

SEC. 164. ENERGY CONSERVATION REQUIREMENTS FOR CERTAIN LAMPS AND PLUMBING PRODUCTS.

(a) STATEMENT OF PURPOSE.—Section 2 of the Energy Policy and Conservation Act (42 U.S.C. 6201) is amended—

(1) in paragraph (6), by striking out “and” at the end;

(2) in paragraph (7), by striking out the period at the end and inserting in lieu thereof “; and”; and

(3) by adding at the end the following new paragraph:

“(8) to conserve water by improving the water efficiency of certain plumbing products and appliances.”.

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

(1) by striking out the subsection designation;

(2) in paragraph (1)—

(A) in subparagraph (A), by inserting before the semicolon the following: “or, with respect to showerheads, faucets, water closets, and urinals, water”; and

(B) in subparagraph (B), by striking out “ballasts” and inserting in lieu thereof the following: “ballasts, general service fluorescent lamps, incandescent reflector lamps, showerheads, faucets, water closets, and urinals”;

(3) in paragraph (6)—

(A) in subparagraph (A), by inserting “, or, in the case of showerheads, faucets, water closets, and urinals, water use,” after “energy use”; and

(B) in subparagraph (B)—

(i) by striking out “and (14)” and inserting in lieu thereof “(15), (16), (17), and (19)”; and

(ii) by striking out “325(o)” and inserting in lieu thereof “325(r)”; and

(4) in paragraph (7), by inserting after “to be consumed annually” the following: “, and in the case of showerheads, faucets, water closets, and urinals, the aggregate retail cost of water and wastewater treatment services likely to be incurred annually.”; and

(5) by adding at the end the following new paragraphs:

“(30)(A) Except as provided in subparagraph (E), the term ‘fluorescent lamp’ means a low pressure mercury electric-discharge source in which a fluorescing coating transforms some of the ultraviolet energy generated by the mercury discharge into light, including only the following:

“(i) Any straight-shaped lamp (commonly referred to as 4-foot medium bi-pin lamps) with medium bi-pin bases of nominal overall length of 48 inches and rated wattage of 28 or more.

“(ii) Any U-shaped lamp (commonly referred to as 2-foot U-shaped lamps) with medium bi-pin bases of nominal overall length between 22 and 25 inches and rated wattage of 28 or more.

“(iii) Any rapid start lamp (commonly referred to as 8-foot high output lamps) with recessed double contact bases of nominal overall length of 96 inches and 0.800 nominal amperes, as defined in ANSI C78.1-1978 and related supplements.

“(iv) Any instant start lamp (commonly referred to as 8-foot slimline lamps) with single pin bases of nominal overall length of 96 inches and rated wattage of 52 or more, as defined in ANSI C78.3-1978 (R1984) and related supplement ANSI C78.3a-1985.

“(B) The term ‘general service fluorescent lamp’ means fluorescent lamps which can be used to satisfy the majority of fluorescent applications, but does not include any lamp designed and marketed for the following non-general lighting applications:

“(i) Fluorescent lamps designed to promote plant growth.

“(ii) Fluorescent lamps specifically designed for cold temperature installations.

“(iii) Colored fluorescent lamps.

“(iv) Impact-resistant fluorescent lamps.

“(v) Reflectorized or aperture lamps.

“(vi) Fluorescent lamps designed for use in reprographic equipment.

“(vii) Lamps primarily designed to produce radiation in the ultra-violet region of the spectrum.

“(viii) Lamps with a color rendering index of 82 or greater.

“(C) Except as provided in subparagraph (E), the term ‘incandescent lamp’ means a lamp in which light is produced by a filament heated to incandescence by an electric current, including only the following:

“(i) Any lamp (commonly referred to as lower wattage nonreflector general service lamps, including any tungsten-halogen lamp) that has a rated wattage between 30 and 199 watts, has an E26 medium screw base, has a rated voltage or voltage range that lies at least partially within 115 and 130 volts, and is not a reflector lamp.

“(ii) Any lamp (commonly referred to as a reflector lamp) which is not colored or designed for rough or vibration service applications, that contains an inner reflective coating on the outer bulb to direct the light, an R, PAR, or similar bulb shapes (excluding ER or BR) with E26 medium screw bases, a rated voltage or voltage range that lies at least partially within 115 and 130 volts, a diameter which exceed 2.75 inches, and is either—

“(I) a low(er) wattage reflector lamp which has a rated wattage between 40 and 205 watts; or

“(II) a high(er) wattage reflector lamp which has a rated wattage above 205 watts.

“(iii) Any general service incandescent lamp (commonly referred to as a high- or higher wattage lamp) that has a rated wattage above 199 watts (above 205 watts for a high wattage reflector lamp).

“(D) The term ‘general service incandescent lamp’ means incandescent lamps (other than miniature or photographic lamps) which can be used to satisfy the majority of lighting applications, but does not include any lamp specifically designed for—

“(i) traffic signal, or street lighting service;

“(ii) airway, airport, aircraft, or other aviation service;

“(iii) marine or marine signal service;

“(iv) photo, projection, sound reproduction, or film viewer service;

“(v) stage, studio, or television service;

“(vi) mill, saw mill, or other industrial process service;

“(vii) mine service;

“(viii) headlight, locomotive, street railway, or other transportation service;

“(ix) heating service;

“(x) code beacon, marine signal, lighthouse, reprographic, or other communication service;

“(xi) medical or dental service;

“(xii) microscope, map, microfilm, or other specialized equipment service;

“(xiii) swimming pool or other underwater service;

“(xiv) decorative or showcase service;

“(xv) producing colored light;

“(xvi) shatter resistance which has an external protective coating; or

“(xvii) appliance service.

