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4 MARKUP ON H.R. 2126, THE BETTER BUILDINGS ACT; AND

5 H.R. 3826, THE ELECTRICITY SECURITY AND AFFORDABILITY ACT

6 TUESDAY, JANUARY 28, 2014

7 House of Representatives,

8 Committee on Energy and Commerce

9 Washington, D.C.

10 The Committee met, pursuant to call, at 10:16 a.m., in
11 Room 2123 of the Rayburn House Office Building, Hon. Fred
12 Upton [Chairman of the Committee] presiding.

13 Members present: Representatives Upton, Hall, Barton,
14 Whitfield, Shimkus, Pitts, Walden, Terry, Murphy, Burgess,
15 Blackburn, Gingrey, Scalise, Latta, McMorris Rodgers, Harper,
16 Lance, Guthrie, Olson, McKinley, Gardner, Pompeo, Kinzinger,
17 Griffith, Bilirakis, Johnson, Long, Elmers, Waxman, Dingell,
18 Pallone, Eshoo, Engel, Green, DeGette, Capps, Doyle,

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19 Schakowsky, Matheson, Butterfield, Barrow, Matsui,
20 Christensen, Castor, Sarbanes, McNerney, Braley, Welch,
21 Lujan, Tonko, and Yarmuth.

22 Staff present: Nick Abraham, Legislative Clerk; Gary
23 Andres, Staff Director; Charlotte Baker, Press Secretary;
24 Mike Bloomquist, General Counsel; Sean Bonyun, Communications
25 Director; Matt Bravo, Professional Staff Member; Allison
26 Busbee, Policy Coordinator, Energy & Power; Patrick Currier,
27 Counsel, Energy & Power; Brad Grantz, Policy Coordinator,
28 O&I; Sydne Harwick, Legislative Clerk; Tom Hassenboehler,
29 Chief Counsel, Energy & Power; Brittany Havens, Legislative
30 Clerk; Kirby Howard, Legislative Clerk; Peter Kielty, Deputy
31 General Counsel; Brandon Mooney, Professional Staff Member;
32 Mary Neumayr, Senior Energy Counsel; Chris Sarley, Policy
33 Coordinator, Environment & Energy; Charlotte Savercool,
34 Legislative Coordinator; Jessica Wilkerson, Staff Assistant;
35 Michelle Ash, Chief Counsel, Commerce, Manufacturing, and
36 Trade; Jeff Baran, Senior Counsel; Phil Barnett, Staff
37 Director; Jen Berenholz, Chief Clerk; Greg Dotson, Staff
38 Director, Energy and Environment; Caitlin Haberman, Policy
39 Analyst; Bruce Ho, Counsel; Elizabeth Letter, Press
40 Secretary; Karen Lightfoot, Communications Director and
41 Senior Policy Advisor; and Alexandra Teitz, Senior Counsel,

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42 Environment and Energy.

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43 H.R. 2126

44 The {Chairman.} At the conclusion of opening statements

45 yesterday, the chair called up H.R. 2126, and the bill is

46 open for amendment at any point.

47 [H.R. 2126 follows:]

48 ***** INSERT 1 *****

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|
49 The {Chairman.} The chair would recognize Mr. McKinley,
50 a co-author of the bill, for the purpose of offering an
51 amendment in the nature of a substitute.

52 Mr. {McKinley.} Thank you, Mr. Chairman. The amendment
53 that Peter Welch and I--I have an amendment at the desk.

54 The {Chairman.} Clerk will report the title of the
55 amendment.

56 The {Clerk.} Amendment in the nature of a substitute to
57 H.R. 2126 offered by Mr. McKinley of West Virginia and Mr.
58 Welch of Vermont.

59 [The amendment of Mr. McKinley follows:]

60 ***** INSERT 2*****

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|
61 The {Chairman.} So without objection, the reading of
62 the amendment is dispensed with, and the gentleman is
63 recognized for 5 minutes in support of his amendment.

64 Mr. {McKinley.} Thank you, Mr. Chairman. The amendment
65 that Peter Welch and I are offering today primarily deals
66 with some technical changes. We worked with the chairman,
67 Ranking Member Waxman's staff, as well as the GSA, the EPA,
68 and the Department of Energy on this matter. The bill has
69 been thoroughly vetted and is supported by hundreds of
70 companies and organizations including manufacturers, real
71 estate companies, and environmental advocates. But on the
72 issue of energy efficiency, one couldn't have a better ally
73 in the House than Peter Welch. He truly is a national leader
74 when it comes to energy efficiency and has been an outspoken
75 advocate for numbers of years. I would like to thank him and
76 his staff for their hard work on this bill, and we look
77 forward to continuing our working relationship together.

78 We hope this legislation passes the House expeditiously,
79 without objection, and will lead to the Senate. So with
80 that, Mr. Chairman, I thank you, and I yield back.

81 The {Chairman.} The gentleman yields back. Did you
82 want to yield time to Mr. Welch? No? The gentleman yields

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83 back.

84 Mr. {McKinley.} Yield it to Mr. Welch.

85 The {Chairman.} I want to thank you, Mr. McKinley, and
86 I want to thank Mr. Upton and Mr. Waxman and Mr. Whitfield
87 and Mr. Rush. It is nice to be getting something done, and
88 maybe we could get used to it. So thank you.

89 Mr. {Waxman.} Gentleman yield to me?

90 The {Chairman.} I yield to Mr. Waxman or whoever has
91 the time.

92 Mr. {Waxman.} I think McKinley has the time. I just
93 want to quickly thank Mr. McKinley, Mr. Welch, and Chairman
94 Upton for working with us to make a number of bipartisan
95 improvements in the bills with the amendment that is going to
96 be offered by Mr. Welch. The bill has broad stakeholder
97 support, the service support of this committee, and I hope we
98 will all work together to build on the success of this
99 effort.

100 The {Chairman.} Gentleman yields back his time. Are
101 there amendments to the amendment in the nature of a
102 substitute? Gentleman from California, Mr. McNerney.

103 Mr. {McNerney.} Thank you, Mr. Chairman. I have an
104 amendment to the amendment in the nature of the substitute.

105 The {Chairman.} And the clerk will report the title of

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106 the amendment.

107 The {Clerk.} Amendment to the amendment in the nature
108 of a substitute to H.R. 2126 offered by Mr. McNerney.

109 [The amendment of Mr. McNerney follows:]

110 ***** INSERT 3 *****

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|
111 The {Chairman.} And the amendment is considered as
112 read, and the gentleman is recognized for 5 minutes in
113 support of his amendment to the--

114 Mr. {McNerney.} Thank you, Mr. Chairman. Again I want
115 to congratulate Mr. Welch, Mr. McKinley and all the others
116 for their hard work in this very important area. Section two
117 of the bill directs the General Service Administration to
118 work with the Department of Energy to develop best practices
119 to encourage commercial building owners and tenants to invest
120 in cost-effective energy efficiency measures.

121 My amendment simply adds cost-effective water efficiency
122 measures to this section. Our Nation's water and energy
123 infrastructure is linked together. It is critical that we
124 work to identify opportunities to become more efficient in
125 both of these areas, and having the GSA lead by example is a
126 good step in the right direction.

127 I am sure that many of this committee's members know how
128 dry years affect their constituents. Devastating droughts
129 hit the Midwest last year, affecting water and energy prices,
130 agricultural production, and access to critical resources.

131 Similar problems are occurring in the West this year,
132 particularly California, which is enduring its driest year on

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133 record. Addressing water use requires a comprehensive
134 approach with state and local municipalities, residents,
135 businesses, farmers, and ranchers all doing their part. Even
136 in normal years, some areas of California find it difficult
137 to meet demands for water. The state population continues to
138 grow with 60 million Californians expected by 2050, meaning
139 more families, farms, and business will rely on regional
140 water supplies for their daily needs.

141 Water is truly a precious commodity, and improving water
142 conservation now will pay big dividends in years to come.
143 Water efficiency is not a silver bullet, but it is an
144 important component of a larger effort to make our water
145 stretch further. Making energy efficient and water smart
146 choices will benefit everyone in the long wrong, creating
147 jobs, ensuring our resources go farther, saving money, and
148 encouraging innovation.

149 Again I want to thank the bill's authors, Mr. McKinley
150 and Mr. Welch, for their advocacy on energy efficiency, and I
151 am very glad that this legislation is moving forward,
152 especially in a bipartisan way. I encourage the adoption of
153 my amendment. I thank you, and I yield back.

154 The {Chairman.} Gentleman yields back. Are there
155 others wishing to speak on the McNerney amendment? Gentleman

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156 from California.

157 Mr. {Waxman.} Thank you, Mr. Chairman. I support Mr.
158 McNerney's amendment. As the General Services Administration
159 develops model commercial leasing provisions and best
160 practices to facilitate investments in energy efficiency, it
161 makes sense for GSA to address water efficiency at the same
162 time. I think this is a common sense amendment, and I hope
163 all members will support it.

164 The {Chairman.} If the gentleman will yield, I want to
165 appreciate Mr. McNerney's working with both sides of the
166 aisle, and our side certainly supports this as an improvement
167 to the bill and would like to see it included. So I yield
168 back.

169 Are there other members wishing to speak? Seeing none,
170 the vote occurs on the McNerney amendment to the McKinley-
171 Welch amendment in the nature of a substitute. All those in
172 favor will say aye. Those opposed say no. In the opinion of
173 the chair, the ayes have it. The amendment is adopted.

174 The vote now occurs on the McKinley-Welch amendment as
175 amended by the McNerney amendment. All those in favor will
176 say aye. Those opposed say no. In the opinion of the Chair,
177 the ayes have it. The amendment is adopted.

178 The vote now moves to final passage of the bill. Are

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179 there further amendments to the bill? Seeing none, the vote
180 now occurs on final passage of the bill as amended. All
181 those in favor will say aye. All those opposed say no. In
182 the opinion of the chair, the ayes have it, and the bill as
183 amended is approved.

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184 H.R. 3826

185 The {Chairman.} The chair now calls up H.R. 3826 and
186 asks the clerk to report.

187 The {Clerk.} H.R. 3826 to provide direction to the
188 administrator of the Environmental Protection Agency
189 regarding the establishment of standards for emissions of any
190 greenhouse gas from fossil-fuel fired electric utility
191 generating units and for other purposes.

192 [H.R. 3826 follows:]

193 ***** INSERT 4*****

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|
194 The {Chairman.} Without objection, the first reading of
195 the bill is dispensed with, and the bill will be open for
196 amendment at any point. So ordered. Are there any
197 bipartisan amendments to the bill? Seeing none, are there
198 any other amendments to the bill? The chair would recognize
199 the gentleman from California. For what purpose?

200 Mr. {Waxman.} Mr. Chairman, I have an amendment at the
201 desk.

202 The {Chairman.} The clerk will read the title of the
203 amendment.

204 The {Clerk.} Amendment to H.R. 3826 offered by Mr.
205 Waxman of California.

206 [The amendment of Mr. Waxman follows:]

207 ***** INSERT 5*****

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|
208 The {Chairman.} And the amendment is considered as read
209 by unanimous consent, and the gentleman is recognized for 5
210 minutes in support of his amendment.

211 Mr. {Waxman.} Thank you, Mr. Chairman. Since November,
212 I have asked Republicans if you don't like EPA's approach,
213 what is your plan for dealing with climate change? The bill
214 we are considering today shows that the Republican's plan is
215 to give up hope, to let our children and grandchildren suffer
216 the effects of climate change without lifting a finger to
217 protect them.

218 Worse, the Republicans' plan is to stop any meaningful
219 action to slow climate change. I think this position is
220 indefensible. Today's bill would amend the Clean Air Act to
221 ensure that coal-fired power plants are able to pollute
222 indefinitely with impunity. This bill would condition EPA's
223 authority on conditions that will simply never be met. At
224 least not as long as it is cheaper to dump pollution into the
225 air rather than clean it up.

226 Under this bill, EPA could not require new power plants
227 to control their pollution until six power plants in
228 different parts of the country voluntarily install pollution
229 controls. That is just not what for-profit enterprises do,

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230 and this bill would create a further disincentive for such
231 voluntary actions.

232 This bill would also bar EPA from requiring existing
233 power plants to control their pollution until Congress passes
234 a new law. I understand that some don't like EPA's approach,
235 but Congress did pass the law. It is called the Clean Air
236 Act that delegated to the EPA the power to set standards to
237 approach health-based goals for the collection of pollutants.
238 Carbon has been found to be a pollutant that must be
239 regulated under the findings of the EPA. The bill would take
240 that away from EPA and say no, you can't regulate the new
241 power plants. You can't regulate the existing power plants.

242 So if you don't like this approach, what is the
243 alternative? For years now I have said to Chairman Upton
244 that I am willing to consider any suggestion that will reduce
245 carbon pollution and slow climate change. I proposed a
246 market-based cap-and-trade approach. I proposed a carbon tax
247 approach. I support regulatory approaches whether market-
248 based or performance standards. I strongly support
249 international action. I support more funding for research
250 demonstration and deployment of clean energy technologies.
251 In the Waxman-Markey bill, we dedicated \$60 billion to deploy
252 carbon capture and sequestration technology on new coal

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253 plants.

254 I support state actions. I support education programs
255 and incentives for voluntary actions by individuals and
256 businesses. But what Congress can't do is say no to every
257 possible means of slowing dangerous climate change, and that
258 is all my amendment addresses. It does not change how this
259 bill would limit EPA's authority to address carbon pollution
260 from coal-fired power plants. My amendment simply says that
261 those limits on EPA's authority only apply once there is an
262 alternative approach to replace the EPA rules that is at
263 least as effective in reducing carbon pollution.

264 My message for my Republican colleagues is if you don't
265 like EPA's approach, propose your own plan. Just don't say
266 no to everything. We have seen Republicans say no to a lot
267 of things over the past few years, no Affordable Care Act, no
268 Dream Act, no Consumer Finance Protection Bureau, no EPA
269 Pollution Controls. What we don't see from the Republicans
270 are any plans to address the real problems that are hurting
271 the American people. No plan for people who can't get health
272 insurance, no plan for jobs beyond 35 permanent jobs they
273 claim would come from the Keystone XL Tar Sands Pipeline, no
274 plan to avoid deporting people who were brought here as
275 children and raised as Americans, no plan to protect

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276 consumers from the predatory lending practices that drove our
277 economy to the brink, no plan to avert another catastrophe
278 like the chemical spill and water contamination in West
279 Virginia, and, of course, pertinent to today, no plan for
280 climate change.

281 I hope my colleagues will join me in recognizing that
282 climate change is real and urgent, and I hope you will
283 support my amendment to make it clear that no plan and no
284 action isn't an option. And so I would urge support for this
285 amendment.

286 The {Chairman.} Gentleman's time has expired. Chair
287 would recognize the gentleman from Kentucky, Mr. Whitfield.

288 Mr. {Whitfield.} Thank you very much, and I rise to
289 speak in opposition to the gentleman's amendment. I would
290 say that this legislation has been brought to the committee,
291 and we hope to get it to the floor because it is quite clear
292 that this administration is becoming very extreme in its
293 views on CO2 emissions. And they are moving in directions
294 that they have never tried to move in before.

295 First of all, Section 1.11 clearly states that the
296 technology must be adequately demonstrated in setting these
297 emission standards. As a matter of fact, the plants that EPA
298 is identifying as setting their emission standards we believe

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299 clearly violates the 2005 Energy Policy Act when it talks
300 about not using plants that--or using federal funds for
301 demonstration projects.

302 We have sent letters to EPA and asked them about this,
303 and they are not replying in any way. For the first time
304 ever under Section 1.11, they want to go to a system-based
305 approach rather than a source approach. So this EPA is
306 stepping outside the bounds of the legal authority of the
307 existing Clean Air Act. Our legislation, which we believe is
308 a prerogative of Congress is to simply set the guidelines
309 specifically so that EPA can regulate greenhouse gases. We
310 are not trying to deny that.

311 But in doing so, they have to use technology that has
312 been adequately demonstrated. And we are more specific in
313 defining that definition than what is in the existing Clean
314 Air Act because EPA has already decided that they are not
315 going to enforce the act the way we interpreted that it
316 should be enforced.

317 And then on top of that, I might say, in addition to
318 violating the Energy Policy Act of 2005, in addition to
319 violating the adequately demonstrated language of 1.11, in
320 addition to going to a system-based approach instead of an
321 individual source approach, this entire concept is based upon

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322 a unilateral decision by President Obama when he went to
323 Copenhagen and set the emission standards that the U.S. would
324 follow. It is not a federal law. Congress was never a part
325 of that, and that is another reason we have introduced this
326 legislation because there hasn't even been a federal debate
327 about the President trying to move us down the road that the
328 Europeans have followed and now we see in recent news
329 articles that the Europeans are backing up because they are
330 building new coal-powered plants because their natural gas
331 coming out of Russia is so high.

