

CORD

Activities and Summary Report on the House Committee on Energy and Commerce: 112th Congress, Third Quarter

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ACTIVITY REPORT
OF THE
COMMITTEE ON ENERGY AND COMMERCE
OF THE
U.S. HOUSE OF REPRESENTATIVES
(THROUGH MAY 31, 2012)



JUNE 29, 2012.—Committed to the Committee of the Whole House on
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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 29, 2012.

Hon. KAREN L. HAAS,
Clerk, House of Representatives,
Washington, DC.

DEAR MS. HAAS: Pursuant to clause 1(d) of rule XI of the Rules of the House of Representatives, I present herewith the third semi-annual report on the activity of the Committee on Energy and Commerce for the 112th Congress.

Sincerely,

FRED UPTON,
Chairman.

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MEMBERSHIP AND ORGANIZATION
ONE HUNDRED TWELTH CONGRESS
COMMITTEE ON ENERGY AND COMMERCE
(Ratio 31–23)

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DAVID B. MCKINLEY, West Virginia	
CORY GARDNER, Colorado	
MIKE POMPEO, Kansas	
ADAM KINZINGER, Illinois	
H. MORGAN GRIFFITH, Virginia	

* Representative Jane Harman (D–CA) resigned from the Committee on Energy and Commerce on February 28, 2011. Representative Donna M. Christensen (D–VI) was elected to the Committee on Energy and Commerce on March 8, 2011, pursuant to H. Res. 149.

** Representative Anthony D. Weiner (D–NY) resigned from the Committee on Energy and Commerce on June 21, 2011. Representative Kathy Castor (D–FL) was elected to the Committee on Energy and Commerce on June 22, 2011, pursuant to H. Res. 321.

*** Representative Jay Inslee (D–WA) resigned from the Committee on Energy and Commerce on March 20, 2012. Representative John P. Sarbanes (D–MD) was elected to the Committee on Energy and Commerce on March 20, 2012, pursuant to H. Res. 590.

SUBCOMMITTEE MEMBERSHIPS AND JURISDICTION

SUBCOMMITTEE ON COMMERCE, MANUFACTURING, AND TRADE

(Ratio 14–9)

MARY BONO MACK, California, *Chairman*MARSHA BLACKBURN, Tennessee,
*Vice Chairman*CLIFF STEARNS, Florida
CHARLES F. BASS, New Hampshire
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LEONARD LANCE, New Jersey
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BRETT GUTHRIE, Kentucky
PETE OLSON, Texas
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Jurisdiction: Interstate and foreign commerce, including all trade matters within the jurisdiction of the full committee; Regulation of commercial practices (the FTC), including sports-related matters; Consumer affairs and consumer protection, including privacy matters generally; Consumer product safety (the CPSC); Product liability; Motor vehicle safety; and, Regulation of travel, tourism, and time.

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(Ratio 16–11)

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(*Ex Officio*)

Jurisdiction: Interstate and foreign telecommunications including, but not limited to, all telecommunication and information transmission by broadcast, radio, wire, microwave, satellite, or other mode.

SUBCOMMITTEE ON ENERGY AND POWER

(Ratio 16–11)

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Jurisdiction: National energy policy generally; Fossil energy, renewable energy resources and synthetic fuels, energy conservation, energy information; Energy regulation and utilization; Utility issues and regulation of nuclear facilities; Interstate energy compacts; Nuclear energy; The Clean Air Act and air emissions; and, All laws, programs, and government activities affecting such matters.

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(Ratio 14–9)

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Jurisdiction: All matters relating to soil and water contamination; The regulation of solid, hazardous, and nuclear wastes; The regulation of industrial plant security; The regulation of drinking water; and, The regulation of toxic substances and noise.

SUBCOMMITTEE ON HEALTH

(Ratio 16–11)

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Jurisdiction: Public health and quarantine; hospital construction; mental health and research; biomedical programs and health protection in general, including public and private health insurance; food and drugs; and, drug abuse.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

(Ratio 14–9)

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Jurisdiction: Responsibility for oversight of agencies, departments, and programs within the jurisdiction of the full committee, and for conducting investigations within such jurisdiction.

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 ALVIN BANKS, *Investigator*
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LEGISLATIVE AND OVERSIGHT ACTIVITY

FULL COMMITTEE

(Ratio 31–23)

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JOHN BARROW, Georgia
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Virgin Islands
KATHY CASTOR, Florida
JOHN P. SARBANES, Maryland

OVERSIGHT ACTIVITIES

THE CONSEQUENCE OF OBAMACARE: IMPACT ON MEDICAID AND STATE HEALTH CARE REFORM

On February 9, 2011, the Committee on Energy and Commerce held an oversight hearing on the Consequences of Obamacare: Impact on Medicaid and State Health Care Reform. At the hearing, the Committee heard from governors regarding their experiences with the Federal requirements included in the Patient Protection and Affordable Care Act. The Committee received testimony from the Governors of Massachusetts, Mississippi, and Utah.

HEARINGS HELD

Hearing entitled "The Consequences of Obamacare: Impact on Medicaid and State Health Care Reform." (March 1, 2011) Serial Number 112-11.

SUBCOMMITTEE ON COMMERCE, MANUFACTURING, AND TRADE

(Ratio 14–9)

MARY BONO MACK, California, <i>Chairman</i>	
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ADAM KINZINGER, Illinois	
JOE BARTON, Texas	
FRED UPTON, Michigan	
<i>(Ex Officio)</i>	

Jurisdiction: Interstate and foreign commerce, including all trade matters within the jurisdiction of the full committee; Regulation of commercial practices (the FTC), including sports-related matters; Consumer affairs and consumer protection, including privacy matters generally; Consumer product safety (the CPSC); Product liability; Motor vehicle safety; and, Regulation of travel, tourism, and time.

LEGISLATIVE ACTIVITIES

ENHANCING CPSC AUTHORITY AND DISCRETION ACT OF 2011

(H.R. 1939)

To provide the Consumer Product Safety Commission with greater authority and discretion in enforcing the consumer product safety laws, and for other purposes.

Summary

H.R. 1939 amends the Consumer Product Safety Act and the Consumer Product Safety Improvement Act of 2008 (CPSIA) to reduce the regulatory burdens created by CPSIA where possible to do so without harming consumers; to enhance the Consumer Product Safety Commission's (CPSC) ability to investigate complaints and prioritize based on risk; and to improve the utility and accuracy of information in the CPSC's public database.

Legislative History

On April 7, 2011, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled "Discussion Draft of H.R. _____, a bill that would revise the Consumer Product Safety Improvement Act."

On May 12, 2011, the Subcommittee on Commerce, Manufacturing, and Trade met in open markup session and forwarded a Committee Print entitled "Enhancing CPSC Authority and Discre-

tion Act of 2011” to the full Committee, as amended, by a voice vote.

On May 23, 2011, H.R. 1939 was introduced by Mrs. Bono Mack, referred to the Committee on Energy and Commerce, and referred to the Subcommittee on Commerce, Manufacturing, and Trade.

On May 25 and 26, 2011, the Committee on Energy and Commerce met in open markup session to consider H.R. 1939. Members were recognized to make opening statements on H.R. 1939, but the Chairman did not call up the bill.

SECURE AND FORTIFY ELECTRONIC DATA ACT OR SAFE DATA ACT

(H.R. 2577)

To protect consumers by requiring reasonable security policies and procedures to protect data containing personal information, and to provide for nationwide notice in the event of a security breach.

Summary

H.R. 2577 requires the Federal Trade Commission (FTC) to promulgate regulations requiring any person engaged in interstate commerce that owns or possesses data containing personal information to establish and implement reasonable security policies and procedures to protect such information. The bill also requires notification to Federal authorities in the event that protection of personal information is compromised and preempts State breach notification requirements.

Legislative History

On June 15, 2011, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing on a Committee Print entitled the “Secure and Fortify Electronic Data Act” or “SAFE Data Act.”

On July 18, 2011, Mrs. Bono Mack introduced H.R. 2577, which was referred to the Committee on Energy and Commerce.

On July 20, 2011, the Subcommittee on Commerce, Manufacturing, and Trade met in open markup session, and forwarded the bill to the full Committee, as amended, by a voice vote.

TO PROVIDE THE CONSUMER PRODUCT SAFETY COMMISSION WITH GREATER AUTHORITY AND DISCRETION IN ENFORCING THE CONSUMER PRODUCT SAFETY LAWS, AND FOR OTHER PURPOSES

(H.R. 2715)

To provide the Consumer Product Safety Commission with greater authority and discretion in enforcing the consumer product safety laws, and for other purposes.

Summary

The legislation will provide the Consumer Product Safety Commission (CPSC) with greater flexibility to reduce regulatory burdens, particularly for small businesses.

Legislative History

H.R. 2715 was introduced by Mrs. Bono Mack on August 1, 2011, and referred to the Committee on Energy and Commerce. H.R. 2715 was then considered in the House under suspension of the Rules and passed by a roll call vote of 421 yeas and 2 nays (Roll Call No. 683).

On August 1, 2011, H.R. 2715 was received in the Senate, read twice, considered, read a third time, and passed, without amendment, by unanimous consent.

H.R. 2715 was presented to the President on August 5, 2011, and the President signed the bill on August 12, 2011 (Public Law 112-28).

OVERSIGHT ACTIVITIES

A REVIEW OF CPSIA AND CPSC RESOURCES

On February 17, 2011, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled “A Review of CPSIA and CPSC Resources.” The purpose of the hearing was to develop an understanding of the problems created by Consumer Product Safety Improvement Act and review the Commission’s budget. The Subcommittee received testimony from the Chairman and a commissioner of the Consumer Product Safety Commission, and representatives of the Handmade Toy Alliance, Association of Home Appliance Manufacturers, Learning Resources Inc., and Kids in Danger.

MADE IN AMERICA: INNOVATIONS IN JOB CREATION AND ECONOMIC GROWTH

On March 3, 2011, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing to obtain an overview of the multiple facets of job creation in today’s economic and regulatory climate. The Subcommittee received testimony from representatives of the Department of Commerce, the U.S. Chamber of Commerce, the State of Georgia, the National Association of Manufacturers, the American Action Forum, the Financial Services Roundtable, the Council on Competitiveness, Solar Energy Industries Association, and the Center for American Progress.

MADE IN AMERICA: INCREASING JOBS THROUGH EXPORTS AND TRADE

On March 16, 2011, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing to examine the Administration’s efforts to promote trade and increase export opportunities and receive the views of private enterprise stakeholders on technical and other non-tariff trade barriers. The Subcommittee received testimony from representatives of the Department of Commerce, the U.S. Chamber of Commerce, the Business Software Alliance, the Center for Trade Policy Studies at CATO Institute, Cessna Aircraft Company, and the Capstone Turbine Corporation.

WARNING: THE GROWING DANGER OF PRESCRIPTION DRUG DIVERSION

On April 14, 2011, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled “Warning: The Growing Danger of Prescription Drug Diversion.” The hearing was held to investigate the problem of the misuse of prescription drugs. Overdose rates of prescription drugs have increased five-fold since 1990, and unintentional drug poisoning deaths are now the second leading cause of accidental death in America. The Subcommittee received testimony from the Governor of Florida, the Governor of Kentucky, the Office of National Drug Control Policy, and the Drug Enforcement Administration. There was also testimony from family members of individuals affected by prescription drug abuse, the medical community, drug companies, anti-drug organizations, and other experts.

THE THREAT OF DATA THEFT TO AMERICAN CONSUMERS

On May 4, 2011, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing to examine risks related to data breaches, the state of ongoing investigations, current industry data security practices, and available technology. It was reported that in April 2011 alone, over 30 data breaches occurred at hospitals and medical provider offices, universities, insurance companies, airlines, technology companies, banks, and at the Federal, State and local government levels. These breaches occurred through phishing, theft of computers, and hacking, impacting at least 99 million records. The Subcommittee received testimony from representatives of the Federal Trade Commission’s Bureau of Consumer Protection, the U.S. Secret Service’s Criminal Investigative Division, the Center for Democracy and Technology, and an expert from the computer science field.

SONY AND EPSILON: LESSONS FOR DATA SECURITY LEGISLATION

On June 2, 2011, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled “Sony and Epsilon: Lessons for Data Security Legislation.” The purpose of the hearing was to examine the risks of the recent data breaches at Epsilon and Sony and the state of the ongoing investigations into each incident. The Subcommittee received testimony from the general counsel of Epsilon Data Management, LLC and the president of Sony Network Entertainment International.

INTERNET PRIVACY: THE VIEWS OF THE FTC, THE FCC, AND NTIA

On July 14, 2011, the Subcommittee on Commerce, Manufacturing, and Trade and the Subcommittee on Communications and Technology held a joint hearing entitled “Internet Privacy: The Views of the FTC, the FCC, and NTIA.” The hearing examined the views of several Federal agencies regarding the regulation of Internet privacy. The Subcommittees received testimony from the Honorable Edith Ramirez, Commissioner of the Federal Trade Commission, the Honorable Julius Genachowski, Chairman of the Federal Communications Commission, and the Honorable Law-

rence Strickling, the Assistant Secretary for Communications and Information and the Administrator of the National Telecommunication and Information Administration.

INTERNET PRIVACY: THE IMPACT AND BURDEN OF EU REGULATION

On September 15, 2011, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled “Internet Privacy: The Impact and Burden of EU Regulation.” The Subcommittee examined the European Union’s (EU) privacy and data collection regulations and their impact on the Internet economy. Witnesses included a representative from the Department of Commerce and other policy experts.

PROTECTING CHILDREN’S PRIVACY IN AN ELECTRONIC WORLD

On October 5, 2011, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled “Protecting Children’s Privacy in an Electronic World.” The purpose of the hearing was to examine existing protections for children’s online privacy and their adequacy. The Subcommittee examined the provisions of the Children’s Online Privacy Protection Act (COPPA) and the Federal Trade Commission’s recent proposal to revise its COPPA rule. The Subcommittee received testimony from the Federal Trade Commission, SSP Blue, Association for Competitive Technology, Family Online Safety Institute, a communications professor from American University, and Common Sense Media.

FOOD MARKETING: CAN ‘VOLUNTARY’ GOVERNMENT RESTRICTIONS IMPROVE CHILDREN’S HEALTH?

On October 12, 2011, the Subcommittee on Health and the Subcommittee on Commerce, Manufacturing and Trade held a joint hearing entitled “Food Marketing: Can ‘Voluntary’ Government Restrictions Improve Children’s Health?” The hearing investigated the document entitled “Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts,” which was issued by the Interagency Working Group. The Subcommittees received testimony from representatives of the Department of Agriculture, the Federal Trade Commission, and stakeholders and policy experts.

UNDERSTANDING CONSUMER ATTITUDES ABOUT PRIVACY

On October 13, 2011, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled “Understanding Consumer Attitudes About Privacy.” The hearing examined consumers’ attitudes toward privacy as reflected by their utilization and manipulation of existing privacy controls. Witnesses included stakeholders and policy experts.

INTERNET GAMING: IS THERE A SAFE BET?

On October 25, 2011, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled “Internet Gaming: Is There a Safe Bet?” The purpose of the hearing was to examine the status of Internet gaming in the United States and to consider how consumers and other stakeholders would be affected if current legal

restrictions were eased. The Subcommittee received testimony from the Poker Players Alliance, National Indian Gaming Association, Fair Play USA, National Council on Problem Gambling, a professor from the Chapman University School of Law, and the Annenberg Public Policy Center.

INTERNET GAMING: REGULATING IN AN ONLINE WORLD

On November 18, 2011, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled “Internet Gaming: Regulating in an Online World.” The purpose of the hearing was to examine the status of internet gaming in the United States. The Subcommittee received testimony from the Honorable Barney Frank (MA–4), the Honorable Frank Wolf (VA–10), the Honorable John Campbell (CA–48), State officials from Nevada and New Hampshire, and various stakeholders.

WHERE THE JOBS ARE: EMPLOYMENT TRENDS AND ANALYSIS

On February 15, 2012, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled “Where the Jobs Are: Employment Trends and Analysis.” This was the first in a series of hearings to examine employment and ways to revitalize job creation. The purpose of the hearing was to explore current employment trends, with discussion of factors bearing on job growth. The Subcommittee received testimony from a Cornell University economics professor, Competitive Enterprise Institute, Boston Consulting Group Inc., and the Center for Economic and Policy Research.

PRESCRIPTION DRUG DIVERSION: COMBATING THE SCOURGE

On March 1, 2012, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled “Prescription Drug Abuse: Combating the Scourge.” The purpose of the hearing was to examine both Federal and private-sector efforts to combat diversion of prescription drugs in the pharmaceutical industry. The Subcommittee received testimony from the Office of National Drug Control Policy, U.S Drug Enforcement Agency, Florida Attorney General, Kentucky Attorney General, Ohio Senior Assistant Attorney General, Healthcare Distribution Management Association, and the National Community Pharmacists Association.

MOTOR VEHICLE SAFETY PROVISION IN HOUSE AND SENATE HIGHWAY BILLS

On March 22, 2012, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled “Motor Vehicle Safety Provisions in House and Senate Highway Bills.” The purpose of the hearing was to discuss the views of the Administration and other stakeholders concerning the vehicle safety provisions included in the House and Senate highway bills. The Subcommittee received testimony from Congressman John Lewis of Georgia, the Administrator of the National Highway Traffic Safety Administration, Alliance of Automobile Manufacturers, American Bus Association,

Global Manufacturers, Advocates for Highway and Auto Safety, United Motorcoach Association, and Consumers Union.

BALANCING PRIVACY AND INNOVATION: DOES THE PRESIDENT'S
PROPOSAL TIP THE SCALE?

On March 29, 2012, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled "Balancing Privacy and Innovation: Does the President's Proposal Tip the Scale?" The purpose of the hearing was to examine the Obama Administration's proposed framework entitled "Consumer Data Privacy in a Networked World: A Framework for Protecting Privacy and Promoting Innovation and the Global Digital Economy" and receive the views of stakeholders. The Subcommittee received testimony from the Chairman of the Federal Trade Commission, the Assistant Secretary for Communication and Information of the U.S. Department of Commerce, TechFreedom, Online Publishers Association, the Association for Competitive Technology, Center for Democracy & Technology, and the Interactive Advertising Bureau.

WHERE THE JOBS ARE: CAN AMERICAN MANUFACTURING THRIVE
AGAIN?

On April 19, 2012, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled "Where the Jobs Are: Can American Manufacturing Thrive Again?" This was the second in a series of hearings examining employment and ways to revitalize job creation. The purpose of the hearing was to examine how manufacturing competitiveness is affected by the current global economy and to identify policies that could aid in the sector's recovery. The Subcommittee received testimony from the Secretary of the U.S. Department of Commerce, Information Technology & Innovation Foundation, National Association of Manufacturers, Deloitte & Touche USA LLP, and the North Carolina Biotechnology Center.

WHERE THE JOBS ARE: PROMOTING TOURISM TO AMERICA

On May 16, 2012, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled "Where the Jobs Are: Promoting Tourism to America." This was the third in a series of hearings examining employment and ways to revitalize job creation. The purpose of the hearing was to review the Obama Administration's recent proposal for expanding tourism and hear from other stakeholders. The Subcommittee received testimony from Congresswoman Mazie Hirono of Hawaii, the Assistant Secretary of Commerce for Manufacturing and Services, the Corporation for Travel Promotion (Brand USA), U.S. Travel Association, Marriott International, Greater Palm Springs Convention and Visitors Bureau, and a professor from East Carolina University.

HEARINGS HELD

Hearing entitled "A Review of CPSIA and CPSC Resources." (February 17, 2011) Serial Number 112-10.

Hearing entitled “Made in America: Innovations in Job Creation and Economic Growth.” (March 3, 2011) Serial Number 112–15.

Hearing entitled “Made in America: Increasing Jobs through Exports and Trade.” (March 16, 2011) Serial Number 112–21.

Hearing entitled “Discussion Draft of H.R. _____, a bill that would revise the Consumer Product Safety Improvement Act.” (April 7, 2011) Serial Number 112–34.

Hearing entitled “Warning: The Growing Danger of Prescription Drug Diversion.” (April 14, 2011) Serial Number 112–39.

Hearing entitled “The Threat of Data Theft to American Consumers.” (May 4, 2011) Serial Number 112–44.

Hearing entitled “Sony and Epsilon: Lessons for Data Security Legislation.” (June 2, 2011) Serial Number 112–55.

Hearing entitled “Discussion Draft of H.R. _____, a bill to require greater protection for sensitive consumer data and timely notification in case of breach.” (June 15, 2011) Serial Number 112–62.

Hearing entitled “Internet Privacy: The Views of the FTC, the FCC, and NTIA.” (July 14, 2011) Serial Number 112–75.

Hearing entitled “Internet Privacy: The Impact and Burden of EU Regulation.” (September 15, 2011) Serial Number 112–86.

Hearing entitled “Protecting Children’s Privacy in an Electronic World.” (October 5, 2011) Serial Number 112–91.

Hearing entitled “Food Marketing: Can ‘Voluntary’ Government Restrictions Improve Children’s Health?” (October 12, 2011) Serial Number 112–94.

Hearing entitled “Understanding Consumer Attitudes About Privacy.” (October 13, 2011) Serial Number 112–96.

Hearing entitled “Internet Gaming: Is There a Safe Bet?” (October 25, 2011) Serial Number 112–100.

Hearing entitled “Internet Gaming: Regulating in an Online World.” (November 18, 2011) Serial Number 112–105.

Hearing entitled “Where the Jobs Are: Employment Trends and Analysis.” (February 15, 2012) Serial Number 112–115.

Hearing entitled “Prescription Drug Diversion: Combating the Scourge.” (March 1, 2012) Serial Number 112–122.

Hearing entitled “Motor Vehicle Safety Provisions in House and Senate Highway Bills.” (March 22, 2012) Serial Number 112–130.

Hearing entitled “Balancing Privacy and Innovation: Does the President’s Proposal Tip the Scale?” (March 29, 2012) Serial Number 112–135.

Hearing entitled “Where the Jobs Are: Can American Manufacturing Thrive Again?” (April 19, 2012) Serial Number 112–139.

Hearing entitled “Where the Jobs Are: Promoting Tourism to America.” (May 16, 2012) Serial Number 112–144.

SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY

(Ratio 16–11)

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LEE TERRY, Nebraska,
Vice Chairman

CLIFF STEARNS, Florida

JOHN SHIMKUS, Illinois

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BOBBY L. RUSH, Illinois

DIANA DEGETTE, Colorado

JOHN D. DINGELL, Michigan

(Ex Officio—non voting)

HENRY A. WAXMAN, California

(Ex Officio)

Jurisdiction: Interstate and foreign telecommunications including, but not limited to, all telecommunication and information transmission by broadcast, radio, wire, microwave, satellite, or other mode.

LEGISLATIVE ACTIVITIES

DISAPPROVING THE RULE SUBMITTED BY THE FEDERAL COMMUNICATIONS COMMISSION WITH RESPECT TO REGULATING THE INTERNET AND BROADBAND INDUSTRY PRACTICES

(H.J. RES. 37)

Disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.

Summary

H.J. Res. 37 expresses Congress's disapproval of the rule adopted by the Federal Communications Commission on December 21, 2010, (Report and Order FCC 10–201) with respect to regulating the Internet and broadband industry practices. The bill prohibits the rule from having any force or effect.

Legislative History

On February 16, 2011, the Subcommittee on Communications and Technology held a hearing on “Network Neutrality and Internet Regulation: Warranted or More Economic Harm than Good?” After the hearing, Mr. Walden introduced H.J. Res. 37, which was referred to the Committee on Energy and Commerce.

On February 28, 2011, H.J. Res. 37 was referred to the Subcommittee on Communications and Technology, and on March 9, 2011, the Subcommittee held a hearing on the joint resolution.

On March 9, 2011, the Subcommittee met in open markup session and forwarded H.J. Res. 37 to the full Committee, without amendment, by a roll call vote of 15 yeas and 8 nays.

The Committee on Energy and Commerce met in a markup session on March 14 and 15, 2011, and ordered H.J. Res. 37 favorably reported to the House, without amendment, by a roll call vote of 30 yeas and 23 nays.

On April 1, 2011, the Committee on Energy and Commerce reported H.J. Res. 37 to the House (H. Rept. 112–51), and the bill was placed on the Union Calendar (Calendar No. 25).

On April 8, 2011, H.J. Res. 37 was considered in the House pursuant to H. Res. 200, and the joint resolution was passed by the House by a roll call vote of 240 yeas and 179 nays (Roll Call No. 252).

On April 12, 2011, H.J. Res. 37 was received in the Senate and read the first time. On April 13, 2011, the joint resolution was read a second time and placed on the Senate Legislative Calendar under General Orders (Calendar No. 34).

