and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself, Ms. CANTWELL, Ms. MIKULSKI, Mr. CARDIN, Mr. DODD, and Mr. MERKLEY):

S. 3056. A bill to amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation and importation of natural gas; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 3057. A bill to provide to the Secretary of Interior a mechanism to cancel contracts for the sale of materials CA–20139 and CA–22901, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DORGAN (for himself, Ms. COLLINS, Mr. BAUCUS, Mr. INOUYE, Mrs. LINCOLN, Mr. HATCH, Ms. STABENOW, Mr. SCHUMER, Mr. DURBIN, Mr. BUNNING, Mr. COCHRAN, Mr. CRAPO, Mr. GRASSLEY, Mr. JOHANNS, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. WARNER, Mr. BARRASSO, and Mr. BINGAMAN):

S. 3058. A bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Ms. MURKOWSKI, and Mr. MENENDEZ):

S. 3059. A bill to improve energy efficiency of appliances, lighting, and buildings, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL:

S. Res. 429. A resolution making minority party appointments for certain committees for the 111th Congress; considered and agreed to.

By Mr. CHAMBLISS:

S. Con. Res. 52. A concurrent resolution expressing support for the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 557

At the request of Mr. KOHL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 557, a bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes.

S. 704

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 704, a bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.

S. 752

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 1111

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1111, a bill to require the Secretary of Health and Human Services to enter into agreements with States to resolve outstanding claims for reimbursement under the Medicare program relating to the Special Disability Workload project.

S. 1222

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1222, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1255

At the request of Mr. SCHUMER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1255, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized time period for rebuilding of certain overfished fisheries, and for other purposes.

S. 1583

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1583, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2014, and for other purposes.

S. 2805

At the request of Mr. SPECTER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2805, a bill to amend the Food and Nutrition Act of 2008 to increase the amount made available to purchase commodities for the emergency food assistance program in fiscal year 2010.

S. 2858

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2858, a bill to amend the Public Health Service Act to establish an Office of Mitochondrial Disease at the National Institutes of Health, and for other purposes.

S. 2878

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2878, a bill to prevent gun trafficking in the United States.

S. 2924

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2924, a bill to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities.

S. 2947

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2947, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 2979

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2979, a bill to amend title 18, United States Code, to provide accountability for the criminal acts of Federal contractors and employees outside the United States, and for other purposes.

S. 2994

At the request of Mrs. BOXER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2994, a bill to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive 2009 bonuses received from certain major recipients of Federal emergency economic assistance, to limit the deduction allowable for such bonuses, and for other purposes.

S. RES. 404

At the request of Mr. FEINGOLD, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 404, a resolution supporting full implementation of the Comprehensive Peace Agreement and other efforts to promote peace and stability in Sudan, and for other purposes.

AMENDMENT NO. 3338

At the request of Mr. THUNE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 3338 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3342

At the request of Mr. WEBB, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 3342 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Ms. CANTWELL, Ms. MIKULSKI, Mr. CARDIN, Mr. DODD, and Mr. MERKLEY):

S. 3056. A bill to amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation and importation of natural gas; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, along with Senators CANTWELL, MIKULSKI, CARDIN, DODD, and MERKLEY, I am reintroducing legislation that will repeal the authority granted to the Federal Energy Regulatory Commission, FERC, in the Energy Policy Act of 2005 to site Liquified Natural Gas, LNG, terminals. Prior to enactment of these changes,

States, such as Oregon, had authority to site these large energy facilities—a right that was preempted by the 2005 act. At the time, 45 Senators went on record saying that cutting State siting agencies out of the LNG siting process was a bad idea.

As citizens and their public officials in my State and those of my colleagues can attest, putting FERC in the driver's seat for LNG siting has been a colossal mistake. Rather than address the critical environmental and economic questions of whether these large, potentially dangerous natural gas storage facilities are even needed or whether energy supplies could be provided with less environmental impact and risk, FERC has taken the attitude that it's not its job to make such decisions. The result is the worst of all possible public policy worlds where FERC refuses to address the tough questions and the law limits the ability of our States to step where FERC fails.

Right now, in Oregon, we have three separate LNG projects. Two of those have been approved by FERC over the objections of citizens and State officials and one is still pending. Together, they would have a combined capacity of 3.3 billion cubic feet, BCF, of gas per day. Yet, the States of Oregon and Washington, together, only use 1.33 BCF per day. Natural gas prices in North America have significantly declined and supplies have increased since these projects were proposed. Yet, FERC categorically refuses to address the basic question of whether the three proposed facilities are even needed to serve our market. FERC also refuses to consider whether any of the competing interstate pipeline proposals to bring natural gas to Oregon from the Rocky Mountains would be a better option. In fact, FERC asserts that it is not its job to determine which, if any, of these proposals best serves our market.

While the new chairman of FERC—Jon Wellinghoff—has been willing to vote against LNG siting proposals, the truth is that FERC continues to plow ahead with siting decisions that make no economic sense and which endanger forest lands, farms, vineyards, and residential neighborhoods. Given FERC's record, my colleagues and I believe that it is essential that Congress restore the local and State role in these critical decisions about where, and even whether, LNG facilities and the pipelines that connect them are to be built.

The legislative language is identical to the bill I introduced in the last Congress—S. 2822—and which garnered the support of a number of my colleagues including then-Senator Barack Obama. That bill was needed then, and it is needed now. I am going to be calling on the President for his help in fixing this serious mistake.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPORTATION OR IMPORTATION OF NATURAL GAS.

(a) IN GENERAL.—Section 311 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 685) is repealed.

(b) APPLICATION.—The Natural Gas Act (15 U.S.C. 717 et seq.) shall be applied and administered as if section 311 of the Energy Policy Act of 2005 (and the amendments made by the section) had not been enacted.

By Mrs. BOXER:

S. 3057. A bill to provide to the Secretary of the Interior a mechanism to cancel contracts for the sale of materials CA–20139 and CA–22901, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I am pleased to introduce the Soledad Canyon High Desert, California Public Lands Conservation and Management Act of 2010. This bill would resolve a twenty-year-old mining dispute between the City of Santa Clarita and CEMEX USA, and have numerous other benefits for communities in Los Angeles and San Bernardino Counties, CA.

In 1990, the Bureau of Land Management awarded CEMEX two 10-year consecutive contracts to extract 56 million tons of sand and gravel from a site in Soledad Canyon. The City of Santa Clarita strongly opposed CEMEX's expansion of mining in this area. After 2 decades of conflict and nearly a decade of litigation, the two parties announced a truce in early 2007, and started working out an agreement.

This legislation would implement the terms of that agreement. It would require the Secretary of the Interior to cancel CEMEX's mining contracts in Soledad Canyon and prohibit future mining at this site. The BLM would sell lands near Victorville, CA, that are currently on its disposal list, and would use the proceeds to compensate CEMEX for the cancellation of its mining contracts. The City of Victorville and County of San Bernardino would have the right of first refusal to purchase many of these parcels, which would help satisfy their future development needs. Some of these funds would also go towards the purchase of environmentally-sensitive lands in Southern California.

My legislation would settle a twenty-year-old dispute to all parties' satisfaction, complement future development plans in Southern California, help secure important lands for conservation, and do all of this without any cost to taxpayers. That is why it has already won the support of a diverse group of interests, including the City of Santa Clarita, CEMEX, the Santa Monica Mountains Conservancy, and the Sierra Club.

I have worked with Representative BUCK MCKEON in introducing this measure and look forward to working with my colleagues in the Senate to secure its passage.

By Mr. BINGAMAN (for himself, Ms. MURKOWSKI, and Mr. MENENDEZ):

S. 3059. A bill to improve energy efficiency of appliances, lighting, and buildings, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to join with the Ranking Member of the Committee on Energy and Natural Resources, LISA MURKOWSKI, in introducing the National Energy Efficiency Enhancement Act of 2010. This legislation would implement several agreements that have been negotiated between appliance manufacturers and energy efficiency advocates to increase national energy efficiency standards for a range of commercial products, strengthen our economy, create jobs, and reduce carbon dioxide emissions.

The major energy consuming products that would have standards established or enhanced by this legislation include furnaces, air conditioners, street lights, and external power supplies. The bill would also modify the Secretary of Energy's authority regarding administration of the program. For example, there would be changes to the criteria used by the Secretary when determining where to set a standard, so as to include consideration of the impact of a proposed standard on average energy prices and the impacts of smart grid technology. A more detailed description section-by-section summary of the bill is included at the end of these remarks.

Representatives from the energy efficiency community, such as the American Council for an Energy Efficient Economy, ACEEE, the Alliance to Save Energy, and the National Resources Defense Council, along with industry representatives from the National Electric Manufacturers Association, the Air Conditioning, Heating and Refrigeration Institute, and the Association of Home Appliance Manufacturers and others, have done a commendable job in working through very difficult and technical issues to develop this remarkable consensus legislation. Their successes were set forth in several agreements that have been included in this bill. It is a testament to what can be achieved for the nation when interests groups work together with a commitment to the common good.

