

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4626
OFFERED BY MR. ALLEN OF GEORGIA

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. PRESCRIBING NEW OR AMENDED ENERGY CON-
5 SERVATION STANDARDS.

6 (a) AMENDMENT OF STANDARDS.—

7 (1) IN GENERAL.—Section 325(m)(1) of the
8 Energy Policy and Conservation Act (42 U.S.C.
9 6295(m)(1)) is amended to read as follows:

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

16 (2) AMENDMENT OF STANDARD.—Section
17 325(m)(3) of the Energy Policy and Conservation

1 Act (42 U.S.C. 6295(m)(3)) is amended to read as
2 follows:

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

7 (3) APPLICATION TO PRODUCTS.—Section
8 325(m)(4) of the Energy Policy and Conservation
9 Act (42 U.S.C. 6295(m)(4)) is amended to read as
10 follows:

11 “(4) APPLICATION TO PRODUCTS.—An amend-
12 ment prescribed under this subsection shall apply to
13 a product that is manufactured after the date that
14 is 5 years after publication of the final rule estab-
15 lishing an applicable standard.”.

16 (b) PETITION FOR AMENDED STANDARD.—Section
17 325(n) of the Energy Policy and Conservation Act (42
18 U.S.C. 6295(n)) is amended—

19 (1) in the subsection heading, by striking “AN
20 AMENDED STANDARD” and inserting “AMENDMENT
21 OR REVOCATION OF STANDARD”;

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

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

1 “(2) The Secretary shall grant a petition to deter-
2 mine if standards for a covered product should be amend-
3 ed or revoked if the Secretary finds that such petition con-
4 tains evidence, assuming no other evidence were consid-
5 ered, that such standards—

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

7 “(B) do not result in significant conservation of
8 energy or water;

9 “(C) are not technologically feasible; and

10 “(D) result in such covered product not being
11 commercially available in the United States to all
12 consumers.”;

13 (4) in paragraph (4)—

14 (A) by striking “NEW OR AMENDED
15 STANDARDS.” and inserting “NEW, AMENDED,
16 OR REVOKED STANDARDS.”;

17 (B) by redesignating subparagraphs (A)
18 and (B) as clauses (i) and (ii), respectively (and
19 by conforming the margins accordingly);

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

22 “(A) Not later than 3 years”; and

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

24 “(B) Not later than 180 days after the
25 date of granting a petition to revoke standards,

1 the Secretary shall publish in the Federal Reg-
2 ister—

3 “(i) a final rule revoking the stand-
4 ards; or

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

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

12 “(D) Standards that have been revoked
13 pursuant to subparagraph (B) shall be consid-
14 ered to be in effect for purposes of section
15 327.”; and

16 (5) in paragraph (5)(B), by striking “3 years
17 (for refrigerators, refrigerator-freezers, and freezers,
18 room air conditioners, dishwashers, clothes washers,
19 clothes dryers, fluorescent lamp ballasts, general
20 service fluorescent lamps, incandescent reflector
21 lamps, and kitchen ranges and ovens) or 5 years (for
22 central air conditioners and heat pumps, water heat-
23 ers, pool heaters, direct heating equipment and fur-
24 naces)” and inserting “5 years”;

1 (c) CRITERIA.—Section 325(o) of the Energy Policy
2 and Conservation Act (42 U.S.C. 6295(o)) is amended by
3 amending paragraphs (2) and (3) 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, as appli-
10 cable, energy efficiency or water efficiency,
11 which the Secretary determines is techno-
12 logically feasible and economically justified.

13 “(B) TEST PROCEDURES.—If the Sec-
14 retary determines that a test procedure should
15 be prescribed or amended in accordance with
16 section 323 for a type (or class) of covered
17 product, the Secretary may not prescribe a new
18 or amended energy conservation standard under
19 this section for such type (or class) of covered
20 product unless the Secretary has prescribed or
21 amended (and published in the Federal Reg-
22 ister) a test procedure for such type (or class)
23 of covered product at least 180 days before
24 publishing a notice of proposed rulemaking with

1 respect to the new or amended energy conserva-
2 tion standard.

3 “(C) SIGNIFICANT CONSERVATION.—The
4 Secretary may not prescribe a new or amended
5 energy conservation standard under this section
6 for a type (or class) of covered product if the
7 Secretary determines that the establishment
8 and imposition of such energy conservation
9 standard will not result in significant conserva-
10 tion of, as applicable, energy or water.

11 “(D) TECHNOLOGICALLY FEASIBLE AND
12 ECONOMICALLY JUSTIFIED.—The Secretary
13 may not prescribe a new or amended energy
14 conservation standard under this section for a
15 type (or class) of covered product unless the
16 Secretary determines that the establishment
17 and imposition of such energy conservation
18 standard is technologically feasible and eco-
19 nomically justified.

