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MARKUP OF H.R. 1582, H.R. 1900, H.R. 83,

H.R. 2094, H.R. 698, AND H.R. 2052

TUESDAY, JULY 16, 2013

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, Terry, Burgess, Gingrey, Scalise, Latta, Harper, Olson, Waxman, Green, Schakowsky, and Christensen.

Staff Present: Nick Abraham, Legislative Clerk; Clay Alspach, Chief Counsel, Health; Gary Andres, Staff Director; Charlotte Baker, Press Secretary; Mike Bloomquist, General Counsel; Sean Bonyun, Communications Director; Matt Bravo,

Professional Staff Member; Allison Busbee, Policy Coordinator, Energy & Power; Patrick Currier, Counsel, Energy & Power; Brenda Destro, Professional Staff Member, Health; Andy Duberstein, Deputy Press Secretary; Tom Hassenboehler, Chief Counsel, Energy & Power; Brittany Havens, Legislative Clerk; Robert Horne, Professional Staff Member, Health; Kirby Howard, Legislative Clerk; Peter Kielty, Deputy General Counsel; Jason Knox, Counsel, Energy & Power; Alexa Marrero, Deputy Staff Director; Nick Magallanes, Policy Coordinator, CMT; Gib Mullan, Chief Counsel, CMT; Mary Neumayr, Senior Energy Counsel; Shannon Weinberg Taylor, Counsel, CMT; Tom Wilbur, Digital Media Advisor; Michelle Ash, Minority Chief Counsel, Commerce, Manufacturing, and Trade; Jeff Baran, Minority Senior Counsel; Jen Berenhollz, Minority Chief Clerk; Elizabeth Letter, Minority Assistant Press Secretary; and Roger Sherman, Minority Chief Counsel.

The Chairman. The committee will come to order, and the chair recognizes himself for an opening statement.

We are only doing opening statements today. Today we are going to begin consideration of six important bills that collectively will boost economic growth, help secure our energy future, protect children's health, and support breakthrough medical research.

First, the committee will consider Dr. Cassidy's H.R. 1582, the Energy Consumers Relief Act of 2013. This legislation will finally put some interagency checks and balances on the EPA, an agency whose transparency in recent years has been woefully inadequate. Thanks to the technological innovations that have allowed us to safely tap the Nation's abundant energy resources, the U.S. is in fact on an unprecedented path towards energy self-sufficiency. But this U.S. energy renaissance is threatened by an agency that fails to provide a transparent and accurate picture of the sweeping cumulative impacts of its own regs. This bill brings much-needed accountability and perspective to EPA regulations.

Equally critical to capitalizing on our energy abundance is Mr. Pompeo's Natural Gas Pipeline Permitting Reform Act, H.R. 1900 -- how did you get that number? That is a great number to get, H.R. 1900 -- which is a very bipartisan bill that would modernize the Federal review process for natural gas pipeline permit applications. Our Nation's energy landscape has

dramatically transformed over the last several years, but our energy infrastructure still lags behind. To take full advantage of our abundant natural gas supplies we need a new modern pipeline system. This legislation makes commonsense reforms to the natural gas pipeline permitting process and will allow new pipeline projects to be built safely and efficiently to help meet the Nation's energy needs.

I would also encourage my colleagues to support H.R. 83, a bill introduced by Representative Donna Christiansen, which will address energy needs of the insular areas of the U.S., including the Virgin Islands.

The committee will also consider H.R. 2094, an effort led by Dr. Roe and Mr. Hoyer, to support our Nation's schools as they work to ensure that they have the capability to treat severe allergic reactions.

The second bipartisan health bill that we will consider, H.R. 698, sponsored by Representative Capps, is an important measure to boost medical research. The legislation would eliminate the restriction on requiring HIV-positive organs to permit research on transplants involving HIV-positive individuals. It also requires the Secretary of HHS to develop guidelines and revise transplant standards based on research. In June, the Senate passed similar legislation, S. 330, which was introduced by Senators Boxer and Coburn and cosponsored by Senators Baldwin and Paul.

Lastly, we will consider H.R. 2052, the Global Investment in American Jobs Act, authored by Mr. Terry and Ms. Schakowsky, which seeks to make the U.S. more competitive in attracting foreign direct investment. It directs the Secretary of Commerce to lead an interagency review of the Federal Government's current efforts to attract foreign investment and to identify noteworthy initiatives at the State and local level and best practices in other countries. The review will inform recommendations for improving our competitiveness in attracting foreign direct investment, thus creating jobs here in the U.S. The bill moved through subcommittee by voice vote, and similar legislation passed the House on voice vote in the last Congress.