“(E) The terms ‘fluorescent lamp’ and ‘incandescent lamp’ do not include any lamp excluded by the Secretary, by rule, as a result of a determination that standards for such lamp would not result in significant energy savings because such lamp is designed for special applications or has special characteristics not available in reasonably substitutable lamp types.

“(F) The term ‘incandescent reflector lamp’ means a lamp described in subparagraph (C)(ii).

“(G) The term ‘average lamp efficacy’ means the lamp efficacy readings taken over a statistically significant period of manufacture with the readings averaged over that period.

“(H) The term ‘base’ means the portion of the lamp which connects with the socket as described in ANSI C81.61-1990.

“(I) The term ‘bulb shape’ means the shape of lamp, especially the glass bulb with designations for bulb shapes found in ANSI C79.1-1980 (R1984).

“(J) The term ‘color rendering index’ or ‘CRI’ means the measure of the degree of color shift objects undergo when illuminated by a light source as compared with the color of those same objects when illuminated by a reference source of comparable color temperature.

“(K) The term ‘correlated color temperature’ means the absolute temperature of a blackbody whose chromaticity most nearly resembles that of the light source.

“(L) The term ‘IES’ means the Illuminating Engineering Society of North America.

“(M) The term ‘lamp efficacy’ means the lumen output of a lamp divided by its wattage, expressed in lumens per watt (LPW).

“(N) The term ‘lamp type’ means all lamps designated as having the same electrical and lighting characteristics and made by one manufacturer.

“(O) The term ‘lamp wattage’ means the total electrical power consumed by a lamp in watts, after the initial seasoning period referenced in the appropriate IES standard test procedure and including, for fluorescent, arc watts plus cathode watts.

“(P) The terms ‘life’ and ‘lifetime’ mean length of operating time of a statistically large group of lamps between first use and failure of 50 percent of the group in accordance with test procedures described in the IES Lighting Handbook-Reference Volume.

“(Q) The term ‘lumen output’ means total luminous flux (power) of a lamp in lumens, as measured in accordance with applicable IES standards as determined by the Secretary.

“(R) The term ‘tungsten-halogen lamp’ means a gas-filled tungsten filament incandescent lamp containing a certain proportion of halogens in an inert gas.

“(S) The term ‘medium base compact fluorescent lamp’ means an integrally ballasted fluorescent lamp with a medium screw base and a rated input voltage of 115 to 130 volts and which is designed as a direct replacement for a general service incandescent lamp.

“(31)(A) The term ‘water use’ means the quantity of water flowing through a showerhead, faucet, water closet, or urinal at point of use, determined in accordance with test procedures under section 323.

“(B) The term ‘ASME’ means the American Society of Mechanical Engineers.

“(C) The term ‘ANSI’ means the American National Standards Institute.

“(D) The term ‘showerhead’ means any showerhead (including a handheld showerhead), except a safety shower showerhead.

“(E) The term ‘faucet’ means a lavatory faucet, kitchen faucet, metering faucet, or replacement aerator for a lavatory or kitchen faucet.

“(F) The term ‘water closet’ has the meaning given such term in ASME A112.19.2M-1990, except such term does not include fixtures designed for installation in prisons.

“(G) The term ‘urinal’ has the meaning given such term in ASME A112.19.2M-1990, except such term does not include fixtures designed for installation in prisons.

“(H) The terms ‘blowout’, ‘flushometer tank’, ‘low consumption’, and ‘flushometer valve’ have the meaning given such terms in ASME A112.19.2M-1990.”.

(c) COVERAGE.—Section 322(a) of such Act (42 U.S.C. 6292(a)) is amended—

(1) by redesignating paragraph (14) as paragraph (19); and

(2) by inserting after paragraph (13) the following new paragraphs:

“(14) General service fluorescent lamps and incandescent reflector lamps.

“(15) Showerheads, except safety shower showerheads.

“(16) Faucets.

“(17) Water closets.

“(18) Urinals.”.

(d) TEST PROCEDURES.—Section 323 of such Act (42 U.S.C. 6293) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by inserting after “energy use,” the following “water use (in the case of showerheads, faucets, water closets and urinals).”;

(B) in paragraph (4)—

(i) by inserting “or, in the case of showerheads, faucets, water closets, or urinals, water use” after “energy use”;

(ii) by inserting after “such cycle” the following: “, or in the case of showerheads, faucets, water closets, or urinals, representative average unit costs of water and wastewater treatment service resulting from the operation of such products during such cycle”;

(iii) by inserting “, water, and wastewater treatment” before the period at the end of the second sentence; and

(C) by adding at the end the following new paragraphs:

“(6) With respect to fluorescent lamps and incandescent reflector lamps to which standards are applicable under subsection (i) of section 325, the Secretary shall prescribe test procedures, to be carried out by accredited test laboratories, that take into consideration the applicable IES or ANSI standard.

“(7)(A) With respect to showerheads and faucets to which standards are applicable under subsection (j) of section 325, the Secretary shall, not later than six months after the date of the enactment of this paragraph, prescribe test procedures that are consistent with ASME A112.18.1M-1989.

“(B) If the test procedure requirements of ASME A112.18.1M-1989 are revised at any time and approved by ANSI, the Secretary shall amend the test procedures established by subparagraph (A) to conform to such revised ASME/ANSI requirements unless the Secretary determines, by rule, that to do so would not meet the requirements of paragraph (3).