20 “(E) DISCLOSURE.—The Secretary may
21 not prescribe a new or amended energy con-
22 servation standard under this section for a type
23 (or class) of covered product unless the Sec-
24 retary, not later than the date on which the
25 standard is prescribed, publicly discloses each

1 meeting held by the Secretary, during the 5-
2 year period preceding such date, with any entity
3 that—

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

6 “(ii) has produced studies regarding,
7 or advocated for, regulations or policy to
8 limit, restrict, or ban the use of any type
9 of energy; and

10 “(iii) has applied for or received Fed-
11 eral funds.

12 “(3) FACTORS FOR DETERMINATION.—

13 “(A) ECONOMIC ANALYSIS.—

14 “(i) DETERMINATION.—Prior to pre-
15 scribing any new or amended energy con-
16 servation standard under this section for
17 any type (or class) of covered product, the
18 Secretary shall conduct a quantitative eco-
19 nomic impact analysis of imposition of the
20 energy conservation standard that deter-
21 mines the predicted—

22 “(I) effects of imposition of the
23 energy conservation standard on costs
24 and monetary benefits to consumers

1 of the products subject to such energy
2 conservation standard, including—

3 “(aa) costs to low-income
4 households; and

5 “(bb) variations in costs to
6 consumers based on differences
7 in regions, including rural popu-
8 lations, cost of living compari-
9 sons, and climatic differences;

10 “(II) effects of imposition of the
11 energy conservation standard on em-
12 ployment; and

13 “(III) lifecycle costs for the cov-
14 ered product, including costs associ-
15 ated with the purchase, installation,
16 maintenance, disposal, and replace-
17 ment of the covered product.

18 “(ii) NOTICE AND COMMENT.—The
19 Secretary shall provide public notice in the
20 Federal Register and at least 60 days for
21 public comment on the quantitative eco-
22 nomic impact analysis conducted under
23 clause (i).

24 “(B) PROHIBITION ON ADDITIONAL COSTS
25 TO THE CONSUMER.—The Secretary may not

1 determine that imposition of an energy con-
2 servation standard is economically justified un-
3 less the Secretary, based on an economic anal-
4 ysis under subparagraph (A), determines that—

5 “(i) imposition of such energy con-
6 servation standard is not likely to result in
7 additional net costs to the consumer, in-
8 cluding any increase in net costs associated
9 with the purchase, installation, mainte-
10 nance, disposal, and replacement of the
11 covered product; and

12 “(ii) the monetary value of the energy
13 savings and, as applicable, water savings,
14 that the consumer will receive as a result
15 of such energy conservation standard dur-
16 ing the first 3 years after purchasing and
17 installing a covered product complying with
18 such energy conservation standard, as cal-
19 culated under the applicable test proce-
20 dure, will be greater than any increased
21 costs to the consumer of the covered prod-
22 uct due to imposition of such energy con-
23 servation standard, including increased
24 costs associated with the purchase, instal-

1 lation, maintenance, disposal, and replace-
2 ment of the covered product.

3 “(C) REQUIRED ENERGY OR WATER SAV-
4 INGS.—The Secretary may not determine that
5 imposition of an energy conservation standard
6 is economically justified unless the Secretary
7 determines that compliance with such energy
8 conservation standard will result in—

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

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

13 “(D) CRITERIA RELATED TO PERFORM-
14 ANCE.—The Secretary may not determine that
15 imposition of an energy conservation standard
16 is economically justified unless the Secretary
17 determines that imposition of such energy con-
18 servation standard will not result in any less-
19 ening of the utility or the performance of the
20 applicable covered product, taking into consid-
21 eration the effects of such energy conservation
22 standard on—

23 “(i) the compatibility of the covered
24 product with existing systems;

1 “(ii) the life span of the covered prod-
2 uct;

3 “(iii) the operating conditions of the
4 covered product;

5 “(iv) the duty cycle, charging time,
6 and run time of the covered product, as
7 applicable;

8 “(v) the maintenance requirements of
9 the covered product; and

10 “(vi) the replacement and disposal re-
11 quirements for the covered product.

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

21 “(F) OTHER CONSIDERATIONS.—

22 “(i) IN GENERAL.—In determining
23 whether imposition of an energy conserva-
24 tion standard is economically justified, the
25 Secretary—

1 “(I) shall prioritize the interests
2 of consumers;

3 “(II) may not consider estimates
4 of the social costs or social benefits
5 associated with incremental green-
6 house gas emissions; and

7 “(III) shall consider—

8 “(aa) the economic impact,
9 including any regulatory burden,
10 of the standard on the manufac-
11 turers and on the consumers of
12 the products subject to such
13 standard;

14 “(bb) the savings in oper-
15 ating costs, including consumer
16 fuel costs, throughout the esti-
17 mated average life of the covered
18 product in the type (or class)
19 compared to any increase in the
20 price of, or in the initial charges
21 for, or maintenance expenses of,
22 the covered products which are
23 likely to result from the imposi-
24 tion of the standard;

