

natural parents, brothers, and sisters of Corina de Chalup Turcinovic shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTHER KARINGE

The SPEAKER pro tempore. The Clerk will call the sixth bill on the calendar.

The Clerk called the bill (H.R. 316) for the relief of Esther Karinge.

There being no objection, the Clerk read the bill as follows:

H.R. 316

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

SECTION 1. PERMANENT RESIDENT STATUS FOR ESTHER KARINGE.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Esther Karinge shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Esther Karinge enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Esther Karinge, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Esther Karinge shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SOPURUCHI CHUKWUEKE

The SPEAKER pro tempore. The Clerk will call the seventh bill on the calendar.

The Clerk called the bill (S. 285) for the relief of Sopuruchi Chukwueke.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that S. 285, Calendar No. 7, be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

AMERICAN ENERGY MANUFACTURING TECHNICAL CORRECTIONS ACT

Mr. WHITFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6582) to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6582

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 "American Energy Manufacturing Technical Corrections Act".

SEC. 2. INNOVATIVE COMPONENT TECHNOLOGIES.

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

(1) in paragraph (1), by striking "paragraphs (2) through (5)" and inserting "paragraphs (2) through (6)"; and

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

"(6) INNOVATIVE COMPONENT TECHNOLOGIES.—Subparagraph (C) of paragraph (1) shall not apply to a walk-in cooler or walk-in freezer component if the component manufacturer has demonstrated to the satisfaction of the Secretary that the component reduces energy consumption at least as much as if such subparagraph were to apply. In support of any demonstration under this paragraph, a manufacturer shall provide to the Secretary all data and technical information necessary to fully evaluate its application."

SEC. 3. UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.

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

"(5) UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) COVERED WATER HEATER.—The term 'covered water heater' means—

"(I) a water heater; and

"(II) a storage water heater, instantaneous water heater, and unfired hot water storage tank (as defined in section 340).

"(ii) FINAL RULE.—The term 'final rule' means the final rule published under this paragraph.

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

"(C) PURPOSE.—The purpose of the final rule shall be to replace with a uniform efficiency descriptor—

"(i) the energy factor descriptor for water heaters established under this subsection; and

"(ii) the thermal efficiency and standby loss descriptors for storage water heaters, instantaneous water heaters, and unfired water storage tanks established under section 342(a)(5).

"(D) EFFECT OF FINAL RULE.—

"(i) IN GENERAL.—Notwithstanding any other provision of this title, effective beginning on the effective date of the final rule, the efficiency standard for covered water heaters shall be denominated according to the efficiency descriptor established by the final rule.

"(ii) EFFECTIVE DATE.—The final rule shall take effect 1 year after the date of publication of the final rule under subparagraph (B).

"(E) CONVERSION FACTOR.—

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

"(ii) APPLICATION.—The conversion factor shall apply to models of covered water heaters affected by the final rule and tested prior to the effective date of the final rule.

"(iii) EFFECT ON EFFICIENCY REQUIREMENTS.—The conversion factor shall not affect the minimum efficiency requirements for covered water heaters otherwise established under this title.

"(iv) USE.—During the period described in clause (v), a manufacturer may apply the conversion factor established by the Secretary to rerate existing models of covered water heaters that are in existence prior to the effective date of the rule described in clause (v)(II) to comply with the new efficiency descriptor.

"(v) PERIOD.—Clause (iv) shall apply during the period—

"(I) beginning on the date of publication of the conversion factor in the Federal Register; and

"(II) ending on the later of 1 year after the date of publication of the conversion factor, or December 31, 2015.

"(F) EXCLUSIONS.—The final rule may exclude a specific category of covered water heaters from the uniform efficiency descriptor established under this paragraph if the Secretary determines that the category of water heaters—

"(i) does not have a residential use and can be clearly described in the final rule; and

"(ii) are effectively rated using the thermal efficiency and standby loss descriptors applied (as of the date of enactment of this paragraph) to the category under section 342(a)(5).

"(G) OPTIONS.—The descriptor set by the final rule may be—

"(i) a revised version of the energy factor descriptor in use as of the date of enactment of this paragraph;

“(ii) the thermal efficiency and standby loss descriptors in use as of that date;

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

“(iv) a hybrid of descriptors; or

“(v) a new approach.

“(H) APPLICATION.—The efficiency descriptor and accompanying test method established under the final rule shall apply, to the maximum extent practicable, to all water heating technologies in use as of the date of enactment of this paragraph and to future water heating technologies.

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

“(J) TESTING OF ALTERNATIVE DESCRIPTORS.—In establishing the final rule, the Secretary shall contract with the National Institute of Standards and Technology, as necessary, to conduct testing and simulation of alternative descriptors identified for consideration.

“(K) EXISTING COVERED WATER HEATERS.—A covered water heater shall be considered to comply with the final rule on and after the effective date of the final rule and with any revised labeling requirements established by the Federal Trade Commission to carry out the final rule if the covered water heater—

“(i) was manufactured prior to the effective date of the final rule; and

“(ii) complied with the efficiency standards and labeling requirements in effect prior to the final rule.”.

SEC. 4. SERVICE OVER THE COUNTER, SELF-CONTAINED, MEDIUM TEMPERATURE COMMERCIAL REFRIGERATORS.

