

OPENING STATEMENT

Ranking Member Eric Swalwell
Subcommittee on Energy
House Committee on Science, Space, and Technology

Energy Subcommittee Markup
H.R. _____, the Department of Energy Research and Development Act of 2014

June 11, 2014

Thank you, Chairman Lummis.

I'm usually excited when I arrive at meetings of this Subcommittee because we are in the enviable position of being able to listen to and question some of the most brilliant scientists in the world. Just yesterday we held a hearing during which we learned about how smashing subatomic particles together is helping us understand why the universe as we know it exists, and how researchers continue to test theories that Albert Einstein presented a century ago. We really do have informative and inspirational hearings when you and I work together Chairman Lummis, and I hope you feel the same way.

Unfortunately, we are meeting today under different circumstances. We are here to consider a bill that was not shared with Democratic members of the Subcommittee until late last Friday, and that proposes to reauthorize all Department of Energy research and development programs. That means we're being asked to make tough decisions about how to allocate billions of taxpayers' dollars after having less than three business days to consider the bill's provisions, let alone talk with constituents and stakeholders. There are plenty of ways that you and I, Madam Chair, could have worked together in a thoughtful and deliberative way to create legislation that would lay out a bipartisan framework to secure our country's energy future, but unfortunately that is not how the Majority has chosen to proceed.

Let's get to some specifics. There are two very clear problems with what we are doing today that demonstrate why it is not in the interest of this Subcommittee, the Department of Energy, or the American people.

The first relates to process. As I mentioned, we are deciding how to spend billions of taxpayers' dollars, and we have a responsibility to make sure that we do so wisely. The way to do this is to learn as much as we can about programs and initiatives that should be proposed, continued, or eliminated. I can't think of a better way to accomplish this than having hearings that would give us a chance to talk to those who would be affected by decisions we make. But looking back at the hearing record, we haven't even come close to performing our due diligence in this regard. We held one hearing on the DOE budget back in April during which we did not even discuss most of the more problematic matters that now appear in this bill text. And of course there was no bill to discuss with the Secretary at the time. Further, we have only had a few other hearings this Congress that touched on even small parts of what we are considering today. These do not include a single hearing focused on the R&D programs carried out by the Offices of Nuclear Energy, Electricity, Energy Efficiency and Renewable Energy, or ARPA-E. Such a paltry

hearing record in no way can be considered comprehensive oversight of the Department, and certainly not enough oversight to inform the sweeping legislation in front of us today.

In addition, we seem to have abandoned any sense of regular order. Not only was no draft bill provided to my Democratic colleagues and I that would have at least given us an opportunity to make suggestions as to how to make this bipartisan, we haven't even had one legislative hearing after this text was sent to us that would have allowed the Subcommittee to explore ways to improve it. Instead, as I said, this was sprung on us at the last minute and now is being rushed to mark-up. I don't think this is a sustainable way for this Subcommittee to operate, and while I wasn't here at the time, my understanding is that this certainly isn't the way that Chairman Gordon ran the Committee when we were in the Majority, nor is it consistent with the way the Committee operated over the vast majority of its 50-year history under both Democratic and Republican leadership. My staff looked into the Committee's records over the last twenty years, and in each Congress since then they found that major pieces of energy legislation had all passed by the Committee with strong bipartisan support. I'd like to insert their research into the record as evidence.

The second and no less important problem is the substance of the bill. Despite only being given a copy of it a few days ago, I have attempted to analyze it and do see a few provisions I can support. The overall authorization level for the Office of Science is consistent with the 2015 level in the America Competes Reauthorization Act that I co-sponsored, and I can see a path towards bipartisan agreement on language for nuclear energy, electricity, and even fossil energy R&D. This would indicate the potential for common ground. But there are some seriously troubling parts of the bill that I will only be able to summarize briefly in my allotted time. The budget for Energy Efficiency and Renewable Energy is decimated; the Office of Science's Biological and Environmental Research funding levels are slashed; ARPA-E funding is cut; and burdensome limitations on what research DOE can fund are imposed that are clearly based on ideological considerations, not science. Furthermore, this bill includes particularly objectionable language that bars the results of any DOE-funded R&D activity from being "used for regulatory assessments or determinations by Federal regulatory authorities." This would essentially ban the EPA or FERC from using the most up-to-date research results when they set rules to protect our air, land, and water and prevent any health hazards associated with fossil fuel use, including to the workers in those industries.

On top of all this, just yesterday the Energy & Water Appropriations Subcommittee passed a bill with significantly different funding levels for all of these programs. So it looks like that train has already left the station. How does trying to mark up a single-year 2015 budget in an authorization bill even make sense at this point?

This is just a brief overview of things I see wrong with this bill. I expect that my colleagues and I will highlight more of our concerns today and at the full Committee mark-up. So in closing, I am disappointed that the Majority chose not to approach me to even consider working together to come up with legislation that we could both support prior to scheduling this mark-up – and then refused my reasonable requests for more time for the Subcommittee to at least do this the right way, even if we can't ultimately come to an agreement on everything in this bill. Thus based on both process and substance to date, I strongly oppose this legislation and urge my colleagues to do the same. With that I yield back the balance of my time.