1 “(cc) the total projected
2 amount of energy, or, as applica-
3 ble, water, savings likely to result
4 directly from the imposition of
5 the standard;

6 “(dd) the need for national
7 energy and water conservation;

8 “(ee) the impact of any less-
9 ening of market competition, as
10 determined in writing by the At-
11 torney General under clause (ii),
12 that is likely to result from the
13 imposition of the standard;

14 “(ff) whether the imposition
15 of the energy conservation stand-
16 ard is likely to result price dis-
17 crimination; and

18 “(gg) other factors the Sec-
19 retary considers relevant.

20 “(ii) ATTORNEY GENERAL DETER-
21 MINATION.—For purposes of clause
22 (i)(III)(ee), the Attorney General shall
23 make a determination of the impact, if
24 any, of any lessening of market competi-
25 tion likely to result from such standard

1 and shall transmit such determination, not
2 later than 60 days after the publication of
3 a proposed rule prescribing or amending
4 an energy conservation standard, in writ-
5 ing to the Secretary, together with an
6 analysis of the nature and extent of such
7 impact. Any such determination and anal-
8 ysis shall be published by the Secretary in
9 the Federal Register.

10 “(G) REGULATORY REVIEW.—

11 “(i) EVALUATION.—Not later than 2 years
12 after the issuance of any final rule prescribing
13 a new or amended energy conservation standard
14 under this section for any type (or class) of cov-
15 ered product, the Secretary shall evaluate the
16 rule to determine whether such energy con-
17 servation standard is technologically feasible
18 and economically justified and whether the reg-
19 ulatory impact analysis for such rule remains
20 accurate.

21 “(ii) EFFECT.—Notwithstanding any other
22 provision of this part, if the Secretary deter-
23 mines, based on an evaluation under clause (i),
24 that an energy conservation standard is not

1 technologically feasible or economically justi-
2 fied—

3 “(I) the Secretary shall publish such
4 determination and such energy conserva-
5 tion standard shall have no force or effect
6 (except that such energy conservation
7 standard shall be considered to be in effect
8 for purposes of section 327); and

9 “(II) the Secretary may publish a
10 final rule amending the energy conserva-
11 tion standard for the type (or class) of cov-
12 ered product to be technologically feasible
13 and economically justified in accordance
14 with this subsection, which amendment
15 shall apply to such a product that is manu-
16 factured after the date that is 3 years
17 after publication of such final rule.”.

18 (d) APPLICABILITY OF REGIONAL STANDARDS.—Sec-
19 tion 325(o)(6)(E)(ii) of the Energy Policy and Conserva-
20 tion Act (42 U.S.C. 6295(o)(6)(E)(ii)) is amended by
21 striking “shall apply to any such product installed on or
22 after the effective date of the standard in States in which
23 the Secretary has designated the standard to apply” and
24 inserting “shall apply, in States in which the Secretary
25 has designated the standard to apply, to any such product

1 that is manufactured or imported into the United States
2 on or after the effective date of the standard”.

3 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) DEFINITIONS.—

5 (A) CONSUMER PRODUCT.—Section
6 321(1)(A) of the Energy Policy and Conserva-
7 tion Act (42 U.S.C. 6291(1)(A)) is amended by
8 striking “, with respect to showerheads, faucets,
9 water closets, and urinals, water” and inserting
10 “water, as applicable”.

11 (B) ENERGY CONSERVATION STANDARD.—
12 Section 321(6)(A) of the Energy Policy and
13 Conservation Act (42 U.S.C. 6291(6)(A)) is
14 amended by striking “, or, in the case of
15 showerheads, faucets, water closets, and uri-
16 nals, water use,” and inserting “or water use,
17 as applicable,”.

18 (C) ESTIMATED ANNUAL OPERATING
19 COST.—Section 321(7) of the Energy Policy
20 and Conservation Act (42 U.S.C. 6291(7)) is
21 amended by striking “in the case of
22 showerheads, faucets, water closets, and uri-
23 nals” and inserting “, as applicable”.

24 (2) TEST PROCEDURES.—

1 (A) DESIGN OF TEST PROCEDURES.—Sec-
2 tion 323(b)(3) of the Energy Policy and Con-
3 servation Act (42 U.S.C. 6293(b)(3)) is amend-
4 ed by striking “energy efficiency, energy use,
5 water use (in the case of showerheads, faucets,
6 water closets and urinals)” and inserting “, as
7 applicable, energy efficiency, energy use, water
8 use”.

