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6 MARKUP OF:

7 H.R. 1321, MICROBEAD-FREE WATERS ACT OF 2015

8 H.R. 2017, COMMON SENSE NUTRITION DISCLOSURE

9 ACT OF 2015, AS AMENDED BY THE SUBCOMMITTEE

10 ON HEALTH

11 H.R. 3014, MEDICAL CONTROLLED SUBSTANCES

12 TRANSPORTATION ACT

13 H.R. 3537, SYNTHETIC DRUG CONTROL ACT OF

14 2015

15 H.R. 3716, ENSURING TERMINATED PROVIDERS ARE

16 REMOVED FROM MEDICAID AND CHIP ACT, AS

17 AMENDED BY THE SUBCOMMITTEE ON HEALTH

18 H.R. 3821, MEDICAID DIRECTORY OF CAREGIVERS

19 ACT, AS AMENDED BY THE SUBCOMMITTEE ON

20 HEALTH

21 H. J. RES. 71, PROVIDING FOR CONGRESSIONAL

22 DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5,

23 UNITED STATES CODE, OF A RULE SUBMITTED BY

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24 THE ENVIRONMENTAL PROTECTION AGENCY RELATING
25 TO "STANDARDS OF PERFORMANCE FOR GREENHOUSE
26 GAS EMISSIONS FROM NEW, MODIFIED, AND
27 RECONSTRUCTED STATIONARY SOURCES: ELECTRIC
28 UTILITY GENERATING UNITS"
29 H.J. RES. 72, PROVIDING FOR CONGRESSIONAL
30 DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5,
31 UNITED STATES CODE, OF A RULE SUBMITTED BY
32 THE ENVIRONMENTAL PROTECTION AGENCY RELATING
33 TO "CARBON POLLUTION EMISSION GUIDELINES FOR
34 EXISTING STATIONARY SOURCES:
35 ELECTRIC UTILITY GENERATING UNITS"
36 S. 611, GRASSROOTS RURAL AND SMALL COMMUNITY
37 WATER SYSTEMS ASSISTANCE ACT
38 TUESDAY, NOVEMBER 17, 2015
39 House of Representatives,
40 Committee on Energy and Commerce,
41 Washington, D.C.

42
43
44

45 The committee met, pursuant to call, at 4:00 p.m., in Room 2123 Rayburn
46 House Office Building, Hon. Fred Upton [chairman of the committee] presiding.

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47 Members present: Representatives Upton, Whitfield, Pitts, Blackburn,
48 Latta, Bilirakis, Collins, Pallone, and Tonko.

49 Staff present: Nick Abraham, Legislative Associate, Energy and Power;
50 Clay Alspach, Chief Counsel, Health; Gary Andres, Staff Director; Will Batson,
51 Legislative Clerk, Energy and Power and Environment and the Economy; Mike
52 Bloomquist, Deputy Staff Director; Sean Bonyun, Communications Director;
53 Leighton Brown, Press Assistant; Allison Busbee, Policy Coordinator, Energy
54 and Power; Rebecca Card, Assistant Press Secretary; Jerry Couri, Senior
55 Environmental Policy Advisor; Peter Kielty, Deputy General Counsel; Ben
56 Lieberman, Counsel, Energy and Power; Mary Neumayr, Senior Energy Counsel; Dan
57 Schneider, Press Secretary; Peter Spencer, Professional Staff Member,
58 Oversight and Investigations; Dylan Vorbach, Legislative Clerk,
59 Communications, Manufacturing, and Trade; Gregory Watson, Legislative Clerk,
60 Communications and Technology; Chris Wells, GPO Printer; Jen Berenholz, Chief
61 Clerk; Christine Brennan, Press Secretary; Jeff Carroll, Staff Director;
62 Tiffany Guarascio, Deputy Staff Director and Chief Health Advisor; Ashley
63 Jones, Director of Communications, Member Services and Outreach; Rick Kessler,
64 Senior Advisor and Staff Director, Energy and Environment; Rachel Pryor, Health
65 Policy Advisor; Alexander Ratner, Policy Analyst; and Samantha Satchell,
66 Policy Analyst.

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69 Mrs. <Blackburn.= The committee will come to order and the chair
70 recognizes herself for an opening statement.

71 With this markup, the committee looks to build upon our record of success
72 and we have a number of bills that will be voted on tomorrow.