332 So this legislation simply gives us an option in the
333 future, if natural gas prices go up, that coal can be used to
334 build a new coal-powered plant. And now we all have great
335 respect and admiration for the gentleman from California who
336 is very sincere in his efforts. But now he is saying that EPA
337 can keep doing what it is doing until the EIA certifies there
338 is an alternative federal program that achieves the same CO2
339 emissions.

340 And I might say our CO2 emissions are lower than they
341 have been in 20 years. We in America don't have to take a
342 back seat to anyone on protecting our clean air, and we are
343 doing better than any other place in the world. So I think
344 this legislation is a reasonable approach, and I would

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345 respectfully request that we not put an additional burden by
346 adopting the Waxman amendment and would therefore oppose the
347 Waxman amendment.

348 The {Chairman.} Gentleman yield back. The chair
349 recognizes the gentleman from New Jersey, Mr. Pallone, for 5
350 minutes.

351 Mr. {Pallone.} Thank you, Mr. Chairman. I want to
352 support Mr. Waxman's amendment. This amendment says that
353 this bill can block EPA action on carbon pollution from coal-
354 fired power plants but only if we are getting comparable
355 pollution reductions another way, and I think that is
356 completely reasonable.

357 We know that ignoring climate change, doing nothing at
358 all about carbon pollution, would be deeply irresponsible.
359 Carbon pollution continues to rise rapidly. Climate change
360 will impose huge costs, and we have only years, not decades
361 to avert catastrophe. Final and draft portions of the
362 upcoming IPCC Fifth Assessment Report on Climate Change sound
363 the alarm with even greater urgency than before. The
364 chilling future it paints isn't some hypothetical worst-case
365 scenario. It is where we are going full-speed ahead unless
366 we sharply reduce carbon pollution now.

367 Greenhouse gases in the atmosphere are substantially

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368 higher than they have been for the past 800,000 years, and
369 they are rising at a rate that is unprecedented over the past
370 22,000 years at least. The IPC found that we are already
371 experiencing warmer and more frequent hot days, more heat
372 waves, more and heavier big rain storms, drier and longer
373 droughts, and more extreme high sea levels.

374 In 2012, the World Bank released a report on the
375 potential effects of increasing average temperatures by 4
376 degrees Celsius or 7.2 degrees Fahrenheit by the end of the
377 century, and this is well within the range of possibility if
378 we don't act.

379 The impacts of this level of warming would be
380 devastating. Sea levels would be over three feet higher,
381 inundating coastal cities. Losses from high-intensity storms
382 could double with North America experiencing some of the
383 worst impacts. Extreme heat waves could become the new
384 normal summer. And is that the world we want to leave our
385 children and grandchildren? And if not, what are we going to
386 do about it?

387 I strongly support EPA's reasonable proposal for
388 requiring new coal plants to use the best pollution controls.
389 There is no excuse for investing billions of dollars in a
390 plant that will run for half a century or more but not using

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391 available pollution controls.

392 The history of the Clean Air Act shows that when we
393 require industry to control pollution, technological advances
394 and economies and scale drive down the cost and improve the
395 effectiveness of pollution controls. And we have seen this
396 over and over again, Mr. Chairman.

397 And EPA hasn't even issued a proposal to address
398 existing plants. This bill would block EPA from reducing
399 carbon pollution from existing plants before we have even
400 seen what they might require. That is declaring defeat
401 before the starting bell, and I believe we can take steps to
402 reduce carbon pollution. And I believe that EPA will come up
403 with a reasonable and cost-effective approach.

404 But if you don't want to rely on EPA's current rule
405 making, this amendment leaves other options open. Mr.
406 Waxman's amendment says the only thing we can't do is
407 nothing, and so I urge my colleagues to support this
408 amendment. I yield back my time.

409 The {Chairman.} Gentleman yields back. Are there other
410 members wishing to speak on the amendment? Gentleman from
411 Illinois, Mr. Shimkus.

412 Mr. {Shimkus.} Thank you, Mr. Chairman. Obviously I
413 would ask my colleagues not to support this amendment. If

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414 you are from the Midwest and you want to talk about jobs, we
415 have tons of jobs in the coal mining fields that are closing.
416 We have hundreds of jobs in the utility sector in the power
417 plants across our country closing. Chairman Whitfield was
418 right when he said, and to my colleague from New Jersey, what
419 we found out in the hearings is the technology available
420 based upon what is known today is not economically feasible.

421 And so the power plant in Mississippi is \$2 billion over
422 budget right now with hundreds of millions of taxpayers'
423 dollars going to help improve economic feasibility. So the
424 part of this whole debate is that it is economically feasible
425 not to do it. So the default is shut down the coal plants.
426 That is the default position right now if we continue to move
427 forward on this EPA's position because it is not economically
428 feasible.

429 And I will talk to the people who believe in carbon
430 capture and sequestration. In the State of Illinois, we have
431 mineral rights laws. So if you have--when you own the
432 property, you own from the surface down to all the minerals
433 that are on that property. What happens when you are from
434 states that have minerals, you can split those off.

435 States haven't even started talking about how are they
436 going to compensate the land owner from sequestering carbon

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437 underneath their property. There are legal issues that are
438 going to take years to get resolved. In fact when Future Gen
439 was being competitively bid out in the State of Texas and the
440 State of Illinois, those states had to pass liability
441 protection laws for the carbon capture and sequestration
442 position of the Future Gen fight.

443 So for people to believe that we are imminently close to
444 being able to do what our friends on the left would like us
445 to do, we are not even close. We are not close
446 technologically. We are not close legally, and we are not
447 close financially.

448 So again the default position would be shut down the
449 coal mines, shut down the power plants, raise electricity
450 rates because green power is more expensive power so you are
451 talking about jobs in the coal mines, jobs in the power
452 plant. And then you are talking about a risk to whatever
453 manufacturing base that we are now redeveloping because
454 electricity rates are going up.

455 So I would just plead with my colleagues to go down that
456 path to less jobs. Let us go down the path to keep the good
457 paying jobs that we have and move to a future of a
458 competitive environment where we can continue to create jobs
459 in this weak economy, and you do that through the

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460 foundational principles of low-cost energy.

461 No one can show me where jobs grow when energy costs are
462 high. You just can't show me. It has to be subsidized. You
463 cannot--low-cost energy creates jobs across our economy and
464 really across the world. And so let us don't stop the path.
465 Let us move on this bill. I would ask my colleagues to
466 defeat the Waxman amendment. I yield back my time.

467 The {Chairman.} Gentleman yields back. Chair would
468 recognize the gentlelady from California, Ms. Eshoo.

469 Ms. {Eshoo.} Thank you, Mr. Chairman. I want to get
470 back to some of the things that our colleague, Mr. Whitfield,
471 spoke to a few moments ago and the whole issue of greenhouse
472 gas emissions and that they are falling in the United States.

473 It was suggested that the United States doesn't need to
474 do anything more about climate change, and I think that this
475 is really wrong-headed. And if we buy into that concept that
476 this is a march to folly. U.S. greenhouse gas emissions did
477 fall in 2008 and 2009 during the economic recession. But
478 since that time, our overall emissions have grown.
479 Cumulatively, U.S. emissions grew. They didn't fall in 2010
480 and 2011, the two most recent years for which the data is
481 available.

482 Claims that emissions are falling are looking only at

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483 the energy section where fuel switching from coal to natural
484 gas in electricity generation has helped control emissions
485 somewhat. And even these claims are no longer accurate.
486 Recently, the Energy Information Administration reported that
487 energy-related carbon dioxide emissions last year grew by two
488 percent as a result of fuel switching in the other direction
489 from natural gas back to coal.

490 The EIA projects that under current policy, carbon
491 dioxide emissions will continue to increase over the coming
492 decades. I don't know how many of you saw a recent picture
493 in the New York Times. It was on the front page above the
494 fold, and they were Chinese workers in Beijing. And they
495 couldn't see a foot in front of them. It looked like someone
496 had produced a cloud machine as if they were on a stage and
497 that there was smoke or clouds around them.

498 So this isn't anything to fool around with, and I think
499 that these numbers and these statistics are ringing an alarm
500 bell. I think what matters most is whether U.S. emissions
501 are on track to decline in the future by the amount needed to
502 prevent dangerous climate change. Scientists say we need to
503 reduce carbon pollution by 80 percent by 2050 to avoid
504 catastrophic climate change.

505 I don't think we are going to get anywhere near that

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506 level of reduction if we just continue business as usual or
507 take numbers and suggest that all is well.

508 If there is any country that can do this and be a leader
509 in the world, it is the United States of America. We have
510 the technology. We have the capacity. All we have to have
511 is the will, the political will to place our country on the
512 right path, and I don't agree that in taking this path that
513 you sacrifice our economy for jobs. I think that that is a
514 straw man. I really don't. So I have a minute and 35
515 seconds. I would be happy to yield to Mr. Waxman.

516 Mr. {Waxman.} I thank you for yielding to me. I just
517 want to respond to the statement made by my friend from
518 Illinois about how if we are going to protect jobs, we should
519 make sure that we are not going to spend any more money on
520 energy.

521 The history of the Clean Air Act is that our economy has
522 grown even though we put in anti-pollution efforts. Some of
523 which required spending whether it is catalytic converters on
524 cars or scrubbers on power plant, whatever changes even
525 greater efficiency in the use of energy. These things have
526 helped our economy grow.

527 Secondly the view that cheap energy keeps jobs. Well,
528 energy is cheap from coal-burning power plants unless, of

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529 course, they can't compete against natural gas in the market.
530 But the energy is cheaper because we are subsidizing coal.
531 When burning coal causes diseases from the pollutants that
532 result from the burning of coal, the harm for that is paid
533 for by the medical costs, the loss of job work when people
534 can't show up at work, the poor health that results from air
535 pollution, especially in the region.

536 But we are looking at another harm from air pollution
537 from coal-burning power plants, and that is the global
538 climate change problem. And in the news right now it seems
539 to be every day that we are hearing about the enormous costs
540 that we pay for not dealing with this global climate
541 catastrophe that we are facing.

542 So lower costs for coal is coming as a result of greater
543 pollution costs to all of us, and our economy will grow and
544 more jobs will be created if we required the industries to be
545 developed to control that pollution, whether it be the
546 development of sequestration of carbon or some other way to
547 have that happen.

548 Mr. Chairman, just to complete my thought, all the
549 amendment does it says that this bill would not go into
550 effect if we have another solution that would achieve the
551 same reduction. And if you don't want this approach, give us

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552 another approach that will hold down the reductions of
553 carbon, and then we will know we are doing something about
554 the climate change problem. Thank you.

555 The {Chairman.} Gentlelady's time has expired. Other
556 members wishing to speak on the amendment? The gentleman
557 from Virginia is recognized for 5 minutes.

558 Mr. {Griffith.} Thank you, Mr. Chairman. I appreciate
559 that. And just in response, obviously I am opposed to the
560 amendment, but in response to the gentlelady's comments that
561 the jobs issue is a straw man. They may have just concluded
562 it, but this morning starting at 10:30, a group of Virginia
563 legislators held a press conference in relationship to a
564 letter they have signed by 85 members of that body that they
565 are sending to the president opposing the proposed
566 regulations that we are speaking of here today as well.

567 And as a part of that, I think it is important that we
568 acknowledge that many folks think that this is important and
569 related to jobs. And I quote ``we think it is important that
570 President Obama understands how important the coal industry
571 is to Virginia's economy and how harmful these proposed
572 regulations will be for Virginia if they are put in place
573 said Senator Phil Puckett, Democrat, Russell County.''
574 Continuing the quote ``more than 45,000 Virginians work in

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575 the coal industry and their livelihood is at stake. Puckett
576 continued they deserve to have their voices heard.''

577 Ladies and gentlemen, I will be voting no because they
578 do deserve to have their voices heard, and their congressman
579 in Washington understands that this is about jobs. We are
580 not going to become like China. We are not going to have
581 such poor regulations that we all have to wear masks over our
582 faces.

583 That is not the issue here. The issue is we have done
584 some good things in making sure our area is clean, but the
585 EPAS can never be satisfied. They always want to go one step
586 further, and in this case, they are killing an industry with
587 no gain to the American people as I can see it. And while we
588 may want to solve some worldwide problem down the road, we
589 are not going to solve it if the Chinese are still having to
590 wear masks over their face because they are breathing and
591 putting into the air all of their chemicals. That is the
592 same air that we breathe a few days later.

593 And so, you know, this is a problem that maybe we need
594 to worry about our foreign policy and how we deal with other
595 nations. But when it comes to our nation, we have done a
596 good job. We should continue to do a good job, but we
597 shouldn't kill up to 45,000 jobs in the State of Virginia

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598 because we want to tilt at the windmill.

599 Mr. {Shimkus.} Will the gentleman yield? Morgan, back
600 here. Look behind you.

601 Mr. {Griffith.} I yield.

602 Mr. {Shimkus.} Thank you. Let me follow up on the
603 Clean Air Act debate. The Clean Air Act debate was--part of
604 that provision was that scrubbers were economically feasible
605 at the time. That is the whole difference in this debate.
606 The technology being driven by this administration is not
607 technologically feasible at this time.

608 So we can talk about the Clean Air Act and its
609 provisions all we want, but the whole part of the law that
610 this bill is trying to address is that it has to be
611 available. And it has to be economically feasible because if
612 not, the default is to stop, which is the goal of my friends
613 on the left.

614 I mean it is not really to have clean-burning, low-cost
615 energy. It is to shut down fossil fuel use in this country,
616 and that is why this bill is important. That is why this
617 amendment is harmful, and I will yield to Mr. Whitfield.

618 Mr. {Whitfield.} Thank you very much. I might just
619 also mention that in April of 2013, the U.S. Energy
620 Information Administration reported that energy-related

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621 carbon dioxide emissions in the U.S. the lowest level since
622 1994. In its 2014 Annual Energy Outlook, the EIA projected
623 that U.S. energy-related carbon dioxide levels will remain
624 more than 7 percent below their 2005 levels through 2040.

625 In the coming decades, more than two-thirds, 69 percent
626 of the world's energy-related CO2 emissions will come from
627 non-OECD countries. According to EIA, non-OECD countries are
628 expected to grow to 120 percent above 2005 levels. So our
629 legislation does not expect that additional coal plants will
630 be built in America, but it does say that we have the option
631 in the future. If we allow EPA's regulations to stand in
632 effect, you would not be able to build a new coal-powered
633 plant.

634 Last year, Europe took 45 percent of our coal export
635 because they are building new coal plants because, as I said
636 earlier, natural gas prices are so high. So all this
637 legislation does is in fact it affirms what the President has
638 been saying he wants, and that is an all above energy policy.
639 Our bill simply allows coal plants to be built in the future
640 if it is determined that they should be built. And I yield
641 back my time to Morgan.

642 The {Chairman.} Gentleman yields back his time.

643 Mr. {Griffith.} I yield back.

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644 The {Chairman.} Chairman would recognize the gentleman
645 from Texas, Mr. Green.

646 Mr. {Green.} Thank you, Mr. Chairman. And it is
647 interesting because I represent an industrial area, and I am
648 concerned about and I will fight like everyone else does with
649 EPA when they overreach. One of the reasons is that we have
650 lower emissions is because of the shift over the last few
651 years to natural gas from coal. Although in the last few
652 months, EIA has reported that there is a shift back because
653 natural gas is at \$4 per NCF, and you are seeing coal plants
654 being restarted or utilized more. And that was long before
655 we got the \$5 that we are seeing in the last week or two
656 because of the cold weather.

657 But I am going to support the amendment. I am going to
658 thank Mr. Waxman for his efforts to map the plan forward. In
659 lieu of Section 1.11 of the Clean Air Act, the amendment
660 offers Congress the ability to set the terms and conditions
661 for a federal program that addresses environmental and
662 economic concerns. That is what this Congress should be
663 doing.

664 EPA has judicially been mandated the responsibility to
665 regulate GHGs and has acted due to lack of a congressional
666 leadership. This committee should assume responsibility and

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667 act on GHG regulations and reductions responsibly knowing
668 everything we know. The European model for cap and trade is
669 just not working, and it is correct they are building more
670 coal plants. They are shutting down nuclear, and there are
671 no other locations that are no other cleaner burning.
672 Natural gas is too high, and I think in Germany and some of
673 the countries they don't believe in fracking.

674 Additionally the EIA would independently certify
675 reductions in GHGs from any federal program. The stated
676 purpose of the Energy Information Agency is to collect and
677 analyze and disseminate independent and partial energy
678 information to promote sound policy making. Any number of
679 mandates or proposals could be offered, and Congress would
680 tackle GHG emissions, protect the environment, provide ample
681 time for compliance, and give certainty to our vital
682 industries.

