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ACTIVITY REPORT

OF THE

COMMITTEE ON ENERGY AND COMMERCE

OF THE

U.S. HOUSE OF REPRESENTATIVES
JUNE 1 – DECEMBER 31, 2011

together with

ADDITIONAL VIEWS AND DISSENTING VIEWS

DECEMBER 21, 2011.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 21, 2011.

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

DEAR MS. HAAS: Pursuant to clause 1(d) of rule XI of the Rules of the House of Representatives, I present herewith the second semi-annual report on the activity of the Committee on Energy and Commerce for the 112th Congress with additional and dissenting views, including the Committee's review and study of legislation within its jurisdiction and the oversight activities undertaken by the Committee.

Sincerely,

FRED UPTON,
Chairman.

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MEMBERSHIP AND ORGANIZATION

ONE HUNDRED TWELFTH CONGRESS

COMMITTEE ON ENERGY AND COMMERCE

(Ratio 31–23)

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MIKE ROSS, Arkansas
JIM MATHESON, Utah
G.K. BUTTERFIELD, North Carolina
JOHN BARROW, Georgia
DORIS O. MATSUI, California
DONNA M. CHRISTENSEN,
Virgin Islands*
KATHY CASTOR, Florida**

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

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

SUBCOMMITTEE MEMBERSHIPS AND JURISDICTION

SUBCOMMITTEE ON COMMERCE, MANUFACTURING, AND TRADE

(Ratio 14–9)

MARY BONO MACK, California, *Chairman*

MARSHA BLACKBURN, Tennessee, *Vice Chairman*
CLIFF STEARNS, Florida
CHARLES F. BASS, New Hampshire
GREGG HARPER, Mississippi
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BILL CASSIDY, Louisiana
BRETT GUTHRIE, Kentucky
PETE OLSON, Texas
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MIKE POMPEO, Kansas
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JAN SCHAKOWSKY, Illinois
MIKE ROSS, Arkansas
HENRY A. WAXMAN, California (*Ex Officio*)

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

SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY

(Ratio 16–11)

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BOBBY L. RUSH, Illinois
DIANA DEGETTE, Colorado
JOHN D. DINGELL, Michigan, (*Ex Officio—non voting*)
HENRY A. WAXMAN, California (*Ex Officio*)

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

SUBCOMMITTEE ON ENERGY AND POWER

(Ratio 16–11)

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CATHY MCMORRIS RODGERS, Washington
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GENE GREEN, Texas
LOIS CAPPS, California
MICHAEL F. DOYLE, Pennsylvania
CHARLES A. GONZALEZ, Texas
HENRY A. WAXMAN, California (*Ex Officio*)

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

SUBCOMMITTEE ON ENVIRONMENT AND THE ECONOMY

(Ratio 14–9)

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CATHY MCMORRIS RODGERS, Washington
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DIANA DEGETTE, Colorado
LOIS CAPPS, California
JOHN D. DINGELL, Michigan, (*Ex Officio—non voting*)
HENRY A. WAXMAN, California (*Ex Officio*)

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

SUBCOMMITTEE ON HEALTH

(Ratio 16–11)

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ROBERT E. LATTA, Ohio
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CHARLES A. GONZALEZ, Texas
TAMMY BALDWIN, Wisconsin
MIKE ROSS, Arkansas
JIM MATHESON, Utah
HENRY A. WAXMAN, California (*Ex Officio*)

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

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

(Ratio 14–9)

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DONNA M. CHRISTENSEN, Virgin Islands
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HENRY A. WAXMAN, California (*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

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CAITLIN HABERMAN, *Policy Analyst*
ALISON NEUBAUER, *Investigator*
MITCH SMILEY, *Assistant Clerk*
WILL WALLACE, *Policy Analyst*

SUMMARY OF COMMITTEE ACTIVITIES

(as of December 31, 2011)

Total Bills and Resolutions Referred to Committee	742
Public Laws	2
Bills and Resolutions Reported to the House	26
Hearings Held:	
Days of Hearings	52
Full Committee	1
Subcommittee on Commerce, Manufacturing, and Trade	15
Subcommittee on Communications and Technology	14
Subcommittee on Energy and Power	27*
Subcommittee on Environment and the Economy	11*
Subcommittee on Health	22
Subcommittee on Oversight and Investigations	24
Hours of Sitting	
Full Committee	2:18
Subcommittee on Commerce, Manufacturing, and Trade	34:25
Subcommittee on Communications and Technology	25:08
Subcommittee on Energy and Power	66:21
Subcommittee on Environment and the Economy	24:20
Subcommittee on Health	52:14
Subcommittee on Oversight and Investigations	60:19
Legislative Markups:	
Days of Markups	39
Full Committee	18
Subcommittee on Commerce, Manufacturing, and Trade	2
Subcommittee on Communications and Technology	4
Subcommittee on Energy and Power	7
Subcommittee on Environment and the Economy	3
Subcommittee on Health	5
Hours of Sitting	71:43
Full Committee	40:50
Subcommittee on Commerce, Manufacturing, and Trade	4:31
Subcommittee on Communications and Technology	6:26
Subcommittee on Energy and Power	9:13
Subcommittee on Environment and the Economy	1:03
Subcommittee on Health	10:20
Business Meetings:	
Days of Meetings	3
Subcommittee on Oversight and Investigations	2
Hours of Sitting	3:28
Subcommittee on Oversight and Investigations	2:45

Note: The Subcommittee on Energy and Power and the Subcommittee on Environment and the Economy met in joint session for 3 days of hearings. The Subcommittee on Commerce, Manufacturing, and Trade and the Subcommittee on Communication and Technology met in joint session for 1 hearing day. The Subcommittee on Commerce, Manufacturing, and Trade and the Subcommittee on Health met in joint session for 1 hearing day

LEGISLATIVE AND OVERSIGHT ACTIVITY

FULL COMMITTEE

(Ratio 31–23)

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BILL CASSIDY, Louisiana
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JOHN BARROW, Georgia
DORIS O. MATSUI, California
DONNA M. CHRISTENSEN, Virgin Islands
KATHY CASTOR, Florida

OVERSIGHT ACTIVITIES

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

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

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

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

HEARINGS HELD

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

SUBCOMMITTEE ON COMMERCE, MANUFACTURING, AND TRADE

(Ratio 14–9)

MARY BONO MACK, California, *Chairman*

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GREGG HARPER, Mississippi
LEONARD LANCE, New Jersey
BILL CASSIDY, Louisiana
BRETT GUTHRIE, Kentucky
PETE OLSON, Texas
DAVID B. MCKINLEY, West Virginia
MIKE POMPEO, Kansas
ADAM KINZINGER, Illinois
JOE BARTON, Texas
FRED UPTON, Michigan (Ex Officio)

G.K. BUTTERFIELD, North Carolina *Ranking Member*
CHARLES A. GONZALEZ, Texas
JIM MATHESON, Utah
JOHN D. DINGELL, Michigan
EDOLPHUS TOWNS, New York
BOBBY L. RUSH, Illinois
JAN SCHAKOWSKY, Illinois
MIKE ROSS, Arkansas
HENRY A. WAXMAN, California (Ex Officio)

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

LEGISLATIVE ACTIVITIES

ENHANCING CPSC AUTHORITY AND DISCRETION ACT OF 2011

(H.R. 1939)

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

Summary

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

Legislative History

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

On May 12, 2011, the Subcommittee on Commerce, Manufacturing, and Trade met in open markup session and forwarded a

discussion draft entitled "Enhancing CPSC Authority and Discretion Act of 2011" to the full committee, as amended, by a voice vote.

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

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

SECURE AND FORTIFY ELECTRONIC DATA ACT OR SAFE DATA ACT

(H.R. 2577)

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

Summary

H.R. 2577 requires the Federal Trade Commission (FTC) to promulgate regulations requiring any person engaged in interstate commerce that owns or possesses data containing personal information to establish and implement reasonable security policies and procedures to treat and protect such information.

Legislative History

On July 15, 2011, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing on a draft legislation entitled the "Secure and Fortify Electronic Data Act" or "SAFE Data Act."

On July 18, 2011, Mrs. Bono Mack introduced H.R. 2577, which was referred to the Committee on Energy and Commerce. On July 29, 2011, the bill was referred to the Subcommittee on Commerce, Manufacturing, and Trade.

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

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

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

(H.R. 2715)

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

Summary

The legislation will provide the Consumer Product Safety Commission (CPSC) with greater flexibility to decide how individual products should be regulated by allowing them to assess products on a case by case basis, including the establishment of new lead limits for children's products.

Legislative History

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

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

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

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

OVERSIGHT ACTIVITIES

A Review of CPSIA and CPSC Resources

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

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

Made in America: Innovations in Job Creation and Economic Growth

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

the Council on Competitiveness, Solar Energy Industries Association, and the Center for American Progress.

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

MADE IN AMERICA: INCREASING JOBS THROUGH EXPORTS AND TRADE

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

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

WARNING: THE GROWING DANGER OF PRESCRIPTION DRUG DIVERSION

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

THE THREAT OF DATA THEFT TO AMERICAN CONSUMERS

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

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

SONY AND EPSILON: LESSONS FOR DATA SECURITY LEGISLATION

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

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

THE "SECURE AND FORTIFY ELECTRONIC DATA ACT," OR "SAFE DATA ACT"

On June 15, 2011, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing on a discussion draft entitled the "Secure and Fortify Electronic Data Act," or "SAFE Data Act," a bill to require greater protection of sensitive consumer data and timely notification in case of breach. The Subcommittee received testimony from the Honorable Edith Ramirez, Commissioner of the Federal Trade Commission and representatives of the U.S. Chamber of Commerce, the Business Software Alliance, the Consumer Data Industry Association, and the Electronic Privacy Information Center.

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

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

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

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

INTERNET PRIVACY: THE IMPACT AND BURDEN OF EU REGULATION

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

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

PROTECTING CHILDREN'S PRIVACY IN AN ELECTRONIC WORLD

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

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

FOOD MARKETING: CAN "VOLUNTARY" GOVERNMENT RESTRICTIONS IMPROVE CHILDREN'S HEALTH?

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

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

UNDERSTANDING CONSUMER ATTITUDES ABOUT PRIVACY

On October 13, 2011, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled "Understanding Consumer Attitudes About Privacy." The hearing examined consumers' attitudes toward privacy as reflected by their utilization and ma-

nipulation of existing privacy controls. Witnesses heard included stakeholders and policy experts.

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

INTERNET GAMING: IS THERE A SAFE BET?

On October 25, 2011, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled "Internet Gaming: Is there a Safe Bet?" The purpose of the hearing was to examine the status of Internet gaming in the United States and to consider how consumers and other stakeholders would be affected if current legal restrictions were eased. The Subcommittee received testimony from the Poker Players Alliance, National Indian Gaming Association, Fair Play USA, National Council on Problem Gambling, a professor from the Chapman University School of Law, and the Annenberg Public Policy Center.

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

INTERNET GAMING: REGULATING IN AN ONLINE WORLD

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

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

HEARINGS HELD

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

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

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

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

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

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

Hearing on Sony and Epsilon: Lessons for Data Security Legislation. Hearing held on June 2, 2011. PRINTED, Serial Number 112–55.

Hearing on a discussion draft of the Secure and Fortify Electronic Data Act (SAFE Data Act). Hearing held on June 15, 2011. PRINTED, Serial Number 112–62.

Hearing on Internet Privacy: The Views of the FTC, the FCC, and NTIA. Hearing held on July 14, 2011. PRINTED, Serial Number 112–75.

Hearing on Internet Privacy: The Impact and Burden of EU Regulation. Hearing held on September 15, 2011. PRINTED, Serial Number 112–86.

Hearing on Protecting Children's Privacy in an Electronic World. Hearing Held on October 5, 2011. PRINTED, Serial Number 112–91.

Hearing on Food Marketing: Can "Voluntary" Government Restrictions Improve Children's Health? Hearing held on October 12, 2011. PRINTED, Serial Number 112–94.

Hearing on Understanding Consumer Attitudes About Privacy. Hearing held on October 13, 2011. PRINTED, Serial Number 112–96.

Hearing on Internet Gaming: Is there a Safe Bet? Hearing held on October 25, 2011. PRINTED, Serial Number 112–100.

SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY

(Ratio 16–11)

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Vice Chairman
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HENRY A. WAXMAN, California
(Ex Officio)

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

LEGISLATIVE ACTIVITIES

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

(H.J. RES. 37)

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

Summary

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

Legislative History

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

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

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

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

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

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

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

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

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

(H.R. 1076)

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

Summary

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

Legislative History

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

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

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

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

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

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

(H.R. 1343)

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

Summary

H.R. 1343 requires the Administrator of the Rural Utilities Service and the Assistant Secretary of Commerce for Communications and Information to terminate any awards made under the Broadband Initiatives Program or the Broadband Technology Opportunities Program, if the Administrator or Assistant Secretary determines that cause exists to terminate the award, including insufficient level of performance, wasteful spending, or fraudulent spending.

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

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

Legislative History

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

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

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

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

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

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

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

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

FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM ACT OF 2011

(H.R. 3309)

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

Summary

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

Legislative History

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

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

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

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

FEDERAL COMMUNICATIONS COMMISSION CONSOLIDATED REPORTING ACT OF 2011

(H.R. 3310)

To amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens.

Summary

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

Legislative History

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

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

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

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

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

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

MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

(H.R. 3630)

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

Summary

Title IV of the bill, the "Jumpstarting Opportunity With Broadband Spectrum Act of 2011" authorizes incentive auctions of spectrum, creating the contiguous, 20-MHz block of spectrum for public safety use by reallocating the 700 MHz D Block and providing for the return of 700 MHz narrowband spectrum, making up

to $6.5 billion in grants available for the construction of an interoperable public safety network, and creating a governance structure for construction and operation of the network.

Legislative History

On July 15, 2011, the Subcommittee on Communication and Technology held a hearing entitled "Legislative Hearing to Address Spectrum and Public Safety Issues." During that hearing, the Subcommittee examined a discussion draft entitled the "Spectrum Innovation Act of 2011," and the "Spectrum Relocation Improvement Act of 2009," which was introduced by Mr. Inslee during the 111th Congress as H.R. 3019. Based on the testimony from this hearing, oversight hearings on spectrum issues, and Member discussions, the Subcommittee released a discussion draft entitled the "Jumpstarting Opportunity with Broadband Spectrum (JOBS) Act of 2011" on November 29, 2011.

On December 1, 2011, the Subcommittee on Communication and Technology met in open markup session and forwarded the discussion draft entitled the "Jumpstarting Opportunity with Broadband Spectrum (JOBS) Act of 2011" to the full committee, as amended, by a roll call vote of 17 ayes and 6 nays.

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

Title IV of H.R. 3630 is entitled "Jumpstarting Opportunity with Broadband Spectrum Act of 2011" and includes provisions that are substantially similar to the discussion draft forwarded, as amended, by the Subcommittee on Communications and Technology to the Committee on Energy and Commerce.

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

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

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

On December 20, 2011, the House adopted a motion to disagree to the amendment of the Senate and requested a conference on H.R. 3630 by a roll call vote of 229 yeas and 193 nays (Roll Call No. 946), and the Speaker appointed conferees.

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

OVERSIGHT ACTIVITIES

FAIRNESS DOCTRINE

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

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

ARRA BROADBAND SPENDING

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

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

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

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

On March 3, 2011, Chairman Upton, Chairman Walden, and Mr. Terry sent a follow up letter to the FCC Chairman, requesting the economic and market analysis included in the Commission's order to impose controversial Internet rules. The letter also requested information that would demonstrate that the FCC's network neutrality rules would not harm the American economy or the ability of Internet providers to innovate. On March 4, 2011, Chairman Upton, Chairman Walden, and Mr. Terry sent letters to CTIA—The Wireless Association and the National Cable & Telecommunications Association seeking information regarding the potential impact of the network neutrality rules on investment and economic activity.

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

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

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

On April 12, 2011, the Subcommittee on Communications and Technology held a hearing to examine spectrum policy and to investigate how it can be used to bring interoperable broadband communications to public safety, advance wireless broadband, and reduce the deficit. The Subcommittee discussed four potential ways to meet the country's spectrum needs: auctioning the AWS–3 block, auctioning the 700 MHz D-block, holding incentive auctions, and relocating the spectrum of government users. The Subcommittee received testimony from Senator Slade Gorton, formerly of the 9/11 Commission; the New York Police Department; the Brattle Group; U.S. Cellular; WGAL–TV; the Federal Communications Commission; and Intel Corp.

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

FCC PROCESS REFORM

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

Chairman Walden and Chairman Stearns followed the hearing with a letter sent on June 3, 2011, seeking more detailed data about the Commission's activities. Among other things, the letter sought information about how many petitions, complaints, and applications are pending at the FCC, the FCC's use of internal dead-

lines to manage its docket, and the conditions the FCC has imposed on recent transactions.

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

CREATING AN INTEROPERABLE PUBLIC SAFETY NETWORK

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

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

PROMOTING BROADBAND, JOBS AND ECONOMIC GROWTH THROUGH COMMERCIAL SPECTRUM AUCTIONS

On June 1, 2011, the Subcommittee on Communications and Technology held a hearing entitled "Promoting Broadband, Jobs and Economic Growth Through Commercial Spectrum Auctions." The Subcommittee held the hearing to probe how best to meet the spectrum needs of Americans, with a focus on the spectrum bands to be reallocated, the treatment of incumbent users, and the methods of distributing and regulating new licensees. The Subcommittee received testimony from CTIA—The Wireless Association, an economist from Duke University, Qualcomm Inc., Public Knowledge, Schurz Communications, and Titan Broadcast Management.

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

REFORMING FCC PROCESS

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

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

FEDERAL GOVERNMENT SPECTRUM USE

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

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

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

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

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

LEGISLATIVE HEARING TO ADDRESS SPECTRUM AND PUBLIC SAFETY ISSUES

On July 15, 2011, the Subcommittee on Communications and Technology held a hearing entitled "Legislative Hearing to Address Spectrum and Public Safety Issues." The purpose of the hearing was to discuss how spectrum policy can help bring interoperable broadband communications to public safety officials, advance wireless broadband service, reduce the deficit, and create jobs. The Subcommittee received testimony from the National Association of Broadcasters, CTIA-The Wireless Association, San Jose Police Department, an economics professor from the University of Maryland, and the New America Foundation.

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

H.R. 3035, The Mobile Informational Call Act of 2011

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

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

ICANN's Top-Level Domain Name Program

On December 14, 2011, the Subcommittee on Communications and Technology held a hearing entitled "ICANN's Top-Level Domain Name Program." This hearing examined ICANN's expansion of the number of generic top-level domain names in the program. The Subcommittee received testimony from representatives of the National Telecommunications and Information Administration, the Coalition Against Domain Name Abuse, Employ Media, the Council of Better Business Bureaus, the Association of National Advertisers, and ICANN.

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

HEARINGS HELD

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

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

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

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

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

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

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

Hearing on the Federal Communications Commission Process Reform Act. Hearing Held on June 22, 2011. PRINTED, Serial Number 112–66.

Hearing on Federal Government Spectrum Use. Hearing held on July 6, 2011. PRINTED, Serial Number 112–69.

Hearing on Internet Privacy: The Views of the FTC, the FCC, and NTIA. Hearing held on July 14, 2011. PRINTED, Serial Number 112–75.

Hearing to Address Spectrum and Public Safety Issues. Hearing held on July 15, 2011. PRINTED, Serial Number 112–76.

Hearing on the Mobile Informational Call Act of 2011 (H.R. 3035). Hearing held on November 4, 2011. PRINTED, Serial Number 112–103.

Hearing on ICANN's Top-Level Domain Name Program. Hearing held on December 14, 2011. PRINTED, Serial Number 112____.

SUBCOMMITTEE ON ENERGY AND POWER

(Ratio 16–11)

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

LEGISLATIVE ACTIVITIES

ENERGY TAX PREVENTION ACT OF 2011

(H.R. 910)

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

Summary

H.R. 910 prohibits the Administrator of the Environmental Protection Agency from using the Clean Air Act to promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas (GHG) to address climate change.

Legislative History

On February 9, 2011, the Subcommittee on Energy and Power held a hearing on draft legislation entitled the "Energy Tax Prevention Act of 2011." The Subcommittee held another hearing on March 1, 2011, entitled "EPA's Greenhouse Gas Regulations and Their Effect on American Jobs."

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

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

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

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

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

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

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

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

FARM DUST REGULATION AND PREVENTION ACT OF 2011

(H.R. 1633)

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

Summary

H.R. 1633 prohibits EPA from proposing, finalizing, implementing or enforcing any regulation revising the National Ambient Air Quality Standards applicable to coarse particulate matter for one year from the date of enactment.

Legislative History

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

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

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

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

On December 6, 2011, the Committee on Energy and Commerce reported H.R. 1630 to the House (H. Rept. 112–316), and the bill was placed on the Union Calendar (No. 215).

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

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

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

(H.R. 1705)

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

Summary

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

Legislative History

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

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

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

NORTH AMERICAN-MADE ENERGY SECURITY ACT

(H.R. 1938)

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

Summary

H.R. 1938 directs the President of the United States to coordinate with each Federal agency responsible for coordinating or considering an aspect of the President's National Interest Determination and Presidential Permit decision regarding construction and operation of the Keystone XL pipeline to ensure that all necessary actions are taken on an expedited schedule. The bill also directs the President, within 30 days after the final environmental impact statement, but not later than November 1, 2011, to issue a final

order granting or denying the Presidential Permit for the Keystone XL pipeline.

Legislative History

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

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

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

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

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

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

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

JOBS AND ENERGY PERMITTING ACT OF 2011

(H.R. 2021)

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

Summary

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

Legislative History

On April 13, 2011 and May 13, 2011, the Subcommittee on Energy and Power held hearings on a discussion draft entitled the "Jobs and Energy Permitting Act of 2011." The Subcommittee on Energy and Power met in open markup session on May 24, 2011,

and the discussion draft was forwarded to the full committee, without amendment, by a voice vote.

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

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

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

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

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

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

ENERGY AND REVENUE ENRICHMENT ACT OF 2011

(H.R. 2054)

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

Summary

H.R. 2054 directs the Secretary of the Department of Energy (DOE) to contract with a qualified operator for a 24-month pilot program for the reenrichment of depleted uranium.

Legislative History

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

On June 3, 2011, the bill was referred to the Subcommittee on Energy and Power. The Subcommittee met in open markup session on July 27, 2011, and H.R. 2054 was forwarded to the full committee, as amended, by a voice vote.

No further action has been taken on H.R. 1216 in the 112th Congress.

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

EPA Regulatory Relief Act of 2011

(H.R. 2250)

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

Summary

The bill vitiates, and then directs the Administrator of the Environmental Protection Agency (EPA) to promulgate new rules, four recently published, interrelated EPA rules setting MACT and other performance standards for industrial, commercial and institutional boilers and process heaters, and commercial and industrial solid waste incineration units.

Legislative History

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

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

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

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

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

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

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

Cement Sector Regulatory Relief Act of 2011

(H.R. 2681)

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

Summary

The legislation gives the Environmental Protection Agency (EPA) additional time and guidelines to develop rules under the Clean Air Act (CAA) governing emissions of hazardous air pollutants from cement manufacturing plants.

Legislative History

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

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

The Subcommittee on Energy and Power met in open markup session on September 20 and September 21, 2011, and ordered H.R. 2681 favorably reported to the House, as amended, by a record vote of 33 yeas and 12 nays.

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

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

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

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

OVERSIGHT ACTIVITIES

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

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

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

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

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

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

CLIMATE SCIENCE AND EPA'S GREENHOUSE GAS REGULATIONS

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

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

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

On March 11, 2011, the Subcommittees on Energy and Power and the Subcommittee on Environment and the Economy held a joint oversight hearing on the Environmental Protection Agency's (EPA) proposed budget for FY2012. The purpose of this hearing was to evaluate the proposed $8.9 billion budget for EPA, which affects issues such as funding for climate change, air quality programs, drinking water system compliance, cleanup of hazardous waste sites within the Superfund account, scientific research that underpins regulatory decision-making, homeland security activities, and air quality programs. The sole witness for this hearing was Lisa P. Jackson, the EPA Administrator.

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

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

On March 16, 2011, the Subcommittee on Energy and Power and the Subcommittee on Environment and the Economy held a joint hearing on the FY2012 Department of Energy and Nuclear Regulatory Commission Budgets. The purpose of this hearing was to evaluate the proposed budgets, current priorities, and current pro-

grams and initiatives of the Department of Energy and Nuclear Regulatory Commission. The hearing also examined the status of the nuclear reactors in Japan following the earthquake and tsunami which occurred on March 11, 2011. The Subcommittees received testimony from the Secretary of the Department of Energy and the Chairman of the Nuclear Regulatory Commission.

