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1 TITLE I—ENERGY EFFICIENCY**2 Subtitle A—Federal Programs****3 SEC. 101. ENERGY AND WATER SAVING MEASURES IN CON-****4 GRESSIONAL BUILDINGS.**

5 (a) IN GENERAL.—Part 3 of title V of the National
6 Energy Conservation Policy Act (42 U.S.C. 8251 et seq.)
7 is amended—

1 (1) by redesignating section 551 (42 U.S.C.
2 8259) as section 553; and

3 (2) by inserting after section 550 (42 U.S.C.
4 8258b) the following:

5 **“SEC. 551. ENERGY AND WATER SAVINGS MEASURES IN**
6 **CONGRESSIONAL BUILDINGS.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) CONGRESSIONAL BUILDING.—The term
9 ‘congressional building’ means a facility adminis-
10 tered by Congress.

11 “(2) PLAN.—The term ‘plan’ means an energy
12 conservation and management plan developed under
13 subsection (b)(1).

14 “(b) PLAN.—

15 “(1) IN GENERAL.—The Architect of the Cap-
16 itol shall develop, update, and implement a cost-ef-
17 fective energy conservation and management plan
18 for congressional buildings to meet the energy per-
19 formance requirements for Federal buildings estab-
20 lished under section 543(a)(1).

21 “(2) REQUIREMENTS.—The plan shall
22 include—

23 “(A) a description of the life-cycle cost
24 analysis used to determine the cost-effectiveness
25 of proposed energy efficiency projects;

1 “(B) a schedule that ensures that complete
2 energy surveys of all congressional buildings are
3 conducted every 5 years to determine the cost
4 and payback period of energy and water con-
5 servation measures;

6 “(C) a strategy for installation of life-cycle
7 cost-effective energy and water conservation
8 measures;

9 “(D) the results of a study of the costs
10 and benefits of installation of submetering in
11 congressional buildings; and

12 “(E) information packages and ‘how-to’
13 guides for each Member and employing author-
14 ity of Congress that describe simple and cost-
15 effective methods to save energy and taxpayer
16 dollars in congressional buildings.

17 “(3) SUBMISSION TO CONGRESS.—Not later
18 than 180 days after the date of enactment of the
19 Energy Policy Act of 2005, the Architect of the Cap-
20 itol shall submit to Congress the plan developed
21 under paragraph (1).

22 “(c) ANNUAL REPORT.—

23 “(1) IN GENERAL.—The Architect of the Cap-
24 itol shall annually submit to Congress a report on
25 congressional energy management and conservation

1 programs carried out for congressional buildings
2 under this section.

3 “(2) REQUIREMENTS.—A report submitted
4 under paragraph (1) shall describe in detail—

5 “(A) energy expenditures and savings esti-
6 mates for each congressional building;

7 “(B) any energy management and con-
8 servation projects for congressional buildings;
9 and

10 “(C) future priorities to ensure compliance
11 with this section.”.

12 (b) CONFORMING AMENDMENT.—The table of con-
13 tents of the National Energy Conservation Policy Act is
14 amended—

15 (1) by redesignating the item relating to section
16 551 as section 553; and

17 (2) by inserting after the item relating to sec-
18 tion 550 the following:

“Sec. 551. Energy and water savings measures in congressional buildings.”.

19 (c) REPEAL.—Section 310 of the Legislative Branch
20 Appropriations Act, 1999 (2 U.S.C. 1815), is repealed.

21 (d) ENERGY INFRASTRUCTURE.—

22 (1) IN GENERAL.—The Architect of the Capitol,
23 building on the Master Plan Study for the Capitol
24 complex completed in July 2000, shall commission a
25 study to evaluate the energy infrastructure of the

1 Capitol complex to determine how to augment the
2 infrastructure to become more energy efficient—

3 (A) by using unconventional and renewable
4 energy resources; and

5 (B) in a manner that would enable the
6 Capitol complex to have reliable utility service
7 in the event of power fluctuations, shortages, or
8 outages.

9 (2) AUTHORIZATION OF APPROPRIATIONS.—

10 There is authorized to be appropriated to the Archi-
11 tect of the Capitol to carry out this section
12 \$2,000,000 for each of fiscal years 2006 through
13 2010.

14 **SEC. 102. ENERGY MANAGEMENT REQUIREMENTS.**

15 (a) ENERGY REDUCTION GOALS.—Section 543(a) of
16 the National Energy Conservation Policy Act (42 U.S.C.
17 8253(a)) is amended—

18 (1) in paragraph (1), by striking “Subject to”
19 and all that follows and inserting “(A) Subject to
20 paragraph (2), each agency shall apply energy con-
21 servation measures to, and shall improve the design
22 for the construction of, the Federal buildings of the
23 agency (including each industrial or laboratory facil-
24 ity) so that the energy consumption for each gross
25 square foot of the Federal buildings of the agency

1 for fiscal years 2006 through 2015 is reduced, as
2 compared with the energy consumption for each
3 gross square foot of the Federal buildings of the
4 agency for fiscal year 2001, by the percentage speci-
5 fied in the following table:

“Fiscal Year	Percentage reduction
2006	2
2007	4
2008	6
2009	8
2010	10
2011	12
2012	14
2013	16
2014	18
2015	20.

6 “(B) The energy reduction goals and baseline estab-
7 lished in subparagraph (A) supersede—

8 “(i) all goals and baselines under this para-
9 graph in effect on the day before the date of enact-
10 ment of this subparagraph; and

11 “(ii) any related reporting requirements.”; and

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

13 “(3) Not later than December 31, 2013, the Sec-
14 retary shall—

15 “(A) review the results of the implementation of
16 the energy performance requirement established
17 under paragraph (1); and

18 “(B) submit to Congress recommendations con-
19 cerning energy performance requirements for each of
20 fiscal years 2015 through 2024.”.

1 (b) EXCLUSIONS; REVIEW BY SECRETARY; CRI-
2 TERIA.—Section 543(c) of the National Energy Conserva-
3 tion Policy Act (42 U.S.C. 8253(c)) is amended—

4 (1) in paragraph (1), by striking “An agency
5 may exclude” and all that follows and inserting “(A)
6 An agency may exclude, from the energy perform-
7 ance requirement for a fiscal year established under
8 subsection (a) and the energy management require-
9 ment established under subsection (b), any Federal
10 building or collection of Federal buildings, if the
11 head of the agency finds that—

12 “(i) compliance with those requirements would
13 be impracticable;

14 “(ii) the agency has completed and submitted
15 all federally required energy management reports;

16 “(iii) the agency has achieved compliance with
17 the energy efficiency requirements of this Act, the
18 Energy Policy Act of 1992 (42 U.S.C. 13201 et
19 seq.), Executive orders, and other Federal law; and

20 “(iv) the agency has implemented all prac-
21 ticable, life-cycle cost-effective projects with respect
22 to the Federal building or collection of Federal
23 buildings to be excluded.

24 “(B) A finding of impracticability under subpara-
25 graph (A)(i) shall be based on—

1 “(i) the energy intensiveness of activities car-
2 ried out in the Federal building or collection of Fed-
3 eral buildings; or

4 “(ii) the fact that the Federal building or col-
5 lection of Federal buildings is used in the perform-
6 ance of a national security function.”;

7 (2) in paragraph (2)—

8 (A) in the second sentence—

9 (i) by striking “impracticability stand-
10 ards” and inserting “standards for exclu-
11 sion”; and

12 (ii) by striking “a finding of imprac-
13 ticability” and inserting “the exclusion”;
14 and

15 (B) in the third sentence, by striking “en-
16 ergy consumption requirements” and inserting
17 “requirements of subsections (a) and (b)(1)”;
18 and

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

20 “(3) Not later than 180 days after the date of enact-
21 ment of this paragraph, the Secretary shall issue guide-
22 lines that establish criteria for exclusions under paragraph
23 (1).”.

1 (c) RETENTION OF ENERGY AND WATER SAVINGS.—
2 Section 546 of the National Energy Conservation Policy
3 Act (42 U.S.C. 8256) is amended—

4 (1) in subsection (d)(2)(G), by inserting “of the
5 Energy Policy Act of 1992 (42 U.S.C. 8262e)” after
6 “159”; and

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

8 “(e) RETENTION OF ENERGY AND WATER SAV-
9 INGS.—(1) An agency may retain any funds appropriated
10 to the agency for energy expenditures, water expenditures,
11 or wastewater treatment expenditures, at buildings subject
12 to the requirements of subsections (a) and (b) of section
13 543, that are not expended because of energy savings or
14 water savings.

15 “(2) Except as otherwise provided by law, funds de-
16 scribed in paragraph (1) may be used by an agency only
17 for energy efficiency, water conservation, or unconven-
18 tional and renewable energy resources projects.”.

19 (d) REPORTS.—Section 548(b) of the National En-
20 ergy Conservation Policy Act (42 U.S.C. 8258(b)) is
21 amended—

22 (1) in the subsection heading, by inserting
23 “THE PRESIDENT AND” before “CONGRESS”; and

24 (2) by inserting “President and” before “Con-
25 gress”.

1 (e) CONFORMING AMENDMENT.—Section 550(d) of
2 the National Energy Conservation Policy Act (42 U.S.C.
3 8258b(d)) is amended in the second sentence by striking
4 “the 20 percent reduction goal established under section
5 543(a) of the National Energy Conservation Policy Act
6 (42 U.S.C. 8253(a)).” and inserting “each of the energy
7 reduction goals established under section 543(a).”.

8 **SEC. 103. ENERGY USE MEASUREMENT AND ACCOUNT-**
9 **ABILITY.**

10 Section 543 of the National Energy Conservation
11 Policy Act (42 U.S.C. 8253) is amended by adding at the
12 end the following:

13 “(e) METERING OF ENERGY USE.—(1)(A) Not later
14 than October 1, 2012, in accordance with guidelines estab-
15 lished by the Secretary under paragraph (2), each Federal
16 building shall, for the purposes of efficient use of energy
17 and reduction in the cost of electricity used in the build-
18 ing, be metered or submetered.

19 “(B) Each agency shall use, to the maximum extent
20 practicable, advanced meters or advanced metering devices
21 that provide data at least daily on, and that measure at
22 least hourly, consumption of electricity in the Federal
23 buildings of the agency.

24 “(C) The data shall be—

1 “(i) incorporated into Federal energy tracking
2 systems; and

3 “(ii) made available to Federal facility energy
4 managers.

5 “(2)(A) Not later than 180 days after the date of
6 enactment of this subsection, the Secretary (in consulta-
7 tion with the Secretary of Defense, the Administrator of
8 General Services, representatives from the metering indus-
9 try, utility industry, energy services industry, energy effi-
10 ciency industry, energy efficiency advocacy organizations,
11 national laboratories, and universities, and Federal facility
12 energy managers) shall establish guidelines for agencies
13 to carry out paragraph (1).

14 “(B) The guidelines shall—

15 “(i) take into consideration—

16 “(I) the cost of metering and submetering
17 and the reduced cost of operation and mainte-
18 nance expected to result from metering and
19 submetering;

20 “(II) the extent to which metering and
21 submetering are expected to result in increased
22 potential for energy management, increased po-
23 tential for energy savings and energy efficiency
24 improvement, and cost and energy savings be-
25 cause of utility contract aggregation; and

1 “(III) the measurement and verification
2 protocols of the Department of Energy;

3 “(ii) include recommendations concerning the
4 amount of funds and the number of trained per-
5 sonnel necessary to gather and use the metering in-
6 formation to track and reduce energy use;

7 “(iii) establish priorities for types and locations
8 of buildings to be metered and submetered based on
9 cost-effectiveness and a schedule of 1 or more dates,
10 not later than 1 year after the date of issuance of
11 the guidelines, on which paragraph (1) takes effect;
12 and

13 “(iv) establish exclusions from the requirements
14 of paragraph (1) based on the de minimis quantity
15 of energy use of a Federal building, industrial proc-
16 ess, or structure.

17 “(3) Not later than 180 days after the date on which
18 guidelines are established under paragraph (2), in a report
19 submitted by an agency under section 548(a), the agency
20 shall submit to the Secretary a plan describing the manner
21 in which the agency will implement paragraph (1),
22 including—

23 “(A) the manner in which the agency will des-
24 ignate personnel primarily responsible for carrying
25 out that implementation; and

1 “(B) demonstration by the agency, complete
2 with documentation, of any finding that the use of
3 advanced meters or advanced metering devices de-
4 scribed in paragraph (1) is not practicable.”.

5 **SEC. 104. PROCUREMENT OF ENERGY EFFICIENT PROD-**
6 **UCTS.**

7 (a) REQUIREMENTS.—Part 3 of title V of the Na-
8 tional Energy Conservation Policy Act (42 U.S.C. 8251
9 et seq.) (as amended by section 101(a)) is amended by
10 inserting after section 551 the following:

11 **“SEC. 552. FEDERAL PROCUREMENT OF ENERGY EFFI-**
12 **CIENT PRODUCTS.**

13 “(a) DEFINITIONS.—In this section:

14 “(1) The term ‘Energy Star product’ means a
15 product that is rated for energy efficiency under an
16 Energy Star program.

17 “(2) The term ‘Energy Star program’ means
18 the program established by section 324A of the En-
19 ergy Policy and Conservation Act.

20 “(3) The term ‘executive agency’ has the mean-
21 ing given the term in section 4 of the Office of Fed-
22 eral Procurement Policy Act (41 U.S.C. 403).

23 “(4) The term ‘FEMP designated product’
24 means a product that is designated under the Fed-
25 eral Energy Management Program of the Depart-

1 ment of Energy as being among the highest 25 per-
2 cent of equivalent products for energy efficiency.

3 “(b) PROCUREMENT OF ENERGY EFFICIENT PROD-
4 UCTS.—(1) Except as provided in paragraph (2), to meet
5 the requirements of an executive agency for an energy con-
6 suming product, the head of the executive agency shall
7 procure—

8 “(A) an Energy Star product; or

9 “(B) a FEMP designated product.

10 “(2) The head of an executive agency shall not be
11 required to comply with paragraph (1) if the head of the
12 executive agency specifies in writing that—

13 “(A) taking into account energy cost savings,
14 an Energy Star product or FEMP designated prod-
15 uct is not cost-effective over the life of the product;
16 or

17 “(B) no Energy Star product or FEMP des-
18 ignated product is reasonably available that meets
19 the functional requirements of the executive agency.

