

July 10, 2018

TO: Members, Committee on Energy and Commerce

FROM: Committee Majority Staff

RE: Full Committee Markup

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## I. INTRODUCTION

The Committee on Energy and Commerce will meet in open markup session on July 12, 2018, in 2123 Rayburn House Office Building at 10:00 a.m. to consider the following:

### **HEALTH**

- H.R. 959, Title VIII Nursing Workforce Reauthorization Act of 2017, as forwarded by the Subcommittee on Health on June 27, 2018;
- H.R. 1676, Palliative Care and Hospice Education and Training Act, as forwarded by the Subcommittee on Health on June 27, 2018;
- H.R. 3728, Educating Medical Professionals and Optimizing Workforce Efficiency Readiness Act of 2017, as forwarded by the Subcommittee on Health on June 27, 2018;
- H.R. 5385, Children’s Hospital GME Support Reauthorization Act of 2018, as forwarded by the Subcommittee on Health on June 27, 2018;
- H.Res. 982, Of inquiry;

### **ENVIRONMENT**

- H.R. 2278, Responsible Disposal Reauthorization Act of 2017, as forwarded by the Subcommittee on Environment on June 27, 2018;
- H.R. 2389, To reauthorize the West Valley demonstration project, and for other purposes, as forwarded by the Subcommittee on Environment on June 27, 2018;

### **ENERGY**

- H.R. 1320, Nuclear Utilization of Keynote Energy Act, as forwarded by the Subcommittee on Energy on June 21, 2018;
- H.R. 6140, Advanced Nuclear Fuel Availability Act, as forwarded by the Subcommittee on Energy on June 21, 2018;

### **Digital Commerce and Consumer Protection**

- H.R. 6032, State of Modern Application, Research, and Trends of IoT Act, as forwarded by the Subcommittee on Digital Commerce and Consumer Protection on June 13, 2018;

### **Communications and Technology**

- H.R. 2345, National Suicide Hotline Improvement Act of 2017, as forwarded by the Subcommittee on Communications and Technology on June 13, 2018;
- H.R. 3994, Advancing Critical Connectivity Expands Service, Small Businesses Resources, Opportunities, Access, and Data Based on Assessed Need and Demand Act, as forwarded by the Subcommittee on Communications and Technology on June 13, 2018;

- H.R. 4881, Precision Agriculture Connectivity Act of 2018, as forwarded by the Subcommittee on Communications and Technology on June 13, 2018; and
- H.R. 5709, Preventing Illegal Radio Abuse Through Enforcement Act, as forwarded by the Subcommittee on Communications and Technology on June 13, 2018.

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

## II. EXPLANATION OF LEGISLATION

### HEALTH

#### 1. **H.R. 959, Title VIII Nursing Workforce Reauthorization Act of 2017**

H.R. 959 amends Title VIII of the Public Health Service Act (PHSA) to reauthorize nursing workforce development programs, which support the recruitment, retention, and advanced education of skilled nursing professionals. The bill extends advanced education nursing grants to support clinical nurse specialists and clinical nurse leaders, defines nurse-managed health clinics, adds clinical nurse specialists to the National Advisory Council on Nurse Education, and reauthorizes loan repayments, scholarships, and grants for education, practice, quality, and retention.

#### 2. **H.R. 1676, Palliative Care and Hospice Education and Training Act**

H.R. 1676 directs the Department of Health and Human Services (HHS) to award grants to improve the training of health professionals in palliative care. It increases education and awareness about the benefits and services of palliative care, and enhances research on palliative care through leveraging existing authorities and funds at the National Institutes of Health (NIH).

#### 3. **H.R. 3728, Educating Medical Professionals and Optimizing Workforce Efficiency Readiness Act of 2017**

H.R. 3728 amends Title VII of the Public Health Service Act (PHSA) to reauthorize the health professions workforce programs that support loan repayment and provider training experiences in primary care, dentistry, rural or underserved areas, and in community-based settings. These programs include the Centers of Excellence, the Health Professions Training for Diversity Program, Primary Care Training and Enhancement grants, Training in General Pediatric and Public Health Dentistry grants, Area Health Education Centers, the National Center for Healthcare Workforce Analysis, and the Public Health Workforce grants. The bill also restructures the geriatric health professional grant program to reflect changes that the Health Resources and Services Administration (HRSA) has pursued to enhance outcomes for geriatric patients.

