

“(4) The Administrator, upon application of any manufacturer of any fuel or fuel additive, may waive the prohibitions established under paragraph (1) or (3) of this subsection or the limitation specified in paragraph (2) of this subsection, if he determines that the applicant has established that such fuel or fuel additive or a specified concentration thereof, and the emission products of such fuel or fuel additive or specified concentration thereof, will not cause or contribute to a failure of any emission control device or system (over the useful life of the motor vehicle, motor vehicle engine, nonroad engine or nonroad vehicle in which such device or system is used) to achieve compliance by the vehicle or engine with the emission standards with respect to which it has been certified pursuant to sections 206 and 213(a). The Administrator shall take final action to grant or deny an application submitted under this paragraph, after public notice and comment, within 270 days of the receipt of such an application.”.

TITLE III—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLI- ANCE AND LIGHTING

Subtitle A—Appliance Energy Efficiency

SEC. 301. EXTERNAL POWER SUPPLY EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (36)—

(A) by striking “(36) The” and inserting the following:

“(36) EXTERNAL POWER SUPPLY.—

“(A) IN GENERAL.—The”; and

(B) by adding at the end the following:

“(B) ACTIVE MODE.—The term ‘active mode’ means the mode of operation when an external power supply is connected to the main electricity supply and the output is connected to a load.

“(C) CLASS A EXTERNAL POWER SUPPLY.—

“(i) IN GENERAL.—The term ‘class A external power supply’ means a device that—

“(I) is designed to convert line voltage AC input into lower voltage AC or DC output;

“(II) is able to convert to only 1 AC or DC output voltage at a time;

“(III) is sold with, or intended to be used with, a separate end-use product that constitutes the primary load;

“(IV) is contained in a separate physical enclosure from the end-use product;

“(V) is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring; and

“(VI) has nameplate output power that is less than or equal to 250 watts.

“(ii) EXCLUSIONS.—The term ‘class A external power supply’ does not include any device that—

“(I) requires Federal Food and Drug Administration listing and approval as a medical device in accordance with section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c); or

“(II) powers the charger of a detachable battery pack or charges the battery of a product that is fully or primarily motor operated.

“(D) NO-LOAD MODE.—The term ‘no-load mode’ means the mode of operation when an external power supply is connected to the main electricity supply and the output is not connected to a load.”; and

(2) by adding at the end the following:

“(52) DETACHABLE BATTERY.—The term ‘detachable battery’ means a battery that is—

“(A) contained in a separate enclosure from the product; and

“(B) intended to be removed or disconnected from the product for recharging.”.

(b) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) is amended by adding at the end the following:

“(17) CLASS A EXTERNAL POWER SUPPLIES.—Test procedures for class A external power supplies shall be based on the ‘Test Method for Calculating the Energy Efficiency of Single-Voltage External AC–DC and AC–AC Power Supplies’ published by the Environmental Protection Agency on August 11, 2004, except that the test voltage specified in section 4(d) of that test method shall be only 115 volts, 60 Hz.”.

(c) EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.—Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) is amended by adding at the end the following:

“(6) EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.—

“(A) IN GENERAL.—Subject to subparagraphs (B) through (D), a class A external power supply manufactured on or after the later of July 1, 2008, or the date of enactment of this paragraph shall meet the following standards:

“Active Mode	
“Nameplate Output	Required Efficiency (decimal equivalent of a percent- age)
Less than 1 watt	0.5 times the Nameplate Output
From 1 watt to not more than 51 watts	The sum of 0.09 times the Natural Logarithm of the Nameplate Output and 0.5
Greater than 51 watts	0.85
“No-Load Mode	
“Nameplate Output	Maximum Consumption
Not more than 250 watts	0.5 watts

“(B) NONCOVERED SUPPLIES.—A class A external power supply shall not be subject to subparagraph (A) if the class A external power supply is—

“(i) manufactured during the period beginning on July 1, 2008, and ending on June 30, 2015; and

“(ii) made available by the manufacturer as a service part or a spare part for an end-use product—

“(I) that constitutes the primary load; and

“(II) was manufactured before July 1, 2008.

“(C) MARKING.—Any class A external power supply manufactured on or after the later of July 1, 2008 or the date of enactment of this paragraph shall be clearly and permanently marked in accordance with the External Power Supply International Efficiency Marking Protocol, as referenced in the ‘Energy Star Program Requirements for Single Voltage External AC–DC and AC–AC Power Supplies, version 1.1’ published by the Environmental Protection Agency.

“(D) AMENDMENT OF STANDARDS.—

“(i) FINAL RULE BY JULY 1, 2011.—

“(I) IN GENERAL.—Not later than July 1, 2011, the Secretary shall publish a final rule to determine whether the standards established under subparagraph (A) should be amended.

“(II) ADMINISTRATION.—The final rule shall—

“(aa) contain any amended standards; and

“(bb) apply to products manufactured on or after July 1, 2013.

“(ii) FINAL RULE BY JULY 1, 2015.—

“(I) IN GENERAL.—Not later than July 1, 2015 the Secretary shall publish a final rule to determine whether the standards then in effect should be amended.

“(II) ADMINISTRATION.—The final rule shall—

“(aa) contain any amended standards; and

“(bb) apply to products manufactured on or after July 1, 2017.

“(7) END-USE PRODUCTS.—An energy conservation standard for external power supplies shall not constitute an energy conservation standard for the separate end-use product to which the external power supplies is connected.”.

SEC. 302. UPDATING APPLIANCE TEST PROCEDURES.

(a) CONSUMER APPLIANCES.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended by striking “(1)” and all that follows through the end of the paragraph and inserting the following:

“(1) TEST PROCEDURES.—

“(A) AMENDMENT.—At least once every 7 years, the Secretary shall review test procedures for all covered products and—

“(i) amend test procedures with respect to any covered product, if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraph (3); or

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

(b) **INDUSTRIAL EQUIPMENT.**—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by striking “(a)” and all that follows through the end of paragraph (1) and inserting the following:

“(a) **PRESCRIPTION BY SECRETARY; REQUIREMENTS.**—

“(1) **TEST PROCEDURES.**—

“(A) **AMENDMENT.**—At least once every 7 years, the Secretary shall conduct an evaluation of each class of covered equipment and—

“(i) if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraphs (2) and (3), shall prescribe test procedures for the class in accordance with this section; or

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

SEC. 303. RESIDENTIAL BOILERS.

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

(1) in the subsection heading, by inserting “AND BOILERS” after “FURNACES”;

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

“(3) **BOILERS.**—
“(A) **IN GENERAL.**—Subject to subparagraphs (B) and (C), boilers manufactured on or after September 1, 2012, shall meet the following requirements:

Boiler Type	Minimum Annual Fuel Utilization Efficiency	Design Requirements
Gas Hot Water	82%	No Constant Burning Pilot, Automatic Means for Adjusting Water Temperature
Gas Steam	80%	No Constant Burning Pilot
Oil Hot Water	84%	Automatic Means for Adjusting Temperature
Oil Steam	82%	None
Electric Hot Water	None	Automatic Means for Adjusting Temperature
Electric Steam	None	None

“(B) **AUTOMATIC MEANS FOR ADJUSTING WATER TEMPERATURE.**—

“(i) **IN GENERAL.**—The manufacturer shall equip each gas, oil, and electric hot water boiler (other than a boiler equipped with a tankless domestic water heating coil) with automatic means for adjusting the temperature of the water supplied by the boiler to ensure that an incremental change in inferred heat

load produces a corresponding incremental change in the temperature of water supplied.

“(ii) SINGLE INPUT RATE.—For a boiler that fires at 1 input rate, the requirements of this subparagraph may be satisfied by providing an automatic means that allows the burner or heating element to fire only when the means has determined that the inferred heat load cannot be met by the residual heat of the water in the system.

“(iii) NO INFERRED HEAT LOAD.—When there is no inferred heat load with respect to a hot water boiler, the automatic means described in clauses (i) and (ii) shall limit the temperature of the water in the boiler to not more than 140 degrees Fahrenheit.

“(iv) OPERATION.—A boiler described in clause (i) or (ii) shall be operable only when the automatic means described in clauses (i), (ii), and (iii) is installed.

“(C) EXCEPTION.—A boiler that is manufactured to operate without any need for electricity or any electric connection, electric gauges, electric pumps, electric wires, or electric devices shall not be required to meet the requirements of this paragraph.”.

SEC. 304. FURNACE FAN STANDARD PROCESS.

Paragraph (4)(D) of section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) (as redesignated by section 303(4)) is amended by striking “the Secretary may” and inserting “not later than December 31, 2013, the Secretary shall”.

SEC. 305. IMPROVING SCHEDULE FOR STANDARDS UPDATING AND CLARIFYING STATE AUTHORITY.

(a) CONSUMER APPLIANCES.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by striking subsection (m) and inserting the following:

“(m) AMENDMENT OF STANDARDS.—

“(1) IN GENERAL.—Not later than 6 years after issuance of any final rule establishing or amending a standard, as required for a product under this part, the Secretary shall publish—

“(A) a notice of the determination of the Secretary that standards for the product do not need to be amended, based on the criteria established under subsection (n)(2); or

“(B) a notice of proposed rulemaking including new proposed standards based on the criteria established under subsection (o) and the procedures established under subsection (p).

“(2) NOTICE.—If the Secretary publishes a notice under paragraph (1), the Secretary shall—

“(A) publish a notice stating that the analysis of the Department is publicly available; and

“(B) provide an opportunity for written comment.

“(3) AMENDMENT OF STANDARD; NEW DETERMINATION.—

“(A) AMENDMENT OF STANDARD.—Not later than 2 years after a notice is issued under paragraph (1)(B), the Secretary shall publish a final rule amending the standard for the product.

“(B) NEW DETERMINATION.—Not later than 3 years after a determination under paragraph (1)(A), the Secretary shall make a new determination and publication under subparagraph (A) or (B) of paragraph (1).

“(4) APPLICATION TO PRODUCTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an amendment prescribed under this subsection shall apply to—

“(i) with respect to refrigerators, refrigerator-freezers, freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, fluorescent lamp ballasts, and kitchen ranges and ovens, such a product that is manufactured after the date that is 3 years after publication of the final rule establishing an applicable standard; and

“(ii) with respect to central air conditioners, heat pumps, water heaters, pool heaters, direct heating equipment, and furnaces, such a product that is manufactured after the date that is 5 years after publication of the final rule establishing an applicable standard.

“(B) OTHER NEW STANDARDS.—A manufacturer shall not be required to apply new standards to a product with respect to which other new standards have been required during the prior 6-year period.

“(5) REPORTS.—The Secretary shall promptly submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

“(A) a progress report every 180 days on compliance with this section, including a specific plan to remedy any failures to comply with deadlines for action established under this section; and

“(B) all required reports to the Court or to any party to the Consent Decree in State of New York v Bodman, Consolidated Civil Actions No. 05 Civ. 7807 and No. 05 Civ. 7808.”.

(b) INDUSTRIAL EQUIPMENT.—Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by striking “(6)(A)(i)” and all that follows through the end of subparagraph (B) and inserting the following:

“(6) AMENDED ENERGY EFFICIENCY STANDARDS.—

“(A) IN GENERAL.—

“(i) ANALYSIS OF POTENTIAL ENERGY SAVINGS.—If ASHRAE/IES Standard 90.1 is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, very large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, not later than 180 days after the amendment of the standard, the Secretary shall publish in the Federal Register for public comment an analysis of the energy

savings potential of amended energy efficiency standards.

“(ii) AMENDED UNIFORM NATIONAL STANDARD FOR PRODUCTS.—

“(I) IN GENERAL.—Except as provided in subclause (II), not later than 18 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for a product described in clause (i), the Secretary shall establish an amended uniform national standard for the product at the minimum level specified in the amended ASHRAE/IES Standard 90.1.

“(II) MORE STRINGENT STANDARD.—Subclause (I) shall not apply if the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for the product would result in significant additional conservation of energy and is technologically feasible and economically justified.

