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MARKUP OF H.R. 3826, THE ELECTRICITY

SECURITY AND AFFORDABILITY ACT

MONDAY, JANUARY 13, 2014

House of Representatives,
Subcommittee on Energy and Power,
Committee on Energy and Commerce,
Washington, D.C.

The subcommittee met, pursuant to call, at 4:06 p.m., in Room 2123, Rayburn House Office Building, Hon. Ed Whitfield [chairman of the subcommittee] presiding.

Present: Representatives Whitfield, Hall, Latta, Olson, Olson, and McKinley.

Staff Present: Nick Abraham, Legislative Clerk; 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; Tom Hassenboehler, Chief Counsel, Energy & Power; Brittany Havens, Legislative Clerk; Peter Kielty, Deputy General Counsel; Brandon Mooney, Professional Staff Member; Mary Neumayr, Senior Energy Counsel; Jen Berenholz, Minority Chief Clerk; Greg Dotson, Minority Staff Director, Energy and Environment; Bruce Ho, Minority Counsel; Elizabeth Letter, Minority Assistant Press Secretary; and Alexandra Teitz, Minority Senior Counsel, Environment and Energy.

Mr. Whitfield. I would like the call this subcommittee to order, and this relates to a markup for H.R. 3826, the Electricity Security and Affordability Act. As many of you know, the markup will actually occur tomorrow, and pursuant to an agreement that I have with Ranking Member Waxman and Mr. McNerney, as chairman of the subcommittee, I am going to be giving my opening statement tomorrow. The ranking member, Mr. McNerney, will be giving his opening statement tomorrow. Mr. Upton, if he decides to do so, will give his opening statement tomorrow, and Mr. Waxman will give his opening statement tomorrow.

As you know, in a markup, all members have a right to opening statements, so this afternoon, we are going to proceed with the opening statements for any of the other members, and they -- they each will be recognized for 3 minutes. And at this time, since Mr. McNerney is not here and Mr. Waxman will be giving his tomorrow as well, I would like to recognize the distinguished gentleman from Texas, Mr. Hall, for his 3-minute opening statement.

Mr. Hall. Mr. Chairman, I thank you, and 5 minutes is certainly plenty for me.

Mr. Chairman, I thank you for holding this markup today, and I am sorry that others are here. You know, we are just coming back, and they have got other committees they are in, and it is good that you have arranged them to -- allow them to make these statements tomorrow because I know everybody wants to be heard,

and that is why I am an original cosponsor of this, the Electricity Security and Affordability Act in Texas.

We have seen coal operations make significant investments and progress in advancing clean air emission controls, employing advanced technologies and investing in a number of research and development projects. These include the Department of Energy programs and university and industry research efforts. These companies are engaged in retrofitting research efforts. These companies work in renewable technologies, recycling, conservation, and reclamation, and they all have measurable success.

Coal burning power plants have made substantial progress in recent years to provide cleaner, more efficient and more reliability and less costly energy resources for the good of all Americans. Yet, despite significant strides, these companies continue to be met with ever more stringent proposed rules and regulations from the EPA -- from the EPA, and I could describe them a little better if I had more time, in what appears to be this administration's war on coal.

The bill before us -- in closing, the bill before us offers a commonsense solution to the EPA's proposed greenhouse gas standards for new power plants -- for new power plants and the Agency's planned regulations for existing power plants. Please support H.R. 3826.

And before I yield back the balance of my time, I want to say that I apologize for helping back when we wrote the Clean Air Act

and the Clean Water Act, to putting the EPA in the position of power there. Being a guy that is for energy, I knew our energy people needed some regulation, and I knew they needed some Federal help, so we put the EPA in those bills, if you remember, Mr. Chairman, and I regret that they have caused probably an awful lot of destruction to a lot of up and going companies by not having science as a background on which they make their demands, and I yield back my time.

Mr. Whitfield. Thank you, Mr. Hall, for that opening statement. At this time, I would like to recognize the gentleman from Ohio, Mr. Latta, for a 3-minute opening statement.

Mr. Latta. Well, thank you, Mr. Chairman, and thank you very much for holding the markup today on H.R. 3826, the Electricity Security and Affordability Act. This commonsense legislation will preserve access to affordable electricity by protecting the growth of coal in our Nation's energy mix. Coal is and has been under attack by this administration. This could not be clearer more than by the Agency's latest proposal for new coal-fired power plants and soon to be proposed standards for existing power plants. Combined, these regulations are a death knell for America's coal industry.

The consequences of national energy mix without coal would be very grim. In places like my home State of Ohio where over 70 percent of our electricity is generated by coal, the consequences could be devastating. Coal currently provides over

4.5 million Ohio homes and 200,000 Ohio businesses with affordable reliable power. Without coal, these families and small business owners will have to pay more.

