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109TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
109–751

REPORT ON THE ACTIVITY

OF THE

COMMITTEE ON ENERGY AND COMMERCE

FOR THE

ONE HUNDRED NINTH CONGRESS

JANUARY 2, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

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COMMITTEE ON ENERGY AND COMMERCE

ONE HUNDRED NINTH CONGRESS

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LETTER OF TRANSMITTAL

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, January 2, 2007.

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 a report on the activity of the Committee on Energy and Commerce for the 109th Congress, including the Committee's review and study of legislation within its jurisdiction and the oversight activities undertaken by the Committee.

Sincerely,

JOE BARTON, *Chairman.*

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JANUARY 2, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BARTON, from the Committee on Energy and Commerce, submitted the following

R E P O R T

ACTIVITY OF THE COMMITTEE ON ENERGY AND COMMERCE, 109th CONGRESS

The jurisdiction of the Committee on Energy and Commerce, as prescribed by Clause 1(f) of rule X of the Rules of the House of Representatives, is as follows:

(1) Biomedical research and development.

(2) Consumer affairs and consumer protection.

(3) Health and health facilities (except health care supported by payroll deductions).

(4) Interstate energy compacts.

(5) Interstate and foreign commerce generally.

(6) Exploration, production, storage, supply, marketing, pricing, and regulation of energy resources, including all fossil fuels, solar energy, and other unconventional or renewable energy resources.

(7) Conservation of energy resources.

(8) Energy information generally.

(9) The generation and marketing of power (except by federally chartered or Federal regional power marketing authorities); reliability and interstate transmission of, and ratemaking for, all power; and siting of generation facilities (except the installation of interconnections between Government waterpower projects).

(10) General management of the Department of Energy and management and all functions of the Federal Energy Regulatory Commission.

(11) National energy policy generally.

(12) Public health and quarantine.

(13) Regulation of the domestic nuclear energy industry, including regulation of research and development reactors and nuclear regulatory research.

(14) Regulation of interstate and foreign communications.

(15) Travel and tourism.

The committee shall have the same jurisdiction with respect to regulation of nuclear facilities and of use of nuclear energy as it has with respect to regulation of non-nuclear facilities and of use of non-nuclear energy.

In addition, clause 3(c) of rule X of the Rules of the House of Representatives provides that the Committee on Energy and Commerce shall review and study on a continuing basis laws, programs, and Government activities relating to nuclear and other energy and nonmilitary nuclear energy research and development including the disposal of nuclear waste.

RULES FOR THE COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, 109TH CONGRESS

Rule 1. General Provisions.

(a) *Rules of the Committee.* The Rules of the House are the rules of the Committee on Energy and Commerce (hereinafter the "Committee") and its subcommittees so far as is applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, is nondebatable and privileged in the Committee and its subcommittees.

(b) *Rules of the Subcommittees.* Each subcommittee of the Committee is part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable. Written rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the Committee.

Rule 2. Time and Place of Meetings.

(a) *Regular Meeting Days.* The Committee shall meet on the fourth Tuesday of each month at 10 a.m., for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the Committee has not met during such month, the Committee shall meet at the earliest practicable opportunity when the House is again in session. The chairman of the Committee may, at his discretion, cancel, delay, or defer any meeting required under this section, after consultation with the ranking minority member.

(b) *Additional Meetings.* The chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purposes pursuant to that call of the chairman.

(c) *Vice Chairmen; Presiding Member.* The chairman shall designate a member of the majority party to serve as vice chairman of the Committee, and shall designate a majority member of each subcommittee to serve as vice chairman of each subcommittee. The vice chairman of the Committee or subcommittee, as the case may

be, shall preside at any meeting or hearing during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting or hearing, the ranking member of the majority party who is present shall preside at the meeting or hearing.

(d) *Open Meetings and Hearings.* Except as provided by the Rules of the House, each meeting of the Committee or any of its subcommittees for the transaction of business, including the markup of legislation, and each hearing, shall be open to the public including to radio, television and still photography coverage, consistent with the provisions of Rule XI of the Rules of the House.

Rule 3. Agenda.

The agenda for each Committee or subcommittee meeting (other than a hearing), setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the Committee at least 36 hours in advance of such meeting.

Rule 4. Procedure.

(a)(1) *Hearings.* The date, time, place, and subject matter of any hearing of the Committee or any of its subcommittees shall be announced at least one week in advance of the commencement of such hearing, unless the Committee or subcommittee determines in accordance with clause 2(g)(3) of rule XI of the Rules of the House that there is good cause to begin the hearing sooner.

(2)(A) *Meetings.* The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session, shall be announced at least 36 hours (exclusive of Saturdays, Sundays, and legal holidays except when the House is in session on such days) in advance of the commencement of such meeting.

(B) *Other Meetings.* The date, time, place, and subject matter of a meeting (other than a hearing or a meeting to which subparagraph (A) applies) shall be announced at least 72 hours in advance of the commencement of such meeting.

(3) *Motions.* Pursuant to clause 1(a)(2) of rule XI of the Rules of the House, privileged motions to recess from day to day, or recess subject to the call of the Chair (within 24 hours), and to dispense with the first reading (in full) of a bill or resolution if printed copies are available shall be decided without debate.

(b)(1) *Requirements for Testimony.* Each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least two working days in advance of his or her appearance, sufficient copies, as determined by the chairman of the Committee or a subcommittee, of a written statement of his or her proposed testimony to provide to members and staff of the Committee or subcommittee, the news media, and the general public. Each witness shall, to the greatest extent practicable, also provide a copy of such written testimony in an electronic format prescribed by the chairman. Each witness shall limit his or her oral presentation to a brief summary of the argument. The chairman of the Committee or of a subcommittee, or the presiding member, may waive the requirements of this paragraph or any part thereof.

(2) *Additional Requirements for Testimony.* To the greatest extent practicable, the written testimony of each witness appearing

in a non-governmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness.

(c)(1) *Questioning Witnesses.* The right to interrogate the witnesses before the Committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the Committee present has been recognized once for that purpose. While the Committee or subcommittee is operating under the 5–minute rule for the interrogation of witnesses, the chairman shall recognize in order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the Committee or subcommittee, as the case may be.

(2) *Questions for the Record.* Each member may submit to the Chairman of the Committee or the subcommittee additional questions for the record, to be answered by the witnesses who have appeared. Each member shall provide a copy of the questions in an electronic format to the clerk of the Committee no later than ten business days following a hearing. The Chairman shall transmit all questions received from members of the Committee or the subcommittee to the appropriate witness, and include the transmittal letter and the responses from the witnesses in the hearing record.

(d) *Explanation of Subcommittee Action.* No bill, recommendation, or other matter reported by a subcommittee shall be considered by the full Committee unless the text of the matter reported, together with an explanation, has been available to members of the Committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation. All subcommittee actions shall be reported promptly by the clerk of the Committee to all members of the Committee.

(e) *Opening Statements.* (1) All written opening statements at hearings conducted by the committee or any of its subcommittees shall be made part of the permanent hearing record.

(2) Statements shall be limited to 5 minutes each for the chairman and ranking minority member (or their respective designee) of the Committee or subcommittee, as applicable, and 3 minutes each for all other members. With the consent of the Committee, prior to the recognition of the first witness for testimony, any Member, when recognized for an opening statement, may completely defer his or her opening statement and instead use those three minutes during the initial round of questioning.

(3) At any hearing of the full Committee, the chairman may limit opening statements for Members (including, at the discretion of the Chairman, the chairman and ranking minority member) to one minute. At any hearing conducted by any subcommittee, the chair-

man of that subcommittee, with the consent of its ranking minority member, may reduce the time for statements by members or defer statements until the conclusion of testimony.

Rule 5. Waiver of Agenda, Notice, and Layover Requirements.

Requirements of rules 3, 4(a)(2), and 4(d) may be waived by a majority of those present and voting (a majority being present) of the Committee or subcommittee, as the case may be.

Rule 6. Quorum.

Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the Committee or subcommittee in question. A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, or of closing a meeting or hearing pursuant to clause 2(g) of rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B)). For the purposes of taking any action other than those specified in the preceding sentence, one-third of the members of the Committee or subcommittee shall constitute a quorum.

Rule 7. Official Committee Records.

(a)(1) *Journal.* The proceedings of the Committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the vote on any question on which a record vote is demanded and a description of the amendment, motion, order, or other proposition voted. A copy of the journal shall be furnished to the ranking minority member.

(2) *Record Votes.* A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a record vote shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each record vote in any meeting of the Committee shall be made available in the Committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House.

(b) *Archived Records.* The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee. The chairman shall consult with the ranking minority member on any communication from the Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the Rule.

Rule 8. Subcommittees.

There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the Committee. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the

start of the process for establishing subcommittee chairmanships and assignments.

Rule 9. Powers and Duties of Subcommittees.

Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the chairman of the Committee with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings whenever possible.

Rule 10. Reference of Legislation and Other Matters.

All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks of the date of receipt by the Committee unless action is taken by the full committee within those two weeks, or by majority vote of the members of the Committee, consideration is to be by the full Committee. In the case of legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the Committee may, in his discretion, refer the matter simultaneously to two or more subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and also refer the matter to one or more additional subcommittees for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the subcommittee of primary jurisdiction. Such authority shall include the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the Committee, from the members of the subcommittee having legislative or oversight jurisdiction.

Rule 11. Ratio of Subcommittees.

The majority caucus of the Committee shall determine an appropriate ratio of majority to minority party members for each subcommittee and the chairman shall negotiate that ratio with the minority party, provided that the ratio of party members on each subcommittee shall be no less favorable to the majority than that of the full Committee, nor shall such ratio provide for a majority of less than two majority members.

Rule 12. Subcommittee Membership.

(a) *Selection of Subcommittee Members.* Prior to any organizational meeting held by the Committee, the majority and minority caucuses shall select their respective members of the standing subcommittees.

(b) *Ex Officio Members.* The chairman and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees.

Rule 13. Managing Legislation on the House Floor.

The chairman, in his discretion, shall designate which member shall manage legislation reported by the Committee to the House.

Rule 14. Committee Professional and Clerical Staff Appointments.

(a) *Delegation of Staff.* Whenever the chairman of the Committee determines that any professional staff member appointed pursuant to the provisions of clause 9 of Rule X of the House of Representatives, who is assigned to such chairman and not to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) *Minority Professional Staff.* Professional staff members appointed pursuant to clause 9 of Rule X of the House of Representatives, who are assigned to the ranking minority member of the Committee and not to the chairman of the Committee, shall be assigned to such Committee business as the minority party members of the Committee consider advisable.

(c) *Additional Staff Appointments.* In addition to the professional staff appointed pursuant to clause 9 of Rule X of the House of Representatives, the chairman of the Committee shall be entitled to make such appointments to the professional and clerical staff of the Committee as may be provided within the budget approved for such purposes by the Committee. Such appointee shall be assigned to such business of the full Committee as the chairman of the Committee considers advisable.

(d) *Sufficient Staff.* The chairman shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee.

(e) *Fair Treatment of Minority Members in Appointment of Committee Staff.* The chairman shall ensure that the minority members of the Committee are treated fairly in appointment of Committee staff.

(f) *Contracts for Temporary or Intermittent Services.* Any contract for the temporary services or intermittent service of individual consultants or organizations to make studies or advise the Committee or its subcommittees with respect to any matter within their jurisdiction shall be deemed to have been approved by a majority of the members of the Committee if approved by the chairman and ranking minority member of the Committee. Such approval shall not be deemed to have been given if at least one-third of the members of the Committee request in writing that the Committee formally act on such a contract, if the request is made within 10 days after the latest date on which such chairman or chairmen, and such ranking minority member or members, approve such contract.

Rule 15. Supervision, Duties of Staff.

(a) *Supervision of Majority Staff.* The professional and clerical staff of the Committee not assigned to the minority shall be under the supervision and direction of the chairman who, in consultation with the chairmen of the subcommittees, shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) *Supervision of Minority Staff.* The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the Committee, who may delegate such authority as they determine appropriate.

Rule 16. Committee Budget.

(a) *Preparation of Committee Budget.* The chairman of the Committee, after consultation with the ranking minority member of the Committee and the chairmen of the subcommittees, shall for the 109th Congress prepare a preliminary budget for the Committee, with such budget including necessary amounts for professional and clerical staff, travel, investigations, equipment and miscellaneous expenses of the Committee and the subcommittees, and which shall be adequate to fully discharge the Committee's responsibilities for legislation and oversight. Such budget shall be presented by the chairman to the majority party caucus of the Committee and thereafter to the full Committee for its approval.

(b) *Approval of the Committee Budget.* The chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. No proposed Committee budget may be submitted to the Committee on House Administration unless it has been presented to and approved by the majority party caucus and thereafter by the full Committee. The chairman of the Committee may authorize all necessary expenses in accordance with these rules and within the limits of the Committee's budget as approved by the House.

(c) *Monthly Expenditures Report.* Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year by the Committee and subcommittees, anticipated expenditures for the projected Committee program, and detailed information on travel.

Rule 17. Broadcasting of Committee Hearings.

Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of clause 4 of Rule XI of the Rules of the House. The coverage of any hearing or other proceeding of the Committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the Committee, the subcommittee chairman, or other member of the Committee presiding at such hearing or other proceeding and may be terminated by such member in accordance with the Rules of the House.

Rule 18. Comptroller General Audits.

The chairman of the Committee is authorized to request verification examinations by the Comptroller General of the United States pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94–163), after consultation with the members of the Committee.

Rule 19. Subpoenas.

The Committee, or any subcommittee, may authorize and issue a subpoena under clause 2(m)(2)(A) of Rule XI of the House, if authorized by a majority of the members of the Committee or subcommittee (as the case may be) voting, a quorum being present. Authorized subpoenas may be issued over the signature of the chairman of the Committee or any member designated by the Committee, and may be served by any person designated by such chairman or member. The chairman of the Committee may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the chairman, authorization and issuance of the subpoena is necessary to obtain the material set forth in the subpoena. The chairman shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable but in no event later than one week after service of such subpoena.

Rule 20. Travel of Members and Staff.

(a) *Approval of Travel.* Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) the purpose of the travel; (2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) the location of the event for which the travel is to be made; and (4) the names of members and staff seeking authorization.

(b) *Approval of Travel by Minority Members and Staff.* In the case of travel by minority party members and minority party professional staff for the purpose set out in (a), the prior approval, not only of the chairman but also of the ranking minority member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority member in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

CLAUSES 2 AND 4 OR RULE XI AND CLAUSES 2 AND 3 OF RULE XIII OF THE RULES OF THE HOUSE OF REPRESENTATIVES FOR THE 109TH CONGRESS

JANUARY 4, 2005

RULE XI: PROCEDURES OF COMMITTEES AND UNFINISHED BUSINESS

CLAUSE 2: COMMITTEE RULES

Adoption of written rules

2. (a)(1) Each standing committee shall adopt written rules governing its procedure. Such rules—

(A) shall be adopted in a meeting that is open to the public unless the committee, in open session and with a quorum present, determines by record vote that all or part of the meeting on that day shall be closed to the public;

(B) may not be inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House; and

(C) shall in any event incorporate all of the succeeding provisions of this clause to the extent applicable.

(2) Each committee shall submit its rules for publication in the Congressional Record not later than 30 days after the committee is elected in each odd-numbered year.

(3) A committee may adopt a rule providing that the chairman be directed to offer a motion under clause 1 of rule XXII whenever the chairman considers it appropriate.

Regular meeting days

(b) Each standing committee shall establish regular meeting days for the conduct of its business, which shall be not less frequent than monthly. Each such committee shall meet for the consideration of a bill or resolution pending before the committee or the transaction of other committee business on all regular meeting days fixed by the committee unless otherwise provided by written rule adopted by the committee.

Additional and special meetings

(c)(1) The chairman of each standing committee may call and convene, as he considers necessary, additional and special meetings of the committee for the consideration of a bill or resolution pending before the committee or for the conduct of other committee business, subject to such rules as the committee may adopt. The committee shall meet for such purpose under that call of the chairman.

(2) Three or more members of a standing committee may file in the offices of the committee a written request that the chairman call a special meeting of the committee. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If the chairman does not call the requested special meeting within three calendar days after the filing of the request (to be held within seven calendar days after the filing of the request) a majority of the members of the committee

may file in the offices of the committee their written notice that a special meeting of the committee will be held. The written notice shall specify the date and hour of the special meeting and the measure or matter to be considered. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at that special meeting.

Temporary absence of chairman

(d) A member of the majority party on each standing committee or subcommittee hereof shall be designated by the chairman of the full committee as the vice chairman of the committee or subcommittee, as the case may be, and shall preside during the absence of the chairman from any meeting. If the chairman and vice chairman of a committee or subcommittee are not present at any meeting of the committee or subcommittee, the ranking majority member who is present shall preside at that meeting.

Committee records

(e)(1)(A) Each committee shall keep a complete record of all committee action which shall include—

(i) in the case of a meeting or hearing transcript, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(ii) a record of the votes on any question on which a record vote is demanded.

(B)(i) Except as provided in subdivision (B)(ii) and subject to paragraph (k)(7), the result of each such record vote shall be made available by the committee for inspection by the public at reasonable times in its offices. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting.

(ii) The result of any record vote taken in executive session in the Committee on Standards of Official Conduct may not be made available for inspection by the public without an affirmative vote of a majority of the members of the committee.

(2)(A) Except as provided in subdivision (B), all committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as its chairman. Such records shall be the property of the House, and each Member, Delegate, and the Resident Commissioner shall have access thereto.

(B) A Member, Delegate, or Resident Commissioner, other than members of the Committee on Standards of Official Conduct, may not have access to the records of that committee respecting the conduct of a Member, Delegate, Resident Commissioner, officer, or em-

ployee of the House without the specific prior permission of that committee.

(3) Each committee shall include in its rules standards for availability of records of the committee delivered to the Archivist of the United States under rule VII. Such standards shall specify procedures for orders of the committee under clause 3(b)(3) and clause 4(b) of rule VII, including a requirement that nonavailability of a record for a period longer than the period otherwise applicable under that rule shall be approved by vote of the committee.

(4) Each committee shall make its publications available in electronic form to the maximum extent feasible.

Prohibition against proxy voting

(f) A vote by a member of a committee or subcommittee with respect to any measure or matter may not be cast by proxy.

Open meetings and hearings

(g)(1) Each meeting for the transaction of business, including the markup of legislation, by a standing committee or subcommittee thereof (other than the Committee on Standards of Official Conduct or its subcommittees) shall be open to the public, including to radio, television, and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be in executive session because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade, or incriminate any person, or otherwise would violate a law or rule of the House. Persons, other than members of the committee and such noncommittee Members, Delegates, Resident Commissioner, congressional staff, or departmental representatives as the committee may authorize, may not be present at a business or markup session that is held in executive session. This subparagraph does not apply to open committee hearings, which are governed by clause 4(a)(1) of rule X or by subparagraph (2).

(2)(A) Each hearing conducted by a committee or subcommittee (other than the Committee on Standards of Official Conduct or its subcommittees) shall be open to the public, including to radio, television, and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would violate a law or rule of the House.

(B) Notwithstanding the requirements of subdivision (A), in the presence of the number of members required under the rules of the committee for the purpose of taking testimony, a majority of those present may—

(i) agree to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger national security, would compromise sensitive law enforcement information, or would violate clause 2(k)(5); or

(ii) agree to close the hearing as provided in clause 2(k)(5).

(C) A Member, Delegate, or Resident Commissioner may not be excluded from nonparticipatory attendance at a hearing of a committee or subcommittee (other than the Committee on Standards of Official Conduct or its subcommittees) unless the House by majority vote authorizes a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegates, and the Resident Commissioner by the same procedures specified in this subparagraph for closing hearings to the public.

(D) The committee or subcommittee may vote by the same procedure described in this subparagraph to close one subsequent day of hearing, except that the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence, and the subcommittees thereof, may vote by the same procedure to close up to five additional, consecutive days of hearings.

(3) The chairman of each committee (other than the Committee on Rules) shall make public announcement of the date, place, and subject matter of a committee hearing at least one week before the commencement of the hearing. If the chairman of the committee, with the concurrence of the ranking minority member, determines that there is good cause to begin a hearing sooner, or if the committee so determines by majority vote in the presence of the number of members required under the rules of the committee for the transaction of business, the chairman shall make the announcement at the earliest possible date. An announcement made under this subparagraph shall be published promptly in the Daily Digest and made available in electronic form.

(4) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof. In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.

(5)(A) Except as provided in subdivision (B), a point of order does not lie with respect to a measure reported by a committee on the ground that hearings on such measure were not conducted in accordance with this clause.

(B) A point of order on the ground described in subdivision (A) may be made by a member of the committee that reported the measure if such point of order was timely made and improperly disposed of in the committee.

(6) This paragraph does not apply to hearings of the Committee on Appropriations under clause 4(a)(1) of rule X.

Quorum requirements

(h)(1) A measure or recommendation may not be reported by a committee unless a majority of the committee is actually present.

(2) Each committee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence, which may not be less than two.

(3) Each committee (other than the Committee on Appropriations, the Committee on the Budget, and the Committee on Ways and Means) may fix the number of its members to constitute a quorum for taking any action other than one for which the presence of a majority of the committee is otherwise required, which may not be less than one-third of the members.

(4)(A) Each committee may adopt a rule authorizing the chairman of a committee or subcommittee—

(i) to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment; and

(ii) to resume proceedings on a postponed question at any time after reasonable notice.

(B) A rule adopted pursuant to this subparagraph shall provide that when proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

Limitation on committee sittings

(i) A committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

Calling and questioning of witnesses

(j)(1) Whenever a hearing is conducted by a committee on a measure or matter, the minority members of the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(2)(A) Subject to subdivisions (B) and (C), each committee shall apply the five-minute rule during the questioning of witnesses in a hearing until such time as each member of the committee who so desires has had an opportunity to question each witness.

(B) A committee may adopt a rule or motion permitting a specified number of its members to question a witness for longer than five minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

(C) A committee may adopt a rule or motion permitting committee staff for its majority and minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

Hearing procedures

(k)(1) The chairman at a hearing shall announce in an opening statement the subject of the hearing.

(2) A copy of the committee rules and of this clause shall be made available to each witness on request.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted by a member of the committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness—

(A) notwithstanding paragraph (g)(2), such testimony or evidence shall be presented in executive session if, in the presence of the number of members required under the rules of the committee for the purpose of taking testimony, the committee determines by vote of a majority of those present that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if the committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person. In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) Evidence or testimony taken in executive session, and proceedings conducted in executive session, may be released or used in public sessions only when authorized by the committee, a majority being present.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinence of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

Supplemental, minority, or additional views

(l) If at the time of approval of a measure or matter by a committee (other than the Committee on Rules) a member of the committee gives notice of intention to file supplemental, minority, or additional views for inclusion in the report to the House thereon, that member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such a day) to file such views, in writing and signed by that member, with the clerk of the committee.

Power to sit and act; subpoena power

(m)(1) For the purpose of carrying out any of its functions and duties under this rule and rule X (including any matters referred

to it under clause 2 of rule XII), a committee or subcommittee is authorized (subject to subparagraph (3)(A))—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it considers necessary; and

(B) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it considers necessary.

(2) The chairman of the committee, or a member designated by the chairman, may administer oaths to witnesses.

(3)(A)(i) Except as provided in subdivision (A)(ii), a subpoena may be authorized and issued by a committee or subcommittee under subparagraph (1)(B) in the conduct of an investigation or series of investigations or activities only when authorized by the committee or subcommittee, a majority being present. The power to authorize and issue subpoenas under subparagraph (1)(B) may be delegated to the chairman of the committee under such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by a member designated by the committee.

(ii) In the case of a subcommittee of the Committee on Standards of Official Conduct, a subpoena may be authorized and issued only by an affirmative vote of a majority of its members.

(B) A subpoena duces tecum may specify terms of return other than at a meeting or hearing of the committee or subcommittee authorizing the subpoena.

(C) Compliance with a subpoena issued by a committee or subcommittee under subparagraph (1)(B) may be enforced only as authorized or directed by the House.

CLAUSE 4: AUDIO AND VISUAL COVERAGE OF COMMITTEE PROCEEDINGS

Audio and visual coverage of committee proceedings

4. (a) The purpose of this clause is to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings or committee meetings that are open to the public may be covered by audio and visual means—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body, and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution as an institution of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause may not be used, or made available for use, as partisan political

campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered under authority of this clause by audio or visual means, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations, and may not be such as to—

(1) distort the objects and purposes of the hearing or other meeting or the activities of committee members in connection with that hearing or meeting or in connection with the general work of the committee or of the House; or

(2) cast discredit or dishonor on the House, the committee, or a Member, Delegate, or Resident Commissioner or bring the House, the committee, or a Member, Delegate, or Resident Commissioner into disrepute.

(d) The coverage of committee hearings and meetings by audio and visual means shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever a hearing or meeting conducted by a committee or subcommittee is open to the public, those proceedings shall be open to coverage by audio and visual means. A committee or subcommittee chairman may not limit the number of television or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(f) Each committee shall adopt written rules to govern its implementation of this clause. Such rules shall contain provisions to the following effect:

(1) If audio or visual coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) The allocation among the television media of the positions or the number of television cameras permitted by a committee or subcommittee chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(3) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(4) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(5) Equipment necessary for coverage by the television and radio media may not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(6)(A) Except as provided in subdivision (B), floodlights, spotlights, strobelights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(B) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in a hearing or meeting room to the lowest level necessary to provide adequate television coverage of a hearing or meeting at the current state of the art of television coverage.

(7) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of a hearing or meeting by still photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(8) Photographers may not position themselves between the witness table and the members of the committee at any time during the course of a hearing or meeting.

(9) Photographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(10) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE XIII: CALENDARS AND COMMITTEE REPORTS

CLAUSE 2: FILING AND PRINTING OF REPORTS

2. (a)(1) Except as provided in subparagraph (2), all reports of committees (other than those filed from the floor as privileged) shall be delivered to the Clerk for printing and reference to the proper calendar under the direction of the Speaker in accordance with clause 1. The title or subject of each report shall be entered on the Journal and printed in the Congressional Record.

(2) A bill or resolution reported adversely shall be laid on the table unless a committee to which the bill or resolution was referred requests at the time of the report its referral to an appropriate calendar under clause 1 or unless, within three days thereafter, a Member, Delegate, or Resident Commissioner makes such a request.

(b)(1) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House a measure or matter approved by the committee and to take or cause to be taken steps necessary to bring the measure or matter to a vote.

(2) In any event, the report of a committee on a measure that has been approved by the committee shall be filed within seven cal-

endar days (exclusive of days on which the House is not in session) after the day on which a written request for the filing of the report, signed by a majority of the members of the committee, has been filed with the clerk of the committee. The clerk of the committee shall immediately notify the chairman of the filing of such a request. This subparagraph does not apply to a report of the Committee on Rules with respect to a rule, joint rule, or order of business of the House, or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(c) All supplemental, minority, or additional views filed under clause 2(l) of rule XI by one or more members of a committee shall be included in, and shall be a part of, the report filed by the committee with respect to a measure or matter. When time guaranteed by clause 2(l) of rule XI has expired (or, if sooner, when all separate views have been received), the committee may arrange to file its report with the Clerk not later than one hour after the expiration of such time. This clause and provisions of clause 2(l) of rule XI do not preclude the immediate filing or printing of a committee report in the absence of a timely request for the opportunity to file supplemental, minority, or additional views as provided in clause 2(l) of rule XI.

CLAUSE 3: CONTENTS OF REPORTS

Content of reports

3. (a)(1) Except as provided in subparagraph (2), the report of a committee on a measure or matter shall be printed in a single volume that—

(A) shall include all supplemental, minority, or additional views that have been submitted by the time of the filing of the report; and

(B) shall bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under paragraph (c)(3)) are included as part of the report.

(2) A committee may file a supplemental report for the correction of a technical error in its previous report on a measure or matter. A supplemental report only correcting errors in the depiction of record votes under paragraph (b) may be filed under this subparagraph and shall not be subject to the requirement in clause 4 concerning the availability of reports.

(b) With respect to each record vote on a motion to report a measure or matter of a public nature, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of members voting for and against, shall be included in the committee report. The preceding sentence does not apply to votes taken in executive session by the Committee on Standards of Official Conduct.

(c) The report of a committee on a measure that has been approved by the committee shall include, separately set out and clearly identified, the following:

(1) Oversight findings and recommendations under clause 2(b)(1) of rule X.

(2) The statement required by section 308(a) of the Congressional Budget Act of 1974, except that an estimate of new

budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant programs to the appropriate levels under current law.

(3) An estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 if timely submitted to the committee before the filing of the report.

(4) A statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding.

(d) Each report of a committee on a public bill or public joint resolution shall contain the following:

(1) A statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(2)(A) An estimate by the committee of the costs that would be incurred in carrying out the bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following that fiscal year (or for the authorized duration of any program authorized by the bill or joint resolution if less than five years);

(B) a comparison of the estimate of costs described in subdivision (A) made by the committee with any estimate of such costs made by a Government agency and submitted to such committee; and

(C) when practicable, a comparison of the total estimated funding level for the relevant programs with the appropriate levels under current law.

(3)(A) In subparagraph (2) the term "Government agency" includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia.

(B) Subparagraph (2) does not apply to the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, or the Committee on Standards of Official Conduct, and does not apply when a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been included in the report under paragraph (c)(3).

(e)(1) Whenever a committee reports a bill or joint resolution proposing to repeal or amend a statute or part thereof, it shall include in its report or in an accompanying document—

(A) the text of a statute or part thereof that is proposed to be repealed; and

(B) a comparative print of any part of the bill or joint resolution proposing to amend the statute and of the statute or part thereof proposed to be amended, showing by appropriate typographical devices the omissions and insertions proposed.

(2) If a committee reports a bill or joint resolution proposing to repeal or amend a statute or part thereof with a recommendation that the bill or joint resolution be amended, the comparative print required by subparagraph (1) shall reflect the changes in existing law proposed to be made by the bill or joint resolution as proposed to be amended.

MEMBERSHIP AND ORGANIZATION OF THE COMMITTEE ON ENERGY AND COMMERCE

ONE HUNDRED NINTH CONGRESS

(Ratio 31–26)

COMMITTEE ON ENERGY AND COMMERCE

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RALPH M. HALL, Texas
MICHAEL BILIRAKIS, Florida
Vice Chairman
FRED UPTON, Michigan
CLIFF STEARNS, Florida
PAUL E. GILLMOR, Ohio
NATHAN DEAL, Georgia
ED WHITFIELD, Kentucky
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BARBARA CUBIN, Wyoming
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HEATHER WILSON, New Mexico
JOHN B. SHADEGG, Arizona
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ROY BLUNT, Missouri*
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MARY BONO, California
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MIKE ROGERS, Michigan
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GENE GREEN, Texas
TED STRICKLAND, Ohio
DIANA DEGETTE, Colorado
LOIS CAPPS, California
MICHAEL F. DOYLE, Pennsylvania
TOM ALLEN, Maine
JIM DAVIS, Florida
JAN SCHAKOWSKY, Illinois
HILDA L. SOLIS, California
CHARLES A. GONZALEZ, Texas
JAY INSLEE, Washington
TAMMY BALDWIN, Wisconsin
MIKE ROSS, Arkansas

*Representative Roy Blunt (R–MO) resigned from the Committee on Energy and Commerce on October 26, 2005. Representative J. Gresham Barrett (R–SC) was elected to the Committee on Energy and Commerce on October 26, 2005, pursuant to H. Res. 513. Representative J. Gresham Barrett (R–SC) resigned from the Committee on Energy and Commerce on February 7, 2006. Representative Roy Blunt (R–MO) was elected to the Committee on Energy and Commerce on February 8, 2006, pursuant to H. Res. 671.

SUBCOMMITTEE MEMBERSHIPS AND JURISDICTION

SUBCOMMITTEE ON COMMERCE, TRADE, AND CONSUMER PROTECTION

(Ratio 16–13)

CLIFF STEARNS, Florida, *Chairman*

FRED UPTON, Michigan
NATHAN DEAL, Georgia
BARBARA CUBIN, Wyoming
GEORGE RADANOVICH, California
CHARLES F. BASS, New Hampshire
JOSEPH R. PITTS, Pennsylvania
MARY BONO, California
LEE TERRY, Nebraska
MIKE FERGUSON, New Jersey
MIKE ROGERS, Michigan
Vice Chairman
C.L. "BUTCH" OTTER, Idaho
SUE MYRICK, North Carolina
TIM MURPHY, Pennsylvania
MARSHA BLACKBURN, Tennessee
JOE BARTON, Texas
(Ex Officio)

JAN SCHAKOWSKY, Illinois
MIKE ROSS, Arkansas
EDWARD J. MARKEY, Massachusetts
EDOLPHUS TOWNS, New York
SHERROD BROWN, Ohio
BOBBY L. RUSH, Illinois
GENE GREEN, Texas
TED STRICKLAND, Ohio
DIANA DEGETTE, Colorado
JIM DAVIS, Florida
CHARLES A. GONZALEZ, Texas
TAMMY BALDWIN, Wisconsin
JOHN D. DINGELL, Michigan
(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; regulation of travel, tourism, and time; and, homeland security-related aspects of the foregoing, including cybersecurity.

SUBCOMMITTEE ON ENERGY AND AIR QUALITY

(Ratio 18–15)

RALPH HALL, Texas, *Chairman*

MICHAEL BILIRAKIS, Florida
ED WHITFIELD, Kentucky
CHARLIE NORWOOD, Georgia
JOHN SHIMKUS, Illinois
Vice Chairman
HEATHER WILSON, New Mexico
JOHN B. SHADEGG, Arizona
CHARLES W. "CHIP" PICKERING, Mississippi
VITO FOSSELLA, New York
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MARY BONO, California
GREG WALDEN, Oregon
MIKE ROGERS, Michigan
C.L. "BUTCH" OTTER, Idaho
JOHN SULLIVAN, Oklahoma
TIM MURPHY, Pennsylvania
JOE BARTON, Texas
MICHAEL C. BURGESS, Texas
JOE BARTON, Texas
(Ex Officio)

RICK BOUCHER, Virginia
MIKE ROSS, Arkansas
HENRY A. WAXMAN, California
EDWARD J. MARKEY, Massachusetts
ELIOT L. ENGEL, New York
ALBERT R. WYNN, Maryland
GENE GREEN, Texas
TED STRICKLAND, Ohio
LOIS CAPPS, California
MICHAEL F. DOYLE, Pennsylvania
TOM ALLEN, Maine
JIM DAVIS, Florida
HILDA L. SOLIS, California
CHARLES A. GONZALEZ, Texas
JOHN D. DINGELL, Michigan
(Ex Officio)

Jurisdiction: National energy policy generally; fossil energy, renewable energy resources and synthetic fuels; energy conservation; energy information; energy regulation and utilization; utility issues and regulation of nuclear facilities; interstate energy compacts; nuclear energy and waste; the Clean Air Act; all laws, programs, and government activities affecting such matters; and, homeland security-related aspects of the foregoing.

SUBCOMMITTEE ON ENVIRONMENT AND HAZARDOUS MATERIALS

(Ratio 16–13)

PAUL E. GILLMOR, Ohio, *Chairman*

RALPH M. HALL, Texas
NATHAN DEAL, Georgia
HEATHER WILSON, New Mexico
JOHN B. SHADEGG, Arizona
Vice Chairman
VITO FOSSELLA, New York
CHARLES F. BASS, New Hampshire
JOSEPH R. PITTS, Pennsylvania
MARY BONO, California
LEE TERRY, Nebraska
MIKE ROGERS, Michigan
C.L. "BUTCH" OTTER, Idaho
SUE MYRICK, North Carolina
JOHN SULLIVAN, Oklahoma
TIM MURPHY, Pennsylvania
JOE BARTON, Texas
(Ex Officio)

HILDA L. SOLIS, California
FRANK PALLONE, JR., New Jersey
BART STUPAK, Michigan
ALBERT R. WYNN, Maryland
LOIS CAPPS, California
MICHAEL F. DOYLE, Pennsylvania
TOM ALLEN, Maine
JAN SCHAKOWSKY, Illinois
JAY INSLEE, Washington
GENE GREEN, Texas
CHARLES A. GONZALEZ, Texas
TAMMY BALDWIN, Wisconsin
JOHN D. DINGELL, Michigan
(Ex Officio)

Jurisdiction: Environmental protection in general, including the Safe Drinking Water Act and risk assessment matters; solid waste, hazardous waste and toxic substances, including Superfund and RCRA; mining, oil, gas, and coal combustion wastes; noise pollution control; and, homeland security-related aspects of the foregoing.

SUBCOMMITTEE ON HEALTH

(Ratio 18–15)

NATHAN DEAL, Georgia, *Chairman*

RALPH M. HALL, Texas
MICHAEL BILIRAKIS, Florida
FRED UPTON, Michigan
PAUL E. GILLMOR, Ohio
CHARLIE NORWOOD, Georgia
BARBARA CUBIN, Wyoming
JOHN SHIMKUS, Illinois
JOHN B. SHADEGG, Arizona
CHARLES W. "CHIP" PICKERING, Mississippi
STEVE BUYER, Indiana
JOSEPH R. PITTS, Pennsylvania
MARY BONO, California
MIKE FERGUSON, New Jersey
Vice Chairman
MIKE ROGERS, Michigan
SUE MYRICK, North Carolina
MICHAEL C. BURGESS, Texas
JOE BARTON, Texas
(Ex Officio)

SHERROD BROWN, Ohio
HENRY A. WAXMAN, California
EDOLPHUS TOWNS, New York
FRANK PALLONE, JR., New Jersey
BART GORDON, Tennessee
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
GENE GREEN, Texas
TED STRICKLAND, Ohio
DIANA DEGETTE, Colorado
LOIS CAPPS, California
TOM ALLEN, Maine
JIM DAVIS, Florida
TAMMY BALDWIN, Wisconsin
JOHN D. DINGELL, Michigan
(Ex Officio)

Jurisdiction: Public health and quarantine; hospital construction; mental health and research; biomedical programs and health protection in general, including Medicaid and national health insurance; food and drugs; drug abuse; and, homeland security-related aspects of the foregoing.

SUBCOMMITTEE ON TELECOMMUNICATIONS AND THE INTERNET

(Ratio 18–15)

FRED UPTON, Michigan, *Chairman*

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CLIFF STEARNS, Florida
PAUL E. GILLMOR, Ohio
ED WHITFIELD, Kentucky
BARBARA CUBIN, Wyoming
JOHN SHIMKUS, Illinois
HEATHER WILSON, New Mexico
CHARLES W. "CHIP" PICKERING, Mississippi
VITO FOSSELLA, New York
GEORGE RADANOVICH, California
CHARLES F. BASS, New Hampshire
Vice Chairman
GREG WALDEN, Oregon
LEE TERRY, Nebraska
MIKE FERGUSON, New Jersey
JOHN SULLIVAN, Oklahoma
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JOE BARTON, Texas
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EDWARD J. MARKEY, Massachusetts
ELIOT L. ENGEL, New York
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MICHAEL F. DOYLE, Pennsylvania
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RICK BOUCHER, Virginia
EDOLPHUS TOWNS, New York
FRANK PALLONE, JR., New Jersey
SHERROD BROWN, Ohio
BART GORDON, Tennessee
BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
BART STUPAK, Michigan
JOHN D. DINGELL, Michigan
(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; and homeland security-related aspects of the foregoing.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

(Ratio 9–7)

ED WHITFIELD, Kentucky, *Chairman*

CLIFF STEARNS, Florida
CHARLES W. "CHIP" PICKERING, Mississippi
CHARLES F. BASS, New Hampshire
GREG WALDEN, Oregon
Vice Chairman
MIKE FERGUSON, New Jersy
MICHAEL C. BURGESS, Texas
MARSHA BLACKBURN, Tennessee
JOE BARTON, Texas
(Ex Officio)

BART STUPAK, Michigan
DIANA DEGETTE, Colorado
JAN SCHAKOWSKY, Illinois
JAY INSLEE, Washington
TAMMY BALDWIN, Wisconsin
HENRY A. WAXMAN, California
JOHN D. DINGELL, Michigan
(Ex Officio)

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

COMMITTEE STAFF

C. H. "BUD" ALBRIGHT, Jr., *Staff Director*
DAVID L. CAVICKE, *General Counsel/Chief Counsel for Commerce*
ANDY BLACK, *Deputy Staff Director for Policy*
LAWRENCE A. NEAL, *Deputy Staff Director for Communications*
DAVID J. MCCARTHY, *Chief Counsel for Energy and Environment*
MARK A. PAOLETTA, *Chief Counsel for Oversight and Investigations*
HOWARD WALTZMAN, *Chief Counsel for Telecommunications*
MICHAEL ABRAHAM, *Legislative Clerk/Assistant Systems Administrator*
RYAN AMBROSE, *Legislative Clerk*
COURTNEY ANDERSON, *Counsel*
KELLI ANDREWS, *Counsel*
MELISSA BARTLETT, *Counsel*
KURT W. BILAS, *Counsel*
MICHAEL D. BLOOMQUIST, *Deputy General Counsel*
ANNIE CAPUTO, *Professional Staff Member*
KRISTA L. CARPENTER, *Counsel*
WILLIAM CARTY, *Professional Staff Member*
DWIGHT CATES, *Professional Staff Member*
KAREN E. CHRISTIAN, *Counsel*
BRANDON J. CLARK, *Policy Coordinator*
SEAN CORCORAN, *Documents Clerk*
JULIE CORDELL, *Analyst*
GERALD COURI, *Policy Coordinator*
WHITNEY DREW, *Special Assistant*
THOMAS FEDDO, *Counsel*
JULIE FIELDS, *Special Assistant*
NEIL R. FRIED, *Counsel*
CHAD GRANT, *Legislative Clerk*
GARRETT J. GOLDING, *Staff Assistant*
JOHN P. HALLIWELL, *Policy Coordinator*
WILLIAM HARVARD, *Legislative Clerk*
THOMAS HASSENBOEHLER, *Counsel*
ERIC M. HUTCHINS, *Energy Assistant*
MATTHEW P. JOHNSON, *Legislative Clerk*
NANDAN KENKEREMATH, *Senior Counsel*
PETER E. KIELTY, *Legislative Clerk*
TERRY LANE, *Deputy Communications Director*
THERESA LAVERY, *Associate*
W. CHRISTOPHER LEAHY, *Policy Coordinator*
RYAN LONG, *Counsel*
KATHERINE J. MARTIN, *Professional Staff Member*
CLAYTON MATHESON, *Research Analyst*
STEPHANIE MAYFIELD, *Staff Assistant*
CHRISTINE MCCARTY, *Press Assistant*
BRIAN MCCOLLOUGH, *Professional Staff Member*
JEAN MCGINLEY, *Director of Information Technology*
LISA MILLER, *Deputy Communications Director*
ANH NGUYEN, *Legislative Clerk*
WILLIAM D. O'BRIEN, *Legislative Analyst for Health Policy*
RANDOLPH PATE, *Counsel*
SCOTT SCHMIDT, *Energy Assistant*
KEVIN SCHWEERS, *Communications Director*
JEROME SIKORSKI, *Archivist*
ROBERT E. SIMISON, *Professional Staff Member*
CHASE SIMMONS, *Senior Staff Assistant*
ALAN M. SLOBODIN, *Deputy Chief Counsel for Oversight and Investigations*
ANDREW L. SNOWDON, *Counsel*
PETER SPENCER, *Professional Staff Member*
ELIZABETH STACK, *Policy Coordinator*
RYAN THOMPSON, *Assistant to the Chairman*
LINDA WALKER, *Administrative and Human Resources Coordinator*
SHANNON WEINBERG, *Professional Staff Member*

MINORITY STAFF

REID P.F. STUNTZ, *Minority Staff Director and Chief Counsel*
DAVID R. SCHOOLER, *Minority Deputy Staff Director and General Counsel*
SHARON E. DAVIS, *Chief Minority Clerk*
CANDACE E. BUTLER, *Deputy Chief Minority Clerk/LAN Administrator*
JONATHAN BRATER, *Minority Staff Assistant*
JONATHAN J. CORDONE, *Minority Deputy General Counsel*
ANGELA DAVIS-WEST, *Minority Secretary*
ELIZABETH B. ERTEL, *Minority Senior Staff Assistant*
PETER J. FILON, *Minority Counsel*
JOHN P. FORD, *Minority Counsel*
RICHARD A. FRANDSEN, *Senior Minority Counsel*
WILLIAM GARNER, *Minority Professional Staff Member*
ALEC GERLACH, *Minority Research Assistant/Press Assistant*
AMY B. HALL, *Minority Professional Staff Member*
BRUCE HARRIS, *Minority Professional Staff Member/Policy Coordinator*
VONCILLE TROTTER HINES, *Minority Research Assistant*
EDITH HOLLEMAN, *Minority Counsel*
CARLA R.V. HULTBERG, *Minority Assistant Clerk-Administrative/Assistant LAN Administrator*
PURVEE KEMPH, *Minority Counsel*
RAYMOND R. KENT, Jr., *Minority Finance Assistant*
CHRISTOPHER KNAUER, *Minority Investigator*
JESSICA A. MCNIECE, *Minority Research Assistant*
DAVID W. NELSON, *Minority Investigator/Economist*
LORIE J. SCHMIDT, *Minority Counsel*
ANNIE SCOTT, *Minority Staff Assistant*
JODI SETH, *Minority Communications Director*
JOHANNA M. SHELTON, *Minority Counsel*
SUE D. SHERIDAN, *Senior Minority Counsel*
BRIDGETTE E. TAYLOR, *Minority Professional Staff Member/Chief Health Finance Advisor*
CHRISTOPHER A. TREANOR, *Minority Staff Assistant*
DAVID A. VOGEL, *Minority Research Assistant*
CONSUELA M. WASHINGTON, *Senior Minority Counsel*

LEGISLATIVE AND OVERSIGHT ACTIVITY OF THE COMMITTEE

During the 109th Congress, 1319 bills and resolutions were referred to the Committee on Energy and Commerce. The Full Committee reported 53 measures to the House (not including conference reports). There were 55 measures regarding issues within the Committee's jurisdiction were enacted into law.

In areas as diverse as health, telecommunications, energy, and the environment, the Committee made great strides towards the goal of creating a more effective, less expensive, and more accountable government that better serves all Americans.

The following is a summary of the legislative and oversight activities of the Committee on Energy and Commerce during the 109th Congress. This report includes a summary of the activities taken by the Committee to implement its Oversight Plan for the 109th Congress, which was submitted by the Committee under clause 2(d) of Rule X. In addition, pursuant to clause 1(d)(3) of Rule XI of the Rules of the House of Representatives, this reports contains a summary of any additional oversight activities undertaken by the Committee and the recommendations made or actions taken thereon.

COMMITTEE ON ENERGY AND COMMERCE

FULL COMMITTEE

(Ratio 31–26)

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RALPH M. HALL, Texas
MICHAEL BILIRAKIS, Florida
Vice Chairman
FRED UPTON, Michigan
CLIFF STEARNS, Florida
PAUL E. GILLMOR, Ohio
NATHAN DEAL, Georgia
ED WHITFIELD, Kentucky
CHARLIE NORWOOD, Georgia
BARBARA CUBIN, Wyoming
JOHN SHIMKUS, Illinois
HEATHER WILSON, New Mexico
JOHN B. SHADEGG, Arizona
CHARLES W. "CHIP" PICKERING, Mississippi, *Vice Chairman*
VITO FOSSELLA, New York
ROY BLUNT, Missouri
STEVE BUYER, Indiana
GEORGE RADANOVICH, California
CHARLES F. BASS, New Hampshire
JOSEPH R. PITTS, Pennsylvania
MARY BONO, California
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LEE TERRY, Nebraska
MIKE FERGUSON, New Jersey
MIKE ROGERS, Michigan
C.L. "BUTCH" OTTER, Idaho
SUE MYRICK, North Carolina
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TIM MURPHY, Pennsylvania
MICHAEL C. BURGESS, Texas
MARSHA BLACKBURN, Tennessee

JOHN D. DINGELL, Michigan
HENRY A. WAXMAN, California
EDWARD J. MARKEY, Massachusetts
RICK BOUCHER, Virginia
EDOLPHUS TOWNS, New York
FRANK PALLONE, JR., New Jersey
SHERROD BROWN, Ohio
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BOBBY L. RUSH, Illinois
ANNA G. ESHOO, California
BART STUPAK, Michigan
ELIOT L. ENGEL, New York
ALBERT R. WYNN, Maryland
GENE GREEN, Texas
TED STRICKLAND, Ohio
DIANA DEGETTE, Colorado
LOIS CAPPS, California
MICHAEL F. DOYLE, Pennsylvania
TOM ALLEN, Maine
JIM DAVIS, Florida
JAN SCHAKOWSKY, Illinois
HILDA L. SOLIS, California
CHARLES A. GONZALEZ, Texas
JAY INSLEE, Washington
TAMMY BALDWIN, Wisconsin
MIKE ROSS, Arkansas

OVERSIGHT ACTIVITIES

THE DEPARTMENT OF ENERGY'S FISCAL YEAR 2006 BUDGET PROPOSAL AND THE ENERGY POLICY ACT OF 2005

On February 9, 2005, the Committee on Energy and Commerce held an oversight hearing on the Department of Energy's Fiscal Year 2006 Budget Proposal and the Energy Policy Act of 2005. The hearing focused on the Administration's proposed budget for fiscal year 2006, and also on the Department of Energy's comments on the Energy Policy Act of 2005. The Committee received testimony from the Secretary of U.S. Department of Energy, the Nuclear Regulatory Commission, the Federal Energy Regulatory Commission, and representatives of consumers, industry, and other stakeholders.

A REVIEW OF THE ADMINISTRATION'S FY 2006 HEALTH CARE PRIORITIES

On February 17, 2005, the Committee on Energy Commerce held an oversight hearing to examine the President's Proposed FY 2006 Budget for the Department of Health and Human Services. The sole witness was Secretary Michael O. Leavitt of the U.S. Department of Health and Human Services.

MEDICAID REFORM: THE NATIONAL GOVERNORS ASSOCIATION'S BIPARTISAN ROADMAP

On Wednesday, June 15, 2005, the Committee on Energy and Commerce held an oversight hearing to examine the National Governors Association's (NGA) interim Medicaid reform policy and continuing efforts to refine policy proposals. There was one panel consisting of NGA Chairman and Governor of the State of Virginia and NGA Vice Chairman Governor of the State of Arkansas.

LEGISLATION TO REAUTHORIZE THE NATIONAL INSTITUTES OF HEALTH

On July 19, 2005, the Committee on Energy and Commerce held an oversight hearing on legislation to reauthorize the NIH. The National Institutes of Health (NIH) is the Federal government's principal medical research agency, armed with a mission to advance research in pursuit of fundamental knowledge that will lead to better health outcomes for all. Funding for the NIH represents nearly half of the discretionary budget of the Department of Health and Human Services. The Director of NIH was the only witness.

HURRICANE KATRINA'S EFFECT ON GASOLINE SUPPLY AND PRICES

On September 7, 2005, the Committee on Energy and Commerce held an oversight hearing on the impact and recovery efforts in States affected by Hurricane Katrina. The hearing focused specifically on issues related to energy and communications infrastructure. The committee received testimony from the Department of Energy, the Energy Information Administration, the Federal Trade Commission, and the Federal Communications Commission, the Governor of the State of Mississippi, the State of Louisiana, consumer and environmental advocates, and representatives involved in the pricing of gasoline along the gasoline supply chain: production, refining, pipeline, marketing, and futures trading.

MEDICAID: EMPOWERING BENEFICIARIES ON THE ROAD TO REFORM

On September 8, 2005, the full Committee on Energy and Commerce held an oversight hearing to examine Medicaid reform proposals and explore the effect of these proposals on beneficiary access to health care services, create incentives for the better utilization of existing services, improve health outcomes and reduce instances of beneficiaries improperly transferring assets in order to gain Medicaid coverage for institutional care. The Committee heard testimony from several advocacy groups and professional health service providers.

ASSESSING THE NATIONAL PANDEMIC FLU PREPAREDNESS PLAN

On November 8, 2005, the Committee on Energy and Commerce held an oversight hearing to look into the national pandemic flu preparedness plan. The hearing followed two recent actions by the Administration. On Tuesday, November 1, 2005, the President gave a speech outlining a national strategy to prepare for the risk of pandemic flu and requested $7 billion in new spending to support this strategy. The President's proposal also included legislation to limit the liability of vaccine manufacturers and others with respect to pandemic flu. On November 2, 2005 HHS also released its detailed Pandemic Influenza Preparedness and Response Plan. The sole witness was Secretary Michael O. Leavitt of the U.S. Department of Health and Human Services.

THE ADMINISTRATION'S FY 2007 HEALTH CARE PRIORITIES

On February 15, 2006, the Committee on Energy and Commerce held an oversight hearing to examine the President's Proposed FY 2007 Budget for the Department of Health and Human Services. The FY 2007 budget for the Department of Health and Human Services (HHS) totals $698 billion in outlays. This was an increase of $58 billion over the President's Proposed FY 2006 budget. The sole witness was Secretary Michael O. Leavitt of the U.S. Department of Health and Human Services.

THE DEPARTMENT OF ENERGY'S FISCAL YEAR 2007 BUDGET PROPOSAL

On March 9, 2006, the Committee on Energy and Commerce held an oversight hearing on the Department of Energy's Fiscal Year 2007 Budget Proposal. The Committee received testimony from the Secretary of the U.S. Department of Energy.

H.R. ———, A BILL TO AUTHORIZE THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA) TO SET PASSENGER FUEL ECONOMY STANDARDS

On May 3, 2006, the Committee on Energy and Commerce held a hearing on H.R. ____, a bill to authorize the National Highway Traffic Safety Administration (NHTSA) to set passenger car fuel economy standards. The committee received testimony from a Member of Congress, the Secretary of Transportation, and other stakeholders.

WORLD CRUDE OIL PRICING

On May 4, 2006, the Committee on Energy and Commerce held an oversight hearing on World Crude Oil Pricing. The hearing examined the role of supply and demand fundamentals on world oil pricing, as well as geopolitical concerns that also affect price. The Committee received testimony from the Energy Information Administration, Cambridge Energy Research Associates, New York Mercantile Exchange, and the Government Accountability Office.

GASOLINE: SUPPLY, PRICE, AND SPECIFICATIONS

On May 10 and 11, 2006, the Committee on Energy and Commerce held an oversight hearing on gasoline supply, price, and

specifications in the wake of rising domestic gasoline prices. The hearing focused on fuel specification transitions, logistics, infrastructure, and transportation, and how boutique fuels affect gasoline prices. The Committee received testimony from representatives from Federal government and State and local air quality officials. The Committee also received testimony from the motor fuels industry, focusing on production, refining, transportation, and retail sales.

DISCUSSION DRAFT OF H.R. ———, BOUTIQUE FUEL REDUCTION ACT OF 2006

On June 7, 2006, the Committee on Energy and Commerce held a hearing on a discussion draft entitled H.R. ____, Boutique Fuels Reduction Act of 2006, which would amend the Clean Air Act by providing for a reduction in the number of boutique fuels. The discussion draft sought to build on the limitation placed on the number of boutique fuels eligible for use in State Implementation Plans, established in the Energy Policy Act of 2005, by requiring EPA, in coordination with DOE, to promulgate an approvable Federal fuels list of no more than 3 gasoline fuels each with a different Reid Vapor Pressure (RVP). The discussion draft also sought to clarify temporary waiver authority of the Environmental Protection Agency in extreme and unusual fuel supply or fuel additive supply circumstances to include unexpected problems with distribution or delivery equipment necessary for transportation and delivery of fuel or fuel additives. The Committee received testimony from representatives from the Federal government, State and local air quality officials, and the motor fuels industry.

GROWTH, OPPORTUNITY, COMPETITION—AMERICA GOES TO WORK

On June 29, 2006, the Committee on Energy and Commerce will held an oversight hearing on Growth, Opportunity, Competition—America Goes to Work. The purpose of the hearing was to explore the Department of Commerce's mission to promote foreign and domestic commerce of the United States. The Department of Commerce has taken the responsibility to promote economic development and technological advancement in the U.S. through its various programs and bureaus. The Subcommittee received testimony from the Secretary of the U.S. Department of Commerce.

EXAMINING THE IMPACT OF ILLEGAL IMMIGRATION ON THE MEDICAID PROGRAM AND OUR HEALTHCARE DELIVERY SYSTEM

The Committee on Energy and Commerce had a two-day field hearing to provide Members of the Energy and Commerce Committee with a forum within which to examine the impact of illegal immigration on the health delivery systems of the areas surrounding Brentwood, Tennessee, and Dalton, Georgia, and how recent legislative efforts may impact this growing problem. Specifically, witnesses at the field hearing provided testimony on how §6036 of the Deficit Reduction Act of 2005 (Improved Enforcement of Documentation Requirements) is being implemented in Tennessee and Georgia, and any State plans to potentially implement §6043 of the DRA (Emergency Room Co-payments for Non-emer-

gency Room Care). The first day of the field hearing took place on August 10, 2006, in Brentwood, Tennessee, and the Committee received testimony from Tennessee State Representatives and Senators, CMS, Tenncare, and several local hospitals.

The second day of the hearing took place on August 15, 2006 in Dalton, Georgia. The Committee received testimony from Georgia State Representatives and Senators, Georgia Department of Human Resources (DHR), CMS, and several local hospitals.

IMPROVING NIH MANAGEMENT AND OPERATION: A LEGISLATIVE HEARING ON THE NIH REFORM ACT OF 2006

On September 19, 2006 the Committee on Energy and Commerce held an oversight hearing to encourage legislation on NIH reauthorization. The Committee received testimony from Johns Hopkins Medicine, the American Heart Association, the American Societies for Experimental Biology (FASEB), and the Association of American Medical Colleges (AAMC), and the Director of the NIH.

HEARINGS HELD

Combating Spyware: H.R. 29, the Spy Act.—Hearing on Combating Spyware: H.R. 29, the Spy Act. Hearing held on January 26, 2005. PRINTED, Serial Number 109–10.

Department of Energy's Fiscal Year 2006 Budget Proposal and the Energy Policy Act of 2005: Ensuring Jobs for Our Future with Secure and Reliable Energy.—Oversight hearing on Department of Energy's Fiscal Year 2006 Budget Proposal and the Energy Policy Act of 2005: Ensuring Jobs for Our Future with Secure and Reliable Energy. Hearing held on February 9, 2005. PRINTED, Serial Number 109–3.

A Review of the Administration's Fiscal Year 2006 Health Care Priorities.—Oversight hearing on A Review of the Administration's Fiscal Year 2006 Health Care Priorities. Hearing held on February 17, 2005. PRINTED, Serial Number 109–35.

Competition in the Communications Marketplace: How Technology is Changing the Structure of the Industry.—Oversight hearing on Competition in the Communications Marketplace: How Technology is Changing the Structure of the Industry. Hearing held on March 2, 2005. PRINTED, Serial Number 109–13.

Medicaid Reform: The National Governors Association's Bipartisan Roadmap.—Oversight hearing on Medicaid Reform: The National Governors Association's Bipartisan Roadmap. Hearing held on June 15, 2005. PRINTED, Serial Number 109–22.

Legislation to Reauthorize the National Institutes of Health.—Hearing on Legislation to Reauthorize the National Institutes of Health. Hearing held on July 19, 2005. PRINTED, Serial Number 109–40.

Hurricane Katrina's Effect on Gasoline Supply and Prices.—Oversight hearing on Hurricane Katrina's Effect on Gasoline Supply and Prices. Hearing held on September 7, 2005. PRINTED, Serial Number 109–32.

Medicaid: Empowering Beneficiaries on the Road to Reform.—Oversight hearing on Medicaid: Empowering Beneficiaries on the

Road to Reform. Hearing held on September 8, 2005. PRINTED, Serial Number 109–49.

Assessing the National Pandemic Flu Preparedness Plan.—Oversight hearing on Assessing the National Pandemic Flu Preparedness Plan. Hearing held on November 8, 2005. PRINTED, Serial Number 109–59.

Phone Records For Sale: Why Aren't Phone Records Safe From Pretexting?—Oversight hearing on Phone Records For Sale: Why Aren't Phone Records Safe From Pretexting? Hearing held on February 1, 2006. PRINTED, Serial Number 109–53.

The Administration's FY '07 Health Care Priorities.—Oversight hearing on The Administration's FY '07 Health Care Priorities. Hearing held on February 15, 2006. PRINTED, Serial Number 109–113.

Department of Energy's Fiscal Year 2007 Budget Proposal.—Oversight hearing on Department of Energy's Fiscal Year 2007 Budget Proposal. Hearing held on March 9, 2006. PRINTED, Serial Number 109–82.

H.R. ____, a bill to authorize the National Highway Traffic Safety Administration (NHTSA) to set passenger car fuel economy standards.—Hearing on H.R. ____, a bill to authorize the National Highway Traffic Safety Administration (NHTSA) to set passenger car fuel economy standards. Hearing held on May 3, 2006. PRINTED, Serial Number 109–95.

World Crude-Oil Pricing.—Oversight hearing on World Crude-Oil Pricing. Hearing held on May 4, 2006. PRINTED, Serial Number 109–96.

Gasoline: Supply, Price, and Specifications.—Oversight hearings on Gasoline: Supply, Price, and Specifications. Hearings held on May 10, 2006, and May 11, 2006. PRINTED, Serial Number 109–94.

Discussion draft providing for a reduction in the number of boutique fuels.—Hearing on a Discussion draft providing for a reduction in the number of boutique fuels. Hearing held on June 7, 2006. PRINTED, Serial Number 109–106.

Growth, Opportunity, Competition—America Goes to Work.—Oversight hearing on Growth, Opportunity, Competition—America Goes to Work. Hearing held on June 29, 2006. PRINTED, Serial Number 109–116.

Examining the Impact of Illegal Immigration on the Medicaid Program and Our Healthcare Delivery System.—Oversight hearing on Examining the Impact of Illegal Immigration on the Medicaid Program and Our Healthcare Delivery System. Hearings held on August 10, 2006, and August 15, 2006. PRINTED, Serial Number 109–134.

Improving NIH Management and Operation: A Legislative Hearing on the NIH Reform Act of 2006.—Hearing on Improving NIH Management and Operation: A Legislative Hearing on the NIH Reform Act of 2006. Hearing held on September 19, 2006. PRINTED, Serial Number 109–140.

SUBCOMMITTEE ON COMMERCE, TRADE, AND CONSUMER PROTECTION

(Ratio 16–13)

CLIFF STEARNS, Florida, *Chairman*

FRED UPTON, Michigan
NATHAN DEAL, Georgia
BARBARA CUBIN, Wyoming
GEORGE RADANOVICH, California
CHARLES F. BASS, New Hampshire
JOSEPH R. PITTS, Pennsylvania
MARY BONO, California
LEE TERRY, Nebraska
MIKE FERGUSON, New Jersey
MIKE ROGERS, Michigan
Vice Chairman
C.L. "BUTCH" OTTER, Idaho
SUE MYRICK, North Carolina
TIM MURPHY, Pennsylvania
MARSHA BLACKBURN, Tennessee
JOE BARTON, Texas
(Ex Officio)

JAN SCHAKOWSKY, Illinois
MIKE ROSS, Arkansas
EDWARD J. MARKEY, Massachusetts
EDOLPHUS TOWNS, New York
SHERROD BROWN, Ohio
BOBBY L. RUSH, Illinois
GENE GREEN, Texas
TED STRICKLAND, Ohio
DIANA DEGETTE, Colorado
JIM DAVIS, Florida
CHARLES A. GONZALEZ, Texas
TAMMY BALDWIN, Wisconsin
JOHN D. DINGELL, Michigan
(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; regulation of travel, tourism, and time; and, homeland security-related aspects of the foregoing, including cybersecurity.

LEGISLATIVE ACTIVITIES

WOOL SUIT FABRIC LABELING FAIRNESS AND INTERNATIONAL STANDARDS CONFORMING ACT

Public Law 109–428 (H.R. 4583)

To amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products.

Summary

H.R. 4583 amends the Wool Products Labeling Act of 1939, revising the labeling requirements for certain wool and cashmere products. By revising the labeling requirements, the bill protects consumers and industry participants from deceptively labeled or mislabeled wool or cashmere products by establishing a legal standard for labeling superfine wool and cashmere products based on internationally accepted standards.

Legislative History

H.R. 4583 was introduced in the House by Mrs. Blackburn on December 16, 2005, and was referred to the Committee on Energy and Commerce.

On January 3, 2006, H.R. 4583 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection.

On July 26, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 4583 reported to the House, amended, by a voice vote, a quorum being present.

On September 8, 2006, the Committee on Energy and Commerce reported H.R. 4583 to the House, amended (H. Rept. 109–644).

On September 19, 2006, H.R. 4583 was considered in the House under suspension of the rules and passed, as amended, by voice vote.

On September 20, 2006, H.R. 4583 was received in the Senate read twice, and referred to the Committee on Commerce, Science, and Transportation.

On December 6, 2006, H.R. 4583 was discharged from the Committee on Commerce, Science, and Transportation by unanimous consent, and passed the Senate without amendment by unanimous consent, clearing H.R. 4583 for the White House.

On December 11, 2006, H.R. 4583 was presented to the President and was signed by the President on December 20, 2006 (Public Law 109–428).

UNDERTAKING SPAM, SPYWARE, AND FRAUD ENFORCEMENT WITH ENFORCERS BEYOND BORDERS ACT OF 2005

Public Law 109–455 (S. 1608)

A bill to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes.

Summary

S. 1608 provides the Federal Trade Commission with new authority to combat cross border fraud. Specifically, the Act amends the FTC Act definition of "unfair or deceptive acts or practices" to include acts of foreign commerce that: (1) cause or are likely to cause reasonably foreseeable injury within the United States; or (2) involve material conduct occurring within the United States. S. 1608 creates remedies for such unfair and deceptive acts or practices, including restitution to domestic or foreign victims. S. 1608 also permits the FTC to provide assistance to and share information with foreign government law enforcement agencies in the investigation and enforcement of violations of anti-fraud laws.

Additionally, S. 1608 requires a report by the FTC on its actions with any recommendations for additional legislation.

Legislative History

S. 1608 was introduced by Senator Smith on July 29, 2005, and referred to the Committee on Commerce, Science, and Transportation.

On December 15, 2005, the Committee on Commerce, Science, and Transportation met in open markup session and ordered S. 1608 reported without amendment.

On March 14, 2006, the Committee on Commerce, Science, and Transportation reported S. 1608 without amendment, with written report No. 109–219, and it was placed on Senate Legislative Calendar under General Orders. Calendar No. 372.

On March 16, 2006, S. 1608 passed the Senate by unanimous consent.

The House received S. 1608 on March 28, 2006, and S. 1608 was referred to the Committee on Energy and Commerce Committee.

On April 19, 2006, S. 1608 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection.

On December 9, 2006, S. 1608 passed the House, with an amendment, by unanimous consent.

On December 9, 2006, the Senate concurred in the House amendment to S. 1608, and S. the bill was cleared for the White House.

On December 20, 2006, S. 1608 was presented to the President and was signed by the President on December 22, 2006 (Public Law 109–455).

SECURELY PROTECT YOURSELF AGAINST CYBER TRESPASS ACT (SPY ACT)

(H.R. 29)

To protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, and for other purposes.

Summary

H.R. 29, the Securely Protect Yourself Against Cyber Trespass, or SPY ACT, makes it unlawful for any person who is not the owner or authorized user (user) of a protected computer (a computer exclusively for the use of a financial institution or the U.S. Government, or a computer used in interstate or foreign commerce or communication) to engage in unfair or deceptive acts or practices in connection with specified conduct, including: (1) taking unsolicited control of the computer; (2) modifying computer settings; (3) collecting personally identifiable information; (4) inducing the owner or authorized user to disclose personally identifiable information; (5) inducing the unsolicited installation of computer software; and (6) removing or disabling a security, anti-spyware, or anti-virus technology.

Further, the bill makes it unlawful for a person to: (1) transmit to a protected computer any information collection program (a program that collects personally identifiable information and uses the information to send advertising), unless such program provides notice required by the Act before execution of any of the program's collection functions; or (2) execute any collection information program installed on a protected computer unless, before execution, the user has consented to such execution under notice requirements of the Act. The SPY ACT provides an exception with respect to Web pages visited within a particular website when the information collected is sent only to the provider of the website accessed.

The bill provides for enforcement of violations as unfair or deceptive acts or practices. It also makes the Act inapplicable with respect to: (1) law enforcement actions; (2) monitoring undertaken for network security; and (3) Good Samaritan actions (actions taken in good faith, and with the user's consent, by a computer software or service provider to remove or disable a program which violates this Act).

H.R. 29 directs the Federal Trade Commission to report to Congress: (1) annually on enforcement actions taken under the Act; (2) regarding the use of computer tracking cookies in the delivery or display of advertising to computer owners and users; and (3) concerning information collection programs installed before the effective date of the Act. The bill becomes effective 12 months after its enactment, and is inapplicable after December 31, 2011.

Legislative History

H.R. 29 was introduced by Ms. Bono and referred to the House Committee on Energy and Commerce on January 4, 2005.

On January 26, 2005, the Committee on Energy and Commerce held a hearing on H.R. 29. The Committee received testimony from two high-tech companies, a company specializing in cybersecurity; and a technology think tank.

On February 4, 2005, H.R. 29 was referred to the Subcommittee on Commerce, Trade and Consumer Protection.

On February 16, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection met in open markup session to consider H.R. 29, and the bill was forwarded by the Subcommittee to Full Committee, amended, by a voice vote.

On March 9, 2005, the Committee on Energy and Commerce met in open markup session and ordered H.R. 29 reported to the House, amended, by a record vote of 43 yeas and 0 nays, a quorum being present.

On April 12, 2005, the Committee on Energy and Commerce reported H.R. 29 to the House (H. Rept. 109–32), and it was placed on the Union Calendar, Calendar No. 15.

On May 23, 2005, H.R. 29 was considered under suspension of the rules and passed the House, as amended, by a roll call vote of 393 yeas and 4 nays.

On May 24, 2005, H.R. 29 was received in the Senate, read twice, and referred to the Committee on Commerce, Science, and Transportation. No further action was taken on H.R. 29 in the 109th Congress.

TO AMEND THE HORSE PROTECTION ACT

(H.R. 503)

To amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

Summary

H.R. 503 amends the Horse Protection Act to define: (1) "human consumption" as ingestion by people as a source of food; and (2) "slaughter" as the killing of one or more horses or other equines with the intent to sell or trade the flesh for human consumption. The bill also sets forth additional congressional findings.

H.R. 503 prohibits the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption. The bill authorizes the Secretary of Agriculture to detain for examination,

testing, or the taking of evidence: (1) any horse at any horse show, horse exhibition, or horse sale or auction which is sore or which the Secretary has probable cause to believe is sore; and (2) any horse or other equine which the Secretary has probable cause to believe is being shipped, transported, moved, delivered, received, possessed, purchased, sold, or donated in violation of such prohibition. Finally, this legislation increases the annual authorization of appropriations for administration of the Horse Protection Act from $500,000 to $5,000,000.

Legislative History

H.R. 503 was introduced by Mr. Sweeney and referred to the House Committee on Energy and Commerce on February 1, 2005.

On February 25, 2005, it was referred to the Subcommittee on Commerce, Trade, and Consumer Protection.

On July 13, 2006, the bill was also referred to the Committee on Agriculture, pursuant to a unanimous consent request for a period to be subsequently determined by the Speaker.

On July 25, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held a hearing on H.R. 503. The Subcommittee received testimony from Members of Congress, a businessman from Texas, a professor of veterinary medicine, two practicing veterinarians, the owner of a horse farm, and an equine slaughterhouse business.

On September 6, 2006, the Committee on Energy and Commerce was discharged from further consideration of H.R. 503.

On September 6, 2006, the Committee on Agriculture received an unfavorable executive comment on the bill from the U.S. Department of Agriculture.

On September 6, 2006, the Committee on Agriculture met in open markup session and ordered H.R. 503 reported adversely to the House, amended, by a record vote of 37 yeas and 3 nays. That same day, the Committee on Agriculture reported H.R. 503 to the House, as amended (H. Rept. 109–617, Part I), and H.R. 503 was placed on the Union Calendar, Calendar No. 357.

On September 7, 2006, H.R. 503 was considered in the House under the provisions of H. Res. 981, and passed the House by a roll call vote of 263 yeas, 146 nays, and 1 present.

On September 8, 2006, H.R. 503 was received in the Senate, read the first time, and placed on Senate Legislative Calendar under Read the First Time.

On September 11, 2006, H.R. 503 was read the second time and placed on Senate Legislative Calendar under General Orders. Calendar No. 603.

On September 18, 2006, the Senate's previous actions were vitiated by unanimous consent, and H.R. 503 was returned to the House pursuant to the provisions of H. Res. 1011 by unanimous consent.

On September 20, 2006, H.R. 503 was received in the Senate, and placed on Senate Legislative Calendar under Read the First Time.

On September 21, 2006, H.R. 503 was read the second time and placed on Senate Legislative Calendar under General Orders. Calendar No. 631.

No further action was taken on H.R. 503 in the 109th Congress.

UNITED STATES BOXING COMMISSION ACT

(H.R. 1065)

To establish the United States Boxing Commission to protect the general welfare of boxers and to ensure fairness in the sport of professional boxing.

Summary

H.R. 1065 establishes a Federal Boxing Commission within the Department of Commerce to oversee all professional boxing in the United States and requires the commission to promulgate uniform standards for professional boxing and license boxing personnel, among other things.

Legislative History

H.R. 1065 was introduced by Mr. Stearns on March 2, 2005, and referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On March 14, 2005, H.R. 1065 was referred to the Subcommittee on Commerce, Trade and Consumer Protection of the Energy and Commerce Committee.

On May 25, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection met in open markup session and H.R. 1065 was forwarded to full Committee on Energy and Commerce, amended, by voice vote, a quorum being present.

On June 29, 2005, the Committee on Energy and Commerce met in open mark-up session and ordered H.R. 1065 favorably reported to the House, amended, by a record vote of 25 yeas and 16 nays, a quorum being present.

On July 28, 2005, the Committee on Energy and Commerce reported H.R. 1065 to the House, as amended (H. Rept. 109–209, Part I.).

On July 28, 2005, H.R. 1065 was referred sequentially to the Committee on the Judiciary for a period ending not later than September 30, 2005, for consideration of such provisions of the bill and the amendment as fall within the jurisdiction of that committee pursuant to clause 1(l), rule X.

On July 28, 2005, the House Committee on Education and the Workforce was granted an extension for further consideration ending not later than September 30, 2005.

On September 29, 2005, the Judiciary Committee met in open markup session and ordered H.R. 1065 to be reported without recommendation, amended, by voice vote.

On September 30, 2005, the Committee on Judiciary reported H.R. 1065 to the House, amended, without recommendation (H. Rept. 109–209, Part II).

The Committee on Education and the Workforce was discharged from further consideration of H.R. 1065 on September 30, 2005,

and H.R. 1065 was placed on the Union Calendar, Calendar No. 134.

On November 16, 2005, H.R. 1065 was considered in the House under the provisions of H. Res. 553. H.R. 1065 failed by a roll call vote of 190 yeas and 233 nays.

No further Action was taken on H.R. 1065 in the 109th Congress.

THE SOCIAL SECURITY NUMBER PROTECTION ACT OF 2006

(H.R. 1078)

Summary

H.R. 1078 prohibits the sale or purchase of Social Security numbers and provides for enforcement of the Act. The Federal Trade Commission is directed to promulgate regulations restricting the sale and purchase of Social Security numbers and unfair or deceptive acts in connection with the sale or purchase of Social Security numbers. Additionally, the FTC is directed to include exceptions in their regulations for certain permissible purposes. Enforcement is conducted by the FTC and permits State enforcement of the Act with certain limitations.

Legislative History

Mr. Markey introduced H.R. 1078 on March 3, 2005, and it was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On March 14, 2005, H.R. 1078 was referred to the Subcommittee on Commerce, Trade and Consumer Protection.

On July 26, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 1078 favorably reported to the House, amended, by voice vote, a quorum being present.

On September 29, 2006, the Committee on Energy and Commerce reported H.R. 1078 to the House, as amended, (H. Rept. 109–708 Part I), and the Committee on Ways and Means was granted an extension for further consideration ending not later than November 17, 2006.

On November 17, 2006, Committee on Ways and Means was granted an extension for further consideration ending not later than December 8, 2006.

No further action was taken on H.R. 1078 in the 109th Congress.

DRUG FREE SPORTS ACT

(H.R. 1862, H.R. 2829, H.R. 3084)

To direct the Secretary of Commerce to issue regulations requiring testing for steroids and other performance-enhancing substances for certain sports associations engaged in interstate commerce.

Summary

H.R. 1862, the Drug Free Sports Act directs the Secretary of Commerce to issue regulations requiring professional sports asso-

ciations to adopt and enforce policies and procedures for testing athletes for the use of performance-enhancing substances. The regulations include the substances to be tested and the procedures for testing athletes. The legislation also provides for penalties and fines for violations by athletes or sports leagues for failure to comply with the Act. The Act also provides for certain studies on steroids to be conducted.

Legislative History

On April 26, 2005, H.R. 1862 was introduced by Mr. Stearns (FL) in the House and was referred to the Committee on Energy and Commerce.

On May 18, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held a hearing on H.R. 1862, the Drug Free Sports Act of 2005. The Subcommittee received testimony from representatives of United States Anti-Doping Agency, and the major professional sports leagues and their respective players associations.

On May 19, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection continued its hearing on H.R. 1862, the Drug Free Sports Act of 2005. The Subcommittee received testimony from additional major professional sports leagues and their respective players associations.

On May 25, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection met in open markup session and approved H.R. 1862 for Full Committee consideration, amended, by voice vote, a quorum being present.

No further action was taken on H.R. 1862 in the 109th Congress.

On June 28, 2005, H.R. 3084 was introduced by Mr. Stearns and referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On June 29, 2005, the full Committee on Energy and Commerce met in open markup session and ordered H.R. 3084 favorably reported to the House, amended, by a record vote of 38 yeas and 2 nays, a quorum being present.

On July 28, 2005, the Committee on Energy and Commerce reported H.R. 3084 to the House (H. Rept. 109–210 Part I), and the Committee on Education and the Workforce was granted an extension for further consideration ending not later than September 30, 2005.

On September 30, 2005, Committee on Education and the Workforce was discharged, and H.R. 3084 was placed on the Union Calendar, Calendar No. 133.

No further action was taken on H.R. 3084 in the 109th Congress.

H.R. 2829 was introduced by Mr. Souder on June 9, 2005, and referred to the Committee on Government Reform, and in addition to the Committees on the Judiciary, Energy and Commerce, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On June 16, 2005, the Committee on Government Reform met in open markup session and ordered H.R. 2829 reported to the House, amended, by voice vote.

On June 17, 2005, H.R. 2829 was referred to Energy and Commerce Committee Subcommittee on Health.

On November 18, 2005, the Committee on Government Reform reported H.R. 2829 to the House, as amended (H. Rept. 109–315 Part I). The Amended version included Title II, which provided the Office of National Drug Control Policy authority to promulgate rules regarding steroid policies and testing procedures for professional sports leagues.

On November 18, 2005, the Committees on the Judiciary, Energy and Commerce, and Intelligence (Permanent Select) were granted an extension until December 17, 2005. In addition H.R. 2829 was referred sequentially to the Committee on Education and the Workforce for a period ending not later than December 17, 2005, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X.

On December 17, 2005, the Committees on the Judiciary, Energy and Commerce, Intelligence (Permanent Select), and Education and the Workforce were granted an extension until December 31, 2005.

On December 31, 2005, the Committees on the Judiciary, Energy and Commerce, Intelligence (Permanent Select), and Education and the Workforce were granted an extension until February 3, 2006.

On February 3, 2006, the Committees on the Judiciary, Energy and Commerce, Intelligence (Permanent Select), and Education and the Workforce were granted an extension until March 3, 2006.

On February 16, 2006, the Committee on Energy and Commerce met in markup session and ordered H.R. 2829 reported to the House, without recommendation, amended, by voice vote. H.R. 2829 was amended by striking Title II and replacing it with the text of H.R. 3084, as reported by the Committee on Energy and Commerce.

On March 2, 2006, the Committee on the Judiciary met in open markup session and ordered H.R.2829 reported to the House, amended, by voice vote.

On March 3, 2006, the Committee on Energy and Commerce reported H.R. 2829 to the House, as amended (H. Rept. 109–315, Part II.). Similarly, the Committee on the Judiciary reported H.R. 2829 to the House, as amended. (H. Rept. 109–315, Part III.). The Committees on Intelligence (Permanent) and Education and Workforce both were discharged from further consideration of H.R. 2829, and it was placed on the Union Calendar, Calendar No. 209.

On March 9, 2006, H.R. 2829 was considered in the House under the provisions of H. Res. 713. H.R. 2829 passed the House by a roll call vote: 399 yeas and 5 nays.

On March 16, 2006, H.R. 2829 was received in the Senate, read twice, and referred to the Committee on the Judiciary.

No further action was taken on H.R. 2829 in the 109th Congress.

THE MOTOR VEHICLE OWNER'S RIGHT TO REPAIR ACT

(H.R. 2048)

To protect the rights of consumers to diagnose, service, and repair motor vehicles in the United States, and for other purposes.

Summary

H.R. 2048 requires a manufacturer of a motor vehicle sold or introduced into commerce in the United States to disclose to the vehicle owner or to a repair facility of the motor vehicle owner's choosing the information necessary to diagnose, service, or repair the vehicle. This information includes the same diagnostic tools and capabilities related to vehicle repair that are made available to franchised dealerships shall be made available to independent repair facilities.

The bill also sets forth protections for trade secrets and stipulates that nothing in the Act should be interpreted to require the disclosure of trade secrets.

Under H.R. 2048, the Federal Trade Commission (FTC) is instructed to prescribe a uniform methodology for manufacturer disclosure in writing and on the Internet. However, it prohibits the FTC from prescribing rules that interfere with the authority of the Administrator of the Environmental Protection Agency regarding motor vehicle emissions control diagnostics systems.

A violation, including manufacturer noncompliance with this Act, constitutes an unfair method of competition and an unfair or deceptive act or practice affecting commerce. This is within the purview of the Federal Trade Commission Act and all penalties available to it under the Act.

Legislative History

H.R. 2048 was introduced by Mr. Barton on May 3, 2005, and referred to the Committee on Energy and Commerce.

On May 13, 2005, it was referred to the Subcommittee on Commerce, Trade and Consumer Protection.

The Subcommittee held an oversight hearing regarding the state of industry negotiations to reach a non-legislative solution on November 10, 2005. The purpose of the hearing was to examine the status of industry negotiations to reach a non-legislative solution regarding the availability of service and repair information. Specifically, the industry participants held a series of meetings—facilitated by the Council of Better Business Bureaus—during August and September 2005 in an effort to reach agreement. Witnesses included the Federal Trade Commission, the Council of Better Business Bureaus, the Coalition for Auto Repair Equality, the Alliance of Automobile Manufacturers, the AAA Auto Repair Network, the Automotive Service Association, the National Federation of Independent Business, Association of International Automobile Manufacturers, Automotive Aftermarket Industry Association, and the National Automobile Dealers Association.

The Subcommittee held a legislative hearing on May 17, 2006, on H.R. 2048. Witnesses included Federal Trade Commission, the Coalition for Auto Repair Equality, the Alliance of Automobile Manufacturers, and the National Automotive Task Force.

On May 25, 2006, the Subcommittee met in open markup session and H.R. 2048 was forwarded to the Full Committee, amended, by a record vote of 14 yeas and 13 nays.

