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6 MARKUP OF 17 BILLS TO SECURE RELIABLE,

7 CLEAN, AMERICAN ENERGY

8 WEDNESDAY, OCTOBER 25, 2023

9 House of Representatives,

10 Subcommittee on Energy, Climate, and Grid Safety

11 Committee on Energy and Commerce,

12 Washington, D.C.

13

14 The subcommittee met, pursuant to call, at 10:02 a.m.,
15 in Room 2123 Rayburn House Office Building, Hon. Jeff Duncan
16 [chairman of the subcommittee] presiding.

17

18 Present: Representatives Duncan, Burgess, Latta,
19 Guthrie, Griffith, Johnson, Bucshon, Walberg, Palmer, Curtis,
20 Lesko, Pence, Armstrong, Weber, Balderson, Pfluger, Rodgers
21 (ex officio); DeGette, Peters, Fletcher, Matsui, Tonko,

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22 Veasey, Kuster, Schrier, Castor, Sarbanes, Cardenas, Blunt
23 Rochester, and Pallone (ex officio).
24

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25 Staff present: Kate Arey, Digital Director; Jolie
26 Brochin, Clerk; Sarah Burke, Deputy Staff Director; David
27 Burns, Professional Staff Member; Marjorie Connell, Director
28 of Archives, Lauren Kennedy, Clerk; Sydney Greene, Director
29 of Operations; Rebecca Hagigh, Executive Assistant; Jessica
30 Herron, Clerk; Nate Hodson, Staff Director; Tara Hupman,
31 Chief Counsel; Noah Jackson, Clerk; Sean Kelly, Press
32 Secretary; Alex Khlopin, Staff Assistant; Peter Kielty,
33 General Counsel; Emily King, Member Services Director; Elise
34 Krekorian, Professional Staff Member; Mary Martin, Chief
35 Counsel; Brandon Mooney, Deputy Chief Counsel; Kaitlyn
36 Peterson, Clerk; Karli Plucker, Director of Operations
37 (shared staff); Emma Schultheis, Staff Assistant; Olivia
38 Shields, Communications Director; Peter Spencer, Senior
39 Professional Staff Member; Dray Thorne, Director of
40 Information Technology; Keegan Cardman, Minority Staff
41 Assistant; Waverly Gordon, Minority Deputy Staff Director and
42 General Counsel; Tiffany Guarascio, Minority Staff Director;
43 Perry Hamilton, Minority Member Services and Outreach
44 Manager; Kris Pittard, Minority Professional Staff Member;
45 Emma Roehrig, Minority Staff Assistant; Kylea Rogers,

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46 Minority Policy Analyst; Andrew Souvall, Minority Director of
47 Communications, Outreach and Members Services; Medha
48 Surampudy, Minority Professional Staff Member; and Tuley
49 Wright, Minority Staff Director.

50

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51 *Mr. Duncan. The Subcommittee on Energy will come to
52 order. And we are back on the markup, so we will jump right
53 in.

54 The chair will call up Hands Off Our Home Appliances Act
55 discussion draft and ask the Clerk to report.

56 *The Clerk. A bill to amend the Energy Policy and
57 Conservation Act to prohibit the Secretary of Energy from
58 prescribing any new or amended energy conservation standard _

59 *Mr. Duncan. Without objection, the first reading is
60 dispensed with. The discussion draft will be open for
61 amendment at any point. So ordered.

62 [The bill follows:]

63

64 *****COMMITTEE INSERT*****

65

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66 *Mr. Duncan. Are there bipartisan amendments to the
67 bill?

68 Okay. The chair will now recognize the gentlelady from
69 Arizona who seeks recognition.

70 *Mrs. Lesko. Thank you, Mr. Chair. Under the Biden
71 administration, Department of Energy is unleashing an
72 avalanche of new regulations for household products including
73 stoves, dishwashers, washing machines, showers, toilets,
74 water heaters, air conditioners, heat pumps, and furnaces.
75 DOE's ban on gas stove is just the tip of the iceberg. The
76 House passed my Save Our Gas Stoves Bill and rejected DOE's
77 ban on gas stoves with an overwhelming bipartisan vote on the
78 House floor and now Congress must act to protect the rest of
79 our appliances and home products.

80 The Hands Off Our Home Appliances Act will stop DOE from
81 attempting to ban more appliances in our home that use
82 natural gas such as furnaces, water heaters, and dryers. The
83 Hands Off Our Home Appliances Act will also prohibit DOE from
84 mandates that raise costs for consumers and that are not
85 technologically feasible or don't work well.

86 Before a newer amended energy conservation standard for

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87 a covered product, the Secretary under this bill must conduct
88 an economic impact analysis that would look into the newer
89 amended standards impact on cost to low-income households,
90 impacts on consumer cost depending on region, effects on
91 employment and the life cycle cost of the product, such as
92 installation and maintenance cost. The Secretary must
93 determine if the standard is economically justified.

94 The Secretary of Department of Energy must determine
95 that the standard would not likely _ it is not likely to
96 result in additional net cost to the consumer, including any
97 increase in net costs associated with the purchase,
98 installation, maintenance, disposal, and replacement of the
99 covered product, and the monetary value of the energy savings
100 the consumer will receive during the first three years will
101 be greater than any increased cost to the consumer.

102 The Secretary may not determine that imposition of an
103 energy conservation standard is economically justified unless
104 the Secretary determines the standard will result in a
105 reduction of at least .3 quads of site energy over 30 years,
106 at least a 10 percent reduction in energy or water use of the
107 covered product.

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108 The Secretary must also determine that the conservation
109 standard will not affect the compatibility of the covered
110 product with existing systems, meaning I was told in my
111 district, Sun City West senior citizens, some of these new
112 regulations on furnaces, people will have to do whole new
113 remodels in their home and it would cost them a fortune. The
114 duty cycle, charging time, and run time of the covered
115 product, because we have all heard how dishwashers now take
116 three-and-a-half, four hours to do a cycle. The operating
117 conditions, maintenance requirements, and disposal
118 requirements.

119 Under the bill, the Secretary cannot approve a standard
120 that discriminates based upon the type of fuel being used.
121 It also _ the standards must prioritize the interest of
122 consumers. May not consider estimates of social cost or
123 social benefits.

124 And with that, I encourage my colleagues to stand on the
125 side of choice for consumers, commonsense, reliable
126 appliances, reliable dishwashers, showers, toilets, et
127 cetera, and I ask for your support.

128 *Mr. Duncan. The gentlelady yields back. Before we go

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129 to recognize other members, we have a birthday boy in the
130 room. Nate Hodson, it is your 29th birthday? So let's all
131 wish him a happy birthday.

132 [Applause.]

133 *The Chair. Mr. Chairman, unanimous consent to address
134 the committee?

135 *Mr. Duncan. The gentlelady is recognized.

136 *The Chair. I just want to join in wishing Nate Hodson
137 a very happy 40th birthday. Big day. He worked for me when
138 he turned 30 also. The years fly by when you are having fun.
139 But really appreciate his leadership on the committee as
140 staff director and just helping us accomplish all our goals.
141 And as I always like to remind people, I will remind Nate
142 today, the best is yet to come.

143 Thank you, and I yield back.

144 *Mr. Weber. Will the gentlelady yield?

145 *The Chair. Yes.

146 *Mr. Weber. Madam Chair, do you normally hire people
147 older than you are?

148 *The Chair. Oh, you are kind.

149 *Mr. Weber. I am just _ I yield back.

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150 *The Chair. I wish. Thank you. You are kind.

151 I yield back.

152 [Laughter.]

153 *Mr. Duncan. You know, the class clown, Randy. Okay.

154 So happy birthday, Nate.

155 Any other members seeking recognition on the bill?

156 If not, I will open for amendments. And, Ms. Castor, is
157 recognized.

158 *Ms. Castor. Well, thank you, Mr. Chairman. Good
159 morning, colleagues. My neighbors back _

160 *Mr. Duncan. Do you have an amendment at the desk?

161 *Ms. Castor. Oh, I do have an amendment at the desk,
162 excuse me, it is Castor 02, I believe.

163 *Mr. Duncan. The Clerk will report the amendment.

164 *The Clerk. Could the gentlelady specify which
165 amendment?

166 *Ms. Castor. SCMN 02.

167 *The Clerk. Add at the end of the following: Section 4,
168 Report, not later than 100 days after the date of the
169 enactment of this act, the Secretary of Energy shall publish
170 a report on the effects of revoking existing _

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171 *Mr. Duncan. Without objection, further reading of the
172 amendment is dispensed with, and the gentlelady is recognized
173 to explain her amendment.

174 [The amendment of Ms. Castor follows:]

175

176 *****COMMITTEE INSERT*****

177

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178 *Ms. Castor. Thank you, Mr. Chairman.

