

**Suspend the Rules and Pass the Bill, H. R. 6582, With an
Amendment**

**(The amendment strikes all after the enacting clause and inserts a
new text)**

112TH CONGRESS
2^D SESSION

H. R. 6582

To allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2012

Mr. ADERHOLT (for himself, Mr. CARNAHAN, Mrs. BLACKBURN, Mr. COOPER, Mr. ROE of Tennessee, Mr. WESTMORELAND, Mr. WHITFIELD, and Mr. SHIMKUS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “American Energy Man-
3 ufacturing Technical Corrections Act”.

4 **SEC. 2. INNOVATIVE COMPONENT TECHNOLOGIES.**

5 Section 342(f) of the Energy Policy and Conservation
6 Act (42 U.S.C. 6313(f)) is amended—

7 (1) in paragraph (1), by striking “paragraphs
8 (2) through (5)” and inserting “paragraphs (2)
9 through (6)”; and

10 (2) by adding at the end the following new
11 paragraph:

12 “(6) INNOVATIVE COMPONENT TECH-
13 NOLOGIES.—Subparagraph (C) of paragraph (1)
14 shall not apply to a walk-in cooler or walk-in freezer
15 component if the component manufacturer has dem-
16 onstrated to the satisfaction of the Secretary that
17 the component reduces energy consumption at least
18 as much as if such subparagraph were to apply. In
19 support of any demonstration under this paragraph,
20 a manufacturer shall provide to the Secretary all
21 data and technical information necessary to fully
22 evaluate its application.”.

1 **SEC. 3. UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED**
2 **WATER HEATERS.**

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

6 “(5) UNIFORM EFFICIENCY DESCRIPTOR FOR
7 COVERED WATER HEATERS.—

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

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

11 “(I) a water heater; and

12 “(II) a storage water heater, in-
13 stantaneous water heater, and unfired
14 hot water storage tank (as defined in
15 section 340).

16 “(ii) FINAL RULE.—The term ‘final
17 rule’ means the final rule published under
18 this paragraph.

19 “(B) PUBLICATION OF FINAL RULE.—Not
20 later than 1 year after the date of enactment of
21 this paragraph, the Secretary shall publish a
22 final rule that establishes a uniform efficiency
23 descriptor and accompanying test methods for
24 covered water heaters.

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

4 “(i) the energy factor descriptor for
5 water heaters established under this sub-
6 section; and

7 “(ii) the thermal efficiency and stand-
8 by loss descriptors for storage water heat-
9 ers, instantaneous water heaters, and
10 unfired water storage tanks established
11 under section 342(a)(5).

12 “(D) EFFECT OF FINAL RULE.—

13 “(i) IN GENERAL.—Notwithstanding
14 any other provision of this title, effective
15 beginning on the effective date of the final
16 rule, the efficiency standard for covered
17 water heaters shall be denominated accord-
18 ing to the efficiency descriptor established
19 by the final rule.

20 “(ii) EFFECTIVE DATE.—The final
21 rule shall take effect 1 year after the date
22 of publication of the final rule under sub-
23 paragraph (B).

24 “(E) CONVERSION FACTOR.—

1 “(i) IN GENERAL.—The Secretary
2 shall develop a mathematical conversion
3 factor for converting the measurement of
4 efficiency for covered water heaters from
5 the test procedures in effect on the date of
6 enactment of this paragraph to the new
7 energy descriptor established under the
8 final rule.

9 “(ii) APPLICATION.—The conversion
10 factor shall apply to models of covered
11 water heaters affected by the final rule and
12 tested prior to the effective date of the
13 final rule.

14 “(iii) EFFECT ON EFFICIENCY RE-
15 QUIREMENTS.—The conversion factor shall
16 not affect the minimum efficiency require-
17 ments for covered water heaters otherwise
18 established under this title.

19 “(iv) USE.—During the period de-
20 scribed in clause (v), a manufacturer may
21 apply the conversion factor established by
22 the Secretary to rerate existing models of
23 covered water heaters that are in existence
24 prior to the effective date of the rule de-

1 scribed in clause (v)(II) to comply with the
2 new efficiency descriptor.

