

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.

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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