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4 MARKUP ON H.R. 3826, THE ELECTRICITY SECURITY AND

5 AFFORDABILITY ACT

6 TUESDAY, JANUARY 14, 2014

7 House of Representatives,

8 Subcommittee on Energy and Power

9 Committee on Energy and Commerce

10 Washington, D.C.

11 The Subcommittee met, pursuant to call, at 10:31 a.m.,
12 in Room 2123 of the Rayburn House Office Building, Hon. Ed
13 Whitfield [Chairman of the Subcommittee] presiding.

14 Members present: Representatives Whitfield, Scalise,
15 Hall, Shimkus, Pitts, Terry, Burgess, Latta, Cassidy, Olson,
16 McKinley, Gardner, Pompeo, Kinzinger, Griffith, Barton, Upton
17 (ex officio), McNerney, Tonko, Yarmuth, Engel, Green, Capps,
18 Doyle, Barrow, Matsui, Christensen, Castor, and Waxman (ex

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19 officio).

20 Staff present: Nick Abraham, Legislative Clerk; Gary
21 Andres, Staff Director; Charlotte Baker, Press Secretary;
22 Mike Bloomquist, General Counsel; Sean Bonyun, Communications
23 Director; Matt Bravo, Professional Staff Member; Allison
24 Busbee, Policy Coordinator, Energy & Power; Patrick Currier,
25 Counsel, Energy & Power; Sydne Harwick, Legislative Clerk;
26 Tom Hassenboehler, Chief Counsel, Energy & Power; Brittany
27 Havens, Legislative Clerk; Peter Kielty, Deputy General
28 Counsel; Ben Lieberman, Counsel, Energy & Power; Alexa
29 Marrero, Deputy Director; Brandon Mooney, Professional
30 Member; Mary Neumayr, Senior Energy Counsel; Chris Sarley,
31 Policy Coordinator, Environment & Economy; Charlotte
32 Savercool, Legislative Coordinator; Jessica Wilkerson, Staff
33 Assistant; Jen Berenholz, Chief Clerk; Greg Dotson, Staff
34 Director, Energy & Environment; Caitlin Haberman, Policy
35 Analyst; Bruce Ho, Counsel; Elizabeth Letter, Press
36 Secretary; and Alexandra Teitz, Senior Counsel, Environment &
37 Energy.

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|
38 Mr. {Whitfield.} The subcommittee will come to order.
39 And I would like to apologize for those people who were here
40 at 10:00, but we had a technical problem and were delayed
41 until 10:30.

42 Yesterday, this subcommittee convened for opening
43 statements, and at my request, with the concurrence of Mr.
44 Waxman, it was agreed that the chairman and ranking members
45 of the full committee and subcommittee would be recognized to
46 give their opening statements this morning before beginning
47 consideration of the bill. Therefore, Mr. McNerney, Mr.
48 Waxman, Chairman Upton, and I will be recognized for an
49 opening statement and then the subcommittee will begin
50 official consideration of H.R. 3826, the Electricity Security
51 and Affordability Act.

52 And so at this time the chair would recognize himself
53 for a 5-minute opening statement.

54 In January 2008, then-Senator Obama, a candidate for
55 President, in an interview with the San Francisco Chronicle
56 Editorial Board said in response to a question about his cap-
57 and-trade plan, ``If somebody wants to build a coal-fired
58 power plant, they can. It is just that it will bankrupt
59 them. Under my plan, electricity rates would necessarily

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60 skyrocket.''

61 Now, in 2009, Congress debated regulating carbon dioxide
62 emissions from power plants, and during that debate, cap-and-
63 trade legislation was passed in the House and was never
64 passed in the U.S. Senate. It was controlled, the House, by
65 Democrats and the U.S. Senate by Democrats. The President,
66 of course, was disappointed that the cap-and-trade
67 legislation did not pass.

68 A few months later, he gave a speech in Copenhagen at
69 the Climate Change Conference where he committed to a 17
70 percent reduction in CO2 emissions by 2020 and by more than
71 80 percent reduction by 2050.

72 Now, in a November 2010 interview, when asked about
73 regulating carbon dioxide emissions through some type of
74 administrative action, President Obama replied ``cap-and-
75 trade is just one way of skinning the cat; it is not the only
76 way. It was a means, not an end. And I am going to be
77 looking for other means to address this issue.''

78 And then on June 25, 2013, Daniel Schrag, a White House
79 climate adviser and professor at Harvard, told the New York
80 Times, ``The one thing the President really needs to do now
81 is to begin the process of shutting down conventional coal
82 plants. Politically, the White House is hesitant to say they

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83 are having a war on coal. On the other hand, a war on coal
84 is exactly what is needed.''

85 Now, that same day the President delivered a speech at
86 Georgetown and issued a memorandum, and in that speech he
87 announced his Climate Action Plan and directed EPA to
88 complete carbon dioxide emissions standards on new and
89 existing power plants. And then on September 20, 2013, the
90 President set the date. September 20, 2013, EPA proposed for
91 a second time regulations to control greenhouse gas emissions
92 from new power plants.

93 Now, under EPA's proposal when it becomes final, it will
94 be impossible to build a new coal-powered plant in America
95 because the technology is not available. Now, EPA testified
96 before our subcommittee that the proposal that they had is
97 based on four demonstration projects, all of which rely on
98 heavy government subsidies, and only one of them in the
99 United States is even in the process of being built today.
100 But those emissions standards set the guidelines for future
101 new coal-powered plants.

102 And we sent a letter to EPA. We think that they are in
103 direct contradiction of the 2005 Energy Power Act which says
104 specifically you cannot under Section 111 set standards based
105 on plants that receive government subsidies.

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106 So today, what our objective is, we have legislation
107 that we think restores some common sense to the extreme views
108 of the President. And he has been taking unilateral action,
109 with the help of EPA, under the guise of regulation, and
110 regulating greenhouse gas to the extent we cannot build a new
111 coal-powered plant in America. The President is trying to
112 move us down the road that the Europeans went down, and I
113 would remind all of you that most people consider the cap-
114 and-trade system in Europe to have been a failure. Within
115 the last year, they have mothballed 30 gigawatts of new gas-
116 powered electricity plants in Europe because gas prices are
117 so high because they are buying it from Russia. And last
118 year, Europe imported 45 percent of our coal exports as they
119 are building new coal plants in Europe.

120 So our legislation says EPA can regulate. We simply set
121 the guidelines for these new power plants so that in the
122 future if Americans determined that it is in the best
123 interest to build a coal-powered plant, we can do so. So
124 today, we hope to start a national debate, because up to now,
125 this has been unilateral action on the part of the executive
126 branch of government.

127 So I welcome the debate that we have today on this bill.
128 And at this time I would like to recognize the gentleman from

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129 California, Mr. McNerney, for a 5-minute opening statement.

130 [The prepared statement of Mr. Whitfield follows:]

131 ***** COMMITTEE INSERT *****

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132 Mr. {McNerney.} Well, thank you, Mr. Chairman.

133 Human-caused climate change is one of the most important

134 issues our Nation faces today. The evidence for climate

135 change is overwhelming, be it super storms, mega-droughts,

136 shifting of biological systems, to the disappearance of

137 historical glaciers, ocean acidification, or the melting of

138 the polar ice cap. This scale of change has resulted, in the

139 agreement of the vast majority of scientists and experts, we

140 should be making every effort to identify the best ways to

141 reduce greenhouse gases instead of finding ways to expand

142 their emissions. Climate change will affect our entire

143 economy, our public health, our national security, and the

144 environment.