“(B) RULE.—If the Secretary makes a determination described in clause (ii)(II) for a product described in clause (i), not later than 30 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for the product, the Secretary shall issue the rule establishing the amended standard.

“(C) AMENDMENT OF STANDARD.—

“(i) IN GENERAL.—Not later than 6 years after issuance of any final rule establishing or amending a standard, as required for a product under this part, the Secretary shall publish—

“(I) a notice of the determination of the Secretary that standards for the product do not need to be amended, based on the criteria established under subparagraph (A); or

“(II) a notice of proposed rulemaking including new proposed standards based on the criteria and procedures established under subparagraph (B).

“(ii) NOTICE.—If the Secretary publishes a notice under clause (i), the Secretary shall—

“(I) publish a notice stating that the analysis of the Department is publicly available; and

“(II) provide an opportunity for written comment.

“(iii) AMENDMENT OF STANDARD; NEW DETERMINATION.—

“(I) AMENDMENT OF STANDARD.—Not later than 2 years after a notice is issued under clause (i)(II), the Secretary shall publish a final rule amending the standard for the product.

“(II) NEW DETERMINATION.—Not later than 3 years after a determination under clause (i)(I), the Secretary shall make a new determination and publication under subclause (I) or (II) of clause (i).

“(iv) APPLICATION TO PRODUCTS.—An amendment prescribed under this subsection shall apply to products manufactured after a date that is the later of—

“(I) the date that is 3 years after publication of the final rule establishing a new standard; or

“(II) the date that is 6 years after the effective date of the current standard for a covered product.

“(v) REPORTS.—The Secretary shall promptly submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a progress report every 180 days on compliance with this subparagraph, including a specific plan to remedy any failures to comply with deadlines for action established under this subparagraph.”.

SEC. 306. REGIONAL STANDARDS FOR FURNACES, CENTRAL AIR CONDITIONERS, AND HEAT PUMPS.

(a) IN GENERAL.—Section 325(o) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)) is amended by adding at the end the following:

“(6) REGIONAL STANDARDS FOR FURNACES, CENTRAL AIR CONDITIONERS, AND HEAT PUMPS.—

“(A) IN GENERAL.—In any rulemaking to establish a new or amended standard, the Secretary may consider the establishment of separate standards by geographic region for furnaces (except boilers), central air conditioners, and heat pumps.

“(B) NATIONAL AND REGIONAL STANDARDS.—

“(i) NATIONAL STANDARD.—If the Secretary establishes a regional standard for a product, the Secretary shall establish a base national standard for the product.

“(ii) REGIONAL STANDARDS.—If the Secretary establishes a regional standard for a product, the Secretary may establish more restrictive standards for the product by geographic region as follows:

“(I) For furnaces, the Secretary may establish 1 additional standard that is applicable in a geographic region defined by the Secretary.

“(II) For any cooling product, the Secretary may establish 1 or 2 additional standards that are applicable in 1 or 2 geographic regions as may be defined by the Secretary.

“(C) BOUNDARIES OF GEOGRAPHIC REGIONS.—

“(i) IN GENERAL.—Subject to clause (ii), the boundaries of additional geographic regions established by the Secretary under this paragraph shall include only contiguous States.

“(ii) ALASKA AND HAWAII.—The States of Alaska and Hawaii may be included under this paragraph in a geographic region that the States are not contiguous to.

“(iii) INDIVIDUAL STATES.—Individual States shall be placed only into a single region under this paragraph.

“(D) PREREQUISITES.—In establishing additional regional standards under this paragraph, the Secretary shall—

“(i) establish additional regional standards only if the Secretary determines that—

“(I) the establishment of additional regional standards will produce significant energy savings in comparison to establishing only a single national standard; and

“(II) the additional regional standards are economically justified under this paragraph; and

“(ii) consider the impact of the additional regional standards on consumers, manufacturers, and other market participants, including product distributors, dealers, contractors, and installers.

“(E) APPLICATION; EFFECTIVE DATE.—

“(i) BASE NATIONAL STANDARD.—Any base national standard established for a product under this paragraph shall—

“(I) be the minimum standard for the product;

and

“(II) apply to all products manufactured or imported into the United States on and after the effective date for the standard.

“(ii) REGIONAL STANDARDS.—Any additional and more restrictive regional standard established for a product under this paragraph shall apply to any such product installed on or after the effective date of the standard in States in which the Secretary has designated the standard to apply.

“(F) CONTINUATION OF REGIONAL STANDARDS.—

“(i) IN GENERAL.—In any subsequent rulemaking for any product for which a regional standard has been previously established, the Secretary shall determine whether to continue the establishment of separate regional standards for the product.

“(ii) REGIONAL STANDARD NO LONGER APPROPRIATE.—Except as provided in clause (iii), if the Secretary determines that regional standards are no longer appropriate for a product, beginning on the effective date of the amended standard for the product—

“(I) there shall be 1 base national standard for the product with Federal enforcement; and

“(II) State authority for enforcing a regional standard for the product shall terminate.

“(iii) REGIONAL STANDARD APPROPRIATE BUT STANDARD OR REGION CHANGED.—

“(I) STATE NO LONGER CONTAINED IN REGION.—Subject to subclause (III), if a State is no longer contained in a region in which a regional standard that is more stringent than the base national standard applies, the authority of the State to enforce the regional standard shall terminate.

“(II) STANDARD OR REGION REVISED SO THAT EXISTING REGIONAL STANDARD EQUALS BASE NATIONAL STANDARD.—If the Secretary revises a

base national standard for a product or the geographic definition of a region so that an existing regional standard for a State is equal to the revised base national standard—

“(aa) the authority of the State to enforce the regional standard shall terminate on the effective date of the revised base national standard; and

“(bb) the State shall be subject to the revised base national standard.

“(III) STANDARD OR REGION REVISED SO THAT EXISTING REGIONAL STANDARD EQUALS BASE NATIONAL STANDARD.—If the Secretary revises a base national standard for a product or the geographic definition of a region so that the standard for a State is lower than the previously approved regional standard, the State may continue to enforce the previously approved standard level.

“(iv) WAIVER OF FEDERAL PREEMPTION.—Nothing in this paragraph diminishes the authority of a State to enforce a State regulation for which a waiver of Federal preemption has been granted under section 327(d).

“(G) ENFORCEMENT.—

“(i) BASE NATIONAL STANDARD.—

“(I) IN GENERAL.—The Secretary shall enforce any base national standard.

“(II) TRADE ASSOCIATION CERTIFICATION PROGRAMS.—In enforcing the base national standard, the Secretary shall use, to the maximum extent practicable, national standard nationally recognized certification programs of trade associations.

“(ii) REGIONAL STANDARDS.—

“(I) ENFORCEMENT PLAN.—Not later than 90 days after the date of the issuance of a final rule that establishes a regional standard, the Secretary shall initiate a rulemaking to develop and implement an effective enforcement plan for regional standards for the products that are covered by the final rule.

“(II) RESPONSIBLE ENTITIES.—Any rules regarding enforcement of a regional standard shall clearly specify which entities are legally responsible for compliance with the standards and for making any required information or labeling disclosures.

“(III) FINAL RULE.—Not later than 15 months after the date of the issuance of a final rule that establishes a regional standard for a product, the Secretary shall promulgate a final rule covering enforcement of regional standards for the product.

“(IV) INCORPORATION BY STATES AND LOCALITIES.—A State or locality may incorporate any Federal regional standard into State or local building codes or State appliance standards.

“(V) STATE ENFORCEMENT.—A State agency may seek enforcement of a Federal regional standard in a Federal court of competent jurisdiction.

“(H) INFORMATION DISCLOSURE.—

“(i) IN GENERAL.—Not later than 90 days after the date of the publication of a final rule that establishes a regional standard for a product, the Federal Trade Commission shall undertake a rulemaking to determine the appropriate 1 or more methods for disclosing information so that consumers, distributors, contractors, and installers can easily determine whether a specific piece of equipment that is installed in a specific building is in conformance with the regional standard that applies to the building.

“(ii) METHODS.—A method of disclosing information under clause (i) may include—

“(I) modifications to the Energy Guide label;
or

“(II) other methods that make it easy for consumers and installers to use and understand at the point of installation.

“(iii) COMPLETION OF RULEMAKING.—The rulemaking shall be completed not later than 15 months after the date of the publication of a final rule that establishes a regional standard for a product.”

(b) PROHIBITED ACTS.—Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended—

(1) in paragraph (4), by striking “or” after the semicolon at the end;

(2) in paragraph (5), by striking “part.” and inserting “part, except to the extent that the new covered product is covered by a regional standard that is more stringent than the base national standard; or”; and

(3) by adding at the end the following:

“(6) for any manufacturer or private labeler to knowingly sell a product to a distributor, contractor, or dealer with knowledge that the entity routinely violates any regional standard applicable to the product.”

(c) CONSIDERATION OF PRICES AND OPERATING PATTERNS.—Section 342(a)(6)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)(B)) is amended by adding at the end the following:

“(iii) CONSIDERATION OF PRICES AND OPERATING PATTERNS.—If the Secretary is considering revised standards for air-cooled 3-phase central air conditioners and central air conditioning heat pumps with less than 65,000 Btu per hour (cooling capacity), the Secretary shall use commercial energy prices and operating patterns in all analyses conducted by the Secretary.”

SEC. 307. PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.

Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6925(p)) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

SEC. 308. EXPEDITED RULEMAKINGS.

(a) PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) (as amended by section 307) is amended by adding at the end the following:

“(4) DIRECT FINAL RULES.—

“(A) IN GENERAL.—On receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary, and contains recommendations with respect to an energy or water conservation standard—

“(i) if the Secretary determines that the recommended standard contained in the statement is in accordance with subsection (o) or section 342(a)(6)(B), as applicable, the Secretary may issue a final rule that establishes an energy or water conservation standard and is published simultaneously with a notice of proposed rulemaking that proposes a new or amended energy or water conservation standard that is identical to the standard established in the final rule to establish the recommended standard (referred to in this paragraph as a ‘direct final rule’); or

“(ii) if the Secretary determines that a direct final rule cannot be issued based on the statement, the Secretary shall publish a notice of the determination, together with an explanation of the reasons for the determination.

“(B) PUBLIC COMMENT.—The Secretary shall solicit public comment for a period of at least 110 days with respect to each direct final rule issued by the Secretary under subparagraph (A)(i).

“(C) WITHDRAWAL OF DIRECT FINAL RULES.—

“(i) IN GENERAL.—Not later than 120 days after the date on which a direct final rule issued under subparagraph (A)(i) is published in the Federal Register, the Secretary shall withdraw the direct final rule if—

“(I) the Secretary receives 1 or more adverse public comments relating to the direct final rule under subparagraph (B)(i) or any alternative joint recommendation; and

“(II) based on the rulemaking record relating to the direct final rule, the Secretary determines that such adverse public comments or alternative joint recommendation may provide a reasonable basis for withdrawing the direct final rule under subsection (o), section 342(a)(6)(B), or any other applicable law.

“(ii) ACTION ON WITHDRAWAL.—On withdrawal of a direct final rule under clause (i), the Secretary shall—

“(I) proceed with the notice of proposed rule-making published simultaneously with the direct final rule as described in subparagraph (A)(i); and

“(II) publish in the Federal Register the reasons why the direct final rule was withdrawn.

“(iii) TREATMENT OF WITHDRAWN DIRECT FINAL RULES.—A direct final rule that is withdrawn under clause (i) shall not be considered to be a final rule for purposes of subsection (o).

“(D) EFFECT OF PARAGRAPH.—Nothing in this paragraph authorizes the Secretary to issue a direct final rule based solely on receipt of more than 1 statement containing recommended standards relating to the direct final rule.”.

(b) CONFORMING AMENDMENT.—Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended in the first sentence by inserting “section 325(p)(5),” after “The provisions of”.

SEC. 309. BATTERY CHARGERS.

