



Energy and Commerce Committee End of Session Report

**113th Congress | First Session
January - December 2013**



Introduction

With its rich historical legacy, broad legislative jurisdiction, and extensive oversight purview, the U.S. House Committee on Energy and Commerce plays a pivotal role in many of the issues at the center of American life. It oversees a broad range of matters including telecommunications, consumer protection, food and drug safety, public health and health research, environmental quality, and energy policy, along with the purpose for which it was first established more than 200 years ago: to oversee interstate and foreign commerce.

On January 3, 2013, the 113th Congress was gaveled into session. With that, the Energy and Commerce Committee launched into its ambitious agenda focused on three primary goals: 1) promoting job creation and economic growth, 2) transforming Washington to create a smaller, modernized government for the innovation era, and 3) protecting families, communities, and civic initiatives. This update, an end-of-session review, continues the tradition of [reports](#) issued throughout the 112th Congress and earlier this year under Chairman Fred Upton (R-MI) on the Energy and Commerce Committee's legislative and oversight accomplishments under the current Republican majority.

Energy and Commerce Committee: By the Numbers

The committee balanced aggressive oversight on behalf of taxpayers with a bold legislative agenda to deliver a series of victories for the American people in 2013. This required an active committee schedule that included **112 days of hearings** and **29 days of markups**, which resulted in a total of **22 bills and resolutions reported to the House**, and **13 of its legislative initiatives reaching enactment** through **9 public laws**. The committee chalked up more than **344,000 visitors** to its website, with **1.6 million page views** on the site as the public engaged with the committee and its members online.

Energy and Commerce Committee: From Bills to Laws

In the first session of the 113th Congress (calendar year 2013), the Energy and Commerce Committee saw 13 of its legislative initiatives become law on their own or combined with other measures from the committee. This is just a sampling of the enacted laws the committee played a role in, reflecting those that were originated in and/or major initiatives of the panel. The following table reflects the public laws and their House components.

Public Law 113-5	H.R. 307, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013, authored by Rep. Mike Rogers (R-MI)
Public Law 113-14	H.R. 1407, the Animal Drug User Fee Amendments of 2013, authored by Rep. John Shimkus (R-IL) and H.R. 1408, the Animal Generic Drug User Fee Amendments of 2013, authored by Rep. Cory Gardner (R-CO)
Public Law 113-23	H.R. 267, the Hydropower Regulatory Efficiency Act of 2013, authored by Rep. Cathy McMorris Rodgers (R-WA) and Diana DeGette (D-CO)
Public Law 113-48	H.R. 2094, the School Access to Emergency Epinephrine Act of 2013, authored by Rep. Phil Roe (R-TN) and Steny Hoyer (D-MD)

Public Law 113-51	H.R. 698, the HIV Organ Policy Equity Act of 2013, authored by Rep. Lois Capps (D-CA)
Public Law 113-54	H.R. 3204, the Drug Quality and Security Act of 2013, authored by Rep. Fred Upton (R-MI), H.R. 1919, the Safeguarding America's Pharmaceuticals Act of 2013, authored by Rep. Bob Latta (R-OH), and H.R. 3089, the Compounding Clarity Act of 2013, authored by Rep. Morgan Griffith (R-VA)
Public Law 113-55	H.R. 541, PREEMIE Reauthorization Act, authored by Reps. Anna Eshoo (D-CA) and Leonard Lance (R-NJ), H.R. 225, the National Pediatric Research Network Act of 2013 authored by Reps. Lois Capps (D-CA) and Cathy McMorris Rodgers (R-WA), and the CHIMP Act Amendments of 2013
Public Law 113-64	H.R. 3588, the Community Fire Safety Act of 2013, authored by Reps. Bill Johnson (R-OH) and Paul Tonko (D-NY)
Public Law 113-__	H.J.Res. 59, the Continuing Appropriations Resolution, 2014, which contains the Pathway for SGR Reform Act of 2013

Selected Full Committee and Multi-Subcommittee Initiatives

The full Committee on Energy and Commerce engages in the work done by each of its six subcommittees. This includes producing final legislation for consideration by the House of Representatives, as well as examining matters of particular significance and those that span multiple subcommittees. In the 113th Congress, Rep. Marsha Blackburn (R-TN) serves as the Vice Chairman of the full committee, helping to lead the work of the full committee through hearings, oversight, and various legislative initiatives.