20 “(3) The head of an executive agency shall incor-
21 porate criteria for energy efficiency that are consistent
22 with the criteria used for rating Energy Star products and
23 FEMP designated products into—

1 “(A) the specifications for any procurements in-
2 volving energy consuming products and systems,
3 including—

4 “(i) guide specifications;

5 “(ii) project specifications; and

6 “(iii) construction, renovation, and services
7 contracts that include the provision of energy
8 consuming products and systems; and

9 “(B) the factors for the evaluation of offers re-
10 ceived for the procurement.

11 “(c) LISTING OF ENERGY EFFICIENT PRODUCTS IN
12 FEDERAL CATALOGS.—(1) Any inventory or listing of
13 products by the General Services Administration or the
14 Defense Logistics Agency shall clearly identify and promi-
15 nently display Energy Star products and FEMP des-
16 ignated products.

17 “(2)(A) Except as provided in subparagraph (B), the
18 General Services Administration or the Defense Logistics
19 Agency shall supply only Energy Star products or FEMP
20 designated products for all product categories covered by
21 the Energy Star program or the Federal Energy Manage-
22 ment Program.

23 “(B) Subparagraph (A) shall not apply if an agency
24 ordering a product specifies in writing that—

1 “(i) taking into account energy cost savings, no
2 Energy Star product or FEMP designated product
3 is cost-effective for the intended application over the
4 life of the product; or

5 “(ii) no Energy Star product or FEMP des-
6 ignated product is available to meet the functional
7 requirements of the ordering agency.

8 “(d) SPECIFIC PRODUCTS.—(1) In the case of an
9 electric motor of 1 to 500 horsepower, an executive agency
10 shall select only a premium efficient motor that meets the
11 standard established by the Secretary under paragraph
12 (2).

13 “(2) Not later than 120 days after the date of enact-
14 ment of this subsection and after considering the rec-
15 ommendations of associated electric motor manufacturers
16 and energy efficiency groups, the Secretary shall establish
17 a standard for premium efficient motors.

18 “(3)(A) Each Federal agency is encouraged to take
19 actions (such as appropriate cleaning and maintenance)
20 to maximize the efficiency of air conditioning and refrig-
21 eration equipment, including the use of a system treat-
22 ment or additive that—

23 “(i) would reduce the electricity consumed by
24 air conditioning and refrigeration equipment; and

1 “(ii) meets the criteria specified in subpara-
2 graph (B).

3 “(B) A system treatment or additive referred to in
4 subparagraph (A) shall be—

5 “(i) determined by the Secretary to be effective
6 in increasing the efficiency of air conditioning and
7 refrigeration equipment without having an adverse
8 impact on—

9 “(I) air conditioning and refrigeration per-
10 formance (including cooling capacity); or

11 “(II) the useful life of the equipment;

12 “(ii) determined by the Administrator of the
13 Environmental Protection Agency to be environ-
14 mentally safe; and

15 “(iii) shown, in tests conducted by the National
16 Institute of Standards and Technology, in accord-
17 ance with Department of Energy test procedures, to
18 increase the seasonal energy efficiency ratio (SEER)
19 or energy efficiency ratio (EER) without having any
20 adverse impact on the system, system components,
21 the refrigerant or lubricant, or other materials in the
22 system.

23 “(4) The results of the tests described in paragraph
24 (3)(B)(iii) shall be published in the Federal Register for
25 public review and comment.

1 “(5) For purposes of this subsection, a hardware de-
2 vice or primary refrigerant shall not be considered an ad-
3 ditive.

4 “(e) REGULATIONS.—Not later than 180 days after
5 the date of enactment of this section, the Secretary shall
6 issue guidelines to carry out this section.”.

7 (b) CONFORMING AMENDMENT.—The table of con-
8 tents of the National Energy Conservation Policy Act (as
9 amended by section 101(b)) is amended by inserting after
10 the item relating to section 551 the following:

“Sec. 552. Federal procurement of energy efficient products.”.

11 **SEC. 105. ENERGY SAVINGS PERFORMANCE CONTRACTS.**

12 (a) PERMANENT EXTENSION.—Section 801 of the
13 National Energy Conservation Policy Act (42 U.S.C.
14 8287) is amended by striking subsection (c).

15 (b) EXTENSION OF AUTHORITY.—Any energy sav-
16 ings performance contract entered into under section 801
17 of the National Energy Conservation Policy Act (42
18 U.S.C. 8287) after October 1, 2003, and before the date
19 of enactment of this Act, shall be considered to have been
20 entered into under that section.

21 **SEC. 106. VOLUNTARY COMMITMENTS TO REDUCE INDUS-**
22 **TRIAL ENERGY INTENSITY.**

23 (a) DEFINITION OF ENERGY INTENSITY.—In this
24 section, the term “energy intensity” means the primary

1 energy consumed for each unit of physical output in an
2 industrial process.

3 (b) VOLUNTARY AGREEMENTS.—The Secretary may
4 enter into voluntary agreements with 1 or more persons
5 in industrial sectors that consume significant quantities
6 of primary energy for each unit of physical output to re-
7 duce the energy intensity of the production activities of
8 the persons.

9 (c) GOAL.—Voluntary agreements under this section
10 shall have as a goal the reduction of energy intensity by
11 not less than 2.5 percent each year during the period of
12 calendar years 2007 through 2016.

13 (d) RECOGNITION.—The Secretary, in cooperation
14 with other appropriate Federal agencies, shall develop
15 mechanisms to recognize and publicize the achievements
16 of participants in voluntary agreements under this section.

17 (e) TECHNICAL ASSISTANCE.—A person that enters
18 into an agreement under this section and continues to
19 make a good faith effort to achieve the energy efficiency
20 goals specified in the agreement shall be eligible to receive
21 from the Secretary a grant or technical assistance, as ap-
22 propriate, to assist in the achievement of those goals.

23 (f) REPORT.—Not later than each of June 30, 2012,
24 and June 30, 2017, the Secretary shall submit to Con-
25 gress a report that—

1 (1) evaluates the success of the voluntary agree-
2 ments under this section; and

3 (2) provides independent verification of a sam-
4 ple of the energy savings estimates provided by par-
5 ticipating firms.

6 **SEC. 107. FEDERAL BUILDING PERFORMANCE STANDARDS.**

7 Section 305(a) of the Energy Conservation and Pro-
8 duction Act (42 U.S.C. 6834(a)) is amended—

9 (1) in paragraph (2)(A), by striking “CABO
10 Model Energy Code, 1992” and inserting “the 2003
11 International Energy Conservation Code”; and

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

13 “(3)(A) Not later than 1 year after the date of enact-
14 ment of this paragraph, the Secretary shall establish, by
15 rule, revised Federal building energy efficiency perform-
16 ance standards that require that—

17 “(i) if life-cycle cost-effective for new Federal
18 buildings—

19 “(I) the buildings be designed to achieve
20 energy consumption levels that are at least 30
21 percent below the levels established in the
22 version of the ASHRAE Standard or the Inter-
23 national Energy Conservation Code, as appro-
24 priate, that is in effect as of the date of enact-
25 ment of this paragraph; and

1 “(II) sustainable design principles are ap-
2 plied to the siting, design, and construction of
3 all new and replacement buildings; and

4 “(ii) if water is used to achieve energy effi-
5 ciency, water conservation technologies shall be ap-
6 plied to the extent that the technologies are life-cycle
7 cost-effective.

8 “(B) Not later than 1 year after the date of approval
9 of each subsequent revision of the ASHRAE Standard or
10 the International Energy Conservation Code, as appro-
11 priate, the Secretary shall determine, based on the cost-
12 effectiveness of the requirements under the amendment,
13 whether the revised standards established under this para-
14 graph should be updated to reflect the amendment.

15 “(C) In the budget request of the Federal agency for
16 each fiscal year and each report submitted by the Federal
17 agency under section 548(a) of the National Energy Con-
18 servation Policy Act (42 U.S.C. 8258(a)), the head of each
19 Federal agency shall include—

20 “(i) a list of all new Federal buildings owned,
21 operated, or controlled by the Federal agency; and

22 “(ii) a statement specifying whether the Federal
23 buildings meet or exceed the revised standards es-
24 tablished under this paragraph.”.

1 **SEC. 108. INCREASED USE OF RECOVERED MINERAL COM-**
2 **PONENT IN FEDERALLY FUNDED PROJECTS**
3 **INVOLVING PROCUREMENT OF CEMENT OR**
4 **CONCRETE.**

5 (a) AMENDMENT.—Subtitle F of the Solid Waste
6 Disposal Act (42 U.S.C. 6961 et seq.) is amended by add-
7 ing at the end the following:

8 “INCREASED USE OF RECOVERED MINERAL COMPONENT
9 IN FEDERALLY FUNDED PROJECTS INVOLVING PRO-
10 CUREMENT OF CEMENT OR CONCRETE

11 “SEC. 6005. (a) DEFINITIONS.—In this section:

12 “(1) AGENCY HEAD.—The term ‘agency head’
13 means—

14 “(A) the Secretary of Transportation; and

15 “(B) the head of any other Federal agency
16 that, on a regular basis, procures, or provides
17 Federal funds to pay or assist in paying the
18 cost of procuring, material for cement or con-
19 crete projects.

20 “(2) CEMENT OR CONCRETE PROJECT.—The
21 term ‘cement or concrete project’ means a project
22 for the construction or maintenance of a highway or
23 other transportation facility or a Federal, State, or
24 local government building or other public facility
25 that—

1 “(A) involves the procurement of cement
2 or concrete; and

3 “(B) is carried out, in whole or in part,
4 using Federal funds.

5 “(3) RECOVERED MINERAL COMPONENT.—The
6 term ‘recovered mineral component’ means—

7 “(A) ground granulated blast furnace slag;

8 “(B) coal combustion fly ash; and

9 “(C) any other waste material or byprod-
10 uct recovered or diverted from solid waste that
11 the Administrator, in consultation with an
12 agency head, determines should be treated as
13 recovered mineral component under this section
14 for use in cement or concrete projects paid for,
15 in whole or in part, by the agency head.

16 “(b) IMPLEMENTATION OF REQUIREMENTS.—

17 “(1) IN GENERAL.—Not later than 1 year after
18 the date of enactment of this section, the Adminis-
19 trator and each agency head shall take such actions
20 as are necessary to implement fully all procurement
21 requirements and incentives in effect as of the date
22 of enactment of this section (including guidelines
23 under section 6002) that provide for the use of ce-
24 ment and concrete incorporating recovered mineral
25 component in cement or concrete projects.

1 “(2) PRIORITY.—In carrying out paragraph (1),
2 an agency head shall give priority to achieving great-
3 er use of recovered mineral component in cement or
4 concrete projects for which recovered mineral compo-
5 nents historically have not been used or have been
6 used only minimally.

7 “(3) FEDERAL PROCUREMENT REQUIRE-
8 MENTS.—The Administrator and each agency head
9 shall carry out this subsection in accordance with
10 section 6002.

11 “(c) FULL IMPLEMENTATION STUDY.—

12 “(1) IN GENERAL.—The Administrator, in co-
13 operation with the Secretary of Transportation and
14 the Secretary of Energy, shall conduct a study to de-
15 termine the extent to which procurement require-
16 ments, when fully implemented in accordance with
17 subsection (b), may realize energy savings and envi-
18 ronmental benefits attainable with substitution of re-
19 covered mineral component in cement used in ce-
20 ment or concrete projects.

21 “(2) MATTERS TO BE ADDRESSED.—The study
22 shall—

23 “(A) quantify—

24 “(i) the extent to which recovered
25 mineral components are being substituted

1 for Portland cement, particularly as a re-
2 sult of procurement requirements; and

3 “(ii) the energy savings and environ-
4 mental benefits associated with the substi-
5 tution;

6 “(B) identify all barriers in procurement
7 requirements to greater realization of energy
8 savings and environmental benefits, including
9 barriers resulting from exceptions from the law;
10 and

11 “(C)(i) identify potential mechanisms to
12 achieve greater substitution of recovered min-
13 eral component in types of cement or concrete
14 projects for which recovered mineral compo-
15 nents historically have not been used or have
16 been used only minimally;

17 “(ii) evaluate the feasibility of establishing
18 guidelines or standards for optimized substi-
19 tution rates of recovered mineral component in
20 those cement or concrete projects; and

21 “(iii) identify any potential environmental
22 or economic effects that may result from great-
23 er substitution of recovered mineral component
24 in those cement or concrete projects.

1 “(3) REPORT.—Not later than 30 months after
2 the date of enactment of this section, the Adminis-
3 trator shall submit to Congress a report on the
4 study.

5 “(d) ADDITIONAL PROCUREMENT REQUIREMENTS.—
6 Unless the study conducted under subsection (c) identifies
7 any effects or other problems described in subsection
8 (c)(2)(C)(iii) that warrant further review or delay, the Ad-
9 ministrators and each agency head shall, not later than 1
10 year after the date on which the report under subsection
11 (c)(3) is submitted, take additional actions under this Act
12 to establish procurement requirements and incentives that
13 provide for the use of cement and concrete with increased
14 substitution of recovered mineral component in the con-
15 struction and maintenance of cement or concrete
16 projects—

17 “(1) to realize more fully the energy savings
18 and environmental benefits associated with increased
19 substitution; and

20 “(2) to eliminate barriers identified under sub-
21 section (c)(2)(B).

22 “(e) EFFECT OF SECTION.—Nothing in this section
23 affects the requirements of section 6002 (including the
24 guidelines and specifications for implementing those re-
25 quirements).”.

1 (b) CONFORMING AMENDMENT.—The table of con-
2 tents of the Solid Waste Disposal Act is amended by add-
3 ing after the item relating to section 6004 the following:

“Sec. 6005. Increased use of recovered mineral component in federally funded
projects involving procurement of cement or concrete.”.

4 **Subtitle B—Energy Assistance and**
5 **State Programs**

6 **SEC. 121. WEATHERIZATION ASSISTANCE.**

7 Section 422 of the Energy Conservation and Produc-
8 tion Act (42 U.S.C. 6872) is amended by striking “for
9 fiscal years 1999 through 2003 such sums as may be nec-
10 essary” and inserting “\$325,000,000 for fiscal year 2006,
11 \$400,000,000 for fiscal year 2007, and \$500,000,000 for
12 fiscal year 2008”.

13 **SEC. 122. STATE ENERGY PROGRAMS.**

14 (a) STATE ENERGY CONSERVATION PLANS.—Section
15 362 of the Energy Policy and Conservation Act (42 U.S.C.
16 6322) is amended by adding at the end the following:

17 “(g)(1) The Secretary shall, at least once every 3
18 years, invite the Governor of each State to review and,
19 if necessary, revise the energy conservation plan of the
20 State submitted under subsection (b) or (e).