683 And that is why I think the Waxman amendment works well
684 with hopefully making Congress take back this authority
685 instead of letting EPA by judicial mandate do this, and I
686 yield back my time.

687 The {Chairman.} The gentleman yields back. Are there
688 other members wishing to speak on the amendment? The
689 gentleman from West Virginia, Mr. McKinley.

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690 Mr. {McKinley.} Thank you, Mr. Chairman. Let us put
691 this back in context again of we have been dealing with it
692 for the past 3 years. And we have had, Mr. Chairman, we have
693 had before us a panel from the EPA, and Lisa Jackson is an
694 example who has spoken before us and said this technology for
695 new source performance standards, this capture isn't
696 available. It simply is not available.

697 That is what, I think, what Mr. Whitfield is trying to
698 point out here. And she said it won't be available for 10 to
699 15 more years. So as a result of that, if you can grasp
700 that, that means that anyone that wants to build a new energy
701 source in America and understanding that a lot of the coal-
702 fired powerhouses, this fleet that we have across the
703 country, is aging. So the likelihood of their upgrading and
704 making the improvement based on the technology that can't
705 occur for another 10 or 15 years, it means we are going to
706 switch over more to gas.

707 Now, that is fine. We produce an awful lot of gas in
708 America, but in the meantime, what we have to understand is
709 we have an existing fleet that can provide low-cost energy to
710 this country for manufacturing and jobs. What we are going
711 to be doing, switching, is raising the cost of electricity.
712 We have heard that from some of the speakers that have gone

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713 before me on this, that we can do it. We will just pay more.

714 So people, the seniors, education, everyone, kids,

715 everyone is going to be paying more costs because we have an

716 ideology that we want to switch from coal.

717 Let us just make sure we understand when people attack

718 the coal industry. It is not just the miners that are going

719 to be affected with this. That seems to be an easy thing for

720 people to talk about. We will just shut down the coal mine,

721 and you can, and you have.

722 But when you shut down the coal mine, it is more than

723 the coal miner. It is the railroad worker that picks up the

724 coal. It is the truckers. It is the timber industry that

725 provides the cribbing. It is someone that makes the building

726 for all the conveyors. It is the machinist that repairs the

727 equipment and keeps the mine in operation. It is the

728 lubricants that are necessary in a coal mine. All those go

729 away.

730 Then you get into the community. The children don't go

731 to school. They will move to a different location. You are

732 affecting that education in that community. You are shutting

733 pharmacies, grocery stores, landlords. All are going to lose

734 the possibility of having people live in that community.

735 Because in many places around America, rural America, the

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736 coal mine is the community. Everything is based on that. So
737 this idea of switching for an ideological fight is being
738 promoted here has an impact on the nation's economy.

739 I want people to understand. We can decarbonize
740 America, and that is what I think this effort ultimately is
741 to decarbonize America. But within seven years at the growth
742 rate that other nations are producing CO2 into the
743 atmosphere, we will be back to the same level between five
744 and six years from now. We will be at the same level, and
745 all we have done in America is just cost our jobs. We have
746 put all these people out of work. Not just coal miners out
747 of work, but all the other industries are going to be
748 affected by it with this kind of legislation that the
749 California congressman is promoting.

750 I think it has to stop. We have to let these people
751 have an opportunity. Let me just close with just one thing.
752 If there is one thing that we can take from this meeting is
753 the amount of CO2 emissions that are coming from coal-fired
754 powerhouses across America when you think the big scheme of
755 things all across the globe. It only amounts to two-tenths
756 of 1 percent of all the CO2 emitted in the world comes from
757 American coal-fired powerhouses, two-tenths of 1 percent.

758 And we are saying we are willing to put that at risk.

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759 We are willing to put those jobs at risk, jeopardizing it for
760 two-tenths of 1 percent. But we also know from Al Gore,
761 Sierra Club, and others that the burning of the tropical
762 rainforests introduced six times more CO2 into the atmosphere
763 than the coal-fired powerhouses in America. But we are not
764 addressing that. We are going after places where people
765 work, children have opportunities. They have a father or a
766 mother have a job.

767 This is an issue of fairness, and we better be caring
768 about the families and the job creation here in this country.
769 Thank you, Mr. Chairman. I yield back.

770 The {Chairman.} The gentleman's time has expired.
771 Gentleman from New Mexico, Mr. Lujan, is recognized for 5
772 minutes.

773 Mr. {Lujan.} Mr. Chairman, thank you so very much with
774 this important markup. And I just wanted to respond to, I
775 guess, a few points made by some of my colleagues today that,
776 you know, it seems that this side of the aisle just wants to
777 get rid of traditional fossil fuel generation across the
778 country. This notion that we can't find a way to do things
779 smarter and cleaner in the United States of America is
780 something that I just can't fathom.

781 It seems that the reason that we have cleaner air today

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782 and cleaner water, or at least cleaner water in most parts of
783 the country, is because of some common sense approaches. And
784 this isn't about a California member of Congress moving
785 forward a policy that is specific to California. This is
786 about a member of the delegation of California who is moving
787 forward some comments and conversations associated with how
788 we can look at things.

789 If we ever imagined that, I guess, through science
790 fiction that we don't need any additional regulatory
791 treatment in these areas, that someday maybe there could be a
792 chemical spill that was used as we talk about coal that would
793 make its way into a aquifer and flow down a river and makes
794 its way into people's wells and come out of a faucet so it
795 smelled so funny that it was people themselves that had to
796 bring this to the attention of the American people and their
797 local governments as opposed to the company itself coming
798 forward with revelations that they had a major chemical spill
799 in relation to this.

800 But I am not aware of any hearings that talk about the
801 folks out in the East who couldn't even drink their water
802 where there are still concerns today that if you happen to be
803 pregnant that maybe you should stay away from that water.
804 Well, if it is not good for one person, it is not good for

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805 anyone. And we are not talking about that.

806 And let us get to the point about this notion of where
807 the cost of electricity is today. Having sat on a few rate-
808 making cases and previous responsibilities that I had and you
809 look at the financials that are submitted by utility
810 companies and the generation contracts or the purchase power
811 agreements that come forward, one of the major reasons that
812 the cost of electricity coming from coal generation is so
813 inexpensive today is because those assets are old. They have
814 been depreciated over time.

815 So if you go build a new coal plant today, don't blame
816 it on the regulatory treatment for wanting clean air on the
817 high cost of electricity. It is because the cost of steel
818 has gone up. Those cost of those turbines have gone up.
819 Those conveyor belts have--the cost of them have gone up.
820 There are more people around the world that are buying these
821 assets. So a new coal plant compared to a depreciated coal
822 plant is going to cost more.

823 Now maybe we could do something about looking at those
824 commodities and being a little more forward in our thinking
825 there, but let us face that reality. There is some other
826 area that it may be science fiction to some, but, you know,
827 who would have ever thought that we would have come up with

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828 something called fluidized bed combustion, advanced
829 pulverized coal combustion. This is one that, you know, I
830 don't know who came up with this, but low nox burners,
831 selective catalytic reduction, that takes care of the release
832 of ammonia and a respiratory irritant.

833 Selective non-catalytic reduction, flue gas de-
834 sulfurization, pie-in-the-sky ideas that came out of a
835 regulatory treatment that are used by utility companies today
836 so that what is coming out of those stacks is cleaner.

837 For years, Democrats and Republicans have been able to
838 work on this together, and I would just appeal to the common
839 sense of where even those that around the states, around the
840 country, that work with an organization called the National
841 Association of Regulatory Utility Commissioners that actually
842 have to implement these rule changes so that when we look at
843 rate making and cost to the country, that we listen to them
844 as well and adopt some of the common sense approaches that
845 have taken place.

846 And especially with the advance treatment plant. We
847 talked about these comparisons of existing projects that we
848 are looking at across the country. They exist right now in
849 states especially on the west, in Oregon and Washington
850 State, not just California that have moved forward with some

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851 of these advancements. So I hope that we just take a pause
852 with how we can move forward in this area.

853 I recently spoke to EEI, to a group of utility experts
854 in that organization, and they asked why was this down
855 partisan lines. Well, let us find a way to work together
856 because there are some common sense approaches that we can
857 come together and move this. And so I am hopeful, Mr.
858 Chairman, that in the future we are able to find a way of
859 working together again. And I think the first bill that we
860 move forward today is a perfect example of what happens when
861 common sense comes through as opposed to just rhetoric. And
862 I thank you for the time, Mr. Chairman.

863 The {Chairman.} The gentleman's time has expired. Are
864 there other members wishing to speak on the amendment?
865 Seeing none, the vote occurs on the amendment offered by Mr.
866 Waxman.

867 All those in favor will say aye.

868 All those opposed say no.

869 In the opinion of the chair, the nos--roll call is
870 requested. The clerk will call the roll.

871 The {Clerk.} Mr. Hall.

872 Mr. {Hall.} No.

873 The {Clerk.} Mr. Hall votes no.

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874 Mr. Barton.

875 [No response.]

876 The {Clerk.} Mr. Whitfield.

877 Mr. {Whitfield.} No.

878 The {Clerk.} Mr. Whitfield votes no.

879 Mr. Shimkus.

880 Mr. {Shimkus.} No.

881 The {Clerk.} Mr. Shimkus votes no.

882 Mr. Pitts.

883 Mr. {Pitts.} No.

884 The {Clerk.} Mr. Pitts votes no.

885 Mr. Walden.

886 [No response.]

887 The {Clerk.} Mr. Terry.

888 Mr. {Terry.} No.

889 The {Clerk.} Mr. Terry votes no.

890 Mr. Rogers.

891 [No response.]

892 The {Clerk.} Mr. Murphy.

893 [No response.]

894 The {Clerk.} Mr. Burgess.

895 Dr. {Burgess.} No.

896 The {Clerk.} Mr. Burgess votes no.

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897 Ms. Blackburn.

898 Mrs. {Blackburn.} No.

899 The {Clerk.} Ms. Blackburn votes no.

900 Mr. Gingrey.

901 Dr. {Gingrey.} No.

902 The {Clerk.} Mr. Gingrey votes no.

903 Mr. Scalise.

904 Mr. {Scalise.} No.

905 The {Clerk.} Mr. Scalise votes not.

906 Mr. Latta.

907 Mr. {Latta.} No.

908 The {Clerk.} Mr. Latta votes no.

909 Ms. McMorris Rodgers.

910 [No response.]

911 The {Clerk.} Mr. Harper.

912 Mr. {Harper.} No.

913 The {Clerk.} Mr. Harper votes no.

914 Mr. Lance.

915 Mr. {Lance.} No.

916 The {Clerk.} Mr. Lance votes no.

917 Mr. Cassidy.

918 [No response.]

919 The {Clerk.} Mr. Guthrie.

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920 Mr. {Guthrie.} No.
921 The {Clerk.} Mr. Guthrie votes no.
922 Mr. Olson.
923 Mr. {Olson.} No.
924 The {Clerk.} Mr. Olson votes no.
925 Mr. McKinley.
926 Mr. {McKinley.} No.
927 The {Clerk.} Mr. McKinley votes no.
928 Mr. Gardner.
929 Mr. {Gardner.} No.
930 The {Clerk.} Mr. Gardner votes no.
931 Mr. Pompeo.
932 Mr. {Pompeo.} No.
933 The {Clerk.} Mr. Pompeo votes no.
934 Mr. Kinzinger.
935 Mr. {Kinzinger.} No.
936 The {Clerk.} Mr. Kinzinger votes no.
937 Mr. Griffith.
938 Mr. {Griffith.} No.
939 The {Clerk.} Mr. Griffith votes no.
940 Mr. Bilirakis.
941 Mr. {Bilirakis.} No.
942 The {Clerk.} Mr. Bilirakis votes no.

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943 Mr. Johnson.
944 Mr. {Johnson.} No.
945 The {Clerk.} Mr. Johnson votes no.
946 Mr. Long.
947 Mr. {Long.} No.
948 The {Clerk.} Mr. Long votes no.
949 Ms. Ellmers.
950 Mrs. {Ellmers.} No.
951 The {Clerk.} Ms. Ellmers votes no.
952 Mr. Waxman.
953 Mr. {Waxman.} Aye.
954 The {Clerk.} Mr. Waxman votes aye.
955 Mr. Dingell.
956 Mr. {Dingell.} Aye.
957 The {Clerk.} Mr. Dingell votes aye.
958 Mr. Pallone.
959 Mr. {Pallone.} Aye.
960 The {Clerk.} Mr. Pallone votes aye.
961 Mr. Rush.
962 [No response.]
963 The {Clerk.} Ms. Eshoo.
964 [No response.]
965 The {Clerk.} Mr. Engel.

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966 Mr. {Engel.} Aye.
967 The {Clerk.} Mr. Engel votes aye.
968 Mr. Green.
969 [No response.]
970 The {Clerk.} Ms. DeGette.
971 Ms. {DeGette.} Aye.
972 The {Clerk.} Ms. DeGette votes aye.
973 Ms. Capps.
974 Mrs. {Capps.} Aye.
975 The {Clerk.} Ms. Capps votes aye.
976 Mr. Doyle.
977 Mr. {Doyle.} Aye.
978 The {Clerk.} Mr. Doyle votes aye.
979 Ms. Schakowsky.
980 Ms. {Schakowsky.} Aye.
981 The {Clerk.} Ms. Schakowsky votes aye.
982 Mr. Matheson.
983 Mr. {Matheson.} No.
984 The {Clerk.} Mr. Matheson votes no.
985 Mr. Butterfield.
986 [No response.]
987 The {Clerk.} Mr. Barrow.
988 Mr. {Barrow.} No.

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989 The {Clerk.} Mr. Barrow votes no.
990 Ms. Matsui.
991 Ms. {Matsui.} Aye.
992 The {Clerk.} Ms. Matsui votes aye.
993 Ms. Christensen.
994 [No response.]
995 The {Clerk.} Ms. Castor.
996 Ms. {Castor.} Aye.
997 The {Clerk.} Ms. Castor votes aye.
998 Mr. Sarbanes.
999 Mr. {Sarbanes.} Aye.
1000 The {Clerk.} Mr. Sarbanes votes aye.
1001 Mr. McNerney.
1002 Mr. {McNerney.} Aye.
1003 The {Clerk.} Mr. McNerney votes aye.
1004 Mr. Braley.
1005 Mr. {Braley.} Aye.
1006 The {Clerk.} Mr. Braley votes aye.
1007 Mr. Welch.
1008 Mr. {Welch.} Aye.
1009 The {Clerk.} Mr. Welch votes aye.
1010 Mr. Lujan.
1011 Mr. {Lujan.} Aye.

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1012 The {Clerk.} Mr. Lujan votes aye.
1013 Mr. Tonko.
1014 Mr. {Tonko.} Aye.
1015 The {Clerk.} Mr. Tonko votes aye.
1016 Mr. Yarmuth.
1017 Mr. {Yarmuth.} Aye.
1018 The {Clerk.} Mr. Yarmuth votes aye.
1019 Chairman Upton.
1020 The {Chairman.} No.
1021 The {Clerk.} Chairman Upton votes no.
1022 The {Chairman.} Members wishing to have a go vote? Mr.
1023 Walden?
1024 Mr. {Walden.} No.
1025 The {Clerk.} Mr. Walden votes no.
1026 The {Chairman.} Dr. Murphy.
1027 Mr. {Murphy.} No.
1028 The {Clerk.} Mr. Murphy votes no.
1029 The {Chairman.} Other members wishing to cast a vote?
1030 Seeing none, the clerk will report the tally. Mr. Green, how
1031 is Mr. Green recorded?
1032 Mr. {Green.} Aye.
1033 The {Chairman.} Mr. Green votes aye.
1034 The {Clerk.} Mr. Green votes aye. Mr. Chairman, on

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1035 that vote, there were 18 ayes and 28 nays.

1036 The {Chairman.} Eighteen ayes, 28 nays. The amendment
1037 is not agreed to. Are there further amendments to the bill?

1038 Gentleman from Kentucky.

1039 Mr. {Yarmuth.} Thank you, Mr. Chairman. I have an
1040 amendment at the desk.

1041 The {Chairman.} Clerk will report the title.

1042 The {Clerk.} Amendment to H.R. 3826 offered by Mr.
1043 Yarmuth of Kentucky.

1044 [The amendment of Mr. Yarmuth follows:]

1045 ***** INSERT 6 *****

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|
1046 The {Chairman.} The amendment will be considered as
1047 read, and the gentleman is recognized for 5 minutes.

1048 Mr. {Whitfield.} Mr. Chairman, I reserve point of order
1049 on this amendment.

1050 The {Chairman.} Point of order is reserved. Sorry, the
1051 amendment is considered as read. Sorry. Gentleman is
1052 recognized.