The full committee held four hearings in 2013: an in-depth examination of threats and solutions related to cybersecurity as well as three hearings reviewing the ongoing implementation challenges and consumer consequences of the Patient Protection and Affordable Care Act (PPACA).

While the Energy and Commerce Committee does extensive work through the traditional congressional hearings and markups, the panel has also explored creative new venues to present information, research, and policy ideas to the public. This includes extensive engagement through social media, with more than 4,000 Facebook likes and more than 14,000 Twitter followers, as well as regular content posted via Tumblr, Flickr, Instagram, and other social media outlets. Another channel for communicating with the public in 2013 was the committee's original content issued under its "The Policy Paper Series," "The Oversight Paper Series," and "The Idea Lab" publications to highlight the work of its members on key issues of concern. Papers released by the committee include:

- "Modernizing Medicare for the 21st Century," a paper prepared jointly with the House Committee on Ways and Means outlining prospects for bipartisan reform to this essential health program for seniors and the disabled.

- “The Burden Tracker,” a running chronicle of the regulations and associated hours needed to comply with PPACA prepared jointly with the House Committees on Ways and Means and Education and the Workforce.
- “Making Medicaid Work,” a paper prepared jointly with the Senate Finance Committee minority and distilled into a brief analysis released as part of The Idea Lab discussing solutions to modernize and streamline Medicaid to allow states to better serve their most vulnerable populations who rely on this health program.
- “FDA’s Oversight of NECC and Ameridose: A History of Missed Opportunities?” a paper outlining the preliminary findings of the Oversight and Investigations Subcommittee’s months-long investigation into the causes of the deadly fungal meningitis outbreak of 2012.
- “Obamacare vs. Jobs,” a review of studies and literature showing the perverse incentives in PPACA that limit opportunities for economic growth and job creation.
- “The Medicaid Check Up: Reasons for Reform,” a review of the challenges facing Medicaid, particularly as states face rising costs and a potentially massive expansion of the program even as current enrollees already struggle to access quality care.
- “A History Worth Repeating: The Alaska Pipeline and Its Lessons for Keystone XL,” an examination of legislative and regulatory obstacles to the proposed Trans-Alaska Pipeline some four decades ago, how those obstacles were overcome to build this vital piece of our energy infrastructure, and lessons that can be drawn for the future.
- “The Price of Obamacare’s Broken Promises,” a paper prepared jointly with the Republican offices of the Senate Committees on Finance and Health, Education, Labor, and Pensions reviewing research and literature about the likely cost implications of PPACA and how they square with promises of lower health care costs and insurance premiums.
- “American Taxpayer Investment, Foreign Corporation Benefit,” a paper produced as part of the committee’s ongoing oversight of the 2009 economic stimulus law on whether the taxpayer dollars invested produced the promised American jobs.
- “Responding to Seniors’ Needs and Improving Medicare Choices,” a paper released via The Idea Lab by Vice Chairman Marsha Blackburn (R-TN) and Rep. Renee Ellmers (R-NC) examining innovative reforms to put Medicare on a more stable footing and improve its ability to serve today’s seniors as well as tomorrow’s.
- “Affordable Health Insurance Shouldn’t Be an Oxymoron,” a paper released via The Idea Lab by Health Subcommittee Chairman Joe Pitts (R-PA) and Vice Chairman Michael C. Burgess, M.D. (R-TX) identifying policy solutions to help bring down health care costs by expanding flexibility and empowering patients and doctors.
- “American Energy Security and Innovation,” a paper released via The Idea Lab by Energy and Power Subcommittee Chairman Ed Whitfield (R-KY) and Vice Chairman Steve Scalise (R-LA) outlining opportunities for America to harness our newfound energy abundance in order to improve our economic and energy security.
- “Breathing New Life Into the Life Sciences,” a paper released via The Idea Lab by Chairman Upton, along with Health Subcommittee Chairman Pitts and Vice Chairman Burgess, examining opportunities to strengthen America’s position as a global leader in health care innovation, research, and disease prevention and cures.

