

112TH CONGRESS
2^D SESSION

H. R. 4471

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

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”.

1 **SEC. 2. TRANSPORTATION FUELS REGULATORY COM-**
2 **MITTEE.**

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

10 (b) **MEMBERS.**—The Committee shall be composed of
11 the following officials (or their designees):

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

14 (2) The Secretary of Transportation, acting
15 through the Administrator of the National Highway
16 Traffic Safety Administration.

17 (3) The Secretary of Commerce, acting through
18 the Chief Economist and the Under Secretary for
19 International Trade.

20 (4) The Secretary of Labor, acting through the
21 Commissioner of the Bureau of Labor Statistics.

22 (5) The Secretary of the Treasury, acting
23 through the Deputy Assistant Secretary for Environ-
24 ment and Energy of the Department of the Treas-
25 ury.

1 (6) The Secretary of Agriculture, acting
2 through the Chief Economist.

3 (7) The Administrator of the Environmental
4 Protection Agency.

5 (8) The Chairman of the United States Inter-
6 national Trade Commission, acting through the Di-
7 rector of the Office of Economics.

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

10 (c) CONSULTATION BY CHAIR.—In carrying out the
11 functions of the Chair of the Committee, the Chair shall
12 consult with the other members of the Committee.

13 (d) TERMINATION.—The Committee shall terminate
14 60 days after submitting its final report pursuant to sec-
15 tion 4(c).

16 **SEC. 3. ANALYSES.**

17 (a) SCOPE.—The Committee shall conduct analyses,
18 for each of the calendar years 2016 and 2020, of the cu-
19 mulative impact of all covered rules, in combination with
20 covered actions.

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

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

1 (A) any resulting change in the national,
2 State, or regional price of gasoline, diesel fuel,
3 or natural gas;

4 (B) required capital investments and pro-
5 jected costs for operation and maintenance of
6 new equipment required to be installed;

7 (C) global economic competitiveness of the
8 United States and any loss of domestic refining
9 capacity;

10 (D) other cumulative costs and cumulative
11 benefits, including evaluation through a general
12 equilibrium model approach; and

13 (E) national, State, and regional employ-
14 ment, including impacts associated with
15 changes in gasoline, diesel fuel, or natural gas
16 prices and facility closures.

17 (2) Discussion of key uncertainties and assump-
18 tions associated with each estimate under paragraph
19 (1).

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

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

- 1 (A) consumers;
2 (B) small businesses;
3 (C) regional economies;
4 (D) State, local, and tribal governments;
5 (E) low-income communities;
6 (F) public health; and
7 (G) local and industry-specific labor mar-
8 kets,

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

11 (c) METHODS.—In conducting analyses under this
12 section, the Committee shall use the best available meth-
13 ods, consistent with guidance from the Office of Informa-
14 tion and Regulatory Affairs and the Office of Management
15 and Budget Circular A-4.

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

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

22 (1) “Control of Air Pollution From New Motor
23 Vehicles: Tier 3 Motor Vehicle Emission and Fuel
24 Standards”, as described in the Unified Agenda of

1 Federal Regulatory and Deregulatory Actions under
2 Regulatory Identification Number 2060–AQ86.

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

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

12 (4) “National Ambient Air Quality Standards
13 for Ozone”, published at 73 Federal Register 16436
14 (March 27, 2008); “Reconsideration of the 2008
15 Ozone Primary and Secondary National Ambient Air
16 Quality Standards”, as described in the Unified
17 Agenda of Federal Regulatory and Deregulatory Ac-
18 tions under Regulatory Identification Number 2060–
19 AP98; and any subsequent rule revising or
20 supplementing the national ambient air quality
21 standards for ozone under section 109 of the Clean
22 Air Act (42 U.S.C. 7409).

23 (f) COVERED ACTIONS.—In this section, the term
24 “covered action” means any action, to the extent such ac-
25 tion affects facilities involved in the production, transpor-

1 tation, or distribution of gasoline, diesel fuel, or natural
2 gas, taken on or after January 1, 2009, by the Adminis-
3 trator of the Environmental Protection Agency, a State,
4 a local government, or a permitting agency as a result of
5 the application of part C of title I (relating to prevention
6 of significant deterioration of air quality), or title V (relat-
7 ing to permitting), of the Clean Air Act (42 U.S.C. 7401
8 et seq.), to an air pollutant that is identified as a green-
9 house gas in the rule entitled “Endangerment and Cause
10 or Contribute Findings for Greenhouse Gases Under Sec-
11 tion 202(a) of the Clean Air Act” published at 74 Federal
12 Register 66496 (December 15, 2009).

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

14 (a) **PRELIMINARY REPORT.**—Not later than 90 days
15 after the date of enactment of this Act, the Committee
16 shall make public and submit to the Committee on Energy
17 and Commerce of the House of Representatives and the
18 Committee on Environment and Public Works of the Sen-
19 ate a preliminary report containing the results of the anal-
20 yses conducted under section 3.

21 (b) **PUBLIC COMMENT PERIOD.**—The Committee
22 shall accept public comments regarding the preliminary re-
23 port submitted under subsection (a) for a period of 60
24 days after such submission.

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

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

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

14 (1) “Control of Air Pollution From New Motor
15 Vehicles: Tier 3 Motor Vehicle Emission and Fuel
16 Standards”, as described in the Unified Agenda of
17 Federal Regulatory and Deregulatory Actions under
18 Regulatory Identification Number 2060–AQ86, and
19 any successor or substantially similar rule.

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

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

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

7 **SEC. 6. CONSIDERATION OF FEASIBILITY AND COST IN RE-**
8 **VISING OR SUPPLEMENTING NATIONAL AM-**
9 **BIENT AIR QUALITY STANDARDS FOR OZONE.**

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

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