



# THE COMMITTEE ON ENERGY AND COMMERCE

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## MEMORANDUM

December 6, 2013

To: Energy and Commerce Committee

From: Majority Staff

Re: Markup of H.R. 3527, Poison Center Network Act of 2013; H.R. 1098, Traumatic Brain Injury Reauthorization Act; H.R. 1281, Newborn Screening Saves Lives Reauthorization Act of 2013; H.R. 724, a bill to amend the Clean Air Act to remove the requirement for dealer certification of new light-duty motor vehicles; H.R. \_\_\_\_, a bill to amend the Energy Independence and Security Act of 2007 to improve United States-Israel energy cooperation, and for other purposes; and H.R. \_\_\_\_, Federal Communications Commission Process Reform Act of 2013

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The Committee on Energy and Commerce will meet in open markup session on Tuesday, December 10, 2013 at 4:30 p.m. in 2123 Rayburn House Office Building for opening statements on six bills, (1) H.R. 3527, Poison Center Network Act of 2013; (2) H.R. 1098, Traumatic Brain Injury Reauthorization Act; (3) H.R. 1281, Newborn Screening Saves Lives Reauthorization Act of 2013; (4) H.R. 724, a bill to amend the Clean Air Act to remove the requirement for dealer certification of new light-duty motor vehicles; (5) H.R. \_\_\_\_, a bill to amend the Energy Independence and Security Act of 2007 to improve United States-Israel energy cooperation, and for other purposes; and (6) H.R. \_\_\_\_, Federal Communications Commission Process Reform Act of 2013. The Committee will reconvene on Wednesday, December 11, 2013, at 12:30 p.m. in 2123 Rayburn House Office Building in open markup session on the legislation. A summary of the legislation to be considered is below.

In keeping with Chairman Upton's announced policy, Members must submit any amendments they may have two hours before they are offered during this markup. Members may submit amendments by email to [peter.kielty@mail.house.gov](mailto:peter.kielty@mail.house.gov). Any information with respect to an amendment's parliamentary standing (e.g., its germaneness) should be submitted at this time as well.

### **I. H.R. 3527, Poison Center Network Act of 2013**

The bill reauthorizes the Poison Center Support, Enhancement, and Awareness Act of 2008 and continues funding for the Poison Control Program. The bill would provide grants to States to establish and operate poison centers and maintain a single, national toll-free number that ensures access to poison center services by connecting callers to the poison center serving their area. In addition, the bill provides for a national media campaign to educate the public and health care providers about poison prevention, poison center services, and the 1-800 number.

If you have questions, please contact Brenda Destro, Katie Novaria, or Clay Alspach with the Committee staff at 5-2927.

## **II. H.R. 1098, Traumatic Brain Injury Reauthorization Act**

The Traumatic Brain Injury (TBI) Reauthorization Act of 2013 would reauthorize the TBI Act of 2008 and continue brain injury research at the Centers for Disease Control and Prevention (CDC). The bill also provides for State grants administered by the Health Resources and Services Administration (HRSA) to help families access needed services such as rehabilitation and long-term care. In addition, HRSA provides grants to States for the protection and advocacy of TBI patients. Finally, the bill will allow grant programs to move from HRSA to another agency within HHS in order to better coordinate with Federal agencies that oversee long-term services and supports available to individuals with other disabilities.

If you have questions, please contact Brenda Destro, Katie Novaria, or Clay Alspach with the Committee staff at 5-2927.

## **III. H.R. 1281, Newborn Screening Saves Lives Reauthorization Act of 2013**

The Newborn Screening Saves Lives Reauthorization Act of 2013 would reauthorize the Newborn Screening Saves Lives Act of 2008 to continue Federal activities that assist States in improving and expanding their newborn screening programs, supporting parent and provider newborn screening education, and ensuring laboratory quality and surveillance. In addition, National Institute of Health research on newborn screening will continue.

If you have questions, please contact Brenda Destro, Katie Novaria, or Clay Alspach with the Committee staff at 5-2927.

## **IV. H.R. 724, a bill to amend the Clean Air Act to remove the requirement for dealer certification of new light-duty motor vehicles**

H.R. 724 strikes section 207 (h)(1) of the Clean Air Act (42 U.S.C. 7541(h)), which requires auto dealers, upon sale of each new light-duty motor vehicle, to furnish to the purchaser a certificate that such motor vehicle conforms to the emissions standards issued pursuant to section 202 (42 U.S.C. 7521) and notice of the purchaser's right to have the manufacturer remedy any nonconformity to section 202 emissions standards at the cost of the manufacturer during the warranty period.

Clean Air Act provisions that ensure that all new vehicles offered for sale comply with the Act have made this requirement unnecessary, and the Environmental Protection Agency no longer enforces this requirement. No other provisions of the Clean Air Act are changed by H.R. 724.

If you have questions, please contact Ben Lieberman or Tom Hassenboehler with the Committee staff at 5-2927.

