

**Opening Statement of the Honorable Fred Upton
Committee on Energy and Commerce
Markup of 12 Bills
March 14, 2016**

(As Prepared for Delivery)

Today, we kick off proceedings to mark up two bills – H.R. 2666, the No Rate Regulation of Broadband Internet Access Act authored by Mr. Kinzinger, and H.R. 4725, the Common Sense Savings Act of 2016 authored by Health Subcommittee Chairman Pitts.

We will first consider H.R. 2666 which will help ensure a promise from the administration is kept regarding how broadband is regulated. When the FCC reclassified access to the Internet as a utility under Title II of the Communications Act, we were assured by President Obama and Chairman Wheeler that the Commission was not going to use Title II to regulate rates for broadband.

This bill will enshrine their commitment into law, simply ensuring that the FCC cannot use its self-declared expansive authority over the Internet to engage in rate regulation. This means no tariffing and no use of rulemaking or enforcement powers to pass judgment on the rates charged to ISPs' customers for the delivery of broadband data.

At the subcommittee level, we heard some concerns over the way this bill would impact the FCC's authority over truth-in-billing, universal service, and fraud. I understand that Chairman Walden plans to offer an amendment to address these concerns. Unfortunately, in our negotiations we were asked to accept modifications that would still allow the FCC to rate regulate at its discretion. These changes would be inconsistent with the president's statement, with Chairman Wheeler's statements, and would ultimately create an exception that swallows the rule.

This should not be a controversial bill. President Obama has said there shouldn't be rate regulation of broadband. Chairman Wheeler has said the same to multiple committees of both the House and the Senate. This bill ensures these promises are kept by future Commissions. It's a good bill that deserves our support.

We will also consider H.R. 4725, the Common Sense Savings Act of 2016.

We are on an unsustainable fiscal path – and it will be future generations in Michigan and across the country that will pay the price if we don't get our fiscal house in order. This effort to save \$30 billion over the next decade is a responsible step in the right direction.

Among the commonsense reforms included is ending Medicaid for lottery winners – an idea for this reform came from events in Michigan – where the state was forced to continue to provide taxpayer-funded Medicaid benefits to a multi-million dollar lottery winner. This fix will help ensure states across the country will be able to concentrate their limited and precious resources on the most vulnerable.

We also seek to eliminate enhanced Medicaid payments for prisoners. Under the president's health care law, Medicaid currently pays a larger share of health care expenses for prisoner populations compared to many disabled children and pregnant moms. This provision levels the playing field and reduces Medicaid reimbursement rates paid to states for services for those who are incarcerated.

Our bill also reforms the illogical changes made to the State Children's Health Insurance Program (SCHIP) under the president's health law which upset the federal-state balance by increasing federal financial responsibility. This reform would help ensure that SCHIP remains a true partnership between the federal government and states by returning matching rates to normal levels. CBO has said this reform would stretch federal dollars – helping to ensure these vital dollars are available to provide coverage to children in the future.

Commonsense reforms like moving million dollar jackpot winners off the taxpayer's dime deserve our support. Reforms that also strengthen Medicaid and the State Children's Health Insurance Program, so they can better serve the most vulnerable who rely on their critical services.