Section 325(u)(1)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)(1)(E)) is amended—

(1) by striking “(E)(i) Not” and inserting the following:

“(E) EXTERNAL POWER SUPPLIES AND BATTERY CHARGERS.—

“(i) ENERGY CONSERVATION STANDARDS.—

“(I) EXTERNAL POWER SUPPLIES.—Not”;

(2) by striking “3 years” and inserting “2 years”;

(3) by striking “battery chargers and” each place it appears;

and

(4) by adding at the end the following:

“(II) BATTERY CHARGERS.—Not later than July 1, 2011, the Secretary shall issue a final rule that prescribes energy conservation standards for battery chargers or classes of battery chargers or determine that no energy conservation standard is technically feasible and economically justified.”.

SEC. 310. STANDBY MODE.

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

(1) in subsection (u)—

(A) by striking paragraphs (2), (3), and (4); and

(B) by redesignating paragraphs (5) and (6) as paragraphs (2) and (3), respectively;

(2) by redesignating subsection (gg) as subsection (hh);

(3) by inserting after subsection (ff) the following:

“(gg) STANDBY MODE ENERGY USE.—

“(1) DEFINITIONS.—

“(A) IN GENERAL.—Unless the Secretary determines otherwise pursuant to subparagraph (B), in this subsection:

“(i) ACTIVE MODE.—The term ‘active mode’ means the condition in which an energy-using product—

“(I) is connected to a main power source;

“(II) has been activated; and

“(III) provides 1 or more main functions.

“(ii) OFF MODE.—The term ‘off mode’ means the condition in which an energy-using product—

“(I) is connected to a main power source; and

“(II) is not providing any standby or active mode function.

“(iii) STANDBY MODE.—The term ‘standby mode’ means the condition in which an energy-using product—

“(I) is connected to a main power source; and

“(II) offers 1 or more of the following user-oriented or protective functions:

“(aa) To facilitate the activation or deactivation of other functions (including active mode) by remote switch (including remote control), internal sensor, or timer.

“(bb) Continuous functions, including information or status displays (including clocks) or sensor-based functions.

“(B) AMENDED DEFINITIONS.—The Secretary may, by rule, amend the definitions under subparagraph (A), taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission.

“(2) TEST PROCEDURES.—

“(A) IN GENERAL.—Test procedures for all covered products shall be amended pursuant to section 323 to include standby mode and off mode energy consumption, taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission, with such energy consumption integrated into the overall energy efficiency, energy consumption, or other energy descriptor for each covered product, unless the Secretary determines that—

“(i) the current test procedures for a covered product already fully account for and incorporate the standby mode and off mode energy consumption of the covered product; or

“(ii) such an integrated test procedure is technically infeasible for a particular covered product, in which case the Secretary shall prescribe a separate standby mode and off mode energy use test procedure for the covered product, if technically feasible.

“(B) DEADLINES.—The test procedure amendments required by subparagraph (A) shall be prescribed in a final rule no later than the following dates:

“(i) December 31, 2008, for battery chargers and external power supplies.

“(ii) March 31, 2009, for clothes dryers, room air conditioners, and fluorescent lamp ballasts.

“(iii) June 30, 2009, for residential clothes washers.

“(iv) September 30, 2009, for residential furnaces and boilers.

“(v) March 31, 2010, for residential water heaters, direct heating equipment, and pool heaters.

“(vi) March 31, 2011, for residential dishwashers, ranges and ovens, microwave ovens, and dehumidifiers.

“(C) PRIOR PRODUCT STANDARDS.—The test procedure amendments adopted pursuant to subparagraph (B) shall

not be used to determine compliance with product standards established prior to the adoption of the amended test procedures.

“(3) INCORPORATION INTO STANDARD.—

“(A) IN GENERAL.—Subject to subparagraph (B), based on the test procedures required under paragraph (2), any final rule establishing or revising a standard for a covered product, adopted after July 1, 2010, shall incorporate standby mode and off mode energy use into a single amended or new standard, pursuant to subsection (o), if feasible.

“(B) SEPARATE STANDARDS.—If not feasible, the Secretary shall prescribe within the final rule a separate standard for standby mode and off mode energy consumption, if justified under subsection (o).”; and

(4) in paragraph (2) of subsection (hh) (as redesignated by paragraph (2)), by striking “(ff)” each place it appears and inserting “(gg)”.

SEC. 311. ENERGY STANDARDS FOR HOME APPLIANCES.

(a) APPLIANCES.—

(1) DEHUMIDIFIERS.—Section 325(cc) of the Energy Policy and Conservation Act (42 U.S.C. 6295(cc)) is amended by striking paragraph (2) and inserting the following:

“(2) DEHUMIDIFIERS MANUFACTURED ON OR AFTER OCTOBER 1, 2012.—Dehumidifiers manufactured on or after October 1, 2012, shall have an Energy Factor that meets or exceeds the following values:

“Product Capacity (pints/day):	Minimum Energy Factor (liters/ kWh)
Up to 35.00	1.35
35.01–45.00	1.50
45.01–54.00	1.60
54.01–75.00	1.70
Greater than 75.00	2.5.”.

(2) RESIDENTIAL CLOTHES WASHERS AND RESIDENTIAL DISHWASHERS.—Section 325(g) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)) is amended by adding at the end the following:

“(9) RESIDENTIAL CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2011.—

“(A) IN GENERAL.—A top-loading or front-loading standard-size residential clothes washer manufactured on or after January 1, 2011, shall have—

“(i) a Modified Energy Factor of at least 1.26; and

“(ii) a water factor of not more than 9.5.

“(B) AMENDMENT OF STANDARDS.—

“(i) IN GENERAL.—Not later than December 31, 2011, the Secretary shall publish a final rule determining whether to amend the standards in effect for clothes washers manufactured on or after January 1, 2015.

“(ii) AMENDED STANDARDS.—The final rule shall contain any amended standards.

“(10) RESIDENTIAL DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2010.—

“(A) IN GENERAL.—A dishwasher manufactured on or after January 1, 2010, shall—

“(i) for a standard size dishwasher not exceed 355 kWh/year and 6.5 gallons per cycle; and

“(ii) for a compact size dishwasher not exceed 260 kWh/year and 4.5 gallons per cycle.

“(B) AMENDMENT OF STANDARDS.—

“(i) IN GENERAL.—Not later than January 1, 2015, the Secretary shall publish a final rule determining whether to amend the standards for dishwashers manufactured on or after January 1, 2018.

“(ii) AMENDED STANDARDS.—The final rule shall contain any amended standards.”.

(3) REFRIGERATORS AND FREEZERS.—Section 325(b) of the Energy Policy and Conservation Act (42 U.S.C. 6295(b)) is amended by adding at the end the following:

“(4) REFRIGERATORS AND FREEZERS MANUFACTURED ON OR AFTER JANUARY 1, 2014.—

“(A) IN GENERAL.—Not later than December 31, 2010, the Secretary shall publish a final rule determining whether to amend the standards in effect for refrigerators, refrigerator-freezers, and freezers manufactured on or after January 1, 2014.

“(B) AMENDED STANDARDS.—The final rule shall contain any amended standards.”.

(b) ENERGY STAR.—Section 324A(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294a(d)(2)) is amended by striking “January 1, 2010” and inserting “July 1, 2009”.

SEC. 312. WALK-IN COOLERS AND WALK-IN FREEZERS.

(a) DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (G) through (K) as subparagraphs (H) through (L), respectively; and

(B) by inserting after subparagraph (F) the following:

“(G) Walk-in coolers and walk-in freezers.”;

(2) by redesignating paragraphs (20) and (21) as paragraphs (21) and (22), respectively; and

(3) by inserting after paragraph (19) the following:

“(20) WALK-IN COOLER; WALK-IN FREEZER.—

“(A) IN GENERAL.—The terms ‘walk-in cooler’ and ‘walk-in freezer’ mean an enclosed storage space refrigerated to temperatures, respectively, above, and at or below 32 degrees Fahrenheit that can be walked into, and has a total chilled storage area of less than 3,000 square feet.

“(B) EXCLUSION.—The terms ‘walk-in cooler’ and ‘walk-in freezer’ do not include products designed and marketed exclusively for medical, scientific, or research purposes.”.

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

“(f) WALK-IN COOLERS AND WALK-IN FREEZERS.—

“(1) IN GENERAL.—Subject to paragraphs (2) through (5), each walk-in cooler or walk-in freezer manufactured on or after January 1, 2009, shall—

“(A) have automatic door closers that firmly close all walk-in doors that have been closed to within 1 inch of full closure, except that this subparagraph shall not apply to doors wider than 3 feet 9 inches or taller than 7 feet;

“(B) have strip doors, spring hinged doors, or other method of minimizing infiltration when doors are open;

“(C) contain wall, ceiling, and door insulation of at least R-25 for coolers and R-32 for freezers, except that this subparagraph shall not apply to glazed portions of doors nor to structural members;

“(D) contain floor insulation of at least R-28 for freezers;

“(E) for evaporator fan motors of under 1 horsepower and less than 460 volts, use—

“(i) electronically commutated motors (brushless direct current motors); or

“(ii) 3-phase motors;

“(F) for condenser fan motors of under 1 horsepower, use—

“(i) electronically commutated motors;

“(ii) permanent split capacitor-type motors; or

“(iii) 3-phase motors; and

“(G) for all interior lights, use light sources with an efficacy of 40 lumens per watt or more, including ballast losses (if any), except that light sources with an efficacy of 40 lumens per watt or less, including ballast losses (if any), may be used in conjunction with a timer or device that turns off the lights within 15 minutes of when the walk-in cooler or walk-in freezer is not occupied by people.

“(2) ELECTRONICALLY COMMUTATED MOTORS.—

“(A) IN GENERAL.—The requirements of paragraph (1)(E)(i) for electronically commutated motors shall take effect January 1, 2009, unless, prior to that date, the Secretary determines that such motors are only available from 1 manufacturer.

“(B) OTHER TYPES OF MOTORS.—In carrying out paragraph (1)(E)(i) and subparagraph (A), the Secretary may allow other types of motors if the Secretary determines that, on average, those other motors use no more energy in evaporator fan applications than electronically commutated motors.

“(C) MAXIMUM ENERGY CONSUMPTION LEVEL.—The Secretary shall establish the maximum energy consumption level under subparagraph (B) not later than January 1, 2010.

“(3) ADDITIONAL SPECIFICATIONS.—Each walk-in cooler or walk-in freezer with transparent reach-in doors manufactured on or after January 1, 2009, shall also meet the following specifications:

“(A) Transparent reach-in doors for walk-in freezers and windows in walk-in freezer doors shall be of triple-pane glass with either heat-reflective treated glass or gas fill.

“(B) Transparent reach-in doors for walk-in coolers and windows in walk-in cooler doors shall be—

“(i) double-pane glass with heat-reflective treated glass and gas fill; or

“(ii) triple-pane glass with either heat-reflective treated glass or gas fill.

“(C) If the appliance has an antisweat heater without antisweat heat controls, the appliance shall have a total door rail, glass, and frame heater power draw of not more than 7.1 watts per square foot of door opening (for freezers) and 3.0 watts per square foot of door opening (for coolers).

“(D) If the appliance has an antisweat heater with antisweat heat controls, and the total door rail, glass, and frame heater power draw is more than 7.1 watts per square foot of door opening (for freezers) and 3.0 watts per square foot of door opening (for coolers), the antisweat heat controls shall reduce the energy use of the antisweat heater in a quantity corresponding to the relative humidity in the air outside the door or to the condensation on the inner glass pane.

“(4) PERFORMANCE-BASED STANDARDS.—

“(A) IN GENERAL.—Not later than January 1, 2012, the Secretary shall publish performance-based standards for walk-in coolers and walk-in freezers that achieve the maximum improvement in energy that the Secretary determines is technologically feasible and economically justified.

“(B) APPLICATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), the standards shall apply to products described in subparagraph (A) that are manufactured beginning on the date that is 3 years after the final rule is published.

“(ii) DELAYED EFFECTIVE DATE.—If the Secretary determines, by rule, that a 3-year period is inadequate, the Secretary may establish an effective date for products manufactured beginning on the date that is not more than 5 years after the date of publication of a final rule for the products.

