

OVERSIGHT PLAN FOR THE COMMITTEE ON ENERGY AND COMMERCE,
U.S. HOUSE OF REPRESENTATIVES, 113TH CONGRESS

During the 113th Congress, the Committee on Energy and Commerce will hold hearings and conduct rigorous oversight over matters within its jurisdiction. The Committee will conduct thorough oversight, reach conclusions based on an objective review of the facts, and treat witnesses fairly. The Committee will request information in a responsible manner that is calculated to be helpful to the Committee in its oversight responsibilities. The Committee's oversight functions will focus on: 1) cutting government spending through the elimination of waste, fraud, and abuse and 2) ensuring laws are adequate to protect the public interest or are being implemented in a manner that protects the public interest, without stifling economic growth.

HEALTH AND HEALTHCARE ISSUES

PATIENT PROTECTION AND AFFORDABLE CARE ACT

In the 113th Congress, the Committee will continue to examine issues related to the Department of Health and Human Services implementation of Public Law 111-148, The Patient Protection and Affordable Care Act (PPACA) and the related Health Care and Education Reconciliation Act of 2010, Public Law 111-152. This will include the numerous provisions contained within the law that affect the private insurance market in the United States, the creation of health insurance exchanges, and the operation of those exchanges by either the states or the federal government. The Committee will also examine the regulations and requirements imposed on both small and large businesses, and the law's effects on individuals.

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

CENTERS FOR MEDICARE AND MEDICAID SERVICES

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

access to health insurance and health care. The Committee will investigate the processes by which CMS prevents bias, waste, fraud, and abuse in the award of government contracts.

FOOD AND DRUG ADMINISTRATION AND DRUG SAFETY

The Committee will review whether the Food and Drug Administration (FDA) is ensuring that regulated drugs are safe, effective, and available to American patients in an expeditious fashion. The Committee will also explore the interplay between these policies and drug innovation, both in the United States and abroad. Further, the Committee will examine FDA's enforcement of current drug safety laws and the issues involved in protecting the nation's supply chains against economically motivated and other forms of adulteration. The Committee will continue its investigation of FDA's handling of the 2012 fungal meningitis outbreak linked to contaminated, compounded drugs.

PUBLIC HEALTH

The Committee will examine the roles of various federal agencies involved in insuring and protecting the public health, including the implementation and management of these programs. In particular, the Committee will review federal efforts on mental health and pandemic preparedness, including influenza preparedness.

TOBACCO

The Committee will examine the implementation of the 2009 Family Smoking Prevention and Tobacco Control Act, including regulatory actions by the Food and Drug Administration.

ENERGY AND ENVIRONMENT ISSUES

NATIONAL ENERGY POLICY

During the 113th Congress, the Committee will examine issues relating to national energy policy, including U.S. policies that relate to production, supply, and consumption of electricity, oil and natural gas, coal, hydroelectric power, nuclear power, hydraulic fracturing, and renewable energy. The Committee will examine the impact of government policies and programs on the exploration, production, and development of domestic energy resources, including issues relating to the nation's current energy infrastructure. The Committee will also continue to examine safety and security issues relating to energy exploration, production and distribution.

ELECTRICITY MARKETS

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

MANAGEMENT OF THE DEPARTMENT OF ENERGY AND ITS NATIONAL LABORATORIES

The Committee will oversee management and operations issues at the Department of Energy (DOE), including oversight, management, and operations of the National Nuclear Security Administration

(NNSA) and the national laboratories. The Committee's oversight work will include a review of the implementation of security and safety reforms at NNSA and DOE facilities, ongoing safety and security matters, the Office of Environmental Management's cleanup program, and DOE's implementation of the Nuclear Waste Policy Act.

YUCCA MOUNTAIN

The Committee will examine the financial and other implications of DOE's decision to abandon licensing for Yucca Mountain as a nuclear waste repository, and the potential impact of this action on the future of nuclear energy in the United States. The Committee will also continue to examine the actions of the Nuclear Regulatory Commission (NRC) in connection with its obligations under the Nuclear Waste Policy Act.

THE NUCLEAR REGULATORY COMMISSION

The Committee will review the activities of the Nuclear Regulatory Commission. The Committee will examine NRC's budget requests and conduct oversight of the manner in which the Commission discharges its various responsibilities, including licensing activity, the safety and security of nuclear power facilities, and the agency's post-Fukushima regulatory changes.