The savings from these new standards, if enacted, are estimated at 258 trillion Btu in 2020, and 677 trillion Btu in 2030. In addition, greenhouse gas emissions are estimated to be reduced by 14.6 million metric tons of CO_2 in 2020, and 39 million metric tons in 2030. Other benefits of increased efficiency include consumer savings due to lower energy costs and new jobs created by the use of consumer savings for other purchases and investments.

This legislation demonstrates the continuing commitment of the Energy

Committee to build on the bipartisan bill it reported last June—the American Clean Energy Leadership Act of 2009, or ACELA. Title II of ACELA directs the Energy Department to establish new energy efficiency standards for portable lamps and commercial furnaces and would yield estimated energy savings in 2030 of 551 trillion Btu, and carbon dioxide emission reductions of 31.3 million metric tons. Combined, the savings from these two bills would be 1228 trillion Btu and 70 million metric tons in 2030. Note: all estimates by the American Council for an Energy Efficient Economy.

The energy efficiency provisions of ACELA when combined with this new legislation would substantially enhance one of the most powerful and cost-effective tools the Federal Government has to strengthen our economic and energy security.

The appliance standards program has been saving energy and money for families, businesses, and government consumers for more than 20 years. DOE currently administers standards for 35 products, and the American Council for an Energy Efficient Economy estimates cumulative program savings of 5.1 Quadrillion Btu through 2010. The ACEEE projects another 3 Quadrillion Btu of savings from current standards by 2020.

This program's savings in electricity are the most significant, with an estimated reduction of nearly 16 percent in national electricity use by 2020 below what would have been used without the program.

Greater energy efficiency strengthens our economy, enhances our security, saves consumers money, creates jobs, and reduces greenhouse gas pollution. No single program or policy is going to completely end our nation's waste of energy or its carbon emissions, but increased energy efficiency through cost-effective energy standards for appliances and consumer products remains the single most-powerful tools for meeting these goals.

I look forward to working with my colleagues in the Energy Committee, in the Congress, and in the Administration to enact the National Energy Efficiency Enhancement Act of 2010. It would be a major enhancement to the energy savings anticipated from ACELA—more than doubling the savings—and both bills should be a part of any comprehensive national energy legislation.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Energy Efficiency Enhancement Act of 2010''.

SEC. 2. ENERGY CONSERVATION STANDARDS.

(a) DEFINITION OF ENERGY CONSERVATION STANDARD.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

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

''(6) ENERGY CONSERVATION STANDARD.—

''(A) IN GENERAL.—The term 'energy conservation standard' means 1 or more performance standards that—

''(i) for covered products (excluding clothes washers, dishwashers, showerheads, faucets, water closets, and urinals), prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323;

''(ii) for showerheads, faucets, water closets, and urinals, prescribe a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with test procedures prescribed under section 323; and

''(iii) for clothes washers and dishwashers—

''(I) prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323; and

''(II) may include a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with those test procedures.

''(B) INCLUSIONS.—The term 'energy conservation standard' includes—

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

''(I) on or before the date of enactment of this subclause;

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

''(III) as part of a final rule published on or after January 1, 2012; and

''(ii) any other requirements that the Secretary may prescribe under section 325(r).

''(C) EXCLUSION.—The term 'energy conservation standard' does not include a performance standard for a component of a finished covered product, unless regulation of the component is specifically authorized or established pursuant to this title.''; and

(2) by adding at the end the following:

''(66) EER.—The term 'EER' means energy efficiency ratio.

''(67) HSPF.—The term 'HSPF' means heating seasonal performance factor.''.

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

''(19) EER AND HSPF TEST PROCEDURES.—

''(A) IN GENERAL.—Subject to subparagraph (B), for purposes of residential central air conditioner and heat pump standards that take effect on or before January 1, 2015—

''(i) the EER shall be tested at an outdoor test temperature of 95 degrees Fahrenheit; and

''(ii) the HSPF shall be calculated based on Region IV conditions.

''(B) REVISIONS.—The Secretary may revise the EER outdoor test temperature and the conditions for HSPF calculations as part of any rulemaking to revise the central air conditioner and heat pump test method.''.

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

''(4) CENTRAL AIR CONDITIONERS AND HEAT PUMPS (EXCEPT THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS) MANUFACTURED ON OR AFTER JANUARY 1, 2015.—

''(A) BASE NATIONAL STANDARDS.—

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

''(I) Split Systems: 13 for central air conditioners and 14 for heat pumps.

''(II) Single Package Systems: 14.

''(ii) HEATING SEASONAL PERFORMANCE FACTOR.—The heating seasonal performance factor of central air conditioning heat pumps manufactured on or after January 1, 2015, shall not be less than the following:

''(I) Split Systems: 8.2.

''(II) Single Package Systems: 8.0.

''(B) REGIONAL STANDARDS.—

''(i) SEASONAL ENERGY EFFICIENCY RATIO.—The seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps manufactured on or after January 1, 2015, and installed in States having historical average annual, population weighted, heating degree days less than 5,000 (specifically the States of Alabama, Arizona, Arkansas, California, Delaware, Florida, Georgia, Hawaii, Kentucky, Louisiana, Maryland, Mississippi, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia) or in the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States shall not be less than the following:

''(I) Split Systems: 14 for central air conditioners and 14 for heat pumps.

''(II) Single Package Systems: 14.

''(ii) ENERGY EFFICIENCY RATIO.—The energy efficiency ratio of central air conditioners (not including heat pumps) manufactured on or after January 1, 2015, and installed in the State of Arizona, California, New Mexico, or Nevada shall be not less than the following:

''(I) Split Systems: 12.2 for split systems having a rated cooling capacity less than 45,000 BTU per hour and 11.7 for products having a rated cooling capacity equal to or greater than 45,000 BTU per hour.

''(II) Single Package Systems: 11.0.

''(iii) APPLICATION OF SUBSECTION (O)(6).—Subsection (o)(6) shall apply to the regional standards set forth in this subparagraph.

''(C) AMENDMENT OF STANDARDS.—

''(i) IN GENERAL.—Not later than January 1, 2017, the Secretary shall publish a final rule to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended.

''(ii) APPLICATION.—The rule shall provide that any amendments shall apply to products manufactured on or after January 1, 2022.

''(D) CONSIDERATION OF ADDITIONAL PERFORMANCE STANDARDS OR EFFICIENCY CRITERIA.—

''(i) FORUM.—Not later than 4 years in advance of the expected publication date of a final rule for central air conditioners and heat pumps under subparagraph (C), the Secretary shall convene and facilitate a forum for interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of the covered product, States, and efficiency advocates), as determined by the Secretary, to consider adding additional performance standards or efficiency criteria in the forthcoming rule.

''(ii) RECOMMENDATION.—If, within 1 year of the initial convening of such a forum, the Secretary receives a recommendation submitted jointly by such representative interested persons to add 1 or more performance standards or efficiency criteria, the Secretary shall incorporate the performance standards or efficiency criteria in the rulemaking process, and, if justified under the criteria established in this section, incorporate such performance standards or efficiency criteria in the revised standard.

''(iii) NO RECOMMENDATION.—If no such joint recommendation is made within 1 year of the initial convening of such a forum, the Secretary may add additional performance standards or efficiency criteria if the Secretary finds that the benefits substantially exceed the burdens of the action.

''(E) NEW CONSTRUCTION LEVELS.—

''(i) IN GENERAL.—As part of any final rule concerning central air conditioner and heat pump standards published after June 1, 2013, the Secretary shall determine if the building code levels specified in section 327(f)(3)(C) should be amended subject to meeting the criteria of subsection (o) when applied specifically to new construction.

''(ii) EFFECTIVE DATE.—Any amended levels shall not take effect before January 1, 2018.

''(iii) AMENDED LEVELS.—The final rule shall contain the amended levels, if any.''.

(d) THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) (as amended by subsection (c)) is amended by adding at the end the following:

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

''(A) DEFINITIONS.—In this paragraph:

''(i) SMALL DUCT, HIGH VELOCITY SYSTEM.—The term 'small duct, high velocity system' means a heating and cooling product that contains a blower and indoor coil combination that—

''(I) is designed for, and produces, at least 1.2 inches of external static pressure when operated at the certified air volume rate of 220–350 CFM per rated ton of cooling; and

''(II) when applied in the field, uses high velocity room outlets generally greater than 1,000 fpm that have less than 6.0 square inches of free area.

