

AMENDMENT IN THE NATURE OF TO H.R. 2401

OFFERED BY M .

Strike all after the enacting clause and insert the following:

1 **SEC. 1. SHORT TITLE.**

2 This Act may be cited as the “Transparency in Regu-
3 latory Analysis of Impacts on the Nation Act of 2011”.

4 **SEC. 2. COMMITTEE FOR THE CUMULATIVE ANALYSIS OF**

5 **REGULATIONS THAT IMPACT ENERGY AND**

6 **MANUFACTURING IN THE UNITED STATES.**

7 (a) **ESTABLISHMENT.**—The President shall establish
8 a committee to be known as the Committee for the Cumu-
9 lative Analysis of Regulations that Impact Energy and
10 Manufacturing in the United States (in this Act referred
11 to as the “Committee”) to analyze and report on the cu-
12 mulative and incremental impacts of certain rules and ac-
13 tions of the Environmental Protection Agency, in accord-
14 ance with sections 3 and 4.

15 (b) **MEMBERS.**—The Committee shall be composed of
16 the following officials (or their designees):

17 (1) The Secretary of Agriculture, acting
18 through the Chief Economist.

1 (2) The Secretary of Commerce, acting through
2 the Chief Economist and the Under Secretary for
3 International Trade.

4 (3) The Secretary of Labor, acting through the
5 Commissioner of the Bureau of Labor Statistics and
6 the Deputy Secretary of Labor.

7 (4) The Secretary of Energy, acting through
8 the Administrator of the Energy Information Ad-
9 ministration and the Deputy Secretary of Energy.

10 (5) The Secretary of the Treasury, acting
11 through the Deputy Assistant Secretary for Environ-
12 ment and Energy of the Department of the Treas-
13 ury.

14 (6) The Administrator of the Environmental
15 Protection Agency.

16 (7) The Chairman of the Council of Economic
17 Advisors.

18 (8) The Chairman of the Federal Energy Regu-
19 latory Commission.

20 (9) The Administrator of the Office of Informa-
21 tion and Regulatory Affairs.

22 (10) The Chief Counsel for Advocacy of the
23 Small Business Administration.

1 (11) The Chairman of the United States Inter-
2 national Trade Commission, acting through the Of-
3 fice of Economics.

4 (12) The Secretary of Health and Human Serv-
5 ices.

6 (13) The Director of the Centers for Disease
7 Control and Prevention.

8 (14) The Director of the National Institute of
9 Environmental Health Sciences.

10 (c) CHAIR.—The Secretary of Commerce shall serve
11 as Chair of the Committee. In carrying out the functions
12 of the Chair, the Secretary of Commerce shall consult with
13 the members serving on the Committee pursuant to para-
14 graphs (5) through (14) of subsection (b).

15 (d) CONSULTATION.—In conducting analyses under
16 section 3 and preparing reports under section 4, the Com-
17 mittee shall consult with, and consider pertinent reports
18 issued by, stakeholders and relevant experts, including the
19 Electric Reliability Organization certified under section
20 215(c) of the Federal Power Act (16 U.S.C. 824o(c)).

21 (e) TERMINATION.—The Committee shall terminate
22 60 days after submitting its final report pursuant to sec-
23 tion 4(e).

1 **SEC. 3. ANALYSES.**

2 (a) SCOPE.—The Committee shall conduct analyses,
3 for each of the calendar years 2016, 2020, and 2030, of
4 the following:

5 (1) The cumulative impact of covered rules that
6 are promulgated as final regulations on or before
7 January 1, 2012, in combination with covered ac-
8 tions.

9 (2) The cumulative impact of all covered rules
10 (including covered rules that have not been promul-
11 gated as final regulations on or before January 1,
12 2012), in combination with covered actions.

13 (3) The incremental impact of each covered rule
14 not promulgated as a final regulation on or before
15 January 1, 2012, relative to an analytic baseline
16 representing the results of the analysis conducted
17 under paragraph (1).

