

116TH CONGRESS  
1ST SESSION

# H. R. 105

To repeal Federal energy conservation standards, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2019

Mr. BURGESS introduced the following bill; which was referred to the  
Committee on Energy and Commerce

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## A BILL

To repeal Federal energy conservation standards, 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 “Energy Efficiency Free  
5 Market Act of 2019”.

6 **SEC. 2. REPEAL OF ENERGY CONSERVATION STANDARDS.**

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

9 (1) in paragraph (4), by striking “, determined  
10 in accordance with test procedures under section  
11 323”;

1           (2) in paragraph (5), by striking “, determined  
2           in accordance with test procedures under section  
3           323”;

4           (3) by striking paragraph (6);

5           (4) in paragraph (7), by striking “, determined  
6           in accordance with section 323”;

7           (5) by striking paragraphs (19), (20), (22),  
8           (26), and (28);

9           (6) in paragraph (29), by striking subpara-  
10          graphs (C), (D), (E), (G), (H), (I), (J), (K), (L),  
11          (M), (N), (O), and (P);

12          (7) in paragraph (30), by striking subpara-  
13          graphs (G), (O), (U), and (V);

14          (8) in paragraph (31), by striking subpara-  
15          graph (H); and

16          (9) by striking paragraphs (32), (33), (34),  
17          (35), (36), (37), (38), (39), (40), (41), (42), (43),  
18          (44), (45), (47), (48), (50), (52), (53), (54), (55),  
19          (56), (57), (59), (60), (62), (65), and (66).

20          (b) TEST PROCEDURES.—Section 323 of the Energy  
21          Policy and Conservation Act (42 U.S.C. 6293) is amend-  
22          ed—

23                 (1) by striking subsections (a), (b), (d), (e), and  
24                 (f); and

25                 (2) in subsection (c)—

1 (A) in paragraph (1), by striking “a test  
2 procedure is applicable under subsection (a)”  
3 and inserting “a test procedure was applicable  
4 under subsection (a) or (b), as in effect on the  
5 day before the date of enactment of the Energy  
6 Efficiency Free Market Act of 2019,”; and

7 (B) by striking paragraphs (2) and (3).

8 (c) LABELING.—Section 324 of the Energy Policy  
9 and Conservation Act (42 U.S.C. 6294) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (2)—

12 (i) in subparagraph (B), by striking  
13 “and to which standards are applicable  
14 under section 325”;

15 (ii) in subparagraph (C)(i), by strik-  
16 ing “and to which standards are applicable  
17 under section 325”;

18 (iii) in subparagraph (D)—

19 (I) by striking clause (ii); and

20 (II) in clause (iii)(II)—

21 (aa) in item (aa), by striking  
22 “; and” and inserting a period;  
23 and

24 (bb) by striking item (bb);

1 (iv) by striking subparagraph (E);

2 and

3 (v) by striking subparagraph (F);

4 (B) in paragraph (3)—

5 (i) by striking the comma at the end  
6 of subparagraph (A) and inserting “; and”;

7 and

8 (ii) by striking subparagraph (B); and

9 (C) by striking paragraph (5); and

10 (2) in subsection (c)—

11 (A) in paragraph (1)(A), by striking “(de-  
12 termined in accordance with test procedures  
13 prescribed under section 323)” each place it ap-  
14 pears;

15 (B) by striking paragraph (2)(C); and

16 (C) in paragraph (8)(A), by striking “in  
17 accordance with test procedures prescribed  
18 under section 323” and inserting “in accord-  
19 ance with generally accepted industry testing  
20 procedures”.

21 (d) ENERGY CONSERVATION STANDARDS.—Section  
22 325 of the Energy Policy and Conservation Act (42 U.S.C.  
23 6295) is repealed.

