

ports, including the Manufacturing Extension Partnership Program.

(3) The Secretary, on a cost shared basis in cooperation with the Administrator of the Environmental Protection Agency, shall provide to the Small Business Administration all advertising, marketing, and other written materials necessary for the dissemination of information under paragraph (2).

(4) The Secretary, the Administrator of the Environmental Protection Agency, and the Administrator of the Small Business Administration, as part of the outreach to small business concerns under the Energy Star Program for Small Business Program, may enter into cooperative agreements with qualified resources partners (including the National Center for Appropriate Technology) to establish, maintain, and promote a Small Business Energy Clearinghouse (in this subsection referred to as the "Clearinghouse").

(5) The Secretary, the Administrator of the Environmental Protection Agency, and the Administrator of the Small Business Administration shall ensure that the Clearinghouse provides a centralized resource where small business concerns may access, telephonically and electronically, technical information and advice to help increase energy efficiency and reduce energy costs.

(6) There are authorized to be appropriated such sums as are necessary to carry out this subsection, to remain available until expended.

(Pub. L. 94-163, title III, §337, Dec. 22, 1975, 89 Stat. 931; Pub. L. 95-619, title VI, §691(b)(2), Nov. 9, 1978, 92 Stat. 3288; Pub. L. 102-486, title I, §123(i), Oct. 24, 1992, 106 Stat. 2831; Pub. L. 109-58, title I, §132, Aug. 8, 2005, 119 Stat. 621.)

AMENDMENTS

2005—Subsecs. (c), (d). Pub. L. 109-58 added subsecs. (c) and (d).

1992—Pub. L. 102-486 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1978—Pub. L. 95-619 substituted "Secretary" for "Administrator", meaning Administrator of the Federal Energy Administration, wherever appearing.

TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

§ 6308. Annual report

The Secretary shall report to the Congress and the President either (1) as part of his annual report, or (2) in a separate report submitted annually, on the progress of the program undertaken pursuant to this part and on the energy savings impact of this part. Each such report shall specify the actions undertaken by the Secretary in carrying out this part during the period covered by such report, and those actions which the Secretary was required to take under this part during such period but which were not taken, together with the reasons therefor. Nothing in this section provides a defense or justification for a

failure by the Secretary to comply with a non-discretionary duty as provided for in this part.

(Pub. L. 94-163, title III, §338, Dec. 22, 1975, 89 Stat. 932; Pub. L. 95-619, title IV, §425(h), title VI, §691(b)(2), Nov. 9, 1978, 92 Stat. 3266, 3288; Pub. L. 100-12, §10, Mar. 17, 1987, 101 Stat. 124.)

AMENDMENTS

1987—Pub. L. 100-12 inserted at end "Nothing in this section provides a defense or justification for a failure by the Secretary to comply with a nondiscretionary duty as provided for in this part."

1978—Pub. L. 95-619 inserted requirement that each report under this section should account for actions taken by the Secretary, as well as actions not taken, during the covered period in carrying out this part and substituted "Secretary" for "Administrator", meaning Administrator of the Federal Energy Administration.

§ 6309. Authorization of appropriations

(a) Authorizations for Secretary

There are authorized to be appropriated to the Secretary not more than the following amounts to carry out his responsibilities under this part—

- (1) \$1,700,000 for fiscal year 1976;
- (2) \$1,500,000 for fiscal year 1977;
- (3) \$3,300,000 for fiscal year 1978; and
- (4) \$10,000,000 for fiscal year 1979.

Amounts authorized for such purposes under paragraph (3) shall be in addition to amounts otherwise authorized and appropriated for such purposes.

(b) Authorizations for Commission

There are authorized to be appropriated to the Commission not more than the following amounts to carry out its responsibilities under this part—

- (1) \$650,000 for fiscal year 1976;
- (2) \$700,000 for fiscal year 1977;
- (3) \$700,000 for fiscal year 1978; and
- (3)¹ \$2,000,000 for fiscal year 1979.

(c) Other authorizations

There are authorized to be appropriated to the Secretary to be allocated not more than the following amounts—

- (1) \$1,100,000 for fiscal year 1976;
- (2) \$2,500,000 for fiscal year 1977; and
- (3) \$1,800,000 for fiscal year 1978.

Such amounts shall, and any amounts authorized to be appropriated under subsection (a) of this section, may be allocated by the Secretary to the National Institute of Standards and Technology.

(Pub. L. 94-163, title III, §339, Dec. 22, 1975, 89 Stat. 932; Pub. L. 95-70, §3, July 21, 1977, 91 Stat. 276; Pub. L. 95-619, title IV, §426, title VI, §691(b)(2), Nov. 9, 1978, 92 Stat. 3267, 3288; Pub. L. 100-12, §11(b)(8), Mar. 17, 1987, 101 Stat. 126; Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433.)

AMENDMENTS

1988—Subsec. (c). Pub. L. 100-418 substituted "National Institute of Standards and Technology" for "National Bureau of Standards" in closing provisions.