1053 Mr. {Yarmuth.} Thank you, Mr. Chairman. I and many of
1054 my Democratic colleagues have deep concerns about the
1055 underlying bill, but this amendment seeks to find a
1056 bipartisan way forward that protects the health of our
1057 citizens, our environment, and our economy while creating
1058 opportunities to partner with the private sector in reducing
1059 harmful emissions from new power plants.

1060 First I need to come clean. This actually isn't my
1061 idea. This amendment is based on legislation co-authored by
1062 former member Rick Boucher and the Chairman of this
1063 committee, Mr. Upton, and cosponsored by Mr. Barton, Mr.
1064 Whitfield, Mr. Shimkus, Dr. Murphy, and Mr. Terry, all
1065 members of this committee.

1066 The amendments allows EPA to move forward with
1067 reasonable and responsible standards for new power plants,

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1068 and it establishes a funding stream to assist companies in
1069 the deployment of new technologies to reduce carbon pollution
1070 and meet those standards. Again that funding stream is the
1071 same one proposed by Chairman Upton and cosponsored by
1072 Republican members of the committee. It assesses a nominal
1073 fee on electricity transmission to help fund projects that
1074 comply with Section 1.11 of the Clean Air Act.

1075 This fee amounts to just four one-hundredths of a penny
1076 on each kilowatt hour of electricity delivered from power
1077 plants to consumers. And yet, in the aggregate, it will
1078 provide a billion dollars per year to assist companies in the
1079 deployment of critical new pollution control technologies.

1080 It is an inventive solution that partners the public and
1081 private sector to advance a common goal. It lessens the
1082 financial burden of progress and helps us address a leading
1083 cause of climate change, and it has a history of strong
1084 bipartisan support.

1085 Chairman Upton said of his 2008 bill this is bipartisan
1086 legislation and is evidence, the Republicans and Democrats
1087 indeed can work together towards common sense solutions to
1088 effective combat climate change, solutions that will both
1089 protect jobs and keep energy costs down.

1090 My colleague from the Commonwealth of Kentucky, Mr.

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1091 Whitfield, said that bill was ``vitaly important to the
1092 economics and environmental health of this country.'' And
1093 Mr. Barton said ``I am a believer in efficiency and
1094 technology advance, and if we can use this vehicle to have
1095 the United States of America and our private and public
1096 institutions develop such technology, it can't be anything
1097 but a good thing for the whole community.''

1098 I could not agree more. This amendment presents a
1099 common sense solution to the bipartisan problem of
1100 controlling harmful and dangerous pollution from power
1101 plants, and I urge my colleagues to join me in supporting it.
1102 I yield back.

1103 The {Chairman.} Gentleman yields back. Other members
1104 wishing to speak on the amendment? Mr. Shimkus is
1105 recognized.

1106 Mr. {Shimkus.} Thank you, Mr. Chairman. I appreciate
1107 my colleague. I think this amendment makes the point that
1108 the EPA should not move forward on greenhouse gas regulations
1109 because carbon capture and sequestration is not ready for
1110 primetime. So I thank my colleague from Kentucky for really
1111 reiterating the fact of why we have this bill. The question
1112 is do we have the technology capable today. We didn't have
1113 it then. The Senate rejected this provision. We don't have

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1114 it now. Hence this bill that we are marking up.

1115 You can't force utilities by law to implement technology
1116 that is not available. All we are trying to say is follow
1117 the law. I know it is hard for this Administration to do
1118 that, but we would expect the chief executive officer and his
1119 cabinet to follow the law. The law says if you are going to
1120 move, make sure it is economically feasible for these
1121 standards to be in place.

1122 Again my colleague from Kentucky raises this issue. It
1123 wasn't then, and it is still not today. I mean we have had
1124 the hearings. We have talked about the Mississippi plant.
1125 It is \$2 billion over budget. It takes hundreds of millions
1126 of dollars in taxpayer subsidies, and it is not even
1127 operating yet. So that is where, you know, the frustration
1128 comes from.

1129 If we would just follow the law, we wouldn't be in this
1130 position, but the technology is not available. Much like in
1131 the clean air debate, the technology was available. A huge
1132 difference in the debate. Not available now when it was
1133 available then. So I appreciate my colleague from Kentucky,
1134 and I yield to another colleague from Kentucky, Mr.
1135 Whitfield.

1136 Mr. {Whitfield.} Thank you, Mr. Shimkus. I might just

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1137 reiterate once again that the gentleman from Kentucky, Mr.
1138 Yarmuth's amendment, the language that is in his amendment
1139 was basically in the Markey-Waxman bill, which was rejected
1140 by Democratic-controlled United States Senate. And the
1141 technology is still not adequately demonstrated as Mr.
1142 Shimkus said. And that is why we have this bill in the first
1143 place, so all of the plants that EPA is pointing to to set
1144 the standards of emission for new plants are receiving huge
1145 sums from the federal government. All are cost overruns,
1146 significant cost overruns, and none of them are in operation
1147 yet. And one of them is in Canada with huge government
1148 support as well, which all of which, by the way, is a
1149 violation of the 2005 Energy Policy Act. So with great
1150 respect and admiration from our friend from Louisville, I
1151 respectfully oppose his amendment.

1152 Mr. {Shimkus.} Reclaiming my time. I just want to also
1153 put on record that those of you who have refineries, they are
1154 coming for you next. Carbon dioxide after coal-fired power
1155 plants. They will then come to our refinery sector and say
1156 you pull the CO2 off your stream and you put it underneath
1157 the ground.

1158 And if you think that is pie-in-the-sky, I feel sorry
1159 for you. So if you are a crude oil guy, a natural gas guy,

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1160 any fossil fuel guy, you better be careful in allowing this
1161 administration to shut down the coal sector in this country
1162 because you will be next. I yield back my time.

1163 The {Chairman.} Gentleman yields back. Other members
1164 wishing to speak on the amendment? Gentleman from
1165 Pennsylvania, Mr. Doyle.

1166 Mr. {Doyle.} Thank you, Mr. Chairman. I think it is
1167 interesting to listen to this debate. I support the
1168 gentleman's amendment. I guess a lot of my friends over on
1169 the other side of the aisle, you were for this before you
1170 were against it. And you like to say that this didn't pass
1171 because of a Democratically-controlled Senate. But none of
1172 you voted for the bill in the House either so let us put that
1173 on the record too.

1174 Now, you did vote for this amendment however. Many of
1175 you did vote for this amendment, and it seems to me that if
1176 we want to come up with some technology, no one is going to
1177 invent the technology if no one has to use it. There is no
1178 market incentive for people to develop a technology that
1179 doesn't have to be used. What we tried to do in the cap-and-
1180 trade bill, which passed the House, is to provide
1181 demonstration projects and the money to fund those
1182 demonstration projects so that this technology would become

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1183 viable. And then there would be an incentive to build the
1184 technology because you would have to use it.

1185 Mr. Yarmuth is just putting for an amendment that many
1186 of us on the committee, Democrats and Republicans, supported
1187 as part of the Markey-Waxman bill. But let us just, you
1188 know, shoot straight here when we are talking about history.
1189 None of you members that are blaming all this on Senate
1190 Democrats rejecting the bill voted for the bill either. But
1191 I just would like to say I think the gentleman has a good
1192 amendment. I supported it in the past, and I am happy to
1193 support it today also.

1194 Mr. {Waxman.} Will the gentleman yield?

1195 Mr. {Doyle.} I will yield to Mr. Waxman.

1196 Mr. {Waxman.} Thank you for yielding to me. I feel the
1197 passion that some of you are talking about when you are
1198 concerned about losing jobs. Your communities have people
1199 working in the coal industry, and clearly you are
1200 transmitting the fear that these people will lose their jobs.
1201 And I don't want to see that happen, but we are caught in a
1202 predicament because I don't think coal can continue as the
1203 major source of power that it has been if it adds to the
1204 greenhouse gases because we just can't deny that there is a
1205 problem of climate change.

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1206 So the argument we have heard from those trying to
1207 protect the coal industry is the technology is not there.
1208 Don't force us to use technology that is not there. If you
1209 force us to use technology that is not there and we can't run
1210 the business without that technology, the power plants will
1211 have to close down.

1212 Well, the chicken-and-egg problem is how do you get the
1213 technology? I believe if you require that the technology be
1214 developed, we force the development of new technology by
1215 setting the standards. If we don't say how it has to be if
1216 the standards are met, that is the way I prefer that we
1217 operate in the environmental area. We set the standard, and
1218 then say to all the industries figure out a way to accomplish
1219 it that will be profitable.

1220 And I think this opens up an enormous amount of
1221 opportunity for entrepreneurs to figure out the technology.
1222 But if we don't force the development of technology by
1223 mandating a requirement that the goal be met, the Yarmuth
1224 amendment takes a different approach. His approach is the
1225 same approach that was offered to this committee in
1226 legislation coauthored by Chairman Upton and former
1227 Congressman Rick Boucher. Mr. Boucher, of course, came from
1228 the coal area.

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1229 And rather than require something to be done, require
1230 the polluters to pay to make sure that they reduce their
1231 pollution, they propose that we provide funding for the
1232 development of the technology first by a tax on utilities
1233 that are consumed from coal-burning power plants.

1234 And the money then would be used for the development of
1235 technology. Now, some people would argue this is paying
1236 polluters not to pollute. What I want is the goal of
1237 reducing the pollution. I don't want to drive fossil fuels
1238 out of business. I think there is going to be a future for
1239 fossil fuels, whether it is the refineries or the coal
1240 industry. And in fact, unless you get carbon capture and
1241 sequestration in place, I think that the coal industry is
1242 going to be in greater economy straits.

1243 Now we agreed in the Waxman-Markey bill to include
1244 basically the same provision as well as additional funding,
1245 and that the national support would be critical to ensuring
1246 coal's future. It would allow coal to compete. It must
1247 clean up its carbon pollution, but we would pay for the
1248 development of the technology. So I would urge support for
1249 the Yarmuth amendment.

1250 The {Chairman.} Gentleman's time has expired.
1251 Gentleman from--you have had time.

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1252 Mr. {Whitfield.} No.

1253 The {Chairman.} That is right. I am sorry. Mr.

1254 Whitfield is recognized for 5 minutes.

1255 Mr. {Whitfield.} You know, I want to just mention a
1256 couple things about the Clean Air Act. We hear frequently
1257 about the Clean Air Act provides incentives to produce
1258 technology, that it forces technology development. And that
1259 is actually true, and I think all of us have benefitted from
1260 that. But it depends on what part of the Clean Air Act you
1261 are talking about. It is true that under Section 1.08 and
1262 1.09 of the National Ambient Air Quality Program, the EPA
1263 does set air quality standards without regard to cost or
1264 whether or not it is technically feasible to meet that
1265 standard. However under Section 1.11 which this greenhouse
1266 gas regulation is being adopted to enforce new coal-powered
1267 plants, the New Source Performance Standard Program, Congress
1268 specifically provided that the standards to be set must be
1269 adequately demonstrated and to take into account the cost and
1270 other impacts.

1271 It specifically says the term standard of performance
1272 means a standard for emission of air pollutants which
1273 reflects the degree of emission limitation achievable through
1274 the application of the best system of emission reduction

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1275 which the administrator determines has been adequately
1276 demonstrated.

1277 And we genuinely do not believe that these four plants
1278 that the administrator is relying on to set the emission
1279 standard, they are not even in operation. They all have
1280 significant cost overruns. They all rely on enhanced oil
1281 recovery and the use of the CO2. So this legislation simply
1282 sets a standard, reinforces that it must be adequately
1283 demonstrated. And as I have said before, we don't expect
1284 that people are going to run out and build new coal-powered
1285 plants.

1286 But in the future, if prices are so high--by the way, a
1287 lot of plants are closing--we already know we are going to
1288 close. Coal plants right now that are running full speed
1289 because of this cold spell. And without them, there are 15
1290 states right now that have declared an emergency because they
1291 don't have enough propane gas. Without these coal plants
1292 running right now, there would be significant outages around
1293 the country.

1294 So all this legislation does is reinforces be adequately
1295 demonstrated, and if in the future we want to build a coal-
1296 powered plant, we can as they are doing in Europe today.
1297 Many of you read the New York Times article where Europe--on

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1298 Wednesday, the European Union proposed an end to binding
1299 national targets for renewable energy production simply
1300 because of the economic situation there.

1301 And so with that, I would yield to the gentleman from
1302 Illinois the balance of my time.

1303 Mr. {Shimkus.} Thank you, Mr. Chairman, and I will be
1304 quick. Just Rick Boucher was a friend of us all. He was a
1305 great member of this committee, but the fact that Rick is not
1306 here is instructive in this debate. And for those he didn't
1307 serve, we all love Rick Boucher. But the fact that he is not
1308 here is instructive.

1309 And the second point is we were in the minority. We
1310 were doing all we could to try to save coal, all we could.
1311 And obviously that piece of legislation was not going to do
1312 anything to save coal or fossil fuels. And I will just
1313 reiterate this is very similar debate in the refinery sector.
1314 The problem is in an existing plant you can't pull off the
1315 carbon dioxide stream. You just can't do it. There is no
1316 technology right now to do it, and it is not economic
1317 feasible. There is no technology right now to do it off of a
1318 refinery.

1319 So you may chuckle when we talk about where this heads,
1320 but I would talk to anybody in the fossil fuel sector

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1321 industry, and they are afraid of the refinery sector going
1322 the way of the coal sector if we don't stop it here. I yield
1323 back my time.

1324 The {Chairman.} Gentleman's time has expired. Are
1325 there other members wishing to speak? The gentlelady from
1326 Illinois.

1327 Ms. {Schakowsky.} Thank you, Mr. Chairman. You know
1328 this entire bill is premised on the claim that carbon capture
1329 and sequestration technology is not available, but this isn't
1330 true. The technologies needed for carbon capture and
1331 sequestration, CO2 capture, transportation, and storage
1332 underground have all been used commercially in the United
1333 States for decades.

1334 In fact in the United States, there are already seven
1335 large commercial CCS projects operating today. Another CCS
1336 project specifically at a large coal-fired power plant will
1337 come online in the United States this year. A coal plant
1338 with CCS is also coming online in Canada, and many more CCS
1339 systems are operating or under construction in other
1340 countries.

1341 If you want to buy a CCS system today, there are several
1342 engineering companies that will be happy to sell you one.
1343 The committee, frankly the majority, has not bothered to stay

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1344 abreast of these developments. On June 4, 2012, Congressman
1345 Waxman and Rush requested a hearing so we could examine the
1346 status of CCS technology. Unfortunately the chairman failed
1347 to respond to this request, and had the committee held such a
1348 hearing, we might all be working off the same set of facts
1349 today.

1350 Let us hear about these projects as well as any concerns
1351 or questions power plant operators may have. But let us not
1352 pretend the technology doesn't exist and can't work.
1353 Unfortunately the Chairman of this committee and the Energy
1354 and Power Subcommittee have never responded to Mr. Waxman and
1355 Mr. Rush's hearing request.

1356 I would suggest that we do it now, and that in the
1357 meantime, that we pass this amendment. I yield back.

1358 The {Chairman.} Gentlelady yields back. Gentleman from
1359 New York is recognized.

1360 Mr. {Tonko.} Thank you, Mr. Chair, and I support the
1361 amendment offered by our colleague from Kentucky. This
1362 amendment acknowledges the problem of carbon pollution and
1363 carves the past to the future but envisions a role for coal
1364 in our energy mix. The technologies available today to
1365 capture and sequester carbon can be improved, and those in
1366 demand for the technologies will drive and hasten the

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1367 improvements. That effort is worth some public investment
1368 because it benefits all of us. This amendment reflects a
1369 can-do attitude rather than a can't-do defeatist attitude.
1370 We could lead the world in the effort to address this
1371 problem. We have the intellectual, entrepreneurial, and
1372 financial resources to do this.

1373 And so with that, I urge support for the amendment, and
1374 I yield back.

1375 The {Chairman.} Gentleman yields back. Are there other
1376 members wishing to speak on the amendment? Gentleman from
1377 Texas, Mr. Barton.

1378 Mr. {Barton.} Just very briefly. I think the debate
1379 has been illuminating, and I think there are good points on
1380 both sides. Your position on this amendment really depends
1381 on, to some extent, on your position on the causes of climate
1382 change or global warming and where you think the state of
1383 legislative power is. If it were inevitable that we were
1384 going to have some sort of a climate change regulation, this
1385 amendment would have enhanced viability on this side of the
1386 aisle. But if you believe that we are not, then there is not
1387 a real compelling reason to do it.

1388 But from a Texas perspective, and there are a number of
1389 Texans on this committee, on page 15, this amendment would be

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1390 ERCOT within the jurisdiction of the FERC, and the Texans
1391 know ERCOT is an intrastate system wholly within the state of
1392 Texas and subject to the public utility commission of Texas
1393 but not subject to FERC regulation.

