to which a rule under section 6294 of this title applies; and

(B) it shall be unlawful for any manufacturer or private labeler to distribute in commerce any new product for which an energy conservation standard is prescribed under subsection (a)(2) or (b)(2) which is not in conformity with the applicable energy conservation standard.

(2) For purposes of section 6303(a) of this title, paragraph (1) of this subsection shall be considered to be a part of section 6302 of this title.

(Pub. L. 94–163, title III, § 346, as added Pub. L. 95–619, title IV, § 441(a), Nov. 9, 1978, 92 Stat. 3272; amended Pub. L. 102–486, title I, § 124(a), Oct. 24, 1992, 106 Stat. 2832.)

**Editorial Notes**

AMENDMENTS

1992—Pub. L. 102–486 amended section generally, substituting provisions requiring energy conservation standards for high-intensity discharge lamps, distribution transformers, and small electric motors, for provisions authorizing appropriations for fiscal years 1978 and 1979.

**Statutory Notes and Related Subsidiaries**

ENERGY EFFICIENT TRANSFORMER REBATE PROGRAM

Pub. L. 116–260, div. Z, title I, § 1006, Dec. 27, 2020, 134 Stat. 2432, provided that:

''(a) DEFINITIONS.—In this section:

''(1) QUALIFIED ENERGY EFFICIENT TRANSFORMER.—The term 'qualified energy efficient transformer' means a transformer that meets or exceeds the applicable energy conservation standards described in the tables in subsection (b)(2) and paragraphs (1) and (2) of subsection (c) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act [Dec. 27, 2020]).

''(2) QUALIFIED ENERGY INEFFICIENT TRANSFORMER.—The term 'qualified energy inefficient transformer' means a transformer with an equal number of phases and capacity to a transformer described in any of the tables in subsection (b)(2) and paragraphs (1) and (2) of subsection (c) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act) that—

''(A) does not meet or exceed the applicable energy conservation standards described in paragraph (1); and

''(B)(i) was manufactured between January 1, 1987, and December 31, 2008, for a transformer with an equal number of phases and capacity as a transformer described in the table in subsection (b)(2) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act); or

''(ii) was manufactured between January 1, 1992, and December 31, 2011, for a transformer with an equal number of phases and capacity as a transformer described in the table in paragraph (1) or (2) of subsection (c) of that section (as in effect on the date of enactment of this Act).

''(3) QUALIFIED ENTITY.—The term 'qualified entity' means an owner of industrial or manufacturing facilities, commercial buildings, or multifamily residential buildings, a utility, or an energy service company that fulfills the requirements of subsection (c).

''(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy (in this section referred to as the 'Secretary') shall establish a program to provide rebates to qualified entities for expenditures made by the qualified entity for the replacement of a qualified energy inefficient transformer with a qualified energy efficient transformer.

''(c) REQUIREMENTS.—To be eligible to receive a rebate under this section, an entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including demonstrated evidence—

''(1) that the entity purchased a qualified energy efficient transformer;

''(2) of the core loss value of the qualified energy efficient transformer;

''(3) of the age of the qualified energy inefficient transformer being replaced;

''(4) of the core loss value of the qualified energy inefficient transformer being replaced—

''(A) as measured by a qualified professional or verified by the equipment manufacturer, as applicable; or

''(B) for transformers described in subsection (a)(2)(B)(i), as selected from a table of default values as determined by the Secretary in consultation with applicable industry; and

''(5) that the qualified energy inefficient transformer has been permanently decommissioned and scrapped.

''(d) AUTHORIZED AMOUNT OF REBATE.—The amount of a rebate provided under this section shall be—

''(1) for a 3-phase or single-phase transformer with a capacity of not less than 10 and not greater than 2,500 kilovolt-amperes, twice the amount equal to the difference in Watts between the core loss value (as measured in accordance with paragraphs (2) and (4) of subsection (c)) of—

''(A) the qualified energy inefficient transformer; and

''(B) the qualified energy efficient transformer; or

''(2) for a transformer described in subsection (a)(2)(B)(i), the amount determined using a table of default rebate values by rated transformer output, as measured in kilovolt-amperes, as determined by the Secretary in consultation with applicable industry.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2022 and 2023.

''(f) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates on December 31, 2023.''

STUDY OF UTILITY DISTRIBUTION TRANSFORMERS; REPORT TO CONGRESS

Pub. L. 102–486, title I, § 124(c), Oct. 24, 1992, 106 Stat. 2833, directed the Secretary to evaluate the practicability, cost-effectiveness, and potential energy savings of replacing or upgrading utility distribution transformers during routine maintenance and, not later than 18 months after Oct. 24, 1992, report the findings of the evaluation to Congress with recommendations.

