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6 MARKUP OF:

7 H.R. 1435 (JOYCE), THE PRESERVING CHOICE IN VEHICLE PURCHASES

8 ACT;

9 H.R. 4468 (WALBERG), THE CHOICE IN AUTOMOBILE RETAIL SALES

10 ACT OF 2023; AND

11 H.R. 4469, THE NO FUEL CREDITS FOR BATTERIES ACT OF 2023

12 WEDNESDAY, JULY 12, 2023

13 House of Representatives,

14 Subcommittee on Environment, Manufacturing,

15 and Critical Minerals,

16 Committee on Energy and Commerce,

17 Washington, D.C.

18

19 The subcommittee met, pursuant to call, at 1:00 p.m.,

20 Room 2123, Rayburn House Office Building, Hon. Bill Johnson

21 [chairman of the subcommittee], presiding.

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24 Present: Representatives Johnson, Carter, Palmer,
25 Crenshaw, Joyce, Weber, Allen, Balderson, Fulcher, Pfluger,
26 Miller-Meeks, Obernolte, Rodgers (ex-officio); Tonko,
27 DeGette, Schakowsky, Clarke, Ruiz, Peters, Barragan, and
28 Pallone (ex-officio).

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30 Staff Present: Sarah Alexander, Professional Staff
31 Member; Kate Arey, Digital Director; Jolie Brochin, Clerk;
32 Sarah Burke, Deputy Staff Director; Jerry Couri, Deputy Chief
33 Counsel; Lauren Eriksen, Clerk; Sydney Greene, Director of
34 Operations; Rebecca Hagigh, Executive Assistant; Jack
35 Heretik, Press Secretary; Jessica Herron, Clerk; Nate Hodson,
36 Staff Director; Tara Hupman, Chief Counsel; Sean Kelly, Press
37 Secretary; Peter Kielty, General Counsel; Emily King, Member
38 Services Director; Mary Martin, Chief Counsel; Kaitlyn
39 Peterson, Clerk; Karli Plucker, Director of Operations
40 (shared staff); Carla Rafael, Senior Staff Assistant; Emma
41 Schultheis, Staff Assistant; Michael Taggart, Policy
42 Director; Dray Thorne, Director of Information Technology;
43 Waverly Gordon, Minority Deputy Staff Director and General
44 Counsel; Tiffany Guarascio, Minority Staff Director; Caitlin
45 Haberman, Minority Staff Director, Environment,
46 Manufacturing, and Critical Materials; Perry Hamilton,
47 Minority Member Services and Outreach Manager; Kylea Rogers,
48 Minority Policy Analyst; Medha Surampudy, Minority
49 Professional Staff Member; Rebecca Tomilchik, Minority Junior
50 Professional Staff Member; and C.J. Young, Minority Deputy

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51 Communications Director.

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53 *Mr. Johnson. The subcommittee will now come to order.
54 The chair will recognize himself for five minutes for
55 the purpose of an opening statement.

56 So welcome to the Environment, Manufacturing, and
57 Critical Materials Subcommittee's markup of three bills to
58 preserve Americans' access to affordable, reliable, and
59 secure vehicles and fuels.

60 Less than three weeks ago this subcommittee held a
61 legislative hearing on the legislation being marked up today.
62 We heard testimony from Joe Goffman, principal deputy
63 administrator of the EPA's Office of Air and Radiation, who,
64 in my view, struggled to justify the Biden Administration's
65 rush to rapidly electrify America's vehicles. We also heard
66 from key stakeholders, including the presidents of American
67 Fuel and Petrochemical Manufacturers and the Minnesota Auto
68 Dealers Association, who voiced strong support for the
69 legislation on our agenda today.

70 AFPM President Thompson warned us that, without
71 legislation to curb these abuses, the Biden EPA's policies
72 would directly benefit our global adversaries. Why? Well,
73 for example, China dominates the global supply chain for EVs

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74 by controlling 80 percent of lithium refining. They control
75 half of all cobalt production. They control nearly 100
76 percent of refining and processing of critical minerals. And
77 now on top of that, they are cornering the global market on
78 oil refining as we are shutting ours down.

79 We need to pump the brakes on the Biden Administration's
80 policies and regulations that essentially mandate EVs on an
81 irresponsible rush-to-green timeline. This Administration is
82 undermining our national security, and taking away choice
83 from American consumers in what appears to be an attempt to
84 essentially nationalize major sectors of our transportation
85 industry.

86 And closer to home, our witness from the Minnesota Auto
87 Dealers, Mr. Lambert, highlighted that electric vehicles
88 simply do not work for many Americans. Specifically, he
89 explained that EVs lose 40 percent of their battery capacity
90 in cold temperatures, dramatically decreasing range when
91 towing any load. He pointed out that a lack of dependable
92 charging infrastructure that urban and rural Americans can't
93 access, and come -- and these EVs come at a much higher price
94 than their gas and diesel-powered counterparts.

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95 In other words, if you use your pickup truck for work,
96 EVs won't work for you.

97 So to preserve the choice in vehicles Americans prefer
98 and can afford, Republicans have solutions and we are marking
99 those up here today.

100 First from Representatives Joyce, Latta, Bilirakis, and
101 Obernolte, their bill would limit the EPA's ability to issue
102 California a waiver of national vehicle emission standards if
103 the state's policies directly or indirectly limit the sale of
104 new internal combustion engine vehicles. The EPA should not
105 use the misguided standards of one state as justification to
106 drive vehicles that the agency does not like off the road.

