

ONE HUNDRED ELEVENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115

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MEMORANDUM

July 13, 2010

To: Members of the Committee on Energy and Commerce

Fr: Committee on Energy and Commerce Democratic Staff

Re: Full Committee Markup on July 15, 2010

On Thursday, July 15, 2010, at 10:00 a.m. in Room 2123 of the Rayburn House Office Building, the full Committee will meet in open markup session to consider the following bills:

- **H.R. 5626**, the “Blowout Prevention Act of 2010”;
- **H.R. 2480**, the “Truth in Fur Labeling Act”, amended;
- **H.R. 4501**, the “Guarantee of a Legitimate Deal Act”, amended;
- **H.R. 1796**, the “Residential Carbon Monoxide Poisoning Prevention Act”; and
- **H. Res. 1466** , a resolution of inquiry requesting the President and directing the Secretary of Energy to produce certain documents to the House of Representatives relating to the potential use of Yucca Mountain as a high level nuclear waste repository. .

I. H.R. 5626, THE BLOWOUT PREVENTION ACT OF 2010

A. Background

On April 20, 2010, at about 10:00 p.m., an explosion occurred on the Deepwater Horizon oil drilling rig, which was drilling a well in BP's Macondo Prospect, approximately 40 miles south of the Louisiana coast in the Gulf of Mexico. There were 126 people on the rig at the time of the explosion. Fifteen of those were injured and eleven died. The Coast Guard responded to the explosion and fire, which caused the rig to sink and resulted in the ongoing blowout.¹

In the wake of this tragedy, serious questions have been raised about the causes of the explosion and the adequacy of industry practices and regulatory standards relating to oil and gas drilling. Ongoing investigations are being conducted by a Marine Board of Investigation (a joint effort under the Coast Guard and the Minerals Management Service (MMS)), a Presidential Commission, the U.S. Chemical Safety and Hazard Investigation Board, and several congressional committees, including the Committee on Energy and Commerce.² The President also ordered the Secretary of the Interior to review the accident and propose additional precautions and technologies that should be required to improve the safety of offshore oil and gas drilling; the findings of this review were published on May 27, 2010, in a document usually referred to as the Department of the Interior (DOI) "30-day Report."³

The Committee on Energy and Commerce's Subcommittee on Oversight and Investigation has held three hearings on the explosion and blowout.⁴ The Subcommittee's investigation has revealed that BP made numerous key decisions that increased the risk of a well control problem, while neglecting additional safety precautions prior to the Deepwater Horizon disaster. BP chose a well design that had only two barriers to prevent flow of dangerous gases instead of using a design that had multiple barriers; BP ignored

¹ Deepwater Horizon Unified Command (online at www.deepwaterhorizonresponse.com/go/site/2931/) (accessed June 25, 2010).

² Unite States Coast Guard, *Deepwater Horizon Marine Board of Investigation* (May 12, 2010) (online at http://www.deepwaterinvestigation.com/posted/3043/Marine_Board_of_Investigation_Process.548795.pdf); The White House, *President Obama Announces Members of the BP Deepwater Horizon Oil Spill and Offshore Drilling Commission* (June 14, 2010) (online at <http://www.whitehouse.gov/the-press-office/president-obama-announces-members-bp-deepwater-horizon-oil-spill-and-offshore-drill>); Letter from John S. Breslan, Chairman, U.S. Chemical Safety and Hazard Investigation Board, to Rep. Henry A. Waxman and Rep. Bart Stupak (June 18, 2010) (online at http://www.csb.gov/assets/news/document/Response_to_Rep_Waxman_Stupak_-_BP_Transocean_June_18_2010.pdf); U.S. House Committee on Energy and Commerce, *Energy and Commerce Committee Investigates Deepwater Horizon Rig Oil Spill* (online at http://energycommerce.house.gov/index.php?option=com_content&view=article&id=1985:energy-a-commerce-committee-investigates-deepwater-horizon-rig-oil-spill&catid=122:media-advisories&Itemid=55) (accessed June 27, 2010).

³ Department of the Interior, *Increased Safety Measures for Energy Development on the Outer Continental Shelf* (May 27, 2010) (online at <http://www.doi.gov/deepwaterhorizon/loader.cfm?csModule=security/getfile&PageID=33598>).

