

113TH CONGRESS
1ST SESSION

H. R. 2916

To require congressional review of certain rules promulgated by the
Environmental Protection Agency.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2013

Mr. SHUSTER (for himself, Mr. TERRY, Mrs. CAPITO, Mr. MURPHY of Pennsylvania, Mr. ROTHFUS, Mr. STIVERS, Mr. ROGERS of Kentucky, Mr. LATTA, Mr. DENT, Mr. ROKITA, Mr. BUCSHON, Mrs. BLACKBURN, Mr. RADEL, Mr. BARLETTA, Mr. MARINO, Mr. GERLACH, Mr. YOUNG of Alaska, Mr. JOHNSON of Ohio, Mr. HUNTER, Mr. ISSA, Mr. RAHALL, Mr. MULLIN, Mr. MCKINLEY, Mr. TURNER, Mr. AMODEI, Mr. PERRY, Mr. TIBERI, Mr. JOYCE, Mr. CUELLAR, Mr. DENHAM, Mr. NUNES, Mr. REED, Mr. WHITFIELD, Mr. SIMPSON, and Mr. MICA) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require congressional review of certain rules promulgated
by the Environmental Protection Agency.

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 “Domestic Energy Pro-
5 duction Protection Act of 2013”.

1 **SEC. 2. REQUIREMENT FOR CONGRESSIONAL REVIEW OF**
2 **CERTAIN ENVIRONMENTAL PROTECTION**
3 **AGENCY RULES.**

4 (a) IN GENERAL.—Before a final rule or guidance is
5 issued by the Environmental Protection Agency under the
6 Clean Air Act (42 U.S.C. 7401 et seq.) that may reduce
7 the level of energy output in a specified sector may take
8 effect, the Administrator of the Environmental Protection
9 Agency shall submit a copy of the proposed rule or guid-
10 ance to the Office of Information and Regulatory Affairs
11 (in this Act referred to as “OIRA”) for analysis.

12 (b) OIRA ANALYSIS.—Not later than 90 days after
13 receiving the proposed rule or guidance from the Adminis-
14 trator of the Environmental Protection Agency, the Ad-
15 ministrator of OIRA shall conduct an analysis to deter-
16 mine if such rule or guidance, individually or when com-
17 bined with another final rule or guidance issued by the
18 Environmental Protection Agency, will reduce the level of
19 energy output in a specified sector below the level of the
20 prior calendar year. Such analysis shall include the poten-
21 tial impact of the rule or guidance on energy output in
22 a specified sector and any potential job losses over a period
23 of 10 years.

24 **SEC. 3. PROCESS FOR APPROVAL OF CONGRESS.**

25 (a) REPORT TO CONGRESS FROM OIRA.—If the Ad-
26 ministrator of OIRA determines that a proposed rule or

1 guidance reduces the level of energy output under section
2 2(b), the Administrator shall, not later than 90 days after
3 making the determination, submit a report to Congress
4 that includes—

5 (1) a copy of the rule or guidance;

6 (2) the proposed effective date of the rule or
7 guidance; and

8 (3) the analysis conducted under section 2(b).

9 (b) CONGRESSIONAL ACTION.—No rule or guidance
10 that is the subject of a report submitted pursuant to sub-
11 section (a) shall take effect unless Congress enacts a joint
12 resolution approving such rule or guidance.

13 (c) JOINT RESOLUTION DEFINED.—For purposes of
14 this section, the term “joint resolution” means only a joint
15 resolution addressing a rule or guidance that is the subject
16 of a report submitted pursuant to subsection (a) that—

17 (1) bears no preamble;

18 (2) bears the following title: “Approving the
19 _____ submitted in the report from the Office of
20 Information and Regulatory Affairs on _____ re-
21 lating to _____” with—

22 (A) the first blank filled with “rule” or
23 “guidance”;

1 (B) the second blank filled with the date of
 2 the report submitted pursuant to subsection
 3 (a); and

4 (C) the third blank filled as appropriate;

5 (3) includes after its resolving clause only the
 6 following: “That Congress approves the _____
 7 submitted in the report from the Office of Informa-
 8 tion and Regulatory Affairs on _____ relating to
 9 _____”, with—

10 (A) the first blank filled with “rule” or
 11 “guidance”;

12 (B) the second blank filled with the date of
 13 the report submitted pursuant to subsection
 14 (a); and

15 (C) the third blank filled as appropriate;
 16 and

17 (4) is introduced pursuant to subsection (d).

18 (d) INTRODUCTION.—After a House of Congress re-
 19 ceives a report submitted pursuant to subsection (a), the
 20 majority leader of that House (or his or her respective des-
 21 ignee) shall introduce (by request, if appropriate) a joint
 22 resolution described in subsection (c) within 3 session days
 23 or legislative days, as applicable.

24 (e) RULES OF THE SENATE AND HOUSE OF REP-
 25 RESENTATIVES.—This section is enacted by Congress—

1 (1) as an exercise of the rulemaking power of
2 the Senate and House of Representatives, respec-
3 tively, and as such is deemed to be part of the rules
4 of each House, respectively, but applicable only with
5 respect to the procedure to be followed in that
6 House in the case of a joint resolution described in
7 subsection (c) and superseding other rules only
8 where explicitly so; and

9 (2) with full recognition of the Constitutional
10 right of either House to change the rules (so far as
11 they relate to the procedure of that House) at any
12 time, in the same manner and to the same extent as
13 in the case of any other rule of that House.

14 **SEC. 4. APPLICABILITY TO EXISTING LAW.**

15 Chapter 8 of title 5, United States Code, is amended
16 by adding at the end the following new section:

17 **“§ 809. Exemption for certain Clean Air Act rules.**

18 “Nothing in this chapter shall apply to rules promul-
19 gated by the Environmental Protection Agency pursuant
20 to the Domestic Energy Production Act of 2013, unless
21 such rule is not subject to the process described in section
22 3 of such Act.”.

23 **SEC. 5. DEFINITIONS.**

24 In this Act:

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

4 (2) ENERGY OUTPUT.—The term “energy out-
5 put” means the level of production for a year, meas-
6 ured in quadrillion Btu, as calculated and included
7 in table A1 of the document entitled “Annual En-
8 ergy Outlook 2013: With Projections to 2040”, pub-
9 lished by the United States Energy Information Ad-
10 ministration in April 2013.

11 (3) SPECIFIED SECTOR.—The term “specified
12 sector” means one of the nine sectors of energy pro-
13 duction listed in table A1 of the document entitled
14 “Annual Energy Outlook 2013: With Projections to
15 2040”, published by the United States Energy In-
16 formation Administration in April 2013.

○