

COMMITTEE ON ENERGY AND COMMERCE OVERSIGHT PLAN

U.S. HOUSE OF REPRESENTATIVES

112TH CONGRESS

During the 112th Congress the Committee on Energy and Commerce will hold hearings and conduct robust oversight over matters within its jurisdiction. The Committee will conduct thorough oversight, reach conclusions based on an objective review of the facts, and treat witnesses fairly. The Committee will request information in a responsible manner that is calculated to be helpful to the Committee in its oversight responsibilities. The Committee's oversight functions will focus on: 1) cutting government spending through the elimination of waste, fraud and abuse; 2) ensuring laws are being implemented in a manner that protects the public interest without stifling economic growth.

HEALTH AND HEALTHCARE ISSUES

PATIENT PROTECTION AND AFFORDABLE CARE ACT

In the 112th Congress, the Committee will examine issues related to the Department of Health and Human Services implementation of Public Law 111-148, The Patient Protection and Affordable Care Act (PPACA) and the related Reconciliation Bill, Public Law 111-151. This will include the numerous provisions contained within the law that affect the private insurance market in the United States, the creation of health insurance exchanges, the regulations and requirements imposed on both small and large businesses, and the law's effects on individuals.

The Committee will also evaluate what controls are in place to prevent bias, waste, fraud, and abuse in the management of PPACA and its programs. The Committee will monitor deadlines imposed on HHS by the Patient Protection and Affordable Care Act and examine what procedures HHS has in place for meeting those deadlines and/or complying with missed deadlines. The Committee will examine what programs HHS has in place to improve the availability of reliable, consumer-oriented information on the cost and quality of health care goods, services, and providers. The Committee will investigate the process by which the Executive Branch evaluated claims that PPACA would curb rising health care costs and federal spending. The Committee will also examine the status and future of employer-sponsored health care plans as well as the effects of PPACA's enactment on the states. The Committee will examine the impact of PPACA and its implementing regulations on the economy, consumers, and the health care industry as well as the process by which those regulations are drafted.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

The Committee will review the management, operations, and activity of the Centers for Medicare and Medicaid Services (CMS) and the programs it administers. The Committee will examine and review Medicare and Medicaid management and activity as it relates to ongoing Committee efforts to prevent bias, waste, fraud, and abuse in federal health care programs, particularly in the implementation of PPACA. The Committee will investigate the process by which CMS implements statutory formulas to set prices for Medicare payment, as well as the effectiveness of those formulas. The Committee will evaluate the competitive bidding process for durable medical equipment and examine ways to use similar programs in Medicare and Medicare Advantage plans. The Committee will examine the effects that the Medicaid expansion included in PPACA will have on state budgets, the budgets of individuals and families, the budgets of providers currently providing uncompensated care, and the impact it may have on access to care. The Committee will investigate the processes by which CMS prevents bias, waste, fraud, and abuse in the award of government contracts.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

The Committee will examine issues related to the work done by the Agency for Healthcare Research and Quality. This will include, but not be limited to, oversight of the Agency's work in all areas, review of the procedures and processes used by the Agency, and how the Agency's role is expanded by Public Law 111-148, The Patient Protection and Affordable Care Act.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

The Committee will review and oversee action taken by the Department of Health and Human Services (HHS) in response to June 2010 Government Accountability Office (GAO) findings concerning the need for greater fraud prevention controls in the Low-Income Home Energy Assistance Program (LIHEAP). Of particular concern to the Committee is the status of efforts by HHS to strengthen LIHEAP's and state recipients' internal control frameworks, and determining whether HHS is satisfying the GAO recommendation that it provide specific guidance to the states in establishing appropriate systems and procedures to prevent fraud and improper payments.

FOOD AND DRUG ADMINISTRATION AND DRUG SAFETY

The Committee will review whether the Food and Drug Administration (FDA) is ensuring that regulated drugs are safe, effective, and available to American patients in an expeditious fashion. The Committee will also explore the interplay between these policies and drug

innovation, both in the United States and abroad. Further, the Committee will examine FDA's enforcement of current drug safety laws and the issues involved in protecting the nation's supply chains against economically motivated and other forms of adulteration.

