

112TH CONGRESS
1ST SESSION

S. 398

To amend the Energy Policy and Conservation Act to improve the energy-efficiency of certain appliances and equipment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17, 2011

Mr. BINGAMAN (for himself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Energy Policy and Conservation Act to improve the energy-efficiency of certain appliances and equipment, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Implementation of National Consensus Appliance Agree-
6 ments Act of 2011”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Energy conservation standards.

- Sec. 3. Energy conservation standards for heat pump pool heaters.
 Sec. 4. GU-24 base lamps.
 Sec. 5. Efficiency standards for bottle-type water dispensers, commercial hot food holding cabinets, and portable electric spas.
 Sec. 6. Test procedure petition process.
 Sec. 7. Amendments to home appliance test methods.
 Sec. 8. Credit for Energy Star smart appliances.
 Sec. 9. Video game console energy efficiency study.
 Sec. 10. Refrigerator and freezer standards.
 Sec. 11. Room air conditioner standards.
 Sec. 12. Uniform efficiency descriptor for covered water heaters.
 Sec. 13. Clothes dryers.
 Sec. 14. Standards for clothes washers.
 Sec. 15. Dishwashers.
 Sec. 16. Petition for amended standards.
 Sec. 17. Prohibited acts.
 Sec. 18. Outdoor lighting.
 Sec. 19. Standards for commercial furnaces.
 Sec. 20. Service over the counter, self-contained, medium temperature commercial refrigerators.
 Sec. 21. Motor market assessment and commercial awareness program.
 Sec. 22. Study of compliance with energy standards for appliances.
 Sec. 23. Study of direct current electricity supply in certain buildings.
 Sec. 24. Technical corrections.

1 **SEC. 2. ENERGY CONSERVATION STANDARDS.**

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

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

7 “(6) ENERGY CONSERVATION STANDARD.—

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

11 “(i) for covered products (excluding
 12 clothes washers, dishwashers, showerheads,
 13 faucets, water closets, and urinals), pre-
 14 scribe a minimum level of energy efficiency

1 or a maximum quantity of energy use, de-
2 termined in accordance with test proce-
3 dures prescribed under section 323;

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

10 “(iii) for clothes washers and dish-
11 washers—

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

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

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

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

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

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

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

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

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

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

18 “(67) EER.—The term ‘EER’ means energy
19 efficiency ratio.

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

22 (b) EER AND HSPF TEST PROCEDURES.—Section
23 323(b) of the Energy Policy and Conservation Act (42
24 U.S.C. 6293(b)) is amended by adding at the end the fol-
25 lowing:

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

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

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

9 “(ii) the HSPF shall be calculated
10 based on Region IV conditions.

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

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

20 “(4) CENTRAL AIR CONDITIONERS AND HEAT
21 PUMPS (EXCEPT THROUGH-THE-WALL CENTRAL AIR
22 CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR
23 CONDITIONING HEAT PUMPS, AND SMALL DUCT,
24 HIGH VELOCITY SYSTEMS) MANUFACTURED ON OR
25 AFTER JANUARY 1, 2015.—

1 “(A) BASE NATIONAL STANDARDS.—

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

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

11 “(II) Single Package Systems:
12 14.

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

19 “(I) Split Systems: 8.2.

20 “(II) Single Package Systems:
21 8.0.

22 “(B) REGIONAL STANDARDS.—

23 “(i) SEASONAL ENERGY EFFICIENCY
24 RATIO.—The seasonal energy efficiency
25 ratio of central air conditioners and central

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

16 “(I) Split Systems: 14 for central
17 air conditioners and 14 for heat
18 pumps.

19 “(II) Single Package Systems:
20 14.

21 “(ii) ENERGY EFFICIENCY RATIO.—
22 The energy efficiency ratio of central air
23 conditioners (not including heat pumps)
24 manufactured on or after January 1, 2015,
25 and installed in the State of Arizona, Cali-

1 California, New Mexico, or Nevada shall be not
2 less than the following:

3 “(I) Split Systems: 12.2 for split
4 systems having a rated cooling capac-
5 ity less than 45,000 BTU per hour
6 and 11.7 for products having a rated
7 cooling capacity equal to or greater
8 than 45,000 BTU per hour.

9 “(II) Single Package Systems:
10 11.0.

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

15 “(C) AMENDMENT OF STANDARDS.—

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

22 “(ii) APPLICATION.—The rule shall
23 provide that any amendments shall apply
24 to products manufactured on or after Jan-
25 uary 1, 2022.

1 “(D) CONSIDERATION OF ADDITIONAL
2 PERFORMANCE STANDARDS OR EFFICIENCY
3 CRITERIA.—

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

17 “(ii) RECOMMENDATION.—If, within 1
18 year of the initial convening of such a
19 forum, the Secretary receives a rec-
20 ommendation submitted jointly by such
21 representative interested persons to add 1
22 or more performance standards or effi-
23 ciency criteria, the Secretary shall incor-
24 porate the performance standards or effi-
25 ciency criteria in the rulemaking process,

1 and, if justified under the criteria estab-
2 lished in this section, incorporate such per-
3 formance standards or efficiency criteria in
4 the revised standard.

5 “(iii) NO RECOMMENDATION.—If no
6 such joint recommendation is made within
7 1 year of the initial convening of such a
8 forum, the Secretary may add additional
9 performance standards or efficiency cri-
10 teria if the Secretary finds that the bene-
11 fits substantially exceed the burdens of the
12 action.

13 “(E) NEW CONSTRUCTION LEVELS.—

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

23 “(ii) EFFECTIVE DATE.—Any amend-
24 ed levels shall not take effect before Janu-
25 ary 1, 2018.

1 “(iii) AMENDED LEVELS.—The final
2 rule shall contain the amended levels, if
3 any.”.

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

11 “(5) STANDARDS FOR THROUGH-THE-WALL
12 CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL
13 CENTRAL AIR CONDITIONING HEAT PUMPS, AND
14 SMALL DUCT, HIGH VELOCITY SYSTEMS.—

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

16 “(i) SMALL DUCT, HIGH VELOCITY
17 SYSTEM.—The term ‘small duct, high ve-
18 locity system’ means a heating and cooling
19 product that contains a blower and indoor
20 coil combination that—

21 “(I) is designed for, and pro-
22 duces, at least 1.2 inches of external
23 static pressure when operated at the
24 certified air volume rate of 220–350
25 CFM per rated ton of cooling; and

1 “(II) when applied in the field,
2 uses high velocity room outlets gen-
3 erally greater than 1,000 fpm that
4 have less than 6.0 square inches of
5 free area.

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

16 “(I) is not weatherized;

17 “(II) is clearly and permanently
18 marked for installation only through
19 an exterior wall;

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

22 “(IV) exchanges all of its outdoor
23 air across a single surface of the
24 equipment cabinet; and

1 “(V) has a combined outdoor air
2 exchange area of less than 800 square
3 inches (split systems) or less than
4 1,210 square inches (single packaged
5 systems) as measured on the surface
6 area described in subclause (IV).

7 “(iii) REVISION.—The Secretary may
8 revise the definitions contained in this sub-
9 paragraph through publication of a final
10 rule.

11 “(B) SMALL-DUCT HIGH-VELOCITY SYS-
12 TEMS.—

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

19 “(ii) HEATING SEASONAL PERFORM-
20 ANCE FACTOR.—The heating seasonal per-
21 formance factor for small-duct high-veloc-
22 ity systems shall be not less than 6.8 for
23 products manufactured on or after Janu-
24 ary 23, 2006.

25 “(C) RULEMAKING.—

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

8 “(ii) APPLICATION.—The rule shall
9 provide that any new or amended standard
10 shall apply to products manufactured on or
11 after June 30, 2016.”.

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

15 “(5) NON-WEATHERIZED FURNACES (INCLUD-
16 ING MOBILE HOME FURNACES, BUT NOT INCLUDING
17 BOILERS) MANUFACTURED ON OR AFTER MAY 1,
18 2013, AND WEATHERIZED FURNACES MANUFAC-
19 TURED ON OR AFTER JANUARY 1, 2015.—

20 “(A) BASE NATIONAL STANDARDS.—

21 “(i) NON-WEATHERIZED FURNACES.—
22 The annual fuel utilization efficiency of
23 non-weatherized furnaces manufactured on
24 or after May 1, 2013, shall be not less
25 than the following:

1 “(I) Gas furnaces, a level deter-
2 mined by the Secretary in a final rule
3 published not later than June 30,
4 2011.

5 “(II) Oil furnaces, 83 percent.

6 “(ii) WEATHERIZED FURNACES.—The
7 annual fuel utilization efficiency of weath-
8 erized gas furnaces manufactured on or
9 after January 1, 2015, shall be not less
10 than 81 percent.

11 “(B) REGIONAL STANDARD.—

12 “(i) ANNUAL FUEL UTILIZATION EF-
13 FICIENCY.—Not later than June 30, 2011,
14 the Secretary shall—

15 “(I) publish a final rule deter-
16 mining whether to establish a stand-
17 ard for the annual fuel utilization effi-
18 ciency of non-weatherized gas fur-
19 naces manufactured on or after May
20 1, 2013, and installed in States hav-
21 ing historical average annual, popu-
22 lation weighted, heating degree days
23 equal to or greater than 5,000 (spe-
24 cifically the States of Alaska, Colo-
25 rado, Connecticut, Idaho, Illinois, In-

1 diana, Iowa, Kansas, Maine, Massa-
2 chusetts, Michigan, Minnesota, Mis-
3 souri, Montana, Nebraska, New
4 Hampshire, New Jersey, New York,
5 North Dakota, Ohio, Oregon, Penn-
6 sylvania, Rhode Island, South Dakota,
7 Utah, Vermont, Washington, West
8 Virginia, Wisconsin, and Wyoming);
9 and

10 “(II) include in the final rule de-
11 scribed in subclause (I) any regional
12 standard established under this sub-
13 paragraph.

14 “(ii) APPLICATION OF SUBSECTION
15 (o)(6).—Subsection (o)(6) shall apply to
16 any regional standard established under
17 this subparagraph.

18 “(C) AMENDMENT OF STANDARDS.—

19 “(i) NON-WEATHERIZED FURNACES.—

20 “(I) IN GENERAL.—Not later
21 than January 1, 2014, the Secretary
22 shall publish a final rule to determine
23 whether the standards in effect for
24 non-weatherized furnaces should be
25 amended.

1 “(II) APPLICATION.—The rule
2 shall provide that any amendments
3 shall apply to products manufactured
4 on or after January 1, 2019.

