



COMMITTEE ON
ENERGY & COMMERCE

CHAIRMAN FRANK PALLONE, JR.

MEMORANDUM

November 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. _____, H.R. 2339, H.R. 4995, H.R. 4996, H.R. 1603, H.R. 535, H.R. 2699, H.R. 3851, H.R. 4779, H.R. 4229, H.R. 4227, H.R. 5000, H.R. 4998, H.R. 4461, H.R. 2881, H.R. 4500, H. Res. 575, and H.R. 5035

On **Tuesday, November 19, 2019, at 10 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 and measures:

H.R. _____, the “SAFER Pipeline Act of 2019”; **H.R. 2339**, the “Reversing the Youth Tobacco Epidemic Act of 2019”, as amended; **H.R. 4995**, the “Maternal Health Quality Improvement Act of 2019”; **H.R. 4996**, the “Helping Medicaid Offer Maternity Services (MOMS) Act of 2019”, as amended; **H.R. 1603**, the “Alan Reinstein Ban Asbestos Now Act of 2019”; **H.R. 535**, the “PFAS Action Act of 2019”; **H.R. 2699**, the “Nuclear Waste Policy Amendments Act of 2019”; **H.R. 3851**, the “Brand USA Extension Act of 2019”, as amended; **H.R. 4779**, a bill to extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006, and for other purposes; **H.R. 4229**, the “Broadband Deployment Accuracy and Technological Availability (DATA) Act”, as amended; **H.R. 4227**, the “Mapping Accuracy Promotes Services (MAPS) Act”; **H.R. 5000**, the “Studying How to Harness Airwave Resources Efficiently (SHARE) Act”; **H.R. 4998**, the “Secure and Trusted Communications Networks Act”, as amended; **H.R. 4461**, the “Network Security Information Sharing Act”, as amended; **H.R. 2881**, the “Secure 5G and Beyond Act”, as amended; **H.R. 4500**, the “Promoting United States Wireless Leadership Act of 2019”, as amended; **H. Res. 575**, Expressing the sense of the House of Representatives that all stakeholders in the deployment of 5G communications infrastructure should carefully consider and adhere to the recommendations of “The Prague Proposals”, as amended; and **H.R. 5035**, the “Television Viewer Protection Act”.

I. H.R. _____, THE “SAFE, ACCOUNTABLE, FAIR, AND ENVIRONMENTALLY RESPONSIBLE (SAFER) PIPELINES ACT OF 2019”

H.R. 3432, the “SAFER Pipelines Act of 2019”, introduced by Subcommittee on Energy Chairman Rush (D-IL) on June 24, 2019, reauthorizes the federal pipeline safety program. The Committee will consider H.R. _____, a bill reflecting the text of H.R. 5120, the “Safe, Accountable, Fair, and Environmentally Responsible Pipelines Act of 2019”.

H.R. ____ authorizes appropriations for the following Pipeline and Hazardous Materials Safety Administration (PHMSA) programs from fiscal year (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*: \$12,000,000 each year from FY 2020 through FY 2023.
- *Pipeline safety information grants*: \$2,000,000 each year from FY 2020 through FY 2023.
- *State damage prevention programs*: \$2,000,000 each year from FY 2020 through FY 2023.
- *One-call notification programs*: \$2,000,000 each year from FY 2020 through FY 2023.

H.R. ____ removes duplicative statutory cost-benefit requirements imposed on PHMSA and no other federal agency while ensuring that major pipeline safety rules remain subject to the same economic analysis by the Office of Management and Budget that is applied to all other major rules. It 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.

H.R. ____ also makes changes to PHMSA’s enforcement regime by increasing the agency’s civil penalty authority and removing the limit on total penalties in current law. Additionally, it strengthens the criminal penalty standard, moving the standard from “knowingly and willfully” to “knowingly or recklessly” and restores an individual’s ability to bring civil action against PHMSA to compel the agency to carry out its statutory obligations.

