



S. 535—Energy Efficiency Improvement Act of 2015 (Sen. Portman, R-OH)

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FLOOR SCHEDULE: SCHEDULED FOR CONSIDERATION ON APRIL 21, 2015, UNDER A SUSPENSION OF THE RULES WHICH REQUIRES TWO-THIRDS MAJORITY FOR PASSAGE.

TOPLINE SUMMARY: [S. 535](#) would require the administrator of General Services Administration (GSA), in consultation with the Secretary of Energy, to encourage the use of energy and water efficiency measures for federal, state, and local government, as well as building owners and tenants.

CONSERVATIVE CONCERNS: Some conservatives have expressed concern that provisions in Title I involving voluntary federal energy efficiency standards could result in future energy efficiency mandates on the private sector.

- **Expand the Size and Scope of the Federal Government?** Yes, this bill would increase federal involvement in energy efficiency promotion, including data collection.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

COST: The Congressional Budget Office (CBO) estimate for S. 535 is not available. The CBO estimate for H.R. 2126 passed in the House in the 113th Congress can be found [here](#).

DETAILED SUMMARY AND ANALYSIS: Title I of the bill would require the GSA administrator to implement cost-effective energy and water efficiency measures for realty services, and to make available such measures to state and local governments for use in managing owned and leased building space.

Title I would amend the [Energy Independence and Security Act of 2007](#) to require the Office of Energy Efficiency and Renewable Energy to study the feasibility of significantly improving energy efficiency in commercial buildings through (1) the design and construction of separate spaces with high-performance energy efficiency measures; and (2) encouraging owners and tenants to implement high-performance energy efficiency measures in separate spaces.

The Secretary of Energy is mandated to publish the study on the Department of Energy's website. The section would require the Administrator of the Environmental Protection Agency (EPA) (1) to develop a voluntary Tenant Star program within the [Energy Star program](#) to promote energy efficiency in separate spaces leased by tenants; and (2) to collect data on categories of building occupancy that are known to consume significant quantities of energy.

The administrator of the Energy Information Administration (EIA) is required: (1) to collect data on categories of building occupancy that are known to consume significant quantities of energy and other factors relevant to lowering energy consumption.

Title II of the bill would provide additional energy conservation standards applicable to grid-enabled water heaters used as part of an electric thermal storage or demand response program (a program that enables customers to reduce or shift their power use during peak demand periods). The standards would apply to their manufacturers and to their operators. The section would also require the Secretary of Energy to (1) assess the extent to which shipped products are put into use in demand response and thermal storage programs; and (2) to establish procedures to prevent product diversion if sales of the products exceed by at least 15 percent the quantity activated for use in the demand response and thermal storage programs annually.

The Secretary of Energy, with respect to electric water heaters, is required to consider the impact on thermal storage and demand response programs, including any impact on energy savings, electric bills, peak load reduction, electric reliability, integration of renewable resources, and the environment. The water heaters are also required to be equipped with communication capability to enable the grid-enabled water heaters to participate in ancillary services programs if the technology is available, practical, and cost-effective. The section would prohibit any person from:

- Activating an activation lock for a grid-enabled water heater with knowledge that it is not used as part of such program;
- Distributing an activation key for a grid-enabled water heater with knowledge that such activation key will be used to activate a grid-enabled water heater that is not used as part of an electric thermal storage or demand response program;
- Enabling such water heater to operate at its designed specification and capabilities with knowledge that it is not used as part of the program; or
- Knowingly removing or rendering illegible the water heater's label.

Title II has also been introduced as a standalone bill ([H.R. 906](#)) in the House Committee on Energy and Commerce.

Title III on energy information for commercial buildings would amend the Energy Independence and Security Act of 2007 by revising exceptions to federal agency requirements that space be leased in buildings that have earned the Energy Star label. The section would require the Secretary of Energy in collaboration with the EPA to complete a study on the impact of state and local performance benchmarking and disclosure policies, and any associated building efficiency policies, for commercial and multifamily buildings. The Department of Energy is additionally required to maintain, and if necessary create, a database for the purpose of storing and making available public energy-related information on commercial and multifamily buildings.