TO PROHIBIT FEDERAL FUNDING OF THE NATIONAL PUBLIC RADIO
AND THE USE OF FEDERAL FUNDS TO ACQUIRE RADIO CONTENT

(H.R. 1076)

To prohibit Federal funding of National Public Radio and the use of Federal funds to acquire radio content.

Summary

H.R. 1076 prohibits Federal funding to National Public Radio or any organization incorporated for broadcasting over noncommercial educational broadcast stations, cooperating with foreign broadcast systems, supporting noncommercial educational radio broadcasting, paying dues to such organizations, or acquiring public broadcast radio programs.

Legislative History

H.R. 1076 was introduced by Mr. Lamborn on March 15, 2011, and referred to the Committee on Energy and Commerce.

On March 15, 2011, the Committee on Energy and Commerce referred the bill to the Subcommittee on Communications and Technology, and the Subcommittee was then discharged from further consideration of H.R. 1076.

On March 17, 2011, H.R. 1076 passed the House by a roll call vote of 228 yeas and 192 nays, 1 present (Roll Call No. 192).

On March 17, 2011, H.R. 1076 was received in the Senate, read twice, and referred to the Committee on Commerce, Science, and Transportation.

TO RETURN UNUSED OR RECLAIMED FUNDS MADE AVAILABLE FOR
BROADBAND AWARDS IN THE AMERICAN RECOVERY AND REINVEST-
MENT ACT OF 2009 TO THE TREASURY OF THE UNITED STATES

(H.R. 1343)

To return unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009 to the Treasury of the United States.

Summary

H.R. 1343 requires the Administrator of the Rural Utilities Service and the Assistant Secretary of Commerce for Communications and Information to terminate any awards made under the Broadband Initiatives Program or the Broadband Technology Opportunities Program pursuant to the American Recovery and Reinvestment Act of 2009 if the Administrator or Assistant Secretary determines that cause exists, including wasteful or fraudulent spending or an insufficient level of performance. The Administrator and the Assistant Secretary must deobligate funds upon terminating an award and to return the funds to the U.S. Treasury, as well as report to Congress explaining any determinations and actions taken. H.R. 1343 also improves oversight of the grant programs.

Legislative History

On April 1, 2011, the Committee on Energy and Commerce's Subcommittee on Communications and Technology held a hearing on a Committee Print to return to the U.S. Treasury unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009, and to improve oversight of the grant programs. On the same day, the Subcommittee met in open markup session and forwarded the Committee Print to the full Committee, without amendment, by a voice vote.

H.R. 1343 was introduced by Mr. Bass on April 4, 2011, and referred to the Committee on Energy and Commerce and the Committee on Agriculture. H.R. 1343 was substantially similar to the Committee Print considered by the Subcommittee.

On April 4, 2011, the Committee on Energy and Commerce referred the bill to the Subcommittee on Communications and Technology, and the Subcommittee was discharged from further consideration of H.R. 1343.

On April 5, 2011, the Committee on Energy and Commerce met in open markup session and ordered H.R. 1343 favorably reported to the House, as amended, by a voice vote.

On September 29, 2011, the Committee on Energy and Commerce reported H.R. 1343 to the House (H. Rept. 112-228, Part I), and the bill was placed on the Union Calendar (Calendar No. 149).

On October 5, 2011, H.R. 1343 was considered in the House under suspension of the Rules, and the bill was passed, as amended, by a voice vote.

On October 6, 2011, H.R. 1343 was received in the Senate, read twice, and referred to the Committee on Commerce, Science, and Transportation.

FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM ACT
OF 2011

(H.R. 3309)

To amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission.

Summary

H.R. 3309 amends the Federal Communications Commission's (FCC) rulemaking procedure by requiring a Notice of Inquiry (NOI) in advance of a rulemaking, proposed rules to be issued within three years of an NOI, minimum time frames for the review of proposed rules and comment to the FCC, the establishment of performance measures for large programs, and cost benefit analysis for rules costing more than \$100 million. The bill also requires the FCC to establish procedures to ensure the Commissioners have adequate time to review proposals and know the options available, and so the public has an opportunity to review and respond to ex partes and statistical reports before the FCC relies on them.

Legislative History

On May 13 and June 22, 2011, the Subcommittee on Communications and Technology held hearings on the need to reform the processes of the Federal Communications Commission (FCC). Those hearings sought feedback from the FCC Chairman and Commissioners, as well as from members of industry, public interest groups, and the academic community on draft legislation.

On November 2, 2011, H.R. 3309 was introduced by Mr. Walden and referred to the Committee on Energy and Commerce.

On November 4, 2011, the Subcommittee on Communications and Technology met in open markup session and forwarded H.R. 3309 to the full Committee, as amended, by a roll call vote of 14 yeas and 9 nays.

The Committee on Energy and Commerce met in an open markup session on March 5 and 6, 2012, and ordered H.R. 3309 favorably reported to the House, as amended, by a roll call vote of 31 yeas and 16 nays.

On March 19, 2012, the Committee on Energy and Commerce reported H.R. 3309 to the House (H. Rept. 112-414), and the bill was placed on the Union Calendar (Calendar No. 286).

On March 27, 2012, H.R. 3309 was considered in the House pursuant to the provisions of H. Res. 595, and was passed, as amended, by a roll call vote of 247 yeas and 174 nays (Roll Call No. 138).

On March 28, 2012, H.R. 3309 was received in the Senate, read twice, and referred to the Committee on Commerce, Science, and Transportation.

FEDERAL COMMUNICATIONS COMMISSION CONSOLIDATED REPORTING
ACT OF 2011

(H.R. 3310)

To amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in

order to improve congressional oversight and reduce reporting burdens.

Summary

H.R. 3310 consolidates eight separate congressionally mandated reports on the communications industry into a single comprehensive report with a focus on intermodal competition, deploying communications to un-served communities, eliminating regulatory barriers, and empowering small businesses. This report is synched to the two-year congressional cycle to improve oversight and reduce costs. The Act also eliminates 12 additional, outdated reports from the Communications Act.

Legislative History

On May 13 and June 22, 2011, the Subcommittee on Communications and Technology held hearings on the need to reform the processes of the Federal Communications Commission (FCC). Those hearings sought feedback from the FCC Chairman and Commissioners, as well as from members of industry, public interest groups, and the academic community on draft legislation.

H.R. 3310 was introduced by Mr. Scalise on November 2, 2011, and referred to the Committee on Energy and Commerce.

On November 4, 2011, H.R. 3310 was referred to the Subcommittee on Communications and Technology.

On November 9, 2011, the Subcommittee on Communications and Technology met in open markup session and forwarded H.R. 3310 to the full Committee, as amended, by a voice vote.

The Committee on Energy and Commerce met in an open markup session on March 5 and 6, 2012, and ordered H.R. 3310 favorably reported to the House, as amended, by a voice vote.

On April 16, 2012, H.R. 3310, the Committee on Energy and Commerce reported H.R. 3310 to the House (H. Rept. 112-443), and the bill was placed on the Union Calendar (Calendar No. 310).

On May 30, 2012, H.R. 3310 was considered under suspension of the Rules and passed the House, as amended, by a voice vote.

MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

(H.R. 3630)

To provide incentives for the creation of jobs, and for other purposes.

Summary

Title IV of the bill, the “Jumpstarting Opportunity With Broadband Spectrum Act of 2011” authorizes incentive auctions of commercial spectrum, makes funds available for the construction of an interoperable public safety network, and creates a governance structure for construction and operation of the network.

Legislative History

On July 15, 2011, the Subcommittee on Communication and Technology held a hearing entitled “Legislative Hearing to Address Spectrum and Public Safety Issues.” During that hearing, the Subcommittee examined Committee Prints entitled the “Spectrum In-

novation Act of 2011,” and the “Spectrum Relocation Improvement Act of 2009.” Based on the testimony from this hearing, oversight hearings on spectrum issues, and Member discussions, the Subcommittee released a Committee Print entitled the “Jumpstarting Opportunity with Broadband Spectrum (JOBS) Act of 2011” on November 29, 2011.

On December 1, 2011, the Subcommittee on Communication and Technology met in open markup session and forwarded the Committee Print to the full Committee, as amended, by a roll call vote of 17 ayes and 6 nays.

On December 9, 2011, H.R. 3630 was introduced by Mr. Camp and referred to the Committee on Ways and Means, the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Transportation and Infrastructure, the Committee on Agriculture, the Committee on Oversight and Government Reform, the Committee on House Administration, the Committee on Budget, the Committee on Natural Resources, the Committee on Rules, and the Committee on Intelligence.

Title IV of H.R. 3630, entitled “Jumpstarting Opportunity with Broadband Spectrum Act of 2011,” includes provisions that are substantially similar to the Committee Print considered by the Subcommittee.

On December 13, 2011, H.R. 3630 was considered in the House pursuant to the provisions of H. Res. 491, and passed the House by a roll call vote of 234 yeas and 193 nays (Roll Call No. 923).

On December 13, 2011, H.R. 3630 was read the first time, and ordered placed on the Senate Legislative Calendar under Read the First Time. On December 14, 2011, the bill was received in the Senate, read the second time, and placed on Senate Legislative Calendar under General Orders (Calendar No. 257).

On December 17, 2011, H.R. 3630 passed the Senate, with an amendment, by unanimous consent.

On December 20, 2011, the House adopted a motion to disagree to the Senate amendment and requested a conference with the Senate by a roll call vote of 229 yeas and 193 nays (Roll Call No. 946), and the Speaker appointed the following conferees, Mr. Camp, Mr. Upton, Mr. Brady (TX), Mr. Walden, Mr. Price (GA), Mr. Reed, Mrs. Ellmers, and Mrs. Hayworth.

On December 23, 2011 the Speaker appointed additional conferees, including Mr. Levin, Mr. Becerra, Mr. Van Hollen, Mrs. Schwartz, and Mr. Waxman.

On December 23, 2011, the Senate insisted upon its amendments and agreed to the House’s request to go to conference, and on January 3, 2012, the Senate appointed conferees, including Sen. Baucus, Sen. Reed, Sen. Cardin, Sen. Casey, Sen. Kyl, Sen. Crapo, and Sen. Barrasso.

The conference met on February 2 and 7, 2012. The conference report (H. Rpt. 112–399) was filed on February 16, 2012.

On February 17, 2012, the conference report was considered in the House pursuant to the provisions of H. Res. 554, and the conference report was agreed to by a roll call vote of 293 yeas and 132 nays (Roll Call No. 72).

The Senate agreed to the conference report by a roll call vote of 60 yeas and 36 nays (Roll Call No. 22).

On February 22, 2012, H.R. 3639 was presented to and signed by the President (Public Law 112–96).

OVERSIGHT ACTIVITIES

FAIRNESS DOCTRINE

After FCC Commissioner Robert McDowell discovered that the Fairness Doctrine was still officially a regulation of the FCC, even though the Commission had disclaimed its constitutionality in the 1980s, the Committee took steps urging the FCC to remove the Fairness Doctrine from the Code of Federal Regulations. In a letter sent May 31, 2011, the Committee Chairman and the Communications and Technology Subcommittee Chairman asked the FCC Chairman to eliminate the regulation as well as the related political-editorial and personal-attack rules. The FCC Chairman responded on June 6, 2011, stating that he opposed the Fairness Doctrine, that it was unenforceable without a vote of the Commission to revive it, and that he anticipated that the FCC would eliminate the regulation as part of its efforts at regulatory reform. The Committee Chairman and the Subcommittee Chairman followed up on June 8, 2011, requesting the FCC Chairman’s anticipated timeline for the removal of the regulation and the FCC’s plans for further eliminating outdated rules and burdensome regulations. The FCC eliminated the Doctrine Aug. 22, 2011.

ARRA BROADBAND SPENDING

On February 10, 2011, the Subcommittee on Communications and Technology held an oversight hearing on American Recovery and Reinvestment Act (ARRA) Broadband Spending. The purpose of the hearing was to commence Congressional oversight of the \$7 billion allocated for broadband in the ARRA, to analyze the risks associated with the program, and to help facilitate proper oversight by the administering agencies. The hearing also began discussion of draft legislation that would return to the Treasury funds from grants found to be wasteful, fraudulent, or failing, as well as any funds that go unused or are relinquished. Witnesses included representatives from the Department of Commerce, the Department of Agriculture, the Government Accountability Office, Eagle Communications, and Merit Network, Inc.

NETWORK NEUTRALITY AND INTERNET REGULATION: WARRANTED OR MORE ECONOMIC HARM THAN GOOD?

On February 16, 2011, the Subcommittee on Communications and Technology held a hearing to investigate the Network Neutrality Rules adopted by the Federal Communications Commission (FCC) on December 21, 2010. The Subcommittee received testimony from the chairman and commissioners of the FCC.

On March 3, 2011, Chairman Upton, Chairman Walden, and Mr. Terry sent a letter to FCC Chairman Julius Genachowski, requesting the economic and market analysis included in the Commission’s order to impose controversial Internet rules. The letter also re-

requested information that would demonstrate that the FCC's network neutrality rules would not harm the American economy or the ability of Internet providers to innovate. On March 4, 2011, Chairman Upton, Chairman Walden, and Mr. Terry sent letters to CTIA—The Wireless Association and the National Cable & Telecommunications Association seeking information regarding the potential impact of the network neutrality rules on investment and economic activity.

On March 9, 2011, the Subcommittee on Communications and Technology held a legislative hearing regarding a resolution pursuant to the Congressional Review Act regarding the FCC's Net Neutrality rules. The Subcommittee received testimony from AT&T, Free Press, and other stakeholders.

USING SPECTRUM TO ADVANCE PUBLIC SAFETY, PROMOTE BROADBAND, CREATE JOBS, AND REDUCE THE DEFICIT

On April 12, 2011, the Subcommittee on Communications and Technology held a hearing to examine spectrum policy and to investigate how it can be used to bring interoperable broadband communications to public safety, advance wireless broadband, and reduce the deficit. The Subcommittee received testimony from Senator Slade Gorton, formerly of the 9/11 Commission; the New York Police Department; the Brattle Group; U.S. Cellular; WGAL-TV; the Federal Communications Commission; and Intel Corp.

FCC PROCESS REFORM

On May 13, 2011, the Subcommittee on Communications and Technology held a hearing on Federal Communications Commission (FCC) Process Reform. The purpose of the hearing was to examine possible reforms to FCC procedure to ensure consistency in the decision making process at the FCC. The Subcommittee received testimony from the Chairman and Commissioners.

Chairman Walden and Chairman Stearns followed the hearing with a letter sent on June 3, 2011, seeking more detailed data about the Commission's activities. Among other things, the letter sought information about how many petitions, complaints, and applications are pending at the FCC, the FCC's use of internal deadlines to manage its docket, and the conditions the FCC has imposed on recent transactions.

CREATING AN INTEROPERABLE PUBLIC SAFETY NETWORK

On May 25, 2011, the Subcommittee on Communications and Technology held a hearing entitled "Creating an Interoperable Public Safety Network." The hearing was held to investigate why, almost 10 years after the events of September 11, 2001, and despite Congressional allocation of billions of dollars and approximately 100 MHz of spectrum for public safety use, first responders still do not have ubiquitous interoperable voice communications, and few have interoperable broadband. The Subcommittee received testimony from first responder groups, communications companies, and other stakeholders.

PROMOTING BROADBAND, JOBS AND ECONOMIC GROWTH THROUGH
COMMERCIAL SPECTRUM AUCTIONS

On June 1, 2011, the Subcommittee on Communications and Technology held a hearing entitled “Promoting Broadband, Jobs and Economic Growth Through Commercial Spectrum Auctions.” The Subcommittee held the hearing to probe how best to meet the spectrum needs of Americans. The Subcommittee received testimony from CTIA—The Wireless Association, an economist from Duke University, Qualcomm Inc., Public Knowledge, Schurz Communications, and Titan Broadcast Management.

REFORMING FCC PROCESS

On June 22, 2011, the Subcommittee on Communications and Technology held a legislative hearing on the Committee Print entitled the “Federal Communications Commission Process Reform Act.” The Subcommittee received testimony from representatives of Broadband for America, Frontier Communications, Consumer Federation of America, Free State Foundation, the National Association of Regulatory Utility Commissioners, and a professor from the Washington University School of Law.

FEDERAL GOVERNMENT SPECTRUM USE

On July 6, 2011, the Subcommittee on Communications and Technology held a hearing entitled “Federal Government Spectrum Use.” The purpose of the hearing was to evaluate the impact of spectrum policy on interoperable broadband communications for public safety, in advancing wireless broadband, in reducing the deficit, and in creating jobs. The Subcommittee received testimony from the Assistant Secretary for Communications and Information at the Department of Commerce and the Administrator of the National Telecommunication and Information.

INTERNET PRIVACY: THE VIEWS OF THE FTC, THE FCC, AND NTIA

On July 14, 2011, the Subcommittee on Communications and Technology and the Subcommittee on Commerce, Manufacturing, and Trade held a joint hearing entitled “Internet Privacy: The Views of the FTC, the FCC, and NTIA.” The hearing examined the views of several Federal agencies regarding the regulation of Internet privacy. The Subcommittees received testimony from the Honorable Edith Ramirez, Chairman of the Commissioner of the Federal Trade Commission, the Honorable Julius Genachowski, Chairman of the Federal Communications Commission, and the Honorable Lawrence Strickling, the Assistant Secretary for Communications and Information and the Administrator of the National Telecommunication and Information Administration.

LEGISLATIVE HEARING TO ADDRESS SPECTRUM AND PUBLIC
SAFETY ISSUES

On July 15, 2011, the Subcommittee on Communications and Technology held a hearing entitled “Legislative Hearing to Address Spectrum and Public Safety Issues.” The purpose of the hearing was to discuss how spectrum policy can help bring interoperable

broadband communications to public safety officials, advance wireless broadband service, reduce the deficit, and create jobs. The Subcommittee received testimony from the National Association of Broadcasters, CTIA-The Wireless Association, the San Jose Police Department, an economics professor from the University of Maryland, and the New America Foundation.

H.R. 3035, MOBILE INFORMATIONAL CALL ACT OF 2011

On November 4, 2011, the Subcommittee on Communications and Technology held a hearing on H.R. 3035, the “Mobile Informational Call Act of 2011,” introduced by the Honorable Lee Terry and the Honorable Edolphus Towns. The aim of H.R. 3035 is to permit informational calls using automatic dialers to mobile devices and further amend the Telephone Consumer Protection Act in light of developments in the communications marketplace over the last twenty years. The Subcommittee received testimony from the Honorable Greg Zoeller, Attorney General of Indiana, HOPE NOW, Cargo Airline Association, CTIA, and the National Association of Consumer Advocates.

ICANN’S TOP-LEVEL DOMAIN NAME PROGRAM

On December 14, 2011, the Subcommittee on Communications and Technology held a hearing entitled “ICANN’s Top-Level Domain Name Program.” The hearing examined the Internet Corporation for Assigned Names and Numbers’ proposed expansion of the number of generic top-level domain names. The Subcommittee received testimony from representatives of the National Telecommunications and Information Administration, the Coalition Against Domain Name Abuse, Employ Media, the Council of Better Business Bureaus, the Association of National Advertisers, and ICANN.

CYBERSECURITY: THREATS TO COMMUNICATIONS NETWORKS AND PRIVATE-SECTOR RESPONSES

On February 8, 2012, the Subcommittee on Communications and Technology held a hearing entitled “Cybersecurity: Threats to Communications Networks and Private-Sector Responses.” The hearing examined the threats to America’s communications networks, what the private sector is doing to address those threats, what the private sector could be doing better, and what role the Federal government should play. The subcommittee received testimony from Internet Security Alliance, Entrust, Juniper Networks, Center for Strategic and International Studies, and McAfee Inc.

THE BUDGET AND SPENDING OF THE FEDERAL COMMUNICATIONS COMMISSION

On February 16, 2012, the Subcommittee on Communications and Technology held a hearing entitled “The Budget and Spending of the Federal Communications Commission.” The Subcommittee received testimony from the chairman of the Federal Communications Commission, the inspector general of the Federal Commu-

nications Commission, and the chief executive officer of Universal Service Administrative Company.

CYBERSECURITY AND THE PIVOTAL ROLE OF COMMUNICATIONS NETWORKS

On March 7, 2012, the Subcommittee on Communications and Technology held a hearing entitled “Cybersecurity and the Pivotal Role of Communications Networks.” The hearing continued the examination of cybersecurity and our communications infrastructure with a focus on what internet service providers are doing to address cybersecurity. The Subcommittee received testimony from AT&T Services, Inc., CenturyLink, Comcast Corporation, and MetroPCS Communications Inc.

CYBERSECURITY: THREATS TO COMMUNICATIONS NETWORKS AND PUBLIC-SECTOR RESPONSES

On March 28, 2012, the Subcommittee on Communications and Technology held a hearing entitled “Cybersecurity: Threats to Communications Networks and Public-Sector Responses.” The hearing examined threats to America’s communications networks, what the public sector is doing to address those threats, how it is working with the private sector, and what role the Federal government should play in securing communications networks. The Subcommittee received testimony from witnesses representing the Federal Communications Commission, the National Telecommunications and Information Administration, the Department of Homeland Security, Carnegie Mellon’s Computer Emergency Readiness Team, and Sandia Laboratories.

BROADBAND LOANS AND GRANTS

On May 16, 2012, the Subcommittee on Communications and Technology held a hearing entitled “Broadband Loans and Grants.” The hearing examined the \$7.2 billion in broadband grants and loans that was allocated by the American Recovery and Reinvestment Act of 2009. The Subcommittee received testimony from the Assistant Secretary for Communications and Information at the Department of Commerce, the Administrator of the Rural Utility Service, the Inspector General of the U.S. Department of Commerce, and the Deputy Inspector General at the U.S. Department of Agriculture.

HEARINGS HELD

Hearing entitled “ARRA Broadband Spending.” (February 10, 2011) Serial Number 112–5.

Hearing entitled “Network Neutrality and Internet Regulation: Warranted or More Economic Harm than Good?” (February 16, 2011) Serial Number 112–8.

Hearing entitled “H.J. Res 37, Disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry.” (March 9, 2011) Serial Number 112–18.

Hearing entitled “H.R. _____, a Bill to Clarify NTIA and RUS Authority to Return Reclaimed Stimulus Funds to the U.S. Treasury.” (April 1, 2011) Serial Number 112–30.

Hearing entitled “Using Spectrum to Advance Public Safety, Promote Broadband, Create Jobs, and Reduce the Deficit.” (April 12, 2011) Serial Number 112–36.

Hearing entitled “FCC Process Reform.” (May 13, 2011) Serial Number 112–48.

Hearing entitled “Creating an Interoperable Public Safety Network.” (May 25, 2011) Serial Number 112–51.

Hearing entitled “Promoting Broadband, Jobs and Economic Growth Through Commercial Spectrum Auctions.” (June 1, 2011) Serial Number 112–53.

Hearing entitled “Reforming FCC Process.” (June 22, 2011) Serial Number 112–66.

Hearing entitled “Federal Government Spectrum Use.” (July 6, 2011) Serial Number 112–69.

Hearing entitled “Internet Privacy: The Views of the FTC, the FCC, and NTIA.” (July 14, 2011) Serial Number 112–75.

Hearing entitled “Legislative Hearing to Address Spectrum and Public Safety Issues.” (July 15, 2011) Serial Number 112–76.

Hearing entitled “H.R. 3035, The Mobile Informational Call Act of 2011.” (November 4, 2011) Serial Number 112–103.

Hearing entitled “ICANN’s Top-Level Domain Name Program.” (December 14, 2011) Serial Number 112–107.

Hearing entitled “Cybersecurity: Threats to Communications Networks and Private-Sector Responses.” (February 8, 2012) Serial Number 112–112.

Hearing entitled “The Budget and Spending of the Federal Communications Commission.” (February 16, 2012) Serial Number 112–117.

Hearing entitled “Cybersecurity: The Pivotal Role of Communications Networks.” (March 7, 2012) Serial Number 112–123.

Hearing entitled “Cybersecurity: Threats to Communications Networks and Public-Sector Responses.” (March 28, 2012) Serial Number 112–134.

Hearing entitled “Broadband Loans and Grants.” (May 16, 2012) Serial Number 112–143.

Hearing entitled “International Proposals to Regulate the Internet.” (May 31, 2012) Serial Number 112–145.

SUBCOMMITTEE ON ENERGY AND POWER

(Ratio 16–11)

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(Ex Officio)

Jurisdiction: National energy policy generally; Fossil energy, renewable energy resources and synthetic fuels, energy conservation, energy information; Energy regulation and utilization; Utility issues and regulation of nuclear facilities; Interstate energy compacts; Nuclear energy; The Clean Air Act and air emissions; and, All laws, programs, and government activities affecting such matters.

LEGISLATIVE ACTIVITIES

ENERGY TAX PREVENTION ACT OF 2011

(H.R. 910)

To amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes.

