



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.  $P_{\text{out}}$  is the measured operating lamp  
14 wattage, and  $P_{\text{in}}$  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.  $P_{\text{in}}$  and  
18  $P_{\text{out}}$  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  $\pm 0.5$  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(c) of the En-  
16                   ergy Policy and Conservation Act (42 U.S.C. 6293(c)) 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.