145 I believe that H.R. 3286 as drafted will be a major step

146 backward in solving the climate change challenge. As we

147 heard at our subcommittee hearing in November, this

148 legislation would have the effect of preventing the Clean Air

149 Act from reducing carbon pollution from power plants. This

150 would be deeply irresponsible. Many of my colleagues have

151 noted that the Nation's carbon pollution has declined from

152 the heights of a few years ago but that doesn't mean it is

153 time to stop our efforts. Our emissions are still far above

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154 where they need to be according to scientists and policy
155 experts. The Energy Information Agency announced last week
156 that energy-related carbon dioxide emissions are beginning to
157 edge back up largely because of an increase in coal
158 consumption in the electric power sector. H.R. 3286 will
159 accelerate this trend of increasing carbon emissions.

160 Several carbon capture and sequestration commercial-
161 scale projects are expected to be operational in the United
162 States next year, and other such projects are already
163 operational around the world. Rather than rejecting CCS just
164 as the technology is emerging, we should follow these
165 projects and benefit from their successes. We can monitor
166 the EPA's rulemaking as they proceed.

167 Creating the proper incentives for technological
168 innovation will greatly benefit our nation. We have seen how
169 encouraging innovation pollution controls such as scrubbers
170 have helped drive pollution reduction despite the chorus of
171 naysayers who predicted massive costs. This legislation
172 before us today is the wrong approach. It limits new
173 technologies before they have had an opportunity to grow and
174 mature. We should approach this issue from a science-based
175 perspective that believes in technology and innovation.
176 Unfortunately, the bill we are considering today does not

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177 take that approach.

178 [The prepared statement of Mr. McNerney follows:]

179 ***** COMMITTEE INSERT *****

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180 Mr. {McNerney.} Any Democratic Members wish to add?

181 Mr. Chairman, I yield back.

182 Mr. {Whitfield.} The gentleman yields back his time.

183 At this time I recognize the chairman of the full committee,

184 Mr. Upton, for 5 minutes.

185 The {Chairman.} Well, thank you, Mr. Chairman. And I

186 know that this hearing was delayed because of the problem

187 with the mikes, and my statement was put into the record

188 yesterday so people could recite it with me, but I am not

189 going to ask them to do that. I just want to commend you for

190 a bipartisan approach. I urge my colleagues to support it

191 and yield back the balance of my time.

192 [The prepared statement of Mr. Upton follows:]

193 ***** COMMITTEE INSERT *****

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|
194 Mr. {Whitfield.} The gentleman yields back. At this
195 time I recognize the gentleman from California, Mr. Waxman,
196 for 5 minutes.

197 Mr. {Waxman.} Well, Mr. Chairman, this is the first
198 time this subcommittee has met for business this year, and it
199 should be a time for new beginnings, new approaches, a time
200 to work together on trying to figure out what to do with our
201 energy and environmental problems in this nation. Instead,
202 the House Republicans are starting in 2014 right where they
203 left off in 2013. They are denying the science of climate
204 change, ignoring the risks, and trying to stop the
205 Environmental Protection Agency from protecting the American
206 people from carbon pollution.

207 The bill before us today would amend the Clean Air Act
208 to block any limits on carbon pollution from coal-fired power
209 plants, which happens to be the largest source of carbon
210 pollution in the United States. This is a recipe for
211 disaster in terms of climate.

212 Events over the past few weeks have further underscored
213 the cost of climate change. We see it, we hear about it
214 almost daily. When you disrupt the climate system of the
215 planet, heat, droughts, and storms are the impacts that we

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216 see. In my own State of California, Mr. Chairman, we are
217 facing devastating and intensifying drought. Last year was
218 the driest year on record in California. Los Angeles
219 experienced its driest year since they started keeping
220 records in 1877. San Francisco also broke previous records,
221 which extend back to 1849. UCLA modeling suggests that these
222 rainfall levels may well become the new normal by midcentury.
223 Now in our third year of drought, California's reservoirs are
224 depleted. The costs are mounting. The water shortage is
225 fallowing farmlands, destroying salmon populations, hurting
226 ski resorts, and requiring mandatory rationing in some
227 cities. These are just some of the things we are seeing by
228 way of costs in terms of climate heating up.

229 But the costs of climate disruption are going to get
230 worse, much worse if we don't act now to cut carbon
231 pollution. So when we had our hearing on this bill last
232 November, I turned to the Republicans and I said what is your
233 plan to deal with climate change? We haven't heard anything.
234 They have no alternative. I am still waiting for an answer.
235 The House Republicans' solution is nothing. Their approach
236 is to deny the problem, try to stop EPA action, to weaken the
237 Clean Air Act. The bill before us today will effectively
238 repeal EPA's existing legal authority to address carbon

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239 pollution from power plants under the Clean Air Act.

240 We will hear that EPA must be stopped or it will be the
241 end of coal. Well, that is absolute nonsense. We use lots
242 of coal today and we will continue to use lots of coal for
243 some time to come. EPA's rules will require that new coal
244 power plants use technology, technology that you can go out
245 and buy today to control carbon pollution. I don't think
246 that is too much to ask. And EPA hasn't even issued a
247 proposal for reducing carbon pollution from existing power
248 plants. But before they issue a proposal, our committee
249 Republicans--I hope not unanimously because you all don't
250 come from coal areas--would take away the jurisdiction to
251 even issue a proposal. Let's just stop them from making any
252 proposal. The Agency is currently undertaking an impressive
253 outreach effort to gather stakeholder views even before the
254 formal notice and comment process. Why don't we see what the
255 Agency comes up with before declaring we are going to block
256 it?

257 My message to my Republican colleagues is simple. If
258 you don't like what EPA is doing, tell us what your plan is.
259 Last year, the President asked Congress to work with him on a
260 legislative solution to climate change, and he also said if
261 you don't act, if you have no proposals, step aside. The

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262 President is going to lead. Denying it or ignoring the

263 science is not a responsible way to govern.

264 Passing the bill before us today is not a responsible

265 way to act. It will only jeopardize the future of our

266 children and grandchildren. Don't be so myopic that you look

267 only at your coal industry in your district and play to the

268 cheap seats and tell them how you are saving them from the

269 war on coal. There is no war on coal but there is a problem

270 and we have got to solve the problem, not deny it.

271 I yield back the balance of my time.

272 [The prepared statement of Mr. Waxman follows:]

273 ***** COMMITTEE INSERT *****

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|

274 H.R. 3826

275 Mr. {Whitfield.} The gentleman yields back the balance
276 of his time. That concludes today's opening statements, so
277 now the chair would call up H.R. 3826 and ask the clerk to
278 report.

279 The {Clerk.} H.R. 3826, to provide direction to the
280 administrator of the Environmental Protection Agency
281 regarding the establishment of standards for emissions of any
282 greenhouse gas from fossil fuel-fired electric utility
283 generating units and for other purposes.

284 [H.R. 3826 follows:]

285 ***** INSERT 1 *****

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|
286 Mr. {Whitfield.} Without objection, the first reading
287 of the bill is dispensed with and the bill would be open for
288 amendment at any point. So ordered.

289 In keeping with our rules, I would first ask are there
290 any bipartisan amendments to the bill?

291 Seeing none, are there any amendments to the bill?

292 The gentleman from California is recognized.

293 Mr. {Waxman.} I have an amendment at the desk.

294 Mr. {Whitfield.} The clerk will report the amendment.

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

297 [The amendment of Mr. Waxman follows:]

298 ***** INSERT 2 *****

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|
299 Mr. {Whitfield.} Without objection, the reading of the
300 amendment is dispensed with and the gentleman from California
301 is recognized for 5 minutes in support of his amendment.

302 Mr. {Waxman.} Mr. Chairman and my colleagues, we have
303 asked the Republicans what is it that you would do for
304 dealing with the climate change if you don't like EPA's
305 approach? And the bill we are considering today is not an
306 answer to that question. Instead, it amounts to a
307 declaration of defeat. In essence, this is we are not going
308 to lift a finger to slow dangerous climate change. It says
309 we refuse to take action now and we only want to make future
310 action impossible.

311 The policy underlying this bill seems to be that coal-
312 fired power plants should be able to pollute indefinitely and
313 with impunity. This bill would contain EPA's authority on
314 conditions that will simply never be met, at least not as
315 long as it is cheaper to dump pollution into the air rather
316 than clean it up.