- “Keeping the Incentive in Incentive Auctions,” a paper released via The Idea Lab by Communications and Technology Subcommittee Chairman Greg Walden (R-OR) detailing the committee’s efforts to ensure that the nation’s airwaves are allocated using an auction process that provides the greatest return to taxpayers and best meets the demands of consumers who increasingly rely on a mobile online world.

Original research, web-based public engagement, and public forums with policy experts are just a few of the ways in which the committee opens its work up to the American people.

Subcommittee on Commerce, Manufacturing, and Trade

The Subcommittee on Commerce, Manufacturing, and Trade is led by Chairman Lee Terry (R-NE) and Vice Chairman Leonard Lance (R-NJ) and counts within its jurisdiction matters ranging from consumer protection and online privacy to America’s role as a leading manufacturer and the economic opportunities that come from enhanced trade partnerships. The subcommittee focused on a wide range of issues in 2013, including its signature “Our Nation of Builders” series that showcased the obstacles and opportunities facing the American manufacturing sector.

Legislation

The CMT Subcommittee advanced two bills with broad bipartisan support in 2013. Both bills were approved in the House and now await Senate action. H.R. 2052, the **Global Investment in American Jobs Act**, was authored by CMT Subcommittee Chairman Lee Terry (R-NE) and aims to improve the climate for foreign investment in the United States. Foreign direct investment is a significant job creator in the U.S., and as other nations become more competitive, the subcommittee is focused on keeping America as a place where the world wants to do business. The subcommittee also advanced H.R. 2754, the **Collectible Coin Protection Act**, a bill authored by Rep. G.K. Butterfield (D-NC) to better safeguard hobbyists and collectors against counterfeit products.

Major Hearing Series

The CMT Subcommittee held half a dozen separate hearings examining various sectors of the economy as part of its work to promote job creation and economic growth. The subcommittee launched its “**Our Nation of Builders**” series at the beginning of the year with a bipartisan manufacturing forum and showcase in which members from across the country brought in items manufactured within their districts. The showcase highlighted the diversity of America’s manufacturing sector and began the panel’s effort to engage business leaders from across the nation in a dialogue about how to improve manufacturing opportunities for the future. Sectors examined through the hearing process include steel manufacturing, automobile manufacturing, tourism, and home building. The subcommittee also looked at necessary training to equip workers with the skills needed for advanced manufacturing, and the series included a site visit by Subcommittee Chairman Terry to engage with a major American manufacturing facility.

Other Initiatives

Alongside its focus on manufacturing, the CMT Subcommittee kept up its work in other areas of its jurisdiction. This included several **consumer protection matters** (a hearing on scams targeting the elderly, a hearing on whether federal legislation is needed to strengthen requirements for notifying consumers in the event of a data breach, a hearing on the state of Internet gaming in the wake of a Department of Justice ruling that affects states' ability to regulate, and the establishment of a bipartisan working group to examine the complex issues surrounding individual privacy in an increasingly online world); **animal protection initiatives** (legislative hearings on bills related to horse racing and showing); how the **American energy renaissance** creates opportunities for economic growth (a joint hearing with the Energy and Power Subcommittee on the manufacturing benefits that can come with enhanced energy production, as well as a look at the lost opportunities resulting from the five-year-long and counting approval process that continues to languish for the Keystone XL pipeline); and **trade matters** (a hearing on discriminatory trade practices in India, as well as the first of what will be a series of hearings looking at the pending U.S. – E.U. trade agreement). Finally, the subcommittee closed out the year with a hearing examining the mission, budget, and work of the **Federal Trade Commission** in anticipation of the agency reaching its 100th anniversary in 2014.

Subcommittee on Communications and Technology

The Subcommittee on Communications and Technology is led by Chairman Greg Walden (R-OR) and Vice Chairman Bob Latta (R-OH) and has been at the forefront of efforts to modernize our laws to better meet the realities of today's technology while anticipating the innovations that are yet to come. The subcommittee focused on a wide range of issues in 2013, including improving operations of the Federal Communications Commission, ensuring proper implementation of the recently authorized spectrum auctions, and laying the groundwork for an update of federal communications law.