5 “(ii) WEATHERIZED FURNACES.—

6 “(I) IN GENERAL.—Not later
7 than January 1, 2017, the Secretary
8 shall publish a final rule to determine
9 whether the standard in effect for
10 weatherized furnaces should be
11 amended.

12 “(II) APPLICATION.—The rule
13 shall provide that any amendments
14 shall apply to products manufactured
15 on or after January 1, 2022.

16 “(D) NEW CONSTRUCTION LEVELS.—

17 “(i) IN GENERAL.—

18 “(I) FINAL RULE PUBLISHED
19 AFTER JANUARY 1, 2011.—As part of
20 any final rule concerning furnace
21 standards published after January 1,
22 2011, the Secretary shall establish the
23 building code levels referred to in sub-
24 clauses (I)(aa), (II)(aa), and (III)(aa)
25 of section 327(f)(3)(C)(i) subject to

1 meeting the criteria of subsection (o)
2 when applied specifically to new con-
3 struction.

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

14 “(ii) EFFECTIVE DATE.—Any amend-
15 ed levels shall not take effect before Janu-
16 ary 1, 2018.

17 “(iii) AMENDED LEVELS.—The final
18 rule shall contain the amended levels, if
19 any.”.

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

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

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

6 “(i) The applicable energy conserva-
7 tion standard established in or prescribed
8 under section 325.

9 “(ii) The level required by a regula-
10 tion of the State for which the Secretary
11 has issued a rule granting a waiver under
12 subsection (d).

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

20 “(i) for residential furnaces, central
21 air conditioners, and heat pumps, effective
22 not earlier than January 1, 2013, and
23 until such time as a level takes effect for
24 the product under clause (ii)—

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

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

6 “(bb) 14 SEER for central
7 air conditioners (not including
8 heat pumps);

9 “(II) for the States and other lo-
10 calities described in section
11 325(d)(4)(B)(i) (except for the States
12 of Arizona, California, Nevada, and
13 New Mexico)—

14 “(aa) for gas furnaces, an
15 AFUE level determined by the
16 Secretary; and

17 “(bb) 15 SEER for central
18 air conditioners;

19 “(III) for the States of Arizona,
20 California, Nevada, and New Mex-
21 ico—

22 “(aa) for gas furnaces, an
23 AFUE level determined by the
24 Secretary;

1 “(bb) 15 SEER for central
2 air conditioners;

3 “(cc) an EER of 12.5 for
4 air conditioners (not including
5 heat pumps) with cooling capac-
6 ity less than 45,000 Btu per
7 hour; and

8 “(dd) an EER of 12.0 for
9 air conditioners (not including
10 heat pumps) with cooling capac-
11 ity of 45,000 Btu per hour or
12 more; and

13 “(IV) for all States—

14 “(aa) 85 percent AFUE for
15 oil furnaces; and

16 “(bb) 15 SEER and 8.5
17 HSPF for heat pumps;

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

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

22 “(D) The credit to the energy consumption
23 or conservation objective allowed by the code for
24 installing a covered product having an energy
25 efficiency exceeding the applicable standard or

1 level specified in subparagraph (C) is on a 1-
2 for-1 equivalent energy use or equivalent energy
3 cost basis, which may take into account the typ-
4 ical lifetimes of the products and building fea-
5 tures, using lifetimes for covered products
6 based on information published by the Depart-
7 ment of Energy or the American Society of
8 Heating, Refrigerating and Air-Conditioning
9 Engineers.

10 “(E) If the code sets forth 1 or more com-
11 binations of items that meet the energy con-
12 sumption or conservation objective, and if 1 or
13 more combinations specify an efficiency level for
14 a covered product that exceeds the applicable
15 standards and levels specified in subparagraph
16 (B)—

17 “(i) there is at least 1 combination
18 that includes such covered products having
19 efficiencies not exceeding 1 of the stand-
20 ards or levels specified in subparagraph
21 (B); and

22 “(ii) if 1 or more combinations of
23 items specify an efficiency level for a fur-
24 nace, central air conditioner, or heat pump
25 that exceeds the applicable standards and

1 levels specified in subparagraph (B), there
2 is at least 1 combination that the State
3 has found to be reasonably achievable
4 using commercially available technologies
5 that includes such products having effi-
6 ciencies at the applicable levels specified in
7 subparagraph (C), except that no combina-
8 tion need include a product having an effi-
9 ciency less than the level specified in sub-
10 paragraph (B)(ii).

11 “(F) The energy consumption or conserva-
12 tion objective is specified in terms of an esti-
13 mated total consumption of energy (which may
14 be specified in units of energy or its equivalent
15 cost).”;

16 (2) in paragraph (4)(B)—

17 (A) by inserting after “building code” the
18 first place it appears the following: “contains a
19 mandatory requirement that, under all code
20 compliance paths,”; and

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

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

24 “(5) REPLACEMENT OF COVERED PRODUCT.—

25 Paragraph (3) shall not apply to the replacement of

1 a covered product serving an existing building unless
 2 the replacement results in an increase in capacity
 3 greater than—

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

6 “(B) 20 percent for other covered prod-
 7 ucts.”.

8 **SEC. 3. ENERGY CONSERVATION STANDARDS FOR HEAT**
 9 **PUMP POOL HEATERS.**

10 (a) DEFINITIONS.—

11 (1) EFFICIENCY DESCRIPTOR.—Section
 12 321(22) of the Energy Policy and Conservation Act
 13 (42 U.S.C. 6291(22)) is amended—

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

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

17 “(F) For heat pump pool heaters, coeffi-
 18 cient of performance of heat pump pool heat-
 19 ers.”.

20 (2) COEFFICIENT OF PERFORMANCE OF HEAT
 21 PUMP POOL HEATERS.—Section 321 of the Energy
 22 Policy and Conservation Act (42 U.S.C. 6291) is
 23 amended by inserting after paragraph (25) the fol-
 24 lowing:

1 “(25A) COEFFICIENT OF PERFORMANCE OF
2 HEAT PUMP POOL HEATERS.—The term ‘coefficient
3 of performance of heat pump pool heaters’ means
4 the ratio of the capacity to power input value ob-
5 tained at the following rating conditions: 50.0 °F db/
6 44.2 °F wb outdoor air and 80.0 °F entering water
7 temperatures, according to AHRI Standard 1160.”.

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

13 (b) STANDARDS FOR POOL HEATERS.—Section
14 325(e)(2) of the Energy Policy and Conservation Act (42
15 U.S.C. 6295(e)(2)) is amended—

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

18 “(2) POOL HEATERS.—

19 “(A) GAS-FIRED POOL HEATERS.—The
20 thermal efficiency of gas-fired pool heaters”;
21 and

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

23 “(B) HEAT PUMP POOL HEATERS.—Heat
24 pump pool heaters manufactured on or after
25 the date of enactment of this subparagraph

1 shall have a minimum coefficient of perform-
2 ance of 4.0.”.

3 **SEC. 4. GU-24 BASE LAMPS.**

4 (a) DEFINITIONS.—Section 321 of the Energy Policy
5 and Conservation Act (42 U.S.C. 6291) (as amended by
6 section 2(a)(2)) is amended by adding at the end the fol-
7 lowing:

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

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

15 “(B) ‘U’ distinguishes between lamp and
16 holder designs of similar type that are not
17 interchangeable due to electrical or mechanical
18 requirements; and

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

21 “(70) GU-24 ADAPTOR.—

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

1 “(i) connects to a GU-24 socket on 1
2 end and provides a different type of socket
3 or connection on the other end; and

4 “(ii) does not alter the voltage.

5 “(B) EXCLUSION.—The term ‘GU-24
6 Adaptor’ does not include a fluorescent ballast
7 with a GU-24 base.

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

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

13 (1) by redesignating subsection (ii) as sub-
14 section (jj); and

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

17 “(ii) GU-24 BASE LAMPS.—

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

20 “(2) GU-24 ADAPTORS.—GU-24 adaptors shall
21 not adapt a GU-24 socket to any other line voltage
22 socket.”.

1 **SEC. 5. EFFICIENCY STANDARDS FOR BOTTLE-TYPE WATER**
2 **DISPENSERS, COMMERCIAL HOT FOOD HOLD-**
3 **ING CABINETS, AND PORTABLE ELECTRIC**
4 **SPAS.**

5 (a) DEFINITIONS.—Section 321 of the Energy Policy
6 and Conservation Act (42 U.S.C. 6291) (as amended by
7 section 4(a)) is amended by adding at the end the fol-
8 lowing:

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

12 “(A) designed for dispensing hot and cold
13 water; and

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

16 “(73) COMMERCIAL HOT FOOD HOLDING CABI-
17 NET.—

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

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

24 “(ii) has 1 or more solid or glass
25 doors; and

1 “(iii) has an interior volume of 8
2 cubic feet or more.

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

5 “(i) a heated glass merchandising cab-
6 inet;

7 “(ii) a drawer warmer;

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

9 “(iv) a mobile serving cart with both
10 hot and cold compartments.

11 “(74) COMPARTMENT BOTTLE-TYPE WATER
12 DISPENSER.—The term ‘compartment bottle-type
13 water dispenser’ means a drinking water dispenser
14 that—

15 “(A) is designed for dispensing hot and
16 cold water;

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

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

21 “(75) PORTABLE ELECTRIC SPA.—

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

1 “(i) is intended for the immersion of
2 persons in heated water circulated in a
3 closed system; and

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

6 “(B) INCLUSIONS.—The term ‘portable
7 electric spa’ includes—

8 “(i) a filter;

9 “(ii) a heater (including an electric,
10 solar, or gas heater);

11 “(iii) a pump;

12 “(iv) a control; and

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

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

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

19 “(ii) a spa that is specifically designed
20 and exclusively marketed for medical treat-
21 ment or physical therapy purposes.

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

24 “(A) mechanically cools and heats potable
25 water; and

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

3 (b) COVERAGE.—

4 (1) IN GENERAL.—Section 322(a) of the En-
5 ergy Policy and Conservation Act (42 U.S.C.
6 6292(a)) is amended—

7 (A) by redesignating paragraph (20) as
8 paragraph (23); and

9 (B) by inserting after paragraph (19) the
10 following:

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

13 “(21) Commercial hot food holding cabinets.

14 “(22) Portable electric spas.”.

15 (2) CONFORMING AMENDMENTS.—

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

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

1 (c) TEST PROCEDURES.—Section 323(b) of the En-
2 ergy Policy and Conservation Act (42 U.S.C. 6293(b)) (as
3 amended by section 2(b)) is amended by adding at the
4 end the following:

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

6 “(A) IN GENERAL.—Test procedures for
7 bottle-type water dispensers and compartment
8 bottle-type water dispensers shall be based on
9 the document ‘Energy Star Program Require-
10 ments for Bottled Water Coolers version 1.1’
11 published by the Environmental Protection
12 Agency.

