



June 5, 2017

TO: Members, Committee on Energy and Commerce

FROM: Committee Majority Staff

RE: Full Committee Markup

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## I. INTRODUCTION

The Committee on Energy and Commerce will meet in open markup session on Wednesday, June 7, 2017, at 10:00 a.m. in 2123 Rayburn House Office Building to consider the following:

- H.R. 338, To Promote a 21st Century Energy and Manufacturing Workforce;
- H.R. 627, Streamlining Energy Efficiency for Schools Act of 2017;
- H.R. 723, Energy Savings Through Public-Private Partnerships Act of 2017;
- H.R. 1109, To Amend Section 203 of the Federal Power Act;
- H.R. 446, To extend the deadline for commencement of construction of a hydroelectric project (Flannagan, Virginia);
- H.R. 447, To extend the deadline for commencement of construction of a hydroelectric project (Gathright, Virginia);
- H.R. 951, To extend the deadline for commencement of construction of a hydroelectric project (W. Kerr Scott, North Carolina);
- H.R. 2122, To reinstate and extend the deadline for commencement of construction of a hydroelectric project involving Jennings Randolph Dam (West Virginia);
- H.R. 2274, HYdropower Permit Extension (HYPE) Act;
- H.R. 2292, To extend a project of the Federal Energy Regulatory Commission involving the Cannonsville Dam;
- H.R. 2457, J. Bennett Johnston Waterway Hydropower Extension Act of 2017;
- H.R. 1222, Congenital Heart Futures Reauthorization Act of 2017 (as amended by the Subcommittee on Health on May 18, 2017);
- H.R. 1492, Medical Controlled Substances Transportation Act of 2017;
- H.R. 2410, Sickle Cell Disease Research, Surveillance, Prevention, and Treatment Act of 2017; and
- H.R. 2430, FDA Reauthorization Act of 2017 (as amended by the Subcommittee on Health on May 18, 2017).

In keeping with Chairman Walden'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](mailto: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.

## **II. ENERGY LEGISLATION**

### **A. H.R. 338, To Promote a 21st Century Energy and Manufacturing Workforce**

H.R. 338 directs the Secretary of Energy to establish a comprehensive program to improve education and training for energy and manufacturing-related jobs. The legislation directs the Secretary to collaborate with representatives from the energy and manufacturing industry to identify the areas of highest need and develop guidelines for the skills necessary to enter the workforce. The Secretary is also directed to provide assistance to schools, community colleges, workforce development organizations, non-profit organizations, labor organizations, apprenticeship programs, and minority serving institutions to carry out the program established in this section.

### **B. H.R. 627, Streamlining Energy Efficiency for Schools Act of 2017**

H.R. 627 amends the Energy Policy and Conservation Act by directing the Department of Energy's Office of Energy and Renewable Energy to establish a clearinghouse for disseminating information regarding available programs and financing mechanisms that may be used to help initiate, develop, and finance energy efficiency, distributed generation, and energy retrofitting projects for schools.

### **C. H.R. 723, Energy Savings Through Public-Private Partnerships Act of 2017**

H.R. 723 amends the National Energy Conservation Policy Act to revise requirements for energy savings performance contracts and utility energy service contracts (performance contracts). These contracts allow federal agencies to work with private contractors on energy efficiency upgrades to federal facilities, unless the facilities are dams, reservoirs, or hydropower facilities owned or operated by federal agencies.

### **D. H.R. 1109, To Amend Section 203 of the Federal Power Act**

H.R. 1109 amends the Federal Power Act with respect to the prohibition regarding mergers or consolidations by a public utility. Any merger or consolidation of a public utility whose value exceeds \$10 million must first be authorized by the Federal Energy Regulatory Commission (FERC). In addition, FERC is required to promulgate a rule within 180 days that mandates any public utility seeking to merge or consolidate to notify FERC, within 30 days of transaction consummation, if the value of such merger or consolidation exceeds \$1 million but is less than \$10 million.

### **E. H.R. 446, To extend the deadline for commencement of construction of a hydroelectric project (Flannagan, Virginia)**

H.R. 446 authorizes FERC to extend the time period during which the licensee is required to commence the construction of Commission project number 12737 for up to 3 consecutive 2-year periods.

**F. H.R. 447, To extend the deadline for commencement of construction of a hydroelectric project (Gathright, Virginia)**

H.R. 447 authorizes FERC to extend the time period during which the licensee is required to commence the construction of Commission project number 12740 for up to 3 consecutive 2-year periods.

**G. H.R. 951, To extend the deadline for commencement of construction of a hydroelectric project (W. Kerr Scott, North Carolina)**

H.R. 951 authorizes FERC to extend the time period during which a licensee is required to commence the construction of Commission project number 12642 for up to 3 consecutive 2-year periods.

**H. H.R. 2122, To reinstate and extend the deadline for commencement of construction of a hydroelectric project involving Jennings Randolph Dam (West Virginia)**

H.R. 2122 authorizes FERC to extend the time period during which the licensee is required to commence the construction of Commission project number 12715 for up to 3 consecutive 2-year periods.