No further action was taken on H.R. 2048 in the 109th Congress.

AMERICAN SPIRIT FRAUD PREVENTION ACT

(H.R. 3675)

To amend the Federal Trade Commission Act to increase civil penalties for violations involving unfair or deceptive acts or practices that exploit popular reaction to an emergency or major disaster, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act.

Summary

The American Spirit Fraud Prevention Act amends the Federal Trade Commission Act to double the existing statutory civil penalty for a violation involving an unfair or deceptive act or practice in either a national emergency period or disaster period, or relating to an international disaster, if the act or practice exploits popular reaction to the national emergency or major disaster.

H.R. 3675 directs the court, in such a case, to hold the relevant person, partnership, or corporation liable for a civil penalty of not more than $22,000 for each such violation.

Legislative History

On September 7, 2005, H.R. 3675 was introduced by Mr. Bass and referred to the House Committee on Energy and Commerce.

On September 19, 2005, H.R. 3675 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection.

On October 25, 2005, H.R. 3675 was considered in the House under suspension of the rules and passed the House by a roll call vote of 399 yeas and 3 nays.

On October 26, 2005, H.R. 3675 was received in the Senate and referred to the Committee on Commerce, Science, and Transportation.

On September 27, 2006, H.R. 3675 was ordered reported favorably, without amendment, by the Senate Committee on Commerce, Science, and Transportation.

On December 5, 2006, Committee on Commerce, Science, and Transportation reported H.R. 3675 without amendment, without written report, and placed on Senate Legislative Calendar under General Orders. Calendar No. 669.

No further action taken on H.R. 3675 in the 109th Congress.

DATA ACCOUNTABILITY AND TRUST ACT

(H.R. 3997, H.R. 4127)

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

Summary

The Data Accountability and Trust Act (DATA) requires the Federal Trade Commission (FTC) to promulgate regulations that require each person engaged in interstate commerce that owns or possesses data in electronic form containing personal information to establish and implement policies and procedures regarding security practices for the treatment and protection of such information. The Act also provides for the terms of notification to consumers when their data is breached. Additional provisions provide for the conduct and obligations of data brokers. The Act stipulates penalties for violations and remedies for consumers. Finally, the Act provides for the relationship between Federal and State laws governing information security and notification practices.

Legislative History

On July 28, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held a hearing on a Discussion Draft of Data Protection Legislation. The subcommittee received testimony from representatives of companies in the private sector.

H.R. 3997 was introduced October 6, 2005, by Mr. LaTourette and referred to the Committee on Financial Services.

On March 16, 2006, the Committee on Financial Services met in open markup session and ordered H.R. 3997 reported to the House, amended, by a record vote of 48 yeas and 17 nays.

On May 4, 2006, the Committee on Financial Services reported H.R. 3997 to the House, as amended, (H. Rept. 109–454 Part I). H.R. 3997 was referred sequentially to the House Committee on Energy and Commerce for a period ending not later than June 2, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that Committee pursuant to clause 1(f), rule X.

On May 24, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 3997 favorably reported to the House, amended, by a record vote of 42 yeas and 0 nays, a quorum being present.

On June 2, 2006, the Committee on Energy and Commerce reported H.R. 3997 to the House, as amended (H. Rept. 109–454 Part II), and H.R. 3997 was placed on the Union Calendar, Calendar No. 269.

No further action was taken on H.R. 3997 in the 109th Congress.

H.R. 4127 was introduced by Mr. Stearns and referred to the Committee on Energy and Commerce on October 25, 2005.

On November 1, 2005, it was referred to the Subcommittee on Commerce, Trade, and Consumer Protection.

On November 3, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection met in open markup session and forwarded H.R. 4127 to the full Committee on Energy and Commerce, amended, by a record vote of 13 yeas and 8 nays.

On March 29, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 4127 favorably reported to the House, amended, by a record vote of 41 yeas and 0 nays, a quorum being present.

On May 4, 2006, the Committee on Energy and Commerce reported H.R. 4127 to the House, as amended (H. Rept. 109–453,

Part I), and H.R. 4127 was referred jointly and sequentially to the Committee on Financial Services for a period ending not later than June 2, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(g), rule X, and the Committee on the Judiciary for a period ending not later than June 2, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(1), rule X.

On May 24, 2006, the Committee on Financial Services met in open markup session and ordered H.R. 4127 reported to the House, amended, by voice vote.

On May 25, 2006, the Committee on the Judiciary met in open markup session and ordered H.R. 4127 reported to the House, amended, by voice vote.

On May 26, 2006, the Committee on the Judiciary reported H.R. 4127 to the House, as amended (H. Rept. 109–453, Part II).

On June 2, 2006, the Committee on Financial Services reported H.R. 4127 to the House, amended (H. Rept. 109–453, Part III).

On June 2, 2006, H.R. 4127 was placed on the Union Calendar, Calendar No. 270.

No further action was taken on H.R. 4127 in the 109th Congress.

PREVENTION OF FRAUDULENT ACCESS TO PHONE RECORDS ACT

(H.R. 4943)

To prohibit fraudulent access to telephone records.

Summary

The Prevention of Fraudulent Access to Phone Records Act makes it unlawful to attempt to obtain, or cause to be disclosed to any person, customer proprietary network information (CPNI) relating to any other person by: (1) making a false or fraudulent statement to an officer, employee, or agent of a telecommunications carrier; or (2) providing any document or other information to such officer, employee, or agent that the presenter knows or should have known to be forged, lost, stolen, or otherwise fraudulently obtained, or to contain a false or fraudulent statement or representation. The legislation also prohibits: (1) the solicitation of another person to fraudulently obtain such information; and (2) the sale or other disclosure of CPNI obtained under false pretenses. H.R. 4943 further provides for enforcement through the Federal Trade Commission (FTC).

The legislation also amends the Communications Act of 1934 to expand the responsibilities of telecommunications carriers with respect to the confidentiality of subscriber (customer) calling records. The legislation directs the FCC to prescribe regulations adopting more stringent security standards for CPNI (including detailed customer telephone records) to detect and prevent the fraudulent discloser of such information.

Legislative History

On February 1, 2006, the Subcommittee on Telecommunications and the Internet held a hearing on the fraudulent sale of telephone records. The Committee received testimony from the Federal Com-

munications Commission, the Federal Trade Commission, the Attorney General of Illinois, and representatives of telecommunications providers and privacy groups.

On March 8, 2006, the Full Committee met in open markup session and ordered a Committee Print favorably reported to the House, as amended, by a voice vote, a quorum being present. A request by Mr. Barton to allow a report to be filed on a bill to be introduced by Mr. Barton, and that the actions of the Committee be deemed as actions on that bill, was agreed to by unanimous consent.

On March 14, 2006, H.R. 4943 was introduced by Mr. Barton in the House and was referred to the Committee on Energy and Commerce.

On March 16, 2006, the Committee on Energy and Commerce reported H.R. 4943 (H. Rept. 109–398) which was placed on the Union Calendar, Calendar No. 217.

No further action was taken on H.R. 4943 in the 109th Congress.

FEDERAL ENERGY PRICE PROTECTION ACT OF 2006

(H.R. 5253)

To prohibit price gouging in the sale of gasoline, diesel fuel, crude oil, and home heating oil, and for other purposes.

Summary

H.R. 5253 requires the FTC to promulgate rules against the unfair or deceptive act or practice in violation of the Federal Trade Commission Act for any person to sell crude oil, gasoline, diesel fuel, home heating oil, or any biofuel at a price that constitutes price gouging. The bill contains guidelines for enforcement as well as civil and criminal penalties for violations.

Legislative History

H.R. 5253 was introduced by Ms. Wilson (NM) on May 2, 2006, and referred to the Committee on Energy and Commerce, and on the same day referred to the Subcommittee on Commerce, Trade, and Consumer Protection.

On May 3, 2006, H.R. 5253 was considered in the House under suspension of the rules and passed by a roll call vote of 389 yeas and 34 nays.

On May 4, 2006, H.R. 5253 was received in the Senate.

On May 26, 2006, H.R. 5253 was read the first time and placed on Senate Legislative Calendar under Read the First Time.

On June 5, 2006, H.R. 5253 was read the second time and placed on Senate Legislative Calendar under General Orders. Calendar No. 461.

No further action was taken on H.R. 5253 in the 109th Congress.

REFORM OF NATIONAL SECURITY REVIEWS OF FOREIGN DIRECT INVESTMENTS ACT

(H.R. 5337)

To ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by

which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.

Summary

H.R. 5337 strengthens the process for reviewing foreign investment transactions in U.S. companies, clarify the role of the Committee on Foreign Investment in the United States (CFIUS) and its membership, and improve transparency in the process. The bill establishes CFIUS and its membership as a standing inter-agency Committee chaired by the Secretary of Commerce and sets forth requirements for reviews and investigations and the timing thereof. H.R. 5337 provides criteria and requirements for reviews and automatic investigations of foreign government controlled transactions as well as covered transactions. Additionally, the bill sets forth reporting requirements for CFIUS on its activities to Congressional leadership and the Congressional Committees of jurisdiction.

Legislative History

H.R. 5337 was introduced in the House on May 10, 2006, by Mr. Blunt and was referred to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On June 5, 2006, H.R. 5337 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection.

On June 14, 2006, the Committee on Financial Services met in open markup session and ordered H.R. 5337 reported to the House, amended, by a record vote of 64 yeas and 0 nays.

On June 22, 2006, the Committee on Financial Services reported H.R. 5337 to the House, amended (H. Rept. 109–523, Part I).

On June 22, the Committee on Energy and Commerce and the Committee on International Relations was granted an extension for further consideration ending not later than July 17, 2006.

On July 11, the Subcommittee on Commerce, Trade, and Consumer Protection held a legislative hearing on H.R. 5337. Witnesses included representatives from the Business Roundtable, the Emergency Committee on American Trade, United States-China Economic and Security Review Commission, and a trade expert.

On July 12, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 5337 reported to the House, amended, by voice vote, a quorum being present.

On July 17, 2006, the Committee on Energy and Commerce reported H.R. 5337 to the House, amended (H. Rept. 109–523, Part II).

The Committee on International Relations discharged H.R. 5337 on July 17, 2006, and the bill was placed on the Union Calendar, Calendar No. 329.

On July 26, 2006, H.R. 5337 was considered in the House under suspension of the rules, and passed the House by a roll call vote of 424 yeas and 0 nays.

On July 27, 2006, H.R. 5337 was received in the Senate and placed on the Senate Legislative Calendar under General Orders. (Calendar No. 538.)

No further action was taken on H.R. 5337 in the 109th Congress.

POOL AND SPA SAFETY ACT OF 2006

(S. 3718)

A bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes.

Summary

S. 3718 establishes swimming pool and spa safety requirements, and authorizes State and local governments to enforce these requirements. Violators are subject to the same penalties that would apply for violations of related State and local laws. The bill requires the Consumer Product Safety Commission (CPSC) to establish recommended minimum State law standards for swimming pools and spas requiring: (1) that any outdoor swimming pool or spa is enclosed by an appropriate fence or other barrier to prevent children from gaining unsupervised access; and (2) that any swimming pool or spa with a main drain is equipped with at least one anti-entrapment device.

S. 3718 also directs the CPSC to require, at a minimum, one or more of the following: (1) a safety vacuum release system; (2) a suction-limiting vent system; (3) a gravity drainage system; (4) an automatic pump shut-off system; or (5) some device or system that disables the drain.

S. 3718 requires the CPSC to establish: (1) a state swimming pool safety grant program to provide assistance to States in hiring and training State and local government employees in implementing and enforcing State swimming pool standards, educating the public, and administering safety programs; and (2) an education program to inform the public of methods to prevent drownings and entrapment in swimming pools and spas.

Finally, S. 3718 authorizes $10 million to be appropriated to fund a CPSC grant program to incentivize the States to pass these minimum requirements, and authorizes $5 million to fund a CPSC consumer education program. Both of these authorizations of annual appropriations would extend for 5 years.

Legislative History

S. 3718 was introduced by Senator Allen on July 24, 2006, and referred to the Senate Committee on Commerce, Science, and Transportation.

On September 27, 2006, the Committee on Commerce, Science, and Transportation met in open markup session and ordered S. 3718 to be reported with an amendment in the nature of a substitute favorably.

On September 29, 2006, the Committee on Commerce, Science, and Transportation reported S. 3718 with an amendment in the nature of a substitute with written report No. 109–357. S. 3718 was placed on Senate Legislative Calendar under General Orders. Calendar No. 654.

On December 6, 2006 the Senate passed S. 3718 by unanimous consent.

The House received S. 3718 on December 7, 2006, and it was held at the desk.

On December 9, 2006, S. 3718 was considered in the House under suspension of the rules, and S. 3718 failed by a roll call vote of 191 yeas and 109 nays.

No further action was taken on S. 3718 in the 109th Congress.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT THE FEDERAL TRADE COMMISSION SHOULD INVESTIGATE THE PUBLICATION OF THE VIDEO GAME 'GRANT THEFT AUTO: SAN ANDREAS' TO DETERMINE IF THE PUBLISHER INENTIONALLY DECEIVED THE ENTERTAINMENT SOFTWARE RATINGS BOARD TO AVOID AN 'ADULTS-ONLY' RATING.

(H. Res. 376)

Summary

H. Res. 376 expresses the sense of the House of Representatives that: (1) the Federal Trade Commission should investigate the publication of the video game "Grand Theft Auto: San Andreas" to determine if the publisher, Rockstar Games, intentionally deceived the Entertainment Software Ratings Board to avoid an "Adults-Only" rating; and (2) if it determines Rockstar Games to have committed such deception or fraud, the Commission should apply the toughest of penalties.

Legislative History

H. Res. 376 was introduced by Mr. Upton and referred to the House Committee on Energy and Commerce on July 22, 2005.

On July 25, 2005, H. Res. 376 was considered under suspension of the rules and passed the House, amended, by a roll call vote of 355 yeas, 21 nays, and 1 voting present.

OVERSIGHT ACTIVITIES

STEROIDS IN SPORTS: CHEATING THE SYSTEM AND GAMBLING YOUR HEALTH

On March 10, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Steroids in Sports: Cheating the System and Gambling Your Health. The Subcommittee on Commerce, Trade, and Consumer Protection examined the effect of increased use and availability of steroids on the health of the individuals and integrity of the competitions. Additionally, the Subcommittee examined methods to combat the use of steroids. Witnesses included a current Congressman, a parent of a deceased high school athlete who used steroids, health experts and researchers, the U.S. anti-doping agency, and representatives of

professional, collegiate, and high school athletic leagues and associations.

PROTECTING CONSUMER'S DATA: POLICY ISSUES RAISED BY CHOICEPOINT

On March 15, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Protecting Consumer's Data: Policy Issues Raised by ChoicePoint. The purpose of the hearing was to examine issues related to data security and identity theft. The Subcommittee examined whether existing law provides sufficient protection for consumer information. The Subcommittee received testimony from the Federal Trade Commission, two data brokers, a cybersecurity expert, and an expert on privacy law.

THE DOMINICAN REPUBLIC-CENTRAL AMERICA FREE TRADE AGREEMENT

On April 28, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on the Dominican Republic-Central America Free Trade Agreement. The Subcommittee received testimony from the Office of the U.S. Trade Representative, a representative from the U.S. business industry, a labor group, an advocate for free trade, American manufacturers, the American sugar industry, an economics professor, the U.S. Chamber of Commerce, and an environmental group.

SECURING CONSUMERS' DATA: OPTIONS FOLLOWING SECURITY BREACHES

On May 11, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Securing Consumers' Data: Options Following Security Breaches. This hearing continued the Subcommittee's examination of consumer data security practices and consumer identify theft. The Subcommittee's primary focus was on whether existing law provides adequate protection for consumers and their data. The Subcommittee received testimony from two data brokers, a credit card company, a company specializing in digital encryption, and a law professor.

ISSUES BEFORE THE US-CHINA JOINT COMMISSION ON COMMERCE AND TRADE (JCCT)

On June 9, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on issues before the JCCT. Under Secretary Dudas was Chair of the Intellectual Property Rights Working Group of the JCCT and thus the focus of the hearing centered on IP infringement to U.S. businesses that are estimated to be $2.5 to 3.5 billion in lost sales in 2004. Specifically, China's obligation as a member of the WTO and its commitments to prevent piracy and protect IP were examined, including China's commitments made at the prior meeting of the JCCT. The Subcommittee received testimony from Mr. Jon W. Dudas, Under Secretary of Commerce for Intellectual Property, Director, United States Patent and Trademark Office.

REAUTHORIZATION OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

On June 23, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Reauthorization of the National Highway Traffic Safety Administration. The purpose of the hearing was to inform Subcommittee Members about the pending reauthorization language in the Senate Transportation bill, and the potential inclusion of that language in the Transportation Conference report. The Subcommittee received testimony from the National Highway Traffic and Safety Administration, the insurance industry, the automobile manufacturers, a public interest association that deals with automobile issues, an interest group that specializes in safety with regard to children.

PRODUCT COUNTERFEITING: HOW FAKES ARE UNDERMINING U.S. JOBS, INNOVATION, AND CONSUMER SAFETY

On Wednesday, June 25, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Product Counterfeiting: How Fakes are Undermining U.S. Jobs, Innovation, and Consumer Safety. The purpose of the hearing was to examine issues related to the effects of product counterfeiting on the U.S. economy and consumers. The Subcommittee received testimony demonstrating the global marketplace for counterfeit goods has increased to $600 billion annually, regardless of quality of the product. The witnesses also described the safety implications for consumers and businesses who unknowingly buy or sell fake goods that do not meet safety regulations, such as faulty brake pads and counterfeit pharmaceuticals. Witnesses included representatives from a range of businesses engaged in manufacturing consumer products and pharmaceuticals, trade associations, and coalition of businesses formed to combat counterfeiting.

THE COMMERCE AND CONSUMER PROTECTION IMPLICATIONS OF HURRICANE KATRINA

On September 22, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on The Commerce and Consumer Protection Implications of Hurricane Katrina. This hearing focused on the implications of Hurricane Katrina for the U.S. economy, as well as what might be done to protect consumers from deception and fraud that may arise from the disaster. The Subcommittee received testimony from the Federal Trade Commission, the U.S. Department of Commerce, the manufacturing industry, the travel industry, and a think tank.

PROTECTING PROPERTY RIGHTS AFTER KELO

On October 19, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Protecting Property Rights After Kelo. The hearing examined the impact on property rights for homeowners and businesses of the Supreme Court decision in the Kelo et al v. New London Development Corporation case. Specifically, the use of eminent domain was examined in light of the interpretation to permit condemnation for economic development, or "public benefit," rather than the traditional

constitutional interpretation of "public use." The Subcommittee received testimony from a law professor, property rights advocates, civil rights groups, think tanks, and an association representing property developers.

RIGHT TO REPAIR: INDUSTRY DISCUSSIONS AND LEGISLATIVE OPTIONS

On November 10, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on the Right to Repair: Industry Discussions and Legislative Options. The purpose of the hearing was to examine the status of industry negotiations to reach a non-legislative solution regarding the availability of service and repair information. Specifically, the industry participants held a series of meetings—facilitated by the Council of Better Business Bureaus—during August and September 2005 in an effort to reach agreement. Witnesses included the Federal Trade Commission, the Council of Better Business Bureaus, the Coalition for Auto Repair Equality, the Alliance of Automobile Manufacturers, the AAA Auto Repair Network, the Automotive Service Association, the National Federation of Independent Business, Association of International Automobile Manufacturers, Automotive Aftermarket Industry Association, and the National Automobile Dealers Association.

FAIR USE: ITS EFFECTS ON CONSUMERS AND INDUSTRY

On November 16, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Fair Use: Its Effects on Consumers and Industry. The hearing focused on the concept of "fair use" of copyrighted works: what it is and how it affects consumers and industry. The Subcommittee received testimony from a law professor, the consumer electronics industry, the research libraries; the internet community, two think tanks, the video game industry, and representative from the writing community.

DETERMINING A CHAMPION ON THE FIELD: A COMPREHENSIVE REVIEW OF THE BCS AND POSTSEASON COLLEGE FOOTBALL

On December 7, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Determining a Champion on the Field: A Comprehensive Review of the BCS and Postseason College Football. The purpose of the hearing was to examine the current system for determining a national champion for Division I college football. Included in the discussion of whether the system was fair was the financial impact the bowl system and BCS system have on BCS and non-BCS teams and conferences. The Subcommittee received testimony from witnesses representing bowl coalitions, athletic conferences, a university chancellor, and individual bowls including a BCS bowl and a non-BCS bowl.

LAW AND ECONOMICS OF INTERCHANGE FEES

On February 15, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on the Law and Economics of Interchange Fees. The hearing explored what

these fees are, how payment systems are structured, and how they affect consumers, small businesses, and others. The Subcommittee received testimony from the electronic payments industry, the convenience store industry, a coalition of small businesses, and a public interest group.

CAR TITLE FRAUD: ISSUES AND APPROACHES FOR KEEPING CONSUMERS SAFE ON THE ROAD

On March 1, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing to examine Car Title Fraud: Issues and Approaches for Keeping Consumers Safe on the Road. Specifically, the Subcommittee examined the safety and fraud aspects for consumers that results when a damaged car receives a new title from another State that does not show the damage and is then sold to consumers fraudulently representing or hiding its actual condition. Witnesses described alternatives to the Federal regulatory regimes and the previous attempts to provide uniform Federal titling laws. The subcommittee received testimony from witnesses representing a State Department of Motor Vehicles, a consumer group, and industry participants.

THE INTERSECTION OF THE CONTENT INDUSTRIES AND THE CONSUMER ELECTRONICS INDUSTRY

On March 29 and May 3, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held a two-part oversight hearing exploring the intersection of the content industry and the consumer electronics industry, both how they are interdependent now and how they will continue to be in the future. The March 29, 2006, hearing focused on the video side of the industry, and the Subcommittee received testimony from two consumer electronics companies, the motion picture industry, and the video game industry. The May 3, 2006, hearing focused on the audio side of the industry, and the Subcommittee received testimony from a satellite radio company, the recording industry, the broadcasters; the songwriters, and a high-tech company.

SOCIAL SECURITY NUMBERS IN COMMERCE: RECONCILING BENEFICIAL USES WITH THREATS TO PRIVACY

On May 11, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Social Security Numbers In Commerce: Reconciling Beneficial Uses with Threats to Privacy. The hearing focused on privacy threats with regard to the dissemination of Social Security Numbers. The Subcommittee received testimony from the Federal Trade Commission, the financial industry, an expert in pensions, a lawyer, and an expert in consumer privacy.

VIOLENT AND EXPLICIT VIDEO GAMES: INFORMING PARENTS AND PROTECTING CHILDREN

On June 14, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Violent & Explicit Video Games: Informing Parents & Protecting Children. The hearing focused on the content of video games and the system of

rating those games. The Subcommittee received testimony from the Federal Trade Commission, a large retailer, the video game industry, the video games rating group, a professor of risk analysis and decision science, an expert in technology for children, and a media review public interest group.

PRIVACY IN THE COMMERCIAL WORLD II

On June 20, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Privacy in the Commercial World II. The hearing focused on the state of privacy protections in commercial transactions. The Subcommittee received testimony from an online auction site, a think tank, a law professor, a high-tech company, and an expert in consumer privacy.

MOTOR VEHICLE TECHNOLOGY AND THE CONSUMER: VIEWS FROM THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

On July 18, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Motor Vehicle Technology and the Consumer: Views from the National Highway Traffic Safety Administration. The hearing was about new technologies developing in the world of automobiles. The Subcommittee received testimony from the National Highway Traffic and Safety Administration.

CONTACT LENS SALES: IS MARKET REGULATION THE PRESCRIPTION?

On September 15, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Contact Lens Sales: Is Market Regulation the Prescription? The focus of the hearing was the current state of the contact lens market. The Subcommittee received testimony from the Federal Trade Commission, the Attorney General of the State of Utah, a contact lens retailer, a contact lens manufacturer, a representative of the American Academy of Ophthalmology; and a representative of the American Optometric Association.

ICANN INTERNET GOVERNANCE: IS IT WORKING?

On September 21, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held a joint oversight hearing with the Subcommittee on Telecommunications and the Internet to examine issues related to ICANN. Specifically the Subcommittee examined the trade-related issues of the current structure for U.S. businesses and the consumer benefits of non multi national governmental entity supervising or regulating the Internet, as had been proposed by some countries. The Subcommittees received testimony from the Department of Commerce, the chief executive officer of ICANN, and representatives of the software and information industry as well as public policy organizations.

EDITING HOLLYWOOD'S EDITORS: CLEANING FLICKS FOR FAMILIES

On September 26, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Editing Hollywood's Editors: Cleaning Flicks for Families. The hearing focused on different methods and new technologies that allow consumers to

view movies while muting or removing content that some viewers may find offensive or unnecessarily explicit. The Subcommittee received testimony from a consumer electronics company, the motion picture industry, a representative of the creative community, and a high-tech think tank.

HEARINGS HELD

United States Boxing Commission Act.—Hearing on United States Boxing Commission Act. Hearing held on March 3, 2005. PRINTED, Serial Number 109–6.

Steroids in Sports: Cheating the System and Gambling Your Health.—Oversight hearing on Steroids in Sports: Cheating the System and Gambling Your Health. Hearing held on March 10, 2005. PRINTED, Serial Number 109–65.

Protecting Consumer's Data: Policy Issues Raised by ChoicePoint.—Oversight hearing on Protecting Consumer's Data: Policy Issues Raised by ChoicePoint. Hearing held on March 15, 2005. PRINTED, Serial Number 109–76.

Dominican Republic-Central America Free Trade Agreement.—Oversight hearing on Dominican Republic-Central America Free Trade Agreement. Hearing held on April 28, 2005. PRINTED, Serial Number 109–18.

Securing Consumers' Data: Options Following Security Breaches.—Oversight hearing on Securing Consumers' Data: Options Following Security Breaches. Hearing held on May 11, 2005. PRINTED, Serial Number 109–14.

The Drug Free Sports Act of 2005.—Hearings on The Drug Free Sports Act of 2005. Hearings held on May 18, 2005, and May 19, 2005. PRINTED, Serial Number 109–15.

Issues Before the U.S.-China Joint Commission on Commerce and Trade.—Oversight hearing on Issues Before the U.S.-China Joint Commission on Commerce and Trade. Hearing held on June 9, 2005. PRINTED, Serial Number 109–73.

Product Counterfeiting: How Fakes are Undermining U.S. Jobs, Innovation, and Consumer Safety.—Oversight hearing on Product Counterfeiting: How Fakes are Undermining U.S. Jobs, Innovation, and Consumer Safety. Hearing held on June 15, 2005. PRINTED, Serial Number 109–26.

Reauthorization of the National Highway Traffic Safety Administration.—Oversight hearing on Reauthorization of the National Highway Traffic Safety Administration. Hearing held on June 23, 2005. PRINTED, Serial Number 109–27.

Data Security: The Discussion Draft of Data Protection Legislation.—Hearing on Data Security: The Discussion Draft of Data Protection Legislation. Hearing held on July 28, 2005. PRINTED, Serial Number 109–48.

The Commerce and Consumer Protection Implications of Hurricane Katrina.—Oversight hearing on The Commerce and Consumer Protection Implications of Hurricane Katrina. Hearing held on September 22, 2005. PRINTED, Serial Number 109–74.

Protecting Property Rights After Kelo.—Oversight hearing on Protecting Property Rights After Kelo. Hearing held on October 19, 2005. PRINTED, Serial Number 109–55.

Right to Repair: Industry Discussions and Legislative Options.—Oversight hearing on Right to Repair: Industry Discussions and Legislative Options. Hearing held on November 10, 2005. PRINTED, Serial Number 109–81.

Fair Use: Its Effects on Consumers and Industry.—Oversight hearing on Fair Use: Its Effects on Consumers and Industry. Hearing held on November 16, 2005. PRINTED, Serial Number 109–78.

Determining a Champion on the Field: A Comprehensive Review of the BCS and Postseason College Football.—Oversight hearing on Determining a Champion on the Field: A Comprehensive Review of the BCS and Postseason College Football. Hearing held on December 7, 2005. PRINTED, Serial Number 109–42.

The Law and Economics of Interchange Fees.—Oversight hearing on The Law and Economics of Interchange Fees. Hearing held on February 15, 2006. PRINTED, Serial Number 109–61.

Car Title Fraud: Issues and Approaches for Keeping Consumers Safe on the Road.—Oversight hearing on Car Title Fraud: Issues and Approaches for Keeping Consumers Safe on the Road. Hearing held on March 1, 2006. PRINTED, Serial Number 109–64.

Digital Content and Enabling Technology: Satisfying the 21st Century Consumer.—Oversight hearings on Digital Content and Enabling Technology: Satisfying the 21st Century Consumer. Hearings held on March 29, 2006, and May 3, 2006. PRINTED, Serial Number 109–90.

Social Security Numbers in Commerce: Reconciling Beneficial Uses with Threats to Privacy.—Oversight hearing on Social Security Numbers in Commerce: Reconciling Beneficial Uses with Threats to Privacy. Hearing held on May 11, 2006. PRINTED, Serial Number 109–91.

H.R. 2048, The Motor Vehicle Owners' Right to Repair Act of 2005.—Hearing on H.R. 2048, The Motor Vehicle Owners' Right to Repair Act of 2005. Hearing held on May 17, 2006. PRINTED, Serial Number 109–93.

Violent and Explicit Video Games: Informing Parents and Protecting Children.—Oversight hearing on Violent and Explicit Video Games: Informing Parents and Protecting Children. Hearing held on June 14, 2006. PRINTED, Serial Number 109–105.

Privacy in the Commercial World II.—Oversight hearing on Privacy in the Commercial World II. Hearing held on June 20, 2006. PRINTED, Serial Number 109–99.

CFIUS Reform: H.R. 5337, the Reform of National Security Reviews of Foreign Direct Investments Act.—Hearing on CFIUS Reform: H.R. 5337, the Reform of National Security Reviews of Foreign Direct Investments Act. Hearing held on July 11, 2006. PRINTED, Serial Number 109–110.

Motor Vehicle Technology and the Consumer: Views from the National Highway Traffic Safety Administration.—Oversight hearing on Motor Vehicle Technology and the Consumer: Views from the National Highway Traffic Safety Administration. Hearing held on July 18, 2006. PRINTED, Serial Number 109–111.

H.R. 503, a bill to amend the Horse Protection Act.—Hearing on H.R. 503, a bill to amend the Horse Protection Act. Hearing held on July 25, 2006. PRINTED, Serial Number 109–127.

Contact Lens Sales: Is Market Regulation the Prescription?.—Oversight hearing on Contact Lens Sales: Is Market Regulation the Prescription? Hearing held on September 15, 2006. PRINTED, Serial Number 109–139.

ICANN Internet Governance: Is It Working?.—Joint oversight hearing with the Subcommittee on Telecommunications and the Internet on ICANN Internet Governance: Is It Working? Hearing held on September 21, 2006. PRINTED, Serial Number 109–142.

Editing Hollywood's Editors: Cleaning Flicks for Families.—Oversight hearing on Editing Hollywood's Editors: Cleaning Flicks for Families. Hearing held on September 26, 2006. PRINTED, Serial Number 109–144.

SUBCOMMITTEE ON ENERGY AND AIR QUALITY

(Ratio 18–15)

RALPH HALL, Texas, *Chairman*

MICHAEL BILIRAKIS, Florida
ED WHITFIELD, Kentucky
CHARLIE NORWOOD, Georgia
JOHN SHIMKUS, Illinois
Vice Chairman
HEATHER WILSON, New Mexico
JOHN B. SHADEGG, Arizona
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VITO FOSSELLA, New York
GEORGE RADANOVICH, California
MARY BONO, California
GREG WALDEN, Oregon
MIKE ROGERS, Michigan
C.L. "BUTCH" OTTER, Idaho
JOHN SULLIVAN, Oklahoma
TIM MURPHY, Pennsylvania
MICHAEL C. BURGESS, Texas
JOE BARTON, Texas
(Ex Officio)

RICK BOUCHER, Virginia
MIKE ROSS, Arkansas
HENRY A. WAXMAN, California
EDWARD J. MARKEY, Massachusetts
ELIOT L. ENGEL, New York
ALBERT R. WYNN, Maryland
GENE GREEN, Texas
TED STRICKLAND, Ohio
LOIS CAPPS, California
MICHAEL F. DOYLE, Pennsylvania
TOM ALLEN, Maine
JIM DAVIS, Florida
HILDA L. SOLIS, California
CHARLES A. GONZALEZ, Texas
JOHN D. DINGELL, Michigan
(Ex Officio)

Jurisdiction: National energy policy generally; fossil energy, renewable energy resources and synthetic fuels; energy conservation; energy information; energy regulation and utilization; utility issues and regulation of nuclear facilities; interstate energy compacts; nuclear energy and waste; the Clean Air Act; all laws, programs, and government activities affecting such matters; and, homeland security-related aspects of the foregoing.

LEGISLATIVE ACTIVITIES

ENERGY POLICY ACT OF 2005

Public Law 109–58 (H.R. 6, H.R. 1640)

To ensure jobs for our future with secure, affordable, and reliable energy.

Summary

The Energy Policy Act of 2005 (EPAct 2005) includes a wide variety of provisions intended to increase energy supply and encourage energy efficiency. Provisions within the jurisdiction of the Committee on Energy and Commerce are highlighted below.

EPAct 2005 provides for incentive-based electric transmission rates, allows transmission owners in certain instances with Federal Energy Regulatory Commission (FERC) approval to exercise the right of eminent domain to site new transmission lines, and gives new, but limited, authority to FERC over municipal and cooperative transmission systems. In addition, EPAct 2005 repeals the Public Utility Holding Company Act of 1935 (PUHCA) and gives FERC and State public utility commissions access to books and records, prospectively repeals the mandatory purchase requirement

of the Public Utility Regulatory Policies Act of 1978 (PURPA), and establishes market transparency rules.

EPAct 2005 also authorizes FERC to certify an electric reliability organization to develop and enforce reliability standards for the bulk transmission system. The Act also provides for a system to improve transparency of electricity markets, prohibits round trip trades, and increases civil and criminal penalties for violations of the Federal Power Act.

EPAct 2005 also amends procedures for the relicensing of hydroelectric dams.

Additionally, EPAct 2005 reauthorizes the Price-Anderson Act nuclear liability system through December 31, 2025. Under Price-Anderson, commercial reactor accident damages are paid through a combination of private-sector insurance and a nuclear industry self-insurance system. Price-Anderson also authorizes the Department of Energy (DOE) to indemnify its nuclear contractors.

With regard to transportation, EPAct 2005 creates a renewable fuel standard (RFS) requiring in 2006 the blending of 4.0 billion gallons of renewable fuel with gasoline sold or dispensed to consumers. This number increases to 7.5 billion gallons in 2012. Qualifying as renewable fuel are ethanol (both cellulosic and waste-derived), biodiesel, and other renewable feedstocks. EPAct 2005 amends the Clean Air Act by eliminating the oxygen content requirement for reformulated gasoline while maintaining the emissions reductions gained by the reformulated gasoline program.

EPAct 2005 also provides new Federal authorities and requirements for the Federal Leaking Underground Storage Tank program. For example, it requires onsite inspections of underground storage tanks every three years, establishes operator-training programs where they do not already exist, and institutes a specific new funding category to clean up tank-related releases of oxygenated fuel additives in gasoline, like MTBE.

EPAct 2005 also authorizes EPA, in consultation with DOE, to temporarily waive motor fuel requirements under certain motor fuel supply emergencies and to limit the number of fuels permitted for use in State Implementation Plans.

With regard to energy conservation, EPAct 2005 directs DOE to set efficiency standards for various appliances and sets standards for various commercial appliances. EPAct 2005 also requires progressive annual reductions in energy use by Federal buildings from FY 2003 levels, culminating in a 20% reduction by FY 2015. Furthermore, EPAct 2005 amends the starting and ending dates for Daylight Savings Time beginning in 2007, and authorizes Energy Savings Performance Contracts through 2016.

EPAct 2005 also authorizes the filling of the Strategic Petroleum Reserve to a capacity of one billion barrels.

With regard to technology advancement, EPAct 2005 provides incentives through cost sharing to improve and bring to market new clean coal technologies, and also provides authorization for new programs to develop hydrogen fuel infrastructure. In addition, EPAct 2005 also provides incentives for the development of renewable energy sources such as solar and wind energy.

EPAct 2005 provides authorizations for DOE's fossil fuel program for existing and new coal-based research and development, and pro-

vides authorization for the Secretary of Energy to carry out the Clean Coal Power Initiative, which will provide funding to those projects that can demonstrate advanced coal-based power generating technologies that achieve significant reductions in emissions, and where at least 70 percent of this authorization will be used for projects related to coal-based gasification technology.

Finally, EPAct 2005 launches a program to support hydrogen-powered automobiles on the road by 2020, along with the necessary infrastructure to provide for the safe delivery of hydrogen fuels.

Legislative History

On February 9, 2005, the full Committee on Energy and Commerce held a legislative hearing on the Energy Policy Act of 2005. The Committee received testimony from the Secretary of Energy.

On February 10, 2005, the Subcommittee on Energy and Air Quality conducted a legislative hearing to examine the Energy Policy Act of 2005. The perspectives of the Department of Energy, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission and various representatives of the energy industry were considered. The Subcommittee received testimony from energy representatives of the Federal government, private industry, consumers, and other stakeholders.

On February 16, 2005, the Subcommittee on Energy and Air Quality held a legislative hearing to examine the Energy Policy Act of 2005. The purpose of the hearing was to discuss oil and gas issues, motor fuels and ethanol, nuclear energy, and coal. Also discussed was renewable energy, specifically hydroelectric, hydrogen and solar energy. The subcommittee received testimony from representatives of the oil and gas industry as well as the nuclear power and coal industries, representatives from consumer groups, environmental advocates and advocates for the various types of renewable energy.

On April 5, 6, 12, and 13, 2005, the Committee on Energy and Commerce met in open markup session and ordered a Committee Print reported to the House, amended, by a record vote of 39 yeas and 16 nays, a quorum being present. A request by Mr. Barton that the Committee be permitted to file a report on a bill to be introduced, and that the actions of the Committee be deemed as action on that bill, was agreed to by unanimous consent.

H.R. 1640 was introduced by Mr. Barton on April 14, 2005, and referred to the Committee on Energy and Commerce and, in addition, to the Committees on Science, Resources, Education and the Workforce, Transportation and Infrastructure, Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

The Committee on Energy and Commerce reported H.R. 1640, as amended, to the House, pursuant to the unanimous consent request, on July 29, 2005 (H. Rept. 109–215, Part I).

All Committees were discharged from further consideration of the bill on July 29, 2005, and no further action on H.R. 1640 was taken in the 109th Congress.

On April 18, 2005, Mr. Barton introduced H.R. 6, which was referred to the Committee on Energy and Commerce, and in addition

to the Committees on Education and the Workforce, Financial Services, Agriculture, Resources, Science, Ways and Means, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

As introduced, H.R. 6 contained provisions that were substantially similar to provisions in H.R. 1640, as well as H.R. 1530, H.R. 1533, and H.R. 1705.

On April 20 and April 21, 2005, H.R. 6 was considered in the House pursuant to the provisions of H. Res. 219.

On April 21, 2005, H.R. 6 passed the House, as amended, by a roll call vote of 249 yeas and 183 nays.

H.R. 6 was received in the Senate on April 26, 2005. On June 9, 2005, the bill was read twice and placed on the Senate Legislative Calendar under General Orders. Calendar No. 124.

H.R. 6 was considered in the Senate on June 14, 15, 16, 20, 21, 22, and 23, 2005.

On June 23, 2005, the Senate invoked cloture on H.R. 6 by a record vote of 92 yeas and 4 nays.

On June 28, 2005, H.R. 6 passed the Senate with an amendment by a record vote of 85 yeas and 12 nays, and on July 1, 2005, the Senate requested a conference with the House and appointed conferees.

On July 13, 2005, the House disagreed with the Senate amendment and agreed to go to conference. On July 14, 2005, the Speaker appointed conferees from the Committee on Energy and Commerce for consideration of the House bill and Senate amendment, and modifications committed to conference.

The Conference Committee met on July 14, 19, 21, and 24, 2005. The conferees agreed to file the conference report on July 26, 2005, and the conference report was filed on July 27, 2005 (H. Rept. 109–190).

The House considered and agreed to the conference report, pursuant to H. Res. 394, on July 28, 2005, by a vote of 275 yeas and 156 nays.

On July 28, 2005, the conference report was considered in the Senate by unanimous consent, and on July 29, 2005, the conference report was agreed to by a record vote of 74 yeas and 26 nays and cleared for the White House.

H.R. 6 was presented to the President on August 4, 2005, and was signed by the President on August 8, 2005 (Public Law 109–58).

SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Public Law 109–59 (H.R. 3)

Summary

Titles I and IV of the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, contain provisions which fall within the jurisdiction of the Committee on Energy and Commerce. Title I expands the projects and programs eligible for funding under the Congestion Mitigation and Air Quality Improvement

Program (CMAQ). Additional eligible projects include advanced truck stop electrification, the purchase of alternative fuels, and diesel retrofits, which are given priority along with other cost-effective congestion mitigation activities. It amends Section 108 of the Clean Air Act to limit eligibility of transportation control measures and projects to those that are likely to contribute to a high level of effectiveness in reducing air pollution. Title VI amends Section 176(c) of the Clean Air Act governing transportation conformity. It adjusts the frequency of conformity determinations for Metropolitan Transportation Plans and Transportation Improvement Plans (TIPs) including statewide transportation improvement plans to every four years in nonattainment and maintenance areas, unless a metropolitan planning organization (MPO) elects to update the plan or TIP more frequently or conformity is triggered by an EPA SIP action. The length of time into the future an MPO must examine when determining conformity is also adjusted from 20 years to 10 years in certain circumstances. A one year grace period of 12 months is permitted before a conformity lapse shall be considered to exist and the consequences of a conformity lapse apply. Furthermore certain barriers are removed for regions implementing transportation control measures (TCMs) to improve regional air quality. In addition, Title VI directs EPA to conduct a study of the ability of monitors to differentiate coarse particulate matter and requires EPA to promulgate regulations permitting Governors to petition EPA to exclude air quality data directly due to events such as forest fires or volcanic eruptions from determinations of whether a region is meeting its air quality goals as required under the Clean Air Act. Title VI also includes provisions establishing an EPA program to award grants for the retrofit or replacement of school buses to help localities reduce emissions.

Legislative History

H.R. 3 was introduced by Mr. Young (AK) on February 9, 2005, and referred to the Committee on Transportation and Infrastructure.

On March 2, 2005, the Subcommittee on Energy and Air Quality held a legislative hearing on H.R. 3, to discuss the provisions that would amend the Clean Air Act. The purpose of the hearing was to allow the subcommittee to seek methods of conformity and how those adjustments in the conformity process as described by H.R. 3 will aid in developing transportation plans that meet air quality goals. The subcommittee received testimony from Federal government officials, as well as individuals from the private sector.

On March 2, 2005, the Committee on Transportation and Infrastructure met in open markup session and ordered H.R. 3 reported to the House, amended, by voice vote.

On March 7, 2005, the Committee on Transportation and Infrastructure reported H.R. 3 to the House, amended (H. Rept. 109–12, Part I).

On March 8, 2005, the Committee on Transportation and Infrastructure filed a supplemental report for H.R. 3 to the House, amended (H. Rept. 109–12, Part II).

On March 9 and 10, 2005, H.R. 3 was considered in the House pursuant to H. Res. 140 and H. Res. 144.

On March 10, 2005, H.R. 3 passed the House, as amended, by a roll call vote of 417 yeas and 9 nays.

H.R. 3 was received in the Senate on March 20, 2005. On April 6, 2005, the bill was read twice and placed on the Senate Legislative Calendar under General Orders. Calendar No. 69.

On April 26, 2005, cloture on motion to proceed to consideration of H.R. 3 was invoked in Senate by a record vote of 94 yeas and 6 nays.

On April 27 and 28, and May 9, 10, 11, 12, 13, 16, and 17, 2005, H.R. 3 was considered in the Senate.

On May 17, 2005, H.R. 3 passed the Senate with an amendment by a record vote of 89 yeas and 11 nays.

On May 26, 2005, the Senate requested a conference with the House and appointed conferees.

On May 26, 2005, the House disagreed with the Senate amendment and agreed to go to conference, and the Speaker appointed conferees from the Committee on Energy and Commerce, for consideration of provisions in the House bill and Senate amendment relating to Clean Air Act provisions of transportation planning contained in secs. 6001 and 6006 of the House bill, and sections 6005 and 6006 of the Senate amendment; and sections 1210, 1824, 1833, 5203, and 6008 of the House bill, and sections 1501, 1511, 1522, 1610–1619, 1622, 4001, 4002, 6016, 6023, 7218, 7223, 7251, 7252, 7256–7262, 7324, 7381, 7382, and 7384 of the Senate amendment, and modifications committed to conference.

The conference committee met on June 9, 2005, and the conferees agreed to file the conference report on July 28, 2005 (H. Rept. 109–203).

The House considered and agreed to the conference report, pursuant to H. Res. 399, on July 29, 2005, by a roll call vote of 412 yeas and 8 nays.

On July 29, 2005, the conference report was considered in the Senate, agreed to by a record vote of 91 yeas and 4 nays, and cleared for the White House.

H.R. 3 was presented to and signed by the President on August 10, 2005 (Public Law 109–59).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Public Law 109–163 (H.R. 1815, S. 1042)

To authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes.

Summary

Section 3201 of both bills authorized funds for the Defense Nuclear Facilities Safety Board.

Legislative History

H.R. 1815 was introduced by Mr. Hunter on April 26, 2005, and referred to the Committee on Armed Services.

On May 18, 2005, the Committee on Armed Services met in open markup session and ordered H.R. 1815 reported to the House, amended, by voice vote.

On May 20, 2005, there was an exchange of correspondence between the Committee on Energy and Commerce and the Committee on Armed Services concerning H.R. 1815.

On May 20, 2005, the Committee on Armed Services reported H.R. 1815 to the House, amended, (H. Rept. 109–89). H.R. 1815 was placed on the Union Calendar, Calendar No. 47.

On May 25, 2005, H.R. 1815 was considered in the House pursuant to H. Res. 293, and passed the House, as amended, by a roll call vote of 390 yeas and 39 nays.

H.R. 1815 was received in the Senate on June 6, 2005, read twice and referred to the Committee on Armed Services.

On November 15, 2005, H.R. 1855 was laid before the Senate and passed with an amendment by unanimous consent. The Senate requested a conference with the House and appointed conferees.

On December 15, 2005, the House disagreed with the Senate amendment and agreed to go to conference, and on December 16, 2005, the Speaker appointed conferees from the Committee on Energy and Commerce, for consideration of sections 314, 601, 1032, and 3201 of the House bill, and sections 312, 1084, 2893, 3116, and 3201 of the Senate amendment, and modifications committed to conference.

On December 18, 2005, the conferees filed the conference report (H. Rept. 109–360).

On December 18, 2005, the conference report to accompany H.R. 1815 was considered in the House, and on December 19, 2005, the conference report as unfinished business, and passed the House by a roll call vote of 374 yeas and 41 nays.

On December 21, 2005, the conference report was considered in the Senate, agreed to by a voice vote, and cleared for the White House.

H.R. 1815 was presented to the President on January 3, 2006, and signed by the President on January 6, 2006 (Public Law 109–163).

TO MAKE CERTAIN TECHNICAL CORRECTIONS IN AMENDMENTS MADE BY THE ENERGY POLICY ACT OF 2005

Public Law 109–168 (H.R. 4637)

To make certain technical corrections in amendments made by the Energy Policy Act of 2005.

Summary

H.R. 4637 makes technical corrections to Title XVII of Energy Policy Act of 2005 in Section 1703(c)(4) by striking "clean coal power initiative under subtitle A of title IV for" and inserting "Department of Energy's Clean Coal Power Initiative for Fischer-Tropsch" and in Section 1704(b) by striking "clean coal power initiative under subtitle A of title IV" and inserting "Clean Coal Power Initiative".

Legislative History

H.R. 4637 was introduced by Mr. Gillmor on December 18, 2005, and referred to the Committee on Energy and Commerce.

On December 19, 2005, H.R. 4637 was discharged from the Committee on Energy and Commerce by unanimous consent, and the bill was considered and passed by the House by unanimous consent.

H.R. 4637 was received in the Senate on December 19, 2005, and read twice. On December 22, 2005, H.R. 4637 passed the Senate without amendment by unanimous consent and was cleared for the White House.

H.R. 4637 was presented to the president on January 3, 2006, and signed by the President on January 10, 2006 (Public Law 109–168).

DEFICIT REDUCTION ACT OF 2005

Public Law 109–171 (S. 1932, H.R. 4241)

(Title IX—LIHEAP Provisions)

To provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

Summary

Section 1301 amends the Farm Security and Rural Investment Act of 2002 to reduce FY 2007 funding for the renewable energy systems and energy efficiency improvements program.

Title IX appropriates to the Secretary of Health and Human Services for one-time only obligation and expenditure for low-income energy assistance: (1) $250 million for FY2007; and (2) $750 million for FY2007. A sunset date of September 30, 2007 is established for the provisions of this section.

Legislative History

On October 27, 2005, the Committee on Energy and Commerce met in open markup session and approved the Committee Print entitled Medicaid, Katrina health relief, and Katrina energy relief, as amended, by a record vote of 28 yeas and 22 nays. A motion by Mr. Barton to transmit the recommendations of the Committee, and all appropriate accompanying material including additional, supplemental, or dissenting views, to the House Committee on the Budget, in order to comply with the reconciliation directive included in Section 201(a) of the Concurrent Resolution on the Budget for Fiscal Year 2006, H. Con. Res. 95, and consistent with Section 310 of the Congressional Budget and Impoundment Control Act of 1974, was agreed to by a voice vote.

On October 27, 2005, Mr. Gregg introduced S. 1932 and the Senate Committee on the Budget reported without a written report.

On November 3, 2005, S. 1932 was passed and agreed to in the Senate by a record vote of 52 yeas and 47 nays.

On November 7, 2005, Mr. Nussle introduced H.R. 4241, which included the Medicaid, Katrina health relief, and Katrina energy relief, and the House Committee on The Budget reported an original measure (H. Rept. 109–276).

On November 17, 2005, H.R. 4241 was considered in the House pursuant to H. Res. 560, and passed the House on November 18,

2005, by a roll call vote of 217 yeas and 215 nays. No further action was taken on H.R. 4241 in the 109th Congress.

On November 18, 2005, S. 1932 was considered in the House by unanimous consent, and was agreed to, amended, without objection.

On December 14, 2005, the Senate disagreed to the amendment of the House, and requested a conference on S. 1932 by unanimous consent.

On December 15, 2005, the Senate appointed conferees.

On December 16, 2005, Mr. Nussle asked unanimous consent that the House insist upon its amendment, and agree to a conference. The request was agreed to without objection.

On December 16, 2005, the Speaker of the House appointed conferees for consideration of the Senate bill, and the House amendment thereto, and modifications committed to conference. The Speaker appointed conferees from the Committee on Energy and Commerce for consideration of title III and title VI of the Senate bill and title III of the House amendment, and modifications committed to conference: Barton (TX), Deal (GA), and Dingell.

On December 19, 2005, the conference report to accompany S. 1932 (H. Rept. 109–362) was filed, considered under the provisions of H. Res. 640, and the House agreed to the conference report by a roll call vote of 212 yeas and 206 nays.

On December 19, 20, and 21, 2005, the conference report was considered in the Senate.

On December 21, 2005, Senate concurred in the House amendment with an amendment by a record vote of 51 yeas and 50 nays.

On December 21, 2005, the conference report was defeated by operation of the Budget Act.

On January 31, 2006, the Rules Committee Resolution H. Res. 653 provided for consideration of S. 1932, upon adoption of the resolution, the House shall be deemed to have agreed to the Senate amendment to the House amendment to S. 1932.

On February 1, 2006, the House agreed to the Senate amendment to the House amendment pursuant to H. Res. 653.

On February 7, 2006, S. 1932 was presented to the President and was signed into law by the President on February 8, 2006 (Public Law 109–171).

A BILL TO MAKE AVAILABLE FUNDS INCLUDED IN THE DEFICIT REDUCTION ACT OF 2005 FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM FOR FISCAL YEAR 2006, AND FOR OTHER PURPOSES

Public Law 109–204 (S. 2320)

A bill to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

Summary

S. 2320 makes available $1 billion in additional LIHEAP funds for fiscal year 2006. The funds are allocated as $500 million in regular funds and $500 million in contingency funds. These funds were reallocated and moved to fiscal year 2006 from fiscal year 2007 as provided in Title IX of the Deficit Reduction Act of 2005.

Legislative History

S. 2320 was introduced by Ms. Snowe on February 16, 2006, read the first time, and placed on Senate Legislative Calendar under Read the First Time.

On February 17, 2006, S. 2320 was read twice and placed on the Senate Legislative Calendar under General Orders. Calendar No. 363.

On March 2, 2006, the Senate passed a motion to waive the Budget Act with respect to the measure by a record vote of 66 yeas and 31 nays.

On March 2, 3, and 7, 2006, S. 2320 was considered by the Senate, and on March 7, 2006, the Senate invoked cloture on the bill by a record vote of 75 yeas and 25 nays.

On March 7, 2006, S. 2320 passed the Senate by voice vote.

S. 2320 was received in the House on March 7, 2006, and referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On March 16, 2006, S. 2320 was considered in the House under suspension of the rules, passed by a roll call vote of 287 yeas and 128 nays, and cleared for the White House.

S. 2320 was presented to the President on March 17, 2006, and signed by the President on March 20, 2006 (Public Law 109–204).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Public Law 109–295 (H.R. 5441)

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

Summary

Title IV of H.R. 5441 contained language, relevant to the jurisdiction of the Committee, that prohibited reimbursement of other Federal agencies with Federal funds in fiscal year 2009 and that not more than $3,000 shall be available for official reception and representation purposes. In addition, Title IV prohibited the Department of Homeland Security from obtaining $15 million unless the Domestic Nuclear Detention Office had officially entered into a Memorandum of Understanding (MOU) with each Federal entity and organization that such MOU included a description of the role, responsibilities, and resource commitment of each Federal entity or organization for the global architecture. Finally, Title IV prohibited Federal funding of the Advanced Spectroscopic Portal Monitors (ASPM) until the Department of Homeland Security could certify that a significant increase in operational effectiveness for the ASPM will be achieved.

As part of the General Provisions of H.R. 5441, and related to Rule X, Clause 1(f)(6) of the Rules of the House of Representatives, Section 533 requires the Director of the Domestic Nuclear Detection Office to operate extramural and intramural research, development, demonstrations, testing and evaluation programs so as to

distribute funding through grants, cooperative agreements, other transactions and contracts.

In addition, in Section 611 of H.R. 5441, relating to the Committee's public health jurisdiction, Sections 501 and 504 of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) concerning the Nuclear Incident Response Team were transferred to the Federal Emergency Management Agency and subsumed into other sections of Title V, including Section 517 under that Act.

Legislative History

On May 22, 2006, the House Committee on Appropriations reported an original measure, (H. Rept. 109–476), which was introduced by Mr. Rogers (KY) as H.R. 5441. H.R. 5441 was placed on the Union Calendar, Calendar No. 264.

On May 25, 2006 and June 6, 2006, H.R. 5441 was considered in the House under the provisions of H. Res. 836. On June 6, 2006, H.R. 5441 passed the House by a roll call vote of 389 yeas and 9 nays.

On June 7, 2006, H.R. 5441 was received in the Senate, read twice, and referred to the Committee on Appropriations.

On June 29, 2006, the Committee on Appropriations met in open markup session and ordered H.R. 5441 reported with an amendment in the nature of a substitute favorably.

On June 29, 2006, the Committee on Appropriations reported by Senator Gregg with an amendment in the nature of a substitute, with written report No. 109–273, and placed on Senate Legislative Calendar under General Orders. Calendar No. 503.

On July 11, 12, and 13, 2006, H.R. 5441 was considered by Senate, and on July 13, 2006, H.R. 5441 passed the Senate with an amendment by a record vote of 100 yeas and 0 nays. The Senate insists on its amendment, asked for a conference, and appointed conferees.

On September 21, 2006, the House disagreed to the Senate amendment, and agreed to a conference.

On September 25, 2006, the conferees agreed to file conference report.

On September 28, 2006, the conference report to accompany H.R. 5441 was filed (H. Rept. 109–699).

The conference report to accompany H.R. 5441 was considered in the House pursuant to the provisions of H. Res. 1054 on September 29, 2006, and passed the House by a roll call vote of 412 yeas and 6 nays.

On September 29, 2006, the conference report to accompany H.R. 5441 was considered in the Senate, agreed to by a voice vote, and cleared for the White House.

H.R. 5441 was presented to the President on October 3, 2006, and signed by the President on October 4, 2006 (Public Law 109–295).

TO EXTEND THE DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF A HYDROELECTRIC PROJECT IN THE STATE OF ALASKA

Public Law 109–297 (S. 176)

To extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska.

Summary

S. 176 extends the time in the project license to begin construction on the 5 MW Reynolds Creek hydroelectric project in Alaska for three additional two-year periods that begin four years after the original license was issued by the Federal Energy Regulatory Commission.

Legislative History

S. 176 was introduced by Ms. Murkowski on January 26, 2005, read twice and referred to the Committee on Energy and Natural Resources.

On February 9, 2005, the Committee on Energy and Natural Resources ordered S. 176 reported without amendment favorably.

On March 10, 2005, the Committee on Energy and Natural Resources reported by Senator Domenici without amendment. With written report No. 109–29. S. 176 was placed on Senate Legislative Calendar under General Orders. Calendar No. 42.

On July 26, 2006, S. 176 passed the Senate without amendment by unanimous consent.

S. 176 was received in the House on July 27, 2005, and referred to the Committee on Energy and Commerce.

On August 5, 2006, S. 176 was referred to the Subcommittee on Energy and Air Quality.

On September 13, 2006, the Subcommittee on Energy and Air Quality held a two part hearing. The first half of the hearing examined the Administration's proposal to reform the Nuclear Waste Fund and address impediments to successful completion of the repository. The subcommittee received testimony from the Department of Energy, the Nuclear Regulatory Agency, State and industry representatives, and an environmental advocate.

The second half of the hearing examined five bills, H.R. 4377, H.R. 4417, H.R. 971, S. 176, and S. 244, to extend the start of construction dates in hydroelectric licenses issued by the Federal Energy Regulatory Commission. The subcommittee received testimony from Members of Congress and a representative of the Federal Energy Regulatory Commission.

On September 20, 2006, the Committee on Energy and Commerce met in open markup session and ordered S. 176 favorably reported to the House by voice vote, a quorum being present.

On September 26, 2006, the Committee on Energy and Commerce reported S. 176 to the House (H. Rept. 109–681), and it was placed on the Union Calendar, Calendar No. 411.

On September 26, 2006, S. 176 was considered in the House under suspension of the rules and passed by voice vote.

S. 176 was cleared for the White House on September 26, 2006, and presented to the President on September 28, 2006. The President signed S. 176 on October 5, 2006 (Public Law 109–297).

TO EXTEND THE DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF A HYDROELECTRIC PROJECT IN THE STATE OF WYOMING

Public Law 109–298 (S. 244)

To extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming.

Summary

S. 244 extends the time in the project license to begin construction on the 1.5 MW Swift Creek hydroelectric project in Wyoming for three additional two-year periods that begin four years after the original license was issued by the Federal Energy Regulatory Commission.

Legislative History

S. 244 was introduced by Mr. Thomas (WY) on February 1, 2005, read twice and referred to the Committee on Energy and Natural Resources.

On February 9, 2005, the Committee on Energy and Natural Resources ordered S. 244 reported without amendment favorably.

On March 10, 2005, the Committee on Energy and Natural Resources reported by Senator Domenici without amendment. With written report No. 109–32. S. 244 was placed on Senate Legislative Calendar under General Orders. Calendar No. 45.

On July 26, 2006, S. 244 passed the Senate without amendment by unanimous consent.

S. 244 was received in the House on July 27, 2005, and referred to the Committee on Energy and Commerce.

The Subcommittee on Energy and Air Quality held a hearing on the bill on September 13, 2006.

On August 5, 2006, S. 244 was referred to the Subcommittee on Energy and Air Quality.

On September 13, 2006, the Subcommittee on Energy and Air Quality held a two part hearing. The first half of the hearing examined the Administration's proposal to reform the Nuclear Waste Fund and address impediments to successful completion of the repository. The subcommittee received testimony from the Department of Energy, the Nuclear Regulatory Agency, State and industry representatives, and an environmental advocate.

The second half of the hearing examined five bills, H.R. 4377, H.R. 4417, H.R. 971, S. 176, and S. 244, to extend the start of construction dates in hydroelectric licenses issued by the Federal Energy Regulatory Commission. The subcommittee received testimony from Members of Congress and a representative of the Federal Energy Regulatory Commission.

On September 20, 2006, the Committee on Energy and Commerce met in open markup session and ordered S. 244 favorably reported to the House by voice vote, a quorum being present.

On September 26, 2006, the Committee on Energy and Commerce reported S. 244 to the House (H. Rept. 109–682), and it was Placed on the Union Calendar, Calendar No. 412.

On September 26, 2006, S. 244 was considered in the House under suspension of the rules and passed the bill by voice vote.

S. 244 was cleared for the White House on September 26, 2006, and presented to the President on September 28, 2006. The President signed S. 244 on October 5, 2006 (Public Law 109–298).

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

Public Law 109–347 (H.R. 4954)

To improve maritime and cargo security through enhanced layered defenses, and for other purposes.

Summary

H.R. 4954 authorizes the Department of Homeland Security to establish programs to increase the security of maritime commerce and the international supply chain including provisions to improve detection of biological or radiological threats, coordinate responses to those threats among several agencies including the Department of Energy and the Nuclear Regulatory Commission, and protocols for the resumption of trade following an incident.

Legislative History

H.R. 4954 was introduced by Mr. Lundgren on March 14, 2006, and referred to the Committee on Homeland Security.

On April 26, 2006, the Committee on Homeland Security met in open markup session and ordered H.R. 4954 reported to the House, as amended, by voice vote.

On April 28, 2006, the Committee on Energy and Commerce and the Committee on Homeland Security exchanged correspondence relating to H.R. 4954.

On April 28, 2006, the Committee on Homeland Security reported H.R. 4954 to the House (H. Rept. 109–447, Part I.). H.R. 4954 was referred sequentially to the Committee on Transportation and Infrastructure for a period ending not later than May 1, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(r), rule X.

On May 1, 2006, the Committee on Transportation and Infrastructure was discharged from further consideration of H.R. 4954.

On May 4, 2006, pursuant to the provisions of H. Res. 789, H.R. 4954 was considered by the House and passed by a roll call vote of 421 yeas and 2 nays.

On May 8, 2006, H.R. 4954 was received in the Senate.

On May 15, 2006, H.R. 4954 was read the first time, and placed on Senate Legislative Calendar under read the First Time.

On May 16, 2006, H.R. 4954 was read the second time, and placed on Senate Legislative Calendar under General Orders. Calendar No. 432.

On September 8, 11, 12, 13, and 14, 2006, H.R. 4954 was considered in the Senate.

On September 14, 2006, cloture was invoked in Senate by a record vote of 98 yeas and 0 nays, and H.R. 4954 passed the Senate with an amendment by a record vote of 98 yeas and 0 nays.

On September 19, 2006, the Senate requested a conference with the House and appointed conferees.

On September 28, 2006, the House disagreed with the Senate amendment and agreed to go to conference. The Speaker appointed conferees from the Committee on Energy and Commerce for consideration of Titles VI and X and section 1104 of the Senate amendment, and modifications committed to conference.

The conference report to accompany H.R. 4954 (H. Rept. 109–711) was filed on September 29, 2006.

On September 29, 2006, pursuant to the provisions H. Res. 1064, the conference report to accompany H.R. 4954 was considered in the House and on September 30, 2006, the conference report was agreed to by a roll call vote of 409 yeas and 2 nays.

The Senate agreed to the conference report by unanimous consent on September 30, 2006, and cleared H.R. 4954 for the White House.

H.R. 4954 was presented to the President on October 3, 2006, and was signed by the President on October 13, 2006, (Public Law No. 109–347).

JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Public Law 109–364 (H.R. 5122, S. 2766)

To authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes.

Summary

H.R. 5122 directs the Secretary to designate energy performance goals for DOD military transportation and support systems and installations consistent with the Energy Policy Act of 2005. The bill requires the Secretary to include consideration of alternate energy initiatives for vehicles and military support equipment. It authorizes the Secretary to consider longer positive net value returns for certain equipment upgrades supporting industrial processes. In addition, it requires the Secretary to ensure that energy-efficient products meeting DOD's requirements, if cost-effective over the life cycle of the product and readily available, be used in new facility construction in connection with such systems and installations.

The bill authorizes appropriations to the Department of Energy (DOE) for FY2007 for: (1) activities of the National Nuclear Security Administration (NNSA) in carrying out programs necessary for national security, with specified allocations for weapons activities, defense nuclear nonproliferation activities, naval reactors, and the Office of the Administrator for Nuclear Security; and (2) environmental restoration and waste management activities in carrying out national security programs, with specified allocations for defense environmental cleanup, other defense activities, and defense nuclear waste disposal.

Legislative History

H.R. 5122 was introduced by Mr. Hunter on April 6, 2006, and referred to the Committee on Armed Services.

On May 3, 2006, the Committee on Armed Services met in open markup session and ordered H.R. 5122 reported to the House, amended, by a record vote of 60 yeas and 1 nay.

On May 5, 2006, the Committee on Armed Services reported H.R. 5122 to the House, as amended (H. Rept. 109–452). H.R. 5122 was placed on the Union Calendar, Calendar No. 253.

On May 9, 2006, there was an exchange of correspondence between the Committee on Energy and Commerce and the Committee on Armed Services concerning H.R. 5122.

On May 10 and 11, 2006, the House considered H.R. 5122 pursuant to the provisions of H. Res. 806 and H. Res. 811. On May 11, 2006, H.R. 5122, passed the House by a roll call vote of 396 ayes and 31 nays.

On May 15, 2006, H.R. 5122 was received in the Senate, read twice, and placed on the Senate Legislative Calendar under General Orders. Calendar No. 431.

On June 22, 2006, H.R. 5122 was laid before the Senate and passed with an amendment by unanimous consent. The Senate requested a conference with the House and appointed conferees.

On September 7, 2006, the House disagreed with the Senate amendment and agreed to go to conference, and the Speaker appointed conferees from the Committee on Energy and Commerce, for consideration of sections 314, 601, 602, 710, 3115, 3117, and 3201 of the House bill, and sections 332–335, 352, 601, 722, 2842, 3115, and 3201 of the Senate amendment, and modifications committed to conference.

The Conference Committee met on September 12, 2005, and the conferees filed the conference report to accompany H.R. 5122 on September 29, 2006 (H. Rept. 109–702).

On September 29, 2006, the House considered the conference report to accompany H.R. 5122 pursuant to the provisions of H. Res. 1062, and passed the bill by a roll call vote of 398 yeas and 23 nays.

On September 30, 2006, the conference report was considered in the Senate, agreed to by unanimous consent, and cleared for the White House. H.R. 5122 was presented to the President on October 5, 2006, and signed by the President on October 17, 2006 (Public Law 109–364).

TO EXTEND THE TIME REQUIRED FOR CONSTRUCTION OF A HYDROELECTRIC PROJECT, AND FOR OTHER PURPOSES

Public Law 109–393 (H.R. 4377)

To extend the time required for construction of a hydroelectric project, and for other purposes.

Summary

H.R. 4377 extends the time in the project license to begin construction on the 15 MW Arrowrock hydroelectric project in Idaho by three years from the date of enactment of the bill.

Legislative History

H.R. 4377 was introduced by Mr. Otter on November 17, 2005, and referred to the Committee on Energy and Commerce.

On December 2, 2005, H.R. 4377 was referred to the Subcommittee on Energy and Air Quality.

On September 13, 2006, the Subcommittee on Energy and Air Quality held a two-part hearing. The first half of the hearing examined the Administration's proposal to reform the Nuclear Waste Fund and address impediments to successful completion of the repository. The subcommittee received testimony from the Department of Energy, the Nuclear Regulatory Agency, State and industry representatives, and an environmental advocate.

The second half of the hearing examined five bills, H.R. 4377, H.R. 4417, H.R. 971, S. 176, and S. 244, to extend the start of construction dates in hydroelectric licenses issued by the Federal Energy Regulatory Commission. The subcommittee received testimony from Members of Congress and a representative of the Federal Energy Regulatory Commission.

On September 20, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 4377 favorably reported to the House by voice vote, a quorum being present.

On September 26, 2006, the Committee on Energy and Commerce reported H.R. 4377 to the House (H. Rept. 109–684), and it was placed on the Union Calendar, Calendar No. 414.

On September 26, 2006, H.R 4377 was considered in the House under suspension of the rules and passed the bill by voice vote.

H.R. 4377 was received in the Senate on September 27, 2006, read twice, and placed on the Senate Legislative Calendar under General Orders. Calendar No. 643.

On November 16, 2006, H.R. 4377 passed the Senate by unanimous consent.

H.R. 4377 was presented to the President on December 5, 2006, and signed by the President on December 13, 2006 (Public Law 109–393).

TO STUDY AND PROMOTE THE USE OF ENERGY EFFICIENT COMPUTER SERVERS IN THE UNITED STATES

Public Law 109–431 (H.R. 5646)

To study and promote the use of energy efficient computer servers in the United States.

Summary

H.R. 5646 is a bill to study and promote energy efficient data centers and computer servers. It calls on the Environmental Protection Agency (EPA), through the Energy Star program, to submit to Congress within 180 days a study analyzing the growth and energy consumption of data centers. Specifically, the study, with public input, should include items such as growth trends associated with data centers, analysis of industry usage of energy efficient microchips, potential cost savings associated with the use of energy efficient data centers and servers, potential cost savings to the energy supply chain associated with energy efficient data centers and servers, the use of stationary fuel cells, and their impact on the electric grid, overview of current government incentives, and recommendations for incentives and voluntary programs to encourage use of energy efficient data centers and computing. The bill also

states that it is the sense of Congress that it is in the best interest of the United States for purchasers of computer servers to give a high priority to energy efficiency.

Legislative History

On June 20, 2006, the Committee on Energy and Commerce met in open markup session and ordered a Committee Print, to study and promote the use of energy efficient computer servers in the United States, reported to the House by a voice vote, a quorum being present. A request by Mr. Barton to allow a report to be filed on a bill to be introduced by Mr. Rogers, and that the actions of the Committee be deemed as actions on that bill, was agreed to by unanimous consent.

H.R. 5646 was introduced by Mr. Rogers (MI) on June 20, 2006, and referred to the Committee on Energy and Commerce.

On June 28, 2006, the Committee on Energy and Commerce reported H.R. 5646 to the House, pursuant to the unanimous consent request, (H. Rept. 109–538), and it was placed on the Union Calendar, Calendar No. 302.

On July 12, 2006, H.R 5646 was considered in the House under suspension of the rules and passed the House by a roll call vote of 417 ayes and 4 nays.

H.R. 5646 was received in the Senate on July 13, 2006, and on August 4, 2006, was read twice and referred to the Committee on Energy and Natural Resources.

On December 7, 2006, H.R. 5646 was discharged by the Committee on Energy and Natural Resources by unanimous consent, and passed the Senate by unanimous consent, clearing H.R. 5646 for the White House.

On December 11, 2006, H.R. 5646 was presented to the President and was signed by the President on December 20, 2006 (Public Law 109–431).

THE PIPELINE SAFETY IMPROVEMENT ACT OF 2006

Public Law 109–468 (H.R. 5782)

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

Summary

H.R. 5782 adds a new Federal requirement to existing one-call civil enforcement provisions in the Pipeline Safety Improvement Act (PSIA) for any person who engages in demolition, excavation, tunneling, or construction. The bill amends the State Pipeline Safety Program Certification Section of PSIA (Sec 60105 (b)) to require States to show they are encouraging, promoting, and establishing State programs designed to prevent damage by demolition, excavation, tunneling, or construction activity with appropriate penalties. The bill authorizes the Secretary of Transportation (Secretary) to pay for up to 80 percent of the cost of personnel, equipment, and activities the State authority requires during the calendar year. It also requires the Secretary to issue regulations sub-

jecting low stress hazardous liquid pipelines to the same standards and regulations as other hazardous liquid pipelines, except for the limited exceptions. The bill also authorizes studies, including one with DOE, in consultation with DOT, to review and analyze the domestic transport of crude oil and other petroleum products by pipeline and identify areas where reliability concerns exist or where failure or unplanned loss of individual pipeline facilities may cause shortages of crude oil, petroleum products, or price disruptions. Finally, H.R. 5782 requires the Secretary of DOT to provide a monthly updated summary to the public of all gas and liquid pipeline enforcement actions taken by the Secretary or PHMSA, from the time a notice commencing an action is issued until the enforcement action is final.

Legislative History

H.R. 5782 was introduced by Mr. Young (AK) on July 13, 2006, and referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On July 19, 2006, the Committee on Transportation and Infrastructure met in open markup session and ordered the bill reported to the House, amended, by voice vote.

On July 27, 2006, the Subcommittee on Energy and Air Quality conducted a hearing to examine proposed legislation that would reauthorize the Pipeline Safety Improvement Act of 2002, a Committee Print and H.R. 5782, the Pipeline Safety Improvement Act of 2006. The subcommittee received testimony from a representative of the Department of Transportation, State and industry representatives, and a safety advocate.

On August 1, 2006, H.R. 5782 was referred to the Energy and Commerce Subcommittee on Energy and Air Quality, for a period to be subsequently determined by the Chairman.

On September 27, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 5782 favorably reported to the House, amended, by voice vote, a quorum being present.

The Committee on Transportation and Infrastructure reported H.R. 5782 to the House on December 5, 2006 (H. Rept. 109–717, Part I).

The Committee on Energy and Commerce reported H.R. 5782 to the House on December 5, 2006 (H. Rept. 109–717, Part II), and H.R. 5782 was placed on the Union Calendar, Calendar No. 429.

On December 6, 2006, H.R. 5782 was considered in the House under suspension of the rules, and passed the House, as amended, by voice vote.

On December 6, 2006, H.R. 5782 was received in the Senate and read twice.

On December 7, 2006, H.R. 5782 passed the Senate without amendment by unanimous consent, clearing the bill for the White House.

H.R. 5782 was presented to the President on December 20, 2006, and was signed by the President on December 29, 2006 (Public Law 109–468).

TO EXTEND THE DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF CERTAIN HYDROELECTRIC PROJECTS IN CONNECTICUT, AND FOR OTHER PURPOSES

(H.R. 971)

To extend the deadline for commencement of construction of certain hydroelectric projects in Connecticut, and for other purposes.

Summary

H.R. 971 extends the time in the project licenses to begin construction on three hydroelectric projects in Connecticut until May 30, 2007. The three projects are the 440 kW Hale project, the 373 kW Collinsville Upper and the 1.1 MW Collinsville Lower project. The bill also authorizes the Federal Energy Regulatory Commission to extend the construction start date for the projects for two additional two-year periods.

Legislative History

H.R. 971 was introduced by Mr. Simmons on February 17, 2005, and referred to the Committee on Energy and Commerce.

On March 14, 2005, H.R. 971 was referred to the Subcommittee on Energy and Air Quality.

On September 13, 2006, the Subcommittee on Energy and Air Quality held a two part hearing. The first half of the hearing examined the Administration's proposal to reform the Nuclear Waste Fund and address impediments to successful completion of the repository. The subcommittee received testimony from the Department of Energy, the Nuclear Regulatory Agency, State and industry representatives, and an environmental advocate.

The second half of the hearing examined five bills, H.R. 4377, H.R. 4417, H.R. 971, S. 176, and S. 244, to extend the start of construction dates in hydroelectric licenses issued by the Federal Energy Regulatory Commission. The subcommittee received testimony from Members of Congress and a representative of the Federal Energy Regulatory Commission.

On September 20, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 971 favorably reported to the House by voice vote, a quorum being present.

On September 26, 2006, the Committee on Energy and Commerce report H.R. 971 to the House (H. Rept. 109–683), and it was placed on the Union Calendar, Calendar No. 413.

On September 26, 2006, H.R. 971 was considered in the House under suspension of the rules and passed the bill by voice vote.

H.R. 971 was received in the Senate on September 27, 2006.

On November 13, 2006, H.R. 971 was read twice and referred to the Committee on Energy and Natural Resources

No further action was taken on H.R. 971 during the 109th Congress.

DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2006

(H.R. 1817)

To authorize appropriations for fiscal year 2006 for the Department of Homeland Security, and for other purposes.

Summary

H.R. 1817 mandates the Department of Homeland Security to create a plan and report on how to protect the Nation's "critical infrastructure," including energy, financial services, water, and transportation networks.

Legislative History

On April 26, 2005, H.R. 1817 was introduced by Mr. Cox in the House and referred to the Committee on Homeland Security.

On April 27, 2005, the Committee on Homeland Security met in open markup session and ordered H.R. 1817 reported to the House, amended, by voice vote.

On May 3, 2005, the Committee on Homeland Security Committee reported H.R. 1817 (H. Rept. 109–71, Part I) and H.R. 1817 was referred jointly and sequentially to the Committee on Energy and Commerce, Committee on Government Reform, Committee on the Judiciary, Committee on Science, Committee on Transportation and Infrastructure, Committee on Ways and Means, and Committee on Intelligence (Permanent Select) for a period ending not later than May 13, 2005, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1, rule X.

On May 11, 2005, the Committee on Energy and Commerce met in open markup session and ordered H.R. 1817 reported to the House, amended, by voice vote.

On May 12, 2005, the Committee on the Judiciary met in open markup session and ordered H.R. 1817 reported to the House, amended, by voice vote.

On May 13, 2005, the Committee on Energy and Commerce reported H.R. 1817 to the House (H. Rept. 109–71, Part II). The Committee on the Judiciary reported H.R. 1817 to the House (H. Rept. 109–71, Part III). On the same day, the Committee on Government Reform, Committee on Science, Committee on Transportation, Committee on Ways and Means, and Committee on Intelligence (Permanent) were discharged from further consideration of H.R. 1817.

On May 18, 2005, H.R. 1817 was considered in the House under the provisions of H. Res. 283 and passed the House by a roll call vote of 424 yeas and 4 nays.

On May 19, 2005, H.R. 1817 was received in the Senate and referred to the Committee on Homeland Security and Governmental Affairs.

No further action was taken on H.R. 1817 in the 109th Congress.

UNITED STATES-ISRAEL ENERGY COOPERATION ACT

(H.R. 2730)

To authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.

Summary

H.R. 2730 establishes the framework for a grant program within the Department of Energy's (DOE) Office of Energy Efficiency and Renewable Energy under existing DOE authorities. The grants are to promote and facilitate joint ventures between the United States and Israel concerning renewable energy, alternative energy, and energy efficiency. Specifically, it directs the Secretary of Energy (Secretary), to consult with the United States-Israel Binational Industrial Research and Development Foundation (BIRD) and the United States-Israel Binational Science Foundation (BSF) on the development of the program, the application process, the determination of entities eligible to receive grants and the amount of the grants. It also provides the Secretary with the discretion to seek recoupment of grants from grant recipients where the project has led to a product or process which is marketed or used. The bill also establishes an International Energy Advisory Board within DOE to advise the Secretary on criteria for recipients of the grants and the amounts of the grants. The Board is to be composed of two members from the United States and two members from Israel. The Board members are not paid, except for travel expenses and per diem. The grant program and the Board established under the Act terminate seven years after enactment of the Act. H.R. 2730 authorizes $20 million per year for fiscal years 2006 through 2012.

Legislative History

H.R. 2730 was introduced by Mr. Shadegg on May 26, 2005, and referred to the Committee on Energy and Commerce.

On June 3, 2005, H.R. 2730 was referred to the Subcommittee on Energy and Air Quality.

On June 20, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 2730 favorably reported to the House by voice vote, a quorum being present.

On June 29, 2006, the Committee on Energy and Commerce reported H.R. 2730 to the House (H. Rept. 109–543). The bill was placed on the Union Calendar, Calendar No. 305.

On July 26, 2006, H.R. 2730 was considered in the House under suspension of the rules, and passed the House, as amended, by voice vote.

H.R. 2730 was received in the Senate on July 27, 2006, read twice, and referred to the Committee on Energy and Natural Resources.

No further action was taken on H.R. 2730 during the 109th Congress.

GASOLINE FOR AMERICA'S SECURITY ACT OF 2005

(H.R. 3893)

To expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes.

Summary

H.R. 3893, the GAS Act, sets forth a statutory framework in the wake of Hurricanes Katrina and Rita to: (1) increase refinery capacity for gasoline, heating oil, diesel fuel, and jet fuel; (2) modify environmental and other regulations affecting refineries under the Clean Air Act; and (3) coordinate permitting requirements and other regulations affecting refineries at the Federal, State, and local levels. In particular, the bill includes provisions to encourage the siting of new refineries by giving States, at the request of their Governor, the opportunity to use reformed refinery siting procedures. The bill also directs the President to designate sites on Federal lands, including closed military installations, that are appropriate for the purposes of siting a refinery. Refineries sited pursuant to this Presidential designation would be eligible to use reformed siting procedures, which include identifying the DOE as lead agency for the purposes of coordinating all authorizations required to site and operate a refinery pursuant to Federal law.

The bill also directs the EPA, under the Clean Air Act New Source Review program, to use the maximum legal flexibility under existing law in order to enable energy industry facilities to undertake projects to maintain, to restore, and to improve the efficiency, the reliability, or the availability of such facilities. In addition, the bill provides the President the authority to temporarily waive Federal, and local fuel or fuel additive requirements in the event of an extreme and unusual supply circumstance caused by a natural disaster. The GAS Act also directs the EPA to develop a Federal Fuels List comprised of a total of 6 gasoline and diesel fuels for use in States except California or States dependent on refineries in California for gasoline or diesel fuel. Section 109 of the GAS Act permits a downwind area to seek, by petitioning EPA, an attainment date extension 18 months prior to or within 18 months after its attainment date deadline. The bill also directs the Secretary of Energy to establish and carry out a program to encourage the use of carpooling and vanpooling to reduce the consumption of gasoline and to utilize the internet for carpool and vanpool outreach and marketing activities. The Secretary may make grants to Federal and local governments for carpooling or vanpooling projects.

In addition, H.R. 3893 requires the Federal Trade Commission to study and investigate nationwide gasoline prices in the aftermath of Katrina, including any evidence of price gouging and to study and report to Congress on the effect crude and gasoline futures trading has on gasoline prices. Finally, the bill authorizes the creation of a Strategic Petroleum Reserve Expansion Fund to finance the acquisition of increased capacity for the Reserve and requires that crude oil sold from the Strategic Petroleum Reserve to refiners be used for consumption in the United States and not be resold before it has been refined.

Legislative History

H.R. 3893 was introduced by Mr. Barton on September 26, 2005, and referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Armed Services, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On September 28, 2005, the Committee on Energy and Commerce met in open markup session and ordered H.R. 3893 favorably reported to the House, amended, by voice vote, a quorum being present.

On October 6, 2005, the Committee on Energy and Commerce reported H.R. 3893, as amended, to the House (H. Rept. 109–244, Part I). The Committees on Transportation and Infrastructure, Armed Services, and Resources were discharged from further consideration of the bill at it was placed on the Union Calendar, Calendar No. 135.

The House considered H.R. 3893 under the provisions of H. Res. 481 on October 7, 2005, and passed the bill by a roll call vote of 212 ayes and 210 nays.