**V. H.R. \_\_\_\_, a bill to amend the Energy Independence and Security Act of 2007 to improve United States-Israel energy cooperation, and for other purposes**

The bill amends the Energy Independence and Security Act of 2007 (Public Law 110-140) to strengthen the collaboration between the United States and Israel on energy development and to bolster the existing United States-Israel energy relationship by encouraging increased cooperation between the two countries. The bill encourages inter-governmental collaboration in energy innovation technology, technology transfer, and analysis of geopolitical implications of new natural resource development, while also encouraging private sector business development. The bill also facilitates continued engagement between the countries to share best practices in a number of fields, including: regulatory best practices; cyber energy infrastructure; energy efficiency; and environmental management of deep water exploration. The bill also expands already existing United States-Israel grant programs to include projects focused on natural gas.

If you have questions, please contact Patrick Currier or Tom Hassenboehler with the Committee staff at 5-2927.

**VI. H.R. \_\_\_\_, Federal Communications Commission Process Reform Act of 2013**

Section 1. Short Title.

Section 2. Adds section 13 to the Communications Act.

*New Section 13(a)*—Rulemaking Reforms. Requires the FCC to survey the marketplace before initiating a rulemaking, with exceptions for deregulatory rulemakings and for good cause. Requires Notices of Proposed Rulemaking to follow within three years of Notices of Inquiry to ensure they remain current, to include the specific text of proposed rules, and to provide at least 30 days each for comments and replies. Requires adopted rules to follow within three years of Notices of Proposed Rulemaking and be a “logical outgrowth” of the proposed rules. For economically significant rules—rules that will have an annual effect of \$100 million or more—the FCC must identify the problem it is trying to solve, make reasoned determinations that the benefits of the rule justify its costs, and that market forces are unlikely to resolve the issue within a reasonable amount of time. Any cost-benefit determination under this section is not subject to judicial review. Requires the FCC to develop performance measures for its program activities, defined as each FCC program listed in the Federal budget, as well as each program through which the FCC collects or distributes \$100 million or more.

*New Section 13(b)*—Ensuring Deliberation by Commissioners. Requires the FCC to outline for commissioners the options available to resolve a proceeding, to provide commissioners adequate time to deliberate pending orders, and to provide the public time to read proposed orders prior to open meetings.

*New Section 13(c)*—Nonpublic Collaborative Discussions. Allows a bipartisan majority of Commissioners to meet for collaborative discussions if they disclose such meetings within

two business days and comply with Office of General Counsel oversight. Also applies to meetings of Federal-State Joint Boards.

*New Section 13(d)*—Initiation of Orders by Bipartisan Majority. Requires the FCC to allow a bipartisan majority of commissioners to direct staff to draft an order, to put such an order on the FCC’s agenda, and to require that the FCC to vote on any order.

*New Section 13(e)*—Public Review of Reports and Ex Partes. Requires the FCC to seek public comment on reports and to provide the public an opportunity to evaluate ex parte filings before the FCC may rely on them in their decision-making.

*New Section 13(f)*—Pending Item Publication. Requires the FCC to publish the status of open rulemakings as well as list the draft items the commissioners are currently considering.

*New Section 13(g)*—Shot Clocks. Requires the FCC to establish “shot clocks” for action in each type of proceeding it oversees.

*New Section 13(h)*—Release of Documents and Reports. Requires the FCC to establish a schedule for the release of its required reports and to release all orders within 30 days of adoption. The FCC must report to Congress whenever it misses its own deadlines.

*New Section 13(i)*—Biannual Scorecard. Requires the FCC to report every six months regarding its progress in meeting its shot clocks, as well as how it has used administrative law judges and independent studies.

*New Section 13(j)*—Transaction Review Standards. Preserves the FCC’s ability to review transactions, but requires conditions to be: (a) remedies to harms that arise as a direct result of the transaction, (b) within the FCC’s general authority, and (c), related to harms specific to the transaction that are not present more broadly in industry. Applies same requirements to “voluntary” commitments.

*New Section 13(k)*—Online Publication. Requires the FCC to publish the documents and reports specified in this section on the FCC’s website.

*New Section 13(l)*—Federal Register Publication. Requires the FCC to publish the documents specified in the Federal Register no later than 45 days after release of the document or the day specified under any other provision of law.

*New Section 13(m)*—Consumer Complaint Database. Requires the FCC to put consumer complaint information in a publicly available, searchable database on its website.

*New Section 13(m)*—Form of Publication. Requires the FCC to publish documents specified in this section on its website.

*New Section 13(o)*—Transparency Relating to Performance in Meeting FOIA Requirements. Requires the FCC to take additional steps to inform the public about its performance in meeting the disclosure requirements of the Freedom of Information Act.

*New Section 13(p)*—Definitions. Defines several terms used in the Act, including the terms “economically significant impact” and “program activity.”

Section 3. Prohibits the FCC from categorizing TCPA inquiries or complaints as wireline or wireless inquiries or complaints unless the complaint or inquiry originated from the conduct of a wireline or wireless carrier.

Section 4. Specifies that nothing in the Act alters the FCC’s ability to ensure the availability of communications systems to alert the public to dangerous weather conditions.

Section 5. Specifies that nothing in the Act alters the FCC’s ability to ensure the availability of communications systems for State and local first responders in times of emergency.

Section 6. Specifies that the Act does not alter the general framework established by the Administrative Procedures Act and related laws, except where it does so explicitly (i.e., allowing deliberative collaboration among Commissioners and on the Federal-State Joint Boards).

If you have questions, please contact Kelsey Guyselman or David Redl with the Committee staff at 5-2927.