

COMMITTEE ON ENERGY AND COMMERCE

Our Goal Is To Create A Veto Proof Energy Package That Responsibly Deals With Our Energy Crisis

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The House Committee on Energy and Commerce is the oldest standing policy committee of the U.S. House of Representatives¹. In its more than two hundred year history, the Committee of Energy and Commerce has developed into the broadest policy congressional committee. The full committee jurisdiction comprises the following categories:

- Biomedical research and development
- Consumer affairs and consumer protection
- Health and health facilities (except health care supported by payroll deductions)
- Interstate energy compacts
- Interstate and foreign commerce generally
- Exploration, production, storage, supply, marketing, pricing, and regulation of energy resources, including all fossil fuels, solar energy, and other unconventional or renewable energy resources
- Conservation of energy resources
- Energy information generally
- The generation and marketing of power (except by federally chartered or Federal regional power marketing authorities); reliability and interstate transmission of, and ratemaking for, all power; and siting of generation facilities (except the installation of interconnections between Government waterpower projects)
- General management of the Department of Energy and management and all functions of the Federal Energy Regulatory Commission
- National energy policy generally
- Public health and quarantine
- Regulation of the domestic nuclear energy industry, including regulation of research and development reactors and nuclear regulatory research
- Regulation of interstate and foreign communications.
- Travel and tourism².

¹ Dingell, John. U.S. House Committee on Energy and Commerce. http://energycommerce.house.gov/membios/jdd_note.shtml, 10/24/2008.

² Full Committee and Subcommittee Jurisdictions. U.S. House Committee on Energy and Commerce. http://energycommerce.house.gov/membios/110_jurisdiction.shtml. 10/24/2008.

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This committee has jurisdiction over many aspects of energy, however interstate commerce is the category that gives this committee its incredibly broad jurisdiction. Commerce is not defined in the Constitution, and Congress has subsequently used the regulation of interstate commerce to justify legislation regarding trade, health, and even civil rights. The U.S. Supreme Court has stated three levels of activity in which Congress may exert control over using the commerce clause.

- Congress may regulate the use of the channels of Interstate Commerce.
- Congress is empowered to regulate and protect the instrumentalities of Interstate Commerce, or persons or things in Interstate Commerce, even though the threat may come only from intrastate activities.
- Congress's commerce authority includes the power to regulate those activities having a substantial relation to Interstate Commerce i.e., those activities that substantially affect Interstate Commerce³.

Given this broad interpretation of interstate commerce and the depth of energy policy, the Committee on Energy and Commerce has jurisdiction over any legislation in other committees that use interstate (or foreign) commerce as a justification to congressional oversight or any legislation that deals with energy matters. We fully uphold our jurisdiction over all Health Care matters, and recognize that the current Committee on Health Care is a congressionally approved subcommittee of the full Committee on Energy and Commerce.

The Committee on Energy and Commerce is currently dealing with the following important issues: Global Climate Change, Renewable Energy Resources, CO2 Emissions, Off Shore Drilling, Children's Healthcare, Food and Drug Safety, Interstate Communications and Privacy⁴.

Rep. Austin Young (D) WA 6

³ Wickard v Filburn. 317 U.S. 111

⁴ Selected Legislation. Committee on Energy and Commerce. <http://energycommerce.house.gov/index.shtml#new>. 10/24/2008.

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Global Climate Change

Many findings in the last decade have shown that global climate change may be an imminent threat to the human population. Rising sea levels, changes in mid ocean currents, glacial thawing, and local weather phenomena are all major indicators of global climate change that have gone overlooked for decades⁵. These warning signs should be a hint to us all that we may need to change some of our practices. We as a committee have deemed this issue important because many of these threats, including global warming and cooling have caused major drought and famine in the past.

This issue gained a lot of its fame in the 1990's, peaking around 2000 when Vice President Al Gore used it as a large part of his campaign platform. The Kyoto Protocol, the UN's current resolution to global climate change, is currently not followed by most of our nation. We have signed the Kyoto Protocol, but currently we refuse to ratify it because of the major exemptions given to China and India as well as the harmful effects it would have on the economy. It has however been adopted by many major US Cities⁶.

