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MARKUP OF:

H.R. 8, THE NORTH AMERICAN ENERGY SECURITY AND INFRASTRUCTURE ACT OF 2015; AND

H.R. 3242, CHILD NICOTINE POISONING PREVENTION ACT OF 2015;

AND PROPOSED MATTERS FOR INCLUSION IN RECONCILIATION RECOMMENDATIONS

TUESDAY, SEPTEMBER 29, 2015

House of Representatives,

Committee on Energy and Commerce,

Washington, D.C.

The committee met, pursuant to call, at 4:30 p.m., in Room 2123, Rayburn House Office Building, Hon. Fred Upton [chairman of the committee] presiding.

Present: Representatives Upton, Whitfield, Pitts, Blackburn, Latta, Olson, McKinley, Bilirakis, Johnson, Brooks, Pallone, Rush, Green, Schakowsky, Matsui, Welch, and Kennedy.

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Staff Present: Nick Abraham, Legislative Associate, E&P; Clay Alspach, Chief Counsel, Health; Gary Andres, Staff Director; Will Batson, Legislative Clerk; Mike Bloomquist, Deputy Staff Director; Sean Bonyun, Communications Director; Leighton Brown, Press Assistant; Allison Busbee, Policy Coordinator, Energy & Power; Karen Christian, General Counsel; Noelle Clemente, Press Secretary; Patrick Currier, Senior Counsel, Energy & Power; Melissa Froelich, Counsel, CMT; Tom Hassenboehler, Chief Counsel, Energy & Power; Brittany Havens, Oversight Associate, O&I; A.T. Johnston, Senior Policy Advisor; Peter Kielty, Deputy General Counsel; Ben Lieberman, Counsel, Energy & Power; Brandon Mooney, Professional Staff Member, E&P; Paul Nagle, Chief Counsel, CMT; Mary Neumayr, Senior Energy Counsel; Tim Pataki, Professional Staff Member; Graham Pittman, Legislative Clerk; Heidi Stirrup, Health Policy Coordinator; Dylan Vorbach, Legislative Clerk, CMT; Greg Watson, Staff Assistant; Jen Berenholz, Minority Chief Clerk; Christine Brennan, Minority Press Secretary; Waverly Gordon, Minority Professional Staff Member; Tiffany Guarascio, Minority Staff Director and Chief Health Advisor; Rick Kessler, Minority Senior Advisor and Staff Director, Energy and Environment; John Marshall, Minority Policy Coordinator; Rachel Pryor, Minority Health Policy Advisor; Alexander Ratner, Minority Policy Analyst; Tim Robinson, Minority Chief Counsel; and Samantha Satchell, Minority Policy Analyst.

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The Chairman. The committee will come to order.

I would note that the Republican Conference is meeting at 5. So I want to try to rush things on a little bit if we can.

The committee is going to come to order. The chair would recognize himself for an opening statement.

Today we commence our full committee markup of our Architecture of Abundance plan, reconciliation recommendations, and bipartisan legislation to prevent child nicotine poisoning. H.R. 8, the North American Energy Security and Infrastructure Act is the culmination of a multiyear multi-Congress effort to fulfill our energy potential. We have been prioritizing creating jobs and improving our infrastructure to ensure affordable energy continues to flow to folks in Michigan as well as across the country. And while it has been difficult to find bipartisan consensus on as many fronts as I would have liked, I believe that we have written a substantive, thoughtful bill.

This is our first attempt at significant energy legislation since 2007, and a great deal has changed in less than a decade. Fears of America running out of energy have been replaced by a once incomprehensible rise in domestic oil and natural gas production. But our laws and regulations need to be updated in order to reflect that new reality. H.R. 8 presents a unique opportunity to fortify our energy security by reinvesting in SPRO; by hardening and modernizing our Nation's energy infrastructure to withstand 21st century threats like cyber, severe weather, and EMP attacks. We do this while also

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putting folks back to work. The bill also would help America reap the global benefits of our energy abundance by streamlining the approval of LNG exports and by providing improved coordination on energy diplomacy issues with our North American neighbors. In addition, there are provisions to reduce energy use by the Federal Government and make targeted improvements to some of our energy efficiency standards and other Federal programs.

I want to thank everyone on both sides of the aisle for their important contributions to this effort as well, particularly Energy Secretary Moniz. The final version of the bill reflects many conclusions from DOE's landmark Quadrennial Energy Review. America has the resources to become an energy superpower. All we need is the right laws and regulations to enable that to happen. And our goal remains getting something to the President's desk that can be signed into law. And tomorrow's vote will be an important milestone in that effort.

We will also consider reconciliation recommendations per instructions from the House-passed budget. It is our responsibility in Congress to ensure that taxpayer dollars are spent responsibly and reflect the priorities of the American people.

This committee has been investigating the abortion practices of Planned Parenthood and its affiliates since the release of the first in a series of truly abhorrent videos. As this investigation moves forward, the flow of taxpayer dollars to abortion providers like

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Planned Parenthood should stop. It is a matter of respect for human life, and at the same time, in an effort to protect access to health care, we will instead further invest in quality healthcare options for men and women provided by community health centers.

