



COMMITTEE ON
ENERGY & COMMERCE

CHAIRMAN FRANK PALLONE, JR.

MEMORANDUM

July 15, 2019

To: Committee on Energy and Commerce Members and Staff

Fr: Committee on Energy and Commerce Staff

Re: Full Committee Markup of H.R. 3375, H.R. 2211, H.R. 3172, H.R. 3170, H.R. 1618, H.R. 806, H.R. 2647, H.R. 1315, H.R. 2665, H.R. 2044, H.R. 359, H.R. 360, H.R. 362, H.R. 370, H.R. 2088, H.R. 2041, H.R. 2119, H.R. 2781, H.R. 728, H.R. 1058, H.R. 2507, H.R. 776, H.R. 2035, H.R. 2296, H.R. 2328, and H.R. 3432

On Wednesday, July 17, 2019, at 9:30 a.m. in the John D. Dingell Room, 2123 of the Rayburn House Office Building, the Committee on Energy and Commerce will hold a markup of the following bills:

H.R. 3375, the “Stopping Bad Robocalls Act”; **H.R. 2211**, the “Stop Tip-overs of Unstable, Risky Dressers on Youth Act” or the “STURDY Act”; **H.R. 3172**, the “Safe Sleep for Babies Act of 2019”; **H.R. 3170**, the “Safe Cribs Act of 2019”; **H.R. 1618**, the “Nicholas and Zachary Burt Carbon Monoxide Poisoning Prevention Act of 2019”; **H.R. 806**, the “Portable Fuel Container Safety Act of 2019”; **H.R. 2647**, the “Safer Occupancy Furniture Flammability Act” (SOFFA); **H.R. 1315**, the “Blue Collar to Green Collar Jobs Development Act of 2019”; **H.R. 2665**, the “Smart Energy and Water Efficiency Act of 2019”; **H.R. 2044**, the “Smart Building Acceleration Act”; **H.R. 359**, the “Enhancing Grid Security through Public-Private Partnerships Act”; **H.R. 360**, the “Cyber Sense Act of 2019”; **H.R. 362**, the “Energy Emergency Leadership Act”; **H.R. 370**, the “Pipeline and LNG Facility Cybersecurity Preparedness Act.”; **H.R. 2088**, a bill to amend the Energy Independence and Security Act of 2007 to reauthorize the Energy Efficiency and Conservation Block Grant Program, and for other purposes; **H.R. 2041**, the “Weatherization Enhancement and Local Energy Efficiency Investment and Accountability Act”; **H.R. 2119**, a bill to amend the Energy Policy Act of 2005 to reauthorize grants for improving the energy efficiency of public buildings, and for other purposes; **H.R. 2781**, the “Educating Medical Professionals and Optimizing Workforce Efficiency and Readiness for Health Act of 2019” or “EMPOWER for Health Act”; **H.R. 728**, the “Title VIII Nursing Workforce Reauthorization Act of 2019”; **H.R. 1058**, the “Autism Collaboration, Accountability, Research, Education, and Support or the “Autism CARES Act of 2019”; **H.R. 2507**, the “Newborn Screening Saves Lives Reauthorization Act of 2019”; **H.R. 776**, the “Emergency Medical Services for Children Program Reauthorization Act of 2019”; **H.R. 2035**, the “Lifespan Respite Care Reauthorization Act of 2019”; **H.R. 2296**, the “More Efficient Tools to Realize Information for Consumers Act” or the “METRIC Act”; **H.R. 2328**, a bill to reauthorize and extend funding for community health centers and the National Health Service

Corps, or the “Reauthorizing and Extending America’s Community Health Act” or the “REACH Act”; and **H.R. 3432**, a bill to amend title 49, United States Code, to improve the safety of the Nation’s natural gas and hazardous liquid pipeline systems, and for other purposes” or the “Safer Pipelines Act of 2019.”

I. H.R. 3375, THE “STOPPING BAD ROBOCALLS ACT”

Reps. Pallone (D-NJ), Walden (R-OR), Doyle (D-PA), and Latta (R-OH) introduced H.R. 3375, known as the “Stopping Bad Robocalls Act” on June 20, 2019.

Section 2 of the bill would require the Federal Communications Commission (FCC) to complete a rulemaking within six months of enactment, and as appropriate thereafter to ensure the effectiveness of consumer protection and privacy provisions that are contained in Section 227 of the Communications Act. Specifically, the FCC would be required to prescribe rules and revise its existing rules under the Telephone Consumer Protection Act (TCPA) to protect consumers and their privacy, ensure that robocalls are only made with consent, ensure that consumers can withdraw consent, prevent circumvention or evasion of the law, ensure robocallers are keeping records to prove they have the consent of the people they are calling, and help ensure robocallers are following the law.

Section 3 would require the FCC to implement consumer protections on the FCC’s exempted classes of robocalls. These consumer protections must specifically include limits on: the classes of parties that may make such calls, the classes of parties that may be called, and the number of calls allowed under the exemption.

Section 4 would require the FCC to submit a report to Congress regarding the agency’s status in implementing actions discussed within the FCC’s Second Report and Order in the matter of Advanced Methods to Target and Eliminate Unlawful Robocalls, which includes the implementation of a reassigned number database. This section also clarifies that when a consumer gets a new phone number, robocallers cannot keep calling to look for the person who had previously been assigned that phone number.

Section 5 would extend the statute of limitations by up to four years in some cases, to give the FCC and law enforcement agencies enough time to prosecute illegal robocallers.

Section 6 would require the FCC to submit an annual report to Congress on illegal robocallers detailing its enforcement activities during the preceding calendar year. The report also requires the FCC to provide Congress with proposals for decreasing the number of robocalls through additional legislation.