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

(1) in paragraph (1)—

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

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

“(C) The term ‘service over the counter, self-contained, medium temperature commercial refrigerator’ or ‘(SOC-SC-M)’ means a medium temperature commercial refrigerator—

“(i) with a self-contained condensing unit and equipped with sliding or hinged doors in the back intended for use by sales personnel, and with glass or other transparent material in the front for displaying merchandise; and

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

“(D) The term ‘TDA’ means the total display area (ft²) of the refrigerated case, as defined in AHRI Standard 1200.”;

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

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

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

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

“(i) determine whether the standard established under subparagraph (A) should be amended; and

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

“(C) If the Secretary issues a final rule pursuant to subparagraph (B) establishing an amended standard, the final rule shall provide that the amended standard shall apply to products manufactured on or after the date that is—

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

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

SEC. 5. SMALL DUCT HIGH VELOCITY SYSTEMS AND ADMINISTRATIVE CHANGES.

(a) 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)) is amended by adding at the end the following:

“(4) 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) SMALL-DUCT HIGH-VELOCITY SYSTEMS.—

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

“(I) 11.00 for products manufactured on or after January 23, 2006; and

“(II) 12.00 for products manufactured on or after January 1, 2015.

“(ii) HEATING SEASONAL PERFORMANCE FACTOR.—The heating seasonal performance factor for small-duct high-velocity systems shall be not less than—

“(I) 6.8 for products manufactured on or after January 23, 2006; and

“(II) 7.2 for products manufactured on or after January 1, 2015.

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

(b) DUTY TO REVIEW COMMERCIAL EQUIPMENT.—Section 342(a)(6) of the Energy Policy

and Conservation Act (42 U.S.C. 6313(a)(6)) is amended—

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

(2) in subparagraph (C)—

(A) in clause (i)—

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

(ii) by inserting after “the Secretary shall” the following: “conduct an evaluation of each class of covered equipment and shall”; and

(B) by adding at the end the following:

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

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

(1) by redesignating paragraph (3) as paragraph (5); and

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

“(3) NOTICE OF DECISION.—Not later than 180 days after the date of receiving a petition, the Secretary shall publish in the Federal Register a notice of, and explanation for, the decision of the Secretary to grant or deny the petition.

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

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

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

SEC. 6. COORDINATION OF RESEARCH AND DEVELOPMENT OF ENERGY EFFICIENT TECHNOLOGIES FOR INDUSTRY.

(a) IN GENERAL.—As part of the research and development activities of the Industrial Technologies Program of the Department of Energy, the Secretary of Energy (referred to in this section as the “Secretary”) shall establish, as appropriate, collaborative research and development partnerships with other programs within the Office of Energy Efficiency and Renewable Energy (including the Building Technologies Program), the Office of Electricity Delivery and Energy Reliability, and the Office of Science that—

(1) leverage the research and development expertise of those programs to promote early stage energy efficiency technology development;

(2) support the use of innovative manufacturing processes and applied research for development, demonstration, and commercialization of new technologies and processes to improve efficiency (including improvements in efficient use of water), reduce emissions, reduce industrial waste, and improve industrial cost-competitiveness; and

(3) apply the knowledge and expertise of the Industrial Technologies Program to help achieve the program goals of the other programs.

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

SEC. 7. REDUCING BARRIERS TO THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section:

(1) **INDUSTRIAL ENERGY EFFICIENCY.**—The term “industrial energy efficiency” means the energy efficiency derived from commercial technologies and measures to improve energy efficiency or to generate or transmit electric power and heat, including electric motor efficiency improvements, demand response, direct or indirect combined heat and power, and waste heat recovery.

(2) **INDUSTRIAL SECTOR.**—The term “industrial sector” means any subsector of the manufacturing sector (as defined in North American Industry Classification System codes 31-33 (as in effect on the date of enactment of this Act)) establishments of which have, or could have, thermal host facilities with electricity requirements met in whole, or in part, by onsite electricity generation, including direct and indirect combined heat and power or waste recovery.

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

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing—

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

(B) recommendations and guidance developed under paragraph (3).

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

(A) The legal, regulatory, and economic barriers to the deployment of industrial energy efficiency in all electricity markets (including organized wholesale electricity markets, and regulated electricity markets), including, as applicable, the following:

(i) Transmission and distribution interconnection requirements.

(ii) Standby, back-up, and maintenance fees (including demand ratchets).

(iii) Exit fees.

(iv) Life of contract demand ratchets.

(v) Net metering.

(vi) Calculation of avoided cost rates.

(vii) Power purchase agreements.

(viii) Energy market structures.

(ix) Capacity market structures.

(x) Other barriers as may be identified by the Secretary, in coordination with the industrial sector and other stakeholders.

(B) Examples of—

(i) successful State and Federal policies that resulted in greater use of industrial energy efficiency;

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

(iii) cost-effective policies used by foreign countries to foster industrial energy efficiency.

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

(i) estimated energy and emission reductions;

(ii) direct and indirect jobs saved or created;

(iii) direct and indirect capital investment;

(iv) the gross domestic product; and

(v) trade balance impacts.

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

(3) **RECOMMENDATIONS AND GUIDANCE.**—The Secretary, in coordination with the industrial sector and other stakeholders, shall develop policy recommendations regarding the deployment of industrial energy efficiency, including proposed regulatory guidance to

States and relevant Federal agencies to address barriers to deployment.

SEC. 8. BEST PRACTICES FOR ADVANCED METERING.

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

“(3) **PLAN.**—Not later than 180 days after the date on which guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing the manner in which the agency will implement the requirements of paragraph (1), including—

“(A) how the agency will designate personnel primarily responsible for achieving the requirements; and

“(B) a demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices (as those terms are used in paragraph (1)), are not practicable.

“(4) **BEST PRACTICES REPORT.**—

“(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall develop, and issue a report on, best practices for the use of advanced metering of energy use in Federal facilities, buildings, and equipment by Federal agencies.

