

AMENDMENT TO H.R. 3221

OFFERED BY Mr. Hoyer

In section 2203(a)(1), strike “India and China” and insert “such countries”.

In section 2203(a)(2), strike “India and China” and insert “such countries”.

In title IV, add at the end the following new subtitle:

1 **Subtitle H—H-PRIZE**

2 **SEC. 4701. H-PRIZE.**

3 Section 1008 of the Energy Policy Act of 2005 (42
4 U.S.C. 16396) is amended by adding at the end the fol-
5 lowing new subsection:

6 “(f) H-PRIZE.—

7 “(1) PRIZE AUTHORITY.—

8 “(A) IN GENERAL.—As part of the pro-
9 gram under this section, the Secretary shall
10 carry out a program to competitively award
11 cash prizes in conformity with this subsection
12 to advance the research, development, dem-
13 onstration, and commercial application of hy-
14 drogen energy technologies.

1 “(B) ADVERTISING AND SOLICITATION OF
2 COMPETITORS.—

3 “(i) ADVERTISING.—The Secretary
4 shall widely advertise prize competitions
5 under this subsection to encourage broad
6 participation, including by individuals, uni-
7 versities (including historically Black col-
8 leges and universities and other minority
9 serving institutions), and large and small
10 businesses (including businesses owned or
11 controlled by socially and economically dis-
12 advantaged persons).

13 “(ii) ANNOUNCEMENT THROUGH FED-
14 ERAL REGISTER NOTICE.—The Secretary
15 shall announce each prize competition
16 under this subsection by publishing a no-
17 tice in the Federal Register. This notice
18 shall include essential elements of the com-
19 petition such as the subject of the competi-
20 tion, the duration of the competition, the
21 eligibility requirements for participation in
22 the competition, the process for partici-
23 pants to register for the competition, the
24 amount of the prize, and the criteria for
25 awarding the prize.

1 “(C) ADMINISTERING THE COMPETI-
2 TIONS.—The Secretary shall enter into an
3 agreement with a private, nonprofit entity to
4 administer the prize competitions under this
5 subsection, subject to the provisions of this sub-
6 section (in this subsection referred to as the
7 ‘administering entity’). The duties of the ad-
8 ministering entity under the agreement shall in-
9 clude—

10 “(i) advertising prize competitions
11 under this subsection and their results;

12 “(ii) raising funds from private enti-
13 ties and individuals to pay for administra-
14 tive costs and to contribute to cash prizes,
15 including funds provided in exchange for
16 the right to name a prize awarded under
17 this subsection;

18 “(iii) developing, in consultation with
19 and subject to the final approval of the
20 Secretary, the criteria for selecting winners
21 in prize competitions under this subsection,
22 based on goals provided by the Secretary;

23 “(iv) determining, in consultation with
24 the Secretary, the appropriate amount and
25 funding sources for each prize to be award-

1 ed under this subsection, subject to the
2 final approval of the Secretary with respect
3 to Federal funding;

4 “(v) providing advice and consultation
5 to the Secretary on the selection of judges
6 in accordance with paragraph (2)(D),
7 using criteria developed in consultation
8 with and subject to the final approval of
9 the Secretary; and

10 “(vi) protecting against the admin-
11 istering entity’s unauthorized use or disclo-
12 sure of a registered participant’s trade se-
13 crets and confidential business informa-
14 tion. Any information properly identified
15 as trade secrets or confidential business in-
16 formation that is submitted by a partici-
17 pant as part of a competitive program
18 under this subsection may be withheld
19 from public disclosure.

20 “(D) FUNDING SOURCES.—Prizes under
21 this subsection shall consist of Federal appro-
22 priated funds and any funds provided by the
23 administering entity (including funds raised
24 pursuant to subparagraph (C)(ii)) for such cash
25 prize programs. The Secretary may accept

1 funds from other Federal agencies for such
2 cash prizes and, notwithstanding section
3 3302(b) of title 31, United States Code, may
4 use such funds for the cash prize program
5 under this subsection. Other than publication of
6 the names of prize sponsors, the Secretary may
7 not give any special consideration to any private
8 sector entity or individual in return for a dona-
9 tion to the Secretary or administering entity.

10 “(E) ANNOUNCEMENT OF PRIZES.—The
11 Secretary may not issue a notice required by
12 subparagraph (B)(ii) until all the funds needed
13 to pay out the announced amount of the prize
14 have been appropriated or committed in writing
15 by the administering entity. The Secretary may
16 increase the amount of a prize after an initial
17 announcement is made under subparagraph
18 (B)(ii) if—

19 “(i) notice of the increase is provided
20 in the same manner as the initial notice of
21 the prize; and

22 “(ii) the funds needed to pay out the
23 announced amount of the increase have
24 been appropriated or committed in writing
25 by the administering entity.

1 “(F) SUNSET.—The authority to announce
2 prize competitions under this subsection shall
3 terminate on September 30, 2018.

4 “(2) PRIZE CATEGORIES.—

5 “(A) CATEGORIES.—The Secretary shall
6 establish prizes under this subsection for—

7 “(i) advancements in technologies,
8 components, or systems related to—

9 “(I) hydrogen production;

10 “(II) hydrogen storage;

11 “(III) hydrogen distribution; and

12 “(IV) hydrogen utilization;

13 “(ii) prototypes of hydrogen-powered
14 vehicles or other hydrogen-based products
15 that best meet or exceed objective perform-
16 ance criteria, such as completion of a race
17 over a certain distance or terrain or gen-
18 eration of energy at certain levels of effi-
19 ciency; and

20 “(iii) transformational changes in
21 technologies for the distribution or produc-
22 tion of hydrogen that meet or exceed far-
23 reaching objective criteria, which shall in-
24 clude minimal carbon emissions and which
25 may include cost criteria designed to facili-

1 tate the eventual market success of a win-
2 ning technology.

3 “(B) AWARDS.—

4 “(i) ADVANCEMENTS.—To the extent
5 permitted under paragraph (1)(E), the
6 prizes authorized under subparagraph
7 (A)(i) shall be awarded biennially to the
8 most significant advance made in each of
9 the four subcategories described in sub-
10 clauses (I) through (IV) of subparagraph
11 (A)(i) since the submission deadline of the
12 previous prize competition in the same cat-
13 egory under subparagraph (A)(i) or the
14 date of enactment of this subsection,
15 whichever is later, unless no such advance
16 is significant enough to merit an award.
17 No one such prize may exceed \$1,000,000.
18 If less than \$4,000,000 is available for a
19 prize competition under subparagraph
20 (A)(i), the Secretary may omit one or more
21 subcategories, reduce the amount of the
22 prizes, or not hold a prize competition.

