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4 MARKUP ON H.R. _____, THE RATEPAYER PROTECTION ACT OF 2015

5 WEDNESDAY, APRIL 22, 2015

6 House of Representatives,

7 Subcommittee on Energy and Power

8 Committee on Energy and Commerce

9 Washington, D.C.

10 The Subcommittee met, pursuant to call, at 10:04 a.m.,
11 in Room 2123 of the Rayburn House Office Building, Hon. Ed
12 Whitfield [Chairman of the Subcommittee] presiding.

13 Members present: Representatives Whitfield, Olson,
14 Barton, Shimkus, Pitts, Latta, Harper, McKinley, Pompeo,
15 Kinzinger, Griffith, Johnson, Long, Elmers, Flores, Mullin,
16 Hudson, Upton (ex officio), Rush, McNerney, Green, Capps,
17 Doyle, Castor, Welch, Yarmuth, Loeb sack, and Pallone (ex
18 officio).

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19 Staff present: Nick Abraham, Legislative Clerk; Gary
20 Andres, Staff Director; Charlotte Baker, Deputy
21 Communications Director; Sean Bonyun, Communications
22 Director; Leighton Brown, Press Assistant; Allison Busbee,
23 Policy Coordinator, Energy and Power; Karen Christian,
24 General Counsel; Tom Hassenboehler, Chief Counsel, Energy and
25 Power; Brittany Havens, Legislative Clerk; Kirby Howard,
26 Legislative Clerk; Peter Kielty, Deputy General Counsel; Mary
27 Neumayr, Senior Energy Counsel; Charlotte Savercool,
28 Legislative Clerk; Peter Spencer, Professional Staff Member,
29 Oversight; Jessica Wilkerson, Legislative Clerk; Jen
30 Berenholz, Democratic Chief Clerk; Christine Brennan,
31 Democratic Press Secretary; Jeff Carroll, Democratic Staff
32 Director; Elizabeth Ertel, Democratic Deputy Clerk; Michael
33 Goo, Democratic Chief Counsel, Energy and Environment;
34 Caitlin Haberman, Democratic Professional Staff Member;
35 Ashley Jones, Democratic Director, Outreach and Member
36 Services; Rick Kessler, Democratic Senior Advisor and Staff
37 Director, Energy and Environment; John Marshall, Democratic
38 Policy Coordinator; and Tim Robinson, Democratic Chief
39 Counsel.

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|

40 H.R. _____

41 Mr. {Whitfield.} I would like the Subcommittee to come
42 to order, and the Chair would recognize himself for an
43 opening statement.

44 This morning we are going to begin the markup of the
45 Ratepayer Protection Act, a bill that will add several
46 important safeguards to EPA's proposed Clean Power Plan for
47 existing electric generation. Now, we have had six hearings
48 that relate to this issue, and we have heard from a lot of
49 legal experts, and, obviously, there are different views on
50 the legality of this Clean Air--Clean Energy Plan. But, I
51 must say, the disagreement has been pretty ferocious, and it-
52 -many people view this is as an unprecedented action by EPA.

53 We have heard from state officials who have been warning
54 that the rules accelerated deadlines are not workable for
55 many of them, and are creating--will create significant
56 issues for them. We have heard from entities like Seminole
57 Electric down in Florida about the loss of assets after
58 spending billions of dollars modernizing their equipment to
59 now find that they are going to lose these assets. We have
60 heard spokesmen for ratepayers concerned about increased
61 electric rates and reliability problems. I think NERG today

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62 just came out with another report expressing concern about
63 possible reliability issues because the Administration is
64 moving so quickly.

65 As you know, when they finalize this rule, they are only
66 giving states 13 months to submit their state implementation
67 plan. Frequently they have up to 3 years to do that. Now,
68 if they do multi-state, they can get a couple years'
69 extension, but we have the states on a very short timeframe
70 here. So our bill basically, because of the controversy on
71 the legality, basically says the states do not have to comply
72 or submit an implementation plan until the courts have
73 exhausted--the ratepayers and others have exhausted their
74 remedies in the court system. Then the timeline would kick
75 in. Now, we also say to the state governors, many of them
76 have talked to us, many of them have filed suits, many of
77 them were going to file suits once the rule becomes final,
78 that if they show that rates and reliability would be
79 significantly and adversely affected by this rule, then they
80 can take action to delay implementation, and continue to work
81 with the EPA on that.

82 And I don't know, many of you may have seen how China
83 recently has developed the Asian Investment and
84 Infrastructure Bank. The Obama Administration tried to

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85 prevent countries from joining in. 57 countries have now
86 joined in to this bank. And one of the reasons the bank is
87 being formed, but not the only reason, is because the
88 Administration, the Obama Administration, working with Jim
89 Yun Kim, the President of the World Bank, have told the
90 developing world that they are not going to be financing any
91 coal fired plants, which really has been unheard of in
92 developing countries.

93 And the developing countries are saying, you know, we
94 have millions of people that do not have access to any
95 electricity, or clean water, and view this as more important
96 to us than climate change. And yet the World Bank, and these
97 other--Asian Development Bank and others are not providing
98 any financing. So this China Investment and Infrastructure
99 Bank, they are going to start financing coal powered plants
100 in these--in the developing countries. And many of you may
101 have read just a couple of days ago where they reached an
102 agreement in Pakistan, and they were going to put up \$38
103 billion to build roughly 6,000 megawatts of coal generating
104 plants in Pakistan. And then they also were having
105 discussions with the Indian government, and in India they are
106 talking about developing 455 new coal generating plants.

107 So we find ourselves in the dichotomy of--we have the

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108 U.S.A., that is basically saying, we are going to shut down
109 coal plants. We have the developing areas of the world, and
110 other countries, wanting to build coal powered plants. So
111 that is why many of us view this energy plan by EPA and by
112 the President as being extreme, and that is why I think this
113 common sense legislation provides additional protections, and
114 slows down the rush for a while.

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

116 ***** COMMITTEE INSERT *****

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|
117 Mr. {Whitfield.} And with that, at this time I would
118 like to recognize the gentleman from Illinois, Mr. Rush, for
119 his 5 minute opening statement.

120 Mr. {Rush.} I want to thank you, Mr. Chairman, for this
121 markup, and, Mr. Chairman, I would like to wish most of you
122 here a happy Earth Day, and to the others, the round Earth
123 doubters, and the flat Earth advocates. You know who you
124 are. Even after all these many hundreds of years, I still
125 would like to wish you all a happy flat Earth day.

126 Unfortunately, Mr. Chairman, as most of the world
127 celebrates the 45th annual Earth Day, today we are here
128 marking up a bill that would undo much of the progress that
129 the Obama Administration has put forward to actually mitigate
130 some of the disastrous effects of climate change, and help
131 put our planet on a must--on a more sustainable path moving
132 forward.

133 Mr. Chairman, as both Ranking Member of this
134 Subcommittee, as well as a co-chair of the Joint Bicameral
135 Task Force on Climate Change, I am proud to support the
136 efforts that the Obama Administration has initiated on both
137 the international and the domestic fronts to try and address
138 the worst impacts of this serious threat to Mother Earth. So

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139 I am establishing the Climate Action Plan, including the
140 joint announcement with China establishing ambitious carbon
141 pollution reduction targets to making a national commitment
142 to the Green Climate Fund, up to and including putting forth
143 the Clean Power Plan. I applaud the leadership that
144 President Obama has demonstrated in the face of inaction by
145 Congress on this critical issue.

146 Now, Mr. Chairman, why is it so important that we act to
147 address this issue? Well, Mr. Chairman, the overwhelming
148 majority of the world's scientists, climatologists, and most
149 noted experts are all telling us the very same thing.
150 Climate Change is real, and we must act now, before it is too
151 late and too costly to do something about. From severe
152 wildfires in the West, to more frequent flooding in the
153 Midwest, to sea level rise and greater storm damage along our
154 coasts, climate change has already taken a huge toll on our
155 nation, to the tune of billions of dollars in costs due to
156 water shortages, drought, livestock losses, damaged property,
157 and serious and tremendous health impacts.

158 Mr. Chairman, for the sake of all children, and our--all
159 grandchildren, as well as for the health and welfare of our
160 planet as a whole, this round planet, Mother Earth, we cannot
161 simply choose to put our collective heads in the sand.

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162 Instead of fighting President Obama's efforts to address what
163 may be, in fact, the greatest threat to our--that our country
164 faces, Congress, and this Subcommittee, should be supporting
165 him, partnering with him, applauding him, and we should do
166 our part to address climate change and lead our nation down
167 the path of sustainability.

168 So, unfortunately, Mr. Chairman, here we are on Earth
169 Day doing exactly the opposite of what the world is doing.
170 We are--who--they are proclaiming Mother Earth, and they are
171 indeed recognizing our obligation to protect our environment.
172 We are here today on this bill--and, Mr. Chairman, I must
173 urge all my colleagues to oppose this bill before us, and let
174 us get to work on real bipartisan legislation to move our
175 country forward in the right direction, even on this, the
176 45th anniversary of Earth Day. With that, I yield back.

177 [The prepared statement of Mr. Rush follows:]

178 ***** COMMITTEE INSERT *****

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|
179 Mr. {Whitfield.} Mr. Rush, I want to thank you for
180 reminding us it is Earth Day. We appreciate that very much,
181 and thank you for your comments.

182 At this time, are there are any members on our--Mr.
183 Latta is recognized for a 3 minute opening--

184 Mr. {Latta.} Well, thank you, Mr. Chairman, I
185 appreciate that, and thanks for today, for holding this
186 markup. I have great concerns about the EPA's proposed Clean
187 Power Plan, and I am glad we are here to consider the
188 Ratepayer Protection Act. Many states, including my state of
189 Ohio, believe that there are legal challenges of the Clean
190 Power Plan. I am glad that this bill allows for the
191 completion of judicial review on the final rule before states
192 would have to comply. Additionally, it is expected that the
193 final rule will have a very short timeline for submitting a
194 state implementation plan. The cost of challenging the rule
195 in court, while simultaneously rushing to comply with the
196 rule, will further strain state budgets. An accelerated
197 timeline to comply also leads to concerns about grid
198 reliability. If plants are shut down in order to comply with
199 the final rule, but new infrastructure, including generation,
200 transmission, and distribution is not up and running,

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201 reliability issues will affect the entire country.

202 Affordable and reliable power is vital to Ohio's
203 economic development. For years Ohio's jobs have come
204 because of an abundance of low electric rates, which is
205 especially important for much of the energy intensive
206 manufacturing found in my district. Looking at this proposed
207 regulation, the Public Utilities Commission of Ohio predicted
208 wholesale market energy prices will increase 39 percent in
209 the year 2025, costing Ohioans approximately \$2.5 billion.
210 This major cost increase does not even take into account
211 things like the significant investments in upgrading the
212 transmission system that are needed. I am pleased that the
213 bill would give the governor of each state the ability to not
214 implement a specific state or Federal plan if the plan would
215 not--would adversely affect ratepayers' reliability.