''(ii) THROUGH-THE-WALL CENTRAL AIR CONDITIONER; THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMP.—The terms 'through-the-wall central air conditioner' and 'through-the-wall central air conditioning heat pump' mean a central air conditioner or heat pump, respectively, that is designed to be installed totally or partially within a fixed-size opening in an exterior wall, and—

''(I) is not weatherized;

''(II) is clearly and permanently marked for installation only through an exterior wall;

''(III) has a rated cooling capacity no greater than 30,000 Btu/hr;

''(IV) exchanges all of its outdoor air across a single surface of the equipment cabinet; and

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

''(iii) REVISION.—The Secretary may revise the definitions contained in this subparagraph through publication of a final rule.

''(B) RULEMAKING.—

''(i) IN GENERAL.—Not later than June 30, 2011, the Secretary shall publish a final rule to determine whether standards for through-the-wall central air conditioners, through-the-wall central air conditioning heat pumps and small duct, high velocity systems should be established or amended.

''(ii) APPLICATION.—The rule shall provide that any new or amended standard shall apply to products manufactured on or after June 30, 2016.''.

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

''(5) NON-WEATHERIZED FURNACES (INCLUDING MOBILE HOME FURNACES, BUT NOT INCLUDING BOILERS) MANUFACTURED ON OR AFTER MAY 1, 2013, AND WEATHERIZED FURNACES MANUFACTURED ON OR AFTER JANUARY 1, 2015.—

''(A) BASE NATIONAL STANDARDS.—

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

''(I) Gas furnaces: 80 percent.

''(II) Oil furnaces: 83 percent.

''(ii) WEATHERIZED FURNACES.—The annual fuel utilization efficiency of weatherized gas furnaces manufactured on or after January 1, 2015 shall be not less than 81 percent.

''(B) REGIONAL STANDARD.—

''(i) ANNUAL FUEL UTILIZATION EFFICIENCY.—The annual fuel utilization efficiency of non-weatherized gas furnaces manufactured on or after May 1, 2013, and installed in States having historical average annual, population weighted, heating degree days equal to or greater than 5000 (specifically the States of Alaska, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming) shall be not less than 90 percent.

''(ii) APPLICATION OF SUBSECTION (O)(6).—Subsection (o)(6) shall apply to the regional standard set forth in this subparagraph.

''(C) AMENDMENT OF STANDARDS.—

''(i) NON-WEATHERIZED FURNACES.—

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

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

''(ii) WEATHERIZED FURNACES.—

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

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

''(D) NEW CONSTRUCTION LEVELS.—

''(i) IN GENERAL.—As part of any final rule concerning furnace standards published after June 1, 2013, the Secretary shall determine if the building code levels specified in section 327(f)(3)(C) should be amended subject to meeting the criteria of subsection (o) when applied specifically to new construction.

''(ii) EFFECTIVE DATE.—Any amended levels shall not take effect before January 1, 2018.

''(iii) AMENDED LEVELS.—The final rule shall contain the amended levels, if any.''.

(f) EXCEPTION FOR CERTAIN BUILDING CODE REQUIREMENTS.—Section 327(f) of the Energy Policy and Conservation Act (42 U.S.C. 6297(f)) is amended—

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

''(B) The code does not contain a mandatory requirement that, under all code compliance paths, requires that the covered product have an energy efficiency exceeding 1 of the following levels:

''(i) The applicable energy conservation standard established in or prescribed under section 325.

''(ii) The level required by a regulation of the State for which the Secretary has issued a rule granting a waiver under subsection (d).

''(C) If the energy consumption or conservation objective in the code is determined using covered products, including any baseline building designs against which all submitted building designs are to be evaluated, the objective is based on the use of covered products having efficiencies not exceeding—

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

''(I) for the States described in section 325(d)(5)(B)(i)—

''(aa) 92 percent AFUE for gas furnaces; and

''(bb) 14 SEER for central air conditioners (not including heat pumps);

''(II) for the States and other localities described in section 325(d)(4)(B)(i) (except for the States of Arizona, California, Nevada, and New Mexico)—

''(aa) 90 percent AFUE for gas furnaces; and

''(bb) 15 SEER for central air conditioners;

''(III) for the States of Arizona, California, Nevada, and New Mexico—

''(aa) 92 percent AFUE for gas furnaces;

''(bb) 15 SEER for central air conditioners;

''(cc) an EER of 12.5 for air conditioners (not including heat pumps) with cooling capacity less than 45,000 Btu per hour; and

''(dd) an EER of 12.0 for air conditioners (not including heat pumps) with cooling capacity of 45,000 Btu per hour or more; and

''(IV) for all States—

''(aa) 85 percent AFUE for oil furnaces; and

''(bb) 15 SEER and 8.5 HSPF for heat pumps;

''(ii) the building code levels established pursuant to section 325; or

''(iii) the applicable standards or levels specified in subparagraph (B).

''(D) The credit to the energy consumption or conservation objective allowed by the code for installing a covered product having an energy efficiency exceeding the applicable standard or level specified in subparagraph (C) is on a 1-for-1 equivalent energy use or equivalent energy cost basis, which may take into account the typical lifetimes of the products and building features, using lifetimes for covered products based on information published by the Department of Energy or the American Society of Heating, Refrigerating and Air-Conditioning Engineers.

''(E) If the code sets forth 1 or more combinations of items that meet the energy consumption or conservation objective, and if 1 or more combinations specify an efficiency level for a covered product that exceeds the applicable standards and levels specified in subparagraph (B)—

''(i) there is at least 1 combination that includes such covered products having efficiencies not exceeding 1 of the standards or levels specified in subparagraph (B); and

''(ii) if 1 or more combinations of items specify an efficiency level for a furnace, central air conditioner, or heat pump that exceeds the applicable standards and levels specified in subparagraph (B), there is at least 1 combination that the State has found to be reasonably achievable using commercially available technologies that includes such products having efficiencies at the applicable levels specified in subparagraph (C), except that no combination need include a product having an efficiency less than the level specified in subparagraph (B)(ii).

''(F) The energy consumption or conservation objective is specified in terms of an estimated total consumption of energy (which

may be specified in units of energy or its equivalent cost).'';

(2) in paragraph (4)(B)—

(A) by inserting after ''building code'' the first place it appears the following: ''contains a mandatory requirement that, under all code compliance paths,''; and

(B) by striking ''unless the'' and all that follows through ''subsection (d)''; and

(3) by adding at the end the following:

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

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

''(B) 20 percent for other covered products.''.

SEC. 3. ENERGY CONSERVATION STANDARDS FOR HEAT PUMP POOL HEATERS.

(a) DEFINITIONS.—

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

(A) in subparagraph (E), by inserting ''gas-fired'' before ''pool heaters''; and

(B) by adding at the end the following:

''(F) For heat pump pool heaters, coefficient of performance of heat pump pool heaters.''.

(2) COEFFICIENT OF PERFORMANCE OF HEAT PUMP POOL HEATERS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291)) is amended by inserting after paragraph (25) the following:

''(25A) COEFFICIENT OF PERFORMANCE OF HEAT PUMP POOL HEATERS.—The term 'coefficient of performance of heat pump pool heaters' means the ratio of the capacity to power input value obtained at the following rating conditions: 50.0°F db/44.2°F wb outdoor air and 80.0°F entering water temperatures, according to AHRI Standard 1160.''.

(3) THERMAL EFFICIENCY OF GAS-FIRED POOL HEATERS.—Section 321(26) of the Energy Policy and Conservation Act (42 U.S.C. 6291(26)) by inserting ''gas-fired'' before ''pool heaters''.

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

(1) by striking ''(2) The thermal efficiency of pool heaters'' and inserting the following:

''(2) POOL HEATERS.—

''(A) GAS-FIRED POOL HEATERS.—The thermal efficiency of gas-fired pool heaters''; and

(2) by adding at the end the following:

''(B) HEAT PUMP POOL HEATERS.—Heat pump pool heaters manufactured on or after the date of enactment of this subparagraph shall have a minimum coefficient of performance of 4.0.''.

SEC. 4. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.

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

(1) in subparagraph (A), by striking ''(D)'' and inserting ''(E)''; and

(2) by adding at the end the following:

''(E) NONAPPLICATION OF NO-LOAD MODE ENERGY EFFICIENCY STANDARDS TO EXTERNAL POWER SUPPLIES FOR CERTAIN SECURITY OR LIFE SAFETY ALARMS OR SURVEILLANCE SYSTEMS.—

''(i) DEFINITION OF SECURITY OR LIFE SAFETY ALARM OR SURVEILLANCE SYSTEM.—In this subparagraph:

''(I) IN GENERAL.—The term 'security or life safety alarm or surveillance system' means equipment designed and marketed to perform any of the following functions (on a continuous basis):

''(aa) Monitor, detect, record, or provide notification of intrusion or access to real property or physical assets or notification of threats to life safety.