S. 535 would reflect language contained in [S. 1](#) the Keystone XL Pipeline Approval Act and [H.R. 2126](#), which passed the House in the 113th Congress on March 5, 2014 by a roll-call vote of [375 – 36](#). (H.R. 2126 contained Title III, the Energy Efficient Government Technology Act which was omitted from S.1 and S. 535) A House Energy and Commerce Committee fact sheet on H.R. 2126 can be found [here](#).

COMMITTEE ACTION: This bill was introduced in the Senate on February 23, 2015, by Senator Portman (R-OH), was passed on March 27, 2015 by voice vote, and referred to House Committee on Energy and Commerce.

ADMINISTRATION POSITION: No statement of administration policy is available.

CONSTITUTIONAL AUTHORITY: Senate-passed bills are not required to have a constitutional authority statement for House consideration.

H.R. 471—Ensuring Patient Access and Effective Drug Enforcement Act of 2015 (Marino, R-PA)

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FLOOR SCHEDULE: APRIL 21, 2015 UNDER A SUSPENSION OF THE RULES WHICH REQUIRES TWO-THIRDS MAJORITY FOR PASSAGE.

TOPLINE SUMMARY: [H.R. 471](#) would modify certain administrative procedures for drug manufactures, pharmacies, the Drug Enforcement Administration (DEA), and the Food and Drug Administration (FDA) with the goal of preventing prescription drug abuse, while ensuring access to these medications for patients in need.

CONSERVATIVE CONCERNS: This legislation has no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS: In the 113th Congress, H.R. 4709, the Ensuring Patient Access and Effective Drug Enforcement Act of 2014, passed the House on July 29, 2014, by voice vote.

This bill would amend the Controlled Substances Act to clarify that a registration to manufacture, distribute, or dispense a controlled substance is “consistent with the public health and safety.” In addition, the bill would clarify that a finding of “imminent danger to the public health or safety” means that, in the absence of an immediate suspension, the controlled substance will continue to be intentionally distributed outside the usual course of professional practice or in a manner that poses a foreseeable risk.

This bill would also change certain administrative procedures. Prior to revoking or suspending a registration to manufacture, distribute, or dispense a controlled substance, the attorney general would be required to provide the registrant a statement of denial, revocation, or suspension, including specific citations to any laws or regulations alleged to be violated. In addition, the attorney general would be required to direct the registrant to appear within thirty days, and notify the registrant of the opportunity to submit a corrective action plan. After receiving the corrective action plan, the attorney general would be required determine whether the denial, revocation, or suspension proceedings should be discontinued, or deferred for the purposes of modification, amendment, or clarification to such plan.

H.R. 471 would also require the Secretary of Health and Human Services to submit a report to Congress identifying: (1) the obstacles to legitimate patient access to controlled substances; (2) issuers with diversion of controlled substances; and (3) how collaboration between federal, state, local, and tribal law enforcement

COST: The [Congressional Budget Office](#) (CBO) [estimates](#) that implementing H.R. 471 would cost less than \$500,000 over the 2015-2016 period, with spending subject to appropriation.

agencies and the pharmaceutical industry can benefit patients and prevent diversion and abuse of controlled substances. This report would incorporate feedback and recommendations from relevant stakeholders.

OUTSIDE GROUPS SUPPORT:

- [National Association of Chain Drug Stores](#)

COMMITTEE ACTION: This bill was introduced on January 22, 2015, by Representative Marino, and it was referred to the Committee on Energy and Commerce, and the Committee on the Judiciary. On February 11, 2015, Energy and Commerce held a [mark-up](#) and the bill was passed by voice vote.

ADMINISTRATION POSITION: No statement of administration policy is available at this time.

CONSTITUTIONAL AUTHORITY: According to the sponsor, Congress has the power to enact this legislation pursuant to the following: “Article I, Section 8, Clause 3 of the United States Constitution. The Constitution's Commerce Clause allows Congress to enact laws when reasonably related to the regulation of interstate commerce.”

