

Access to Energy Act of 2012

An Act to enable the development of national policies which balance concerns for domestic energy and mineral production, jobs, economic activity and the environment

Requirements: Congressional Budget Office and Federal Agencies

Congressional Budget Office: The Director of the Congressional Budget Office, before Congress considers "significant energy legislation" shall prepare and submit a "Statement of Energy and Economic Impact" to Congress and the public when a bill is reported by a full committee of either House of Congress or requested by a member.

Significant energy legislation is any legislation that may have an annual effect on the economy of \$100 million or have a significant adverse effect on the supply and distribution of domestic energy or mineral production.

Statement. The CBO Statement of Energy and Economic Impact shall consist of a detailed statement and analysis supported by credible objective evidence relating to:

- a. any adverse effects on energy supply, mineral production, distribution, or use (including a shortfall in supply, price increases, and increased use of foreign supplies and its impact on U.S. balance of payments and the domestic economy) should the legislation be enacted;
- b. reasonable alternatives to the legislation with adverse energy effects and the expected effects of such alternatives on energy supply, distribution, and use.;
- c. expected offsets from other sources of energy for projected reductions in energy supplies including the probability, total cost, environmental impact and probable timing of such offsets and the expected net impact on the total supply and price of energy in the United States;
- d. the Department of Energy shall provide CBO with an analysis of the energy impact and the Department of Commerce shall provide an analysis of the economic and jobs impact of the proposed legislation, and CBO shall seek input from other experts before its report is made to Congress.

[Freeze Promulgation of Regulations: Notwithstanding any other provision of law, the Federal Government shall not expend funds to promulgate or enforce regulations not yet promulgated by January 1, 2009 that have been or are to be issued to implement provisions of the Clean Air and Clean Water Acts including the amendments made by such Acts until the requirements of this Act have been satisfied.]

Federal Agencies: The head of each Federal agency shall require that before the agency takes a "significant energy action" it shall prepare and submit a Statement of Energy and Economic Impact to the OMB, Congress and the public. A significant energy action means any regulatory action that is likely to result in a rule that may have an annual effect on the economy of \$100 million or have a significant adverse effect on the supply and distribution of domestic energy, including the denial of leases or permits for pipelines, power plants, refineries, energy exploration and energy production.

Statement. Statement of Energy and Economic Impact shall consist of a detailed statement and analysis supported by credible objective evidence relating to:

- a. any adverse effects on energy supply, mineral production, distribution, or use, including a shortfall in supply, price increases, and increased use of foreign supplies and its impact on U.S. balance of payments and the domestic economy should the action be taken, and
- b. reasonable alternatives to the action with adverse energy effects and the expected effects of such alternatives on energy supply, distribution, and use.
- c. expected offsets from other sources of energy for projected reductions in energy supplies including the probability, total cost, environmental impact and timing of such offsets and the expected net impact on the total supply and price of energy in the United States.
- d. the Department of Energy shall provide the agency taking the action and Congress with an analysis of the energy impact on access to the energy or mineral resource and the Department of Commerce shall provide an analysis of the economic and jobs impact of the proposed agency action, and
- e. the agency shall seek public comment before the action becomes final.

Judicial Review. For any regulation subject to this Act:

- a. A state that is adversely affected by a significant energy action is entitled to review by the District Court of the District of Columbia of the agency compliance with this Act's requirements.
- b. A business that is adversely affected by a significant energy action is entitled to the same judicial review as a state if, within three months of being petitioned by the aggrieved business, the state in which the injury to the business has or would occur fails to seek judicial review pursuant to this Act and, in any event, may intervene in an action brought by a state.
- c. The Court petitioned pursuant to this Act may enjoin or mandate agency action until the Court finds that the agency has complied with this Act.