



September 16, 2016

TO: Members, Committee on Energy and Commerce

FROM: Committee Majority Staff

RE: Markup of H.R. 2566, H.R. 2669, H.R. 1192, H.R. 1209, H.R. 1877, H.R. 2713, H.R. 3537, and H.R. 4365.

I. INTRODUCTION

The Committee on Energy and Commerce will meet in open markup session on September 20 and 21, 2016.

On Tuesday, September 20 at 5:00 p.m., the Committee will convene for opening statements only in 2322 Rayburn House Office Building. The Committee will reconvene on Wednesday, September 21 at 10:00 a.m. in HVC-210 Capitol Visitor Center to consider the following:

- H.R. 2566, Improving Rural Call Quality and Reliability Act of 2016;
- H.R. 2669, Anti-Spoofing Act of 2016 (with an amendment in the nature of a substitute);
- H.R. 1192, National Diabetes Clinical Care Commission Act;
- H.R. 1209, Improving Access to Maternity Care Act (with an amendment in the nature of a substitute);
- H.R. 1877, Mental Health First Aid;
- H.R. 2713, Title VIII Nursing Workforce Reauthorization Act of 2015; and,
- H.R. 3537, Synthetic Drug Control Act of 2015 (with an amendment in the nature of a substitute)
- H.R. 4365, Protecting Patient Access to Emergency Medications Act of 2016 (with an amendment in the nature of a substitute).

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. Any information with respect to an amendment's parliamentary standing (e.g., its germaneness) should be submitted at this time as well.

II. COMMUNICATIONS AND TECHNOLOGY

A. H.R. 2566, Improving Rural Call Quality and Reliability Act of 2016

As part of the Committee's ongoing efforts to address the rural call completion issue, it will examine H.R. 2566, the Improving Rural Call Quality and Reliability Act of 2015. H.R. 2566 amends the Communications Act of 1934 by adding a new section to require intermediate

providers who offer the capability of transmitting covered voice communications to register with the Federal Communications Commission (FCC or Commission). The bill also requires the Commission to establish service quality standards for intermediate providers to ensure the integrity of voice communication, while clarifying that state agencies and public utility commissions will continue to have a role in ensuring the quality of voice services within the state, and to prevent unjust or unreasonable discrimination among areas of the United States. The bill also prohibits the use of any intermediate provider that is not registered with the Commission.

H.R. 2566 also provides some transparency in the provision of intermediate routing by requiring the Commission to establish a database of registered intermediate providers and to make it available on the Commission's website.

During the Subcommittee on Communications and Technology markup of H.R. 2566, the Subcommittee considered an amendment in the nature of a substitute (AINS) offered by Subcommittee Chairman Walden that made the following changes to the legislation: (1) extend the deadline for the FCC to develop minimum service quality standards for registered intermediate providers to one year; (2) create an exemption to the service quality standards for providers who are certified under the FCC's existing "safe harbor," which already requires service standards; and (3) narrow the definition of "intermediate provider" to avoid inadvertently capturing non-intermediate providers. The amendment was passed by voice vote and H.R. 2566, as amended, was forwarded to the full Committee on September 13, 2016.

B. H.R. 2669, Anti-Spoofing Act of 2016

Spoofing is a practice in which a phone number shown on a phone or caller identification device deliberately is falsified. Spoofing is a commonly used tool for a number of illegal practices, including "phishing" for personal information and "swatting" – calling in a fictitious crime in progress in order to generate a police response. The Truth in Caller ID Act of 2009 prohibits spoofing of voice caller identification information. However, as communications methods and consumer habits continue to evolve, so do the attempts by third parties to gain personal information for criminal use. Many Americans now rely on text messaging to stay connected. According to CTIA, in 2015, Americans sent over 156 billion text messages per month.

H.R. 2669, the Anti-Spoofing Act, extends the provisions of the Truth in Caller ID Act to include text messaging and text messaging services. The legislation adds a definition of "spoofing service" to the statute, addressing the growth of services that allows a user to knowingly transmit misleading or inaccurate caller identification information. In addition, it extends the prohibitions to any person or service placing an international call to a recipient within the United States.

The Subcommittee on Communications and Technology considered H.R. 2669 during a markup on September 13, 2016. The legislation was passed by voice vote and the Subcommittee agreed to continue working on technical changes before it was brought before the full

Committee. The Committee expects to consider an AINS aimed at making those technical changes to the definition of a text message.

III. HEALTH

A. H.R. 1192, National Diabetes Clinical Care Commission Act

The Committee will consider H.R. 1192, as amended in subcommittee. The legislation creates a commission to promote care coordination across the Department of Health and Human Services (HHS) for complex metabolic and related autoimmune diseases. The Commission will evaluate and recommend solutions regarding better coordinating and leveraging of federal programs that relate to supporting appropriate clinical care for individuals with these types of illnesses and disorders.

B. H.R. 1209, Improving Access to Maternity Care Act

The Committee will consider an AINS to H.R. 1209, which introduced by Rep. Michael Burgess. The legislation increases data collection by HHS to help place maternal health professionals in more appropriate areas of need through their existing participation in the National Health Service Corps (NHSC). There is no new authorization of appropriations for this bill, nor does it open or expand participation in the NHSC.

C. H.R. 1877, Mental Health First Aid

H.R. 1877 was introduced by Rep. Lynn Jenkins. It requires Substance Abuse and Mental Health Services Administration to award grants to initiate and sustain mental health awareness training grants. The grants would be open to individuals throughout a community, including first responders, law enforcement, teachers, faith leaders, nurses, and other relevant personnel. The goal of these programs is to train individuals to de-escalate crisis situations, recognize the signs and symptoms of mental illness, and encourage timely referral to mental health services.

D. H.R. 2713, Title VIII Nursing Workforce Reauthorization Act of 2015

H.R. 2713 was introduced by Rep. Lois Capps to reauthorize grants and scholarships for graduate and undergraduate nursing education in specified areas of nursing. The legislation also amends the Public Health Service Act to include clinical nurse leaders as advanced education nurses, making clinical nurse leader education programs eligible for advanced education nursing grants.

E. H.R. 3537, Synthetic Drug Control Act of 2015

H.R. 3537 was introduced by Rep. Charlie Dent. The bill places a number of synthetic drug compounds on Schedule I of the Controlled Substances Act.

F. H.R. 4365, Protecting Patient Access to Emergency Medications Act of 2016

H.R. 4365, introduced by Rep. Richard Hudson, would amend the Controlled Substances Act to enable paramedics and other emergency medical services (EMS) professionals to continue to administer controlled substances to patients pursuant to standing orders issued by their EMS agency's medical director.

IV. STAFF CONTACTS

If you have any questions regarding H.R. 2566 or H.R. 2669, please contact Kelsey Guyselman or Charlotte Savercool of the Committee staff at (202) 225-2927.