1394 So from a Texas perspective, this would be a no, and I
1395 just want my Texans to know that. With that, I yield back.

1396 The {Chairman.} Gentleman yields back. Other members
1397 wishing to speak on the amendment? Seeing none, the vote
1398 occurs on the amendment offered by Mr. Yarmuth.

1399 All those in favor will say aye.

1400 All those opposed say no.

1401 In the opinion of the Chair, the nos have it. Nos have
1402 it. The amendment is not agreed to. Roll call? The clerk
1403 will call the rolls.

1404 The {Clerk.} Mr. Hall.

1405 Mr. {Hall.} No.

1406 The {Clerk.} Mr. Hall votes no.

1407 Mr. Barton.

1408 Mr. {Barton.} No.

1409 The {Clerk.} Mr. Barton votes no.

1410 Mr. Whitfield.

1411 Mr. {Whitfield.} No.

1412 The {Clerk.} Mr. Whitfield votes no.

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1413 Mr. Shimkus.

1414 Mr. {Shimkus.} No.

1415 The {Clerk.} Mr. Shimkus votes no.

1416 Mr. Pitts.

1417 Mr. {Pitts.} No.

1418 The {Clerk.} Mr. Pitts votes no.

1419 Mr. Walden.

1420 Mr. {Walden.} No.

1421 The {Clerk.} Mr. Walden votes no.

1422 Mr. Terry.

1423 Mr. {Terry.} No.

1424 The {Clerk.} Mr. Terry votes no.

1425 Mr. Rogers.

1426 [No response.]

1427 The {Clerk.} Mr. Murphy.

1428 Mr. {Murphy.} No.

1429 The {Clerk.} Mr. Murphy votes no.

1430 Mr. Burgess.

1431 Dr. {Burgess.} No.

1432 The {Clerk.} Mr. Burgess votes no.

1433 Ms. Blackburn.

1434 Mrs. {Blackburn.} No.

1435 The {Clerk.} Ms. Blackburn votes no.

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1436 Mr. Gingrey.
1437 Dr. {Gingrey.} No.
1438 The {Clerk.} Mr. Gingrey votes no.
1439 Mr. Scalise.
1440 Mr. {Scalise.} No.
1441 The {Clerk.} Mr. Scalise votes no.
1442 Mr. Latta.
1443 Mr. {Latta.} No.
1444 The {Clerk.} Mr. Latta votes no.
1445 Ms. McMorris Rodgers.
1446 [No response.]
1447 The {Clerk.} Mr. Harper.
1448 Mr. {Harper.} No.
1449 The {Clerk.} Mr. Harper votes no.
1450 Mr. Lance.
1451 Mr. {Lance.} No.
1452 The {Clerk.} Mr. Lance votes no.
1453 Mr. Cassidy.
1454 Mr. {Cassidy.} No.
1455 The {Clerk.} Mr. Cassidy votes no.
1456 Mr. Guthrie.
1457 Mr. {Guthrie.} No.
1458 The {Clerk.} Mr. Guthrie votes no.

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1459 Mr. Olson.
1460 Mr. {Olson.} No.
1461 The {Clerk.} Mr. Olson votes no.
1462 Mr. McKinley.
1463 Mr. {McKinley.} No.
1464 The {Clerk.} Mr. McKinley votes no.
1465 Mr. Gardner.
1466 Mr. {Gardner.} No.
1467 The {Clerk.} Mr. Gardner votes no.
1468 Mr. Pompeo.
1469 Mr. {Pompeo.} No.
1470 The {Clerk.} Mr. Pompeo votes no.
1471 Mr. Kinzinger.
1472 Mr. {Kinzinger.} No.
1473 The {Clerk.} Mr. Kinzinger votes no.
1474 Mr. Griffith.
1475 Mr. {Griffith.} No.
1476 The {Clerk.} Mr. Griffith votes no.
1477 Mr. Bilirakis.
1478 Mr. {Bilirakis.} No.
1479 The {Clerk.} Mr. Bilirakis votes no.
1480 Mr. Johnson.
1481 Mr. {Johnson.} No.

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1482 The {Clerk.} Mr. Johnson votes no.
1483 Mr. Long.
1484 Mr. {Long.} No.
1485 The {Clerk.} Mr. Long votes no.
1486 Ms. Ellmers.
1487 Mrs. {Ellmers.} No.
1488 The {Clerk.} Ms. Ellmers votes no.
1489 Mr. Waxman.
1490 Mr. {Waxman.} Aye.
1491 The {Clerk.} Mr. Waxman votes aye.
1492 Mr. Dingell.
1493 Mr. {Dingell.} Aye.
1494 The {Clerk.} Mr. Dingell votes aye.
1495 Mr. Pallone.
1496 [No response.]
1497 The {Clerk.} Mr. Rush.
1498 [No response.]
1499 The {Clerk.} Ms. Eshoo.
1500 [No response.]
1501 The {Clerk.} Mr. Engel.
1502 [No response.]
1503 The {Clerk.} Mr. Green.
1504 [No response.]

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1505 The {Clerk.} Ms. DeGette.
1506 Ms. {DeGette.} Aye.
1507 The {Clerk.} Ms. DeGette votes aye.
1508 Ms. Capps.
1509 Mrs. {Capps.} Aye.
1510 The {Clerk.} Ms. Capps votes aye.
1511 Mr. Doyle.
1512 Mr. {Doyle.} Aye.
1513 The {Clerk.} Mr. Doyle votes aye.
1514 Ms. Schakowsky.
1515 Ms. {Schakowsky.} Aye.
1516 The {Clerk.} Ms. Schakowsky votes aye.
1517 Mr. Matheson.
1518 Mr. {Matheson.} No.
1519 The {Clerk.} Mr. Matheson votes no.
1520 Mr. Butterfield.
1521 Mr. {Butterfield.} Aye.
1522 The {Clerk.} Mr. Butterfield votes aye.
1523 Mr. Barrow.
1524 Mr. {Barrow.} No.
1525 The {Clerk.} Mr. Barrow votes no.
1526 Ms. Matsui.
1527 Ms. {Matsui.} Aye.

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1528 The {Clerk.} Ms. Matsui votes no.
1529 Ms. Christensen.
1530 [No response.]
1531 The {Clerk.} Ms. Castor.
1532 Ms. {Castor.} Aye.
1533 The {Clerk.} Ms. Castor votes aye.
1534 Mr. Sarbanes.
1535 Mr. {Sarbanes.} Aye.
1536 The {Clerk.} Mr. Sarbanes votes aye.
1537 Mr. McNerney.
1538 Mr. {McNerney.} Aye.
1539 The {Clerk.} Mr. McNerney votes aye.
1540 Mr. Braley.
1541 Mr. {Braley.} Aye.
1542 The {Clerk.} Mr. Braley votes aye.
1543 Mr. Welch.
1544 Mr. {Welch.} Aye.
1545 The {Clerk.} Mr. Welch votes aye.
1546 Mr. Lujan.
1547 Mr. {Lujan.} Aye.
1548 The {Clerk.} Mr. Lujan votes aye.
1549 Mr. Tonko.
1550 Mr. {Tonko.} Aye.

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1551 The {Clerk.} Mr. Tonko votes aye.

1552 Mr. Yarmuth.

1553 Mr. {Yarmuth.} Aye.

1554 The {Clerk.} Mr. Yarmuth votes aye.

1555 Chairman Upton.

1556 The {Chairman.} Votes no.

1557 The {Clerk.} Chairman Upton votes no.

1558 The {Chairman.} Member wishing to cast a vote? Seeing
1559 none, the clerk will report the tally.

1560 The {Clerk.} Mr. Chairman on that vote, there were 16
1561 ayes and 30 nays.

1562 The {Chairman.} Sixteen ayes, 30 nays. The amendment
1563 is not agreed to. Are there further amendments to the bill?
1564 The Chair would recognize the gentleman from the great Stat
1565 of Michigan.

1566 Mr. {Dingell.} And we are from the great state, and I
1567 thank you for your courtesy, Mr. Chairman. At the hearing on
1568 this bill last year, I agreed with the sponsor that we should
1569 provide clarity on EPA's authority to regulate greenhouse
1570 gases. However as we have seen often in the last three
1571 years, the legislation before us does nothing to address the
1572 underlying problem and instead simply blocks EPA from taking
1573 action without providing any alternative solution.

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1574 Like most members on this committee, I think the Supreme
1575 Court came up with a very much erroneous decision on whether
1576 the Clean Air Act covers greenhouse gases. Like many of the
1577 members of this committee, I was present when we wrote that
1578 legislation, and we thought it was clear enough that it did
1579 not, and we didn't clarify it, thinking that even the Supreme
1580 Court was not stupid enough to make that finding.

1581 In any event, my first problem with this legislation is
1582 it creates a peculiar and entirely new process for
1583 regulations under the Clean Air Act, more complications, more
1584 difficulties. The bill would take a long-established and
1585 reasonably effective regulatory process and turn it upside to
1586 the great detriment to all those in industry who are seeking
1587 certainty. And this is going to screw up almost every
1588 industry.

1589 The bill would, as a practical matter, eliminate the
1590 delegation of rule-making authority to EPA and set the
1591 Congress up as a regulatory agency, something which we tried
1592 to do, or rather to avoid doing, when we wrote the Clean Air
1593 Act. Traditionally the Congress and this committee has given
1594 the EPA the authority to develop regulations to address
1595 particular issues.

1596 I am concerned that we may be setting a disturbing

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1597 precedent that allows regulations to be set without extensive
1598 public comments or technical data from industry and the
1599 stakeholders. Traditionally the Congress has delegated the
1600 responsibility to regulate to agencies like EPA. We are
1601 denigrating that traditional.

1602 Secondly as we have seen time and time again from this
1603 committee, the bill attempts to address an issue without
1604 dealing with the underlying law or the underlying problems.
1605 What is needed here now is a careful consideration of the
1606 Clean Air Act and a proper addressing of the matter.

1607 The bill does not amend the Clean Air Act to address the
1608 issue. Now, if we want to truly legislate this issue in
1609 passing something that could be signed by the President, I
1610 think everyone would agree we ought to have more hearings.
1611 We ought to incorporate viewpoints from industry as well as
1612 the environmentalists. I don't see anything here that is an
1613 attempt to compromise or to achieve an honest solution to a
1614 very real problem.

1615 Once again we have a bill before us that will pass with
1616 virtually no bipartisan support. It is not going to pass the
1617 Senate, and it will not be signed by the President. In a
1618 word, we are wasting the time of this committee and all the
1619 members. I understand this is an election year, but I do

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1620 believe that we should instead be working to find workable
1621 solutions that could make meaningful, beneficial change, not
1622 just more partisan talking points. We have enough of those
1623 to last this country for a thousand years.

1624 All too often I find the radical approaches proposed in
1625 the Congress and in this committee over the past few years
1626 will do nothing except create more confusion and more
1627 problems. This bill, I think, is one of those proposals.
1628 Happily we will be saved by the Senate and the President. I
1629 yield back the balance of my time.

1630 The {Chairman.} Gentleman yields back. Are there
1631 further amendments to the bill? Seeing none--I am sorry.
1632 Gentl lady from Illinois. Gentl lady has an amendment at the
1633 desk. The clerk will report the title.

1634 The {Clerk.} Amendment to H.R. 3826 offered by Ms.
1635 Schakowsky.

1636 [The amendment of Ms. Schakowsky follows:]

1637 ***** INSERT 7 *****

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|
1638 The {Chairman.} The amendment will be considered as
1639 read by unanimous consent, and the gentlelady is recognized
1640 for 5 minutes in support of her amendment.

1641 Ms. {Schakowsky.} Thank you, Mr. Chairman. Three years
1642 ago this committee reported on a bill to block EPA action on
1643 climate change, the Upton-Inhofe bill. On the House floor,
1644 Ranking Member Waxman offered an amendment to that bill
1645 stating that Congress accepts EPA's finding that climate
1646 change is occurring, is caused largely by human activities,
1647 and poses significant risk for public health and welfare.
1648 237 House Republicans voted against that simple statement of
1649 scientific fact. Only one voted for here, and here we are
1650 again, 3 years later considering yet another Republican bill
1651 to weaken the Clean Air Act and block EPA from cutting carbon
1652 pollution and addressing climate change.

1653 The Republicans have remained obstinate in their refusal
1654 to take action on climate, but year after year, the science
1655 behind climate change has become even more certain. In
1656 October, the Intergovernmental Panel on Climate Change, or
1657 IPCC, with urgent warnings. IPCC concluded that warming of
1658 the climate system is ``unequivocal'' and that the observed
1659 changes since the 1950s are ``unprecedented over decades to

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1660 millennia.''

1661 Moreover, the evidence showing that humans are the
1662 primarily driver of this warming has grown since the last
1663 IPCC report in 2007. The world's leading scientists now
1664 state that with 95 percent confidence that ``human influence
1665 has been the dominant cause of the observed warming since the
1666 mid 20th century.''

1667 This is the same level of confidence
1667 that scientists have that smoking causes cancer.

1668 In November, the United Nations Environmental Program
1669 concluded that unless the world significantly reduces carbon
1670 pollution by 1920, we will have to rely on more difficult,
1671 costlier, and riskier means of keeping the global average
1672 temperature from rising to levels beyond which the impacts of
1673 climate change could be irreversible and catastrophic. The
1674 longer we wait, the more costly it will be to change course.

1675 But climate change is recognized as a major challenge
1676 beyond the scientific community. Companies such as Coca-Cola
1677 and Exxon Mobile have recognized the threat of climate change
1678 and taken steps to account for it in their business plans.
1679 The world's leading executives and economic thinkers who
1680 gathered for the World Economic Forum in Davos, Switzerland
1681 last week made climate change an essential theme of their
1682 meetings. It is reckless and irresponsible for this

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1683 committee to continue to ignore the warnings of the world's
1684 best climate scientists and our business leaders.

1685 My amendment is simple and lays out the scientific
1686 consensus that should be the foundation for any serious
1687 legislation to address carbon pollution. My amendment says
1688 that Congress accepts the finding that ``greenhouse gas
1689 pollution threatens the American public's health and welfare
1690 by contributing to long-lasting changes in our climate that
1691 can have a range of negative effects on human health and the
1692 environment.''

1693 The potential impacts from climate change are well
1694 documented. We could see longer, more intense, and more
1695 frequent heat waves. And yes, even cold waves. I know some
1696 people have been scoffing, the idea that there is warming,
1697 but it also leads to unusual climate changes like the kind of
1698 cold I am experiencing in Chicago, more intense precipitation
1699 events and storm surges, more prolonged drought in the West
1700 and Southwest, more fires and insect pest outbreaks in the
1701 American forest, and more smog which has been linked to
1702 asthma and premature death.

1703 I ask my colleagues to acknowledge the science of
1704 climate change by supporting my amendment. Denying the
1705 science won't make the damaging impacts of climate change any

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1706 less real or any less costly, and I yield back.

1707 The {Chairman.} Gentl lady yields back. Other members
1708 wishing to speak? Gentleman from Kentucky, Mr. Whitfield.

1709 Mr. {Whitfield.} Mr. Chairman, I arise in opposition to
1710 the gentl lady's amendment. I would just say that after the
1711 Massachusetts EPA case, EPA did their endangerment finding.
1712 They did their tailoring rule, and that is a fact. And they
1713 are moving forward now to regulate greenhouse gas emissions.

1714 I might add that there is a case in the Supreme Court
1715 now because the Massachusetts EPA was based on a mobile
1716 emission. They are now moving into stationary emissions, and
1717 there is a case before the Supreme Court on that issue right
1718 now. But all our legislation does, we are not debating the
1719 endangerment finding or the tailoring rule. All our
1720 legislation does is try to maintain a reasonable regulatory
1721 path to ensure that coal-fired plants can be built in the
1722 future if the decision is made to do so.

1723 And for that reason, I would respectfully oppose the
1724 gentl lady's amendment, and I yield the balance of my time to
1725 the gentleman from Illinois.

1726 Mr. {Shimkus.} And I appreciate my colleague, and I am
1727 sorry for filibustering this debate. But it is very
1728 important in rural America and the coal mines and our power

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1729 plants throughout this country.

1730 But for my colleagues to continue to claim there is a
1731 scientific consensus, they haven't been reading current
1732 writing. In fact, I have been reading a lot from William
1733 Happer who is a Princeton University professor emeritus,
1734 Richard Lindzen, Massachusetts Institute of Technology from
1735 Cambridge, Roger Cohen who is a fellow American Physical
1736 Society, and I am not going to take the time. I would just
1737 encourage my colleagues to do due diligence.