“(8)(A) With respect to water closets and urinals to which standards are applicable under subsection (k) of section 325, the Secretary shall, not later than six months after the date of the enactment of this paragraph, prescribe test procedures that are consistent with ASME A112.19.6-1990.

“(B) If the test procedure requirements of ASME A112.19.6-1990 are revised at any time and approved by ANSI, the Secretary shall amend the test procedures established by subparagraph (A) to conform to such revised ASME/ANSI requirements unless the Secretary determines, by rule, that to do so would not meet the requirements of paragraph (3).”;

(2) in paragraphs (1) and (2) of subsection (c), by inserting “or water use” after “efficiency”;

(3) in subsection (e)—

(A) in paragraph (1), by striking out “or measured energy use” and inserting in lieu thereof “, measured energy use, or measured water use”;

(B) in paragraph (2), by striking out “energy efficiency or energy use” each place it appears and inserting in lieu thereof “energy efficiency, energy use, or water use”;

(C) in paragraph (3), by striking out “energy efficiency or energy use” and inserting

in lieu thereof “energy efficiency, energy use, or water use”.

(e) LABELING.—Section 324 of such Act (42 U.S.C. 6294) is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraphs:

“(C) Not later than one year after the date of the enactment of the Comprehensive National Energy Policy Act, the Commission shall prescribe labeling rules under this section applicable to general service fluorescent lamps, medium base compact fluorescent lamps, and general service incandescent lamps. Such rules shall provide that the labeling of any general service fluorescent lamp, medium base compact fluorescent lamp, and general service incandescent lamp manufactured after the 12-month period beginning on the date of the publication of such rule shall indicate conspicuously on the packaging of the lamp, in a manner prescribed by the Commission under subsection (b), such information as the Commission deems necessary to enable consumers to select the most energy efficient lamps which meet their requirements. Labeling information for incandescent lamps shall be based on performance when operated at 120 volts input, regardless of the rated lamp voltage.

“(D)(i) Not later than one year after the date of the enactment of the Comprehensive National Energy Policy Act, the Commission shall prescribe labeling rules under this section for showerheads and faucets to which standards are applicable under subsection (j) of section 325. Such rules shall provide that the labeling of any showerhead or faucet manufactured after the 12-month period beginning on the date of the publication of such rule shall be consistent with the marking and labeling requirements of ASME A112.18.1M-1989, except that each fitting shall bear a permanent legible marking indicating the flow rate, expressed in gallons per minute (gpm) or gallons per cycle (gpc), and the flow rate value shall be the actual flow rate or the maximum flow rate specified by the standards established in subsection (j) of section 325.

“(ii) If the marking and labeling requirements of ASME A112.18.1M-1989 are revised at any time and approved by ANSI, the Commission shall amend the labeling rules established pursuant to clause (i) to be consistent with such revised ASME/ANSI requirements unless such requirements are inconsistent with the purposes of this part or the requirement specified in clause (i) requiring each fitting to bear a permanent legible marking indicating the flow rate of such fitting.

“(E)(i) Not later than one year after the date of the enactment of the Comprehensive National Energy Policy Act, the Commission shall prescribe labeling rules under this section for water closets and urinals to which standards are applicable under subsection (k) of section 325. Such rules shall provide that the labeling of any water closet or urinal manufactured after the 12-month period beginning on the date of the publication of such rule shall be consistent with the marking and labeling requirements of ASME A112.19.2M-1990, except that each fixture (and flushometer valve associated with such fixture) shall bear a permanent legible marking indicating the water use, expressed in gallons per flush (gpf), and the water use value shall be the actual water use or the maximum water use specified by the standards established in subsection (k) of section 325.

“(ii) If the marking and labeling requirements of ASME A112.19.2M-1990 are revised at any time and approved by ANSI, the Commission shall amend the labeling rules established pursuant to clause (i) to be consistent with such revised ASME/ANSI requirements unless such requirements are inconsistent with the purposes of this part or the require-

ment specified in clause (i) requiring each fixture and flushometer valve to bear a permanent legible marking indicating the water use of such fixture or flushometer valve.”;

(2) in subsection (a)(3), by striking out “(14)” and inserting in lieu thereof “(19)”;

(3) in subsection (b)(1)(B), by striking out “(14)” and inserting in lieu thereof “(13), and paragraphs (15) through (19)”;

(4) in paragraphs (3) and (5) of subsection (b), by striking out “(14)” and inserting in lieu thereof “(19)”;

(5) in subsection (c)—

(i) in paragraph (7), by striking out “paragraph (13) of section 322” and inserting in lieu thereof “paragraphs (13), (14), (16), and (18) of section 322(a)”;

(ii) by adding at the end the following:

“(8) If a manufacturer of a covered product specified in paragraph (15) or (17) of section 322(a) elects to provide a label for such covered product conveying the estimated annual operating cost of such product or the range of estimated annual operating costs for the type or class of such product—

“(A) such estimated cost or range of costs shall be determined in accordance with test procedures prescribed under section 323;

“(B) the format of such label shall in accordance with a format prescribed by the Commission; and

“(C) such label shall be displayed in a manner, prescribed by the Commission, to be likely to assist consumers in making purchasing decisions and appropriate to carry out the purposes of this part.”.

