

House of Representatives
Committee on Energy and Commerce

116th CONGRESS, FIRST SESSION

**FULL COMMITTEE
MARKUP**

TUESDAY, NOVEMBER 19, 2019

The Committee on Energy and Commerce met, pursuant to notice, at 10:19 a.m., a quorum being present, in the John D. Dingell Room, 2123 of the Rayburn House Office Building, Hon. Frank Pallone, Jr. (Chairman of the committee) presiding. The business before the committee was consideration and markup of 18 bills pending before the full Committee. The following actions were taken:

- (1) **H.R. ____**, the “SAFER Pipelines Act of 2019” (*Draft bill by Rep. Rush of Illinois*) was ordered favorably reported to the House, amended, by a roll call vote: 30 – 21 (*Roll call no. 45*) (**Final Passage**).

The following amendments were offered to H.R. ____ during its consideration:

- An amendment in the nature of a substitute (AINS) offered by Mr. Upton, # 1, was **defeated** by a roll call vote: 23 – 30. (*Roll call no. 38*);
- An amendment by Mr. Veasey, # 2, was **agreed to** by a voice vote;
- An amendment by Mr. Latta, # 3, was **withdrawn without prejudice**;
- An amendment by Mr. Kennedy, # 4, was **agreed to** by a voice vote;
- An amendment by Mr. Flores, # 5, was **agreed to** by a voice vote;
- An amendment by Mr. Schrader, # 6, was **agreed to** by a voice vote;
- An amendment by Mr. Walberg, # 7, was **defeated** by a roll call vote: 22 – 29 (*Roll call no. 39*);
- An amendment by Mr. O’Halloran, # 8, was **agreed to** by a voice vote;
- An amendment by Mr. Bucshon, # 9, was **defeated** by a roll call vote: 23 – 30 (*Roll call no. 40*);
- An amendment by Mr. McKinley, # 10, was **defeated** by a roll call vote: 22 – 28 (*Roll call no. 41*);
- An amendment by Mr. Johnson of Ohio, # 11, was **defeated** by a roll call vote: 23 – 25 (*Roll call no. 42*);
- An amendment by Mr. Latta, # 3, previously withdrawn without prejudice, was **defeated** by a roll call vote: 23 – 26 (*Roll call # 43*);
- An amendment by Mrs. Rodgers of Washington, # 12, was **defeated** by a roll call vote: 22 – 28 (*Roll call no. 44*);
- An amendment by Mr. Flores, # 13, was **agreed to** by a voice vote; and
- An amendment by Mr. Upton, # 14, was **agreed to** by a voice vote.

For further action on draft bill H.R. ____, see subsequent action on H.R. 3432 during the second day of full Committee markup session on November 20, 2019.

- (2) **H.R. 1603**, the “**Alan Reinstein Ban Asbestos Now Act of 2019**” (*Reps. Bonamici, Pallone, Slotkin, Tonko, et. al.*), was ordered reported favorably to the House, amended, by a roll call vote: 47 – 1 (*Roll call no. 46*) (**Final Passage**).

The following amendment was offered to H.R. 1603 during its consideration:

- An amendment in the nature of a substitute (AINS) offered by Messrs. Tonko and Shimkus, # 1, was **agreed to** by a voice vote.

The Committee recessed from 2:35 p.m. until 3:13 p.m. to respond to a series of votes on the House floor.

- (3) **H.R. 4995**, the “Maternal Health Quality Improvement Act of 2019” (*Rep. Engel*), was ordered favorably reported to the House, amended, by a voice vote (**Final Passage**).

The following amendment was offered to H.R. 4995 during its consideration:

- An amendment offered by Mr. Cárdenas, # 1, was **agreed to** by a voice vote.