3 “(v) PERIOD.—Clause (iv) shall apply
4 during the period—

5 “(I) beginning on the date of
6 publication of the conversion factor in
7 the Federal Register; and

8 “(II) ending on the later of 1
9 year after the date of publication of
10 the conversion factor, or December
11 31, 2015.

12 “(F) EXCLUSIONS.—The final rule may
13 exclude a specific category of covered water
14 heaters from the uniform efficiency descriptor
15 established under this paragraph if the Sec-
16 retary determines that the category of water
17 heaters—

18 “(i) does not have a residential use
19 and can be clearly described in the final
20 rule; and

21 “(ii) are effectively rated using the
22 thermal efficiency and standby loss
23 descriptors applied (as of the date of en-
24 actment of this paragraph) to the category
25 under section 342(a)(5).

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

3 “(i) a revised version of the energy
4 factor descriptor in use as of the date of
5 enactment of this paragraph;

6 “(ii) the thermal efficiency and stand-
7 by loss descriptors in use as of that date;

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

10 “(iv) a hybrid of descriptors; or

11 “(v) a new approach.

12 “(H) APPLICATION.—The efficiency
13 descriptor and accompanying test method estab-
14 lished under the final rule shall apply, to the
15 maximum extent practicable, to all water heat-
16 ing technologies in use as of the date of enact-
17 ment of this paragraph and to future water
18 heating technologies.

19 “(I) PARTICIPATION.—The Secretary shall
20 invite interested stakeholders to participate in
21 the rulemaking process used to establish the
22 final rule.

23 “(J) TESTING OF ALTERNATIVE
24 DESCRIPTORS.—In establishing the final rule,
25 the Secretary shall contract with the National

1 Institute of Standards and Technology, as nec-
2 essary, to conduct testing and simulation of al-
3 ternative descriptors identified for consider-
4 ation.

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

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

14 “(ii) complied with the efficiency
15 standards and labeling requirements in ef-
16 fect prior to the final rule.”.

17 **SEC. 4. SERVICE OVER THE COUNTER, SELF-CONTAINED,**
18 **MEDIUM TEMPERATURE COMMERCIAL RE-**
19 **FRIGERATORS.**

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

22 (1) in paragraph (1)—

23 (A) by redesignating subparagraph (C) as
24 subparagraph (E); and

1 (B) by inserting after subparagraph (B)
2 the following:

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

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

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

17 “(D) The term ‘TDA’ means the total dis-
18 play area (ft²) of the refrigerated case, as de-
19 fined in AHRI Standard 1200.”;

20 (2) by redesignating paragraphs (4) and (5) as
21 paragraphs (5) and (6), respectively; and

22 (3) by inserting after paragraph (3) the fol-
23 lowing:

24 “(4)(A) Each SOC–SC–M manufactured on or
25 after January 1, 2012, shall have a total daily en-

1 ergy consumption (in kilowatt hours per day) of not
2 more than $0.6 \times \text{TDA} + 1.0$.

3 “(B) Not later than 3 years after the date of
4 enactment of this paragraph, the Secretary shall—

5 “(i) determine whether the standard estab-
6 lished under subparagraph (A) should be
7 amended; and

8 “(ii) if the Secretary determines that such
9 standard should be amended, issue a final rule
10 establishing an amended standard.

11 “(C) If the Secretary issues a final rule pursu-
12 ant to subparagraph (B) establishing an amended
13 standard, the final rule shall provide that the
14 amended standard shall apply to products manufac-
15 tured on or after the date that is—

16 “(i) 3 years after the date on which the
17 final amended standard is published; or

18 “(ii) if the Secretary determines, by rule,
19 that 3 years is inadequate, not later than 5
20 years after the date on which the final rule is
21 published.”.

