

Union Calendar No. 75

112th Congress, 1st Session ----- House Report 112-125

ACTIVITY REPORT
OF THE
COMMITTEE ON ENERGY AND COMMERCE
OF THE
U.S. HOUSE OF REPRESENTATIVES
JANUARY 5 – MAY 31, 2011

together with

DISSENTING VIEWS



JUNE 28, 2011.—Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

99-006

WASHINGTON : 2011

LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 28, 2011.

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 first semi-annual report on the activity of the Committee on Energy and Commerce for the 112th Congress with dissenting views, including the Committee's review and study of legislation within its jurisdiction and the oversight activities undertaken by the Committee. The activity report was reported out of Committee with amendment by a voice vote.

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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JOE BARTON, Texas, <i>Chairman Emeritus</i>	HENRY A. WAXMAN, California, <i>Ranking Member</i>
CLIFF STEARNS, Florida	JOHN D. DINGELL, Michigan, <i>Chairman Emeritus</i>
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LEE TERRY, Nebraska	ELIOT L. ENGEL, New York
MIKE ROGERS, Michigan	GENE GREEN, Texas
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MARSHA BLACKBURN, Tennessee	CHARLES A. GONZALEZ, Texas
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CHARLES F. BASS, New Hampshire	TAMMY BALDWIN, Wisconsin
PHIL GINGREY, Georgia	MIKE ROSS, Arkansas
STEVE SCALISE, Louisiana	ANTHONY D. WEINER, New York
ROBERT E. LATTA, Ohio	JIM MATHESON, Utah
CATHY McMORRIS RODGERS, Washington	G.K. BUTTERFIELD, North Carolina
GREGG HARPER, Mississippi	JOHN BARROW, Georgia
LEONARD LANCE, New Jersey	DORIS O. MATSUI, California
BILL CASSIDY, Louisiana	DONNA M. CHRISTENSEN, Virgin Islands*
BRETT GUTHRIE, Kentucky	
PETE OLSON, Texas	
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.

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
GREGG HARPER, Mississippi
LEONARD LANCE, New Jersey
BILL CASSIDY, Louisiana
BRETT GUTHRIE, Kentucky
PETE OLSON, Texas
DAVID B. MCKINLEY, West Virginia
MIKE POMPEO, Kansas
ADAM KINZINGER, Illinois
JOE BARTON, Texas
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*Ranking Member*CHARLES A. GONZALEZ, Texas
JIM MATHESON, Utah
JOHN D. DINGELL, Michigan
EDOLPHUS TOWNS, New York
BOBBY L. RUSH, Illinois
JAN SCHAKOWSKY, Illinois
MIKE ROSS, Arkansas
HENRY A. WAXMAN, California
(Ex Officio)

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.

SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY

(Ratio 16–11)

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Vice Chairman
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JOHN SHIMKUS, Illinois
MARY BONO MACK, California
MIKE ROGERS, Michigan
MARSHA BLACKBURN, Tennessee
BRIAN P. BILBRAY, California
CHARLES F. BASS, New Hampshire
PHIL GINGREY, Georgia
STEVE SCALISE, Louisiana
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BRETT GUTHRIE, Kentucky
ADAM KINZINGER, Illinois
JOE BARTON, Texas
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*(Ex Officio)*ANNA G. ESHOO, California,
Ranking Member
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MICHAEL F. DOYLE, Pennsylvania
DORIS O. MATSUI, California
JOHN BARROW, Georgia
DONNA M. CHRISTENSEN, Virgin Islands
EDOLPHUS TOWNS, New York
FRANK PALLONE, Jr., New Jersey
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.

SUBCOMMITTEE ON ENERGY AND POWER

(Ratio 16–11)

ED WHITFIELD, Kentucky, *Chairman*

JOHN SULLIVAN, Oklahoma, <i>Vice Chairman</i>	BOBBY L. RUSH, Illinois, <i>Ranking Member</i>
JOHN SHIMKUS, Illinois	JAY INSLEE, Washington
GREG WALDEN, Oregon	JIM MATHESON, Utah
LEE TERRY, Nebraska	JOHN D. DINGELL, Michigan
MICHAEL C. BURGESS, Texas	EDWARD J. MARKEY, Massachusetts
BRIAN P. BILBRAY, California	ELIOT L. ENGEL, New York
STEVE SCALISE, Louisiana	GENE GREEN, Texas
CATHY McMORRIS RODGERS, Washington	LOIS CAPPS, California
PETE OLSON, Texas	MICHAEL F. DOYLE, Pennsylvania
DAVID B. MCKINLEY, West Virginia	CHARLES A. GONZALEZ, Texas
CORY GARDNER, Colorado	HENRY A. WAXMAN, California
MIKE POMPEO, Kansas	<i>(Ex Officio)</i>
H. MORGAN GRIFFITH, Virginia	
JOE BARTON, Texas	
FRED UPTON, Michigan <i>(Ex Officio)</i>	

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.

SUBCOMMITTEE ON ENVIRONMENT AND THE ECONOMY

(Ratio 14–9)

JOHN SHIMKUS, Illinois, *Chairman*

TIM MURPHY, Pennsylvania, <i>Vice Chairman</i>	GENE GREEN, Texas, <i>Ranking Member</i>
ED WHITFIELD, Kentucky	TAMMY BALDWIN, Wisconsin
JOSEPH R. PITTS, Pennsylvania	G.K. BUTTERFIELD, North Carolina
MARY BONO MACK, California	JOHN BARROW, Georgia
JOHN SULLIVAN, Oklahoma	DORIS O. MATSUI, California
CHARLES F. BASS, New Hampshire	FRANK PALLONE, JR., New Jersey
ROBERT E. LATTA, Ohio	DIANA DEGETTE, Colorado
CATHY McMORRIS RODGERS, Washington	LOIS CAPPS, California
GREGG HARPER, Mississippi	JOHN D. DINGELL, Michigan, <i>(Ex Officio—non voting)</i>
BILL CASSIDY, Louisiana	HENRY A. WAXMAN, California <i>(Ex Officio)</i>
CORY GARDNER, Colorado	
JOE BARTON, Texas	
FRED UPTON, Michigan <i>(Ex Officio)</i>	

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)

JOSEPH R. PITTS, Pennsylvania, *Chairman*

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JOHN SHIMKUS, Illinois	EDOLPHUS TOWNS, New York
MIKE ROGERS, Michigan	ELIOT L. ENGEL, New York
SUE WILKINS MYRICK, North Carolina	LOIS CAPPS, California
TIM MURPHY, Pennsylvania	JAN SCHAKOWSKY, Illinois
MARSHA BLACKBURN, Tennessee	CHARLES A. GONZALEZ, Texas
PHIL GINGREY, Georgia	TAMMY BALDWIN, Wisconsin
ROBERT E. LATTA, Ohio	MIKE ROSS, Arkansas
CATHY McMORRIS RODGERS, Washington	ANTHONY D. WEINER, New York
LEONARD LANCE, New Jersey	HENRY A. WAXMAN, California <i>(Ex Officio)</i>
BILL CASSIDY, Louisiana	
BRETT GUTHRIE, Kentucky	
JOE BARTON, Texas	
FRED UPTON, Michigan <i>(Ex Officio)</i>	

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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PHIL GINGREY, Georgia	JOHN D. DINGELL, Michigan
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CORY GARDNER, Colorado	
H. MORGAN GRIFFITH, Virginia	
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.