- (4) **H.R. 2339** the “Reversing the Youth Tobacco Epidemic Act of 2019” (*Reps. Pallone and Shalala*) — **Committee Print** [showing the text of H.R. 2339, as amended by the Subcommittee on Health], was ordered favorably reported to the House, amended, by a roll call vote: 28 - 24 (*Roll call no. 53*) (**Final Passage**).

The following amendments were offered to H.R. 2339 during its consideration:

- Amendment offered by Messrs. Ruiz, Bilirakis, and Bucshon, # 1, was **agreed to** by a voice vote;
- Amendment offered by Messrs. Ruiz and Bucshon, # 2, was **withdrawn**;

Pursuant to Committee rule 11 and House rule 7, the recorded votes for amendments # 3, # 4, and # 5 were postponed until after the vote on amendment # 7, in order to accommodate committee members who were in the Capitol attending the portrait unveiling ceremony for the former Speaker of the House, Hon. John Boehner (R-OH).

- Amendment offered by Mr. Burgess, # 3, was **defeated** by a roll call vote: 22 – 31 (*Roll call no. 48*);
- Amendment offered by Ms. Castor # 4, was **agreed to** by a roll call vote: 29 – 24 (*Roll call no. 49*);
- Amendment offered by Mr. Hudson, # 5, was **defeated** by a roll call vote: 25 – 28 (*Roll call no. 50*);

At 4:15 p.m., during debate on the Hudson amendment, Ms. Clarke, Vice Chair of the full Committee, assumed the chair. At 4:53 p.m., Chairman Pallone assumed the chair.

- Amendment offered by Ms. Eshoo, # 6, was **agreed to** by a voice vote;
- Amendment offered by Mr. Griffith, # 7, was **defeated** by a roll call vote: 22 – 31 (*Roll call no. 47*);
- Amendment offered by Ms. Clarke, # 8, was **agreed to** by a voice vote;
- Amendment offered by Mr. Burgess, # 9, was **defeated** by a roll call vote: 22 – 29 (*Roll call no. 51*);
- Amendment offered by Messrs. Mullin and McKinley, # 10, was **defeated** by a roll call vote: 25 – 27 (*Roll call no. 52*);
- Amendment offered by Mr. Walden, # 11, was **defeated** by a voice vote.

Chairman Pallone then announced that the Committee would recess until tomorrow, Wednesday, November 20, 2019, to reconvene in the John D. Dingell Room, 2123 of the Rayburn House Office Building, at approximately 30 minutes after the conclusion of the hearing by the Subcommittee on Environment and Climate Change. Whereupon, at 6:53 p.m., the Committee stood in recess.

Sharon E. Davis

Chief Clerk

Committee on Energy and Commerce
House of Representatives

WEDNESDAY, NOVEMBER 20, 2019

The Committee on Energy and Commerce reconvened on Wednesday, November 20, 2019, at 2:32 p.m., Hon. Frank Pallone, Jr. (Chairman of the committee) presiding, to continue a second day of markup in the John D. Dingell Room, 2123 of the Rayburn House Office Building. The business before the committee, pursuant to notice, was to continue consideration of bills still pending before the full Committee when it recessed the previous day, November 19, 2019. The following actions were taken:

- (5) **H.R. 5035**, the “Television Viewer Protection Act” (*Rep. Doyle*), was ordered favorably reported to the House, amended, by a voice vote (**Final Passage**).

The following amendment was offered to H.R. 5035 during its consideration:

- Manager’s amendment offered by Messrs. Walden and Doyle, # 1, was **agreed to** by a voice vote.

- (6) **H.R. 2699**, the “Nuclear Waste Policy Amendments of 2019” (*Reps. McNerney, Shimkus, Peters, Duncan, et. al.*) was ordered reported favorably to the House, amended, by a voice vote (**Final Passage**).

At 2:49 p.m., during opening statements on the underlying bill, H.R. 2699, Ms. Clarke, Vice Chair of the full Committee, assumed the chair.