1987—Pub. L. 100-12 inserted headings for subsecs. (a) to (c).

¹ So in original. Probably should be designated "(4)".

1978—Subsec. (a). Pub. L. 95-619, §§426(a), 691(b)(2), substituted “Secretary” for “Administrator”, meaning Administrator of the Federal Energy Administration, in text preceding par. (1), “\$3,300,000” for “\$1,500,000” in par. (3), added par. (4), and provided that amounts authorized under par. (3) would be in addition to amounts otherwise authorized and appropriated.

Subsec. (b)(3). Pub. L. 95-619, §426(b), added second par. (3) relating to fiscal year 1979.

Subsec. (c). Pub. L. 95-619, §691(b)(2), substituted “Secretary” for “Administrator”.

1977—Subsec. (c)(2). Pub. L. 95-70, §3(a), substituted “\$2,500,000” for “\$700,000”.

Subsec. (c)(3). Pub. L. 95-70, §3(b), substituted “\$1,800,000” for “\$700,000”.

PART A-1—CERTAIN INDUSTRIAL EQUIPMENT

CODIFICATION

This part was, in the original, designated part C and has been changed to part A-1 for purposes of codification.

§ 6311. Definitions

For purposes of this part—

(1) The term “covered equipment” means one of the following types of industrial equipment:

- (A) Electric motors and pumps.
- (B) Small commercial package air conditioning and heating equipment.
- (C) Large commercial package air conditioning and heating equipment.
- (D) Very large commercial package air conditioning and heating equipment.
- (E) Commercial refrigerators, freezers, and refrigerator-freezers.
- (F) Automatic commercial ice makers.
- (G) Walk-in coolers and walk-in freezers.
- (H) Commercial clothes washers.
- (I) Packaged terminal air-conditioners and packaged terminal heat pumps.
- (J) Warm air furnaces and packaged boilers.
- (K) Storage water heaters, instantaneous water heaters, and unfired hot water storage tanks.

(L) Any other type of industrial equipment which the Secretary classifies as covered equipment under section 6312(b) of this title.

(2)(A) The term “industrial equipment” means any article of equipment referred to in subparagraph (B) of a type—

- (i) which in operation consumes, or is designed to consume, energy;
- (ii) which, to any significant extent, is distributed in commerce for industrial or commercial use; and
- (iii) which is not a “covered product” as defined in section 6291(a)(2) of this title, other than a component of a covered product with respect to which there is in effect a determination under section 6312(c) of this title;

without regard to whether such article is in fact distributed in commerce for industrial or commercial use.

(B) The types of equipment referred to in this subparagraph (in addition to electric motors and pumps, commercial package air conditioning and heating equipment, commercial refrigerators, freezers, and refrigerator-freez-

ers, automatic commercial ice makers, commercial clothes washers, packaged terminal air-conditioners, packaged terminal heat pumps, warm air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, and unfired hot water storage tanks) are as follows:

- (i) compressors;
- (ii) fans;
- (iii) blowers;
- (iv) refrigeration equipment;
- (v) electric lights;
- (vi) electrolytic equipment;
- (vii) electric arc equipment;
- (viii) steam boilers;
- (ix) ovens;
- (x) kilns;
- (xi) evaporators;
- (xii) dryers; and
- (xiii) other motors.

(3) The term “energy efficiency” means the ratio of the useful output of services from an article of industrial equipment to the energy use by such article, determined in accordance with test procedures under section 6314 of this title.

(4) The term “energy use” means the quantity of energy directly consumed by an article of industrial equipment at the point of use, determined in accordance with test procedures established under section 6314 of this title.

(5) The term “manufacturer” means any person who manufactures industrial equipment.

(6) The term “label” may include any printed matter determined appropriate by the Secretary.

(7) The terms “energy”, “manufacture”, “import”, “importation”, “consumer product”, “distribute in commerce”, “distribution in commerce”, and “commerce” have the same meaning as is given such terms in section 6291 of this title.

(8)(A) The term “commercial package air conditioning and heating equipment” means air-cooled, water-cooled, evaporatively-cooled, or water source (not including ground water source) electrically operated, unitary central air conditioners and central air conditioning heat pumps for commercial application.

(B) The term “small commercial package air conditioning and heating equipment” means commercial package air conditioning and heating equipment that is rated below 135,000 Btu per hour (cooling capacity).

(C) The term “large commercial package air conditioning and heating equipment” means commercial package air conditioning and heating equipment that is rated—

- (i) at or above 135,000 Btu per hour; and
- (ii) below 240,000 Btu per hour (cooling capacity).

(D) The term “very large commercial package air conditioning and heating equipment” means commercial package air conditioning and heating equipment that is rated—

- (i) at or above 240,000 Btu per hour; and
- (ii) below 760,000 Btu per hour (cooling capacity).

(9)(A) The term “commercial refrigerator, freezer, and refrigerator-freezer” means refrigeration equipment that—