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

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

On March 7, 2011, the Subcommittee on Energy and Power held the first day of its hearing on "The American Energy Initiative." This hearing focused on oil supplies, gasoline prices, and jobs in the Gulf of Mexico. The Subcommittee received testimony from representatives of the Energy Policy Research Foundation, Louisiana State University, the Shallow Water Energy Security Coalition, the Offshore Marine Service Association, the Marine Well Containment Company, the Mississippi Gulf Coast Tourism Commission, and the Consumer Federation of America.

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

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

On March 24, 2011, the Subcommittee on Energy and Power held a field hearing in Houston, Texas on the Environmental Protection Agency's (EPA) Greenhouse Gas and Clean Air Act Regulations: A Focus on Texas' Economy, Energy Prices, and Jobs. The purpose of this hearing was to examine EPA's implementation of current and potential future greenhouse gas regulations, the burdens and costs associated with those regulations, as well as EPA's actions with respect to the Texas Flexible Air Permitting Program. The hearing included testimony from the Assistant Administrator of the EPA, state officials, and local environmental experts in Texas.

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

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

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

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

EPA Rulemakings Relating to Boilers, Cement Manufacturing Plants, and Utilities

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

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

Alternative Transportation Fuels and Vehicles

On May 5, 2011, the Subcommittee on Energy and Power held the sixth hearing of "The American Energy Initiative" series. This hearing focused on the challenges and opportunities for alternative transportation fuels and vehicles. The Subcommittee received testimony from representatives of the U.S. Energy Information Administration, the Environmental Protection Agency, the U.S. Department of Energy, Tesla Motors, NGVAmerica, the Energy Policy Research Foundation, Inc., the RAND Corporation, the National Association of Convenience Stores, the Renewable Fuels Association, and the Advanced Biofuels Association.

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

H.R. 909, Roadman for America's Energy Future

On June 3, 2011, the Subcommittee on Energy and Power held a hearing entitled "The American Energy Initiative," which focused on H.R. 909, the "Roadmap for America's Energy Future." The Subcommittee received testimony from Representative Devin Nunes (CA–21), and representatives from the Department of Energy, the Department of the Navy, Hudson Clean Energy, the Heritage Foundation, and the RAND Corporation.

H.R. 2054, THE "ENERGY AND REVENUE ENRICHMENT ACT OF 2011

On June 13, 2011, the Subcommittee on Energy and Power held hearing on H.R. 2054, the "Energy and Revenue Enrichment Act of 2011." Witness included Senator Mitch McConnell (KY), and representatives from the Government Accountability Office, the Department of Energy, and stakeholders.

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

THE AMERICAN ENERGY INITIATIVE: PIPELINE SAFETY

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

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

THE AMERICAN ENERGY INITIATIVE: PIPELINE INFRASTRUCTURE AND COMMUNITY PROTECTION ACT OF 2011

On July 15, 2011, and July 21, 2011, the Subcommittee on Energy and Power held a hearing entitled, "The American Energy Initiative," which focused on a draft legislation entitled the "Pipeline Infrastructure and Community Protection Act of 2011." The Subcommittee received testimony from a representative from the Pipeline and Hazardous Material Safety Administration at the Department of Transportation and other stakeholders.

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

H.R. 2250, THE "EPA REGULATORY RELIEF ACT OF 2011," AND H.R. 2681, THE "CEMENT SECTOR REGULATORY RELIEF ACT OF 2011."

On September 8, 2011, the Subcommittee on Energy and Power held a hearing on H.R. 2250, the "EPA Regulatory Relief Act of 2011," and H.R. 2681, the "Cement Sector Regulatory Relief Act of 2011." The Subcommittee received testimony from the Honorable Gina McCarthy, the Assistant Administrator at the Office of Air and Radiation for the U.S. Environmental Protection Agency, and representatives from Rock-Tenn Company, Lehigh Hanson, Inc., the Covanta Energy Corporation, the Gradient Corporation, the Celanese Corporation, the Natural Resources Defense Council, and the Environmental Integrity Project.

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

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

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

THE AMERICAN ENERGY INITIATIVE: ELECTRIC TRANSMISSION ISSUES

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

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

H.R. 1633, THE "FARM DUST REGULATION PREVENTION ACT OF 2011"

On October 25, 2011, the Subcommittee on Energy and Power held a legislative hearing on H.R. 1633, the "Farm Dust Regulation Prevention Act of 2011," which concerns the Environmental Protection Agency's review and regulation of the PM10 standard. The Subcommittee received testimony from Representative Kristi Noem (SD–AL), Representative Rober Hurt (VA–05), the Honorable Gina McCarthy, Assistant Administrator for Air and Radiation at the Environmental Protection Agency, and various stakeholders and policy experts.

HEARINGS HELD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hearing on the American Energy Initiative. H.R. 909, Roadmap for America's Energy Future. Hearing held on June 3, 2011. PRINTED, Serial Number 112–57.

Hearing held on H.R. 2054, the Energy and Revenue Enrichment Act of 2011. Hearing held on June 13, 2011. PRINTED, Serial Number 112–59.

Hearing on the American Energy Initiative, Pipeline Safety. Hearing held on June 16, 2011. PRINTED, Serial Number 112–63.

Hearing on the American Energy Initiative, Pipeline Infrastructure and Community Protection Act of 2011. Hearing held on July 15, 2011. PRINTED, Serial Number 112–77.

Hearing on H.R. 2250, the "EPA Regulatory Relief Act of 2011," and H.R. 2681, the "Cement Sector Regulatory Relief Act of 2011. Hearing held on September 8, 2011. PRINTED, Serial Number 112–82.

Hearing on the American Energy Initiative. Hearing held on September 14, 2011. PRINTED, Serial Number 112–83.

Hearing on the American Energy Initiative. Hearing held on October 13, 2011. PRINTED, Serial Number 112–97.

Hearing on Farm Dust Regulation Prevention Act of 2011. Hearing held on October 25, 2011. PRINTED, Serial Number 112–99.

SUBCOMMITTEE ON ENVIRONMENT AND THE ECONOMY

(Ratio 14–9)

JOHN SHIMKUS, Illinois, *Chairman*

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FRANK PALLONE, JR., New Jersey
DIANA DEGETTE, Colorado
LOIS CAPPS, California
JOHN D. DINGELL, Michigan, *(Ex Officio—non voting)*
HENRY A. WAXMAN, California *(Ex Officio)*

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

LEGISLATIVE ACTIVITIES

FULL IMPLEMENTATION OF THE CHEMICAL FACILITY ANTI-TERRORISM STANDARDS ACT

(H.R. 908)

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

Summary

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

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

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

Legislative History

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

On March 11, 2011, the bill was referred to the Subcommittee on Environment and the Economy. The Subcommittee met in open

markup session on May 4, 2011, and H.R. 908 was forwarded to the full committee, as amended, by a voice vote.

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

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

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

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

(H.R. 1391)

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

Summary

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

Legislative History

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

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

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

This activity was conducted in support of, or as a result of, the inventory and review described in H. Res. 72, and pursuant to the Committee on Energy and Commerce Oversight Plan for the 112th Congress (For further information see H.R. 2273).

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

COAL RESIDUALS REUSE AND MANAGEMENT ACT

(H.R. 2273)

To amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels.

Summary

H.R. 2273 would amend the Solid Waste Disposal Act to authorize states to adopt and implement coal combustion residuals permit programs.

Legislative History

On April 14, 2011, the Subcommittee on Environment and the Economy held a legislative hearing on H.R. 1391, the "Recycling Coal Combustion Residuals Accessibility Act of 2011," the precursor to H.R. 2273.

On April 6, 2011, Mr. McKinley (WV) introduced H.R. 1391, the Recycling Coal Combustion Residuals Accessibility Act of 2011.

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

On June 21, 2011, the Subcommittee on Environment and the Economy met in open markup session and forwarded a discussion draft entitled the "Coal Residuals Reuse Management Act," without amendment, to the full committee.

On June 22, 2011, H.R. 2273 was introduced by Mr. McKinley (WV), and referred to the Committee on Energy and Commerce. The bill was then referred to the Subcommittee on Environment and the Economy.

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

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

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

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

OVERSIGHT ACTIVITIES

ENVIRONMENTAL REGULATION, THE ECONOMY, AND JOBS

On February 15, 2011, the Subcommittee on Environment and the Economy held a hearing entitled "Environmental Regulation, the Economy, and Jobs." Given the high unemployment rate, the Subcommittee examined the impact of rules issued by the Environmental Protection Agency under President Obama. Regulatory experts as well as representatives from business associations and affected companies were heard.

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

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

On March 11, 2011, the Subcommittees on Energy and Power and the Subcommittee on Environment and the Economy held a joint oversight hearing on the Environmental Protection Agency's (EPA) proposed budget for FY2012. The purpose of this hearing was to evaluate the proposed $8.9 billion budget for EPA, which affects issues such as funding for climate change, air quality programs, drinking water system compliance, cleanup of hazardous waste sites within the Superfund account, scientific research that underpins regulatory decision-making, homeland security activities, and air quality programs. The sole witness for this hearing was Lisa P. Jackson, the EPA Administrator.

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

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

On March 16, 2011, the Subcommittee on Energy and Power and the Subcommittee on Environment and the Economy held a joint hearing on the FY2012 Department of Energy and Nuclear Regulatory Commission Budgets. The purpose of this hearing was to evaluate the proposed budgets, current priorities, and current programs and initiatives of the Department of Energy and Nuclear Regulatory Commission. The hearing also examined the status of the nuclear reactors in Japan following the earthquake and tsunami which occurred on March 11, 2011. The Subcommittees received testimony from the Secretary of the Department of Energy and the Chairman of the Nuclear Regulatory Commission.

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

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

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

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

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

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

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

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

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

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

NRC Repository Safety Division—Staff Perspective on Yucca License Review

On June 24, 2011, the Subcommittee on Environment and the Economy conducted a hearing entitled "NRC Repository Safety Division—Staff Perspective on Yucca License Review." The hearing focused on the views of the Nuclear Regulatory Commission (NRC) staff members that were responsible for conducting the safety evaluation and technical reviews of the license application for the Yucca Mountain Repository. The Subcommittee received testimony from NRC staff members within the Division of High-Level Waste Repository Safety and the Office of Nuclear Material Safety and Safeguards.

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

Regulatory Chaos: Finding Legislative Solutions To Benefit Jobs and the Economy

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

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

Chemical Risk Assessment: What Works for Jobs and the Economy?

On October 6, 2011, the Subcommittee on Environment and the Economy held a hearing entitled "Chemical Risk Assessment: What Works for Jobs and the Economy?" The hearing explored the U.S. Environmental Protection Agency's (EPA) chemical risk assessment program and the Integrated Risk Information System (IRIS). Witnesses included representatives from the Environmental Protection Agency, the Government Accountability Office, the National Academy of Sciences, regulatory experts, and stakeholders.

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

HEARINGS HELD

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

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

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

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

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

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

Hearing on The Department of Energy's Role in Managing Civilian Radioactive Waste. Hearing held on June 1, 2011. PRINTED, Serial Number 112–54.

Hearing on the NRC Chairman's Unilateral Decision to Terminate NRC's Review of the DOE Yucca Mountain Repository License Application. Hearing held on June 14, 2011. PRINTED, Serial Number 112–61.

Hearing on the NRC Repository Safety Division—Staff Perspective on Yucca License Review. Hearing Held on June 24, 2011. PRINTED, Serial Number 112–67.

Hearing on Regulatory Chaos: Finding Legislative Solutions to Benefit Jobs and the Economy. Hearing Held on July 14, 2011. PRINTED, Serial Number 112–74.

Hearing on Chemical Risk Assessment: What Works for Jobs and the Economy? Hearing held on October 6, 2011. PRINTED, Serial Number 112–93.

SUBCOMMITTEE ON HEALTH

(Ratio 16–11)

JOSEPH R. PITTS, Pennsylvania, *Chairman*

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JOHN SHIMKUS, Illinois
MIKE ROGERS, Michigan
SUE WILKINS MYRICK, North Carolina
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MARSHA BLACKBURN, Tennessee
PHIL GINGREY, Georgia
ROBERT E. LATTA, Ohio
CATHY McMORRIS RODGERS, Washington
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FRED UPTON, Michigan *(Ex Officio)*

FRANK PALLONE, JR., New Jersey, *Ranking Member*
JOHN D. DINGELL, Michigan
EDOLPHUS TOWNS, New York
ELIOT L. ENGEL, New York
LOIS CAPPS, California
JAN SCHAKOWSKY, Illinois
CHARLES A. GONZALEZ, Texas
TAMMY BALDWIN, Wisconsin
MIKE ROSS, Arkansas
JIM MATHESON, Utah
HENRY A. WAXMAN, California *(Ex Officio)*

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

LEGISLATIVE ACTIVITIES

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

(H.R. 5)

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

Summary

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

Legislative History

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

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

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

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

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

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

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

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

PROTECT LIFE ACT

(H.R. 358)

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

Summary

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

Legislative History

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

On February 1, 2011, the Committee on Energy and Commerce referred H.R. 358 to the Subcommittee on Health. On February 9, 2011, the Subcommittee held a hearing on the bill and received testimony from an Associate Professor from George Mason University School of Law; the Chair of the Department of Health Policy at George Washington University; and the Federal Legislative Director of the National Right to Life Committee.

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

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

On March 17, 2011, H.R. 358 was referred sequentially to the Committee on Ways and Means for a period not later than April 15, 2011. On April 15, 2011, the Committee on Ways and Means was granted an extension for further consideration ending not later than May 20, 2011. On May 20, 2011, the Committee on Ways and Means was granted an extension for further consideration ending not later than September 9, 2011. On September 9, 2011, the Committee on Ways and Means was granted an extension for further consideration ending not later than September 12, 2011. On September 12, 2011, H.R. 358 was discharged by the Committee on Ways and Means, and the bill was placed on Union Calendar (Calendar No. 133).

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

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

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

VETERINARY HEALTH AMENDMENTS OF 2011

(H.R. 525)

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

Summary

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

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

Legislative History

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

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

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

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

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

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

NEGLECTED INFECTIONS OF IMPOVERISHED AMERICANS ACT OF 2011

(H.R. 528)

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

Summary

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

Legislative History

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

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

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

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

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

DENTAL EMERGENCY RESPONDER ACT OF 2011

(H.R. 570)

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

Summary

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

Legislative History

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

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

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

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

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

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

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

(H.R. 1213)

Summary

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

Legislative History

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

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

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

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

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

On May 4, 2011, H.R. 1213 was received in the Senate, read the first time, and placed on the Senate Legislative Calendar. On May

5, 2011, the bill was read the second time and placed on the Senate Legislative Calendar under General Orders (Calendar No. 39).

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

TO REPEAL MANDATORY FUNDING FOR SCHOOL-BASED HEALTH CENTER CONSTRUCTION

(H.R. 1214)

Summary

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

Legislative History

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

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

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

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

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

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

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

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

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

(H.R. 1215)

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

Summary

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

Legislative History

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

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

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

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

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

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

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

(H.R. 1216)

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

Summary

H.R. 1216 amends the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from a direct appropriation to an authorization of appropriations. H.R. 1216 also rescinds any unobligated balances appropriated for such programs.

Legislative History

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

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

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

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

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

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

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

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

A Bill To Repeal the Prevention and Public Health Fund

(H.R. 1217)

To repeal the Prevention and Public Health Fund.

Summary

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

Legislative History

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

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

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

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

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

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

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

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

SYNTHETIC DRUG CONTROL ACT OF 2011

(H.R. 1254)

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

Summary

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

Legislative History

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

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

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

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

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

On November 22, 2011, the Committee on Energy and Commerce (H. Rept. 112–295, Part I) and the Committee on the Judiciary (H. Rept. 112–295, Part II) reported H.R. 1254 to the House, and the bill was placed on the Union Calendar (Calendar No. 47).

On December 7, 2011, H.R. 1254 was considered in the House under suspension of the Rules and passed the House by a roll call vote of 317 yeas to 98 nays (Roll Call No. 904).

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

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

STATE FLEXIBILITY ACT

(H.R. 1683)

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

Summary

H.R. 1683 amends the American Recovery and Reinvestment Act of 2009 (ARRA) and the Social Security Act in order to repeal the Maintenance of Effort (MOE) requirements mandated by the ARRA, the Patient Protection Affordable Care Act (PPACA) Medicaid MOE, and PPACA's Children's Health Insurance Program MOE.

Legislative History

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

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

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

THE CHILDREN'S HOSPITAL GME SUPPORT AUTHORIZATION ACT OF 2011

(H.R. 1852)

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

Summary

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

Legislative History

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

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

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

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

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

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

COMBATING AUTISM REAUTHORIZATION ACT OF 2011

(H.R. 2005)

To Reauthorize the Combating Autism Act of 2006.

Summary

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

Legislative History

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

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

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

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

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

PANDEMIC AND ALL-HAZARDS PREPAREDNESS REAUTHORIZATION ACT OF 2011

(H.R. 2405)

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

Summary

H.R. 2405 amends the Public Health Service Act to revise and reauthorize appropriations for public health preparedness activities, including activities related to tracking the initial distribution of federally purchased influenza vaccine in an influenza pandemic, state and local public health and medical preparedness and re-

sponse, improving hospital surge capacity, expanding the capabilities of the Assistant Secretary for Preparedness and Response to respond effectively to bioterrorism and other public health emergencies, and the operations of the National Disaster Medical System.

Legislative History

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

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

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

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

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

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

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

MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

(H.R. 3630)

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

Summary

Section 2201 of the bill (Medicare Physician Payment Rates) would prevent a 27.4 percent cut in Medicare physician payment rates slated to begin on January 1, 2012 and instead increase payment rates by 1 percent in 2012 and again in 2013. During this period, the Medicare Payment Advisory Commission (MedPAC), Government Accountability Office (GAO), and Department of Health and Human Services (HHS) are required to submit reports to Congress to assist in the development of a long-term replacement to the current Medicare physician payment system. The provision also directs the Committees on Ways and Means, Energy and Commerce, and Finance to study and review this issue during the 112th Congress and, as part of that process, to solicit input from key stakeholders.

Sections 5501 and 5502 of the bill (Increasing Medicare Premiums for High Income Beneficiaries) would increase Medicare

Part B and D premiums for high-income beneficiaries beginning in 2017.

Legislative History

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

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

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

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

On December 20, 2011, the House adopted a motion to disagree to the amendment of the Senate and requested a conference on H.R. 3630 by a roll call vote of 229 yeas and 193 nays (Roll Call No. 946), and the Speaker appointed conferees.

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

OVERSIGHT ACTIVITIES

IMPACT OF MEDICAL DEVICE REGULATION ON JOBS AND PATIENTS

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

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

FY 2012 HHS Budget and the Implementation of Public Laws 111–148 and 111–152

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

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

Implementation and Sustainability of the New, Government-Administered Community Living Assistance Services and Supports (CLASS) Program

On March 17, 2011, the Subcommittee on Health held a hearing entitled "Implementation and Sustainability of the New, Government-Administered Community Living Assistance Services and Supports (CLASS) Program." The CLASS program is a voluntary, government-administered long-term care program intended to provide a cash benefit for the purchase of nonmedical services to use either at home or at a LTC facility or residence. The CLASS program, established in Section 8002 of the Patient Protection and Affordable Care Act (PPACA; P.L. 111–148, as amended), is in its initial phase of development. The hearing looked at the implementation of the CLASS program, issues related to the program's long-term sustainability, the financial risks and benefits for the Federal government, consumers, and employers. The Subcommittee received testimony from the Administration on Aging, the American Academy of Actuaries, the American Enterprise Institute, an employee benefits consultant, the National Industries for the Severely Handicapped, and a representative of LeadingAge and the Advance CLASS, Inc.

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

PPACA and Pennsylvania: One Year of Broken Promises

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

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

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

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

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

THE NEED TO MOVE BEYOND THE SGR

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

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

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

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

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

PPACA's Effects on Maintaining Health Coverage and Jobs: A Review of the Health Care Law's Regulatory Burden

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

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

Dual-Eligibles: Understanding This Vulnerable Population and How To Improve Their Care

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

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

Legislative Hearing on Miscellaneous Public Health Legislation

On July 11, 2011, the Subcommittee on Health held a hearing entitled "Legislative Hearing on Miscellaneous Public Health Legislation." The hearing covered H.R. 1852, the "Children's Hospital GME Reauthorization Act of 2011" and H.R. 2005, the "Combating Autism Reauthorization Act of 2011." The Subcommittee received testimony from representatives of the Health Resources and Services Administration and the National Institutes of Health.

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

IPAB: The Controversial Consequences for Medicare and Seniors

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

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

Legislative Hearing To Address Bioterrorism, Controlled Substances and Public Health Issues

On July 21, 2011, the Subcommittee on Health held a hearing entitled "Legislative Hearing to Address Bioterrorism, Controlled Substances and Public Health Issues." The Subcommittee examined the following legislation: H.R. 2405, the "Pandemic and All-Hazards Preparedness Act of 2011," H.R. 1254, the "Synthetic Drug Control Act of 2011," a discussion draft entitled the "Synthetic Drug Control Act of 2011," and a discussion draft entitled the "Enhancing Disease Coordination Activities Act of 2011." The Subcommittee received testimony from Representative Charlie Dent (PA–15) and representatives from the Department of Health and Human Services.

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

PDUFA V: Medical Innovation, Jobs, and Patients

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

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

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

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

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

EXAMINING THE INCREASE IN DRUG SHORTAGES

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

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

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

On September 26, 2011, the Subcommittee on Health held a field hearing entitled "Impact of Medical Device and Drug Regulation on Innovation, Jobs and Patients: A Local Perspective." The Subcommittee investigated how Federal regulations are impacting the medical device community. The Subcommittee received testimony from the California Healthcare Institute, Conatus Pharmaceuticals, Inc., National Venture Capital Association, West Wireless Health Institute, BIOCOM, CONNECT, and TherOx, Inc.

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

FOOD MARKETING: CAN "VOLUNTARY" GOVERNMENT RESTRICTIONS IMPROVE CHILDREN'S HEALTH?

On October 12, 2011, the Subcommittee on Health and the Subcommittee on Commerce, Manufacturing and Trade held a joint hearing entitled "Food Marketing: Can 'Voluntary' Government Restrictions Improve Children's Health?" This hearing investigated the document entitled "Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts," which was issued by

the Interagency Working Group. The Subcommittees received testimony from representatives of the Department of Agriculture, the Federal Trade Commission, and stakeholders and policy experts.

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

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

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

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

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

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

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

HEARINGS HELD

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

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

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

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

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

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

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

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

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

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

Hearing on PPACA's Effects on Maintaining Health Coverage and Jobs: A Review of the Health Care Law's Regulatory Burden. Hearing held on June 2 and June 15, 2011. PRINTED, Serial Number 112–56 and 112–56B.

Hearing on Dual-Eligibles: Understanding This Vulnerable Population and How to Improve Their Care. Hearing held on June 21, 2011. PRINTED, Serial Number 112–64.

Hearing on IPAB: The Controversial Consequences for Medicare and Seniors. Hearing held on July 13, 2011. PRINTED, Serial Number 112–73.

Hearing on Miscellaneous Public Health Legislation, including H.R. 1852, the Children's Hospital GME Reauthorization Act of 2011 and H.R. 2005, the Combating Autism Reauthorization Act of 2011. Hearing held on July 11, 2011. PRINTED, Serial Number 112–72.

Hearing on Legislation to Address Bioterrorism, Controlled Substances and Public Health Issues. Hearing held on July 21, 2011. PRINTED, Serial Number 112–79.

Hearing on PDUFA V: Medical Innovation, Jobs, and Patients. Hearing held on July 7, 2011. PRINTED, Serial Number 112–70.

Hearing on Cutting the Red Tape: Saving Jobs from PPACA's Harmful Regulations. Hearing held on September 15, 2011. PRINTED, Serial Number 112–85.

Hearing on Examining the Increase in Drug Shortages. Hearing held on September 23, 2011. PRINTED, Serial Number 112–88.

Hearing on the Impact of Medical Device and Drug Regulation on Innovation, Jobs and Patients: A Local Perspective. Hearing held on September 26, 2011. PRINTED, Serial Number 112–90.

Hearing on Food Marketing: Can 'Voluntary' Government Restrictions Improve Children's Health? Hearing held on October 12, 2011. PRINTED, Serial Number 112–94.

Hearing on CLASS Cancelled: An Unsustainable Program and Its Consequences for the Nation's Deficit. Hearing held on October 26, 2011. PRINTED, Serial Number 112–101.

Hearing on Do New Health Law Mandates Threaten Conscience Rights and Access to Care? Hearing held on November 2, 2011. PRINTED, Serial Number 112–102.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

(Ratio 14–9)

CLIFF STEARNS, Florida, *Chairman*

LEE TERRY, Nebraska
SUE WILKINS MYRICK, North Carolina
JOHN SULLIVAN, Oklahoma
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FRED UPTON, Michigan
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MIKE ROSS, Arkansas
KATHY CASTOR, Florida
EDWARD J. MARKEY, Massachusetts
GENE GREEN, Texas
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HENRY A. WAXMAN, California
(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.

