



H.R. 8 — North American Energy Security and Infrastructure Act of 2015 (Rep. Upton, R-MI)

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FLOOR SCHEDULE:

Scheduled for consideration on December 2, 2015 subject to a structured [rule](#), amendments provided by a separate [rule](#).

TOPLINE SUMMARY:

[H.R. 8](#) would authorize a series of Department of Energy initiatives related to energy efficiency, infrastructure security, and energy reliability. The bill would additionally extend federal agencies' authority to use certain types of long-term contracts to invest in energy conservation measures.

COST:

No Congressional Budget Office (CBO) estimate is available for the bill as reported by the Committee on Rules.

CBO [estimates](#) that enacting H.R. 8 as reported by the Energy and Commerce Committee would increase direct spending by \$414 million over the 2016-2025 period. In addition, CBO estimates that implementing the legislation would, on net, reduce spending subject to appropriation by \$411 million over the 2016-2020 period, assuming appropriation actions consistent with the legislation. Enacting H.R. 8 could affect revenues, but CBO estimates that any such effects would total less than \$500,000 in any year.

The CBO estimates for H.R. 2295 and H.R. 2358 reflecting language found in Title V and VI of the bill can be found [here](#) and [here](#) respectively.

CONSERVATIVE CONCERNS:

As amended by the Managers Amendment, there are no substantive concerns regarding this bill.

- **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:

A title-by-title summary of H.R. 8 follows below:

Title I:

H.R. 8 would require the [Federal Energy Regulatory Commission](#) (FERC) to identify all agencies considering an aspect of an application for siting interstate natural gas pipelines, and set the schedule for review, including a deadline for a final decision.

Title I of the bill would additionally reconcile environmental and grid reliability conflicts. Under current law, if the Department of Energy (DOE) orders a generating unit to operate pursuant to [section 202\(c\) of the Federal Power Act](#), such operation could conflict with environmental requirements, and the owner of the unit would have to choose between violating an order from DOE, and violating the environmental requirements.

Title I of the bill would further direct the Secretary of Energy to develop procedures to improve communication and coordination between the DOE's energy response team, federal partners, and industry; facilitate and increase engagement among states, the oil and natural gas industry, and the Department in developing state and local energy assurance plans; and involve States and the oil and natural gas industry in comprehensive drill and exercise programs. Title I would authorize the Secretary of Energy to issue orders with or without notice to protect or restore the reliability of critical electric infrastructure or of defense critical electric infrastructure during an emergency. The Secretary would be authorized to do so under Presidential directive. Title I would facilitate the voluntary sharing of critical electric infrastructure information between private sector asset owners and the federal government and protect this information from public disclosure laws for up to five years.

Title I would further require DOE to submit a plan to Congress evaluating the feasibility of establishing a Strategic Transformer Reserve for the storage, in strategically-located facilities, of spare large power transformers and emergency mobile substations in sufficient numbers to temporarily replace critically damaged large power transformers and substations.

Section 1107 would direct electric utilities and state public utility commissions to consider: (1) increasing the utilization of resiliency-related technologies designed to improve the resilience of electric infrastructure; (2) promoting investments in advanced energy analytics technology; (3) adopting or modifying policies to ensure the incorporation of sufficient reliable generation into integrated resource plans to assure the reliable availability of electric energy over a ten-year planning period; and (4) impacts of subsidizing the deployment, construction, maintenance of a customer-side technology.

Section 1109 would permit the continued use of carbon capture, utilization, and sequestration (CCUS) technologies, towards large scale demonstration and commercial use and would require the Department of Energy to annually conduct an evaluation, and make recommendations on each carbon capture project. The Managers Amendment made in order by the Rule would strike this provision.

Section 1110 would require each regional transmission organization (RTO) and independent system operator (ISO) that operates a capacity market to provide to FERC an analysis of: (1) how such market utilizes competitive market forces to the extent practicable in procuring capacity resources; and (2) whether the structure of such market includes resource-neutral performance criteria that ensure the procurement of sufficient capacity from physical generation facilities.