1 (e) REQUIREMENTS OF MANUFACTURERS.—Section  
2 326 of the Energy Policy and Conservation Act (42 U.S.C.  
3 6296) is amended—

4 (1) in subsection (b)—

5 (A) by striking paragraph (3)(A);

6 (B) in paragraph (4), by striking “in ac-  
7 cordance with the test procedures applicable to  
8 such product under section 323” and inserting  
9 “in accordance with generally accepted industry  
10 testing procedures”; and

11 (C) in paragraph (5), by striking “323,  
12 324, or 325” and inserting “324”; and

13 (2) in subsection (d)—

14 (A) by striking “and the economic impact  
15 of any proposed energy conservation standard”;  
16 and

17 (B) by striking “test procedures, labeling  
18 rules, and energy conservation standards” and  
19 inserting “labeling rules”.

20 (f) EFFECT ON OTHER LAW.—Section 327 of the  
21 Energy Policy and Conservation Act (42 U.S.C. 6297) is  
22 amended by striking subsections (a) through (f) and in-  
23 serting the following:

24 “(a) PROHIBITION ON ENERGY CONSERVATION  
25 STANDARDS.—No State or Federal agency may adopt or

1 continue in effect any requirement to comply with a stand-  
2 ard for energy conservation or water efficiency with re-  
3 spect to a product.”.

4 (g) PROHIBITED ACTS.—Section 332(a) of the En-  
5 ergy Policy and Conservation Act (42 U.S.C. 6302(a)) is  
6 amended—

7 (1) in paragraph (4), by striking the semicolon  
8 and inserting “; or”;

9 (2) by striking paragraphs (5), (6), and (7);  
10 and

11 (3) in paragraph (8)(D), by striking “described  
12 in section 325(e)(6)(A)(ii)(V)”.

13 (h) ENFORCEMENT.—Section 333 of the Energy Pol-  
14 icy and Conservation Act (42 U.S.C. 6303) is amended—

15 (1) in subsection (a)—

16 (A) by striking “or violations of paragraph  
17 (5), (6), (7), or (8)” and inserting “a violation  
18 of paragraph (8)”; and

19 (B) by striking “Each violation of para-  
20 graph (1), (2), (5), (6), (7), or (8)” and insert-  
21 ing “Each violation of paragraph (1), (2), or  
22 (8)”; and

23 (2) by striking subsection (c).

1 (i) INJUNCTIVE ENFORCEMENT.—Section 334 of the  
2 Energy Policy and Conservation Act (42 U.S.C. 6304) is  
3 amended—

4 (1) in the first sentence, by striking “or 325”;

5 (2) in the second sentence, by striking “(5),  
6 (6), (7), or”;

7 (3) by striking the third sentence.

8 (j) CITIZEN SUITS.—Section 335(a) of the Energy  
9 Policy and Conservation Act (42 U.S.C. 6305(a)) is  
10 amended—

11 (1) in paragraph (1), by striking the semicolon  
12 at the end and inserting “; or”;

13 (2) in paragraph (2), by striking “; or” and in-  
14 serting a period;

15 (3) by striking paragraph (3); and

16 (4) in the matter following paragraph (3), by  
17 striking the second and third sentences.

18 (k) ADMINISTRATIVE PROCEDURE AND JUDICIAL  
19 REVIEW.—Section 336 of the Energy Policy and Con-  
20 servation Act (42 U.S.C. 6306) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1), by striking “323,  
23 324, 325, 327, or 328” and inserting “324 or  
24 328”; and

25 (B) by striking paragraph (2);

1           (2) in subsection (b), by striking “section 323,  
2           324, or 325” each place it appears and inserting  
3           “324”; and

4           (3) by striking subsection (c).

5           (l) CONSUMER EDUCATION.—Section 337 of the En-  
6           ergy Policy and Conservation Act (42 U.S.C. 6307) is  
7           amended by striking subsection (b).

8           (m) CERTAIN INDUSTRIAL EQUIPMENT.—Part C of  
9           title III of the Energy Policy and Conservation Act (42  
10           U.S.C. 6311 et seq.) is repealed.

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