

114TH CONGRESS  
1ST SESSION

# S. 156

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.

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IN THE SENATE OF THE UNITED STATES

JANUARY 13, 2015

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

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## 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 2015”.

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) DIRECT COSTS.—The term “direct costs”  
5           has the meaning given the term in chapter 8 of the  
6           report of the Environmental Protection Agency enti-  
7           tled “Guidelines for Preparing Economic Analyses”  
8           and dated December 17, 2010.

9           (3) ENERGY-RELATED RULE THAT IS ESTI-  
10          MATED TO COST MORE THAN \$1,000,000,000.—The  
11          term “energy-related rule that is estimated to cost  
12          more than \$1,000,000,000” means a rule of the En-  
13          vironmental Protection Agency that—

14                (A) regulates any aspect of the production,  
15                supply, distribution, or use of energy or pro-  
16                vides for such regulation by States or other gov-  
17                ernmental entities; and

18                (B) is estimated by the Administrator or  
19                the Director of the Office of Management and  
20                Budget to impose direct costs and indirect  
21                costs, in the aggregate, of more than  
22                \$1,000,000,000.

23          (4) INDIRECT COSTS.—The term “indirect  
24          costs” has the meaning given the term in chapter 8  
25          of the report of the Environmental Protection Agen-

1 cy entitled “Guidelines for Preparing Economic  
2 Analyses” and dated December 17, 2010.

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

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

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

12 Notwithstanding any other provision of law, the Ad-  
13 ministrator may not promulgate as final an energy-related  
14 rule that is estimated to cost more than \$1,000,000,000  
15 if the Secretary determines under section 4(b)(3) that the  
16 rule will cause significant adverse effects to the economy.

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

20 (a) IN GENERAL.—Before promulgating as final any  
21 energy-related rule that is estimated to cost more than  
22 \$1,000,000,000, the Administrator shall carry out the re-  
23 quirements of subsection (b).

24 (b) REQUIREMENTS.—

1           (1) REPORT TO CONGRESS.—The Administrator  
2 shall submit to Congress and the Secretary a report  
3 containing—

4                   (A) a copy of the rule;

5                   (B) a concise general statement relating to  
6 the rule;

7                   (C) an estimate of the total costs of the  
8 rule, including the direct costs and indirect  
9 costs of the rule;

10                  (D)(i) an estimate of the total benefits of  
11 the rule and when such benefits are expected to  
12 be realized;

13                   (ii) a description of the modeling, the cal-  
14 culations, the assumptions, and the limitations  
15 due to uncertainty, speculation, or lack of infor-  
16 mation associated with the estimates under this  
17 subparagraph; and

18                   (iii) a certification that all data and docu-  
19 ments relied upon by the Environmental Protec-  
20 tion Agency in developing the estimates—

21                           (I) have been preserved; and

22                           (II) are available for review by the  
23 public on the Web site of the Environ-  
24 mental Protection Agency, except to the  
25 extent to which publication of the data and

1 documents would constitute disclosure of  
2 confidential information in violation of ap-  
3 plicable Federal law;

4 (E) an estimate of the increases in energy  
5 prices, including potential increases in gasoline  
6 or electricity prices for consumers, that may re-  
7 sult from implementation or enforcement of the  
8 rule; and

9 (F) a detailed description of the employ-  
10 ment effects, including potential job losses and  
11 shifts in employment, that may result from im-  
12 plementation or enforcement of the rule.

13 (2) INITIAL DETERMINATION ON INCREASES  
14 AND IMPACTS.—The Secretary, in consultation with  
15 the Federal Energy Regulatory Commission and the  
16 Administrator of the Energy Information Adminis-  
17 tration, shall prepare an independent analysis to de-  
18 termine whether the rule will cause any—

19 (A) increase in energy prices for con-  
20 sumers, including low-income households, small  
21 businesses, and manufacturers;

22 (B) impact on fuel diversity of the elec-  
23 tricity generation portfolio of the United States  
24 or on national, regional, or local electric reli-  
25 ability;

1 (C) adverse effect on energy supply, dis-  
2 tribution, or use due to the economic or tech-  
3 nical infeasibility of implementing the rule; or

4 (D) other adverse effect on energy supply,  
5 distribution, or use, including a shortfall in sup-  
6 ply and increased use of foreign supplies.

7 (3) SUBSEQUENT DETERMINATION ON ADVERSE  
8 EFFECTS TO THE ECONOMY.—If the Secretary deter-  
9 mines under paragraph (2) that the rule will cause  
10 an increase, impact, or effect described in that para-  
11 graph, the Secretary, in consultation with the Ad-  
12 ministrator, the Secretary of Commerce, the Sec-  
13 retary of Labor, and the Administrator of the Small  
14 Business Administration, shall—

15 (A) determine whether the rule will cause  
16 significant adverse effects to the economy, tak-  
17 ing into consideration—

18 (i) the costs and benefits of the rule  
19 and limitations in calculating the costs and  
20 benefits due to uncertainty, speculation, or  
21 lack of information; and

22 (ii) the positive and negative impacts  
23 of the rule on economic indicators, includ-  
24 ing those related to gross domestic prod-  
25 uct, unemployment, wages, consumer

1 prices, and business and manufacturing ac-  
2 tivity; and

3 (B) publish the results of the determina-  
4 tion made under subparagraph (A) in the Fed-  
5 eral Register.

6 **SEC. 5. PROHIBITION ON USE OF SOCIAL COST OF CARBON**  
7 **IN ANALYSIS.**

8 (a) DEFINITION OF SOCIAL COST OF CARBON.—In  
9 this section, the term “social cost of carbon” means—

10 (1) the social cost of carbon as described in the  
11 technical support document entitled “Technical Sup-  
12 port Document: Technical Update of the Social Cost  
13 of Carbon for Regulatory Impact Analysis Under  
14 Executive Order 12866”, published by the Inter-  
15 agency Working Group on Social Cost of Carbon,  
16 United States Government, in May 2013 (or any  
17 successor or substantially related document); or

18 (2) any other estimate of the monetized dam-  
19 ages associated with an incremental increase in car-  
20 bon dioxide emissions in a given year.

21 (b) PROHIBITION ON USE OF SOCIAL COST OF CAR-  
22 BON IN ANALYSIS.—Notwithstanding any other provision  
23 of law or any Executive order, the Administrator may not  
24 use the social cost of carbon to incorporate social benefits  
25 of reducing carbon dioxide emissions, or for any other rea-

1 son, in any cost-benefit analysis relating to an energy-re-  
2 lated rule that is estimated to cost more than  
3 \$1,000,000,000 unless a Federal law is enacted author-  
4 izing the use.

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