Section 7 would require all carriers, over time, to implement a new technology to make sure that caller-ID information is appropriately authenticated with no additional line item charge for consumers on their bill. Specifically, this section requires the FCC to recognize and address those burdens and barriers to adopting this technology across the country. Implementation of these measures will help to ensure that rural parts of the country with older technology are not

left behind. To the extent some carriers need additional time to implement this technology, the FCC will need to find alternative methodologies for authenticating calls.

Section 8 would ensure that robocall blocking services offered on a default basis are provided with no additional line item charge to consumers on their bills, and that consumers and callers have effective transparency and redress options with regard to robocall blocking services.

On Tuesday, June 21, 2019, the Subcommittee on Communications and Technology met in open markup session to consider H.R. 3375. Four amendments were offered and adopted by voice vote. H.R. 3375 was favorably forwarded, amended, to the full Committee by voice vote.

New section 9 was added by an amendment offered by Reps. McEachin (D-VA) and Olson (R-TX) and would require the FCC to submit evidence of certain criminal robocall violations to the Department of Justice for criminal prosecution and would require the FCC to publish a report annually disclosing how frequently the FCC submitted such evidence.

New section 10 was added by an amendment offered by Reps. Clarke (D-NY) and Bilirakis (R-FL) to require the FCC to initiate a proceeding to protect consumers from one-ring scams, including by working with foreign governments to address one-ring scams and by incentivizing carriers to stop calls made to perpetrate one-ring scams, among other things.

New section 11 was added by an amendment offered by Rep. Soto (D-FL) on behalf of Rep. Crist (D-FL), to require the Attorney General, in consultation with the FCC, to convene an interagency task force to study the enforcement of the TCPA. Among other things, the task force will: (1) determine how federal law and budgetary constraints inhibit enforcement of the TCPA; (2) identify existing and additional policies and programs to increase coordination between federal department and agencies and the states for enforcing and preventing violations of the TCPA; and (3) identify existing and potential international policies and programs to improve coordination between countries in enforcing the TCPA and similar laws.

New section 13 was added by an amendment offered by Reps. Butterfield (D-NC), Johnson (R-OH), Soto, and Gianforte (R-MT) and requires the FCC to register a consortium of companies engaged in private-led efforts to trace back the origin of suspected unlawful robocalls. It also creates a certification process for when carriers have or have not participated in a private-led effort to traceback the origin of a suspected unlawful robocall, requires the FCC to publish a report on participation by carriers in private-led efforts to traceback the origin of suspected unlawful robocalls, and allows the FCC to permit some carriers to not accept calls from carriers facilitating suspected unlawful robocalls, among other things.

II. H.R. 2211, THE “STOP TIP-OVERS OF UNSTABLE, RISKY DRESSERS ON YOUTH ACT” (THE “STURDY ACT”)

Rep. Schakowsky (D-IL) reintroduced H.R. 2211 on April 10, 2019, after first introducing the legislation in the 114th Congress. The bill would direct the Consumer Product Safety Commission (CPSC) to issue a consumer product safety standard for clothing storage units to prevent them from tipping over onto children. Clothing storage units include furniture

items that are intended for the storage of clothing, such as chests, dressers, or bureaus. The standard must include specific testing criteria to ensure adequate protection as well as warning requirements. Specifically, the standard must include tests that simulate the weight of a child up to six years old and account for real world use factors affecting stability, such as placement on carpeting or multiple open drawers. The standard must additionally test clothing storage units of all heights. The bill requires CPSC to adopt the consumer product safety standard within one year of enactment.

On July 10, 2019, the Subcommittee on Consumer Protection and Commerce met in open markup session and favorably forwarded H.R. 2211, amended, to the full Committee by a voice vote. An amendment in the nature of a substitute (AINS) was offered by Reps. Schakowsky and Rodgers (R-WA) was adopted by a voice vote. The amendment modifies the definition of clothing storage unit, adds craft or handmade furniture manufacturers to the stakeholders that CPSC must consult when examining and assessing the effectiveness of voluntary safety standards for clothing storage units, and clarifies the standard's requirements and when CPSC may update the standard.

III. H.R. 3172, THE “SAFE SLEEP FOR BABIES ACT OF 2019”

Rep. Cárdenas (D-CA) introduced H.R. 3172, the “Safe Sleep Act of 2019” on June 10, 2019. The bill prohibits the manufacture for sale, offer for sale, distribution in commerce, or import of inclined sleepers for infants. An inclined sleeper for infants is defined as a product with an inclined sleep surface greater than 10 degrees that is intended, marketed, or designed to provide sleeping accommodations for an infant up to one year old. The bill's prohibition would take effect 180 days from enactment.

On July 10, 2019, the Subcommittee on Consumer Protection and Commerce met in open markup session and favorably forwarded H.R. 3172, amended, to the full Committee by a voice vote. An amendment offered by Rep. Pallone on behalf of Rep. Cárdenas to change the name of the bill to the “Safe Sleep for Babies Act of 2019” was adopted by a voice vote.

IV. H.R. 3170, THE “SAFE CRIBS ACT OF 2019”

Rep. Schakowsky introduced H.R. 3170, the “Safe Cribs Act of 2019” on June 10, 2019. H.R. 3170 prohibits the manufacture for sale, offer for sale, distribution in commerce, or import of crib bumpers. A crib bumper is defined to include any material that is intended to cover the sides of a crib to prevent injury to a crib occupant from impacts or to prevent a crib occupant from getting any body part entrapped in any opening, such as a padded crib bumper, a supported and unsupported vinyl bumper guard, a mesh crib liner, and vertical slat covers. The bill's prohibition would take effect 180 days from enactment.