23 “(ii) PROTOTYPES.—To the extent
24 permitted under paragraph (1)(E), prizes
25 authorized under subparagraph (A)(ii)

1 shall be awarded biennially in alternate
2 years from the prizes authorized under
3 subparagraph (A)(i). The Secretary is au-
4 thorized to award up to one prize in this
5 category in each 2-year period. No such
6 prize may exceed \$4,000,000. If no reg-
7 istered participants meet the objective per-
8 formance criteria established pursuant to
9 subparagraph (C) for a competition under
10 this clause, the Secretary shall not award
11 a prize.

12 “(iii) TRANSFORMATIONAL TECH-
13 NOLOGIES.—To the extent permitted under
14 paragraph (1)(E), the Secretary shall an-
15 nounce one prize competition authorized
16 under subparagraph (A)(iii) as soon after
17 the date of enactment of this subsection as
18 is practicable. A prize offered under this
19 clause shall be not less than \$10,000,000,
20 paid to the winner in a lump sum, and an
21 additional amount paid to the winner as a
22 match for each dollar of private funding
23 raised by the winner for the hydrogen tech-
24 nology beginning on the date the winner
25 was named. The match shall be provided

1 for 3 years after the date the prize winner
2 is named or until the full amount of the
3 prize has been paid out, whichever occurs
4 first. A prize winner may elect to have the
5 match amount paid to another entity that
6 is continuing the development of the win-
7 ning technology. The Secretary shall an-
8 nounce the rules for receiving the match in
9 the notice required by paragraph
10 (1)(B)(ii). The Secretary shall award a
11 prize under this clause only when a reg-
12 istered participant has met the objective
13 criteria established for the prize pursuant
14 to subparagraph (C) and announced pursu-
15 ant to paragraph (1)(B)(ii). Not more than
16 \$10,000,000 in Federal funds may be used
17 for the prize award under this clause. The
18 administering entity shall seek to raise
19 \$40,000,000 toward the matching award
20 under this clause.

21 “(C) CRITERIA.—In establishing the cri-
22 teria required by this subsection, the Sec-
23 retary—

1 “(i) shall consult with the Depart-
2 ment’s Hydrogen Technical and Fuel Cell
3 Advisory Committee;

4 “(ii) shall consult with other Federal
5 agencies, including the National Science
6 Foundation; and

7 “(iii) may consult with other experts
8 such as private organizations, including
9 professional societies, industry associa-
10 tions, and the National Academy of
11 Sciences and the National Academy of En-
12 gineering.

13 “(D) JUDGES.—For each prize competition
14 under this subsection, the Secretary in con-
15 sultation with the administering entity shall as-
16 semble a panel of qualified judges to select the
17 winner or winners on the basis of the criteria
18 established under subparagraph (C). Judges for
19 each prize competition shall include individuals
20 from outside the Department, including from
21 the private sector. A judge, spouse, minor chil-
22 dren, and members of the judge’s household
23 may not—

24 “(i) have personal or financial inter-
25 ests in, or be an employee, officer, director,

1 or agent of, any entity that is a registered
2 participant in the prize competition for
3 which he or she will serve as a judge; or

4 “(ii) have a familial or financial rela-
5 tionship with an individual who is a reg-
6 istered participant in the prize competition
7 for which he or she will serve as a judge.

8 “(3) ELIGIBILITY.—To be eligible to win a
9 prize under this subsection, an individual or entity—

10 “(A) shall have complied with all the re-
11 quirements in accordance with the Federal Reg-
12 ister notice required under paragraph
13 (1)(B)(ii);

14 “(B) in the case of a private entity, shall
15 be incorporated in and maintain a primary
16 place of business in the United States, and in
17 the case of an individual, whether participating
18 singly or in a group, shall be a citizen of, or an
19 alien lawfully admitted for permanent residence
20 in, the United States; and

21 “(C) shall not be a Federal entity, a Fed-
22 eral employee acting within the scope of his em-
23 ployment, or an employee of a national labora-
24 tory acting within the scope of his employment.

1 “(4) INTELLECTUAL PROPERTY.—The Federal
2 Government shall not, by virtue of offering or
3 awarding a prize under this subsection, be entitled
4 to any intellectual property rights derived as a con-
5 sequence of, or direct relation to, the participation
6 by a registered participant in a competition author-
7 ized by this subsection. This paragraph shall not be
8 construed to prevent the Federal Government from
9 negotiating a license for the use of intellectual prop-
10 erty developed for a prize competition under this
11 subsection.

12 “(5) LIABILITY.—

13 “(A) WAIVER OF LIABILITY.—The Sec-
14 retary may require registered participants to
15 waive claims against the Federal Government
16 and the administering entity (except claims for
17 willful misconduct) for any injury, death, dam-
18 age, or loss of property, revenue, or profits aris-
19 ing from the registered participants’ participa-
20 tion in a competition under this subsection. The
21 Secretary shall give notice of any waiver re-
22 quired under this subparagraph in the notice
23 required by paragraph (1)(B)(ii). The Secretary
24 may not require a registered participant to
25 waive claims against the administering entity

1 arising out of the unauthorized use or disclo-
2 sure by the administering entity of the reg-
3 istered participant's trade secrets or confiden-
4 tial business information.

5 “(B) LIABILITY INSURANCE.—

6 “(i) REQUIREMENTS.—Registered
7 participants in a prize competition under
8 this subsection shall be required to obtain
9 liability insurance or demonstrate financial
10 responsibility, in amounts determined by
11 the Secretary, for claims by—

12 “(I) a third party for death, bod-
13 ily injury, or property damage or loss
14 resulting from an activity carried out
15 in connection with participation in a
16 competition under this subsection; and

17 “(II) the Federal Government for
18 damage or loss to Government prop-
19 erty resulting from such an activity.

20 “(ii) FEDERAL GOVERNMENT IN-
21 SURED.—The Federal Government shall be
22 named as an additional insured under a
23 registered participant's insurance policy re-
24 quired under clause (i)(I), and registered
25 participants shall be required to agree to

1 indemnify the Federal Government against
2 third party claims for damages arising
3 from or related to competition activities
4 under this subsection.

5 “(6) REPORT TO CONGRESS.—Not later than
6 60 days after the awarding of the first prize under
7 this subsection, and annually thereafter, the Sec-
8 retary shall transmit to the Congress a report
9 that—

10 “(A) identifies each award recipient;

11 “(B) describes the technologies developed
12 by each award recipient; and

13 “(C) specifies actions being taken toward
14 commercial application of all technologies with
15 respect to which a prize has been awarded
16 under this subsection.