“(B) **COMPONENTS.**—The report shall include, at a minimum—

“(i) summaries and analysis of the reports by agencies under paragraph (3);

“(ii) recommendations on standard requirements or guidelines for automated energy management systems, including—

“(I) potential common communications standards to allow data sharing and reporting;

“(II) means of facilitating continuous commissioning of buildings and evidence-based maintenance of buildings and building systems; and

“(III) standards for sufficient levels of security and protection against cyber threats to ensure systems cannot be controlled by unauthorized persons; and

“(iii) an analysis of—

“(I) the types of advanced metering and monitoring systems being piloted, tested, or installed in Federal buildings; and

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

SEC. 9. FEDERAL ENERGY MANAGEMENT AND DATA COLLECTION STANDARD.

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

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

(2) in subsection (f)(7), by striking subparagraph (A) and inserting the following:

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

“(i) to certify compliance with the requirements for—

“(I) energy and water evaluations under paragraph (3);

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

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

“(ii) to publish energy and water consumption data on an individual facility basis.”.

SEC. 10. TECHNICAL CORRECTIONS.

(a) **TITLE III OF ENERGY INDEPENDENCE AND SECURITY ACT OF 2007—ENERGY SAVINGS**

THROUGH IMPROVED STANDARDS FOR APPLICATIONS AND LIGHTING.—

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

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

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

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

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

(A) in subparagraph (B)—

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

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

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

(iii) by striking “clause (i)” and inserting “subparagraph (A)(i)”;

(iv) by adding at the end the following:

“(ii) **FACTORS.**—In determining whether a standard is economically justified for the purposes of subparagraph (A)(ii)(II), the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed the burden of the proposed standard by, to the maximum extent practicable, considering—

“(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to the standard;

“(II) the savings in operating costs throughout the estimated average life of the product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the products that are likely to result from the imposition of the standard;

“(III) the total projected quantity of energy savings likely to result directly from the imposition of the standard;

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

“(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

“(VI) the need for national energy conservation; and

“(VII) other factors the Secretary considers relevant.

“(iii) **ADMINISTRATION.**—

“(I) **ENERGY USE AND EFFICIENCY.**—The Secretary may not prescribe any amended standard under this paragraph that increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered product.

“(II) **UNAVAILABILITY.**—

“(aa) **IN GENERAL.**—The Secretary may not prescribe an amended standard under this subparagraph if the Secretary finds (and publishes the finding) that interested persons have established by a preponderance of the evidence that a standard is likely to result in the unavailability in the United States in any product type (or class) of performance characteristics (including reliability, features, sizes, capacities, and volumes) that are substantially the same as those generally available in the United States at the time of the finding of the Secretary.

“(bb) **OTHER TYPES OR CLASSES.**—The failure of some types (or classes) to meet the criterion established under this subclause shall not affect the determination of the

Secretary on whether to prescribe a standard for the other types or classes.”; and

(B) in subparagraph (C)(iv), by striking “An amendment prescribed under this subsection” and inserting “Notwithstanding subparagraph (D), an amendment prescribed under this subparagraph”.

(4) Section 342(a)(6)(B)(iii) of the Energy Policy and Conservation Act (as added by section 306(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1559)) is transferred and redesignated as clause (vi) of section 342(a)(6)(C) of the Energy Policy and Conservation Act (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)).

(5) Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) (as amended by section 312(e) of the Energy Independence and Security Act of 2007 (121 Stat. 1567)) is amended—

(A) by striking “subparagraphs (B) through (G)” each place it appears and inserting “subparagraphs (B), (C), (D), (I), (J), and (K)”;

(B) by striking “part A” each place it appears and inserting “part B”;

(C) in subsection (a)—

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

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

(iii) by adding at the end the following:

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

(D) in subsection (b)(1), by striking “section 325(p)(5)” and inserting “section 325(p)(4)”;

(E) in subsection (h)(3), by striking “section 342(f)(3)” and inserting “section 342(f)(4)”.

(6) Section 321(30)(D)(i)(III) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(D)(i)(III)) (as amended by section 321(a)(1)(A) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended by inserting before the semicolon the following: “or, in the case of a modified spectrum lamp, not less than 232 lumens and not more than 1,950 lumens”.

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

(A) in clause (i)—

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

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

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

(8) Section 325(1)(4)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6295(1)(4)(A)) (as amended by section 321(a)(3)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1581)) is amended by striking “only”.

(9) Section 327(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6297(b)(1)(B)) (as amended by section 321(d)(3) of the Energy Independence and Security Act of 2007 (121 Stat. 1585)) is amended—

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

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

(C) by striking clause (iii).

(10) Section 321(30)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C.

6291(30)(C)(ii)) (as amended by section 322(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1587)) is amended by inserting a period after “40 watts or higher”.

(11) Section 322(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1588) is amended by striking “6995(i)” and inserting “6295(i)”.

(12) Section 325(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1596) is amended by striking “6924(c)” and inserting “6294(c)”.

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

(b) ENERGY POLICY ACT OF 2005.—

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

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

(c) ENERGY POLICY AND CONSERVATION ACT.—

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

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

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

(C) by adding at the end the following:

“(xiii) other motors.”.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 6582, the American Energy Manufacturing Technical Corrections Act, and I want to thank Mr. WAXMAN and his staff for working with us on this legislation. Part of it has been passed in the Senate, and we’ve worked very closely with the Senate staff and Members as well.