(f) STANDARDS.—Section 325 of such Act (42 U.S.C. 6295) is amended—

(1) by redesignating subsections (i) through (q) as subsections (l) through (t); and

(2) by inserting after subsection (h) the following:

“(i) GENERAL SERVICE FLUORESCENT LAMPS AND INCANDESCENT REFLECTOR LAMPS.—(1)(A) Each of the following general service fluorescent lamps and incandescent reflector lamps manufactured after the effective date specified in the tables listed in this paragraph shall meet or exceed the following lamp efficiency and CRI standards:

“FLUORESCENT LAMPS

“Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Months)
4-foot medium bi-pin.	>35 W	69	75.0	36
	≤35 W	45	75.0	36
2-foot U-shaped ..	>35 W	69	68.0	36
	≤35 W	45	64.0	36
8-foot slimline	65 W	69	80.0	18
	≤65 W	45	80.0	18
8-foot high output	>100 W	69	80.0	18
	≤100 W	45	80.0	18

“INCANDESCENT REFLECTOR LAMPS

“Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Months)
40-50	10.5	36
51-66	11.0	36
67-85	12.5	36
86-115	14.0	36
116-155	14.5	36
156-205	15.0	36

“(B) For the purposes of the tables set forth in subparagraph (A), the term ‘effective date’ means the last day of the month set forth in the table which follows the date of the enactment of the Comprehensive National Energy Policy Act.

“(2) Notwithstanding section 332(a)(5) and section 332(b), it shall not be unlawful for a manufacturer to sell a lamp which is in com-

pliance with the law at the time such lamp was manufactured.

“(3) Not less than 36 months after the date of the enactment of this subsection, the Secretary shall initiate a rulemaking procedure and shall publish a final rule not later than the end of the 54-month period beginning on the date of the enactment of this subsection to determine if the standards established under paragraph (1) should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after the 36-month period beginning on the date such final rule is published.

“(4) Not less than eight years after the date of the enactment of this subsection, the Secretary shall initiate a rulemaking procedure and shall publish a final rule not later than nine years and six months after the date of the enactment of this subsection to determine if the standards in effect for fluorescent lamps and incandescent lamps should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after the 36-month period beginning on the date such final rule is published.

“(5) Not later than the end of the 24-month period beginning on the date labeling requirements under section 324(a)(2)(C) become effective, the Secretary shall initiate a rulemaking procedure to determine if the standards in effect for fluorescent lamps and incandescent lamps should be amended so that they would be applicable to additional general service fluorescent and general service incandescent lamps and shall publish, not later than 18 months after initiating such rulemaking, a final rule including such amended standards, if any. Such rule shall provide that the amendment shall apply to products manufactured after a date which is 36 months after the date such rule is published.

“(6)(A) With respect to any lamp to which standards are applicable under this subsection or any lamp specified in section 346, the Secretary shall inform any Federal entity proposing actions which would adversely impact the energy consumption or energy efficiency of such lamp of the energy conservation consequences of such action. It shall be the responsibility of such Federal entity to carefully consider the Secretary's comments.

“(B) Notwithstanding section 325(n)(1), the Secretary shall not be prohibited from amending any standard, by rule, to permit increased energy use or to decrease the minimum required energy efficiency of any lamp to which standards are applicable under this subsection if such action is warranted as a result of other Federal action (including restrictions on materials or processes) which would have the effect of either increasing the energy use or decreasing the energy efficiency of such product.

“(7) Not later than the date on which standards established pursuant to this subsection become effective, or, with respect to high-intensity discharge lamps covered under section 346, the effective date of standards established pursuant to such section, each manufacturer of a product to which such standards are applicable shall file with the Secretary a laboratory report certifying compliance with the applicable standard for each lamp type. Such report shall include the lumen output and wattage consumption for each lamp type as an average of measurements taken over the preceding 12-month period. With respect to lamp types which are not manufactured during the 12-month period preceding the date such standards become effective, such report shall be filed with the Secretary not later than the date which is 12 months after the date manufacturing is commenced and shall include the

lumen output and wattage consumption for each such lamp type as an average of measurements taken during such 12-month period.

“(j) STANDARDS FOR SHOWERHEADS AND FAUCETS.—(1)(A) The maximum water use allowed for any showerhead manufactured after July 1, 1993, is 2.5 gallons per minute when measured at a flowing water pressure of 80 pounds per square inch.

“(B) When used as a component part of a showerhead, any flow restricting insert shall be mechanically retained at the point of manufacture. The requirement of the previous sentence shall not apply to showerheads which cause water to leak significantly from areas other than the spray face when the flow restricting insert is removed. For purposes of this subparagraph, the term ‘mechanically retained’ means that a pushing or pulling force of 8 pounds or more is required to remove the flow restricting insert.

“(2) The maximum water use allowed for any of the following faucets manufactured after January 1, 1994, when measured at a flowing water pressure of 80 pounds per square inch, is as follows:

“Lavatory faucets	2.5 gallons per minute
“Lavatory replacement aerators	2.5 gallons per minute
“Kitchen faucets	2.5 gallons per minute
“Kitchen replacement aerators	2.5 gallons per minute
“Metering faucets	0.25 gallons per cycle

“(3)(A) If the maximum flow rate requirements or the design requirements of ASME Standard A112.18.1M-1989, as in effect on the date of the enactment of the Comprehensive National Energy Policy Act, are amended to improve the efficiency of water use of any type or class of showerhead or faucet and are approved by ANSI, the Secretary shall, not later than 12 months after the date of such amendment, publish a final rule establishing an amended uniform national standard for that product at the level specified in the amended ASME/ANSI Standard A112.18.1M and providing that such standard shall apply to products manufactured after a date which is 12 months after the publication of such rule, unless the Secretary determines, by rule published in the Federal Register, that adoption of a uniform national standard at the level specified in such amended ASME/ANSI Standard A112.18.1M—

“(i) is not technologically feasible and economically justified under subsection (o);

“(ii) is not consistent with the maintenance of public health and safety; or

“(iii) is not consistent with the purposes of this part.

