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.