13 “(B) INTEGRAL, AUTOMATIC TIMERS.—A
14 unit with an integral, automatic timer shall not
15 be tested under this paragraph using section
16 4D of the test criteria (relating to Timer
17 Usage).

18 “(21) COMMERCIAL HOT FOOD HOLDING CABI-
19 NETS.—

20 “(A) IN GENERAL.—Test procedures for
21 commercial hot food holding cabinets shall be
22 based on the test procedures described in
23 ANSI/ASTM F2140–01 (Test for idle energy
24 rate-dry test).

1 “(B) INTERIOR VOLUME.—Interior volume
2 shall be based under this paragraph on the
3 method demonstrated in the document ‘Energy
4 Star Program Requirements for Commercial
5 Hot Food Holding Cabinets’ of the Environ-
6 mental Protection Agency, as in effect on Au-
7 gust 15, 2003.

8 “(22) PORTABLE ELECTRIC SPAS.—

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

14 “(B) NORMALIZED CONSUMPTION.—Con-
15 sumption shall be normalized under this para-
16 graph for a water temperature difference of 37
17 degrees Fahrenheit.

18 “(C) ANSI TEST PROCEDURE.—If the
19 American National Standards Institute pub-
20 lishes a test procedure for portable electric
21 spas, the Secretary shall revise the procedure
22 established under this paragraph, as determined
23 appropriate by the Secretary.”.

1 (d) STANDARDS.—Section 325 of the Energy Policy
2 and Conservation Act (42 U.S.C. 6295) (as amended by
3 section 4(b)) is amended—

4 (1) by redesignating subsection (ii) as sub-
5 section (mm); and

6 (2) by inserting after subsection (hh) the fol-
7 lowing:

8 “(ii) BOTTLE-TYPE WATER DISPENSERS.—Effective
9 beginning on the date that is 1 year after the date of en-
10 actment of the Implementation of National Consensus Ap-
11 pliance Agreements Act of 2011—

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

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

18 “(jj) COMMERCIAL HOT FOOD HOLDING CABI-
19 NETS.—Effective beginning on the date that is 1 year
20 after the date of enactment of the Implementation of Na-
21 tional Consensus Appliance Agreements Act of 2011, a
22 commercial hot food holding cabinet shall have a max-
23 imum idle energy rate of 40 watts per cubic foot of interior
24 volume.

1 “(kk) PORTABLE ELECTRIC SPAS.—Effective begin-
2 ning on the date that is 1 year after the date of enactment
3 of the Implementation of National Consensus Appliance
4 Agreements Act of 2011, a portable electric spa shall not
5 have a normalized standby power rate of greater than 5
6 ($V^{2/3}$) Watts (in which ‘V’ equals the fill volume (in gal-
7 lons)).

8 “(ll) REVISIONS.—

9 “(1) IN GENERAL.—Not later than the date
10 that is 3 years after the date of enactment of the
11 Implementation of National Consensus Appliance
12 Agreements Act of 2011, the Secretary shall—

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

16 “(B)(i) publish a final rule establishing the
17 revised standards; or

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

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

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

1 (1) in subsection (b)—

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

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

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

7 “(8) is a regulation that—

8 “(A) establishes efficiency standards for
9 bottle-type water dispensers, compartment bot-
10 tle-type water dispensers, commercial hot food
11 holding cabinets, or portable electric spas; and

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

14 (2) in subsection (c)—

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

17 (B) in paragraph (9)—

18 (i) by striking “except that—” and all
19 that follows through “if the Secretary” and
20 inserting “except that if the Secretary”;

21 (ii) by redesignating clauses (i) and
22 (ii) as subparagraphs (A) and (B), respec-
23 tively, and indenting appropriately; and

1 (iii) in subparagraph (B) (as so reded-
 2 ignated), by striking the period at the end
 3 and inserting “; or”; and

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

5 “(10) is a regulation that—

6 “(A) establishes efficiency standards for
 7 bottle-type water dispensers, compartment bot-
 8 tle-type water dispensers, commercial hot food
 9 holding cabinets, or portable electric spas; and

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

12 **SEC. 6. TEST PROCEDURE PETITION PROCESS.**

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

16 (1) in subparagraph (A)(i), by striking
 17 “amend” and inserting “publish in the Federal Reg-
 18 ister amended”; and

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

20 “(B) PETITIONS.—

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

24 “(I) to prescribe a test procedure
 25 for the covered product; or

1 “(II) to amend the test proce-
2 dures applicable to the covered prod-
3 uct to more accurately or fully comply
4 with paragraph (3).

5 “(ii) DETERMINATION.—The Sec-
6 retary shall—

7 “(I) not later than 90 days after
8 the date of receipt of the petition,
9 publish the petition in the Federal
10 Register; and

11 “(II) not later than 180 days
12 after the date of receipt of the peti-
13 tion, grant or deny the petition.

14 “(iii) BASIS.—The Secretary shall
15 grant a petition if the Secretary finds that
16 the petition contains evidence that, assum-
17 ing no other evidence was considered, pro-
18 vides an adequate basis for determining
19 that an amended test procedure would
20 more accurately or fully comply with para-
21 graph (3).

22 “(iv) EFFECT ON OTHER REQUIRE-
23 MENTS.—The granting of a petition by the
24 Secretary under this subparagraph shall
25 create no presumption with respect to the

1 determination of the Secretary that the
2 proposed test procedure meets the require-
3 ments of paragraph (3).

4 “(v) RULEMAKING.—

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

13 “(II) EXTENSION.—The Sec-
14 retary may extend the period de-
15 scribed in subclause (I) for 1 addi-
16 tional year.

17 “(III) DIRECT FINAL RULE.—
18 The Secretary may adopt a consensus
19 test procedure in accordance with the
20 direct final rule procedure established
21 under section 325(p)(4).

22 “(C) TEST PROCEDURES.—The Secretary
23 may, in accordance with the requirements of
24 this subsection, prescribe test procedures for

1 any consumer product classified as a covered
2 product under section 322(b).

3 “(D) NEW OR AMENDED TEST PROCE-
4 DURES.—The Secretary shall direct the Na-
5 tional Institute of Standards and Technology to
6 assist in developing new or amended test proce-
7 dures.”.

8 (b) CERTAIN INDUSTRIAL EQUIPMENT.—Section 343
9 of the Energy Policy and Conservation Act (42 U.S.C.
10 6314) is amended—

11 (1) in subsection (a), by striking paragraph (1)
12 and inserting the following:

13 “(1) AMENDMENT AND PETITION PROCESS.—

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

17 “(i) publish in the Federal Register
18 amended test procedures with respect to
19 any covered equipment, if the Secretary
20 determines that amended test procedures
21 would more accurately or fully comply with
22 paragraphs (2) and (3); or

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

1 “(B) PETITIONS.—

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

6 “(I) to prescribe a test procedure
7 for the covered equipment; or

8 “(II) to amend the test proce-
9 dures applicable to the covered equip-
10 ment to more accurately or fully com-
11 ply with paragraphs (2) and (3).

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

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

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

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

1 that an amended test method would more
2 accurately promote energy or water use ef-
3 ficiency.

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

11 “(v) RULEMAKING.—

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

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

24 “(III) DIRECT FINAL RULE.—
25 The Secretary may adopt a consensus

1 test procedure in accordance with the
 2 direct final rule procedure established
 3 under section 325(p).”;

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

5 (3) by redesignating subsections (d) and (e) as
 6 subsections (c) and (d), respectively.

7 **SEC. 7. AMENDMENTS TO HOME APPLIANCE TEST METH-**
 8 **ODS.**

9 Section 323(b) of the Energy Policy and Conserva-
 10 tion Act (42 U.S.C. 6293(b)) (as amended by section 5(e))
 11 is amended by adding at the end the following:

12 “(23) REFRIGERATOR AND FREEZER TEST PRO-
 13 CEDURE.—

14 “(A) IN GENERAL.—Not later than 90
 15 days after the date on which the Secretary pub-
 16 lishes the final standard rule that was proposed
 17 on September 27, 2010, the Secretary shall fi-
 18 nalize the interim final test procedure rule pro-
 19 posed on December 16, 2010, with such subse-
 20 quent modifications to the test procedure or
 21 standards as the Secretary determines to be ap-
 22 propriate and consistent with this part.

23 “(B) RULEMAKING.—

24 “(i) INITIATION.—Not later than Jan-
 25 uary 1, 2012, the Secretary shall initiate a

1 rulemaking to amend the test procedure
2 described in subparagraph (A) only to in-
3 corporate measured automatic icemaker
4 energy use.

5 “(ii) FINAL RULE.—Not later than
6 December 31, 2012, the Secretary shall
7 publish a final rule regarding the matter
8 described in clause (i).

9 “(24) ADDITIONAL HOME APPLIANCE TEST
10 PROCEDURES.—

11 “(A) AMENDED TEST PROCEDURE FOR
12 CLOTHES WASHERS.—Not later than October 1,
13 2011, the Secretary shall publish a final rule
14 amending the residential clothes washer test
15 procedure.

16 “(B) AMENDED TEST PROCEDURE FOR
17 CLOTHES DRYERS.—

18 “(i) IN GENERAL.—Not later than
19 180 days after the date of enactment of
20 this paragraph, the Secretary shall publish
21 an amended test procedure for clothes dry-
22 ers.

23 “(ii) REQUIREMENT.—The amend-
24 ments to the test procedure shall be lim-
25 ited to modifications requiring that tested

1 dryers are run until the cycle (including
2 cool down) is ended by automatic termi-
3 nation controls, if equipped with those con-
4 trols.”.

5 **SEC. 8. CREDIT FOR ENERGY STAR SMART APPLIANCES.**

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

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

18 **SEC. 9. VIDEO GAME CONSOLE ENERGY EFFICIENCY**
19 **STUDY.**

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

23 **“SEC. 324B. VIDEO GAME CONSOLE ENERGY EFFICIENCY**
24 **STUDY.**

25 “(a) INITIAL STUDY.—

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

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

5 “(B) opportunities for energy savings re-
6 garding that energy use.

7 “(2) INCLUSIONS.—The study under paragraph
8 (1) shall include an assessment of all power-con-
9 suming modes and media playback modes of video
10 game consoles.

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

17 “(c) FOLLOW-UP STUDY.—If the Secretary deter-
18 mines under subsection (b) that standards should not be
19 established, the Secretary shall conduct a follow-up study
20 in accordance with subsection (a) by not later than 3 years
21 after the date of the determination.”.