Summary

H.R. 910 prohibits the Administrator of the Environmental Protection Agency from using the Clean Air Act to promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas (GHG) to address climate change. To this end, certain prior Clean Air Act greenhouse gas agency actions are repealed, including without limitation, the Agency's actions with respect to "Endangerment and Cause or Contribute Findings for Greenhouse Gases" Under Section 202(a) of the Clean Air Act" and the rulemaking entitled "Mandatory Reporting of Greenhouse Gases." Notwithstanding the foregoing, reporting requirements as a result of implementation and enforcement of section 821 of Public Law 101–549 (commonly referred to as the Clean Air Act Amendments of 1990) would remain in effect.

Legislative History

On February 9, 2011, the Subcommittee on Energy and Power held a hearing on a Committee Print entitled the “Energy Tax Prevention Act of 2011.” The Subcommittee held another hearing on March 1, 2011, entitled “EPA’s Greenhouse Gas Regulations and Their Effect on American Jobs.”

H.R. 910 was introduced by Mr. Upton on March 3, 2011, and referred to the Committee on Energy and Commerce.

On March 8, 2011, the bill was referred to the Subcommittee on Energy and Power, and the Subcommittee held another legislative hearing on the bill entitled “Climate Science and EPA’s Greenhouse Gas Regulations.”

The Subcommittee on Energy and Power met in open markup session on March 10, 2011, and H.R. 910 was forwarded to the full Committee, without amendment, by a voice vote.

The Committee on Energy and Commerce met in open markup session on March 14 and 15, 2011, and ordered H.R. 910 favorably reported to the House, as amended, by a roll call vote of 34 yeas and 19 nays.

On April 1, 2011, the Committee on Energy and Commerce reported H.R. 910 to the House (H. Rept. 112–50), and the bill was placed on the Union Calendar (Calendar No. 24).

On May 6 and 7, 2011, H.R. 910 was considered in the House pursuant to H. Res. 203, and on May 7, 2011, the bill was passed, as amended, by a roll call vote of 255 yeas and 172 nays (Roll Call No. 249).

On April 8, 2011, H.R. 910 was received in the Senate and referred to the Committee on Environment and Public Works.

FARM DUST REGULATION AND PREVENTION ACT OF 2011

(H.R. 1633)

To establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes.

Summary

H.R. 1633 prohibits the Environmental Protection Agency (EPA) from proposing, finalizing, implementing, or enforcing any regulation revising the National Ambient Air Quality Standards applicable to coarse particulate matter for one year from the date of enactment, and limits Federal regulation of a subset of particulate matter defined as “nuisance dust” when it is already addressed by state or local regulations unless the Administrator finds that: (1) nuisance dust causes substantial adverse public health and welfare effects at ambient concentrations and (2) the benefits of applying federal Clean Air Act standards to nuisance dust outweigh the costs.

Legislative History

H.R. 1633 was introduced by Ms. Noem on April 15, 2011, and referred to the Committee on Energy and Commerce.

On April 25, 2011, the bill was referred to the Subcommittee on Energy and Power, and on October 25, 2011, the Subcommittee held a hearing on the bill.

On November 3, 2011, the Subcommittee on Energy and Power met in an open markup session and forwarded H.R. 1633, as amended, to the full Committee.

On November 29, 2011, the Committee on Energy and Commerce met in an open markup session and ordered H.R. 1633 reported to the House, as amended, by a roll call vote of 33 yeas and 16 nays.

On December 6, 2011, the Committee on Energy and Commerce reported H.R. 1633 to the House (H. Rept. 112-316), and the bill was placed on the Union Calendar (Calendar No. 215).

On December 8, 2011, H.R. 1633 was considered in the House pursuant to the provisions of H. Res. 487, and the bill was passed by a roll call vote of 268 yeas and 150 nays (Roll Call No. 912).

On December 12, 2011, H.R. 1633 was received in the Senate and read once and placed on Senate Legislative Calendar under Read the First Time. On December 13, 2011, H.R. 1633 was read the second time and placed on Senate Legislative Calendar under General Orders (Calendar No. 256).

TRANSPARENCY IN REGULATORY ANALYSIS OF IMPACTS ON THE
NATION ACT OF 2011

(H.R. 1705)

To require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes.

Summary

H.R. 1705 establishes an interagency committee to conduct a cumulative analysis of certain EPA regulations that impact energy and manufacturing in the United States and to report the findings to Congress.

Legislative History

H.R. 1705 was introduced by Mr. Sullivan on May 4, 2011, and referred to the Committee on Energy and Commerce and, in addition, to the Committee on Transportation and Infrastructure.

On May 6, 2011, the Committee on Energy and Commerce referred H.R. 1705 to the Subcommittee on Energy and Power. The Subcommittee met in open markup session on May 24, 2011, and H.R. 1705 was forwarded to the full Committee, as amended, by a voice vote.

For further activity, see H.R. 2401.

NORTH AMERICAN-MADE ENERGY SECURITY ACT

(H.R. 1938)

To direct the President to expedite the consideration and approval of the construction and operation of the Keystone XL oil pipeline, and for other purposes

Summary

H.R. 1938 directs the President of the United States to coordinate with each Federal agency responsible for coordinating or con-

sidering an aspect of the President's National Interest Determination and Presidential Permit decision regarding construction and operation of the Keystone XL pipeline to ensure that all necessary actions are taken on an expedited schedule. The bill also directs the President, within 30 days after the final environmental impact statement, but not later than November 1, 2011, to issue a final order granting or denying the Presidential Permit for the Keystone XL pipeline.

Legislative History

Mr. Terry introduced H.R. 1938 on May 23, 2011, and referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce and the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On May 24, 2011, H.R. 1938 was referred to Subcommittee on Energy and Power. On June 15, 2011, the Subcommittee met in open markup session, and H.R. 1938 was forwarded to the full Committee by a voice vote.

On June 23, 2011, the Committee on Energy and Commerce met in open markup session, and ordered H.R. 1938 favorably reported to the House by a roll call vote of 33 yeas and 13 nays.

On July 8, 2011, the Committee on Energy and Commerce reported H.R. 1938 to the House (H. Rept. 112-140, Part I).

On July 26, 2011, H.R. 1938 was considered in the House pursuant to H. Res. 370 and was passed by a roll call vote of 279 yeas, 147 nays, and 1 present (Roll No. 650).

On July 27, 2011, H.R. 1938 was received in the Senate, read the first time, and placed on the Senate Legislative Calendar under Read the First Time. On July 28, 2011, the bill was read the second time and placed on the Senate Legislative Calendar under General Orders (Calendar No. 116).

Provisions similar to H.R. 1938 were included in H.R. 3630, the "Temporary Payroll Tax Cut Continuation Act of 2011." The legislative history of H.R. 3630 is discussed in the sections on the Subcommittee on Communications and Technology and the Subcommittee on Health.

JOBS AND ENERGY PERMITTING ACT OF 2011

(H.R. 2021)

To amend the Clean Air Act regarding air pollution from Outer Continental Shelf activities.

Summary

H.R. 2021, the Jobs and Energy Permitting Act of 2011 ("JEPA"), would amend section 328 of the Clean Air Act (CAA) to clarify when a drilling operation becomes an Outer Continental Shelf source ("OCS Source"), which vessels can be regulated as part of the OCS source, and where to measure the air quality impacts of the OCS source. H.R. 2021 also would make several changes to the administrative and judicial review process for permits issued under section 328.

Legislative History

On April 13, 2011 and May 13, 2011, the Subcommittee on Energy and Power held hearings on a Committee Print entitled the “Jobs and Energy Permitting Act of 2011.” The Subcommittee on Energy and Power met in open markup session on May 24, 2011, and the Committee Print was forwarded to the full Committee, without amendment, by a voice vote.

On May 26, 2011, H.R. 2021 was introduced by Mr. Gardner and referred to the Committee on Energy and Commerce.

The full Committee met in open markup session on June 1 and 2, 2011, and ordered H.R. 2021 favorably reported to the House, without amendment, by a roll call vote of 34 yeas and 14 nays.

On June 16, 2011, the Committee on Energy and Commerce reported H.R. 2021 to the House (H. Rept. 112–108), and the bill was placed on the Union Calendar (Calendar No. 62).

On June 22, 2011, H.R. 2021 was considered in the House pursuant to the provisions of H. Res. 316, and the bill was passed by a roll call vote of 253 yeas and 166 nays (Roll Call No. 477).

On June 23, 2011, H.R. 2021 was received in the Senate, read the first time, and placed on the Senate Legislative Calendar. On June 27, 2011, the bill was read the second time and placed on the Senate Legislative Calendar under General Orders (Calendar No. 86).

ENERGY AND REVENUE ENRICHMENT ACT OF 2011

(H.R. 2054)

To provide for the reenrichment of certain depleted uranium owned by the Department of Energy, and for the sale of barter of the resulting reenriched uranium, and for other purposes.

Summary

H.R. 2054 directs the Secretary of the Department of Energy (DOE) to contract with a qualified operator for a 24-month pilot program for the re-enrichment of depleted uranium. The Secretary is authorized to sell the re-enriched uranium generated under the contract. The proceeds from the sale are available to carry out the pilot program, and the remaining funds are deposited into the Uranium Decontamination and Decommissioning Fund. The Secretary retains title to the depleted uranium generated by the pilot program, and is authorized to assume or transfer title to additional depleted uranium to satisfy the terms of the pilot program contract.

During the 2-year pilot program, and the 2 years thereafter, the Secretary is authorized to sell up to 15 percent of the U.S.’s nuclear fuel requirements. After that 4-year period, the Secretary may sell up to only 10 percent of the U.S.’s nuclear fuel requirements in any year, unless the Secretary determines there will be no impact on the uranium markets.

Legislative History

H.R. 2054 was introduced by Mr. Whitfield on May 26, 2011, and referred to the Committee on Energy and Commerce.

On June 3, 2011, the bill was referred to the Subcommittee on Energy and Power. The Subcommittee met in open markup session

on July 27, 2011, and H.R. 2054 was forwarded to the full Committee, as amended, by a voice vote.

EPA REGULATORY RELIEF ACT OF 2011

(H.R. 2250)

To Provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

Summary

The bill nullifies four recently published, interrelated Environmental Protection Agency (EPA) rules setting MACT and other performance standards for industrial, commercial, and institutional boilers and process heaters, and commercial and industrial solid waste incineration units and then directs the Administrator of the EPA to promulgate new rules 15 months after the date of enactment pursuant to regulatory standards that can be met under actual operating conditions and that impose the least burdensome regulatory alternatives.

Legislative History

H.R. 2250 was introduced on June 21, 2011, by Mr. Griffith and Mr. Butterfield, and referred to the Committee on Energy and Commerce.

On June 22, 2011, H.R. 2250 was referred to the Subcommittee on Energy and Power. On September 8, 2011, the Subcommittee on Energy and Power held a legislative hearing on H.R. 2250 entitled “Legislative Hearing on H.R. 2250, the EPA Regulatory Relief Act of 2011 and H.R. 2681, the Cement Sector Regulatory Relief Act of 2011.”

On September 13, 2011, the Subcommittee on Energy and Power met in open markup session and forwarded the bill to the full Committee, without amendment, by a voice vote.

On September 20 and 21, 2011, the Committee on Energy and Commerce met in open markup session and ordered H.R. 2250 favorably reported to the House, as amended (H. Rept. 112–225), by a roll call vote of 36 yeas and 14 nays, and the bill was placed on the Union Calendar (Calendar No. 146).

On October 3, 2011, H.R. 2250 was considered in the House pursuant to H. Res. 419, and the bill was passed by a roll call vote of 275 yeas and 142 nays (Roll Call No. 791).

On October 17, 2011, H.R. 2250 was received in the Senate and read once and placed on Senate Legislative Calendar under Read the First Time. On October 18, 2011, H.R. 2250 was read the second time and placed on Senate Legislative Calendar under General Orders (Calendar No. 201).

TRANSPARENCY IN REGULATORY ANALYSIS OF IMPACTS ON THE NATION ACT OF 2011

(H.R. 2401)

To require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes.

Summary

H.R. 2401 establishes an interagency committee, chaired by the Secretary of Commerce, to analyze and report on the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency (EPA) and to report the findings to Congress. The bill nullifies the rule entitled “Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP approvals” and then directs the Administrator of EPA to promulgate new rules under section 110(a)(2)(D)(i)(I) or section 126 of the Clean Air Act relating to national ambient air quality standards for ozone or particulate matter. The bill also nullifies the rule entitled “National Emission Standards for Hazardous Air Pollutants From Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional; and Small Industrial-Commercial-Institutional Steam Generating Units,” and directs the Administrator to promulgate new rules under section 112 of the Clean Air Act with respect to each hazardous air pollutant for which the Administrator finds such regulations are appropriate and necessary pursuant to (n)(1)(A) of such section. Lastly, in establishing any national primary or secondary ambient air quality standard under section 109 of the Clean Air Act, the Administrator is required to consider cost and feasibility.

Legislative History

H.R. 2401 was introduced by Mr. Sullivan on June 24, 2011, and referred to the Committee on Energy and Commerce.

On June 24, 2011, the Committee on Energy and Commerce referred H.R. 2401 to the Subcommittee on Energy and Power.

The Subcommittee on Energy and Power met in an open markup session on July 8, 2011, and forwarded H.R. 2401 to the full Committee, without amendment, by a voice vote.

The Committee on Energy and Commerce met in an open markup session on July 11, 12, and 13, 2011, and ordered H.R. 2401 reported to the House, as amended, by a roll call vote of 33 yeas and 13 nays.

On September 15, 2011, the Committee on Energy and Commerce reported H.R. 2401, as amended, to the House (H. Rept. 112–208), and the bill was placed on the Union Calendar (Calendar No. 136).

On September 22 and 23, 2011, H.R. 2401 was considered in the House pursuant to H. Res. 406, and on September 23, 2011, the bill was passed by a roll call vote of 249 yeas and 169 nays (Roll Call No. 741).

On September 26, 2011, H.R. 2401 was received in the Senate, read twice, and referred to the Committee on Environment and Public Works.

CEMENT SECTOR REGULATORY RELIEF ACT OF 2011

(H.R. 2681)

To provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes.

Summary

The legislation requires the Environmental Protection Agency (EPA) to issue new rules 15 months after the date of enactment under the Clean Air Act (CAA) governing emissions of hazardous air pollutants from cement manufacturing plants and nullifies the existing rule entitled “National Emissions Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants,” and nullifies the following two rules to the extent they apply to the Portland Cement Manufacturing Industry and Portland Cement plants entitled: “Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units,” and “Identification of Non-Hazardous Secondary Materials that are Solid Waste.” The new rules are required to use regulatory standards that can be met under actual operating conditions and that impose the least burdensome regulatory alternatives.

Legislative History

On July 28, 2011, H.R. 2681 was introduced to the House by Mr. Sullivan and referred to the Committee on Energy and Commerce.

On August 5, 2011, the bill was referred to the Subcommittee on Energy and Power.

The Subcommittee on Energy and Power met in open markup session on September 13, 2011, and forwarded H.R. 2681 to the full Committee, without amendment, by a voice vote.

On September 20 and 21, 2011, the full Committee met in open markup session and ordered H.R. 2681 reported to the House, as amended, by a roll call vote of 33 yeas and 12 nays.

On September 26, 2011, the Committee on Energy and Commerce reported H.R. 2681 to the House (H. Rept. 112–227), and the bill was placed on the Union Calendar (Calendar No. 148).

On October 5 and 6, 2011, H.R. 2681 was considered in the House pursuant to the provisions of H.Res. 419, and on October 6, 2011, the bill was passed, as amended, by a roll call vote of 262 yeas and 161 nays (Roll Call No. 764).

On October 11, 2011, the bill was received in the Senate, read the first time, and placed on the Senate Legislative Calendar under Read the First Time. On October 12, 2011, the bill was read the second time and placed on the Senate Legislative Calendar under General Orders (Calendar No. 192).

PIPELINE INFRASTRUCTURE AND COMMUNITY PROTECTION ACT OF
2011

(H.R. 2937, H.R. 2845)

To amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation’s energy products by pipeline, and for other purposes.

Summary

H.R. 2937 provides for enhanced safety and environmental protection in pipeline transportation by directing the Secretary of Transportation to enforce numerous requirements for pipeline oper-

ators and perform several studies on pipeline safety standards and technology. Additionally, the bill reauthorizes pipeline safety programs administered by the Department of Transportation through fiscal year 2014.

Legislative History

The Subcommittee on Energy and Power held two days of hearings on pipeline safety in the 112th Congress as part of the “American Energy Initiative” series. On June 16, 2011, Members received testimony on the current status of pipeline safety, and on July 15 and July 21 2011, the Subcommittee held a hearing on a Committee Print that became H.R. 2937.

H.R. 2937 was introduced by Mr. Upton on September 15, 2011, and referred to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce.

On September 20, 2011, the Committee on Energy and Commerce referred H.R. 2937 to the Subcommittee on Energy and Power.

On September 20 and 21, 2011, the Committee on Energy and Commerce met in an open markup session and ordered H.R. 2937 favorably reported to the House, as amended, by a roll call vote of 51 yeas and 0 nays.

On November 16, 2011, the Committee on Energy and Commerce reported H.R. 2937 to the House, as amended (H. Rept. 112–287, Part I).

On September 7, 2011, H.R. 2845, the “Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011,” was introduced by Mr. Shuster and referred to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce.

On September 8, 2011, the Committee on Transportation and Infrastructure met in open markup session and ordered H.R. 2845 favorably reported to the House, as amended, by a voice vote.

On December 1, 2011, the Committee on Transportation and Infrastructure reported H.R. 2845 to the House, as amended (H. Rept. 112–297, Part I).

On December 12, 2011, H.R. 2845, which included provisions similar to H.R. 2937, was considered under suspension of the Rules and passed the House by a voice vote.

On December 13, 2011, H.R. 2845 was received in the Senate, read twice, considered, read the third time, and passed without amendment by unanimous consent.

On December 23, 2011, H.R. 2845 was presented to the President, and on January 3, 2012, H.R. 2845 was signed into law (Public Law 112–90).

THE NORTH AMERICAN ENERGY ACCESS ACT

(H.R. 3548)

To facilitate United States access to North American oil resources, and for other purposes.

Summary

H.R. 3548 directs the Federal Energy Regulatory Commission (FERC) to issue a permit for the construction, operation, and maintenance of the Keystone XL Pipeline Project within 30 days of re-

ceiving an application, or the permit will be deemed to have been issued.

An applicant may make substantial modifications to the pipeline only with the approval of FERC, and FERC is directed to expedite consideration of such a modification.

FERC also is directed to enter into a memorandum of understanding (MOU) with the State of Nebraska for a review under National Environmental Policy Act of 1969 of any modification to the pipeline route in Nebraska, and to approve modifications within 30 days of receiving approval of the proposed modification from the Governor of Nebraska, or the modification will be deemed approved.

Legislative History

H.R. 3548 was introduced by Mr. Terry on December 2, 2011, and referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, and the Committee on Natural Resources.

On December 9, 2011, the Committee on Energy and Commerce referred H.R. 3548 to the Subcommittee on Energy and Power.

On January 25, 2012, and February 3, 2012, the Subcommittee on Energy and Power held a legislative hearing entitled, "American Jobs Now: A Legislative Hearing on H.R. 3548, the North American Energy Access Act."

The Committee on Energy and Commerce met in an open markup session on February 6 and 7, 2012, and ordered H.R. 3548 favorably reported to the House, as amended, by a roll call vote of 33 yeas and 20 nays.

The provisions of H.R. 3548 are substantially similar to Title II of H.R. 4348, the "Surface Transportation Extension Act of 2012, Part II."

H.R. 4348 was introduced by Mr. Mica on April 16, 2012, and referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, the Committee on Natural Resources, the Committee on Science, Space, and Technology, and the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On April 18, 2012, H.R. 4348 was considered in the House pursuant to the provisions of H.Res. 619, and the bill was passed, as amended, by a roll call vote of 293 yeas and 127 nays (Roll Call No. 170).

On April 18, 2012, H.R. 4348 was received in the Senate, and on April 24, 2012, the Senate passed the bill, as amended, by unanimous consent. The Senate insisted upon its amendment, asked for a conference, appointed the following conferees, Sen. Boxer, Sen. Baucus, Sen. Rockefeller, Sen. Durbin, Sen. Johnson (SD), Sen. Schumer, Sen. Nelson (FL), Sen. Menendez, Sen. Inhofe, Sen. Vitter, Sen. Hatch, Sen. Shelby, Sen. Hutchison, and Sen. Hoeven, and sent a message on Senate action to the House.

On April 25, 2012, the House disagreed to the Senate amendment, agreed to the Senate's request to go to conference by unanimous consent, and the Speaker appointed conferees. From the

Committee on Energy and Commerce, the Speaker appointed Mr. Upton, Mr. Whitfield, and Mr. Waxman for consideration of section 142 and Title II and Title V of the House bill, and sections 1113, 1201, 1202, subtitles B, C, D, and E of Title I of Division C, sections 32701–32705, 32710, 32713, 40101, and 40301 of the Senate amendment, and modifications committed to conference.

GASOLINE REGULATIONS ACT OF 2012

(H.R. 4471)

To require analyses of the cumulative impacts of certain rules and actions of the Environmental Protection Agency that impact gasoline, diesel fuel, and natural gas prices, jobs, and the economy, and for other purposes.

Summary

H.R. 4471 establishes an interagency committee chaired by the Secretary of Energy to conduct a cumulative analysis of certain Environmental Protection Agency regulations relating to gasoline and diesel fuel in the United States and to report the findings to Congress. The bill also defers for at least 6 months after submission of the final report developed by the interagency committee the following new regulations: (i) Tier 3 motor vehicle emissions and fuel standards; (ii) new or revised performance or emissions standards applicable to petroleum refineries; and (iii) new ozone standards. In addition, in establishing any national primary or secondary ambient air quality standard under section 109 of the Clean Air Act, the Administrator is required to consider cost and feasibility.

Legislative History

On March 28, 2012, the Subcommittee on Energy and Power held a hearing entitled “The American Energy Initiative” which focused on draft legislation, including the Committee Print entitled the “Gasoline Regulations Act of 2012.”

The Subcommittee on Energy and Power met in an open markup session on April 16, 2012, and forwarded the Committee Print, as amended, to the full Committee.

H.R. 4471 was introduced by Mr. Whitfield on April 23, 2012, and referred to the Committee on Energy and Commerce. H.R. 4471 was substantially similar to the Committee Print considered by the Subcommittee.

On May 16 and 17, 2012, the Committee on Energy and Commerce met in an open markup session and ordered H.R. 4471 favorably reported to the House, without amendment, by a roll call vote of 28 yeas and 13 nays.

On June 6, 2012, the Committee on Energy and Commerce reported H.R. 4471 to the House (H. Rept. 112–519), and the bill was placed on the Union Calendar (Calendar No. 366).

STRATEGIC ENERGY PRODUCTION ACT OF 2012

(H.R. 4480)

To provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and

the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve.

Summary

H.R. 4480 directs the Secretary of Energy (in consultation with the Secretaries of Agriculture, Interior, and Defense), upon the first drawdown from the Strategic Petroleum Reserve, to establish a plan to increase the percentage of Federal lands and waters leased for oil and gas development.

Legislative History

On March 28, 2012, the Subcommittee on Energy and Power held a hearing entitled “The American Energy Initiative” which focused on draft legislation, including the Committee Print entitled the “Strategic Energy Production Act of 2012.”

The Subcommittee on Energy and Power met in an open markup session on April 16, 2012, and forwarded the Committee Print, as amended, to the full Committee.

H.R. 4480 was introduced by Mr. Gardner on April 24, 2012, and referred to the Committee on Energy and Commerce, the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Armed Services. On April 27, 2012, the Committee on Energy and Commerce referred H.R. 4480 to the Subcommittee on Energy and Power. H.R. 4480 was substantially similar to the Committee Print considered by the Subcommittee.

On May 16 and 17, 2012, the Committee on Energy and Commerce met in an open markup session and ordered H.R. 4480 favorably reported to the House, as amended, by a roll call vote of 31 yeas and 16 nays.

On June 8, 2012, the Committee on Energy and Commerce reported H.R. 4480 to the House (H. Rept. 112–520, Part I), and the bill was placed on the Union Calendar (Calendar No. 367).

OVERSIGHT ACTIVITIES

THE EFFECTS OF MIDDLE EAST EVENTS ON U.S. ENERGY MARKETS

On February 10, 2011, the Subcommittee on Energy and Power held a hearing to examine the impact of riots and political upheaval in North Africa and the Middle East on global oil markets and U.S. energy security. The Subcommittee received testimony from representatives of the Energy Information Administration, Deutsche Bank AG, Citizens for Affordable Energy, Province of Alberta’s Minister-Counselor, the Louisiana Mid-Continent Oil & Gas Association, and the Apollo Alliance.

