[DISCUSSION DRAFT]

112TH CONGRESS
1ST SESSION

H. R. _____

To require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M__. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Transparency in Regulatory Analysis of Impacts on the Nation Act of 2011''.

SEC. 2. COMMITTEE FOR THE CUMULATIVE ANALYSIS OF REGULATIONS THAT IMPACT ENERGY AND MANUFACTURING IN THE UNITED STATES.

(a) ESTABLISHMENT.—The President shall establish a committee to be known as the Committee for the Cumulative Analysis of Regulations that Impact Energy and Manufacturing in the United States (in this Act referred to as the ''Committee'') to analyze and report on the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, in accordance with sections 3 and 4.

(b) MEMBERS.—

(1) EX OFFICIO MEMBERS.—The Committee shall be composed of the following officials (or their designees):

(A) The Secretary of Agriculture.

(B) The Secretary of Commerce.

(C) The Secretary of Labor.

(D) The Secretary of Transportation.

(E) The Secretary of Energy.

(F) The Secretary of the Treasury, acting through the Deputy Assistant Secretary for Environment and Energy of the Department of the Treasury.

(G) The Administrator of the Environmental Protection Agency.

(H) The Chairman of the Council of Economic Advisors.

(I) The Chairman of the Federal Energy Regulatory Commission.

(J) The Administrator of the Office of Information and Regulatory Affairs.

(K) The Chief Counsel for Advocacy of the Small Business Administration.

(L) The Chairman of the United States International Trade Commission.

(2) ADDITIONAL MEMBER.—In addition to the members listed in paragraph (1), the President shall invite the President and Chief Executive Officer of the North American Electric Reliability Corporation to serve (or select a designee to serve) as a member of the Committee.

(c) CHAIR.—The Secretary of Commerce shall serve as Chair of the Committee. In carrying out the functions of the Chair, the Secretary of Commerce shall consult with the members serving on the Committee pursuant to subparagraphs (F) and (L) of subsection (b)(1).

(d) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

(e) TERMINATION.—The Committee shall terminate 90 days after submitting its final report pursuant to section 4(c).

SEC. 3. ANALYSES.

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

(1) The cumulative impact of covered rules that are promulgated as final regulations on or before January 1, 2012, in combination with covered actions.

(2) The cumulative impact of all covered rules (including covered rules that have not been promulgated as final regulations on or before January 1, 2012), in combination with covered actions.

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

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

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

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

(B) other economic impacts, as evaluated through a general equilibrium model approach;

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

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

(E) the impact on national, State, and regional employment during the 5-year period beginning on the date of enactment of this Act, and also in the long term, including secondary impacts associated with increased energy prices and facility closures; and

(F) the reliability and adequacy of bulk power supply in the United States.

(2) Discussion of key uncertainties and assumptions associated with each estimate.

(3) A sensitivity analysis.

(4) Discussion, and where feasible an assessment, of the cumulative impact of the covered rules and covered actions on—

(A) consumers;

(B) small businesses;

(C) regional economies;

(D) State, local, and tribal governments;

(E) local and industry-specific labor markets; and

(F) agriculture,

as well as key uncertainties associated with each topic.

(c) METHODS.—In conducting analyses under this section, the Committee shall use the best available methods, consistent with guidance from the Office of Information and Regulatory Affairs and the Office of Management and Budget Circular A–4.

(d) DATA.—In conducting analyses under this section, the Committee shall use the best available data, including the most recent data representing air and water quality, facility emissions and discharges, and installed controls.

(e) COVERED RULES.—In this section, the term ''covered rule'' means the following:

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

(A) ''Federal Implementation Plans To Reduce Interstate Transport of Fine Particulate Matter and Ozone'', published at 75 Fed. Reg. 45210 (August 2, 2010).

(B) ''National Ambient Air Quality Standards for Ozone'', published at 75 Fed. Reg. 2938 (January 19, 2010).

(C) ''National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters'', published at 76 Fed. Reg. 15608 (March 21, 2011).

(D) ''National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers'', published at 76 Fed. Reg. 15554 (March 21, 2011).

(E) ''National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units'', signed by Administrator Lisa P. Jackson on March 16, 2011.

(F) ''Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Re-

siduals From Electric Utilities'', published at 75 Fed. Reg. 35127 (June 21, 2010).

(G) ''Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category'', published at 74 Fed. Reg. 62995 (December 1, 2009).

(H) ''National Pollutant Discharge Elimination System — Proposed Regulations to Establish Requirements for Cooling Water Intake Structures at Existing Facilities and Amend Requirements at Phase I Facilities'', signed by Administrator Lisa P. Jackson on March 28, 2011.

(I) ''Primary National Ambient Air Quality Standard for Sulfur Dioxide'', published at 75 Fed. Reg. 35520 (June 22, 2010).

(J) ''Primary National Ambient Air Quality Standards for Nitrogen Dioxide'', published at 75 Fed. Reg. 6474 (February 9, 2010).

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

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

(B) Any rule or guideline promulgated by the Administrator of the Environmental Protection Agency, a State, a local governments, or a permitting agency under or as the result of section 169A or 169B of the Clean Air Act (42 U.S.C. 7491, 7492).

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

(f) COVERED ACTIONS.—In this section, the term ''covered action'' means any action on or after January 1, 2009, by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency as a result of the application of part C of title I (relating to prevention of significant deterioration of air quality) and title V (relating to permitting) of the Clean Air Act (42 U.S.C. 7401 et seq.), if such application occurs with respect to an air pollutant that is identified as a greenhouse gas in ''Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act'', published at 74 Fed. Reg. 66496 (December 15, 2009).

SEC. 4. REPORTS; PUBLIC COMMENT.

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

(b) PUBLIC COMMENT PERIOD.—The Committee shall accept public comments regarding the preliminary report submitted under subsection (a) for a period of 90 days after such submission.

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