Section 1201 would establish an Energy Security and Infrastructure Modernization fund And authorize the sale of Strategic Petroleum Reserve oil to finance the fund. The Managers Amendment made in order by the Rule would strike this provision, which was already signed into law as part of the Bipartisan Budget Act of 2015.

Section 1301 would reauthorize certain hydroelectric production and efficiency incentives through fiscal year 2025 to the owners or operators of hydroelectric facilities at existing dams to make capital improvements. The Managers Amendment made in order by the Rule would strike this provision.

Title I further seeks to streamline the permitting process for new and expanded hydropower projects. Section 1304 would authorize FERC to set the schedule for all hydropower federal authorizations, including those issued pursuant to the [Endangered Species Act](#), the [Federal Land Policy and Management Act](#) and the [Wild and Scenic Rivers Act](#). FERC's new authority would also apply to federal authorizations that have been delegated to Native American tribes and the states, including water quality certification under [Section 401 of the Clean Water Act](#). The section would also authorize license applicants to directly fund third party contractors to assist agencies and tribes in their review of license applications. The section additionally would allow an agency or tribe that is unable to comply with FERC's schedule to file a request for extension through a court-based process. Section 1305 would create a judicial review process for extension requests dealing with FERC schedule deadlines. Section 1306 would mandate that FERC compile current and accepted best practices in performing studies required in license proceedings, compile a comprehensive collection of studies and data accessible to the public, and encourage license applicants to develop and use a limited number of open-source methodologies and tools including water balance models and streamflow analyses.

Section 1307 would streamline licensing regime for closed-loop pumped storage, defined as a project in which the upper and lower reservoirs do not impound or directly withdraw water from navigable waters; or that is not continuously connected to a naturally flowing water feature. Section 1308 would authorize FERC to approve an application for an amendment to a license that is exempt from the [Federal Power Act](#)'s licensing requirements. Section 1309 would authorize FERC to exempt from licensing requirements to a qualifying hydropower facility added to existing non-powered dams.

Section 1302 would require FERC to minimizing infringement on the useful exercise and enjoyment of property rights held by non-licensees in issuing hydropower licenses.

Section 1303 would authorize FERC to extend the construction date of project number 12642, the W. Kerr Scott Dam in North Carolina for six years.

Title II:

Title II of the bill would require the Secretary of Energy to establish a comprehensive program to improve education and training for energy and manufacturing-related jobs in order to increase the number of skilled workers trained to work in energy and manufacturing-related fields.

The Managers Amendment made in order by the Rule would strike this title.

Title III:

Title III would require the Secretary of Energy, in collaboration with the Secretary of State, to develop and submit to Congress a report that develops recommended United States energy security valuation methods, and a plan to improve planning and coordination with Canada and Mexico to enhance energy integration. The Secretary of Energy, in collaboration with the Secretary of State, would be directed to convene not less than two forums to promote the collective energy security of the United States and its allies and trading partners. Section 3005 would direct the Secretary of Energy to conduct a long-range strategic review of the Strategic Petroleum Reserve and transmit it to Congress.

Section 3006 would require the Department of Energy to issue a final decision on any application for the authorization to export natural gas for proposals requiring FERC authorization not later than 30 days after the conclusion of the review to site, construct, expand, or operate the LNG facilities, or not later than the bill's enactment.

Title IV:

Title IV would require each federal agency to coordinate with the Director of the Office of Management and Budget (OMB), the Secretary of Energy, and the Administrator of the Environmental Protection Agency to develop and implementation a strategy for the maintenance, purchase, and use by the federal agency of energy-efficient and energy-saving information technologies. Section 4112 would direct the Secretary of Energy Director of OMB to maintain a data center energy practitioner program that leads to the certification of energy practitioners qualified to evaluate the energy usage and efficiency opportunities in federal data centers. Section 4114 would clarify that any federal agency may consider electric energy generated from municipal solid waste (MSW) to qualify as renewable, if the municipal solid waste is separately collected, and processed in a way that keeps paper that is commonly recycled segregated from non-recyclable solid waste.