## PART B—STATE ENERGY CONSERVATION PLANS

**Editorial Notes**

CODIFICATION

This part, originally designated part C and subsequently redesignated part D by Pub. L. 95–619, title IV, § 441(a), Nov. 9, 1978, 92 Stat. 3267, was changed to part B for purposes of codification.

### § 6321. Findings; purpose; definitions

### (a) Findings

Congress finds that—

(1) the development and implementation by States of laws, policies, programs, and procedures to conserve and to improve efficiency in the use of energy will have an immediate and substantial effect in reducing the rate of growth of energy demand and in minimizing

the adverse social, economic, political, and environmental impacts of increasing energy consumption;

(2) the development and implementation of energy conservation programs by States will most efficiently and effectively minimize any adverse economic or employment impacts of changing patterns of energy use and meet local economic, climatic, geographic, and other unique conditions and requirements of each State; and

(3) the Federal Government has a responsibility to foster and promote comprehensive energy conservation programs and practices by establishing guidelines for such programs and providing overall coordination, technical assistance, and financial support for specific State initiatives in energy conservation.

**(b) Purpose**

It is the purpose of this part to promote the conservation of energy and reduce the rate of growth of energy demand by authorizing the Secretary to establish procedures and guidelines for the development and implementation of specific State energy conservation programs and to provide Federal financial and technical assistance to States in support of such programs.

**(c) Definitions**

In this part:

**(1) Appliance**

The term ''appliance'' means any article, such as a room air-conditioner, refrigerator-freezer, or dishwasher, which the Secretary classifies as an appliance for purposes of this part.

**(2) Building**

The term ''building'' means any structure which includes provision for a heating or cooling system, or both, or for a hot water system.

**(3) Energy audit**

The term ''energy audit'' means any process which identifies and specifies the energy and cost savings which are likely to be realized through the purchase and installation of particular energy conservation measures or renewable-resource energy measures and which—

(A) is carried out in accordance with rules of the Secretary; and

(B) imposes—

(i) no direct costs, with respect to individuals who are occupants of dwelling units in any State having a supplemental State energy conservation plan; and

(ii) only reasonable costs, as determined by the Secretary, with respect to any person not described in clause (i).

Rules referred to in subparagraph (A) may include minimum qualifications for, and provisions with respect to conflicts of interest of, persons carrying out such energy audits.

**(4) Energy conservation measure**

The term ''energy conservation measure'' means a measure which modifies any building, building system, energy consuming device associated with the building, or industrial plant, the construction of which has been completed prior to May 1, 1989, if such measure has been determined by means of an energy audit or by the Secretary, by rule under section 6325(e)(1) of this title, to be likely to maintain or improve the efficiency of energy use and to reduce energy costs (as calculated on the basis of energy costs reasonably projected over time, as determined by the Secretary) in an amount sufficient to enable a person to recover the total cost of purchasing and installing such measure (without regard to any tax benefit or Federal financial assistance applicable thereto) within the period of—

(A) the useful life of the modification involved, as determined by the Secretary, or

(B) 15 years after the purchase and installation of such measure,

whichever is less. Such term does not include (i) the purchase or installation of any appliance, (ii) any conversion from one fuel or source of energy to another which is of a type which the Secretary, by rule, determines is ineligible on the basis that such type of conversion is inconsistent with national policy with respect to energy conservation or reduction of imports of fuels, or (iii) any measure, or type of measure, which the Secretary determines does not have as its primary purpose an improvement in efficiency of energy use.

**(5) Industrial plant**

The term ''industrial plant'' means any fixed equipment or facility which is used in connection with, or as part of, any process or system for industrial production or output.

**(6) Public building**

The term ''public building'' means any building which is open to the public during normal business hours.

**(7) Renewable-resource energy measure**

The term ''renewable-resource energy measure'' means a measure which modifies any building or industrial plant, the construction of which has been completed prior to August 14, 1976, if such measure has been determined by means of an energy audit or by the Secretary, by rule under section 6325(e)(1) of this title, to—

(A) involve changing, in whole or in part, the fuel or source of the energy used to meet the requirements of such building or plant from a depletable source of energy to a nondepletable source of energy; and

(B) be likely to reduce energy costs (as calculated on the basis of energy costs reasonably projected over time, as determined by the Secretary) in an amount sufficient to enable a person to recover the total cost of purchasing and installing such measure (without regard to any tax benefit or Federal financial assistance applicable thereto) within the period of—

(i) the useful life of the modification involved, as determined by the Secretary, or

(ii) 25 years after the purchase and installation of such measure,

whichever is less.

Such term does not include the purchase or installation of any appliance.

**(8) Transportation controls**

The term ''transportation controls'' means any plan, procedure, method, or arrangement, or any system of incentives, disincentives, restrictions, and requirements, which is designed to reduce the amount of energy consumed in transportation, except that the term does not include rationing of gasoline or diesel fuel.