EPA’S GREENHOUSE GAS REGULATIONS AND THEIR EFFECT ON AMERICAN JOBS

On March 1, 2011, the Subcommittee on Energy and Power held a hearing entitled “EPA’s Greenhouse Gas Regulations (GHG) and Their Effect on American Jobs.” The Subcommittee received testimony from the Ohio Coal Association, James River Air Conditioning Company Inc., McConnell Honda & Acura, a private citizen, the Steyer-Taylor Center for Energy Policy and Finance at Stanford Law School, Industrial Energy Consumers of America, and the

Assistant Administrator at the Office of Air and Radiation for the U.S. Environmental Protection Agency.

CLIMATE SCIENCE AND EPA'S GREENHOUSE GAS REGULATIONS

On March 8, 2011, the Subcommittee on Energy and Power held a hearing entitled "Climate Science and EPA's Greenhouse Gas Regulations (GHG)." The Subcommittee received testimony from a Professor Emeritus of Scripps Institution of Oceanography at the University of California at San Diego, the Director of Earth System Science Center at the University of Alabama in Huntsville, the Director of the Department of Global Ecology at the Carnegie Institution of Washington, a Senior Research Scientist of the Cooperative Institute for Research in Environmental Sciences at the University of Colorado at Boulder, the Director of the Department of Pacific Climate Impacts Consortium at the University of Victoria, the Director of the University of Michigan Biological Station, and a Professor Emeritus at the Uniformed Services University of Health Sciences.

THE FISCAL YEAR 2012 PROPOSED BUDGET OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY

On March 11, 2011, the Subcommittee on Energy and Power and the Subcommittee on Environment and the Economy held a joint oversight hearing on the Environmental Protection Agency's (EPA) proposed budget for fiscal year 2012. The purpose of the hearing was to evaluate the proposed \$8.9 billion budget for EPA, which affects issues such as funding for climate change, air quality programs, drinking water system compliance, cleanup of hazardous waste sites within the Superfund account, scientific research that underpins regulatory decision-making, homeland security activities, and air quality programs. The sole witness was Lisa P. Jackson, the EPA Administrator.

THE FISCAL YEAR 2012 DEPARTMENT OF ENERGY AND NUCLEAR REGULATORY COMMISSION BUDGETS

On March 16, 2011, the Subcommittee on Energy and Power and the Subcommittee on Environment and the Economy held a joint hearing on the fiscal year 2012 Department of Energy and the Nuclear Regulatory Commission budgets. The purpose of the hearing was to evaluate the proposed budgets, current priorities, and current programs and initiatives of the Department of Energy and the Nuclear Regulatory Commission. The hearing also examined the status of the nuclear reactors in Japan following the earthquake and tsunami which occurred on March 11, 2011. The Subcommittees received testimony from the Secretary of the Department of Energy and the Chairman of the Nuclear Regulatory Commission.

OIL SUPPLIES, GASOLINE PRICES, AND JOBS IN THE GULF OF MEXICO

On March 7, 2011, the Subcommittee on Energy and Power held the first day of its hearing on "The American Energy Initiative." The hearing focused on oil supplies, gasoline prices, and jobs in the Gulf of Mexico. The Subcommittee received testimony from representatives of the Energy Policy Research Foundation, Louisiana State University, the Shallow Water Energy Security Coalition, the

Offshore Marine Service Association, the Marine Well Containment Company, the Mississippi Gulf Coast Tourism Commission, and the Consumer Federation of America.

EPA'S GREENHOUSE GAS AND CLEAN AIR ACT REGULATIONS: A
FOCUS ON TEXAS' ECONOMY, ENERGY PRICES, AND JOBS

On March 24, 2011, the Subcommittee on Energy and Power held a field hearing in Houston, Texas on the Environmental Protection Agency's (EPA) greenhouse gas and Clean Air Act regulations. The purpose of the hearing was to examine EPA's implementation of current and potential greenhouse gas regulations, the burdens and costs associated with those regulations, as well as EPA's actions with respect to the Texas Flexible Air Permitting Program. The hearing included testimony from the Assistant Administrator of the EPA, State officials, Texas Public Policy Foundation, and the East Harris County Manufacturers Association.

CHINA'S ENERGY PORTFOLIO AND THE IMPLICATIONS FOR JOBS AND
ENERGY PRICES IN THE UNITED STATES

On April 4, 2011, the Subcommittee on Energy and Power held the second hearing of the "The American Energy Initiative" series. The hearing focused on China's energy portfolio and implications for jobs and energy prices in the United States. The Subcommittee received testimony from representatives of Douglas-Westwood, the World Coal Association, the World Resources Institute, and the Institute for Energy Research.

EPA RULEMAKINGS RELATING TO BOILERS, CEMENT
MANUFACTURING PLANTS, AND UTILITIES

On April 15, 2011, the Subcommittee on Energy and Power held a hearing focused on recent EPA rulemakings setting utility, cement manufacturing plant, and boiler "Maximum Achievable Control Technology" standards. Witnesses testified on the impacts and the timelines for implementing these rules, in the context of the economy and other recent EPA rulemakings as well as the public health and environmental costs and benefits of the rules. Specific issues included the current schedules for issuance and implementation of the rules, the costs and feasibility of implementing the rules, and the potential impacts of the rules on jobs, the economy, and energy reliability. The Subcommittee received testimony from Southern Company, DTE Energy, Titan America LLC, the Clean Energy Group, MeadWestvaco Corporation, the University of Notre Dame, and the Natural Resources Defense Council.

ALTERNATIVE TRANSPORTATION FUELS AND VEHICLES

On May 5, 2011, the Subcommittee on Energy and Power held the sixth hearing of "The American Energy Initiative" series. The hearing focused on the challenges and opportunities for alternative transportation fuels and vehicles. The Subcommittee received testimony from representatives of the U.S. Energy Information Administration, the Environmental Protection Agency, the U.S. Department of Energy, Tesla Motors, NGV America, the Energy Policy Research Foundation, Inc., the RAND Corporation, the National Asso-

ciation of Convenience Stores, the Renewable Fuels Association, and the Advanced Biofuels Association.

THE AMERICAN ENERGY INITIATIVE: PIPELINE SAFETY

On June 16, 2011, the Subcommittee on Energy and Power held a hearing entitled, “The American Energy Initiative,” which focused on pipeline safety. The Subcommittee received testimony from the Administrator of the Pipeline and Hazardous Material Safety Administration at the Department of Transportation and other stakeholders.

THE AMERICAN ENERGY INITIATIVE: EPA REGULATIONS AND RELIABILITY OF THE ELECTRIC GRID

On September 14, 2011, the Subcommittee on Energy and Power held a hearing entitled, “The American Energy Initiative,” which focused on the potential cumulative effects of the Environmental Protection Agency’s new and proposed power sector regulations on the reliability of the electric grid. The Subcommittee received testimony from the Federal Energy Regulatory Commission, State officials, and other policy experts.

THE AMERICAN ENERGY INITIATIVE: ELECTRIC TRANSMISSION ISSUES

On October 13, 2011, the Subcommittee on Energy and Power held a hearing entitled “The American Energy Initiative,” and focused on electric transmission issues, including topics related to the siting, planning, and allocation of costs for electricity transmission infrastructure. The Subcommittee received testimony from the Honorable Jon Wellinohoff, Chairman of the Federal Energy Regulatory Commission, a representative of the Department of Energy, State officials, and policy experts.

THE AMERICAN ENERGY INITIATIVE: EPA’S UTILITY MACT RULE

On Wednesday, February 8, 2012, the Subcommittee on Energy and Power held the fifteenth hearing of the “The American Energy Initiative” series. The hearing focused on what EPA’s Utility MACT rule will cost U.S. consumers as well as the public health and environmental costs and benefits of the rule. The Subcommittee received testimony from the Assistant Administrator of the Environmental Protection Agency, representatives from NERA Economic Consulting, Gerdau Long Steel North America, RMB Consulting & Research, Inc., Harvard School of Public Health, the Navajo Nation, Evangelical Environmental Network, and the Economic Policy Institute.

THE AMERICAN ENERGY INITIATIVE: RISING GASOLINE PRICES

On Wednesday, March 7, 2012, the Subcommittee on Energy and Power held the sixteenth hearing of the “The American Energy Initiative” series. The hearing focused on rising gasoline prices, examining the current market; financial, and geopolitical factors that influence the current price of oil; the effect of high gasoline prices on U.S. consumers and businesses; forecasted trends in the global and U.S. oil supply, demand, and price; and, Federal policy solutions to mitigate the effects of high gasoline prices. The Subcommittee re-

ceived testimony from the American Petroleum Institute, the Rapidan Group, American Fuel & Petrochemical Manufacturers, Owner-Operator Independent Drivers Association, the Center for American Progress, the Truman National Security Project, and the National Association of Convenience Stores.

THE FISCAL YEAR 2013 DEPARTMENT OF ENERGY BUDGET

On Thursday, March 8, 2012, the Subcommittee on Energy and Power held a hearing on the U.S. Department of Energy's budget for fiscal year 2013. The purpose of the hearing was to examine and evaluate funding priorities, major budget changes, planned rulemaking, priority science and research, loans and grants, management and security, and enforcement activities. The sole witness was the Secretary of the U.S. Department of Energy.

THE FUTURE OF ENERGY TECHNOLOGY WITH AN EMPHASIS ON CANADIAN OIL SANDS

On Tuesday, March 20, 2012, the Subcommittee on Energy and Power held a hearing entitled "The American Energy Initiative," which focused on the future of energy technology with an emphasis on Canadian oil sands. The Subcommittee received testimony from various industry experts including the Presidents and CEOs of Alberta Innovates—Energy and Environment Solutions, N-Solv Corporation, and MEG Energy Corporation, a former Director of the Naval Oil Shale Reserve with the U.S. Department of Energy, a former Minister of Energy of the Province of Alberta, the Policy Director of the Pembina Institute, and the Climate & Energy Campaigner for Greenpeace Canada.

HEARINGS HELD

Hearing entitled "H.R. _____, the 'Energy Tax Prevention Act of 2011.'" (February 9, 2011) Serial Number 112-2.

Hearing entitled "The Effects of Middle East Events on U.S. Energy Markets." (February 10, 2011) Serial Number 112-4.

Hearing entitled "EPA's Greenhouse Gas Regulations and Their Effect on American Jobs." (March 1, 2011) Serial Number 112-12.

Hearing entitled "Climate Science and EPA's Greenhouse Gas Regulations." (March 8, 2011) Serial Number 112-16.

Hearing entitled "The FY2012 EPA Budget." (March 11, 2011) Serial Number 112-19.

Hearing entitled "The FY2012 Department of Energy and Nuclear Regulatory Commission Budgets." (March 16, 2011) Serial Number 112-20.

Hearing entitled "The American Energy Initiative (Day 1): Oil Supplies, Gasoline Prices, and Jobs in the Gulf of Mexico." (March 17, 2011) Serial Number 112-22.

Hearing entitled "EPA's Greenhouse Gas and Clean Air Act Regulations: A Focus on Texas' Economy, Energy Prices and Jobs." (March 24, 2011) Serial Number 112-26.

Hearing entitled "The American Energy Initiative (Day 2): China's Energy Portfolio and the Implications for Jobs and Energy Prices in the United States." (April 4, 2011) Serial Number 112-31.

Hearing entitled “The American Energy Initiative (Day 3): H.R. _____, a Discussion Draft of the ‘Transparency in Regulatory Analysis of Impacts on the Nation Act of 2011.’” (April 7, 2011) Serial Number 112–35.

Hearing entitled “The American Energy Initiative (Day 4): Discussion Draft of H.R. _____, the ‘Jobs and Energy Permitting Act of 2011.’” (April 13, 2011) Serial Number 112–37.

Hearing entitled “The American Energy Initiative (Day 5): Recent EPA Rulemakings Relating to Boilers, Cement Manufacturing Plants, and Utilities.” (April 15, 2011) Serial Number 112–41.

Hearing entitled “The Role of the Nuclear Regulatory Commission in America’s Energy Future.” (May 4, 2011) Serial Number 112–43.

Hearing entitled “The American Energy Initiative (Day 6): Overview of the Challenges and Opportunities for Alternative Transportation Fuels and Vehicles.” (May 5, 2011) Serial Number 112–45.

Hearing entitled “The American Energy Initiative (Day 7): Discussion Draft of H.R. _____, the ‘Jobs and Energy Permitting Act of 2011.’” (May 13, 2011) Serial Number 112–47.

Hearing entitled “The American Energy Initiative (Day 8): Discussion Draft of H.R. _____, the ‘North American Made Energy Security Act of 2011.’” (May 23, 2011) Serial Number 112–49.

Hearing entitled “Protecting the Electric Grid: H.R. _____, the ‘Grid Reliability and Infrastructure Defense Act.’” (May 31, 2011) Serial Number 112–52.

Hearing entitled “The American Energy Initiative (Day 9): H.R. 909, ‘Roadmap for America’s Energy Future.’” (June 3, 2011) Serial Number 112–57.

Hearing entitled “H.R. 2054, the ‘Energy and Revenue Enrichment Act of 2011.’” (June 13, 2011) Serial Number 112–59.

Hearing entitled “The American Energy Initiative (Day 10): Pipeline Safety Oversight.” (June 16, 2011) Serial Number 112–63.

Hearing entitled “The American Energy Initiative (Day 11): a Discussion Draft of H.R. _____, the ‘Pipeline Infrastructure and Community Protection Act of 2011.’” (July 15, 2011) Serial Number 112–77A.

Hearing entitled “The American Energy Initiative (Day 11): a Discussion Draft of H.R. _____, the ‘Pipeline Infrastructure and Community Protection Act of 2011.’” (July 21, 2011) Serial Number 112–77B.

Hearing entitled “H.R. 2250, the ‘EPA Regulatory Relief Act of 2011,’ and H.R. 2681, the ‘Cement Sector Regulatory Relief Act of 2011.’” (September 8, 2011) Serial Number 112–82.

Hearing entitled “The American Energy Initiative (Day 12): the Impacts of the Environmental Protection Agency’s New and Proposed Power Sector Regulations on Electric Reliability.” (September 14, 2011) Serial Number 112–83.

Hearing entitled “The American Energy Initiative (Day 13): Electric Transmission Issues, Including Topics Related to the Siting, Planning, and Allocation of Costs for Electricity Transmission Infrastructure.” (October 13, 2011) Serial Number 112–97.

Hearing entitled “H.R. 1633, the ‘Farm Dust Regulation Prevention Act of 2011.’” (October 25, 2011) Serial Number 112–99.

Hearing entitled “The American Energy Initiative (Day 14): Expediting the Keystone XL Pipeline; Energy Security and Jobs.” (December 2, 2011) Serial Number 112–106.

Hearing entitled “American Jobs Now: A Legislative Hearing on H.R. 3548, the North American Energy Access Act (Day 1).” (January 25, 2012) Serial Number 112–108A.

Hearing entitled “American Jobs Now: A Legislative Hearing on H.R. 3548, the ‘North American Energy Access Act’ (Day 2).” (February 3, 2012) Serial Number 112–108B.

Hearing entitled “The American Energy Initiative (Day 15): What EPA’s Utility MACT Rule Will Cost U.S. Consumers.” (February 8, 2012) Serial Number 112–113.

Hearing entitled “The FY 2013 EPA Budget.” (February 28, 2012) Serial Number 112–119.

Hearing entitled “The American Energy Initiative (Day 16): Rising Gasoline Prices.” (March 7, 2012) Serial Number 112–124.

Hearing entitled “The FY 2013 DOE Budget.” (March 8, 2012) Serial Number 112–124.

Hearing entitled “The American Energy Initiative (Day 17): the Future of Energy Technology with an Emphasis on Canadian Oil Sands.” (March 20, 2012) Serial Number 112–128.

Hearing entitled “The American Energy Initiative (Day 18): a discussion draft of H.R. _____, the ‘Gasoline Regulations Act of 2012;’ and of H.R. _____, the ‘Strategic Energy Production Act of 2012.’” (March 28, 2012) Serial Number 112–133.

Hearing entitled “The American Energy Initiative (Day 19): H.R. 4273, the ‘Resolving Environmental and Grid Reliability Conflicts Act of 2012;’ and H.R. _____, the ‘Hydropower Regulatory Efficiency Act of 2012.’” (May 9, 2012) Serial Number 112–141.

SUBCOMMITTEE ON ENVIRONMENT AND THE ECONOMY

(Ratio 14–9)

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(Ex Officio—non voting)

HENRY A. WAXMAN, California

(Ex Officio)

Jurisdiction: All matters relating to soil and water contamination; The regulation of solid, hazardous, and nuclear wastes; The regulation of industrial plant security; The regulation of drinking water; and, The regulation of toxic substances and noise.

LEGISLATIVE ACTIVITIES

FULL IMPLEMENTATION OF THE CHEMICAL FACILITY ANTI-TERRORISM STANDARDS ACT

(H.R. 908)

To extend the authority of the Secretary of Homeland Security to maintain the Chemical Facility Anti-Terrorism Standards program.

Summary

H.R. 908 amends section 550(b) of the Department of Homeland Security Appropriations Act for fiscal year 2007 (Public Law 109–295; 6 U.S.C. 121 note) by extending the Chemical Facility Anti-Terrorism Standards Program (CFATS) until October 4, 2017.

Under this law, the Secretary of Homeland Security (DHS) is authorized to issue interim final regulations establishing risk-based performance standards for the security of facilities with chemicals of interest, and requiring vulnerability assessments and the development and implementation of site security plans for such facilities.

Legislative History

H.R. 908 was introduced by Mr. Murphy on March 3, 2011, and referred to Committee on Energy and Commerce.

On March 11, 2011, the bill was referred to the Subcommittee on Environment and the Economy, and the Subcommittee held a legislative hearing on the bill on March 31, 2011. The Subcommittee received testimony from the Department of Homeland Security, the National Association of Chemical Distributors, the American Coatings Association, the Society of Chemical Manufacturers and Affiliates, and the Blue-Green Alliance.

The Subcommittee met in open markup session on May 4, 2011, and H.R. 908 was forwarded to the full Committee, as amended, by a voice vote.

On May 25 and 26, 2011, the Committee on Energy and Commerce met in open markup session and ordered H.R. 908 favorably reported to the House, as amended, by a roll call vote of 33 yeas and 16 nays.

On September 19, 2011, the Committee on Energy and Commerce reported H.R. 908 to the House (H. Rept. 112–211), and the bill was placed on the Union Calendar (Calendar No. 139).

RECYCLING COAL COMBUSTION RESIDUALS ACCESSIBILITY ACT OF
2011 OR THE RCCRA ACT OF 2011

(H.R. 1391)

To prohibit the Environmental Protection Agency from regulating fossil fuel combustion waste under subtitle C of the Solid Waste Disposal Act.

Summary

H.R. 1391 amends the Solid Waste Disposal Act (SWDA) by exempting fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels from regulation as hazardous waste.

Legislative History

H.R. 1391 was introduced in the House by Mr. McKinley on April 6, 2011, and referred to the Committee on Energy and Commerce.

On April 6, 2011, H.R. 1391 was referred to the Subcommittee on Environment and the Economy. The Subcommittee held a legislative hearing on H.R. 1391 on April 14, 2011, and received testimony from the Environmental Protection Agency, the Association of State and Territorial Solid Waste Management Officials, the American Coal Ash Association, Gradient, Veritas Economic Consulting, Earthjustice, and a private citizen.

On June 16, 2011, the Subcommittee on Environment and the Economy met in open markup session to consider H.R. 1391, and the Subcommittee immediately recessed until June 21, 2011, when it considered H.R. 2273, which is similar to H.R. 1391.

For further information, see H.R. 2273.

COAL RESIDUALS REUSE AND MANAGEMENT ACT

(H.R. 2273)

To amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper manage-

ment and disposal, of materials generated by the combustion of coal and other fossil fuels.

Summary

H.R. 2273 would replace current EPA regulatory options under the Solid Waste Disposal Act with authority for States to adopt and implement coal combustion residual permit programs subject to standards set out in H.R. 2273.

Legislative History

On April 6, 2011, Mr. McKinley (WV), introduced H.R. 1391, the “Recycling Coal Combustion Residuals Accessibility Act of 2011,” (the precursor to H.R. 2273). On April 6, 2011, the bill was referred to the Committee on Energy and Commerce, and referred to the Subcommittee on Environment and the Economy.

On April 14, 2011, the Subcommittee on Environment and the Economy held a legislative hearing on the bill.

On June 16, 2011, the Subcommittee on Environment and the Economy met in open markup session to consider H.R. 1391. The bill was not called up, and the Subcommittee immediately recessed.

On June 21, 2011, the Subcommittee on Environment and the Economy met in open markup session and forwarded a Committee Print entitled the “Coal Residuals Reuse and Management Act,” without amendment, to the full Committee.

On June 22, 2011, H.R. 2273, the “Coal Residuals Reuse and Management Act” was introduced by Mr. McKinley (WV), and referred to the Committee on Energy and Commerce. On June 22, 2011, the Committee on Energy and Commerce referred the bill to the Subcommittee on Environment and the Economy.

On July 11, 12, and 13, 2011, the Committee on Energy and Commerce met in open markup session and ordered H.R. 2273 reported to the House, as amended, by a roll call vote of 35 yeas and 12 nays. On September 26, 2011, the Committee on Energy and Commerce reported H.R. 2273 to the House (H. Rept. 112–226), and the bill was placed on the Union Calendar (Calendar No. 147).

On October 14, 2011, H.R. 2273 was considered in the House pursuant to H. Res. 431, and the bill was passed by a roll call vote of 267 yeas and 144 nays (Roll Call No. 800).

On October 17, 2011, H.R. 2273 was received in the Senate, read the first time, and placed on Senate Legislative Calendar under Read the First Time. On October 18, 2011, H.R. 2273 was read the second time and placed on Senate Legislative Calendar under General Orders (Calendar No. 202).

The provisions of H.R. 2273 are identical to the text of Mr. McKinley’s amendment (H. Amdt. 1015), which was adopted by a voice vote during consideration of H.R. 4348, the “Surface Transportation Extension Act of 2012, Part II,” on April 18, 2012.

H.R. 4348 was introduced by Mr. Mica on April 16, 2012, and referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, the Committee on Natural Resources, the Committee on Science, Space, and Technology, and the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for

consideration of such provisions as fall within the jurisdiction of the committee concerned.

On April 18, 2012, H.R. 4348 was considered in the House pursuant to the provisions of H. Res. 619, and the bill was passed, as amended, by a roll call vote of 293 yeas and 127 nays (Roll Call No. 170).

On April 18, 2012, H.R. 4348 was received in the Senate, and on April 24, 2012, the Senate passed the bill, as amended, by unanimous consent. The Senate insisted upon its amendment, asked for a conference, appointed the following conferees, Sen. Boxer, Sen. Baucus, Sen. Rockefeller, Sen. Durbin, Sen. Johnson (SD), Sen. Schumer, Sen. Nelson (FL), Sen. Menendez, Sen. Inhofe, Sen. Vitter, Sen. Hatch, Sen. Shelby, Sen. Hutchison, and Sen. Hoeven, and sent a message on Senate action to the House.

On April 25, 2012, the House disagreed to the Senate amendment, agreed to a conference by unanimous consent, and the Speaker appointed conferees. From the Committee on Energy and Commerce, the Speaker appointed Mr. Upton, Mr. Whitfield, and Mr. Waxman for consideration of section 142 and Title II and Title V of the House bill, and sections 1113, 1201, 1202, subtitles B, C, D, and E of Title I of Division C, sections 32701–32705, 32710, 32713, 40101, and 40301 of the Senate amendment, and modifications committed to conference.

OVERSIGHT ACTIVITIES

ENVIRONMENTAL REGULATION, THE ECONOMY, AND JOBS

On February 15, 2011, the Subcommittee on Environment and the Economy held a hearing entitled “Environmental Regulation, the Economy, and Jobs.” The Subcommittee examined the impact of rules issued by the Environmental Protection Agency under President Obama. Regulatory and economic experts as well as representatives from business associations, affected companies, and a law professor were heard.

THE FISCAL YEAR 2012 PROPOSED BUDGET OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY

On March 11, 2011, the Subcommittee on Environment and the Economy and the Subcommittees on Energy and Power held a joint oversight hearing on the Environmental Protection Agency’s (EPA) proposed budget for fiscal year 2012. The purpose of the hearing was to evaluate the proposed \$8.9 billion budget for EPA, which affects issues such as funding for climate change, air quality programs, drinking water system compliance, cleanup of hazardous waste sites within the Superfund account, scientific research that underpins regulatory decision-making, homeland security activities, and air quality programs. The sole witness was Lisa P. Jackson, the EPA Administrator.