“(B) As part of the rulemaking conducted under subparagraph (A), the Secretary shall also determine if adoption of a standard for any type or class of showerhead or faucet more stringent than such amended ASME/ANSI Standard A112.18.1M would result in additional conservation of energy or water. If the Secretary so determines, such rule shall waive the provisions of section 327(c) with respect to any State regulation concerning the water use or water efficiency of such type or class of showerhead or faucet if such State regulation—

“(i) is more stringent than the standard in effect for such type or class of showerhead or faucet; and

“(ii) is applicable to any sale or installation of all products in such type or class of showerhead or faucet.

“(C) If, after any period of five consecutive years, the maximum flow rate requirements of the ASME/ANSI standard for showerheads are not amended to improve the efficiency of water use of such products, or after such period such requirements for faucets are not amended to improve the efficiency of water use of such products, the Secretary shall, not

later than six months after the end of such five-year period, publish a final rule waiving the provisions of section 327(c) with respect to any State regulation concerning the water use or water efficiency of such type or class of showerhead or faucet if such State regulation—

“(i) is more stringent than the standards in effect for such product; and

“(ii) is applicable to any sale or installation of all products in such type or class of showerhead or faucet.

“(k) STANDARDS FOR WATER CLOSETS AND URINALS.—(1)(A) Except as provided in subparagraph (B), the maximum water use allowed in gallons per flush for any of the following water closets manufactured after January 1, 1994, is the following:

“Gravity tank-type toilets	1.6 gpf.
“Flushometer tank toilets	1.6 gpf.
“Electromechanical hydraulic toilets	1.6 gpf.
“Blowout toilets	3.5 gpf.

“(B) The maximum water use allowed for any gravity tank-type toilet which bears a permanent mark conspicuous upon installation consisting of the words ‘Commercial Use Only’ manufactured after January 1, 1994, and before January 1, 1997, is 3.5 gallons per flush.

“(C) The maximum water use allowed for flushometer valve toilets, other than blow-out toilets, manufactured after January 7, 1997, is 1.6 gallons per flush.

“(2) The maximum water use allowed for any urinal manufactured after January 1, 1994, is 1.0 gallons per flush.

“(3)(A) If the maximum flush volume requirements of ASME Standard A112.19.6-1990, as in effect on the date of the enactment of the Comprehensive National Energy Policy Act, are amended to improve the efficiency of water use of any low consumption water closet or low consumption urinal and are approved by ANSI, the Secretary shall, not later than 12 months after the date of such amendment, publish a final rule establishing an amended uniform national standard for that product at the level specified in amended ASME/ANSI Standard A112.19.6 and providing that such standard shall apply to products manufactured after a date which is one year after the publication of such rule, unless the Secretary determines, by rule published in the Federal Register, that adoption of a uniform national standard at the level specified in such amended ASME/ANSI Standard A112.19.6—

“(i) is not technologically feasible and economically justified under subsection (o);

“(ii) is not consistent with the maintenance of public health and safety; or

“(iii) is not consistent with the purposes of this part.

“(B) As part of the rulemaking conducted under subparagraph (A), the Secretary shall also determine if adoption of a uniform national standard for any type or class of low consumption water closet or low consumption urinal more stringent than such amended ASME/ANSI Standard A112.19.6 for such product would result in additional conservation of energy or water. If the Secretary so determines, such rule shall waive the provisions of section 327(c) with respect to any State regulation concerning the water use or water efficiency of such type or class of low consumption water closet or low consumption urinal if such State regulation—

“(i) is more stringent than the standard in effect for such type or class of low consumption water closet or low consumption urinal; and

“(ii) is applicable to any sale or installation of all products in such type or class of low consumption water closet or low consumption urinal.

“(C) If, after any period of five consecutive years, the maximum flush volume require-

ments of the ASME/ANSI standard for low consumption water closets are not amended to improve the efficiency of water use of such products, or after such period such requirements for low consumption urinals are not amended to improve the efficiency of water use of such products, the Secretary shall, not later than six months after the end of such five-year period, publish a final rule waiving the provisions of section 327(c) with respect to any State regulation concerning the water use or water efficiency of such type or class of water closet or urinal if such State regulation—

“(i) is more stringent than the standards in effect for such type or class of water closet or urinal; and

“(ii) is applicable to any sale or installation of all products in such type or class of water closet or urinal.

(3) in subsection (l) (as redesignated by paragraph (l) of this subsection)—

(A) in paragraphs (l) and (2), by striking out “(14)” and inserting in lieu thereof “(19)”;

(B) in paragraphs (l) and (3), by striking out “(l) and (m)” and inserting in lieu thereof “(o) and (p)”;

(4) in subsection (m) (as redesignated by paragraph (l) of this subsection), by striking out “(h)” and inserting in lieu thereof “(i)”;

(5) in subsection (n) (as redesignated by paragraph (l) of this subsection)—

(A) in paragraph (l)—
(i) by striking out “and in paragraph (13)” and inserting in lieu thereof “, and in paragraphs (13) and (14)”;

(ii) by striking out “(h)” and inserting in lieu thereof “(i)”;

(B) in paragraph (2)(C), by striking out “(l)(2)(B)(i)(II)” and inserting in lieu thereof “(o)(2)(B)(i)(II)”;