179 Colleagues, my neighbors back home are a lot like yours.
180 They like energy-efficient appliance, they like lower energy
181 bills, they like to use less energy, they like an upgrade in
182 their appliances. And energy efficiency at scale is the
183 easiest way to reduce pollution and the escalating cost of
184 extreme weather caused by overheating. And on the positive
185 side when we are talking at scale, energy efficient appliance
186 overall have a positive net impact on our health because we
187 have cleaner air, cleaner water, we enjoy a cleaner, quieter
188 existence.

189 So that is why this bill is so out of sync with what our
190 neighbors are asking for back home. In fact, I almost
191 submitted an amendment to change the name of this bill to the
192 pickpocket act because what the GOP bill in essence is doing,
193 you are reaching into the wallets and pocketbooks of our
194 families back home and taking money out of their kitchen
195 table budgets. But this amendment proposes to kind of fix
196 it, but I don't think in the end it _ we can really salvage
197 this pickpocket act.

198 This amendment would shine the light on what you are

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199 doing to raise costs, what you are doing to hurt employment,
200 what you are doing to _ on energy demand, what you are doing
201 to increase greenhouse gas pollution. I know that the
202 industries that enjoy raking in profits love these attempts
203 to gut energy efficiency bills, energy efficiency programs
204 like this one. And I heard my good friend from Arizona lay
205 out some of the reasons it is needed, but it is entirely
206 unnecessary.

207 When the Department of Energy proceeds to upgrade energy
208 efficiency standards, this is a very extensive process where
209 they hear from stakeholders everywhere, appliance makers,
210 consumers, manufacturers, and they take all of that into
211 account to determine new energy efficiency standards for
212 appliances. In particular, the agency asks stakeholders to
213 _ can they reasonably meet the standards. Are they
214 economically justifiable?

215 So the GOP pickpocket act would also create a new
216 petition process that would enable future administrations to
217 swiftly revoke energy efficiency standards without any public
218 input. So in essence, you are pulling the rug out from under
219 consumers. That is not fair and that is not right.

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220 Ultimately, the GOP pickpocket bill would impede DOE's
221 ability to adopt rules at making appliances more energy
222 efficient and in doing so they are going to drive up energy
223 bills for families, especially at a time when prices of gas-
224 powered electricity has skyrocketed. We heard testimony
225 during the committee hearing from Mr. Andrew _ yeah, Andrew
226 deLaski. He said in his testimony, "The so-called EPCA
227 reform bill is a wolf in sheep's clothing. While some
228 language in this bill may seem reasonable at first glance, it
229 would gut the national efficiency standards. If this bill
230 had been the law since the program's inception in the 1970s,
231 consumers would not likely have seen any of the benefits they
232 have received from DOE efficiency standards.''

233 So while the DOE and the Biden administration are
234 focused on reducing cost for consumers, reducing pollution,
235 it appears that Republicans are more interested in protecting
236 industry laggards that produce old, outdated, and dirty
237 appliances. So I urge my colleagues to support this
238 amendment so that families back home can better understand
239 the true cost of the GOP pickpocket bill, what you are doing
240 to try to revoke energy efficiency standards. But in the

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241 end, I hope you will vote no on this GOP pickpocket bill and
242 their attempts to pass along higher energy costs to our
243 neighbors back home.

244 I yield back. Thank you.

245 *Mr. Duncan. The gentlelady yields back. Is there any
246 further discussion?

247 The gentlelady from Arizona, what purpose do you seek
248 recognition?

249 *Mrs. Lesko. Thank you. I move to strike the last
250 word.

251 *Mr. Duncan. The gentlelady is recognized to strike the
252 last work for five minutes.

253 *Mrs. Lesko. Thank you. I would like to strike the
254 last word to speak in opposition to this amendment. Contrary
255 to what my friend _ Democratic friend said, this actually
256 would save consumers money because it could revoke erroneous
257 energy efficiency standards that weren't saving consumers
258 money. In fact, some of these energy efficiency standards
259 that are being proposed by the Department of Energy actually
260 cost much more than the energy savings that are saved, and
261 that is the purpose, that is the entire purpose of my bill.

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262 And, in fact, the underlying bill already requires the
263 Department of Energy to consider the impacts of energy
264 efficiency standards. On Page 3 of the underlying bill,
265 there is a lookback provision which requires the Secretary of
266 Energy to examine several criteria before amending or
267 revoking an energy efficiency standard. The criteria on Page
268 3 of the bill includes the cost to consumers, the level of
269 energy savings, the technological feasibility, and the
270 commercial availability of the products.

271 So we have to look at this as a whole. Everybody wants
272 energy efficiency, but we don't want it at the expense of
273 costing so much more to the consumer or not having a viable
274 product available that is actually usable. And so we need
275 common sense, and that is why I support my underlying bill,
276 and I oppose this amendment, and I yield back.

277 *Mr. Duncan. The gentlelady yields back. Any other
278 member seeking to speak on the amendment?

279 Seeing none, a vote will now occur on the amendment.
280 All those in favor, say aye.

281 Those opposed, no.

282 And the noes have it.

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283 A roll call vote has been requested, so the Clerk will
284 call the roll.

285 *The Clerk. Burgess?

286 Mr. Burgess. No.

287 *The Clerk. Burgess votes no.

288 Latta?

289 *Mr. Latta. No.

290 *The Clerk. Latta votes no.

291 Guthrie?

292 *Mr. Guthrie. No.

293 *The Clerk. Guthrie votes no.

294 Griffith?

295 *Mr. Griffith. No.

296 *The Clerk. Griffith votes no.

297 Johnson?

298 [No response.]

299 *The Clerk. Bucshon?

300 *Mr. Bucshon. No.

301 *The Clerk. Bucshon votes no.

302 Walberg?

303 *Mr. Walberg. No.

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304 *The Clerk. Walberg votes no.
305 Palmer?
306 [No response.]
307 *The Clerk. Curtis?
308 *Mr. Curtis. No.
309 *The Clerk. Curtis votes no.
310 Lesko?
311 *Mrs. Lesko. No.
312 *The Clerk. Lesko votes no.
313 Pence?
314 *Mr. Pence. No.
315 *The Clerk. Pence votes no.
316 Armstrong?
317 *Mr. Armstrong. No.
318 *The Clerk. Armstrong votes no.
319 Weber?
320 *Mr. Weber. No.
321 *The Clerk. Weber votes no.
322 Balderson?
323 *Mr. Balderson. No.
324 *The Clerk. Balderson votes no.

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325 Pfluger?
326 *Mr. Pfluger. No.
327 *The Clerk. Pfluger votes no.
328 Duncan?
329 *Mr. Duncan. No.
330 *The Clerk. Duncan votes no.
331 DeGette?
332 *Ms. DeGette. Aye.
333 *The Clerk. DeGette votes aye.
334 Peters?
335 *Mr. Peters. Aye.
336 *The Clerk. Peters votes aye.
337 Fletcher?
338 *Mrs. Fletcher. Aye.
339 *The Clerk. Fletcher votes aye.
340 Matsui?
341 *Ms. Matsui. Aye.
342 *The Clerk. Matsui votes aye.
343 Tonko?
344 *Mr. Tonko. Aye.
345 *The Clerk. Tonko votes aye.

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346 Veasey?
347 *Mr. Veasey. Aye.
348 *The Clerk. Veasey votes aye.
349 Kuster?
350 *Ms. Kuster. Aye.
351 *The Clerk. Kuster votes aye.
352 Schrier?
353 *Ms. Schrier. Aye.
354 *The Clerk. Schrier votes aye.
355 Castor?
356 *Ms. Castor. Aye.
357 *The Clerk. Castor votes aye.
358 Sarbanes?
359 [No response.]
360 *The Clerk. Cardenas?
361 *Mr. Cardenas. Aye.
362 *The Clerk. Cardenas votes aye.
363 Blunt Rochester?
364 [No response.]
365 *The Clerk. Pallone?
366 *Mr. Pallone. Aye.

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367 *The Clerk. Pallone votes aye.
368 Rodgers? Rodgers?
369 *The Chair. No.
370 *The Clerk. No. Rodgers votes no.
371 *Mr. Johnson. Johnson?
372 *The Clerk. Mr. Johnson is not recorded.
373 *Mr. Johnson. Johnson votes no.
374 *The Clerk. Mr. Johnson votes no.
375 *Mr. Duncan. Are they _ any other members not recorded?
376 The Clerk will report the tally.
377 *The Clerk. Chair Duncan, on that vote there were 11
378 ayes and 16 noes.
379 *Mr. Duncan. In the opinion of the chair, the noes have
380 it. The amendment is not agreed to.
381 Are there any other amendments to the bill?
382 Seeing none, is there further discussion on the bill?
383 Mr. Tonko is recognized.
384 *Mr. Tonko. Thank you, Mr. Chair. I move to strike the
385 last work.
386 *Mr. Duncan. The gentleman is recognized for five
387 minutes.

