

# Union Calendar No. 118

113TH CONGRESS  
1ST SESSION

# H. R. 1582

[Report No. 113-164]

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.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 2013

Mr. CASSIDY introduced the following bill; which was referred to the Committee on Energy and Commerce

JULY 22, 2013

Additional sponsors: Mr. WHITFIELD, Mrs. CAPITO, Mr. BARR, Mr. KLINE, Mr. MCKINLEY, and Mr. HARPER

JULY 22, 2013

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 16, 2013]

# **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”.*

6 **SEC. 2. PROHIBITION AGAINST FINALIZING CERTAIN EN-**  
7 **ERGY-RELATED RULES THAT WILL CAUSE SIG-**  
8 **NIFICANT ADVERSE EFFECTS TO THE ECON-**  
9 **OMY.**

10 *Notwithstanding any other provision of law, the Ad-*  
11 *ministrator of the Environmental Protection Agency may*  
12 *not promulgate as final an energy-related rule that is esti-*  
13 *mated to cost more than \$1 billion if the Secretary of En-*  
14 *ergy determines under section 3(3) that the rule will cause*  
15 *significant adverse effects to the economy.*

16 **SEC. 3. REPORTS AND DETERMINATIONS PRIOR TO PRO-**  
17 **MULGATING AS FINAL CERTAIN ENERGY-RE-**  
18 **LATED RULES.**

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

21 (1) *REPORT TO CONGRESS.—The Administrator*  
22 *of the Environmental Protection Agency shall submit*  
23 *to Congress a report (and transmit a copy to the Sec-*  
24 *retary of Energy) containing—*

25 (A) *a copy of the rule;*

1           (B) a concise general statement relating to  
2           the rule;

3           (C) an estimate of the total costs of the rule,  
4           including the direct costs and indirect costs of  
5           the rule;

6           (D) an estimate of the total benefits of the  
7           rule, an estimate of when such benefits are ex-  
8           pected to be realized, and a description of the  
9           modeling, the assumptions, and the limitations  
10          due to uncertainty, speculation, or lack of infor-  
11          mation associated with the estimates under this  
12          subparagraph;

13          (E) an estimate of the increases in energy  
14          prices, including potential increases in gasoline  
15          or electricity prices for consumers, that may re-  
16          sult from implementation or enforcement of the  
17          rule; and

18          (F) a detailed description of the employ-  
19          ment effects, including potential job losses and  
20          shifts in employment, that may result from im-  
21          plementation or enforcement of the rule.

22          (2) *INITIAL DETERMINATION ON INCREASES AND*  
23          *IMPACTS.*—*The Secretary of Energy, in consultation*  
24          *with the Federal Energy Regulatory Commission and*  
25          *the Administrator of the Energy Information Admin-*

1        *istration, shall prepare an independent analysis to*  
2        *determine whether the rule will cause—*

3                *(A) any increase in energy prices for con-*  
4                *sumers, including low-income households, small*  
5                *businesses, and manufacturers;*

6                *(B) any impact on fuel diversity of the Na-*  
7                *tion’s electricity generation portfolio or on na-*  
8                *tional, regional, or local electric reliability;*

9                *(C) any adverse effect on energy supply,*  
10               *distribution, or use due to the economic or tech-*  
11               *nical infeasibility of implementing the rule; or*

12               *(D) any other adverse effect on energy sup-*  
13               *ply, distribution, or use (including a shortfall in*  
14               *supply and increased use of foreign supplies).*

15               *(3) SUBSEQUENT DETERMINATION ON ADVERSE*  
16               *EFFECTS TO THE ECONOMY.—If the Secretary of En-*  
17               *ergy determines, under paragraph (2), that the rule*  
18               *will cause an increase, impact, or effect described in*  
19               *such paragraph, then the Secretary, in consultation*  
20               *with the Administrator of the Environmental Protec-*  
21               *tion Agency, the Secretary of Commerce, the Secretary*  
22               *of Labor, and the Administrator of the Small Busi-*  
23               *ness Administration, shall—*

1           (A) determine whether the rule will cause  
2           significant adverse effects to the economy, taking  
3           into consideration—

4                   (i) the costs and benefits of the rule  
5                   and limitations in calculating such costs  
6                   and benefits due to uncertainty, speculation,  
7                   or lack of information; and

8                   (ii) the positive and negative impacts  
9                   of the rule on economic indicators, includ-  
10                  ing those related to gross domestic product,  
11                  unemployment, wages, consumer prices, and  
12                  business and manufacturing activity; and

13           (B) publish the results of such determina-  
14           tion in the Federal Register.

15 **SEC. 4. DEFINITIONS.**

16       *In this Act:*

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

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

1           (A) regulates any aspect of the production,  
2           supply, distribution, or use of energy or provides  
3           for such regulation by States or other govern-  
4           mental entities; and

5           (B) is estimated by the Administrator of the  
6           Environmental Protection Agency or the Direc-  
7           tor of the Office of Management and Budget to  
8           impose direct costs and indirect costs, in the ag-  
9           gregate, of more than \$1,000,000,000.

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

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1<sup>ST</sup> Session

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