Currently the US spends about \$50 billion to preserve the environment and climate. This spending includes many expenditures directly related to global warming. In 2005 \$7.4 billion was put toward cleaning up hazardous and radioactive waste. The 2005 budget included an undisclosed amount to reduce power plant emissions by 70%. Other major expenditures include \$2.1 billion to relieve pollution in areas of major traffic congestion and nearly \$2 billion for reforestation⁷.

⁵ "Recent Climate Change." US EPA. Available from <http://www.epa.gov/climatechange/science/recentcc.html>. Internet; accessed 26 October 2008.

⁶ West, Larry. "Should the US Ratify the Kyoto Protocol." About.com. Available from http://environment.about.com/od/kyotoprotocol/i/kyotoprotocol_2.htm. Internet; accessed 26 October 2008.

⁷ "Bush Environmental Spending Proposals in 2005 Budget ." US Life. Available from <http://usinfo.state.gov/infousa/life/science/spendproposal.html>. Internet; accessed 26 October 2008.

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The Kyoto Protocol is a very good, comprehensive plan to fix air pollution and reduce green house gas emissions. The big controversy comes from the US signing and not ratifying the Protocol. President Bush finds the protocol unfair to the US because of the major economic implications and the unfair exemptions it gives to giant polluters such as China and India because of their status as developing nations⁸.

Fixing global climate change is going to take a huge global undertaking. This is why many of the proponents of the Kyoto Protocol are related to International Institutions and NGO's. The UN is the biggest role player in alleviating the problem. NGO's like Superfund have also made efforts to stop global climate change. If we are to take a serious stance on curbing the effects of global climate change big industry polluters need to make strong efforts to reduce their emissions and as we must institute strong government regulation of overall emissions. Many large nations in Europe and Asia are already doing so, we must follow suit if we really want to fix global climate change.

Rep. Anthony Morris R-NV 3

⁸ West, Larry. "Should the US Ratify the Kyoto Protocol." About.com. Available from http://environment.about.com/od/kyotoprotocol/i/kyotoprotocol_2.htm. Internet; accessed 26 October 2008.

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Renewable Energy

The use of renewable resources as an alternative to less environmentally friendly practices is an ever-growing, and highly important, initiative. The Committee on Energy and Commerce sees the topic of renewable resources as a primary focus and plans to support and propose legislation that deals with the numerous alternative energy resources that are becoming readily available. Due to the knowledge of the potential harm the environment may endure, applying renewable resources to everyday life is crucial. An influx of environmental awareness has created a wealth of information on ways to alternatively use energy, run machines and cars, and make use of crops and products that are safer for the environment. The origin of such renewable resources can be dated back to a time long before environmental preservation was a serious issue. Keeping warm by burning wood and coal is a practice that dates back to the beginning of time, and is still presently one of the main biomass energy resources⁹. Wind turbines originated from the time when windmills were used to pump water and crush grain¹⁰. Geothermal energy is a practice that originated from the use of hot springs for one to bathe in or cook with. Congress has already passed legislation that deals directly with these ideas. H.R. 6 deals directly with energy efficiency, and the Energy Independence and Security Act improves efficiency standards to help decrease carbon dioxide¹¹.

The key interests of this topic rely on a few main renewable energy resources that achieve in helping keep the environment cleaner. Biomass energy, energy obtained from plants, is a renewable resource that will aid in lowering greenhouse gas emission and help in decreasing reliance on foreign oil. The main components of biomass energy include biofuels, biopower and bioproducts. All three components come from sources of corn, soybeans and

⁹ http://www.nrel.gov/learning/re_biomass.html. 10/26/2008

¹⁰ <http://www.nrel.gov/wind/> 10/26/2008

¹¹ http://energycommerce.house.gov/membios/110-cmte_accomplishments-EAQ.shtml 10/26/2008

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other organic materials to run cars and generate electricity¹². Wind power and the use of numerous megawatt wind turbines to produce energy is a growing initiative that could develop into a significant source of the countries energy¹³. Solar power is being use as an alternative way to heat and cool. Through the use of large solar panels, this practice becomes one of the most cost-effective renewable methods¹⁴. Today, there are plans for and implementation of many geothermal energy techniques. The geothermal energy methods derive heat from sources within the earth. Wells and heating pumps are then used to transport hot water streams through pipes, in turn, generating heat. Geothermal power plans have been created and are effectively using the earth as a heating resource¹⁵.