Legislation

The C&T Subcommittee advanced four separate bills in 2013, with two of them moving through the House and awaiting Senate action while two more have been approved by the full committee and are ready for a vote in the House in 2014. H.R. 1580, a bill by Subcommittee Chairman Walden to **affirm the policy of the U.S. regarding Internet governance**, builds on an effort begun in the 112th Congress to reject efforts to impose bureaucratic new governance models on the Internet at a global level. The bill was approved unanimously in the House, sending a strong signal about Internet freedom.

The House also approved Rep. Steve Scalise's (R-LA) H.R. 2844, the **FCC Consolidated Reporting Act**, with a unanimous vote; the bill eliminates obsolete reporting burdens and consolidates multiple discrete items into a single, usable report, taking a small but meaningful step toward agency modernization. A complementary effort is a bill from Chairman Walden and Subcommittee Ranking Member Anna Eshoo (D-CA), H.R. 3675, the

FCC Process Reform Act, a bill that takes additional steps to bring transparency and predictability to the FCC. The bill was approved in the full committee with bipartisan support. Finally, the subcommittee developed – and the full committee approved with bipartisan support – H.R. 3674, the **Federal Spectrum Incentive Act**, a bill by Rep. Brett Guthrie (R-KY) and Rep. Doris Matsui (D-CA) to create new incentives to relocate federal spectrum users. These new opportunities will generate a return for taxpayers, create opportunities for new technologies, and improve mobile broadband for American consumers, while protecting the functions of federal users, including the armed forces.

Major Hearing Series

The major focus of the C&T Subcommittee in 2013 was its effort to review **communications laws, and the federal agency that oversees them, to find opportunities to modernize both for the innovation era**. This includes the FCC process reform initiative which resulted in legislation discussed above, as well as a series of hearings determining next steps for a law established more than two decades ago and last renewed nearly five years ago related to satellite television programming. Those hearings revealed a host of issues in the broader video marketplace that could be examined and potentially reformed to better serve consumers in a changing marketplace. These hearings led the subcommittee to embark on a bold new effort to reassess and prepare to update the Communications Act for an era shaped by mobility and the Internet. As part of its effort to modernize communications rules, laws, and practices, the panel also held hearings on the evolution of wired communications networks, challenges and opportunities in the 5 GHz spectrum band, and how to ensure wireless innovation in the health sector without imposing stifling regulatory barriers.

Other Initiatives

The C&T Subcommittee has a strong track record over the last three years of pairing its legislative efforts and policy initiatives with **strong oversight of the laws it produces and oversees**. The panel recognizes that federal action can have a profound impact on the communications marketplace, which is why it continues to monitor programs including the multi-billion dollar broadband stimulus initiatives established in 2009, the FirstNet emergency communications network and the broadcast incentive auctions established together in 2012, and Lifeline and other programs of the Universal Service Fund. The subcommittee also worked in tandem with the rest of the committee to continue its focus on cybersecurity, with a look in particular at the use of communications in other segments of the national economy and the security of the communications supply chain.

Subcommittee on Energy and Power

The Subcommittee on Energy and Power is led by Chairman Ed Whitfield (R-KY) and Vice Chairman Steve Scalise (R-LA) and has been at the forefront of America's energy renaissance, advancing policies designed to allow our nation to take full advantage of our rich resource base, create jobs, and strengthen our positions of economic competitiveness

and global security. The subcommittee focused on a wide range of issues in 2013, including the need to build the Architecture of Abundance to transport and manage our energy resources, and an assessment of how current laws are functioning in a changing energy landscape, including a bipartisan review of the Renewable Fuel Standard.

Legislation

The E&P Subcommittee is one of the more active panels legislatively, producing nine bills in 2013 that were able to advance through the full committee or further, with additional bills on deck for quick action in 2014. H.R. 267, the **Hydropower Regulatory Efficiency Act**, was introduced by Reps. Cathy McMorris Rodgers and Diana DeGette (D-CO) to eliminate unnecessary regulatory hurdles to the development of hydropower, the nation's largest renewable energy source. The bill generated strong bipartisan support, and was eventually signed into law. The panel also advanced H.R. 316, the **Collinsville Renewable Energy Production Act**, which is similarly focused on a hydropower initiative.