This is a small but critical piece of energy legislation that I encourage my colleagues to support:

Section 2 deals with an outdated standard for walk-in coolers that is actually resulting in layoffs and loss of jobs in the State of Alabama;

Section 3 deals with a fix to water heater requirements that will reduce regulatory burdens on manufacturers by transitioning to a single definition for all covered water heaters;

Section 4 fixes a standard that cannot be met from the 2007 energy bill for “service over the counter” refrigerators;

Section 5 deals with small duct high velocity systems;

Sections 6 and 7 seek to improve Federal coordination to help develop and deploy industrial energy efficiency technologies;

Sections 8 and 9 aim to improve Federal energy efficiency, which will ultimately save taxpayers money;

Section 10 makes additional routine technical corrections to the 2007 energy bill.

This bill will reduce regulatory burdens and provide greater certainty for manufacturers, allowing them to stay in business, avoid layoffs, and will also ensure the continued benefits of energy savings and consumer savings because of increased energy efficiency.

H.R. 6582 carries the support of the Air Conditioning, Heating, and Refrigeration Institute, the Industrial Energy Consumers of America, as well as the American Council for an Energy-Efficient Economy, the Alliance to Save Energy, and the National Association of Manufacturers.

This bill shows that we can work together in Congress in a bipartisan manner to tackle important energy issues. To that end, I once again want to thank my colleagues on the other side of the aisle, Mr. WAXMAN and his staff, for working with us to help develop this legislation that we all can support.

I might add that many of us on this side of the aisle feel as though the 2007 energy bill has many provisions that we believe to be challenging for stimulating private growth and creating jobs. I hope my colleagues on the other side of the aisle will continue to work with us on these matters in the future.

As the 112th Congress comes to a close, the passage of this modest but important energy efficiency bill gives me hope that we can work together in the coming years to tackle the many energy challenges facing America. I encourage my colleagues to support passage of H.R. 6582.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,

Washington, DC, December 3, 2012.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce,
Rayburn HOB, Washington, DC.

DEAR CHAIRMAN UPTON: I am writing to you concerning the jurisdictional interest of the Committee on Science, Space, and Technology in H.R. 6582, the American Energy Manufacturing Technical Corrections Act. The suspension text version of H.R. 6582, posted on November 30, 2012 contains multiple provisions from H.R. 4850, the Enabling Energy Saving Innovations Act, as amended and passed by the Senate on September 22, 2012 under unanimous consent, which are outside the original scope of H.R. 4850, as introduced and passed by the House on June 26, 2012.

While the text of H.R. 6582 reflects an agreement reached by the House Energy and Commerce Committee and the Senate Energy and Natural Resources Committee, the text also contains provisions that fall within the Rule X jurisdiction of the Committee on Science, Space, and Technology.

I recognize and appreciate the desire to bring this legislation before the House of Representatives, and accordingly, I will waive further consideration of this bill in Committee, notwithstanding any provisions that fall within the jurisdiction of the Committee on Science, Space, and Technology. This waiver, of course, is conditional on our mutual understanding that agreeing to waive consideration of this bill should not be construed as waiving, reducing, or affecting the jurisdiction of the Committee on Science, Space, and Technology.

Additionally, the Committee on Science, Space, and Technology expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I ask for your commitment to support any request by the Committee for conferees on H.R. 6582, as well as any similar or related legislation.

I ask that a copy of this letter be placed in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

RALPH M. HALL,
*Chairman, Committee on Science,
Space, and Technology.*

HOUSE OF REPRESENTATIVES, COM-
MITTEE ON ENERGY AND COM-
MERCE,

Washington, DC, December 3, 2012.

Hon. RALPH M. HALL,
*Chairman, Committee on Science, Space, and
Technology, Rayburn HOB, Washington,
DC.*

DEAR CHAIRMAN HALL: Thank you for your letter regarding H.R. 6582, the "American Energy Manufacturing Technical Corrections Act," which reflects the agreement reached by the House and the Senate concerning the competing versions of H.R. 4850 passed by each body. As you noted, the version of H.R. 6582 that will be considered on the Floor contains provisions that fall within the Rule X jurisdiction of the Committee on Science, Space, and Technology.

I appreciate your willingness to forgo action on H.R. 6582, and I agree that your decision should not prejudice the Committee on Science, Space, and Technology with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation, for which you will have my support.

I will include a copy of your letter and this response in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

FRED UPTON,
Chairman.

HOUSE OF REPRESENTATIVES, COM-
MITTEE ON TRANSPORTATION AND
INFRASTRUCTURE,

Washington, DC, December 3, 2012.

Hon. FRED UPTON,
*Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I write concerning H.R. 6582, the "American Energy Manufacturing Technical Corrections Act." There are certain provisions in the version of H.R. 6582 that will be considered on the House Floor that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite the House's consideration of H.R. 6582, the Committee will forgo action on this bill. However, this is condi-

tional on our mutual understanding that foregoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in this bill or similar legislation which fall within the Committee's Rule X jurisdiction.

I would appreciate your response to this letter, confirming this understanding, and would request that you include our exchange of letters on this matter in the Congressional Record during consideration of this bill on the House floor.

Sincerely,

JOHN L. MICA,
Chairman.

HOUSE OF REPRESENTATIVES, COM-
MITTEE ON ENERGY AND COM-
MERCE,

Washington, DC, December 3, 2012.

Hon. JOHN L. MICA,
*Chairman, Committee on Transportation and
Infrastructure, Rayburn HOB, Washington,
DC.*

DEAR CHAIRMAN MICA: Thank you for your letter regarding H.R. 6582, the "American Energy Manufacturing Technical Corrections Act," which reflects the agreement reached by the House and the Senate concerning the competing versions of H.R. 4850 passed by each body. As you noted, the version of H.R. 6582 that will be considered on the Floor contains provisions that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

I appreciate your willingness to forgo action on H.R. 6582, and I agree that your decision should not prejudice the Committee on Transportation and Infrastructure with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation, for which you will have my support.

