



COMMITTEE ON DEMOCRATS
ENERGY & COMMERCE
RANKING MEMBER FRANK PALLONE, JR.

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**Statement of Ranking Member Frank Pallone, Jr., as prepared for delivery
Committee on Energy and Commerce
Full Committee Markup of Seventeen Bills**

Thank you, Mr. Chairman. Tomorrow the Committee will consider seventeen bills addressing a range of energy, environment and telecommunications issues. I support the majority of these bills, but I do have serious concerns, and will oppose, three of them.

The “Satisfying Energy Needs and Saving the Environment Act (or SENSE Act), would allow coal refuse plants to emit more than their fair share of pollution by giving them special treatment under EPA’s Mercury and Air Toxics or MATS rule and the Cross State Air Pollution Rule or CSAPR rule.

This bill gives facilities that burn coal refuse a free pass on complying with EPA rules to reduce certain air pollutants. That is absurd: coal refuse plants are no different than other coal plants and should be held to the same emissions standards.

The SENSE Act picks winners and losers, tipping the scales in favor of coal refuse plants, at the expense of all other plants within a state, and therefore it should be rejected.

I also oppose the BRICK Act, which extends compliance deadlines for EPA’s Brick and Clay rules until all legal challenges are resolved by the courts. Delaying a rule should not be taken lightly, and the blanket extension in the BRICK Act would only serve to incentivize frivolous litigation in an effort to stall and avoid compliance with EPA’s rules.

That said, I do recognize that the brick industry has made good faith efforts to work with EPA and to reduce its emissions. However, the litigation delay in the BRICK Act creates a very bad precedent. I believe this issue can and should be resolved by the courts.

I also oppose the AIR Survey Act of 2015, which requires that data collected by air for use in gas pipeline certificating activities be given the same weight as data collected on the ground. There are critical reasons why on-the-ground data is needed in the gas pipeline review process. I do not have confidence that aerial surveys can effectively identify the full range of critical natural, environmental and cultural resources on the ground from such a distance. I am

also concerned that this is an effort to sidestep the rights of private landowners and communities who, in certain cases, have legitimately barred companies from surveying on their land.

I have reservations about, but will not oppose, a bill sponsored by Mr. Pompeo that would add a \$10 million threshold to trigger FERC review of a merger or consolidation, since, under current law, no such threshold exists. I am sympathetic to the idea that there should be a threshold to trigger a FERC merger review, though I believe that FERC should be notified of significant transactions below any new threshold.

I am more optimistic about the other bills before us and am particularly pleased that the Majority agreed to include two additional bipartisan bills in today's markup. Mr. Rush's bill to promote a 21st Century Energy and Manufacturing Workforce, establishes a DOE program to help deploy minorities, women, veterans, and displaced workers into the energy sector. The Energy Efficient Government Technology Act, offered by Ms. Eshoo, promotes the use of energy efficient and energy saving information technologies and practices across the federal government, especially in data centers. Both of these bills deserve our strong support, and I hope the House will consider them favorably in the near future.

I also strongly support a bill sponsored by my friend, Rep. Grace Meng, which strikes outdated and offensive racial terms in Department of Energy statutory language and replaces them with more culturally appropriate language.

Likewise, I fully support the FAIR Rates Act, introduced by Mr. Kennedy. This bill would ensure that, in the event a FERC vote results in a tie, parties would still have recourse to seek a review of the rates that result from a de facto decision of the Commission. We should not deprive stakeholders of any recourse when a non-decision by FERC has very real consequences for consumers, producers and many others.

In addition, I'm pleased to support the EPS Improvement Act of 2016, authored by Reps. Ellmers and DeGette. This bill which would exempt external power supply units designed to power LEDs, Organic LEDs and ceiling fans using direct current motors from new mandatory efficiency standards for external power supplies.

The Committee will also consider seven non-controversial hydroelectric construction license extension bills that I support.

Finally, I'd also like to thank Rep. Loeb sack for his leadership in improving the Small Business Broadband Deployment Act. His hard work, and the tireless efforts of his staff, are the reason we have bipartisan compromise today.

Thank you, Mr. Chairman.

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