Major themes emerged in the subcommittee's legislative work in 2013. The panel advanced bills to help improve our nation's energy infrastructure, giving America the Architecture of Abundance it needs. This includes two bills approved by the House: H.R. 3, the **Northern Route Approval Act**, authored by Rep. Lee Terry (R-NE) to eliminate the bureaucratic obstacles to constructing the Keystone XL pipeline, and H.R. 1900, a bill by Rep. Mike Pompeo (R-KS), the **Natural Gas Pipeline Permitting Reform Act**, which aims to streamline and modernize requirements for constructing pipelines to safely transport America's expanded natural gas production.

Another key theme in the subcommittee's legislative work was to eliminate outdated or confusing federal requirements that can drive up prices for consumers. These bills included H.R. 271, the **Resolving Environmental and Grid Reliability Conflicts Act**, authored by Rep. Pete Olson (R-TX) and approved in the House with a voice vote; H.R. 724, a bill by Rep. Bob Latta (R-OH) to **remove the requirement for dealer certification of new light-duty motor vehicles**, which was approved by the full committee and is ready for a vote in the House; and H.R. 1582, the **Energy Consumers Relief Act**, authored by Rep. Bill Cassidy (R-LA) and approved by the full House to assess the economic consequences of EPA regulations costing more than a billion dollars in order to better protect consumers.

Finally, the subcommittee advanced a pair of bills to strengthen energy partnerships, both of which were approved by the committee and are ready for House action: H.R. 83, to assemble a team of experts to **address the energy needs of the insular areas of the U.S. and the Freely Associated States**, authored by Rep. Donna Christensen (D-VI), and H.R. 3683, authored by Chairman Fred Upton (R-MI) and Ranking Member Henry Waxman (D-CA) to **improve U.S.-Israel energy cooperation**.

Major Hearing Series

The E&P Subcommittee began the year with more than half a dozen hearings focused on two interrelated themes: **American Energy Security and Innovation** and **U.S. Energy**

Abundance. The panel examined a wide range of issues, including an assessment of North America's energy resources, energy efficient technologies, natural gas and electric coordination, diversity in the electricity generation portfolio and grid reliability challenges, energy exports and the changing global energy landscape, and a review of how America's energy advantage promotes manufacturing competitiveness, a topic explored jointly with the Subcommittee on Commerce, Manufacturing, and Trade. Together, these hearings made the case for how America must build the Architecture of Abundance in order to truly harness the potential of our vast energy resources, which we are tapping into today thanks to technological advancements and American innovation.

Other Initiatives

In addition to its work on energy infrastructure and development, the E&P Subcommittee explored a range of other themes in 2013. Chief among these was **agency oversight**: the subcommittee continued to partner with the Environment and the Economy Subcommittee to ask tough questions of the Nuclear Regulatory Commission; it examined the Department of Energy's budget and mission under a new Energy Secretary to assess whether the agency is equipped for today's energy realities; and it reviewed the work of the EPA, along with numerous other federal agencies, particularly in assessing the cost and effectiveness of the president's climate action plan. The subcommittee also undertook a **major bipartisan review of the Renewable Fuel Standard**, issuing five in-depth white papers to solicit stakeholder feedback and convening three days of hearings. The work of the committee was instrumental in pushing the EPA to revise the renewable fuel targets for 2014, providing some immediate relief from a looming blend wall and helping to set the stage for future steps that are needed to bring long-term stability and protect consumers. Finally, the subcommittee convened a first-of-its-kind **forum on the geopolitical implications and mutual benefits of U.S. LNG exports**, hosting stakeholders from several foreign countries and the Commonwealth of Puerto Rico to provide perspectives on current policies governing U.S. exports of liquefied natural gas and how increasing exports could affect global markets and strengthen the U.S. position as a world energy leader.

Subcommittee on Environment and the Economy

The Subcommittee on Environment and the Economy is led by Chairman John Shimkus (R-IL) and Vice Chairman Phil Gingrey (R-GA) and embodies the committee's core principles with policies that support job creation, improve regulatory systems by modernizing outdated agencies and rules, and recognize that states and local communities are often the best equipped to respond to the unique needs of their citizens. The subcommittee focused on a wide range of issues in 2013, including bills that improve the regulatory relationship between states and the federal government and an ambitious effort to review and update chemical review and regulation.

