

SECTION-BY-SECTION

H.R. ____, “Energy Consumers Relief Act of 2013”

Section 1: This section provides the short title of “Energy Consumers Relief Act of 2013.”

Section 2: This section prohibits the Administrator of the Environmental Protection Agency (EPA) from finalizing any energy-related rule estimated to cost more than \$1 billion if the Secretary of Energy determines that the rule will cause significant adverse effects to the economy.

Section 3: This section provides for certain reports and determinations prior to the finalizing of EPA energy-related rules estimated to cost more than \$1 billion.

Section 3(1) of the Act directs that before such a rule may be promulgated as final, the EPA Administrator shall submit a report to Congress that includes: (1) a copy of the rule; (2) a concise general statement relating to the rule; (3) an estimate of the total costs of the rule, including direct and indirect costs; (4) an estimate of the increases in energy prices, including potential increases in gasoline or electricity prices for consumers, that may result from implementation or enforcement of the rule; and (5) a detailed description of the employment effects, including potential job losses and shifts in employment, that may result from implementation or enforcement of the rule.

Section 3(2) provides that before such a rule may be promulgated as final by EPA, the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission and the Energy Information Administration, shall prepare an independent analysis to determine whether the rule will cause: (a) any increase in energy prices for consumers, including low-income households, small businesses, and manufacturers; (b) any impact on fuel diversity of the Nation’s electricity generation portfolio or on national, regional, or local electric reliability; or (3) any other adverse effect on energy supply, distribution, or use (including a shortfall in supply and increased use of foreign supplies).

Section 3(3) specifies that if the Secretary of Energy determines that the rule will cause an increase, impact, or effect described in section 3(2), then the Secretary, in consultation with the Secretary of Commerce, the Secretary of Labor, and the Administrator of the Small Business Administration, shall: (a) determine whether such increase, impact, or effect will cause significant adverse effects to the economy, taking into consideration impacts on economic indicators, including those related to gross domestic product, unemployment, wages, consumer prices, and business and manufacturing activity; and (b) publish the results of such determination in the Federal Register.

Section 4: This section contains the following definitions:

(1) “Direct costs” and “indirect costs” have the meanings given such terms in chapter 8 of EPA’s “Guidelines for Preparing Economic Analyses” dated December 17, 2010.

(2) “Energy-related rule that is estimated to cost more than \$1 billion” means a rule of the EPA that (a) regulates any aspect of the production, supply, distribution, or use of energy or provides for such regulation by States or other governmental entities; and (b) is estimated by the Administrator of EPA or the Director of the Office of Management and Budget to impose direct costs and indirect costs, in the aggregate, of more than \$1 billion.

(3) “Rule” has the meaning given to such term in section 551 of title 5, U.S. Code.