conformance with this section, a local gov-  
5 ernment may be considered in conformance with this  
6 section by meeting the certification requirements  
7 under subsections (b) and (c).

8 “(4) FEDERAL SUPPORT.—The Secretary shall,  
9 as appropriate, make conformance of a jurisdiction  
10 with this section a criterion in grants or other sup-  
11 port for code adoption and compliance activities for  
12 State and local governments.

13 “(5) ANNUAL REPORTS BY SECRETARY.—

14 “(A) IN GENERAL.—The Secretary shall  
15 annually submit to Congress, and publish in the  
16 Federal Register, a report on—

17 “(i) the status of national model  
18 building energy codes;

19 “(ii) the status of code adoption and  
20 compliance in the States;

21 “(iii) implementation of this section;  
22 and

23 “(iv) improvements in energy savings  
24 over time as result of the goals established

1 under subsection (a)(2)(B) and targets es-  
2 tablished under subsection (a)(2)(C).

3 “(B) IMPACTS.—The report shall include  
4 estimates of impacts of past action under this  
5 section, and potential impacts of further action,  
6 on—

7 “(i) upfront financial and construction  
8 costs, cost benefits and returns (using in-  
9 vestment analysis), and lifetime energy use  
10 for buildings;

11 “(ii) resulting energy costs to individ-  
12 uals and businesses; and

13 “(iii) resulting overall annual building  
14 ownership and operating costs.

15 “(e) TECHNICAL ASSISTANCE TO STATES.—The Sec-  
16 retary shall provide technical assistance to States to imple-  
17 ment the requirements of this section, including proce-  
18 dures and technical analysis for States—

19 “(1) to demonstrate that the code provisions of  
20 the States achieve equivalent or greater energy sav-  
21 ings than the national model building energy codes;

22 “(2) to document the rate of compliance with a  
23 building energy code; and

24 “(3) to improve and implement State residential  
25 and commercial building energy codes or otherwise

1 promote the design and construction of energy effi-  
2 cient buildings.

3 “(f) AVAILABILITY OF INCENTIVE FUNDING.—

4 “(1) IN GENERAL.—The Secretary shall provide  
5 incentive funding to States—

6 “(A) to implement the requirements of this  
7 section;

8 “(B) to improve and implement residential  
9 and commercial building energy codes, including  
10 increasing and verifying compliance with the  
11 codes and training of State and local building  
12 code officials to implement and enforce the  
13 codes; and

14 “(C) to promote building energy efficiency  
15 through the use of the codes.

16 “(2) ADDITIONAL FUNDING.—Additional fund-  
17 ing shall be provided under this subsection for im-  
18 plementation of a plan to achieve and document full  
19 compliance with residential and commercial building  
20 energy codes under subsection (c)—

21 “(A) to a State that is in conformance  
22 with this section under subsection (d)(2); and

23 “(B) in a State which is not eligible under  
24 subparagraph (A), to a local government that is

1 in conformance with this section under sub-  
2 section (d)(3).

3 “(3) TRAINING.—Of the amounts made avail-  
4 able under this subsection, the State may use  
5 amounts required, but not to exceed \$750,000 for a  
6 State, to train State and local building code officials  
7 to implement and enforce codes described in para-  
8 graph (2).

9 “(4) LOCAL GOVERNMENTS.—States may share  
10 grants under this subsection with local governments  
11 that implement and enforce the codes.

12 “(g) VOLUNTARY ADVANCED STANDARDS.—

13 “(1) IN GENERAL.—The Secretary shall provide  
14 technical and financial support for the development  
15 of voluntary advanced standards for residential and  
16 commercial buildings for use in—

17 “(A) green building design;

18 “(B) voluntary and market transformation  
19 programs;

20 “(C) incentive criteria; and

21 “(D) voluntary adoption by States.

22 “(2) TARGETS.—The voluntary advanced stand-  
23 ards shall be designed to achieve energy savings of  
24 at least 30 percent compared to the national model  
25 building energy codes.

1           “(3) PREFERENCE.—In carrying out this sub-  
2           section, the Secretary shall give preference to ad-  
3           vanced standards developed by the International  
4           Code Council and by ASHRAE.

5           “(h) STUDIES.—The Secretary, in consultation with  
6           building science experts from the National Laboratories  
7           and institutions of higher education, designers and build-  
8           ers of energy-efficient residential and commercial build-  
9           ings, code officials, and other stakeholders, shall under-  
10          take a study of the feasibility, impact, and merit of—

11           “(1) code improvements that would require that  
12           buildings be designed, sited, and constructed in a  
13           manner that makes the buildings more adaptable in  
14           the future to become zero-net-energy after initial  
15           construction, as advances are achieved in energy-sav-  
16           ing technologies;

17           “(2) code procedures to incorporate measured  
18           lifetimes, not just first-year energy use, in trade-offs  
19           and performance calculations; and

20           “(3) legislative options for increasing energy  
21           savings from building energy codes, including addi-  
22           tional incentives for effective State and local action,  
23           and verification of compliance with and enforcement  
24           of a code other than by a State or local government.

1       “(i) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this sub-  
3 section—

4               “(1) \$100,000,000 for each of fiscal years 2012  
5 through 2015; and

6               “(2) such sums as are necessary for fiscal year  
7 2016 and each fiscal year thereafter.”.

8       (b) DEFINITION OF IECC.—Section 303 of the En-  
9 ergy Conservation and Production Act (42 U.S.C. 6832)  
10 is amended by adding at the end the following:

11               “(17) IECC.—The term ‘IECC’ means the  
12 International Energy Conservation Code.”.

## 13       **Subtitle B—Appliance Standards**

### 14       **SEC. 111. ENERGY CONSERVATION STANDARDS.**

15       (a) DEFINITION OF ENERGY CONSERVATION STAND-  
16 ARD.—Section 321 of the Energy Policy and Conservation  
17 Act (42 U.S.C. 6291) is amended—

18               (1) by striking paragraph (6) and inserting the  
19 following:

20               “(6) ENERGY CONSERVATION STANDARD.—

21                       “(A) IN GENERAL.—The term ‘energy con-  
22 servation standard’ means 1 or more perform-  
23 ance standards that—

24                               “(i) for covered products (excluding  
25 clothes washers, dishwashers, showerheads,

1 faucets, water closets, and urinals), pre-  
2 scribe a minimum level of energy efficiency  
3 or a maximum quantity of energy use, de-  
4 termined in accordance with test proce-  
5 dures prescribed under section 323;

6 “(ii) for showerheads, faucets, water  
7 closets, and urinals, prescribe a minimum  
8 level of water efficiency or a maximum  
9 quantity of water use, determined in ac-  
10 cordance with test procedures prescribed  
11 under section 323; and

12 “(iii) for clothes washers and dish-  
13 washers—

14 “(I) prescribe a minimum level of  
15 energy efficiency or a maximum quan-  
16 tity of energy use, determined in ac-  
17 cordance with test procedures pre-  
18 scribed under section 323; and

19 “(II) include a minimum level of  
20 water efficiency or a maximum quan-  
21 tity of water use, determined in ac-  
22 cordance with those test procedures.

23 “(B) INCLUSIONS.—The term ‘energy con-  
24 servation standard’ includes—

1                   “(i) 1 or more design requirements, if  
2                   the requirements were established—

3                                 “(I) on or before the date of en-  
4                                 actment of this subclause;

5                                 “(II) as part of a direct final rule  
6                                 under section 325(p)(4); or

7                                 “(III) as part of a final rule pub-  
8                                 lished on or after January 1, 2012;  
9                                 and

10                                “(ii) any other requirements that the  
11                                Secretary may prescribe under section  
12                                325(r).

13                                “(C) EXCLUSION.—The term ‘energy con-  
14                                servation standard’ does not include a perform-  
15                                ance standard for a component of a finished  
16                                covered product, unless regulation of the com-  
17                                ponent is specifically authorized or established  
18                                pursuant to this title.”; and

19                                (2) by adding at the end the following:

20                                “(67) EER.—The term ‘EER’ means energy  
21                                efficiency ratio.

22                                “(68) HSPF.—The term ‘HSPF’ means heat-  
23                                ing seasonal performance factor.”.

24                                (b) EER AND HSPF TEST PROCEDURES.—Section  
25                                323(b) of the Energy Policy and Conservation Act (42

1 U.S.C. 6293(b)) is amended by adding at the end the fol-  
 2 lowing:

3 “(19) EER AND HSPF TEST PROCEDURES.—

4 “(A) IN GENERAL.—Subject to subpara-  
 5 graph (B), for purposes of residential central  
 6 air conditioner and heat pump standards that  
 7 take effect on or before January 1, 2015—

8 “(i) the EER shall be tested at an  
 9 outdoor test temperature of 95 degrees  
 10 Fahrenheit; and

11 “(ii) the HSPF shall be calculated  
 12 based on Region IV conditions.

13 “(B) REVISIONS.—The Secretary may re-  
 14 vise the EER outdoor test temperature and the  
 15 conditions for HSPF calculations as part of any  
 16 rulemaking to revise the central air conditioner  
 17 and heat pump test method.”.

18 (c) CENTRAL AIR CONDITIONERS AND HEAT  
 19 PUMPS.—Section 325(d) of the Energy Policy and Con-  
 20 servation Act (42 U.S.C. 6295(d)) is amended by adding  
 21 at the end the following:

22 “(4) CENTRAL AIR CONDITIONERS AND HEAT  
 23 PUMPS (EXCEPT THROUGH-THE-WALL CENTRAL AIR  
 24 CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR  
 25 CONDITIONING HEAT PUMPS, AND SMALL DUCT,

1 HIGH VELOCITY SYSTEMS) MANUFACTURED ON OR  
2 AFTER JANUARY 1, 2015.—

3 “(A) BASE NATIONAL STANDARDS.—

4 “(i) SEASONAL ENERGY EFFICIENCY  
5 RATIO.—The seasonal energy efficiency  
6 ratio of central air conditioners and central  
7 air conditioning heat pumps manufactured  
8 on or after January 1, 2015, shall not be  
9 less than the following:

10 “(I) Split Systems: 13 for central  
11 air conditioners and 14 for heat  
12 pumps.

13 “(II) Single Package Systems:  
14 14.

15 “(ii) HEATING SEASONAL PERFORM-  
16 ANCE FACTOR.—The heating seasonal per-  
17 formance factor of central air conditioning  
18 heat pumps manufactured on or after Jan-  
19 uary 1, 2015, shall not be less than the  
20 following:

21 “(I) Split Systems: 8.2.

22 “(II) Single Package Systems:  
23 8.0.

24 “(B) REGIONAL STANDARDS.—

1           “(i) SEASONAL ENERGY EFFICIENCY  
2           RATIO.—The seasonal energy efficiency  
3           ratio of central air conditioners and central  
4           air conditioning heat pumps manufactured  
5           on or after January 1, 2015, and installed  
6           in States having historical average annual,  
7           population weighted, heating degree days  
8           less than 5,000 (specifically the States of  
9           Alabama, Arizona, Arkansas, California,  
10          Delaware, Florida, Georgia, Hawaii, Ken-  
11          tucky, Louisiana, Maryland, Mississippi,  
12          Nevada, New Mexico, North Carolina,  
13          Oklahoma, South Carolina, Tennessee,  
14          Texas, and Virginia) or in the District of  
15          Columbia, the Commonwealth of Puerto  
16          Rico, or any other territory or possession  
17          of the United States shall not be less than  
18          the following:

19                   “(I) Split Systems: 14 for central  
20                   air conditioners and 14 for heat  
21                   pumps.

22                   “(II) Single Package Systems:  
23                   14.

24           “(ii) ENERGY EFFICIENCY RATIO.—  
25           The energy efficiency ratio of central air

1 conditioners (not including heat pumps)  
2 manufactured on or after January 1, 2015,  
3 and installed in the State of Arizona, Cali-  
4 fornia, New Mexico, or Nevada shall be not  
5 less than the following:

6 “(I) Split Systems: 12.2 for split  
7 systems having a rated cooling capaci-  
8 ty less than 45,000 BTU per hour  
9 and 11.7 for products having a rated  
10 cooling capacity equal to or greater  
11 than 45,000 BTU per hour.

12 “(II) Single Package Systems:  
13 11.0.

14 “(iii) APPLICATION OF SUBSECTION  
15 (o)(6).—Subsection (o)(6) shall apply to  
16 the regional standards set forth in this  
17 subparagraph.

18 “(C) AMENDMENT OF STANDARDS.—

19 “(i) IN GENERAL.—Not later than  
20 January 1, 2017, the Secretary shall pub-  
21 lish a final rule to determine whether the  
22 standards in effect for central air condi-  
23 tioners and central air conditioning heat  
24 pumps should be amended.

1           “(ii) APPLICATION.—The rule shall  
2           provide that any amendments shall apply  
3           to products manufactured on or after Jan-  
4           uary 1, 2022.

5           “(D) CONSIDERATION OF ADDITIONAL  
6           PERFORMANCE STANDARDS OR EFFICIENCY  
7           CRITERIA.—

8           “(i) FORUM.—Not later than 4 years  
9           in advance of the expected publication date  
10          of a final rule for central air conditioners  
11          and heat pumps under subparagraph (C),  
12          the Secretary shall convene and facilitate a  
13          forum for interested persons that are fairly  
14          representative of relevant points of view  
15          (including representatives of manufactur-  
16          ers of the covered product, States, and effi-  
17          ciency advocates), as determined by the  
18          Secretary, to consider adding additional  
19          performance standards or efficiency cri-  
20          teria in the forthcoming rule.

21          “(ii) RECOMMENDATION.—If, within 1  
22          year of the initial convening of such a  
23          forum, the Secretary receives a rec-  
24          ommendation submitted jointly by such  
25          representative interested persons to add 1

1 or more performance standards or effi-  
2 ciency criteria, the Secretary shall incor-  
3 porate the performance standards or effi-  
4 ciency criteria in the rulemaking process,  
5 and, if justified under the criteria estab-  
6 lished in this section, incorporate such per-  
7 formance standards or efficiency criteria in  
8 the revised standard.

9 “(iii) NO RECOMMENDATION.—If no  
10 such joint recommendation is made within  
11 1 year of the initial convening of such a  
12 forum, the Secretary may add additional  
13 performance standards or efficiency cri-  
14 teria if the Secretary finds that the bene-  
15 fits substantially exceed the burdens of the  
16 action.

17 “(E) NEW CONSTRUCTION LEVELS.—

18 “(i) IN GENERAL.—As part of any  
19 final rule concerning central air condi-  
20 tioner and heat pump standards published  
21 after June 1, 2013, the Secretary shall de-  
22 termine if the building code levels specified  
23 in section 327(f)(3)(C) should be amended  
24 subject to meeting the criteria of sub-

1 section (o) when applied specifically to new  
2 construction.

3 “(ii) EFFECTIVE DATE.—Any amend-  
4 ed levels shall not take effect before Janu-  
5 ary 1, 2018.

6 “(iii) AMENDED LEVELS.—The final  
7 rule shall contain the amended levels, if  
8 any.”.

9 (d) THROUGH-THE-WALL CENTRAL AIR CONDI-  
10 TIONERS, THROUGH-THE-WALL CENTRAL AIR CONDI-  
11 TIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOC-  
12 ITY SYSTEMS.—Section 325(d) of the Energy Policy and  
13 Conservation Act (42 U.S.C. 6295(d)) (as amended by  
14 subsection (c)) is amended by adding at the end the fol-  
15 lowing:

16 “(5) STANDARDS FOR THROUGH-THE-WALL  
17 CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL  
18 CENTRAL AIR CONDITIONING HEAT PUMPS, AND  
19 SMALL DUCT, HIGH VELOCITY SYSTEMS.—

20 “(A) DEFINITIONS.—In this paragraph:

21 “(i) SMALL DUCT, HIGH VELOCITY  
22 SYSTEM.—The term ‘small duct, high ve-  
23 locity system’ means a heating and cooling  
24 product that contains a blower and indoor  
25 coil combination that—

1           “(I) is designed for, and pro-  
2           duces, at least 1.2 inches of external  
3           static pressure when operated at the  
4           certified air volume rate of 220–350  
5           CFM per rated ton of cooling; and

6           “(II) when applied in the field,  
7           uses high velocity room outlets gen-  
8           erally greater than 1,000 fpm that  
9           have less than 6.0 square inches of  
10          free area.

11          “(ii) THROUGH-THE-WALL CENTRAL  
12          AIR CONDITIONER; THROUGH-THE-WALL  
13          CENTRAL AIR CONDITIONING HEAT  
14          PUMP.—The terms ‘through-the-wall cen-  
15          tral air conditioner’ and ‘through-the-wall  
16          central air conditioning heat pump’ mean a  
17          central air conditioner or heat pump, re-  
18          spectively, that is designed to be installed  
19          totally or partially within a fixed-size open-  
20          ing in an exterior wall, and—

21                 “(I) is not weatherized;

22                 “(II) is clearly and permanently  
23                 marked for installation only through  
24                 an exterior wall;

1                   “(III) has a rated cooling capac-  
2                   ity no greater than 30,000 Btu/hr;

3                   “(IV) exchanges all of its outdoor  
4                   air across a single surface of the  
5                   equipment cabinet; and

6                   “(V) has a combined outdoor air  
7                   exchange area of less than 800 square  
8                   inches (split systems) or less than  
9                   1,210 square inches (single packaged  
10                  systems) as measured on the surface  
11                  area described in subclause (IV).

12                  “(iii) REVISION.—The Secretary may  
13                  revise the definitions contained in this sub-  
14                  paragraph through publication of a final  
15                  rule.

16                  “(B) SMALL-DUCT HIGH-VELOCITY SYS-  
17                  TEMS.—

18                  “(i) SEASONAL ENERGY EFFICIENCY  
19                  RATIO.—The seasonal energy efficiency  
20                  ratio for small-duct high-velocity systems  
21                  shall be not less than 11.00 for products  
22                  manufactured on or after January 23,  
23                  2006.

24                  “(ii) HEATING SEASONAL PERFORM-  
25                  ANCE FACTOR.—The heating seasonal per-

1 performance factor for small-duct high-veloc-  
2 ity systems shall be not less than 6.8 for  
3 products manufactured on or after Janu-  
4 ary 23, 2006.

5 “(C) RULEMAKING.—

6 “(i) IN GENERAL.—Not later than  
7 June 30, 2011, the Secretary shall publish  
8 a final rule to determine whether stand-  
9 ards for through-the-wall central air condi-  
10 tioners, through-the-wall central air condi-  
11 tioning heat pumps and small duct, high  
12 velocity systems should be amended.

13 “(ii) APPLICATION.—The rule shall  
14 provide that any new or amended standard  
15 shall apply to products manufactured on or  
16 after June 30, 2016.”.

17 (e) FURNACES.—Section 325(f) of the Energy Policy  
18 and Conservation Act (42 U.S.C. 6295(f)) is amended by  
19 adding at the end the following:

20 “(5) NON-WEATHERIZED FURNACES (INCLUD-  
21 ING MOBILE HOME FURNACES, BUT NOT INCLUDING  
22 BOILERS) MANUFACTURED ON OR AFTER MAY 1,  
23 2013, AND WEATHERIZED FURNACES MANUFAC-  
24 TURED ON OR AFTER JANUARY 1, 2015.—

25 “(A) BASE NATIONAL STANDARDS.—

1 “(i) NON-WEATHERIZED FURNACES.—

2 The annual fuel utilization efficiency of  
3 non-weatherized furnaces manufactured on  
4 or after May 1, 2013, shall be not less  
5 than the following:

6 “(I) Gas furnaces, a level deter-  
7 mined by the Secretary in a final rule  
8 published not later than June 30,  
9 2011.

10 “(II) Oil furnaces, 83 percent.

11 “(ii) WEATHERIZED FURNACES.—The  
12 annual fuel utilization efficiency of weath-  
13 erized gas furnaces manufactured on or  
14 after January 1, 2015, shall be not less  
15 than 81 percent.

16 “(B) REGIONAL STANDARD.—

17 “(i) ANNUAL FUEL UTILIZATION EF-  
18 FICIENCY.—Not later than June 30, 2011,  
19 the Secretary shall—

20 “(I) publish a final rule deter-  
21 mining whether to establish a stand-  
22 ard for the annual fuel utilization effi-  
23 ciency of non-weatherized gas fur-  
24 naces manufactured on or after May  
25 1, 2013, and installed in States hav-

1           ing historical average annual, popu-  
2           lation weighted, heating degree days  
3           equal to or greater than 5,000 (spe-  
4           cifically the States of Alaska, Colo-  
5           rado, Connecticut, Idaho, Illinois, In-  
6           diana, Iowa, Kansas, Maine, Massa-  
7           chusetts, Michigan, Minnesota, Mis-  
8           souri, Montana, Nebraska, New  
9           Hampshire, New Jersey, New York,  
10          North Dakota, Ohio, Oregon, Penn-  
11          sylvania, Rhode Island, South Dakota,  
12          Utah, Vermont, Washington, West  
13          Virginia, Wisconsin, and Wyoming);  
14          and

15                 “(II) include in the final rule de-  
16                 scribed in subclause (I) any regional  
17                 standard established under this sub-  
18                 paragraph.

19                 “(ii) APPLICATION OF SUBSECTION  
20                 (o)(6).—Subsection (o)(6) shall apply to  
21                 any regional standard established under  
22                 this subparagraph.

23                 “(C) AMENDMENT OF STANDARDS.—

24                 “(i) NON-WEATHERIZED FURNACES.—

1           “(I) IN GENERAL.—Not later  
2 than January 1, 2014, the Secretary  
3 shall publish a final rule to determine  
4 whether the standards in effect for  
5 non-weatherized furnaces should be  
6 amended.

7           “(II) APPLICATION.—The rule  
8 shall provide that any amendments  
9 shall apply to products manufactured  
10 on or after January 1, 2019.

11           “(ii) WEATHERIZED FURNACES.—

12           “(I) IN GENERAL.—Not later  
13 than January 1, 2017, the Secretary  
14 shall publish a final rule to determine  
15 whether the standard in effect for  
16 weatherized furnaces should be  
17 amended.

18           “(II) APPLICATION.—The rule  
19 shall provide that any amendments  
20 shall apply to products manufactured  
21 on or after January 1, 2022.

22           “(D) NEW CONSTRUCTION LEVELS.—

23           “(i) IN GENERAL.—

24           “(I) FINAL RULE PUBLISHED  
25 AFTER JANUARY 1, 2011.—As part of

1 any final rule concerning furnace  
2 standards published after January 1,  
3 2011, the Secretary shall establish the  
4 building code levels referred to in sub-  
5 clauses (I)(aa), (II)(aa), and (III)(aa)  
6 of section 327(f)(3)(C)(i) subject to  
7 meeting the criteria of subsection (o)  
8 when applied specifically to new con-  
9 struction.

10 “(II) FINAL RULE PUBLISHED  
11 AFTER JUNE 1, 2013.—As part of any  
12 final rule concerning furnace stand-  
13 ards published after June 1, 2013,  
14 the Secretary shall determine if the  
15 building code levels specified in or  
16 pursuant to section 327(f)(3)(C)  
17 should be amended subject to meeting  
18 the criteria of subsection (o) when ap-  
19 plied specifically to new construction.

20 “(ii) EFFECTIVE DATE.—Any amend-  
21 ed levels shall not take effect before Janu-  
22 ary 1, 2018.

23 “(iii) AMENDED LEVELS.—The final  
24 rule shall contain the amended levels, if  
25 any.”.

1 (f) EXCEPTION FOR CERTAIN BUILDING CODE RE-  
2 QUIREMENTS.—Section 327(f) of the Energy Policy and  
3 Conservation Act (42 U.S.C. 6297(f)) is amended—

4 (1) in paragraph (3), by striking subparagraphs  
5 (B) through (F) and inserting the following:

6 “(B) The code does not contain a manda-  
7 tory requirement that, under all code compli-  
8 ance paths, requires that the covered product  
9 have an energy efficiency exceeding 1 of the fol-  
10 lowing levels:

11 “(i) The applicable energy conserva-  
12 tion standard established in or prescribed  
13 under section 325.