⁴ Subcommittee on Oversight and Investigations, *Hearing on Inquiry into the Gulf Coast Oil Spill* (May 12, 2010); *Hearing on Local Impact of the Deepwater Horizon Oil Spill* (June 7, 2010); *Hearing on the Role of BP in the Deepwater Horizon Explosion and Oil Spill* (June 17, 2010).

the advice of its contractor, Halliburton, and chose a cement sealing approach for the well that was predicted to fail; BP failed to conduct a key test to evaluate the sufficiency of the cementing job; BP failed to fully circulate well fluids to facilitate better cementing, and BP did not install a key piece of equipment at the wellhead prior to the explosion. Several of these steps, though considered to be industry best practices, are not mandated under current law. All of these decisions saved time and money for BP, but increased risks.

1. Well Control Issues

Perhaps the most critical safety issue with regard to oil and gas drilling is the maintenance of “well control” – i.e. control over conditions in the well bore, where high pressures threaten to drive oil and gas toward the surface from subsurface formations. If these pressurized hydrocarbons cannot be controlled, they may reach the surface and cause a fire or explosion. On the Deepwater Horizon, an uncontrolled influx of gas into the well is believed to have caused an uncontrolled “blowout” and the ensuing explosion.

Current drilling technology uses a number of lines of defense to prevent the loss of well control: (1) the circulation of heavy drilling “mud” through the well, which helps to equalize pressure and prevent uncontrolled upward flow of hydrocarbons; (2) the use of cement and mechanical barriers in and around the steel casing (which lines the well and forms the conduit between the hydrocarbon reservoir and the surface) preventing the upward flow of oil and gas. In the event of complete loss of well control, exploration wells are equipped with a blowout preventer (BOP), which includes a series of devices intended to seal the wellhead as a last resort during a well control event threatening a blowout.

The following diagrams provide an overview of some of these basic elements of an oil and gas well:

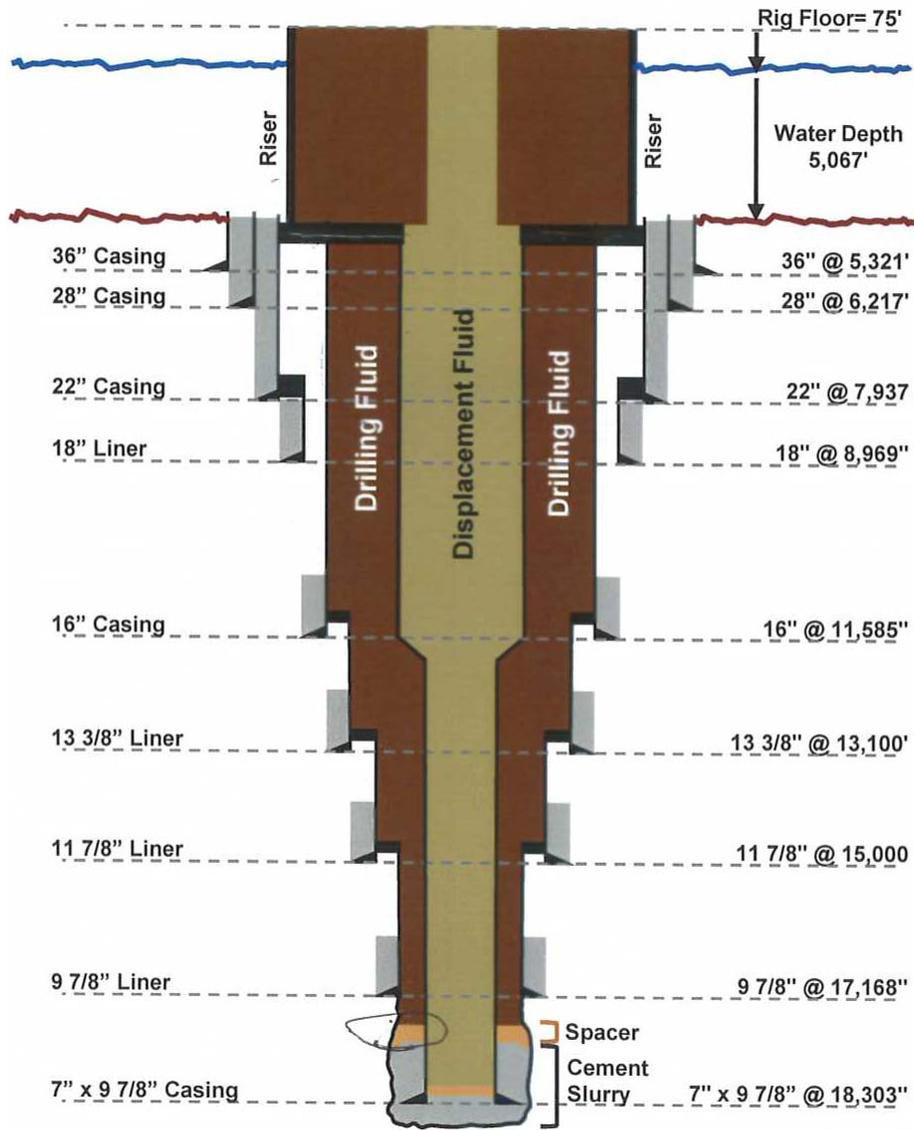


Diagram 1. Well Cementing of the Macondo Well⁵

⁵ Halliburton, *Well Cementing*, at 24 (May 6, 2010).

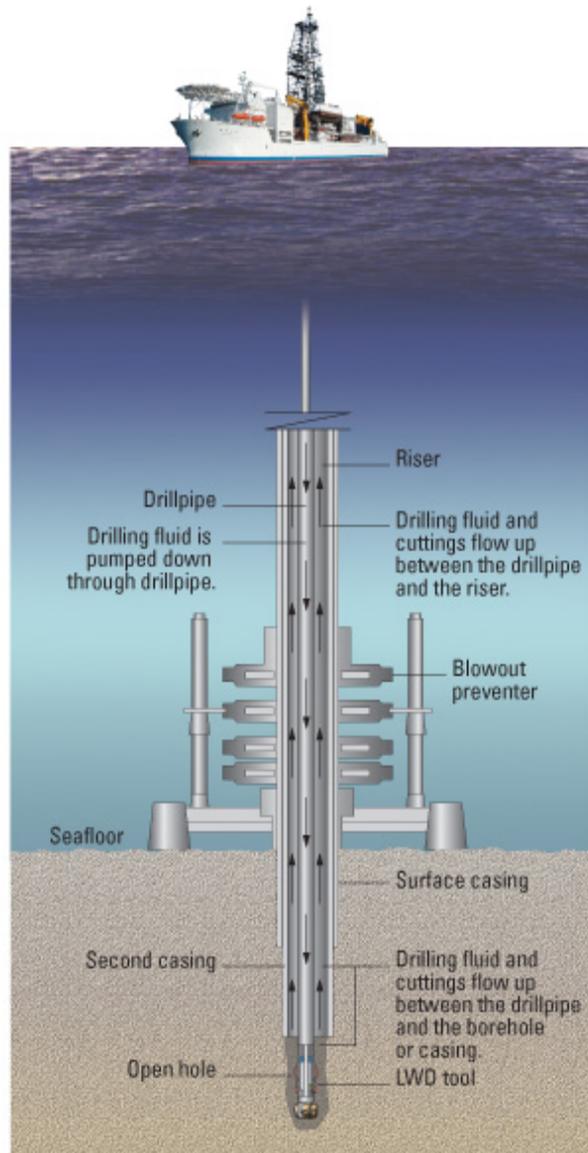


Diagram 2. Offshore Drilling Equipment.⁶

2. Blowout Preventers and Secondary Control Systems

A BOP is a piece of equipment installed at the wellhead and designed to prevent an uncontrolled release of hydrocarbons from a well. It consists of several independent systems that may be used to ensure well control, which may include:

- *Annular Preventers*, which seal the wellbore with a variable-width rubber aperture that can close on itself or around any pipe that may be strung through the wellbore;

⁶ Transocean, *Primer on Offshore Drilling Operations*, at 23 (undated).

- *Variable Bore Rams*, which seal around drill pipe with rubber-tipped steel blocks;
- *Blind Shear Rams*, the well-control mechanism of last resort, designed to cut through drill pipe and seal the well during an emergency; and
- *“Casing” or “Super” Shear Rams*, which are designed to cut through casing or other obstructions that may be present in the wellbore, allowing blind shear rams to close and seal the well during an emergency.