''(bb) Deter or control access to real property or physical assets, or prevent the unauthorized removal of physical assets.

''(cc) Monitor, detect, record, or provide notification of fire, gas, smoke, flooding, or other physical threats to real property, physical assets, or life safety.

''(II) EXCLUSION.—The term 'security or life safety alarm or surveillance system' does not include any product with a principal function other than life safety, security, or surveillance that—

''(aa) is designed and marketed with a built-in alarm or theft-deterrent feature; or

''(bb) does not operate necessarily and continuously in active mode.

''(ii) NONAPPLICATION OF NO-LOAD MODE REQUIREMENTS.—The No-Load Mode energy efficiency standards established by this paragraph shall not apply to an external power supply manufactured before July 1, 2017, that—

''(I) is an AC-to-AC external power supply;

''(II) has a nameplate output of 20 watts or more;

''(III) is certified to the Secretary as being designed to be connected to a security or life safety alarm or surveillance system component; and

''(IV) on establishment within the External Power Supply International Efficiency Marking Protocol, as referenced in the 'Energy Star Program Requirements for Single Voltage External Ac-Dc and Ac-Ac Power Supplies', published by the Environmental Protection Agency, of a distinguishing mark for products described in this clause, is permanently marked with the distinguishing mark.

''(iii) ADMINISTRATION.—In carrying out this subparagraph, the Secretary shall—

''(I) require, with appropriate safeguard for the protection of confidential business information, the submission of unit shipment data on an annual basis; and

''(II) restrict the eligibility of external power supplies for the exemption provided under this subparagraph on a finding that a substantial number of the external power supplies are being marketed to or installed in applications other than security or life safety alarm or surveillance systems.''.

SEC. 5. PROHIBITED ACTS.

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

(1) in paragraphs (1) and (5), by striking ''for any manufacturer or private labeler to distribute'' each place it appears and inserting ''for any manufacturer (or representative of a manufacturer), distributor, retailer, or private labeler to offer for sale or distribute'';

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

(3) in paragraph (7) (as so redesignated), by striking ''for any manufacturer, distributor, retailer, or private labeler to distribute'' and inserting ''for any manufacturer (or representative of a manufacturer), distributor, retailer, or private labeler to offer for sale or distribute''.

SEC. 6. OUTDOOR LIGHTING.

(a) DEFINITIONS.—

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

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

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

''(L) Pole-mounted outdoor luminaires.

''(M) High light output double-ended quartz halogen lamps.

''(N) General purpose mercury vapor lamps.''.

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

(A) by striking ''and'' before ''unfired hot water''; and

(B) by inserting after ''tanks'' the following: '', pole-mounted outdoor luminaires, high light output double-ended quartz halogen lamps, and general purpose mercury vapor lamps''.

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

''(24) AREA LUMINAIRE.—The term 'area luminaire' means a luminaire intended for lighting parking lots and general areas that—

''(A) is designed to mount on a pole using an arm, pendant, or vertical tenon;

''(B) has an opaque top or sides, but may contain a transmissive ornamental element;

''(C) has an optical aperture that is open or enclosed with a flat, sag, or drop lens;

''(D) is mounted in a fixed position with the optical aperture near horizontal, or tilted up; and

''(E) has photometric output measured using Type C photometry per IESNA LM–75–01.

''(25) DECORATIVE POSTTOP LUMINAIRE.—The term 'decorative posttop luminaire' means a luminaire with—

''(A) open or transmissive sides that is designed to be mounted directly over a pole using a vertical tenon or by fitting the luminaire directly into the pole; and

''(B) photometric output measured using Type C photometry per IESNA LM–75–01.

''(26) DUSK-TO-DAWN LUMINAIRE.—The term 'dusk-to-dawn luminaire' means a fluorescent, induction, or high intensity discharge luminaire that—

''(A) is designed to be mounted on a horizontal or horizontally slanted tenon or arm;

''(B) has an optical assembly that is coaxial with the axis of symmetry of the light source;

''(C) has an optical assembly that is—

''(i) a reflector or lamp enclosure that surrounds the light source with an open lower aperture; or

''(ii) a refractive optical assembly surrounding the light source with an open or closed lower aperture;

''(D) contains a receptacle for a photocontrol that enables the operation of the light source and is either coaxial with both the axis of symmetry of the light source and the optical assembly or offset toward the mounting bracket by less than 3 inches, or contains an integral photocontrol; and

''(E) has photometric output measured using Type C photometry per IESNA LM–75–01.

''(27) FLOODLIGHT LUMINAIRE.—The term 'floodlight luminaire' means an outdoor luminaire designed with a yoke, knuckle, or other mechanism allowing the luminaire to be aimed 40 degrees or more with its photometric distributions established with only Type B photometry in accordance with IESNA LM-75, revised 2001.

''(28) GENERAL PURPOSE MERCURY VAPOR LAMP.—The term 'general purpose mercury vapor lamp' means a mercury vapor lamp (as defined in section 321) that—

''(A) has a screw base;

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

''(C) is not a specialty application mercury vapor lamp; and

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

''(29) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALOGEN LAMP.—The term 'high light output double-ended quartz halogen lamp' means a lamp that—

''(A) is designed for general outdoor lighting purposes;

''(B) contains a tungsten filament;

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

''(D) has at each end a recessed single contact, R7s base;

''(E) has a maximum overall length (MOL) between 4 and 11 inches;

''(F) has a nominal diameter less than ¾ inch (T6);

''(G) is designed to be operated at a voltage not less than 110 volts and not greater than 200 volts or is designed to be operated at a voltage between 235 volts and 300 volts;

''(H) is not a tubular quartz infrared heat lamp; and

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

''(30) MEAN RATED LAMP LUMENS.—The term 'mean rated lamp lumens' means the rated lumens at—

''(A) 40 percent of rated lamp life for metal halide, induction, and fluorescent lamps; or

''(B) 50 percent of rated lamp life for high pressure sodium lamps.

''(31) OUTDOOR LUMINAIRE.—The term 'outdoor luminaire' means a luminaire that—

''(A) is intended for outdoor use and suitable for wet locations; and

''(B) may be shipped with or without a lamp.

''(32) POLE-MOUNTED OUTDOOR LUMINAIRE.—

''(A) IN GENERAL.—The term 'pole-mounted outdoor luminaire' means an outdoor luminaire that is designed to be mounted on an outdoor pole and is—

''(i) an area luminaire;

''(ii) a roadway and highmast luminaire;

''(iii) a decorative posttop luminaire; or

''(iv) a dusk-to-dawn luminaire.

''(B) EXCLUSIONS.—The term 'pole-mounted outdoor luminaire' does not include—

''(i) a portable luminaire designed for use at construction sites;

''(ii) a luminaire designed to be used in emergency conditions that—

''(I) incorporates a means of storing energy and a device to switch the stored energy supply to emergency lighting loads automatically on failure of the normal power supply; and

''(II) is listed and labeled as Emergency Lighting Equipment;

''(iii) a decorative gas lighting system;

''(iv) a luminaire designed explicitly for lighting for theatrical purposes, including performance, stage, film production, and video production;

''(v) a luminaire designed as theme elements in theme or amusement parks and that cannot be used in most general lighting applications;

''(vi) a luminaire designed explicitly for hazardous locations meeting the requirements of Underwriters Laboratories Standard 844–2006, 'Luminaires for Use in Hazardous (Classified) Locations';

''(vii) a residential pole-mounted luminaire that is not rated for commercial use utilizing 1 or more lamps meeting the energy conservation standards established under section 325(i) and mounted on a post or pole not taller than 10.5 feet above ground and not rated for a power draw of more than 145 watts;

''(viii) a floodlight luminaire;

''(ix) an outdoor luminaire designed for sports and recreational area use in accordance with IESNA RP-6 and utilizing an 875 watt or greater metal halide lamp;

''(x) a decorative posttop luminaire designed for using high intensity discharge lamps with total lamp wattage of 150 or less, or designed for using other lamp types with total lamp wattage of 50 watts or less;

''(xi) an area luminaire, roadway and highmast luminaire, or dusk-to-dawn luminaire designed for using high intensity discharge lamps or pin-based compact fluorescent lamps with total lamp wattage of 100 or less, or other lamp types with total lamp wattage of 50 watts or less; and

''(xii) an area luminaire, roadway and highmast luminaire, or dusk-to-dawn luminaire with a backlight rating less than 2 and with the maximum of the uplight or glare rating 3 or less.

''(33) ROADWAY AND HIGHMAST LUMINAIRE.—The term 'roadway and highmast luminaire' means a luminaire intended for lighting streets and roadways that—

''(A) is designed to mount on a pole by clamping onto the exterior of a horizontal or horizontally slanted, circular cross-section pipe tenon;

''(B) has opaque tops or sides;

''(C) has an optical aperture that is open or enclosed with a flat, sag or drop lens;

''(D) is mounted in a fixed position with the optical aperture near horizontal, or tilted up; and

''(E) has photometric output measured using Type C photometry per IESNA LM–75–01.