14 “(ii) The level required by a regula-  
15 tion of the State for which the Secretary  
16 has issued a rule granting a waiver under  
17 subsection (d).

18 “(C) If the energy consumption or con-  
19 servation objective in the code is determined  
20 using covered products, including any baseline  
21 building designs against which all submitted  
22 building designs are to be evaluated, the objec-  
23 tive is based on the use of covered products  
24 having efficiencies not exceeding—

1           “(i) for residential furnaces, central  
2           air conditioners, and heat pumps, effective  
3           not earlier than January 1, 2013, and  
4           until such time as a level takes effect for  
5           the product under clause (ii)—

6                       “(I) for the States described in  
7                       section 325(f)(5)(B)(i)—

8                               “(aa) for gas furnaces, an  
9                               AFUE level determined by the  
10                              Secretary; and

11                             “(bb) 14 SEER for central  
12                             air conditioners (not including  
13                             heat pumps);

14                       “(II) for the States and other lo-  
15                       calities described in section  
16                       325(d)(4)(B)(i) (except for the States  
17                       of Arizona, California, Nevada, and  
18                       New Mexico)—

19                               “(aa) for gas furnaces, an  
20                               AFUE level determined by the  
21                               Secretary; and

22                             “(bb) 15 SEER for central  
23                             air conditioners;

1                   “(III) for the States of Arizona,  
2 California, Nevada, and New Mex-  
3 ico—

4                   “(aa) for gas furnaces, an  
5 AFUE level determined by the  
6 Secretary;

7                   “(bb) 15 SEER for central  
8 air conditioners;

9                   “(cc) an EER of 12.5 for  
10 air conditioners (not including  
11 heat pumps) with cooling capaci-  
12 ty less than 45,000 Btu per  
13 hour; and

14                   “(dd) an EER of 12.0 for  
15 air conditioners (not including  
16 heat pumps) with cooling capaci-  
17 ty of 45,000 Btu per hour or  
18 more; and

19                   “(IV) for all States—

20                   “(aa) 85 percent AFUE for  
21 oil furnaces; and

22                   “(bb) 15 SEER and 8.5  
23 HSPF for heat pumps;

24                   “(ii) the building code levels estab-  
25 lished pursuant to section 325; or

1                   “(iii) the applicable standards or lev-  
2                   els specified in subparagraph (B).

3                   “(D) The credit to the energy consumption  
4                   or conservation objective allowed by the code for  
5                   installing a covered product having an energy  
6                   efficiency exceeding the applicable standard or  
7                   level specified in subparagraph (C) is on a 1-  
8                   for-1 equivalent energy use or equivalent energy  
9                   cost basis, which may take into account the typ-  
10                  ical lifetimes of the products and building fea-  
11                  tures, using lifetimes for covered products  
12                  based on information published by the Depart-  
13                  ment of Energy or the American Society of  
14                  Heating, Refrigerating and Air-Conditioning  
15                  Engineers.

16                  “(E) If the code sets forth 1 or more com-  
17                  binations of items that meet the energy con-  
18                  sumption or conservation objective, and if 1 or  
19                  more combinations specify an efficiency level for  
20                  a covered product that exceeds the applicable  
21                  standards and levels specified in subparagraph  
22                  (B)—

23                         “(i) there is at least 1 combination  
24                         that includes such covered products having  
25                         efficiencies not exceeding 1 of the stand-

1 ards or levels specified in subparagraph  
2 (B); and

3 “(ii) if 1 or more combinations of  
4 items specify an efficiency level for a fur-  
5 nace, central air conditioner, or heat pump  
6 that exceeds the applicable standards and  
7 levels specified in subparagraph (B), there  
8 is at least 1 combination that the State  
9 has found to be reasonably achievable  
10 using commercially available technologies  
11 that includes such products having effi-  
12 ciencies at the applicable levels specified in  
13 subparagraph (C), except that no combina-  
14 tion need include a product having an effi-  
15 ciency less than the level specified in sub-  
16 paragraph (B)(ii).

17 “(F) The energy consumption or conserva-  
18 tion objective is specified in terms of an esti-  
19 mated total consumption of energy (which may  
20 be specified in units of energy or its equivalent  
21 cost).”;

22 (2) in paragraph (4)(B)—

23 (A) by inserting after “building code” the  
24 first place it appears the following: “contains a

1 mandatory requirement that, under all code  
2 compliance paths,”; and

3 (B) by striking “unless the” and all that  
4 follows through “subsection (d)”;

5 (3) by adding at the end the following:

6 “(5) REPLACEMENT OF COVERED PRODUCT.—  
7 Paragraph (3) shall not apply to the replacement of  
8 a covered product serving an existing building unless  
9 the replacement results in an increase in capacity  
10 greater than—

11 “(A) 12,000 Btu per hour for residential  
12 air conditioners and heat pumps; or

13 “(B) 20 percent for other covered prod-  
14 ucts.”.

15 **SEC. 112. ENERGY CONSERVATION STANDARDS FOR HEAT**  
16 **PUMP POOL HEATERS.**

17 (a) DEFINITIONS.—

18 (1) EFFICIENCY DESCRIPTOR.—Section  
19 321(22) of the Energy Policy and Conservation Act  
20 (42 U.S.C. 6291(22)) is amended—

21 (A) in subparagraph (E), by inserting  
22 “gas-fired” before “pool heaters”; and

23 (B) by adding at the end the following:

1           “(F) For heat pump pool heaters, coeffi-  
2           cient of performance of heat pump pool heat-  
3           ers.”.

4           (2) COEFFICIENT OF PERFORMANCE OF HEAT  
5           PUMP POOL HEATERS.—Section 321 of the Energy  
6           Policy and Conservation Act (42 U.S.C. 6291) is  
7           amended by inserting after paragraph (25) the fol-  
8           lowing:

9           “(25A) COEFFICIENT OF PERFORMANCE OF  
10          HEAT PUMP POOL HEATERS.—The term ‘coefficient  
11          of performance of heat pump pool heaters’ means  
12          the ratio of the capacity to power input value ob-  
13          tained at the following rating conditions: 50.0 °F db/  
14          44.2 °F wb outdoor air and 80.0 °F entering water  
15          temperatures, according to AHRI Standard 1160.”.

16          (3) THERMAL EFFICIENCY OF GAS-FIRED POOL  
17          HEATERS.—Section 321(26) of the Energy Policy  
18          and Conservation Act (42 U.S.C. 6291(26)) is  
19          amended by inserting “gas-fired” before “pool heat-  
20          ers”.

21          (b) STANDARDS FOR POOL HEATERS.—Section  
22          325(e)(2) of the Energy Policy and Conservation Act (42  
23          U.S.C. 6295(e)(2)) is amended—

24                 (1) by striking “(2) The thermal efficiency of  
25                 pool heaters” and inserting the following:

1 “(2) POOL HEATERS.—

2 “(A) GAS-FIRED POOL HEATERS.—The  
3 thermal efficiency of gas-fired pool heaters”;  
4 and

5 (2) by adding at the end the following:

6 “(B) HEAT PUMP POOL HEATERS.—Heat  
7 pump pool heaters manufactured on or after  
8 the date of enactment of this subparagraph  
9 shall have a minimum coefficient of perform-  
10 ance of 4.0.”.

11 **SEC. 113. GU-24 BASE LAMPS.**

12 (a) DEFINITIONS.—Section 321 of the Energy Policy  
13 and Conservation Act (42 U.S.C. 6291) (as amended by  
14 section 111(a)(2)) is amended by adding at the end the  
15 following:

16 “(69) GU-24.—The term ‘GU-24’ means the  
17 designation of a lamp socket, based on a coding sys-  
18 tem by the International Electrotechnical Commis-  
19 sion, under which—

20 “(A) ‘G’ indicates a holder and socket type  
21 with 2 or more projecting contacts, such as pins  
22 or posts;

23 “(B) ‘U’ distinguishes between lamp and  
24 holder designs of similar type that are not

1 interchangeably due to electrical or mechanical  
2 requirements; and

3 “(C) 24 indicates the distance in millime-  
4 ters between the electrical contact posts.

5 “(70) GU-24 ADAPTOR.—

6 “(A) IN GENERAL.—The term ‘GU-24  
7 Adaptor’ means a 1-piece device, pig-tail, wiring  
8 harness, or other such socket or base attach-  
9 ment that—

10 “(i) connects to a GU-24 socket on  
11 one end and provides a different type of  
12 socket or connection on the other end; and

13 “(ii) does not alter the voltage.

14 “(B) EXCLUSION.—The term ‘GU-24  
15 Adaptor’ does not include a fluorescent ballast  
16 with a GU-24 base.

17 “(71) GU-24 BASE LAMP.—‘GU-24 base lamp’  
18 means a light bulb designed to fit in a GU-24 sock-  
19 et.”.

20 (b) STANDARDS.—Section 325 of the Energy Policy  
21 and Conservation Act (42 U.S.C. 6295) is amended—

22 (1) by redesignating subsection (ii) as sub-  
23 section (jj); and

24 (2) by inserting after subsection (hh) the fol-  
25 lowing:

1 “(ii) GU-24 BASE LAMPS.—

2 “(1) IN GENERAL.—A GU-24 base lamp shall  
3 not be an incandescent lamp as defined by ANSI.

4 “(2) GU-24 ADAPTORS.—GU-24 adaptors shall  
5 not adapt a GU-24 socket to any other line voltage  
6 socket.”.

7 **SEC. 114. EFFICIENCY STANDARDS FOR BOTTLE-TYPE**  
8 **WATER DISPENSERS, COMMERCIAL HOT**  
9 **FOOD HOLDING CABINETS, AND PORTABLE**  
10 **ELECTRIC SPAS.**

11 (a) DEFINITIONS.—Section 321 of the Energy Policy  
12 and Conservation Act (42 U.S.C. 6291) (as amended by  
13 section 113(a)) is amended by adding at the end the fol-  
14 lowing:

15 “(72) BOTTLE-TYPE WATER DISPENSER.—The  
16 term ‘bottle-type water dispenser’ means a drinking  
17 water dispenser that is—

18 “(A) designed for dispensing hot and cold  
19 water; and

20 “(B) uses a removable bottle or container  
21 as the source of potable water.

22 “(73) COMMERCIAL HOT FOOD HOLDING CABI-  
23 NET.—

1           “(A) IN GENERAL.—The term ‘commercial  
2 hot food holding cabinet’ means a heated, fully-  
3 enclosed compartment that—

4           “(i) is designed to maintain the tem-  
5 perature of hot food that has been cooked  
6 in a separate appliance;

7           “(ii) has 1 or more solid or glass  
8 doors; and

9           “(iii) has an interior volume of 8  
10 cubic feet or more.

11           “(B) EXCLUSIONS.—The term ‘commercial  
12 hot food holding cabinet’ does not include—

13           “(i) a heated glass merchandising cab-  
14 inet;

15           “(ii) a drawer warmer;

16           “(iii) a cook-and-hold appliance; or

17           “(iv) a mobile serving cart with both  
18 hot and cold compartments.

19           “(74) COMPARTMENT BOTTLE-TYPE WATER  
20 DISPENSER.—The term ‘compartment bottle-type  
21 water dispenser’ means a drinking water dispenser  
22 that—

23           “(A) is designed for dispensing hot and  
24 cold water;

1           “(B) uses a removable bottle or container  
2 as the source of potable water; and

3           “(C) includes a refrigerated compartment  
4 with or without provisions for making ice.

5           “(75) PORTABLE ELECTRIC SPA.—

6           “(A) IN GENERAL.—The term ‘portable  
7 electric spa’ means a factory-built electric spa  
8 or hot tub that—

9           “(i) is intended for the immersion of  
10 persons in heated water circulated in a  
11 closed system; and

12           “(ii) is not intended to be drained and  
13 filled with each use.

14           “(B) INCLUSIONS.—The term ‘portable  
15 electric spa’ includes—

16           “(i) a filter;

17           “(ii) a heater (including an electric,  
18 solar, or gas heater);

19           “(iii) a pump;

20           “(iv) a control; and

21           “(v) other equipment, such as a light,  
22 a blower, and water sanitizing equipment.

23           “(C) EXCLUSIONS.—The term ‘portable  
24 electric spa’ does not include—

1                   “(i) a permanently installed spa that,  
2                   once installed, cannot be moved; or

3                   “(ii) a spa that is specifically designed  
4                   and exclusively marketed for medical treat-  
5                   ment or physical therapy purposes.

6                   “(76) WATER DISPENSER.—The term ‘water  
7                   dispenser’ means a factory-made assembly that—

8                   “(A) mechanically cools and heats potable  
9                   water; and

10                   “(B) dispenses the cooled or heated water  
11                   by integral or remote means.”.

12                   (b) COVERAGE.—

13                   (1) IN GENERAL.—Section 322(a) of the En-  
14                   ergy Policy and Conservation Act (42 U.S.C.  
15                   6292(a)) is amended—

16                   (A) by redesignating paragraph (20) as  
17                   paragraph (23); and

18                   (B) by inserting after paragraph (19) the  
19                   following:

20                   “(20) Bottle-type water dispensers and com-  
21                   partment bottle-type water dispensers.

22                   “(21) Commercial hot food holding cabinets.

23                   “(22) Portable electric spas.”.

24                   (2) CONFORMING AMENDMENTS.—

1 (A) Section 324 of the Energy Policy and  
2 Conservation Act (42 U.S.C. 6294) is amended  
3 by striking “(19)” each place it appears in sub-  
4 sections (a)(3), (b)(1)(B), (b)(3), and (b)(5)  
5 and inserting “(23)”.

6 (B) Section 325(l) of the Energy Policy  
7 and Conservation Act (42 U.S.C. 6295(l)) is  
8 amended by striking “paragraph (19)” each  
9 place it appears in paragraphs (1) and (2) and  
10 inserting “paragraph (23)”.

11 (c) TEST PROCEDURES.—Section 323(b) of the En-  
12 ergy Policy and Conservation Act (42 U.S.C. 6293(b)) (as  
13 amended by section 111(b)) is amended by adding at the  
14 end the following:

15 “(20) BOTTLE-TYPE WATER DISPENSERS.—

16 “(A) IN GENERAL.—Test procedures for  
17 bottle-type water dispensers and compartment  
18 bottle-type water dispensers shall be based on  
19 the document ‘Energy Star Program Require-  
20 ments for Bottled Water Coolers version 1.1’  
21 published by the Environmental Protection  
22 Agency.

23 “(B) INTEGRAL, AUTOMATIC TIMERS.—A  
24 unit with an integral, automatic timer shall not  
25 be tested under this paragraph using section

1 4D of the test criteria (relating to Timer  
2 Usage).

3 “(21) COMMERCIAL HOT FOOD HOLDING CABI-  
4 NETS.—

5 “(A) IN GENERAL.—Test procedures for  
6 commercial hot food holding cabinets shall be  
7 based on the test procedures described in  
8 ANSI/ASTM F2140–01 (Test for idle energy  
9 rate-dry test).

10 “(B) INTERIOR VOLUME.—Interior volume  
11 shall be based under this paragraph on the  
12 method demonstrated in the document ‘Energy  
13 Star Program Requirements for Commercial  
14 Hot Food Holding Cabinets’ of the Environ-  
15 mental Protection Agency, as in effect on Au-  
16 gust 15, 2003.

17 “(22) PORTABLE ELECTRIC SPAS.—

18 “(A) IN GENERAL.—Test procedures for  
19 portable electric spas shall be based on the test  
20 method for portable electric spas described in  
21 section 1604 of title 20, California Code of  
22 Regulations, as amended on December 3, 2008.

23 “(B) NORMALIZED CONSUMPTION.—Con-  
24 sumption shall be normalized under this para-

1 graph for a water temperature difference of 37  
2 degrees Fahrenheit.

3 “(C) ANSI TEST PROCEDURE.—If the  
4 American National Standards Institute pub-  
5 lishes a test procedure for portable electric  
6 spas, the Secretary shall revise the procedure  
7 established under this paragraph, as determined  
8 appropriate by the Secretary.”.

9 (d) STANDARDS.—Section 325 of the Energy Policy  
10 and Conservation Act (42 U.S.C. 6295) (as amended by  
11 section 113(b)) is amended—

12 (1) by redesignating subsection (ii) as sub-  
13 section (mm); and

14 (2) by inserting after subsection (hh) the fol-  
15 lowing:

16 “(ii) BOTTLE-TYPE WATER DISPENSERS.—Effective  
17 beginning on the date that is 1 year after the date of en-  
18 actment of the Energy Savings and Industrial Competi-  
19 tiveness Act of 2011—

20 “(1) a bottle-type water dispenser shall not  
21 have standby energy consumption that is greater  
22 than 1.2 kilowatt-hours per day; and

23 “(2) a compartment bottle-type water dispenser  
24 shall not have standby energy consumption that is  
25 greater than 1.3 kilowatt-hours per day.

1       “(jj) COMMERCIAL HOT FOOD HOLDING CABI-  
2 NETS.—Effective beginning on the date that is 1 year  
3 after the date of enactment of the Energy Savings and  
4 Industrial Competitiveness Act of 2011, a commercial hot  
5 food holding cabinet shall have a maximum idle energy  
6 rate of 40 watts per cubic foot of interior volume.

7       “(kk) PORTABLE ELECTRIC SPAS.—Effective begin-  
8 ning on the date that is 1 year after the date of enactment  
9 of the Energy Savings and Industrial Competitiveness Act  
10 of 2011, a portable electric spa shall not have a normalized  
11 standby power rate of greater than  $5 (V^{2/3})$  Watts (in  
12 which ‘V’ equals the fill volume (in gallons)).

13       “(ll) REVISIONS.—

14               “(1) IN GENERAL.—Not later than the date  
15 that is 3 years after the date of enactment of the  
16 Energy Savings and Industrial Competitiveness Act  
17 of 2011, the Secretary shall—

18                       “(A) consider in accordance with sub-  
19 section (o) revisions to the standards estab-  
20 lished under subsections (ii), (jj), and (kk); and

21                       “(B)(i) publish a final rule establishing the  
22 revised standards; or

23                       “(ii) make a finding that no revisions are  
24 technically feasible and economically justified.

1           “(2) EFFECTIVE DATE.—Any revised standards  
2           under this subsection shall take effect not earlier  
3           than the date that is 3 years after the date of the  
4           publication of the final rule.”.

5           (e) PREEMPTION.—Section 327 of the Energy Policy  
6           and Conservation Act (42 U.S.C. 6297) is amended—

7           (1) in subsection (b)—

8           (A) in paragraph (6), by striking “or”  
9           after the semicolon at the end;

10          (B) in paragraph (7), by striking the pe-  
11          riod at the end and inserting “; or”; and

12          (C) by adding at the end the following:

13          “(8) is a regulation that—

14               “(A) establishes efficiency standards for  
15               bottle-type water dispensers, compartment bot-  
16               tle-type water dispensers, commercial hot food  
17               holding cabinets, or portable electric spas; and

18               “(B) is in effect on or before the date of  
19               enactment of this paragraph.”; and

20          (2) in subsection (c)—

21               (A) in paragraph (8)(B), by striking “and”  
22               after the semicolon at the end;

23               (B) in paragraph (9)—

1 (i) by striking “except that—” and all  
 2 that follows through “if the Secretary” and  
 3 inserting “except that if the Secretary”;

4 (ii) by redesignating clauses (i) and  
 5 (ii) as subparagraphs (A) and (B), respec-  
 6 tively, and indenting appropriately; and

7 (iii) in subparagraph (B) (as so redesi-  
 8 gnated), by striking the period at the end  
 9 and inserting “; or”; and

10 (C) by adding at the end the following:

11 “(10) is a regulation that—

12 “(A) establishes efficiency standards for  
 13 bottle-type water dispensers, compartment bot-  
 14 tle-type water dispensers, commercial hot food  
 15 holding cabinets, or portable electric spas; and

16 “(B) is adopted by the California Energy  
 17 Commission on or before January 1, 2013.”.

18 **SEC. 115. TEST PROCEDURE PETITION PROCESS.**

19 (a) CONSUMER PRODUCTS OTHER THAN AUTO-  
 20 MOBILES.—Section 323(b)(1) of the Energy Policy and  
 21 Conservation Act (42 U.S.C. 6293(b)(1)) is amended—

22 (1) in subparagraph (A)(i), by striking  
 23 “amend” and inserting “publish in the Federal Reg-  
 24 ister amended”; and

25 (2) by adding at the end the following:

1 “(B) PETITIONS.—

2 “(i) IN GENERAL.—In the case of any  
3 covered product, any person may petition  
4 the Secretary to conduct a rulemaking—

5 “(I) to prescribe a test procedure  
6 for the covered product; or

7 “(II) to amend the test proce-  
8 dures applicable to the covered prod-  
9 uct to more accurately or fully comply  
10 with paragraph (3).

11 “(ii) DETERMINATION.—The Sec-  
12 retary shall—

13 “(I) not later than 90 days after  
14 the date of receipt of the petition,  
15 publish the petition in the Federal  
16 Register; and

17 “(II) not later than 180 days  
18 after the date of receipt of the peti-  
19 tion, grant or deny the petition.

20 “(iii) BASIS.—The Secretary shall  
21 grant a petition if the Secretary finds that  
22 the petition contains evidence that, assum-  
23 ing no other evidence was considered, pro-  
24 vides an adequate basis for determining  
25 that an amended test procedure would

1 more accurately or fully comply with para-  
2 graph (3).

3 “(iv) EFFECT ON OTHER REQUIRE-  
4 MENTS.—The granting of a petition by the  
5 Secretary under this subparagraph shall  
6 create no presumption with respect to the  
7 determination of the Secretary that the  
8 proposed test procedure meets the require-  
9 ments of paragraph (3).

10 “(v) RULEMAKING.—

11 “(I) IN GENERAL.—Except as  
12 provided in subclause (II), not later  
13 than the end of the 18-month period  
14 beginning on the date of granting a  
15 petition, the Secretary shall publish  
16 an amended test procedure or a deter-  
17 mination not to amend the test proce-  
18 dure.

19 “(II) EXTENSION.—The Sec-  
20 retary may extend the period de-  
21 scribed in subclause (I) for 1 addi-  
22 tional year.

23 “(III) DIRECT FINAL RULE.—  
24 The Secretary may adopt a consensus  
25 test procedure in accordance with the

1 direct final rule procedure established  
2 under section 325(p)(4).

3 “(C) TEST PROCEDURES.—The Secretary  
4 may, in accordance with the requirements of  
5 this subsection, prescribe test procedures for  
6 any consumer product classified as a covered  
7 product under section 322(b).

8 “(D) NEW OR AMENDED TEST PROCE-  
9 DURES.—The Secretary shall direct the Na-  
10 tional Institute of Standards and Technology to  
11 assist in developing new or amended test proce-  
12 dures.”.

13 (b) CERTAIN INDUSTRIAL EQUIPMENT.—Section 343  
14 of the Energy Policy and Conservation Act (42 U.S.C.  
15 6314) is amended—

16 (1) in subsection (a), by striking paragraph (1)  
17 and inserting the following:

18 “(1) AMENDMENT AND PETITION PROCESS.—

19 “(A) IN GENERAL.—At least once every 7  
20 years, the Secretary shall review test procedures  
21 for all covered equipment and—

22 “(i) publish in the Federal Register  
23 amended test procedures with respect to  
24 any covered equipment, if the Secretary  
25 determines that amended test procedures

1 would more accurately or fully comply with  
2 paragraphs (2) and (3); or

3 “(ii) publish notice in the Federal  
4 Register of any determination not to  
5 amend a test procedure.

6 “(B) PETITIONS.—

7 “(i) IN GENERAL.—In the case of any  
8 class or category of covered equipment,  
9 any person may petition the Secretary to  
10 conduct a rulemaking—

11 “(I) to prescribe a test procedure  
12 for the covered equipment; or

13 “(II) to amend the test proce-  
14 dures applicable to the covered equip-  
15 ment to more accurately or fully com-  
16 ply with paragraphs (2) and (3).