317 Under this bill, EPA could not require new power plants
318 to control their pollution until six power plants in
319 different parts of the country voluntarily installed
320 pollution controls. Well, that is just not what for-profit

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321 enterprises do. And this bill would create a further
322 disincentive for such voluntary actions. This bill would
323 also bar EPA from requiring existing power plants to control
324 their pollution until Congress passes a new law. Well, I
325 understand that some don't like EPA's approach but this
326 proposal is just not serious.

327 For years now, I have said to Chairman Upton that we are
328 willing to consider any suggestion that will reduce carbon
329 pollution and slow climate change. I proposed the market-
330 based cap-and-trade approach. I proposed a carbon tax
331 approach. I support regulatory approaches whether market-
332 based or performance standards. I strongly support
333 international efforts. I support more funding for research,
334 demonstration and deployment of clean energy technologies.
335 And in fact in the Waxman-Markey bill we dedicated \$60
336 billion to deploy carbon capture and sequestration technology
337 on new coal plants. I support state actions. I support
338 education programs and incentives for voluntary actions by
339 individuals and businesses.

340 But what Congress can't do is throw itself in the gears
341 of progress. If the House Republicans don't want EPA to act
342 on climate change, they need to establish a credible
343 alternative approach. And that is all my amendment does. It

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344 does not change how this bill would limit EPA's authority to
345 address carbon pollution from coal-fired power plants. This
346 amendment simply says that those limits on EPA's authority
347 only apply once there is an alternative approach to replace
348 the EPA rules that is at least as effective as those rules in
349 reducing carbon pollution.

350 So my message for my Republican colleagues is if you
351 don't like EPA's approach, propose your own plan. Don't just
352 say no to everything. Giving up is not the American way.
353 Congress can do better and I believe that the American people
354 expect us to do better. We can act to slow climate change
355 and there is still time to make a difference if we act now.
356 And if this Congress is capable of nothing else, at least we
357 can avoid making some things worse. We can get out of the
358 way and let the Obama Administration get on with the job
359 since the Republican House won't do it.

360 So this amendment is simply saying to the Republicans
361 climate change is real and urgent. I hope you will support
362 this amendment to say that we have some other way before we
363 are going to let this bill stop EPA from acting on doing
364 anything.

365 And I proffer that amendment to my colleagues. I would
366 look forward to support for it and to vote on this amendment,

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367 the vote for this bill is to put your head in the sand. This
368 is not the way to begin 2014, nor to tell future generations
369 that we just don't have any ideas but we are going to let
370 climate change continue and that is just unfortunate. But
371 future generations, not way in the future, but our kids and
372 our grandchildren and ourselves will just bear the brunt and
373 we will just continue to allow this carbon pollution to
374 increase from the major source, which is coal-burning power
375 plants. So I ask for an aye vote on the amendment.

376 Mr. {Whitfield.} The gentleman's time is expired. The
377 chair will recognize himself in opposition to the amendment.

378 We all recognize that climate change is an issue. We
379 know that CO2 emissions in America are the lowest that they
380 have been in 20 years. There are other issues facing the
381 American people today and people throughout the world, and
382 that is having a growing economy and creating jobs.

383 And certainly this Administration--and I respectfully
384 say this--but I think the President's views have been
385 extreme. He could not get through a Democrat-controlled
386 House and Senate the cap-and-trade legislation and so he said
387 that he was going to basically do it unilaterally through
388 international agreements, through directing international
389 financing institution like the World Bank, others, the

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390 Export-Import Bank, the U.S., not to provide any funding for
391 a coal-powered plant anywhere even though countries like
392 Bangladesh and elsewhere are still burning fuel oil, which is
393 much dirtier than clean coal technology plans.

394 And under the proposed regulation of EPA, you would not
395 be able to build a coal plant in America because the
396 technology has not been adequately demonstrated, as required
397 by the Clean Air Act.

398 And so our legislation says--and I think this is
399 certainly an issue that the Congress should be involved in--
400 we are simply saying we will set some parameters here. You
401 can require the cleanest technology available but it has got
402 to be adequately demonstrated on the new plants. And we know
403 that they have already delayed the effective date for the new
404 plant regulation until January of 2015 because they wanted to
405 be sure the elections had passed in 2014 before they went
406 into effect. And we also know that they are going to be
407 proposing the existing plant regulations on June of 2014 and
408 be final on June of 2015.

409 And so our legislation simply says on the existing
410 regulations that will take effect in June of 2015 we want
411 Congress to set the effective date for that regulation
412 considering the impact on the economy, on jobs, on our

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413 ability to compete in the global marketplace because America
414 does not have to take a backseat to anyone on cleaning up the
415 emissions. We certainly don't have to take a backseat to
416 China, to India, and other parts of the world.

417 And as I said in my opening statement, the President is
418 trying to push us down the road of following Europe, and
419 Europe is building more coal plants today than they ever have
420 because their regulatory system has not really worked and
421 they have to buy high gas prices coming out of Russia.

422 So the gentleman's amendment here would basically say
423 that EPA can keep doing what it is doing until there is an
424 alternative federal program put in place, whenever that may
425 happen. Well, from the legislative branch of government, we
426 are saying, look, we need a national debate on this issue
427 before we move down this road. And that is what this
428 legislation is designed to do and that is why we have been
429 encouraged that a number of Democratic Senators are working
430 with us on this legislation because they think it provides a
431 more balanced view. And I understand that we have different
432 views on the priorities. I know that all of us agree that we
433 want what is best for the American people. And so that is
434 what this legislation is all about, and because of that, I
435 would respectfully oppose the gentleman's amendment.

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436 Mr. {Waxman.} Would the gentleman yield for a question?

437 Mr. {Whitfield.} Yes, I would be happy to yield.

438 Mr. {Waxman.} So as I understand what you are saying,
439 you want a debate and you want Congress to pass a law before
440 we take action on climate change? Is that correct?

441 Mr. {Whitfield.} Well, I think we have taken a lot of
442 action on climate change already. That is why our CO2
443 emissions are the lowest they have been in 20 years.

444 Mr. {Waxman.} Well, I question that, but before we deal
445 with coal-burning power plants, which is the largest source
446 of these emissions, you want Congress to pass a law? And I
447 would submit if you look at the record, Congress doesn't pass
448 laws very quickly, and this may take decades, and we could
449 get filibusters and we can get committees to block it, and it
450 may or may never happen. So we go back to square one, and
451 fact, not square one; we go to minus one if we repeal--

452 Mr. {Whitfield.} Yes--

453 Mr. {Waxman.} --the law that is--

454 Mr. {Whitfield.} Well, Mr. Waxman, I mean that the
455 reason we want to start on this legislation now is this new
456 regulation will take effect in January of next year.

457 Mr. {Waxman.} Well, what is your alternative?

458 Mr. {Whitfield.} We have an alternative. They are

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459 going to have to use the best available technology and that
460 is what this bill is about. No one expects a new coal-
461 powered plant is going to be built immediately because the
462 natural gas prices are too low. But if 5 years down the road
463 someone decides the technology is there, we have good
464 technology for cleaner emissions, and we need it to
465 strengthen our economy and create jobs and be more
466 competitive in the global marketplace. That is what we are
467 trying to do.

468 My time is expired so does anyone--the gentlelady from
469 California, Ms. Matsui, is recognized for 5 minutes.

470 Ms. {Matsui.} Thank you, Mr. Chairman.

471 I support Mr. Waxman's amendment. It is just common
472 sense. We must do something about climate change. If
473 Congress is going to prevent EPA from acting, the
474 responsibility to act falls to us, but if Congress can't or
475 won't act itself, we shouldn't stop EPA from taking steps to
476 protect the American people and the world from the huge harms
477 of unabated climate change.