22 (b) APPLICATION DATE.—Subsection (nn)(1) of sec-
23 tion 325 of the Energy Policy and Conservation Act (42
24 U.S.C. 6295) (as redesignated by section 5(d)(1)) is

1 amended by inserting “or section 324B” after “subsection
2 (l), (u), or (v)” each place it appears.

3 **SEC. 10. REFRIGERATOR AND FREEZER STANDARDS.**

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

7 “(4) REFRIGERATORS, REFRIGERATOR-FREEZ-
8 ERS, AND FREEZERS MANUFACTURED AS OF JANU-
9 ARY 1, 2014.—

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

14 “(i) is 7.75 cubic feet or greater in
15 total volume and 24 inches or less in cabi-
16 net depth (not including doors, handles,
17 and custom front panels);

18 “(ii) is designed to be totally encased
19 by cabinetry or panels attached during in-
20 stallation;

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

1 “(iv) is designed to be securely fas-
 2 tened to adjacent cabinetry, walls, or
 3 floors; and

4 “(v) has 2 or more sides that are
 5 not—

6 “(I) fully finished; and

7 “(II) intended to be visible after
 8 installation.

9 “(B) MAXIMUM ENERGY USE.—

10 “(i) IN GENERAL.—Based on the test
 11 procedure in effect on July 9, 2010, the
 12 maximum energy use allowed in kilowatt
 13 hours per year for each product described
 14 in the table contained in clause (ii) (other
 15 than refrigerators and refrigerator-freezers
 16 with total refrigerated volume exceeding 39
 17 cubic feet and freezers with total refrig-
 18 erated volume exceeding 30 cubic feet) that
 19 is manufactured on or after January 1,
 20 2014, is specified in the table contained in
 21 that clause.

22 “(ii) STANDARDS EQUATIONS.—The
 23 allowed maximum energy use referred to in
 24 clause (i) is as follows:

<p>“Standards Equations</p>

Product Description	
Automatic Defrost Refrigerator-Freezers	
Top Freezer w/o TTD ice	7.35 AV+ 207.0
Top Freezer w/ TTD ice	7.65 AV+ 267.0
Side Freezer w/o TTD ice	3.68 AV+ 380.6
Side Freezer w/ TTD ice	7.58 AV+304.5
Bottom Freezer w/o TTD ice	3.68 AV+ 367.2
Bottom Freezer w/ TTD ice	4.0 AV+ 431.2
Manual & Partial Automatic Refrigerator-Freezers	
Manual Defrost	7.06 AV+ 198.7
Partial Automatic	7.06 AV+198.7
All Refrigerators	
Manual Defrost	7.06AV+198.7
Automatic Defrost	7.35 AV+ 207.0
All Freezers	
Upright with manual defrost	5.66 AV+ 193.7
Upright with automatic defrost	8.70 AV+ 228.3
Chest with manual defrost	7.41 AV+ 107.8
Chest with automatic defrost	10.33 AV+ 148.1
Automatic Defrost Refrigerator-Freezers-Compact Size	
Top Freezer and Bottom Freezer	10.80 AV+ 301.8
Side Freezer	6.08 AV+ 400.8
Manual & Partial Automatic Refrigerator-Freezers-Compact Size	
Manual Defrost	8.03 AV+ 224.3
Partial Automatic	5.25 AV+ 298.5
All Refrigerators-Compact Size	
Manual defrost	8.03 AV+ 224.3
Automatic defrost	9.53 AV+ 266.3

All Freezers—Compact Size	
Upright with manual defrost	8.80 AV+ 225.7
Upright with automatic defrost	10.26 AV+ 351.9
Chest	9.41AV+ 136.8
Automatic Defrost Refrigerator-Freezers—Built-ins	
Top Freezer w/o TTD ice	7.84 AV+ 220.8
Side Freezer w/o TTD ice	3.93 AV+ 406.0
Side Freezer w/ TTD ice	8.08 AV+ 324.8
Bottom Freezer w/o TTD ice	3.91 AV+ 390.2
Bottom Freezer w/ TTD ice	4.25 AV+ 458.2
All Refrigerators—Built-ins	
Automatic Defrost	7.84 AV+ 220.8
All Freezers—Built-ins	
Upright with automatic defrost	9.32 AV+ 244.6.

1 “(iii) FINAL RULES.—

2 “(I) IN GENERAL.—Except as
3 provided in subclause (II), after the
4 date of publication of each test proce-
5 dure change made pursuant to section
6 323(b)(23), in accordance with the
7 procedures described in section
8 323(e)(2), the Secretary shall publish
9 final rules to amend the standards
10 specified in the table contained in
11 clause (ii).

12 “(II) EXCEPTION.—The stand-
13 ards amendment made pursuant to

1 the test procedure change required
2 under section 323(b)(23)(B) shall be
3 based on the difference between—

4 “(aa) the average measured
5 automatic ice maker energy use
6 of a representative sample for
7 each product class; and

8 “(bb) the value assumed by
9 the Department of Energy for ice
10 maker energy use in the test pro-
11 cedure published pursuant to sec-
12 tion 323(b)(23)(A).

13 “(III) APPLICABILITY.—Section
14 323(e)(3) shall not apply to the rules
15 described in this clause.

16 “(iv) FINAL RULE.—The Secretary
17 shall publish any final rule required by
18 clause (iii) by not later than the later of
19 the date that is 180 days after—

20 “(I) the date of enactment of this
21 clause; or

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

1 “(v) NEW PRODUCT CLASSES.—The
2 Secretary may establish 1 or more new
3 product classes as part of the final amend-
4 ed standard adopted pursuant to the test
5 procedure change required under section
6 323(b)(23)(B) if the 1 or more new prod-
7 uct classes are needed to distinguish
8 among products with automatic icemakers.

9 “(vi) EFFECTIVE DATES OF STAND-
10 ARDS.—

11 “(I) STANDARDS AMENDMENT
12 FOR FIRST REVISED TEST PROCE-
13 DURE.—A standards amendment
14 adopted pursuant to a test procedure
15 change required under section
16 323(b)(23)(A) shall apply to any
17 product manufactured as of January
18 1, 2014.

19 “(II) STANDARDS AMENDMENT
20 AFTER REVISED TEST PROCEDURE
21 FOR ICEMAKER ENERGY.—An amend-
22 ment adopted pursuant to a test pro-
23 cedure change required under section
24 323(b)(23)(B) shall apply to any
25 product manufactured as of the date

1 that is 3 years after the date of publi-
2 cation of the final rule amending the
3 standards.

4 “(vii) SLOPE AND INTERCEPT AD-
5 JUSTMENTS.—

6 “(I) IN GENERAL.—With respect
7 to refrigerators, freezers, and refrig-
8 erator-freezers, the Secretary may, by
9 rule, adjust the slope and intercept of
10 the equations specified in the table
11 contained in clause (ii)—

12 “(aa) based on the energy
13 use of typical products of various
14 sizes in a product class; and

15 “(bb) if the average energy
16 use for each of the classes is the
17 same under the new equations as
18 under the equations specified in
19 the table contained in clause (ii).

20 “(II) DEADLINE.—If the Sec-
21 retary adjusts the slope and intercept
22 of an equation described in subclause
23 (I), the Secretary shall publish the
24 final rule containing the adjustment
25 by not later than July 1, 2011.

1 “(viii) EFFECT.—A final rule pub-
 2 lished under clause (iii) pursuant to the
 3 test procedure change required under sec-
 4 tion 323(b)(23)(B) or pursuant to clause
 5 (iv) shall not be considered to be an
 6 amendment to the standard for purposes
 7 of section 325(m).”.

8 **SEC. 11. ROOM AIR CONDITIONER STANDARDS.**

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

12 “(3) MINIMUM ENERGY EFFICIENCY RATIO OF
 13 ROOM AIR CONDITIONERS MANUFACTURED ON OR
 14 AFTER JUNE 1, 2014.—

15 “(A) IN GENERAL.—Based on the test pro-
 16 cedure in effect on July 9, 2010, the minimum
 17 energy efficiency ratios of room air conditioners
 18 manufactured on or after June 1, 2014, shall
 19 not be less than that specified in the table con-
 20 tained in subparagraph (B).

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

“Product Description	Minimum EER
Without Reverse Cycle w/Louvers	

“Product Description	Minimum EER
<6,000 Btu/h	11.2
6,000 to 7,999 Btu/h	11.2
8,000-13,999 Btu/h	11.0
14,000 to 19,999 Btu/h	10.8
20,000-27,999 Btu/h	9.4
≥28,000 Btu/h	9.0
Without Reverse Cycle w/o Louvers	
<6,000 Btu/h	10.2
6,000 to 7,999 Btu/h	10.2
8,000-10,999 Btu/h	9.7
11,000-13,999 Btu/h	9.6
14,000 to 19,999 Btu/h	9.4
≥20,000 Btu/h	9.4
With Reverse Cycle	
<20,000 w/Louvers Btu/h	9.9
≥ 20,000 w/Louvers Btu/h	9.4
<14,000 w/o Louvers Btu/h	9.4
≥14,000 w/o Louvers Btu/h	8.8
Casement	
Casement Only	9.6
Casement-Slider	10.5.

1 “(C) FINAL RULE.—

2 “(i) IN GENERAL.—Not later than

3 July 1, 2011, pursuant to the test proce-

4 dure adopted by the Secretary on January

5 6, 2011, the Secretary shall amend the

1 standards specified in the table contained
2 in subparagraph (B) in accordance with
3 the procedures described in section
4 323(e)(2).

5 “(ii) STANDBY AND OFF MODE EN-
6 ERGY CONSUMPTION.—

7 “(I) IN GENERAL.—The Sec-
8 retary shall integrate standby and off
9 mode energy consumption into the
10 amended energy efficiency ratios
11 standards required under clause (i).

12 “(II) REQUIREMENTS.—The
13 amended standards described in sub-
14 clause (I) shall reflect the levels of
15 standby and off mode energy con-
16 sumption that meet the criteria de-
17 scribed in section 325(o).

18 “(iii) APPLICABILITY.—

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

23 “(II) AMENDED STANDARDS.—
24 The amended standards required by
25 this subparagraph shall apply to prod-

1 ucts manufactured on or after June 1,
2 2014.”.

3 **SEC. 12. UNIFORM EFFICIENCY DESCRIPTOR FOR COV-**
4 **ERED WATER HEATERS.**

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

8 “(5) UNIFORM EFFICIENCY DESCRIPTOR FOR
9 COVERED WATER HEATERS.—

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

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

13 “(I) a water heater; and

14 “(II) a storage water heater, in-
15 stantaneous water heater, and unfired
16 water storage tank (as defined in sec-
17 tion 340).