Section 4115 would strike a provision included in [section 433 of the Energy Independence and Security Act of 2007](#) that requires a 100% reduction in “fossil fuel-generated energy,” such as coal and natural gas, in all new and modified federal buildings by the year 2030. Section 4116 would authorize the Secretary of Energy to establish, by rule, revised federal building energy efficiency performance standards that require new federal buildings and alterations meet or exceed the most recent revision of the [IECC](#) (in the case of residential buildings) or [ASHRAE Standard 90.1](#) (in the case of commercial buildings). Section 4117 would authorize the head of any office of the federal government which owns or operates a parking area for the use of its employees to construct, and operate a battery recharging station for the use of privately owned vehicles.

Section 4121 would authorize FERC to initiate a rulemaking to consider making a special note in a prominent manner on any Energy Guide label for any product that includes [Smart Grid](#) capability. Section 4125 would clarify that any disclosure relating to an Energy Star labelled product would not create an express or implied warranty or give rise to any private claims or rights of action under state or federal law relating to the disqualification of that product from Energy Star, thus deterring class action lawsuits that could undermine participation in the Energy Star program. Section 4126 would replace the “installed by” date with the “manufactured by” date for purposes of the enforcement scheme for residential heating and cooling appliances subject to regional energy efficiency standards.

Section 4151 would require the Secretary of Energy to provide technical assistance for the purposes of the implementation of building energy codes by states, Indian tribes, and by local governments, that are technically feasible and cost-effective. The section would mandate in the development of model building energy codes, that DOE code change proposals are made available to the public, including calculations on costs and savings; are subject to the official rulemaking process, allowing for public comment and take into account small business concerns. The section would prohibit the Secretary from proposing or providing technical or financial assistance for any code, provision in the code, or energy target, or amendment that has a payback greater than 10 years. Section 4152 would clarify that any DOE program that may enable the owner of a commercial building or a residential building to obtain a rating regarding the actual or anticipated energy usage of a building would be made available on a voluntary, optional, and market-driven basis.

Section 4161 would authorize DOE to prospectively revise product definitions relating to appliance energy conservation standards for residential and commercial products for standards, test procedures, labeling and preemption. According to the House Energy and Commerce Committee, under current law, certain definitions cannot be changed without statutory change. Section 4162 would clarify certain DOE rulemaking procedures, by requiring that any proposed energy conservation standards rule would be based on the final test procedure to determine compliance. The public comment period on the proposed standards would be required to conclude no sooner than 180 days after a final rule’s publication of revising the test procedure. The provision would allow for an exception for consensus developed revised test procedures. DOE would also be required to provide pre-proposed rule public input on design options and voluntary non-regulatory options.

Section 4171 would authorize a smart energy and water efficiency management pilot program to award grants to eligible entities to demonstrate advanced and innovative technology-based solutions to increase and improve the energy efficiency of water, wastewater, and water reuse systems. Section 4172 would establish within the Environmental Protection Agency a voluntary program, entitled “WaterSense”, to identify water efficient products, buildings, landscapes, facilities, processes, and services that sensibly reduce water use.

Section 4211 would establish the Office of Compliance Assistance and Public Participation within FERC. Section 4222 would amend [section 203 of the Federal Power Act](#) to include a minimum monetary threshold of \$10,000,000 for merger and consolidation “acquisitions” of FERC jurisdictional electric transmission facilities.

Title IV would further repeal a series of studies related to off-highway motor vehicles, methanol, weatherization, residential energy efficiency standards, national coal policy, energy saving potential, photovoltaic energy, and the socioeconomic impacts of increased coal production.

Section 4261 would clarify that amounts required for carrying out H.R. 8, other than section 1201 (Energy Security and Infrastructure Modernization fund), would be derived from amounts provided by previously enacted law.

