

A BILL

To amend the Energy Policy and Conservation Act to permit the Secretary of Energy to promulgate rules setting energy efficiency standards in an expedited manner, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPEDITED RULEMAKING.

(a) DIRECT FINAL RULE. -- Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) is amended by adding a new paragraph (5) as follows:

“(5) If, either in response to an advance notice of proposed rulemaking or in a petition for an amended standard under Section 325(l) or (n) that has been granted, a significant number of interested persons fairly representative of relevant points of view (including representatives of manufacturers of covered products, states, and efficiency advocates) submit to the Secretary on their own initiative a joint statement recommending an energy or water conservation standard and the Secretary determines that the recommended standard complies with Section 325(o) or Section 345, as applicable to the type (or class) of covered products or covered equipment to which the standard would apply, the Secretary may then issue a direct final rule including the standard recommended in the joint statement. This paragraph does not authorize the Secretary to issue a direct final rule if more than one joint statement meeting the criteria of the first

sentence is submitted to the Secretary recommending different energy or water conservation standards. For purposes of this paragraph, the term “direct final rule” means a final rule published the same day with a parallel notice of proposed rulemaking that proposes a new or amended energy or water conservation standard that is identical to the standard set forth in the final rule. The Secretary shall withdraw a direct final rule promulgated pursuant to this paragraph within 120 days after publication in the Federal Register if the Secretary receives, with respect to the direct final rule, one or more significant and legally relevant adverse public comments. In such a case, the Secretary shall then proceed with the parallel notice of proposed rulemaking. A direct final rule that is withdrawn in accordance with this paragraph shall not be considered final for purposes of subsection (o), paragraph (1) of this section.”

(b) CONFORMING AMENDMENT. – Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended by inserting after “section” the first time it appears “325(p)(5), section”.