17 “(7) AUTHORIZATION OF APPROPRIATIONS.—

18 “(A) IN GENERAL.—

19 “(i) AWARDS.—There are authorized
20 to be appropriated to the Secretary for the
21 period encompassing fiscal years 2008
22 through 2017 for carrying out this sub-
23 section—

24 “(I) \$20,000,000 for awards de-
25 scribed in paragraph (2)(A)(i);

1 “(II) \$20,000,000 for awards de-
2 scribed in paragraph (2)(A)(ii); and

3 “(III) \$10,000,000 for the award
4 described in paragraph (2)(A)(iii).

5 “(ii) ADMINISTRATION.—In addition
6 to the amounts authorized in clause (i),
7 there are authorized to be appropriated to
8 the Secretary for each of fiscal years 2008
9 and 2009 \$2,000,000 for the administra-
10 tive costs of carrying out this subsection.

11 “(B) CARRYOVER OF FUNDS.—Funds ap-
12 propriated for prize awards under this sub-
13 section shall remain available until expended,
14 and may be transferred, reprogrammed, or ex-
15 pended for other purposes only after the expira-
16 tion of 10 fiscal years after the fiscal year for
17 which the funds were originally appropriated.
18 No provision in this subsection permits obliga-
19 tion or payment of funds in violation of section
20 1341 of title 31 of the United States Code
21 (commonly referred to as the Anti-Deficiency
22 Act).

23 “(8) NONSUBSTITUTION.—The programs cre-
24 ated under this subsection shall not be considered a

1 substitute for Federal research and development
2 programs.”.

In section 5003, strike paragraph (7) and insert the following new paragraph:

3 (7) by adding at the end the following new sub-
4 sections:

5 “(k) ADDITIONAL FUNDING FOR LOAN GUARAN-
6 TEES.—Of the funds of the Commodity Credit Corpora-
7 tion, the Secretary shall use to carry out this section—

8 “(1) \$50,000,000 for fiscal year 2008;

9 “(2) \$65,000,000 for fiscal year 2009;

10 “(3) \$75,000,000 for fiscal year 2010;

11 “(4) \$150,000,000 for fiscal year 2011; and

12 “(5) \$250,000,000 for fiscal year 2012.

13 “(l) CONTINUATION OF OPERATIONS.—

14 “(1) FUNDING.—The Secretary shall continue
15 to carry out this section at the rate of operation in
16 effect on September 30, 2012, from sums in the
17 Treasury not otherwise appropriated, through Sep-
18 tember 30, 2017.

19 “(2) AUTHORITY.—The program and authori-
20 ties provided under this section shall continue in
21 force and effect through September 30, 2017.”.

In section 5006, strike paragraph (7) and insert the following:

1 (7) by adding at the end the following new sub-
2 section:

3 “(h) FUNDING.—

4 “(1) IN GENERAL.—Of the funds of the Com-
5 modity Credit Corporation, the Secretary of Agri-
6 culture shall make available to carry out this sec-
7 tion—

8 “(A) \$40,000,000 for fiscal year 2008;

9 “(B) \$60,000,000 for fiscal year 2009;

10 “(C) \$75,000,000 for fiscal year 2010;

11 “(D) \$100,000,000 for fiscal year 2011;

12 and

13 “(E) \$150,000,000 for fiscal year 2012.

14 “(3) CONTINUATION OF OPERATIONS.—

15 “(A) FUNDING.—The Secretary shall con-
16 tinue to carry out this section at the rate of op-
17 eration in effect on September 30, 2012, from
18 sums in the Treasury not otherwise appro-
19 priated, through September 30, 2017.

20 “(B) AUTHORITY.—The program and au-
21 thorities provided under this section shall con-
22 tinue in force and effect through September 30,
23 2017.”.

Section 9008(j) of the Farm Security and Rural Investment Act of 2002, as amended by section 5007 of the bill, is amended to read as follows:

1 “(j) FUNDING.—

2 “(1) IN GENERAL.—Of the funds of the Com-
3 modity Credit Corporation, the Secretary of Agri-
4 culture shall make available to carry out this sec-
5 tion—

6 “(A) \$18,000,000 for fiscal year 2008;

7 “(B) \$28,000,000 for fiscal year 2009;

8 “(C) \$40,000,000 for fiscal year 2010;

9 “(D) \$50,000,000 for fiscal year 2011;

10 and

11 “(E) \$100,000,000 for fiscal year 2012.

12 “(2) CONTINUATION OF OPERATIONS.—

13 “(A) FUNDING.—The Secretary shall con-
14 tinue to carry out this section at the rate of op-
15 eration in effect on September 30, 2012, from
16 sums in the Treasury not otherwise appro-
17 priated, through September 30, 2017.

18 “(B) AUTHORITY.—The program and au-
19 thorities provided under this section shall con-
20 tinue in force and effect through September 30,
21 2017.”.

In section 5008, strike paragraph (3) and insert the following new paragraph:

1 (3) by striking subsection (c) and inserting the
2 following:

3 “(c) FUNDING.—

4 “(1) IN GENERAL.—Of the funds of the Com-
5 modity Credit Corporation, the Secretary of Agri-
6 culture shall use to carry out this section—

7 “(A) \$150,000,000 for fiscal year 2008;

8 “(B) \$150,000,000 for fiscal year 2009;

9 “(C) \$170,000,000 for fiscal year 2010;

10 “(D) \$180,000,000 for fiscal year 2011;

11 and

12 “(E) \$286,000,000 for fiscal year 2012.

13 “(2) CONTINUATION OF OPERATIONS.—

14 “(A) FUNDING.—The Secretary shall con-
15 tinue to carry out this section at the rate of op-
16 eration in effect on September 30, 2012, from
17 sums in the Treasury not otherwise appro-
18 priated, through September 30, 2017.

19 “(B) AUTHORITY.—The program and au-
20 thorities provided under this section shall con-
21 tinue in force and effect through September 30,
22 2017.”.

At the end of title V add the following new section:

1 **SEC. 5012. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIO-**
2 **ENERGY PRODUCERS.**

3 Title IX of the Farm Security and Rural Investment
4 Act of 2002 (7 U.S.C. 8101 et seq.) is further amended
5 by adding at the end the following new section:

6 **“SEC. 9014. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIO-**
7 **ENERGY PRODUCERS.**

8 “(a) **DEFINITIONS.**—In this section:

9 “(1) **BIOENERGY.**—The term ‘bioenergy’ means
10 fuel grade ethanol and other biofuel.

11 “(2) **BIOENERGY PRODUCER.**—The term ‘bio-
12 energy producer’ means a producer of bioenergy that
13 uses an eligible commodity to produce bioenergy
14 under this section.