I would hope that we can approve all six tomorrow on a bipartisan basis, and then the full House, and I yield now to the ranking member of the full committee, Mr. Waxman for an opening statement.

[The statement of the Chairman follows:]

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Mr. Waxman. Thank you very much, Mr. Chairman. I appreciate you recognizing me for the purpose of an opening statement. But let me ask unanimous consent that the statement by Representative Frank Pallone, Jr., be entered into the record as well.

The Chairman. That would be without objection, and all members' opening statements by unanimous consent will be put into the record.

[The prepared statement of Mr. Pallone follows:]

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Mr. Waxman. Today we are going to start the markup of several bills. Some are good bills with bipartisan support. Others are partisan messaging bills that will in my view, God willing, not become law.

Mr. Pompeo's bill, H.R. 1900 -- 1900, McKinley was President and all was good with the world, because we had a laissez faire economy.

The Chairman. Just for the record, I want you to know that the Whirlpool Corporation, which my family had a hand in starting, was once the Upton Machine Company, and then it back the 1900 Corporation.

Mr. Waxman. The 1900.

The Chairman. Yeah.

Mr. Waxman. I liked the Upton Machine name better.

The Chairman. They made BB guns.

Mr. Waxman. BB guns. Those were days when we didn't have mass killings.

Mr. Pompeo's bill seeks to speed up the approval of interstate natural gas pipelines. The bill aims to solve a problem that doesn't exist. GAO has concluded that the Federal Energy Regulatory Commission's pipeline permitting is predictable and consistent and gets pipelines built. Last week the pipeline companies testified that they thought the process is "generally very good." Nevertheless, H.R. 1900 would disrupt this functioning permitting process by arbitrarily limiting the time

that FERC and other agencies have to review the pipeline applications. When faced with these time limits, one of two things will happen. Either agencies will approve permits that do not comply with our Nation's health, safety, and environmental laws, or they will deny permits when the time limits prevent them from concluding legally mandated pipeline reviews. Of course, the third option would be those that are ready to be approved would be approved. With this bill, we will get rush decisions and probably more project denials. No one benefits from that, not even the pipeline companies.

Mr. Cassidy's bill, H.R. 1582, is really a problem because it gives the Department of Energy a veto over EPA's air and water pollution rules. Last Congress, the House voted 145 times to block EPA rules and standards. The House voted to block EPA regulation of mercury and other toxic pollutants from power plants and incinerators. The House voted to strip EPA of authority to set water quality standards. And the House voted to overturn EPA's scientific finding that carbon pollution endangers health and the environment.

None of these assaults on the EPA was enacted. They all died in the Senate. So today the majority is trying a new approach, give another agency veto power over EPA rules. This bill is a terrible precedent. It would give DOE a veto over EPA. Where do we stop? Are we next going to give the Commerce Department a veto over the Department of State, or the CDC a veto over the FDA?



This bill is a recipe for making the Federal Government agencies as dysfunctional as Congress has become, and no one should want that.

In contrast, Congresswoman Christiansen's bill, H.R. 83, is precisely the kind of legislation we should be working on. The bill enhances energy security, expands renewable energy generation. It is a win for the island states and U.S. territories that it will assist, and I urge support for that bill.

I also urge support for the two public health measures before the committee, H.R. 2094, the School Access to Emergency Epinephrine Act, sponsored by Congressman Roe and Congressman Hoyer, and H.R. 698, the HIV Organ Equity Act, introduced by Congresswoman Capps. H.R. 2094 provides an additional preference of an existing State grant program to allow trained personnel to administer an EpiPen to students believed to be having an anaphylactic allergic reaction. H.R. 698 directs the Federal organ procurement and transplantation network to allow the transplantation of human organs infected with HIV, but only into individuals already infected with the HIV virus. Both of these bills enjoy bipartisan support, but I know of no opposition to either.

And finally, I support passage of H.R. 2052, the Global Investment in American Jobs Act, as forwarded by the subcommittee. Ms. Schakowsky has worked with Mr. Terry to ensure that while we encourage foreign direct investment, we do not weaken labor,

consumer, financial, or environmental standards.

So Mr. Chairman, that is my opening statement on all of these bills. There are some good ones, and then there are some that I hope don't become law. I yield back the balance of my time.

Mr. Whitfield. [Presiding.] Thank you, Mr. Waxman.

