

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
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Opening Statement of Rep. Henry A. Waxman
Ranking Member, Committee on Energy and Commerce
Markup of H.R. 1633, H.R. 1173, H.R. 3309, and H.R. 3310
Full Committee
November 29, 2011

Today, the Committee begins markup on four bills. Three of them are bad policy, making today's markup a trifecta of terrible ideas.

The first bill, H.R. 1633, the so-called "farm dust" bill, is another attack on the Clean Air Act.

So far this year, the House has voted 170 times to weaken our environmental laws. The biggest single target has been the Clean Air Act. We have voted 61 times to dismantle the Clean Air Act. If this bill comes to the floor, it will be 62 times.

House Republicans say this is a common-sense bill to prevent EPA from regulating dust from family farms. It's time for a reality check. EPA does not regulate dust from farms. And the Administrator recently announced that she intends to propose making no change to the PM10 standards.

This bill goes beyond science denial. We are now into legislating against fantasies.

In fact, this bill is not really about farms at all. It exempts industrial mining operations from regulation under the Clean Air Act. And it rolls back the particulate standards that protect families living in both rural and urban communities.

This Committee has a grim track record of reporting bills that allow more weather-altering carbon pollution ... more toxic mercury pollution ... more arsenic and lead pollution ... more sulfur dioxide pollution ... and more nitrogen oxide pollution.

These bills have created air pollution loopholes for incinerators ... oil and gas rigs ... power plants ... industrial boilers ... and cement plants.

This is a deplorable record. We have become the most anti-environment committee in the most anti-environment House of Representatives in history.

The second bill, H.R. 1173, to repeal the CLASS Act, will tear down the only framework we have to begin to address the nation's long-term care crisis.

The Community Living Assistance Services and Supports Program is an important effort to provide assistance to the elderly and the disabled who need help with daily living. CLASS is not perfect. But rather than working to fix the law, House Republicans want to throw out CLASS and replace it with absolutely nothing.

We should not force the elderly and disabled to spend down into poverty so they can qualify for Medicaid coverage to pay for their long term care and supports.

Not when 25 million Americans will be in need of such services by 2020. And not when long term care is draining our Medicaid resources.

Instead, we should maintain the framework that CLASS provides for achieving a goal we should all share – ensuring that Americans who require long term care and support services are able to get what they need.

Regrettably, H.R. 1173 does just the opposite. It does not fix– it just repeals. Once again, there are no answers from House Republicans – and no solutions.

The third bill, H.R. 3309, the Federal Communications Process Reform Act would not reform the FCC but disable it. Simply put, this bill makes it more difficult for the FCC to protect consumers.

It gives the phone and cable companies new opportunities to block FCC initiatives in court. And it strips the FCC of its power to ensure mergers between telecommunication companies are in the public interest.

If this bill is enacted, it would stymie the ability of the agency to do much of anything – except produce scorecards for Congress.

This week, we will be considering on the House floor a bill that would render H.R. 3309 largely superfluous because it would apply many of the ill-advised provisions in this bill to all agencies.

It seems that the right hand does not know what the far right hand is doing.

We should abandon consideration of H.R. 3309 in this Committee and defeat the Regulatory Accountability Act on the floor.

Finally, I support the purpose of H.R. 3310, which streamlines the FCC's reporting obligations. But further work is needed to improve the bill before it goes to the floor.