

THE COMMITTEE ON ENERGY AND COMMERCE



MEMORANDUM

July 10, 2014

To: Energy and Commerce Committee

From: Majority Staff

Re: Markup of H.R. 4771, Designer Anabolic Steroid Control Act; H.R. 4250, Sunscreen Innovation Act, as amended; H.R. 594, Paul D. Wellstone Muscular Dystrophy Community Assistance, Research and Education Amendments of 2014, as amended; H.R. 669, Sudden Unexpected Death and Data Enhancement and Awareness Act, as amended; H.R. 4290, Wakefield Act of 2014, as amended; H.R. 5057, EPS Service Parts Act of 2014; and, H.R. 4450, Travel Promotion, Enhancement, and Modernization Act of 2014, as amended.

The Committee on Energy and Commerce will meet in open markup session on Monday, July 14, 2014 at 4:00 p.m. in 2123 Rayburn House Office Building for opening. The Committee will reconvene on Tuesday, July 15, 2014, at 10:00 a.m. in 2123 Rayburn House Office Building in open markup session.

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.

The Committee will consider the legislation described below.

I. Health Related Legislation

On June 19, 2014, the Subcommittee on Health approved the bills summarized below. Please contact Brenda Destro, Carly McWilliams, Katie Novaria, or Clay Alspach with the Committee staff at 5-2927 with any questions regarding these bills.

A. H.R. 4771, Designer Anabolic Steroid Control Act

The Designer Anabolic Steroid Control Act was introduced by Health Subcommittee Chairman Pitts (R-PA) and Health Subcommittee Ranking Member Pallone (D-NJ). H.R. 4771 would place 27 new designer anabolic steroids that have been marketed as dietary supplements

within the definition of anabolic steroid in the Controlled Substances Act (CSA). Going forward, the bill also would change the criteria for scheduling additional anabolic steroids, making it easier for the Drug Enforcement Administration (DEA) to identify and list new drugs or substances. Further, to protect consumers, H.R. 4771 would permit DEA to temporarily place a drug or substance on the CSA list while it proceeded with a permanent order if it has a chemical structure that is substantially similar to other drugs or substances already listed and manufactured or marketed with the intent to promote muscle growth.

B. H.R. 4250, Sunscreen Innovation Act, as amended

The Sunscreen Innovation Act was introduced by Rep. Whitfield (R-KY) and Rep. Dingell (D-MI). The Food and Drug Administration has not approved a new sunscreen ingredient in nearly two decades, despite the fact that several applications have been pending at the agency for years. This legislation would establish a new review process by which pending and new applications will be reviewed in a predictable and transparent manner and include meaningful input from experts and the public.

C. H.R. 594, Paul D. Wellstone Muscular Dystrophy Community Assistance, Research and Education Amendments of 2014, as amended

The Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education (MD CARE) Amendments of 2014, introduced by Rep. Burgess (R-TX) and Rep. Engel (D-NY), would update currently authorized surveillance, research, and education activities to reflect the recent scientific developments in Muscular Dystrophy.

D. H.R. 669, Sudden Unexpected Death and Data Enhancement and Awareness Act, as amended

The Sudden Unexpected Death and Data Enhancement Awareness Act, introduced by Ranking Member Pallone (D-NJ) and Rep. King (R-NY), would help advance the understanding of sudden unexpected infant death by improving the surveillance and collection of critical data concerning the issue.

E. H.R. 4290, Wakefield Act of 2014, as amended

The Wakefield Act of 2014, introduced by Rep. Matheson (D-UT) and Rep. King (R-NY), would reauthorize programs to support the improvement of emergency medical services for children.

II. Energy Related Legislation

A. H.R. 5057, EPS Service Parts Act of 2014

On July 9, 2014, Rep. Gardner (R-CO) and Rep. Tonko (D-NY) introduced H.R. 5057, the "EPS Service Parts Act of 2014," which is summarized below. Please contact Patrick Currier or Tom Hassenboehler with any questions regarding the bill.