[The prepared statement of Mr. Waxman follows:]

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Mr. Whitfield. At this time I will recognize myself for -- how many minutes do I get -- 5 minutes for an opening statement.

As part of today's markup, we will be considering three bills that originated in the Energy and Power Subcommittee: H.R. 1582, the Energy Consumers Relief Act, sponsored by Dr. Cassidy; H.R. 1900, the National Gas Pipeline Permitting Reform Act, sponsored by Mr. Pompeo; and H.R. 83, sponsored by Dr. Christensen.

Under the Energy Consumers Relief Act, energy-related regulations issued by EPA that cost more than \$1 billion will finally, under this bill, receive the scrutiny they warrant. Transparency in regulatory costs and benefits is a reasonable expectation, and Dr. Cassidy's bill would make sure that EPA provides it.

To give you an example, when EPA issued its final utility MACT rule last year, EPA estimated that 4,700 megawatts of coal-fired generation would be lost as a direct result of the rule. A year later, instead of 4,700 megawatts being shut down, 43,000 megawatts of coal-fired generation were shut down due to the regulations.

EPA's estimate is already off by nearly a factor of 10. It is exactly these types of skewed methodologies and flawed results that Dr. Cassidy's bill will help at least shine the light on. We owe it to the American people to ensure that our Federal agencies

are not overstating benefits or understating economic impacts to further political agendas. We all value the regulatory agencies, but they also should be questioned. They also should answer. They also should be transparent. And that is what this bill is all about.

I also strongly support H.R. 1900, Mr. Pompeo's bill. This legislation would provide certainty on natural gas pipeline projects being sited and built without undue delay.

Finally, the committee will consider H.R. 83, which would require the Secretary of the Interior to assemble a team of experts to address the energy needs of the insular areas of the United States and the Freely Associated States through the development of energy action plans. As I stated, this is Dr. Christensen's legislation, and I would urge my colleagues to support all of these bills, and I yield back the balance of my time.

At this time, I recognize the gentlelady from Illinois, Ms. Schakowsky, for a 3-minute opening statement.

[The prepared statement of Mr. Whitfield follows:]

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Ms. Schakowsky. Thank you, Mr. Chairman. I am glad that we are considering H.R. 2052, the Global Investment in American Jobs Act. I appreciate working with --

Mr. Whitfield. Ms. Schakowsky, I am sorry to interrupt you. You don't get 3 minutes, you get 5 minutes.

Ms. Schakowsky. Thank you. I appreciate working with Chairman -- I can slow down a little then, okay. I appreciate working with Chairman Terry on that bipartisan bill that passed out of committee, the committee of manufacturing -- Commerce, Manufacturing, and Trade Subcommittee by voice vote. And despite our economic turbulence over the past 6 years, the United States is still by far the world's largest and safest economy. Our country remains the best place on Earth to find talented, motivated employees and to build a loyal customer base. We are also geographically ideally located to produce and export goods around the world. Investments in this country by foreign companies have created good jobs for many Americans. We need to determine the best ways to attract further responsible foreign direct investments, and H.R. 2052 will help guide us toward that end.

Some have argued that what is needed to further attract foreign investment in our country is a weakening of labor, financial, environmental, and public health standards. My home State of Illinois, which has a strong regulatory structure, disproves that theory. Illinois' large share of foreign direct

investment is a result of its central location and transportation infrastructure, its diversified economy, its productive workforce, and its cultural diversity and attractions. Nearly 1,600 foreign-based firms with operations in Illinois employ more than 300,000 Illinois residents. The Illinois story proves that we can and should maintain strong standards for companies wishing to invest here for the benefit of our workers, their families, and our communities.

I still have some remaining concerns with the amendment that will be offered tomorrow in order to move the legislation forward, which I believe could lessen the effectiveness of our bill. However, if I am assured that the bill will equally weigh both the costs and the benefits of foreign direct investment, I will continue to support the underlying bill and will work to ensure its passage.

I also support H.R. 2094, H.R. 698, and H.R. 83. After the tragic death of the Chicago student who suffered an allergic food reaction at a classroom party, Illinois passed legislation that encouraged schools to stock epinephrine and allow school nurses to give potentially life-saving epinephrine injections to any student suffering a severe allergic reaction. H.R. 2094 would encourage more States to assure that schools have the tools necessary to save the lives of students who suffer severe allergic reactions.