I will include a copy of your letter and this response in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

FRED UPTON,
Chairman.

DECEMBER 4, 2012.

Representative UPTON,
*House of Representatives, Rayburn HOB, Wash-
ington, DC.*

DEAR CHAIRMAN UPTON: On behalf of the American Public Gas Association (APGA), and the American Gas Association (AGA) we would like to convey our concerns regarding H.R. 6582, The American Energy Manufacturing Technical Corrections Act.

APGA is the national association for publicly-owned natural gas distribution systems. There are approximately 1,000 public gas systems in 36 states and approximately 700 of these systems are APGA members. Publicly-owned gas systems are not-for-profit, retail distribution entities owned by, and accountable to, the citizens they serve. They include municipal gas distribution systems, public utility districts, county districts, and other public agencies that have natural gas distribution facilities.

AGA represents more than 200 local energy companies that deliver clean natural gas throughout the United States. There are more than 71 million residential, commercial, and industrial natural gas customers in the U.S., of which 92 percent—more than 65 million customers—receive their gas from AGA members.

First, H.R. 6582 directs the Department of Energy to transition from the current, separate definitions for water heaters, to a uniform energy descriptor for all covered water heaters and to establish testing procedures.

We have concerns about these testing procedures. The American Society of Heating, Refrigerating and Air-Conditioning (ASHRAE) is currently revising its Standard 118.2, Method of Testing for Rating Residential Water Heaters. ASHRAE is an internationally recognized American National Standards Institute (ANSI) accredited standards developer. Standard 118.2 will provide testing changes as well as potential changes to energy descriptors. When drafting the testing procedures, DOE should consider ASHRAE 118.2. In fact, DOE is already engaged in rule-making on test procedures for these products where ASHRAE 118.2 can be referenced for adoption.

Second, we are concerned that this legislation invites additional regulation of residential water heaters by the U. S. Consumer Product Safety Commission and may encourage the unnecessary expansion of that group's Flammable Vapor Ignition Resistant (FVIR) requirements beyond their current scope, which could have a chilling impact on the applications of condensing storage gas water heaters.

Third, we are concerned that the language in this bill that sets minimum efficiency levels for small-duct, high-velocity central systems, lowers existing efficiency standards and preferences the use of electric appliances over equivalent natural gas appliances. The first minimum efficiencies on these products were promulgated in 2004, effective January 23, 2006 and required 7.7 HSPF (heating seasonal performance factor) or higher, whereas this legislation requires only 6.8 HSPF and 7.2 HSPF minimums while comparable natural gas heat pumps are still subject to the higher minimum standard of 7.7 HSPF.

Despite these concerns, we do not oppose the bill. Our objective is to bring these concerns to your attention and to encourage the Department of Energy to work with APGA and AGA in the rulemaking process to ensure that the views of our members are considered.

APGA and AGA appreciate your consideration of our views and look forward to working further with you on this and other natural gas issues.

Sincerely,

BERT KALISCH,
*President & CEO,
American Public Gas Association.*
DAVE MCCURDY,
*President & CEO,
American Gas Association.*

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

The United States and the world are facing an enormous and growing threat: The pollution we are putting into the atmosphere is changing the climate around us. In this last year alone, New York City has been flooded by a superstorm, the Midwest has roasted in record-setting drought, and wildfires have scorched the West. These are not aberrations. They are the early warning signs of what the future will look like.

Today, on one of the very last days of this Congress, we're taking our first step to recognize this looming threat. It's not a big step—in fact, it's a tiny one—but it gives hope that we can work together, and it is a signal that at least we are headed in the right direction.

Energy efficiency is an essential part of any serious effort to address climate change. It is the low-hanging fruit that reduces pollution while saving Americans money and creating jobs. Whether

it's a building code or appliance standard or home retrofit, we should be doing far more in this area. In fact, a recent International Energy Agency analysis found that without new policies, two-thirds of the cost-effective energy efficiency gains that could be made will remain unrealized through 2035.

This bill includes a number of non-controversial technical fixes to appliance energy efficiency standards for water heaters, walk-in freezers, deli counter-style refrigerators, and certain types of air conditioners. The bill includes improvements to the process by which the Department of Energy updates its energy efficiency standards. In addition, there are a few sensible provisions to promote industrial energy efficiency and the efficiency of Federal Government buildings.

This bill will not produce large energy savings, but it's a worthwhile package of consensus improvements. The package is based on provisions that recently passed the Senate by unanimous consent. Both industry and energy efficiency advocates support the bill. This is a bill that has a very good chance of becoming law this month.

But we need to do much, much more. The beginning of a new Congress provides us an opportunity to work together on a bipartisan basis to enact commonsense energy efficiency legislation. Such legislation will save consumers money, boost domestic manufacturing, while cutting pollution, including the carbon pollution that is driving dangerous climate change.

I look forward to starting those discussions with Chairman UPTON and our Energy and Commerce Committee colleagues. There are many good ideas for policies that would reduce waste and save energy, and we should work together to explore those ideas and enact the ones we can agree on.

□ 1240

Today's bill is a first step. I encourage my colleagues to support it, and I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield 4 minutes to the gentleman from Alabama (Mr. ADERHOLT), who wrote a portion of this bill and whose State is at risk of losing jobs because of some technicalities.