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 ALVIN BANKS, *Assistant Clerk*
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 SARAH FISHER, *Policy Analyst*
 CAITLIN HABERMAN, *Policy Analyst*
 ALISON NEUBAUER, *Investigator*
 MITCH SMILEY, *Assistant Clerk*
 WILL WALLACE, *Policy Analyst*

SUMMARY OF COMMITTEE ACTIVITIES

(as of May 31, 2011)

Total Bills and Resolutions Referred to Committee	417
Public Laws	0
Bills and Resolutions Reported to the House	12
Hearings Held:	
Days of Hearings	52
Full Committee	1
Subcommittee on Commerce, Manufacturing, and Trade	6
Subcommittee on Communications and Technology	7
Subcommittee on Energy and Power	17*
Subcommittee on Environment and the Economy	6*
Subcommittee on Health	10
Subcommittee on Oversight and Investigations	8
Hours of Sitting	140:32
Full Committee	2:18
Subcommittee on Commerce, Manufacturing, and Trade	19:00
Subcommittee on Communications and Technology	14:22
Subcommittee on Energy and Power	48:31*
Subcommittee on Environment and the Economy	17:14*
Subcommittee on Health	26:26
Subcommittee on Oversight and Investigations	22:10
Legislative Markups:	
Days of Markups	17
Full Committee	8
Subcommittee on Commerce, Manufacturing, and Trade	1
Subcommittee on Communications and Technology	2
Subcommittee on Energy and Power	2
Subcommittee on Environment and the Economy	1
Subcommittee on Health	3
Hours of Sitting	40:32
Full Committee	24:59
Subcommittee on Commerce, Manufacturing, and Trade	0:53
Subcommittee on Communications and Technology	1:19
Subcommittee on Energy and Power	4:00
Subcommittee on Environment and the Economy	0:13
Subcommittee on Health	9:08
Business Meetings:	
Days of Meetings	1
Subcommittee on Oversight and Investigations	0
Hours of Sitting	32:00
Subcommittee on Oversight and Investigations	0:00

*The Subcommittee on Energy and Power and the Subcommittee on Environment and the Economy met in joint session for 3 days of hearings.

LEGISLATIVE AND OVERSIGHT ACTIVITY

FULL COMMITTEE

(Ratio 31–23)

FRED UPTON, Michigan, *Chairman*

JOE BARTON, Texas, <i>Chairman Emeritus</i>	HENRY A. WAXMAN, California, <i>Ranking Member</i>
CLIFF STEARNS, Florida	JOHN D. DINGELL, Michigan, <i>Chairman Emeritus</i>
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SUE WILKINS MYRICK, North Carolina, <i>Vice Chairman</i>	DIANA DEGETTE, Colorado
JOHN SULLIVAN, Oklahoma	LOIS CAPPS, California
TIM MURPHY, Pennsylvania	MICHAEL F. DOYLE, Pennsylvania
MICHAEL C. BURGESS, Texas	JAN SCHAKOWSKY, Illinois
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BRIAN P. BILBRAY, California	JAY INSLEE, Washington
CHARLES F. BASS, New Hampshire	TAMMY BALDWIN, Wisconsin
PHIL GINGREY, Georgia	MIKE ROSS, Arkansas
STEVE SCALISE, Louisiana	ANTHONY D. WEINER, New York
ROBERT E. LATTA, Ohio	JIM MATHESON, Utah
CATHY McMORRIS RODGERS, Washington	G.K. BUTTERFIELD, North Carolina
GREGG HARPER, Mississippi	JOHN BARROW, Georgia
LEONARD LANCE, New Jersey	DORIS O. MATSUI, California
BILL CASSIDY, Louisiana	DONNA M. CHRISTENSEN, Virgin Islands
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DAVID B. MCKINLEY, West Virginia	
CORY GARDNER, Colorado	
MIKE POMPEO, Kansas	
ADAM KINZINGER, Illinois	
H. MORGAN GRIFFITH, Virginia	

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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the

Committee on Energy and Commerce Oversight Plan for the 112th Congress.

HEARINGS HELD

Hearing on the impact of the Patient Protection and Affordable Care Act (H.R. 3590, P.L. 111-148) and the health-care related portions of the Health Care and Education Reconciliation Act of 2010 (H.R. 4872, P.L. 11-152). Hearing held on February 9, 2005. PRINTED, Serial Number 112-11.

SUBCOMMITTEE ON COMMERCE, MANUFACTURING, AND TRADE

(Ratio 14–9)

MARY BONO MACK, California, <i>Chairman</i>	
MARSHA BLACKBURN, Tennessee, <i>Vice Chairman</i>	G.K. BUTTERFIELD, North Carolina, <i>Ranking Member</i>
CLIFF STEARNS, Florida	CHARLES A. GONZALEZ, Texas
CHARLES F. BASS, New Hampshire	JIM MATHESON, Utah
GREGG HARPER, Mississippi	JOHN D. DINGELL, Michigan
LEONARD LANCE, New Jersey	EDOLPHUS TOWNS, New York
BILL CASSIDY, Louisiana	BOBBY L. RUSH, Illinois
BRETT GUTHRIE, Kentucky	JAN SCHAKOWSKY, Illinois
PETE OLSON, Texas	MIKE ROSS, Arkansas
DAVID B. MCKINLEY, West Virginia	HENRY A. WAXMAN, California <i>(Ex Officio)</i>
MIKE POMPEO, Kansas	
ADAM KINZINGER, Illinois	
JOE BARTON, Texas	
FRED UPTON, Michigan <i>(Ex Officio)</i>	

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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 the

discussion draft to the Full Committee, as amended, by a voice vote.

H.R. 1939 was introduced by Ms. Bono Mack on May 23, 2011, and referred to the Committee on Energy and Commerce.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72.

OVERSIGHT ACTIVITIES

A REVIEW OF CPSIA AND CPSC RESOURCES

On February 17, 2011, the Subcommittee on Commerce, Manufacturing, and Trade held 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 two panels of witnesses. The first panel included the Chairman and a commissioner of the Consumer Product Safety Commission. The second panel included representatives of the Handmade Toy Alliance, Association of Home Appliance Manufacturers, Learning Resources Inc., and Kids in Danger.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72.

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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the

Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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, and anti-drug organizations.

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.

This activity was taken pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

HEARINGS HELD

Hearing on a Review of CPSIA and CPSC Resources. Hearing held on February 17, 2011. PRINTED, Serial Number 112–10.

Hearing on Made in America: Innovations in Job Creation and Economic Growth. Hearing held on March 3, 2011. PRINTED, Serial Number 112–15.

Hearing on Made in America: Increasing Jobs through Exports and Trade. Hearing held on March 16, 2011. PRINTED, Serial Number 112–21.

Hearing on a Discussion Draft of H.R. ____, a bill that would revise the Consumer Product Safety Improvement Act. Hearing held on April 7, 2011. PRINTED, Serial Number 112–34.

Hearing on Warning: The Growing Danger of Prescription Drug Diversion. Hearing held on April 14, 2011. PRINTED, Serial Number 112–39.

Hearing on the Threat of Data Theft to American Consumers. Hearing held on May 4, 2011. PRINTED, Serial Number 112–44.

SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY

(Ratio 16–11)

GREG WALDEN, Oregon, *Chairman*

LEE TERRY, Nebraska, <i>Vice Chairman</i>	ANNA G. ESHOO, California, <i>Ranking Member</i>
CLIFF STEARNS, Florida	EDWARD J. MARKEY, Massachusetts
JOHN SHIMKUS, Illinois	MICHAEL F. DOYLE, Pennsylvania
MARY BONO MACK, California	DORIS O. MATSUI, California
MIKE ROGERS, Michigan	JOHN BARROW, Georgia
MARSHA BLACKBURN, Tennessee	DONNA M. CHRISTENSEN, Virgin Islands
BRIAN P. BILBRAY, California	EDOLPHUS TOWNS, New York
CHARLES F. BASS, New Hampshire	FRANK PALLONE, JR., New Jersey
PHIL GINGREY, Georgia	BOBBY L. RUSH, Illinois
STEVE SCALISE, Louisiana	DIANA DeGETTE, Colorado
ROBERT E. LATTA, Ohio	JOHN D. DINGELL, Michigan, <i>(Ex Officio—non voting)</i>
BRETT GUTHRIE, Kentucky	HENRY A. WAXMAN, California <i>(Ex Officio)</i>
ADAM KINZINGER, Illinois	
JOE BARTON, Texas	
FRED UPTON, Michigan <i>(Ex Officio)</i>	

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) relating to preserving the open 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.