Identifying what would become a major theme for the year, the subcommittee began 2013 with a hearing examining the role of states in protecting the environment. This helped set the stage for innovative new policy approaches and established a record with testimony

from state environmental regulators outlining the areas in which they can provide better, more responsive protections for their citizens.

Legislation

The E&E Subcommittee advanced five bills in 2013 that share the common themes of improving federal-state partnerships for environmental regulation and eliminating policies that threaten consumer interests. H.R. 2218, the **Coal Residuals Reuse and Management Act**, authored by Rep. David McKinley (R-WV) is a multi-year effort to prevent heavy-handed EPA regulation of coal residuals that can better be managed at the state level, allowing their continued recycling and beneficial reuse. The bill was approved by the House with a strong bipartisan margin.

The subcommittee also developed three bills that were approved by the full committee and stand ready for House action in 2014: H.R. 2226, the **Federal and State Partnership for Environmental Protection Act**, authored by Rep. Bill Johnson (R-OH) to improve federal-state collaboration on superfund projects; H.R. 2279, the **Reducing Excessive Deadline Obligations Act**, a bill introduced by Rep. Cory Gardner (R-CO) to eliminate deadlines in the solid waste disposal and superfund laws that tie the hands of the EPA and drive costly litigation; and H.R. 2318, the **Federal Facility Accountability Act**, a bill authored by Rep. Bob Latta (R-OH) to ensure the federal government complies with state laws on superfund projects.

Finally, the subcommittee acted quickly at the end of 2013 to identify a looming EPA action that would have prevented the quick replacement of damaged or decommissioned fire hydrants, potentially putting families and businesses at risk. Reps. Bill Johnson (R-OH) and Paul Tonko (D-NY) partnered to introduce H.R. 3588, the **Community Fire Safety Act**, which was approved by the House and Senate with unanimous votes and signed into law by the president. The bill prevents interruptions in fire hydrant service and saves communities millions of dollars in excess costs.

Major Hearing Series

The E&E Subcommittee undertook a major policy reform challenge in 2013 by launching a review of the **Toxic Substances Control Act**. TSCA governs the manufacture and sale of chemicals, and while some provisions of the law work well, others may need to be updated to better respond to continued innovation. The subcommittee convened four separate hearings to help set the stage for TSCA reform, examining the history and impact of Title I of the law; the regulation of new chemicals and how confidential business information and innovation are protected; the regulation of existing chemicals and the role of preemption; and reviewing S. 1009, the Chemical Safety Improvement Act, a bipartisan effort in the Senate upon which the House intends to build in 2014.

Another key focus of the subcommittee in 2013 was its hearing series on DOE's obligations under the Nuclear Waste Policy Act and the ongoing effort to ensure the **safe storage and disposal of spent nuclear fuel**. This included hearings partnering with the Energy and

Power Subcommittee to review the work of the Nuclear Regulatory Commission, as well as specific oversight of DOE's work conducted, including formal correspondence between Chairman Upton, Subcommittee Chairman Shimkus, and the U.S. Department of Energy and the U.S. Nuclear Regulatory Commission.

Other Initiatives

The subcommittee also fulfilled its charge to conduct **agency oversight** with continued scrutiny of the Department of Homeland Security and its Chemical Facilities Anti-Terrorism Standards program and oversight of the EPA, its budget, and its regulatory initiatives.

Subcommittee on Health

The Subcommittee on Health is led by Chairman Joe Pitts (R-PA) and Vice Chairman Michael C. Burgess, M.D. (R-TX) and oversees a broad array of health matters including the Patient Protection and Affordable Care Act, public health investments and research, and key health entitlement programs including Medicare and Medicaid. The subcommittee's work in 2013 included a breakthrough bipartisan agreement on replacing the broken Sustainable Growth Rate Medicare physician payment system, numerous bipartisan public health bills, innovative new approaches to strengthening Medicare and Medicaid, and robust oversight and policy analysis related to PPACA.