Like many good things, these practices have consequences. The major concern with biofuel and biodiesel is the fear of additional deforestation that may occur making room for the large crop. Deforestation, an environmental problem in itself, raises uncertainty. Also, the total energy output when growing crops for biofuel is immense, which can lead to hesitation¹⁶. Wind turbines, like many of the renewable resource techniques, are highly costly. A great amount of funding and space for the turbines is needed to proficiently achieve overall success. Many people have expressed apprehension towards these fairly new techniques due to the inconvenience they may provide to everyday life. It is difficult to teach an entire society to adopt new methods and ways of living. The Committee on Energy and Commerce is intent on focusing on application of renewable resources tactfully, and making sure every citizen knows their importance and their ability to preserve the environment.

Rep. Corey Hastings (D) IL09

¹² http://www.nrel.gov/learning/re_biomass.html. 10/26/2008

¹³ <http://www.nrel.gov/wind/>. 10/26/2008

¹⁴ http://www.nrel.gov/learning/re_solar.html 10/26/2008

¹⁵ http://www.nrel.gov/learning/re_geothermal.htm 10/26/2008

¹⁶ http://www.nrel.gov/learning/re_biomass.html 10/26/2008

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CO₂ Emissions Cap and Trade

Gases in the atmosphere such as carbon dioxide (CO₂) cause undesirable greenhouse gases. Greenhouse gases affect the temperature and stability of the planet¹⁷. It is widely accepted that levels of carbon dioxide have been increasing exponentially for centuries. The Committee on Energy and Commerce has deemed CO₂ emissions a major issue because emissions have been increasing substantially without proper legislation¹⁸. Most importantly, if CO₂ emissions are not reduced by at least 60% by the year 2050, the most serious affects of climate change will be irreversible¹⁹.

Without important and effective legislation, CO₂ emissions are likely to continue to increase. The Committee on Energy and Commerce has jurisdiction over legislation regarding CO₂ emission caps, also known as cap and trade legislation²⁰. Currently, the committee is in progress of issuing a series of climate change legislation as the next step to enact a mandatory, economy-wide climate change program. In essence, the committee will set a limit or cap on the amount of pollution that can be emitted. Specifically, groups are issued emission permits and are required to hold an equal number of allowances or credits. The total amount of allowances given to companies and credits cannot exceed the cap, limiting total emissions to that set level. Companies that need to emit more than their allotted emissions must buy credits from those who emit less. This is known as the “trade” part of the

¹⁷ Weart, Spencer. "The Carbon Dioxide Greenhouse Effect." June 2008. American Institute of Physics. 25 Oct. 2008 <<http://www.aip.org/history/climate/co2.htm>>.

¹⁸ 25 Oct. 2008 <<http://energycommerce.house.gov/subcommittees/eaq.shtml>>.

¹⁹ Feb. 2008. U.S. Committee on Energy and Commerce. 25 Oct. 2008 <http://energycommerce.house.gov/climate_change/white%20paper%20st-lcl%20roles%20final%202-22.pdf>.

²⁰ U.S. Committee on Energy and Commerce. 25 Oct. 2008 <http://energycommerce.house.gov/membios/110_jurisdiction.shtml>.

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cap and trade program. The buyer is taxed for polluting, while the seller is rewarded for reducing emissions beyond the standard²¹.