Also part of our committee's recommendations is the repeal of the Prevention in Public Health Fund, a misguided attempt at increasing funding for preventative services. And while the goals of the fund are laudable, the execution has certainly been questionable. The funding is over the amount Congress has already authorized and appropriated for these activities. Close to the \$2 billion of taxpayer money is given to the Secretary of HHS every year for the Prevention Fund, and the Secretary can spend the funds as she likes with absolutely no Congressional oversight. And it has been treated like a petty cash account. For example, in the past, the administration diverted \$453 million from the Prevention Fund for the administrative and promotion efforts to enroll individuals in the healthcare exchanges. Our recommendations save more than a billion dollars, taxpayer dollars, and reflect a much stronger representation of the priorities of the American people.

Lastly, we are also going to consider bipartisan legislation to keep kids safe. H.R. 3242, the Child Nicotine Poisoning Prevention Act. Children in Michigan and across the country are at risk as there have been already thousands of reported poisonings related to liquid nicotine among kids. And I commend Representatives Brooks and Esty

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for their work on this important bipartisan bill.

I would note that all members' statements will be made part of the record, and at this time would recognize the gentlelady from California 3 minutes for an opening statement.

[The prepared statement of The Chairman follows:]

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Ms. Matsui. Thank you, Mr. Chairman.

My position today is no different than it was 2 weeks ago when we held a hearing in this committee on a bill that is similar to the reconciliation recommendation before us today. I strongly oppose the effort to take away women's right to essential quality health care. These efforts are especially concerning because we are talking about taking away access for our Nation's most vulnerable low-income women and families on our Nation's safety net program, Medicaid. Defunding Planned Parenthood would leave millions in California and across the country without access to essential health services. We should not allow politicians to deny a woman's access to health care and to infringe upon her rights to make decisions about her own body.

I would also like to take a moment to discuss yet another attack on the health of American families. Once again the majority is attacking an integral part of the Affordable Care Act, the Public Health and Prevention Fund. Over the past 6 years, the Prevention Fund has provided over \$5 billion in critical public health funding to communities for prevention and to build our public health infrastructure. The Prevention Fund allows our States and communities to tailor programs to local needs, supporting cost-effective programs to improve population health, such as tobacco cessation, immunizations, and the early and rapid detection of disease and injury.

For example, California has received over \$10 million for the State and city health departments to invest in environmental and

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systems approaches to prevent obesity, diabetes, heart disease, and stroke. These diseases are costing our Nation billions of dollars and costing our Nation's families quality of life and years of life together. For the first time in history, the current generation of children has a shorter life expectancy than their parents, largely due to the high obesity rates in children. Prevention and public health programs are an investment in our Nation's future. Repealing the fund now would be devastating.

In regard to the energy package, I would like to express my appreciation for many of my colleagues' work on hydropower relicensing issues. Hydropower is a reliable source of clean energy. And in Sacramento, it has supplied up to 20 percent of electricity needs. I believe potential hydro relicensing language is important to consider. And despite my concerns about the overall energy package, hydro is a very important discussion that needs to be had.

Thank you, Mr. Chairman. I yield back.

[The prepared statement of Ms. Matsui follows:]

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The Chairman. The gentlelady yields back.

The chair would recognize the gentlewoman from Tennessee, Mrs. Blackburn, for an opening statement.

Mrs. Blackburn. Thank you, Mr. Chairman. It has been about a decade since we have had an energy policy, and I really appreciate the fact that we are not looking at scarcity and necessarily security, but we are focused on abundance. I applaud you for this, and for incorporating the technological advances across the energy source spectrum. We are currently in a time of energy abundance, and it is time that we craft a policy that takes advantage of that and that reflects it. And I have heard from several of my constituents who appreciate this approach. And I appreciate the way you have moved us forward to also consider efficiency and the standards that are necessary for efficiency as we look at our energy policy bill.

On reconciliation, I have to tell you, I think that it is absolutely crazy and probably unconstitutional to give the administrative branch \$2 billion a year forever without oversight of the appropriations process so that it can go into a slush fund. And this is -- it is appropriate that we claw that money back and put it through regular order and the regular appropriations process. That money, when you look at what it goes for, it has gone for community block grants used for animal neutering, Zumba classes and massage therapy. In addition, the HHS OIG sent an alert to Dr. Frieden at the CDC that some of the activities of grantees came dangerously close to

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taxpayer funded lobbying, which is expressly prohibited by law. We need to stop this.

I am also pleased that we are addressing the concerns that are there that have been raised about Planned Parenthood and their policies and their utilization of taxpayer funds.

So I thank you for your leadership, and I yield back the balance of my time.

[The prepared statement of Mrs. Blackburn follows:]

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The Chairman. The gentlelady yields back.

The chair would recognize the ranking member of the full committee for an opening statement.

Mr. Pallone. Thank you, Mr. Chairman.

Today's meeting marks a major departure from the broadly bipartisan path that we had followed since the beginning of my tenure as ranking member of this committee. I had hoped that this moment would not come, given our great work and the successful passage of 21st Century Cures, TSCA reform and other legislation through the House.

In July, you and I reached agreement on a few key points regarding energy legislation. First of all, provisions needed to be agreed upon by both sides, and we agreed that was the only way for us to move forward, both at subcommittee and full committee. And we also said we needed to find funding for infrastructure programs in order to repair, replace, and upgrade our Nation's aging energy infrastructure, and that deteriorating leaking natural gas pipelines are a public safety and environmental hazard. And so we agreed to try to find funding for a grant program to help accelerate pipeline replacement and offset rate increases for vulnerable households. In addition, we talked about a competitive grant program to help States and local government upgrade outdated electricity infrastructure in ways that enhance its reliability and resiliency.