The following is an illustration of some of the common components of a blowout preventer:

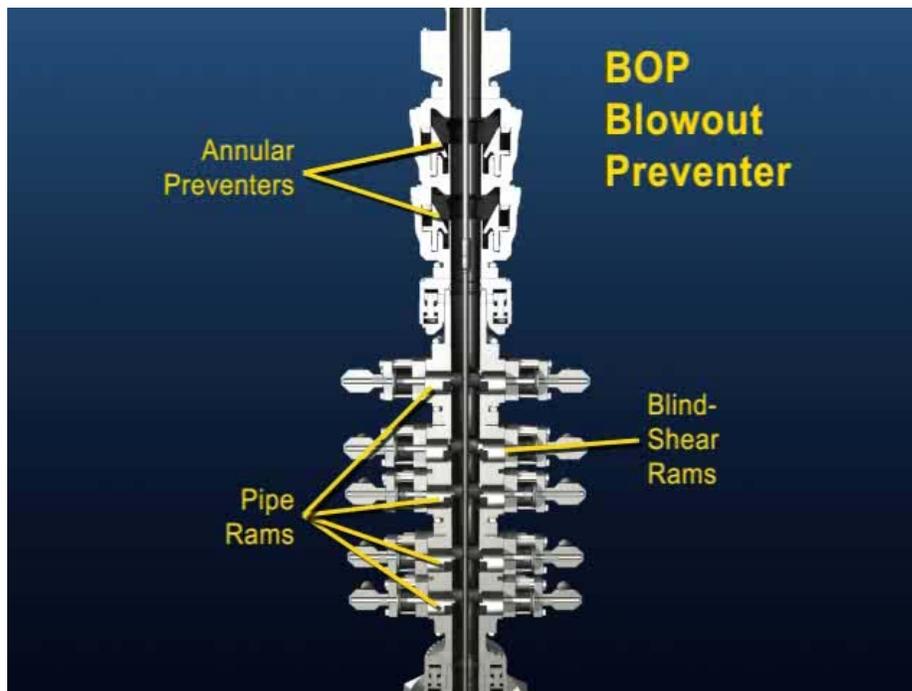


Diagram 3. A Blowout Preventer (BOP).⁷

Because the blowout preventer is intended to be a failsafe last resort that must function in an emergency, blowout preventers are often designed with redundant equipment and control systems, to ensure that at least one set of emergency systems is always functional. In numerous cases, however, blowout preventers have failed to operate, often with catastrophic consequences. The blowout preventer installed on the Macondo well failed to control the blowout.⁸

The Committee identified several potential problems that might have resulted in this failure. According to a 2004 report commissioned by the Minerals Management Service, blind shear rams are not designed to cut through drill pipe tool joints, the thick-

⁷ Transocean, *Primer on Offshore Drilling Operations*, at 23 (undated).

⁸ Rep. Bart Stupak, Opening Statement, *Hearing on Inquiry into the Deepwater Horizon Gulf Coast Oil Spill* (May 12, 2010) (online at http://energycommerce.house.gov/Press_111/20100512/Stupak.Opening.05.12.2010.pdf).

walled connections between sections of pipe.⁹ Casing shear rams also may not cut through tool joints.¹⁰ These tool joints may take up as much as 10% of a pipe's length. The use of redundant shear rams could eliminate this risk, ensuring that there is always one shear ram that is not opposite a tool joint. But MMS regulations currently do not require redundant blind shear rams and casing shear rams. The Deepwater Horizon included only one of each.

Blowout preventers usually include one or more emergency backup (or secondary control) systems, including a system commonly called a "deadman switch," to close the blind shear rams and seal the well in case of a loss of communication with the drilling rig.¹¹ In order for the deadman switch on the Deepwater Horizon to be activated, three separate lines from the rig to the BOP had to be severed: power, communication, and hydraulics. If any one of those lines remained active, the deadman switch would not have been triggered even though the blind shear rams could not be activated from the surface.¹² The Deepwater Horizon also did not have an acoustic backup switch, which might have been able to activate the BOP remotely from the surface.¹³

Offshore drilling operators rely on remote-operated vehicles (ROVs) to activate blowout preventers as a last resort. These unmanned, submersible vehicles travel to the bottom of the ocean and can directly trigger blowout preventers via an interface on the BOP itself. The Deepwater Horizon's BOP, however, has not sealed the well even after many days of ROV intervention.

The Committee has also learned that there were several issues with the Deepwater Horizon's maintenance of its BOP system. There are no MMS regulations requiring testing of emergency systems, and BP did not conduct such tests. ROVs discovered several leaks in the hydraulic lines that provide pressure for BOP functions, and found unexpected modifications to the original design of the BOP. These problems resulted in wasted time in the critical days following the accident and might have contributed to the initial failure of the blowout preventer.

H.R. 5626 addresses these and related problems by directing the appropriate federal official to promulgate regulations requiring two sets of blind shear rams; effective emergency backup systems; and working ROV intervention capabilities. It also sets out an improved inspection, reporting, and testing regime to ensure proper maintenance and operation of blowout preventers.