H.R. 3893 was received in the Senate on October 17, 2005, and on October 24, 2005, the bill was read twice and referred to the Committee on Energy and Natural Resources.

No further action was taken on H.R. 3893 during the 109th Congress.

PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

(H.R. 4128)

To protect private property rights.

Summary

H.R. 4128, among other things, prohibits States or their political subdivisions that receive Federal funds from exercising their power of eminent domain to further economic development. The bill would terminate the flow of Federal funds to any State or political subdivision that violates the prohibition. The Committee on Energy and Commerce has jurisdiction over the bill because of its potential impact on Federal health payments, telecommunications grants, and energy grant programs, prohibited Federal funds which could include many items under our jurisdiction.

Legislative History

Mr. Sensenbrenner introduced H.R. 4128 on October 25, 2005, and it was referred to the Committee on the Judiciary.

On October 27, 2005 the Committee on the Judiciary met in open markup session and ordered H.R. 4128 favorably reported to the House, amended, by a record vote of 27 yeas and 3 nays.

On October 31, 2005, the Committee on the Judiciary reported H.R. 4128 to the House, amended (H. Rpt. 109–262), and H.R. 4128 was placed on the Union Calendar, Calendar No. 143.

On November 2, 2005, the Committee on the Judiciary and the Committee on Energy and Commerce exchanged correspondence concerning H.R. 1428.

On November 3, 2005, the Committee on Judiciary filed a supplemental report to H.R. 4128 (H. Rpt. 109–262, Part II).

On November 3, 2005, H.R. 4128 was considered in the House pursuant to the provisions of H. Res. 527, and H.R. 4128 passed the House, as amended, by a roll call vote of 376 yeas and 38 nays.

H.R. 4128 was received in the Senate on November 4, 2005, read twice, and referred to the Committee on the Judiciary.

No further action was taken on H.R. 4128 in the 109th Congress.

TO PROVIDE FOR THE REINSTATEMENT OF A LICENSE FOR A CERTAIN FEDERAL ENERGY REGULATORY PROJECT

(H.R. 4417)

To provide for the reinstatement of a license for a certain Federal Energy Regulatory project.

Summary

H.R. 4417 reinstates the project license and extends the time in the project license to begin construction on the 20 MW Tygart Dam hydroelectric project in West Virginia until December 31, 2007.

Legislative History

H.R. 4417 was introduced by Mr. Mollohan on November 18, 2005, and referred to the Committee on Energy and Commerce.

On December 2, 2005, H.R. 4417 was referred to the Subcommittee on Energy and Air Quality.

On September 13, 2006, the Subcommittee on Energy and Air Quality held a two-part hearing. The first half of the hearing examined the Administration's proposal to reform the Nuclear Waste Fund and address impediments to successful completion of the repository. The subcommittee received testimony from the Department of Energy, the Nuclear Regulatory Agency, State and industry representatives, and an environmental advocate.

The second half of the hearing examined five bills, H.R. 4377, H.R. 4417, H.R. 971, S. 176, and S. 244, to extend the start of construction dates in hydroelectric licenses issued by the Federal Energy Regulatory Commission. The subcommittee received testimony from Members of Congress and a representative of the Federal Energy Regulatory Commission.

On September 20, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 4417 favorably reported to the House by voice vote, a quorum being present.

On September 26, 2006, the Committee on Energy and Commerce reported H.R. 4417 to the House (H. Rept. 109–685), and it was placed on the Union Calendar, Calendar No. 415.

On September 26, 2006, H.R. 4417 was considered in the Hosue under suspension of the rules and passed the bill by voice vote.

H.R. 4417 was received in the Senate on September 27, 2006, read twice and placed on the Senate Legislative Calendar under General Orders. Calendar No. 644.

No further action was taken on H.R. 4417 during the 109th Congress.

DEEP OCEAN ENERGY RESOURCES ACT OF 2006

(H.R. 4761)

To provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes.

Summary

Section 4 of H.R. 4761 amends the Outer Continental Shelf Lands Act (OCSLA) to revise the determination of adjacent zones and planning areas in the subsoil and seabed of the outer Continental Shelf (OCS).

Section 20 amends the Energy Policy Act of 2005 to repeal the requirement for a comprehensive inventory of OCS oil and natural gas resources.

Legislative History

H.R. 4761 was introduced by Mr. Jindal on February 15, 2006, and referred to the Committee on Resources.

On June 21, 2006, the Committee on Resources met in open markup session and ordered H.R. 4761 reported to the House, amended, by a record vote of 29 yeas and 9 nays.

On June 26, 2005, there was an exchange of correspondence between the Committee on Energy and Commerce and the Committee on Resources concerning H.R. 4761.

On June 26, 2006, the Committee on Resources reported H.R. 4761 to the House, as amended (H. Rept. 109–531), and it was placed on the Union Calendar, Calendar No. 295.

On June 29, 2006, the House considered H.R. 4761 under the provisions of H. Res. 897, and passed the bill by a roll call vote of 232 ayes and 187 nays.

H.R. 3893 was received in the Senate on July 10, 2006. The bill was read twice and on September 5, 2006, placed on the Senate Legislative Calendar under General Orders. Calendar No. 588.

No further action was taken on H.R. 4761 in the 109th Congress.

REFINERY PERMIT PROCESS SCHEDULE ACT

(H.R. 5254)

To set schedules for the consideration of permits for refineries.

Summary

H.R. 5254 authorizes the Administrator of the Environmental Protection Agency (EPA), upon the request of a State Governor, to provide financial assistance to hire additional personnel to assist the State with expertise in fields relevant to consideration of Federal refinery authorizations.

The bill requires a Federal agency responsible for refinery authorization to provide, upon the request of a State Governor, technical, legal, or other nonfinancial assistance to facilitate State consideration of such authorizations.

The bill also directs the President to appoint a Federal coordinator to facilitate such authorizations.

H.R. 5254 requires the coordinator, upon the request of an applicant seeking a Federal refinery authorization, to establish a memorandum of agreement, executed by relevant Federal and Federal agencies, setting forth the most expeditious coordinated schedule possible for completion of all such authorizations.

The bill grants the U.S. District Court for the district in which the proposed refinery is located exclusive jurisdiction over any civil action for the review of the failure of an agency or official to act on a Federal refinery authorization in accordance with the schedule established pursuant to the memorandum of agreement, and requires expedited review of the civil action.

H.R. 5254 instructs the President to designate at least three closed military installations as potentially suitable for the construction of a refinery, requires that at least one such site be designated as potentially suitable for construction of a refinery to refine biomass in order to produce biofuel, and requires the redevelopment authority, in preparing or revising the redevelopment plan for each such installation, to consider the feasibility and practicability of siting a refinery on it.

In addition, H.R. 5254 amends the Energy Policy Act of 2005 to repeal its requirements for refinery revitalization.

Legislative History

H.R. 5254 was introduced by Mr. Bass on May 2, 2006, and referred to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. In addition, the bill was referred to the Committee on Energy and Commerce Subcommittee on Energy and Air Quality.

On May 3, 2006, H.R. 5254 was considered in the House under suspension of the rules and failed by a roll call vote of 237 yeas and 188 nays.

On June 7, 2006, H.R. 5254 was considered in the House under the provisions of H. Res. 842 and passed the House by a roll call vote of 238 yeas and 179 nays.

H.R. 5254 was received in the Senate on June 8, 2006, read twice and referred to the Committee on Energy and Natural Resources.

The Committee on Energy and Natural Resources held a hearing on H.R. 5254 on July 13, 2006.

No further action was taken on H.R. 5254 during the 109th Congress.

TO AMEND THE AUTOMOBILE FUEL ECONOMY PROVISIONS OF TITLE 49, UNITED STATES CODE, TO AUTHORIZE THE SECRETARY OF TRANSPORTATION TO SET FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES BASED ON ONE OR MORE VEHICLE ATTRIBUTES

(H.R. 5359)

To amend the automobile fuel economy provisions of title 49, United States Code, to authorize the Secretary of Transportation to

set fuel economy standards for passenger automobiles based on one or more vehicle attributes.

Summary

H.R. 5359 amends Federal transportation law to revise passenger automobile fuel economy standards (CAFE standards) to require that average fuel economy standards in effect for the preceding model year for a passenger automobile shall apply to such model year and beyond if the Secretary of Transportation does not prescribe new average fuel economy standards for a given model year. Authorizes the Secretary to prescribe regulations amending average fuel economy standards for passenger automobiles to a maximum feasible average fuel economy level that the Secretary decides automobile manufacturers can achieve in a model year based on one or more vehicle attributes related to fuel economy. (Currently, the Secretary can prescribe average fuel economy standards that the Secretary decides are the maximum feasible average fuel economy level for that model year). The bill eliminates the congressional approval requirement if the Secretary prescribes an amendment that makes an average fuel economy standard more stringent.

The bill also directs the Administrator of the National Highway Traffic Safety Administration to conduct a study, and report the results to Congress and the Administrator of the Environmental Protection Agency, on the effects of the requirement of separate fuel economy calculations for domestic and foreign automobiles.

Legislative History

On May 3, 2006, the Committee on Energy and Commerce held a hearing on H.R. ____, a bill to authorize the National Highway Traffic Safety Administration (NHTSA) to set passenger car fuel economy standards. The committee received testimony from a Member of Congress, the Secretary of Transportation, and other stakeholders.

On Wednesday May 10, 2006, the Full Committee met in open markup session and ordered a Committee Print entitled to amend the automobile fuel economy provisions of title 49, United States Code, to authorize the Secretary of Transportation to set fuel economy standards for passenger automobiles based on one or more vehicle attributes, favorably reported to the House, amended, by a record vote of 28 yeas and 26 nays, a quorum being present. A request by Mr. Barton to allow a report to be filed on a bill to be introduced by Mr. Barton, and that the actions of the Committee be deemed as actions on that bill, was agreed to by unanimous consent.

On May 11, 2006, H.R. 5359 was introduced by Mr. Barton, and referred to the Committee on Energy and Commerce.

On May 22, 2006, the Committee on Energy and Commerce reported H.R. 5359 to the House, pursuant to the unanimous consent request, (H. Rept. 109–475), and it was placed on Union Calendar No. 263.

No further action was taken on H.R. 5359 during the 109th Congress.

TO ESTABLISH A GRANT PROGRAM WHEREBY MONEYS COLLECTED FROM VIOLATIONS OF THE CORPORATE AVERAGE FUEL ECONOMY PROGRAM ARE USED TO EXPAND INFRASTRUCTURE NECESSARY TO INCREASE THE AVAILABILITY OF ALTERNATIVE FUELS

(H.R. 5534)

To provide grants from moneys collected from violations of the corporate average fuel economy program to be used to expand infrastructure necessary to increase the availability of alternative fuels.

Summary

H.R. 5534 establishes in the Treasury a Fuel Economy Fund to be: (1) funded by fines, penalties, and other moneys obtained through certain enforcement actions; and (2) used by the Secretary of Energy to implement a grant program for the construction or expansion of infrastructure necessary to increase the availability to consumers of alternative fuels.

The bill declares eligible for such grant any entity also eligible for assistance through the Clean Cities Program of the Department of Energy, and declares ineligible for such grant any large, vertically integrated oil company.

H.R. 5534 prohibits any grant award totaling more than $60,000 in any fiscal year.

Legislative History

H.R. 5534 was introduced by Mr. Rogers (MI) on June 6, 2006, and referred to the Committee on Energy and Commerce.

On June 19, 2006, the bill was referred to the Subcommittee on Energy and Air Quality.

On June 20, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 5534 favorably reported to the House by voice vote, a quorum being present.

On June 28, 2006, the Committee on Energy and Commerce reported H.R. 5534 to the House (H. Rept. 109–535), and it was placed on the Union Calendar, Calendar No. 299.

On July 24, 2006, H.R. 5534 was considered in the House under suspension of the rules and passed the House a rollcall vote of 355 yeas and 9 nays.

H.R. 5534 was received in the Senate on July 25, 2006, and on August 4, 2006, the bill was read twice and referred to the Committee on Energy and Natural Resources.

No further action was taken on H.R. 5534 during the 109th Congress.

FUEL CONSUMPTION EDUCATION ACT

(H.R. 5611)

To provide for the establishment of a partnership between the Secretary of Energy and appropriate industry groups for the creation of a transportation fuel conservation education campaign, and for other purposes.

Summary

H.R. 5611 directs the Secretary of Energy to enter into a partnership with: (1) interested industry groups to create a public education campaign for U.S. drivers about immediate measures that can be taken to conserve transportation fuel (limits the Federal share of costs to 50%); and (2) and State and local governments to create an education campaign that provides information to such governments and the private sector about best practices to ensure adequate fuel supplies during emergency evacuations.

The Bill authorizes the Secretary to expend not more than $3,000,000 to carry out this section from funds previously authorized to the Office of Energy Efficiency and Renewable Energy.

Legislative History

H.R. 5611 was introduced by Mr. Conaway on June 14, 2006, and referred to the Committee on Energy and Commerce.

On June 19, 2006, the bill was refereed to the Subcommittee on Energy and Air Quality.

On June 20, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 5611 favorably reported to the House, amended, by voice vote, a quorum being present.

On June 28, 2006, the Committee on Energy and Commerce reported H.R. 5611 to the House, amended (H. Rept. 109–536), the was placed on the Union Calendar, Calendar No. 300.

On July 26, 2006, H.R. 5611 was considered in the House under suspension of the rules and passed the House, as amended, by voice vote.

H.R. 5611 was received in the Senate on July 27, 2006, and was read twice and referred to the Committee on Energy and Natural Resources.

No further action was taken on H.R. 5611 during the 109th Congress.

TO AMEND CHAPTER 301 OF TITLE 49, UNITED STATES CODE, TO ESTABLISH A NATIONAL TIRE FUEL EFFICIENCY CONSUMER INFORMATION PROGRAM, AND FOR OTHER PURPOSES

(H.R. 5632)

To amend Chapter 301 of title 49, United States Code, to establish a national tire fuel efficiency consumer information program, and for other purposes.

Summary

H.R. 5632 amends Federal transportation law to direct the Secretary of Transportation to promulgate rules establishing a national motor vehicle tire fuel efficiency consumer information program to educate consumers about the effect of tires on automobile fuel efficiency. The bill requires information to be provided to consumers at the point of sale and other sites.

The bill also requires the Secretary to conduct periodic assessments of the rules to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals with respect to energy consumption.

In addition, the bill prohibits the Secretary from requiring permanent labeling concerning tire fuel efficiency information on a tire.

H.R. 5632 permits a State to enforce a law or regulation on tire fuel efficiency consumer information in effect on January 1, 2006. The bill allows a State to adopt or enforce a tire fuel efficiency consumer information law or regulation that is enacted after January 1, 2006, only if it is identical to the Federal requirement. The bill prohibits anything in this Act from being construed to preempt a State from regulating the fuel efficiency of tires not otherwise preempted under Federal transportation law.

H.R. 5632 Sets forth a civil penalty for persons who fail to comply with the consumer information program requirements of this Act.

Legislative History

H.R. 5632 was introduced by Mr. Shimkus on June 16, 2006, and referred to the Committee on Energy and Commerce.

On June 19, 2006, the bill was referred to the Subcommittee on Energy and Air Quality.

On June 20, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 5632 favorably reported to the House, amended, by voice vote.

On June 28, 2006, the Committee on Energy and Commerce reported H.R. 5632 to the House, amended (H. Rept. 109–537), and it was placed on the Union Calendar, Calendar No. 301.

No further action was taken on H.R. 5632 during the 109th Congress.

OVERSIGHT ACTIVITIES

FUNDING OPTIONS FOR THE YUCCA MOUNTAIN REPOSITORY PROGRAM

On March 10, 2005, the Subcommittee on Energy and Air Quality held an oversight hearing to discuss and review funding options for the Yucca Mountain repository program including guaranteeing that annual Nuclear Waste Fund payments are made accessible to the program for funding purposes. The Nuclear Waste Policy Act (NWPA) of 1982 and its amendments of 1987 established Yucca Mountain as the primary site of long-term nuclear waste disposal. In February of 2002, the President recommended to Congress that Yucca Mountain undergo development into a repository site and instructed the Department of Energy to proceed with construction licensing. On April 8, 2002, however, the Governor of the State of Nevada submitted to the House a statement of disapproval regarding the proposed construction on Yucca Mountain. The Department of Energy was cleared to proceed with construction when on May 8, 2002, the House passed H.J. Res. 87 which overrode the objections voiced by the State of Nevada. The subcommittee received testimony from the State of Nevada as well as from both Federal and State government organizations.

Other impediments will likely prevent the completion of the site by 2010. These include establishment of a transportation program, acquiring Federal land to surround the Yucca Mountain site, and construction activities. The first goal of this hearing was to discuss

and establish funding options so that the estimate of commencing operations in 2010 would be met (DOE later revised this estimate to be 2017 as the earliest practicable date and this change is reflected in other sections of this report).

THE ADMINISTRATION'S CLEAR SKIES INITIATIVE

On May 26, 2005, the Subcommittee on Energy and Air Quality held an oversight hearing to discuss and evaluate the structure of the Administration's Clear Skies Initiative. The goal of the hearing was to illustrate the relationship of the Clear Skies Initiative and the Current Clean Air Act and state the policy goals and principles of the CSI. The subcommittee received testimony from the Council on Environmental Quality and the EPA.

EIA'S REPORT ON SHORT-TERM ENERGY OUTLOOK AND WINTER FUELS OUTLOOK

On October 19, 2005, the Subcommittee on Energy and Air Quality held an oversight hearing to discuss the EIA's projections for the supply and price of crude oil, gasoline, heating oil, diesel, natural gas, propane, coal and electricity for this winter. The subcommittee received testimony from a representative of the Energy Information Administration (EIA).

NATURAL GAS AND HEATING OIL FOR AMERICAN HOMES

On November 2, 2005, the Subcommittee on Energy and Air Quality held an oversight hearing to investigate the supply and cost of heating oil and natural gas for the winter season. These two fuels are primarily used in heating American households during the winter months. The subcommittee received testimony from the Federal Energy Regulatory Commission, the Commodity Futures Trading Commission, the Department of Energy, the National Association of Regulatory Utility Commissioners, representatives of the home heating industry, and advocates of energy efficiency.

UNDERSTANDING THE PEAK OIL THEORY

On December 7, 2005, the Subcommittee on Energy and Air Quality held an oversight hearing to address the challenges of "peak oil," where the rate of world oil production will not be able to increase. Experts believe the peak will occur as early as the year 2025. The subcommittee received testimony from Members of Congress, representatives of the Association for the Study of Peak Oil, the Science Applications International Cooperation, the Cambridge Energy Research Associates and the Canadian Embassy.

STATUS OF THE YUCCA MOUNTAIN PROJECT

On March 15, 2006, the Subcommittee on Energy and Air Quality held an oversight hearing to discuss the status of funding for the development of Yucca Mountain into a repository site for nuclear waste disposal. The subcommittee received testimony from the Department of Energy.

PIPELINE SAFETY: A PROGRESS REPORT SINCE THE ENACTMENT OF "THE PIPELINE SAFETY IMPROVEMENT ACT OF 2002"

On April 27, 2006, the Subcommittee on Energy and Air Quality held an oversight hearing to oversee implications of the Pipeline Safety Improvement Act of 2002 by the Pipelines and Hazardous Material Safety Administration as well as Federal and industry regulators in order to consider reauthorizing the Act. The subcommittee received testimony from the Department of Transportation, the National Transportation Safety Board, the Government Accountability Office, the National Association of Regulatory Utility Commissioners and the National Association of Pipeline Safety Representatives, and from various advocates of the pipeline industry.

UNLOCKING AMERICA'S ENERGY RESOURCES: NEXT GENERATION

On May 18, 2006, the Subcommittee on Energy and Air Quality held an oversight hearing to describe and explore current research into technologies developed for generating electricity for the future. The hearing was an update for the members of the subcommittee on renewable electric generation technologies and the costs associated with such technology as well as forecast the direction such research is heading. The subcommittee received testimony from various government and private representatives of the energy industry.

VEHICLE AND FUELS TECHNOLOGY: NEXT GENERATION

On May 24, 2006, the Subcommittee on Energy and Air Quality held an oversight hearing to examine developments in next generation vehicle and fuel technology. This included an evaluation of hybrid and flexible fuel vehicles as well as the use of diesel fuel, fuel cells, ethanol, biodiesel, natural gas and coal-to-liquids. The subcommittee received testimony from representatives of the Department of Energy, motor car manufacturers, and representatives of the fuel industry.

DOE'S REVISED SCHEDULE FOR YUCCA MOUNTAIN

On July 19, 2006, the Subcommittee on Energy and Air Quality held an oversight hearing to examine the Department of Energy's revised schedule for the development of Yucca Mountain as a nuclear waste repository. The subcommittee received testimony from the Department of Energy.

NUCLEAR WASTE STORAGE AND DISPOSAL POLICY

On September 13, 2006, the Subcommittee on Energy and Air Quality held an oversight hearing to examine nuclear waste storage and disposal policy including H.R. 5360, the Nuclear Fuel Management and Disposal Act. The Subcommittee received testimony from representatives of the Department of Energy, the Nuclear Regulatory Commission, and several industry and stakeholder groups.

HEARINGS HELD

The Energy Policy Act of 2005.—Hearings on The Energy Policy Act of 2005. Hearings held on February 10, 2005, and February 16, 2005. PRINTED, Serial Number 109–1.

Clean Air Act Transportation Conformity Provisions Contained in H.R. 3, "The Transportation Equity Act: A Legacy for Users".—Hearing on Clean Air Act Transportation Conformity Provisions Contained in H.R. 3, "The Transportation Equity Act: A Legacy for Users". Hearing held on March 2, 2005. PRINTED, Serial Number 109–11.

Funding Options for the Yucca Mountain Repository Program.—Oversight hearing on Funding Options for the Yucca Mountain Repository Program. Hearing held on March 10, 2005. PRINTED, Serial Number 109–37.

The Administration's Clear Skies Initiative.—Oversight hearing on The Administration's Clear Skies Initiative. Hearing held on May 26, 2005. PRINTED, Serial Number 109–39.

EIA's Report on Short-term Energy Outlook and Winter Fuels Outlook.—Oversight hearing on EIA's Report on Short-term Energy Outlook and Winter Fuels Outlook. Hearing held on October 19, 2005. PRINTED, Serial Number 109–80.

Natural Gas and Heating Oil for American Homes.—Oversight hearing on Natural Gas and Heating Oil for American Homes. Hearing held on November 2, 2005. PRINTED, Serial Number 109–58.

Understanding the Peak Oil Theory.—Oversight hearing on Understanding the Peak Oil Theory. Hearing held on December 7, 2005. PRINTED, Serial Number 109–41.

Status of the Yucca Mountain Project.—Oversight hearing on the Status of the Yucca Mountain Project. Hearing held on March 15, 2006. PRINTED, Serial Number 109–71.

Pipeline Safety: A Progress Report Since the Enactment of The Pipeline Safety Improvement Act of 2002.—Oversight hearing on Pipeline Safety: A Progress Report Since the Enactment of The Pipeline Safety Improvement Act of 2002. Hearing held on April 27, 2006. PRINTED, Serial Number 109–84.

Unlocking America's Energy Resources Next Generation.—Oversight hearing on Unlocking America's Energy Resources Next Generation. Hearing held on May 18, 2006. PRINTED, Serial Number 109–101.

Vehicle and Fuels Technology: Next Generation.—Oversight hearing on Vehicle and Fuels Technology: Next Generation. Hearing held on May 24, 2006. PRINTED, Serial Number 109–103.

DOE's Revised Schedule for Yucca Mountain.—Oversight hearing on DOE's Revised Schedule for Yucca Mountain. Hearing held on July 19, 2006. PRINTED, Serial Number 109–118.

Discussion Draft on the Pipeline Safety Improvement Act Reauthorization and H.R. 5782, the Pipeline Safety Improvement Act of 2006.—Hearing on Discussion Draft on the Pipeline Safety Improvement Act Reauthorization and H.R. 5782, the Pipeline Safety Improvement Act of 2006. Hearing held on July 27, 2006. PRINTED, Serial Number 109–133.

Nuclear waste storage and disposal policy, and hydroelectric license extension and energy efficiency legislation.—Oversight hearing on Nuclear waste storage and disposal policy, and hydroelectric license extension and energy efficiency legislation. Hearing held on September 13, 2006. PRINTED, Serial Number 109–138.

SUBCOMMITTEE ON ENVIRONMENT AND HAZARDOUS MATERIALS

(Ratio 16–13)

PAUL E. GILLMOR, Ohio, *Chairman*

RALPH M. HALL, Texas
NATHAN DEAL, Georgia
HEATHER WILSON, New Mexico
JOHN B. SHADEGG, Arizona
Vice Chairman
VITO FOSSELLA, New York
CHARLES F. BASS, New Hampshire
JOSEPH R. PITTS, Pennsylvania
MARY BONO, California
LEE TERRY, Nebraska
MIKE ROGERS, Michigan
C.L. "BUTCH" OTTER, Idaho
SUE MYRICK, North Carolina
JOHN SULLIVAN, Oklahoma
TIM MURPHY, Pennsylvania
JOE BARTON, Texas
(Ex Officio)

HILDA L. SOLIS, California
FRANK PALLONE, JR., New Jersey
BART STUPAK, Michigan
ALBERT R. WYNN, Maryland
LOIS CAPPS, California
MICHAEL F. DOYLE, Pennsylvania
TOM ALLEN, Maine
JAN SCHAKOWSKY, Illinois
JAY INSLEE, Washington
GENE GREEN, Texas
CHARLES A. GONZALEZ, Texas
TAMMY BALDWIN, Wisconsin
JOHN D. DINGELL, Michigan
(Ex Officio)

Jurisdiction: Environmental protection in general, including the Safe Drinking Water Act and risk assessment matters; solid waste, hazardous waste and toxic substances, including Superfund and RCRA; mining, oil, gas, and coal combustion wastes; noise pollution control; and, homeland security-related aspects of the foregoing.

LEGISLATIVE ACTIVITIES

REAL ID ACT OF 2005

Public Law 109–13 (H.R. 1268, H.R. 418)

(Environmental Provisions)

To establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence.

Summary

Section 102 of H.R. 418 provides the Secretary of Homeland Security with the authority to waive applicable environmental law, such as the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act CERCLA, for the purpose of building roads and barriers.

Legislative History

H.R. 418 was introduced by Mr. Sensenbrenner on January 26, 2005, and referred to the Committee on the Judiciary and, in addition, to the Committees on Homeland Security and Government

Reform for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On February 8, 2005, there was an exchange of correspondence between the Committee on Energy and Commerce and the Committee on the Judiciary concerning H.R. 418.

On February 9, 2005, H.R. 418 was considered in the House pursuant to the provisions of H. Res. 71.

On February 10, 2005, the bill was considered as unfinished business in the House pursuant to the provisions of H. Res. 75 and passed the House, as amended, by a roll call vote of 261 yeas and 161 nays.

H.R. 418 was received in the Senate on February 14, 2005, and was referred to the Committee on the Judiciary.

No further action was taken on H.R. 418 in the 109th Congress.

On March 11, 2005, the Committee on Appropriations reported an original measure to the House (H. Rept. 109–16).

H.R. 1268 was introduced by Mr. Lewis (CA) on March 11, 2005, and placed on the Union Calendar.

On March 16, 2005, the House considered H.R. 1268 pursuant to the provisions of H. Res. 151, and the text of H.R. 418, as passed House, was appended as Division B to the end of H.R. 1268. The House passed H.R. 1268, as amended, by a roll call vote of 388 yeas and 43 nays.

H.R. 1268 was received in the Senate on March 16, 2005, read twice, and referred to the Committee on Appropriations.

On April 6, 2005, the Committee on Appropriations met in open markup session and ordered H.R. 1268 reported to the Senate, amended. The Committee on Appropriations reported by Senator Cochran with an amendment in the nature of a substitute and an amendment to the title with written report No. 109–52, and the bill was placed on the Senate Legislative Calendar under General Orders. Calendar No. 67.

On April 11, 12, 13, 14, 15, 18, 19, 20, and 21, 2005, H.R. 1268 was considered in the Senate.

On April 19, 2005, cloture was invoked in the Senate by a record vote of 100 yeas and 0 nays.

On April 21, 2005, H.R. 1268 passed the Senate by a record vote of 99 yeas and 0 nays, requested a conference with the House, and appointed conferees.

On April 26, 2005, the House disagreed with the Senate amendment, agreed to go to conference, and the Speaker appointed conferees.

The conference met on April 27 and 28, 2005.

On May 3, 2005, the conference report to accompany H.R. 1268 was filed in the House (H. Rept. 109–72).

The conference report to accompany H.R. 1268 was considered in the House pursuant to the provisions of H. Res. 258 on May 5, 2005, and passed the House by a roll call vote of 368 yeas, 58 nays, and 1 present.

On May 10, 2005, the conference report to accompany H.R. 1268 was considered in the Senate and agreed to by a vote of 100 yeas and 0 nays and cleared for the White House.

H.R. 1268 was presented to and signed by the President on May 11, 2005 (Public Law 109–13).

ENERGY POLICY ACT OF 2005

Public Law 109–58 (H.R. 6, H.R. 1640)

To ensure jobs for our future with secure, affordable, and reliable energy.

Summary

The Energy Policy Act of 2005 (EPAct 2005) includes a wide variety of provisions intended to increase domestic energy supply and encourage energy efficiency. The bill is based largely on energy legislation that was passed in differing forms by the House and Senate in the 108th Congress (H.R. 6), but ultimately not enacted.

With regard to the Subcommittee on Environment and Hazardous Materials, the Energy Policy Act of 2005 contains two major provisions on issues that fall with the jurisdiction: hydraulic fracturing and Leaking Underground Storage Tank. Section 322 of the Energy Policy Act of 2005 amends Section 1421(d)(1) of the Safe Drinking Water Act (42 U.S.C. 330h(d)(1)) to exempt the practice of hydraulic fracturing, unless diesel fuel is the fluid or propping agent used, from Federal regulation under Part C of the Safe Drinking Water Act relating to Underground Injection Control. In addition, Subtitle B of Title XV (Sections 1521–1533) contains several provisions that reform the Leaking Underground Storage Tank (LUST) Program. These include increased funding for underground storage tank (UST) cleanup efforts, mandatory periodic onsite inspections of USTs, the institution of delivery prohibitions for noncompliant tanks, the creation of UST operator training programs, and options for States to require secondary containment of USTs or establish financial assurance mechanisms cleanup of releases caused by UST installers.

Legislative History

On February 9, 2005, the full Committee on Energy and Commerce held a legislative hearing on the Energy Policy Act of 2005. The Committee received testimony from the Secretary of Energy.

On February 10, 2005, the Subcommittee on Energy and Air Quality conducted a legislative hearing to examine the Energy Policy Act of 2005. The perspectives of the Department of Energy, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission and various representatives of the energy industry were considered. The Subcommittee received testimony from energy representatives of the Federal government, private industry, consumers, and other stakeholders.

On February 16, 2005, the Subcommittee on Energy and Air Quality held a legislative hearing to examine the Energy Policy Act of 2005. The purpose of the hearing was to discuss oil and gas issues, motor fuels and ethanol, nuclear energy, and coal. Also discussed was renewable energy, specifically hydroelectric, hydrogen, and solar energy. The subcommittee received testimony from representatives of the oil and gas industry as well as the nuclear power and coal industries, representatives from consumer groups,

environmental advocates, and advocates for the various types of renewable energy.

On April 5, 6, 12, and 13, 2005, the Committee on Energy and Commerce met in open markup session and ordered a Committee Print reported to the House, amended, by a record vote of 39 yeas and 16 nays, a quorum being present. A request by Mr. Barton that the Committee be permitted to file a report on a bill to be introduced, and that the actions of the Committee be deemed as action on that bill, was agreed to by unanimous consent.

H.R. 1640 was introduced by Mr. Barton on April 14, 2005, and referred to the Committee on Energy and Commerce and, in addition, to the Committees on Science, Resources, Education and the Workforce, Transportation and Infrastructure, Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

The Committee on Energy and Commerce reported H.R. 1640, as amended, to the House, pursuant to the unanimous consent request, on July 29, 2005 (H. Rept. 109–215, Part I).

All Committees were discharged from further consideration of the bill on July 29, 2005, and no further action on H.R. 1640 was taken in the 109th Congress.

On April 18, 2005, Mr. Barton introduced H.R. 6, which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Financial Services, Agriculture, Resources, Science, Ways and Means, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

As introduced, H.R. 6 contained provisions that were substantially similar to provisions in H.R. 1640, as well as H.R.1530, H.R.1533, and H.R.1705.

On April 20 and April 21, 2005, H.R. 6 was considered in the House pursuant to the provisions of H. Res. 219.

On April 21, 2005, H.R. 6 passed the House, as amended, by a roll call vote of 249 yeas and 183 nays.

H.R. 6 was received in the Senate on April 26, 2005. On June 9, 2005, the bill was read twice and placed on the Senate Legislative Calendar under General Orders. Calendar No. 124.

H.R. 6 was considered in the Senate on June 14, 15, 16, 20, 21, 22, and 23, 2005.

On June 23, 2005, the Senate invoked cloture on H.R. 6 by a record vote of 92 yeas and 4 nays.

On June 28, 2005, H.R. 6 passed the Senate with an amendment by a record vote of 85 yeas and 12 nays, and on July 1, 2005, the Senate requested a conference with the House and appointed conferees.

On July 13, 2005, the House disagreed with the Senate amendment and agreed to go to conference. On July 14, 2005, the Speaker appointed conferees from the Committee on Energy and Commerce for consideration of the House bill and Senate amendment, and modifications committed to conference.

The Conference Committee met on July 14, 19, 21, and 24, 2005. The conferees agreed to file the conference report on July 26, 2005, and the conference report was filed on July 27, 2005 (H. Rept. 109–190).

The House considered and agreed to the conference report, pursuant to H. Res. 394, on July 28, 2005, by a vote of 275 yeas and 156 nays.

On July 28, 2005, the conference report was considered in the Senate by unanimous consent, and on July 29, 2005, the conference report was agreed to by a record vote of 74 yeas and 26 nays and cleared for the White House.

H.R. 6 was presented to the President on August 4, 2005, and was signed by the President on August 8, 2005 (Public Law 109–58).

SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Public Law 109–59 (H.R. 3)

Summary

H.R. 3, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, authorizes the Federal programs related to all aspects of multi-modal surface transportation. There are two major Sections (6017 and 6018) that contain provisions which fall within the jurisdiction of the Committee on Energy and Commerce and the Subcommittee on Environment and Hazardous Materials. Section 6017 amends Subtitle F to the Solid Waste Disposal Act to create a new Section 6005 that requires a federally-funded transportation-related construction project that uses cement or concrete to increase the procurement of cement and concrete that contains recovered materials. Section 6018, which also amends Subtitle F of the Solid Waste Disposal Act, creates a new Section 6006 to direct the Administrator of the U.S. Environmental Protection Agency to establish criteria for the safe and environmentally protective use of the granular mine tailings from the Tar Creek, Oklahoma Mining District for cement or concrete projects, and for federally funded highway construction projects. The criteria would include an evaluation of whether to establish numerical standards for the concentration of lead and other hazardous substances in the tailings, and EPA would be required to consider their current and past use as an aggregate for asphalt, as well as the environmental and public health risks and benefits of their use in transportation projects.

Legislative History

H.R. 3 was introduced by Mr. Young (AK) on February 9, 2005, and referred to the Committee on Transportation and Infrastructure.

On March 2, 2005, the Subcommittee on Energy and Air Quality held a legislative hearing on H.R. 3, to discuss the provisions that would amend the Clean Air Act. The purpose of the hearing was to allow the subcommittee to seek methods of conformity and how those adjustments in the conformity process as described by H.R. 3 will aid in developing transportation plans that meet air quality

goals. The subcommittee received testimony from Federal government officials, as well as individuals from the private sector.

On March 2, 2005, the Committee on Transportation and Infrastructure met in open markup session and ordered H.R. reported to the House, amended, by voice vote.

On March 7, 2005, the Committee on Transportation and Infrastructure reported H.R. 3 to the House, amended (H. Rept. 109–12, Part I).

On March 8, 2005, the Committee on Transportation and Infrastructure filed a supplemental report for H.R. 3 to the House, amended (H. Rept. 109–12, Part II).

On March 9 and 10, 2005, H.R. 3 was considered in the House pursuant to H. Res. 140 and H. Res. 144.

On March 10, 2005, H.R. 3 passed the House, as amended, by a roll call vote of 417 yeas and 9 nays.

H.R. 3 was received in the Senate on March 20, 2005. On April 6, 2005, the bill was read twice and placed on the Senate Legislative Calendar under General Orders. Calendar No. 69.

On April 26, 2005, cloture on motion to proceed to consideration of H.R. 3 was invoked in Senate by a record vote of 94 yeas and 6 nays.

On April 27 and 28, and May 9, 10, 11, 12, 13, 16, and 17, 2005, H.R. 3 was considered in the Senate.

On May 17, 2005, H.R. 3 passed the Senate with an amendment by a record vote of 89 yeas and 11 nays.

On May 26, 2005, the Senate requested a conference with the House and appointed conferees.

On May 26, 2005, the House disagreed with the Senate amendment and agreed to go to conference, and the Speaker appointed conferees from the Committee on Energy and Commerce, for consideration of provisions in the House bill and Senate amendment relating to Clean Air Act provisions of transportation planning contained in sections 6001 and 6006 of the House bill, and sections 6005 and 6006 of the Senate amendment; and sections 1210, 1824, 1833, 5203, and 6008 of the House bill, and sections 1501, 1511, 1522, 1610–1619, 1622, 4001, 4002, 6016, 6023, 7218, 7223, 7251, 7252, 7256–7262, 7324, 7381, 7382, and 7384 of the Senate amendment, and modifications committed to conference.

The conference committee met on June 9, 2005, and the conferees agreed to file the conference report on July 28, 2005 (H. Rept. 109–203).

The House considered and agreed to the conference report, pursuant to H. Res. 399, on July 29, 2005, by a roll call vote of 412 yeas and 8 nays.

On July 29, 2005, the conference report was considered in the Senate, agreed to by a record vote of 91 yeas and 4 nays, and cleared for the White House.

H.R. 3 was presented to and signed by the President on August 10, 2005 (Public Law 109–59).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Public Law 109–163 (H.R. 1815, S. 1042)

(Environmental Provisions)

To authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes.

Summary

H.R. 1815 authorizes appropriations for FY2006 for the Army, Navy and Marine Corps, and Air Force for aircraft, missiles, weapons and tracked combat vehicles, ammunition, shipbuilding and conversion, and other procurement. Subtitle B of this legislation had two provisions impacting the jurisdiction of the Energy and Commerce Subcommittee on Environment and Hazardous Materials. The first provision allows for the elimination and simplification of certain items required in the annual Defense Department report on environmental quality programs and other environmental activities. The second provision authorizes payment for activities at former defense property that is subject to Section 120(h) covenants for additional remedial action under the Comprehensive Environmental Response Compensation and Liability Act of 1980.

Legislative History

H.R. 1815 was introduced by Mr. Hunter on April 26, 2005, and referred to the Committee on Armed Services.

On May 18, 2005, the Committee on Armed Services met in open markup session and ordered H.R. 1815 reported to the House, amended, by voice vote.

On May 20, 2005, there was an exchange of correspondence between the Committee on Energy and Commerce and the Committee on Armed Services concerning H.R. 1815.

On May 20, 2005, the Committee on Armed Services reported H.R. 1815 to the House, amended, (H. Rept. 109–89). H.R. 1815 was placed on the Union Calendar, Calendar No. 47.

On May 25, 2005, H.R. 1815 was considered in the House pursuant to H. Res. 293, and passed the House, as amended, by a roll call vote of 390 yeas and 39 nays.

H.R. 1815 was received in the Senate on June 6, 2005, read twice and referred to the Committee on Armed Services.

On November 15, 2005, H.R. 1815 was laid before the Senate and passed with an amendment by unanimous consent. The Senate requested a conference with the House and appointed conferees.

On December 15, 2005, the House disagreed with the Senate amendment and agreed to go to conference, and on December 16, 2005, the Speaker appointed conferees from the Committee on Energy and Commerce, for consideration of sections 314, 601, 1032, and 3201 of the House bill, and sections 312, 1084, 2893, 3116, and 3201 of the Senate amendment, and modifications committed to conference.

On December 18, 2005, the conferees filed the conference report (H. Rept. 109–360).

On December 18, 2005, the conference report to accompany H.R. 1815 was considered in the House, and on December 19, 2005, the conference report was considered as unfinished business, and was agreed to by the House by a roll call vote of 374 yeas and 41 nays.

On December 21, 2005, the conference report was considered in the Senate, agreed to by a voice vote, and cleared for the White House.

H.R. 1815 was presented to the President on January 3, 2006, and signed by the President on January 6, 2006 (Public Law 109–163).

TO MAKE CERTAIN TECHNICAL CORRECTIONS IN AMENDMENTS MADE BY THE ENERGY POLICY ACT OF 2005

Public Law 109–168 (H.R. 4637)

To make certain technical corrections in amendments made by the Energy Policy Act of 2005.

Summary

H.R. 4637 makes technical corrections to the Solid Waste Disposal Act as amended by the Energy Policy Act of 2005 with respect to: (1) regulation of underground storage tanks; and (2) government-owned tanks.

Legislative History

H.R. 4637 was introduced by Mr. Gillmor on December 18, 2005, and referred to the Committee on Energy and Commerce.

On December 19, 2005, H.R. 4637 was discharged from the Committee on Energy and Commerce by unanimous consent, and the bill was considered and passed by the House by unanimous consent.

H.R. 4637 was received in the Senate on December 19, 2005, and read twice. On December 22, 2005, H.R. 4637 passed the Senate without amendment by unanimous consent and was cleared for the White House.

H.R. 4637 was presented to the president on January 3, 2006, and signed by the President on January 10, 2006 (Public Law 109–168).

USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005

Public Law 109–177 (H.R. 3199)

(Environmental Provisions)

To extend and modify authorities needed to combat terrorism, and for other purposes.

Summary

H.R. 3199 addresses Federal surveillance programs, including foreign surveillance programs, as authorized by the USA PATRIOT Act. Section 742 of the conference report to accompany H.R. 3199 amends Section 3001 of the Solid Waste Disposal Act to require the U.S. Environmental Protection Agency (EPA), every two years, to submit a report setting forth information collected by the EPA from

law enforcement agencies, States, and other relevant stakeholders that identifies the byproducts of the methamphetamine production process and whether EPA considers each of the byproducts to be a hazardous waste pursuant to this section and relevant regulations. In addition, Section 743 of the conference report to accompany H.R. 3199 addresses the payment of cleanup costs, by responsible parties, for contamination resulting from methamphetamine laboratories.

Legislative History

H.R. 3199 was introduced by Mr. Sensenbrenner on July 11, 2006, and referred to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On July 13, 2005, the Committee on the Judiciary met in open mark-up session and ordered H.R. 3199 reported to the House, as amended, by a record vote of 23 yeas and 14 nays.

On July 13, 2005, the Committee on Intelligence (Permanent Select) met in open mark-up session and ordered H.R. 3199 reported to the House, as amended, by voice vote.

On July 18, 2005, the Committee on the Judiciary reported H.R. 3199 to the House, as amended (H. Rept. 109–174, Part I).

On July 18, 2005, the Committee on Intelligence (Permanent Select) reported H.R. 3199 to the House, as amended (H. Rept. 109–174, Part II).

On July 21, 2005, pursuant to the provisions H. Res. 369, the House considered H.R. 3199, and passed the bill by a roll call vote of 257 ayes and 171 nays.

On July 25, 2005, H.R. 3199 was received in the Senate and read twice.

On July 29, 2005, H.R. 3199 passed the Senate with an amendment by unanimous consent. The Senate requested a conference with the House and appointed conferees.

On November 9, 2005, the House disagreed with the Senate amendment and agreed to a conference, and the Speaker appointed conferees from the Committee on Energy and Commerce, for consideration of Sections 124 and 231 of the House bill, and modifications committed to conference.

On December 8, 2005, the conferees filed the conference report to accompany H.R. 3199 (H. Rept. 109–333).

On December 14, 2005, the House considered the conference report to accompany H.R. 3199 pursuant to the provisions of H. Res. 595 and passed the bill by a roll call vote of 251 yeas and 174 nays.

On December 14, 15, and 16, 2005, the Senate considered the conference report to accompany H.R. 3199.

On December 16, 2005, motion to invoke cloture was not agreed to in the Senate by a record vote of 52 yeas and 47 nays.

On March 1, 2006, motion to proceed to consideration of the motion to reconsider was agreed to in the Senate by a record vote of 86 yeas and 13 nays, and upon reconsideration, cloture invoked in Senate by a record vote of 84 yeas and 15 nays.

The conference report to accompany H.R. 3199 was agreed to by a record vote of 89 yeas and 10 nays on March 2, 2006, and cleared for the White House.

H.R. 3199 was presented to the President on March 8, 2006, and signed by the President on March 9, 2006 (Public Law 109–177).

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006

Public Law 109–241 (H.R. 889)

(Environmental Provisions)

To authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

Summary

H.R. 889 authorizes appropriations for FY2006 for the Coast Guard (CG). The bill contains one section that waives the application of Section 6(e) of the Toxic Substances Control Act (TSCA) to effectuate an "as is" transfer of the Coast Guard Cutter MACKINAW to the City of Cheboygan, Michigan for use as a museum. In addition, this section relieves the Federal government of environmental liability under TSCA regarding PCB exposure, thereby leaving the local community responsible for any environmental contamination and ultimate cleanup of PCBs.

Legislative History

H.R. 889 was introduced by Mr. Young (AK) on February 17, 2005, and referred to the Committee on Transportation and Infrastructure.

On May 18, 2005, the Committee on Transportation and Infrastructure met in open markup and ordered H.R. 889 reported to the House, amended, by voice vote.

On July 28, 2005, the Committee on Transportation and Infrastructure reported H.R. 889 to the House, amended (H. Rept. 109–204, Part I), and was referred sequentially to the House Committee on Homeland Security for a period ending not later than July 29, 2005, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(i) of rule X.

On July 29, 2005, Committee on Homeland Security discharged H.R. 889, and it was placed on the Union Calendar, Calendar No. 124.

On September 15, 2005, H.R. 889 was considered in the House pursuant to the provisions of H. Res. 440, and passed, as amended, by a roll call vote of 415 yeas and 0 nays.

On September 19, 2005, H.R. 889 was received in the Senate, read twice, and referred to the Committee on Commerce, Science, and Transportation.

On October 27, 2005, H.R. 889 passed the Senate with an amendment by unanimous consent. The Senate requested a conference with the House and appointed conferees.

On November 3, 2005, the House disagreed with the Senate amendment, agreed to go to conference, and the Speaker appointed

conferees from the Committee on Energy and Commerce, for consideration of section 408 of the House bill, and modifications committed to conference.

The conference committee met on November 16, 2005.

On April 6, 2006, the conference report to accompany H.R. 889 was filed (H. Rept. 109–413).

On June 26, 2006, the House considered the conference report to accompany H.R. 889 under suspension of the rules, and on June 27, 2006, the House passed the conference report by a roll call vote of 413 yeas and 0 nays.

On June 27, 2006, the Senate agreed to the conference report to accompany H.R. 889 by unanimous consent.

The Senate vitiated previous adoption of the conference report, and on June 28, 2006, the Senate agreed to the conference report by unanimous consent.

H.R. 889 was cleared for the White House on June 28, 2006, and presented to the President on June 30, 2006. The President signed H.R. 889 on July 12, 2006 (Public Law 109–241).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Public Law 109–295 (H.R. 5441)

(Environmental Provisions)

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

Summary

H.R. 5441 included the Chemical Facility Security Act of 2006 that requires the Department of Homeland Security (DHS), within 6 months of enactment, to establish risk and performance based regulations—which may last no longer than three years—concerning the creation of vulnerability assessments and site security plans by high risk chemical facilities. DHS is further given authority under this legislation to approve the use of chemical facility security regimes developed by other public and private interests that meet the requirements of the legislation, but cannot disapprove a specific site security plan at a facility based on the presence or absence of a particular security measure. In addition, the bill extends information protections to the vulnerability assessments and the site security plans and prohibits unauthorized parties from obtaining these materials through civil litigation. Finally, the bill provides DHS the authority to inspect and audit facilities covered by this legislation and empowers DHS to temporarily close a recalcitrant chemical facility until it comes into full compliance with this legislation.

Legislative History

On May 22, 2006, the House Committee on Appropriations reported an original measure, H. Rept. 109–476, which was introduced by Mr. Rogers (KY) as H.R. 5441. H.R. 5441 was placed on the Union Calendar, Calendar No. 264.

On May 25, 2006 and June 6, 2006, H.R. 5441 was considered in the House under the provisions of H. Res. 836. On June 6, 2006, H.R. 5441 passed the House by a roll call vote of 389 yeas and 9 nays.

On June 7, 2006, H.R. 5441 was received in the Senate, read twice, and referred to the Committee on Appropriations.

On June 29, 2006, the Committee on Appropriations met in open markup session and ordered H.R. 5441 reported with an amendment in the nature of a substitute favorably.

On June 29, 2006, the Committee on Appropriations reported by Senator Gregg with an amendment in the nature of a substitute, with written report No. 109–273, and placed on Senate Legislative Calendar under General Orders. Calendar No. 503.

On July 11, 12, and 13, 2006, H.R. 5441 was considered by Senate, and on July 13, 2006, H.R. 5441 passed the Senate with an amendment by a record vote of 100 yeas and 0 nays. The Senate insists on its amendment, asked for a conference, and appointed conferees.

On September 21, 2006, the House disagreed to the Senate amendment, and agreed to a conference.

On September 25, 2006, the conferees agreed to file conference report.

On September 28, 2006, the conference report to accompany H.R. 5441 was filed (H. Rept. 109–699).

The conference report to accompany H.R. 5441 was considered in the House pursuant to the provisions of H. Res. 1054 on September 29, 2006, and passed the House by a roll call vote of 412 yeas and 6 nays.

On September 29, 2006, the conference report to accompany H.R. 5441 was considered in the Senate, agreed to by a voice vote, and cleared for the White House.

H.R. 5441 was presented to the President on October 3, 2006, and signed by the President on October 4, 2006 (Public Law 109–295).

JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Public Law 109–364 (H.R. 5122, S. 2766)

(Environmental Provisions)

To authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes.

Summary

H.R. 5122 authorizes appropriations for FY2007 for the Army, Navy and Marine Corps, and Air Force for aircraft, missiles, weapons and tracked combat vehicles, ammunition, shipbuilding and conversion, and other procurement. The Subcommittee on Environment and Hazardous Materials had five provisions in this legislation that touched upon its jurisdiction. House Section 313 and Senate Section 334, regarding the funding of cooperative agreements under the Defense Department's Environmental Restoration Pro-

gram; Senate Section 332, regarding the extension of requirements under Section 6(e) of the Toxic Substances Control Act relating to importation of foreign manufactured polychlorinated biphenyls; Senate Section 333, regarding ocean munitions dumping; Senate Section 335, concerning the reimbursement of the Environmental Protection Agency for costs incurred at the Moses Lake Wellfield Superfund site; and Senate Section 352, relating to a study on drinking water contaminant exposure at Camp Lejeune.

Legislative History

H.R. 5122 was introduced by Mr. Hunter on April 6, 2006, and referred to the Committee on Armed Services.

On May 3, 2006, the Committee on Armed Services met in open markup session and ordered H.R. 5122 reported to the House, amended, by a record vote of 60 yeas and 1 nay.

On May 5, 2006, the Committee on Armed Services reported H.R. 5122 to the House, as amended (H. Rept. 109–452). H.R. 5122 was placed on the Union Calendar, Calendar No. 253.

On May 9, 2006, there was an exchange of correspondence between the Committee on Energy and Commerce and the Committee on Armed Services concerning H.R. 5122.

On May 10 and 11, 2006, the House considered H.R. 5122 pursuant to the provisions of H. Res. 806 and H. Res. 811. On May 11, 2006, H.R. 5122, passed the House by a roll call vote of 396 ayes and 31 nays.

On May 15, 2006, H.R. 5122 was received in the Senate, read twice, and placed on the Senate Legislative Calendar under General Orders. Calendar No. 431.

On June 22, 2006, H.R. 5122 was laid before the Senate and passed with an amendment by unanimous consent. The Senate requested a conference with the House and appointed conferees.

On September 7, 2006, the House disagreed with the Senate amendment and agreed to go to conference, and the Speaker appointed conferees from the Committee on Energy and Commerce, for consideration of sections 314, 601, 602, 710, 3115, 3117, and 3201 of the House bill, and sections 332–335, 352, 601, 722, 2842, 3115, and 3201 of the Senate amendment, and modifications committed to conference.

The Conference Committee met on September 12, 2006, and the conferees filed the conference report to accompany H.R. 5122 on September 29, 2006 (H. Rept. 109–702).

On September 29, 2006, the House considered the conference report to accompany H.R. 5122 pursuant to the provisions of H. Res. 1062, and agreed to the conference report by a roll call vote of 398 yeas and 23 nays.

On September 30, 2006, the conference report was considered in the Senate, agreed to by unanimous consent, and cleared for the White House. H.R. 5122 was presented to the President on October 5, 2006, and signed by the President on October 17, 2006 (Public Law 109–364).

FEDERAL AND DISTRICT OF COLUMBIA GOVERNMENT REAL PROPERTY ACT OF 2005

Public Law 109–396 (H.R. 3699)

To provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes.

Summary

H.R. 3699 provides for the sale, acquisition, and conveyance of title or management responsibilities for certain real property in the District of Columbia between the District of Columbia and the Federal government. H.R. 3699 seeks to statutorily waive environmental liability for the District or the United States as transferor of the property. Section 101(d) as reported by the Government Reform Committee limits any environmental liability, response actions, remediation, corrective action, damages, costs or expenses for the District of Columbia associated with any property for which title is conveyed to the Federal government. This section also provides that liability, responsibility, remediation, damages and costs required by applicable Federal, State, and local law including the Comprehensive Environmental Response, Compensation, and Liability Act, Clean Air Act, Clean Water Act, Solid Waste Disposal Act, and other environmental laws shall be borne by the U.S. In the same way, Section 402 as reported by the Committee on Government Reform environmental liability and response actions of the Federal government for any property for which title is conveyed to the District of Columbia. When the Committee on Energy and Commerce met in open markup on February 3, 2006, to consider H.R. 3699, it struck sections 101(d) and 402 before reporting the amended legislation to the House.

Legislative History

H.R. 3699 was introduced by Mr. Davis on September 8, 2005, and referred to the Committee on Government Reform, in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On September 29, 2005, the Committee on Government Reform met in open mark-up session and ordered H.R. 3699 reported to the House, as amended, by voice vote.

On November 18, 2005, the Committee on Government Reform reported H.R. 3699 to the House, as amended, (H. Rept. 109–316, Part I), and H.R. 3699 was referred sequentially to the Committees on Energy and Commerce and Transportation and Infrastructure for a period ending not later than December 17, 2005, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of the committees pursuant to Rule X. The committee on Resources was granted an extension for further consideration ending not later than December 17, 2005.

On December 7, 2005, the Committee on Transportation and Infrastructure met in open mark-up session and ordered H.R. 3699 reported to the House, as amended, by voice vote.

On December 15, 2005, the Committee on Energy and Commerce met in open mark-up session and ordered H.R. 3699 reported to the House, without recommendation, as amended, by voice vote, a quorum being present.

On December 16, 2005, the Committee on Transportation and Infrastructure reported H.R. 3699 to the House, as amended (H. Rept. 109–316, Part II).

On December 17, 2005, Committee on Resources and the Committee on Energy and Commerce were granted an extension for further consideration ending not later than December 31, 2005.

On December 31, 2005, Committee on Resources and the Committee on Energy and Commerce were granted an extension for further consideration ending not later than February 3, 2006.

On February 3, 2006, the Committee on Energy and Commerce reported H.R. 3699 to the House, as amended (H. Rept. 109–316, Part III), the Committee on Resources was discharged from further consideration of the bill, and H.R. 3699 was placed on the Union Calendar, Calendar No. 200

On September 30, 2006, the House considered H.R. 3699 by unanimous consent, and the bill was passed without objection.

H.R. 3699 was received in the Senate on September 30, 2006.

On November 15, 2006, H.R. 3699 was read twice and referred to the Committee on Homeland Security and Governmental Affairs.

On November 16, 2006, the Committee on Homeland Security and Governmental Affairs discharged H.R. 3699 by unanimous consent, and H.R. 3699 was referred to the Committee on Energy and Natural Resources, who, on the same day, discharged H.R. 3699 by unanimous consent. H.R. 3699 passed the Senate by unanimous consent

H.R. 3699 was presented to the President on December 5, 2006, and signed by the President on December 15, 2006 (Public Law 109–396).

RURAL WATER SUPPLY ACT OF 2005

Public Law 109–451 (S. 895)

To authorize the Secretary of the Interior to carry out a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

Summary

Title I of S. 895 directs the Secretary of the Interior to set up, in consultation with other Federal agencies, a rural water supply program for specified "Reclamation" states, as defined under Federal reclamation law. This program is supposed to identify opportunities for, plan the design of, review and rank, and approve and oversee the construction of water supply projects for small communities and rural areas that are recommended by the Secretary and authorized by Congress.

Title II of S. 895 directs the Secretary of Interior to develop and publish criteria for determining the eligibility of a rural water sup-

ply or reclamation project for financial assistance, authorizes the Secretary to make loan guarantees available to lenders for eligible projects to supplement private-sector or lender financing, and limits guarantees by the Secretary to 90 percent of a project's cost.

S. 895 creates a program directly intersecting with and subject to regulations issued under the Safe Drinking Water Act as well as buttress the provision of clean and reliable drinking water to rural communities, as outlined in the "Background and Need" and "Historical Background" sections of the Report of the Senate Committee on Energy and Natural Resources (Senate Report 109–148).

Legislative History

S. 895 was introduced by Senator Domenici on April 25, 2005 and referred to the Committee on Energy and Natural Resources.

The Committee on Energy and Natural Resources held a hearing on S. 895 on May 11, 2005 (S.Hrg. 109–105).

On September 28, 2005, the Committee on Energy and Natural Resources met in open markup session and ordered S. 895 favorably reported with an amendment in the nature of a substitute.

On October 19, 2005, the Committee on Energy and Natural Resources reported S. 895 with an amendment in the nature of a substitute, with written report No. 109–148, and S. 895 was placed on Senate Legislative Calendar under General Orders. Calendar No. 240.

On November 16, 2005, the Senate passed S. 895 with an amendment by unanimous consent.

On November 17, 2005, S. 895 was received in the House, and was referred to the Committee on Resources.

On December 2, 2005, S. 895 was referred to the Committee on Resources Subcommittee on Water and Power.

On July 27, 2006, the Committee on Resources Subcommittee on Water and Power held a hearing on S. 895.

On December 6, 2005, the Committee on Resources and the Committee on Energy and Commerce exchanged correspondence concerning S. 895.

On December 6, 2006, S. 895 was considered in the House under suspension of the rules and passed the House, as amended, by voice vote.

On December 9, 2006, the Senate concurred in the House amendments to S. 895 by unanimous consent and cleared the legislation for the White House.

S. 895 was presented to the President on December 20, 2006, and signed by the President on December 22, 2006 (Public Law 109–451).

DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2006

(H.R. 1817)

(Environmental Provisions)

To authorize appropriations for fiscal year 2006 for the Department of Homeland Security, and for other purposes.

Summary

H.R. 1817 mandates the Department of Homeland Security to create a plan and report on how to protect the Nation's "critical infrastructure," including energy, financial services, water, and transportation networks.

Legislative History

On April 26, 2005, H.R. 1817 was introduced by Mr. Cox in the House and referred to the Committee on Homeland Security.

On April 27, 2005, the Committee on Homeland Security met in open markup session and ordered H.R. 1817 reported to the House, amended, by voice vote.

On May 3, 2005, the Committee on Homeland Security Committee reported H.R. 1817 (H. Rept. 109–71, Part I) and H.R. 1817 was referred jointly and sequentially to the Committee on Energy and Commerce, Committee on Government Reform, Committee on the Judiciary, Committee on Science, Committee on Transportation and Infrastructure, Committee on Ways and Means, and Committee on Intelligence (Permanent Select) for a period ending not later than May 13, 2005, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1, rule X.

On May 11, 2005, the Committee on Energy and Commerce met in open markup session and ordered H.R. 1817 reported to the House, amended, by voice vote.

On May 12, 2005, the Committee on the Judiciary met in open markup session and ordered H.R. 1817 reported to the House, amended, by voice vote.

On May 13, 2005, the Committee on Energy and Commerce reported H.R. 1817 to the House (H. Rept. 109–71, Part II). The Committee on the Judiciary reported H.R. 1817 to the House (H. Rept. 109–71, Part III). On the same day, the Committee on Government Reform, Committee on Science, Committee on Transportation, Committee on Ways and Means, and Committee on Intelligence (Permanent) were discharged from further consideration of H.R. 1817.

On May 18, 2005, H.R. 1817 was considered in the House under the provisions of H. Res. 283 and passed the House by a roll call vote of 424 yeas and 4 nays.

On May 19, 2005, H.R. 1817 was received in the Senate and referred to the Committee on Homeland Security and Governmental Affairs.

No further action was taken on H.R. 1817 in the 109th Congress.

INTERNATIONAL SOLID WASTE IMPORTATION AND MANAGEMENT ACT OF 2005

(H.R. 2491)

To amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes.

Summary

H.R. 2491 amends the Solid Waste Disposal Act to authorize States to enact laws or issue regulations or orders restricting the receipt and disposal of foreign municipal solid waste, as defined by this Act, within their borders until the Administrator of the Environmental Protection Agency (EPA) issues regulations implementing and enforcing the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada (Agreement). The bill declares that State actions authorized by this Act shall not be considered a burden on, or otherwise impede, interstate and foreign commerce.

H.R. 2491 requires the Administrator to: (1) perform the functions of the Designated Authority of the United States with respect to the importation and exportation of municipal solid waste under the Agreement; (2) implement and enforce the notice and consent and other provisions of the Agreement; and (3) issue final regulations on the Administrator's responsibilities as Designated Authority of the United States.

The legislation also requires the Administrator to give substantial weight to the views of affected States and local governments before consenting to the importation of foreign municipal solid waste into the United States under the Agreement, and to consider the impact of such importation on: (1) the continued public support for Federal and local recycling programs; (2) landfill capacities; (3) air emissions and road deterioration from increased vehicular traffic; and (4) homeland security, public health, and the environment.

Finally, H.R. 2491 makes it unlawful for any person to import, transport, or export municipal solid waste for final disposal or for incineration in violation of the Agreement and authorizes the Administrator to assess civil penalties for any past or current violations of this Act or to commence a civil action in the U.S. district court.

Legislative History

H.R. 2491 was introduced by Mr. Gillmor on May 19, 2005, and referred to the Committee on Energy and Commerce.

On June 3, 2005, H.R. 2491 was referred to the Subcommittee on Environment and Hazardous Materials.

On June 8, 2005, the Subcommittee on Environment and Hazardous Materials met in open markup session and forwarded the bill to the full committee, amended, by voice vote, a quorum being present.

On June 29, 2005, the Committee on Energy and Commerce met in open markup session, and ordered H.R. 2491 favorably reported to the House, amended, by voice vote, a quorum being present.

On September 27, 2005, the Committee on Energy and Commerce reported H.R. 2491 to the House, as amended (H. Rept. 109–235).

On September 6, 2006, the House considered H.R. 2491 under suspension of the rules and passed the bill, as amended, by voice vote.

H.R. 2491 was received in the Senate, read twice and referred to the Committee on Environment and Public Works on September 7, 2006.

No further action was taken on H.R. 2491 in the 109th Congress.

ANTIFREEZE BITTERING ACT OF 2005

(H.R. 2567)

To amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent so as to render it unpalatable.

Summary

Subject to a study by the Federal Consumer Product Safety Commission in cooperation with the U.S. Environmental Protection Agency, H.R. 2567 requires engine coolant or antifreeze that is manufactured six months after the enactment of the bill, and that contains more than 10 percent ethylene glycol, to include a bittering agent at a minimum of 30 parts per million and a maximum of 50 parts per million so as to render the coolant or antifreeze unpalatable.

In addition, H.R. 2567 requires a coolant or antifreeze manufacturer to maintain records of compliance with this Act.

The bill also limits the liability of manufacturers, distributors, recyclers, or sellers of engine coolant or antifreeze who are in compliance with the requirements of the bill for personal and property loss or damage to the environment that results from the inclusion of denatonium benzoate in any coolant or antifreeze.

Finally, H.R. 2567 declares the bill inapplicable to: (1) the sale of a motor vehicle that contains engine coolant or antifreeze; or (2) wholesale containers of engine coolant or antifreeze containing 55 gallons or more of engine coolant or antifreeze.

Legislative History

H.R. 2567 was introduced by Mr. Ackerman on May 24, 2005, and referred to the Committee on Energy and Commerce.

On June 17, 2005, H.R. 2567 was referred to the Subcommittee on Environment and Hazardous Materials.

On May 23, 2006, the Subcommittee on Environment and Hazardous Materials held a hearing to address H.R. 2567 and the issues related to mandating the addition of denatonium benzoate to antifreeze. The subcommittee received testimony from Representative Ackerman, officials of the Environmental Protection Agency, and other private and governmental organizations.

On July 12, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 2567 favorably reported to the House, amended, by a record vote of 30 yeas and 15 nays, a quorum being present.

On December 8, 2006, the Committee on Energy and Commerce reported H.R. 2567 to the House, as amended (H. Rept. 109–730, Part I). H.R. 2567 was referred jointly and sequentially to the Committee on the Judiciary for a period ending not later than December 8, 2006 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(l), rule X, and referred jointly and sequentially to the Committee on Transportation and Infrastructure for a period ending not later than December 8, 2006 for consideration of such

provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(r), rule X. The Committees on the Judiciary and Transportation and Infrastructure were discharged from further consideration of H.R. 2567 on December 8, 2006, and H.R. 2567 was placed on the Union Calendar, Calendar No. 433.

No further action was taken on H.R. 2567 in the 109th Congress.

PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

(H.R. 4128)

To protect private property rights.

Summary

H.R. 4128, among other things, prohibits States or their political subdivisions that receive Federal funds from exercising their power of eminent domain to further economic development. The bill would terminate the flow of Federal funds to any State or political subdivision that violates the prohibition. The Committee on Energy and Commerce has jurisdiction over the bill because of its potential impact on Federal health payments, telecommunications grants, and energy grant programs, prohibited Federal funds which could include many items under our jurisdiction.

Legislative History

Mr. Sensenbrenner introduced H.R. 4128 on October 25, 2005, and it was referred to the Committee on the Judiciary.

On October 27, 2005, the Committee on the Judiciary met in open markup session and ordered H.R. 4128 favorably reported to the House, amended, by a record vote of 27 yeas and 3 nays.

On October 31, 2005, the Committee on the Judiciary reported H.R. 4128 to the House, amended (H. Rept. 109–262), and H.R. 4128 was placed on the Union Calendar, Calendar No. 143.

On November 2, 2005, the Committee on the Judiciary and the Committee on Energy and Commerce exchanged correspondence concerning H.R. 4128.

On November 3, 2005, the Committee on Judiciary filed a supplemental report to H.R. 4128 (H. Rept. 109–262, Part II).

On November 3, 2005, H.R. 4128 was considered in the House pursuant to the provisions of H. Res. 527, and H.R. 4128 passed the House, as amended, by a roll call vote of 376 yeas and 38 nays.

H.R. 4128 was received in the Senate on November 4, 2005, read twice, and referred to the Committee on the Judiciary.

No further action was taken on H.R. 4128 in the 109th Congress.

STOCKHOLM AND ROTTERDAM TOXICS TREATY ACT OF 2005

(H.R. 4591)

To implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

Summary

H.R. 4591 amends the Toxic Substances Control Act to provide for the implementation of three international environmental agreements: (1) the Stockholm Convention on Persistent Organic Pollutants (POPs Convention); (2) the Protocol on Persistent Organic Pollutants to the 1979 Convention on Long-Range Transboundary Air Pollution (LRTAP POPs Protocol); and (3) the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC Convention). Specifically, H.R. 4591 bans several chemicals, pursuant to obligations of the United States under the POPs Convention and the LRTAP POPs Protocol, provides new regulatory authority for the United States to deal with chemicals added in the future to the POPs Convention or the LRTAP POPs Protocol, and establishes notice requirements and other requirements pursuant to the PIC Convention.

Legislative History

H.R. 4591 was introduced by Mr. Gillmor on December 16, 2005, and referred to the Committee on Energy and Commerce.

On January 3, 2006, H.R. 4591 was referred to the Subcommittee on Environment and Hazardous Materials.

On March 2, 2006, the Subcommittee on Environment and Hazardous Materials held a hearing on Legislation to Implement the POPs, PIC, and LRTAP POPs Agreements to evaluate the U.S.'s role as a signatory to these treaties. Congress must enact enabling legislation to amend current law so the United States can full implement the POPs and PIC Treaties. The subcommittee received testimony from officials of the Department of State, the Environmental Protection Agency, and various State and private organizations.

On May 18, 2006, the Subcommittee on Environment and Hazardous Materials met in open markup session and forwarded the bill to the full committee, amended, by a record vote of 15 yeas and 10 nays, a quorum being present.

On July 12, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 4591 reported to the House, as amended, by a record vote of 28 yeas and 15 nays, a quorum being present.

On November 15, 2006, the Committee on Energy and Commerce reported H.R. 4591 to the House, as amended (H. Rept. 109–714), and was placed on the Union Calendar, Calendar No. 426.

No further action was taken on H.R. 4591 in the 109th Congress.

TO AUTHORIZE TEMPORARY EMERGENCY EXTENSIONS TO CERTAIN EXEMPTIONS TO THE REQUIREMENTS WITH RESPECT TO POLYCHLORINATED BIPHENYLS UNDER THE TOXIC SUBSTANCES CONTROL ACT

(H.R. 5863)

To authorize temporary emergency extensions to certain exemptions to the requirements with respect to polychlorinated biphenyls under the Toxic Substances Control Act.

Summary

H.R. 5863 amends the Toxic Substances Control Act to: (1) authorize the Environmental Protection Agency (EPA) to extend temporary emergency exemptions to requirements concerning polychlorinated biphenyls (PCBs) for 30 days for the purpose of authorizing their safe, effective, and efficient shipment into the United States for disposal, treatment, or storage; and (2) require any person granted such an exemption to report to Congress on the status of foreign-manufactured PCBs generated by or under the control of that person outside of the United States.

Legislative History

H.R. 5863 introduced by Mr. Barton on July 24, 2006, and referred to the Committee on Energy and Commerce.

On July 26, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 5863 reported to the House, without amendment, by voice vote, a quorum being present.

On September 14, 2006, the Committee on Energy and Commerce reported H.R. 5863 to the House (H. Rept. 109–659), and was placed on the Union Calendar, Calendar No. 392.

No further action was taken on H.R. 5863 in the 109th Congress.

TO PERMIT CERTAIN EXPENDITURES FROM THE LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(H.R. 6131)

To permit certain expenditures from the Leaking Underground Storage Tank Trust Fund.

Summary

H.R. 6131 amends the Internal Revenue Code to authorize expenditures from the Leaking Underground Storage Tank Trust Fund to carry out various programs enacted by the Energy Policy Act of 2005 to protect groundwater, including underground storage tank and piping, secondary containment, maintenance of government-owned tanks, tank inspection, training for tank operators, Federal compliance and enforcement activities, prevention of delivery of a regulated substance into a tank, and protection of tanks on Indian reservations or tribal lands. In addition, this legislation makes a technical change in Section 9014 of the Solid Waste Disposal Act.

Legislative History

H.R. 6131 was introduced by Mr. Chocola on September 21, 2006, and referred the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On September 26, 2006, the House considered H.R 6131 under suspension of the rules and passed the bill by voice vote.

H.R. 6131 was received in the Senate on September 27, 2006.

On November 13, 2006, H.R. 6131 was read twice and referred to the Committee on Finance.

No further action was taken on H.R. 6131 in the 109th Congress.

OVERSIGHT ACTIVITIES

ELECTRONIC WASTE: AN EXAMINATION OF CURRENT ACTIVITY, IMPLICATIONS FOR ENVIRONMENTAL STEWARDSHIP, AND THE PROPER FEDERAL ROLE

The Subcommittee on Environment and Hazardous Materials conducted a two-part oversight hearing to evaluate the proper definition of electronic waste and investigate appropriate methods of regulation. On July 20, 2005, the Subcommittee discussed the status of both public and private electronic waste programs in the United States as well as the differences between three Federal enacted programs. The Subcommittee received testimony from officials representing the Department of Commerce, the Environmental Protection Agency, and the States of Maryland, Maine, and California.

On September 8, 2005, the Subcommittee resumed consideration of matters related to interstate commerce issues raised by regulation of electronic waste, the role of the private sector and non-profits in managing electronic waste, and environmental concerns with the status quo. The Subcommittee received testimony from representatives of electronics retailers, electronic product manufacturers, recycling businesses, environmental groups, and charitable organizations.

HURRICANE KATRINA: ASSESSING THE PRESENT ENVIRONMENTAL STATUS

On September 29, 2005, the Subcommittee on Environment and Hazardous Materials held an oversight hearing to evaluate the current impact of Hurricane Katrina on the environment. The purpose of the hearing was to assess the damage Hurricane Katrina caused on the States of Alabama, Louisiana, and Mississippi and evaluate the role of government agencies in providing relief to victims of the tragedy. The subcommittee received testimony from officials representing the U.S. Army, the Environmental Protection Agency, the Centers for Disease Control and Prevention, and officials of various organizations in the State of Louisiana.

COMPREHENSIVELY COMBATING METHAMPHETAMINES: IMPACTS ON HEALTH AND THE ENVIRONMENT

On October 20, 2005, the Subcommittee on Environment and Hazardous Materials and the Subcommittee on Health held a joint oversight hearing to review the health and environmental impacts concerning the production and use of methamphetamines. The subcommittees heard testimony from the Environmental Protection Agency, the Drug Enforcement Administration, the Department of Health and Human Services, State and local government officials, and over-the-counter drug industry representatives.

SUPERFUND LAWS AND ANIMAL AGRICULTURE

On November 16, 2005, the Subcommittee on Environment and Hazardous Materials held an oversight hearing to discuss the con-

solidation of livestock and agriculture and evaluate the risk agricultural inputs, products, and byproducts put on the environment. The subcommittee received testimony from officials of the Environmental Protection Agency, and other various environmental and agricultural organizations.

HEARINGS HELD

Electronic Waste: An Examination of Current Activity, Implications for Environmental Stewardship, and the Proper Federal Role.—Oversight hearings on Electronic Waste: An Examination of Current Activity, Implications for Environmental Stewardship, and the Proper Federal Role. Hearings held on July 20, 2005, and September 8, 2005. PRINTED, Serial Number 109–33.

Comprehensively Combating Methamphetamines: Impacts on Health and the Environment.—Joint oversight hearing with the Subcommittee on Health on Comprehensively Combating Methamphetamines: Impacts on Health and the Environment. Hearing held on October 20, 2005. PRINTED, Serial Number 109–57.

Hurricane Katrina: Assessing the Present Environmental Status.—Oversight hearing on Hurricane Katrina: Assessing the Present Environmental Status. Hearing held on September 29, 2005. PRINTED, Serial Number 109–77.

Superfund Laws and Animal Agriculture.—Oversight hearing on Superfund Laws and Animal Agriculture. Hearing held on November 16, 2005. PRINTED, Serial Number 109–72.

Legislation to Implement the POPs, PIC, and LRTAP POPs Agreements.—Hearing on Legislation to Implement the POPs, PIC, and LRTAP POPs Agreements. Hearing held on March 2, 2006. PRINTED, Serial Number 109–63.

H.R. 2567, the Antifreeze Bittering Act of 2005.—Hearing on H.R. 2567, the Antifreeze Bittering Act of 2005. Hearing held on May 23, 2006. PRINTED, Serial Number 109–89.

SUBCOMMITTEE ON HEALTH

(Ratio 18–15)

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FRED UPTON, Michigan
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JIM DAVIS, Florida
TAMMY BALDWIN, Wisconsin
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(Ex Officio)

Jurisdiction: Public health and quarantine; hospital construction; mental health and research; biomedical programs and health protection in general, including Medicaid and national health insurance; food and drugs; drug abuse; and, homeland security-related aspects of the foregoing.

LEGISLATIVE ACTIVITIES

WELFARE REFORM EXTENSION ACT OF 2005

Public Law 109–4 (H.R. 1160)

Reauthorizes the Temporary Assistance for Needy Families block grant program through June 30, 2005, and for other purposes

Summary

H.R. 1160 reauthorizes and extends through June 30, 2006, in the manner authorized for FY2005, the Temporary Assistance for Needy Families (TANF) Block Grant Program under part A of title IV of the Social Security Act (SSA), additional grants to Puerto Rico, the Virgin Islands, Guam, and American Samoa, funding for Federal abstinence education programs under SSA title V (Maternal and Child Health Services Block Grant), and eligibility for Transitional Medical Assistance (TMA) under SSA title XIX (Medicaid).

The bill also reauthorizes and extends the national random sample study of child welfare and child welfare waiver authority through June 30, 2006, in the manner authorized for FY2005.

Legislative History

Mr. Herger introduced H.R. 1160 on March 8, 2005, and it was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On March 12, 2005, H.R. 1160 was referred to the Subcommittee on Health.

On March 14, 2005, H.R. 1160 was considered in the House under suspension of the rules, and passed the House by voice vote.

On March 15, 2005, H.R. 1160 was received in the Senate, read twice, considered, read the third time, and passed without amendment by unanimous consent.

H.R. 1160 was cleared for the White House on March 15, 2005.

H.R. 1160 was presented to the President on March 17, 2005, and was signed by the President on March 25, 2005 (Public Law 109–4).

PATIENT NAVIGATOR OUTREACH AND CHRONIC DISEASE PREVENTION ACT OF 2005

Public Law 109–18 (H.R. 1812)

To amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes.

Summary

H.R. 1812 authorizes the Secretary of the Department of Health and Human Services to conduct a demonstration program to promote model "patient navigator" programs to improve health care outcomes for individuals with cancer or other chronic diseases, with a specific emphasis on health disparity populations.

H.R. 1812 requires the Secretary to study the program and report to Congress on the results including an evaluation of program outcomes and recommendations as to whether such programs could be used to improve patient outcomes in other public health areas.

Legislative History

H.R. 1812 was introduced by Mr. Menendez on April 25, 2005, and was referred to the Committee on Energy and Commerce.

On April 26, 2005, H.R. 1812 was referred to the Subcommittee on Health.

On April 28, 2005, the Subcommittee on Health met in open markup session and H.R. 1812 was forwarded to the Full Committee by a voice vote, a quorum being present.

On May 4, 2005, the Committee on Energy and Commerce met in open markup session and H.R. 1812 was ordered favorably reported to the House by voice vote, a quorum being present.

On June 7, 2005, the Committee on Energy and Commerce reported H.R. 1812 to the House (H. Rept. 109–104), and was placed on the Union Calendar, Calendar No. 58.

On June 13, 2005, H.R. 1812 was considered in the House under suspension of the rules and passed the House, as amended, by voice vote.

On June 14, 2005, H.R. 1812 was received in the Senate, read twice, and referred to the Committee on Health, Education, Labor, and Pensions.

On June 22, 2005, H.R. 1812 passed the Senate without amendment by unanimous consent, clearing the bill for the President.

On June 27, 2005, H.R. 1812 was presented to the President and was signed by the President on June 29, 2005 (Public Law 109–18).

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) EXTENSION ACT OF 2005

Public Law 109–19 (H.R. 3021)

Reauthorizes the Temporary Assistance for Needy Families block grant program through September 30, 2005, and for other purposes.

Summary

H.R. 3021 reauthorizes and extends through September 30, 2005, the Temporary Assistance for Needy Families (TANF) Block Grant Program under part A of title IV of the Social Security Act (SSA), funding for State abstinence education programs under SSA title V (Maternal and Child Health Services Block Grant), and eligibility for Transitional Medical Assistance (TMA) under SSA title XIX (Medicaid).

The bill reauthorizes and extends the national random sample study of child welfare and child welfare waiver authority through September 30, 2005.

Legislative History

Mr. Herger introduced H.R. 3021 on June 22, 2005, and it was referred to the House Committee on Ways and Means.

On June 29, 2005, H.R. 3021 was considered in the House under suspension of the rules and passed the House, as amended, by voice vote.

H.R. 3021 was received in the Senate and read twice on June 29, 2005.

The Senate passed H.R. 3021 without amendment by unanimous consent on June 30, 2006.

H.R. 3021 was cleared for the White House on June 30, 2005, and presented to and signed by the President on July 1, 2005 (Public Law 109–19).

PATIENT SAFETY AND QUALITY IMPROVEMENT ACT OF 2005

Public Law 109–41 (H.R. 3205, S. 544)

To amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety.

Summary

S. 544 encourages the reporting and analysis of medical errors and health care quality by providing peer review protection of information reported to patient safety organizations (PSOs).

S. 544 establishes certification procedures for patient safety organizations and requires the Secretary of Health and Human Services to maintain a list of certified PSOs. The bill would also require the Secretary to develop a uniform database, establish national standards for the collection and maintenance of patient safety data, and provide technical assistance to PSOs.

Legislative History

On March 8, 2005, Senator Jeffords introduced S. 544, it was read twice and referred to the Committee on Health, Education, Labor, and Pensions.

On March 9, 2005, the Committee on Health, Education, Labor, and Pensions met in open markup session and ordered S. 544 reported without amendment favorably.

Mr. Bilirakis introduced H.R. 3205 on July 12, 2005, and it was referred to the Committee on Energy and Commerce.

On July 14, 2005, H.R. 3205 was referred to the Subcommittee on Health.

On July 14, 2005, the Subcommittee on Health met in open markup session and forwarded H.R. 3205 to the full Committee by voice vote a quorum being present.

On July 20, 2005, the Committee on Energy and Commerce met in open markup session and ordered H.R. 3205 to be favorably reported to the House by voice vote, a quorum being present.

On July 21, 2005, the Senate passed S. 544 by unanimous consent, it was received in the House, and referred to the Committee on Energy and Commerce.

On July 27, 2005, the Committee on Energy and Commerce reported H.R. 3205 to the House (H. Rept. 109–197), and it was placed on the Union Calendar, Calendar No. 117.

No further action was taken on H.R. 3205 in the 109th Congress.

On July 27, 2005, S. 544 was considered in the House under suspension of the rules and passed the House by a roll call vote of 428 yeas and 3 nays.

On July 28, 2005, S. 544 was presented to the President, and was signed by the President on July 29, 2005 (Public Law 109–41).

MEDICAL DEVICE USER FEE STABILIZATION ACT OF 2005

Public Law 109–43 (H.R. 3423)

To amend the Federal Food, Drug, and Cosmetic Act with respect to medical device user fees.

Summary

Subsection (a) addresses amendments to the device user fee program authorized in Section 738 of the FFDCA. Subsection (a)(1) eliminates the statutory fee revenue targets for device user fees in fiscal years 2006 and 2007 in section 738(b).

Subsection (a)(2) eliminates the inflationary, workload, compensating, and final year adjustments previously used in annual fee-

setting calculations, as provided for in Section 738(c). Subsection (a)(2) also sets the pre-market application user fee at $259,600 for fiscal year 2006 and $281,600 for fiscal year 2007, which is an 8.5% increase each year (fees for other device submissions are then determined as a percentage of the pre-market application fee, as provided generally in section 738(a)(2)(A)). Finally, subsection (a)(2) also amends Section 738(c) to permit FDA to use up to two-thirds of fees carried over from previous years to supplement fee revenues in fiscal years 2006 and 2007. FDA must notify Congress if it intends to use these carryover balances.