17 “(ii) DETERMINATION.—The Sec-  
18 retary shall—

19 “(I) not later than 90 days after  
20 the date of receipt of the petition,  
21 publish the petition in the Federal  
22 Register; and

23 “(II) not later than 180 days  
24 after the date of receipt of the peti-  
25 tion, grant or deny the petition.

1           “(iii) BASIS.—The Secretary shall  
2 grant a petition if the Secretary finds that  
3 the petition contains evidence that, assum-  
4 ing no other evidence was considered, pro-  
5 vides an adequate basis for determining  
6 that an amended test method would more  
7 accurately promote energy or water use ef-  
8 ficiency.

9           “(iv) EFFECT ON OTHER REQUIRE-  
10 MENTS.—The granting of a petition by the  
11 Secretary under this paragraph shall cre-  
12 ate no presumption with respect to the de-  
13 termination of the Secretary that the pro-  
14 posed test procedure meets the require-  
15 ments of paragraphs (2) and (3).

16           “(v) RULEMAKING.—

17           “(I) IN GENERAL.—Except as  
18 provided in subclause (II), not later  
19 than the end of the 18-month period  
20 beginning on the date of granting a  
21 petition, the Secretary shall publish  
22 an amended test method or a deter-  
23 mination not to amend the test meth-  
24 od.

1                   “(II) EXTENSION.—The Sec-  
 2                   retary may extend the period de-  
 3                   scribed in subclause (I) for 1 addi-  
 4                   tional year.

5                   “(III) DIRECT FINAL RULE.—  
 6                   The Secretary may adopt a consensus  
 7                   test procedure in accordance with the  
 8                   direct final rule procedure established  
 9                   under section 325(p).”;

10                   (2) by striking subsection (c); and

11                   (3) by redesignating subsections (d) and (e) as  
 12                   subsections (c) and (d), respectively.

13 **SEC. 116. AMENDMENTS TO HOME APPLIANCE TEST METH-**  
 14 **ODS.**

15                   Section 323(b) of the Energy Policy and Conserva-  
 16                   tion Act (42 U.S.C. 6293(b)) (as amended by section  
 17                   114(e)) is amended by adding at the end the following:

18                   “(23) REFRIGERATOR AND FREEZER TEST PRO-  
 19                   CEDURE.—

20                   “(A) IN GENERAL.—Not later than 90  
 21                   days after the date on which the Secretary pub-  
 22                   lishes the final standard rule that was proposed  
 23                   on September 27, 2010, the Secretary shall fi-  
 24                   nalize the interim final test procedure rule pro-  
 25                   posed on December 16, 2010, with such subse-

1           quent modifications to the test procedure or  
2           standards as the Secretary determines to be ap-  
3           propriate and consistent with this part.

4           “(B) RULEMAKING.—

5           “(i) INITIATION.—Not later than Jan-  
6           uary 1, 2012, the Secretary shall initiate a  
7           rulemaking to amend the test procedure  
8           described in subparagraph (A) only to in-  
9           corporate measured automatic icemaker  
10          energy use.

11          “(ii) FINAL RULE.—Not later than  
12          December 31, 2012, the Secretary shall  
13          publish a final rule regarding the matter  
14          described in clause (i).

15          “(24) ADDITIONAL HOME APPLIANCE TEST  
16          PROCEDURES.—

17          “(A) AMENDED TEST PROCEDURE FOR  
18          CLOTHES WASHERS.—Not later than October 1,  
19          2011, the Secretary shall publish a final rule  
20          amending the residential clothes washer test  
21          procedure.

22          “(B) AMENDED TEST PROCEDURE FOR  
23          CLOTHES DRYERS.—

24          “(i) IN GENERAL.—Not later than  
25          180 days after the date of enactment of

1           this paragraph, the Secretary shall publish  
2           an amended test procedure for clothes dry-  
3           ers.

4           “(ii) REQUIREMENT.—The amend-  
5           ments to the test procedure shall be lim-  
6           ited to modifications requiring that tested  
7           dryers are run until the cycle (including  
8           cool down) is ended by automatic termi-  
9           nation controls, if equipped with those con-  
10          trols.”.

11 **SEC. 117. CREDIT FOR ENERGY STAR SMART APPLIANCES.**

12          Section 324A of the Energy Policy and Conservation  
13 Act (42 U.S.C. 6294a) is amended by adding at the end  
14 the following:

15          “(e) CREDIT FOR SMART APPLIANCES.—Not later  
16 than 180 days after the date of enactment of this sub-  
17 section, after soliciting comments pursuant to subsection  
18 (c)(5), the Administrator of the Environmental Protection  
19 Agency, in cooperation with the Secretary, shall determine  
20 whether to update the Energy Star criteria for residential  
21 refrigerators, refrigerator-freezers, freezers, dishwashers,  
22 clothes washers, clothes dryers, and room air conditioners  
23 to incorporate smart grid and demand response features.”.

1 **SEC. 118. VIDEO GAME CONSOLE ENERGY EFFICIENCY**  
2 **STUDY.**

3 (a) IN GENERAL.—Part B of title III of the Energy  
4 Policy and Conservation Act is amended by inserting after  
5 section 324A (42 U.S.C. 6294a) the following:

6 **“SEC. 324B. VIDEO GAME CONSOLE ENERGY EFFICIENCY**  
7 **STUDY.**

8 “(a) INITIAL STUDY.—

9 “(1) IN GENERAL.—Not later than 1 year after  
10 the date of enactment of this section, the Secretary  
11 shall conduct a study of—

12 “(A) video game console energy use; and

13 “(B) opportunities for energy savings re-  
14 garding that energy use.

15 “(2) INCLUSIONS.—The study under paragraph  
16 (1) shall include an assessment of all power-con-  
17 suming modes and media playback modes of video  
18 game consoles.

19 “(b) ACTION ON COMPLETION.—On completion of  
20 the initial study under subsection (a), the Secretary shall  
21 determine, by regulation, using the criteria and procedures  
22 described in section 325(n)(2), whether to initiate a proc-  
23 ess for establishing minimum energy efficiency standards  
24 for video game console energy use.

25 “(c) FOLLOW-UP STUDY.—If the Secretary deter-  
26 mines under subsection (b) that standards should not be

1 established, the Secretary shall conduct a follow-up study  
 2 in accordance with subsection (a) by not later than 3 years  
 3 after the date of the determination.”.

4 (b) APPLICATION DATE.—Subsection (nn)(1) of sec-  
 5 tion 325 of the Energy Policy and Conservation Act (42  
 6 U.S.C. 6295) (as redesignated by section 114(d)(1)) is  
 7 amended by inserting “or section 324B” after “subsection  
 8 (l), (u), or (v)” each place it appears.

9 **SEC. 119. REFRIGERATOR AND FREEZER STANDARDS.**

10 Section 325(b) of the Energy Policy and Conserva-  
 11 tion Act (42 U.S.C. 6295(b)) is amended by striking para-  
 12 graph (4) and inserting the following:

13 “(4) REFRIGERATORS, REFRIGERATOR-FREEZ-  
 14 ERS, AND FREEZERS MANUFACTURED AS OF JANU-  
 15 ARY 1, 2014.—

16 “(A) DEFINITION OF BUILT-IN PRODUCT  
 17 CLASS.—In this paragraph, the term ‘built-in  
 18 product class’ means a refrigerator, freezer, or  
 19 refrigerator with a freezer unit that—

20 “(i) is 7.75 cubic feet or greater in  
 21 total volume and 24 inches or less in cabi-  
 22 net depth (not including doors, handles,  
 23 and custom front panels);

1 “(ii) is designed to be totally encased  
2 by cabinetry or panels attached during in-  
3 stallation;

4 “(iii) is designed to accept a custom  
5 front panel or to be equipped with an inte-  
6 gral factory-finished face;

7 “(iv) is designed to be securely fas-  
8 tened to adjacent cabinetry, walls, or  
9 floors; and

10 “(v) has 2 or more sides that are  
11 not—

12 “(I) fully finished; and

13 “(II) intended to be visible after  
14 installation.

15 “(B) MAXIMUM ENERGY USE.—

16 “(i) IN GENERAL.—Based on the test  
17 procedure in effect on July 9, 2010, the  
18 maximum energy use allowed in kilowatt  
19 hours per year for each product described  
20 in the table contained in clause (ii) (other  
21 than refrigerators and refrigerator-freezers  
22 with total refrigerated volume exceeding 39  
23 cubic feet and freezers with total refrig-  
24 erated volume exceeding 30 cubic feet) that  
25 is manufactured on or after January 1,

1                   2014, is specified in the table contained in  
2                   that clause.

3                   “(ii) STANDARDS EQUATIONS.—The  
4                   allowed maximum energy use referred to in  
5                   clause (i) is as follows:

<b>“Standards Equations</b>	
<b>Product Description</b>	
<b>Automatic Defrost Refrigerator-Freezers</b>	
Top Freezer w/o TTD ice	7.35 AV+ 207.0
Top Freezer w/ TTD ice	7.65 AV+ 267.0
Side Freezer w/o TTD ice	3.68 AV+ 380.6
Side Freezer w/ TTD ice	7.58 AV+ 304.5
Bottom Freezer w/o TTD ice	3.68 AV+ 367.2
Bottom Freezer w/ TTD ice	4.0 AV+ 431.2
<b>Manual &amp; Partial Automatic Refrigerator-Freezers</b>	
Manual Defrost	7.06 AV+ 198.7
Partial Automatic	7.06 AV+ 198.7
<b>All Refrigerators</b>	
Manual Defrost	7.06 AV+ 198.7
Automatic Defrost	7.35 AV+ 207.0
<b>All Freezers</b>	
Upright with manual defrost	5.66 AV+ 193.7
Upright with automatic defrost	8.70 AV+ 228.3
Chest with manual defrost	7.41 AV+ 107.8
Chest with automatic defrost	10.33 AV+ 148.1
<b>Automatic Defrost Refrigerator-Freezers-Compact Size</b>	
Top Freezer and Bottom Freezer	10.80 AV+ 301.8

Side Freezer	6.08 AV+ 400.8
<b>Manual &amp; Partial Automatic Refrigerator-Freezers-Compact Size</b>	
Manual Defrost	8.03 AV+ 224.3
Partial Automatic	5.25 AV+ 298.5
<b>All Refrigerators-Compact Size</b>	
Manual defrost	8.03 AV+ 224.3
Automatic defrost	9.53 AV+ 266.3
<b>All Freezers-Compact Size</b>	
Upright with manual defrost	8.80 AV+ 225.7
Upright with automatic defrost	10.26 AV+ 351.9
Chest	9.41 AV+ 136.8
<b>Automatic Defrost Refrigerator-Freezers-Built-ins</b>	
Top Freezer w/o TTD ice	7.84 AV+ 220.8
Side Freezer w/o TTD ice	3.93 AV+ 406.0
Side Freezer w/ TTD ice	8.08 AV+ 324.8
Bottom Freezer w/o TTD ice	3.91 AV+ 390.2
Bottom Freezer w/ TTD ice	4.25 AV+ 458.2
<b>All Refrigerators-Built-ins</b>	
Automatic Defrost	7.84 AV+ 220.8
<b>All Freezers-Built-ins</b>	
Upright with automatic defrost	9.32 AV+ 244.6.

- 1                                   “(iii) FINAL RULES.—
- 2   “(I) IN GENERAL.—Except as
- 3   provided in subclause (II), after the
- 4   date of publication of each test proce-
- 5   dure change made pursuant to section
- 6   323(b)(23), in accordance with the

1 procedures described in section  
2 323(e)(2), the Secretary shall publish  
3 final rules to amend the standards  
4 specified in the table contained in  
5 clause (ii).

6 “(II) EXCEPTION.—The stand-  
7 ards amendment made pursuant to  
8 the test procedure change required  
9 under section 323(b)(23)(B) shall be  
10 based on the difference between—

11 “(aa) the average measured  
12 automatic ice maker energy use  
13 of a representative sample for  
14 each product class; and

15 “(bb) the value assumed by  
16 the Department of Energy for ice  
17 maker energy use in the test pro-  
18 cedure published pursuant to sec-  
19 tion 323(b)(23)(A).

20 “(III) APPLICABILITY.—Section  
21 323(e)(3) shall not apply to the rules  
22 described in this clause.

23 “(iv) FINAL RULE.—The Secretary  
24 shall publish any final rule required by

1 clause (iii) by not later than the later of  
2 the date that is 180 days after—

3 “(I) the date of enactment of this  
4 clause; or

5 “(II) the date of publication of a  
6 final rule to amend the test procedure  
7 described in section 323(b)(23).

8 “(v) NEW PRODUCT CLASSES.—The  
9 Secretary may establish 1 or more new  
10 product classes as part of the final amend-  
11 ed standard adopted pursuant to the test  
12 procedure change required under section  
13 323(b)(23)(B) if the 1 or more new prod-  
14 uct classes are needed to distinguish  
15 among products with automatic icemakers.

16 “(vi) EFFECTIVE DATES OF STAND-  
17 ARDS.—

18 “(I) STANDARDS AMENDMENT  
19 FOR FIRST REVISED TEST PROCE-  
20 DURE.—A standards amendment  
21 adopted pursuant to a test procedure  
22 change required under section  
23 323(b)(23)(A) shall apply to any  
24 product manufactured as of January  
25 1, 2014.

1                   “(II) STANDARDS AMENDMENT  
2                   AFTER REVISED TEST PROCEDURE  
3                   FOR ICEMAKER ENERGY.—An amend-  
4                   ment adopted pursuant to a test pro-  
5                   cedure change required under section  
6                   323(b)(23)(B) shall apply to any  
7                   product manufactured as of the date  
8                   that is 3 years after the date of publi-  
9                   cation of the final rule amending the  
10                  standards.

11                  “(vii) SLOPE AND INTERCEPT AD-  
12                  JUSTMENTS.—

13                  “(I) IN GENERAL.—With respect  
14                  to refrigerators, freezers, and refrig-  
15                  erator-freezers, the Secretary may, by  
16                  rule, adjust the slope and intercept of  
17                  the equations specified in the table  
18                  contained in clause (ii)—

19                         “(aa) based on the energy  
20                         use of typical products of various  
21                         sizes in a product class; and

22                         “(bb) if the average energy  
23                         use for each of the classes is the  
24                         same under the new equations as

1 under the equations specified in  
2 the table contained in clause (ii).

3 “(II) DEADLINE.—If the Sec-  
4 retary adjusts the slope and intercept  
5 of an equation described in subclause  
6 (I), the Secretary shall publish the  
7 final rule containing the adjustment  
8 by not later than July 1, 2011.

9 “(viii) EFFECT.—A final rule pub-  
10 lished under clause (iii) pursuant to the  
11 test procedure change required under sec-  
12 tion 323(b)(23)(B) or pursuant to clause  
13 (iv) shall not be considered to be an  
14 amendment to the standard for purposes  
15 of section 325(m).”.

16 **SEC. 120. ROOM AIR CONDITIONER STANDARDS.**

17 Section 325(c) of the Energy Policy and Conservation  
18 Act (42 U.S.C. 6295(c)) is amended by adding at the end  
19 the following:

20 “(3) MINIMUM ENERGY EFFICIENCY RATIO OF  
21 ROOM AIR CONDITIONERS MANUFACTURED ON OR  
22 AFTER JUNE 1, 2014.—

23 “(A) IN GENERAL.—Based on the test pro-  
24 cedure in effect on July 9, 2010, the minimum  
25 energy efficiency ratios of room air conditioners

1 manufactured on or after June 1, 2014, shall  
 2 not be less than that specified in the table con-  
 3 tained in subparagraph (B).

4 “(B) MINIMUM ENERGY EFFICIENCY RA-  
 5 TIOS.—The minimum energy efficiency ratios  
 6 referred to in subparagraph (A) are as follows:

“Product Description	Minimum EER
<b>Without Reverse Cycle w/Louvers</b>	
<6,000 Btu/h	11.2
6,000 to 7,999 Btu/h	11.2
8,000-13,999 Btu/h	11.0
14,000 to 19,999 Btu/h	10.8
20,000-27,999 Btu/h	9.4
≥28,000 Btu/h	9.0
<b>Without Reverse Cycle w/o Louvers</b>	
<6,000 Btu/h	10.2
6,000 to 7,999 Btu/h	10.2
8,000-10,999 Btu/h	9.7
11,000-13,999 Btu/h	9.6
14,000 to 19,999 Btu/h	9.4
≥20,000 Btu/h	9.4
<b>With Reverse Cycle</b>	
<20,000 w/Louvers Btu/h	9.9
≥ 20,000 w/Louvers Btu/h	9.4
<14,000 w/o Louvers Btu/h	9.4
≥14,000 w/o Louvers Btu/h	8.8
<b>Casement</b>	

“Product Description	Minimum EER
Casement Only	9.6
Casement-Slider	10.5.

1 “(C) FINAL RULE.—

2 “(i) IN GENERAL.—Not later than  
3 July 1, 2011, pursuant to the test proce-  
4 dure adopted by the Secretary on January  
5 6, 2011, the Secretary shall amend the  
6 standards specified in the table contained  
7 in subparagraph (B) in accordance with  
8 the procedures described in section  
9 323(e)(2).

10 “(ii) STANDBY AND OFF MODE EN-  
11 ERGY CONSUMPTION.—

12 “(I) IN GENERAL.—The Sec-  
13 retary shall integrate standby and off  
14 mode energy consumption into the  
15 amended energy efficiency ratios  
16 standards required under clause (i).

17 “(II) REQUIREMENTS.—The  
18 amended standards described in sub-  
19 clause (I) shall reflect the levels of  
20 standby and off mode energy con-  
21 sumption that meet the criteria de-  
22 scribed in section 325(o).

1 “(iii) APPLICABILITY.—

2 “(I) AMENDMENT OF STAND-  
3 ARD.—Section 323(e)(3) shall not  
4 apply to the amended standards de-  
5 scribed in clause (i).

6 “(II) AMENDED STANDARDS.—  
7 The amended standards required by  
8 this subparagraph shall apply to prod-  
9 ucts manufactured on or after June 1,  
10 2014.”.

11 **SEC. 121. UNIFORM EFFICIENCY DESCRIPTOR FOR COV-  
12 ERED WATER HEATERS.**

13 Section 325(e) of the Energy Policy and Conservation  
14 Act (42 U.S.C. 6295(e)) is amended by adding at the end  
15 the following:

16 “(5) UNIFORM EFFICIENCY DESCRIPTOR FOR  
17 COVERED WATER HEATERS.—

18 “(A) DEFINITIONS.—In this paragraph:

19 “(i) COVERED WATER HEATER.—The  
20 term ‘covered water heater’ means—

21 “(I) a water heater; and

22 “(II) a storage water heater, in-  
23 stantaneous water heater, and unfired  
24 water storage tank (as defined in sec-  
25 tion 340).

1                   “(ii) FINAL RULE.—The term ‘final  
2                   rule’ means the final rule published under  
3                   this paragraph.

4                   “(B) PUBLICATION OF FINAL RULE.—Not  
5                   later than 180 days after the date of enactment  
6                   of this paragraph, the Secretary shall publish a  
7                   final rule that establishes a uniform efficiency  
8                   descriptor and accompanying test methods for  
9                   covered water heaters.

10                  “(C) PURPOSE.—The purpose of the final  
11                  rule shall be to replace with a uniform effi-  
12                  ciency descriptor—

13                         “(i) the energy factor descriptor for  
14                         water heaters established under this sub-  
15                         section; and

16                         “(ii) the thermal efficiency and stand-  
17                         by loss descriptors for storage water heat-  
18                         ers, instantaneous water heaters, and  
19                         unfired water storage tanks established  
20                         under section 342(a)(5).

21                  “(D) EFFECT OF FINAL RULE.—

22                         “(i) IN GENERAL.—Notwithstanding  
23                         any other provision of this title, effective  
24                         beginning on the effective date of the final  
25                         rule, the efficiency standard for covered

1 water heaters shall be denominated accord-  
2 ing to the efficiency descriptor established  
3 by the final rule.

4 “(ii) EFFECTIVE DATE.—The final  
5 rule shall take effect 1 year after the date  
6 of publication of the final rule under sub-  
7 paragraph (B).

8 “(E) CONVERSION FACTOR.—

9 “(i) IN GENERAL.—The Secretary  
10 shall develop a mathematical conversion  
11 factor for converting the measurement of  
12 efficiency for covered water heaters from  
13 the test procedures in effect on the date of  
14 enactment of this paragraph to the new  
15 energy descriptor established under the  
16 final rule.

17 “(ii) APPLICATION.—The conversion  
18 factor shall apply to models of covered  
19 water heaters affected by the final rule and  
20 tested prior to the effective date of the  
21 final rule.

22 “(iii) EFFECT ON EFFICIENCY RE-  
23 QUIREMENTS.—The conversion factor shall  
24 not affect the minimum efficiency require-

1           ments for covered water heaters otherwise  
2           established under this title.

3           “(iv) USE.—During the period de-  
4           scribed in clause (v), a manufacturer may  
5           apply the conversion factor established by  
6           the Secretary to rerate existing models of  
7           covered water heaters that are in existence  
8           prior to the effective date of the rule de-  
9           scribed in clause (v)(II) to comply with the  
10          new efficiency descriptor.

11          “(v) PERIOD.—Subclause (E) shall  
12          apply during the period—

13                  “(I) beginning on the date of  
14                  publication of the conversion factor in  
15                  the Federal Register; and

16                  “(II) ending on April 16, 2015.

17          “(F) EXCLUSIONS.—The final rule may  
18          exclude a specific category of covered water  
19          heaters from the uniform efficiency descriptor  
20          established under this paragraph if the Sec-  
21          retary determines that the category of water  
22          heaters—

23                  “(i) does not have a residential use  
24                  and can be clearly described in the final  
25                  rule; and

1           “(ii) are effectively rated using the  
2           thermal efficiency and standby loss  
3           descriptors applied (on the date of enact-  
4           ment of this paragraph) to the category  
5           under section 342(a)(5).

6           “(G) OPTIONS.—The descriptor set by the  
7           final rule may be—

8                   “(i) a revised version of the energy  
9                   factor descriptor in use on the date of en-  
10                  actment of this paragraph;

11                  “(ii) the thermal efficiency and stand-  
12                  by loss descriptors in use on that date;

13                  “(iii) a revised version of the thermal  
14                  efficiency and standby loss descriptors;

15                  “(iv) a hybrid of descriptors; or

16                  “(v) a new approach.

17           “(H) APPLICATION.—The efficiency  
18           descriptor and accompanying test method estab-  
19           lished under the final rule shall apply, to the  
20           maximum extent practicable, to all water heat-  
21           ing technologies in use on the date of enact-  
22           ment of this paragraph and to future water  
23           heating technologies.

24           “(I) PARTICIPATION.—The Secretary shall  
25           invite interested stakeholders to participate in

1 the rulemaking process used to establish the  
2 final rule.

3 “(J) TESTING OF ALTERNATIVE  
4 DESCRIPTORS.—In establishing the final rule,  
5 the Secretary shall contract with the National  
6 Institute of Standards and Technology, as nec-  
7 essary, to conduct testing and simulation of al-  
8 ternative descriptors identified for consider-  
9 ation.

10 “(K) EXISTING COVERED WATER HEAT-  
11 ERS.—A covered water heater shall be consid-  
12 ered to comply with the final rule on and after  
13 the effective date of the final rule and with any  
14 revised labeling requirements established by the  
15 Federal Trade Commission to carry out the  
16 final rule if the covered water heater—

17 “(i) was manufactured prior to the ef-  
18 fective date of the final rule; and

19 “(ii) complied with the efficiency  
20 standards and labeling requirements in ef-  
21 fect prior to the final rule.”.