On July 10, 2019, the Subcommittee on Consumer Protection and Commerce met in open markup session and favorably forwarded H.R. 3170, amended, to the full Committee by a voice vote. An amendment was offered by Reps. Rogers of WA, Rush (D-IL), Latta, and Kelly (D-IL) to amend the definition of crib bumper to exclude non-padded mesh crib liners. The amendment was adopted by a voice vote.

V. H.R. 1618, THE “NICHOLAS AND ZACHARY BURT CARBON MONOXIDE POISONING PREVENTION ACT OF 2019”

Reps. Kuster (D-NH) and Carter (R-GA) reintroduced H.R. 1618, the “Nicholas and Zachary Burt Carbon Monoxide Poisoning Prevention Act of 2019” on March 7, 2019, after first introducing the legislation in the 113th Congress. H.R. 1618 would direct CPSC to establish a grant program for states to purchase and install carbon monoxide alarms in dwelling units of low-income families or the elderly; facilities that commonly serve children or the elderly, including childcare facilities, public schools, and senior centers; or student dwelling units owned by public universities. In addition, states could also use these grants for training and compliance, enforcement, and public education purposes relating to carbon monoxide alarms. The bill limits the amount of grant funds that may be used for states’ administrative costs and public education.

A state would be eligible for grant funds if it has adopted a law, regulation, or similar measure requiring the installation of carbon monoxide alarms in dwelling units and submits an application to CPSC for funds. CPSC shall give favorable consideration to an application from a state that (1) requires the installation of carbon monoxide alarms in educational, childcare, healthcare, and adult dependent care facilities; government buildings; restaurants; theaters; lodging establishments; or dwelling units that contain a fuel-burning appliance or have an attached garage; and (2) has developed a strategy to protect vulnerable populations such as children, the elderly, or low-income households.

H.R. 1618 authorizes \$2 million in appropriations to CPSC for fiscal years 2020 through 2024 to carry out the grant program and limits the amount of funds that may be used for CPSC’s administrative costs. The bill provides that any funds that CPSC does not expend on grants are to be used for enforcement of the Consumer Product Safety Act. The bill further requires that CPSC report annually to Congress on implementation of the grant program.

On July 10, 2019, the Subcommittee on Consumer Protection and Commerce met in open markup session and favorably forwarded H.R. 1618, amended, to the full Committee by a voice vote. An AINS offered by Rep. Schakowsky was adopted by voice vote to remove an offset of funding from the authorization of appropriations for the Government Publishing Office.

VI. H.R. 806, THE “PORTABLE FUEL CONTAINER SAFETY ACT OF 2019”

Reps. Thompson (D-CA) and Joyce (R-OH) reintroduced H.R. 806, the “Portable Fuel Container Act of 2019” on January 28, 2019, after first introducing the legislation in the 114th Congress. H.R. 806 would direct CPSC to issue a consumer product safety rule to require flame mitigation devices in portable fuel containers. Alternatively, should CPSC determine that a voluntary standard for flame mitigation devices in portable fuel containers adequately impedes flame propagation into portable fuel containers, CPSC could adopt that voluntary standard as a consumer product safety rule. H.R. 806 requires CPSC to adopt a consumer product safety rule within 30 months of enactment.

A portable fuel container is defined to include any container intended for flammable liquid fuels, as well as component parts such as caps and spouts. If CPSC adopts a voluntary standard as a consumer product safety rule and the voluntary standard is subsequently revised, the revised standard shall be treated as a consumer product safety rule unless CPSC votes not to adopt it. The bill also authorizes CPSC to modify the requirements of a consumer product safety rule or a voluntary standard that was adopted under this bill if CPSC determines that it is reasonably necessary to do so to protect public health or safety.

H.R. 806 further directs CPSC to conduct an education campaign to alert consumers to the dangers of using or storing portable fuel containers near ignition sources and to report to Congress on the campaign. The bill also amends the Children’s Gasoline Burn Prevention Act to expand existing child-resistance requirements for closures for portable gasoline containers to include portable kerosene and diesel fuel containers and component parts.

On July 10, 2019, the Subcommittee on Consumer Protection and Commerce met in open markup session and favorably forwarded H.R. 806, amended, to the full Committee by a voice vote. An AINS offered by Rep. Latta was adopted by a voice vote. The AINS made technical changes to the bill and clarified the CPSC’s rulemaking authority to that reasonably necessary to protect the public against flame jetting from a portable fuel container.

VII. H.R. 2647, THE “SAFER OCCUPANCY FURNITURE FLAMMABILITY ACT” (“SOFFA”)

Reps. Matsui (D-CA) and Griffith (R-VA) reintroduced H.R. 2647, the “Safer Occupancy Furniture Flammability Act” or “SOFFA” on May 9, 2019, after first introducing the legislation in the 115th Congress. H.R. 2647 adopts the California upholstered furniture flammability standard – known as Technical Bulletin 117-2013 – as a national flammability standard for upholstered furniture. The California standard omits previous performance requirements that were typically satisfied through the addition of flame-retardant chemicals, which have been associated with adverse health effects. The bill would preempt state laws that provide for a furniture flammability standard for upholstered furniture but would not preempt the California standard itself or associated regulations. H.R. 2647 also would not preempt any state law that concerns health risks associated with upholstered furniture and is not designed to protect against the risk of fire or to slow or prevent the spread of fire in upholstered furniture. The bill provides that the California standard would be considered a flammability standard promulgated by CPSC as of 180 days after enactment.

On July 10, 2019, the Subcommittee on Consumer Protection and Commerce met in open markup session and favorably forwarded H.R. 2647 to the full Committee by a voice vote.