The Subcommittee held a hearing on March 9, 2011, on “H.J. Res. 37, Disapproving the rule submitted by the Federal Communications Commission with respect to regulation the Internet and broadband industry practices.”

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 record vote of 15 yeas and 8 nays.

The Full Committee met in a markup session on March 14 and March 15, 2011, and ordered H.J. Res. 37 favorably reported to the House, without amendment, by a record 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).

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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, if the Administrator or Assistant Secretary determines that cause exists to terminate the award, including insufficient level of performance, wasteful spending, or fraudulent spending.

H.R. 1343 directs the Administrator and the Assistant Secretary to deobligate funds, upon terminating of an award, and return the funds to the Treasury.

The bill also requires the Administrator and the Assistant Secretary to report to Congress explaining their determination and actions taken.

Legislative History

On April 1, 2011, the Energy and Commerce Committee'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 favorably reported 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.

On April 4, 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. 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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

OVERSIGHT ACTIVITIES

FAIRNESS DOCTRINE

After FCC Commissioner 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, noting that he opposed the Fairness Doctrine, and that it was unenforceable without a vote of the Commission to revive it, and 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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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 this 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 any funds found to be wasteful, fraudulent, or allocated to grants that are failing to perform, 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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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 followup letter to the FCC Chairman, requesting the economic and market analysis included in the Commission's order to impose controversial Internet rules. The letter also 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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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 discussed four potential ways to meet the country's spectrum needs: auctioning the AWS-3 block,

auctioning the 700 MHz D-block, holding incentive auctions, and relocating the spectrum of government users. 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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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 this 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.

This activity was taken pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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.

This activity was taken pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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, with a focus on the spectrum bands to be reallocated, the treatment of incumbent users, and the methods of distributing and regulating new licensees. The Subcommittee received testimony from CTIA—The Wireless Association, an econo-

mist from Duke University, Qualcomm Inc., Public Knowledge, Schurz Communications, and Titan Broadcast Management.

This activity was taken pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

HEARINGS HELD

Hearing on ARRA Broadband Spending. Hearing held on February 10, 2011. PRINTED, Serial Number 112-5.

Hearing on Network Neutrality and Internet Regulation: Warranted or More Economic Harm than Good? Hearing held on February 16, 2011. PRINTED, Serial Number 112-8.

Hearing on H.J. Res 37, Disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry. Hearing held on March 9, 2011. PRINTED, Serial Number 112-18.

Hearing on H.R. ____, a Bill to Clarify NTIA and RUS Authority to Return Reclaimed Stimulus Funds to the U.S. Treasury. Hearing held on April 1, 2011. PRINTED, Serial Number 112-30.

Hearing on Using Spectrum to Advance Public Safety, Promote Broadband, Create Jobs, and Reduce the Deficit. Hearing held on April 12, 2011. PRINTED, Serial Number 112-36.

Hearing on FCC Process Reform. Hearing held on May 13, 2011. PRINTED, Serial Number 112-48.

Hearing on Creating an Interoperable Public Safety Network. Hearing held on May 25, 2011. PRINTED, Serial Number 112-51.

SUBCOMMITTEE ON ENERGY AND POWER

(Ratio 16–11)

ED WHITFIELD, Kentucky, *Chairman*

JOHN SULLIVAN, Oklahoma, <i>Vice Chairman</i>	BOBBY L. RUSH, Illinois, <i>Ranking Member</i>
JOHN SHIMKUS, Illinois	JAY INSLEE, Washington
GREG WALDEN, Oregon	JIM MATHESON, Utah
LEE TERRY, Nebraska	JOHN D. DINGELL, Michigan
MICHAEL C. BURGESS, Texas	EDWARD J. MARKEY, Massachusetts
BRIAN P. BILBRAY, California	ELIOT L. ENGEL, New York
STEVE SCALISE, Louisiana	GENE GREEN, Texas
CATHY McMORRIS RODGERS, Washington	LOIS CAPPS, California
PETE OLSON, Texas	MICHAEL F. DOYLE, Pennsylvania
DAVID B. MCKINLEY, West Virginia	CHARLES A. GONZALEZ, Texas
CORY GARDNER, Colorado	HENRY A. WAXMAN, California <i>(Ex Officio)</i>
MIKE POMPEO, Kansas	
H. MORGAN GRIFFITH, Virginia	
JOE BARTON, Texas	
FRED UPTON, Michigan <i>(Ex Officio)</i>	

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.

Legislative History

On February 9, 2011, the Subcommittee on Energy and Power held a hearing on draft legislation entitled the “Energy Tax Prevention Act of 2011.” The Subcommittee held another legislative 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.

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

On March 8, 2011, the bill was referred to the Subcommittee on Energy and Power. The Subcommittee 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 Full Committee met in open markup session on March 14 and March 15, 2011, and ordered H.R. 910 favorably reported to the House, as amended, by a record 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 May 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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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 bill was referred 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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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 discussion draft of the “Jobs and Energy Permitting Act of 2011. The Subcommittee Energy and Power met in open markup session on May 24, 2011, and the discussion draft 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 June 2, 2011, and ordered H.R. 2021 favorably reported to the House, without amendment, by a record vote of 34 yeas and 14 nays.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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 recent riots and political upheaval in North Africa and the Middle East have had 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 of 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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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 purpose of the hearing was to examine the purpose, impact, and need for EPA's GHG regulations. The Subcommittee received testimony from the Professor Emeritus of Scripps Institution of Oceanography, the University of California at San Diego; the Director of Earth System Science Center, the University of Alabama in Huntsville; the Director of the Department of Global Ecology, the Carnegie Institution of Washington; the Senior Research Scientist of the Cooperative Institute for Research in Environmental Sciences, the University of Colorado at Boulder; the Director of the Department of Pacific Climate Impacts Consortium, University of Victoria; the Director, the University of Michigan Biological Station; and the Professor Emeritus, the Uniformed Services University of Health Sciences.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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

On March 11, 2011, the Subcommittees 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 FY2012. The purpose of this 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 for this hearing was Lisa P. Jackson, the EPA Administrator.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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 FY2012 Department of Energy and Nuclear Regu-

latory Commission Budgets. The purpose of this 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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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.” This 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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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: A Focus on Texas’ Economy, Energy Prices, and Jobs. The purpose of this hearing was to examine EPA’s implementation of current and potential future 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, and local environmental experts in Texas.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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. This 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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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. 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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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. This 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, NGVAmerica, the Energy Policy Research Foundation, Inc., the RAND Corporation, the National Association of Convenience Stores, the Renewable Fuels Association, and the Advanced Biofuels Association.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

HEARINGS HELD

Hearing on the H.R.____, the Energy Tax Prevention Act of 2011. Hearing held on February 9, 2011. PRINTED, Serial Number 112–2.

Hearing on the Effects of Middle East Events on U.S. Energy Markets. Hearing held on February 10, 2011. PRINTED, Serial Number 112–4.

Hearing on EPA’s Greenhouse Gas Regulations and Their Effect on American Jobs. Hearing held on March 1, 2011. PRINTED, Serial Number 112–12.