Title V:

Title V would amend the [Mineral Leasing Act](#) to allow natural gas pipeline right-of-way all federally owned lands, including lands in the National Park System, except on such lands held in trust for an Indian or Indian tribe, or on lands on the Outer Continental Shelf. Title V would require the Secretary of the Interior to: (1) identify and designate suitable federal lands as National Energy Security Corridors to be used for construction, operation, and maintenance of natural gas transmission facilities; and (2) incorporate such corridors upon designation into the relevant agency land use and resource management plans. Title V would authorize the Governor of a state to submit requests to the Secretary of the Interior to designate corridors on federal land in that state. Title V [reflects](#) language in [H.R. 2295](#), as reported by the House Committee on Natural Resources. The House report (H. Rept. 114-285) accompanying H.R. 2295 can be found [here](#).

Title VI:

Title VI would require the Department of the Interior and the Department of Agriculture to provide direction to ensure that all existing and future rights-of-way for electrical transmission and distribution facilities on public lands include provisions for utility vegetation management, facility inspection, and operation and maintenance activities. The measures would be implemented in order to enhance the reliability of the electricity grid and reduce the threat of wildfires to and from electric transmission and distribution rights-of-way and related facilities and adjacent property.

The Secretaries of Interior and Agriculture would be required to provide owners and operators of electric transmission and distribution facilities located on public lands with the option to develop and submit a vegetation management, facility inspection, and operation and maintenance plan. The Secretaries would be mandated to create a review process for each plan. An owner or operator of a transmission or distribution facility would not be held liable for wildfire damage, loss, or injury, including the cost of fire suppression, if the Departments of Interior or Agriculture fails to allow it to: (1) operate consistently with an approved vegetation management, facility inspection, and operation and maintenance plan on federal lands within or adjacent to a right-of-way to comply with federal, state, or local electric system reliability and fire safety standards; or (2) perform vegetation management activities in response to an identified hazard tree or a tree in imminent danger of contacting the owner's or operator's transmission or distribution facility. Title

VI [reflects](#) language in [H.R. 2358](#) as reported by House Committee on Natural Resources. The House report (H. Rept. 114-287) accompanying H.R. 2358 can be found [here](#).

The House report (H. Rept. 114-347) accompanying H.R. 8 can be found [here](#). A summary and press release from House Energy and Commerce Committee can be found [here](#) and [here](#) respectively.

AMENDMENTS MADE IN ORDER:

1. [Upton \(R-MI\)](#) (**Manager's Amendment**) (**#1**): would make several technical and conforming corrections. The amendment would strike section 1109 relating to the use of carbon capture, utilization, and sequestration technologies and section 1201, authorizing the Energy Security and Infrastructure Modernization account, funded through sales of petroleum from the Strategic Petroleum Reserve. The amendment would further strike section 1301 related to the reauthorization of certain hydroelectric production and efficiency incentives, and title II of the bill regarding the creation of a comprehensive program related to energy and manufacturing-related job training. The amendment would further strike a provision requiring a Strategic Petroleum Reserve mission readiness plan, and a provision (section 4131) related to the use of energy and water efficiency standards in federal buildings. A summary of the manager's amendment provided by the House Energy and Commerce Committee can be found [here](#).
2. [Tonko \(D-NY\)](#) (**#48**): would strike section 1101, which would require the Federal Energy Regulatory Commission (FERC) to identify all agencies considering an aspect of an application for siting interstate natural gas pipelines, and set the schedule for review, including a deadline for a final decision.
3. [Peters \(D-CA\)](#) (**#26**): would include energy storage and the energy storage industry as a form of energy that the Department of Energy (DOE) should consider as mandated in section 1103, to enhance emergency preparedness for energy supply disruptions during natural disasters.
4. [Franks \(R-AZ\)](#) (**#93**): would require FERC to issue an order directing the Electric Reliability Organization a reliability standard requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against a malicious act using an electromagnetic pulse (EMP). FERC would additionally be authorized to promulgate a rule or issue an order requiring the implementation, by any owner, or operator of the bulk-power system of measures protecting the bulk-power system against EMP vulnerabilities. The amendment would mandate that FERC direct the Electric Reliability Organization to submit reliability standards adequate to protect the bulk-power system from any reasonably foreseeable geomagnetic storm or electromagnetic pulse event.
5. [Poliquin \(R-ME\)](#) (**#62**): would clarify and define reliable electric generation as electric generation facilities with reliability attributes that include fuel certainty, through firm contractual obligations which may not be required to be for a period longer than one year.
6. [Veasey \(D-TX\)](#) (**#41**): would require the Secretary of Energy to transmit a report to Congress on the potential commercial use of carbon capture, utilization, and storage technologies (including enhanced oil recovery), its potential effects on the economy and gross domestic product (GDP), and its contributions to the United States greenhouse gas emission reduction goals if widely utilized at major carbon dioxide-emitting power plants.
7. [McKinley \(R-WV\)](#) (**#4**): would require the Secretary of Energy and the Secretary of Commerce, in consultation with other relevant agencies and stakeholders, to conduct a study on the feasibility of establishing an ethane storage and distribution hub in the United States.

