



Research

The Senate on Regulation: Net Neutrality and EPA

SAM BATKINS | NOVEMBER 8, 2011

The U.S. Senate is starting to climb aboard the regulatory reform train. With Majority Leader Harry Reid controlling the legislative agenda, the push for reform was largely stagnant, but two new [Congressional Review Act](#) measures will soon force a vote on controversial regulations.

Senator Rand Paul's resolution disapproving of EPA's \$2.7 billion "Cross-State Air Pollution Rule" (S.J.Res.27) and Senator Kay Bailey Hutchison's resolution disapproving of FCC's "net neutrality" rules (S.J.Res.6) have both been placed on the Senate legislative calendar this week.

Here is a recap of EPA's Cross-State Air Pollution Rule:

- **\$2.7 billion in compliance costs;**
- **185,000 annual paperwork burden hours;**
- **Up to 3,000 lost jobs, according to EPA's own analysis;**
- **A rise in domestic energy prices, and as a result, "domestic exports decline, and domestic production is replaced to a certain degree by imports."**

Senator Paul's resolution of disapproval is cosponsored by Senators Cornyn and Johanns.

Here is a [recap](#) of FCC's net neutrality regulation:

- **Prohibition on "pay for priority" between broadband providers and third parties;**
- **Required transparency for both fixed and wireless broadband providers;**
- **A new regulatory apparatus tracking broadband management practices;**

- **47,503 annual paperwork burden hours.**

Senator Hutchison’s resolution has 42 cosponsors in the Senate, making it one of the most successful attempts to rescind a regulation.

Under the Congressional Review Act, the resolutions of disapproval cannot be subjected to a filibuster, amendment, motion to reconsider, or postponement. If passed by both houses of Congress and signed by the President, the regulation “shall have no force or effect.” In addition, an agency cannot reissue the regulation “in substantially the same form.”

Because the House already passed a resolution disapproving of net neutrality in April, [with 240 votes](#), successful Senate passage will likely send the measure to the President’s desk.