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RPTR GENEUS

EDTR CRYSTAL

MARKUP ON:

H.R. 3021, AIR SURVEY ACT OF 2015;

H.R. 3797, SATISFYING ENERGY NEEDS AND SAVING THE ENVIRONMENT (SENSE) ACT;

H.R. \_\_\_\_\_, BLOCKING REGULATORY INTERFERENCE FROM CLOSING KILNS (BRICK) ACT;

H.R. 4444, EPS IMPROVEMENT ACT;

H.R. 2984, FAIR RATES ACT;

H.R. 4427, A BILL TO AMEND SECTION 203 OF THE FEDERAL POWER ACT;

H.R. 4238, A BILL TO AMEND THE DEPARTMENT OF ENERGY ORGANIZATION ACT AND THE LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT ACT OF 1976 TO MODERNIZE TERMS RELATING TO MINORITIES;

H.R. 2080, A BILL TO EXTEND THE DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF A HYDROELECTRIC PROJECT INVOLVING CLARK CANYON DAM;

H.R. 2081, A BILL TO EXTEND THE DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF A HYDROELECTRIC PROJECT INVOLVING THE GIBSON DAM;

H.R. 3447, A BILL TO EXTEND THE DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF A HYDROELECTRIC PROJECT INVOLVING THE W. KERR SCOTT DAM;

H.R. 4416, A BILL TO EXTEND THE DEADLINE FOR COMMENCEMENT OF

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CONSTRUCTION OF A HYDROELECTRIC PROJECT INVOLVING THE JENNINGS  
RANDOLPH DAM; AND

H.R. 4434, A BILL TO EXTEND THE DEADLINE FOR COMMENCEMENT OF  
CONSTRUCTION OF A HYDROELECTRIC PROJECT INVOLVING THE CANNONSVILLE DAM  
Wednesday, February 10, 2016

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

The subcommittee met, pursuant to call, at 5:46 p.m., in Room  
2123, Rayburn House Office Building, Hon. Ed Whitfield [chairman of  
the subcommittee] presiding.

Present: Representatives Whitfield, Johnson, and Rush.

Staff Present: Gary Andres, Staff Director; Will Batson,  
Legislative Clerk, E&P, E&E; Mike Bloomquist, Deputy Staff Director;  
Rebecca Card, Assistant Press Secretary; Karen Christian, General  
Counsel; A.T. Johnson, Senior Policy Advisor; Peter Kielty, Deputy  
General Counsel; Ben Lieberman, Counsel, Energy & Power; Brandon  
Mooney, Professional Staff Member, E&P; Mary Neumayr, Senior Energy  
Counsel; Graham Pittman, Legislative Clerk; Annelise Rickert,

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Legislative Associate; Dylan Vorbach, Legislative Clerk, CMT; Gregory Watson, Legislative Clerk, C&T; Jen Berenholz, Minority Chief Clerk; Christine Brennan, Minority Press Secretary; Jean Fruci, Minority Energy and Environment Policy Advisor; John Marshall, Minority Policy Coordinator; Alexander Ratner, Minority Policy Analyst; and Tuley Wright, Minority Energy and Environment Policy Advisor.

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Mr. Whitfield. The subcommittee will come to order, and the chair will recognize himself for an opening statement.

Today, we begin the markup of 12 energy bills. Each of these bills standing alone would probably not be considered particularly important, but together they represent an important step in the direction of a more sensible energy policy and a brighter economic future for the country. And I would urge all of my colleagues to vote "yes" on all of them.

Nearly all of these bills are good for jobs, either helping to preserve existing ones threatened by regulations or enabling the creation of new jobs. This includes the BRICK Act, which may help the 7,000 employees in the brickmaking industry avoid future layoffs, as well as the five hydroelectric bills that will create construction and maintenance jobs for new hydropower products.

Many of these bills expand the supply of affordable domestic energy and help strengthen the infrastructure that gets this energy to the consumers and businesses that need it. This includes the hydroelectric bills, as well as ones like the AIR Survey Act, that helps facilitate the approval process for new natural gas pipelines by allowing air survey data to be used.

Several bills would provide much-needed updates to old energy laws. This includes the bill amending the Federal Power Act to bring parity to FERC's review of mergers and acquisitions in the electricity sector so as to reduce red tape for relatively small transactions, as

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well as the bill replacing offensive terms relating to minorities found in decades-old energy legislation.

Other bills will benefit consumers, such as the Fair RATES Act, which expands the opportunities to challenge electric rate increases before FERC, and the EPS Improvement Act, which ensures that the new DOE efficiency standard for external power supplies does not place unnecessary burdens on manufacturers developing cutting-edge technologies.

Several bills also help the environment, such as the SENSE Act, which ensures that the power plants using waste coal as an energy source can continue to operate. Additionally, the hydropower bills enable the expansion of this clean and renewable energy source.

Each bill in its own way represents progress on these issues, and I hope that we can pass all 12 of them tomorrow.

And with that, I yield back the balance of my time. I recognize the distinguished gentleman from Chicago, Mr. Rush, for 5 minutes.

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

Mr. Chairman, I must confess that I am more disappointed with what is omitted from today's package of bills than I am excited about what is included.

Specifically, Mr. Chairman, my office has continuously worked with the majority on workforce legislation that both sides have previously expressed support for. In fact, less than a year ago, this subcommittee held a hearing on the 21st Century Workforce legislation

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when we heard from witnesses representing organizations as diverse as the National Electric Contractors Association to Hispanics in Energy, all strongly supporting the bill.