FDA REGULATION OF MEDICAL DEVICES

The Committee will examine whether the FDA's evolving regulatory approach has sufficient predictability and transparency, whether FDA's approval processes ensure safety and effectiveness, and the interplay between these policies and innovation, patient care, and employment, both in the United States and abroad.

ENERGY AND ENVIRONMENT ISSUES

NATIONAL ENERGY POLICY

During the 112th Congress, the Committee will examine issues relating to national energy policy, including U.S. policies that relate to production, supply, and consumption of electricity, oil and natural gas, coal, hydroelectric power, nuclear power, and renewable energy. The Committee will examine the impact of government policies and programs on the exploration, production, and development of domestic energy resources, including issues relating to the nation's current energy infrastructure. The Committee will also continue to examine safety and security issues relating to energy exploration, production and distribution.

ELECTRICITY MARKETS

The Committee will review electricity transmission policies of the Federal government to ensure that those policies promote competitive wholesale power markets, transmission, and generation infrastructure upgrades, and compliance with relevant statutes. It will examine the activities of the Federal Energy Regulatory Commission (FERC) relating to electric industry restructuring, protection of consumers, and the development of efficient and vigorous wholesale markets for electricity.

MANAGEMENT OF THE DEPARTMENT OF ENERGY AND ITS NATIONAL LABORATORIES

The Committee will oversee management and operations issues at the Department of Energy (DOE), including management and operations of the National Nuclear Security Administration (NNSA) and the national laboratories. The Committee's oversight work will include a review of the implementation of new nuclear security requirements at NNSA and DOE facilities, ongoing safety and security matters, the Office of Environmental Management's cleanup program, high-level waste management efforts, and DOE's implementation of the Nuclear Waste Policy Act.

YUCCA MOUNTAIN

The Committee will examine DOE's decisions to abandon Yucca Mountain as a nuclear waste repository, related financial implications of the decisions, and the potential impact of those decisions on the future of nuclear energy in the United States. The Committee will also examine the actions of the Nuclear Regulatory Commission (NRC) in connection with the shutdown of the Yucca Mountain facility.

THE NUCLEAR REGULATORY COMMISSION

The Committee will review the activities of the Nuclear Regulatory Commission. The Committee will examine NRC's budget requests and conduct oversight of the manner in which the Commission discharges its various responsibilities, including the safety and security of nuclear facilities. In addition, the Committee will closely monitor the process of the licensing and development of new nuclear power facilities.

CLEAN AIR ACT

The Committee will review significant rulemakings under the Clean Air Act and the potential economic and job impacts of those rulemakings on the energy, manufacturing and construction industries and other critical sectors of the U.S. economy, as well as any public health and environmental benefits of the regulations. The Committee's review will include oversight of the Environmental Protection Agency's (EPA) decisions, strategies and actions to meet Clean Air Act standards, and the current role of cost, employment and feasibility considerations in Clean Air Act rulemakings.

CLIMATE CHANGE

The Committee will continue to monitor international negotiations on efforts to control greenhouse gas emissions in connection with concerns about global climate change. In addition, the Committee will examine the EPA's efforts to regulate domestic greenhouse gas emissions under the Clean Air Act based on its endangerment finding. The Committee will also review the activities undertaken in this area by agencies within the Committee's jurisdiction, including the Department of Energy (DOE) and the Department of Health and Human Services (HHS).

EPA MANAGEMENT AND OPERATIONS

The Committee intends to conduct general oversight of the EPA, including review of the agency's funding decisions, resource allocation, grants, research activities, enforcement actions, relations with State and local governments, respect for economic, procedural, public health, and environmental standards in regulatory actions, and program management and implementation.

INVESTMENT IN THE GREEN ENERGY SECTOR

The American Recovery and Reinvestment Act (ARRA, or the stimulus) provided \$84.6 billion in new spending for the green energy sector, as well as \$21.6 billion in tax credits for energy, transport, and climate science. The Committee will review how this money was spent and what types of jobs have been created; the development of new technologies, products, and businesses focused on green energy; and how this spending has impacted the domestic suppliers or manufacturers of alternative energy products.

