



**Energy and Commerce  
Committee**

**112<sup>th</sup> Congress, 2<sup>nd</sup> Session  
Third Quarter**

Rep. Fred Upton (R-MI), Chairman  
October 2012

TO: Republican Members, Committee on Energy and Commerce  
CC: Speaker Boehner, Majority Leader Cantor, Majority Whip McCarthy, Conference  
Chairman Hensarling, and Policy Committee Chairman Price  
FROM: Fred Upton, Chairman, Committee on Energy and Commerce  
DATE: October 2012  
RE: Third Quarter Report, Second Session of the 112<sup>th</sup> Congress

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Every few months, I have the opportunity to report to you on our committee's progress. Now, as the third quarter of the year comes to a close and we return to our districts, we have a lot to be proud of. The year is not over, and there may yet be additional legislative points put on the board before the second session of the 112<sup>th</sup> Congress concludes. But as of this date, the bulk of our agenda is complete, and we have a pretty clear picture of all that we have accomplished together.

This update, summing up action in 2012, looks at major pieces of legislation developed by our committee, advanced through the House, negotiated with the Senate, and signed into law by the president. It enumerates the approximately 30 bills, in addition to those signed into law, that we were able to advance through the House. It details a series of oversight reports and findings that were produced after in-depth investigations. And it outlines the vast range of issues we examined in the roughly 75 hearings we have already convened this year.

### **Bipartisan Accomplishment: Bills Signed Into Law**

In a year when the media, and the president, would have you believe that Congress is hopelessly gridlocked and Washington is unable to deliver for the American people, our committee has continued the long, hard work of negotiating bipartisan solutions to some of our nation's most pressing concerns. This year we saw five significant bipartisan bills from our committee signed into law, and those bills reflected the contents and legislative effort of another two-dozen bills that were drafted and debated at various stages. We saw through to enactment measures to support job creation and technological innovation, save and improve lives through medical advancement, improve motor vehicle safety, and streamline outdated government regulations.

#### *H.R. 2845, the Pipeline Safety, Regulatory Certainty, and Job Creation Act*

After a number of serious pipeline safety failures in recent years, including one that affected the Kalamazoo River in Michigan and allowed me to see firsthand the consequences of these safety failures, we all believed it was a priority for the 112<sup>th</sup> Congress to strengthen pipeline safety. I was proud to team up with our committee's Democratic Chairman Emeritus John Dingell and many of you to develop legislation to help prevent pipeline spills from occurring, and to step up penalties in case spills do occur.

The measure that moved through our committee last year was later combined with proposals developed by the Transportation and Infrastructure Committee to produce a comprehensive update to our nation's pipeline safety laws. Pipelines are the safest way to transport oil and gas, a critical element of our nation's infrastructure, and a vital component of our efforts to become energy independent as a continent. By passing legislation to ensure pipelines are even safer and

accountability measures are in place in case of any spills, we are positioning ourselves for expanded energy production and development opportunities.

The bill was signed into law on January 3, 2012.

*H.R. 3630, the Middle Class Tax Relief and Job Creation Act*

Tucked into the Middle Class Tax Relief and Job Creation Act, which extended the temporary payroll tax holiday among other provisions, was one of the most significant job-creation measures to emerge from the 112<sup>th</sup> Congress: a measure to free up airwaves to expand access to wireless broadband. And I'm proud that it came from our committee, which has focused extensively on job creation.

The measure signed into law mirrored key provisions of a bill first authored by Communications and Technology Subcommittee Chairman Greg Walden and known as the Jumpstarting Opportunity with Broadband Spectrum Act, or simply the JOBS Act.

These spectrum reforms are a win for taxpayers, a win for consumers, and a win for jobs and the economy as well. The auctions are projected to bring in approximately \$26 billion; after investment to protect broadcasting and support public safety, that left \$15 billion to help ensure the extension of payroll tax relief did not add to the deficit. According to recent studies, investment in next-generation wireless broadband could produce an estimated 300,000 jobs or more. Our legislation makes spectrum available to help that investment become a reality. At the same time, the spectrum provisions pave the way for development of a nationwide interoperable broadband public safety network, finally making this recommendation of the 9/11 Commission a reality.

The bill was signed into law on February 22, 2012.

