

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6115

Majority (202) 225-3641

Minority (202) 225-2927

January 16, 2025

MEMORANDUM

To: Members, Committee on Energy and Commerce
From: Committee on Energy and Commerce Majority Staff
Re: Full Committee Markup

I. INTRODUCTION

The Energy and Commerce Committee will hold a markup on Wednesday, January 21, 2026, at 10:15 a.m. (ET) in 2123 Rayburn House Office Building, and subsequent days as necessary, to consider the following items:

- H.R. 6409, Foreign Emissions and Nonattainment Clarification for Economic Stability (FENCES) (Rep. Pfluger)
- H.R. 4218, Clean Air and Economic Advancement Reform (CLEAR) Act (Rep. Carter)
- H.R. 6387, Fire Improvement and Reforming Exceptional Events (FIRE) Act (Rep. Evans)
- H.R. 4214, Clean Air and Building Infrastructure Improvement Act (Rep. Allen)
- H.R. 161, New Source Review Permitting Improvement Act (Rep. Griffith)
- H.R. 6373, Air Permitting Improvements to Protect National Security Act (Rep. Palmer)
- H.R. 6398, Reducing and Eliminating Duplicative Environmental Regulations (RED Tape) Act (Rep. Joyce)
- H.R. 2072, To require the Federal Energy Regulatory Commission to extend the time period during which licensees are required to commence construction of certain hydropower projects. (Rep. Newhouse)
- H.R. 5200, Emergency Reporting Act (Reps. Matsui and Bilirakis)
- H.R. 5201, Kari's Law Reporting Act (Reps. Matsui and Bilirakis)
- H.R. 2076, LuLu's Law (Rep. Palmer)

II. LEGISLATION

A. H.R. 6409, Foreign Emissions and Nonattainment Clarification for Economic Stability (FENCES) Act (Rep. Pfluger)

This legislation amends Section 179B of the Clean Air Act¹ to exclude emissions emanating from outside the United States from being used to determine whether an area is attaining a National Ambient Air Quality Standard (NAAQS). On Wednesday, December 10, 2025, the Subcommittee on Environment forwarded the bill to the full committee, without amendment, by a roll call vote of 14 yeas and 11 nays.

B. H.R. 4218, Clean Air and Economic Advancement Reform (CLEAR) Act (Rep. Carter)

This legislation would make several changes to the Clean Air Act, including amending section 109(d)² to extend the current NAAQS review cycle from five years to 10 years; section 109(b)(1)³ to allow consideration of attainability when choosing among a range of air quality standards that are protective of human health and the environment; section 110(c)(1)⁴ to provide states the opportunity to address concerns in a State Implementation Plan (SIP) submission before a Federal Implementation Plan is issued; and section 182⁵ to eliminate certain demonstration requirements in a SIP to promote increased technological innovations in control technologies. The legislation also includes provisions similar to H.R. 6387 concerning how certain events including fires, drought, and heat, are considered as part of the NAAQS process and H.R. 6409 concerning how non-attainment areas are classified as severe or extreme for ozone or as serious for particulate matter, and sanctions are imposed for implementation plan deficiencies under section 179. On Wednesday, December 10, 2025, the Subcommittee on Environment forwarded the bill to the full committee, without amendment, by a roll call vote of 14 yeas and 10 nays.

C. H.R. 6387, Fire Improvement and Reforming Exceptional Events (FIRE) Act (Rep. Evans)

This legislation amends section 319(b)⁶ to limit how emissions from wildfires, prescribed burns and exceptional events from the air monitoring data can be used to determine whether an area is attaining a NAAQS and to require increased coordination between EPA and affected states regarding exceptional event determinations. On Wednesday, December 10, 2025, the Subcommittee on Environment forwarded the bill to the full committee, without amendment, by a roll call vote of 13 yeas and 10 nays.