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388 *Mr. Tonko. Okay. Happy birthday, Nate.

389 And I take a few minutes to talk about this bill. The
390 Hands Off Our Home Appliance Act is being framed as a reform
391 to the Energy Conservation Standards Program and the bill
392 includes some language that may seem reasonable at first
393 glance, but as has been indicated, this is a wolf in sheep's
394 clothing. This bill would gut the National Efficiency
395 Standards Program.

396 This _ if this bill becomes law, a new standard could
397 not increase upfront product cost, have any effect on product
398 characteristics such as cycle or charging time, or make it
399 harder for any single manufacturer to compete regardless of
400 the utility bill savings and other benefits of the standard.
401 These are ridiculous and unrealistic standards to meet. And
402 to make it worse, any existing standard could be revoked on
403 any of these grounds.

404 The bill also would set unreasonably high minimum
405 savings and low maximum payback period thresholds. The
406 majority is trying to frame this as a reform but it is really
407 a gutting of a successful and very popular program. Energy
408 efficiency standards are popular with the American public.

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409 Three out of five American support stricter efficiency
410 standards for buildings and appliances. And it makes sense.
411 These standards help save Americans money and they help lower
412 emissions.

413 But rather than working to protect this program, the
414 majority is once again attacking energy efficiency. This
415 bill is a thinly-veiled attempt to jam up energy efficiency
416 standards. The Department of Energy already has a robust
417 process by which to issue efficiency standards, and this
418 process requires standards to result in significant savings,
419 be technologically feasible, and economically justifiable.

420 By adding cumbersome additional requirements, this bill
421 will only hamper and delay efforts to improve efficiency
422 standards. And, of course, this bill also empowers future
423 administrations to revoke existing standards. This indeed
424 will take us backwards.

425 So I urge my colleagues to oppose this bill. We should
426 be working to improve efficiency standards for Americans not
427 to chip away at them.

428 And with that, Mr. Chair, I thank you and yield back.

429 *Mr. Duncan. The gentleman yields back. Is there

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430 further discussion on the bill?

431 Seeing none, the question now occurs on forwarding the
432 Hands Off Our Home Appliances Act to the full committee. All
433 those in favor, say aye.

434 Opposed, no.

435 A recorded vote has been requested. The Clerk will call
436 the roll.

437 *The Clerk. Burgess?

438 *Mr. Burgess. Burgess votes aye.

439 *The Clerk. Burgess votes aye.

440 Latta?

441 *Mr. Latta. Aye.

442 *The Clerk. Latta votes aye.

443 Guthrie?

444 *Mr. Guthrie. Aye.

445 *The Clerk. Guthrie votes aye.

446 Griffith?

447 *Mr. Griffith. Aye.

448 *The Clerk. Griffith votes aye.

449 Johnson?

450 [No response.]

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451 *The Clerk. Bucshon?
452 *Mr. Bucshon. Aye.
453 *The Clerk. Bucshon votes aye.
454 Walberg?
455 *Mr. Walberg. Aye.
456 *The Clerk. Walberg votes aye.
457 Palmer?
458 [No response.]
459 *The Clerk. Curtis?
460 *Mr. Curtis. Aye.
461 *The Clerk. Curtis votes aye.
462 Lesko?
463 *Mrs. Lesko. Aye.
464 *The Clerk. Lesko votes aye.
465 *Mr. Pence. Aye.
466 *The Clerk. Pence votes aye.
467 Armstrong?
468 *Mr. Armstrong. Yes.
469 *The Clerk. Armstrong votes aye.
470 Weber?
471 *Mr. Weber. Yes.

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472 *The Clerk. Weber votes aye.
473 Balderson?
474 *Mr. Balderson. Aye.
475 *The Clerk. Balderson votes aye.
476 Pflugger?
477 *Mr. Pflugger. Aye.
478 *The Clerk. Pflugger votes aye.
479 Duncan?
480 *Mr. Duncan. Aye.
481 *The Clerk. Duncan votes aye.
482 DeGette?
483 *Ms. DeGette. No.
484 *The Clerk. DeGette votes no.
485 Peters?
486 *Mr. Peters. No.
487 *The Clerk. Peters votes no.
488 Fletcher?
489 *Mrs. Fletcher. No.
490 *The Clerk. Fletcher votes no.
491 Matsui?
492 *Ms. Matsui. No.

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493 *The Clerk. Matsui votes no.
494 Tonko?
495 *Mr. Tonko. No.
496 *The Clerk. Tonko votes no.
497 Veasey?
498 *Mr. Veasey. No.
499 *The Clerk. Veasey votes no.
500 Kuster?
501 *Ms. Kuster. No.
502 *The Clerk. Kuster votes no.
503 Schrier?
504 [No response.]
505 *The Clerk. Castor?
506 *Ms. Castor. No.
507 *The Clerk. Castor votes no.
508 Sarbanes?
509 [No response.]
510 *The Clerk. Cardenas?
511 *Mr. Cardenas. No.
512 *The Clerk. Cardenas votes no.
513 Blunt Rochester?

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514 [No response.]

515 *The Clerk. Pallone?

516 *Mr. Pallone. No.

517 *The Clerk. Pallone votes no.

518 Rodgers?

519 *The Chair. Yes.

520 *The Clerk. Rodgers votes aye.

521 *Mr. Duncan. Are there any members unrecorded?

522 *Mr. Johnson. How is Mr. Johnson recorded?

523 *The Clerk. Mr. Johnson is not recorded.

524 *Mr. Johnson. Yes.

525 *The Clerk. Johnson votes aye.

526 *Mr. Duncan. How is Ms. Schrier recorded?

527 *The Clerk. Ms. Schrier is not recorded.

528 *Ms. Schrier. No.

529 *The Clerk. Schrier votes no.

530 *Mr. Duncan. Any other members unrecorded?

531 Seeing none, the Clerk will report the tally.

532 *The Clerk. Chair Duncan, on that vote, there were 16

533 ayes and 11 noes.

534 *Mr. Duncan. The ayes have it, and the bill is agreed

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535 to.

536 The chair will now call up the GRID Act discussion
537 draft. I ask the Clerk to report.

538 *The Clerk. A bill to require coordination among
539 federal agencies on regulatory actions that affect the
540 reliable operation of bulk power system _

541 *Mr. Duncan. Without objection, the first reading is
542 dispensed with. The discussion draft will be open for
543 amendment at any time. So ordered.

544 [The bill follows:]

545

546 *****COMMITTEE INSERT*****

547

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548 *Mr. Duncan. Any bipartisan amendments to the bill?

549 If not, I will recognize myself to explain the bill.

550 This bill would amend the Federal Power Act to require
551 coordination between FERC and any federal agency promulgating
552 a regulation that can threaten the reliability of the bulk
553 power system. Our priority on the Energy and Commerce
554 Committee is to enact policy that ensures the delivery of
555 affordable and reliable energy to all Americans. We have
556 heard from many voices in recent hearings: FERC, NERC, and
557 the grid operators about the reliability crisis our grid is
558 facing.

559 Our grid braces for growing demand, much of it from
560 policies forcing electrification, and it is imperative that
561 we maintain efficient, affordable, reliable generation.
562 Years of policies favoring certain types of resources are
563 jeopardizing the survival of dispatchable generation and the
564 ability of the grid to remain reliable. Now we have
565 regulations coming out of agencies like the EPA that seek to
566 impose political agendas without the consideration for how
567 the grid works.

568 In our hearing at the end of September, the grid

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569 operators themselves stated that these regulations will
570 dramatically hinder their ability to keep the lights on.
571 Even worse, the grid operators told us that EPA did not
572 consult them or ask how regulations would impact their
573 systems. These predicted blackouts are not a result of
574 severe weather or lack of transmission capacity but because
575 of forced retirement of reliable, dispatchable generation
576 units.

577 The rush to green policies will make our grid less
578 reliable and more expensive, increasing the cost for everyone
579 that is already struggling to make ends meet because of
580 President Biden's failed economic policies. FERC's mission
581 is in part to ensure reliable, safe, secure, and economically
582 efficient energy services at a reasonable cost. The GRID Act
583 would help protect affordable and reliable electricity for
584 Americans by requiring that agencies like the EPA coordinate
585 with FERC before they propose policies that will undercut
586 grid reliability.

587 We must ensure the safety and reliability of the
588 electric grid in order to maintain our energy leadership and
589 our way of life. I look forward to working with all of you

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590 to ensure the delivery of secure, affordable, and reliable
591 energy, and with that I yield back.

592 Are there any other discussion on the bill?

593 Any amendments to be offered?

594 Ms. Castor, do you want to be recognized for this _ on
595 the bill? Okay, the gentlelady from Florida is recognized.