Although CO₂ emissions have been on the rise for centuries, it wasn't until the establishment of the Environmental Protection Agency (EPA) in the 1970s that the United States started noticing the negative affects CO₂ emissions were having on our fragile environment. The decade of the 70s is generally known to be the decade of environmental knowledge because eye-wakening articles such as the "Limits of Growth," by the Club of Rome and "Tragedy of the Commons" by Garrett Harding paved the way for legislation that is being developed today²². Important political developments in recent history that have attempted to address CO₂ emissions are the Clean Air Act and the Kyoto Protocol. In 1990, the EPA enacted the 1990 Clean Air Act amendment. Under this law, the EPA set limits on how much of a pollutant can be in the air anywhere in the United States²³. In 1997, the Kyoto Protocol was established internationally as a cap and trade system that imposes a standard on the amount of emissions that countries can produce. Not surprisingly, larger emitter countries are required to reduce more emissions compared to countries that already have low emissions²⁴.

A major controversy to legislation of CO₂ emission caps is that it causes economic disruption and also is deemed as "unfair"²⁵. Most notably, one month after President George. W. Bush assumed office in 2001, he pulled out of the Kyoto Protocol citing that the United

²¹ "Cap and Trade 101." 16 Jan. 2008. Center for American Progress. 25 Oct. 2008 <<http://www.americanprogress.org/issues/2008/01/capandtrade101.html>>.

²² Silveria, Stacey J. "THE AMERICAN ENVIRONMENTAL MOVEMENT: SURVIVING THROUGH DIVERSITY." Boston College. 25 Oct. 2008 <http://www.bc.edu/bc_org/avp/law/lwsch/journals/bcealr/28_2-3/07_txt.htm>.

²³ "Clean Air Act." Environmental Protection Agency. 25 Oct. 2008 <<http://www.epa.gov/air/caa/>>.

²⁴ United Nations Framework Convention on Climate Change. 25 Oct. 2008 <http://unfccc.int/kyoto_protocol/items/2830.php>.

²⁵ "The Basics of a Cap-and-Trade." The Environmental Action Network for the 21st Century. National Environmental Trust. 25 Oct. 2008 <www.ndclimate.org/cap_and_trade_factsheet.pdf>.

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States cannot commit because it will hamper our economy. Another reason why the U.S. pulled out of the Kyoto Protocol is because Bush thought China had an “unfair” advantage. China, the second largest emitter of GHG emissions, had a much lower standard compared to the U.S. In past political developments, a program on CO₂ emission caps was and still is controversial because many believe that the economy and the environment cannot peacefully coexist²⁶.

The cost of implementing cap and trade legislation can be fairly inexpensive. It is difficult to put an exact cost of spending but S. 2191: Lieberman-Warner Climate Security Act will allow cap and trade programs to be inexpensive because of flexibility and economic incentives²⁷. Reducing carbon emissions through a cap and trade program is a controversial, yet important issue that the Committee on Energy and Commerce is addressing.

Rep. Jessica Radomski (D) PA14

²⁶ "Q&A: The Kyoto Protocol." 16 Feb. 2005. BBC News. 25 Oct. 2008 <<http://news.bbc.co.uk/1/hi/sci/tech/4269921.stm>>.

²⁷ Orszag, Peter R. "Containing the Cost of a Cap-and-Trade Program for." 20 May 2008. Committee on Energy and Natural Resources. 25 Oct. 2008 <http://www.cbo.gov/ftpdocs/92xx/doc9276/05-20-cap_trade_testimony.1.1.shtml>.

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Offshore Drilling

Offshore drilling refers to drilling for oil off the coast of the United States. Although this has been banned by the federal government since 1981, recently there have been talks of lifting the ban to allow oil companies to drill offshore. There are two primary reasons why this has been suggested. Firstly, the price of oil has risen drastically over the past few years, and some have argued that obtaining oil from off the United States coast would lead to a reduction in gas prices. Secondly, as the United States has become increasingly dependent on foreign oil, particularly from the Middle-East, some argue that the United States could become more energy independent if it could obtain more oil from off the coast. Because of the new talks of lifting the ban, and the potential consequences it could have for gas prices and energy independence, this committee has deemed it an important issue.