Hearing on Climate Science and EPA's Greenhouse Gas Regulations. Hearing held on March 8, 2011. PRINTED, Serial Number 112-16.

Hearing on the FY2012 EPA Budget. Hearing held on March 11, 2011. PRINTED, Serial Number 112-19.

Hearing on the FY2012 Department of Energy and Nuclear Regulatory Commission Budgets. Hearing held on March 16, 2011. PRINTED, Serial Number 112-20.

Hearing on the American Energy Initiative (Part 1). A Focus on Oil Supplies, Gasoline Prices and Jobs in the Gulf of Mexico. Hearing held on March 17, 2011. PRINTED, Serial Number 112-22.

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

Hearing on the American Energy Initiative (Part 2). China's Energy Portfolio and Implications for Jobs and Energy Prices in the United States. Hearing held on April 4, 2011. PRINTED, Serial Number 112-31.

Hearing on the American Energy Initiative (Part 3). Transparency in Regulatory Analysis of Impacts on the Nation Act. Hearing held on April 7, 2011. PRINTED, Serial Number 112-35.

Hearing on the American Energy Initiative (Part 4), a Discussion Draft of H.R. ____, the Jobs and Energy Permitting Act of 2011. Hearing held on April 13, 2011. PRINTED, Serial Number 112-37.

Hearing on the American Energy Initiative (Part 5), Recent EPA Rulemakings Relating to Boilers, Cement Manufacturing Plants, and Utilities. Hearing held on April 15, 2011. PRINTED, Serial Number 112-41.

Hearing on the Role of the Nuclear Regulatory Commission in America's Energy Future. Hearing held on May 4, 2011. PRINTED, Serial Number 112-43.

Hearing on the American Energy Initiative (Part 6), Challenges and Opportunities for Alternative Transportation Fuels and Vehicles. Hearing held on May 5, 2011. PRINTED, Serial Number 112-45.

Hearing on the Role of the Nuclear Regulatory Commission in America's Energy Future. Hearing held on May 4, 2011. PRINTED, Serial Number 112-43.

Hearing on the American Energy Initiative (Part 7), a Discussion Draft of H.R. ____, the Jobs and Energy Permitting Act of 2011. Hearing held on May 13, 2011. PRINTED, Serial Number 112-47.

Hearing on the American Energy Initiative (Part 8), a Discussion Draft of H.R. ____, the North American Made Energy Security Act of 2011. Hearing held on May 23, 2011. PRINTED, Serial Number 112-49.

Hearing on Protecting the Electric Grid: H.R. ____, the Grid Reliability and Infrastructure Defense Act. Hearing held on May 31, 2011. PRINTED, Serial Number 112-52.

SUBCOMMITTEE ON ENVIRONMENT AND THE ECONOMY

(Ratio 14–9)

JOHN SHIMKUS, Illinois, *Chairman*

TIM MURPHY, Pennsylvania, <i>Vice Chairman</i>	GENE GREEN, Texas, <i>Ranking Member</i>
ED WHITFIELD, Kentucky	TAMMY BALDWIN, Wisconsin
JOSEPH R. PITTS, Pennsylvania	G.K. BUTTERFIELD, North Carolina
MARY BONO MACK, California	JOHN BARROW, Georgia
JOHN SULLIVAN, Oklahoma	DORIS O. MATSUI, California
CHARLES F. BASS, New Hampshire	FRANK PALLONE, JR., New Jersey
ROBERT E. LATTA, Ohio	DIANA DEGETTE, Colorado
CATHY McMORRIS RODGERS, Washington	LOIS CAPPS, California
GREGG HARPER, Mississippi	JOHN D. DINGELL, Michigan, <i>(Ex Officio—non voting)</i>
BILL CASSIDY, Louisiana	HENRY A. WAXMAN, California <i>(Ex Officio)</i>
CORY GARDNER, Colorado	
JOE BARTON, Texas	
FRED UPTON, Michigan <i>(Ex Officio)</i>	

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 security of chemical facilities, and requiring vulnerability assessments and the development and implementation of site security plans for such facilities.

The program is scheduled to expire on October 4, 2011.

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. 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 Full Committee met in open markup session and ordered H.R. 908 favorably reported to the House, as amended, by a record vote of 33 yeas and 16 nays.

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 & Territorial Solid Waste Management Officials, the American Coal Ash Association, Gradient, Veritas Economic Consulting, Earthjustice, and a private citizen.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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.” Given the high unemployment rate, the Subcommittee examined the impact of rules issued by the Environmental Protection Agency under President Obama. Regulatory experts as well as representatives from business associations and affected companies were heard.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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

On March 11, 2011, the Subcommittees 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 FY2012. The purpose of this 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 for this hearing was Lisa P. Jackson, the EPA Administrator.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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 FY2012 Department of Energy and Nuclear Regulatory Commission Budgets. The purpose of this 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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

HEARINGS HELD

Hearing on Environmental Regulations, the Economy, and Jobs. Hearing held on February 15, 2011. PRINTED, Serial Number 112-6.

Hearing on the FY2012 EPA Budget. Hearing held on March 11, 2011. PRINTED, Serial Number 112-19.

Hearing on the FY2012 Department of Energy and Nuclear Regulatory Commission Budgets. Hearing held on March 16, 2011. PRINTED, Serial Number 112-20.

Hearing on H.R. 908, a bill to extend the authority of the Secretary of Homeland Security to maintain the Chemical Facility Anti-Terrorism Standards Program. Hearing held on March 31, 2011. PRINTED, Serial Number 112-28.

Hearing on 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). Hearing held on April 14, 2011. PRINTED, Serial Number 112-40.

Hearing on the Role of the Nuclear Regulatory Commission in America's Energy Future. Hearing held on May 4, 2011. PRINTED, Serial Number 112-43.

SUBCOMMITTEE ON HEALTH

(Ratio 16–11)

JOSEPH R. PITTS, Pennsylvania, *Chairman*

MICHAEL C. BURGESS, Texas,
Vice Chairman

ED WHITFIELD, Kentucky

JOHN SHIMKUS, Illinois

MIKE ROGERS, Michigan

SUE WILKINS MYRICK, North Carolina

TIM MURPHY, Pennsylvania

MARSHA BLACKBURN, Tennessee

PHIL GINGREY, Georgia

ROBERT E. LATTA, Ohio

CATHY McMORRIS RODGERS, Washington

LEONARD LANCE, New Jersey

BILL CASSIDY, Louisiana

BRETT GUTHRIE, Kentucky

JOE BARTON, Texas

FRED UPTON, Michigan

(Ex Officio)

FRANK PALLONE, JR., New Jersey,
Ranking Member

JOHN D. DINGELL, Michigan

EDOLPHUS TOWNS, New York

ELIOT L. ENGEL, New York

LOIS CAPPS, California

JAN SCHAKOWSKY, Illinois

CHARLES A. GONZALEZ, Texas

TAMMY BALDWIN, Wisconsin

MIKE ROSS, Arkansas

ANTHONY D. WEINER, New York

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 healthcare services and provide improved medical care by reducing the excessive burden the liability system places on the healthcare delivery system.

Summary

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

H.R. 5 limits noneconomic damages to \$250,000 and enforces liability upon the responsible party, while allowing the court to restrict the payment of attorney contingency fees, as well as allows the introduction of collateral source benefits and the amount paid to secure such benefits as evidence.

H.R. 5 authorizes punitive damages only where the intent to injure is clear and compensatory damages are awarded with punitive damages limited to twice the amount of economic damages or \$250,000, whichever is greater. Except in limited circumstances, this Act does not allow punitive damages in cases where products are in compliance with FDA standards.

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 May 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).

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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 legislative 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 the bill to the Full Committee, as amended, by a record 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 record 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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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 infection 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 disease 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 within 12 months and include 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, and 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 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.