478 Across this country we are already seeing the effects of
479 climate change: sea level rise, more frequent and more
480 intense forest fires, more frequent and more intense
481 droughts, more frequent and more intense floods, more extreme

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482 storm events. People have lost their homes and lost income.
483 Lives are at risk. Scientists are confident that these harms
484 will rapidly grow worse as carbon pollution continues to
485 rise. We no longer have the choice of whether to mitigate
486 global warming by reducing carbon pollution or whether to
487 adapt to changes it is causing. We waited too long to act.
488 Now, we must both mitigate pollution to avert far worse harm
489 and adapt to the harm we can no longer avoid.

490 Unfortunately, this bill would do neither. In fact, it
491 would exacerbate the problems we face. The bill would
492 effectively eliminate EPA's authority under the Clean Air Act
493 to require the largest point source of carbon pollution by
494 far--coal-fired power plants--to clean up their pollution.
495 That is not right. Regulating under existing Clean Air Act
496 authority is not the only way we could address carbon
497 pollution. In fact, Congress could adopt new authority that
498 would be broader, more efficient, and more flexible than
499 existing Clean Air Act authorities.

500 President Obama has made it clear that he prefers
501 Congress to act and House Democrats pass a bill to do so, but
502 the congressional majority have overwhelmingly opposed any
503 positive legislation on climate change. President Obama also
504 made clear that doing nothing isn't an option. He pledged

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505 that if Congress won't act to protect Americans from carbon
506 pollution, he would, and he is keeping his word.

507 I am confident that the EPA is taking on this task in a
508 deliberate, reasonable, and balanced way. EPA's proposal
509 would require new coal-fired power plants to use available
510 and effective technology to control their carbon pollution.
511 This is a balanced approach. It doesn't require plants to
512 capture all or even most of the carbon pollution. It just
513 requires plants to install technology and use it to capture
514 and sequester about 1/3 to 1/2 of their carbon pollution.
515 Allowing partial capture rather than the full capture
516 substantially lowers costs and gives utilities time to gain
517 more experience with the technology before any more rigorous
518 standards would be considered.

519 For existing coal-fired power plants, EPA is talking to
520 stakeholders across the country and gathering recommendations
521 even before issuing a proposal. I support this approach but
522 I also believe we could replace the EPA regulations with a
523 broader, more flexible, economy-wide program to reduce carbon
524 pollution, and that is why I support Mr. Waxman's amendment.
525 We could choose EPA regulations under current authority or we
526 could try to come up with something even better, but taking
527 no action on climate change would be a disaster for our

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528 constituents, all Americans, and people across the world.

529 And with that, I yield back.

530 Mr. {Waxman.} The gentlelady yields to me for--

531 Ms. {Matsui.} Yes, I would yield to you.

532 Mr. {Waxman.} I thank you for yielding.

533 And I just want to point out the basic underlying reason

534 why government gets involved in environmental protection.

535 There is a failure in the market. There is no reason why any

536 business would want to install anti-pollution equipment that

537 costs money if their competitors don't also do the same

538 thing. Why do it? It doesn't make business sense. So

539 government comes in and establishes a level playing field.

540 If there is technology, if there is a way to reduce

541 pollution, you have to do it. Either government requires a

542 specific way to do it or a certain target that must be

543 achieved because the market won't push businesses to do it on

544 its own.

545 Now, the chairman said in his amendment we don't want

546 EPA to require technology until technology is already being

547 used. Well, why would any profit-making utility want to

548 install pollution that costs money unless they are required

549 to do it? That is just against common sense. So if we want

550 something to be done and make it fair and make it assured for

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551 the public comments, we have to require it. And we can talk
552 about how to require it, but simply to say, oh, we are not
553 going to require anything until it is already done is like we
554 are not going to have a chicken before the egg. We are not
555 going to have an egg before the chicken.

556 Thank you for yielding to me.

557 Mr. {Whitfield.} Mr. Waxman, I may make one comment.

558 When scrubbers--

559 Ms. {Matsui.} It is still my time.

560 Mr. {Whitfield.} Well, I will just make it on my time.

561 When scrubbers--

562 Mr. {Griffith.} Move to strike--

563 Mr. {Whitfield.} When scrubbers were required, they had
564 been adequately demonstrated.

565 Mr. {Griffith.} Mr. Chairman.

566 Mr. {Whitfield.} I would recognize the chairman for
567 Virginia, Mr. Griffith, for 5 minutes.

568 Mr. {Griffith.} Thank you very much, Mr. Chairman.

569 Common sense, common sense, the marketplace won't make them
570 do it. So what does that mean? Let me translate that for
571 you. What that means is we will make things cost more in the
572 United States by having the government raise the cost. We
573 will get a level playing field in the United States but an

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574 unlevel playing field with all of our competitors across the
575 world. Do you think that the Chinese are considering this
576 policy, adopting this amendment? No, they are not. Do you
577 think that any of the other Asian nations or the emerging
578 economies of Africa are going to consider this when they do
579 it?

580 We know that from NASA's studies--that is right,
581 science, science--it takes about 10 days for the air to get
582 from the middle of the Gobi desert to the eastern shore of
583 Virginia, and when that air comes across without even the
584 reasonable regulations that we have now, when you add these
585 additional regulations on, you push our jobs to China and
586 other places in Asia and they send us back, that is right,
587 their mercury, their pollution, their problems. We cannot
588 solve as one nation of this world the problems that Mr.
589 Waxman has referenced. Whatever the problems are, we cannot
590 destroy our economy so that we can say, well, we feel good
591 about it.

592 My district is a poor district compared with Mr.
593 Waxman's and others. It has great people who want to work,
594 and many of them have been working in the coal industry for
595 generations. And many of them today are the casualties in
596 the war on coal. And, ladies and gentlemen, I have to tell

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597 you, we are not surrendering in that war on coal. And I
598 appreciate the chairman, Mr. Whitfield, bringing this bill
599 forward because this bill is not a surrender. It is more
600 like the demand that was made by the Germans at Bastogne to
601 General McAuliffe.

602 And this bill Chairman Whitfield is saying to those who
603 have the war on coal who don't care about the people of the
604 coal regions of this country, who don't care if they are
605 unemployed, who don't care if they can't even afford the
606 cheap seats, we are saying ``Nuts'' to you. We are going to
607 support the American economy, we are going to support jobs,
608 and we are not going to adopt this amendment.

609 I yield back.

610 Mr. {Whitfield.} The gentleman yields back.

611 Does anyone seek recognition to speak on the gentleman's
612 amendment?

613 Mr. {Tonko.} Mr. Chair, I--

614 Mr. {Whitfield.} The gentleman from New York is
615 recognized for 5 minutes.

616 Mr. {Tonko.} Thank you.

617 I support the amendment by Mr. Waxman. Our House
618 Republican colleagues keep mentioning that United States
619 greenhouse gas emissions are falling. They suggest that the

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620 United States doesn't need to do anything more about climate
621 change, and I think nothing could be further from the truth.
622 The United States' greenhouse gas emissions did fall in 2008
623 and 2009, and that was explained primarily by the economic
624 recession. That is an understandable statement. But since
625 that time, our overall emissions have grown.

626 Cumulatively, the United States emissions have grown,
627 not fallen, in 2010 and 2011, the 2 most recent years for
628 which data are available. Claims that emissions are falling
629 are looking only at the energy sector where fuel switching
630 from coal to natural gas and electricity generation has
631 helped control emissions somewhat. And even those claims are
632 no longer accurate. Just yesterday, the Energy Information
633 Administration, the EIA, reported that energy-related carbon
634 dioxide emissions last year grew by 2 percent as a result of
635 fuel switching in the other direction, going from natural gas
636 back to coal. So I think that that needs to be stated
637 clearly as we review this legislation and the amendment.