As a result of legislation passed in 1953 and a Supreme Court decision in 1960, the United States federal government, and not the various states, has control over waters beyond 3.5 miles off the coast of any state (with the exception of Texas and Florida). This gives the federal government the authority to authorize or prevent offshore drilling. In 1969, an oil spill from a rig located six miles off of California's coast damaged miles of the coast, as well as the wildlife residing there. This has been cited as a reason for the ban on offshore drilling²⁸. In addition to the federal government's ban in 1981, President H. W. Bush signed an executive order banning it in 1990, which President George W. Bush lifted in 2008²⁹. After doing so, he urged Congress to lift its ban, which helped to bring about the current debate on this topic.

There isn't really a monetary cost associated with this issue, as the funding for offshore drilling would come from oil companies, and not from the federal government. However, one could make the argument that there would be environmental costs, such as the

²⁸ <http://www.washingtonpost.com/wp-dyn/content/article/2008/07/13/AR2008071302052.html> 10/25/2008

²⁹ <http://edition.cnn.com/2008/POLITICS/07/14/bush.offshore/index.html> 10/25/2008

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damage from focusing on oil rather than alternative energy, as well as the risk of devastating oil spills.

Much of the controversy surrounding this issue is about the potential benefits it would bring. Critics, such as Joe Biden in the Vice-Presidential debate, point out that it will take at least 10 years for offshore oil to flow into the United States once offshore drilling is legalized. As such, this would not have a positive effect any time soon. In addition, the notion that offshore drilling would lower gas prices is widely debated. According to the Natural Resources Defense Council, for instance, it would only cause the price of oil to drop 3 to 4 cents over the next two decades³⁰.

The Republican Party has expressed support for this issue, as they view it as a simple way to make the United States more energy independent and lower gas prices. Oil companies also support this issue because they stand to profit if they are permitted to drill oil offshore. Environmentalists are strongly opposed to offshore drilling. They view the benefits as too small and insignificant, and are concerned about the risk of an oil spill. In addition, they would rather the government find a solution to America's energy problems that involves alternative energy, and not damaging fossil fuels.

Rep Will Sohn (R) Texas22

³⁰ http://www.californiaprogressreport.com/2008/07/california_know.html 10/25/2008

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Children's Health Care

One of the more prominent concerns seen today is that of children's health care. The committee of Energy and Commerce has deemed it as a major issue due to the recurrent and unresolved arguments over the best way to allocate its funding. These arguments have been preeminent since coverage has been drastically reduced within the Bush administration. The current speculation over children's health care is one of the more vital issues on the political table. Over 8.1 million American children, one out of nine, were uninsured in 2007³¹. This number will only continue to increase with due to the weakening economy, growing number of poverty-stricken families, as well as the Administrations antagonistic policies.

CHIP (Children's Health Insurance Program), the health care safety net for low-income families, has dedicated itself to make high-quality, affordable health insurance coverage for all of America's children a top national priority. Without coverage, children would be less likely to have a regular source of health care, as well as get their health care needs met. Congress has passed legislation twice which would reauthorize CHIP and provide the needed health care in which American children are lacking, but unfortunately, President Bush has vetoed both legislations. This clearly poses a severe problem to America's children. Even though the demand to have such programs continue is growing, the Administration continues to stubbornly stand in the middle.

One of these proposed legislations offered over \$30 billion towards children's health care, a bill that would dramatically expand children's health insurance. Bush's action has been declared as a 'heartless veto', by the Senate Majority leader Harry Reid (D-Nevada). Not only was his veto heartless, it was foolish. This plan would not add to the debt, in which the United States is already in, it would be funded by raising the federal cigarette tax by 61

³¹ Carmen DeNavas-Walt, Bernadette D. Proctor, Jessica C. Smith. Income, Poverty, and Health Insurance Coverage in the United States: 2007, Current Population Reports, P60-235 (Washington: U.S. Census Bureau, 2008), available online at <http://www.census.gov/prod/2008pubs/p60-235.pdf>

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cents to \$1. Reid also claimed "Never has it been clearer how detached President Bush is from the priorities of the American people. By vetoing a bipartisan bill to renew the successful Children's Health Insurance Program, President Bush is denying health care to millions of low-income kids in America"³². This veto not only is controversial in the means of denying health care to millions of American children, it also set a bad rep for the Republican candidates whom were to run in the 2008 election.