Legislation

The Health Subcommittee was prolific in its legislative production, seeing six public laws enacted based on its work and another initiative becoming law that sets the stage for additional action by the panel in 2014. Bills reaching enactment include H.R. 307, the **Pandemic and All-Hazards Preparedness Reauthorization Act**, authored by Rep. Mike Rogers (R-MI); S. 622, the **Animal Drug and Animal Generic Drug User Fee Reauthorization Act**, which includes provisions of H.R. 1407 authored by Rep. John Shimkus (R-IL) and H.R. 1408 authored by Rep. Cory Gardner (R-CO); H.R. 2094, the **School Access to Emergency Epinephrine Act**, authored by Rep. Phil Roe (R-TN) and Steny Hoyer (D-MD); S. 330, the **HIV Organ Policy Equity Act**, which incorporates provisions of H.R. 698 authored by Rep. Lois Capps (D-CA); H.R. 3204, the **Drug Quality and Security Act**, authored by Chairman Fred Upton (R-MI) and incorporating provisions of H.R. 1919 authored by Rep. Bob Latta (R-OH) and H.R. 3089 authored by Rep. Morgan Griffith (R-VA); and S. 252, which incorporates H.R. 541, the **PREEMIE Reauthorization Act**, authored by Reps. Anna Eshoo (D-CA) and Leonard Lance (R-NJ), H.R. 225, the **National Pediatric Research Network Act**, authored by Reps. Lois Capps (D-CA) and Cathy McMorris Rodgers (R-WA), and the CHIMP Act Amendments of 2013. Also reflecting the subcommittee's work, Division B of H.J. Res. 59 is the **Pathway for SGR Reform Act**, setting the stage for permanent reforms to the broken Medicare physician payment system based on the subcommittee's bipartisan work over the last three years.

The panel also produced numerous bills that were approved by the House and await Senate action: Rep. Adam Kinzinger's (R-IL) H.R. 235, the **Veteran Emergency Medical Technician Support Act**; H.R. 297, the **Children's Hospital GME Support Reauthorization Act**, introduced by Subcommittee Chairman Joe Pitts (R-PA); H.R. 2019, the **Gabriella Miller Kids First Research Act**, introduced by Rep. Gregg Harper (R-MS); and Chairman Fred Upton's (R-MI) H.R. 3350, the **Keep Your Health Plan Act**. In addition to these, the subcommittee has advanced bills and has several more coming to continue its focus on bipartisan public health: awaiting a House vote are H.R. 1098, the **Traumatic Brain Injury Reauthorization Act**, introduced by Rep. Bill Pascrell (D-NJ) and H.R. 3527, the **Poison Center Network Act**, introduced by Rep. Lee Terry (R-NE).

Major Hearing Series

The Health Subcommittee conducted extensive **oversight and policy analysis surrounding PPACA** in 2013. It reviewed how the law impacts jobs and consumer costs; its unintended consequences for Americans with chronic and pre-existing illnesses; implementation challenges beyond the broken website; and the consequences of the law for seniors, particularly those enrolled in Medicare Advantage. The subcommittee also did extensive work related to **strengthening and protecting Medicare and Medicaid** with hearings on the fiscal status of these entitlements; the challenges of Medicare's traditional benefit design and bipartisan proposals for reform; the Medicare Part B drug program for seniors; and gathering state perspectives on the need for Medicaid reform and ideas to improve the program to better serve the most vulnerable populations. Of course, central to the effort to strengthen Medicare is the effort to develop a **bipartisan replacement for the broken SGR**, which is why the panel focused so much of its work, including multiple hearings, on opportunities for reform.

Other Initiatives

The panel also built a **legislative record** surrounding the numerous bills it moved; continued its work on **agency oversight** with hearings on the Department of Health and Human Services' budget and initiatives, the prevention of health care waste, fraud, and abuse, as well as an examination of the Food and Drug Administration's implementation of recently enacted medical device and drug user fee programs; it also held a pair of hearings on issues related to **health information technology** to ensure patients have continued access to innovation, and promoted its work on **public health** through hearings that examine initiatives that meet the needs of communities.

Subcommittee on Oversight and Investigations

The Subcommittee on Oversight and Investigations is led by Chairman Tim Murphy (R-PA) and Vice Chairman Michael C. Burgess, M.D. (R-TX) and has broad reach, with the ability to conduct oversight and launch investigations across the Energy and Commerce Committee's jurisdiction. The subcommittee focused on a wide range of issues in 2013, including

substantial oversight of the Patient Protection and Affordable Care Act before, during, and after the troubled launch of the exchanges.

