111th Congress
1st Session

IN THE COMMITTEE ON ENERGY AND COMMERCE

RESOLUTION

Offered by Mr. Waxman

Resolved, That the Committee on Energy and Commerce adopts the attached oversight plan for purposes of clause 2(d) of Rule X of the Rules of the House of Representatives.

COMMITTEE ON ENERGY AND COMMERCE OVERSIGHT PLAN
U.S. HOUSE OF REPRESENTATIVES
111TH CONGRESS
THE HONORABLE HENRY A. WAXMAN, CHAIRMAN

Rule X, clause 2(d) of the Rules of the House requires each standing Committee to adopt an oversight plan for the two-year period of the Congress and to submit the plan to the Committee on Oversight and Government Reform and to the Committee on House Administration not later than February 15 of the first session of the Congress.

This is the oversight plan of the Committee on Energy and Commerce for the 111th Congress. It includes the areas in which the Committee expects to conduct oversight during the 111th Congress, subject to limits on staff and resources, but does not preclude oversight or investigation of additional matters as the need arises.

ENERGY AND ENVIRONMENTAL ISSUES

The Committee intends to conduct oversight in the 111th Congress of numerous energy and environment-related issues to help ensure that government is working and that relevant statutes are effective and up to date.

Climate Change. Global warming and energy issues will be a key area of interest. Due to the magnitude and complexity of the task of reducing greenhouse gas emissions, the Committee expects to examine governmental and nongovernmental activities and policies in this area, and their bases. The Committee will also examine governmental and private sector policies and actions related to developing and maintaining a sustainable and affordable national energy supply, including through the efficient use of energy.

Environmental Pollution and Hazardous Waste. The Committee will examine whether the key environmental and energy laws under its jurisdiction are being implemented and followed appropriately to ensure that public health, the environment, and consumers are adequately protected. This will focus on the key issues of air pollution, drinking water contamination, hazardous waste disposal and cleanup, manufacture, use, and safety of chemical substances and pesticides on food. The Committee will examine the actions of the agencies charged with addressing these issues: the Environmental Protection Agency, the Department of Energy, and the Agency for Toxic Substances and Disease Registry.

Energy Policy. The Committee will examine U.S. policies pertaining to energy efficiency and conservation, production, and consumption of electricity, oil, natural gas, coal, hydroelectric power, nuclear power, and renewable energy. The Committee will inquire into potential opportunities for the government and private sector to enhance environmental, public health, and consumer protections (including pipeline safety), while

promoting a sustainable, clean energy future. The Committee will examine the actions of agencies and offices charged with developing and implementing U.S. energy policies, including the Department of Energy, the Federal Energy Regulatory Commission, and the Nuclear Regulatory Commission. The Committee will also examine the activities and policies of the Department of Transportation and the National Highway Traffic Safety Administration as they relate to matters within the Committee's jurisdiction.

Energy Security. The Committee will oversee management and operations issues at the Department of Energy, including management and operations of the National Nuclear Security Administration (NNSA) and the DOE National Laboratories. The Committee will focus on DOE's management of the environment, safety, and health aspects of its policies and activities, and DOE's management of the contractors that operate the National Laboratories. In addition, the Committee will oversee the protection of nuclear materials around the globe by examining ongoing problems at both the National Labs and at nuclear power plants with respect to the security of both nuclear materials and sensitive security information and by examining nuclear detection systems at air, land, and seaports.

Bio-Research Laboratories. Building on the two hearings in the 110th Congress, the Committee will exercise continued oversight of issues related to construction and operation of high-containment bio-research laboratories.

HEALTH AND HEALTHCARE ISSUES

Children's Health Insurance Program (CHIP). The Committee will oversee the implementation of the legislation reauthorizing the Children's Health Insurance Program by the Department of Health and Human Services (HHS), state CHIP agencies, and their private contractors. This oversight will focus on the extent to which federal financial incentives and state outreach and enrollment activities are successful in extending coverage to low-income children who are eligible but not enrolled in Medicaid or CHIP. The Committee will also examine whether federal program funds are being used to purchase covered services efficiently in a manner that minimizes waste, fraud, and abuse.