21 “(2) A review conducted under paragraph (1)
22 should—

23 “(A) consider the energy conservation plans of
24 other States within the region; and

1 “(B) identify opportunities and actions carried
2 out in pursuit of common energy conservation
3 goals.”.

4 (b) STATE ENERGY EFFICIENCY GOALS.—Section
5 364 of the Energy Policy and Conservation Act (42 U.S.C.
6 6324) is amended to read as follows:

7 “STATE ENERGY EFFICIENCY GOALS

8 “SEC. 364. Each State energy conservation plan with
9 respect to which assistance is made available under this
10 part on or after the date of enactment of the Energy Pol-
11 icy Act of 2005—

12 “(1) shall contain a goal, consisting of an im-
13 provement of 25 percent or more in the efficiency of
14 use of energy in the State concerned in calendar
15 year 2012 as compared to calendar year 1992; and

16 “(2) may contain interim goals.”.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
18 365(f) of the Energy Policy and Conservation Act (42
19 U.S.C. 6325(f)) is amended by striking “for fiscal years
20 1999 through 2003 such sums as may be necessary” and
21 inserting “\$100,000,000 for each of fiscal years 2006 and
22 2007 and \$125,000,000 for fiscal year 2008”.

23 **SEC. 123. ENERGY EFFICIENT APPLIANCE REBATE PRO-**
24 **GRAMS.**

25 (a) DEFINITIONS.—In this section:

1 (1) ELIGIBLE STATE.—The term “eligible
2 State” means a State that meets the requirements
3 of subsection (b).

4 (2) ENERGY STAR PROGRAM.—The term “En-
5 ergy Star program” means the program established
6 by section 324A of the Energy Policy and Conserva-
7 tion Act (as added by section 131(a)).

8 (3) RESIDENTIAL ENERGY STAR PRODUCT.—
9 The term “residential Energy Star product” means
10 a product for a residence that is rated for energy ef-
11 ficiency under the Energy Star program.

12 (4) STATE ENERGY OFFICE.—The term “State
13 energy office” means the State agency responsible
14 for developing State energy conservation plans under
15 section 362 of the Energy Policy and Conservation
16 Act (42 U.S.C. 6322).

17 (5) STATE PROGRAM.—The term “State pro-
18 gram” means a State energy efficient appliance re-
19 bate program described in subsection (b)(1).

20 (b) ELIGIBLE STATES.—A State shall be eligible to
21 receive an allocation under subsection (c) if the State—

22 (1) establishes (or has established) a State en-
23 ergy efficient appliance rebate program to provide
24 rebates to residential consumers for the purchase of

1 residential Energy Star products to replace used ap-
2 pliances of the same type;

3 (2) submits an application for the allocation at
4 such time, in such form, and containing such infor-
5 mation as the Secretary may require; and

6 (3) provides assurances satisfactory to the Sec-
7 retary that the State will use the allocation to sup-
8 plement, but not supplant, funds made available to
9 carry out the State program.

10 (c) AMOUNT OF ALLOCATIONS.—

11 (1) IN GENERAL.—Subject to paragraph (2),
12 for each fiscal year, the Secretary shall allocate to
13 the State energy office of each eligible State to carry
14 out subsection (d) an amount equal to the product
15 obtained by multiplying—

16 (A) the amount made available under sub-
17 section (f) for the fiscal year; and

18 (B) by the ratio that—

19 (i) the population of the State in the
20 most recent calendar year for which data
21 are available; bears to

22 (ii) the total population of all eligible
23 States in that calendar year.

24 (2) MINIMUM ALLOCATIONS.—For each fiscal
25 year, the amounts allocated under this subsection

1 shall be adjusted proportionately so that no eligible
2 State is allocated a sum that is less than such min-
3 imum amount as shall be determined by the Sec-
4 retary.

5 (d) USE OF ALLOCATED FUNDS.—The allocation to
6 a State energy office under subsection (c) may be used
7 to pay not more than 50 percent of the cost of establishing
8 and carrying out a State program.

9 (e) ISSUANCE OF REBATES.—

10 (1) IN GENERAL.—A rebate may be provided to
11 a residential consumer that meets the requirements
12 of the State program.

13 (2) AMOUNT.—The amount of a rebate shall be
14 determined by the State energy office, taking into
15 consideration—

16 (A) the amount of the allocation to the
17 State energy office under subsection (c);

18 (B) the amount of any Federal or State
19 tax incentive available for the purchase of the
20 residential Energy Star product; and

21 (C) the difference between—

22 (i) the cost of the residential Energy
23 Star product; and

24 (ii) the cost of an appliance that is
25 not a residential Energy Star product, but

1 is of the same type as, and is the nearest
2 capacity, performance, and other relevant
3 characteristics (as determined by the State
4 energy office) to, the residential Energy
5 Star product.

6 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to the Secretary to carry
8 out this section \$50,000,000 for each of fiscal years 2006
9 through 2010.

10 **SEC. 124. ENERGY EFFICIENT PUBLIC BUILDINGS.**

11 (a) GRANTS.—The Secretary may make grants to the
12 State agency responsible for developing State energy con-
13 servation plans under section 362 of the Energy Policy
14 and Conservation Act (42 U.S.C. 6322), or a State agency
15 designated by the Governor of the State, to assist units
16 of local government in the State in improving the energy
17 efficiency of public buildings and facilities through—

18 (1) construction of new energy efficient public
19 buildings that use at least 30 percent less energy
20 than a comparable public building constructed in
21 compliance with standards prescribed in—

22 (A) the most recent version of the Inter-
23 national Energy Conservation Code; or

1 (B) a similar State code intended to
2 achieve substantially equivalent efficiency levels;
3 or

4 (2) renovation of existing public buildings to
5 achieve reductions in energy use of at least 30 per-
6 cent as compared to the baseline energy use in the
7 buildings before renovation, assuming a 3-year,
8 weather-normalized average for calculating the base-
9 line.

10 (b) ADMINISTRATION.—State energy offices receiving
11 grants under this section shall—

12 (1) maintain any records and evidence of com-
13 pliance that the Secretary may require; and

14 (2) to encourage planning, financing, and de-
15 sign of energy efficient public buildings by units of
16 local government—

17 (A) develop and distribute information and
18 materials; and

19 (B) conduct programs to provide technical
20 services and assistance.

21 (c) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) IN GENERAL.—There is authorized to be
23 appropriated to the Secretary to carry out this sec-
24 tion \$30,000,000 for each of fiscal years 2006
25 through 2010.

1 (2) ADMINISTRATIVE EXPENSES.—Not more
2 than 10 percent of amounts made available under
3 paragraph (1) shall be used for administrative ex-
4 penses.

5 **SEC. 125. LOW INCOME COMMUNITY ENERGY EFFICIENCY**
6 **PILOT PROGRAM.**

7 (a) DEFINITION OF INDIAN TRIBE.—In this section,
8 the term “Indian tribe” has the meaning given the term
9 in section 4 of the Indian Self-Determination and Edu-
10 cation Assistance Act (25 U.S.C. 450b).

11 (b) GRANTS.—

12 (1) IN GENERAL.—The Secretary may provide
13 grants, on a competitive basis, to units of local gov-
14 ernment, private or nonprofit community develop-
15 ment organizations, and economic development enti-
16 ties of Indian tribes—

17 (A) to improve energy efficiency;

18 (B) to identify and develop alternative, re-
19 newable, and distributed energy supplies; and

20 (C) to increase energy conservation in low-
21 income rural and urban communities.

22 (2) ELIGIBLE ACTIVITIES.—The following ac-
23 tivities are eligible for grants under paragraph (1):

24 (A) Investments that develop alternative,
25 renewable, and distributed energy supplies.

1 (B) Energy efficiency projects and energy
2 conservation programs.

3 (C) Studies and other activities that im-
4 prove energy efficiency in low-income rural and
5 urban communities.

6 (D) Planning and development assistance
7 for increasing the energy efficiency of buildings
8 and facilities.

9 (E) Technical and financial assistance to
10 units of local government and private entities to
11 develop new renewable and distributed sources
12 of power or combined heat and power genera-
13 tion.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to the Secretary to carry
16 out this section \$20,000,000 for each of fiscal years 2006
17 through 2010.

18 **SEC. 126. STATE TECHNOLOGIES ADVANCEMENT COLLABO-**
19 **RATIVE.**

20 (a) IN GENERAL.—The Secretary, in cooperation
21 with the States, shall establish a cooperative program for
22 research, development, demonstration, and deployment of
23 technologies in which there is a common Federal and State
24 energy efficiency, renewable energy, and fossil energy in-
25 terest, to be known as the “State Technologies Advance-

1 ment Collaborative” (referred to in this section as the
2 “Collaborative”).

3 (b) DUTIES.—The Collaborative shall—

4 (1) leverage Federal and State funding through
5 cost-shared activity;

6 (2) reduce redundancies in Federal and State
7 funding; and

8 (3) create multistate projects to be awarded
9 through a competitive process.

10 (c) ADMINISTRATION.—The Collaborative shall be
11 administered through an agreement between the Depart-
12 ment and appropriate State-based organizations.

13 (d) FUNDING SOURCES.—Funding for the Collabo-
14 rative may be provided from—

15 (1) amounts specifically appropriated for the
16 Collaborative; or

17 (2) amounts that may be allocated from other
18 appropriations without changing the purpose for
19 which the amounts are appropriated.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to carry out this section such sums as are
22 necessary for each of fiscal years 2006 through 2010.

1 **SEC. 127. MODEL BUILDING ENERGY CODE COMPLIANCE**
2 **GRANT PROGRAM.**

3 (a) IN GENERAL.—The Secretary shall carry out a
4 program to provide grants to each State that the Sec-
5 retary determines, with respect to new buildings in the
6 State, achieves at least a 90-percent rate of compliance
7 (based on energy performance) with the most recent model
8 building energy codes.

9 (b) GUIDELINES.—Not later than 180 days after the
10 date of enactment of this Act, the Secretary shall issue
11 guidelines that standardize criteria by which a State that
12 seeks to receive a grant under this section may—

13 (1) verify compliance with applicable model
14 building energy codes; and

15 (2) demonstrate eligibility to receive a grant
16 under this section.

17 (c) LOCAL GOVERNMENT CODES.—In the case of a
18 State in which building energy codes are established by
19 local governments—

20 (1) a local government may—

21 (A) apply for a grant under this section;
22 and

23 (B) verify compliance and demonstrate eli-
24 gibility for the grant under subsection (b); and

1 (2) if the Secretary determines that the local
2 government is eligible to receive a grant, the Sec-
3 retary may provide a grant to the local government.

4 (d) USE OF FUNDS.—Funds from a grant provided
5 under this section may be used only to carry out activities
6 relating to the implementation of building energy codes
7 and building practices that exceed efficiency requirements
8 of the most recent model building energy codes.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) IN GENERAL.—There is authorized to be
11 appropriated to carry out this section \$25,000,000
12 for each of fiscal years 2006 through 2010.

13 (2) SET ASIDE.—Of the amounts made avail-
14 able under paragraph (1), the Secretary may use not
15 more than \$500,000 for each fiscal year—

16 (A) to develop compliance guidelines;

17 (B) to train State and local officials; and

18 (C) to administer grants provided under

19 this section.

20 **Subtitle C—Energy Efficient**
21 **Products**

22 **SEC. 131. ENERGY STAR PROGRAM.**

23 (a) IN GENERAL.—The Energy Policy and Conserva-
24 tion Act is amended by inserting after section 324 (42
25 U.S.C. 6294) the following:

1 ENERGY STAR PROGRAM

2 “SEC. 324A. (a) IN GENERAL.—There is established
3 within the Department of Energy and the Environmental
4 Protection Agency a voluntary program to identify and
5 promote energy-efficient products and buildings in order
6 to reduce energy consumption, improve energy security,
7 and reduce pollution through voluntary labeling of, or
8 other forms of communication about, products and build-
9 ings that meet the highest energy conservation standards.

10 “(b) DIVISION OF RESPONSIBILITIES.—Responsibil-
11 ities under the program shall be divided between the De-
12 partment of Energy and the Environmental Protection
13 Agency in accordance with the terms of applicable agree-
14 ments between those agencies.

15 “(c) DUTIES.—The Administrator and the Secretary
16 shall—

17 “(1) promote Energy Star compliant tech-
18 nologies as the preferred technologies in the market-
19 place for—

20 “(A) achieving energy efficiency; and

21 “(B) reducing pollution;

22 “(2) work to enhance public awareness of the
23 Energy Star label, including by providing special
24 outreach to small businesses;

1 “(3) preserve the integrity of the Energy Star
2 label;

3 “(4) solicit comments from interested parties
4 prior to establishing or revising an Energy Star
5 product category, specification, or criterion (or prior
6 to effective dates for any such product category,
7 specification, or criterion);

8 “(5) regularly update Energy Star product cri-
9 teria for product categories;

10 “(6) on adoption of a new or revised product
11 category, specification, or criterion, provide reason-
12 able notice to interested parties of any changes (in-
13 cluding effective dates) in product categories, speci-
14 fications, or criteria, along with—

15 “(A) an explanation of the changes; and

16 “(B) as appropriate, responses to com-
17 ments submitted by interested parties; and

18 “(7) provide appropriate lead time (which shall
19 be 270 days, unless the Agency or Department
20 specifies otherwise) prior to the applicable effective
21 date for a new or a significant revision to a product
22 category, specification, or criterion, taking into ac-
23 count the timing requirements of the manufacturing,
24 product marketing, and distribution process for the
25 specific product addressed.”.

1 (b) TABLE OF CONTENTS AMENDMENT.—The table
2 of contents of the Energy Policy and Conservation Act (42
3 U.S.C. prec. 6201) is amended by inserting after the item
4 relating to section 324 the following:

“Sec. 324A. Energy Star program.”.

5 **SEC. 132. HVAC MAINTENANCE CONSUMER EDUCATION**
6 **PROGRAM.**

7 Section 337 of the Energy Policy and Conservation
8 Act (42 U.S.C. 6307) is amended by adding at the end
9 the following:

10 “(c) HVAC MAINTENANCE.—(1) To ensure that in-
11 stalled air conditioning and heating systems operate at
12 maximum rated efficiency levels, the Secretary shall, not
13 later than 180 days after the date of enactment of this
14 subsection, carry out a program to educate homeowners
15 and small business owners concerning the energy savings
16 from properly conducted maintenance of air conditioning,
17 heating, and ventilating systems.