Section 1. Short Title:

Section 1 provides the short title of “EPS Service Parts Act of 2014.”

Section 2. Exempt Supplies:

Section 2 adds a new paragraph (5) to section 325(u) of the Energy Policy and Conservation Act (ECPA) that extends the exemption from new Department of Energy (DOE) efficiency standards for external power supply (EPS) service and spare parts that was included in the Energy Independence and Security Act of 2007.

New section 325(u)(5)(A) extends the exemption to apply to certain EPS service and spare parts that otherwise would be regulated by the DOE efficiency standard published on February 10, 2014, entitled “Energy Conservation Program: Energy Conservation Standards for External Power Supplies.” The provision also permits DOE to include limited reporting requirements that will allow DOE to detect potential misuse of the exemption. DOE has authority to limit the exemption, after notice and comment, if the Secretary determines the exemption is resulting in a significant reduction of the energy savings that otherwise would have been achieved from the standard.

New section 325(u)(5)(B) provides DOE with authority to extend a similar exemption as part of any amended EPS efficiency standard, along with authority for a limited reporting requirement.

III. Commerce Related Legislation

A. H.R. 4450, Travel Promotion, Enhancement, and Modernization Act of 2014, as amended

Representatives Bilirakis, Welch, Kinzinger, Castor, Rush, Murphy, Matsui, Butterfield, Eshoo, Capps, Christensen, and Long introduced H.R. 4450, the Travel Promotion, Enhancement, and Modernization Act of 2014, on April 10, 2014, which is summarized below. Please contact Paul Nagel or Shannon Taylor with any questions regarding the bill.

Section 1. Short Title:

Section 1 provides that the Act may be cited as the “Travel Promotion, Enhancement, and Modernization Act of 2014.”

Section 2. Board of Directors:

Section 2 amends the requirements for the Board of Directors of Brand USA to expand the list of potential candidates to individuals with promotion or marketing experience, and requires that the Board must be comprised of individuals with a particular expertise and experience.

Section 3. Annual Report to Congress:

Section 3 requires the annual marketing campaign report to include a description and rationale for focusing on specific countries and populations and media channels and usage ratios in the campaign.

Section 4. Biannual Review of Procedures to Determine Fair Market Value of Goods and Services:

Section 4 creates a new biannual review of the procedures used to determine the fair market value of goods and services received from non-Federal sources tracked for matching purposes. Additionally, this section requires that the fair market value of goods and services provided by non-public funding may only account for 75 percent of the matching requirement in any fiscal year. Brand USA must develop and maintain a formal and publically available in-kind contributions policy.

Section 5. Extension of Travel Promotion Act of 2009:

Section 5 extends the scope of Brand USA to include all territories of the United States along with all 50 States and the District of Columbia, and reauthorizes 100 percent matched public funding of the Travel Promotion Fund through FY 2020. The Travel Promotion Fund Fee is extended through FY 2020 by an amendment to the Immigration and Nationality Act (8 U.S.C. § 1187(h) et seq.).

Section 6. Accountability; Procurement Requirements:

Section 6, as amended, requires Brand USA to explain any expenditure in excess of \$500,000 in the Corporation's annual budget to the Secretary of Commerce. This section also requires Brand USA, within 90 days of final passage, to establish performance metrics to measure the impact of its marketing efforts and to demonstrate the effectiveness of BrandUSA's marketing efforts, whether external forces have impacted increases in visitation and spending rather than BrandUSA's efforts, and any cost or benefit to the economy of the United States. Additionally, this section requires that not later than 60 days after receiving a report from the General Accountability Office (GAO) with recommendations for Brand USA, the Corporation shall issue a report to Congress detailing the actions taken in response to such GAO report. Finally, section 6 requires the establishment of a competitive procurement process and certification in its annual report to Congress that any contracts entered into are in compliance with that procurement process.

Section 7. Repeal of Assessment Authority:

Section 7 repeals the assessment authority.