216 The clean power plan is a misguided proposal by the EPA.
217 I look forward to advancing this legislation to protect the
218 ratepayers in Ohio. And, Mr. Chairman, I yield back.

219 [The prepared statement of Mr. Latta follows:]

220 ***** COMMITTEE INSERT *****

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|
221 Mr. {Whitfield.} Gentleman yields back, and I
222 mistakenly gave you 5 minutes instead of 3, but you were well
223 within the time limit, so thank you.

224 Are there any--Chair recognizes the gentleman from
225 California, Mr. McNerney, for a 3 minute opening statement.

226 Mr. {McNerney.} Thank you, Mr. Chairman, and I must
227 say, regrettably, that I am disheartened that we are marking
228 up a bill like this today. Global warming is progressing.
229 It is getting worse. We are already committed to significant
230 change. Encouraging more coal fired and other carbon
231 producing sources is just going to make it worse. And I--
232 there are a couple things we could do. We could go with
233 carbon sequestration, but Republicans have very adamantly
234 opposed carbon sequestration. We could gradually reduce the
235 most polluting forms of energy. And now we are seeing that
236 you are going to adamantly oppose that. So I think we need
237 to re-think where we are going with this.

238 I know my friend from West Virginia has said that, jeez,
239 we are only putting 4 percent of the carbon emissions in the
240 country--in the world, but, you know, there is a delicate
241 balance that has existed for millions of years in the carbon
242 cycle, and putting 30 gigatons of carbon dioxide into the

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243 atmosphere every year is upsetting that balance. Carbon is
244 accumulating in the atmosphere. It is changing the climate.
245 We need to face this, and we are not going to face it by
246 putting our heads in the sand. So, Mr. Chairman, I am sad to
247 say that I regret this action today. I yield back.

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

249 ***** COMMITTEE INSERT *****

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250 Mr. {Whitfield.} The gentleman yields back. Thank you
251 very much.

252 Anyone seeking recognition on our side of the aisle?

253 The Chair recognizes the gentleman from Virginia, Mr.

254 Griffith, for 3 minutes.

255 Mr. {Griffith.} Thank you very much, Mr. Chairman. I
256 would have to say that this particular bill is not about the
257 debate regarding global warming, and what the United States
258 should do. This is about making sure we follow the law. As
259 you will recall, when Lawrence Tribe was in here, an
260 environmental leader, a lawyer, though, who believes in the
261 Constitution, said, while I agree with the goal of what this
262 bill is trying to do, it doesn't follow the law, and you
263 can't burn the Constitution in order to meet the goals that
264 you want to meet. And that is what we are talking about.
265 And the legal basis for this law is extremely weak, and I
266 believe the EPA knows that. In fact, when you look at the
267 evidence in this matter, you have a situation where the EPA,
268 in 1995, made an interpretation over the same dispute they
269 now claim they have authority in which to regulate under, and
270 came down on the other side. Now, that wasn't during a
271 conservative Republican administration. That was during the

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272 Clinton Administration.

273 Further, 2008, dealing with the Clean Air Mercury Rule,
274 CAMR, a court ruled in New Jersey that--according--in view of
275 the plan text in the structure of Section 112, referring to
276 the Clean Air Act, we grant the petitions and vacate the de-
277 listing rule. This requires vacation of CAMR's regulations
278 for both new and existing EGUs, electric generation units.
279 EPA promulgated the CAMR regulations for existing EGUs under
280 Section 111(d), but under EPA's own interpretation of the
281 section, it cannot be used to regulate sources listed under
282 Section 112.

283 EPA thus concedes that if EGUs remain listed under
284 Section 112, as we hold, then the CAMR regulations for
285 existing sources must fall. EPA appealed that case, but not
286 on that ground. They conceded the point on which they now
287 wish to regulate. And then again, in 2011, the Supreme Court
288 of the United States, in a note, footnote seven in the
289 American Electric Power versus Connecticut case, said there
290 is an exception, EPA may not employ 7411(d)--111(d) if
291 existing stationary sources of the pollutant in question are
292 regulated under the National Ambient Air Quality standard
293 program. And it includes some other sections, but also
294 includes Section 112.

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295 So the bottom line is that the EPA knows they are on
296 weak ground, so this bill is important, because the law is
297 weak, and the threat is great. The State Corporation and
298 Commission of Virginia estimated that just one of our many
299 power companies, Dominion Virginia Power, that it would cost
300 them substantial money, between 5.5 and \$6 billion, and they
301 state, and I quote them, "'Contrary to the claim that rates
302 will go up, but bills will go down, experiencing costs in
303 Virginia make it extremely unlikely that either electric
304 rates or bills in Virginia will go down as a result of this
305 proposed regulation.

306 Mr. Chairman, the law for the EPA is weak. The threat
307 to the states is great. This bill is a bill whose time is
308 right, and whose merit is great. I urge that we pass this
309 bill forthwith. I yield back.

310 [The prepared statement of Mr. Griffith follows:]

311 ***** COMMITTEE INSERT *****

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312 Mr. {Whitfield.} Thank you, Mr. Griffith.

313 At this time the Chair will recognize the gentlelady
314 from Florida for a 3 minute opening statement.

315 Ms. {Castor.} Thank you, Mr. Chairman, and good
316 morning, colleagues. This bill is, unfortunately, tailor-
317 made for a do nothing approach in the face of very serious
318 impacts of the changing climate. If adopted, it will cause
319 great harm to consumers. Do not be fooled by the title of
320 the bill. In a state like my home, the State of Florida,
321 unless the Congress meets the modern challenge of the
322 changing climate, we are going to heap new costs onto
323 taxpayers. Not just in my state, but all across the country.
324 And here are some of the huge costs we are looking at
325 already.

326 With the changing climate, it is causing salt water
327 intrusion into our drinking water supplies in the State of
328 Florida. That is going to be very costly to prevent, and
329 ultimately replace. Storm water infrastructure, often take
330 care of by local governments, and paid through storm water
331 fees or property taxes, are going to increase because of
332 flooding caused by changing climate. Our coastal resources,
333 you know, in Florida and many other states, we rely on our

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334 beaches as the lifeblood of our economy. We are going to
335 face additional erosion of our coastal communities, and we
336 have got to begin to address those rising costs now. Look at
337 the cost of flood insurance. Look at the debate we had over
338 flood insurance in the last year. Property insurance rates
339 are going to go up, unless we meet this modern challenge.

340 We have got to unleash American ingenuity to meet the
341 modern challenge of the changing climate. Don't hamstring
342 American entrepreneurs and the entrepreneurial spirit of
343 Americans in the face of increased carbon pollution.
344 Americans want us to stay true to the Clean Air Act, take on
345 the challenge of the changing climate. And, unfortunately,
346 this bill just shirks that duty. I yield back.

347 [The prepared statement of Ms. Castor follows:]

348 ***** COMMITTEE INSERT *****

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349 Mr. {Whitfield.} Gentlelady yields back. The gentleman
350 from West Virginia is recognized for 3 minutes.

351 Mr. {McKinley.} Thank you, Mr. Chairman, and very
352 briefly, since my name was invoked over the 4 percent rule
353 that we have been talking about for the last 4 years, over--I
354 do want to enter this discussion just for--briefly. One of
355 the things I am curious about, that I have not had an answer,
356 Mr. Chairman, both from the EPA and the folks on the other
357 side of the aisle, a very simplistic question that I have
358 been waiting 4 years for an answer, and that is, if you go
359 back to the time of the last glaciation, when we had the
360 Bering Strait, the land bridge that connected North America
361 by land, it was because the Ice Age had--was pulling all
362 that--well, we have lost the land bridge, and also there was
363 an article the other day about the--the English Channel was
364 not a sea, it was merely a river back during that period of
365 time.

366 I am just curious, what happened to melt the glaciers
367 back 15,000 years ago? Because I don't think we had too many
368 power plants back then, and we didn't have SUVs running
369 around the highway. And--so I am just curious, was it
370 possible that this was natural and cyclical? Because I

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371 believe that the climate change is occurring, but this
372 approach that we have been using, the EPA has been using,
373 attacking fossil fuels, for the last 10 years is misplaced.
374 And that is why I am excited about this particular
375 legislation, but I am still waiting for an answer from
376 someone from the EPA, why did the glaciers melt 15,000 years
377 ago, when there weren't people, and there weren't coal fired
378 power plants, and there weren't millions of automobiles on
379 the highways? I am still waiting for an answer, so I am
380 looking forward to this, and the passage of this legislation.
381 Thank you. I yield back.

382 [The prepared statement of Mr. McKinley follows:]

383 ***** COMMITTEE INSERT *****

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|
384 Mr. {Whitfield.} Gentleman yields back. Does anyone
385 else seek recognition on the--anyone else have an opening?

386 The Chair recognizes the gentleman from Texas, Mr.
387 Flores, for 3--

388 Mr. {Flores.} Thank you, Mr. Chairman, and I appreciate
389 you holding today's markup. As we all know, energy is a key
390 basic building block for a healthy economy. A healthy
391 economy is what we need to be able to improve the lives of
392 hardworking American families, and also to provide the
393 revenues for our Federal government so it can defend us, and
394 take care of its other basic responsibilities.

395 ERCOT, who is the Texas grid operator, estimates that
396 the EPA's Clean Power Plan will increase cost to Texans by up
397 to 20 percent by the year 2020. And that is sort of the low
398 range, apparently, because many of you argued that the
399 percentage is too low, and the ultimate impact will be much
400 worse. And, again, this hurts hardworking American families,
401 particularly those at the lower end of the economy scale.

402 The EPA's back door cap and tax regulation will have
403 some of the most profound impacts on all sectors of the
404 economy, and it threatens grid reliability. I strongly
405 support Chairman Whitfield and our Committee's efforts to

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406 protect consumers from rate hikes, and to ensure access to
407 affordable energy.

408 Mr. Chairman, I yield back the balance of my time.

409 Thank you.

410 [The prepared statement of Mr. Flores follows:]

411 ***** COMMITTEE INSERT *****

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412 Mr. {Whitfield.} Gentleman yields back. Is there
413 anyone else seeking recognition for an opening statement?

414 Seeing none, then that would conclude the opening
415 statements. The Chair will call up the committee print, and
416 ask the Clerk to report.

417 The {Clerk.} Discussion draft, to allow for judicial
418 review of any final rule addressing carbon dioxide emissions
419 from existing fossil fuel fired electric utility generating
420 units before requiring compliance with such rule, and to
421 allow states to protect households and businesses from
422 significant adverse effects on electricity ratepayers or
423 reliability.

