



The Committee on Energy and Commerce

Memorandum

May 23, 2014

TO: Members, Subcommittee on Energy and Power

FROM: Committee Majority Staff

RE: Subcommittee Markup of H.R. ___, the “Promoting New Manufacturing Act”

The Subcommittee on Energy and Power will meet in open markup session on Wednesday, May 28, 2014, at 4:30 p.m. in 2123 Rayburn House Office Building for opening statements on H.R. ___, the “Promoting New Manufacturing Act.”

The Subcommittee will reconvene on Thursday, May 29, 2014, at 10:00 a.m. in 2123 Rayburn House Office Building in open markup session on the legislation. A summary of the legislation to be considered is below.

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. ___, the “Promoting New Manufacturing Act”

On May 14, 2014, Chairman Ed Whitfield released a discussion draft of H.R. ___, the “Promoting New Manufacturing Act.” On May 21, 2014, the Subcommittee on Energy and Power held a legislative hearing on the bill.

Specific provisions include the following:

Section 1: This section provides the short title of “Promoting New Manufacturing Act.”

Section 2: This section directs the Administrator of the Environmental Protection Agency (EPA) to publish on the agency’s website: (1) the number of preconstruction permits issued annually under the Clean Air Act’s New Source Review (NSR) program for major sources, including “Prevention of Significant Deterioration” and “Nonattainment NSR” permits; (2) the percentage of such permits issued within one year after the date of filing of a completed application; and (3) the average length of time for the EPA’s Environmental Appeals Board to resolve administrative appeals.

Section 3: This section directs the EPA Administrator, in publishing any final new or revised national ambient air quality standard (NAAQS), to publish concurrently implementing regulations and guidance, including information relating to the submittal and consideration of preconstruction permit applications under the new or revised standard. This section also

provides that a new or revised NAAQS shall not apply to the review and disposition of a preconstruction permit application unless final regulations and guidance concerning the submittal and consideration of permit applications have been published.

Section 4: This section requires that EPA annually submit a report to Congress on actions being taken by the agency to expedite the process for issuing preconstruction permits.

Section 5: This section contains the following definitions:

- (1) “Administrator” means the EPA Administrator.
- (2) “Major Emitting Facility” and “Major Stationary Source” has the meaning given to those terms in CAA Section 302(j).
- (3) “National Ambient Air Quality Standard” means a national ambient air quality standard for an air pollutant under CAA Section 109 that is finalized after the date of enactment of the Act.
- (4) “Preconstruction permit” means a permit that is required under part C or D of title I of the CAA for the construction or modification of a major emitting facility or stationary source, and includes any such permit issued by the EPA or a State, local or tribal permitting authority.

II. STAFF CONTACTS

If you have questions regarding H.R. __, the “Promoting New Manufacturing Act,” please contact Tom Hassenboehler or Mary Neumayr at (202) 225-2927.