18 (b) CONTENTS.—The Committee shall include in
19 each analysis conducted under this section the following:

20 (1) Estimates of the impacts of the covered
21 rules and covered actions with regard to—

22 (A) the global economic competitiveness of
23 the United States, particularly with respect to
24 energy intensive and trade sensitive industries;

1 (B) other cumulative costs and cumulative
2 benefits, including evaluation through a general
3 equilibrium model approach;

4 (C) any resulting change in national,
5 State, and regional electricity prices;

6 (D) any resulting change in national,
7 State, and regional fuel prices;

8 (E) any resulting reduction or increase in
9 the incidences of asthma and asthma attacks
10 and other pulmonary disease;

11 (F) any resulting reduction or increase in
12 the occurrence of birth and developmental de-
13 fects;

14 (G) any resulting reduction or increase in
15 the occurrence of premature mortality;

16 (H) any resulting reduction or increase in
17 the occurrence of other adverse health effects;

18 (I) the effect on promoting clean energy
19 jobs;

20 (J) the effect on promoting clean energy
21 companies, including companies that export
22 clean energy technology;

23 (K) the improvements in regional air qual-
24 ity, including reductions in the impairment of
25 visibility, due to reduced pollution;

1 (L) the improvements in water quality of
2 lakes and streams;

3 (M) any resulting reduction in the number
4 of work days missed;

5 (N) any resulting reduction in the number
6 of school days missed;

7 (O) any resulting savings due to decreased
8 use of emergency medical services;

9 (P) the impact on national, State, and re-
10 gional employment during the 5-year period be-
11 ginning on the date of enactment of this Act,
12 and also in the long term, including secondary
13 impacts associated with increased energy prices
14 and facility closures; and

15 (Q) the reliability and adequacy of bulk
16 power supply in the United States.

17 (2) Discussion of key uncertainties and assump-
18 tions associated with each estimate.

19 (3) A sensitivity analysis.

20 (4) Discussion, and where feasible an assess-
21 ment, of the cumulative impact of the covered rules
22 and covered actions on—

23 (A) consumers;

24 (B) small businesses;

25 (C) regional economies;

1 (D) State, local, and tribal governments;
2 (E) vulnerable subpopulations, including
3 the elderly, pregnant women, and populations
4 with pulmonary disease;
5 (F) the environment, including impacts on
6 global climate change;
7 (G) development of infants and children;
8 (H) local and industry-specific labor mar-
9 kets; and
10 (I) agriculture,
11 as well as key uncertainties associated with each
12 topic.

13 (c) METHODS.—In conducting analyses under this
14 section, the Committee shall use the best available meth-
15 ods, consistent with guidance from the Office of Informa-
16 tion and Regulatory Affairs and the Office of Management
17 and Budget Circular A-4.

18 (d) DATA.—In conducting analyses under this sec-
19 tion, the Committee—

20 (1) shall use the best data that is available to
21 the public or supplied to the Committee by its mem-
22 bers, including the most recent such data appro-
23 priate for this analysis representing air quality, facil-
24 ity emissions, and installed controls; and

1 (2) is not required to create data or to use data
2 that is not readily accessible.

3 (e) COVERED RULES.—In this section, the term “cov-
4 ered rule” means the following:

5 (1) The following published rules (including any
6 successor or substantially similar rule):

7 (A) “Federal Implementation Plans To Re-
8 duce Interstate Transport of Fine Particulate
9 Matter and Ozone”, published at 75 Fed. Reg.
10 45210 (August 2, 2010).

11 (B) “National Ambient Air Quality Stand-
12 ards for Ozone”, published at 75 Fed. Reg.
13 2938 (January 19, 2010).

14 (C) “National Emission Standards for
15 Hazardous Air Pollutants for Major Sources:
16 Industrial, Commercial, and Institutional Boil-
17 ers and Process Heaters”, published at 76 Fed.
18 Reg. 15608 (March 21, 2011).

19 (D) “National Emission Standards for
20 Hazardous Air Pollutants for Area Sources: In-
21 dustrial, Commercial, and Institutional Boil-
22 ers”, published at 76 Fed. Reg. 15554 (March
23 21, 2011).

24 (E) “National Emission Standards for
25 Hazardous Air Pollutants from Coal- and Oil-

1 fired Electric Utility Steam Generating Units
2 and Standards of Performance for Fossil-Fuel-
3 Fired Electric Utility, Industrial-Commercial-
4 Institutional, and Small Industrial-Commercial-
5 Institutional Steam Generating Units”, signed
6 by Administrator Lisa P. Jackson on March 16,
7 2011.