Coal is also the source for 3,000 high paying coal mining jobs and thousands of spin-off jobs in various other employment sectors throughout my home State. Without coal, these jobs and their additional tax revenues and local investments would not exist. H.R. 3826 will prevent these consequences and protect hardworking American taxpayers from footing the bill, the EPA's irresponsible and extreme environmental agenda. We all want cleaner air and a safe environment, and as this legislation indicates, we can achieve this in a bipartisan and a bicameral fashion.

It is time that the EPA starts working with Members of Congress. I urge my colleagues' support, and I yield back.

Mr. Whitfield. Mr. Latta, thank you very much for that opening statement, and at this time, recognize the gentleman from West Virginia, Mr. McKinley, for 3 minutes.

Mr. McKinley. Thank you, Chairman Whitfield for holding this markup today. These new regulations addressed in this bill are emblematic, I think, of an administration that is just seemingly unaware of the consequences of adopting, changing rules, standards, and regulations across America. Job creator after job creator sat right there at those seats and have told us time and time again, overregulation is killing our economy in this country.

Is anyone listening? Apparently not. The administration continues to green light the regulators. How is it working out?

On Friday, it was announced that 92 million Americans are not in the workforce any longer. Said in December, for the job growth, for every job that is created, five more people dropped out of the workforce. What is even more troubling, the news has reported that one-third of all the Americans have lived in poverty under this administration for at least 2 months, and 97 percent of all the jobs that have been created in the last year were part-time jobs. Part-time jobs. The income gap between the rich and the poor has expanded under this administration.

This is not the American dream. Adding new regulation after new regulation are crippling America's economy. People can't find jobs. Excessive regulations cause job losses, shutter plants, factories, increase utility bills, and less hope for families through dreams. This is not fair. This isn't what we should be doing here. Our priority in Congress should be to create an environment where businesses want to expand and create jobs, not create an environment for larger and more intrusive government. We need to support the Whitfield bill and get government off our backs. I yield back the balance of my time.

Mr. Whitfield. Mr. McKinley, thank you very much. And now I look to my friends on the other side of the aisle, and if there are any members in the cloakroom that wants to give a 3-minute opening statement, this will be the time to do so.

So, what we are going to do then, every member of the subcommittee was aware that if they wanted to give an opening statement, that they would be here this afternoon and they would have 3 minutes. Pursuant to an agreement that I have with Mr. Waxman, tomorrow morning I am going to give an opening statement, Mr. McNerney, Mr. Upton, and Mr. Waxman, and there will be no more opening statements other than those four tomorrow morning.

But since Mr. Olson has now come in, which we are delighted that he is here, from Texas, I would like to recognize him 3 minutes for an opening statement.

Mr. Olson. Thank you, Mr. Chairman. I appreciate the courtesy, and thank you for calling up today's markup. As original cosponsor, I am glad to see Chairman Whitfield's Electricity Security and Affordability Act before us. Supporting H.R. 3826 was an easy call. The folks I work for back home in Texas 22 are fearful -- fearful of the direction EPA is heading on greenhouse gas regulations. Overreach is nothing new for the Obama EPA. Recently, one of the sweeping rules aimed at coal faced tough, tough questions at the Supreme Court. A lower court had struck it down for ignoring congressional intent. Other rules before the D.C. Circuit court are going forward as we speak.

All administrations face challenges, court challenges, but the Obama EPA continues to speed headlong into uncharted territory. They are using the Clean Air Act to regulate carbon from power plants for the first time in our history.

Congressional oversight on things like new compliance technology is more important than ever. Take EPA's new rule -- new rules for coal plants.

Carbon capturing sequestration is not ready for prime time. Not every power plant has Federal backing. Not every plant has aging oil fields that can buy captured products to fund their projects, and yet the EPA has decided to make CCS the standard for new coal plants. This rule will essentially ban coal as a power source in America. My home State of Texas is the only State in the Union that faces the risk of statewide power shortages in the years ahead, and coal remains critical to our power grid. If new rules on new plants are too strict, the impact could be severe back home. Today's bill prevents that.

In my takeaway, our hearings on greenhouse -- the new greenhouse gas rules is that EPA is in need of more direction from Congress. Impossible requirements are signs of overreach. This bill is an excellent step in the right direction.

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

Mr. Whitfield. Mr. Olson, thank you very much. And I am going to reiterate once again, now, we are going to reconvene tomorrow morning at 10:00 a.m. There will be four opening statements tomorrow, mine, Mr. McNerney, Mr. Upton, and Mr. Waxman. All other members were aware that if they were here today, they would be able to give a 3-minute opening statement, so

everyone has had the opportunity. So tomorrow, those will be the only four opening statements, and then we will -- so, tomorrow morning, at 10 o'clock, we will be calling up H.R. 3826 after those four opening statements, and so the committee will be recessed until tomorrow morning at 10:00. Thank you.

[Whereupon, at 4:00 p.m., the subcommittee recessed, to reconvene at 10:00 a.m., Tuesday, January 14, 2014.]