“(5) AMENDMENT OF STANDARDS.—

“(A) IN GENERAL.—Not later than January 1, 2020, the Secretary shall publish a final rule to determine if the standards established under paragraph (4) should be amended.

“(B) APPLICATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), the rule shall provide that the standards shall apply to products manufactured beginning on the date that is 3 years after the final rule is published.

“(ii) DELAYED EFFECTIVE DATE.—If the Secretary determines, by rule, that a 3-year period is inadequate, the Secretary may establish an effective date for products manufactured beginning on the date that is not more than 5 years after the date of publication of a final rule for the products.”.

(c) TEST PROCEDURES.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by adding at the end the following:

“(9) WALK-IN COOLERS AND WALK-IN FREEZERS.—

“(A) IN GENERAL.—For the purpose of test procedures for walk-in coolers and walk-in freezers:

“(i) The R value shall be the 1/K factor multiplied by the thickness of the panel.

“(ii) The K factor shall be based on ASTM test procedure C518–2004.

“(iii) For calculating the R value for freezers, the K factor of the foam at 20°F (average foam temperature) shall be used.

“(iv) For calculating the R value for coolers, the K factor of the foam at 55°F (average foam temperature) shall be used.

“(B) TEST PROCEDURE.—

“(i) IN GENERAL.—Not later than January 1, 2010, the Secretary shall establish a test procedure to measure the energy-use of walk-in coolers and walk-in freezers.

“(ii) COMPUTER MODELING.—The test procedure may be based on computer modeling, if the computer model or models have been verified using the results of laboratory tests on a significant sample of walk-in coolers and walk-in freezers.”.

(d) LABELING.—Section 344(e) of the Energy Policy and Conservation Act (42 U.S.C. 6315(e)) is amended by inserting “walk-in coolers and walk-in freezers,” after “commercial clothes washers,” each place it appears.

(e) ADMINISTRATION, PENALTIES, ENFORCEMENT, AND PREEMPTION.—Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) is amended—

(1) by striking “subparagraphs (B), (C), (D), (E), and (F)” each place it appears and inserting “subparagraphs (B) through (G)”; and

(2) by adding at the end the following:

“(h) WALK-IN COOLERS AND WALK-IN FREEZERS.—

“(1) COVERED TYPES.—

“(A) RELATIONSHIP TO OTHER LAW.—

“(i) IN GENERAL.—Except as otherwise provided in this subsection, section 327 shall apply to walk-in coolers and walk-in freezers for which standards have been established under paragraphs (1), (2), and (3) of section 342(f) to the same extent and in the same manner as the section applies under part A on the date of enactment of this subsection.

“(ii) STATE STANDARDS.—Any State standard prescribed before the date of enactment of this subsection shall not be preempted until the standards established under paragraphs (1) and (2) of section 342(f) take effect.

“(B) ADMINISTRATION.—In applying section 327 to equipment under subparagraph (A), paragraphs (1), (2), and (3) of subsection (a) shall apply.

“(2) FINAL RULE NOT TIMELY.—

“(A) IN GENERAL.—If the Secretary does not issue a final rule for a specific type of walk-in cooler or walk-in freezer within the timeframe established under paragraph (4) or (5) of section 342(f), subsections (b) and (c)

of section 327 shall no longer apply to the specific type of walk-in cooler or walk-in freezer during the period—

“(i) beginning on the day after the scheduled date for a final rule; and

“(ii) ending on the date on which the Secretary publishes a final rule covering the specific type of walk-in cooler or walk-in freezer.

“(B) STATE STANDARDS.—Any State standard issued before the publication of the final rule shall not be preempted until the standards established in the final rule take effect.

“(3) CALIFORNIA.—Any standard issued in the State of California before January 1, 2011, under title 20 of the California Code of Regulations, that refers to walk-in coolers and walk-in freezers, for which standards have been established under paragraphs (1), (2), and (3) of section 342(f), shall not be preempted until the standards established under section 342(f)(3) take effect.”.

SEC. 313. ELECTRIC MOTOR EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) is amended—

(1) by redesignating subparagraphs (B) through (H) as subparagraphs (C) through (I), respectively; and

(2) by striking “(13)(A)” and all that follows through the end of subparagraph (A) and inserting the following:

“(13) ELECTRIC MOTOR.—

“(A) GENERAL PURPOSE ELECTRIC MOTOR (SUBTYPE I).—The term ‘general purpose electric motor (subtype I)’ means any motor that meets the definition of ‘General Purpose’ as established in the final rule issued by the Department of Energy entitled ‘Energy Efficiency Program for Certain Commercial and Industrial Equipment: Test Procedures, Labeling, and Certification Requirements for Electric Motors’ (10 CFR 431), as in effect on the date of enactment of the Energy Independence and Security Act of 2007.

“(B) GENERAL PURPOSE ELECTRIC MOTOR (SUBTYPE II).—The term ‘general purpose electric motor (subtype II)’ means motors incorporating the design elements of a general purpose electric motor (subtype I) that are configured as 1 of the following:

“(i) A U-Frame Motor.

“(ii) A Design C Motor.

“(iii) A close-coupled pump motor.

“(iv) A Footless motor.

“(v) A vertical solid shaft normal thrust motor (as tested in a horizontal configuration).

“(vi) An 8-pole motor (900 rpm).

“(vii) A poly-phase motor with voltage of not more than 600 volts (other than 230 or 460 volts).”.

(b) STANDARDS.—

(1) AMENDMENTS.—Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(b)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) ELECTRIC MOTORS.—

“(A) GENERAL PURPOSE ELECTRIC MOTORS (SUBTYPE I).—Except as provided in subparagraph (B), each general purpose electric motor (subtype I) with a power rating of 1 horsepower or greater, but not greater than 200 horsepower, manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007, shall have a nominal full load efficiency that is not less than as defined in NEMA MG-1 (2006) Table 12-12.

“(B) FIRE PUMP MOTORS.—Each fire pump motor manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007 shall have nominal full load efficiency that is not less than as defined in NEMA MG-1 (2006) Table 12-11.

“(C) GENERAL PURPOSE ELECTRIC MOTORS (SUBTYPE II).—Each general purpose electric motor (subtype II) with a power rating of 1 horsepower or greater, but not greater than 200 horsepower, manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007, shall have a nominal full load efficiency that is not less than as defined in NEMA MG-1 (2006) Table 12-11.

“(D) NEMA DESIGN B, GENERAL PURPOSE ELECTRIC MOTORS.—Each NEMA Design B, general purpose electric motor with a power rating of more than 200 horsepower, but not greater than 500 horsepower, manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007, shall have a nominal full load efficiency that is not less than as defined in NEMA MG-1 (2006) Table 12-11.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on the date that is 3 years after the date of enactment of this Act.

SEC. 314. STANDARDS FOR SINGLE PACKAGE VERTICAL AIR CONDITIONERS AND HEAT PUMPS.

(a) DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended by adding at the end the following:

“(22) SINGLE PACKAGE VERTICAL AIR CONDITIONER.—The term ‘single package vertical air conditioner’ means air-cooled commercial package air conditioning and heating equipment that—

“(A) is factory-assembled as a single package that—

“(i) has major components that are arranged vertically;

“(ii) is an encased combination of cooling and optional heating components; and

“(iii) is intended for exterior mounting on, adjacent interior to, or through an outside wall;

“(B) is powered by a single- or 3-phase current;

“(C) may contain 1 or more separate indoor grilles, outdoor louvers, various ventilation options, indoor free air discharges, ductwork, well plenum, or sleeves; and

“(D) has heating components that may include electrical resistance, steam, hot water, or gas, but may not include reverse cycle refrigeration as a heating means.”

“(23) SINGLE PACKAGE VERTICAL HEAT PUMP.—The term ‘single package vertical heat pump’ means a single package vertical air conditioner that—

“(A) uses reverse cycle refrigeration as its primary heat source; and

“(B) may include secondary supplemental heating by means of electrical resistance, steam, hot water, or gas.”.

(b) STANDARDS.—Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended—

(1) in the first sentence of each of paragraphs (1) and (2), by inserting “(including single package vertical air conditioners and single package vertical heat pumps)” after “heating equipment” each place it appears;

(2) in paragraph (1), by striking “but before January 1, 2010,”;

(3) in the first sentence of each of paragraphs (7), (8), and (9), by inserting “(other than single package vertical air conditioners and single package vertical heat pumps)” after “heating equipment” each place it appears;

(4) in paragraph (7)—

(A) by striking “manufactured on or after January 1, 2010,”;

(B) in each of subparagraphs (A), (B), and (C), by striking “The” and inserting “For equipment manufactured on or after January 1, 2010, the”; and

(C) by adding at the end the following:

“(D) For equipment manufactured on or after the later of January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007—

“(i) the minimum seasonal energy efficiency ratio of air-cooled 3-phase electric central air conditioners and central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), split systems, shall be 13.0;

“(ii) the minimum seasonal energy efficiency ratio of air-cooled 3-phase electric central air conditioners and central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), single package, shall be 13.0;

“(iii) the minimum heating seasonal performance factor of air-cooled 3-phase electric central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), split systems, shall be 7.7; and

“(iv) the minimum heating seasonal performance factor of air-cooled 3-phase electric central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), single package, shall be 7.7.”; and

(5) by adding at the end the following:

“(10) SINGLE PACKAGE VERTICAL AIR CONDITIONERS AND SINGLE PACKAGE VERTICAL HEAT PUMPS.—

“(A) IN GENERAL.—Single package vertical air conditioners and single package vertical heat pumps manufactured on or after January 1, 2010, shall meet the following standards:

“(i) The minimum energy efficiency ratio of single package vertical air conditioners less than 65,000 Btu per hour (cooling capacity), single-phase, shall be 9.0.

“(ii) The minimum energy efficiency ratio of single package vertical air conditioners less than 65,000 Btu per hour (cooling capacity), 3-phase, shall be 9.0.

“(iii) The minimum energy efficiency ratio of single package vertical air conditioners at or above 65,000 Btu per hour (cooling capacity) but less than 135,000 Btu per hour (cooling capacity), shall be 8.9.

“(iv) The minimum energy efficiency ratio of single package vertical air conditioners at or above 135,000 Btu per hour (cooling capacity) but less than 240,000 Btu per hour (cooling capacity), shall be 8.6.

“(v) The minimum energy efficiency ratio of single package vertical heat pumps less than 65,000 Btu per hour (cooling capacity), single-phase, shall be 9.0 and the minimum coefficient of performance in the heating mode shall be 3.0.

“(vi) The minimum energy efficiency ratio of single package vertical heat pumps less than 65,000 Btu per hour (cooling capacity), 3-phase, shall be 9.0 and the minimum coefficient of performance in the heating mode shall be 3.0.

“(vii) The minimum energy efficiency ratio of single package vertical heat pumps at or above 65,000 Btu per hour (cooling capacity) but less than 135,000 Btu per hour (cooling capacity), shall be 8.9 and the minimum coefficient of performance in the heating mode shall be 3.0.

“(viii) The minimum energy efficiency ratio of single package vertical heat pumps at or above 135,000 Btu per hour (cooling capacity) but less than 240,000 Btu per hour (cooling capacity), shall be 8.6 and the minimum coefficient of performance in the heating mode shall be 2.9.

“(B) REVIEW.—Not later than 3 years after the date of enactment of this paragraph, the Secretary shall review the most recently published ASHRAE/IES Standard 90.1 with respect to single package vertical air conditioners and single package vertical heat pumps in accordance with the procedures established under paragraph (6).”.

SEC. 315. IMPROVED ENERGY EFFICIENCY FOR APPLIANCES AND BUILDINGS IN COLD CLIMATES.

(a) RESEARCH.—Section 911(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)) is amended—

- (1) in subparagraph (C), by striking “and” at the end;
- (2) in subparagraph (D), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following:

“(E) technologies to improve the energy efficiency of appliances and mechanical systems for buildings in cold

climates, including combined heat and power units and increased use of renewable resources, including fuel.”.