H.R. 698 would increase the availability of lifesaving organs. This legislation would allow critical research into the

safety of organ donations from HIV-positive donors to patients living with HIV. Based on this research, the Secretary could allow positive to positive transplantation, increasing access to potentially lifesaving organs for patients living with HIV who are on the organ donor waiting list.

H.R. 83, Representative Christensen's bill, is a commonsense measure that will provide the technical assistance needed to help the insular areas of the United States and the Freely Associated States develop an energy action plan to protect against energy price spikes and improve energy efficiency.

I strongly oppose the other two energy bills under consideration. H.R. 1592 sets up a redundant and obstructive economic review process designed to delay or even prevent lifesaving rules from going into effect.

H.R. 1900 would force Federal agencies to complete complicated analyses of natural gas pipeline applications in an arbitrary and abbreviated timeline or else those applications would be granted. Both bills will place the interests of large corporations above public health and the environment. They do nothing to promote safe, clean, 21st century energy. The people whose health and welfare we are here to protect deserve better than that.

I look forward to the swift passage of the four bills I support, and to addressing my serious concerns on the other two bills. And with that, Mr. Chairman, I yield back. Thank you.

Mr. Whitfield. Thank you, Ms. Schakowsky.

[The prepared statement of Ms. Schakowsky follows:]

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Mr. Whitfield. At this time, I recognize the gentleman from Nebraska, Mr. Terry, for 5 minutes.

Mr. Terry. Thank you, Mr. Whitfield, and I appreciate the opportunity to talk in support of H.R. 2052, the Global Investment in American Jobs Act of 2013. This is a bipartisan piece of legislation that instructs the Department of Commerce to conduct an interagency review identifying barriers to foreign investment in the United States and make recommendation on ways to lower or eliminate these unnecessary barriers, and I appreciate working with the gentlelady from Illinois, Ms. Schakowsky, on these issues, and I thought we worked well together over the month back and forth negotiations to come to this point.

The story of foreign direct investment, or FDI, here in the U.S. is a positive one with many benefits. In 2010 U.S. affiliates of foreign firms employed an estimated 5.6 million American workers who made on average \$77,000 per year. In the manufacturing sector alone, FDI inflows were nearly \$84 billion in 2012, according to the National Association of Manufacturers. FDI is an important part of our economy and one that we should continue to actively nurture.

The United States should be a leader in attracting foreign investment as a complement to us and our economy. We have a stable government, safe working conditions, and the most skilled workforce in the world. Unfortunately, according to the testimony of the Organization for International Investment at our

legislative hearing last spring, the United States' share of foreign direct investment has dropped 41 percent in 1999 to 17 percent in 2011. Today, we are here to begin reversing that trend.

I believe that our long-term global competitiveness and economic success as a nation is directly tied to our ability to attract foreign investment. Congress and the regulatory agencies should remain vigilant of the potential impact of the U.S.'s ability to attract foreign direct investment when considering new laws and regulations. It is my belief that there are a number of areas within the purview of the Federal Government where we can improve the domestic climate for foreign direct investment. It is my hope that the report at the heart of this legislation will highlight those areas for both the administration where it can act on its own authority and for Congress where the administration lacks the authority to act on its own accord. It is my hope that this legislation will pass unanimously through the proceedings just as it did through our subcommittee markup.

I am pleased to say that Jan Schakowsky and I worked well together, as I mentioned before, and also thank the majority chief deputy whip, Peter Roskam, and Congressman John Barrow for joining us in crafting this bipartisan piece of legislation to help create jobs in the United States, and yield back.

Mr. Whitfield. Thank you, Mr. Terry.

[The prepared statement of Mr. Terry follows:]

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

Mr. Green. I really don't think I am next.

Mr. Whitfield. Oh, okay. I am sorry, on the list that we had we had you before her.

Mr. Green. Coming from the South, I always defer to the gentlelady.

Mr. Whitfield. I have always been impressed with how polite you are. Dr. Christensen, you are recognized for 3 minutes.

Dr. Christensen. Thank you, Congressman Green, and thank you, Mr. Chairman. Just this past weekend I listened to businesses tell me that they were not sure how long they could hold out. I went shopping in our St. Croix downtown areas where some stores I used to shop in were closed and others were struggling to stay open. At a social event I heard from a mother of five who pleaded with me to keep seeking help as her almost \$500 a month electricity bill is making it difficult for her to provide for the needs of her family. And so I wanted to once again thank Chairman Whitfield and Ranking Member Rush for their support of my bill, H.R. 82, as well as Chairman Upton, Ranking Member Waxman, and the entire committee.