Unfortunately, the Republicans seem to have abandoned this agreement and instead have introduced a substitute amendment that

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inserts significant and controversial changes. This bill only aims to help polluters, in my opinion. It continues to ignore the impacts of climate change which remain the biggest threat to our energy security and way of life. Now we are faced with a contentious markup that could have been a bill with a very bipartisan product, in my opinion.

Democrats are committed to energy legislation that works to ensure a sustainable clean energy future that provides well-paying jobs and affordable power to consumers. These priorities are based on science and the technologies of today and tomorrow. And they reflect the confidence in the American innovative spirit that helped make us into this Nation that we are today. And this bill falls well short, and so I am strongly opposed.

Mr. Chairman, in addition, we are marking the reconciliation legislation, which amounts to a futile 61st attempt at repealing the Affordable Care Act and as a last-ditch effort to win votes from recalcitrant Republicans for a clean continuing resolution. During our recent hearing to defund Planned Parenthood, I expressed my disappointment that our committee was using false videos and deception as an excuse to harm women's access to health care. So I am sure you can imagine my outrage that now this committee has become the epicenter of the Republican assault on women's rights. The reconciliation instructions defunding Planned Parenthood and the announcement that our committee will be forming a new subcommittee to continue a fraudulent investigation into Planned Parenthood is appalling. This

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investigation is nothing more than a radical assault on women's health. Extremist Republicans want to take away a woman's right to choose what is best for her and her family, as well as her right to choose the healthcare provider that best meets her healthcare needs. This just isn't an attack on Planned Parenthood; it is an assault or an attack on all women across this country.

I am also disappointed that the reconciliation instructions would repeal the Prevention and Public Health Fund of the Affordable Care Act. Less than 4 months ago, when our committee was celebrating the work we did on the 21st Century Cures Act, we all agreed on the importance of making investments to spur innovation to develop new treatments and cures, investments that could reduce the human toll of disease and reduce the financial strain that disease places on public and private health payers. Just like we know that investments in developing new cures and treatments matter, we know that investments in prevention pay off. According to the Trust for America's Health, every dollar spent on community-based interventions generates a return of \$5.60. Not only does investing in prevention have economic benefits, such investments can potentially prevent the human suffering that results from disease. And I don't see how anyone could be against that goal.

So I strongly urge my colleagues not only to oppose the energy bill that we are going to be marking up tomorrow but also to oppose the reconciliation instructions.

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I yield back.

[The prepared statement of Mr. Pallone follows:]

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The Chairman. The gentleman yields back.

The chair would recognize the chair of the Energy and Power Subcommittee, gentlemen from Kentucky, Mr. Whitfield.

I would note that he -- if you missed it -- he announced that he would not be seeking reelection next year, and I thought we would give him a round of applause for his service.

Mr. Whitfield. Thank you. Thank you. Thank you. Thank you.

The Chairman. You didn't let me finish the sentence: tomorrow, when all members are here.

So we will do it again. We will do an encore tomorrow. But I just want to say we have appreciated his leadership, his ability to listen, the direction that he has given us, and obviously his love for the country and the many years that he has served us, not only his constituents but the country as well. So, Mr. Whitfield.

Mr. Whitfield. Mr. Chairman, thank you very much. And I must say that last July when we started negotiating with our friends on the other side of the aisle to try to develop a bipartisan bill, I think we all had great hopes and expectations. I know that Congressman Kennedy had talked to me about some provisions. Mr. Rush had talked about some provisions for minority training programs in the area of energy. And to be truthful about it, I think the fact that we were not able to reach an agreement says a lot about this institution and where we find ourselves, for whatever reason.

Basically, we came up with roughly \$5 billion through the SPRO

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to provide about \$2 billion in maintenance of the SPRO, which Secretary Moniz wanted. We had another \$3 billion or so for infrastructure needs that our friends on the Democratic side of the aisle were concerned about. We had another roughly \$225 million or so to help on some job training programs that Mr. Rush and some others were concerned about. And to be truthful about it, it is really frustrating because it all broke down over basically four issues. And one of those issues, which is now in this bill, simply said it requires FERC, in coordination with the Electric Reliability Organization, to complete an independent reliability analysis of any proposed or final Federal rule that is a billion dollars or more out of EPA. So here we are, EPA, being more aggressive than ever, is now saying we are going to finalize these rules, so we are asking FERC -- we in Congress -- think FERC should look at the reliability.

Another issue that could not be agreed to related to legislation that my friend Marsha Blackburn from Tennessee was leading the charge on relating to building codes. That has become so federalized that the Department of Energy dictating to the States what these building codes should be about that we wanted more transparency. We wanted the public to be able to make comments on these building codes. That could not be agreed to. There is a provision that prohibits the Federal Government from using any fossil fuels after the year 2030. That is an existing law. We didn't want to mandate the use of fossil fuels, but with a \$20 trillion Federal debt today, all the vehicles that the

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Federal Government owns, the electricity that they consume, we thought that taking the Democrats on their word that they support an all-of-the-above energy policy, that fossil fuel should at least be an option available. That could not be agreed to. So those three sort of minor things basically turned this whole issue upside down. Even Mr. Welch and I had agreed on language to remove this prohibition of fossil fuels after 2030. That could not be agreed to.

