

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CAPITO
OF WEST VIRGINIA OR HER DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 2018, AS REPORTED
OFFERED BY MRS. CAPITO OF WEST VIRGINIA**

At the end of the bill, add the following:

1 **SEC. 6. IMPACTS OF EPA REGULATORY ACTIVITY ON EM-**
2 **PLOYMENT AND ECONOMIC ACTIVITY.**

3 (a) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOY-
4 MENT AND ECONOMIC ACTIVITY.—

5 (1) ANALYSIS.—Before taking a covered action,
6 the Administrator shall analyze the impact,
7 disaggregated by State, of the covered action on em-
8 ployment levels and economic activity, including esti-
9 mated job losses and decreased economic activity.

10 (2) ECONOMIC MODELS.—

11 (A) IN GENERAL.—In carrying out para-
12 graph (1), the Administrator shall utilize the
13 best available economic models.

14 (B) ANNUAL GAO REPORT.—Not later
15 than December 31st of each year, the Comp-
16 troller General of the United States shall sub-
17 mit to Congress a report on the economic mod-
18 els used by the Administrator to carry out this
19 subsection.

1 (3) AVAILABILITY OF INFORMATION.—With re-
2 spect to any covered action, the Administrator
3 shall—

4 (A) post the analysis under paragraph (1)
5 as a link on the main page of the public Inter-
6 net Web site of the Environmental Protection
7 Agency; and

8 (B) request that the Governor of any State
9 experiencing more than a de minimis negative
10 impact post such analysis in the Capitol of such
11 State.

12 (b) PUBLIC HEARINGS.—

13 (1) IN GENERAL.—If the Administrator con-
14 cludes under subsection (a)(1) that a covered action
15 will have more than a de minimis negative impact on
16 employment levels or economic activity in a State,
17 the Administrator shall hold a public hearing in each
18 such State at least 30 days prior to the effective
19 date of the covered action.

20 (2) TIME, LOCATION, AND SELECTION.—A pub-
21 lic hearing required under paragraph (1) shall be
22 held at a convenient time and location for impacted
23 residents. In selecting a location for such a public
24 hearing, the Administrator shall give priority to loca-

1 tions in the State that will experience the greatest
2 number of job losses.

3 (c) NOTIFICATION.—If the Administrator concludes
4 under subsection (a)(1) that a covered action will have
5 more than a de minimis negative impact on employment
6 levels or economic activity in any State, the Administrator
7 shall give notice of such impact to the State’s Congres-
8 sional delegation, Governor, and Legislature at least 45
9 days before the effective date of the covered action.

10 (d) DEFINITIONS.—In this section, the following defi-
11 nitions apply:

12 (1) ADMINISTRATOR.—The term “Adminis-
13 trator” means the Administrator of the Environ-
14 mental Protection Agency.

15 (2) COVERED ACTION.—The term “covered ac-
16 tion” means any of the following actions taken by
17 the Administrator under the Federal Water Pollu-
18 tion Control Act (33 U.S.C. 1201 et seq.):

19 (A) Issuing a regulation, policy statement,
20 guidance, response to a petition, or other re-
21 quirement.

22 (B) Implementing a new or substantially
23 altered program.

1 (3) MORE THAN A DE MINIMIS NEGATIVE IM-
2 PACT.—The term “more than a de minimis negative
3 impact” means the following:

4 (A) With respect to employment levels, a
5 loss of more than 100 jobs. Any offsetting job
6 gains that result from the hypothetical creation
7 of new jobs through new technologies or govern-
8 ment employment may not be used in the job
9 loss calculation.

10 (B) With respect to economic activity, a
11 decrease in economic activity of more than
12 \$1,000,000 over any calendar year. Any offset-
13 ting economic activity that results from the hy-
14 pothetical creation of new economic activity
15 through new technologies or government em-
16 ployment may not be used in the economic ac-
17 tivity calculation.