15 “(3) **ELIGIBLE COMMODITY.**—The term ‘eligible
16 commodity’ means a form of raw or refined sugar or
17 in-process sugar that is eligible to be marketed in
18 the United States for human consumption or to be
19 used for the extraction of sugar for human consump-
20 tion.

21 “(4) **ELIGIBLE ENTITY.**—The term ‘eligible en-
22 tity’ means an entity located in the United States
23 that markets an eligible commodity in the United
24 States.

25 “(b) **FEEDSTOCK FLEXIBILITY PROGRAM.**—

26 “(1) **IN GENERAL.**—

1 “(A) PURCHASES AND SALES.—For each
2 of fiscal years 2008 through 2012, the Sec-
3 retary shall purchase eligible commodities from
4 eligible entities and sell such commodities to
5 bioenergy producers for the purpose of pro-
6 ducing bioenergy in a manner that ensures that
7 156 of the Federal Agricultural Improvement
8 and Reform Act (7 U.S.C. 7272) is operated at
9 no cost to the Federal Government by avoiding
10 forfeitures to the Commodity Credit Corpora-
11 tion.

12 “(B) COMPETITIVE PROCEDURES.—In car-
13 rying out the purchases and sales required
14 under subparagraph (A), the Secretary shall, to
15 the maximum extent practicable, use competi-
16 tive procedures, including the receiving, offer-
17 ing, and accepting of bids, when entering into
18 contracts with eligible entities and bioenergy
19 producers, provided that such procedures are
20 consistent with the purposes of subparagraph
21 (A).

22 “(C) LIMITATION.—The purchase and sale
23 of eligible commodities under subparagraph (A)
24 shall only be made in fiscal years in which such
25 purchases and sales are necessary to ensure

1 that the program authorized under section 156
2 of the Federal Agriculture Improvement and
3 Reform Act (7 U.S.C. 7272) is operated at no
4 cost to the Federal Government by avoiding for-
5 feitures to the Commodity Credit Corporation.

6 “(2) NOTICE.—

7 “(A) IN GENERAL.—Not later than Sep-
8 tember 1, 2007, and each September 1 there-
9 after through fiscal year 2011, the Secretary
10 shall provide notice to eligible entities and bio-
11 energy producers of the quantity of eligible
12 commodities that shall be made available for
13 purchase and sale for the subsequent fiscal year
14 under this section.

15 “(B) REESTIMATES.—Not later than the
16 first day of each of the second through fourth
17 quarters of each of fiscal years 2008 through
18 2012, the Secretary shall reestimate the quan-
19 tity of eligible commodities determined under
20 subparagraph (A), and provide notice and make
21 purchases and sales based on such reestimates.

22 “(3) COMMODITY CREDIT CORPORATION INVEN-
23 TORY.—To the extent that an eligible commodity is
24 owned and held in inventory by the Commodity
25 Credit Corporation (accumulated pursuant to the

1 program authorized under section 156 of the Fed-
2 eral Agriculture Improvement and Reform Act (7
3 U.S.C. 7272)), the Secretary shall sell such com-
4 modity to bioenergy producers under this section.

5 “(4) TRANSFER RULE; STORAGE FEES.—

6 “(A) GENERAL TRANSFER RULE.—Except
7 as provided in subparagraph (C), the Secretary
8 shall ensure that bioenergy producers that pur-
9 chase eligible commodities pursuant to this sub-
10 section take possession of such commodities
11 within 30 calendar days of the date of such
12 purchase from the Commodity Credit Corpora-
13 tion.

14 “(B) PAYMENT OF STORAGE FEES PRO-
15 HIBITED.—

16 “(i) IN GENERAL.—The Secretary
17 shall, to the greatest extent practicable,
18 carry out this subsection in a manner that
19 ensures no storage fees are paid by the
20 Commodity Credit Corporation in the ad-
21 ministration of this subsection.

22 “(ii) EXCEPTION.—Clause (i) shall
23 not apply with respect to any commodities
24 owned and held in inventory by the Com-
25 modity Credit Corporation (accumulated

1 pursuant to the program authorized under
2 section 156 of the Federal Agriculture Im-
3 provement and Reform Act (7 U.S.C.
4 7272)).

5 “(C) OPTION TO PREVENT STORAGE
6 FEES.—

7 “(i) IN GENERAL.—The Secretary
8 may enter into contracts with bioenergy
9 producers to sell eligible commodities to
10 such producers prior in time to entering
11 into contracts with eligible entities to pur-
12 chase such commodities to be used to sat-
13 isfy the contracts entered into with the bio-
14 energy producers.

15 “(ii) SPECIAL TRANSFER RULE.—If
16 the Secretary makes a sale and purchase
17 referred to in clause (i), the Secretary shall
18 ensure that the bioenergy producer that
19 purchased eligible commodities takes pos-
20 session of such commodities within 30 cal-
21 endar days of the date the Commodity
22 Credit Corporation purchases such com-
23 modities.

24 “(5) RELATION TO OTHER LAWS.—If sugar
25 that is subject to a marketing allotment under part

1 VII of subtitle B of title III of the Agricultural Ad-
2 justment Act of 1938 (7 U.S.C. 1359aa et seq.) is
3 the subject of a payment under this section, such
4 sugar shall be considered marketed and shall count
5 against a processor's allocation of an allotment
6 under such part, as applicable.

7 “(6) FUNDING.—The Secretary shall use the
8 funds, facilities, and authorities of the Commodity
9 Credit Corporation, including the use of such sums
10 as are necessary, to carry out this section.”.

In section 7306, in the amendment adding section 210 to the Energy Policy Act of 2005, in subsection (d) of such section 210, before the last sentence insert “The Secretary concerned may direct a resource advisory committee established under section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393), and reauthorized by the amendments made by Public Law 110–28, to carry out the requirements of this subsection.” .

In section 8201(b)(1) insert “or in the case of subsection (f) of such section 5311, intercity bus service,” after “charges for public transportation,”.

In section 8201(b)(1) insert “, or in the case of subsection (f) of such section 5311, intercity bus service,” after “provide the public transportation”.

In section 8201(b)(2) insert “or in the case of subsection (f) of such section 5311, intercity bus service,” after “expand public transportation service,”.

In section 8201(b)(2) insert “, or in the case of subsection (f) of such section 5311, intercity bus service,” after “provide the public transportation service”.

Add at the end of part 3 of subtitle F of title VIII the following new section:

1 **SEC. 8655. PROMOTING MAXIMUM EFFICIENCY IN OPER-**
2 **ATION OF CAPITOL POWER PLANT.**

3 (a) STEAM BOILERS.—

4 (1) IN GENERAL.—The Architect of the Capitol
5 shall take such steps as may be necessary to operate
6 the steam boilers at the Capitol Power Plant in the
7 most energy efficient manner possible to minimize
8 carbon emissions and operating costs, including ad-
9 justing steam pressures and adjusting the operation
10 of the boilers to take into account variations in de-
11 mand, including seasonality, for the use of the sys-
12 tem.