So I think it is very disappointing, but at the same time, we all will now have an opportunity for amendments, and we can debate it out and move forward.

Thank you.

[The prepared statement of Mr. Whitfield follows:]

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The Chairman. The gentleman yield back.

The chair would recognize the gentleman from Illinois -- are you ready? -- Mr. Rush, ranking member on the Energy and Power Subcommittee, for 3 minutes.

Mr. Rush. I want to thank you, Mr. Chairman.

And, Mr. Chairman, I want to wish my chairman of the subcommittee, Mr. Whitfield, the best in his future. I certainly was saddened to hear that he was retiring, and I really want him to know that those moments when we were sitting next to each other during the various aspects of the subcommittee's hearing were very, very important to me, and I really got to know you quite well. And I really got to know about your family. And those discussions that we had sitting right next to one another are very, very meaningful to me. And I am going to miss you so very, very much.

That said, Mr. Chairman, I want to thank you for holding this important markup. It is very unfortunate, Mr. Chairman, that after spending the better part of this year working together with you and others in good faith to come up with a bipartisan energy bill that both sides could fully support, that we now have abandoned those sincere -- what I thought was sincere -- efforts. I believe that both sides, Mr. Chairman, had come so close to fulfilling the promise of true bipartisanship and crafting a bill that would move our Nation's energy policy forward in a positive way.

However, today's bill does not fully reflect the promises that

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were made to the minority side in regards to either process or substance. From the beginning of this process, there was a bipartisan agreement that we would only move a bipartisan bill that reflected provisions that were agreed to by both sides. The minority side always understood that we would not get everything that we wanted in this energy bill, including forceful measures to address climate change, which as you know, Mr. Chairman, is among the highest of Democratic priorities.

Nevertheless, we believed that we would be able to support a comprehensive, although modest, energy bill that would demonstrate, Mr. Chairman, to the American people that after years of messaging bills and wasteful rhetoric, that this committee, this very committee, could in fact come together and actually legislate on behalf of the American people.

Mr. Chairman, while there are provisions in the manager's amendment that I certainly support, my workforce development prevention being the most obvious, there are other issues that will need to be worked out before I could vote affirmatively for this bill. Specifically, an agreement between Chairman Upton, yourself, Ranking Member Pallone, and myself, there was supposed to be a fund to help offset the cost to low-income customers for a pipeline replacement program. This is an issue that would directly impact my constituents as well as constituents and districts like mine all across the country, but yet this much necessary program, much needed program, has been

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omitted from the bill that is before us.

Additionally, there is also still more work that needs to be done to address provisions repealing, delaying, or weakening energy efficiency standards that are already established in law, including section 4115, which would repeal the greenhouse standards for Federal buildings, and section 4131, that would weaken building code standards.

Mr. Chairman, I sincerely believe that it would be of benefit to everyone if we could continue to work on these issues in order to bring a truly bipartisan bill to the floor. Don't turn your back, Mr. Chairman, on bipartisanship. Unfortunately, one of the other bills, Mr. Chairman, before us today regarding the reconciliation recommendation is a brilliant example, a salient example, of Washington politics in its most partisan, divisive, and distractive forms. This absurd bill will eliminate \$15.5 billion from the prevention and public health program which is used to fund critically important programs that address public health issues such as nutrition, physical activity, cancer screening, tobacco cessation, and childhood immunizations. Mr. Chairman, I ask you, I plead with you, don't throw the baby out with the bath water.

[The prepared statement of Mr. Rush follows:]

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[4:59 p.m.]

Mr. Whitfield. [Presiding.] Thank you very much, Mr. Rush.

I would like to remind members that these are 3-minute opening statements, and Mr. Rush was so nice to me, he ended up getting 6 minutes, so -- but --

Mr. Rush. It was well --

Mr. Whitfield. The rest of you don't have to be nice to me.

Mr. Pitts, I recognize you for 3 minutes.

Mr. Pitts. Thank you, Mr. Chairman. I too am sorry to see you go. You have been a great friend, a great chairman, always a gentleman, and we are going to miss you.

Mr. Chairman, as we consider the multiple matters before the committee today in markup, I would like to focus my statement on health-related issues proposed for inclusion in reconciliation.

First, section 1 rescinds, repeals the Prevention and Public Health Fund established by the Patient Protection and Affordable Care Act. My colleagues will recall my longstanding interest in seeing this part of the healthcare law repealed. I previously have sponsored a bill to do just that. This year is no exception. H.R. 1085 is what I introduced in February that would repeal the Prevention and Public Health Fund, PPHF. PPHF authorized the appropriation of and

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appropriates to the fund from the Treasury the following amounts: \$500 million for 2010; \$750 million, 2011; \$1 billion, 2012; \$1.25 billion in 2013; \$1.5 billion, 2014; and 2015, every fiscal year thereafter, \$2 billion. The Secretary of Health and Human Services has the full authority to use this account to fund any programs or activities under the Public Health Service that she chooses without congressional input, approval, or oversight.