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 would strike the unlimited direct appropriation that is available until the end of 2014 and rescind 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 record 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 record 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 (Rollcall 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).

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

TO REPEAL MANDATORY FUNDING FOR SCHOOL-BASED HEALTH
CENTER CONSTRUCTION

(H.R. 1214)

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 record vote of 14 yeas and 11 nays.

The Full Committee met in open markup session on April 5, 2011, and ordered H.R. 1214 favorably reported to the House, without amendment, by a record 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 May 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 rollcall vote of 235 yeas and 191 nays (Rollcall 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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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.

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 March 29, 2011, and H.R. 1215 was forwarded to the Full Committee without amendment, by a record vote of 15 yeas and 11 nays.

The Full Committee met in open markup session on April 5, 2011, and ordered H.R. 1215 favorably reported to the House, without amendment, by a recorded 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).

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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 appropriations. 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 record vote of 14 yeas and 11 nays.

The Full Committee met in an open markup session on April 5, 2011, and ordered H.R. 1216 favorably reported to the House, without amendment, by a record 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 May 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 (Rollcall No. 340).

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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 recorded 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 rollcall vote of 236 yeas and 183 nays (Rollcall 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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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 American Recovery and Reinvestment Act of 2009 (ARRA) and the Social Security Act in order to repeal the Maintenance of Effort (MOE) requirements mandated by the ARRA, the Patient Protection Affordable Care Act (PPACA) Medicaid MOE, and PPACA's Children's Health Insurance Program MOE.

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 record vote of 14 yeas and 9 nays.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the

Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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 this 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 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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

EXPANDING HEALTH CARE OPTION: 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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

HEARINGS HELD

Hearing on a 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. Hearing held on February 9, 2011. PRINTED, Serial Number 112-3.

Hearing on the Impact of Medical Device Regulation on Jobs and Patients. Hearing held on February 17, 2011. PRINTED, Serial Number 112-9.

Hearing on the FY2012 HHS Budget and the Implementation of Public Laws 111-148 and 111-152. Hearing held on March 3, 2011. PRINTED, Serial Number 112-14.

Hearing on Setting Fiscal Priorities in Health Care Funding. Hearing held on March 9, 2011. PRINTED, Serial Number 112-17.

Hearing on the Implementation and Sustainability of the New, Government-Administered Community Living Assistance Services and Supports (CLASS) Program. Hearing held on March 17, 2011. PRINTED, Serial Number 112-23.

Hearing on PPACA and Pennsylvania: One Year of Broken Promises. Hearing held on March 23, 2011. PRINTED, Serial Number 112-25.

Hearing on the True Cost of PPACA: Effects on the Budget and Jobs. Hearing held on March 30, 2011. PRINTED, Serial Number 112-27.

Hearing on 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. Hearing held on April 6, 2011. PRINTED, Serial Number 112-33.

Hearing on the Need to Move Beyond the SGR. Hearing held on May 5, 2011. PRINTED, Serial Number 112-46.

Hearing on Expanding Health Care Options: Allowing Americans to Purchase Affordable Coverage Across State Lines. Hearing held on May 25, 2011. PRINTED, Serial Number 112-50.

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	ANTHONY D. WEINER, New York
MARSHA BLACKBURN, Tennessee	EDWARD J. MARKEY, Massachusetts
BRIAN P. BILBRAY, California	GENE GREEN, Texas
PHIL GINGREY, Georgia	DONNA M. CHRISTENSEN,
STEVE SCALISE, Louisiana	Virgin Islands
CORY GARDNER, Colorado	JOHN D. DINGELL, Michigan
H. MORGAN GRIFFITH, Virginia	HENRY A. WAXMAN, California
JOE BARTON, Texas	<i>(Ex Officio)</i>
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 REGULATORY REFORM

THE VIEWS OF THE ADMINISTRATION ON REGULATOR 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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72.

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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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.

This activity was taken pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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.

This activity was taken pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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 this 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 witness for this hearing was the Honorable Margaret A. Hamburg, M.D., Commissioner of the Food and Drug Administration.

This activity was taken pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

DEALS BETWEEN THE WHITE HOUSE AND TRADE ASSOCIATION IN
THE DEVELOPMENT OF THE PATIENT PROTECTION AND AFFORD-
ABLE 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 closed door 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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING
TO ENERGY AND THE ENVIRONMENT

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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

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.

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress.

HEARINGS HELD

Hearing on the Views of the Administration on Regulatory Reform. Hearing held on January 26, 2011. PRINTED, Serial Number 112–1.

Hearing on Health Care Issues Involving the Center for Consumer Information and Insurance Oversight. Hearing held on February 16, 2011. PRINTED, Serial Number 112–7.

Hearing on Waste, Fraud, and Abuse: A Continuing Threat to Medicare and Medicaid. Hearing held on March 2, 2011. PRINTED, Serial Number 112–13.

Hearing on Oversight of DOE Recovery Act Spending. Hearing held on March 17, 2011. PRINTED, Serial Number 112–24.

Hearing on the PPACA’s High Risk Pool Regime: High Cost, Low Participation. Hearing held on April 1, 2011. PRINTED, Serial Number 112–29.

Hearing on the U.S. Government Response to the Nuclear Power Plant Incident in Japan. Hearing held on April 6, 2011. PRINTED, Serial Number 112-32.

Hearing on Import Safety: Status of FDA's Screening Efforts at the Border. Hearing held on April 13, 2011. PRINTED, Serial Number 112-38.

Hearing on White House Transparency, Visitor Logs and Lobbyists. Hearing held on May 3, 2011. PRINTED, Serial Number 112-42.

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

OVERSIGHT PLAN FOR THE 112TH CONGRESS

Clause 2(d) of Rule X of the Rules of the House of Representatives for the 112th Congress requires each standing Committee in the first session of a Congress to adopt an oversight plan for the two-year period of the Congress and to submit the plan to the Committee on Government Reform and to the Committee on House Administration.

Clause 1(d)(1) of Rule XI requires each Committee to submit to the House not later than the 30th day after June 1 and December 1, a report on the activities of that committee under Rules X and XI during such period. Clause 1(d)(2) of Rule XI also requires that such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of Rule X; a summary of the actions taken and recommendations made with respect to each such plan; and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or action taken thereon.

COMMITTEE ON ENERGY AND COMMERCE OVERSIGHT
PLAN

U.S. HOUSE OF REPRESENTATIVES

112TH CONGRESS

CONGRESSMAN FRED UPTON, CHAIRMAN

This is the oversight plan of the Committee on Energy and Commerce for the 112th Congress. It includes the areas in which the Committee expects to conduct oversight during the 112th Congress, but does not preclude oversight or investigation of additional matters as the need arises.

SUMMARY

The Committee on Energy and Commerce will conduct oversight in areas throughout its jurisdiction. On health and healthcare issues, the Committee will examine issues related to the implementation and impacts of the Patient Protection and Affordable Care Act (PPACA), the management, operations, and activity of the Centers for Medicare and Medicaid Services (CMS) and the programs it administers, the Food and Drug Administration (FDA), the Agency for Health Care Research and Quality, and the Department of Health and Human Services' (HHS) management of the Low-Income Home Energy Assistance Program (LIHEAP).

In the energy and environment arena, the Committee will examine issues relating to national energy policy, including U.S. policies that relate to production, supply, and consumption of electricity, oil and natural gas, coal, hydroelectric power, nuclear power, and renewable energy. The Committee will examine the impact of government policies and programs on the exploration, production, and development of domestic energy resources. The Committee will examine other issues relating to the nation's current energy infrastructure with a view towards its expansion. The Committee will also continue to examine safety and security issues relating to energy

exploration, production and distribution. The Committee's efforts will focus on management and operation of the Department of Energy (DOE), the national laboratories, the National Nuclear Security Administration (NNSA), and the Environmental Protection Agency (EPA), decisions made by DOE and the Nuclear Regulatory Commission (NRC) concerning the Yucca Mountain nuclear waste repository, issues related to the Clean Air Act and climate change, investments made in the green energy sector by the American Recovery and Reinvestment Act (ARRA), and electricity markets.

