

Union Calendar No. 357

118TH CONGRESS
2D SESSION

H. R. 6192

[Report No. 118-432]

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

NOVEMBER 2, 2023

Mrs. LESKO introduced the following bill; which was referred to the Committee on Energy and Commerce

MARCH 26, 2024

Additional sponsors: Mrs. MILLER of West Virginia, Mrs. HARSHBARGER, Mrs. MILLER of Illinois, Mr. ALLEN, Mr. BERGMAN, Mr. ALFORD, Mr. JACKSON of Texas, Mr. LAHOOD, Ms. VAN DUYNE, and Mr. WEBER of Texas

MARCH 26, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on November 2, 2023]

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 “Hands Off Our Home*
5 *Appliances Act”.*

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

8 *(a) AMENDMENT OF STANDARDS.—*

9 *(1) IN GENERAL.—Section 325(m)(1) of the En-*
10 *ergy Policy and Conservation Act (42 U.S.C.*
11 *6295(m)(1)) is amended to read as follows:*

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

17 *(2) AMENDMENT OF STANDARD.—Section*
18 *325(m)(3) of the Energy Policy and Conservation Act*
19 *(42 U.S.C. 6295(m)(3)) is amended to read as follows:*

20 *“(3) AMENDMENT OF STANDARD.—Not later than*
21 *2 years after a notice is issued under paragraph (1),*
22 *the Secretary shall publish a final rule amending the*
23 *standard for the product.”.*

1 (b) *PETITION FOR AMENDED STANDARD*.—Section
2 325(n) of the *Energy Policy and Conservation Act* (42
3 U.S.C. 6295(n)) is amended—

4 (1) in the subsection heading, by striking “AN
5 *AMENDED STANDARD*” and inserting “*AMENDMENT*
6 *OR REVOCATION OF STANDARD*”;

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

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

11 “(2) *The Secretary shall grant a petition to determine*
12 *if energy conservation standards for a covered product*
13 *should be amended or revoked if the Secretary finds that*
14 *such petition contains evidence, assuming no other evidence*
15 *were considered, that such standards—*

16 “(A) *result in additional costs to consumers;*

17 “(B) *do not result in significant conservation of*
18 *energy or water;*

19 “(C) *are not technologically feasible; and*

20 “(D) *result in such covered product not being*
21 *commercially available in the United States to all*
22 *consumers.”; and*

23 (4) in paragraph (4)—

1 (A) by striking “NEW OR AMENDED STAND-
2 ARDS.” and inserting “NEW, AMENDED, OR RE-
3 VOKED STANDARDS.”;

4 (B) by redesignating subparagraphs (A)
5 and (B) as clauses (i) and (ii), respectively (and
6 by conforming the margins accordingly);

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

9 “(A) Not later than 3 years”; and

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

11 “(B) Not later than 180 days after the date
12 of granting a petition to revoke standards, the
13 Secretary shall publish in the Federal Register—

14 “(i) a final rule revoking the stand-
15 ards; or

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

18 “(C) The grant of a petition by the Sec-
19 retary under this subsection creates no presump-
20 tion with respect to the Secretary’s determina-
21 tion of any of the criteria in a rulemaking under
22 this section.

23 “(D) Standards that have been revoked pur-
24 suant to subparagraph (B) shall be considered to
25 be in effect for purposes of section 327.”.

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

4 “(2) *REQUIREMENTS.—*

5 “(A) *DESIGN.—Any new or amended en-*
6 *ergy conservation standard prescribed by the*
7 *Secretary under this section for any type (or*
8 *class) of covered product shall be designed to*
9 *achieve the maximum improvement in energy ef-*
10 *iciency, or, in the case of showerheads, faucets,*
11 *water closets, or urinals, water efficiency, which*
12 *the Secretary determines is technologically fea-*
13 *sible and economically justified.*

14 “(B) *TEST PROCEDURES.—The Secretary*
15 *may not prescribe a new or amended energy con-*
16 *servation standard under this section for a type*
17 *(or class) of covered product if a test procedure*
18 *has not been prescribed pursuant to section 323*
19 *with respect to that type (or class) of product.*

20 “(C) *SIGNIFICANT CONSERVATION.—The*
21 *Secretary may not prescribe a new or amended*
22 *energy conservation standard under this section*
23 *for a type (or class) of covered product if the*
24 *Secretary determines that the establishment and*