June 18, 2010, HHS announced \$250 million in Prevention and Public Health Fund dollars go to, quote, "to support prevention activities, develop the Nation's public health infrastructure," end quote.

September 27, they announced another \$320 million in grants from the fund to expand the primary care workforce.

February 9, 2011, HHS announced additional \$750 million for various prevention activities, including preventing tobacco use, obesity, heart disease, stroke, and other diseases, and increasing immunizations.

Now, the goals of these three disbursements from the fund are laudable, and there is no doubt that we must focus on preventing disease rather than simply treating people once they become ill. But we must remember this funding is over and above the amount that Congress has already decided go in these activities and the amount that Congress has already appropriated for the activities. And this should concern every Member that we have created a slush fund that the Secretary can

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spend from without any congressional oversight or approval. No one here can tell us what this funding will be used for next year or 5, 10, 20 or 50 years from now, because this fund exists in perpetuity. We can't predict how the money will be spent, or worse, we can't even influence it. A direct authorization for any prevention or public health program should be written into the law.

By eliminating this fund, we are not cutting any specific program or activity because we have no idea what programs or activities will receive this funding. This is about reclaiming our oversight role how Federal taxpayer dollars should be used.

Secondly, section 2 places limitations on Federal funds to States for a period of 1 year. Under the provision, no Federal funds will go to States for payments to a prohibited entity. And this language outlines the prohibited entity: nonprofit organizations, essential community provider primarily engaged in certain medical services that also provides elective abortions receive a large amount of Federal funds in a calendar year. This provision would bar Federal funding to States for providers like Planned Parenthood, and I believe this is an important step to respect Federal taxpayer dollars.

And, finally, section 3 would take savings from section 2 in the underlying bill, reinvest them in federally qualified health centers, and this provision ensures that there is adequate investment and continuity of care for those most in need.

So, with that, thank you, Mr. Chairman, I yield back the balance

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of my time.

[The prepared statement of Mr. Pitts follows:]

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Mr. Whitfield. At this time, the chair recognizes the gentleman from Massachusetts, Mr. Kennedy, for 3 minutes.

Mr. Kennedy. Thank you, Mr. Chairman.

I would yield to Mr. Green if you would like.

Are you sure?

Mr. Green. You were here before I was.

Mr. Kennedy. That is right, I was, but I will still -- well, thank you.

Chairman, thank you, and I too would just like to add my voice to those congratulating you on your extraordinary tenure of service to our country.

Mr. Whitfield. Thank you.

Mr. Kennedy. Of the three bills we are considering at this markup today and tomorrow, I am pleased to see that the Child Nicotine Poisoning Prevention Act, legislation championed by Congresswoman Elizabeth Esty, is moving forward. The dangers of liquid nicotine are real, especially when children are able to open its containers with ease and when they are labeled with enticing flavors like cotton candy and bubble gum. This bill will provide critical safeguards in packaging that would protect kids across the country.

That said, I am also deeply concerned by the committee's attempts to gut the Affordable Care Act and defund Planned Parenthood through reconciliation in a process by which we are considering the North American Security and Infrastructure Act.

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This bill was on track to be the latest in a series of strong bipartisan compromises to come out of this committee. To see it fall apart is disheartening. Beyond the failure to find common ground, the amendment in the nature of the substitute was made public only a few hours ago, which doesn't leave anyone enough time to dive into the details. This committee has proven over the past few months that we are invested in advancing legislation that will pass the full House with strong bipartisan support. Giving Members just a few hours to review major legislation undermines that goal, especially when the urgency we face in addressing energy development is undeniable.

Earlier this month, one of the major utility companies in Massachusetts announced that they will be raising rates for residents by 20 percent in November. While that is 10 percent less than what we paid last winter, New England continues to wrestle with some of the highest energy prices in the entire country. These are constant -- and these constant rate fluctuations underscore the impact and nuclear -- an unclear nuclear energy policy is having -- excuse me -- an unclear energy policy is having on consumers.

I hear it from all corners of my district: Businesses can't grow. Cities and towns can't plan. Families can't save.

And it has hit an especially vulnerable part of my district harder than most. For the past few years, the south coast of Massachusetts has battled stubborn unemployment rates and its businesses have fought day and night to turn a profit through an economic downturn. On top

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of that, a broken, backwards forward-capacity market system has now singled this region out as the only one in New England unable to meet future energy demand. That distinction leaves families and businesses, in an area that can least afford it, with higher energy bills than their neighbors.

The GOA report in section 4221 of this bill is a step in the right direction, but it doesn't go nearly far enough in helping districts like mine that continue to fall victim to flawed capacity markets.

We could try to address a few of these issues today by considering my bill, the Fair Rates Act, or removing the language in section 1110 from the current language.

Across the country, there are middle and working class communities like the ones I represent that could just not benefit from the renewable energy research development but could drive it. Massachusetts communities like Fall River, Freetown, and New Bedford are already leading the way in solar and wind, but for that to happen, we need a cohesive and comprehensive Federal energy policy. We need to balance our path towards renewable energy with policies that effectively and competitively meet current consumer demand. We need oversight reform of the system that sets rates for our constituents so they are not left paying for shortcomings.

Those challenges are not partisan arguments, but they should be driving our debate around this bill today.

Mr. Chairman, thank you for the extra time. I yield back.