Due to the decline in appropriate children's health insurance, both candidates Barack Obama and John McCain's health care plans alike have been under constant public speculation. This spotlight has led both candidates to create revolutionary health care plans, though strikingly different, an improvement nonetheless

Rep. Natalie Reimer (D) PA07

³² Associated Press, "Bush vetoes child health insurance plan." MSNBC (2007).

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Food and Drug Safety

The issue of food and drug safety is always one of the most important issues dealt with by the Committee on Energy and Commerce. In fact, the issue of food and drug safety has been around for nearly a century. Prior to 1906, the FDA was established under the watch of the states, not Congress³³. The establishment of the FDA provided the Committee on Energy and Commerce with a government agency to implement the desired oversights of the food and drug industries on a national level.

Today, one of the major issues within the food and drug safety is the concern over the availability of prescription drugs. This issue of availability is primarily due to the increased saliency of nationalized health care. Health care and specifically affordability of prescription drugs is a major concern for all Americans from the socioeconomic ladder. Specifically, there is legislation from the 110th Congress (H.R. 4)³⁴ entailing the government to negotiate prices on prescription drugs under the Medicare plan to provide those covered with safe, quality prescription drugs, while also making them more affordable and available. There was also a piece of legislation referred to the floor (H.R. 2034) to extend the coverage of Medicare to all Americans³⁵. This committee also referred H.R. 3610, which would have provided the FDA with additional funding to make sure that various imports under the agency's jurisdiction are guarded³⁶.

³³ Swann, John P. "Introduction." History of the FDA. U.S. Food and Drug Administration. <http://www.fda.gov/oc/history/historyoffda/default.htm> (25 October 2008).

³⁴ United States. Congress. House of Representatives. The House Committee on Energy and Commerce :: Welcome, "H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007"

³⁵ United States. Congress. House of Representatives. The House Committee on Energy and Commerce :: Welcome, "H.R. 2034, the 'Medicare For All Act'" <http://energycommerce.house.gov/medicare/110-medicareforall.shtml>. (25 October 2008)

³⁶ United States. Congress. House of Representatives. The House Committee on Energy and Commerce :: Welcome, "H.R. 3610, The Food and Drug Import Safety Act of 2007" http://energycommerce.house.gov/HR3610/FoodSafety_index.shtml. (25 October 2008)

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This committee works closely with many powerful lobbying groups such as the AFL-CIO, the American Public Health Association, and AARP³⁷. Not surprisingly, any organization that has health care as one of its primary concerns will be working closely with the Committee on Energy and Commerce to pass legislation while working towards their organizational goals. Generally, the only companies working to prevent legislation progress in food and drug safety are groups trying to reduce the scope of government and those that oppose tax increases, specifically, regarding nationalized health care.

Rep. Jon Kolb (D) KS03

³⁷ United States. Congress. House of Representatives. http://energycommerce.house.gov/Medicarerx_110/index.shtml and <http://energycommerce.house.gov/medicare/110-medicareforall.shtml>.

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Interstate Communications

One of the jurisdictions of the Committee on Energy and Commerce is the oversight of interstate communications. The Committee has used this jurisdiction to pass federal communications acts, most recently in 1996. The Telecommunications Act of 1996 is essentially a large amendment to the Communications Act of 1934³⁸. Both Acts are key to understanding the scope of interstate communications and why this jurisdiction is so important to the Committee on Energy and Commerce. This jurisdiction allows Congress to regulate channels of communication including broadcast media, printed media, and the Internet.