*H.R. 4348, the Surface Transportation Extension Act*

Another important accomplishment, which moved as part of a broader legislative package, is the motor vehicle safety provisions included in the highway bill that was signed into law during the heart of the summer driving season. Our efforts to improve vehicle safety in this legislation continue our committee's longstanding history of addressing key issues that relate to the auto sector, a uniquely American enterprise.

Commerce, Manufacturing, and Trade Subcommittee Chairman Mary Bono Mack convened a hearing in March to examine various reform proposals that had been offered for the National Highway Traffic Safety Administration (NHTSA). That hearing informed our committee's position going into the highway bill conference committee negotiations and solidified our leadership role in developing reforms that would strengthen vehicle safety without imposing unnecessary federal regulatory burdens and costs.

In this new law, based on Chairman Bono Mack's H.R. 6051, the Motor Vehicle Safety Act of 2012, we worked to simplify compliance with certain federal regulations, give more flexibility

for NHTSA and manufacturers to publicize emerging safety features, repeal outdated reporting requirements, and strengthen NHTSA's authority to deal with unsafe imports without imposing unnecessarily sweeping new rules. These are just a few of the dozens of provisions we negotiated in an effort to avert potentially costly new mandates while making important changes to ensure NHTSA operates effectively and efficiently.

The bill was signed into law on July 6, 2012.

*S. 3187, the Food and Drug Administration Safety and Innovation Act*

Every five years, Congress has the opportunity to promote medical innovation in America by reassessing and reforming the way the Food and Drug Administration reviews and approves drugs and medical devices. We do this by reauthorizing a series of user fees that were established to provide critical resources for the agency while holding it accountable to performance benchmarks that ensure new products are brought safely to market to help patients. This is the fifth time we have authorized this type of program for prescription drugs, the third time for medical devices, a new opportunity to do so for generics and biosimilars, and these reforms are only getting stronger.

FDA's process in recent years has been marked by a lack of predictability and unnecessary delays. Because of slow, unpredictable action from FDA, America was poised to lose its global leadership in drug and device innovation, which could mean a loss of both jobs and treatments to foreign competitors.

Our reauthorization set out to remedy those weaknesses, and I was proud to partner with Health Subcommittee Chairman Joe Pitts and members on both sides of the aisle and in both chambers of the Congress to develop legislation that will accelerate the review process without sacrificing important safety measures and assurances. The bill prioritizes treatments for rare diseases and for children, addresses drug shortages, improves the process for bringing affordable generic options to market, and speeds medical devices to market, among many other reforms developed by our members and others through a series of bills that were ultimately folded into this one comprehensive FDA reform measure.

The bill was signed into law on July 9, 2012.

*S. 710, the Hazardous Waste Electronic Manifest Establishment Act*

Sometimes an idea is so simple and so sensible that it's hard to believe laws on the books prevent it from taking root. Such was the case with the notion of modernizing the way information is collected and stored by those who handle hazardous waste.

Companies that handle hazardous waste have long been required to submit manifests – detailed records – of the type, volume, and location of each container from the time it leaves the factory where it was generated to the final storage or disposal site. Yet these records were required to be maintained in paper form, driving up costs and driving down the accessibility of the information.

This legislation, spearheaded in the House by Environment and the Economy Subcommittee Chairman John Shimkus, simply brings these records into the 21<sup>st</sup> century, replacing the current paper-based system used by the federal government and states with an electronic one. This transition to an e-manifest system will help reduce paperwork, streamline processes, and could help save more than \$100 million in unnecessary costs annually.

The bill was signed into law on October 5, 2012.

### **Legislative Leadership: Bills Advanced through the House**

Our team produced many more bills than those that were eventually signed into law. While we would like to see every one of our measures enacted, the bills we were able to advance through the House of Representatives laid an important foundation for the future and helped shape the public policy debate in Washington and around the country. That effort included approximately 30 separate bills that were approved by the House to address a range of issues from energy production and reliability to health care affordability and from good-government process reforms to strong protections for the innovation-driving power of the Internet.