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[The prepared statement of Mr. Kennedy follows:]

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Mr. Whitfield. The gentleman yields back.

At this time, I recognize the gentleman from Ohio, Mr. Latta, for 3 minutes.

Mr. Latta. Well, thank you, Mr. Chairman.

And, again, we are all going to miss you. Thank you for your service.

I want to highlight my support for four provisions in the manager's amendment. I have worked with all parties to strengthen this amendment language, and members should have received several support letters written by the parties for these provisions. I look forward to the debate and final passage.

I would like to begin with Section 4122, which requires the Department of Energy to recognize voluntary third-party verification programs that demonstrate compliance with energy efficiency standards. Currently, the same tests are conducted twice, once at taxpayer expense, in the same facilities on the same equipment. This doesn't make sense for the businesses involved or taxpayers, and I am pleased to see the committee addressing this issue.

Secondly, I want to highlight support for the Energy Star Program Integrity Act, a provision that Mr. Welch and I have both worked on. This language addresses a recent threat that has emerged. A gap in Federal law allows private litigation in addition to the EPA administrative enforcement mechanism against a manufacturer when a product falls out of compliance with the program. The existing EPA

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oversight process has proven successful. Our language simply codifies this and provides consumers and manufacturers more certainty to participate.

The third provision that I am pleased to have included is one Mr. McNerney and I have been working on dealing with the Water Sense Program. This language sets out in statute the Water Sense Program at EPA, which has been in operation since 2006, and empowers Congress to have oversight of the program. It is a voluntary program. This allows for a label that enables consumers to have more information about products which save water for their homes, yards, and businesses.

The final energy provision that I offer my support on is section 1104, which amends the Federal Power Act to better protect critical electric infrastructure by enabling the Federal Government and private entities to respond to and mitigate grid security emergencies. This language also allows for the protection, ensuring of critical electric infrastructure information voluntarily between private sector asset owners and the Federal Government. While we hope to avoid grid emergency, it is important to prepare and have in place the procedures and ability to share the information before an emergency situation occurs.

Furthermore, I voice my support for the reconciliation provisions by placing a 1-year moratorium on the Medicaid reimbursement for Planned Parenthood. We will bolster health care in our communities by providing additional resources for other healthcare providers.

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I am also a supporter of repealing the Prevention and Public Health Fund that was contained in ObamaCare. This fund continues to be used as a slush fund by the HHS.

And I want to thank the chairman, and I yield back the balance of my time.

[The prepared statement of Mr. Latta follows:]

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Mr. Whitfield. The gentleman yields back.

At this time, the chair recognizes the gentleman from Texas, Mr. Green, for 3 minutes.

Mr. Green. Thank you, Mr. Chairman.

Like my colleagues, I am surprised that you announced your retirement. We will miss you. You and I have worked on a lot of legislation together, both energy and health care, and I know we will miss you.

I want to thank you, the chair, and the ranking member for holding the markup tomorrow. We will work to complete a few of the important legislation. I want to thank the staff for their hard work because it has not been easy.

I am pleased the committee decided to undertake an energy package. It is not as comprehensive as I would like or that our Nation needs, and I hope we can do better. The last comprehensive energy bill this committee passed was in 2007. The Energy Independence and Security Act was drafted in a different world. In 2007, we were importing 16 million barrels of oil a day. We were building LNG import terminals. We were concerned about how we would fuel our economy because we lacked essential resources. Our bulk power system relied heavily on one source of fuel, and the world looked to the Middle East for energy production.

In 2015, things look different. Today we are producing more than 9 million barrels a day. We are set to export 10 billion cubic feet

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of natural gas. Our refining, manufacturing, and chemical industries are thriving. Our power system is diversified, and North America is now a focal point of energy production for the next century.

However, our policies have not changed. The direction of our Federal agencies must change to meet the new realities.

H.R. 8 begins to address some of the big issues, namely, resource management, process consolidation, and infrastructure modernization. I would hope all our colleagues offer amendments and we can improve the bill so that it can address the issues that face our country.

On reconciliation tomorrow, we are also considering what I consider very damaging reconciliation instructions. The instructions really say: Put politics before people. It guts the Prevention and Public Health Fund in yet another poorly masked attack on women's health. The prevention and Public Health Fund is the Nation's single largest investment in prevention. It represents an unprecedented investment in promoting wellness, preventing disease, and protecting against public health emergencies. Chronic disease currently accounts for more than 80 percent of our Nation's healthcare costs. Congress has the distinct responsibility to formulate and fund initiatives that promote public health and wellness and combat chronic disease. The Prevention and Public Health Fund is one means which Congress fulfills this operation. Eliminating it is a bad and shortsighted policy.

It is unfortunate that instead of using this time to advance

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legislation that improves our health system, we are again engaging in a futile attempt to cut off funding for Planned Parenthood and put women's health at risk. This is a transparent effort to block women's access to our healthcare providers, jeopardizing the ability of millions of low-income Medicaid beneficiaries to get the high-quality health care that they need. Federal law has long protected the ability of Medicare -- Medicaid beneficiaries to receive family planning services. The reconciliation instructions fly in the face of patient access. They are a part of an ongoing assault on not just choice but on the ability of millions of women to receive quality preventive healthcare services.