The bill recognizes the crisis that the current 30th Legislature of the Virgin Islands has asserted for energy in our Territory, and directs assistance to the short-term needs of our community as well as ensuring that when the transitions are made

we will be putting together the right mix of fuel sources that will provide the most efficient electricity at the lowest possible cost. My constituents are encouraged and heartened by this committee's support.

I am also pleased that we are marking up two health bills that I support, the HIV Organ Policy Equity Act, which has the potential to bring fairness and equity to those individuals who are in need of an organ transplant and who are living with HIV, and then the School Access to Emergency Epinephrine Act, which will help to ensure that a child having an life-threatening anaphylactic reaction at school will be able to receive immediate life saving care by a trained member of the school personnel.

I am also glad to support H.R. 2052, the Global Investment in American Jobs Act of 2013, and commend Chairman Terry and Ranking Member Schakowsky on their efforts to improve U.S. competitiveness and to create American jobs through global investment.

I wish I could support the other two bills before us, but I can't. With respect to H.R. 1582, as I look at what is happening at home, even with EPA's recently announced civil penalties due to Clean Air Act violations in our Virgin Islands public utility, it has been our experience that EPA in fulfilling their responsibilities to oversee the provisions of the act have always worked with us to mitigate the potential costs once we develop and present a credible plan to address the violations. In legislation such as this we walk a fine line between lowering costs and

allowing harm to the public's health. And as I have said before, once the public health costs of weakening the regulatory authority of EPA are taken into account, they far outweigh the costs of meeting the regulatory standard. Then it becomes clear how important EPA's regulatory authority is to the well-being of our communities and fellow Americans.

H.R. 1900 also runs the risk of sacrificing the well-being of communities by shortening the permitting time which would likely require that the permitting agency forego some of the required due diligence to ensure the public safety and health. We do need to create jobs. That is the number one issue the people of this country need us to work on, but isn't it better to create those jobs in the energy of the future and ensure long-term job security while providing still good wages in a slowing global warming and mitigating climate change. I think so.

Thank you, Mr. Chairman, and I yield back the balance of my time.

[The prepared statement of Dr. Christensen follows:]

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Mr. Whitfield. The gentlelady yields back the balance of her time. At this time I recognize the gentleman from Texas, Dr. Burgess, for a 3-minute opening statement.

Dr. Burgess. I thank the chairman for the recognition, and thank the other members of the committee for letting me go ahead of them. Tomorrow we are going to mark up two very important healthcare bills, H.R. 2094 and H.R. 698, the first dealing with allergies that have become a problem, increasing problem with children, and certainly it takes a commonsense measure to safeguard our children from the risk of anaphylactic shock. H.R. 2094 encourages States to pass laws to aid public schools in protecting children who may go into anaphylactic shock. Certainly I think all of us on this committee understand the critical importance of ensuring that epinephrine is equally accessible in case of an emergency.

The second bill, H.R. 698, is also commonsense policy that removes current barriers in law and ensures patients who are suffering from life-threatening illnesses can access vital treatments. Over 100,000 patients currently are waiting for life saving organs and 50,000 are added every year. These patients far outnumber the number of healthy organs available for transplant. Our current organ donation policies are outdated and do not reflect the most current research in clinical developments.

H.R. 698 corrects this, allowing organs from HIV-positive donors to be transplanted into HIV-positive recipients, which has



the potential to save over 1,000 HIV infected patients with liver and kidney failure each year. Transplant surgeons already have some experience with transplantation of infected organs. Today's surgeons perform organ transplants on patients who are infected with hepatitis C, a disease with similar transmission method as HIV. And certainly, I did spend some time, I want to thank individuals with the American Society of Transplant Surgeons, scientists at the National Institutes of Health who made themselves available for consultation. I was concerned about this policy, but it does seem to be a sound science-based policy and in fact it is also a good fiscal policy. It increases safe options for safe transplantation, eliminating the need for patients to receive costly recurring treatments and instead allows patients to receive viable organs to live full and productive lives.

I thank the chairman for the recognition and I yield back the balance of my time.

[The prepared statement of Dr. Burgess follows:]

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Mr. Whitfield. The gentleman yields back the balance of his time. At this time I will recognize the gentleman from Texas, Mr. Green, for 3 minutes.