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

21 “(B) PUBLICATION OF FINAL RULE.—Not
22 later than 180 days after the date of enactment
23 of this paragraph, the Secretary shall publish a
24 final rule that establishes a uniform efficiency

1 descriptor and accompanying test methods for
2 covered water heaters.

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

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

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

14 “(D) EFFECT OF FINAL RULE.—

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

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

1 “(E) CONVERSION FACTOR.—

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

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

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

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

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

3 “(v) PERIOD.—Subclause (E) shall
4 apply during the period—

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

8 “(II) ending on April 16, 2015.

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

15 “(i) does not have a residential use
16 and can be clearly described in the final
17 rule; and

18 “(ii) are effectively rated using the
19 thermal efficiency and standby loss
20 descriptors applied (on the date of enact-
21 ment of this paragraph) to the category
22 under section 342(a)(5).

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

1 “(i) a revised version of the energy
2 factor descriptor in use on the date of en-
3 actment of this paragraph;

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

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

8 “(iv) a hybrid of descriptors; or

9 “(v) a new approach.

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

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

21 “(J) TESTING OF ALTERNATIVE
22 DESCRIPTORS.—In establishing the final rule,
23 the Secretary shall contract with the National
24 Institute of Standards and Technology, as nec-
25 essary, to conduct testing and simulation of al-

1 ternative descriptors identified for consider-
2 ation.

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

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

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

15 **SEC. 13. CLOTHES DRYERS.**

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

19 “(D) MINIMUM ENERGY FACTORS FOR
20 CLOTHES DRYERS.—

21 “(i) IN GENERAL.—Based on the test
22 procedure in effect as of July 9, 2010,
23 clothes dryers manufactured on or after
24 January 1, 2015, shall comply with the

1 minimum energy factors specified in the
2 table contained in clause (ii).

3 “(ii) NEW STANDARDS.—The min-
4 imum energy factors referred to in clause
5 (i) are as follows:

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

6 “(iii) FINAL RULE.—

7 “(I) REQUIREMENTS.—

8 “(aa) IN GENERAL.—The
9 final rule to amend the clothes
10 dryer test procedure adopted pur-
11 suant to section 323(b)(24)(B)
12 shall amend the energy factors
13 standards specified in the table
14 contained in clause (ii) in accord-
15 ance with the procedures de-
16 scribed in section 323(e)(2).

17 “(bb) REPRESENTATIVE
18 SAMPLE.—To establish a rep-

1 representative sample of compliant
2 products, the Secretary shall se-
3 lect a sample of minimally com-
4 pliant dryers that automatically
5 terminate the drying cycle at not
6 less than 4 percent remaining
7 moisture content.

8 “(II) STANDBY AND OFF MODE
9 ENERGY CONSUMPTION.—

10 “(aa) INTEGRATION.—The
11 Secretary shall integrate standby
12 and off mode energy consumption
13 into the amended standards re-
14 quired under subclause (I).

15 “(bb) REQUIREMENTS.—
16 The amended standards de-
17 scribed in item (aa) shall reflect
18 levels of standby and off mode
19 energy consumption that meet
20 the criteria described in section
21 325(o).

22 “(III) APPLICABILITY.—

23 “(aa) AMENDMENT OF
24 STANDARD.—Section 323(e)(3)
25 shall not apply to the amended

1 standards described in subclause
2 (I).

3 “(bb) AMENDED STAND-
4 ARDS.—The amended standards
5 required by this clause shall
6 apply to products manufactured
7 on or after January 1, 2015.

8 “(iv) OTHER STANDARDS.—Any dryer
9 energy conservation standard that takes ef-
10 fect after the date of enactment of this
11 subparagraph but before the amended
12 standard required by this subparagraph
13 shall not apply.”.

14 **SEC. 14. STANDARDS FOR CLOTHES WASHERS.**

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

18 “(B) AMENDMENT OF STANDARDS.—

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

21 “(I) IN GENERAL.—Based on the
22 test procedure in effect on July 9,
23 2010, clothes washers manufactured
24 on or after January 1, 2015, shall
25 comply with the minimum modified

1 energy factors and maximum water
 2 factors specified in the table contained
 3 in subclause (II).

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

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

8 “(ii) PRODUCTS MANUFACTURED ON
 9 OR AFTER JANUARY 1, 2018.—

10 “(I) IN GENERAL.—Based on the
 11 test procedure in effect on July 9,
 12 2010, top-loading clothes washers
 13 manufactured on or after January 1,
 14 2018, shall comply with the minimum
 15 modified energy factors and maximum
 16 water factors specified in the table
 17 contained in subclause (II).

18 “(II) STANDARDS.—The min-
 19 imum modified energy factors and

1 maximum water factors referred to in
 2 subclause (I) are as follows:

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

3 “(iii) FINAL RULE.—

4 “(I) IN GENERAL.—The final
 5 rule to amend the clothes washer test
 6 procedure adopted pursuant to section
 7 323(b)(24)(A) shall amend the stand-
 8 ards described in clauses (i) and (ii)
 9 in accordance with the procedures de-
 10 scribed in section 323(e)(2).

11 “(II) STANDBY AND OFF MODE
 12 ENERGY CONSUMPTION.—

13 “(aa) INTEGRATION.—The
 14 Secretary shall integrate standby
 15 and off mode energy consumption
 16 into the amended modified en-
 17 ergy factor standards required
 18 under subclause (I).

19 “(bb) REQUIREMENTS.—
 20 The amended modified energy
 21 factor standards described in
 22 item (aa) shall reflect levels of

1 standby and off mode energy
2 consumption that meet the cri-
3 teria described in section 325(o).

4 “(III) APPLICABILITY.—

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

10 “(bb) AMENDED STANDARDS
11 FOR PRODUCTS MANUFACTURED
12 ON OR AFTER JANUARY 1, 2015.—
13 Amended standards required by
14 this clause that are based on
15 clause (i) shall apply to products
16 manufactured on or after Janu-
17 ary 1, 2015.

18 “(cc) AMENDED STANDARDS
19 FOR PRODUCTS MANUFACTURED
20 ON OR AFTER JANUARY 1, 2018.—
21 Amended standards required by
22 this clause that are based on
23 clause (ii) shall apply to products
24 manufactured on or after Janu-
25 ary 1, 2018.”.

1 **SEC. 15. DISHWASHERS.**

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

4 (1) by striking subparagraph (A);

5 (2) by redesignating subparagraph (B) as sub-
6 paragraph (D); and

7 (3) by inserting before subparagraph (D) (as
8 redesignated by paragraph (2)) the following:

9 “(A) DISHWASHERS MANUFACTURED ON
10 OR AFTER JANUARY 1, 2010.—A dishwasher
11 manufactured on or after January 1, 2010,
12 shall—

13 “(i) for a standard size dishwasher,
14 not exceed 355 kilowatt hours per year and
15 6.5 gallons per cycle; and

16 “(ii) for a compact size dishwasher,
17 not exceed 260 kilowatt hours per year and
18 4.5 gallons per cycle.

19 “(B) DISHWASHERS MANUFACTURED ON
20 OR AFTER JANUARY 1, 2013.—A dishwasher
21 manufactured on or after January 1, 2013,
22 shall—

23 “(i) for a standard size dishwasher,
24 not exceed 307 kilowatt hours per year and
25 5.0 gallons per cycle; and

1 “(ii) for a compact size dishwasher,
2 not exceed 222 kilowatt hours per year and
3 3.5 gallons per cycle.

4 “(C) REQUIREMENTS OF FINAL RULES.—

5 “(i) IN GENERAL.—Any final rule to
6 amend the dishwasher test procedure after
7 July 9, 2010, and before January 1, 2013,
8 shall amend the standards described in
9 subparagraph (B) in accordance with the
10 procedures described in section 323(e)(2).

11 “(ii) APPLICABILITY.—

12 “(I) AMENDMENT OF STAND-
13 ARD.—Section 323(e)(3) shall not
14 apply to the amended standards de-
15 scribed in clause (i).

16 “(II) AMENDED STANDARDS.—

17 The amended standards required by
18 this subparagraph shall apply to prod-
19 ucts manufactured on or after Janu-
20 ary 1, 2013.”.

21 **SEC. 16. PETITION FOR AMENDED STANDARDS.**

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

24 (1) by redesignating paragraph (3) as para-
25 graph (5); and

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

3 “(3) NOTICE OF DECISION.—Not later than
4 180 days after the date of receiving a petition, the
5 Secretary shall publish in the Federal Register a no-
6 tice of, and explanation for, the decision of the Sec-
7 retary to grant or deny the petition.

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

12 “(A) a final rule that contains the new or
13 amended standards; or

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

16 **SEC. 17. PROHIBITED ACTS.**

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

19 (1) in paragraph (1), by striking “for any man-
20 ufacturer or private labeler to distribute” and insert-
21 ing “for any manufacturer (or representative of a
22 manufacturer), distributor, retailer, or private label-
23 er to offer for sale or distribute”;

24 (2) by striking paragraph (5) and inserting the
25 following:

1 “(5) for any manufacturer (or representative of
2 a manufacturer), distributor, retailer, or private la-
3 beler—

4 “(A) to offer for sale or distribute in com-
5 merce any new covered product that is not in
6 conformity with an applicable energy conserva-
7 tion standard established in or prescribed under
8 this part; or

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

19 (3) in paragraph (6) (as added by section
20 306(b)(2) of Public Law 110–140 (121 Stat.
21 1559)), by striking the period at the end and insert-
22 ing a semicolon;

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

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

2 (A) by striking “for any manufacturer, dis-
3 tributor, retailer, or private labeler to dis-
4 tribute” and inserting “for any manufacturer
5 (or representative of a manufacturer), dis-
6 tributor, retailer, or private labeler to offer for
7 sale or distribute”; and

8 (B) by striking the period at the end and
9 inserting a semicolon; and

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

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

17 “(9) for any manufacturer or private labeler to
18 distribute in commerce any new covered product that
19 has not been properly tested in accordance with the
20 requirements established in or prescribed under this
21 part; and

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

1 **SEC. 18. OUTDOOR LIGHTING.**

2 (a) DEFINITIONS.—

3 (1) COVERED EQUIPMENT.—Section 340(1) of
4 the Energy Policy and Conservation Act (42 U.S.C.
5 6311(1)) is amended—

6 (A) by redesignating subparagraph (L) as
7 subparagraph (O); and

8 (B) by inserting after subparagraph (K)
9 the following:

10 “(L) High light output double-ended
11 quartz halogen lamps.