COMMUNICATIONS AND TECHNOLOGY ISSUES

FEDERAL COMMUNICATIONS COMMISSION

During the 112th Congress, the Committee will conduct oversight of the Federal Communications Commission (FCC), including the effect of the FCC's decisions on innovation, access to information, and the U.S. economy. Among other things, the Committee will evaluate the impact of FCC actions on voice, video, audio, and data services, and on public safety. The Committee will pay particular attention to whether the FCC conducts cost-benefit and market analyses before imposing regulations. The Committee will also conduct oversight to improve FCC procedures and transparency.

BROADBAND PROVISIONS OF THE AMERICAN RECOVERY AND REINVESTMENT ACT

The Committee will conduct oversight of the \$7 billion dollars allocated by the ARRA to the National Telecommunications and Information Administration (NTIA) and the Rural Utility Service (RUS) for broadband grants and loans. In particular, the Committee will examine what procedures are in place to control waste, fraud, and abuse of broadband stimulus funds, whether the funds were appropriately targeted, and the impact of the funding on jobs and the economy.

NATIONAL BROADBAND PLAN

The Committee will examine the National Broadband Plan developed by the FCC. The committee will evaluate the existing availability of broadband technologies and the deployment of broadband services and facilities. The Committee will also evaluate the impact of the National Broadband Plan on competition, access, prices, and incentives for entities to make investments in broadband networks and new technologies. As the FCC drafts regulations to implement the National Broadband Plan, the Committee will examine whether those regulations reflect the goals of maximizing consumer welfare, innovation, and investment.

UNIVERSAL SERVICE REFORM AND INTERCARRIER COMPENSATION

The Committee will examine the FCC's efforts to reform the universal service fund and inter-carrier compensation regimes to reduce unnecessary consumer fees and carrier subsidies. The Committee will pay particular attention to whether the FCC is stemming growth in the fund, reducing duplicative subsidies, and targeting remaining subsidies to areas that are otherwise not economically feasible for the private sector to serve. The Committee will also examine whether the FCC's internal processes are appropriate to control waste, fraud, and abuse of universal service funds.

SPECTRUM MANAGEMENT

The Committee will conduct oversight of the FCC's and the NTIA's management and allocation of the nation's spectrum for commercial and government use. Spectrum is increasingly being used to provide voice, video, and data services to consumers. The Committee will evaluate spectrum-management policies to ensure that such policies are maximizing the efficient use of the public airwaves for innovative communications services. The Committee will also examine whether plans for allocating spectrum maximizes capacity for broadband deployment and encourages investment.

CORPORATION FOR PUBLIC BROADCASTING

The Committee will investigate the financing of the Corporation for Public Broadcasting (CPB), including National Public Radio (NPR), one of its grantees, to determine whether it is appropriate to continue federal funding. Given NPR's receipt of federal funding in support of its activities, and recent controversies involving NPR, the Committee will also examine certain editorial and employment standards and practices at NPR.

COMMUNICATIONS PRIVACY, INTERNET GOVERNANCE, CYBERSECURITY, AND PUBLIC SAFETY

The Committee will exercise its jurisdiction over the FCC and the NTIA to provide oversight of communications privacy. The Committee will also conduct oversight of NTIA in relation to Internet governance in general and the Internet Corporation for Assigned Names and Numbers in particular. The Committee will also exercise its jurisdiction over the FCC, the NTIA, and the Office of Emergency Communications to conduct oversight of cybersecurity and public safety.

COMMERCE, MANUFACTURING AND TRADE ISSUES

PRIVACY AND THE INTERNET

In the 112th Congress, the Committee will examine issues relating to the privacy of information and data collected by Internet websites and service providers.

CYBER SECURITY

On May 29, 2009, President Obama issued the 60-Day Cyberspace Policy Review. The goal of this review was to assess U.S. policies after the issuance of the Bush Administration's Comprehensive National Cybersecurity Initiative. In the 112th Congress, the Committee will review efforts by federal agencies to coordinate cyber strategy and policy, and whether these policies have resulted in a secure communications and information infrastructure. The Committee will also review issues related to private-sector cyber security, including the manner in which fraud and other criminal issues affect e-commerce.