⁹ West Engineering Services, *Shear Ram Capabilities Study* (Sept. 2004) (online at <http://www.mms.gov/tarprojects/463/%28463%29%20West%20Engineering%20Final%20Report.pdf>).

¹⁰ Briefing by David McWhorter, Vice President of Engineering and Quality, Cameron International, to House Energy and Commerce Committee Staff (May 10, 2010).

¹¹ See generally West Engineering Services, *Evaluation of Secondary Intervention Methods in Well Control* (Mar. 2003) (online at <http://www.mms.gov/tarprojects/431/FinalReport431.pdf>).

¹² Rep. Bart Stupak, Opening Statement, *Inquiry into the Deepwater Horizon Gulf Coast Oil Spill* (May 12, 2010) (online at http://energycommerce.house.gov/Press_111/20100512/Stupak.Opening.05.12.2010.pdf).

¹³ *Leaking Oil Well Lacked Safety Device*, Wall Street Journal (Apr. 28, 2010) (online at <http://online.wsj.com/article/SB10001424052748704423504575212031417936798.html>).

3. Well Design, Fluid Circulation and Displacement, and Cementing Practices

The Committee's investigation has also uncovered several issues concerning decisions BP made in regard to the design and execution of the Macondo well plan.¹⁴

The Macondo well was designed with a "long string" production casing that extended from the sea floor down to the reservoir from which oil was to be produced. This well design leaves only two barriers along one flow path through which hydrocarbons could flow between the reservoir and the blowout preventer: a layer of cement at the bottom of the well, and a mechanical seal at the wellhead itself. Another design, a "linertieback" approach, would have made a blowout less likely by incorporating four barriers between the reservoir and the BOP: two mechanical seals and two layers of cement.

Installing a "lockdown sleeve" on the mechanical seal at the wellhead would have reinforced the wellhead against pressure from below as well as pressure from above. This lockdown sleeve was never installed on the Macondo well, even though drillers on the Deepwater Horizon began procedures that would have put upward pressure on the wellhead seal.

Because the Macondo well was designed with a long string casing, it was critically important that the cement job at the bottom of the well successfully seal off the reservoir. But there are several issues concerning BP's final cement job: BP ran casing with fewer "centralizers" than its cementing contractor predicted would be sufficient to ensure an even seal around the entire casing; it failed to circulate drilling mud throughout the well before cementing, in accordance with industry best practices; and it failed to run a cement bond log test, which could have uncovered failures or imperfections in the bonded cement.

The legislation addresses these issues by directing the appropriate federal official to promulgate regulations to require: two independent barriers in addition to a cement barrier across potential flow paths; appropriate fluid circulation and displacement practices; and appropriate cementing practices, including mandatory cement bond logs.

4. Regulatory Development and Implementation

In addition to critical equipment and well design issues, H.R. 5626 also addresses a number of issues related to periodic review and updating of regulatory standards, implementation and enforcement of standards through independent third-party certification, inspections, and other mechanisms, as well as stop-work authority and whistleblower protections.

¹⁴ Letter from Rep. Henry A. Waxman and Rep. Bart Stupak to Tony Hayward, Chairman, BP (June 14, 2010) (online at <http://energycommerce.house.gov/documents/20100614/Hayward.BP.2010.6.14.pdf>).

B. Summary of H.R. 5626

On Friday, June 25, 2010, the Committee on Energy and Commerce released a discussion draft of the Blowout Prevention Act of 2010. On June 29, 2010, Chairmen Waxman, Markey, and Stupak introduced H.R. 5626, the Blowout Prevention Act of 2010, which included several minor modifications to the discussion draft. The bill establishes a number of standards and procedures to ensure the use of appropriate safety equipment and practices during drilling activities at covered oil and gas wells. The Subcommittee on Energy and Environment held a legislative hearing on the bill on June 30, 2010.

Since the hearing, bipartisan member and staff discussions have been ongoing. The attached amendment in the nature of a substitute reflects the current status of these ongoing discussions. The amendment in the nature of a substitute would make several changes to the introduced bill, including (1) refinements to and clarifications of the minimum regulatory requirements relating to blowout preventers, well design, and cementing; (2) refinements to and clarifications of the basic conditions which the CEO of an applicant must attest and the appropriate federal official must determine are met before a federal permit to drill a covered well is issued; (3) replacement of the definition of “high-risk well” with a narrower definition of “covered well”; (4) insertion of a new section providing for state implementation of requirements for wells subject to effective state regulation; (5) modification of the definition of “appropriate federal official” to limit the potential designees to the Secretary of Energy and the Secretary of the Interior; (6) clarification of the ability of the appropriate federal official to substitute a more effective technology or practice for a minimum requirement established by this Act; (7) modification of the citizen suit provision to be consistent with current law; and (8) a number of additional technical and clarifying changes.