THE FISCAL YEAR 2012 DEPARTMENT OF ENERGY AND NUCLEAR REGULATORY COMMISSION BUDGETS

On March 16, 2011, the Subcommittee on Environment and the Economy and the Subcommittees on Energy and Power held a joint

hearing on the fiscal year 2012 Department of Energy and Nuclear Regulatory Commission Budgets. The purpose of the hearing was to evaluate the proposed budgets, current priorities, and current programs and initiatives of the Department of Energy and Nuclear Regulatory Commission. The hearing also examined the status of the nuclear reactors in Japan following the earthquake and tsunami which occurred on March 11, 2011. The Subcommittees received testimony from the Secretary of the Department of Energy and the Chairman of the Nuclear Regulatory Commission.

THE ROLE OF THE NUCLEAR REGULATORY COMMISSION IN AMERICA'S ENERGY FUTURE

On May 4, 2011, the Subcommittee on Environment and the Economy held a hearing entitled "The Role of the Nuclear Regulatory Commission in America's Energy Future." The hearing examined the Nuclear Regulatory Commission's decision-making process, the impact of the Fukushima nuclear incident on nuclear safety policy, the status of licensing and re-licensing nuclear reactors, and a review of the Department of Energy's license for construction of a repository at Yucca Mountain. The Subcommittee received testimony from the Chairman and Commissioners of the Nuclear Regulatory Commission.

THE DEPARTMENT OF ENERGY'S ROLE IN MANAGING CIVILIAN RADIOACTIVE WASTE

On June 1, 2011, the Subcommittee on Environment and the Economy held a hearing entitled "The Department of Energy's Role in Managing Civilian Radioactive Waste." The hearing focused on the Department of Energy's decision to withdraw its license application for the construction of the Yucca Mountain high-level nuclear waste repository program and the effects of that decision. Federal, State, and local officials were heard.

NRC CHAIRMAN'S UNILATERAL DECISION TO TERMINATE NRC'S REVIEW OF THE DOE YUCCA MOUNTAIN REPOSITORY LICENSE APPLICATION

On June, 14, 2011, the Subcommittee on Environment and Economy held a hearing entitled "NRC Chairman's Unilateral Decision to Terminate NRC's Review of the DOE Yucca Mountain Repository License Application." The purpose of the hearing was to investigate issues related to the Nuclear Regulatory Commission's (NRC) review of the Department of Energy's license application to build the Yucca Mountain Repository. The Subcommittee received testimony from NRC Inspector General, who was accompanied by the NRC Assistant Inspector General for Investigations and a Senior Level Assistant for Investigative Operations.

NRC REPOSITORY SAFETY DIVISION—STAFF PERSPECTIVE ON YUCCA LICENSE REVIEW

On June 24, 2011, the Subcommittee on Environment and the Economy conducted a hearing entitled "NRC Repository Safety Division—Staff Perspective on Yucca License Review." The hearing

focused on the views of the Nuclear Regulatory Commission (NRC) staff members that were responsible for conducting the safety evaluation and technical reviews of the license application for the Yucca Mountain Repository. The Subcommittee received testimony from NRC staff members within the Division of High-Level Waste Repository Safety and the Office of Nuclear Material Safety and Safeguards.

REGULATORY CHAOS: FINDING LEGISLATIVE SOLUTIONS TO BENEFIT JOBS AND THE ECONOMY

On July 14, 2011, the Subcommittee on Environment and the Economy held a hearing entitled “Regulatory Chaos: Finding Legislative Solutions to Benefit Jobs and the Economy.” The purpose of the hearing was to review issues related regulation and regulatory reform. The Subcommittee received testimony from the U.S. Chamber of Commerce, National Association of Manufacturers, National Federation of Independent Business Legal Center, and the American Farm Bureau Federation.

CHEMICAL RISK ASSESSMENT: WHAT WORKS FOR JOBS AND THE ECONOMY?

On October 6, 2011, the Subcommittee on Environment and the Economy held a hearing entitled “Chemical Risk Assessment: What Works for Jobs and the Economy?” The hearing explored the U.S. Environmental Protection Agency’s (EPA) chemical risk assessment program—the Integrated Risk Information System (IRIS) and its role in the setting of State and Federal environmental regulations, as well as its non-regulatory impact on commercial markets. Witnesses included representatives from the Environmental Protection Agency, the Government Accountability Office, the National Academy of Sciences, regulatory experts, stakeholders, and public and private sector scientists.

RECOMMENDATIONS OF THE BLUE RIBBON COMMISSION ON AMERICA’S NUCLEAR FUTURE

On February 1, 2012, the Subcommittee on Environment and the Economy held a hearing entitled “Recommendations of the Blue Ribbon Commission on America’s Nuclear Future.” The hearing reviewed the findings and recommendations of the Blue Ribbon Commission in its January 2012 Report to the Secretary of Energy, focusing on the future of America’s nuclear waste management program. The Subcommittee received testimony from the two Co-Chairs of the Blue Ribbon Commission, and experts on nuclear issues.

EVALUATING INTERNAL OPERATION AND IMPLEMENTATION OF THE CHEMICAL FACILITY ANTI-TERRORISM STANDARDS PROGRAM (CFATS) BY THE DEPARTMENT OF HOMELAND SECURITY

On February 3, 2012, the Subcommittee on Environment and the Economy held a hearing entitled “Evaluating Internal Operation and Implementation of the Chemical Facility Anti-Terrorism Standards program (CFATS) by the Department of Homeland Se-

curity.” The hearing focused on an internal report concerning the implementation and operation of the CFATS program by the Department of Homeland Security (DHS). The Subcommittee received testimony from two DHS witnesses: the Honorable Rand Beers, Under Secretary for the National Protection and Programs Directorate (NPPD) and Mr. David Wulf, Deputy Director, Infrastructure Security Compliance Division, Office of Infrastructure Protection, National Protection and Programs Directorate.

THE FY 2013 EPA BUDGET

On February 28, 2012, the Subcommittee on Environment and the Economy held a hearing entitled “The FY 2013 EPA Budget.” The hearing focused on examining the Environmental Protection Agency’s (EPA) fiscal year 2013 Budget. The Subcommittee received testimony from the Administrator of the EPA.

HEARINGS HELD

Hearing entitled “Environmental Regulations, the Economy, and Jobs.” (February 15, 2011) Serial Number 112–6.

Hearing entitled “The FY2012 EPA Budget.” (March 11, 2011) Serial Number 112–19.

Hearing entitled “The FY2012 Department of Energy and Nuclear Regulatory Commission Budgets.” (March 16, 2011) Serial Number 112–20.

Hearing entitled “H.R. 908, a bill to extend the authority of the Secretary of Homeland Security to maintain the Chemical Facility Anti-Terrorism Standards Program.” (March 31, 2011) Serial Number 112–28.

Hearing entitled “H.R. 1391, a bill to prohibit the Environmental Protection Agency from regulating fossil fuel combustion waste under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921).” (April 14, 2011) Serial Number 112–40.

Hearing entitled “The Role of the Nuclear Regulatory Commission in America’s Energy Future.” (May 4, 2011) Serial Number 112–43.

Hearing entitled “The Department of Energy’s Role in Managing Civilian Radioactive Waste.” (June 1, 2011) Serial Number 112–54.

Hearing entitled “The NRC Inspector General Report on the ‘NRC Chairman’s Unilateral Decision to Terminate NRC’s Review of the DOE Yucca Mountain Repository License Application.’” (June 14, 2011) Serial Number 112–61.

Hearing entitled “NRC Repository Safety Division—Staff Perspective on Yucca License Review.” (June 24, 2011) Serial Number 112–67.

Hearing entitled “Regulatory Chaos: Finding Legislative Solutions to Benefit Jobs and the Economy.” (July 14, 2011) Serial Number 112–74.

Hearing entitled “Chemical Risk Assessment: What Works for Jobs and the Economy?” (October 6, 2011) Serial Number 112–93.

Hearing entitled “Recommendations of the Blue Ribbon Commission on America’s Nuclear Future.” (February 1, 2012) Serial Number 112–109.

Hearing entitled “Evaluating Internal Operation and Implementation of the Chemical Facility Anti-Terrorism Standards program (CFATS) by the Department of Homeland Security.” (February 3, 2012) Serial Number 112–111.

Hearing entitled “The FY 2013 EPA Budget.” (February 28, 2012) Serial Number 112–119.

Hearing entitled “H.R. 4345, The ‘Domestic Fuels Protection Act of 2012.’” (April 19, 2012) Serial Number 112–138.

SUBCOMMITTEE ON HEALTH

(Ratio 16–11)

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HENRY A. WAXMAN, California

(Ex Officio)

Jurisdiction: Public health and quarantine; hospital construction; mental health and research; biomedical programs and health protection in general, including public and private health insurance; food and drugs; and, drug abuse.

LEGISLATIVE ACTIVITIES

HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2011

(H.R. 5)

To improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

Summary

H.R. 5 sets conditions for lawsuits arising from health care liability claims regarding health care goods or services or any medical product affecting interstate commerce.

Legislative History

H.R. 5 was introduced by Mr. Gingrey on January 24, 2011, and referred to the Committee on the Judiciary and the Committee on Energy and Commerce.

The Committee on the Judiciary met in open markup session on February 9 and February 16, 2011, and ordered H.R. 5 reported to the House, as amended, by a voice vote. On March 17, 2011, the Committee on the Judiciary reported H.R. 5 to the House (H. Rept. 112–39, Part I).

On March 17, 2011, the Committee on Energy and Commerce was granted an extension for further consideration of the bill ending no later than May 13, 2011.

On April 6, 2011, the Subcommittee on Health held a hearing on H.R. 5.

On May 13, 2011, the Committee on Energy and Commerce was granted an extension for further consideration ending not later than May 23, 2011.

On May 10 and 11, 2011, the Committee on Energy and Commerce met in open markup session and ordered H.R. 5 favorably reported to the House, as amended, by a roll call vote of 30 yeas and 20 nays.

On May 23, 2011, the Committee on Energy and Commerce reported H.R. 5 to the House, as amended (H. Rept. 112–39, Part II), and the bill was placed on the Union Calendar (Calendar No. 47).

On March 20, 21, and 22, 2012, H.R. 5 was considered in the House pursuant to H. Res. 591, and on March 22, 2012, the bill was passed by a roll call vote of 223 yeas and 181 nays, 4 present (Roll Call No. 126).

On March 22, 2012, H.R. 5 was received in the Senate, read the first time, and placed on Senate Legislative Calendar under Read the First Time.

On March 26, 2012, H.R. 5 was read the second time and placed on Senate Legislative Calendar under General Orders (Calendar No. 353).

On March 27, 2012, the Senate returned papers to House by unanimous consent.

On March 28, 2012, a message on Senate action was sent to the House.

On March 29, 2012, H.R. 5 was received in the Senate, read the first time, and placed on Senate Legislative Calendar under Read the First Time.

On April 16, 2012, H.R. 5 was read the second time and placed on Senate Legislative Calendar under General Orders (Calendar No. 353).

For further information, see also H.R. 452.

PROTECT LIFE ACT

(H.R. 358)

To amend the Patient Protection and Affordable Care Act to modify special rules relating to coverage of abortion services under such Act.

Summary

H.R. 358, Protect Life Act, amends the Patient Protection and Affordable Care Act (PPACA) to prevent Federal funding of abortion or abortion coverage except in specified circumstances. It also ensures that nothing in PPACA can be construed to require coverage of, or access to, abortion and ensures that nothing in PPACA allows anyone implementing PPACA to require coverage of, access to, or training in abortion services.

Legislative History

H.R. 358 was introduced in the House by Mr. Pitts on January 20, 2011, and referred to the Committee on Energy and Commerce.

On February 1, 2011, the Committee on Energy and Commerce referred H.R. 358 to the Subcommittee on Health. On February 9,

2011, the Subcommittee held a hearing on the bill and received testimony from an Associate Professor from George Mason University School of Law; the Chair of the Department of Health Policy at George Washington University; and the Federal Legislative Director of the National Right to Life Committee.

The Subcommittee on Health met in open markup session on February 11, 2011, and forwarded H.R. 358 to the full Committee, as amended, by a roll call vote of 14 yeas and 9 nays.

The Committee on Energy and Commerce met in open markup session on February 15, 2011, and ordered H.R. 358 favorably reported to the House, as amended, by a roll call vote of 33 yeas and 19 nays. The Committee on Energy and Commerce reported the bill to the House on March 17, 2011 (H. Rept. 112-40, Part 1).

On March 17, 2011, H.R. 358 was referred sequentially to the Committee on Ways and Means for a period not later than April 15, 2011. On April 15, 2011, the Committee on Ways and Means was granted an extension for further consideration ending not later than May 20, 2011. On May 20, 2011, the Committee on Ways and Means was granted an extension for further consideration ending not later than September 9, 2011. On September 9, 2011, the Committee on Ways and Means was granted an extension for further consideration ending not later than September 12, 2011.

On September 12, 2011, H.R. 358 was discharged by the Committee on Ways and Means, and the bill was placed on Union Calendar (Calendar No. 133).

On October 13, 2011, H.R. 358 was considered in the House pursuant to the provisions of H. Res. 430 and passed the House by a roll call vote of 251 yeas and 172 nays (Roll No. 789).

On October 17, 2011, H.R. 358 was received in the Senate, read twice, and referred to the Committee on Finance.

MEDICARE DECISIONS ACCOUNTABILITY ACT OF 2011

(H.R. 452)

To repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board.

Summary

H.R. 452 repeals sections of the Patient Protection and Affordable Care Act (PPACA) and restores provisions of law amended by such sections related to the establishment of an Independent Payment Advisory Board (IPAB) to develop and submit detailed proposals to reduce the per capita rate of growth in Medicare spending to the President for Congress to consider. The bill does retain requirements for expedited consideration of IPAB related proposals to reduce Medicare spending.

Legislative History

On January 26, 2011, Mr. Roe introduced H.R. 452, which was referred to the Committee on Ways and Means, and in addition to the Committee on Rules, and the Committee on Energy and Commerce.

On January 27, 2011, the bill was referred to the Subcommittee on Health. On February 29, 2012, the Subcommittee on Health met in open markup session and forwarded H.R. 452 to the full Com-

mittee, without amendment, by a roll call vote of 17 yeas and 5 nays.

On March 5, 2012, the Committee on Energy and Commerce met in open markup session and ordered H.R. 452 to the House, as amended, by a voice vote.

On March 16, 2012, the Committee on Energy and Commerce reported H.R. 452 to the House (112–412, Part II), and the bill was placed on the Union Calendar (Calendar No. 284).

H.R. 452 was incorporated into H.R. 5 pursuant to H. Res. 591. *For further information, see also H.R. 5.*

VETERINARY HEALTH AMENDMENTS OF 2011

(H.R. 525)

To amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health.

Summary

H.R. 525 revises the public health workforce grant and loan repayment programs within the Public Health Service Act to include public health veterinarians.

H.R. 525 defines “veterinary public health” to include veterinarians engaged in one or more of the following areas to the extent such areas have an impact on human health: biodefense and emergency preparedness, emerging and reemerging infectious diseases, environmental health, ecosystem health, pre- and post-harvest food protection, regulatory medicine, diagnostic laboratory medicine, veterinary pathology, biomedical research, the practice of food animal medicine in rural areas, and government practice.

Legislative History

H.R. 525 was introduced by Ms. Baldwin on February 8, 2011, and referred to the Committee on Energy and Commerce.

On February 10, 2011, the bill was referred to the Subcommittee on Health. The Subcommittee met in open markup session on February 11, 2011, and H.R. 525 was forwarded to the full Committee, without amendment, by a voice vote.

The full Committee met in open markup session on February 15, 2011, and ordered H.R. 525 favorably reported to the House by a voice vote.

On March 2, 2011, the Committee on Energy and Commerce reported H.R. 525 to the House (H. Rept. 112–22), and the bill was placed on the Union Calendar (Calendar No. 10).

On March 8, 2011, H.R. 525 was considered under suspension of the Rules and passed the House by a roll call vote of 280 yeas and 138 nays (Roll Call No. 164).

On March 9, 2011, H.R. 525 was received in the Senate and referred to the Committee on Health, Education, Labor, and Pensions.

NEGLECTED INFECTIONS OF IMPOVERISHED AMERICANS ACT OF 2011

(H.R. 528)

To require the submission of a report to the Congress on parasitic diseases among poor Americans.

Summary

H.R. 528, the Neglected Infections of Impoverished Americans Act of 2011, would require the Secretary of the Department of Health and Human Services (HHS) to issue a report to the Congress on the epidemiology and impact of the neglected diseases of poverty and the appropriate level of funding required to address those diseases. HHS must conduct the study of these diseases within 12 months, including Chagas disease, cysticercosis, toxocariasis, toxoplasmosis, trichomoniasis, soil-transmitted helminthes, and related parasitic diseases.

Legislative History

H.R. 528 was introduced by Mr. Johnson (GA) on February 8, 2011, and referred to the Committee on Energy and Commerce.

On February 10, 2011, the Committee on Energy and Commerce referred H.R. 528 to the Subcommittee on Health. On February 11, 2011, the Subcommittee met in open markup session and forwarded H.R. 528 to the full Committee, without amendment, by a voice vote.

The Committee on Energy and Commerce met in open markup on February 15, 2011, and ordered H.R. 528 favorably reported to the House, without amendment, by a voice vote.

The Committee on Energy and Commerce reported H.R. 528 to the House on March 2, 2011 (H. Rept. 112–23).

On March 2, 2011, H.R. 528 was placed on the Union Calendar (Calendar No. 11).

DENTAL EMERGENCY RESPONDER ACT OF 2011

(H.R. 570)

To amend the Public Health Service Act to enhance the roles of dentists and allied dental personnel in the Nation's disaster response framework, and for other purposes.

Summary

H.R. 570, the Dental Emergency Responder Act, would allow, but not require, the Department of Health and Human Services to utilize dentists and dental facilities as part of Federal public health disaster response preparedness framework.

Legislative History

H.R. 570 was introduced by Mr. Burgess on February 9, 2011, and referred to the Committee on Energy and Commerce.

On February 10, 2011, the Committee on Energy and Commerce referred H.R. 570 to the Subcommittee on Health.

The Subcommittee met in open markup session on February 11, 2011, and forwarded H.R. 570 to the full Committee, without amendment, by a voice vote.

On February 15, 2011, the Committee on Energy and Commerce met in open markup session and ordered H.R. 570 favorably reported to the House, without amendment, by a voice vote.

The Committee on Energy and Commerce reported H.R. 570 to the House on March 2, 2011 (H. Rept. 112–24). On March 8, 2011, H.R. 570 was considered in the House under suspension of the Rules, and passed the House by a roll call vote of 401 yeas and 12 nays (Roll No. 163).

On March 9, 2011, H.R. 570 was received in the Senate, read twice, and referred to the Committee on Health, Education, Labor, and Pensions.

FISCAL RESPONSIBILITY AND RETIREMENT SECURITY ACT OF 2011

(H.R. 1173)

To repeal the CLASS program.

Summary

H.R. 1173 repeals a provision of the Public Health Service Act enacted under the Patient Protection and Affordable Care Act entitled the “Community Living Assistance Services and Supports Act” or the “CLASS Act.”

Legislative History

H.R. 1173 was introduced by Mr. Boustany, Jr. on March 17, 2011, and referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means.

On March 28, 2011, the Committee on Energy and Commerce referred the bill to the Subcommittee on Health. The Subcommittee met in open markup session on November 15, 2011, and H.R. 1173 was forwarded to the full Committee, without amendment, by a voice vote.

On November 29, 2011, the Committee on Energy and Commerce met in open markup session and ordered H.R. 1173 favorably reported to the House, as amended, by a roll call vote of 33 yeas and 17 nays.

On December 23, 2011, the Committee on Energy and Commerce reported H.R. 1173 to the House, as amended (H. Rept. 112–342, Part I). On January 23, 2012, H.R. 1173 was placed on the Union Calendar (Calendar No. 253).

On February 1, 2012, H.R. 1173 was considered in the House pursuant to the provisions of H. Res. 522, and the bill was passed by a roll call vote of 267 yeas and 159 nays (Roll Call No. 18).

H.R. 1173 was received in the Senate on February 2, 2012. On February 27, 2012, H.R. 1173 was read once and placed on Senate Legislative Calendar under Read the First Time. On February 28, 2012, H.R. 1173 was read the second time and placed on Senate Legislative Calendar under General Orders (Calendar No. 331).

TO REPEAL MANDATORY FUNDING PROVIDED TO STATES IN THE PATIENT PROTECTION AND AFFORDABLE CARE ACT TO ESTABLISH AMERICAN HEALTH BENEFIT EXCHANGES

(H.R. 1213)

Summary

H.R. 1213 amends the Patient Protection and Affordable Care Act to repeal provisions appropriating funds to the Secretary of Health and Human Services to award grants to States for activities, including planning activities, related to establishing an American Health Benefit Exchange. The legislation strikes the unlimited direct appropriation that is available until the end of 2014 and rescinds any unobligated funds.

Legislative History

H.R. 1213 was introduced by Mr. Upton on March 29, 2011, and referred to the Committee on Energy and Commerce.

On March 29, 2011, the bill was referred to the Subcommittee on Health. The Subcommittee met in open session on March 31, 2011, and H.R. 1213 was forwarded to the full Committee, without amendment, by a roll call vote of 14 yeas and 11 nays.

The full Committee met in open markup session on April 5, 2011, and ordered H.R. 1213 favorably reported to the House, without amendment, by a roll call vote of 31 yeas and 20 nays.

On April 27, 2011, the Committee on Energy and Commerce reported H.R. 1213 to the House (H. Rept. 112-65), and the bill was placed on the Union Calendar (Calendar No. 33).

On May 3, 2011, H.R. 1213 was considered in the House pursuant to H. Res. 236, and the bill was passed by a roll call vote of 238 yeas and 183 nays (Roll Call No. 285).

On May 4, 2011, H.R. 1213 was received in the Senate, read the first time, and placed on the Senate Legislative Calendar. On May 5, 2011, the bill was read the second time and placed on the Senate Legislative Calendar under General Orders (Calendar No. 39).

TO REPEAL MANDATORY FUNDING FOR SCHOOL-BASED HEALTH
CENTER CONSTRUCTION

(H.R. 1214)

To repeal mandatory funding for school-based health center construction.

Summary

H.R. 1214 amends the Patient Protection and Affordable Care Act to repeal the program requiring the Secretary of Health and Human Services to award grants to school-based health centers or their sponsoring facilities to support the construction or renovation of such health centers. The bill rescinds any unobligated appropriations for the program.

Legislative History

On March 9, 2011, the Subcommittee on Health held a hearing on draft legislation that became H.R. 1214.

H.R. 1214 was introduced by Mr. Burgess on March 29, 2011, and referred to the Committee on Energy and Commerce and, in addition, to the Committee on Education and the Workforce.

On March 29, 2011, the bill was referred to the Subcommittee on Health. The Subcommittee met in open markup session on March 31, 2011, and H.R. 1214 was forwarded to the full Committee, without amendment, by a roll call vote of 14 yeas and 11 nays.

The Committee on Energy and Commerce met in open markup session on April 5, 2011, and ordered H.R. 1214 favorably reported to the House, without amendment, by a roll call vote of 27 yeas and 15 nays.

On April 27, 2011, the Committee on Energy and Commerce reported H.R. 1214 to the House (H. Rept. 112-66, Part 1), the Committee on Education and Labor was discharged, and the bill was placed on the Union Calendar (Calendar No. 34).

On May 3 and 4, 2011, H.R. 1214 was considered in the House pursuant to H. Res. 236, and on May 4, 2011, the bill was passed by a roll call vote of 235 yeas and 191 nays (Roll Call No. 290).

On May 5, 2011, H.R. 1214 was received in the Senate, read twice, and referred to the Committee on Health, Education, Labor, and Pensions.

TO AMEND TITLE V OF THE SOCIAL SECURITY ACT TO CONVERT FUNDING FOR PERSONAL RESPONSIBILITY EDUCATION PROGRAMS FROM DIRECT APPROPRIATIONS TO AN AUTHORIZATION OF APPROPRIATIONS

(H.R. 1215)

To amend title V of the Social Security Act to convert funding for personal responsibility education programs from direct appropriations to an authorization of appropriations.

Summary

H.R. 1215 amends title V of the Social Security Act to convert funding for Personal Responsibility Education Programs from a direct appropriation to an authorization of appropriations. The bill also rescinds any unobligated funds made available under section 513 of such Act.

Legislative History

On March 9, 2011, the Subcommittee on Health held a hearing on draft legislation that became H.R. 1215.

H.R. 1215 was introduced by Mr. Latta on March 29, 2011, and referred to the Committee on Energy and Commerce.