73 H.R. 1321, the Microbead-Free Waters Act of 2015 will establish a federal
74 standard to ensure rinse-off cosmetic products do not contain plastic
75 microbeads. This will keep these tiny beads out of our waterways and help
76 manufacturers comply with the time line.

77 H.R. 2017, the Common Sense Nutrition Act of 2015, is an important piece
78 of legislation that enables businesses to comply with menu labeling in a way
79 that is most helpful to the customer.

80 The administration's one-size-fits-all regulation simply will not work.
81 It does not work for businesses and, more importantly, it does not help the
82 consumer.

83 The legislation aims to provide consumers with information in a helpful
84 way and to make unworkable regulations workable.

85 H.R. 3014, the Medical Control Substances Transportation Act, would
86 amend current statute to allow inherently mobile medical providers like team
87 doctors and emergency responders to appropriately care for their patients while
88 minimizing the risk of abuse and diversion of controlled substances.

89 This is an important issue that must be resolved in a responsible manner.
90 The committee is ready and willing to work with DEA and DOJ on making sure we
91 do so in the best burden--least burdensome manner.

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92 But we have heard nothing but reported problems and have not seen any
93 proposed solutions.

94 H.R. 3537, the Synthetic Drug Control Act, was reported out of the Health
95 Subcommittee two weeks ago. The bill would combat the dangerous proliferation
96 of synthetic drugs in neighborhoods across the country.

97 We must be aggressive to stay one step ahead of the bad actors. But we
98 cannot hinder the legitimate research taking place in this process. The
99 committee is still working on a bipartisan basis to strike the right balance
100 but we are not quite there yet.

101 That said, we will remove H.R. 3537 from today's slate of bills but plan
102 to move this critically needed piece of legislation forward in the near future.

103 H.R. 3716, the Ensuring Terminated Providers are Removed from Medicaid
104 and CHIP Act - this bipartisan bill would implement several targeted
105 recommendations by the Office of the Inspector General at HHS to address a flaw
106 in the president's health law and improve CMS oversight of terminated
107 providers, also improving each state's incentives to better police their
108 programs and screen providers.

109 The amendment and the nature of the substitute incorporates technical
110 assistance from CMS.

111 H.R. 3821, the Medicaid Directory of Care givers Act, would require
112 states to publish online information about primary care and specialty care
113 providers who participate in Medicaid, ensuring beneficiaries are empowered
114 with better information about accessing health care.

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115 The amendment and the nature of a substitute incorporates technical
116 assistance from CMS.

117 We will also consider H.J. Res. 71 and 72 as we continue fighting the
118 administration's rampant regulatory overreach. The Congressional Review Act
119 created an expedited process for rejecting out of control federal regulations
120 and it is hard to think of a more appropriate use for this Clinton administration
121 statute than to stop EPA's rules targeting carbon dioxide emissions from new
122 and existing power plants.

123 These two rules are as unlawful as they are unworkable and offer no
124 environmental benefits to justify the double digit increases many American
125 households and businesses would see on their electric bills.

126 These two resolutions stand up for family budgets, jobs and American
127 economic competitiveness.

128 And last, we will vote on S. 611, the Grassroots Rural and Small Community
129 Water Systems Assistance Act, taking an important step toward reauthorizing
130 the rural water technical assistant program.

131 This bill passed the Senate earlier this year by unanimous consent. This
132 popular program is important to all our rural water system managers and to their
133 customers who need technical assistance to comply with the Safe Drinking Water
134 Act's stringent standards.

135 Protecting jobs, keeping energy affordable, promoting clean drinking
136 water and protecting public health, each of these bills are important to folks
137 in Tennessee and across the nation and deserve our strong support.

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138 I now recognize the gentleman from New Jersey, Mr. Pallone, for 5 minutes
139 for an opening statement.

140 Mr. <Pallone.= Thank you, Madam Chairwoman.

141 We will be covering a variety of issues including health, energy and the
142 environment in this markup today. Many of these bills before us are important
143 bipartisan policy advances that the committee should be proud to move forward.

144 However, I am disappointed with several bills that appear to exist only
145 as transparent partisan attempts to block critical environmental and energy
146 proposals put forward by President Obama.

147 I would like to begin by discussing several bipartisan bills that will
148 improve our nation's health. Two of the bills that were noticed for today's
149 markup are products of the committee's numerous discussions on our nation's
150 substance abuse crisis.

151 As we learned through our deliberations, synthetic drug use has been on
152 the rise, creating a tremendous danger for our nation's youth.

