

port, 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)<sup>1</sup> \$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), 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).

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

<sup>1</sup> So in original. Probably should be designated “(4)”.