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Rev

**AMENDMENT TO H.R. 3221**  
**OFFERED BY MS. VELÁZQUEZ OF NEW YORK**

Amend section 9004 to read as follows:

1 **SEC. 9004. REGIONAL VARIATIONS IN HEATING OR COOL-**  
2 **ING STANDARDS.**

3 (a) CONSUMER APPLIANCES.—Section 325(o) of the  
4 Energy Policy and Conservation Act (42 U.S.C. 6925(o))  
5 is amended by adding at the end the following new para-  
6 graph:

7 “(6)(A) The Secretary may establish regional stand-  
8 ards for space heating and air conditioning products, other  
9 than window-unit air conditioners and portable space  
10 heaters. For each space heating and air conditioning prod-  
11 uct, the Secretary may establish a national minimum  
12 standard and two more stringent regional standards for  
13 regions determined to have significantly differing climatic  
14 conditions. Any standards set for any such region shall  
15 achieve the maximum level of energy savings that are tech-  
16 nically feasible and economically justified within that re-  
17 gion. As a preliminary step to determine the economic jus-  
18 tifiability and technical feasibility, that will achieve the  
19 maximum level of energy savings for establishing any such  
20 regional standard, the Secretary shall conduct a study in-

1 volving stakeholders, including a representative from the  
2 National Institute of Standards and Technology; rep-  
3 resentatives of nongovernmental advocacy organizations;  
4 representatives of product manufacturers, distributors,  
5 and installers; representatives of the gas and electric util-  
6 ity industries; municipal and State building code officials;  
7 and such other individuals as the Secretary may designate.  
8 Such study shall determine the potential benefits and con-  
9 sequences of prescribing regional standards for heating  
10 and cooling products, including the likelihood of adequate  
11 enforcement in States adjoining States not subject to such  
12 standards; and whether such standards will have an ad-  
13 verse economic or competitive impact on those installers  
14 and distributors defined as small business concerns under  
15 section 3 of the Small Business Act (15 U.S.C. 632). Such  
16 study must also determine the economic justifiability and  
17 technical feasibility that will achieve the maximum level  
18 of energy savings for all stakeholders prior to the Sec-  
19 retary's establishment of regional standards. Regional  
20 boundaries shall follow State borders and only include con-  
21 tiguous States (except Alaska and Hawaii), except that  
22 on the request of a State, the Secretary may divide that  
23 State to include a part of that State in each of two re-  
24 gions.

1       “(B) If the Secretary establishes regional standards,  
2 it shall be unlawful to knowingly install noncomplying  
3 products except within the specified regions.

4       “(C)(i) Except as provided in clause (ii), no product  
5 manufactured to a regional standard established pursuant  
6 to subparagraph (A) shall be distributed in commerce  
7 without a prominent label affixed to the product which in-  
8 cludes at the top of the label, in print of not less than  
9 14-point type, the following: ‘It is a violation of Federal  
10 law for this product to be knowingly installed in any State  
11 outside the region shaded on the map printed on this  
12 label.’. Below this notice shall appear a map of the United  
13 States with clearly defined State boundaries and names,  
14 and with all States in which the product meets or exceeds  
15 the standard established pursuant to subparagraph (A)  
16 shaded in a color or a manner as to be easily visible with-  
17 out obscuring the State boundaries and names. Below the  
18 map shall be printed on each label the following: ‘It is  
19 a violation of Federal law for this label to be removed,  
20 except by the owner and legal resident of any single-family  
21 home in which this product is installed.’.

22       “(ii) A product manufactured that meets or exceeds  
23 all regional standards established under this paragraph  
24 shall bear a prominent label affixed to the product which  
25 includes at the top of the label, in print of not less than

1 14-point type the following: ‘This product has achieved an  
2 energy efficiency rating under Federal law allowing its in-  
3 stallation in any State.’.”.

4 (b) INDUSTRIAL EQUIPMENT.—Section 342(a) of the  
5 Energy Policy and Conservation Act (42 U.S.C. 6313(a))  
6 is amended by adding at the end the following new para-  
7 graph:

8 “(10)(A) The Secretary may establish regional stand-  
9 ards for space heating and air conditioning products sub-  
10 ject to this subsection. For each space heating and air con-  
11 ditioning product, the Secretary may establish a national  
12 minimum standard and two more stringent regional stand-  
13 ards for regions determined to have significantly differing  
14 climatic conditions. Any standards set for any such region  
15 shall achieve the maximum level of energy savings that  
16 are technically feasible and economically justified within  
17 that region. As a preliminary step to determine the eco-  
18 nomic justifiability and technical feasibility, that will  
19 achieve the maximum level of energy savings for estab-  
20 lishing any such regional standard, the Secretary shall  
21 conduct a study involving stakeholders, including a rep-  
22 resentative from the National Institute of Standards and  
23 Technology; representatives of nongovernmental advocacy  
24 organizations; representatives of product manufacturers,  
25 distributors, and installers; representatives of the gas and

1 electric utility industries; building owners and managers;  
2 State and municipal building code officials; and such other  
3 individuals as the Secretary may designate. Such study  
4 shall determine the potential benefits and consequences of  
5 prescribing regional standards for heating and cooling  
6 products, including the likelihood of adequate enforcement  
7 in States adjoining States not subject to such standards;  
8 and whether such standards will have an adverse economic  
9 or competitive impact on those installers and distributors  
10 defined as small business concerns under section 3 of the  
11 Small Business Act (15 U.S.C. 632). Such study must  
12 also determine the economic justifiability and technical  
13 feasibility that will achieve the maximum level of energy  
14 savings for all stakeholders prior to the Secretary's estab-  
15 lishment of regional standards. Regional boundaries shall  
16 follow State borders and only include contiguous States  
17 (except Alaska and Hawaii), except that on the request  
18 of a State, the Secretary may divide that State to include  
19 a part of that State in each of two regions.

20 “(B) If the Secretary establishes regional standards,  
21 it shall be unlawful to knowingly install noncomplying  
22 products except within the specified regions.”