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO REGULATORY REFORM

THE VIEWS OF THE ADMINISTRATION ON REGULATORY REFORM

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

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

THE VIEWS OF THE ADMINISTRATION ON REGULATORY REFORM: AN UPDATE

On June, 3, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled "The Views of the Administration on Regulatory Reform: An Update." The hearing examined the manner in which the Office of Information and Regulatory Affairs (OIRA) is implementing Executive Order 13563, entitled "Improving Regulation and Regulatory Review," which President Barack Obama issued on January 18, 2011. This hearing followed up on a January 26, 2011, Oversight and Investigations Subcommittee hearing which involved a preliminary investigation of Executive Order

13563, its potential effect on the Federal regulatory landscape, and the costs of regulations to American businesses. Witnesses heard were the Honorable Cass R. Sunstein, OIRA Administrator, and regulatory experts from the Heritage Foundation, National Resources Defense Council, and U.S. Chamber of Commerce.

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

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

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

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

THE VIEWS OF THE INDEPENDENT AGENCIES ON REGULATORY REFORM

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

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

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

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

tient and patient advocate, and several patients affected by FDA regulations.

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

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

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

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

ADMINISTRATION EFFORTS ON LINE-BY-LINE BUDGET REVIEW

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

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

CUTTING EPA SPENDING

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

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

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO HEALTH AND HEALTH CARE

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

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

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

HEPARIN CONTAMINATION

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

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

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

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

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

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

On April 1, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled "The PPACA's High Risk Pool Regime: High Cost, Low Participation." The hearing examined the operations of the Center for Consumer Information and Insurance Oversight (CCIIO) and its role in the changes made to the health

care system after the passage of the Patient Protection and Affordable Care Act (PPACA). The Subcommittee received testimony from Mr. Steve Larsen, the Deputy Administrator and Director for CCIIO.

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

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

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

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

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

On February 18, 2011, leaders of the Committee on Energy and Commerce sent a letter to the White House Deputy Chief of Staff, Nancy DeParle, requesting documents and information regarding closed door negotiations between the Obama Administration and various industries and special interests as the health care law was being developed.

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

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

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

PROTECTING MEDICARE WITH IMPROVEMENTS TO THE SECONDARY PAYER REGIME

On June 22, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled "Protecting Medicare with Improve-

ments to the Secondary Payer Regime." The hearing examined the state of the Medicare Secondary Payer (MSP) system and whether it adequately protects the interests of Medicare beneficiaries, businesses, health plans, taxpayers, and the Medicare Trust Fund. Witnesses included representatives from the Center for Medicare and Medicaid Services, Government Accountability Office, Publix Super Markets, Cincinnati Insurance Company, the Medicare Rights Center, and a lawyer with experience with MSP cases.

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

CLASS Cancelled: An Unsustainable Program and Consequences for the Nation's Deficit

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

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

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO ENERGY AND THE ENVIRONMENT

Oversight of DOE Recovery Act Spending

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

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

On March 17, 2011, the Subcommittee on Oversight and Investigation held a hearing entitled "Oversight of DOE Recovery Act Spending." The hearing provided an update of the Government Accountability Office's (GAO) and the Department of Energy Office of Inspector General's (DOE OIG) oversight of DOE spending under the American Reinvestment and Recovery Act (Recovery Act). In particular, the Subcommittee examined the current status of DOE Recovery Act projects and lessons learned through their implementation. The Recovery Act appropriated $41.7 billion to DOE. However, GAO and the DOE OIG raised concerns about the effective-

ness of DOE's spending. The Subcommittee received testimony from DOE, DOE OIG, and GAO.

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

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

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

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

OMB'S ROLE IN THE DOE LOAN GUARANTEE PROCESS

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

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

CYBERSECURITY: AN OVERVIEW OF RISKS TO CRITICAL INFRASTRUCTURE

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

EPA's Takeover of Florida's Nutrient Water Quality Standard Setting: Impact on Communities and Job Creation

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

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

Solyndra and the DOE Loan Guarantee Program

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

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

From Department of Energy Loan Guarantee to Bankruptcy To FBI Raid: What Solyndra's Executives Knew

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

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

CONTINUING DEVELOPMENTS REGARDING THE SOLYNDRA LOAN GUARANTEE

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

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

THE SOLYNDRA FAILURE: VIEWS FROM DOE SECRETARY CHU

On November 17, 2011, the Subcommittee on Oversight and Investigations held a hearing entitled "The Solyndra Failure: Views from DOE Secretary Chu." The hearing focused on the decisions made with respect to the review and approval of the Solyndra loan application, including the Department of Energy's (DOE) decision to restructure the Solyndra loan guarantee in February 2011 and what DOE knew about Solyndra's financial condition. The Subcommittee received testimony from the Honorable Steven Chu, Secretary of the Department of Energy.

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

HEARINGS HELD

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

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

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

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

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

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

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

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

Hearing on PPACA's Effects on Maintaining Health Coverage and Jobs: A Review of the Health Care Law's Regulatory Burden. Hearing held on June 2 and June 15, 2011. PRINTED, Serial Number 112–56 and 112–56B.

Hearing on Dual-Eligibles: Understanding This Vulnerable Population and How to Improve Their Care. Hearing held on June 21, 2011. PRINTED, Serial Number 112–64.

Hearing on Protecting Medicare with Improvements to the Secondary Payer Regime. Hearing held on June 22, 2011. PRINTED, Serial Number 112–65.

Hearing on IPAB: The Controversial Consequences for Medicare and Seniors. Hearing held on July 13, 2011. PRINTED, Serial Number 112–73.

Hearing on Miscellaneous Public Health Legislation, including H.R. 1852, the Children's Hospital GME Reauthorization Act of 2011 and H.R. 2005, the Combating Autism Reauthorization Act of 2011. Hearing held on July 11, 2011. PRINTED, Serial Number 112–72.

Hearing on Legislation to Address Bioterrorism, Controlled Substances and Public Health Issues. Hearing held on July 21, 2011. PRINTED, Serial Number 112–79.

Hearing on PDUFA V: Medical Innovation, Jobs, and Patients. Hearing held on July 7, 2011. PRINTED, Serial Number 112–70.

Hearing on Cutting the Red Tape: Saving Jobs from PPACA's Harmful Regulations. Hearing held on September 15, 2011. PRINTED, Serial Number 112–85.

Hearing on Examining the Increase in Drug Shortages. Hearing held on September 23, 2011. PRINTED, Serial Number 112–88.

Hearing on the Impact of Medical Device and Drug Regulation on Innovation, Jobs and Patients: A Local Perspective. Hearing held on September 26, 2011. PRINTED, Serial Number 112–90.

Hearing on Food Marketing: Can Voluntary' Government Restrictions Improve Children's Health? Hearing held on October 12, 2011. PRINTED, Serial Number 112–94.

Hearing on CLASS Cancelled: An Unsustainable Program and Its Consequences for the Nation's Deficit. Hearing held on October 26, 2011. PRINTED, Serial Number 112–101.

Hearing on Do New Health Law Mandates Threaten Conscience Rights and Access to Care? Hearing held on November 2, 2011. PRINTED, Serial Number 112–102.

HEARINGS HELD PURSUANT TO CLAUSES 2(n), (o), OR (p) OF RULE XI

Serial No.	Hearing Title	Hearing Date(s)
112–5	ARRA Broadband Spending (Subcommittee on Communications and Technology)	February 10, 2011
112–13	Waste, Fraud, and Abuse: A Continuing Threat to Medicare and Medicaid (Subcommittee on Oversight and Investigations).	March 2, 2011
112–24	Oversight of DOE Recovery Act Spending (Subcommittee on Oversight and Investigations).	March 17, 2011
112–38	Import Safety: Status of FDA's Screening Efforts at the Border (Subcommittee on Oversight and Investigations).	April 13, 2011
112–39	Warning: The Growing Danger of Prescription Drug Diversion (Subcommittee on Commerce, Manufacturing, and Trade).	April 14, 2011
112–54	The Department of Energy's Role in Managing Civilian Radioactive Waste (Subcommittee on Environment and the Economy).	June 1, 2011
112–93	Chemical Risk Assessment: What Works for Jobs and the Economy? (Subcommittee on Environment and the Economy).	October 6, 2011
112–65	Protecting Medicare with Improvements to the Secondary Payer Regime (Subcommittee on Oversight and Investigations).	June 22, 2011
112–68	OMB's Role in the DOE Loan Guarantee Process (Subcommittee on Oversight and Investigations).	June 24, 2011
112–78	Regulatory Reform Series #5—FDA Medical Device Regulation: Impact on American Patients, Innovation and Jobs (Subcommittee on Oversight and Investigations).	July 20, 2011
112–80	Cybersecurity: An Overview of Threats to Critical Infrastructure (Subcommittee on Oversight and Investigations).	July 26, 2011
112–84	Solyndra and the DOE Loan Guarantee Program (Subcommittee on Oversight and Investigations).	September 14, 2011
112–98	Continuing Developments regarding the Solyndra Loan Guarantee (Subcommittee on Oversight and Investigations).	October 14, 2011
112–104	The Solyndra Failure: Views from DOE Secretary Chu (Subcommittee on Oversight and Investigations).	November 17, 2011

OVERSIGHT PLAN FOR THE 112TH CONGRESS

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

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

COMMITTEE ON ENERGY AND COMMERCE OVERSIGHT PLAN

U.S. HOUSE OF REPRESENTATIVES

112TH CONGRESS

CONGRESSMAN FRED UPTON, CHAIRMAN

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

SUMMARY

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

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

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

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

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

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

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

HEALTH AND HEALTHCARE ISSUES

PATIENT PROTECTION AND AFFORDABLE CARE ACT

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

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

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

CENTERS FOR MEDICARE AND MEDICAID SERVICES

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

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

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

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

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

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

FOOD AND DRUG ADMINISTRATION AND DRUG SAFETY

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

FDA REGULATION OF MEDICAL DEVICES

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

RECOMMENDATIONS

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

ENERGY AND ENVIRONMENT ISSUES

NATIONAL ENERGY POLICY

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

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

ELECTRICITY MARKETS

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

MANAGEMENT OF THE DEPARTMENT OF ENERGY AND ITS NATIONAL LABORATORIES

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

YUCCA MOUNTAIN

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

THE NUCLEAR REGULATORY COMMISSION

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

CLEAN AIR ACT

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

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

CLIMATE CHANGE

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

EPA MANAGEMENT AND OPERATIONS

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

INVESTMENT IN THE GREEN ENERGY SECTOR

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

COMMUNICATIONS AND TECHNOLOGY ISSUES

FEDERAL COMMUNICATIONS COMMISSION

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

BROADBAND PROVISIONS OF THE AMERICAN RECOVERY AND REINVESTMENT ACT

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

NATIONAL BROADBAND PLAN

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

UNIVERSAL SERVICE REFORM AND INTERCARRIER COMPENSATION

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

SPECTRUM MANAGEMENT

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

CORPORATION FOR PUBLIC BROADCASTING

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

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

COMMUNICATIONS PRIVACY, INTERNET GOVERNANCE, CYBERSECURITY, AND PUBLIC SAFETY

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

COMMERCE, MANUFACTURING AND TRADE ISSUES

PRIVACY AND THE INTERNET

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

CYBER SECURITY

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

TRADE AND GLOBALIZED SUPPLY CHAINS

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

CONSUMER PRODUCT SAFETY IMPROVEMENT ACT OF 2008

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

NHTSA MANAGEMENT AND OPERATIONS

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

FEDERAL TRADE COMMISSION MANAGEMENT AND OPERATIONS

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

MISCELLANEOUS

EFFECTIVENESS OF STIMULUS SPENDING

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

ORGANIZED CRIME-TERRORISM NEXUS

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

CRITICAL INFRASTRUCTURE

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

NUCLEAR SMUGGLING

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

BIOTERRORISM PREPAREDNESS AND RESPONSE

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

PUBLIC SAFETY COMMUNICATIONS

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

IMPLEMENTATION OF GOVERNMENT-WIDE CYBER SECURITY PROGRAM

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

ADDITIONAL VIEWS

FURTHER ACTIVITY OF THE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

I file these additional views to ensure that all of the Subcommittee on Oversight and Investigation's activities for the year are presented in the Committee on Energy and Commerce's second *Activity Report of the 112th Congress.* The following is additional work the Subcommittee has also undertaken:

DEEP WATER HORIZON

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

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

EPA OVERSIGHT

The Subcommittee initiated an inquiry into the Environmental Protection Agency's (EPA) interpretation of health benefits information provided to Congress and to the public.

The Subcommittee also initiated an examination of EPA's process for negotiating settlements of litigation, including cases in which EPA commits as part of the settlement to undertake new rulemakings.

CYBERSECURITY

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

RURAL BROADBAND ACCESS

The Committee has begun a bipartisan investigation into a $267 million loan approved by the Rural Utilities Service (RUS) to Open Range Communications, Inc. (Open Range) to provide broadband access to rural communities. On October 6, 2011, Open Range filed for Chapter 11 bankruptcy after receiving $73.5 million in funds from RUS. The Committee has received a briefing from RUS on this failed broadband stimulus loan and begun reviewing documents.

CLASS ACT

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

HEALTH CARE REFORM

The Subcommittee conducted continued oversight of PPACA and the negotiations that took place as the law was being drafted, including a review of the effect of PPACA on the members of the President's Council on Jobs; of discussions between stakeholders and White House Office of Health Reform and between HHS and National Association of Insurance Commissioners.

HEPARIN CONTAMINATION

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

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

LISTERIA OUTBREAK IN CANTALOUPES

On October 21, 2011, the Subcommittee launched a bipartisan investigation into the causes of the recent listeria outbreak in cantaloupes, including document requests and staff briefings with FDA, CDC, Jensen Farms (the grower of the cantaloupes), Frontera Produce (the distributor), and Primus Labs (a third-party auditor that inspected the facilities at Jensen Farms before the outbreak).

PLANNED PARENTHOOD

On September 15, 2011, the Subcommittee sent a document request letter to Planned Parenthood Federation of America (PPFA) and initiated an inquiry examining the institutional practices and

policies of the PPFA and its affiliates handling of federal funding. The Subcommittee sought information to evaluate PPFA and its affiliates' compliance with current statutory and legal obligations and to determine if PPFA and its affiliates have policies in place to comply with the current federal restrictions on the funding of abortions.

The Subcommittee has had a busy schedule during the first session of the 112th Congress, including twenty-four days of hearings and two business meetings. I anticipate an equally busy schedule for the second session of the 112th Congress and continuing to inform the full Energy and Commerce Committee and its legislative subcommittees on issues of government waste, fraud, and abuse and other areas identified in the *Oversight Plan for the 112th Congress.*

CLIFF STEARNS.

DISSENTING VIEWS

The activity report reflects the partisan path charted by the Committee Republicans in the first year of this Congress. Instead of focusing on forging laws to create jobs and promote economic growth, the Committee expended the bulk its time and resources advancing an extreme agenda that the American public is not asking for and that has not become law.

A brief comparison between Committee activity in this Congress and the last Congress underscores the disappointing direction in which the Republicans have steered the Committee this year. By this time in the last Congress, ten bills under the Committee's jurisdiction had become law.[1] This year, just three bills under the Committee's jurisdiction have become law.[2]

One major reason for the Committee's limited productivity is the lack of effort by Committee Republicans to forge consensus across party lines. Under the previous chairman in the first session of the last Congress, 32 bills[3] were ordered reported by the Committee to the House, more than half of which—21 out of 32—were ordered reported by voice vote or by unanimous consent. In the first session of this Congress, 25 bills were ordered reported to the House, but less than a third—seven out of 25—were ordered reported by voice vote or unanimous consent.

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[1] The ten bills were: (1) H.R. 1, the American Recovery and Reinvestment Act (Energy and Commerce provisions were approved by the full Committee on January 22, 2009); (2) H.R. 1256, the Family Smoking Prevention and Tobacco Control Act (approved by full Committee on March 4, 2009); (3) H.R. 2346, the Consumer Assistance to Recycle and Save Act (approved as an amendment to the American Clean Energy and Security Act on May 19, 2009, by a vote of 50–4 and later incorporated into an appropriations bill in revised form); (4) S. 1793, the Ryan White HIV/AIDS Treatment Extension Act (approved by full Committee on October 14, 2009); (5) H.R. 2, the Children's Health Insurance Program Reauthorization Act; (6) S. 352, the Digital Television Transition Extension; (7) H.R. 1626, the Statutory Time Periods Technical Amendments Act of 2009; (8) H.R. 3663, amendments to the Social Security Act to delay the date on which the accreditation requirement under Medicare applied to suppliers of durable medical equipment that are pharmacies; (9) S. 1694, a bill allowing funding for the interoperable emergency communications grant program established under the DTV and Public Safety Act of 2006 to remain available until expended through FY 2012; and (10) H.R. 3288, the Medicare Sustainable Growth Rate Act.

[2] These bills are: H.R. 2005, the Combating Autism Reauthorization Act of 2011 (which was introduced in May 2011, and which the House passed on suspension on September 20, 2011, after bypassing Committee), and H.R. 2715, legislation to provide the Consumer Product Safety Commission with greater authority and discretion in enforcing consumer product safety laws (which was introduced on August 1, 2011, and which the House passed the same day under suspension after Committee staff had negotiated bill language but that did not go through formal Committee process). An additional bill, H.R. 2845, the Pipeline Infrastructure and Community Protection Act of 2011, was approved by the Congress and is expected to be signed into law by the President. The Energy and Commerce Committee ordered reported H.R. 2937, a similar version of this bill in November 2011 and subsequently negotiated the language of H.R. 2845 with the Committee on Transportation and Infrastructure on a bipartisan basis.

[3] In this total, each of the five Committee prints considered as part of the Committee's January 22, 2009, markup of economic recovery package provisions under its jurisdiction is counted as a bill. The Committee in that markup approved by voice vote two Committee prints (the broadband provisions and the health information technology provisions of the economic recovery package); and the Committee approved by roll call vote three Committee prints (the energy provisions, the health insurance assistance for the unemployed provisions, and the Medicaid provisions of the package).

There are many areas in which the Committee could be moving bipartisan legislation that promotes job growth and supports American innovation. For example, there should be a path forward that both Republican and Democratic Committee members can pursue to make additional spectrum available for commercial broadband, address spectrum usage by federal agencies, and deploy a public safety broadband network.

But instead, this Committee has pursued divisive bills that have no chance of passage in the Senate. The Committee's specialty has become passing "one House bills" that go nowhere in the Senate. This is a waste of the Committee's time and taxpayer resources.

In no area is this more apparent than environmental and energy policy. This is the most anti-environment House of Representatives in the history of Congress, and the Energy and Commerce Committee is the most anti-environment committee in the House. So far this year, the House has voted 191 times to weaken environmental protections. House Republicans have repeatedly voted to undermine basic environmental protections that have existed for decades. The House of Representatives averaged more than one anti-environmental vote for every day the House was in session in 2011. Of the 770 legislative roll call votes taken in the House this year, 22%—more than one out of every five—were votes to undermine environmental protection.

Attached as an appendix to these views is a Committee minority staff report that provides additional detail about the anti-environmental record of the House Republicans in the 112th Congress this year.

The Republican activity report includes several characterizations of bills that are either erroneous or misleading and that merit comment. These bills include:

• The TRANSPARENCY IN REGULATORY ANALYSIS OF IMPACTS ON THE NATION ACT OF 2011 (H.R. 1705). This bill does not advance transparency in regulation; it advances an extreme anti-environment agenda. The bill prohibits EPA from finalizing or implementing two of the most significant recent EPA air quality rules: the Mercury and Air Toxics Standards Rule and Cross State Air Pollution Rule. These rules would require old coal-fired power plants to install updated pollution control equipment to reduce their emissions of mercury and other toxic air pollutants. According to EPA, the pollution reductions required by the Mercury and Air Toxics rule will yield health benefits of $59 billion to $140 billion per year, which is five to 13 times its cost. Each year of delaying this rule will produce up to an additional 17,000 premature deaths. The pollution reductions required by the Cross State Air Pollution rule will yield even greater health benefits of $120 to $280 billion per year, which is 150 to 350 times its cost, and each year of delay will produce up to an additional 34,000 premature deaths.

• The ENERGY TAX PREVENTION ACT OF 2011 (H.R. 910). This measure has nothing to do with tax policy, its name notwithstanding. The bill prohibits the Administrator of the Environmental Protection Agency from using the Clean Air Act to promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas (GHG) to address climate change. It overturns EPA's scientific determination that

greenhouse gases endanger human health and the environment, interferes with EPA's implementation of Title VI of the Clean Air Act, which addresses ozone-depleting chemicals and substitutes for such chemicals, and creates legal uncertainty about the status of the recent motor vehicle standards adopted by EPA as well as proposed standards for heavy duty vehicles. This bill increases oil dependence by threatening the light-duty vehicle standards, which are expected to save 1.8 billion barrels of oil and save consumers $3,000 at the pump on average.

• The COAL RESIDUALS REUSE AND MANAGEMENT ACT (H.R. 2273). It is misleading to characterize this bill as merely amending the Solid Waste Disposal Act to authorize states to adopt and implement coal combustion residuals (CCR) permit programs. In fact, the bill undermines an ongoing EPA process to establish a disposal program for CCR; creates a program that is insufficient to address the risks associated with coal ash disposal and management; and undermines the federal government's ability to ensure that requirements for management and disposal of coal combustion residuals are protective of human health and the environment. The bill lacks a legal standard for state programs, does not include provisions to ensure structural integrity of wet impoundments, and does not authorize a meaningful review of programs to ensure that they are adequate to protect public health and safety.

• The EPA REGULATORY RELIEF ACT OF 2011 (H.R. 2250). This bill provides no relief for families exposed to toxic pollution from incinerators and industrial boilers. Instead, it blocks long overdue regulations to reduce toxic mercury and other emissions from incinerators and boilers. The majority report does not describe the consequences of sections 2 and 3 of the bill, which ensure there will be no reduction in emissions before 2018 at the earliest, and section 5, which places new constraints and conditions on how EPA must set specific emission standards for air pollution, raising significant legal uncertainty and will almost certainly be the cause of new litigation surrounding this rule. The costs of delaying this rule are vast: according to the EPA, the pollution reductions required by the rules will yield $12 to $30 in health benefits for every dollar spent to meet the standards and prevent up to 8,100 premature deaths each year.

• The CEMENT SECTOR REGULATORY RELIEF ACT OF 2011 (H.R. 2681). The majority report claims that this bill "gives the Environmental Protection Agency (EPA) additional time and guidelines to develop rules [. . .] governing emissions of hazardous air pollutants from cement manufacturing plants." In fact, H.R. 2681 repeals an already finalized and long overdue rule to implement pollution standards to reduce air pollution from one of the largest sources of airborne mercury in the United States. In addition to repealing the rule, the bill prohibits EPA from finalizing new regulations for 15 months and bars compliance for at least five years. This bill also places new constraints and conditions on how EPA must set specific emission standards for air pollution, raising significant legal uncertainty and will almost certainly be the cause of new litigation surrounding this rule. The delay of this rule imposes severe health consequences on the American public.

• The FARM DUST REGULATION AND PREVENTION ACT OF 2011 (H.R. 1633). In summarizing this bill, the majority report only describes section 2 of the bill, which prohibits EPA from proposing, finalizing, implementing, or enforcing any regulation revising the National Ambient Air Quality Standards applicable to particulate matter for one year from the date of enactment. In fact, the bill also amends the Clean Air Act to create a new class of pollution called nuisance dust, which, due to its broad definition, could prevent EPA from regulating both fine and course particulate matter from a number of industrial sources, such as cement kilns and smelters.

The activity report also contains an incomplete and inaccurate description of H.R. 2715, legislation to provide the Consumer Product Safety Commission with greater authority and discretion in enforcing the consumer product safety laws, and for other purposes. This bill is a bipartisan measure that provides targeted and sensible relief for businesses without sacrificing the health and safety of children. This law does not establish new lead limits but instead ensures the 2008 Consumer Product Safety Improvement Act's lead limits are prospective. Also, H.R. 2715 does not allow the CPSC to look at each product on a case-by-case basis after it is produced but instead establishes a waiver process to exempt from the lead limits some products that require a small amount of lead to maintain their strength and durability such as ATVs and bicycles. In addition, this law allows the CPSC to offer alternative third-party testing requirements for smaller businesses with finite resources.

HENRY A. WAXMAN.

APPENDIX

REPORT ON

"THE ANTI-ENVIRONMENT RECORD OF THE U.S. HOUSE OF REPRESENTATIVES, 112TH CONGRESS, 1ST SESSION"

U.S. House of Representatives
Committee on Energy and Commerce
Minority Staff
December 15, 2011

The Anti-Environment Record of the U.S. House of Representatives
112th Congress, 1st Session

Prepared for:

Henry A. Waxman Ranking Member Committee on Energy and Commerce	Edward J. Markey Ranking Member Committee on Natural Resources	Howard L. Berman Ranking Member Committee on Foreign Affairs

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Executive Summary

The House of Representatives in 2011 is the most anti-environment House in the history of Congress. So far this year, the House has voted 191 times to undermine protection of the environment.