On March 29, 2011, the bill was referred to the Subcommittee on Health. The Subcommittee met in open markup session on March 29, 2011, and forwarded H.R. 1215 to the full Committee, without amendment, by a roll call vote of 15 yeas and 11 nays.

The Committee on Energy and Commerce met in open markup session on April 5, 2011, and ordered H.R. 1215 favorably reported to the House, without amendment, by a roll call vote of 25 yeas and 17 nays.

On April 27, 2011, the Committee on Energy and Commerce reported H.R. 1215 to the House (H. Rept. 112-63), and the bill was placed on the Union Calendar (Calendar No. 31).

TO AMEND THE PUBLIC HEALTH SERVICE ACT TO CONVERT FUNDING FOR GRADUATE MEDICAL EDUCATION IN QUALIFIED TEACHING HEALTH CENTERS FROM DIRECT APPROPRIATIONS TO AN AUTHORIZATION OF APPROPRIATIONS

(H.R. 1216)

To amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations.

Summary

H.R. 1216 amends the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from a direct appropriation to an authorization of appropri-

tions. H.R. 1216 also rescinds any unobligated balances appropriated for such programs.

Legislative History

On March 9, 2011, the Subcommittee on Health held a hearing on draft legislation that became H.R. 1216.

H.R. 1216 was introduced by Mr. Guthrie on March 29, 2011, and referred to the Committee on Energy and Commerce.

On March 29, 2011, the bill was referred to the Subcommittee on Health. The Subcommittee met in an open markup session on March 31, 2011, and H.R. 1216 was forwarded to the full Committee, without amendment, by a roll call vote of 14 yeas and 11 nays.

The Committee on Energy and Commerce met in an open markup session on April 5, 2011, and ordered H.R. 1216 favorably reported to the House, without amendment, by a roll call vote of 21 yeas and 14 nays.

On April 27, 2011, the Committee on Energy and Commerce reported H.R. 1216 to the House (H. Rept. 112-64), and the bill was placed on the Union Calendar (Calendar No. 32).

On May 24 and 25, 2011, H.R. 1216 was considered in the House pursuant to H. Res. 269, and the bill was passed by a roll call vote of 234 yeas and 185 nays (Roll Call No. 340).

On May 26, 2011, H.R. 1216 was received in the Senate, read twice, and referred to the Committee on Health, Education, Labor, and Pensions.

A BILL TO REPEAL THE PREVENTION AND PUBLIC HEALTH FUND

(H.R. 1217)

To repeal the Prevention and Public Health Fund.

Summary

The bill amends the Patient Protection and Affordable Care Act to repeal provisions establishing and appropriating funds to the Prevention and Public Health Fund, which is administered by the Secretary of the Department of Health and Human Services. H.R. 1217 rescinds any unobligated funds appropriated to the fund and directs the Secretary to post a notice of any rescission and the amounts to be rescinded.

Legislative History

On March 9, 2011, the Subcommittee on Health held a hearing on draft legislation that became H.R. 1217.

H.R. 1217 was introduced by Mr. Pitts on March 29, 2011, and referred to the Committee on Energy and Commerce.

On March 29, 2011, the bill was referred to the Subcommittee on Health. The Subcommittee met in open markup session on March 31, 2011, and H.R. 1217 was forwarded to the full Committee by a roll call vote of 14 yeas and 11 nays.

The full Committee met in an open markup session on April 5, 2011, and ordered H.R. 1217 to the House, without amendment, by a roll call vote of 26 yeas and 16 nays.

On April 11, 2011, the Committee on Energy and Commerce reported H.R. 1217 to the House (H. Rept. 112–57), and the bill was placed on the Union Calendar (Calendar No. 29).

On April 13, 2011, H.R. 1217 was considered in the House pursuant to H.Res. 219, and the bill was passed, as amended, by a roll call vote of 236 yeas and 183 nays (Roll Call No. 264).

On April 14, 2011, H.R. 1217 was received in the Senate, read twice, and referred to the Committee on Health, Education, Labor, and Pensions.

SYNTHETIC DRUG CONTROL ACT OF 2011

(H.R. 1254)

To amend the Controlled Substances Act to place synthetic drugs in Schedule I.

Summary

H.R. 1254 amends the Controlled Substances Act to add synthetic drugs that imitate the hallucinogenic or stimulant properties of drugs like marijuana, cocaine, or methamphetamines to the list of Schedule I controlled substances. In addition, H.R. 1254 enhances the authority of the Drug Enforcement Administration to temporarily schedule new substances.

Legislative History

On March 30, 2011, H.R. 1254 was introduced by Mr. Dent and referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On April 7, 2011, the Committee on Energy and Commerce referred H.R. 1254 to the Subcommittee on Health.

On July 21, 2011, the Subcommittee on Health held a hearing entitled “Legislative Hearing to Address Bioterrorism, Controlled Substances and Public Health Issues,” during which it considered H.R. 1254.

On July 26, 2011, the Subcommittee on Health met in open markup session, and H.R. 1254 was forwarded to the full Committee, as amended, by a voice vote.

On July 28, 2011, the Committee on Energy and Commerce met in open markup session, and H.R. 1254 was ordered reported to the House, as amended, by a voice vote.

On November 22, 2011, the Committee on Energy and Commerce and the Committee on the Judiciary reported H.R. 1254 to the House (H. Rept. 112–291, Part I and Part II, respectively), and the bill was placed on the Union Calendar (Calendar No. 47).

On December 8, 2011, H.R. 1254 was considered in the House under suspension of the Rules and passed the House by a roll call vote of 317 yeas to 98 nays (Roll Call No. 904).

H.R. 1254 was received in the Senate, read twice, and referred to the Committee on the Judiciary.

STATE FLEXIBILITY ACT

(H.R. 1683)

To restore the longstanding partnership between States and the Federal Government in managing the Medicaid program.

Summary

H.R. 1683 amends the Patient Protection and Affordable Care Act (PPACA) and the American Recovery and Reinvestment Act of 2009 (ARRA) to repeal certain State Medicaid and State Children's Health Insurance Program (CHIP) maintenance of effort requirements under Title XIX and Title XXI of the Social Security Act.

Legislative History

H.R. 1683 was introduced by Mr. Gingrey on May 3, 2011, and referred to the Committee on Energy and Commerce.

On May 6, 2011, the bill was referred to the Subcommittee on Health. On May 12, 2011, the Subcommittee on Health met in open markup session and forwarded H.R. 1683 to the full Committee, without amendment, by a roll call vote of 14 yeas and 9 nays.

H.R. 1683 is substantially similar to provisions included in Title I, "Repeal of Certain ACA Funding Provisions" of the Committee on Energy and Commerce's Reconciliation Recommendations submitted to the Committee on the Budget, and which were included in Title II of H.R. 5652.

For further information, see also the Proposed Matter for Inclusion in Reconciliation Recommendations.

THE CHILDREN'S HOSPITAL GME SUPPORT AUTHORIZATION ACT
OF 2011

(H.R.1852)

To amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

Summary

H.R. 1852 reauthorizes the Children's Hospital Graduate Medical Education program through 2016 to provide freestanding children's hospitals with Federal support for direct and indirect expenses associated with operating medical residency training programs.

Legislative History

H.R. 1852 was introduced by Mr. Pitts on May, 11, 2011, and referred to the Committee on Energy and Commerce.

On May 13, 2011, the bill was referred to the Subcommittee on Health. On July 26, 2011, the Subcommittee on Health met in open markup session and forwarded H.R. 1852 to the full Committee, without amendment, by a voice vote.

On July 28, 2011, the Committee on Energy and Commerce met in open markup session and ordered H.R. 1852 reported to the House, without amendment, by a voice vote.

On September 12, 2011, the Committee on Energy and Commerce reported H.R. 1852 to the House (H. Rept. 112-205), and the bill was placed on the Union Calendar (Calendar No. 132).

On September 20, 2011, H.R. 1852 was considered under suspension of the Rules and passed the House by a voice vote.

On September 21, 2011, H.R. 1852 was received in the Senate, read twice, and placed on Senate Legislative Calendar under General Orders (Calendar No. 175).

COMBATING AUTISM REAUTHORIZATION ACT OF 2011

(H.R. 2005)

To Reauthorize the Combating Autism Act of 2006.

Summary

The bill amends the Public Health Service Act to extend and reauthorize the surveillance and research program for autism spectrum disorders and other developmental disabilities.

Legislative History

On May 26, 2011, Mr. Smith (NJ) introduced H.R. 2005, which was referred to the Committee on Energy and Commerce.

On June 3, 2011, H.R. 2005 was referred to the Subcommittee on Health, and on July 11, 2011, the Subcommittee on Health held a legislative hearing on the bill.

On September 20, 2011, H.R. 2005 was considered in the House under suspension of the Rules, and the bill passed the House by a voice vote.

On September 21, 2011, H.R. 2005 was received in the Senate, read twice, and placed on the Senate Legislative Calendar under General Orders (Calendar No. 174). On September 26, 2011, the bill passed the Senate by a voice vote.

H.R. 2005 was presented to the President on September 29, 2011, and the President signed the bill on September 30, 2011 (Public Law 112–32).

PANDEMIC AND ALL-HAZARDS PREPAREDNESS REAUTHORIZATION ACT OF 2011

(H.R. 2405)

To reauthorize certain provisions of the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act relating to public health preparedness and countermeasure development, and for other purposes.

Summary

H.R. 2405 amends the Public Health Service Act to reauthorize appropriations for public health preparedness activities, including activities related to tracking the initial distribution of Federally purchased influenza vaccine in an influenza pandemic, State and local public health and medical preparedness and response, improving hospital surge capacity, expanding the capabilities of the Assistant Secretary for Preparedness and Response to respond effectively to bioterrorism and other public health emergencies, and the operations of the National Disaster Medical System.

Legislative History

Mr. Rogers (MI) introduced H.R. 2405 on June 28, 2011, which was referred to the Committee on Energy and Commerce. On July 6, 2011, the bill was referred to the Subcommittee on Health.

On July 21, 2011, the Subcommittee on Health held a hearing on H.R. 2405. On July 26, 2011, the Subcommittee met in open markup session, and H.R. 2405 was forwarded to the full Committee, as amended, by a voice vote.

On July 28, 2011, the Committee on Energy and Commerce met in open markup session, and ordered H.R. 2405 favorably reported to the House, as amended, by a voice vote.

On November 16, 2011, the Committee Energy and Commerce reported H.R. 2405 to the House (H. Rept. 112–286), and the bill was placed on the Union Calendar (Calendar No. 189).

On December 6, 2011, H.R. 2405 was considered in the House under suspension of the Rules, and passed the House by a voice vote.

On December 7, 2011, H.R. 2405 was received in the Senate, read twice, and referred to the Committee on Health, Education, Labor, and Pensions.

MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

(H.R. 3630)

To provide incentives for the creation of jobs, and for other purposes.

Summary

Section 3003 of the bill (Medicare Physician Payment Rates) would prevent a 27.4 percent cut in Medicare physician payment rates slated to begin on January 1, 2012, and instead increase payment rates by 1 percent in 2012 and again in 2013. During this period, the Medicare Payment Advisory Commission (MedPAC), Government Accountability Office (GAO), and Department of Health and Human Services (HHS) are required to submit reports to Congress to assist in the development of a long-term replacement to the current Medicare physician payment system. The provision also directs the Committee on Ways and Means, the Committee on Energy and Commerce, and the Committee on Financial Services to study and review this issue during the 112th Congress and, as part of that process, to solicit input from key stakeholders.

Sections 3101 extends the Qualifying Individual Program through December 31, 2012, and provides States with 100 percent Federal funding for the payment of Medicare Part B premiums for low-income qualifying individuals. Section 3102 extends the Transitional Medicaid Assistance program through December 31, 2012, and provides States with a capped funding amount to continue Medicaid coverage for low-income families with children as they transition to employment.

The bill includes several health care offsets to cover the extenders, including, but not limited to, a rebasing of the Disproportionate Share Hospitals payments and a technical correction to the disaster recovery Federal match payments to States.

Legislative History

On December 9, 2011, H.R. 3630 was introduced by Mr. Camp and referred to the Committee on Ways and Means, the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Transportation and Infrastructure, the Committee on Agriculture, the Committee on Oversight and Government Reform, the Committee on House Administration, the Committee on Budget, the Committee on Natural Resources, the Committee on Rules, and the Committee on Intelligence.

On December 13, 2011, H.R. 3630 was considered in the House pursuant to the provisions of H. Res. 491, and passed the House by a rollcall vote of 234 yeas and 193 nays (Roll Call No. 923).

On December 13, 2011, H.R. 3630 was read the first time, and ordered placed on the Senate Legislative Calendar under Read the First Time. On December 14, 2011, the bill was received in the Senate, read the second time, and placed on Senate Legislative Calendar under General Orders (Calendar No. 257).

On December 17, 2011, H.R. 3630 passed the Senate with an amendment by unanimous consent.

On December 20, 2011, the House adopted a motion to disagree to the Senate amendment and requested a conference with the Senate by a roll call vote of 229 yeas and 193 nays (Roll Call No. 946), and the Speaker appointed the following conferees, Mr. Camp, Mr. Upton, Mr. Brady (TX), Mr. Walden, Mr. Price (GA), Mr. Reed, Mrs. Ellmers, and Mrs. Hayworth.

On December 23, 2011 the Speaker appointed additional conferees, including Mr. Levin, Mr. Becerra, Mr. Van Hollen, Mrs. Schwartz, and Mr. Waxman.

On December 23, 2011, the Senate insisted upon its amendments and agreed to the House's request to go to conference, and on January 3, 2012, the Senate appointed conferees, including Sen. Baucus, Sen. Reed, Sen. Cardin, Sen. Casey, Sen. Kyl, Sen. Crapo, and Sen. Barrasso.

The conference met on February 2 and 7, 2012. The conference report (H. Rpt. 112-399) was filed on February 16, 2012.

On February 17, 2012, the conference report was considered in the House pursuant to the provisions of H. Res. 554, and the conference report was agreed to by a roll call vote of 293 yeas and 132 nays (Roll Call No. 72).

The Senate agreed to the conference report by a roll call vote of 60 yeas and 36 nays (Roll Call No. 22).

On February 22, 2012, H.R. 3639 was presented to and signed by the President, and the bill became Public Law 112-96.

THE FOOD AND DRUG ADMINISTRATION REFORM ACT OF 2012

(H.R. 5651)

To amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

Summary

H.R. 5651 reauthorizes the prescription drug user fee and medical device user fee, authorizes a generic drug user fee and biosimilar user fee, reauthorizes the Best Pharmaceuticals for Children Act and the Pediatric Research Equity Act, institutes reforms at the Food and Drug Administration (FDA) to improve the predictability, consistency, and transparency of its regulation of drugs and devices, and establishes policies to address the drug shortage crisis.

Legislative History

On April 18, 2012, the Subcommittee on Health held a legislative hearing on a Committee Print entitled “The Food and Drug Administration Reform Act of 2012.”

On May 8, 2012 the Subcommittee on Health met in open markup session to consider the Committee Print, which was forwarded to the full Committee, as amended, by a voice vote.

H.R. 5651 was introduced by Mr. Upton on May 9, 2012, and referred to the Committee on Energy and Commerce.

On May 9 and 10, 2012, the Committee on Energy and Commerce met in open markup session and ordered H.R. 5651 favorably reported to the House, without amendment, by a roll call vote of 46 yeas and 0 nays.

On May 25, 2012, the Committee on Energy and Commerce reported H.R. 5654 to the House, without amendment (H. Rept. 112–495), and the bill was placed on the Union Calendar (Calendar No. 348).

On May 30, 2012, H.R. 5651 was considered in the House under suspension of the Rules and passed by a roll call vote of 387 yeas and 5 nays (Roll No. 294).

On June 4, 2012, H.R. 5651 was received in the Senate, read for the first time, and placed on the Senate Legislative Calendar under General Orders (Calendar No. 420).

PROPOSED MATTER FOR INCLUSION IN RECONCILIATION
RECOMMENDATIONS

To provide for recommendations to the House Budget Committee in response to reconciliation instructions from a Republican-proposed budget, H. Con. Res. 112.

(TITLE I—REPEAL OF CERTAIN ACA FUNDING PROVISIONS, H.R. 5652)

Summary

Title I repeals certain Patient Protection and Affordable Care Act (PPACA) funding provisions. First, it amends PPACA to repeal provisions appropriating funds to the of the Secretary of the Department of Health and Human Services (HHS) to award grants to States for activities, including planning activities, related to establishing an American Health Benefit Exchange. The proposal also strikes the unlimited direct appropriation that is available until the end of 2014 and rescinds unobligated funds.

Second, Title I amends PPACA to repeal provisions establishing and appropriating funds to the Prevention and Public Health Fund, which is administered by the Secretary of HHS. The proposal rescinds any unobligated funds appropriated to the fund and directs

the Secretary to post a notice of any rescission and the amounts to be rescinded.

Finally, Title I amends PPACA to repeal provisions appropriating funds for the establishment and operation of the Consumer Operated and Oriented Plan (CO-OP). The proposal rescinds any unobligated balance appropriated under such provisions.

Legislative History

On April 24 and 25, 2012, the Committee on Energy and Commerce met in open markup session to consider the Committee Print entitled “Title I Repeal of Certain ACA Funding Provisions.” The Committee on Energy and Commerce approved the Committee Print by a roll call vote of 30 yeas to 22 nays. A motion by Mr. Upton to transmit the Reconciliation recommendations of the Committee, and all appropriate accompanying material including additional, supplemental, or dissenting views, to the Committee on the Budget, in order to comply with the reconciliation directive included in section 201(a) of the Concurrent Resolution on the Budget for fiscal year 2013, H. Con. Res. 112, and consistent with section 310 of the Congressional Budget and Impoundment Control Act of 1974, was agreed to by a voice vote.

Title I was included in H.R. 5652, the Sequester Replacement Reconciliation Act of 2012, as “Title II, Subtitle A—Repeal of Certain ACA Funding Provisions and introduced” on May 9, 2012, by Mr. Ryan.

On May 10, 2012, H.R. 5652 was considered in the House pursuant to H. Res. 648, and the bill was passed by a roll call vote of 218 yeas and 199 nays, 1 present (Roll Call No. 247).

On May 14, 2012, H.R. 5652 was received in the Senate, read the first time and placed on Senate Legislative Calendar under Read the First Time.

On May 15, 2012, H.R. 5652 was read the second time and placed on Senate Legislative Calendar under General Orders (Calendar No. 398).

PROPOSED MATTER FOR INCLUSION IN RECONCILIATION RECOMMENDATIONS

To provide for recommendations to the House Budget Committee in response to reconciliation instructions from a Republican-proposed budget, H. Con. Res. 112.

(TITLE II—MEDICAID, H.R. 5652)

Summary

Title II amends Title XIX, Medicaid, of the Social Security Act. First, Title II amends Title XIX of the Social Security Act to extend the reduction of the threshold level of permissible State taxes on health care providers before Federal funding to the State for Medicaid is reduced. The proposal adjusts the provider tax threshold back to 5.5 percent beginning in fiscal year 2013. Second, Title II rebases the disproportionate share hospital allotment (DSH) for fiscal year 2022 to maintain the fiscal year 2021 level of reductions. Third, Title II repeals the Maintenance of Effort (MOE) provisions prohibiting States from reducing eligibility for Medicaid, CHIP, and

Title XXI of the Social Security Act, as mandated by the Patient Protection and Affordable Care Act (PPACA). Fourth, Title II repeals provisions in PPACA that increased the Federal medical assistance percentage (FMAP) and the cap on Federal Medicaid spending for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa. Finally, Title II repeals provisions providing bonus payments to States for enrollment and retention programs for children covered under Medicaid and CHIP.

Legislative History

On April 24 and 25, 2012, the Committee on Energy and Commerce met in open markup session to consider the Committee Print entitled “Title II—Medicaid.” The Committee on Energy and Commerce approved the Committee Print by a roll call vote of 30 yeas to 20 nays. A motion by Mr. Upton to transmit the Reconciliation recommendations of the Committee, and all appropriate accompanying material including additional, supplemental, or dissenting views, to the Committee on the Budget, in order to comply with the reconciliation directive included in section 201(a) of the Concurrent Resolution on the Budget for fiscal year 2013, H. Con. Res. 112, and consistent with section 310 of the Congressional Budget and Impoundment Control Act of 1974, was agreed to by a voice vote.

Title II was included in H.R. 5652, the Sequester Replacement Reconciliation Act of 2012, as “Title II, Subtitle B—Medicaid” and introduced on May 9, 2012, by Mr. Ryan.

On May 10, 2012, H.R. 5652 was considered in the House pursuant to H. Res. 648, and the bill was passed by a roll call vote of 218 yeas and 199 nays, 1 present (Roll Call No. 247).

On May 14, 2012, H.R. 5652 was received in the Senate, read the first time and placed on Senate Legislative Calendar under Read the First Time.

On May 15, 2012, H.R. 5652 was read the second time and placed on Senate Legislative Calendar under General Orders (Calendar No. 398).

PROPOSED MATTER FOR INCLUSION IN RECONCILIATION RECOMMENDATIONS

To provide for recommendations to the House Budget Committee in response to reconciliation instructions from a Republican-proposed budget, H. Con. Res. 112.

(TITLE III—LIABILITY REFORM, H.R. 5652)

Summary

Title III sets conditions for lawsuits arising from health care liability claims regarding health care goods or services or any medical product affecting interstate commerce to reduce the burden of the medical liability system on the health care delivery system.

Legislative History

On April 24 and 25, 2012, the Committee on Energy and Commerce met in open markup session to consider the Committee Print entitled “Title III—Liability Reform.” The Committee on Energy and Commerce approved the Committee Print by a roll call vote of

29 yeas to 22 nays. A motion by Mr. Upton to transmit the Reconciliation recommendations of the Committee, and all appropriate accompanying material including additional, supplemental, or dissenting views, to the Committee on the Budget, in order to comply with the reconciliation directive included in section 201(a) of the Concurrent Resolution on the Budget for fiscal year 2013, H. Con. Res. 112, and consistent with section 310 of the Congressional Budget and Impoundment Control Act of 1974, was agreed to by a voice vote.

Title III was included in H.R. 5652, the Sequester Replacement Reconciliation Act of 2012, as “Title II, Subtitle C—Liability Reform” and introduced on May 9, 2012, by Mr. Ryan.

On May 10, 2012, H.R. 5652 was considered in the House pursuant to H. Res. 648, and the bill was passed by a roll call vote of 218 yeas and 199 nays, 1 present (Roll Call No. 247).

On May 14, 2012, H.R. 5652 was received in the Senate, read the first time and placed on Senate Legislative Calendar under Read the First Time.

On May 15, 2012, H.R. 5652 was read the second time and placed on Senate Legislative Calendar under General Orders (Calendar No. 398).

OVERSIGHT ACTIVITIES

IMPACT OF MEDICAL DEVICE REGULATION ON JOBS AND PATIENTS

On February 17, 2011, the Subcommittee on Health held a hearing to examine the state of the medical device industry and the impact of regulations on job creation and patient access. The Subcommittee received testimony from the Food and Drug Administration, ExploraMed Development, the Foundry, a professor from the University of Minnesota Law School, the Women’s Cardiovascular Services at the University of California San Francisco Medical Center, and a witness who is a professor at the Cleveland Clinic Lerner School of Medicine at Case Western Reserve University and Chairman of the Department of Cardiovascular Medicine at the Cleveland Clinic Foundation.

FY 2012 HHS BUDGET AND THE IMPLEMENTATION OF PUBLIC LAWS 111–148 AND 111–152

On March 3, 2011, the Subcommittee on Health held a hearing entitled “FY 2012 HHS Budget and the Implementation of Public Laws 111–148 and 111–152.” The hearing examined budget issues and the implementation of the Patient Protection and Affordable Care Act. The sole witness was the Honorable Kathleen Sebelius, Secretary of the Department of Health and Human Services.

IMPLEMENTATION AND SUSTAINABILITY OF THE NEW, GOVERNMENT-ADMINISTERED COMMUNITY LIVING ASSISTANCE SERVICES AND SUPPORTS (CLASS) PROGRAM

On March 17, 2011, the Subcommittee on Health held a hearing entitled “Implementation and Sustainability of the New, Government-Administered Community Living Assistance Services and Supports (CLASS) Program.” The CLASS program is a voluntary,

government-administered long-term care program intended to provide a cash benefit for the purchase of nonmedical services to use either at home or at a LTC facility or residence. The CLASS program, established in section 8002 of the Patient Protection and Affordable Care Act (PPACA; P.L. 111–148, as amended), is in its initial phase of development. The hearing looked at the implementation of the CLASS program, issues related to the program’s long-term sustainability, the financial risks and benefits for the Federal government, consumers, and employers. The Subcommittee received testimony from the Administration on Aging, the American Academy of Actuaries, the American Enterprise Institute, an employee benefits consultant, the National Industries for the Severely Handicapped, and a representative of LeadingAge and the Advance CLASS, Inc.