107 Next we have the No Fuel Credits for Batteries Act,
108 introduced by Mr. Pence. The bill addresses the EPA's
109 disastrous efforts to simply make up the legal authority
110 needed to introduce electricity into the renewable fuel
111 standard. After heavy criticism, including from this
112 committee, the EPA itself decided not to move forward with
113 the eRINS proposal "at this time." However, the EPA
114 announced plans to continue working on an eRINS program that
115 could be finalized at a later date. So to prevent any future

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116 agency overreach, this bill clarifies that EPA is not
117 authorized to create an eRINs program.

118 In addition, we are making up the choice -- we are
119 marking up the Choice in Automobile Retail Sales Act, or the
120 CARS Act, introduced by Mr. Walberg. The bill would prevent
121 the EPA from implementing the multi-pollutant emission
122 standards for model years 2027 and later for light and
123 medium-duty vehicles, which requires two-thirds of their new
124 car sales -- of new car sales and half of new truck sales to
125 be electric by 2032.

126 The bill also prevents EPA from issuing regulations in
127 the future that would mandate the use of one vehicle
128 technology, or limit the availability of vehicles based on
129 engine type.

130 And I will be entering an article into the record today,
131 an article from just this past Monday from Axios entitled,
132 "Unsold Electric Cars are Piling Up on Dealer Lots." In
133 details -- it details that in many cases EVs are currently
134 sitting at dealers twice as long as hybrid and gas-powered
135 models.

136 My friends, it is clear that the American people are not

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137 sold on this rush-to-EV agenda. We must prevent the Biden
138 Administration from imposing EV mandates that do not align
139 with consumer preferences, occur at a pace and scale that
140 would directly increase costs for working Americans, and that
141 would undermine our national security, all for very
142 questionable environmental gain.

143 Today's markup is a key step towards protecting consumer
144 choice in transportation. I look forward to advancing the
145 three bills on our agenda today.

146 And I yield back, and the chair now recognizes the
147 gentleman from New York, Mr. Tonko, for five minutes for his
148 opening statement.

149 *Mr. Tonko. Thank you, Mr. Chair.

150 For many years we have heard Republicans on this
151 committee talk about the need for innovation to address our
152 pollution challenges. And today we are at the beginning of a
153 technology revolution in the transportation sector. Zero-
154 emission vehicles are becoming increasingly cost competitive,
155 increasingly available with all different makes and models
156 and price points, and increasingly in demand by American
157 consumers.

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158 People realize that zero-emission vehicles have the
159 ability to meet the overwhelming majority of their driving
160 needs today, while saving them thousands of dollars in fuel
161 and maintenance costs over the life of the vehicle. This all
162 sounds pretty great, and that is even before acknowledging
163 that these vehicles will drastically reduce harmful climate
164 and traditional pollutants.

165 And thanks to the investments included in the
166 Infrastructure Investment and Jobs Act and the Inflation
167 Reduction Act, the manufacturing supply chains for these
168 vehicles, their batteries, and their charging equipment are
169 increasingly being built here in the United States, creating
170 jobs and enabling the U.S. to retain the mantle of the
171 greatest auto manufacturing country in the world for another
172 generation.

173 That is what innovation looks like, and that innovation,
174 like most innovation, is being driven by a mix of consumer
175 trends, financial incentives, and regulatory policies.
176 Unfortunately, the Republican majority wants to stifle
177 America's next great industrial revolution before we even get
178 into the race with China and dozens of other foreign

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179 competitors. And the three bills before us today are just
180 the latest examples of the majority not only trying to
181 undermine market trends, but to prevent the EPA from carrying
182 out its mission to protect human health and our environment.

183 EPA has a responsibility to protect Americans from
184 harmful air pollution, and the transportation sector is the
185 largest contributor to the U.S. climate pollution, as well as
186 a major source of other dangerous pollutants. As we know,
187 EPA recently proposed new tailpipe standards for light-duty
188 vehicles for model years 2027 through 2032. In fact, the
189 comment period ended just last week. But H.R. 4468, the
190 Choice in Automobile Retail Sales Act of 2023, seeks to pre-
191 judge the outcome of that process and prohibit EPA from
192 finalizing its rule. The majority does not seem to care that
193 the proposed rule will save lives, save consumers money, and
194 bolster our American manufacturing.

195 Similarly, H.R. 1435, the Preserving Choice in Vehicle
196 Purchases Act, would restrict EPA from allowing California to
197 set more protective vehicle emission standards to address its
198 extraordinary pollution challenges. This bill not only
199 infringes on California's ability to protect its citizens

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200 from dangerous air pollution, but also the rights of more
201 than a dozen other states, including New York, that opt to
202 follow California rules.

203 And finally, H.R. 4469, the No Fuel Credits for
204 Batteries Act of 2023, prohibits EPA from moving forward with
205 eRINs under the Renewable Fuel Standard program. As we heard
206 from EPA during this legislative hearing, the Clean Air Act
207 does not say that transportation fuels must be liquid fuels.
208 And in order to qualify for credits under the RFS, the
209 electricity would still need to be generated from eligible
210 feedstocks.

211 Prohibiting EPA from moving forward with eRINs will
212 continue to limit and, in some cases, prevent wastewater
213 plants and landfills that capture biogas from participating
214 in the RFS. The RFS should seek to keep up with innovations
215 in transportation, and that means continuing to incentivize
216 all eligible renewable fuels, not a specific type of vehicle
217 technology.