H.R. ____ requires operators to install automatic or remote shutoff valves for liquid and gas pipelines located in high consequence areas, as appropriate to the individual pipeline facility. It also requires operators to install and use advanced leak detection and gas capture technology on all gas pipelines, including existing pipelines and segments that are constructed or entirely replaced. It aims to further limit methane emissions by codifying a rule issued by the Environmental Protection Agency (EPA) in 2016 that sets limitations on methane emissions for certain equipment and activities across the natural gas and hazardous liquid source category.

II. H.R. 2339, THE “REVERSING THE YOUTH TOBACCO EPIDEMIC ACT OF 2019”

H.R. 2339, the “Reversing the Youth Tobacco Epidemic Act of 2019”, introduced by Chairman Pallone (D-NJ) and Rep. Shalala (D-FL) on April 14, 2019, provides a comprehensive solution to address the youth tobacco epidemic. This legislation increases the minimum age to purchase tobacco products to 21 and prohibits all flavored tobacco products, including menthol.

Additionally, H.R. 2339 directs the Food and Drug Administration (FDA) to: issue a final rule for graphic health warnings on cigarette packaging; extend FDA regulations that currently apply to cigarettes and smokeless tobacco to all tobacco products; prohibit all non-face-to-face retail sales of tobacco products; extend tobacco product user fees to all classes of tobacco products and increase the total tobacco user fees by \$100 million, and; issue a final rule regulating synthetic nicotine. H.R. 2339 makes it explicitly unlawful to market, advertise, or promote any ENDS in a manner that appeals to individuals under 21 years of age and instructs the Federal Trade Commission (FTC) to enforce this provision. Additionally, the bill requires the FTC to submit an annual report to Congress on the domestic sales and advertising and promotional activity of the manufacturers of cigarettes, cigars, smokeless tobacco, and ENDS with the largest market shares.

On November 13, 2019, the Subcommittee on Health met in open markup session and favorably forwarded H.R. 2339, amended, to the full Committee by a voice vote.

An AINS was offered by Chairman Pallone that made technical changes based on feedback from the FDA. It also clarified that 30 days after enactment an electronic nicotine delivery systems (ENDS) containing a characterizing flavor shall be prohibited unless the Secretary determines that the flavored ENDS will significantly increase the likelihood of smoking cessation among current users, will not increase the likelihood that individuals will start using any tobacco product, and the product is not more harmful than a product without a characterizing flavor. The AINS also clarifies that no individual who purchases or possesses for consumption a tobacco product that is a prohibited flavored tobacco product shall be subject to any criminal penalty under the statute.

Rep. Butterfield offered an amendment to the AINS that would provide grants for Community Health Worker outreach and education related to evidence-based smoking cessation strategies for people in medically underserved communities, especially among racial and ethnic minorities via the existing Community Health Worker grant program, which the bill reauthorizes for five years. It also created a demonstration grant program, authorized at \$3 million annually, for state, local, tribal, or territorial public health departments to support the development of improved evidence-based smoking cessation strategies for populations in medically underserved communities, improved communication and outreach tools to reach populations in medically underserved communities, and improved coordination, access, and referrals for smoking cessation.

Finally, Rep. Burgess offered an amendment to the AINS that would require the FDA to submit annual financial and performance reports on the tobacco product user fees collected under the Food, Drug, and Cosmetic Act starting in fiscal year 2020.

III. H.R. 4995, THE “MATERNAL HEALTH QUALITY IMPROVEMENT ACT OF 2019”

H.R. 4995, the “Maternal Health Quality Improvement Act of 2019”, introduced by Reps. Engel (D-NY), Bucshon, Torres Small (D-MN), Latta (R-OH), Adams (D-NC), and Stivers (R-OH) on November 8, 2019, creates and improves upon public health programs to address maternal health. Specifically, Title I of H.R. 4995 focuses on rural maternal health care, including improvements to data collection and coordination at the Centers for Disease Control and Prevention (CDC), the Office of Women’s Health, the Office of Research on Women’s Health at the National Institutes of Health (NIH), and in other public health programs. Title I also creates Rural Obstetric Networks to help women in eligible rural areas access maternity care, identify successful delivery models, develop a model for collaboration between health facilities that have obstetric care units and those that do not, collaborate with academic institutions, and measure and address inequities in health outcomes, with an emphasis on racial and ethnic minorities and underserved populations. Title I ensures obstetric care is an eligible service for telehealth grants and creates a demonstration program to train physicians, nurse practitioners, certified nurse midwives, and other clinical and non-clinical providers who provide maternity care in rural areas.