1 *imposition of such energy conservation standard*
2 *will not result in significant conservation of—*

3 “(i) *energy; or*

4 “(ii) *in the case of showerheads, faucets,*
5 *water closets, or urinals, water.*

6 “(D) *TECHNOLOGICALLY FEASIBLE AND*
7 *ECONOMICALLY JUSTIFIED.—The Secretary may*
8 *not prescribe a new or amended energy conserva-*
9 *tion standard under this section for a type (or*
10 *class) of covered product unless the Secretary de-*
11 *termines that the establishment and imposition*
12 *of such energy conservation standard is techno-*
13 *logically feasible and economically justified.*

14 “(3) *FACTORS FOR DETERMINATION.—*

15 “(A) *ECONOMIC ANALYSIS.—Prior to pre-*
16 *scribing any new or amended energy conserva-*
17 *tion standard under this section for any type (or*
18 *class) of covered product, the Secretary shall con-*
19 *duct a quantitative economic impact analysis of*
20 *imposition of the energy conservation standard*
21 *that determines the predicted—*

22 “(i) *effects of imposition of the energy*
23 *conservation standard on costs and mone-*
24 *tary benefits to consumers of the products*

1 *subject to such energy conservation stand-*
2 *ard, including—*

3 *“(I) costs to low-income house-*
4 *holds; and*

5 *“(II) variations in costs to con-*
6 *sumers based on differences in regions,*
7 *including climatic differences;*

8 *“(ii) effects of imposition of the energy*
9 *conservation standard on employment; and*

10 *“(iii) lifecycle costs for the covered*
11 *product, including costs associated with the*
12 *purchase, installation, maintenance, dis-*
13 *posal, and replacement of the covered prod-*
14 *uct.*

15 *“(B) PROHIBITION ON ADDITIONAL COSTS*
16 *TO THE CONSUMER.—The Secretary may not de-*
17 *termine that imposition of an energy conserva-*
18 *tion standard is economically justified unless the*
19 *Secretary, based on an economic analysis under*
20 *subparagraph (A), determines that—*

21 *“(i) imposition of such energy con-*
22 *serva-*
23 *tion standard is not likely to result in*
24 *additional net costs to the consumer, includ-*
25 *ing any increase in net costs associated*
 with the purchase, installation, mainte-

1 nance, disposal, and replacement of the cov-
2 ered product; and

3 “(ii) the monetary value of the energy
4 savings and, as applicable, water savings,
5 that the consumer will receive as a result of
6 such energy conservation standard during
7 the first 3 years after purchasing and in-
8 stalling a covered product complying with
9 such energy conservation standard, as cal-
10 culated under the applicable test procedure,
11 will be greater than any increased costs to
12 the consumer of the covered product due to
13 imposition of such energy conservation
14 standard, including increased costs associ-
15 ated with the purchase, installation, main-
16 tenance, disposal, and replacement of the
17 covered product.

18 “(C) *REQUIRED ENERGY OR WATER SAV-*
19 *INGS.—The Secretary may not determine that*
20 *imposition of an energy conservation standard is*
21 *economically justified unless the Secretary deter-*
22 *mines that compliance with such energy con-*
23 *servation standard will result in—*

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

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

3 “(D) CRITERIA RELATED TO PERFORM-
4 ANCE.—The Secretary may not determine that
5 imposition of an energy conservation standard is
6 economically justified unless the Secretary deter-
7 mines that imposition of such energy conserva-
8 tion standard will not result in any lessening of
9 the utility or the performance of the applicable
10 covered product, taking into consideration the ef-
11 fects of such energy conservation standard on—

12 “(i) the compatibility of the covered
13 product with existing systems;

14 “(ii) the life span of the covered prod-
15 uct;

16 “(iii) the operating conditions of the
17 covered product;

18 “(iv) the duty cycle, charging time,
19 and run time of the covered product, as ap-
20 plicable;

21 “(v) the maintenance requirements of
22 the covered product; and

23 “(vi) the replacement and disposal re-
24 quirements for the covered product.