PPACA AND PENNSYLVANIA: ONE YEAR OF BROKEN PROMISES

On March 23, 2011, the Subcommittee on Health held a field hearing in Harrisburg, Pennsylvania entitled “PPACA and Pennsylvania: One Year of Broken Promises.” The hearing examined the effect of the Patient Protection and Affordable Care Act and the Health Care Reconciliation Act of 2010 on the State of Pennsylvania and its employers. The Subcommittee received testimony from the Secretary of the Pennsylvania Department of Public Welfare, the Acting Insurance Commissioner of the Pennsylvania Insurance Department, the Chair of the Senate Public Health and Welfare Committee, the Chair of the Pennsylvania House Health Committee, and representatives from the Pennsylvania Chamber of Business and Industry, Case New Holland, and the National Federation of Independent Business.

THE TRUE COST OF PPACA: EFFECTS ON THE BUDGET AND JOBS

On March 30, 2011, the Subcommittee on Health held a hearing entitled “The True Cost of PPACA: Effects on the Budget and Jobs.” The purpose of the hearing was to examine effects of PPACA following its enactment, as well as the potential benefits and possible adverse consequences for both the cost of employer-provided health coverage and the labor market. The Subcommittee received testimony from representatives of the Congressional Budget Office, Centers for Medicare and Medicaid Services, and independent business owners.

THE COST OF THE MEDICAL LIABILITY SYSTEM PROPOSALS FOR REFORM, INCLUDING H.R. 5, THE “HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2011”

On April 6, 2011, the Subcommittee on Health held a hearing entitled, “The Cost of the Medical Liability System and Proposals for Reform, including H.R. 5, the Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2011.” At the hearing, the Subcommittee examined the nation’s medical liability system and approaches for reform.

THE NEED TO MOVE BEYOND THE SGR

On May 5, 2011, the Subcommittee on Health held a hearing entitled “The Need to Move Beyond the SGR.” The purpose of the hearing was to examine potential models to reimburse physicians under the Medicare program that focuses on value and quality. The Subcommittee received testimony from experts in the medical field including the Coalition of State Medical and National Specialty Societies, the American Medical Association, the American Academy of Family Physicians, the American College of Surgeons, the Center for Healthcare Quality and Payment Reform, and Harvard University.

EXPANDING HEALTH CARE OPTIONS: ALLOWING AMERICANS TO PURCHASE AFFORDABLE COVERAGE ACROSS STATE LINES

On May 25, 2011, the Subcommittee on Health held a hearing entitled “Expanding Health Care Options: Allowing Americans to Purchase Affordable Coverage Across State Lines.” The hearing examined Federal and State proposals that would allow consumers to purchase health coverage licensed and sold outside their State of residence. The Subcommittee received testimony from representatives from the Department of Health and Human Services, the Center for Consumer Information and Insurance Oversight, and other policy experts and stakeholders.

PPACA’S EFFECTS ON MAINTAINING HEALTH COVERAGE AND JOBS: A REVIEW OF THE HEALTH CARE LAW’S REGULATORY BURDEN

On June 2, 2011 and June 15, 2011, the Subcommittee on Health held a hearing entitled “PPACA’s Effects on Maintaining Health Coverage and Jobs: A Review of the Health Care Law’s Regulatory Burden.” The purpose of the hearing was to examine the impact of rules issued by the Department of Health and Human Services to implement the Patient Protection and Affordable Care Act (PPACA) and the Health Care and Education Reconciliation Act of 2010. The Subcommittee received testimony from the Director of the Center for Consumer Information and Insurance Oversight, Centers for Medicare and Medicaid Services; and other policy experts and stakeholders.

DUAL-ELIGIBLES: UNDERSTANDING THIS VULNERABLE POPULATION AND HOW TO IMPROVE THEIR CARE

On June 21, 2011, the Subcommittee on Health held a hearing entitled “Dual-Eligibles: Understanding This Vulnerable Population and How to Improve Their Care.” The purpose of the hearing was to inform Members about dual-eligible beneficiaries and their unique needs, including how coverage and access to care for duals is managed across the Medicare and Medicaid programs and what barriers exist to fully integrate care for this vulnerable and complex patient group so that quality is improved and unnecessary costs are eliminated. The Subcommittee received testimony from the Centers for Medicare and Medicaid Services, Texas Health and Human Services Commission, Alzheimer’s Association, National Pace Association, and Community Care of North Carolina.

PDUFA V: MEDICAL INNOVATION, JOBS, AND PATIENTS

On July 7, 2011, the Subcommittee on Health held a hearing entitled “PDUFA V: Medical Innovation, Jobs, and Patients.” The purpose of the hearing was to examine issues expected to be discussed as part of the reauthorization of the Prescription Drug User Fee Act. The Subcommittee received testimony from the Food and Drug Administration, OncoMed Pharmaceuticals Incorporation, Warburg Pincus Limited Liability Company, National Health Council, Friends of Cancer Research, and the Pew Charitable Trusts.

IPAB: THE CONTROVERSIAL CONSEQUENCES FOR MEDICARE AND SENIORS

On July 13, 2011, the Subcommittee on Health held a hearing entitled “IPAB: The Controversial Consequences for Medicare and Seniors.” The hearing discussed the structure of the Independent Payment Advisory Board (IPAB), the process by which the Board will develop proposals to reduce spending in the Medicare program, and the process by which the recommendations of the Board will become law. The hearing also included a discussion of the possible impact of the Board on the Medicare program and the overall health care system. Witnesses included Senator John Cornyn (TX), Representative Allyson Schwartz (PA-13), Representative David P. Roe (TN-1), Representative George Miller (CA-07), Secretary of the Department of Health and Human Services Kathleen Sebelius, researchers from the Congressional Research Service, policy analysts, and stakeholders.

CUTTING THE RED TAPE: SAVING JOBS FROM PPACA’S HARMFUL REGULATIONS

On September 15, 2011, the Subcommittee on Health held a hearing entitled “Cutting the Red Tape: Saving Jobs from PPACA’s Harmful Regulations.” The purpose of the hearing was to discuss H.R. 2077, the “MLR Repeal Act of 2011,” and draft legislation to prevent enforcement of the grandfathered plan regulation and preserve the choice of individuals to maintain their health coverage. The Subcommittee received testimony from the Department of Health and Human Services, the Heritage Foundation, Galen Institute, National Association of Health Underwriters, the Center for Public Integrity, and the Consumers Union.

EXAMINING THE INCREASE IN DRUG SHORTAGES

On September 23, 2011, the Subcommittee on Health held a hearing entitled “Examining the Increase in Drug Shortages.” The hearing examined the causes and effects of drug shortages in the U.S. health care system. The Subcommittee heard testimony from a representative from the Department of Health and Human Services and various stakeholders.

IMPACT OF MEDICAL DEVICE AND DRUG REGULATION ON INNOVATION, JOBS AND PATIENTS: A LOCAL PERSPECTIVE

On September 26, 2011, the Subcommittee on Health held a field hearing entitled “Impact of Medical Device and Drug Regulation on Innovation, Jobs and Patients: A Local Perspective.” The Sub-

committee investigated how Federal regulations are impacting the medical device community. The Subcommittee received testimony from the California Healthcare Institute, Conatus Pharmaceuticals, Inc., National Venture Capital Association, West Wireless Health Institute, BIOCUM, CONNECT, and TherOx, Inc.

FOOD MARKETING: CAN “VOLUNTARY” GOVERNMENT RESTRICTIONS
IMPROVE CHILDREN’S HEALTH”

On October 12, 2011, the Subcommittee on Health and the Subcommittee on Commerce, Manufacturing and Trade held a joint hearing entitled “Food Marketing: Can “Voluntary” Government Restrictions Improve Children’s Health?” The hearing investigated the document entitled “Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts,” which was issued by the Interagency Working Group. The Subcommittees received testimony from representatives of the Department of Agriculture, the Federal Trade Commission, and stakeholders and policy experts.

CLASS CANCELLED: AN UNSUSTAINABLE PROGRAM AND
CONSEQUENCES FOR THE NATION’S DEFICIT

On October 26, 2011, the Subcommittee on Health and the Subcommittee on Oversight and Investigations held a joint hearing entitled “CLASS Cancelled: An Unsustainable Program and Its Consequences for the Nation’s Deficit.” The Subcommittees examined the intent of the CLASS program and the ongoing concerns with the program. The Subcommittees received testimony from Representative Dennis R. Rehberg (MT–AL), Representative Charles W. Boustany, Jr. (LA–07), Representative Theodore E. Deutch (FL–19), former-Representative Patrick J. Kennedy (RI), and representatives from the Department of Health and Human Services.

DO NEW HEALTH LAW MANDATES THREATEN CONSCIENCE RIGHTS
AND ACCESS TO CARE?

On November 2, 2011, the Subcommittee on Health held a hearing entitled, “Do New Health Law Mandates Threaten Conscience Rights and Access to Care?” The hearing examined the August 3, 2011, interim final rule issued by the Department of Health and Human Services (HHS), authorized by the Patient Protection and Affordable Care Act (PPACA), regarding private health plans coverage of contraception for women. The Subcommittee heard testimony from various stakeholders.

REAUTHORIZATION OF PDUFA: WHAT IT MEANS FOR JOBS,
INNOVATION AND PATIENTS

On February 1, 2012, the Subcommittee on Health held a hearing entitled “Reauthorization of PDUFA: What it Means for Jobs, Innovation, and Patients.” The Subcommittee examined issues pertaining to the reauthorization of the Prescription Drug User Fee Act (PDUFA). The hearing also focused on the reauthorization of the Best Pharmaceuticals for Children Act (BPACA) and the Pediatric Research Equity Act (PREA) and pharmaceutical supply chain issues. The Subcommittee received testimony from the Commissioner of the U.S. Food and Drug Administration, Pfizer, Inc., California Health Institute, Biotechnology Industry Organization, Phar-

maceutical Research and Manufacturers of America, the Pew Charitable Trusts, National Organization for Rare Disorders, and American Academy of Pediatrics.

THE REVIEW OF THE PROPOSED GENERIC DRUG AND BIOSIMILARS
USER FEES AND FURTHER EXAMINATION OF DRUG SHORTAGES

On February 9, 2012, the Subcommittee on Health held a hearing entitled “The Review of the Proposed Generic Drug and Biosimilars User Fees and Further Examination of Drug Shortages.” The Subcommittee examined issues pertaining to the proposed generic and biosimilars user fees and drug shortages. The Subcommittee received testimony from the Director of the Center for Drug Evaluation and Research at the U.S. Food and Drug Administration, Mylan, Inc., Generic Pharmaceutical Association, and St. Jude Children’s Research Hospital.

REAUTHORIZATION OF MDUFA: WHAT IT MEANS FOR JOBS,
INNOVATION, AND PATIENTS

On February 15, 2012, the Subcommittee on Health held a hearing entitled “Reauthorization of MDUFA: What it Means for Jobs, Innovation, and Patients.” The Subcommittee examined issues pertaining to the reauthorization of the medical device user fees. The Subcommittee received testimony from the Director of the Center for Devices and Radiological Health at the U.S. Food and Drug Administration, Terumo BCT, Philips Healthcare, Versant Ventures, Consumers Union, as well as industry and medical experts.

THE FISCAL YEAR 2013 HEALTH AND HUMAN SERVICES BUDGET

On March 1, 2012, the Subcommittee on Health held a hearing entitled “The FY 2013 HHS Budget.” The Subcommittee examined the President’s proposed fiscal year 2013 budget for the Department of Health and Human Services. The Subcommittee received testimony from the Secretary of the Department of Health and Human Services.

FDA USER FEES 2012: HEARING ON ISSUES RELATED TO ACCELERATED APPROVAL, MEDICAL GAS, ANTIBIOTIC DEVELOPMENT, AND
DOWNSTREAM PHARMACEUTICAL SUPPLY CHAIN

On March 8, 2012, the Subcommittee on Health held a hearing entitled “FDA User Fees 2012: Hearing on Issues related to Accelerated Approval, Medical Gas, Antibiotic Development, and Downstream Pharmaceutical Supply Chain.” The Subcommittee examined issues pertaining to the reauthorization of FDA user fees. The Subcommittee received testimony from the Director of the Center for Drug Evaluation and Research at the U.S. Food and Drug Administration, Alnylam Pharmaceuticals, Friends of Cancer Research, Compressed Gas Association, Generic Pharmaceutical Association, Healthcare Distribution Management Association, National Community Pharmacists Association, the Pew Charitable Trusts, and an industry expert.

A REVIEW OF EFFORTS TO PREVENT AND TREAT TRAUMATIC BRAIN
INJURY

On March 19, 2012, the Subcommittee on Health held a hearing entitled “A Review of efforts to Prevent and Treat Traumatic Brain Injury.” The Subcommittee examined the effect of Federal, State, and private efforts to prevent and effectively treat traumatic brain injury and resulting disabilities. The Subcommittee received testimony from the Director of the Division of Services for Children with Special Health Care Needs of the Health Resources and Services Administration at the U.S. Department of Health and Human Services, the Director of the New Jersey TBI Division at the New Jersey Department of Health, a medical expert, and Brain Injury Association of American.

EXAMINING THE CURRENT STATE OF COSMETICS

On March 27, 2012, the Subcommittee on Health held a hearing entitled “Examining the Current State of Cosmetics.” The Subcommittee evaluated the current state of the cosmetic industry. The Subcommittee received testimony from the Director of the Center for Food Safety and Applied Nutrition, at the U.S. Food and Drug Administration, the Personal Care Products Council, Jack Black Skincare, Wholesale Supplies Plus, a representative of California Department of Public Health, and industry experts.

FDA USER FEES 2012: HOW INNOVATION HELPS PATIENTS AND JOBS

On April 18, 2012, the Subcommittee on Health held a hearing entitled “FDA User Fees 2012: How Innovation Helps Patients and Jobs.” The Subcommittee examined the impact of FDA user fees on patients and jobs. The Subcommittee received testimony from the Director of the Center for Drug Evaluation and Research at the U.S. Food and Drug Administration, the Director of the Center for Devices and Radiological Health at the U.S. Food and Drug Administration, Pharmaceutical Research and Manufacturers of American, Biotechnology Industry Organization, Generic Pharmaceutical Association, Advanced Medical Technology Association, and the Pew Charitable Trusts.

A REVIEW OF EFFORTS TO PROTECT THE HEALTH OF JOCKEYS AND
HORSES IN HORSERACING

On April 30, 2012, the Subcommittee on Health held a hearing entitled “A Review of Efforts to Protect the Health of Jockeys and Horses in Horseracing.” The Subcommittee review examined the efforts made in the horseracing industry to protect jockeys, horses, and the integrity of the sport. The Subcommittee received testimony from a Hall of Fame jockey, thoroughbred owners, horse trainers, and a veterinarian.

HEARINGS HELD

Hearing entitled “H.R. ____, a bill to amend the Patient Protection and Affordable Care Act to modify special rules relating to coverage of abortion services under such Act.” (February 9, 2011) Serial Number 112–3.

Hearing entitled “Impact of Medical Device Regulation on Jobs and Patients.” (February 17, 2011) Serial Number 112–9.

Hearing entitled “Administration’s Proposed Budget for Fiscal Year 2012.” (March 3, 2011) Serial Number 112–14.

Hearing entitled “Setting Fiscal Priorities in Health Care Funding.” (March 9, 2011) Serial Number 112–17.

Hearing entitled “The Implementation and Sustainability of the New, Government-Administered Community Living Assistance Services and Supports (CLASS) Program.” (March 17, 2011) Serial Number 112–23.

Hearing entitled “PPACA and Pennsylvania: One Year of Broken Promises.” (March 23, 2011) Serial Number 112–25.

Hearing entitled “True Cost of PPACA: Effects on the Budget and Jobs.” (March 30, 2011) Serial Number 112–27.

Hearing entitled “The Cost of the Medical Liability System Proposals for Reform, including H.R. 5, the ‘Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2011.’” (April 6, 2011) Serial Number 112–33.

Hearing entitled “The Need to Move Beyond the SGR.” (May 5, 2011) Serial Number 112–46.

Hearing entitled “Expanding Health Care Options: Allowing Americans to Purchase Affordable Coverage Across State Lines.” (May 25, 2011) Serial Number 112–50.

Hearing entitled “PPACA’s Effects on Maintaining Health Coverage and Jobs: A Review of the Health Care Law’s Regulatory Burden (Day 1).” (June 2, 2011) Serial Number 112–56.

Hearing entitled “PPACA’s Effects on Maintaining Health Coverage and Jobs: A Review of the Health Care Law’s Regulatory Burden (Day 2).” (June 15, 2011) Serial Number 112–56B.

Hearing entitled “Dual-Eligibles: Understanding This Vulnerable Population and How to Improve Their Care.” (June 21, 2011) Serial Number 112–64.

Hearing entitled “PDUFA V: Medical Innovation, Jobs, and Patients.” (July 7, 2011) Serial Number 112–70.

Hearing entitled “Legislative Hearing on Miscellaneous Public Health and Biosecurity Legislation.” (July 11, 2011) Serial Number 112–72.

Hearing entitled “IPAB: The Controversial Consequences for Medicare and Seniors.” (July 13, 2011) Serial Number 112–73.

Hearing entitled “Legislative Hearing to Address Bioterrorism, Controlled Substances and Public Health Issues.” (July 21, 2011) Serial Number 112–79.

Hearing entitled “Cutting the Red Tape: Saving Jobs from PPACA’s Harmful Regulations.” (September 15, 2011) Serial Number 112–85.

Hearing entitled “Examining the Increase in Drug Shortages.” (September 23, 2011) Serial Number 112–88.

Hearing entitled “Impact of Medical Device and Drug Regulation on Innovation, Jobs and Patients: A Local Perspective.” (September 26, 2011) Serial Number 112–90.

Hearing entitled “Food Marketing: Can ‘Voluntary’ Government Restrictions Improve Children’s Health?” (October 12, 2011) Serial Number 112–94.

Hearing entitled “CLASS Cancelled: An Unsustainable Program and Its Consequences for the Nation’s Deficit.” (October 26, 2011) Serial Number 112–101.

Hearing entitled “Do New Health Law Mandates Threaten Conscience Rights and Access to Care?” (November 2, 2011) Serial Number 112–102.

Hearing entitled “Reauthorization of PDUFA: What It Means for Jobs, Innovation, and Patients.” (February 1, 2012) Serial Number 112–110.

Hearing entitled “Review of the Proposed Generic Drug and Biosimilars, User Fees and Further Examination of Drug Shortages.” (February 9, 2012) Serial Number 112–114.

Hearing entitled “Reauthorization of MDUFA: What It Means for Jobs, Innovation and Patients.” (February 15, 2012) Serial Number 112–116.

Hearing entitled “The FY 2013 HHS Budget.” (March 1, 2012) Serial Number 112–121.

Hearing entitled “FDA User Fees 2012: Hearing on Issues Related to Accelerated Approval, Medical Gas, Antibiotic Development and Downstream Pharmaceutical Supply Chain.” (March 8, 2012) Serial Number 112–126.

Hearing entitled “A Review of Efforts to Prevent and Treat Traumatic Brain Injury.” (March 19, 2012) Serial Number 112–127.

Hearing entitled “Examining the Current State of Cosmetics.” (March 27, 2012) Serial Number 112–132.

Hearing entitled “FDA User Fees 2012: How Innovation Helps Patients and Jobs.” (April 18, 2012) Serial Number 112–136.

Hearing entitled “A Review of Efforts to Protect the Health of Jockeys and Horses in Horseracing.” (April 30, 2012) Serial Number 112–140.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

(Ratio 14–9)

CLIFF STEARNS, Florida, *Chairman*

LEE TERRY, Nebraska	DIANA DEGETTE, Colorado,
SUE WILKINS MYRICK, North Carolina	<i>Ranking Member</i>
JOHN SULLIVAN, Oklahoma	JAN SCHAKOWSKY, Illinois
TIM MURPHY, Pennsylvania	MIKE ROSS, Arkansas
MICHAEL C. BURGESS, Texas	KATHY CASTOR, Florida
MARSHA BLACKBURN, Tennessee	EDWARD J. MARKEY, Massachusetts
BRIAN P. BILBRAY, California	GENE GREEN, Texas
PHIL GINGREY, Georgia	DONNA M. CHRISTENSEN, Virgin Islands
STEVE SCALISE, Louisiana	JOHN D. DINGELL, Michigan
CORY GARDNER, Colorado	HENRY A. WAXMAN, California
H. MORGAN GRIFFITH, Virginia	<i>(Ex Officio)</i>
JOE BARTON, Texas	
FRED UPTON, Michigan	
<i>(Ex Officio)</i>	

Jurisdiction: Responsibility for oversight of agencies, departments, and programs within the jurisdiction of the full committee, and for conducting investigations within such jurisdiction.

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO CYBERSECURITY

The Subcommittee on Oversight and Investigations has conducted ongoing oversight of issues related to cybersecurity, including supply chain integrity and matters related to critical infrastructure security. The Subcommittee received briefings on cybersecurity issues, including from the Department of Homeland Security, the Department of Defense, the Department of Commerce, and the Department of Energy.

CYBERSECURITY: AN OVERVIEW OF RISKS TO CRITICAL INFRASTRUCTURE

On July 26, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled “Cybersecurity: An Overview of Threats to Critical Infrastructure.” The purpose of the hearing was to provide an overview of the Federal government’s efforts to protect critical infrastructure, such as the electric grid and nuclear power plants, from cyber threats and to discuss current cyber threats and risks. The Subcommittee received testimony from representatives of the Department of Homeland Security and the Government Accountability Office.

CRITICAL INFRASTRUCTURE CYBERSECURITY: ASSESSMENTS OF SMART GRID SECURITY

On February 29, 2012, the Subcommittee on Oversight and Investigations held a hearing entitled “Critical Infrastructure Cybersecurity: Assessments of Smart Grid Security.” The purpose of the

hearing was to examine cybersecurity threats to the Smart Grid and examine weaknesses that make the Smart Grid vulnerable to attacks. The Subcommittee received testimony from the Director of Information Security Issues at the Government Accountability Office, the Director of Natural Resources and Environment from the Government Accountability Office, and a Specialist in Energy Policy from the Congressional Research Service.

IT SUPPLY CHAIN SECURITY: REVIEW OF GOVERNMENT AND INDUSTRY EFFORTS

On March 27, 2012, the Subcommittee on Oversight and Investigations held a hearing entitled “IT Supply Chain Security: Review of Government and Industry Efforts.” The hearing provided an overview of the supply chain risks to Federal Information Technology (IT) and the Federal Government’s efforts to recognize these risks and mitigate the impacts they pose. The Subcommittee received testimony from IT-related officials at the Department of Defense, the Department of Energy, and the Government Accountability Office, as well as from private sector experts.

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO REGULATORY REFORM

THE VIEWS OF THE ADMINISTRATION ON REGULATORY REFORM

On January 26, 2011, the Subcommittee on Oversight and Investigations held a hearing on the Views of the Administration on Regulatory Reform. The hearing examined an Executive Order that President Barack Obama issued on January 18, 2011, entitled “Improving Regulation and Regulatory Review,” how the order will affect the Federal regulatory landscape, and the costs of regulations to American businesses. The Subcommittee received testimony from Cass Sunstein, the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget.

THE VIEWS OF THE ADMINISTRATION ON REGULATORY REFORM: AN UPDATE

On June, 3, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled “The Views of the Administration on Regulatory Reform: An Update.” The hearing examined the manner in which the Office of Information and Regulatory Affairs (OIRA) is implementing Executive Order 13563, entitled “Improving Regulation and Regulatory Review,” which President Barack Obama issued on January 18, 2011. The hearing followed up on a January 26, 2011, Subcommittee on Oversight and Investigations hearing which involved a preliminary investigation of Executive Order 13563, its potential effect on the Federal regulatory landscape, and the costs of regulations to American businesses. Witnesses heard were the Honorable Cass R. Sunstein, OIRA Administrator, and regulatory experts from the Heritage Foundation, National Resources Defense Council, and U.S. Chamber of Commerce.

THE VIEWS OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
ON REGULATORY REFORM: AN UPDATE

On June 13, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled “The Views of the Department of Health and Human Services on Regulatory Reform: An Update.” The hearing examined how the Department of Health and Human Services (HHS) is implementing Executive Order 13563, “Improving Regulation and Regulatory Review,” issued by President Obama on January 18, 2011. The Subcommittee received testimony from the Honorable Sherry Glied, the Assistant Secretary for Policy and Evaluation at the Department of Health and Human Services.