18 “(2) The Secretary shall carry out the program under
19 paragraph (1), on a cost-shared basis, in cooperation with
20 the Administrator of the Environmental Protection Agen-
21 cy and any other entities that the Secretary determines
22 to be appropriate, including industry trade associations,
23 industry members, and energy efficiency organizations.

24 “(d) SMALL BUSINESS EDUCATION AND ASSIST-
25 ANCE.—(1) The Administrator of the Small Business Ad-

1 ministration, in consultation with the Secretary and the
2 Administrator of the Environmental Protection Agency,
3 shall develop and coordinate a Government-wide program,
4 building on the Energy Star for Small Business Program,
5 to assist small businesses in—

6 “(A) becoming more energy efficient;

7 “(B) understanding the cost savings from im-
8 proved energy efficiency; and

9 “(C) identifying financing options for energy ef-
10 ficiency upgrades.

11 “(2) The Secretary and the Administrator of the
12 Small Business Administration shall make program infor-
13 mation available directly to small businesses and through
14 other Federal agencies, including the Federal Emergency
15 Management Agency and the Department of Agri-
16 culture.”.

17 **SEC. 133. PUBLIC ENERGY EDUCATION PROGRAM.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of enactment of this Act, the Secretary shall convene
20 an organizational conference for the purpose of estab-
21 lishing an ongoing, self-sustaining national public energy
22 education program.

23 (b) PARTICIPANTS.—The Secretary shall invite to
24 participate in the conference individuals and entities rep-

1 resenting all aspects of energy production and distribu-
2 tion, including—

- 3 (1) industrial firms;
- 4 (2) professional societies;
- 5 (3) educational organizations;
- 6 (4) trade associations; and
- 7 (5) governmental agencies.

8 (c) PURPOSE, SCOPE, AND STRUCTURE.—

9 (1) PURPOSE.—The purpose of the conference
10 shall be to establish an ongoing, self-sustaining na-
11 tional public energy education program to examine
12 and recognize interrelationships between energy
13 sources in all forms, including—

- 14 (A) conservation and energy efficiency;
- 15 (B) the role of energy use in the economy;
- 16 and
- 17 (C) the impact of energy use on the envi-
18 ronment.

19 (2) SCOPE AND STRUCTURE.—Taking into con-
20 sideration the purpose described in paragraph (1),
21 the participants in the conference invited under sub-
22 section (b) shall design the scope and structure of
23 the program described in subsection (a).

1 (d) TECHNICAL ASSISTANCE.—The Secretary shall
2 provide technical assistance and other guidance necessary
3 to carry out the program described in subsection (a).

4 (e) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated such sums as are nec-
6 essary to carry out this section.

7 **SEC. 134. ENERGY EFFICIENCY PUBLIC INFORMATION INI-**
8 **TIATIVE.**

9 (a) IN GENERAL.—The Secretary shall carry out a
10 comprehensive national program, including advertising
11 and media awareness, to inform consumers about—

12 (1) the need to reduce energy consumption dur-
13 ing the 4-year period beginning on the date of enact-
14 ment of this Act;

15 (2) the benefits to consumers of reducing con-
16 sumption of electricity, natural gas, and petroleum,
17 particularly during peak use periods;

18 (3) the importance of low energy costs to eco-
19 nomic growth and preserving manufacturing jobs in
20 the United States; and

21 (4) practical, cost-effective measures that con-
22 sumers can take to reduce consumption of elec-
23 tricity, natural gas, and gasoline, including—

24 (A) maintaining and repairing heating and
25 cooling ducts and equipment;

- 1 (B) weatherizing homes and buildings;
2 (C) purchasing energy efficient products;
3 and
4 (D) proper tire maintenance.

5 (b) COOPERATION.—The program carried out under
6 subsection (a) shall—

- 7 (1) include collaborative efforts with State and
8 local government officials and the private sector; and
9 (2) incorporate, to the maximum extent prac-
10 ticable, successful State and local public education
11 programs.

12 (c) REPORT.—Not later than July 1, 2009, the Sec-
13 retary shall submit to Congress a report describing the
14 effectiveness of the program under this section.

15 (d) TERMINATION OF AUTHORITY.—The program
16 carried out under this section shall terminate on December
17 31, 2010.

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to carry out this section
20 \$90,000,000 for each of fiscal years 2006 through 2010.

21 **SEC. 135. ENERGY CONSERVATION STANDARDS FOR ADDI-**
22 **TIONAL PRODUCTS.**

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

- 25 (1) in paragraph (30)(S)—

1 (A) by inserting “(i)” before “The term”;

2 and

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

4 “(ii) The term “medium base compact flu-
5 orescent lamp” does not include—

6 “(I) any lamp that is—

7 “(aa) specifically designed to be
8 used for special purpose applications;
9 and

10 “(bb) unlikely to be used in gen-
11 eral purpose applications, such as the
12 applications described in subpara-
13 graph (D); or

14 “(II) any lamp not described in sub-
15 paragraph (D) that is excluded by the Sec-
16 retary, by rule, because the lamp is—

17 “(aa) designed for special appli-
18 cations; and

19 “(bb) unlikely to be used in gen-
20 eral purpose applications.”; and

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

22 “(32) The term ‘battery charger’ means a de-
23 vice that charges batteries for consumer products,
24 including battery chargers embedded in other con-
25 sumer products.

1 “(33)(A) The term ‘commercial prerinse spray
2 valve’ means a handheld device designed and mar-
3 keted for use with commercial dishwashing and ware
4 washing equipment that sprays water on dishes, flat-
5 ware, and other food service items for the purpose
6 of removing food residue before cleaning the items.

7 “(B) The Secretary may modify the definition
8 of ‘commercial prerinse spray valve’ by rule—

9 “(i) to include products—

10 “(I) that are extensively used in con-
11 junction with commercial dishwashing and
12 ware washing equipment;

13 “(II) the application of standards to
14 which would result in significant energy
15 savings; and

16 “(III) the application of standards to
17 which would meet the criteria specified in
18 section 325(o)(4); and

19 “(ii) to exclude products—

20 “(I) that are used for special food
21 service applications;

22 “(II) that are unlikely to be widely
23 used in conjunction with commercial dish-
24 washing and ware washing equipment; and

1 “(III) the application of standards to
2 which would not result in significant en-
3 ergy savings.

4 “(34) The term ‘commercial refrigerator, freez-
5 er, or refrigerator-freezer’ means a refrigerator,
6 freezer, or refrigerator-freezer that—

7 “(A) is not a consumer product regulated
8 under this Act; and

9 “(B) incorporates most components in-
10 volved in the vapor-compression cycle and the
11 refrigerated compartment in a single package.

12 “(35) The term ‘dehumidifier’ means a self-con-
13 tained, electrically operated, and mechanically en-
14 cased assembly consisting of—

15 “(A) a refrigerated surface (evaporator)
16 that condenses moisture from the atmosphere;

17 “(B) a refrigerating system, including an
18 electric motor;

19 “(C) an air-circulating fan; and

20 “(D) means for collecting or disposing of
21 the condensate.

22 “(36)(A) The term ‘distribution transformer’
23 means a transformer that—

24 “(i) has an input voltage of 34.5 kilovolts
25 or less;

1 “(ii) has an output voltage of 600 volts or
2 less; and

3 “(iii) is rated for operation at a frequency
4 of 60 Hertz.

5 “(B) The term ‘distribution transformer’ does
6 not include—

7 “(i) a transformer with multiple voltage
8 taps, the highest of which equals at least 20
9 percent more than the lowest;

10 “(ii) a transformer that is designed to be
11 used in a special purpose application and is un-
12 likely to be used in general purpose applica-
13 tions, such as a drive transformer, rectifier
14 transformer, auto-transformer, Uninterruptible
15 Power System transformer, impedance trans-
16 former, harmonic transformer, regulating trans-
17 former, sealed and nonventilating transformer,
18 machine tool transformer, welding transformer,
19 grounding transformer, or testing transformer;
20 or

21 “(iii) any transformer not listed in clause
22 (ii) that is excluded by the Secretary by rule
23 because—

24 “(I) the transformer is designed for a
25 special application;

1 “(II) the transformer is unlikely to be
2 used in general purpose applications; and

3 “(III) the application of standards to
4 the transformer would not result in signifi-
5 cant energy savings.

6 “(37) The term ‘external power supply’ means
7 an external power supply circuit that is used to con-
8 vert household electric current into DC current or
9 lower-voltage AC current to operate a consumer
10 product.

11 “(38) The term ‘illuminated exit sign’ means a
12 sign that—

13 “(A) is designed to be permanently fixed in
14 place to identify an exit; and

15 “(B) consists of an electrically powered in-
16 tegral light source that—

17 “(i) illuminates the legend ‘EXIT’
18 and any directional indicators; and

19 “(ii) provides contrast between the
20 legend, any directional indicators, and the
21 background.

22 “(39) The term ‘low-voltage dry-type distribu-
23 tion transformer’ means a distribution transformer
24 that—

1 “(A) has an input voltage of 600 volts or
2 less;

3 “(B) is air-cooled; and

4 “(C) does not use oil as a coolant.

5 “(40) The term ‘pedestrian module’ means a
6 light signal used to convey movement information to
7 pedestrians.

8 “(41) The term ‘refrigerated bottled or canned
9 beverage vending machine’ means a commercial re-
10 frigerator that cools bottled or canned beverages and
11 dispenses the bottled or canned beverages on pay-
12 ment.

13 “(42) The term ‘standby mode’ means the low-
14 est power consumption mode, as established on an
15 individual product basis by the Secretary, that—

16 “(A) cannot be switched off or influenced
17 by the user; and

18 “(B) may persist for an indefinite time
19 when an appliance is—

20 “(i) connected to the main electricity
21 supply; and

22 “(ii) used in accordance with the in-
23 structions of the manufacturer.

1 “(43) The term ‘torchiere’ means a portable
2 electric lamp with a reflector bowl that directs light
3 upward to give indirect illumination.

4 “(44) The term ‘traffic signal module’ means a
5 standard 8-inch (200mm) or 12-inch (300mm) traf-
6 fic signal indication that—

7 “(A) consists of a light source, a lens, and
8 all other parts necessary for operation; and

9 “(B) communicates movement messages to
10 drivers through red, amber, and green colors.

11 “(45) The term ‘transformer’ means a device
12 consisting of 2 or more coils of insulated wire that
13 transfers alternating current by electromagnetic in-
14 duction from 1 coil to another to change the original
15 voltage or current value.

16 “(46)(A) The term ‘unit heater’ means a self-
17 contained fan-type heater designed to be installed
18 within the heated space.

19 “(B) The term ‘unit heater’ does not include a
20 warm air furnace.”.

21 (b) TEST PROCEDURES.—Section 323 of the Energy
22 Policy and Conservation Act (42 U.S.C. 6293) is
23 amended—

24 (1) in subsection (b), by adding at the end the
25 following:

1 “(9) Test procedures for illuminated exit signs shall
2 be based on the test method used under version 2.0 of
3 the Energy Star program of the Environmental Protection
4 Agency for illuminated exit signs.

5 “(10)(A) Test procedures for distribution trans-
6 formers and low voltage dry-type distribution transformers
7 shall be based on the ‘Standard Test Method for Meas-
8 uring the Energy Consumption of Distribution Trans-
9 formers’ prescribed by the National Electrical Manufac-
10 turers Association (NEMA TP 2–1998).

11 “(B) The Secretary may review and revise the test
12 procedures established under subparagraph (A).

13 “(C) For purposes of section 346(a), the test proce-
14 dures established under subparagraph (A) shall be consid-
15 ered to be the testing requirements prescribed by the Sec-
16 retary under section 346(a)(1) for distribution trans-
17 formers for which the Secretary makes a determination
18 that energy conservation standards would—

19 “(i) be technologically feasible and economically
20 justified; and

21 “(ii) result in significant energy savings.

22 “(11) Test procedures for traffic signal modules and
23 pedestrian modules shall be based on the test method used
24 under the Energy Star program of the Environmental

1 Protection Agency for traffic signal modules, as in effect
2 on the date of enactment of this paragraph.

3 “(12)(A) Test procedures for medium base compact
4 fluorescent lamps shall be based on the test methods for
5 compact fluorescent lamps used under the August 9, 2001,
6 version of the Energy Star program of the Environmental
7 Protection Agency and the Department of Energy.

8 “(B) Except as provided in subparagraph (C), me-
9 dium base compact fluorescent lamps shall meet all test
10 requirements for regulated parameters of section 325(cc).

11 “(C) Notwithstanding subparagraph (B), if manufac-
12 turers document engineering predictions and analysis that
13 support expected attainment of lumen maintenance at 40
14 percent rated life and lamp lifetime, medium base compact
15 fluorescent lamps may be marketed before completion of
16 the testing of lamp life and lumen maintenance at 40 per-
17 cent of rated life.

18 “(13) Test procedures for dehumidifiers shall be
19 based on the test criteria used under the Energy Star Pro-
20 gram Requirements for Dehumidifiers developed by the
21 Environmental Protection Agency, as in effect on the date
22 of enactment of this paragraph unless revised by the Sec-
23 retary pursuant to this section.

24 “(14) The test procedure for measuring flow rate for
25 commercial prerinse spray valves shall be based on Amer-

1 ican Society for Testing and Materials Standard F2324,
2 entitled ‘Standard Test Method for Pre-Rinse Spray
3 Valves.’

4 “(15) The test procedure for refrigerated bottled or
5 canned beverage vending machines shall be based on
6 American National Standards Institute/American Society
7 of Heating, Refrigerating and Air-Conditioning Engineers
8 Standard 32.1–2004, entitled ‘Methods of Testing for
9 Rating Vending Machines for Bottled, Canned or Other
10 Sealed Beverages’.”; and

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

12 “(f) ADDITIONAL CONSUMER AND COMMERCIAL
13 PRODUCTS.—(1) Not later than 2 years after the date of
14 enactment of this subsection, the Secretary shall prescribe
15 testing requirements for—

16 “(A) suspended ceiling fans;

17 “(B) refrigerated bottled or canned bev-
18 erage vending machines; and

19 “(C) commercial refrigerators, freezers,
20 and refrigerator-freezers.

21 “(2) To the maximum extent practicable, the testing
22 requirements prescribed under paragraph (1) shall be
23 based on existing test procedures used in industry.”.

