

## H. Res. \_\_\_\_

---

### **H.R. 2401 - Transparency in Regulatory Analysis of Impacts on the Nation Act of 2011**

1. Structured rule.
2. Provides two hours of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce.
3. Waives all points of order against consideration of the bill.
4. Provides that the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce shall be considered as an original bill for the purpose of amendment and shall be considered as read.
5. Waives all points of order against the committee amendment in the nature of a substitute.
6. Makes in order only those amendments printed in the Rules Committee report accompanying the resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.
7. Waives all points of order against the amendments printed in the report.
8. Provides one motion to recommit with or without instructions.

---

### **RESOLUTION**

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the

Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2401) to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

## **SUMMARY OF AMENDMENTS PROPOSED TO BE MADE IN ORDER**

(summaries derived from information provided by sponsors)

<b>Sponsor</b>	<b># Description</b>	<b>Debate Time</b>
<b>1. Rush (IL)</b>	#7 Would add the Chair of the Council on Environmental Quality, the Secretary of Health and Human Services, as well as the Director of the Centers for Disease Control and Prevention, among others, to the interagency council that	(10 minutes)

this bill would create. Additionally, the amendment would direct the committee to look at important health impacts on the most vulnerable subpopulations that would be affected by EPA's proposed rules.

- |   |  |              |
|---|--|--------------|
| <b>2. McNerney (CA)</b>                 | #3 Would add the effect on clean energy jobs and clean energy companies, including those that export clean energy technology, to the items to be considered in the analyses required by the bill.  | (10 minutes) |
| <b>3. Moore, Gwen (WI)</b>              | #1 Would ensure that the study will analyze the impact that a rule or action could have on low-income communities and public health.   | (10 minutes) |
| <b>4. Capps (CA)</b>                    | #11 Would require the Committee to include in its analyses an estimate of the incidence of birth and developmental defects and infant mortality that would result from a delay to covered rules and covered actions under the bill.  | (10 minutes) |
| <b>5. Kinzinger (IL), Gonzalez (TX)</b> | #5 Would add upcoming EPA gasoline regulations to the list of measures to be analyzed for their cumulative impact on energy prices, jobs, and American competitiveness.  | (10 minutes) |
| <b>6. Dent (PA)</b>                     | #10 Would add the U.S. Environmental Protection Agency's (EPA) National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants to the Covered Rules within the bill. | (10 minutes) |
| <b>7. Hastings, Alcee (FL)</b>          | #6 Would exclude from the Committee's jurisdiction all rules and regulations that undergo a cost-benefit analysis as a part of existing regulatory requirements.   | (10 minutes) |
| <b>8. Connolly (VA)</b>                 | #12 <b>(REVISED)</b> Would require the committee to study policies which will lead to creation of American jobs in the clean energy sector.  | (10 minutes) |
| <b>9. Jackson Lee (TX)</b>              | #4 Would extend the public comment period from 90 days to 120 days.  | (10 minutes) |
| <b>10. Whitfield (KY)</b>               | #8 <b>(REVISED)</b> Would provide that the Cross State Air Pollution Rule has no legal force or effect, and directs EPA to continue to apply Clean Air Interstate Rule (CAIR) for at least 3 years until after the study in the  | (10 minutes) |

underlying bill is complete. The amendment also requires that the proposed Utility Maximum Achievable Control Technology (MACT) rule has no legal force and effect and that any subsequent Utility MACT rule be issued no sooner than 1 year after the study in the underlying bill is complete. If reissuing the rule, EPA is required to ensure that MACT standards are achievable in practice and that the compliance period is at least 5 years.

- 11. Latta (OH)** #2 Would update the Clean Air Act's criteria for what factors can be considered when promulgating National Ambient Air Quality Standards (NAAQS). Specifically, it would allow the EPA Administrator to consider feasibility and cost when setting these standards, which would negate the effect of a 2001 Supreme Court ruling that held implementation costs cannot be considered when setting NAAQS. (10 minutes)
- 12. Richardson (CA)** #9 Would strike the offset provision of HR 2401, which would reduce funding to the Diesel Emission Reductions Act. (10 minutes)