(b) REBATES.—Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended—

(1) in subsection (b)(1), by inserting “, or products with improved energy efficiency in cold climates,” after “residential Energy Star products”; and

(2) in subsection (e), by inserting “or product with improved energy efficiency in a cold climate” after “residential Energy Star product” each place it appears.

SEC. 316. TECHNICAL CORRECTIONS.

(a) DEFINITION OF F96T12 LAMP.—

(1) IN GENERAL.—Section 135(a)(1)(A)(ii) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 624) is amended by striking “C78.1–1978 (R1984)” and inserting “C78.3–1978 (R1984)”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on August 8, 2005.

(b) DEFINITION OF FLUORESCENT LAMP.—Section 321(30)(B)(viii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(B)(viii)) is amended by striking “82” and inserting “87”.

(c) MERCURY VAPOR LAMP BALLASTS.—

(1) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 301(a)(2)) is amended—

(A) by striking paragraphs (46) through (48) and inserting the following:

“(46) HIGH INTENSITY DISCHARGE LAMP.—

“(A) IN GENERAL.—The term ‘high intensity discharge lamp’ means an electric-discharge lamp in which—

“(i) the light-producing arc is stabilized by the arc tube wall temperature; and

“(ii) the arc tube wall loading is in excess of 3 Watts/cm².

“(B) INCLUSIONS.—The term ‘high intensity discharge lamp’ includes mercury vapor, metal halide, and high-pressure sodium lamps described in subparagraph (A).

“(47) MERCURY VAPOR LAMP.—

“(A) IN GENERAL.—The term ‘mercury vapor lamp’ means a high intensity discharge lamp in which the major portion of the light is produced by radiation from mercury typically operating at a partial vapor pressure in excess of 100,000 Pa (approximately 1 atm).

“(B) INCLUSIONS.—The term ‘mercury vapor lamp’ includes clear, phosphor-coated, and self-ballasted screw base lamps described in subparagraph (A).

“(48) MERCURY VAPOR LAMP BALLAST.—The term ‘mercury vapor lamp ballast’ means a device that is designed and marketed to start and operate mercury vapor lamps intended for general illumination by providing the necessary voltage and current.”; and

(B) by adding at the end the following:

“(53) SPECIALTY APPLICATION MERCURY VAPOR LAMP BALLAST.—The term ‘specialty application mercury vapor lamp ballast’ means a mercury vapor lamp ballast that—

“(A) is designed and marketed for operation of mercury vapor lamps used in quality inspection, industrial processing, or scientific use, including fluorescent microscopy and ultraviolet curing; and

“(B) in the case of a specialty application mercury vapor lamp ballast, the label of which—

“(i) provides that the specialty application mercury vapor lamp ballast is ‘For specialty applications only, not for general illumination’; and

“(ii) specifies the specific applications for which the ballast is designed.”

(2) STANDARD SETTING AUTHORITY.—Section 325(ee) of the Energy Policy and Conservation Act (42 U.S.C. 6295(ee)) is amended by inserting “(other than specialty application mercury vapor lamp ballasts)” after “ballasts”.

(d) ENERGY CONSERVATION STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) in subsection (v)—

(A) in the subsection heading, by striking “CEILING FANS AND”;

(B) by striking paragraph (1); and

(C) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(2) in subsection (ff)—

(A) in paragraph (1)(A)—

(i) by striking clause (iii);

(ii) by redesignating clause (iv) as clause (iii); and

(iii) in clause (iii)(II) (as so redesignated), by inserting “fans sold for” before “outdoor”; and

(B) in paragraph (4)(C)—

(i) in the matter preceding clause (i), by striking “subparagraph (B)” and inserting “subparagraph (A)”;

and

(ii) by striking clause (ii) and inserting the following:

“(ii) shall be packaged with lamps to fill all sockets.”;

(C) in paragraph (6), by redesignating subparagraphs (C) and (D) as clauses (i) and (ii), respectively, of subparagraph (B); and

(D) in paragraph (7), by striking “327” the second place it appears and inserting “324”.

Subtitle B—Lighting Energy Efficiency

SEC. 321. EFFICIENT LIGHT BULBS.

(a) ENERGY EFFICIENCY STANDARDS FOR GENERAL SERVICE INCANDESCENT LAMPS.—

(1) DEFINITION OF GENERAL SERVICE INCANDESCENT LAMP.—Section 321(30) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)) is amended—

(A) by striking subparagraph (D) and inserting the following:

“(D) GENERAL SERVICE INCANDESCENT LAMP.—

“(i) IN GENERAL.—The term ‘general service incandescent lamp’ means a standard incandescent or halogen type lamp that—

“(I) is intended for general service applications;

“(II) has a medium screw base;

“(III) has a lumen range of not less than 310 lumens and not more than 2,600 lumens; and

“(IV) is capable of being operated at a voltage range at least partially within 110 and 130 volts.

“(ii) EXCLUSIONS.—The term ‘general service incandescent lamp’ does not include the following incandescent lamps:

“(I) An appliance lamp.

“(II) A black light lamp.

“(III) A bug lamp.

“(IV) A colored lamp.

“(V) An infrared lamp.

“(VI) A left-hand thread lamp.

“(VII) A marine lamp.

“(VIII) A marine signal service lamp.

“(IX) A mine service lamp.

“(X) A plant light lamp.

“(XI) A reflector lamp.

“(XII) A rough service lamp.

“(XIII) A shatter-resistant lamp (including a shatter-proof lamp and a shatter-protected lamp).

“(XIV) A sign service lamp.

“(XV) A silver bowl lamp.

“(XVI) A showcase lamp.

“(XVII) A 3-way incandescent lamp.

“(XVIII) A traffic signal lamp.

“(XIX) A vibration service lamp.

“(XX) A G shape lamp (as defined in ANSI C78.20–2003 and C79.1–2002 with a diameter of 5 inches or more.

“(XXI) A T shape lamp (as defined in ANSI C78.20–2003 and C79.1–2002) and that uses not more than 40 watts or has a length of more than 10 inches.

“(XXII) A B, BA, CA, F, G16–1/2, G–25, G30, S, or M–14 lamp (as defined in ANSI C79.1–2002 and ANSI C78.20–2003) of 40 watts or less.”; and

(B) by adding at the end the following:

“(T) APPLIANCE LAMP.—The term ‘appliance lamp’ means any lamp that—

“(i) is specifically designed to operate in a household appliance, has a maximum wattage of 40 watts, and is sold at retail, including an oven lamp, refrigerator lamp, and vacuum cleaner lamp; and

“(ii) is designated and marketed for the intended application, with—

“(I) the designation on the lamp packaging;

and

“(II) marketing materials that identify the lamp as being for appliance use.

“(U) CANDELABRA BASE INCANDESCENT LAMP.—The term ‘candelabra base incandescent lamp’ means a lamp that uses candelabra screw base as described in ANSI

C81.61–2006, Specifications for Electric Bases, common designations E11 and E12.

“(V) INTERMEDIATE BASE INCANDESCENT LAMP.—The term ‘intermediate base incandescent lamp’ means a lamp that uses an intermediate screw base as described in ANSI C81.61–2006, Specifications for Electric Bases, common designation E17.

“(W) MODIFIED SPECTRUM.—The term ‘modified spectrum’ means, with respect to an incandescent lamp, an incandescent lamp that—

“(i) is not a colored incandescent lamp; and

“(ii) when operated at the rated voltage and wattage of the incandescent lamp—

“(I) has a color point with (x,y) chromaticity coordinates on the Commission Internationale de l’Eclairage (C.I.E.) 1931 chromaticity diagram that lies below the black-body locus; and

“(II) has a color point with (x,y) chromaticity coordinates on the C.I.E. 1931 chromaticity diagram that lies at least 4 MacAdam steps (as referenced in IESNA LM16) distant from the color point of a clear lamp with the same filament and bulb shape, operated at the same rated voltage and wattage.

“(X) ROUGH SERVICE LAMP.—The term ‘rough service lamp’ means a lamp that—

“(i) has a minimum of 5 supports with filament configurations that are C–7A, C–11, C–17, and C–22 as listed in Figure 6–12 of the 9th edition of the IESNA Lighting handbook, or similar configurations where lead wires are not counted as supports; and

“(ii) is designated and marketed specifically for ‘rough service’ applications, with—

“(I) the designation appearing on the lamp packaging; and

“(II) marketing materials that identify the lamp as being for rough service.

“(Y) 3-WAY INCANDESCENT LAMP.—The term ‘3-way incandescent lamp’ includes an incandescent lamp that—

“(i) employs 2 filaments, operated separately and in combination, to provide 3 light levels; and

“(ii) is designated on the lamp packaging and marketing materials as being a 3-way incandescent lamp.

“(Z) SHATTER-RESISTANT LAMP, SHATTER-PROOF LAMP, OR SHATTER-PROTECTED LAMP.—The terms ‘shatter-resistant lamp’, ‘shatter-proof lamp’, and ‘shatter-protected lamp’ mean a lamp that—

“(i) has a coating or equivalent technology that is compliant with NSF/ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken; and

“(ii) is designated and marketed for the intended application, with—

“(I) the designation on the lamp packaging; and

“(II) marketing materials that identify the lamp as being shatter-resistant, shatter-proof, or shatter-protected.

“(AA) VIBRATION SERVICE LAMP.—The term ‘vibration service lamp’ means a lamp that—

“(i) has filament configurations that are C-5, C-7A, or C-9, as listed in Figure 6-12 of the 9th Edition of the IESNA Lighting Handbook or similar configurations;

“(ii) has a maximum wattage of 60 watts;

“(iii) is sold at retail in packages of 2 lamps or less; and

“(iv) is designated and marketed specifically for vibration service or vibration-resistant applications, with—

“(I) the designation appearing on the lamp packaging; and

“(II) marketing materials that identify the lamp as being vibration service only.

“(BB) GENERAL SERVICE LAMP.—

“(i) IN GENERAL.—The term ‘general service lamp’ includes—

“(I) general service incandescent lamps;

“(II) compact fluorescent lamps;

“(III) general service light-emitting diode (LED or OLED) lamps; and

“(IV) any other lamps that the Secretary determines are used to satisfy lighting applications traditionally served by general service incandescent lamps.

“(ii) EXCLUSIONS.—The term ‘general service lamp’ does not include—

“(I) any lighting application or bulb shape described in any of subclauses (I) through (XXII) of subparagraph (D)(ii); or

“(II) any general service fluorescent lamp or incandescent reflector lamp.

“(CC) LIGHT-EMITTING DIODE; LED.—

“(i) IN GENERAL.—The terms ‘light-emitting diode’ and ‘LED’ means a p-n junction solid state device the radiated output of which is a function of the physical construction, material used, and exciting current of the device.

“(ii) OUTPUT.—The output of a light-emitting diode may be in—

“(I) the infrared region;

“(II) the visible region; or

“(III) the ultraviolet region.

“(DD) ORGANIC LIGHT-EMITTING DIODE; OLED.—The terms ‘organic light-emitting diode’ and ‘OLED’ mean a thin-film light-emitting device that typically consists of a series of organic layers between 2 electrical contacts (electrodes).

“(EE) COLORED INCANDESCENT LAMP.—The term ‘colored incandescent lamp’ means an incandescent lamp designated and marketed as a colored lamp that has—

“(i) a color rendering index of less than 50, as determined according to the test method given in C.I.E. publication 13.3–1995; or

“(ii) a correlated color temperature of less than 2,500K, or greater than 4,600K, where correlated temperature is computed according to the Journal of Optical Society of America, Vol. 58, pages 1528–1595 (1986).”.

(2) **COVERAGE.**—Section 322(a)(14) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)(14)) is amended by inserting “, general service incandescent lamps,” after “fluorescent lamps”.