638 And with that, Mr. Chair, I yield back.

639 Mr. {Whitfield.} Did the gentleman yield back?

640 The gentleman from Texas is recognized for 5 minutes.

641 Mr. {Barton.} And I will yield to Mr. Shimkus after I
642 make a brief statement.

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643 I notice that we are now talking about climate change
644 instead of global warming. So when you talk about climate
645 change if it is hot in the summer, it is because of CO2 I
646 suppose, and if it is cold in the winter, it is because of
647 CO2 I suppose. So whichever way it goes, it is because of
648 this dreaded CO2. That is a pretty good argument if you can
649 sustain it, which, whatever the reality is, it is because of
650 the demon CO2.

651 Well, the truth is the climate has been changing as far
652 as we know as long as there has been an Earth, and it is only
653 since about the 1870s or 1880s that we have had manmade CO2
654 emissions significant enough that they could even plausibly
655 have any kind of an impact. And of course in that brief time
656 it has gone up and it has gone down. I mean the temperature
657 has gone up and the temperature has gone down.

658 So now that our friends who oppose Mr. Whitfield's bill
659 have the moral high ground of climate change as opposed to
660 global warming, it really doesn't matter what the facts are.
661 They can be against Mr. Whitfield because they know the
662 climate is going to change no matter what. Well, you know,
663 let's bring this thing back to economic reality.

664 The current EPA proposal or standard would make it
665 impossible to ever build another coal-fired power plant, a

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666 new one, because that technology does exist but it is so
667 expensive that the cost of the technology doubles the cost of
668 generating the power. Now, in a scarce market, I guess it is
669 possible that one could economically justify through your
670 stockholders building a power plant that doubles the price of
671 power generation, but we are not in a scarce market. We are
672 in a market where we have more natural gas coming online
673 every day and natural gas has a double advantage. It is less
674 expensive than coal, which is a good thing, and it has half
675 the emissions.

676 So what Mr. Whitfield is doing is saying, look, the
677 market is moving away from coal because of economic reasons
678 and environmental reasons, but let's at least give coal a
679 chance. Let's say the standard that can actually meet the
680 marketplace, that you can develop a technology that can
681 actually be competitive in the marketplace, that the
682 utilities can build a coal-fired power plant and actually
683 generate power at approximately the same equivalent cost as
684 perhaps natural gas. That is all he is saying. I don't
685 think that is a bad idea. It gives coal a chance, doesn't
686 really change market economics, and maybe our friends out
687 there in the research industry can come up with a way through
688 sequestration or carbon capture or something that really

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689 makes some economic sense. But under the current EPA rule,
690 you are just, you know, stabbing coal in the back and saying
691 we are never going to give you a chance. And Mr. Whitfield's
692 bill at least says give coal a chance.

693 And with that I yield the remainder of my time to Mr.
694 Shimkus.

695 Mr. {Shimkus.} Thank you and I will try to be brief.

696 Mr. Dingell knows and Mr. Waxman knows that when the
697 Clean Air Act was passed, scrubber technology was available.
698 And carbon capture and sequestration technology is not
699 commercially available at this time, and the Kemper plant is
700 a perfect example. It is \$5 billion in overrun with hundreds
701 of millions of dollars of investment by the Federal
702 Government, and the Southern Company, who is building the
703 Kemper plant, said this plant ``cannot be consistently
704 replicated on a national level and should not serve as a
705 primary basis for new emissions standards impacting all new
706 coal-fired power plants.''

707 So the point of our debate is the EPA is required, if
708 they are going to put new standards on, to have commercially
709 available technology to do that. It is not available today,
710 and because it is not available today, the EPA should not
711 place these standards on. Otherwise, we will fall into what

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712 Mr. Barton said and Mr. Griffith said, is that you will price
713 this power so far out of the market that it won't even be
714 viable anymore, which is part of the reason why the war on
715 coal is, is to price the cost of electric power through coal,
716 which is the cheapest power that you can have today. We just
717 want to make sure it is technologically available, and that
718 is really the basis, and that is why I ask for people to vote
719 against the amendment.

720 I yield back Mr. Barton's time.

721 Mr. {Whitfield.} The gentleman's time is expired.

722 Is there further discussion on the amendment?

723 The gentleman from Kentucky is recognized for 5 minutes.

724 Mr. {Yarmuth.} Well, thank you, Mr. Chairman.

725 I won't take anywhere near the 5 minutes, but so far,
726 the entire discussion of this amendment and this bill has
727 been related to money and economic factors, and I represent a
728 very urban district in which we have two major coal-fired
729 power plants and we have schoolchildren living in the
730 vicinity of those plants who have elevated incidence of
731 asthma and respiratory diseases. We have an elevated rate of
732 cancer in the areas immediately surrounding those plants. So
733 I think we can talk about climate change and global warming
734 and dollars, but there is a human aspect to the impact of

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735 coal-fired energy, and we feel it in my district and that is
736 the case in a number of other districts. So I think we can't
737 lose sight of the human impact of these technologies as well.

738 Mr. {Waxman.} Does the gentleman yield?

739 Mr. {Yarmuth.} I yield to the ranking member.

740 Mr. {Waxman.} I thank you for yielding.

741 What you are saying is that there is an impact from
742 burning coal, an impact from these pollutants. And in the
743 urban areas, you see more diseases, more asthma, more health
744 problems. Well, who pays for those health problems? Well,
745 the patients pay, their insurance companies pay, the
746 government pays. That is a form of subsidy to the coal
747 industry because they don't pay the full price. They don't
748 internalize the cost of the consequences of their business.

749 We are also not just seeing the problem from pollution
750 localized. We are seeing it universalized in the climate
751 change. Climate change is whether it is changing to hot or
752 cold, it doesn't make any difference because the pollution
753 from carbon and other greenhouse gases is making an impact on
754 our country and all around the world. So since we know these
755 pollutants are causing these problems, the only prudent thing
756 to do is to start reducing the amount of these greenhouse gas
757 pollutants.

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758 And my Republican friends say why should we do it?
759 Let's do it internationally. Why should we bear that cost?
760 Well, that sounds very noble except then if you look at their
761 budget, they want to defund the State Department from being
762 able to negotiate international agreements. They want the
763 U.S. to pull out of the international climate change program.
764 They have a rider saying that we shouldn't require other
765 countries, when they build their coal-burning power plants,
766 to install technology. They shouldn't have to do it because
767 we are not going to do it. If they don't do it and we don't
768 do it, what are the consequences to our children and
769 grandchildren even in Virginia, even in West Virginia, even
770 in Kentucky?

771 Now, the history of the Clean Air Act and environmental
772 laws is not to take advantage of technology that is there--
773 often, that is helpful--but it develops new technology. Is
774 this pie-in-the-sky? Well, no. We wanted to reduce the
775 emissions from automobiles and therefore the catalytic
776 converter was developed. We put a requirement in to reduce
777 these pollutants, and therefore, the technology followed it.
778 That was true of the ACI, the activated carbon injector for
779 mercury. It was true of a lot of the scrubbers. And we have
780 talked about scrubbers and required some of them, there are

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781 only three units around, the efforts to deal with NOx.

782 So the technology is driven forward if we require that
783 all of these companies that produce pollution have to reduce

784 the pollution. But what this bill, which would amend the

785 Clean Air Act wants to have us do is nothing. Don't require

786 the coal-burning power plants to do anything. Continue to

787 pollute. We are not going to require you to reduce the

788 pollution. And it was described as giving coal a break.

789 Well, we give coal a break. We don't require them to pay the

790 costs of their doing business, the external costs, the

791 externalities, as economists would say, for what they do in

792 their business. And in fact, we subsidize them. I don't

793 know what kind of tax breaks they get, but anything their

794 legislators can accomplish to get in law, they have it. And

795 this is another bonus to them. It is the children and the

796 grandchildren of people all over the world that will suffer

797 if we just keep on saying we are not going to do anything and

798 that is it.

799 Mr. {Whitfield.} The gentleman's time is expired.

800 Mr. {Scalise.} Strike the last word.

801 Mr. {Whitfield.} The gentleman from Louisiana is

802 recognized for 5 minutes.