The Commerce, Manufacturing, and Trade Subcommittee, led by Chairman Mary Bono Mack and Vice Chairman Marsha Blackburn, continued producing sensible reforms that protect consumers and promote American enterprise without burdening our economy with unnecessary red tape. The subcommittee advanced, and the House approved, the following measures:

- **H.R. 5859**, a bipartisan measure offered by Rep. Gregg Harper to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting that has been shown to be of little value to consumers and places an unnecessary burden on auto dealers.
- **H.R. 5865**, the American Manufacturing Competitiveness Act of 2012, a bipartisan bill spearheaded on our side of the aisle by Rep. Adam Kinzinger to establish a public-private American Manufacturing Competitiveness Board to advise the president on manufacturing issues and conduct a rigorous analysis of the manufacturing sector.
- **H.R. 6131**, Chairman Bono Mack's bill to extend the Undertaking Spam, Spyware, And Fraud Enforcement with Enforcers beyond Borders Act of 2006 (better known as the SAFE WEB Act). Her bill extends an expiring program that allows the Federal Trade Commission to better protect U.S. consumers from fraud, deception, spam, and spyware in cross-border cases involving threats originating domestically and abroad.

The Communications and Technology Subcommittee, led by Chairman Greg Walden and Vice Chairman Lee Terry, continued its focus on sound process with an eye toward ensuring our vital communications tools – including the Internet – remain engines of economic growth, freedom, and innovation. The subcommittee advanced, and the House approved, the following measures:

- **H.R. 3309**, the Federal Communications Commission Process Reform Act, which was authored by Chairman Walden and Rep. Adam Kinzinger to improve the way the FCC operates by improving transparency, predictability, and consistency. It's a package of

good-government reforms to ensure the FCC is effectively and efficiently overseeing our communications sector.

- **H.R. 3310**, Federal Communications Commission Consolidated Reporting Act, which is Rep. Steve Scalise’s bill to consolidate the reporting obligations of the FCC to improve transparency and oversight while reducing regulatory burdens.
- **H.Con.Res. 127**, CMT Chairman Mary Bono Mack’s bipartisan resolution expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived. It’s a timely measure: in December, nations from across the globe will meet at a UN forum in Dubai to discuss proposals to fundamentally change the Internet by allowing an international regulatory regime designed for old-fashioned telephone service. The Senate unanimously approved a similar resolution and it awaits House action.

The Energy and Power Subcommittee, led by Chairman Ed Whitfield and Vice Chairman John Sullivan, continued its efforts to promote affordable American energy through a series of proposals that would cut red tape, strengthen partnerships with North American energy-producing allies, and advance our all-of-the-above energy strategy. The subcommittee advanced, and the House approved, the following measures:

- **H.R. 4471**, Chairman Whitfield’s Gasoline Regulations Act, takes a “look-before-you-leap” approach to regulations that will ensure the Obama administration does not finalize certain costly EPA rules impacting transportation fuels before the cumulative costs of these rules are fully understood.
- **H.R. 4480**, the Strategic Energy Production Act, is Rep. Cory Gardner’s bill to promote long-term domestic energy supply solutions over short-term political gimmicks. The legislation will require that any future drawdown of the Strategic Petroleum Reserve be coupled with a plan to expand American energy production. Both H.R. 4471 and H.R. 4480 were approved as part of the Domestic Energy and Jobs Act.
- **H.R. 3548**, Rep. Lee Terry’s North American Energy Access Act (included in H.R. 4348, the Surface Transportation Extension Act of 2012), a bill that continues our long-fought effort to allow the job-creating, North American energy partnership-strengthening Keystone XL pipeline to finally move forward.
- **H.R. 5892**, the Hydropower Regulatory Efficiency Act, a bipartisan bill authored on our side of the aisle by Rep. Cathy McMorris Rodgers to help facilitate the development of new hydropower projects across the country by reducing regulatory red tape and streamlining the permitting process. Hydropower is the nation’s largest renewable energy resource and a component of the GOP’s all-of-the-above energy strategy.
- **H.R. 4273**, the Resolving Environmental and Grid Reliability Conflicts Act, which was put forward by Rep. Pete Olson and numerous members of our committee on both sides of the aisle. The legislation will ensure America’s power companies are able to comply with Department of Energy emergency orders to maintain grid reliability without facing penalties for violating potentially conflicting environmental laws.