Mr. ADERHOLT. I want to thank the gentleman from Kentucky for his time and just take a moment to say how much we appreciate working with him and his staff on this legislation as we've moved forward.

As has been mentioned here, the purpose of this legislation, in many respects, is to make critical technical changes to the 2007 Energy Independence and Security Act, known as EISA, which will both preserve jobs and create new jobs in several related fields of industry.

I want to speak in particular to section 313 of EISA as it relates to the efficiency standards of walk-in coolers

and freezers. The section mandates that cooler and freezer doors must meet a certain R-value as a measurement of their ability to retain temperature and use less energy. The problem here is that R-value is a measurement based primarily on one insulating product in particular—foam—and on how thick that foam actually is. However, requiring a product to meet an R-value prohibits technologies that are just as efficient even though they utilize alternative materials or technologies.

In this case, the technology is even more efficient. Although regulatory statutes many times provide the Department of Energy with a waiver authority, a waiver was not a part of this particular statute. This legislation provides the Department of Energy with the authority to waive the requirement if they determine a product meets or exceeds the desired energy-efficiency goals.

Bureaucratic red tape and Federal regulations can sometimes accidentally keep America's innovators and small businesses from creating jobs. Therefore, the Manufacturing Technical Corrections Act is a commonsense solution which maintains standards and yet corrects a problem which otherwise stifles growth and causes companies to lose jobs. Due to an increase in regulation over the past few years, too many small businesses have had to lay off employees, reduce production, and even shut their doors. This is precisely what happened to an innovative manufacturing company in the district I represent back in Alabama.

The Federal Government's embrace of outdated technology prohibits new and innovative solutions to improve energy efficiency. Without sacrificing the efficiency standards which drove the original bill, my bill here that we're discussing this afternoon merely makes a commonsense update.

Just to be clear, this legislation, H.R. 6582, does not create new standards, but it does make existing standards better for businesses and better for consumers. I can personally attest that this technical corrections bill will directly affect over 100 jobs in the State of Alabama, and potentially many others could be created with this new and innovative technology. The other sections of this bill affect a similar and, in some cases, I'm told, an even greater amount of jobs in other places in the country.

Simply put, this commonsense legislation provides technical corrections which remove barriers to technologies and which untie the hands of companies that manufacture here in the United States of America. This means jobs. And not only by moving this legislation will we be able to create jobs, but we'll be able also to make sure that we continue economic growth in this country.

Therefore, I suggest and urge my colleagues that they support this legislation that's on the floor today.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield 3 minutes to the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. I rise today on behalf of H.R. 6582, the American Energy Manufacturing Act. This is truly a commonsense, bipartisan bill. I've been proud to work on it with my friend and neighbor, Representative JOHN SHIMKUS of Illinois, and also with Congresswoman JUDY BIGGERT, who has been my cochair of the High-Performance Building Caucus. I want to thank Congressman WHITFIELD and Congressman WAXMAN for their leadership on this matter here on the floor today.

And, finally, the gentleman from Alabama (Mr. ADERHOLT) for his leadership in moving this bill forward today and for including legislation that I sponsored in 2010, the Small Duct, High Velocity Energy Efficiency Standards for America Act. Small duct, high velocity systems are a special type of heating, ventilation, and air conditioning systems. It is more energy efficient than traditional units, especially for older and historic homes and buildings with limited space for new duct work.

Even though it's more efficient, the Department of Energy lumped these new systems in with a rulemaking for regular systems in 2002. The Department eventually granted a waiver, basically saying that these new small duct systems could be sold anyway as efficient products. But the legislation before us today will codify that waiver into law so that American manufacturers and consumers can truly benefit from the advantages of these types of products.

Unico is a company that is one of several that manufacture these systems. It is a small business of about 80 employees in my hometown of St. Louis, Missouri. I've toured the Unico plant, and I've met with their employees. I've seen the pride in their work, the craftsmanship that they display. And those products go not just around the U.S., but around the world.

Unico is an American success story. It's a small business created in America, manufacturing products in America, and creating good-paying manufacturing and construction jobs—exactly what this Congress and this country should be all about. And when the actor Brad Pitt, also a Missouri native, and the Make It Right Foundation unveiled plans to build over 100 super-energy-efficient homes in New Orleans, they looked around the world to find low-cost, energy-efficient systems, and they chose Unico, creating more jobs in my hometown. We're proud of that. But it isn't just about jobs, though. It's about becoming more energy efficient as a Nation.

Heating and cooling account for 56 percent of energy use in the typical house, making it the largest energy expense for most families. Air conditioners alone use roughly 5 percent of all electricity nationwide, at a cost of

over \$11 billion to homeowners, releasing nearly 100 million tons of carbon dioxide into the atmosphere.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WAXMAN. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. CARNAHAN. Domestic manufacturing and use of high-energy heating and cooling systems like the ones produced by Unico will reduce energy up to 50 percent, save consumers billions of dollars a year, and create jobs. I urge a "yes" vote on this bill and thank my colleagues for their work today.

Mr. WHITFIELD. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Illinois (Mr. SHIMKUS), who is chairman of the Environment and Economy Subcommittee.

(Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. I also come down in support of H.R. 6582 and want to address the small duct, high velocity system provisions in this bill. But first let me talk about my friend and colleague, RUSS CARNAHAN. The Carnahan name in my neighboring State of Missouri is well known and well respected. RUSS added to that legacy, and I thank him for his service, and I thank him for his friendship.

Mr. Speaker, small duct, high velocity systems are a special type of heating, ventilating, and air conditioning used especially for older homes and buildings that don't have room for duct work. In terms of delivered efficiency, these units are more energy efficient than traditional HVAC units, a fact widely recognized, including by the Department of Energy.