8 (F) “Hazardous and Solid Waste Manage-
9 ment System; Identification and Listing of Spe-
10 cial Wastes; Disposal of Coal Combustion Re-
11 siduals From Electric Utilities”, published at
12 75 Fed. Reg. 35127 (June 21, 2010).

13 (G) “Primary National Ambient Air Qual-
14 ity Standard for Sulfur Dioxide”, published at
15 75 Fed. Reg. 35520 (June 22, 2010).

16 (H) “Primary National Ambient Air Qual-
17 ity Standards for Nitrogen Dioxide”, published
18 at 75 Fed. Reg. 6474 (February 9, 2010).

19 (2) The following additional rules or guidelines
20 promulgated on or after January 1, 2009:

21 (A) Any rule or guideline promulgated
22 under section 111(b) or 111(d) of the Clean Air
23 Act (42 U.S.C. 7411(b), 7411(d)) to address
24 climate change.

1 (B) Any rule or guideline promulgated by
2 the Administrator of the Environmental Protec-
3 tion Agency, a State, a local government, or a
4 permitting agency under or as the result of sec-
5 tion 169A or 169B of the Clean Air Act (42
6 U.S.C. 7491, 7492).

7 (C) Any rule establishing or modifying a
8 national ambient air quality standard under
9 section 109 of the Clean Air Act (42 U.S.C.
10 7409).

11 (f) COVERED ACTIONS.—In this section, the term
12 “covered action” means any action on or after January
13 1, 2009, by the Administrator of the Environmental Pro-
14 tection Agency, a State, a local government, or a permit-
15 ting agency as a result of the application of part C of title
16 I (relating to prevention of significant deterioration of air
17 quality) or title V (relating to permitting) of the Clean
18 Air Act (42 U.S.C. 7401 et seq.), if such application oc-
19 curs with respect to an air pollutant that is identified as
20 a greenhouse gas in “Endangerment and Cause or Con-
21 tribute Findings for Greenhouse Gases Under Section
22 202(a) of the Clean Air Act”, published at 74 Fed. Reg.
23 66496 (December 15, 2009).

1 **SEC. 4. REPORTS; PUBLIC COMMENT.**

2 (a) PRELIMINARY REPORT.—Not later than January
3 31, 2012, the Committee shall make public and submit
4 to the Committee on Energy and Commerce of the House
5 of Representatives and the Committee on Environment
6 and Public Works of the Senate a preliminary report con-
7 taining the results of the analyses conducted under section
8 3.

9 (b) PUBLIC COMMENT PERIOD.—The Committee
10 shall accept public comments regarding the preliminary re-
11 port submitted under subsection (a) for a period of 90
12 days after such submission.

13 (c) FINAL REPORT.—Not later than August 1, 2012,
14 the Committee shall submit to Congress a final report con-
15 taining the analyses conducted under section 3, including
16 any revisions to such analyses made as a result of public
17 comments, and a response to such comments.

18 **SEC. 5. IMPLEMENTATION.**

19 In carrying out this Act, the Committee shall—

20 (1) conduct analyses under section 3 and pre-
21 pare reports under section 4 to the extent deter-
22 mined by the Committee to be—

23 (A) feasible given available information,
24 the limitations of economic modeling, and avail-
25 able funding; and

1 (B) useful to policymakers and stake-
2 holders; and

3 (2) ensure that implementation of this Act does
4 not delay or otherwise interfere with implementation
5 of any statutory or other legal deadline or obligation.

6 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) AUTHORIZATION.—There are authorized to be ap-
8 propriated to carry out this Act for fiscal year 2012—

9 (1) \$3,000,000 to the Department of Com-
10 merce, of which not more than \$2,000,000 shall be
11 for carrying out section 3; and

12 (2) \$500,000 to the Environmental Protection
13 Agency.

14 (b) OFFSET.—Effective October 1, 2011, section
15 797(a) of the Energy Policy Act of 2005, as amended by
16 section 2(e) of the Diesel Emissions Reduction Act of
17 2010 (Public Law 111–364), is amended to read as fol-
18 lows:

19 “(a) IN GENERAL.—There are authorized to be ap-
20 propriated to carry out this subtitle \$46,000,000 for fiscal
21 year 2012 and \$50,000,000 for each of fiscal years 2013
22 through 2016, to remain available until expended.”.