22 **SEC. 5. SMALL DUCT HIGH VELOCITY SYSTEMS AND ADMIN-**
23 **ISTRATIVE CHANGES.**

24 (a) THROUGH-THE-WALL CENTRAL AIR CONDI-
25 TIONERS, THROUGH-THE-WALL CENTRAL AIR CONDI-

1 TIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOC-
2 ITY SYSTEMS.—Section 325(d) of the Energy Policy and
3 Conservation Act (42 U.S.C. 6295(d)) is amended by add-
4 ing at the end the following:

5 “(4) STANDARDS FOR THROUGH-THE-WALL
6 CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL
7 CENTRAL AIR CONDITIONING HEAT PUMPS, AND
8 SMALL DUCT, HIGH VELOCITY SYSTEMS.—

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

10 “(i) SMALL DUCT, HIGH VELOCITY
11 SYSTEM.—The term ‘small duct, high ve-
12 locity system’ means a heating and cooling
13 product that contains a blower and indoor
14 coil combination that—

15 “(I) is designed for, and pro-
16 duces, at least 1.2 inches of external
17 static pressure when operated at the
18 certified air volume rate of 220–350
19 CFM per rated ton of cooling; and

20 “(II) when applied in the field,
21 uses high velocity room outlets gen-
22 erally greater than 1,000 fpm that
23 have less than 6.0 square inches of
24 free area.

1 “(ii) THROUGH-THE-WALL CENTRAL
2 AIR CONDITIONER; THROUGH-THE-WALL
3 CENTRAL AIR CONDITIONING HEAT
4 PUMP.—The terms ‘through-the-wall cen-
5 tral air conditioner’ and ‘through-the-wall
6 central air conditioning heat pump’ mean a
7 central air conditioner or heat pump, re-
8 spectively, that is designed to be installed
9 totally or partially within a fixed-size open-
10 ing in an exterior wall, and—

11 “(I) is not weatherized;

12 “(II) is clearly and permanently
13 marked for installation only through
14 an exterior wall;

15 “(III) has a rated cooling capaci-
16 ty no greater than 30,000 Btu/hr;

17 “(IV) exchanges all of its outdoor
18 air across a single surface of the
19 equipment cabinet; and

20 “(V) has a combined outdoor air
21 exchange area of less than 800 square
22 inches (split systems) or less than
23 1,210 square inches (single packaged
24 systems) as measured on the surface
25 area described in subclause (IV).

1 “(iii) REVISION.—The Secretary may
2 revise the definitions contained in this sub-
3 paragraph through publication of a final
4 rule.

5 “(B) SMALL-DUCT HIGH-VELOCITY SYS-
6 TEMS.—

7 “(i) SEASONAL ENERGY EFFICIENCY
8 RATIO.—The seasonal energy efficiency
9 ratio for small-duct high-velocity systems
10 shall be not less than—

11 “(I) 11.00 for products manufac-
12 tured on or after January 23, 2006;
13 and

14 “(II) 12.00 for products manu-
15 factured on or after January 1, 2015.

16 “(ii) HEATING SEASONAL PERFORM-
17 ANCE FACTOR.—The heating seasonal per-
18 formance factor for small-duct high-veloc-
19 ity systems shall be not less than—

20 “(I) 6.8 for products manufac-
21 tured on or after January 23, 2006;
22 and

23 “(II) 7.2 for products manufac-
24 tured on or after January 1, 2015.

1 “(C) SUBSEQUENT RULEMAKINGS.—The
2 Secretary shall conduct subsequent rulemakings
3 for through-the-wall central air conditioners,
4 through-the-wall central air conditioning heat
5 pumps, and small duct, high velocity systems as
6 part of any rulemaking under this section used
7 to review or revise standards for other central
8 air conditioners and heat pumps.”.