House Republicans have repeatedly voted to undermine basic environmental protections that have existed for decades. They have voted to block actions to prevent air pollution; to strip the Environmental Protection Agency of authority to enforce water pollution standards; to halt efforts to address climate change; to stop the Department of the Interior from identifying lands suitable for wilderness designations; to allow oil and gas development off the coasts of Florida, California, and other states opposed to offshore drilling; and to slash funding for the Department of Energy, including funding to support renewable energy and energy efficiency, by more than 80%.

The House of Representatives averaged more than one anti-environmental vote for every day the House was in session in 2011. Of the 770 legislative roll call votes taken in the House this year, 22% – more than one out of every five – were votes to undermine environmental protection. During these roll calls, 94% of Republican members voted for the anti-environment position, while 86% of Democratic members voted for the pro-environment position.

The Environmental Protection Agency was the most popular target of House Republicans. Of the 191 anti-environment votes, 114 targeted EPA; 35 targeted the Department of the Interior; and 31 targeted the Department of Energy.

This analysis, prepared at the request of ranking members Henry A. Waxman, Edward J. Markey, and Howard L. Berman, provides a summary of the 191 times that House Republicans have voted to weaken environmental protections in 2011. Among these votes are:

- **27 votes to block action to address climate change**, including votes to overturn EPA's scientific findings that climate change endangers human health and welfare; to block EPA from regulating carbon pollution from power plants, oil refineries, and vehicles; to prevent the United States from participating in international climate negotiations; and even to cut funding for basic climate science.

- **77 votes to undermine Clean Air Act protections**, including votes to repeal the health-based standards that are the heart of the Clean Air Act and to block EPA regulation of toxic mercury and other harmful emissions from power plants, incinerators, industrial boilers, cement plants, and mining operations.

- **28 votes to undermine Clean Water Act protections**, including votes to strip EPA of authority to set water quality standards and enforce limits on industrial discharges; to repeal EPA's authority to stop mountaintop removal mining disposal; and to block EPA from protecting headwaters and wetlands that flow into navigable waters.

- **47 votes to weaken protection of public lands and coastal waters**, including votes to curtail environmental review of offshore drilling; to halt reviews of public lands for possible wilderness designations; and to remove protections for salmon, wolves, and other species.

House Republicans also voted to allow unsafe disposal of toxic coal ash; to short-circuit environmental review of the Keystone XL pipeline; to erect barriers to promulgation of new regulations that protect health and the environment; and to cut funding for environmental protection. House Republicans voted to reduce EPA's budget by 29% and the Department of Energy's budget for renewable energy and energy efficiency by 35% in 2011. They have proposed to cut funding for the Land and Water Conservation Fund, which acquires new lands for recreation and wildlife protection, by 78% in 2012. And they voted to slash funding for the Department of Energy, the Federal Energy Regulatory Commission, and the Nuclear Regulatory Commission by more than 80% by 2020.

Often House Republicans bypassed regular order to expedite the repeal of environmental protections. An egregious example is the vote to repeal the health-based standards of the Clean Air Act. This fundamental change to the Act was never considered in hearings or marked up in committee, and the House allowed only five minutes of debate on the floor in opposition to the provision.

The rest of this executive summary provides a brief overview of the 191 anti-environmental votes taken by House Republicans. The body of the report provides more details about many of these votes.

Blocking Efforts to Prevent Climate Change

Climate change is a major threat to the health and welfare of the United States and the rest of the world. The threat is imminent, and the potential consequences severe. In November, the International Energy Agency reported:

> We cannot afford to delay further action to tackle climate change if the long-term target of limiting the global average temperature increase to 2 degrees Celsius … is to be achieved. … If stringent new action is not forthcoming by 2017, the energy-related infrastructure then in place will generate all the CO2 emissions allowed, … leaving no room for additional power plants, factories, and other infrastructure unless they are zero-carbon.[1]

Despite the magnitude of the risks and the economic costs of delay, the House voted 27 times this year to block action to address the threat of climate change. House Republicans voted to overturn the scientific findings of the Environmental Protection Agency that climate change endangers human health and welfare. They voted to block EPA from regulating carbon pollution from large stationary sources such as power plants and oil refineries. They even voted to block EPA from working with the Department of Transportation and the automobile industry to develop harmonized greenhouse gas and fuel economy standards for vehicles.

In opposing EPA action to reduce carbon pollution, some members, such as Energy and Commerce Committee Chairman Fred Upton (R-MI) and Subcommittee Chairman Ed Whitfield (R-KY), argued that "unilateral" action by the United States could put domestic companies at a

[1] International Energy Agency, *World Energy Outlook 2011* (Nov. 2011) at 2 (Executive Summary).

competitive disadvantage.[2] Yet House Republicans, including Mr. Upton and Mr. Whitfield, voted to stop U.S. participation in international action to address climate change. House Republicans voted to block funding for the State Department's Special Envoy for Climate Change, who represents the United States in international climate negotiations, and to eliminate U.S. funding for the Intergovernmental Panel on Climate Change (IPCC), which is the international body created "to provide the world with a clear scientific view on the current state of knowledge in climate change and its potential environmental and socio-economic impacts."[3] They also voted to prohibit U.S. carriers from complying with European requirements to reduce carbon pollution on flights to Europe. The House Foreign Affairs Committee reported legislation that would bar U.S. funding for the Global Climate Change Initiative, which provides assistance to developing countries dealing with the impacts of climate change.

In other votes, the House voted to cut funding for climate science. In February 2011, House Republicans passed an appropriations bill for FY2011 that cut climate change funding by more than $100 million. This bill cut funding for EPA's Global Change Research Program, which assesses the impacts of climate change on air and water quality, aquatic ecosystems, and human health in the United States. House Republicans also eliminated funding for EPA's Greenhouse Gas Reporting Program, which requires the largest sources of carbon pollution to disclose their annual emissions. In addition to cutting funding for EPA's work on climate change, the bill eliminated funding for work at other agencies, such as prohibiting the National Oceanic and Atmospheric Administration from establishing a climate service to provide reliable and authoritative climate data.

The House even voted to prevent federal agencies from spending money to prepare for the effects of climate change. House Republicans voted to prohibit the Department of Homeland Security from using any funds to participate in the Climate Change Adaptation Task Force, which is charged with improving the federal response to climate disasters. Similarly, House Republicans voted to block the Department of Agriculture from implementing its climate change adaptation program, even though climate change is reducing the yields of important food crops in the United States.

Undermining the Clean Air Act

The Clean Air Act has been extraordinarily successful in reducing air pollution, protecting the health of American families, and supporting economic growth. Since President Nixon signed the original Clean Air Act into law in 1970, the Act has reduced air pollution by more than 70%.

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[2] *See* Statement of Chairman Ed Whitfield, *Markup on H.R. 910, The Energy Tax Prevention Act of 2011*, Subcommittee on Energy and Power, Committee on Energy and Commerce, 112th Cong. (Mar. 10, 2011) (saying "why should we act unilaterally and place our employers and our businesses in America in an unfair disadvantage to manufacturers in China and India?"); Statement of Chairman Fred Upton, *Markup on H.R. 910, The Energy Tax Prevention Act of 2011*, Subcommittee on Energy and Power, Committee on Energy and Commerce, 112th Cong. (Mar. 10, 2011) (saying "EPA's regs unilaterally raise energy and operating cost on American manufacturers" and that nations like China "have no intention of burdening their industry with similar restrictions").

[3] Intergovernmental Panel on Climate Change, "Organization" (online at www.ipcc.ch/organization/organization.shtml) (accessed Nov. 7, 2011).

During this same period, the economy has grown by more than 200% and the number of vehicle miles traveled by 170%.[4] According to EPA:

> Just last year, the Clean Air Act is estimated to have saved over 160,000 lives; avoided more than 100,000 hospital visits; prevented millions of cases of respiratory problems, including bronchitis and asthma; enhanced productivity by preventing 13 million lost workdays; and kept kids healthy and in school, avoiding 3.2 million lost school days due to respiratory illness and other diseases caused or exacerbated by air pollution.[5]

The benefits of the Act have greatly outweighed its costs. By 2020, the net economic benefits of the Act are projected to reach $2 trillion per year, a benefit to cost ratio of more than 30 to 1.[6] Investments in pollution control also create jobs. The Institute for Clean Air Companies, which represents manufacturers of air pollution control equipment, estimates that over the last seven years, an EPA rule to curb interstate air pollution resulted in the creation of 200,000 jobs.[7]

Despite these proven benefits, House Republicans repeatedly sought to block EPA clean air protections and repeal provisions central to the success of the Act. In total, House Republicans voted 77 times to undermine implementation of the Act.

House Republicans voted to repeal the health-based standards that are the heart of the Clean Air Act. They voted to block EPA regulation of toxic mercury emissions from the largest source of mercury emissions in the United States (power plants) and other major sources (industrial boilers and cement plants). They voted to block EPA regulation of toxic emissions from solid waste incinerators. And they voted to weaken EPA's authority to reduce emissions from oil and gas drilling on the Outer Continental Shelf.

When Rep. Waxman offered an amendment to prevent delay in the regulation of solid waste incinerators and industrial boilers that are emitting mercury at levels harming brain development or causing learning disabilities in infants and children, House Republicans voted 228 to 2 to defeat the amendment. When he offered a similar amendment to prevent any delay in regulation of cement plants with mercury emissions that are harming children, House Republicans voted 234 to 6 to defeat the amendment.

House Republicans even voted to rescind EPA's regulation to reduce emissions of sulfur dioxide and nitrogen oxides from power plants that cause ozone and particulate matter violations in downwind states. This EPA rule will prevent up to 34,000 deaths, 15,000 heart attacks, 400,000

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[4] U.S. EPA, *Air Quality Trends, Comparison of Growth Areas and Emissions: 1970-2010* (online at www.epa.gov/airtrends/images/comparison70.jpg) (accessed Nov. 30, 2011).

[5] U.S. EPA, *Empirical Evidence Regarding the Effects of the Clean Air Act on Jobs and Economic Growth* (Feb. 8, 2011) at 2.

[6] *Id.*

[7] *Id.* at 6.

cases of aggravated asthma, and 1.8 million lost work days each year and produce health benefits of up to $280 billion annually, outweighing its estimated annual costs by as much as 350 to 1.[8]

Undermining the Clean Water Act

In 1972, Congress enacted – with bipartisan support – the Federal Water Pollution Control Act, better known as the Clean Water Act. The goal of the Clean Water Act is to make all waterways safe for fishing and swimming. Before the Clean Water Act was enacted, water quality in many rivers and streams was abysmal. The Cuyahoga River in Cleveland actually caught fire. Although many pollution challenges remain, the Clean Water Act has improved water quality significantly. Over the last 20 years, industrial polluters have reduced their direct discharge of 300 toxic chemicals into waterways by more than 70%.[9]

Despite the benefits of the Clean Water Act, House Republicans voted 28 times this year to undermine key provisions of the Act. They voted to strip EPA of authority to set water quality standards or enforce discharge limits in states that fail to implement the Clean Water Act. They voted to repeal EPA's authority to prevent coal companies from using mountaintop removal mining. And they voted to deny EPA funding to protect wetlands and tributaries that flow into navigable waters. They even voted to block EPA from using the Clean Water Act to regulate the discharge of pesticides into rivers, lakes, and streams.

Removing Protections for Public Lands

America's public lands and national forests are a treasured source of open space and outdoor recreation. They contain scenic wonders and wilderness areas and provide crucial habitat to fish and wildlife, including endangered species. America's public lands and resources also supported two million jobs and generated $363 billion in revenue in 2010.[10] Yet House Republicans voted 20 times to weaken environmental protections on public lands.

House Republicans voted three times to stop the Secretary of the Interior from reviewing untrammeled public lands for possible wilderness designations. They voted to block implementation of a Bush Administration policy that restricts motorized vehicles from using hiking trails in national forests. And they voted on multiple occasions to remove protections for salmon, wolves, and other endangered species. House Republicans also voted to transfer federal lands with significant cultural value to Indian tribes to a foreign-owned copper mining company.

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[8] U.S. EPA, *Fact Sheet: The Cross-State Air Pollution Rule: Reducing the Interstate Transport of Fine Particulate Matter and Ozone* (July 18, 2011).

[9] U.S. EPA, Toxics Release Inventory. We looked only at the core chemicals reported in 1988 and compared the volume discharged directly to surface waters in 1988 (41.6 million pounds) with the volume discharged in 2010 (12.3 million pounds).

[10] Department of the Interior, *The Department of the Interior's Economic Contributions* (June 21, 2011) at i.

Weakening Safety Requirements for Offshore Drilling

Offshore oil and gas drilling can cause massive environmental damage if not well-regulated and safely operated. Just last year, the explosion and blowout on the Deepwater Horizon oil rig drilling BP's Macondo well in the Gulf of Mexico killed 11 workers and released more than four million barrels of oil into the surrounding waters, polluting coastal beaches and closing prime fishing grounds. To address these risks, President Obama established a bipartisan National Commission on the BP Deepwater Horizon Oil Spill, which concluded that "decades of inadequate regulation" was one of the causes of the spill.[11] The Department of the Interior also issued new rules strengthening requirements for safety equipment, well control systems, and blowout prevention practices on offshore oil and gas operations.

Last Congress, the House of Representatives passed bipartisan legislation to address the lessons learned from the Deepwater Horizon accident.[12] But this Congress, the House Republican majority voted 30 times against drilling safety standards and to allow drilling in new offshore areas. House Republicans voted to give safety regulators just 60 days to review complex offshore drilling applications. They voted against new standards for blowout preventers and well casing and cementing. And they voted in favor of drilling in the coastal waters off of Florida, California, and other states that have long opposed such activities.

They even voted against closing a loophole that has allowed oil and gas companies to avoid paying billions of dollars in royalty payments on leases in the Gulf of Mexico.

Cutting Support for Clean Energy Technologies and Programs

The United States needs an energy policy dedicated to promoting clean, renewable energy, increasing energy efficiency, and reducing dependence on oil, coal, and other fossil fuels. In September 2011, the American Energy Innovation Council – led by business executives such as Microsoft founder Bill Gates and General Electric CEO Jeff Immelt – urged the federal government to invest in clean energy technologies. Their report, *Catalyzing Ingenuity*, stated:

> Innovation is the core of America's economic strength and future prosperity. New ideas … are the key to fostering sustained economic growth, creating jobs in new industries, and continuing America's global leadership. … [O]f all the sectors in the economy where innovation has a critical role to play, the energy sector stands out. Ready access to reliable, affordable forms of energy is not only vital for the functioning of the larger economy, it is vital to people's everyday lives. It also significantly impacts the country's national security, environmental well-being and economic competitiveness.[13]

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[11] National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, *Deep Water: The Gulf Oil Disaster and the Future of Offshore Drilling* (Jan. 2011) at 56.

[12] H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources (CLEAR) Act, passed the House by a vote of 209 to 193 on July 20, 2010.

[13] American Energy Innovation Council, *Catalyzing American Ingenuity: The Role of Government in Energy Innovation* (Sep. 2011).

Despite the urgent need to fund and develop new energy technologies, House Republicans voted 26 times to oppose clean energy and energy efficiency initiatives. House Republicans voted to cut funding for renewable energy and energy efficiency by 35% in 2011, 27% in 2012, and more than 80% by 2020. At the same time, they voted to increase funding for fossil fuels such as coal and oil. They also voted to block DOE from implementing energy efficiency programs and new light bulb efficiency standards.

Allowing Unsafe Disposal of Toxic Coal Ash

On December 22, 2008, a Tennessee Valley Authority coal ash impoundment in Kingston, Tennessee, ruptured, releasing more than five million cubic yards of toxic sludge and blanketing the Emory River and 300 acres of surrounding land.[14] As this episode demonstrated, improper disposal of the combustion wastes produced by coal-burning electric utilities can pose a threat to human health and safety. EPA considers 49 coal ash impoundments in 12 states as having "high hazard potential," which means that a failure in the impoundment is likely to cause loss of human life.[15] Unsafe disposal of coal ash can also threaten drinking water by leaching arsenic and other toxic chemicals into drinking water from unlined surface impoundments.[16]

Despite these significant risks, House Republicans voted eight times to allow unsafe disposal of toxic coal ash. They voted to block EPA from regulating coal ash as a hazardous waste, to turn regulation of coal ash over to the states, and to defeat amendments that would have ensured that state programs protect human health and the environment. House Republicans voted to prevent EPA from enforcing the requirements of state coal ash programs if the state fails to do so, and they opposed an amendment to require existing impoundments to retrofit to meet modern safety standards.

Curtailing Review of the Keystone XL Pipeline

TransCanada's proposed Keystone XL pipeline would transport up to 830,000 barrels per day of tar sands crude oil from Alberta, Canada, to refineries in the Gulf Coast. This pipeline, which would almost double the quantity of tar sands fuel currently imported to the United States, raises serious environmental concerns because of the risks of leaks and spills and its implications for climate change. Extracting oil from tar sands is significantly more energy-intensive than producing a barrel of conventional oil, resulting in substantially higher greenhouse gas emissions than conventional fuel.[17]

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[14] U.S. EPA Region 4, *EPA's Response to the TVA Kingston Fossil Plant Fly Ash Release: Basic Information* (online at www.epa.gov/region4/kingston/basic.html) (accessed Nov. 23, 2011).

[15] U.S. EPA, *Fact Sheet: Coal Combustion Residues (CCR)—Surface Impoundments with High Hazard Potential Ratings* (Aug. 2009) (online at www.epa.gov/osw/nonhaz/industrial/special/fossil/ccrs-fs/) (accessed Dec. 12, 2011).

[16] RTI International, *Human and Ecological Risk Assessment of Coal Combustion Wastes (Draft)*, Prepared for U.S. EPA, Office of Solid Waste (Aug. 6, 2007).

[17] Natural Resources Defense Council, *GHG Emission Factors for High Carbon Intensity Crude Oils* (Sept. 2010).

House Republicans voted ten times to curtail or weaken environmental review of the Keystone XL pipeline. In July, House Republicans passed H.R. 1938 to force the Obama Administration to make a decision on the Keystone XL permit by November 1, 2011, and to short-circuit the existing State Department review process. They voted against amendments to require TransCanada to demonstrate an ability to respond to a worst-case pipeline spill; to examine whether current pipeline safety regulations are sufficient to address the risks of transporting tar sands oil; and to require a study of the potential health impacts of air pollution from refineries that increase their processing of tar sands oil. House Republicans voted again in December to direct the President to approve or disapprove the Keystone XL pipeline within 60 days and without further environmental review.

Slashing Funding for Environmental Protection

In addition to voting to weaken the Clean Air Act, Clean Water Act, and other important environmental laws, House Republicans voted for three appropriations and budget bills that would cut funding for key programs at EPA, the Department of Energy, the Department of the Interior, and other agencies. These drastic budget cuts threaten the ability of each agency to enforce existing law, conduct scientific research, and implement initiatives designed to protect the environment and public health.

House Republicans voted to cut EPA's FY2011 budget by $3 billion (29%) and proposed cutting it by $1.5 billion (18%) in FY2012. They voted to cut $775 million (35%) from Department of Energy efficiency and renewable energy programs in FY2011 and $487 million (27%) from the same programs in FY2012. The FY2012 Interior appropriations bill that House Republicans brought to the floor slashed the Land and Water Conservation Fund, which funds the acquisition of new lands for recreation and wildlife protection, by 78%. And the Ryan budget, the ten-year fiscal blueprint adopted by House Republicans, would cut funding for DOE, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, and other energy programs by more than 80% by FY2020.

Obstructing the Regulatory Process

In late November and early December, House Republicans used a new strategy to undermine environmental laws: passage of legislation that makes the issuance of new regulations more difficult, if not impossible. They brought to the floor and passed with unanimous Republican support three bills that would require agencies to use time-consuming quasi-judicial procedures to issue major rules, add more than 60 new requirements to agency rulemaking, prevent new rules from going into effect unless approved by both the House and Senate, and subject the rules to new judicial challenges, such as lawsuits contesting the agency's cost-benefit analysis.

I. Blocking Efforts to Prevent Climate Change

A. Votes to Reject Scientific Findings

In December 2009, EPA made a scientific finding that "elevated concentrations of greenhouse gases in the atmosphere may reasonably be anticipated to endanger the public health and to endanger the public welfare of current and future generations."[18] The world's leading scientific organizations have all reached similar conclusions. In 2010, the National Academy of Sciences, the premier scientific organization in the United States, released a report reviewing what the scientific community has learned about climate change and its impacts. The Academy found: "Climate change is occurring, is caused largely by human activities, and poses significant risks for – and in many cases is already affecting – a broad range of human and natural systems."[19] The national academies of all of the world's major economies (including China) issued a similar warning in 2009, saying that the "need for urgent action to address climate change is now indisputable."[20]

Notwithstanding this scientific consensus that climate change is occurring and is a serious threat, the Republicans introduced a bill, H.R. 910, to overturn EPA's scientific endangerment finding. That bill passed the House on April 7, 2011, with unanimous Republican support.[21] During the floor debate on H.R. 910, Rep. Henry Waxman (D-CA) offered an amendment that stated, "Congress accepts the scientific findings of the Environmental Protection Agency that climate change is occurring, is caused largely by human activities, and poses significant risks for public health and welfare." All but one House Republican voted to reject these scientific findings.[22]

Many House Republicans explained their rejection of EPA's scientific findings by stating their view that the science is "not settled." On the Energy and Commerce Committee, at least 12 Republican members have made public statements indicating that they question or reject the scientific consensus on climate change:

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[18] U.S. EPA, *Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act*, 74 Fed. Reg. 66496-66546 (Dec. 15, 2009) (final rule).

[19] National Research Council, *Advancing the Science of Climate Change* (2010).

[20] *G8+5 Academies' joint statement: Climate change and the transformation of energy technologies for a low carbon future*, Academia Brasileira de Ciências, Brazil; Indian National Science Academy, India; Academy of Science of South Africa, South Africa; Royal Society of Canada, Canada; Accademia Nazionale dei Lincei, Italy; Royal Society, United Kingdom; Chinese Academy of Sciences, China; Science Council of Japan, Japan; National Academy of Sciences, United States of America; Académie des Sciences, France; Academia Mexicana de Ciencias, Mexico; Deutsche Akademie der Naturforscher Leopoldina, Germany; Russian Academy of Sciences, Russia (May 2009) (online at www.nationalacademies.org/includes/G8+5energy-climate09.pdf).

[21] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 910 (Apr. 7, 2011) (Roll Call No. 249).

[22] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.245, Waxman Amendment No. 6 to H.R. 910 (Apr. 6, 2011) (Roll Call No. 236).

- Chairman Fred Upton (R-MI) stated that while he accepts that 2010 was one of the warmest years in the last decade, "I do not say that it is man-made."[23]

- Chairman Emeritus Joe Barton (R-TX) stated that "the science is not settled and the science is actually going the other way."[24]

- Rep. Ed Whitfield (R-KY), the Chairman of the Subcommittee on Energy and Power, called on Al Gore to "come clean about the real science surrounding climate change and let the American people come to their own conclusions on global warming."[25]

- Rep. John Shimkus (R-IL), the Chairman of the Subcommittee on Environment and the Economy, rejected the dire warnings of climate scientists and said the Earth "will end only when God declares it is time to be over. Man will not destroy this earth. This earth will not be destroyed by a flood."[26]

- Rep. John Sullivan (R-OK), vice-chair of the Subcommittee on Energy and Power, stated, "I don't think anyone could come to any conclusion whether it is real or not. Until we can see sound science that's truthful, I don't think anyone can make a decision based on that."[27]

- Rep. Michael Burgess (R-TX) stated that "no one knows" whether man is responsible for climate change. He said it is "just the height of chutzpah for us to be claiming that man-

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[23] *Conversations with the Chair: Energy and Commerce Chairman Fred Upton*, National Journal Live (Feb. 8, 2011). Mr. Upton's 2011 statements on the science of climate change conflict with his earlier views. In 2009, when praising a Michigan wind project in a press release, Mr. Upton stated that climate change is "a serious problem that necessitates serious solutions." *Upton hails KVCC wind energy program as Congress debates climate change bill*, River Country Journal (Apr. 24, 2009) (online at www.rivercountryjournal.com/?p=7369). This article is based on a news release from Rep. Fred Upton. This news release is no longer posted on Rep. Upton's website.

[24] Statement of Chairman Emeritus Joe Barton, *Markup on H.R. 910, The Energy Tax Prevention Act of 2011*, Committee on Energy and Commerce, 112th Cong. (Mar. 15, 2011).

[25] Office of Rep. Ed Whitfield, *Whitfield Blasts Use of False Science in Copenhagen* (Dec. 15, 2009) (online at http://whitfield.house.gov/2009/12/whitfield-blasts-use-of-false-science-in-copenhagen.shtml) (accessed Dec. 12, 2011).