153 H.R. 3537, the Synthetic Drug Control Act of 2015, would allow the DEA
154 to take a proactive approach to this emerging trend and would place a number
155 of synthetic substances under Schedule One of the Controlled Substances Act.

156 The committee is not taking up this legislation today in order to address
157 concerns we have heard about access to substances that may have legitimate
158 research uses.

159 So I look forward to continuing ongoing work with the majority to address
160 these concerns before further consideration by the full committee.

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161 The other bill, H.R. 3014, the Medical Controlled Substances
162 Transportation Act of 2015, also addresses the regulations surrounding
163 controlled substances.

164 This legislation would allow registered physicians increased
165 flexibility to transport certain controlled substances away from their
166 registered practice locations and intends to facilitate the ability for doctors
167 to travel across state lines for disaster response efforts or to care for
168 patients while working as a team doctor in games out of state.

169 Beyond public health, we will also consider two Medicaid bills
170 today--H.R. 3821, the Medicaid DOC Act, or D-O-C Act, is a bipartisan initiative
171 to improve transparency in the Medicaid program.

172 Specifically, it would require states that participate in fee for service
173 Medicaid to publish up to date provider directories' information which is
174 critically important to patients.

175 Throughout the legislative process we have refined the language to ensure
176 Medicaid beneficiaries will receive the information they demand in an easily
177 understandable format and I look forward to continuing this effort as we move
178 forward.

179 In addition to transparency, the next piece of legislation is a
180 bipartisan bill that addresses Medicaid program integrity.

181 H.R. 3716, the Ensuring Terminated Providers are Removed from Medicaid
182 and CHIP Act, ensures that disqualified providers in one state are unable to
183 receive ineligible payments by simply crossing state lines.

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184 This bill provides CMS with critical tools to keep patients safe and
185 protect taxpayer dollars. Of note, an amendment before the committee makes
186 additional technical changes and this is by nature a complex bill but an
187 important one to get right and I look forward to continue to work on this
188 initiative.

189 While I have been proud to work in a bipartisan manner on the bills I
190 just discussed, unfortunately I can't support the next piece of legislation,
191 H.R. 2017, the Common Sense Nutrition Disclosure Act of 2015.

192 It would amend the Food, Drug and Cosmetic Act to revise how caloric and
193 other nutritional information is displayed in restaurants and other retail food
194 establishments.

195 I strongly believe the consumers deserve access to accurate and
196 consistent calorie and nutrition information. While I appreciate the work
197 that has been done on this bill, I remain concerned that we are not doing enough
198 to help consumers make informed food choices and I do not believe this is the
199 appropriate approach.

200 In addition to America's health we are also addressing issues of the
201 environment today. I am proud to say Chairman Upton and I have worked together
202 to develop and introduce the next bill, H.R. 1321, the Microbead-Free Waters
203 Act of 2015, which requires the FDA to prohibit the manufacturing of personal
204 care products containing plastic microbeads beginning in 2017.

205 Synthetic plastic microbeads have polluted our nation's waters for years
206 and action is long overdue. I am very pleased that the committee is finally

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207 taking steps to address this problem and I urge my colleagues to join me in
208 supporting this legislation.

209 Today we have two energy-related bills--unfortunately, very
210 controversial. As many of you already know, this week marks the 25th
211 anniversary of the Clean Air Amendments of 1990 which ushered in the new area
212 of comprehensive and bipartisan public health protections.

213 Our history time and again that pollution reduction and economic growth
214 go hand in hand and there is no evidence to suggest the clean power plan will
215 be any less successful in enhancing both public health and the economy.

216 Yet, Republicans are using the same scare tactics the clean air opponents
217 have used for decades. For 45 years, industry has made doomsday claims that
218 clean air regulations would destroy businesses and jobs, drive prices skyward
219 and cripple economic growth.

220 Of course, they have been wrong every time and I expect the House
221 Republicans will use the identical rhetoric today when discussing EPA's power
222 plant rules.

223 But the fact remains the Clean Air Act has yielded more than \$57 trillion
224 of benefits since 1970. And let us say the final bill, S. 611, is a small but
225 productive step forward in ensuring safe and reliable drinking water for all
226 Americans.

227 It is not the text I would have preferred and I appreciate the chairman
228 keeping his promise to work with us on report language that addresses some of
229 our concerns and I look forward again to working across the aisle on other issues

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230 related to safe drinking water including reauthorization of the state revolving
231 fund.