9 (b) DUTY TO REVIEW COMMERCIAL EQUIPMENT.—
10 Section 342(a)(6) of the Energy Policy and Conservation
11 Act (42 U.S.C. 6313(a)(6)) is amended—

12 (1) in subparagraph (A)(i), by inserting “the
13 standard levels or design requirements applicable
14 under that standard to” immediately before “any
15 small commercial”; and

16 (2) in subparagraph (C)—

17 (A) in clause (i)—

18 (i) by striking “Not later than 6 years
19 after issuance of any final rule establishing
20 or amending a standard, as required for a
21 product under this part,” and inserting
22 “Every 6 years,”; and

23 (ii) by inserting after “the Secretary
24 shall” the following: “conduct an evalua-

1 tion of each class of covered equipment
2 and shall”; and

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

4 “(vi) For any covered equipment as to
5 which more than 6 years has elapsed since
6 the issuance of the most recent final rule
7 establishing or amending a standard for
8 the product as of the date of enactment of
9 this clause, the first notice required under
10 clause (i) shall be published by December
11 31, 2013.”.

12 (c) PETITION FOR AMENDED STANDARDS.—Section
13 325(n) of the Energy Policy and Conservation Act (42
14 U.S.C. 6295(n)) is amended—

15 (1) by redesignating paragraph (3) as para-
16 graph (5); and

17 (2) by inserting after paragraph (2) the fol-
18 lowing:

19 “(3) NOTICE OF DECISION.—Not later than
20 180 days after the date of receiving a petition, the
21 Secretary shall publish in the Federal Register a no-
22 tice of, and explanation for, the decision of the Sec-
23 retary to grant or deny the petition.

24 “(4) NEW OR AMENDED STANDARDS.—Not
25 later than 3 years after the date of granting a peti-

1 tion for new or amended standards, the Secretary
2 shall publish in the Federal Register—

3 “(A) a final rule that contains the new or
4 amended standards; or

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

7 **SEC. 6. COORDINATION OF RESEARCH AND DEVELOPMENT**
8 **OF ENERGY EFFICIENT TECHNOLOGIES FOR**
9 **INDUSTRY.**

10 (a) IN GENERAL.—As part of the research and devel-
11 opment activities of the Industrial Technologies Program
12 of the Department of Energy, the Secretary of Energy (re-
13 ferred to in this section as the “Secretary”) shall estab-
14 lish, as appropriate, collaborative research and develop-
15 ment partnerships with other programs within the Office
16 of Energy Efficiency and Renewable Energy (including the
17 Building Technologies Program), the Office of Electricity
18 Delivery and Energy Reliability, and the Office of Science
19 that—

20 (1) leverage the research and development ex-
21 pertise of those programs to promote early stage en-
22 ergy efficiency technology development;

23 (2) support the use of innovative manufacturing
24 processes and applied research for development,
25 demonstration, and commercialization of new tech-

1 nologies and processes to improve efficiency (includ-
2 ing improvements in efficient use of water), reduce
3 emissions, reduce industrial waste, and improve in-
4 dustrial cost-competitiveness; and

5 (3) apply the knowledge and expertise of the In-
6 dustrial Technologies Program to help achieve the
7 program goals of the other programs.

8 (b) REPORTS.—Not later than 2 years after the date
9 of enactment of this Act and biennially thereafter, the Sec-
10 retary shall submit to Congress a report that describes
11 actions taken to carry out subsection (a) and the results
12 of those actions.

13 **SEC. 7. REDUCING BARRIERS TO THE DEPLOYMENT OF IN-**
14 **DUSTRIAL ENERGY EFFICIENCY.**

15 (a) DEFINITIONS.—In this section:

16 (1) INDUSTRIAL ENERGY EFFICIENCY.—The
17 term “industrial energy efficiency” means the energy
18 efficiency derived from commercial technologies and
19 measures to improve energy efficiency or to generate
20 or transmit electric power and heat, including elec-
21 tric motor efficiency improvements, demand re-
22 sponse, direct or indirect combined heat and power,
23 and waste heat recovery.

24 (2) INDUSTRIAL SECTOR.—The term “indus-
25 trial sector” means any subsector of the manufac-

1 turing sector (as defined in North American Indus-
2 try Classification System codes 31-33 (as in effect
3 on the date of enactment of this Act)) establish-
4 ments of which have, or could have, thermal host fa-
5 cilities with electricity requirements met in whole, or
6 in part, by onsite electricity generation, including di-
7 rect and indirect combined heat and power or waste
8 recovery.