Major Hearing Series

The O&I Subcommittee began the year with an unprecedented review of **serious mental illness** and related laws, policies, and programs at both the federal and state level. The panel began its work with a Forum After Newtown: A National Conversation on Violence and Mental Illness that featured the participation of experts and family members who have struggled with the current systems. The panel also held hearings to examine whether the Health Insurance Portability and Accountability Act helps or hinders patient care and public safety, as well as a review of the Substance Abuse and Mental Health Services Administration's role in delivering services to the severely mentally ill.

Another major focus of the panel was its leading role in **PPACA oversight**, from its early efforts predicting many of the challenges that have been realized in the weeks since launch to its aggressive document review and witness interviews with the key contractors and administration officials responsible for the law. The subcommittee issued a report and held a hearing predicting the premium rate shock that has since become reality all across the nation; it received regular updates from the Center for Consumer Information and Insurance Oversight, the office responsible for key changes to America's health insurance marketplace; it heard from small businesses that have been directly impacted by the law; and it monitored and sought documents surrounding the administration's repeated extra-legal steps to delay and modify portions of the law outside of the legislative process.

Legislation

While the O&I Subcommittee is not traditionally viewed as a source for legislative initiatives, the Energy and Commerce Committee has proven that effective oversight and investigations can lead to sound policymaking. In fact, asking questions about the operation of the federal government from an oversight perspective can help identify opportunities for reform that might not otherwise be found. That is why the subcommittee will continue its work pairing traditional investigative work with broad-based oversight of federal agencies, programs, and policy questions. Examples of how O&I's work has translated into legislation in 2013 include its months-long investigation into the deadly fungal meningitis outbreak, which resulted from insufficient oversight and a lack of clarity between traditional drug compounding and larger-scale manufacturing. The work of the O&I Subcommittee was used to develop H.R. 3204, the **Drug Quality and Security Act**, which was signed into law in 2013. Another legislative product resulting from the subcommittee's work is Subcommittee Chairman Tim Murphy's (R-PA) **Helping Families in Mental Health Crisis Act**, a legislative initiative that takes lessons learned from the panel's investigation in order to improve programs and services designed to treat the seriously mentally ill.

Other Initiatives

The O&I Subcommittee's work in 2013 spanned a wide array of issues. It looked at public health issues such as **influenza preparedness** and partnered with other subcommittees for an in-depth review of **health information technology**. It looked at **federal programs that have struggled to fulfill their charge** such as DOE's management of its nuclear weapons complex and the Y-12 security failure, as well as the BioWatch program and surveillance of bioterrorism. It took a comprehensive look at the **Department of Energy's mission**, questioning whether the agency is structured and focused appropriately in light of today's energy challenges and opportunities. It continued an ongoing review of **cybersecurity issues**, looking at cyber espionage and the theft of U.S. intellectual property and technology. Also within the intellectual property and technology space, the panel launched a review of **patent assertion entities** and how their practices are affecting innovation in the U.S. Finally, the panel exercised considerable oversight of **EPA's costly regulations, particularly those affecting coal**, with a hearing and document requests looking at how the agency is regulating in key areas and the consequences for American energy and economic growth.

Conclusion

The Committee on Energy and Commerce continues to serve as a hub for policy development, rigorous oversight, and public engagement. The committee is continually seeking new ways to interact with the American people, and has broken new ground with tools such as its online chats to discuss how real people are affected by the policies coming out of Washington, its innovative use of social media to engage the public in the hearing process, and its forums that stretch the bounds of the traditional congressional hearing to allow for a more open discussion and greater public input.

In 2014, the second session of the 113th Congress, the committee will continue to pursue policies focused on 1) promoting job creation and economic growth, 2) transforming Washington to create a smaller, modernized government for the innovation era, and 3) protecting families, communities, and civic initiatives. It will continue driving legislation from concept to bill to enactment. It will conduct strong oversight to ensure government is held accountable to the people and functioning in a manner consistent with present and future needs, not held captive to the ideas of the past. And it will maintain its commitment to open communication and social engagement to inform the public about its work.