Regarding communications and technology issues, the Committee will conduct oversight of the Federal Communications Commission (FCC), including the effect of the FCC's decisions on the U.S. economy. The Committee will also review the use of AARA funds for broadband grants and loans, the FCC's National Broadband Plan, the FCC's plans to reform the universal service fund and inter-carrier compensation regimes to reduce unnecessary consumer fees and carrier subsidies, management and allocation of the nation's spectrum by the FCC and the National Telecommunications and Information Administration (NTIA), use of grant money awarded by the Corporation for Public Broadcasting (CPB), and issues related to the Internet, communications privacy, and public safety.

On commerce, manufacturing, and trade issues, the Committee will examine issues relating to the privacy of information and data collected by Internet websites and service providers and cyber-security. The Committee will also review issues presented by the globalization of production and manufacturing networks, the unintended consequences of the Consumer Product Safety Improvement Act of 2008, the National Highway Traffic Safety Administration, generally, and the operation and management of the Federal Trade Commission.

The Committee will also conduct oversight on such matters as ARRA spending, organized crime-terrorism nexus, critical infrastructure, nuclear smuggling, bioterrorism preparedness and response, public safety communications, and the implementation of government-wide cyber security program. The Committee will also focus on issues concerning waste, fraud, and abuse at all the agencies and programs within jurisdiction.

During the 112th Congress the Committee on Energy and Commerce will hold hearings and conduct robust oversight over matters within its jurisdiction. The Committee will conduct thorough oversight, reach conclusions based on an objective review of the facts, and treat witnesses fairly. The Committee will request information in a responsible manner that is calculated to be helpful to the Committee in its oversight responsibilities. The Committee's oversight functions will focus on: (1) cutting government spending through the elimination of waste, fraud and abuse; (2) ensuring laws are being implemented in a manner that protects the public interest without stifling economic growth.

HEALTH AND HEALTHCARE ISSUES

PATIENT PROTECTION AND AFFORDABLE CARE ACT

In the 112th Congress, the Committee will examine issues related to the Department of Health and Human Services implemen-

tation of Public Law 111–148, The Patient Protection and Affordable Care Act (PPACA) and the related Reconciliation Bill, Public Law 111–151. This will include the numerous provisions contained within the law that affect the private insurance market in the United States, the creation of health insurance exchanges, the regulations and requirements imposed on both small and large businesses, and the law’s effects on individuals.

The Committee will also evaluate what controls are in place to prevent bias, waste, fraud, and abuse in the management of PPACA and its programs. The Committee will monitor deadlines imposed on HHS by the Patient Protection and Affordable Care Act and examine what procedures HHS has in place for meeting those deadlines and/or complying with missed deadlines. The Committee will examine what programs HHS has in place to improve the availability of reliable, consumer-oriented information on the cost and quality of health care goods, services, and providers. The Committee will investigate the process by which the Executive Branch evaluated claims that PPACA would curb rising health care costs and federal spending. The Committee will also examine the status and future of employer-sponsored health care plans as well as the effects of PPACA’s enactment on the states. The Committee will examine the impact of PPACA and its implementing regulations on the economy, consumers, and the health care industry as well as the process by which those regulations are drafted.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

The Committee will review the management, operations, and activity of the Centers for Medicare and Medicaid Services (CMS) and the programs it administers. The Committee will examine and review Medicare and Medicaid management and activity as it relates to ongoing Committee efforts to prevent bias, waste, fraud, and abuse in federal health care programs, particularly in the implementation of PPACA. The Committee will investigate the process by which CMS implements statutory formulas to set prices for Medicare payment, as well as the effectiveness of those formulas. The Committee will evaluate the competitive bidding process for durable medical equipment and examine ways to use similar programs in Medicare and Medicare Advantage plans. The Committee will examine the effects that the Medicaid expansion included in PPACA will have on state budgets, the budgets of individuals and families, the budgets of providers currently providing uncompensated care, and the impact it may have on access to care. The Committee will investigate the processes by which CMS prevents bias, waste, fraud, and abuse in the award of government contracts.

The Committee will examine how many children would lose their current private healthcare coverage and be forced to enroll in Medicaid and the Children’s Health Insurance Program under the Patient Protection and Affordable Care Act. In addition, the Committee will examine the negative implications expanding Medicaid to the middle class will have on the ability of low income children to access care in the Medicaid program.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

The Committee will examine issues related to the work done by the Agency for Healthcare Research and Quality. This will include, but not be limited to, oversight of the Agency's work in all areas, review of the procedures and processes used by the Agency, and how the Agency's role is expanded by Public Law 111-148, The Patient Protection and Affordable Care Act.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

The Committee will review and oversee action taken by the Department of Health and Human Services (HHS) in response to June 2010 Government Accountability Office (GAO) findings concerning the need for greater fraud prevention controls in the Low-Income Home Energy Assistance Program (LIHEAP). Of particular concern to the Committee is the status of efforts by HHS to strengthen LIHEAP's and state recipients' internal control frameworks, and determining whether HHS is satisfying the GAO recommendation that it provide specific guidance to the states in establishing appropriate systems and procedures to prevent fraud and improper payments.

FOOD AND DRUG ADMINISTRATION AND DRUG SAFETY

The Committee will review whether the Food and Drug Administration (FDA) is ensuring that regulated drugs are safe, effective, and available to American patients in an expeditious fashion. The Committee will also explore the interplay between these policies and drug innovation, both in the United States and abroad. Further, the Committee will examine FDA's enforcement of current drug safety laws and the issues involved in protecting the nation's supply chains against economically motivated and other forms of adulteration.

FDA REGULATION OF MEDICAL DEVICES

The Committee will examine whether the FDA's evolving regulatory approach has sufficient predictability and transparency, whether FDA's approval processes ensure safety and effectiveness, and the interplay between these policies and innovation, patient care, and employment, both in the United States and abroad.

RECOMMENDATIONS

The Committee will recommend opposition to proposals that result in ending Medicare. The committee will also recommend support for proposals to repeal provisions that provide an unelected fifteen member body to ration care for those 55 and older, and will recommend proposals to ensure that Medicare does not go bankrupt in 2024.

ENERGY AND ENVIRONMENT ISSUES

NATIONAL ENERGY POLICY

During the 112th Congress, the Committee will examine issues relating to national energy policy, including U.S. policies that re-

late to production, supply, and consumption of electricity, oil and natural gas, coal, hydroelectric power, nuclear power, and renewable energy. The Committee will examine the impact of government policies and programs on the exploration, production, and development of domestic energy resources, including issues relating to the nation's current energy infrastructure. The Committee will also continue to examine safety and security issues relating to energy exploration, production and distribution.

ELECTRICITY MARKETS

The Committee will review electricity transmission policies of the Federal government to ensure that those policies promote competitive wholesale power markets, transmission, and generation infrastructure upgrades, and compliance with relevant statutes. It will examine the activities of the Federal Energy Regulatory Commission (FERC) relating to electric industry restructuring, protection of consumers, and the development of efficient and vigorous wholesale markets for electricity.