12 “(M) General purpose mercury vapor
13 lamps.”.

14 (2) INDUSTRIAL EQUIPMENT.—Section
15 340(2)(B) of the Energy Policy and Conservation
16 Act (42 U.S.C. 6311(2)(B)) is amended—

17 (A) by striking “and” before “unfired hot
18 water”; and

19 (B) by inserting after “tanks” the fol-
20 lowing: “, high light output double-ended quartz
21 halogen lamps, and general purpose mercury
22 vapor lamps”.

23 (3) NEW DEFINITIONS.—Section 340 of the
24 Energy Policy and Conservation Act (42 U.S.C.
25 6311) is amended—

1 (A) by redesignating paragraphs (22) and
2 (23) (as amended by sections 312(a)(2) and
3 314(a) of the Energy Independence and Secu-
4 rity Act of 2007 (121 Stat. 1564, 1569)) as
5 paragraphs (23) and (24), respectively; and

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

7 “(25) GENERAL PURPOSE MERCURY VAPOR
8 LAMP.—The term ‘general purpose mercury vapor
9 lamp’ means a mercury vapor lamp (as defined in
10 section 321) that—

11 “(A) has a screw base;

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

14 “(C) is not a specialty application mercury
15 vapor lamp; and

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

19 “(26) HIGH LIGHT OUTPUT DOUBLE-ENDED
20 QUARTZ HALOGEN LAMP.—The term ‘high light out-
21 put double-ended quartz halogen lamp’ means a
22 lamp that—

23 “(A) is designed for general outdoor light-
24 ing purposes;

25 “(B) contains a tungsten filament;

1 “(C) has a rated initial lumen value of
2 greater than 6,000 and less than 40,000
3 lumens;

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

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

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

10 “(G) is designed to be operated at a volt-
11 age not less than 110 volts and not greater
12 than 200 volts or is designed to be operated at
13 a voltage between 235 volts and 300 volts;

14 “(H) is not a tubular quartz infrared heat
15 lamp; and

16 “(I) is not a lamp marked and marketed
17 as a Stage and Studio lamp with a rated life of
18 500 hours or less.

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

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

1 “(B) is marked and marketed for specialty
2 applications only.

3 “(28) TUBULAR QUARTZ INFRARED HEAT
4 LAMP.—The term ‘tubular quartz infrared heat
5 lamp’ means a double-ended quartz halogen lamp
6 that—

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

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

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

15 “(g) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ
16 HALOGEN LAMPS.—A high light output double-ended
17 quartz halogen lamp manufactured on or after January
18 1, 2016, shall have a minimum efficiency of—

19 “(1) 27 LPW for lamps with a minimum rated
20 initial lumen value greater than 6,000 and a max-
21 imum initial lumen value of 15,000; and

22 “(2) 34 LPW for lamps with a rated initial
23 lumen value greater than 15,000 and less than
24 40,000.

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

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

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

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

10 “(i) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ
11 HALOGEN LAMPS.—

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

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

1 **SEC. 19. STANDARDS FOR COMMERCIAL FURNACES.**

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

5 “(11) Warm air furnaces with an input rating
6 of 225,000 Btu per hour or more and manufactured
7 on or after the date that is 1 year after the date of
8 enactment of this paragraph shall meet the following
9 standard levels:

10 “(A) Gas-fired units shall—

11 “(i) have a minimum combustion effi-
12 ciency of 80 percent;

13 “(ii) include an interrupted or inter-
14 mittent ignition device;

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

17 “(iv) have power venting or a flue
18 damper.

19 “(B) Oil-fired units shall have—

20 “(i) a minimum thermal efficiency of
21 81 percent;

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

24 “(iii) power venting or a flue damp-
25 er.”.

1 **SEC. 20. SERVICE OVER THE COUNTER, SELF-CONTAINED,**
2 **MEDIUM TEMPERATURE COMMERCIAL RE-**
3 **FRIGERATORS.**

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

6 (1) in paragraph (1)—

7 (A) by redesignating subparagraph (C) as
8 subparagraph (E); and

9 (B) by inserting after subparagraph (B)
10 the following:

11 “(C) The term ‘service over the counter,
12 self-contained, medium temperature commercial
13 refrigerator’ or ‘(SOC–SC–M)’ means a me-
14 dium temperature commercial refrigerator—

15 “(i) with a self-contained condensing
16 unit and equipped with sliding or hinged
17 doors in the back intended for use by sales
18 personnel, and with glass or other trans-
19 parent material in the front for displaying
20 merchandise; and

21 “(ii) that has a height not greater
22 than 66 inches and is intended to serve as
23 a counter for transactions between sales
24 personnel and customers.

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

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

6 (3) by inserting after paragraph (3) the fol-
7 lowing:

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

12 **SEC. 21. MOTOR MARKET ASSESSMENT AND COMMERCIAL**
13 **AWARENESS PROGRAM.**

14 (a) FINDINGS.—Congress finds that—

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

17 (2) electric motor energy use is determined by
18 both the efficiency of the motor and the system in
19 which the motor operates;

20 (3) Federal Government research on motor end
21 use and efficiency opportunities is more than a dec-
22 ade old; and

23 (4) the Census Bureau has discontinued collec-
24 tion of data on motor and generator importation,
25 manufacture, shipment, and sales.

1 (b) DEFINITIONS.—In this section:

2 (1) DEPARTMENT.—The term “Department”
3 means the Department of Energy.

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

6 (A) trade associations;

7 (B) motor manufacturers;

8 (C) motor end users;

9 (D) electric utilities; and

10 (E) individuals and entities that conduct
11 energy efficiency programs.

12 (3) SECRETARY.—The term “Secretary” means
13 the Secretary of Energy, in consultation with inter-
14 ested parties.

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

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

21 (A) the stock of motors and motor-driven
22 equipment;

23 (B) efficiency categories of the motor pop-
24 ulation; and

1 (C) motor systems that use drives, servos,
2 and other control technologies;

3 (2) characterize and estimate the opportunities
4 for improvement in the energy efficiency of motor
5 systems by market segment, including opportunities
6 for—

7 (A) expanded use of drives, servos, and
8 other control technologies;

9 (B) expanded use of process control,
10 pumps, compressors, fans or blowers, and mate-
11 rial handling components; and

12 (C) substitution of existing motor designs
13 with existing and future advanced motor de-
14 signs, including electronically commutated per-
15 manent magnet, interior permanent magnet,
16 and switched reluctance motors; and

17 (3) develop an updated profile of motor system
18 purchase and maintenance practices, including sur-
19 veying the number of companies that have motor
20 purchase and repair specifications, by company size,
21 number of employees, and sales.

22 (d) RECOMMENDATIONS; UPDATE.—Based on the as-
23 sessment conducted under subsection (c), the Secretary
24 shall—

25 (1) develop—

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

3 (B) methods to estimate the energy sav-
4 ings and market penetration that is attributable
5 to the Save Energy Now Program of the De-
6 partment; and

7 (C) recommendations for the Director of
8 the Census Bureau on market surveys that
9 should be undertaken in support of the motor
10 system activities of the Department; and

11 (2) prepare an update to the Motor Master+
12 program of the Department.

13 (e) PROGRAM.—Based on the assessment, rec-
14 ommendations, and update required under subsections (c)
15 and (d), the Secretary shall establish a proactive, national
16 program targeted at motor end-users and delivered in co-
17 operation with interested parties to increase awareness
18 of—

19 (1) the energy and cost-saving opportunities in
20 commercial and industrial facilities using higher effi-
21 ciency electric motors;

22 (2) improvements in motor system procurement
23 and management procedures in the selection of high-
24 er efficiency electric motors and motor-system com-

1 ponents, including drives, controls, and driven equip-
2 ment; and

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

6 **SEC. 22. STUDY OF COMPLIANCE WITH ENERGY STAND-**
7 **ARDS FOR APPLIANCES.**

8 (a) IN GENERAL.—The Secretary of Energy shall
9 conduct a study of the degree of compliance with energy
10 standards for appliances, including an investigation of
11 compliance rates and options for improving compliance,
12 including enforcement.

13 (b) REPORT.—Not later than 18 months after the
14 date of enactment of this Act, the Secretary of Energy
15 shall submit to the appropriate committees of Congress
16 a report describing the results of the study, including any
17 recommendations.

18 **SEC. 23. STUDY OF DIRECT CURRENT ELECTRICITY SUPPLY**
19 **IN CERTAIN BUILDINGS.**

20 (a) IN GENERAL.—The Secretary of Energy shall
21 conduct a study—

22 (1) of the costs and benefits (including signifi-
23 cant energy efficiency, power quality, and other
24 power grid, safety, and environmental benefits) of

1 requiring high-quality, direct current electricity sup-
2 ply in buildings; and

3 (2) to determine, if the requirement described
4 in paragraph (1) is imposed, what the policy and
5 role of the Federal Government should be in real-
6 izing those benefits.

7 (b) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the Secretary shall submit to
9 the appropriate committees of Congress a report describ-
10 ing the results of the study, including any recommenda-
11 tions.

12 **SEC. 24. TECHNICAL CORRECTIONS.**

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

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

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

23 (B) in paragraph (4) (as so redesignated),
24 by striking “supplies is” and inserting “supply
25 is”.

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

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

10 (A) in subparagraph (B)—

11 (i) by striking “If the Secretary” and
12 inserting the following:

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

14 (ii) by striking “clause (ii)(II)” and
15 inserting “subparagraph (A)(ii)(II)”;

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

18 (iv) by adding at the end the fol-
19 lowing:

20 “(ii) FACTORS.—In determining
21 whether a standard is economically justi-
22 fied for the purposes of subparagraph
23 (A)(ii)(II), the Secretary shall, after receiv-
24 ing views and comments furnished with re-
25 spect to the proposed standard, determine

1 whether the benefits of the standard ex-
2 ceed the burden of the proposed standard
3 by, to the maximum extent practicable,
4 considering—

5 “(I) the economic impact of the
6 standard on the manufacturers and
7 on the consumers of the products sub-
8 ject to the standard;

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

17 “(III) the total projected quan-
18 tity of energy savings likely to result
19 directly from the imposition of the
20 standard;

21 “(IV) any lessening of the utility
22 or the performance of the products
23 likely to result from the imposition of
24 the standard;

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

6 “(VI) the need for national en-
7 ergy conservation; and

8 “(VII) other factors the Sec-
9 retary considers relevant.