803 Mr. {Scalise.} I thank the chairman for yielding and

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804 especially for bringing this legislation that I am proud to
805 be a cosponsor of.

806 If you look at air quality, it is improving right now.
807 According to the EPA, total emissions of toxic air pollutants
808 have decreased by approximately 42 percent between 1990 and
809 2005. So air quality is improving. This Administration
810 wants to actually go and do things that will actually not
811 only harm the economy but harm people--and we were just
812 talking about health; the gentleman from California was
813 talking about health--who are going to be the people that
814 suffer the most from the kinds of regulations that we are
815 seeing being proposed by the Obama Administration through
816 EPA? It is poor people, poor people who want to be able to
817 afford heat in these winters. They don't want to talk about
818 global warming anymore because we had record freezing last
819 week. And the people that are hurt by that the most are poor
820 people who won't be able to afford those increases in prices.

821 These things they are proposing aren't free. They are
822 actually incredibly costly, unproven, and will actually hurt
823 poor people, make it harder for them to warm themselves when
824 it is freezing. Again, they don't want to talk about global
825 warming. Do you know how cold it was last week? It was so
826 cold that it was reported that in Chicago the polar bears

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827 couldn't even go outside because it was too cold. It was too
828 cold for polar bears last week. And they want to actually
829 make it harder for poor people to heat their homes.

830 We have got commonsense legislation that says if you can
831 prove scientifically that this ought to be done and can be
832 done, then just go through the normal legislative process.
833 You know, when I took civics, Congress was the one that
834 supposedly made laws. The executive branch carried out the
835 laws. We have got an executive branch--

836 Mr. {Waxman.} Will the gentleman yield? We have a law-
837 -

838 Mr. {Scalise.} --that thinks he can write laws.

839 Mr. {Waxman.} --that you want to stop.

840 Mr. {Scalise.} We have an executive who thinks--

841 Mr. {Waxman.} We have a law--

842 Mr. {Scalise.} --that he writes the law.

843 Mr. {Waxman.} --that you want to repeal.

844 Mr. {Scalise.} As it relates to the healthcare law, he
845 wants to go write laws. If he has a problem that his laws
846 create, then he will just change the law himself. Who needs
847 Congress? There is a legislative branch and that the
848 Constitution says is the body you go to, the people who were
849 elected to make policy. And we debate that policy, and if it

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850 is so important that the law needs to be changed and the
851 standards need to be changed, even as EPA is saying air
852 quality has improved by 42 percent, if they think there is a
853 problem, come before Congress and state your case.

854 But in the meantime, we deal with the real impacts, as
855 Mr. Griffith said, when this Administration makes changes
856 unilaterally that cost jobs, that run jobs off to foreign
857 countries. It is not like it all happens in a vacuum. Those
858 jobs that will then be shifted to China, the higher
859 electricity costs that will be imposed on poor people are
860 going to hurt them directly, but then the jobs that hurt our
861 economy go to places like China where they don't have the
862 environmental standards we have. They don't have that 42
863 percent improvement in air quality that we have.

864 We have good standards because of the policy debates
865 here, not because some President says I want to act
866 unilaterally. Congress tried to pass cap-and-trade under a
867 Democratic-controlled House and Senate and they couldn't do
868 it. So this is the legislative body. This is how it is
869 supposed to be handled. But just remember that as this
870 Administration wants to do other things outside of the realm
871 of what Congress intended, they have devastating impacts on
872 poor people and on our economy, and then those jobs that are

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873 shifted, the carbon leakage that occurs when these jobs go to
874 Brazil and when they go to China and when they go to India,
875 those countries don't have our standards, yet all of that
876 carbon goes up in the same atmosphere.

877 So just think about the damage you are doing if you are
878 opposing this legislation that says commonsense standards
879 should apply, and if changes need to happen, go through
880 Congress. Come to the elected body of the people and state
881 your case in a transparent and open fashion. This is an
882 administration that promised to be the most transparent ever,
883 and yet they want to do things more and more behind closed
884 doors administratively where they don't even have the legal
885 authority. So let's get back to a regular order where the
886 legislative process is respected again, where the will of the
887 people of this country is respected again, and where the
888 impact of these devastating policies on the very most
889 vulnerable, the poor people, are considered with all of the
890 other impacts and respecting the fact that even according to
891 the EPA, we have a 42 percent improvement in air quality. We
892 don't want to hurt that progress by taking a step backwards.
893 So I thank again the gentleman for bringing this bill and I
894 yield back the balance of my time.

895 Mr. {Whitfield.} The gentleman yields back.

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896 Is there further discussion on the Waxman amendment?

897 The gentleman from California is recognized for 5

898 minutes.

899 Mr. {McNerney.} Thank you, Mr. Chairman.

900 And I want to say I sympathize with my colleague, one
901 from Virginia whose folks are going to lose their jobs or if
902 they claim they are going to lose their jobs. My district
903 has very high unemployment, at least twice the national
904 average, so I understand the pain. But I submit that the EPA
905 rules will benefit the coal industry by making it more viable
906 in the future. If we allow the coal industry to continue to
907 burn and pollute, ultimately, there is going to be an outcry
908 and the coal industry is going to be shut down, and we don't
909 want to see that. We want to see all forms of power, of
910 energy use.

911 So if we provide incentives for innovation, then the
912 industry will take up those incentives and it will improve.
913 We will see pollution reduction and we will see cost
914 reduction and there would be a viable industry long into the
915 future. And I think that is an important consideration, but
916 also what about the people that were devastated by super
917 storm Sandy and the \$60 billion cost to the United States
918 Government? These weather events are going to be more

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919 costly, they are going to be more devastating, they are going
920 to hurt more and more people. We can't ignore that.

921 And finally, I would like to address the provision that
922 requires six demonstrated units that haven't benefited from
923 any public assistance. I mean that could include local
924 taxation. Basically, what that provision does is it
925 eliminates the ability of the EPA to require new innovation
926 because, as Mr. Waxman pointed out, it requires that they
927 demonstrate, but they can't demonstrate economically when
928 they are in a competitive field. If you install technology
929 and your competitors aren't required to do so, you are going
930 to have a higher price and you are going to see a reduction
931 in competition. We have to raise the standard across the
932 board. We will see technology improve, we will see coal have
933 a long life in this country, and for those reasons, I support
934 Mr. Waxman's amendment.

935 And I yield to Mr. Waxman.

936 Mr. {Waxman.} I just want to say that I have been here
937 for decades in Congress and I was here when people came
938 forward and said we have got pollution problems. Congress,
939 we want you to pass a law to deal with it. We don't want the
940 Congress to set the standards or dictate the ways of
941 reduction for pollutants, but we want to have a law called

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942 the Clean Air Act where the Environmental Protection Agency
943 develops the expertise. They have to look at all the
944 scientific information and make a determination. And then
945 when they set standards, the standards are to protect public
946 health. And in order to achieve these standards, they
947 require that reductions in pollution that threatens public
948 health must be reduced. And if it is a localized matter,
949 they leave it to the States to figure out their own
950 strategies. Sometimes it is a problem between different
951 States if there is pollution going from one State to another.

952 So to tell my friend from Louisiana this is the
953 Congress, we should have a debate and then pass a law, we had
954 that debate and we passed a law. We passed a law that was
955 originally signed by President Nixon. We had a law that was
956 last signed after an overwhelming bipartisan vote of the
957 Congress by President George H.W. Bush. And that law is the
958 law that this bill before us would stop from being
959 implemented when it comes to the carbon pollution.