1 (2) EFFECTIVE DATE.—The Architect shall im-
2 plement the steps required under paragraph (1) not
3 later than 30 days after the date of the enactment
4 of this Act.

5 (b) CHILLER PLANT.—

6 (1) IN GENERAL.—The Architect of the Capitol
7 shall take such steps as may be necessary to operate
8 the chiller plant at the Capitol Power Plant in the
9 most energy efficient manner possible to minimize
10 carbon emissions and operating costs, including ad-
11 justing water temperatures and adjusting the oper-
12 ation of the chillers to take into account variations
13 in demand, including seasonality, for the use of the
14 system.

15 (2) EFFECTIVE DATE.—The Architect shall im-
16 plement the steps required under paragraph (1) not
17 later than 30 days after the date of the enactment
18 of this Act.

19 (c) METERS.—Not later than 90 days after the date
20 of the enactment of this Act, the Architect of the Capitol
21 shall evaluate the accuracy of the meters in use at the
22 Capitol Power Plant and correct them as necessary.

23 (d) REPORT ON IMPLEMENTATION.—Not later than
24 180 days after the date of the enactment of this Act, the
25 Architect of the Capitol, in conjunction with the Chief Ad-

1 ministrative Officer of the House of Representatives, shall
2 complete the implementation of the requirements of this
3 section and submit a report describing the actions taken
4 and the energy efficiencies achieved to the Committee on
5 Transportation and Infrastructure of the House of Rep-
6 resentatives, the Committee on Commerce, Science, and
7 Transportation of the Senate, the Committee on House
8 Administration of the House of Representatives, and the
9 Committee on Rules and Administration of the Senate.

Page 478, after line 8, insert the following :

10 **SEC. 8656. PROMOTING MAXIMUM EFFICIENCY IN OPER-**
11 **ATION OF CAPITOL POWER PLANT.**

12 (a) STEAM BOILERS AND CHILLER PLANT.—

13 (1) IN GENERAL.—The Architect of the Capitol
14 shall take such steps as may be necessary to operate
15 the steam boilers and the chiller plant at the Capitol
16 Power Plant in the most energy efficient manner
17 possible to minimize carbon emissions and operating
18 costs, including adjusting steam pressures, adjusting
19 the operation of the boilers, adjusting water tem-
20 peratures, and adjusting the operation of the chillers
21 to take into account variations in demand, including
22 seasonality, for the use of the systems.

23 (2) EFFECTIVE DATE.—The Architect shall im-
24 plement the steps required under paragraph (1) not

1 later than 30 days after the date of the enactment
2 of this Act.

3 (b) METERS.—Not later than 90 days after the date
4 of the enactment of this Act, the Architect of the Capitol
5 shall evaluate the accuracy of the meters in use at the
6 Capitol Power Plant and correct them as necessary.

7 (c) REPORT ON IMPLEMENTATION.—Not later than
8 180 days after the date of the enactment of this Act, the
9 Architect of the Capitol, in conjunction with the Chief Ad-
10 ministrative Officer of the House of Representatives, shall
11 complete the implementation of the requirements of this
12 section and submit a report describing the actions taken
13 and the energy efficiencies achieved to the Committee on
14 Transportation and Infrastructure of the House of Rep-
15 resentatives, the Committee on Commerce, Science, and
16 Transportation of the Senate, the Committee on House
17 Administration of the House of Representatives, and the
18 Committee on Rules and Administration of the Senate.

In section 9001(a)(2), in the proposed paragraph
(9), strike “Clotheswashers” and insert “A top-loading or
front-loading standard-size residential clotheswasher”.

Strike section 9015 and insert the following:

1 **SEC. 9015. STANDBY MODE.**

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

4 (1) in subsection (u)—

5 (A) by striking paragraphs (2), (3), and
6 (4); and

7 (B) by redesignating paragraph (5), and
8 paragraphs (6) and (7) (as added by this Act)
9 as paragraphs (2), (3), and (4), respectively;
10 and

11 (2) by adding at the end the following new sub-
12 section:

13 “(ii) STANDBY MODE ENERGY USE.—

14 “(1) DEFINITIONS.—

15 “(A) IN GENERAL.—Unless the Secretary
16 determines otherwise pursuant to subparagraph
17 (B), the definitions in this subsection, for the
18 purpose of this subsection, shall apply:

19 “(i) The term ‘active mode’ means the
20 condition in which an energy using product
21 is connected to a mains power source, has
22 been activated, and provides one or more
23 main functions.

24 “(ii) The term ‘off mode’ means the
25 condition in which an energy using product
26 is connected to a mains power source and

1 is not providing any standby or active
2 mode function.

3 “(iii) The term ‘standby mode’ means
4 the condition in which an energy using
5 product is connected to a mains power
6 source and offers one or more of the fol-
7 lowing user oriented or protective func-
8 tions:

9 “(I) To facilitate the activation
10 or deactivation of other functions (in-
11 cluding active mode) by remote switch
12 (including remote control), internal
13 sensor, or timer.

14 “(II) Continuous functions, in-
15 cluding information or status displays
16 (including clocks) or sensor-based
17 functions.

18 “(B) AMENDED DEFINITIONS.—The Sec-
19 retary may, by rule, amend the definitions
20 under subparagraph (A), taking into consider-
21 ation the most current versions of Standards
22 62301 and 62087 of the International Electro-
23 technical Commission.

24 “(2) TEST PROCEDURES.—(A) Test procedures
25 for all covered products shall be amended pursuant

1 to section 323 to include standby mode and off mode
2 energy consumption, taking into consideration the
3 most current versions of Standards 62301 and
4 62087 of the International Electrotechnical Commis-
5 sion, with such energy consumption integrated into
6 the overall energy efficiency, energy consumption, or
7 other energy descriptor for each covered product,
8 unless the Secretary determines that—

9 “(i) the current test procedures for a cov-
10 ered product already fully account for and in-
11 corporate its standby mode and off mode energy
12 consumption; or

13 “(ii) such an integrated test procedure is
14 technically infeasible for a particular covered
15 product, whereupon the Secretary shall promul-
16 gate a separate standby mode and off mode en-
17 ergy use test procedure for such product, if
18 technically feasible.

19 “(B) The test procedure amendments required
20 by subparagraph (A) shall be prescribed in a final
21 rule no later than the following dates:

22 “(i) December 31, 2008, for battery char-
23 gers and external power supplies.

1 “(ii) March 31, 2009, for clothes dryers,
2 room air conditioners, and fluorescent lamp bal-
3 lasts.

