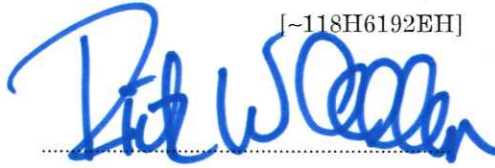


[~118H6192EH]



(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Energy Policy and Conservation Act to prohibit the Secretary of Energy from prescribing any new or amended energy conservation standard for a product that is not technologically feasible and economically justified, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. ALLEN introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the Energy Policy and Conservation Act to prohibit the Secretary of Energy from prescribing any new or amended energy conservation standard for a product that is not technologically feasible and economically justified, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Don’t Mess With My
5 Home Appliances Act”.

1 **SEC. 2. PRESCRIBING NEW OR AMENDED ENERGY CON-**
2 **SERVATION STANDARDS.**

3 (a) AMENDMENT OF STANDARDS.—

4 (1) IN GENERAL.—Section 325(m)(1) of the
5 Energy Policy and Conservation Act (42 U.S.C.
6 6295(m)(1)) is amended to read as follows:

7 “(1) IN GENERAL.—The Secretary may, for any
8 product, publish a notice of proposed rulemaking in-
9 cluding new proposed standards for such product
10 based on the criteria established under subsection
11 (o) and the procedures established under subsection
12 (p).”.

13 (2) AMENDMENT OF STANDARD.—Section
14 325(m)(3) of the Energy Policy and Conservation
15 Act (42 U.S.C. 6295(m)(3)) is amended to read as
16 follows:

17 “(3) AMENDMENT OF STANDARD.—Not later
18 than 2 years after a notice is issued under para-
19 graph (1), the Secretary shall publish a final rule
20 amending the standard for the product.”.

21 (b) PETITION FOR AMENDED STANDARD.—Section
22 325(n) of the Energy Policy and Conservation Act (42
23 U.S.C. 6295(n)) is amended—

24 (1) in the subsection heading, by striking “AN
25 AMENDED STANDARD” and inserting “AMENDMENT
26 OR REVOCATION OF STANDARD”;

1 (2) in paragraph (1), by inserting “or revoked”
2 after “should be amended”;

3 (3) by amending paragraph (2) to read as fol-
4 lows:

5 “(2) The Secretary shall grant a petition to deter-
6 mine if energy conservation standards for a covered prod-
7 uct should be amended or revoked if the Secretary finds
8 that such petition contains evidence, assuming no other
9 evidence were considered, that such standards—

10 “(A) result in additional costs to consumers;

11 “(B) do not result in significant conservation of
12 energy or water;

13 “(C) are not technologically feasible; and

14 “(D) result in such covered product not being
15 commercially available in the United States to all
16 consumers.”; and

17 (4) in paragraph (4)—

18 (A) by striking “NEW OR AMENDED
19 STANDARDS.” and inserting “NEW, AMENDED,
20 OR REVOKED STANDARDS.”;

21 (B) by redesignating subparagraphs (A)
22 and (B) as clauses (i) and (ii), respectively (and
23 by conforming the margins accordingly);

24 (C) by striking “Not later than 3 years”
25 and inserting the following:

1 “(A) Not later than 3 years”; and

2 (D) by adding at the end the following:

3 “(B) Not later than 180 days after the
4 date of granting a petition to revoke standards,
5 the Secretary shall publish in the Federal Reg-
6 ister—

7 “(i) a final rule revoking the stand-
8 ards; or

9 “(ii) a determination that it is not
10 necessary to revoke the standards.

11 “(C) The grant of a petition by the Sec-
12 retary under this subsection creates no pre-
13 sumption with respect to the Secretary’s deter-
14 mination of any of the criteria in a rulemaking
15 under this section.

16 “(D) Standards that have been revoked
17 pursuant to subparagraph (B) shall be consid-
18 ered to be in effect for purposes of section
19 327.”.

20 (c) CRITERIA.—Paragraphs (2) and (3) of section
21 325(o) of the Energy Policy and Conservation Act (42
22 U.S.C. 6295(o)) are amended to read as follows:

23 “(2) REQUIREMENTS.—

24 “(A) DESIGN.—Any new or amended en-
25 ergy conservation standard prescribed by the

1 Secretary under this section for any type (or
2 class) of covered product shall be designed to
3 achieve the maximum improvement in energy
4 efficiency, or, in the case of showerheads, fau-
5 cets, water closets, or urinals, water efficiency,
6 which the Secretary determines is techno-
7 logically feasible and economically justified.

8 “(B) TEST PROCEDURES.—The Secretary
9 may not prescribe a new or amended energy
10 conservation standard under this section for a
11 type (or class) of covered product if a test pro-
12 cedure has not been prescribed pursuant to sec-
13 tion 323 with respect to that type (or class) of
14 product.