Centers for Medicare & Medicaid Services (CMS). The Committee will review the management, operation, and activities of the Centers for Medicare & Medicaid Services, focusing on the effective provision of services under the Medicare, Medicaid, and Child Health Insurance programs and the elimination of waste, fraud, and abuse in these programs. The Committee will examine the use and oversight of private contractors by CMS in administering these programs.

Drug Safety. The Committee will review the ability of the Food and Drug Administration (FDA) to ensure the safety and effectiveness of prescription and over-the-counter (OTC) drugs sold in the United States, including whether necessary safeguards

for imported drugs are in place. The Committee will also examine manufacturer marketing practices for both prescription and OTC drugs.

Emergency Care Services. The Committee will review the ability of the nation's trauma centers and emergency departments to respond to the growing demand for their services. Among the areas of oversight interest are the activities of HHS to ensure that emergency rooms in cities at high risk of a terrorist attack have the capacity to handle a surge in casualties, as well as the availability of on-call specialists on a 24/7 basis.

Food Safety. The Committee will examine the causes of recent food safety problems and the effectiveness of our current regulatory system for overseeing the safety of imported foods. The Committee will review the FDA's statutory authorities for protecting the nation's food supply with a view towards identifying any gaps. The Committee will also examine whether FDA's financial and personnel resources are adequate to protect the public from unsafe food.

Health Information Technology (HIT). The Committee will oversee the implementation of the HIT provisions of the economic recovery legislation by the Department of Health and Human Services. The Committee will focus initially on the Department's establishment of standards for interoperability, functionality, security, and privacy of electronic health records and its certification of systems that meet those standards. The Committee will also monitor the Department's HIT-related grant-making activity.

National Institutes of Health (NIH). The NIH budget spends over $29 billion per year, largely on medical research intended to improve the health of the nation. The Committee will examine whether there is sufficient transparency and accountability to ensure that these funds are spent effectively and efficiently.

HIV/AIDS. The Committee will oversee domestic and global HIV prevention and treatment activities by HHS and the Centers for Disease Control and Prevention (CDC). Domestically, areas of concern include the scale-up of prevention efforts, the continuing implementation of CDC's routine testing recommendations, and the reach of care and treatment programs. The Committee will also monitor HHS's implementation of U.S.-funded HIV activities abroad. Particular attention will be paid to changes made by the 2008 reauthorization of the President's Emergency Plan for AIDS Relief (PEPFAR), including increased flexibility in prevention programming and an intensified emphasis on integration with other health and social services.

Hospital-Acquired Infections and Antibiotic Resistance. The Committee will oversee the actions taken by HHS, state hospital licensure agencies, and the private sector to reduce the incidence of preventable hospital-acquired infections. Among the areas of interest is checklists for use by physicians, nurses, and other hospital personnel to reduce such infections. The Committee will also review efforts to combat the spread of antibiotic resistant infections. The Committee will examine the practices that contribute

to the problem, including the inappropriate use of antibiotics both by humans and in the food supply.

Preventable Medical Errors. In addition to its work on hospital-acquired infections, the Committee will also examine other preventable medical errors, which studies suggest annually cause tens of thousands of preventable deaths and cost our nation's medical system billions of dollars. The Committee will examine the practices that contribute to such preventable medical errors and review actions taken by providers, patients, insurers, and the federal government to reduce these errors.

Individual Health Insurance. The Committee will examine business practices in the individual health insurance market that may compromise the accessibility or affordability of coverage. The initial focus of this oversight will be the practice of rescission, or retroactive termination of coverage following the submission of claims by the insured individual. The Committee will review the practices of insurers, the activities of state regulatory agencies, and the enforcement of consumer protections in the individual market by the Department of Health and Human Services under the Health Insurance Portability and Accountability Act.