4 “(iii) June 30, 2009, for residential clothes
5 washers.

6 “(iv) September 30, 2009, for residential
7 furnaces and boilers.

8 “(v) March 31, 2010, for residential water
9 heaters, direct heating equipment, and pool
10 heaters.

11 “(vi) March 31, 2011, for residential dish-
12 washers, ranges and ovens, microwave ovens,
13 and dehumidifiers.

14 “(C) The test procedure amendments adopted
15 pursuant to subparagraph (B) shall not be used to
16 determine compliance with product standards estab-
17 lished prior to the adoption of such amended test
18 procedures.

19 “(3) INCORPORATION INTO STANDARD.—Based
20 on the test procedures required under paragraph
21 (2), any final rule establishing or revising a standard
22 for a covered product, adopted after July 1, 2010,
23 shall incorporate standby mode and off mode energy
24 use into a single amended or new standard, pursu-
25 ant to subsection (o), where feasible. Where not fea-

1 sible, the Secretary shall promulgate within such
2 final rule a separate standard for standby mode and
3 off mode energy consumption, if justified under sub-
4 section (o).”.

5 **SEC. 9016. BATTERY CHARGERS.**

6 Section 325(u) is amended—

7 (1) in paragraph (1)(E)(i)—

8 (A) by inserting “(I)” after “(E)(i)”;

9 (B) by striking “battery chargers and”
10 each place it appears; and

11 (C) by adding at the end the following new
12 subclause:

13 “(II) Not later than July 1, 2011, the Secretary shall
14 issue a final rule that prescribes energy conservation
15 standards for battery chargers or classes of battery char-
16 gers or determine that no energy conservation standard
17 is technically feasible and economically justified.”; and

18 (2) in paragraph (4), by striking “3 years” and
19 inserting “2 years”.

20 **SEC. 9017. WALK-IN COOLERS AND WALK-IN FREEZERS.**

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

23 (1) in paragraph (1)—

1 (A) by redesignating subparagraphs (G)
2 through (K) as subparagraphs (H) through (L),
3 respectively; and

4 (B) by inserting after subparagraph (F)
5 the following:

6 “(G) Walk-in coolers and walk-in freez-
7 ers.”;

8 (2) by redesignating paragraphs (20) and (21)
9 as paragraphs (21) and (22), respectively; and

10 (3) by inserting after paragraph (19) the fol-
11 lowing:

12 “(20) The terms ‘walk-in cooler’ and ‘walk-in
13 freezer’ mean an enclosed storage space refrigerated
14 to temperatures, respectively, above and at or below
15 32 degrees Fahrenheit that can be walked into, and
16 has a total chilled storage area of less than 3000
17 square feet. These terms exclude products designed
18 and marketed exclusively for medical, scientific, or
19 research purposes.”.

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

23 “(f) WALK-IN COOLERS AND WALK-IN FREEZERS.—
24 (1) Each walk-in cooler or walk-in freezer manufactured

1 on or after January 1, 2009, shall meet the following spec-
2 ifications:

3 “(A) Have automatic door closers that firmly
4 close all walk-in doors that have been closed to with-
5 in one inch of full closure. This requirement does
6 not apply to doors wider than 3 feet 9 inches or tall-
7 er than 7 feet.

8 “(B) Have strip doors, spring hinged doors, or
9 other method of minimizing infiltration when doors
10 are open.

11 “(C) Contain wall, ceiling, and door insulation
12 of at least R-25 for coolers and R-32 for freezers.
13 Door insulation requirements do not apply to glazed
14 portions of doors, nor to structural members.

15 “(D) Contain floor insulation of at least R-28
16 for freezers.

17 “(E) For evaporator fan motors of under one
18 horsepower and less than 460 volts, use either—

19 “(i) electronically commutated motors
20 (brushless direct current motors); or

21 “(ii) three-phase motors.

22 The portion of the requirement for electronically
23 commuted motors shall take effect January 1, 2009,
24 unless, prior to this date, the Secretary determines
25 that such motors are only available from one manu-

1 facturer. The Secretary may also allow other types
2 of motors if the Secretary determines that, on aver-
3 age, these other motors use no more energy in evap-
4 orator fan applications than electronically com-
5 mutated motors. The Secretary shall establish this
6 maximum energy consumption level no later than
7 January 1, 2010.

8 “(F) For condenser fan motors of under one
9 horsepower, use—

10 “(i) electronically commutated motors;

11 “(ii) permanent split capacitor-type mo-
12 tors; or

13 “(iii) three-phase motors.

14 “(G) For all interior lights, use light sources
15 with an efficacy of 40 lumens per watt or more, in-
16 cluding ballast losses (if any). Light sources with an
17 efficacy of 40 lumens per watt or less, including bal-
18 last losses (if any), may be used in conjunction with
19 a timer or device that turns off the lights within 15
20 minutes of when the walk-in cooler or walk-in freez-
21 er is not occupied.

22 “(2) Each walk-in cooler or walk-in freezer with
23 transparent reach-in doors manufactured on or after Jan-
24 uary 1, 2009, shall also meet the following specifications:

1 “(A) Transparent reach-in doors and windows
2 in walk-in doors for walk-in freezers shall be of tri-
3 ple-pane glass with either heat-reflective treated
4 glass or gas fill.

5 “(B) Transparent reach-in doors for walk-in
6 coolers and windows in walk-in doors shall be ei-
7 ther—

8 “(i) double-pane glass with heat-reflective
9 treated glass and gas fill; or

10 “(ii) triple pane glass with either heat-re-
11 flective treated glass or gas fill.

12 “(C) If the appliance has an antisweat heater
13 without antisweat heat controls, then the appliance
14 shall have a total door rail, glass, and frame heater
15 power draw of no more than 7.1 watts per square
16 foot of door opening (for freezers) and 3.0 watts per
17 square foot of door opening (for coolers).

18 “(D) If the appliance has an antisweat heater
19 with antisweat heat controls, and the total door rail,
20 glass, and frame heater power draw is more than 7.1
21 watts per square foot of door opening (for freezers)
22 and 3.0 watts per square foot of door opening (for
23 coolers), then the antisweat heat controls shall re-
24 duce the energy use of the antisweat heater in an
25 amount corresponding to the relative humidity in the

1 air outside the door or to the condensation on the
2 inner glass pane.

3 “(3) Not later than January 1, 2012, the Sec-
4 retary shall publish performance-based standards for
5 walk-in coolers and walk-in freezers that achieve the
6 maximum improvement in energy which the Sec-
7 retary determines is technologically feasible and eco-
8 nomically justified. Such standards shall apply to
9 products manufactured three years after the final
10 rule is published unless the Secretary determines, by
11 rule, that three years is inadequate, in which case
12 the Secretary may set an effective date for products
13 manufactured no greater than five years after the
14 date of publication of a final rule for these products.

