

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide relief for energy consumers.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

S. 2569

To provide an incentive for businesses to bring jobs back
to America.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HELLER

Viz:

1 At the end of the bill, add the following:

2 **SEC. ____ . RELIEF FOR ENERGY CONSUMERS.**

3 (a) DEFINITIONS.—In this section:

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

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

10 (A)(i) regulates any aspect of the produc-
11 tion, supply, distribution, or use of energy; or

1 (ii) provides for the regulation described in
2 clause (i) by States or other governmental enti-
3 ties; and

4 (B) is estimated by the Administrator or
5 the Director of the Office of Management and
6 Budget to impose direct costs and indirect
7 costs, in the aggregate, of more than
8 \$1,000,000,000.

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

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

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

22 (6) SECRETARY.—The term “Secretary” means
23 the Secretary of Energy.

24 (b) PROHIBITION AGAINST FINALIZING CERTAIN EN-
25 ERGY-RELATED RULES THAT WILL CAUSE SIGNIFICANT

1 ADVERSE EFFECTS TO THE ECONOMY.—Notwithstanding
2 any other provision of law, the Administrator shall not
3 promulgate as final any covered energy-related rule if the
4 Secretary determines under subsection (c)(4) that the cov-
5 ered energy-related rule will result in significant adverse
6 effects to the economy.

7 (c) REPORTS AND DETERMINATIONS PRIOR TO PRO-
8 MULGATING AS FINAL CERTAIN ENERGY-RELATED
9 RULES.—

10 (1) IN GENERAL.—Before promulgating as final
11 any covered energy-related rule, the Administrator
12 shall carry out the activities described in paragraphs
13 (3) and (4).

14 (2) REPORT TO CONGRESS.—For each covered
15 energy-related rule, the Administrator shall submit
16 to Congress and Secretary a report containing—

17 (A) a copy of the covered energy-related
18 rule;

19 (B) a concise general statement relating to
20 the covered energy-related rule;

21 (C) an estimate of the total costs of the
22 covered energy-related rule, including the direct
23 costs and indirect costs of the covered energy-
24 related rule;

25 (D) an estimate of—

1 (i) the total benefits of the covered en-
2 ergy-related rule; and

3 (ii) when those benefits are expected
4 to be realized;

5 (E) a description of the modeling, the as-
6 sumptions, and the limitations due to uncer-
7 tainty, speculation, or lack of information asso-
8 ciated with the estimates under subparagraph
9 (D);

10 (F) an estimate of the increases in energy
11 prices, including potential increases in gasoline
12 or electricity prices for consumers, that may re-
13 sult from implementation or enforcement of the
14 covered energy-related rule; and

15 (G) a detailed description of the employ-
16 ment effects, including potential job losses and
17 shifts in employment, that may result from im-
18 plementation or enforcement of the covered en-
19 ergy-related rule.

20 (3) INITIAL DETERMINATION ON INCREASES
21 AND IMPACTS.—The Secretary, in consultation with
22 the Federal Energy Regulatory Commission and the
23 Administrator of the Energy Information Adminis-
24 tration, shall prepare an independent analysis to de-

1 termine whether the covered energy-related rule will
2 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
7 electricity generation portfolio of the United
8 States or on national, regional, or local electric
9 reliability;

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

14 (D) any other adverse effect on energy
15 supply, distribution, or use (including a short-
16 fall in supply and increased use of foreign sup-
17 plies).

18 (4) SUBSEQUENT DETERMINATION ON ADVERSE
19 EFFECTS TO THE ECONOMY.—If the Secretary deter-
20 mines, under paragraph (3), that the covered en-
21 ergy-related rule will result in an increase, impact,
22 or effect described in that subsection, the Secretary,
23 in consultation with the Administrator, the Sec-
24 retary of Commerce, the Secretary of Labor, and the

1 Administrator of the Small Business Administration,
2 shall—

3 (A) determine whether the covered energy-
4 related rule will result in significant adverse ef-
5 fects to the economy, taking into consider-
6 ation—

7 (i) the costs and benefits of the cov-
8 ered energy-related rule and limitations in
9 calculating those costs and benefits due to
10 uncertainty, speculation, or lack of infor-
11 mation; and

12 (ii) the positive and negative impacts
13 of the covered energy-related rule on eco-
14 nomic indicators, including those related to
15 gross domestic product, unemployment,
16 wages, consumer prices, and business and
17 manufacturing activity; and

18 (B) publish the results of that determina-
19 tion in the Federal Register.