''(34) SPECIALTY APPLICATION MERCURY VAPOR LAMP.—The term 'specialty application mercury vapor lamp' means a mercury vapor lamp (as defined in section 321) that is—

''(A) designed only to operate on a specialty application mercury vapor lamp ballast (as defined in section 321); and

''(B) is marked and marketed for specialty applications only.

''(35) TARGET EFFICACY RATING.—The term 'target efficacy rating' means a measure of luminous efficacy of a luminaire (as defined in NEMA LE–6–2009).

''(36) TUBULAR QUARTZ INFRARED HEAT LAMP.—The term 'tubular quartz infrared heat lamp' means a double-ended quartz halogen lamp that—

''(A) is marked and marketed as an infrared heat lamp; and

''(B) radiates predominately in the infrared radiation range and in which the visible radiation is not of principal interest.''.

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

''(g) POLE-MOUNTED OUTDOOR LUMINAIRES.—

''(1) TARGET EFFICACY RATING, LUMEN MAINTENANCE AND POWER FACTOR REQUIREMENTS.—

''(A) DEFINITION OF MAXIMUM OF UPLIGHT OR GLARE RATING.—In this paragraph, the term 'maximum of uplight or glare rating' means, for any specific outdoor luminaire, the higher of the uplight rating or glare rating of the luminaire.

''(B) REQUIREMENTS.—Each pole-mounted outdoor luminaire manufactured on or after the date that is 3 years after the date of enactment of this subsection shall—

''(i) meet or exceed the target efficacy ratings in the following table when tested at full system input watts:

''Area, Roadway or Highmast luminaires

	Maximum of Uplight or Glare rating		
Backlight Rating	0 or 1	2 or 3	4 or 5
0 or 1	38	38	38
2 or 3	38	38	42
4 or 5	38	42	43

''Decorative Posttop or Dusk-to-Dawn luminaires

	Maximum of Uplight or Glare rating		
Backlight Rating	0 or 1	2 or 3	4 or 5
0 or 1	25	25	25
2 or 3	25	25	28
4 or 5	25	28	28;

''(ii) use lamps that have a minimum of 0.6 lumen maintenance, as determined in accordance with IESNA LM-80 for Solid State Lighting sources or calculated as mean rated lamp lumens divided by initial rated lamp lumens for other light sources; and

''(iii) have a power factor equal to or greater than 0.9 at ballast full power, except in the case of pole-mounted outdoor luminaires designed for using high intensity discharge lamps with a total rated lamp wattage of 150 watts or less, which shall have no power factor requirement.

''(2) CONTROL REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each area luminaire manufactured on or after the date that is 3 years after the date of enactment of this subsection shall be sold—

''(i) with integral controls that shall have the capability of operating the luminaire at full power and a minimum of 1 reduced power level plus off, in which case the power reduction shall be at least 30 percent of the rated lamp power; or

''(ii) with internal electronics and connective wiring or hardware (including wire leads, pigtails, inserts for wires, pin bases, or the equivalent) that—

''(I) collectively enable the area luminaire, if properly connected to an appropriate control system, to operate at full power and a minimum of 1 reduced power level plus off, in which case the reduced power level shall be at least 30 percent lower than the rated lamp power in response to signals sent by controls not integral to the luminaire as sold, that may be connected in the field; and

''(II) have connections from the components that are easily accessible in the luminaire housing and have instructions applicable to appropriate control system connections that are included with the luminaire.

''(B) NONAPPLICATION.—The control requirements of this paragraph shall not apply to—

''(i) pole-mounted outdoor luminaires utilizing probe-start metal halide lamps with rated lamp power greater than 500 watts operating in non-base-up positions; or

''(ii) pole-mounted outdoor luminaires utilizing induction lamps.

''(C) INTEGRAL PHOTOSENSORS.—Each pole-mounted outdoor luminaire sold with an integral photosensor shall use an electronic-type photocell.

''(3) RULEMAKING COMMENCING NOT LATER THAN 60 DAYS AFTER THE DATE OF ENACTMENT.—

''(A) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, the Secretary shall initiate a rulemaking procedure to determine whether the standards in effect for pole-mounted outdoor luminaires should be amended.

''(B) FINAL RULE.—

''(i) PUBLICATION.—The Secretary shall publish a final rule containing the amendments, if any, not later than January 1, 2013, or the date that is 33 months after the date of enactment of this subsection, whichever is later.

''(ii) APPLICATION.—Any amendments shall apply to products manufactured on or after January 1, 2016, or the date that is 3 years after the final rule is published in the Federal Register, whichever is later.

''(C) REVIEW.—

''(i) IN GENERAL.—As part of the rulemaking required under this paragraph, the Secretary shall review and may amend the definitions, exclusions, test procedures, power factor standards, lumen maintenance requirements, labeling requirements, and additional control requirements, including dimming functionality, for all pole-mounted outdoor luminaires.

''(ii) FACTORS.—The review of the Secretary shall include consideration of—

''(I) obstacles to compliance and whether compliance is evaded by substitution of non-regulated luminaires for regulated luminaires or allowing luminaires to comply with the standards established under this part based on use of non-standard lamps, as provided for in section 343(a)(10)(D)(i)(II);

''(II) statistical data relating to pole-mounted outdoor luminaires that—

''(aa) the Secretary shall request not later than 120 days after the date of enactment of this subsection from all identifiable manufacturers of pole-mounted outdoor luminaires, directly from manufacturers of pole-mounted outdoor luminaires or, in the case of members of the National Electrical Manufacturers Association, from the National Electrical Manufacturers Association;

''(bb) is considered necessary for the rulemaking; and

''(cc) shall be made publicly available in a manner that does not reveal manufacturer identity or confidential business information, in a timely manner for discussion at any public proceeding at which comment is solicited from the public in connection with the rulemaking, except that nothing in this subclause restricts the Secretary from seeking additional information during the course of the rulemaking; and

''(III) phased-in effective dates for different types of pole-mounted outdoor luminaires that are submitted to the Secretary in the manner provided for in section 325(p)(4), except that the phased-in effective dates shall not be subject to subparagraphs (A) and (B) of this paragraph.

''(4) RULEMAKING BEFORE FEBRUARY 1, 2015.—

''(A) IN GENERAL.—Not later than February 1, 2015, the Secretary shall initiate a rulemaking procedure to determine whether the standards in effect for pole-mounted outdoor luminaires should be amended.

''(B) FINAL RULE.—

''(i) PUBLICATION.—The Secretary shall publish a final rule containing the amendments, if any, not later than January 1, 2018.

''(ii) APPLICATION.—Any amendments shall apply to products manufactured on or after January 1, 2021.

''(C) REVIEW.—

''(i) IN GENERAL.—As part of the rulemaking required under this paragraph, the Secretary shall review and may amend the definitions, exclusions, test procedures, power factor standards, lumen maintenance requirements, labeling requirements, and additional control requirements, including dimming functionality, for all pole-mounted outdoor luminaires.

''(ii) FACTORS.—The review of the Secretary shall include consideration of—

''(I) obstacles to compliance and whether compliance is evaded by substitution of non-regulated luminaires for regulated luminaires or allowing luminaires to comply with the standards established under this part based on use of nonstandard lamps, as provided for in section 343(a)(10)(D)(i)(II);

''(II) statistical data relating to pole-mounted outdoor luminaires that—

''(aa) the Secretary considers necessary for the rulemaking and requests not later than June 1, 2015, from all identifiable manufacturers of pole-mounted outdoor luminaires, directly from manufacturers of pole-mounted outdoor luminaires and, in the case of members of the National Electrical Manufacturers Association, from the National Electrical Manufacturers Association; and

''(bb) shall be made publicly available in a manner that does not reveal manufacturer identity or confidential business information, in a timely manner for discussion at any public proceeding at which comment is solicited from the public in connection with the rulemaking, except that nothing in this subclause restricts the Secretary from seeking additional information during the course of the rulemaking; and

''(III) phased-in effective dates for different types of pole-mounted outdoor luminaires that are submitted to the Secretary in the manner provided for in section 325(p)(4), except that the phased-in effective dates shall not be subject to subparagraphs (A) and (B) of this paragraph.

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

''(1) 27 LPW for lamps with a minimum rated initial lumen value greater than 6,000 and a maximum initial lumen value of 15,000; and

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

''(i) GENERAL PURPOSE MERCURY VAPOR LAMPS.—A general purpose mercury vapor lamp shall not be manufactured on or after January 1, 2016.''.