Unfortunately, more than 10 years ago, these small duct units were incorrectly lumped into a rulemaking for regular HVAC units. Subsequent administrations have attempted to correct this error in the past through unrelated rulemaking regarding efficiency standards for different types of units. However, the rulemaking for these unrelated units was challenged and overturned. Because small duct, high velocity units were included, the court's findings applied to them as well.

□ 1250

The result of the court ruling forbids DOE efficiency rulemakings that ratchet down standards already in place, even if those in place were promulgated by mistake, as in the case of these units. Despite this ruling, DOE has recognized small duct high velocity systems as unique and that they should have their own set of efficiency standards. As a result, DOE has given these systems waivers to be sold as efficient products.

Mr. Speaker, the provisions of H.R. 6582 related to small duct high velocity systems are taken from H.R. 1499 that Mr. CARNAHAN and I have been working

on. The language will codify these waivers already in place and set up a regulatory process so sellers of these systems can have relief from this regulatory burden. Furthermore, consumers will have peace of mind that these products are truly energy efficient while meeting their needs and not just operating under a waiver.

I urge my colleagues to support the entire bill, H.R. 6582. And to my friend, Mr. WAXMAN, who is very passionate on climate, he also knows that there are those of us who are just as passionate about jobs and the economy and the fossil fuel economy, and I hope that we can work together in the next Congress.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield 3 minutes to the gentleman from Vermont (Mr. WELCH), who is going to be joining again the Energy and Commerce Committee to my great delight.

Mr. WELCH. I thank the gentleman from California, and I look forward to returning to the committee and working with my colleagues on the other side of the aisle as well.

I'm very pleased to be here supporting this legislation. Energy efficiency makes sense. We have brutal arguments here about climate change, about what is the right fuel source. They're dividing us. But the fact is whether you believe in climate change or not, even under the bill that was passed—not this session, but a session ago—we could have met one-third of our climate reduction, carbon emission goals through efficiency. There is an enormous potential in efficiency to make this economy better, to create local jobs, to save people money. This legislation starts down that road, and it's very good.

I look and see some of my colleagues over there, even my friend from Georgia. I think we accidentally voted the same on one or two pieces of legislation this year—and I'm not quite sure who made the mistake. But our eyes are wide open on this one with efficiency. We know that this is good for Georgia, it's good for Vermont. And it does not matter what your fuel source is—you can be a nuclear person or a clean energy person—using less is good for the pocketbook, it's good for the economy.

I would like to expand on this when we come back next year, find that area where we're in agreement on efficiency and energy and intensify it. When I served on the committee, we did pass HOME STAR. I've partnered this session with Mr. MCKINLEY of West Virginia on a version of that, the HOMES Act, where we would give some incentive to homeowners to retrofit their homes. The evidence is that if you did this in an aggressive way, 95 percent of the materials that are used in retrofitting a home are manufactured in America, so we put those manufacturing jobs back online.

Number two, the folks who do the work are the trade folks, who are real-

ly still reeling from the housing slump. So they've got the skills and they need the work; we put them back to work. Then your bill at home, as a homeowner—whatever your heat source—goes down. This is sensible and we can do it.

It's going to take some decisions on spending. I hope we can get past this notion that every dollar spent is a bad dollar spent. There are times when it makes sense to invest because you get a good return on it, and that's from somebody who does believe that we've got to bring our budget in balance.

So I say to the sponsors of this legislation, our leaders on the committee, and my colleagues on both sides of the aisle, this is a tremendous down-payment on efficiency that will be good for this Congress to work together on and good for this country to get it done.

Mr. WHITFIELD. Mr. Speaker, I might say that we're all looking forward to working with the gentleman from Vermont as he comes back to the Energy and Commerce Committee.

At this time, I'd like to yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND), who wrote a portion of this bill.

Mr. WESTMORELAND. I want to thank the gentleman from Kentucky for yielding me the time. I also want to thank the gentleman from Alabama (Mr. ADERHOLT) for all the hard work that he and his staff and the staff of Energy and Commerce have put into this. I also want to thank the gentleman from California and his staff for working with us to get this small part into this bill.

Mr. Speaker, we are asked a lot of times what part of this job we enjoy the most, and whether you're talking to a school group or a group from one of the civic clubs, sometimes it's hard to come up with an answer. But in this case, this would be one of those cases where we have come together, both sides of the aisle, and actually worked together.

To my friend from Vermont, I will tell you that hopefully those occasions where we vote together will not be as unusual as they have been. But I look forward to voting with him on this issue because this is almost a jobs bill. We heard the gentleman from Alabama and the gentleman from Missouri and others talk about the number of jobs that this is going to save. This is taking into consideration our precious energy and making sure that we get the best efficiency out of it, and at the same time maintaining jobs.

My part of this legislation is section 342(c), which deals with the display cases. In this case, in the State of Georgia and the city of Columbus, it has the potential of saving 1,180 jobs. At this point, with 13 million unemployed in this country and many more underemployed, it's very important for us to come together. I think this is a great example of how we can come together to make sure that we are good stewards of our energy, to make sure

that our products are the best in the world, the most energy efficient, but yet have commonsense regulations that allow us to continue to push these and make these products here in this country.

So again, I want to thank everybody for their support and hard work on this, and especially from those 1,180 people in Georgia that will be able to maintain employment.

Mr. WAXMAN. Mr. Speaker, I continue to reserve my time.

Mr. WHITFIELD. At this time, Mr. Speaker, I would like to yield 3 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN), who is a member of the Energy and Commerce Committee.