CLEAN AIR ACT

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

CLIMATE CHANGE

The Committee will continue to monitor international negotiations on efforts to control greenhouse gas emissions in connection with concerns about global climate change. In addition, the Committee will examine the EPA's efforts to regulate domestic greenhouse gas emissions under the Clean Air Act based on its endangerment finding. The Committee will consider whether such agreements and regulatory efforts are scientifically well grounded. The Committee will also review the activities undertaken in this area by the Department of Energy (DOE), the Department of Health and Human Services (HHS), and other agencies within the Committee's jurisdiction, including efforts to prepare for and respond to weather events and natural disasters in the future.

EPA MANAGEMENT AND OPERATIONS

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

INVESTMENT IN THE GREEN ENERGY SECTOR

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

COMMUNICATIONS AND TECHNOLOGY ISSUES

A MODERN COMMUNICATIONS FRAMEWORK FOR THE INNOVATION AGE

The Committee will exercise its jurisdiction over wired and wireless communications to ensure our nation's policies governing voice, video, audio and data services are promoting investment, innovation and job creation. The country's current regulatory regime takes a siloed approach in which different technological platforms—such as wireline, wireless, broadcast, cable, and satellite—are regulated differently based on regulations that may be decades old. As we move deeper into the Internet era, however, providers are increasingly using these platforms to offer the same or similar services. The committee will examine whether these regulations should be updated to better meet the communications needs of the country and ensure its citizen enjoy cutting edge services, as well as the economic benefits they bring.

FEDERAL COMMUNICATIONS COMMISSION

During the 113th Congress, the Committee will conduct oversight of the Federal Communications Commission (FCC), including the effect of the FCC's decisions on innovation and the U.S. economy. Among other things, the Committee will evaluate the impact generally of FCC actions on voice, video, audio, and data services, and on public safety. The Committee will pay particular attention to whether the FCC conducts cost-benefit and market analyses before imposing regulations. The Committee will also conduct oversight to improve FCC procedures and transparency.

SPECTRUM MANAGEMENT

The Committee will conduct oversight of the Federal Communications Commission's and the National Telecommunications and Information Administration's (NTIA) management and allocation of the nation's spectrum for commercial and government use. Spectrum is increasingly being used to provide voice, video, audio, and data services to consumers. The Committee will evaluate spectrum-management policies to ensure efficient use of the public airwaves for innovative communications services. The Committee will also examine whether plans for allocating spectrum maximizes broadband deployment and encourages investment. The Committee will pay particular attention to FCC and NTIA implementation of the Middle Class Tax Relief and Job Creation Act of 2012, which is intended to make more spectrum available for mobile broadband services as well as raise as much as \$7 billion in spectrum auction proceeds to help build a nationwide, interoperable public safety broadband network.

BROADBAND

The Committee will investigate whether regulatory policies are helping or hindering broadband deployment. For example, the Committee will conduct oversight of the \$7 billion dollars allocated by the ARRA to the National Telecommunications and Information Administration and the Rural Utility Service (RUS) for broadband grants and loans. In particular, the Committee will examine what procedures are in

place to control waste, fraud, and abuse of broadband stimulus funds, whether the funds were appropriately targeted, and the impact of the funding on jobs and the economy.

INTERNET GOVERNANCE

The Committee will exercise its jurisdiction over wired and wireless communications to ensure continued growth and investment in the Internet. In particular, the Committee will monitor efforts to replace the successful multi-stakeholder model of Internet governance—in which non-governmental entities develop best practices for the management of Internet networks and content—with regulation.

PUBLIC SAFETY COMMUNICATIONS

The Committee will examine whether the communications needs of first responders are being met. The Committee will examine the progress being made to ensure that first responders have interoperable communications capabilities with local, state, and federal public safety officials. The Committee will also consider whether first responders have an adequate amount of spectrum for voice, video, and data transmissions. In addition, the Committee will conduct oversight regarding the implementation of legacy 911 and Next Generation 911 (NG911) services. NG911 relies on IP-based architecture rather than the PSTN-based architecture of legacy 911 to provide an expanded array of emergency communications services that encompass both the core functionalities of legacy E911 and additional functionalities that take advantage of the enhanced capabilities of IP-based devices and networks.

COMMERCE, MANUFACTURING, AND TRADE ISSUES

PRIVACY AND DATA SECURITY

In the 113th Congress, the Committee will examine issues relating to the privacy and security of information and data collected by businesses about consumers and the potential for improving protection without undercutting innovative uses that benefit consumers and the economy. Further, the Committee will continue to review the manner in which fraud and other criminal issues affect e-commerce.