8. [Ellmers \(R-NC\) \(#9\)](#): would codify a statement of policy on grid modernization stating that it is the policy of the United States to promote the modernization of the energy delivery infrastructure of the United States, and bolster the reliability, affordability, diversity, efficiency, security, and resiliency of domestic energy supplies, through advanced grid technologies, as well as other initiatives.
9. [Jackson Lee \(D-TX\) \(#84\)](#): would require the Secretary of Energy to submit a report to Congress on methods to increase electric grid resilience with respect to all threats, including cyber-attacks, vandalism, terrorism, and severe weather.
10. [Kildee \(D-MI\) \(#81\)](#): would require the Government Accountability Office (GAO) to conduct a study of ways in which the capabilities of the [National Response Center](#) could be improved.
11. [Duffy \(R-WS\) \(#10\)](#): would require the Secretary of Energy to collaborate with the Secretariat of Energy in Mexico and the Ministry of Natural Resources in Canada and representatives from the energy and manufacturing industries (including the oil, gas, coal, nuclear, utility, pipeline, renewable, petrochemical, manufacturing, and electrical construction sectors) to identify the areas of highest need in each sector and to develop guidelines for the skills necessary to develop a workforce trained to go into the following sectors of the energy and manufacturing sectors.
12. [Garamendi \(D-CA\) \(#100\)](#): would include energy transportation in the list of considerations for the Energy Security Valuation report in section 3002. The report would evaluate and define United States energy security to reflect modern domestic and global energy markets and the collective needs of the United States and its allies and partners.
13. [McKinley \(R-WV\) \(#5\)](#): would prohibit a permit for an energy export facility from being denied until each applicable federal agency has completed all reviews required for the construction, operation, or maintenance of a facility for the export of bulk commodities.
14. [Green \(D-TX\) \(#45\)](#): would create a permitting process for cross-border infrastructure projects and would clarify that no person may construct, connect, operate, or maintain a cross-border segment of a pipeline or electric transmission facility for the import or export of liquid products or natural gas, or the transmission of electricity, to or from Canada or Mexico without obtaining a certificate of crossing.
15. [Norcross \(D-NJ\) \(#20\)](#): would require the Secretary of Energy to transmit a report to Congress containing recommendations for the creation of an Energy Tradesmen Corps, a volunteer corps of professional tradesmen who respond to critical energy infrastructure problems during disasters or states of emergency.
16. [Takano \(D-CA\) \(#28\)](#): would require GAO to submit a report to Congress on the potential of battery energy storage.
17. [Beyer \(D-VA\) \(#75\)](#): would strike a provision in section 4116, preventing the repeal of [section 433 of the Energy Independence and Security Act](#), which establishes targets for reducing energy from fossil fuels in federal buildings.
18. [Peters \(D-CA\) \(#27\)](#): would require the Secretary of Energy to submit a report to Congress on the impact of captured methane converted for energy and power generation on federal lands, federal buildings, and relevant municipalities that use such generation, and the return on investment and reduction in greenhouse gas emissions of utilizing such power generation.