Mrs. BLACKBURN. Mr. Speaker, I do rise in strong support of H.R. 6582 today. I am so pleased to stand and to thank Mr. WHITFIELD and Mr. ADERHOLT for the work that they have done on this. Also, I want to thank Mr. WAXMAN for his efforts in this bill.

I also want to commend my colleague, Mr. COOPER, from Tennessee. He and I had authored a piece of legislation, H.R. 482, the Water Heater Rating Improvement Act of 2011, and it is now section 3 of the underlying bill.

Essentially, what this section 3 would do is to fix a regulatory problem related to the test methodology that the DOE uses to calculate the efficiency levels of water heaters, which even the DOE has acknowledged that the way they're doing this is broken and it does need to be fixed.

This legislation will also level the playing field for our domestic water heater manufacturers who are currently at a competitive disadvantage with the foreign manufacturers. Of course we all know our focus is on jobs and the economy and getting our domestic manufacturing back to the pace where it should be for global competition.

□ 1300

Essentially the problem is this: under the current standards, the small and large water heaters are divided into two categories under two separate Federal statutes. These statutes are based on an arbitrary gallon capacity and energy input ratings. The smaller water heaters are covered by the National Appliance Energy Conservation Act and are rated using an Energy Factor, or an EF rating. Now the larger water heaters are within the scope of the Energy Policy Act and are rated using a Thermal Efficiency, or TE rating.

The problem facing American manufacturers is that under the current rules of the road, only the small water heaters are deemed eligible under the ENERGY STAR program. This is nonsensical. It's an outdated measure and disqualifies our large American-made water heaters from being covered by the ENERGY STAR ratings regardless of how advanced or how highly efficient they may be.

The legislation before us today would provide the necessary regulatory and

business certainty that is needed by our manufacturers. This legislation has the potential of adding upwards of 1,000 jobs for domestic water heater manufacturers, many of them in my home State of Tennessee, where there are already 3,000 jobs directly involved in the manufacturing of water heaters.

I thank the chairman again. I thank the gentleman from Alabama (Mr. ADERHOLT), and I also want to commend the gentleman from Tennessee (Mr. COOPER).

Mr. WHITFIELD. Mr. Speaker, at this time, I would like to yield for a period of 3 minutes to Dr. ROE of Tennessee, who is a member of the Education Committee.

Mr. ROE of Tennessee. I thank the chairman for yielding.

Mr. Speaker, I rise today in support of H.R. 6582. This legislation would establish a uniform energy-efficiency descriptor for all water heaters, walk-in freezers, and walk-in coolers. The legislation also improves the testing methods that determine whether or not these products are energy efficient, which will provide certainty for the manufacturers of these products.

The importance in my district, in my hometown, is one of our largest manufacturers there is A.O. Smith, which makes up to 8,000 water heaters a day. This is a real jobs issue in my hometown. These jobs have good retirement plans and health insurance. Their competitors are both in Canada and Mexico. And certainly we need to do anything we can to help support these local manufacturers.

This bill will make it easier for consumers to compare the energy efficiency of products and eliminate confusion that stems from having more than one type of label. The decision to invest in a large-scale appliance of this nature is a big one, and during these tough economic times, consumers deserve information that's easily understood so that they can make well-informed decisions. It's also helpful for manufacturers to have clear guidelines for how products will be judged for energy efficiency. And this is why—just to simplify what's going on to make it easier for our manufacturers.

And let me tell you, I've walked through A.O. Smith's plant. I've been through it. It's absolutely incredible to see a piece of sheet metal, to see our manufacturers take a piece of metal and produce 8,000 water heaters in a single day for consumption in the United States. I have one in my home. That's what I use. And I proudly have one in my apartment here in Washington, D.C.

I would encourage support of this measure.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time on my side of the aisle to support this legislation. I know that almost all Democrats that I have talked to think it's a good bill. I have urged the others to join with them in supporting it. I think it's a worthwhile piece of legislation. It's a

small step, but it's a step in the right direction. And it will clarify some issues that still need to be clarified. So let's get this done.

And in pursuit of that objective, I yield back the balance of my time.

Mr. WHITFIELD. I also want to urge everyone to support H.R. 6582, a small, modest, energy-efficiency bill that will save some jobs.

I certainly want to thank the Members of the Senate, the Senate staff, the gentleman from California (Mr. WAXMAN) and his committee staff, and certainly the Energy and Power staff here on the House side for being involved in these negotiations and working this out.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to extend my support for the American Energy Manufacturing Technical Corrections Act.

The bill would lessen the regulatory burden on deli-style display cases (like the ones in grocery stores) by placing Service-Over-the-Counter (SOTC) refrigerator units into a separate product classification.

Currently, SOTC refrigerator units must meet the efficiency standards designed for commercial refrigerators otherwise called "reach-ins." These SOTC units are designed for maximum product visibility and presentation. They require more glass and lighting than conventional reach-ins. Their inherent design makes it impossible to reach the minimum efficiency standards established in the Energy Policy Act of 2005.

There are a number of companies that would be affected by this regulation, totaling about 8,500 jobs across the country. One of those five companies is Lennox, employs approximately 1,700 people in the State of Georgia. Kysor/Warren became a subsidiary of Lennox International in 2011, and the company has been a leading manufacturer of refrigerated systems and display cases for supermarkets throughout North America. By creating a separate product class for service-over-the-counter products, we can help save jobs in many communities.

Mr. Speaker, I ask my colleagues to join me in support of this important legislation to protect American jobs in our communities.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and pass the bill, H.R. 6582, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WHITFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 1:45 p.m. today.