Mr. Green. Thank you, Mr. Chairman, for holding this markup today and tomorrow we will mark up the bills. The first, H.R. 83, introduced by a colleague, Ms. Christiansen, will require the Secretary of Interior develop an action plan to address the energy needs of the insular areas in the United States and the Freely Associated States. I applaud the majority's ruling to consider legislation from our side of the aisle, and I plan to support the bill and hope we will continue to consider bills from both sides that are sound policy.

The second bill we are here to discuss is the Energy Consumers Relief Act of 2013. I think we are setting a bad precedent by considering legislation that would give one department veto authority over another department's statutory responsibility. There has to be a way that this committee can address concerns we have about the ways these rules are developed without completely gutting an agency's statutory responsibilities and independence. I strongly oppose the bill and encourage my colleagues on the other side to think twice before setting a precedent.

We will also markup H.R. 1900, which deals with pipeline permitting. I want to thank the majority staff for working with us over the last few days to come to a consensus on most of the

problematic part of the bill; namely, that environmental permits will go into effect if not finished by a certain time.

Unfortunately, we are not able to come to an agreement on this issue, and I know of no State or Federal law that allows any permits to be deemed approved after a time certain. This is a major concern I have since FERC doing their job is vital to not only my district, but Texas. I do want to commend the majority for making changes, however, that they do improve the bill greatly. The two changes include making the bill applicable to only projects that go through FERC's pre-filing process, and then having FERC certify the operator's application is complete before setting the clock on the issuing a certificate of public convenience and necessity.

We also plan to markup H.R. 2052, the foreign direct investments. It is critical to economic growth and the job creation in our district, throughout the country. Only last year the United States was the largest recipient of foreign direct investment in the world. Now we have fallen behind China and that is not acceptable. It is our responsibility to give the Federal Government the guidance and tools necessary to revise this trend, and for those reasons I intend to vote in support of the bipartisan Global Investment Act for American Jobs.

Lastly, I support both the health bills in front of the committee, and I would like to thank the chairman for bringing both those bills up, one introduced by Representative Lois Capps

providing that organ transplants provide HIV-positive individuals may be received by HIV-positive patients. This strengthens our healthcare system. The second, sponsored by Dr. Roe and our Democrat Whip Steny Hoyer, is an important bill and I am proud to be a cosponsor of. The School Access to the Emergency Epinephrine Act ensures schools have the tools to rapidly respond to severe allergenic reactions. This bill would save lives in our schools and I am happy to move it forward.

Mr. Chairman, thank you. I yield back my time.

[The prepared statement of Mr. Green follows:]

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Mr. Whitfield. The gentleman yields back his time. I recognize the gentleman from Georgia, Dr. Gingrey, for a 3-minute opening statement.

Dr. Gingrey. Mr. Chairman, I want to thank you for calling this markup of six different pieces of legislation that will continue tomorrow. First and foremost, I would like to commend you for using this markup to demonstrate the broad jurisdiction of this committee. The range of issues that will be discussed will move us from energy production and consumer protection, to health care, to drawing foreign investment in the United States.

I would like to focus my time today on one particular piece of legislation. That is H.R. 1582, the Energy Consumers Relief Act of the 2013, that was reported to full committee from the Energy and Power Subcommittee, authored by my physician colleague from Louisiana, Dr. Cassidy. This legislation would add significant transparency to the rulemaking process at the EPA.

Mr. Chairman, H.R. 1582 would simply require that the EPA submit a report to Congress on any new energy-related rule that is estimated to cost more than \$1 billion, to provide information on cost, energy price, and job impacts.

Additionally, this legislation would require the Secretary of Energy to consult with other agencies on any potential adverse effects from the proposed rule from the EPA. If there is a significant negative impact after this process, then the rule would not be allowed to move forward.

Unfortunately, over the past 4 years, the EPA has been the largest culprit of bureaucratic overreach. According to the Obama administration's own OMB, the EPA currently has more pending regulatory actions under review than any other agency within the Federal Government.

I was pleased that our committee is making the effort to educate the public on the impact of numerous rules being produced by the EPA that will cost over \$1 billion each. In last week's release the committee noted 13 different final or proposed rules that fall into this category.

Mr. Chairman, manufacturers and energy consumers deserve better and more transparent treatment than what they are currently receiving from the EPA. This agency continues to run amok with rules and regulations that will only drive up energy costs for hard working Americans while potentially compromise job creation in our still very fragile economy. H.R. 1582 will add needed protection for the American people from this out-of-control Federal agency, the EPA, and I commend both Dr. Cassidy and I commend the Energy and Power Subcommittee, Chairman Whitfield, for their leadership on this issue.

