

HR 2401

Transparency in Regulatory Analysis of Impacts on the Nation Act of 2011

Congress: 112 (2011–2013, Ended)

Chamber: House

Policy Area: Environmental Protection

Introduced: Jun 24, 2011

Current Status: Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.

Latest Action: Received in the Senate and Read twice and referred to the Committee on Environment and Public Works. (Sep 26, 2011)

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Sponsor

Name: Rep. Sullivan, John [R-OK-1]

Party: Republican • **State:** OK • **Chamber:** House

Cosponsors (44 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Bilbray, Brian P. [R-CA-50]	R · CA		Jun 24, 2011
Rep. Bucshon, Larry [R-IN-8]	R · IN		Jun 24, 2011
Rep. Capito, Shelley Moore [R-WV-2]	R · WV		Jun 24, 2011
Rep. Costa, Jim [D-CA-20]	D · CA		Jun 24, 2011
Rep. Duffy, Sean P. [R-WI-7]	R · WI		Jun 24, 2011
Rep. Duncan, John J., Jr. [R-TN-2]	R · TN		Jun 24, 2011
Rep. Guthrie, Brett [R-KY-2]	R · KY		Jun 24, 2011
Rep. Harper, Gregg [R-MS-3]	R · MS		Jun 24, 2011
Rep. Holden, Tim [D-PA-17]	D · PA		Jun 24, 2011
Rep. Johnson, Timothy V. [R-IL-15]	R · IL		Jun 24, 2011
Rep. Kinzinger, Adam [R-IL-11]	R · IL		Jun 24, 2011
Rep. Latta, Robert E. [R-OH-5]	R · OH		Jun 24, 2011
Rep. Matheson, Jim [D-UT-2]	D · UT		Jun 24, 2011
Rep. McKinley, David B. [R-WV-1]	R · WV		Jun 24, 2011
Rep. McMorris Rodgers, Cathy [R-WA-5]	R · WA		Jun 24, 2011
Rep. Myrick, Sue Wilkins [R-NC-9]	R · NC		Jun 24, 2011
Rep. Olson, Pete [R-TX-22]	R · TX		Jun 24, 2011
Rep. Pompeo, Mike [R-KS-4]	R · KS		Jun 24, 2011
Rep. Rogers, Harold [R-KY-5]	R · KY		Jun 24, 2011
Rep. Rokita, Todd [R-IN-4]	R · IN		Jun 24, 2011
Rep. Roskam, Peter J. [R-IL-6]	R · IL		Jun 24, 2011
Rep. Ross, Mike [D-AR-4]	D · AR		Jun 24, 2011
Rep. Shimkus, John [R-IL-19]	R · IL		Jun 24, 2011
Rep. Terry, Lee [R-NE-2]	R · NE		Jun 24, 2011
Rep. Turner, Michael R. [R-OH-3]	R · OH		Jun 24, 2011
Rep. Upton, Fred [R-MI-6]	R · MI		Jun 24, 2011
Rep. Walden, Greg [R-OR-2]	R · OR		Jun 24, 2011
Rep. Whitfield, Ed [R-KY-1]	R · KY		Jun 24, 2011
Rep. Rehberg, Denny [R-MT-At Large]	R · MT		Jul 6, 2011
Rep. Huelskamp, Tim [R-KS-1]	R · KS		Jul 7, 2011
Rep. Renacci, James B. [R-OH-16]	R · OH		Jul 7, 2011
Rep. Scalise, Steve [R-LA-1]	R · LA		Jul 12, 2011
Rep. Ribble, Reid J. [R-WI-8]	R · WI		Jul 22, 2011
Rep. Austria, Steve [R-OH-7]	R · OH		Sep 7, 2011
Rep. Bachus, Spencer [R-AL-6]	R · AL		Sep 7, 2011
Rep. DesJarlais, Scott [R-TN-4]	R · TN		Sep 12, 2011
Rep. Nunnelee, Alan [R-MS-1]	R · MS		Sep 12, 2011
Rep. Smith, Adrian [R-NE-3]	R · NE		Sep 12, 2011
Rep. Farenthold, Blake [R-TX-27]	R · TX		Sep 14, 2011
Rep. Flake, Jeff [R-AZ-6]	R · AZ		Sep 14, 2011
Rep. Rooney, Thomas J. [R-FL-16]	R · FL		Sep 14, 2011