22 **SEC. 122. CLOTHES DRYERS.**

23 Section 325(g)(4) of the Energy Policy and Con-  
24 servation Act (42 U.S.C. 6295(g)(4)) is amended by add-  
25 ing at the end the following:

1                   “(D) MINIMUM ENERGY FACTORS FOR  
2 CLOTHES DRYERS.—

3                   “(i) IN GENERAL.—Based on the test  
4 procedure in effect as of July 9, 2010,  
5 clothes dryers manufactured on or after  
6 January 1, 2015, shall comply with the  
7 minimum energy factors specified in the  
8 table contained in clause (ii).

9                   “(ii) NEW STANDARDS.—The min-  
10 imum energy factors referred to in clause  
11 (i) are as follows:

“Product Description	EF
Vented Electric Standard	3.17.
Vented Electric Compact 120V	3.29.
Vented Electric Compact 240V	3.05.
Vented Gas	2.81.
Vent-Less Electric Compact 240V	2.37.
Vent-Less Electric Combination Washer/Dryer	1.95.

12                   “(iii) FINAL RULE.—

13                   “(I) REQUIREMENTS.—

14                   “(aa) IN GENERAL.—The  
15 final rule to amend the clothes  
16 dryer test procedure adopted pur-  
17 suant to section 323(b)(24)(B)  
18 shall amend the energy factors

1 standards specified in the table  
2 contained in clause (ii) in accord-  
3 ance with the procedures de-  
4 scribed in section 323(e)(2).

5 “(bb) REPRESENTATIVE  
6 SAMPLE.—To establish a rep-  
7 resentative sample of compliant  
8 products, the Secretary shall se-  
9 lect a sample of minimally com-  
10 pliant dryers that automatically  
11 terminate the drying cycle at not  
12 less than 4 percent remaining  
13 moisture content.

14 “(II) STANDBY AND OFF MODE  
15 ENERGY CONSUMPTION.—

16 “(aa) INTEGRATION.—The  
17 Secretary shall integrate standby  
18 and off mode energy consumption  
19 into the amended standards re-  
20 quired under subclause (I).

21 “(bb) REQUIREMENTS.—  
22 The amended standards de-  
23 scribed in item (aa) shall reflect  
24 levels of standby and off mode  
25 energy consumption that meet

1 the criteria described in section  
2 325(o).

3 “(III) APPLICABILITY.—

4 “(aa) AMENDMENT OF  
5 STANDARD.—Section 323(e)(3)  
6 shall not apply to the amended  
7 standards described in subclause  
8 (I).

9 “(bb) AMENDED STAND-  
10 ARDS.—The amended standards  
11 required by this clause shall  
12 apply to products manufactured  
13 on or after January 1, 2015.

14 “(iv) OTHER STANDARDS.—Any dryer  
15 energy conservation standard that takes ef-  
16 fect after the date of enactment of this  
17 subparagraph but before the amended  
18 standard required by this subparagraph  
19 shall not apply.”.

20 **SEC. 123. STANDARDS FOR CLOTHES WASHERS.**

21 Section 325(g)(9) of the Energy Policy and Con-  
22 servation Act (42 U.S.C. 6295(g)(9)) is amended by strik-  
23 ing subparagraph (B) and inserting the following:

24 “(B) AMENDMENT OF STANDARDS.—

1 “(i) PRODUCTS MANUFACTURED ON  
2 OR AFTER JANUARY 1, 2015.—

3 “(I) IN GENERAL.—Based on the  
4 test procedure in effect on July 9,  
5 2010, clothes washers manufactured  
6 on or after January 1, 2015, shall  
7 comply with the minimum modified  
8 energy factors and maximum water  
9 factors specified in the table contained  
10 in subclause (II).

11 “(II) STANDARDS.—The min-  
12 imum modified energy factors and  
13 maximum water factors referred to in  
14 subclause (I) are as follows:

	“MEF	WF
Top Loading—Standard	1.72	8.0
Top Loading—Compact	1.26	14.0
Front Loading—Standard	2.2	4.5
Front Loading—Compact (less than 1.6 cu. ft. capacity)	1.72	8.0.

15 “(ii) PRODUCTS MANUFACTURED ON  
16 OR AFTER JANUARY 1, 2018.—

17 “(I) IN GENERAL.—Based on the  
18 test procedure in effect on July 9,  
19 2010, top-loading clothes washers  
20 manufactured on or after January 1,

1                   2018, shall comply with the minimum  
 2                   modified energy factors and maximum  
 3                   water factors specified in the table  
 4                   contained in subclause (II).

5                   “(II) STANDARDS.—The min-  
 6                   imum modified energy factors and  
 7                   maximum water factors referred to in  
 8                   subclause (I) are as follows:

	“MEF	WF
Top Loading—Standard	2.0	6.0
Top Loading—Compact	1.81	11.6.

9                   “(iii) FINAL RULE.—

10                   “(I) IN GENERAL.—The final  
 11                   rule to amend the clothes washer test  
 12                   procedure adopted pursuant to section  
 13                   323(b)(24)(A) shall amend the stand-  
 14                   ards described in clauses (i) and (ii)  
 15                   in accordance with the procedures de-  
 16                   scribed in section 323(e)(2).

17                   “(II) STANDBY AND OFF MODE  
 18                   ENERGY CONSUMPTION.—

19                   “(aa) INTEGRATION.—The  
 20                   Secretary shall integrate standby  
 21                   and off mode energy consumption  
 22                   into the amended modified en-

1 energy factor standards required  
2 under subclause (I).

3 “(bb) REQUIREMENTS.—

4 The amended modified energy  
5 factor standards described in  
6 item (aa) shall reflect levels of  
7 standby and off mode energy  
8 consumption that meet the cri-  
9 teria described in section 325(o).

10 “(III) APPLICABILITY.—

11 “(aa) AMENDMENT OF  
12 STANDARD.—Section 323(e)(3)  
13 shall not apply to the amended  
14 standards described in subclause  
15 (I).

16 “(bb) AMENDED STANDARDS  
17 FOR PRODUCTS MANUFACTURED  
18 ON OR AFTER JANUARY 1, 2015.—  
19 Amended standards required by  
20 this clause that are based on  
21 clause (i) shall apply to products  
22 manufactured on or after Janu-  
23 ary 1, 2015.

24 “(cc) AMENDED STANDARDS  
25 FOR PRODUCTS MANUFACTURED

1 ON OR AFTER JANUARY 1, 2018.—  
2 Amended standards required by  
3 this clause that are based on  
4 clause (ii) shall apply to products  
5 manufactured on or after Janu-  
6 ary 1, 2018.”.

7 **SEC. 124. DISHWASHERS.**

8 Section 325(g)(10) of the Energy Policy and Con-  
9 servation Act (42 U.S.C. 6295(g)(10)) is amended—

10 (1) by striking subparagraph (A);

11 (2) by redesignating subparagraph (B) as sub-  
12 paragraph (D); and

13 (3) by inserting before subparagraph (D) (as  
14 redesignated by paragraph (2)) the following:

15 “(A) DISHWASHERS MANUFACTURED ON  
16 OR AFTER JANUARY 1, 2010.—A dishwasher  
17 manufactured on or after January 1, 2010,  
18 shall—

19 “(i) for a standard size dishwasher,  
20 not exceed 355 kilowatt hours per year and  
21 6.5 gallons per cycle; and

22 “(ii) for a compact size dishwasher,  
23 not exceed 260 kilowatt hours per year and  
24 4.5 gallons per cycle.

1           “(B) DISHWASHERS MANUFACTURED ON  
2 OR AFTER JANUARY 1, 2013.—A dishwasher  
3 manufactured on or after January 1, 2013,  
4 shall—

5           “(i) for a standard size dishwasher,  
6 not exceed 307 kilowatt hours per year and  
7 5.0 gallons per cycle; and

8           “(ii) for a compact size dishwasher,  
9 not exceed 222 kilowatt hours per year and  
10 3.5 gallons per cycle.

11           “(C) REQUIREMENTS OF FINAL RULES.—

12           “(i) IN GENERAL.—Any final rule to  
13 amend the dishwasher test procedure after  
14 July 9, 2010, and before January 1, 2013,  
15 shall amend the standards described in  
16 subparagraph (B) in accordance with the  
17 procedures described in section 323(e)(2).

18           “(ii) APPLICABILITY.—

19           “(I) AMENDMENT OF STAND-  
20 ARD.—Section 323(e)(3) shall not  
21 apply to the amended standards de-  
22 scribed in clause (i).

23           “(II) AMENDED STANDARDS.—

24           The amended standards required by  
25 this subparagraph shall apply to prod-

1                   ucts manufactured on or after Janu-  
2                   ary 1, 2013.”.

3 **SEC. 125. STANDARDS FOR CERTAIN REFLECTOR LAMPS.**

4           Section 325(i) of the Energy Policy and Conservation  
5 Act (42 U.S.C. 6295(i)) is amended by adding at the end  
6 the following:

7                   “(9) REFLECTOR LAMPS.—In conducting  
8                   rulemakings for reflector lamps after January 1,  
9                   2014, the Secretary shall consider—

10                           “(A) incandescent and nonincandescent  
11                           technologies; and

12                           “(B) a new energy-related measure, other  
13                           than lumens per watt, that is based on the pho-  
14                           tometric distribution of those lamps.”.

15 **SEC. 126. PETITION FOR AMENDED STANDARDS.**

16           Section 325(n) of the Energy Policy and Conserva-  
17 tion Act (42 U.S.C. 6295(n)) is amended—

18                   (1) by redesignating paragraph (3) as para-  
19                   graph (5); and

20                   (2) by inserting after paragraph (2) the fol-  
21                   lowing:

22                           “(3) NOTICE OF DECISION.—Not later than  
23                           180 days after the date of receiving a petition, the  
24                           Secretary shall publish in the Federal Register a no-

1       tice of, and explanation for, the decision of the Sec-  
2       retary to grant or deny the petition.

3               “(4) NEW OR AMENDED STANDARDS.—Not  
4       later than 3 years after the date of granting a peti-  
5       tion for new or amended standards, the Secretary  
6       shall publish in the Federal Register—

7               “(A) a final rule that contains the new or  
8       amended standards; or

9               “(B) a determination that no new or  
10       amended standards are necessary.”.

11 **SEC. 127. PROHIBITED ACTS.**

12       Section 332(a) of the Energy Policy and Conserva-  
13       tion Act (42 U.S.C. 6302(a)) is amended—

14               (1) in paragraph (1), by striking “for any man-  
15       ufacturer or private labeler to distribute” and insert-  
16       ing “for any manufacturer (or representative of a  
17       manufacturer), distributor, retailer, or private label-  
18       er to offer for sale or distribute”;

19               (2) by striking paragraph (5) and inserting the  
20       following:

21               “(5) for any manufacturer (or representative of  
22       a manufacturer), distributor, retailer, or private la-  
23       beler—

24               “(A) to offer for sale or distribute in com-  
25       merce any new covered product that is not in

1 conformity with an applicable energy conserva-  
2 tion standard established in or prescribed under  
3 this part; or

4 “(B) if the standard is a regional standard  
5 that is more stringent than the base national  
6 standard, to offer for sale or distribute in com-  
7 merce any new covered product having knowl-  
8 edge (consistent with the definition of ‘know-  
9 ingly’ in section 333(b)) that the product will  
10 be installed at a location covered by a regional  
11 standard established in or prescribed under this  
12 part and will not be in conformity with the  
13 standard;”;

14 (3) in paragraph (6) (as added by section  
15 306(b)(2) of Public Law 110–140 (121 Stat.  
16 1559)), by striking the period at the end and insert-  
17 ing a semicolon;

18 (4) by redesignating paragraph (6) (as added  
19 by section 321(e)(3) of Public Law 110–140 (121  
20 Stat. 1586)) as paragraph (7);

21 (5) in paragraph (7) (as so redesignated)—

22 (A) by striking “for any manufacturer, dis-  
23 tributor, retailer, or private labeler to dis-  
24 tribute” and inserting “for any manufacturer  
25 (or representative of a manufacturer), dis-

1 tributor, retailer, or private labeler to offer for  
2 sale or distribute”; and

3 (B) by striking the period at the end and  
4 inserting a semicolon; and

5 (6) by inserting after paragraph (7) (as so re-  
6 designated) the following:

7 “(8) for any manufacturer or private labeler to  
8 distribute in commerce any new covered product that  
9 has not been properly certified in accordance with  
10 the requirements established in or prescribed under  
11 this part;

12 “(9) for any manufacturer or private labeler to  
13 distribute in commerce any new covered product that  
14 has not been properly tested in accordance with the  
15 requirements established in or prescribed under this  
16 part; and

17 “(10) for any manufacturer or private labeler to  
18 violate any regulation lawfully promulgated to imple-  
19 ment any provision of this part.”.

20 **SEC. 128. OUTDOOR LIGHTING.**

21 (a) DEFINITIONS.—

22 (1) COVERED EQUIPMENT.—Section 340(1) of  
23 the Energy Policy and Conservation Act (42 U.S.C.  
24 6311(1)) is amended—

1 (A) by redesignating subparagraph (L) as  
2 subparagraph (O); and

3 (B) by inserting after subparagraph (K)  
4 the following:

5 “(L) High light output double-ended  
6 quartz halogen lamps.

7 “(M) General purpose mercury vapor  
8 lamps.”.

9 (2) INDUSTRIAL EQUIPMENT.—Section  
10 340(2)(B) of the Energy Policy and Conservation  
11 Act (42 U.S.C. 6311(2)(B)) is amended—

12 (A) by striking “and” before “unfired hot  
13 water”; and

14 (B) by inserting after “tanks” the fol-  
15 lowing: “, high light output double-ended quartz  
16 halogen lamps, and general purpose mercury  
17 vapor lamps”.

18 (3) NEW DEFINITIONS.—Section 340 of the  
19 Energy Policy and Conservation Act (42 U.S.C.  
20 6311) is amended—

21 (A) by redesignating paragraphs (22) and  
22 (23) (as amended by sections 312(a)(2) and  
23 314(a) of the Energy Independence and Secu-  
24 rity Act of 2007 (121 Stat. 1564, 1569)) as  
25 paragraphs (23) and (24), respectively; and

1 (B) by adding at the end the following:

2 “(25) GENERAL PURPOSE MERCURY VAPOR  
3 LAMP.—The term ‘general purpose mercury vapor  
4 lamp’ means a mercury vapor lamp (as defined in  
5 section 321) that—

6 “(A) has a screw base;

7 “(B) is designed for use in general lighting  
8 applications (as defined in section 321);

9 “(C) is not a specialty application mercury  
10 vapor lamp; and

11 “(D) is designed to operate on a mercury  
12 vapor lamp ballast (as defined in section 321)  
13 or is a self-ballasted lamp.

14 “(26) HIGH LIGHT OUTPUT DOUBLE-ENDED  
15 QUARTZ HALOGEN LAMP.—The term ‘high light out-  
16 put double-ended quartz halogen lamp’ means a  
17 lamp that—

18 “(A) is designed for general outdoor light-  
19 ing purposes;

20 “(B) contains a tungsten filament;

21 “(C) has a rated initial lumen value of  
22 greater than 6,000 and less than 40,000  
23 lumens;

24 “(D) has at each end a recessed single  
25 contact, R7s base;

1           “(E) has a maximum overall length (MOL)  
2           between 4 and 11 inches;

3           “(F) has a nominal diameter less than  $\frac{3}{4}$   
4           inch (T6);

5           “(G) is designed to be operated at a volt-  
6           age not less than 110 volts and not greater  
7           than 200 volts or is designed to be operated at  
8           a voltage between 235 volts and 300 volts;

9           “(H) is not a tubular quartz infrared heat  
10          lamp; and

11          “(I) is not a lamp marked and marketed  
12          as a Stage and Studio lamp with a rated life of  
13          500 hours or less.

14          “(27) SPECIALTY APPLICATION MERCURY  
15          VAPOR LAMP.—The term ‘specialty application mer-  
16          cury vapor lamp’ means a mercury vapor lamp (as  
17          defined in section 321) that is—

18                 “(A) designed only to operate on a spe-  
19                 cialty application mercury vapor lamp ballast  
20                 (as defined in section 321); and

21                 “(B) is marked and marketed for specialty  
22                 applications only.

23          “(28) TUBULAR QUARTZ INFRARED HEAT  
24          LAMP.—The term ‘tubular quartz infrared heat

1 lamp’ means a double-ended quartz halogen lamp  
2 that—

3 “(A) is marked and marketed as an infra-  
4 red heat lamp; and

5 “(B) radiates predominately in the infra-  
6 red radiation range and in which the visible ra-  
7 diation is not of principle interest.”.

8 (b) STANDARDS.—Section 342 of the Energy Policy  
9 and Conservation Act (42 U.S.C. 6313) is amended by  
10 adding at the end the following:

11 “(g) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ  
12 HALOGEN LAMPS.—A high light output double-ended  
13 quartz halogen lamp manufactured on or after January  
14 1, 2016, shall have a minimum efficiency of—

15 “(1) 27 LPW for lamps with a minimum rated  
16 initial lumen value greater than 6,000 and a max-  
17 imum initial lumen value of 15,000; and

18 “(2) 34 LPW for lamps with a rated initial  
19 lumen value greater than 15,000 and less than  
20 40,000.

21 “(h) GENERAL PURPOSE MERCURY VAPOR  
22 LAMPS.—A general purpose mercury vapor lamp shall not  
23 be manufactured on or after January 1, 2016.”.

24 (c) PREEMPTION.—Section 345 of the Energy Policy  
25 and Conservation Act (42 U.S.C. 6316) is amended—

1           (1) in the first sentence of subsection (a), by  
2 striking “The” and inserting “Except as otherwise  
3 provided in this section, the”; and

4           (2) by adding at the end the following:

5           “(i) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ  
6 HALOGEN LAMPS.—

7           “(1) IN GENERAL.—Except as provided in para-  
8 graph (2), section 327 shall apply to high light out-  
9 put double-ended quartz halogen lamps to the same  
10 extent and in the same manner as described in sec-  
11 tion 325(n)(1).

12           “(2) STATE ENERGY CONSERVATION STAND-  
13 ARDS.—Any State energy conservation standard that  
14 is adopted on or before January 1, 2015, pursuant  
15 to a statutory requirement to adopt efficiency stand-  
16 ard for reducing outdoor lighting energy use enacted  
17 prior to January 31, 2008, shall not be preempted.”.

18 **SEC. 129. STANDARDS FOR COMMERCIAL FURNACES.**

19           Section 342(a) of the Energy Policy and Conserva-  
20 tion Act (42 U.S.C. 6313(a)) is amended by adding at  
21 the end the following:

22           “(11) Warm air furnaces with an input rating  
23 of 225,000 Btu per hour or more and manufactured  
24 on or after the date that is 1 year after the date of

1 enactment of this paragraph shall meet the following  
 2 standard levels:

3 “(A) Gas-fired units shall—

4 “(i) have a minimum thermal effi-  
 5 ciency of 80 percent;

6 “(ii) include an interrupted or inter-  
 7 mittent ignition device;

8 “(iii) have jacket losses not exceeding  
 9 0.75 percent of the input rating; and

10 “(iv) have power venting or a flue  
 11 damper.

12 “(B) Oil-fired units shall have—

13 “(i) a minimum thermal efficiency of  
 14 81 percent;

15 “(ii) jacket losses not exceeding 0.75  
 16 percent of the input rating; and

17 “(iii) power venting or a flue damp-  
 18 er.”.

19 **SEC. 130. SERVICE OVER THE COUNTER, SELF-CONTAINED,**  
 20 **MEDIUM TEMPERATURE COMMERCIAL RE-**  
 21 **FRIGERATORS.**

22 Section 342(c) of the Energy Policy and Conservation  
 23 Act (42 U.S.C. 6313(c)) is amended—

24 (1) in paragraph (1)—

1 (A) by redesignating subparagraph (C) as  
2 subparagraph (E); and

3 (B) by inserting after subparagraph (B)  
4 the following:

5 “(C) The term ‘service over the counter,  
6 self-contained, medium temperature commercial  
7 refrigerator’ or ‘(SOC–SC–M)’ means a me-  
8 dium temperature commercial refrigerator—

9 “(i) with a self-contained condensing  
10 unit and equipped with sliding or hinged  
11 doors in the back intended for use by sales  
12 personnel, and with glass or other trans-  
13 parent material in the front for displaying  
14 merchandise; and

15 “(ii) that has a height not greater  
16 than 66 inches and is intended to serve as  
17 a counter for transactions between sales  
18 personnel and customers.

19 “(D) The term ‘TDA’ means the total dis-  
20 play area (ft<sup>2</sup>) of the refrigerated case, as de-  
21 fined in AHRI Standard 1200.”;

22 (2) by redesignating paragraphs (4) and (5) as  
23 paragraphs (5) and (6), respectively; and

24 (3) by inserting after paragraph (3) the fol-  
25 lowing:

1           “(4) Each SOC–SC–M manufactured on or  
2 after January 1, 2012, shall have a total daily en-  
3 ergy consumption (in kilowatt hours per day) of not  
4 more than  $0.6 \times \text{TDA} + 1.0$ .”.

5 **SEC. 131. MOTOR MARKET ASSESSMENT AND COMMERCIAL**  
6 **AWARENESS PROGRAM.**

7 (a) FINDINGS.—Congress finds that—

8           (1) electric motor systems account for about  
9 half of the electricity used in the United States;

10           (2) electric motor energy use is determined by  
11 both the efficiency of the motor and the system in  
12 which the motor operates;

13           (3) Federal Government research on motor end  
14 use and efficiency opportunities is more than a dec-  
15 ade old; and

16           (4) the Census Bureau has discontinued collec-  
17 tion of data on motor and generator importation,  
18 manufacture, shipment, and sales.

19 (b) DEFINITIONS.—In this section:

20           (1) DEPARTMENT.—The term “Department”  
21 means the Department of Energy.

22           (2) INTERESTED PARTIES.—The term “inter-  
23 ested parties” includes—

24                   (A) trade associations;

25                   (B) motor manufacturers;

1 (C) motor end users;

2 (D) electric utilities; and

3 (E) individuals and entities that conduct  
4 energy efficiency programs.

5 (3) SECRETARY.—The term “Secretary” means  
6 the Secretary of Energy, in consultation with inter-  
7 ested parties.

8 (c) ASSESSMENT.—The Secretary shall conduct an  
9 assessment of electric motors and the electric motor mar-  
10 ket in the United States that shall—

11 (1) include important subsectors of the indus-  
12 trial and commercial electric motor market (as de-  
13 termined by the Secretary), including—

14 (A) the stock of motors and motor-driven  
15 equipment;

16 (B) efficiency categories of the motor pop-  
17 ulation; and

18 (C) motor systems that use drives, servos,  
19 and other control technologies;

20 (2) characterize and estimate the opportunities  
21 for improvement in the energy efficiency of motor  
22 systems by market segment, including opportunities  
23 for—

24 (A) expanded use of drives, servos, and  
25 other control technologies;

1 (B) expanded use of process control,  
2 pumps, compressors, fans or blowers, and mate-  
3 rial handling components; and

4 (C) substitution of existing motor designs  
5 with existing and future advanced motor de-  
6 signs, including electronically commutated per-  
7 manent magnet, interior permanent magnet,  
8 and switched reluctance motors; and

9 (3) develop an updated profile of motor system  
10 purchase and maintenance practices, including sur-  
11 veying the number of companies that have motor  
12 purchase and repair specifications, by company size,  
13 number of employees, and sales.

14 (d) RECOMMENDATIONS; UPDATE.—Based on the as-  
15 sessment conducted under subsection (c), the Secretary  
16 shall—

17 (1) develop—

18 (A) recommendations to update the de-  
19 tailed motor profile on a periodic basis;

20 (B) methods to estimate the energy sav-  
21 ings and market penetration that is attributable  
22 to the Save Energy Now Program of the De-  
23 partment; and

24 (C) recommendations for the Director of  
25 the Census Bureau on market surveys that

1           should be undertaken in support of the motor  
2           system activities of the Department; and

3           (2) prepare an update to the Motor Master+  
4           program of the Department.