[26] Statement of Rep. John Shimkus, *Preparing for Climate Change: Adaptation Polities and Programs*, Hearing Before the Subcommittee on Energy and Environment, Committee on Energy and Commerce, 111th Cong. (Mar. 25, 2009).

[27] Statement of Rep. John Sullivan at a press conference organized by Rep. Joe Barton, Rep. Fred Upton, Rep. Shelley Moore Capito, Rep. John Sullivan, Rep. Marsha Blackburn, and Rep. Jim Sensenbrenner. United Nations Climate Change Conference, Copenhagen, Denmark (Dec. 18, 2009).

made effects can change something as profound as the climate on this planet. The climate has changed over eons. Man has had nothing to do with it."[28]

- Rep. Marsha Blackburn (R-TN) told reporters that she does not believe that the science behind climate change is "settled."[29]

- Rep. Steve Scalise (R-LA) said that the "debate on the causes of climate change are [*sic*] far from settled."[30]

- Rep. David McKinley (R-WV) stated that "anthropogenic global warming is still an issue that the scientists are still debating."[31]

- Rep. Morgan Griffith (R-VA) called it "reckless" to cut greenhouse gas emissions "in order to address a scientific theory — man-made global warming — that many scientists do not even believe is happening."[32]

- Rep. Cory Gardner (R-CO) admitted that the climate is changing but said that he does not "believe humans are causing that change to the extent that's been in the news."[33]

- Rep. Bill Cassidy (R-LA) said that the cause of climate change "could just be a shift on the axis."[34]

At the same time that many House Republican members publicly assert that the science of climate change is not settled, they have voted to cut funding for climate research that could provide more insight into the pace and likely impacts of climate change.

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[28] Southern California Public Radio, *Patt Morrison: Things get hot for the EPA* (Mar. 9, 2011) (online at http://66.226.4.226/programs/patt-morrison/2011/03/09/things-get-hot-for-the-epa/) (accessed Nov. 7, 2011).

[29] Statement of Rep. Marsha Blackburn at a press conference organized by Rep. Joe Barton, Rep. Fred Upton, Rep. Shelley Moore Capito, Rep. John Sullivan, Rep. Marsha Blackburn, and Rep. Jim Sensenbrenner, United Nations Climate Change Conference, Copenhagen, Denmark (Dec. 18, 2009).

[30] Statement of Rep. Steve Scalise, *The American Clean Energy and Security Act of 2009: Day 1*, Hearing Before the Committee on Energy and Commerce, 111th Cong. (Apr. 21, 2009).

[31] Statement of Rep. David McKinley, *H.R. ___, The Energy Tax Prevention Act of 2011*, Hearing Before the Subcommittee on Energy and Power, Committee on Energy and Commerce, 112th Cong. (Feb. 9, 2011).

[32] *10 to watch: GOP freshmen on energy*, Politico (Dec. 28, 2010) (online at www.politico.com/news/stories/1210/46778.html) (quoting Morgan Griffith's campaign website).

[33] *Energy bill polarizes candidates*, Fort Collins Coloradoan (Sept. 19, 2010).

[34] Statement of Rep. Bill Cassidy, *Markup of H.R. 910, The Energy Tax Prevention Act of 2011*, Committee on Energy and Commerce, 112th Cong. (Mar. 15, 2011).

In February 2011, the House passed H.R. 1, the Full-Year Continuing Appropriations Act of 2011, with near unanimous Republican support.[35] The Chairman of the House Appropriations Committee boasted that "the bill cuts climate change funding bill-wide by $107 million, or 29%, from the fiscal year 2010 enacted level."[36] This bill included significant cuts for EPA's Global Change Research Program, which examines the potential consequences of global climate change on air and water quality, aquatic ecosystems, human health, and socioeconomic systems in the United States. The bill also included cuts for scientific endeavors at other agencies, including climate change research at the U.S. Forest Service, the National Park Service's climate change monitoring system, and the U.S. Geological Survey's Climate Effects Network, a consortium of research programs designed to collect and share data in order to identify climate-related impacts to ecosystems.[37]

As part of the debate over appropriations for FY2011, the House Republicans voted 228 to 9 to eliminate funding for EPA's Greenhouse Gas Reporting Program.[38] This program requires the largest sources of carbon pollution – such as power plants, refineries, and large factories – to report how much they pollute. Rep. Mike Pompeo (R-KS), the sponsor of this effort, claimed that this data serves as the "very foundation of the EPA's effort to pursue its radical anti-jobs agenda" and that funding the registry would allow EPA to keep its "regulatory nose inside the job-destroying tent."[39] Rep. Jim Moran (D-VA) called this vote "part of an effort to ignore what scientists tell us is the most serious environmental problem of our time – climate change."[40]

The House Republicans also voted to prohibit the National Oceanic and Atmospheric Administration (NOAA) from using any funds to establish a Climate Service.[41] This prohibition would block NOAA's plans to consolidate the management of its climate-related programs, labs, and data centers in a new Climate Service, with the goal of improving NOAA's ability to produce reliable short-term weather data and long-term climate data.[42] In November, this funding

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[35] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 1 (Feb. 19, 2011) (Roll Call No. 147).

[36] U.S. House Appropriations Committee, *Summary: Fiscal Year 2011 Continuing Resolution* (Feb. 11, 2011) (online at http://republicans.appropriations.house.gov/_files/SummaryFiscalYear2011ContinutingResolutionCR.doc) (accessed Dec. 14, 2011).

[37] U.S. House of Representatives, Committee on Appropriations, *FY2011 Continuing Resolution Reductions* (online at http://appropriations.house.gov/_files/ProgramCutsFY2011ContinuingResolution.pdf) (accessed Dec. 12, 2011).

[38] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.47, Pompeo Amendment No. 84 to H.R. 1 (Feb. 16, 2011) (Roll Call No. 64).

[39] Statement of Rep. Mike Pompeo, *Congressional Record*, H989 (Feb. 16, 2011).

[40] Statement of Rep. Jim Moran, *Congressional Record*, H989 (Feb. 16, 2011).

[41] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.148, Hall Amendment No. 495 to H.R. 1 (Feb. 19, 2011) (Roll Call No. 127).

prohibition was included in the Consolidated and Further Continuing Appropriations Act, which was enacted into law.[43]

In July, the Republicans again voted to significantly cut funding for EPA's greenhouse gas registry, with only 13 Republicans voting in opposition.[44] Rep. Moran, speaking in opposition to this proposal, called it "the 'ignorance is bliss' amendment."[45]

B. Votes to Block Action to Reduce Carbon Pollution

In February 2011, all but three House Republicans voted to pass a budget for EPA that prohibited the agency from spending any funds to enforce or promulgate regulations related to climate change.[46] Specifically, the FY2011 funding bill prohibited EPA from using any funds for the purposes of "enforcing or promulgating any regulation … or order, taking action relating to, or denying approval of state implementation plans or permits because of the emissions of greenhouse gases due to concerns regarding possible climate change."[47] EPA currently plans to set federal performance standards for the two largest sources of carbon pollution, power plants and refineries.[48] This language would prevent EPA from proposing these standards.

During the debate on the FY2011 funding bill, Rep. Ted Poe (R-TX) offered an amendment with Rep. Joe Barton (R-TX) and Rep. John Carter (R-TX) to block EPA's greenhouse gas emissions regulations. This amendment replicates the language in the underlying bill as described above but, in the words of Rep. Poe, goes "a step further, prohibiting the EPA from enforcing national regulation of greenhouse gases."[49] Rep. Barton, speaking in support of the amendment, argued that carbon dioxide is "not a pollutant" and dismissed most climate science as a "theory." He said there is "nobody in this country or anywhere in the world who has been harmed because of manmade CO_2."[50] Rep. Poe argued that "there is no evidence at all that it is manmade CO_2 that

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[42] National Oceanic and Atmospheric Administration, *A Climate Service in NOAA* (online at www.noaa.gov/climate.html) (accessed Nov. 8, 2011); NOAA, *Proposed Climate Service in NOAA* (Feb.2011) (online at www.noaa.gov/climateresources/resources/ProposedClimateServiceinNOAA_Feb15rev.pdf) (accessed Nov. 8, 2011).

[43] Consolidated and Further Continuing Appropriations Act, 2012, Pub. L. No. 112-55.

[44] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.757, Pompeo Amendment No. 39 to H.R. 2584 (July 27, 2011) (Roll Call No. 661).

[45] Statement of Rep. Jim Moran, *Congressional Record*, H5630 (July 27, 2011).

[46] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 1 (Feb. 19, 2011) (Roll Call No. 147).

[47] Section 1746, H.R. 1, the Full-Year Continuing Appropriations Act of 2011.

[48] U.S. EPA, *EPA to Set Modest Pace for Greenhouse Gas Standards* (Dec. 23, 2010).

[49] Statement of Rep. Ted Poe, *Congressional Record*, H1186 (Feb. 17, 2011).

[50] Statement of Rep. Joe Barton, *Congressional Record*, H1188-H1189 (Feb. 17, 2011).

causes the climate to change."[51] The House passed this amendment with only two Republicans voting in opposition.[52]

House Republicans included similar language in the FY2012 appropriations bill for EPA reported by the Appropriations Committee. This language would preclude EPA from proposing or issuing any regulation regarding the emissions of greenhouse gases from stationary sources or new motor vehicles after model year 2016.[53]

The House Republicans also introduced stand-alone legislation to achieve these objectives. On March 3, 2011, Energy and Commerce Committee Chairman Fred Upton (R-MI) introduced H.R. 910, the Energy Tax Prevention Act of 2011.[54] In addition to overturning EPA's endangerment finding, the Upton bill broadly eliminates EPA's authority to address emissions of greenhouse gases and the danger of climate change. The bill overturns the Supreme Court's opinion finding that EPA has the authority to regulate greenhouse gases under the Clean Air Act. It also prohibits EPA from requiring stationary sources such as power plants to reduce greenhouse gas emissions and achieving additional emissions reductions from mobile sources, including cars, planes, boats, and other vehicles. The bill even prohibits EPA from enforcing existing greenhouse gas reporting requirements to collect information on the largest sources of global warming pollution in the United States.

During the floor debate about the Upton bill, the House Republicans voted against several Democratic amendments to restore EPA's authority to address climate change. Only one Republican supported an amendment offered by Rep. Jared Polis (D-CO) to allow the EPA Administrator to suspend the bill's prohibitions if impacts from climate change affect public health.[55] Scientists at the U.S. Global Change Research Program have found that climate change "poses unique challenges to human health."[56] In particular, they have concluded that "increases in the risk of illness and death related to extreme heat and heat waves are very likely" and that it will become "more challenging to meet air quality standards necessary to protect public health."[57] During the debate, however, Rep. Michael Burgess (R-TX) stated that "greenhouse gases do not have a health impact."[58]

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[51] Statement of Rep. Ted Poe, *Congressional Record*, H1189 (Feb. 17, 2011).

[52] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.101, Poe Amendment No. 466 to H.R. 1 (Feb. 18, 2011) (Roll Call No. 96).

[53] Sections 431 and 453 of H.R. 2584 (112th Cong.).

[54] For a full analysis of H.R. 910, *see* Memorandum from Ranking Members Henry Waxman and Bobby Rush to Democratic Members of the Subcommittee on Energy and Power (Mar. 10, 2011) (online at http://democrats.energycommerce.house.gov).

[55] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.247, Polis Amendment No. 8 to H.R. 910 (Apr. 6, 2011) (Roll Call No. 237).

[56] U.S. Global Change Research Progtam, *Global Climate Change Impacts in the United States* (June 2009) at 89.

[57] *Id.* at 90, 92.

[58] Statement of Rep. Michael Burgess, *Congressional Record*, H2379 (Apr. 6, 2011).

Rep. Ed Markey (D-MA) offered an amendment to allow EPA to take action to reduce greenhouse gas emissions if those actions also reduce demand for oil. Rep. Bobby Rush (D-IL) offered an amendment to delay implementation of the bill until EPA and the Department of Defense certify that the consequences of climate change, such as an increased severity and frequency of natural disasters, do not jeopardize U.S. security at home or abroad. These amendments also failed, with Republicans voting unanimously against them.[59]

The Upton bill passed 255-172 on April 7, 2011, with unanimous Republican support.[60] If the Upton bill had passed the Senate and been enacted into law, the bill would have blocked EPA and the Department of Transportation from working with the automobile industry and the state of California to develop harmonized greenhouse gas and fuel economy standards. These standards, which were proposed on November 16, 2011, are projected to save four billion barrels of oil and avoid two billion metric tons of greenhouse gas emissions, while providing consumers with net savings of up to $4,400 over the lifetime of each vehicle.[61]

C. Votes to Block International Action on Climate Change

In February 2011, House Republicans voted to prevent the State Department from using any funds to employ a Special Envoy for Climate Change, who represents the United States internationally in climate-related negotiations. Only one Republican voted against this proposal.[62] Only three House Republicans voted against a proposal to zero out the United States' contribution to the Intergovernmental Panel on Climate Change (IPCC), the world's leading authority on climate change science and the recipient of the 2007 Nobel Peace Prize.[63] Rep. Blaine Luetkemeyer (R-MO) stated on the House floor that the IPCC is "an entity that is fraught with waste and engaged in dubious science."[64] Rep. Waxman called this proposal to defund the work of the world's premier climate scientists the equivalent of "putting our heads in the sand."[65]

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[59] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.248, Markey Amendment No. 9 to H.R. 910 (Apr. 6, 2011) (Roll Call No. 238); Roll Call Vote on Agreeing to H.AMDT.249, Rush Amendment No. 10 to H.R. 910 (Apr. 6, 2011) (Roll Call No. 239).

[60] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 910 (Apr. 7, 2011) (Roll Call No. 249).

[61] U.S. EPA and U.S. Department of Transportation, *Fact Sheet: EPA and NHTSA Propose to Extend the National Program to Reduce Greenhouse Gases and Improve Fuel Economy for Cars and Trucks* (Nov. 2011).

[62] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.89, Scalise Amendment No. 204 to H.R. 1 (Feb. 17, 2011) (Roll Call No. 87).

[63] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.154, Luetkemeyer Amendment No. 149 to H.R. 1 (Feb. 19, 2011) (Roll Call No. 132).

[64] Statement of Rep. Blaine Luetkemeyer, *Congressional Record*, H1315 (Feb. 18, 2011).

[65] Statement of Rep. Henry Waxman, *Congressional Record*, H1316 (Feb. 18, 2011).

In October, the House voted to prohibit U.S. airlines from complying with European requirements to reduce carbon pollution on flights to Europe.[66] The European Union plans to require airlines flying to and from Europe to purchase carbon permits under the EU emissions trading scheme. The EU climate commissioner said that the European Union decided to include airlines in its emissions trading system after more than a decade of international talks failed to produce a plan to cut greenhouse gas emissions from this sector.[67] Rep. Markey spoke in opposition to this legislation, noting that the "Europeans are taking climate change seriously. We shouldn't undermine their efforts by legislating that our airlines break the law."[68]

At the Committee level, the House Appropriations Subcommittee on State, Foreign Operations, and Related Programs reported a funding bill for FY2012 that would zero out funding for both the IPCC and United Nations Framework Convention on Climate Change, the international body charged with developing a global response to climate change.[69] Similarly, the House Foreign Affairs Committee reported a bill that would bar U.S. funding for the Global Climate Change Initiative, which provides bilateral assistance to help developing countries address the effects of climate change.[70] The Committee's ranking member, Rep. Berman, criticized the bill because "to rule out – for ideological reasons – an entire category of activities that are essential to the success of our overall development strategy is both shortsighted and wasteful."[71]

D. Votes to Block Adaptation Planning

In June, all but two Republicans voted to prohibit the Department of Homeland Security (DHS) from using any funds for the Climate Change Adaptation Task Force.[72] This interagency task force, which began meeting in the spring of 2009, has been examining how to respond to climate change impacts that are occurring already in the United States and how to prepare for future climate conditions. Rep. John Carter (R-TX) called this a "waste of time and resources" that should be devoted to "ensuring the safety of our homeland."[73] Rep. David Price (D-NC), speaking in opposition to this proposal, noted that DHS, in fact, has identified "specific climate change-related impacts on DHS missions. These include … disaster response activities and the protection of critical infrastructure."[74]

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[66] H.R. 2594, the European Union Emissions Trading Scheme Prohibition Act, passed by a voice vote on October 24, 2011.

[67] *UN Body Urges Europe to Omit Foreign Airlines From CO2 Curbs*, Bloomberg (Nov. 3, 2011).

[68] Statement of Rep. Ed Markey, *Congressional Record*, H7000 (Oct. 24, 2011).

[69] The Subcommittee marked up this bill on July 27, 2011. The Appropriations Committee did not hold a full committee markup on the legislation.

[70] Section 925, H.R. 2583 (112th Cong.).

[71] Dissenting Views, *Report to Accompany H.R. 2583* (112th Cong.) at 222.

[72] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.378, Carter Amendment No. 1 to H.R. 2017 (June 2, 2011) (Roll Call No. 392).

[73] Statement of Rep. John Carter, *Congressional Record*, H3891 (June 1, 2011).

[74] Statement of Rep. David Price, *Congressional Record*, H3891 (June 1, 2011).

Also in June, all but five House Republicans voted to prohibit the U.S. Department of Agriculture from using any funds to implement its climate change adaptation program.[75] Recent studies show climate change is already adversely affecting crop yields.[76]

[75] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.467, Scalise Amendment to H.R. 2112 (June 16, 2011) (Roll Call No. 448).

[76] *See, e.g.*, David Lobell, Wolfram Schlenker and Justin Costa-Roberts, *Climate trends and Global Crop Production Since 1980*, Science (May 5, 2011) (finding that global wheat yields have dropped by more than 5% compared with what would have been expected without rising temperatures).

II. Undermining the Clean Air Act

A. Vote to Repeal the Clean Air Act's Health-Based Standards

Since 1970, the core of the Clean Air Act has been a set of standards called the national ambient air quality standards (NAAQS). The NAAQS are "health-based" standards because they are set by EPA at a level adequate to protect public health, including the health of sensitive groups such as children and the elderly. Essentially, the NAAQS determine what level of air pollution is "safe" to breathe.

Under the Clean Air Act, economic costs come into play when EPA and the states develop deadlines and plans for achieving the health-based standards. EPA sets deadlines for compliance, which take into account costs and can vary according to difficulty of achieving the standards. The states take costs into account when they develop their plans to control air pollution and attain compliance with the standards. EPA takes costs into account when reviewing these state plans.

This approach has been extraordinarily successful in cleaning the air. EPA has set NAAQS for six air pollutants: ozone, nitrogen dioxide (NO_2), sulfur dioxide (SO_2), carbon monoxide (CO), lead, and particulate matter (PM). Between 1980 and 2010, emissions of these six air pollutants dropped by 67%. During the same time period, the nation's gross domestic product increased 127%, vehicle miles traveled increased 96%, energy consumption increased 25%, and U.S. population grew by 36%.[77]

In September, Rep. Robert Latta (R-OH) offered an amendment on the House floor that rewrote 40 years of clean air policy by requiring EPA to consider industry costs when determining what level of air pollution is "safe." Under the Latta amendment, NAAQS would cease to be health-based standards and would instead be set in part based on economic costs to polluters. The Energy and Commerce Committee held no hearings on the Latta amendment and never considered the amendment in Committee. The House allowed only ten minutes of debate, divided equally between proponents and opponents, on this fundamental change to the Clean Air Act. The Latta amendment passed with only 11 Republicans voting in opposition.[78]

B. Votes to Block Regulation of Emissions from Power Plants

Power plants, especially old coal-burning power plants, are the single largest source of air pollution in the United States. They are the largest source of sulfur dioxide (SO_2) emissions, the largest source of nitrogen oxide (NOx) emissions, and the largest source of toxic mercury emissions. Regardless, House Republicans voted repeatedly to block EPA regulation of emissions from power plants.

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[77] U.S. EPA, *Air Quality Trends, Comparison of Growth Areas and Emissions, 1980-2010* (online at www.epa.gov/airtrends/aqtrends.html#comparison) (accessed Dec. 13, 2011).

[78] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.800, Latta Amendment No. 11 to H.R. 2401 (Sept. 23, 2011) (Roll Call No. 738).

Two EPA regulations have been the target of these Republican votes. On March 16, 2011, EPA proposed the Mercury and Air Toxics Standards (MATS) Rule to reduce power plant emissions of hazardous air pollutants, including mercury.[79] This proposed rule would reduce emissions of mercury, preventing more than 90% of the mercury in the coal from being emitted into the air and cutting emissions of other toxic substances.[80] Mercury is a particular concern for women of childbearing age, infants, and children because studies have linked mercury exposure to nervous system damage, which can impair children's ability to think and learn.[81] The rule will also reduce fine particle emissions by 29% in 2015, producing significant health benefits.[82] According to EPA, this rule will prevent up to 17,000 premature deaths, 120,000 cases of aggravated asthma, and 850,000 days when people miss work each year.[83] Its annual health benefits are estimated at $59 billion to $140 billion per year compared with economic costs of $11 billion.[84]

On July 6, 2011, EPA finalized the Cross-State Air Pollution Rule, which requires 27 states in the eastern, central, and southern U.S. to reduce sulfur dioxide and nitrogen oxide emissions from power plants that cause ozone and particulate matter violations in downwind states.[85] EPA estimates that by 2014, the Cross-State Air Pollution Rule will reduce sulfur dioxide emissions in the 27-state region by 73% from 2005 levels and nitrogen oxides by 54% from 2005 levels.[86] Each year, this rule will prevent up to 34,000 premature deaths, 400,000 cases of aggravated asthma, and 1.8 million days when people miss work or school due to illness.[87] Its annual benefits are estimated at between $120 billion and $280 billion compared with its estimated annual costs of $800 million.[88]

Despite the overwhelming benefits of these two rules, House Republicans passed H.R. 2401, the Transparency in Regulatory Analysis of Impacts on the Nation (TRAIN) Act, to nullify them and make it difficult, if not impossible, for EPA to issue new standards that are protective of public health. In the case of the MATS Rule, the TRAIN Act requires EPA to discard its March proposal, prohibits EPA from issuing a new rule for at least two years, and bars enforcement for at least five

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[79] U.S. EPA, *National Emission Standards for Hazardous Air Pollutants From Coal and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units; Proposed Rule*, 76 Fed. Reg. 24976-25147 (May 3, 2011) (hereinafter "Proposed Air Toxics Rule").

[80] U.S. EPA, *Fact Sheet: Proposed Mercury and Air Toxics Standards* (May 4, 2011).

[81] National Research Council, National Academy of Sciences, *Toxicological Effects of Methylmercury* (2000).

[82] Proposed Air Toxics Rule at 25073.

[83] U.S. EPA, *Fact Sheet: Proposed Mercury and Air Toxics Standards* (May 4, 2011).

[84] *Id.*

[85] U.S. EPA, *Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals; Final Rule*, 76 Fed. Reg. 48208 (Aug. 8, 2011).

[86] U.S. EPA, *Fact Sheet, The Cross-State Air Pollution Rule: Reducing the Interstate Transport of Fine Particulate Matter and Ozone* (July 18, 2011).

[87] *Id.*

[88] *Id.*

more years, ensuring that no reductions in mercury emissions from power plants are required for at least seven years. The bill also rewrites the standards that EPA must apply in any regulation reducing mercury and other toxic emissions from power plants, making them less protective of public health.[89]

Throughout the debate, House Republicans argued that this rule is too expensive for industry and would cost jobs. In fact, EPA assessed the impacts of the MATS Rule on jobs and the economy, finding that more jobs will be created in the air pollution control technology production field than may be lost as the result of compliance with this proposed rule.[90]

In the case of the Cross-State Air Pollution Rule, the bill nullifies the final rule issued in July, prohibits EPA from issuing a new rule for at least five years, and bars enforcement for an additional three years, ensuring that no new SO_2 or NOx emission reductions are required for at least eight years. The bill also bars EPA from using air pollution modeling to determine when emissions from an upwind power plant cause pollution problems in a downwind state, a provision that EPA says will likely block EPA from ever successfully issuing a new rule.

In addition to nullifying EPA's power plant regulations, the TRAIN Act establishes an interagency committee to assess the cumulative impacts of EPA regulations on the economy. House Republicans defeated several Democratic amendments to ensure that the analysis of EPA regulations mandated by the bill provides a balanced picture of both the costs and the benefits of EPA actions. Rep. Peter Welch (D-VT) introduced an amendment to ensure that the interagency committee would include members with health expertise, including the Secretary of Health and Human Services and Director of the Centers for Disease Control. This amendment also would require the committee to examine the benefit of EPA rules on air quality, water quality, and public health, not just their economic costs. The Welch amendment failed with only seven Republicans voting in support.[91] House Republicans also opposed amendments to require the interagency committee to estimate the impacts of delaying the rules on the incidence of birth and developmental defects and infant mortality;[92] to study the impact of EPA regulations on clean energy jobs and

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[89] Since 1990, EPA has set numeric emissions limits under section 112 of the Clean Air Act on a pollutant-by-pollutant basis for more than 100 industrial source categories. This approach has been a major success, reducing emissions of carcinogens and other highly toxic chemicals by 1.7 million tons each year. H.R. 2401 would effectively rewrite section 112 for power plants to require EPA to select the regulatory option that is least burdensome to industry, even if another option is feasible, cost-effective, and offers better public health protections. The bill also abandons the proven pollutant-by-pollutant approach in favor of an untried methodology that would require EPA to make subjective decisions about whether emitting more mercury but less lead is better or worse for public health than the reverse. These statutory changes are unlikely to be workable and guarantee years of litigation.