Title II of H.R. 4995 authorizes programs to improve maternity care across all settings. The bill authorizes grants for innovation in maternal health, a program currently known as the Alliance for Innovation on Maternal Health (AIM), including developing and disseminating best practices in providing maternal care. Title II also establishes a grant program for health professional schools to train health care professionals to reduce and prevent discrimination in providing maternal health care. The bill also directs the Department of Health and Human Services (HHS) to conduct a study and make recommendations for health professional training program best practices related to training to reduce and prevent discrimination. Additionally, the bill authorizes funding for a grant program for Perinatal Quality Collaboratives, state or multi-state networks of health care providers, hospitals, and public health officials working to improve perinatal care and health outcomes for pregnant and postpartum women and newborns. The bill also creates a grant program to integrate services for pregnant and postpartum women to reduce adverse maternal health outcomes.

On November 13, 2019, the Subcommittee on Health met in open markup session and favorably forwarded H.R. 4995 to the full Committee by a voice vote.

IV. H.R. 4996, THE “HELPING MEDICAID OFFER MATERNITY SERVICES (MOMS) ACT OF 2019”

H.R. 4996, the “Helping Medicaid Offer Maternity Services (MOMS) Act of 2019”, introduced by Reps. Kelly (D-IL), Burgess (R-TX), Underwood (D-IL), Rodgers, Pressley (D-MA), and Carter on November 8, 2019, gives states the option to extend the length of continuous postpartum eligibility for Medicaid to 12 months and provides a five percent increase to a state’s federal medical assistance percentage (FMAP) for the first year a state adopts the option. The bill requires the Medicaid and CHIP Payment and Access Commission (MACPAC) to conduct a study on barriers to accessing doula services in Medicaid and requires the Government Accountability Office (GAO) to report on ongoing coverage gaps in postpartum women’s health care.

On November 13, 2019, the Subcommittee on Health met in open markup session and favorably forwarded H.R. 4996 to the full Committee by a voice vote.

V. H.R. 1603, THE “ALAN REINSTEIN BAN ASBESTOS NOW ACT OF 2019”

H.R. 1603, the “Alan Reinstein Ban Asbestos Now Act of 2019”, introduced by Chairman Pallone, Reps. Bonamici (D-OR), and Slotkin (D-MI) on March 7, 2019, amends section 6 of TSCA (15 U.S.C. 2605) to prohibit the manufacture, processing, and distribution in commerce of asbestos and asbestos-containing mixtures and articles.

Section 2 of the bill has three subsections, each of which takes effect one year after enactment of the bill. Subsection 1 prohibits the manufacture, processing, and distribution in commerce of asbestos. Subsection 2 provides a limited exemption for national security reasons if no feasible alternative exists for the intended use. The exemption can last up to three years, with no more than one three-year-extension. Subsection 3 requires reporting by asbestos manufacturers, processors, or distributors currently operating or operating under an exemption.

Section 3 of the bill requires the Administrator of the Environmental Protection Agency (EPA), within 18 months of enactment and in consultation with the Secretary of Health and Human Services and the Secretary of Labor, to prepare and submit to Congress a report assessing the presence of asbestos in residential, commercial, industrial, public, and school buildings, as well as the risk posed to human health from that asbestos.

On September 26, 2019, the Subcommittee on Environment and Climate Change met in open markup and favorably forwarded H.R. 1603 to the full Committee by a voice vote.

