

**Opening Statement of the Honorable Fred Upton  
Committee on Energy and Commerce  
Markup of “H.R. 906, A Bill to Modify the Efficiency Standards for Grid-Enabled Water  
Heaters, H.R. 1734, The Coal Combustion Residuals Regulation Act of 2015, and H.R.  
1770 The Data Security and Breach Notification Act of 2015”  
April 14, 2015**

*(As Prepared for Delivery)*

Today we come together to consider three bipartisan bills that protect consumers, the environment, and jobs.

First, we will consider H.R. 906, an important regulatory relief bill authored by Mr. Whitfield that will allow energy-saving thermal storage water heaters to continue being manufactured and sold. We have passed this bill previously with strong bipartisan support and I expect it will pass again with the same enthusiasm.

We will also mark up, for the third Congress in a row, important coal ash legislation authored by Mr. McKinley. This bill, which will protect hundreds of thousands of jobs, is a model of thoughtful collaboration to protect human health and the environment. Last December, the administration finalized regulations for managing coal ash. We carefully studied EPA’s regulation and learned that the self-implementing rule will have no regulatory oversight and can only be enforced through citizen suits. We figured out a practical solution by which state governments would be allowed to implement EPA’s protective standards through state permit programs.

This breakthrough idea works for states and for the regulated community while preserving the protective requirements articulated by the administration and providing EPA a more active role in regulating coal ash. The states, Congress, and the Executive Branch each have an important contribution, and this bill includes roles for all three. With this bill, we hope the third time is the charm in getting the job done, and I commend Chairman Shimkus for his diligence to get us here.

Finally, we will consider data security legislation, which is another example of achieving bipartisan common ground. Over 40 bills have been introduced in Congress since the first major data breach in 2005 and we haven’t yet reached the finish line. This committee has worked hard to find a balanced, well-targeted solution, and I believe our legislation is closer than we have come in a long time to addressing a problem that has only worsened over the past decade. At long last we have a bipartisan bill that focuses on the data that criminals monetize – a bill that will help protect folks in Michigan and across the country.

By maintaining a sharp focus on financial loss or identity theft, we have found agreement on much-needed protections for the personal information that is most coveted by cyber hackers and applied it to companies not currently under a federal regulatory regime. And as we set a national data protection requirement, we also establish a single set of rules on breach notification. As stewards of a slow and precarious economic recovery, we should work to eliminate confusing and resource-draining regulation like the patchwork of rules governing breach notification.

I especially want to thank Vice Chairman Blackburn and Mr. Welch for their steadfast efforts to advance this legislation that puts consumers first, and to Chairman Burgess for his leadership and early emphasis on this priority. Just a year ago bipartisan agreement seemed out of reach. It goes to show, with determination and open communication, a thoughtful solution can often be found.

Each of these three bipartisan bills plays an important role in the committee’s ongoing work to protect families, jobs, and our economy. I urge my colleagues to join me voting “yes.”

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