Cosponsor	Party / State	Role	Date Joined
Rep. Bonner, Jo [R-AL-1]	R · AL		Sep 15, 2011
Rep. Emerson, Jo Ann [R-MO-8]	R · MO		Sep 15, 2011
Rep. Rogers, Mike D. [R-AL-3]	R · AL		Sep 15, 2011

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Discharged from	Jul 11, 2011
Environment and Public Works Committee	Senate	Referred To	Sep 26, 2011

Subjects & Policy Tags

Policy Area:

Environmental Protection

Related Bills

Bill	Relationship	Last Action
112 HR 3409	Related bill	Nov 13, 2012: Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.
112 HRES 406	Procedurally related	Sep 22, 2011: Motion to reconsider laid on the table Agreed to without objection.
112 HR 1705	Related bill	May 6, 2011: Referred to the Subcommittee on Energy and Power.

Transparency in Regulatory Analysis of Impacts on the Nation Act of 2011 - (Sec. 2) Requires the President to establish the Committee for the Cumulative Analysis of Regulations that Impact Energy and Manufacturing in the United States to analyze and report on the cumulative and incremental impacts of covered rules and actions of the Environmental Protection Agency (EPA) concerning air, waste, water, and climate change.

Defines "covered rule" to mean:

- the Clean Air Interstate Rule;
- National Ambient Air Quality Standards for Ozone published on March 27, 2008;
- National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters;
- National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers;
- 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;
- Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities;
- Primary National Ambient Air Quality Standard for Sulfur Dioxide;
- Primary National Ambient Air Quality Standards for Nitrogen Dioxide;
- National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants;
- any rule or guideline promulgated on or after January 1, 2009, under the Clean Air Act (CAA) concerning standards for performance for new or existing stationary sources to address climate change;
- any rule or guideline promulgated on or after such date by the Administrator of EPA, a state, local government, or a permitting agency under or as the result of visibility protection for federal class I areas under the CAA;
- any rule promulgated on or after such date establishing or modifying a national ambient air quality standard under the CAA; and
- any rule promulgated on or after such date addressing fuels under emission standards for moving sources under the CAA as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060-AQ86 or any substantially similar rule.

Defines "covered actions" to mean any action on or after January 1, 2009, by EPA, a state, a local government, or a permitting agency as a result of the application of specified CAA provisions (relating to permitting or to prevention of significant deterioration of air quality) 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 on December 15, 2009.

(Sec. 3) Requires such Committee to conduct analyses, for each of the calendar years 2016, 2020, and 2030, of: (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; and (3) the incremental impact of each covered rule not promulgated as a final regulation on or before such date, relative to an

analytic baseline representing the results of the analysis of the cumulative impact of covered rules that are promulgated as final regulations on or before such date.

Requires each such analysis to include: (1) estimates of the impacts of such rules and actions on the global economic competitiveness of the United States, electricity prices, fuel prices, employment, and the reliability and adequacy of bulk power supply in the United States; and (2) a discussion and an assessment of the cumulative impact on consumers, small businesses, regional economies, state, local, and tribal governments, low-income communities, public health, local and industry-specific labor markets, and agriculture.

(Sec. 4) Requires the Committee to submit a final report on such analyses by August 1, 2012, after the public is given an opportunity to submit comments.

(Sec. 5) Prohibits the Administrator from issuing any proposed or final rule under the CAA relating to the national ambient air quality standards for ozone or particulate matter (including any modification of the Clean Air Interstate Rule) until three years after the submission of such report. Requires the Administrator to: (1) base such rule on actual monitored (and not modeled) data, (2) allow the trading of emissions allowances among entities covered by the rule irrespective of the states in which such entities are located, and (3) require state implementation of the standards established by such final rule no earlier than three years after its publication.

Nullifies the rule entitled "Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals." Requires the Administrator, in place of such rule, to continue to implement the Clean Air Interstate Rule.

Nullifies the proposed rule entitled "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" and any final rule that is based on such proposed rule and issued prior to this Act's enactment. Requires the Administrator, at least 12 months after the issuance of the Committee's report, to issue, in place of such rule: (1) regulations establishing national emission standards for coal-and oil-fired electric utility steam generating units under the CAA with respect to each hazardous air pollutant; and (2) regulations establishing standards of performance for fossil-fuel-fired electric utility, industrial-commercial-institutional, and small industrial-commercial-institutional steam generating units under Standards of Performance for New Stationary Sources. Requires the Administrator to require compliance with such regulations no earlier than five years after their effective date.

Prohibits this Act from being construed to restrict or otherwise affect provisions concerning permit extensions and presidential exemptions from stationary source requirements under the CAA.