[90] Proposed Air Toxics Rule at 24979.

[91] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.790, Welch Amendment No. 1 to H.R. 2401 (Sept. 23, 2011) (Roll Call No. 728).

[92] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.793, Capps Amendment No. 4 to H.R. 2401 (Sept. 23, 2011) (Roll Call No. 731).

companies that export clean energy technology;[93] and to identify new opportunities to boost domestic clean energy technology development and manufacturing.[94]

The TRAIN Act passed on September 23, 2011, with only four Republicans voting in opposition.[95] House Republicans included a version of the TRAIN Act in the FY2012 funding bill for EPA reported by the Appropriations Committee.[96]

C. Votes to Block Regulation of Emissions from Incinerators and Industrial Boilers

After power plants, solid waste incinerators and industrial boilers are among the largest sources of mercury emissions in the United States. They also emit other hazardous air pollutants, such as cadmium, benzene, and dioxins. Acting under a court-ordered deadline, EPA promulgated standards in February to reduce toxic air pollutants from these sources. After considering additional comments from stakeholders, EPA proposed revisions to these rules on December 2, 2011. The proposed revised rules would avoid up to 8,100 premature deaths, 52,000 cases of aggravated asthma, and 5,100 heart attacks.[97] EPA estimated the value of these health benefits at between $27 billion and $67 billion annually compared with costs of $1.5 billion.[98]

Rep. Morgan Griffith (R-VA) introduced H.R. 2250, the EPA Regulatory Relief Act, to nullify the boiler and incinerator rules and to prohibit EPA from finalizing new standards for at least 15 months after enactment. The bill also prohibits EPA from requiring facilities to comply with any new standards for at least an additional five years and sets no final compliance deadline, allowing for indefinite delay. In addition, the legislation changes the standards that EPA must apply in any future regulation reducing mercury and other toxic emissions from incinerators and boilers, making them less protective of public health.[99]

During the debate on H.R. 2250, Rep. Waxman offered an amendment to prevent any delay in reducing toxic mercury emissions from waste incinerators and industrial boilers at large chemical

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[93] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.791, McNerney Amendment No. 2 to H.R. 2401 (Sept. 23, 2011) (Roll Call No. 729).

[94] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.797, Connolly Amendment No. 8 to H.R. 2401 (Sept. 23, 2011) (Roll Call No. 735).

[95] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 2401 (Sept. 23, 2011) (Roll Call No. 741).

[96] Section 462 of H.R. 2584 (112th Cong.).

[97] U.S. EPA, *EPA's Air Toxics Standards, Major and Area Source Boilers and Certain Incinerators, Overview of Changes and Impacts* (Dec. 2, 2011).

[98] U.S. EPA, *National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters* (Dec. 2, 2011) (proposed rule; reconsideration of final rule).

[99] H.R. 2250 would effectively rewrite sections 112 (for boilers) and 129 (for incinerators). See *supra* note 89.

and manufacturing facilities if such emissions are harming brain development or causing learning disabilities in infants or children. This amendment was defeated, with Republican members voting 228 to 2 in opposition.[100]

House Republicans rejected similar amendments preventing delays in reducing toxic emissions from incinerators and boilers that are causing respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks, and bronchitis,[101] or that are increasing the risk of cancer.[102] Only one Republican supported an amendment to prevent delays in reducing these toxic emissions from incinerators located within five miles of a nursing home, assisted living facility, or hospital.[103]

Rep. Jan Schakowsky (D-IL) proposed adding a congressional finding stating that mercury released into the ambient air from incinerators and boilers is a potent neurotoxin that can damage the development of an infant's brain. The National Academy of Sciences has stated that prenatal mercury exposure has "the potential to cause irreversible damage to the developing central nervous system."[104] The House defeated this amendment, with only two Republicans voting in support.[105]

Rep. Mike Doyle (D-PA) offered an amendment to limit the compliance deadline to five years at most, which is two years more than the three-year deadline in current law. Rep. Doyle stated that "depending on who the administrator is at the time these rules are finalized, compliance could be required in 5 years, in 10 years, in 50 years, in 105 years. That's just unacceptable."[106] This amendment failed, with no Republicans supporting the amendment.[107]

H.R. 2250 passed on October 13, 2011, without any Republican opposition.[108] In December, House Republicans added the text of H.R. 2250 to a bill to extend the payroll tax cut.[109]

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[100] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.820, Waxman Amendment No. 9 to H.R. 2250 (Oct. 6, 2011) (Roll Call No. 766).

[101] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.826, Connolly Amendment No. 18 to H.R. 2250 (Oct. 11, 2011) (Roll Call No. 773).

[102] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.827, Markey Amendment No. 7 to H.R. 2250 (Oct. 11, 2011) (Roll Call No. 774).

[103] U.S. House of Representatives, Roll Call Vote on Motion to Recommit H.R. 2250 (Oct. 13, 2011) (Roll Call No. 790).

[104] National Academy of Sciences, *Toxicological Effects of Methylmercury* (2000) at 17.

[105] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.829, Schakowsky Amendment No. 1 to H.R. 2250 (Oct. 11, 2011) (Roll Call No. 776).

[106] Statement of Rep. Mike Doyle, *Congressional Record*, H6654 (Oct. 6, 2011).

[107] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.824, Doyle Amendment No. 4 to H.R. 2250 (Oct. 6, 2011) (Roll Call No. 770).

[108] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 2250 (Oct. 13, 2011) (Roll Call No. 791).

D. Votes to Block Regulation of Emissions from Cement Plants

Along with power plants, solid waste incinerators, and industrial boilers, cement plants are one of the largest sources of mercury emissions in the United States. They also emit other hazardous air pollutants, such as lead, cadmium, benzene, and dioxins.

On August 6, 2010, EPA finalized new rules to reduce emissions of toxic air pollutants from cement kilns. These rules also will reduce emissions of pollutants that cause ozone and fine particle pollution, preventing up to 2,500 premature deaths, 17,000 asthma attacks, and 130,000 days when people miss work each year.[110] EPA estimates that these rules will generate $7 billion to $18 billion in health benefits annually, compared with annual compliance costs of $350 million, and create a net gain of up to 1,300 jobs.[111]

In February 2011, during the debate on the FY2011 appropriations, Rep. John Carter (R-TX) offered an amendment to block EPA from spending any money to implement or enforce these new cement plant rules. Only seven Republicans voted against this proposal.[112] House Republicans included similar language blocking the cement rules in the FY2012 appropriations bill for EPA reported by the Appropriations Committee.[113]

Rep. John Sullivan (R-OK) then introduced H.R. 2681, the Cement Sector Regulatory Relief Act, to nullify the cement rules and prohibit EPA from finalizing new standards for at least 15 months after enactment. The bill also prohibits EPA from requiring facilities to comply with any new standards for at least an additional five years and sets no final compliance deadline, allowing for indefinite delay. In addition, the legislation changes the standards that EPA must apply in any future regulation reducing mercury and other toxic emissions from cement plants, making them less protective of public health.[114]

During the debate on H.R. 2681, Rep. Waxman offered an amendment to prevent any delay in reducing toxic mercury emissions from cement plants that have emissions that are harming brain development or causing learning disabilities in infants or children. This amendment was defeated, with Republican members voting 234 to 6 against the amendment.[115]

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[109] Subtitle B of Title I, H.R. 3630 (112th Cong.). U.S. House of Representatives, Roll Call Vote on Passage of H.R. 3630 (Dec. 13, 2011) (Roll Call No. 923).

[110] U.S. EPA, *Fact Sheet: Final Amendments to National Air Toxics Emission Standards and New Source Performance Standards for Portland Cement Manufacturing* (Aug. 9, 2010).

[111] *Id.*; U.S. EPA, *Regulatory Impact Analysis: Amendments to the National Emission Standards for Hazardous Air Pollutants and New Source Performance Standards (NSPS) for the Portland Cement Manufacturing Industry* (Aug. 6, 2010).

[112] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.88, Carter Amendment No. 165 to H.R. 1 (Feb. 17, 2011) (Roll Call No. 86).

[113] Section 448 of H.R. 2584 (112th Cong.).

[114] H.R. 2681 would effectively rewrite section 112 for cement plants. See *supra* note 89.

[115] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.802, Waxman Amendment No. 11 to H.R. 2681 (Oct. 5, 2011) (Roll Call No. 747).

House Republicans rejected similar amendments preventing delays in reducing toxic emissions from cement plants that are causing respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks, and bronchitis,[116] or that are increasing the risk of cancer.[117] Only one Republican supported an amendment to prevent delays in reducing these toxic emissions from cement kilns located within five miles of a school, day care center, playground, or hospital.[118]

Rep. Jan Schakowsky (D-IL) proposed adding a congressional finding to the bill stating that mercury released into the ambient air from cement kilns is a potent neurotoxin that can damage the development of an infant's brain. Rep. Waxman argued for including this finding because the science supports it and the House "can't wish that away. You can't vote it down and say that it's not true."[119] The House defeated this amendment, with Republicans voting 238 to 2 against the amendment.[120]

Rep. Bill Keating (D-MA) offered an amendment to limit the compliance deadline for cement kilns to five years at most, which is two years more than the three-year deadline in current law. This amendment failed, with Republicans voting unanimously in opposition.[121]

H.R. 2681 passed on October 6, 2011, with only two Republicans opposing final passage.[122]

E. Votes to Curtail Regulation of Emissions from Offshore Drilling Operations

Under the Clean Air Act, companies that want to conduct new exploratory drilling operations in the U.S. Outer Continental Shelf (OCS) must obtain permits under the Clean Air Act if the operations will emit significant air pollution. Permit applicants and others can appeal a permit decision by EPA to the Environmental Appeals Board prior to any review by the courts. In 2010, Native Alaskans and environmental groups filed a successful appeal with the Board to overturn a permit issued by EPA to Shell for exploratory drilling in the Chukchi and Beaufort Seas off Alaska's coast.

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[116] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.811, Connolly Amendment No. 18 to H.R. 2681 (Oct. 5, 2011) (Roll Call No. 756).

[117] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.810, Quigley Amendment No. 8 to H.R. 2681 (Oct. 5, 2011) (Roll Call No. 755).

[118] U.S. House of Representatives, Roll Call Vote on Motion to Recommit H.R. 2681 (Oct. 6, 2011) (Roll Call No. 763).

[119] Statement of Rep. Henry Waxman, *Congressional Record*, H6593 (Oct. 5, 2011).

[120] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.805, Schakowsky Amendment No. 1 to H.R. 2681 (Oct. 5, 2011) (Roll Call No. 750).

[121] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.816, Keating Amendment No. 5 to H.R. 2681 (Oct. 6, 2011) (Roll Call No. 761).

[122] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 2681 (Oct. 6, 2011) (Roll Call No. 764).

During the debate over FY2011 appropriations, Rep. Don Young (R-AK) proposed to block the Appeals Board from using any funds to invalidate a permit issued by EPA for offshore drilling in the Arctic. Rep. Young said the Board was comprised of "bureaucrats who don't want to issue the permits."[123] Rep. Jim Moran (D-VA) said that the Board is an "impartial board that looks out for the regular citizen" and argued that it had identified flaws in EPA's analysis of Shell's impact on the health of Alaskan Native communities.[124] The House passed this amendment to the appropriations bill with only nine Republicans voting in opposition.[125]

Rep. Cory Gardner (R-CO) then introduced H.R. 2021, the Jobs and Energy Permitting Act, which makes significant revisions to Clean Air Act provisions relating to OCS activities. The bill limits EPA review of a permit application to six months; it eliminates any appeal to the Board, forcing all appeals to be brought in federal court in Washington, DC; it blocks EPA from requiring pollution reductions from support vessels, which often comprise the bulk of emissions from a drilling operation; and it provides that the impact of emissions from OCS sources must be measured at the shoreline, where the emissions are diluted, rather than at the source, as current law provides.

Although House Republicans said the purpose of H.R. 2021 was to accelerate the permitting process in the Arctic Ocean, the bill was drafted so that it also applied to both the Pacific and Atlantic coasts. California, which has been regulating offshore oil and gas drilling for decades, warned that the bill "could have far-reaching unintended consequences on existing effective protections for public health in California," including protections that are more stringent than federal law.[126] Delaware stated that the "proposed constraints placed on states' rights and authorities will adversely affect our state's ability to protect public health and welfare from harmful effects of air pollution."[127] Despite these comments, House Republicans rejected an amendment from Reps. Lois Capps (D-CA), John Carney (D-DE), and Kathy Castor (D-FL) to allow states to set more protective standards for offshore drilling. Only ten Republicans voted in support of the states' rights amendment.[128]

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[123] Statement of Rep. Don Young, *Congressional Record*, H1182 (Feb. 17, 2011).

[124] Statement of Rep. Jim Moran, *Congressional Record*, H1182 (Feb. 17, 2011).

[125] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.96, Young Amendment No. 533 to H.R. 1 (Feb. 18, 2011) (Roll Call No. 94).

[126] Testimony of Brian Turner, California Air Resources Board, before the Subcommittee on Energy and Power, Committee on Energy and Commerce, *Hearing on the American Energy Initiative: Discussion Draft of H.R. ____, the Jobs and Energy Permitting Act of 2011*, 112th Cong. (May 13, 2011).

[127] Testimony of Ali Mirzakhalili, Director, Division of Air Quality, Delaware Department of Natural Resources and Environmental Control, before the Subcommittee on Energy and Power, Committee on Energy and Commerce, *Hearing on the American Energy Initiative: Discussion Draft of H.R. ____, the Jobs and Energy Permitting Act of 2011*, 112th Cong. (May 13, 2011).

[128] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.488, Capps Amendment No. 8 to H.R. 2021 (June 22, 2011) (Roll Call No. 474).

H.R. 2021 passed the House on June 22, 2011 with only two Republicans opposing the bill.[129] House Republicans included the bill in its entirety in the FY2012 appropriations bill for EPA reported by the Appropriations Committee.[130]

F. Votes to Block Regulation of Particulate Emissions from Mines and Other Sources

Under the Clean Air Act, EPA sets air quality standards for fine and coarse particulate matter pollution, which can trigger asthma attacks, heart attacks, and premature death. The agency is in the process of reviewing these standards to determine whether the scientific and medical evidence merits revising them.

House Republicans claim that EPA intends to regulate "farm dust" as part of the agency's review.[131] To prevent EPA from doing so, Rep. Kristi Noem (R-SD) offered an amendment in February to the FY2011 funding bill to block EPA from using any funds to modify the air quality standards for coarse particles. Only four Republicans opposed this amendment.[132]

In October, EPA Administrator Lisa Jackson informed Congress that she plans to propose retaining the existing standard for larger coarse particles, a standard that has been in place since 1987. Regardless, House Republicans brought to the floor the Farm Dust Regulation Prevention Act (H.R. 1633), which blocks EPA from revising the standard and exempts a class of pollution – called nuisance dust in the bill – from the entire Clean Air Act. The bill defines nuisance dust so broadly as to include both fine and coarse particle pollution from industrial sources such as metal and gravel mines, cement kilns, smelters, coal processing plants, and others.

Rep. Waxman offered an amendment to clarify that the bill's exemption does not apply to particulate matter from mining activities, which can be laced with toxic metals such as lead and mercury. House Republicans opposed this amendment 232 to 2.[133] House Republicans also voted 232 to 1 against an amendment to ensure that EPA has authority to protect public health from particulate matter contaminated with arsenic and other heavy metals.[134] Only one Republican

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[129] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 2021 (June 22, 2011) (Roll Call No. 478).

[130] Section 443 of H.R. 2584 (112th Cong.).

[131] For example, when Rep. Kristi Noem testified before the Committee on Energy and Commerce Subcommittee on Energy and Power on October 25, 2011, she stated: "One of the most overwhelming concerns that I hear about from farmers every day and ranchers back home is the overbearing regulations coming out of the EPA, including the regulation of farm dust."

[132] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.164, Noem Amendment No. 563 to H.R. 1 (Feb. 19, 2011) (Roll Call No. 140).

[133] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.905, Waxman Amendment No. 5 to H.R. 1633 (Dec. 8, 2011) (Roll Call No. 909).

[134] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.904, Markey Amendment No. 4 to H.R. 1633 (Dec. 8, 2011) (Roll Call No. 908).

supported an amendment to ensure that EPA can reduce particle pollution if state and local regulations are not adequate to protect public health.[135]

House Republicans voted unanimously to pass H.R. 1633 on December 8, 2011.[136]

[135] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.902, Christensen Amendment No. 2 to H.R. 1633 (Dec. 8, 2011) (Roll Call No. 907).

[136] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 1633 (Dec. 8, 2011) (Roll Call No. 912).

III. Undermining the Clean Water Act

A. Votes to Repeal EPA's Authority to Set Water Quality Standards and Enforce Discharge Limits

The Clean Water Act uses two approaches to protect water quality. To reduce pollution from industrial and municipal sources, EPA sets technology-based pollution limits, which states implement through permit programs. To reduce pollution from other sources, like urban and farm runoff, states are required to set water quality standards based on the designated use for each water body and to ensure that these standards are achieved. If a state fails to set adequate water quality standards, the Clean Water Act directs EPA to act and set standards in lieu of the state.[137]

In December 2010, EPA issued standards setting numeric limits on the amount of nutrient pollution allowed in Florida's inland waters after determining that the state's standards were not sufficient to protect Florida's rivers, lakes, and coastal waters.[138] EPA indicated that it would withdraw these federal standards if the state adopted scientifically sound standards for nutrient pollution.[139] In July 2011, EPA proposed additional water quality standards to protect the Florida Everglades from farm runoff.[140]

In February, House Republicans voted 221 to 17 to block EPA from using any funds to implement or enforce the standards issued by EPA to control nutrient pollution in Florida.[141] Rep. Thomas Rooney (R-FL) accused EPA of acting "dictatorial" by using its Clean Water Act authority to set water quality standards when the state fails to do so.[142] House Republicans added the same prohibition to EPA's funding bill for FY2012, which has not passed the House.[143]

In May, Rep. John Mica (R-FL), Chairman of the Transportation and Infrastructure Committee, introduced H.R. 2018, the Clean Water Cooperative Federalism Act. This bill would prevent EPA from revising weak state water quality standards or issuing new ones, unless the state concurs, even if the water quality standard is insufficient to protect human health or aquatic life. In addition, the bill would strip EPA of its authority to enforce discharge limits by prohibiting the agency from objecting to state discharge permits that fail to meet the requirements of the Clean

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[137] Clean Water Act § 303 (b).

[138] U.S. EPA, *Water Quality Standards for the State of Florida's Lakes and Flowing Waters*, 75 Fed. Reg. 75761-75807 (Dec. 6, 2010) (final rule).

[139] Letter from U.S. EPA to Florida Department of Environmental Protection (June 13, 2011).

[140] U.S. EPA, *Phosphorus Water Quality Standards for Florida Everglades*, 76 Fed. Reg. 38592-38597 (July 1, 2011) (proposed rule).

[141] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.143, Rooney Amendment No. 13 to H.R. 1 (Feb. 18, 2011) (Roll Call No. 123).

[142] Statement of Rep. Thomas Rooney, *Congressional Record*, H1290 (Feb. 18, 2011).

[143] Section 452 of H.R. 2584 (112th Cong.).

Water Act. According to EPA, this bill would "overturn almost 40 years of Federal legislation by preventing EPA from protecting public health and water quality."[144]

During consideration of H.R. 2018, House Republicans voted unanimously against an amendment to reinstate EPA's ability to oversee state water quality programs and take action when state water quality standards are inadequate to protect public health and the environment.[145]

They also voted against proposals to preserve EPA's authority in unique circumstances. House Republicans opposed an amendment to the bill to preserve EPA authority over waterbodies that receive federal funds for restoration and related activities, such as the Chesapeake Bay, Great Lakes, and Puget Sound.[146] They also opposed a proposal to preserve EPA authority over waterbodies that EPA determines provide flood protection for communities, are valuable fish and wildlife habitats that benefit the economy, or are coastal recreational waters.[147]

On July 13, 2011, H.R. 2018 passed by a vote of 239-184, with 223 Republicans voting for the bill and only 13 against.[148]

B. Votes to Block Oversight of Mountaintop Removal Coal Mining

Mountaintop removal coal mining is a surface mining practice common in Appalachia that involves the removal of mountaintops to expose coal seams and the disposal of the resulting mining "overburden" in adjacent valleys (known as valley fills). This practice can devastate water quality and the surrounding environment. Almost 2,000 miles of Appalachian headwater streams have been buried by mountaintop removal coal mining.[149]

EPA oversees mountaintop removal coal mining under the Clean Water Act. Mining companies must obtain a permit in order to dump overburden and mining waste into waterways. The U.S. Army Corps of Engineers administers this program on a day-to-day basis, but EPA has the responsibility to review individual permit applications and has the authority to prohibit, deny, or restrict a valley fill if it will have an unacceptable adverse effect on the environment. EPA has used this veto authority sparingly and in only the most extreme cases. An example occurred on January 13, 2011, when EPA announced that it would halt the proposed disposal of mining waste in streams

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[144] U.S. EPA, *Technical Assessment of H.R. 2018*, as attached to a letter to the Honorable Tim Bishop from Arvin Ganesan, U.S. EPA (June 21, 2011).

[145] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.629, Jackson-Lee Amendment No. 2 to H.R. 2018 (July 13, 2011) (Roll Call No. 565).

[146] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.633, Connolly Amendment No. 6 to H.R. 2018 (July 13, 2011) (Roll Call No. 568).

[147] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.635, Blumenauer Amendment No. 9 to H.R. 2018 (July 13, 2011) (Roll Call No. 569).

[148] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 2018 (July 13, 2011) (Roll Call No. 573).

[149] U.S. EPA, *EPA Issues Final Guidance to Protect Water Quality in Appalachian Communities from Impacts of Mountaintop Mining* (July 21, 2011) (press release).

at the Mingo-Logan Coal Company's Spruce No. 1 coal mine in West Virginia, one of the largest surface coal mines ever proposed in central Appalachia. This mine would have dumped 110 million cubic yards of coal mine waste into nearby streams, burying more than six miles of high-quality streams in Logan County and causing permanent damage to the ecosystem.[150]

In February, during the debate on appropriations for FY2011, House Republicans voted 223 to 14 to block EPA from vetoing permit applications for mountaintop removal.[151] They also voted 227 to 10 to block EPA and other agencies from implementing EPA guidance on protecting water quality from mountaintop removal coal mining operations.[152] All but nine House Republicans voted to prevent the Office of Surface Mining in the Department of the Interior from developing, implementing, or enforcing any new rules to protect streams from mountaintop removal and other surface coal mining.[153] House Republicans included similar prohibitions in EPA's funding bill for FY2012 reported by the Appropriations Committee.[154]

House Republicans also removed EPA's authority to protect water quality from the hazards of coal mining as part of H.R. 2018, the Clean Water Cooperative Federalism Act, which, as noted above, eliminated EPA's ability to enforce numerous Clean Water Act provisions. H.R. 2018 removed EPA's authority to veto a valley fill permit based on environmental concerns unless the state concurs with the veto. The bill also limited the time EPA, the U.S. Fish and Wildlife Service, and other agencies have to provide comments to the Army Corps of Engineers on the potential environmental impacts of a proposed valley fill operation.[155]

C. Votes to Block Protections for Wetlands and Tributaries

The Clean Water Act prohibits the discharge of any pollutant into "navigable waters" without a permit. A series of court decisions have called into question whether small streams, wetlands, tributaries, and other waterbodies that may not be navigable year-round are protected by

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[150] U.S. EPA, *Final Determination of the Assistant Administrator for Water Pursuant to Section 404(c) of the Clean Water Act Concerning the Spruce No. 1 Mine, Logan County, WV*, 76 Fed. Reg. 3126-3128 (Jan. 19, 2011) (notice).

[151] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.157, McKinley Amendment No. 216 to H.R. 1 (Feb. 19, 2011) (Roll Call No. 135).

[152] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.151, Griffith Amendment No. 109 to H.R. 1 (Feb. 19, 2011) (Roll Call No. 129).

[153] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.131, Johnson Amendment No. 498 to H.R. 1 (Feb. 18, 2011) (Roll Call No. 119). In 2008, the Bush administration revised existing stream buffer zone rules to make it easier for coal mining to occur in or within 100 feet of streams. Numerous parties challenged the validity of that rule in court, and others, such as the Union of Concerned Scientists, raised concerns that the Office of Surface Mining had distorted the scientific evidence about the environmental impact of mountaintop removal coal mining during the rulemaking.