218 As I said at the legislative hearing, these bills seek
219 to create uncertainty for the private sector, disrupting the
220 tens of billions of dollars of planned investments to develop

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221 and produce the next generation of clean vehicle
222 technologies. Instead, we should embrace this opportunity to
223 lead the world in cleaner, more efficient vehicles. It is
224 going to create jobs, reduce pollution, and save lives. In
225 fact, it is already doing so.

226 I urge members to oppose the three bills before us
227 today, and for all of us to move forward with an eye toward
228 how we can make certain all of our constituents are better
229 able to benefit from the ongoing transportation revolution.

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

231 *Mr. Johnson. The gentleman yields back. I now
232 recognize the chair of the full committee, Chair Rodgers, for
233 five minutes for an opening statement.

234 *The Chair. Thank you, Mr. Chairman.

235 At the Detroit Auto Show President Biden said he
236 believes America can own the future of the automobile market.
237 Unfortunately, by using the EPA to institute government
238 mandates and restrictions, he is handing the keys of
239 America's auto future to China.

240 The bills before us today are a response to those
241 efforts. We are offering a different approach, one that

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242 builds on a century of success, rather than ignoring it. We
243 want to secure America's future the American way, through
244 enterprise, free enterprise, and innovation. We want
245 Americans to continue to have the ability to choose the best
246 transportation options for their lives.

247 EPA wants to eliminate that choice by mandating nearly
248 70 percent of new vehicles be 100 percent battery electric by
249 2032. That is not how we win the future. We win the future
250 by innovating, building in America, letting people choose the
251 cars they want to drive, whether they are the most care --
252 energy efficient internal combustion engine vehicles, hybrid
253 plug-in, hybrid hydrogen, electric vehicles, or maybe
254 something yet to be created. That is the American way. And
255 that is how we ensure that we will continue to lead.

256 America, not China, should be leading in auto
257 manufacturing. Now, in 2007 China made a decision to
258 electrify its economy and its transportation sector because
259 it benefited them economically and geopolitically. We know
260 that China is not focused on reducing carbon emissions, so
261 don't be fooled. And since 2007 their emissions have
262 increased by 60 percent. Today China is building, on

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263 average, two coal-fired plants every week to meet their goal,
264 to meet their goal of electrification.

265 China dominates access to critical minerals. It
266 controls 70 percent -- 76 percent of global battery cell
267 production capacity for these electric vehicles, around 75
268 percent of all lithium ion batteries, and the majority of
269 processing and refining capacity for over half of the world's
270 lithium, cobalt, and graphite. Last quarter China became the
271 largest exporter of new motor vehicles, EVs, in the world,
272 surpassing Japan. Forcing Americans to switch to EVs plays
273 right into China's hands.

274 For example, China is now building EV manufacturing
275 plants, car manufacturing plants, in Mexico. Chinese EV
276 companies are expanding their foothold in Europe. We have
277 seen the real dangers of ceding our energy leadership to
278 China and being overly reliant on our adversaries. Why would
279 we want our dependency for cars on China also?

280 So now, later this month, John Kerry is going to be
281 traveling to China to resume the Administration's climate
282 talks. I am increasingly concerned that, given this
283 Administration's record to date, these negotiations are

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284 prioritizing China's interests over our own, further ceding
285 America's energy and automobile leadership to China with some
286 of the worst environmental and labor standards in the world.

287 Instead of building on America's century of automobile
288 leadership, the Biden Administration is implementing top-down
289 government mandates that are going to drive up costs, stifle
290 innovation, limit people's choice, and benefit China
291 directly.

292 Now, you know, I have heard some of my colleagues,
293 Democrat colleagues and our current Secretary of Energy,
294 state that we need to follow China's lead. That is not the
295 future that Americans want. We in the United States of
296 America should be leading. Our goal is to increase, not
297 limit America's choices for the vehicles that they drive and
298 the fuel that they use.

299 Electric vehicles account for four percent of the cars
300 on the road in California, and their grid can't handle the
301 increase in electricity usage. Governor Newsom has asked
302 residents on multiple occasions to refrain from charging
303 their cars in order to ration energy. My home state of
304 Washington is joining California in the effort to ban all

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305 cars except 100 percent battery electric vehicles, probably
306 made by China car companies. And now we have the highest car
307 gas prices in the nation.

308 Clearly, it is not sustainable, yet President Biden and
309 the EPA want to force the entire country to follow
310 California's suit. And that is why I encourage every member
311 to join our bills today, which will prevent California from
312 dictating the cars people drive and the fuels that they use.

313 Our legislative solutions are about making life more
314 affordable, and not ceding American auto leadership to China,
315 ensuring that our constituents have access to affordable,
316 reliable, functional means of transportation. And that
317 should be a bipartisan goal.

318 We cannot win the future with China making our cars and
319 the Federal Government dictating what we drive. And we
320 cannot win the future by sending American auto jobs overseas
321 to China. We need to stay focused on the real goal, and the
322 real goal is continued American leadership in the auto sector
323 while being good stewards of the environment. We have been
324 doing this for decades, and we have led. We are leading the
325 world in bringing down carbon emissions. Let's continue to

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326 lead and win the future.

327 I yield back.

328 *Mr. Johnson. The gentlelady yields back. I now
329 recognize the gentleman from New Jersey, Representative
330 Pallone, the ranking member of the full committee, for five
331 minutes for his opening statement.