And, again, I thank you for the extra 14 seconds.

[The prepared statement of Mr. Green follows:]

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Mr. Whitfield. You didn't get 6 minutes.

At this time, I recognize the gentleman from Texas, Mr. Olson, for 3 minutes.

Mr. Olson. I thank the chair.

It is time to go to work. First, it is the Architecture of Abundance. This is a good bill that takes an important step to improve American energy policy. It includes provisions, priorities like workforce development, efficiency, emergency preparation, and energy security.

I want to thank Chairman Whitfield and Ranking Member Rush for including my commonsense grid reliability bill in this package. I worked closely with Mr. Doyle and Mr. Green to resolve conflicting rules that powerplants face in a power crisis. That language remains in this package that has passed twice in the House without opposition. We now have bipartisan and bicameral support from the Senate as well. It is time to get it done.

I am also glad we are protecting reliability by making sure FERC can stay new major rules as they are written. It just makes sense.

And we are tackling issues like LNG exports. After last week's work on crude oil, we should continue to open markets. There is a lot in this bill worth supporting.

I would like to focus on another bill we are tackling right now. There is something wrong at Planned Parenthood, and shame on anyone in Congress who has not seen the horrific videos describing babies being

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killed for their organs. Laws may have been broken. Felonies may have been committed. This Congress and this committee has a duty to find out what happened. Our investigation is not over, but until it is, we cannot risk any taxpayer dollars to support possible crimes. We will vote tomorrow to make sure that women get all the health care they need at more locations across the country in our Federal clinics. American women will get every penny promised for their health. It just won't come from Planned Parenthood.

In conclusion, my friend, as they say in our Navy, I wish you and Constance fair winds and following seas. I yield back.

[The prepared statement of Mr. Olson follows:]

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Mr. Whitfield. Thank you very much.

The chair at this time recognizes the gentlelady from Illinois, Ms. Schakowsky, for 3 minutes.

Ms. Schakowsky. Thank you, Mr. Chairman.

I am really sad about your announcement. My husband and I consider you and Connie such dear friends, and I hope we can keep that friendship.

I want to start by thanking Congresswoman Brooks as well as Representative Elizabeth Esty, the original sponsor for bringing forward the Child Nicotine Poisoning Prevention Act, carefully drafted, bipartisan product that will protect children from liquid nicotine and, importantly, retains the authority for the FDA to act on this issue moving forward. It is a model for the type of work this committee should do.

I also need to say that I am strongly opposed to the energy bill and the reconciliation package that we will consider tomorrow. The North American Energy Security Infrastructure Act was supposed to be a bipartisan compromise that would have a real chance of enactment, thus reducing harmful emissions and improving energy efficiency. The bill we will consider tomorrow is a far cry from that vision, and it is both too weak and too narrow to accomplish meaningful energy efficiency reforms. We can nibble at the margins until the polar icecaps completely melt or we can take strong action now. Our children, our grandchildren and future generations deserve a Congress

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that will do the latter.

The reconciliation proposal to eliminate the Public and Prevention Health Fund and eliminate Planned Parenthood, both wrongheaded and offensive. Chronic disease accounts for 86 percent of healthcare costs in the United States. Investing in public health is one of the smartest investments we can make. And ironically, I just got a notice about an announcement for the latest round of chronic disease self-management education grants that went to the Suburban Area Agency on Aging in my district, AgeOptions, a highly respected organization; hardly getting money from a slush fund. They are going to be doing very important work, and it comes from the Prevention and Public Health Fund, which does great work in prevention around the country. My home State of Illinois has received \$92 million from the fund since its creation in 2010, and these funds have helped create programs to prevent diabetes, assist with smoking cessation, reduce childhood obesity, and encourage other positive health outcomes. Instead of recognizing the importance of these programs, Republicans put forth their 61st attempt to repeal part or all of the Affordable Care Act.

And the effort to gut Planned Parenthood funding will also undermine preventive health services. I think we all know 97 percent of Planned Parenthood services are preventative health services. Community health centers can't absorb the patient population by Planned Parenthood, served by Planned Parenthood. And I just want to say this:

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Despite claims by Republicans that community health centers will receive additional funding, they have brought a separate bill to the floor this week that just passed that would allow States to remove community health centers from Medicaid if they suspect any, quote, "participation in the performance of an abortion," unquote. So it is time to move on and stop trying to interfere in the personal lives of women.

I yield back. Thank you, Mr. Chairman.

[The prepared statement of Ms. Schakowsky follows:]

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Mr. Whitfield. The gentlelady yields back.

At this time, I recognize the gentleman from West Virginia, Mr. McKinley, for 3 minutes.

Mr. McKinley. Thank you, Mr. Chairman, for holding this markup today.

This legislation takes a significant step towards addressing many of the key energy issues that our Nation faces: ensuring our Nation's grid security, modernizing our energy infrastructure, and advancing energy efficiency. This bill is especially important, given the current regulatory overreaches by this administration that threatens our country's electric grid and harms our economy.

I would like to thank the chairman for working with my office to include language that would assist those in working in a coal mine or coal-fired powerplants scheduled for closure by allowing them to receive job assistance training before their employment is terminated. This provision will reduce the stress on the workers and give them peace of mind that they will be able to provide for their families and avoid the painful hardship of a job loss. Why wait to be helpful until these men and women lose their job? Let's help it in the interim. This language directs DOE to provide early intervention assistance and allows transitioning employees to become eligible for the Workforce Development Program established in section 2001.