VIII. H.R. 1315, THE “BLUE COLLAR TO GREEN COLLAR JOBS DEVELOPMENT ACT OF 2019”

Rep. Rush introduced H.R. 1315, the “Blue Collar to Green Collar Jobs Development Act of 2019” on February 22, 2019. H.R. 1315 amends section 211 of the Department of Energy Organization Act to rename the Office of Minority Economic Impact as the Office of Economic

Impact, Diversity, and Employment. The bill would establish energy workforce development by creating “a comprehensive nationwide program to improve education and training for jobs in energy-related industries.” Among other things, it encourages underrepresented groups—including religious and ethnic minorities, women, veterans, individuals with disabilities, socioeconomically disadvantaged individuals, and returning citizens—to enter the science, technology, engineering, and mathematics (STEM) fields.

The bill also requires Department of Energy (DOE) to provide direct assistance (including financial assistance awards and technical expertise) to educational institutions, local workforce development boards, State workforce development boards, non-profit organizations, labor organizations, and apprenticeship programs. It directs the Secretary to collaborate with the Secretaries of Labor and Education to develop educational guidelines and conduct outreach to minority-serving educational institutions and displaced and unemployed energy and manufacturing workers. In addition, the bill establishes a program to provide grants to eligible businesses to pay new and existing employees receiving training to work in renewable energy, energy efficiency, grid modernization, carbon capture and storage, and fuel cell generation sectors.

On May 16, 2019, the Subcommittee on Energy met in open markup session and favorably forwarded H.R. 1315 to the full Committee by a voice vote.

IX. H.R. 2665, THE “SMART ENERGY AND WATER EFFICIENCY ACT OF 2019”

Reps. McNerney (D-CA) and Kinzinger (R-IL) introduced H.R. 2665, the “Smart Energy and Water Efficiency Act of 2019” on May 10, 2019. H.R. 2665 establishes a smart energy and water efficiency management program. The bill directs DOE to award grants to eligible entities to demonstrate advanced and innovative technology-based solutions that will increase and improve the energy efficiency of water, wastewater, and water reuse systems, among other things. The bill also establishes a competitive and merit-based grant award process with selection criteria and requires an evaluation of each grant project every year for five years. The legislation would further make the projects’ best practices available to the public and produce a report to Congress within five years after the program’s establishment.

On May 16, 2019, the Subcommittee on Energy met in open markup session and favorably forwarded H.R. 2665 to the full Committee by a voice vote.

X. H.R. 2044, THE “SMART BUILDING ACCELERATION ACT”

Reps. Welch (D-VT) and Kinzinger introduced H.R. 2044, the “Smart Building Acceleration Act” on April 3, 2019. H.R. 2044 requires DOE to conduct a survey of smart buildings across the country and then select at least one building from an appropriate range of building sizes and types to be evaluated for further assessment. The assessment includes an evaluation of which advanced building technologies are the most cost-effective, as well as those which show the most promise for decreasing building utility demands and increasing service performance to building occupants. The bill would also establish an initiative at DOE to

implement smart building technology at one or more buildings and evaluate the costs and benefits of these buildings.

Additionally, H.R. 2044 would require the development, in consultation with private sector property owners, of a smart building initiative to demonstrate policies and approaches that facilitate the transition to smart buildings under the umbrella of the DOE Better Buildings Challenge. The bill also requires research on eliminating barriers to the integration of advanced building technologies and facilitating the transition to smart buildings and provides a report to Congress summarizing findings and providing recommendations to facilitate the transition to smart buildings.

On May 16, 2019, the Subcommittee on Energy met in open markup session and favorably forwarded H.R. 2044 to the full Committee by a voice vote.

XI. H.R. 359, THE “ENHANCING GRID SECURITY THROUGH PUBLIC-PRIVATE PARTNERSHIPS ACT”

Reps. McNerney and Latta introduced H.R. 359, the “Enhancing Grid Security Through Public-Private Partnerships Act” on January 9, 2019. This legislation contains provisions that address physical and cyber security of electric utilities.

H.R. 359 directs the Secretary of Energy, in consultation with States, other federal agencies, and industry stakeholders, to create and implement a program to enhance the physical and cyber security of electric utilities. Among other things, this program would develop voluntary implementation of methods for assessing security vulnerabilities. It would provide cybersecurity training to electric utilities, advance the cybersecurity of utility third-party vendors, and promote sharing of best practices and data collection in the electric sector. The bill requires DOE to submit a report to Congress on cybersecurity and distribution systems. Finally, the bill requires an update to the Interruption Cost Estimate (ICE) Calculator at least once every two years. The ICE Calculator, developed by DOE’s Lawrence Berkley Lab and Nexant, Inc., is an electric reliability planning tool for estimating electricity interruption costs and the benefits associated with reliability improvements.¹

On May 16, 2019, the Subcommittee on Energy met in open markup session and favorably forwarded H.R. 359 to the full Committee by a voice vote.

XII. H.R. 360, THE “CYBER SENSE ACT OF 2019”

Reps. Latta and McNerney introduced H.R. 360, the “Cyber Sense Act of 2019” on January 9, 2019. H.R. 360 requires the Secretary of Energy to establish the Cyber Sense Program. This voluntary program would identify cyber-secure products that could be used in the bulk-power system. In addition to making DOE responsible for promoting cyber-secure products, this legislation requires DOE to determine a testing process for Cyber Sense products

¹ Department of Energy, Interruption Cost Estimate Calculator (www.icecalculator.com) (accessed May. 8, 2019).

and establish a cybersecurity vulnerability reporting process and database. Additionally, H.R. 360 requires DOE to provide technical assistance to electric utilities, manufacturers, and other relevant stakeholders related to cybersecurity vulnerabilities in products under the Cyber Sense program. The bill requires all cyber-secure products to be reviewed biennially to determine how such products respond to and prevent cyber threats. This legislation also requires DOE to solicit public comment before establishing or altering the Cyber Sense program.