232 Thank you, Madam Chairwoman.

233 Mrs. <Blackburn.= Gentleman yields back.

234 The chair reminds members that pursuant to the committee rules, all
235 members' opening statements will be made a part of the record.

236 Are there further opening statements? I now recognize Chairman Upton
237 for 5 minutes for an opening.

238 The. <Chairman.= Thank you. Thank you, Madam Chair.

239 This marks our tenth full committee markup this Congress, and with over
240 a hundred hearings on the books we have advanced more than three dozen bills
241 through the House.

242 This committee has built a proud record of bipartisan success and we
243 certainly look forward to continuing our momentum as we consider eight more
244 bills to protect jobs in affordable energy, boost rural America's drinking
245 water and several bills to protect the public health.

246 These bills will certainly have a positive impact in Michigan but also
247 around the country.

248 One bill that we are going to consider is especially important to the
249 Great Lakes and will help protect all lakes, rivers, streams from a very pesky
250 problem--microbeads.

251 They are tiny, plastic but big-time pollution. Microbeads, as you can
252 see, are those tiny little scrubbers in your soap, cleansers and even

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253 toothpaste. On their own, they are nearly invisible, smaller than a pinhead,
254 as you can see, compared with the size of a penny.

255 But once they are flushed down the drain that is where the problem starts.
256 Because they are so small they escape water filtration systems and end up in
257 our bodies of water.

258 They are known to absorb pollutants and they are often mistaken as food
259 by fish and wildlife. Simply put, microbeads are causing mega problems.

260 So I partnered with Ranking Member Frank Pallone to author this bill,
261 H.R. 1321, the Microbead-Free Water Act of 2015, which will fight the army of
262 microbeads that is growing by the day in our waters and I would hope that
263 everyone would join us in supporting this effort not only tomorrow but also
264 when it reaches the House floor soon.

265 The committee has also long worked to protect jobs and keep energy prices
266 affordable for the administration's expanse of regulatory agenda.

267 Mr. Whitfield's Joint Resolutions 71 and 72 are two CRA--Congressional
268 Review Act--resolutions that continue our efforts addressing EPA's recently
269 finalized carbon dioxide rules for new and existing power plants.

270 EPA's rules seek to change fundamentally the way that we generate,
271 distribute and consume electricity across the country. These resolutions are
272 ultimately about protecting hardworking people from higher electricity prices'
273 threats to grid reliability and EPA's economy wide energy tax.

274 I would also note that a democratically controlled Congress wisely
275 rejected cap and trade in 2010 and those rules are just as ill advised today.

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276 Another bill that we will consider to address pending regulations is H.R.
277 2017, Common Sense Nutrition Disclosure Act of 2015 introduced by conference
278 chair Cathy McMorris Rogers.

279 This bill would make federal menu labeling requirements workable so that
280 businesses with different models can comply and provide consumers with
281 nutrition information in the most meaningful way.

282 Forcing such a diverse industry that includes grocery stores,
283 restaurants, convenience stores, movie theaters to comply with such strict and
284 narrow regulations limits the positive effect menu labeling can have.

285 Lastly, for those paying attention, I began my remarks by stating we will
286 be voting on eight bills, though we noticed nine. We will not be considering
287 H.R. 3537, Synthetic Drug Control Act. So we have a little work to do.

288 We are working with Mr. Dent, the author, as well as Mr. Pallone and the
289 research community to strike the right balance. We are committed to stay one
290 step ahead of the bad actors while not hindering legitimate research in the
291 process.

292 We are close but not quite there yet so we will reporting it out of full
293 committee in the near future and I yield back my time.

294 Thank you.

295 Mrs. <Blackburn.= Gentleman yields back.

296 Mr. Tonko, you are recognized for 5 minutes.

297 Mr. <Tonko.= Thank you, Madam Chair.

298 I am pleased to see that today we are marking up the Medicaid Directory

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299 of Caregivers Act, also known as the Medicaid DOC Act.

300 This is legislation that I joined with my colleague and friend from New
301 York, Rep. Collins, in introducing. I thank Rep. Collins for his initiative
302 in this area and for working together on this issue in a collaborative
303 bipartisan way.

304 I also thank the Energy and Commerce staff on both sides for providing
305 constructive feedback to move this bill to markup. The impetus behind this
306 bill is simple and straightforward--to make it easier for Medicaid
307 beneficiaries to find and access a doctor.