596 *Ms. Castor. Thank you, Chairman Duncan. I move to
597 strike the last word.

598 Members, unfortunately many of the bills being
599 considered during this markup do nothing to lower costs for
600 consumers, they really do nothing to enhance reliability, the
601 power system, they don't do anything to reduce pollution, and
602 all of those things should be our aim and we should be
603 working on that in a bipartisan way. I heard the Chairman's
604 explanation, and this bill goes well beyond encouraging
605 coordination between states and federal agencies. Instead,
606 it really is an aberrant top-down effort that would allow
607 FERC to veto any rule or action by any other federal agency.

608 That is completely out of the mainstream. It is
609 fundamentally absurd. No other agency has that kind of power
610 to veto another agency's rule. And this bill takes away

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611 power from any cabinet agency, invests it with an independent
612 agency that is not democratically accountable to voters. And
613 not only that, the bill allows any state utility service
614 commission, public service commission to petition FERC to use
615 this power, creating a massive drain on the Commission's
616 resources and further politicizing state public service
617 commissions as they race to the bottom to challenge rules
618 whenever the opposite party holds the White House. So be
619 careful because, you know, as we know, majorities change,
620 administrations change.

621 And all of this is coming at a time when the FERC
622 commissioners themselves said at our hearing a few months ago
623 that it lacks the resources to properly evaluate rules from
624 agencies. So therein lies what the real solution is, and I
625 worry that my colleagues on the other side of the aisle don't
626 actually care about the reliability impacts of agency rules,
627 and this appears to be just another avenue to raise costs on
628 consumers, to undermine energy efficiency, to allow
629 unfettered carbon pollution.

630 I know that many Republican lawmakers have been very
631 active in writing letters and have even gone to the Supreme

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632 Court to stop EPA and DOE rules that save consumers money and
633 lower emissions. I think _ this appears to be another step
634 in that campaign.

635 And the last _ under the last bill I cited some of the
636 testimony we heard, and I am going to read again from Mr.
637 deLaski's testimony to the committee a couple months ago _ or
638 last month. "The GRID Act would grant extraordinary and
639 unheard of power to the FERC and to some degree to each state
640 regulatory commission to override federal regulatory
641 decisions made by DOE, EPA, Interior, Commerce, DOD, and
642 every other federal agency. This would not only add delay to
643 agency rulemaking, it would make FERC the final decision
644 maker on a range of topics that are outside of its
645 expertise.'"

646 So this is not a serious bill. It is not up to the
647 standard that we have in the Energy and Commerce Committee to
648 ensure the reliability of our power system overall, so I will
649 _ I encourage you all to take this one back to the drawing
650 board. And I have a little bit of time, I will yield to my
651 friend from California.

652 *Mr. Cardenas. I just want to say, as the bill reads,

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653 it shouldn't be called the Guaranteeing Reliability
654 Infrastructure Development Act, it really should be Federal
655 Energy Regulatory Commission, FERC, is now king of the land
656 and will override all local decisions, will be able to have
657 the last word, and will be basically king on all issues when
658 it comes to the environment, when it comes to energy, when it
659 comes to any decisions. It is definitely not going to give
660 better reliability in any way to any systems.

661 I yield back to the gentlewoman.

662 *Ms. Castor. And I yield back. Thank you.

663 *Mr. Duncan. The gentlelady yields back. Further
664 discussion? Are there any amendments to be offered on the
665 bill?

666 Ms. DeGette is recognized for five minutes.

667 *Ms. DeGette. Thank you, Mr. Chairman. I have an
668 amendment at the desk labeled MN 02.

669 *Mr. Duncan. The Clerk will report the amendment.

670 *The Clerk. Amendment to the GRID Act offered by Ms.
671 DeGette. Page 2, Line 3, strike Section 215 and insert the
672 following _

673 *Mr. Duncan. Without objection, further reading of the

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674 amendment is dispensed with and the gentlelady from Colorado
675 is recognized to explain her amendment.

676 [The amendment of Ms. DeGette follows:]

677

678 *****COMMITTEE INSERT*****

679

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680 *Ms. DeGette. Thank you, Mr. Chairman. When our
681 subcommittee had a legislative hearing on the GRID Act last
682 month, we heard testimony from FERC's Director of Office of
683 Electric Reliability, and the Director was clear, FERC does
684 not have the capability to review other agency's roles for
685 their impact on the bulk power sector. In fact, he was so
686 clear that the headline in E&E News the next morning read,
687 "FERC Official Rejects Republican Bill Targeting Biden
688 Rules.''

689 And, Mr. Chairman, I would like to ask unanimous consent
690 to insert the article into the record.

691 *Mr. Duncan. Without objection, so ordered.

692 [The information follows:]

693

694 *****COMMITTEE INSERT*****

695

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696 *Ms. DeGette. The problem isn't just a simple staff
697 capacity issue, it is one of access to information and data.
698 The Director testified that the implementation of the GRID
699 Act would require, "detailed interconnection-wide modeling
700 analysis beyond FERC's capabilities. FERC may not have the
701 underlying data or authority to obtain such data necessary to
702 conduct a meaningful assessment of the proposed action's
703 impact on the GRID.''

704 And so I have a lot of concerns with this bill, but the
705 first one and the most important one is it is simply
706 infeasible. FERC has no ability to implement this law with
707 its current capabilities which would result in a massive
708 amount of uncertainty as proposed agency actions pile up in
709 sort of a regulatory limbo. So this amendment just simply
710 fixes this problem.

711 It would add language to the bill stating that the bill
712 could not go into effect unless FERC certifies that it has
713 the capability to evaluate all proposed agency actions. This
714 would ensure that an understaffed and under-resourced agency
715 isn't being asked to do the impossible not within its powers
716 and can actually evaluate the rules and regulations that the

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717 bill wants it to do. I think this is a simple, commonsense,
718 and good governance amendment. I am sure every member on
719 both sides of the aisle will support it.

720 And on that basis, I yield back.

721 *Mr. Duncan. The gentlelady yields back. Any other
722 member seeking recognition to speak on the amendment?

723 If not, I will recognize myself. I move to strike the
724 last word speaking in opposition to the amendment, and I
725 recognize myself for five minutes.

726 The GRID Act is critical to ensuring the _ that the
727 reliability of the electric system is not further undermined
728 by environmental policy agendas that have no understanding of
729 how the grid operates. There is no time to sit and wait for
730 a stall tactic like this amendment.

731 We have had testimony from the grid operators with FERC,
732 the North American Electric Reliability Corporation, on the
733 dire impacts to reliability caused in part by EPA's EGU
734 strategy to limit energy production from dispatchable
735 resources like coal and natural gas. As these EPA rules take
736 more and more of the 24/7, 365 generation offline, the
737 potential for blackouts across the country grows. NERC is

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738 already certified by FERC as the electric reliability
739 organization or the expert, the expert on grid reliability.
740 The GRID Act provides for FERC consulting with NERC on
741 any federal agency actions that will impact the grid. To the
742 extent that FERC needs to _ needs advice from its grid
743 reliability expert, that is available under this legislation.
744 The certification requirement in this amendment is
745 unnecessary and merely seeks to delay the implementation of
746 this legislation.

747 NERC regularly performs reliability assessments and can
748 perform with FERC the functions required under this
749 legislation. For the safety and welfare of Americans, to
750 keep the grid online, to keep the blackouts from happening,
751 we must address federal rules like those coming out of EPA
752 that harm our electric grid, and we must do so immediately.
753 So I urge my colleagues to oppose this amendment.

754 And with that, I yield back.

755 Any other member seeking to speak on the amendment?

756 Seeing none, the question now is adoption of the
757 amendment. All those in favor, say aye.

758 Those opposed, no.

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759 And a recorded vote has been requested, so the Clerk
760 will call the roll.

761 *The Clerk. Burgess?

762 Mr. Burgess. No.

763 *The Clerk. Burgess votes no.

764 Latta?

765 [No response.]

766 *The Clerk. Guthrie?

767 *Mr. Guthrie. No.

768 *The Clerk. Guthrie votes no.

769 Griffith?

770 *Mr. Griffith. No.

771 *The Clerk. Griffith votes no.

772 Johnson?

773 *Mr. Johnson. No.

774 *The Clerk. Johnson votes no.

775 Bucshon?

776 *Mr. Bucshon. No.

777 *The Clerk. Bucshon votes no.

778 Walberg?

779 *Mr. Walberg. No.