15 “(4) Not later than January 1, 2020, the Sec-
16 retary shall publish a final rule to determine if the
17 standards established under paragraph (3) should be
18 amended. The rule shall provide that such standards
19 shall apply to products manufactured three years
20 after the final rule is published unless the Secretary
21 determines, by rule, that three years is inadequate,
22 in which case the Secretary may set an effective date
23 for products manufactured no greater than five
24 years after the date of publication of a final rule for
25 these products.”.

1 (c) TEST PROCEDURES.—Section 343(a) of the En-
2 ergy Policy and Conservation Act (42 U.S.C. 6314(a)) is
3 amended by adding at the end the following:

4 “(9) For walk-in coolers and walk-in freezers:

5 “(A) R value is defined as 1/K factor multiplied
6 by the thickness of the panel. K factor shall be
7 based on ASTM test procedure C518-2004. For cal-
8 culating R value for freezers, the K factor of the
9 foam at 20F (average foam temperature) shall be
10 used. For calculating R value for coolers the K fac-
11 tor of the foam at 55F (average foam temperature)
12 shall be used.

13 “(B) Not later than January 1, 2010, the Sec-
14 retary shall establish a test procedure to measure
15 the energy-use of walk-in coolers and walk-in freez-
16 ers. Such test procedure may be based on computer
17 modeling, if the computer model or models have
18 been verified using the results of laboratory tests on
19 a significant sample of walk-in coolers and walk-in
20 freezers.”.

21 (d) LABELING.—Section 344(e) of the Energy Policy
22 and Conservation Act (42 U.S.C. 6315(e)) is amended by
23 inserting “walk-in coolers and walk-in freezers,” after
24 “commercial clothes washers,” each place it appears.

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

4 (1) by striking “subparagraphs (B), (C), (D),
5 (E), and (F)” and inserting “subparagraphs (B),
6 (C), (D), (E), (F), and (G)” each place it appears;
7 and

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

9 “(h)(1)(A)(i) Except as provided in clause (ii) and
10 paragraphs (2) and (3), section 327 shall apply to walk-
11 in coolers and walk-in freezers for which standards have
12 been established under paragraphs (1) and (2) of section
13 342(f) to the same extent and in the same manner as the
14 section applies under part A on the date of enactment of
15 this subsection.

16 “(ii) Any State standard issued before the date of en-
17 actment of this subsection shall not be preempted until
18 the standards established under paragraphs (1) and (2)
19 of section 342(f) take effect.

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

23 “(2)(A) If the Secretary does not issue a final rule
24 for a specific type of walk-in cooler or walk-in freezer with-
25 in the time frame specified in section 342(f)(3) or (4),

1 subsections (b) and (c) of section 327 shall no longer apply
2 to the specific type of walk-in cooler or walk-in freezer for
3 the period beginning on the day after the scheduled date
4 for a final rule and ending on the date on which the Sec-
5 retary publishes a final rule covering the specific type of
6 walk-in cooler or walk-in freezer.

7 “(B) Any State standard issued before the publica-
8 tion of the final rule shall not be preempted until the
9 standards established in the final rule take effect.

10 “(3) Any standard issued in the State of California
11 before January 1, 2011, under Title 20 of the California
12 Code of Regulations, which refers to walk-in coolers and
13 walk-in freezers, for which standards have been estab-
14 lished under paragraphs (1) and (2) of section 342(f),
15 shall not be preempted until the standards established
16 under paragraph (3) of section 342(f) take effect.”.

In part 2 of subtitle A of title IX, add at the end
the following new section:

17 **SEC. 9024. METAL HALIDE LAMP FIXTURES.**

18 (a) DEFINITIONS.—Section 321 of the Energy Policy
19 and Conservation Act (42 U.S.C. 6291) is amended by
20 adding at the end the following:

21 “(57) The term ‘ballast’ means a device used
22 with an electric discharge lamp to obtain necessary

1 circuit conditions (voltage, current, and waveform)
2 for starting and operating.

3 “(58) The term ‘metal halide lamp’ means a
4 high intensity discharge lamp in which the major
5 portion of the light is produced by radiation of metal
6 halides and their products of dissociation, possibly in
7 combination with metallic vapors.

8 “(59) The term ‘metal halide lamp fixture’
9 means a light fixture for general lighting application
10 designed to be operated with a metal halide lamp
11 and a ballast for a metal halide lamp.

12 “(60) The term ‘metal halide ballast’ means a
13 ballast used to start and operate metal halide lamps.

14 “(61) The term ‘pulse-start metal halide bal-
15 last’ means an electronic or electromagnetic ballast
16 that starts a pulse start metal halide lamp with high
17 voltage pulses. Lamps are started by first providing
18 a high voltage pulse for ionization of the gas to
19 produce a glow discharge. To complete the starting
20 process, power is provided by the ballast to sustain
21 the discharge through the glow-to-arc transition.

22 “(62) The term ‘probe-start metal halide bal-
23 last’ means a ballast that starts a probe start metal
24 halide lamp which contains a third starting electrode
25 (probe) in the arc tube. This ballast does not gen-

1 erally contain an igniter and instead starts lamps
2 with high ballast open circuit voltage.

3 “(63) The term ‘electronic ballast’ means a de-
4 vice that uses semiconductors as the primary means
5 to control lamp starting and operation.

6 “(64) The term ‘general lighting application’
7 means lighting that provides an interior or exterior
8 area with overall illumination.

9 “(65) The term ‘ballast efficiency’ for a high in-
10 tensity discharge fixture means the efficiency of a
11 lamp and ballast combination, expressed as a per-
12 centage, and calculated by $\text{Efficiency} = P_{\text{out}}/P_{\text{in}}$, as
13 measured. P_{out} is the measured operating lamp
14 wattage, and P_{in} is the measured operating input
15 wattage. The lamp, and the capacitor when it is pro-
16 vided, is to constitute a nominal system in accord-
17 ance with the ANSI Standard C78.43-2004. P_{in} and
18 P_{out} are to be measured after lamps have been sta-
19 bilized according to Section 4.4 of ANSI Standard
20 C82.6-2005 using a wattmeter with accuracy speci-
21 fied in Section 4.5 of ANSI Standard C82.6-2005
22 for ballasts with a frequency of 60 Hz, and shall
23 have a basic accuracy of ± 0.5 percent at the higher
24 of—

1 “(A) three times the output operating fre-
2 quency of the ballast; or

3 “(B) 2 kHz for ballast with a frequency
4 greater than 60 Hz.