332 *Mr. Pallone. Thank you, Mr. Chairman.

333 Last week was the hottest week ever recorded. Incidents
334 of drought, wildfires, hurricanes, and extreme heat continue
335 to rise across the country. The effects of these weather
336 events are being felt by our constituents, and are costing
337 our nation hundreds of billions of dollars every year. The
338 climate crisis is here, and we must address it while also
339 growing our economy for the future by investing in a clean
340 energy economy.

341 The transportation sector is a significant contributor
342 to climate pollution, with detrimental impacts on public
343 health and the environment. Decades of ambitious clean
344 vehicle standards have driven historic innovation, delivering
345 cleaner air and better technologies, and positioning the
346 United States as a global leader in cleaner transportation.

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347 We must continue to drive that progress.

348 House Democrats delivered real solutions for cleaner
349 transportation last Congress by passing two historic laws.
350 The Bipartisan Infrastructure Law invested in EV charging,
351 clean transportation, and EV battery components, including
352 critical minerals which have increasingly been manufactured
353 overseas. These investments will help build the EV
354 infrastructure needed across the nation. The Inflation
355 Reduction Act included rebates and tax credits to lower the
356 costs of electric vehicles for American families, including a
357 tax credit up to \$4,000 for a qualifying pre-owned or used
358 electric vehicle.

359 Electric vehicles are becoming more and more popular
360 every day, and these tax credits are making them even more
361 affordable for American families. And yet every Republican
362 here today voted against both of these laws and all of these
363 critical investments. The Republican agenda is focused on
364 propping up big oil corporations while undermining common-
365 sense protections from harmful air pollution and attempting
366 to reverse hard-fought climate progress.

367 The Republicans would rather continue doing the bidding

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368 of their big corporate friends to the detriment of growing
369 our economy for the future and helping to lower costs for
370 American families. Today's markup is no different. The
371 bills on today's agenda are anti-science, anti-innovation,
372 and anti-progress. They will move us backwards in our
373 efforts of cleaning up and modernizing the transportation
374 sector, and would stymie efforts to fight climate change and
375 protect public health and the environment.

376 H.R. 1435, the Preserving Choice in Automobile Sales
377 Act, would turn back over 50 years of recognizing
378 California's authority to set more protective vehicle
379 emission standards. It infringes on the rights of states
380 like my home state of New Jersey to voluntarily adopt those
381 standards to protect people from dangerous air pollution. At
382 the legislative hearing, the only witness representing any
383 vehicle manufacturers testified that this bill would cause
384 significant disruption and uncertainty in the U.S. vehicle
385 market, which would hurt our global leadership and consumer
386 access to EV choices.

387 Then there is H.R. 4468, the Choice in Automobile Retail
388 Sales Act. That would bar the EPA from finalizing its light

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389 and medium-duty vehicle emission standards for model year
390 2027. This bill also jeopardizes EPA's ability to finalize
391 new vehicle emission standards, effectively preventing the
392 agency from fulfilling its obligation to protect Americans
393 from motor vehicle pollution.

394 And finally, there is H.R. 4469, the No Fuel for
395 Batteries Act. That would block EPA from allowing credits to
396 be generated under the Renewable Fuel Standard for renewable
397 electricity for transportation fuel, also known as eRINs.
398 EPA has been working on this since 2010, following the
399 direction of Congress. The bill would block eRINs produced
400 by renewable biogas feedstocks such as farmers, landfills,
401 and municipal wastewater treatment facilities from actively
402 participating in the RFS, and would hamper biofuel
403 opportunities across the country.

404 All three of these bills show how Republicans are
405 willing to sacrifice Americans' rights to clean air and a
406 safe climate. They also show Republicans are willing to
407 abandon American innovation and global leadership in order to
408 support corporations. Reversing our progress on clean
409 transportation and doubling down on fossil fuel dependence

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410 would make the United States weaker, not stronger, for the
411 future.

412 We already have the technology and the ingenuity to be
413 the global leader in clean transportation, lowering energy
414 costs, protecting public health, fighting the climate crisis,
415 and strengthening our economy in the process. But the three
416 bills before us today would abandon our position in favor of
417 maintaining the status quo of putting polluters over people.
418 So for these reasons, I oppose all three of these bills, Mr.
419 Chairman, and urge my colleagues on both sides of the aisle
420 to do the same.

421 And I yield back the remainder of my time.

422 *Mr. Johnson. The gentleman yields back. The chair
423 reminds members that, pursuant to the committee rules, all
424 members' opening statements will be made part of the record.

425 Are there further opening statements?

426 Seeing none, the chair now calls up H.R. 1435, and asks
427 the clerk to report.

428 *The Clerk. H.R. 1435, a bill to amend the Clean Air
429 Act to prevent the elimination of the sale of internal
430 combustion engines.

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431 *Mr. Johnson. Without objection, the first reading of
432 the bill is dispensed with, and the bill will be open for
433 amendment at any point.

434 So ordered.

435 [The bill follows:]

436

437 *****COMMITTEE INSERT*****

438

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439 *Mr. Johnson. Are there bipartisan amendments to the
440 bill?

441 Are there other amendments?

442 *Mr. Tonko. Mr. Chair, can we speak on the
443 underlying --

444 *Mr. Johnson. For what purpose does the gentleman from
445 New York seek recognition?

446 *Mr. Tonko. Mr. Chair, I move to strike the last word
447 to speak in opposition to H.R. 1435.