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

''(10) POLE-MOUNTED OUTDOOR LUMINAIRES.—

''(A) IN GENERAL.—With respect to pole-mounted outdoor luminaires to which standards are applicable under section 342, the test methods shall be those described in this paragraph.

''(B) PHOTOMETRIC TEST METHODS.—For photometric test methods, the methods shall be those specified in—

''(i) IES LM–10–96—Approved Method for Photometric Testing of Outdoor Fluorescent Luminaires;

''(ii) IES LM–31–95—Photometric Testing of Roadway Luminaires Using Incandescent Filament and High Intensity Discharge Lamps;

''(iii) IES LM–79–08—Electrical and Photometric Measurements of Solid-State Lighting Products;

''(iv) IES LM–80–08—Measuring Lumen Maintenance of LED Light Sources;

''(v) IES LM–40–01—Life testing of Fluorescent Lamps;

''(vi) IES LM–47–01—Life testing of High Intensity Discharge (HID) Lamps;

''(vii) IES LM–49–01—Life testing of Incandescent Filament Lamps;

''(viii) IES LM–60–01—Life testing of Low Pressure Sodium Lamps; and

''(ix) IES LM–65–01—Life testing of Compact Fluorescent Lamps.

''(C) OUTDOOR BACKLIGHT, UPLIGHT, AND GLARE RATINGS.—For determining outdoor backlight, uplight, and glare ratings, the classifications shall be those specified in IES TM–15–07 - Luminaire Classification System for Outdoor Luminaires with Addendum A.

''(D) TARGET EFFICACY RATING.—For determining the target efficacy rating, the procedures shall be those specified in NEMA LE–6–2009 – 'Procedure for Determining Target Efficacy Ratings (TER) for Commercial, Industrial and Residential Luminaires,' and all of the following additional criteria (as applicable):

''(i) The target efficacy rating shall be calculated based on the initial rated lamp lumen and rated watt value equivalent to the lamp with which the luminaire is shipped, or, if not shipped with a lamp, the target efficacy rating shall be calculated based on—

''(I) the applicable standard lamp as established by subparagraph (E); or

''(II) a lamp that has a rated wattage and rated initial lamp lumens that are the same as the maximum lamp watts and minimum lamp lumens labeled on the luminaire, in accordance with section 344(f).

''(ii) If the luminaire is designed to operate at more than 1 nominal input voltage, the ballast input watts used in the target efficacy rating calculation shall be the highest value for any nominal input voltage for which the ballast is designed to operate.

''(iii) If the luminaire is a pole-mounted outdoor luminaire that contains a ballast that is labeled to operate lamps of more than 1 wattage, the luminaire shall—

''(I) meet or exceed the target efficacy rating in the table in section 342(g)(1)(A) calculated in accordance with clause (i) for all lamp wattages that the ballast is labeled to operate;

''(II) be constructed such that the luminaire is only capable of accepting lamp wattages that produce target efficacy ratings that meet or exceed the values in the table in section 342(g)(1)(A) calculated in accordance with clause (i); or

''(III) be rated and prominently labeled for a maximum lamp wattage that results in the luminaire meeting or exceeding the target efficacy rating in the table in section 342(g)(1)(A) when calculated and labeled in accordance with clause (i).

''(iv) If the luminaire is a pole-mounted outdoor luminaire that is constructed such that the luminaire will only accept an ANSI Type-O lamp, the luminaire shall meet or exceed the target efficacy rating in the table in section 342(g)(1)(A) when tested with an ANSI Type-O lamp.

''(v) If the luminaire is a pole-mounted outdoor luminaire that is marketed to use a coated lamp, the luminaire shall meet or exceed the target efficacy rating in the table in section 342(g)(1)(A) when tested with a coated lamp.

''(vi) If the luminaire is a solid state lighting pole-mounted outdoor luminaire, the luminaire shall have its target efficacy rating calculated based on the combination of absolute luminaire lumen values and input wattages that results in the lowest possible target efficacy rating for any light source, including ranges of correlated color temperature and color rendering index values, for which the luminaire is marketed by the luminaire manufacturer.

''(vii) If the luminaire is a high intensity discharge pole-mounted outdoor luminaire using a ballast that has a ballast factor different than 1, the target efficacy rating of the luminaire shall be calculated by using the input watts needed to operate the lamp at full rated power, or by using the actual ballast factor of the ballast.

''(E) TABLE OF STANDARD LAMP TYPES.—

''(i) IN GENERAL.—The National Electrical Manufacturers Association shall develop and publish not later than 1 year after the date of enactment of this paragraph and thereafter maintain and regularly update on a publicly available website a table including standard lamp types by wattage, ANSI code, initial lamp lumen value, lamp orientation, and lamp finish.

''(ii) INITIAL LAMP LUMEN VALUES.—The initial lamp lumen values shall—

''(I) be determined according to a uniform rating method and tested according to accepted industry practice for each lamp that is considered for inclusion in the table; and

''(II) in each case contained in the table, be the lowest known initial lamp lumen value that approximates typical performance in representative general outdoor lighting applications.

''(iii) ACTIONS.—On completion of the table required by this subparagraph and any updates to the table—

''(I) the National Electrical Manufacturers Association shall submit the table and any updates to the Secretary; and

''(II) the Secretary shall—

''(aa) publish the table and any comments that are included with the table in the Federal Register;

''(bb) solicit public comment on the table; and

''(cc) not later than 180 days after date of receipt of the table, after considering the factors described in clause (iv), adopt the table for purposes of this part.

''(iv) REBUTTABLE PRESUMPTION.—

''(I) IN GENERAL.—There shall be a rebuttable presumption that the table and any updates to the table transmitted by the National Electrical Manufacturers Association to the Secretary meets the requirements of this subparagraph, which may be rebutted only if the Secretary finds by clear and substantial evidence that—

''(aa) data have been included that were not the result of having applied applicable industry standards; or

''(bb) lamps have been included in the table that are not representative of general outdoor lighting applications.

''(II) CONFORMING CHANGES.—If subclause (I) applies, the National Electrical Manufacturers Association shall conform the published table of the Association to the table adopted by the Secretary.

''(v) NONTRANSMISSION OF TABLE.—If the National Electrical Manufacturers Association has not submitted the table to the Secretary within 1 year after the date of enactment of this paragraph, the Secretary shall develop, publish, and adopt the table not later than 18 months after the date of enactment of this paragraph and update the table regularly.

''(F) AMENDMENT OF TEST METHODS.—The Secretary may, by rule, adopt new or additional test methods for pole-mounted outdoor luminaires in accordance with this section.''.

(d) LABELING.—Section 344 of the Energy Policy and Conservation Act (42 U.S.C. 6315) is amended—

(1) in subsections (d) and (e), by striking ''(h)'' each place it appears and inserting ''(i)'';

(2) by redesignating subsections (f) through (k) as subsections (g) through (l), respectively; and

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

''(f) LABELING RULES FOR POLE-MOUNTED OUTDOOR LUMINAIRES.—

''(1) IN GENERAL.—Subject to subsection (i), not later than 1 year after the date of enactment of this paragraph, the Secretary shall establish labeling rules under this part for pole-mounted outdoor luminaires manufactured on or after the date on which standards established under section 342(g) take effect.

''(2) RULES.—The rules shall require—

''(A) for pole-mounted outdoor luminaires, that the luminaire, be marked with a capital letter 'P' printed within a circle in a conspicuous location on both the pole-mounted luminaire and its packaging to indicate that the pole-mounted outdoor luminaire conforms to the energy conservation standards established in section 342(g); and

''(B) for pole-mounted outdoor luminaires that do not contain a lamp in the same shipment with the luminaire and are tested with a lamp with a lumen rating exceeding the standard lumen value specified in the table established under section 343(a)(10)(E), that the luminaire—

''(i) be labeled to identify the minimum rated initial lamp lumens and maximum rated lamp watts required to conform to the energy conservation standards established in section 342(g); and

''(ii) bear a statement on the label that states: 'Product violates Federal law when installed with a standard lamp. Use only a lamp that meets the minimum lumens and maximum watts provided on this label.'''.

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

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

(2) by adding at the end the following:

''(i) POLE-MOUNTED OUTDOOR LUMINAIRES AND HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALOGEN LAMPS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), section 327 shall apply to pole-mounted outdoor luminaires and high light output double-ended quartz halogen lamps to the same extent and in the same manner as the section applies under part B.

''(2) STATE ENERGY CONSERVATION STANDARDS.—Any State energy conservation standard that is adopted on or before January 1, 2015, pursuant to a statutory requirement to adopt efficiency standard for reducing outdoor lighting energy use enacted prior to January 31, 2008, shall not be preempted.''.

SEC. 7. ENERGY EFFICIENCY PROVISIONS.

