



The Committee on Energy and Commerce

Memorandum

June 5, 2014

To: Energy and Commerce Committee

From: Committee Majority Staff

Re: Markup of H.R. 4795, Promoting New Manufacturing Act; H.R. 4801, to require the Secretary of Energy to prepare a report on the impact of thermal insulation on both energy and water use for potable hot water; H.R. 4299, Improving Regulatory Transparency for New Medical Therapies Act; H.R. 4709, Ensuring Patient Access and Effective Drug Enforcement Act; and H.R. 4631, Combating Autism Reauthorization Act of 2014

The Committee on Energy and Commerce will meet in open markup session on Monday, June 9, 2014, at 4:00 p.m. in 2123 Rayburn House Office Building for opening statements on H.R. 4795, the “Promoting New Manufacturing Act.”

The Committee will reconvene on Tuesday, June 10, 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 at least 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. 4795, Promoting New Manufacturing Act

On May 14, 2014, Chairman Ed Whitfield released a discussion draft of H.R. 4795, the “Promoting New Manufacturing Act.” On May 21, 2014, the Subcommittee on Energy and Power held a legislative hearing on the bill. On May 29, 2014, the Subcommittee forwarded the discussion draft, as amended, by a vote of 14 ayes and 8 nays to the Full Committee. On May 30, 2014, Rep. Scalise (R-LA) and 11 co-sponsors introduced H.R. 4795, the “Promoting New Manufacturing Act.” 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 in a readily accessible location on the agency’s website estimates of: (1) the number of preconstruction permits issued annually under the Clean Air Act’s (CAA) 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. Nothing in this section compels the EPA to seek additional information from States and permitting agencies beyond information voluntarily provided by State and local air agencies for EPA's RACT/BACT/LAER Clearinghouse database.

Section 3: This section directs that in publishing any final new or revised national ambient air quality standard (NAAQS), the EPA Administrator shall concurrently publish implementing regulations and guidance, as necessary and appropriate to assist States, permitting authorities and permitting applicants. This section also provides that if the Administrator fails to concurrently publish final regulations and guidance addressing the submittal and consideration of permit applications under a new or revised NAAQS, the new or revised NAAQS shall not apply to preconstruction permit applications until such final regulations and guidance have been published. Nothing in this section shall be construed to eliminate the obligation of a preconstruction permit applicant to install best available control technology and lowest achievable emissions rate technology, as applicable.

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. Nothing in this section compels the EPA to seek information beyond information voluntarily provided by States and local air agencies in EPA's RACT/BACT/LAER Clearinghouse database.

Section 5: This section contains the following definitions:

- (1) "Administrator" means the EPA Administrator.
- (2) "Best available control technology" has the meaning given that term in CAA Section 169(3).
- (3) "Lowest achievable emissions rate" has the meaning given that term in CAA Section 171(3).
- (4) "Major Emitting Facility" and "Major Stationary Source" has the meaning given to those terms in CAA Section 302(j).
- (5) "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.
- (6) "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.
- (7) "RACT/BACT/LAER Clearinghouse database" means the central database of air pollution technology information that is posted on the EPA's website.

II. H.R. 4801, to require the Secretary of Energy to prepare a report on the impact of thermal insulation on both energy and water use for potable hot water

On June 5, 2014, Rep. Kinzinger (R-IL) and Rep. McNerney (D-CA) introduced H.R. ____, a bill to require the Secretary of Energy to prepare a report on the impact of thermal insulation on both energy and water use for potable hot water. Specific provisions include the following:

Section 1: Section 1(a) requires the Department of Energy, in consultation with appropriate federal agencies and relevant stakeholders, to submit a report to Congress on the impact of thermal insulation on both energy and water use systems for potable hot and chilled water in Federal buildings, and the return on investment of installing such insulation.

Section 1(b) provides that the report shall include (1) an analysis based on the cost of municipal or regional water for delivered water and the avoided cost of new water; and (2) a summary of energy and water savings, including short term and long term (20 years) projections of such savings.

III. H.R. 4299, Improving Regulatory Transparency for New Medical Therapies Act

Chairman Pitts and Ranking Member Pallone introduced H.R. 4299 on March 26, 2014. Currently, new drug products containing substances that previously have not been marketed in the United States and that have abuse potential must be scheduled under the Controlled Substances Act (CSA) by the Drug Enforcement Agency (DEA) prior to being marketed. Under the CSA, there is no deadline for the DEA to make a scheduling decision after receiving a recommendation from the Food and Drug Administration, and the delays in DEA's decisions have increased significantly. H.R. 4299 would rectify that problem by ensuring DEA acts in a timely manner and allows new products to reach patients consistently.

IV. H.R. 4709, Ensuring Patient Access and Effective Drug Enforcement Act

H.R. 4709, introduced by Rep. Marino, Rep. Blackburn, Rep. Welch, and Rep. Chu, would help prevent prescription drug abuse, establish clear and consistent enforcement standards, and ensure patients have access to needed medications by promoting collaboration between government agencies, patients, and industry stakeholders. The bill is based on H.R. 4069, which was discussed at the April 7, 2014, Subcommittee on Health legislative hearing.

V. H.R. 4631, Combating Autism Reauthorization Act of 2014

The bill, introduced by Rep. Chris Smith and Rep. Doyle, would reauthorize the Combating Autism Reauthorization Act to continue autism-related federal research, early identification and intervention, education, and activities of the Interagency Autism Coordinating Committee. The bill also includes an initiative that would ensure implementation of the strategic plan developed by the Interagency Autism Coordinating Committee and elimination of duplicative research. Finally, the bill would require that the Government Accountability Office

complete a study on the socioeconomic needs and available services for autistic patients transitioning into adulthood.

VI. STAFF CONTACTS

If you have questions regarding H.R. 4795, please contact Tom Hassenboehler or Mary Neumayr. If you have questions regarding H.R. 4801, please contact Patrick Currier. If you have questions regarding H.R. 4299, H.R. 4709, or H.R. 4631, please contact Brenda Destro, Katie Novaria, Carly McWilliams, or John Stone. Committee staff can be reached at 202-225-2927.