Subsection (a)(3) amends Section 738(d) to clarify that the small business threshold for the purposes of a first-time waiver of the fee on a pre-market approval application or a pre-market report remains at $30 million, as under current law. It raises the small business threshold from $30 million to $100 million for the purposes of fee reductions on all other applications, reports, and supplements. Subsection (a)(3) also eliminates the ability of the FDA to reset this new small business threshold if user fee revenues are reduced by 16 percent because of the small business fee reduction. Subsection (a)(4) amends section 738(e) to raise the small business threshold from $30 million to $100 million for the purposes of fee reductions on pre-market notifications.

Subsection (a)(5) amends Section 738(g) to eliminate the "trigger" requirement of additional appropriations in the FY 2003 and FY 2004 for FDA to be able to collect user fees in FY 2006 and FY 2007. It also builds in a 1% tolerance on the appropriations trigger for FY 2006 and FY 2007, to cushion against possible across-the-board rescission in the appropriations process for those years, which would lead to accidental termination of the program.

Subsection (a)(6) eliminates the statutory authorization targets for FY 2006 and FY 2007, and subsection (a)(7) makes a conforming amendment throughout Section 738.

Subsection (c)(1) amends Section 502(u) of the FFDCA to address the marking and tracking of reprocessed medical devices intended for single-use by the original manufacturer. Section 502(u) as amended requires reprocessors to mark a reprocessed device if the original manufacturer has marked the device. If the original manufacturer does not mark the device, the reprocessor must still mark the device, but has more flexibility in how to mark the device, such as by using a detachable label on the package of the device that is intended to be placed in the medical record of the patient on whom the device is used.

Subsection (d) amends Section 301(b) of MDUFMA to make the amendment made by subsection (c)(1) to Section 502(u) of the FFDCA effective 12 months after the date of enactment of the act, or 12 months after the original manufacturer has first marked its device, if that is later.

Legislative History

On July 25, 2005, Mr. Pitts introduced H.R. 3423, which was referred to the Committee on Energy and Commerce.

On July 26, 2005, H.R. 3423 was considered in the House by unanimous consent which passed the House without objection.

H.R. 3423 was received in the Senate on July 27, 2005, and was read twice, considered, read the third time, and passed without amendment by unanimous consent.

H.R. 3423 was presented to the President on July 29, 2005, and was signed by the President on August 1, 2005 (Public Law 109–43).

A BILL TO AMEND THE CONTROLLED SUBSTANCES ACT TO LIFT THE PATIENT LIMITATION ON PRESCRIBING DRUG ADDICTION TREATMENTS BY MEDICAL PRACTITIONERS IN GROUP PRACTICES, AND FOR OTHER PURPOSES

Public Law 109–56 (H.R. 869, S. 45)

To amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes.

Summary

In 2000, Congress passed the Drug Addiction Treatment Act. Section 2(a)(2) of the Act establishing a new waiver mechanism for schedule IV or V treatment programs. The waiver is available to qualified physicians for maintenance treatment and detoxification treatment using approved schedule IV or V narcotic drugs, either alone or in combination.

Subject to regulatory adjustment by the Secretary, neither sole practitioners nor any collection of physicians practicing as a group may treat more than 30 patients at any one time.

H.R. 869 lifts the 30 patient limitation for group practices. The individual physician limitation of 30 patients remains in place.

Legislative History

On February 15, 2005, Mr. Souder introduced H.R. 869, which was referred to the Committee on Energy and Commerce and, in addition, to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On March 14, 2005, H.R. 869 was referred to the Subcommittee on Health.

On April 27, 2005, the Subcommittee on Health met in open markup session and forwarded H.R. 869 to the Full Committee by voice vote, a quorum being present.

On May 4, 2005, the Committee on Energy and Commerce met in open markup session and ordered H.R. 869 favorably reported to the House, without amendment, by a voice vote, a quorum being present.

The Committee on Energy and Commerce reported H.R. 869 to the House on June 9, 2005 (H. Rept. 109–115, Part I).

On June 23, 2005 the Committee on the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security met in open markup session and H.R. 869 and forwarded to Full Committee by voice vote.

On June 29, 2005 the Committee on the Judiciary met in open markup session and ordered H.R. 869 reported to the House, without amendment, by a voice vote.

The Committee on the Judiciary reported H.R. 869 to the House on July 11, 2005 (H. Rept. 109–115, Part II), and H.R. 869 was placed on the Union Calendar (Calendar No. 100).

No further action was taken on H.R. 869 in the 109th Congress.

On January 24, 2005, Mr. Levin introduced S. 45, and was referred to the Committee on Health, Education, Labor, and Pensions.

On February 1, 2005, the Committee on Health, Education, Labor, and Pensions discharged S. 45 by unanimous consent.

On February 1, 2005, S. 45 was referred to the Committee on the Judiciary.

On July 19, 2005, the Committee on the Judiciary discharged S. 45 by unanimous consent.

On July 19, 2005, S. 45 passed the Senate without amendment by unanimous consent.

S. 45 was received in the House on July 21, 2005, and held at the desk.

On July 27, 2005, S. 45 was considered by the House under suspension of the rules and passed the House by a rollcall vote of 429 yeas and 0 nays.

On July 29, 2005, S. 45 was presented to the President, and was signed by the President on August 2, 2006 (Public Law 109–56).

CONTROLLED SUBSTANCES EXPORT REFORM ACT OF 2005

Public Law 109–57 (H.R. 184, S. 1395)

To amend the Controlled Substances Import and Export Act to provide authority to the Attorney General to authorize any controlled substance that is in schedule I or II or is a narcotic drug in schedule III or IV to be exported from the United States to a country for subsequent export from that country to another country, if certain conditions are met.

Summary

S. 1395 amends the Controlled Substances Import and Export Act to authorize the Attorney General to allow any controlled substance that is in schedule I or II or that is a narcotic drug in schedule III or IV to be exported from the United States to a country (first country) for subsequent export to another country (second country) if: (1) both such countries are parties to the Single Convention on Narcotic Drugs, 1961, and the Convention on Psychotropic Substances, 1971; (2) each of such countries has maintained an adequate system of substance import controls; (3) the substance is consigned to a holder of permits or licenses required under the first country's laws and a permit to import the substance has been issued; (4) substantial evidence that the substance is to be consigned to a permit holder as required under the second country's laws is furnished, a permit to import it is to be issued, the substance is to be applied exclusively to legitimate uses within that country, and it will not be re-exported; (5) within 30 days after export from the first country, the person who exported it from the

United States certifies that re-export has occurred; and (6) the Attorney General has issued a permit to export the substance from the United States.

Legislative History

On January 4, 2005, Mr. Pitts introduced H.R. 184, which was referred to the Committee on Energy and Commerce and, in addition, to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On February 4, 2005, H.R. 184 was referred to the Subcommittee on Health.

On April 27, 2005, the Subcommittee on Health met in open markup session forwarded H.R. 184 to the Full Committee by a voice vote, a quorum being present.

On May 4, 2005, the Committee on Energy and Commerce met in open markup session and ordered H.R. 184 favorably reported to the House, without amendment, by a voice vote, a quorum being present.

The Committee on Energy and Commerce reported H.R. 184 to the House on June 9, 2005 (H. Rept. 109–115, Part I).

On June 23, 2005, the Committee on the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security met in open markup session and H.R. 184, as amended, was forwarded by the Subcommittee to Full Committee by voice vote.

On June 29, 2005, the Committee on the Judiciary met in open markup session and ordered H.R. 184 to be reported to the House, as amended, by voice vote.

The Committee on the Judiciary reported H.R. 184 to the House on July 11, 2005 (H. Rept. 109–115, Part II), and H.R. 184 was placed on the Union Calendar, Calendar No. 99.

No further action was taken on H.R. 184 in the 109th Congress.

On July 13, 2005 Senator Hatch introduced S. 1395, which was read twice, considered, read the third time, and passed without amendment by unanimous consent.

S. 1395 was received in the House on July 14, 2005 and held at the desk.

On July 27, 2005, S. 1395 was considered by the House under suspension of the rules and passed the House by a voice vote.

On July 29, 2005, S. 1395 was presented to the President, and was signed by the President on August 2, 2006 (Public Law 109–57).

NATIONAL ALL SCHEDULES PRESCRIPTION ELECTRONIC REPORTING ACT OF 2005

Public Law 109–60 (H.R. 1132)

To provide for the establishment of a controlled substance monitoring program in each State.

Summary

H.R. 1132 provides grants through the Department of Health and Human Services (HHS) to the States to establish and operate

prescription drug monitoring programs. The Act requires the Secretary of HHS to develop minimum requirements for states to ensure security of information collected, database accuracy, and the use and disclosure of information.

The bill also requires the Secretary to complete a study and report to Congress three years after enactment of the legislation on the progress of States establishing and implementing controlled substance monitoring programs.

Legislative History

On March 3, 2005, Mr. Whitfield introduced H.R. 1132, which was referred to the Committee on Energy and Commerce.

On March 22, 2005, H.R. 1132 was referred to the Subcommittee on Health.

On June 22, 2005, the Subcommittee on Health met in open markup session and forwarded H.R. 1132 to the Full Committee by voice vote.

On July 20, 2005, the Committee on Energy and Commerce met in open markup session and ordered H.R. 5574 reported to the House, amended, by a voice vote, a quorum being present.

On July 27, 2005, the Committee on Energy and Commerce reported H.R. 1132 to the House, as amended (H. Rept. 109–191), and it was placed on the Union Calendar, Calendar No. 115.

On July 27, 2005, H.R. 1132 was considered in the House under suspension of the rules and passed the House, as amended, by voice vote.

H.R. 1132 was received in the Senate on July 28, 2005, and read twice.

On July 29, 2005, H.R. 1132 passed the Senate without amendment by unanimous consent.

H.R. 1132 was presented to the President on August 4, 2005, and was signed by the President on August 11, 2005 (Public Law 109–60).

QI, TMA, AND ABSTINENCE PROGRAMS EXTENSION AND HURRICANE KATRINA UNEMPLOYMENT RELIEF ACT OF 2005

Public Law 109–91 (H.R. 3971)

To extend Medicare cost-sharing for qualifying individuals through September 2007, to extend transitional medical assistance and the program for abstinence education through December 2005, to provide unemployment relief for States and individuals affected by Hurricane Katrina, and for other purposes.

Summary

H.R. 3971 amends Title XIX (Medicaid) of the Social Security Act to extend from September 2005 through September 2007 the qualified individual program, under which medical assistance is available for Medicare cost-sharing for individuals who would be qualified Medicare beneficiaries but for the fact that their income exceeds the State-established income level, and is between 120% and 135% of the official poverty line. It also prescribes additional allocations for such program for the extended period.

H.R. 3971 extends through December 31, 2005, Transitional Medical Assistance (TMA) and the separate program for abstinence education, and eliminates Medicare and Medicaid coverage under titles XVIII and XIX of the Social Security Act of drugs used for the treatment of sexual or erectile dysfunction, beginning in 2007.

H.R. 3971 amends Title IX of the Social Security Act to direct the Secretary to transfer from the Federal unemployment account: $15 million to the account of Alabama in the Unemployment Trust Fund; $400 million to the account of Louisiana in the Unemployment Trust Fund; and $85 million to the account of Mississippi in the Unemployment Trust Fund, and authorizes any Federal to use any amounts received by such Federal pursuant to Title III of the Social Security Act to assist in the administration of claims for compensation on behalf of any other State, if a major disaster was declared with respect to such other Federal or any area within it, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, by reason of Hurricane Katrina.

Legislative History

H.R. 3971 was introduced in the House by Mr. Deal on October 6, 2005, and was referred to the Committee on Ways and Means in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On October 6, 2005, H.R. 3971 was considered by the House under suspension of the rules and passed the House by a voice vote.

On October 7, 2005, H.R. 3971 was received in the House and passed the Senate with an amendment by unanimous consent.

On October 19, 2005, the House agreed to the Senate amendment with amendments pursuant to H. Res. 501.

On October 19, 2005, the Senate agreed to the amendments of the House by unanimous consent, clearing the measure for the President.

On October 20, 2005, H.R. 3971 was presented to and signed by the President (Public Law 109–91).

A BILL TO AMEND THE FEDERAL FOOD, DRUG, AND COSMETIC ACT TO PROVIDE FOR THE REGULATION OF ALL CONTACT LENSES AS MEDICAL DEVICES, AND FOR OTHER PURPOSES

Public Law 109–96 (S. 172)

A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

Summary

S. 172 amends the Federal Food, Drug, and Cosmetic Act to: (1) regulate all contact lenses as medical devices; and (2) state that such regulation shall not be construed as having any legal effect on any other Food and Drug Administration (FDA)-regulated article.

Legislative History

On January 26, 2005, Senator Mike DeWine introduced S. 172 and it was referred to the Committee on Health, Education, Labor, and Pensions.

On March 9, 2005, the Committee on Health, Education, Labor, and Pensions met in open markup session and S. 172 was ordered to be reported favorably without amendment.

On July 27, 2005, the Committee on Health, Education, Labor, and Pensions reported by Senator Enzi with an amendment in the nature of a substitute with written report (No. 109–110) and was placed on the Senate Legislative Calendar under General Orders.

On July 29, 2005, the Senate passed S. 172 with an amendment by unanimous consent.

On September 6, 2005, S. 172 was referred to the Committee on Energy and Commerce.

On September 19, 2005, S. 172 was referred to the Subcommittee on Health.

On October 26, 2005, S. 172 was considered by the House under suspension of the rules and passed the House by a voice vote.

On October 28, 2005, S. 172 was presented to the President, and on November 9, 2005, S. 172 was signed by the President (Public Law 109–96).

A BILL TO EXTEND THE SPECIAL POSTAGE STAMP FOR BREAST CANCER RESEARCH FOR 2 YEARS

Public Law 109–100 (S. 37)

A bill to extend the special postage stamp for breast cancer research for 2 years.

Summary

S. 37 extends the U.S. Postal Service's authority to issue special postage stamps to help provide funding for breast cancer research through December 31, 2007.

Legislative History

On January 24, 2005, Ms. Feinstein introduced S. 37, which was read twice and referred to the Committee on Homeland Security and Governmental Affairs.

On June 22, 2005, the Committee on Homeland Security and Governmental Affairs met in open markup session and ordered S. 37 to be reported to the Senate without amendment favorably.

On September 26, 2005, the Committee on Homeland Security and Government Affairs reported by Senator Collins without amendment with written report (No. 109–140), and was placed on the Senate Legislative Calendar under General Orders (Calendar No. 221).

On September 27, 2005, S. 37 passed the Senate without amendment by unanimous consent.

S. 37 was received by the House on September 28, 2005, and referred to the Committee on Government Reform, and in addition to the Committees on Energy and Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each

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

On October 20, 2005, the Committee on Government Reform met in open markup session and ordered S. 37 reported to the House by unanimous consent.

On October 27, 2005, S. 37 was considered in the House by unanimous consent and passed the House without objection.

On October 11, 2005, S. 37 was presented to the President, and was signed by the President on October 11, 2005 (Public Law 109–100).

STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005

Public Law 109–129 (H.R. 2520)

To provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

Summary

H.R. 2520, the Stem Cell Therapeutic and Research Act of 2005 requires the Secretary of Health and Human Services to contract with qualified cord blood stem cell banks to assist in the collection and maintenance of 150,000 new units of high-quality cord blood to be made available for transplantation through the C.W. Bill Young Cell Transplantation Program.

H.R. 2520 also requires the Secretary to establish a three-year demonstration project under which qualified cord blood banks may use a portion of the funding received under a contract for the collection and storage of cord blood units for a family where a relative has been diagnosed with a condition that will benefit from transplantation at no cost to such family.

H.R. 2520 requires the Secretary to establish and maintain the C.W. Bill Young Cell Transplantation Program to increase the number of transplants for recipients suitably matched to biologically unrelated donors of bone marrow and cord blood, and requires the Secretary to establish a related advisory council on Program activities. It also requires the Secretary to recognize one or more accreditation entities for the accreditation of cord blood banks and, through a public process, examine issues of informed consent, including the timing of such consent and the information provided to the maternal donor regarding all of her medically appropriate cord blood options.

H.R. 2520 requires the Secretary to ensure that health care professionals and patients are able to search electronically for and facilitate access to cells from bone marrow donors and cord blood units through a single point of access.

It also requires the Secretary to establish and maintain an office of patient advocacy and requires the Secretary to establish and maintain a scientific database of information relating to recipients of a stem cell therapeutics product, including bone marrow and cord blood, from a donor.

H.R. 2520 requires the Secretary to submit to Congress a report on the progress made by the Food and Drug Administration (FDA) in developing requirements for the licensing of cord blood units.

Legislative History

H.R. 2520 was introduced by Mr. Smith (NJ) on May 23, 2005, and was referred to the Committee on Energy and Commerce.

On May 24, 2005, H.R. 2520 was referred to the Subcommittee on Health.

On May 24, 2005, H.R. 2520 was considered in the House under suspension of the rules and passed the House by a roll call vote of 431 yeas and 1 nay.

On May 25, 2005, H.R. 2520 was received in the Senate.

On October 24, 2005, H.R. 2520 was read twice and placed on Senate Legislative Calendar under General Orders. Calendar No. 256

On December 16, 2005, H.R. 2520 was passed the Senate, as amended, by unanimous consent.

On December 17, 2005, H.R. 2520 was considered in the House under suspension of the rules and passed the House, as amended by the Senate, by a roll call vote of 413 yeas and 0 nays, clearing H.R. 2520 for the President.

On December 19, 2005, H.R. 2520 was presented to the President and on December 20, 2005, H.R. 2520 signed by the President (Public Law 109–129).

PUBLIC READINESS AND EMERGENCY PREPAREDNESS ACT DEPARTMENT OF DEFENSE APPROPRIATIONS ACT OF 2006

Public Law 109–148 (H.R. 2863)

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

Summary

H.R. 2863 provides authority for the Secretary of the Department of Health and Human Services to declare and provide for targeted liability protections for pandemic, epidemic, and other security countermeasures. The law further provides for a Covered Countermeasure Process Fund for purposes of providing timely, uniform, and adequate compensation to eligible individuals for covered injuries directly caused by the administration or use of a covered countermeasure pursuant to such declaration.

Legislative History

Mr. Young introduced and the House Committee on Appropriations reported H.R. 2863 on June 10, 2005 (H. Rept. 109–119), and it was placed on the Union Calendar, Calendar No. 67.

On June 20, 2005, the H.R. 2863 was considered in the House under the provisions of H. Res. 315, and passed the House by a roll call vote of 398 yeas and 19 nays.

On June 21, 2005, H.R. 2863 was received in the Senate, read twice, and referred to the Committee on Appropriations.

On September 26, 2005, the Committee on Appropriations Subcommittee on Defense met in open markup session and approved

for full committee consideration with an amendment in the nature of a substitute favorably.

On September 28, 2005, the Committee on Appropriations met in open markup session and ordered H.R 2863 to be reported with an amendment in the nature of a substitute favorably. The Committee on Appropriations reported by Senator Stevens with an amendment in the nature of a substitute, without written report, and H.R. 2863 was placed on Senate Legislative Calendar under General Orders. Calendar No. 230.

On September 29, 2005, Senator Stevens from Committee on Appropriations filed written report (Report No. 109–141).

H.R. 2863 was considered in the Senate on September 30, 2005, October 3, 4, 5, 6, and 7, 2005. On October 5, 2005, Cloture was invoked in the Senate by a record vote of 95 yeas and 4 nays.

On October 7, 2005, H.R. 2863 passed Senate, with an amendment, by a record vote of 97 yeas and 0 nays. The Senate insisted on its amendment, and asked for a conference.

On December 14, 2005 the House disagreed to the Senate amendment, and agreed to a conference.

On December 18, 2005 the conference report to accompany H.R. 2863 was filed (H. Rept. 109–359).

On December 19, 2005, the House considered the conference report to accompany H.R. 2863 under the provisions of H. Res. 639, and the conference report to accompany H.R. 2863 passed the House by a roll call vote of 308 yeas, 106 nays, and 2 present.

On December 19 and 21, 2005, the conference report to accompany H.R. 2863 was considered in the Senate.

On December 21, 2005, cloture on the conference report to accompany H.R. 2863 not invoked in Senate by a record vote of 56 yeas and 44 nays.

On December 21, 2005, the conference report to accompany H.R. 2863 passed the Senate, by a record vote of 93 yeas and 0 nays.

On December 28, 2005, H.R. 2863 was presented to the President, and on December 30, 2005, the President signed H.R. 2863 (Public Law 109–148).

EMPLOYEE RETIREMENT PRESERVATION ACT

Public Law 109–151 (H.R. 4579)

To amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to extend by one year provisions requiring parity in the application of certain limits to mental health benefits.

Summary

H.R. 4579 extends through 2006 mental health parity provisions, which require group health plans to treat equally mental health benefits and medical and surgical benefits for purposes of lifetime limits or annual limits on benefits covered by the plan

Legislative History

Mr. Boehner introduced H.R. 4579 on December 16, 2005, and it was referred to the Committee on Education and the Workforce,

and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On December 17, 2005, H.R. 4579 was considered by the House under suspension of the rules and passed the House by voice vote.

H.R. 4579 was received in the Senate and read twice on December 17, 2005.

On December 22, 2005, the Senate passed H.R. 4579 without amendment by unanimous consent.

H.R. 4579 was presented to the President on December 28, 2005, and was signed by the President on December 30, 2005 (Public Law 109–151).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Public Law 109–163 (H.R. 1815, S. 1042)

(Health Provisions)

To authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes.

Summary

Section 601 authorized the Public Health Service Corps to receive the same pay raise as the rest of the uniformed services.

Legislative History

H.R. 1815 was introduced by Mr. Hunter on April 26, 2005, and referred to the Committee on Armed Services.

On May 18, 2005, the Committee on Armed Services met in open markup session and ordered H.R. 1815 reported to the House, amended, by voice vote.

On May 20, 2005, there was an exchange of correspondence between the Committee on Energy and Commerce and the Committee on Armed Services concerning H.R. 1815.

On May 20, 2005, the Committee on Armed Services reported H.R. 1815 to the House, amended, (H. Rept. 109–89). H.R. 1815 was placed on the Union Calendar, Calendar No. 47.

On May 25, 2005, H.R. 1815 was considered in the House pursuant to H. Res. 293, and passed the House, as amended, by a roll call vote of 390 yeas and 39 nays.

H.R. 1815 was received in the Senate on June 6, 2005, read twice and referred to the Committee on Armed Services.

On November 15, 2005, H.R. 1855 was laid before the Senate and passed with an amendment by unanimous consent. The Senate requested a conference with the House and appointed conferees.

On December 15, 2005, the House disagreed with the Senate amendment and agreed to go to conference, and on December 16, 2005, the Speaker appointed conferees from the Committee on Energy and Commerce, for consideration of sections 314, 601, 1032, and 3201 of the House bill, and sections 312, 1084, 2893, 3116, and 3201 of the Senate amendment, and modifications committed to conference.

On December 18, 2005, the conferees filed the conference report (H. Rept. 109–360).

On December 18, 2005, the conference report to accompany H.R. 18144 was consider in the House, and on December 19, 2005, the conference report as unfinished business, and passed the House by a roll call vote of 374 yeas and 41 nays.

On December 21, 2005, the conference report was considered in the Senate, agreed to by a voice vote, and cleared for the White House.

H.R. 1815 was presented to the President on January 3, 2006, and signed by the President on January 6, 2006 (Public Law 109–163).

TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005

Public Law 109–164 (H.R. 972)

To authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes.

Summary

H.R. 972 amends the Trafficking Victims Protection Act of 2000 to direct The United States Agency for International Development (USAID), the Department of State (Department), and the Department of Defense (DOD) to incorporate anti-trafficking and protection measures for vulnerable populations, particularly women and children, into their post-conflict and humanitarian emergency assistance and program activities.

H.R. 972 also amends the Violent Crime Control and Law Enforcement Act of 1994 to extend the sexually violent offender registration program to foreign offenses. It also amends the Trafficking Victims Protection Act of 2000 to revise the Interagency Task Force to Monitor and Combat Trafficking (Task Force) membership and minimum standards for the elimination of trafficking, includes HIV/AIDS within the health risk research on the effects of trafficking, requires the Human Smuggling and Trafficking Center to report to the appropriate congressional committees respecting research initiatives on domestic and international trafficking, and requires that the Secretary's annual trafficking report include information on measures taken by the United Nations (U.N.), the Organization for Security and Cooperation in Europe, the North Atlantic Treaty Organization (NATO), and other multilateral organizations in which the United States participates to prevent the involvement of the organization's employees, contractor personnel, and peacekeeping forces in trafficking.

It also directs the Secretary, prior to voting for a peacekeeping mission, to notify the appropriate committees respecting measures taken to prevent peacekeeping personnel from involvement in trafficking or sexual exploitation, and amends the Foreign Service Act of 1980 to require foreign service training to include instruction on international documents and U.S. policy on trafficking.

The legislation authorizes the Secretary of Health and Human Services to make grants (75% maximum Federal share) to states, Indian tribes, local government, and nonprofit, nongovernmental

victims' service organizations to establish or expand assistance programs for U.S. citizens or permanent resident aliens who are the subject of sex trafficking or severe forms of trafficking that occurs in the United States. This section authorizes FY2006–FY2007 appropriations to carry out such purposes.

H.R. 972 directs the Secretary of Health and Human Services to: carry out a pilot program to establish residential treatment facilities in the United States for juveniles subjected to trafficking; and submit an implementation report to Congress. Section 203 authorizes FY2006–FY2007 appropriations to carry out these purposes.

Legislative History

Mr. Smith (NJ) introduced H.R. 972 on February 17, 2005, and it was referred to the Committee on International Relations, in addition to the Committees on Armed Services, the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On March 10, 2005, the Committee on International Relations Subcommittee on Africa, Global Human Rights and International Relations met in open markup session and forwarded H.R. 972 to the full committee, amended, by voice vote.

On March 14, 2005, H.R. 972 was referred to the Committee on Energy and Commerce Subcommittee on Health, for a period to be subsequently determined by the Chairman.

On October 7, 2005, the Committee on International Relations met in open markup session and ordered H.R. 972 reported to the House, amended, by voice vote.

On November 18, 2005, the Committee on International Relations reported H.R. 972 to the House, as amended (H. Rept. 109–317, Part I). The Committees on Armed Services and Energy and Commerce were discharged from further consideration of H.R. 972, and the Committee on Judiciary was granted an extension for further consideration ending not later than December 8, 2005.

On December 8, 2005, the Committee on the Judiciary met in open markup session and ordered H.R. 972 reported to the House, amended, by voice vote. On the same day, the Committee on the Judiciary reported H.R. 972 to the House, as amended (H. Rept. 109–317, Part II), and H.R. 972 was placed on the Union Calendar, Calendar No. 183.

On December 14, 2005, the H.R. 972 was considered in the House under suspension of the rules and passed the House, as amended, by a roll call vote of 426 yeas and 0 nays.

On December 15, 2005, H.R. 972 was received in the Senate and read twice.

On December 22, 2005, H.R. 972 passed the Senate without amendment by unanimous consent.

On January 3, 2006, H.R. 972 was presented to the President and was signed by the President on January 10, 2006 (Public Law 109–164).

TORTURE VICTIMS RELIEF REAUTHORIZATION ACT OF 2005

Public Law 109–165 (H.R. 2017)

To amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes

Summary

H.R. 2017 authorizes the Department of Health and Human Services (HHS) to provide grants to programs in the United States to cover the costs of services provided by domestic treatment centers in the rehabilitation of victims of torture (including treatment of the physical and psychological effects of torture), social and legal services, and research and training of health care providers outside of treatment centers or programs to enable them to provide such services; grants to treatment centers and programs in foreign countries that carry out projects and activities specifically designed to treat victims of torture for the physical and psychological effects of torture; and voluntary contributions to the United Nations Voluntary Fund for Victims of Torture.

Legislative History

H.R. 2017 was introduced by Mr. Smith (NJ) on April 28, 2005, and it was referred to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On May 13, 2005, H.R. 2017 was referred to the Committee on Energy and Commerce Subcommittee on Health.

On May 19, 2005, H.R. 2017 was referred to the Committee on International Relations Subcommittee on Africa, Global Human Rights and International Relations.

On June 23, 2005, the Subcommittee on Africa, Global Human Rights and International Relations met in open markup session and H.R. 2017 was forwarded to the Full Committee by voice vote.

On June 30, 2005, the Committee on International Relations met in open markup session and the Committee Agreed to Seek Consideration under suspension of the rules, by unanimous consent.

On December 6, 2005, H.R. 2017 was considered in the Hosue under suspension and passed the Hosue by voice vote.

H.R. 2017 was received in the Senate on December 12, 2005. On December 22, 2005, H.R. 2017 passed the Senate without amendment by unanimous consent.

On January 3, 2006, H.R. 2017 was presented to the President, and was signed by the President on January 10, 2006 (Public Law 109–165).

DEFICIT REDUCTION ACT OF 2005

Public Law 109–171 (S. 1932, H.R. 4241)

(Title V and Title VI—Health Provisions)

To provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

Summary

The Deficit Reduction Act (DRA) makes no changes to current law with respect to reimbursement for single source drugs. However, average manufacturer price (AMP) data will be made available to states and to the public so that there will be greatly increased pricing transparency. For multiple source drugs, the new Federal upper limit will be increased to 250% of the lowest AMP. Under current law, the Federal upper limit is 150% of the lowest published price.

The DRA makes no changes to current law with respect to dispensing fees. States have the ability to set the dispensing fee at the appropriate amount. AMP data will be available to States and made public on a Web site, and reported on a monthly basis, creating greater transparency in prescription drug pricing. This transparency should improve market competition, bring prices down for consumers, and protect the taxpayer from needless waste.

In the DRA, wholesalers' customary prompt pay discounts will be excluded from the calculation of AMP, which will increase the AMP number. Additionally, the Secretary may contract with a vendor to determine retail survey prices (RSP) for prescription drugs, to further ensure that pharmacies are being reimbursed fairly. States must annually report to the Secretary on their pharmacy payment rates, dispensing fees, and utilization data for non-innovator multiple source (generic) drugs.

There is some ambiguity in current law as to the treatment of generic drugs that are produced by the brand manufacturer. These drugs are commonly referred to as "authorized generic" drugs. The Medicaid drug rebate program includes different calculations for brand name products and generics. For brand name drugs, the rebate amount is the greater of 15.1% of the AMP or the AMP minus the manufacturer's best price. The generic drug rebate is 11% of the AMP. When manufacturers produce both a brand name version of a drug and a generic version of the drug, the generic versions of the drugs are not included in the price that is calculated for the rebate. This provision modifies the existing drug price reporting requirements to require manufacturers to include authorized generics in their average manufacturer price and best price.

Current law states that under the 340(B) drug discount program, certain health care providers, including community health centers and disproportionate share hospitals, are allowed access to prescription drug prices that are similar to the prices paid by Medicaid agencies after being reduced by manufacturer rebates. The DRA adds Children's Hospitals to the list of providers that may have access to the 340(B) discounted prices.

The DRA makes changes to the collection and submission of utilization data for certain physician administered drugs. This provision requires States to submit the utilization and coding information for these drugs so that rebates can be collected. In certain hardship cases, the Secretary may delay the application of the reporting requirements for a Federal that requires additional time to implement these reporting systems.

The DRA would allow states to impose premiums and cost sharing on certain groups of individuals, subject to restrictions. It indexes nominal cost-sharing to medical inflation and increases cost sharing limits on prescription drugs and emergency room visits. For some higher income populations states would be permitted to charge higher premiums with a cap of 5 percent of a family's income. The DRA would allow states to permit providers participating in Medicaid to require a beneficiary to pay authorized cost-sharing. However, a provider would be allowed to reduce or waive cost-sharing requirements on a case by case basis. The DRA increases state flexibility by allowing them to provide Medicaid beneficiaries alternative benefit packages.

Prior to the Deficit Reduction Act, states were only required to obtain documentary evidence from individuals who declared that they were not citizens or nationals. Under changes made by the DRA, States now must obtain documentary evidence of both citizenship and identity from individuals who declare that they are citizens or nationals (with certain exceptions) in order to receive Federal reimbursement for Medicaid services provided to these individuals.

DRA also expanded Medicaid eligibility to low and middle income families with children with disabilities. These children are exempted from being mandated into benefit flexibility packages.

The DRA lengthens the look-back period for Medicaid eligibility and implements changes in beginning date for the period of ineligibility. The look-back period for all transfers is increased to five years. The current penalty rules are modified so that the current penalty period may begin when the person is determined eligible for Medicaid, rather than from the time they transferred the asset.

This provision is prospective only and shall apply to transfers made on or after the date of enactment. Under the DRA, each State would be required to provide a hardship waiver process. A hardship would exist when the application of the transfer of assets provision would deprive the individual of medical care that would endanger their health or life or deprive them of food, clothing, shelter, or other necessities of life. Determinations under the hardship waiver process must be timely and there must be process to appeal an adverse determination.

The DRA increases the look-back period from 3 to 5 years for general transfers so it is now the same as the look-back for period for certain trusts. Additionally, the penalty rule for improper transfers would begin most often when an individual would otherwise be eligible and receiving care rather than at the time the asset was transferred.

The DRA similarly strengthens Medicaid asset transfer policies by: Not allowing states to "round down," or not include in the ineligibility period the quotient amounts that are less than one month,

as is under current law. Allowing States to determine the penalty period for individuals who dispose of multiple fractional transfers of assets in more than one month for less than fair market value on or after the applicable look-back date as the total as one transfer. Adding additional assets that would be subject to the look-back period, and thus a penalty, if established or transferred for less than fair market value. Such assets would include funds used to purchase a promissory note, loan or mortgage, as well as life estate interest in another individual's home.

To protect seniors making transfers for a non-Medicaid purpose, the conference agreement does not impose a penalty or affect access to Medicaid for those transfers. Even if the senior cannot document the non-Medicaid purpose for the transfer, the conference agreement codifies existing hardship procedure so no one is denied vital care.

The DRA limits Medicaid eligibility so that an individual with more than $500,000 in home equity cannot qualify, and provides the states with the option to increase this limit to $750,000. This limit doesn't apply when there is a spouse, minor, or disabled child living in the home or in the case of a demonstrated hardship.

States would be authorized to provide home and community-based services as an optional State plan benefit without a waiver to seniors, the disabled, persons with a developmental disability, mental retardation or a related condition. States could also offer self-directed personal assistance services (e.g., "Cash & Counseling") as an optional State plan benefit without requiring a waiver. Participants can purchase eligible services and hire, fire, supervise and manage service providers who can now include spouses and parents.

The DRA allows every State to establish a Long-Term Care Partnership whereby states offer enhanced asset protection for purchasers of long-term care insurance if insured ever applies for Medicaid.

Title V, Subtitle A, amends Title XVIII of the Social Security Act to require hospitals that do not submit certain required data to the Secretary of Health and Human Services in fiscal year 2007 and each subsequent year to have the applicable market basket percentage reduced by two percentage points. It also provides that, for discharges occurring on or after October 1, 2008, the diagnosis-related group (DRG) assigned for a described discharge shall be a DRG that does not result in higher payment based on the presence of a secondary described diagnosis code. It requires a hospital to report an individual's secondary diagnosis at admission with the information submitted with respect to the individual's discharge in order for payment to be made, and requires the Secretary to select diagnosis codes associated with at least two conditions.

Title V, Subtitle A, also permits the Secretary to include inpatient hospital days of patients eligible for medical assistance under a certain demonstration waiver in the Medicare disproportionate share hospital (DSH) adjustment calculation, and ratifies certain existing regulations. It extends the Medicare dependent hospital (MDH) status for qualifying rural hospitals through discharges occurring before October 1, 2011. It authorizes an MDH, with respect to discharges occurring on or after October 1, 2006, to elect pay-

ments based on its fiscal year 2002 hospital-specific costs, if that would result in higher Medicare payments. It bases MDH payments on 75 percent of their adjusted hospital-specific costs starting for discharges on October 1, 2006.

It also reduces payments to skilled nursing facilities for allowable bad debts attributable to Medicare coinsurance by 30 percent for those individuals who are not dually eligible for Medicare and Medicaid. It directs the Secretary to apply certain applicable percentages in the classification criterion used to determine whether a hospital or hospital unit is an inpatient rehabilitation facility for Medicare purposes. It directs the Secretary to develop a strategic and implementing plan regarding physician investment in specialty hospitals that address issues related to proportionality of investment return, bona fide investments, annual disclosure of investment information, and the provision of Medicaid and charity care by specialty hospitals. It directs the Secretary to establish a qualified gainsharing demonstration program for projects to: (1) test and evaluate methodologies and arrangements between hospitals and physicians designed to govern the utilization of inpatient hospital resources and physician work to improve the quality and efficiency of care provided to Medicare beneficiaries; and (2) develop improved operational and financial hospital performance with sharing of remuneration as specified in the project. It directs the Secretary to establish a demonstration program for the purposes of understanding costs and outcomes across different post-acute care sites.

Title V, Subtitle B, amends title XVIII of the Social Security Act to: (1) require the supplier to transfer the title of durable medical equipment (DME) in the capped rental category to the beneficiary after a thirteen month rental period; (2) eliminate automatic payments to the supplier every six months for maintenance and servicing; and (3) allow reasonable and necessary payments (for parts and labor not covered by the supplier's or manufacturer's warranty). It requires the supplier of oxygen equipment (including portable oxygen equipment) to transfer the title to the beneficiary after a 36-month rental period. It allows reasonable and necessary payments for maintenance and servicing of the equipment.

It provides that reduced expenditures attributable to the multiple procedure payment reduction for imaging (under the final rule published November 21, 2005) shall not be taken into account for purposes of the budget neutrality calculation for 2006 and 2007. It declares that, for specified imaging services furnished on or after January 1, 2007, if the technical component (including the technical component of a global fee) exceeds the Medicare outpatient department (OPD) fee schedule amount established under the prospective payment system (PPS) for such service, the Secretary shall substitute the Medicare OPD fee schedule amount, adjusted by the relevant geographic adjustment factor. It requires that ambulatory care surgery centers (ASC) be paid the Medicare OPD fee schedule amount whenever the ASC facility payment (without application of any geographic price differences) is greater than the Medicare OPD fee schedule amount for the same service.

Title V, Subtitle B, also provides that the update to the single conversion factor for physicians' services for 2006 shall be 0 percent, and requires the Medicare Payment Advisory Commission

(MedPAC) to report to Congress on mechanisms that could be used to replace the sustainable growth rate system. It requires an increase in Medicare payments for covered OPD services in calendar 2006–2008 to non-sole community small rural hospitals with no more than 100 beds, if their OPD payments under the PPS are less than under the prior reimbursement system. It directs the Secretary to increase the amount of the composite rate component of the basic case-mix adjusted PPS for dialysis services furnished on or after January 1, 2006, by 1.6 percent above the amount of such component for such services furnished on December 31, 2005. It directs the Secretary to implement an exceptions process with respect to physical therapy, speech language pathology, and occupational therapy caps for expenses incurred in 2006. It directs the Secretary to implement clinically appropriate code edits with respect to Medicare part B payments for physical therapy services, occupational therapy services, and speech-language pathology services in order to identify and eliminate improper payments.

The legislation also revises requirements for the reduction in Medicare part B premium subsidy based on income, and increases the monthly adjustment amounts and accelerates their phase-in for higher income enrollees, with the provision fully effective in 2009. It authorizes Medicare coverage of ultrasound screening for abdominal aortic aneurysms for an individual meeting certain criteria. It makes the part B deductible inapplicable to colorectal cancer screening tests. It adds diabetes self-management training and medical nutrition therapy services to those that may be covered under the all-inclusive per visit payment rate for federally qualified health centers (FQHCs). It permits delayed enrollment under Medicare part B without a delayed enrollment penalty to individuals who: (1) serve as volunteers outside the United States through a program sponsored by a tax-exempt organization that covers at least 12 months; and (2) demonstrate health insurance coverage while serving in the program. It creates a special six-month special part B enrollment period for such individuals beginning on the first day of the month they were no longer in the program.

Title V, Subtitle C, revises requirements for home health payments, eliminating the update for home health payments in 2006. It requires a home health agency to submit certain quality data to the Secretary annually, or incur a 2% reduction in the fiscal year market basket update, and requires MedPAC to report to Congress on a detailed structure of value based payment adjustments for home health services under the Medicare program. It lengthens from 26 days to 28 days after a claim is received the period during which a Medicare administrative contract for the disbursement of funds must prohibit the payment of a claim not submitted electronically. It delays Medicare part A and B payments by nine days. It increases the Medicare Integrity Program funding amounts by $100 million for fiscal year 2006.

Title V, Subtitle D, provides for the phase-out of risk adjustment budget neutrality over 2007 through 2010 in determining the amount of payments to Medicare Advantage Organizations. It directs the Secretary to establish a process and criteria to award site development grants to qualified Programs of All-inclusive Care for

Elderly (PACE) providers that have been approved to serve a rural area.

The Deficit Reduction Act provides for hurricane Katrina health care relief. The conference agreement appropriates $2 billion, in addition to any funds made available for the National Disaster Medical System, for use by the Secretary of HHS to pay eligible states (those who have provided care to affected individuals or evacuees under a Section 1115 project). These funds may be used for the non-Federal share of expenditures for health care provided to affected individuals and evacuees under approved multi-state Section 1115 demonstration projects; reasonable administrative costs related to such projects; the non-Federal share of expenditures for medical care provided to individuals under existing Medicaid and SCHIP Federal plans; and other purposes, if approved by the Secretary, to restore access to health care in impacted communities.

Additionally the conference agreement provides funding for State high risk health insurance pools For FY2006, $75 million is authorized and appropriated for the losses incurred by a State in connection with the operation of their qualified high risk pool. There is also $15 million in FY2006 authorized and appropriated to fund seed grants to States to create, and initially fund, a high risk pool. This funding will also apply upon the enactment of the State High Risk Pool Funding Extension Act.

Legislative History

On October 26, 2005, the Committee on Energy and Commerce met in open markup session and approved the Committee Print entitled Medicaid, Katrina health relief, and Katrina energy relief, as amended, by a record vote of 28 yeas and 22 nays. A motion by Mr. Barton to transmit the recommendations of the Committee, and all appropriate accompanying material including additional, supplemental, or dissenting views, to the House Committee on the Budget, in order to comply with the reconciliation directive included in Section 201(a) of the Concurrent Resolution on the Budget for Fiscal Year 2006, H. Con. Res. 95, and consistent with Section 310 of the Congressional Budget and Impoundment Control Act of 1974, was agreed to by a voice vote.

On October 27, 2005, Mr. Gregg introduced S. 1932 and the Senate Committee on the Budget reported without a written report.

On November 3, 2005, S. 1932 was passed and agreed to in the Senate by a record vote of 52 yeas and 47 nays.

On November 7, 2005, Mr. Nussle introduced H.R. 4241, which included the Medicaid, Katrina health relief, and Katrina energy relief, and the House Committee on the Budget reported an original measure (H. Rept. 109–276).

On November 17, 2005, H.R. 4241 was considered in the House pursuant to H. Res. 560, and passed the House on November 18, 2006, by a roll call vote of 217 yeas and 215 nays. No further action was taken on H.R. 4241 in the 109th Congress.

On November 18, 2005, S. 1932 was considered in the House by unanimous consent, and was agreed to, amended, without objection.

On December 14, 2005, the Senate disagreed to the amendment of the House, and requested a conference on S. 1932 by unanimous consent.

On December 15, 2005, the Senate appointed conferees.

On December 16, 2005, Mr. Nussle asked unanimous consent that the House insist upon its amendment, and agree to a conference. The request was agreed to without objection.

On December 16, 2005, the Speaker of the House appointed conferees for consideration of the Senate bill, and the House amendment thereto, and modifications committed to conference. The Speaker appointed conferees from the Committee on Energy and Commerce for consideration of title III and title VI of the Senate bill and title III of the House amendment, and modifications committed to conference: Barton (TX), Deal (GA), and Dingell.

On December 19, 2005, the conference report to accompany S. 1932 (H. Rept. 109–362) was filed, considered under the provisions of H. Res. 640, and the House agreed to the conference report by a roll call vote of 212 yeas and 206 nays.

On December 19, 20, and 21, 2005, the conference report was considered in the Senate.

On December 21, 2005, Senate concurred in the House amendment with an amendment by a record vote of 51 yeas and 50 nays.

On December 21, 2005, the conference report was defeated by operation of the Budget Act.

On January 31, 2006, the Rules Committee Resolution H. Res. 653 provided for consideration of S. 1932, upon adoption of the resolution, the House shall be deemed to have agreed to the Senate amendment to the House amendment to S. 1932.

On February 1, 2006, the House agreed to the Senate amendment to the House amendment pursuant to H. Res. 653.

On February 7, 2006, S. 1932 was presented to the President and was signed into law by the President on February 8, 2006 (Public Law 109–171).

STATE HIGH RISK POOL FUNDING EXTENSION ACT OF 2006

Public Law 109–172 (H.R. 4519, H.R. 3204)

To amend the Public Health Service Act to extend funding for the operation of State high risk health insurance pools.

Summary

H.R. 4519 extends funding for the operation and establishment of State high risk health insurance pools. The bill increases the maximum allowable premium charged under a qualified high risk pool to 200% of the premium for applicable standard risk rates. It changes the allocation of such grants to give 40% to eligible states equally, 30% based on the number of uninsured individuals in a State relative to all States, and 30% based on the number of enrollees in a State's qualified high risk pool relative to all States. The bill also requires a State which charges premiums that exceed 150% of the premium for applicable standard risks to use at least 50% of the grant amount to reduce premiums for enrollees.

Legislative History

On July 12, 2005, Mr. Shadegg introduced H.R. 3204 and it was referred to the Committee on Energy and Commerce.

On July 14, 2005, H.R. 3204 was referred to the Subcommittee on Health, and the Subcommittee on Health met in open markup session, and forwarded H.R. 3204 to the Full Committee by a voice vote, a quorum being present.

On July 20, 2005, the Committee on Energy and Commerce met in open markup session and ordered H.R. 3204 favorably reported to the House, amended, by a voice vote, a quorum being present.

The Committee on Energy and Commerce reported H.R. 3204 to the House, as amended, on July 27, 2005 (H. Rept. 109–192).

On July 27, 2005, H.R. 3204 was considered in the House under suspension of the rules and passed the House, as amended, by voice vote.

The bill was received in the Senate on July 28, 2005, read twice, and placed on Senate Legislative Calendar under General Orders. Calendar No. 181.

On October 19, 2005, H.R. 3204 passed the Senate, with an amendment, by unanimous consent.

No further action was taken on H.R. 3204 in the 109th Congress.

On December 13, 2005, Mr. Shadegg introduced H.R. 4519 and it was referred to the Committee on Energy and Commerce.

On December 17, 2005, H.R. 4519 was considered in the House under suspension of the rules and passed the House by voice vote.

The bill was received in the Senate on December 17, 2005.

On January 27, 2006, H.R. 4519 was read twice and referred to the Committee on Health, Education, Labor, and Pensions.

On February 1, 2006, the Committee on Health, Education, Labor, and Pensions discharged H.R. 4519 by unanimous consent, and H.R. 4519 passed the Senate by unanimous consent.

H.R. 4519 was presented to the President on February 3, 2006, and was signed by the President on February 10, 2006 (Public Law 109–172).

USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005

Public Law 109–177 (H.R. 3199)

(Health Provisions)

Summary

H.R. 3199 included provisions dealing with combating methamphetamine abuse. It reduces the exemption to reporting requirements for individual sales of pseudoephedrine and phenylpropanolamine from 9 grams to 3.6 grams per transaction and eliminates the reporting exemption for blister packs, and extends the Attorney General's existing authority to set production quotas for certain controlled substances to methamphetamine precursor chemicals.

H.R. 3199 also extends the Attorney General's existing authority to set import quotas for controlled substances to methamphetamine precursor chemicals, closes the loophole in the spot market for imports and exports of precursor chemicals for methamphetamine,

and extends the current reporting requirements—as well as the current exemption for regular importers, exporters, and customers—to post-import or export transactions.

Legislative History

H.R. 3199 was introduced by Mr. Sensenbrenner on July 11, 2006, and referred to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On July 13, 2005, the Committee on the Judiciary met in open mark session and ordered H.R. 3199 reported to the House, as amended, by a record vote of 23 ayes and 14 nays.

On July 13, 2005, the Committee on Intelligence (Permanent Select) met in open mark session and ordered H.R. 3199 reported to the House, as amended, by voice vote.

On July 18, 2005, the Committee on the Judiciary reported H.R. 3199 to the House, as amended (H. Rept. 109–174, Part I).

On July 18, 2005, the Committee on Intelligence (Permanent Select) reported H.R. 3199 to the House, as amended (H. Rept. 109–174, Part II).

On July 21, 2005, pursuant to the provisions H. Res. 369, the House considered H.R. 3199, and passed the bill by a roll call vote of 257 ayes and 171 nays.

On July 25, 2005, H.R. 3199 was received in the Senate and read twice.

On July 29, 2005, H.R. 3199 passed the Senate with an amendment by unanimous consent. The Senate requested a conference with the House and appointed conferees.

On November 9, 2005, the House disagreed with the Senate amendment and agreed to a conference, and the Speaker appointed conferees from the Committee on Energy and Commerce, for consideration of Sections 124 and 231 of the House bill, and modifications committed to conference.

On December 8, 2005, the conferees filed the conference report to accompany H.R. 3199 (H. Rept. 109–333).

On December 14, 2005, the House considered the conference report to accompany H.R. 3199 pursuant to the provisions of H. Res. 595 and passed the bill by a roll call vote of 251 yeas and 174 nays.

On December 14, 15, and 16, 2005, the Senate considered the conference report to accompany H.R. 3199.

On December 16, 2005, motion to invoke cloture was not agreed to in the Senate by a record vote of 52 yeas and 47 nays.

On March 1, 2006, motion to proceed to consideration of the motion to reconsider agreed to in Senate by a record vote of 86 yeas and 13 nays, and upon reconsideration, cloture invoked in Senate by a record vote of 84 yeas and 15 nays.

The conference report to accompany H.R. 3199 was agreed to by a record vote of 89 yeas and 10 nays on March 2, 2006, and cleared for the White House.

H.R. 3199 was presented to the President on March 8, 2006, and signed by the President on March 9, 2006 (Public Law 109–177).

TO AMEND THE PUBLIC HEALTH SERVICE ACT WITH RESPECT TO THE NATIONAL FOUNDATION FOR THE CENTERS FOR DISEASE CONTROL AND PREVENTION

Public Law 109–245 (S. 655)

A bill to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention.

Summary

S. 655 amends Section 399G of the Public Health Service Act (PHSA) to provide increased flexibility in the amounts of Federal funding and support services allocated to the Centers for Disease Control and Prevention (CDC) Foundation and requires the Foundation to: (1) include an accounting of the use of funds transferred from the CDC to the Foundation in its annual report; and (2) submit such reports to the appropriate congressional committees.

Legislative History

S. 655 was introduced on March 17, 2005, in the Senate by Senator Johnny Isakson, and it was read twice and referred to the Committee on Health, Education, Labor, and Pensions.

On April 27, 2005, the Committee on Health, Education, Labor, and Pensions met in open markup session and ordered S. 655 to be reported with an amendment in the nature of a substitute favorably.

On July 27, 2005, the Committee on Health, Education, Labor, and Pensions reported by Senator Enzi with an amendment in the nature of a substitute with written report (No. 109–91), and S. 655 was paced on Senate Legislative Calendar under General Orders. Calendar No. 140.

On July 27, 2005, S.655 passed the Senate with an amendment by unanimous consent.

S. 655 was received in the House on July 28, 2005, and was referred to the Committee on Energy and Commerce.

On August 5, 2005, S. 655 was referred to the Subcommittee on Health.

On June 8, 2006, the Subcommittee on Health met in open markup session and forwarded S. 655 to the full Committee without amendment by voice vote, a quorum being present.

On June 15, 2006, the Committee on Energy and Commerce met in open markup session and ordered S. 655 favorably reported to the House, amended, by a voice vote, a quorum being present.

On June 20, 2006, the Committee on Energy and Commerce reported S. 655 to the House, amended (H. Rept. 109–510), and S. 655 was Placed on the Union Calendar, Calendar No. 286.

On July 11, 2006, S. 655 was considered in the House under suspension of the rules and passed the House, as amended, by voice vote.

On July 13, 2006, the Senate agreed to the House amendment by unanimous consent, clearing S. 655 for the President.

On July 18, 2006, S. 655 was presented to the President and was signed by the President on July 26, 2006 (Public Law 109–245).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Public Law 109–295 (HR 5441)

(Health Provisions)

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

Summary

H.R. 5441 establishes the office of the Chief Medical Officer in the Department of Homeland Security. The legislation also authorizes $60 million for the Metropolitan Medical Response System. Finally, H.R. 5441 permanently transferred the National Disaster Medical System from the Department of Homeland Security to the Department Health and Human Services.

Legislative History

On May 22, 2006, Mr. Rogers (KY) reported an original measure (H. Rept. 109–476) to the House.

On May 25, 2006, the House considered H.R. 5441 and on June 6, 2006, the House reconvened to consider H.R. 5441 as unfinished business and passed H.R. 5441 by a roll call vote of 389 yeas and 9 nays.

On June 7, 2006, H.R. 5441 was received in the Senate and referred to the Committee on Appropriations.

On June 26, 2006, the Senate Committee on Appropriations, Subcommittee on Homeland Security approved favorably for full committee consideration with an amendment in the nature of a substitute. On June 29, 2006, the Committee on Appropriations ordered H.R. 5441 to be reported favorably with an amendment in the nature of a substitute with written report no. 109–273.

On July 11, 2006, H.R. 5441 was considered by the Senate and on July 13, 2006, the Senate passed H.R. 5441 with an amendment by a record vote of 100 yeas and 0 nays. On July 13, 2006, the Senate insisted on its amendment, and asked for a conference and appointed conferees.

On July 17, 2006, H.R. 5814, Department of Homeland Security Authorization Act for Fiscal Year 2007, was introduced by Mr. King (NY) and referred to the House Committee on Homeland Security.

On July 19, 2006, the House Committee on Homeland Security met in open mark-up session and ordered H.R. 5814 to be reported, as amended, by voice vote.

On November 9, 2006, the Committee on Homeland Security reported H.R. 5814 to the House, as amended (H. Rept. 109–713, Part I), and it was referred jointly and sequentially to the Committee on Ways and Means for a period ending not later than November 17, 2006 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(t), rule X, and the Committee on Energy and Commerce for a period ending not later than November 17, 2006 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X.

No further action was taken on H.R. 5814 in the 109th Congress.

On July 20, 2006, H.R. 5852 was introduced by Mr. Reichert and referred to the Committee on Energy and Commerce, and, in addition to the Committee on Homeland Security.

On July 24, 2006, H.R. 5852 was referred to the Subcommittee on Telecommunications and the Internet.

On July 25, 2006, the House considered H.R. 5852 under suspension of the rules and passed the House by a roll call vote of 414 yeas and 2 nays.

On July 26, 2006, H.R. 5852 was received in the Senate and referred to the Committee on Homeland Security and Governmental Affairs. No further action was taken on H.R. 5852 in the 109th Congress.

On September 21, 2006, the House disagreed to the Senate amendment to H.R. 5441, and agreed to a conference by voice vote. The Speaker appointed conferees.

On September 25, 2006, Conferees agreed to file a conference report, and on September 28, 2006, the conference report to accompany H.R. 5441 (H. Rept. 109–699) was filed, which included H.R. 5852 as a provision within the Department of Homeland Security Appropriations Act for Fiscal Year 2007.

On September 29, 2006, the House considered the conference report to accompany H.R. 5441 (H. Rept. 109–699) under the provisions of H. Res. 1054, and agreed to the conference report by a roll call vote of 412 yeas and 6 nays. On the same day, the Senate agreed to the conference report by voice vote.

On October 3, 2006, H.R. 5441 was presented to the President, and on October 4, H.R. 5441 was signed by the President (Public Law 109–295).

CHILDREN'S HOSPITAL GME SUPPORT REAUTHORIZATION ACT OF 2006

Public Law 109–307 (H.R. 5574)

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

Summary

H.R. 5574 reauthorizes the Children's Hospital Graduate Medical Education program from fiscal year 2007 through fiscal year 2011.

Legislative History

Mr. Deal introduced H.R. 5574 on June 9, 2006, and it was referred to the House Committee on Energy and Commerce.

On June 9, 2006, the Subcommittee on Health met in open markup session and approved H.R. 5574 for Full Committee consideration, without amendment, by a voice vote, a quorum being present.

On June 15, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 5574 favorably reported to the House, amended, by a voice vote, a quorum being present.

On June 20, 2006, the Committee on Energy and Commerce reported H.R. 5574 to the House (H. Rept 109–508).

On June 21, 2006, H.R. 5574 was considered in the House under suspension of the rules and passed the House by a roll call vote of 421 yeas and 4 nays.

On June 22, 2006, H.R. 5574 was received in the Senate, read twice, and referred to the Committee on Health, Education, Labor, and Pensions.

H.R. 5574 passed the Senate with an amendment by unanimous consent on September 26, 2006.

On September 28, 2006, the House considered the Senate amendment to H.R. 5574 under suspension of the rules, and passed the House by voice vote.

H.R. 5574 was presented to the President on September 29, 2006, and was signed by the President on October 6, 2006 (Public Law 109–307).

JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Public Law 109–364 (H.R. 5122, S. 2766)

(Health Provisions)

To authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes.

Summary

Section 601 authorized the Public Health Service Corps to receive the same pay raise as the rest of the uniformed services.

Legislative History

H.R. 5122 was introduced by Mr. Hunter on April 6, 2006, and referred to the Committee on Armed Services.

On May 3, 2006, the Committee on Armed Services met in open markup session and ordered H.R. 5122 reported to the House, amended, by a record vote of 60 yeas and 1 nay.

On May 5, 2006, the Committee on Armed Services reported H.R. 5122 to the House, as amended (H. Rept. 109–452). H.R. 5122 was placed on the Union Calendar, Calendar No. 253.

On May 9, 2006, there was an exchange of correspondence between the Committee on Energy and Commerce and the Committee on Armed Services concerning H.R. 5122.

On May 10 and 11, 2006, the House considered H.R. 5122 pursuant to the provisions of H. Res. 806 and H. Res. 811. On May 11, 2006, H.R. 5122, passed the House by a roll call vote of 396 ayes and 31 nays.

On May 15, 2006, H.R. 5122 was received in the Senate, read twice, and placed on the Senate Legislative Calendar under General Orders. Calendar No. 431.

On June 22, 2006, H.R. 5122 was laid before the Senate and passed with an amendment by unanimous consent. The Senate requested a conference with the House and appointed conferees.

On September 7, 2006, the House disagreed with the Senate amendment and agreed to go to conference, and the Speaker appointed conferees from the Committee on Energy and Commerce,

for consideration of sections 314, 601, 602, 710, 3115, 3117, and 3201 of the House bill, and sections 332–335, 352, 601, 722, 2842, 3115, and 3201 of the Senate amendment, and modifications committed to conference.

The Conference Committee met on September 12, 2005, and the conferees filed the conference report to accompany H.R. 5122 on September 29, 2006 (H. Rept. 109–702).

On September 29, 2006, the House considered the conference report to accompany H.R. 5122 pursuant to the provisions of H. Res. 1062, and passed the bill by a roll call vote of 398 yeas and 23 nays.

On September 30, 2006, the conference report was considered in the Senate, agreed to by unanimous consent, and cleared for the White House. H.R. 5122 was presented to the President on October 5, 2006, and signed by the President on October 17, 2006 (Public Law 109–364).

RYAN WHITE HIV/AIDS TREATMENT MODERNIZATION ACT OF 2006

Public Law 109–415 (H.R. 6143)

To amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

Summary

H.R. 6143 requires that grantees under Titles I, II, and III of the Ryan White Care program spend not less than 75 percent of their funds on core medical services with the opportunity for eligible entities to receive a waiver from this requirement if certain conditions are met. States would be able to spend the remaining 25 percent of funds on support services if the Secretary determines the services are needed for individuals with HIV/AIDS to achieve their medical outcomes. H.R. 6143 also makes changes to the Title I and Title II formulas, basing both on the number of cases of HIV/AIDS rather than estimated living AIDS cases. H.R. 6143 changes the distribution for funds for Title I funds so that two-thirds of the funds will be awarded through a formula and one-third would be through supplement grants, and allows a hold harmless for EMAs at 95 percent of their FY 2006 award for FY 2007 and a hold harmless for FY 2008 and FY 2009 at 100 percent of the FY 2007 award. H.R. 6143 provides a three-year transition period for grandfathered EMAs that no longer meet a required incidence and prevalence of AIDS cases threshold.

The calculation of the Title II formula distribution is also changed from a .80/.20 calculation to a .75/.20, with an additional 5 percent of the funding distribution reserved for States with no Title I entities. All States receive a hold harmless at 95 percent of their FY 2006 award beginning in FY 2007 and a hold harmless at 100 percent of their FY 2007 award for FY 2008 and FY 2009. H.R. 6143 provides an opportunity in all three years of the reauthorization for States (and Title I entities) that lose formula funds to apply for prioritized supplemental awards. H.R. 6143 also prevents otherwise potentially severe losses in funding under current

law for FY 2007 for States (and Title I entities) with code-based HIV reporting systems.

H.R. 6143 increases the authorization levels for Titles I, II, and III by 3.7 percent. Administrative expenses are capped at 10 percent for each entity receiving funds through Titles I–IV. In addition, H.R. 6143 includes $70 million in new money in the Title II base for 2007. New carryover provisions help keep funds awarded to entities within the Ryan White program rather than being returned to the Treasury. H.R. 6143 creates a new Title II supplemental award and disconnects the ADAP supplemental award from funding a Title II hold harmless provision should it be triggered. H.R. 6143 creates a minimum list drug list for antiretrovirals for ADAPs, and increases the ADAP set aside for the ADAP supplement from a 3 percent to a 5 percent set aside.

H.R. 6143 also codifies, in part, the Minority AIDS Initiative. In addition, it provides the Administration with the flexibility to address emergencies, to address emerging needs, and to promote the development of health information technology. H.R. 6143 also strengthens the Ryan White program by providing more accountability and transparency through more statewide coordination of funding. H.R. directs the Secretary to develop a severity of need index by September 30, 2008 and submit it to Congress (or a report on its progress if not ready). The reauthorization is for three years with the entire program to sunset FY 2010.

Legislative History

On September 20, 2006, the Committee on Energy and Commerce met in open markup session and ordered a Committee Print entitled the Ryan White HIV/AIDS Treatment Modernization Act of 2006 favorably reported to the House, amended, by a record vote of 38 yeas and 10 nays, a quorum being present. A request by Mr. Barton to allow a report to be filed on a bill to be introduced, and that the actions of the Committee be deemed as actions on that bill, was agreed to by unanimous consent.

On September 21, 2006, Ms. Bono introduced H.R. 6143, and it was solely referred to the Committee on Energy and Commerce.

On September 25, 2006, H.R. 6143 was referred to the Subcommittee on Health.

On September 28, 2006, pursuant to the unanimous consent request on September 20, 2006, the Committee on Energy and Commerce reported H.R. 6143 to the House (H. Rept. 109–695) and placed on the Union Calendar, Calendar No. 420.

On September 28, 2006, H.R. 6143 was considered in the House under suspension of the rules and passed the House by a roll call vote of 325 yeas and 98 nays.

On September 29, 2006, H.R. 6143 was received in the Senate.

On November 13, 2006, H.R. 6143 was read twice and referred to the Committee on Health, Education, Labor, and Pensions.

On December 6, 2006, H.R. 6143 was discharged by the Committee on Health, Education, Labor, and Pensions by unanimous consent, and passed the Senate with an amendment by unanimous consent.

On December 9, 2006, the House concurred in the Senate amendment to H.R. 6143 by unanimous consent, clearing the bill for the White House.

H.R. 6143 was presented to the President on December 15, 2006, and signed by the President on December 19, 2006 (Public Law 109–415).

THE COMBATTING AUTISM ACT

Public Law 109–416 (S. 843)

To amend the Public Health Service Act to combat autism through research, screening, intervention and education.

Summary

S. 843 requires the Director of NIH to expand, intensify, and coordinate autism spectrum disorder-related research. It allows the Director to consolidate program activities under this section to improve program efficiencies and outcomes.

S. 843 also requires the Secretary of HHS, acting through the NIH Director, to conduct an NIH-wide review of centers of excellence and report to Congress with the following information with regard to the centers: (1) a performance and outcomes evaluation; (2) recommendations for promoting information coordination; and, (3) recommendations for improving effectiveness, efficiency, and outcomes.

In addition S. 843 grants the Secretary of HHS, acting through the Director of CDC, the authority to award grants for the collection, analysis, and reporting of state-level epidemiological data on autism spectrum disorder and other developmental disabilities. In addition, the Secretary, acting through the CDC Director, may award grants for the establishment of regional centers of excellence in autism spectrum disorder epidemiology. S. 843 directs the Secretary to establish and evaluate activities to: (1) provide information and education to increase public awareness of autism's early warning signs; (2) promote early screening of those at higher risk for autism; (3) increase the number of health care professionals able to diagnose autism; (4) increase the number of professionals offering treatments for autism; and 5) promote the use of evidence-based interventions for those at higher risk for autism.

S. 843 directs the Secretary of HHS to collaborate with the Secretary of the Department of Education to provide culturally competent information on ASD, including risk factors, characteristics, and evidence-based interventions to treat ASD. Such information shall be made available to the public through federal programs such as Head Start, Early Start, Healthy Start, the Child Care Development Block Grant, and other programs.

Finally, S. 843 establishes and expands an existing Interagency Autism Coordinating Committee (IACC) to coordinate all efforts within HHS concerning ASD. The IACC will annually report on scientific advances in ASD research, monitor federal ASD-related activities, develop a strategic plan for ASD research, including proposed budgetary requirements, and make recommendations to the Secretary regarding appropriate changes to such activities and public participation. The IACC will also create, update, and report to

Congress annually a strategic plan for addressing autism at the federal level.

Legislative History

S. 843 was introduced on April 19, 2005, in the Senate by Senator Santorum, and it was read twice and referred to the Committee on Health, Education, Labor, and Pensions.

On July 19, 2006, the Committee on Health, Education, Labor, and Pensions met in open markup session and ordered S. 843 to be reported with an amendment in the nature of a substitute favorably.

On August 3, 2006, the Committee on Health, Education, Labor, and Pensions reported S. 843i with an amendment in the nature of a substitute with written report (No. 109–318), and S. 843 was placed on Senate Legislative Calendar under General Orders. Calendar No. 578.

On August 3, 2006, S. 843 passed the Senate with an amendment by unanimous consent.

S. 843 was received in the House on September 6, 2006, and was referred to the Committee on Energy and Commerce.

On September 25, 2006, S. 843 was referred to the Subcommittee on Health.

On December 6, 2006, S. 843 was considered in the House under suspension of the rules and passed the House, as amended, by voice vote.

On December 7, 2006, the Senate concurred in the House amendment by unanimous consent, clearing S. 843 for the President.

On December 11, 2006, S. 843 was presented to the President and was signed by the President on December 19, 2006 (Public Law 109–416).

PANDEMIC AND ALL-HAZARDS PREPAREDNESS ACT

Public Law 109–417 (S. 3678)

To amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

Summary

S. 3678 reauthorizes the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (P.L. 107–188) to protect the public more effectively and efficiently by responding to public health emergencies with a clear line of authority from local to State to Federal officials. It also builds on the Project BioShield Act of 2004 (P.L. 108–276) to accelerate advanced research and development of drugs and vaccines to protect the United States from health emergencies, such as bird flu. By building on the lessons we have learned from Hurricane Katrina and September 11th, this bill will improve our public health and medical preparedness and response capabilities for emergencies.

Among other items S. 3678 (1) identifies the Secretary of Health and Human Services as the lead Federal official in charge of public health and medical preparedness and response during a public health emergency; (2) requires States to meet preparedness bench-

marks and performance standards; (3) promotes the use of Health Information Technology; (4) enhances HHS advanced development and procurement activities for medical countermeasures; and (5) provides a limited antitrust exemption to allow the Secretary of HHS and the Director of BARDA to collaborate and consult, as needed, with agency leaders, academia, and industry on developing needed medical countermeasures.

Legislative History

Senator Burr introduced S. 3678 on July 18, 2006, it was read twice and referred to the Committee on Health, Education, Labor, and Pensions.

On July 19, 2006, the Committee on Health, Education, Labor, and Pensions met in open markup session and ordered S. 3678 reported with an amendment in the nature of a substitute favorably.

On August 3, 2006, the Committee on Health, Education, Labor, and Pensions reported S. 3678 with an amendment in the nature of a substitute, with written report No. 109–319, and S. 3678 was placed on Senate Legislative Calendar under General Orders. Calendar No. 583.

On December 5, 2006, S. 3678 passed the Senate with an amendment by unanimous consent.

On December 6, 2006, S. 3678 was received in the House and held at the desk.

On December 9, 2006, S. 3678 passed the House by unanimous consent, and was cleared for the White House.

On December 14, 2006, S. 3678 was presented to the President and was signed by the President on December 19, 2006 (Public Law 109–417).

SOBER TRUTH ON PREVENTING UNDERAGE DRINKING ACT

Public Law 109–422 (H.R. 864)

To provide for programs and activities with respect to the prevention of underage drinking.

Summary

H.R. 864 requires the Secretary of Health and Human Services to: (1) formally establish an existing interagency coordinating committee to guide policy and program development across the Federal Government on underage drinking; (2) issue an annual report summarizing the activities of each State in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking; (3) develop a set of outcome measures for the report in (2) above, including the strictness of the minimum drinking age laws and the number of compliance checks conducted; (4) fund and oversee a national adult-oriented media public service campaign; (5) award grants to reduce the rate of underage alcohol use and binge drinking among students at institutions of higher education; and (6) collect data on, and conduct or support research on, underage drinking, including the impact alcohol use and abuse has upon adolescent brain development, the scope of the underage drinking problem, and progress in preventing and treating underage drinking.

H.R. 864 also requires the Director of the Substance Abuse and Mental Health Agency to award grants to design, test, evaluate, and disseminate strategies to maximize the effectiveness of community-wide approaches to preventing and reducing underage drinking.

Finally, H.R. 864 requires the Secretary to collect data on and conduct and support research on: (1) compiling information on every unnatural death of persons ages 12 to 20 for alcohol involvement; (2) obtaining new epidemiological data that identifies alcohol use and attitudes about alcohol use during pre- and early adolescence; and (3) developing or identifying successful clinical treatment for youth with alcohol problems.

Legislative History

On February 16, 2005, H.R. 864 was introduced by Ms. Roybal-Allard, and was referred to the Committee on Energy and Commerce.

On March 14, 2005, H.R. 864 was referred to the Subcommittee on Health.

On November 14, 2006, H.R. 864 was considered in the House under suspension of the rules and passed the House, as amended, by a roll call vote of 373 yeas and 23 nays.

On November 15, 2006, H.R. 864 was received in the Senate and read twice.

On December 6, 2006, H.R. 864 passed the Senate with an amendment by unanimous consent.

On December 7 2006, H.R. 864 was considered in the House under suspension of the rules, and the House concurred in the Senate amendment by voice vote clearing H.R. 864 for the White House.

H.R. 864 was presented to the President on December 11, 2006, and signed by the President on December 20, 2006 (Public Law 109–422).

AN ACT TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO EXTEND EXPIRING PROVISIONS, AND FOR OTHER PURPOSES

Public Law 109–432 (H.R. 6111, H.R. 6408)

An act to amend the Internal Revenue Code of 1986 to extend expiring provisions, and for other purposes.

Summary

H.R. 6111 replaces the scheduled 5 percent cut for physician payment for 2007 with additional funds without adjusting the conversion factor under current law and provides an additional 1.5 percent bonus payment for physicians and other practitioners who report quality measures to the Centers for Medicare and Medicaid Services (CMS) in 2007. H.R. 6111 sets up a separate pool of funds available for physician assistance and quality initiatives for 2008. H.R. 6111 also provides: a one-year extension of the exceptions process for therapy services for beneficiaries expected to exceed the annual cap and direct billing for the technical component for certain physician pathology services by independent laboratories; an extension of reasonable costs payment for lab tests furnished in

small rural hospitals; a composite rate update of 1.6 percent for end stage renal disease (ESRD) facilities for 2007; and no changes to brachytherapy device payment methodology for 2007 and better coding for such products.

H.R. 6111 also corrects the mid-year expiration of the Medicare hospital wage index reclassifications, requires the Medicare Payment Advisory Commission and CMS to issue reports on the wage index, and eliminates unnecessary reports. It revises payment processing requirements in the Competitive Acquisition Program to allow for more efficient payment to providers for services delivered for administration of a Part B drug to a beneficiary. H.R. 6111 also establishes quality reporting for hospital outpatient and ambulatory care services, and requires reporting of anemia quality indicators for cancer anti-anemia drugs.

H.R. 6111 provides reimbursement under Medicare Part B for the administration of vaccines for 2007, and payment through Medicare Part D for administering these vaccines beginning in 2008. It requires an OIG study regarding the prevalence of and payment for medical services that directly harm Medicare patients (referred to as "never events"), and creates a three-year Medical Home Demonstration program to examine the ability to manage targeted and coordinated care to patients suffering from one or more chronic conditions. H.R. 6111 also reduces Medicare overpayments by extending and expanding the recovery audit contractor program, and provides updated funding for the Health Care Fraud and Abuse Control Account to help reduce or eliminate fraud and abuse.

H.R. 6111 extends the Transitional Medical Assistance (TMA) and abstinence education programs for six months, and authorizes grants to develop a vaccine against Valley Fever. H.R. 6408 reduces the limit on provider taxes from 6 percent to 5.5 percent from January 1, 2008, to September 30, 2011, and includes Medicare and Medicaid Deficit Reduction Act of 2005 technical corrections. H.R. 6408 also provides DSH allotments for fiscal year 2007 for Tennessee and Hawaii and a clarification of a Nevada hospice satellite designation. H.R. 6111 reduces payments to the Medicare Advantage stabilization fund to help offset Medicare provider payments.

Legislative History

On September 19, 2006, Ms. Tauscher introduced H.R. 6111 which was referred to the Committee on Ways and Means.

On December 5, 2006, H.R. 6111 was considered in the House under suspension of the rules and passed the House, as amended, by voice vote.

On December 6, 2006, H.R. 6111 was received in the Senate and read twice.

On December 7, 2006, H.R. 6111 passed the Senate with an amendment by unanimous consent

H.R. 6408 was introduced on December 7, 2006 by Congressman Bill Thomas, and referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Resources, Education and the Workforce, and Government Reform, for a period to be subsequently determined by the Speaker.

No further action was taken on H.R. 6409 in the 109th Congress.

On December 8, 2006, H.R. 6111 was considered in the House under the provisions of H. Res. 1099, and agreed to the Senate amendment with amendments.

On December 9, 2006, H.R. 6111 was received in the Senate and held at the desk.

On December 9, 2006, motion to invoke cloture to concur in the House amendment to the Senate amendment agreed to by a record vote of 78 yeas and 10 nays.

On December 9, 2006, the Senate concurred in the House amendment to the Senate amendment by a record vote of 79 yeas and 9 nays.

On December 8, 2006, Mr. Thomas moved that the House agree with amendments to the Senate amendment of H.R. 6111, and Mr. Markey moved to amend the House amendment to the Senate amendment of H.R. 6111, which failed by roll call vote of 205 yeas and 207 nays. The House amendment to the Senate amendment of H.R. 6111 was agreed to by a roll call vote of 367 yeas and 45 nays.

On December 9, 2006, the Senate agreed to the House amendment to the Senate amendment of H.R. 6111 by a roll call vote of 79 yeas and 9 nays, and agreed to the House amendment to the title by unanimous consent, and H.R. 6111 was cleared for the White House.

On December 19, 2006, H.R. 6111 was presented to the President and was signed by the President on December 20, 2006 (Public Law 109–432).

LIFESPAN RESPITE CARE ACT OF 2006

Public Law 109–442 (H.R. 3248)

To amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

Summary

H.R. 3248 authorizes the Secretary of the Department of Health and Human Services (HHS) to award grants to State Aging and Disability Resource Centers (ADRCs) to develop lifespan respite care programs at the State and local levels; provide planned or emergency respite services for family caregivers of children and adults; training and recruiting respite workers and volunteers; provide information to caregivers about available respite and support services; and assist caregivers in gaining access to such services.

H.R. 3248 limits grants to five years.

H.R 3248 directs the Secretary of HHS to award a grant or cooperative agreement to a public or private nonprofit entity to establish the National Resource Center on Lifespan Respite Care to: (1) maintain a national database on lifespan respite care; (2) provide training and technical assistance to Federal, community, and nonprofit respite care programs; and (3) provide information, referral, and educational programs to the public on lifespan respite care.

Legislative History

H.R. 3248 was introduced by Mr. Ferguson on July 12, 2005, and it was referred to the Committee on Energy and Commerce.

On July 29, 2006, H.R. 3248 was referred to the Subcommittee on Health.

On September 20, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 3248 favorably reported to the House, amended, by a voice vote, a quorum being present.

On December 5, 2006, the Committee on Energy and Commerce reported H.R. 3248 to the House, as amended (H. Rept. 109–716), and H.R. 3248 was placed on the Union Calendar, Calendar No. 428.

On December 6, 2006, H.R. 3248 was considered in the House under suspension of the rules, and passed the House, as amended, by voice vote.

H.R. 3248 was received in the Senate on December 6, 2006.

On December 8, 2006, H.R. 3248 passed the Senate, without amendment, by voice vote, clearing it for the President.

H.R. 3248 was presented to the President on December 20, 2006, and signed by the President on December 21, 2006 (Public Law 109–442).

PREMATURITY RESEARCH EXPANSION AND EDUCATION FOR MOTHERS WHO DELIVER INFANTS EARLY (PREEMIE) ACT

Public Law 109–450 (S. 707)

A bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

Summary

S. 707 expands research into the causes and prevention of prematurity and increases education and support services related to prematurity. S. 707 expands Federal research related to preterm labor and delivery, treatment, and outcomes of preterm and low birthweight infants. Additionally, S. 707 provides for public and health care provider education and support service grants. In addition, the bill establishes an Interagency Coordinating Council on Prematurity and Low Birthweight.

S. 707 also waives the Head Start regulation that requires all Head Start children to be transported only on school buses or school bus-like vehicles. S. 707 will allow the 6 percent of Head Start children nationwide who are transported in paratransit vehicles, which would otherwise not qualify as a school-bus like vehicle, to continue to use this option of transportation until June 30, 2007.

Legislative History

S. 707 was introduced on April 5, 2005 in the Senate by Senator Alexander, read twice, and referred to the Committee on Health, Education, Labor, and Pensions.

On June 28, 2006, the Committee on Health, Education, Labor, and Pensions met in open markup session and ordered S. 707 to

be reported with an amendment in the nature of a substitute favorably.

On July 31, 2006, the Committee on Health, Education, Labor, and Pensions reported S. 707 with an amendment in the nature of a substitute with written report No. 109–298, and S. 707 was placed on Senate Legislative Calendar under General Orders. Calendar No. 541.

On August 1, 2006, S. 707 passed the Senate with an amendment by unanimous consent.

S. 707 was received in the House on August 2, 2006, and was referred to the Committee on Energy and Commerce and the Subcommittee on Health.

On December 9, 2006, S. 707, was considered in the House under suspension of the rules, as amended, and failed by voice vote.

On December 9, 2006, S. 707 passed the House, with an amendment, by unanimous consent.

On December 9, 2006, the Senate concurred in the House amendment by unanimous consent, and S. 707 was cleared for the White House.

On December 20, 2006, S. 707 was presented to the President and was signed by the President on December 22, 2006 (Public Law 109–450).

DIETARY SUPPLEMENT AND NONPRESCRIPTION DRUG CONSUMER PROTECTION ACT

Public Law 109–462 (S. 3546)

A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, and for other purposes.

Summary

S. 3546 requires manufacturers and distributors of supplements and Over the Counter drugs to report all serious adverse events, such as death, life-threatening conditions, hospitalization, a persistent or significant disability or incapacity, or a congenital anomaly or birth defect, to the FDA. The bill requires manufacturers to keep all adverse event records for six years, and allows the FDA to inspect these records. It also sets a 15–day time limit for manufacturers to give the FDA the reports of serious adverse events they receive. S. 3546 contains two rules of construction that state the submission of any adverse event report in compliance with this section shall not be construed as an admission that the dietary supplement or over the counter drug involved caused or contributed to the adverse event.

Legislative History

S. 3546 was introduced on June 21, 2006, in the Senate by Senator Hatch, and it was read twice and referred to the Committee on Health, Education, Labor, and Pensions.

On June 28, 2006, the Committee on Health, Education, Labor, and Pensions met in open markup session and ordered S. 3546 to be favorably reported with an amendment in the nature of a substitute.

On September 5, 2006, the Committee on Health, Education, Labor, and Pensions reported S. 3546 with an amendment in the nature of a substitute with written report No. 109–324, and S. 3546 was paced on Senate Legislative Calendar under General Orders. Calendar No. 140.

On December 6, 2006, S. 3546 passed the Senate with an amendment by unanimous consent.

On December 9, 2006, S. 3546 was considered in the House under suspension of the rules and passed the House, as amended, by a roll call vote of 203 yeas to 98 nays, and S. 3546 was cleared for the White House.

On December 20, 2006, S. 3546 was presented to the President and was signed by the President on December 22, 2006 (Public Law 109–462).

GYNECOLOGIC CANCER EDUCATION AND AWARENESS ACT OF 2005

Public Law 109–475 (H.R. 1245)

To provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

Summary

H.R. 1245, the Gynecologic Cancer Education and Awareness Act of 2005 or Johanna's Law, Directs the Secretary of Health and Human Services to carry out a national campaign to increase the awareness and knowledge of women with respect to gynecologic cancers, which shall include: (1) maintaining a supply of written materials to provide information to the public on gynecologic cancers; and (2) developing and placing public service announcements to encourage women to discuss their risks of gynecologic cancers with their physicians.

H.R. 1245 requires the Secretary, within 6 months of enactment, to report to the Congress on HHS's activities with respect to informing and educating the public and health care providers about different types of cancer, including gynecologic cancers.

H.R. 1245 contains language directing CDC and FDA to enforce current law regarding condom labeling dealing with HPV virus.

Legislative History

On March 3, 2005, H.R. 1245 was introduced by Mr. Issa and was referred to the Committee on Energy and Commerce.

On March 22, 2005, H.R. 1245 was referred to the Subcommittee on Health.

On November 14, 2006, H.R. 1245 was considered in the House under suspension of the rules, and passed the House as amended, by voice vote.

On November 15, 2006, H.R. 1245 was received in the Senate and read twice.

On December 8, 2006, H.R. 1245 passed the Senate with an amendment by unanimous consent.

On December 9, 2006, the House concurred in the Senate amendment by unanimous consent, clearing H.R. 1245 for the White House.

H.R. 1245 was presented to the President on December 22, 2006, and signed by the President on January 12, 2006 (Public Law 109–475).

OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2005

Public Law 109–469 (H.R. 6344, H.R. 2829)

To reauthorize the Office of National Drug Control Policy Act.