MANAGEMENT OF THE DEPARTMENT OF ENERGY AND ITS NATIONAL LABORATORIES

The Committee will oversee management and operations issues at the Department of Energy (DOE), including management and operations of the National Nuclear Security Administration (NNSA) and the national laboratories. The Committee's oversight work will include a review of the implementation of new nuclear security requirements at NNSA and DOE facilities, ongoing safety and security matters, the Office of Environmental Management's cleanup program, high-level waste management efforts, and DOE's implementation of the Nuclear Waste Policy Act.

YUCCA MOUNTAIN

The Committee will examine DOE's decisions to abandon Yucca Mountain as a nuclear waste repository, related financial implications of the decisions, and the potential impact of those decisions on the future of nuclear energy in the United States. The Committee will also examine the actions of the Nuclear Regulatory Commission (NRC) in connection with the shutdown of the Yucca Mountain facility.

THE NUCLEAR REGULATORY COMMISSION

The Committee will review the activities of the Nuclear Regulatory Commission. The Committee will examine NRC's budget requests and conduct oversight of the manner in which the Commission discharges its various responsibilities, including the safety and security of nuclear facilities. In addition, the Committee will closely monitor the process of the licensing and development of new nuclear power facilities.

CLEAN AIR ACT

The Committee will review significant rulemakings under the Clean Air Act and the potential economic and job impacts of those

rulemakings on the energy, manufacturing and construction industries and other critical sectors of the U.S. economy, as well as any public health and environmental benefits of the regulations. The Committee's review will include oversight of the Environmental Protection Agency's (EPA) decisions, strategies and actions to meet Clean Air Act standards, and the current role of cost, employment and feasibility considerations in Clean Air Act rulemakings.

CLIMATE CHANGE

The Committee will continue to monitor international negotiations on efforts to control greenhouse gas emissions in connection with concerns about global climate change. In addition, the Committee will examine the EPA's efforts to regulate domestic greenhouse gas emissions under the Clean Air Act based on its endangerment finding. The Committee will also review the activities undertaken in this area by agencies within the Committee's jurisdiction, including the Department of Energy (DOE) and the Department of Health and Human Services (HHS).

EPA MANAGEMENT AND OPERATIONS

The Committee intends to conduct general oversight of the EPA, including review of the agency's funding decisions, resource allocation, grants, research activities, enforcement actions, relations with State and local governments, respect for economic, procedural, public health, and environmental standards in regulatory actions, and program management and implementation.

INVESTMENT IN THE GREEN ENERGY SECTOR

The American Recovery and Reinvestment Act (ARRA, or the stimulus) provided \$84.6 billion in new spending for the green energy sector, as well as \$21.6 billion in tax credits for energy, transport, and climate science. The Committee will review how this money was spent and what types of jobs have been created; the development of new technologies, products, and businesses focused on green energy; and how this spending has impacted the domestic suppliers or manufacturers of alternative energy products.

COMMUNICATIONS AND TECHNOLOGY ISSUES

FEDERAL COMMUNICATIONS COMMISSION

During the 112th Congress, the Committee will conduct oversight of the Federal Communications Commission (FCC), including the effect of the FCC's decisions on innovation, access to information, and the U.S. economy. Among other things, the Committee will evaluate the impact of FCC actions on voice, video, audio, and data services, and on public safety. The Committee will pay particular attention to whether the FCC conducts cost-benefit and market analyses before imposing regulations. The Committee will also conduct oversight to improve FCC procedures and transparency.

BROADBAND PROVISIONS OF THE AMERICAN RECOVERY AND REINVESTMENT ACT

The Committee will conduct oversight of the \$7 billion dollars allocated by the ARRA to the National Telecommunications and Information Administration (NTIA) and the Rural Utility Service (RUS) for broadband grants and loans. In particular, the Committee will examine what procedures are in place to control waste, fraud, and abuse of broadband stimulus funds, whether the funds were appropriately targeted, and the impact of the funding on jobs and the economy.

NATIONAL BROADBAND PLAN

The Committee will examine the National Broadband Plan developed by the FCC. The committee will evaluate the existing availability of broadband technologies and the deployment of broadband services and facilities. The Committee will also evaluate the impact of the National Broadband Plan on competition, access, prices, and incentives for entities to make investments in broadband networks and new technologies. As the FCC drafts regulations to implement the National Broadband Plan, the Committee will examine whether those regulations reflect the goals of maximizing consumer welfare, innovation, and investment.

UNIVERSAL SERVICE REFORM AND INTERCARRIER COMPENSATION

The Committee will examine the FCC's efforts to reform the universal service fund and inter-carrier compensation regimes to reduce unnecessary consumer fees and carrier subsidies. The Committee will pay particular attention to whether the FCC is stemming growth in the fund, reducing duplicative subsidies, and targeting remaining subsidies to areas that are otherwise not economically feasible for the private sector to serve. The Committee will also examine whether the FCC's internal processes are appropriate to control waste, fraud, and abuse of universal service funds.

SPECTRUM MANAGEMENT

The Committee will conduct oversight of the FCC's and the NTIA's management and allocation of the nation's spectrum for commercial and government use. Spectrum is increasingly being used to provide voice, video, and data services to consumers. The Committee will evaluate spectrum-management policies to ensure that such policies are maximizing the efficient use of the public airwaves for innovative communications services. The Committee will also examine whether plans for allocating spectrum maximizes capacity for broadband deployment and encourages investment.

CORPORATION FOR PUBLIC BROADCASTING

The Committee will investigate the financing of the Corporation for Public Broadcasting (CPB), including National Public Radio (NPR), one of its grantees, to determine whether it is appropriate to continue federal funding. Given NPR's receipt of federal funding in support of its activities, and recent controversies involving NPR,

the Committee will also examine certain editorial and employment standards and practices at NPR.

**COMMUNICATIONS PRIVACY, INTERNET GOVERNANCE,
CYBERSECURITY, AND PUBLIC SAFETY**

The Committee will exercise its jurisdiction over the FCC and the NTIA to provide oversight of communications privacy. The Committee will also conduct oversight of NTIA in relation to Internet governance in general and the Internet Corporation for Assigned Names and Numbers in particular. The Committee will also exercise its jurisdiction over the FCC, the NTIA, and the Office of Emergency Communications to conduct oversight of cybersecurity and public safety.

COMMERCE, MANUFACTURING AND TRADE ISSUES

PRIVACY AND THE INTERNET

In the 112th Congress, the Committee will examine issues relating to the privacy of information and data collected by Internet Web sites and service providers.

CYBER SECURITY

On May 29, 2009, President Obama issued the 60-Day Cyberspace Policy Review. The goal of this review was to assess U.S. policies after the issuance of the Bush Administration's Comprehensive National Cybersecurity Initiative. In the 112th Congress, the Committee will review efforts by federal agencies to coordinate cyber strategy and policy, and whether these policies have resulted in a secure communications and information infrastructure. The Committee will also review issues related to private-sector cyber security, including the manner in which fraud and other criminal issues affect e-commerce.

TRADE AND GLOBALIZED SUPPLY CHAINS

The Committee will review the issues presented by the globalization of production and manufacturing networks, including the integrity of products and components assembled overseas and the impact on national security, the competitiveness of U.S. companies, and trade relationships.

CONSUMER PRODUCT SAFETY IMPROVEMENT ACT OF 2008

The Committee will examine the intended and unintended consequences of this law and how the Consumer Product Safety Commission is implementing it.

NHTSA MANAGEMENT AND OPERATIONS

The Committee intends to conduct oversight of the National Highway Traffic Safety Administration, including the costs and benefits of its regulations, research activities, investigations, and enforcement actions pertaining to motor vehicle safety.

FEDERAL TRADE COMMISSION MANAGEMENT AND OPERATIONS

The Committee will conduct oversight of the Federal Trade Commission's management and operations, including the impact of its decisions and actions on the general public and the business community.