424 [The bill follows:]

425 ***** INSERT 1 *****

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426 Mr. {Whitfield.} Without objection, the first reading
427 of the bill is dispensed with, and the bill will be open for
428 amendment at any point. So ordered.

429 Are there any bipartisan amendments to the bill?

430 Are there other amendments?

431 Mr. {Rush.} Mr. Chairman?

432 Mr. {Whitfield.} For what purpose does the gentleman
433 from Illinois seek recognition?

434 Mr. {Rush.} Mr. Chairman, I have an amendment at the
435 desk, Rush 01.

436 Mr. {Whitfield.} The Clerk will report the amendment.

437 The {Clerk.} Amendment to the discussion draft of the
438 Ratepayer Protection Act of 2015, offered by Mr. Rush of
439 Illinois.

440 [The amendment of Mr. Rush follows:]

441 ***** INSERT 2 *****

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|
442 Mr. {Whitfield.} Without objection, the reading of the
443 amendment is dispensed with, and the gentleman from Illinois
444 is recognized for 5 minutes in support of his amendment.

445 Mr. {Rush.} I want to thank you, Mr. Chairman. Mr.
446 Chairman, the bill before us, which I would prefer to call
447 the Just Say No to the Clean Power Plan Act, would
448 effectively give governors the power to opt out of Federal
449 requirements of the Clean Power Plan if they decide that
450 complying with the plan would have an adverse effect on
451 either the state's ratepayers, or on the reliability of its
452 electricity system.

453 Unfortunately, Mr. Chairman, the language allowing a
454 governor to opt out is ambiguous, and does not take into
455 account other costs that the states are already paying due to
456 the impacts of climate change. So, to address this issue,
457 Mr. Chairman, I am offering a--strike that--a straightforward
458 amendment that simply says that a governor must certify that,
459 within his state, any ratepayer increases associated with
460 implementing a state or Federal plan would be greater than
461 any cost associated with responding to extreme weather events
462 associated with human caused climate change, taking into
463 account any costs that would be necessary to adapt to, or

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464 associated with, increased sea level rise or flooding, any
465 costs that would be necessary to prepare for, or are
466 associated with more frequent and intense storms, any costs
467 that would be necessary to fight, or are associated with more
468 frequent and intense wildfires, and any costs that would be
469 necessary to adapt to, or are associated with, increased
470 drought.

471 Mr. Chairman, as any state that has had to deal with the
472 aftermath of any of these destructive extreme weather events
473 can attest, Americans are already shouldering the costs of
474 climate change, and these costs are getting worse. In fact,
475 according to the National Climate Assessment, if we do not
476 seriously invest in addressing climate change impacts now, we
477 can expect to see more expensive and costly future damages
478 affecting almost every facet of our society, from negative
479 health impacts, to stressing our infrastructure and our water
480 systems, to harming our national security, up to and
481 including hurting our overall long term economic growth.

482 Mr. Chairman, we know that these are not just idle
483 threats, considering that the National Oceanic and
484 Atmospheric Administration just released a report stating
485 that the globally average temperature over land and ocean
486 surfaces for March 2015 was the highest for the month since

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487 recordkeeping began way back in 1880. Mr. Chairman,
488 additionally, this same report shows that the first quarter
489 of 2015, from January to March, also averaged record high
490 temperatures all around the world. So, Mr. Chairman, with
491 all these dire warnings coming from the world's foremost
492 scientists, as well as from Mother Nature, we cannot allow
493 governors to just say no to reducing harmful pollutants from
494 their states simply because they might find acting to do so
495 to being too burdensome.

496 I urge all my colleagues to support my amendment to
497 ensure that the governors are accounting for their failure to
498 act to reduce harmful pollutants that impact the public good.
499 With that, Mr. Chairman, I yield back.

500 Mr. {Whitfield.} The gentleman yields back. The Chair
501 will recognize himself to respond to the amendment.

502 As was stated, the amendment would require a
503 certification by state governors that costs to rate payers
504 under the EPA's Clean Power Plan would exceed the costs
505 associated with responding to extreme weather events. And we
506 know from testimony, repeatedly, by EPA about the Clean Power
507 Plan that they did not think that this would have any
508 significant impact on climate change, and Gina McCarthy made
509 the comment that this is not about pollution control. Just

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510 last week, Acting Assistant Administrator McCabe indicated
511 that EPA could not predict the impact of the rule on any of
512 its climate indicators.

513 So, while I have great respect and admiration for my
514 Ranking Member from Illinois, this amendment seems to be
515 distracting from the real issue that we are trying to
516 confront today, which are the complexities of EPA's pending
517 rule, the legal and feasibility questions, and the real world
518 impacts on states, on ratepayers, and on our ability to be
519 competitive in the global marketplace. So I would
520 respectfully urge my colleagues to vote no on the Rush
521 amendment.

522 Is anyone--the Chair recognizes the gentleman from New
523 Jersey, Mr. Pallone, for 5 minutes.

524 Mr. {Pallone.} Thank you, Mr. Chairman. I want to
525 strike the last word in support of Mr. Rush's amendment, but
526 I wanted to say in general that it is very disappointing to
527 me that we are here on Earth Day marking up a bill to gut
528 EPA's Clean Power Plan proposal, and effectively amending the
529 Clean Air Act in a harmful and dangerous fashion. It used to
530 be that, even when Republicans spent significant time trying
531 to undermine our environmental statutes, they would at least
532 use Earth Day as a tool to trumpet some small consensus

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533 environmental bills with small improvements, and now we don't
534 even get that. Now we have a Republican majority whose
535 message seems to be, happy Earth Day, let us pollute the
536 planet. As I said in last week's hearing, this legislation
537 is not only dangerous, but also premature, unnecessary, and
538 poorly conceived. It asks us to legislate to address phantom
539 problems in a rule that has not yet been finalized, and it
540 gives individual governors the unfettered ability to thumb
541 their nose at the Clean Air Act.

542 Human induced climate change is real. It is happening
543 now. Only the irresponsible can claim otherwise. But the
544 purpose of this bill is to appease the climate deniers, and
545 give aid and comfort to those states who want to just say no
546 to addressing unchecked carbon pollution from the largest
547 sources in the United States. Yet the citizens of those
548 states will not be able to just say no to the worsening
549 effects of climate change such an action would bring, from
550 crippling drought to heat waves, from frequent extreme storms
551 to damaging sea level rise. In those states, families,
552 businesses, and others have no way to opt out of such
553 fundamental changes to our planet's climate system.

554 Last week the D.C. Circuit heard oral arguments on legal
555 challenges to EPA's proposed Clean Power Plan. Judge Thomas

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556 Griffith, a Republican appointee, noted that ``typically we
557 are not in the business of guessing what the final rule would
558 be like, and that seeking review of a proposed rule, you are
559 inviting us into a morass.'' Another Republican appointee,
560 Judge Bret Kavanaugh, said that if the court ruled at this
561 point, it would ``preclude the whole process that leads to a
562 final rule.'' And Judge Kavanaugh also pointed out that
563 ``you can't ask for a stay as soon as the final rule is out
564 there.``

565 I agree that legal challenges to proposed rules are
566 highly problematic, but what I find even more problematic is
567 the notion that the Congress would also attempt to legislate
568 away a proposed rule. Congress does not interfere when
569 neither EPA nor the courts have had a chance to do their
570 jobs. Litigants can and will challenge the final rule, and,
571 if necessary, the courts can use well established judicial
572 procedures to remedy the situation. Judge Griffith thinks
573 that the Court of Appeals reviewing a proposed rule is a
574 morass, yet it is exactly that morass into which the
575 Whitfield bill would have us all jump headfirst.

576 According to EPA, the passage of this bill would be
577 disruptive. I think that is an understatement. This bill is
578 both disruptive and unhelpful to those in the electric power

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579 sector who are trying to make the plans and long term capital
580 investments needed to ensure electric reliability and
581 affordability well into the future. A serious effort would
582 include working with states, regional entities, FERC, and
583 electric generators to develop workable solutions to combat
584 carbon pollution in a reasonable way. It is clear that any
585 serious effort is exactly what this bill seeks to stop.

586 So finally let me just emphasize that I believe this
587 rule will be upheld in court. This rule is not a violation
588 of the Constitution, nor is it the regulatory catastrophe
589 that the doomsayers predict. On the other hand, this
590 incredibly reckless, in my opinion, draft bill will provide
591 an incentive for polluters to run out the clock on litigation
592 so all deadlines in the rule would be extended as long as
593 possible, no matter how frivolous the challenge in regards to
594 the outcome. And efforts by my Republican colleagues to push
595 states to just say no, and refuse to cooperate with EPA and
596 the requirements of the Clean Air Act I think set a really
597 dangerous precedent, Mr. Chairman.

598 So, considering it is Earth Day, I strongly urge my
599 colleagues to stop climate change obstructions. The Clean
600 Power Plan will give us a reasonable path forward to reduce
601 carbon pollution from the power sector. Just saying no

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602 without a backup plan is not only reckless, but it condemns
603 our children and grandchildren to a world governed by the
604 disastrous impacts of climate change. So not only--I urge
605 support for Mr. Rush's amendment, and continue to urge
606 opposition to the underlying bill. I yield back. Thank you.

607 Mr. {Whitfield.} Gentleman yields back. At this time
608 recognize the gentleman from Virginia, Mr. Griffith, for 5
609 minutes.

610 Mr. {Griffith.} Mr. Chairman, the gentleman previously
611 speaking indicated that Judge Griffith indicated that there
612 would be a--that they were trying to encourage the courts to
613 get into a legal morass. The problem is the EPA has gotten
614 us all into this morass, and the courts have an opportunity
615 to act, but the rule has not yet been finalized, and that is
616 what Judge Griffith was debating, do we get into this mess
617 before the rule is final? The gentleman said we should let
618 the courts do their job. The problem is it will take 4 or 5
619 years for them to do their job, maybe 6, particularly if the
620 current matter is set aside as not yet being right.

621 We are facing a morass in many of the states,
622 particularly--I know about Virginia. As I stated before, the
623 Virginia State Corporation Commission says just one of our
624 electric power companies is going to spend 5 to \$6 billion

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625 trying to deal with this. The dates the EPA has--remember I
626 said they will take 5 or 6 years for the court case to get
627 through. One of those dates is that 13 months after they
628 finalize it, sometime this summer, according to Janet McCabe,
629 when she was in testifying last week, 13 months later the
630 states have to come up with a plan. And by 2020, as it
631 currently is understood, the states will have to start
632 implementing that plan. That is a morass.