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780 *The Clerk. Walberg votes no.
781 Palmer?
782 [No response.]
783 *The Clerk. Curtis?
784 *Mr. Curtis. No.
785 *The Clerk. Curtis votes no.
786 Lesko?
787 *Mrs. Lesko. No.
788 *The Clerk. Lesko votes no.
789 Pence?
790 *Mr. Pence. No.
791 *The Clerk. Pence votes no.
792 Armstrong?
793 *Mr. Armstrong. No.
794 *The Clerk. Armstrong votes no.
795 Weber?
796 *Mr. Weber. No, ma'am.
797 *The Clerk. Weber votes no.
798 Balderson?
799 *Mr. Balderson. No.
800 *The Clerk. Balderson votes no.

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801 Pfluger?
802 (No response.)
803 *The Clerk. Duncan?
804 *Mr. Duncan. No.
805 *The Clerk. Duncan votes no.
806 DeGette?
807 *Ms. DeGette. Aye.
808 *The Clerk. DeGette votes aye.
809 Peters?
810 *Mr. Peters. Yes, ma'am.
811 *The Clerk. Peters votes aye.
812 Fletcher?
813 *Mrs. Fletcher. Aye.
814 *The Clerk. Fletcher votes aye.
815 Matsui?
816 *Ms. Matsui. Aye.
817 *The Clerk. Matsui votes aye.
818 Tonko?
819 *Mr. Tonko. Aye.
820 *The Clerk. Tonko votes aye.
821 Veasey?

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822 *Mr. Veasey. Aye.
823 *The Clerk. Veasey votes aye.
824 Kuster?
825 *Ms. Kuster. Aye.
826 *The Clerk. Kuster votes aye.
827 Schrier?
828 *Ms. Schrier. Aye.
829 *The Clerk. Schrier votes aye.
830 Castor?
831 *Ms. Castor. Aye.
832 *The Clerk. Castor votes aye.
833 Sarbanes?
834 [No response.]
835 *The Clerk. Cardenas?
836 *Mr. Cardenas. Aye.
837 *The Clerk. Cardenas votes aye.
838 Blunt Rochester?
839 [No response.]
840 *The Clerk. Pallone?
841 *Mr. Pallone. Aye.
842 *The Clerk. Pallone votes aye.

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843 Rodgers?

844 *The Chair. No.

845 *The Clerk. Rodgers votes no.

846 *Mr. Duncan. Any member not recorded?

847 *Mr. Latta. How is Latta recorded?

848 *The Clerk. Latta is not recorded.

849 *Mr. Latta. No.

850 *The Clerk. Latta votes no.

851 *Mr. Duncan. Any other member not recorded?

852 The Clerk will report the tally.

853 *The Clerk. Chair Duncan, on that vote, there were 11
854 ayes and 15 noes.

855 *Mr. Duncan. The noes have it, the amendment is not
856 adopted.

857 Any further discussion on the bill?

858 Seeing none, the pending question is adoption of the
859 bill, and a recorded vote has been requested, so we will skip
860 the roll _ the voice vote and ask the Clerk to call the roll.

861 *The Clerk. Burgess?

862 *Mr. Burgess. Aye.

863 *The Clerk. Burgess votes aye.

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864 Latta?
865 *Mr. Latta. Aye.
866 *The Clerk. Latta votes aye.
867 Guthrie?
868 *Mr. Guthrie. Aye.
869 *The Clerk. Guthrie votes aye.
870 Griffith?
871 *Mr. Griffith. Aye.
872 *The Clerk. Griffith votes aye.
873 Johnson?
874 *Mr. Johnson. Aye.
875 *The Clerk. Johnson votes aye.
876 Bucshon?
877 *Mr. Bucshon. Aye.
878 *The Clerk. Bucshon votes aye.
879 Walberg?
880 *Mr. Walberg. Aye.
881 *The Clerk. Walberg votes aye.
882 Palmer?
883 [No response.]
884 *The Clerk. Curtis?

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885 *Mr. Curtis. Aye.
886 *The Clerk. Curtis votes aye.
887 Lesko?
888 *Mrs. Lesko. Aye.
889 *The Clerk. Lesko votes aye.
890 Pence?
891 *Mr. Pence. Aye.
892 *The Clerk. Pence votes aye.
893 Armstrong?
894 *Mr. Armstrong. Yes.
895 *The Clerk. Armstrong votes aye.
896 Weber?
897 *Mr. Weber. Yes.
898 *The Clerk. Weber votes aye.
899 Balderson?
900 *Mr. Balderson. Yes.
901 *The Clerk. Balderson votes aye.
902 Pflugger?
903 [No response.]
904 *The Clerk. Duncan?
905 *Mr. Duncan. Aye.

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906 *The Clerk. Duncan votes aye.

907 DeGette?

908 *Ms. DeGette. No.

909 *The Clerk. DeGette votes no.

910 Peters?

911 *Mr. Peters. No.

912 *The Clerk. Peters votes no.

913 Fletcher?

914 *Mrs. Fletcher. No.

915 *The Clerk. Fletcher votes no.

916 Matsui?

917 *Ms. Matsui. No.

918 *The Clerk. Matsui votes no.

919 Tonko?

920 *Mr. Tonko. No.

921 *The Clerk. Tonko votes no.

922 Veasey?

923 *Mr. Veasey. No.

924 *The Clerk. Veasey votes no.

925 Kuster?

926 *Ms. Kuster. No.

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927 *The Clerk. Kuster votes no.
928 Schrier?
929 *Ms. Schrier. No.
930 *The Clerk. Schrier votes no.
931 Castor?
932 *Ms. Castor. No.
933 *The Clerk. Castor votes no.
934 Sarbanes?
935 [No response.]
936 *The Clerk. Cardenas?
937 *Mr. Cardenas. No.
938 *The Clerk. Cardenas votes no.
939 Blunt Rochester?
940 *Ms. Blunt Rochester. No.
941 *The Clerk. Blunt Rochester votes no.
942 Pallone?
943 *Mr. Pallone. No.
944 *The Clerk. Pallone votes no.
945 Rodgers?
946 *The Chair. Aye.
947 *The Clerk. Rodgers votes aye.

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948 *Mr. Duncan. Are there any members unrecorded?

949 Seeing none, the Clerk will report the tally.

950 *The Clerk. Chair Duncan, on that vote there were 15
951 ayes and 12 noes.

952 *Mr. Duncan. The ayes have it, and the bill is agreed
953 to. It will be forwarded to full committee.

954 The chair will now call up the Affordable Homes Act
955 discussion draft, and I ask the Clerk to report.

956 *The Clerk. A bill to prohibit the Secretary of Energy
957 from enforcing energy efficiency standards applicable to
958 manufactured housing and for other purposes.

959 *Mr. Duncan. Without objection, the first reading is
960 dispensed with and the discussion draft will be open for
961 amendment at any point. So ordered.

962 [The bill follows:]

963

964 *****COMMITTEE INSERT*****

965

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966 *Mr. Duncan. Are there any bipartisan amendments to the
967 bill?

968 All right, the gentleman from Indiana seeks recognition
969 to speak on the bill.

970 *Mr. Bucshon. Thank you, Mr. Chairman. Thanks for the
971 recognition. The Affordable Housing Over Mandated Efficiency
972 Standards, or HOMES Act, will end the regulatory conflict
973 between the Department of Energy and the Department of
974 Housing and Urban Development regarding energy efficient
975 standards for manufactured housing. These homes provide low-
976 cost housing to over 22 million Americans and account for
977 approximately 11 percent of the new single family home
978 starts.

979 Manufactured housing is critically important throughout
980 Rural America and specifically in my district in Southwest
981 and West Central Indiana where we have seen a housing
982 affordability gap and severe housing costs burdens leading to
983 a shortage of housing. Specifically, this legislation would
984 repeal Section 413 of the Energy Independence and Securities
985 Act of 2007 and ensure that the Department of Energy final
986 rule on energy conservation standards for manufactured

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987 housing will have no force or effect.

988 There is existing _ an existing regulatory framework at
989 HUD that addresses both construction and installation as well
990 as testing compliance and enforcement standards in a way that
991 balances the goals of safety, efficiency, and cost to the
992 millions of American households seeking to access the
993 affordable housing option that manufactured homes represent.
994 Currently, more than 30 percent of new manufactured homes are
995 Energy Star certified and even more are built to meet or
996 exceed those standards. Additionally, HUD is currently in
997 the rule making process to substantially increase energy
998 standards within the manufactured housing construction code.

999 HUD is the correct agency to oversee efficiency
1000 regulation on manufactured homes, not DOE. I urge my
1001 colleagues to support the Affordable HOMES Act. I yield back
1002 the balance of my time.

1003 *Mr. Duncan. The gentleman yields back. Any other
1004 member seeking recognition?

1005 Mr. Tonko is recognized.

1006 *Mr. Tonko. Thank you, Mr. Chair. I have serious
1007 concerns about both the process and substance of this bill.