308 The Medicaid Directory of Caregivers Act would require states that
309 operate a fee for service Medicaid program to publish an online provider
310 director just like managed care plans and private insurance are already
311 required to do.

312 By creating a one-stop shop for Medicaid beneficiaries to find
313 information on participating providers, this common sense legislation will
314 make it easier for individuals and families to access quality health care.

315 I am proud to support the bipartisan and consumer friendly Medicaid DOC
316 Act and I urge my colleagues to support this legislation.

317 I also speak in support of S. 611, the Grassroots Rural and Small
318 Community Water Systems Assistance Act. S. 611 reauthorizes a small but
319 important program that delivers technical assistance and training to community
320 water systems.

321 The ratepayer base for these small systems does not provide a sufficient

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322 operating budget to support full time technical positions.

323 Technical assistance programs like circuit riders and source water
324 protection programs help small utility operators to keep clean safe drinking
325 water flowing to their customers.

326 I congratulate Rep. Harper and thank him for introducing the House
327 companion bill to S. 611, H.R. 2853.

328 And thank you, Chair Shimkus, for working with us on report language to
329 clarify language in the bill. I look forward to continuing to work with you
330 and the other members of our subcommittee to address the many needs we already
331 heard related to drinking water infrastructure. S. 611 is a good bill and I
332 urge my colleagues to support it.

333 And with that, Madam Chair, I yield back the balance of my time.

334 Mrs. <Blackburn.= The gentleman yields back.

335 Chairman Pitts, you are recognized for 5 minutes.

336 Mr. <Pitts.= Thank you, Madam Chair.

337 Let me make opening remarks on the bills that reported from the Health
338 Subcommittee.

339 First, H.R. 1321, the Microbead-Free Waters Act of 2015 as illustrated
340 by this Lincoln penny Chia Pet, somebody called it, you notice the little beads
341 were smaller than this zero in the date on the bill.

342 But this bill, sponsored by Fred Upton and Mr. Pallone, was approved by
343 our Health Subcommittee on May 14th, 2015, and water quality experts have
344 determined that micro beads are ending up in lakes, streams, coastal waters

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345 across the country.

346 Many states, even counties, have legislated or are legislating on
347 microbead usage. The issue becomes whether federal regulation to control or
348 ban microbeads is necessary.

349 Our Health Subcommittee held a hearing on the issue with stakeholders
350 and state legislators and concluded that a national solution was needed.

351 The subcommittee marked up and approved this legislation, which amends
352 the Federal Food, Drug and Cosmetic Act and bans the sale or distribution of
353 cosmetics containing synthetic plastic micro beads beginning July 1, 2018.

354 H.R. 2017, the Common Sense Nutrition Disclosure Act, sponsored by Cathy
355 McMorris Rodgers and Rep. Sanchez also amends the Federal Food, Drug and
356 Cosmetic Act, provides the nutritional information that restaurants and retail
357 food establishments must disclose.

358 This legislation is in response to the overly burdensome regulations
359 published by the FDA in December of 2014. This bill limits the regulations
360 to foods that are truly standardized at 20 or more locations, provides some
361 flexibility on the placement and display of the nutritional information and
362 clarifies that a menu is not the same as an advertisement and includes limited
363 liability protections along with a longer time frame within which to comply.

364 H.R. 3014, the Medical Controlled Substances Transportation Act,
365 sponsored by Rep. Sessions, would allow physicians to transport medications
366 containing controlled substances across state lines to another practice
367 setting or disaster area so long as the physician is registered.

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368 H.R. 3716, the Ensuring Terminated Providers are Removed from Medicaid
369 and the CHIP Act, sponsored by Dr. Bucshon, would fix problems identified by
370 the inspector general and protect patients by ensuring that Medicaid or CHIP
371 providers that are terminated in one state will also be terminated in other
372 states.

373 Finally, H.R. 3821, the Medicaid Directory of Care givers Act by Rep.
374 Collins, would assist Medicaid beneficiaries served in fee for service and
375 primary care case management programs in identifying providers participating
376 in Medicaid by requiring states to publish an electronic provider directory.

377 These common sense bipartisan bills will help make our health care system
378 better, serve patients while keeping the cost controls. I support the bills.
379 I urge their adoption by the committee.