448 *Mr. Johnson. You are speaking in opposition to the
449 underlying bill?

450 *Mr. Tonko. Yes.

451 *Mr. Johnson. The gentleman is recognized for five
452 minutes.

453 *Mr. Tonko. Thank you, Mr. Chair.

454 While this bill is called the Preserving Choice in
455 Vehicle Purchases Act, it will actually accomplish the
456 opposite. If enacted, this bill would take away freedom of
457 choice from all states, but especially those actively working
458 to address dangerous air pollution from the transportation
459 sector.

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460 By making such egregious changes to the Clean Air Act
461 section 209 waiver authority, this bill directly infringes on
462 states' rights to make regulatory decisions that fit their
463 needs. This proposal would not only imperil California's
464 statutorily-granted ability to seek waivers for more
465 protective standards, but it would significantly hamper the
466 rights of any state that chooses to follow California's lead.

467 Under section 177 of the Clean Air Act, states may
468 voluntarily adopt any California vehicle emissions standard
469 that has been granted a waiver from EPA. My home state of
470 New York is one of those states, and I can tell you that my
471 constituents would not accept Congress taking away their
472 right to address air pollution. No one is forcing states to
473 adopt California's standards, but for many parts of the
474 country this path makes a lot of sense. This bill encroaches
475 upon the rights of states that choose to follow California's
476 lead on vehicle emission standards, and is a blatant attack
477 on states that are taking ambitious steps forward to curb air
478 pollution on their home turf. I would expect my Republican
479 colleagues to protect states' rights.

480 With that I urge my colleagues to vote no on this bill

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481 and, Mr. Chair, I yield back.

482 *Mr. Johnson. The gentleman yields back. The chair now
483 recognizes Mr. Joyce for five minutes to speak on behalf of
484 his bill.

485 *Dr. Joyce. First I want to thank you, Chairman
486 Johnson, for holding this markup on these three critical
487 bills that specifically deal with the automotive industry.

488 Mobility is essential to our American way of life. Our
489 culture, our economy are built around Americans having to be
490 able to be reliable and affordable forms of transportation.
491 Now, government overreach is threatening to put cars, SUVs,
492 and trucks that hardworking Americans need out of their
493 reach.

494 One of the clearest and most draconian actions taken by
495 liberal activists is California's new Advanced Clean Cars II.
496 These regulations would require 35 percent of new car sales
497 to be EVs in 2026, and fully all -- 100 percent of sales --
498 to be EVs by 2035. The only thing standing in the way of
499 these regulations going into effect is the required waiver
500 from the EPA under the Clean Air Act. That is why I, along
501 with Representatives Latta, Bilirakis, and Obernolte,

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502 introduced H.R. 1435, the Preserving Choice in Vehicle
503 Purchase Act, to prevent the EPA administrator from granting
504 a waiver allowing California's ban on internal combustion
505 engine sales by 2035.

506 Although starting in California, section 177 of the
507 Clean Air Act will ensure that, once adopted, these
508 regulations will spread across the nation, disrupting the
509 entire American automobile market, and ultimately limit what
510 my constituents are able to buy. Seventeen states, including
511 my home state of Pennsylvania, have already adopted
512 California's clean air regulations. These states represent
513 over 40 percent of the American automobile market, and any
514 electric vehicle mandate on that large of a scale is a de
515 facto mandate on the entire market, and represents a decisive
516 shift in national policy.

517 Let's put it bluntly. In my district, EVs cannot
518 fulfill the needs of my constituents and their families. EVs
519 can't drive the necessary distance needed. They can't
520 maintain the charge at extreme temperatures or recharge fast
521 enough to keep hardworking Pennsylvanians on the move.

522 Three weeks ago we heard testimony in this subcommittee

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523 from Scott Lambert, the president of the Minnesota Auto
524 Dealers Association. His position was clear. The auto
525 dealers are not anti-electric car. Far from it. In places
526 like Saint Paul and Minneapolis, where there is a market for
527 EVs, they are happy to sell them. But many characteristics
528 shared by Minnesota and Pennsylvania make a 100 percent EV
529 adoption simply impossible. The cold winters, the
530 mountainous terrains of states like these require Americans
531 to have reliable and capable vehicles. That is why 89
532 percent of auto sales in Minnesota were pickup trucks and
533 SUVs. To strip constituents of that choice is government
534 overreach at its worst.

535 I am encouraged, though, that in their testimony to this
536 committee Biden Administration officials appeared to
537 recognize this fact. On May 10th I asked EPA Administrator
538 Regan if he supported banning the internal combustion engine.
539 And he responded, and I quote, "Not at all." When I asked
540 if he supported consumer choice in vehicles, his response
541 was, "I don't see a near-term future where we don't have a
542 fuel supply that complements electric vehicles and provides
543 customer choice." That is what this legislation is about.

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544 Posing the same question on June 22nd to Joseph Goffman, the
545 principal deputy administrator for the EPA's Office of Air
546 and Radiation, he reiterated the commitment not to support a
547 ban on internal combustion engines.

548 Given the policy stance taken by these administrative
549 officials, this bill should have an opportunity to work
550 together in a bipartisan fashion. As I have made clear
551 before in this committee, H.R. 1435 is not anti-electric
552 vehicle. Those who can afford, those who would like an
553 electric vehicle should be able to buy one. But it does not
554 help constituents in any of our districts to require them to
555 buy EVs, regardless of their needs or their wants.