5           (e) PROGRAM.—Based on the assessment, rec-  
6           ommendations, and update required under subsections (c)  
7           and (d), the Secretary shall establish a proactive, national  
8           program targeted at motor end-users and delivered in co-  
9           operation with interested parties to increase awareness  
10          of—

11           (1) the energy and cost-saving opportunities in  
12           commercial and industrial facilities using higher effi-  
13           ciency electric motors;

14           (2) improvements in motor system procurement  
15           and management procedures in the selection of high-  
16           er efficiency electric motors and motor-system com-  
17           ponents, including drives, controls, and driven equip-  
18           ment; and

19           (3) criteria for making decisions for new, re-  
20           placement, or repair motor and motor system com-  
21           ponents.

22   **SEC. 132. STUDY OF COMPLIANCE WITH ENERGY STAND-**  
23                           **ARDS FOR APPLIANCES.**

24           (a) IN GENERAL.—The Secretary of Energy shall  
25           conduct a study of the degree of compliance with energy

1 standards for appliances, including an investigation of  
2 compliance rates and options for improving compliance,  
3 including enforcement.

4 (b) REPORT.—Not later than 18 months after the  
5 date of enactment of this Act, the Secretary of Energy  
6 shall submit to the appropriate committees of Congress  
7 a report describing the results of the study, including any  
8 recommendations.

9 **SEC. 133. STUDY OF DIRECT CURRENT ELECTRICITY SUP-**  
10 **PLY IN CERTAIN BUILDINGS.**

11 (a) IN GENERAL.—The Secretary of Energy shall  
12 conduct a study—

13 (1) of the costs and benefits (including signifi-  
14 cant energy efficiency, power quality, and other  
15 power grid, safety, and environmental benefits) of  
16 requiring high-quality, direct current electricity sup-  
17 ply in buildings; and

18 (2) to determine, if the requirement described  
19 in paragraph (1) is imposed, what the policy and  
20 role of the Federal Government should be in real-  
21 izing those benefits.

22 (b) REPORT.—Not later than 1 year after the date  
23 of enactment of this Act, the Secretary shall submit to  
24 the appropriate committees of Congress a report describ-

1 ing the results of the study, including any recommenda-  
2 tions.

3 **SEC. 134. TECHNICAL CORRECTIONS.**

4 (a) TITLE III OF ENERGY INDEPENDENCE AND SE-  
5 CURITY ACT OF 2007—ENERGY SAVINGS THROUGH IM-  
6 PROVED STANDARDS FOR APPLIANCES AND LIGHTING.—

7 (1) Section 325(u) of the Energy Policy and  
8 Conservation Act (42 U.S.C. 6295(u)) (as amended  
9 by section 301(c) of the Energy Independence and  
10 Security Act of 2007 (121 Stat. 1550)) is amend-  
11 ed—

12 (A) by redesignating paragraph (7) as  
13 paragraph (4); and

14 (B) in paragraph (4) (as so redesignated),  
15 by striking “supplies is” and inserting “supply  
16 is”.

17 (2) Section 302(b) of the Energy Independence  
18 and Security Act of 2007 (121 Stat. 1551) is  
19 amended by striking “6313(a)” and inserting  
20 “6314(a)”.

21 (3) Section 342(a)(6) of the Energy Policy and  
22 Conservation Act (42 U.S.C. 6313(a)(6)) (as amend-  
23 ed by section 305(b)(2) of the Energy Independence  
24 and Security Act of 2007 (121 Stat. 1554)) is  
25 amended—

1 (A) in subparagraph (B)—

2 (i) by striking “If the Secretary” and  
3 inserting the following:

4 “(i) IN GENERAL.—If the Secretary”;

5 (ii) by striking “clause (ii)(II)” and  
6 inserting “subparagraph (A)(ii)(II)”;

7 (iii) by striking “clause (i)” and in-  
8 serting “subparagraph (A)(i)”;

9 (iv) by adding at the end the fol-  
10 lowing:

11 “(ii) FACTORS.—In determining  
12 whether a standard is economically justi-  
13 fied for the purposes of subparagraph  
14 (A)(ii)(II), the Secretary shall, after receiv-  
15 ing views and comments furnished with re-  
16 spect to the proposed standard, determine  
17 whether the benefits of the standard ex-  
18 ceed the burden of the proposed standard  
19 by, to the maximum extent practicable,  
20 considering—

21 “(I) the economic impact of the  
22 standard on the manufacturers and  
23 on the consumers of the products sub-  
24 ject to the standard;

1           “(II) the savings in operating  
2 costs throughout the estimated aver-  
3 age life of the product in the type (or  
4 class) compared to any increase in the  
5 price of, or in the initial charges for,  
6 or maintenance expenses of, the prod-  
7 ucts that are likely to result from the  
8 imposition of the standard;

9           “(III) the total projected quan-  
10 tity of energy savings likely to result  
11 directly from the imposition of the  
12 standard;

13           “(IV) any lessening of the utility  
14 or the performance of the products  
15 likely to result from the imposition of  
16 the standard;

17           “(V) the impact of any lessening  
18 of competition, as determined in writ-  
19 ing by the Attorney General, that is  
20 likely to result from the imposition of  
21 the standard;

22           “(VI) the need for national en-  
23 ergy conservation; and

24           “(VII) other factors the Sec-  
25 retary considers relevant.

1 “(iii) ADMINISTRATION.—

2 “(I) ENERGY USE AND EFFI-  
3 CIENCY.—The Secretary may not pre-  
4 scribe any amended standard under  
5 this paragraph that increases the  
6 maximum allowable energy use, or de-  
7 creases the minimum required energy  
8 efficiency, of a covered product.

9 “(II) UNAVAILABILITY.—

10 “(aa) IN GENERAL.—The  
11 Secretary may not prescribe an  
12 amended standard under this  
13 subparagraph if the Secretary  
14 finds (and publishes the finding)  
15 that interested persons have es-  
16 tablished by a preponderance of  
17 the evidence that a standard is  
18 likely to result in the unavail-  
19 ability in the United States in  
20 any product type (or class) of  
21 performance characteristics (in-  
22 cluding reliability, features, sizes,  
23 capacities, and volumes) that are  
24 substantially the same as those  
25 generally available in the United

1 States at the time of the finding  
2 of the Secretary.

3 “(bb) OTHER TYPES OR  
4 CLASSES.—The failure of some  
5 types (or classes) to meet the cri-  
6 terion established under this sub-  
7 clause shall not affect the deter-  
8 mination of the Secretary on  
9 whether to prescribe a standard  
10 for the other types or classes.”;  
11 and

12 (B) in subparagraph (C)(iv), by striking  
13 “An amendment prescribed under this sub-  
14 section” and inserting “Notwithstanding sub-  
15 paragraph (D), an amendment prescribed under  
16 this subparagraph”.

17 (4) Section 342(a)(6)(B)(iii) of the Energy Pol-  
18 icy and Conservation Act (as added by section  
19 306(c) of the Energy Independence and Security Act  
20 of 2007 (121 Stat. 1559)) is transferred and reded-  
21 icated as clause (vi) of section 342(a)(6)(C) of the  
22 Energy Policy and Conservation Act (as amended by  
23 section 305(b)(2) of the Energy Independence and  
24 Security Act of 2007 (121 Stat. 1554)).

1           (5) Section 345 of the Energy Policy and Con-  
2           servation Act (42 U.S.C. 6316) (as amended by sec-  
3           tion 312(e) of the Energy Independence and Secu-  
4           rity Act of 2007 (121 Stat. 1567)) is amended—

5                   (A) by striking “subparagraphs (B)  
6                   through (G)” each place it appears and insert-  
7                   ing “subparagraphs (B), (C), (D), (I), (J), and  
8                   (K)”;

9                   (B) by striking “part A” each place it ap-  
10                  pears and inserting “part B”; and

11                  (C) in subsection (a)—

12                          (i) in paragraph (8), by striking  
13                          “and” at the end;

14                          (ii) in paragraph (9), by striking the  
15                          period at the end and inserting “; and”;

16                          and

17                          (iii) by adding at the end the fol-  
18                          lowing:

19                          “(10) section 327 shall apply with respect to  
20                          the equipment described in section 340(1)(L) begin-  
21                          ning on the date on which a final rule establishing  
22                          an energy conservation standard is issued by the  
23                          Secretary, except that any State or local standard  
24                          prescribed or enacted for the equipment before the  
25                          date on which the final rule is issued shall not be

1 preempted until the energy conservation standard  
2 established by the Secretary for the equipment takes  
3 effect.”; and

4 (D) in subsection (h)(3), by striking “sec-  
5 tion 342(f)(3)” and inserting “section  
6 342(f)(4)”.

7 (6) Section 340(13) of the Energy Policy and  
8 Conservation Act (42 U.S.C. 6311(13)) (as amended  
9 by section 313(a) of the Energy Independence and  
10 Security Act of 2007 (121 Stat. 1568)) is amend-  
11 ed—

12 (A) by striking subparagraphs (A) and (B)  
13 and inserting the following:

14 “(A) IN GENERAL.—The term ‘electric  
15 motor’ means any of the following:

16 “(i) A motor that is a general purpose  
17 T-frame, single-speed, foot-mounting, poly-  
18 phase squirrel-cage induction motor of the  
19 National Electrical Manufacturers Associa-  
20 tion, Design A and B, continuous rated,  
21 operating on 230/460 volts and constant  
22 60 Hertz line power as defined in NEMA  
23 Standards Publication MG1–1987.

24 “(ii) A motor incorporating the design  
25 elements described in clause (i), but is con-

1           figured to incorporate 1 or more of the fol-  
2           lowing variations:

3                   “(I) U-frame motor.

4                   “(II) NEMA Design C motor.

5                   “(III) Close-coupled pump motor.

6                   “(IV) Footless motor.

7                   “(V) Vertical solid shaft normal  
8                   thrust motor (as tested in a horizontal  
9                   configuration).

10                  “(VI) 8-pole motor.

11                  “(VII) Poly-phase motor with a  
12                  voltage rating of not more than 600  
13                  volts (other than 230 volts or 460  
14                  volts, or both, or can be operated on  
15                  230 volts or 460 volts, or both).”; and

16                  (B) by redesignating subparagraphs (C)  
17                  through (I) as subparagraphs (B) through (H),  
18                  respectively.

19                  (7)(A) Section 342(b) of the Energy Policy and  
20                  Conservation Act (42 U.S.C. 6313(b)) is amended—

21                   (i) in paragraph (1), by striking “para-  
22                   graph (2)” and inserting “paragraph (3)”;

23                   (ii) by redesignating paragraphs (2) and  
24                   (3) as paragraphs (3) and (4);

1 (iii) by inserting after paragraph (1) the  
2 following:

3 “(2) STANDARDS EFFECTIVE BEGINNING DE-  
4 CEMBER 19, 2010.—

5 “(A) IN GENERAL.—Except for definite  
6 purpose motors, special purpose motors, and  
7 those motors exempted by the Secretary under  
8 paragraph (3) and except as provided for in  
9 subparagraphs (B), (C), and (D), each electric  
10 motor manufactured with power ratings from 1  
11 to 200 horsepower (alone or as a component of  
12 another piece of equipment) on or after Decem-  
13 ber 19, 2010, shall have a nominal full load ef-  
14 ficiency of not less than the nominal full load  
15 efficiency described in NEMA MG-1 (2006)  
16 Table 12-12.

17 “(B) FIRE PUMP ELECTRIC MOTORS.—Ex-  
18 cept for those motors exempted by the Sec-  
19 retary under paragraph (3), each fire pump  
20 electric motor manufactured with power ratings  
21 from 1 to 200 horsepower (alone or as a compo-  
22 nent of another piece of equipment) on or after  
23 December 19, 2010, shall have a nominal full  
24 load efficiency that is not less than the nominal

1 full load efficiency described in NEMA MG-1  
2 (2006) Table 12-11.

3 “(C) NEMA DESIGN B ELECTRIC MO-  
4 TORS.—Except for those motors exempted by  
5 the Secretary under paragraph (3), each  
6 NEMA Design B electric motor with power rat-  
7 ings of more than 200 horsepower, but not  
8 greater than 500 horsepower, manufactured  
9 (alone or as a component of another piece of  
10 equipment) on or after December 19, 2010,  
11 shall have a nominal full load efficiency of not  
12 less than the nominal full load efficiency de-  
13 scribed in NEMA MG-1 (2006) Table 12-11.

14 “(D) MOTORS INCORPORATING CERTAIN  
15 DESIGN ELEMENTS.—Except for those motors  
16 exempted by the Secretary under paragraph  
17 (3), each electric motor described in section  
18 340(13)(A)(ii) manufactured with power rat-  
19 ings from 1 to 200 horsepower (alone or as a  
20 component of another piece of equipment) on or  
21 after December 19, 2010, shall have a nominal  
22 full load efficiency of not less than the nominal  
23 full load efficiency described in NEMA MG-1  
24 (2006) Table 12-11.”; and

1 (iv) in paragraph (3) (as redesignated by  
2 clause (ii)), by striking “paragraph (1)” each  
3 place it appears in subparagraphs (A) and (D)  
4 and inserting “paragraphs (1) and (2)”.

5 (B) Section 313 of the Energy Independence  
6 and Security Act of 2007 (121 Stat. 1568) is re-  
7 pealed.

8 (C) The amendments made by—

9 (i) subparagraph (A) take effect on De-  
10 cember 19, 2010; and

11 (ii) subparagraph (B) take effect on De-  
12 cember 19, 2007.

13 (8) Section 321(30)(D)(i)(III) of the Energy  
14 Policy and Conservation Act (42 U.S.C.  
15 6291(30)(D)(i)(III)) (as amended by section  
16 321(a)(1)(A) of the Energy Independence and Secu-  
17 rity Act of 2007 (121 Stat. 1574)) is amended by  
18 inserting before the semicolon the following: “or, in  
19 the case of a modified spectrum lamp, not less than  
20 232 lumens and not more than 1,950 lumens”.

21 (9) Section 321(30)(T) of the Energy Policy  
22 and Conservation Act (42 U.S.C. 6291(30)(T)) (as  
23 amended by section 321(a)(1)(B) of the Energy  
24 Independence and Security Act of 2007 (121 Stat.  
25 1574)) is amended—

1 (A) in clause (i)—

2 (i) by striking the comma after  
3 “household appliance” and inserting  
4 “and”; and

5 (ii) by striking “and is sold at retail,”;  
6 and

7 (B) in clause (ii), by inserting “when sold  
8 at retail,” before “is designated”.

9 (10) Section 325(i) of the Energy Policy and  
10 Conservation Act (42 U.S.C. 6295(i)) (as amended  
11 by sections 321(a)(3)(A) and 322(b) of the Energy  
12 Independence and Security Act of 2007 (121 Stat.  
13 1577, 1588)) is amended by striking the subsection  
14 designation and all that follows through the end of  
15 paragraph (8) and inserting the following:

16 “(i) GENERAL SERVICE FLUORESCENT LAMPS, GEN-  
17 ERAL SERVICE INCANDESCENT LAMPS, INTERMEDIATE  
18 BASE INCANDESCENT LAMPS, CANDELABRA BASE INCAN-  
19 DESCENT LAMPS, AND INCANDESCENT REFLECTOR  
20 LAMPS.—

21 “(1) ENERGY EFFICIENCY STANDARDS.—

22 “(A) IN GENERAL.—Each of the following  
23 general service fluorescent lamps, general serv-  
24 ice incandescent lamps, intermediate base in-  
25 candescent lamps, candelabra base incandescent

1 lamps, and incandescent reflector lamps manu-  
 2 factured after the effective date specified in the  
 3 tables listed in this subparagraph shall meet or  
 4 exceed the standards established in the fol-  
 5 lowing tables:

“FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin .....	>35 W	69	75.0	36
.....	≤35 W	45	75.0	36
2-foot U-shaped .....	>35 W	69	68.0	36
.....	≤35 W	45	64.0	36
8-foot slimline .....	>65 W	69	80.0	18
.....	≤65 W	45	80.0	18
8-foot high output .....	>100 W	69	80.0	18
.....	≤100 W	45	80.0	18.

“INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40–50 .....	10.5	36
51–66 .....	11.0	36
67–85 .....	12.5	36
86–115 .....	14.0	36
116–155 .....	14.5	36
156–205 .....	15.0	36.

“GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rated Wattage	Minimum Rated Life-time	Effective Date
1490–2600	72	1,000 hrs	1/1/2012
1050–1489	53	1,000 hrs	1/1/2013
750–1049	43	1,000 hrs	1/1/2014
310–749	29	1,000 hrs	1/1/2014.

“MODIFIED SPECTRUM GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rated Wattage	Minimum Rated Life-time	Effective Date
1118–1950	72	1,000 hrs	1/1/2012
788–1117	53	1,000 hrs	1/1/2013
563–787	43	1,000 hrs	1/1/2014

“MODIFIED SPECTRUM GENERAL SERVICE INCANDESCENT  
LAMPS—Continued

Rated Lumen Ranges	Maximum Rated Wattage	Minimum Rated Life-time	Effective Date
232–562	29	1,000 hrs	1/1/2014.

1 “(B) APPLICATION.—

2 “(i) APPLICATION CRITERIA.—This  
3 subparagraph applies to each lamp that—

4 “(I) is intended for a general  
5 service or general illumination applica-  
6 tion (whether incandescent or not);

7 “(II) has a medium screw base  
8 or any other screw base not defined in  
9 ANSI C81.61–2006;

10 “(III) is capable of being oper-  
11 ated at a voltage at least partially  
12 within the range of 110 to 130 volts;  
13 and

14 “(IV) is manufactured or im-  
15 ported after December 31, 2011.

16 “(ii) REQUIREMENT.—For purposes  
17 of this paragraph, each lamp described in  
18 clause (i) shall have a color rendering  
19 index that is greater than or equal to—

20 “(I) 80 for nonmodified spectrum  
21 lamps; or

1                   “(II) 75 for modified spectrum  
2                   lamps.

3                   “(C) CANDELABRA INCANDESCENT LAMPS  
4                   AND INTERMEDIATE BASE INCANDESCENT  
5                   LAMPS.—

6                   “(i) CANDELABRA BASE INCANDES-  
7                   CENT LAMPS.—Effective beginning Janu-  
8                   ary 1, 2012, a candelabra base incandes-  
9                   cent lamp shall not exceed 60 rated watts.

10                  “(ii) INTERMEDIATE BASE INCANDES-  
11                  CENT LAMPS.—Effective beginning Janu-  
12                  ary 1, 2012, an intermediate base incan-  
13                  descent lamp shall not exceed 40 rated  
14                  watts.

15                  “(D) EXEMPTIONS.—

16                  “(i) STATUTORY EXEMPTIONS.—The  
17                  standards specified in subparagraph (A)  
18                  shall not apply to the following types of in-  
19                  candescent reflector lamps:

20                         “(I) Lamps rated at 50 watts or  
21                         less that are ER30, BR30, BR40, or  
22                         ER40 lamps.

23                         “(II) Lamps rated at 65 watts  
24                         that are BR30, BR40, or ER40  
25                         lamps.

1                   “(III) R20 incandescent reflector  
2                   lamps rated 45 watts or less.

3                   “(ii)     ADMINISTRATIVE     EXEMP-  
4                   TIONS.—

5                   “(I) PETITION.—Any person may  
6                   petition the Secretary for an exemp-  
7                   tion for a type of general service lamp  
8                   from the requirements of this sub-  
9                   section.

10                  “(II) CRITERIA.—The Secretary  
11                  may grant an exemption under sub-  
12                  clause (I) only to the extent that the  
13                  Secretary finds, after a hearing and  
14                  opportunity for public comment, that  
15                  it is not technically feasible to serve a  
16                  specialized lighting application (such  
17                  as a military, medical, public safety,  
18                  or certified historic lighting applica-  
19                  tion) using a lamp that meets the re-  
20                  quirements of this subsection.

21                  “(III) ADDITIONAL CRITERION.—  
22                  To grant an exemption for a product  
23                  under this clause, the Secretary shall  
24                  include, as an additional criterion,  
25                  that the exempted product is unlikely

1 to be used in a general service lighting  
2 application.

3 “(E) EXTENSION OF COVERAGE.—

4 “(i) PETITION.—Any person may peti-  
5 tion the Secretary to establish standards  
6 for lamp shapes or bases that are excluded  
7 from the definition of general service  
8 lamps.

9 “(ii) INCREASED SALES OF EXEMPT-  
10 ED LAMPS.—The petition shall include evi-  
11 dence that the availability or sales of ex-  
12 empted incandescent lamps have increased  
13 significantly since the date on which the  
14 standards on general service incandescent  
15 lamps were established.

16 “(iii) CRITERIA.—The Secretary shall  
17 grant a petition under clause (i) if the Sec-  
18 retary finds that—

19 “(I) the petition presents evi-  
20 dence that demonstrates that commer-  
21 cial availability or sales of exempted  
22 incandescent lamp types have in-  
23 creased significantly since the stand-  
24 ards on general service lamps were es-  
25 tablished and likely are being widely

1 used in general lighting applications;  
2 and

3 “(II) significant energy savings  
4 could be achieved by covering exempt-  
5 ed products, as determined by the  
6 Secretary based in part on sales data  
7 provided to the Secretary from manu-  
8 facturers and importers.

9 “(iv) NO PRESUMPTION.—The grant  
10 of a petition under this subparagraph shall  
11 create no presumption with respect to the  
12 determination of the Secretary with respect  
13 to any criteria under a rulemaking con-  
14 ducted under this section.

15 “(v) EXPEDITED PROCEEDING.—If  
16 the Secretary grants a petition for a lamp  
17 shape or base under this subparagraph,  
18 the Secretary shall—

19 “(I) conduct a rulemaking to de-  
20 termine standards for the exempted  
21 lamp shape or base; and

22 “(II) complete the rulemaking  
23 not later than 18 months after the  
24 date on which notice is provided  
25 granting the petition.

1 “(F) EFFECTIVE DATES.—

2 “(i) IN GENERAL.—In this paragraph,  
3 except as otherwise provided in a table  
4 contained in subparagraph (A) or in clause  
5 (ii), the term ‘effective date’ means the last  
6 day of the period of months specified in  
7 the table after October 24, 1992.

8 “(ii) SPECIAL EFFECTIVE DATES.—

9 “(I) ER, BR, AND BPAR  
10 LAMPS.—The standards specified in  
11 subparagraph (A) shall apply with re-  
12 spect to ER incandescent reflector  
13 lamps, BR incandescent reflector  
14 lamps, BPAR incandescent reflector  
15 lamps, and similar bulb shapes on and  
16 after January 1, 2008, or the date  
17 that is 180 days after the date of en-  
18 actment of the Energy Independence  
19 and Security Act of 2007.

20 “(II) LAMPS BETWEEN 2.25–2.75  
21 INCHES IN DIAMETER.—The stand-  
22 ards specified in subparagraph (A)  
23 shall apply with respect to incandes-  
24 cent reflector lamps with a diameter  
25 of more than 2.25 inches, but not

1 more than 2.75 inches, on and after  
2 the later of January 1, 2008, or the  
3 date that is 180 days after the date of  
4 enactment of the Energy Independ-  
5 ence and Security Act of 2007.

6 “(2) COMPLIANCE WITH EXISTING LAW.—Not-  
7 withstanding section 332(a)(5) and section 332(b),  
8 it shall not be unlawful for a manufacturer to sell  
9 a lamp that is in compliance with the law at the  
10 time the lamp was manufactured.

11 “(3) RULEMAKING BEFORE OCTOBER 24,  
12 1995.—

13 “(A) IN GENERAL.—Not later than 36  
14 months after October 24, 1992, the Secretary  
15 shall initiate a rulemaking procedure and shall  
16 publish a final rule not later than the end of  
17 the 54-month period beginning on October 24,  
18 1992, to determine whether the standards es-  
19 tablished under paragraph (1) should be  
20 amended.