MANUFACTURING AND TRADE

The Committee will explore the state of manufacturing in the United States to identify factors that are hampering or furthering U.S. competitiveness. The Committee will review the issues presented by the globalization of production and manufacturing networks, including the integrity of products and components assembled overseas and the impact on national security.

DEPARTMENT OF COMMERCE MANAGEMENT AND OPERATIONS

The Committee will conduct oversight of the Commerce Department and complementary or conflicting federal efforts to promote U.S. manufacturing, exports, and trade, including efforts to lower or eliminate non-tariff barriers and harmonize regulation of products sold internationally where other countries share our health, safety, and consumer protection goals.

CONSUMER PRODUCT SAFETY COMMISSION MANAGEMENT AND OPERATIONS

The Committee will continue oversight of the CPSC and its implementation and enforcement of laws and regulations relating to the safety of consumer products, including the agency's implementation of Public Law No. 112-28 and determination of priorities.

NHTSA MANAGEMENT AND OPERATIONS

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

FEDERAL TRADE COMMISSION MANAGEMENT AND OPERATIONS

The Committee will conduct oversight of the Federal Trade Commission's management and operations, including the impact of its decisions and actions on the general public and the business community, its determination of priorities and the need, if any, for refinement of its authorities.

MISCELLANEOUS

CYBERSECURITY

The Committee will exercise its jurisdiction over cybersecurity to ensure the country is well protected while at the same time avoiding one-size-fits all approaches that hinder the flexibility of commercial and governmental actors need to combat the rapidly evolving threats. The Committee will also review the efforts of agencies within its jurisdiction to secure their networks consistent with the Homeland Security Act of 2002. This Act included a separate legislative provision entitled the Federal Information Security Management Act, which reauthorized and enhanced a government-wide cyber security program under the direction of the Office of Management and Budget (OMB).

STIMULUS SPENDING

In the 113th Congress, the Committee will continue to monitor issues of waste, fraud, abuse, and effectiveness of spending related to the American Recovery and Reinvestment.

BIOTERRORISM PREPAREDNESS AND RESPONSE

The Committee continues its investigation of the BioWatch program, the nation's first early detection and warning capability for biological attacks, and its impact on the nation's public health system. Among the goals of this investigation are to determine how the BioWatch program is performing and whether it is meeting public protection goals. The Committee will continue to review the implementation of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 by HHS, and the extent of the coordination between HHS and the Department of Homeland Security.

FEDERAL OVERSIGHT OF HIGH-CONTAINMENT BIO LABORATORIES

The Committee will examine issues related to high-containment bio laboratories, which handle some of the world's most exotic and dangerous diseases, including anthrax, smallpox, foot and mouth disease and Ebola virus. Among the issues under review are whether Federal plans or efforts to oversee high-containment bio laboratories are adequate, and whether some of these efforts are duplicative and overlapping.

ANTI-TERRORISM SECURITY FOR CHEMICAL FACILITIES

The Committee will continue its oversight of the Department of Homeland Security's implementation of the Chemical Facilities Ant-Terrorism Program, originally authorized in Section 550

of P.L. 109-295, the Homeland Security Appropriations Act of 2007. The Committee will continue to examine whether taxpayer funds are spent prudently and the extent to which the Department is advancing the purpose of securing chemical facilities against terrorist threats.

GOVERNMENT SCIENTIFIC AND RISK ASSESSMENT PROGRAMS

During the 113th Congress, the Committee will examine issues relating to the numerous federal science programs assessing public health risks, including the Integrated Risk Information System at the Environmental Protection Agency, the Report on Carcinogens produced by the National Toxicology Program at the Department of Health and Human Services, and assessments proposed or ongoing in other federal departments and agencies. The Committee will review programs to assess the objectives, transparency, and integrity of scientific assessments that inform regulatory and public health policies.

CONTROLLING SPENDING

The Committee will examine Departments and agencies under its jurisdiction to assure adequate and prompt implementation of recommendations from the Administration, the Offices of Inspectors General, the GAO or other sources to achieve cost savings or eliminate wasteful spending.

CRITICAL INFRASTRUCTURE

In June 2006, the Bush Administration issued a National Infrastructure Protection Plan. This plan created a process by which the Department of Homeland Security (DHS) is to identify critical assets and assess their vulnerabilities and risks due to loss or natural disaster. During the 113th Congress, the Committee will review the Department's activities with respect to identifying high-priority assets and implementing plans to protect these assets in areas within the Committee's jurisdiction.

NUCLEAR SMUGGLING

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