1 (c) STANDARD SETTING AUTHORITY.—Section 325
2 of the Energy Policy and Conservation Act (42 U.S.C.
3 6295) is amended—

4 (1) in subsection (f)(3), by adding at the end
5 the following:

6 “(D) Notwithstanding any other provision of this Act,
7 if the requirements of subsection (o) are met, the Sec-
8 retary may consider and prescribe energy conservation
9 standards or energy use standards for electricity used for
10 purposes of circulating air through duct work.”;

11 (2) in subsection (o), by adding at the end the
12 following:

13 “(5) The Secretary may set more than 1 energy con-
14 servation standard for products that serve more than 1
15 major function by setting 1 energy conservation standard
16 for each major function.”;

17 (3) in the first sentence of subsection (p), by
18 striking “Any” and inserting the following: “Except
19 as provided in subsection (u), any”; and

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

21 “(u) SPECIAL RULEMAKING PROCEDURES.—(1) Not-
22 withstanding any other provision of law, the Secretary
23 may publish a notice of direct final rulemaking based on
24 an energy conservation standard recommended by an in-
25 terested person, if—

1 “(A) in response to an advance notice of pro-
2 posed rulemaking under paragraph (p), the inter-
3 ested person (including a representative of a manu-
4 facturer of a covered product, a conservation advo-
5 cate, or consumer) submits a joint comment recom-
6 mending an energy conservation standard; and

7 “(B) the Secretary determines that the energy
8 conservation standard complies with the substantive
9 provisions of this Act that apply to the type (or
10 class) of covered products to which the rule may
11 apply.

12 “(2) The Secretary shall publish a notice of direct
13 final rulemaking under paragraph (1) with a notice of pro-
14 posed rulemaking incorporating by reference the regu-
15 latory language of the direct final rule that provides for
16 an effective date not earlier than 90 days after the date
17 of publication.

18 “(3) The Secretary may withdraw a direct final rule
19 published under paragraph (2) before the effective date
20 of the rule if an interested person files a significant ad-
21 verse comment in response to the related notice of pro-
22 posed rulemaking.

23 “(v) BATTERY CHARGER AND EXTERNAL POWER
24 SUPPLY ELECTRIC ENERGY CONSUMPTION.—(1)(A) Not
25 later than 18 months after the date of enactment of this

1 subsection, the Secretary shall, after providing notice and
2 an opportunity for comment, prescribe, by rule, definitions
3 and test procedures for the power use of battery chargers
4 and external power supplies.

5 “(B) In establishing the test procedures under sub-
6 paragraph (A), the Secretary shall—

7 “(i) consider existing definitions and test proce-
8 dures used for measuring energy consumption in
9 standby mode and other modes; and

10 “(ii) assess the current and projected future
11 market for battery chargers and external power sup-
12 plies.

13 “(C) The assessment under subparagraph (B)(ii)
14 shall include—

15 “(i) estimates of the significance of potential
16 energy savings from technical improvements to bat-
17 tery chargers and external power supplies; and

18 “(ii) suggested product classes for energy con-
19 servation standards.

20 “(D) Not later than 18 months after the date of en-
21 actment of this subsection, the Secretary shall hold a
22 scoping workshop to discuss and receive comments on
23 plans for developing energy conservation standards for en-
24 ergy use for battery chargers and external power supplies.

1 “(E)(i) Not later than 3 years after the date of enact-
2 ment of this subsection, the Secretary shall issue a final
3 rule that determines whether energy conservation stand-
4 ards shall be issued for battery chargers and external
5 power supplies or classes of battery chargers and external
6 power supplies.

7 “(ii) For each product class, any energy conservation
8 standards issued under clause (i) shall be set at the lowest
9 level of energy use that—

10 “(I) meets the criteria and procedures of sub-
11 sections (o), (p), (q), (r), (s), and (t); and

12 “(II) would result in significant overall annual
13 energy savings, considering standby mode and other
14 operating modes.

15 “(2) In determining under section 323 whether test
16 procedures and energy conservation standards under this
17 section should be revised with respect to covered products
18 that are major sources of standby mode energy consump-
19 tion, the Secretary shall consider whether to incorporate
20 standby mode into the test procedures and energy con-
21 servation standards, taking into account standby mode
22 power consumption compared to overall product energy
23 consumption.

24 “(3) The Secretary shall not propose an energy con-
25 servation standard under this section, unless the Secretary

1 has issued applicable test procedures for each product
2 under section 323.

3 “(4) Any energy conservation standard issued under
4 this subsection shall be applicable to products manufac-
5 tured or imported beginning on the date that is 3 years
6 after the date of issuance.

7 “(5) The Secretary and the Administrator shall col-
8 laborate and develop programs (including programs under
9 section 324A and other voluntary industry agreements or
10 codes of conduct) that are designed to reduce standby
11 mode energy use.

12 “(w) SUSPENDED CEILING FANS AND REFRIG-
13 ERATED BEVERAGE VENDING MACHINES.—(1) Not later
14 than 4 years after the date of enactment of this sub-
15 section, the Secretary shall prescribe, by rule, energy con-
16 servation standards for—

17 “(A) suspended ceiling fans; and

18 “(B) refrigerated bottled or canned beverage
19 vending machines.

20 “(2) In establishing energy conservation standards
21 under this subsection, the Secretary shall use the criteria
22 and procedures prescribed under subsections (o) and (p).

23 “(3) Any energy conservation standard prescribed
24 under this subsection shall apply to products manufac-

1 tured 3 years after the date of publication of a final rule
2 establishing the energy conservation standard.

3 “(x) ILLUMINATED EXIT SIGNS.—An illuminated
4 exit sign manufactured on or after January 1, 2006, shall
5 meet the version 2.0 Energy Star Program performance
6 requirements for illuminated exit signs prescribed by the
7 Environmental Protection Agency.

8 “(y) TORCHIERES.—A torchiere manufactured on or
9 after January 1, 2006—

10 “(1) shall consume not more than 190 watts of
11 power; and

12 “(2) shall not be capable of operating with
13 lamps that total more than 190 watts.

14 “(z) LOW VOLTAGE DRY-TYPE DISTRIBUTION
15 TRANSFORMERS.—The efficiency of a low voltage dry-type
16 distribution transformer manufactured on or after Janu-
17 ary 1, 2006, shall be the Class I Efficiency Levels for dis-
18 tribution transformers specified in table 4–2 of the ‘Guide
19 for Determining Energy Efficiency for Distribution Trans-
20 formers’ published by the National Electrical Manufactur-
21 ers Association (NEMA TP–1–2002).

22 “(aa) TRAFFIC SIGNAL MODULES AND PEDESTRIAN
23 MODULES.—Any traffic signal module or pedestrian mod-
24 ule manufactured on or after January 1, 2006, shall—

1 “(1) meet the performance requirements used
2 under the Energy Star program of the Environ-
3 mental Protection Agency for traffic signals, as in
4 effect on the date of enactment of this subsection;
5 and

6 “(2) be installed with compatible, electrically
7 connected signal control interface devices and con-
8 flict monitoring systems.

9 “(bb) UNIT HEATERS.—A unit heater manufactured
10 on or after the date that is 3 years after the date of enact-
11 ment of this subsection shall—

12 “(1) be equipped with an intermittent ignition
13 device; and

14 “(2) have power venting or an automatic flue
15 damper.

16 “(cc) MEDIUM BASE COMPACT FLUORESCENT
17 LAMPS.—(1) A bare lamp and covered lamp (no reflector)
18 medium base compact fluorescent lamp manufactured on
19 or after January 1, 2006, shall meet the following require-
20 ments prescribed by the August 9, 2001, version of the
21 Energy Star Program Requirements for Compact Fluores-
22 cent Lamps, Energy Star Eligibility Criteria, Energy-Effi-
23 ciency Specification issued by the Environmental Protec-
24 tion Agency and Department of Energy:

25 “(A) Minimum initial efficacy.

1 “(B) Lumen maintenance at 1000 hours.

2 “(C) Lumen maintenance at 40 percent of
3 rated life.

4 “(D) Rapid cycle stress test.

5 “(E) Lamp life.

6 “(2) The Secretary may, by rule, establish require-
7 ments for color quality (CRI), power factor, operating fre-
8 quency, and maximum allowable start time based on the
9 requirements prescribed by the August 9, 2001, version
10 of the Energy Star Program Requirements for Compact
11 Fluorescent Lamps.

12 “(3) The Secretary may, by rule—

13 “(A) revise the requirements established under
14 paragraph (2); or

15 “(B) establish other requirements, after consid-
16 ering energy savings, cost effectiveness, and con-
17 sumer satisfaction.

18 “(dd) DEHUMIDIFIERS.—(1) Dehumidifiers manu-
19 factured on or after October 1, 2007, shall have an Energy
20 Factor that meets or exceeds the following values:

“Product Capacity (pints/day):	Minimum Energy Factor (Liters/kWh)
24 or less	1.00
25 – 34	1.20
35 – 54	1.30
55 – 75	1.50
76 or more	2.25.

21 “(2)(A) Not later than October 1, 2009, the Sec-
22 retary shall publish a final rule in accordance with sub-

1 sections (o) and (p), to determine whether the energy con-
2 servation standards established under paragraph (1)
3 should be amended.

4 “(B) The final rule published under subparagraph
5 (A) shall—

6 “(i) contain any amendment by the Secretary;
7 and

8 “(ii) provide that the amendment applies to
9 products manufactured on or after October 1, 2012.

10 “(C) If the Secretary does not publish an amendment
11 that takes effect by October 1, 2012, dehumidifiers manu-
12 factured on or after October 1, 2012, shall have an Energy

13 Factor that meets or exceeds the following values:

“Product Capacity (pints/day):	Minimum Energy Factor (Liters/kWh)
24 or less	1.20
25 – 34	1.30
35 – 44	1.40
45 – 54	1.50
55 – 75	1.60
76 or more	2.5.

14 “(ee) COMMERCIAL PRERINSE SPRAY VALVES.—
15 Commercial prerinse spray valves manufactured on or
16 after January 1, 2006, shall have a flow rate of not more
17 than 1.6 gallons per minute.

18 “(ff) APPLICATION DATE.—Section 327 applies—

19 “(1) to products for which energy conservation
20 standards are to be established under subsection (l),
21 (u), (v), or (w) beginning on the date on which a
22 final rule is issued by the Secretary, except that any

1 State or local standard prescribed or enacted for the
2 product before the date on which the final rule is
3 issued shall not be preempted until the energy con-
4 servation standard established under subsection
5 (l),(u), (v), or (w) for the product takes effect; and
6 “(2) to products for which energy conservation
7 standards are established under subsections (x)
8 through (ee) on the date of enactment of those sub-
9 sections, except that any State or local standard pre-
10 scribed or enacted before the date of enactment of
11 those subsections shall not be preempted until the
12 energy conservation standards established under
13 subsections (x) through (ee) take effect.”.

14 (d) GENERAL RULE OF PREEMPTION.—Section
15 327(c) of the Energy Policy and Conservation Act (42
16 U.S.C. 6297(c)) is amended—

17 (1) in paragraph (5), by striking “or” at the
18 end;

19 (2) in paragraph (6), by striking the period at
20 the end and inserting “; or”; and

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

22 “(7)(A) is a regulation concerning standards for
23 commercial prerinse spray valves adopted by the
24 California Energy Commission before January 1,
25 2005; or

1 “(B) is an amendment to a regulation described
2 in subparagraph (A) that was developed to align
3 California regulations with changes in American So-
4 ciety for Testing and Materials Standard F2324;

5 “(8)(A) is a regulation concerning standards for
6 pedestrian modules adopted by the California En-
7 ergy Commission before January 1, 2005; or

8 “(B) is an amendment to a regulation described
9 in subparagraph (A) that was developed to align
10 California regulations to changes in the Institute for
11 Transportation Engineers standards, entitled ‘Per-
12 formance Specification: Pedestrian Traffic Control
13 Signal Indications’.”.

14 **SEC. 136. ENERGY CONSERVATION STANDARDS FOR COM-**
15 **MERCIAL EQUIPMENT.**

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

18 (1) in paragraph (1)—

19 (A) by redesignating subparagraphs (D)
20 through (G) as subparagraphs (H) through
21 (K), respectively; and

22 (B) by inserting after subparagraph (C)
23 the following:

24 “(D) Very large commercial package air
25 conditioning and heating equipment.

1 “(E) Commercial refrigerators, freezers,
2 and refrigerator-freezers.

3 “(F) Automatic commercial ice makers.

4 “(G) Commercial clothes washers.”;

5 (2) in paragraph (2)(B), by striking “small and
6 large commercial package air conditioning and heat-
7 ing equipment” and inserting “commercial package
8 air conditioning and heating equipment, commercial
9 refrigerators, freezers, and refrigerator-freezers,
10 automatic commercial ice makers, commercial
11 clothes washers”;

12 (3) by striking paragraphs (8) and (9) and in-
13 serting the following:

14 “(8)(A) The term ‘commercial package air con-
15 ditioning and heating equipment’ means air-cooled,
16 water-cooled, evaporatively-cooled, or water source
17 (not including ground water source) electrically oper-
18 ated, unitary central air conditioners and central air
19 conditioning heat pumps for commercial application.

20 “(B) The term ‘small commercial package air
21 conditioning and heating equipment’ means commer-
22 cial package air conditioning and heating equipment
23 that is rated below 135,000 Btu per hour (cooling
24 capacity).

1 “(C) The term ‘large commercial package air
2 conditioning and heating equipment’ means commer-
3 cial package air conditioning and heating equipment
4 that is rated—

5 “(i) at or above 135,000 Btu per hour;
6 and

7 “(ii) below 240,000 Btu per hour (cooling
8 capacity).

9 “(D) The term ‘very large commercial package
10 air conditioning and heating equipment’ means com-
11 mercial package air conditioning and heating equip-
12 ment that is rated—

13 “(i) at or above 240,000 Btu per hour;
14 and

15 “(ii) below 760,000 Btu per hour (cooling
16 capacity).

17 “(9)(A) The term ‘commercial refrigerator,
18 freezer, and refrigerator-freezer’ means refrigeration
19 equipment that—

20 “(i) is not a consumer product (as defined
21 in section 321);

22 “(ii) is not designed and marketed exclu-
23 sively for medical, scientific, or research pur-
24 poses;

1 “(iii) operates at a chilled, frozen, com-
2 bination chilled and frozen, or variable tempera-
3 ture;

4 “(iv) displays or stores merchandise and
5 other perishable materials horizontally,
6 semivertically, or vertically;

7 “(v) has transparent or solid doors, sliding
8 or hinged doors, a combination of hinged, slid-
9 ing, transparent, or solid doors, or no doors;

10 “(vi) is designed for pull-down temperature
11 applications or holding temperature applica-
12 tions; and

13 “(vii) is connected to a self-contained con-
14 densing unit or to a remote condensing unit.