On May 16, 2019, the Subcommittee on Energy met in open markup session and favorably forwarded H.R. 360 to the full Committee by a voice vote.

XIII. H.R. 362, THE “ENERGY EMERGENCY LEADERSHIP ACT”

Reps. Rush and Walberg (R-MI) introduced H.R. 362, the “Energy Emergency Leadership Act” on January 9, 2019. The legislation amends Section 203(a) of the Department of Energy Organization Act to create a new DOE Assistant Secretary position with jurisdiction over all energy emergency and security functions related to energy supply, infrastructure, and cybersecurity. The bill authorizes the new Assistant Secretary to provide, upon request, a State, local, or tribal government, with technical assistance, and support and response capabilities with respect to energy security threats, risks, and incidents.

On May 16, 2019, the Subcommittee on Energy favorably forwarded H.R. 362 to the full Committee by a voice vote.

XIV. H.R. 370, THE “PIPELINE AND LNG FACILITY CYBERSECURITY PREPAREDNESS ACT”

Reps. Upton (R-MI) and Loeb sack (D-IA) introduced H.R. 370, the “Pipeline and LNG Facility Cybersecurity Preparedness Act” on January 9, 2019. The bill would establish a program at DOE, in coordination with other Federal agencies, States, and the energy sector, to create policies and procedures to improve the physical and cyber security and resiliency of natural gas transmission and distribution pipelines, hazardous liquid pipelines, and liquefied natural gas (LNG) facilities. The Secretary of Energy would coordinate responses to, and recovery from, physical and cyber incidents affecting the energy sector and develop advanced cybersecurity technologies, perform pilot demonstration projects, and establish workforce development security curricula for pipelines and LNG facilities. Finally, the bill would provide mechanisms to help the energy sector evaluate, prioritize, and improve its security capabilities.

On May 16, 2019, the Subcommittee on Energy met in open markup session and favorably forwarded H.R. 370 to the full Committee by a voice vote.

XV. H.R. 2088, A BILL TO AMEND THE ENERGY INDEPENDENCE AND SECURITY ACT OF 2007 TO REAUTHORIZE THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM, AND FOR OTHER PURPOSES

Reps. Stanton (D-AZ) and Veasey (D-TX) introduced H.R. 2088 on April 4, 2019, to amend the Energy Independence and Security Act of 2007 (EISA) to reauthorize the Energy Efficiency and Conservation Block Grant Program. The program provides grants to states, local governments, and Indian tribes to assist their efforts to reduce fossil fuel emissions and conserve energy. The grants can be used to improve energy efficiency in all sectors of the local economy and for a wide variety of activities, allowing for flexibility to fund projects that best address local conditions and needs. In 2009, the American Recovery and Reinvestment Act allocated \$3.2 billion to the program.

As forwarded by the Subcommittee on Energy, the bill reauthorizes the program to provide \$3.5 billion per year from FY 2020 through 2024. In addition, the bill includes several amendments to the program to add the goal of diversifying energy supplies by promoting use of alternative fuels. The bill amends sections 544 and 546 of EISA to explicitly authorize funding to deploy infrastructure for delivering alternative fuels, including electricity.

On May 16, 2019, the Subcommittee on Energy met in open markup session and favorably forwarded H.R. 2088, amended, to the full Committee by voice vote.

XVI. H.R. 2041, THE “WEATHERIZATION ENHANCEMENT AND LOCAL ENERGY EFFICIENCY INVESTMENT AND ACCOUNTABILITY ACT”

Rep. Tonko (D-NY) introduced H.R. 2041, the “Weatherization Enhancement and Local Energy Efficiency Investment and Accountability Act”, on April 2, 2019.

H.R. 2041 updates the 1976 Department of Energy Weatherization Assistance Program (WAP) and reauthorizes the program at \$350 million per year from fiscal years 2020 through 2024. The bill would allow the Secretary of Energy to take into consideration improvements in health and safety of occupant dwelling units, as well as other non-energy benefits from weatherization assistance. The bill would also permit the Secretary to require periodic review of the use of private contractors in provisioning weatherization assistance and encouraging expanded use of contractors, as appropriate.

H.R. 2041 further establishes a competitive grant program to support innovation in weatherization assistance, and it increases the funding amount that may be used for administrative purposes from ten percent to 15 percent. The bill amends the re-weatherization date so that dwelling units weatherized using federal funds are eligible to receive additional assistance 15 years after completion of the previous weatherization assistance.

On May 16, 2019, the Subcommittee on Energy met in open markup session and favorably forwarded H.R. 2041 to the full Committee by voice vote.

XVII. H.R. 2119, A BILL TO AMEND THE ENERGY POLICY ACT OF 2005 TO REAUTHORIZE GRANTS FOR IMPROVING THE ENERGY EFFICIENCY OF PUBLIC BUILDINGS, AND FOR OTHER PURPOSES

Rep. Kelly of IL introduced H.R. 2119 on April 8, 2019 to reauthorize grants for improving the energy efficiency of public buildings by amending the Energy Policy Act of 2005 (EPAct05). The bill amends Section 125(c) of EPAct05 to authorize \$100 million each year from fiscal years 2021-2025. Section 125 established a grant program, implemented by DOE, to provide grants for states to improve the energy efficiency of public buildings and facilities. EPAct05 originally authorized the program at \$30 million each year.