15 “(C) SIGNIFICANT CONSERVATION.—The
16 Secretary may not prescribe a new or amended
17 energy conservation standard under this section
18 for a type (or class) of covered product if the
19 Secretary determines that the establishment
20 and imposition of such energy conservation
21 standard will not result in significant conserva-
22 tion of—

23 “(i) energy; or

24 “(ii) in the case of showerheads, fau-
25 cets, water closets, or urinals, water.

1 “(D) TECHNOLOGICALLY FEASIBLE AND
2 ECONOMICALLY JUSTIFIED.—The Secretary
3 may not prescribe a new or amended energy
4 conservation standard under this section for a
5 type (or class) of covered product unless the
6 Secretary determines that the establishment
7 and imposition of such energy conservation
8 standard is technologically feasible and eco-
9 nomically justified.

10 “(E) DISCLOSURE.—The Secretary may
11 not prescribe a new or amended energy con-
12 servation standard under this section for a type
13 (or class) of covered product unless the Sec-
14 retary, not later than the date on which the
15 standard is prescribed, publicly discloses each
16 meeting held by the Secretary, during the 5-
17 year period preceding such date, with any entity
18 that—

19 “(i) has ties to the People’s Republic
20 of China or the Chinese Communist Party;

21 “(ii) has produced studies regarding,
22 or advocated for, regulations or policy to
23 limit, restrict, or ban the use of any type
24 of energy; and

1 “(iii) has applied for or received Fed-
2 eral funds.

3 “(3) FACTORS FOR DETERMINATION.—

4 “(A) ECONOMIC ANALYSIS.—Prior to pre-
5 scribing any new or amended energy conserva-
6 tion standard under this section for any type
7 (or class) of covered product, the Secretary
8 shall conduct a quantitative economic impact
9 analysis of imposition of the energy conserva-
10 tion standard that determines the predicted—

11 “(i) effects of imposition of the energy
12 conservation standard on costs and mone-
13 tary benefits to consumers of the products
14 subject to such energy conservation stand-
15 ard, including—

16 “(I) costs to low-income house-
17 holds; and

18 “(II) variations in costs to con-
19 sumers based on differences in re-
20 gions, including rural populations,
21 cost of living comparisons, and cli-
22 matic differences;

23 “(ii) effects of imposition of the en-
24 ergy conservation standard on employment;
25 and

1 “(iii) lifecycle costs for the covered
2 product, including costs associated with
3 the purchase, installation, maintenance,
4 disposal, and replacement of the covered
5 product.

6 “(B) PROHIBITION ON ADDITIONAL COSTS
7 TO THE CONSUMER.—The Secretary may not
8 determine that imposition of an energy con-
9 servation standard is economically justified un-
10 less the Secretary, based on an economic anal-
11 ysis under subparagraph (A), determines that—

12 “(i) imposition of such energy con-
13 servation standard is not likely to result in
14 additional net costs to the consumer, in-
15 cluding any increase in net costs associated
16 with the purchase, installation, mainte-
17 nance, disposal, and replacement of the
18 covered product; and

19 “(ii) the monetary value of the energy
20 savings and, as applicable, water savings,
21 that the consumer will receive as a result
22 of such energy conservation standard dur-
23 ing the first 3 years after purchasing and
24 installing a covered product complying with
25 such energy conservation standard, as cal-

1 culated under the applicable test proce-
2 dure, will be greater than any increased
3 costs to the consumer of the covered prod-
4 uct due to imposition of such energy con-
5 servation standard, including increased
6 costs associated with the purchase, instal-
7 lation, maintenance, disposal, and replace-
8 ment of the covered product.

9 “(C) REQUIRED ENERGY OR WATER SAV-
10 INGS.—The Secretary may not determine that
11 imposition of an energy conservation standard
12 is economically justified unless the Secretary
13 determines that compliance with such energy
14 conservation standard will result in—

15 “(i) a reduction of at least 0.3 quads
16 of site energy over 30 years; or

17 “(ii) at least a 10 percent reduction in
18 energy or water use of the covered product.

19 “(D) CRITERIA RELATED TO PERFORM-
20 ANCE.—The Secretary may not determine that
21 imposition of an energy conservation standard
22 is economically justified unless the Secretary
23 determines that imposition of such energy con-
24 servation standard will not result in any less-
25 ening of the utility or the performance of the

1 applicable covered product, taking into consid-
2 eration the effects of such energy conservation
3 standard on—

4 “(i) the compatibility of the covered
5 product with existing systems;

6 “(ii) the life span of the covered prod-
7 uct;

8 “(iii) the operating conditions of the
9 covered product;

10 “(iv) the duty cycle, charging time,
11 and run time of the covered product, as
12 applicable;

13 “(v) the maintenance requirements of
14 the covered product; and

15 “(vi) the replacement and disposal re-
16 quirements for the covered product.

17 “(E) CRITERIA RELATED TO MARKET COM-
18 PETITION AND PRICE DISCRIMINATION.—The
19 Secretary may not determine that imposition of
20 an energy conservation standard is economically
21 justified unless the Secretary determines that
22 imposition of the energy conservation standard
23 is not likely to result in—

24 “(i) any lessening of market competi-
25 tion; or

1 “(ii) price discrimination.