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1008 For starters, not only was this bill not included in any
1009 legislative hearing, but as far as I recall, we did not
1010 receive any testimony on this subject. And to make matters
1011 worse, it was not even introduced prior to this markup being
1012 noticed. The first time most of us could have seen this
1013 proposal was just a few days ago.

1014 So if we are serious about being legislators and serious
1015 about a commitment to regular order, we must admit that this
1016 process has been flawed and it is preventing us from fully
1017 understanding this bill's impacts without testimony from the
1018 Department of Energy and other expert stakeholders. Had we
1019 had the proper time to review this legislation, we could have
1020 learned about the history of DOE's energy conservation
1021 standards for manufactured housing and the impacts they have
1022 on manufactured housing prices and corresponding energy
1023 bills.

1024 We also could have heard about the legislative history
1025 of Section 413 of the bipartisan Energy Independence and
1026 Security Act of 2007 which required DOE to promulgate these
1027 standards by 2011. DOE did not publish these standards until
1028 it was legally compelled to do so in 2022, so these standards

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1029 were a long-time coming and the result of a thorough public
1030 process. We also could have learned about the significant
1031 benefits of this rule, which is estimated to save consumers
1032 over five billion dollars.

1033 Manufactured housing is often used by low-income
1034 Americans, and I appreciate that upfront affordability is a
1035 very important consideration, but we should consider the cost
1036 imposed on the most vulnerable Americans in their totality.
1037 DOE and other efficiency advocates have determined that
1038 modest upfront price increases are dwarfed when compared to
1039 the tremendous savings that can be associated with energy
1040 efficiency improvements. Because these homes are often built
1041 with substandard insulation, windows, and heating equipment,
1042 energy costs are about 70 percent more per square foot in
1043 these homes than in comparable site-built homes.

1044 So, Mr. Chair, I strongly believe this subcommittee
1045 should focus on how we can support low-income American's
1046 ability to access affordable housing and appliances without
1047 denying them the benefits of commonsense energy efficiency
1048 improvements. According to the Energy Information
1049 Administration, in 2020 more than one-quarter of U.S.

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1050 households struggled to pay energy bills or kept their homes
1051 at unsafe temperatures due to concerns about paying bills.
1052 About one in five households reported foregoing food,
1053 medicine, and other essentials in order to pay energy bills.

1054 Energy and security is a real, longstanding problem in
1055 our country, and I do believe it is worth a more serious and
1056 thorough investigation by this committee than to airdrop this
1057 bill into this markup without advanced notice. So I urge
1058 members to oppose this bill to undo an efficiency rule that
1059 has been expected for more than a decade and will deliver
1060 billions of dollars of savings to low-income Americans.

1061 With that, I yield my remaining time to my colleague,
1062 Representative DeGette.

1063 *Ms. DeGette. Thank you so much, Mr. Tonko. As the
1064 ranking member of the Energy Subcommittee, I feel compelled
1065 to channel my inner John Dingell and raise the red flag that
1066 this bill gives up the committee's jurisdiction to legislate
1067 on matters related to energy efficiency. I think DOE has the
1068 expertise and role in issuing efficiency standards, and I
1069 think we need to make sure that the Department of Energy,
1070 which is full of these experts, is the one in charge of it.

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1071 The bill removes DOE's ability to finalize energy
1072 efficiency standards for manufactured homes, and it doesn't
1073 just target one final rule, it specifically removes language
1074 from the Energy Independence and Security Act of 2007 that
1075 grants DOE authority to issue these standards. And the
1076 reason why that is important is because DOE has the expertise
1077 in issuing energy conservation standards and so the authority
1078 should not be shifted to another agency. So for this reason
1079 as well as the reasons articulated by my friend, Mr. Tonko, I
1080 have to oppose this legislation.

1081 I yield back to Mr. Tonko.

1082 *Mr. Tonko. And, Mr. Chair, I yield back the remainder
1083 of my time.

1084 *Mr. Duncan. The gentleman yields back. Any other
1085 member seeking recognition?

1086 I recognize myself for just a second.

1087 It is interesting we talk about expertise, and we just
1088 saw a bill where the expertise was frowned upon. I support
1089 this legislation, I think it is the right piece of
1090 legislation for affordable housing in the Nation.

1091 Any other member _ I yield back.

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

1092 Any other member seeking recognition?
1093 Seeing none, any amendments to be offered?
1094 Seeing none, the question now is adoption of the bill.
1095 All those in favor, say aye.
1096 Opposed, no.
1097 In the opinion of the chair, the ayes have it.
1098 A roll call has been requested. The Clerk will call the
1099 roll.
1100 *The Clerk. Burgess?
1101 *Mr. Burgess. Burgess votes aye.
1102 *The Clerk. Burgess votes aye.
1103 Latta?
1104 [No response.]
1105 *The Clerk. Guthrie?
1106 [No response.]
1107 Griffith?
1108 *Mr. Griffith. Aye.
1109 *The Clerk. Griffith votes aye.
1110 Johnson?
1111 *Mr. Johnson. Aye.
1112 *The Clerk. Johnson votes aye.

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

1113 Bucshon?
1114 *Mr. Bucshon. Aye.
1115 *The Clerk. Bucshon votes aye.
1116 Walberg?
1117 *Mr. Walberg. Aye.
1118 *The Clerk. Walberg votes aye.
1119 Palmer?
1120 [No response.]
1121 *The Clerk. Curtis?
1122 *Mr. Curtis. Aye.
1123 *The Clerk. Curtis votes aye.
1124 Lesko?
1125 *Mrs. Lesko. Aye.
1126 *The Clerk. Lesko votes aye.
1127 Pence?
1128 *Mr. Pence. Aye.
1129 *The Clerk. Pence votes aye.
1130 Armstrong?
1131 *Mr. Armstrong. Yes.
1132 *The Clerk. Armstrong votes aye.
1133 Weber?

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1134 *Mr. Weber. Yes.
1135 *The Clerk. Weber votes aye.
1136 Balderson?
1137 *Mr. Balderson. Yes.
1138 *The Clerk. Balderson votes aye.
1139 Pfluger?
1140 [No response.]
1141 *The Clerk. Duncan?
1142 *Mr. Duncan. Aye.
1143 *The Clerk. Duncan votes aye.
1144 DeGette?
1145 *Ms. DeGette. No.
1146 *The Clerk. DeGette votes no.
1147 Peters?
1148 *Mr. Peters. No.
1149 *The Clerk. Peters votes no.
1150 Fletcher?
1151 *Mrs. Fletcher. No.
1152 *The Clerk. Fletcher votes no.
1153 Matsui?
1154 *Ms. Matsui. No.

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1155 *The Clerk. Matsui votes no.
1156 Tonko?
1157 *Mr. Tonko. No.
1158 *The Clerk. Tonko votes no.
1159 Veasey?
1160 *Mr. Veasey. No.
1161 *The Clerk. Veasey votes no.
1162 Kuster?
1163 *Ms. Kuster. No.
1164 *The Clerk. Kuster votes no.
1165 Schrier?
1166 *Ms. Schrier. No.
1167 *The Clerk. Schrier votes no.
1168 Castor?
1169 *Ms. Castor. No.
1170 *The Clerk. Castor votes no.
1171 Sarbanes?
1172 [No response.]
1173 *The Clerk. Cardenas?
1174 *Mr. Cardenas. No.
1175 *The Clerk. Cardenas votes no.

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1176 Blunt Rochester?
1177 *Ms. Blunt Rochester. No.
1178 *The Clerk. Blunt Rochester votes no.
1179 Pallone?
1180 *Mr. Pallone. No.
1181 *The Clerk. Pallone votes no.
1182 Rodgers?
1183 *The Chair. Aye.
1184 *The Clerk. Rodgers votes aye.
1185 *Mr. Duncan. Are there any other members unrecorded?
1186 Has Mr. Guthrie been recorded?
1187 *The Clerk. Mr. Guthrie is not recorded.
1188 *Mr. Guthrie. Aye.
1189 *The Clerk. Guthrie votes aye.
1190 *Mr. Latta. Latta?
1191 *The Clerk. Latta is not recorded.
1192 *Mr. Latta. Aye.
1193 *The Clerk. Latta votes aye.
1194 *Mr. Duncan. Any other members unrecorded?
1195 Seeing none, the Clerk will report the tally.
1196 *The Clerk. Chair Duncan, on that vote, there were 15

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

1197 ayes and 12 noes.

1198 *Mr. Duncan. And the bill is agreed to and will be
1199 forwarded to the full committee.

1200 The Clerk will now call _ the chair will now call up
1201 H.R. 4045, and I ask the Clerk to report.

1202 *The Clerk. H.R. 4045. A bill to modernize the
1203 hydropower licensing process and to promote next generation
1204 hydropower _

1205 *Mr. Duncan. Without objection, the first reading is
1206 dispensed with. The bill will be open for amendment at any
1207 point. So ordered.