II. H.R. 2480, THE TRUTH IN FUR LABELING ACT OF 2010

The labeling of fur products is currently regulated by the Fur Products Labeling Act of 1951, which requires that fur manufactured for use as attire have labels indicating the animal name and the country of origin.¹⁵ Apparel with less than \$150 worth of fur is exempted from these requirements by the rules and regulations of the Federal Trade Commission (FTC) under the Fur Products Labeling Act.¹⁶

In today’s manufacturing of fur apparel, roughly 14% of products trimmed with animal fur go unlabeled because they fall below the \$150 threshold set by current federal law.¹⁷ In addition, an investigation by the Humane Society found real fur that was labeled as faux fur and other furs that were mislabeled.¹⁸

¹⁵ 15 U.S.C. §§ 69-69j. The law also requires labeling of the manufacturer name, whether the fur is natural or dyed, and whether the fur is used or damaged.

¹⁶ 16 CFR § 301.39

¹⁷ The Humane Society of the United States, *Congress Calls for Truth in Fur Labeling In Response to Ongoing Misrepresentation* (May 20, 2009) (online at www.hsus.org/press_and_publications/press_releases/congress_calls_for_truth_in_fur_labeling_052009.html).

¹⁸ *Id.*

The FTC, as instructed by the Fur Products Labeling Act, produces the Fur Products Name Guide that defines how fur products may be listed on the label.¹⁹ This guide has been criticized as outdated and inaccurate.²⁰

H.R. 2480 amends the Fur Products Labeling Act by removing FTC's authority to exempt apparel valued under a certain amount. As a result, all articles of apparel containing fur will be required to be labeled. The legislation also instructs FTC to review the Fur Products Name Guide. A companion Senate bill, S. 1076, was introduced by Senator Menendez on May 19, 2009.

H.R. 2480 was introduced on May 19, 2009, by Reps. James P. Moran (D-VA) and Mary Bono Mack (R-CA). The Subcommittee on Commerce, Trade, and Consumer Protection held a legislative hearing on H.R. 2480 on May 13, 2010. The Subcommittee marked up the legislation on June 30, 2010, accepting a manager's amendment striking section 4 of H.R. 2480, leaving the bill silent on the question of preemption. The Subcommittee forwarded the legislation as amended to the full Committee by voice vote.

III. H.R. 4501, THE GUARANTEE OF A LEGITIMATE DEAL ACT

The industry for mail-in gold (and other precious metals) is a new and rapidly growing branch of the used jewelry buying industry. In a mail-in transaction, customers mail their jewelry to a mail-in gold company, which appraises the value of the precious metals and makes the customer an offer by sending the customer a check by mail. The customer generally has a limited number of days to reject the offer, and if the customer does not reject the request within that number of days, the company will consider the offer accepted.²¹ The company then melts down the jewelry for sale as bullion.²²

The rapid growth of the mail-in gold industry has been driven in large part by the increasing price of gold. In the past three years, the price of gold has nearly doubled, from just over \$600 per ounce in 2007 to approximately \$1,200 an ounce in 2010.²³

The mail-in gold industry has drawn scrutiny over its business practices after widespread complaints from consumers who claimed that they did not receive a fair payment for their jewelry. *The Consumerist* and *Consumer Reports* conducted a test comparing the offers of three mail-in gold companies for identical pieces of jewelry in 2009. The companies offered between 11% and 29% of the jewelry's actual value based

¹⁹ 16 C.F.R. 301.

²⁰ Humane Society Legislative Fund, *Fact Sheet: Support the Truth in Fur Labeling Act S.1076 / H.R. 2480*, (online at www.hslf.org/pdfs/fur-labeling-fact-sheet-tafa.pdf) (accessed May 10, 2010).

²¹ Cash4Gold.com, Terms and Conditions (online at www.cash4gold.com/wp-content/themes/theme_cash4gold_black/terms-conditions.php) (accessed May 9, 2010); GoldKit.com, Terms and Conditions (www.goldkit.com/terms_and_conditions.asp) (accessed May 9, 2010).