Mr. Chairman, while I confine my remarks to this particular bill, 1582, I urge my colleagues to support this bill along with each of the others under consideration, the other five by the committee tomorrow, and I yield back the balance of my time.

[The prepared statement of Dr. Gingrey follows:]

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Mr. Whitfield. The gentleman yields back the balance of his time. At this time I recognize the gentleman from Ohio, Mr. Latta, for 3 minutes.

Mr. Latta. Thank you, Mr. Chairman, and thanks to the technological advances in industry innovation, this country is on the verge of a very promising energy future. Most notably, we have seen this with the development of horizontal drilling practices that has opened up once unreachable domestic energy resources and unleashed a number of positive economic benefits. This is especially true throughout Ohio where once struggling towns have seen a resurgence of business activity, increase in employment, leading many towns to have an unemployment rate below the national average and additional sources of revenue.

New access to domestic energy sources coupled with proven methods has also spurred growth and expansion in the manufacturing sector. I represent 60,000 manufacturing jobs in my district, and during my many visits to each of these businesses, plants, and factories, I always hear about the concerns regarding unnecessary government interference. It is very clear to my constituents that the best approach from Washington is to ensure a regulatory framework that encourages growth, not hampers it. Unfortunately, the President's latest regulatory proposals threaten our energy potential and would curb recent economic growth. By moving forward with new greenhouse gas regulations on new and existing energy sources, the President will place a compliance burden many



covered entities will not be able to meet. Just last week another coal-fired energy unit in Ohio announced its forthcoming foreclosure due to the cost of complying with environmental regulations and conditions in the electricity market. A continuation of costly regulations will only lead to additional closures, more displaced workers, and an inability to provide consumers with reliable, affordable electricity.

For these reasons I support Representative Cassidy's bill, the Energy Consumers Relief Act of 2013. This legislation provides a respite to the energy sector from the President's barrage of expensive and unnecessary regulations as it will require an additional layer of transparency and analysis to EPA regulations that cost at least \$1 billion. It will also require the EPA to submit a cost analysis to Congress that lays out a rules impact on gasoline, electricity prices, and potential job losses, as well as consult with other agencies that stand to be impacted.

The sensible approach to regulation is an initiative we can all agree on that will prevent undue burdens and make careful consideration of cost and benefits. I thank Representative Cassidy for the legislation and urge support.

Thank you, Mr. 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 the balance of his time. At this time the chair recognizes the gentleman from Mississippi, Mr. Harper, for 3 minutes.

Mr. Harper. Thank you, Mr. Chairman, and I thank you for bringing these important bills to the full committee for markup. I am especially grateful for the work that this committee, that the chairman has done and my good friend, Dr. Bill Cassidy, in bringing the Energy Consumers Relief Act through the committee process.

Americans feel the effect of overburdensome government regulations every day. A higher cost for energy is just one example of negative effects brought on by EPA regulations, and it is a major cost to American households and families. It often seems to me that the EPA pushes its agenda without much concern for the potential effects to our economy. I am hopeful that H.R. 1582 can make the rulemaking process at EPA a little more economy and cost conscious.

So thank you, Mr. Chairman, for bringing up Dr. Cassidy's bill. I urge my colleagues to support it and I yield back.

[The prepared statement of Mr. Harper follows:]

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

Mr. Olson. Thank you, Mr. Chairman, for calling today's markup. We have some excellent bills before us. I would like to touch on two of them.

First, I thank Mr. Cassidy for his hard work on H.R. 1582. As I have said time and time again in this room, my home State of Texas continues to live under the threat of a reliability crisis. We can't guarantee our Nation's canary in the coal mine reliability unless EPA allows us to use that coal to keep the lights on. EPA's repeated attempts to grab State authority beyond the boundaries of the Clean Air Act have very real consequences for cities like Houston when the grid fails on a boiling summer day. My hope is that this bill will help EPA make real-world choices as the next regulations come out on things like carbon and ozone.

And secondly, I am glad to see Mr. Pompeo's H.R. 1900 before us today. Texas has long lead America's oil and gas development in its corresponding transportation infrastructure. However, as we are now finding resources in places that 10 years ago no one could foresee, there are challenges. There are States that aren't energy States, States like North Dakota which have no pipelines. Tragically, our hope for energy self-sufficiency will be a passing dream if we can't get those resources to where they are needed when they are needed.