1 “(E) *CRITERIA RELATED TO MARKET COM-*
2 *PETITION AND PRICE DISCRIMINATION.—The Sec-*
3 *retary may not determine that imposition of an*
4 *energy conservation standard is economically*
5 *justified unless the Secretary determines that im-*
6 *position of the energy conservation standard is*
7 *not likely to result in—*

8 “(i) *any lessening of market competi-*
9 *tion; or*

10 “(ii) *price discrimination.*

11 “(F) *TECHNOLOGICAL INNOVATION.—The*
12 *Secretary may not determine that imposition of*
13 *an energy conservation standard is economically*
14 *justified unless the Secretary determines that im-*
15 *position of such energy conservation standard is*
16 *not likely to result in the unavailability in the*
17 *United States of a type (or class) of products*
18 *based on what type of fuel the product consumes.*

19 “(G) *OTHER CONSIDERATIONS.—In deter-*
20 *mining whether imposition of an energy con-*
21 *servation standard is economically justified, the*
22 *Secretary—*

23 “(i) *shall prioritize the interests of con-*
24 *sumers;*

1 “(ii) may not consider estimates of the
2 social costs or social benefits associated with
3 incremental greenhouse gas emissions; and

4 “(iii) shall consider—

5 “(I) the economic impact of the
6 standard on the manufacturers and on
7 the consumers of the products subject to
8 such standard;

9 “(II) the savings in operating
10 costs throughout the estimated average
11 life of the covered product in the type
12 (or class) compared to any increase in
13 the price of, or in the initial charges
14 for, or maintenance expenses of, the
15 covered products which are likely to re-
16 sult from the imposition of the stand-
17 ard;

18 “(III) the total projected amount
19 of energy, or as applicable, water, sav-
20 ings likely to result directly from the
21 imposition of the standard;

22 “(IV) the need for national energy
23 and water conservation; and

24 “(V) other factors the Secretary
25 considers relevant.

1 “(H) *REGULATORY REVIEW.*—

2 “(i) *EVALUATION.*—Not later than 2 years
3 after the issuance of any final rule prescribing a
4 new or amended energy conservation standard
5 under this section for any type (or class) of cov-
6 ered product, the Secretary shall evaluate the
7 rule to determine whether such energy conserva-
8 tion standard is technologically feasible and eco-
9 nomically justified and whether the regulatory
10 impact analysis for such rule remains accurate.

11 “(ii) *EFFECT.*—Notwithstanding any other
12 provision of this part, if the Secretary deter-
13 mines, based on an evaluation under clause (i),
14 that an energy conservation standard is not tech-
15 nologically feasible or economically justified—

16 “(I) the Secretary shall publish such
17 determination and such energy conservation
18 standard shall have no force or effect (except
19 that such energy conservation standard
20 shall be considered to be in effect for pur-
21 poses of section 327); and

22 “(II) the Secretary may publish a final
23 rule amending the energy conservation
24 standard for the type (or class) of covered
25 product to be technologically feasible and

1 *economically justified in accordance with*
2 *this subsection, which amendment shall*
3 *apply to such a product that is manufac-*
4 *tured after the date that is 2 years after*
5 *publication of such final rule.”.*

6 **SEC. 3. CONFORMING AMENDMENTS.**

7 (a) *REGIONAL STANDARDS.—Section*
8 *325(o)(6)(D)(i)(II) of the Energy Policy and Conservation*
9 *Act (42 U.S.C. 6295(o)(6)(D)(i)(II)) is amended by striking*
10 *“this paragraph” and inserting “this subsection”.*

11 (b) *PROCEDURE FOR PRESCRIBING NEW OR AMENDED*
12 *STANDARDS.—Section 325(p)(2)(A) of the Energy Policy*
13 *and Conservation Act (42 U.S.C. 6295(p)(2)(A)) is amend-*
14 *ed by striking “taking into account those factors which the*
15 *Secretary must consider under subsection (o)(2)” and in-*
16 *serting “as determined in accordance with subsection (o)”.*

17 (c) *ENERGY CONSERVATION STANDARDS FOR HIGH-*
18 *INTENSITY DISCHARGE LAMPS, DISTRIBUTION TRANS-*
19 *FORMERS, AND SMALL ELECTRIC MOTORS.—Section 346 of*
20 *the Energy Policy and Conservation Act (42 U.S.C. 6317)*
21 *is amended by striking subsection (c).*

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