9 (b) REPORT ON THE DEPLOYMENT OF INDUSTRIAL
10 ENERGY EFFICIENCY.—

11 (1) IN GENERAL.—Not later than 2 years after
12 the date of enactment of this Act, the Secretary
13 shall submit to the Committee on Energy and Com-
14 merce of the House of Representatives and the Com-
15 mittee on Energy and Natural Resources of the Sen-
16 ate a report describing—

17 (A) the results of the study conducted
18 under paragraph (2); and

19 (B) recommendations and guidance devel-
20 oped under paragraph (3).

21 (2) STUDY.—The Secretary, in coordination
22 with the industrial sector and other stakeholders,
23 shall conduct a study of the following:

24 (A) The legal, regulatory, and economic
25 barriers to the deployment of industrial energy

1 efficiency in all electricity markets (including
2 organized wholesale electricity markets, and
3 regulated electricity markets), including, as ap-
4 plicable, the following:

5 (i) Transmission and distribution
6 interconnection requirements.

7 (ii) Standby, back-up, and mainte-
8 nance fees (including demand ratchets).

9 (iii) Exit fees.

10 (iv) Life of contract demand ratchets.

11 (v) Net metering.

12 (vi) Calculation of avoided cost rates.

13 (vii) Power purchase agreements.

14 (viii) Energy market structures.

15 (ix) Capacity market structures.

16 (x) Other barriers as may be identi-
17 fied by the Secretary, in coordination with
18 the industrial sector and other stake-
19 holders.

20 (B) Examples of—

21 (i) successful State and Federal poli-
22 cies that resulted in greater use of indus-
23 trial energy efficiency;

1 (ii) successful private initiatives that
2 resulted in greater use of industrial energy
3 efficiency; and

4 (iii) cost-effective policies used by for-
5 eign countries to foster industrial energy
6 efficiency.

7 (C) The estimated economic benefits to the
8 national economy of providing the industrial
9 sector with Federal energy efficiency matching
10 grants of \$5,000,000,000 for 5- and 10-year
11 periods, including benefits relating to—

12 (i) estimated energy and emission re-
13 ductions;

14 (ii) direct and indirect jobs saved or
15 created;

16 (iii) direct and indirect capital invest-
17 ment;

18 (iv) the gross domestic product; and

19 (v) trade balance impacts.

20 (D) The estimated energy savings available
21 from increased use of recycled material in en-
22 ergy-intensive manufacturing processes.

23 (3) RECOMMENDATIONS AND GUIDANCE.—The
24 Secretary, in coordination with the industrial sector
25 and other stakeholders, shall develop policy rec-

1 ommendations regarding the deployment of indus-
2 trial energy efficiency, including proposed regulatory
3 guidance to States and relevant Federal agencies to
4 address barriers to deployment.

5 **SEC. 8. BEST PRACTICES FOR ADVANCED METERING.**

6 Section 543(e) of the National Energy Conservation
7 Policy Act (42 U.S.C. 8253(e)) is amended by striking
8 paragraph (3) and inserting the following:

9 “(3) PLAN.—Not later than 180 days after the
10 date on which guidelines are established under para-
11 graph (2), in a report submitted by the agency
12 under section 548(a), each agency shall submit to
13 the Secretary a plan describing the manner in which
14 the agency will implement the requirements of para-
15 graph (1), including—

16 “(A) how the agency will designate per-
17 sonnel primarily responsible for achieving the
18 requirements; and

19 “(B) a demonstration by the agency, com-
20 plete with documentation, of any finding that
21 advanced meters or advanced metering devices
22 (as those terms are used in paragraph (1)), are
23 not practicable.