[154] Sections 432 and 433 of H.R. 2584 (112th Cong.).

[155] U.S. House of Representatives, Roll Call Vote on Agreeing to H.R. 2018 (July 13, 2011) (Roll Call No. 573).

this Clean Water Act prohibition. These smaller waterbodies and wetlands perform important functions. In the continental United States, 117 million people obtain some or all of their drinking water from public drinking water systems that rely at least in part on intermittent, ephemeral, or headwater streams.[156] Wetlands provide habitat for plants and animals, serve as important breeding grounds for migratory birds, absorb floodwaters, and help protect water quality by filtering excess nutrients, sediments, and other pollutants before they reach rivers, lakes, and streams.

On April 27, 2011, EPA and the Army Corps of Engineers issued draft guidance for determining whether a waterbody or wetland qualifies for protection under the Clean Water Act. This draft guidance proposed that tributaries, wetlands, and other waters with a "significant nexus" or "chemical, physical, or biological" connection to navigable and interstate waters qualify for protection under the law.[157]

H.R. 1, the FY2011 continuing resolution, included language precluding EPA from issuing or enforcing this guidance.[158] The FY2012 Energy and Water Development Appropriations bill included similar language precluding the Army Corps of Engineers from using funds to finalize or enforce this guidance document.[159] House Republicans defeated an amendment to allow EPA and the Army Corps to proceed with its plans to protect tributaries, wetlands, and other smaller waterways, with only nine Republicans supporting it.[160]

D. Votes to Block Other Pollution Protection Initiatives

House Republicans voted to limit EPA's ability to prevent pesticide contamination of waterways. H.R. 872, the Reducing Regulatory Burdens Act, exempts the application of pesticides from any permitting requirements under the Clean Water Act.[161] Speaking in opposition to the bill, Rep. Tim Bishop (D-NY) said that the House was "rushing to judgment," citing "ample evidence to suggest that we don't know enough about pesticide impairment of water bodies…to determine whether or not it is prudent for us to make a permanent exemption to the Clean Water Act."[162] This

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[156] U.S. EPA, *Geographic Information Systems Analysis of the Surface Drinking Water Provided by Intermittent, Ephemeral and Headwater Streams in the U.S.* (July 2009).

[157] U.S. EPA, *Draft Guidance on Identifying Waters Protected by the Clean Water Act* (Apr. 27, 2011).

[158] Section 1747, H.R. 1 (112th Cong.).

[159] Section 108, H.R. 2354 (112th Cong.).

[160] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.591, Moran Amendment to H.R. 2354 (July 12, 2011) (Roll Call No. 540).

[161] This bill was designed to block a proposed rule that was finalized six months after the bill passed. On October 31, 2011, EPA issued a final general permit for the application of pesticides for the purposes of mosquito control, weed and algae control, animal pest control, and forest canopy pest control. A "general permit" covers a category of dischargers instead of an individual discharger. An operator that plans to discharge into a waterway must submit a notice of intent but does not need to obtain an individual permit. This permit requirement does not apply to pesticides used on agricultural crops or range lands.

[162] Statement of Rep. Tim Bishop, *Congressional Record*, H2090 (Mar. 30, 2011).

bill passed on March 31, 2011.[163] The House Appropriations Committee added this bill in its entirety to EPA's funding bill for FY2012 when it reported the legislation to the House.[164]

House Republicans also voted to block pollution reduction plans for the Chesapeake Bay watershed, which suffers from high levels of nitrogen and phosphorus pollution from agricultural runoff, sewage treatment plants, and other sources, despite years of state efforts to reduce pollution.[165] In May 2009, President Obama issued an Executive Order instructing EPA to coordinate state and federal efforts to reduce pollutants entering the Bay and enforce compliance with established goals.[166] In September 2010, EPA and other federal agencies released an action plan outlining specific measures to restore and protect the Chesapeake Bay and its watershed.[167] In February 2011, however, House Republicans voted 222 to 15 to block EPA from using funds to implement this plan to protect the Chesapeake Bay watershed.[168] Rep. Jim Moran (D-VA) argued unsuccessfully that this provision would "unravel the current effort to finally put a limit on nutrient and sediment pollution in the Chesapeake Bay."[169]

E. Votes to Cut Water Quality Funding

In February 2011, the House passed H.R. 1, the Full-Year Continuing Appropriations Act of 2011, with near unanimous Republican support.[170] This bill included large cuts to the Clean Water and Drinking Water State Revolving Funds, which provide states with grants to upgrade treatment plants and other infrastructure to ensure clean water. The bill reduced the Clean Water State Revolving Fund by 67% and the Drinking Water Fund by 40% over the previous year's levels.[171] The FY2012 appropriations bill reported by the House Appropriations Committee cuts the Clean Water Fund by 55% and the Drinking Water Fund by 14% below already-reduced 2011 levels.[172]

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[163] U.S. House of Representatives, Roll Call Vote on Agreeing to H.R. 872 (Mar. 31, 2011) (Roll Call No. 206).

[164] Section 503 of H.R. 2584 (112th Cong.).

[165] Chesapeake Bay Foundation, *Water Quality Issues: Nitrogen and Phosphorous Pollution* (online at www.cbf.org/page.aspx?pid=913) (accessed Nov. 18, 2011).

[166] The White House, *Executive Order: Chesapeake Bay Protection and Restoration* (May 12, 2009).

[167] Federal Leadership Committee for the Chesapeake Bay, *Fiscal Year 2011 Action Plan, Executive Order 13508, Strategy for Protecting and Restoring the Chesapeake Bay Watershed* (Sept. 30, 2010).

[168] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.136, Goodlatte Amendment No. 467 to H.R. 1 (Feb. 18, 2011) (Roll Call No. 120).

[169] Statement of Rep. Jim Moran, *Congressional Record*, H1282 (Feb. 18, 2011).

[170] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 1 (Feb. 19, 2011) (Roll Call No. 147).

[171] Congressional Research Service, *H.R. 1 Full-Year FY2011 Continuing Resolution: Overview of Environmental Protection Agency (EPA) Provisions* (Aug. 29, 2011) at 6-7. The levels included in the final appropriations bill for 2011 were higher but still lower than the previous year.

[172] Congressional Research Service, *Environmental Protection Agency (EPA) FY2012 Appropriations* (Dec. 5, 2011) at 6.

IV. Removing Protections for Public Lands, Fish, and Wildlife

A. Votes to Block Protection of Forests and Other Wilderness Areas

On December 23, 2010, Interior Secretary Ken Salazar directed the Bureau of Land Management (BLM) to work with local communities to inventory public lands and designate certain lands with wilderness characteristics as "Wild Lands."[173] Areas designated as Wild Lands would be open to more activities than wilderness areas but would be managed by BLM to preserve their wilderness characteristics while Congress considers whether to add them to the National Wilderness Preservation System.

The House Republicans included language in H.R. 1, the House Republican version of the FY2011 appropriations bill, to block funding for the Secretary's order.[174] They also included this funding prohibition in the final funding bill that passed on April 14, 2011, to avert a government shutdown.[175] The appropriations bill for FY2012 for the Interior Department that House Republicans brought to the floor contained language continuing the prohibition on implementation of the Secretary's order.[176] An effort by Rep. Jim Moran (D-VA) to strike this funding prohibition was defeated.[177]

During consideration of H.R. 1, House Republicans also voted 219 to 18 to block the U.S. Forest Service from enforcing a policy to prevent ATVs and motor vehicles from using hiking and other trails on forest lands designated for non-motorized use.[178] The Bush Administration had initiated this policy to manage previously uncontrolled off-road vehicle use in national forests.[179]

B. Votes to Block Protection of Salmon and Other Wildlife

House Republicans have used funding bills to try to block efforts to preserve salmon and other wildlife. In H.R. 1, House Republicans included language to block implementation of two biological opinions intended to ensure the recovery of threatened and endangered salmon, steelhead, green sturgeon, and other species in the San Francisco Bay-Delta ecosystem.[180] The Republicans

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[173] U.S. Department of the Interior, Bureau of Land Management, *Salazar, Abbey Restore Protections for America's Wild Lands* (Dec. 23, 2010).

[174] Section 1778 of H.R. 1 (112th Cong).

[175] Section 1769 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L. 112-10) (2011 CR) (112th Cong.).

[176] Section 124 of H.R. 2584 (112th Cong.).

[177] H.AMDT.753, Moran Amendment to H.R. 2584. This amendment was defeated by voice vote on July 27, 2011.

[178] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.123, Herger Amendment No. 177 to H.R. 1 (Feb. 18, 2011) (Roll Call No. 113).

[179] U.S. Forest Service, *Travel Management; Designated Routes and Areas for Motor Vehicle Use*, 70 Fed. Reg. 68264-68291 (Nov. 9, 2005) (final rule).

[180] Section 1475(a) of H.R. 1 (112th Cong.).

also included language to prohibit implementation of a congressionally approved settlement agreement to restore flows and salmon to the San Joaquin River while minimizing water supply impacts to local farmers.[181] During floor consideration of H.R. 1, House Republicans voted 210 to 28 to block the Department of the Interior from completing a comprehensive environmental review of the impact of removing four dams on the Klamath River to restore salmon populations.[182] In February, this bill passed with near unanimous Republican support.[183]

H.R. 2354, the FY2012 Energy and Water appropriations bill, included language permanently rescinding all funding for the San Joaquin River restoration agreement.[184] During floor consideration of the bill, Rep. Jeff Denham (R-CA) also offered an amendment to prohibit the National Marine Fisheries Service from using funds to restore the San Joaquin River and reintroduce the California Central Valley Spring Run Chinook salmon. Rep. Doc Hastings (R-WA) offered an amendment to block the Army Corps of Engineers from implementing and enforcing a shoreline management plan developed to protect salmon. These amendments were both adopted, and the bill passed the House in July.[185]

House Republicans also voted to relax protections for the gray wolf. H.R. 1 contained provisions directing the Secretary of the Interior to remove Endangered Species Act protections for the gray wolf in certain parts of the country.[186] The final FY2011 funding bill that passed on April 14, 2011, contained a version of this rider, directing the Secretary to delist the gray wolf in Montana, Idaho, eastern Washington, eastern Oregon, and north-central Utah.[187] In July, as part of the debate on the 2012 funding bill for the Department of the Interior, House Republicans voted 226 to 9 to block judicial review of any rule removing endangered species protections for gray wolves in Wyoming or the states to the west of the Great Lakes.[188]

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[181] Section 1475(b) of H.R. 1 (112th Cong.).

[182] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.121, McClintock Amendment No. 296 to H.R. 1 (Feb. 18, 2011) (Roll Call No. 111).

[183] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 1 (Feb. 19, 2011) (Roll Call No. 147).

[184] Section 203 of H.R. 2354 (112th Cong.).

[185] H.AMDT.666 (Denham Amendment) and H.AMDT.657 (Hastings Amendment) to H.R. 2354 (112th Cong.). The amendments passed by voice vote on July 14, 2011. U.S. House of Representatives, Roll Call Vote on Passage of H.R. 2354 (July 15, 2011) (Roll Call No. 600).

[186] Section 1713 of H.R. 1 (112th Cong.).

[187] Section 1713 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L. 112-10) (2011 CR) (112th Cong.). *See* Congressional Research Service, *Gray Wolves Under the Endangered Species Act (ESA): Distinct Population Segments and Experimental Populations* (Nov. 1, 2011) at 19.

[188] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.750, Dicks Amendment to H.R. 2584 (July 27, 2011) (Roll Call No. 659).

C. Votes to Transfer Federal Lands to a Private Mining Company

In October, House Republicans brought H.R. 1904, the Southern Arizona Land Exchange and Conservation Act, to the floor. This bill directs the Department of Agriculture to convey 2,400 acres of federal lands to Resolution Copper, a joint venture of Australian-owned BHP-Billiton and British-owned Rio Tinto, in exchange for 5,300 acres in Arizona. The federal lands included in the exchange contain lands with significant cultural, religious, and historical value for several Native American communities.[189] The legislation blocks any environmental review or consultation with affected tribes prior to completion of the land exchange. The bill passed with Republicans voting 228 to 8 in favor of the legislation.[190]

H.R. 1904 does not require Resolution Copper to provide traditional royalty payments in return for any copper extracted from the land. Rep. Ed Markey (D-MA) offered an amendment to require, as a condition of the land exchange, that Resolution Copper pay an 8% royalty to U.S. taxpayers on all minerals produced in commercial quantities from the federal land the company receives in the exchange. Only three House Republicans supported this amendment.[191]

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[189] Testimony of Shan Lewis, Inter Tribal Council of Arizona, Before the Subcommittee on National Parks, Forests and Public Lands, Committee on Natural Resources, U.S. House of Representatives, *H.R. 1904: the Southeast Arizona Land Exchange and Conservation Act of 2011*, 112th Cong. (June 14, 2011).

[190] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 1904 (Oct. 26, 2011) (Roll Call No. 809).

[191] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.844, Markey Amendment No. 2 to H.R. 1904 (Oct. 26, 2011) (Roll Call No. 806).

V. Weakening Safety Requirements for Offshore Drilling

A. Votes to Expedite Drilling without Regard to Safety

In May 2011, House Republicans voted unanimously to pass H.R. 1229, the Putting the Gulf of Mexico Back to Work Act.[192] This bill imposes a deadline of just 60 days for the Secretary of the Interior to approve or deny an application for a permit to drill in the Outer Continental Shelf. If the Secretary has not made a decision within 60 days, the permit is approved automatically, even if the Secretary has not had time to assess the application for compliance with safety and oil spill response requirements. Rep. John Garamendi (D-CA) commented that the bill "seems to ignore every one of the recommendations that the [National Commission on the BP Deepwater Horizon Oil Spill] made about how to conduct deepwater drilling in a safe manner."[193]

During the debate on this bill, Republicans voted several times against amendments to ensure that drilling applicants have the appropriate safety measures in place to prevent another major oil spill, including an amendment by Rep. Markey to set minimum standards for blowout preventers, establish new standards for well casing and cementing, and require independent third party certification of well design and blowout preventers;[194] an amendment by Rep. Garamendi to establish an independent safety organization to ensure that deepwater drilling applications meet safety requirements, as recommended by the National Commission on the BP Deepwater Horizon Oil Spill;[195] and two amendments to ensure that the Secretary has enough time to review permit applications for deepwater drilling for compliance with all applicable safety requirements.[196]

B. Votes to Approve New Offshore Drilling without Environmental Review

In May, the House passed H.R. 1230, the Restarting American Offshore Leasing Now Act, to expedite leasing in the Gulf of Mexico and open new areas off the Virginia coast to oil and gas drilling. The bill requires the Department of the Interior to hold four lease sales on a hasty timeline and to use out-of-date environmental analyses to determine potential impacts of new drilling. Only two Republicans voted to oppose this bill.[197]

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[192] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 1229 (May 11, 2011) (Roll Call No. 309).

[193] Statement of Rep. John Garamendi, *Congressional Record*, H3134 (May 10, 2011).

[194] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.272, Markey Amendment No. 3 to H.R. 1229 (May 10, 2011) (Roll Call No. 301).

[195] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.271, Garamendi Amendment No. 2 to H.R. 1229 (May 10, 2011) (Roll Call No. 300).

[196] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.274, Holt Amendment No. 6 to H.R. 1229 (May 11, 2011) (Roll Call No. 303); Roll Call Vote on Agreeing to H.AMDT.275, Polis Amendment No. 7 to H.R. 1229 (May 11, 2011) (Roll Call No. 304).

[197] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 1230 (May 5, 2011) (Roll Call No. 298).

Rep. Rush Holt (D-NJ) offered an amendment to require updated environmental reviews before allowing the new lease sales to proceed. He argued that the bill deems "the shoddy environmental analysis conducted four years ago, in other words, years prior to the gulf oil blowout, to be sufficient for all future lease sales in the Gulf, despite their glaring deficiencies."[198] This amendment was defeated, with only eight Republicans supporting it.[199]

House Republicans also passed H.R. 1231, the Reversing President Obama's Offshore Moratorium Act, which requires the Secretary of the Interior to open the Pacific, Atlantic, and Alaskan coasts to oil and gas drilling. This bill would circumvent the standard process for identifying areas for lease and conducting thorough environmental reviews by directing the Secretary to issue leases for half of all unleased acreage in the Outer Continental Shelf. If enacted, individual states would not have the authority to prohibit drilling off their coasts. Only nine Republicans opposed this bill.[200]

House Republicans defeated several amendments to H.R. 1231 to exclude development in certain coastal areas or to give states the opportunity to prevent drilling off their coasts. House Republicans voted 222 to 5 against a proposal to enact a permanent moratorium on oil and gas drilling in the eastern Gulf of Mexico along Florida's coast.[201] They voted down a similar proposal to prohibit drilling off northern California's coast, despite local opposition.[202] Rep. Jay Inslee (D-WA) offered an amendment to give the state of Washington the ability to approve any oil and gas leases issued off its coast. This states' rights amendment was defeated, gaining only ten Republican votes.[203]

C. Votes to Preserve an Oil Royalty Loophole and Cut Funding for Drilling Oversight

For a two-year period from 1998 to 1999, the Department of the Interior erred when drafting leases for drilling in the Gulf of Mexico and exempted companies from paying royalties to the federal government on the oil produced from those leases, no matter how high the price of a

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[198] Statement of Rep. Rush Holt, *Congressional Record*, H3088 (May 5, 2011).

[199] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.268, Holt Amendment No. 1 to H.R. 1230 (May 5, 2011) (Roll Call No. 295).

[200] U.S. House of Representatives, Roll Call Vote on Agreeing to H.R. 1231 (May 12, 2011) (Roll Call No. 320).

[201] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.285, Brown Amendment No. 6 to H.R. 1231 (May 12, 2011) (Roll Call No. 316). The Gulf of Mexico Energy Security Act, signed into law in December 2006, enacted a moratorium on new drilling in Gulf of Mexico within 125 miles off the Florida coastline until 2022.

[202] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.286, Thompson Amendment No. 7 to H.R. 1231 (May 12, 2011) (Roll Call No. 317).

[203] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.287, Inslee Amendment No. 8 to H.R. 1231 (May 12, 2011) (Roll Call No. 318).

barrel of oil. The Government Accountability Office noted that these errors "resulted in significant foregone royalties to the federal government."[204]

Twice this year, Rep. Markey offered amendments to close the loophole that allows oil and gas companies to avoid royalty payments for wells in the Gulf of Mexico. The amendments would have barred oil companies from receiving future leases unless they agreed to renegotiate their existing leases to require standard royalty payments and would have prevented the federal treasury from losing billions of dollars in future royalty payments.[205] Nonetheless, House Republicans voted 226 to 11 and 223 to 14 to oppose these amendments to ensure that oil and gas companies pay their fair share on the oil and gas recovered from offshore drilling.[206]

At the same time that House Republicans voted down efforts to close royalty loopholes, they also supported cutting funding for oversight of offshore drilling. The FY2012 funding bill for the Department of the Interior reported by the Appropriations Committee provides $33 million less than the President requested to ensure oversight and enforcement of offshore drilling safety requirements. The House Appropriations Committee also rejected the President's request to collect an additional $52 million in inspection fees to support heightened oversight of offshore drilling.[207]

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[204] Government Accountability Office, *Oil and Gas Royalties: Royalty Relief Will Cost the Government Billions of Dollars but Uncertainty Over Future Energy Prices and Production Levels Make Precise Estimates Impossible at this Time* (GAO-07-590R) (Apr. 12, 2007).

[205] Estimates of total foregone royalty revenue vary widely, depending on assumptions made. At the high end of estimates, the federal treasury could lose $53 billion. *See* Government Accountability Office, *Oil and Gas Royalties: Litigation over Royalty Relief Could Cost the Federal Government Billions of Dollars* (GAO-08-792R) (June 5, 2008).

[206] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.119, Markey Amendment No. 27 to H.R. 1 (Feb. 18, 2011) (Roll Call No. 109); Roll Call Vote on Agreeing to H.AMDT.282, Markey Amendment No. 3 to H.R. 1231 (May 11, 2011) (Roll Call No. 313).

[207] Congressional Research Service, *Interior, Environment, and Related Agencies: FY2012 Appropriations* (Dec. 7, 2011) at 26-27.

VI. Cutting Support for Clean Energy Technologies and Programs

A. Votes to Cut Funding for Clean Energy Programs

House Republicans have voted multiple times to slash funding for the Department of Energy's clean energy and energy efficiency programs. In February 2011, the House Republicans voted 235 to 3 to pass H.R. 1, an appropriations bill for FY2011 that allocated just $1.5 billion for energy efficiency and renewable energy.[208] This was almost 40% below the President's funding request and a 35% cut from the previous year.[209]

On April 15, the House Republicans passed the budget resolution written by Rep. Paul Ryan (R-WI), Chairman of the Budget Committee, with only four Republicans voting no. All Democrats opposed the measure.[210] The Ryan budget outlined significant budget cuts for energy programs, reducing overall funding by 83% by 2020.[211] Rep. Ryan called for spending cuts for renewable energy and energy research and investment in particular, declaring this "corporate welfare spending" best left to the private sector.[212]

The Ryan budget served as a guide for H.R. 2354, an appropriations bill for 2012 that allocated just $1.3 billion to clean energy and efficiency programs. This is almost 60% below the President's request and 27% below the previous year's levels.[213] The House Republicans voted 209 to 21 to pass this bill in July.[214] These cuts would reduce funding for solar energy research and development by 37%, advanced vehicle technologies by 15%, energy-efficient building programs by

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[208] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 1 (Feb. 19, 2011) (Roll Call No. 147). The final FY2011 continuing resolution appropriated $1.8 billion for energy efficiency and renewable energy programs.

[209] Congressional Research Service, *Energy and Water Development: FY2011 Appropriations* (May 11, 2011) at 12.

[210] U.S. House of Representatives, Roll Call Vote on Passage of H. Con. Res. 34 (Apr. 15, 2011) (Roll Call No. 277).

[211] H. Con. Res. 34, Section 102, Major Functional Categories, Energy (270) (112th Cong.). This category includes civilian energy and environmental programs of the Department of Energy, the Rural Utilities Service of the Department of Agriculture, the Tennessee Valley Authority, the Federal Energy Regulatory Commission, and the Nuclear Regulatory Commission.

[212] House Committee on the Budget, *Concurrent Resolution on the Budget—Fiscal Year 2012* (112th Cong.) (2011) (H. Rept. 112-58) at 68.

[213] Congressional Research Service, *Energy and Water Development: FY2012 Appropriations* (Oct. 14, 2011) at 13.

[214] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 2354 (July 15, 2011) (Roll Call No. 600).

29%, and weatherization assistance by 81%.[215] At the same time, the bill proposed to increase funding for fossil fuels, such as coal and oil, by $32 million (7%) over last year's levels.[216]

House Republicans voted down numerous attempts to increase funding levels for renewable energy and energy efficiency, including two amendments to increase funding for the Advanced Research Projects Agency-Energy (ARPA-E).[217] ARPA-E is dedicated to the development of cutting-edge energy technology, such as integrating advanced power electronics into solar panels to generate energy more efficiently. Rep. Jay Inslee (D-WA) noted that "while the Chinese are racing ahead on clean energy, we're running backwards" by cutting funding for programs such as ARPA-E.[218]

House Republicans also voted 230 to 6 to defeat an amendment offered by Rep. Markey to increase clean energy funding by $100 million and reduce funding for the fossil fuel and nuclear energy accounts by $50 million each.[219] They voted 226 to 10 to defeat a bipartisan amendment to restore full funding for advanced vehicle technology research by reducing funding for fossil fuels.[220] And they voted against amendments to restore funding for key energy efficiency programs via small cuts in weapons funding.[221]

In September, House Republicans voted for a continuing resolution to keep the federal government operating until mid-November and to provide disaster-relief funds to the Federal Emergency Management Agency.[222] This bill would have rescinded $100 million from Department of Energy's Innovative Technology Loan Guarantee Program and cut $1.5 billion from its Advanced Technology Vehicle Manufacturing (ATVM) program. The ATVM program, launched in 2008, provides loans to support the manufacture of advanced technology vehicles and components in the United States. The Department of Energy estimates that the loan guarantees have created or

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[215] Congressional Research Service, *Energy and Water Development: FY2012 Appropriations* (Oct. 14, 2011) at 15-16.

[216] *Id.* at 13.

[217] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.32, Inslee Amendment No. 395 to H.R. 1 (Feb. 16, 2011) (Roll Call No. 56); Roll Call Vote on Agreeing to H.AMDT.612, Garamendi Amendment to H.R. 2354 (July 12, 2011) (Roll Call No. 553).

[218] Statement of Rep. Jay Inslee, *Congressional Record*, H901 (Feb. 15, 2011).

[219] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.597, Markey Amendment to H.R. 2354 (July 12, 2011) (Roll Call No. 541).