In the same hearing, Mr. Chairman, members on the majority side gushed over a young man by the name of Charles Wilson, a young man from my own district in the Englewood area in Chicago. Mr. Wilson had beaten the odds by overcoming his impoverished upbringing to become a senior nuclear reactor operator trainer. Many colleagues from both sides of the aisle praised Mr. Wilson for his uplifting, exciting, inspiring life story and remarked on how the 21st Century Workforce legislation would help to produce additional Charles Wilsons all across our great Nation.

So the question I pose now, Mr. Chairman, is what happened since that notable occasion? Why has this subcommittee still not acted to move this commonsense piece of legislation forward?

Mr. Chairman, tomorrow we will be marking up bills that will benefit selective industries, from brickmakers to coal refuse facilities. Additionally, the bills before us will make it easier for utilities to consolidate, to merge, and pipeline companies to supplement the rights of property owners. Yet, where is the relief for communities that look like the ones I represent? What is this subcommittee doing to help minorities, to help women, to help veterans, and to help displaced energy workers find good, excellent-paying jobs and careers?

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Mr. Chairman, I find it difficult to explain to my constituents why this subcommittee has yet to move a bill that has publicly received such widespread bipartisan support. In fact, not only has the 21st Century Workforce bill received public support from members on the Republican side and the Democratic side, but it also enjoys the support of a variety of stakeholders, such as the American Petroleum Institute, Halliburton, and BP, all the way to nonprofit organizations, such as the American Association of Blacks in Energy, the National Urban League, and the National Association for Equal Employment in Higher Education.

So again, Mr. Chairman, I must ask, what is the holdup? Why is this bill being held in committee? Why can't we have a markup that centers around this exciting piece of legislation?

Mr. Chairman, while it is a nice gesture that the subcommittee will mark up a bill that will finally, in the year 2016, strike offensive terms such as "Negro" and "Oriental" from parts of the Federal statute, I can assure you, Mr. Chairman, that for constituencies such as the ones I represent, a much more meaningful and impactful message will be to actually provide opportunity, provide assistance to historically overlooked and underserved communities that need help the most and that need help now.

So, Mr. Chairman, I hope by the time that this package of bills reaches the full committee markup, it will also include the 21st Century Workforce legislation. And if not, at the very least, I hope that these

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perpetually overlooked communities will receive an adequate explanation as to why their interests are still not being addressed.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. Whitfield. Thank you, Mr. Rush.

At this time right now, the gentleman from Ohio, Mr. Johnson, for 3 minutes.

Mr. Johnson. Thank you, Mr. Chairman.

I want to briefly talk about the importance of the BRICK Act that we will be marking up tomorrow. This important legislation simply allows for the consideration and completion of any judicial review regarding the EPA's 2015 National Emission Standards for Hazardous Air Pollutants for the brick, clay, and tile industries before requiring compliance.

And why is this legislation needed? In 2003, the EPA finalized a similar rule. Over the years, the brick industry spent more than \$100 million to comply with the requirements resulting from that rule, even though the U.S. Court of Appeals for the D.C. Circuit vacated that rule in 2007. The EPA's new brick rule makes many of the original control devices installed in good faith to comply with that 2003 rule obsolete before their 15-year-or-more life is over.

While I believe in the need to protect public health and the environment, it is unfair that the Agency's new rule penalizes the industry for emission reductions that have already been achieved.

Mr. Chairman, the majority of U.S. brick companies are small,



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family-owned operations. According to 2014 data, there are 70 brick plants with 217 kilns employing about 7,000 people in America. About 200,000 workers are also employed directly in raw material sourcing, manufacturing, and distribution of brick, and indirectly as skilled masons.

Brick companies estimate that this rule will cost as much as \$100 million a year to comply with, which, if broken down on a plant-by-plant basis, costs more than most brick companies could ever afford, assuming companies could ever even borrow the needed capital.

Mr. Chairman, if we don't handle this issue properly, unless we want to start building buildings out of sticks and straw, we better wise up, because we are about to allow the EPA to shut down yet another industry in America.

So I urge my colleagues to support the BRICK Act and help keep our U.S. brick industry alive and well.

With that, I yield back, Mr. Chairman.

Mr. Whitfield. Mr. Johnson, thank you very much.

And that concludes our opening statements. So the chair would call up H.R. 3021 and ask the clerk to report.

The Clerk. H.R. 3021, to amend the Natural Gas Act to allow the use of aerial survey data for certain applications 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.

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So ordered.

[The bill follows:]

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Mr. Whitfield. So we are now on H.R. 3021. And the subcommittee will reconvene at 11 a.m. tomorrow or 15 minutes after the conclusion of the Subcommittee on Communications and Technology markup, whichever is later. So I would remind members that the chair will give priority recognition to bipartisan amendments, and I look forward to seeing all of you tomorrow.

And without objection -- yes, sir, did you have a question, Mr. Rush?

[Discussion off the record.]

Mr. Whitfield. So as much as I would like to take up Mr. Rush on that offer, I think some of the other members did want to make some comments.

So without objection, the subcommittee will stand in recess until tomorrow at 11:00 or 15 minutes after the Technology Subcommittee markup.

Thank you very much. We are in recess until tomorrow morning.

[Whereupon, at 5:59 p.m., the subcommittee recessed to reconvene at 11:00 a.m., Thursday, February 11, 2016.]