(3) **ENERGY CONSERVATION STANDARDS.**—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(A) in subsection (i)—

(i) in the section heading, by inserting “, GENERAL SERVICE INCANDESCENT LAMPS, INTERMEDIATE BASE INCANDESCENT LAMPS, CANDELABRA BASE INCANDESCENT LAMPS,” after “FLUORESCENT LAMPS”;

(ii) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by inserting “, general service incandescent lamps, intermediate base incandescent lamps, candelabra base incandescent lamps,” after “fluorescent lamps”;

(bb) by inserting “, new maximum wattage,” after “lamp efficacy”; and

(cc) by inserting after the table entitled “INCANDESCENT REFLECTOR LAMPS” the following:

“GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rate Wattage	Minimum Rate 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 Rate Wattage	Minimum Rate 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
232–562	29	1,000 hrs	1/1/2014”;

and

(II) by striking subparagraph (B) and inserting the following:

“(B) **APPLICATION.**—

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

“(I) is intended for a general service or general illumination application (whether incandescent or not);

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

“(III) is capable of being operated at a voltage at least partially within the range of 110 to 130 volts; and

“(IV) is manufactured or imported after December 31, 2011.

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

“(I) 80 for nonmodified spectrum lamps; or

“(II) 75 for modified spectrum lamps.

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

“(i) CANDELABRA BASE INCANDESCENT LAMPS.—A candelabra base incandescent lamp shall not exceed 60 rated watts.

“(ii) INTERMEDIATE BASE INCANDESCENT LAMPS.—An intermediate base incandescent lamp shall not exceed 40 rated watts.

“(D) EXEMPTIONS.—

“(i) PETITION.—Any person may petition the Secretary for an exemption for a type of general service lamp from the requirements of this subsection.

“(ii) CRITERIA.—The Secretary may grant an exemption under clause (i) only to the extent that the Secretary finds, after a hearing and opportunity for public comment, that it is not technically feasible to serve a specialized lighting application (such as a military, medical, public safety, or certified historic lighting application) using a lamp that meets the requirements of this subsection.

“(iii) ADDITIONAL CRITERION.—To grant an exemption for a product under this subparagraph, the Secretary shall include, as an additional criterion, that the exempted product is unlikely to be used in a general service lighting application.

“(E) EXTENSION OF COVERAGE.—

“(i) PETITION.—Any person may petition the Secretary to establish standards for lamp shapes or bases that are excluded from the definition of general service lamps.

“(ii) INCREASED SALES OF EXEMPTED LAMPS.—The petition shall include evidence that the availability or sales of exempted incandescent lamps have increased significantly since the date on which the standards on general service incandescent lamps were established.

“(iii) CRITERIA.—The Secretary shall grant a petition under clause (i) if the Secretary finds that—

“(I) the petition presents evidence that demonstrates that commercial availability or sales of exempted incandescent lamp types have increased significantly since the standards on general service lamps were established and likely are being widely used in general lighting applications; and

“(II) significant energy savings could be achieved by covering exempted products, as determined by the Secretary based on sales data provided to the Secretary from manufacturers and importers.

“(iv) NO PRESUMPTION.—The grant of a petition under this subparagraph shall create no presumption with respect to the determination of the Secretary with respect to any criteria under a rulemaking conducted under this section.

“(v) EXPEDITED PROCEEDING.—If the Secretary grants a petition for a lamp shape or base under this subparagraph, the Secretary shall—

“(I) conduct a rulemaking to determine standards for the exempted lamp shape or base; and

“(II) complete the rulemaking not later than 18 months after the date on which notice is provided granting the petition.

“(F) DEFINITION OF EFFECTIVE DATE.—In this paragraph, except as otherwise provided in a table contained in subparagraph (A), the term ‘effective date’ means the last day of the month specified in the table that follows October 24, 1992.”;

(iii) in paragraph (5), in the first sentence, by striking “and general service incandescent lamps”;

(iv) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(v) by inserting after paragraph (5) the following:

“(6) STANDARDS FOR GENERAL SERVICE LAMPS.—

“(A) RULEMAKING BEFORE JANUARY 1, 2014.—

“(i) IN GENERAL.—Not later than January 1, 2014, the Secretary shall initiate a rulemaking procedure to determine whether—

“(I) standards in effect for general service lamps should be amended to establish more stringent standards than the standards specified in paragraph (1)(A); and

“(II) the exemptions for certain incandescent lamps should be maintained or discontinued based, in part, on exempted lamp sales collected by the Secretary from manufacturers.

“(ii) SCOPE.—The rulemaking—

“(I) shall not be limited to incandescent lamp technologies; and

“(II) shall include consideration of a minimum standard of 45 lumens per watt for general service lamps.

“(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service incandescent lamps should be amended, the Secretary shall publish a final rule not later than January 1,

2017, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

“(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

“(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

“(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

“(v) BACKSTOP REQUIREMENT.—If the Secretary fails to complete a rulemaking in accordance with clauses (i) through (iv) or if the final rule does not produce savings that are greater than or equal to the savings from a minimum efficacy standard of 45 lumens per watt, effective beginning January 1, 2020, the Secretary shall prohibit the sale of any general service lamp that does not meet a minimum efficacy standard of 45 lumens per watt.

“(vi) STATE PREEMPTION.—Neither section 327(b) nor any other provision of law shall preclude California or Nevada from adopting, effective beginning on or after January 1, 2018—

“(I) a final rule adopted by the Secretary in accordance with clauses (i) through (iv);

“(II) if a final rule described in subclause (I) has not been adopted, the backstop requirement under clause (v); or

“(III) in the case of California, if a final rule described in subclause (I) has not been adopted, any California regulations relating to these covered products adopted pursuant to State statute in effect as of the date of enactment of the Energy Independence and Security Act of 2007.

“(B) RULEMAKING BEFORE JANUARY 1, 2020.—

“(i) IN GENERAL.—Not later than January 1, 2020, the Secretary shall initiate a rulemaking procedure to determine whether—

“(I) standards in effect for general service incandescent lamps should be amended to reflect lumen ranges with more stringent maximum wattage than the standards specified in paragraph (1)(A); and

“(II) the exemptions for certain incandescent lamps should be maintained or discontinued based, in part, on exempted lamp sales data collected by the Secretary from manufacturers.

“(ii) SCOPE.—The rulemaking shall not be limited to incandescent lamp technologies.

“(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service incandescent lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2022, with an effective date that is not earlier than

3 years after the date on which the final rule is published.

“(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

“(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

“(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.”; and

(B) in subsection (1), by adding at the end the following:

“(4) ENERGY EFFICIENCY STANDARDS FOR CERTAIN LAMPS.—

“(A) IN GENERAL.—The Secretary shall prescribe an energy efficiency standard for rough service lamps, vibration service lamps, 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps only in accordance with this paragraph.

“(B) BENCHMARKS.—Not later than 1 year after the date of enactment of this paragraph, the Secretary, in consultation with the National Electrical Manufacturers Association, shall—

“(i) collect actual data for United States unit sales for each of calendar years 1990 through 2006 for each of the 5 types of lamps described in subparagraph (A) to determine the historical growth rate of the type of lamp; and

“(ii) construct a model for each type of lamp based on coincident economic indicators that closely match the historical annual growth rate of the type of lamp to provide a neutral comparison benchmark to model future unit sales after calendar year 2006.

“(C) ACTUAL SALES DATA.—

“(i) IN GENERAL.—Effective for each of calendar years 2010 through 2025, the Secretary, in consultation with the National Electrical Manufacturers Association, shall—

“(I) collect actual United States unit sales data for each of 5 types of lamps described in subparagraph (A); and

“(II) not later than 90 days after the end of each calendar year, compare the lamp sales in that year with the sales predicted by the comparison benchmark for each of the 5 types of lamps described in subparagraph (A).

“(ii) CONTINUATION OF TRACKING.—

“(I) DETERMINATION.—Not later than January 1, 2023, the Secretary shall determine if actual sales data should be tracked for the lamp types described in subparagraph (A) after calendar year 2025.

“(II) CONTINUATION.—If the Secretary finds that the market share of a lamp type described in subparagraph (A) could significantly erode the

market share for general service lamps, the Secretary shall continue to track the actual sales data for the lamp type.

“(D) ROUGH SERVICE LAMPS.—

“(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for rough service lamps demonstrates actual unit sales of rough service lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

“(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

“(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for rough service lamps.

“(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of the issuance of the finding under clause (i)(I), the Secretary shall require rough service lamps to—

“(I) have a shatter-proof coating or equivalent technology that is compliant with NSF/ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken and to provide effective containment over the life of the lamp;

“(II) have a maximum 40-watt limitation; and

“(III) be sold at retail only in a package containing 1 lamp.

“(E) VIBRATION SERVICE LAMPS.—

“(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for vibration service lamps demonstrates actual unit sales of vibration service lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

“(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

“(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for vibration service lamps.

“(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of the issuance of the finding under clause (i)(I), the Secretary shall require vibration service lamps to—

“(I) have a maximum 40-watt limitation; and

“(II) be sold at retail only in a package containing 1 lamp.

“(F) 3-WAY INCANDESCENT LAMPS.—

“(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for 3-way incandescent lamps demonstrates actual unit sales of 3-way incandescent lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

“(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

“(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for 3-way incandescent lamps.

“(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of issuance of the finding under clause (i)(I), the Secretary shall require that—

“(I) each filament in a 3-way incandescent lamp meet the new maximum wattage requirements for the respective lumen range established under subsection (i)(1)(A); and

“(II) 3-way lamps be sold at retail only in a package containing 1 lamp.

“(G) 2,601–3,300 LUMEN GENERAL SERVICE INCANDESCENT LAMPS.—Effective beginning with the first year that the reported annual sales rate demonstrates actual unit sales of 2,601–3,300 lumen general service incandescent lamps in the lumen range of 2,601 through 3,300 lumens (or, in the case of a modified spectrum, in the lumen range of 1,951 through 2,475 lumens) that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall impose—

“(i) a maximum 95-watt limitation on general service incandescent lamps in the lumen range of 2,601 through 3,300 lumens; and

“(ii) a requirement that those lamps be sold at retail only in a package containing 1 lamp.

“(H) SHATTER-RESISTANT LAMPS.—

“(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for shatter-resistant lamps demonstrates actual unit sales of shatter-resistant lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

“(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

“(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for shatter-resistant lamps.

“(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after

the date of issuance of the finding under clause (i)(I), the Secretary shall impose—

“(I) a maximum wattage limitation of 40 watts on shatter resistant lamps; and

“(II) a requirement that those lamps be sold at retail only in a package containing 1 lamp.

“(I) RULEMAKINGS BEFORE JANUARY 1, 2025.—

“(i) IN GENERAL.—Except as provided in clause (ii), if the Secretary issues a final rule prior to January 1, 2025, establishing an energy conservation standard for any of the 5 types of lamps for which data collection is required under any of subparagraphs (D) through (G), the requirement to collect and model data for that type of lamp shall terminate unless, as part of the rulemaking, the Secretary determines that continued tracking is necessary.

“(ii) BACKSTOP REQUIREMENT.—If the Secretary imposes a backstop requirement as a result of a failure to complete an accelerated rulemaking in accordance with clause (i)(II) of any of subparagraphs (D) through (G), the requirement to collect and model data for the applicable type of lamp shall continue for an additional 2 years after the effective date of the backstop requirement.”.

(b) CONSUMER EDUCATION AND LAMP LABELING.—Section 324(a)(2)(C) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)(C)) is amended by adding at the end the following:

“(iii) RULEMAKING TO CONSIDER EFFECTIVENESS OF LAMP LABELING.—

“(I) IN GENERAL.—Not later than 1 year after the date of enactment of this clause, the Commission shall initiate a rulemaking to consider—

“(aa) the effectiveness of current lamp labeling for power levels or watts, light output or lumens, and lamp lifetime; and

“(bb) alternative labeling approaches that will help consumers to understand new high-efficiency lamp products and to base the purchase decisions of the consumers on the most appropriate source that meets the requirements of the consumers for lighting level, light quality, lamp lifetime, and total lifecycle cost.

“(II) COMPLETION.—The Commission shall—

“(aa) complete the rulemaking not later than the date that is 30 months after the date of enactment of this clause; and

“(bb) consider reopening the rulemaking not later than 180 days before the effective dates of the standards for general service incandescent lamps established under section 325(i)(1)(A), if the Commission determines that further labeling changes are needed to help consumers understand lamp alternatives.”.