(C) in paragraph (3)(B), by inserting “general service fluorescent lamps, incandescent reflector lamps,” after “fluorescent lamp ballasts.”;

(6) in subsection (o) (as redesignated by paragraph (l) of this subsection)—

(A) in paragraph (l), by inserting “or, in the case of showerheads, faucets, water closets, or urinals, water use,” after “energy use.”;

(B) in paragraph (2)(A), by inserting “, or, in the case of showerheads, faucets, water closets, or urinals, water efficiency,” after “energy efficiency”;

(C) in paragraph (2)(B)(i)(III), by inserting “, or as applicable, water,” after “energy”;

(D) in paragraph (2)(B)(i)(VI), by inserting “and water” after “energy”;

(E) in paragraph (2)(B)(iii), by striking out “energy savings” and inserting “energy, and as applicable water, savings”;

(F) in paragraph (3)(B), by inserting “, in the case of showerheads, faucets, water closets, or urinals, water, or” after “energy or”;

(7) in subsection (p)(3)(A) (as redesignated by paragraph (l) of this subsection)—

(A) by striking out “(l)(2)” and inserting in lieu thereof “(o)(2)”;

(B) by striking out “(l)(4)” and inserting in lieu thereof “(o)(4)”.

(g) REQUIREMENTS OF MANUFACTURERS.—Section 326 of such Act (42 U.S.C. 6296) is amended—

(1) in subsection (b)(4), by inserting “or water use” after “consumption”; and

(2) in subsection (d)(l), by striking out “or energy use” and inserting in lieu thereof “, energy use, or, in the case of showerheads, faucets, water closets, and urinals, water use”.

(h) EFFECT ON OTHER LAW.—Section 327 of such Act (42 U.S.C. 6297) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the material preceding subparagraph (A), by inserting “or water use” after “energy consumption”;

(B) in paragraph (1)(A), by inserting “, water use,” after “energy consumption”;

(C) in paragraph (1)(B), by striking out “or energy efficiency” and inserting in lieu thereof “, energy efficiency, or water use”;

(D) by amending paragraph (2) to read as follows:

“(2) For purposes of this section, the following definitions apply:

“(A) The term ‘State regulation’ means a law, regulation, or other requirement of a State or its political subdivisions. With respect to showerheads, faucets, water closets, and urinals, such term shall also mean a law, regulation, or other requirement of a river basin commission that has jurisdiction within a State.

“(B) The term ‘river basin commission’ means—

“(i) a commission established by interstate compact to apportion, store, regulate, or otherwise manage or coordinate the management of the waters of a river basin; and

“(ii) a commission established under section 201(a) of the Water Resources Planning Act (42 U.S.C. 1962b(a)).”;

(2) in subsection (b)—

(A) in the material preceding paragraph (1), by striking out “or energy use of the covered product” and inserting in lieu thereof “, energy use, or water use of the covered product”;

(B) by inserting before the semicolon at the end of paragraph (1) the following: “, or in the case of any portion of any regulation which establishes requirements for fluorescent or incandescent lamps, flow rate requirements for showerheads or faucets, or water use requirements for water closets or urinals, was prescribed or enacted before the date of the enactment of the Comprehensive National Energy Policy Act”;

(C) in paragraph (4), by inserting before the semicolon at the end the following: “, or is a regulation (or portion thereof) regulating fluorescent or incandescent lamps other than those to which section 325(i) is applicable, or is a regulation (or portion thereof) regulating showerheads or faucets other than those to which section 325(j) is applicable or regulating lavatory faucets (other than metering faucets) for installation in public places, or is a regulation (or portion thereof) regulating water closets or urinals other than those to which section 325(k) is applicable”;

(D) in paragraph (5), by striking out “or”;

(E) in paragraph (6), by striking out the period at the end and inserting “, or”;

(F) by adding at the end the following new paragraph:

“(7) is a regulation (or portion thereof) concerning the water efficiency or water use of low consumption flushometer valve water closets.”;

(3) in subsection (c)—

(A) in the material preceding paragraph (1)—

(i) by inserting “, subparagraphs (B) and (C) of section 325(j)(3), and subparagraphs (B) and (C) of section 325(k)(3)” after “section 325(b)(3)(A)(ii)”;

(ii) by striking out “or energy use” and inserting in lieu thereof the following: “, energy use, or water use”;

(B) in paragraph (1), by inserting before the semicolon at the end the following: “, except that a State regulation (or portion thereof) regulating fluorescent or incandescent lamps other than those for which section 325(i) is applicable shall be effective only until the effective date of a standard that is prescribed by the Secretary and is applicable to such lamps”;

(C) in paragraph (2), by striking out “or”;

(D) in paragraph (3), by striking out the period at the end and inserting a semicolon; and

(E) by adding at the end the following new paragraphs:

“(4) is a regulation concerning the water use of lavatory faucets adopted by the State of New York or the State of Georgia before the date of the enactment of the Comprehensive National Energy Policy Act;

“(5) is a regulation concerning the water use of kitchen faucets adopted by the State of Rhode Island prior to the date of the enactment of the Comprehensive National Energy Policy Act; or

“(6) is a regulation (or portion thereof) concerning the water efficiency or water use of gravity tank-type low consumption water closets for installation in public places, except that such a regulation shall be effective only until July 1, 1997.”;

(4) in subsection (d)(l)—

(A) in subparagraph (A)—

(i) by inserting “or river basin commission” after “Any State”; and

(ii) by striking out “or energy efficiency” and inserting in lieu thereof “, energy efficiency, or water use”;