And that is why permits to build pipelines are as important as permits to drill wells. It is why I am an original cosponsor of Mr. Pompeo's legislation. I thank Mr. Cassidy and Mr. Pompeo for their hard work and look forward to voting for the bills out of committee and on the House floor.

Thank you, Mr. Chairman. I yield back the balance of my time.

[The prepared statement of Mr. Olson follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Whitfield. The gentleman yields back the balance of his time. At this time I recognize the gentleman from Louisiana, Mr. Scalise, for 3 minutes.

Mr. Scalise. Thank you, Mr. Chairman, I appreciate you holding this hearing and look forward to the markup on these important bills, all designed to help create jobs in America, to try to get rid of some of these regulatory burdens that are hurting jobs.

Starting with H.R. 1582, my colleague from Louisiana, Mr. Cassidy, has brought, I think, a real important bill that stops the -- kind of calls into question and provides some checks and balances on EPA.

If you look at some of the rules and regulations coming out of EPA, it is probably the agency single-most responsible for the destruction of jobs in America, and in fact, in some ways they brag that they don't even look at the impact to the economy that the regulations coming out have on our economy.

So what this does is it requires EPA to notify Congress of the job impacts and potential influence on energy prices of energy-related rules estimated to cost more than \$1 billion. The President is trying to push his cap-and-trade agenda through in different ways. He is trying to use the EPA and in fact, he recently directed the EPA to go find ways regulatorily to do things that Congress wouldn't even pass when the Democrats controlled both the House and the Senate. So if it wasn't a good

enough policy for Nancy Pelosi's House and Harry Reid's Senate, why would we want the EPA to try to be writing rules and regulations, in essence writing law that would have a dramatic impact on increasing energy prices on families. If it is so important and if it is something that really needs to be done, let them bring that to Congress and approve it the right way, and have the checks and balances that go along with the House and Senate taking up that action rather than trying to go through the regulatory backdoor. So I think that is an important bill.

H.R. 1900 streamlines the natural gas pipeline permitting approval process. We have seen such a dramatic revolution in natural gas with these shale plays across the country creating so many jobs, and yet it still has a lot of regulatory hurdles that they face in creating these jobs, and bringing this American energy, again, this is American-made energy. We want to be encouraging more of that. We want to remove the regulatory burdens that make it harder to create energy in America. Why would we want to be more reliant on foreign countries. And so as we found this new revolution in shale plays with horizontal drilling and hydraulic fracturing, let's speed up the process for building these pipelines to move it through our country even faster.

Very commonsense bills. If you look at the School Access to Emergency Epinephrine Act by my colleague and friend, Dr. Roe from Tennessee, just -- I think allows us to open up an opportunity to

save more lives without any new money. It just allows for these EpiPens to be used in the schools, using existing grant resources.

I want to also mention my colleague from Tennessee -- my colleague from Nebraska, Mr. Terry's bill, the Global Investment in American Jobs Act. This is an important bill that actually directs the Department of Commerce, the Secretary specifically, to review the Federal Government's role in attracting foreign investments. Too often we hear of hurdles that are placed in our Tax Code, in our energy policy and others that make it harder to bring jobs into America, in fact, encourage people to send jobs out of America. We ought to be reversing that trend and bringing jobs to America. This bill encourages and directs the agency to do that.

So I look forward to the markup tomorrow. Thank you, Mr. Chairman, for the hearing and I yield back the balance of my time.

Mr. Whitfield. Thank you, Mr. Scalise.

[The prepared statement of Mr. Scalise follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*



Mr. Whitfield. The gentleman yields back the balance of his time. And for those of you in the audience, I am sorry to say that is maybe the end of the opening statements. So at this time the chair would call up H.R. 1582, and ask the clerk to report.

The Clerk. H.R. 1582, as favorably reported by the Subcommittee on Energy and Power on July 10, 2013, to protect consumers by prohibiting the Administrator of the Environmental Protection Agency from promulgating as final certain energy-related rules that are estimated to cost more than \$1 billion and will cause significant adverse effects to the economy.

[The bill follows:]

\*\*\*\*\* INSERT 1-1 \*\*\*\*\*

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.

For the information of members, we are now on H.R. 1582. The committee will reconvene at 10:00 a.m. tomorrow. And I would remind members that the chair will give priority recognition to amendments offered on a bipartisan basis. I look forward to seeing all of you tomorrow, and without objection, the committee stands in recess.

Thank you.

[Whereupon, at 5:20 p.m., the committee was adjourned.]