(c) MARKET ASSESSMENTS AND CONSUMER AWARENESS PROGRAM.—

(1) IN GENERAL.—In cooperation with the Administrator of the Environmental Protection Agency, the Secretary of Commerce, the Federal Trade Commission, lighting and retail industry associations, energy efficiency organizations, and any other entities that the Secretary of Energy determines to be appropriate, the Secretary of Energy shall—

(A) conduct an annual assessment of the market for general service lamps and compact fluorescent lamps—

(i) to identify trends in the market shares of lamp types, efficiencies, and light output levels purchased by residential and nonresidential consumers; and

(ii) to better understand the degree to which consumer decisionmaking is based on lamp power levels or watts, light output or lumens, lamp lifetime, and other factors, including information required on labels mandated by the Federal Trade Commission;

(B) provide the results of the market assessment to the Federal Trade Commission for consideration in the rulemaking described in section 324(a)(2)(C)(iii) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)(C)(iii)); and

(C) in cooperation with industry trade associations, lighting industry members, utilities, and other interested parties, carry out a proactive national program of consumer awareness, information, and education that broadly uses the media and other effective communication techniques over an extended period of time to help consumers understand the lamp labels and make energy-efficient lighting choices that meet the needs of consumers.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$10,000,000 for each of fiscal years 2009 through 2012.

(d) GENERAL RULE OF PREEMPTION FOR ENERGY CONSERVATION STANDARDS BEFORE FEDERAL STANDARD BECOMES EFFECTIVE FOR A PRODUCT.—Section 327(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6297(b)(1)) is amended—

(1) by inserting “(A)” after “(1)”;

(2) by inserting “or” after the semicolon at the end; and

(3) by adding at the end the following:

“(B) in the case of any portion of any regulation that establishes requirements for general service incandescent lamps, intermediate base incandescent lamps, or candelabra base lamps, was enacted or adopted by the State of California or Nevada before December 4, 2007, except that—

“(i) the regulation adopted by the California Energy Commission with an effective date of January 1, 2008, shall only be effective until the effective date of the Federal standard for the applicable lamp category under subparagraphs (A), (B), and (C) of section 325(i)(1);

“(ii) the States of California and Nevada may, at any time, modify or adopt a State standard for general service lamps to conform with Federal standards with effective dates no earlier than 12 months prior to the Federal effective dates prescribed under subparagraphs (A), (B), and (C) of section 325(i)(1), at which time any prior regulations adopted by the State of California or Nevada shall no longer be effective; and

“(iii) all other States may, at any time, modify or adopt a State standard for general service lamps to conform with Federal standards and effective dates.”.

(e) PROHIBITED ACTS.—Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended—

- (1) in paragraph (4), by striking “or” at the end;
- (2) in paragraph (5), by striking the period at the end and inserting “; or”; and
- (3) by adding at the end the following:

“(6) for any manufacturer, distributor, retailer, or private labeler to distribute in commerce an adapter that—

“(A) is designed to allow an incandescent lamp that does not have a medium screw base to be installed into a fixture or lampholder with a medium screw base socket; and

“(B) is capable of being operated at a voltage range at least partially within 110 and 130 volts.”.

(f) ENFORCEMENT.—Section 334 of the Energy Policy and Conservation Act (42 U.S.C. 6304) is amended by inserting after the second sentence the following: “Any such action to restrain any person from distributing in commerce a general service incandescent lamp that does not comply with the applicable standard established under section 325(i) or an adapter prohibited under section 332(a)(6) may also be brought by the attorney general of a State in the name of the State.”.

(g) RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—The Secretary may carry out a lighting technology research and development program—

(A) to support the research, development, demonstration, and commercial application of lamps and related technologies sold, offered for sale, or otherwise made available in the United States; and

(B) to assist manufacturers of general service lamps in the manufacturing of general service lamps that, at a minimum, achieve the wattage requirements imposed as a result of the amendments made by subsection (a).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$10,000,000 for each of fiscal years 2008 through 2013.

(3) TERMINATION OF AUTHORITY.—The program under this subsection shall terminate on September 30, 2015.

(h) REPORTS TO CONGRESS.—

(1) REPORT ON MERCURY USE AND RELEASE.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report describing recommendations relating to the means by which the Federal Government may reduce or prevent the release of mercury during the manufacture, transportation, storage, or disposal of light bulbs.

(2) REPORT ON RULEMAKING SCHEDULE.—Beginning on July 1, 2013, and semiannually through July 1, 2016, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on—

(A) whether the Secretary will meet the deadlines for the rulemakings required under this section;

(B) a description of any impediments to meeting the deadlines; and

(C) a specific plan to remedy any failures, including recommendations for additional legislation or resources.

(3) NATIONAL ACADEMY REVIEW.—

(A) IN GENERAL.—Not later than December 31, 2009, the Secretary shall enter into an arrangement with the National Academy of Sciences to provide a report by December 31, 2013, and an updated report by July 31, 2015. The report should include—

(i) the status of advanced solid state lighting research, development, demonstration and commercialization;

(ii) the impact on the types of lighting available to consumers of an energy conservation standard requiring a minimum of 45 lumens per watt for general service lighting effective in 2020; and

(iii) the time frame for the commercialization of lighting that could replace current incandescent and halogen incandescent lamp technology and any other new technologies developed to meet the minimum standards required under subsection (a)(3) of this section.

(B) REPORTS.—The reports shall be transmitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 322. INCANDESCENT REFLECTOR LAMP EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 316(c)(1)(D)) is amended—

(1) in paragraph (30)(C)(ii)—

(A) in the matter preceding subclause (I)—

(i) by striking “or similar bulb shapes (excluding ER or BR)” and inserting “ER, BR, BPAR, or similar bulb shapes”; and

(ii) by striking “2.75” and inserting “2.25”; and

(B) by striking “is either—” and all that follows through subclause (II) and inserting “has a rated wattage that is 40 watts or higher”; and

(2) by adding at the end the following:

“(54) BPAR INCANDESCENT REFLECTOR LAMP.—The term ‘BPAR incandescent reflector lamp’ means a reflector lamp as shown in figure C78.21–278 on page 32 of ANSI C78.21–2003.

“(55) BR INCANDESCENT REFLECTOR LAMP; BR30; BR40.—

“(A) BR INCANDESCENT REFLECTOR LAMP.—The term ‘BR incandescent reflector lamp’ means a reflector lamp that has—

“(i) a bulged section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RB) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

“(ii) a finished size and shape shown in ANSI C78.21–1989, including the referenced reflective characteristics in part 7 of ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

“(B) BR30.—The term ‘BR30’ means a BR incandescent reflector lamp with a diameter of 30/8ths of an inch.

“(C) BR40.—The term ‘BR40’ means a BR incandescent reflector lamp with a diameter of 40/8ths of an inch.

“(56) ER INCANDESCENT REFLECTOR LAMP; ER30; ER40.—

“(A) ER INCANDESCENT REFLECTOR LAMP.—The term ‘ER incandescent reflector lamp’ means a reflector lamp that has—

“(i) an elliptical section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RE) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

“(ii) a finished size and shape shown in ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

“(B) ER30.—The term ‘ER30’ means an ER incandescent reflector lamp with a diameter of 30/8ths of an inch.

“(C) ER40.—The term ‘ER40’ means an ER incandescent reflector lamp with a diameter of 40/8ths of an inch.

“(57) R20 INCANDESCENT REFLECTOR LAMP.—The term ‘R20 incandescent reflector lamp’ means a reflector lamp that has a face diameter of approximately 2.5 inches, as shown in figure 1(R) on page 7 of ANSI C79.1–1994.”

(b) STANDARDS FOR FLUORESCENT LAMPS AND INCANDESCENT REFLECTOR LAMPS.—Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6995(i)) is amended by striking paragraph (1) and inserting the following:

“(1) STANDARDS.—

“(A) DEFINITION OF EFFECTIVE DATE.—In this paragraph (other than subparagraph (D)), the term ‘effective date’ means, with respect to each type of lamp specified in a table contained in subparagraph (B), the last day of the period of months corresponding to that type of lamp (as specified in the table) that follows October 24, 1992.

“(B) MINIMUM STANDARDS.—Each of the following general service fluorescent lamps and incandescent reflector lamps manufactured after the effective date specified in the tables contained in this paragraph shall meet or exceed the following lamp efficacy and CRI standards:

“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

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“FLUORESCENT LAMPS—Continued

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
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

“(C) EXEMPTIONS.—The standards specified in subparagraph (B) shall not apply to the following types of incandescent reflector lamps:

“(i) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps.

“(ii) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

“(iii) R20 incandescent reflector lamps rated 45 watts or less.

“(D) EFFECTIVE DATES.—

“(i) ER, BR, AND BPAR LAMPS.—The standards specified in subparagraph (B) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008.

“(ii) LAMPS BETWEEN 2.25–2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (B) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after the later of January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007.”.

SEC. 323. PUBLIC BUILDING ENERGY EFFICIENT AND RENEWABLE ENERGY SYSTEMS.

(a) ESTIMATE OF ENERGY PERFORMANCE IN PROSPECTUS.—Section 3307(b) of title 40, United States Code, is amended—

- (1) by striking “and” at the end of paragraph (5);
- (2) by striking the period at the end of paragraph (6) and inserting “; and”; and
- (3) by inserting after paragraph (6) the following:

“(7) with respect to any prospectus for the construction, alteration, or acquisition of any building or space to be leased, an estimate of the future energy performance of the building or space and a specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.”

(b) MINIMUM PERFORMANCE REQUIREMENTS FOR LEASED SPACE.—Section 3307 of such title is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

“(f) MINIMUM PERFORMANCE REQUIREMENTS FOR LEASED SPACE.—With respect to space to be leased, the Administrator shall include, to the maximum extent practicable, minimum performance requirements requiring energy efficiency and the use of renewable energy.”

(c) USE OF ENERGY EFFICIENT LIGHTING FIXTURES AND BULBS.—

(1) IN GENERAL.—Chapter 33 of such title is amended—

(A) by redesignating sections 3313, 3314, and 3315 as sections 3314, 3315, and 3316, respectively; and

(B) by inserting after section 3312 the following:

“§ 3313. Use of energy efficient lighting fixtures and bulbs

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

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

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

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

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

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

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

and

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

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

“(1) the fixture or bulb is certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a);

“(2) in the case of all light-emitting diode (LED) luminaires, lamps, and systems whose efficacy (lumens per watt) and Color Rendering Index (CRI) meet the Department of Energy requirements for minimum luminaire efficacy and CRI for the Energy Star certification, as verified by an independent third-party testing laboratory that the Administrator and the Secretary

of Energy determine conducts its tests according to the procedures and recommendations of the Illuminating Engineering Society of North America, even if the luminaires, lamps, and systems have not received such certification; or

“(3) the Administrator and the Secretary of Energy have otherwise determined that the fixture or bulb is energy efficient.

“(e) **ADDITIONAL ENERGY EFFICIENT LIGHTING DESIGNATIONS.**—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall give priority to establishing Energy Star performance criteria or Federal Energy Management Program designations for additional lighting product categories that are appropriate for use in public buildings.

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

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

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

(2) **CLERICAL AMENDMENT.**—The analysis for such chapter is amended by striking the items relating to sections 3313, 3314, and 3315 and inserting the following:

“3313. Use of energy efficient lighting fixtures and bulbs.

“3314. Delegation.

“3315. Report to Congress.

“3316. Certain authority not affected.”.

(d) **EVALUATION FACTOR.**—Section 3310 of such title is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

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

“(3) shall include in the solicitation for any lease requiring a prospectus under section 3307 an evaluation factor considering the extent to which the offeror will promote energy efficiency and the use of renewable energy;”.

SEC. 324. METAL HALIDE LAMP FIXTURES.

(a) **DEFINITIONS.**—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 322(a)(2)) is amended by adding at the end the following:

“(58) **BALLAST.**—The term ‘ballast’ means a device used with an electric discharge lamp to obtain necessary circuit conditions (voltage, current, and waveform) for starting and operating.