**4. H.R. 5385, Children’s Hospital GME Support Reauthorization Act of 2018**

H.R. 5385 reauthorizes payments to Children’s Hospitals that operate graduate medical education (GME) programs for five years. This legislation will continue to enable the nation’s freestanding children’s hospitals to provide education to graduates of medical schools, enhance pediatric research capabilities, and care for vulnerable and underserved children.

**5. H.Res. 982, Of inquiry**

H.Res. 982 requests specified documents, memoranda, advisory legal opinions, notes from meetings, audio recordings, records (including telephone and electronic mail records), correspondence, and other communications.

**ENVIRONMENT**

**6. H.R. 2278, Responsible Disposal Reauthorization Act of 2017**

H.R. 2278 amends the Uranium Mill Tailings Radiation Controls Act of 1978 to extend the authorization for the Secretary of Energy to continue the operation of the disposal site in Mesa County, Colorado (known as the Cheyney disposal cell) for receiving and disposing of residual radioactive material from processing sites and of byproduct material from property in the vicinity of the uranium milling site located in Monticello, Utah, from September 30, 2023 to September 30, 2048.

**7. H.R. 2389, To reauthorize the West Valley demonstration project, and for other purposes**

H.R. 2389 amends section 3 of the West Valley Demonstration Project Act (WVDP) to authorize \$75 million for each of fiscal years 2019 through 2028 for a high level radioactive waste management demonstration project at the Western New York Service Center (Center) in West Valley, New York. The legislation also requires the Comptroller General to submit a report not later than 24 months describing (1) the volumes and types of radioactive waste at the Center, (2) options, costs, timeframes, and benefits and challenges for each disposal option, and (3) how much has been spent on high-level radioactive waste disposal to date.

**ENERGY**

**8. H.R. 1320, Nuclear Utilization of Keynote Energy Act**

H.R. 1320 revises the Nuclear Regulatory Commission’s (NRC or Commission) assessment and collection of user fees and annual charges, provides for certain reports on requirements under the Atomic Energy Act (AEA) and revises certain procedures and processes relating to the NRC’s regulatory requirements. The legislation also exempts funding

provided for the development of a regulatory infrastructure for advanced nuclear reactor technologies from the existing fee-recovery requirements, and it sunsets existing fee-recovery requirements and makes new fees and charges effective on October 1, 2020.

#### **9. H.R. 6140, Advanced Nuclear Fuel Availability Act**

H.R. 6140 requires the Secretary of Energy to establish a program to make high-assay low enriched uranium (HA-LEU) available for domestic commercial use. The program directs the Secretary, acting through the Office of Nuclear Energy, to provide financial assistance to develop and license transportation package designs for the shipment of HA-LEU, to submit those designs to the Nuclear Regulatory Commission by September 30, 2021, and for those designs to be certified by the Commission by September 30, 2023.

The legislation requires the Secretary to submit a report to Congress by January 1, 2020, on the Department's uranium inventory, which may be processed into HA-LEU. The Secretary also must conduct periodic surveys to assess the quantity of HA-LEU necessary for domestic commercial use and assess options to acquire HA-LEU for domestic commercial use with cost and time requirements for each option. The Secretary may establish a consortium of entities in the nuclear fuel cycle for the HA-LEU program and to purchase the material. The legislation also requires the Secretary to develop criticality benchmark data to inform the requirements established by regulation for category 2 fuel cycle facilities and HA-LEU transportation packages. HA-LEU made available to members of the consortium shall not be subject to the Secretarial determination required by the USEC Privatization Act. Financial assistance made available to develop and license transportation package designs require a 20 percent cost share and \$1,500,000 is authorized for each of fiscal years 2019 through 2021 for such financial assistance agreements.

H.R. 6140 requires the Nuclear Regulatory Commission to submit a report not later than 12 months after the date of enactment that includes a list of regulations, certifications, and other regulatory policies necessary for HA-LEU to be commercially available and include a description and timeline to complete such updates.