633 And the courts are probably sitting there, scratching
634 their heads, thinking to themselves, we are getting into this
635 morass because of an EPA rule. Why doesn't Congress do their
636 job and take action? This bill is an attempt to say, okay,
637 the EPA is doing something that is totally unreasonable, and,
638 as I stated before, very weak on the law, so they are going
639 to do something unreasonable, the least we can do, that is
640 until that legal discussion is finished, is to give the
641 states the ability to say, whoa, whoa, whoa, this is going to
642 create a morass for us. This is going to be a great threat
643 for us. This is going to cost our ratepayers.

644 You know, it is not just the big electric companies. So
645 many think it is just a big electric company pay these--pays
646 these bills. No, they pass that on to the average citizen.
647 And my people, in the Ninth District of Virginia, cannot

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648 afford to have Washington sending more bills to them putting
649 them in a--in harm's way, making it so that they are having
650 to figure out how are they going to heat their homes in the
651 wintertime. Are they going to have to have a small kerosene
652 heater in one room to stay warm? I say no. I think the law
653 is extremely weak. I think this law will be--this rule will
654 be stricken down, this regulation the EPA has proposed will
655 be stricken down on the law itself. I don't think they have
656 the authority to go forward.

657 But what this bill says is, is that, before we go and
658 throw our ratepayers under the bus, 13 months to come up with
659 a plan, 2020 for implementation, court case won't be decided
660 until 2021, in my opinion, maybe 2022. Everybody will have
661 already acted on this rule that does not have legal
662 authority. Before we throw our citizens, the poor hard
663 working men and women of the Ninth Congressional District,
664 and all across the United States under that bus, let us give
665 them some reprieve. Let us have Congress act. Let us say,
666 whoa, if you think you have the authority, EPA, you go for
667 it. That is your decision. But let us make sure that you
668 have that authority before we harm the people who are having
669 to pay their electric bills every month, that are going up
670 already because of EPA regulations, and will grow--go up

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671 tremendously if this regulation goes forward, particularly
672 when we don't even know if it has legal authority. And I
673 would submit it doesn't, but for those who do, why wouldn't
674 you be willing to wait to find out? I yield back.

675 Mr. {Whitfield.} Gentleman yields back. Is there
676 further discussion on the Rush amendment? Chair recognize
677 the gentlelady from Florida for 5 minutes.

678 Ms. {Castor.} Thank you, Mr. Chairman. I move to
679 strike the last word, and speak in favor of the--this
680 important Rush amendment. The bill before us is the climate
681 change denial bill. It is a disservice to America. It heaps
682 costs on consumers, and it shirks our responsibility for
683 addressing the costly impacts of the changing climate. The
684 bill we are considering today shows that the Republicans'
685 plan is to just say no, to let our children and grandchildren
686 suffer the effects of climate change without doing something
687 meaningful to protect them. Worse, the Republicans' plan is
688 to stop any meaningful action to reduce harmful carbon
689 pollution from the largest sources in the country. This
690 position is indefensible, and it will prove very costly.
691 Today's bill would essentially amend the Clean Air Act to
692 give a free pass to states that refuse to comply with the
693 requirements of the Clean Power Plan. Under the bill,

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694 governors can opt out if they determine that implementing
695 carbon pollution requirements would adversely impact
696 ratepayers in the narrow context as they define it.

697 Making the argument that any possible cost associated
698 with reducing carbon emissions to help stave off the worst
699 effects of climate change is especially myopic. The world's
700 leading scientists agree that warming temperatures that stem
701 from human caused climate change will contribute to more
702 frequent and intense extreme weather events and wildfires,
703 and they say that these trends will worsen as temperatures
704 rise. Scientists tell us that the signs of climate change
705 are already here, and I see it in my home state. That is not
706 news to American families, who are already dealing with
707 climate change impacts. And it was good to hear President
708 Obama, in his weekly address, say to all there is no greater
709 threat to our planet than the changing climate. The fact
710 that the climate is changing has very serious implications
711 for the way we live now. Stronger storms, deeper droughts,
712 longer wildfire seasons.

713 Just last year the United States experienced eight
714 severe weather, flood, and drought events. Oftentimes it is-
715 -we are called upon to provide emergency aid. Let us factor
716 those costs in. Those events, just last year, caused at

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717 least \$1 billion in damage across 35 states. Overall, these
718 disasters caused more than \$19 billion in damage. And
719 according to the Office of Management and Budget, over the
720 past decade extreme weather and fire alone have cost
721 taxpayers \$300 billion. And we are not even counting the
722 everyday costs of the changing climate to the folks we
723 represent back home.

724 These events have cost Americans real money. These
725 examples are just a snapshot of the overwhelming costs that
726 we can expect in the future with exacerbated climate change.
727 Mr. Rush's amendment would ensure that the cost of extreme
728 weather events caused by climate change are taken into
729 account under the bill. If a governor wishes to opt out of
730 the carbon pollution reduction requirements of the Clean
731 Power Plan, they can certify that the cost to taxpayers is
732 far higher than any cost associated with extreme sea level
733 rise, flooding, storms, wildfires, and drought. It is only
734 logical to require a governor to consider all potential costs
735 when making a determination in the underlying bill.

736 You cannot, and should not, assume that just saying to
737 acting on climate will cost nothing. It is said that an
738 ounce of prevention is worth a pound of cure, and that is
739 especially true for the costs of a rapidly changing climate.

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740 Our actions to reduce carbon pollution today will help avoid
741 the costs of the future, a cost that we will end up paying
742 for catastrophic climate related disasters. So I hope my
743 colleagues will join me in recognizing that climate change is
744 real, it is urgent, and I hope you make it clear that no plan
745 and no action isn't an option. I urge a yes vote on the Rush
746 amendment, and yield back my time.

747 Mr. {Whitfield.} Gentlelady yields back. Is there
748 further discussion on the Rush amendment?

749 If there is no further discussion, the vote will occur
750 on the amendment.

751 All those in favor of the Rush--yes? The gentleman
752 requests a roll call vote. Would the Clerk call the roll?

753 The {Clerk.} Mr. Olson?

754 [No response.]

755 The {Clerk.} Mr. Barton?

756 [No response.]

757 The {Clerk.} Mr. Shimkus?

758 Mr. {Shimkus.} No.

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

760 Mr. Pitts?

761 Mr. {Pitts.} No.

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

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763 Mr. Latta?

764 Mr. {Latta.} No.

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

766 Mr. Harper?

767 Mr. {Harper.} No.

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

769 Mr. McKinley?

770 Mr. {McKinley.} No.

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

772 Mr. Pompeo?

773 Mr. {Pompeo.} No.

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

775 Mr. Kinzinger?

776 Mr. {Kinzinger.} No.

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

778 Mr. Griffith?

779 Mr. {Griffith.} No.

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

781 Mr. Johnson?

782 Mr. {Johnson.} No.

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

784 Mr. Long?

785 Mr. {Long.} No.

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786 The {Clerk.} Mr. Long votes no.
787 Ms. Ellmers?
788 Mrs. {Ellmers.} No.
789 The {Clerk.} Ms. Ellmers votes no.
790 Mr. Flores?
791 Mr. {Flores.} No.
792 The {Clerk.} Mr. Flores votes no.
793 Mr. Mullin?
794 Mr. {Mullin.} No.
795 The {Clerk.} Mr. Mullin votes no.
796 Mr. Hudson?
797 Mr. {Hudson.} No.
798 The {Clerk.} Mr. Hudson votes no.
799 Chairman Upton?
800 The {Chairman.} Votes no.
801 The {Clerk.} Chairman Upton votes no.
802 Mr. Rush?
803 Mr. {Rush.} Aye.
804 The {Clerk.} Mr. Rush votes aye.
805 Mr. McNerney?
806 Mr. {McNerney.} Aye.
807 The {Clerk.} Mr. McNerney votes aye.
808 Mr. Tonko?

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809 [No response.]

810 The {Clerk.} Mr. Engel?

811 [No response.]

812 The {Clerk.} Mr. Green?

813 Mr. {Green.} No.

814 The {Clerk.} Mr. Green votes--

815 Mr. {Green.} Sorry, aye.

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

817 Mrs. Capps?

818 Mrs. {Capps.} Aye.

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

820 Mr. Doyle?

821 Mr. {Doyle.} Yes.

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

823 Ms. Castor?

824 Ms. {Castor.} Aye.

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

826 Mr. Sarbanes?

827 [No response.]

828 The {Clerk.} Mr. Welch?

829 Mr. {Welch.} Aye.

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

831 Mr. Yarmuth?

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832 Mr. {Yarmuth.} Aye.

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

834 Mr. Loeb sack?

835 Mr. {Loeb sack.} Aye.

836 The {Clerk.} Mr. Loeb sack votes aye.

837 Mr. Pallone?

838 Mr. {Pallone.} Aye.

839 The {Clerk.} Mr. Pallone votes aye.

840 Chairman Whitfield?

841 Mr. {Whitfield.} No.

842 The {Clerk.} Chairman Whitfield votes no.

843 Mr. {Whitfield.} Is anyone else seeking to vote? The

844 Clerk will report the result. Yeah.

845 The {Clerk.} Mr. Chairman, on that vote there were 10

846 yeas and 16 nays.

847 Mr. {Whitfield.} The amendment is not agreed to.

848 Are there further amendments to the bill?

849 Mr. {Rush.} Mr. Chairman, I have an amendment at the

850 desk, Rush 02.

851 Mr. {Whitfield.} Clerk will report the amendment.

852 The {Clerk.} Amendment to the discussion of the

853 Ratepayer Protection Act of 2015, offered by Mr. Rush of

854 Illinois.

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855 [The amendment of Mr. Rush follows:]

856 ***** INSERT 3 *****

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|
857 Mr. {Whitfield.} Without objection, the reading of the
858 amendment is dispensed with, and the gentleman from Illinois
859 is recognized for 5 minutes in support of his amendment.

860 Mr. {Rush.} Thank you, Mr. Chairman. Mr. Chairman,
861 instead of simply allowing governors to just say no to the
862 Clean Power Plan Act willy-nilly, if they decide that
863 complying with the plan would have select adverse effect on
864 rates and reliability, I believe that it would make sense to
865 have them take into account the costs of the health impacts
866 associated with just saying no.

867 Mr. Chairman, we all know that vulnerable populations,
868 including children, and the elderly, suffer
869 disproportionately from higher levels of smog and pollution,
870 and from longer and more severe heat waves. As the American
871 Lung Association reports, Mr. Chairman, pollution from carbon
872 emissions lead to climate change, and threatens the public
873 health by contributing to respiratory illnesses such as
874 asthma attacks, and also can lead to heat strokes, and to
875 premature deaths.