Summary

H.R. 6344 repeals the sunset provision of the Office of National Drug Control Policy Reauthorization Act of 1998 making such Act permanent. It requires the Office of National Drug Policy Control to evaluate the effectiveness of national drug control policy and programs by developing and applying specific goals and performance measurements. The legislation also grants executive branch rank and status to the Director of the Office.

Legislative History

H.R. 2829 was introduced by Mr. Souder on June 9, 2005, and referred to the Committee on Government Reform, and in addition to the Committees on the Judiciary, Energy and Commerce, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On June 16, 2005, the Committee on Government Reform met in open markup session and ordered H.R. 2829 reported to the House, amended, by voice vote.

On June 17, 2005, H.R. 2829 was referred to Energy and Commerce Committee Subcommittee on Health.

On November 18, 2005, the Committee on Government Reform reported H.R. 2829 to the House, as amended (H. Rept. 109–315 Part I). The Amended version included Title II, which provided the Office of National Drug Control Policy authority to promulgate rules regarding steroid policies and testing procedures for professional sports leagues.

On November 18, 2005, the Committees on the Judiciary, Energy and Commerce, and Intelligence (Permanent Select) were granted an extension until December 17, 2005. In addition H.R. 2829 was referred sequentially to the Committee on Education and the Workforce for a period ending not later than December 17, 2005, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X.

On December 17, 2005, the Committees on the Judiciary, Energy and Commerce, Intelligence (Permanent Select), and Education and the Workforce were granted an extension until December 31, 2005.

On December 31, 2005, the Committees on the Judiciary, Energy and Commerce, Intelligence (Permanent Select), and Education and the Workforce were granted an extension until February 3, 2006.

On February 3, 2006, the Committees on the Judiciary, Energy and Commerce, Intelligence (Permanent Select), and Education and the Workforce were granted an extension until March 3, 2006.

On February 16, 2006, the Committee on Energy and Commerce met in markup session and ordered H.R. 2829 reported to the House, without recommendation, amended, by voice vote. H.R. 2829 was amended by striking Title II and replacing it with the text of H.R. 3084, as reported by the Committee on Energy and Commerce.

On March 2, 2006, the Committee on the Judiciary met in open markup session and ordered H.R. 2829 reported to the House, amended, by voice vote.

On March 3, 2006, the Committee on Energy and Commerce reported H.R. 2829 to the House, as amended (H. Rept. 109–315, Part II.). Similarly, the Committee on the Judiciary reported H.R. 2829 to the House, as amended. (H. Rept. 109–315, Part III.). The Committees on Intelligence (Permanent) and Education and Workforce both were discharged from further consideration of H.R. 2829, and it was placed on the Union Calendar, Calendar No. 209.

On March 9, 2006, H.R. 2829 was considered in the House under the provisions of H. Res. 713. H.R. 2829 passed the House by a roll call vote: 399 yeas and 5 nays.

On March 16, 2006, H.R. 2829 was received in the Senate, read twice, and referred to the Committee on the Judiciary.

No further action was taken on H.R. 2829 in the 109th Congress.

On December 5, 2006, Mr. Souder introduced H.R. 6344, which was referred to the Committee on Government Reform, and in addition to the Committees on Energy and Commerce, the Judiciary, Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On December 7, 2006, H.R. 6344 was considered in the House under suspension of the rules and passed the House by voice vote.

On December 7, 2006, H.R. 6344 was received in the Senate and read twice.

On December 8, 2006, H.R. 6344 passed the Senate without amendment by unanimous consent, clearing the bill for the White House.

On December 19, 2006, H.R. 6344 was presented to the President on December 19, 2006, and was signed by the President on December 29, 2006 (Public Law 109–469).

NATIONAL INSTITUTES OF HEALTH REFORM ACT OF 2006

PUBLIC LAW 109–482 (H.R. 6164)

To amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes.

SUMMARY

The National Institutes of Health (NIH) is the Federal government's principal medical research agency, armed with a mission to advance research in pursuit of fundamental knowledge that will

lead to better health outcomes for all. Funding for the NIH represents nearly half of the discretionary budget of the Department of Health and Human Services.

H.R. 6164 increases of the overall authorization levels for NIH that would increase each year of the authorization period beginning at a $2 billion increase in fiscal year 2007, a $2.5 billion increase for fiscal year 2008, and for such sums as necessary in fiscal year 2009. The legislation does not authorize specific line items for individual institutes and centers in the bill, nor will it combine line items for existing institutes and centers.

H.R. 6164 establishes a new agency-wide electronic reporting system to catalogue all of the research activities of the NIH in a standardized format.

Established within the bill is a formal strategic planning process for the entire research portfolio of the agency that transcends the research planning activities of individual institutes and centers through the establishment of the Division of Program Coordination, Planning, and Strategic Initiatives. The Office of the Director will be allocated a specific line item authorization of appropriations. This does not change the authority of individual institutes and centers to conduct their individual planning, priority setting, and research activities.

H.R. 6164 also establishes a "common fund" to provide a permanent funding mechanism for trans-NIH research projects identified through the Division. The common fund is a reserve account that may be competitively drawn down by institutes, centers, and independent investigators to advance trans-NIH research.

In addition, H.R. 6164 establishes a formal, public process to review the structural organizational design of the agency every seven years. A "scientific management review" group comprised of institute and center directors and other scientific experts will evaluate the structural design of the existing institutes and centers at NIH, and proposed new institutes, and recommend necessary restructuring plans. After a series of statutorily required public meetings, the scientific management review board must issue its first report to Congress within 18 months of the date of enactment of the bill. The scientific management review board must conduct a review of the agency and issue a report at least once every seven years.

Included in H.R. 6164 is language relating to the redistribution of certain unused State Children's Health Insurance Program (SCHIP) allotments for fiscal years 2004 and 2005 to reduce funding shortfalls for fiscal year 2007. The legislation states that the Secretary may redistribute unused funds from states carrying surplus SCHIP dollars from fiscal year 2004. These redistributed funds are to be allocated to the states reaching shortfall status beginning in January 2007. Funds may also be used for redistribution from states with fiscal year 2005 unused funds at the end of the first half of fiscal year 2007. No state may be responsible for fiscal year 2005 unused allotments greater than $20 million or half of the estimated unexpended allotment from fiscal year 2005. For expenditures for which redistributed fiscal year 2005 funds are used, the enhanced federal matching rate cannot apply to any parties other than children or pregnant women.

Legislative History

On Wednesday, September 20, 2006, the Committee on Energy and Commerce met in open markup session and ordered a Committee Print entitled the National Institutes of Health Reform Act of 2006 favorably reported to the House, amended, by a record vote of 42 yeas and 1 nay, a quorum being present. A request by Mr. Barton to allow a report to be filed on a bill to be introduced by Mr. Barton, and that the actions of the Committee be deemed as actions on that bill, was agreed to by unanimous consent.

On September 25, 2006, Mr. Barton introduced H.R. 6164, and it was referred to the Committee on Energy and Commerce.

On September 26, 2006, pursuant to the unanimous consent request on September 30, 2006, the Committee on Energy and Commerce reported H.R. 6164 to the House (H. Rept. 109–687), and it was placed on the Union Calendar, Calendar No. 417.

On September 26, 2006, H.R. 6164 was considered in the House under suspension of the rules and passed the House by a roll call vote of 414 yeas and 2 nays.

On September 27, 2006, H.R. 6164 was received in the Senate.

On November 13, 2006, H.R. 6164 was read twice and referred to the Committee on Health, Education, Labor, and Pensions.

On December 8, 2006, H.R. 6164 was discharged by the Committee on Health, Education, Labor, and Pensions by unanimous consent, and passed the Senate with an amendment by unanimous consent.

On December 9, 2006, the House concurred in the Senate amendment to H.R. 6164 by unanimous consent, clearing the bill for the White House.

H.R. 6164 was presented to the President on December 22, 2006, and signed by the President on January 15, 2006 (Public Law 109–482).

HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTH CARE (HEALTH) ACT OF 2005

(H.R. 5)

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

Summary

H.R. 5, the Help Efficient, Accessible, Low Cost, Timely Healthcare (HEALTH) Act of 2005, sets forth provisions regulating lawsuits for health care liability claims concerning the provision of health care goods or services or any medical product affecting interstate commerce.

H.R. 5 does not limit the recovery of economic damages, and limits non-economic damages to $250,000, requires court supervision over payment arrangements to protect against conflicts of interest, and allows the court to restrict the payment of attorney contingency fees and limits the fees to a percentage based on the amount awarded.

H.R. 5 prohibits a punitive damage award, with exceptions, in a product liability suit against a manufacturer, distributor, or sup-

plier of a medical product that has been approved by the Food and Drug Administration (FDA) or that is generally recognized among qualified experts as safe and effective pursuant to conditions established by the FDA. It also prohibits a product liability suit against a medical care provider who prescribes or dispenses such a medical product approved by the FDA.

H.R. 5 provides for periodic payments of future damage awards over $50,000, exempts civil actions brought for vaccine-related injuries from this act to the extent that they are covered by the Public Health Service Act, and preempts State law to an extent.

H.R. 5 expresses the sense of Congress that a health insurer should be liable for damages for harm caused when it makes a decision as to what care is medically necessary and appropriate.

Legislative History

Mr. Gingrey introduced H.R. 5 on July 21, 2005 which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On July 21, 2005, H.R. 5 was referred to the Committee on Energy and Commerce Subcommittee on Health, for a period to be subsequently determined by the Chairman.

On July 28, 2005, H.R. 5 was considered in the House pursuant to the provisions of H. Res. 385 and passed the House by a roll call vote of 230 yeas, 194 nays, and two present.

On July 29, 2005, H.R. 5 was received in the Senate, read twice, and referred to the Committee on the Judiciary.

No further action was taken on H.R. 5 in the 109th Congress.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005

(H.R. 810)

To amend the Public Health Service Act to provide for human embryonic stem cell research.

Summary

H.R. 810 requires the Secretary of Health and Human Services to conduct and support research that utilizes human embryonic stem cells, regardless of the date on which the stem cells were derived from a human embryo, provided such embryos: have been donated from in vitro fertilization clinics; were created for the purposes of fertility treatment; were in excess of the needs of the individuals seeking such treatment and would never be implanted in a woman and would otherwise be discarded (as determined in consultation with the individuals seeking fertility treatment); and were donated by such individuals with written informed consent and without any financial or other inducements. H.R. 810 requires the Secretary to issue final guidelines to carry out this Act within 60 days and submit annual reports on activities and research conducted under this Act.

Legislative History

H.R. 810 was introduced by Mr. Castle on February 15, 2005, and was referred to the Committee on Energy and Commerce.

On May 24, 2005, H.R. 810 was considered in the House pursuant to a previous order. On that day, H.R. 810 passed the House by a roll call vote of 238 yeas and 194 nays.

On May 26, 2005, H.R. 810 was received in the Senate, read the first time, and placed on Senate Legislative Calendar under Read the First Time.

On June 6, 2005, H.R. 810 was read the second time and placed on Senate Legislative Calendar under General Orders. Calendar No. 119.

On July 18, 2006, H.R. 810 passed the Senate without amendment by a record vote of 63 yeas and 37 nays, clearing it for the President.

On July 19, 2006, H.R. 810 was presented to the President. That day, the President vetoed H.R. 810. The President's veto message was laid before the House on July 19, 2006. The question of passage, the objections of the President to the contrary notwithstanding, failed to reach the required two-thirds majority by a roll call vote of 235 yeas and 193 nays.

On July 19, 2006, the House agreed, without objection, to a motion to refer the bill and the accompanying veto message to the Committee on Energy and Commerce.

No further action was taken on H.R. 810 in the 109th Congress.

FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS ACT OF 2005

(H.R. 1544)

To provide faster and smarter funding for first responders, and for other purposes.

Summary

H.R. 1544 requires the Secretary of Health and Human Services to appoint ex officio members and coordinate with the Secretary of Homeland Security with respect to the selection of emergency medical professionals to serve as members of a task force on terrorism preparedness. In addition, the bill requires that, in establishing any national voluntary consensus standards for first responder equipment or training that involve or relate to health professionals, the Secretary of Homeland Security must coordinate with the Secretary of Health and Human Services.

Legislative History

Mr. Cox introduced H.R. 1544 on April 12, 2005, and it was referred to the House Committee on Homeland Security.

On April 19, 2005 the Subcommittee on Emergency Preparedness, Science, and Technology met in open markup session, and forwarded H.R. 1544 to the full committee by unanimous consent.

On April 21, 2005, the Committee on Homeland Security met in open markup session and ordered H.R. 1544 reported to the House, as amended, by a voice vote.

On April 28, 2005, the Committee on Homeland Security and the Committee on Energy and Commerce exchanged correspondence concerning H.R. 1544.

On April 28, 2005, the Committee on Homeland Security reported H.R. 1544 to the House, as amended (H. Rpt. 109–65), and the bill was placed on the Union Calendar, Calendar No. 32.

On May 12, 2005, H.R. 1544 was considered in the House pursuant to the provisions of H. Res. 269, and passed the House, as amended, by a roll call vote of 409 yeas and 10 nays.

H.R. 1544 was received in the Senate, read twice, and referred to the Committee on Homeland Security and Governmental Affairs on May 12, 2005.

No further action was taken on H.R. 1544 in the 109th Congress.

THE CHRISTOPHER REEVE PARALYSIS ACT

(H.R. 1554)

Summary

H.R. 1554 grants discretion to the Director of CDC to create innovative programs intended to improve quality of life and rehabilitation programs related to paralysis. The bill contains a Sense of Congress on the importance of trans-NIH research with respect to paralysis.

Legislative History

H.R. 1554 was introduced on April 12, 2005, by Mr. Bilirakis and was referred to the Committee on Energy and Commerce, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On April 22, 2005, H.R. 1554 was referred to the Energy and Commerce Subcommittee on Health.

On December 9, 2006, H.R. 1554 passed the House by unanimous consent.

On December 9, 2006, H.R. 1554 was received in the Senate.

No further action was taken on H.R. 1554 in the 109th Congress.

HEALTH CARE CHOICE ACT OF 2005

(H.R. 2355)

To amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce.

Summary

H.R. 2355 would allow an insurer to designate a primary State whose covered laws would apply to that individual health insurance coverage offered by the insurer. It would then allow the insurer to offer that coverage in any secondary State. H.R. 2355 would exempt a health insurer from the covered laws of the secondary State with respect to the regulation of its insurance products. It would also allow secondary States to require an insurer to (1) pay applicable premium and other taxes (including high risk

pool assessments) that are levied on insurers under the laws of the State; (2) register with and designate the State insurance commissioner as its agent for the purposes of receiving service of legal documents or process; (3) submit to an examination of its financial condition by the State insurance commissioner if the insurance commissioner of the primary State has not done an examination within a period of time recommended by the National Association of Insurance Commissioners (NAIC) and in accordance with its examiner's handbook; (4) comply with a lawful order issued in a voluntary dissolution proceeding, or in a delinquency proceeding commenced by the State insurance commissioner where there has been a finding of financial impairment; (5) comply with an injunction issued by a court of competent jurisdiction, upon petition by the State insurance commissioner alleging that the issuer is in hazardous financial condition; (6) participate, on a nondiscriminatory basis, in any insurance insolvency guaranty association or similar association to which a health insurance issuer in the State is required to belong; (7) comply with any State law regarding fraud and abuse (as defined in the bill), except that if the State seeks an injunction regarding fraudulent conduct, such an injunction must be obtained from a court of competent jurisdiction; and, (8) comply with any State law regarding unfair claims settlement practices (as defined in the bill).

H.R. 2355 requires a health insurer to inform purchasers in a secondary State that the policy is governed by the laws and regulations of the primary State. The bill would also prohibit insurers from offering health insurance in a secondary State unless that coverage is currently offered for sale in the primary State.

Legislative History

Mr. Shadegg introduced H.R. 2355 on May 12, 2005, and it was referred to the Committee on Energy and Commerce.

On May 23, 2005, H.R. 2355 was referred to the Subcommittee on Health.

On June 28, 2005, the Subcommittee on Health held a hearing on H.R. 2355, the Health Care Choice Act of 2005. The purpose of this hearing was to examine legislation that would allow health insurers to sell their products across Federal lines, but only be subject to the insurance regulations imposed by the Federal that they designate as their primary Federal of operations. The subcommittee received testimony from several advocacy groups.

On July 20, 2005, the Committee on Energy and Commerce met in open markup session and ordered H.R. 2355 reported to the House, amended, by a record vote of 24 yeas and 23 nays, a quorum being present.

On February 16, 2005, the Committee on Energy and Commerce reported H.R. 3204 to the House, as amended (H. Rept. 109–378).

No further action was taken on H.R. 2355 in the 109th Congress.

METHAMPHETAMINE EPIDEMIC ELIMINATION ACT OF 2005

(H.R. 3889)

To further regulate and punish illicit conduct relating to methamphetamine, and for other purposes.

Summary

H.R. 3889 reduces the exemption to reporting requirements for individual sales of pseudoephedrine and phenylpropanolamine from 9 grams to 3.6 grams per transaction and eliminates the reporting exemption for blister packs. The legislation extends the Attorney General's existing authority to set production quotas for certain controlled substances to methamphetamine precursor chemicals.

Additionally, the bill extends the Attorney General's existing authority to set import quotas for controlled substances to methamphetamine precursor chemicals. It closes the loophole in the spot market for imports and exports of precursor chemicals for methamphetamine, and extends the current reporting requirements—as well as the current exemption for regular importers, exporters, and customers—to post-import or export transactions.

H.R. 3889, requires the Secretary of Transportation (DOT) and the Administrator of the Environmental Protection Agency (EPA) to consult with the Attorney General prior to the issuance of new regulations for the listing of methamphetamine by-products as hazardous materials under DOT rules and hazardous waste under the Solid Waste Disposal Act.

It clarifies existing law imposing the obligation of restitution for environmental cleanup costs on persons involved in methamphetamine production and trafficking.

Legislative History

On September 22, 2005, Mr. Souder introduced H.R. 3889 which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, International Relations, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On October 7, 2005, H.R. 3889 was referred to the Committee on Energy and Commerce Subcommittee on Health.

On November 15, 2005, the Committee on Energy and Commerce met in open markup session and ordered H.R. 3889 favorably reported to the House, as amended, by a voice vote, a quorum being present.

On September 26, 2005, the Committee on the Judiciary referred the bill to the Subcommittee on Crime, Terrorism, and Homeland Security. The Subcommittee held a hearing on September 27, 2005.

On November 3, 2005, the Committee on the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security met in open markup session and H.R. 3889, as amended, was forwarded to Full Committee by a recorded vote of 8 yeas and 2 nays.

On November 9, 2005, the Committee on the Judiciary met in open markup session and ordered H.R. 3889 reported to the House, as amended, by a recorded vote of 31 yeas and 0 nays.

On November 16, 2005, the Committee on Judiciary reported H.R. 3899 to the House, as amended (H. Rept. 109–299, Part I).

On November 17, 2005, the Committee on Energy and Commerce reported H.R. 3899 to the House, as amended (H. Rept. 109–299, Part II), and the Committee on International Relations and the Committee on Transportation were discharged from further consid-

eration of H.R. 3889, and it was placed on the Union Calendar, Calendar No. 167.

No further action was taken on H.R. 3899 in the 109th Congress.

PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

(H.R. 4128)

To protect private property rights.

Summary

HR 4128 prohibits States or their political subdivisions that receive Federal funds from exercising their power of eminent domain to further economic development. The bill would terminate the flow of Federal funds to any State or political subdivision that violates the prohibition.

Legislative History

Mr. Sensenbrenner introduced H.R. 4128 on October 25, 2005, and it was referred to the Committee on the Judiciary.

On October 27, 2005 the Committee on the Judiciary met in open markup session and ordered H.R. 4128 favorably reported to the House, amended, by a record vote of 27 yeas and 3 nays.

On October 31, 2005, the Committee on the Judiciary reported H.R. 4128 to the House, amended (H. Rpt. 109–262), and H.R. 4128 was placed on the Union Calendar, Calendar No. 143.

On November 2, 2005, the Committee on the Judiciary and the Committee on Energy and Commerce exchanged correspondence concerning H.R. 1428.

On November 3, 2005, the Committee on Judiciary filed a supplemental report to H.R. 4128 (H. Rpt. 109–262, Part II).

On November 3, 2005, H.R. 4128 was considered in the House pursuant to the provisions of H. Res. 527, and H.R. 4128 passed the House, as amended, by a rollcall vote of 376 yeas and 38 nays.

H.R. 4128 was received in the Senate on November 4, 2005, read twice, and referred to the Committee on the Judiciary.

No further action was taken on H.R. 4128 in the 109th Congress.

HEALTH INFORMATION TECHNOLOGY PROMOTION ACT OF 2006

(H.R. 4157)

To promote a better health information system.

Summary

H.R 4157 codifies and expands the authorities and duties of the National Coordinator for Health Information Technology (National Coordinator) at the Department of Health and Human Services (HHS). The bill also requires that certain Federal health information collection systems be capable of receiving information in a form consistent with any guidelines endorsed by the National Coordinator within three years of endorsement. The bill provides that the President take steps to promote the use of non-identifiable electronic health information for health and health care research. In addition, the bill provides for a report on the work conducted by the American Health Information Community (Community) and its

role in the future as well as a report on financing incentives. In addition, the bill provides grants to help integrated health systems relay health information and better coordinate the delivery of care for uninsured, underinsured and medically underserved populations. The bill also contains a demonstration program to promote adoption of health IT in the small physician setting.

H.R. 4157 also makes revisions to Section 1173 of the Social Security Act and streamlines the process for updating additions and modifications to the Health Insurance Portability and Accountability Act (HIPAA) electronic financial and administrative healthcare transaction standards. The bill also sets deadlines for upgrading certain other electronic transaction standards and codes.

H.R. 4157 creates safe harbors for providing certain health IT or related services under both Section 1128B of the Social Security Act (anti-kickback law) and Section 1877 of the Social Security Act (the physician referral law), contingent on a number of conditions in such safe harbors.

Legislative History

H.R. 4157 was introduced H.R. 4157 on October 27, 2005, and it was referred to the House Committee on Energy and Commerce and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On November 4, 2005, H.R. 4157 was referred to the Committee on Energy and Commerce Subcommittee on Health.

On June 8, 2006, the Subcommittee on Health met in open markup session and approved H.R. 4157 for Full Committee consideration, amended, by a voice vote, a quorum being present.

On June 15, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 4157 favorably reported to the House, amended, by a record vote of 28 yeas and 14 nays, a quorum being present.

On July 26, 2006, the Committee on Energy and Commerce reported H.R. 4157 to the House, as amended (H. Rpt. 109–601 Part I); the Committee on Ways and Means reported H.R. 4157 to the House, as amended, on July 26, 2006 (H. Rpt. 109–601 Part II), and it was placed on the Union Calendar, Calendar No. 347.

On July 27, 2006, H.R. 4157 was considered in the House pursuant to the provisions of H. Res. 952, and H.R. 4157 passed the House by a rollcall vote of 270 yeas and 148 nays.

H.R. 4157 was received in the Senate on July 28, 2006.

On August 3, 2006, H.R. 4157 was read the first time and placed on Senate Legislative Calendar under Read the First Time.

On September 5, 2006, H.R. 4157 was read the second time and placed on Senate Legislative Calendar under General Orders. Calendar No. 587.

No further action was taken on H.R. 4157 in the 109th Congress.

NATIONAL UNIFORMITY FOR FOOD ACT OF 2005

(H.R. 4167)

To amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

Summary

H.R. 4167 establishes a uniform system of food label warnings. H.R. 4167 exempts from uniform labeling laws relating to freshness dating, open date labeling, grade labeling, a State inspection stamp, religious dietary labeling, organic or natural designation, returnable bottle labeling, unit pricing, a statement of geographic origin, dietary supplements, or a consumer advisory relating to food sanitation imposed on a food establishment or recommended by the Secretary.

H.R. 4167 provides that this Act only takes effect if the Secretary certifies to Congress that its implementation will pose no additional risk to the public health or safety from terrorist attacks relating to the food supply. Additionally, the legislation excludes from the scope of this Act any State law, regulation, proposition, or other action that establishes a notification requirement regarding the presence or potential effects of mercury in fish and shellfish.

Legislative History

On October 27, 2005, Mr. Rogers introduced H.R. 4167, which was then referred to the Committee on Energy and Commerce.

On November 4, 2005, the bill was referred to the Subcommittee on Health.

On December 15, 2005, the Committee on Energy and Commerce met in open markup session and ordered H.R. 4167 favorably reported to the House by a recorded vote of 30 yeas and 18 nays, a quorum being present.

On February 28, 2006, the Committee on Energy and Commerce reported H.R. 4167 to the House (H. Rept. 109–379), and H.R. 4167 was placed on the Union Calendar, Calendar No. 208.

On March 2, 2006, H.R. 4167 was considered in the House pursuant to the provisions of H. Res. 702.

On March 8, 2006, was considered in the House pursuant to the provisions of H. Res. 710. H.R. 4167 passed the House by a recorded vote of 283 yeas and 139 nays.

On March 9, 2006, the Senate received H.R. 4167 and it was referred to the Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 4167 in the 109th Congress.

PROFICIENCY TESTING IMPROVEMENT ACT OF 2005

(H.R. 4568)

To improve proficiency testing of clinical laboratories.

Summary

H.R. 4568 prohibits the Secretary of Health and Human Services from conducting laboratory proficiency testing of individuals in-

volved in screening or interpreting cytological preparations for one year. It also requires the Secretary, within one year and before resuming testing, to revise such proficiency testing to: (1) reflect the collaborative clinical decision-making of laboratory personnel involved in screening or interpreting cytological preparations; (2) revise grading or scoring criteria to reflect current practice guidelines; (3) provide for such testing to be conducted no more than every two years; and (4) make such other revisions as necessary to reflect changes in laboratory operations and practices since the standards were promulgated.

Legislative History

H.R. 4568 was introduced by Mr. Deal on December 16, 2005, and was referred to the Committee on Energy and Commerce.

On December 17, 2005, H.R. 4568 was considered in the House under suspension of the rules and passed the House by a voice vote.

On January 27, 2006, H.R. 4568 was referred to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 4568 in the 109th Congress.

DEXTROMETHORPHAN DISTRIBUTION ACT OF 2006

(H.R. 5280)

To amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes.

Summary

H.R. 5280 amends the Federal Food, Drug, and Cosmetic Act to allow the Secretary of Health and Human Services to prohibit the distribution of bulk dextromethorphan to any person other than a registered producer of drugs and devices in order to protect the public health.

Legislative History

H.R. 5280 was introduced by Mr. Upton on May 3, 2006, and was referred to the Committee on Energy and Commerce.

On May 15, 2006, H.R. 5280 was referred to the Subcommittee on Health.

On December 6, 2006, H.R. 5280 was considered in the House under suspension of the rules and passed the House, as amended, by voice vote.

On December 7, 2006, H.R. 5280 was received in the Senate.

No further action was taken on H.R. 5280 in the 109th Congress.

PUBLIC HEALTH AND MEDICAL EMERGENCY COORDINATION ACT OF 2006

(H.R. 5438)

To amend the Public Health Service Act to transfer the National Disaster Medical System to the Department of Health and Human Services, and for other purposes.

Summary

H.R. 5438 transfers the functions, personnel, assets, and liabilities of the National Disaster Medical System to the Department of Health and Human Services (HHS). The legislation designates HHS as the primary agency for the coordination of Federal assistance to supplement State, local, and tribal resources for preparing for or responding to a bioterrorist attack or other public health or medical emergency.

Legislative History

Mr. Barton introduced H.R. 5438 on May 22, 2006, and it was referred to Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On May 24, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 5438 favorably reported to the House by voice vote, a quorum being present.

No further action was taken on H.R. 5438 in the 109th Congress.

NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM REAUTHORIZATION ACT OF 2006

(H.R. 5472)

To amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

Summary

H.R. 5472, the National Breast and Cervical Early Detection Reauthorization Act of 2006, reauthorizes the National Breast and Cervical Early Detection Program for five years. The bill requires the Secretary of HHS to create a demonstration program whereby up to five State grantees may receive waivers from the usual 60/40 requirement for spending program funds (60% must be spent on screening, up to 40% on outreach, education, and other program aspects). States must demonstrate that the waiver will expand the number of women served and that quality of services will improve. The bill authorizes $1.25 billion over five years for the program.

Legislative History

On May 24, 2006, Ms. Myrick introduced H.R. 5472 and it was referred to the Committee on Energy and Commerce.

On June 5, 2006, H.R. 5472 was referred to the Subcommittee on Health.

On September 27, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 5472 favorably reported to the House, amended, by a record vote of 45 yeas and 0 nays, a quorum being present.

On September 29, 2006, the Committee on Energy and Commerce reported H.R. 5472 to the House, as amended (H. Rept. 109–705), and was placed on the Union Calendar, Calendar No. 424.

On December 9, 2006, H.R. 5472 passed the House, as amended, by unanimous consent.

On December 9, 2006, H.R. 5472 was received in the Senate.

No further action was taken on H.R. 5472 in the 109th Congress.

BIODEFENSE AND PANDEMIC VACCINE AND DRUG DEVELOPMENT ACT OF 2006

(H.R. 5533)

To prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, and for other purposes.

Summary

H.R. 5533 strengthens the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness. H.R. 5533 provides a single point of authority within the Department of Health and Human Services for the advanced research and development of medical countermeasures to make important procurement decisions. The legislation provides authorization to fund advanced research and development activities that were not covered by Project Bioshield. Additionally, the legislation will provide for further purchasing and contractual flexibility. Finally H.R. 5533 would authorize the appropriation of $160 million for each of fiscal years 2007 and 2008 for advanced countermeasure development activities.

Legislative History

Mr. Rogers of Michigan introduced H.R. 5533 on June 6, 2006, and it was referred to Committee on Energy and Commerce.

On June 23, 2006, H.R. 5533 was referred to the Subcommittee on Health.

On September 20, 2006, the Committee on Energy and Commerce ordered H.R. 5533 favorably reported to the House, amended, by a voice vote, a quorum being present.

On September 26, 2006, the Committee on Energy and Commerce reported H.R. 5533 to the House, as amended (H. Rept. 109–686), and was placed on the Union Calendar, Calendar No. 416. H.R. 5533 was considered in the House under suspension of the rules and passed the House, as amended, by voice vote.

On September 27, 2006, H.R. 5533 was received in the Senate.

On November 13, 2006, H.R. 5533 was read twice and referred to the Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 5533 in the 109th Congress.

HEALTH CENTERS RENEWAL ACT OF 2006

(H.R. 5573)

To amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

Summary

H.R. 5573 reauthorizes the existing Community Health Center Program for fiscal years 2007 through 2011. The Health Centers Renewal Act will ensure that community health centers can continue to offer health care services to millions of medically underserved and uninsured people.

Legislative History

Mr. Deal introduced H.R. 5573 on June 9, 2006, and it was referred to the Committee on Energy and Commerce.

On June 9, 2006, the Subcommittee on Health met in open markup session and approved H.R. 5573 for full committee consideration, without amendment, by a voice vote, a quorum being present.

On June 15, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 5573 favorably reported to the House, without amendment, by a voice vote, a quorum being present

On June 20, 2006, the Committee on Energy and Commerce reported H.R. 5573 to the House (H. Rept. 109–509).

On June 21, 2006, H.R. 5573 was considered in the House under suspension of the rules, and passed the House by a roll call vote of 424 yeas and 3 nays.

On June 22, 2006, H.R. 5573 was received in the Senate, read twice, and referred to the Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 5573 in the 109th Congress.

TO AMEND THE PUBLIC HEALTH SERVICE ACT TO MODIFY THE PROGRAM FOR THE SANCTUARY SYSTEM FOR SURPLUS CHIMPANZEES BY TERMINATING THE AUTHORITY FOR REMOVAL OF CHIMPANZEES FROM THE SYSTEM FOR RESEARCH PURPOSES

(H.R. 5798)

To amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for removal of chimpanzees from the system for research purposes.

Summary

Current law establishes a sanctuary system for surplus chimpanzees, but allows removal of chimpanzees for research under very limited and protective conditions. H.R. 5798 eliminates the removal authority.

Legislative History

Mr. McCrery introduced H.R. 5798 on July 18, 2006, which was referred to the Committee on Energy and Commerce.

On August 1, 2006, H.R. 5798 was referred to the Subcommittee on Health.

On December 6, 2006, H.R. 5798 was considered in the House under suspension of the rules and passed the House by voice vote.

No further action was taken on H.R. 5798 in the 109th Congress.

ESTATE TAX AND EXTENSION OF TAX RELIEF ACT OF 2006

(H.R. 5970)

To amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000, to repeal the sunset provision for the estate and generation-skipping taxes, and to extend expiring provisions, and for other purposes.

Summary

H.R. 5970 prescribes guidelines under which certain related persons and successors in interest are relieved of liability if health or death benefits or unassigned beneficiaries' premiums are prepaid; and modifies guidelines governing Federal transfers under mining laws and the board of trustees of the Combined Fund.

Legislative History

Mr. Thomas introduced H.R. 5970 on July 28, 2006, and it was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and Workforce, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On July 28, 2006, H.R. 5970 was considered in the House pursuant to the provisions of H. Res. 966, and passed the House by a roll call vote of 230 yeas, 180 nays, and 1 present.

On July 31, 2006, H.R. 5970 was received in the Senate and deemed read the first time on July 28, (Legislative Day July 26) 2006, pursuant to the order of July 28.

On July 31, 2006, H.R. 5970 was read a second time and placed on the Senate Legislative Calendar under General Orders. Calendar No. 562.

On August 3, 2006, cloture on the motion to proceed was not invoked in the Senate by a recorded vote of 56 yeas and 42 nays.

On August 3, 2006, motion to reconsider the vote by which the motion to invoke cloture on the motion to proceed to H.R. 5970 was not agreed to by a record vote of 56 yeas and 42 nays.

No further action was taken on H.R. 5970 in the 109th Congress.

UNBORN CHILD PAIN AWARENESS ACT OF 2006

(H.R. 6099)

To ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child.

Summary

H.R. 6099 requires an abortion provider who knowingly performs an abortion of a pain-capable unborn child to follow certain procedures. A pain-capable unborn child is defined as an unborn child who has reached a probable stage of development of 20 weeks or more after fertilization. First, the abortion provider is to inform the woman of the probable age of the child. Second the provider is to make available to the woman an Unborn Child Pain Awareness. Third, information is to be provided that pain medicine adminis-

tered to the mother may not prevent pain in the child, but in some cases anesthesia or pain-reducing drugs can be administered directly to the child. Fourth, the provider is to give the woman the best medical judgment of the risks and costs of such anesthesia or analgesic. Lastly, the provider is to obtain the woman's signature on the Unborn Child Pain Awareness Decision Form and her explicit request for or refusal of the administration of drugs to the child.

H.R. 6099 would require the Secretary of Health and Human Services to develop the Unborn Child Pain Awareness Brochure, which is to include a statement that there is substantial evidence that the process of being killed in an abortion will cause the unborn child pain and that the mother has the option of having pain-reducing drugs administered directly to the child.

H.R. 6099 also establishes civil penalties for willfully failing to comply with this Act by authorizing the Attorney General to bring a civil action under this Act; and private rights of action for violations of this Act.

Legislative History

H.R. 6099 was introduced in the House by Mr. Chris Smith on September 19, 2006 and was referred to the Committee on Energy and Commerce.

On September 25, 2006, H.R. 6099 was referred to the Subcommittee on Health.

On December 6, 2006, H.R. 6099 was considered by the House under suspension of the rules and failed by a roll call vote of 250 yeas and 162 nays.

No further action was taken on H.R. 6099 in the 109th Congress.

RECOGNIZING THE IMPORTANCE OF SUN SAFETY, AND FOR OTHER PURPOSES

(H. Res. 169)

Recognizing the importance of sun safety, and for other purposes.

Summary

H. Res. 169 resolves that the House of Representatives recognizes the importance of sun safety. The Resolution also encourages all Americans to protect themselves and their children from the dangers of excessive sun exposure. Further, H. Res. 169 congratulates organizations like the Sun Safety Alliance for their efforts to promote sun safety and prevent skin cancer and it supports the goals and ideals of National Sun Safety Week (June 5–June 11, 2005).

Legislative History

H. Res. 169 was introduced by Mr. Bilirakis on March 17, 2005, and was referred to the Committee on Energy and Commerce.

On March 22, 2005, H. Res. 169 was referred to the Subcommittee on Health.

On April 27, 2005, the Subcommittee on Health met in open markup session and forwarded H. Res. 169, as amended, to the Full Committee by voice vote, a quorum being present.

On May 4, 2005, the Committee on Energy and Commerce met in open markup session and ordered H. Res. 169 favorably reported, as amended, by voice vote, a quorum being present.

On June 7, 2005, the Committee on Energy and Commerce reported H. Res. 169 to the House, as amended (H. Rept. 109–103).

On June 7, 2005, H. Res. 169 was considered in the House under suspension of the rules and passed the House, as amended, by voice vote.

RECOGNIZING THE UNIVERSITY OF PITTSBURGH, DR. JONAS SALK, THE UNIVERSITY OF MICHIGAN, AND DR. THOMAS FRANCES, JR., ON THE FIFTIETH ANNIVERSARY OF THE DISCOVERY AND DECLARATION THAT THE SALK VACCINE WAS POTENT, VIRTUALLY ELIMINATING THE DISEASE AND ITS HARMFUL EFFECTS

(H. Res. 208)

Recognizing the University of Pittsburgh, Dr. Jonas Salk, the University of Michigan, and Dr. Thomas Frances, Jr., on the fiftieth anniversary of the discovery and the declaration that the Salk vaccine was potent, virtually eliminating the disease and its harmful effects.

Summary

H. Res. 208 recognizes the University of Pittsburgh and the University of Michigan on the 50th anniversary of the discovery of the Salk polio vaccine. It also recognizes the pioneering achievement of Dr. Jonas Salk and his University of Pittsburgh research team in the vaccine's development and the field trials conducted by Dr. Thomas Francis, Jr., and his University of Michigan team of statisticians and epidemiologists. H. Res. 208 expresses appreciation to the University of Pittsburgh for the elimination of the disease, the members of Dr. Salk's research team, the individuals, a majority of whom were Allegheny County, Pennsylvania, residents, who agreed to participate in the vaccine clinical trials, the family members of Dr. Salk for their participation in medical history, the University of Michigan for its efforts in proving the vaccine was safe and effective, and the members of Dr. Francis' team.

Legislative History

H. Res. 208 was introduced in the House by Mr. Murphy on April 12, 2005, and was referred to the Committee on Energy and Commerce.

On April 18, 2005, H. Res. 208 was referred to the Subcommittee on Health.

On April 20, 2005, H. Res. 208 was considered in the House under suspension of the rules and passed the House, as amended, by a roll call vote of 422 yeas and 0 nays. The title of the measure was amended.

RECOGNIZING AMERICA'S BLOOD CENTERS AND ITS MEMBER ORGANIZATIONS FOR THEIR COMMITMENT TO PROVIDING OVER HALF THE NATION WITH A SAFE AND ADEQUATE VOLUNTEER DONOR BLOOD SUPPLY, AND FOR OTHER PURPOSES

(H. Res. 220)

Recognizing America's Blood Centers and its member organizations for their commitment to providing over half the Nation with a safe and adequate volunteer donor blood supply, and for other purposes.

Summary

H. Res. 220 recognizes America's Blood Centers and its members for providing blood to patients, ensuring the safety of the blood supply, and promoting blood donor initiatives. It also acknowledges the efforts made by member community blood centers and other blood organizations to promote and protect the safety and adequacy of blood components provided to patients. Finally, H. Res. 220 recognizes the need to promote a stable blood supply and increase volunteer participation of blood donors.

Legislative History

Mr. Boustany introduced H. Res. 220 on April 19, 2005, and it was referred to the Committee on Energy and Commerce.

On May 13, 2005, H. Res. 220 was referred to the Subcommittee on Health.

On July 20, 2005, the Committee on Energy and Commerce met in open markup session and ordered H. Res. 220 favorably reported, as amended, by a voice vote, a quorum being present.

On October 25, 2005, H. Res. 220 was considered in the House under suspension of the rules and passed the House, as amended, by voice vote.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL NURSES WEEK

(H. Res. 245)

Supporting the goals and ideals of National Nurses Week.

Summary

H. Res. 245 expresses support for the goals and ideals of National Nurses Week.

Legislative History

Ms. Johnson of Texas introduced this resolution on April 27, 2005 and it was referred to the Committee on Energy and Commerce.

On May 13, 2005, H. Res. 245 was referred to the Subcommittee on Health.

On May 3, 2006, the H. Res. 245 was considered in the House under suspension of the rules and passed the House, as amended, by voice vote.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL HEPATITIS B AWARENESS WEEK

(H. Res. 250)

Supporting the goals and ideals of National Hepatitis B Awareness Week.

Summary

H. Res. 250 expresses support for the goals and ideals of Gynecologic Cancer Awareness Month (September). The resolution expresses the sense of Congress that the National Institutes of Health (NIH), the Centers for Disease Control and Prevention (CDC), and the Food and Drug Administration's (FDA) Office of Women's Health should coordinate efforts to establish a National Gynecologic Cancer Awareness and Education Campaign targeting the medical community and all women regardless of ethnic or socioeconomic background.

Legislative History

Mr. Murphy introduced H. Res. 250 on April 28, 2005 and it was referred to the Committee on Energy and Commerce.

On May 2, 2005, H. Res. 250 was referred to the Subcommittee on Health.

On May 4, 2005, the Committee on Energy and Commerce met in open markup session and ordered H. Res. 250 favorably reported to the House by voice vote, a quorum being present.

On May 5, 2005, H. Res. 250 was considered in the House by unanimous consent and passed the House without objection.

RESOLUTION EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT THE CENTERS FOR MEDICARE & MEDICAID SERVICES SHOULD BE COMMENDED FOR IMPLEMENTING THE MEDICARE DEMONSTRATION PROJECT TO ASSESS THE QUALITY OF CARE OF CANCER PATIENTS UNDERGOING CHEMOTHERAPY, AND SHOULD EXTEND THE PROJECT THROUGH 2006, SUBJECT TO ANY APPROPRIATE MODIFICATIONS

(H. Res. 261)

Resolution expressing the sense of the House of Representatives that the Centers for Medicare & Medicaid Services should be commended for implementing the Medicare demonstration project to assess the quality of care of cancer patients undergoing chemotherapy, and should extend the project through 2006, subject to any appropriate modifications.

Summary

H. Res. 261 urges the Centers for Medicare & Medicaid Services to: (1) extend through 2006 the Medicare demonstration project to assess the quality of care for patients undergoing chemotherapy by collecting data on the impact of chemotherapy on cancer patients' quality of life; (2) thoroughly review the merits of the demonstration project; and (3) use the results of the project to develop a system to pay for chemotherapy services under Medicare based on the

quality of care delivered and the resources used to deliver that care.

H. Res. 261 also calls for: (1) the demonstration project to be modified to accumulate even more useful data relating to quality of care; and (2) the continuation of payments to physicians for participation in the demonstration project to facilitate continued access of Medicare patients with cancer to chemotherapy treatment of the highest quality.

Legislative History

H. Res. 261 was introduced by Mr. Hall on May 4, 2005, and was referred to the Committee on Energy and Commerce, in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On May 13, 2005, H. Res. 261 was referred to the Subcommittee on Health.

On July 20, 2005, the Committee on Energy and Commerce met in open markup session and ordered H. Res. 261 favorably reported to the House, with amendment, by a voice vote, a quorum being present.

On October 6, 2005, H. Res. 261 was considered by the House under suspension of the rules and passed the House, as amended, by a voice vote. The title of the measure was amended.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL OSTEOPOROSIS AWARENESS AND PREVENTION MONTH

(H. Res. 265)

Supporting the goals and ideals of National Osteoporosis Awareness and Prevention Month.

Summary

H. Res. 265 expresses support for the goals and ideals of National Osteoporosis Awareness and Prevention Month.

Legislative History

Ms. Berkley and introduced H. Res. 265 on May 5, 2005 it was referred to the Committee on Energy and Commerce.

On May 13, 2005, H. Res. 265 was referred to the Subcommittee on Health.

On June 6, 2006, H. Res. 265 was considered in the House under suspension of the rules and passed the House, as amended, by a voice vote.

SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

(H. Res. 323)

Supporting efforts to increase childhood cancer awareness, treatment, and research.

Summary

H. Res. 323 calls for Congress to support efforts to promote awareness of cancer in children; investment in childhood cancer research; efforts to encourage medical trainees and investigators to enter the field of pediatric oncology; efforts to encourage the development of drugs and biologics designed to treat pediatric cancers; policies that encourage participation in clinical trials; medical education curricula designed to improve pain management for cancer patients; and enhanced education, services, and other resources related to late effects from cancer treatment.

Legislative History

H. Res. 323 was introduced on June 15, 2006, by Ms. Pryce and was referred to the Committee on Energy and Commerce.

On June 21, 2006, H. Res. 323 was considered in the House under suspension of the rules and passed the House, as amended, by a roll call vote of 393 yeas and 0 nays.

EXPRESSING SUPPORT FOR THE GOALS AND IDEALS OF NATIONAL EPIDERMOLYSIS BULLOSA AWARENESS WEEK

(H. Res. 335)

Summary

Epidermolysis bullosa is a rare disease characterized by the presence of extremely fragile skin that results in the development of recurrent, painful blisters, open sores, and in some forms of the disease, in disfiguring scars, disabling musculoskeletal deformities, and internal blistering. H. Res. 335 supports the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of epidermolysis bullosa and of the need for a cure.

Legislative History

H. Res. 335 was introduced on June 21, 2005, in the House by Mr. Bishop, and it was referred to the Committee on Energy and Commerce.

On July 1, 2005, H. Res. 335 was referred to the Subcommittee on Health.

On December 9, 2006, H. Res. 335 passed the House by unanimous consent.

RECOGNIZING AND HONORING THE 15TH ANNIVERSARY OF THE SIGNING OF THE AMERICANS WITH DISABILITIES ACT OF 1990

(H. Res. 378)

Recognizing and honoring the 15th anniversary of the signing of the Americans with Disabilities Act of 1990.

Summary

H. Res. 378 recognizes the 15th anniversary of the signing of the Americans with Disabilities Act and the work of the individuals and organizations who fought to advance the cause of people with disabilities. The resolution declares that the House of Representa-

tives reaffirms its commitment to promoting the rights of Americans with disabilities, recognizes the important role of the Federal courts in securing those rights, and strongly supports the purposes and goals of such Act.

Legislative History

H. Res. 378 was introduced on July 25, 2005, by Mr. Sensenbrenner Referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On July 27, 2005, the Committee on the Judiciary met in open markup session and ordered H.R. 378 reported to the House by voice vote, and the Committee on the Judiciary reported H. Res. 378 to the House (H. Rept. 109–196, Part I). The Committees on Education and the Workforce, Transportation and Infrastructure, and Energy and Commerce were discharged from further consideration and H. Res. 378 was placed on the House Calendar, Calendar No. 73.

No Further action was taken on H. Res. 378 in the 109th Congress.

GYNECOLOGICAL RESOLUTION FOR ADVANCEMENT OF OVARIAN CANCER EDUCATION

(H. Res. 444)

Supporting the goals and ideals of National Ovarian Cancer Awareness Month.

Summary

H. Res. 444, the Gynecological Resolution for Advancement of Ovarian Cancer Education, expresses support for the goals and ideals of National Ovarian Cancer Awareness Month (September 2005). The resolution calls for funding ovarian cancer research so that a reliable screening test can be developed and a cure can be found.

Legislative History

On September 15, 2005, Mr. Hall introduced H. Res. 444 which was referred to the Committee on Energy and Commerce.

On September 19, 2005, H. Res. 444 was referred to the Subcommittee on Health.

On November 7, 2005, the House considered H. Res. 44 under suspension of the rules and passed the House, as amended, by a roll call vote of 348 yeas and 0 nays.

SUPPORTING THE GOALS OF RED RIBBON WEEK

(H. Res. 485)

Supporting the goals of Red Ribbon Week.

Summary

H. Res. 485 expresses support for the goals of Red Ribbon Week (October 23–October 31). The resolution encourages children and teens to live a drug-free life and the promotion of drug-free communities and participation in drug prevention activities.

Legislative History

H. Res. 485 was introduced by Mr. Souder on October 6, 2005 and was referred to the Committee on Energy and Commerce.

On October 17, 2005, H. Res. 485 was referred to the Subcommittee on Health.

On October 25, 2005, H. Res. 485 was considered in the House under suspension of the rules, and passed the House, as amended by voice vote.

SUPPORTING THE GOALS AND IDEALS OF OBSERVING THE YEAR OF POLIO AWARENESS

(H. Res. 526)

Supporting the goals and ideals of observing the Year of Polio Awareness.

Summary

H. Res. 526 recognizes the need for every child to be vaccinated against polio. The resolution urges all appropriate Federal departments and agencies to take steps to educate Americans about the need for polio vaccination and U.S. polio survivors and medical professionals about the cause and treatment of post-polio sequelae. Finally, H. Res. 526 expresses support for the goals and ideals of observing the Year of Polio Awareness.

Legislative History

H. Res. 526 was introduced by Mr. Rothman on November 1, 2005, and was referred to the Committee on Energy and Commerce.

On September 19, 2006, the House considered H. Res. 526, as amended, under suspension of the rules and the resolution was agreed to by voice vote.

ENCOURAGING ALL ELIGIBLE MEDICARE BENEFICIARIES WHO HAVE NOT YET ELECTED TO ENROLL IN THE NEW MEDICARE PART D BENEFIT TO REVIEW THE AVAILABLE OPTIONS AND TO DETERMINE WHETHER ENROLLMENT IN A MEDICARE PRESCRIPTION DRUG PLAN BEST MEETS THEIR CURRENT AND FUTURE NEEDS FOR PRESCRIPTION DRUG COVERAGE

(H. Res. 802)

Encouraging all eligible Medicare beneficiaries who have not yet elected to enroll in the new Medicare Part D benefit to review the available options and to determine whether enrollment in a Medicare prescription drug plan best meets their current and future needs for prescription drug coverage.

Summary

H. Res. 802 encourages all Medicare beneficiaries who are not yet enrolled in part D (Voluntary Prescription Drug Benefit Program) of title XVIII (Medicare) of the Social Security Act to: (1) review carefully all of the options available to them; and (2) determine whether enrollment in a Medicare prescription drug plan best meets their current and future needs for prescription drug coverage.

Legislative History

On May 9, 2005, H. Res. 802 was introduced by Mrs. Johnson (CT), and was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

On May 9, 2005, H. Res. 802 was referred to the Subcommittee on Health.

On May 10, 2005, H. Res. 802 was considered in the House under suspension of the rules, and passed the House by a roll call vote of 406 yeas and 0 nays.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES WITH REGARD TO THE IMPORTANCE OF NATIONAL WOMEN'S HEALTH WEEK, WHICH PROMOTES AWARENESS OF DISEASES THAT AFFECT WOMEN AND TO TAKE PREVENTIVE MEASURES TO ENSURE GOOD HEALTH

(H. Res. 833)

Expressing the sense of the House of Representatives with regard to the importance of National Women's Health Week, which promotes awareness of diseases that affect women and which encourages women to take preventive measures to ensure good health.

Summary

H. Res. 833 recognizes the importance of preventing diseases that commonly affect women and programs that provide research and collect data on common diseases in women. The resolution calls for people to use National Women's Health Week as an opportunity to learn about health issues that face women and women to observe National Women's Check-Up Day by receiving preventive screenings from their health care providers.

Legislative History

H. Res. 833 was introduced by Mr. Hinchey on November May 23, 2006 and was referred to the Committee on Energy and Commerce.

On June 5, 2006, H. Res. 833 was referred to the Subcommittee on Health.

On June 6, 2006, H. Res. 833 was considered in the House under suspension of the rules and passed the House, as amended, by voice vote.

SUPPORTING THE GOALS AND IDEALS OF PLAN AHEAD WITH AN ADVANCE DIRECTIVE WEEK

(H. Res. 934)

Summary

H. Res. 934 expresses support for the goals and ideals of Plan Ahead with an Advance Directive Week. The resolution encourages people who are over the age of 18 to prepare advance directives; and also nonprofit organizations to encourage individuals to prepare advance directives to ensure that their wishes and rights with respect to end-of-life care are protected.

Legislative History

H. Res. 934 was introduced in the House on July 20, 2006, in the by Mr. Gingrey, and it was referred to the Committee on Energy and Commerce.

On August 1, 2006, H. Res. 934 was referred to the Subcommittee on Health.

On December 7, 2006, H. Res. 934 was considered in the House under suspension of the rules and passed the House, by voice vote.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL PERIPHERAL ARTERIAL DISEASE AWARENESS WEEK

(H. Res. 982)

Supporting the goals and ideals of National Peripheral Arterial Disease Awareness Week.

Summary

H. Res. 982 expresses support for the goals and ideals of National Peripheral Arterial Disease Awareness Week and efforts to educate people about the disease, the consequences if it is not diagnosed and treated, and the need to seek appropriate care as a serious health issue. The resolution also acknowledges the importance of peripheral arterial disease awareness to improve national cardiovascular health.

Legislative History

Ms. Capps introduced H. Res. 982 on September 6, 2006 and it was referred to the Committee on Energy and Commerce.

On June 19, 2006, H. Res. 982 was considered in the House under suspension of the rules, and passed the House by voice vote.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL BLACK HIV/AIDS AWARENESS DAY

(H. Con. Res. 30)

Supporting the goals and ideals of National Black HIV/AIDS Awareness Day.

Summary

H. Con. Res. 30 expresses support for the goals and ideals of National Black HIV/AIDS Awareness Day (February 7) and recognizes

the fifth anniversary of its observation. The resolution encourages: State and local governments to recognize such day, publicize its importance among their communities, and encourage individuals to undergo HIV testing; media organizations to carry messages in support of such day; enactment of effective HIV prevention programs; and States to enact HIV surveillance programs consistent with recognized infectious disease control methods to ensure accurate data, better targeting of resources, and improved delivery of health services to those living with HIV. The resolution commends the President for highlighting HIV/AIDS in the State of the Union Address and for emphasizing the importance of addressing HIV/AIDS in the African-American community.

Legislative History

H. Con. Res. 30 was introduced on January 26, 2005 and was referred to the Committee on Energy and Commerce.

On February 25, 2005, H. Con. Res. 30 was referred to the Subcommittee on Health.

On February 9, 2005, H. Con. Res. 30 was considered in the House under suspension of the rules and passed the House, as amended, by a roll call vote of 422 yeas and 0 nays.

On February 14, 2005, H. Con. Res. 30 was received in the Senate.

On February 17, 2005, H. Con. Res. 30 was referred to the Committee on Health, Education, Labor, and Pensions.

No further action was taken on H. Con. Res. 30 in the 109th Congress.

EXPRESSING THE NEED FOR ENHANCED PUBLIC AWARENESS OF TRAUMATIC BRAIN INJURY AND SUPPORT FOR THE DESIGNATION OF A NATIONAL BRAIN INJURY AWARENESS MONTH

(H. Con. Res. 99)

Expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month.

Summary

H. Con. Res. 99 expresses support for the designation of National Brain Injury Awareness Month.

Legislative History

On March 15, 2005, H. Con. Res. 99 was introduced by Mr. Pascrell and was referred to the Committee on Energy and Commerce.

On March 22, 2005, H. Con. Res. 99 was referred to the Subcommittee on Health.

On May 3, 2006, H. Con. Res. 99 was considered in the House under suspension of the rules and passed the House by voice vote.

On May 4, 2006, H. Con. Res. 99 was received in the Senate and was referred to the Committee on Health, Education, Labor, and Pensions.

No further action was taken on H. Con. Res. 99 in the 109th Congress.

RECOGNIZING THE NEED TO PURSUE RESEARCH INTO THE CAUSES, A TREATMENT, AND AN EVENTUAL CURE FOR IDIOPATHIC PULMONARY FIBROSIS, SUPPORTING THE GOALS AND IDEALS OF NATIONAL IDIOPATHIC PULMONARY FIBROSIS AWARENESS WEEK, AND FOR OTHER PURPOSES

(H. Con. Res. 178)

Recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

Summary

H. Con. Res. 178 recognizes the need to pursue research into the causes of, and a treatment and an eventual cure for, idiopathic pulmonary fibrosis. The resolution expresses support for the work of advocates and organizations in educating, supporting, and providing hope for individuals who suffer from the disease and designation of National Idiopathic Pulmonary Fibrosis Awareness Week. Finally, H. Con. Res. 178 congratulates advocates and organizations for their efforts to educate the public about the disease.

Legislative History

On June 14, 2005, Mr. Norwood introduced H. Con. Res. 178, which was referred to the Committee on Energy and Commerce.

On July 1, 2005, H. Con. Res. 178 was referred to the Subcommittee on Health.

On September 28, 2005, the House considered H. Con. Res. 178 under suspension of the rules, and passed the House on September 29, 2005, as amended, by a roll call vote of 401 yeas and 0 nays.

On September 30, 2005, H. Con. Res. 178 was received in the Senate and referred to the Committee on Health, Education, Labor, and Pensions.

No further action was taken on H. Con. Res. 178 in the 109th Congress.

SUPPORTING THE GOAL OF ELIMINATING SUFFERING AND DEATH DUE TO CANCER BY THE YEAR 2015

(H. Con. Res. 210)

Supporting the goal of eliminating suffering and death due to cancer by the year 2015.

Summary

H. Con. Res. 210 expresses support for the goal of eliminating suffering and death due to cancer by 2015.

Legislative History

H. Con. Res. 210 was introduced by Mr. Shaw on July 18, 2005 and it was referred to the Committee on Energy and Commerce.

On July 29, 2005, H. Con. Res. 210 was referred to the Subcommittee on Health.

On September 19, 2006, H. Con. Res. 210 was considered in the House under suspension of the rules and passed the House, as amended, by a roll call vote of 403 yeas and 0 nays.

On September 20, 2006, H. Con. Res. 210 was received in the Senate and was referred to the Committee on Health, Education, Labor, and Pensions.

No further action was taken on H. Con. Res. 210 in the 109th Congress.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYSTIC FIBROSIS AWARENESS MONTH

(H. Con. Res. 357)

Supporting the goals and ideals of National Cystic Fibrosis Awareness Month.

Summary

H. Con. Res. 357 honors the goals and ideals of National Cystic Fibrosis Awareness Month. It also expresses support for research to find a cure for cystic fibrosis by fostering an enhanced research program through a strong Federal commitment and expanded public-private partnerships.

Legislative History

Mr. Stearns introduced H. Con. Res. 357 on March 14, 2006, and it was referred to the Committee on Energy and Commerce.

On March 17, 2006, H. Con. Res. 357 was referred to the Subcommittee on Health.

On March 29, 2006, the Committee on Energy and Commerce met in open markup session and ordered H. Con. Res. 357 favorably reported to the House by voice vote, a quorum being present.

On April 25, 2006, H. Con. Res. 357 was considered in the House under suspension of the rules and passed the House by voice vote.

On May 1, 2006, H. Con. Res. 357 was received in the Senate and was referred to the Committee on Health, Education, Labor, and Pensions.

On May 24, 2006, the resolution was considered in the Senate and passed without amendment and with a preamble by unanimous consent.

EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO HONORING THE GOALS AND IDEALS OF ALEX'S LEMONADE STAND DAYS, JUNE 9 THROUGH 11, 2006

(H. Con. Res. 368)

Expressing the sense of the Congress with respect to honoring the goals and ideals of Alex's Lemonade Stand Days, June 9 through 11, 2006.

Summary

H. Con. Res. 368 honors the goals and ideals of Lemonade Stand Days, and Alex's Lemonade Stand Days were designated as the second weekend in June by the Alex's Lemonade Stand Foundation, which was established in the memory of Alexandra Scott, a pedi-

atric cancer patient and childhood cancer advocate. The resolution commends the Foundation's fundraising efforts for childhood cancer research.

Legislative History

Mr. Gerlach introduced H. Con. Res. 368 on March 29, 2006 and was referred to the Committee on Energy and Commerce.

On June 12, 2006, H. Con. Res. 368 was considered in the House under suspension of the rules and passed the House by voice vote.

On June 13, 2006, H. Con. Res. 368 was received in the Senate and referred to the Committee on the Judiciary.

No further action was taken on H. Con. Res. 368 in the 109th Congress.

HONORING MARY ELIZA MAHONEY, AMERICA'S FIRST PROFESSIONALLY TRAINED AFRICAN AMERICAN NURSE

(H. Con. Res. 386)

Honoring Mary Eliza Mahoney, America's first professionally trained African-American nurse.

Summary

H. Con. Res. 386 honors Mary Eliza Mahoney, the first African-American nurse, for an outstanding nursing career and exemplary contributions to professional nursing organizations and other African-American nurses who practice nursing with distinction. The resolution expresses support for the goals and activities of National Nurses Week and strategies to counteract the shortage of nurses.

Legislative History

H. Con. Res. 386 was introduced on April 6, 2006, by Ms. Johnson of Texas and it was referred to the Committee on Energy and Commerce.

On April 19, 2006, H. Con. Res. 386 was referred to the Subcommittee on Health.

On September 19, 2006, H. Con. Res. 386, was considered in the House under suspension of the rules and passed the House as amended, by voice vote.

On September 20, 2006, H. Con. Res. 386 was received in the Senate and referred to the Committee on Health, Education, Labor, and Pensions.

No further action was taken on H. Con. Res. 386 in the 109th Congress.

RECOGNIZING THE FOOD AND DRUG ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES ON THE OCCASION OF THE 100TH ANNIVERSARY OF THE PASSAGE OF THE FOOD AND DRUGS ACT FOR THE IMPORTANT SERVICE IT PROVIDES TO THE NATION

(H. Con. Res. 426)

Recognizing the Food and Drug Administration of the Department of Health and Human Services on the occasion of the 100th anniversary of the passage of the Food and Drugs Act for the important service it provides to the Nation.

Summary

H. Con. Res. 426 recognizes the United States Food and Drug Administration and its employees for: (1) 100 years of service in ensuring the safety of our food and the safety and efficacy of our medical products; (2) providing leadership to the world in the regulatory sciences; and (3) their hard work and extraordinary dedication to the protection and promotion of our nation's public health.

Legislative History

H. Con. Res. 426 was introduced by Mr. Barton on June 12, 2006, and was referred to the Committee on Energy and Commerce.

On June 15, 2006, the Energy and Commerce Committee met in open markup session and ordered H. Con. Res. 426 favorably reported to the House, without amendment, by a voice vote, a quorum being present.

On June 20, 2006, the Committee on Energy and Commerce reported H. Con. Res. 426 to the House (H. Rpt. 109–511), and was placed on the House Calendar, Calendar No. 197.

On June 21, 2006, H. Con. Res. 426 was considered by the House under suspension of the rules and passed the House by voice vote.

On June 22, 2006, H. Con. Res. 426 was received in the Senate and referred to the Senate and referred to the Committee on Health, Education, Labor, and Pensions.

On June 29, 2006, H. Con. Res. 426 passed the Senate without amendment by unanimous consent.

OVERSIGHT ACTIVITIES

CURRENT ISSUES RELATED TO MEDICAL LIABILITY REFORM

On February 10, 2005, the Subcommittee on Health held an oversight hearing on the need to enact medical liability reform. The hearing focused on identifying the factors that have led to the current medical liability crisis and the potential impact of medical liability reforms. The subcommittee received testimony from a patient perspective, as well as industry expert witnesses on medical liability legislation.

SETTING THE PATH FOR REAUTHORIZATION: IMPROVING PORTFOLIO MANAGEMENT AT THE NIH

On March 17, 2005, the Subcommittee on Health held an oversight hearing to examine how the Office of the Director of the National Institutes of Health (NIH) manages the research portfolio of the 27 distinct research Institutes and Centers that form the NIH. Because the organizational structure of NIH largely determines how NIH research priorities are set and budgets determined, this hearing highlighted how the authority of the NIH Director impacts the management of the agency and the allocation of resources. The subcommittee received testimony from the Director of NIH.

LONG-TERM CARE AND MEDICAID: SPIRALING COSTS AND THE NEED FOR REFORM

On April 27, 2005, the Subcommittee on Health held an oversight hearing that examined long-term care within the context of Medicaid and entitlement spending generally and explored ideas to promote private long-term care financing options. The subcommittee received testimony from the Administrator of the Centers for Medicare & Medicaid Services, the Director of the Congressional Budget Office, the U.S. Government Accountability Office, Congressional Research Service, and several other expert witnesses from the industry.

SPECIALTY HOSPITALS: ASSESSING THEIR ROLE IN THE DELIVERY OF QUALITY HEALTH CARE

On May 12, 2005, the Subcommittee on Health held an oversight hearing focusing on specialty hospitals, particularly the expiration of the moratorium on physician referrals to specialty hospitals. The subcommittee received testimony from the Administrator of the Centers for Medicare & Medicaid Services, the Chairman of the Medicare Payment Advisory Commission, and several doctors in the specialty hospital profession.

INCREASING GENERIC DRUG UTILIZATION: SAVING MONEY FOR PATIENTS

On May 18, 2005, the Subcommittee on Health held an oversight hearing on the issue of generic drugs and their role in decreasing health care costs for patients. The hearing featured one panel of witnesses from advocacy groups and also private industry.

THE THREAT OF AND PLANNING FOR PANDEMIC FLU

On May 26, 2005, the Subcommittee on Health held an oversight hearing in regards to pandemic flu. The hearing stressed that States have a major role in the event of a pandemic and are preparing for it by developing pandemic influenza plans or revising existing plans to be stronger and more effective. The key elements of these plans include surveillance, vaccination, antiviral drug use, community containment measures, communications, response of the health care system, and ability to maintain essential public services. The subcommittee received testimony from the Department of Health and Human Services, the National Institutes of Health, the Government Accountability Office, and expert witnesses in the pandemic flu community.

PATIENT SAFETY AND QUALITY INITIATIVES

On June 9, 2005, the Subcommittee on Health held an oversight hearing on patient safety. The purpose of the hearing was to focus on public and private sector initiatives to reduce the number of medical errors, improve patient outcomes, and improve quality. The hearing is intended to provide a broad overview of the general topic, an update on ongoing initiatives and identify options for possible further Congressional action. Last Congress, the House and Senate each passed legislation intended to improve patient safety by encouraging the creation of patient safety organizations and pro-

viding protections for certain communications to and from patient safety organizations. The subcommittee received testimony from the research and advocacy community.

MEDICAID PRESCRIPTION DRUGS: EXAMINING OPTIONS FOR PAYMENT REFORM

On June 22, 2005, the Subcommittee on Health held an oversight hearing that examined the Medicaid payments for prescription drugs. Witnesses at this hearing provided information about options that the States and Federal government have to ensure that there is more accuracy and transparency in prescription drug payments in the Medicaid program. The subcommittee received testimony from the Congressional Budget Office, the Government Accountability Office, and other Medicaid prescription drug experts.

ASSESSING PUBLIC HEALTH AND THE DELIVERY OF CARE IN THE WAKE OF KATRINA

On September 22, 2005, the Subcommittee on Health and the Subcommittee on Oversight and Investigation held a joint oversight hearing on how hurricane Katrina devastated lives, families, homes, businesses, and infrastructure. The purpose of this hearing was to provide an introduction to the public health and health care situation on the ground. The focus was to understand current health care activities and the current needs of the health care infrastructure. The subcommittees received testimony from the Centers for Disease Control and Prevention and representatives of hospitals, doctors, health centers, nurses, pharmacists, and the American Red Cross.

COMPREHENSIVELY COMBATING METHAMPHETAMINES: IMPACTS ON HEALTH AND ENVIRONMENT

On October 20, 2005, the Subcommittee on Health and the Subcommittee on the Environment and Hazardous Materials held a joint oversight hearing to review issues relating to the production and use of methamphetamine. Methamphetamine is an addictive stimulant drug that strongly activates certain systems in the brain. The drug can be swallowed in pill form, snorted in powder form, smoked or, injected. Users may become addicted quickly, and will use the drug with increasing frequency and in increasing doses to produce the same effect. The subcommittees received testimony from witnesses in environmental, health and enforcement sectors of the government from the Environmental Protection Agency, the Drug Enforcement Administration, and the Substance Abuse and Mental Health Services Administration, and from enforcement associations and groups who sell the over-the-counter drugs that are used in the production of methamphetamines.

MEDICARE PHYSICIAN PAYMENT: HOW TO BUILD A MORE EFFICIENT PAYMENT SYSTEM

On November 17, 2005, the Subcommittee on Health held an oversight hearing on Medicare physician payment. The hearing focused on Medicare fee-for-service payments for physicians in 2006 and beyond and assessed their impact on beneficiary access to

health care. In addition, the hearing provided a forum for discussing how to design a more stable reimbursement system that controls over utilization of services while ensuring patients receive efficient and effective quality health care. The subcommittee received testimony from the Administrator of the Centers for Medicare & Medicaid Services, Chairman of the Medicare Payment Advisory Commission (MedPAC), and several specialty surgeons and researchers.

IMPROVING AMERICA'S HEALTH: EXAMINING FEDERAL RESEARCH EFFORTS FOR PULMONARY HYPERTENSION AND CHRONIC PAIN

On December 8, 2005, the Subcommittee on Health held an oversight hearing examining Federal research efforts for pulmonary hypertension and chronic pain. The purpose of this hearing was to raise awareness about chronic pain and pulmonary hypertension and examine what the National Institutes of Health and others are doing to study these conditions and improve patient outcomes. The subcommittee received testimony from experts in these areas and also witnesses suffering from hypertension and chronic pain.

MEDICARE PART D: IMPLEMENTATION OF THE NEW DRUG BENEFIT

On March 1, 2005, the Subcommittee on Health held an oversight hearing focusing on the implementation of the new Medicare Part D prescription drug benefit. The subcommittee received testimony from the Administrator of the Centers for Medicare & Medicaid Services (CMS), experts, a beneficiary, and a representative from a State Governor's office.

WHAT'S THE COST? PROPOSALS TO PROVIDE CONSUMERS WITH BETTER INFORMATION ABOUT HEALTHCARE SERVICE COSTS

On March 15, 2006, the Subcommittee on Health held an oversight hearing that focused on the issue of price and quality transparency in the healthcare market. This hearing provided an opportunity for subcommittee members to examine the issue of transparency in our healthcare market. Witnesses reflected various perspectives on the role and utility of transparency in improving costs and quality of healthcare services. These individuals provided the Committee with input on both the economics of price transparency, but also give first-hand accounts of systems in the market today that are working to accomplish the goal of transparency in healthcare. The subcommittee received testimony from Members of Congress who sponsored related legislation in the area of transparency and also received testimony from several think tanks, economists, and representatives of the insurance industry.

LEGISLATIVE PROPOSALS TO PROMOTE ELECTRONIC HEALTH RECORDS AND A SMARTER HEALTH INFORMATION SYSTEM

On March 16, 2006, the Subcommittee on Health had an oversight hearing on electronic health records. The hearing explored issues relating to the adoption of health information systems, the promise these systems hold for improving America's healthcare system and barriers that have slowed the adoption of such systems by hospitals, doctors, and other providers of healthcare. The hearing

explored legislative proposals and ideas to help fulfill this promise and remove barriers to adoption. The subcommittee received testimony from industry leaders and healthcare providers.

PROJECT BIOSHIELD REAUTHORIZATION ISSUES

On April 6, 2006, The Subcommittee on Health had an oversight hearing to lay out where the current Project Bioshield Act of 2004 stands in relation to other Federal program activities to research, develop, and acquire countermeasures for chemical, biological, radiological and nuclear threats. The subcommittee received testimony from the U.S. Department of Health and Human Services, the U.S. Department of Defense, and professionals in the biosecurity and biotechnology industries.

REAUTHORIZING THE RYAN WHITE CARE ACT: HOW TO IMPROVE THE PROGRAM TO ENSURE ACCESS TO CARE

On April 27, 2006, the Subcommittee on Health held an oversight hearing focusing on the reauthorization of the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act. The Ryan White CARE Act (RWCA) makes Federal funds available to States, eligible metropolitan areas (EMAs), and certain providers to assist in the health care costs and support services for persons with acquired immune deficiency syndrome (AIDS) or the human immunodeficiency virus (HIV). The subcommittee received testimony from the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Government Accountability Office.

THE CRITICAL ROLE OF COMMUNITY HEALTH CENTERS

On May 4, 2006, Subcommittee on Health held an oversight hearing that examined issues related to the reauthorization of Community Health Centers which expires at the end of this year. The subcommittee received testimony from the Health Resources and Services Administration and numerous leaders of community health centers.

EXAMINING THE CHILDREN'S HOSPITAL GRADUATE MEDICAL EDUCATION PROGRAM

On May 9, 2006, the Subcommittee on Health held an oversight hearing that examined issues related to the reauthorization of the CHGME program. The Children's Hospital Graduate Medical Education (CHGME) program was established on December 16, 1999, as part of the Public Health Services Act (P.L. 106–129) and was later amended by the Children's Health Act of 2000 (P.L. 106–310). The authorization expired at the end of FY 2005. The program is administered by the Health Resources and Service Administration (HRSA). The subcommittee received testimony from the Health Resources and Services Administration and two Chief Executive Officers from children's hospitals.

PLANNING FOR LONG-TERM CARE

On May 17, 2006, the Subcommittee on Health held an oversight hearing examining the growing number of options for Americans to

plan ahead for potential LTC costs thereby delaying or avoiding Medicaid dependency. The hearing also examined issues related to donated and paid care giving and caregiver training. The subcommittee received testimony from the National Council on Aging, American Health Insurance Plans, American Council of Life Insurers, RTI International, AARP, American Red Cross, Schmieding Center for Senior Health and Education, and a union.

EXAMINING THE FEDERAL GOVERNMENT'S PARTNERSHIP WITH AMERICA'S PHARMACISTS

On May 23, 2006, the Subcommittee on Health held an oversight hearing focusing on the concerns raised by pharmacists in recent months. The pharmacists expressed concerns regarding services rendered under the new Medicare Part D prescription drug benefit. Specifically, pharmacists assert that prescription drug plans (PDPs) are not promptly reimbursing pharmacists for dispensing prescriptions. In addition, pharmacists allege that the Medication Therapy Management (MTM) program as prescribed by the Medicare Modernization Act of 2003 (MMA) is not being effectively administered and could be improved. Pharmacists also voiced concerns with regards to the listing of pharmacies on the beneficiary Part D card (referred to as "co-branding"). Long-term care pharmacists raised implementation concerns specific to the long-term care population including: network access issues, compliance with CMS marketing guidelines, and delays in payment due to glitches in Part D dual eligible enrollment. The subcommittee received testimony from the Centers for Medicare & Medicaid Services and several industry leaders in the pharmacist's community.

MENTAL HEALTH AND BRAIN DISEASE: DISPELLING MYTHS AND PROMOTING RECOVERY THROUGH AWARENESS AND TREATMENT

On June 28, 2006, the Subcommittee on Health held an oversight hearing on mental health and brain disease. This hearing focused on treatment for and recovery from severe mental illness (also called brain disease). The hearing helped to raise public awareness about the biological nature of mental illnesses; to reduce the stigma associated with severe mental illnesses such as depression, bipolar disorder, and schizophrenia; to inform the public of effective treatment and prevention measures for mental illnesses; to emphasize the hope of recovery for those struggling with severe mental illness; and to highlight current research initiatives in the mental health field. The subcommittee received testimony from the National Institute of Mental Health, university professors, and three witnesses, all of whom have been affected by severe mental illness.

INNOVATIVE SOLUTIONS TO MEDICAL LIABILITY

On July 13, 2006, the Subcommittee on Health held an oversight hearing focusing on innovative proposals for improving the performance of the medical liability system. The subcommittee heard testimony about the performance of the medical liability system in compensating injured patients, deterring negligent conduct, and ensuring access to quality medical care. Additionally, the witnesses discussed non-traditional and innovative medical liability reform

proposals from leading experts in the field. The subcommittee received testimony from several legal scholars and a health care accreditation organization.

USE OF IMAGING SERVICES: PROVIDING APPROPRIATE CARE FOR MEDICARE BENEFICIARIES

On July 18, 2006 the Subcommittee on Health held an oversight hearing focusing on the growth in use of imaging services in Medicare and ways to address improper growth. The subcommittee received testimony from the Centers for Medicare & Medicaid Services, Chairman of the Medicare Payment Advisory Commission, doctors, imaging companies, and professional societies and organizations in the area of imaging.

MEDICARE PHYSICIAN PAYMENT: HOW TO BUILD A PAYMENT SYSTEM THAT PROVIDES QUALITY, EFFICIENT CARE FOR MEDICARE BENEFICIARIES

On July 25 and 27, 2006, the Subcommittee on Health held oversight hearings on Medicare physician payment. The hearing focused on the current Medicare physician payment system, the projected reductions to physician payment under the current payment formula, and the need to measure the quality and efficiency of physician services to pay accordingly. On July 25, 2006, the hearing focused on the Medicare physician payment system. The Subcommittee received testimony from the Congressional Budget Office, the Government Accountability Office, the Medicare Payment Advisory Commission, and the Program on Medicare's Future for The Commonwealth Fund. On July 27, 2006, the hearing focused on quality measurement activities and the concept of pay-for-performance in physician payment. The subcommittee received testimony from the Administrator of Centers for Medicare & Medicaid Services and several physician-group representatives.

MEDICARE PHYSICIAN PAYMENTS: 2007 AND BEYOND

On September 28, 2006, the Subcommittee on Health held an oversight hearing focusing on addressing the impending Medicare physician payment cuts in 2007 and subsequent years. Physicians face a 5.1 percent cut in Medicare fee-for-service payment for 2007 and 4–5 percent cuts are projected for each of the next several years. In July, the Subcommittee on Health held a series of physician payment hearings, and Dr. Burgess introduced a physician payment bill that would permanently replace the current physician payment formula (known as sustainable growth rate or the "SGR") with payments adjusted by inflation (known as the Medicare Economic Index or "MEI") minus 1 percent. Ranking Member Dingell introduced a bill, H.R. 5916, that would provide a two-year period of stable positive payments to physicians, to allow Congress time to explore a permanent solution to the physician payment problem. The subcommittee received testimony from different advocacy groups.

HEARINGS HELD

Current Issues Related to Medical Liability Reform.—Oversight hearing on Current Issues Related to Medical Liability Reform. Hearing held on February 10, 2005. PRINTED, Serial Number 109–36.

Setting the Path for Reauthorization: Improving Portfolio Management at the NIH.—Oversight hearing on Setting the Path for Reauthorization: Improving Portfolio Management at the NIH. Hearing held on March 17, 2005. PRINTED, Serial Number 109–20.

Long-Term Care and Medicaid: Spiraling Costs and the Need for Reform.—Oversight hearing on Long-Term Care and Medicaid: Spiraling Costs and the Need for Reform. Hearing held on April 27, 2005. PRINTED, Serial Number 109–24.

Specialty Hospitals: Assessing Their Role in the Delivery of Quality Health Care.—Oversight hearing on Specialty Hospitals: Assessing Their Role in the Delivery of Quality Health Care. Hearing held on May 12, 2005. PRINTED, Serial Number 109–38.

Increasing Generic Drug Utilization: Saving Money for Patients.—Oversight hearing on Increasing Generic Drug Utilization: Saving Money for Patients. Hearing held on May 18, 2005. PRINTED, Serial Number 109–16.

The Threat of and Planning for Pandemic Flu.—Oversight hearing on The Threat of and Planning for Pandemic Flu. Hearing held on May 26, 2005. PRINTED, Serial Number 109–21.

Patient Safety and Quality Initiatives.—Oversight hearing on Patient Safety and Quality Initiatives. Hearing held on June 9, 2005. PRINTED, Serial Number 109–17.

Medicaid Prescription Drugs: Examining Options for Payment Reform.—Oversight hearing on Medicaid Prescription Drugs: Examining Options for Payment Reform. Hearing held on June 22, 2005. PRINTED, Serial Number 109–25.

The Health Care Choice Act.—Hearing on The Health Care Choice Act. Hearing held on June 28, 2005. PRINTED, Serial Number 109–23.

Assessing Public Health and the Delivery of Care in the Wake of Katrina.—Joint oversight hearing with the Subcommittee on Oversight and Investigations on Assessing Public Health and the Delivery of Care in the Wake of Katrina. Hearing held on September 22, 2005. PRINTED, Serial Number 109–50.

Comprehensively Combating Methamphetamines: Impacts on Health and the Environment.—Joint oversight hearing with the Subcommittee on Environment and Hazardous Materials on Comprehensively Combating Methamphetamines: Impacts on Health and the Environment. Hearing held on October 20, 2005. PRINTED, Serial Number 109–57.

Medicare Physician Payment: How to Build a More Efficient Payment System.—Oversight hearing on Medicare Physician Payment: How to Build a More Efficient Payment System. Hearing held on November 17, 2005. PRINTED, Serial Number 109–75.

Improving America's Health: Examining Federal Research Efforts for Pulmonary Hypertension and Chronic Pain.—Oversight hearing on Improving America's Health: Examining Federal Research Ef-

forts for Pulmonary Hypertension and Chronic Pain. Hearing held on December 8, 2005. PRINTED, Serial Number 109–43.

Medicare Part D: Implementation of the New Drug Benefit.—Oversight hearing on Medicare Part D: Implementation of the New Drug Benefit. Hearing held on March 1, 2006. PRINTED, Serial Number 109–129.

What's The Cost?: Proposals to Provide Consumers With Better Information About Healthcare Service Costs—Oversight hearing on What's The Cost?: Proposals to Provide Consumers With Better Information About Healthcare Service Costs. Hearing held on March 15, 2006. PRINTED, Serial Number 109–70.

Legislative Proposals to Promote Electronic Health Records and a Smarter Health Information System.—Hearing on Legislative Proposals to Promote Electronic Health Records and a Smarter Health Information System. Hearing held on March 16, 2006. PRINTED, Serial Number 109–114.

Project Bioshield Reauthorization Issues.—Oversight hearing on Project Bioshield Reauthorization Issues. Hearing held on April 6, 2006. PRINTED, Serial Number 109–97.

Reauthorizing the Ryan White CARE Act: How to Improve the Program to Ensure Access to Care.—Oversight hearing on Reauthorizing the Ryan White CARE Act: How to Improve the Program to Ensure Access to Care. Hearing held on April 27, 2006. PRINTED, Serial Number 109–88.

The Critical Role of Community Health Centers in Ensuring Access to Care.—Oversight hearing on The Critical Role of Community Health Centers in Ensuring Access to Care. Hearing held on May 4, 2006. PRINTED, Serial Number 109–86.

Examining the Children's Hospital Graduate Medical Education Program.—Oversight hearing on Examining the Children's Hospital Graduate Medical Education Program. Hearing held on May 9, 2006. PRINTED, Serial Number 109–87.

Planning for Long-Term Care.—Oversight hearing on Planning for Long-Term Care. Hearing held on May 17, 2006. PRINTED, Serial Number 109–100.

Examining the Federal Government's Partnership with America's Pharmacists.—Oversight hearing on Examining the Federal Government's Partnership with America's Pharmacists. Hearing held on May 23, 2006. PRINTED, Serial Number 109–102.

Mental Illness and Brain Disease: Dispelling Myths and Promoting Recovery Through Awareness and Treatment.—Oversight hearing on Mental Illness and Brain Disease: Dispelling Myths and Promoting Recovery Through Awareness and Treatment. Hearing held on June 28, 2006. PRINTED, Serial Number 109–120.

Innovative Solutions to Medical Liability.—Oversight hearing on Innovative Solutions to Medical Liability. Hearing held on July 13, 2006. PRINTED, Serial Number 109–117.