Medicaid. The Committee will oversee the implementation of the provisions of the economic recovery legislation relating to Medicaid. The Committee will review the payment of additional federal matching funds to states to ensure states deploy the funds in an efficient and effective manner. The Committee will examine whether states receiving this fiscal relief maintain adequate Medicaid reimbursement levels for providers and reimburse at an adequate rate to make services available. The Committee will also monitor the response of the Department of Health and Human Services and state Medicaid programs to the needs of uninsured, unemployed workers and their families. In addition, the Committee will examine the purchase of managed care, prescription drugs, and other covered services to determine whether greater efficiencies can be achieved for federal and state taxpayers. The Committee will review the costs and benefits of using private contractors in the administration of the Medicaid program at the federal and state level. The Committee will also review efforts to reduce waste, fraud, and abuse in the program.

Medical Device Safety. The Committee will review FDA's efforts to ensure the safety and effectiveness of medical devices. The Committee will examine the gaps in the current statutory authorities, both pre- and post-market, that FDA uses to protect patients from unsafe or ineffective devices.

Medicare. The Committee will oversee the administration and operation of the Medicare program by CMS and its contractors. Among the areas of interest is the adequacy of Medicare payment rates for primary care physicians under Part B; the appropriateness of payments to Medicare Advantage plans; the treatment of beneficiaries with chronic illness by Medicare Advantage plans, particularly private fee-for-service plans; and the

business practices of Medicare Advantage plans and CMS oversight of those practices. With respect to Medicare Part D, the Committee will review the effectiveness of private plans' administration of the program; the treatment of long-term care patients; the annual reassignment of individuals who are dually-eligible for Medicare and Medicaid; the treatment of long-term care patients under Part D; the availability of manufacturer rebates on drugs purchased by Medicare Part D plans; and the oversight of Part D plans by CMS. The Committee will also review efforts to reduce waste, fraud, and abuse in the program.

Navajo Nation Uranium Contamination. The Committee will monitor the clean-up of the surface and subsurface contamination of the Navajo Nation resulting from uranium mining and milling activities after World War II. Five federal agencies have developed and are implementing five-year plans to clean up the contamination and protect public health: the Bureau of Indian Affairs, the Department of Energy, the Environmental Protection Agency, the Indian Health Service, and the Nuclear Regulatory Commission.

Nursing Homes. The Committee will examine the quality of the nursing home care paid for by the Medicare and Medicaid programs. The Committee will review the monitoring and enforcement of quality standards by CMS and state survey agencies.

Off-Label Marketing. The Committee will conduct oversight of manufacturer marketing of prescription drugs and medical devices for uses not approved by FDA. While off-label use of drugs or devices is legal, the marketing of drugs or devices for off-label uses is not. Off-label marketing can result in unnecessary expenditures and raises potential safety and effectiveness issues for patients. The Committee will review the activities of the FDA, CMS, the Office of Inspector General, and the Justice Department to investigate and prosecute those manufacturers engaged in off-label marketing.

Privacy. The Committee will review adherence to and enforcement of the security and privacy rules under the Health Insurance Portability and Accountability Act (HIPAA). The Committee will also oversee the implementation of the privacy provisions in the economic recovery legislation by HHS. The Committee will focus on the use of a patient's health information by providers, health insurers, and others that receive such identifiable information.

Safety Net Hospitals and Clinics. The Committee will monitor the ability of public and private nonprofit hospitals and clinics of last resort—those that treat all patients, regardless of ability to pay—to maintain their service capacity during the recession. Of particular concern to the Committee is whether the specialized services that these facilities provide that are of community-wide benefit, such as trauma care, neonatal intensive care, and care for burn victims, will be maintained in the face of increasing numbers of unemployed, uninsured patients.