21 “(B) ADMINISTRATION.—The rule shall  
22 contain the amendment, if any, and provide  
23 that the amendment shall apply to products  
24 manufactured on or after the 36-month period

1 beginning on the date on which the final rule is  
2 published.

3 “(4) RULEMAKING BEFORE OCTOBER 24,  
4 2000.—

5 “(A) IN GENERAL.—Not later than 8 years  
6 after October 24, 1992, the Secretary shall ini-  
7 tiate a rulemaking procedure and shall publish  
8 a final rule not later than 9 years and 6 months  
9 after October 24, 1992, to determine whether  
10 the standards in effect for fluorescent lamps  
11 and incandescent lamps should be amended.

12 “(B) ADMINISTRATION.—The rule shall  
13 contain the amendment, if any, and provide  
14 that the amendment shall apply to products  
15 manufactured on or after the 36-month period  
16 beginning on the date on which the final rule is  
17 published.

18 “(5) RULEMAKING FOR ADDITIONAL GENERAL  
19 SERVICE FLUORESCENT LAMPS.—

20 “(A) IN GENERAL.—Not later than the  
21 end of the 24-month period beginning on the  
22 date labeling requirements under section  
23 324(a)(2)(C) become effective, the Secretary  
24 shall—

1           “(i) initiate a rulemaking procedure to  
2           determine whether the standards in effect  
3           for fluorescent lamps and incandescent  
4           lamps should be amended so that the  
5           standards would be applicable to additional  
6           general service fluorescent lamps; and

7           “(ii) publish, not later than 18  
8           months after initiating the rulemaking, a  
9           final rule including the amended stand-  
10          ards, if any.

11          “(B) ADMINISTRATION.—The rule shall  
12          provide that the amendment shall apply to  
13          products manufactured after a date which is 36  
14          months after the date on which the rule is pub-  
15          lished.

16          “(6) STANDARDS FOR GENERAL SERVICE  
17          LAMPS.—

18                 “(A) RULEMAKING BEFORE JANUARY 1,  
19                 2014.—

20                 “(i) IN GENERAL.—Not later than  
21                 January 1, 2014, the Secretary shall ini-  
22                 tiate a rulemaking procedure to determine  
23                 whether—

1           “(I) standards in effect for gen-  
2           eral service lamps should be amended;  
3           and

4           “(II) the exclusions for certain  
5           incandescent lamps should be main-  
6           tained or discontinued based, in part,  
7           on excluded lamp sales collected by  
8           the Secretary from manufacturers.

9           “(ii) SCOPE.—The rulemaking—

10           “(I) shall not be limited to incan-  
11           descent lamp technologies; and

12           “(II) shall include consideration  
13           of a minimum standard of 45 lumens  
14           per watt for general service lamps.

15           “(iii) AMENDED STANDARDS.—If the  
16           Secretary determines that the standards in  
17           effect for general service lamps should be  
18           amended, the Secretary shall publish a  
19           final rule not later than January 1, 2017,  
20           with an effective date that is not earlier  
21           than 3 years after the date on which the  
22           final rule is published.

23           “(iv) PHASED-IN EFFECTIVE  
24           DATES.—The Secretary shall consider

1           phased-in effective dates under this sub-  
2           paragraph after considering—

3                   “(I) the impact of any amend-  
4                   ment on manufacturers, retiring and  
5                   repurposing existing equipment,  
6                   stranded investments, labor contracts,  
7                   workers, and raw materials; and

8                   “(II) the time needed to work  
9                   with retailers and lighting designers  
10                  to revise sales and marketing strate-  
11                  gies.

12                  “(v) BACKSTOP REQUIREMENT.—If  
13                  the Secretary fails to complete a rule-  
14                  making in accordance with clauses (i)  
15                  through (iv) or if the final rule does not  
16                  produce savings that are greater than or  
17                  equal to the savings from a minimum effi-  
18                  cacy standard of 45 lumens per watt, effec-  
19                  tive beginning January 1, 2020, the Sec-  
20                  retary shall prohibit the manufacture of  
21                  any general service lamp that does not  
22                  meet a minimum efficacy standard of 45  
23                  lumens per watt.

24                  “(vi) STATE PREEMPTION.—Neither  
25                  section 327 nor any other provision of law

1 shall preclude California or Nevada from  
2 adopting, effective beginning on or after  
3 January 1, 2018—

4 “(I) a final rule adopted by the  
5 Secretary in accordance with clauses  
6 (i) through (iv);

7 “(II) if a final rule described in  
8 subclause (I) has not been adopted,  
9 the backstop requirement under  
10 clause (v); or

11 “(III) in the case of California, if  
12 a final rule described in subclause (I)  
13 has not been adopted, any California  
14 regulations relating to these covered  
15 products adopted pursuant to State  
16 statute in effect on the date of enact-  
17 ment of the Energy Independence and  
18 Security Act of 2007.

19 “(B) RULEMAKING BEFORE JANUARY 1,  
20 2020.—

21 “(i) IN GENERAL.—Not later than  
22 January 1, 2020, the Secretary shall ini-  
23 tiate a rulemaking procedure to determine  
24 whether—

1           “(I) standards in effect for gen-  
2           eral service lamps should be amended;  
3           and

4           “(II) the exclusions for certain  
5           incandescent lamps should be main-  
6           tained or discontinued based, in part,  
7           on excluded lamp sales data collected  
8           by the Secretary from manufacturers.

9           “(ii) SCOPE.—The rulemaking shall  
10          not be limited to incandescent lamp tech-  
11          nologies.

12          “(iii) AMENDED STANDARDS.—If the  
13          Secretary determines that the standards in  
14          effect for general service lamps should be  
15          amended, the Secretary shall publish a  
16          final rule not later than January 1, 2022,  
17          with an effective date that is not earlier  
18          than 3 years after the date on which the  
19          final rule is published.

20          “(iv) PHASED-IN EFFECTIVE  
21          DATES.—The Secretary shall consider  
22          phased-in effective dates under this sub-  
23          paragraph after considering—

24                 “(I) the impact of any amend-  
25                 ment on manufacturers, retiring and

1 repurposing existing equipment,  
2 stranded investments, labor contracts,  
3 workers, and raw materials; and

4 “(II) the time needed to work  
5 with retailers and lighting designers  
6 to revise sales and marketing strate-  
7 gies.

8 “(7) FEDERAL ACTIONS.—

9 “(A) COMMENTS OF SECRETARY.—

10 “(i) IN GENERAL.—With respect to  
11 any lamp to which standards are applicable  
12 under this subsection or any lamp specified  
13 in section 346, the Secretary shall inform  
14 any Federal entity proposing actions that  
15 would adversely impact the energy con-  
16 sumption or energy efficiency of the lamp  
17 of the energy conservation consequences of  
18 the action.

19 “(ii) CONSIDERATION.—The Federal  
20 entity shall carefully consider the com-  
21 ments of the Secretary.

22 “(B) AMENDMENT OF STANDARDS.—Not-  
23 withstanding section 325(n)(1), the Secretary  
24 shall not be prohibited from amending any  
25 standard, by rule, to permit increased energy

1 use or to decrease the minimum required en-  
2 energy efficiency of any lamp to which standards  
3 are applicable under this subsection if the ac-  
4 tion is warranted as a result of other Federal  
5 action (including restrictions on materials or  
6 processes) that would have the effect of either  
7 increasing the energy use or decreasing the en-  
8 energy efficiency of the product.

9 “(8) COMPLIANCE.—

10 “(A) IN GENERAL.—Not later than the  
11 date on which standards established pursuant  
12 to this subsection become effective, or, with re-  
13 spect to high-intensity discharge lamps covered  
14 under section 346, the effective date of stand-  
15 ards established pursuant to that section, each  
16 manufacturer of a product to which the stand-  
17 ards are applicable shall file with the Secretary  
18 a laboratory report certifying compliance with  
19 the applicable standard for each lamp type.

20 “(B) CONTENTS.—The report shall include  
21 the lumen output and wattage consumption for  
22 each lamp type as an average of measurements  
23 taken over the preceding 12-month period.

24 “(C) OTHER LAMP TYPES.—With respect  
25 to lamp types that are not manufactured during

1 the 12-month period preceding the date on  
2 which the standards become effective, the re-  
3 port shall—

4 “(i) be filed with the Secretary not  
5 later than the date that is 12 months after  
6 the date on which manufacturing is com-  
7 menced; and

8 “(ii) include the lumen output and  
9 wattage consumption for each such lamp  
10 type as an average of measurements taken  
11 during the 12-month period.”.

12 (11) Section 325(l)(4)(A) of the Energy Policy  
13 and Conservation Act (42 U.S.C. 6295(l)(4)(A)) (as  
14 amended by section 321(a)(3)(B) of the Energy  
15 Independence and Security Act of 2007 (121 Stat.  
16 1581)) is amended by striking “only”.

17 (12) Section 327(b)(1)(B) of the Energy Policy  
18 and Conservation Act (42 U.S.C. 6297(b)(1)(B)) (as  
19 amended by section 321(d)(3) of the Energy Inde-  
20 pendence and Security Act of 2007 (121 Stat.  
21 1585)) is amended—

22 (A) in clause (i), by inserting “and” after  
23 the semicolon at the end;

24 (B) in clause (ii), by striking “; and” and  
25 inserting a period; and

1 (C) by striking clause (iii).

2 (13) Section 321(30)(C)(ii) of the Energy Pol-  
3 icy and Conservation Act (42 U.S.C.  
4 6291(30)(C)(ii)) (as amended by section  
5 322(a)(1)(B) of the Energy Independence and Secu-  
6 rity Act of 2007 (121 Stat. 1587)) is amended by  
7 inserting a period after “40 watts or higher”.

8 (14) Section 322(b) of the Energy Independ-  
9 ence and Security Act of 2007 (121 Stat. 1588) is  
10 amended by striking “6995(i)” and inserting  
11 “6295(i)”.

12 (15) Section 327(c) of the Energy Policy and  
13 Conservation Act (42 U.S.C. 6297(c)) (as amended  
14 by sections 324(f) of the Energy Independence and  
15 Security Act of 2007 (121 Stat. 1594) and section  
16 6(e)(2)) is amended—

17 (A) in paragraph (6), by striking “or”  
18 after the semicolon at the end;

19 (B) in paragraph (9)(B), by striking “or”  
20 at the end;

21 (C) in paragraph (10), by striking the pe-  
22 riod at the end and inserting a semicolon;

23 (D) by adding at the end the following:

1           “(11) is a regulation for general service lamps  
2 that conforms with Federal standards and effective  
3 dates; or

4           “(12) is an energy efficiency standard for gen-  
5 eral service lamps enacted into law by the State of  
6 Nevada prior to December 19, 2007, if the State has  
7 not adopted the Federal standards and effective  
8 dates pursuant to subsection (b)(1)(B)(ii).”.

9           (16) Section 325(b) of the Energy Independ-  
10 ence and Security Act of 2007 (121 Stat. 1596) is  
11 amended by striking “6924(c)” and inserting  
12 “6294(c)”.

13           (17) This subsection and the amendments made  
14 by this subsection take effect as if included in the  
15 Energy Independence and Security Act of 2007  
16 (Public Law 110–140; 121 Stat. 1492).

17           (b) ENERGY POLICY ACT OF 2005.—

18           (1) Section 325(g)(8)(C)(ii) of the Energy Pol-  
19 icy and Conservation Act (42 U.S.C.  
20 6295(g)(8)(C)(ii)) (as added by section 135(c)(2)(B)  
21 of the Energy Policy Act of 2005) is amended by  
22 striking “20°F” and inserting “–20°F”.

23           (2) This subsection and the amendment made  
24 by this subsection take effect as if included in the

1 Energy Policy Act of 2005 (Public Law 109–58; 119  
2 Stat. 594).

3 (c) ENERGY POLICY AND CONSERVATION ACT.—

4 (1) Section 340(2)(B) of the Energy Policy and  
5 Conservation Act (42 U.S.C. 6311(2)(B)) is amend-  
6 ed—

7 (A) in clause (xi), by striking “and” at the  
8 end;

9 (B) in clause (xii), by striking the period  
10 at the end and inserting “; and”; and

11 (C) by adding at the end the following:

12 “(xiii) other motors.”.

13 (2) Section 343(a) of the Energy Policy and  
14 Conservation Act (42 U.S.C. 6314(a)) is amended  
15 by striking “Air-Conditioning and Refrigeration In-  
16 stitute” each place it appears in paragraphs (4)(A)  
17 and (7) and inserting “Air-Conditioning, Heating,  
18 and Refrigeration Institute”.

## 19 **Subtitle C—Worker Training and** 20 **Capacity Building**

### 21 **SEC. 141. BUILDING TRAINING AND ASSESSMENT CENTERS.**

22 (a) IN GENERAL.—The Secretary of Energy shall  
23 provide grants to institutions of higher education (as de-  
24 fined in section 101 of the Higher Education Act of 1965  
25 (20 U.S.C. 1001)) and Tribal Colleges or Universities (as

1 defined in section 316(b) of that Act (20 U.S.C. 1059c(b))

2 to establish building training and assessment centers—

3 (1) to identify opportunities for optimizing en-  
4 ergy efficiency and environmental performance in  
5 buildings;

6 (2) to promote the application of emerging con-  
7 cepts and technologies in commercial and institu-  
8 tional buildings;

9 (3) to train engineers, architects, building sci-  
10 entists, building energy permitting and enforcement  
11 officials, and building technicians in energy-efficient  
12 design and operation;

13 (4) to assist institutions of higher education  
14 and Tribal Colleges or Universities in training build-  
15 ing technicians;

16 (5) to promote research and development for  
17 the use of alternative energy sources to supply heat  
18 and power for buildings, particularly energy-inten-  
19 sive buildings; and

20 (6) to coordinate with and assist State-accred-  
21 ited technical training centers, community colleges,  
22 Tribal Colleges or Universities, and local offices of  
23 the National Institute of Food and Agriculture and  
24 ensure appropriate services are provided under this  
25 section to each region of the United States.

1 (b) COORDINATION AND NONDUPLICATION.—

2 (1) IN GENERAL.—The Secretary shall coordi-  
3 nate the program with the Industrial Assessment  
4 Centers program and with other Federal programs  
5 to avoid duplication of effort.

6 (2) COLLOCATION.—To the maximum extent  
7 practicable, building, training, and assessment cen-  
8 ters established under this section shall be collocated  
9 with Industrial Assessment Centers.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
11 are authorized to be appropriated such sums as are nec-  
12 essary to carry out this section.

13 **TITLE II—BUILDING EFFICIENCY**  
14 **FINANCE**

15 **SEC. 201. RURAL ENERGY SAVINGS PROGRAM.**

16 Title VI of the Farm Security and Rural Investment  
17 Act of 2002 (7 U.S.C. 7901 note et seq.) is amended by  
18 adding the following:

19 **“SEC. 6407. RURAL ENERGY SAVINGS PROGRAM.**

20 “(a) PURPOSE.—The purpose of this section is to cre-  
21 ate and save jobs by providing loans to qualified con-  
22 sumers that will use the loan proceeds to implement en-  
23 ergy efficiency measures to achieve significant reductions  
24 in energy costs, energy consumption, or carbon emissions.

25 “(b) DEFINITIONS.—In this section:

1           “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
2           tity’ means—

3                   “(A) any public power district, public util-  
4                   ity district, or similar entity, or any electric co-  
5                   operative described in sections 501(c)(12) or  
6                   1381(a)(2)(C) of the Internal Revenue Code of  
7                   1986, that borrowed and repaid, prepaid, or is  
8                   paying an electric loan made or guaranteed by  
9                   the Rural Utilities Service (or any predecessor  
10                  agency); or

11                  “(B) any entity primarily owned or con-  
12                  trolled by an entity or entities described in sub-  
13                  paragraph (A).

14           “(2) ENERGY EFFICIENCY MEASURES.—The  
15           term ‘energy efficiency measures’ means, for or at  
16           property served by an eligible entity, structural im-  
17           provements and investments in cost-effective, com-  
18           mercial technologies to increase energy efficiency.

19           “(3) QUALIFIED CONSUMER.—The term ‘quali-  
20           fied consumer’ means a consumer served by an eligi-  
21           ble entity that has the ability to repay a loan made  
22           under subsection (d), as determined by an eligible  
23           entity.

1           “(4) SECRETARY.—The term ‘Secretary’ means  
2 the Secretary of Agriculture, acting through the  
3 Rural Utilities Service.

4           “(c) LOANS TO ELIGIBLE ENTITIES.—

5           “(1) LOANS AUTHORIZED.—Subject to para-  
6 graph (2), the Secretary shall make loans to eligible  
7 entities that agree to use the loan funds to make  
8 loans to qualified consumers as described in sub-  
9 section (d) for the purpose of implementing energy  
10 efficiency measures.

11           “(2) LIST, PLAN, AND MEASUREMENT AND  
12 VERIFICATION REQUIRED.—

13           “(A) IN GENERAL.—As a condition to re-  
14 ceiving a loan or grant under this subsection,  
15 an eligible entity shall—

16           “(i) establish a list of energy effi-  
17 ciency measures that is expected to de-  
18 crease energy use or costs of qualified con-  
19 sumers;

20           “(ii) prepare an implementation plan  
21 for use of the loan funds; and

22           “(iii) provide for appropriate measure-  
23 ment and verification to ensure the effec-  
24 tiveness of the energy efficiency loans  
25 made by the eligible entity and that there

1           is no conflict of interest in the carrying out  
2           of this section.

3           “(B) REVISION OF LIST OF ENERGY EFFI-  
4           CIENCY MEASURES.—An eligible entity may up-  
5           date the list required under subparagraph  
6           (A)(i) to account for newly available efficiency  
7           technologies, subject to the approval of the Sec-  
8           retary.

9           “(C) EXISTING ENERGY EFFICIENCY PRO-  
10          GRAMS.—An eligible entity that, on or before  
11          the date of the enactment of this section or  
12          within 60 days after such date, has already es-  
13          tablished an energy efficiency program for  
14          qualified consumers may use an existing list of  
15          energy efficiency measures, implementation  
16          plan, or measurement and verification system of  
17          that program to satisfy the requirements of  
18          subparagraph (A) if the Secretary determines  
19          the list, plans, or systems are consistent with  
20          the purposes of this section.

21          “(3) NO INTEREST.—A loan under this sub-  
22          section shall bear no interest.

23          “(4) REPAYMENT.—In the case of a loan made  
24          under paragraph (1)—

1           “(A) the term shall not exceed 20 years  
2           from the date the loan is closed; and

3           “(B) except as provided in paragraph (6),  
4           the repayment of each advance shall be amor-  
5           tized for a period of not to exceed 10 years.

6           “(5) AMOUNT OF ADVANCES.—Any advance of  
7           loan funds to an eligible entity in any single year  
8           shall not exceed 50 percent of the approved loan  
9           amount.

10          “(6) SPECIAL ADVANCE FOR START-UP ACTIVI-  
11          TIES.—

12           “(A) IN GENERAL.—In order to assist an  
13           eligible entity in defraying appropriate start-up  
14           costs of establishing new programs or modifying  
15           existing programs to carry out subsection (d)  
16           (as determined by the Secretary), the Secretary  
17           shall allow an eligible entity to request a special  
18           advance.

19           “(B) AMOUNT OF SPECIAL ADVANCE.—No  
20           eligible entity may receive a special advance  
21           under this paragraph for an amount that is  
22           greater than 4 percent of the loan amount re-  
23           ceived by the eligible entity under paragraph  
24           (1).

1           “(C) REPAYMENT.—Repayment of the spe-  
2           cial advance—

3                   “(i) shall be required not later than  
4                   the end of the 10-year period beginning on  
5                   the date the special advance is made; and

6                   “(ii) at the option of the eligible enti-  
7                   ty, may be deferred to the end of the 10-  
8                   year period.

9           “(7) LIMITATION ON ADVANCES.—An advance  
10           on a loan described in paragraph (1) shall be made  
11           during the initial 10 years of the term of the loan.

12           “(d) LOANS TO QUALIFIED CONSUMERS.—

13                   “(1) TERMS OF LOANS.—Loans made by an eli-  
14                   gible entity to qualified consumers using loan funds  
15                   provided by the Secretary under subsection (c)—

16                           “(A) may bear interest, not to exceed three  
17                           percent, to be used for purposes that include es-  
18                           tablishing a loan loss reserve and to offset per-  
19                           sonnel and program costs of eligible entities to  
20                           provide the loans;

21                           “(B) shall finance energy efficiency meas-  
22                           ures for the purpose of decreasing energy usage  
23                           or costs of the qualified consumer by an  
24                           amount such that a loan term of not more than  
25                           ten years will not pose an undue financial bur-

1 den on the qualified consumer, as determined  
2 by the eligible entity;

3 “(C) shall not be used to fund energy effi-  
4 ciency measures made to personal property un-  
5 less the personal property—

6 “(i) is or becomes attached to real  
7 property as a fixture; or

8 “(ii) is a manufactured home;

9 “(D) shall be repaid through charges  
10 added to the electric bill for the property at  
11 which energy efficiency measures are or will be  
12 implemented, except that this subparagraph  
13 shall not prohibit—

14 “(i) the voluntary prepayment of a  
15 loan by the owner of the property; or

16 “(ii) the use of any additional repay-  
17 ment mechanisms that are—

18 “(I) demonstrated to have appro-  
19 priate risk mitigation features, as de-  
20 termined by the eligible entity; or

21 “(II) required if the qualified  
22 consumer is no longer a customer of  
23 the eligible entity; and

24 “(E) shall require an energy audit by an  
25 eligible entity to determine the impact of pro-

1           posed energy efficiency measures on the energy  
2           costs and consumption of the qualified con-  
3           sumer.

4           “(2) CONTRACTORS.—In addition to any other  
5           qualified general contractor, eligible entities may  
6           serve as general contractors.

7           “(e) CONTRACT FOR MEASUREMENT AND  
8           VERIFICATION, TRAINING, AND TECHNICAL ASSIST-  
9           ANCE.—

10           “(1) IN GENERAL.—Not later than 90 days  
11           after the date of enactment of this section, the Sec-  
12           retary—

13                   “(A) shall establish a plan for measure-  
14                   ment and verification, training, and technical  
15                   assistance for the program; and

16                   “(B) may enter into 1 or more contracts  
17                   with a qualified entity for the purposes of—

18                           “(i) providing measurement and  
19                           verification activities; and

20                           “(ii) developing a program to provide  
21                           technical assistance and training to the  
22                           employees of eligible entities to carry out  
23                           this section.

24           “(2) USE OF SUBCONTRACTORS AUTHOR-  
25           IZED.—A qualified entity that enters into a contract

1 under paragraph (1) may use subcontractors to as-  
2 sist the qualified entity in performing the contract.

3 “(f) FAST START DEMONSTRATION PROJECTS.—

4 “(1) DEMONSTRATION PROJECTS REQUIRED.—

5 The Secretary shall enter into agreements with eligi-  
6 ble entities (or groups of eligible entities) that have  
7 energy efficiency programs described in subsection  
8 (e)(2)(C) to establish an energy efficiency loan dem-  
9 onstration projects consistent with the purposes of  
10 this section.

11 “(2) EVALUATION CRITERIA.—In determining  
12 which eligible entities to make loans under this sec-  
13 tion, the Secretary shall give a preference to entities  
14 that—

15 “(A) implement approaches to energy au-  
16 dits and investments in energy efficiency meas-  
17 ures that yield measurable and predictable sav-  
18 ings;

19 “(B) use measurement and verification  
20 processes to determine the effectiveness of en-  
21 ergy efficiency loans made by eligible entities;

22 “(C) include training for employees of eli-  
23 gible entities, including any contractors of such  
24 entities, to implement or oversee the activities  
25 described in subparagraphs (A) and (B);

1           “(D) provide for the participation of a ma-  
2           jority of eligible entities in a State;

3           “(E) reduce the need for generating capac-  
4           ity;

5           “(F) provide efficiency loans to—

6                 “(i) not fewer than 20,000 consumers,  
7                 in the case of a single eligible entity; or

8                 “(ii) not fewer than 80,000 con-  
9                 sumers, in the case of a group of eligible  
10                entities; and

11           “(G) serve areas where a large percentage  
12           of consumers reside—

13                 “(i) in manufactured homes; or

14                 “(ii) in housing units that are more  
15                 than 50 years old.