TRADE AND GLOBALIZED SUPPLY CHAINS

The Committee will review the issues presented by the globalization of production and manufacturing networks, including the integrity of products and components assembled overseas and the impact on national security, the competitiveness of U.S. companies, and trade relationships.

CONSUMER PRODUCT SAFETY IMPROVEMENT ACT OF 2008

The Committee will examine the intended and unintended consequences of this law and how the Consumer Product Safety Commission is implementing it.

NHTSA MANAGEMENT AND OPERATIONS

The Committee intends to conduct oversight of the National Highway Traffic Safety Administration, including the costs and benefits of its regulations, research activities, investigations, and enforcement actions pertaining to motor vehicle safety.

FEDERAL TRADE COMMISSION MANAGEMENT AND OPERATIONS

The Committee will conduct oversight of the Federal Trade Commission's management and operations, including the impact of its decisions and actions on the general public and the business community.

MISCELLANEOUS

EFFECTIVENESS OF STIMULUS SPENDING

In the 112th Congress, the Committee will conduct oversight of agency programs in the Committee's jurisdiction, and review the implementation and spending of the American Recovery and Reinvestment Act to evaluate the law's effectiveness and efficiency in speeding both job creation and the growth of the American economy.

ORGANIZED CRIME-TERRORISM NEXUS

The Committee will examine the nexus between organized crime and the financing of international terrorism. Recognition, as well as a better understanding of the link between traditional criminal activity and international terrorism is crucial in crafting both effective legislative tools as well as law enforcement methods capable of responding to the emerging threat. The Committee, with its expansive jurisdiction, is well-positioned to confront a range of domestic criminal enterprises and trade diversion schemes directed by US-based members and sympathizers of Designated Foreign Terrorist Organizations for fundraising purposes, including the manufacture and distribution of counterfeit goods and currencies, identity theft, trafficking in contraband cigarettes, and the electronic transmittal of funds.

CRITICAL INFRASTRUCTURE

In June 2006, the Bush Administration issued a National Infrastructure Protection Plan. This plan created a process by which the Department of Homeland Security (DHS) is to identify critical assets and assess their vulnerabilities and risks due to loss or natural disaster. During the 112th Congress, the Committee will review the Department's activities with respect to identifying high-priority assets and implementing plans to protect these assets in areas within the Committee's jurisdiction.

NUCLEAR SMUGGLING

The Committee will continue to monitor Federal government and private sector efforts at border crossings, seaports, and mail facilities. The Committee's review will analyze and assess Customs' and DOE's efforts and the utility of equipment aimed at detecting and preventing the smuggling of dangerous commerce, particularly nuclear and radiological weapons of mass destruction.

BIOTERRORISM PREPAREDNESS AND RESPONSE

The Committee will review the implementation of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 by HHS, and examine the extent of the coordination between HHS and the Department of Homeland Security with respect to setting priorities and goals for bioterrorism-related research and preparedness activities.

PUBLIC SAFETY COMMUNICATIONS

The Committee will examine whether the communications needs of first responders are being met. The Committee will examine the progress being made to ensure that first responders have interoperable communications capabilities with local, state, and federal public safety officials. The Committee will also consider whether first responders have an adequate amount of spectrum for voice, video, and data transmissions. In addition, the Committee will conduct oversight regarding the implementation of Phase II E911 services, which enable Public Safety Answering Points (PSAPs) to pinpoint the location of wireless subscribers who dial 911.

IMPLEMENTATION OF GOVERNMENT-WIDE CYBER SECURITY PROGRAM

The Homeland Security Act of 2002 included a separate legislative provision entitled the Federal Information Security Management Act, which reauthorized and enhanced a government-wide cyber security program under the direction of the Office of Management and Budget (OMB). During the 112th Congress, the Committee will review efforts to ensure that Federal agencies are complying with the cyber security provisions of the new Homeland Security Act.