Requires the Administrator: (1) for purposes of determining the maximum degree of reduction in emissions of hazardous air pollutants from coal- and oil-fired electric utility steam generating units that is deemed achievable for new sources, to identify the best controlled similar source for each source category or subcategory under actual operating conditions; and (2) for purposes of determining emission standards of such pollutants for existing sources, to identify one group of sources that constitutes the best performing 12% of existing sources for each source category or subcategory under actual operating conditions.

Requires the Administrator to impose the least burdensome of emission standards for such generating units, fossil-fuel-fired electric utility, industrial-commercial-institutional, and small industrial-commercial-institutional steam generating units from among the range of regulatory alternatives authorized under the CAA, including work practice standards.

(Sec. 6) Requires the Administrator, in establishing any national primary and secondary ambient air quality standard under the CAA, to take into consideration feasibility and cost.

(Sec. 7) Authorizes appropriations. Offsets such appropriations by amending the Energy Policy Act of 2005 to reduce appropriations in FY2012 for the Diesel Emissions Reduction Program.

Actions Timeline

- **Sep 26, 2011:** Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.
- **Sep 23, 2011:** Considered as unfinished business. (consideration: CR H6419-6446)
- **Sep 23, 2011:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Sep 23, 2011:** DEBATE - Pursuant to the provisions of H. Res. 406, the Committee of the Whole proceeded with 10 minutes of debate on the Welch (VT) amendment No. 1.
- **Sep 23, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Welch (VT) amendment No. 1, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. McNerney demanded a recorded vote, and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 23, 2011:** DEBATE - Pursuant to the provisions of H. Res. 406, the Committee of the Whole proceeded with 10 minutes of debate on the McNerney amendment No. 2.
- **Sep 23, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the McNerney amendment No. 2, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. McNerney demanded a recorded vote, and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 23, 2011:** DEBATE - Pursuant to the provisions of H. Res. 406, the Committee of the Whole proceeded with 10 minutes of debate on the Moore amendment No. 3.
- **Sep 23, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Moore amendment No. 3, the Chair put the question on adoption of the amendment and by voice vote announced that the ayes had prevailed. Ms. Moore demanded a recorded vote, and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 23, 2011:** DEBATE - Pursuant to the provisions of H. Res. 406, the Committee of the Whole proceeded with 10 minutes of debate on the Capps amendment No. 4.
- **Sep 23, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Capps amendment No. 4, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Ms. Capps demanded a recorded vote, and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 23, 2011:** DEBATE - Pursuant to the provisions of H. Res. 406, the Committee of the Whole proceeded with 10 minutes of debate on the Kinzinger amendment No. 5.
- **Sep 23, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Kinzinger amendment No. 5, the Chair put the question on adoption of the amendment and by voice vote announced that the ayes had prevailed. Mr. Rush demanded a recorded vote, and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 23, 2011:** The Committee of the Whole rose informally to receive a Senate message.
- **Sep 23, 2011:** The Committee of the Whole resumed its sitting.
- **Sep 23, 2011:** DEBATE - Pursuant to the provisions of H. Res. 406, the Committee of the Whole proceeded with 10 minutes of debate on the Dent amendment No. 6.
- **Sep 23, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Dent amendment No. 6, the Chair put the question on adoption of the amendment and by voice vote announced that the ayes had prevailed. Mr. Rush demanded a recorded vote, and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 23, 2011:** DEBATE - Pursuant to the provisions of H. Res. 406, the Committee of the Whole proceeded with 10 minutes of debate on the Hastings (FL) amendment No. 7.
- **Sep 23, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Hastings (FL) amendment No. 7, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Hastings (FL) demanded a recorded vote, and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 23, 2011:** DEBATE - Pursuant to the provisions of H. Res. 406, the Committee of the Whole proceeded with 10 minutes of debate on the Connolly (VA) No. 8.
- **Sep 23, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Connolly amendment No. 8, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Connolly (VA) demanded a recorded vote, and the Chair postponed further proceedings on adoption of the amendment

until a time to be announced.