President Franklin D. Roosevelt in 1933, requested the Secretary of Commerce to appoint an interdepartmental committee for studying electronic communications. The Committee reported that "the communications service, as far as congressional action is involved, should be regulated by a single body." A recommendation was made for the establishment of a new agency that would regulate all interstate and foreign communication by wire and radio, telegraphy, telephone and broadcast³⁹. In the early part of 1934 the President urged Congress to create the Federal Communications Commission. The Senate Bill (S.3285) passed the House on June 1, 1934, and the conference report was adopted by both houses eight days later. The Communications Act was signed by President Roosevelt on June 1934. Particular parts of it became effective July 1, 1934; other parts on July 11, 1934. And thus the FCC was born⁴⁰.

The most recent overhaul of the 1934 Communications Act came in 1996. Congress approved amendments to the Communications Act that covered cable television

³⁸ P.L. No. 104-104, 110 Stat. 56 (1996)

³⁹ Communications Act of 1934. http://www.cybertelecom.org/notes/communications_act.htm. 10/27/2008

⁴⁰ Communications Act of 1934. http://www.cybertelecom.org/notes/communications_act.htm. 10/27/2008

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broadcasting, the internet, and updates to the definition of telecommunications⁴¹. More specifically, these amendments involved regulations of media companies and the content produced. Proponents of the Act praise the regulations while opponents have cited that, “It favors monopolies more than it breaks them down and encourages communications consolidation more than it creates new economic opportunities for small businesses and entrepreneurs”⁴². The 1996 Telecommunications Act is still being reviewed and amended in Congress as legislation from internet privacy, broadcast regulation, media acquisitions, and most recently, digital standards, pass through the Committee on Energy and Commerce.

In 2006, under the jurisdiction of interstate communication regulation, Congress passed a bill mandating the conversion of television programming sets to digital programming⁴³. On February 17, 2009, all full-power television stations in the United States will stop broadcasting in analog format and transmit only digital signals⁴⁴. The Committee on Energy and Commerce will be dealing with issues surrounding the implementation of this switch in broadcasting.

Interstate communication is an expansive arena that deals with many levels of regulation of media and restrictions on business interests related to communications. The Committee on Energy and Commerce must deal with these issues and take a sharp look at the impact of the Telecommunications Act of 1996.

Rep. Austin Young (D) WA06

⁴² H.R. 1555: Additional Views. <http://energycommerce.house.gov/comdem/legviews/mv1555.htm>. 10/27/2008

⁴³ Digital Television Transition. <http://energycommerce.house.gov/digitalTV/index.shtml> 10/27/2008

⁴⁴ Digital Television Transition. <http://energycommerce.house.gov/digitalTV/index.shtml> 10/27/2008

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Privacy

Privacy is an issue that has been deemed important by the Committee and the nation as a whole for multiple reasons. The area of privacy and consumer protection dealing with pretexting of phone records, increasing the effort to protect an individual's social security number, the move for enhanced spyware programs and security policies for consumers date involved in interstate commerce. All of these privacy issues are important to protect because of our right to privacy and the issue of morality. Not only is it important to protect individual, but equally important to protect businesses and government regulators. Rep. John D. Dingell (D-MI) believes that "a fitting time to make a serious down payment on resolving the scourge of identity theft and related abuse...The American public is owed no less than the full measure of our combined best efforts⁴⁵." Here, Rep Dingell is stating that there is an urgent problem with fraud, identity theft and privacy protection, and the American people deserve to be protected. The protection of the American people is a major reason why this is deemed as a key hot topic within this committee and nation.

Origins of privacy issues and consumer protection have been around for an extensive period of time. However, privacy issues did not become a hot topic until the evolution of the Internet. While the invention of the Internet has been extremely beneficial, it also allows individuals a level of accessibility not attainable before. Only most recently have acts such as Internet fraud and id theft have become a hot button issue due to the amount information stored on the Internet, and often times, easy access. Rep. John Dingell firmly believes that we need a solution to this issue. Rep. Dingell stated, "craft a common-sense solution to the consumer safety crisis that has received much public attention this year⁴⁶." Rep. Dingell

⁴⁵ Dingell, John. "DINGELL, MARKEY, TOWNS, RUSH INTRODUCE MAJOR PRIVACY BILLS FOR NATIONAL CONSUMER PROTECTION WEEK." http://energycommerce.house.gov/Press_110/110nr6.shtml. 2008.