The following amendments were offered to H.R. 2699 during its consideration:

- Amendment in the nature of a substitute offered by Ms. Matsui, # 1, was **withdrawn**;
- Amendment offered by Mrs. Dingell, # 2, was agreed to by a **voice vote**;
- Amendments *en bloc* (by unanimous consent – no objection) offered by Mr. Luján, # 3, were **withdrawn**.

At 3:29 p.m., Chairman Pallone assumed the chair.

- Amendment offered by Mr. Luján, # 4, was agreed to by a **voice vote**.

The Committee recessed from 3:43 p.m. until 4:09 p.m. in order that Democratic members could respond to a vote in the House Democratic Caucus to elect a new chair of the Committee on Oversight and Reform.

- (7) **H.R. 535**, the “PFAS Action Act of 2019” (*Reps. Dingell, Upton, and Kildee*) was ordered reported favorably to the House, amended, by a roll call vote: 31 – 19 (*Roll call no. 55*) (**Final Passage**).

The following amendments were offered to H.R. 535 during its consideration:

- Amendment in the nature of a substitute offered by Mr. Pallone, # 1, was **agreed to** by a **voice vote**;

The Committee recessed at 4:29 p.m. until 5:29 p.m. to respond to votes on the House floor.

- Amendment to the Pallone AINS # 1 offered by Mr. Shimkus, # 1A, was **defeated** by a roll call vote: 21 – 29 (*Roll call no. 54*).

- (8) **H.R. 4996**, the “Helping Medicaid Offer Maternity Services Act of 2019” or the “MOMS Act of 2019” (*Reps. Kelly of Illinois, Burgess, Underwood, Rodgers of Washington, Pressley, and Carter of Georgia*) — **Committee Print** [showing the text of H.R. 4996, as amended by the Subcommittee on Health], was ordered reported favorably to the House, amended, by a voice vote (**Final Passage**).

The following amendment was offered to H.R. 4996 during its consideration:

- Amendment offered by Mr. Kennedy, # 1, was **agreed to** by a voice vote.

- (9) **H.R. 4229**, the “Broadband Deployment Accuracy and Technological Availability Act” or the “Broadband DATA Act”, (*Reps. Loeb sack, Latta, McEachin, and Long*) — **Committee Print** [showing the text of H.R. 4229, as amended by the Subcommittee on Communications and Technology], was ordered reported favorably to the House, amended, by a voice vote (**Final Passage**).

The following amendment was offered to H.R. 4229 during its consideration:

- Amendment offered by Ms. Eshoo, # 1, was **agreed to** by a voice vote.

- (10) **H.R. 4227**, the “Mapping Accuracy Promotes Services Act” or the “MAPS Act”, (*Reps. McEachin, Long, Loeb sack, and Latta*) was ordered reported favorably to the House, without amendment, by a voice vote (**Final Passage**).

No amendments were offered during committee consideration of H.R. 4227.

- (11) **H.R. 5000**, the “Study How to Harness Airwave Resources Efficiently Act of 2019” or the “SHARE Act”, (*Reps. Doyle and Latta*), was ordered reported favorably to the House, amended, by a voice vote (**Final Passage**).

The following amendment was offered to H.R. 5000 during its consideration:

- Amendment offered by Messrs. Peters and Walberg, # 1, was **agreed to** by a voice vote.

- (12) **H.R. 4998**, the “Secure and Trusted Communications Network Act of 2019”, (*Reps. Pallone, Walden, Matsui, and Guthrie*) — **Committee Print** [showing the text of H.R. 4998, as amended by the Subcommittee on Communications and Technology], was ordered reported favorably to the House, amended, by a voice vote (**Final Passage**).

The following amendment was offered to H.R. 4998 during its consideration:

- Amendment offered by Messrs. Walden and Pallone, # 1, was **agreed to** by a voice vote.