556 An EV mandate is an abandonment of the free market
557 principles that have enabled Americans to have the most
558 mobility of any nation in the world. It would have horrible
559 effects on our nation's refining capacity and Americans'
560 energy independence. It would destabilize the grid by adding
561 demand at a pace that our infrastructure and electric
562 generation cannot keep up with.

563 Lastly, this policy would harm working and middle-class
564 families by making cars less capable, and thousands of

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565 dollars more expensive for the people who can least afford
566 it. Only by taking government's thumb off of the scale and
567 letting the free market decide will Americans get the
568 efficient and affordable transportation that they need.

569 I urge all of my colleagues to support this important
570 H.R. 1435 legislation.

571 Thank you, Chairman Johnson, for holding this markup
572 today, and I yield back.

573 *Mr. Johnson. The gentleman yields back. Do other
574 members wish to speak on the bill?

575 The gentleman from California is recognized, Mr. Peters.

576 *Mr. Peters. Thanks so much, Mr. Chairman, and I move
577 to strike the last word and speak in opposition to H.R. 1435.

578 My Republican colleagues like to attack California for
579 its forward-thinking policies to address dangerous air
580 pollution, especially from the transportation sector.
581 California has been a leader in reducing air pollution for
582 decades because of our unique pollution challenges.

583 In fact, California was the very first state to regulate
584 tailpipe pollution from vehicles. The Federal Government
585 followed California's lead by enacting the first iteration of

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586 the Clean Air Act in 1970, over 10 years after California
587 enacted legislation to adopt standards for community air
588 quality and motor vehicle emissions. And since California
589 already had tailpipe emission standards on the books in 1966
590 under Governor Ronald Reagan, Congress drafted the Clean Air
591 Act to accommodate their ongoing innovation and progress in
592 addressing air pollution from the transportation sector.

593 Section 209 of the Clean Air Act, which this poorly-
594 drafted bill would amend, requires EPA to grant California
595 waivers so it can set vehicle emission standards that are
596 stricter than those set by EPA at the Federal level. Over
597 the years EPA has granted California dozens of waivers for
598 its emission standards. This has enabled California not only
599 to address its significant air pollution challenges, but has
600 also cemented California as a leader in driving emissions
601 reduction technologies.

602 California's ambitious standards paved the way for the
603 invention of the catalytic converter and the dashboard check
604 engine lights, in addition to the development of zero-
605 emission vehicles. Now H.R. 1435 seeks to erase decades of
606 historic progress on addressing air pollution, driving

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607 innovation, and protecting public health. And frankly, the
608 goal of this shortsighted bill might be to keep us stuck in
609 the past, keep our heads in the sand, while the real,
610 tangible dangers of climate change continue to affect our
611 communities, our environment, and our economy.

612 So we should not reverse decades of California's
613 historic leadership in protecting public health and
614 addressing air pollution from the transportation sector. I
615 urge my colleagues to vote no on H.R. 1435.

616 And I yield back the balance of my time.

617 *Mr. Johnson. The gentleman yields back. The chair now
618 recognizes Mr. Obernolte for five minutes.

619 *Mr. Obernolte. Thank you, Mr. Chairman. I am proud to
620 express my support for H.R. 1435, the Preserving Choice in
621 Vehicles Purchase Act, a bill that I was very pleased to
622 introduce alongside my colleagues, Representatives Joyce,
623 Latta, and Bilirakis.

624 Obviously, I represent my home state of California. I
625 have worked for many years with the California Air Resources
626 Board. Let me tell you why I am so thoroughly convinced that
627 allowing CARB to ban the sale of internal combustion vehicles

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628 by 2035 is a terrible idea not only for California, but for
629 the rest of the country.

630 I represent over 100,000 people who commute long
631 distances from my district back and forth to Los Angeles
632 every day. And folks, they are not doing that because they
633 want to and they enjoy driving for two hours a day. They are
634 doing that because that is what is required to put food on
635 the table for their families. They factor those choices in
636 when they decide what kind of a vehicle to purchase. And
637 right now they are not buying electric vehicles. We have to
638 ask ourselves as a society and a government why that is.

639 Right now, unsold inventory of electric vehicles is
640 almost twice as high across the country as internal
641 combustion engine vehicles. So these are a choice. Even
642 with the subsidized purchase price of electric vehicles
643 today, this is a choice that consumers are already rejecting.

644 So the first problem is that electric vehicles are
645 substantially more expensive than internal combustion engine
646 vehicles, even with a subsidized purchase price. And
647 obviously, if California completely bans the sale of internal
648 combustion engines and requires all vehicles to be electric,

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649 they are not all going to be subsidized. So this problem is
650 going to get even worse.

651 Also, there is the problem of operating costs.
652 Obviously, you don't have to buy fuel for an electric
653 vehicle, but you do have to pay for the electricity it takes
654 to charge the battery. And that electricity for my
655 constituents is becoming more and more expensive and less
656 affordable. In my own hometown, the electric provider
657 recently submitted a rate case to the California Public
658 Utilities Commission seeking permission to boost the base
659 rate for residential electricity up over \$0.40 a kilowatt
660 hour. And that is the base rate. And that is this year, not
661 2035.

662 Just try to make a financial case for owning an electric
663 vehicle if you have to pay \$0.40 a kilowatt hour to charge
664 it. I have done the math. I can tell you it absolutely does
665 not work, and that is going to be worse for my constituents
666 12 years from now than it is today.