1738 And there is a lot of reasons why many in the scientific
1739 community wants us to move in this direction, and it is
1740 called taxpayers' dollars for research and money. And so I
1741 can't leave a charge left unanswered. I would encourage my
1742 colleague to do their own due diligence on the scientific
1743 community. I think they will find a differing point of view,
1744 and I yield back my time.

1745 The {Chairman.} Gentleman yields back. The Chair would
1746 recognize the gentlelady from Florida.

1747 Ms. {Castor.} Thank you, Mr. Chairman. I strongly
1748 support the Schakowsky amendment. This amendment simply
1749 accepts scientific findings that climate change is real and
1750 harmful, and surely we can all agree on these basic facts. I
1751 just heard my Republican colleague from Illinois State do

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1752 your due diligence and look at the science. And when you do
1753 that, it is clear that the overwhelming consensus of the
1754 scientific community is that climate change is happening, and
1755 it is a threat. And we are not doing our jobs here in
1756 Congress unless we act to protect the citizens of America and
1757 be a leader in the world.

1758 My constituents and the citizens of Florida understand
1759 these facts all too well. They are already paying for the
1760 impacts of the changing climate, having to replace
1761 infrastructure in coastal communities, having to pay out of
1762 property taxes for mitigation and other preparedness efforts.
1763 The rising sea level is an economic and environmental threat
1764 in my community, and we fear that with rising tides and
1765 rising sea levels that hurricane destruction will become more
1766 intense and put infrastructure and lives at risk.

1767 And it is not just the citizens of Florida. It is the
1768 citizens all across this great country. Every time we have
1769 an extreme weather disaster, we are called upon to fund,
1770 whether it is emergency management, small businesses getting
1771 back on their feet, people who need a helping hand, it is all
1772 of us who have to respond. It would be better if we could be
1773 proactive and not reactive. It is going to cost us more down
1774 the road if we do not address the changing climate in a

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1775 substantial scientifically-based way.

1776 So whether it is NASA or it is the American Association
1777 for the Advancement of Science, the American Chemical
1778 Society, the American Geophysical Union, the American Medical
1779 Association, the American Meteorological Society, American
1780 Physical Society, report after report has substantiated what
1781 is happening.

1782 In fact, just last week another report from Brown
1783 University, the Smithsonian, and the National Academy of
1784 Sciences said that the changes are happening faster than
1785 expected. We know that sea levels are rising, and we will
1786 have greater storm surges and the damage will be more severe.

1787 Another scientific journal just last week, The
1788 Geophysical Research Society, issued a report that the
1789 mangroves along the east coast of Florida are now trending
1790 farther north. What this demonstrates is that the climate is
1791 changing. They looked at satellite maps over the past
1792 decades, and it clear that mangroves need a warmer climate to
1793 survive. They are now moving from Cocoa Beach up toward St.
1794 Augustine and farther north because the scientists because
1795 the scientists said they have not had a hard freeze since
1796 1989.

1797 These impacts are going to be very dangerous and costly.

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1798 Republicans can deny the science, but it won't change the
1799 facts, and it won't help the American people. So I urge my
1800 colleagues not to bury your heads in the sand. The only way
1801 to address this problem is to accept that it is real, get
1802 down to work to reduce carbon pollution, and help our
1803 communities prepare for the changes before it is too late.

1804 So I encourage all of the members of this committee to
1805 take the first step. Let us accept the science and recognize
1806 the threat of climate change by supporting the Schakowsky
1807 amendment. It is the very least we can do. Thank you, and I
1808 yield back.

1809 The {Chairman.} Gentlelady yields back. Are there
1810 other members wishing to speak on the amendment? Gentleman
1811 from Pennsylvania, Mr. Doyle.

1812 Mr. {Doyle.} Thank you, Mr. Chairman. I would like to
1813 yield my time to Ms. Schakowsky.

1814 Ms. {Schakowsky.} Thank you for yielding. You know,
1815 time and again House Republicans have claimed and complained
1816 that the science behind climate change is uncertain. These
1817 claims are wrong. They are irresponsible, and they are
1818 dangerous. For decades, the world scientists have presented
1819 policy makers with evidence that climate change is happening
1820 and that human activities are responsible. Scientists'

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1821 warning have only grown stronger with time.

1822 Now, you may find one or two, but recently based on
1823 almost 10,000 peer-reviewed studies, the Intergovernmental
1824 Panel on Climate Change concluded that it is extremely likely
1825 that most of the observed increase in the global average
1826 temperatures, which are certainly undeniable, since the mid
1827 20th century is due to the rise in manmade greenhouse gas
1828 emissions. Our own top scientists have reached the same
1829 conclusion. The president of the National Academy of
1830 Sciences has explained that scientists are now as certain
1831 about human caused climate change as they are that smoking
1832 cigarettes can cause cancer.

1833 We are already experiencing climate change. Last week
1834 NOAA reported that 2013 was the four hottest year on record.
1835 All 10 of the hottest years have occurred since 1998. Sea
1836 level is rising, causing coastal flooding and exposing
1837 communities to increasing damages from more powerful storms.
1838 In the last few years, we have seen some of the strongest
1839 storms ever recorded in our country and in others.

1840 We have experienced unprecedented droughts and fires as
1841 well as devastating floods. Some climate changes are likely
1842 already irreversible. And while it is not too late to
1843 prevent others, scientists warn that we must act soon to do

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1844 so. Our window for action is rapidly closing.

1845 With all of the evidence, it is simply wrong to claim
1846 that climate change is uncertain. And with all that is at
1847 stake, climate change denial is not simply irresponsible, it
1848 is dangerous. The American people understand that climate
1849 change is occurring, and they want Congress to address it.
1850 House Republicans refuse to do so. They continue to deny
1851 that there is a problem. They won't even hold hearings to
1852 consider the scientific evidence. House Republicans are
1853 playing a dangerous game. They are more interested in
1854 protecting polluters than they are in protecting the American
1855 people.

1856 We have a chance at least to state our view that climate
1857 is real in my amendment to this bill, and I urge an aye vote.
1858 And I yield back.

1859 The {Chairman.} All right, the gentlelady yields back.
1860 Are there other members wishing to speak on the amendment?
1861 We are trying to get--I know. Mr. Barton is recognized.

1862 Mr. {Barton.} I have been biting my tongue, biting my
1863 tongue, biting my tongue. But I am going to have to say a
1864 few things. You know, I am not a registered professional
1865 engineer at this moment. I haven't kept up my registration,
1866 but I was at one time. And I made A's in engineering way

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1867 back when in the dark ages of the '60s and the '70s. And,
1868 you know, to keep hearing this regurgitation that the science
1869 is conclusive, that is just not true.

1870 You know, $A^2 + B^2 = C^2$. E
1871 equals MC^2 . I mean there are scientific equations
1872 that are true and have been proved over and over again. But
1873 to stipulate that manmade CO₂ is the cause of--it used to be
1874 increased temperature, but now it is just change so they can
1875 have it both ways. That may be somebody's hypothesis. It
1876 may be somebody's religious wish, but it is not an absolute
1877 scientific fact. Unless the EPA models have changed in the
1878 last two years. Now, they may have, but the last time I
1879 tried to get the EPA to really prove the scientific basis,
1880 one, they wouldn't release their data sets. And two, the
1881 models at that time could not predict the past within 50
1882 percent accuracy, could not predict the past.

1883 Now, all the models have to simulate world weather
1884 patterns, and they do these things call grid matrixes. And
1885 in every grid matrix, the dominating factor is the amount of
1886 not CO₂, but H₂O in the form of water vapor, which we
1887 commonly call clouds. There is no model, unless it has been
1888 developed in the last year, that can simulate how a cloud
1889 interacts with sunlight coming through the atmosphere and how

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1890 it impacts temperature below the cloud. They make an
1891 estimation, and they input it into the model. It is a factor
1892 that they determine themselves.

1893 In other words, if you want to show the temperature
1894 going up, you put something in for clouds and make sure the
1895 temperature goes up. It is not an independent variable. It
1896 is a determinant driving variable that determines the outcome
1897 of the model. Now even the folks that have a religious
1898 conviction in the scientific community that this is something
1899 that is a scientific fact, they cannot get the scientific
1900 community to say categorically it is a fact.

1901 The gentlelady from Illinois read correctly the latest
1902 IPCC observation which is--I think she said something like
1903 extremely possible or something like that, likely. Okay,
1904 maybe it is likely. We know the climate is changing. Much
1905 of the energy that we use today from natural gas and oil was
1906 deposited in the form of sedimentation millions and millions
1907 of years ago when the average CO2 level was over 3,000 parts
1908 per million. We are now a little below 400.

1909 About in the 1500s and 1600s, the CO2 levels, we think,
1910 because of what we have looked at in the ice box and the pine
1911 tree rings and things like that, was about 350 parts per
1912 million. And it was called the Little Ice Age.

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1913 So, you know, I understand a lot of people really,
1914 really, really want to believe that manmade CO2 is some
1915 demon, but manmade CO2 is a greenhouse gas. Greenhouses
1916 gases do affect the climate and do affect temperature. But
1917 to make the determination that the amount of manmade CO2 in
1918 the atmosphere, which has gone, the amount of CO2 in the
1919 atmosphere, which the amount of CO2 in the atmosphere has
1920 gone up about 50 parts per million in the last 50 years, I
1921 think, is making all the cataclysmic changes, that is not a
1922 scientific fact. And with that, Mr. Chairman, I yield back.

1923 Mr. {Hall.} Mr. Chairman, will you yield for a
1924 question?

1925 Mr. {Barton.} I will yield if it is a nice question.

1926 Mr. {Hall.} It is likely that Al Gore got rich making
1927 speeches about this, and it is likely that the American
1928 people have paid \$34 billion to \$40 billion for nothing.

1929 Mr. {Barton.} That is not a question. That is a
1930 comment, not a question. With that, I yield back, Mr.
1931 Chairman.

1932 The {Chairman.} The gentleman's time has expired. The
1933 gentleman from Maryland is recognized.

1934 Mr. {Sarbanes.} I will be brief, Mr. Chairman. I
1935 support the Schakowsky amendment because I think it makes

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1936 common sense to acknowledge the scientific evidence that is
1937 out there, and the evidence is everywhere. It is not just
1938 coming from the scientific community. It is what the people
1939 can see with their own eyes, the increase in violent weather
1940 that Americans are experiencing and the cost and the burden
1941 of that that is being felt in communities across the country.

1942 I am convinced. I believe that the evidence is
1943 conclusive that there is climate change and that we are
1944 contributing to that climate change, but even if you were
1945 somebody who wasn't absolutely convinced conclusively that
1946 this was the case, prudence would dictate, based on what we
1947 are seeing on the information we have, that we take some
1948 action when it comes to public policy.

1949 The evidence is available to see in many places. Two
1950 weeks ago, the bicameral task force on climate change heard
1951 from Alaskan natives from a village of Shishmaref off the
1952 coast of Alaska. Now, this is anecdotal evidence, but it is
1953 also backed up by scientific research. The island they live
1954 on has been held together by permafrost and protected by sea
1955 ice for centuries, but that is melting. And as a result,
1956 their island is being washed away through rapid erosion.

1957 The villagers reported that they can lose 20 feet of
1958 land in one hour during a storm. Houses are left hanging

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1959 over cliffs above the ocean. Roads and infrastructure
1960 disappear, and the entire community has decided it has no
1961 choice but to relocate. And there are dozens of villages
1962 that are experiencing the same imminent threat and may be
1963 forced to abandon their homes.

1964 In my State of Maryland, we are beginning to see erosion
1965 along the Chesapeake Bay, which is attributable to the change
1966 in the climate and the weather events that we are having.
1967 When the effects of carbon pollution are forcing whole
1968 communities to relocate, as I just reported is happening in
1969 Alaska, there should be no question that climate change is
1970 happening and endangers the welfare of Americans.

1971 For some reason, some members of this committee continue
1972 to deny that--actually I take it back. Representative Barton
1973 just said acknowledged that climate change is happening,
1974 which is an important step. He just doesn't want to concede
1975 that the activities of humans are contributing to that, which
1976 is what the scientific evidence points to. And this denial
1977 of the science is occurring on the part of members who
1978 represent areas that have been very hard hit by extreme
1979 drought or unprecedented floods or massive wildfires, et
1980 cetera. And these members continue to vote in spite of that
1981 as if nothing unusual is happening.

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1982 So we are going to have these disagreements over policy.
1983 That is fine. But there shouldn't be a disagreement about
1984 the basic facts and the science. That is fundamentally, as
1985 Ms. Schakowsky said a moment ago, it is irresponsible when it
1986 comes to representing our constituents. And it is dangerous.

1987 The Schakowsky amendment does not affect the substantive
1988 provisions of this bill. A vote against the amendment is
1989 really a vote to deny the science. If you believe that
1990 climate change is a problem, you should vote for the
1991 amendment and support it. Only those who believe climate
1992 change is a global hoax and will have no negative effect
1993 should oppose this amendment. So I encourage my colleagues
1994 to support it and to acknowledge the science. And I yield
1995 back.

1996 The {Chairman.} The gentleman yields back. The Chair
1997 would just like to say we are trying to navigate this to try
1998 to finish not too much longer, maybe 15, 20 minutes more if
1999 we can. So if there are no other members wishing to speak on
2000 this amendment, the vote will occur on the amendment.

2001 Those in favor of the amendment offered by the
2002 gentlelady from Illinois will say aye.

2003 Those opposed will say no.

2004 In the opinion of the chair, the nos have it.

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2005 Ms. {Schakowsky.} I would like a roll call vote.

2006 The {Chairman.} A roll call is requested. The clerk

2007 will call the roll.

2008 The {Clerk.} Mr. Hall.

2009 Mr. {Hall.} No.

2010 The {Clerk.} Mr. Hall votes no.

2011 Mr. Barton.

2012 Mr. {Barton.} No.

2013 The {Clerk.} Mr. Barton votes no.

2014 Mr. Whitfield.

2015 Mr. {Whitfield.} No.

2016 The {Clerk.} Mr. Whitfield votes no.

2017 Mr. Shimkus.

2018 [No response.]

2019 The {Clerk.} Mr. Pitts.

2020 Mr. {Pitts.} No.

2021 The {Clerk.} Mr. Pitts votes no.

2022 Mr. Walden.

2023 [No response.]

2024 The {Clerk.} Mr. Terry.

2025 Mr. {Terry.} No.

2026 The {Clerk.} Mr. Terry votes no.

2027 Mr. Rogers.

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2028 [No response.]

2029 The {Clerk.} Mr. Murphy.

2030 Mr. {Murphy.} No.

2031 The {Clerk.} Mr. Murphy votes no.

2032 Mr. Burgess.

2033 Dr. {Burgess.} No.

2034 The {Clerk.} Mr. Burgess votes no.

2035 Ms. Blackburn.

2036 Mrs. {Blackburn.} No.

2037 The {Clerk.} Ms. Blackburn votes no.

2038 Mr. Gingrey.

2039 [No response.]

2040 The {Clerk.} Mr. Scalise.

2041 [No response.]

2042 The {Clerk.} Mr. Latta.

2043 Mr. {Latta.} No.

2044 The {Clerk.} Mr. Latta votes no.

2045 Ms. McMorris Rodgers.

2046 [No response.]

2047 The {Clerk.} Mr. Harper.

2048 Mr. {Harper.} No.

2049 The {Clerk.} Mr. Harper votes no.

2050 Mr. Lance.

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2051 Mr. {Lance.} No.

2052 The {Clerk.} Mr. Lance votes no.

2053 Mr. Cassidy.

2054 [No response.]

2055 The {Clerk.} Mr. Guthrie.

2056 Mr. {Guthrie.} No.

2057 The {Clerk.} Mr. Guthrie votes no.

2058 Mr. Olson.

2059 Mr. {Olson.} No.

2060 The {Clerk.} Mr. Olson votes no.

2061 Mr. McKinley.

2062 Mr. {McKinley.} No.

2063 The {Clerk.} Mr. McKinley votes no.

2064 Mr. Gardner.

2065 Mr. {Gardner.} No.

2066 The {Clerk.} Mr. Gardner votes no.

2067 Mr. Pompeo.

2068 [No response.]

2069 The {Clerk.} Mr. Kinzinger.

2070 Mr. {Kinzinger.} No.

2071 The {Clerk.} Mr. Kinzinger votes no.

2072 Mr. Griffith.

2073 Mr. {Griffith.} No.

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2074 The {Clerk.} Mr. Griffith votes no.
2075 Mr. Bilirakis.
2076 Mr. {Bilirakis.} No.
2077 The {Clerk.} Mr. Bilirakis votes no.
2078 Mr. Johnson.
2079 Mr. {Johnson.} No.
2080 The {Clerk.} Mr. Johnson votes no.
2081 Mr. Long.
2082 Mr. {Long.} No.
2083 The {Clerk.} Mr. Long votes no.
2084 Ms. Ellmers.
2085 [No response.]
2086 The {Clerk.} Mr. Waxman.
2087 [No response.]
2088 The {Clerk.} Mr. Dingell.
2089 Mr. {Dingell.} Aye.
2090 The {Clerk.} Mr. Dingell votes aye.
2091 Mr. Pallone.
2092 Mr. {Pallone.} Aye.
2093 The {Clerk.} Mr. Pallone votes aye.
2094 Mr. Rush.
2095 [No response.]
2096 The {Clerk.} Ms. Eshoo.