15 “(B) The term ‘holding temperature applica-
16 tion’ means a use of commercial refrigeration equip-
17 ment other than a pull-down temperature applica-
18 tion, except a blast chiller or freezer.

19 “(C) The term ‘integrated average temperature’
20 means the average temperature of all test package
21 measurements taken during the test.

22 “(D) The term ‘pull-down temperature applica-
23 tion’ means a commercial refrigerator with doors
24 that, when fully loaded with 12 ounce beverage cans
25 at 90 degrees F, can cool those beverages to an av-

1 erage stable temperature of 38 degrees F in 12
2 hours or less.

3 “(E) The term ‘remote condensing unit’ means
4 a factory-made assembly of refrigerating components
5 designed to compress and liquefy a specific refriger-
6 erant that is remotely located from the refrigerated
7 equipment and consists of 1 or more refrigerant
8 compressors, refrigerant condensers, condenser fans
9 and motors, and factory supplied accessories.

10 “(F) The term ‘self-contained condensing unit’
11 means a factory-made assembly of refrigerating com-
12 ponents designed to compress and liquefy a specific
13 refrigerant that is an integral part of the refriger-
14 erated equipment and consists of 1 or more refriger-
15 erant compressors, refrigerant condensers, condenser
16 fans and motors, and factory supplied accessories.”;
17 and

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

19 “(19) The term ‘automatic commercial ice
20 maker’ means a factory-made assembly (not nec-
21 essarily shipped in 1 package) that—

22 “(A) consists of a condensing unit and ice-
23 making section operating as an integrated unit,
24 with means for making and harvesting ice; and

1 “(B) may include means for storing ice,
2 dispensing ice, or storing and dispensing ice.

3 “(20) The term ‘commercial clothes washer’
4 means a soft-mount front-loading or soft-mount top-
5 loading clothes washer that—

6 “(A) has a clothes container compartment
7 that—

8 “(i) for horizontal-axis clothes wash-
9 ers, is not more than 3.5 cubic feet ; and

10 “(ii) for vertical-axis clothes washers,
11 is not more than 4.0 cubic feet; and

12 “(B) is designed for use in—

13 “(i) applications in which the occu-
14 pants of more than 1 household will be
15 using the clothes washer, such as multi-
16 family housing common areas and coin
17 laundries; or

18 “(ii) other commercial applications.

19 “(21) The term ‘harvest rate’ means the
20 amount of ice (at 32 degrees F) in pounds produced
21 per 24 hours.”.

22 (b) STANDARDS FOR COMMERCIAL PACKAGE AIR
23 CONDITIONING AND HEATING EQUIPMENT.—Section
24 342(a) of the Energy Policy and Conservation Act (42
25 U.S.C. 6313(a)) is amended—

1 (1) in the subsection heading, by striking
2 “SMALL AND LARGE” and inserting “SMALL,
3 LARGE, AND VERY LARGE”;

4 (2) in paragraph (1), by inserting “but before
5 January 1, 2010,” after “January 1, 1994,”;

6 (3) in paragraph (2), by inserting “but before
7 January 1, 2010,” after “January 1, 1995,”; and

8 (4) in paragraph (6)—

9 (A) in subparagraph (A)—

10 (i) by inserting “(i)” after “(A)”;

11 (ii) by striking “the date of enactment
12 of the Energy Policy Act of 1992” and in-
13 serting “January 1, 2010”;

14 (iii) by inserting after “large commer-
15 cial package air conditioning and heating
16 equipment,” the following: “and very large
17 commercial package air conditioning and
18 heating equipment, or if ASHRAE/IES
19 Standard 90.1, as in effect on October 24,
20 1992, is amended with respect to any”;
21 and

22 (iv) by adding at the end the fol-
23 lowing:

24 “(ii) If ASHRAE/IES Standard 90.1 is not amended
25 with respect to small commercial package air conditioning

1 and heating equipment, large commercial package air con-
2 ditioning and heating equipment, and very large commer-
3 cial package air conditioning and heating equipment dur-
4 ing the 5-year period beginning on the effective date of
5 a standard, the Secretary may initiate a rulemaking to
6 determine whether a more stringent standard—

7 “(I) would result in significant additional con-
8 servation of energy; and

9 “(II) is technologically feasible and economi-
10 cally justified.”; and

11 (B) in subparagraph (C)(ii), by inserting
12 “and very large commercial package air condi-
13 tioning and heating equipment” after “large
14 commercial package air conditioning and heat-
15 ing equipment”; and

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

17 “(7) Small commercial package air conditioning and
18 heating equipment manufactured on or after January 1,
19 2010, shall meet the following standards:

20 “(A) The minimum energy efficiency ratio of
21 air-cooled central air conditioners at or above 65,000
22 Btu per hour (cooling capacity) and less than
23 135,000 Btu per hour (cooling capacity) shall be—

24 “(i) 11.2 for equipment with no heating or
25 electric resistance heating; and

1 “(ii) 11.0 for equipment with all other
2 heating system types that are integrated into
3 the equipment (at a standard rating of 95 de-
4 grees F db).

5 “(B) The minimum energy efficiency ratio of
6 air-cooled central air conditioner heat pumps at or
7 above 65,000 Btu per hour (cooling capacity) and
8 less than 135,000 Btu per hour (cooling capacity)
9 shall be—

10 “(i) 11.0 for equipment with no heating or
11 electric resistance heating; and

12 “(ii) 10.8 for equipment with all other
13 heating system types that are integrated into
14 the equipment (at a standard rating of 95 de-
15 grees F db).

16 “(C) The minimum coefficient of performance
17 in the heating mode of air-cooled central air condi-
18 tioning heat pumps at or above 65,000 Btu per hour
19 (cooling capacity) and less than 135,000 Btu per
20 hour (cooling capacity) shall be 3.3 (at a high tem-
21 perature rating of 47 degrees F db).

22 “(8) Large commercial package air conditioning and
23 heating equipment manufactured on or after January 1,
24 2010, shall meet the following standards:

1 “(A) The minimum energy efficiency ratio of
2 air-cooled central air conditioners at or above
3 135,000 Btu per hour (cooling capacity) and less
4 than 240,000 Btu per hour (cooling capacity) shall
5 be—

6 “(i) 11.0 for equipment with no heating or
7 electric resistance heating; and

8 “(ii) 10.8 for equipment with all other
9 heating system types that are integrated into
10 the equipment (at a standard rating of 95 de-
11 grees F db).

12 “(B) The minimum energy efficiency ratio of
13 air-cooled central air conditioner heat pumps at or
14 above 135,000 Btu per hour (cooling capacity) and
15 less than 240,000 Btu per hour (cooling capacity)
16 shall be—

17 “(i) 10.6 for equipment with no heating or
18 electric resistance heating; and

19 “(ii) 10.4 for equipment with all other
20 heating system types that are integrated into
21 the equipment (at a standard rating of 95 de-
22 grees F db).

23 “(C) The minimum coefficient of performance
24 in the heating mode of air-cooled central air condi-
25 tioning heat pumps at or above 135,000 Btu per

1 hour (cooling capacity) and less than 240,000 Btu
2 per hour (cooling capacity) shall be 3.2 (at a high
3 temperature rating of 47 degrees F db).

4 “(9) Very large commercial package air conditioning
5 and heating equipment manufactured on or after January
6 1, 2010, shall meet the following standards:

7 “(A) The minimum energy efficiency ratio of
8 air-cooled central air conditioners at or above
9 240,000 Btu per hour (cooling capacity) and less
10 than 760,000 Btu per hour (cooling capacity) shall
11 be—

12 “(i) 10.0 for equipment with no heating or
13 electric resistance heating; and

14 “(ii) 9.8 for equipment with all other heat-
15 ing system types that are integrated into the
16 equipment (at a standard rating of 95 degrees
17 F db).

18 “(B) The minimum energy efficiency ratio of
19 air-cooled central air conditioner heat pumps at or
20 above 240,000 Btu per hour (cooling capacity) and
21 less than 760,000 Btu per hour (cooling capacity)
22 shall be—

23 “(i) 9.5 for equipment with no heating or
24 electric resistance heating; and

1 “(ii) 9.3 for equipment with all other heat-
2 ing system types that are integrated into the
3 equipment (at a standard rating of 95 degrees
4 F db).

5 “(C) The minimum coefficient of performance
6 in the heating mode of air-cooled central air condi-
7 tioning heat pumps at or above 240,000 Btu per
8 hour (cooling capacity) and less than 760,000 Btu
9 per hour (cooling capacity) shall be 3.2 (at a high
10 temperature rating of 47 degrees F db).”.

11 (c) STANDARDS FOR COMMERCIAL REFRIGERATORS,
12 FREEZERS, AND REFRIGERATOR-FREEZERS.—Section
13 342 of the Energy Policy and Conservation Act (42 U.S.C.
14 6313) is amended by adding at the end the following:

15 “(c) COMMERCIAL REFRIGERATORS, FREEZERS, AND
16 REFRIGERATOR-FREEZERS.—(1) In this subsection:

17 “(A) The term ‘AV’ means the adjusted volume
18 (ft³) (defined as 1.63 x frozen temperature compart-
19 ment volume (ft³) + chilled temperature compart-
20 ment volume (ft³)) with compartment volumes meas-
21 ured in accordance with the Association of Home
22 Appliance Manufacturers Standard HRF1-1979.

23 “(B) The term ‘V’ means the chilled or frozen
24 compartment volume (ft³) (as defined in the Asso-

1 ciation of Home Appliance Manufacturers Standard
 2 HRF1-1979).

3 “(C) Other terms have such meanings as may
 4 be established by the Secretary, based on industry-
 5 accepted definitions and practice.

6 “(2) Each commercial refrigerator, freezer, and re-
 7 frigerator-freezer with a self-contained condensing unit de-
 8 signed for holding temperature applications manufactured
 9 on or after January 1, 2010, shall have a daily energy
 10 consumption (in kilowatt hours per day) that does not ex-
 11 ceed the following:

“Refrigerators with solid doors	0.10 V + 2.04
Refrigerators with transparent doors	0.12 V + 3.34
Freezers with solid doors	0.40 V + 1.38
Freezers with transparent doors	0.75 V + 4.10
Refrigerators/freezers with solid doors the greater of.	0.27 AV - 0.71 or 0.70.

12 “(3) Each commercial refrigerator with a self-con-
 13 tained condensing unit designed for pull-down tempera-
 14 ture applications and transparent doors manufactured on
 15 or after January 1, 2010, shall have a daily energy con-
 16 sumption (in kilowatt hours per day) of not more than
 17 0.126 V + 3.51.

18 “(4)(A) Not later than January 1, 2009, the Sec-
 19 retary shall issue, by rule, standard levels for ice-cream
 20 freezers, self-contained commercial refrigerators, freezers,
 21 and refrigerator-freezers without doors, and remote con-

1 densing commercial refrigerators, freezers, and refrig-
2 erator-freezers, with the standard levels effective for
3 equipment manufactured on or after January 1, 2012.

4 “(B) The Secretary may issue, by rule, standard lev-
5 els for other types of commercial refrigerators, freezers,
6 and refrigerator-freezers not covered by paragraph (2)(A)
7 with the standard levels effective for equipment manufac-
8 tured 3 or more years after the date on which the final
9 rule is published.

10 “(5)(A) Not later than January 1, 2013, the Sec-
11 retary shall issue a final rule to determine whether the
12 standards established under this subsection should be
13 amended.

14 “(B) Not later than 3 years after the effective date
15 of any amended standards under subparagraph (A) or the
16 publication of a final rule determining that the standards
17 should not be amended, the Secretary shall issue a final
18 rule to determine whether the standards established under
19 this subsection or the amended standards, as applicable,
20 should be amended.

21 “(C) If the Secretary issues a final rule under sub-
22 paragraph (A) or (B) establishing amended standards, the
23 final rule shall provide that the amended standards apply
24 to products manufactured on or after the date that is—

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

3 “(ii) if the Secretary determines, by rule, that
4 3 years is inadequate, not later than 5 years after
5 the date on which the final rule is published.”.

6 (d) STANDARDS FOR AUTOMATIC COMMERCIAL ICE
7 MAKERS.—Section 342 of the Energy Policy and Con-
8 servation Act (42 U.S.C. 6313) (as amended by subsection
9 (c)) is amended by adding at the end the following:

10 “(d) AUTOMATIC COMMERCIAL ICE MAKERS.—(1)
11 Each automatic commercial ice maker that produces cube
12 type ice with capacities between 50 and 2500 pounds per
13 24-hour period when tested according to the test standard
14 established in section 343(a)(7) and is manufactured on
15 or after January 1, 2010, shall meet the following stand-
16 ard levels:

Equipment Type	Type of Cooling	Harvest Rate(lbs ice/ 24 hours)	Maximum Energy Use(kWh/ 100 lbs Ice)	Maximum Condenser Water Use(gal/100 lbs Ice)
Ice Making Head	Water	500	7.80-	200-0.022H
		500 and	0.0055H	200-0.022H
		1436	5.58-	
		1436	0.0011H	
Ice Making Head	Air	450	10.26-	Not Applicable
		450	0.0086H	
			6.89-0011H	
Remote Condensing (but not remote compressor)	Air	1000	8.85-	Not Applicable
		1000	0.0038H	Not Applicable
Remote Condensing and	Air	934	8.85-0.0038H	Not Applicable
Remote Compressor		934	5.3	Not Applicable

Equipment Type	Type of Cooling	Harvest Rate(lbs ice/ 24 hours)	Maximum Energy Use(kWh/ 100 lbs Ice)	Maximum Condenser Water Use(gal/100 lbs Ice)
Self Contained	Water	200	11.40-200	191-0.0315H
Self Contained	Air	175	18.0-0.0469H	Not Applicable
Self Contained	Air	175	18.0-0.0469H	Not Applicable
			9.80	

1 “(2)(A) The Secretary may issue, by rule, standard
2 levels for types of automatic commercial ice makers that
3 are not covered by paragraph (1).