H. Con Res. 21—Authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (Hoyer, D-MD)

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FLOOR SCHEDULE: THE RESOLUTION IS SCHEDULED TO BE CONSIDERED ON APRIL 21, 2014, UNDER A MOTION TO SUSPEND THE RULES AND PASS THE BILL, WHICH REQUIRES A TWO-THIRDS MAJORITY VOTE FOR PASSAGE.

TOPLINE SUMMARY: This resolution would authorize the annual Soap Box Derby on the Capitol grounds.

CONSERVATIVE CONCERNS: This legislation has no substantive concerns.

- **Expand** the Size and Scope of the Federal Government?: No
- **Encroach** into State or Local Authority?: No
- **Delegate** Any Legislative Authority to the Executive Branch?: No
- **Contain** Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No

COST: The Congressional Budget Office (CBO) [estimates](#) that H. Con Res. 21 would “result in no significant cost to the federal government.”

DETAILED SUMMARY AND ANALYSIS: The resolution would authorize the [Greater Washington Soap Box Derby Association](#) to sponsor the soap box derby races on the Capitol Grounds, on June 20, 2015, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

The Greater Washington Soap Box Derby Association will assume full responsibility for all expenses and liabilities associated with the event. The event will be free of admission charge and open to the public. Additionally, the event is to be arranged so that it does not interfere with the needs of Congress. The resolution would authorize

the Greater Washington Soap Box Derby Association to erect a stage and sound amplification system on the Capitol Grounds.

COMMITTEE ACTION: H. Con. Res. 21 was introduced on March 3, 2015, and referred to the House Transportation and Infrastructure Committee. The T&I Committee [marked up and approved](#) H. Con. Res. 21 by voice vote on April 15, 2015.

CONSTITUTIONAL AUTHORITY: House Rules do not require statement of constitutional authority for resolutions.

H. Con Res. 25—Authorizing the use of the Capitol Grounds for the National Peace Officers Memorial Service and the National Honor Guard and Pipe Band Exhibition (Barletta, R-PA)

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FLOOR SCHEDULE: THE RESOLUTION IS SCHEDULED TO BE CONSIDERED ON APRIL 21, 2014, UNDER A MOTION TO SUSPEND THE RULES AND PASS THE BILL, WHICH REQUIRES A TWO-THIRDS MAJORITY VOTE FOR PASSAGE.

TOPLINE SUMMARY: This resolution would authorize the annual Police Week ceremonies on the Capitol grounds.

CONSERVATIVE CONCERNS: This legislation has no substantive concerns.

- **Expand** the Size and Scope of the Federal Government?: No
- **Encroach** into State or Local Authority?: No
- **Delegate** Any Legislative Authority to the Executive Branch?: No
- **Contain** Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No

COST: The Congressional Budget Office (CBO) [estimates](#) that H. Con Res. 25 would “result in no significant cost to the federal government.”

DETAILED SUMMARY AND ANALYSIS: The resolution would authorize the Grand Lodge of the Fraternal Order of Police to sponsor the Annual National Peace Officers’ Memorial Service on the Capitol Grounds. This service will be held on May 15, 2015.

The Grand Lodge of the Fraternal Order of Police will assume full responsibility for all expenses and liabilities associated with the event. The event will be free of admission charge and open to the public. Additionally, the event is to be arranged so that it does not interfere with the needs of Congress. The resolution would authorize the Grand Lodge of the Fraternal Order of Police to erect a stage and sound amplification system on the Capitol Grounds, subject to the approval of the Architect of the Capitol.

Police Officers from around the country will converge on Washington, D.C. the week of May 15th for [Police Week](#) events to honor the fallen officers who gave their lives in the line of duty. President Kennedy signed a proclamation in 1962 designating May 15th as the Peace Officers’ Memorial Day.

COMMITTEE ACTION: H. Con. Res. 21 was introduced on March 19, 2015, and referred to the House Transportation and Infrastructure Committee. The T&I Committee [marked up and approved](#) H. Con. Res. 21 by voice vote on April 15, 2015.

CONSTITUTIONAL AUTHORITY: House Rules do not require statement of constitutional authority for resolutions.

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