10 “(iii) ADMINISTRATION.—

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

18 “(II) UNAVAILABILITY.—

19 “(aa) IN GENERAL.—The
20 Secretary may not prescribe an
21 amended standard under this
22 subparagraph if the Secretary
23 finds (and publishes the finding)
24 that interested persons have es-
25 tablished by a preponderance of

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

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

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

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

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

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

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

19 (C) in subsection (a)—

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

22 (ii) in paragraph (9), by striking the
23 period at the end and inserting “; and”;
24 and

1 (iii) by adding at the end the fol-
2 lowing:

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

13 (D) in subsection (h)(3), by striking “sec-
14 tion 342(f)(3)” and inserting “section
15 342(f)(4)”.

16 (6) Section 340(13) of the Energy Policy and
17 Conservation Act (42 U.S.C. 6311(13)) (as amended
18 by section 313(a) of the Energy Independence and
19 Security Act of 2007 (121 Stat. 1568)) is amend-
20 ed—

21 (A) by striking subparagraphs (A) and (B)
22 and inserting the following:

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

1 “(i) A motor that is a general purpose
2 T-frame, single-speed, foot-mounting, poly-
3 phase squirrel-cage induction motor of the
4 National Electrical Manufacturers Associa-
5 tion, Design A and B, continuous rated,
6 operating on 230/460 volts and constant
7 60 Hertz line power as defined in NEMA
8 Standards Publication MG1–1987.

9 “(ii) A motor incorporating the design
10 elements described in clause (i), but is con-
11 figured to incorporate 1 or more of the fol-
12 lowing variations:

13 “(I) U-frame motor.

14 “(II) NEMA Design C motor.

15 “(III) Close-coupled pump motor.

16 “(IV) Footless motor.

17 “(V) Vertical solid shaft normal
18 thrust motor (as tested in a horizontal
19 configuration).

20 “(VI) 8-pole motor.

21 “(VII) Poly-phase motor with a
22 voltage rating of not more than 600
23 volts (other than 230 volts or 460
24 volts, or both, or can be operated on
25 230 volts or 460 volts, or both).”; and

1 (B) by redesignating subparagraphs (C)
2 through (I) as subparagraphs (B) through (H),
3 respectively.

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

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

8 (ii) by redesignating paragraphs (2) and
9 (3) as paragraphs (3) and (4);

10 (iii) by inserting after paragraph (1) the
11 following:

12 “(2) STANDARDS EFFECTIVE BEGINNING DE-
13 CEMBER 19, 2010.—

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

1 “(B) FIRE PUMP ELECTRIC MOTORS.—Ex-
2 cept for those motors exempted by the Sec-
3 retary under paragraph (3), each fire pump
4 electric motor manufactured with power ratings
5 from 1 to 200 horsepower (alone or as a compo-
6 nent of another piece of equipment) on or after
7 December 19, 2010, shall have a nominal full
8 load efficiency that is not less than the nominal
9 full load efficiency described in NEMA MG-1
10 (2006) Table 12-11.

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

22 “(D) MOTORS INCORPORATING CERTAIN
23 DESIGN ELEMENTS.—Except for those motors
24 exempted by the Secretary under paragraph
25 (3), each electric motor described in section

1 340(13)(A)(ii) manufactured with power rat-
2 ings from 1 to 200 horsepower (alone or as a
3 component of another piece of equipment) on or
4 after December 19, 2010, shall have a nominal
5 full load efficiency of not less than the nominal
6 full load efficiency described in NEMA MG-1
7 (2006) Table 12-11.”; and

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

12 (B) Section 313 of the Energy Independence
13 and Security Act of 2007 (121 Stat. 1568) is re-
14 pealed.

15 (C) The amendments made by—

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

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

20 (8) Section 321(30)(D)(i)(III) of the Energy
21 Policy and Conservation Act (42 U.S.C.
22 6291(30)(D)(i)(III)) (as amended by section
23 321(a)(1)(A) of the Energy Independence and Secu-
24 rity Act of 2007 (121 Stat. 1574)) is amended by
25 inserting before the semicolon the following: “or, in

1 the case of a modified spectrum lamp, not less than
2 232 lumens and not more than 1,950 lumens”.

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

8 (A) in clause (i)—

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

12 (ii) by striking “and is sold at retail,”;
13 and

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

16 (10) Section 325(i) of the Energy Policy and
17 Conservation Act (42 U.S.C. 6295(i)) (as amended
18 by sections 321(a)(3)(A) and 322(b) of the Energy
19 Independence and Security Act of 2007 (121 Stat.
20 1577, 1588)) is amended by striking the subsection
21 designation and all that follows through the end of
22 paragraph (8) and inserting the following:

23 “(i) GENERAL SERVICE FLUORESCENT LAMPS, GEN-
24 ERAL SERVICE INCANDESCENT LAMPS, INTERMEDIATE
25 BASE INCANDESCENT LAMPS, CANDELABRA BASE INCAN-

1 DESCENT LAMPS, AND INCANDESCENT REFLECTOR
 2 LAMPS.—

3 “(1) ENERGY EFFICIENCY STANDARDS.—

4 “(A) IN GENERAL.—Each of the following
 5 general service fluorescent lamps, general serv-
 6 ice incandescent lamps, intermediate base in-
 7 candescent lamps, candelabra base incandescent
 8 lamps, and incandescent reflector lamps manu-
 9 factured after the effective date specified in the
 10 tables listed in this subparagraph shall meet or
 11 exceed the standards established in the fol-
 12 lowing tables:

“FLUORESCENT LAMPS

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

“INCANDESCENT REFLECTOR LAMPS

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

“GENERAL SERVICE INCANDESCENT LAMPS

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

“MODIFIED SPECTRUM GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rated Wattage	Minimum Rated Life-time	Effective Date
1118–1950	72	1,000 hrs	1/1/2012
788–1117	53	1,000 hrs	1/1/2013
563–787	43	1,000 hrs	1/1/2014
232–562	29	1,000 hrs	1/1/2014.

1 “(B) APPLICATION.—

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

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

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

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

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

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

5 “(I) 80 for nonmodified spectrum
6 lamps; or

7 “(II) 75 for modified spectrum
8 lamps.

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

12 “(i) CANDELABRA BASE INCANDES-
13 CENT LAMPS.—Effective beginning Janu-
14 ary 1, 2012, a candelabra base incandes-
15 cent lamp shall not exceed 60 rated watts.

16 “(ii) INTERMEDIATE BASE INCANDES-
17 CENT LAMPS.—Effective beginning Janu-
18 ary 1, 2012, an intermediate base incan-
19 descent lamp shall not exceed 40 rated
20 watts.

21 “(D) EXEMPTIONS.—

22 “(i) STATUTORY EXEMPTIONS.—The
23 standards specified in subparagraph (A)
24 shall not apply to the following types of in-
25 candescent reflector lamps:

1 “(I) Lamps rated at 50 watts or
2 less that are ER30, BR30, BR40, or
3 ER40 lamps.

4 “(II) Lamps rated at 65 watts
5 that are BR30, BR40, or ER40
6 lamps.

7 “(III) R20 incandescent reflector
8 lamps rated 45 watts or less.

9 “(ii) ADMINISTRATIVE EXEMP-
10 TIONS.—

11 “(I) PETITION.—Any person may
12 petition the Secretary for an exemp-
13 tion for a type of general service lamp
14 from the requirements of this sub-
15 section.

16 “(II) CRITERIA.—The Secretary
17 may grant an exemption under sub-
18 clause (I) only to the extent that the
19 Secretary finds, after a hearing and
20 opportunity for public comment, that
21 it is not technically feasible to serve a
22 specialized lighting application (such
23 as a military, medical, public safety,
24 or certified historic lighting applica-

1 tion) using a lamp that meets the re-
2 quirements of this subsection.

3 “(III) ADDITIONAL CRITERION.—

4 To grant an exemption for a product
5 under this clause, the Secretary shall
6 include, as an additional criterion,
7 that the exempted product is unlikely
8 to be used in a general service lighting
9 application.

10 “(E) EXTENSION OF COVERAGE.—

11 “(i) PETITION.—Any person may peti-
12 tion the Secretary to establish standards
13 for lamp shapes or bases that are excluded
14 from the definition of general service
15 lamps.

16 “(ii) INCREASED SALES OF EXEMPT-
17 ED LAMPS.—The petition shall include evi-
18 dence that the availability or sales of ex-
19 empted incandescent lamps have increased
20 significantly since the date on which the
21 standards on general service incandescent
22 lamps were established.

23 “(iii) CRITERIA.—The Secretary shall
24 grant a petition under clause (i) if the Sec-
25 retary finds that—

1 “(I) the petition presents evi-
2 dence that demonstrates that commer-
3 cial availability or sales of exempted
4 incandescent lamp types have in-
5 creased significantly since the stand-
6 ards on general service lamps were es-
7 tablished and likely are being widely
8 used in general lighting applications;
9 and

10 “(II) significant energy savings
11 could be achieved by covering exempt-
12 ed products, as determined by the
13 Secretary based in part on sales data
14 provided to the Secretary from manu-
15 facturers and importers.

16 “(iv) NO PRESUMPTION.—The grant
17 of a petition under this subparagraph shall
18 create no presumption with respect to the
19 determination of the Secretary with respect
20 to any criteria under a rulemaking con-
21 ducted under this section.

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

1 “(I) conduct a rulemaking to de-
2 termine standards for the exempted
3 lamp shape or base; and

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

8 “(F) EFFECTIVE DATES.—

9 “(i) IN GENERAL.—In this paragraph,
10 except as otherwise provided in a table
11 contained in subparagraph (A) or in clause
12 (ii), the term ‘effective date’ means the last
13 day of the period of months specified in
14 the table after October 24, 1992.

15 “(ii) SPECIAL EFFECTIVE DATES.—

16 “(I) ER, BR, AND BPAR
17 LAMPS.—The standards specified in
18 subparagraph (A) shall apply with re-
19 spect to ER incandescent reflector
20 lamps, BR incandescent reflector
21 lamps, BPAR incandescent reflector
22 lamps, and similar bulb shapes on and
23 after January 1, 2008, or the date
24 that is 180 days after the date of en-

1 actment of the Energy Independence
2 and Security Act of 2007.

3 “(II) LAMPS BETWEEN 2.25–2.75
4 INCHES IN DIAMETER.—The stand-
5 ards specified in subparagraph (A)
6 shall apply with respect to incandes-
7 cent reflector lamps with a diameter
8 of more than 2.25 inches, but not
9 more than 2.75 inches, on and after
10 the later of January 1, 2008, or the
11 date that is 180 days after the date of
12 enactment of the Energy Independ-
13 ence and Security Act of 2007.