4 “(B) The standards established under subparagraph
5 (A) shall apply to products manufactured on or after the
6 date that is—

7 “(i) 3 years after the date on which the rule is
8 published under subparagraph (A); or

9 “(ii) if the Secretary determines, by rule, that
10 3 years is inadequate, not later than 5 years after
11 the date on which the final rule is published.

12 “(3)(A) Not later than January 1, 2015, with respect
13 to the standards established under paragraph (1), and, with
14 respect to the standards established under paragraph (2),
15 not later than 5 years after the date on which the stand-
16 ards take effect, the Secretary shall issue a final rule to
17 determine whether amending the applicable standards is
18 technologically feasible and economically justified.

19 “(B) Not later than 5 years after the effective date
20 of any amended standards under subparagraph (A) or the

1 publication of a final rule determining that amending the
2 standards is not technologically feasible or economically
3 justified, the Secretary shall issue a final rule to determine
4 whether amending the standards established under para-
5 graph (1) or the amended standards, as applicable, is tech-
6 nologically feasible or economically justified.

7 “(C) If the Secretary issues a final rule under sub-
8 paragraph (A) or (B) establishing amended standards, the
9 final rule shall provide that the amended standards apply
10 to products manufactured on or after the date that is—

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

13 “(ii) if the Secretary determines, by rule, that
14 3 years is inadequate, not later than 5 years after
15 the date on which the final amended standard is
16 published.

17 “(4) A final rule issued under paragraph (2) or (3)
18 shall establish standards at the maximum level that is
19 technically feasible and economically justified, as provided
20 in subsections (o) and (p) of section 325.”.

21 (e) STANDARDS FOR COMMERCIAL CLOTHES WASH-
22 ERS.—Section 342 of the Energy Policy and Conservation
23 Act (42 U.S.C. 6313) (as amended by subsection (d)) is
24 amended by adding at the end the following:

1 “(e) COMMERCIAL CLOTHES WASHERS.—(1) Each
2 commercial clothes washer manufactured on or after Jan-
3 uary 1, 2007, shall have—

4 “(A) a Modified Energy Factor of at least 1.26;
5 and

6 “(B) a Water Factor of not more than 9.5.

7 “(2)(A)(i) Not later than January 1, 2010, the Sec-
8 retary shall publish a final rule to determine whether the
9 standards established under paragraph (1) should be
10 amended.

11 “(ii) The rule published under clause (i) shall provide
12 that any amended standard shall apply to products manu-
13 factured 3 years after the date on which the final amended
14 standard is published.

15 “(B)(i) Not later than January 1, 2015, the Sec-
16 retary shall publish a final rule to determine whether the
17 standards established under paragraph (1) should be
18 amended.

19 “(ii) The rule published under clause (i) shall provide
20 that any amended standard shall apply to products manu-
21 factured 3 years after the date on which the final amended
22 standard is published.”.

23 (f) TEST PROCEDURES.—Section 343 of the Energy
24 Policy and Conservation Act (42 U.S.C. 6314) is
25 amended—

1 (1) in subsection (a)—

2 (A) in paragraph (4)—

3 (i) in subparagraph (A), by inserting
4 “very large commercial package air condi-
5 tioning and heating equipment,” after
6 “large commercial package air conditioning
7 and heating equipment,”; and

8 (ii) in subparagraph (B), by inserting
9 “very large commercial package air condi-
10 tioning and heating equipment,” after
11 “large commercial package air conditioning
12 and heating equipment,”; and

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

14 “(6)(A)(i) In the case of commercial refrigerators,
15 freezers, and refrigerator-freezers, the test procedures
16 shall be—

17 “(I) the test procedures determined by the Sec-
18 retary to be generally accepted industry testing pro-
19 cedures; or

20 “(II) rating procedures developed or recognized
21 by the ASHRAE or by the American National
22 Standards Institute.

23 “(ii) In the case of self-contained refrigerators, freez-
24 ers, and refrigerator-freezers to which standards are appli-
25 cable under subsection 342(c)(1), the initial test proce-

1 dures shall be the ASHRAE 117 test procedure that is
2 in effect on January 1, 2005.

3 “(B)(i) In the case of commercial refrigerators, freez-
4 ers, and refrigerators-freezers with doors covered by the
5 standards adopted in February 2002, by the California
6 Energy Commission, the rating temperatures shall be the
7 integrated average temperature of 38 degrees F (+/- 2
8 degrees F) for refrigerator compartments and 0 degrees
9 F (+/- 2 degrees F) for freezer compartments.

10 “(C) The Secretary shall issue a rule in accordance
11 with paragraphs (2) and (3) to establish the appropriate
12 rating temperatures for the other products for which
13 standards will be established under subsection 342(c)(2).

14 “(D) In establishing the appropriate test tempera-
15 tures under this subparagraph, the Secretary shall follow
16 the procedures and meet the requirements under section
17 323(e).

18 “(E)(i) Not later than 180 days after the publication
19 of the new ASHRAE 117 test procedure, if the ASHRAE
20 117 test procedure for commercial refrigerators, freezers,
21 and refrigerator-freezers is amended, the Secretary shall,
22 by rule, amend the test procedure for the product as nec-
23 essary to ensure that the test procedure is consistent with
24 the amended ASHRAE 117 test procedure, unless the
25 Secretary makes a determination, by rule, and supported

1 by clear and convincing evidence, that to do so would not
2 meet the requirements for test procedures under para-
3 graphs (2) and (3).

4 “(ii) If the Secretary determines that 180 days is an
5 insufficient period during which to review and adopt the
6 amended test procedure or rating procedure under clause
7 (i), the Secretary shall publish a notice in the Federal
8 Register stating the intent of the Secretary to wait not
9 longer than 1 additional year before putting into effect
10 an amended test procedure or rating procedure.

11 “(F)(i) If a test procedure other than the ASHRAE
12 117 test procedure is approved by the American National
13 Standards Institute, the Secretary shall, by rule—

14 “(I) review the relative strengths and weak-
15 nesses of the new test procedure relative to the
16 ASHRAE 117 test procedure; and

17 “(II) based on that review, adopt 1 new test
18 procedure for use in the standards program.

19 “(ii) If a new test procedure is adopted under clause
20 (i)—

21 “(I) section 323(e) shall apply; and

22 “(II) subparagraph (B) shall apply to the
23 adopted test procedure.

24 “(7)(A) In the case of automatic commercial ice mak-
25 ers, the test procedures shall be the test procedures speci-

1 fied in Air-Conditioning and Refrigeration Institute
2 Standard 810-2003, as in effect on January 1, 2005.

3 “(B)(i) If Air-Conditioning and Refrigeration Insti-
4 tute Standard 810-2003 is amended, the Secretary shall
5 amend the test procedures established in subparagraph
6 (A) as necessary to be consistent with the amended Air-
7 Conditioning and Refrigeration Institute Standard, unless
8 the Secretary determines, by rule, published in the Federal
9 Register and supported by clear and convincing evidence,
10 that to do so would not meet the requirements for test
11 procedures under paragraphs (2) and (3).

12 “(ii) If the Secretary issues a rule under clause (i)
13 containing a determination described in clause (ii), the
14 rule may establish an amended test procedure for the
15 product that meets the requirements of paragraphs (2)
16 and (3).

17 “(C) The Secretary shall comply with section 323(e)
18 in establishing any amended test procedure under this
19 paragraph.

20 “(8) With respect to commercial clothes washers, the
21 test procedures shall be the same as the test procedures
22 established by the Secretary for residential clothes wash-
23 ers under section 325(g).”; and

24 (2) in subsection (d)(1), by inserting “very
25 large commercial package air conditioning and heat-

1 ing equipment, commercial refrigerators, freezers,
2 and refrigerator-freezers, automatic commercial ice
3 makers, commercial clothes washers,” after “large
4 commercial package air conditioning and heating
5 equipment,”.

6 (d) LABELING.—Section 344(e) of the Energy Policy
7 and Conservation Act (42 U.S.C. 6315(e)) is amended by
8 inserting “very large commercial package air conditioning
9 and heating equipment, commercial refrigerators, freezers,
10 and refrigerator-freezers, automatic commercial ice mak-
11 ers, commercial clothes washers,” after “large commercial
12 package air conditioning and heating equipment,” each
13 place it appears.

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

17 (1) in subsection (a)—

18 (A) in paragraph (7), by striking “and” at
19 the end;

20 (B) in paragraph (8), by striking the pe-
21 riod at the end and inserting “; and”; and

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

23 “(9) in the case of commercial clothes washers,
24 section 327(b)(1) shall be applied as if the National

1 Appliance Energy Conservation Act of 1987 was the
2 Energy Policy Act of 2005.”;

3 (2) in the first sentence of subsection (b)(1), by
4 striking “part B” and inserting “part A”; and

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

6 “(d)(1) Except as provided in paragraphs (2) and
7 (3), section 327 shall apply with respect to very large com-
8 mercial package air conditioning and heating equipment
9 to the same extent and in the same manner as section
10 327 applies under part B on the date of enactment of this
11 subsection.

12 “(2) Any State or local standard issued before the
13 date of enactment of this subsection shall not be pre-
14 empted until the standards established under section
15 342(a)(9) take effect on January 1, 2010.

16 “(e)(1)(A) Subsections (a), (b), and (d) of section
17 326, subsections (m) through (s) of section 325, and sec-
18 tions 328 through 336 shall apply with respect to commer-
19 cial refrigerators, freezers, and refrigerator-freezers to the
20 same extent and in the same manner as those provisions
21 apply under part A.

22 “(B) In applying those provisions to commercial re-
23 frigerators, freezers, and refrigerator-freezers, paragraphs
24 (1), (2), (3), and (4) of subsection (a) shall apply.

1 “(2)(A) Section 327 shall apply to commercial clothes
2 washers for which standards are established under para-
3 graphs (2) and (3) of section 342(c) to the same extent
4 and in the same manner as those provisions apply under
5 part A on the date of enactment of this subsection, except
6 that any State or local standard issued before the date
7 of enactment of this subsection shall not be preempted
8 until the standards established under paragraphs (2) and
9 (3) of section 342(c) take effect.

10 “(B) In applying section 327 in accordance with sub-
11 paragraph (A), paragraphs (1), (2), and (3) of subsection
12 (a) shall apply.

13 “(3)(A) Section 327 shall apply to commercial refrig-
14 erators, freezers, and refrigerator-freezers for which
15 standards are established under section 342(c)(4) to the
16 same extent and in the same manner as the provisions
17 apply under part A on the date of publication of the final
18 rule by the Secretary, except that any State or local stand-
19 ard issued before the date of publication of the final rule
20 by the Secretary shall not be preempted until the stand-
21 ards take effect.

22 “(B) In applying section 327 in accordance with sub-
23 paragraph (A), paragraphs (1), (2), and (3) of subsection
24 (a) shall apply.

1 “(4)(A) If the Secretary does not issue a final rule
2 for a specific type of commercial refrigerator, freezer, or
3 refrigerator-freezer within the time frame specified in sec-
4 tion 342(c)(5), subsections (b) and (c) of section 327 shall
5 not apply to that specific type of refrigerator, freezer, or
6 refrigerator-freezer for the period beginning on the date
7 that is 2 years after the scheduled date for a final rule
8 and ending on the date on which the Secretary publishes
9 a final rule covering the specific type of refrigerator, freez-
10 er, or refrigerator-freezer.

11 “(B) Any State or local standard issued before the
12 date of publication of the final rule shall not be preempted
13 until the final rule takes effect.

14 “(5)(A) In the case of any commercial refrigerator,
15 freezer, or refrigerator-freezer to which standards are ap-
16 plicable under paragraphs (2) and (3) of section 342(c),
17 the Secretary shall require manufacturers to certify,
18 through an independent, nationally recognized testing or
19 certification program, that the commercial refrigerator,
20 freezer, or refrigerator-freezer meets the applicable stand-
21 ard.

22 “(B) The Secretary shall, to the maximum extent
23 practicable, encourage the establishment of at least 2 inde-
24 pendent testing and certification programs.

1 “(C) As part of certification, information on equip-
2 ment energy use and interior volume shall be made avail-
3 able to the Secretary.

4 “(f)(1)(A)(i) Except as provided in clause (ii), section
5 327 shall apply to automatic commercial ice makers for
6 which standards have been established under section
7 342(d)(1) to the same extent and in the same manner as
8 the section applies under part A on the date of enactment
9 of this subsection.

10 “(ii) Any State standard issued before the date of en-
11 actment of this subsection shall not be preempted until
12 the standards established under section 342(d)(1) take ef-
13 fect.

14 “(B) In applying section 327 to the equipment under
15 subparagraph (A), paragraphs (1), (2), and (3) of sub-
16 section (a) shall apply.

17 “(2)(A)(i) Except as provided in clause (ii), section
18 327 shall apply to automatic commercial ice makers for
19 which standards have been established under section
20 342(d)(3) to the same extent and in the same manner as
21 the section applies under part A on the date of publication
22 of the final rule by the Secretary.

23 “(ii) Any State standard issued before the date of
24 publication of the final rule by the Secretary shall not be

1 preempted until the standards established under section
2 342(d)(3) take effect.

3 “(B) In applying section 327 in accordance with sub-
4 paragraph (A), paragraphs (1), (2), and (3) of subsection
5 (a) shall apply.

6 “(3)(A) If the Secretary does not issue a final rule
7 for a specific type of automatic commercial ice maker
8 within the time frame specified in subsection 342(d), sub-
9 sections (b) and (c) of section 327 shall no longer apply
10 to the specific type of automatic commercial ice maker for
11 the period beginning on the day after the scheduled date
12 for a final rule and ending on the date on which the Sec-
13 retary publishes a final rule covering the specific type of
14 automatic commercial ice maker.

15 “(B)(i) Except as provided in clause (ii), subsections
16 (b) and (c) of section 327 shall apply to the specific type
17 of automatic commercial ice maker beginning on the date
18 of publication of the final rule covering the specific type
19 of equipment.

20 “(ii) Any State standard issued before the publication
21 of the final rule shall not be preempted until the standards
22 established in the final rule take effect.

23 “(4)(A) The Secretary shall monitor whether manu-
24 facturers are reducing harvest rates below tested values

1 for the purpose of bringing non-complying equipment into
2 compliance.

3 “(B) If the Secretary finds that there has been a sub-
4 stantial amount of manipulation with respect to harvest
5 rates under subparagraph (A), the Secretary shall take
6 steps to minimize the manipulation, such as requiring har-
7 vest rates to be within 5 percent of tested values.