Vaccine Policy. The Committee will oversee the various components of vaccine policy within HHS, including: the development of the National Vaccine Plan; plans to procure and stockpile vaccines for use in case of an influenza pandemic, bioterror attack, or

shortage of routinely administered vaccines; efforts to increase the use of vaccines among adults including healthcare workers; and access issues associated with the Vaccines for Children program. The Committee will also review the status of the Vaccine Injury Compensation Program

COMMERCE, TRADE, AND CONSUMER PROTECTION ISSUES

Federal Trade Commission. The Committee will review the management, operations, rulemaking, and enforcement actions of the Federal Trade Commission. The Committee will examine the Commission's consumer protection mission with specific focus on consumer credit, including subprime mortgage lending, mortgage servicing, and debt and foreclosure relief scams. In addition, the Committee will review consumer protection activities related to identity theft, privacy, and false and deceptive advertising. The Committee will also review the Commission's activities regarding competition and mergers.

Consumer Product Safety Commission. The Committee will oversee implementation of the Consumer Product Safety Improvement Act, which was enacted in August 2008. In particular, the Committee will seek to ensure that the law's bans on lead and phthalates in children's products are given full effect and carried out in an effective and efficient manner. The Committee also will oversee the Commission's handling of critical deadlines under the law and the issuance of implementing regulations. Finally, the Committee will continue to review the Commission's overall operations, including its authorized expansion to include five commissioners and the modernization of its staff and infrastructure.

Highway Safety. The Committee will review the management, operations, and activities of the National Highway Traffic Safety Administration, particularly as they relate to motor vehicle safety.

International Trade. The Committee will monitor and examine both multilateral trade agreements (including World Trade Organization agreements) and bilateral agreements as those agreements relate to industries, commodities, and services within the Committee's jurisdiction, including telecommunications, electronic commerce, consumer products, energy, food, and drugs. The Committee will examine whether these agreements adequately protect the interests of domestic and foreign workers, consumers, and the environment. The Committee will review programs, policies, and procedures of various government agencies that are tasked with protecting the international supply chain as it affects the U.S. economy and U.S. consumers; evaluate policies that may impair the flow of people and commerce across the nation's borders; and examine opportunities to promote greater transparency in U.S. trade negotiations.

COMMUNICATIONS, TECHNOLOGY AND INTERNET ISSUES

Federal Communications Commission. The Committee will review the management, operations, and activities of the Federal Communications Commission (FCC), including the effect of its decisions on increasing competition, increasing the availability of technologies and services, assuring widespread deployment and reasonable rates for telecommunication and broadband services, protecting consumers, assuring adequate emergency communications capability, and otherwise serving the public interest, convenience and necessity. The FCC's ongoing efforts to manage the transition from analog to digital broadcasting will be a continuing focus of the Committee. The Committee will also examine the management and funding of the FCC's Office of Inspector General (IG), particularly with respect to whether the IG has adequate resources and the institutional independence necessary to carry out its responsibilities.

Public Safety Communications. The Committee will review public safety communications, including the status of the public safety network and related issues and matters under the management of the Office of Emergency Communications.

Universal Service Reform. The Committee will investigate waste, fraud, and abuse in the FCC's Universal Service Fund, including the management and administration of the High Cost program, the E-Rate program that pays to connect schools and libraries to the Internet, and the Rural Health Care program.

Internet Governance and Operations. The Committee will review programs and efforts to assure the safe, secure, lawful, and robust functioning of the Internet. The Committee will also examine issues regarding the structure of Internet governance, including activities of the Internet Corporation for Assigned Names and Numbers (ICANN).

National Telecommunications and Information Administration. The Committee will review programs under the management of the National Telecommunications and Information Administration (NTIA). The Committee anticipates ongoing oversight of any NTIA involvement in national broadband deployment grants.

Corporation for Public Broadcasting. The Committee will continue to review activities and funding of the Corporation for Public Broadcasting, the Public Broadcasting System, National Public Radio, and Public Radio International, with a particular focus on maintaining the independence of these important functions and assuring that the public interest remains paramount in their administration and management.