

113TH CONGRESS
1ST SESSION

S. 1363

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 \$1,000,000,000 and will cause significant adverse effects to the economy.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2013

Mr. HELLER introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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 \$1,000,000,000 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. DEFINITIONS.**

7 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) COVERED ENERGY-RELATED RULE.—The
5 term “covered energy-related rule” means a rule of
6 the Environmental Protection Agency that—

7 (A) regulates any aspect of the production,
8 supply, distribution, or use of energy or pro-
9 vides for that regulation by States or other gov-
10 ernmental entities; and

11 (B) is estimated by the Administrator or
12 the Director of the Office of Management and
13 Budget to impose direct costs and indirect
14 costs, in the aggregate, of more than
15 \$1,000,000,000.

16 (3) DIRECT COSTS.—The term “direct costs”
17 has the meaning given the term in chapter 8 of the
18 document of the Environmental Protection Agency
19 entitled “Guidelines for Preparing Economic Anal-
20 yses” and dated December 17, 2010.

21 (4) INDIRECT COSTS.—The term “indirect
22 costs” has the meaning given the term in chapter 8
23 of the document of the Environmental Protection
24 Agency entitled “Guidelines for Preparing Economic
25 Analyses” and dated December 17, 2010.

1 (5) RULE.—The term “rule” has the meaning
2 given the term in section 551 of title 5, United
3 States Code.

4 (6) SECRETARY.—The term “Secretary” means
5 the Secretary of Energy.

6 **SEC. 3. PROHIBITION AGAINST FINALIZING CERTAIN EN-**
7 **ERGY-RELATED RULES THAT WILL CAUSE**
8 **SIGNIFICANT ADVERSE EFFECTS TO THE**
9 **ECONOMY.**

10 Notwithstanding any other provision of law, the Ad-
11 ministrator shall not promulgate as final any covered en-
12 ergy-related rule if the Secretary determines under section
13 4(d) that the rule will result in significant adverse effects
14 to the economy.

15 **SEC. 4. REPORTS AND DETERMINATIONS PRIOR TO PRO-**
16 **MULGATING AS FINAL CERTAIN ENERGY-RE-**
17 **LATED RULES.**

18 (a) IN GENERAL.—Before promulgating as final any
19 covered energy-related rule, the Administrator shall carry
20 out the activities described in subsections (c) through (d).

21 (b) REPORT TO CONGRESS.—For each covered en-
22 ergy-related rule, the Administrator shall submit to Con-
23 gress a report (and transmit a copy to the Secretary) con-
24 taining—

25 (1) a copy of the rule;

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

3 (3) an estimate of the total costs of the rule, in-
4 cluding the direct costs and indirect costs of the
5 rule;

6 (4) an estimate of—

7 (A) the total benefits of the rule; and

8 (B) when those benefits are expected to be
9 realized;

10 (5) a description of the modeling, the assump-
11 tions, and the limitations due to uncertainty, specu-
12 lation, or lack of information associated with the es-
13 timates under paragraph (4);

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

18 (7) a detailed description of the employment ef-
19 fects, including potential job losses and shifts in em-
20 ployment, that may result from implementation or
21 enforcement of the rule.

22 (c) INITIAL DETERMINATION ON INCREASES AND IM-
23 PACTS.—The Secretary, in consultation with the Federal
24 Energy Regulatory Commission and the Administrator of
25 the Energy Information Administration, shall prepare an

1 independent analysis to determine whether the covered en-
2 ergy-related rule will cause—

3 (1) any increase in energy prices for consumers,
4 including low-income households, small businesses,
5 and manufacturers;

6 (2) any impact on fuel diversity of the elec-
7 tricity generation portfolio of the United States or
8 on national, regional, or local electric reliability;

9 (3) any adverse effect on energy supply, dis-
10 tribution, or use due to the economic or technical in-
11 feasibility of implementing the rule; or

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

15 (d) SUBSEQUENT DETERMINATION ON ADVERSE EF-
16 FECTS TO THE ECONOMY.—If the Secretary determines,
17 under subsection (c), that the rule will result in an in-
18 crease, impact, or effect described in that subsection, then
19 the Secretary, in consultation with the Administrator, the
20 Secretary of Commerce, the Secretary of Labor, and the
21 Administrator of the Small Business Administration,
22 shall—

23 (1) determine whether the rule will result in
24 significant adverse effects to the economy, taking
25 into consideration—

1 (A) the costs and benefits of the rule and
2 limitations in calculating those costs and bene-
3 fits due to uncertainty, speculation, or lack of
4 information; and

5 (B) the positive and negative impacts of
6 the rule on economic indicators, including those
7 related to gross domestic product, unemploy-
8 ment, wages, consumer prices, and business and
9 manufacturing activity; and

10 (2) publish the results of that determination in
11 the Federal Register.

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