

**AMENDMENT OFFERED BY MR. POMPEO OF
KANSAS
TO THE AMENDMENT IN THE NATURE OF A
SUBSTITUTE FOR H.R. 8**

In chapter 2 of subtitle A of title IV, add at the end
the following new section:

1 **SEC. 4127. HEARTH PRODUCTS FUELED BY NATURAL GAS**
2 **OR PROPANE.**

3 Section 325(l) of the Energy Policy and Conservation
4 Act (42 U.S.C. 6295(l)) is amended by adding after para-
5 graph (4) the following:

6 “(5) HEARTH PRODUCTS FUELED BY NATURAL
7 GAS OR PROPANE.—

8 “(A) Notwithstanding any other provision
9 of this Act, the Secretary may not promulgate
10 a final rule establishing energy conservation
11 standards under this section for hearth prod-
12 ucts fueled by propane or natural gas until
13 after the date on which a report is published in
14 the Federal Register under subparagraph (B).

15 “(B) Before establishing any energy con-
16 servation standards under this section for any
17 hearth products fueled by propane or natural

1 gas, the Secretary shall convene an advisory
2 group of representative stakeholders, including
3 manufacturers, distributors, and retailers of
4 such product, appropriate trade associations,
5 energy efficiency advocates, and other inter-
6 ested parties, to prepare and publish in the
7 Federal Register a report regarding the need
8 for and the technological feasibility and eco-
9 nomic justification of such standard. Such re-
10 port shall include—

11 “(i) an analysis of—

12 “(I) the current marketplace and
13 relevant market trends for each indi-
14 vidual hearth product to which any
15 energy conservation standard would
16 apply and, as specified in Executive
17 Order 12866, the specific market fail-
18 ure and absence of nonregulatory al-
19 ternatives justifying the need for reg-
20 ulation of such product;

21 “(II) the research conducted and
22 data gathered by the Department re-
23 garding projected estimates of natural
24 gas and propane usage of each indi-
25 vidual hearth product to which a

1 standard would apply, and the poten-
2 tial amount of energy savings to be
3 realized from the imposition of each
4 such standard on each individual
5 hearth product to which such stand-
6 ard would apply;

7 “(III) the research conducted
8 and data gathered by the Department
9 regarding the projected economic im-
10 pact of each such standard on all
11 stakeholders, especially those identi-
12 fied as small businesses; and

13 “(IV) the technological and eco-
14 nomic justification for the imposition
15 of each such standard to each indi-
16 vidual hearth product to which such
17 standard would apply, based on the
18 projected energy savings for each
19 standard as applied to each individual
20 hearth product to which such stand-
21 ard would apply.

22 “(C) Except to the extent the advisory
23 group determines under subparagraph (B) that
24 a specific energy conservation standard would
25 be technologically feasible and economically jus-

1 tified as applied to a specific individual hearth
2 product, the Secretary shall—

3 “(i) not classify such hearth product
4 as a covered product under this part; and

5 “(ii) cease development of any rule es-
6 tablishing standards under this section for
7 such product.”.