MISCELLANEOUS

EFFECTIVENESS OF STIMULUS SPENDING

In the 112th Congress, the Committee will conduct oversight of agency programs in the Committee's jurisdiction, and review the implementation and spending of the American Recovery and Reinvestment Act to evaluate the law's effectiveness and efficiency in speeding both job creation and the growth of the American economy.

ORGANIZED CRIME-TERRORISM NEXUS

The Committee will examine the nexus between organized crime and the financing of international terrorism. Recognition, as well as a better understanding of the link between traditional criminal activity and international terrorism is crucial in crafting both effective legislative tools as well as law enforcement methods capable of responding to the emerging threat. The Committee, with its expansive jurisdiction, is well-positioned to confront a range of domestic criminal enterprises and trade diversion schemes directed by U.S.-based members and sympathizers of Designated Foreign Terrorist Organizations for fundraising purposes, including the manufacture and distribution of counterfeit goods and currencies, identity theft, trafficking in contraband cigarettes, and the electronic transmittal of funds.

CRITICAL INFRASTRUCTURE

In June 2006, the Bush Administration issued a National Infrastructure Protection Plan. This plan created a process by which the Department of Homeland Security (DHS) is to identify critical assets and assess their vulnerabilities and risks due to loss or natural disaster. During the 112th Congress, the Committee will review the Department's activities with respect to identifying high-priority assets and implementing plans to protect these assets in areas within the Committee's jurisdiction.

NUCLEAR SMUGGLING

The Committee will continue to monitor Federal government and private sector efforts at border crossings, seaports, and mail facilities. The Committee's review will analyze and assess Customs' and DOE's efforts and the utility of equipment aimed at detecting and preventing the smuggling of dangerous commerce, particularly nuclear and radiological weapons of mass destruction.

BIOTERRORISM PREPAREDNESS AND RESPONSE

The Committee will review the implementation of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 by HHS, and examine the extent of the coordination between HHS and the Department of Homeland Security with respect to setting priorities and goals for bioterrorism-related research and preparedness activities.

PUBLIC SAFETY COMMUNICATIONS

The Committee will examine whether the communications needs of first responders are being met. The Committee will examine the progress being made to ensure that first responders have interoperable communications capabilities with local, state, and federal public safety officials. The Committee will also consider whether first responders have an adequate amount of spectrum for voice, video, and data transmissions. In addition, the Committee will conduct oversight regarding the implementation of Phase II E911 services, which enable Public Safety Answering Points (PSAPs) to pinpoint the location of wireless subscribers who dial 911.

IMPLEMENTATION OF GOVERNMENT-WIDE CYBER SECURITY PROGRAM

The Homeland Security Act of 2002 included a separate legislative provision entitled the Federal Information Security Management Act, which reauthorized and enhanced a government-wide cyber security program under the direction of the Office of Management and Budget (OMB). During the 112th Congress, the Committee will review efforts to ensure that Federal agencies are complying with the cyber security provisions of the new Homeland Security Act.

DISSENTING VIEWS

The Republicans' report on the activities of the Committee on Energy and Commerce in the 112th Congress would have casual or uninformed readers believe that the Committee on Energy and Commerce is a beehive of momentous activity—that the Committee is acting decisively to advance an agenda for the nation.

They would be mistaken. For all of its labors, this Committee has decisively failed to meet the most urgent need of the American people today: to pass into law legislation that will promote jobs and jobs growth for the country. Instead, the Committee's leadership has followed an extreme agenda across the Committee's jurisdiction that is completely divorced from creating jobs, investment and growth, or to help advance the recovery that is underway.

The truth of what has transpired in this Committee in these first six months of the 112th Congress is revealed quite succinctly on page 8 of the Committee's document:

“Total Bills and Resolutions Referred to Committee: 417”

“Bills and Resolutions Reported to the House: 12”

“Public Laws: 0”

Despite the agenda and mandate that the Republican leadership claim arose out of the election last November, they have failed to enact any laws that reflect it. For all the 52 days of hearings that this report meticulously documents and the 18 days of legislative markup, this Committee has accomplished nothing.

This stands in marked contrast to the record of this Committee in the 111th Congress. By the end of June 2009, we had reported from Committee and enacted into law the following measures:

- The American Recovery and Reinvestment Act, which saved America from a repeat of the Great Depression, and provided over \$130 billion in programs under the Committee's jurisdiction to develop renewable energy sources and make investments in clean energy and energy efficiency, increase funding for Medicaid to address the effects of the recession, improve health care technology, and expand broadband and Internet access for businesses and households in underserved communities.
- The Children's Health Insurance Program Reauthorization Act, which provided \$74 billion over ten years to fund health coverage for millions of low-income children and their parents.
- The Family Smoking Prevention and Tobacco Control Act, which grants the Food and Drug Administration authority to regulate the advertising, marketing and manufacturing of tobacco products.
- The Digital Television Delay Act, which extended the deadline by four months for the transition from analogue to digital television to avoid disruption to viewers.

From the outset, the Republican leadership has pursued an agenda that can only be called radical and extreme. The first markup held in the full Committee, on February 15, was a bill that would prevent virtually all private coverage of abortion services. This was hardly the most pressing public policy imperative flowing from the election.

Next the Committee voted to repeal the Affordable Care Act and its provisions that guarantee access for all to quality, affordable health insurance, protect Medicare, reform abusive insurance company practices, and close the donut hole for seniors purchasing the pharmaceuticals they need. Indeed, virtually all the health bills the Committee has considered have repealed all or portions of the Affordable Care Act, without offering any constructive alternatives. The Republican majority has also launched a concerted assault against Medicaid, which is relied upon particularly by women, children, and seniors for vital health services and long-term care. In short, the Republican leadership has moved to end Medicare and Medicaid as we know it, breaking a bedrock trust that has existed for nearly half a century to ensure basic health services for the aged and the poor in America.

A similarly extreme agenda has been pursued with respect to energy, climate, and the environment. The Committee has embraced science denial. It has passed legislation that would repeal the EPA's scientific finding that greenhouse gas emissions endanger health and the environment, as well as remove EPA's authority to protect the American people from carbon pollution and the impacts of climate change. Other legislation that has been considered would tie EPA's hands in discharging its basic regulatory responsibilities under our environmental laws, stop EPA regulations of coal ash, expedite a tar sands pipeline from Canada, and ease air pollution rules on oil production facilities and refineries.

The critical area of communications and the Internet is one where we should work together to ensure the proper management of spectrum to meet the needs of a growing Internet economy. But instead, much of the first five months was consumed by a partisan effort to repeal the FCC's open Internet rules, which the lion's share of industry in fact supports and which guarantees preservation of the open Internet. The Republican leadership also insisted instead on votes on the House floor to defund National Public Radio.

In the area of consumer protection, the Subcommittee on Commerce, Manufacturing and Trade has held several hearings on jobs, exports and trade, but has failed to develop any legislation that promotes jobs and American competitiveness.

With respect to the Committee's oversight activities, the Oversight and Investigations Subcommittee has been used principally as another vehicle to attack the Obama Administration and the Affordable Care Act. The Committee has held three hearings on the Affordable Care Act and Medicare and Medicaid. These hearings were largely partisan affairs and have resulted in no changes in law or policy. The Committee has also failed to hold hearings on critical and ongoing areas of public concern, such as the impact of the Republican budget on Medicare and Medicaid or the recent E. coli outbreak.

This is not a record of achievement. It is a record of message bills and points scored, of science denial, and of undercutting the integrity of our regulatory agencies that protect our health and welfare. It is decidedly a record of legislative activity that has failed to create jobs or promote the economic security of the American people. The publication of this report by the Committee allows the American people to clearly see how ineffective the Committee has become in advancing legislation that will promote jobs, investment, growth and economic security.

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