380 I yield back the balance of my time.

381 Mrs. <Blackburn.= The gentleman yields back.

382 Ms. Schakowsky for 5 minutes.

383 Ms. <Schakowsky.= Thank you, Madam Chairman.

384 I support some of the legislation we will consider tomorrow but I will
385 focus my time on three bills that I do not.

386 I am strongly opposed to H.R. 2017, the Common Sense Nutrition Disclosure
387 Act. At a time when obesity in this country continues to be a very serious
388 and costly public health problem, we should not be undermining efforts to
389 educate consumers about nutritional value of the foods they eat.

390 For example--where is it? Okay. An estimated 3 billion pizzas are

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391 eaten every year in the United States, and given the popularity of this food
392 item it is critical that we provide consumers with the accompanying nutritional
393 information.

394 Now, we heard a lot about how complicated this is. So I thought I could
395 offer a suggestion. Here is a mock up that took a couple of minutes, actually,
396 to put together.

397 This isn't a hardship for food providers. It is an asset for consumers.
398 There is one slice of pizza--how much is a plain slice of pizza and then how
399 many calories would be added if you put pepperoni on it or onions or whatever,
400 and you could make that sign and I am happy to offer my mock up.

401 Climate change is one of the most serious challenges this generation and
402 this Congress faces. H.J. Res. 71 and H.J. Res. 72 disapproving the Clean Power
403 Plan would undermine efforts to address the challenges head on.

404 Fourteen of the 15 hottest years on record have occurred in this century
405 and we are on pace to set a new all-time record this year.

406 The National Climate Assessment showed that without major intervention
407 by the end of the century oceans will rise as much as four feet, water shortages
408 will increase rapidly. Our hottest days could be 10 degrees hotter.

409 Food will become more scarce. Global conflict will increase and more
410 and more people compete for increasingly scarce resources. The Clean Power
411 Plan is a well-constructed approach to the climate crisis we face.

412 For the first time in our history there will be restrictions on emissions
413 from power plants, which are responsible for almost one-third of all U.S. carbon

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414 emissions.

415 The Clean Power Plan provides important flexibility for states and
416 businesses as they work to meet its requirements that will protect our
417 environment, improve public health and even cut energy costs.

418 Each American family will save, it is estimated, about \$85 a year in 2030.
419 Overall, the plan will save consumers \$155 billion from 2020 to 2030. The
420 public and leading organizations around the country support the Clean Power
421 Plan.

422 Let us see if there was anything else here that I wanted to mention. I
423 guess it is just time for my climate denying colleagues to face facts. Climate
424 change is real.

425 It is in large part the result of human activity. But that--and it can
426 be reduced and reversed but only if we accept the facts and embrace the common
427 sense solutions.

428 I yield back. Thank you.

429 Mrs. <Blackburn.= Chairman Whitfield, you are recognized for 5 minutes.

430 Mr. <Whitfield.= Well, thank you, Madam Chairman.

431 I might say that two of the resolutions we will take up tomorrow are
432 resolutions of disapproval under the Congressional Review Act.

433 These resolutions address the EPA's recently published final rules to
434 regulate carbon dioxide emissions from new and existing electric generating
435 units.

436 These rules were finalized without consultation with Congress, input

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437 from Congress and in direct opposition to the express will of Congress.

438 And the Congressional Review Act is not something that we use lightly
439 but it is an oversight tool that provides the legislative branch with the powers
440 to overturn a major regulation issued by a federal agency.

441 The act can be invoked to prevent a rule that exceed an agency's statutory
442 authority. Over the past 24 months in hearings and letters this committee has
443 developed an extensive record documenting the unprecedented overreach of EPA
444 in these rules.

445 EPA went far beyond its statutory authority. In fact, they changed 30
446 years of their own legal interpretation on the existing rule saying that they
447 now could regulate under Section 111(d) of the Clean Air Act, which changed
448 30 years of their own legal opinions.

449 If Congress had wanted to authorize a comprehensive transformation of
450 the way America produces, delivers and uses its electricity, we would have said
451 so. If Congress wanted to see a wholesale federal takeover of state authority
452 on electricity policy, we would have said so.

453 And if Congress wanted to write fossil fuels largely out of America's
454 energy future, we would have said so. Without question, these rules are going
455 to have a dramatic impact on the pocketbook of those people most vulnerable
456 in our society.

457 We know that 40 states are going to expect to see average retail rates
458 go up 10 percent or more, 17 states 20 percent or more and 10 states by an average
459 retail price of 30 percent or more.