**I. H.R. 2274, HYdropower Permit Extension (HYPE) Act**

H.R. 2274 amends the Federal Power Act to allow FERC to extend periods relating to preliminary permits and commencement of construction of hydroelectric projects.

**J. H.R. 2292, To extend a project of the Federal Energy Regulatory Commission involving the Cannonsville Dam**

H.R. 2292 authorizes FERC to extend the time period during which a licensee is required to commence the construction of Commission project number 13287 for up to 4 consecutive 2-year periods.

**K. H.R. 2457, J. Bennett Johnston Waterway Hydropower Extension Act of 2017**

H.R. 2457 authorizes FERC to extend the time period during which a licensee is required to commence the construction of Commission project numbers 12756, 12757, and 12758 for up to 3 consecutive 2-year periods.

**III. HEALTH LEGISLATION**

**A. H.R. 1222, Congenital Heart Futures Reauthorization Act of 2017**

Congenital heart disease (CHD) is the most common birth defect and the leading cause of infant mortality. Adults and children with CHD require specialized cardiac care and face a lifelong risk of permanent disability and premature death. H.R. 1222, introduced by Rep. Bilirakis (R-FL), enhances research and surveillance at the Centers for Disease Control and Prevention, awards grants to further study CHD, and directs the NIH to report on their ongoing research efforts in this space. The legislation reauthorizes appropriations of \$4 million a year for FY2018-FY2022.

On May 18, 2017, the Subcommittee on Health forwarded the bill by voice vote.

**B. H.R. 1492, Medical Controlled Substances Transportation Act of 2017**

H.R. 1492, authored by Rep. Pete Sessions (R-TX), would update the Drug Enforcement Administration (DEA) registration process for mobile medical practitioners like EMS personnel and team physicians. This bill would help ensure that these health care providers can administer controlled substances at locations other than their principal places of business while complying with new limitations on the timing of transport and related recordkeeping requirements.

On November 15, 2015, the Committee reported a prior version of the bill (H.R.3014 in the 114th Congress) by a voice vote.

**C. H.R. 2410, Sickle Cell Disease Research, Surveillance, Prevention and Treatment Act of 2017**

Sickle Cell Disease (SCD) is an inherited blood disorder that primarily affects one in five hundred African-American births. As an inherited blood disorder, SCD causes blockages of small blood vessels leading to various health complications. H.R. 2410, introduced by Rep. Davis (D-IL) and Rep. Burgess (R-TX), reauthorizes the sickle cell disease prevention and treatment demonstration program. The legislation increases research, surveillance, prevention, and treatment for SCD within HHS, and emphasizes collaboration with community-based entities focusing on SCD. The legislation reauthorizes appropriations of \$4.455 million a year for FY2018-FY2022.

On May 18, 2017, the Subcommittee on Health forwarded the bill by voice vote.

**D. H.R. 2430, Food and Drug Administration Reauthorization Act of 2017**

Introduced by Chairman Walden (R-OR), Ranking Member Pallone (D-NJ), Health Subcommittee Chairman Burgess (R-TX), and Health Subcommittee Ranking Member Green (D-TX), this bill updates and reauthorizes the FDA user fee programs for prescription drugs (Title I), medical devices (Title II), generic drugs (Title III) and biosimilar biological products (Title IV).

Title I: Prescription Drug User Fee Act (PDUFA VI) - Enhances patient-focused drug development, supports biomarker development and qualification, dedicates staff to assist in the development and review of rare disease drugs, sets clear timelines and improves guidance for

drug and device combination products, and evaluates ways to modernize the clinical trial process.

Title II: Medical Device User Fee Amendments (MDUFA IV) - Enhances the patient voice in the device development process, supports the collection of real world evidence on the safety and effectiveness of devices, and improves the review process for “de novo” devices—low- to moderate-risk devices that are the first of their kind.

Title III: Generic Drug User Fee Amendments (GDUFA II) - Improves the fee structure to support small businesses, provides goal dates for all outstanding generic applications, and establishes priority review timelines.

Title IV: Biosimilar User Fee Act (BsUFA II) - Continues to build the biosimilars program, and supports guidance for product developers.

Title V-VIII: Reauthorizes certain provisions of the Federal Food, Drug and Cosmetic Act (FFDCA), includes process reforms for inspection of device establishments, facilitates the availability of over-the-counter hearing aids, enhances generic drug competition through regulatory transparency and incentive improvements, and provides technical changes to the 21<sup>st</sup> Century Cures Act.

On May 18, 2017, the Subcommittee on Health forwarded the bill by voice vote.

#### **IV. STAFF CONTACTS**

If you have any questions regarding the legislation to be considered during the markup, please contact the Committee staff at (202) 225-2927. For questions regarding energy legislation, please contact Tom Hassenboehler, and for questions regarding health legislation, please contact Paul Edattel.