19. [Schakowsky \(D-IL\)](#) (#12): would strike section 4125, which would prevent the creation of an express or implied warranty based on a product's participation in the Energy Star program.
20. [Brooks \(R-IN\)](#) (#79): would require the Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency and the Director of Management and Budget to review and update the report prepared pursuant to [section 1838 of the Energy Policy Act of 2005](#); update data that was used in preparing that report; and prepare and submit to Congress a coordinated federal strategy to increase the beneficial reuse of used lubricating oil.
21. [Ellmers \(R-NC\)](#) (#7): would modify the Department of Energy (DOE)'s External Power Supply rule to specify that the term "external power supply" does not include a power supply circuit, driver, or device that is designed exclusively to be connected to, and power" light-emitting diodes. The amendment would authorize the Secretary of Energy to prescribe an energy conservation standard for a power supply circuit, driver, or device that is designed primarily to be connected to, and power, light-emitting diodes or organic light-emitting diodes providing illumination.
22. [Tonka \(D-NY\)](#) (#49): would reauthorize the Weatherization Assistance Program and the State Energy Program through Fiscal Year 2020 authorizing appropriations for \$450,000,000 for each of fiscal years 2016 through 2020, and \$75,000,000 for each of fiscal years 2016 through 2020 respectively.
23. [Castor \(D-FL\)](#) (#30): would require the Secretary of Energy to establish a program to provide eligible entities loans for the deployment of distributed energy systems in a specific project; and loans to provide funding for programs to finance the deployment of multiple distributed energy systems through a revolving loan fund, or credit enhancement program. The amendment would authorize the Secretary to establish a technical assistance and grant program and would authorize to be appropriated \$250,000,000 for the period of fiscal years 2016 through 2020.
24. [Polis \(D-CO\)](#) (#40): would require the Secretary of the Interior to: (1) notify surface estate owners and all owners of land located within 1 mile of a proposed oil or gas lease tract in writing at least 45 days in advance of lease sales; (2) within 10 working days after a lease is issued, notify surface estate owners and all owners of land located within 1 mile of a lease tract, regarding the identity of the lessee; (3) notify surface estate owners and all owners of land located within 1 mile of a lease tract in writing within 10 working days concerning any subsequent decisions regarding the lease; and(4) notify surface estate owners and all owners of land located within 1 mile of a lease tract, within 5 business days after issuance of a drilling permit under a lease.
25. [Barton \(R-TX\)](#) (#3): would remove restrictions on exporting domestically produced crude oil by repealing section 103 of the [Energy Policy and Conservation Act of 1975](#), relating to the authority of the President to restrict the export of coal, petroleum products, natural gas, or petrochemical feedstocks. The bill would also increase authorized funding for the Maritime Security Program. The amendment reflects language found in the House-passed H.R. 702. The RSC's legislative bulletin for H.R. 702 can be found [here](#).
26. [Cramer \(R-ND\)](#) (#42): would allow the Secretary of the Interior or the Secretary of Agriculture to authorize an owner or operator of an electric transmission or distribution facility to manage vegetation selectively within 150 feet of the exterior boundary of the right-of-way near structures for selective thinning and fuel reduction.
27. [Duffy \(R-WI\)](#) (#76): would require the Administrator of the Environmental Protection Agency to ensure that the planning requirements in section 4 of [Executive Order 12866](#) and in [Executive Order 13563](#) are satisfied.