5 The Secretary may, by rule, modify this definition if
6 he determines that such modification is necessary or
7 appropriate to carry out the purposes of this Act.”.

8 (b) COVERAGE.—Section 322(a) of the Energy Policy
9 and Conservation Act (42 U.S.C. 6292(a)) is amended—

10 (1) by redesignating paragraph (19) as para-
11 graph (20); and

12 (2) by inserting after paragraph (18) the fol-
13 lowing:

14 “(19) Metal halide lamp fixtures.”.

15 (c) TEST PROCEDURES.—Section 323(e) of the En-
16 ergy Policy and Conservation Act (42 U.S.C. 6293(e)) is
17 amended by adding at the end the following:

18 “(17) Test procedures for metal halide lamp ballasts
19 shall be based on American National Standards Institute
20 Standard C82.6-2005, entitled ‘Ballasts for High Inten-
21 sity Discharge Lamps—Method of Measurement’.”.

22 (d) LABELING.—Section 324(a)(2) of the Energy
23 Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is
24 amended—

1 (1) by redesignating subparagraphs (C) through
2 (G) as subparagraphs (D) through (H), respectively;
3 and

4 (2) by inserting after subparagraph (B) the fol-
5 lowing:

6 “(C) The Commission shall prescribe labeling rules
7 under this section applicable to the covered product speci-
8 fied in paragraph (19) of section 322(a) and to which
9 standards are applicable under section 325. Such rules
10 shall provide that the labeling of any metal halide lamp
11 fixture manufactured on or after the later of January 1,
12 2009, or nine months after enactment of this subpara-
13 graph, will indicate conspicuously, in a manner prescribed
14 by the Commission under subsection (b) by July 1, 2008,
15 a capital letter ‘E’ printed within a circle on the packaging
16 of the fixture, and on the ballast contained in such fix-
17 ture.”.

18 (e) STANDARDS.—Section 325 of the Energy Policy
19 and Conservation Act (42 U.S.C. 6295) is amended—

20 (1) by redesignating subsection (gg) as sub-
21 section (hh);

22 (2) by inserting after subsection (ff) the fol-
23 lowing:

24 “(gg) METAL HALIDE LAMP FIXTURES.—

1 “(1)(A) Metal halide lamp fixtures designed to
2 be operated with lamps rated greater than or equal
3 to 150 watts but less than or equal to 500 watts
4 shall contain—

5 “(i) a pulse-start metal halide ballast with
6 a minimum ballast efficiency of 88 percent;

7 “(ii) a magnetic probe-start ballast with a
8 minimum ballast efficiency of 94 percent; or

9 “(iii) a non-pulse-start electronic ballast
10 with a minimum ballast efficiency of 92 percent
11 for wattages greater than 250 watts and a min-
12 imum ballast efficiency of 90 percent for watt-
13 ages less than or equal to 250 watts.

14 “(B) The standards in subparagraph (A) do not
15 apply to fixtures with regulated lag ballasts, fixtures
16 that use electronic ballasts that operate at 480 volts,
17 or fixtures that meet all of the following criteria:

18 “(i) Rated only for 150 watt lamps.

19 “(ii) Rated for use in wet locations as
20 specified by the National Electrical Code 2002,
21 Section 410.4(A).

22 “(iii) Contain a ballast that is rated to op-
23 erate at ambient air temperatures above 50° C
24 as specified by UL 1029-2001.

1 “(C) The standard in subparagraph (A) shall
2 apply to metal halide lamp fixtures manufactured on
3 or after the later of January 1, 2009, or 9 months
4 after the date of enactment of this subsection.

5 “(2) Not later than January 1, 2012, the Sec-
6 retary shall publish a final rule to determine whether
7 the standards established under paragraph (1)
8 should be amended. Such final rule shall contain the
9 amended standards, if any, and shall apply to prod-
10 ucts manufactured after January 1, 2015.

11 “(3) Not later than January 1, 2019, the Sec-
12 retary shall publish a final rule to determine whether
13 the standards then in effect should be amended.
14 Such final rule shall contain the amended standards,
15 if any, and shall apply to products manufactured
16 after January 1, 2022.

17 “(4) Notwithstanding any other provision of
18 law, any standard established pursuant to this sub-
19 section may contain both design and performance re-
20 quirements.”; and

21 (3) in subsection (hh), as so redesignated by
22 paragraph (1) of this subsection, by striking “(ff)”
23 both places it appears and inserting “(gg)”.

1 (f) EFFECT ON OTHER LAW.—Section 327(c) of the
2 Energy Policy and Conservation Act (42 U.S.C. 6297(c))
3 is amended—

4 (1) by striking the period at the end of para-
5 graph (8)(B) and inserting “; and”; and

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

7 “(9) is a regulation concerning metal halide
8 lamp fixtures adopted by the California Energy
9 Commission on or before January 1, 2011. If the
10 Secretary fails to issue a final rule within 6 months
11 after the deadlines for rulemakings in section
12 325(gg) then, notwithstanding any other provision of
13 this section, preemption does not apply to a regula-
14 tion concerning metal halide lamp fixtures adopted
15 by the California Energy Commission on or before
16 July 1, 2015, if the Secretary misses the deadline
17 specified in paragraph (2) of section 325(gg), or on
18 or before July 1, 2022, if the Secretary misses the
19 deadline specified in paragraph (3) of section
20 325(gg).”.

In section 9031(a), in the proposed section 304(a)(2)(B), insert “Any such modified code or standard shall achieve the maximum level of energy savings that are technically feasible and economically justified, incorporating available appliances, technologies, mate-

rials, and construction practices.” after “meets such targets.”.

In section 9032(a), insert “Such standards shall be established after notice and an opportunity for comment by manufacturers of manufactured housing and other interested parties, and after consultation with the Secretary of Housing and Urban Development who may seek further counsel from the Manufactured Housing Consensus Committee.” after “manufactured housing.”.

In section 9034(a), insert “In implementing the Alternative Delivery System Pilot Project, the Secretary shall consider (1) the expected effectiveness and benefits of the proposed Pilot Project to low- and moderate-income energy consumers; (2) the potential for replication of successful results; (3) the impact on the energy costs of those served; and (4) the extent of partnerships with other public and private entities that contribute to the resources and implementation of the program, including financial partnerships. Funding for such projects may equal up to two percent of funding in any fiscal year, provided that no funding is utilized for such demonstrations in any fiscal year in which Weatherization appropriations are less than \$275,000,000.” after “cold urban areas.”.

In section 9301, amend subsection (j) to read as follows:

- 1 (j) DOUBLE COUNTING.—No person that receives a
- 2 credit under section 30C of the Internal Revenue Code of
- 3 1986 may receive assistance under this section.

Amend the table of contents accordingly.