This Friday Peter Welch and I from Vermont will be going underground in a West Virginia coal mine to introduce Mr. Welch to the

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challenges facing our Nation's coal miners, and then we intend to sit down with a group of unemployed coal miners around the table and listen to them and look in their eyes to understand the hardships that they face.

I would also like to thank the chairman for working with my office to include section 1109. This section facilitates the use of coal by advancing clean coal research and technology towards large-scale demonstration in commercial use. The provision will ensure that all DOE research funds are being spent on the most promising technologies that are truly advancing clean coal technology by increasing accountability at DOE after the grant is awarded.

Again, I appreciate this committee's work to address some of the key energy issues that our Nation faces, and I urge the passage of this comprehensive energy bill. Thank you, and I yield back my time.

[The prepared statement of Mr. McKinley follows:]

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Mr. Whitfield. The gentleman yields back.

At this time, the chair recognizes the gentlelady from Indiana, Mrs. Brooks, for 3 minutes.

Mrs. Brooks. Thank you, Mr. Chairman. And I too am saddened to hear about your retirement, my neighbor to the south, and so I wish you well.

It looks as though we are going to have a very busy day tomorrow. First, I would like to thank the chairman for bringing up the Child Nicotine Poisoning Prevention Act. This bill, which I have worked on with Ms. Esty from Connecticut, is absolutely pivotal to ensuring that child safety packaging evolves with the rising popularity of vaping. Regardless of where you stand on e-cigarettes, I think we can all agree that they need to be packaged in a responsible way that prevents children from consuming what can be a lethal substance. Unfortunately, there is no child-resistant packaging requirement currently for concentrated liquid nicotine, which can be toxic if ingested or even absorbed through the skin. According to the American Academy of Pediatrics, some small bottles of liquid nicotine contain as much as 540 milligrams of nicotine, enough nicotine to kill four small children.

Our bill simply extends current consumer product safety packaging requirements to bottles of liquid nicotine. With poison control centers across the country receiving thousands of calls related to liquid nicotine exposure a year, I appreciate the chairman's

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recognizing the urgency of this matter and swiftly moving this bill through committee.

I would also like to speak briefly about the Architecture of Abundance bill that we will be marking up tomorrow. I know the bill's been a year in the making, and I want to commend you for the leadership you have shown during this year to produce a bill that will maximize our energy resources to advance both our economic and diplomatic interests.

Recently I was able to witness firsthand how this bill's provisions, streamlining the regulatory process for LNG gas exports, will help our allies in Europe. In June, I had the opportunity to travel to Lithuania and visit the region's first LNG import facility in the newly constructed Port of Klaipeda and know what a difference American gas will mean in untethering their economy from Russia's.

I also appreciate the chairman's inclusion of the 21st Century Workforce Pillar that will provide educational and financial resources to community colleges -- like iD Tech -- so that they can meet the unique and highly evolving skill sets that energy companies require. I wholeheartedly support the underlying bill.

I am, however, Mr. Chairman, worried about one provision in section 4114 pertaining to the definition of municipal solid waste and the Energy Policy Act's renewable energy purchase requirement. The provision would have the practical impact of putting communities who want to use new technologies to remove recyclable materials from

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unsorted waste at a disadvantage. The City of Indianapolis, which I represent, just approved a process that will cost \$45 million to build a recycling system designed to recover recyclables from mixed municipal solid waste. This state-of-the-art facility has the potential to increase recycling in our circle city by 500 percent. And while I understand the chairman's desire to preserve paper from the destruction process, I am worried that waste-to-energy facilities like the one in Indianapolis could be harmed if the scope of this provision is expanded. So as the process moves forward, I would respectfully request your help in opposing subsequent efforts to further restrict the renewable designation of municipal solid waste.

Further, I would like to continue working with you, Mr. Chairman, to address the concerns of communities like Indianapolis, who want to explore using new technologies and methods to increase overall recycling rates.

I want to thank the chairman once again and also compliment your staff on your willingness to work with us. I have spoken with Chairman Upton, and I understand there is a willingness to continue to work with us to find a way forward on this complicated and important issue.

And, with that, I yield back.

[The prepared statement of Mrs. Brooks follows:]

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Mr. Whitfield. The gentlelady yields back.

And thank you very much for raising the concern about 4114. And I know that Chairman Upton and you have talked, and hopefully we can get that resolved to your satisfaction.

Seeing no one seeking recognition for an opening statement, the chair would now call up H.R. 8 and ask the clerk to report.

The Clerk. H.R. 8, to modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, and promote energy efficiency and government accountability, and for other purposes.

Mr. Whitfield. Without objection, the first reading of the bill is dispensed with and the bill will be open for amendment at any point.

So ordered.

[The bill follows:]

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Mr. Whitfield. We are now on H.R. 8, and the committee will reconvene at 10:00 a.m. tomorrow. I would remind members that the chair will recognize and give priority to bipartisan amendments. I look forward to seeing you all tomorrow.

And, without objection, the committee does now stand in recess until 10:00 a.m. tomorrow.

[Whereupon, at 5:28 p.m., the committee was adjourned.]