

Union Calendar No. 366

112TH CONGRESS
2^D SESSION

H. R. 4471

[Report No. 112-519]

To require analyses of the cumulative impacts of certain rules and actions of the Environmental Protection Agency that impact gasoline, diesel fuel, and natural gas prices, jobs, and the economy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2012

Mr. WHITFIELD (for himself and Mr. BARROW) introduced the following bill; which was referred to the Committee on Energy and Commerce

JUNE 6, 2012

Additional sponsors: Mr. OLSON, Mr. TERRY, Mr. LANCE, Mr. STEARNS, Mr. HARPER, Mr. MCKINLEY, Mr. KINZINGER of Illinois, Mr. SULLIVAN, Mrs. BLACKBURN, Mr. UPTON, Mr. MURPHY of Pennsylvania, Mr. WALDEN, Mr. BARTON of Texas, Mr. SCALISE, Mr. REHBERG, Mr. JOHNSON of Ohio, Mr. BERG, Mr. GRIFFIN of Arkansas, Mr. CONAWAY, Mr. REED, Mr. LATHAM, Mr. NUNNELEE, Ms. FOXX, and Mr. DUNCAN of South Carolina

JUNE 6, 2012

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To require analyses of the cumulative impacts of certain rules and actions of the Environmental Protection Agency that impact gasoline, diesel fuel, and natural gas prices, jobs, and the economy, 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 “Gasoline Regulations
5 Act of 2012”.

6 **SEC. 2. TRANSPORTATION FUELS REGULATORY COM-**
7 **MITTEE.**

8 (a) ESTABLISHMENT.—The President shall establish
9 a committee to be known as the Transportation Fuels
10 Regulatory Committee (in this Act referred to as the
11 “Committee”) to analyze and report on the cumulative im-
12 pacts of certain rules and actions of the Environmental
13 Protection Agency on gasoline, diesel fuel, and natural gas
14 prices, in accordance with sections 3 and 4.

15 (b) MEMBERS.—The Committee shall be composed of
16 the following officials (or their designees):

17 (1) The Secretary of Energy, who shall serve as
18 the Chair of the Committee.

19 (2) The Secretary of Transportation, acting
20 through the Administrator of the National Highway
21 Traffic Safety Administration.

22 (3) The Secretary of Commerce, acting through
23 the Chief Economist and the Under Secretary for
24 International Trade.

1 (4) The Secretary of Labor, acting through the
2 Commissioner of the Bureau of Labor Statistics.

3 (5) The Secretary of the Treasury, acting
4 through the Deputy Assistant Secretary for Environ-
5 ment and Energy of the Department of the Treas-
6 ury.

7 (6) The Secretary of Agriculture, acting
8 through the Chief Economist.

9 (7) The Administrator of the Environmental
10 Protection Agency.

11 (8) The Chairman of the United States Inter-
12 national Trade Commission, acting through the Di-
13 rector of the Office of Economics.

14 (9) The Administrator of the Energy Informa-
15 tion Administration.

16 (c) CONSULTATION BY CHAIR.—In carrying out the
17 functions of the Chair of the Committee, the Chair shall
18 consult with the other members of the Committee.

19 (d) TERMINATION.—The Committee shall terminate
20 60 days after submitting its final report pursuant to sec-
21 tion 4(c).

22 **SEC. 3. ANALYSES.**

23 (a) SCOPE.—The Committee shall conduct analyses,
24 for each of the calendar years 2016 and 2020, of the cu-

1 cumulative impact of all covered rules, in combination with
2 covered actions.

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

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

7 (A) any resulting change in the national,
8 State, or regional price of gasoline, diesel fuel,
9 or natural gas;

10 (B) required capital investments and pro-
11 jected costs for operation and maintenance of
12 new equipment required to be installed;

13 (C) global economic competitiveness of the
14 United States and any loss of domestic refining
15 capacity;

16 (D) other cumulative costs and cumulative
17 benefits, including evaluation through a general
18 equilibrium model approach; and

19 (E) national, State, and regional employ-
20 ment, including impacts associated with
21 changes in gasoline, diesel fuel, or natural gas
22 prices and facility closures.

23 (2) Discussion of key uncertainties and assump-
24 tions associated with each estimate under paragraph

25 (1).

1 (3) A sensitivity analysis reflecting alternative
2 assumptions with respect to the aggregate demand
3 for gasoline, diesel fuel, or natural gas.

4 (4) Discussion, and where feasible an assess-
5 ment, of the cumulative impact of the covered rules
6 and covered actions on—

7 (A) consumers;

8 (B) small businesses;

9 (C) regional economies;

10 (D) State, local, and tribal governments;

11 (E) low-income communities;

12 (F) public health; and

13 (G) local and industry-specific labor mar-
14 kets,

15 as well as key uncertainties associated with each
16 topic listed in subparagraphs (A) through (G).

17 (c) METHODS.—In conducting analyses under this
18 section, the Committee shall use the best available meth-
19 ods, consistent with guidance from the Office of Informa-
20 tion and Regulatory Affairs and the Office of Management
21 and Budget Circular A-4.