Use of Imaging Services: Providing Appropriate Care for Medicare Beneficiaries.—Oversight hearing on Use of Imaging Services: Providing Appropriate Care for Medicare Beneficiaries. Hearing held on July 18, 2006. PRINTED, Serial Number 109–132.

Medicare Physician Payment: How to Build a Payment System that Provides Quality, Efficient Care for Medicare Beneficiaries.—Oversight hearings on Medicare Physician Payment: How to Build

a Payment System that Provides Quality, Efficient Care for Medicare Beneficiaries. Hearings held on July 25, 2006, and July 27, 2006. PRINTED, Serial Number 109–130.

Medicare Physician Payments: 2007 and Beyond.—Oversight hearing on Medicare Physician Payments: 2007 and Beyond. Hearing held on September 28, 2006. PRINTED, Serial Number 109–147.

SUBCOMMITTEE ON TELECOMMUNICATIONS AND THE INTERNET

(Ratio 18–15)

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JOHN D. DINGELL, Michigan *(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; and homeland security-related aspects of the foregoing.

LEGISLATIVE ACTIVITIES

JUNK FAX PREVENTION ACT OF 2005

Public Law 109–21 (S. 714)

To amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

Summary

S. 174 amends the Communications Act of 1934 to prohibit a person from using any telephone facsimile (fax) machine, computer, or other device to send, to another fax machine, an unsolicited advertisement to a person who has requested that such sender not send such advertisements, or to any other person, unless: (1) the sender has an established business relationship with the person; (2) the sender obtained the fax number through voluntary communication from the recipient or from an Internet directory or site to which the recipient voluntarily made the fax number available for public distribution; and (3) the advertisement contains a conspicuous notice on its first page that the recipient may request not to be sent any further unsolicited advertisements, and such notice includes a domestic telephone and fax number (neither of which can be a pay-per-call number) for sending such a request.

This Act requires the Federal Communications Commission (FCC) to provide that a request not to send unsolicited advertisements complies with FCC requirements if: (1) the request identifies the recipient fax number to which the request relates; (2) the request is made to the telephone or fax number of the sender; and (3) the person making the request has not subsequently provided express invitation or permission to have such advertisements sent. The Act authorizes the FCC to: (1) allow professional tax-exempt trade associations to send unsolicited advertisements to their members in furtherance of association purposes; and (2) establish a time limit on established business relationships for purposes of this Act.

This Act requires the: (1) FCC to report annually to Congress on the enforcement of the above requirements; and (2) Comptroller General to study, and report to specified congressional committees on, complaints received by the FCC concerning unsolicited advertisements sent to fax machines.

Legislative History

On April 6, 2005, S. 714 was introduced by Mr. Smith and was referred to the Committee on Commerce, Science, and Transportation.

On April 13, 2005, the Committee on Commerce, Science, and Transportation Subcommittee on Trade, Tourism, and Economic Development held a hearing on S. 714.

On June 7, 2005, S. 714 was favorably ordered reported by Mr. Stevens with amendments and placed on Senate Legislative Calendar under General Orders.

On June 24, 2005, S. 714 passed the Senate by unanimous consent with amendments, was sent to the House, and held at the desk.

On June 28, 2005, S. 714 was considered in the House under suspension of the rules and passed the House by voice vote.

S. 174 was presented to the President on June 30, 2005, and on July 9, 2005, S. 714 was signed by the President (Public Law 109–21).

A BILL TO AMEND THE COMMUNICATIONS SATELLITE ACT OF 1962 TO STRIKE THE PRIVATIZATION CRITERIA FOR INTELSAT SEPARATED ENTITIES, REMOVE CERTAIN RESTRICTIONS ON SEPARATED AND SUCCESSOR ENTITIES TO INTELSAT, AND FOR OTHER PURPOSES

Public Law 109–34 (S. 1282)

To amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities, and for other purposes.

Summary

S. 1282 amends Title VI (Open-market Reorganization for the Betterment of International Telecommunications Act or ORBIT Act) of the Communications Satellite Act of 1962 to permit the reaffiliation of INTELSAT separated entities with INTELSAT, and to remove other regulatory restrictions on such separated entities. The legislation also requires the United States to preserve the

space segment capacity of the GMDSS (Global Maritime Distress and Safety System), and it directs the Federal Communications Commission to review competitive market conditions of domestic and international satellite communications services and include in an annual report an analysis of those conditions.

Legislative History

On June 21, 2005, S. 1282 was introduced by Mr. Burns in the Senate, read twice, considered, read the third time, and passed without amendment by Unanimous Consent and received in the House and referred to the House Committee on Energy and Commerce.

On June 29, 2005, S. 1282 was discharged from the Committee on Energy and Commerce and passed the House without objection.

S. 1282 was presented to the President on June 30, 2005, and on July 12, 2005, was signed by the President (Public Law 109–34).

DEFICIT REDUCTION ACT OF 2005

Public Law 109–171 (S. 1932, H.R. 4241)

(Title III—Digital Television Transition and Public Safety Act)

To provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

Summary

Title III of Public Law 109–171, the Deficit Reduction Act of 2005, creates a firm deadline for completion of full-power broadcasters' transition to digital television (DTV) while helping consumers to continue to use their analog televisions, and makes spectrum available for commercial and public safety mobile communications.

First, Title III directs the Federal Communication Commission (FCC) to take all steps necessary to require that full-power television stations stop analog broadcasting by midnight, February 17, 2009, and broadcast exclusively in digital format on channels 2 to 36 and 38 to 51. This enables channels 52 to 62 and 65 to 67 to be auctioned, and channels 63, 64, 68, and 69 to be used for public-safety purposes.

Second, Title III extends the FCC's auction authority through September 30, 2011. By January 28, 2008, the FCC is required to auction the spectrum recovered as a result of the end of analog broadcasting by full-power stations. On September 30, 2009, $7.36 billion of the auction revenues is to be transferred to the general fund of the Treasury.

Third, to help consumers who wish to continue receiving broadcast programming over-the-air using analog-only televisions, Title III authorizes the National Telecommunications and Information Administration (NTIA) to create a digital-to-analog converter box program. The NTIA is initially allocated up to $990 million of the spectrum auction revenues to create a program to provide up to two $40 coupons to each U.S. household that requests to participate in the program. If, as the program progresses, NTIA certifies

to Congress that it cannot operate the program without more money, the funds available for the program increase to $1.5 billion.

Fourth, Title III makes $1 billion in grants available to our nation's first responders for the purchase of mobile communications equipment that can utilize existing channels 63, 64, 68, and 69 for interoperable emergency communications. Title III also makes (1) up to $30 million available to New York City broadcasters to build interim digital broadcast facilities until facilities can be built atop the Freedom Tower; (2) up to $10 million available to low-power translator stations for devices to help them convert signals back to analog format for their viewers that continue to use analog televisions, and (3) up to $65 million available to help convert low-power television stations and television translator stations from analog to digital transmissions.

Legislative History

The Subcommittee on Telecommunications and the Internet held three hearings on the digital television transition during the first session of the 109th Congress. The Subcommittee received testimony in an oversight hearing on February 17, 2005, regarding the expected costs of digital-to-analog converter boxes and various potential digital-to-analog converter-box programs from representatives of the electronics and broadcasting industries and the Government Accountability Office.

On March 10, 2005, the Subcommittee received testimony in an oversight hearing regarding consumer education efforts for the DTV transition. The Committee received testimony from representatives of retailers and consumer groups.

On May 26, 2005, the Subcommittee received testimony in a legislative hearing on a staff draft of DTV transition legislation from government officials from the Federal Communications Commission, Government Accountability Office, and the Montgomery County Maryland 911 Emergency Communications Center, and representatives of the cable, broadcasting, broadband, and manufacturing industries, and consumer groups.

On October 26, 2005, the Committee on Energy and Commerce met in open markup session and approved the Committee Print entitled Digital Television Transition Act of 2005, as amended, by a record vote of 33 yeas and 17 nays. A motion by Mr. Barton to transmit the recommendations of the Committee, and all appropriate accompanying material including additional, supplemental, or dissenting views, to the House Committee on the Budget, in order to comply with the reconciliation directive included in Section 201(a) of the Concurrent Resolution on the Budget for Fiscal Year 2006, H. Con. Res. 95, and consistent with Section 310 of the Congressional Budget and Impoundment Control Act of 1974, was agreed to by a voice vote.

On October 27, 2005, Mr. Gregg introduced S. 1932 and the Senate Committee on the Budget reported without a written report.

On November 3, 2005, S. 1932 was passed and agreed to in the Senate by a record vote of 52 yeas and 47 nays.

On November 7, 2005, Mr. Nussle introduced H.R. 4241, which included the Digital Television Transition Act, and the House Com-

mittee on The Budget reported an original measure (H. Rept. 109–276).

On November 17, 2005, H.R. 4241 was considered in the House pursuant to H. Res. 560, and passed the House on November 18, 2006, by a roll call vote of 217 yeas and 215 nays. No further action was taken on H.R. 4241 in the 109th Congress.

On November 18, 2005, S. 1932 was considered in the House by unanimous consent, and was agreed to, amended, without objection.

On December 14, 2005, the Senate disagreed to the amendment of the House, and requested a conference on S. 1932 by unanimous consent.

On December 15, 2005, the Senate appointed conferees.

On December 16, 2005, Mr. Nussle asked unanimous consent that the House insist upon its amendment, and agree to a conference. The request was agreed to without objection.

On December 16, 2005, the Speaker of the House appointed conferees for consideration of the Senate bill, and the House amendment thereto, and modifications committed to conference. The Speaker appointed conferees from the Committee on Energy and Commerce for consideration of title III and title VI of the Senate bill and title III of the House amendment, and modifications committed to conference: Barton (TX), Deal (GA), and Dingell.

On December 19, 2005, the conference report to accompany S. 1932 (H. Rept. 109–362) was filed, considered under the provisions of H. Res. 640, and the House agreed to the conference report by a roll call vote of 212 yeas and 206 nays.

On December 19, 20, and 21, 2005, the conference report was considered in the Senate.

On December 21, 2005, Senate concurred in the House amendment with an amendment by a record vote of 51 yeas and 50 nays.

On December 21, 2005, the conference report was defeated by operation of the Budget Act.

On January 31, 2006, the Rules Committee Resolution H. Res. 653 provided for consideration of S. 1932, upon adoption of the resolution, the House shall be deemed to have agreed to the Senate amendment to the House amendment to S. 1932.

On February 1, 2006, the House agreed to the Senate amendment to the House amendment pursuant to H. Res. 653.

On February 7, 2006, S. 1932 was presented to the President and was signed into law by the President on February 8, 2006 (Public Law 109–171).

BROADCAST DECENCY AND ENFORCEMENT ACT OF 2005

Public Law 109–235 (H.R. 310; S. 193)

To increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane material, and for other purposes.

Summary

H.R. 310 amends the Communications Act of 1934 to raise the maximum penalty cap for broadcast stations, networks and performers to $500,000 for each indecency violation; gives the Commis-

sion guidance to set penalties so the agency takes into consideration whether the violator is a small or large broadcaster, company or individual, and the type of entity responsible for the indecent programming; allows the Commission to pursue an individual or network for a first indecency offense; requires the Commission to complete action on indecency complaints within 270 days; requires the Commission to take indecency violations into account during license application, renewal and modifications; and, after three indecency violations, requires the Commission to hold a license revocation hearing to consider revoking the broadcast station's license.

Legislative History

On January 25, 2005, H.R. 310 was introduced by Mr. Upton in the House and referred to the House Committee on Energy and Commerce.

On February 2, 2005, H.R. 310 was referred to the Subcommittee on Telecommunications and the Internet and that same day, the Subcommittee on Telecommunications.

On February 9, 2005, the Full Committee met in open markup session and ordered H.R. 310 favorably reported to the House by a record vote of 46 yeas and 2 nays, a quorum being present.

On February 14, 2005, H.R. 310 was reported (109–5) by the Committee on Energy and Commerce and placed on the Union Calendar, Calendar No. 2.

On February 16, 2005, considered in the House under the provisions of H. Res. 95, passed the House by a roll call vote 389 yeas and 38 nays, and received in the Senate.

On February 17, 2005, H.R. 310 was read the first time and placed on Senate Legislative Calendar under Read the First Time.

On February 18, 2005, H.R. 310 was read the second time and placed on Senate Legislative Calendar under General Orders. Calendar No. 17.

On January 26, 2005, S. 193 was introduced by Mr. Brownback and was referred to the Committee on Commerce, Science, and Transportation.

On May 18, 2006, the Senate Committee on Commerce, Science, and Transportation discharged S. 193 by unanimous consent and the same day the Senate passed S. 193 without amendment by unanimous consent.

On May 19, 2006, S. 193 was referred to the House Committee on Energy and Commerce.

On June 5, 2006, S. 193 was referred to the Subcommittee on Telecommunications and the Internet.

On June 6, 2006, S. 193 was considered in the House under suspension of the rules.

On June 7, 2006, S. 193 passed the House with a roll call vote of 379 yeas to 35 nays.

On June 8, 2006, S. 193 was presented to the President, and on June 15, 2006, was signed by the President (Public Law No: 109–235).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT FOR FISCAL YEAR 2007

(Emergency Communications Provisions, 21st Century Emergency Communications Act of 2006)

Public Law 109–295 (H.R. 5441, H.R. 5814, H.R. 5852)

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

Summary

Section 503 provides for the creation of a Federal Emergency Management Agency within the Department of Homeland Security. Section 505 transfers into such agency the Directorate of Preparedness, as constituted on June 1, 2006, including all of its functions, personnel, assets, components, authorities, grant programs, and liabilities, and including the functions of the Under Secretary for Preparedness relating thereto. However, Section 505 explicitly exempts from such transfer The Office of Infrastructure Protection, the National Communications System. The National Cybersecurity Division, the Office of the Chief Medical Officer, and the functions, personnel, assets, components, authorities, and liabilities of each such entity.

Section 671 creates an Office of Emergency Communications in the Department of Homeland Security that will be responsible for administering the emergency communications functions of the Department. Section 671 also requires the head of the Office of Emergency Communications (the Director for Emergency Communications) to develop a National Emergency Communications Plan regarding how the United States should promote the continued operation of certain governmental communications operations in the event of a natural or man-made disaster and the interoperability of emergency communications systems. The Director is also responsible for assessing and reporting on the communications capabilities and needs of emergency response providers and relevant government officials.

Section 672 clarifies the responsibilities of the Director of the Office for Interoperability and Compatibility. Section 673 provides for a comprehensive research and development program to support and promote the continued operation of certain governmental communications operations in the event of a natural or man-made disaster and the interoperability of emergency communications systems.

Legislative History

On May 22, 2006, Mr. Rogers (KY) reported an original measure (H. Rept. 109–476) to the House.

On May 25, 2006, the House considered H.R. 5441 and on June 6, 2006, the House reconvened to consider H.R. 5441 as unfinished business and passed H.R. 5441 by a roll call vote of 389 yeas and 9 nays.

On June 7, 2006, H.R. 5441 was received in the Senate and referred to the Committee on Appropriations.

On June 27, 2006, the Senate Committee on Appropriations, Subcommittee on Homeland Security approved H.R. 5441 favorably for full committee consideration with an amendment in the nature of a substitute. On June 29, 2006, the Committee on Appropriations ordered H.R. 5441 to be reported favorably with an amendment in the nature of a substitute with written report no. 109–273.

On July 11, 2006, H.R. 5441 was considered by the Senate and on July 13, 2006, the Senate passed H.R. 5441 with an amendment by a record vote of 100 yeas and 0 nays. On July 13, 2006, the Senate insisted on its amendment, asked for a conference, and appointed conferees.

On July 17, 2006, H.R. 5814, Department of Homeland Security Authorization Act for Fiscal Year 2007, was introduced by Mr. King (NY) and referred to the House Committee on Homeland Security.

On July 19, 2006, the House Committee on Homeland Security met in open mark-up session and ordered H.R. 5814 to be reported, as amended, by voice vote.

On November 9, 2006, the Committee on Homeland Security reported H.R. 5814 to the House, as amended (H. Rept. 109–713, Part I), and it was referred jointly and sequentially to the Committee on Ways and Means for a period ending not later than November 17, 2006 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(t), rule X, and the Committee on Energy and Commerce for a period ending not later than November 17, 2006 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X.

No further action was taken on H.R. 5814 in the 109th Congress.

On July 20, 2006, H.R. 5852 was introduced by Mr. Reichert and referred to the Committee on Energy and Commerce, and, in addition to the Committee on Homeland Security.

On July 24, 2006, H.R. 5852 was referred to the Subcommittee on Telecommunications and the Internet.

On July 25, 2006, the House considered H.R. 5852 under suspension of the rules and passed the House by a roll call vote of 414 yeas and 2 nays.

On July 26, 2006, H.R. 5852 was received in the Senate and referred to the Committee on Homeland Security and Governmental Affairs. No further action was taken on H.R. 5852 in the 109th Congress.

On September 21, 2006, the House disagreed to the Senate amendment to H.R. 5441, and agreed to a conference by voice vote. The Speaker appointed conferees.

On September 25, 2006, Conferees agreed to file a conference report, and on September 28, 2006, the conference report to accompany H.R. 5441 (H. Rept. 109–699) was filed, which included H.R. 5852 as a provision within the Department of Homeland Security Appropriations Act for Fiscal Year 2007.

On September 29, 2006, the House considered the conference report to accompany H.R. 5441 (H. Rept. 109–699) under the provisions of H. Res. 1054, and agreed to the conference report by a roll call vote of 412 yeas and 6 nays. On the same day, the Senate agreed to the conference report by voice vote.

On October 3, 2006, H.R. 5441 was presented to the President, and on October 4, H.R. 5441 was signed by the President (Public Law 109–295).

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT OR THE SAFE PORT ACT

(Title VI—Warning, Alert, and Response Network Act Provisions)

Public Law No. 109–347 (H.R. 4954, S. 1753, H.R. 5785)

To improve maritime and cargo security through enhanced layered defenses, and for other purposes.

Summary

H.R. 5785, the Warning, Alert, and Response Network Act, was the framework for Title VI of H.R. 4954, which creates a voluntary framework through which commercial mobile service providers can elect to transmit emergency alerts to subscribers. Title VI requires the Federal Communications Commission to complete a proceeding to adopt relevant technical standards, protocols, procedures, and other technical requirements based on the recommendations of the Commercial Mobile Service Alert Advisory Committee that will enable commercial mobile service providers to transmit emergency alerts. The legislation also provides liability protection to such providers that transmit emergency alerts.

Legislative History

On September 22, 2005, S. 1753, the Warning, Alert, and Response Network Act of 2006, was introduced by Mr. DeMint in the Senate and referred to the Committee on Commerce, Science, and Transportation.

On October 20, 2005, the Committee on Commerce, Science, and Transportation held a markup session and S. 1753 was ordered favorably reported with an amendment in the nature of a substitute. On December 8, 2005, S. 1753 was reported to the Senate with an amendment in the nature of a substitute with written report No. 109–204, and placed on the Senate Legislative Calendar under General Orders. Calendar No. 321.

On March 14, 2006, H.R. 4954 was introduced by Mr. Lungren and was referred to the House Committee on Homeland Security. H.R. 4954 was referred to the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity on March 15, 2006.

On March 30, 2006, the Subcommittee met in open mark-up session and forwarded H.R. 4954 to the Full Committee, amended, by voice vote.

On April 4, 2006, the Full Committee held a hearing, and on April 26, 2006, the Full Committee met in open mark-up session and ordered H.R. 4954 reported to the House, amended, by voice vote.

On April 28, 2006, the Homeland Security Committee reported H.R. 4954 to the House (H. Rept. 109–447, Part I) which was sequentially referred to the House Committee on Transportation and Infrastructure for a period ending not later than May 1, 2006, for consideration of such provisions of the bill and amendment as fall

within the jurisdiction of that committee. On May 1, 2006, the Committee on Transportation discharged H.R. 4954.

On May 4, 2006, the House considered H.R. 4954 under the provisions of H. Res. 789 by a roll call vote of 421 yeas and 2 nays.

On July 13, H.R. 5785, the Warning, Alert, and Response Network Act was introduced by Mr. Shimkus and referred to the House Committee on Energy and Commerce.

On July 20, 2006, the Subcommittee on Telecommunications and the Internet held a hearing on H.R. 5785 and received testimony from government officials from the Federal Communications Commission and the Maryland Sheriffs' Association, and representatives of the communications industry. No further action was taken on H.R. 5785 in the 109th Congress.

On September 7, 2006, H.R. 4954 was laid before the Senate by unanimous consent. On September 8, 2006, Mr. Stevens offered an amendment for Mr. DeMint to establish a unified national hazard alert system and for other purposes, and the amendment was agreed to by voice vote. On September 11, 2006, Mr. Stevens offered a second degree amendment for Mr. DeMint to modify the previous amendment, and the second degree amendment was agreed to by unanimous consent.

On September 14, 2006, the Senate passed H.R. 4954, as amended, by a record vote of 98 yeas and 0 nays, and on September 19, 2006, the Senate insisted on its amendment, requested a conference, and appointed conferees.

On September 28, 2006, the House disagreed to the Senate amendment, and agreed to a conference, without objection, moving the House to instruct conferees by a roll call vote of 281 yeas and 140 nays. The Speaker appointed conferees from the Committee on Energy and Commerce for consideration of Titles VI and X and section 1104 of the Senate amendment, and modifications committed to conference: Barton (TX), Upton, and Dingell.

On September 29, 2006, the House considered the conference report to accompany H.R. 4954 (H. Rept. 109–711) under the provisions of H. Res. 1064.

On September 30, 2006, the House agreed to the conference report by a roll call vote of 409 yeas and 2 nays.

On September 30, 2006, the Senate agreed to the conference report by unanimous consent.

On October 3, 2006, H.R. 4954 was presented to the President, and on October 13, 2006, H.R. 4954 was signed by the President (Public Law 109–347).

THE CALL HOME ACT OF 2006

Public Law 109–459 (S. 2653)

A bill to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

Summary

S. 2653 amends Section 213 of the Telecommunications Authorization Act of 1992 to direct the Federal Communications Commission (FCC) to take whatever action possible, short of regulating

rates, to reduce the phone bills of military personnel who are stationed anywhere outside of the United States, not just in certain selected countries. The FCC must look at waiving government fees, assessments and other charges on these phone calls. The FCC must also work with the Department of Defense and the Department of State to (1) analyze the cost of military personnel's phone calls; (2) evaluate ways to reduce rates, including use of new technologies such as VOIP; (3) encourage carriers to provide service personnel and their dependents with flexible spending plans; (4) seek agreements with foreign governments to reduce international surcharges on telephone calls. S. 2653 also requires that the National Telecommunications and Information Administration (NTIA) spend by September 30, 2007 the $1 Billion set aside for Public Safety Interoperability in the Deficit Reduction Act of 2005.

Legislative History

S. 2653 was introduced in the Senate by Senator Stevens on April 26, 2006, with 36 cosponsors, and was referred to the Senate Committee on Commerce, Science, and Transportation.

On December 6, 2206, the Senate Committee on Commerce, Science, and Transportation discharged S. 2653 by unanimous consent, and passed the Senate with an amendment by unanimous consent.

On December 7, 2006, S. 2653 was received in the House.

On December 9, 2006, S. 2653 passed the House by unanimous consent, and was cleared for the White House.

On December 20, 2006, S. 2653 was presented to the President, and on December 22, 2006, S. 2653 was signed by the President (Public Law 109–459).

A BILL TO CLARIFY CERTAIN LAND USE IN JEFFERSON COUNTY, COLORADO

Public Law 109–466 (S. 4092)

A bill to clarify certain land use in Jefferson County, Colorado.

Summary

S. 4092 authorizes certain television broadcast stations currently transmitting analog signals from Lookout Mountain in Jefferson County, Colorado, to modify their antennas and towers for digital broadcasting, so long as the antennas and towers are the same height or lower than the tallest existing analog broadcast antennas or towers on Lookout Mountain.

Legislative History

S. 4092 was introduced in the Senate by Mr. Allard on December 6, 2006, read twice, considered, read the third time, and passed without amendment by unanimous consent.

On December 7, 2006, S. 4092 was received in the House, and held at the desk.

On December 9, 2006, S. 4092 passed the House by unanimous consent, and was cleared for the White House.

On December 20, 2006, S. 4092 was presented to the President, and on December 22, 2006, S. 4092 was signed by the President (Public Law 109–466).

DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2006

(H.R. 1817)

To authorize appropriations for fiscal year 2006 for the Department of Homeland Security, and for other purposes.

Summary

Section 308 includes a Sense of Congress that the Department of Homeland Security should implement, as expeditiously as possible, the initiatives assigned to the Office for Interoperability and Compatibility under section 7303 of the Intelligence Reform and Terrorism Prevention Act of 2004.

Section 312 establishes in the Department of Homeland Security an Assistant Secretary for Cybersecurity and assigns certain responsibilities of the Under Secretary of Information Analysis and Infrastructure Protection to the Assistant Secretary.

Legislative History

On April 26, 2005, H.R. 1817 was introduced by Mr. Cox in the House and referred to the Committee on Homeland Security.

On April 27, 2005, the Committee on Homeland Security met in open markup session and ordered H.R. 1817 reported to the House, amended, by voice vote.

On May 3, 2005, the Committee on Homeland Security Committee reported H.R. 1817 (H. Rept. 109–71, Part I) and H.R. 1817 was referred jointly and sequentially to the Committee on Energy and Commerce, Committee on Government Reform, Committee on the Judiciary, Committee on Science, Committee on Transportation and Infrastructure, Committee on Ways and Means, and Committee on Intelligence (Permanent Select) for a period ending not later than May 13, 2005, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1, rule X.

On May 11, 2005, the Committee on Energy and Commerce met in open markup session and ordered H.R. 1817 reported to the House, amended, by voice vote.

On May 12, 2005, the Committee on the Judiciary met in open markup session and ordered H.R. 1817 reported to the House, amended, by voice vote.

On May 13, 2005, the Committee on Energy and Commerce reported H.R. 1817 to the House (H. Rept. 109–71, Part II). The Committee on the Judiciary reported H.R. 1817 to the House (H. Rept. 109–71, Part III). On the same day, the Committee on Government Reform, Committee on Science, Committee on Transportation, Committee on Ways and Means, and Committee on Intelligence (Permanent) were discharged from further consideration of H.R. 1817.

On May 18, 2005, H.R. 1817 was considered in the House under the provisions of H. Res. 283 and passed the House by a roll call vote of 424 yeas and 4 nays.

On May 19, 2005, H.R. 1817 was received in the Senate and referred to the Committee on Homeland Security and Governmental Affairs.

No further action was taken on H.R. 1817 in the 109th Congress.

PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

(H.R. 4128)

To protect private property rights.

Summary

H.R. 4128, among other things, prohibits States or their political subdivisions that receive Federal funds from exercising their power of eminent domain to further economic development. The bill would terminate the flow of Federal funds to any State or political subdivision that violates the prohibition. The Committee on Energy and Commerce has jurisdiction over the bill because of its potential impact on Federal health payments, telecommunications grants, and energy grant programs, prohibited Federal funds which could include many items under our jurisdiction.

Legislative History

Mr. Sensenbrenner introduced H.R. 4128 on October 25, 2005, and it was referred to the Committee on the Judiciary.

On October 27, 2005 the Committee on the Judiciary met in open markup session and ordered H.R. 4128 favorably reported to the House, amended, by a record vote of 27 yeas and 3 nays.

On October 31, 2005, the Committee on the Judiciary reported H.R. 4128 to the House, amended (H. Rpt. 109–262), and H.R. 4128 was placed on the Union Calendar, Calendar No. 143.

On November 2, 2005, the Committee on the Judiciary and the Committee on Energy and Commerce exchanged correspondence concerning H.R. 1428.

On November 3, 2005, the Committee on Judiciary filed a supplemental report to H.R. 4128 (H. Rpt. 109–262, Part II).

On November 3, 2005, H.R. 4128 was considered in the House pursuant to the provisions of H. Res. 527, and H.R. 4128 passed the House, as amended, by a roll call vote of 376 yeas and 38 nays.

H.R. 4128 was received in the Senate on November 4, 2005, read twice, and referred to the Committee on the Judiciary.

No further action was taken on H.R. 4128 in the 109th Congress.

INTERNET GAMBLING PROHIBTION ACT

(H.R. 4411, H.R. 4777)

To amend title 18, United States Code, to expand and modernize the prohibition against interstate gambling, and for other purposes.

Summary

Section 3 of H.R. 4777 provides, in part, that a common carrier subject to the jurisdiction of the Federal Communications Commis-

sion is required to prevent the use of its facilities for the transmission or receipt of certain gambling information.

Legislative History

On November 18, 2005, H.R. 4411 was introduced by Mr. Leach and referred to the House Committee on Financial Services.

On January 5, 2006, H.R. 4411 was referred to the Subcommittee on Financial Institutions and Consumer Credit.

On March 15, 2006, the Committee on Financial Services met in open markup session and ordered H.R. 4411 reported to the House, amended, by voice vote.

On April 6, 2006, the Committee on Financial Services reported H.R. 4411 to the House, amended (H. Rept. 109–412, Part I). H.R. 4411 was referred sequentially to the Committee on the Judiciary for a period ending not later than May 26, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(l), rule X.

On May 25, 2006, the Committee on the Judiciary met in open markup session and ordered H.R. 4411 reported to the House, amended, by voice vote.

On May 26, 2006, the Committee on the Judiciary reported H.R. 4411 to the House, amended (H. Rept. 109–412, Part II), and H.R. 4411 was placed on the Union Calendar, Calendar No. 267.

On February 16, 2006, H.R. 4777 was introduced by Mr. Goodlatte and was referred to the Committee on the Judiciary.

On March 31, 2006, H.R. 4777 was referred to the Subcommittee on Crime, Terrorism, and Homeland Security, and on April 5, 2006, the subcommittee held a hearing on the bill.

On May 3, 2006, the Subcommittee on Crime, Terrorism, and Homeland Security met in open markup session and forwarded H.R. 4777 to the Full Committee by voice vote.

On May 25, 2006, the Committee on the Judiciary met in open markup session and ordered H.R. 4777 reported to the House, amended, by a record vote of 25 yeas and 11 nays.

On July 10, 2006, the Committee on the Judiciary reported H.R. 4777 to the House, amended (H. Rept. 109–552, Part I), and was referred sequentially to the Committee on Energy and Commerce for a period ending not later than Sept. 15, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X.

On September 15, 2006, the Committee on Energy and Commerce granted an extension for further consideration ending not later than Sept. 22, 2006.

On September 22, 2006, the Committee on Energy and Commerce discharged, and H.R. 4777 was placed on the Union Calendar, Calendar No. 405.

No further action was taken on H.R. 4777 in the 109th Congress.

On July 11, 2006, H.R. 4411 was considered in the House under the provisions of H. Res. 907. H. Res. 907 incorporated Section 3 from H.R. 4777 into H.R. 4411 under the jurisdiction of the Committee on Energy and Commerce. An exchange of letters between the Committee on Energy and Commerce and the Committee on the Judiciary was entered into the Congressional Record con-

cerning H.R. 4411. H.R. 4411 passed the House by a roll call vote of 317 yeas and 93 nays.

On July 12, 2006, H.R. 4411 was received in the Senate, read the first time, and placed on Senate Legislative Calendar under Read the First Time.

On July 13, 2006, H.R. 4411 was read the second time and placed on Senate Legislative Calendar under General Orders. Calendar No. 519.

No further action was taken on H.R. 4411 in the 109th Congress.

PREVENTION OF FRAUDULENT ACCESS TO PHONE RECORDS ACT

(H.R. 4943)

To prohibit fraudulent access to telephone records.

Summary

The Prevention of Fraudulent Access to Phone Records Act makes it unlawful to attempt to obtain, or cause to be disclosed to any person, customer proprietary network information (CPNI) relating to any other person by: (1) making a false or fraudulent statement to an officer, employee, or agent of a telecommunications carrier; or (2) providing any document or other information to such officer, employee, or agent that the presenter knows or should have known to be forged, lost, stolen, or otherwise fraudulently obtained, or to contain a false or fraudulent statement or representation. The legislation also prohibits: (1) the solicitation of another person to fraudulently obtain such information; and (2) the sale or other disclosure of CPNI obtained under false pretenses. H.R. 4943 further provides for enforcement through the Federal Trade Commission (FTC).

The legislation also amends the Communications Act of 1934 to expand the responsibilities of telecommunications carriers with respect to the confidentiality of subscriber (customer) calling records. The legislation directs the FCC to prescribe regulations adopting more stringent security standards for CPNI (including detailed customer telephone records) to detect and prevent the fraudulent discloser of such information.

Legislative History

On February 1, 2006, the Subcommittee on Telecommunications and the Internet held a hearing on the fraudulent sale of telephone records. The Committee received testimony from government officials from the Federal Communications Commission, the Federal Trade Commission, the Attorney General of Illinois, and representatives of telecommunications providers and privacy groups.

On March 8, 2006, the Full Committee met in open markup session and ordered a Committee Print favorably reported to the House, as amended, by a voice vote, a quorum being present. A request by Mr. Barton to allow a report to be filed on a bill to be introduced by Mr. Barton, and that the actions of the Committee be deemed as actions on that bill, was agreed to by unanimous consent.

On March 14, 2006, H.R. 4943 was introduced by Mr. Barton in the House and was referred to the Committee on Energy and Commerce.

On March 16, 2006, H.R. 4943 the Committee on Energy and Commerce reported H.R. 4943 (H. Rept. 109–398) which was placed on the Union Calendar, Calendar No. 217.

No further action was taken on H.R. 4943 in the 109th Congress.

TRUTH IN CALLER ID ACT OF 2006

(H.R. 5126)

To amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes.

Summary

The Truth in Caller ID Act of 2006 amends the Communications Act of 1934 to make it unlawful for any person in the United States, in connection with any telecommunication service or VOIP service, to cause any caller identification service to transmit misleading or inaccurate caller identification information, unless such transmission is exempted in connection with authorized activities of law enforcement agencies.

Legislative History

On April 6, 2006, H.R. 5126 was introduced by Mr. Barton in the House and was referred to the House Committee on Energy and Commerce. On April 19, 2006, H.R. 5126 was referred to the Subcommittee on Telecommunications and the Internet.

The Subcommittee on Telecommunications and the Internet held a hearing on H.R. 5126 on May 18, 2006. The Subcommittee received testimony from the Wireline Bureau Chief of the Federal Communications Commission, communications industry representative, and privacy groups.

On May 24, 2006, the Committee on Energy and Commerce met in open markup session and ordered H.R. 5126 reported to the House, amended, by a voice vote, a quorum being present.

On June 6, 2006, the Committee on Energy and Commerce reported H.R. 5126 to the House (H. Rept. 109–489) which was placed on the Union Calendar, Calendar No. 274. H.R. 5126 was considered in the House under suspension of the rules and passed the House, as amended. by voice vote.

On June 7, 2006, H.R. 5126 was received in the Senate, read twice, and referred to the Committee on Commerce, Science, and Transportation.

No further action was taken on H.R. 5126 in the 109th Congress.

COMMUNICATIONS OPPORTUNITY, PROMOTION, AND ENHANCEMENT ACT OF 2006

(H.R. 5252)

Summary

The purpose of the Communications Opportunity, Promotion, and Enhancement Act of 2006 is to promote the deployment of broadband networks and services. The bill does so by: (1) creating

a streamlined, pro-competitive national process under which companies can enter the cable service market with new, advanced networks capable of providing broadband video, voice, and data services; (2) authorizing the Federal Communications Commission to enforce its Broadband Policy Statement and the principles incorporated therein on a case-by-case basis; (3) facilitating and requiring the provision of 911 and enhanced 911 (E911) services to consumers by Voice Over Internet Protocol (VOIP) providers; (4) ensuring that municipalities have the option to provide telecommunications, information, and cable services to their communities; (5) ensuring consumers have the option to purchase broadband services on a stand-alone basis; and (6) facilitating the development of multi-function, multi-platform wireless devices capable of offering a range of converging broadband services.

In particular, Title I creates an alternative, national cable franchise process that companies may opt into in lieu of the local franchising process. Recognizing the role of localities, however, the bill: (1) preserves municipalities' existing authority to collect a franchise fee of up to 5 percent of gross revenues from cable service; (2) preserves the municipalities' authority to manage their local rights-of-way, so long as such management is reasonable, competitively-neutral, and nondiscriminatory; (3) continues to require carriage of public, educational, and governmental (PEG) channels and allows municipalities to require holders of national franchises to increase the number of PEG channels over time; (4) preserves institutional networks (iNets) used for governmental and other public safety purposes; (5) allows municipalities to collect, in addition to the 5 percent franchise fee, another one percent of gross revenues from cable services to support PEG channels and institutional networks; (6) requires the FCC to establish national consumer protection and customer service standards that the municipalities may enforce; and (7) creates a strong antidiscrimination provision that prohibits holders of national franchises from refusing to provide cable service to a group of consumers based on the income of that group.

Legislative History

During the first session of the 109th Congress, the Subcommittee on Telecommunications and the Internet held four oversight hearings on how Internet Protocol-enabled services are changing the face of communications. The Subcommittee held the first of those oversight hearings on February 9, 2005, and received testimony from representatives of the communications industry.

The Subcommittee held the second hearing on March 16, 2005, to examine the voice marketplace. The Subcommittee received testimony from representatives of the communications industry and the Greater Harris County 911 Emergency Network, and South Dakota Network Communications.

On April 20, 2005, the Subcommittee held the third hearing to examine the video and data services marketplace. The Subcommittee received testimony from communications industry executives.

The Subcommittee held the fourth hearing on April 27, 2005. The hearing focused on a view from government officials. The Subcommittee received testimony from representatives of the American

Public Power Association, National Association of Telecommunications Officers and Advisors, National Association of Regulatory Utility Commissioners, Florida Public Service Commission, National Association of State Utility Consumer Advocates, National Governors Association, and a consumer group.

During the First Session of the 109th Congress, the Subcommittee also held one legislative hearing on November 9, 2005, on a staff discussion draft of legislation to create a statutory framework for Internet Protocol and broadband services. The Subcommittee received testimony from representatives of the industry and consumer groups.

During the Second Session of the 109th Congress, the Subcommittee on Telecommunications and the Internet held one legislative hearing on March 30, 2006, on a Committee Print entitled "The Communications Opportunity, Promotion, and Enhancement Act of 2006." The Subcommittee received testimony from a government official on behalf of the National Association of Telecommunications Officers and Advisors, the National League of Cities, the National Conference of Mayors, and representatives of the communications industry, public policy, and consumer groups.

On Tuesday, April 4, 2006, and Wednesday, April 5, 2006, the Subcommittee on Telecommunications and the Internet met in open markup session and approved the Committee Print entitled the Communications Opportunity, Promotion, and Enhancement Act of 2006 for Full Committee consideration, as amended, by a record vote of 27 yeas and 4 nays, a quorum being present.

On Tuesday, April 25, 2006, and Wednesday, April 26, 2006, the Full Committee met in open markup session and ordered a Committee Print entitled the Communications Opportunity, Promotion, and Enhancement Act of 2006 favorably reported to the House, as amended, by a record vote of 42 yeas and 12 nays, a quorum being present. A request by Mr. Barton to allow a report to be filed on a bill to be introduced by Mr. Barton, and that the actions of the Committee be deemed as actions on that bill, was agreed to by unanimous consent.

On May 1, 2006, H.R. 5252 was introduced by Mr. Barton in the House and referred to the House Committee on Energy and Commerce.

On May 17, 2006, the Committee on Energy and Commerce reported H.R. 5252 to the House (H. Rept. 109–470) which was placed on the Union Calendar, Calendar No. 259.

On June 6, 2006, the Committee on Energy and Commerce filed a supplemental report to H.R. 5252 (H. Rept. 109–470, Part II).

On June 8, 2006, H. R. 5252 was considered in the House under the provisions of H. Res. 850, and passed the House by a roll call vote of 321 yeas and 101 nays.

On June 12, 2006, H.R. 5252 was received in the Senate and referred to the Committee on Commerce, Science, and Transportation.

On June 22, 2006, and June 27, 2006, the Committee on Commerce, Science, and Transportation held a markup session.

On June 28, 2006, H.R. 5252 was favorably reported with an amendment in the nature of a substitute by the Committee on Commerce, Science, and Transportation.

On September 29, 2006, the Committee on Commerce, Science, and Transportation reported by Senator Stevens with an amendment in the nature of a substitute, with a written report No. 109–355, and additional views, and was placed on Senate Legislative Calendar under General Orders. Calendar No. 652.

No further action was taken on H.R. 5252 in the 109th Congress.

DELETING ONLINE PREDATORS ACT OF 2006

(H.R. 5319)

An Act to amend the Communications Act of 1934 to require schools and libraries that receive Federal universal service support to protect minors from commercial social networking websites and chat rooms.

Summary

H.R. 5319 requires schools and libraries which receive Federal universal service funding to take protective measures against allowing students to access Internet social networking websites or chat rooms, which often allow minors to easily access obscene or indecent material, or to be easily subject to unlawful sexual advances from adults. Under the legislation, schools which receive Federal universal service support funding could only allow access to such sites for educational purposes, and libraries which receive funding would need parental consent prior to allowing minors access to access social networking sites and chat rooms. This legislation directs the Federal Communications Commission to define social networking sites and chat rooms, and the Federal Trade Commission to issue consumer alerts on the dangers these sites can pose to children.

Legislative History

On May 9, 2006, H.R. 5319 was introduced by Mr. Fitzpatrick in the House and referred to the Committee on Energy and Commerce.

On May 15, 2006, H.R. 5319 was referred to the Subcommittee on Telecommunications and the Internet.

The Subcommittee on Telecommunications and the Internet held a hearing on July 11, 2006, on H.R. 5319. The Subcommittee received testimony from law enforcement officials including the Texas Attorney General, and representatives from schools, libraries, Internet safety advocacy groups, and the Internet industry.

On July 26, 2006, H.R. 5319 was considered in the House under suspension of the rules and passed the House by a roll call vote of 410 yeas and 15 nays.

On July 27, 2006, the bill was referred to the Senate Committee on Commerce, Science and Transportation.

No further action was taken on H.R. 5319 in the 109th Congress.

EXPRESSING THE SENSE OF THE CONGRSS REGARDING OVERSIGHT OF THE INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

(H. Con. Res. 268)

A resolution expressing the sense of the Congress regarding oversight of the Internet Corporation for Assigned Names and Numbers.

Summary

H. Con. Res. 268 expresses the Sense of Congress that: (1) the United States and other responsible governments should send clear signals to the marketplace that the current structure of oversight and management of the Internet's domain name and addressing service works, and will continue to deliver tangible benefits to Internet users worldwide in the future; and (2) the authoritative root zone server should remain physically located in the United States, and the Secretary of Commerce should maintain oversight of ICANN (the Internet Corporation for Assigned Names and Numbers) so that ICANN can continue to effectively manage the day-to-day operation of the Internet's domain and addressing system.

Legislative History

On October 18, 2005, H. Con. Res. 268 was introduced by Mr. Doolittle in the House and referred to the House Committee on Energy and Commerce.

On November 4, 2005, H. Con. Res. 268 was referred to the Subcommittee on Telecommunications and the Internet.

On November 16, 2005, was considered under suspension of the rules and passed the House by a roll call vote of 423 yeas and 0 nays.

On November 17, 2005, H. Con. Res. 268 was received in the Senate and referred to the Committee on Commerce, Science, and Transportation.

No further action was taken on H. Con. Res. 268 in the 109th Congress.

OVERSIGHT ACTIVITIES

HEALTH OF THE TELECOMMUNICATIONS SECTOR

The Subcommittee on Telecommunications and the Internet held a series of hearings to explore the changing telecommunications marketplace and the regulatory treatment of broadband services. On February 9, 2005, the Subcommittee on Telecommunications and the Internet held an oversight hearing on the impact of Internet Protocol-Enabled Services on the communications industry. The witnesses provided a broad overview of their IP products and how IP technology has enabled them to seamlessly offer voice, video, and data services on a converged platform. The Subcommittee received testimony from executives of telecommunications equipment manufacturers.

On March 2, 2005, the Subcommittee on Telecommunications and the Internet held an oversight hearing on competition in the communications marketplace. This hearing focused on how Internet Protocol (IP) and broadband technologies have changed the dynam-

ics of the communications industry by (1) enabling the same suite of voice, video, and data services to be offered over different network platforms and (2) permitting entry into these markets by "virtual" operators that use IP to provide applications such as Voice over IP (VoIP) to consumers who subscribe to broadband services. These trends have resulted in a "hollowing out" of some traditional telephone market segments such as residential and enterprise long-distance telephone service as well as residential local exchange service. These industry trends have also led service providers with complementary IP and broadband assets to merge. The Subcommittee received testimony from industry executives, industry analysts, public policy, and research organizations.

On March 16, 2005, the Subcommittee on Telecommunications and the Internet held an oversight hearing on the impact of Voice over Internet Protocol (VoIP) services on the communications industry. This hearing examined the public policy issues related to the provision of VoIP services. The Subcommittee received testimony from executives of communications providers, and, and the Greater Harris County 911 Emergency Network.

The Subcommittee on Telecommunications and the Internet held an oversight hearing on April 20, 2005, regarding the impact of Internet Protocol (IP) on video and data services. This hearing examined the public policy issues surrounding the delivery of video and data over broadband networks. The Subcommittee received testimony from executives of the communications industry.

On April 27, 2005, the Subcommittee held a hearing on government officials' perspectives on the impact of IP technology on the communications sector. The Subcommittee received testimony from government officials representing State and local regulatory bodies and a consumer group representative.

DIGITAL TELEVISION TRANSITION

On February 17, 2005, The Subcommittee on Telecommunications and the Internet held an oversight hearing regarding the expected costs of digital-to-analog converter boxes and various potential digital-to-analog converter-box programs from representatives of the electronics and broadcasting industries, and the Government Accountability Office.

On March 10, 2005, the Subcommittee on Telecommunications and the Internet held an oversight hearing regarding consumer education efforts for the DTV transition. The Committee received testimony from representatives of the retailers and consumer groups.

SATELLITE COMMUNICATIONS

On April 14, 2005, the Subcommittee on Telecommunications and the Internet held an oversight hearing to examine the ORBIT Act and the progress made in privatizing the satellite communications marketplace. The hearing examined how the satellite marketplace has changed since the implementation of the ORBIT Act, and whether Intelsat and Inmarsat should be permanently certified to be privatized. The Subcommittee received testimony from officials of the Federal Communications Commission and the Government Accountability Office, as well as executives of the satellite industry.

PUBLIC SAFETY COMMUNICATIONS SYSTEMS

On September 29, 2005, the Subcommittee on Telecommunications and the Internet held an oversight hearing on the U.S. public safety communications infrastructure and how much progress has been made since September 11, 2001, and Hurricane Katrina in making that infrastructure more robust and interoperable. The hearing examined the major gaps in communications among Federal, State, and local officials, the spectrum needs of our Nation's first responders, interoperable emergency communications networks, and the vulnerability of these networks during emergencies. The Subcommittee received testimony from Federal government officials, State and local officials, commercial mobile service providers, and equipment manufacturers.

CONSUMER TELEPHONE RECORDS

On January 23, 2006, Full Committee Chairman Barton, Ranking Member Dingell, Telecommunications and the Internet Subcommittee Chairman Upton, and Subcommittee Ranking Member Markey sent a letter to FCC Chairman Martin to ask when the review of the Electronic Privacy Information Center petition will be complete, and to determine what actions should be taken in response to the petition. The Members also requested the Commission to forward the last annual certifications from the 5 largest wireline and wireless carriers regarding their privacy policies, and their accompanying statements explaining how their internal procedures protect the confidentiality of consumer information.

On February 1, 2006, the Subcommittee on Telecommunications and the Internet held an oversight hearing on the fraudulent sale of telephone records. The Committee received testimony from government officials from the Federal Communications Commission, the Federal Trade Commission, the Attorney General of Illinois, and representatives of telecommunications providers and privacy groups.

CALLER ID

On April 4, 2006, House Speaker Hastert, House Majority Leader Boehner, and Full Committee Chairman Barton, sent a letter to FCC Chairman Martin requesting the Commission respond to questions regarding what the FCC is doing to prohibit Caller ID spoofing and whether the FCC has the statutory authority to enact regulations banning this type of fraud. The Members asked the Commission to make recommendations for Congress concerning the authority the FCC would need to combat this type of fraud.

MULTICHANNEL VIDEO COMPETITION

On June 7, 2006, Chairman Barton and Telecommunications and the Internet Subcommittee Chairman Upton wrote a letter to Federal Communications Commission Chairman Martin opposing any FCC order imposing multicast must-carry requirements on cable operators or other multichannel video programming distributors. The letter pointed out that allowing each broadcaster to force video distributors to carry multiple streams of a broadcaster's programming would be inconsistent with language in the Communications

Act limiting the must-carry right to each broadcaster's primary video transmission. Congress would need to amend the statute before the FCC could require otherwise. The letter also stated that the balance between the carriage of broadcast and non-broadcast programming should be left to consumer preferences and market forces.

On July 19, 2006, Chairman Barton, Telecommunications and the Internet Subcommittee Chairman Upton, and Reps. Deal and Bass hosted a roundtable discussion on retransmission consent. Under the retransmission consent rules, a television broadcaster may seek monetary or non-monetary compensation in exchange for allowing a cable or satellite operator to transmit the broadcaster's signal to subscribers. Some cable operators, satellite providers, and independent programmers criticize certain broadcasters' practices of conditioning carriage of one channel on carriage of another. The critics argue that such practices make it harder for video programming distributors to tailor their program offerings, and for independent programmers to gain carriage on the systems of such distributors. Broadcast networks and affiliates counter that retransmission consent is simply a negotiation based on the value of the programming, and that regulating the prices, terms or conditions of that negotiation would be an unwarranted interference with market forces and the right to contract. They also point out that they often make an offer of stand-alone carriage in exchange for cash, but that the cable and satellite operators usually prefer not to pay money. Moreover, they contend that the bundling of programming can help launch new programming. Representatives of cable programmers, broadcast networks, broadcast affiliates, cable operators, and satellite providers participated in the roundtable.

UNIVERSAL SERVICE REFORM

On June 21, 2006, the Subcommittee on Telecommunications and the Internet held an oversight hearing on the Federal high-cost portion of the universal service support mechanisms. Competition and technology have begun to erode the existing universal service system, and, in the long term, current universal service policies do not seem sustainable. The hearing focused on current and future funding mechanisms used to support consumers in all regions of the Nation to ensure that access to and rates for telecommunications services are reasonably comparable to those in urban areas. The Subcommittee received testimony from Federal and State regulatory bodies as well as large and small telecommunications companies.

CONTENT PROTECTION

On June 27, 2006, the Subcommittee on Telecommunications and the Internet held an oversight hearing on the audio and video flags. The hearing examined digital audio and video content protection technologies; whether content protection can be negotiated among content owners, service providers, and device manufacturers; and the appropriateness and impact of any government regulation. The Subcommittee received testimony from representatives of the music and video broadcasting, and distribution industries, and a public policy group.

CYBERSECURITY

On September 13, 2006, the Subcommittee on Telecommunications and the Internet held an oversight hearing on cybersecurity and what can be done to protect America's critical infrastructure, economy, and consumers. The hearing focused on whether the U.S., public and private sectors are prepared to respond to and recover from a major Internet disruption, and the impact of such a disruption on U.S. business today. The hearing also examined the recent GAO report that expressed concerns regarding the Department of Homeland Security's capabilities to prevent and mitigate cyberattacks. The Subcommittee received testimony from Federal government officials and representatives of Internet security organizations.

ICANN INTERNET GOVERNANCE

On September 21, 2006, the Subcommittee on Telecommunications and the Internet and the Subcommittee on Commerce, Trade, and Consumer Protection held a joint oversight hearing on Internet Corporation for Assigned Names and Numbers (ICANN) Internet Governance. This hearing focused on the relationship of the Department of Commerce and ICANN. The Subcommittees received testimony from the Department of Commerce, the chief executive officer of ICANN, and representatives of the software and information industry as well as public policy organizations.

Full Committee Chairman Barton, Ranking Member Dingell, Subcommittee Chairman Upton, and Subcommittee Ranking Member Markey sent a letter on October 2, 2005, to Ambassador Gross and Assistant Secretary Gallagher in support of the United States position on Internet governance as the United States delegation headed to Geneva for the Preparatory Committee for the United Nation's World Summit on the Information Society. The letter also urged the United States to take no action that would have the potential to adversely impact the effective and efficient operation of the domain name system and that would maintain its historic role to ensure stability and security of the Internet domain name system.

HEARINGS HELD

How Internet Protocol-Enabled Services Are Changing the Face of Communications: A View from Technology Companies.—Oversight hearing on How Internet Protocol-Enabled Services Are Changing the Face of Communications: A View from Technology Companies. Hearing held on February 9, 2005. PRINTED, Serial Number 109–12.

The Role of Technology in Achieving a Hard Deadline for the DTV Transition.—Oversight hearing on The Role of Technology in Achieving a Hard Deadline for the DTV Transition. Hearing held on February 17, 2005. PRINTED, Serial Number 109–9.

Preparing Consumers for the End of the Digital Television Transition.—Oversight hearing on Preparing Consumers for the End of the Digital Television Transition. Hearing held on March 10, 2005. PRINTED, Serial Number 109–5.

How Internet Protocol-Enabled Services Are Changing the Face of Communications: A Look at the Voice Marketplace.—Oversight hearing on How Internet Protocol-Enabled Services Are Changing the Face of Communications: A Look at the Voice Marketplace. Hearing held on March 16, 2005. PRINTED, Serial Number 109–44.

The Orbit Act: An Examination of Progress Made in Privatizing the Satellite Communications Marketplace.—Oversight hearing on The Orbit Act: An Examination of Progress Made in Privatizing the Satellite Communications Marketplace. Hearing held on April 14, 2005. PRINTED, Serial Number 109–8.

How Internet Protocol-Enabled Services Are Changing the Face of Communications: A Look at Video and Data Services.—Oversight hearing on How Internet Protocol-Enabled Services Are Changing the Face of Communications: A Look at Video and Data Services. Hearing held on April 20, 2005. PRINTED, Serial Number 109–19.

How Internet Protocol-Enabled Services Are Changing the Face of Communications: A View from Government Officials.—Oversight hearing on How Internet Protocol-Enabled Services Are Changing the Face of Communications: A View from Government Officials. Hearing held on April 27, 2005. PRINTED, Serial Number 109–4.

DTV Staff Discussion Draft of the DTV Transition Act of 2005.—Hearing on DTV Staff Discussion Draft of the DTV Transition Act of 2005. Hearing held on May 26, 2005. PRINTED, Serial Number 109–28.

Public Safety Communications from 9/11 to Katrina: Critical Public Policy Lessons.—Oversight hearing on Public Safety Communications from 9/11 to Katrina: Critical Public Policy Lessons. Hearing held on September 29, 2005. PRINTED, Serial Number 109–52.

Hearing on a Staff Discussion Draft of the Internet Protocol and Broadband Services Legislation.—Hearing on a Staff Discussion Draft of the Internet Protocol and Broadband Services Legislation. Hearing held on November 9, 2005. PRINTED, Serial Number 109–68.

Communications Opportunity, Promotion, and Enhancement Act of 2006.—Hearing on Communications Opportunity, Promotion, and Enhancement Act of 2006. Hearing held on March 30, 2006. PRINTED, Serial Number 109–83.

H.R. 5126, the Truth in Caller ID Act of 2006.—Hearing on H.R. 5126, the Truth in Caller ID Act of 2006. Hearing held on May 18, 2006. PRINTED, Serial Number 109–92.

Universal Service: What Are We Subsidizing and Why? Part 1: The High-Cost Fund.—Oversight hearing on Universal Service: What Are We Subsidizing and Why? Part 1: The High-Cost Fund. Hearing held on June 21, 2006. PRINTED, Serial Number 109–109.

The Audio and Video Flags: Can Content Protection and Technological Innovation Coexist?.—Oversight hearing on The Audio and Video Flags: Can Content Protection and Technological Innovation Coexist?. Hearing held on June 27, 2006. PRINTED, Serial Number 109–112.

H.R. 5319, the Deleting Online Predators Act of 2006.—Hearing on H.R. 5319, the Deleting Online Predators Act of 2006. Hearing held on July 11, 2006. PRINTED, Serial Number 109–121.

H.R. 5785, the Warning, Alert, and Response Network Act of 2006.—Hearing on H.R. 5785, the Warning, Alert, and Response Network Act of 2006. Hearing held on July 20, 2006. PRINTED, Serial Number 109–125.

CyberSecurity: Protecting America's Critical Infrastructure, Economy, and Consumers.—Oversight hearing on CyberSecurity: Protecting America's Critical Infrastructure, Economy, and Consumers. Hearing held on September 13, 2006. PRINTED, Serial Number 109–137.

ICANN Internet Governance: Is It Working?.—Joint oversight hearing with the Subcommittee on Commerce, Trade, and Consumer Protection on ICANN Internet Governance: Is It Working?. Hearing held on September 21, 2006. PRINTED, Serial Number 109–142.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

(Ratio 9–7)

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

INTRODUCTION

During the 109th Congress, the Subcommittee on Oversight and Investigations conducted major inquiries with respect to virtually all Federal agencies within the Committee's jurisdiction, including the Department of Health and Human Services, the Centers for Medicare and Medicaid Services, the Centers for Disease Control and Prevention, the Food and Drug Administration, the National Institutes of Health, the Environmental Protection Agency, the Department of Energy, the Nuclear Regulatory Commission, the Federal Trade Commission, and the Federal Communications Commission. The Subcommittee's oversight has exposed improper and illegal governmental and corporate activities, uncovered waste, fraud and abuse of taxpayer dollars, strengthened our national security and our defenses against terrorist attacks, improved health care and environmental protection, and promoted the enhanced protection of American families, consumers, and investors. These investigations have provided the basis for enactment of corrective legislation in the 109th Congress, and will provide the foundation for legislative action in the 110th Congress. In addition, the Subcommittee's inquiries have resulted in meaningful changes in the Executive Branch's implementation and enforcement of current law and the establishment of cost-saving measures in the operations of the various departments and agencies.

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO HEALTH AND HEALTH CARE

HEARINGS

THE STATE OF READINESS FOR THE 2005–2006 FLU SEASON

On May 4, 2005, the Subcommittee on Oversight and Investigations held a hearing to determine the state of readiness of the United States for the 2005–2006 flu season. This hearing served to build upon a related investigation and hearing held on November 18, 2004 (conducted in the 108th Congress). That hearing related to news in October 2004 that Chiron, one of the country's two largest producers of influenza vaccine, would not provide any of its planned 46–48 million doses of flu vaccine to the United States. These events prompted Committee review of preparations for the upcoming flu season and beyond. The Subcommittee heard from a single panel, comprised of the Directors of the Centers for Disease Control and Prevention (CDC), the National Vaccine Program Office, and the Center for Biologics Evaluation and Research of the Food and Drug Administration (FDA).

COMMUNITY HEALTH CENTERS

On May 25, 2005, the Subcommittee on Oversight and Investigations held a hearing to evaluate the effectiveness of the community health center program, which operates under Section 330 of the Public Health Service Act, in reaching the medically underserved. Community health centers play a critical role in the nation's healthcare safety net. At the time of the hearing, more than 900 community health centers provided a spectrum of primary health care services through 3,600 urban and rural sites located in every State and territory. According to the Bureau of Primary Healthcare, community health centers in 2003 treated more than 12 million people in medically underserved areas, including 4.8 million uninsured people. The hearing sought to examine various aspects of the program, including the Federal grant process, the role of Medicaid and Medicare, and ways to improve the delivery of care to the medically underserved. The Subcommittee took testimony from two panels of witnesses, consisting of the Administrator of the Health Resources and Services Administration, the Director of the Center for Medicaid and State Operations, representatives of community health centers, a Federal primary care association, and a primary care policy analyst.

In connection with the Subcommittee's oversight of the community health center program, on March 21, 2005, the Subcommittee Chairman requested the U.S. Government Accountability Office (GAO) to study how community health centers improve public health and help reduce health care costs overall. The study is expected in the 110th Congress.

SUBVERSION OF DRUG TESTING PROGRAMS

On May 17, 2005, the Subcommittee on Oversight and Investigations held a hearing concerning the subversion of drug testing programs. This issue involved the manufacture, distribution, marketing, sale, and use of devices and substances that are used to

substitute "clean," drug-free urine for drug-positive urine, and/or substances that dilute, cleanse, or adulterate drug-positive urine to cause a false-negative drug test. Testimony primarily focused on the extent of illegal drug use generally and in the workplace, the purpose and effect of drug testing, and the effect of products that subvert drug testing as to human, economic, and national security costs. The hearing featured four panels of witnesses. The first panel included witnesses from GAO, the Office of Special Investigations; Substance Abuse and Mental Health Services Administration; the District Attorney of Bexar County, Texas; the Commonwealth's Attorney, 21st Judicial Circuit, Kentucky. The second panel included witnesses from the Drug and Alcohol Testing Industry Association (DATIA); the Substance Abuse Program Administrators Association (SAPAA); Quest Diagnostics; University of Texas Health Sciences Center at Houston; and First Advantage Corporation. The third panel featured an inmate at the Eastern Correctional Institution, Westover, Maryland. The fourth panel included representatives from companies that appeared to be marketing products for the purpose of subverting drug testing programs. These fourth panel witnesses were compelled to appear by subpoena, and invoked their Fifth Amendment rights against self-incrimination not to testify.

PUBLIC HEALTH IMPLICATIONS OF MASS TORT SCREENING

In August 2005, the Subcommittee on Oversight and Investigations began an investigation into the public health implications of mass tort screenings in the wake of a legal opinion issued by United States District Court Judge Janis Graham Jack (*In Re: Silica*). In that opinion, Judge Jack detailed how physicians and medical screening companies generated diagnoses of silicosis, a largely incurable and often fatal pulmonary disease, for approximately 10,000 patients for the purpose of personal injury lawsuits. The Subcommittee's investigation resulted in four hearings on this matter.

The Subcommittee's first several hearings examined the role of the doctors and screening companies in mass tort screening. On March 8, 2006, the Subcommittee heard testimony from several key doctors, the owner of one screening company, and experts on the medical and legal aspects of mass screening. During this hearing, three doctors, who generated a combined 1,800 silicosis diagnoses, invoked their Fifth Amendment privileges when asked whether their work complied with all applicable medical practices, standards, and ethics. One doctor, credited with some 3,600 diagnoses, testified that he did not intend to diagnose any patients and, in fact, did not even know the criteria to make such a diagnosis. Finally, the owner of the medical screening company testified that he was paid by at least one law firm for positive diagnoses only. The second hearing held on March 31, 2006, included testimony, under subpoena, from representatives of two law firms who refused to cooperate with the Committee's requests for information about their silica-related work. On June 6, 2006, the Subcommittee heard testimony from representatives of the Mississippi and Texas Departments of Health and Medical Licensure. These witnesses testified that several of the screening companies used in the silicosis

litigation were not properly licensed in Mississippi and Texas and that diagnoses based upon mass tort screenings constituted the practice of medicine and created a doctor-patient relationship. Moreover, the owners and operators of two medical screening companies invoked their Fifth Amendment privileges and declined to testify.

On July 26, 2006, the Subcommittee held its fourth silicosis hearing, which focused on the conduct of the attorneys. Representatives from several law firms with large numbers of clients in the *In Re: Silica* litigation testified concerning, among other things, their roles in the tort screening process, how their firms identified potential plaintiffs, and what steps they took to ensure that their clients received appropriate medical care. In addition, one doctor who diagnosed over 200 plaintiffs in the In *Re: Silica* litigation invoked his Fifth Amendment privilege and declined to testify.

PUBLIC HEALTH AND THE DELIVERY OF CARE FOLLOWING NATURAL DISASTER

On September 22, 2005 the Subcommittee on Oversight and Investigations held a joint hearing with the Subcommittee on Health to assess public health and delivery of care issues raised by the impact of Hurricane Katrina. For a description, refer to the Subcommittee on Health section of this report.

ACCESS TO CONTROLLED SUBSTANCES OVER THE INTERNET

On December 13, 2005, the Subcommittee on Oversight and Investigations held a hearing about strengthening efforts to combat the sales of controlled substances over the Internet. This issue involved the access to highly addictive controlled substances, which can be imported by consumers of any age, sometimes without a prescription or consultation with a physician. Testimony primarily focused on current assessments concerning the nature and extent of access to controlled substances over the Internet, current actions being taken to curtail such access, current restraints on further actions that could be taken, and identification of possible actions that would require Federal legislation, administrative action, or private sector initiatives. The hearing featured two panels of witnesses. The first panel included witnesses from the Federal government: the GAO, Deputy Assistant Administrator, Office of Diversion Control, and Deputy Chief, Office of Enforcement Operations, Drug Enforcement Administration (DEA); Assistant Commissioner, Office of Field Operations, Bureau of Customs and Border Protection (CBP); Director, Office of Drug Evaluation II, Office of New Drugs, Center for Drug Evaluation and Research, FDA. The second panel included a witness from IntegriChain, Inc.; a former official with FDA's Office of Criminal Investigations; the Senior Vice President, Public Policy, Visa, U.S.A., Inc.; an outside counsel on behalf of Mastercard International; the Vice President, Corporate Security, FedEx Corporation; the Corporate Security Manager, UPS; the Senior Policy Counsel, Google; and Vice President, Yahoo! Inc.

340B DRUG DISCOUNT PROGRAM

Under the 340B Drug Discount Program (340B Program), drug manufacturers that participate in the Medicaid Program are required to provide outpatient drugs to certain covered entities at or below a specified ceiling price. These covered entities include community health centers, public hospitals, and various Federal grantees. Participating 340B entities spent approximately $3.4 billion on outpatient drugs in calendar year 2003, roughly 1.7 percent of the U.S. drug market. The 340B Program is administered by the Health Resources and Services Administration (HRSA), a division of the Department of Health and Human Services (HHS).

On December 15, 2005, the Subcommittee on Oversight and Investigations held a hearing to examine problems with the oversight and administration of the 340B Program, as well as possible solutions to improve efficiency and transparency. Many of the structural and logistical problems with the 340B Program were detailed in an October 2005 report prepared by HHS' Office of Inspector General (OIG), including: (1) systemic problems with the accuracy and reliability of the government's record of 340B ceiling prices; (2) lack of detailed, written procedures for calculating the 340B ceiling price; (3) lack of a system for ensuring that participating entities receive the statutory discount; (4) failure to compare the government's 340B ceiling prices to those of the drug manufacturers; (5) lack of necessary legislative, regulatory, or contractual authority to enforce compliance; and (6) the inability of participating entities to verify independently that they were paying at or below the ceiling price due to confidentiality provisions. Witnesses at this hearing included representatives of: (1) OIG; (2) HRSA; (3) the Public Hospital Pharmacy Coalition; (4) the 340B prime vendor; and (5) GlaxoSmithKline, the only pharmaceutical manufacturer which had agreed to provide ceiling price calculations to the prime vendor.

HOSPITAL DISASTER PREPAREDNESS

On January 26, 2006, the Subcommittee on Oversight and Investigations held a field hearing in New Orleans, Louisiana, to examine issues surrounding hospital disaster preparedness. The hearing explored assumptions made by hospitals in the New Orleans flood zone in preparing for Hurricane Katrina, what happened to those hospitals during the hurricane, and how the hospitals were able to eventually evacuate patients and staff. The hearing also explored insights into improving future disaster preparedness plans for hospitals. The Subcommittee received testimony from two panels of witnesses, consisting of the Assistant Secretary of Health for HHS, the Medical Director and State Health Officer for the Louisiana Department of Health and Hospitals, representatives of five hospitals in the New Orleans metro area, and representatives of three national hospital chains, which participated in New Orleans emergency operations.

PUBLIC REPORTING OF HOSPITAL-ACQUIRED INFECTION RATES

Hospital-aquired infections (HAIs) are a major health problem in the United States, resulting in 90,000 deaths and $4.5 billion in ex-

cess healthcare costs annually. In an effort to reduce these figures, six states have recently passed legislation requiring mandatory public reporting of hospital-acquired infections rates, and more than 20 other states have been studying this issue or have legislation pending. The CDC currently tracks HAI data, but participation in this program is voluntary, and the CDC does not make public data for individual hospitals. On March 29, 2006, the Subcommittee on Oversight and Investigations held a hearing to examine whether public reporting is an effective mechanism for reducing HAIs, and whether it is necessary and appropriate to develop and implement uniform national standards that will provide consumers with meaningful, scientifically sound data. Witnesses at this hearing included: an individual who helped drive passage of the Missouri public reporting law after his son contracted a serious HAI; the Director of the CDC's National Center for Infectious Diseases, Division of Healthcare Quality Promotion; the Executive Director of the Pennsylvania Health Care Cost Containment Council; the Executive Director of the Michigan Hospital Association's Keystone Center for Patient Safety and Quality; and representatives of several major hospitals from whom the Subcommittee had requested HAI data.

HUMAN TISSUE SAMPLES: NIH RESEARCH POLICIES AND PRACTICES

On June 13, 2006, and on June 14, 2006, the Subcommittee on Oversight and Investigations held hearings about how the National Institutes of Health (NIH) deals with human tissue samples in its intramural research programs. The focus of the hearings concerned a National Institute of Mental Health (NIMH) scientist who had personally received over $612,000 in compensation from a drug company for outside activities, including $285,000 for those that were derived directly from his official acts in providing the company access to spinal fluid samples and plasma samples (over 3000 tubes of NIH property and linked clinical data) and who had also used NIH employees and resources to provide such access.

The hearing on June 13th featured a witness from the National Institute of Aging who had raised with Committee staff the issue about the adequacy of NIH policies on human tissue samples, and about the NIMH scientist's handling of samples. The hearing on June 14th featured three panels of witnesses. The first panel included the Director of the NIMH, accompanied by the NIMH Clinical Director, the NIMH Executive Officer, and the NIMH Technology Transfer Officer; and an Alzheimer's disease researcher formerly with Pfizer, Inc. The second panel included the NIMH scientist and his database manager formerly with NIMH. The witnesses on this panel appeared pursuant to a subpoena to testify and exercised their constitutional rights against self-incrimination. The third panel featured the Deputy Director for Intramural Research, NIH.

ETHICS AND MANAGEMENT CONCERNS AT THE NIH AND THE PUBLIC HEALTH SERVICE COMMISSIONED CORPS

On September 13, 2006, the Subcommittee on Oversight and Investigations held hearings about continuing ethics and management concerns at the NIH and the Public Health Service Commis-

sioned Corps ("Commissioned Corps"). The hearing followed up on two sets of Subcommittee oversight hearings concerning NIH: hearings held in May and June 2004, in the 108th Congress, on NIH ethics concerns, and the hearings held in June 2006 on NIH policies on human tissue samples (see item above).

The hearing on September 13th featured one panel of witnesses: the Assistant Secretary for Health, HHS, who testified on issues involving the Commissioned Corps; the Deputy Director of the NIH; the Director of the NIMH; the Executive Officer and Deputy Ethics Counselor at NIMH; and the Director of the National Cancer Institute (NCI).

INVESTIGATIVE ACTIVITIES

MEDICAID PRESCRIPTION DRUG REIMBURSEMENT

As part of its continuing oversight of Medicaid prescription drug reimbursement, the Full Committee Chairman and Subcommittee on Oversight and Investigations Chairman sent a letter to the Medicaid directors of all 50 states on February 10, 2005, requesting information to help understand what steps each was taking to control rising drug expenditures. This letter asked the states to provide ingredient reimbursement and dispensing fee information for 20 popular brand and generic drugs, as well as a description of the steps taken to control drug spending.

MEDICAID ESTATE PLANNING

In the 109th Congress, the Committee opened an oversight inquiry into the practice of Medicaid estate planning. This practice involves potential Medicaid recipients using a variety of wealth transfers and methods to alter assets and income streams to obtain eligibility for Medicaid nursing home coverage. On April 27, 2005, the Full Committee Chairman and Subcommittee on Oversight and Investigations Chairman wrote the Medicaid officials of the 50 states to learn the extent and nature of actions the states have been taking with regard to Medicaid estate planning.

HOSPITAL BILLING AND COLLECTION PRACTICES

In the 109th Congress, the Committee continued its oversight of hospital billing and collection practices for uninsured/self-pay patients. As part of this oversight, on April 25, 2005 the Full Committee Chairman and Subcommittee on Oversight and Investigations Chairman wrote ten hospital corporations seeking information on questions concerning the clarity of medical consumer billing records and the impact of hospital "master" or "list" prices on medical consumers. These issues were raised in the course of the Committee's review of the hospital billing practices during the previous Congress.

FDA DRUG SAFETY DECISION-MAKING

As part of the Committee's ongoing oversight of drug safety issues, on June 10, 2004, the Full Committee Chairman and the Subcommittee on Oversight and Investigations Chairman asked the GAO to conduct a review of FDA's current organizational struc-

ture and decision-making process for postmarket drug safety. In March 2006, the GAO issued its report and concluded that the FDA "lacks clear and effective processes for making decisions about" the safety of medicines that millions of Americans rely on. Among the GAO's findings:

- FDA's postmarket safety decision-making process is "complex and iterative."
- The agency "lacks clear and effective processes for making decisions about, and providing management oversight of, postmarket safety issues."
- GAO noted a "lack of criteria for determining what safety actions to take and when to take them."
- While recent initiatives, such as the establishment of a Drug Safety Oversight Board, offer promise, they do not address the "lack of systemic tracking of ongoing safety issues."

PRESCRIPTION DRUG SAFETY

The Subcommittee on Oversight and Investigations continued to investigate issues surrounding the withdrawal of a non-steroidal anti-inflammatory drug (NSAID) Cox-2 inhibitor called rofecoxib, known commercially as Vioxx, by its manufacturer Merck & Co., Inc. (Merck). On September 30, 2004, Merck publicly announced a voluntary worldwide withdrawal of Vioxx, a medicine approved by the FDA in 1999 for use in treating osteoarthritis and the management of acute pain in adults, and later, for rheumatoid arthritis. The publicly reported reason for this withdrawal was new data from a three-year clinical trial that showed a two-fold increase in cardiovascular adverse events in patients taking Vioxx. On November 23, 2004, Committee Chairman Barton and Ranking Member Dingell wrote Merck and the FDA to request more information and documentation relating to: (1) FDA knowledge about these cardiovascular adverse events associated with Vioxx, (2) when FDA learned about this information, and (3) the action FDA took in response to cardiovascular safety concerns associated with Vioxx. In December 2004, Pfizer Inc., announced it was suspending sales of Celebrex, also a Cox-2 inhibitor drug, based on some recent data on cardiovascular events in an on-going study. Shortly thereafter, the Committee wrote Pfizer requesting information on adverse cardiovascular events occurring in patients that took Celebrex and Pfizer's other marketed Cox-2 inhibitor, Bextra. In spring 2005, the FDA advisory committee concluded that Bextra should be removed permanently from the market, based primarily on adverse skin reactions occurring with the drug. Pfizer voluntarily agreed to remove Bextra from the U.S. market. The FDA advisory committee agreed that Celebrex should remain on the market with a black box warning concerning cardiovascular events. Celebrex continues to be on the U.S. market. The FDA committee was split on the recommendation concerning Vioxx. However, Merck did not seek to reinstate Vioxx to the worldwide market.

NIH ETHICS

On August 8, 2005, the Full Committee Chairman and the Subcommittee on Oversight and Investigations Chairman requested a GAO study of internal control procedures over conflicts of interest,

involving employees of the NIH, NIH contractors, and outside experts. The GAO is undertaking the request, with a focus on the rules of recusal at the NIH for employees, contractors, and outside experts, and a description of the structures that are in place for the application, monitoring, and enforcement of the rules of recusal among NIH institutes and centers.

NIH LEASING

On October 14, 2004, the Full Committee Chairman wrote to the GAO, requesting that the GAO examine certain parts of NIH's procedures for obtaining leases for real property. The GAO issued its report in September 2006. It found that the NIH implemented a formal leasing process that, if carried out effectively, should comply with budget scorekeeping guidelines and OMB's requirements for classifying operating and capital leases. This process should ensure that no Antideficiency Act violations occur due to leasing. However, NIH had taken no action to address five prospectus-level leases that were not submitted to the appropriate congressional committees in past years.

NIH GRANT COMPENSATION

On September 20, 2005, the Full Committee Chairman and the Subcommittee on Oversight and Investigations Chairman wrote to the HHS Inspector General to request that the OIG determine if Federal taxpayer dollars have been used by Federal universities to compensate graduate research assistants for tuition remission rather than for their actual work on programs funded by the NIH. In addition, it was requested that, to the extent such use of funds is substantiated, the OIG determine if such compensation practices violate any Federal law, regulation, or policy, or an inappropriate use of taxpayer dollars. The OIG agreed to conduct a nationwide, randomized audit of graduate student compensation as a first step to examine this issue.

NIH GRANTS DIVERSION

In an August 16, 2005 article, The Wall Street Journal examined allegations that universities misuse Federal grant money received from the NIH. Some of these allegations have resulted in recent multi-million dollar settlements between NIH university grantees and the U.S. Department of Justice. For example, in a complaint-in-intervention filed June 15, 2005, the U.S. Attorney's Office for the Southern District of New York (U.S. Attorney's office) alleged that a university grantee failed to comply with NIH guidelines for clinical research programs and made false statements in applications to NIH for renewal of its General Clinical Research Center grant. In particular, the U.S. Attorney's office highlighted the disparities between the number of research activities projected by the grantee in its grant applications or grant continuation applications to NIH, and the actual number of research activities performed by the grantee after receiving the NIH grant money, as reflected in the grantee's internal data, and to some extent, the grantee's annual progress reports submitted to NIH.

In light of concerns such as those alleged by the U.S. Attorney's office, the Full Committee Chairman and the Subcommittee on Oversight and Investigations Chairman requested on September 20, 2005 that the HHS OIG examine whether there are widespread disparities between the numbers of research activities grantees projected to obtain taxpayer funds from the NIH and the numbers of research activities actually performed with these funds. To that end, it was further requested that the OIG conduct an audit of some of the largest NIH clinical research center grants to review the number of research activities each respective institution projected to the NIH and what research activities these institutions actually performed. Given that the General Clinical Research Grant program is being phased out, the OIG told the Committee staff that the issues raised in the request letter were being pursued in ongoing work and that the OIG would consider an audit of this kind with respect to the Clinical Translational Science Awards program.

NIH POLICYMAKING FROM THE HIVNET 012 STUDY

On April 29, 2004, the bipartisan leadership of the Full Committee and the Subcommittee on Oversight and Investigations sent the NIH a request concerning questions raised about the findings of the HIVNET 012 study. In 1997, the Division of Acquired Immunodeficiency Syndrome, National Institute for Allergies and Infectious Diseases, sponsored HIVNET 012, a trial comparing two drugs, nevirapine and zidovudine (AZT), and their efficacy in the prevention of transmission of Human Immunodeficiency Virus from mother to child. The findings of this landmark study were relied upon in the establishment of global strategies for addressing the AIDS crisis. The Committee asked the NIH to answer the following question: After a comprehensive review of all records and information relating to HIVNET 012, does NIH stand behind the findings of HIVNET 012?

In response to the Committee's request, the NIH Director asked NIH staff to review the records and information relating to the HIVNET 012 study and other related studies. On July 12, 2004, the NIH Director informed the Committee that he had decided to ask the Institute of Medicine (IOM) to conduct a more detailed independent review of the HIVNET 012 study process. The IOM released its report on the HIVNET 012 study on April 7, 2005. The Committee staff also received a briefing by members and staff of the IOM on the IOM's review of the HIVNET 012 study. Based on that briefing and on that IOM committee report, the Committee staff were satisfied that the data and findings presented in the published papers can, as the report said, "be relied upon for scientific and policy-making purposes."

FDA DRUG SAFETY LABELING

On August 16, 2005, the Full Committee Chairman and the Subcommittee on Oversight and Investigations Chairman wrote to FDA about a drug-safety issue arising from the Committee's oversight of the FDA's regulatory decisions concerning Palladone, described by FDA as "a once-a-day pain management drug containing a very potent narcotic." On July 13, 2005, the FDA requested Pur-

due Pharma, L.P. ("Purdue") to withdraw the painkiller prescription drug, Palladone, from the market because of concerns that patients could die from taking the drug together with alcohol. In reviewing how and why the FDA approved and later requested the withdrawal of Palladone, the Committee staff learned that while Palladone was still marketed, FDA posted on its website only safety information about the risks of alcohol interaction with Palladone as reflected in the language of the labeling and medication formally approved by the FDA. However, after approving Palladone in September 2004 but prior to the product's launch in November 2004, the FDA permitted Purdue under a special process called a CBE (Changes Being Effected) supplement, to use stronger labeling and medication guide language about the alcohol risks shown in early results of studies conducted by Purdue that began in early September 2004. That safety language, which was in fact the actual labeling and medication guide used in the marketing of Palladone, was reflected on Purdue's website but not on the FDA's website. While there was no final FDA approval for the Purdue label with the alcohol warning language, the Committee requestors were concerned that patients and practitioners who accessed the FDA website were not informed of the most current safety risks of Palladone and alcohol interaction. Updating such information even without final FDA approval is vital to ensuring the safety of American consumers taking prescription drugs.

In furtherance of helping the American public get the most current and accurate drug-safety information from the FDA, the Chairmen's letter requested the FDA to respond with (1) a list, as of July 1, 2005, of any other drugs besides Palladone for which the labeling and medication guide information on the FDA website has been superceded by new labeling and medication guide information permitted under a CBE supplement but not finally approved and (2) the specific actions taken by FDA to ensure that the agency's website reflects the most current safety information about approved drugs (or other FDA-approved products generally). On October 20, 2005 the FDA sent a written response, acknowledging that FDA's policy has been to post only approved labeling on its website and that there may be a period of time during which there may be a discrepancy between the company's labeling and the FDA's posted labeling. The FDA noted that the agency was considering a change to this policy to address this issue. In September 2006, the FDA published a draft guidance document for comment announcing to holders of new drug applications, abbreviated new drug applications, or a biologics license applications who intend to submit a "Changes Being Effected" supplement (CBE supplement) to make a post-approval labeling change, that the FDA will make labeling revisions identified in the CBE supplement publicly available upon receipt of the supplement by FDA.

EXTRA-TERRITORIAL APPLICATION OF THE FEDERAL FDCA

On August 7, 2006, the Full Committee Chairman and the Subcommittee on Oversight and Investigations Chairman wrote to the Attorney General of the United States, requesting that the Department of Justice provide its updated views concerning the application of the Federal Food, Drug, and Cosmetic Act (FDCA) to indi-

viduals operating outside the United States who sell counterfeit, misbranded, and adulterated drugs to consumers in the United States, and who cannot be prosecuted on other statutory grounds.

FEDERAL WORKPLACE DRUG-TESTING

On September 19, 2006, the Full Committee Chairman and the Subcommittee on Oversight and Investigations Chairman wrote to the Acting Deputy Administrator of the Substance Abuse and Mental Health Services Administration (SAMHSA) about efforts to improve the mandatory drug-testing guidelines for the Federal Workplace Drug Testing Program ("mandatory guidelines") by testing hair, sweat, and oral fluid specimens in addition to urine specimens.

Federal workplace drug testing policy continues to be based only on testing of urine specimens, as it has since 1988. However, alternative drug tests using hair, oral fluid, and sweat specimens could strengthen security and safety of the Federal workplace. These tests complement drug detection using urine specimens and can offer significant advantages that tests using urine specimens cannot provide.

According to information listed with the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs, on June 30, 2006, HHS and SAMHSA withdrew the final rule on the mandatory guidelines that OMB had received on April 4, 2006. Given the interest in the timely improvement of the mandatory guidelines, it was requested that SAMHSA provide the Committee with more information about what led to the withdrawal of the final rule and what issues (if any) are pending for future improvement of the mandatory guidelines.