VI. H.R. 535, THE “PFAS ACTION ACT OF 2019”

H.R. 535, the “PFAS Action Act of 2019”, introduced by Reps. Dingell (D-MI) and Upton (R-MI) on January 14, 2019, requires that within one year of enactment that the EPA Administrator shall designate all per- and polyfluoroalkyl substances (PFAS) as hazardous substances under section 102(a) of CERCLA (42 U.S.C. 9620).

On September 26, 2019, the Subcommittee on Environment and Climate Change met in open markup and favorably forwarded H.R. 535 to the full Committee by a voice vote. An AINS to H.R. 535 is expected to be offered. The AINS will incorporate text from 11 additional bills addressing PFAS, all of which were considered at the Subcommittee markup on September 26th. Those bills, listed below, were each favorably forwarded to the full Committee by a voice vote.

A. H.R. 2377, “Protect Drinking Water from PFAS Act of 2019”

H.R. 2377, the “Protect Drinking Water from PFAS Act of 2019”, introduced Reps. Boyle (D-PA) and Fitzpatrick (R-PA) on April 29, 2019, requires that no later than two years after enactment the EPA Administrator shall publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for total per- and polyfluoroalkyl substances.

B. H.R. 2533, “Providing Financial Assistance for Safe Drinking Water Act”

H.R. 2533, the “Providing Financial Assistance for Safe (PFAS) Drinking Water Act”, introduced by Chairman Pallone on May 7, 2019, amends the Safe Drinking Water Act (42 U.S.C. 300) to require the EPA Administrator to establish, within 180 days of enactment, a program to award grants to PFAS-affected water systems to pay the capital costs associated with eligible treatment technologies. The legislation further directs the EPA Administrator to create a list of eligible treatment technologies, defined as those that can remove all detectable amounts of PFAS from drinking water.

C. H.R. 2566, A bill to require the Administrator of the Environmental Protection Agency to revise the Safer Choice Standard to provide for a Safer Choice label for pots, pans, and cooking utensils that do not contain PFAS, and for other purposes

H.R. 2566, a bill to require the Administrator of the Environmental Protection Agency to revise the Safer Choice Standard to provide for a Safer Choice label for pots, pans, and cooking utensils that do not contain PFAS, and for other purposes, introduced by, Rep. Soto (D-FL) on May 7, 2019, requires that no later than one year of enactment the EPA Administrator shall revise the Safer Choice Standard to provide a Safer Choice label for pots, pans, and cooking utensils that do not contain PFAS.

D. H.R. 2577, “PFAS Right-To-Know Act”

H.R. 2577, the “PFAS Right-To-Know Act”, introduced by Rep. Delgado (D-NY) on May 8, 2019, amends section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023) to include per- and polyfluoroalkyl substances on the Toxics Release Inventory.

E. H.R. 2591, “PFAS Waste Incineration Ban Act of 2019”

H.R. 2591, the “PFAS Waste Incineration Ban Act of 2019”, introduced by Rep. Khanna (D-CA) on May 8, 2019, amends section 5 of the Solid Waste Disposal Act (42 U.S.C. 6924) to prohibit the disposal by waste incineration of fire-fighting foam containing per- and polyfluoroalkyl substances. The bill also requires the EPA Administrator, no later than 12 months after enactment, to promulgate regulations identifying additional wastes containing PFAS for which a prohibition on incineration may be necessary to protect human health.

F. H.R. 2596, “Protecting Communities from New PFAS Act”

H.R. 2596, the “Protecting Communities from New PFAS Act”, introduced by Rep. Kuster (D-NH) on May 8, 2019, amends section 5 of the Toxic Substances Control Act (15 U.S.C. 2604) such that any PFAS chemical substance for which a manufacturing and processing notice is submitted shall be deemed by the EPA Administrator to present an unreasonable risk of injury to health or the environment.

G. H.R. 2600, “Toxic PFAS Control Act”

H.R. 2600, the “Toxic PFAS Control Act”, introduced by Rep. Dean (D-PA) on May 8, 2019, amends section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) to prohibit the manufacture of any new PFAS chemical substance and prohibit the manufacture or process of any PFAS chemical substance as a significant new use.