22 (d) DATA.—In conducting analyses under this sec-
23 tion, the Committee is not required to create data or to
24 use data that is not readily accessible.

1 (e) COVERED RULES.—In this section, the term “cov-
2 ered rule” means the following rules (and includes any
3 successor or substantially similar rules):

4 (1) “Control of Air Pollution From New Motor
5 Vehicles: Tier 3 Motor Vehicle Emission and Fuel
6 Standards”, as described in the Unified Agenda of
7 Federal Regulatory and Deregulatory Actions under
8 Regulatory Identification Number 2060–AQ86.

9 (2) Any rule proposed after March 15, 2012,
10 establishing or revising a standard of performance or
11 emission standard under section 111 or 112 of the
12 Clean Air Act (42 U.S.C. 7411, 7412) that is appli-
13 cable to petroleum refineries.

14 (3) Any rule proposed after March 15, 2012,
15 for implementation of the Renewable Fuel Program
16 under section 211(o) of the Clean Air Act (42
17 U.S.C. 7545(o)).

18 (4) “National Ambient Air Quality Standards
19 for Ozone”, published at 73 Federal Register 16436
20 (March 27, 2008); “Reconsideration of the 2008
21 Ozone Primary and Secondary National Ambient Air
22 Quality Standards”, as described in the Unified
23 Agenda of Federal Regulatory and Deregulatory Ac-
24 tions under Regulatory Identification Number 2060–
25 AP98; and any subsequent rule revising or

1 supplementing the national ambient air quality
2 standards for ozone under section 109 of the Clean
3 Air Act (42 U.S.C. 7409).

4 (f) COVERED ACTIONS.—In this section, the term
5 “covered action” means any action, to the extent such ac-
6 tion affects facilities involved in the production, transpor-
7 tation, or distribution of gasoline, diesel fuel, or natural
8 gas, taken on or after January 1, 2009, by the Adminis-
9 trator of the Environmental Protection Agency, a State,
10 a local government, or a permitting agency as a result of
11 the application of part C of title I (relating to prevention
12 of significant deterioration of air quality), or title V (relat-
13 ing to permitting), of the Clean Air Act (42 U.S.C. 7401
14 et seq.), to an air pollutant that is identified as a green-
15 house gas in the rule entitled “Endangerment and Cause
16 or Contribute Findings for Greenhouse Gases Under Sec-
17 tion 202(a) of the Clean Air Act” published at 74 Federal
18 Register 66496 (December 15, 2009).

19 **SEC. 4. REPORTS; PUBLIC COMMENT.**

20 (a) PRELIMINARY REPORT.—Not later than 90 days
21 after the date of enactment of this Act, the Committee
22 shall make public and submit to the Committee on Energy
23 and Commerce of the House of Representatives and the
24 Committee on Environment and Public Works of the Sen-

1 ate a preliminary report containing the results of the anal-
2 yses conducted under section 3.

3 (b) PUBLIC COMMENT PERIOD.—The Committee
4 shall accept public comments regarding the preliminary re-
5 port submitted under subsection (a) for a period of 60
6 days after such submission.

7 (c) FINAL REPORT.—Not later than 60 days after
8 the close of the public comment period under subsection
9 (b), the Committee shall submit to Congress a final report
10 containing the analyses conducted under section 3, includ-
11 ing any revisions to such analyses made as a result of pub-
12 lic comments, and a response to such comments.

13 **SEC. 5. NO FINAL ACTION ON CERTAIN RULES.**

14 (a) IN GENERAL.—The Administrator of the Envi-
15 ronmental Protection Agency shall not finalize any of the
16 following rules until a date (to be determined by the Ad-
17 ministrator) that is at least 6 months after the day on
18 which the Committee submits the final report under sec-
19 tion 4(c):

20 (1) “Control of Air Pollution From New Motor
21 Vehicles: Tier 3 Motor Vehicle Emission and Fuel
22 Standards”, as described in the Unified Agenda of
23 Federal Regulatory and Deregulatory Actions under
24 Regulatory Identification Number 2060–AQ86, and
25 any successor or substantially similar rule.

1 (2) Any rule proposed after March 15, 2012,
2 establishing or revising a standard of performance or
3 emission standard under section 111 or 112 of the
4 Clean Air Act (42 U.S.C. 7411, 7412) that is appli-
5 cable to petroleum refineries.

6 (3) Any rule revising or supplementing the na-
7 tional ambient air quality standards for ozone under
8 section 109 of the Clean Air Act (42 U.S.C. 7409).

9 (b) OTHER RULES NOT AFFECTED.—Subsection (a)
10 shall not affect the finalization of any rule other than the
11 rules described in such subsection.

12 **SEC. 6. CONSIDERATION OF FEASIBILITY AND COST IN RE-**
13 **VISING OR SUPPLEMENTING NATIONAL AM-**
14 **BIENT AIR QUALITY STANDARDS FOR OZONE.**

15 In revising or supplementing any national primary or
16 secondary ambient air quality standards for ozone under
17 section 109 of the Clean Air Act (42 U.S.C. 7409), the
18 Administrator of the Environmental Protection Agency
19 shall take into consideration feasibility and cost.

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