



THE COMMITTEE ON ENERGY AND COMMERCE

MEMORANDUM

April 25, 2014

To: Energy and Commerce Committee Members

From: Majority Committee Staff

Re: Full Committee Markup on April 29-30, 2014

The Energy and Commerce Committee has scheduled a markup beginning on Tuesday, April 29, 2014. The Committee will consider (1) H.R. 6, Domestic Prosperity and Global Freedom Act, (2) H.R. 2689, Energy Savings Through Public-Private Partnerships Act of 2013, and (3) H.R. 4092, Streamlining Energy Efficiency for Schools Act of 2014, which are summarized below.

On Tuesday, April 29, 2014, the Committee will convene at 4:00 p.m. in 2123 Rayburn House Office Building for opening statements only. It will reconvene on Wednesday, April 30, at 10:00 a.m. in 2123 Rayburn House Office Building.

In keeping with Chairman Upton's announced policy, Members must submit any amendments they may have two hours before they are offered during this markup. Members may submit amendments by email to: peter.kielty@mail.house.gov. Any information with respect to an amendment's parliamentary standing (e.g., its germaneness) should be submitted at this time as well.

I. H.R. 6, DOMESTIC PROSPERITY AND GLOBAL FREEDOM ACT

On March 6, 2014, Rep. Gardner (R-CO) introduced H.R. 6, Domestic Prosperity and Global Freedom Act. On March 25, 2014, the Subcommittee on Energy and Power held a hearing on the bill. On April 8, 2014, the Subcommittee on Energy and Power held a markup on the bill. Specific provisions include the following:

Section 1: Short Title

Section 1 provides the short title of "Domestic Prosperity and Global Freedom Act."

Section 2: Regulatory Approval of Natural Gas Pipeline Projects

Section 2 amends subsection 3(c) of the Natural Gas Act (NGA) by striking "a nation which there is in effect a free trade agreement requiring national treatment for trade in natural gas" and inserting "a World Trade Organization member nation." The term "World Trade Organization member nation" has the same meaning as the terms "WTO member" and "WTO

member country,” which are defined in section 2(10) of the Uruguay Round Agreements Act (19 U.S.C. 3501(10)) as “a state, or separate customs territory (within the meaning of Article XII of the WTO Agreement), with respect to which the United States applies the WTO Agreement.”

Section 3: Pending Applications

Section 3 provides that any application for authorization to export natural gas under section 3 of the NGA for which a notice has been published in the Federal Register before March 6, 2014, shall be granted without modification or delay.

Section 4: Public Disclosure of Export Destinations

Section 4 stipulates that, as a condition for approval of any authorization to export liquefied natural gas (LNG), the Secretary of Energy shall require an application to publicly disclose the specific destination or destinations of any authorized LNG exports.

II. H.R. 2689, ENERGY SAVINGS THROUGH PUBLIC-PRIVATE PARTNERSHIPS ACT OF 2013

On July 16, 2013, Reps. Gardner (R-CO) and Welch (D-VT) introduced H.R. 2689, the “Energy Savings Through Public-Private Partnerships Act of 2013.” The Majority anticipates that the attached Amendment in the Nature of a Substitute (ANS) will be offered to H.R. 2689. The bill, as amended by the ANS, would do the following:

Section 1: Short Title

Section 1 provides the short title of “Energy Savings Through Public-Private Partnerships Act of 2014.”

Section 2: Findings

Section 2 sets forth various findings regarding the use of energy savings performance contracts and utility energy service contracts to reduce Federal energy costs.

Section 3: Use of Energy and Water Efficiency Measures in Federal Buildings

Section 3(a) amends Section 543(f)(4) of the National Energy Conservation Policy Act (NECPA) by adding a new section requiring Federal energy managers to provide, as part of their compliance certifications, an explanation regarding any life-cycle cost-effective energy-saving or water-saving measures that have not been implemented.

Section 3(b) amends Section 548(b) of NECPA by adding a new Department of Energy (DOE) reporting requirement on the status of each Federal agency’s energy savings performance contracts and utility energy service contracts, the investment value of such contracts, the guaranteed energy savings for the previous year as compared to the actual energy savings for the previous year, the plan for entering into such contracts in the coming year, and information explaining why any previously submitted plans for such contracts were not implemented.

Section 3(c) amends Section 551(4) of NECPA by revising the term “energy conservation measures” to include energy consuming devices and required support structures.

Section 3(d) amends Section 801(a)(2)(F) of NECPA by prohibiting Federal agencies from limiting the recognition of operation and maintenance savings associated with systems modernized or replaced with the implementation of energy conservation measures, water conservation measures, or any series of energy conservation measures and water conservation measures.

Section 3(e) amends Section 801(a) of NECPA by adding a new subsection (H) to permit the sale of renewable energy credits, rebates and other similar incentives to fund energy savings performance contracts.

Section 3(f) amends Section 802 of NECPA by clarifying that Federal agency payments of energy, water and wastewater treatment expenses, pursuant to an energy savings performance contract or utility energy service contracts shall include related operation and maintenance expenses.

Section 3(g) amends Section 804(2) of NECPA by revising the definition of “energy savings” to reference Federal buildings as defined in Section 551 of NECPA. This section also amends the definition of “energy savings” to include (1) the use, sale, or transfer of energy incentives, rebates, or credits (including renewable energy credits) from governments or utilities, and (2) any revenue generated from a reduction in energy or water use, more efficient waste recycling, or additional energy generated from more efficient equipment.

III. H.R. 4092, STREAMLINING ENERGY EFFICIENCY FOR SCHOOLS ACT OF 2014

On February 26, 2014, Rep. Cartwright (D-PA) introduced H.R. 4092, “Streamlining Energy Efficiency for Schools Act of 2014.” The Majority anticipates that the attached Amendment in the Nature of a Substitute (ANS) will be offered to H.R. 4092. The bill, as amended by the ANS, would do the following:

Section 1: Short Title

Section 1 provides the short title of the “Streamlining Energy Efficiency for Schools Act of 2014.”

Section 2: Coordination of Energy Retrofitting Assistance for Schools

Section 2 amends Section 392 of the Energy Policy and Conservation Act by adding a new subsection (e) – “Coordination of Energy Retrofitting Assistance for Schools.”

Subsection (e)(1) adds a new definition of “school” for purposes of this subsection.

Subsection (e)(2) requires the Secretary of Energy to establish a clearinghouse to disseminate information regarding available Federal programs and financing mechanisms that may be used to help initiate, develop, and finance energy efficiency, distributed generation, and energy retrofitting projects for schools.

Subsection (e)(3) provides that, in carrying out subsection (e)(2), the Secretary of Energy shall: (1) consult with appropriate Federal agencies to develop a list of Federal programs and financing mechanisms that are, or may be, used to implement subsection (e)(2), and (2) coordinate with appropriate Federal agencies to develop a collaborative education and outreach effort to streamline communications and promote available Federal programs and financing mechanisms, which may include the development and maintenance of a single online resource that includes contact information for relevant technical assistance within the Department of Energy so that States, local education agencies, and schools may effectively access and use such Federal programs and financing mechanisms.

IV. CONCLUSION

Please contact Tom Hassenboehler, Patrick Currier, or Jason Knox with any questions at 202-225-2927.