- **Sep 23, 2011:** DEBATE - Pursuant to the provisions of H. Res. 406, the Committee of the Whole proceeded with 10 minutes of debate on the Jackson Lee (TX) amendment No. 9.
- **Sep 23, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Jackson Lee (TX) amendment No. 9, the Chair put the question on adoption of the amendment and by voice vote announced that the ayes had prevailed. Ms. Jackson Lee (TX) demanded a recorded vote, and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 23, 2011:** DEBATE - Pursuant to the provisions of H. Res. 406, the Committee of the Whole proceeded with 10 minutes of debate on the Whitfield (KY) amendment No. 10.
- **Sep 23, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Whitfield (KY) amendment No. 10, the Chair put the question on adoption of the amendment and by voice vote announced that the ayes had prevailed. Mr. Waxman demanded a recorded vote, and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 23, 2011:** DEBATE - Pursuant to the provisions of H. Res. 406, the Committee of the Whole proceeded with 10 minutes of debate on the Latta amendment No. 11.
- **Sep 23, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Latta amendment No. 11, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Latta demanded a recorded vote, and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 23, 2011:** DEBATE - Pursuant to the provisions of H. Res. 406, the Committee of the Whole proceeded with 10 minutes of debate on the Richardson amendment No. 12.
- **Sep 23, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Richardson amendment No. 12, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Ms. Richardson demanded a recorded vote, and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 23, 2011:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question on adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Sep 23, 2011:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 2401.
- **Sep 23, 2011:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text of amendment in the nature of a substitute: CR H6419-6420)
- **Sep 23, 2011:** Ms. McCollum moved to recommit with instructions to Energy and Commerce. (consideration: CR H6444-6446; text: CR H6444)
- **Sep 23, 2011:** DEBATE - The House proceeded with 10 minutes of debate on the McCollum motion to recommit with instructions. The instructions contained in the motion seek to report the same back to the House with an amendment to protect Great Lakes drinking water from toxic substances.
- **Sep 23, 2011:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H6445)
- **Sep 23, 2011:** On motion to recommit with instructions Failed by the Yeas and Nays: 180 - 233 (Roll no. 740). (consideration: CR H6446)
- **Sep 23, 2011:** Passed/agreed to in House: On passage Passed by recorded vote: 249 - 169 (Roll no. 741).
- **Sep 23, 2011:** On passage Passed by recorded vote: 249 - 169 (Roll no. 741).
- **Sep 23, 2011:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 22, 2011:** Rule H. Res. 406 passed House.
- **Sep 22, 2011:** Considered under the provisions of rule H. Res. 406. (consideration: CR H6376-6389)
- **Sep 22, 2011:** Rule provides for consideration of H.R. 2401 with 2 hours of general debate. Motion to recommit with or without installed. Measure will be considered read. A specified amendment is in order. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill shall be considered as an original bill for the purpose of amendment. The resolution makes in order only those amendments printed in this report and shall be debatable for the time specified in this report.
- **Sep 22, 2011:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 406 and Rule XVIII.
- **Sep 22, 2011:** The Speaker designated the Honorable Steve Womack to act as Chairman of the Committee.
- **Sep 22, 2011:** GENERAL DEBATE - The Committee of the Whole proceeded with two hours of general debate on H.R.

2401.

- **Sep 22, 2011:** The Chair announced that all general debate for H.R. 2401 had expired.
- **Sep 22, 2011:** Mr. Whitfield moved to rise.
- **Sep 22, 2011:** On motion to rise Agreed to by voice vote.
- **Sep 22, 2011:** Committee of the Whole House on the state of the Union rises leaving H.R. 2401 as unfinished business.
- **Sep 20, 2011:** Rules Committee Resolution H. Res. 406 Reported to House. Rule provides for consideration of H.R. 2401 with 2 hours of general debate. Motion to recommit with or without installed. Measure will be considered read. A specified amendment is in order. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill shall be considered as an original bill for the purpose of amendment. The resolution makes in order only those amendments printed in this report and shall be debatable for the time specified in this report.
- **Sep 15, 2011:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 112-208.
- **Sep 15, 2011:** Placed on the Union Calendar, Calendar No. 136.
- **Jul 13, 2011:** Committee Consideration and Mark-up Session Held.
- **Jul 13, 2011:** Ordered to be Reported (Amended) by the Yeas and Nays: 33 - 13.
- **Jul 12, 2011:** Committee Consideration and Mark-up Session Held.
- **Jul 11, 2011:** Subcommittee on Energy and Power Discharged.
- **Jul 11, 2011:** Committee Consideration and Mark-up Session Held.
- **Jul 8, 2011:** Subcommittee Consideration and Mark-up Session Held.
- **Jun 24, 2011:** Introduced in House
- **Jun 24, 2011:** Referred to the House Committee on Energy and Commerce.
- **Jun 24, 2011:** Referred to the Subcommittee on Energy and Power.