[220] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.599, Connolly Amendment to H.R. 2354 (July 12, 2011) (Roll Call No. 543).

[221] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.605, Tonko Amendment to H.R. 2354 (July 12, 2011) (Roll Call No. 548); Roll Call Vote on Agreeing to H.AMDT.603, Welch Amendment to H.R. 2354 (July 12, 2011) (Roll Call No. 546).

[222] U.S. House of Representatives, Roll Call Vote on Motion to Concur in the Senate Amendment with an Amendment to H.R. 2608 (Roll Call No. 727) (Sept. 23, 2011).

maintained 39,000 jobs in California, Delaware, Illinois, Indiana, Kentucky, Ohio, Michigan, Missouri, and Tennessee.[223]

At the same time that House Republicans voted repeatedly to cut funding for clean energy, they also voted to preserve tax breaks for oil and gas companies. In March, Rep. Bill Keating (D-MA) offered an amendment to appropriations legislation that would have revoked a collection of oil company tax giveaways totaling $40 billion, saying "let's stop sending taxpayers' money to the most profitable companies in the world."[224] Not a single Republican voted in favor of the measure.[225]

B. Votes to Block Energy Efficiency Standards

In 2007, the lighting industry and energy efficiency advocates reached a consensus on national standards to make light bulbs more efficient and avoid a patchwork of conflicting state standards. These national standards go into effect on January 1, 2012. As a result of the new standards, American households are expected to save $6 billion on energy costs in 2015 alone.[226] Opponents of these standards claim that they will result in a ban of incandescent light bulbs. These claims are false; in fact, consumers will have a range of energy-efficient light bulb choices, including more efficient incandescent light bulbs.[227]

In July, Rep. Joe Barton introduced the Better Use of Light Bulbs (BULB) Act, H.R. 2417, to repeal these standards. The National Electrical Manufacturers Association and American Lighting Association joined with consumer and environmental advocates to oppose the BULB Act. House Republicans voted 228 to 10 in support of the bill.[228] H.R. 2417 did not pass on this vote because the vote occurred under a procedure requiring a two-thirds majority. But one week later, during the debate on appropriations for the Department of Energy for FY2012, Rep. Michael Burgess (R-TX) offered an amendment to prevent the Department from using funds to implement the light bulb efficiency standards.[229] This amendment passed on July 15, 2011, by a voice vote.

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[223] U.S. Department of Energy, Loan Programs Office, *Our Projects* (online at https://lpo.energy.gov/?page_id=45) (accessed Nov. 30, 2011).

[224] Statement of Rep. Bill Keating, *Congressional Record*, H1426 (Mar. 1, 2011).

[225] U.S. House of Representatives, Roll Call Vote on Motion to Recommit H.J. Res. 44 (Mar. 1, 2011) (Roll Call No. 153).

[226] U.S. EPA, *Energy Independence and Security Act of 2007 Backgrounder* (Spring 2011) (online at www.energystar.gov) (accessed Nov. 30, 2011).

[227] *Id.*; *See* American Lighting Association, *Fact Sheet: 4 Key Questions About the New Light Bulb Legislation* (online at www.americanlightingassoc.com/Downloads/Light-Bulb-Legislation-by-Longo.aspx) (accessed Dec. 13, 2011).

[228] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 2417 (July 12, 2011) (Roll Call No. 563).

[229] H.AMDT.678 to H.R. 2354 (112th Cong.).

VII. Allowing Unsafe Disposal of Toxic Coal Ash

On December 22, 2008, a Tennessee Valley Authority coal ash impoundment in Kingston, Tennessee, ruptured, releasing more than five million cubic yards of toxic sludge and blanketing the Emory River and 300 acres of surrounding land.[230] As this episode demonstrated, improper disposal of the combustion wastes produced by coal-burning electric utilities can pose a threat to human health and safety. EPA considers 49 coal ash impoundments in 12 states as having "high hazard potential," which means that a failure in the impoundment is likely to cause loss of human life.[231] Unsafe disposal of coal ash can also threaten drinking water by leaching arsenic and other toxic chemicals into drinking water from unlined surface impoundments.[232]

In June 2010, EPA proposed two alternatives to ensure the safe disposal of coal ash under the Resource Conservation and Recovery Act (RCRA).[233] One proposal would regulate coal ash under the provisions for hazardous waste; the other would regulate coal ash as a solid waste under rules crafted to address the specific risks of coal ash. During consideration of H.R. 1, the Full Year Continuing Appropriations Act for 2011, Rep. David McKinley (R-WV) offered an amendment to block EPA from regulating coal ash under the hazardous waste provision. The amendment passed, with Republicans voting 220 to 18 in support.[234]

In October 2011, the House began consideration of H.R. 2273, the Coal Residuals Reuse and Management Act. The bill blocks EPA from finalizing either of its proposed rules for coal ash disposal. Instead, H.R. 2273 creates a system of state permit programs based on the disposal criteria developed for household garbage and requires EPA to defer to those state programs, whether or not they are adequate. House Democrats offered several amendments to address the bill's shortcomings, all of which were defeated.

Rep. Waxman offered an amendment to require state coal ash disposal programs to protect human health and the environment. The amendment failed, with only four Republicans voting in

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[230] U.S. EPA Region 4, *EPA's Response to the TVA Kingston Fossil Plant Fly Ash Release: Basic Information* (online at www.epa.gov/region4/kingston/basic.html) (accessed Nov. 23, 2011).

[231] U.S. EPA, *Fact Sheet: Coal Combustion Residues (CCR) - Surface Impoundments with High Hazard Potential Ratings* (Aug. 2009) (online at http://www.epa.gov/osw/nonhaz/industrial/special/fossil/ccrs-fs/) (accessed Dec. 12, 2011).

[232] RTI International, *Human and Ecological Risk Assessment of Coal Combustion Wastes (Draft)*, Prepared for U.S. EPA, Office of Solid Waste (Aug. 6, 2007).

[233] U.S. EPA, *Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals from Electric Utilities*, 75 Fed. Reg. 35127-35264 (June 21, 2010) (proposed rule).

[234] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.158, McKinley Amendment No. 217 to H.R. 1 (Feb. 19, 2011) (Roll Call No. 136).

support.[235] House Republicans also voted 227 to 2 to prevent EPA from enforcing the requirements of state coal ash programs if the state fails to do so.[236]

House Republicans voted 222 to 4 against an amendment to require existing impoundments to retrofit to meet modern safety standards.[237] Rep. Markey stated that the country "shouldn't have to wait for another catastrophe like Kingston to happen before we require these basic safety measures to be employed at all coal ash ponds."[238] No Republicans supported a measure establishing a warning system to alert first responders and residents of the pending failure of a hazardous coal ash impoundment.[239]

H.R. 2273 passed on October 14, 2011, with only three Republicans voting in opposition.[240]

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[235] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.838, Waxman Amendment No. 2 to H.R. 2273 (Oct. 14, 2011) (Roll Call No. 794).

[236] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.841, Rush Amendment No. 5 to H.R. 2273 (Oct. 14, 2011) (Roll Call No. 797).

[237] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.839, Markey Amendment No. 3 to H.R. 2273 (Oct. 14, 2011) (Roll Call No. 795).

[238] Statement of Rep. Ed Markey, *Congressional Record*, H6948 (Oct. 14, 2011).

[239] U.S. House of Representatives, Roll Call Vote on Motion to Recommit H.R. 2273 (Oct. 14, 2011) (Roll Call No. 799).

[240] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 2273 (Roll Call No. 800) (Oct. 14, 2011).

VIII. Curtailing Review of the Keystone XL Pipeline

TransCanada's proposed Keystone XL pipeline would transport up to 830,000 barrels per day of tar sands crude oil from Alberta, Canada, to refineries in the Gulf Coast. This pipeline would almost double the quantity of tar sands fuel currently imported to the United States. It also raises serious environmental concerns because of the risks of spills and leaks, especially into the Ogallala Aquifer, and because producing oil from tar sands is more energy intensive than producing a barrel of conventional oil. On a life-cycle basis, gasoline derived from tar sands generates substantially higher greenhouse gas emissions than gasoline from conventional oil.[241]

In May 2011, House Republicans introduced legislation, H.R. 1938, to force the Obama Administration to make a decision on the Keystone XL permit by November 1, 2011. This bill, which would have short-circuited the existing State Department review process, passed on July 26, 2011, with only three Republican dissenters.[242] During the debate, House Republicans rejected concerns about the pipeline's impact on greenhouse gas emissions, air quality, and water quality. According to Rep. Steve Scalise (R-LA), they are the concerns of "radicals [who] don't want that oil coming in. They don't like oil at all. So I guess they're going to ride around on bicycles."[243]

Only five Republicans supported an amendment to require the pipeline operator, TransCanada, to demonstrate an ability to respond to a worst-case pipeline spill.[244] Similarly, only four Republicans supported an amendment to examine whether current pipeline safety regulations are sufficient to address the risks of transporting tar sands oil.[245] Only one Republican supported an amendment to require a study of the potential health impacts of air pollution from refineries processing tar sands oil.[246]

House Republicans voted almost unanimously to support a finding that the Keystone XL pipeline will result in no significant change in total United States or global greenhouse gas emissions, despite evidence to the contrary.[247] They voted 232 to 3 against adding a finding that the pipeline would cross the Ogallala Aquifer and that spills from the pipeline could threaten groundwater and

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[241] Natural Resources Defense Council, *GHG Emission Factors for High Carbon Intensity Crude Oils* (Sept. 2010).

[242] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 1938 (July 26, 2011) (Roll Call No. 650).

[243] Statement of Rep. Steve Scalise, *Congressional Record*, H5512 (July 26, 2011).

[244] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.727, Hanabusa Amendment No. 8 to H.R. 1938 (July 26, 2011) (Roll Call No. 646).

[245] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.722, Eshoo Amendment No. 3 to H.R. 1938 (July 26, 2011) (Roll Call No. 642).

[246] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.728, Johnson Amendment No. 9 to H.R. 1938 (July 26, 2011) (Roll Call No. 647).

[247] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.721, Rush Amendment No. 2 to H.R. 1938 (July 26, 2011) (Roll Call No. 641).

drinking water.[248] Rep. Lee Terry (R-NE), the bill's sponsor, claimed that adding these facts about the pipeline's route and its potential environmental impact would amount to "gutting" the bill.[249]

At the committee level, the House Foreign Affairs Committee also included language in the Foreign Relations Authorization Act that called on the Secretary of State to approve the pipeline.[250] Rep. Berman opposed the measure, arguing that he did not want to put aside the Administration's interagency process given the pipeline's potential impact on U.S. interests.

In December, House Republicans included language about the Keystone XL pipeline in a bill to extend the payroll tax cut.[251] The bill directs the President to approve the Keystone XL pipeline within 60 days unless he determines the pipeline is not in the national interest. This would curtail the environmental review process, deny the public an opportunity to comment, and require the President to make a decision on the pipeline before a final route has even been selected. House Republicans voted 224 to 14 in support of this bill.[252]

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[248] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.720, Welch Amendment No. 1 to H.R. 1938 (July 26, 2011) (Roll Call No. 640).

[249] Statement of Rep. Lee Terry, *Congressional Record*, H5519 (July 26, 2011).

[250] Section 1151, H.R. 2583 (112th Cong.)

[251] Subtitle A to Title I, H.R. 3630 (112th Cong.).

[252] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 3630 (Dec. 13, 2011) (Roll Call No. 923).

IX. Reducing Funding for Environmental Protection

A. H.R. 1, Full-Year Continuing Appropriations Act of 2011

In February 2011, the House passed H.R. 1, the Full-Year Continuing Appropriations Act of 2011, with near unanimous Republican support.[253] H.R. 1 cut EPA's budget by $3 billion, 29% below FY2010 funding levels.[254] The bill also included dozens of policy riders blocking EPA from taking specific regulatory actions, as discussed throughout this report.

H.R. 1 cut funding for EPA's environmental programs and management account by $422 million (14%). This account primarily funds the development, implementation, and enforcement of air and water pollution control standards.[255] The bill cut in half funding for the Great Lakes Restoration Initiative, a multi-agency effort to clean up pollution and combat invasive species in the Great Lakes.[256] Funding for similar restoration programs for the Puget Sound and the Chesapeake Bay were reduced by a combined 40%.[257] The bill also cut the Clean Water State Revolving Fund by $1.4 billion (67%) and the Drinking Water State Revolving Fund by $557 million (40%) over the previous year's levels.[258] These programs provide states and tribes with grants to upgrade treatment plants and other infrastructure to ensure clean water and safe drinking water.

The bill cut climate change funding government-wide by more than $100 million (29%) from FY2010 levels.[259] These cuts affected EPA, the National Park Service, the Bureau of Land Management, the U.S. Fish and Wildlife Service, the U.S. Geological Survey, and the U.S. Forest Service programs to research, respond to, and prevent climate change.[260]

H.R. 1 also included significant cuts for programs at the Department of Energy. The bill cut funding for energy efficiency and renewable energy programs at DOE by $775 million, a 35% cut

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[253] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 1 (Feb. 19, 2011) (Roll Call No. 147).

[254] House Committee on Appropriations, *Summary: Fiscal Year 2011 Continuing Resolution* (Feb. 11, 2011).

[255] Congressional Research Service, *H.R. 1 Full-Year FY2011 Continuing Resolution: Overview of Environmental Protection Agency (EPA) Provisions* (Aug. 29, 2011) at 5.

[256] *Id.*

[257] *Id.*

[258] *Id.* at 6-7.

[259] House Committee on Appropriations, *Summary: Fiscal Year 2011 Continuing Resolution* (Feb. 11, 2011).

[260] U.S. House of Representatives, Committee on Appropriations, *FY2011 Continuing Resolution Reductions* (online at http://appropriations.house.gov/_files/ProgramCutsFY2011ContinuingResolution.pdf) (accessed Nov. 8, 2011).

from the previous year.[261] The bill also cut funding for the Energy Information Administration (EIA) by $15 million (14%).[262] EIA provides policymakers with data and impartial analysis of energy production and consumption in the United States.

H.R. 1 reduced funding for the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration, which are responsible for implementing the Endangered Species Act, by $379 million (23%) and $387 million (8%), respectively, from the previous year's levels.[263] The bill also cut the Land and Water Conservation Fund by 87%, severely curtailing the ability of the Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, and the Forest Service to acquire new lands for recreation and wildlife protection.[264]

B. The Ryan Budget

On April 15, 2011, the House Republicans passed the budget resolution written by Rep. Paul Ryan (R-WI), Chairman of the Budget Committee, with only four Republicans voting no. All Democrats opposed the measure.[265]

The Ryan budget requires massive cuts for energy and environmental programs. The budget reduces funding for energy programs, including programs at the Department of Energy, the Federal Energy Regulatory Commission, and the Nuclear Regulatory Commission, by 83% by 2020.[266] The Ryan budget also cuts the budget for natural resources and environmental programs by 13% by 2020.[267] The report accompanying the Ryan budget states that this budget "builds on the fiscal discipline of H.R. 1" by "paring back unnecessary spending and funds to carry out overreaching regulatory expansion," and it cited funding limitations on EPA's ability to reduce emissions of global warming pollutants as a policy option for savings.[268]

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[261] Congressional Research Service, *Energy and Water Development: FY2011 Appropriations* (May 11, 2011) at 12.

[262] *Id.*

[263] Congressional Research Service, *Interior, Environment, and Related Agencies: FY2011 Appropriations* (May 12, 2011) at 4; Congressional Research Service, *Commerce, Justice, Science, and Related Agencies: FY2011 Appropriations* (July 25, 2011) at 6.

[264] Congressional Research Service, *Interior, Environment, and Related Agencies: FY2011 Appropriations* (May 12, 2011) at 46-47.

[265] U.S. House of Representatives, Roll Call Vote on Passage of H. Con. Res. 34 (Apr. 15, 2011) (Roll Call No. 277).

[266] H. Con. Res. 34, Section 102, Major Functional Categories, Energy (270) (112th Cong.).

[267] H. Con. Res. 34, Section 102, Major Functional Categories, Natural Resources and Environment (300) (112th Cong.). This budget category covers programs at a range of agencies, including EPA, National Park Service, Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, Forest Service, National Oceanic and Atmospheric Administration, and Army Corps of Engineers.

[268] House Committee on the Budget, *Concurrent Resolution on the Budget—Fiscal Year 2012* (112th Cong.) (2011) (H. Rept. 112-58) at 72.

C. FY2012 Appropriations Bills

The Ryan budget served as a guide for appropriations bills to cut funding for EPA, the Department of Energy, the Department of the Interior, and other agencies in FY2012.

H.R. 2354, the Republican funding bill for the Department of Energy, cut FY2012 clean energy and efficiency programs by almost $1.9 billion (60%) below the President's request and $487 million (27%) below the previous year's already reduced levels.[269] This bill also cut funding for the Advanced Technology Vehicles Manufacturing program by 40% over the previous year.[270] In contrast, the bill increased funding for nuclear energy programs by almost $8 million (1%) and fossil energy research and development by $32 million (7%) over FY2011 levels.[271] House Republicans voted 209 to 21 to pass H.R. 2354 on July 15, 2011.[272]

H.R. 2584, the FY2012 funding bill for EPA and the Department of the Interior, passed the House Appropriations Committee on July 12, 2011. It was debated and amended on the House floor in late July but never called for a final vote. The bill cuts FY2012 funding for EPA by $1.5 billion (18%) from FY2011 levels.[273] It cuts funding for climate change programs by 22% government-wide from the previous year.[274] It also cuts the Clean Water State Revolving Fund by 55% and the Drinking Water State Revolving Fund by 14% below already reduced levels for FY2011.[275]

In addition, H.R. 2584 reduces the Fish and Wildlife Service budget for FY2012 by 21% below the previous year's already reduced levels, with significant cuts for endangered species protection, habitat conservation, and the National Wildlife Refuge System.[276] The bill also slashes the Land and Water Conservation Fund by 78% below FY2011 levels, eliminating the majority of funds used by the federal government to acquire new lands for recreation and wildlife protection.[277]

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[269] Congressional Research Service, *Energy and Water Development: FY2012 Appropriations* (Oct. 14, 2011) at 13.

[270] *Id.*

[271] *Id.*

[272] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 2354 (July 15, 2011) (Roll Call No. 600).

[273] Congressional Research Service, *Environmental Protection Agency (EPA) FY2012 Appropriations* (Dec. 5, 2011) at 1.

[274] Statement of Rep. Hal Rogers, *Congressional Record*, H5437 (July 25, 2011).

[275] Congressional Research Service, *Environmental Protection Agency (EPA) FY2012 Appropriations* (Dec. 5, 2011) at 6.

[276] Congressional Research Service, *Interior, Environment, and Related Agencies: FY2012 Appropriations* (Dec. 7, 2011) at 10-11.

[277] *Id.* at 57.

X. Obstructing the Regulatory Process

A. The Regulatory Accountability Act (H.R. 3010)

H.R. 3010, the Regulatory Accountability Act, rewrites the Administrative Procedure Act to make issuance of regulations vastly more difficult. The bill adds more than 60 new analytic and procedural requirements to the rulemaking process, including an analysis of the potential costs and benefits of any "reasonable alternatives for a new rule or other response identified by the agency or interested persons."[278] The bill requires the use of formal rulemakings, which require time-consuming trial-like procedures, for "high impact" regulations with an annual cost of at least $1 billion. And it requires agencies to adopt the "least costly" regulation, regardless of that regulation's feasibility or impact on public health, unless the agency can show that "additional benefits of the more costly rule justify its additional costs."[279] This determination and the agencies' implementation of the bill's other analytical and procedural requirements would be subject to judicial review, giving polluters new avenues to overturn regulations in court. The bill even directs courts to not defer to agency determinations unless the agency followed specific procedures to reach those determinations. H.R. 3010 passed with unanimous Republican support.[280]

During consideration of H.R. 3010, Rep. Gerry Connolly (D-VA) offered an amendment to exempt safeguards that relate to "the safety of food, the safety of the workplace, air quality, the safety of consumer products, or water quality" from the reach of H.R. 3010. This amendment was defeated with no Republicans voting in favor.[281]

Only one Republican supported an amendment by Rep. Jerry Nadler (D-NY) to exempt the Nuclear Regulatory Commission (NRC) from the requirements of H.R. 3010.[282] Rep. Nadler offered this amendment because the bill could make it "all but impossible" for NRC to enact new safety standards for reactors, noting that the disaster at Japan's Fukushima nuclear power plant demonstrates that NRC "must have the ability and flexibility to impose new regulations quickly to safeguard the health and well-being of Americans."[283]

B. The REINS Act (H.R. 10)

The Regulations from the Executive in Need of Scrutiny (REINS) Act (H.R. 10) requires approval from both houses of Congress before federal agencies can implement any significant rule, including those to protect the environment and public health. In effect, this bill would force

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[278] *See* H.R. 3010 § 3(b).

[279] *Id.* § 3(f).

[280] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 3010 (Dec. 2, 2011) (Roll Call No. 888).

[281] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.891, Connolly Amendment No. 5 to H.R. 3010 (Dec. 2, 2011) (Roll Call No. 884).

[282] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.892, Nadler Amendment No. 6 to H.R. 3010 (Dec. 2, 2011) (Roll Call No. 885).

[283] Statement of Rep. Jerrold Nadler, *Congressional Record*, H8097 (Dec. 2, 2011).

Congress to re-legislate provisions in the Clean Air Act, Clean Water Act, and other laws that require the agencies to conduct significant rulemakings. If Congress fails to act on a rule, the new rule would not go into effect, delaying important safeguards and wasting years of scientific inquiry, stakeholder comment, and agency staff resources. H.R. 10 passed the House on December 7, 2011, with Republicans voting unanimously in support.[284]

Rep. Carolyn McCarthy (D-NY) introduced an amendment to the REINS Act that would have exempted regulations relating to food safety, workplace safety, air quality, consumer product safety, or water quality from the bill's requirements. As Rep. McCarthy explained, the REINS Act would have the effect of adding 535 regulators to the rulemaking process with each member of Congress "forced to review the rules and regulations regarding highly technical matters currently handled by subject area experts."[285] Not a single Republican voted for the amendment.[286]

C. The Regulatory Flexibility Improvements Act (H.R. 527)

The existing Regulatory Flexibility Act requires agencies to take into account the impacts of federal rules that regulate the conduct of small businesses. H.R. 527 expands these requirements by mandating that federal agencies assess the "indirect effects" of regulations that do not directly affect small businesses. It also gives the Office of Advocacy within the Small Business Administration the power to issue rules governing agency compliance with H.R. 527 and to intervene in agency adjudications. H.R. 527 passed with unanimous Republican support.[287]

Rep. Steve Cohen (D-TN) introduced an amendment to H.R. 527 that would have exempted regulations relating to food safety, workplace safety, air quality, consumer product safety, or water quality from the bill's requirements. Rep. Cohen stated that this amendment would protect workers and consumers "when they eat their breakfasts, their lunches and their dinners, when they buy toys for their children and their grandchildren, when the drive their cars, and when they work in their workplaces."[288] No Republicans voted for the amendment.[289]

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[284] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 10 (Dec. 7, 2011) (Roll Call No. 901).

[285] Statement of Rep. Carolyn McCarthy, *Congressional Record*, H8228 (Dec. 7, 2011).

[286] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.898, McCarthy Amendment No. 5 to H.R. 10 (Dec. 7, 2011) (Roll Call No. 897).

[287] U.S. House of Representatives, Roll Call Vote on Passage of H.R. 527 (Dec. 1, 2011) (Roll Call No. 880).

[288] Statement of Rep. Steve Cohen, *Congressional Record*, H8047 (Dec. 1, 2011).

[289] U.S. House of Representatives, Roll Call Vote on Agreeing to H.AMDT.884, Cohen Amendment No. 3 to H.R. 527 (Dec. 1, 2011) (Roll Call No. 875).

XI. Conclusion

The House has been in session for 165 legislative days in 2011 and has taken 191 anti-environment votes during this period. On average, the House Republicans have averaged more than one anti-environmental vote for every day the House was in session.

Of the 191 anti-environment votes, 168 were roll call votes. In total, the House has taken 770 legislative roll call votes in 2011.[290] More than one in five of the roll call votes taken in 2011 – 22% – were votes to undermine environmental protections.

On average, 228 Republican members of the House – 94% of the Republican members – voted for the anti-environment position during these roll call votes. On average, 165 Democratic members of the House – 86% of the Democratic members – voted for the pro-environment position.

The anti-environment votes included 27 votes to block action to address climate change, 77 votes to undermine Clean Air Act protections, 28 votes to undermine Clean Water Act protections, and 47 votes to weaken protection of public lands and coastal waters. The Environmental Protection Agency was the target of 114 of these votes; the Department of the Interior was the target of 35 of these votes; and the Department of Energy was the target of 31 of these votes.

[290] This tally excludes 154 non-legislative roll call votes, including votes on Rules of the House, House Rules Committee resolutions providing for consideration of legislation, quorum calls, motions to adjourn, and votes to approve the House journal.

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