960 Now, you could say, oh, wait a second. We didn't hear
961 anything about carbon pollution in 1990. Well, some of us
962 did, but it wasn't spelled out specifically. But what was in
963 the law was that when pollutants cause harm to public health
964 and safety, the law required EPA to make a finding on that

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965 regard and then to regulate. And who decided that? Well,
966 the Supreme Court of the United States. You might not like
967 their decision. You know what, I don't like a lot of their
968 decisions either, but we are a nation of laws. And what this
969 committee majority seems to want to do is to repeal the law
970 and to change its impact when it comes to coal-burning power
971 plants. EPA, you can no longer regulate it unless there is a
972 technology that can achieve the reductions that is already
973 being used. Well, why would we have anybody who runs a
974 business put in the technology if their competitors aren't
975 going to do it, if it costs them money, if it is going to
976 detract from their business, which is to reward their
977 shareholders?

978 So I just want to say a law is in effect. I complement
979 the gentleman from Louisiana. I am always amazed at his
980 skill in debate. I often felt that if I ever killed
981 somebody, I would ask him to represent me and he would
982 probably convince me I didn't do it. But that doesn't change
983 the world, and the world is we have a law that has been
984 passed and this bill would repeal it. Thank you.

985 Mr. {Whitfield.} The gentleman's time is expired.

986 At this time I recognize the gentleman from West
987 Virginia, Mr. McKinley, for 5 minutes.

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988 Mr. {McKinley.} Thank you, Mr. Chairman.

989 I really hadn't intended to speak. I thought this was
990 going to be something your bill would pass through relatively
991 quickly with that. But I have listened to the debate on a
992 couple of the issues that have been raised. One of us talked
993 about asthma and health standards. If someone would just pay
994 a little bit more attention to--EPA's own reports are
995 indicating that indoor air quality is far more dangerous than
996 outdoor air, as much as 100 times worse, and when people
997 spend 90 percent of their time indoors, we have not been able
998 to demonstrate that disease or the health risks that they are
999 addressing or facing have been caused by outdoor air or
1000 indoor air. So you can walk through a park a mile away from
1001 a powerhouse and be 100 times safer than breathing air in
1002 your own home or in your office, but yet we keep attacking
1003 our coal-fired powerhouses across America because it is easy
1004 to blame them.

1005 To really address our indoor air quality, California,
1006 surely the gentleman from California has read their law.
1007 They are much more aggressive in California trying to address
1008 it because they understand it is not coal-fired powerhouses.
1009 It is much more dangerous on our indoor air quality.

1010 Well, let's go to some of the other matters that were

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1011 also talked about, about what answer do we have? I think
1012 what we are trying to do--

1013 Mr. {Whitfield.} David, excuse me for interrupting.

1014 Would you speak into your microphone? I have been told that
1015 on the TV they are not picking up your voice.

1016 Mr. {McKinley.} The issue of trying to address the
1017 climate change, I think we are doing it in a bill that is
1018 going to be on this omnibus bill where we are reversing a
1019 decision from this Administration not to fund coal-fired
1020 powerhouses in Africa because what is happening in Africa has
1021 been the fact--and Al Gore and others have been talking about
1022 that the burning of the tropical rainforests in Africa and
1023 South America and elsewhere is six times worse than our CO2
1024 emissions into the world, six times worse.

1025 And all they want, the people in Africa who want to
1026 build a powerhouse so that they can cook with electricity,
1027 they can heat their homes, and we are saying because of World
1028 Bank and the Export-Import Bank and the Treasury are saying
1029 we are not going to loan you any money. I think you are
1030 going to see a change. The fact that under the omnibus bill
1031 we are going to allow them to go back and refinance so that
1032 they can build coal-fired powerhouses there. And we are
1033 going to reduce the CO2 emissions in the world by what we are

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1034 doing by addressing the poverty in this situation.

1035 If we want the nations of the world to emerge from
1036 poverty, you have got to give them electricity. And when
1037 they have to tear down their tropical rainforests to burn
1038 their wood so that they have heat for their homes where they
1039 can cook, we are impoverished a whole section of our world.
1040 That is not right. And they are contributing so much
1041 unfortunately to CO2 emissions.

1042 So what are we doing under this administration? He said
1043 he wants to maintain them at a status quo, and what we are
1044 saying is we are trying--instead of that, if it is 2/10 of 1
1045 percent emissions of our coal-fired powerhouses in America--
1046 2/10 of 1 percent of the CO2 emissions of the world come from
1047 our coal-fired powerhouses--we are going to put at risk
1048 hundreds of thousands if not millions of jobs in America when
1049 we know this isn't the problem. It is easy to pick on from
1050 the other side. But the science doesn't back it up.

1051 And I get so frustrated sitting here listening to the
1052 debate about picking on coal-fired powerhouses when the
1053 gentleman from Virginia talks about we can accomplish all
1054 this, we are just going to add to the cost of adding product.
1055 We are going to hurt our middle class. We are going to cause
1056 even a greater division between the rich and the poor when we

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1057 start raising utility bills. We are going to drive more jobs
1058 offshore. This is serious business, and this idea of pushing
1059 an ideology only crushes an industry here in America and puts
1060 at risk jobs all across--it is not just coalmining jobs; it
1061 is the railroad workers, it is the truck drivers, it is the
1062 timber industry. All that is affected by our fossil fuels,
1063 our coal. Let's be careful about it instead of playing an
1064 ideological fight. Let's find out where the real fight is
1065 and that is to get our people with jobs again.

1066 I yield back the balance of my time.

1067 Mr. {Whitfield.} The gentleman yields back the balance
1068 of his time.

1069 Is there further discussion on the Waxman amendment?

1070 If there is no further discussion, the vote would occur
1071 on the Waxman amendment. All those in favor shall signify by
1072 saying aye.

1073 All those opposed, no.

1074 In the opinion of the chair, the nays have it.

1075 Mr. {Waxman.} Roll call vote.

1076 Mr. {Whitfield.} The gentleman requests a recorded
1077 vote. The clerk will call the roll.

1078 The {Clerk.} Mr. Scalise?

1079 Mr. {Scalise.} No.

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1080 The {Clerk.} Mr. Scalise votes no.
1081 Mr. Hall?
1082 Mr. {Hall.} No.
1083 The {Clerk.} Mr. Hall votes no.
1084 Mr. Shimkus?
1085 Mr. {Shimkus.} No.
1086 The {Clerk.} Mr. Shimkus votes no.
1087 Mr. Pitts?
1088 Mr. {Pitts.} No.
1089 The {Clerk.} Mr. Pitts votes no.
1090 Mr. Terry?
1091 Mr. {Terry.} No.
1092 The {Clerk.} Mr. Terry votes no.
1093 Mr. Burgess?
1094 Dr. {Burgess.} No.
1095 The {Clerk.} Mr. Burgess votes no.
1096 Mr. Latta?
1097 Mr. {Latta.} No.
1098 The {Clerk.} Mr. Latta votes no.
1099 Mr. Cassidy?
1100 Dr. {Cassidy.} No.
1101 The {Clerk.} Mr. Cassidy votes no.
1102 Mr. Olson?

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1103 Mr. {Olson.} No.

1104 The {Clerk.} Mr. Olson votes no.

1105 Mr. McKinley?

1106 Mr. {McKinley.} No.

1107 The {Clerk.} Mr. McKinley votes no.

1108 Mr. Gardner?

1109 Mr. {Gardner.} No.

1110 The {Clerk.} Mr. Gardner votes no.

1111 Mr. Pompeo?

1112 Mr. {Pompeo.} No.

1113 The {Clerk.} Mr. Pompeo votes no.

1114 Mr. Kinzinger?

1115 Mr. {Kinzinger.} No.

1116 The {Clerk.} Mr. Kinzinger votes no.

1117 Mr. Griffith?

1118 Mr. {Griffith.} No.

1119 The {Clerk.} Mr. Griffith votes no.

1120 Mr. Barton?

1121 Mr. {Barton.} No.

1122 The {Clerk.} Mr. Barton votes no.

1123 Mr. Upton?

1124 The {Chairman.} No.

1125 The {Clerk.} Mr. Upton votes no.

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1126 Mr. Rush?

1127 [No response.]

