

.....
(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R. _____

To amend the Energy Policy and Conservation Act to provide for limitation on warranty and revision of certification requirements under the Energy Star program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend the Energy Policy and Conservation Act to provide for limitation on warranty and revision of certification requirements under the Energy Star program, 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 Star Reform
5 Act of 2017”.

1 **SEC. 2. ENERGY STAR PROGRAM.**

2 Section 324A of the Energy Policy and Conservation
3 Act (42 U.S.C. 6294a) is amended—

4 (1) in subsection (a), by inserting “to be known
5 as the Energy Star program” after “voluntary pro-
6 gram”;

7 (2) in subsection (b), by striking “divided be-
8 tween the Department of Energy and the Environ-
9 mental Protection Agency in accordance with the
10 terms of applicable agreements between those agen-
11 cies” and inserting “held by the Department of En-
12 ergy and may be delegated to the Environmental
13 Protection Agency, as determined appropriate by the
14 Secretary”;

15 (3) in subsection (c)—

16 (A) in the matter preceding paragraph (1),
17 by striking “Administrator and the Secretary”
18 and inserting “Secretary, in consultation with
19 the Administrator,”;

20 (B) by amending paragraph (5) to read as
21 follows:

22 “(5) to the extent practicable, establish Energy
23 Star product categories, specifications, and criteria,
24 as applicable, for products of all available sizes, ca-
25 pacities, and features; and”;

1 (C) by striking paragraph (6) and redesignig-
2 nating paragraph (7) as paragraph (6); and

3 (D) in paragraph (6) (as so redesignated),
4 by striking “(which shall be 270 days, unless
5 the Agency or Department specifies otherwise)”
6 and inserting “(which shall be not less than
7 270 days)”; and

8 (4) by adding at the end the following:

9 “(e) PROCEDURE.—After the date of enactment of
10 this subsection, the Secretary, in consultation with the Ad-
11 ministrator, shall establish or revise, by rule in accordance
12 with section 553 of title 5, United States Code, any En-
13 ergy Star—

14 “(1) product category, specification, or cri-
15 terion;

16 “(2) certification or verification requirement;
17 and

18 “(3) general program operating principle.

19 “(f) NO WARRANTY.—

20 “(1) IN GENERAL.—Any disclosure relating to
21 participation of a product in the Energy Star pro-
22 gram shall not create an express or implied war-
23 ranty, or give rise to any private claims or rights of
24 action under State or Federal law relating to the

1 disqualification of that product from the Energy
2 Star program, if—

3 “(A) the product—

4 “(i) has been certified by a third-
5 party certification body recognized by the
6 Energy Star program; or

7 “(ii) is exempt from third-party cer-
8 tification pursuant to subsection (g);

9 “(B) the Secretary, in consultation with
10 the Administrator, has approved corrective
11 measures, including a determination of whether
12 or not consumer compensation is appropriate;
13 and

14 “(C) the responsible party has fully com-
15 plied with all approved corrective measures.

16 “(2) STATUTORY CONSTRUCTION.—Nothing in
17 this subsection shall be construed to require the Sec-
18 retary or the Administrator to modify any procedure
19 or take any other action.

20 “(g) THIRD-PARTY CERTIFICATION.—

21 “(1) IN GENERAL.—Subject to paragraph (2),
22 not later than 180 days after the date of enactment
23 of this subsection, the Secretary, in consultation
24 with the Administrator, shall revise the certification
25 requirements for the listing of consumer, home, and

1 office electronic products under the Energy Star
2 program for program partners that have complied
3 with all requirements of the Energy Star program
4 for a period of at least 18 months.

5 “(2) ADMINISTRATION.—The revised certifi-
6 cation requirements under paragraph (1) for the
7 listing of products described in such paragraph
8 under the Energy Star program shall provide that
9 the Secretary—

10 “(A) shall, except as provided in paragraph
11 (4), exempt program partners described in
12 paragraph (1) from third-party certification re-
13 quirements; and

14 “(B) may require such program partners
15 to submit test data and other product informa-
16 tion to facilitate product listing and perform-
17 ance verification by the Secretary, in consulta-
18 tion with the Administrator, for a sample of
19 such products.

20 “(3) THIRD PARTIES.—Nothing in this sub-
21 section shall be construed to prevent the Secretary
22 or the Administrator from using third parties in the
23 course of the administration of the Energy Star pro-
24 gram.

25 “(4) LIMITATION ON APPLICATION.—

1 “(A) TERMINATION OF EXEMPTION.—Sub-
2 ject to subparagraph (B), if the Secretary, in
3 consultation with the Administrator, finds that
4 a program partner exempted from third-party
5 certification requirements under paragraph (2)
6 has violated any requirement of the Energy
7 Star program with respect to 2 or more sepa-
8 rate products listed under the Energy Star pro-
9 gram during a 2-year period, such exemption
10 shall no longer apply to the program partner.

11 “(B) RESUMPTION OF EXEMPTION.—If the
12 Secretary, in consultation with the Adminis-
13 trator, finds that a program partner to which
14 an exemption no longer applies pursuant to
15 subparagraph (A) has complied with all Energy
16 Star program requirements for a period of at
17 least 3 years, the application of the exemption
18 to the program partner shall resume.”.