16           “(3) DEADLINE FOR IMPLEMENTATION.—The  
17           agreements required by paragraph (1) shall be en-  
18           tered into not later than 90 days after the date of  
19           enactment of this section.

20           “(4) EFFECT ON AVAILABILITY OF LOANS NA-  
21           TIONALLY.—Nothing in this subsection shall delay  
22           the availability of loans to eligible entities on a na-  
23           tional basis beginning not later than 180 days after  
24           the date of enactment of this section.

1           “(5) ADDITIONAL DEMONSTRATION PROJECT  
2 AUTHORITY.—

3           “(A) IN GENERAL.—The Secretary may  
4 conduct demonstration projects in addition to  
5 the project required by paragraph (1).

6           “(B) INAPPLICABILITY OF CERTAIN CRI-  
7 TERIA.—The additional demonstration projects  
8 may be carried out without regard to subpara-  
9 graphs (D), (F), or (G) of paragraph (2).

10          “(g) ADDITIONAL AUTHORITY.—The authority pro-  
11 vided in this section is in addition to any authority of the  
12 Secretary to offer loans or grants under any other law.

13          “(h) AUTHORIZATION OF APPROPRIATIONS.—

14           “(1) IN GENERAL.—There is authorized to be  
15 appropriated to the Secretary to carry out this sec-  
16 tion \$405,000,000 for fiscal year 2012, to remain  
17 available until expended.

18           “(2) AMOUNTS FOR LOANS, GRANTS, STAFF-  
19 ING.—Of the amounts appropriated pursuant to the  
20 authorization of appropriations in paragraph (1), the  
21 Secretary shall make available—

22           “(A) \$400,000,000 for the purpose of cov-  
23 ering the cost of loans to eligible entities under  
24 subsection (c) to subsidize gross obligations in

1 the principal amount of not to exceed  
2 \$2,000,000,000; and

3 “(B) \$5,000,000 for measurement and  
4 verification activities under subsection  
5 (e)(1)(A).

6 “(i) EFFECTIVE PERIOD.—Subject to subsection  
7 (h)(1) and except as otherwise provided in this section,  
8 the loans, grants, and other expenditures required to be  
9 made under this section are authorized to be made during  
10 each of fiscal years 2012 through 2016.

11 “(j) REGULATIONS.—

12 “(1) IN GENERAL.—Except as otherwise pro-  
13 vided in this subsection, not later than 180 days  
14 after the date of enactment of this section, the Sec-  
15 retary shall promulgate such regulations as are nec-  
16 essary to implement this section.

17 “(2) PROCEDURE.—The promulgation of the  
18 regulations and administration of this section shall  
19 be made without regard to—

20 “(A) chapter 35 of title 44, United States  
21 Code (commonly known as the ‘Paperwork Re-  
22 duction Act’); and

23 “(B) the Statement of Policy of the Sec-  
24 retary of Agriculture effective July 24, 1971  
25 (36 Fed. Reg. 13804), relating to notices of

1 proposed rulemaking and public participation in  
2 rulemaking.

3 “(3) CONGRESSIONAL REVIEW OF AGENCY  
4 RULEMAKING.—In carrying out this section, the Sec-  
5 retary shall use the authority provided under section  
6 808 of title 5, United States Code.

7 “(4) INTERIM REGULATIONS.—Notwithstanding  
8 paragraphs (1) and (2), to the extent regulations are  
9 necessary to carry out any provision of this section,  
10 the Secretary shall implement such regulations  
11 through the promulgation of an interim rule.”.

12 **SEC. 202. LOAN PROGRAM FOR ENERGY EFFICIENCY UP-**  
13 **GRADES TO EXISTING BUILDINGS.**

14 Title XVII of the Energy Policy Act of 2005 (42  
15 U.S.C. 16511 et seq.) is amended by adding at the end  
16 the following:

17 **“SEC. 1706. BUILDING RETROFIT FINANCING PROGRAM.**

18 “(a) DEFINITIONS.—In this section:

19 “(1) CREDIT SUPPORT.—The term ‘credit sup-  
20 port’ means a guarantee or commitment to issue a  
21 guarantee or other forms of credit enhancement to  
22 ameliorate risks for efficiency obligations.

23 “(2) EFFICIENCY OBLIGATION.—The term ‘effi-  
24 ciency obligation’ means a debt or repayment obliga-

1       tion incurred in connection with financing a project,  
2       or a portfolio of such debt or payment obligations.

3           “(3) PROJECT.—The term ‘project’ means the  
4       installation of efficiency or renewable energy meas-  
5       ures (including metering) in a building (or in mul-  
6       tiple buildings on a given property) that are ex-  
7       pected to increase the energy efficiency of the build-  
8       ing (including fixtures) in accordance with criteria  
9       established by the Secretary.

10       “(b) ELIGIBLE PROJECTS.—

11           “(1) IN GENERAL.—Notwithstanding sections  
12       1703 and 1705, the Secretary may provide credit  
13       support under this section, in accordance with sec-  
14       tion 1702.

15           “(2) INCLUSIONS.—Buildings eligible for credit  
16       support under this section include commercial, in-  
17       dustrial, municipal, university, school, and hospital  
18       facilities that satisfy criteria established by the Sec-  
19       retary.

20       “(c) GUIDELINES.—

21           “(1) IN GENERAL.—Not later than 180 days  
22       after the date of enactment of this section, the Sec-  
23       retary shall establish guidelines for credit support  
24       provided under this section.

1           “(2) REQUIREMENTS.—The guidelines estab-  
2           lished by the Secretary under this subsection shall  
3           include—

4                   “(A) standards for assessing the energy  
5                   savings that could reasonably be expected to re-  
6                   sult from a project;

7                   “(B) examples of financing mechanisms  
8                   (and portfolios of such financing mechanisms)  
9                   that qualify as efficiency obligations;

10                   “(C) the threshold levels of energy savings  
11                   that a project, at the time of issuance of credit  
12                   support, shall be reasonably expected to achieve  
13                   to be eligible for credit support;

14                   “(D) the eligibility criteria the Secretary  
15                   determines to be necessary for making credit  
16                   support available under this section; and

17                   “(E) any lien priority requirements that  
18                   the Secretary determines to be necessary.

19           “(3) EFFICIENCY OBLIGATIONS.—The financing  
20           mechanisms qualified by the Secretary under para-  
21           graph (2)(B) may include—

22                   “(A) loans, including loans made by the  
23                   Federal Financing Bank;

24                   “(B) power purchase agreements, including  
25                   energy efficiency power purchase agreements;

1           “(C) energy services agreements, including  
2 energy performance contracts;

3           “(D) property assessed clean energy bonds  
4 and other tax assessment-based financing mech-  
5 anisms;

6           “(E) aggregate on-meter agreements that  
7 finance retrofit projects; and

8           “(F) any other efficiency obligations the  
9 Secretary determines to be appropriate.

10          “(4) PRIORITIES.—In carrying out this section,  
11 the Secretary shall prioritize—

12           “(A) the maximization of energy savings  
13 with the available credit support funding;

14           “(B) the establishment of a clear applica-  
15 tion and approval process that allows private  
16 building owners, lenders, and investors to rea-  
17 sonably expect to receive credit support for  
18 projects that conform to guidelines; and

19           “(C) the distribution of projects receiving  
20 credit support under this section across States  
21 or geographical regions of the United States.

22          “(5) MINIMUM ENERGY SAVINGS REQUIRE-  
23 MENT.—

24           “(A) IN GENERAL.—In carrying out this  
25 section, the Secretary shall establish an initial

1 minimum energy savings requirement for eligi-  
2 ble projects that, to the maximum extent prac-  
3 ticable, results in the greatest amount of energy  
4 savings on a per project basis.

5 “(B) ADJUSTMENTS.—

6 “(i) IN GENERAL.—Not less than once  
7 each year, the Secretary shall adjust the  
8 minimum energy savings requirement de-  
9 scribed in subparagraph (A) and any other  
10 credit support terms the Secretary deter-  
11 mines to be necessary, including the max-  
12 imum percentage of the efficiency obliga-  
13 tion that may be guaranteed, taking into  
14 account market conditions and the avail-  
15 able funding.

16 “(ii) ADVANCED NOTICE.—If the Sec-  
17 retary adjusts the energy savings require-  
18 ment, the Secretary shall provide at least  
19 90 days advanced public notice.

20 “(d) LIMITATION.—Notwithstanding section 1702(c),  
21 the Secretary shall not issue credit support under this sec-  
22 tion in an amount that exceeds—

23 “(1) 90 percent of the principal amount of the  
24 efficiency obligation that is the subject of the credit  
25 support; or

1           “(2) \$10,000,000 for any single project.

2           “(e) AGGREGATION OF PROJECTS.—To the extent  
3 provided in the guidelines developed in accordance with  
4 subsection (c), the Secretary may issue credit support on  
5 a portfolio, or pool of projects, that are not required to  
6 be geographically contiguous, if each efficiency obligation  
7 in the pool fulfills the requirements described in this sec-  
8 tion.

9           “(f) APPLICATION.—

10           “(1) IN GENERAL.—To be eligible to receive  
11 credit support under this section, the applicant shall  
12 submit to the Secretary an application at such time,  
13 in such manner, and containing such information as  
14 the Secretary determines to be necessary.

15           “(2) CONTENTS.—An application submitted  
16 under this section shall include assurances by the  
17 applicant that—

18           “(A) each contractor carrying out the  
19 project meets minimum experience level criteria,  
20 including local retrofit experience, as deter-  
21 mined by the Secretary;

22           “(B) the project is reasonably expected to  
23 achieve energy savings, as set forth in the appli-  
24 cation using any methodology that meets the  
25 standards described in the program guidelines;

1           “(C) the project meets any technical cri-  
2           teria described in the program guidelines;

3           “(D) the recipient of the credit support  
4           and the parties to the efficiency obligation will  
5           provide the Secretary with—

6                   “(i) any information the Secretary re-  
7                   quests to assess the energy savings that re-  
8                   sult from the project, including historical  
9                   energy usage data and detailed descrip-  
10                  tions of the building work, as described in  
11                  the program guidelines; and

12                   “(ii) permission to access information  
13                   relating to building operations and usage  
14                   for the period described in the program  
15                   guidelines; and

16           “(E) any other assurances that the Sec-  
17           retary determines to be necessary.

18           “(3) DETERMINATION.—Not later than 90 days  
19           after receiving an application, the Secretary shall  
20           make a final determination on the application, which  
21           may include requests for additional information.

22           “(g) FEES.—

23                   “(1) IN GENERAL.—In addition to the fees re-  
24                   quired by section 1702(h)(1), the Secretary may

1 charge reasonable fees for credit support provided  
2 under this section.

3 “(2) AVAILABILITY.—Fees collected under this  
4 section shall be subject to section 1702(h)(2).

5 “(h) UNDERWRITING.—The Secretary may delegate  
6 the underwriting activities under this section to 1 or more  
7 entities that the Secretary determines to be qualified.

8 “(i) REPORT.—Not later than 1 year after com-  
9 mencement of the program, the Secretary shall submit to  
10 the appropriate committees of Congress a report that de-  
11 scribes in reasonable detail—

12 “(1) the manner in which this section is being  
13 carried out;

14 “(2) the number and type of projects sup-  
15 ported;

16 “(3) the types of funding mechanisms used to  
17 provide credit support to projects;

18 “(4) the energy savings expected to result from  
19 projects supported by this section;

20 “(5) any tracking efforts the Secretary is using  
21 to calculate the actual energy savings produced by  
22 the projects; and

23 “(6) any plans to improve the tracking efforts  
24 described in paragraph (5).

25 “(j) FUNDING.—

1           “(1) AUTHORIZATION OF APPROPRIATIONS.—

2           There is authorized to be appropriated to the Sec-  
3           retary to carry out this section \$400,000,000 for the  
4           period of fiscal years 2012 through 2021, to remain  
5           available until expended.

6           “(2) ADMINISTRATIVE COSTS.—Not more than  
7           1 percent of any amounts made available to the Sec-  
8           retary under paragraph (1) may be used by the Sec-  
9           retary for administrative costs incurred in carrying  
10          out this section.”.

11 **TITLE III—INDUSTRIAL EFFI-**  
12 **CIENCY AND COMPETITIVE-**  
13 **NESS**

14 **Subtitle A—Manufacturing Energy**  
15 **Efficiency**

16 **SEC. 301. STATE PARTNERSHIP INDUSTRIAL ENERGY EFFI-**  
17 **CIENCY REVOLVING LOAN PROGRAM.**

18          Section 399A of the Energy Policy and Conservation  
19 Act (42 U.S.C. 6371h–1) is amended—

20           (1) in the section heading, by inserting “**AND**  
21 **INDUSTRY**” before the period at the end;

22           (2) by redesignating subsections (h) and (i) as  
23 subsections (i) and (j), respectively; and

24           (3) by inserting after subsection (g) the fol-  
25 lowing:

1       “(h) STATE PARTNERSHIP INDUSTRIAL ENERGY EF-  
2 FICIENCY REVOLVING LOAN PROGRAM.—

3           “(1) IN GENERAL.—The Secretary shall carry  
4 out a program under which the Secretary shall pro-  
5 vide grants to eligible lenders to pay the Federal  
6 share of creating a revolving loan program under  
7 which loans are provided to commercial and indus-  
8 trial manufacturers to implement commercially avail-  
9 able technologies or processes that significantly—

10           “(A) reduce systems energy intensity, in-  
11 cluding the use of energy-intensive feedstocks;  
12 and

13           “(B) improve the industrial competitive-  
14 ness of the United States.

15           “(2) ELIGIBLE LENDERS.—To be eligible to re-  
16 ceive cost-matched Federal funds under this sub-  
17 section, a lender shall—

18           “(A) be a community and economic devel-  
19 opment lender that the Secretary certifies meets  
20 the requirements of this subsection;

21           “(B) lead a partnership that includes par-  
22 ticipation by, at a minimum—

23           “(i) a State government agency; and

24           “(ii) a private financial institution or  
25 other provider of loan capital;

1           “(C) submit an application to the Sec-  
2           retary, and receive the approval of the Sec-  
3           retary, for cost-matched Federal funds to carry  
4           out a loan program described in paragraph (1);  
5           and

6           “(D) ensure that non-Federal funds are  
7           provided to match, on at least a dollar-for-dol-  
8           lar basis, the amount of Federal funds that are  
9           provided to carry out a revolving loan program  
10          described in paragraph (1).

11          “(3) AWARD.—The amount of cost-matched  
12          Federal funds provided to an eligible lender shall not  
13          exceed \$100,000,000 for any fiscal year.

14          “(4) RECAPTURE OF AWARDS.—

15                 “(A) IN GENERAL.—An eligible lender that  
16                 receives an award under paragraph (1) shall be  
17                 required to repay to the Secretary an amount  
18                 of cost-match Federal funds, as determined by  
19                 the Secretary under subparagraph (B), if the  
20                 eligible lender is unable or unwilling to operate  
21                 a program described in this subsection for a pe-  
22                 riod of not less than 10 years beginning on the  
23                 date on which the eligible lender first receives  
24                 funds made available through the award.

1           “(B) DETERMINATION BY SECRETARY.—

2           The Secretary shall determine the amount of  
3           cost-match Federal funds that an eligible lender  
4           shall be required to repay to the Secretary  
5           under subparagraph (A) based on the consider-  
6           ation by the Secretary of—

7                   “(i) the amount of non-Federal funds  
8                   matched by the eligible lender;

9                   “(ii) the amount of loan losses in-  
10                  curred by the revolving loan program de-  
11                  scribed in paragraph (1); and

12                  “(iii) any other appropriate factor, as  
13                  determined by the Secretary.

14           “(C) USE OF RECAPTURED COST-MATCH  
15           FEDERAL FUNDS.—The Secretary may dis-  
16           tribute to eligible lenders under this subsection  
17           each amount received by the Secretary under  
18           this paragraph.

19           “(5) ELIGIBLE PROJECTS.—A program for  
20           which cost-matched Federal funds are provided  
21           under this subsection shall be designed to accelerate  
22           the implementation of industrial and commercial ap-  
23           plications of technologies or processes (including ap-  
24           plications or technologies that use sensors, meters,  
25           information networks, controls, and drives or that

1 have been installed pursuant to an energy savings  
2 performance contract) that—

3 “(A) improve energy efficiency, power fac-  
4 tor, or load management;

5 “(B) enhance the industrial competitive-  
6 ness of the United States; and

7 “(C) achieve such other goals as the Sec-  
8 retary determines to be appropriate.

9 “(6) EVALUATION.—The Secretary shall evalu-  
10 ate applications for cost-matched Federal funds  
11 under this subsection on the basis of—

12 “(A) the description of the program to be  
13 carried out with the cost-matched Federal  
14 funds;

15 “(B) the commitment to provide non-Fed-  
16 eral funds in accordance with paragraph  
17 (2)(D);

18 “(C) program sustainability over a 10-year  
19 period;

20 “(D) the capability of the applicant;

21 “(E) the quantity of energy savings or en-  
22 ergy feedstock minimization;

23 “(F) the advancement of the goal under  
24 this Act of 25-percent energy avoidance;

1           “(G) the ability to fund energy efficient  
2           projects not later than 120 days after the date  
3           of the grant award; and

4           “(H) such other factors as the Secretary  
5           determines appropriate.

6           “(7) AUTHORIZATION OF APPROPRIATIONS.—  
7           There is authorized to be appropriated to carry out  
8           this subsection \$700,000,000 for the period of fiscal  
9           years 2012 through 2021, to remain available until  
10          expended.”.

11 **SEC. 302. COORDINATION OF RESEARCH AND DEVELOP-**  
12                           **MENT OF ENERGY EFFICIENT TECH-**  
13                           **NOLOGIES FOR INDUSTRY.**

14          (a) IN GENERAL.—As part of the research and devel-  
15          opment activities of the Industrial Technologies Program  
16          of the Department of Energy, the Secretary shall estab-  
17          lish, as appropriate, collaborative research and develop-  
18          ment partnerships with other programs within the Office  
19          of Energy Efficiency and Renewable Energy (including the  
20          Building Technologies Program), the Office of Electricity  
21          Delivery and Energy Reliability, and the Office of Science  
22          that—

23                 (1) leverage the research and development ex-  
24                 pertise of those programs to promote early stage en-  
25                 ergy efficiency technology development;

1           (2) support the use of innovative manufacturing  
2 processes and applied research for development,  
3 demonstration, and commercialization of new tech-  
4 nologies and processes to improve efficiency, reduce  
5 emissions, reduce industrial waste, and improve in-  
6 dustrial cost-competitiveness; and

7           (3) apply the knowledge and expertise of the In-  
8 dustrial Technologies Program to help achieve the  
9 program goals of the other programs.

10       (b) REPORTS.—Not later than 2 years after the date  
11 of enactment of this Act and biennially thereafter, the Sec-  
12 retary shall submit to Congress a report that describes  
13 actions taken to carry out subsection (a) and the results  
14 of those actions.

15 **SEC. 303. ENERGY EFFICIENT TECHNOLOGIES ASSESS-**  
16 **MENT.**

17       (a) IN GENERAL.—Not later than 60 days after the  
18 date of enactment of this Act, the Secretary shall com-  
19 mence an assessment of commercially available, cost com-  
20 petitive energy efficiency technologies that are not widely  
21 implemented within the United States for the energy-in-  
22 tensive industries of—

23           (1) steel;

24           (2) aluminum;

25           (3) forest and paper products;

1 (4) food processing;

2 (5) metal casting;

3 (6) glass;

4 (7) chemicals;

5 (8) petroleum refining;

6 (9) cement;

7 (10) information and communication tech-  
8 nologies; and

9 (11) other industries that (as determined by the  
10 Secretary)—

11 (A) use large quantities of energy;

12 (B) emit large quantities of greenhouse  
13 gases; or

14 (C) use a rapidly increasing quantity of en-  
15 ergy.

16 (b) REPORT.—Not later than 1 year after the date  
17 of enactment of this Act, the Secretary shall publish a re-  
18 port, in collaboration with affected energy-intensive indus-  
19 tries, based on the assessment conducted under subsection  
20 (a), that contains—

21 (1) a detailed inventory describing the cost, en-  
22 ergy, and greenhouse gas emission savings of each  
23 technology described in subsection (a);

24 (2) for each technology, the total cost, energy,  
25 and greenhouse gas emissions savings if the tech-

1 nology is implemented throughout the industry of  
2 the United States;

3 (3) for each industry, an assessment of total  
4 possible cost, energy, and greenhouse gas emissions  
5 savings possible if state-of-the art, cost-competitive,  
6 commercial energy efficiency technologies were  
7 adopted;

8 (4) for each industry, a comparison to the Eu-  
9 ropean Union, Japan, and other appropriate coun-  
10 tries of energy efficiency technology adoption rates,  
11 as determined by the Secretary, including an exam-  
12 ination of the policy structures in those countries  
13 that promote investments in energy efficiency tech-  
14 nologies;

15 (5) recommendations on how to create jobs in  
16 the United States through private sector collabora-  
17 tion of energy service providers and energy-intensive  
18 industries; and

19 (6) an assessment of energy savings available  
20 from increased use of recycled material in energy-in-  
21 tensive manufacturing processes.

22 **SEC. 304. FUTURE OF INDUSTRY PROGRAM.**

23 (a) IN GENERAL.—Section 452 of the Energy Inde-  
24 pendence and Security Act of 2007 (42 U.S.C. 17111) is

1 amended by striking the section heading and inserting the  
2 following: “**FUTURE OF INDUSTRY PROGRAM**”.

3 (b) DEFINITION OF ENERGY SERVICE PROVIDER.—  
4 Section 452(a) of the Energy Independence and Security  
5 Act of 2007 (42 U.S.C. 17111(a)) is amended—

6 (1) by redesignating paragraphs (3) through  
7 (5) as paragraphs (4) through (6), respectively; and  
8 (2) by inserting after paragraph (3):

9 “(5) ENERGY SERVICE PROVIDER.—The term  
10 ‘energy service provider’ means any private company  
11 or similar entity providing technology or services to  
12 improve energy efficiency in an energy-intensive in-  
13 dustry.”.

14 (c) INDUSTRY-SPECIFIC ROAD MAPS.—Section  
15 452(c)(2) of the Energy Independence and Security Act  
16 of 2007 (42 U.S.C. 17111(c)(2)) is amended—

17 (1) in subparagraph (E), by striking “and” at  
18 the end;

19 (2) by redesignating subparagraph (F) as sub-  
20 paragraph (G); and

21 (3) by inserting after subparagraph (E) the fol-  
22 lowing:

23 “(F) research to establish (through the In-  
24 dustrial Technologies Program and in collabora-

tion with energy-intensive industries) a road map process under which—

“(i) industry-specific studies are conducted to determine the intensity of energy use, greenhouse gas emissions, and waste and operating costs, by process and sub-process;

“(ii) near-, mid-, and long-term targets of opportunity are established for synergistic improvements in efficiency, sustainability, and resilience; and

“(iii) public-private actionable plans are created to achieve roadmap goals; and”.

(d) INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—

(1) IN GENERAL.—Section 452(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(e)) is amended—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(B) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

1 (C) in subparagraph (A) (as redesignated  
2 by subparagraph (A)), by inserting before the  
3 semicolon at the end the following: “, including  
4 assessments of sustainable manufacturing goals  
5 and the implementation of information tech-  
6 nology advancements for supply chain analysis,  
7 logistics, system monitoring, industrial and  
8 manufacturing processes, and other purposes”;  
9 and

10 (D) by adding at the end the following:

11 “(2) CENTERS OF EXCELLENCE.—

12 “(A) IN GENERAL.—The Secretary shall  
13 establish a Center of Excellence at up to 10 of  
14 the highest performing industrial research and  
15 assessment centers, as determined by the Sec-  
16 retary.