H. H.R. 2605, “Prevent Release Of Toxics Emissions, Contamination, and Transfer (PROTECT) Act of 2019”

H.R. 2605, the “Prevent Release Of Toxics Emissions, Contamination, and Transfer (PROTECT) Act of 2019”, introduced by Rep. Stevens (D-MI) on May 8, 2019, directs the EPA Administrator to issue a final rule adding as a class all perfluoroalkyl and polyfluoroalkyl substances with at least one fully fluorinated carbon atom to the list of hazardous air pollutants under section 112(b) of the Clean Air Act (42 U.S.C. 7412(b)).

I. H.R. 2608, “PFAS Testing Act of 2019”

H.R. 2608, the “PFAS Testing Act of 2019”, introduced by Rep. Sean Patrick Maloney (D-NY) on May 9, 2019, requires comprehensive health testing of all PFAS under the Toxic Substances Control Act and reporting from all manufacturers and processors of PFAS on health, safety, and environmental impacts.

J. H.R. 2626, “PFAS Accountability Act of 2019”

H.R. 2626, the “PFAS Accountability Act of 2019”, introduced by Rep. Upton on May 9, 2019, amends the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 to require cleanups at Federal facilities to meet state limits for PFAS.

K. H.R. 2638, A bill to direct the Administrator of the Environmental Protection Agency to issue guidance on minimizing the use of firefighting foam containing PFAS, and for other purposes

On May 9, 2019, Rep. Fletcher (D-TX) introduced H.R. 2638, a bill to direct the Administrator of the Environmental Protection Agency to issue guidance on minimizing the use of firefighting foam containing PFAS, and for other purposes. The bill requires EPA to issue guidance for firefighters and other first responders to minimize the use of foam and other firefighting materials containing PFAS and to minimize their health risk from PFAS exposure.

VII. H.R. 2699, “THE NUCLEAR WASTE POLICY AMENDMENTS ACT OF 2019”

On May 14, 2019, Reps. McNerney (D-CA) and Shimkus (R-IL) introduced H.R. 2699, the “Nuclear Waste Policy Amendments Act of 2019”. A previous version of the bill, H.R. 3053, passed the House in the 115th Congress by a vote of 340 - 72. Like its precursor, H.R. 2699 amends the Nuclear Waste Policy Act to update the ability of the Department of Energy (DOE) to manage nuclear waste.

The bill addresses the need for both interim storage and long-term disposal of nuclear waste and spent nuclear fuel (SNF). In the near term, the bill gives DOE authority to site, construct, and operate one or more interim storage sites that would consolidate SNF from decommissioned reactors. One interim storage site would proceed notwithstanding the Nuclear Regulatory Commission’s (NRC) ultimate decision on a permanent repository, and subsequent interim storage sites could be licensed once NRC issues a final repository decision. The program would also prioritize the transfer of SNF from seismically active areas.

The bill would permit DOE to undertake “infrastructure activities” intended to enable construction and operation of a repository at Yucca Mountain in the State of Nevada, including safety upgrades, site preparation, construction of a rail line, and grid connection. That process would also allow the Federal Government to enter into agreements to provide financial benefits to state, local, and tribal governments that may be affected by storage and disposal of SNF. Additionally, H.R. 2699 establishes ratepayer protections by reforming the finance mechanism of the Nuclear Waste Fund and assures that DOE has adequate funding to construct and operate a repository.

The bill makes several updates to H.R. 3053, as passed in the 115th Congress. First, H.R. 2699 revises section 103 to prioritize interim storage of waste from closed nuclear plants located in earthquake-prone areas and areas close to water. Second, the bill updates section 604 to establish the Office of Spent Nuclear Fuel (previously named the Office of Civilian Radioactive Waste Management in H.R. 3053). The Director of the Office of Spent Nuclear Fuel still reports to the Secretary but would no longer have a tenure limitation. Lastly, H.R. 2699 does not include two provisions added as amendments to the previous bill, one requiring a report on the West Lake Landfill in Missouri and another banning SNF disposal in or near the Great Lakes.