²² *Cash4Gold's Rush*, Florida Trend (May 1, 2009) (online at www.floridatrend.com/article.asp?page=2&aID=51067).

²³ GoldPrice.com, Gold Price History (www.goldprice.org/gold-price-history.html) (accessed May 7, 2010).

on the price of gold.²⁴ ABC's *Good Morning America* and CBS's *Inside Edition* each conducted similar tests, receiving offers under 20% of the actual value of the jewelry sent to mail-in gold companies.²⁵

In addition to low payments, delayed checks and lost packages have been the basis of numerous consumer complaints. The Better Business Bureau of Southeast Florida and the Caribbean has reported that of the 324 complaints concerning Cash4Gold over the past 36 months, a pattern of allegations is apparent: valuables shipped to Cash4Gold that the company never reported as arriving, offers that consumers said were lower than what the company's ads had led them to expect, and checks arriving by mail too late to cancel a transaction.²⁶

The United States Postal Service Office of Inspector General conducted an investigation of over 1,300 loss claims covering 18 months in 2008 and 2009 on mail addressed to Cash4Gold, finding no irregularities in its Postal Services' mail processing.²⁷ Because many consumers have experienced the loss of their jewelry, the mail-in gold companies have been criticized for inadequately insuring the shipping packages provided to consumers. With respect to the delayed checks issue, consumers are advised that they have a certain number of days from issuance of the checks to reject the offer and cancel. Consumers have reported delays in receiving their checks. These delays in the delivery of checks have prevented some consumers from rejecting an offer made by a mail-in gold company before the company melted down their jewelry.

On January 21, 2009, Rep. Anthony D. Weiner (D-NY) introduced H.R. 4501, a bill to require certain policies from businesses that purchase precious metals from consumers. The bill requires online purchasers of precious metals to wait until receiving an affirmative acceptance of the amount offered before melting down a consumer's jewelry. Purchasers of online precious metals are required to promptly return jewelry to a consumer if the consumer declines the amount offered. In addition, the bill sets a standard for the amount of insurance provided by online purchasers of precious metals on shipments of jewelry or precious metals to consumers.

The Subcommittee on Commerce, Trade, and Consumer Protection held a legislative hearing on H.R. 4501 on May 13, 2010. The Subcommittee marked up the legislation on June 30, 2010. Based on testimony received at the hearing and discussions with the minority, a manager's amendment in the nature of a substitute was offered and

²⁴ *Cashing in Gold? Here's the Catch*, Consumer Reports Magazine (Nov. 2009).

²⁵ *Cash4Gold's Super Bowl Ad*, Inside Edition, (Feb 4, 2009) (online at <http://www.insideedition.com/news.aspx?storyID=2588>); *Gold Rush: People Rush to Sell Gold Instead of Finding It*, ABCNews.com (March 20, 2009) (online at abcnews.go.com/GMA/story?id=7125707&page=1).

²⁶ *The Article Cash4Gold Doesn't Want You to Read*, The Consumerist (Sep. 2, 2009) (online at consumerist.com/2009/09/the-article-cash4gold-doesnt-want-you-to-read.html); Better Business Bureau, Reliability Report for Cash4Gold (online at www.seflorida.bbb.org/Business-Report/Cash-4-Gold--16000679) (accessed May 10, 2010).

²⁷ United States Postal Service Office of Director General, Southeast Area Field Office. Case #09IMI1529IM18IM, "Cash4Gold, South Florida P&DC, Pembroke Pines, FL 33028, Mail Theft."

was subsequently adopted by a voice vote. The manager's amendment strengthened the bill's consumer protections by covering purchasers of precious metals that do not maintain an internet website and giving the FTC discretionary rulemaking authority. The legislation was forwarded, amended, to the full Committee by a voice vote.

IV. H.R. 1796, THE RESIDENTIAL CARBON MONOXIDE POISONING PREVENTION ACT

Carbon monoxide is a colorless, odorless, invisible gas found in combustion fumes, such as from cars and trucks, stoves, lanterns, burned coal and wood, gas ranges, heating systems, and portable generators.²⁸ In semi-enclosed or enclosed spaces carbon monoxide can build up and poison people occupying those spaces.²⁹

Early symptoms of exposure to low to moderate levels of carbon monoxide may be similar to other illnesses, including the flu.³⁰ But the consequences of carbon monoxide exposure can be tragic. Rapid high-level exposure can cause victims to become mentally confused and to lose muscle control without first experiencing milder symptoms, and such victims will likely die if not rescued.³¹ Indeed, more than 400 people die each year from carbon monoxide poisoning.³² In addition, each year more than 20,000 people visit the emergency room due to carbon monoxide poisoning and over 4,000 are hospitalized.³³ Certain populations are more susceptible to the effects of carbon monoxide poisoning, including infants and people with chronic heart disease or respiratory problems.³⁴ Fatality rates are highest among those 65 and older.³⁵