(Pub. L. 94–163, title III, § 361, Dec. 22, 1975, 89 Stat. 932; Pub. L. 95–619, title VI, § 691(b)(2), Nov. 9, 1978, 92 Stat. 3288; Pub. L. 117–58, div. D, title I, § 40108(a)(1), (3), Nov. 15, 2021, 135 Stat. 941, 942.)

**Editorial Notes**

CODIFICATION

Pars. (1) to (8) of section 6326 of this title, which were transferred to subsec. (c) of this section by Pub. L. 117–58, div. D, title I, § 40108(a)(3), Nov. 15, 2021, 135 Stat. 942, were based on Pub. L. 94–163, title III, § 366, Dec. 22, 1975, 89 Stat. 935; Pub. L. 94–385, title IV, § 431, Aug. 14, 1976, 90 Stat. 1158; Pub. L. 95–619, title VI, § 691(b)(2), Nov. 9, 1978, 92 Stat. 3288; Pub. L. 101–440, § 2(b), Oct. 18, 1990, 104 Stat. 1006; Pub. L. 117–58, div. D, title I, § 40108(a)(2), Nov. 15, 2021, 135 Stat. 941.

AMENDMENTS

2021—Pub. L. 117–58, § 40108(a)(1)(A), substituted ''Findings; purpose; definitions'' for ''Congressional findings and declaration of purpose'' in section catchline and, in subsec. (a), inserted heading and substituted ''Congress'' for ''The Congress'' in introductory provisions.

Subsec. (b). Pub. L. 117–58, § 40108(a)(1)(B), inserted heading.

Subsec. (c). Pub. L. 117–58, § 40108(a)(1)(C), added subsec. (c).

Subsec. (c)(1) to (8). Pub. L. 117–58, § 40108(a)(3), transferred pars. (1) to (8) of section 6326 of this title to subsec. (c) of this section. See Codification note above.

1978—Subsec. (b). Pub. L. 95–619 substituted ''Secretary'' for ''Administrator'', meaning Administrator of the Federal Energy Administration.

**Statutory Notes and Related Subsidiaries**

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of this title.

REPORT ON COORDINATION OF ENERGY CONSERVATION PROGRAMS

Pub. L. 95–619, title VI, § 623, Nov. 9, 1978, 92 Stat. 3283, provided that not later than 6 months after Nov. 9, 1978, the Secretary of Energy submit a report on the coordination of Federal energy conservation programs involving State and local government.

## § 6322. State energy conservation plans

**(a) Feasibility reports**

The Secretary shall, by rule, within 60 days after December 22, 1975, prescribe guidelines for the preparation of a State energy conservation feasibility report. The Secretary shall invite the Governor of each State to submit, within 3 months after the effective date of such guidelines, such a report. Such report shall include—

(1) an assessment of the feasibility of establishing a State energy conservation goal, which goal shall consist of a reduction, as a result of the implementation of the State energy conservation plan described in this section, of 5 percent or more in the total amount of energy consumed in such State in the year 1980 from the projected energy consumption for such State in the year 1980, and

(2) a proposal by such State for the development of a State energy conservation plan to achieve such goal.

**(b) Guidelines**

The Secretary shall, by rule, within 6 months after December 22, 1975, prescribe guidelines with respect to measures required to be included in, and guidelines for the development, modification, and funding of, State energy conservation plans. The Secretary shall invite the Governor of each State to submit, within 5 months after the effective date of such guidelines, a report. Such report shall include—

(1) a proposed State energy conservation plan designed to result in scheduled progress toward, and achievement of, the State energy conservation goal of such State; and

(2) a detailed description of the requirements, including the estimated cost of implementation and the estimated energy savings, associated with each functional category of energy conservation included in the State energy conservation plan.

**(c) Mandatory features of plans**

Each proposed State energy conservation plan to be eligible for Federal assistance under this part shall include—

(1) mandatory lighting efficiency standards for public buildings (except public buildings owned or leased by the United States);

(2) programs to promote the availability and use of carpools, vanpools, and public transportation (except that no Federal funds provided under this part shall be used for subsidizing fares for public transportation);

(3) mandatory standards and policies relating to energy efficiency to govern the procurement practices of such State and its political subdivisions;

(4) mandatory thermal efficiency standards and insulation requirements for new and renovated buildings (except buildings owned or leased by the United States);

(5) a traffic law or regulation which, to the maximum extent practicable consistent with safety, permits the operator of a motor vehicle to turn such vehicle right at a red stop light after stopping and to turn such vehicle left from a one-way street onto a one-way street at a red light after stopping;

(6) procedures for ensuring effective coordination among various local, State, and Federal energy conservation programs within the State, including any program administered within the Office of Technical and Financial Assistance of the Department of Energy and the Low Income Home Energy Assistance Program administered by the Department of Health and Human Services; and

(7) the mandatory conduct of activities to support transmission and distribution planning, including—

(A) support for local governments and Indian Tribes;