1208 [The bill follows:]

1209

1210 *****COMMITTEE INSERT*****

1211

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1212 *Mr. Duncan. Any bipartisan amendments to the bill?

1213 If not, the chair will recognize _

1214 *Ms. Kuster. Mr. Chair?

1215 *Mr. Duncan. Yes, Ms. Kuster.

1216 *Ms. Kuster. Thank you. Mr. Chair, I move to strike
1217 the last word.

1218 *Mr. Duncan. Do you have an amendment to offer?

1219 *Ms. Kuster. I do, I have an amendment at the desk.

1220 *Mr. Duncan. Okay. The gentlelady is recognized to
1221 offer an amendment.

1222 *Ms. Kuster. Kuster SCMN 01.

1223 *Voice. It is SCMN 02.

1224 *Ms. Kuster. SCMN 02.

1225 *Voice. MA 02, sorry.

1226 *Ms. Kuster. MA 02.

1227 *Mr. Duncan. The Clerk will report the amendment.

1228 *The Clerk. Amendment to H.R. 4045 offered by Ms.
1229 Kuster. Page 3, after Line 25, insert the following: and
1230 make such conforming changes as may be necessary.

1231 *Mr. Duncan. Without objection, the first reading is
1232 dispensed with.

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1233 [The amendment of Ms. Kuster follows:]

1234

1235 *****COMMITTEE INSERT*****

1236

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1237 *Mr. Duncan. The bill will be open _ excuse me, the
1238 gentlelady is recognized to speak on the amendment.

1239 *Ms. Kuster. Thank you, Mr. Chair. I apologize. I am
1240 offering my amendment, which Chair Rodgers has cosponsored,
1241 to take an important step to improving the hydropower
1242 licensing process by offering certain Indian tribes the
1243 ability to make 10J license conditions recommendations to
1244 FERC. This amendment empowers tribes to protect their treaty
1245 rights while preserving FERC's ability to review those
1246 recommendations and give them due weight.

1247 I want to take a moment to thank the Chair and her staff
1248 for their thoughtful work on the amendment which is the
1249 byproduct of bipartisanship and compromise. Since
1250 approaching the Chair to find common ground on hydropower
1251 licensing reform, her team has worked with mine to try to
1252 find areas of agreement. At a high level, I think both sides
1253 believe that we should make the licensing process more
1254 efficient, empower tribes, improve dam safety, and maintain
1255 environmental stewardship.

1256 While I am still opposed to the underlying bill in its
1257 current form and think there are problems that we still need

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1258 to work hard to address, I am confident that we can find a
1259 mutually agreeable compromise before the full committee
1260 markup. I look forward to continue working with the Chair
1261 and other interested committee members to find a truly
1262 bipartisan consensus on hydropower licensing reform.
1263 Hydropower is the only dispatchable, renewable energy
1264 resource. Congress should strive to reduce regulatory
1265 barriers to ensure it remains available to help the United
1266 States achieve its hydropower clean energy future.

1267 And with that, I yield back the balance of my time.

1268 *Mr. Duncan. Any further discussion on the amendment?

1269 Ms. Rodgers, you are recognized for five minutes.

1270 *The Chair. Thank you, Mr. Chairman. I would like to
1271 strike the last word and speak in support of the amendment.

1272 *Mr. Duncan. The gentlelady is recognized.

1273 *The Chair. I thank the gentlelady for her leadership
1274 on hydropower issues and for reaching out following our
1275 legislative hearing on hydropower in September and other
1276 conversations that we have had regarding the licensing of
1277 hydropower projects. Over the past month we have worked
1278 together on this bipartisan amendment to the legislation, the

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1279 Hydropower Clean Energy Future Act, and in the spirit of this
1280 committee's bipartisan history, this work brings Congress one
1281 step forward to reforming the hydropower licensing process.

1282 With the right policies in place, we can protect our
1283 existing dams and critical infrastructure that produces the
1284 Nation's most reliable and affordable energy _ renewable
1285 energy, and we can expand hydropower production with next
1286 generation technologies and turbine upgrades. It is really
1287 exciting.

1288 My legislation directs the Federal Energy Regulatory
1289 Commission to coordinate responsibilities and resolve
1290 disputes among the dozens of federal and states agencies that
1291 are involved in the hydropower license process. I also
1292 support authorizing FERC to consult with affected Indian
1293 tribes and consider their recommendations, which is what this
1294 amendment does.

1295 I urge my colleagues to support this amendment, and I
1296 yield back.

1297 *Mr. Duncan. The gentlelady yields back. Any further
1298 discussion on the amendment?

1299 Seeing none, the pending question is now adoption of the

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1300 amendment. All those in favor, say aye.

1301 Opposed, no.

1302 In the opinion of the chair, the ayes have it. The
1303 amendment is agreed to.

1304 Is there further discussion on the bill?

1305 Ms. Rodgers, you are recognized for five minutes.

1306 *The Chair. Thank you, Mr. Chairman. I seek
1307 recognition, yes, to strike the last word. I would like to
1308 strike the last word and speak in support of this
1309 legislation.

1310 *Mr. Duncan. The gentlelady is recognized.

1311 *The Chair. Thank you. The H.R. 4045, the Hydropower
1312 Clean Energy Future Act. Hydropower is one of America's most
1313 valuable energy sources. It accounts for six percent of our
1314 Nation's electricity generation and nearly 40 percent of our
1315 Nation's renewable generation. It is reliable, affordable,
1316 and can help us reduce emissions. Not to mention the
1317 baseload power produced by our dams can be dispatched at a
1318 moment's notice helping businesses keep their lights on and
1319 families heat their homes.

1320 This is especially important in places like Eastern

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1321 Washington as we approach colder winter months. Without
1322 hydropower, our communities would be at serious risk of life-
1323 threatening blackouts. Despite the many benefits of
1324 hydropower, only three percent of the dams in our country
1325 actually produce electricity. By leveraging this untapped
1326 potential for more hydropower energy, we could double
1327 hydropower production in the United States without building a
1328 single new dam.

1329 Eastern Washington is a perfect example of what's
1330 possible when we unleash the potential of hydropower in
1331 America. I think about Long Lake Dam in my district which
1332 was built in 1915. For more than a century, this dam has
1333 operated with the potential to generate 80 megawatts of
1334 clean, reliable, and renewable energy every day. It played a
1335 critical role in helping our local utility companies deliver
1336 power to our region and give us a competitive edge.

1337 Unfortunately, not all dams are so lucky. Right now the
1338 Federal Energy Regulatory Commission regulates non-federal
1339 hydropower projects which includes about 2500 dams and
1340 accounts for about half of the hydropower generation in the
1341 country. The licensing process for these critical energy

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1342 facilities is burdensome, taking nearly a decade to license
1343 and relicense them. That means less energy, fewer options,
1344 and higher costs.

1345 H.R. 4045 modernizes this burdensome and outdated
1346 licensing process standing in the way of next generation
1347 hydro-technology. By removing barriers and rapidly expanding
1348 hydropower development, it will help strengthen our energy
1349 grid, drive down energy cost, and secure a cleaner energy
1350 future. This bill also enhances coordination among dozens of
1351 agencies by authorizing FERC to set schedules, clarify
1352 responsibilities, and resolve disputes.

1353 H.R. 4045 will play a pivotal role bringing more
1354 hydropower facilities online while preserving and expanding
1355 our already powerful hydropower fleet. It is a real, free
1356 market, climate solution that will ensure America continues
1357 to lead the way on clean, renewable, affordable, and reliable
1358 energy for generations to come.

1359 Emissions-free hydropower is a critical part of our
1360 energy expansion in America. As we consider that fact, I
1361 believe Eastern Washington's hydropower model is worth
1362 expanding, and it starts right here with our committee. We

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1363 have the opportunity to work across the aisle to implement
1364 bipartisan reforms, cut the red tape, and remove regulatory
1365 barriers to innovation that will help unleash the potential
1366 of hydropower. That is the American way.

1367 So I have heard from many of my colleagues across the
1368 aisle who have expressed a desire to work together on a
1369 bipartisan solution, and I am grateful, and I am encouraged
1370 by the process we are making today, and we are going to
1371 continue to work to find a path forward on achieving this
1372 shared goal. I urge support.

1373 Thank you very much, Mr. Chairman, I yield back.

1374 *Mr. Duncan. The gentlelady yields back. Any other
1375 member seeking recognition?

1376 The ranking member is recognized.

1377 *Mr. Pallone. Thank you, Mr. Chairman. I move to
1378 strike the last word.

1379 *Mr. Duncan. The gentleman is recognized for five
1380 minutes.