876 Mr. Chairman, my amendment simply states that a governor
877 must certify that withdrawal from a state or Federal
878 implementation plan would not have a significant adverse

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879 effect on public health, taking into account avoiding asthma
880 attacks in children associated with implementing a plan,
881 avoiding heart attacks associated with implementing a plan,
882 fewer hospital emissions associated with implementing a plan,
883 and fewer missed school and work days associated with
884 implementing a plan.

885 Mr. Chairman, this issue is one that I am particularly
886 sensitive to, because my county, Cook County, is home to
887 113,276 children, and 340,225 adults with asthma, according
888 to the most recent report, giving my city, the City of
889 Chicago, the dubious distinction of having one of the highest
890 asthma rates in the country. Additionally, Mr. Chairman, we
891 all know that low income communities, and communities of
892 color, are more likely to be impacted by carbon pollution
893 because power plants are more likely to be situated closer to
894 these communities.

895 So, Mr. Chairman, instead of risking the public health
896 by allowing governors to just say no to clean--to the Clean
897 Power Plan, let us offer some modicum of protection, some
898 protection to the most vulnerable among us by adopting my
899 amendment. Mr. Chairman, I urge all of my colleagues to
900 support my amendment in order to hold governors accountable
901 for their failure to act to reduce harmful pollutants that

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902 impact the public good. With that, I yield back the balance
903 of my time.

904 Mr. {Whitfield.} Gentleman yields back the balance of
905 his time. Chair will recognize himself for 5 minutes to
906 respond to the gentleman's amendment.

907 As Mr. Rush said, this amendment would require
908 certification by state governors that failure to implement a
909 state or Federal plan would not have a significant effect on
910 public health. Really, the amendment is unnecessary, because
911 the bill already includes a provision that directs the state
912 governors to consult with public health officials within
913 their state regarding the impacts of a specific state or
914 Federal plan. Nothing in the bill affects any existing EPA
915 regulation that seeks to protect public health.

916 We have had six hearings, and developed an extensive
917 record on this proposed EPA regulation, and no one is talking
918 about its impact on health. So I would respectfully request
919 that members do not agree to the Rush amendment, and would
920 yield back the balance of my time.

921 Chair recognizes the gentleman from New Jersey to speak
922 on the Rush amendment for a period of 5 minutes.

923 Mr. {Pallone.} Thank you, Mr. Chairman. I would move
924 to strike the last word in support of Mr. Rush's amendment.

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925 My Republican colleagues argue that this bill is needed to
926 protect everyday Americans from the dangerous EPA rules, but
927 that is not the case. This bill would block or needlessly
928 delay EPA regulations on carbon pollution from power plants
929 that are critical to protecting human health, the
930 environment, and our climate.

931 The legislation grants a blanket extension for all Clean
932 Power Plan compliance dates until all opportunities for legal
933 challenges have been exhausted, and this unprecedented
934 suspension of clean air regulations would occur regardless of
935 a lawsuit's merits or likelihood of success. The bill also
936 allows governors to opt out of the Clean Power Plan
937 altogether, denying lifesaving benefits to the residents of
938 their states. So delaying or just saying not the Clean Power
939 Plan would have real life, tangible impacts on human health
940 and the environment in the United States.

941 EPA estimates that in 2030 the Clean Power Plan will
942 avoid up to 3,300 heart attacks, prevent 150,000 asthma
943 attacks in children, lead to 2,800 fewer hospital admissions,
944 and avert 490,000 missed work or school days per year. These
945 benefits are worth an estimated \$93 billion per year, and
946 these are human health benefits that could be delayed, or
947 perhaps permanently lost if this bill takes effect. The

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948 health benefits potentially blocked by the bill are
949 especially important for the most vulnerable among us, our
950 babies, our kids, seniors, and those with asthma.

951 The Rush amendment seeks to ensure that public health is
952 considered when making a decision to ignore the requirements
953 of the Clean Power Plan. If a governor wants to exempt his
954 state from reducing harmful carbon pollution under the Clean
955 Air Act, then he has to certify that doing so would not
956 adversely impact public health. For decades the Clean Air
957 Act has saved lives by cleaning up dangerous air pollution.
958 This bill would undermine the guarantee that makes the Clean
959 Air Act work, and the assurance the EPA will step in to
960 protect public health from pollution if a state cannot, or
961 will not, do so.

962 The bill before us sets a dangerous precedent by
963 allowing any state to decide that meeting national clean air
964 standards is merely optional, that the health and well-being
965 of all Americans can be jeopardized by politics. I would
966 hope that we could all agree that children shouldn't have to
967 wait for the conclusion of frivolous lawsuits to be able to
968 breathe clean air, or play outside without being exposed to
969 harmful pollutants. So I urge my colleagues to support the
970 Rush amendment, and, again, oppose the underlying bill. I

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971 yield back.

972 Mr. {Whitfield.} Gentleman yields back. Is there
973 further discussion on the Rush amendment?

974 Seeing none, the vote would occur on the amendment.

975 All those in favor--the gentleman, Mr. Rush, requests a
976 roll call vote. The Clerk will call the roll.

977 The {Clerk.} Mr. Olson?

978 [No response.]

979 The {Clerk.} Mr. Barton?

980 Mr. {Barton.} No.

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

982 Mr. Shimkus?

983 Mr. {Shimkus.} No.

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

985 Mr. Pitts?

986 Mr. {Pitts.} No.

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

988 Mr. Latta?

989 Mr. {Latta.} No.

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

991 Mr. Harper?

992 Mr. {Harper.} No.

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

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994 Mr. McKinley?

995 Mr. {McKinley.} No.

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

997 Mr. Pompeo?

998 Mr. {Pompeo.} No.

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

1000 Mr. Kinzinger?

1001 Mr. {Kinzinger.} No.

1002 The {Clerk.} Mr. Kinzinger votes no.

1003 Mr. Griffith?

1004 Mr. {Griffith.} No.

1005 The {Clerk.} Mr. Griffith votes no.

1006 Mr. Johnson?

1007 Mr. {Johnson.} No.

1008 The {Clerk.} Mr. Johnson votes no.

1009 Mr. Long?

1010 Mr. {Long.} No.

1011 The {Clerk.} Mr. Long votes no.

1012 Mrs. Ellmers?

1013 Mrs. {Ellmers.} No.

1014 The {Clerk.} Ms. Ellmers votes no.

1015 Mr. Flores?

1016 Mr. {Flores.} No.

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1017 The {Clerk.} Mr. Flores votes no.
1018 Mr. Mullin?
1019 Mr. {Mullin.} No.
1020 The {Clerk.} Mr. Mullin votes no.
1021 Mr. Hudson?
1022 Mr. {Hudson.} No.
1023 The {Clerk.} Mr. Hudson votes no.
1024 Chairman Upton?
1025 The {Chairman.} Votes no.
1026 The {Clerk.} Chairman Upton votes no.
1027 Mr. Rush?
1028 Mr. {Rush.} Aye.
1029 The {Clerk.} Mr. Rush votes aye.
1030 Mr. McNerney?
1031 Mr. {McNerney.} Yes.
1032 The {Clerk.} Mr. McNerney votes aye.
1033 Mr. Tonko?
1034 [No response.]
1035 The {Clerk.} Mr. Engel?
1036 [No response.]
1037 The {Clerk.} Mr. Green?
1038 Mr. {Green.} Aye.
1039 The {Clerk.} Mr. Green votes aye.

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1040 Ms. Capps?

1041 Mrs. {Capps.} Aye.

1042 The {Clerk.} Ms. Capps votes aye.

1043 Mr. Doyle?

1044 Mr. {Doyle.} Yes.

1045 The {Clerk.} Mr. Doyle votes aye.

1046 Ms. Castor?

1047 Ms. {Castor.} Aye.

1048 The {Clerk.} Mrs. Castor votes aye.

1049 Mr. Sarbanes?

1050 [No response.]

1051 The {Clerk.} Mr. Welch?

1052 Mr. {Welch.} Aye.

1053 The {Clerk.} Mr. Welch votes aye.

1054 Mr. Yarmuth?

1055 Mr. {Yarmuth.} Aye.

1056 The {Clerk.} Mr. Yarmuth votes aye.

1057 Mr. Loeb sack?

1058 Mr. {Loeb sack.} Yes.

1059 The {Clerk.} Mr. Loeb sack votes aye.

1060 Mr. Pallone?

1061 Mr. {Pallone.} Aye.

1062 The {Clerk.} Mr. Pallone votes aye.

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

1063 Chairman Whitfield?

1064 Mr. {Whitfield.} No.

1065 The {Clerk.} Chairman Whitfield votes no.

1066 Mr. {Whitfield.} Does anyone seek to vote? Any

1067 additional votes? If not, the Clerk will report the vote.

1068 The {Clerk.} Mr. Chairman, on that vote there were 10

1069 ayes and 17 nays.

1070 Mr. {Whitfield.} The amendment is not agreed to.

1071 Are there further amendments to the bill? Chair

1072 recognizes the gentleman from New Jersey.

1073 Mr. {Pallone.} Mr. Chairman, I have an amendment at the

1074 desk. I guess it is D--AMD 3.

1075 Mr. {Whitfield.} The Clerk will report the amendment.

1076 The {Clerk.} An amendment to the discussion draft of

1077 the Ratepayer Protection Act of 2015, offered by Mr. Pallone

1078 of New Jersey.

1079 [The amendment of Mr. Pallone follows:]

1080 ***** INSERT 4 *****

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|
1081 Mr. {Whitfield.} Without objection, the reading of the
1082 amendment is dispensed with, and the gentleman from New
1083 Jersey is recognized for 5 minutes on his amendment.

1084 Mr. {Pallone.} Thank you, Mr. Chairman. My amendment
1085 is identical to one recently offered by Senator Bennett, and
1086 approved during the budget process. It is simply--it is
1087 simple enough. It says, and I quote, ``The Federal
1088 Government should promote national security, economic growth,
1089 and public health by addressing human induced climate change
1090 through the increased use of clean energy, energy efficiency,
1091 and reductions in carbon pollution.''

1092 This is clear and concise language, passed with the
1093 support of seven Republican Senators, along with all the
1094 Democratic Senators, and that group included staunch coal
1095 defenders like Senators Manchin and Heitkamp, and Republican
1096 Senators like Dean Heller, Mark Kirk, and Rob Portman. At
1097 this--at a time like this, Mr. Chairman, it is best to quote
1098 Senator Manchin, who said, and I quote, ``There is no
1099 question that climate change is real, and that billions of
1100 people have impacted the world's climate. This amendment
1101 supports investment in clean energy technology, including
1102 advanced fossil energy, supports energy efficiency which

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1103 reduces carbon, and saves customers money. We can protect
1104 the environment for future generations while ensuring that we
1105 have affordable and reliable energy sources today.'" That is
1106 Senator Manchin's quote.