### **DIGITAL COMMERCE AND CONSUMER PROTECTION**

#### **10. H.R. 6032, State of Modern Application, Research, and Trends of IoT Act**

H.R. 6032 requires the Secretary to conduct a study on the state of the internet-connected devices industry through outreach to the private sector and to develop a list of industry sectors that develop internet-connected devices; a list of public-private partnerships that are focused on IoT, as well as industry-based bodies that have developed or are developing industry standards; a status update on those industry-based standards; and a description of the ways entities develop, use, or promote the use of IoT devices.

H.R. 6032 requires the Secretary to develop a list of Federal agencies with jurisdiction over entities in the IoT industry; identify which Federal agencies entities in the IoT industry

interact with; identify all Federal interagency activities on IoT issues; develop a brief description of the jurisdiction and expertise of the Federal agencies who assert jurisdiction over entities in the IoT industry; identify all regulations, guidelines, mandatory standards, voluntary standards and other policies that currently exist; and identify Federal Government resources that exist for consumers and small businesses. Additionally, H.R. 6032 requires the Secretary to submit a report to Congress within 1 year of enactment with the results of the study and recommendations for the growth of the U.S. economy through the secure advancement of internet-connected devices.

## **COMMUNICATIONS AND TECHNOLOGY**

### **11. H.R. 2345, National Suicide Hotline Improvement Act of 2017**

H.R. 2345 would direct the Federal Communications Commission (FCC), in consultation with Substance Abuse and Mental Health Services Administration (SAMHSA), to study and report on the feasibility of designating a three-digit dialing code to be used for a national suicide prevention and mental health crisis hotline system.

In 2000, the FCC issued a Report and Order on Reconsideration of the use of N11 codes—a specific type of three-digit dialing code—and other abbreviated dialing arrangements.<sup>1</sup> Currently, the FCC has designated codes for 2-1-1, 3-1-1, 5-1-1, 7-1-1, 8-1-1, and 9-1-1, and the Commission has the authority to designate a new N11 code by rulemaking. H.R. 2345 would require the FCC-SAMHSA study to analyze the effectiveness of the current National Suicide Prevention Lifeline and the potential impact of a three-digit dialing code designation on suicide prevention, crises services, the National Suicide Prevention Lifeline, and the Veterans Crisis Line. In conducting this study, the FCC would be directed to consider each of the current N11 designations, to consult with the North American Numbering Council (NANC), and consult with the Secretary of Veterans Affairs with respect to how well the current National Suicide Prevention Lifeline is working to address the needs of veterans.

### **12. H.R. 3994, Advancing Critical Connectivity Expands Service, Small Businesses Resources, Opportunities, Access, and Data Based on Assessed Need and Demand Act**

H.R. 3994 would establish an office of Internet Connectivity and Growth at National Telecommunications and Information Administration (NTIA) to coordinate and track federal funding for broadband across all agencies. This office would streamline the process of applying for federal funding for projects that expand broadband access.

### **13. H.R. 4881, Precision Agriculture Connectivity Act of 2018**

H.R. 4881 would require the FCC, in cooperation with the U.S. Department of Agriculture, to form a task force to evaluate the best ways to meet the broadband needs of

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<sup>1</sup> *Use of N11 Codes and Other Abbreviated Dialing Arrangements*, Third Report and Order on Reconsideration, 15 FCC Rcd 16753 (2000), [https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-00-256A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-00-256A1.pdf);

precision agriculture in the United States. The task force would focus on identifying and measuring gaps in broadband coverage, and developing policy recommendations to promote rapid, expanded deployment of broadband in agricultural areas.

**14. H.R. 5709, Preventing Illegal Radio Abuse Through Enforcement Act**

H.R. 5709 would give the FCC additional authority to issue fines on any person who willfully and knowingly broadcasts radio transmissions over AM or FM frequencies without a license from the FCC or without complying with unlicensed operations rules defined in the Commission's rules. The bill also would give the FCC additional tools to enforce penalties against pirate stations and protect the public services provided by legitimate, licensed broadcasters. The bill would raise the fine for rule violations to \$100,000 dollars per day per violation, up to a maximum of \$2,000,000 dollars. Additionally, the legislation requires enforcement sweeps in markets with significant illegal pirate operations, and empowers state and local governments to impose civil or criminal penalties for pirate radio broadcasting.

**III. STAFF CONTACTS**

If you have any questions regarding this markup, please contact Karen Christian of the Committee staff at (202) 225-2927.