1381 *Mr. Pallone. Thank you. I have major concerns about
1382 this bill and I am still disappointed with the process that
1383 has led us here. Last year when Democrats were in the

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1384 majority, we held a hearing on what was then called the
1385 Uncommon Dialogue Proposal which had emerged from years of
1386 stakeholder discussions between the hydropower industry
1387 tribes and environmental groups. We heard from a variety of
1388 perspectives at that hearing, most supporting the proposal
1389 but some opposed, and I thought it was a balanced hearing,
1390 and while I had some reservations about the proposal, I think
1391 that it at the very least represents the sensible jumping off
1392 point for any discussion about hydropower licensing reform.

1393 Unfortunately, that is not the direction the Republicans
1394 have decided to go. This bill is not a consensus product. I
1395 think it is basically an industry wish list. Last month the
1396 subcommittee heard testimony that the bill would exempt
1397 roughly 80 percent of hydropower dams from licensing
1398 requirements. The bill would ask FERC to make judgment calls
1399 on impacts to endangered species without having to consult
1400 with the agencies that specialize in making those calls.

1401 In response to a law Congress passed, FERC conducted a
1402 pilot project to see how it could issue hydropower licenses
1403 within two years and published a report six years ago. It
1404 came to the conclusion that under its current laws and

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1405 regulations that was possible. It was when projects were
1406 extremely complex or license applicants gave FERC incomplete
1407 information that the timeline for licensing ran into delays.

1408 And how does this bill respond to that? By taking away
1409 precious resources from already strapped agencies. It fines
1410 resource agencies, even state agencies \$5,000 per week that _
1411 when they fail to meet timelines set up by FERC. That could
1412 put agencies in an impossible situation, trying to pick
1413 between desperately needed resources or producing a legal
1414 defensible position that complies with their obligations
1415 under the law. And, of course, this starts a vicious spiral
1416 with an under-resourced agency being fined and having even
1417 fewer resources.

1418 And we didn't even get a chance to hear from the very
1419 agencies that would be impacted by these changes. The
1420 legislative hearing we did _ at that _ we did not _ at that
1421 hearing we did not invite U.S. Fish and Wildlife Service or
1422 the National Marine Fisheries Service to testify. They play
1423 a vital role in the hydropower regulatory process and we
1424 should have heard from them.

1425 I agree that hydropower relicensing is important for us

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1426 to address and that hydropower will have a vital role to play
1427 in a net zero future, but we have to get there through a
1428 deliberate, thoughtful process that produces bipartisan
1429 legislation not partisan legislation with what I believe has
1430 zero chance of being signed into law. And that is why I was
1431 disappointed that this bill was added to this markup at the
1432 last minute. My staff were not told about the bill, or that
1433 it would be marked up I should say, until last Friday, and
1434 this bill is being rushed to markup despite the interests of
1435 several Democratic members to find a bipartisan pathway
1436 forward on hydro.

1437 Rushing a bill like this to markup despite ongoing,
1438 unresolved conversations isn't a sign of a majority committed
1439 to getting to a lasting result that passes the Senate and
1440 gets signed by the President. Now I heard the Chair _ the
1441 Chairwoman say that, you know, we can obviously still work on
1442 this, and I hope that that is the case, but right now I would
1443 urge opposition to the bill.

1444 And I yield back, Mr. Chairman.

1445 *Mr. Duncan. The gentleman yields back. Any other
1446 member seeking recognition?

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1447 I recognize myself for _ strike the last word and
1448 recognize myself for five minutes.

1449 I want to thank the gentlelady for putting this
1450 legislation up and I want to thank the bipartisan nature
1451 which were working this piece of legislation.

1452 The harnessing of water for power goes back centuries,
1453 whether it is to turn a gristmill and grind grain or whether
1454 it is providing hydropower for electricity generation. The
1455 benefits of hydroelectric dams are immense, whether it is
1456 recreation purposes on the Missouri River in North Dakota, on
1457 the Saluda River in South Carolina. Clean drinking water
1458 supplies, water for irrigation, capturing water from snow
1459 runoff so it is not wasted.

1460 Their benefits are numerous and it is clean. If we
1461 approach it from a carbon standpoint, hydroelectricity is the
1462 cleanest source we have got. And so I support this
1463 legislation, and I applaud the committee for its work on it.

1464 And with that, I yield back.

1465 Any other member seeking recognition?

1466 Seeing none, the question now occurs on forwarding H.R.
1467 4045 as amended to the full committee. A roll call has been

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1468 requested, didn't you say?

1469 *Voice. Yes.

1470 *Mr. Duncan. Roll call has been requested, so the Clerk
1471 will call the roll.

1472 *The Clerk. Burgess?

1473 *Mr. Burgess. Aye.

1474 *The Clerk. Burgess votes aye.

1475 Latta?

1476 *Mr. Latta. Aye.

1477 *The Clerk. Latta votes aye.

1478 Guthrie?

1479 [No response.]

1480 *The Clerk. Griffith?

1481 *Mr. Griffith. Aye.

1482 *The Clerk. Griffith votes aye.

1483 Johnson?

1484 *Mr. Johnson. Aye.

1485 *The Clerk. Johnson votes aye.

1486 Bucshon?

1487 *Mr. Bucshon. Aye.

1488 *The Clerk. Bucshon votes aye.

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1489 Walberg?
1490 *Mr. Walberg. Aye.
1491 *The Clerk. Walberg votes aye.
1492 Palmer?
1493 [No response.]
1494 *The Clerk. Curtis?
1495 *Mr. Curtis. Aye.
1496 *The Clerk. Curtis votes aye.
1497 Lesko?
1498 *Mrs. Lesko. Aye.
1499 *The Clerk. Lesko votes aye.
1500 Pence?
1501 *Mr. Pence. Aye.
1502 *The Clerk. Pence votes aye.
1503 Armstrong?
1504 *Mr. Armstrong. Yes.
1505 *The Clerk. Armstrong votes aye.
1506 Weber?
1507 *Mr. Weber. Yes.
1508 *The Clerk. Weber votes aye.
1509 Balderson?

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1510 *Mr. Balderson. Aye.
1511 *The Clerk. Balderson votes aye.
1512 Pfluger?
1513 [No response.]
1514 *The Clerk. Duncan?
1515 *Mr. Duncan. Aye.
1516 *The Clerk. Duncan votes aye.
1517 DeGette?
1518 *Ms. DeGette. No.
1519 *The Clerk. DeGette votes no.
1520 Peters?
1521 *Mr. Peters. No.
1522 *The Clerk. Peters votes no.
1523 Fletcher?
1524 *Mrs. Fletcher. No.
1525 *The Clerk. Fletcher votes no.
1526 Matsui?
1527 *Ms. Matsui. No.
1528 *The Clerk. Matsui votes no.
1529 Tonko?
1530 *Mr. Tonko. No.

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1531 *The Clerk. Tonko votes no.
1532 Veasey?
1533 *Mr. Veasey. No.
1534 *The Clerk. Veasey votes no.
1535 Kuster?
1536 *Ms. Kuster. No.
1537 *The Clerk. Kuster votes no.
1538 Schrier?
1539 *Ms. Schrier. No.
1540 *The Clerk. Schrier votes no.
1541 Castor?
1542 *Ms. Castor. No.
1543 *The Clerk. Castor votes no.
1544 Sarbanes?
1545 [No response.]
1546 *The Clerk. Cardenas?
1547 *Mr. Cardenas. No.
1548 *The Clerk. Cardenas votes no.
1549 Blunt Rochester?
1550 *Ms. Blunt Rochester. No.
1551 *The Clerk. Blunt Rochester votes no.

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1552 Pallone?
1553 *Mr. Pallone. No.
1554 *The Clerk. Pallone votes no.
1555 Rodgers?
1556 *The Chair. Aye.
1557 *The Clerk. Rodgers votes aye.
1558 *Mr. Duncan. Are there any members that are not
1559 recorded?
1560 *Mr. Guthrie. Guthrie votes aye.
1561 *The Clerk. Guthrie votes aye.
1562 *Mr. Duncan. How is Mr. Palmer recorded?
1563 *The Clerk. Mr. Palmer is not recorded.
1564 *Mr. Palmer. Aye.
1565 *The Clerk. Palmer votes aye.
1566 *Mr. Duncan. Any other member unrecorded?
1567 Seeing none, the Clerk will report the tally.
1568 *The Clerk. Chair Duncan, on that vote there were 16
1569 ayes and 12 noes.
1570 *Mr. Duncan. The ayes have it. The bill is agreed to.
1571 I want to thank everyone for participating in the
1572 markup. I know things got in the way, carried over to today,

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1573 but I appreciate the patience.

1574 Without objection, staff is authorized to make technical
1575 and conforming changes to the legislation approved by the
1576 subcommittee today and yesterday. So ordered.

1577 Without objection, the subcommittee stands adjourned.

1578 [Whereupon, at 11:02 a.m., the subcommittee was
1579 adjourned.]