On September 26, 2019, the Subcommittee on Environment and Climate Change met in open markup and favorably forwarded H.R. 2699 to the full Committee by a voice vote.

VIII. H.R. 3851, THE “BRAND USA EXTENSION ACT OF 2019”

H.R. 3851, the “Brand USA Extension Act of 2019”, introduced by Reps. Welch (D-VT) and Bilirakis (R-FL) on July 18, 2019, extends funding for Brand USA through September 30, 2027. In addition, it would moderately increase the fee used to partially fund the program.

On November 14, 2019, the Subcommittee on Consumer Protection and Commerce met in open markup session and favorably forwarded H.R. 3851, amended, to the full Committee by a voice vote. An amendment in the nature of a substitute (AINS) was offered by Rep. Carter (R-GA) and Subcommittee on Consumer Protection and Commerce Chairwoman Schakowsky (D-IL) and was adopted by a voice vote. The AINS reduces from 70 to 50 the percentage of in-kind contributions from the private sector that can count towards public matching funds; clarifies the qualifications for the members on the board of directors for Brand USA; clarifies additional methods by which Brand USA may carry out its duties; and adds additional transparency and accountability measures.

IX. H.R. 4779, A BILL TO EXTEND THE UNDERTAKING SPAM, SPYWARE, AND FRAUD ENFORCEMENT WITH ENFORCERS BEYOND BORDERS ACT OF 2006

Reps. Rodgers (R-WA), Kelly (D-IL), and Bucshon (R-IN) introduced H.R. 4779 on October 22, 2019. The bill reauthorizes the U.S. SAFE WEB Act of 2006 through September 30, 2027. The bill would also require the Federal Trade Commission (FTC) to issue a report to Congress describing the Commission’s use of and experience with the authority granted by the U.S. SAFE WEB Act.

On November 14, 2019, the Subcommittee on Consumer Protection and Commerce met in open markup session and favorably forwarded H.R. 4779 to the full Committee by a voice vote, without amendment.

X. H.R. 4229, THE “BROADBAND DEPLOYMENT ACCURACY AND TECHNOLOGICAL AVAILABILITY (DATA) ACT”

H.R. 4229, the “Broadband Deployment Accuracy and Technological Availability (Broadband DATA Act”, introduced by Reps. Loeb sack (D-IA) and Latta on September 6, 2019, requires the FCC to issue new rules to require the collection and dissemination of granular broadband availability data. It would also require the FCC to establish a process to verify the accuracy of such data, including by using data submitted by other government entities or the public. In addition, the bill would require the FCC to use this data to create coverage maps based on a serviceable location fabric map regarding fixed broadband.

On November 14, 2019, the Subcommittee on Communications and Technology met in open markup session and forwarded H.R. 4229, amended, to the full Committee by a voice vote.

An AINS was offered by Reps. Loeb and Latta that provided technical edits including: (1) increasing the public availability of the data; (2) requiring FCC consultation with the Federal Geographic Data Committee; (3) requiring the FCC to coordinate with the Postmaster General regarding the crowdsourcing of broadband availability data; and (4) requiring the FCC to issue a study on how automated tools can predict inaccuracies in the FCC's broadband maps, among other things. The AINS also adds a \$25 million authorization of appropriations in the first year and a \$9 million annual authorization of appropriations through FY 2028. The AINS was agreed to by a voice vote.

XI. H.R. 4227, “THE MAPPING ACCURACY PROMOTES SERVICES (MAPS) ACT”

H.R. 4227, the “Mapping Accuracy Promotes Services (MAPS) Act”, introduced by Reps. McEachin (D-VA) and Long (R-MO) on September 6, 2019, specifies that it is unlawful for a person to willfully, knowingly, or recklessly submit broadband service data that is inaccurate.

On November 14, 2019, the Subcommittee on Communications and Technology met in open markup and favorably forwarded H.R. 4227 to the full Committee by a voice vote.