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2097 [No response.]

2098 The {Clerk.} Mr. Engel.

2099 [No response.]

2100 The {Clerk.} Mr. Green.

2101 Mr. {Green.} Aye.

2102 The {Clerk.} Mr. Green votes aye.

2103 Ms. DeGette.

2104 Ms. {DeGette.} Aye.

2105 The {Clerk.} Ms. DeGette votes aye.

2106 Ms. Capps.

2107 Mrs. {Capps.} Aye.

2108 The {Clerk.} Ms. Capps votes aye.

2109 Mr. Doyle.

2110 Mr. {Doyle.} Aye.

2111 The {Clerk.} Mr. Doyle votes aye.

2112 Ms. Schakowsky.

2113 Ms. {Schakowsky.} Aye.

2114 The {Clerk.} Ms. Schakowsky votes aye.

2115 Mr. Matheson.

2116 Mr. {Matheson.} Aye.

2117 The {Clerk.} Mr. Matheson votes aye.

2118 Mr. Butterfield.

2119 Mr. {Butterfield.} Aye.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2120 The {Clerk.} Mr. Butterfield votes aye.
2121 Mr. Barrow.
2122 Mr. {Barrow.} Aye.
2123 The {Clerk.} Mr. Barrow votes aye.
2124 Ms. Matsui.
2125 Ms. {Matsui.} Aye.
2126 The {Clerk.} Ms. Matsui votes aye.
2127 Ms. Christensen.
2128 [No response.]
2129 The {Clerk.} Ms. Castor.
2130 Ms. {Castor.} Aye.
2131 The {Clerk.} Ms. Castor votes aye.
2132 Mr. Sarbanes.
2133 Mr. {Sarbanes.} Aye.
2134 The {Clerk.} Mr. Sarbanes votes aye.
2135 Mr. McNerney.
2136 Mr. {McNerney.} Aye.
2137 The {Clerk.} Mr. McNerney votes aye.
2138 Mr. Braley.
2139 Mr. {Braley.} Aye.
2140 The {Clerk.} Mr. Braley votes aye.
2141 Mr. Welch.
2142 Mr. {Welch.} Aye.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2143 The {Clerk.} Mr. Welch votes aye.
2144 Mr. Lujan.
2145 Mr. {Lujan.} Aye.
2146 The {Clerk.} Mr. Lujan votes aye.
2147 Mr. Tonko.
2148 Mr. {Tonko.} Aye.
2149 The {Clerk.} Mr. Tonko votes aye.
2150 Mr. Yarmuth.
2151 Mr. {Yarmuth.} Aye.
2152 The {Clerk.} Mr. Yarmuth votes aye.
2153 Chairman Upton.
2154 The {Chairman.} Votes no.
2155 The {Clerk.} Chairman Upton votes no.
2156 The {Chairman.} Members wishing to vote, Mr. Pompeo.
2157 Mr. {Pompeo.} No.
2158 The {Clerk.} Mr. Pompeo votes no.
2159 The {Chairman.} Mr. Walden.
2160 Mr. {Walden.} No.
2161 The {Clerk.} Mr. Walden votes no.
2162 The {Chairman.} Other members wishing to cast a vote?
2163 Seeing none--Mr. Scalise.
2164 Mr. {Scalise.} No.
2165 The {Clerk.} Mr. Scalise votes no.

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2166 The {Chairman.} Other members wishing to cast a vote?
2167 Seeing none, the clerk will report the tally. How is Mr.
2168 Waxman recorded?
2169 Mr. {Waxman.} Aye.
2170 The {Clerk.} Mr. Waxman votes aye.
2171 The {Chairman.} Waxman votes aye.
2172 The {Clerk.} Mr. Chairman, on that vote, there were 20
2173 ayes and 24 nays.
2174 The {Chairman.} Twenty ayes and 24 nays. The amendment
2175 is not agreed to. Are there further amendments to the bill?
2176 Gentlelady from California, Ms. Capps. The clerk will report
2177 the title of the amendment.
2178 The {Clerk.} Which number is your amendment, ma'am?
2179 The {Chairman.} Number four.
2180 The {Clerk.} Amendment to H.R. 3826 offered by Ms.
2181 Capps.
2182 [The amendment of Mrs. Capps follows:]

2183 ***** INSERT 8 *****

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|
2184 The {Chairman.} The amendment will be considered as
2185 read, and the amendment will be distributed. And the
2186 gentlelady is recognized for 5 minutes in support of her
2187 amendment.

2188 Mrs. {Capps.} Thank you, Mr. Chairman. The Whitfield
2189 bill is about denial. It is about denial of climate change.
2190 It is about denial of the existence of technologies that
2191 could help solve the climate problem. My amendment is
2192 intended to correct just one of the bill's many problems, a
2193 bizarre provision that would require the EPA to ignore
2194 pollution control technologies being used abroad when it sets
2195 new power plant standards for the United States.

2196 Under the Clean Air Act, EPA must determine the best
2197 system of emission reductions for new coal-fired power
2198 plants, and it must set standards based on its best
2199 technology. But under the bill, EPA would be blocked from
2200 considering pollution control used outside the United States
2201 even if such systems are readily available and proven abroad.
2202 The law would require EPA to pretend that such technologies
2203 simply don't exist.

2204 For example, the most efficient steam boilers used to
2205 generate electricity in conventional coal-powered plants are

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2206 ultra super critical boilers. These ultra super critical
2207 coal plants use less coal to generate electricity which helps
2208 reduce carbon pollution among other benefits.

2209 Today there are ultra super critical coal plants in
2210 countries around the world. China is the world leader having
2211 installed more than 100 of these super critical units. But
2212 in the United States, there is only one ultra super critical
2213 coal plant. Under the Whitfield bill, the ultra super
2214 critical plants in other countries wouldn't count, and one
2215 plant in the U.S. would be insufficient for EPA to require
2216 utilities to install even this more efficient boiler
2217 technology at new conventional coal-fired plants.

2218 As the rest of the world moves forward, the Whitfield
2219 bill would just keep America power plants and pollution
2220 controls stuck in the past. EPA has proposed to set
2221 standards for new coal-fired power plants that would achieve
2222 greater carbon pollution reductions through the use of carbon
2223 capture and sequestration or CCS.

2224 If the world is to avoid the most dangerous impacts of
2225 climate change and if coal is to help us get there, then CCS
2226 is exactly the kind of technology that we need. And yet,
2227 just as the Whitfield bill would block EPA from requiring
2228 ultra super critical boilers, the bill would also block EPA's

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2229 proposed CCS standards and create hurdles to ensure that the
2230 EPA can never establish carbon pollution standards for coal-
2231 fired power plants in this country.

2232 EPA and others provided evidence to the Energy and Power
2233 Subcommittee that CCS is both feasible and available and that
2234 coal-fired power plants with CCS are moving forward. Some of
2235 these projects are in the U.S., and some of them are being
2236 pursued abroad. One important CCS project is a coal-fired
2237 plant in Canada which is scheduled to come online this year.
2238 Surely the bill's proponents can agree with me that
2239 technology is being installed and used in other countries
2240 including our neighbor to the north.

2241 These should provide evidence that such technologies
2242 exist and could be used here too. My amendment would simply
2243 remove the Whitfield bill's ban on EPA considering pollution
2244 control technologies used in other countries when setting
2245 pollution control standards.

2246 This amendment won't make this a sensible or reasonable
2247 bill, and it won't make the bill something I could support.
2248 But at least this amendment would avoid having the U.S.
2249 Congress require a science-based agency to pretend that
2250 technology operating in other countries simply doesn't exist.
2251 So I ask my colleagues to at least support this simple and

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2252 sensible change. And I will yield back the balance of my
2253 time.

2254 The {Chairman.} Gentlelady yields back. Other members
2255 wishing to speak on the amendment? Seeing none, the vote--
2256 the gentleman from New York.

2257 Mr. {Tonko.} Thank you, Mr. Chair. I support the
2258 amendment by our colleague from California. The United
2259 States has been the world's leader in research and
2260 development of technology now for decades, but we didn't
2261 attain that position by ignoring the rest of the world. R&D
2262 is an inclusive, open process that looks for innovative ideas
2263 wherever they emerge.

2264 As written, this bill damages R&D in multiple ways. It
2265 ignores current technologies in use, denies the regulatory
2266 push needed to improve carbon pollution abatement
2267 technologies, and it discounts the demonstration and
2268 deployment experience of other nations. This amendment will
2269 not correct the many flaws of this legislation, but it would
2270 be an improvement to the current bill. And with that, I urge
2271 support of it, and I yield back.

2272 Mr. {Whitfield.} Mr. Chairman, may I make one comment?

2273 The {Chairman.} The gentleman from Kentucky.

2274 Mr. {Whitfield.} I rise in opposition to the amendment

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2275 simply because the amendment is not necessary because the EPA
2276 already is looking at technology in Canada as I stated
2277 before. They set these emission standards based on four
2278 plants, none of which are in operation. One of them is in
2279 Canada. It is \$115 million over budget, and once again none
2280 of them is technology that has been adequately demonstrated.

2281 And so I--

2282 Mr. {Waxman.} Will the gentleman yield?

2283 Mr. {Whitfield.} Despite the lady's best intentions,
2284 EPA is already referring to a technology developed in Canada,
2285 so I don't think that this is necessary. And I would be
2286 happy to yield to the gentleman from California.

2287 Mr. {Waxman.} As I understand it, the bill prohibits
2288 looking at technology to be feasible if it were developed
2289 overseas, if it were developed outside the country. So this
2290 amendment would say if it is in Canada or any other country,
2291 you can use that to decide the question of whether the
2292 technology has been adequately demonstrated.

2293 And then there is another amendment. Maybe you could
2294 accept these amendments. The other amendment is that in
2295 doing this determination, there is--in the bill you can't
2296 look at any technology that has been developed by taxpayer
2297 money, and that doesn't make sense at all. So I would like

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2298 to suggest that what you are saying isn't what we read in the
2299 bill, and maybe if you accepted the amendment, it would read
2300 the way you intended it.

2301 Mr. {Whitfield.} Well, thank you very much for raising
2302 that issue, and, you know, I wouldn't mind accepting this
2303 amendment if--will you vote for the bill if we do?

2304 Mr. {Waxman.} I am just trying to improve your bill,
2305 but it is not improved enough. But it seems to me that if
2306 you really want to say no EPA action unless there is
2307 technology already demonstrated, why restrict that
2308 determination to only technology developed in the United
2309 States and ignore things developed elsewhere, or developed in
2310 the United States but not with taxpayers' dollars? Why those
2311 restrictions?

2312 Mr. {Whitfield.} Well, you know, if we report this bill
2313 out today, I would really be happy to sit down with you all
2314 and talk about an amendment on the floor if we get the floor.

2315 Mr. {Waxman.} Why not do it now?

2316 Mr. {Whitfield.} Well, you surprised me, and I need to
2317 think about it for a minute. Like I said, they are already
2318 using outside in Canada technology in setting their emission
2319 standard. But I would be happy to talk about it if we can
2320 get this bill to the floor and Ms. Capps, sit down with you

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2321 and Mr.--yeah, thank you.

2322 Mr. {Waxman.} If she wants to hold back. Otherwise, I
2323 think she has offered a good amendment.

2324 Mrs. {Capps.} Mr. Chairman, but I am happy to pursue
2325 conversation about it.

2326 The {Chairman.} Other members wishing to speak on the
2327 amendment? Seeing none, the vote occurs on the Capps
2328 amendment.

2329 Those in favor will say aye.

2330 Those opposed say no.

2331 In the opinion of the chair, the nos have it. Roll call
2332 is requested. The clerk will call the roll.

2333 The {Clerk.} Mr. Hall.

2334 Mr. {Hall.} No.

2335 The {Clerk.} Mr. Hall votes no.

2336 Mr. Barton.

2337 Mr. {Barton.} No.

2338 The {Clerk.} Mr. Barton votes no.

2339 Mr. Whitfield.

2340 Mr. {Whitfield.} No.

2341 The {Clerk.} Mr. Whitfield votes no.

2342 Mr. Shimkus.

2343 [No response.]

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2344 The {Clerk.} Mr. Pitts.
2345 Mr. {Pitts.} No.
2346 The {Clerk.} Mr. Pitts votes no.
2347 Mr. Walden.
2348 [No response.]
2349 The {Clerk.} Mr. Terry.
2350 Mr. {Terry.} No.
2351 The {Clerk.} Mr. Terry votes no.
2352 [No response.]
2353 The {Clerk.} Mr. Rogers.
2354 [No response.]
2355 The {Clerk.} Mr. Murphy.
2356 Mr. {Murphy.} No.
2357 The {Clerk.} Mr. Murphy votes no.
2358 Mr. Burgess.
2359 Dr. {Burgess.} No.
2360 The {Clerk.} Mr. Burgess votes no.
2361 Ms. Blackburn.
2362 [No response.]
2363 The {Clerk.} Mr. Gingrey.
2364 [No response.]
2365 The {Clerk.} Mr. Scalise.
2366 [No response].

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2367 The {Clerk.} Mr. Latta.
2368 Mr. {Latta.} No.
2369 The {Clerk.} Mr. Latta votes no.
2370 Ms. McMorris Rodgers.
2371 [No response.]
2372 The {Clerk.} Mr. Harper.
2373 Mr. {Harper.} No.
2374 The {Clerk.} Mr. Harper votes no.
2375 Mr. Lance.
2376 Mr. {Lance.} No.
2377 The {Clerk.} Mr. Lance votes no.
2378 Mr. Cassidy.
2379 [No response.]
2380 The {Clerk.} Mr. Guthrie.
2381 Mr. {Guthrie.} No.
2382 The {Clerk.} Mr. Guthrie votes no.
2383 Mr. Olson.
2384 Mr. {Olson.} No.
2385 The {Clerk.} Mr. Olson votes no.
2386 Mr. McKinley.
2387 Mr. {McKinley.} No.
2388 The {Clerk.} Mr. McKinley votes no.
2389 Mr. Gardner.

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2390 Mr. {Gardner.} No.

2391 The {Clerk.} Mr. Gardner votes no.

2392 Mr. Pompeo.

2393 Mr. {Pompeo.} No.

2394 The {Clerk.} Mr. Pompeo votes no.

2395 Mr. Kinzinger.

2396 Mr. {Kinzinger.} No.

2397 The {Clerk.} Mr. Kinzinger votes no.

2398 Mr. Griffith.

2399 Mr. {Griffith.} No.

2400 The {Clerk.} Mr. Griffith votes no.

2401 Mr. Bilirakis.

2402 [No response.]

2403 The {Clerk.} Mr. Johnson.

2404 Mr. {Johnson.} No.

2405 The {Clerk.} Mr. Johnson votes no.

2406 Mr. Long.

2407 Mr. {Long.} No.

2408 The {Clerk.} Mr. Long votes no.

2409 Ms. Ellmers.

2410 [No response.]

2411 The {Clerk.} Mr. Waxman.

2412 Mr. {Waxman.} Aye.

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2413 The {Clerk.} Mr. Waxman votes aye.
2414 Mr. Dingell.
2415 Mr. {Dingell.} Aye.
2416 The {Clerk.} Mr. Dingell votes aye.
2417 Mr. Pallone.
2418 Mr. {Pallone.} Aye.
2419 The {Clerk.} Mr. Pallone votes aye.
2420 Mr. Rush.
2421 [No response.]
2422 The {Clerk.} Ms. Eshoo.
2423 [No response.]
2424 The {Clerk.} Mr. Engel.
2425 [No response.]
2426 The {Clerk.} Mr. Green.
2427 Mr. {Green.} Aye.
2428 The {Clerk.} Mr. Green votes aye.
2429 Ms. DeGette.
2430 Ms. {DeGette.} Aye.
2431 The {Clerk.} Ms. DeGette votes aye.
2432 Ms. Capps.
2433 Mrs. {Capps.} Aye.
2434 The {Clerk.} Ms. Capps votes aye.
2435 Mr. Doyle.

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2436 Mr. {Doyle.} Aye.