The Environment and the Economy Subcommittee, led by Chairman John Shimkus and Vice Chairman Tim Murphy, has focused its efforts this year on strong oversight of federal agencies and sensible legislative solutions that balance and fulfill both our environmental and economic

interests. In addition to the e-manifest legislation that was signed into law, the subcommittee contributed to the following measure:

- **H.R. 3409**, the Stop the War on Coal Act. The bill is a package of legislative solutions advanced primarily in the Energy and Commerce Committee to stop the regulatory burdens and barriers that are threatening America's use of coal, an abundant and affordable American energy resource. The bill includes Rep. David McKinley's Coal Residuals Reuse and Management Act; the legislation has been negotiated on a bipartisan, bicameral basis to develop a framework that provides for the safe management and disposal of coal ash in a way that preserves jobs and encourages recycling.
- The bill also includes two proposals developed in the Energy and Power Subcommittee: Rep. John Sullivan's TRAIN Act to provide for an honest accounting of the full cost of EPA's rules, and the Energy Tax Prevention Act, which I authored with Rep. Whitfield to stop the EPA from using the Clean Air Act to impose costly greenhouse gas regulations that would burden broad sectors of the economy.

The Health Subcommittee, led by Chairman Joe Pitts and Vice Chairman Michael Burgess, M.D., addressed a broad range of issues this year, from continued efforts to repeal the administration's costly and controversial health care law to FDA reform and from health research to medical job opportunities for returning veterans. And once again, they worked to identify savings in the health system, largely by eliminating unaffordable new programs, in an effort to help reduce the deficit and prevent other harmful budget cuts. The subcommittee advanced, and the House approved, the following measures:

- **Repealing elements of Obamacare: H.R. 5**, the Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act, and **H.R. 452**, Medicare Decisions Accountability Act, which together combined medical liability reform with repeal of the controversial Independent Payment Advisory Board (IPAB); **H.R. 1173**, the Fiscal Responsibility and Retirement Security Act, which repealed the unsustainable CLASS program; and elements of our budget reconciliation recommendations, which included the repeal of certain provisions of the controversial health care law.
- **Budget Reconciliation Recommendations:** to avert the sequester, which would impose harmful across-the-board budget cuts to military and other spending priorities, the committee advanced a set of budget reconciliation recommendations that together produce more than \$114 billion in savings over the next decade by repealing Obamacare slush funds and making necessary adjustments to our nation's growing entitlement programs.
- **H.R. 733**, the Recalcitrant Cancer Research Act, a bill spearheaded by committee members Rep. Leonard Lance and Rep. Anna Eshoo that directs the National Cancer Institute to establish a scientific framework with respect to research of recalcitrant cancers with low survival rates in order to advance diagnosis and treatment.
- **H.R. 4124**, the Veteran Emergency Medical Technician Support Act, Rep. Adam Kinzinger's bill that would provide demonstration grants to states with a shortage of emergency medical technicians (EMTs) to streamline state-licensing requirements for military veteran EMTs to prevent unnecessary duplication in training.

- **H.R. 6163**, Rep. Cathy McMorris Rodgers’ National Pediatric Research Network Act, which allows NIH to fund pediatric research networks comprised of a consortia of cooperating institutions that will collaborate in conducting research on conditions and diseases affecting children.

While the Oversight and Investigations Subcommittee is not tasked with legislative production, the panel’s work this year, led by Chairman Cliff Stearns and the Vice Chairmen of our five legislative subcommittees, spurred the development and advancement of a key piece of committee legislation.

- **H.R. 6213**, the No More Solyndras Act, is a bill I authored together with Chairman Stearns based on the findings of the subcommittee’s extensive 18-month investigation into the Department of Energy’s \$535 million loan guarantee to Solyndra, the California solar panel manufacturer that ultimately went bankrupt. The legislation, which was advanced by the Energy and Power Subcommittee, eliminates the loan guarantee program through which Solyndra was funded and establishes strong new protections for taxpayers – safeguards designed to ensure that existing program participants cannot follow the same path as Solyndra and that taxpayer dollars are not handed out to companies on the road to bankruptcy.

Our committee helped advance other bipartisan bills through the House this session, including the following:

- **H.R. 5625**, Collinsville Renewable Energy Promotion Act
- **H.R. 4850**, Enabling Energy Saving Innovations Act
- **H.R. 6118**, Taking Essential Steps for Testing Act
- **H.R. 6433**, FDA User Fee Corrections Act
- **H.R. 5910**, Global Investment in American Jobs Act
- **H.R. 4212**, Drywall Safety Act

### **Signature Investigations: Using Oversight to Hold Government Accountable**

Oversight is a core congressional responsibility, and it remained a top priority this year. As a result of the work done by our Oversight and Investigations Subcommittee, with the support and efforts of our legislative subcommittees as well, we shined a spotlight on government waste, broken programs, opaque federal agencies and interest groups, and potential public health risks. Consider some of our key investigations that reached conclusions this year:

In August we released an extensive report detailing the findings of our investigation into the Department of Energy’s management of its loan guarantee program, an investigation that has garnered widespread news coverage and brought to light glaring failures to protect taxpayer dollars. The 147-page report chronicles the committee’s 18-month investigation into **DOE’s failed \$535 million loan guarantee to Solyndra**, which included the review of over 300,000 pages of documents, interviews with numerous individuals, and five committee oversight hearings. The report states, “Now, after a thorough review of the record, the Committee is able to present a complete picture of the facts and circumstances surrounding the DOE’s decision to



award a loan guarantee to Solyndra, and the roles various Executive Branch agencies, including the White House, played in these events.” The committee continues its examination of other DOE stimulus spending.

Just a few days before release of the Solyndra findings, we issued a report entitled **Promises Made, Promises Broken: The Obama Administration’s Disappointing Transparency Track Record**, which chronicles how the Obama administration has failed to fulfill its widely promoted pledges of transparency. The committee's analysis focuses primarily on the administration's level of transparency related to two investigations: the government's actions surrounding the integrated-services rule waiver and interference dispute between LightSquared and GPS, and the White House's secretive negotiations with powerful health care lobbying interests during formulation of the health care law. While the policy questions at stake related to broadband deployment and health care reform have little in common, a clear pattern emerged revealing tactics consistently used by this administration to conceal its deliberations from the public.

In June, the committee released a report entitled, **Where are the Jobs? - The Elusiveness of Job Creation under the Section 1603 Grant Program for Renewable Energy**. In March, we launched an inquiry into the \$10 billion program as it became clear that accurate jobs data was difficult to find despite the administration having already spent billions of dollars and asking for billions more to extend the program. Information gathered by the committee revealed that job creation is an afterthought of the Section 1603 program and that most current methods used to calculate jobs created by Section 1603 are largely unreliable. What accurate jobs data exists for Section 1603 shows that it produces very few long-term jobs at a high per-job cost to taxpayers.

Also in June, and building on many of the same themes, the committee released an analysis assessing President Obama’s so-called green jobs agenda and documenting the failure of these programs to spur economic growth and job creation. The report is entitled **Not Very Green, Not Many Jobs**. The president continues to advocate significant taxpayer spending in this area as a way to address environmental concerns and create much-needed jobs, but this analysis shows the green jobs experiment has failed to pan out. Incorporating testimony gathered from committee hearings, academic research, and media reports, the analysis describes the administration’s efforts as an “unfolding failure,” concluding, “It clearly hasn’t created many jobs, and when its direct and indirect impacts are taken into account, it may well be costing them.” The report also highlights many of the legislative solutions pursued by the committee.

This spring, the committee released a series of memos and supporting documentation looking at the **tactics and negotiations used to develop the controversial health care law**. The investigation revealed a series of intricate policy negotiations used to craft the health care law, the full details of which had never been released to the public. The investigation was launched more than a year ago to shine light on a process that excluded both the American people and many of their elected representatives. Despite the White House’s unwillingness to make these negotiations transparent, even after the fact, the investigation uncovered a series of emails and internal documents that paint a much clearer picture of the tools and tactics used by the Obama administration to secure a narrow, partisan victory and see PPACA signed into law.

The committee released a staff report in April that looks at **how the health care law affects employer-provided health care coverage**. The analysis, based on information provided by members of President Obama’s Council on Jobs and Competitiveness, shows that the health care law is raising costs, fostering uncertainty that impedes growth and planning, and putting pressure on employers to consider dropping employee health coverage altogether.

In January, the committee released a bipartisan staff report that detailed the findings of the committee’s investigation into **the 2011 Listeria outbreak in cantaloupes** grown and processed at Jensen Farms. The report was based on documents from and interviews with food safety officials at the Food and Drug Administration, Jensen Farms, Frontera Produce (the cantaloupe distributor), Primus Labs, and Bio Food Safety (third-party auditors of Jensen Farms). The report provides insight into two probable causes of the introduction and spread of the Listeria contamination: the use of new processing equipment and the decision to implement a packing and washing technique involving water without added chlorine. The report also discusses third-party audits conducted at Jensen Farms and raises questions for the FDA and industry to review and address.