24 “(4) BEST PRACTICES REPORT.—

1 “(A) IN GENERAL.—Not later than 180
2 days after the date of enactment of this para-
3 graph, the Secretary of Energy, in consultation
4 with the Secretary of Defense and the Adminis-
5 trator of General Services, shall develop, and
6 issue a report on, best practices for the use of
7 advanced metering of energy use in Federal fa-
8 cilities, buildings, and equipment by Federal
9 agencies.

10 “(B) COMPONENTS.—The report shall in-
11 clude, at a minimum—

12 “(i) summaries and analysis of the re-
13 ports by agencies under paragraph (3);

14 “(ii) recommendations on standard re-
15 quirements or guidelines for automated en-
16 ergy management systems, including—

17 “(I) potential common commu-
18 nications standards to allow data
19 sharing and reporting;

20 “(II) means of facilitating contin-
21 uous commissioning of buildings and
22 evidence-based maintenance of build-
23 ings and building systems; and

24 “(III) standards for sufficient
25 levels of security and protection

1 against cyber threats to ensure sys-
2 tems cannot be controlled by unau-
3 thorized persons; and

4 “(iii) an analysis of—

5 “(I) the types of advanced meter-
6 ing and monitoring systems being pi-
7 loted, tested, or installed in Federal
8 buildings; and

9 “(II) existing techniques used
10 within the private sector or other non-
11 Federal government buildings.”.

12 **SEC. 9. FEDERAL ENERGY MANAGEMENT AND DATA COL-**
13 **LECTION STANDARD.**

14 Section 543 of the National Energy Conservation
15 Policy Act (42 U.S.C. 8253) is amended—

16 (1) by redesignating the second subsection (f)
17 (as added by section 434(a) of Public Law 110-140
18 (121 Stat. 1614)) as subsection (g); and

19 (2) in subsection (f)(7), by striking subpara-
20 graph (A) and inserting the following:

21 “(A) IN GENERAL.—For each facility that
22 meets the criteria established by the Secretary
23 under paragraph (2)(B), the energy manager
24 shall use the web-based tracking system under
25 subparagraph (B)—

1 “(i) to certify compliance with the re-
2 quirements for—

3 “(I) energy and water evalua-
4 tions under paragraph (3);

5 “(II) implementation of identified
6 energy and water measures under
7 paragraph (4); and

8 “(III) follow-up on implemented
9 measures under paragraph (5); and

10 “(ii) to publish energy and water con-
11 sumption data on an individual facility
12 basis.”.

13 **SEC. 10. TECHNICAL CORRECTIONS.**

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

17 (1) Section 325(u) of the Energy Policy and
18 Conservation Act (42 U.S.C. 6295(u)) (as amended
19 by section 301(c) of the Energy Independence and
20 Security Act of 2007 (121 Stat. 1550)) is amend-
21 ed—

22 (A) by redesignating paragraph (7) as
23 paragraph (4); and

1 (B) in paragraph (4) (as so redesignated),
2 by striking “supplies is” and inserting “supply
3 is”.

4 (2) Section 302(b) of the Energy Independence
5 and Security Act of 2007 (121 Stat. 1551) is
6 amended by striking “6313(a)” and inserting
7 “6314(a)”.

8 (3) Section 342(a)(6) of the Energy Policy and
9 Conservation Act (42 U.S.C. 6313(a)(6)) (as amend-
10 ed by section 305(b)(2) of the Energy Independence
11 and Security Act of 2007 (121 Stat. 1554)) is
12 amended—

13 (A) in subparagraph (B)—

14 (i) by striking “If the Secretary” and
15 inserting the following:

16 “(i) IN GENERAL.—If the Secretary”;

17 (ii) by striking “clause (ii)(II)” and
18 inserting “subparagraph (A)(ii)(II)”;

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

21 (iv) by adding at the end the fol-
22 lowing:

23 “(ii) FACTORS.—In determining
24 whether a standard is economically justi-
25 fied for the purposes of subparagraph

1 (A)(ii)(II), the Secretary shall, after receiv-
2 ing views and comments furnished with re-
3 spect to the proposed standard, determine
4 whether the benefits of the standard ex-
5 ceed the burden of the proposed standard
6 by, to the maximum extent practicable,
7 considering—