CDC OVERSIGHT

On October 23, 2006, the Full Committee Chairman and the Subcommittee on Oversight and Investigations Chairman wrote to the Director of the CDC to request a briefing on the reorganization of the CDC. In addition, the request letter asked for a draft internal assessment of CDC's financial management office, information about CDC's systems for tracking human tissue samples, and information about CDC's systems for tracking certain property.

FDA FOOD SECURITY

On October 24, 2006, the Full Committee Chairman and the Subcommittee on Oversight and Investigations wrote to the Acting Commissioner of the FDA about the adequacy of FDA's food safety and food security efforts. In particular, the request letter asked for certain information gained from the FDA's Security and Surveillance Assignment conducted in 2004 and how some of this information was leveraged to prevent and/or detect outbreaks such as E. coli in spinach.

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO ENERGY AND THE ENVIRONMENT

HEARINGS

MANAGEMENT CONCERNS AT LOS ALAMOS NATIONAL LABORATORY

On May 5, 2005, the Subcommittee on Oversight and Investigations held a hearing to review management concerns at Los Alamos National Laboratory (LANL). The hearing reviewed a wide range of ongoing management problems identified by the DOE Inspector General (DOE IG) and the Defense Nuclear Facility Safety Board (DNFSB), as well as more recent security and safety problems that led to the shutdown of operations at LANL. The laboratory was shut down due to the mishandling of classified material and a major safety incident that resulted in the partial blinding of an employee at LANL. In addition to these problems, the DOE IG described ongoing weaknesses at LANL including problems with project management, security, and contract administration. The Chairman of the DNFSB described significant and complex safety issues at the lab, and identified several corrective actions needed to improve safety at the laboratory.

PLUTONIUM CONSOLIDATION AND DISPOSAL AT DOE SITES

On October 7, 2005, the Subcommittee on Oversight and Investigations held a hearing to review GAO findings regarding DOE's efforts to consolidate surplus plutonium inventories. Consolidation of plutonium inventories to one site would reduce significant health and safety issues and reduce large security costs associated with storing this material in multiple locations. For example, moving plutonium out of the Hanford site would save the Department more than $85 million annually in security costs at Hanford. GAO testified that DOE cannot move forward with plans to consolidate plutonium inventories at the Savannah River Site in South Carolina due to legal impediments and insufficient storage areas at the site. GAO recommended DOE develop a comprehensive plan to stabilize, store, and dispose of plutonium inventories across the complex. At the hearing, DOE testified that it would move forward and develop a plan for plutonium consolidation within two years.

On May 1, 2006, the Committee sent a follow-up letter requesting that GAO review the extent to which NNSA has sufficient storage space to store and monitor plutonium pit storage containers at Pantex safely and cost-effectively, and the effect of the delays that NNSA is experiencing constructing the Pit Disassembly and Conversion Facility, and the MOX Fuel Fabrication Facility in its ability to dispose of surplus weapons-grade plutonium permanently.

PADUCAH SITE OPERATIONS

On January 19, 2006, the Subcommittee on Oversight and Investigations held a field hearing in Paducah, Kentucky, to review DOE operations at the Paducah site. The DOE Assistant Secretary for Environmental Management provided testimony on a range of issues including environmental cleanup challenges at the site, the conversion of approximately 490,000 tons of depleted uranium hexafluoride, and DOE's plans to recycle 9,700 tons of scrap nickel

at the site. The second panel consisted of the President of Bechtel Jacobs, an environmental cleanup contractor at Paducah, as well as representatives from the Paducah community including the Mayor of Paducah and a local labor union representing workers at Paducah.

The hearing also focused on DOE's implementation of Section 633 of the Energy Policy Act of 2005, concerning the employee benefits of contractor employees working at the Paducah and Portsmouth sites. Section 633 provides that, when DOE changes its contractors at Paducah or Portsmouth, the contractor employees do not lose their accrued benefits. Subcommittee Members expressed concern that DOE had not fully implemented this section. Following the hearing, DOE clarified that it would fully implement Section 633 for all affected employees.

CYBER SECURITY AT DOE

On June 9, 2006, the Subcommittee on Oversight and Investigations held a hearing to review cyber security challenges at DOE. The first panel of witnesses included the DOE Inspector General, and the Director of DOE's Office of Security and Safety Performance Assurance, who described several internal and external reviews that identified significant weaknesses in both the management processes and the operational controls relied upon to protect the unclassified information systems vital to DOE operations. At the hearing, the Subcommittee revealed that a cyber attack at National Nuclear Security Administration (NNSA) site resulted in the removal of a file with personal information on over 1,500 NNSA contractor employees, including their social security numbers. The Administrator of NNSA, testified that although he had been aware of the stolen personnel information for several months, he only informed the Secretary of the breach two days before the Subcommittee hearing. After the hearing, NNSA took immediate steps to inform each employee whose personal information had been stolen.

In response to overall weaknesses in the Department's cyber security program, the DOE's Chief Information Officer testified that he had developed a 12–month plan to revitalize the DOE cyber security posture. The NNSA Director and the DOE Under Secretary for Energy, Science, and Environment described their own efforts to improve cyber security. The DOE IG and the Director for the Office of Security and Safety Performance Assurance testified that they will continue to evaluate the status of DOE cyber security systems.

NRC'S REACTOR OVERSIGHT PROCESS

On June 16, 2006, the Subcommittee on Oversight and Investigations held a hearing to review NRC's reactor oversight process (ROP). NRC developed the ROP to regulate the nuclear industry more effectively and efficiently, by applying more objective, timely, and risk-informed criteria when assessing nuclear plant performance. Under the ROP, few nuclear plants have experienced significant safety performance issues overall, and even fewer plants have experienced multiple or repetitive degraded conditions. According to testimony from GAO, of the 4,000 inspection findings between

2001 and 2005, 97 percent of these findings were of "very low" safety significance. GAO also determined that NRC continues to make improvements to its reactor oversight process in key areas. NRC testified that it would continue to improve the ROP by increasing its transparency and incorporate additional risk informed measures.

CLIMATE CHANGE SCIENCE ASSESSMENTS

On July 19, 2006, the Subcommittee on Oversight and Investigations held the first of two hearings to examine questions surrounding certain historical temperature studies in connection with the studies' use in the United Nation's 2001 Intergovernmental Panel on Climate Change (IPCC) Third Assessment Report. The hearing focused on two independent reports concerning the reliability of two particular studies that were influential to a finding of the IPCC concerning millennial temperature trends and what the prominent use of these studies indicated about the reliability of the IPCC assessment process. The Subcommittee took testimony from two panels of witnesses, consisting of the chairman of an Ad Hoc Committee that had prepared an independent report on the two studies in question, the chairman of a National Research Council (NRC) committee that had examined historical temperature studies, a National Oceanic and Atmospheric Administration witness who oversaw relevant portions of the IPCC report in question, and three academic and independent researchers who provided comments on the temperature studies in question and the IPCC process in general.

At a second hearing, on July 26, 2006, the Subcommittee received testimony from the president of the National Academy of Sciences, the lead author of the studies in question, a representative of an environmental policy organization, a scientist associated with the aforementioned NRC committee and the IPCC report, as well as two witnesses returning from the July 19 hearing.

PIPELINE SPILLS AT THE GREATER PRUDHOE BAY OIL FIELD

On September 7, 2006, the Subcommittee on Oversight and Investigations held a hearing regarding the crude oil production pipelines on the North Slope of Alaska that are operated and maintained by BP Exploration Alaska, Inc. (BP). The hearing focused on the issues surrounding the March 2, 2006, and August 6, 2006, oil spills from corroded crude oil transmission pipelines for the Greater Prudhoe Bay Oil Field, including issues related to the adequacy of BP's corrosion control and monitoring program and BP's failure to inspect and maintain the pipelines properly. The Subcommittee received testimony from two panels of witnesses. The first panel's three witnesses included the Chairman and President of BP America, Inc., the President of BP Exploration Alaska, Inc., and the former manager of the Corrosion, Inspection, and Chemicals Group for BP Exploration Alaska, Inc. The second panel's two witnesses were the head of U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration, and the Commissioner of the Alaska Department of Environmental Conservation.

The Subcommittee continued to examine issues related to pipeline sludge, sediment, and corrosion. On October 6, 2006 the lead-

ership of the Full Committee and the Subcommittee on Oversight and Investigations sent a letter to BP requesting further information about BP's prior knowledge of sediment buildup in the transmission pipelines and the need to conduct pigging operations in those lines.

INVESTIGATIVE ACTIVITIES

SAFETY AT DOE LABORATORIES

Los Alamos National Laboratory is not alone in standing down its facilities. In October 2004, the Stanford Linear Accelerator Center had a stand-down of operations for nearly 5 months following a serious electrical accident. Lawrence Livermore Laboratory's Plutonium Facility, also operated by the University of California, had a stand-down in January 2005 because of safety concerns, and resumed reduced activities only in October 2005. On May 1, 2006, the Full Committee Chairman and Subcommittee on Oversight and Investigations Chairman sent a letter to GAO requesting a review of the safety performance of the DOE's major laboratories. Specifically, we requested (1) the safety records of these laboratories; (2) nuclear safety violations and resulting penalties paid by the laboratories under the Price Anderson Act; (3) the circumstances of recent stand-downs, including the reasons for and duration of each stand-down and the process for resuming activities; and (4) actions taken by DOE to improve the safety performance of its management and operating contractors.

HANFORD TANK FARMS

The Subcommittee on Oversight and Investigations continued its review of DOE's efforts to clean up 177 underground storage tanks containing radioactive wastes at the Hanford site in Richland, Washington. On July 12, 2005, the Full Committee Chairman and Subcommittee on Oversight and Investigations Chairman sent a letter to Energy Secretary Bodman requesting information on the cost and status of the construction of vitrification plants for the immobilization of the high and low-level radioactive wastes. DOE has failed to develop a reliable cost and schedule baseline for the project. As a result, the initial December 2000 cost estimate for the project of $4.32 billion has grown to a recent cost estimate of $12.2 billion. DOE has asked the US Army Corps of Engineers to validate these costs, and the Department is working towards finalizing a baseline for the project by the Spring of 2007.

YUCCA MOUNTAIN

The Subcommittee on Oversight and Investigations has continued its review of DOE's efforts to submit a license application for Yucca Mountain to the NRC. DOE missed its December 2005 deadline for submitting the license application, and had subsequently announced plans to submit the license application by June 30, 2008, and open the repository by 2017. On March 24, 2005, the Committee sent a letter to Energy Secretary Bodman to obtain documents relating to falsification of documentation by employees of the United States Geological Survey at the Yucca Mountain project. The documentation in question related to computer modeling in-

volving water infiltration and climate. The Department has taken several steps to review and analyze the data in question to ensure that the technical aspects of the repository license application are not impacted.

CITGO HEATING OIL PROGRAM

On February 15, 2006, the Subcommittee sent a letter to Citgo Petroleum Corp. (Citgo) requesting information about its proposed discount heating oil program. Citgo is a wholly-owned subsidiary of the Venezuelan state-owned oil company, which is controlled by Venezuelan President Hugo Chavez, an outspoken critic of the United States. The Subcommittee's letter reflected a concern that Chavez's discount heating oil program was not motivated by altruism, but rather was an improper attempt to politicize the debate over U.S. energy policy. Citgo responded to the Subcommittee's letter on March 23, 2006, and April 21, 2006.

DOMESTIC OIL REFINERY CAPACITY

On May 3, 2006, the Chairman of the Full Committee and Chairman of the Subcommittee on Oversight and Investigations wrote the five largest integrated oil companies to gather information about each company's plans and priorities for ensuring ample domestic oil refinery capacity and gasoline supply. A shortage of domestic refining capacity was one of the primary factors contributing to gasoline price spikes in the Spring of 2006. The letters requested information concerning historical capacity levels of each company's domestic refineries, as affected by maintenance and other factors that can temporarily restrict refinery supply, and information concerning long-term priorities for expanding refinery capacity and for providing a reliable and abundant supply of fuel in the future.

QUALITY OF FEDERALLY FUNDED CLIMATE RESEARCH AND ASSESSMENTS

In the 109th Congress, the Full Committee Chairman and Subcommittee on Oversight and Investigations Chairman opened an inquiry into the quality of federally funded climate research and assessments that may inform the Committee's decision-making. Portions of this inquiry resulted in hearings concerning use of historical temperature studies (see Climate Change Science Assessments, above). On May 19, 2006, the Chairmen requested that the GAO examine the practices and policies that support and ensure the underlying quality of federally funded climate data and research. In particular, the GAO was asked to examine practices and policies related to the preservation and sharing of datasets and analyses. A report from GAO is expected in the 110th Congress.

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO TELECOMMUNICATIONS

HEARINGS

THE E-RATE PROGRAM

On March 16, 2005, the Subcommittee on Oversight and Investigations held a hearing on Federal Communications Commission

(FCC) management and oversight of the E-rate program. The E-rate program is the portion of the Universal Service Fund set up to subsidize telecommunications and Internet service and infrastructure in qualified schools and libraries. The hearing examined findings and recommendations by a GAO review of FCC's management of the program. This review was initiated at the request of the Full Committee and Subcommittee Chairmen in the previous Congress during the Subcommittee's investigation into waste, fraud, and abuse in the program. The Subcommittee took testimony from one panel of witness, representing the GAO, the FCC, and the Office of Inspector General (OIG) of the FCC.

On October 6, 2005, the Subcommittee held a hearing to examine the FCC's plans for E-rate program relief to Gulf Coast communities recovering from the destruction of Hurricane Katrina. The Subcommittee took testimony from the FCC Inspector General, the Chief of the FCC's Wireline Competition Bureau, the CEO of the Universal Service Administrative Company (USAC), which administers the E-rate program, and the State E-rate Coordinator for the Mississippi Department of Information Technology Services.

In culmination of the Subcommittee of Oversight and Investigations' two-year investigation into the E-rate program, the Subcommittee held a business meeting on October 18, 2005, at which it unanimously adopted the bi-partisan staff report, "Waste, Fraud, and Abuse Concerns in the E-rate Program," which detailed findings and recommendations from the investigation to help guide reform of the E-rate program.

SEXUAL EXPLOITATION OF CHILDREN OVER THE INTERNET

The Subcommittee on Oversight and Investigations held a series of hearings in 2006 examining issues relating to the sexual exploitation of children over the Internet. The purpose of these hearings was to examine the efforts undertaken by the following entities to combat the proliferation of sexually exploitative images of children over the Internet: (1) U.S. Federal, State, and local law enforcement; (2) Federal agencies, including the FCC and the Federal Trade Commission (FTC); (3) the Internet Service Provider industry; (4) the financial services industry; (5) social networking sites; (6) the National Center for Missing and Exploited Children (NCMEC) and (7) several Internet safety education groups. Through the Subcommittee's efforts on this topic, several measures were undertaken by various entities that would enhance the efforts of law enforcement and industry to detect and stop the proliferation of sexually exploitative images of children over the Internet, including: (1) the Internet Service Provider industry started blocking access to sites that NCMEC determined had images of child pornography and which do not need to remain open for law enforcement investigative purposes; (2) a Technology Coalition consisting of major ISP's including AOL, Google, Yahoo! and Earthlink was voluntarily formed, with a $1 million donation by each provider, to enhance the technological capabilities of the industry and law enforcement to detect and take down these illegal sites; (3) Comcast voluntarily agreed to lengthen its data retention period for Internet Protocol (IP) addresses attached to subscriber information from 30 days to 180 days to assist law enforcement in investigations involv-

ing the exploitation of children over the Internet; (4) the FCC issued a declaratory ruling that cellular carriers are subject to the cybertipline reporting requirements, which will enhance cybertipline reporting of illegal images and content and (5) the financial services industry formed a Financial Coalition with NCMEC to enhance the ability of credit card companies and merchant banks to detect and eliminate on-line merchants with commercial child pornography sites.

At the April 4 hearing, the Subcommittee heard testimony from the following witnesses: Justin Berry, a 19-year-old who, beginning at 13 years old, was sexually exploited by various child predators on the Internet initially through the use of webcam; Kurt Eichenwald, a reporter for The New York Times, who wrote investigative articles about child pornography over the Internet and this child's case in particular, which were published on December 19 and 20, 2005; a forensic pediatrician and expert in child sexual abuse cases; the President of NCMEC and from representatives of two Internet safety groups, I-Safe and WiredSafety.org. In addition, the Committee subpoenaed a person that was identified by Justin Berry as someone who sexually molested him and was involved in running a commercial child pornography site. That individual declined to testify, citing his Fifth Amendment right against self-incrimination. Shortly after the hearing, he was arrested by Michigan Federal authorities on several felony charges relating to Mr. Berry's public allegations against him, as well as, based on additional evidence related to child pornography charges. At the April 6 hearing, the Subcommittee focused on the U.S. law enforcement effort to combat child pornography over the Internet. The Subcommittee heard testimony from representatives from the U.S. Department of Justice, the Federal Bureau of Investigation, Immigration and Customs Enforcement, the U.S. Postal Inspection Service, and the Internet Crimes Against Children Task Force. The Subcommittee also heard testimony from Grier Weeks, Executive Director for PROTECT, a group that focuses on enhancing Federal laws relating to crimes against children.

The Subcommittee's May 3 hearing was focused on the testimony of Masha Allen, a child-victim, whose images of sexual abuse were posted on the Internet, and on the efforts of the U.S. Department of Justice and the Innocent Images Section of the Federal Bureau of Investigation to combat crimes against children over the Internet. Masha Allen is a 14-year-old girl who was adopted from Russia when she was 5 years old by a single man in the United States, and then subsequently sexually abused by her adoptive father. Her adoptive father posted images of her sexual abuse on the Internet. Rep. Phil Gingrey (R–GA), introduced Masha at the hearing and briefly discussed legislation he introduced in the House (known as Masha's Law), which was subsequently signed into law by President Bush as part of the Adam Walsh Child Protection and Safety Act of 2006. Masha's law increases the civil penalties that victims may recover for images of their sexual abuse posted on the Internet, as well as, provides a cause of action for adults who find out that images of their sexual abuse as a minor are on the Internet to recover civil damages. A follow up hearing on the Masha Allen

case was held on September 27, 2006 (see Miscellaneous Hearings and Investigative Activities, below).

At the June 27 hearing, the Subcommittee focused on what measures the Internet Service Provider industry has taken to find and remove sexually exploitative images of children on their network. The Subcommittee heard testimony about the varied practices among the industry to monitor their network for child pornography, as well as, to retain IP address and subscriber information that is critical to law enforcement in these investigations. The providers all followed a similar practice with respect to reporting suspected images to the cybertipline, run by NCMEC. Representatives from the following Internet Service Providers testified: (1) AOL; (2) Comcast; (3) Google; (4) Yahoo; (5) Verizon; (6) Microsoft; and (7) Earthlink. In addition, the Subcommittee heard testimony from Chris Hansen, an investigative reporter for Dateline NBC, who headlined a series of reports called "To Catch a Predator," which took place in various towns throughout the United States. Each episode featured various adult men arriving at a house in which they believed a minor child, whom they had communicated with online, would engage in sexual activity with them. The person the adult males were communicating with were not minors, but persons posing as minors on the Internet.

The Subcommittee's June 28 hearing focused on what measures social networking sites are taking to protect children from child predators on their sites, as well as, hearing testimony from Federal agency representatives and a Federal attorney general about their roles in regulating the Internet Service Providers industry and social networking sites. Representatives from the following social networking sites testified at the hearing: (1) Myspace.com; (3) Xanga.com and (3) Facebook.com. In addition, representatives from the FCC and the FTC testified, as well as the Attorney General for the State of Connecticut. The Subcommittee also heard testimony from a Detective from the Rocky Hill, Connecticut Police Department.

On July 10, the Subcommittee held a field hearing in New Jersey exploring how the State of New Jersey is combating the sexual exploitation of children over the Internet. The Subcommittee heard testimony from the U.S. Attorney for the District of New Jersey, representatives from several New Jersey Federal and local law enforcement agencies and representatives to address Internet safety programs being taught in schools to children and parents.

At the September 21 hearing, the Subcommittee focused on what measures the financial services industry has taken to eradicate commercial child pornography websites over the Internet. Representatives from the following credit card companies testified: (1) American Express; (2) Visa; and (3) MasterCard. In addition, representatives from PayPal and E-gold, which are alternative payment mechanisms, also testified. The President of NCMEC testified about the Financial Coalition, which consists of members of the financial services industry, Federal law enforcement and NCMEC to help eradicate commercial child pornography over the Internet. Representatives from the largest U.S.-based merchant banks testified, including: (1) Bank of America; (2) NOVA Information Systems; (3) Chase Paymentech Solutions and (4) First Data Corpora-

tion. A representative from U.S. Immigration and Customs Enforcement and the U.S. Attorney for New Jersey testified about the efforts of their respective offices in investigating and prosecuting individuals involved in a case known as "Regpay," which was a world-wide and large-scale ring of people running over 60 commercial child pornography sites.

On September 26, the Subcommittee heard testimony from several experts about the characteristics of a child predator generally, as well as, specific information about the behaviors of child predators on-line. In addition to these witnesses, Kurt Eichenwald of The New York Times, who testified at the December 19 hearing, testified about his observations of an on-line pedophile forum that he was able to infiltrate, which was also published in an article he wrote. The Subcommittee also heard testimony from a representative of a web-hosting company, Blue Gravity Communications, and from a domain name registry company, GoDaddy.com.

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO COMMERCE, TRADE, AND CONSUMER PROTECTION

HEARINGS

THOROUGHBRED HORSE RACING

On October 18 and November 17, 2005, and May 9, 2006, the Subcommittee on Oversight and Investigations held hearings related to the nation's thoroughbred horse racing industry. In particular, the purpose of the hearings was to focus on the state of "on-track" injury insurance and other health and welfare issues that are faced by jockeys, exerciser riders, and other workers in the thoroughbred horse racing industry.

The October 18 hearing primarily focused on the Jockeys' Guild—an association of licensed professional jockeys that had historically taken care of its members' health insurance and welfare needs, and also provided assistance to permanently disabled riders. The hearing examined allegations that under the leadership and direction of the Guild's then-Chief Executive Officer, the Guild's management had improperly canceled a catastrophic injury insurance policy, without notice; and that the then-CEO had mismanaged the Guild's finances, including several disability funds. The Subcommittee received testimony from three panels of witnesses. On the first panel, a former professional jockey who was permanently paralyzed during a horse race at Mountaineer Park, in West Virginia, and the jockey's wife, testified. The second panel consisted of nine current or former professional jockeys, including Hall of Fame riders, who were then or formerly involved with management of the Guild. Three witnesses testified during the third panel, including the Guild's then-CEO, the Guild's Chief Operating Officer, and the Guild's General Counsel.

The November 17 hearing focused on efforts by various stakeholders in the horse racing industry to improve the health and welfare of jockeys and other workers, including steps taken to establish better catastrophic insurance coverage or create workers' compensation programs. The Subcommittee received testimony from two panels of witnesses. The first panel of seven witnesses con-

sisted of representatives from five of the nation's major race track companies, as well as the Thoroughbred Racing Association and the National Thoroughbred Racing Association. The second panel of ten witnesses included representatives of: various trade associations for race horse trainers, breeders, and owners; the Kentucky Racing Health & Welfare Fund; the New York State Jockey Injury Compensation Fund; the California Horse Racing Board; the Delaware Thoroughbred Racing Commission; and the Jockeys' Guild.

The May 9 hearing focused on the status of the Jockeys' Guild following its November 15, 2005, decision by its Board of Directors to fire the then-CEO and his management team, and to receive further testimony from the head of racing at Mountaineer Park race track. The Subcommittee received testimony from two panels of witnesses. The first panel consisted of three witnesses—the Guild's interim National Manager, the Guild's Chairman of the Board, and the Guild's interim General Counsel. On the second panel one witness testified; the Director of Racing at Mountaineer Race Track & Gaming Resort, in Chester, West Virginia.

DATA BROKERS AND PRETEXTING

In 2006, the Subcommittee on Oversight and Investigations held three hearings regarding the Internet-based data broker industry. The purpose of the hearings was to examine the use by these data brokers and their subcontractors of pretexting or "social engineering"—that is, deceit, impersonation, and fraud—to procure and sell consumers' confidential cell phone calling records and other personal consumer information, such as bank account activity or credit card statements.

A June 21 hearing focused on the actual data brokers and how they acquire the information and to whom they sell the records, and the Subcommittee received testimony from three panels of witnesses. The first panel consisted of one witness who had been a victim of a data broker that repeatedly procured his cell phone records without his consent. On the second panel, two witnesses testified; the former owner of the Colorado data broker Touch Tone Information, Inc., and a "skiptracer" who works for the repossession industry. The third panel included eleven witnesses, all of whom were data brokers that the Subcommittee had focused on during its investigation. All eleven witnesses refused to testify, each invoking their Fifth Amendment right against self-incrimination.

A June 22 hearing focused on (1) Federal efforts to combat illicit data brokers and (2) the use of data brokers by Federal and local law enforcement agencies to procure phone records. The Subcommittee received testimony from three panels of witnesses. The first panel consisted of two assistant attorneys general—one from the Missouri Attorney General's Office and another from the Florida Attorney General's Office. The second panel consisted of representatives from the Federal Bureau of Investigation, the U.S. Marshals Service, the U.S. Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the Department of Homeland Security's U.S. Immigration and Customs Enforcement. During the third panel, police officers representing Miami-Dade Police Department and the Austin (Texas) Police Department testified.

A September 29 hearing focused on progress made by Federal agencies to combat illicit data brokers, as well as steps being taken by the nation's largest wireless phone carriers to protect consumers' phone records from pretexters. The Subcommittee received testimony from four panels of witnesses. The first panel's single witness was a private investigator and frequent data broker customer for calling records, who refused to testify on the basis of their Fifth Amendment right against self-incrimination. The second panel's single witness was a journalist for a major newspaper whose phone records were procured by a pretexter. The third panel consisted of representatives of the nation's six largest wireless phone companies, including Cingular Wireless, Verizon Wireless, T-Mobile USA, Sprint Nextel, Alltel Wireless, and US Cellular. The fourth panel received testimony from officials from the FCC and the FTC.

HEWLETT-PACKARD'S PRETEXTING SCANDAL

On September 28, 2006, the Subcommittee on Oversight and Investigations held a hearing related to the use of private investigators and pretexters by Hewlett-Packard Company (HP) to investigate its Board of Directors, journalists, employees, and others. The purpose of the hearing was to examine the methods and scope of HP's internal investigation into leaks of corporate information that involved procuring the personal telephone records of numerous individuals, without their consent. The Subcommittee received testimony from three panels of witnesses. The first panel's ten witnesses included HP's General Counsel, an HP Senior Counsel, HP's Manager of Global Security Investigations, the managing director of the outside consultant Security Outsourcing Solutions, Inc., the owner of the data broker Action Research Group, and five subcontractors to the data broker—all of whom refused to testify on the basis of their Fifth Amendment right against self-incrimination. The second panel's three witnesses included the former HP Chairman of the Board, the outside counsel to HP's Board of Directors, and an HP "IT Security" employee. The third panel's single witness was HP's Chairman and Chief Executive Officer.

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO HOMELAND SECURITY AND CRITICAL INFRASTRUCTURE PROTECTION

HEARINGS

A REVIEW OF SECURITY INITIATIVES AT DOE NUCLEAR FACILITIES

On March 18, 2005, the Subcommittee on Oversight and Investigations held a hearing to review security initiatives at DOE nuclear facilities. In the aftermath of the September 11, 2001, attacks, physical security requirements at DOE and NNSA sites were dramatically increased to reflect the possibility of large attacks with terrorist that are willing to die to inflict massive damage. The hearing reviewed the implementation of several ongoing security initiatives at NNSA sites, and specifically reviewed security problems that led to the shutdown of operations at the LANL. The shutdown at LANL was also the subject of a subsequent hearing

on May 5, 2005. The Administrator of NNSA provided testimony on NNSA's progress on improving physical security and the security of classified material. The Director of the Office of Security and Safety Performance Assurance, DOE, outlined several security issues that needed greater attention, including cyber security, technology deployment, and the consolidation of nuclear materials. The Director of LANL provided testimony regarding major incidents that led to the shutdown of the laboratory, including the mishandling of classified removable electronic media.

REDUCING THE THREAT OF NUCLEAR TERRORISM

On May 24, 2005, the Subcommittee on Oversight and Investigations held a hearing to review the DOE's Global Threat Reduction Initiative (GTRI), a program to secure high-risk nuclear and radiological materials around the world that could pose a threat when used in a radiological dispersion device (RDD or "dirty bomb") or in an improvised nuclear devise. Witnesses from DOE and the Nuclear Regulatory Commission (NRC) described efforts to recover vulnerable, high-risk nuclear material worldwide. Domestically, GTRI has targeted 25 research reactors for conversion from high-risk HEU fuel to lower-risk LEU fuel. DOE and NRC also discussed their working relationship to identify and secure radiological sources located in the United States, including new security requirements for medical and research facilities, and manufacturers of sealed radioactive sources.

INVESTIGATIONS

MARITIME ENERGY TRANSPORTATION SECURITY

On January 31, 2005, the Full Committee leadership along with the leadership of the Committee on Homeland Security sent a letter to GAO to conduct a review of the vulnerabilities of foreign and domestic maritime energy transport infrastructure to terrorist attack, and efforts by governmental and private sector entities to reduce these vulnerabilities through enhanced security, planning, and other prevention, preparedness, and response activities. Although there is no known terrorist threat to domestic energy transportation infrastructure, there have been several attacks in Iraq and the Middle-East. A successful attack could have significant public health and economic consequences.

MISCELLANEOUS HEARINGS AND INVESTIGATIVE ACTIVITIES

HEARINGS

IMPLEMENTATION OF AN ALL-HAZARDS SATELLITE WARNING SYSTEM

On March 9, 2005, the Subcommittee on Oversight and Investigations held a hearing to examine efforts by the United States and other countries to implement a Global Earth Observation System of Systems (GEOSS) all-hazards warning system. GEOSS represents an initiative to link satellites and other technology into an integrated system to share data, enabling improved prediction of weather- and geological-related events, such as the December 2004

South Asia tsunami. The Subcommittee received testimony from three panels of witnesses to consider the benefits of an all-hazards warning system for the energy, environment, and public health and emergency preparedness sectors. The Subcommittee heard from the Department of Commerce Undersecretary for Oceans and Atmosphere and National Oceanic and Atmospheric Administration Administrator and representatives from the Department of Energy, National Institute of Environmental Health Sciences, and the Environmental Protection Agency. In addition, the Subcommittee heard from representatives of the GEOSS program, the meteorological community, public health community, and satellite community, who spoke to specific aspects and potential of the program.

UNITED NATIONS' OIL-FOR-FOOD PROGRAM

The Committee's oversight of the United Nations' Oil-for-Food Program (the Program) began in the 106th Congress. As part of this oversight, the Subcommittee on Oversight and Investigations launched an in-depth investigation into abuses of the Program by the former Iraqi Regime of Saddam Hussein (the Regime) during the 108th and 109th Congresses. This investigation revealed that the Regime exploited lax oversight of the Program and political divisions within the United Nations to enrich itself at the expense of the Iraqi population.

The Subcommittee's investigation of the Program culminated in two hearings during the 109th Congress. The first hearing, which took place on May 16, 2005, focused on the Regime's abuse of the oil allocation process. Documents disclosed at the hearing—many of which had been translated from Arabic for the Subcommittee—detailed how the Regime used lucrative oil allocations to bribe influential individuals and foreign governments in an effort to undermine sanctions. Witnesses at this hearing included: an Arabic linguist who was retained by the Committee to analyze and translate many of the documents, the author of a comprehensive report on the Program, a university professor knowledgeable about the Program and sanctions generally, and the Director of the Office of Peacekeeping, Sanctions & Counter-Terrorism in the State Department's International Organizations and Affairs Bureau. On June 21, 2005, the Subcommittee held a second hearing to examine how internal divisions within the United Nations' Security Council adversely impacted the effectiveness of the Program. Several representatives from the United States Mission to the United Nations testified about discussions within the "661 Sanctions Committee," which was responsible for general oversight of the Program. A portion of this hearing was conducted in executive session due to the classified status of some of the documents involved.

WASTE, FRAUD, ABUSE IN POST KATRINA RECOVERY

On September 28, 2005, the Subcommittee on Oversight and Investigations held a hearing to review the oversight plans and activities of various Inspectors General with regard to spending for disaster relief and recovery in the Gulf Coast following hurricanes Katrina and Rita. The hearing focused on efforts to guard against waste, fraud, and abuse and issues related to such oversight of funding and of programs that will be involved in long-term rebuild-

ing. The Subcommittee took testimony from a single panel of witnesses, which was comprised of a representative of the GAO and the Inspector Generals for the Department of Energy, Department of Homeland Security, Department of Defense (acting), Environmental Protection Agency, Department of Commerce, and Federal Communications Commission. The Deputy Inspector General for Audits and Deputy Inspector General for Investigations for the Department of Health and Human Services also testified. In response to the Subcommittee Chairman's request at the hearing, the President's Council on Integrity and Efficiency (PCIE) and Executive Council on Integrity and Efficiency (ECIE), the two coordinating entities for Federal Inspectors General, issued a 90–day progress report to Congress regarding oversight of Gulf Coast hurricane recovery. The PCIE/ECIE subsequently continued to provide progress reports in the form of semi-annual oversight reports of Gulf Coast hurricane recovery.

ISSUES RELATING TO THE ADOPTION OF MASHA ALLEN

On September 27, 2006 the Subcommittee held a hearing to follow-up on issues raised at the May 3, 2006 hearing concerning the adoption of Masha Allen (see hearings, above, relating to sexual exploitation of children over the Internet). At the May 3 hearing, Masha Allen, along with her attorney, raised questions about what adoption agency was responsible for her placement with Matthew Mancuso, whether any follow-up was done by any U.S. agency once she was brought to the U.S. by Mancuso, and whether there were any red flags in Mancuso's adoption application that should have been picked up by any of the U.S. agencies involved in the adoption. At the September 27 hearing, the Subcommittee heard testimony from representatives of Families Through International Adoption, the agency that initially processed Mancuso's preliminary paperwork; Adagio Health Services, the agency that performed the home study evaluation of Mancuso prior to his adoption of Masha, and several current and former employees of Reaching Out Through International Adoption, the adoption agency that was primarily responsible for placing Masha with Mancuso and for performing any required follow-up work associated with an international adoption. Testimony at the hearing established that Reaching Out Through International Adoption, a N.J. agency, was not licensed during the time period when they provided Mancuso with the referral of Masha and that the agency was responsible for all material aspects of Mancuso's adoption of Masha, including ensuring that in-person post-placement reports were conducted by a licensed agency in Pennsylvania, the State in which Masha and Mancuso were residents. In addition, the Subcommittee heard testimony from two witnesses about the general practices employed by U.S. agencies performing international adoptions.

INVESTIGATIONS

DATA QUALITY ACT IMPLEMENTATION

In the 109th Congress, the Full Committee Chairman opened a review of agency implementation of the Data Quality Act. As part of this review, on January 13, 2005 the Chairman wrote 15 agen-

cies and commissions within the Committee's jurisdiction, seeking documents and other information relating to each agency's implementation of the data-quality guidelines and procedures required by Section 515 of the Treasury and General Government Appropriates Act for Fiscal 2001, which is commonly known as the Data Quality Act. Under the Act, each agency is required to issue guidelines for "ensuring and maximizing the quality, objectivity, utility, and integrity of information" that agencies disseminate. The review seeks to assess agency implementation as well as the general effectiveness and impact of the Act's requirements.

REDUCTION OF UNNECESSARILY BURDENSOME RULES AND REGULATIONS

In the 109th Congress, the Full Committee Chairman and Subcommittee on Oversight and Investigations Chairman opened a review of efforts by Federal agencies to reduce unnecessarily burdensome regulations, particularly regulations on small businesses. As part of this review, on April 5, 2005 the Chairmen wrote ten Federal agencies within the Committee's jurisdiction, seeking documents and information relating to each agency's compliance with Section 610 of the Regulatory Flexibility Act (RFA) of 1980. Under Section 610, each Federal agency must plan for, and conduct, the periodic review of its rules that have or will have a significant economic impact on a substantial number of small entities, i.e. small businesses, small government jurisdictions, and other small organizations. The letters sought information to help determine the general impact and effectiveness of this regulatory-review requirement for meeting the goals of RFA. On May 19, 2006, the Chairmen requested that the GAO examine the impact of Section 610, both to assess implementation of the provision specifically and to provide insights into the implementation of retrospective regulatory reviews in general. A GAO report is expected in the 110th Congress.

HEARINGS HELD

The Implementation of GEOSS: A Review of the All-Hazards Warning System and its Benefits to Public Health, Energy, and the Environment.—Oversight hearing on The Implementation of GEOSS: A Review of the All-Hazards Warning System and its Benefits to Public Health, Energy, and the Environment. Hearing held on March 9, 2005. PRINTED, Serial Number 109–2.

Problems with the E-Rate Program: GAO Review of FCC Management and Oversight.—Oversight hearing on Problems with the E-Rate Program: GAO Review of FCC Management and Oversight. Hearing held on March 16, 2005. PRINTED, Serial Number 109–7.

A Review of Security Initiatives at DOE Nuclear Facilities.—Oversight hearing on A Review of Security Initiatives at DOE Nuclear Facilities. Hearing held on March 18, 2005. PRINTED, Serial Number 109–66.

The State of Readiness for the 2005–2006 Flu Season.—Oversight hearing on The State of Readiness for the 2005–2006 Flu Season. Hearing held on May 4, 2005. PRINTED, Serial Number 109–79.

A Review of Ongoing Management Concerns at Los Alamos National Laboratory.—Oversight hearing on A Review of Ongoing Management Concerns at Los Alamos National Laboratory. Hearing held on May 5, 2005. PRINTED, Serial Number 109–45.

The United Nations Oil-For-Food Program: Saddam Hussein's Use of Oil Allocations to Undermine Sanctions and the United Nations Security Council.—Oversight hearing on The United Nations Oil-For-Food Program: Saddam Hussein's Use of Oil Allocations to Undermine Sanctions and the United Nations Security Council. Hearing held on May 16, 2005. PRINTED, Serial Number 109–29.

Subversion of Drug Testing Programs.—Oversight hearing on Subversion of Drug Testing Programs. Hearing held on May 17, 2005. PRINTED, Serial Number 109–47.

Reducing the Threat of Nuclear Terrorism: A Review of the Department of Energy's Global Threat Reduction Initiative.—Oversight hearing on Reducing the Threat of Nuclear Terrorism: A Review of the Department of Energy's Global Threat Reduction Initiative. Hearing held on May 24, 2005. PRINTED, Serial Number 109–67.

A Review of Community Health Centers: Issues and Opportunities.—Oversight hearing on A Review of Community Health Centers: Issues and Opportunities. Hearing held on May 25, 2005. PRINTED, Serial Number 109–31.

The United Nations Oil-For-Food Program: A Review of the 661 Sanctions Committee.—Oversight hearing on The United Nations Oil-For-Food Program: A Review of the 661 Sanctions Committee. Hearing held on June 21, 2005. PRINTED, Serial Number 109–30.

Assessing Public Health and the Delivery of Care in the Wake of Katrina.—Joint oversight hearing with the Subcommittee on Health on Assessing Public Health and the Delivery of Care in the Wake of Katrina. Hearing held on September 22, 2005. PRINTED, Serial Number 109–50.

Guarding Against Waste, Fraud, and Abuse in Post-Katrina Relief and Recovery: The Plans of Inspectors General.—Oversight hearing on Guarding Against Waste, Fraud, and Abuse in Post-Katrina Relief and Recovery: The Plans of Inspectors General. Hearing held on September 28, 2005. PRINTED, Serial Number 109–51.

FCC's E-Rate Plans to Assist Gulf Coast Recovery: Ensuring Effective Implementation.—Oversight hearing on FCC's E-Rate Plans to Assist Gulf Coast Recovery: Ensuring Effective Implementation. Hearing held on October 6, 2005. PRINTED, Serial Number 109–54.

A Review of GAO's Findings and Recommendations Regarding the Department of Energy's Efforts to Consolidate Surplus Plutonium Inventories.—Oversight hearing on A Review of GAO's Findings and Recommendations Regarding the Department of Energy's Efforts to Consolidate Surplus Plutonium Inventories. Hearing held on October 7, 2005. PRINTED, Serial Number 109–56.

Thoroughbred Horse Racing Jockeys and Workers: Examining On-Track Injury Insurance and Other Health and Welfare Issues.—Oversight hearing on Thoroughbred Horse Racing Jockeys and Workers: Examining On-Track Injury Insurance and Other Health

and Welfare Issues. Hearing held on October 18, 2005. PRINTED, Serial Number 109–34.

Thoroughbred Horse Racing Jockeys and Workers: Examining On-Track Injury Insurance and Other Health and Welfare Issues.—Oversight hearing on Thoroughbred Horse Racing Jockeys and Workers: Examining On-Track Injury Insurance and Other Health and Welfare Issues. Hearing held on November 17, 2005. PRINTED, Serial Number 109–62.

Safety of Imported Pharmaceuticals: Strengthening Efforts to Combat the Sales of Controlled Substances Over the Internet.—Oversight hearing on Safety of Imported Pharmaceuticals: Strengthening Efforts to Combat the Sales of Controlled Substances Over the Internet. Hearing held on December 13, 2005. PRINTED, Serial Number 109–46.

Oversight and Administration of the 340B Drug Discount Program: Improving Efficiency and Transparency.—Oversight hearing on Oversight and Administration of the 340B Drug Discount Program: Improving Efficiency and Transparency. Hearing held on December 15, 2005. PRINTED, Serial Number 109–108.

A Review of DOE Paducah Site Operations.—Oversight hearing on A Review of DOE Paducah Site Operations. Hearing held on January 19, 2006. PRINTED, Serial Number 109–60.

Hospital Disaster Preparedness: Past, Present, and Future.—Oversight hearing on Hospital Disaster Preparedness: Past, Present, and Future. Hearing held on January 26, 2006. PRINTED, Serial Number 109–115.

The Silicosis Story: Mass Tort Screening and the Public Health.—Oversight hearings on The Silicosis Story: Mass Tort Screening and the Public Health. Hearings held on March 8, 2006, March 31, 2006, June 6, 2006, and July 26, 2006. PRINTED, Serial Number 109–124.

Sexual Exploitation of Children Over the Internet: What Parents, Kids and Congress Need to Know About Child Predators.—Oversight hearings on Sexual Exploitation of Children Over the Internet: What Parents, Kids and Congress Need to Know About Child Predators. Hearings held on April 4, 2006, April 6, 2006, and May 3, 2006. PRINTED, Serial Number 109–126.

Thoroughbred Horse Racing Jockeys and Workers: Examining On-Track Injury Insurance and Other Health and Welfare Issues.—Oversight hearing on Thoroughbred Horse Racing Jockeys and Workers: Examining On-Track Injury Insurance and Other Health and Welfare Issues. Hearing held on May 9, 2006. PRINTED, Serial Number 109–98.

Public Reporting of Hospital-Acquired Infection Rates: Empowering Consumers, Saving Lives.—Oversight hearing on Public Reporting of Hospital-Acquired Infection Rates: Empowering Consumers, Saving Lives. Hearing held on March 29, 2006. PRINTED, Serial Number 109–85.

Cyber Security Challenges at the Department of Energy.—Oversight hearing on Cyber Security Challenges at the Department of Energy. Hearing held on June 9, 2006. PRINTED, Serial Number 109–107.

Human Tissue Samples: NIH Research Policies and Practices.—Oversight hearings on Human Tissue Samples: NIH Research Poli-

cies and Practices. Hearings held on June 13, 2006, and June 14, 2006. PRINTED, Serial Number 109–119.

A Review of NRC's Reactor Oversight Process.—Oversight hearing on A Review of NRC's Reactor Oversight Process. Hearing held on June 19, 2006. PRINTED, Serial Number 109–104.

Internet Data Brokers and Pretexting: Who Has Access to Your Private Records?.—Oversight hearings on Internet Data Brokers and Pretexting: Who Has Access to Your Private Records? Hearings held on June 21, 2006, June 22, 2006, and September 29, 2006. PRINTED, Serial Number 109–131.

Making the Internet Safe for Kids: The Role of ISPs and Social Networking Sites.—Oversight hearings on Making the Internet Safe for Kids: The Role of ISPs and Social Networking Sites. Hearings held on June 27, 2006, and June 28, 2006. PRINTED, Serial Number 109–123.

Sexual Exploitation of Children over the Internet: How the State of New Jersey is Combating Child Predators on the Internet.—Oversight hearing on Sexual Exploitation of Children over the Internet: How the State of New Jersey is Combating Child Predators on the Internet. Hearing held on July 10, 2006. PRINTED, Serial Number 109–122.

Questions Surrounding the 'Hockey Stick' Temperature Studies: Implications for Climate Change Assessments.—Oversight hearings on Questions Surrounding the 'Hockey Stick' Temperature Studies: Implications for Climate Change Assessments. Hearings held on July 19, 2006, and July 27, 2006. PRINTED, Serial Number 109–128.

BP's Pipeline Spills at Prudhoe Bay: What Went Wrong?.—Oversight hearing on BP's Pipeline Spills at Prudhoe Bay: What Went Wrong? Hearing held on September 7, 2006. PRINTED, Serial Number 109–135.

Continuing Ethics and Management Concerns at NIH and the Public Health Service Commissioned Corps.—Oversight hearing on Continuing Ethics and Management Concerns at NIH and the Public Health Service Commissioned Corps. Hearing held on September 13, 2006. PRINTED, Serial Number 109–136.

Deleting Commercial Child Pornography Sites From the Internet: The U.S. Financial Industry's Efforts to Combat This Problem.—Oversight hearing on Deleting Commercial Child Pornography Sites From the Internet: The U.S. Financial Industry's Efforts to Combat This Problem. Hearing held on September 21, 2006. PRINTED, Serial Number 109–141.

Sexual Exploitation of Children Over the Internet: The Face of a Child Predator and Other Issues.—Oversight hearing on Sexual Exploitation of Children Over the Internet: The Face of a Child Predator and Other Issues. Hearing held on September 26, 2006. PRINTED, Serial Number 109–143.

Sexual Exploitation of Children Over the Internet: Follow-up Issues to the Masha Allen Adoption.—Oversight hearing on Sexual Exploitation of Children Over the Internet: Follow-up Issues to the Masha Allen Adoption. Hearing held on September 27, 2006. PRINTED, Serial Number 109–145.

Hewlett-Packard's Pretexting Scandal.—Oversight hearing on Hewlett-Packard's Pretexting Scandal. Hearing held on September 28, 2006. PRINTED, Serial Number 109–146.

COMMITTEE ON ENERGY AND COMMERCE OVERSIGHT PLAN FOR THE 109TH CONGRESS

Clause 2(d) of Rule X of the Rules of the House of Representatives for the 109th 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 January 2 of each odd-numbered year, a report on the activities of that committee under Rules X and XI during the Congress ending at noon on January 3 of such year. Clause 1(d)(3) 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.

Part A of this section contains the Committee on Energy and Commerce Oversight Plan for the 109th Congress, which was considered and adopted by a voice vote of the Full Committee on February 9, 2005, a quorum being present.

Part B of this section contains a summary of the actions taken by the Committee on Energy and Commerce to implement the Oversight Plan for the 109th Congress and the recommendations made with respect to this plan.

PART A

COMMITTEE ON ENERGY AND COMMERCE OVERSIGHT PLAN

U.S. HOUSE OF REPRESENTATIVES

109TH CONGRESS

CONGRESSMAN JOE BARTON, CHAIRMAN

Rule X, clause 2(d) of the Rules of the House requires each standing Committee to adopt an oversight plan for the two-year period of the Congress and to submit the plan to the Committees on Government Reform and House Administration not later than February 15 of the first session of the Congress.

This is the oversight plan of the Committee on Energy and Commerce for the 109th Congress. It includes the areas in which the Committee expects to conduct oversight during the 109th Congress, but does not preclude oversight or investigation of additional matters as the need arises.

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COMMERCE, TRADE, AND CONSUMER PROTECTION ISSUES

THE FEDERAL TRADE COMMISSIONS CONSUMER PROTECTION EFFORTS

In the 109th Congress, the Committee will review the management, operations, rulemaking, and enforcement actions of the Federal Trade Commission (FTC). In particular, the Committee will review Commission activity with regard to franchises, business opportunities, telemarketing and identity theft, as well as actions regarding false and deceptive advertising in safeguarding consumers.

CONSUMER PRODUCT SAFETY

In the 109th Congress, the Committee will review the management, operations, and activities of the Consumer Product Safety Commission (CPSC) in safeguarding consumers, and particularly children, from faulty or dangerous products. This may include review of the adequacy of the CPSC's authority and data gathering

and dissemination efforts with respect to products within its jurisdiction, and other activities that enhance consumer product safety, such as safety standard organizations.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

In the 109th Congress, the Committee will review the management, operations, and activities of the National Highway Traffic Safety Administration, particularly as they pertain to motor vehicle-related safety.

INTERSTATE AND E-COMMERCE

In the 109th Congress, the Committee will examine issues that substantially impact or affect interstate commerce, with particular interest in activities that impede such commerce. The Committee will review consumer information privacy in the commercial context. The Committee also will examine impediments to electronic commerce, including Federal legal and regulatory impediments. In addition, the Committee will review and consider issues relating to private-sector cyber security, fraud, and other criminal issues confronting e-commerce.

TRADE

In the 109th Congress, the Committee will monitor and examine both multilateral trade agreements (including World Trade Organization agreements) and bilateral agreements as those agreements relate to services within the Committee's jurisdiction—including telecommunications, electronic commerce, food and drugs, and energy. The Committee also will examine non-tariff trade barriers, such as legal and regulatory barriers, to electronic commerce and other services within the Committee's jurisdiction.

TRAVEL AND TOURISM

In the 109th Congress, the Committee will review issues affecting the travel and tourism industries, as well as how the industries, along with Federal and Federal governments, can encourage and promote the United States as a travel destination for international and domestic passengers.

SPORTS

In the 109th Congress, the Committee will examine issues in the commerce of professional and amateur sports, including the National Collegiate Athletic Association (and the recruiting of athletes). The Committee will also examine the abuse of steroids by amateur and professional athletes.

ENERGY AND AIR QUALITY ISSUES

NATIONAL ENERGY POLICY

During the 109th Congress, 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 govern-

ment policies and programs on the exploration, production, and development of domestic energy resources. The Committee also will examine global crude oil supplies in light of potential supply interruptions, and increasing competition from other countries for swing supply. The Committee will examine other issues relating to the nation's current energy infrastructure with a view towards its expansion.

ELECTRICITY MARKETS

In the 109th Congress, the Committee will review electricity transmission policies of the Federal government to 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 will also review DOE management of the contractors that operate 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 problems at the Los Alamos National Laboratory, the Office of Environmental Management's accelerated cleanup program and high-level waste management efforts, and DOE's progress toward submitting a license application for Yucca Mountain.

THE NUCLEAR REGULATORY COMMISSION

The Committee will review the activities of the Nuclear Regulatory Commission (NRC). The Committee will examine NRC's budget requests, conduct oversight of how the Commission discharges its various responsibilities, and review whether the Commission is an effective regulator of nuclear facilities. In particular, the Committee will monitor closely the efforts of NRC to fully implement new security requirements at commercial nuclear power plants.

CLEAN AIR ACT

In the 109th Congress, the Committee will review significant activities regarding the Clean Air Act and the success of various efforts in achieving improved air quality in a manner that allows both administrative flexibility and improved cost-effectiveness. The Committee's review will include oversight of the Environmental Protection Agency's (EPA) strategies and actions to attain Clean Air Act standards.

ENVIRONMENT AND HAZARDOUS MATERIALS ISSUES

EPA MANAGEMENT AND OPERATIONS

During the 109th Congress, the Committee intends to conduct its 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, and program management and implementation.

HAZARDOUS AND TOXIC WASTES

In the 109th Congress, the Committee will review the efficiency, effectiveness, funding, and pace of progress of the Superfund program. The Committee will review the EPA's relationship to the States' toxic waste cleanup programs, and whether Federal program reforms, additional funding, or stronger enforcement under the Resource Conservation and Recovery Act are necessary to expedite cleanups at toxic waste sites. The Committee will conduct and review global hazardous materials treaties which the United States is a signatory and monitor compliance of these agreements with Federal and Federal environmental laws and regulations.

DEPARTMENT OF DEFENSE COMPLIANCE WITH ENVIRONMENTAL LAWS

The Committee will review DOD's environmental activities and ascertain its record of clean-up effectiveness, ongoing monitoring, and compliance with Federal and Federal environmental laws and regulations.

HEALTH AND HEALTHCARE ISSUES

FOOD AND DRUG ADMINISTRATION

In the 109th Congress, the Committee will review the management, operations, and activities of the Food and Drug Administration (FDA), including its implementation of relevant statutes and regulations connected to its mission to ensure the safety of drugs and the food supply. This will include the review of issues connected to the approval process and post- market surveillance of drugs and medical devices, as well as issues surrounding the innovation and development of vaccines, drugs, and devices.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

In the 109th Congress, the Committee will review the management, operations, and activity of the Centers for Medicare and Medicaid Services (CMS), including its management and oversight of the programs it administers. The Committee will also examine and review Medicare and Medicaid management and activity as it relates to ongoing Committee efforts to prevent waste, fraud, and abuse in Federal health care programs.

CENTERS FOR DISEASE CONTROL AND PREVENTION

In the 109th Congress, the Committee will review the management, operations, and activity of the Centers for Disease Control and Prevention, with particular focus on its work relating to surveillance and prevention of disease outbreaks.

NATIONAL INSTITUTES OF HEALTH

In the 109th Congress, the Committee will examine the National Institutes of Health's (NIH) organizational structure, priority setting, and research activities. This effort will include oversight of management and operations of internal NIH programs as well as NIH-funded extramural research.

TELECOMMUNICATIONS ISSUES

FEDERAL COMMUNICATIONS COMMISSION

During the 109th Congress, the Committee will conduct its oversight of Federal Communications Commission (FCC) management and operations, including the impact of its decisions and actions on the U.S. economy and economic growth.

AVAILABILITY OF BROADBAND TECHNOLOGIES

In the 109th Congress, the Committee will examine the availability of broadband technologies and the deployment of broadband services and facilities. The Committee will also evaluate the impact of the Communications Act and FCC regulations on the deployment of new technologies, services, and facilities, and whether the law and the regulations are maximizing the incentives that all entities have to make investments in broadband networks.

UNIVERSAL SERVICE REFORM

In the 109th Congress, the Committee will examine the FCC's universal service support policies and evaluate how these policies can be modernized to reflect the redistribution of communications traffic among new communications mediums, as well as the efficacy of utilizing fixed and mobile wireless technologies to reduce the costs of ensuring that high cost and low income consumers have reasonable access to telecommunications services. The Committee will also review whether the program's structure and internal processes need to be changed to control waste, fraud and abuse of Universal Service funds.

DIGITAL TELEVISION

Congress gave each broadcaster an additional 6 MHz allocation of spectrum in 1997 to transmit television in digital format while they continue to provide analog broadcasts on their original 6 MHz channels. Each television broadcast licensee is supposed to return a 6 MHz channel and transmit exclusively in digital by Dec. 31, 2006, or once 85 percent of television households in the market can receive digital channels, whichever is later. Some of that spectrum has been earmarked for public-safety use upon return and some for auction for advanced commercial services, such as wireless broadband. In the 109th Congress, the Committee will examine the Commission's progress in completing the DTV transition.

ENFORCEMENT OF THE FCC'S DECENCY REGULATIONS

During the 109th Congress, the Committee will conduct its oversight of the FCC's enforcement of broadcast decency laws and regulations, including examining how Congress and the FCC can help

broadcasters to reduce the level of indecent material on television and radio.

SPECTRUM MANAGEMENT

During the 109th Congress, the Committee will conduct its oversight of the FCC's management of the nation's spectrum. An increasing portion of communications services utilize spectrum to provide voice, video, and data services to consumers. The Committee will evaluate the FCC's spectrum-management policies to ensure that such policies are maximizing the use of the public airwaves for innovative communications services.

HOMELAND SECURITY ISSUES

CRITICAL INFRASTRUCTURE ASSURANCE ACTIVITIES

In the 109th Congress, the Committee intends to review infrastructure assurance efforts that affect areas within the Committee's jurisdiction.

NUCLEAR SMUGGLING

In the 109th Congress, the Committee will 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 equipment aimed at detecting and preventing the smuggling of dangerous commerce, particularly nuclear and radiological weapons of mass destruction.

BIOTERRORISM PREPAREDNESS AND RESPONSE

In the 109th Congress, the Committee will review the implementation of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 by the Department of Health and Human Services (HHS), and 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 OPERATIONS

During the 109th Congress, 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, Federal, 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 109th Congress, the Committee will review efforts to ensure that Federal agencies are complying with the cyber security provisions of the new Homeland Security Act.

MISCELLANEOUS ISSUES

UNITED NATION'S OIL FOR FOOD PROGRAM

In the 109th Congress, the Committee will conduct its investigation of the United Nation's Oil for Food Program.

FEDERAL AGENCY MANAGEMENT

As part of the Committee's oversight responsibilities generally and as an expansion of its review of conflict-of-interest policies in particular, the Committee will examine ethics policies and practices at Federal agencies and commissions within the Committee's jurisdiction. The Committee will also examine agency procurement practices and contracts, as well as agency implementation of laws and regulations. The Committee will also review agency risk assessment practices and implementation of the Data Quality Act.

PART B

IMPLEMENTATION OF THE COMMITTEE ON ENERGY AND COMMERCE OVERISGHT PLAN FOR THE 109TH CONGRESS

COMMERCE, TRADE, AND CONSUMER PROTECTION ISSUES

THE FEDERAL TRADE COMMISSION'S CONSUMER PROTECTION EFFORTS

In the 109th Congress, the Committee continued to review the management, operations, rulemaking, and enforcement actions of the Federal Trade Commission (FTC). As part of this oversight, the Committee reviewed Commission activity with regard to identity theft, as well as actions relating to false and deceptive advertising and consumer protection efforts and opportunities in general.

On June 14, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Violent & Explicit Video Games: Informing Parents & Protecting Children. The hearing focused on the content of video games and the system of rating those games. The Subcommittee received testimony from the Federal Trade Commission, a large retailer, the video game industry, the video games rating group, a professor of risk analysis and decision science, an expert in technology for children, and a media review public interest group. Relatedly, on September 26, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Editing Hollywood's Editors: Cleaning Flicks for Families. The hearing focused on different methods and new technologies that allow consumers to view movies while muting or removing content that some viewers may find offensive or unnecessarily explicit. The Subcommittee received testimony from a consumer electronics company, the motion picture industry, a representative of the creative community, and a high-tech think tank.

On September 15, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Contact Lens Sales: Is Market Regulation the Prescription? The focus of the hearing was the current state of the contact lens market. The Subcommittee received testimony from the Federal Trade Commission, the Attorney General of the State of Utah, a contact lens retailer, a contact lens manufacturer, a representative of the American Academy of Ophthalmology; and a representative of the American Optometric Association.

CONSUMER PRODUCT SAFETY

In the 109th Congress, while the Committee took no direct oversight action, it continued to review the management, operations, and activities of the Consumer Product Safety Commission (CPSC)

in safeguarding consumers, and particularly children, from faulty or dangerous products.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

In the 109th Congress, the Committee continued to review the management, operations, and activities of the National Highway Traffic Safety Administration, particularly as they pertain to motor vehicle-related safety. As part of this oversight, on June 23, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Reauthorization of the National Highway Traffic Safety Administration. The purpose of the hearing was to inform Subcommittee Members about the pending reauthorization language in the Senate Transportation bill, and the potential inclusion of that language in the Transportation Conference report. The Subcommittee received testimony from the National Highway Traffic and Safety Administration, the insurance industry, the automobile manufacturers, a public interest association that deals with automobile issues, an interest group that specializes in safety with regard to children.

On July 18, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Motor Vehicle Technology and the Consumer: Views from the National Highway Traffic Safety Administration. The hearing was about new technologies developing in the world of automobiles. The Subcommittee received testimony from the National Highway Traffic and Safety Administration.

INTERSTATE AND E-COMMERCE

In the 109th Congress, the Committee continued to examine issues that substantially impact or affect interstate commerce, with particular interest in activities that impede such commerce. The Committee reviewed consumer information privacy in the commercial context and also examined impediments to electronic commerce, including Federal legal and regulatory impediments. In addition, the Committee reviewed and examined issues relating to private-sector cyber security, fraud, and other criminal issues confronting e-commerce.

With regard to information privacy and related issues, on March 15, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Protecting Consumer's Data: Policy Issues Raised by ChoicePoint. The purpose of the hearing was to examine issues related to data security and identity theft. The Subcommittee examined whether existing law provides sufficient protection for consumer information. The Subcommittee received testimony from the Federal Trade Commission, two data brokers, a cybersecurity expert, and an expert on privacy law. On May 11, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Securing Consumers' Data: Options Following Security Breaches. This hearing continued the Subcommittee's examination of consumer data security practices and consumer identity theft. The Subcommittee's primary focus was on whether existing law provides adequate protection for consumers and their data. The Subcommittee received tes-

timony from two data brokers, a credit card company, a company specializing in digital encryption, and a law professor.

Relatedly, in 2006, the Subcommittee on Oversight and Investigations held three hearings regarding the Internet-based data broker industry. The purpose of the hearings was to examine the use by these data brokers and their subcontractors of pretexting or "social engineering"—that is, deceit, impersonation, and fraud—to procure and sell consumers' confidential cell phone calling records and other personal consumer information, such as bank account activity or credit card statements. A June 21 hearing focused on the actual data brokers and how they acquire the information and to whom they sell the records, and the Subcommittee received testimony from three panels of witnesses. The first panel consisted of one witness who had been a victim of a data broker that repeatedly procured his cell phone records without his consent. On the second panel, two witnesses testified; the former owner of the Colorado data broker Touch Tone Information, Inc., and a "skiptracer" who works for the repossession industry. The third panel included eleven witnesses, all of whom were data brokers that the Subcommittee had focused on during its investigation. All eleven witnesses refused to testify, each invoking their Fifth Amendment right against self-incrimination. A June 22 hearing focused on (1) Federal efforts to combat illicit data brokers and (2) the use of data brokers by Federal and local law enforcement agencies to procure phone records. The Subcommittee received testimony from three panels of witnesses. The first panel consisted of two assistant attorneys general—one from the Missouri Attorney General's Office and another from the Florida Attorney General's Office. The second panel consisted of representatives from the Federal Bureau of Investigation, the U.S. Marshals Service, the U.S. Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the Department of Homeland Security's U.S. Immigration and Customs Enforcement. During the third panel, police officers representing Miami-Dade Police Department and the Austin (Texas) Police Department testified. A September 29 hearing focused on progress made by Federal agencies to combat illicit data brokers, as well as steps being taken by the nation's largest wireless phone carriers to protect consumers' phone records from pretexters. The Subcommittee received testimony from four panels of witnesses. The first panel's single witness was a private investigator and frequent data broker customer for calling records, who refused to testify on the basis of their Fifth Amendment right against self-incrimination. The second panel's single witness was a journalist for a major newspaper whose phone records were procured by a pretexter. The third panel consisted of representatives of the nation's six largest wireless phone companies, including Cingular Wireless, Verizon Wireless, T-Mobile USA, Sprint Nextel, Alltel Wireless, and US Cellular. The fourth panel received testimony from officials from the FCC and the FTC.

On May 11, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Social Security Numbers In Commerce: Reconciling Beneficial Uses with Threats to Privacy. The hearing focused on privacy threats with regard to the dissemination of Social Security Numbers. The Subcommittee

received testimony from the Federal Trade Commission, the financial industry, an expert in pensions, a lawyer, and an expert in consumer privacy. On June 20, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Privacy in the Commercial World II. The hearing focused on the state of privacy protections in commercial transactions. The Subcommittee received testimony from an online auction site, a think tank, a law professor, a high-tech company, and an expert in consumer privacy.

In connection with the Committee's oversight of issues affecting interstate commerce, on November 10, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on the Right to Repair: Industry Discussions and Legislative Options. The purpose of the hearing was to examine the status of industry negotiations to reach a non-legislative solution regarding the availability of service and repair information. Specifically, the industry participants held a series of meetings—facilitated by the Council of Better Business Bureaus—during August and September 2005 in an effort to reach agreement. Witnesses included the Federal Trade Commission, the Council of Better Business Bureaus, the Coalition for Auto Repair Equality, the Alliance of Automobile Manufacturers, the AAA Auto Repair Network, the Automotive Service Association, the National Federation of Independent Business, Association of International Automobile Manufacturers, Automotive Aftermarket Industry Association, and the National Automobile Dealers Association.

On February 15, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on the Law and Economics of Interchange Fees. The hearing explored what these fees are, how payment systems are structured, and how they affect consumers, small businesses, and others. The Subcommittee received testimony from the electronic payments industry, the convenience store industry, a coalition of small businesses, and a public interest group.

On March 1, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing to examine Car Title Fraud: Issues and Approaches for Keeping Consumers Safe on the Road. Specifically, the Subcommittee examined the safety and fraud aspects for consumers that results when a damaged car receives a new title from another State that does not show the damage and is then sold to consumers fraudulently representing or hiding its actual condition. Witnesses described alternatives to the Federal regulatory regimes and the previous attempts to provide uniform Federal titling laws. The subcommittee received testimony from witnesses representing a State Department of Motor Vehicles, a consumer group, and industry participants.

On March 29 and May 3, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held a two-part oversight hearing exploring the intersection of the content industry and the consumer electronics industry, both how they are interdependent now and how they will continue to be in the future. The March 29, 2006, hearing focused on the video side of the industry, and the Subcommittee received testimony from two consumer electronics companies, the motion picture industry, and the video game industry.

The May 3, 2006, hearing focused on the audio side of the industry, and the Subcommittee received testimony from a satellite radio company, the recording industry, the broadcasters, the songwriters, and a high-tech company.

TRADE

In the 109th Congress, the Committee monitored and examined both multilateral trade agreements (including World Trade Organization agreements) and bilateral agreements as those agreements relate to services within the Committee's jurisdiction—including telecommunications, electronic commerce, food and drugs, and energy. The Committee also will examine non-tariff trade barriers, such as legal and regulatory barriers, to electronic commerce and other services within the Committee's jurisdiction.

On April 28, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on the Dominican Republic-Central America Free Trade Agreement. The Subcommittee received testimony from the Office of the U.S. Trade Representative, a representative from the U.S. business industry, a labor group, an advocate for free trade, American manufacturers, the American sugar industry, an economics professor, the U.S. Chamber of Commerce, and an environmental group.

On June 9, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on issues before the JCCT. Under Secretary Dudas was Chair of the Intellectual Property Rights Working Group of the JCCT and thus the focus of the hearing centered on IP infringement to U.S. businesses that are estimated to be $2.5 to 3.5 billion in lost sales in 2004. Specifically, China's obligation as a member of the WTO and its commitments to prevent piracy and protect IP were examined, including China's commitments made at the prior meeting of the JCCT. The Subcommittee received testimony from Mr. Jon W. Dudas, Under Secretary of Commerce for Intellectual Property, Director, United States Patent and Trademark Office.

On Wednesday, June 25, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Product Counterfeiting: How Fakes are Undermining U.S. Jobs, Innovation, and Consumer Safety. The purpose of the hearing was to examine issues related to the effects of product counterfeiting on the U.S. economy and consumers. The Subcommittee received testimony demonstrating the global marketplace for counterfeit goods has increased to $600 billion annually, regardless of quality of the product. The witnesses also described the safety implications for consumers and businesses who unknowingly buy or sell fake goods that do not meet safety regulations, such as faulty brake pads and counterfeit pharmaceuticals. Witnesses included representatives from a range of businesses engaged in manufacturing consumer products and pharmaceuticals, trade associations, and coalition of businesses formed to combat counterfeiting.

On September 21, 2006, the Subcommittee on Commerce, Trade, and Consumer Protection held a joint oversight hearing with the Subcommittee on Telecommunications and the Internet to examine issues related to ICANN. Specifically the Subcommittee examined the trade-related issues of the current structure for U.S. businesses

and the consumer benefits of non multi national governmental entity supervising or regulating the Internet, as had been proposed by some countries. The Subcommittees received testimony from the Department of Commerce, the chief executive officer of ICANN, and representatives of the software and information industry as well as public policy organizations.

In connection with its oversight of trade as it relates to U.S. commerce in general, on June 29, 2006, the Committee on Energy and Commerce will hold an oversight hearing on Growth, Opportunity, Competition—America Goes to Work. The purpose of the hearing was to explore the Department of Commerce's mission to promote foreign and domestic commerce of the United States. The Department of Commerce has taken the responsibility to promote economic development and technological advancement in the U.S. through its various programs and bureaus. The Subcommittee received testimony from the Secretary of the U.S. Department of Commerce.

TRAVEL AND TOURISM

In the 109th Congress, while the Committee took no direct oversight action, it continued to monitor issues affecting the travel and tourism industries, as well as how the industries, along with Federal and Federal governments, can encourage and promote the United States as a travel destination for international and domestic passengers.

SPORTS

In the 109th Congress, the Committee examined issues in the commerce of professional and amateur sports, including the National Collegiate Athletic Association (and the recruiting of athletes). The Committee will also examine the abuse of steroids by amateur and professional athletes.

On March 10, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Steroids in Sports: Cheating the System and Gambling Your Health. The Subcommittee on Commerce, Trade, and Consumer Protection examined the effect of increased use and availability of steroids on the health of the individuals and integrity of the competitions. Additionally, the Subcommittee examined methods to combat the use of steroids. Witnesses included a current Congressman, a parent of a deceased high school athlete who used steroids, health experts and researchers, the U.S. anti-doping agency, and representatives of professional, collegiate, and high school athletic leagues and associations. On December 7, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing on Determining a Champion on the Field: A Comprehensive Review of the BCS and Postseason College Football. The purpose of the hearing was to examine the current system for determining a national champion for Division I college football. Included in the discussion of whether the system was fair was the financial impact the bowl system and BCS system have on BCS and non-BCS teams and conferences. The Subcommittee received testimony from witnesses representing bowl coalitions, athletic conferences, a university chan-

cellor, and individual bowls including a BCS bowl and a non-BCS bowl.

The Subcommittee on Oversight and Investigations held three hearings related to the nation's thoroughbred horse racing industry. In particular, the purpose of the hearings was to focus on the state of "on-track" injury insurance and other health and welfare issues that are faced by jockeys, exerciser riders, and other workers in the thoroughbred horse racing industry. An October 18 hearing primarily focused on the Jockeys' Guild—an association of licensed professional jockeys that had historically taken care of its members' health insurance and welfare needs, and also provided assistance to permanently disabled riders. The hearing examined allegations that under the leadership and direction of the Guild's then-Chief Executive Officer, the Guild's management had improperly canceled a catastrophic injury insurance policy, without notice; and that the then-CEO had mismanaged the Guild's finances, including several disability funds. The Subcommittee received testimony from three panels of witnesses. On the first panel, a former professional jockey who was permanently paralyzed during a horse race at Mountaineer Park, in West Virginia, and the jockey's wife, testified. The second panel consisted of nine current or former professional jockeys, including Hall of Fame riders, who were then or formerly involved with management of the Guild. Three witnesses testified during the third panel, including the Guild's then-CEO, the Guild's Chief Operating Officer, and the Guild's General Counsel. A November 17 hearing focused on efforts by various stakeholders in the horse racing industry to improve the health and welfare of jockeys and other workers, including steps taken to establish better catastrophic insurance coverage or create workers' compensation programs. The Subcommittee received testimony from two panels of witnesses. The first panel of seven witnesses consisted of representatives from five of the nation's major race track companies, as well as the Thoroughbred Racing Association and the National Thoroughbred Racing Association. The second panel of ten witnesses included representatives of: various trade associations for race horse trainers, breeders, and owners; the Kentucky Racing Health & Welfare Fund; the New York State Jockey Injury Compensation Fund; the California Horse Racing Board; the Delaware Thoroughbred Racing Commission; and the Jockeys' Guild. A May 9 hearing focused on the status of the Jockeys' Guild following its November 15, 2005, decision by its Board of Directors to fire the then-CEO and his management team, and to receive further testimony from the head of racing at Mountaineer Park race track. The Subcommittee received testimony from two panels of witnesses. The first panel consisted of three witnesses—the Guild's interim National Manager, the Guild's Chairman of the Board, and the Guild's interim General Counsel. On the second panel one witness testified; the Director of Racing at Mountaineer Race Track & Gaming Resort, in Chester, West Virginia.

ENERGY AND AIR QUALITY ISSUES

NATIONAL ENERGY POLICY

During the 109th Congress, the Committee examined 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 examined the impact of government policies and programs on the exploration, production, and development of domestic energy resources. The Committee also examined global crude oil supplies in light of potential supply interruptions and increasing competition from other countries for swing supply. The Committee examined other issues relating to the nation's current energy infrastructure with a view towards its expansion.

As part of this oversight, on September 7, 2005, the Committee on Energy and Commerce held an oversight hearing on the impact and recovery efforts in States affected by Hurricane Katrina. The hearing focused specifically on issues related to energy and communications infrastructure. The committee received testimony from the Department of Energy, the Energy Information Administration, the Federal Trade Commission, and the Federal Communications Commission, the Governor of the State of Mississippi, the State of Louisiana, consumer and environmental advocates, and representatives involved in the pricing of gasoline along the gasoline supply chain: production, refining, pipeline, marketing, and futures trading.

On October 19, 2005, the Subcommittee on Energy and Air Quality held an oversight hearing to discuss the EIA's projections for the supply and price of crude oil, gasoline, heating oil, diesel, natural gas, propane, coal and electricity for this winter. The subcommittee received testimony from a representative of the Energy Information Administration (EIA).

On November 2, 2005, the Subcommittee on Energy and Air Quality held an oversight hearing to investigate the supply and cost of heating oil and natural gas for the winter season. These two fuels are primarily used in heating American households during the winter months. The subcommittee received testimony from the Federal Energy Regulatory Commission, the Commodity Futures Trading Commission, the Department of Energy, the National Association of Regulatory Utility Commissioners, representatives of the home heating industry, and advocates of energy efficiency.

On December 7, 2005, the Subcommittee on Energy and Air Quality held an oversight hearing to address the challenges of "peak oil," where the rate of world oil production will not be able to increase. Experts believe the peak will occur as early as the year 2025. The subcommittee received testimony from Members of Congress, representatives of the Association for the Study of Peak Oil, the Science Applications International Cooperation, the Cambridge Energy Research Associates and the Canadian Embassy.

On May 4, 2006, the Committee on Energy and Commerce held an oversight hearing on World Crude Oil Pricing. The hearing examined the role of supply and demand fundamentals on world oil pricing, as well as geopolitical concerns that also affect price. The Committee received testimony from the Energy Information Ad-

ministration, Cambridge Energy Research Associates, New York Mercantile Exchange, and the Government Accountability Office.

On May 10 and 11, 2006, the Committee on Energy and Commerce held an oversight hearing on gasoline supply, price, and specifications in the wake of rising domestic gasoline prices. The hearing focused on fuel specification transitions, logistics, infrastructure, and transportation, and how boutique fuels affect gasoline prices. The Committee received testimony from representatives from Federal government and State and local air quality officials. The Committee also received testimony from the motor fuels industry, focusing on production, refining, transportation, and retail sales.

On May 18, 2006, the Subcommittee on Energy and Air Quality held an oversight hearing to describe and explore current research into technologies developed for generating electricity for the future. The hearing was an update for the members of the subcommittee on renewable electric generation technologies and the costs associated with such technology as well as forecast the direction such research is heading. The subcommittee received testimony from various government and private representatives of the energy industry.

On May 24, 2006, the Subcommittee on Energy and Air Quality held an oversight hearing to examine developments in next generation vehicle and fuel technology. This included an evaluation of hybrid and flexible fuel vehicles as well as the use of diesel fuel, fuel cells, ethanol, biodiesel, natural gas and coal-to-liquids. The subcommittee received testimony from representatives of the Department of Energy, motor car manufacturers, and representatives of the fuel industry.

In addition, on May 3, 2006, the Chairman of the Full Committee and Chairman of the Subcommittee on Oversight and Investigations wrote the five largest integrated oil companies to gather information about each company's plans and priorities for ensuring ample domestic oil refinery capacity and gasoline supply. A shortage of domestic refining capacity was one of the primary factors contributing to gasoline price spikes in the Spring of 2006. The letters requested information concerning historical capacity levels of each company's domestic refineries, as affected by maintenance and other factors that can temporarily restrict refinery supply, and information concerning long-term priorities for expanding refinery capacity and for providing a reliable and abundant supply of fuel in the future.

In connection to the Committee's oversight of energy infrastructure, on April 27, 2006, the Subcommittee on Energy and Air Quality held an oversight hearing to oversee implications of the Pipeline Safety Improvement Act of 2002 by the Pipelines and Hazardous Material Safety Administration as well as Federal and industry regulators in order to consider reauthorizing the Act. The subcommittee received testimony from the Department of Transportation, the National Transportation Safety Board, the Government Accountability Office, the National Association of Regulatory Utility Commissioners and the National Association of Pipeline Safety Representatives, and from various advocates of the pipeline industry.

On September 7, 2006, the Subcommittee on Oversight and Investigations held a hearing regarding the crude oil production pipelines on the North Slope of Alaska that are operated and maintained by BP Exploration Alaska, Inc. (BP). The hearing focused on the issues surrounding the March 2, 2006, and August 6, 2006, oil spills from corroded crude oil transmission pipelines for the Greater Prudhoe Bay Oil Field, including issues related to the adequacy of BP's corrosion control and monitoring program and BP's failure to inspect and maintain the pipelines properly. The Subcommittee received testimony from two panels of witnesses. The first panel's three witnesses included the Chairman and President of BP America, Inc., the President of BP Exploration Alaska, Inc., and the former manager of the Corrosion, Inspection, and Chemicals Group for BP Exploration Alaska, Inc. The second panel's two witnesses were the head of U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration, and the Commissioner of the Alaska Department of Environmental Conservation. The Subcommittee continued to examine issues related to pipeline sludge, sediment, and corrosion. On October 6, 2006 the leadership of the Full Committee and the Subcommittee on Oversight and Investigations sent a letter to BP requesting further information about BP's prior knowledge of sediment buildup in the transmission pipelines and the need to conduct pigging operations in those lines.

ELECTRICITY MARKETS

In the 109th Congress, while the Committee took no direct oversight action, it continued to review electricity transmission policies of the Federal government to promote competitive wholesale power markets, transmission, and generation infrastructure upgrades, and compliance with relevant statutes. It also continued to 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

In the 109th Congress, the Committee continued to 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 also reviewed DOE management of the contractors that operate the national laboratories. The Committee's oversight work included a review of the implementation of new nuclear security requirements at NNSA and DOE facilities, ongoing safety and security problems at the Los Alamos National Laboratory, the Office of Environmental Management's accelerated cleanup program and high-level waste management efforts, and DOE's progress toward submitting a license application for Yucca Mountain.

As part of its oversight efforts, on February 9, 2005, the Committee on Energy and Commerce held an oversight hearing on the Department of Energy's Fiscal Year 2006 Budget Proposal and the

Energy Policy Act of 2005. The hearing focused on the Administration's proposed budget for fiscal year 2006, and also on the Department of Energy's comments on the Energy Policy Act of 2005. The Committee received testimony from the Secretary of U.S. Department of Energy, the Nuclear Regulatory Commission, the Federal Energy Regulatory Commission, and representatives of consumers, industry, and other stakeholders. On March 9, 2006, the Committee on Energy and Commerce held another oversight hearing on the Department of Energy's Fiscal Year 2007 Budget Proposal and received testimony from the Secretary of the U.S. Department of Energy.

On May 5, 2005, the Subcommittee on Oversight and Investigations held a hearing to review management concerns at Los Alamos National Laboratory (LANL). The hearing reviewed a wide range of ongoing management problems identified by the DOE Inspector General (DOE IG) and the Defense Nuclear Facility Safety Board (DNFSB), as well as more recent security and safety problems that led to the shutdown of operations at LANL. The laboratory was shut down due to the mishandling of classified material and a major safety incident that resulted in the partial blinding of an employee at LANL. In addition to these problems, the DOE IG described ongoing weaknesses at LANL including problems with project management, security, and contract administration. The Chairman of the DNFSB described significant and complex safety issues at the lab, and identified several corrective actions needed to improve safety at the laboratory.

On October 7, 2005, the Subcommittee on Oversight and Investigations held a hearing to review GAO findings regarding DOE's efforts to consolidate surplus plutonium inventories. Consolidation of plutonium inventories to one site would reduce significant health and safety issues and reduce large security costs associated with storing this material in multiple locations. For example, moving plutonium out of the Hanford site would save the Department more than $85 million annually in security costs at Hanford. GAO testified that DOE cannot move forward with plans to consolidate plutonium inventories at the Savannah River Site in South Carolina due to legal impediments and insufficient storage areas at the site. GAO recommended DOE develop a comprehensive plan to stabilize, store, and dispose of plutonium inventories across the complex. At the hearing, DOE testified that it would move forward and develop a plan for plutonium consolidation within two years. On May 1, 2006, the Committee sent a follow-up letter requesting that GAO review the extent to which NNSA has sufficient storage space to store and monitor plutonium pit storage containers at Pantex safely and cost-effectively, and the effect of the delays that NNSA is experiencing constructing the Pit Disassembly and Conversion Facility, and the MOX Fuel Fabrication Facility in its ability to dispose of surplus weapons-grade plutonium permanently.

On January 19, 2006, the Subcommittee on Oversight and Investigations held a field hearing in Paducah, Kentucky, to review DOE operations at the Paducah site. The DOE Assistant Secretary for Environmental Management provided testimony on a range of issues including environmental cleanup challenges at the site, the conversion of approximately 490,000 tons of depleted uranium

hexafluoride, and DOE's plans to recycle 9,700 tons of scrap nickel at the site. The second panel consisted of the President of Bechtel Jacobs, an environmental cleanup contractor at Paducah, as well as representatives from the Paducah community including the Mayor of Paducah and a local labor union representing workers at Paducah. The hearing also focused on DOE's implementation of Section 633 of the Energy Policy Act of 2005, concerning the employee benefits of contractor employees working at the Paducah and Portsmouth sites. Section 633 provides that, when DOE changes its contractors at Paducah or Portsmouth, the contractor employees do not lose their accrued benefits. Subcommittee Members expressed concern that DOE had not fully implemented this section. Following the hearing, DOE clarified that it would fully implement Section 633 for all affected employees.

On March 10, 2005, the Subcommittee on Energy and Air Quality held an oversight hearing to discuss and review funding options for the Yucca Mountain repository program including guaranteeing that annual Nuclear Waste Fund payments are made accessible to the program for funding purposes. The Nuclear Waste Policy Act (NWPA) of 1982 and its amendments of 1987 established Yucca Mountain as the primary site of long-term nuclear waste disposal. In February of 2002, the President recommended to Congress that Yucca Mountain undergo development into a repository and instructed the Department of Energy to proceed with construction licensing. On April 8, 2002, however, the Governor of the State of Nevada submitted to the House a statement of disapproval regarding the proposed construction on Yucca Mountain. The Department of Energy was cleared to proceed with construction when on May 8, 2002 the House passed H.J. Res. 87, which overrode the objections voiced by the State of Nevada. The subcommittee received testimony from the State of Nevada as well as from both Federal and State government organizations. Several other impediments may prevent the completion of the site by the 2010 deadline. These include establishment of a transportation program, acquiring Federal land to surround the Yucca Mountain site, and construction activities. The first goal of this hearing was to discuss and establish funding options so the 2010 deadline is met. Relatedly, on March 15, 2006, the Subcommittee on Energy and Air Quality held another oversight hearing to discuss the status of funding for the development of Yucca Mountain into a repository site for nuclear waste disposal. The subcommittee received testimony from the Department of Energy. And on July 19, 2006, the Subcommittee on Energy and Air Quality held an oversight hearing to examine the Department of Energy's revised schedule for the development of Yucca Mountain as a nuclear waste repository. The subcommittee received testimony from the Department of Energy.