XII. H.R. 5000, THE “STUDYING HOW TO HARNESS AIRWAVE RESOURCES EFFICIENTLY (SHARE) ACT OF 2019”

H.R. 5000, the “Studying How to Harness Airwave Resources Efficiently Act of 2019” (SHARE Act), reintroduced by Subcommittee on Communications and Technology Chairman Doyle (D-PA) and Rep. Latta on November 8, 2019, after originally introducing it on September 24, 2019, requires the National Telecommunications and Information Administration (NTIA), in consultation with the FCC, to establish a spectrum sharing and prototyping program and test bed to explore new ways for federal entities to share spectrum with other federal entities. The legislation would authorize \$50 million for NTIA to establish the spectrum sharing prototyping and test bed program. It would also require NTIA and the FCC, in consultation with the National Institute of Standards and Technology, to submit a report to Congress on how to improve and expand the spectrum sharing techniques developed for the 3.5 GHz band, or other spectrum sharing strategies, and consider their applicability to other bands, including 3.1 GHz to 3.55 GHz and 7.1 GHz to 8.4 GHz, among other considerations.

On November 14, 2019, the Subcommittee on Communications and Technology met in open markup and favorably forwarded H.R. 5000 to the full Committee by a voice vote.

XIII. H.R. 4998, THE “SECURE AND TRUSTED COMMUNICATIONS NETWORKS ACT”

H.R. 4459, the “Secure and Trusted Communications Networks Act”, reintroduced by Chairman Pallone and Reps. Walden (R-OR), Matsui (D-CA), and Guthrie (R-KY), on November 8, 2019, after originally introducing it on September 24, 2019, instructs the FCC to develop and maintain a list of communications equipment and services that pose an unacceptable

risk to national security and prohibits the use of funds made available by FCC programs to purchase, rent, lease, or otherwise obtain such equipment and services. The bill also establishes the Secure and Trusted Communications Reimbursement Program to assist communications providers with the costs of removing prohibited equipment and services from their networks and replacing prohibited equipment with more secure communications equipment and services.

On November 14, 2019, the Subcommittee on Communications and Technology met in open markup session and forwarded H.R. 4998, amended, to the full committee by a voice vote.

Chairman Pallone and Rep. Walden offered a Manager's Amendment that modifies the start of the 1-year clock to complete equipment replacement from the date of application approval to the date reimbursement funds are received and makes other technical edits. The Manager's Amendment was agreed to by a voice vote.

XIV. H.R. 4461, THE "NETWORK SECURITY INFORMATION SHARING ACT OF 2019"

H.R. 4461, the "Network Security Information Sharing Act of 2019", introduced by Reps. Kinzinger (R-IL) and Doyle on September 24, 2019, directs the Secretary of Homeland Security, in cooperation with the Director of National Intelligence (DNI), the Director of the Federal Bureau of Investigation, NTIA, and the FCC, to establish a program to share supply chain security risks with advanced communications service providers and trusted suppliers of telecommunications equipment and services.

On November 14, 2019, the Subcommittee on Communications and Technology met in open markup session and forwarded H.R. 4461, amended, to the full committee by a voice vote.

Rep. Kinzinger (R-IL) introduced an amendment to remove the program's authorization limitation. The amendment was agreed to by a voice vote.

XV. H.R. 2881, THE "SECURE 5G AND BEYOND ACT OF 2019"

H.R. 2881, the "Secure 5G and Beyond Act of 2019", introduced by Reps. Spanberger (D-VA), Brooks (R-IN), O'Halleran (D-AZ), Stefanik (R-NY), Slotkin, and Rooney (R-FL) on May 21, 2019, directs the President to develop the "Secure Next Generation Mobile Communications Strategy" in consultation with the heads of the FCC, NTIA, and Department of Homeland Security, as well as the DNI and Secretary of Defense.

