

[DISCUSSION DRAFT]112TH CONGRESS
2^D SESSION**H. R.** _____

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

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To require analyses of the cumulative impacts of certain rules and actions of the Environmental Protection Agency that impact gasoline and diesel fuel 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 and diesel fuel prices, in
9 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 Administrator of the Environmental
2 Protection Agency.

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

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

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

11 (d) TERMINATION.—The Committee shall terminate
12 60 days after submitting its final report pursuant to sec-
13 tion 4(c).

14 **SEC. 3. ANALYSES.**

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

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

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

23 (A) any resulting change in the national,
24 State, or regional price of gasoline or diesel
25 fuel;

1 (B) required capital investments and pro-
2 jected costs for operation and maintenance of
3 new equipment required to be installed;

4 (C) global economic competitiveness of the
5 United States and any loss of domestic refining
6 capacity;

7 (D) other cumulative costs and cumulative
8 benefits, including evaluation through a general
9 equilibrium model approach; and

10 (E) national, State, and regional employ-
11 ment, including impacts associated with in-
12 creased gasoline or diesel fuel prices and facility
13 closures.

14 (2) Discussion of key uncertainties and assump-
15 tions associated with each estimate under paragraph
16 (1).

17 (3) A sensitivity analysis reflecting alternative
18 assumptions with respect to the aggregate demand
19 for gasoline or diesel fuel.

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

23 (A) consumers;

24 (B) small businesses;

25 (C) regional economies;

1 (D) State, local, and tribal governments;
2 (E) low-income communities;
3 (F) public health; and
4 (G) local and industry-specific labor mar-
5 kets,
6 as well as key uncertainties associated with each
7 topic listed in subparagraphs (A) through (G).

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

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

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

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

24 (2) Any rule proposed after March 15, 2012,
25 establishing or revising a standard of performance or

1 emission standard under section 111 or 112 of the
2 Clean Air Act (42 U.S.C. 7411, 7412) that is appli-
3 cable to petroleum refineries.

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

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

19 (f) COVERED ACTIONS.—In this section, the term
20 “covered action” means any action, to the extent such ac-
21 tion affects facilities involved in the production, transpor-
22 tation, or distribution of gasoline or diesel fuel, taken on
23 or after January 1, 2009, by the Administrator of the En-
24 vironmental Protection Agency, a State, a local govern-
25 ment, or a permitting agency as a result of the application

1 of part C of title I (relating to prevention of significant
2 deterioration of air quality), or title V (relating to permit-
3 ting), of the Clean Air Act (42 U.S.C. 7401 et seq.), to
4 an air pollutant that is identified as a greenhouse gas in
5 the rule entitled “Endangerment and Cause or Contribute
6 Findings for Greenhouse Gases Under Section 202(a) of
7 the Clean Air Act” published at 74 Federal Register
8 66496 (December 15, 2009).

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

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

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

21 (c) **FINAL REPORT.**—Not later than 60 days after
22 the close of the public comment period under subsection
23 (b), the Committee shall submit to Congress a final report
24 containing the analyses conducted under section 3, includ-

1 ing any revisions to such analyses made as a result of pub-
2 lic comments, and a response to such comments.

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

4 The Administrator of the Environmental Protection
5 Agency shall not finalize any of the following rules until
6 a date (to be determined by the Administrator) that is
7 at least 6 months after the day on which the Committee
8 submits the final report under section 4(c):

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

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

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

1 **SEC. 6. CONSIDERATION OF FEASIBILITY AND COST IN RE-**
2 **VISING OR SUPPLEMENTING NATIONAL AM-**
3 **BIENT AIR QUALITY STANDARDS FOR OZONE.**

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