“(59) **BALLAST EFFICIENCY.**—

“(A) **IN GENERAL.**—The term ‘ballast efficiency’ means, in the case of a high intensity discharge fixture, the efficiency of a lamp and ballast combination, expressed as a percentage, and calculated in accordance with the following formula: Efficiency = P_{out}/P_{in} .

“(B) **EFFICIENCY FORMULA.**—For the purpose of subparagraph (A)—

“(i) P_{out} shall equal the measured operating lamp wattage;

“(ii) P_{in} shall equal the measured operating input wattage;

“(iii) the lamp, and the capacitor when the capacitor is provided, shall constitute a nominal system in accordance with the ANSI Standard C78.43–2004;

“(iv) for ballasts with a frequency of 60 Hz, P_{in} and P_{out} shall be measured after lamps have been stabilized according to section 4.4 of ANSI Standard C82.6–2005 using a wattmeter with accuracy specified in section 4.5 of ANSI Standard C82.6–2005; and

“(v) for ballasts with a frequency greater than 60 Hz, P_{in} and P_{out} shall have a basic accuracy of ± 0.5 percent at the higher of—

“(I) 3 times the output operating frequency of the ballast; or

“(II) 2 kHz for ballast with a frequency greater than 60 Hz.

“(C) MODIFICATION.—The Secretary may, by rule, modify the definition of ‘ballast efficiency’ if the Secretary determines that the modification is necessary or appropriate to carry out the purposes of this Act.

“(60) ELECTRONIC BALLAST.—The term ‘electronic ballast’ means a device that uses semiconductors as the primary means to control lamp starting and operation.

“(61) GENERAL LIGHTING APPLICATION.—The term ‘general lighting application’ means lighting that provides an interior or exterior area with overall illumination.

“(62) METAL HALIDE BALLAST.—The term ‘metal halide ballast’ means a ballast used to start and operate metal halide lamps.

“(63) METAL HALIDE LAMP.—The term ‘metal halide lamp’ means a high intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.

“(64) METAL HALIDE LAMP FIXTURE.—The term ‘metal halide lamp fixture’ means a light fixture for general lighting application designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.

“(65) PROBE-START METAL HALIDE BALLAST.—The term ‘probe-start metal halide ballast’ means a ballast that—

“(A) starts a probe-start metal halide lamp that contains a third starting electrode (probe) in the arc tube; and

“(B) does not generally contain an igniter but instead starts lamps with high ballast open circuit voltage.

“(66) PULSE-START METAL HALIDE BALLAST.—

“(A) IN GENERAL.—The term ‘pulse-start metal halide ballast’ means an electronic or electromagnetic ballast that starts a pulse-start metal halide lamp with high voltage pulses.

“(B) STARTING PROCESS.—For the purpose of subparagraph (A)—

“(i) lamps shall be started by first providing a high voltage pulse for ionization of the gas to produce a glow discharge; and

“(ii) to complete the starting process, power shall be provided by the ballast to sustain the discharge through the glow-to-arc transition.”.

(b) **COVERAGE.**—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended—

(1) by redesignating paragraph (19) as paragraph (20); and

(2) by inserting after paragraph (18) the following:

“(19) Metal halide lamp fixtures.”.

(c) **TEST PROCEDURES.**—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) (as amended by section 301(b)) is amended by adding at the end the following:

“(18) **METAL HALIDE LAMP BALLASTS.**—Test procedures for metal halide lamp ballasts shall be based on ANSI Standard C82.6–2005, entitled ‘Ballasts for High Intensity Discharge Lamps—Method of Measurement’.”.

(d) **LABELING.**—Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended—

(1) by redesignating subparagraphs (C) through (G) as subparagraphs (D) through (H), respectively; and

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

“(C) **METAL HALIDE LAMP FIXTURES.**—

“(i) **IN GENERAL.**—The Commission shall issue labeling rules under this section applicable to the covered product specified in section 322(a)(19) and to which standards are applicable under section 325.

“(ii) **LABELING.**—The rules shall provide that the labeling of any metal halide lamp fixture manufactured on or after the later of January 1, 2009, or the date that is 270 days after the date of enactment of this subparagraph, shall indicate conspicuously, in a manner prescribed by the Commission under subsection (b) by July 1, 2008, a capital letter ‘E’ printed within a circle on the packaging of the fixture, and on the ballast contained in the fixture.”.

(e) **STANDARDS.**—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as amended by section 310) is amended—

(1) by redesignating subsection (hh) as subsection (ii);

(2) by inserting after subsection (gg) the following:

“(hh) **METAL HALIDE LAMP FIXTURES.**—

“(1) **STANDARDS.**—

“(A) **IN GENERAL.**—Subject to subparagraphs (B) and (C), metal halide lamp fixtures designed to be operated with lamps rated greater than or equal to 150 watts but less than or equal to 500 watts shall contain—

“(i) a pulse-start metal halide ballast with a minimum ballast efficiency of 88 percent;

“(ii) a magnetic probe-start ballast with a minimum ballast efficiency of 94 percent; or

“(iii) a nonpulse-start electronic ballast with—

“(I) a minimum ballast efficiency of 92 percent for wattages greater than 250 watts; and

“(II) a minimum ballast efficiency of 90 percent for wattages less than or equal to 250 watts.

“(B) **EXCLUSIONS.**—The standards established under subparagraph (A) shall not apply to—

- “(i) fixtures with regulated lag ballasts;
- “(ii) fixtures that use electronic ballasts that operate at 480 volts; or
- “(iii) fixtures that—
 - “(I) are rated only for 150 watt lamps;
 - “(II) are rated for use in wet locations, as specified by the National Electrical Code 2002, section 410.4(A); and
 - “(III) contain a ballast that is rated to operate at ambient air temperatures above 50°C, as specified by UL 1029–2001.

“(C) APPLICATION.—The standards established under subparagraph (A) shall apply to metal halide lamp fixtures manufactured on or after the later of—

- “(i) January 1, 2009; or
- “(ii) the date that is 270 days after the date of enactment of this subsection.

“(2) FINAL RULE BY JANUARY 1, 2012.—

“(A) IN GENERAL.—Not later than January 1, 2012, the Secretary shall publish a final rule to determine whether the standards established under paragraph (1) should be amended.

“(B) ADMINISTRATION.—The final rule shall—

- “(i) contain any amended standard; and
- “(ii) apply to products manufactured on or after January 1, 2015.

“(3) FINAL RULE BY JANUARY 1, 2019.—

“(A) IN GENERAL.—Not later than January 1, 2019, the Secretary shall publish a final rule to determine whether the standards then in effect should be amended.

“(B) ADMINISTRATION.—The final rule shall—

- “(i) contain any amended standards; and
- “(ii) apply to products manufactured after January 1, 2022.

“(4) DESIGN AND PERFORMANCE REQUIREMENTS.—Notwithstanding any other provision of law, any standard established pursuant to this subsection may contain both design and performance requirements.”; and

(3) in paragraph (2) of subsection (ii) (as redesignated by paragraph (2)), by striking “(gg)” each place it appears and inserting “(hh)”.

(f) EFFECT ON OTHER LAW.—Section 327(c) of the Energy Policy and Conservation Act (42 U.S.C. 6297(c)) is amended—

(1) in paragraph (8)(B), by striking the period at the end and inserting “; and”; and

(2) by adding at the end the following:

“(9) is a regulation concerning metal halide lamp fixtures adopted by the California Energy Commission on or before January 1, 2011, except that—

“(A) if the Secretary fails to issue a final rule within 180 days after the deadlines for rulemakings in section 325(hh), notwithstanding any other provision of this section, preemption shall not apply to a regulation concerning metal halide lamp fixtures adopted by the California Energy Commission—

“(i) on or before July 1, 2015, if the Secretary fails to meet the deadline specified in section 325(hh)(2); or

“(ii) on or before July 1, 2022, if the Secretary fails to meet the deadline specified in section 325(hh)(3).”.

SEC. 325. ENERGY EFFICIENCY LABELING FOR CONSUMER ELECTRONIC PRODUCTS.

(a) **IN GENERAL.**—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) (as amended by section 324(d)) is amended—

(1) in paragraph (2), by adding at the end the following:

“(I) **LABELING REQUIREMENTS.**—

“(i) **IN GENERAL.**—Subject to clauses (ii) through (iv), not later than 18 months after the date of issuance of applicable Department of Energy testing procedures, the Commission, in consultation with the Secretary and the Administrator of the Environmental Protection Agency (acting through the Energy Star program), shall, by regulation, prescribe labeling or other disclosure requirements for the energy use of—

“(I) televisions;

“(II) personal computers;

“(III) cable or satellite set-top boxes;

“(IV) stand-alone digital video recorder boxes;

and

“(V) personal computer monitors.

“(ii) **ALTERNATE TESTING PROCEDURES.**—In the absence of applicable testing procedures described in clause (i) for products described in subclauses (I) through (V) of that clause, the Commission may, by regulation, prescribe labeling or other disclosure requirements for a consumer product category described in clause (i) if the Commission—

“(I) identifies adequate non-Department of Energy testing procedures for those products; and

“(II) determines that labeling of, or other disclosures relating to, those products is likely to assist consumers in making purchasing decisions.

“(iii) **DEADLINE AND REQUIREMENTS FOR LABELING.**—

“(I) **DEADLINE.**—Not later than 18 months after the date of promulgation of any requirements under clause (i) or (ii), the Commission shall require labeling of, or other disclosure requirements for, electronic products described in clause (i).

“(II) **REQUIREMENTS.**—The requirements prescribed under clause (i) or (ii) may include specific requirements for each electronic product to be labeled with respect to the placement, size, and content of Energy Guide labels.

“(iv) **DETERMINATION OF FEASIBILITY.**—Clause (i) or (ii) shall not apply in any case in which the Commission determines that labeling in accordance with this subsection—

“(I) is not technologically or economically feasible; or

“(II) is not likely to assist consumers in making purchasing decisions.”; and

(2) by adding at the end the following:

“(6) **AUTHORITY TO INCLUDE ADDITIONAL PRODUCT CATEGORIES.**—The Commission may, by regulation, require labeling or other disclosures in accordance with this subsection for any consumer product not specified in this subsection or section 322 if the Commission determines that labeling for the product is likely to assist consumers in making purchasing decisions.”.

(b) **CONTENT OF LABEL.**—Section 324(c) of the Energy Policy and Conservation Act (42 U.S.C. 6924(c)) is amended by adding at the end the following:

“(9) **DISCRETIONARY APPLICATION.**—The Commission may apply paragraphs (1), (2), (3), (5), and (6) of this subsection to the labeling of any product covered by paragraph (2)(I) or (6) of subsection (a).”.

TITLE IV—ENERGY SAVINGS IN BUILDINGS AND INDUSTRY

SEC. 401. DEFINITIONS.

In this title:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of General Services.

(2) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the Green Building Advisory Committee established under section 484.

(3) **COMMERCIAL DIRECTOR.**—The term “Commercial Director” means the individual appointed to the position established under section 421.

(4) **CONSORTIUM.**—The term “Consortium” means the High-Performance Green Building Partnership Consortium created in response to section 436(c)(1) to represent the private sector in a public-private partnership to promote high-performance green buildings and zero-net-energy commercial buildings.

(5) **COST-EFFECTIVE LIGHTING TECHNOLOGY.**—

(A) **IN GENERAL.**—The term “cost-effective lighting technology” means a lighting technology that—

(i) will result in substantial operational cost savings by ensuring an installed consumption of not more than 1 watt per square foot; or

(ii) is contained in a list under—

(I) section 553 of Public Law 95–619 (42 U.S.C. 8259b);

(II) Federal acquisition regulation 23–203; and

(III) is at least as energy-conserving as required by other provisions of this Act, including the requirements of this title and title III which shall be applicable to the extent that they would achieve greater energy savings than provided under clause (i) or this clause.

(B) **INCLUSIONS.**—The term “cost-effective lighting technology” includes—

(i) lamps;