667 Now, to be clear, none of us are anti-electric vehicle,
668 but we are very much in favor of allowing consumers to make
669 their own choices when it comes to deciding what vehicles

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670 they are going to purchase for themselves and for their
671 households. That is what H.R. 1435 preserves, is the freedom
672 for our constituents to choose the vehicle that works best
673 for them.

674 So I urge my colleagues to support this very meaningful
675 legislation, and to move us forward in not only making the
676 Earth greener, but also making our country a freer place for
677 the people that we represent.

678 Thank you, Mr. Chairman. I yield back.

679 *Mr. Johnson. The gentleman yields back. The gentleman
680 from California, Mr. Ruiz, is recognized for five minutes.

681 *Dr. Ruiz. Thank you, Mr. Chairman. I have an
682 amendment at the desk, amendment No. 1.

683 *Mr. Johnson. The clerk will report.

684 *The Clerk. Amendment to H.R. 1435, offered by Mr.
685 Ruiz. Beginning on page 2, strike line 24 and all that
686 follows through page --

687 *Mr. Johnson. Without objection, the reading of the
688 amendment is dispensed with.

689 [The amendment of Mr. Ruiz follows:]

690

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691 *****COMMITTEE INSERT*****

692

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693 *Mr. Johnson. And the gentleman is recognized for five
694 minutes in support of his amendment.

695 *Dr. Ruiz. Thank you, Mr. Chair.

696 H.R. 1435, the Preserving Choice in Vehicles Purchasing
697 Act, would prevent the EPA administrator from granting a
698 waiver of Federal preemption under the Clean Air Act. These
699 waivers have allowed states to set their own emission
700 standards to address pollution without waiting for Federal
701 guidance. That is why this bill is a direct attack, for
702 example, on my home state of California, for proactively
703 addressing a major public health concern: poor air quality.

704 In a recent report by the American Lung Association
705 titled "Driving to Clean Air" found that we could prevent
706 89,300 fewer premature deaths by moving to 100 percent zero
707 emissions. Additionally, this will lead to 2.2 million fewer
708 asthma attacks and \$978 billion in public health benefits
709 overall by cleaning up our air.

710 California has uniquely difficult air quality
711 challenges. It has got the largest population, which is why
712 my home state has taken a leading role in pollution controls
713 for vehicles. This revocation could cover California waivers

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714 from 2017 to 2025 standards. The ACC ZEV mandate, the ACC
715 tailpipe emissions, and the -- all of those, which would be
716 detrimental. Considering that these waivers have already
717 been granted, and for the past 50 years both Congress and the
718 EPA have recognized California's authority to set more
719 protective vehicle emissions standards, this specific section
720 of the bill infringes on California's rights.

721 The Preserving Choice in Vehicles Purchases Act would
722 have detrimental impacts on the EPA's longstanding authority
723 to grant waivers to states. The "California waiver" has
724 been essential for states wishing to take proactive steps to
725 improve their air quality and environments. We should
726 encourage states to act proactively, not retroactively
727 punishing states for addressing public health concerns.

728 So I urge my colleagues to vote yes on my amendment, and
729 I yield back the balance of my time.

730 *Mr. Johnson. The gentleman yields back, and with that
731 the chair has been informed that votes have been called.
732 With this new, now-to-be-enforced rule of 20 minutes we have
733 got to get to the floor. So the subcommittee stands in
734 recess. We will convene for discussion on this amendment

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735 after votes.

736 [Recess.]

737 *Mr. Johnson. The subcommittee will come to order.

738 As a reminder, we left off with Mr. Ruiz having spoken
739 in support of his amendment No. 1. Is there discussion of
740 the amendment?

741 The chair now recognizes Dr. Joyce for five minutes.

742 *Dr. Joyce. I would like to strike the last word to
743 speak in opposition to this amendment.

744 *Mr. Johnson. The gentleman is recognized.

745 *Dr. Joyce. This amendment would strip the portion of
746 the bill that requires the EPA administrator to revoke a
747 waiver that bans internal combustion engines. The Biden
748 Administration could decide to approve a waiver for
749 California regulations before this bill is passed into law.
750 And without this piece of the bill, the Administration would
751 be able to circumvent the will of Congress and say that their
752 hands are tied since they have already granted that waiver.

753 This amendment further would strip from H.R. 1435 the
754 portion of the bill that is critical to ensuring that a ban
755 on internal combustion vehicles would remain in place. This

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756 amendment undermines the purpose of the bill, and is a tactic
757 to eliminate its effectiveness.

758 Simply, I urge all of my colleagues to vote no on this
759 amendment.

760 Thank you, and I yield, Mr. Chair.

761 *Mr. Johnson. The gentleman yields back. Is there any
762 other discussion?

763 The gentleman from New York is recognized --

764 *Mr. Tonko. Yes.

765 *Mr. Johnson. Mr. Tonko.

766 *Mr. Tonko. Mr. Chair, I move to strike the last word
767 and speak in support of Congressman Ruiz's amendment.

768 *Mr. Johnson. The gentleman is recognized.

769 *Mr. Tonko. Thank you, sir.

770 While I oppose this bill in its entirety, this amendment
771 focuses on a particularly egregious section. This amendment
772 strikes language that would force EPA to go back and revoke
773 all waivers granted after January 1 of 2022. This is an
774 incredibly irresponsible way to regulate. Jumping back and
775 forth between approving and revoking waivers would cause
776 uncertainty for industry, which would have a disastrous

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777 ripple effect on the entire vehicle market.