The Secure Next Generation Mobile Communications Strategy is intended to: (1) ensure the security of 5G communications systems and infrastructure in the United States; (2) assist mutual defense allies and strategic partners in maximizing the security of 5G networks and infrastructure in their countries; and (3) protect the competitiveness of U.S. companies, the privacy of American consumers, and the integrity of standards-setting bodies against political influence.

On November 14, 2019, the Subcommittee on Communications and Technology met in open markup session and forwarded H.R. 2881, amended, to the full committee by a voice vote.

Reps. O'Halleran and Brooks introduced an AINS that adds additional elements to the Strategy required under the bill including those related to (1) an assessment of the full range of threats to 5G and future generations of wireless communications systems; (2) an assessment of the global competitiveness and vulnerabilities of US manufacturers of 5th generation and future generations of wireless technologies; (3) encouraging greater participation in 5G standards-setting bodies; (4) requiring a strategy for diplomatic engagement; and (5) adding a public comment period, among other things. The AINS was agreed to, amended, by a voice vote.

Reps. Cárdenas (D-CA) and Brooks introduced an amendment to the AINS which specifies that the strategy under the bill may not include a recommendation or proposal related to commercial spectrum sharing unless approved by the FCC. The amendment to the AINS was agreed to by a voice vote.

XVI. H.R. 4500, THE “PROMOTING UNITED STATES WIRELESS LEADERSHIP ACT OF 2019”

H.R. 4463, the “Promoting United States Wireless Leadership Act of 2019”, introduced by Reps. Walberg (R-MI) and Dingell on September 26, 2019, directs NTIA to encourage participation by trusted American companies and other stakeholders in standards-setting bodies, and to offer technical assistance to such stakeholders that elect to participate, in the course of developing standards for 5G networks and future generations of communications networks.

On November 14, 2019, the Subcommittee on Communications and Technology met in open markup session and forwarded H.R. 4500, amended, to the full committee by a voice vote.

Reps. Walberg and Clarke (D-NY) introduced an amendment to require equitable participation by stakeholders and conform the definition of “trusted” to language included in the Secure and Trusted Communications Networks Act. The amendment was agreed to by a voice vote.

XVII. H. RES. 575, EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT ALL STAKEHOLDERS IN THE DEPLOYMENT OF 5G COMMUNICATIONS INFRASTRUCTURE SHOULD CAREFULLY CONSIDER AND ADHERE TO THE RECOMMENDATIONS OF “THE PRAGUE PROPOSALS”

Reps. Flores (R-TX) and Soto (D-FL) introduced H. Res. 575 on September 24, 2019. This resolution expresses the sense of the House of Representatives that stakeholders involved in the deployment of 5G communications infrastructure should consider adherence to the international security recommendations adopted at the Prague 5G Security Conference in May 2019, known as “The Prague Proposals”. The resolution also encourages the President and federal agencies to promote trade and security policies on the international stage that are consistent with “The Prague Proposals”.

On November 14, 2019, the Subcommittee on Communications and Technology met in open markup session and forwarded H. Res. 575, amended, to the full committee by a voice vote.

Rep. Flores (R-TX) introduced an amendment to make technical corrections and specify that the resolution applies to all 5G networks, not just those that are public. The amendment was agreed to by a voice vote.

XVIII. H.R. 5035, the “TELEVISION VIEWER PROTECTION ACT”

H.R. 5035, the “Television Viewer Protection Act”, introduced by Subcommittee on Communications and Technology Chairman Doyle on November 12, 2019, extends for five years the “good faith” negotiation provisions and allows for the importation of distant signals to unserved households as authorized under the statutory license in Section 119 of the Copyright Act. The Television Viewer Protection Act allows smaller MVPDs to collectively negotiate for retransmission consent with large broadcasters. Additionally, it requires MVPDs, internet service providers, and telephone providers (both fixed and mobile) to include all charges in the prices they advertise and bill for services. Lastly, the bill requires greater transparency in electronic bills and provides remedies to consumers for certain increases in charges.

On November 14, 2019, the Subcommittee on Communications and Technology met in open markup and favorably forwarded H.R. 5053 to the full Committee by a voice vote.