8 “(I) the economic impact of the
9 standard on the manufacturers and
10 on the consumers of the products sub-
11 ject to the standard;

12 “(II) the savings in operating
13 costs throughout the estimated aver-
14 age life of the product in the type (or
15 class) compared to any increase in the
16 price of, or in the initial charges for,
17 or maintenance expenses of, the prod-
18 ucts that are likely to result from the
19 imposition of the standard;

20 “(III) the total projected quan-
21 tity of energy savings likely to result
22 directly from the imposition of the
23 standard;

24 “(IV) any lessening of the utility
25 or the performance of the products

1 likely to result from the imposition of
2 the standard;

3 “(V) the impact of any lessening
4 of competition, as determined in writ-
5 ing by the Attorney General, that is
6 likely to result from the imposition of
7 the standard;

8 “(VI) the need for national en-
9 ergy conservation; and

10 “(VII) other factors the Sec-
11 retary considers relevant.

12 “(iii) ADMINISTRATION.—

13 “(I) ENERGY USE AND EFFI-
14 CIENCY.—The Secretary may not pre-
15 scribe any amended standard under
16 this paragraph that increases the
17 maximum allowable energy use, or de-
18 creases the minimum required energy
19 efficiency, of a covered product.

20 “(II) UNAVAILABILITY.—

21 “(aa) IN GENERAL.—The
22 Secretary may not prescribe an
23 amended standard under this
24 subparagraph if the Secretary
25 finds (and publishes the finding)

1 that interested persons have es-
2 tablished by a preponderance of
3 the evidence that a standard is
4 likely to result in the unavail-
5 ability in the United States in
6 any product type (or class) of
7 performance characteristics (in-
8 cluding reliability, features, sizes,
9 capacities, and volumes) that are
10 substantially the same as those
11 generally available in the United
12 States at the time of the finding
13 of the Secretary.

14 “(bb) OTHER TYPES OR
15 CLASSES.—The failure of some
16 types (or classes) to meet the cri-
17 terion established under this sub-
18 clause shall not affect the deter-
19 mination of the Secretary on
20 whether to prescribe a standard
21 for the other types or classes.”;
22 and

23 (B) in subparagraph (C)(iv), by striking
24 “An amendment prescribed under this sub-
25 section” and inserting “Notwithstanding sub-

1 paragraph (D), an amendment prescribed under
2 this subparagraph”.

3 (4) Section 342(a)(6)(B)(iii) of the Energy Pol-
4 icy and Conservation Act (as added by section
5 306(c) of the Energy Independence and Security Act
6 of 2007 (121 Stat. 1559)) is transferred and reded-
7 igned as clause (vi) of section 342(a)(6)(C) of the
8 Energy Policy and Conservation Act (as amended by
9 section 305(b)(2) of the Energy Independence and
10 Security Act of 2007 (121 Stat. 1554)).

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

15 (A) by striking “subparagraphs (B)
16 through (G)” each place it appears and insert-
17 ing “subparagraphs (B), (C), (D), (I), (J), and
18 (K)”;

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

21 (C) in subsection (a)—

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

1 (ii) in paragraph (9), by striking the
2 period at the end and inserting “; and”;
3 and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(10) section 327 shall apply with respect to
7 the equipment described in section 340(1)(L) begin-
8 ning on the date on which a final rule establishing
9 an energy conservation standard is issued by the
10 Secretary, except that any State or local standard
11 prescribed or enacted for the equipment before the
12 date on which the final rule is issued shall not be
13 preempted until the energy conservation standard
14 established by the Secretary for the equipment takes
15 effect.”;

16 (D) in subsection (b)(1), by striking “sec-
17 tion 325(p)(5)” and inserting “section
18 325(p)(4)”;

19 (E) in subsection (h)(3), by striking “sec-
20 tion 342(f)(3)” and inserting “section
21 342(f)(4)”.