(B) in subparagraph (B)—

(i) by striking out “State has” and inserting “State or river basin commission has”;

and

(ii) by inserting “or water” after “energy”;

(C) in subparagraph (C)—

(i) in the material preceding clause (i) and in clause (ii), by inserting “or water” after “energy” each place it appears; and

(ii) by inserting before the period at the end the following: “, and, with respect to a State regulation for which a petition has been submitted to the Secretary which provides for any energy conservation standard or requirement with respect to water use of a covered product, within the context of the water supply and groundwater management plan, water quality program, and comprehensive plan (if any) of the State or river basin commission for improving, developing, or conserving a waterway affected by water supply development”;

(5) in subsection (d)(5)(B)(i)—

(A) in the material preceding subclause (I), by inserting “or water” after “energy”;

(B) in subclause (I), by striking “or electric energy” and inserting “, electric energy, water, or wastewater treatment”;

(C) in subclause (II), by inserting “or water” after “energy”.

(i) INCENTIVE PROGRAMS.—Section 337 of such Act (42 U.S.C. 6307) is amended—

(1) by striking out “337.” and inserting “337. (a) IN GENERAL.—”;

(2) by adding at the end the following:

“(b) STATE AND LOCAL INCENTIVE PROGRAMS.—(1) The Secretary shall, not later than one year after the date of the enactment of this subsection, issue recommendations to the States for establishing State and local incentive programs designed to encourage the acceleration of voluntary replacement, by consumers, of existing showerheads, faucets, water closets, and urinals with those products that meet the standards established for such products pursuant to subsections (j) and (k) of section 325.

“(2) In developing such recommendations, the Secretary shall consult with the heads of other federal agencies, including the Administrator of the Environmental Protection Agency; State officials; manufacturers, suppliers, and installers of plumbing products; and other interested parties.”.

It was decided in the affirmative Yays 328
answered 79
present 1

¶57.16 [Roll No. 132]
AYES—328

Abercrombie	Gilchrist	Molinari
Ackerman	Gillmor	Mollohan
Alexander	Gilman	Montgomery
Anderson	Gingrich	Moody
Andrews (ME)	Gonzalez	Moorhead
Andrews (NJ)	Goodling	Moran
Andrews (TX)	Gordon	Morella
Annunzio	Goss	Morrison
Applegate	Gradison	Mrazek
Aspin	Green	Murtha
Atkins	Guarini	Nagle
Bacchus	Gunderson	Natcher
Ballenger	Hall (OH)	Neal (NC)
Barnard	Hamilton	Nowak
Bateman	Hansen	Oberstar
Beilenson	Harris	Obey
Bennett	Hastert	Olin
Bentley	Hatcher	Olver
Berman	Hayes (IL)	Ortiz
Bevill	Hayes (LA)	Owens (NY)
Bilbray	Hefner	Owens (UT)
Bilfrakis	Henry	Pallone
Blackwell	Hoagland	Panetta
Boehlert	Hobson	Parker
Bonior	Hochbrueckner	Pastor
Borski	Horn	Patterson
Boucher	Horton	Paxon
Brewster	Houghton	Payne (VA)
Brooks	Hoyer	Pelosi
Browder	Huckaby	Perkins
Brown	Hughes	Peterson (FL)
Bruce	Hutto	Peterson (MN)
Bryant	Hyde	Petri
Byron	Jacobs	Pickett
Camp	James	Pickle
Campbell (CA)	Jefferson	Porter
Campbell (CO)	Jenkins	Poshard
Cardin	Johnson (CT)	Price
Carper	Johnson (SD)	Pursell
Carr	Johnston	Rahall
Chandler	Jones (NC)	Ramstad
Clement	Jontz	Rangel
Clinger	Kanjorski	Ravenel
Coleman (MO)	Kaptur	Ray
Coleman (TX)	Kasich	Reed
Collins (IL)	Kennedy	Regula
Collins (MI)	Kennelly	Richardson
Condit	Kildee	Ridge
Cooper	Klug	Rinaldo
Costello	Kopetski	Ritter
Cox (IL)	Kostmayer	Roe
Coyne	LaFalce	Roemer
Cramer	Lagomarsino	Ros-Lehtinen
Davis	Lancaster	Rose
de la Garza	Lantos	Rostenkowski
DeFazio	LaRocco	Roukema
DeLauro	Laughlin	Rowland
Dellums	Lehman (CA)	Roybal
Derrick	Lehman (FL)	Russo
Dicks	Lent	Sabo
Dingell	Levin (MI)	Sanders
Dixon	Lewis (FL)	Sangmeister
Donnelly	Lewis (GA)	Santorum
Dooley	Lipinski	Sarpaluis
Dorgan (ND)	Lloyd	Savage
Downey	Long	Sawyer
Durbin	Lowery (CA)	Saxton
Dwyer	Lowey (NY)	Scheuer
Early	Luken	Schroeder
Eckart	Machtley	Schulze
Edwards (CA)	Manton	Schumer
Edwards (TX)	Markey	Serrano
Emerson	Martin	Sharp
Engel	Martinez	Shaw
English	Matsui	Shays
Erdreich	Mavroules	Sikorski
Espy	Mazzoli	Sisisky
Evans	McCandless	Skaggs
Fascell	McCloskey	Skelton
Fawell	McCollum	Slattery
Fazio	McCrery	Slaughter
Feighan	McCurdy	Smith (FL)
Fish	McDade	Smith (IA)
Flake	McDermott	Smith (NJ)
Foglietta	McGrath	Smith (TX)
Ford (MI)	McHugh	Snowe
Ford (TN)	McMillan (NC)	Solarz
Frank (MA)	McMillen (MD)	Solomon
Franks (CT)	McNulty	Spence
Frost	Meyers	Spratt
Gallegly	Mfume	Staggers
Gallo	Michel	Stallings
Gaydos	Miller (CA)	Stark
Gejdenson	Miller (WA)	Stearns
Gekas	Mineta	Stokes
Gephardt	Mink	Studds
Gibbons	Moakley	