Meanwhile, the Subcommittee on Oversight and Investigations has continued its review of DOE's efforts to submit a license application for Yucca Mountain to the NRC. DOE missed its December 2005 deadline for submitting the license application, and had subsequently announced plans to submit the license application by June 30, 2008, and open the repository by 2017. On March 24, 2005, the Committee sent a letter to Energy Secretary Bodman to obtain documents relating to falsification of documentation by em-

ployees of the United States Geological Survey at the Yucca Mountain project. The documentation in question related to computer modeling involving water infiltration and climate. The Department has taken several steps to review and analyze the data in question to ensure that the technical aspects of the repository license application are not impacted.

Los Alamos National Laboratory is not alone in standing down its facilities. In October 2004, the Stanford Linear Accelerator Center had a stand-down of operations for nearly 5 months following a serious electrical accident. Lawrence Livermore Laboratory's Plutonium Facility, also operated by the University of California, had a stand-down in January 2005 because of safety concerns, and resumed reduced activities only in October 2005. On May 1, 2006, the Full Committee Chairman and Subcommittee on Oversight and Investigations Chairman sent a letter to GAO requesting a review of the safety performance of the DOE's major laboratories. Specifically, we requested (1) the safety records of these laboratories; (2) nuclear safety violations and resulting penalties paid by the laboratories under the Price Anderson Act; (3) the circumstances of recent stand-downs, including the reasons for and duration of each stand-down and the process for resuming activities; and (4) actions taken by DOE to improve the safety performance of its management and operating contractors.

The Subcommittee on Oversight and Investigations continued its review of DOE's efforts to clean up 177 underground storage tanks containing radioactive wastes at the Hanford site in Richland, Washington. On July 12, 2005, the Full Committee Chairman and Subcommittee on Oversight and Investigations Chairman sent a letter to Energy Secretary Bodman requesting information on the cost and status of the construction of vitrification plants for the immobilization of the high and low-level radioactive wastes. DOE has failed to develop a reliable cost and schedule baseline for the project. As a result, the initial December 2000 cost estimate for the project of $4.32 billion has grown to a recent cost estimate of $12.2 billion. DOE has asked the U.S. Army Corps of Engineers to validate these costs, and the Department is working towards finalizing a baseline for the project by the Spring of 2007.

THE NUCLEAR REGULATORY COMMISSION

The Committee reviewed the activities of the Nuclear Regulatory Commission (NRC). The Committee examined NRC's budget requests, conducted oversight of how the Commission discharges its various responsibilities, and reviewed whether the Commission is an effective regulator of nuclear facilities. In particular, the Committee monitored closely the efforts of NRC to fully implement new security requirements at commercial nuclear power plants. On June 16, 2006, the Subcommittee on Oversight and Investigations held a hearing to review NRC's reactor oversight process (ROP). NRC developed the ROP to regulate the nuclear industry more effectively and efficiently, by applying more objective, timely, and risk-informed criteria when assessing nuclear plant performance. Under the ROP, few nuclear plants have experienced significant safety performance issues overall, and even fewer plants have experienced multiple or repetitive degraded conditions. According to tes-

timony from GAO, of the 4,000 inspection findings between 2001 and 2005, 97 percent of these findings were of "very low" safety significance. GAO also determined that NRC continues to make improvements to its reactor oversight process in key areas. NRC testified that it would continue to improve the ROP by increasing its transparency and incorporate additional risk informed measures.

CLEAN AIR ACT

In the 109th Congress, the Committee continued to review significant activities regarding the Clean Air Act and the success of various efforts in achieving improved air quality in a manner that allows both administrative flexibility and improved cost-effectiveness. The Committee's review included oversight of the Environmental Protection Agency's (EPA) strategies and actions to attain Clean Air Act standards. In connection with this, on May 26, 2005, the Subcommittee on Energy and Air Quality held an oversight hearing to discuss and evaluate the structure of the Administration's Clear Skies Initiative. The goal of the hearing was to illustrate the relationship of the Clear Skies Initiative and the Current Clean Air Act and state the policy goals and principles of the CSI. The subcommittee received testimony from the Council on Environmental Quality and the EPA.

ENVIRONMENT AND HAZARDOUS MATERIALS ISSUES

EPA MANAGEMENT AND OPERATIONS

During the 109th Congress, while the Committee took no direct oversight action, it continued to conduct its 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, and program management and implementation.

HAZARDOUS AND TOXIC WASTES

In the 109th Congress, the Committee reviewed the efficiency, effectiveness, funding, and pace of progress of the Superfund program. The Committee also reviewed the EPA's relationship to the States' toxic waste cleanup programs, and whether Federal program reforms, additional funding, or stronger enforcement under the Resource Conservation and Recovery Act are necessary to expedite cleanups at toxic waste sites. In connection with this, the Subcommittee on Environment and Hazardous Materials conducted a two-part oversight hearing to evaluate the proper definition of electronic waste and investigate appropriate methods of regulation. On July 20, 2005, the Subcommittee discussed the status of both public and private electronic waste programs in the United States as well as the differences between three Federal enacted programs. The Subcommittee received testimony from officials representing the Department of Commerce, the Environmental Protection Agency, and the States of Maryland, Maine, and California. On September 8, 2005, the Subcommittee resumed consideration of matters related to interstate commerce issues raised by regulation of electronic regulation of electronic waste, the role of the private sector and non-profits in managing electronic waste, and environmental

concerns with the status quo. The Subcommittee received testimony from representatives of electronics retailers, electronic product manufacturers, recycling businesses, and environmental groups, and charitable organizations.

On November 16, 2005, the Subcommittee on Environment and Hazardous Materials held an oversight hearing to discuss the consolidation of livestock and agriculture and evaluate the risk agricultural inputs, products and byproducts put on the environment. The subcommittee received testimony from officials of the Environmental Protection Agency, and other various environmental and agricultural organizations.

DEPARTMENT OF DEFENSE COMPLIANCE WITH ENVIRONMENTAL LAWS

While it took now direct oversight action, the Committee continued to review DOD's environmental activities and ascertain its record of clean-up effectiveness, ongoing monitoring, and compliance with Federal and Federal environmental laws and regulations.

HEALTH AND HEALTHCARE ISSUES

FOOD AND DRUG ADMINISTRATION

In the 109th Congress, the Committee continued to review the management, operations, and activities of the Food and Drug Administration (FDA), including its implementation of relevant statutes and regulations connected to its mission to ensure the safety of drugs and the food supply. This included review of issues connected to the approval process and post-market surveillance of drugs and medical devices, as well as issues surrounding the innovation and development of vaccines, drugs, and devices.

On December 13, 2005, the Subcommittee on Oversight and Investigations held a hearing about strengthening efforts to combat the sales of controlled substances over the Internet. This issue involved the access to highly addictive controlled substances, which can be imported by consumers of any age, sometimes without a prescription or consultation with a physician. Testimony primarily focused on current assessments concerning the nature and extent of access to controlled substances over the Internet, current actions being taken to curtail such access, current restraints on further actions that could be taken, and identification of possible actions that would require Federal legislation, administrative action, or private sector initiatives. The hearing featured two panels of witnesses. The first panel included witnesses from the Federal government: the GAO, Deputy Assistant Administrator, Office of Diversion Control, and Deputy Chief, Office of Enforcement Operations, Drug Enforcement Administration (DEA); Assistant Commissioner, Office of Field Operations, Bureau of Customs and Border Protection (CBP); Director, Office of Drug Evaluation II, Office of New Drugs, Center for Drug Evaluation and Research, FDA. The second panel included a witness from IntegriChain, Inc.; a former official with FDA's Office of Criminal Investigations; the Senior Vice President, Public Policy, Visa, U.S.A., Inc.; an outside counsel on behalf of Mastercard International; the Vice President, Corporate Security,

FedEx Corporation; the Corporate Security Manager, UPS; the Senior Policy Counsel, Google; and Vice President,Yahoo! Inc.

On May 18, 2005, the Subcommittee on Health held an oversight hearing on the issue of generic drugs and their role in decreasing health care costs for patients. The hearing featured one panel of witnesses from advocacy groups and also private industry.

As part of the Committee's ongoing oversight of drug safety issues, in the previous Congress on June 10, 2004, the Full Committee Chairman and the Subcommittee on Oversight and Investigations Chairman asked the GAO to conduct a review of FDA's current organizational structure and decision-making process for postmarket drug safety. In March 2006, the GAO issued its report and concluded that the FDA "lacks clear and effective processes for making decisions about" the safety of medicines that millions of Americans rely on. Among the GAO's findings: FDA's postmarket safety decision-making process is "complex and iterative"; The agency "lacks clear and effective processes for making decisions about, and providing management oversight of, postmarket safety issues"; GAO noted a "lack of criteria for determining what safety actions to take and when to take them"; while recent initiatives, such as the establishment of a Drug Safety Oversight Board, offer promise, they do not address the "lack of systemic tracking of ongoing safety issues."

The Subcommittee on Oversight and Investigations continued to investigate issues surrounding the withdrawal of a non-steroidal anti-inflammatory drug (NSAID) Cox-2 inhibitor called rofecoxib, known commercially as Vioxx, by its manufacturer Merck & Co., Inc. (Merck). On September 30, 2004, Merck publicly announced a voluntary worldwide withdrawal of Vioxx, a medicine approved by the FDA in 1999 for use in treating osteoarthritis and the management of acute pain in adults, and later, for rheumatoid arthritis. The publicly reported reason for this withdrawal was new data from a three-year clinical trial that showed a two-fold increase in cardiovascular adverse events in patients taking Vioxx. On November 23, 2004, Committee Chairman Barton and Ranking Member Dingell wrote Merck and the FDA to request more information and documentation relating to: (1) FDA knowledge about these cardiovascular adverse events associated with Vioxx, (2) when FDA learned about this information, and (3) the action FDA took in response to cardiovascular safety concerns associated with Vioxx. In December 2004, Pfizer Inc., announced it was suspending sales of Celebrex, also a Cox-2 inhibitor drug, based on some recent data on cardiovascular events in an on-going study. Shortly thereafter, the Committee wrote Pfizer requesting information on adverse cardiovascular events occurring in patients that took Celebrex and Pfizer's other marketed Cox-2 inhibitor, Bextra. In spring 2005, the FDA advisory committee concluded that Bextra should be removed permanently from the market, based primarily on adverse skin reactions occurring with the drug. Pfizer voluntarily agreed to remove Bextra from the U.S. market. The FDA advisory committee agreed that Celebrex should remain on the market with a black box warning concerning cardiovascular events. Celebrex continues to be on the U.S. market. The FDA committee was split on the rec-

ommendation concerning Vioxx. However, Merck did not seek to reinstate Vioxx to the worldwide market.

In addition, on August 16, 2005, the Full Committee Chairman and the Subcommittee on Oversight and Investigations Chairman wrote to FDA about a drug-safety issue arising from the Committee's oversight of the FDA's regulatory decisions concerning Palladone, described by FDA as "a once-a-day pain management drug containing a very potent narcotic." On July 13, 2005, the FDA requested Purdue Pharma, L.P. ("Purdue") to withdraw the painkiller prescription drug, Palladone, from the market because of concerns that patients could die from taking the drug together with alcohol. In reviewing how and why the FDA approved and later requested the withdrawal of Palladone, the Committee staff learned that while Palladone was still marketed, FDA posted on its website only safety information about the risks of alcohol interaction with Palladone as reflected in the language of the labeling and medication formally approved by the FDA. However, after approving Palladone in September 2004 but prior to the product's launch in November 2004, the FDA permitted Purdue under a special process called a CBE (Changes Being Effected) supplement, to use stronger labeling and medication guide language about the alcohol risks shown in early results of studies conducted by Purdue that began in early September 2004. That safety language, which was in fact the actual labeling and medication guide used in the marketing of Palladone, was reflected on Purdue's website but not on the FDA's website. While there was no final FDA approval for the Purdue label with the alcohol warning language, the Committee requestors were concerned that patients and practitioners who accessed the FDA website were not informed of the most current safety risks of Palladone and alcohol interaction. Updating such information even without final FDA approval is vital to ensuring the safety of American consumers taking prescription drugs. In furtherance of helping the American public get the most current and accurate drug-safety information from the FDA, the Chairmen's letter requested the FDA to respond with (1) a list, as of July 1, 2005, of any other drugs besides Palladone for which the labeling and medication guide information on the FDA website has been superceded by new labeling and medication guide information permitted under a CBE supplement but not finally approved and (2) the specific actions taken by FDA to ensure that the agency's website reflects the most current safety information about approved drugs (or other FDA-approved products generally). On October 20, 2005 the FDA sent a written response, acknowledging that FDA's policy has been to post only approved labeling on its website and that there may be a period of time during which there may be a discrepancy between the company's labeling and the FDA's posted labeling. The FDA noted that the agency was considering a change to this policy to address this issue. In September 2006, the FDA published a draft guidance document for comment announcing to holders of new drug applications, abbreviated new drug applications, or biologics license applications who intend to submit a "Changes Being Effected" supplement (CBE supplement) to make a post-approval labeling change, that the FDA will make labeling revisions identified in the CBE

supplement publicly available upon receipt of the supplement by FDA.

On August 7, 2006, the Full Committee Chairman and the Subcommittee on Oversight and Investigations Chairman wrote to the Attorney General of the United States, requesting that the Department of Justice provide its updated views concerning the application of the Federal Food, Drug, and Cosmetic Act (FDCA) to individuals operating outside the United States who sell counterfeit, misbranded, and adulterated drugs to consumers in the United States, and who cannot be prosecuted on other statutory grounds.

On October 24, 2006, the Full Committee Chairman and the Subcommittee on Oversight and Investigations wrote to the Acting Commissioner of the FDA about the adequacy of FDA's food safety and food security efforts. In particular, the request letter asked for certain information gained from the FDA's Security and Surveillance Assignment conducted in 2004 and how some of this information was leveraged to prevent and/or detect outbreaks such as E. coli in spinach.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

In the 109th Congress, the Committee reviewed the management, operations, and activity of the Centers for Medicare and Medicaid Services (CMS), including its management and oversight of the programs it administers. The Committee examined and reviewed Medicare and Medicaid management and activity as it relates to ongoing Committee efforts to prevent waste, fraud, and abuse in Federal health care programs.

In connection with Medicaid, on Wednesday, June 15, 2005 the Committee on Energy and Commerce held an oversight hearing to examine the National Governors Association's (NGA) interim Medicaid reform policy and continuing efforts to refine policy proposals. There was one panel consisting of NGA Chairman and Governor of the State of Virginia and NGA Vice Chairman and Governor of the State of Arkansas.

On September 8, 2005 the Committee on Energy and Commerce held an oversight hearing to examine Medicaid reform proposals and explore how these proposals can improve beneficiary access to health care services, create incentives for the better utilization of existing services, improve health outcomes and reduce instances of beneficiaries improperly transferring assets in order to gain Medicaid coverage for institutional care. The Committee heard testimony from several advocacy groups and professional health service providers.

The Committee on Energy and Commerce also held a two-day field hearing to provide Members of the Energy and Commerce Committee with a forum within which to examine the impact of illegal immigration on the health delivery systems of the areas surrounding Brentwood, Tennessee, and Dalton, Georgia, and how recent legislative efforts may impact this growing problem. Specifically, witnesses at the field hearing provided testimony on how § 6036 of the Deficit Reduction Act of 2005 (Improved Enforcement of Documentation Requirements) is being implemented in Tennessee and Georgia, and any State plans to potentially implement §6043 of the DRA (Emergency Room Co-payments for Non-emer-

gency Room Care). The first day of the field hearing took place on August 10, 2006, in Brentwood, Tennessee, and the Committee received testimony from Tennessee State Representatives and Senators, CMS, Tenncare, and several local hospitals. The second day of the hearing took place on August 15, 2006 in Dalton, Georgia. The Committee received testimony from Georgia State Representatives and Senators, Georgia Department of Human Resources (DHR), CMS, and several local hospitals.

On April 27, 2005, the Subcommittee on Health held an oversight hearing that examined long-term care within the context of Medicaid and entitlement spending generally and explored ideas to promote private long-term care financing options. The subcommittee received testimony from the Administrator of the Centers for Medicare & Medicaid Services, the Director of the Congressional Budget Office, the U.S. Government Accountability Office, Congressional Research Service, and several other expert witnesses from the industry.

On May 12, 2005, the Subcommittee on Health held an oversight hearing focusing on specialty hospitals, particularly the expiration of the moratorium on physician referrals to specialty hospitals. The subcommittee received testimony from the Administrator of the Centers for Medicare & Medicaid Services, the Chairman of the Medicare Payment Advisory Commission, and several doctors in the specialty hospital profession.

On June 22, 2005, the Subcommittee on Health held an oversight hearing that examined the Medicaid payments for prescription drugs. Witnesses at this hearing provided information about options that the States and Federal government have to ensure that there is more accuracy and transparency in prescription drug payments in the Medicaid program. The subcommittee received testimony from the Congressional Budget Office, the Government Accountability Office, and other Medicaid prescription drug experts.

On May 17, 2006, the Subcommittee on Health held an oversight hearing examining the growing number of options for Americans to plan ahead for potential LTC costs thereby delaying or avoiding Medicaid dependency. The hearing also examined issues related to donated and paid care giving and caregiver training. The subcommittee received testimony from the National Council on Aging, American Health Insurance Plans, American Council of Life Insurers, RTI International, AARP, American Red Cross, Schmieding Center for Senior Health and Education, and a union.

Under the 340B Drug Discount Program (340B Program), drug manufacturers that participate in the Medicaid Program are required to provide outpatient drugs to certain covered entities at or below a specified ceiling price. These covered entities include community health centers, public hospitals, and various Federal grantees. Participating 340B entities spent approximately $3.4 billion on outpatient drugs in calendar year 2003, roughly 1.7 percent of the U.S. drug market. The 340B Program is administered by the Health Resources and Services Administration (HRSA), a division of the Department of Health and Human Services (HHS). On December 15, 2005, the Subcommittee on Oversight and Investigations held a hearing to examine problems with the oversight and administration of the 340B Program, as well as possible solutions

to improve efficiency and transparency. Many of the structural and logistical problems with the 340B Program were detailed in an October 2005 report prepared by HHS's Office of Inspector General (OIG), including: (1) systemic problems with the accuracy and reliability of the government's record of 340B ceiling prices; (2) lack of detailed, written procedures for calculating the 340B ceiling price; (3) lack of a system for ensuring that participating entities receive the statutory discount; (4) failure to compare the government's 340B ceiling prices to those of the drug manufacturers; (5) lack of necessary legislative, regulatory, or contractual authority to enforce compliance; and (6) the inability of participating entities to verify independently that they were paying at or below the ceiling price due to confidentiality provisions. Witnesses at this hearing included representatives of: (1) OIG; (2) HRSA; (3) the Public Hospital Pharmacy Coalition; (4) the 340B prime vendor; and (5) GlaxoSmithKline, the only pharmaceutical manufacturer which had agreed to provide ceiling price calculations to the prime vendor.

As part of its continuing oversight of Medicaid prescription drug reimbursement, the Full Committee Chairman and Subcommittee on Oversight and Investigations Chairman sent a letter to the Medicaid directors of all 50 states on February 10, 2005, requested information to help understand what steps each Federal was taking to control rising drug expenditures. This letter asked the states to provide ingredient reimbursement and dispensing fee information for 20 popular brand and generic drugs, as well as a description of the steps taken to control drug spending.

In the 109th Congress, the Committee also opened an oversight inquiry into the practice of Medicaid estate planning. This practice involves potential Medicaid recipients using a variety of wealth transfers and methods to alter assets and income streams to obtain eligibility for Medicaid nursing home coverage. On April 27, 2005, the Full Committee Chairman and Subcommittee on Oversight and Investigations Chairman wrote the Medicaid officials of the 50 states to learn the extent and nature of actions the states have been taking with regard to Medicaid estate planning.

With regard to Medicare, on November 17, 2005, the Subcommittee on Health held an oversight hearing on Medicare physician payment. The hearing focused on Medicare fee-for-service payments for physicians in 2006 and beyond and assessed their impact on beneficiary access to health care. In addition, the hearing provided a forum for discussing how to design a more stable reimbursement system that controls over utilization of services while ensuring patients receive efficient and effective quality health care. The subcommittee received testimony from the Administrator of the Centers for Medicare & Medicaid Services, Chairman of the Medicare Payment Advisory Commission (MedPAC), and several specialty surgeons and researchers.

On March 1, 2005, the Subcommittee on Health held an oversight hearing focusing on the implementation of the new Medicare Part D prescription drug benefit. The subcommittee received testimony from the Administrator of the Centers for Medicare & Medicaid Services (CMS), experts, a beneficiary, and a representative from a State Governor's office.

On May 23, 2006, the Subcommittee on Health held an oversight hearing focusing on the concerns raised by pharmacists in recent months. The pharmacists expressed concerns regarding services rendered under the new Medicare Part D prescription drug benefit. Specifically, pharmacists assert that prescription drug plans (PDPs) are not promptly reimbursing pharmacists for dispensing prescriptions. In addition, pharmacists allege that the Medication Therapy Management (MTM) program as prescribed by the Medicare Modernization Act of 2003 (MMA) is not being effectively administered and could be improved. Pharmacists also voiced concerns with regard to the listing of pharmacies on the beneficiary Part D card (referred to as "co-branding"). Long-term care pharmacists raised implementation concerns specific to the long-term care population including: network access issues, compliance with CMS marketing guidelines, and delays in payment due to glitches in Part D dual eligible enrollment. The subcommittee received testimony from the Centers for Medicare & Medicaid Services and several industry leaders in the pharmacist's community.

On May 25, 2005, the Subcommittee on Oversight and Investigations held a hearing to evaluate the effectiveness of the community health center program, which operates under Section 330 of the Public Health Service Act, in reaching the medically underserved. Community health centers play a critical role in the nation's healthcare safety net. At the time of the hearing, more than 900 community health centers provided a spectrum of primary health care services through 3,600 urban and rural sites located in every Federal and territory. According to the Bureau of Primary Healthcare, community health centers in 2003 treated more than 12 million people in medically underserved areas, including 4.8 million uninsured people. The hearing sought to examine various aspects of the program, including the Federal grant process, the role of Medicaid and Medicare, and ways to improve the delivery of care to the medically underserved. The Subcommittee took testimony from two panels of witnesses, consisting of the Administrator of the Health Resources and Services Administration, the Director of the Center for Medicaid and State Operations, representatives of community health centers, a Federal primary care association, and a primary care policy analyst. In connection with the Subcommittee's oversight of the community health center program, on March 21, 2005, the Subcommittee Chairman requested the U.S. Government Accountability Office (GAO) to study how community health centers improve public health and help reduce health care costs overall. The study is expected in the 110th Congress.

CENTERS FOR DISEASE CONTROL AND PREVENTION

In the 109th Congress, the Committee continued to review the management, operations, and activity of the Centers for Disease Control and Prevention, with particular focus on its work relating to surveillance and prevention of disease outbreaks.

As part of this oversight, on May 4, 2005, the Subcommittee on Oversight and Investigations held a hearing to determine the state of readiness of the United States for the 2005–2006 flu season. The hearing served to build upon a related investigation and hearing six months earlier, conducted in the 108th Congress. That hearing

related to news in October 2004 that Chiron, one of the country's two largest producers of influenza vaccine, would not provide any of its planned 46–48 million doses of flu vaccine to the United States. These events prompted Committee review of preparations for the upcoming flu season and beyond. The Subcommittee heard from a single panel, comprised of the Directors of the Centers for Disease Control and Prevention (CDC), the National Vaccine Program Office, and the Center for Biologics Evaluation and Research of the Food and Drug Administration (FDA). Relatedly, on May 26, 2005, the Subcommittee on Health held an oversight hearing in regard to pandemic flu. The hearing stressed that States have a major role in the event of a pandemic and are preparing for it by developing pandemic influenza plans or revising existing plans to be stronger and more effective. The key elements of these plans include surveillance, vaccination, antiviral drug use, community containment measures, communications, response of the health care system, and ability to maintain essential public services. The subcommittee received testimony from the Department of Health and Human Services, the National Institutes of Health, the Government Accountability Office, and expert witnesses in the pandemic flu community.

Hospital-aquired infections (HAIs) are a major health problem in the United States, resulting in 90,000 deaths and $4.5 billion in excess healthcare costs annually. In an effort to reduce these figures, six states have recently passed legislation requiring mandatory public reporting of hospital-acquired infection rates, and more than 20 other states have been studying this issue or have legislation pending. The CDC currently tracks HAI data, but participation in this program is voluntary, and the CDC does not make public data for individual hospitals. On March 29, 2006, the Subcommittee on Oversight and Investigations held a hearing to examine whether public reporting is an effective mechanism for reducing HAIs, and whether it is necessary and appropriate to develop and implement uniform national standards that will provide consumers with meaningful, scientifically sound data. Witnesses at this hearing included: an individual who helped drive passage of the Missouri public reporting law after his son contracted a serious HAI; the Director of the CDC's National Center for Infectious Diseases, Division of Healthcare Quality Promotion; the Executive Director of the Pennsylvania Health Care Cost Containment Council; the Executive Director of the Michigan Hospital Association's Keystone Center for Patient Safety and Quality; and representatives of several major hospitals from whom the Subcommittee had requested HAI data.

On October 23, 2006, the Full Committee Chairman and the Subcommittee on Oversight and Investigations Chairman wrote to the Director of the CDC to request a briefing on the reorganization of the CDC. In addition, the request letter asked for a draft internal assessment of CDC's financial management office, information about CDC's systems for tracking human tissue samples, and information about CDC's systems for tracking certain property.

NATIONAL INSTITUTES OF HEALTH

In the 109th Congress, the Committee examined the National Institutes of Health's (NIH) organizational structure, priority setting, and research activities. This effort included continued oversight of management and operations of internal NIH programs as well as NIH-funded extramural research.

On July 19, 2005, the Committee on Energy and Commerce held an oversight hearing on legislation to reauthorize the NIH. The National Institutes of Health (NIH) is the Federal government's principal medical research agency, armed with a mission to advance research in pursuit of fundamental knowledge that will lead to better health outcomes for all. Funding for the NIH represents nearly half of the discretionary budget of the Department of Health and Human Services. The Director of NIH was the only witness. On March 17, 2005, the Subcommittee on Health held an oversight hearing to examine how the Office of the Director of the National Institutes of Health (NIH) manages the research portfolio of the 27 distinct research Institutes and Centers that form the NIH. Because the organizational structure of NIH largely determines how NIH research priorities are set and budgets determined, this hearing highlighted how the authority of the NIH Director impacts the management of the agency and the allocation of resources. The subcommittee received testimony from the Director of NIH. On September 19, 2006 the Committee on Energy and Commerce held an oversight hearing to encourage legislation on NIH reauthorization. The Committee received testimony from Johns Hopkins Medicine, the American Heart Association, the American Societies for Experimental Biology (FASEB), and the Association of American Medical Colleges (AAMC), and the Director of the NIH.

With regard to research activities, on December 8, 2005, the Subcommittee on Health held an oversight hearing examining Federal research efforts for pulmonary hypertension and chronic pain. The purpose of this hearing was to raise awareness about chronic pain and pulmonary hypertension and examine what the National Institutes of Health and others are doing to study these conditions and improve patient outcomes. The subcommittee received testimony from experts in these areas and also witnesses suffering from hypertension and chronic pain. On June 28, 2006, the Subcommittee on Health held an oversight hearing on mental health and brain disease. This hearing focused on treatment for and recovery from severe mental illness (also called brain disease). The hearing helped to raise public awareness about the biological nature of mental illnesses; to reduce the stigma associated with severe mental illnesses such as depression, bipolar disorder, and schizophrenia; to inform the public of effective treatment and prevention measures for mental illnesses; to emphasize the hope of recovery for those struggling with severe mental illness; and to highlight current research initiatives in the mental health field. The subcommittee received testimony from the National Institute of Mental Health, university professors, and three witnesses, all of whom have been affected by severe mental illness.

With regard to management and operations oversight, on June 13, 2006, and on June 14, 2006, the Subcommittee on Oversight

and Investigations held hearings about how the National Institutes of Health (NIH) deals with human tissue samples in its intramural research programs. The focus of the hearings concerned a National Institute of Mental Health (NIMH) scientist who had personally received $285,000 in compensation from a drug company for activities that were derived directly from his official acts in providing the company access to spinal fluid samples and plasma samples (over 3000 tubes of NIH property and linked clinical data) and who had also used NIH employees and resources to provide such access. The hearing on June 13th featured a witness from the National Institute on Aging who had raised with Committee staff the issue about the adequacy of NIH policies on human tissue samples, and about the NIMH scientist's handling of samples. The hearing on June 14th featured three panels of witnesses. The first panel included the Director of the NIMH, accompanied by the NIMH Clinical Director, the NIMH Executive Officer, and the NIMH Technology Transfer Officer; and an Alzheimer's disease researcher formerly with Pfizer, Inc. The second panel included the NIMH scientist and his database manager formerly with NIMH. The witnesses on this panel appeared pursuant to a subpoena to testify and exercised their constitutional rights against self-incrimination. The third panel featured the Deputy Director for Intramural Research, NIH. On September 13, 2006, the Subcommittee on Oversight and Investigations held hearings about continuing ethics and management concerns at the NIH and the Public Health Service Commissioned Corps ("Commissioned Corps"). The hearing featured one panel of witnesses: the Assistant Secretary for Health, HHS, who testified on issues involving the Commissioned Corps; the Deputy Director of the NIH; the Director of the NIMH; the Executive Officer and Deputy Ethics Counselor at NIMH; and the Director of the National Cancer Institute (NCI).

Relatedly, the Committee pursued several oversight investigations connected to NIH management and operations in the 109th Congress. On August 8, 2005, the Full Committee Chairman and the Subcommittee on Oversight and Investigations Chairman requested a GAO study of internal control procedures over conflicts of interest, involving employees of the NIH, NIH contractors, and outside experts. The GAO is undertaking the request, with a focus on the rules of recusal at the NIH for employees, contractors, and outside experts, and a description of the structures that are in place for the application, monitoring, and enforcement of the rules of recusal among NIH institutes and centers.

On October 14, 2004, the Full Committee Chairman wrote to the GAO, requesting that the GAO examine certain parts of NIH's procedures for obtaining leases for real property. The GAO issued its report in September 2006. It found that the NIH implemented a formal leasing process that, if carried out effectively, should comply with budget scorekeeping guidelines and OMB's requirements for classifying operating and capital leases. This process should ensure that no Antideficiency Act violations occur due to leasing. However, NIH had taken no action to address five prospectus-level leases that were not submitted to the appropriate congressional committees in past years. On September 20, 2005, the Full Committee Chairman and the Subcommittee on Oversight and Investigations

Chairman wrote to the HHS Inspector General to request that the OIG determine if Federal taxpayer dollars have been used by Federal universities to compensate graduate research assistants for tuition remission rather than for their actual work on programs funded by the NIH. In addition, it was requested that, to the extent such use of funds is substantiated, the OIG determine if such compensation practices violate any Federal law, regulation, or policy, or an inappropriate use of taxpayer dollars. The OIG agreed to conduct a nationwide, randomized audit of graduate student compensation as a first step to examine this issue.

In addition, in an August 16, 2005 article, The Wall Street Journal examined allegations that universities misuse Federal grant money received from the NIH. Some of these allegations have resulted in recent multi-million dollar settlements between NIH university grantees and the U.S. Department of Justice. For example, in a complaint-in-intervention filed June 15, 2005, the U.S. Attorney's Office for the Southern District of New York (U.S. Attorney's office) alleged that a university grantee failed to comply with NIH guidelines for clinical research programs and made false statements in applications to NIH for renewal of its General Clinical Research Center grant. In particular, the U.S. Attorney's office highlighted the disparities between the number of research activities projected by the grantee in its grant applications or grant continuation applications to NIH, and the actual number of research activities performed by the grantee after receiving the NIH grant money, as reflected in the grantee's internal data, and to some extent, the grantee's annual progress reports submitted to NIH. In light of concerns such as those alleged by the U.S. Attorney's office, the Full Committee Chairman and the Subcommittee on Oversight and Investigations Chairman requested on September 20, 2005 that the HHS OIG examine whether there are widespread disparities between the numbers of research activities grantees projected to obtain taxpayer funds from the NIH and the numbers of research activities actually performed with these funds. To that end, it was further requested that the OIG conduct an audit of some of the largest NIH clinical research center grants to review the number of research activities each respective institution projected to the NIH and what research activities these institutions actually performed. Given that the General Clinical Research Grant program is being phased out, the OIG told the Committee staff that the issues raised in the request letter were being pursued in ongoing work and that the OIG would consider an audit of this kind with respect to the Clinical Translational Science Awards program.

On April 29, 2004, the bipartisan leadership of the Full Committee and the Subcommittee on Oversight and Investigations sent the NIH a request concerning questions raised about the findings of the HIVNET 012 study. In 1997, the Division of Acquired Immunodeficiency Syndrome, National Institute for Allergies and Infectious Diseases, sponsored HIVNET 012, a trial comparing two drugs, nevirapine and zidovudine (AZT), and their efficacy in the prevention of transmission of Human Immunodeficiency Virus from mother to child. The findings of this landmark study were relied upon in the establishment of global strategies for addressing the AIDS crisis. The Committee asked the NIH to answer the following

question: After a comprehensive review of all records and information relating to HIVNET 012, does NIH stand behind the findings of HIVNET 012? In response to the Committee's request, the NIH Director asked NIH staff to review the records and information relating to the HIVNET 012 study and other related studies. On July 12, 2004, the NIH Director informed the Committee that he had decided to ask the Institute of Medicine (IOM) to conduct a more detailed independent review of the HIVNET 012 study process. The IOM released its report on the HIVNET 012 study on April 7, 2005. The Committee staff also received a briefing by members and staff of the IOM on the IOM's review of the HIVNET 012 study. Based on that briefing and on that IOM committee report, the Committee staff were satisfied that the data and findings presented in the published papers can, as the report said, "be relied upon for scientific and policy-making purposes."

TELECOMMUNICATIONS ISSUES

FEDERAL COMMUNICATIONS COMMISSION

During the 109th Congress, the Committee conducted oversight of Federal Communications Commission (FCC) management and operations, including the impact of FCC's decisions and actions on the U.S. economy and economic growth.

As part of this oversight, the Subcommittee on Telecommunications and the Internet held a series of hearings to explore the changing telecommunications marketplace and the regulatory treatment of broadband services. On February 9, 2005, the Subcommittee on Telecommunications and the Internet held an oversight hearing on the impact of Internet Protocol-Enabled Services on the communications industry. The witnesses provided a broad overview of their IP products and how IP technology has enabled them to seamlessly offer voice, video, and data services on a converged platform. The Subcommittee received testimony from executives of telecommunications equipment manufacturers. On March 2, 2005, the Subcommittee on Telecommunications and the Internet held an oversight hearing on competition in the communications marketplace. This hearing focused on how Internet Protocol (IP) and broadband technologies have changed the dynamics of the communications industry by (1) enabling the same suite of voice, video, and data services to be offered over different network platforms and (2) permitting entry into these markets by "virtual" operators that use IP to provide applications such as Voice over IP (VoIP) to consumers who subscribe to broadband services. These trends have resulted in a "hollowing out" of some traditional telephone market segments such as residential and enterprise long-distance telephone service as well as residential local exchange service. These industry trends have also led service providers with complementary IP and broadband assets to merge. The Subcommittee received testimony from industry executives, industry analysts, public policy, and research organizations. On March 16, 2005, the Subcommittee on Telecommunications and the Internet held an oversight hearing on the impact of Voice over Internet Protocol (VoIP) services on the communications industry. This hearing examined the public policy issues related to the provision of VoIP

services. The Subcommittee received testimony from executives of communications providers, and, and the Greater Harris County 911 Emergency Network. In addition, the Subcommittee on Telecommunications and the Internet held an oversight hearing on April 20, 2005, regarding the impact of Internet Protocol (IP) on video and data services. This hearing examined the public policy issues surrounding the delivery of video and data over broadband networks. The Subcommittee received testimony from executives of the communications industry. On April 27, 2005, the Subcommittee held a hearing on government officials' perspectives on the impact of IP technology on the communications sector. The Subcommittee received testimony from government officials representing State and local regulatory bodies and a consumer group representative.

On April 14, 2005, the Subcommittee on Telecommunications and the Internet held an oversight hearing to examine the ORBIT Act and the progress made in privatizing the satellite communications marketplace. The hearing examined how the satellite marketplace has changed since the implementation of the ORBIT Act, and whether Intelsat and Inmarsat should be permanently certified to be privatized. The Subcommittee received testimony from officials of the Federal Communications Commission and the Government Accountability Office, as well as executives of the satellite industry.

On January 23, 2006, Full Committee Chairman Barton, Ranking Member Dingell, Telecommunications and the Internet Subcommittee Chairman Upton, and Subcommittee Ranking Member Markey sent a letter to FCC Chairman Martin to ask when the review of the Electronic Privacy Information Center petition will be complete, and to determine what actions should be taken in response to the petition. The Members also requested the Commission to forward the last annual certifications from the 5 largest wireline and wireless carriers regarding their privacy policies, and their accompanying statements explaining how their internal procedures protect the confidentiality of consumer information.

On February 1, 2006, the Subcommittee on Telecommunications and the Internet held an oversight hearing on the fraudulent sale of telephone records. The Committee received testimony from government officials from the Federal Communications Commission, the Federal Trade Commission, the Attorney General of Illinois, and representatives of telecommunications providers and privacy groups.

On April 4, 2006, House Speaker Hastert, House Majority Leader Boehner, and Full Committee Chairman Barton, sent a letter to FCC Chairman Martin requesting the Commission respond to questions regarding what the FCC is doing to prohibit Caller ID spoofing and whether the FCC has the statutory authority to enact regulations banning this type of fraud. The Members asked the Commission to make recommendations for Congress concerning the authority the FCC would need to combat this type of fraud.

AVAILABILITY OF BROADBAND TECHNOLOGIES

In the 109th Congress, the Committee continued to examine the availability of broadband technologies and the deployment of broadband services and facilities. The Committee also evaluated the impact of the Communications Act and FCC regulations on the

deployment of new technologies, services, and facilities, and whether the law and the regulations are maximizing the incentives that all entities have to make investments in broadband networks.

As part of this oversight, on June 7, 2006, Chairman Barton and Telecommunications and the Internet Subcommittee Chairman Upton wrote a letter to Federal Communications Commission Chairman Martin opposing any FCC order imposing multicast must-carry requirements on cable operators or other multichannel video programming distributors. The letter pointed out that allowing each broadcaster to force video distributors to carry multiple streams of a broadcaster's programming would be inconsistent with language in the Communications Act limiting the must-carry right to each broadcaster's primary video transmission. Congress would need to amend the statute before the FCC could require otherwise. The letter also stated that the balance between the carriage of broadcast and non-broadcast programming should be left to consumer preferences and market forces.

On July 19, 2006, Chairman Barton, Telecommunications and the Internet Subcommittee Chairman Upton, and Reps. Deal and Bass hosted a roundtable discussion on retransmission consent. Under the retransmission consent rules, a television broadcaster may seek monetary or non-monetary compensation in exchange for allowing a cable or satellite operator to transmit the broadcaster's signal to subscribers. Some cable operators, satellite providers, and independent programmers criticize certain broadcasters' practices of conditioning carriage of one channel on carriage of another. The critics argue that such practices make it harder for video programming distributors to tailor their program offerings, and for independent programmers to gain carriage on the systems of such distributors. Broadcast networks and affiliates counter that retransmission consent is simply a negotiation based on the value of the programming, and that regulating the prices, terms or conditions of that negotiation would be an unwarranted interference with market forces and the right to contract. They also point out that they often make an offer of stand-alone carriage in exchange for cash, but that the cable and satellite operators usually prefer not to pay money. Moreover, they contend that the bundling of programming can help launch new programming. Representatives of cable programmers, broadcast networks, broadcast affiliates, cable operators, and satellite providers participated in the roundtable.

UNIVERSAL SERVICE REFORM

In the 109th Congress, the Committee examined the FCC's universal service support policies and evaluate how these policies can be modernized to reflect the redistribution of communications traffic among new communications mediums, as well as the efficacy of utilizing fixed and mobile wireless technologies to reduce the costs of ensuring that high cost and low income consumers have reasonable access to telecommunications services. The Committee also reviewed whether the program's structure and internal processes need to be changed to control waste, fraud and abuse of Universal Service funds.

On March 16, 2005, the Subcommittee on Oversight and Investigations held a hearing on Federal Communications Commission

(FCC) management and oversight of the E-rate program. The E-rate program is the portion of the Universal Service Fund set up to subsidize telecommunications and Internet service and infrastructure in qualified schools and libraries. The hearing examined findings and recommendations by a GAO review of FCC's management of the program. This review was initiated at the request of the Full Committee and Subcommittee Chairmen in the previous Congress during the Subcommittee's investigation into waste, fraud, and abuse in the program. The Subcommittee took testimony from one panel of witness, representing the GAO, the FCC, and the Office of Inspector General (OIG) of the FCC. On October 6, 2005, the Subcommittee held a hearing to examine the FCC's plans for E-rate program relief to Gulf Coast communities recovering from the destruction of Hurricane Katrina. The Subcommittee took testimony from the FCC Inspector General, the Chief of the FCC's Wireline Competition Bureau, the CEO of the Universal Service Administrative Company (USAC), which administers the E-rate program, and the State E-rate Coordinator for the Mississippi Department of Information Technology Services.

Relatedly, and in culmination of the Subcommittee of Oversight and Investigations' two-year investigation into the E-rate program, the Subcommittee held a business meeting on October 18, 2005, at which it unanimously adopted the bi-partisan staff report, "Waste, Fraud, and Abuse Concerns in the E-rate Program," which detailed findings and recommendations from the investigation to help guide reform of the E-rate program.

More broadly, on June 21, 2006, the Subcommittee on Telecommunications and the Internet held an oversight hearing on the Federal high-cost portion of the universal service support mechanisms. Competition and technology have begun to erode the existing universal service system, and, in the long term, current universal service policies do not seem sustainable. The hearing focused on current and future funding mechanisms used to support consumers in all regions of the Nation to ensure that access to and rates for telecommunications services are reasonably comparable to those in urban areas. The Subcommittee received testimony from Federal and State regulatory bodies as well as large and small telecommunications companies.

DIGITAL TELEVISION

Congress gave each broadcaster an additional 6 MHz allocation of spectrum in 1997 to transmit television in digital format while they continue to provide analog broadcasts on their original 6 MHz channels. Each television broadcast licensee is supposed to return a 6 MHz channel and transmit exclusively in digital by Dec. 31, 2006, or once 85 percent of television households in the market can receive digital channels, whichever is later. Some of that spectrum has been earmarked for public-safety use upon return and some for auction for advanced commercial services, such as wireless broadband. In the 109th Congress, the Committee examined the Commission's progress in completing the DTV transition. On February 17, 2005, The Subcommittee on Telecommunications and the Internet held an oversight hearing regarding the expected costs of digital-to-analog converter boxes and various potential digital-to-

analog converter-box programs from representatives of the electronics and broadcasting industries, and the Government Accountability Office. On March 10, 2005, the Subcommittee on Telecommunications and the Internet held an oversight hearing regarding consumer education efforts for the DTV transition. The Committee received testimony from representatives of the retailers and consumer groups.

ENFORCEMENT OF THE FCC'S DECENCY REGULATIONS

During the 109th Congress, while it took no direct oversight action, the Committee monitored FCC's enforcement of broadcast decency laws and regulations, including examining how Congress and the FCC can help broadcasters to reduce the level of indecent material on television and radio.

SPECTRUM MANAGEMENT

During the 109th Congress, while it took no direct oversight action, the Committee monitored the FCC's management of the nation's spectrum. An increasing portion of communications services utilize spectrum to provide voice, video, and data services to consumers. The Committee continued to evaluate FCC's spectrum-management policies to ensure that such policies are maximizing the use of the public airwaves for innovative communications services.

HOMELAND SECURITY ISSUES

CRITICAL INFRASTRUCTURE ASSURANCE ACTIVITIES

In the 109th Congress, the Committee continued to review infrastructure assurance efforts that affect areas within the Committee's jurisdiction. On March 18, 2005, the Subcommittee on Oversight and Investigations held a hearing to review security initiatives at DOE nuclear facilities. In the aftermath of the September 11, 2001 attacks, physical security requirements at DOE and NNSA sites were dramatically increased to reflect the possibility of large attacks with terrorist that are willing to die to inflict massive damage. The hearing reviewed the implementation of several ongoing security initiatives at NNSA sites, and specifically reviewed security problems that led to the shutdown of operations at the LANL. The shutdown at LANL was also the subject of a subsequent hearing on May 5, 2005. The Administrator of NNSA provided testimony on NNSA's progress on improving physical security and the security of classified material. The Director of the Office of Security and Safety Performance Assurance, DOE, outlined several security issues that needed greater attention, including cyber security, technology deployment, and the consolidation of nuclear materials. The Director of LANL provided testimony regarding major incidents that led to the shutdown of the laboratory, including the mishandling of classified removable electronic media.

On January 31, 2005, the Full Committee leadership along with the leadership of the Committee on Homeland Security sent a letter to GAO to conduct a review of the vulnerabilities of foreign and domestic maritime energy transport infrastructure to terrorist attack, and efforts by governmental and private sector entities to re-

duce these vulnerabilities through enhanced security, planning, and other prevention, preparedness, and response activities. Although there is no known terrorist threat to domestic energy transportation infrastructure, there have been several attacks in Iraq and the Middle-East. A successful attack could have significant public health and economic consequences.

NUCLEAR SMUGGLING

In the 109th Congress, the Committee continued to monitor Federal government and private sector efforts at border crossings, seaports, and mail facilities. On May 24, 2005, the Subcommittee on Oversight and Investigations held a hearing to review the DOE's Global Threat Reduction Initiative (GTRI), a program to secure high-risk nuclear and radiological materials around the world that could pose a threat when used in a radiological dispersion device (RDD or "dirty bomb") or in an improvised nuclear device. Witnesses from DOE and the Nuclear Regulatory Commission (NRC) described efforts to recover vulnerable, high-risk nuclear material worldwide. Domestically, GTRI has targeted 25 research reactors for conversion from high-risk HEU fuel to lower-risk LEU fuel. DOE and NRC also discussed their working relationship to identify and secure radiological sources located in the United States, including new security requirements for medical and research facilities, and manufacturers of sealed radioactive sources.

BIOTERRORISM PREPAREDNESS AND RESPONSE

In the 109th Congress, while it took no direct oversight action, the Committee reviewed implementation of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 by the Department of Health and Human Services (HHS), and the coordination between HHS and the Department of Homeland Security with respect to setting priorities and goals for bioterrorism-related research and preparedness activities.

In addition, and in connection with oversight of bioterrorism preparedness and response, on April 6, 2006, the Subcommittee on Health had an oversight hearing to lay out where the current Project Bioshield Act of 2004 stands in relation to other Federal program activities to research, develop, and acquire countermeasures for chemical, biological, radiological and nuclear threats. The subcommittee received testimony from the U.S. Department of Health and Human Services, the U.S. Department of Defense, and professionals in the biosecurity and biotechnology industries.

PUBLIC SAFETY COMMUNICATIONS OPERATIONS

During the 109th Congress, the Committee continued to examine whether the communications needs of first responders are being met. As part of this oversight, on September 29, 2005, the Subcommittee on Telecommunications and the Internet held an oversight hearing on the U.S. public safety communications infrastructure and how much progress has been made since September 11, 2001, and Hurricane Katrina in making that infrastructure more robust and interoperable. The hearing examined the major gaps in communications among Federal, State, and local officials, the spec-

trum needs of our Nation's first responders, interoperable emergency communications networks, and the vulnerability of these networks during emergencies. The Subcommittee received testimony from Federal government officials, State and local officials, commercial mobile service providers, and equipment manufacturers.

IMPLEMENTATION OF GOVERNMENTWIDE 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 governmentwide cyber security program under the direction of the Office of Management and Budget (OMB). During the 109th Congress, the Committee reviewed efforts to ensure that Federal agencies are complying with the cyber security provisions of the new Homeland Security Act. On September 13, 2006, the Subcommittee on Telecommunications and the Internet held an oversight hearing on cybersecurity and what can be done to protect America's critical infrastructure, economy, and consumers. The hearing focused on whether the U.S., public and private sectors are prepared to respond to and recover from a major Internet disruption, and the impact of such a disruption on U.S. business today. The hearing also examined the recent GAO report that expressed concerns regarding the Department of Homeland Security's capabilities to prevent and mitigate cyberattacks. The Subcommittee received testimony from Federal government officials and representatives of Internet security organizations.

In addition, on June 9, 2006, the Subcommittee on Oversight and Investigations held a hearing to review cyber security challenges at DOE. The first panel of witnesses included the DOE Inspector General, and the Director of DOE's Office of Security and Safety Performance Assurance, who described several internal and external reviews that identified significant weaknesses in both the management processes and the operational controls relied upon to protect the unclassified information systems vital to DOE operations. At the hearing, the Subcommittee revealed that a cyber attack at National Nuclear Security Administration (NNSA) site resulted in the removal of a file with personal information on over 1,500 NNSA contractor employees, including their social security numbers. The Administrator of NNSA, testified that although he had been aware of the stolen personnel information for several months, he only informed the Secretary of the breach two days before the Subcommittee hearing. After the hearing, NNSA took immediate steps to inform each employee whose personal information had been stolen. In response to overall weaknesses in the Department's cyber security program, the DOE's Chief Information Officer testified that he had developed a 12-month plan to revitalize the DOE cyber security posture. The NNSA Director and the DOE Under Secretary for Energy, Science, and Environment described their own efforts to improve cyber security. The DOE IG and the Director for the Office of Security and Safety Performance Assurance testified that they will continue to evaluate the status of DOE cyber security systems.

MISCELLANEOUS ISSUES

UNITED NATION'S OIL FOR FOOD PROGRAM

In the 109th Congress, the Committee will conduct its investigation of the United Nation's Oil for Food Program. The Committee's oversight of the United Nations' Oil-for-Food Program (the Program) began in the 106th Congress. As part of this oversight, the Subcommittee on Oversight and Investigations launched an in-depth investigation into abuses of the Program by the former Iraqi Regime of Saddam Hussein (the Regime) during the 108th and 109th Congresses. This investigation revealed that the Regime exploited lax oversight of the Program and political divisions within the United Nations to enrich itself at the expense of the Iraqi population. The Subcommittee's investigation of the Program culminated in two hearings during the 109th Congress. The first hearing, which took place on May 16, 2005, focused on the Regime's abuse of the oil allocation process. Documents disclosed at the hearing—many of which had been translated from Arabic for the Subcommittee—detailed how the Regime used lucrative oil allocations to bribe influential individuals and foreign governments in an effort to undermine sanctions. Witnesses at this hearing included: an Arabic linguist who was retained by the Committee to analyze and translate many of the documents, the author of a comprehensive report on the Program, a university professor knowledgeable about the Program and sanctions generally, and the Director of the Office of Peacekeeping, Sanctions & Counter-Terrorism in the State Department's International Organizations and Affairs Bureau. On June 21, 2005, the Subcommittee held a second hearing to examine how internal divisions within the United Nations' Security Council adversely impacted the effectiveness of the Program. Several representatives from the United States Mission to the United Nations testified about discussions within the "661 Sanctions Committee," which was responsible for general oversight of the Program. A portion of this hearing was conducted in executive session due to the classified status of some of the documents involved.

FEDERAL AGENCY MANAGEMENT

As part of the Committee's oversight responsibilities generally the Committee continued to examine ethics policies and practices at Federal agencies and commissions within the Committee's jurisdiction and also examined agency procurement practices and contracts, as well as agency implementation of laws and regulations. As part of this oversight work, in the 109th Congress, the Full Committee Chairman opened a review of agency implementation of the Data Quality Act. As part of this review, on January 13, 2005 the Chairman wrote 15 agencies and commissions within the Committee's jurisdiction, seeking documents and other information relating to each agency's implementation of the data-quality guidelines and procedures required by Section 515 of the Treasury and General Government Appropriates Act for Fiscal 2001, which is commonly known as the Data Quality Act. Under the Act, each agency is required to issue guidelines for "ensuring and maximizing the quality, objectivity, utility, and integrity of information" that agencies disseminate. The review seeks to assess agency im-

plementation as well as the general effectiveness and impact of the Act's requirements.

In addition, in the 109th Congress, the Full Committee Chairman and Subcommittee on Oversight and Investigations Chairman opened a review of efforts by Federal agencies to reduce unnecessarily burdensome regulations, particularly regulations on small businesses. As part of this review, on April 5, 2005 the Chairmen wrote ten Federal agencies within the Committee's jurisdiction, seeking documents and information relating to each agency's compliance with Section 610 of the Regulatory Flexibility Act (RFA) of 1980. Under Section 610, each Federal agency must plan for, and conduct, the periodic review of its rules that have or will have a significant economic impact on a substantial number of small entities, i.e. small businesses, small government jurisdictions, and other small organizations. The letters sought information to help determine the general impact and effectiveness of this regulatory-review requirement for meeting the goals of RFA. On May 19, 2006, the Chairmen requested that the GAO examine the impact of Section 610, both to assess implementation of the provision specifically and to provide insights into the implementation of retrospective regulatory reviews in general. A GAO report is expected in the 110th Congress.

APPENDIX I

LEGISLATIVE ACTIVITIES

COMMITTEE ON ENERGY AND COMMERCE

Summary of Committee Activities

Total Bills and Resolutions Referred to Committee	1319
Public Laws	55
Bills and Resolutions Reported to the House	53
Hearings Held:	
Days of Hearings	170
Full Committee	20
Subcommittee on Commerce, Trade, and Consumer Protection	34
Subcommittee on Energy and Air Quality	15
Subcommittee on Environment and Hazardous Materials	7
Subcommittee on Health	29
Subcommittee on Telecommunications and the Internet	18
Subcommittee on Oversight and Investigations	47
Hours of Sitting	461:02
Full Committee	69:22
Subcommittee on Commerce, Trade, and Consumer Protection	58:22
Subcommittee on Energy and Air Quality	35:46
Subcommittee on Environment and Hazardous Materials	18:37
Subcommittee on Health	83:51
Subcommittee on Telecommunications and the Internet	50:20
Subcommittee on Oversight and Investigations	145:00
Legislative Markups:	
Days of Markups	41
Full Committee	30
Subcommittee on Commerce, Trade, and Consumer Protection	3
Subcommittee on Energy and Air Quality	0
Subcommittee on Environment and Hazardous Materials	2
Subcommittee on Health	4
Subcommittee on Telecommunications and the Internet	2
Hours of Sitting	141:18
Full Committee	122:55
Subcommittee on Commerce, Trade, and Consumer Protection	4:48
Subcommittee on Energy and Air Quality	0
Subcommittee on Environment and Hazardous Materials	1:27
Subcommittee on Health	4:55
Subcommittee on Telecommunications and the Internet	7:13
Business Meetings:	
Days of Meetings	5
Subcommittee on Oversight and Investigations	5
Hours of Sitting	2:15
Subcommittee on Oversight and Investigations	2:15

APPENDIX II

This list includes: (1) legislation on which the Committee on Energy and Commerce acted directly; (2) legislation developed through Committee participation in House-Senate conferences; and (3) legislation which included provisions within the Committee's jurisdiction, including legislation enacted by reference as part of other legislation.

PUBLIC LAWS: 55

Public Law	Date Approved	Bill	Title
109–4	March 25, 2005	H.R. 1160	Welfare Reform Extension Act of 2005.
109–13	May 11, 2005	H.R. 1268	Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005.
109–18	June 29, 2005	H.R. 1812	Patient Navigator Outreach and Chronic Disease Prevention Act of 2005.
109–19	July 12, 2005	H.R. 3021	TANF Extension Act of 2005.
109–34	July 12, 2005	S. 1282	A bill to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes.
109–41	July 29, 2005	S. 544	Patient Safety and Quality Improvement Act of 2005.
109–43	August 1, 2005	H.R. 3423	Medical Device User Fee Stabilization Act of 2005.
109–56	August 2, 2005	S. 45	A bill to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes.
109–57	August 2, 2005	H.R. 184	Controlled Substances Export Reform Act of 2005.
109–58	August 8, 2005	H.R. 6	Energy Policy Act of 2005.
109–59	August 10, 2005	H.R. 3	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.
109–76	July 9, 2005	S. 714	Junk Fax Prevention Act of 2005.
109–91	October 20, 2005	H.R. 3971	QI, TMA, and Abstinence Programs Extension and Hurricane Katrina Unemployment Relief Act of 2005.
109–96	November 9, 2005	S. 172	A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.
109–100	November 11, 2005	S. 37	A bill to extend the special postage stamp for breast cancer research for 2 years.
109–129	December 20, 2005	H.R. 2520	Stem Cell Therapeutic and Research Act of 2005.
109–148	December 30, 2005	H.R. 2863	Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006.
109–151	December 30, 2005	H.R. 4579	Employee Retirement Preservation Act.
109–163	January 6, 2006	H.R. 1815	National Defense Authorization Act for Fiscal Year 2006.
109–164	January 10, 2006	H.R. 972	Trafficking Victims Protection Reauthorization Act of 2005.
109–165	January 10, 2006	H.R. 2017	Torture Victims Relief Reauthorization Act of 2005.
109–168	January 10, 2006	H.R. 4637	To make certain technical corrections in amendments made by the Energy Policy Act of 2005.
109–171	February 8, 2006	S. 1932	Deficit Reduction Act of 2005.
109–172	February 10, 2006	H.R. 4519	State High Risk Pool Funding Extension Act of 2006.
109–177	March 9, 2006	H.R. 3199	USA PATRIOT Improvement and Reauthorization Act of 2005.
109–191	August 11, 2005	H.R. 1132	National All Schedules Prescription Electronic Reporting Act of 2005.
109–204	March 20, 2006	S. 2320	A bill to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.
109–235	June 15, 2006	S. 193	Broadcast Decency Enforcement Act of 2005.

PUBLIC LAWS: 55—Continued

Public Law	Date Approved	Bill	Title
109–241	July 12, 2006	H.R. 889	Coast Guard and Maritime Transportation Act of 2006.
109–245	July 26, 2006	S. 655	A bill to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention.
109–295	October 4, 2006	H.R. 5441	Department of Homeland Security Appropriations Act, 2007.
109–297	October 5, 2006	S. 176	A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska.
109–298	October 5, 2006	S. 244	A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming.
109–307	October 6, 2006	H.R. 5574	Children's Hospital GME Support Reauthorization Act of 2006.
109–347	October 13, 2006	H.R. 4954	Port Security Improvement Act of 2006.
109–364	October 17, 2006	H.R. 5122	John Warner National Defense Authorization Act for Fiscal Year 2007.
109–393	December 13, 2006	H.R. 4377	To extend the time required for construction of a hydroelectric project, and for other purposes.
109–396	December 15, 2006	H.R. 3699	Federal and District of Columbia Government Real Property Act of 2006.
109–415	December 19, 2006	H.R. 6143	Ryan White HIV/AIDS Treatment Modernization Act of 2006.
109–416	December 19, 2006	S. 843	Combating Autism Act of 2006.
109–417	December 19, 2006	S. 3678	Pandemic and All-Hazards Preparedness Act.
109–422	December 20, 2006	H.R. 864	Sober Truth on Preventing Underage Drinking Act.
109–428	December 20, 2006	H.R. 4583	Wool Suit Fabric Labeling Fairness and International Standards Conforming Act.
109–431	December 20, 2006	H.R. 5646	To study and promote the use of energy efficient computer servers in the United States.
109–432	December 20, 2006	H.R. 6111	An act to amend the Internal Revenue Code of 1986 to extend expiring provisions, and for other purposes.
109–442	December 21, 2006	H.R. 3248	Lifespan Respite Care Act of 2006.
109–450	December 22, 2006	S. 707	PREEMIE Act.
109–455	December 22, 2006	S. 1608	Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2005.
109–459	December 22, 2006	S. 2653	Call Home Act of 2006.
109–462	December 22, 2006	S. 3546	Dietary Supplement and Nonprescription Drug Consumer Protection Act.
109–466	December 22, 2006	S. 4092	A bill to clarify certain land use in Jefferson County, Colorado.
109–468	December 29, 2006	H.R. 5782	Pipeline Safety Improvement Act of 2006.
109–469	December 29, 2006	H.R. 6344	Office of National Drug Control Policy Reauthorization Act of 2006.
109–475	January 12, 2007	H.R. 1245	Gynecologic Cancer Education and Awareness Act of 2005.
109–482	January 15, 2007	H.R. 6164	National Institutes of Health Reform Act of 2006.

APPENDIX III

PART A

PRINTED HEARINGS OF THE COMMITTEE ON ENERGY AND COMMERCE

Serial No.	Hearing title	Hearing date(s)
109–1	The Energy Policy Act of 2005 (Subcommittee on Energy and Air Quality)	February 10, 2005 and February 16, 2005
109–2	The Implementation of GEOSS: A Review of the All-Hazards Warning System and its Benefits to Public Health, Energy, and the Environment (Subcommittee on Oversight and Investigations).	March 9, 2005
109–3	Department of Energy's Fiscal Year 2006 Budget Proposal and the Energy Policy Act of 2005: Ensuring Jobs for Our Future with Secure and Reliable Energy (Full Committee).	February 9, 2005
109–4	How Internet Protocol-Enabled Services are Changing the Face of Communications: A View from Government Officials (Subcommittee on Telecommunications and the Internet).	April 27, 2005
109–5	Preparing Consumers for the End of the Digital Television Transition (Subcommittee on Telecommunications and the Internet).	March 10, 2005
109–6	United States Boxing Commission Act (Subcommittee on Commerce, Trade, and Consumer Protection).	March 3, 2005
109–7	Problems with the E-Rate Program: GAO Review of FCC Management and Oversight (Subcommittee on Oversight and Investigations).	March 16, 2005
109–8	The Orbit Act: An Examination of Progress Made in Privatizing the Satellite Communications Marketplace (Subcommittee on Telecommunications and the Internet).	April 14, 2005
109–9	The Role of Technology in Achieving a Hard Deadline for the DTV Transition (Subcommittee on Telecommunications and the Internet).	February 17, 2005
109–10	Combating Spyware: H.R. 29, the Spy Act (Full Committee)	January 26, 2005
109–11	Clean Air Act Transportation Conformity Provisions Contained in H.R. 3, ''The Transportation Equity Act: A Legacy for Users'' (Subcommittee on Energy and Air Quality).	March 2, 2005
109–12	How Internet Protocol-Enabled Services Are Changing the Face of Communications: A View from Technology Companies (Subcommittee on Telecommunications and the Internet).	February 9, 2005
109–13	Competition in the Communications Marketplace: How Technology is Changing the Structure of the Industry (Full Committee).	March 2, 2005
109–14	Securing Consumers' Data: Options Following Security Breaches (Subcommittee on Commerce, Trade, and Consumer Protection).	May 11, 2005
109–15	The Drug Free Sports Act of 2005 (Subcommittee on Commerce, Trade, and Consumer Protection).	May 18, 2005 and May 19, 2005
109–16	Increasing Generic Drug Utilization: Saving Money for Patients (Subcommittee on Health).	May 18, 2005
109–17	Patient Safety and Quality Initiatives (Subcommittee on Health)	June 9, 2005
109–18	Dominican Republic-Central America Free Trade Agreement (Subcommittee on Commerce, Trade, and Consumer Protection).	April 28, 2005
109–19	How Internet Protocol-Enabled Services Are Changing the Face of Communications: A Look at Video and Data Services (Subcommittee on Telecommunications and the Internet).	April 20, 2005
109–20	Setting the Path for Reauthorization: Improving Portfolio Management at the NIH (Subcommittee on Health).	March 17, 2005
109–21	The Threat of and Planning for Pandemic Flu (Subcommittee on Health)	May 26, 2005
109–22	Medicaid Reform: The National Governors Association's Bipartisan Roadmap (Full Committee).	June 15, 2005
109–23	The Health Care Choice Act (Subcommittee on Health)	June 28, 2005
109–24	Long-Term Care and Medicaid: Spiraling Costs and the Need for Reform (Subcommittee on Health).	April 27, 2005

PRINTED HEARINGS OF THE COMMITTEE ON ENERGY AND COMMERCE—Continued

Serial No.	Hearing title	Hearing date(s)
109–25	Medicaid Prescription Drugs: Examining Options for Payment Reform (Subcommittee on Health).	June 22, 2005
109–26	Product Counterfeiting: How Fakes are Undermining U.S. Jobs, Innovation, and Consumer Safety (Subcommittee on Commerce, Trade, and Consumer Protection).	June 15, 2005
109–27	Reauthorization of the National Highway Traffic Safety Administration (Subcommittee on Commerce, Trade, and Consumer Protection).	June 23, 2005
109–28	DTV Staff Discussion Draft of the DTV Transition Act of 2005 (Subcommittee on Telecommunications and the Internet).	May 26, 2005
109–29	The United Nations Oil-For-Food Program: Saddam Hussein's Use of Oil Allocations to Undermine Sanctions and the United Nations Security Council (Subcommittee on Oversight and Investigations).	May 16, 2005
109–30	The United Nations Oil-For-Food Program: A Review of the 661 Sanctions Committee (Subcommittee on Oversight and Investigations).	June 21, 2005
109–31	A Review of Community Health Centers: Issues and Opportunities (Subcommittee on Oversight and Investigations).	May 25, 2005
109–32	Hurricane Katrina's Effect on Gasoline Supply and Prices (Full Committee)	September 7, 2005
109–33	Electronic Waste: An Examination of Current Activity, Implications for Environmental Stewardship, and the Proper Federal Role (Subcommittee on Environment and Hazardous Materials).	July 20, 2005 and September 8, 2005
109–34	Thoroughbred Horse Racing Jockeys and Workers: Examining On-Track Injury Insurance and Other Health and Welfare Issues (Subcommittee on Oversight and Investigations).	October 18, 2005
109–35	A Review of the Administration's Fiscal Year 2006 Health Care Priorities (Full Committee).	February 17, 2005
109–36	Current Issues Related to Medical Liability Reform (Subcommittee on Health)	February 10, 2005
109–37	Funding Options for the Yucca Mountain Repository Program (Subcommittee on Energy and Air Quality).	March 10, 2005
109–38	Specialty Hospitals: Assessing Their Role in the Delivery of Quality Health Care (Subcommittee on Health).	May 12, 2005
109–39	The Administration's Clear Skies Initiative (Subcommittee on Energy and Air Quality).	May 26, 2005
109–40	Legislation to Reauthorize the National Institutes of Health (Full Committee)	July 19, 2005
109–41	Understanding the Peak Oil Theory (Subcommittee on Energy and Air Quality)	December 7, 2005
109–42	Determining a Champion on the Field: A Comprehensive Review of the BCS and Postseason College Football (Subcommittee on Commerce, Trade, and Consumer Protection).	December 7, 2005
109–43	Improving America's Health: Examining Federal Research Efforts for Pulmonary Hypertension and Chronic Pain (Subcommittee on Health).	December 8, 2005
109–44	How Internet Protocol-Enabled Services Are Changing the Face of Communications: A Look at the Voice Marketplace (Subcommittee on Telecommunications and the Internet).	March 16, 2005
109–45	A Review of Ongoing Management Concerns at Los Alamos National Laboratory (Subcommittee on Oversight and Investigations).	May 5, 2005
109–46	Safety of Imported Pharmaceuticals: Strengthening Efforts to Combat the Sales of Controlled Substances Over the Internet (Subcommittee on Oversight and Investigations).	December 13, 2005
109–47	Subversion of Drug Testing Programs (Subcommittee on Oversight and Investigations).	May 17, 2005
109–48	Data Security: The Discussion Draft of Data Protection Legislation (Subcommittee on Commerce, Trade, and Consumer Protection).	July 28, 2005
109–49	Medicaid: Empowering Beneficiaries on the Road to Reform (Full Committee)	September 8, 2005
109–50	Assessing Public Health and the Delivery of Care in the Wake of Katrina (Joint hearing with the Subcommittee on Health and the Subcommittee on Oversight and Investigations).	September 22, 2005
109–51	Guarding Against Waste, Fraud, and Abuse in Post-Katrina Relief and Recovery: The Plans of Inspectors General (Subcommittee on Oversight and Investigations).	September 28, 2005
109–52	Public Safety Communications from 9/11 to Katrina: Critical Public Policy Lessons (Subcommittee on Telecommunications and the Internet).	September 29, 2005
109–53	Phone Records For Sale: Why Aren't Phone Records Safe From Pretexting? (Full Committee).	February 1, 2006
109–54	FCC's E-Rate Plans to Assist Gulf Coast Recovery: Ensuring Effective Implementation (Subcommittee on Oversight and Investigations).	October 6, 2005
109–55	Protecting Property Rights After Kelo (Subcommittee on Commerce, Trade, and Consumer Protection).	October 19, 2005

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Serial No.	Hearing title	Hearing date(s)
109–56	A Review of GAO's Findings and Recommendations Regarding the Department of Energy's Efforts to Consolidate Surplus Plutonium Inventories (Subcommittee on Oversight and Investigations).	October 7, 2005
109–57	Comprehensively Combating Methampheta ..... mines: Impacts on Health and the Environment (Joint hearing with the Subcommittee on Health and the Subcommittee on Environment and Hazardous Materials).	October 20, 2005
109–58	Natural Gas and Heating Oil for American Homes (Subcommittee on Energy and Air Quality).	November 2, 2005
109–59	Assessing the National Pandemic Flu Preparedness Plan (Full Committee)	November 8, 2005
109–60	A Review of DOE Paducah Site Operations (Subcommittee on Oversight and Investigations).	January 19, 2006
109–61	The Law and Economics of Interchange Fees (Subcommittee on Commerce, Trade, and Consumer Protection).	February 15, 2006
109–62	Thoroughbred Horse Racing Jockeys and Workers: Examining On-Track Injury Insurance and Other Health and Welfare Issues (Subcommittee on Oversight and Investigations).	November 17, 2005
109–63	Legislation to Implement the POPs, PIC, and LRTAP POPs Agreements (Subcommittee on Environment and Hazardous Materials).	March 2, 2006
109–64	Car Title Fraud: Issues and Approaches for Keeping Consumers Safe on the Road (Subcommittee on Commerce, Trade, and Consumer Protection).	March 1, 2006
109–65	Steroids in Sports: Cheating the System and Gambling Your Health (Subcommittee on Commerce, Trade, and Consumer Protection).	March 10, 2005
109–66	A Review of Security Initiatives at DOE Nuclear Facilities (Subcommittee on Oversight and Investigations).	March 18, 2005
109–67	Reducing the Threat of Nuclear Terrorism: A Review of the Department of Energy's Global Threat Reduction Initiative (Subcommittee on Oversight and Investigations).	May 24, 2005
109–68	Hearing on a Staff Discussion Draft of the Internet Protocol and Broadband Services Legislation (Subcommittee on Telecommunications and the Internet).	November 9, 2005
109–70	What's the Cost?: Proposals to Provide Consumers with Better Information about Healthcare Service Costs (Subcommittee on Health).	March 15, 2006
109–71	Status of the Yucca Mountain Project (Subcommittee on Energy and Air Quality)	March 15, 2006
109–72	Superfund Laws and Animal Agriculture (Subcommittee on Environment and Hazardous Materials).	November 16, 2005
109–73	Issues Before the U.S.-China Joint Commission on Commerce and Trade (Subcommittee on Commerce, Trade, and Consumer Protection).	June 9, 2005
109–74	The Commerce and Consumer Protection Implications of Hurricane Katrina (Subcommittee on Commerce, Trade, and Consumer Protection).	September 22, 2005
109–75	Medicare Physician Payment: How to Build a More Efficient Payment System (Subcommittee on Health).	November 17, 2005
109–76	Protecting Consumer's Data: Policy Issues Raised by ChoicePoint (Subcommittee on Commerce, Trade, and Consumer Protection).	March 15, 2005
109–77	Hurricane Katrina: Assessing the Present Environmental Status (Subcommittee on Environment and Hazardous Materials).	September 29, 2005
109–78	Fair Use: Its Effects on Consumers and Industry (Subcommittee on Commerce, Trade, and Consumer Protection).	November 16, 2005
109–79	The State of Readiness for the 2005–2006 Flu Season (Subcommittee on Oversight and Investigations).	May 4, 2005
109–80	EIA's Report on Short-term Energy Outlook and Winter Fuels Outlook (Subcommittee on Energy and Air Quality).	October 19, 2005
109–81	Right to Repair: Industry Discussions and Legislative Options (Subcommittee on Commerce, Trade, and Consumer Protection).	November 10, 2005
109–82	Department of Energy's Fiscal Year 2007 Budget Proposal (Full Committee)	March 9, 2006
109–83	Communications Opportunity, Promotion, and Enhancement Act of 2006 (Subcommittee on Telecommunications and the Internet).	March 30, 2006
109–84	Pipeline Safety: A Progress Report Since the Enactment of The Pipeline Safety Improvement Act of 2002 (Subcommittee on Energy and Air Quality).	April 27, 2006
109–85	Public Reporting of Hospital–Acquired Infection Rates: Empowering Consumers, Saving Lives (Subcommittee on Oversight and Investigations).	March 29, 2006
109–86	The Critical Role of Community Health Centers in Ensuring Access to Care (Subcommittee on Health).	May 4, 2006
109–87	Examining the Children's Hospital Graduate Medical Education Program (Subcommittee on Health).	May 9, 2006

PRINTED HEARINGS OF THE COMMITTEE ON ENERGY AND COMMERCE—Continued

Serial No.	Hearing title	Hearing date(s)
109–88	Reauthorizing the Ryan White CARE Act: How to Improve the Program to Ensure Access to Care (Subcommittee on Health).	April 27, 2006
109–89	H.R. 2567, the Antifreeze Bittering Act of 2005 (Subcommittee on Environment and Hazardous Materials).	May 23, 2006
109–90	Digital Content and Enabling Technology: Satisfying the 21st Century Consumer (Subcommittee on Commerce, Trade, and Consumer Protection).	March 29, 2006 and May 3, 2006
109–91	Social Security Numbers in Commerce: Reconciling Beneficial Uses with Threats to Privacy (Subcommittee on Commerce, Trade, and Consumer Protection).	May 11, 2006
109–92	H.R. 5126, the Truth in Caller ID Act of 2006 (Subcommittee on Telecommunications and the Internet).	May 18, 2006
109–93	H.R. 2048, The Motor Vehicle Owners' Right to Repair Act of 2005 (Subcommittee on Commerce, Trade, and Consumer Protection).	May 17, 2006
109–94	Gasoline: Supply, Price, and Specifications (Full Committee)	May 10, 2006 and May 11, 2006
109–95	H.R.____ , a bill to authorize the National Highway Traffic Safety Administration (NHTSA) to set passenger car fuel economy standards (Full Committee).	May 3, 2006
109–96	World Crude-Oil Pricing (Full Committee)	May 4, 2006
109–97	Project Bioshield Reauthorization Issues (Subcommittee on Health)	April 6, 2006
109–98	Thoroughbred Horse Racing Jockeys and Workers: Examining On-Track Injury Insurance and Other Health and Welfare Issues (Subcommittee on Oversight and Investigations).	May 9, 2006
109–99	Privacy in the Commercial World II (Subcommittee on Commerce, Trade, and Consumer Protection).	June 20, 2006
109–100	Planning for Long-Term Care (Subcommittee on Health)	May 17, 2006
109–101	Unlocking America's Energy Resources Next Generation (Subcommittee on Energy and Air Quality).	May 18, 2006
109–102	Examining the Federal Government's Partnership with America's Pharmacists (Subcommittee on Health).	May 23, 2006
109–103	Vehicle and Fuels Technology: Next Generation (Subcommittee on Energy and Air Quality).	May 24, 2006
109–104	A Review of NRC's Reactor Oversight Process (Subcommittee on Oversight and Investigations).	June 19, 2006
109–105	Violent and Explicit Video Games: Informing Parents and Protecting Children (Subcommittee on Commerce, Trade, and Consumer Protection).	June 14, 2006
109–106	Discussion draft providing for a reduction in the number of boutique fuels (Full Committee).	June 7, 2006
109–107	Cyber Security Challenges at the Department of Energy (Subcommittee on Oversight and Investigations).	June 9, 2006
109–108	Oversight and Administration of the 340B Drug Discount Program: Improving Efficiency and Transparency (Subcommittee on Oversight and Investigations).	December 15, 2005
109–109	Universal Service: What Are We Subsidizing and Why? Part 1: The High-Cost Fund (Subcommittee on Telecommunications and the Internet).	June 21, 2006
109–110	CFIUS Reform: H.R. 5337, the Reform of National Security Reviews of Foreign Direct Investments Act (Subcommittee on Commerce, Trade, and Consumer Protection).	July 11, 2006
109–111	Motor Vehicle Technology and the Consumer: Views from the National Highway Traffic Safety Administration (Subcommittee on Commerce, Trade, and Consumer Protection).	July 18, 2006
109–112	The Audio and Video Flags: Can Content Protection and Technological Innovation Coexist? (Subcommittee on Telecommunications and the Internet).	June 27, 2006
109–113	The Administration's FY '07 Health Care Priorities (Full Committee)	February 15, 2006
109–114	Legislative Proposals to Promote Electronic Health Records and a Smarter Health Information System (Subcommittee on Health).	March 16, 2006
109–115	Hospital Disaster Preparedness: Past, Present, and Future (Subcommittee on Oversight and Investigations).	January 26, 2006
109–116	Growth, Opportunity, Competition—America Goes to Work. (Full Committee)	June 29, 2006
109–117	Innovative Solutions to Medical Liability (Subcommittee on Health)	July 13, 2006
109–118	DOE's Revised Schedule for Yucca Mountain (Subcommittee on Energy and Air Quality).	July 19, 2006
109–119	Human Tissue Samples: NIH Research Policies and Practices (Subcommittee on Oversight and Investigations).	June 13, 2006 and June 14, 2006
109–120	Mental Illness and Brain Disease: Dispelling Myths and Promoting Recovery Through Awareness and Treatment (Subcommittee on Health).	June 28, 2006

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Serial No.	Hearing title	Hearing date(s)
109–121	H.R. 5319, the Deleting Online Predators Act of 2006 (Subcommittee on Telecommunications and the Internet).	July 11, 2006
109–122	Sexual Exploitation of Children over the Internet: How the State of New Jersey is Combating Child Predators on the Internet (Subcommittee on Oversight and Investigations).	July 10, 2006
109–123	Making the Internet Safe for Kids: The Role of ISP's and Social Networking Sites (Subcommittee on Oversight and Investigations).	June 27, 2006 and June 28, 2006
109–124	The Silicosis Story: Mass Tort Screening and the Public Health (Subcommittee on Oversight and Investigations).	March 28, 2006, March 31, 2006, June 6, 2006, and July 26, 2006
109–125	H.R. 5785, the Warning, Alert, and Response Network Act of 2006 (Subcommittee on Telecommunications and the Internet).	July 20, 2006
109–126	Sexual Exploitation of Children Over the Internet: What Parents, Kids and Congress Need to Know About Child Predators (Subcommittee on Oversight and Investigations).	April 4, 2006, April 6, 2006, and May 3, 2006
109–127	H.R. 503, a bill to amend the Horse Protection Act (Subcommittee on Commerce, Trade, and Consumer Protection).	July 25, 2006
109–128	Questions Surrounding the 'Hockey Stick' Temperature Studies: Implications for Climate Change Assessments (Subcommittee on Oversight and Investigations).	July 19, 2006 and July 27, 2006
109–129	Medicare Part D: Implementation of the New Drug Benefit (Subcommittee on Health).	March 1, 2006
109–130	Medicare Physician Payment: How to Build a Payment System that Provides Quality, Efficient Care for Medicare Beneficiaries (Subcommittee on Health).	July 25, 2006 and July 27, 2006
109–131	Internet Data Brokers and Pretexting: Who has Access to Your Private Records? (Subcommittee on Oversight and Investigations).	June 21, 2006, June 22, 2006, and September 29, 2006
109–132	Use of Imaging Services: Providing Appropriate Care for Medicare Beneficiaries (Subcommittee on Health).	July 18, 2006
109–133	Discussion Draft on the Pipeline Safety Improvement Act Reauthorization and H.R. 5782, the Pipeline Safety Improvement Act of 2006 (Subcommittee on Energy and Air Quality).	July 27, 2006
109–134	Examining the Impact of Illegal Immigration on the Medicaid Program and Our Healthcare Delivery System (Full Committee).	August 10, 2006 and August 15, 2006
109–135	BP's Pipeline Spills at Prudhoe Bay: What Went Wrong? (Subcommittee on Oversight and Investigations).	September 7, 2006
109–136	Continuing Ethics and Management Concerns at NIH and the Public Health Service Commissioned Corps (Subcommittee on Oversight and Investigations).	September 13, 2006
109–137	CyberSecurity: Protecting America's Critical Infrastructure, Economy, and Consumers (Subcommittee on Telecommunications and the Internet).	September 13, 2006
109–138	Nuclear waste storage and disposal policy, and hydroelectric license extension and energy efficiency legislation (Subcommittee on Energy and Air Quality).	September 13, 2006
109–139	Contact Lens Sales: Is Market Regulation the Prescription? (Subcommittee on Commerce, Trade, and Consumer Protection).	September 15, 2006
109–140	Improving NIH Management and Operation: A Legislative Hearing on the NIH Reform Act of 2006 (Full Committee).	September 19, 2006
109–141	Deleting Commercial Child Pornography Sites From the Internet: The U.S. Financial Industry's Efforts to Combat This Problem (Subcommittee on Oversight and Investigations).	September 21, 2006
109–142	ICANN Internet Governance: Is It Working? (Joint hearing with the Subcommittee on Telecommunications and the Internet and the Subcommittee on Commerce, Trade, and Consumer Protection).	September 21, 2006
109–143	Sexual Exploitation of Children Over the Internet: The Face of a Child Predator and Other Issues (Subcommittee on Oversight and Investigations).	September 26, 2006
109–144	Editing Hollywood's Editors: Cleaning Flicks for Families (Subcommittee on Commerce, Trade, and Consumer Protection).	September 26, 2006
109–145	Sexual Exploitation of Children Over the Internet: Follow-up Issues to the Masha Allen Adoption (Subcommittee on Oversight and Investigations).	September 27, 2006
109–146	Hewlett-Packard's Pretexting Scandal (Subcommittee on Oversight and Investigations).	September 28, 2006
109–147	Medicare Physician Payments: 2007 and Beyond (Subcommittee on Health)	September 28, 2006

PART B

COMMITTEE PRINTS

Serial No.	Title
109–A	Compilation of Selected Acts Within the Jurisdiction of the Committee on Energy and Commerce—Food, Drug, and Related Law.
109–B	Compilation of Selected Acts Within the Jurisdiction of the Committee on Energy and Commerce—Health Law.
109–C	Compilation of Selected Acts Within the Jurisdiction of the Committee on Energy and Commerce—Communications Law.
109–D	Committee Rules.
109–E	Waste, Fraud, Abuse Concerns with the E-rate Program.
109–F	Sexual Exploitation of Children Over the Internet.

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