2437 The {Clerk.} Mr. Doyle votes aye.

2438 Ms. Schakowsky.

2439 Ms. {Schakowsky.} Aye.

2440 The {Clerk.} Ms. Schakowsky votes aye.

2441 Mr. Matheson.

2442 Mr. {Matheson.} No.

2443 The {Clerk.} Mr. Matheson votes no.

2444 Mr. Butterfield.

2445 Mr. {Butterfield.} Aye.

2446 The {Clerk.} Mr. Butterfield votes aye.

2447 Mr. Barrow.

2448 Mr. {Barrow.} No.

2449 The {Clerk.} Mr. Barrow votes no.

2450 Ms. Matsui.

2451 Ms. {Matsui.} Aye.

2452 The {Clerk.} Ms. Matsui votes aye.

2453 Ms. Christensen.

2454 [No response.]

2455 The {Clerk.} Ms. Castor.

2456 Ms. {Castor.} Aye.

2457 The {Clerk.} Ms. Castor votes aye.

2458 Mr. Sarbanes.

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2459 Mr. {Sarbanes.} Aye.

2460 The {Clerk.} Mr. Sarbanes votes aye.

2461 Mr. McNerney.

2462 Mr. {McNerney.} Aye.

2463 The {Clerk.} Mr. McNerney votes aye.

2464 Mr. Braley.

2465 Mr. {Braley.} Aye.

2466 The {Clerk.} Mr. Braley votes aye.

2467 Mr. Welch.

2468 Mr. {Welch.} Aye.

2469 The {Clerk.} Mr. Welch votes aye.

2470 Mr. Lujan.

2471 Mr. {Lujan.} Aye.

2472 The {Clerk.} Mr. Lujan votes aye.

2473 Mr. Tonko.

2474 Mr. {Tonko.} Aye.

2475 The {Clerk.} Mr. Tonko votes aye.

2476 Mr. Yarmuth.

2477 Mr. {Yarmuth.} Aye.

2478 The {Clerk.} Mr. Yarmuth votes aye.

2479 Chairman Upton.

2480 The {Chairman.} Votes no.

2481 The {Clerk.} Chairman Upton votes no.

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2482 The {Chairman.} Other members wishing to cast a vote?
2483 Dr. Gingrey?
2484 The {Clerk.} Dr. Gingrey is not recorded.
2485 Dr. {Gingrey.} Votes no.
2486 The {Clerk.} Mr. Gingrey votes no.
2487 The {Chairman.} Ms. Blackburn?
2488 Mrs. {Blackburn.} No.
2489 The {Clerk.} Ms. Blackburn votes no.
2490 The {Chairman.} Mr. Scalise.
2491 Mr. {Scalise.} No.
2492 The {Clerk.} Mr. Scalise votes no.
2493 The {Chairman.} Mr. Walden.
2494 Mr. {Walden.} No.
2495 The {Clerk.} Mr. Walden votes no.
2496 The {Chairman.} Other members wishing to cast a vote?
2497 Seeing none, the clerk will report the tally.
2498 The {Clerk.} Mr. Chairman, on that vote, there were 18
2499 ayes and 26 nays.
2500 The {Chairman.} Eighteen ayes, 26 nays. The amendment
2501 is not agreed to. Are there further amendments to the bill?
2502 The gentleman from California.
2503 Mr. {McNerney.} Mr. Chairman, I have an amendment at
2504 the desk.

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2505 The {Chairman.} Clerk will report the title of the
2506 amendment.

2507 The {Clerk.} Amendment to H.R. 3826 offered by Mr.
2508 McNerney.

2509 [The amendment of Mr. McNerney follows:]

2510 ***** INSERT 9 *****

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|
2511 The {Chairman.} The amendment will be considered as
2512 read. The staff will distribute the amendment, and the
2513 gentleman is recognized for 5 minutes in support of his
2514 amendment.

2515 Mr. {McNerney.} Thank you, Mr. Chairman. A lot of our
2516 members are leaving to get their gloves and mittens, so I
2517 will try to be brief here. My amendment strikes the
2518 provisions of this bill that prohibit the EPA from
2519 considering results of taxpayer-funded demonstration projects
2520 when setting pollution control standards for new coal-fired
2521 power plants. In demonstration projects, the Department of
2522 Energy and other agencies partner with private companies to
2523 develop new pollution control technologies, and in these
2524 cases, taxpayer dollars are spent with the expressed purpose
2525 of improving air quality for the American people.

2526 H.R. 3826 would force the EPA to ignore the technologies
2527 developed during these demonstration projects when the agency
2528 set pollution control standards. When public investment
2529 leads to technologies that can reduce emissions and improve
2530 public health, Americans should be able to benefit from those
2531 technologies. That is the reason we invest in them.

2532 The bipartisan omnibus appropriations bill that Congress

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2533 just passed invests almost \$400 million of public money for
2534 carbon capture and sequestration technologies at coal-fired
2535 power plants including demonstration projects. We should not
2536 ignore the investments as H.R. 3826 would do.

2537 Many demonstration projects are full-scale commercial
2538 endeavors including a 582-megawatt coal-fired power plant in
2539 Mississippi. That plant will cut carbon dioxide pollution by
2540 using carbon capture and sequestration and will begin selling
2541 electricity on the grid later this year. The public should
2542 be able to benefit from federal investments rather than
2543 having them ignored.

2544 Now, in addition to that, I firmly believe that
2545 developing and implementing CCS technology will benefit,
2546 ultimately will benefit the coal industry. Climate change is
2547 progressing starting with history superstorm or two here, an
2548 unprecedented megadrought there or two as we are having in
2549 California now.

2550 This is just the beginning. As things get worse, the
2551 public will clamor for action. If CCS is not in place, coal-
2552 fired power plants will be forced to shut down. Instead of
2553 going down that path, let us develop and implement CCS now so
2554 the technology is in its place.

2555 If you want to protect the coal-related jobs, then you

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2556 should support CCS technology. Development of CCS technology
2557 will help the industry as our Nation continues to reduce
2558 carbon emissions. We need to follow these successes and
2559 allow innovation to continue from a science-based
2560 perspective. I hope my colleagues can support this
2561 amendment, which allows the EPA to continue considering clean
2562 coal technologies developed at publically-supported
2563 demonstration projects. Thank you, Mr. Chairman. I yield
2564 back.

2565 The {Chairman.} Gentleman yields back. Other members
2566 wishing to speak on the amendment? Mr. Whitfield.

2567 Mr. {Whitfield.} I would just rise respectfully to
2568 oppose the amendment. The fact is that EPA has already set
2569 the emission standard based on four projects, all of which
2570 received significant public funds. And without those public
2571 funds, none of these projects would have been built. The
2572 Kemper Plant is \$5 billion cost overruns already. The Summit
2573 Plant in Texas, on January 6, the utility that had contracted
2574 to purchase the project's power announced it was going to
2575 allow the purchase agreement to expire.

2576 The California plant is still being planned, still in
2577 the permitting process. It has not even dug a first shovel
2578 of dirt. The Canadian plant is \$115 million over budget, a

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2579 very small 110-megawatt plant, and they are setting the
2580 standards for new coal plants based on these projects, none
2581 of which are in operation. All of which have significant
2582 cost overruns. None of which would have been built without
2583 government funds.

2584 So the gentleman seems to be, with his amendment, trying
2585 to reverse the Energy Policy Act of 2005, which expressly
2586 prohibited EPA from using plants that are using federal
2587 dollars in demonstration projects to set emission standards
2588 under 1.11D.

2589 So I think the amendment really is too late, and while I
2590 have great respect for the gentleman from California, I would
2591 respectfully oppose the amendment.

2592 The {Chairman.} Gentleman yields back. Other members
2593 wishing to speak? The gentleman from New York.

2594 Mr. {Tonko.} Thank you, Mr. Chair. I support the
2595 amendment by our colleague, Mr. McNerney. This amendment
2596 also corrects language in this bill that discounts and denies
2597 the value of federal research and development. We have
2598 approved funding for these projects for years in the Energy
2599 and Water Appropriations Bill. If there is no value to them,
2600 why do they continue to receive support from many of the same
2601 people who support this legislation?

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2602 Federal R&D and demonstration projects do have value and
2603 should be considered. These projects are done in partnership
2604 with our private sector, and presumably so the technology
2605 will someday be used to our benefit. The amendment is pro
2606 R&D and recognizes this important path for technology
2607 improvement. And so I urge support for its adoption, and
2608 with that, I yield back.

2609 The {Chairman.} Yield back? Other members wishing to
2610 speak? Seeing none, the vote occurs on the amendment offered
2611 by Mr. McNerney.

2612 All those in favor say aye.

2613 Those opposed say no.

2614 In the opinion of the chair, the nos have it. The nos
2615 have it. The amendment is not agreed to.

2616 Are there further amendments to the bill? Seeing none,
2617 the question now occurs on favorably reporting H.R. 3826 to
2618 the House.

2619 All those in favor will say aye.

2620 All those opposed say no.

2621 The ayes have it. Roll call is requested. The clerk
2622 will call the roll.

2623 The {Clerk.} Mr. Hall.

2624 Mr. {Hall.} Aye.

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2625 The {Clerk.} Mr. Hall votes aye.
2626 Mr. Barton.
2627 Mr. {Barton.} Aye.
2628 The {Clerk.} Mr. Barton votes aye.
2629 Mr. Whitfield.
2630 Mr. {Whitfield.} Aye.
2631 The {Clerk.} Mr. Whitfield votes aye.
2632 Mr. Shimkus.
2633 [No response.]
2634 The {Clerk.} Mr. Pitts.
2635 Mr. {Pitts.} Aye.
2636 The {Clerk.} Mr. Pitts votes aye.
2637 Mr. Walden.
2638 Mr. {Walden.} Aye.
2639 The {Clerk.} Mr. Walden votes aye.
2640 Mr. Terry.
2641 Mr. {Terry.} Aye.
2642 The {Clerk.} Mr. Terry votes aye.
2643 Mr. Rogers.
2644 [No response.]
2645 The {Clerk.} Mr. Murphy.
2646 Mr. {Murphy.} Aye.
2647 The {Clerk.} Mr. Murphy votes aye.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2648 Mr. Burgess.

2649 Dr. {Burgess.} Aye.

2650 The {Clerk.} Mr. Burgess votes aye.

2651 Ms. Blackburn.

2652 Mrs. {Blackburn.} Aye.

2653 The {Clerk.} Ms. Blackburn votes aye.

2654 Mr. Gingrey.

2655 Dr. {Gingrey.} Aye.

2656 The {Clerk.} Mr. Gingrey votes aye.

2657 Mr. Scalise.

2658 Mr. {Scalise.} Aye.

2659 The {Clerk.} Mr. Scalise votes aye.

2660 Mr. Latta.

2661 Mr. {Latta.} Aye.

2662 The {Clerk.} Mr. Latta votes aye.

2663 Ms. McMorris Rodgers.

2664 [No response.]

2665 The {Clerk.} Mr. Harper.

2666 Mr. {Harper.} Aye.

2667 The {Clerk.} Mr. Harper votes aye.

2668 Mr. Lance.

2669 Mr. {Lance.} Aye.

2670 The {Clerk.} Mr. Lance votes aye.

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2671 Mr. Cassidy.

2672 [No response.]

2673 The {Clerk.} Mr. Guthrie.

2674 Mr. {Guthrie.} Aye.

2675 The {Clerk.} Mr. Guthrie votes aye.

2676 Mr. Olson.

2677 Mr. {Olson.} Aye.

2678 The {Clerk.} Mr. Olson votes aye.

2679 Mr. McKinley.

2680 Mr. {McKinley.} Aye.

2681 The {Clerk.} Mr. McKinley votes aye.

2682 Mr. Gardner.

2683 [No response.]

2684 The {Clerk.} Mr. Pompeo.

2685 Mr. {Pompeo.} Aye.

2686 The {Clerk.} Mr. Pompeo votes aye.

2687 Mr. Kinzinger.

2688 Mr. {Kinzinger.} Aye.

2689 The {Clerk.} Mr. Kinzinger votes aye.

2690 Mr. Griffith.

2691 Mr. {Griffith.} Aye.

2692 The {Clerk.} Mr. Griffith votes aye.

2693 Mr. Bilirakis.

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2694 Mr. {Bilirakis.} Aye.

2695 The {Clerk.} Mr. Bilirakis votes aye.

2696 Mr. Johnson.

2697 Mr. {Johnson.} Aye.

2698 The {Clerk.} Mr. Johnson votes aye.

2699 Mr. Long.

2700 Mr. {Long.} Aye.

2701 The {Clerk.} Mr. Long votes aye.

2702 Ms. Ellmers.

2703 Mrs. {Ellmers.} Aye.

2704 The {Clerk.} Ms. Ellmers votes aye.

2705 Mr. Waxman.

2706 Mr. {Waxman.} No.

2707 The {Clerk.} Mr. Waxman votes no.

2708 Mr. Dingell.

2709 Mr. {Dingell.} No.

2710 The {Clerk.} Mr. Dingell votes no.

2711 Mr. Pallone.

2712 Mr. {Pallone.} No.

2713 The {Clerk.} Mr. Pallone votes no.

2714 Mr. Rush.

2715 [No response.]

2716 The {Clerk.} Ms. Eshoo.

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2717 [No response.]

2718 The {Clerk.} Mr. Engel.

2719 Mr. {Engel.} No.

2720 The {Clerk.} Mr. Engel votes no.

2721 Mr. Green.

2722 Mr. {Green.} No.

2723 The {Clerk.} Mr. Green votes no.

2724 Ms. DeGette.

2725 Ms. {DeGette.} No.

2726 The {Clerk.} Ms. DeGette votes no.

2727 Ms. Capps.

2728 Mrs. {Capps.} No.

2729 The {Clerk.} Ms. Capps votes no.

2730 Mr. Doyle.

2731 Mr. {Doyle.} No.

2732 The {Clerk.} Mr. Doyle votes no.

2733 Ms. Schakowsky.

2734 Ms. {Schakowsky.} No.

2735 The {Clerk.} Ms. Schakowsky votes no.

2736 Mr. Matheson.

2737 Mr. {Matheson.} Aye.

2738 The {Clerk.} Mr. Matheson votes aye.

2739 Mr. Butterfield.

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2740 [No response.]

2741 The {Clerk.} Mr. Barrow.

2742 Mr. {Barrow.} Aye.

2743 The {Clerk.} Mr. Barrow votes aye.

2744 Ms. Matsui.

2745 Ms. {Matsui.} No.

2746 The {Clerk.} Ms. Matsui votes no.

2747 Ms. Christensen.

2748 [No response.]

2749 The {Clerk.} Ms. Castor.

2750 Ms. {Castor.} No.

2751 The {Clerk.} Ms. Castor votes no.

2752 Mr. Sarbanes.

2753 Mr. {Sarbanes.} No.

2754 The {Clerk.} Mr. Sarbanes votes no.

2755 Mr. McNerney.

2756 Mr. {McNerney.} No.

2757 The {Clerk.} Mr. McNerney votes no.

2758 Mr. Braley.

2759 Mr. {Braley.} No.

2760 The {Clerk.} Mr. Braley votes no.

2761 Mr. Welch.

2762 Mr. {Welch.} No.

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2763 The {Clerk.} Mr. Welch votes no.
2764 Mr. Lujan.
2765 Mr. {Lujan.} No.
2766 The {Clerk.} Mr. Lujan votes no.
2767 Mr. Tonko.
2768 Mr. {Tonko.} No.
2769 The {Clerk.} Mr. Tonko votes no.
2770 Mr. Yarmuth.
2771 Mr. {Yarmuth.} No.
2772 The {Clerk.} Mr. Yarmuth votes no.
2773 Chairman Upton.
2774 The {Chairman.} Aye.
2775 The {Clerk.} Chairman Upton votes aye.
2776 The {Chairman.} Other members wishing to vote? Mr.
2777 Butterfield.
2778 Mr. {Butterfield.} No.
2779 The {Clerk.} Mr. Butterfield votes no.
2780 The {Chairman.} Mr. Gardner.
2781 Mr. {Gardner.} Aye.
2782 The {Clerk.} Mr. Gardner votes aye.
2783 The {Chairman.} Other members wishing to cast a vote?
2784 Seeing none, the clerk will report the tally. Ms. Cathy
2785 McMorris Rodgers.

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2786 Mrs. {McMorris Rodgers.} Aye.

2787 The {Chairman.} Votes aye.

2788 The {Clerk.} Ms. McMorris Rodgers votes aye. Mr.

2789 Chairman, on that vote, there were 29 ayes and 19 nays.

2790 The {Chairman.} Twenty-nine ayes, 19 nays. The ayes

2791 have it. The bill, H.R. 3826 is favorably reported, and

2792 without objection, staff is authorized to make technical and

2793 conforming changes to the bill as reported by the committee

2794 today. So ordered. Mr. Dingell. Correct. We will make

2795 sure that they will have more than 2 days to get it done. So

2796 ordered. Without objection, the committee stands adjourned.

2797 [Whereupon, at 12:26 p.m., the Committee was adjourned.]