Sundquist	Towns
Swett	Traficant
Swift	Traxler
Synar	Unsold
Tallon	Upton
Tanner	Valentine
Tauzin	Vento
Taylor (MS)	Visclosky
Thomas (CA)	Volkmer
Thomas (GA)	Walsh
Thornton	Washington
Torres	Waters
Torricelli	Waxman

Weber
Weiss
Weldon
Wheat
Wise
Wolf
Wyden
Yates
Yatron
Young (FL)
Zimmer

NOES—79

Allard	Ewing
Allen	Fields
Archer	Geren
Armey	Glickman
Baker	Hall (TX)
Barrett	Hammerschmidt
Barton	Hancock
Bereuter	Hefley
Bliley	Holloway
Boehner	Hopkins
Broomfield	Hubbard
Bunning	Hunter
Burton	Inhofe
Callahan	Ireland
Coble	Johnson (TX)
Combest	Kolbe
Coughlin	Kyl
Cox (CA)	Lewis (CA)
Crane	Lightfoot
Cunningham	Livingston
Dannemeyer	Marlenee
DeLay	McEwen
Dickinson	Miller (OH)
Doolittle	Myers
Dornan (CA)	Nichols
Dreier	Nussle
Duncan	Orton

ANSWERED "PRESENT"—1

Leach

NOT VOTING—26

Anthony	Edwards (OK)	Neal (MA)
AuCoin	Grandy	Oakar
Boxer	Herger	Payne (NJ)
Bustamante	Hertel	Quillen
Chapman	Jones (GA)	Whitten
Clay	Klecza	Wilson
Conyers	Kolter	Wolpe
Darden	Levine (CA)	Wylie
Dymally	Murphy	

So the amendment, as modified, was agreed to.

After some further time, The SPEAKER pro tempore, Mr. VOLKMER, assumed the Chair.

When Mr. SKAGGS, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶57.17 SUBMISSION OF CONFERENCE REPORT—H. CON. RES. 287

Mr. PANETTA submitted a conference report (Rept. No. 102-529) on the concurrent resolution (H. Con. Res. 287) setting forth the congressional budget for the United States Government for the fiscal years 1993, 1994, 1995, 1996, and 1997; together with a statement thereon, for printing in the Record under the rule.

¶57.18 ORDER OF BUSINESS—
MODIFICATION OF AMENDMENT—
H.R. 776

On motion of Mr. SHARP, by unanimous consent,

Ordered. That amendment numbered 4, as printed in House Report No. 102-528 to accompany House Resolution 459, may be offered in a modified form at any time during the consideration today of the bill (H.R. 776) to provide for improved energy efficiency, in the

Committee of the Whole House on the state of the Union.

¶57.19 ENERGY POLICY

The SPEAKER pro tempore, Mr. VOLKMER, pursuant to House Resolution 459 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 776) to provide for improved energy efficiency.

Mr. SKAGGS, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶57.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. JONTZ:

Page 218, after line 7, insert the following new section (and conform the table of contents accordingly):

SEC. 306. OCTANE REPLACEMENT.

(a) OCTANE REPLACEMENT PROGRAM.—
(1) IN GENERAL.—The Secretary of Energy, in consultation with the Administrator, of the Environmental Protection Agency, the Secretary of Transportation, the Secretary of Agriculture, and the heads of other appropriate agencies, shall issue regulations establishing a program to require that—

(A) at least ½ octane number of the octane rating of all gasoline sold in the United States after March 15, 1994, is derived from domestically produced, renewable, nonpetroleum sources;

(B) at least 1 octane number of the octane rating of all gasoline sold in the United States after March 15, 1998, is derived from domestically produced, renewable, nonpetroleum sources;

(C) at least 1½ octane numbers of the octane rating of all gasoline sold in the United States after March 15, 2002, is derived from domestically produced, renewable, nonpetroleum sources; and

(D) at least 2 octane numbers of the octane rating of all gasoline sold in the United States after March 15, 2006, is derived from domestically produced, renewable, nonpetroleum sources.

(2) LIMITATION.—The Secretary of Energy may waive, in whole or in part, the application of paragraph (1) for any ozone non-attainment area during the high ozone season upon a determination by the Administrator of the Environmental Protection Agency that compliance with such requirement would prevent or interfere with the attainment by the area of a national primary ambient air quality standard.

(b) MARKETABLE OCTANE CREDITS.—The Secretary of Energy shall issue regulations establishing a system for the use of marketable octane credits for gasoline sold in the United States after March 15, 1994, under which credits due to gasoline with a higher octane number derived from domestically produced, renewable, nonpetroleum sources than is required under subsection (a)(1) may be used to offset the sale of gasoline with a lower octane number than is so required. Credits under such system may be transferred between companies or within one company.

(c) RELATION TO OTHER LAW. —Nothing in this section shall be construed to amend or affect the application of the Clean Air Act.

(d) DEFINITIONS. For purposes of this section—

(1) the term "gasoline" means any fuel which is commonly or commonly known as