⁴⁶ Dingell, John. "DINGELL, MARKEY, TOWNS, RUSH INTRODUCE MAJOR PRIVACY BILLS FOR NATIONAL CONSUMER PROTECTION WEEK." http://energycommerce.house.gov/Press_110/110nr6.shtml. 2008.

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believes that protecting consumer information over the Internet should be a common sense issue to deal with. Since the Internet is a fairly recent form of communication, the issues pertaining to it are equally new as well. Origins of pretexting of phone calls and wiretapping have a long history within the United States, well before the invention of the Internet. However, the Patriot Act of 2001 brings all forms of communication into modern day legislation. An excerpt from the bill Title II states, Enhanced Surveillance Procedures - Amends the Federal criminal code to authorize the interception of wire, oral, and electronic communications for the production of evidence⁴⁷.

Privacy and protection is one of the top issues on the agenda for the Committee on Energy and Commerce. Various legislation has been introduced from this committee to solve a wide variety of these issues for the American People. With the legislation such as The Prevention of Fraudulent Access to Phone Records Act, The Social Security Number Protection Act of 2007, The Securely Protect Yourself Against Cyber Trespass Act (or SPY ACT) and the Data Accountability and Trust Act (or DATA), the committee has attempted to target and solve these problems. The cost of such bills to protect the American public is currently unknown, because most of these bills are still in the introduction stage. Many believe that it will cost over 100 million to completely produce and spread out such protection, such as spyware. Included in this estimated 100 million dollar figure is penalties for obtaining identities, and penalties for companies that don't adequately protect their consumers. These fines, according to the bill, are in the range from \$300,000 to \$3,000,000⁴⁸.

The most controversial issues pertaining to privacy and consumer protection occur when government agencies cross the line. Many that feel their constitutional rights are being violated criticize issues like wire-tapping. However, many representatives and federal employees find wire-tapping necessary to combat terrorism and keep America safe. Besides

⁴⁷ Thomas: Library of Congress. <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:HR03162:@@D&summ2=m&>. 2008.

⁴⁸ "H.R. 936: Prevention of Fraudulent Access to Phone Records Act." <http://www.opencongress.org/bill/110-h936/show>. 2008.

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hot issues like privacy, some have criticized the effort of Internet regulation as a waste of money, arguing that it would be nearly impossible to regulate. Senior Vice-President Steven Col of Better Business Bureaus Inc states,

“The question posed so frequently in recent weeks by many in the executive and legislative branches, probably including some committee members, and by others closely following the on-line privacy-protection issue, is ‘has self-regulation of online privacy worked? The better question for the committee and the Congress as a whole to ask itself is not whether self-regulation of on-line privacy ‘has’ worked, but rather whether self-regulation of online privacy ‘can’ work, and is it ‘likely’ to work sooner and better than other alternatives?⁴⁹”

The sharp critique and controversy of the issue raises serious questions of the constitutional rights involved and how to go about solving privacy and protection in the most effective manner. Also, other ask the question “is it even possible or worth the time and effort to try and fix the problem?”

While no interest group has come out directly in support of these issues, there has been encouragement from many tech companies like AVG and McAfee that produce spyware programs. Clearly, if the government will be investing millions into better identity theft protection, social security and overall consumer privacy, these companies would have strong involvement and have a great opportunity to gain government funding. The Committee on Energy and Commerce has made much advancement in privacy and consumer protection and will continue to review legislation that deals with these pressing issues.

Rep. Logan Bryant (D) AR01

⁴⁹ Col, Steven. “From testimony before the House Commerce subcommittee on Telecommunications, Trade and Consumer Protection, June 21, 1998.” <http://library.cqpress.com.offcampus.lib.washington.edu/cqresearcher/document.php?id=cqresrre1998110600&type=hitlist&num=1>. 2008

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