- (13) **H.R. 4461**, the “Network Security Information Sharing Act of 2019” (*Reps. Kinzinger and Doyle*) — **Committee Print** [showing the text of H.R. 4461, as amended by the Subcommittee on Communications and Technology], was ordered reported favorably to the House, as amended, by a voice vote (**Final Passage**).

No amendments were offered during committee consideration of H.R. 4461. The bill was approved *as amended* by the Subcommittee on Communications and Technology.

- (14) **H.R. 2881**, the “Secure 5G and Beyond Act of 2019”, (*Reps. Spanberger, Stefanik, Slotkin, Rooney, O’Halleran, and Brooks of Indiana*) — **Committee Print** [showing the text of H.R. 2881, as amended by the Subcommittee on Communications and Technology], was ordered reported favorably to the House, as amended, by a voice vote (**Final Passage**).

No amendments were offered during committee consideration of H.R. 2881. The bill was approved *as amended* by the Subcommittee on Communications and Technology.

- (15) **H.R. 4500**, the “Promoting United States Wireless Leadership Act of 2019” (*Reps. Spanberger, Stefanik, Slotkin, Rooney, O’Halleran, and Brooks of Indiana*) — **Committee Print** [showing the text of H.R. 4500, as amended by the Subcommittee on Communications and Technology], was ordered reported favorably to the House, amended, by a voice vote (**Final Passage**).

The following amendment was offered to H.R. 4500 during its consideration:

- Amendment offered by Mr. Johnson of Ohio, # 1, was **agreed to** by a voice vote.

- (16) **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 Proposal”, (*Reps. Spanberger, Stefanik, Slotkin, Rooney, O’Halloran, and Brooks of Indiana*) — **Committee Print** [showing the text of H. Res. 575, as amended by the Subcommittee on Communications and Technology], was ordered reported favorably to the House, as amended, by a voice vote.

No amendments were offered during committee consideration of H. Res. 575. The bill was approved *as amended* by the Subcommittee on Communications and Technology.

- (17) **H.R. 3851**, the “Brand USA Extension Act” (*Reps. Welch, Bilirakis, Titus, and Long*) — **Committee Print** [showing the text of H.R. 3851, as amended by the Subcommittee on Consumer Protection and Commerce], was ordered reported favorably to the House, as amended, by a voice vote.

No amendments were offered during committee consideration of H.R. 3851. The bill was approved *as amended* by the Subcommittee on Consumer Protection and Commerce.

- (18) **H.R. 4779**, to extend the Undertaking Spam Spyware, And Fraud Enforcement With Enforcers beyond Borders (SAFEWEB) Act of 2006 and for other purposes, (*Reps. Rodgers of Washington, Kelly of Illinois, and Bucshon*), was ordered reported favorably to the House, without amendment, by a voice vote.

No amendments were offered during committee consideration of H.R. 4779.

- (19) **H.R. 3432**, the “Safer Pipelines Act of 2019” (Subsequently renamed the “Safe, Accountable, Fair, and Environmentally Responsible Pipelines Act of 2019” or the “SAFER Pipelines Act of 2019”) (*Rep. Rush*), was ordered reported favorably to the House, amended, by **unanimous consent (NO OBJECTION)**.

The following action was taken during consideration of H.R. 3432:

- Mr. Pallone offered an amendment in the nature of a substitute, # 1, to H.R. 3432 and asked **unanimous consent** that the AINS, which replaces the text of H.R. 3432, as introduced, with the text of the draft bill H.R. _____, as passed by the Committee on the first day of this full Committee markup (November 19, 2019), be **adopted (NO OBJECTION)**.

The Chairman noted that the action taken on H.R. 3432 was technically necessary so that a bill number would be associated with the text of the draft bill H.R. _____, for which the Committee voted final passage by a record vote of 30 yeas to 21 nays (*Roll call no. 45*) on the first day of this markup session.

Whereupon, there being no further business, the Committee adjourned at 7:14 p.m., subject to the call of the Chair.

Sharon E. Davis

Chief Clerk

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