### **Tackling the Tough Issues: Hearings and Forums**

The work of the committee may seem to center around the legislation we move through the House and advance to enactment, but in reality, the bulk of our time is spent in the hearing process. Hearings are where we explore new policy ideas with experts and affected citizens; they allow us to conduct oversight and share with the public the work of their government. Hearings are a venue for vetting legislation, investigating the issues of the day, and translating big ideas into action. Our committee had no shortage of topics to cover this year, and we did so over the course of approximately 75 separate hearings.

Chairman Bono Mack’s **Commerce, Manufacturing, and Trade Subcommittee** launched a deep dive into obstacles and opportunities for job creation through its Where the Jobs Are hearing series. They began with an overview of employment trends and analysis, looking for bright spots in an economy that has been slow to recover and identifying hurdles that are preventing job creators from reaching their full potential. That was followed by a closer look at the manufacturing sector – a priority for the subcommittee throughout the 112<sup>th</sup> Congress – as well as job creation through tourism and in the burgeoning “apps” marketplace, in which innovators from all across the country are able to develop and market applications for mobile devices and computers.

The subcommittee focused on consumer protection in a range of areas including vehicle safety, prescription drug diversion, protection from foreign-originated online fraud, and data privacy. The panel held several legislative hearings that were the foundation for bills moving through the House. And they kept up their oversight responsibilities with a hearing on the work of the Consumer Product Safety Commission and their progress implementing reforms enacted by Congress last year.

Chairman Walden kept the **Communications and Technology Subcommittee** busy with a strong focus on cybersecurity and how various proposals related to critical infrastructure would

affect communications networks. The panel dug deeply into the issue with a bipartisan working group and three separate hearings exploring numerous facets of a complex challenge. They also began a forward-looking series of hearings on emerging issues for various communications channels with a look at the future of audio and the future of video.

The subcommittee also maintained its strong focus on oversight and good government with a pair of hearings looking at the Federal Communications Commission – one on its budget and another on its operations – as well as a closer look at the effectiveness and accountability surrounding broadband loans and grants. The panel established another bipartisan working group to explore issues of government spectrum use and convened a hearing on the topic as part of continuing efforts to ensure we are making the most efficient and effective use of the nation's airwaves. Finally, the subcommittee looked with a critical eye at international proposals to regulate the Internet, setting the stage for unanimous bipartisan votes in both the House and Senate in favor of the current multistakeholder governance model.

Chairman Whitfield and the **Energy and Power Subcommittee** used hearings to great effect this year, delving into a broad range of issues affecting our energy sector. They held the administration accountable with hearings on the DOE budget, EPA budget and enforcement, and NRC policy and governance oversight. The panel held numerous legislative hearings on ideas brought forward by our members, with many of those measures advancing through the House. They also kept a strong focus on the costly consequences of certain regulations being advanced by the current administration including a series of hearings looking at the greenhouse gas regulatory regime, proposals for revising the regulation of fine particulate matter, and a look at how the Utility MACT rule will affect consumers.

The subcommittee continued efforts begun last year to push for approval of the Keystone XL pipeline through a hearing and additional legislation; the panel also continued its efforts to identify and address factors that contribute to high gas prices. Importantly, the subcommittee embraced a forward-looking energy agenda with a series of hearings examining the changing energy paradigm. That included an examination of energy technology with a focus on oil sands; a look at the realities of energy development and production on federal versus non-federal lands; and a comprehensive review of our prospects for North American energy independence, a concept that was unimaginable not long ago.

The **Environment and the Economy Subcommittee**, led by Chairman Shimkus, continued a series of projects it launched last year, examining everything from Yucca Mountain and the importance of a long-term nuclear repository to chemical plant security. It also opened up new fronts for legislative review and government oversight. The subcommittee began the year with a hearing that brought in the heads of the Blue Ribbon Commission on America's Nuclear Future. Many of the issues explored in that hearing were raised later in the year with an important hearing on NRC policy and governance oversight.

The subcommittee held a pair of hearings on the Chemical Facility Anti-Terrorism Standards program, an important initiative established to strengthen the safety and security of chemical plants – and unfortunately, one that has been plagued by mismanagement and a failure thus far to achieve key objectives. In addition, the subcommittee convened a number of legislative hearings

on issues including the e-manifest bill that eventually became law as well as a look at domestic fuels, recycling, and the superfund hazardous waste cleanup program. Finally, the panel took part in the important annual review of the EPA's budget.