8 “(g)(1) If the Secretary does not issue a final rule
9 for commercial clothes washers within the timeframe spec-
10 ified in section 342(e)(2), subsections (b) and (c) of sec-
11 tion 327 shall not apply to commercial clothes washers for
12 the period beginning on the day after the scheduled date
13 for a final rule and ending on the date on which the Sec-
14 retary publishes a final rule covering commercial clothes
15 washers.

16 “(2)(A) Except as provided in subparagraph (B),
17 subsections (b) and (c) of section 327 shall apply to com-
18 mercial clothes washers on the date on which the Sec-
19 retary publishes a final rule covering commercial clothes
20 washers.

21 “(B) Any State or local standard issued before the
22 date on which the Secretary publishes a final rule shall
23 not be preempted until the standards established under
24 section 342(e)(2) take effect.”.

1 **SEC. 137. EXPEDITED RULEMAKING.**

2 (a) ADMINISTRATIVE PROCEDURE.—The first sen-
3 tence of section 325(p) of the Energy Policy and Con-
4 servation Act (42 U.S.C. 6295(p)) is amended by striking
5 “Any” and inserting “Except as provided in subsection
6 (u), any”.

7 (b) ADMINISTRATIVE PROCEDURE AND JUDICIAL
8 REVIEW.—The first sentence of section 336(b)(2) of the
9 Energy Policy and Conservation Act (42 U.S.C.
10 6306(b)(2)) is amended by striking “such chapter.” and
11 inserting “that chapter, except, notwithstanding section
12 706(2)(D) of title 5, United States Code, no direct final
13 rule prescribed or withdrawn under section 325(u) may
14 be held unlawful or set aside because of the failure of the
15 Secretary to observe a procedure required by law other
16 than the procedures required under section 325(u).”.

17 (c) CONFORMING AMENDMENT.—Section 345(b)(1)
18 of the Energy Policy and Conservation Act (42 U.S.C.
19 6316(b)(1)) is amended by inserting “section 325(u),” be-
20 fore “section 326(a)”.

21 **SEC. 138. ENERGY LABELING.**

22 (a) RULEMAKING ON EFFECTIVENESS OF CONSUMER
23 PRODUCT LABELING.—Section 324(a)(2) of the Energy
24 Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is
25 amended by adding at the end the following:

1 “(F)(i) Not later than 90 days after the date of en-
2 actment of this subparagraph, the Commission shall ini-
3 tiate a rulemaking to consider—

4 “(I) the effectiveness of the consumer products
5 labeling program in assisting consumers in making
6 purchasing decisions and improving energy effi-
7 ciency; and

8 “(II) changes to the labeling rules (including
9 categorical labeling) that would improve the effec-
10 tiveness of consumer product labels.

11 “(ii) Not later than 2 years after the date of enact-
12 ment of this subparagraph, the Commission shall complete
13 the rulemaking initiated under clause (i).”.

14 (b) RULEMAKING ON LABELING FOR ADDITIONAL
15 PRODUCTS.—Section 324(a) of the Energy Policy and
16 Conservation Act (42 U.S.C. 6294(a)) is amended by add-
17 ing at the end the following:

18 “(5)(A) For covered products described in sub-
19 sections (u) through (aa) of section 325, after a test proce-
20 dure has been prescribed under section 323, the Secretary
21 or the Commission, as appropriate, may prescribe, by rule,
22 under this section labeling requirements for the products.

23 “(B) In the case of products to which TP–1 stand-
24 ards under section 325(y) apply, labeling requirements
25 shall be based on the ‘Standard for the Labeling of Dis-

1 tribution Transformer Efficiency' prescribed by the Na-
2 tional Electrical Manufacturers Association (NEMA TP-
3 3) as in effect on the date of enactment of this para-
4 graph.”.

5 **SEC. 139. ENERGY EFFICIENT ELECTRIC AND NATURAL GAS**
6 **UTILITIES STUDY.**

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of enactment of this Act, the Secretary, in consulta-
9 tion with the National Association of Regulatory Utility
10 Commissioners, shall conduct a study of State and re-
11 gional policies that promote cost-effective programs to re-
12 duce energy consumption (including energy efficiency pro-
13 grams) that are carried out by—

14 (1) utilities that are subject to State regulation;

15 and

16 (2) nonregulated utilities.

17 (b) CONSIDERATION.—In conducting the study under
18 subsection (a), the Secretary shall take into
19 consideration—

20 (1) performance standards for achieving energy
21 use and demand reduction targets;

22 (2) funding sources, including rate surcharges;

23 (3) infrastructure planning approaches (includ-
24 ing energy efficiency programs) and infrastructure
25 improvements;

1 (4) the costs and benefits of consumer edu-
2 cation programs conducted by State and local gov-
3 ernments and local utilities to increase consumer
4 awareness of energy efficiency technologies and
5 measures; and

6 (5) methods of—

7 (A) removing disincentives for utilities to
8 implement energy efficiency programs;

9 (B) encouraging utilities to undertake vol-
10 untary energy efficiency programs; and

11 (C) ensuring appropriate returns on energy
12 efficiency programs.

13 (c) REPORT.—Not later than 1 year after the date
14 of enactment of this Act, the Secretary shall submit to
15 Congress a report that includes—

16 (1) the findings of the study; and

17 (2) any recommendations of the Secretary, in-
18 cluding recommendations on model policies to pro-
19 mote energy efficiency programs.

20 **SEC. 140. ENERGY EFFICIENCY PILOT PROGRAM.**

21 (a) IN GENERAL.—The Secretary shall establish a
22 pilot program under which the Secretary provides financial
23 assistance to at least 3, but not more than 7, States to
24 carry out pilot projects in the States for—

1 (1) planning and adopting statewide programs
2 that encourage, for each year in which the pilot
3 project is carried out—

4 (A) energy efficiency; and

5 (B) reduction of consumption of electricity
6 or natural gas in the State by at least 0.75 per-
7 cent, as compared to a baseline determined by
8 the Secretary for the period preceding the im-
9 plementation of the program; or

10 (2) for any State that has adopted a statewide
11 program as of the date of enactment of this Act, ac-
12 tivities that reduce energy consumption in the State
13 by expanding and improving the program.

14 (b) VERIFICATION.—A State that receives financial
15 assistance under subsection (a)(1) shall submit to the Sec-
16 retary independent verification of any energy savings
17 achieved through the statewide program.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section
20 \$5,000,000 for each of fiscal years 2006 through 2010,
21 to remain available until expended.

22 **SEC. 141. ENERGY EFFICIENCY RESOURCE PROGRAMS.**

23 (a) ELECTRIC UTILITY PROGRAMS.—Section 111 of
24 the Public Utilities Regulatory Policy Act of 1978 (16

1 U.S.C. 2621) is amended by adding at the end the fol-
2 lowing:

3 “(e) ENERGY EFFICIENCY RESOURCE PROGRAMS.—

4 “(1) DEFINITIONS.—In this subsection:

5 “(A) DEMAND BASELINE.—The term ‘de-
6 mand baseline’ means the baseline determined
7 by the Secretary for an appropriate period pre-
8 ceding the implementation of an energy effi-
9 ciency resource program.

10 “(B) ENERGY EFFICIENCY RESOURCE PRO-
11 GRAMS.—The term ‘energy efficiency resource
12 program’ means an energy efficiency or other
13 demand reduction program that is designed to
14 reduce annual electricity consumption or peak
15 demand of consumers served by an electric util-
16 ity by a percentage of the demand baseline of
17 the utility that is equal to not less than 0.75
18 percent of the number of years during which
19 the program is in effect.

20 “(2) PUBLIC HEARINGS; DETERMINATIONS.—

21 “(A) As soon as practicable after the date
22 of enactment of this subsection, but not later
23 than 3 years after that date, each State regu-
24 latory authority (with respect to each electric
25 utility over which the State has ratemaking au-

1 thority) and each nonregulated electric utility
2 shall, after notice, conduct a public hearing on
3 the benefits and feasibility of implementing an
4 energy efficiency resource program.

5 “(B) A State regulatory authority or non-
6 regulated utility shall implement an energy effi-
7 ciency resource program if, on the basis of a
8 hearing under subparagraph (A), the State reg-
9 ulatory authority or nonregulated utility deter-
10 mines that the program would—

11 “(i) benefit end-use customers;

12 “(ii) be cost-effective based on total
13 resource cost;

14 “(iii) serve the public welfare; and

15 “(iv) be feasible to implement.

16 “(3) IMPLEMENTATION.—

17 “(A) STATE REGULATORY AUTHORITIES.—

18 If a State regulatory authority makes a deter-
19 mination under paragraph (2)(B), the State
20 regulatory authority shall—

21 “(i) require each electric utility over
22 which the State has ratemaking authority
23 to implement an energy efficiency resource
24 program; and

1 “(ii) allow such a utility to recover
2 any expenditures incurred by the utility in
3 implementing the energy efficiency re-
4 source program.

5 “(B) NONREGULATED ELECTRIC UTILI-
6 TIES.—If a nonregulated electric utility makes
7 a determination under paragraph (2)(B), the
8 utility shall implement an energy efficiency re-
9 source program.

10 “(4) UPDATING REGULATIONS.—A State regu-
11 latory authority or nonregulated utility may update
12 periodically a determination under paragraph (2)(B)
13 to determine whether an energy efficiency resource
14 program should be—

15 “(A) continued;,
16 “(B) modified; or
17 “(C) terminated.

18 “(5) EXCEPTION.—Paragraph (2) shall not apply to
19 a State regulatory authority (or any nonregulated electric
20 utility operating in the State) that demonstrates to the
21 Secretary that an energy efficiency resource program is
22 in effect in the State.”.

23 (b) GAS UTILITIES.—Section 303 of the Public Utili-
24 ties Regulatory Policy Act of 1978 (15 U.S.C. 3203) is
25 amended by adding at the end the following:

1 “(e) ENERGY EFFICIENCY RESOURCE PROGRAMS.—

2 “(1) DEFINITIONS.—In this subsection:

3 “(A) DEMAND BASELINE.—The term ‘de-
4 mand baseline’ means the baseline determined
5 by the Secretary for an appropriate period pre-
6 ceding the implementation of an energy effi-
7 ciency resource program.

8 “(B) ENERGY EFFICIENCY RESOURCE PRO-
9 GRAMS.—The term ‘energy efficiency resource
10 program’ means an energy efficiency or other
11 demand reduction program that is designed to
12 reduce annual gas consumption or peak demand
13 of consumers served by a gas utility by a per-
14 centage of the demand baseline of the utility
15 that is equal to not less than 0.75 percent of
16 the number of years during which the program
17 is in effect.

18 “(2) PUBLIC HEARINGS; DETERMINATIONS.—

19 “(A) As soon as practicable after the date
20 of enactment of this subsection, but not later
21 than 3 years after that date, each State regu-
22 latory authority (with respect to each gas utility
23 over which the State has ratemaking authority)
24 and each nonregulated gas utility shall, after
25 notice, conduct a public hearing on the benefits

1 and feasibility of implementing an energy effi-
2 ciency resource program.

3 “(B) A State regulatory authority or non-
4 regulated utility shall implement an energy effi-
5 ciency resource program if, on the basis of a
6 hearing under subparagraph (A), the State reg-
7 ulatory authority or nonregulated utility deter-
8 mines that the program would—

9 “(i) benefit end-use customers;

10 “(ii) be cost-effective based on total
11 resource cost;

12 “(iii) serve the public welfare; and

13 “(iv) be feasible to implement.

14 “(3) IMPLEMENTATION.—

15 “(A) STATE REGULATORY AUTHORITIES.—

16 If a State regulatory authority makes a deter-
17 mination under paragraph (2)(B), the State
18 regulatory authority shall—

19 “(i) require each gas utility over
20 which the State has ratemaking authority
21 to implement an energy efficiency resource
22 program; and

23 “(ii) allow such a utility to recover
24 any expenditures incurred by the utility in

1 implementing the energy efficiency re-
2 source program.

3 “(B) NONREGULATED GAS UTILITIES.—If
4 a nonregulated gas utility makes a determina-
5 tion under paragraph (2)(B), the utility shall
6 implement an energy efficiency resource pro-
7 gram.

8 “(4) UPDATING REGULATIONS.—A State regu-
9 latory authority or nonregulated utility may update
10 periodically a determination under paragraph (2)(B)
11 to determine whether an energy efficiency resource
12 program should be—

13 “(A) continued;,

14 “(B) modified; or

15 “(C) terminated.

16 “(5) EXCEPTION.—Paragraph (2) shall not apply to
17 a State regulatory authority (or any nonregulated gas util-
18 ity operating in the State) that demonstrates to the Sec-
19 retary that an energy efficiency resource program is in ef-
20 fect in the State.”.

21 **Subtitle D—Measures to Conserve**
22 **Petroleum**

23 **SEC. 151. REDUCTION OF DEPENDENCE ON IMPORTED PE-**
24 **TROLEUM.**

25 (a) REPORT.—

1 (1) IN GENERAL.—Not later than February 1,
2 2006, and annually thereafter, the President shall
3 submit to Congress a report, based on the most re-
4 cent edition of the Annual Energy Outlook published
5 by the Energy Information Administration, assessing
6 the progress made by the United States toward the
7 goal of reducing dependence on imported petroleum
8 sources by 2015.

9 (2) CONTENTS.—The report under subsection
10 (a) shall—

11 (A) include a description of the implemen-
12 tation, during the previous fiscal year, of provi-
13 sions under this Act relating to domestic crude
14 petroleum production;

15 (B) assess the effectiveness of those provi-
16 sions in meeting the goal described in para-
17 graph (1); and

18 (C) describe the progress in developing and
19 implementing measures under subsection (b).

20 (b) MEASURES TO REDUCE IMPORT DEPENDENCE
21 THROUGH INCREASED DOMESTIC PETROLEUM CON-
22 SERVATION.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this Act, the President
25 shall develop and implement measures to conserve

1 petroleum in end-uses throughout the economy of
2 the United States sufficient to reduce total demand
3 for petroleum in the United States by 1,000,000
4 barrels per day from the amount projected for cal-
5 endar year 2015 in the reference case contained in
6 the report of the Energy Information Administration
7 entitled “Annual Energy Outlook 2005”.

8 (2) CONTENTS.—The measures under para-
9 graph (1) shall be designed to ensure continued reli-
10 able and affordable energy for consumers.

11 (3) IMPLEMENTATION.—The measures under
12 paragraph (1) shall be implemented under existing
13 authorities of appropriate Federal executive agencies
14 identified by the President.