On May 16, 2019, the Subcommittee on Energy met in open markup session and favorably forwarded H.R. 2119 to the full Committee by voice vote.

XVIII. H.R. 2781, THE “EMPOWER FOR HEALTH ACT OF 2019”

H.R. 2781, the “Educating Medical Professionals and Optimizing Workforce Efficiency and Readiness for Health Act (EMPOWER for Health Act) of 2019,” introduced by Reps. Schakowsky and Burgess (R-TX), would provide a five-year reauthorization for the Public Health Service Act Title VII health care workforce development grant programs, including Area Health Education Centers and Health Professions Training for Diversity. The bill also updates language authorizing the Geriatrics Workforce Enhancement program and the Geriatric Academic Career Awards program in order to align that language with how the Health Resources and Services Administration (HRSA) currently administers the programs. Finally, the legislation would reauthorize and update the Investment in Tomorrow’s Pediatric Health Care Workforce program, which provides loan repayment for certain qualifying pediatric specialists and subspecialists. The House passed similar legislation in the 115th Congress with broad bipartisan support, but it was not considered in the Senate.

On July 11, 2019, the Subcommittee on Health met in open markup session and favorably forwarded H.R. 2781, amended, to the full Committee by a voice vote. An amendment offered by Rep. Burgess, adopted by a voice vote, incorporates technical changes and updates an authorization level. An additional amendment offered by Rep. Rush was adopted by a voice vote and would create a new workforce diversity program for physical therapists, occupational therapists, audiologists, and speech language pathologists, modeled after the longstanding Nursing Workforce Diversity Program under Title VIII of the Public Health Service Act. The program would be authorized at \$5 million per year.

XIX. H.R. 728, THE “TITLE VIII NURSING WORKFORCE REAUTHORIZATION ACT OF 2019”

H.R. 728, the “Title VIII Nursing Workforce Reauthorization Act of 2019” introduced by Reps. Joyce (R-OH), Matsui, McKinley (R-WV), Castor (D-FL), Davis (R-IL), Gabbard (D-HI), Bonamici (D-OR), and Underwood (D-IL), would reauthorize federal nursing workforce development grant programs administered by HRSA for five years. These programs include traineeships, loan repayment, and scholarships for nurses to attain advance practice status and

become nursing faculty. Continued investment in these programs is necessary to ensure the United States has an adequate supply of nurses. The House passed similar legislation in the 115th Congress with broad bipartisan support, but it was not considered in the Senate.

On July 11, 2019, the Subcommittee on Health met in open markup session and favorably forwarded H.R. 728, amended, to the full Committee by a voice vote. An amendment offered by Rep. Matsui was adopted by a voice vote that updates authorization levels and allows nurses to qualify for the student loan repayment program regardless of facility status.

**XX. H.R. 1058, THE “AUTISM COLLABORATION, ACCOUNTABILITY, RESEARCH, EDUCATION, AND SUPPORT ACT OF 2019”
(THE “AUTISM CARES ACT OF 2019”)**

H.R. 1058, the “Autism CARES Act of 2019” introduced by Reps. Smith (R-NJ) and Doyle, would reauthorize funding for programs at the National Institutes of Health (NIH), Centers for Disease Control and Prevention (CDC), and HRSA through FY 2024. The legislation expands efforts to conduct research, surveillance, education, detection, and intervention for all individuals with autism spectrum disorder (ASD) across their lifespan, regardless of age. The bill also aims to reduce disparities among individuals from diverse racial, ethnic, geographic, or linguistic backgrounds, and directs additional care to rural and underserved areas. The five-year reauthorization includes annual authorizations of \$23.1 million for developmental disabilities surveillance and research, \$50.599 million for autism education, early detection, and intervention, and such sums as may be necessary to carry out the work of the Interagency Autism Coordinating Committee (IACC) and other programs at the NIH.

On July 11, 2019, the Subcommittee on Health met in open markup session and favorably forwarded H.R. 1058, amended, to the full Committee by a voice vote. An amendment offered by Rep. Eshoo was adopted by a voice vote that would update an authorization level.

XXI. H.R. 2507, THE “NEWBORN SCREENING SAVES LIVES REAUTHORIZATION ACT OF 2019”

H.R. 2507, the “Newborn Screening Saves Lives Reauthorization Act of 2019” introduced by Reps. Roybal-Allard (D-CA), Simpson (R-ID), Clark (D-MA), and Herrera Beutler (R-WA), would reauthorize newborn screening programs for five years. The bill includes reforms to ensure that the activities of the Advisory Committee on Heritable Disorders in Newborns and Children (ACHDNC) are transparent, including requiring the creation of a publicly accessible website which details the uniform screening panel nomination process. The bill also requires CDC to standardize data collection and reporting to track and monitor newborn screening in real time. Additionally, the bill orders a study on the modernization of newborn screening. The bill authorizes appropriations of \$60.65 million per year through FY 2024.

On July 11, 2019, the Subcommittee on Health met in open markup session and favorably forwarded H.R. 2507, amended, to the full Committee by a voice vote. An amendment offered by Reps. Kelly and Hudson (R-NC) that makes process improvements to help states implement screening recommendations was adopted by a voice vote.

XXII. H.R. 776, THE “EMERGENCY MEDICAL SERVICES FOR CHILDREN PROGRAM REAUTHORIZATION ACT OF 2019”

H.R. 776, the “Emergency Medical Services for Children Program Reauthorization Act of 2019” introduced by Reps. King (R-NY), Castor (D-FL), Butterfield, and Stewart (R-UT), would reauthorize the Emergency Medical Services for Children program at \$22.334 million each year through FY 2024.