THE VIEWS OF THE INDEPENDENT AGENCIES ON REGULATORY
REFORM

On July 7, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled “The Views of the Independent Agencies on Regulatory Reform.” The hearing examined how the independent agencies within the Committee’s jurisdiction have responded to Executive Order 13563, “Improving Regulation and Regulatory Review,” which was issued by President Obama on January 18, 2011. The Subcommittee received testimony from representatives of the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Energy Regulatory Commission, and the Federal Trade Commission.

REGULATORY REFORM SERIES #5—FDA MEDICAL DEVICE REGULATION:
IMPACT ON AMERICAN PATIENTS, INNOVATION AND JOBS

On July 20, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled “Regulatory Reform Series #5—FDA Medical Device Regulation: Impact on American Patients, Innovation and Jobs.” The purpose of the hearing was to examine the state of the medical device industry and the impact regulations and policies at the Center for Devices and Radiological Health have on patient access, innovation, and job creation. The Subcommittee received testimony from the Food and Drug Administration, Fischell Biomedical, Transcend Medical, Progressive Policy Institute, a patient advocate, and patients.

REGULATORY REFORM SERIES #7—THE EPA’S REGULATORY
PLANNING, ANALYSIS, AND MAJOR ACTIONS

On September 22, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled “Regulatory Reform Series #7—The EPA’s Regulatory Planning, Analysis, and Major Actions.” The purpose of the hearing was to focus on how the Environmental Protection Agency’s decision-making process and regulatory activity comport with the President’s regulatory review and planning principles. The Subcommittee received testimony from the Honorable Lisa P. Jackson, Administrator of the Environmental Protection Agency.

ADMINISTRATION EFFORTS ON LINE-BY-LINE BUDGET REVIEW

On October 5, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled, “Administration Efforts on Line-by-Line Budget Review.” The hearing examined the Administration’s efforts to review the Federal budget to eliminate unnecessary, duplicative, or wasteful government programs and to cut costs and create new efficiencies in retained programs. The Subcommittee received testimony from a representative from the Congressional Research Service and other policy experts.

REGULATORY REFORM SERIES #8—PRIVATE-SECTOR VIEWS OF THE REGULATORY CLIMATE ONE YEAR AFTER EXECUTIVE ORDER 13563

On Thursday, February 16, 2012, the Subcommittee on Oversight and Investigations held a hearing entitled “Regulatory Reform Series #8—Private-Sector Views of the Regulatory Climate One Year After Executive Order 13563.” The purpose of the hearing was to access the regulatory climate facing American businesses one year after President Obama issued Executive Order 13563, including impacts on job creation. The Subcommittee received testimony from private-sector witnesses including CKE Restaurants, Inc., Tri-State Generation and Transmission Association, Inc., Oklahoma Gas and Electric Company, Cross and Crown, Inc., the Environmental Health Task Force, and Construction Specialties, Inc.

CUTTING EPA SPENDING

On October 12, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled “Cutting EPA Spending.” The purpose of the hearing was to review the Administration’s efforts to identify reductions in the spending by agencies within the jurisdiction of the Committee on Energy and Commerce. The hearing sought to discern the results of the Environmental Protection Agency’s (EPA) spending-reduction initiatives, as well as to assist EPA in identifying and prioritizing further targets for potential elimination or cuts for Congressional consideration. The Subcommittee received testimony from the Environmental Protection Agency and the Government Accountability Office.

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO HEALTH AND HEALTH CARE

HEALTH CARE ISSUES INVOLVING THE CENTER FOR CONSUMER INFORMATION AND INSURANCE OVERSIGHT

On February 16, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled “Health Care Issues Involving the Center for Consumer Information and Insurance Oversight” (CCIIO). The hearing examined the operations of CCIIO and its role in the changes made to the health care system after the passage of the Patient Protection and Affordable Care Act. Witnesses included representatives from CCIIO and the Department of Health and Human Services.

HEPARIN CONTAMINATION

On February 23, 2011, Chairman Upton, Chairman Stearns, and Mr. Burgess launched an investigation into the unsolved case of who contaminated the U.S. supply of heparin (a blood-thinner drug) and the adequacy of the Food and Drug Administration's (FDA) handling of the matter. The inquiry was started with a document request to the FDA.

WASTE, FRAUD, AND ABUSE: A CONTINUING THREAT TO MEDICARE AND MEDICAID

On March 2, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled "Waste, Fraud, and Abuse: A Continuing Threat to Medicare and Medicaid." The hearing examined reports of waste, fraud, and abuse in Medicare and Medicaid and what measures can be taken to combat any problems. The Subcommittee received testimony from representatives of Centers for Medicare and Medicaid Services, the Government Accountability Office, the Department of Health and Human Services (HHS), the HHS Office of the Inspector General, the Florida International University College of Law, Florida's Agency for Health Care Administration, and George Washington University's School of Public Health and Health Services.

THE PPACA'S HIGH RISK POOL REGIME: HIGH COST, LOW PARTICIPATION

On April 1, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled "The PPACA's High Risk Pool Regime: High Cost, Low Participation." The hearing examined the operations of the Center for Consumer Information and Insurance Oversight (CCIIO) and its role in the changes made to the health care system after the passage of the Patient Protection and Affordable Care Act (PPACA). The Subcommittee received testimony from Mr. Steve Larsen, the Deputy Administrator and Director for CCIIO.

IMPORT SAFETY: STATUS OF FDA'S SCREENING EFFORTS AT THE BORDER

On April 13, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled "Import Safety: Status of FDA's Screening Efforts at the Border." The purpose of the hearing was to examine the current state of the Food and Drug Administration's (FDA) import screening processes and the pace of FDA's nationwide rollout of the promising risk-based automated entry review system, known as PREDICT. The Subcommittee received testimony from the Honorable Margaret A. Hamburg, M.D., Commissioner of the Food and Drug Administration.

DEALS BETWEEN THE WHITE HOUSE AND TRADE ASSOCIATION IN THE DEVELOPMENT OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT (PPACA)

On February 18, 2011, leaders of the Committee on Energy and Commerce sent a letter to the White House Deputy Chief of Staff,

Nancy DeParle, requesting documents and information regarding negotiations between the Obama Administration and various industries and special interests as the health care law was being developed.

On April 19, 2011, Committee leaders sent letters to the top interest groups, lobbying associations, and companies involved in the closed door negotiations during the writing of PPACA.

On May 3, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled “White House Transparency, Visitor Logs and Lobbyists.” The hearing examined the Administration’s policies on transparency and lobbyist access to the Executive Branch. The Center for Public Integrity testified regarding a study that noted omissions in the visitors logs released by the White House, especially regarding lobbyist visits and visits related to health reform. The Subcommittee also received testimony from representatives of government watchdog groups.

PROTECTING MEDICARE WITH IMPROVEMENTS TO THE SECONDARY PAYER REGIME

On June 22, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled “Protecting Medicare with Improvements to the Secondary Payer Regime.” The hearing examined the state of the Medicare Secondary Payer (MSP) system and whether it adequately protects the interests of Medicare beneficiaries, businesses, health plans, taxpayers, and the Medicare Trust Fund. Witnesses included representatives from the Center for Medicare and Medicaid Services, Government Accountability Office, Publix Super Markets, Cincinnati Insurance Company, the Medicare Rights Center, and a lawyer with experience with MSP cases.

CLASS ACT

The Committee published an investigatory report addressing problems with the CLASS Act, a part of the Patient Protection and Affordable Care Act (PPACA), and revealing details about who was aware of these problems before passage of PPACA. This report was drafted with Senator Thune, Congressman Rehberg, the Committee on Ways and Means, the Committee on Oversight and Government Reform, and Senator Sessions, Senator Shelby, Senator Graham, and Senator Coburn.

On October 26, 2011, the Subcommittee on Oversight and Investigations and the Subcommittee on Health held a joint hearing entitled “CLASS Cancelled: An Unsustainable Program and Its Consequences for the Nation’s Deficit.” The Subcommittees examined the intent of the CLASS program and the ongoing concerns with the program. The Subcommittees received testimony from Representative Dennis R. Rehberg (MT-AL), Representative Charles W. Boustany, Jr. (LA-07), Representative Theodore E. Deutch (FL-19), former-Representative Patrick J. Kennedy (RI), and representatives from the Department of Health and Human Services.

THE CENTER FOR CONSUMER INFORMATION AND INSURANCE OVERSIGHT AND THE ANNIVERSARY OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT

On March 21, 2012, the Subcommittee on Oversight and Investigations held a hearing entitled “The Center for Consumer Information and Insurance Oversight and the Anniversary of the Patient Protection and Affordable Care Act.” The hearing examined the operations of the Center and its role in changing the health care system two years after the passage of the Patient Protection and Affordable Care Act. The Subcommittee received testimony from Steve Larsen, the Director of the Center for Consumer Information and Insurance Oversight at the Centers for Medicare and Medicaid Services.

BUDGET AND SPENDING CONCERNS AT HHS

On May 9, 2012, the Subcommittee on Oversight and Investigations held a hearing entitled “Budget and Spending Concerns at HHS.” The hearing was the fourth in a series of hearings on the Administration’s efforts to identify wasteful, duplicative, or excessive spending by agencies within the jurisdiction of the Committee on Energy and Commerce. The hearing aimed to evaluate the results of Department of Health and Human Services (HHS) spending-reduction initiatives, as well as to assist HHS in identifying and prioritizing further targets for potential elimination or cuts for Congressional consideration. The Subcommittee received testimony from HHS and Government Accountability Office (GAO).

HEALTH CARE REFORM

The Subcommittee conducted continued oversight of the Patient Protection and Affordable Care Act (PPACA) and the negotiations that took place as the law was being drafted, including a review of the effect of PPACA on the members of the President’s Council on Jobs; of discussions between stakeholders and White House Office of Health Reform and between the Department of Health and Human Services and the National Association of Insurance Commissioners

HEPARIN CONTAMINATION

Since May 1, 2011, Chairman Upton, Subcommittee Chairman Stearns, Subcommittee Chairman Pitts, Chairman Emeritus Barton, and Subcommittee Vice-Chairman Michael Burgess, sent document request letters to Immigration and Customs Enforcement (ICE), ten companies involved in the heparin industry, and the Food and Drug Administration (FDA). These letters followed up on the launch of the investigation on February 23, 2011.

LISTERIA OUTBREAK IN CANTALoupES

On October 21, 2011, the Subcommittee launched a bipartisan investigation into the causes of the recent listeria outbreak in cantaloupes, including document requests and staff briefings with FDA, CDC, Jensen Farms (the grower of the cantaloupes), Frontera

Produce (the distributor), and Primus Labs (a third-party auditor that inspected the facilities at Jensen Farms before the outbreak).

PLANNED PARENTHOOD

On September 15, 2011, the Subcommittee sent a document request letter to Planned Parenthood Federation of America (PPFA) and initiated an inquiry examining the institutional practices and policies of the PPFA and its affiliates' handling of federal funding. The Subcommittee sought information to evaluate PPFA and its affiliates' compliance with current statutory and legal obligations and to determine if PPFA and its affiliates have policies in place to comply with the current federal restrictions on the funding of abortions.

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO ENERGY AND THE ENVIRONMENT

DEEP WATER HORIZON

The Subcommittee continued its oversight of the investigation into the root causes of the April 2010 explosion on the Deepwater Horizon and resulting oil spill in the Gulf of Mexico, collecting information from the U.S. Coast Guard (USCG) and the Department of Interior's Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE). The Subcommittee received several briefings from BOEMRE, USCG, and the U.S. Chemical Safety and Hazardous Investigation Board.

The Subcommittee continued to examine the status of the Gulf Coast Claims Facility (GCCF), established to pay economic damage claims, on behalf of BP, to individuals and businesses harmed as a result of the Deepwater Horizon explosion and oil spill. Staff also received documents and briefings from the GCCF administrator and from the U.S. Government Accountability Office.

EPA OVERSIGHT

The Subcommittee initiated an inquiry into the Environmental Protection Agency's (EPA) interpretation of health benefits information provided to Congress and to the public. The Subcommittee also initiated an examination of EPA's process for negotiating settlements of litigation, including cases in which EPA commits as part of the settlement to undertake new rulemakings.

OVERSIGHT OF DOE RECOVERY ACT SPENDING

On February 17, 2011, Chairman Upton and Chairman Stearns sent a letter to the Department of Energy (DOE) requesting documents and information about a \$535 million loan guarantee that the DOE Loan Guarantee Program awarded to Solyndra, Inc. of Fremont, California.

On March 14, 2011, the investigation was expanded with a letter sent to the Office of Management and Budget requesting documents and information about the review of DOE loan guarantees, especially the loan guarantee to Solyndra.

On March 17, 2011, the Subcommittee on Oversight and Investigation held a hearing entitled "Oversight of DOE Recovery Act

Spending.” The hearing provided an update of the Government Accountability Office’s (GAO) and the Department of Energy Office of Inspector General’s (DOE OIG) oversight of DOE spending under the American Reinvestment and Recovery Act (Recovery Act). In particular, the Subcommittee examined the current status of DOE Recovery Act projects and lessons learned through their implementation. The Recovery Act appropriated \$41.7 billion to DOE. However, GAO and the DOE OIG raised concerns about the effectiveness of DOE’s spending. The Subcommittee received testimony from DOE, DOE OIG, and GAO.

THE U.S. GOVERNMENT RESPONSE TO THE NUCLEAR POWER PLANT INCIDENT IN JAPAN

On April 6, 2011, the Subcommittee on Oversight and Investigations held a hearing on the recent developments at the Fukushima Daiichi nuclear power plant in Japan. The hearing focused on the U.S. Nuclear Regulatory Commission’s response to the incident, both in Japan and in connection with the safety of U.S. commercial nuclear power plants. On March 11, 2011, an earthquake and tsunami struck the northeast coast of Japan, killing thousands and causing a number of accidents at the Fukushima Nuclear Power Plant, including the cooling system failure. The Subcommittee heard from representatives of the U.S. Nuclear Regulatory Commission, the Nuclear Energy Institute, the Union of Concerned Scientists, and the American Nuclear Society.

OMB’S ROLE IN THE DOE LOAN GUARANTEE PROCESS

On June 24, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled “OMB’s Role in the DOE Loan Guarantee Process.” The purpose of the hearing was to provide an overview of the Office of Management and Budget’s involvement in the review of Department of Energy loan guarantees, in particular, a loan guarantee awarded to Solyndra, Inc., a California company. The Subcommittee received no testimony at the hearing. A representative from the Office of Management and Budget was invited, but did not testify.

EPA’S TAKEOVER OF FLORIDA’S NUTRIENT WATER QUALITY STANDARD SETTING: IMPACT ON COMMUNITIES AND JOB CREATION

On August 9, 2011, the Subcommittee on Oversight and Investigations held a field hearing entitled “EPA’s Takeover of Florida’s Nutrient Water Quality Standard Setting: Impact on Communities and Job Creation.” The hearing focused on the impacts of the Environmental Protection Agency’s recent rulemaking for the State of Florida, which set Federal numeric nutrient water quality criteria for lakes and flowing water for Florida and overruled Florida’s own process for setting relevant standards. The Subcommittee received testimony from the Environmental Protection Agency’s Regional Administrator for the Southeast Region, the Director of the Office of Agricultural Water Policy at the Florida Department of Agriculture and Consumer Services, and various stakeholders.

SOLYNDRA AND THE DOE LOAN GUARANTEE PROGRAM

On September 14, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled “Solyndra and the DOE Loan Guarantee Program.” The hearing provided an overview of the Department of Energy’s (DOE) and the Office of Management and Budget’s (OMB) involvement in the review of a loan guarantee to Solyndra, Inc., in September 2009, and the restructuring of that deal in February 2011. The hearing also examined Solyndra’s financial position, representations it made to the government about the financial condition of the company, and Solyndra’s recent bankruptcy filings. The Subcommittee received testimony from DOE and OMB.

FROM DEPARTMENT OF ENERGY LOAN GUARANTEE TO BANKRUPTCY TO FBI RAID: WHAT SOLYNDRA’S EXECUTIVES KNEW

On September 23, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled “From DOE Loan Guarantee to Bankruptcy to FBI Raid: What Solyndra’s Executives Knew.” The purpose of the hearing was to examine Solyndra’s representations about its financial status to the Department of Energy and to the Committee on Energy and Commerce. The Committee invited senior executives of Solyndra, Inc. to testify, and they invoked their Fifth Amendment privilege.

CONTINUING DEVELOPMENTS REGARDING THE SOLYNDRA LOAN GUARANTEE

On October 14, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled, “Continuing Developments regarding the Solyndra Loan Guarantee.” The hearing focused on the Department of the Treasury’s role in reviewing the Solyndra loan guarantee, particularly with regard to the Department of Energy’s decision to restructure the Solyndra loan guarantee in February 2011 and subordinate the first \$75 million recovered in the event of liquidation to two Solyndra investors. The Subcommittee received testimony from representatives of the Department of the Treasury and the Department of the Treasury Federal Financing Bank.

THE SOLYNDRA FAILURE: VIEWS FROM DOE SECRETARY CHU

On November 17, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled “The Solyndra Failure: Views from DOE Secretary Chu.” The hearing focused on the decisions made with respect to the review and approval of the Solyndra loan application, including the Department of Energy’s (DOE) decision to restructure the Solyndra loan guarantee in February 2011 and what DOE knew about Solyndra’s financial condition. The Subcommittee received testimony from the Honorable Steven Chu, Secretary of the Department of Energy.

BUDGET AND SPENDING CONCERNS AT DOE

On April 19, 2012, the Subcommittee on Oversight and Investigations held a hearing entitled “Budget and Spending Concerns

at DOE.” The hearing was the third in a series of hearings on the Administration’s efforts to identify wasteful, duplicative, or excessive spending by agencies within the jurisdiction of the Committee on Energy and Commerce. The hearing aimed to evaluate the results of Department of Energy (DOE) spending-reduction initiatives, as well as to assist DOE in identifying and prioritizing further targets for potential elimination or cuts for Congressional consideration. The Subcommittee heard from representatives of DOE and the Government Accountability Office.

HEARINGS HELD

Hearing entitled “The Views of the Administration on Regulatory Reform.” (January 26, 2011) Serial Number 112–1.

Hearing entitled “Health Care Issues Involving the Center for Consumer Information and Insurance Oversight.” (February 16, 2011) Serial Number 112–7.

Hearing entitled “Waste, Fraud, and Abuse: A Continuing Threat to Medicare and Medicaid.” (March 2, 2011) Serial Number 112–13.

Hearing entitled “Oversight of DOE Recovery Act Spending.” (March 17, 2011) Serial Number 112–24.

Hearing entitled “The PPACA’s High Risk Pool Regime: High Cost, Low Participation.” (April 1, 2011) Serial Number 112–29.

Hearing entitled “The U.S. Government Response to the Nuclear Power Plant Incident in Japan.” (April 6, 2011) Serial Number 112–32.

Hearing entitled “Import Safety: Status of FDA’s Screening Efforts at the Border.” (April 13, 2011) Serial Number 112–38.

Hearing entitled “White House Transparency, Visitor Logs, and Lobbyists.” (May 3, 2011) Serial Number 112–42.

Hearing entitled “The Views of the Administration on Regulatory Reform: An Update.” (June 3, 2011) Serial Number 112–58.

Hearing entitled “The Views of the Department of Health and Human Services on Regulatory Reform: An Update.” (June 13, 2011) Serial Number 112–60.

Hearing entitled “Protecting Medicare with Improvements to the Secondary Payer Regime.” (June 22, 2011) Serial Number 112–65.

Hearing entitled “OMB’s Role in the DOE Loan Guarantee Process.” (June 24, 2011) Serial Number 112–68.

Hearing entitled “The Views of the Independent Agencies on Regulatory Reform.” (July 7, 2011) Serial Number 112–71.

Hearing entitled “Regulatory Reform Series #5—FDA Medical Device Regulation: Impact on American Patients, Innovation and Jobs.” (July 20, 2011) Serial Number 112–78.

Hearing entitled “Cybersecurity: An Overview of Risks to Critical Infrastructure.” (July 26, 2011) Serial Number 112–80.

Hearing entitled “EPA’s Takeover of Florida’s Nutrient Water Quality Standard Setting: Impact on Communities and Job Creation.” (September 9, 2011) Serial Number 112–81.

Hearing entitled “Solyndra and The DOE Loan Guarantee Program.” (September 14, 2011) Serial Number 112–84.

Hearing entitled “Regulatory Reform Series #7—The EPA’s Regulatory Planning, Analysis, and Major Actions.” (September 22, 2011) Serial Number 112–87.

Hearing entitled “From DOE Loan Guarantee to Bankruptcy to FBI Raid: What Solyndra’s Executives Knew.” (September 23, 2011) Serial Number 112–89.

Hearing entitled “Administration Efforts on Line-by-Line Budget Review.” (October 5, 2011) Serial Number 112–92.

Hearing entitled “Cutting EPA Spending.” (October 12, 2011) Serial Number 112–95.

Hearing entitled “Continuing Developments Regarding the Solyndra Loan Guarantee.” (October 14, 2011) Serial Number 112–98.

Hearing entitled “CLASS Cancelled: An Unsustainable Program and Its Consequences for the Nation’s Deficit.” (October 26, 2011) Serial Number 112–101.

Hearing entitled “The Solyndra Failure: Views from DOE Secretary Chu.” (November 17, 2011) Serial Number 112–104.

Hearing entitled “Regulatory Reform Series #8—Private-Sector Views of the Regulatory Climate One Year After Executive Order 13563.” (February 16, 2012) Serial Number 112–118.

Hearing entitled “Critical Infrastructure Cyber-Security: Assessments of Smart Grid Security.” (February 28, 2012) Serial Number 112–120.

Hearing entitled “The Center for Consumer Information and Insurance Oversight and the Anniversary of the Patient Protection and Affordable Care Act.” (March 21, 2012) Serial Number 112–129.

Hearing entitled “IT Supply Chain Security: Review of Government and Industry Efforts.” (March 27, 2012) Serial Number 112–131.

Hearing entitled “Budget and Spending Concerns at DOE.” (April 18, 2012) Serial Number 112–137.

Hearing entitled “Budget and Spending Concerns at HHS.” (May 9, 2012) Serial Number 112–142.

HEARINGS HELD PURSUANT TO CLAUSES 2(n), (o), or (p) OF RULE XI

Serial no.	Hearing title	Hearing date(s)
112-5	ARRA Broadband Spending (Subcommittee on Communications and Technology).	February 10, 2011.
112-13	Waste, Fraud, and Abuse: A Continuing Threat to Medicare and Medicaid (Subcommittee on Oversight and Investigations).	March 2, 2011.
112-24	Oversight of DOE Recovery Act Spending (Subcommittee on Oversight and Investigations).	March 17, 2011.
112-38	Import Safety: Status of FDA's Screening Efforts at the Border (Subcommittee on Oversight and Investigations).	April 13, 2011.
112-39	Warning: The Growing Danger of Prescription Drug Diversion (Subcommittee on Commerce, Manufacturing, and Trade).	April 14, 2011.
112-54	The Department of Energy's Role in Managing Civilian Radioactive Waste (Subcommittee on Environment and the Economy).	June 1, 2011.
112-65	Protecting Medicare with Improvements to the Secondary Payer Regime (Subcommittee on Oversight and Investigations).	June 22, 2011.
112-68	OMB's Role in the DOE Loan Guarantee Process (Subcommittee on Oversight and Investigations).	June 24, 2011.
112-78	Regulatory Reform Series #5—FDA Medical Device Regulation: Impact on American Patients, Innovation and Jobs (Subcommittee on Oversight and Investigations).	July 20, 2011.
112-80	Cybersecurity: An Overview of Threats to Critical Infrastructure (Subcommittee on Oversight and Investigations).	July 26, 2011.
112-84	Solyndra and the DOE Loan Guarantee Program (Subcommittee on Oversight and Investigations).	September 14, 2011.
112-93	Chemical Risk Assessment: What Works for Jobs and the Economy? (Subcommittee on Environment and the Economy).	October 6, 2011.
112-98	Continuing Developments regarding the Solyndra Loan Guarantee (Subcommittee on Oversight and Investigations).	October 14, 2011.
112-104	The Solyndra Failure: Views From DOE Secretary Chu (Subcommittee on Oversight and Investigations).	November 17, 2011.
112-111	Evaluating Internal Operation and Implementation of the Chemical Facility Anti-Terrorism Standards program (CFATS) by the Department of Homeland Security (Subcommittee on Environment and the Economy).	February 3, 2012.
112-117	The Budget and Spending of the Federal Communications Commission (Subcommittee on Communications and Technology).	February 16, 2012.
112-137	Budget and Spending Concerns at DOE (Subcommittee on Oversight and Investigations).	April 18, 2012.
112-142	Budget and Spending Concerns at HHS (Subcommittee on Oversight and Investigations).	May 9, 2012.
112-143	Broadband Loans and Grants (Subcommittee on Communications and Technology).	May 16, 2012.