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460 Another message we're going to send when we adopt these resolutions, the
461 president is getting ready to go to France next month where he'll be coronated
462 the one person more concerned about climate change than any other person in
463 the world and we all recognize the climate is changing but there are more
464 pressing issues.

465 And the EPA testified repeatedly that they'd work closely with the
466 states. Yet, 27 states have already filed suits against these regulations and
467 on the existing plant regulations.

468 Twenty-three states have filed on the new plant regulations and a
469 multitude of other entities. So it's essential that we pass these resolutions
470 to bring some commons sense into the president's climate change policies.

471 I would ask unanimous consent that in support of these resolutions we
472 have 7 or 8 entities here including the American Farm Bureau, that chamber that
473 support this and I would ask that these be entered into the record.

474 Mrs. <Blackburn.= So ordered.

475 [The information follows:]

476 *****COMMITTEE INSERT*****

477

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478 Mr. <Whitfield.= Thank you, Madam Chair.

479 Mrs. <Blackburn.= The gentleman yields back.

480 Mr. Latta, 5 minutes.

481 Mr. <Latta.= I thank the chairwoman.

482 We have many important pieces of legislation up for consideration today.

483 I am pleased to see them getting closer to passage in the full House.

484 We are considering two resolutions of disapproval, showing that it is
485 the will of Congress and the American people that the President's climate agenda
486 must be stopped.

487 I have multiple concerns about the EPA's recently finalized rules
488 regarding the regulation of greenhouse gases at both new and existing power
489 plants.

490 These resolutions of disapproval, which I am a cosponsor of, are
491 important for us to advance so these rules have no force and effect.

492 Many states, including my home state of Ohio, believe that there are legal
493 challenges to both rules and have joined together in the lawsuits.

494 While these challenges begin, it is vital that Congress also act to stop
495 these rules from going into effect. Ohio has seen a great resurgence in its
496 manufacturing sector while also working to reduce carbon emissions for cleaner
497 air.

498 Under the final rules, the numbers set for Ohio are stricter than they
499 were in the draft form and do not take into account the majority of clean air
500 gains that the state has made over the last decade.

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501 This fact only intensifies the concerns I have about the costs that these
502 rules will impose on businesses and ratepayers. I also remained concerned
503 about the reliability of our electrical grid under these final rules.

504 If plants are shut down in order to comply with the final rule but no
505 infrastructure including generation, transmission and distribution is not up
506 and running, reliability issues will affect the entire country.

507 A clean power plant is a misguided proposal by the EPA in an attempt to
508 get cap and trade policy implemented by going around Congress. I look forward
509 to advancing these resolutions to protect Ohioans and the country.

510 I am also pleased to support H.R. 2017, the Common Sense Nutrition
511 Disclosure Act of 2015. I began working on this issue in 2011 after the FDA
512 issued the proposed rule when I wrote a letter to then Commissioner Hamburg
513 expressing my concerns with the onerous and burdensome regulation.

514 I am pleased to be a cosponsor of H.R. 2017, which provides flexibility
515 to ensure entities can utilize appropriate methods for food labeling that fit
516 their business models and are less burdensome than the current regulation. I
517 fully support this legislation and look forward to its passage out of committee.

518 Thank you again, Madam Chairwoman, for holding today's markup and I look
519 forward to supporting all the bills up for consideration and I yield back.

520 Mrs. <Blackburn.= Gentleman yields back.

521 Mr. Collins, you are recognized.

522 Mr. <Collins.= Thank you, Madam Chair.

523 Today, I speak in favor of my comments and to bipartisan legislation,

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524 H.R. 3821, the Medicaid Directory of Caregivers, or Medicaid DOC, Act.

525 The fact is health insurance through Medicaid serves little to no purpose
526 if beneficiaries are unable to access care. Unfortunately, due to low provider
527 reimbursements and antiquated state delivery systems, Medicaid beneficiaries
528 often struggle to find doctors who will treat them.

529 I firmly believe that as we work to improve the Medicaid program,
530 beneficiary access issues and increased program integrity must go hand in hand.

531 The Medicaid DOC Act requires that state Medicaid programs that operate
532 on a fee for service or primary care case management basis publish an electronic
533 listing of physicians who have billed Medicaid in the previous year. This
534 directory will include the name and specialty of the provider as well as the
535 practice's address and phone number.

