

118TH CONGRESS
2D SESSION

S. 5385

To prohibit Federal agencies from considering, in taking any action, the social cost of carbon, the social cost of methane, the social cost of nitrous oxide, or the social cost of any other greenhouse gas, unless compliant with Office of Management and Budget guidance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 21, 2024

Mr. LANKFORD (for himself, Mrs. CAPITO, Mr. CRAMER, Mr. RISCH, Mr. HOEVEN, and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To prohibit Federal agencies from considering, in taking any action, the social cost of carbon, the social cost of methane, the social cost of nitrous oxide, or the social cost of any other greenhouse gas, unless compliant with Office of Management and Budget guidance, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transparency and
5 Honesty in Energy Regulations Act of 2024”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **FEDERAL AGENCY.**—The term “Federal
4 agency” means has the meaning given the term
5 “agency” in section 551 of title 5, United States
6 Code.

7 (2) **SOCIAL COST OF CARBON.**—The term “so-
8 cial cost of carbon” means—

9 (A) the estimate of the social cost of car-
10 bon described in—

11 (i) the document entitled “Technical
12 Support Document: Social Cost of Carbon
13 for Regulatory Impact Analysis Under Ex-
14 ecutive Order 12866”, published by the
15 Interagency Working Group on Social Cost
16 of Carbon, United States Government, in
17 February 2010;

18 (ii) the document entitled “Technical
19 Support Document: Social Cost of Carbon,
20 Methane, and Nitrous Oxide Interim Esti-
21 mates under Executive Order 13990”,
22 published by the Interagency Working
23 Group on Social Cost of Greenhouse
24 Gases, United States Government, in Feb-
25 ruary 2021;

1 (iii) the document entitled “Technical
2 Support Document: Technical Update of
3 the Social Cost of Carbon for Regulatory
4 Impact Analysis Under Executive Order
5 12866”, published by the Interagency
6 Working Group on Social Cost of Carbon,
7 United States Government, in May 2013
8 and revised in November 2013 and July
9 2015, and published and revised by the
10 Interagency Working Group on the Social
11 Cost of Greenhouse Gases, United States
12 Government, in August 2016;

13 (iv) the document entitled “Regu-
14 latory Impact Analysis for the New Source
15 Performance Standards for Greenhouse
16 Gas Emissions from New, Modified, and
17 Reconstructed Fossil Fuel-Fired Electric
18 Generating Units; Emission Guidelines for
19 Greenhouse Gas Emissions from Existing
20 Fossil Fuel-Fired Electric Generating
21 Units; and Repeal of the Affordable Clean
22 Energy Rule”, published by the Adminis-
23 trator of the Environmental Protection
24 Agency in April 2024;

1 (v) the document entitled “Regulatory
2 Impact Analysis for the Final Federal
3 Good Neighbor Plan Addressing Regional
4 Ozone Transport for the 2015 Ozone Na-
5 tional Ambient Air Quality Standard”,
6 published by the Administrator of the En-
7 vironmental Protection Agency in March
8 2023;

9 (vi) the document entitled “Regu-
10 latory Impact Analysis for the Final Na-
11 tional Emission Standards for Hazardous
12 Air Pollutants: Coal- and Oil-Fired Elec-
13 tric Utility Steam Generating Units Re-
14 view of the Residual Risk and Technology
15 Review”, published by the Administrator of
16 the Environmental Protection Agency in
17 April 2024;

18 (vii) the document entitled “Benefit
19 and Cost Analysis for Supplemental Efflu-
20 ent Limitations Guidelines and Standards
21 for the Steam Electric Power Generating
22 Point Source Category”, published by the
23 Administrator of the Environmental Pro-
24 tection Agency on April 18, 2024; or

1 (viii) any successor or substantially
2 related document; and

3 (B) any other estimate of the monetized
4 damages associated with an incremental in-
5 crease in carbon dioxide emissions in a given
6 year.

7 (3) SOCIAL COST OF GREENHOUSE GASES.—

8 The term “social cost of greenhouse gases” means—

9 (A) the estimate of the social cost of any
10 greenhouse gas that is described in—

11 (i) the document entitled “Technical
12 Support Document: Social Cost of Carbon
13 for Regulatory Impact Analysis Under Ex-
14 ecutive Order 12866”, published by the
15 Interagency Working Group on Social Cost
16 of Carbon, United States Government, in
17 February 2010;

18 (ii) the document entitled “Technical
19 Support Document: Technical Update of
20 the Social Cost of Carbon for Regulatory
21 Impact Analysis Under Executive Order
22 12866”, published by the Interagency
23 Working Group on Social Cost of Carbon,
24 United States Government, in May 2013
25 and revised in November 2013 and July