14 “(2) COMPLIANCE WITH EXISTING LAW.—Not-
15 withstanding section 332(a)(5) and section 332(b),
16 it shall not be unlawful for a manufacturer to sell
17 a lamp that is in compliance with the law at the
18 time the lamp was manufactured.

19 “(3) RULEMAKING BEFORE OCTOBER 24,
20 1995.—

21 “(A) IN GENERAL.—Not later than 36
22 months after October 24, 1992, the Secretary
23 shall initiate a rulemaking procedure and shall
24 publish a final rule not later than the end of
25 the 54-month period beginning on October 24,

1 1992, to determine whether the standards es-
2 tablished under paragraph (1) should be
3 amended.

4 “(B) ADMINISTRATION.—The rule shall
5 contain the amendment, if any, and provide
6 that the amendment shall apply to products
7 manufactured on or after the 36-month period
8 beginning on the date on which the final rule is
9 published.

10 “(4) RULEMAKING BEFORE OCTOBER 24,
11 2000.—

12 “(A) IN GENERAL.—Not later than 8 years
13 after October 24, 1992, the Secretary shall ini-
14 tiate a rulemaking procedure and shall publish
15 a final rule not later than 9 years and 6 months
16 after October 24, 1992, to determine whether
17 the standards in effect for fluorescent lamps
18 and incandescent lamps should be amended.

19 “(B) ADMINISTRATION.—The rule shall
20 contain the amendment, if any, and provide
21 that the amendment shall apply to products
22 manufactured on or after the 36-month period
23 beginning on the date on which the final rule is
24 published.

1 “(5) RULEMAKING FOR ADDITIONAL GENERAL
2 SERVICE FLUORESCENT LAMPS.—

3 “(A) IN GENERAL.—Not later than the
4 end of the 24-month period beginning on the
5 date labeling requirements under section
6 324(a)(2)(C) become effective, the Secretary
7 shall—

8 “(i) initiate a rulemaking procedure to
9 determine whether the standards in effect
10 for fluorescent lamps and incandescent
11 lamps should be amended so that the
12 standards would be applicable to additional
13 general service fluorescent lamps; and

14 “(ii) publish, not later than 18
15 months after initiating the rulemaking, a
16 final rule including the amended stand-
17 ards, if any.

18 “(B) ADMINISTRATION.—The rule shall
19 provide that the amendment shall apply to
20 products manufactured after a date which is 36
21 months after the date on which the rule is pub-
22 lished.

23 “(6) STANDARDS FOR GENERAL SERVICE
24 LAMPS.—

1 “(A) RULEMAKING BEFORE JANUARY 1,
2 2014.—

3 “(i) IN GENERAL.—Not later than
4 January 1, 2014, the Secretary shall ini-
5 tiate a rulemaking procedure to determine
6 whether—

7 “(I) standards in effect for gen-
8 eral service lamps should be amended;
9 and

10 “(II) the exclusions for certain
11 incandescent lamps should be main-
12 tained or discontinued based, in part,
13 on excluded lamp sales collected by
14 the Secretary from manufacturers.

15 “(ii) SCOPE.—The rulemaking—

16 “(I) shall not be limited to incan-
17 descent lamp technologies; and

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

21 “(iii) AMENDED STANDARDS.—If the
22 Secretary determines that the standards in
23 effect for general service lamps should be
24 amended, the Secretary shall publish a
25 final rule not later than January 1, 2017,

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

4 “(iv) PHASED-IN EFFECTIVE
5 DATES.—The Secretary shall consider
6 phased-in effective dates under this sub-
7 paragraph after considering—

8 “(I) the impact of any amend-
9 ment on manufacturers, retiring and
10 repurposing existing equipment,
11 stranded investments, labor contracts,
12 workers, and raw materials; and

13 “(II) the time needed to work
14 with retailers and lighting designers
15 to revise sales and marketing strate-
16 gies.

17 “(v) BACKSTOP REQUIREMENT.—If
18 the Secretary fails to complete a rule-
19 making in accordance with clauses (i)
20 through (iv) or if the final rule does not
21 produce savings that are greater than or
22 equal to the savings from a minimum effi-
23 cacy standard of 45 lumens per watt, effec-
24 tive beginning January 1, 2020, the Sec-
25 retary shall prohibit the manufacture of

1 any general service lamp that does not
2 meet a minimum efficacy standard of 45
3 lumens per watt.

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

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

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

16 “(III) in the case of California, if
17 a final rule described in subclause (I)
18 has not been adopted, any California
19 regulations relating to these covered
20 products adopted pursuant to State
21 statute in effect on the date of enact-
22 ment of the Energy Independence and
23 Security Act of 2007.

24 “(B) RULEMAKING BEFORE JANUARY 1,
25 2020.—

1 “(i) IN GENERAL.—Not later than
2 January 1, 2020, the Secretary shall ini-
3 tiate a rulemaking procedure to determine
4 whether—

5 “(I) standards in effect for gen-
6 eral service lamps should be amended;
7 and

8 “(II) the exclusions for certain
9 incandescent lamps should be main-
10 tained or discontinued based, in part,
11 on excluded lamp sales data collected
12 by the Secretary from manufacturers.

13 “(ii) SCOPE.—The rulemaking shall
14 not be limited to incandescent lamp tech-
15 nologies.

16 “(iii) AMENDED STANDARDS.—If the
17 Secretary determines that the standards in
18 effect for general service lamps should be
19 amended, the Secretary shall publish a
20 final rule not later than January 1, 2022,
21 with an effective date that is not earlier
22 than 3 years after the date on which the
23 final rule is published.

24 “(iv) PHASED-IN EFFECTIVE
25 DATES.—The Secretary shall consider

1 phased-in effective dates under this sub-
2 paragraph after considering—

3 “(I) the impact of any amend-
4 ment on manufacturers, retiring and
5 repurposing existing equipment,
6 stranded investments, labor contracts,
7 workers, and raw materials; and

8 “(II) the time needed to work
9 with retailers and lighting designers
10 to revise sales and marketing strate-
11 gies.

12 “(7) FEDERAL ACTIONS.—

13 “(A) COMMENTS OF SECRETARY.—

14 “(i) IN GENERAL.—With respect to
15 any lamp to which standards are applicable
16 under this subsection or any lamp specified
17 in section 346, the Secretary shall inform
18 any Federal entity proposing actions that
19 would adversely impact the energy con-
20 sumption or energy efficiency of the lamp
21 of the energy conservation consequences of
22 the action.

23 “(ii) CONSIDERATION.—The Federal
24 entity shall carefully consider the com-
25 ments of the Secretary.

1 “(B) AMENDMENT OF STANDARDS.—Not-
2 withstanding section 325(n)(1), the Secretary
3 shall not be prohibited from amending any
4 standard, by rule, to permit increased energy
5 use or to decrease the minimum required en-
6 ergy efficiency of any lamp to which standards
7 are applicable under this subsection if the ac-
8 tion is warranted as a result of other Federal
9 action (including restrictions on materials or
10 processes) that would have the effect of either
11 increasing the energy use or decreasing the en-
12 ergy efficiency of the product.

13 “(8) COMPLIANCE.—

14 “(A) IN GENERAL.—Not later than the
15 date on which standards established pursuant
16 to this subsection become effective, or, with re-
17 spect to high-intensity discharge lamps covered
18 under section 346, the effective date of stand-
19 ards established pursuant to that section, each
20 manufacturer of a product to which the stand-
21 ards are applicable shall file with the Secretary
22 a laboratory report certifying compliance with
23 the applicable standard for each lamp type.

24 “(B) CONTENTS.—The report shall include
25 the lumen output and wattage consumption for

1 each lamp type as an average of measurements
2 taken over the preceding 12-month period.

3 “(C) OTHER LAMP TYPES.—With respect
4 to lamp types that are not manufactured during
5 the 12-month period preceding the date on
6 which the standards become effective, the re-
7 port shall—

8 “(i) be filed with the Secretary not
9 later than the date that is 12 months after
10 the date on which manufacturing is com-
11 menced; and

12 “(ii) include the lumen output and
13 wattage consumption for each such lamp
14 type as an average of measurements taken
15 during the 12-month period.”.

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

21 (12) Section 327(b)(1)(B) of the Energy Policy
22 and Conservation Act (42 U.S.C. 6297(b)(1)(B)) (as
23 amended by section 321(d)(3) of the Energy Inde-
24 pendence and Security Act of 2007 (121 Stat.
25 1585)) is amended—

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

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

5 (C) by striking clause (iii).

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

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

16 (15) Section 327(c) of the Energy Policy and
17 Conservation Act (42 U.S.C. 6297(c)) (as amended
18 by sections 324(f) of the Energy Independence and
19 Security Act of 2007 (121 Stat. 1594) and section
20 6(e)(2)) is amended—

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

23 (B) in paragraph (9)(B), by striking “or”
24 at the end;

1 (C) in paragraph (10), by striking the pe-
2 riod at the end and inserting a semicolon;

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

4 “(11) is a regulation for general service lamps
5 that conforms with Federal standards and effective
6 dates; or

7 “(12) is an energy efficiency standard for gen-
8 eral service lamps enacted into law by the State of
9 Nevada prior to December 19, 2007, if the State has
10 not adopted the Federal standards and effective
11 dates pursuant to subsection (b)(1)(B)(ii).”.

12 (16) Section 325(b) of the Energy Independ-
13 ence and Security Act of 2007 (121 Stat. 1596) is
14 amended by striking “6924(c)” and inserting
15 “6294(c)”.

16 (17) This subsection and the amendments made
17 by this subsection take effect as if included in the
18 Energy Independence and Security Act of 2007
19 (Public Law 110–140; 121 Stat. 1492).

20 (b) ENERGY POLICY ACT OF 2005.—

21 (1) Section 325(g)(8)(C)(ii) of the Energy Pol-
22 icy and Conservation Act (42 U.S.C.
23 6295(g)(8)(C)(ii)) (as added by section 135(c)(2)(B)
24 of the Energy Policy Act of 2005) is amended by
25 striking “20°F” and inserting “–20°F”.

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

5 (c) ENERGY POLICY AND CONSERVATION ACT.—

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

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

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

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

14 “(xiii) other motors.”.

15 (2) Section 343(a) of the Energy Policy and
16 Conservation Act (42 U.S.C. 6314(a)) is amended
17 by striking “Air-Conditioning and Refrigeration In-
18 stitute” each place it appears in paragraphs (4)(A)
19 and (7) and inserting “Air-Conditioning, Heating,
20 and Refrigeration Institute”.

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