1107 Mr. Chairman, I have already stated my opposition to
1108 your legislation. I believe it is fundamentally flawed, and
1109 acceptance of this amendment isn't going to change that fact.
1110 But I guess you have the votes to pass this bill without my
1111 endorsement, so I think we should be clear about where
1112 members of this Committee stand on the reality of human
1113 induced climate change, and whether or not it needs to be
1114 addressed. You, Mr. Chairman, have said that you are not a
1115 climate denier, and I believe you, so this should be a very
1116 easy vote. This amendment is a chance for members to stand
1117 up and be counted as someone who is not a climate denier, and
1118 wants to do something about human induced climate change. If
1119 that is your position, there should be no problem accepting
1120 this amendment. Of course, it wouldn't surprise me if some
1121 of my Republican colleagues oppose the amendment, because you
1122 are the majority, and that is your prerogative, but if you
1123 reject this amendment, then you will be counted as one who
1124 cannot affirm the simple fact that action on human induced
1125 climate change is needed. And, like Senator McConnell, you

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1126 can be part of that just say no caucus.

1127 I know there are some Republicans who continue to
1128 dismiss the need to act on climate and deny the science, but
1129 hopefully there aren't too many who believe that. Again, it
1130 is the simple sense of the Congress. It doesn't change the
1131 substance of the bill, but I think it says a lot about where
1132 you stand on the issue of climate change. And so I would--I
1133 yield back at this point, Mr. Chairman.

1134 Mr. {Whitfield.} The gentleman yields back, and I want
1135 to thank the gentleman for offering the amendment.

1136 You know, we all are focused on this issue of climate
1137 change, and I think all of us remember quite clearly that,
1138 when the EPA testified on this Clean Energy Plan, they all
1139 recognized that it was not going to really affect climate.
1140 The bill--I mean the regulation would not affect climate.

1141 So, as I said earlier today, here we have China entering
1142 into an agreement in Pakistan to build 6,000 new megawatts of
1143 coal fired plants. We have China negotiating with India to
1144 build 455 possible new coal fired plants in India. We have
1145 this Asian Investment and Infrastructure Bank being formed
1146 because they recognize that the World Bank, under the
1147 leadership of President Obama, is not going to provide money
1148 to developing countries to try to provide electricity to

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1149 their people. And we know that lack of electricity affects
1150 economic growth. It also adversely affects health.

1151 So America does not have to take a back seat to anyone
1152 on addressing climate change. In fact, we are in the
1153 forefront of it. So the question becomes, in my mind, and I
1154 understand that people disagree with this, but if we are out
1155 there leading already, we are doing more than anyone else,
1156 and developing countries of the world are trying to develop
1157 economically, and trying to generate electricity, and provide
1158 for better jobs, and health care, and clean water for their
1159 people. For this Administration to be taking the lead to
1160 prevent that, I do not think is wise. We have some of the
1161 cleanest coal technology in the world.

1162 As I said earlier, we have had witness after witness
1163 talk about the effect on rates, the stranded cost that they
1164 have involved in these assets. Seminole Electric out of
1165 Florida made a big point on that. The state regulators are
1166 asking us, just give us a little bit more time. And when the
1167 Clean Air Act was adopted, I don't think anyone really
1168 thought--in fact, there were statements made that CO2 should
1169 not be regulated under the Clean Air Act. So, with the
1170 Massachusetts decision on the car exhaust systems, and the
1171 endangerment finding by EPA, we are now expanding this to all

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1172 sectors of our society on CO2, and yet Congress has never
1173 spoken on it.

1174 So, in this bill, we are not trying to repeal the act,
1175 we are simply saying, look, we know it is controversial. We
1176 know there are going to be lawsuits. Let us simply extend
1177 the time, let these lawsuits finish up. And then, if some
1178 governors do find that it significantly adversely affects
1179 their rates and their reliability, then they can take some
1180 actions as well.

1181 So--yeah, I will be happy to yield.

1182 Mr. {Pallone.} You know, I appreciate your comments,
1183 but I have to say, you know, from the very first day, when
1184 Gina McCarthy came in here, I think we had a hearing, you
1185 know, when she first announced the rule, or the proposed
1186 rule, she just went out of her way to make clear that, you
1187 know, she was trying to be as flexible as possible, give
1188 states a considerable amount of time to comment on this.
1189 There were going to be all kinds of ways that they could meet
1190 standards. And, again, that this is just a proposed rule,
1191 and, you know, they are going to take the comments and, you
1192 know, consider all these things before they finalize it.

1193 So I just don't understand why this legislation is
1194 necessary, because I disagree with you. I mean, if you

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1195 really feel that we need time, we need flexibility, I think
1196 that the rule, and the EPA's intentions, are quite clear that
1197 that is what they have in mind. My fear is that, you know,
1198 that this bill basically denies all that, and says, you know,
1199 even before we finalize the rule, we want to get rid of this
1200 thing, and we want to let, you know, governors have the
1201 ability to just say no, you know, as long as they keep suing.

1202 You know, it--I guess it bothers me, Mr. Chairman,
1203 because I know that historically, or at least since I have
1204 been here, you know, Republicans are always claiming that
1205 there is too much litigation, and everybody is suing
1206 everybody too often. And I am even, you know, I understand
1207 that, but it just seems like every opportunity, even before a
1208 rule is finalized, you know, the GOP wants to, you know,
1209 somehow protect the ability to constantly litigate, and
1210 litigate, and not do anything in the meantime.

1211 So I just--I can't agree with your analysis of what this
1212 bill is doing, particularly from the beginning, when the EPA
1213 Administrator came in here and made it quite clear that she
1214 was kind of bending over to do whatever she can to allow
1215 states flexibility. But, whatever, I yield. Thanks.

1216 Mr. {Whitfield.} Reclaiming my time, I would just say
1217 that, yeah, EPA talks about flexibility, and yet they are

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1218 dictating the caps for every single state. But then they
1219 say--and you can meet that cap any way that you want to. But
1220 under the rule, the mandatory goal set for each state would
1221 be fixed, and could not be changed.

1222 So, you know, we--I guess--and let me just say this
1223 about the rule not being filed yet. In my experience on
1224 these issues with the EPA, and we have looked at a lot of
1225 different rules, and the only one that they changed in any
1226 significant way that--my recollection is was the--rule. They
1227 had so much pressure that they did change it significantly
1228 from what they had originally, but other than that, what they
1229 have put out there is basically what they have ended up with.

1230 I see my time has expired. Does anyone else seek
1231 recognition to speak on--

1232 Mr. {Rush.} Mr. Chairman?

1233 Mr. {Whitfield.} Well, I have had my 5 minutes, so I
1234 will recognize Ms. Capps, seeks recognition to address the
1235 Pallone amendment for 5--

1236 Mrs. {Capps.} Thank you, Mr. Chairman, and I do ask
1237 permission to strike the last word in support of the Pallone
1238 amendment. And, as the Ranking Member has said, this
1239 amendment would simply state that climate change is real, and
1240 that we should work to address is. Kind of a bottom line

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1241 statement. I believe climate change is actually one of the
1242 most urgent and serious problems we face, yet this underlying
1243 bill effectively prevents EPA from taking action to address
1244 it.

1245 The irony of this deeply flawed and misguided
1246 legislation being marked up today, which happens to be Earth
1247 Day, I think can't be ignored. For 45 years Earth Day has
1248 been an opportunity for individuals around the planet to come
1249 together to place environmental concerns at the forefront of
1250 the collective global consciousness. It was actually first
1251 established largely in response to a devastating oil spill in
1252 my district offshore in 1969, but the message of Earth Day is
1253 just as relevant today. In fact, I believe it might be more
1254 so.

1255 It is a day to recognize that our actions do have
1256 consequences, and that we must take responsibility for what
1257 we have done, and what we are continuing to do to this
1258 planet. As policymakers, we do have a responsibility to
1259 create policies that advance the best interests of current
1260 and future generations, including when it comes to climate
1261 change. Scientists agree, climate change is real. And not
1262 only is our climate changing, but human activities,
1263 particularly from the power sector, are contributing to this

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1264 change. Temperature extremes are becoming more frequent,
1265 severe storms are becoming commonplace, oceans are becoming
1266 more acidic, and there is not enough water where we need it,
1267 and too much water where we don't want.

1268 Beyond changes to our environment, climate change has
1269 implications for health, for food security, and the
1270 availability of clean water. Studies have shown that climate
1271 change can lead to higher rates of asthma, reduce crop
1272 yields, increase the risk for harmful algal blooms to poison
1273 our reservoirs. Clearly climate change is not just an
1274 environmental issue. It is a social and economic issue as
1275 well. The impacts of climate change are disproportionately
1276 affecting individuals who can least afford to address them.
1277 It is already costing our economy billions of dollars in
1278 storm damage, flooding, harmful algal blooms, and much more.

1279 We owe it to future generations to start taking
1280 responsibility for our actions now, and work to reduce the
1281 carbon emissions that are driving climate change. This
1282 Ratepayer Protection Act before us does not present a clear
1283 path forward, and does not present any real solutions to the
1284 problems we face. Instead of working to determine the best
1285 course forward, this legislation would derail the Clean Power
1286 Plan before it is even finalized.

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1287 Climate change is a time sensitive issue. We cannot
1288 afford to keep saying that the solutions are too hard, and
1289 leave a legacy of inaction. We do have a responsibility to
1290 our constituents to find solutions that help to mitigate the
1291 causes of climate change--to impacts that we are seeing now,
1292 and will certainly see in the future. We should be debating
1293 the merits of concrete actions to combat climate change, not
1294 simply endorsing inaction.

1295 So I urge my colleagues to support this basic Pallone
1296 amendment, and oppose the Ratepayer Protection Act. And I
1297 yield either to a colleague, or yield back.

1298 Mr. {Whitfield.} Gentlelady yields back. At this time
1299 recognize the gentleman from West Virginia for 5--

1300 Mr. {McKinley.} Thank you, Mr. Chairman. I don't think
1301 I will need all 5 minutes. I--there were just two points I
1302 wanted to raise. One is we keep hearing about asthma, and my
1303 son is an asthmatic, and I am obviously very sensitive to
1304 that issue. But in this particular rule that has been
1305 issued, if you have read the 130 pages, you will find nothing
1306 in the rule that says that reducing the CO2 emissions is
1307 going to reduce asthma. There is nothing in the rule.