On July 11, 2019, the Subcommittee on Health met in open markup session and favorably forwarded H.R. 776 to the full committee by a voice vote.

XXIII. H.R. 2035, THE “LIFESPAN RESPITE CARE REAUTHORIZATION ACT OF 2019”

H.R. 2035, the “Lifespan Respite Care Reauthorization Act of 2019” introduced by Reps. Langevin (D-RI) and Rodgers of WA, would reauthorize the Lifespan Respite Care program at \$20 million in FY 2020, and increase the funding level by \$10 million each year thereafter through FY 2024. It would also add new reporting requirements for program grantees.

On July 11, 2019, the Subcommittee on Health met in open markup session and favorably forwarded H.R. 2035, amended, to the full committee by a voice vote. An amendment offered by Rep. Eshoo that incorporates technical changes was adopted by a voice vote.

XXIV. H.R. 2296, THE “MORE EFFICIENT TOOLS TO REALIZE INFORMATION FOR CONSUMERS ACT (METRIC ACT)”

H.R. 2296, introduced as the “Fair Accountability and Innovative Research Drug Pricing (FAIR Drug Pricing) Act of 2019” by Reps. Schakowsky and Rooney (R-FL), would require certain drug manufacturers to submit documentation to the Secretary of the Department of Health and Human Services (HHS) 30 days before increasing the price of a qualifying drug. The bill requires manufacturers to report their justification for an increase in the wholesale acquisition cost (WAC) of a qualifying drug should the manufacturer decide to increase the price by ten percent or more over a 12-month period, or by 25 percent or more over a 36-month period. A manufacturer of a qualifying drug would be required to report the total expenditures for manufacturing the qualifying drug, the research and development expenditures for the drug, and total revenue and net profit generated by the drug, as well as other documentation as applicable.

On July 11, 2019, the Subcommittee on Health met in open markup session and favorably forwarded H.R. 2296, now entitled the “More Efficient Tools to Realize Information for Consumers Act” or “METRIC Act”, amended, by a voice vote. An AINS offered by Reps. Carter (R-GA) and Sarbanes (D-MD) was adopted by a voice vote. The AINS changes the qualifying drug provisions, the HHS reporting requirements, and reporting timeline for manufacturers of qualifying drugs in calendar year 2019. The AINS also includes provisions from the following bills: H.R. 2115, the “Public Disclosures of Drug Discounts Act”, introduced

by Reps. Spanberger (D-VA) and Arrington (R-TX); H.R. 2376, the “Prescription Pricing for the People Act”, introduced by Reps. Collins (R-GA) and Nadler (D-NY); H.R. 2064, the “Sunshine for Samples Act”, introduced by Reps. Chu (D-CA) and Nunes (R-CA); H.R. 2087, the “Drug Price Transparency Act”, introduced by Reps. Doggett (D-TX) and Buchanan (R-FL).

It is expected that a Manager’s Amendment will be offered during the full committee markup to make conforming and technical changes to the provisions adopted during Health Subcommittee markup.

XXV. H.R. 2328, THE “REAUTHORIZING AND EXTENDING AMERICA’S COMMUNITY HEALTH ACT” (THE “REACH ACT”)

H.R. 2328, introduced as the “Community Health Investment, Modernization, and Excellence Act of 2019” by Reps. O’Halloran (D-AZ) and Stefanik (R-NY), would reauthorize and extend funding for community health centers through the Community Health Center Fund (CHC Fund) as well as for the National Health Service Corps (NHSC).

On July 11, 2019, the Subcommittee on Health met in open markup session and favorably forwarded H.R. 2328, now entitled the “Reauthorizing and Extending America’s Community Health Act” or “REACH Act”, amended, by a voice vote. The AINS offered by Rep. Butterfield was adopted by a voice vote. In addition to four-year extensions of the CHC Fund at \$4 billion annually and NHSC at \$310 million annually, the AINS included four-year extensions of the following programs: \$126.5 million annually in funding for the Teaching Health Center Graduate Medical Education program, \$150 million annually each for the Special Diabetes Program and the Special Diabetes Program for Indians, \$6 million annually for Family to Family Health Information Centers, \$75 million annually for the Personal Responsibility Education Program, and \$75 million annually for the Sexual Risk Avoidance Program.

The AINS also included three-year extensions of certain expiring Medicare programs including: \$30 million annually for the contract with a consensus-based entity, such as the National Quality Forum, to support activities related to quality measurement and performance improvement; \$50 million annually in funding for low-income Medicare beneficiary outreach, enrollment, and education activities through State Health Insurance Assistance Programs, Area Agencies on Aging, Aging and Disability Resource Centers, and the National Center for Benefits and Outreach and Enrollment; extension of the Geographic Practice Cost Index (GPCI) floor; extension of the Patient-Centered Outcomes Research Institute (PCORI); extension of the Independence at Home Medical Practice Demonstration Program; and extension of the Limited-Income Newly Eligible Transition Program (LINET).

Additionally, the AINS included two bills that passed the House in the 115th Congress. H.R. 2371, the “Hearts Act,” introduced by Reps. Thompson (D-CA) and Ferguson (R-GA), allows military disability retirees under the age of 65 to decline to enroll in Medicare Part B in situations where their Social Security Disability Insurance payments have been terminated because they are gainfully employed, as well as allow them to continue to access their TRICARE benefits. H.R. 2293, the “Protecting Access to Wheelchairs Act” introduced by Reps. Larson

(D-CA) and Zeldin (R-NY), excludes complex rehabilitative manual wheelchairs from the Medicare durable medical equipment competitive bidding program.