(a) DIRECT FINAL RULE.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended by adding at the end the following:

''(B) TEST PROCEDURES.—The Secretary may, in accordance with the requirements of this subsection, prescribe test procedures for any consumer product classified as a covered product under section 322(b).

''(C) NEW OR AMENDED TEST PROCEDURES.—The Secretary shall direct the National Bureau of Standards to assist in developing new or amended test procedures.

''(D) DIRECT FINAL RULE.—The Secretary may adopt a consensus test procedure in accordance with the direct final rule procedure established under section 325(p)(4).''.

(b) CRITERIA FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Section 325(o) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)) is amended—

(1) in paragraph (2)(B)—

(A) in clause (i)—

(i) in subclause (III), by adding before the semicolon ''and the estimated impact on average energy prices'';

(ii) in subclause (VI), by striking ''; and'' and inserting a semicolon;

(iii) by redesignating subclause (VII) as subclause (VIII); and

(iv) by inserting after subclause (VI) the following:

''(VII) the net energy, environmental, and economic impacts due to smart grid technologies or capabilities in a covered product that enable demand response or response to time-dependent energy pricing, taking into consideration the rate of use of the smart grid technologies or capabilities over the life of the product that is likely to result from the imposition of the standard; and''; and

(B) in clause (iii)—

(i) by striking ''(iii) If the Secretary finds'' and inserting the following:

''(iii) REBUTTABLE PRESUMPTION.—

''(I) IN GENERAL.—Subject to subclause (II), if the Secretary finds'';

(ii) in subclause (I) (as designated by clause (i)), by striking ''three'' and inserting ''4''; and

(iii) by striking the second sentence and inserting the following:

''(II) MULTIPLIER FOR CERTAIN PRODUCTS.—For any product with an average expected useful life of less than 4 years, the rebuttable presumption described in subclause (I) shall be determined using 75 percent of the average expected useful life of the product as a multiplier instead of 4.

''(III) REQUIREMENT FOR REBUTTAL OF PRESUMPTION.—A presumption described in subclause (I) may be rebutted only if the Secretary finds, based on clear and substantial evidence, that—

''(aa) the standard level would cause substantial hardship to the average consumer of the product, or to manufacturers supplying a significant portion of the market for the product, in terms of manufacturing or product cost or loss of product utility or features, the aggregate of which outweighs the benefits of the standard level;

''(bb) the standard and implementing regulations cannot reasonably be designed to avoid or mitigate any hardship described in item (aa) (including through the adoption of regional standards for the products identified in, and consistent with, paragraph (6) or other reasonable means consistent with this part) and the hardship cannot be avoided or mitigated through the procedures described in section 504 of the Department of Energy Organization Act (42 U.S.C. 7194); and

''(cc) the same or a substantially similar hardship with respect to a hardship described in item (aa) would not occur under a standard adopted in the absence of the presumption, but that otherwise meets the requirements of this section.

''(IV) PROHIBITED FACTORS FOR DETERMINATION.—

''(aa) IN GENERAL.—Except as provided in item (bb), a determination by the Secretary that the criteria triggering a presumption described in subclause (I) are not met, or that the criterion for rebutting the presumption are met, shall not be taken into consideration by the Secretary in determining whether a standard is economically justified.

''(bb) EXCEPTION.—Evidence presented regarding the presumption may be considered by the Secretary in making a determination described in item (aa).''; and

(2) by adding at the end the following:

''(7) INCORPORATION OF SMART GRID TECHNOLOGIES.—The Secretary may incorporate smart grid technologies or capabilities into standards under this section, including through—

''(A) standards for covered products that require specific technologies or capabilities;

''(B) standards that provide credit for smart grid technologies or capabilities, to the extent the smart grid technologies or capabilities provide net benefits substantially equivalent to benefits of products that meet the standards without smart grid technologies or capabilities, taking into consideration energy, economic, and environmental impacts (including emissions reductions from electrical generation); and

''(C) multiple performance standards or design requirements to achieve—

''(i) the goals of—

''(I) reducing overall energy use; and

''(II) reducing peak demand; or

''(ii) other smart grid goals.''.

(c) OBTAINMENT OF APPLIANCE INFORMATION FROM MANUFACTURERS.—Section 326 of the Energy Policy and Conservation Act (42 U.S.C. 6296) is amended by striking subsection (d) and inserting the following:

''(d) INFORMATION REQUIREMENTS.—

''(1) IN GENERAL.—For purposes of carrying out this part, the Secretary shall promulgate proposed regulations not later than 1 year after the date of enactment of the National Energy Efficiency Enhancement Act of 2010, and after receiving public comment, final regulations not later than 18 months after the date of enactment of that Act, under this part or other provision of law administered by the Secretary, that shall require each manufacturer of a covered product, on a product specific basis, to submit information or reports to the Secretary—

''(A) in such form as the Secretary may adopt; and

''(B) on—

''(i) an annual basis; or

''(ii) any other regular basis that is not less frequent than once every 3 years.

''(2) FORM AND CONTENT OF REPORTS.—The form and content of each report required by a manufacturer of a covered product under paragraph (1)—

''(A) may vary by product type, as determined by the Secretary; and

''(B) shall include information or data regarding—

''(i) the compliance by the manufacturer with respect to each requirement applicable pursuant to this part;

''(ii) the annual shipments by the manufacturer of each class or category of covered products, subdivided, to the extent practicable, by—

''(I) energy efficiency, energy use, and, if applicable, water use;

''(II) the presence or absence of such efficiency related or energy consuming operational characteristics or components as the Secretary determines to be relevant for the purposes of carrying out this part; and

''(III) the State or regional location of sale for covered products for which the Secretary may adopt regional standards; and

''(iii) such other categories of information that the Secretary determines to be relevant to carry out this part, including such other information that may be necessary—

''(I) to establish and revise—

''(aa) test procedures;

''(bb) labeling rules; and

''(cc) energy conservation standards;

''(II) to ensure compliance with the requirements of this part; and

''(III) to estimate the impacts on consumers and manufacturers of energy conservation standards in effect as of the reporting date.

''(3) REQUIREMENTS OF SECRETARY IN PROMULGATING REGULATIONS.—In promulgating regulations under paragraph (1), the Secretary shall consider—

''(A) existing public sources of information, including nationally recognized certification or verification programs of trade associations; and

''(B)(i) whether some or all of the information described in paragraph (2) is submitted to another Federal agency; and

''(ii) the means by which to minimize any duplication of requests for information by Federal agencies.

''(4) MINIMIZATION OF BURDENS ON MANUFACTURERS.—In carrying out this subsection, the Secretary shall exercise the authority of the Secretary under this subsection in a manner designed to minimize burdens on the manufacturers of covered products.

''(5) REPORTING OF ENERGY INFORMATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), section 11(d) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796(d)) shall apply with respect to information obtained under this subsection to the same extent and in the same manner as section 11(d) of that Act applies with respect to energy information obtained under section 11 of that Act.

''(B) ADMINISTRATION.—Subparagraph (A) shall apply to the extent that subparagraph (A) does not conflict with the duties of the Secretary in carrying out this part.

''(6) COORDINATION WITH STATE AGENCIES.—In adopting reporting requirements under paragraph (1), the Secretary shall, to the extent practicable, coordinate with State agencies that conduct similar data gathering initiatives—

''(A) to ensure the uniformity of the requirements; and

''(B) to mitigate reporting burdens.

''(7) PERIODIC REVISIONS.—In accordance with each procedure and criteria required under paragraph (1), the Secretary may periodically revise the reporting requirements adopted under paragraph (1).''.

(d) WAIVER OF FEDERAL PREEMPTION.—Section 327(d)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6297(d)(1)) is amended—

(1) in subparagraph (B)—

(A) by inserting ''(i)'' before ''Subject to paragraphs''; and

(B) by adding at the end the following:

''(ii) In making a finding under clause (i), the Secretary may not reject a petition for failure of the petitioning State or river basin commission to produce confidential information maintained by any manufacturer or distributor, or group or association of manufacturers or distributors, that the petitioning party has requested and not received.''; and

(2) in the matter following subparagraph (C)(ii), by adding at the end the following: ''Notwithstanding the preceding sentence, the Secretary may approve a waiver petition submitted by a State that does not have an energy plan and forecast if the waiver petition concerns a State regulation adopted pursuant to a notice and comment rulemaking proceeding.''

(e) PERMITTING STATES TO SEEK INJUNCTIVE ENFORCEMENT.—Section 334 of the Energy Policy and Conservation Act (42 U.S.C. 6304) is amended to read as follows:

''SEC. 334. PERMITTING STATES TO SEEK INJUNCTIVE ENFORCEMENT.

''(a) JURISDICTION.—The United States district courts shall have original jurisdiction of a civil action seeking an injunction to restrain—

''(1) any violation of section 332; and

''(2) any person from distributing in commerce any covered product that does not comply with an applicable rule under section 324 or 325.