536 If the provider is participating in a PCCM system, the bill also requires
537 information be posted about whether the provider is accepting new Medicaid
538 patients and what language capabilities the provider's office can accommodate.

539 Today, some states already have these types of directories in place but
540 many do not. This bill requires a simple change that is intended to get
541 Medicaid beneficiaries out of the expensive emergency room first mentality and
542 into normal primary care settings when that is the appropriate treatment
543 option.

544 I want to thank my fellow upstate New Yorker, Mr. Tonko, for his support
545 in making this a bipartisan initiative. It's no secret that we may not always
546 see eye to eye on policy, but his commitment to this issue demonstrates the

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547 great work this Congress can accomplish by finding common ground.

548 Madam Chair, I always say that when common sense meet good government,
549 good things will happen. The process of this bill has been open and we've
550 accepted comments and language alterations from the state Medicaid directors
551 and CMS to ease with implementation improve the bill's effectiveness.

552 Again, I thank the committee for its commitment to improving the Medicaid
553 program. I believe this bill is a step in the right direction toward that goal.
554 I urge my colleagues to support this bill and yield back the balance of my time.

555 Mrs. <Blackburn.= Gentleman yields back.

556 Mr. Bilirakis, you are recognized.

557 Mr. <Bilirakis.= Thank you, Madam Chair. Appreciate it so very much.

558 There are a number of important bills we are discussing today and we'll
559 hear--we'll vote on tomorrow. I'd like to highlight a couple.

560 Today, we'll markup two congressional resolutions of disapproval on the EPA's
561 finalized rules regulating new and existing power plants.

562 The administration has made it clear that overbearing energy regulation
563 will be its legacy. Such regulations come at the expense of consumers, in my
564 opinion. The increased costs these electric utilities face will undoubtedly
565 be passed along to my constituents and put many hardworking people actually
566 out of a job and that's a real shame.

567 We constantly--with constantly changing energy prices, many Floridians
568 find it difficult to pay their bills, operate their farms or run their
569 businesses. These costs have a detrimental impact on our local and national

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570 economy.

571 Adding new regulations on energy use would make this economic hardship
572 even worse. These two resolutions, which I'm proud to have cosponsored, will
573 halt these harmful EPA rules, protecting grid reliability and consumers'
574 wallets.

575 I also want to highlight the Common Sense Nutrition Disclosure Act, H.R.
576 2017, which I'm a cosponsor. I've met with many local businesses that are
577 negatively impacted by FDA's overly burdensome regulations.

578 H.R. 2017 would allow flexibility to ensure entities could utilize
579 alternative methods to food labeling that are appropriate for the diverse
580 business models and are less burdensome.

581 This legislation allows businesses in the food industry to provide
582 nutrition information to consumers in the best way possible.

583 Additionally, H.R. 3716, the Ensuring Terminated Providers are Removed
584 from Medicaid and CHIP Act, would implement several recommendations by HHS
585 Office of the Inspector General.

586 This would improve CMS's oversight of terminated providers and help
587 protect both patients and taxpayers. With these bills we have the chance to
588 continue our efforts to help patients, families, consumers and communities
589 across the country and I'm proud we have worked together to create such
590 legislation.

591 Thank you again for allowing me to speak and I yield back the balance
592 of my time, Madam Chair.

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593

Mrs. <Blackburn.= Gentleman yields back.

594

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595 H. J. RES. 71

596

597 Mrs. <Blackburn.= The chair calls H.J. Res. 71 and asks the clerk to
598 report.

599 The. <Clerk.= H.J. Res. 71, providing for Congressional disapproval
600 under Chapter 8 of Title 5, United States Code, of a rule submitted by the
601 Environmental Protection Agency relating to standards of performance for
602 greenhouse gas emissions from new, modified and reconstructed stationary
603 sources, electric utility generating units.

604 [The Resolution H. J. RES. 71 follows:]

605

606 *****INSERT*****

607

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608 Mrs. <Blackburn.= Without objection, the first reading of the Joint
609 Resolution is dispensed with and the Joint Resolution will be open for amendment
610 at any point. So ordered.

611 We are now on H.J. Res. 71 and the committee will reconvene at 10:00 a.m.
612 tomorrow. I remind members that the chair will give priority recognition to
613 bipartisan amendments. I look forward to seeing everyone tomorrow morning.

614 Without objection, the committee stands in recess.

615 [Whereupon, at 4:39 p.m., the subcommittee was adjourned.]

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