1308 Second point, and I think it gets down to try to put
1309 this thing into context, if in America we were to shut down

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1310 every coal fired power plant in America, every one of them,
1311 the United Nations statistics, not a Republican think tank,
1312 or a Democrat think tank, but from the United Nations,
1313 indicates that we would lower the CO2 emissions in the globe
1314 by 2/10 of 1 percent. That is it, 2/10 of 1 percent. If we
1315 stopped all coal fired power plants in America, let alone
1316 just reduced them, 2/10 of 1 percent. And we are willing to
1317 try and put our economy at risk in America, that depends on
1318 low cost energy, for 2/10 of 1 percent. I think that is
1319 dangerous, and it is ill conceived, and it is politically and
1320 ideologically driven, rather than based on science. It is
1321 the United Nations' statistics, 2/10 of 1 percent. That is
1322 why I am supporting the bill. I yield back my time.

1323 Mr. {Whitfield.} Gentleman yields back. Mr. Doyle is
1324 recognized for 5 minutes.

1325 Mr. {Doyle.} Thank you, Mr. Chairman. I support the
1326 gentleman's amendment, but I want to speak on the issue
1327 generally. I would just say to my Republican colleagues that
1328 we can't ignore the impact of rising CO2 levels. And I would
1329 say to my Democratic colleagues that we can't dismiss the
1330 fact that fossil fuels are going to be our major power source
1331 for decades to come. It just seems to me that for too many
1332 years here in Congress this argument has been black or white,

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1333 either stop the use of fossil fuels tomorrow and face serious
1334 reliability, safety, and cost issues, or just ignore the
1335 science that exists that says our climate is getting warmer.
1336 We need a plan. I would say to my Republican friends, doing
1337 nothing is not a plan. And I would say to Democrats that for
1338 our constituents, who haven't seen their paychecks go up in
1339 15 years, we need a climate change plan that Americans can
1340 afford.

1341 You know, we have made a lot of headway into making all
1342 sources of energy more sustainable, but we need to do much
1343 more. I don't know what technologies we haven't yet
1344 discovered, but I do know that we have the best researchers
1345 and scientists in the world, and I know we are not doing
1346 enough in supporting that research. The quadrennial energy
1347 report released by the Administration yesterday highlights
1348 the lack of investment we have made into our nation's energy
1349 infrastructure. And I want to urge all my colleagues to pay
1350 great attention to this report. I strongly believe we need
1351 to help scientists find cleaner and better ways to make all
1352 sources of energy, fossil fuels included, cleaner, more
1353 reliable, and more affordable. So my question to all of you
1354 is, where is the investment? Where is the funding for
1355 research and development to make sure that we continue to

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1356 have a balanced national energy plan that does truly rely on
1357 an all of the above approach to provide affordable, reliable
1358 power, but in a cleaner and more sustainable way?

1359 Think about this, colleagues. Mr. McKinley is right.
1360 You could shut down every coal plant in the United States.
1361 You are not solving climate change. They are going to burn
1362 coal in China, and India, and all over this world, so what
1363 would--we should be doing? We should have our best and
1364 brightest minds--this should be the mission to Mars, to come
1365 up with the technology that helps us reduce carbon emissions
1366 from the burning of fossil fuels. And when we develop that
1367 technology, we can sell it to every other country in the
1368 world, and then you will start to address climate change.

1369 For Democrats or Republicans to sit here and do nothing
1370 for the next 40 years to make fossil fuels burn more
1371 efficiently and cleaner is to put a death sentence on future
1372 generations not only in our country, in the world. And I
1373 would say to you today, I don't see a single bill or
1374 appropriation that is doing that. We have national labs in
1375 this country. We have entrepreneurs. We have scientists
1376 that could tackle this problem if we made it a national
1377 priority. I can't think of anything more important for the
1378 Federal Government to--and let me tell you, folks, it is not

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1379 going to happen in the private sector. The private sector is
1380 not going to fund this kind of basic research.

1381 Either we put our money where our mouth is, and fund the
1382 basic research, and say, this is the mission to Mars, we want
1383 five demonstration projects over the next 5 years to come up
1384 with a technology that will help us reduce carbon emissions
1385 from fossil fuels, and then I think Americans can say that we
1386 are serious about wanting to do something for this problem.
1387 I don't see a serious plan for either party in this Congress,
1388 and it is time we put our money where our mouth is and just
1389 cut this endless discussion. That--I have been on this
1390 Committee 15 years, and this is like Groundhog Day every time
1391 we talk about climate change here. It is the same old
1392 arguments on both sides. Let us put our money where our
1393 mouth is. Let us fund some research. Let us figure this
1394 out. Technology is the answer to every one of these things.

1395 Every source of power has risk. You--whether it is
1396 solar, wind, nuclear, gas, oil, there is risk. The way we
1397 mitigate risk is through technology. This country has always
1398 been a leader in that. Let us develop the technology to save
1399 the entire world, and let us sell that technology, and make a
1400 bunch of money in the process. But let us get to work and do
1401 it now. I yield back.

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1402 Mr. {Whitfield.} Thank you, Mr. Doyle. Thank you. Are
1403 there any--the gentleman from Illinois is recognized for 5
1404 minutes.

1405 Mr. {Shimkus.} And I will be real brief. Thank you,
1406 Mr. Chairman. I want to thank my colleague from
1407 Pennsylvania. He is very impassioned, and he has seen
1408 passion on both sides. I would just--just for the newer
1409 members, the Federal Government tried to do that. We had a
1410 project funded by the Federal Government through the
1411 Department of Energy called FutureGen, and--which President
1412 Bush stopped. And then we had a project, FutureGen 2.0, that
1413 President Obama just stopped. So it hasn't been a commitment
1414 by us in authorization or money, at least on that. That
1415 major one was gasification of coal, and then carbon
1416 sequestration, and the other one was turning an old power
1417 plant into also gasification, and then carbon sequestration.
1418 The Executive Branch on both parties has not had the will to
1419 see this project through.

1420 So--and I would yield to my colleague--

1421 Mr. {Pallone.} I didn't mean to interrupt you, but--

1422 Mr. {Shimkus.} Well, you did.

1423 Mr. {Pallone.} Are you done? If--when you are done, I
1424 will talk.

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1425 Mr. {Shimkus.} No, I am done.

1426 Mr. {Pallone.} All right. No, I just wanted to, you
1427 know, I really appreciate what Mr. Doyle said, because he is
1428 absolutely right. And, you know, regardless of what prior
1429 administrations have done, Democrat or Republican, the way
1430 Mr. Shimkus described, I really think we should--both sides
1431 should look at this 5 year plan, I guess, that Secretary of
1432 Energy put out yesterday, because it does actually make some
1433 great suggestions in terms of investment, and infrastructure,
1434 and energy infrastructure, that could be, you know, that
1435 could lead to legislative proposals.

1436 And I know that Chairman Upton, as well as Chairman
1437 Shimkus, and our Ranking Member, Bobby Rush, have all talked
1438 about possibly putting together legislation. So I think
1439 that, you know, we should definitely take up what you are
1440 suggesting, Mr. Doyle. And--regardless of what has been done
1441 in the past, or not been done in the past, as Mr. Shimkus
1442 said, this is--something that we should be looking at for the
1443 Committee to take some action.

1444 Mr. {Shimkus.} I will reclaim my time, and I will yield
1445 back.

1446 Mr. {Whitfield.} Gentleman yields back.

1447 Mr. {Rush.} Mr. Chairman?

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1448 Mr. {Whitfield.} Yes?

1449 Mr. {Rush.} Move to strike the last word.

1450 Mr. {Whitfield.} Gentleman is recognized for 5--

1451 Mr. {Rush.} Mr. Chairman, I want to applaud the--my
1452 friend from Pennsylvania, his passion, and his vision for the
1453 future of the nation. And I also want to just add a comment
1454 that Rodney King--ask the question that Rodney King asked
1455 some years ago, why can't we all just get along?

1456 Mr. Chairman, I really support Ranking Member Pallone's
1457 amendment. That is the question at hand right now. And this
1458 just say no bill that is before us is nothing more than a way
1459 to block the EPA from implementing its Clean Power Plan. The
1460 bill before us delays compliance for however long it takes to
1461 complete all litigation, no matter how frivolous the lawsuit,
1462 or--and even if all arguments against the plan are on the
1463 losing side. The bill then tells states they can simply opt
1464 out of the pollution reduction requirement of both the state
1465 plan and a Federal plan anyway. All of that legal
1466 maneuvering is just a complicated way of giving states, and
1467 their climate denying governors, an excuse to do nothing to
1468 control carbon pollution.

1469 Mr. Pallone's amendment is an opportunity for all
1470 members to affirm their belief in human-induced climate

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1471 change, and agree that the government should play a role in
1472 the reduction of carbon emissions, no matter what state they
1473 come from. And this is a simple statement of fact, and it
1474 should be a relatively easy vote. As been stated, we have
1475 debated similar amendments in the past, and, unfortunately,
1476 my Republican colleagues have voted them down time, and time,
1477 and time again. And, Mr. Chairman, I hope that some of them,
1478 in light of the passion that has been expressed here today,
1479 that some of them might be willing to change their minds.
1480 The exact same language, Mr. Chairman, that is in the Pallone
1481 amendment was approved by the--by a majority of the Senate,
1482 including seven Republican Senators, and pro quo Democratic
1483 Senators. Such support for anthropogenic climate change,
1484 affirming the language, is truly a sign of the times.

1485 In fact, a recent poll conducted by the New York Times,
1486 the Stanford University, and the Research--Resources for the
1487 Future demonstrate that the current consensus view of climate
1488 change in America is such 81 percent of Americans believe
1489 that climate change is caused by human activity. By party,
1490 88 percent of Democrats, 83 percent of independents, and 71
1491 percent of Republicans say that climate change was caused at
1492 least in part by human activities. 74 percent of America
1493 says that the Federal Government should be doing a

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1494 substantial amount to combat climate change. By party, 91
1495 percent of Democrats, 78 percent of independents, and 51
1496 percent of Republicans said that the government should be
1497 fighting climate change. 83 percent of Americans, including
1498 86 percent of independents, and 61 percent of Republicans,
1499 say if nothing is done to reduce emissions, global warming
1500 will be very--or somewhat serious for us as a problem in the
1501 future.

1502 Mr. Chairman, this bill is an invitation for states to
1503 do nothing to reduce harmful climate emissions. Six out of
1504 10 Republican citizens understand that if nothing is done to
1505 reduce global warming, there will be serious problems in the
1506 future. Enacting this bill will ensure that--what our future
1507 would be. I urge all my colleagues, Mr. Chairman, to vote in
1508 favor of the Pallone amendment. It should not be a hard
1509 vote. It is an easy vote for all us who believe in taking
1510 action to fight human induced climate change. I yield back.

