

[DISCUSSION DRAFT]

113TH CONGRESS
1ST SESSION

H. R. _____

To protect consumers by prohibiting the Administrator of the Environmental Protection Agency from promulgating as final certain energy-related rules that are estimated to cost more than \$1 billion and will cause significant adverse effects to the economy.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To protect consumers by prohibiting the Administrator of the Environmental Protection Agency from promulgating as final certain energy-related rules that are estimated to cost more than \$1 billion and will cause significant adverse effects to the economy.

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 Consumers Re-
5 lief Act of 2013”.

1 **SEC. 2. PROHIBITION AGAINST FINALIZING CERTAIN EN-**
2 **ERGY-RELATED RULES THAT WILL CAUSE**
3 **SIGNIFICANT ADVERSE EFFECTS TO THE**
4 **ECONOMY.**

5 Notwithstanding any other provision of law, the Ad-
6 ministrator of the Environmental Protection Agency may
7 not promulgate as final an energy-related rule that is esti-
8 mated to cost more than \$1 billion if the Secretary of En-
9 ergy determines under section 3(3) that, with respect to
10 the rule, significant adverse effects to the economy will
11 be caused.

12 **SEC. 3. REPORTS AND DETERMINATIONS PRIOR TO PRO-**
13 **MULGATING AS FINAL CERTAIN ENERGY-RE-**
14 **LATED RULES.**

15 Before promulgating as final any energy-related rule
16 that is estimated to cost more than \$1 billion:

17 (1) **REPORT TO CONGRESS.**—The Administrator
18 of the Environmental Protection Agency shall sub-
19 mit to Congress a report containing—

20 (A) a copy of the rule;

21 (B) a concise general statement relating to
22 the rule;

23 (C) an estimate of the total costs of the
24 rule, including the direct costs and indirect
25 costs of the rule;

1 (D) an estimate of the increases in energy
2 prices, including potential increases in gasoline
3 or electricity prices for consumers, that may re-
4 sult from implementation or enforcement of the
5 rule; and

6 (E) a detailed description of the employ-
7 ment effects, including potential job losses and
8 shifts in employment, that may result from im-
9 plementation or enforcement of the rule.

10 (2) INITIAL DETERMINATION ON INCREASES
11 AND IMPACTS.—The Secretary of Energy, in con-
12 sultation with the Federal Energy Regulatory Com-
13 mission and the Administrator of the Energy Infor-
14 mation Administration, shall prepare an independent
15 analysis to determine whether the rule will cause—

16 (A) any increase in energy prices for con-
17 sumers, including low-income households, small
18 businesses, and manufacturers;

19 (B) any impact on fuel diversity of the Na-
20 tion's electricity generation portfolio or on na-
21 tional, regional, or local electric reliability; or

22 (C) any other adverse effect on energy sup-
23 ply, distribution, or use (including a shortfall in
24 supply and increased use of foreign supplies).

1 (3) SUBSEQUENT DETERMINATION ON ADVERSE
2 EFFECTS TO THE ECONOMY.—If the Secretary of
3 Energy determines, under paragraph (2), that the
4 rule will cause an increase, impact, or effect de-
5 scribed in such paragraph, then the Secretary, in
6 consultation with the Secretary of Commerce, the
7 Secretary of Labor, and the Administrator of the
8 Small Business Administration, shall—

9 (A) determine whether such increase, im-
10 pact, or effect will cause significant adverse ef-
11 fects to the economy, taking into consideration
12 impacts on economic indicators, including those
13 related to gross domestic product, unemploy-
14 ment, wages, consumer prices, and business and
15 manufacturing activity; and

16 (B) publish the results of such determina-
17 tion in the Federal Register.

18 **SEC. 4. DEFINITIONS.**

19 In this Act:

20 (1) The terms “direct costs” and “indirect
21 costs” have the meanings given such terms in chap-
22 ter 8 of the Environmental Protection Agency’s
23 “Guidelines for Preparing Economic Analyses”
24 dated December 17, 2010.

1 (2) The term “energy-related rule that is esti-
2 mated to cost more than \$1 billion” means a rule of
3 the Environmental Protection Agency that—

4 (A) regulates any aspect of the production,
5 supply, distribution, or use of energy or pro-
6 vides for such regulation by States or other gov-
7 ernmental entities; and

8 (B) is estimated by the Administrator of
9 the Environmental Protection Agency or the
10 Director of the Office of Management and
11 Budget to impose direct costs and indirect
12 costs, in the aggregate, of more than
13 \$1,000,000,000.

14 (3) The term “rule” has the meaning given to
15 such term in section 551 of title 5, United States
16 Code.