Chairman Pitts led the **Health Subcommittee** to undertake a busy hearing schedule that set the stage for major legislative accomplishments, explored issues important to patients and doctors, and demanded government accountability. The panel focused early in the year on issues surrounding drug and device user fees as Congress prepared to reauthorize these programs, reform FDA operations, and improve outcomes and treatment options for patients. This included individual hearings on prescription drug user fees, medical device user fees, new initiatives for generics and biosimilars, how the user fee programs support medical innovation, and a look at a range of issues including accelerated approval, medical gas, antibiotic development, and the downstream pharmaceutical supply chain.

The subcommittee looked at key public health issues and agencies with a hearing on the HHS budget and a look at the National Institutes of Health and its reforms, priorities, and progress. It reviewed the state of cosmetic regulation, the appropriateness of standards for medical imaging and radiation therapy technologists, and potential abuse of an obscure hiring authority that means higher costs for taxpayers. The subcommittee examined the issues surrounding traumatic brain injuries and it reviewed and later advanced a bill that will help veterans who served as medics on the battlefield transition to the workforce with new opportunities to more easily become certified as EMTs. And it continued examining innovative new approaches to address the broken Medicare physician payment system.

The **Oversight and Investigations Subcommittee**, led by Chairman Stearns, examined a broad range of issues this year in order to promote fiscal and regulatory accountability. It revisited key questions about the administration's regulatory reform one year after an executive order that purported to ease burdens even as the administration has continued to wrap our economy in red tape. It looked at budgets and spending for both the Department of Energy and the Department of Health and Human Services. It also conducted oversight of the HHS office that is responsible for thousands of pages of regulations surrounding the president's health care law.

The subcommittee explored key security issues including critical infrastructure and smart grid security, IT supply chains, and oversight of nuclear weapons security. It also looked at key energy issues such as the proliferation of fraudulent activity in the renewable fuels market and the record of the federal green jobs agenda; key telecommunications issues including the role of the FCC in the granting of waivers to LightSquared and the subsequent interference issues; and key health care issues including Medicare contractors' efforts to fight fraud. The result of this comprehensive hearing schedule and the subcommittee's detailed investigations can be seen in the numerous reports detailed in the previous section.

The committee also worked throughout the last year to create **innovative new opportunities for the American public and affected stakeholders to interact with Congress**. Through a series of Jobs and Innovation Forums we began convening in 2011, we examined promising sectors of the economy and explored the barriers that may be preventing them from reaching their full potential. The third such forum happened at the beginning of this year: Rep. Brett Guthrie and

Commerce, Manufacturing, and Trade Subcommittee Chairman Bono Mack together led a forum on American Manufacturing, convening a roundtable discussion on how to make it easier to make it in America.

Late this summer, we also launched a series of forums to examine the Clean Air Act. These sessions – conceived of and spearheaded by Energy and Power Subcommittee Chairman Whitfield – were designed to begin a dialogue between elected officials and affected stakeholders to discuss a law that has not been modified for more than 20 years. The forum process was a unique venue for these discussions that ultimately allowed us to delve more deeply into key issues and have an informal discussion rather than a scripted series of statements. In our initial sessions, which focused on state, local, and federal cooperation under the CAA, we identified a series of shared experiences and concerns among those professionals tasked with implementing the law. The feedback we received during the forums, and from other affected officials who were eager to share their experiences in writing, will help inform our efforts in the future to ensure the law is working as Congress intended.

### **Looking Forward**

In the waning days of the 112<sup>th</sup> Congress, as we interact with our constituents and when the time comes for us to return to Washington, we can reflect on a record of promises made and promises kept. We developed an agenda rooted in three core objectives: supporting job creation and economic growth; reforming government while reducing its size and scope; and protecting rights and freedoms for individuals and communities. We wrote, debated, and advanced legislation that achieved those goals. We conducted substantive investigations and demanded that government be held accountable to its people. We reached across the aisle to work with our colleagues on shared priorities, and we listened to the American people.

The year is not over, and our team will use the remaining opportunities to keep on working to advance our agenda. Even as we are back home, working in our districts, we are continuing our committee's work. We have launched a bipartisan investigation into the deadly meningitis outbreak in states across the nation. We are monitoring implementation of laws enacted on our watch, and we are gathering input from our constituents in anticipation of future hearings and legislative action. Our committee is responsible for a broad range of issues that affect Americans' lives, and we have worked hard to address the major challenges facing our nation and to offer sensible solutions.