22 (6) Section 321(30)(D)(i)(III) of the Energy
23 Policy and Conservation Act (42 U.S.C.
24 6291(30)(D)(i)(III)) (as amended by section
25 321(a)(1)(A) of the Energy Independence and Secu-

1 rity Act of 2007 (121 Stat. 1574)) is amended by
2 inserting before the semicolon the following: “or, in
3 the case of a modified spectrum lamp, not less than
4 232 lumens and not more than 1,950 lumens”.

5 (7) Section 321(30)(T) of the Energy Policy
6 and Conservation Act (42 U.S.C. 6291(30)(T)) (as
7 amended by section 321(a)(1)(B) of the Energy
8 Independence and Security Act of 2007 (121 Stat.
9 1574)) is amended—

10 (A) in clause (i)—

11 (i) by striking the comma after
12 “household appliance” and inserting
13 “and”; and

14 (ii) by striking “and is sold at retail,”;
15 and

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

18 (8) Section 325(l)(4)(A) of the Energy Policy
19 and Conservation Act (42 U.S.C. 6295(l)(4)(A)) (as
20 amended by section 321(a)(3)(B) of the Energy
21 Independence and Security Act of 2007 (121 Stat.
22 1581)) is amended by striking “only”.

23 (9) Section 327(b)(1)(B) of the Energy Policy
24 and Conservation Act (42 U.S.C. 6297(b)(1)(B)) (as
25 amended by section 321(d)(3) of the Energy Inde-

1 pendence and Security Act of 2007 (121 Stat.
2 1585)) is amended—

3 (A) in clause (i), by inserting “and” after
4 the semicolon at the end;

5 (B) in clause (ii), by striking “; and” and
6 inserting a period; and

7 (C) by striking clause (iii).

8 (10) Section 321(30)(C)(ii) of the Energy Pol-
9 icy and Conservation Act (42 U.S.C.
10 6291(30)(C)(ii)) (as amended by section
11 322(a)(1)(B) of the Energy Independence and Secu-
12 rity Act of 2007 (121 Stat. 1587)) is amended by
13 inserting a period after “40 watts or higher”.

14 (11) Section 322(b) of the Energy Independ-
15 ence and Security Act of 2007 (121 Stat. 1588) is
16 amended by striking “6995(i)” and inserting
17 “6295(i)”.

18 (12) Section 325(b) of the Energy Independ-
19 ence and Security Act of 2007 (121 Stat. 1596) is
20 amended by striking “6924(e)” and inserting
21 “6294(e)”.

22 (13) This subsection and the amendments made
23 by this subsection take effect as if included in the
24 Energy Independence and Security Act of 2007
25 (Public Law 110–140; 121 Stat. 1492).

1 (b) ENERGY POLICY ACT OF 2005.—

2 (1) Section 325(g)(8)(C)(ii) of the Energy Pol-
3 icy and Conservation Act (42 U.S.C.
4 6295(g)(8)(C)(ii)) (as added by section 135(c)(2)(B)
5 of the Energy Policy Act of 2005) is amended by
6 striking “20°F” and inserting “negative 20°F”.

7 (2) This subsection and the amendment made
8 by this subsection take effect as if included in the
9 Energy Policy Act of 2005 (Public Law 109–58; 119
10 Stat. 594).

11 (c) ENERGY POLICY AND CONSERVATION ACT.—

12 (1) Section 340(2)(B) of the Energy Policy and
13 Conservation Act (42 U.S.C. 6311(2)(B)) is amend-
14 ed—

15 (A) in clause (xi), by striking “and” at the
16 end;

17 (B) in clause (xii), by striking the period
18 at the end and inserting “; and”; and

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

20 “(xiii) other motors.”.

21 (2) Section 343(a) of the Energy Policy and
22 Conservation Act (42 U.S.C. 6314(a)) is amended
23 by striking “Air-Conditioning and Refrigeration In-
24 stitute” each place it appears in paragraphs (4)(A)

1 and (7) and inserting “Air-Conditioning, Heating,
2 and Refrigeration Institute”.