2015, and published and revised by the Interagency Working Group on the Social Cost of Greenhouse Gases, United States Government, in August 2016;

(iii) the document entitled “Addendum to Technical Support Document on Social Cost of Carbon for Regulatory Impact Analysis under Executive Order 12866: Application of the Methodology to Estimate the Social Cost of Methane and the Social Cost of Nitrous Oxide”, published by the Interagency Working Group on Social Cost of Greenhouse Gases, United States Government, in August 2016;

(iv) the document entitled “Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates under Executive Order 13990”, published by the Interagency Working Group on Social Cost of Greenhouse Gases, United States Government, in February 2021; or

(v) any successor or substantially related document; and

1 (B) any other estimate of the monetized
2 damages associated with an incremental in-
3 crease in greenhouse gas emissions in a given
4 year.

5 (4) SOCIAL COST OF METHANE.—The term “so-
6 cial cost of methane” means—

7 (A) the estimate of the social cost of meth-
8 ane described in—

9 (i) the document entitled “Addendum
10 to Technical Support Document on Social
11 Cost of Carbon for Regulatory Impact
12 Analysis under Executive Order 12866:
13 Application of the Methodology to Esti-
14 mate the Social Cost of Methane and the
15 Social Cost of Nitrous Oxide”, published
16 by the Interagency Working Group on So-
17 cial Cost of Greenhouse Gases, United
18 States Government, in August 2016;

19 (ii) the document entitled “Technical
20 Support Document: Social Cost of Carbon,
21 Methane, and Nitrous Oxide Interim Esti-
22 mates under Executive Order 13990”,
23 published by the Interagency Working
24 Group on Social Cost of Greenhouse

Gases, United States Government, in February 2021;

(iii) the document entitled “Benefit and Cost Analysis for Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category”, published by the Administrator of the Environmental Protection Agency on April 18, 2024; or

(iv) any successor or substantially related document; and

(B) any other estimate of the monetized damages associated with an incremental increase in methane emissions in a given year.

(5) SOCIAL COST OF NITROUS OXIDE.—The term “social cost of nitrous oxide” means—

(A) the estimate of the social cost of nitrous oxide described in—

(i) the document entitled “Addendum to Technical Support Document on Social Cost of Carbon for Regulatory Impact Analysis under Executive Order 12866: Application of the Methodology to Estimate the Social Cost of Methane and the Social Cost of Nitrous Oxide”, published

by the Interagency Working Group on Social Cost of Greenhouse Gases, United States Government, in August 2016;

(ii) the document entitled “Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates under Executive Order 13990”, published by the Interagency Working Group on Social Cost of Greenhouse Gases, United States Government, in February 2021; or

(iii) any other successor or substantially related document; and

(B) any other estimate of the monetized damages associated with an incremental increase in nitrous oxide emissions in a given year.

SEC. 3. PROHIBITION ON CONSIDERING THE SOCIAL COST OF GREENHOUSE GASES, INCLUDING THE SOCIAL COST OF CARBON, THE SOCIAL COST OF METHANE, AND THE SOCIAL COST OF NITROUS OXIDE.

A Federal agency may not consider the social cost of carbon, social cost of methane, social cost of nitrous oxide, or social cost of greenhouse gases—

1 (1) as part of any cost-benefit or cost-effective-
2 ness analysis required under—

3 (A) any law;

4 (B) Executive Order 12866 (5 U.S.C. 601
5 note; relating to regulatory planning and re-
6 view); or

7 (C) Executive Order 13563 (5 U.S.C. 601
8 note; relating to improving regulation and regu-
9 latory review);

10 (2) in any rulemaking;

11 (3) in the issuance of any guidance;

12 (4) in taking any other agency action; or

13 (5) as a justification for any rulemaking, guid-
14 ance document, or agency action.

15 **SEC. 4. REPORT TO CONGRESS.**

16 Not later than 120 days after the date of enactment
17 of this Act, the head of each Federal agency shall submit
18 to the Committees on Environment and Public Works and
19 Energy and Natural Resources of the Senate and the
20 Committees on Energy and Commerce and Natural Re-
21 sources of the House of Representatives a report describ-
22 ing the number of proposed and final rulemakings, guid-
23 ance documents, and agency actions that, since January
24 2009, have used the social cost of carbon, the social cost
25 of greenhouse gases, the social cost of methane, or the

1 social cost of nitrous oxide, including the use of the social
2 cost of carbon, the social cost of greenhouse gases, the
3 social cost of methane, or the social cost of nitrous oxide
4 as part of any cost-benefit analysis required under Execu-
5 tive Order 12866 (5 U.S.C. 601 note; relating to regu-
6 latory planning and review) or other relevant authority.

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