9 (B) CALCULATION OF COSTS.—Section
10 323(b)(4) of the Energy Policy and Conserva-
11 tion Act (42 U.S.C. 6293(b)(4)) is amended
12 by—

13 (i) by striking “or, in the case of
14 showerheads, faucets, water closets, or uri-
15 nals,” and inserting “or, as applicable,”;
16 and

17 (ii) by striking “or in the case of
18 showerheads, faucets, water closets, or uri-
19 nals,” and inserting “or, as applicable,”.

20 (C) RESTRICTION ON CERTAIN REPRESENTA-
21 TIONS.—Section 323(c) of the Energy Policy
22 and Conservation Act (42 U.S.C. 6293(c) is
23 amended—

24 (i) in paragraph (1), by striking “ or,
25 in the case of showerheads, faucets, water

1 closets, and urinals,” and inserting “or, as
2 applicable,”; and

3 (ii) in paragraph (2), by striking “ or,
4 in the case of showerheads, faucets, water
5 closets, and urinals,” and inserting “or, as
6 applicable,”.

7 (3) CRITERIA FOR PRESCRIBING NEW OR
8 AMENDED STANDARDS.—Section 325(o)(1) of the
9 Energy Policy and Conservation Act is amended by
10 striking “, or, in the case of showerheads, faucets,
11 water closets, or urinals,” and inserting “, or, as ap-
12 plicable,”.

13 (4) REGIONAL STANDARDS.—Section
14 325(o)(6)(D)(i)(II) of the Energy Policy and Con-
15 servation Act (42 U.S.C. 6295(o)(6)(D)(i)(II)) is
16 amended by striking “this paragraph” and inserting
17 “this subsection”.

18 (5) PROCEDURE FOR PRESCRIBING NEW OR
19 AMENDED STANDARDS.—Section 325(p)(2)(A) of the
20 Energy Policy and Conservation Act (42 U.S.C.
21 6295(p)(2)(A)) is amended by striking “taking into
22 account those factors which the Secretary must con-
23 sider under subsection (o)(2)” and inserting “as de-
24 termined in accordance with subsection (o)”.

1 (6) INFORMATION REQUIREMENTS.—Section
2 326(d)(1) of the Energy Policy and Conservation
3 Act is amended by striking “or, in the case of
4 showerheads, faucets, water closets, and urinals,”
5 and inserting “or, as applicable,”.

6 (7) ENERGY CONSERVATION STANDARDS FOR
7 HIGH-INTENSITY DISCHARGE LAMPS, DISTRIBUTION
8 TRANSFORMERS, AND SMALL ELECTRIC MOTORS.—
9 Section 346 of the Energy Policy and Conservation
10 Act (42 U.S.C. 6317) is amended by striking sub-
11 section (c).

12 **SEC. 3. DISTRIBUTION TRANSFORMERS.**

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

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

18 “(1) IN GENERAL.—Beginning on the date of
19 enactment of this subsection, the Secretary may not
20 prescribe any new or amended energy conservation
21 standard under part B or this part for distribution
22 transformers, including those distribution trans-
23 formers for which the Secretary prescribed testing
24 requirements under subsection (a)(1) and low-volt-
25 age dry-type distribution transformers.

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

5 **SEC. 4. DISHWASHERS; CLOTHES WASHERS.**

6 Section 325(g) of the Energy Policy and Conserva-
7 tion Act (42 U.S.C. 6295(g)) is amended—

8 (1) in paragraph (9)(B), by adding at the end
9 the following:

10 “(iii) OTHER AMENDMENTS TO
11 STANDARDS.—The Secretary may prescribe
12 a new or amended energy conservation
13 standard for clothes washers in accordance
14 with this section, including—

15 “(I) a design requirement; and

16 “(II) a performance standard
17 which prescribes one of the following:

18 “(aa) A minimum level of
19 energy efficiency.

20 “(bb) A maximum quantity
21 of energy use.

22 “(cc) A minimum level of
23 water efficiency.

24 “(dd) A maximum quantity
25 of water use.

1 “(ee) A minimum level of
2 energy efficiency and a minimum
3 level of water efficiency.

4 “(ff) A maximum quantity
5 of energy use and a maximum
6 quantity of water use.”; and

7 (2) in paragraph (10)(B), by adding at the end
8 the following:

9 “(iii) OTHER AMENDMENTS TO
10 STANDARDS.—The Secretary may prescribe
11 a new or amended energy conservation
12 standard for dishwashers in accordance
13 with this section, including—

14 “(I) a design requirement; and

15 “(II) a performance standard
16 which prescribes one of the following:

17 “(aa) A minimum level of
18 energy efficiency.

19 “(bb) A maximum quantity
20 of energy use.

21 “(cc) A minimum level of
22 water efficiency.

23 “(dd) A maximum quantity
24 of water use.

1 “(ee) A minimum level of
2 energy efficiency and a minimum
3 level of water efficiency.

4 “(ff) A maximum quantity
5 of energy use and a maximum
6 quantity of water use.”.