H.R. 1796, the Residential Carbon Monoxide Poisoning Prevention Act, would take several steps to prevent carbon monoxide poisoning. First, it would require the Consumer Product Safety Commission (CPSC) to adopt the existing voluntary industry standard for carbon monoxide alarms as a mandatory consumer product safety standard. The bill would make it unlawful for manufacturers or distributors to import or distribute any new residential carbon monoxide detector that does not comply with the standard. Second, the bill would require a warning label and a pictogram to be printed on all portable generators advising consumers of the carbon monoxide hazard posed by incorrect use of the generator. Finally, the bill would establish a grant program to assist states in carrying out carbon monoxide alarm programs.

²⁸ U.S. Centers for Disease Control and Prevention, *Carbon Monoxide Poisoning: Fact Sheet* (online at www.cdc.gov/co/faqs.htm).

²⁹ *Id.*

³⁰ Consumer Product Safety Commission, *Carbon Monoxide Questions and Answers* (online at www.cpsc.gov/cpscpub/pubs/466.html).

³¹ *Id.*

³² *Id.*

³³ U.S. Centers for Disease Control and Prevention, *Carbon Monoxide Poisoning: Fact Sheet* (online at www.cdc.gov/co/faqs.htm).

³⁴ *Id.*

³⁵ *Id.*

The Subcommittee held a legislative hearing on H.R. 1796, the Residential Carbon Monoxide Poisoning Prevention Act, on March 18, 2010. H.R. 1796 was considered by the Subcommittee on Commerce, Trade, and Consumer Protection in open markup session on June 30, 2010.

H.R. 1796 was introduced on March 30, 2009, by Rep. Jim Matheson (D-UT). The Subcommittee adopted an amendment in the nature of a substitute that made several substantive and technical changes to H.R. 1796. The amendment requires the CPSC to adopt both of the existing voluntary industry standards that apply to different types of carbon monoxide alarms. The amendment also allows for automatic updating of the standards. In addition, the amendment would no longer impose a specific design for portable generator warning labels, and instead would call on the CPSC to study the possibility of requiring the warning labels to include another language in addition to English. Finally, the amendment would strengthen the eligibility criteria for the grant program to encourage states to adopt laws that require the installation of carbon monoxide alarms in a broader range of homes, and would expand the allowable uses of the grant funds to include the purchase of the alarms for certain vulnerable populations.

At full Committee markup, Chairman Waxman is likely to offer a manager's amendment that makes minor technical and substantive changes. The amendment corrects the definition of "approved carbon monoxide alarm" to account for the authority granted to the CPSC to amend the standards for carbon monoxide alarms and the definition of "carbon monoxide alarm" to accurately reflect how the alarms work. In addition, the amendment removes the section imposing certain labeling requirements for the alarms and their packaging. Finally, the amendment extends the time frame that the CPSC has to accept or reject revisions to the standards by the relevant standards setting organization from 30 days to 60 days.

V. H. RES. 1466, RESOLUTION OF INQUIRY

H. Res. 1466, introduced by Rep. James Sensenbrenner (R-WI), requests the President and directs the Secretary of the Department of Energy to provide certain documents to the House of Representatives concerning DOE's application to foreclose use of Yucca Mountain as a high-level nuclear waste repository. Specifically, the resolution states that it seeks documents held by DOE or the Office of Management and Budget relating to:

(1) The Department of Energy's Motion to Withdraw its pending licensing application with prejudice for a permanent geologic repository at Yucca Mountain, Nevada.

(2) The President's elimination of future funding for Yucca Mountain.

(3) The Department of Energy's reprogramming of fiscal year 2010 funds 'to bring the Yucca Mountain Project to an orderly close'.

(4) The Department of Energy's discontinuation of standard monitoring and data collection of the site.

(5) The Department of Energy's efforts to preserve documents supporting its Yucca Mountain Repository License Application.”

Clause 7 of rule XIII of the Rules of the House of Representatives provides that if a resolution of inquiry is not reported by the committee(s) of jurisdiction to the House within 14 legislative days of its introduction, a motion to discharge such committee(s) from consideration of the resolution shall be privileged on the House floor.