1128 The {Clerk.} Mr. McNerney?

1129 Mr. {McNerney.} Votes aye.

1130 The {Clerk.} Mr. McNerney votes aye.

1131 Mr. Tonko?

1132 Mr. {Tonko.} Aye.

1133 The {Clerk.} Mr. Tonko votes aye.

1134 Mr. Yarmuth?

1135 Mr. {Yarmuth.} Aye.

1136 The {Clerk.} Mr. Yarmuth votes aye.

1137 Mr. Engel?

1138 [No response.]

1139 The {Clerk.} Mr. Green?

1140 Mr. {Green.} No.

1141 The {Clerk.} Mr. Green votes no.

1142 Mrs. Capps?

1143 Mrs. {Capps.} Aye.

1144 The {Clerk.} Mrs. Capps votes aye.

1145 Mr. Doyle?

1146 Mr. {Doyle.} Aye.

1147 The {Clerk.} Mr. Doyle votes aye.

1148 Mr. Barrow?

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

1149 Mr. {Barrow.} No.

1150 The {Clerk.} Mr. Barrow votes no.

1151 Ms. Matsui?

1152 Ms. {Matsui.} Aye.

1153 The {Clerk.} Ms. Matsui votes aye.

1154 Ms. Christensen?

1155 Dr. {Christensen.} Aye.

1156 The {Clerk.} Ms. Christensen votes aye.

1157 Ms. Castor?

1158 Ms. {Castor.} Aye.

1159 The {Clerk.} Ms. Castor votes aye.

1160 Mr. Waxman?

1161 Mr. {Waxman.} Aye.

1162 The {Clerk.} Mr. Waxman votes aye.

1163 Chairman Whitfield?

1164 Mr. {Whitfield.} No.

1165 The {Clerk.} Chairman Whitfield votes no.

1166 Mr. {Whitfield.} Are all Members recorded?

1167 The gentleman from New York, Mr. Engel.

1168 Mr. {Engel.} Votes aye.

1169 The {Clerk.} Mr. Engel votes aye.

1170 Mr. {Whitfield.} Does anyone seek recognition to be

1171 recorded?

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1172 Okay. The clerk will report the result.

1173 The {Clerk.} Mr. Chairman, on that vote there were 10
1174 ayes and 19 noes.

1175 Mr. {Whitfield.} 10 ayes, 19 noes, the amendment is not
1176 agreed to.

1177 At this time does anyone seek recognition to offer
1178 another amendment to the bill?

1179 Seeing no one seeking recognition, the question would
1180 now occur on forwarding H.R. 3826 to the full committee.

1181 All those in favor of the legislation, signify by saying
1182 aye.

1183 All those opposed, no.

1184 In the opinion of the chair, the ayes have it.

1185 Mr. {Waxman.} Roll call vote, Mr. Chairman.

1186 Mr. {Whitfield.} The gentleman asks for a roll call
1187 vote. The clerk will call the roll.

1188 The {Clerk.} Mr. Scalise?

1189 Mr. {Scalise.} Aye.

1190 The {Clerk.} Mr. Scalise votes aye.

1191 Mr. Hall?

1192 Mr. {Hall.} Aye.

1193 The {Clerk.} Mr. Hall votes aye.

1194 Mr. Shimkus?

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1195 Mr. {Shimkus.} Aye.
1196 The {Clerk.} Mr. Shimkus votes aye.
1197 Mr. Pitts?
1198 Mr. {Pitts.} Aye.
1199 The {Clerk.} Mr. Pitts votes aye.
1200 Mr. Terry?
1201 Mr. {Terry.} Aye.
1202 The {Clerk.} Mr. Terry votes aye.
1203 Mr. Burgess?
1204 Dr. {Burgess.} Aye.
1205 The {Clerk.} Mr. Burgess votes aye.
1206 Mr. Latta?
1207 Mr. {Latta.} Aye.
1208 The {Clerk.} Mr. Latta votes aye.
1209 Mr. Cassidy?
1210 Dr. {Cassidy.} Aye.
1211 The {Clerk.} Mr. Cassidy votes aye.
1212 Mr. Olson?
1213 Mr. {Olson.} Aye.
1214 The {Clerk.} Mr. Olson votes aye.
1215 Mr. McKinley?
1216 Mr. {McKinley.} Aye.
1217 The {Clerk.} Mr. McKinley votes aye.

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1218 Mr. Gardner?

1219 Mr. {Gardner.} Aye.

1220 The {Clerk.} Mr. Gardner votes aye.

1221 Mr. Pompeo?

1222 Mr. {Pompeo.} Aye.

1223 The {Clerk.} Mr. Pompeo votes aye.

1224 Mr. Kinzinger?

1225 Mr. {Kinzinger.} Aye.

1226 The {Clerk.} Mr. Kinzinger votes aye.

1227 Mr. Griffith?

1228 Mr. {Griffith.} Aye.

1229 The {Clerk.} Mr. Griffith votes aye.

1230 Mr. Barton?

1231 Mr. {Barton.} Aye.

1232 The {Clerk.} Mr. Barton votes aye.

1233 Mr. Upton?

1234 The {Chairman.} Aye.

1235 The {Clerk.} Mr. Upton votes aye.

1236 Mr. Rush?

1237 [No response.]

1238 The {Clerk.} Mr. McNerney?

1239 Mr. {McNerney.} Votes no.

1240 The {Clerk.} Mr. McNerney votes no.

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

1241 Mr. Tonko?

1242 Mr. {Tonko.} No.

1243 The {Clerk.} Mr. Tonko votes no.

1244 Mr. Yarmuth?

1245 Mr. {Yarmuth.} No.

1246 The {Clerk.} Mr. Yarmuth votes no.

1247 Mr. Engel?

1248 Mr. {Engel.} No.

1249 The {Clerk.} Mr. Engel votes no.

1250 Mr. Green?

1251 Mr. {Green.} No.

1252 The {Clerk.} Mr. Green votes no.

1253 Mrs. Capps?

1254 Mrs. {Capps.} No.

1255 The {Clerk.} Mrs. Capps votes no.

1256 Mr. Doyle?

1257 Mr. {Doyle.} No.

1258 The {Clerk.} Mr. Doyle votes no.

1259 Mr. Barrow?

1260 Mr. {Barrow.} Aye.

1261 The {Clerk.} Mr. Barrow votes aye.

1262 Ms. Matsui?

1263 Ms. {Matsui.} No.

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1264 The {Clerk.} Ms. Matsui votes no.
1265 Ms. Christensen?
1266 Dr. {Christensen.} No.
1267 The {Clerk.} Ms. Christensen votes no.
1268 Ms. Castor?
1269 Ms. {Castor.} No.
1270 The {Clerk.} Ms. Castor votes no.
1271 Mr. Waxman?
1272 Mr. {Waxman.} No.
1273 The {Clerk.} Mr. Waxman votes no.
1274 Chairman Whitfield?
1275 Mr. {Whitfield.} Aye.
1276 The {Clerk.} Chairman Whitfield votes aye.
1277 Mr. {Whitfield.} Does anyone seek recognition to record
1278 their vote?
1279 Will the clerk please report the result?
1280 The {Clerk.} Mr. Chairman, on that vote there were 18
1281 ayes and 11 noes.
1282 Mr. {Whitfield.} The legislation is agreed to, 18 ayes,
1283 11 nays, so the ayes have it and the bill is agreed to.
1284 Without objection, staff is authorized to make technical
1285 and conforming changes to the legislation approved by the
1286 Subcommittee today. So ordered.

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1287 And pursuant to a discussion with Mr. McNerney, we have
1288 letters from organizations and labor unions in support of
1289 this legislation, and we have letters from groups opposed to
1290 the legislation. Those letters will be placed into the
1291 record.

1292 [The information follows:]

1293 ***** COMMITTEE INSERT *****

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|
1294 Mr. {Whitfield.} And without objection, the
1295 Subcommittee now stands adjourned.
1296 [Whereupon, at 11:40 a.m., the Subcommittee was
1297 adjourned.]