1511 Mr. {Whitfield.} Thank you, Mr. Rush, and thank all of
1512 you for your discussion on this issue. And, if there is no
1513 further discussion, the vote--the gentleman from Kentucky is
1514 recognized for 5--

1515 Mr. {Yarmuth.} Move to strike the last word in support
1516 of the Pallone amendment. And I just wanted to take this

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1517 opportunity to respond to one thing that my friend from West
1518 Virginia said, and that is--when he cited the United Nations
1519 figures, for the record, so that there is no misconception of
1520 what the United Nations did, last November they issued a
1521 report saying that there was an urgent need to combat climate
1522 change, and recommended a 30 percent worldwide reduction in
1523 carbon emissions. So the United Nations, very much on record
1524 as recognizing the problem of climate change, and urging
1525 action in that regard.

1526 So I think this--the Pallone amendment is a reflection
1527 of that same concern, and I urge its adoption. I yield back.

1528 Mr. {Whitfield.} The gentleman yields back. If there
1529 is no further discussion, the vote would occur on the--the
1530 gentleman asked for a roll call vote. Would--the Clerk will
1531 call the roll.

1532 The {Clerk.} Mr. Olson?

1533 [No response.]

1534 The {Clerk.} Mr. Barton?

1535 Mr. {Barton.} No.

1536 The {Clerk.} Mr. Barton votes no.

1537 Mr. Shimkus?

1538 Mr. {Shimkus.} No.

1539 The {Clerk.} Mr. Shimkus votes no.

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1540 Mr. Pitts?
1541 Mr. {Pitts.} No.
1542 The {Clerk.} Mr. Pitts votes no.
1543 Mr. Latta?
1544 Mr. {Latta.} No.
1545 The {Clerk.} Mr. Latta votes no.
1546 Mr. Harper?
1547 Mr. {Harper.} No.
1548 The {Clerk.} Mr. Harper votes no.
1549 Mr. McKinley?
1550 Mr. {McKinley.} No.
1551 The {Clerk.} Mr. McKinley votes no.
1552 Mr. Pompeo?
1553 Mr. {Pompeo.} No.
1554 The {Clerk.} Mr. Pompeo votes no.
1555 Mr. Kinzinger?
1556 Mr. {Kinzinger.} No.
1557 The {Clerk.} Mr. Kinzinger votes no.
1558 Mr. Griffith?
1559 Mr. {Griffith.} No.
1560 The {Clerk.} Mr. Griffith votes no.
1561 Mr. Johnson?
1562 Mr. {Johnson.} No.

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1563 The {Clerk.} Mr. Johnson votes no.
1564 Mr. Long?
1565 Mr. {Long.} No.
1566 The {Clerk.} Mr. Long votes no.
1567 Mrs. Ellmers?
1568 Mrs. {Ellmers.} No.
1569 The {Clerk.} Ms. Ellmers votes no.
1570 Mr. Flores?
1571 Mr. {Flores.} No.
1572 The {Clerk.} Mr. Flores votes no.
1573 Mr. Mullin?
1574 Mr. {Mullin.} No.
1575 The {Clerk.} Mr. Mullin votes no.
1576 Mr. Hudson?
1577 Mr. {Hudson.} No.
1578 The {Clerk.} Mr. Hudson votes no.
1579 Chairman Upton?
1580 The {Chairman.} No.
1581 The {Clerk.} Chairman Upton votes no.
1582 Mr. Rush?
1583 Mr. {Rush.} Aye.
1584 The {Clerk.} Mr. Rush votes aye.
1585 Mr. McNerney?

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1586 Mr. {McNerney.} Aye.

1587 The {Clerk.} Mr. McNerney votes aye.

1588 Mr. Tonko?

1589 Mr. {Tonko.} Aye.

1590 The {Clerk.} Mr. Tonko votes aye.

1591 Mr. Engel?

1592 Mr. {Engel.} Aye.

1593 The {Clerk.} Mr. Engel votes aye.

1594 Mr. Green?

1595 Mr. {Green.} Aye.

1596 The {Clerk.} Mr. Green votes aye.

1597 Ms. Capps?

1598 Mrs. {Capps.} Aye.

1599 The {Clerk.} Ms. Capps votes aye.

1600 Mr. Doyle?

1601 Mr. {Doyle.} Yes.

1602 The {Clerk.} Mr. Doyle votes aye.

1603 Ms. Castor?

1604 Ms. {Castor.} Aye.

1605 The {Clerk.} Mrs. Castor votes aye.

1606 Mr. Sarbanes?

1607 [No response.]

1608 The {Clerk.} Mr. Welch?

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1609 Mr. {Welch.} Aye.

1610 The {Clerk.} Mr. Welch votes aye.

1611 Mr. Yarmuth?

1612 Mr. {Yarmuth.} Aye.

1613 The {Clerk.} Mr. Yarmuth votes aye.

1614 Mr. Loeb sack?

1615 Mr. {Loeb sack.} Yes.

1616 The {Clerk.} Mr. Loeb sack votes aye.

1617 Mr. Pallone?

1618 Mr. {Pallone.} Aye.

1619 The {Clerk.} Mr. Pallone votes aye.

1620 Chairman Whitfield?

1621 Mr. {Whitfield.} No.

1622 The {Clerk.} Chairman Whitfield votes no.

1623 Mr. {Whitfield.} Are there any members who would like

1624 to cast a votes? If not, the Clerk will report the result.

1625 The {Clerk.} Mr. Chairman, on that vote there were 12

1626 ayes and 17 nays.

1627 Mr. {Whitfield.} The amendment is not agreed to.

1628 The question would now occur on forwarding the committee

1629 print to the full Committee.

1630 All those in favor respond by saying aye.

1631 All those opposed, nay.

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1632 When will--we are not on tune here.

1633 Mr. {Rush.} We want a roll call vote. That is why--

1634 Mr. {Whitfield.} The gentleman requests a roll call

1635 vote. The Clerk will call the roll.

1636 The {Clerk.} Mr. Olson?

1637 [No response.]

1638 The {Clerk.} Mr. Barton?

1639 Mr. {Barton.} Aye.

1640 The {Clerk.} Mr. Barton votes aye.

1641 Mr. Shimkus?

1642 Mr. {Shimkus.} Aye.

1643 The {Clerk.} Mr. Shimkus votes aye.

1644 Mr. Pitts?

1645 Mr. {Pitts.} Aye.

1646 The {Clerk.} Mr. Pitts votes aye.

1647 Mr. Latta?

1648 Mr. {Latta.} Aye.

1649 The {Clerk.} Mr. Latta votes aye.

1650 Mr. Harper?

1651 Mr. {Harper.} Aye.

1652 The {Clerk.} Mr. Harper votes aye.

1653 Mr. McKinley?

1654 Mr. {McKinley.} Aye.

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1655 The {Clerk.} Mr. McKinley votes aye.
1656 Mr. Pompeo?
1657 Mr. {Pompeo.} Aye.
1658 The {Clerk.} Mr. Pompeo votes aye.
1659 Mr. Kinzinger?
1660 Mr. {Kinzinger.} Aye.
1661 The {Clerk.} Mr. Kinzinger votes aye.
1662 Mr. Griffith?
1663 Mr. {Griffith.} Aye.
1664 The {Clerk.} Mr. Griffith votes aye.
1665 Mr. Johnson?
1666 Mr. {Johnson.} Aye.
1667 The {Clerk.} Mr. Johnson votes aye.
1668 Mr. Long?
1669 Mr. {Long.} Aye.
1670 The {Clerk.} Mr. Long votes aye.
1671 Mrs. Ellmers?
1672 Mrs. {Ellmers.} Aye.
1673 The {Clerk.} Ms. Ellmers votes aye.
1674 Mr. Flores?
1675 Mr. {Flores.} Aye.
1676 The {Clerk.} Mr. Flores votes aye.
1677 Mr. Mullin?

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1678 [No response.]

1679 The {Clerk.} Mr. Hudson?

1680 Mr. {Hudson.} Aye.

1681 The {Clerk.} Mr. Hudson votes aye.

1682 Chairman Upton?

1683 The {Chairman.} Aye.

1684 The {Clerk.} Chairman Upton votes aye.

1685 Mr. Rush?

1686 Mr. {Rush.} No.

1687 The {Clerk.} Mr. Rush votes no.

1688 Mr. McNerney?

1689 Mr. {McNerney.} No.

1690 The {Clerk.} Mr. McNerney votes no.

1691 Mr. Tonko?

1692 Mr. {Tonko.} No.

1693 The {Clerk.} Mr. Tonko votes no.

1694 Mr. Engel?

1695 Mr. {Engel.} No.

1696 The {Clerk.} Mr. Engel votes no.

1697 Mr. Green?

1698 Mr. {Green.} No.

1699 The {Clerk.} Mr. Green votes no.

1700 Ms. Capps?

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1701 Mrs. {Capps.} No.
1702 The {Clerk.} Ms. Capps votes no.
1703 Mr. Doyle?
1704 Mr. {Doyle.} No.
1705 The {Clerk.} Mr. Doyle votes no.
1706 Ms. Castor?
1707 Ms. {Castor.} No.
1708 The {Clerk.} Mrs. Castor votes no.
1709 Mr. Sarbanes?
1710 [No response.]
1711 The {Clerk.} Mr. Welch?
1712 Mr. {Welch.} No.
1713 The {Clerk.} Mr. Welch votes no.
1714 Mr. Yarmuth?
1715 Mr. {Yarmuth.} No.
1716 The {Clerk.} Mr. Yarmuth votes no.
1717 Mr. Loeb sack?
1718 Mr. {Loeb sack.} Yes.
1719 The {Clerk.} Mr. Loeb sack votes no.
1720 Mr. Pallone?
1721 Mr. {Pallone.} No.
1722 The {Clerk.} Mr. Pallone votes no.
1723 Chairman Whitfield?

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1724 Mr. {Whitfield.} Aye.

1725 The {Clerk.} Chairman Whitfield votes aye.

1726 Mr. {Whitfield.} Now Mr. Mullin is here.

1727 The {Clerk.} Mr. Mullin?

1728 Mr. {Mullin.} Aye.

1729 The {Clerk.} Mr. Mullin votes aye.

1730 Mr. {Whitfield.} Anyone else seeking recognition for a
1731 vote?

1732 Seeing none, that would conclude the vote, and the Clerk
1733 will call--will report the result.

1734 The {Clerk.} Mr. Chairman, on that vote there were 17
1735 ayes and 12 nays.

1736 Mr. {Whitfield.} The ayes have it, and the bill is
1737 agreed to.

1738 Without objection, staff is authorized to make technical
1739 and conforming changes to the legislation approved by the
1740 Subcommittee today. So ordered. And, without objection, the
1741 Subcommittee stands adjourned.

1742 [Whereupon, at 11:32 a.m., the Subcommittee was
1743 adjourned.]