An amendment to the AINS offered by Reps. Kennedy (D-MA), Hudson, Engel (D-NY), and Long (R-MO) was also adopted by voice vote. The amendment eliminated the allotment reductions for Medicaid disproportionate share hospitals (DSH) for FY 2020 and 2021 and lowers the reduction from \$8 billion to \$4 billion in FY 2022. It also required the Comptroller General to issue a report on the Medicaid DSH formula, and implements the Medicaid and CHIP Payment and Access Commission recommendation to make Medicaid upper payment limit (UPL) demonstrations public, effective FY 2022.

An AINS is expected to be offered to H.R. 2328 that will incorporate H.R. 3631, the “Territories Health Care Improvement Act,” H.R. 3630, the “No Surprises Act”, a Sense of Congress to recognize the need of a long-term solution to funding the U.S. territories’ Medicaid programs, as well as other technical changes.

A. H.R. 3631, the “Territories Health Care Improvement Act”

H.R. 3631, introduced by Reps. Soto and Bilirakis (R-FL), would increase Puerto Rico’s Medicaid funding to approximately \$3 billion annually for four years, increase the federal medical assistance percentage (FMAP) for four years, and make important program integrity improvements to Puerto Rico’s Medicaid program. It would require Puerto Rico to have an asset verification program in place by the end of the third year, and a payment error rate measurement program in place by the end of the fourth year. It would also provide six years of increased federal funding and increased FMAP for the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands. By the end of year four, the legislation would require all of the territories to have established a Transformed Medicaid Statistical Information System (T-MSIS) and a Medicaid Fraud Control Unit (MFCU).

On July 11, 2019, the Subcommittee on Health met in open markup session and favorably forwarded H.R. 3631 to the full Committee by a voice vote.

An amendment is expected to be offered to the AINS that will require additional oversight of the Puerto Rico Medicaid program.

B. H.R. 3630, the “No Surprises Act”

H.R. 3630, the “No Surprises Act” was introduced by Chairman Pallone and Ranking Member Walden on July 9, 2019. The bill would prohibit balance billing and limit patient cost-sharing to the in-network amount for emergency services. Additionally, the legislation would prohibit surprise medical bills from facility-based providers that patients cannot reasonably choose, whether arising from emergency care or scheduled care. The “No Surprises Act” establishes a payment benchmark to resolve out-of-network payment disputes between providers and insurers. H.R. 3630 would require that the insurer pay, at minimum, the median contracted rate (in-network rate) for the services in the geographic area where the services were delivered.

It also preserves a state's ability to determine its own solution to resolve out-of-network payment between insurers and providers for plans regulated by the state.

On July 11, 2019, the Subcommittee on Health met in open markup session and favorably forwarded H.R. 3630 to the full Committee by a voice vote.

XXVI. H.R. 3432, THE “SAFER PIPELINES ACT OF 2019”

Rep. Rush introduced H.R. 3432, the “Safer Pipelines Act of 2019” on June 24, 2019, to reauthorize the federal pipeline safety program, which expires on September 30, 2019.²

H.R. 3432 authorizes appropriations for the following Pipeline and Hazardous Materials Safety Administration (PHMSA) programs from FY 2020 through FY 2023:

- *Operational expenses*: \$24,215,000 in FY 2020; \$24,941,450 in FY 2021; \$26,460,000 in FY 2022; and \$27,254,000 in FY 2023.
- *Gas and hazardous liquid management*: \$160,800,000 in FY 2020; \$165,624,000 in FY 2021; \$170,600,000 in FY 2022; and \$175,700,000 in FY 2023.
- *Hazardous liquid funds from the Oil Spill Liability Trust Fund*: \$25 million each year in FY 2020 and FY 2021; and \$26 million each year in FY 2022 and FY 2023.
- *Underground natural storage facility safety*: \$9 million each year from FY 2020 through FY 2023.
- *Emergency response grants*: \$12 million each year from FY 2020 through FY 2023.
- *Pipeline safety information grants*: \$2 million each year from FY 2020 through FY 2023.
- *State damage prevention programs*: \$2 million each year from FY 2020 through FY 2023.
- *One-call notification programs*: \$2 million each year from FY 2020 through FY 2023.

The bill removes duplicative statutory cost-benefit requirements imposed solely on PHMSA and no other federal agency. Major pipeline safety rules would remain subject to the same economic analysis by the Office of Management and Budget that is applied to all other major rules. It also requires PHMSA, within two years of enactment, to promulgate a regulation to prioritize more effective technologies over direct assessment for interstate pipelines to fulfill statutory assessment obligations. For distribution systems, the bill requires PHMSA to study and report on the feasibility of reducing reliance on direct assessment for inspections.

H.R. 3432 makes changes to PHMSA's enforcement regime by (1) increases PHMSA's civil penalty authority; (2) removing the limit on total penalties in current law and (3) strengthens the criminal penalty standard, moving the standard from “knowingly and willfully” to “knowingly or recklessly.”

² The Protecting Our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2016 reauthorized the federal pipeline safety program through fiscal year 2019.

H.R. 3432 restores an individual's ability to bring civil action against PHMSA to compel the agency to carry out its statutory obligations. Additionally, the legislation strikes language in current law that prohibits pipeline safety information grants from being funded by user fees. For pipelines located in high consequence areas, the legislation requires operators, based on a risk assessment, to install automatic or remote shutoff valves for liquid and gas pipelines, as appropriate according to the individual pipeline facility unless PHMSA finalizes a previously required rulemaking first. Finally, it requires owners and operators of gas or hazardous liquid pipeline facilities to make critical operational information available on a segment basis to surrounding communities and first responders.

On June 26, 2019, the Subcommittee on Energy met in open markup session and favorably forwarded H.R. 3432 to the full Committee by a voice vote.