2 “(F) TECHNOLOGICAL INNOVATION.—The
3 Secretary may not determine that imposition of
4 an energy conservation standard is economically
5 justified unless the Secretary determines that
6 imposition of such energy conservation standard
7 is not likely to result in the unavailability in the
8 United States of a type (or class) of products
9 based on what type of fuel the product con-
10 sumes.

11 “(G) OTHER CONSIDERATIONS.—In deter-
12 mining whether imposition of an energy con-
13 servation standard is economically justified, the
14 Secretary—

15 “(i) shall prioritize the interests of
16 consumers;

17 “(ii) may not consider estimates of
18 the social costs or social benefits associated
19 with incremental greenhouse gas emissions;
20 and

21 “(iii) shall consider—

22 “(I) the economic impact of the
23 standard on the manufacturers and
24 on the consumers of the products sub-
25 ject to such standard;

1 “(II) the savings in operating
2 costs, including consumer fuel costs,
3 throughout the estimated average life
4 of the covered product in the type (or
5 class) compared to any increase in the
6 price of, or in the initial charges for,
7 or maintenance expenses of, the cov-
8 ered products which are likely to re-
9 sult from the imposition of the stand-
10 ard;

11 “(III) the total projected amount
12 of energy, or as applicable, water, sav-
13 ings likely to result directly from the
14 imposition of the standard;

15 “(IV) the need for national en-
16 ergy and water conservation; and

17 “(V) other factors the Secretary
18 considers relevant.

19 “(H) REGULATORY REVIEW.—

20 “(i) EVALUATION.—Not later than 2 years
21 after the issuance of any final rule prescribing
22 a new or amended energy conservation standard
23 under this section for any type (or class) of cov-
24 ered product, the Secretary shall evaluate the
25 rule to determine whether such energy con-

1 servation standard is technologically feasible
2 and economically justified and whether the reg-
3 ulatory impact analysis for such rule remains
4 accurate.

5 “(ii) EFFECT.—Notwithstanding any other
6 provision of this part, if the Secretary deter-
7 mines, based on an evaluation under clause (i),
8 that an energy conservation standard is not
9 technologically feasible or economically justi-
10 fied—

11 “(I) the Secretary shall publish such
12 determination and such energy conserva-
13 tion standard shall have no force or effect
14 (except that such energy conservation
15 standard shall be considered to be in effect
16 for purposes of section 327); and

17 “(II) the Secretary may publish a
18 final rule amending the energy conserva-
19 tion standard for the type (or class) of cov-
20 ered product to be technologically feasible
21 and economically justified in accordance
22 with this subsection, which amendment
23 shall apply to such a product that is manu-
24 factured after the date that is 2 years
25 after publication of such final rule.”.

1 (d) CONFORMING AMENDMENTS.—

2 (1) REGIONAL STANDARDS.—Section
3 325(o)(6)(D)(i)(II) of the Energy Policy and Con-
4 servation Act (42 U.S.C. 6295(o)(6)(D)(i)(II)) is
5 amended by striking “this paragraph” and inserting
6 “this subsection”.

7 (2) PROCEDURE FOR PRESCRIBING NEW OR
8 AMENDED STANDARDS.—Section 325(p)(2)(A) of the
9 Energy Policy and Conservation Act (42 U.S.C.
10 6295(p)(2)(A)) is amended by striking “taking into
11 account those factors which the Secretary must con-
12 sider under subsection (o)(2)” and inserting “as de-
13 termined in accordance with subsection (o)”.

14 (3) ENERGY CONSERVATION STANDARDS FOR
15 HIGH-INTENSITY DISCHARGE LAMPS, DISTRIBUTION
16 TRANSFORMERS, AND SMALL ELECTRIC MOTORS.—
17 Section 346 of the Energy Policy and Conservation
18 Act (42 U.S.C. 6317) is amended by striking sub-
19 section (c).

20 **SEC. 3. DISTRIBUTION TRANSFORMERS.**

21 Section 346 of the Energy Policy and Conservation
22 Act (42 U.S.C. 6317) is amended by adding at the end
23 the following:

24 “(g) NO NEW OR REVISED STANDARDS FOR DIS-
25 TRIBUTION TRANSFORMERS.—

1 “(1) IN GENERAL.—Beginning on the date of
2 enactment of this subsection, the Secretary may not
3 prescribe any new or amended energy conservation
4 standard under part B or this part for distribution
5 transformers, including those distribution trans-
6 formers for which the Secretary prescribed testing
7 requirements under paragraph (1) and low-voltage
8 dry-type distribution transformers.

9 “(2) EFFECT ON EXISTING STANDARDS.—Para-
10 graph (1) does not affect any energy conservation
11 standards prescribed under part B or this part be-
12 fore the date of enactment of this subsection.”.