17 “(B) DUTIES.—A Center of Excellence  
18 shall coordinate with and advise the industrial  
19 research and assessment centers located in the  
20 region of the Center of Excellence.

21 “(C) FUNDING.—Subject to the availability  
22 of appropriations, of the funds made available  
23 under subsection (f), the Secretary shall use to  
24 support each Center of Excellence not less than

1           \$500,000 for fiscal year 2012 and each fiscal  
2           year thereafter, as determined by the Secretary.

3           “(3) EXPANSION OF CENTERS.—The Secretary  
4           shall provide funding to establish additional indus-  
5           trial research and assessment centers at institutions  
6           of higher education that do not have industrial re-  
7           search and assessment centers established under  
8           paragraph (1), taking into account the size of, and  
9           potential energy efficiency savings for, the manufac-  
10          turing base within the region of the proposed center.

11          “(4) COORDINATION.—

12                 “(A) IN GENERAL.—To increase the value  
13                 and capabilities of the industrial research and  
14                 assessment centers, the centers shall—

15                         “(i) coordinate with Manufacturing  
16                         Extension Partnership Centers of the Na-  
17                         tional Institute of Standards and Tech-  
18                         nology;

19                         “(ii) coordinate with the Building  
20                         Technologies Program of the Department  
21                         of Energy to provide building assessment  
22                         services to manufacturers;

23                         “(iii) increase partnerships with the  
24                         National Laboratories of the Department  
25                         of Energy to leverage the expertise and

1 technologies of the National Laboratories  
2 for national industrial and manufacturing  
3 needs;

4 “(iv) increase partnerships with en-  
5 ergy service providers to leverage private  
6 sector expertise and accelerate deployment  
7 of new and existing technologies and proc-  
8 esses for energy efficiency, power factor,  
9 and load management;

10 “(v) identify opportunities for reduc-  
11 ing greenhouse gas emissions; and

12 “(vi) promote sustainable manufac-  
13 turing practices for small- and medium-  
14 sized manufacturers.

15 “(5) OUTREACH.—The Secretary shall provide  
16 funding for—

17 “(A) outreach activities by the industrial  
18 research and assessment centers to inform  
19 small- and medium-sized manufacturers of the  
20 information, technologies, and services avail-  
21 able; and

22 “(B) a full-time equivalent employee at  
23 each center of excellence whose primary mission  
24 shall be to coordinate and leverage the efforts  
25 of the center with—

1 “(i) Federal and State efforts;

2 “(ii) the efforts of utilities and energy  
3 service providers;

4 “(iii) the efforts of regional energy ef-  
5 ficiency organizations; and

6 “(iv) the efforts of other centers in  
7 the region of the center of excellence.

8 “(6) WORKFORCE TRAINING.—

9 “(A) IN GENERAL.—The Secretary shall  
10 pay the Federal share of associated internship  
11 programs under which students work with or  
12 for industries, manufacturers, and energy serv-  
13 ice providers to implement the recommendations  
14 of industrial research and assessment centers.

15 “(B) FEDERAL SHARE.—The Federal  
16 share of the cost of carrying out internship pro-  
17 grams described in subparagraph (A) shall be  
18 50 percent.

19 “(C) FUNDING.—Subject to the availability  
20 of appropriations, of the funds made available  
21 under subsection (f), the Secretary shall use to  
22 carry out this paragraph not less than  
23 \$5,000,000 for fiscal year 2012 and each fiscal  
24 year thereafter.

1           “(7) SMALL BUSINESS LOANS.—The Adminis-  
2           trator of the Small Business Administration shall, to  
3           the maximum practicable, expedite consideration of  
4           applications from eligible small business concerns for  
5           loans under the Small Business Act (15 U.S.C. 631  
6           et seq.) to implement recommendations of industrial  
7           research and assessment centers established under  
8           paragraph (1).”.

9           (e) AUTHORIZATION OF APPROPRIATIONS.—Section  
10          452(f) of the Energy Independence and Security Act of  
11          2007 (42 U.S.C. 17111(f)) is amended—

12                 (1) in paragraph (1)—

13                         (A) in subparagraph (C), by striking  
14                         “\$196,000,000” and inserting “\$216,000,000”;

15                         (B) in subparagraph (D), by striking  
16                         “\$202,000,000” and inserting “\$232,000,000”;

17                         and

18                         (C) in subparagraph (E), by striking  
19                         “\$208,000,000” and inserting “\$248,000,000”;

20                         and

21                 (2) by adding at the end the following:

22                         “(4) INDUSTRIAL RESEARCH AND ASSESSMENT  
23                         CENTERS.—Of the amounts made available under  
24                         paragraph (1), the Secretary shall use to provide

1 funding to industrial research and assessment cen-  
2 ters under subsection (e) not less than—

3 “(A) \$20,000,000 for fiscal year 2012;

4 “(B) \$30,000,000 for fiscal year 2013; and

5 “(C) \$40,000,000 for fiscal year 2014 and  
6 each fiscal year thereafter.”.

7 **SEC. 305. SUSTAINABLE MANUFACTURING INITIATIVE.**

8 (a) IN GENERAL.—Part E of title III of the Energy  
9 Policy and Conservation Act (42 U.S.C. 6341) is amended  
10 by adding at the end the following:

11 **“SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.**

12 “(a) IN GENERAL.—As part of the Industrial Tech-  
13 nologies Program of the Department of Energy, the Sec-  
14 retary shall carry out a sustainable manufacturing initia-  
15 tive under which the Secretary, on the request of a manu-  
16 facturer, shall conduct onsite technical assessments to  
17 identify opportunities for—

18 “(1) maximizing the energy efficiency of indus-  
19 trial processes and cross-cutting systems;

20 “(2) preventing pollution and minimizing waste;

21 “(3) improving efficient use of water in manu-  
22 facturing processes;

23 “(4) conserving natural resources; and

24 “(5) achieving such other goals as the Secretary  
25 determines to be appropriate.

1           “(b) COORDINATION.—The Secretary shall carry out  
2 the initiative in coordination with the private sector and  
3 appropriate agencies, including the National Institute of  
4 Standards and Technology to accelerate adoption of new  
5 and existing technologies or processes that improve energy  
6 efficiency.

7           “(c) RESEARCH AND DEVELOPMENT PROGRAM FOR  
8 SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECH-  
9 NOLOGIES AND PROCESSES.—As part of the Industrial  
10 Technologies Program of the Department of Energy, the  
11 Secretary shall carry out a joint industry-government  
12 partnership program to research, develop, and dem-  
13 onstrate new sustainable manufacturing and industrial  
14 technologies and processes that maximize the energy effi-  
15 ciency of industrial systems, reduce pollution, and con-  
16 serve natural resources.

17           “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated such sums as are nec-  
19 essary to carry out this section.”.

20           (b) TABLE OF CONTENTS.—The table of contents of  
21 the Energy Policy and Conservation Act (42 U.S.C. prec.  
22 6201) is amended by adding at the end of the items relat-  
23 ing to part E of title III the following:

“Sec. 376. Sustainable manufacturing initiative.”.

1 **SEC. 306. STUDY OF ADVANCED ENERGY TECHNOLOGY**  
2 **MANUFACTURING CAPABILITIES IN THE**  
3 **UNITED STATES.**

4 (a) IN GENERAL.—Not later than 60 days after the  
5 date of enactment of this Act, the Secretary shall enter  
6 into an arrangement with the National Academy of  
7 Sciences under which the Academy shall conduct a study  
8 of the development of advanced manufacturing capabilities  
9 for various energy technologies, including—

10 (1) an assessment of the manufacturing supply  
11 chains of established and emerging industries;

12 (2) an analysis of—

13 (A) the manner in which supply chains  
14 have changed over the 25-year period ending on  
15 the date of enactment of this Act;

16 (B) current trends in supply chains; and

17 (C) the energy intensity of each part of the  
18 supply chain and opportunities for improve-  
19 ment;

20 (3) for each technology or manufacturing sec-  
21 tor, an analysis of which sections of the supply chain  
22 are critical for the United States to retain or develop  
23 to be competitive in the manufacturing of the tech-  
24 nology;

1           (4) an assessment of which emerging energy  
2 technologies the United States should focus on to  
3 create or enhance manufacturing capabilities; and

4           (5) recommendations on leveraging the exper-  
5 tise of energy efficiency and renewable energy user  
6 facilities so that best materials and manufacturing  
7 practices are designed and implemented.

8       (b) REPORT.—Not later than 2 years after the date  
9 on which the Secretary enters into the agreement with the  
10 Academy described in subsection (a), the Academy shall  
11 submit to the Committee on Energy and Natural Re-  
12 sources of the Senate, the Committee on Energy and Com-  
13 merce of the House of Representatives, and the Secretary  
14 a report describing the results of the study required under  
15 this section, including any findings and recommendations.

16 **SEC. 307. INDUSTRIAL TECHNOLOGIES STEERING COM-**  
17 **MITTEE.**

18       The Secretary shall establish an advisory steering  
19 committee that includes national trade associations rep-  
20 resenting energy-intensive industries or energy service  
21 providers to provide recommendations to the Secretary on  
22 planning and implementation of the Industrial Tech-  
23 nologies Program of the Department of Energy.

1 **SEC. 308. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to the Sec-  
3 retary such sums as are necessary to carry out this sub-  
4 title.

5                   **Subtitle B—Supply Star**

6 **SEC. 311. SUPPLY STAR.**

7       Part B of title III of the Energy Policy and Conserva-  
8 tion Act (42 U.S.C. 6291) is amended by inserting after  
9 section 324B (as added by section 118(a)) the following:

10 **“SEC. 324C. SUPPLY STAR PROGRAM.**

11       “(a) IN GENERAL.—There is established within the  
12 Department of Energy a Supply Star program to identify  
13 and promote practices, recognize companies, and, as ap-  
14 propriate, recognize products that use highly efficient sup-  
15 ply chains in a manner that conserves energy, water, and  
16 other resources.

17       “(b) COORDINATION.—In carrying out the program  
18 described in subsection (a), the Secretary shall—

19               “(1) consult with other appropriate agencies;  
20       and

21               “(2) coordinate efforts with the Energy Star  
22 program established under section 324A.

23       “(c) DUTIES.—In carrying out the Supply Star pro-  
24 gram described in subsection (a), the Secretary shall—

25               “(1) promote practices, recognize companies,  
26       and, as appropriate, recognize products that comply

1 with the Supply Star program as the preferred prac-  
2 tices, companies, and products in the marketplace  
3 for maximizing supply chain efficiency;

4 “(2) work to enhance industry and public  
5 awareness of the Supply Star program;

6 “(3) collect and disseminate data on supply  
7 chain energy resource consumption;

8 “(4) develop and disseminate metrics, proc-  
9 esses, and analytical tools (including software) for  
10 evaluating supply chain energy resource use;

11 “(5) develop guidance at the sector level for im-  
12 proving supply chain efficiency;

13 “(6) work with domestic and international orga-  
14 nizations to harmonize approaches to analyzing sup-  
15 ply chain efficiency, including the development of a  
16 consistent set of tools, templates, calculators, and  
17 databases; and

18 “(7) work with industry, including small busi-  
19 nesses, to improve supply chain efficiency through  
20 activities that include—

21 “(A) developing and sharing best practices;

22 and

23 “(B) providing opportunities to benchmark  
24 supply chain efficiency.

1       “(d) EVALUATION.—In any evaluation of supply  
2 chain efficiency carried out by the Secretary with respect  
3 to a specific product, the Secretary shall consider energy  
4 consumption and resource use throughout the entire  
5 lifecycle of a product, including production, transport,  
6 packaging, use, and disposal.

7       “(e) GRANTS AND INCENTIVES.—

8               “(1) IN GENERAL.—The Secretary may award  
9 grants or other forms of incentives on a competitive  
10 basis to eligible entities, as determined by the Sec-  
11 retary, for the purposes of—

12                       “(A) studying supply chain energy resource  
13 efficiency; and

14                       “(B) demonstrating and achieving reduc-  
15 tions in the energy resource consumption of  
16 commercial products through changes and im-  
17 provements to the production supply and dis-  
18 tribution chain of the products.

19               “(2) USE OF INFORMATION.—Any information  
20 or data generated as a result of the grants or incen-  
21 tives described in paragraph (1) shall be used to in-  
22 form the development of the Supply Star Program.

23       “(f) TRAINING.—The Secretary shall use funds to  
24 support professional training programs to develop and

1 communicate methods, practices, and tools for improving  
2 supply chain efficiency.

3 “(g) EFFECT OF IMPACT ON CLIMATE CHANGE.—  
4 For purposes of this section, the impact on climate change  
5 shall not be a factor in determining supply chain effi-  
6 ciency.

7 “(h) EFFECT OF OUTSOURCING OF AMERICAN  
8 JOBS.—For purposes of this section, the outsourcing of  
9 American jobs in the production of a product shall not  
10 count as a positive factor in determining supply chain effi-  
11 ciency.

12 “(i) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriated to carry out this section  
14 such sums as are necessary.”.

## 15 **Subtitle C—Electric Motor Rebate** 16 **Program**

### 17 **SEC. 321. ENERGY SAVING MOTOR CONTROL REBATE PRO-** 18 **GRAM.**

19 (a) ESTABLISHMENT.—Not later than January 1,  
20 2012, the Secretary of Energy (referred to in this section  
21 as the “Secretary”) shall establish a program to provide  
22 rebates for expenditures made by entities for the purchase  
23 and installation of a new constant speed electric motor  
24 control that reduces motor energy use by not less than  
25 5 percent.

1 (b) REQUIREMENTS.—

2 (1) APPLICATION.—To be eligible to receive a  
3 rebate under this section, an entity shall submit to  
4 the Secretary an application in such form, at such  
5 time, and containing such information as the Sec-  
6 retary may require, including—

7 (A) demonstrated evidence that the entity  
8 purchased a constant speed electric motor con-  
9 trol that reduces motor energy use by not less  
10 than 5 percent; and

11 (B) the physical nameplate of the installed  
12 motor of the entity to which the energy saving  
13 motor control is attached.

14 (2) AUTHORIZED AMOUNT OF REBATE.—The  
15 Secretary may provide to an entity that meets the  
16 requirements of paragraph (1) a rebate the amount  
17 of which shall be equal to the product obtained by  
18 multiplying—

19 (A) the nameplate horsepower of the elec-  
20 tric motor to which the energy saving motor  
21 control is attached; and

22 (B) \$25.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
24 authorized to be appropriated to carry out this section

1 \$5,000,000 for each of fiscal years 2012 through 2016,  
2 to remain available until expended.

3 **TITLE IV—FEDERAL AGENCY**  
4 **ENERGY EFFICIENCY**

5 **SEC. 401. ADOPTION OF PERSONAL COMPUTER POWER**  
6 **SAVINGS TECHNIQUES BY FEDERAL AGEN-**  
7 **CIES.**

8 (a) IN GENERAL.—Not later than 180 days after the  
9 date of enactment of this Act, the Secretary of Energy,  
10 in consultation with the Secretary of Defense, the Sec-  
11 retary of Veterans Affairs, and the Administrator of Gen-  
12 eral Services, shall issue guidance for Federal agencies to  
13 employ advanced tools allowing energy savings through  
14 the use of computer hardware, energy efficiency software,  
15 and power management tools.

16 (b) REPORTS ON PLANS AND SAVINGS.—Not later  
17 than 90 days after the date of the issuance of the guidance  
18 under subsection (a), each Federal agency shall submit to  
19 the Secretary of Energy a report that describes—

20 (1) the plan of the agency for implementing the  
21 guidance within the agency; and

22 (2) estimated energy and financial savings from  
23 employing the tools described in subsection (a).

1 **SEC. 402. AVAILABILITY OF FUNDS FOR DESIGN UPDATES.**

2 Section 3307 of title 40, United States Code, is  
3 amended—

4 (1) by redesignating subsections (d) through (h)  
5 as subsections (e) through (i), respectively; and

6 (2) by inserting after subsection (c) the fol-  
7 lowing:

8 “(d) AVAILABILITY OF FUNDS FOR DESIGN UP-  
9 DATES.—

10 “(1) IN GENERAL.—Subject to paragraph (2),  
11 for any project for which congressional approval is  
12 received under subsection (a) and for which the de-  
13 sign has been substantially completed but construc-  
14 tion has not begun, the Administrator of General  
15 Services may use appropriated funds to update the  
16 project design to meet applicable Federal building  
17 energy efficiency standards established under section  
18 305 of the Energy Conservation and Production Act  
19 (42 U.S.C. 6834) and other requirements estab-  
20 lished under section 3312.

21 “(2) LIMITATION.—The use of funds under  
22 paragraph (1) shall not exceed 125 percent of the  
23 estimated energy or other cost savings associated  
24 with the updates as determined by a life-cycle cost  
25 analysis under section 544 of the National Energy  
26 Conservation Policy Act (42 U.S.C. 8254).”.

1 **SEC. 403. BEST PRACTICES FOR ADVANCED METERING.**

2 Section 543(e) of the National Energy Conservation  
3 Policy Act (42 U.S.C. 8253(e)) is amended by striking  
4 paragraph (3) and inserting the following:

5 “(3) PLAN.—

6 “(A) IN GENERAL.—Not later than 180  
7 days after the date on which guidelines are es-  
8 tablished under paragraph (2), in a report sub-  
9 mitted by the agency under section 548(a), each  
10 agency shall submit to the Secretary a plan de-  
11 scribing the manner in which the agency will  
12 implement the requirements of paragraph (1),  
13 including—

14 “(i) how the agency will designate  
15 personnel primarily responsible for achiev-  
16 ing the requirements; and

17 “(ii) a demonstration by the agency,  
18 complete with documentation, of any find-  
19 ing that advanced meters or advanced me-  
20 tering devices (as those terms are used in  
21 paragraph (1)), are not practicable.

22 “(B) UPDATES.—Reports submitted under  
23 subparagraph (A) shall be updated annually.

24 “(4) BEST PRACTICES REPORT.—

25 “(A) IN GENERAL.—Not later than 180  
26 days after the date of enactment of the Energy

1 Savings and Industrial Competitiveness Act of  
2 2011, the Secretary of Energy, in consultation  
3 with the Secretary of Defense and the Adminis-  
4 trator of General Services, shall develop, and  
5 issue a report on, best practices for the use of  
6 advanced metering of energy use in Federal fa-  
7 cilities, buildings, and equipment by Federal  
8 agencies.

9 “(B) UPDATING.—The report described  
10 under subparagraph (A) shall be updated annu-  
11 ally.

12 “(C) COMPONENTS.—The report shall in-  
13 clude, at a minimum—

14 “(i) summaries and analysis of the re-  
15 ports by agencies under paragraph (3);

16 “(ii) recommendations on standard re-  
17 quirements or guidelines for automated en-  
18 ergy management systems, including—

19 “(I) potential common commu-  
20 nications standards to allow data  
21 sharing and reporting;

22 “(II) means of facilitating contin-  
23 uous commissioning of buildings and  
24 evidence-based maintenance of build-  
25 ings and building systems; and

1                   “(III) standards for sufficient  
2                   levels of security and protection  
3                   against cyber threats to ensure sys-  
4                   tems cannot be controlled by unau-  
5                   thorized persons; and

6                   “(iii) an analysis of—

7                   “(I) the types of advanced meter-  
8                   ing and monitoring systems being pi-  
9                   loted, tested, or installed in Federal  
10                  buildings; and

11                  “(II) existing techniques used  
12                  within the private sector or other non-  
13                  Federal government buildings.”.

14 **SEC. 404. FEDERAL ENERGY MANAGEMENT AND DATA COL-**  
15 **LECTION STANDARD.**

16                  Section 543 of the National Energy Conservation  
17 Policy Act (42 U.S.C. 8253) is amended—

18                  (1) by redesignating the second subsection (f)  
19                  (as added by section 434(a) of Public Law 110–140  
20                  (121 Stat. 1614)) as subsection (g); and

21                  (2) in subsection (f)(7), by striking subpara-  
22                  graph (A) and inserting the following:

23                  “(A) IN GENERAL.—For each facility that  
24                  meets the criteria established by the Secretary  
25                  under paragraph (2)(B), the energy manager

1 shall use the web-based tracking system under  
2 subparagraph (B)—

3 “(i) to certify compliance with the re-  
4 quirements for—

5 “(I) energy and water evalua-  
6 tions under paragraph (3);

7 “(II) implementation of identified  
8 energy and water measures under  
9 paragraph (4); and

10 “(III) follow-up on implemented  
11 measures under paragraph (5); and

12 “(ii) to publish energy consumption  
13 data on an individual facility basis.”.

14 **SEC. 405. ELECTRIC VEHICLE CHARGING INFRASTRUC-**  
15 **TURE.**

16 Section 804(4) of the National Energy Conservation  
17 Policy Act (42 U.S.C. 8287c(4)) is amended—

18 (1) in subparagraph (A), by striking “or” after  
19 the semicolon;

20 (2) in subparagraph (B), by striking the period  
21 at the end and inserting “; or”; and

22 (3) by adding at the end the following:

23 “(C) a measure to support the use of elec-  
24 tric vehicles or the fueling or charging infra-  
25 structure necessary for electric vehicles.”.

1 **SEC. 406. BROADENING DEFINITION OF RENEWABLE EN-**  
2 **ERGY TO INCLUDE THERMAL.**

3 Section 203 of the Energy Policy Act of 2005 (42  
4 U.S.C. 15852) is amended—

5 (1) in subsection (a), in the matter preceding  
6 paragraph (1), by striking “electric”;

7 (2) by redesignating subsection (d) as sub-  
8 section (e); and

9 (3) by inserting after subsection (c) the fol-  
10 lowing:

11 “(d) SEPARATE CALCULATION.—Renewable energy  
12 produced at a Federal facility, on Federal land, or on In-  
13 dian land (as defined in section 2601 of the Energy Policy  
14 Act of 1992 (25 U.S.C. 3501))—

15 “(1) shall be calculated separately from renew-  
16 able energy used; and

17 “(2) may be used individually or in combination  
18 to comply with subsection (a).”.

19 **SEC. 407. STUDY ON FEDERAL DATA CENTER CONSOLIDA-**  
20 **TION.**

21 (a) IN GENERAL.—The Secretary of Energy shall  
22 conduct a study on the feasibility of a government-wide  
23 data center consolidation, with an overall Federal target  
24 of a minimum of 800 Federal data center closures by Oc-  
25 tober 1, 2015.

1 (b) COORDINATION.—In conducting the study, the  
2 Secretary shall coordinate with Federal data center pro-  
3 gram managers, facilities managers, and sustainability of-  
4 ficers.

5 (c) REPORT.—Not later than 1 year after the date  
6 of enactment of this Act, the Secretary shall submit to  
7 Congress a report that describes the results of the study,  
8 including a description of agency best practices in data  
9 center consolidation.

## 10 **TITLE V—MISCELLANEOUS**

### 11 **SEC. 501. BUDGETARY EFFECTS.**

12 The budgetary effects of this Act, for the purpose of  
13 complying with the Statutory Pay-As-You-Go Act of 2010,  
14 shall be determined by reference to the latest statement  
15 titled “Budgetary Effects of PAYGO Legislation” for this  
16 Act, submitted for printing in the Congressional Record  
17 by the Chairman of the Senate Budget Committee, pro-  
18 vided that such statement has been submitted prior to the  
19 vote on passage.

### 20 **SEC. 502. ADVANCE APPROPRIATIONS REQUIRED.**

21 The authorization of amounts under this Act and the  
22 amendments made by this Act shall be effective for any  
23 fiscal year only to the extent and in the amount provided  
24 in advance in appropriations Acts.

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