D. H.R. 4214, Clean Air and Building Infrastructure Improvement Act (Rep. Allen)

This legislation amends section 109⁷ require EPA to concurrently publish regulations and guidance for implementing a revised NAAQS and prevent the new or revised standards from applying to preconstruction permit applications until the Administrator has

published such final regulations and guidance. It also clarifies that nothing in the subsection eliminates the obligation of a preconstruction permit applicant to install the best available control technology and lowest achievable emission rate technology, and clarifies that nothing in the subsection limits the authority of a state, local, or Tribal permitting authority to impose more stringent emissions requirements pursuant to a state, local, or tribal law than NAAQS.

The legislation also provides that the 2024 PM_{2.5} standard shall not apply to the review and disposition of a preconstruction permit application if a permit application is completed on or before the date of promulgation of the final designation of an area; or a public notice of a preliminary determination on a draft permit is provided within 60 days after the date of final designation of an area. On Wednesday, December 10, 2025, the Subcommittee on Environment forwarded the bill to the full committee, without amendment, by a roll call vote of 12 yeas and 10 nays.

E. H.R. 161, New Source Review Permitting Improvement Act (Rep. Griffith)

This legislation amends the definition of “modification” in multiple sections of the Clean Air Act to clarify that a change at an existing source constitutes a modification only when the change increases the source’s maximum achievable hourly emission rate of an air pollutant, as such activities that do not increase emissions do not trigger New Source Review (NSR) permitting. On Wednesday, December 10, 2025, the Subcommittee on Environment forwarded the bill to the full committee, without amendment, by a roll call vote of 12 yeas and 11 nays.

F. H.R. 6373, Air Permitting Improvements to Protect National Security Act (Rep. Palmer)

This legislation amends section 173⁸ to exempt advanced manufacturing facilities and critical mineral facilities from the requirement to offset emissions as part of the Nonattainment New Source Review (NNSR) permit process if the President issues a national security determination. It also establishes an alternative mechanism to allow a covered facility to participate in state emissions reduction program in lieu of obtaining emission offsets as part of a permit. This is based on a similar provision in section 173 concerning emission offset requirements for rocket engines. On Wednesday, December 10, 2025, the Subcommittee on Environment forwarded the bill to the full committee, without amendment, by a roll call vote of 12 yeas and 10 nays.

G. H.R. 6398, Reducing and Eliminating Duplicative Environmental Regulations (RED Tape) Act (Rep. Joyce)

This legislation amends section 309⁹ to eliminate the requirement for EPA review and provide written comments on federal construction projects or other actions by a federal agency that are already subject to environmental review under the National Environmental Policy Act. On Wednesday, December 10, 2025, the Subcommittee on

Environment forwarded the bill to the full committee, without amendment, by a roll call vote of 12 yeas and 10 nays.

H. H.R. 2072, To require the Federal Energy Regulatory Commission to extend the time period during which licensees are required to commence construction of certain hydropower projects. (Rep. Newhouse)

This legislation requires the Federal Energy Regulatory Commission to extend the time period in which licensees are required to commence construction of relevant hydropower projects. The extension of time to commence construction shall not consist of more than 3 consecutive 2-year periods and only applies to projects issued a license from FERC prior to March 13, 2020.

I. H.R. 5200, Emergency Reporting Act (Reps. Matsui and Bilirakis)

This bill directs the Federal Communications Commission to issue reports after activation of the Disaster Information Reporting System and to make improvements to network outage reporting. On Thursday, January 15, 2026, the Subcommittee on Communications and Technology forwarded the bill to the full committee by voice vote.

J. H.R. 5201, Kari's Law Reporting Act (Reps. Matsui and Bilirakis)

This bill directs the Federal Communications Commission to publish a report on implementation of the Kari's Law Act of 2017. On Thursday, January 15, 2026, the Subcommittee on Communications and Technology forwarded the bill to the full committee by voice vote.

K. H.R. 2076, LuLu's Law (Rep. Palmer)

This bill requires the Federal Communications Commission to issue an order permitting the transmission of wireless emergency alerts to mobile phones in the event of a shark attack. On Thursday, January 15, 2026, the Subcommittee on Communications and Technology forwarded the bill to the full committee by voice vote.

III. STAFF CONTACTS

If you have questions regarding this hearing, please contact Noah Jackson of the Committee staff at (202) 225-3641.