28. [Gosar \(R-AZ\) \(#65\)](#): would specify that a venue for any covered civil action would lie in the United States district court in which the covered energy project or lease exists or is proposed. The amendment would ensure that a covered civil action would be filed not later than the end of the 90-day period beginning on the date of the final federal agency action to which the covered civil action relates and would ensure timely review for legal challenges of energy projects on federal land.
29. [Jenkins \(R-WV\) \(#51\)](#): would require the Secretary of Energy and the Secretary of Commerce to jointly transmit to Congress the results of a study to identify legal and regulatory barriers that delay, prohibit, or impede the export of natural energy resources, including government and technical (physical or market) barriers that hinder coal, natural gas, oil, and other energy exports; and estimate the economic impacts of such barriers.
30. [Rouzer \(R-NC\) \(#2\)](#): would deem that the final rule entitled “[Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces](#)” would have no force or effect and shall be treated as if such rule had never been issued.
31. [Castor \(D-FL\) \(#32\)](#): would allow electricity produced by a community solar facility to be credited to a consumer served by the electric utility for interconnection services and net billing services.
32. [DeSaulnier \(D-CA\) \(#34\)](#): would require the Secretary of Energy to transmit to Congress the results of a study to determine the maximum level of volatility that is consistent with the safest practicable shipment of crude oil by rail.
33. [Deutch \(D-FL\) \(#29\)](#): would authorize the Secretary of Energy, to carry out a program of research, development, demonstration, and commercial application to accelerate the introduction of marine and hydrokinetic renewable energy production into the United States energy supply, giving priority to fostering accelerated research, development, and commercialization of technology. The amendment would define the mission of the National Marine Renewable Energy Research, Development, and Demonstration centers.
34. [Grayson \(D-FL\) \(#64\)](#): would specify that an electrical corporation or gas corporation would be prohibited from sharing, disclosing, or otherwise making accessible to any third party a customer’s electrical or gas consumption data, except upon the consent of the customer. The amendment would clarify that if a customer chooses to disclose his or her electrical consumption data to a third party that is unaffiliated with, and has no other business relationship with, the local publicly owned electric utility, the utility would not be responsible for the security of that data, or its use or misuse.
35. [Jackson Lee \(D-TX\) \(#86\)](#): would require the Secretaries of Energy and Commerce to jointly establish an energy enterprise competition to encourage youth to propose solutions to the energy challenges of the United States and to promote youth interest in careers in science, technology, engineering, and math, especially as those fields relate to energy.
36. [Meng \(D-NY\) \(#16\)](#): would strike the term “Negro, Puerto Rican, American Indian, Eskimo, Oriental, or Aleut or is a Spanish speaking individual of Spanish descent” and would insert “Asian American, African American, Hispanic, Puerto Rican, Native American, or an Alaska Native” in section 211(f)(1) of the [Department of Energy Organization Act](#) and in section 106(f)(2) of the [Local Public Works Capital Development and Investment Act of 1976](#).
37. [Pallone \(D-NJ\) \(#68\)](#): would prohibit the bill from taking effect until the [Energy Information Administration](#) has analyzed and published a report on the carbon impacts of H.R. 8’s provisions.

38. [Norcross \(D-NJ\) \(#19\)](#): would require the Secretary of Energy to transmit a report to Congress on the weaknesses in currently available smart meters' security architecture and features, including an absence of event logging.

OUTSIDE ORGANIZATIONS IN SUPPORT:

- [American Gas Association](#)
- [America's Natural Gas Alliance](#)
- [American Petroleum Institute](#)
- [Coalition for Fair Energy Codes](#)
- [National Association of Home Builders](#)
- [National Association of Realtors](#)
- [U.S. Chamber of Commerce](#)

A full list of letters of support provided by the House Energy and Commerce Committee can be found [here](#).

COMMITTEE ACTION:

H.R. 8 was introduced on September 16, 2015 and was referred to the House Committee on Energy and Commerce. The bill was then ordered to be reported and amended by the committee on November 19, 2015.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3 of the United States Constitution."

NOTE: *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

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