''(b) AUTHORITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an action under subsection (a) shall be brought by—

''(A) the Commission; or

''(B) the attorney general of a State in the name of the State.

''(2) EXCEPTIONS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), only the Secretary may bring an action under this section to restrain—

''(i) a violation of section 332(a)(3) relating to a requirement prescribed by the Secretary; or

''(ii) a violation of section 332(a)(4) relating to a request by the Secretary under section 326(b)(2).

''(B) OTHER PROHIBITED ACTS.—An action under this section regarding a violation of paragraph (5) or (7) of section 332(a) shall be brought by—

''(i) the Secretary; or

''(ii) the attorney general of a State in the name of the State.

''(c) LIMITATION.—If an action under this section is brought by the attorney general of a State—

''(1) not less than 30 days before the date of commencement of the action, the State shall—

''(A) provide written notice to the Secretary and the Commission; and

''(B) provide the Secretary and the Commission with a copy of the complaint;

''(2) the Secretary and the Commission—

''(A) may intervene in the suit or action;

''(B) upon intervening, shall be heard on all matters arising from the suit or action; and

''(C) may file petitions for appeal;

''(3) no separate action may be brought under this section if, at the time written notice is provided under paragraph (1), the same alleged violation or failure to comply is the subject of a pending action, or a final judicial judgment or decree, by the United States under this Act; and

''(4) the action shall not be construed—

''(A) as to prevent the attorney general of a State, or other authorized officer of the State, from exercising the powers conferred on the attorney general, or other authorized officer of the State, by the laws of the State (including regulations); or

''(B) as to prohibit the attorney general of a State, or other authorized officer of the State, from proceeding in a Federal or State court on the basis of an alleged violation of any civil or criminal statute of the State.

''(d) VENUE; SERVICE OF PROCESS.—

''(1) VENUE.—An action under this section may be brought in the United States district court for—

''(A) the district in which the act, omission, or transaction constituting the applicable violation occurred; or

''(B) the district in which the defendant—

''(i) resides; or

''(ii) transacts business.

''(2) SERVICE OF PROCESS.—In an action under this section, process may be served on a defendant in any district in which the defendant resides or is otherwise located.''.

(f) TREATMENT OF APPLIANCES WITHIN BUILDING CODES.—Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended by adding at the end the following:

''(h) RECOGNITION OF ALTERNATIVE REFRIGERANT USES.—With respect to State or local laws (including regulations) prohibiting, limiting, or restricting the use of alternative refrigerants for specific end uses approved by the Administrator of the Environmental Protection Agency pursuant to the Significant New Alternatives Program under section 612 of the Clean Air Act (42 U.S.C. 7671k) for use in a covered product under section 322(a)(1) considered on or after the date of enactment of this subsection, notice shall be provided to the Administrator before or during any State or local public comment period to provide to the Administrator an opportunity to comment.''.

(g) TECHNICAL AMENDMENT.—Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended by redesignating the second paragraph (6) as paragraph (7).

SECTION BY SECTION SUMMARY OF THE NATIONAL ENERGY EFFICIENCY ENHANCEMENT ACT OF 2010

Sec. 1. Short Title.

Sec. 2. Energy Conservation Standards.

(a) Amends section 321 of EPCA for the definition of ''energy efficiency standard'' to allow DOE to establish more than one performance standard, and adds definitions for ''EER'' and ''HSPF''.

(b) Amends section 323(b) to establish test procedures for EER and HSPF.

(c) Amends section 325(d) to establish regional and increased energy efficiency standards for central air conditioners and heat pumps, and related equipment, to be effective on or after Jan 1, 2015, and sets forth dates for the consideration of future standards.

(d) Amends section 325(d) to establish definitions for Through-the-Wall air conditioning and heat pump systems, and small-duct, high velocity systems, and directs DOE to set standards for these products to be effective on or after June 30, 2016.

(e) Amends section 325(f) to establish definitions and regional standards for non-weatherized gas and oil furnaces to be effective on or after May, 2013; and for weatherized gas furnaces, to be effective on or after January 1, 2015.

(f) Amends section 327(f) to provide that State building codes may provide for products that have efficiencies that exceed applicable Federal standards, within certain limits and if such State code provides for combinations of energy items to meet the code objectives that includes at least one combination that does not exceed Federal products standards.

Sec. 3. Energy Conservation Standards for Heat Pump Pool Heaters.

Amends sections 321 and 325 to provide definitions and establish efficiency standards for heat pump pool heaters.

Sec. 4. Efficiency Standards for Class A external Power Supplies.

Amends section 325(u) to provide a definition for ''security or life safety alarm or surveillance system'' and provides an exemption for certain such products from the ''no load'' portion of the Federal efficiency standards until July 1, 2017.

Sec. 5. Prohibited Acts.

Amends section 332 to clarify that representatives of manufacturers, distributers, and retailers, just as manufacturers and private labelers currently, are prohibited from the sale and distribution of products that do not meet the Federal minimum efficiency standards.

Sec 6. Outdoor Lighting.

Amends sections 340, 342, 343, 344, and 345 to provide definitions, efficiency standards, rulemaking deadlines and effective dates, test methods, labeling and preemption treatment for pole-mounted outdoor lighting products (e.g. street and parking lot light fixtures, bulbs and controls). Also sets standards for double-ended halogen lamps (high wattage incandescent lamps generally used outdoors) and ends the production of standard mercury vapor lamps, effective 2016, completing the transition to higher efficiency lighting sources begun when inefficient mercury vapor fixtures and ballasts were phased out in EPAct 2005.

Sec. 7. Energy Efficiency Provisions.

(a) Direct Final Rule. Amends section 323 to permit DOE to accelerate the prescription of consensus test procedures and to direct the National Bureau of Standards to assist in developing or amending test procedures.

(b) Criteria for Prescribing New or Amended Standards. Amends section 325(o) to: (A) add ''impact on average energy prices'' and ''impacts due to smart grid'' as new criteria for setting efficiency standards, (B) establishes a rebuttable presumption for what DOE determines to be a minimum ''technically feasible and economically justified'' efficiency standard, and (C) authorizes DOE to include smart grid technologies into product standards, listing credits and other options for including these technologies.

(c) Obtainment of Appliance Information from Manufacturers. Amends section 326 to direct DOE to require manufacturers to submit specific product information to DOE such as compliance, annual shipments, and energy use and efficiency, and to coordinate information gathering activities with State agencies.

(d) Waiver of Federal Preemption. Amends section 327(d) to clarify that DOE may not reject a State waiver petition for failure of the State to produce information that is confidentially maintained by any manufacturer or others and from whom the State has requested, but not received, the information.

(e) Permitting States to Seek Injunctive Enforcement. Amends section 334 to authorize and prescribe the procedures by which a State may seek an injunction to restrain certain violations of the DOE efficiency program.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 429—MAKING MINORITY PARTY APPOINTMENTS FOR CERTAIN COMMITTEES FOR THE 111TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 429

Resolved, That the following be the minority membership on the following committees for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Chambliss, Mr. Graham, Mr. Thune, Mr. Wicker, Mr. LeMieux, Mr. Brown, Mr. Burr, Mr. Vitter, and Ms. Collins.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Coburn, Mr. Brown, Mr. McCain, Mr. Voinovich, Mr. Ensign, and Mr. Graham.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Burr, Mr. Isakson, Mr. Wicker, Mr. Johanns, Mr. Brown, and Mr. Graham.

SENATE CONCURRENT RESOLUTION 52—EXPRESSING SUPPORT FOR THE DESIGNATION OF MARCH 20 AS A NATIONAL DAY OF RECOGNITION FOR LONG-TERM CARE PHYSICIANS

Mr. CHAMBLISS submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 52

Whereas a National Day of Recognition for Long-Term Care Physicians is designed to honor and recognize physicians who care for an ever-growing elderly population in different settings, including skilled nursing facilities, assisted living, hospice, continuing care retirement communities, post-acute care, home care, and private offices;

Whereas the average long-term care physician has nearly 20 years of practice experience and dedicates themselves to 1 or 2 facilities with nearly 100 residents and patients;

Whereas the American Medical Directors Association is the professional association of medical directors, attending physicians, and others practicing in the long-term continuum and is dedicated to excellence in patient care and provides education, advocacy, information, and professional development to promote the delivery of quality long-term care medicine; and

Whereas the American Medical Directors Association would like to honor founder and long-term care physician William A. Dodd, M.D., C.M.D., who was born on March 20, 1921: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress expresses support for—

(1) the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians; and

(2) the goals and ideals of a National Day of Recognition for Long-Term Care Physicians.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3346. Mr. LEAHY (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 3347. Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3348. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3349. Mr. DODD submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3350. Ms. STABENOW (for herself, Mr. HATCH, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.