

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: 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—113th Cong., 2d Sess.**

**S. 2262**

To promote energy savings in residential buildings and industry, and for other purposes.

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 \_\_\_\_\_

Viz:

1 At the end of title IV, add the following:

2 **Subtitle F—Energy Consumers**  
3 **Relief**

4 **SEC. 451. SHORT TITLE.**

5 This subtitle may be cited as the “Energy Consumers  
6 Relief Act of 2014”

7 **SEC. 452. DEFINITIONS.**

8 In this subtitle:

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 **SEC. 453. PROHIBITION AGAINST FINALIZING CERTAIN EN-**  
5 **ERGY-RELATED RULES THAT WILL CAUSE**  
6 **SIGNIFICANT ADVERSE EFFECTS TO THE**  
7 **ECONOMY.**

8           Notwithstanding any other provision of law, the Ad-  
9           ministrators shall not promulgate as final any covered en-  
10          ergy-related rule if the Secretary determines under section  
11          454(d) that the rule will result in significant adverse ef-  
12          fects to the economy.

13 **SEC. 454. REPORTS AND DETERMINATIONS PRIOR TO PRO-**  
14 **MULGATING AS FINAL CERTAIN ENERGY-RE-**  
15 **LATED RULES.**

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

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

23                 (1) a copy of the rule;

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

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

4           (4) an estimate of—

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

6                   (B) when those benefits are expected to be  
7           realized;

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

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

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

20          (c) INITIAL DETERMINATION ON INCREASES AND IM-  
21          PACTS.—The Secretary, in consultation with the Federal  
22          Energy Regulatory Commission and the Administrator of  
23          the Energy Information Administration, shall prepare an  
24          independent analysis to determine whether the covered en-  
25          ergy-related rule will cause—

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

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

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

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

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

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

24                   (A) the costs and benefits of the rule and  
25                   limitations in calculating those costs and bene-

1 fits due to uncertainty, speculation, or lack of  
2 information; and

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

8 (2) publish the results of that determination in  
9 the Federal Register.