778 At our legislative hearing last month we heard from
779 stakeholders about concerns with this bill. The only witness
780 who represented any vehicle manufacturers testified that this
781 bill would create substantial disruption for the United
782 States vehicle market. In addition to disrupting the vehicle
783 market in California, this bill's detrimental impacts would
784 extend to any state that adopts California's standards under
785 section 177 of the Clean Air Act. These states represent
786 more than 40 percent of new vehicle sales.

787 The witness explained that members of the EV ecosystem,
788 including vehicle manufacturers and their complex supply
789 chains, make decisions and investments based on current
790 regulatory regimes. Throwing a wrench into how EPA and
791 states can regulate dangerous air pollution from vehicles
792 would only weaken our domestic vehicle market and imperil
793 ongoing investments.

794 My Republican colleagues are so anti-EV that they are
795 willing to risk the health and future of our entire domestic
796 EV market. Picking winners and picking losers by derailing
797 longstanding precedents is irresponsible, and our

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798 constituents deserve better.

799 So I urge my colleagues to support this amendment. And
800 with that, Mr. Chair, I yield back.

801 *Mr. Johnson. The gentleman yields back. Are there
802 other members wishing to speak on the amendment?

803 If there is no further discussion, the vote occurs on
804 the amendment.

805 All those in favor shall signify by saying aye.

806 All those opposed, nay.

807 *Mr. Tonko. Mr. Chair, Mr. Chair, can I ask for a
808 recorded vote, please?

809 *Mr. Johnson. The nays have it, but a recorded vote has
810 been called. The clerk will report.

811 *The Clerk. Carter?

812 [No response.]

813 *The Clerk. Palmer?

814 [No response.]

815 *The Clerk. Crenshaw?

816 *Mr. Crenshaw. No.

817 *The Clerk. Crenshaw votes no.

818 Joyce?

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819 *Dr. Joyce. No.
820 *The Clerk. Joyce votes no.
821 Weber?
822 [No response.]
823 *The Clerk. Allen?
824 [No response.]
825 *The Clerk. Balderson?
826 *Mr. Balderson. No.
827 *The Clerk. Balderson votes no.
828 Fulcher?
829 *Mr. Fulcher. Fulcher, no.
830 *The Clerk. Fulcher votes no.
831 Pfluger?
832 *Mr. Pfluger. No.
833 *The Clerk. Pfluger votes no.
834 Miller-Meeks?
835 *Mrs. Miller-Meeks. No.
836 *The Clerk. Miller-Meeks votes no.
837 Obermolte?
838 *Mr. Obermolte. No.
839 *The Clerk. Obermolte votes no.

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840 Rodgers?

841 *The Chair. No.

842 *The Clerk. Rodgers votes no.

843 Johnson?

844 *Mr. Johnson. No.

845 *The Clerk. Johnson votes no.

846 Tonko?

847 *Mr. Tonko. Aye.

848 *The Clerk. Tonken [sic] votes aye.

849 DeGette?

850 [No response.]

851 *The Clerk. Schakowsky?

852 *Ms. Schakowsky. Aye.

853 *The Clerk. Schakowsky votes aye.

854 Sarbanes?

855 [No response.]

856 *The Clerk. Clarke?

857 *Ms. Clarke. Aye.

858 *The Clerk. Clarke votes aye.

859 Ruiz?

860 *Dr. Ruiz. Aye.

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861 *The Clerk. Ruiz votes aye.
862 Peters?
863 [No response.]
864 *The Clerk. Barragan?
865 *Ms. Barragan. Aye.
866 *The Clerk. Barragan votes aye.
867 Pallone?
868 *Mr. Pallone. Aye.
869 *The Clerk. Pallone votes aye.
870 Mr. Palmer is not recorded.
871 *Mr. Palmer. No.
872 *The Clerk. Palmer votes no.
873 *Mr. Weber. How am I recorded?
874 *The Clerk. Mr. Weber is not recorded.
875 *Mr. Weber. Weber votes no.
876 *The Clerk. Weber votes no.
877 *Ms. DeGette. DeGette.
878 *The Clerk. DeGette is not recorded.
879 *Ms. DeGette. DeGette, aye.
880 *The Clerk. DeGette votes aye.
881 *Mr. Carter. Carter?

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882 *The Clerk. Carter is not recorded.

883 *Mr. Carter. No.

884 *The Clerk. Carter votes no.

885 [Pause.]

886 *The Clerk. Chair Johnson, on that vote there are 7
887 ayes and 12 noes.

888 *Mr. Johnson. The amendment is not agreed to.

889 Are there other amendments?

890 For what purpose does the gentlelady from California
891 seek recognition?

892 *Ms. Barragan. Mr. Chair, I have an amendment at the
893 desk labeled SC03.

894 *Mr. Johnson. The clerk will report the amendment.

895 *The Clerk. Amendment to H.R. 1435, offered by Ms.
896 Barragan. At the end of the following --

897 *Mr. Johnson. Without objection, the reading of the
898 amendment is dispensed with.

899 [The amendment of Ms. Barragan follows:]

900

901 *****COMMITTEE INSERT*****

902

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903 *Mr. Johnson. And the gentlelady is recognized for five
904 minutes in support of her amendment.

905 *Ms. Barragan. Thank you, Mr. Chair.

906 My amendment prevents this bill, H.R. 1435, from going
907 into effect unless the director of the Environmental
908 Protection Agency determines it will not harm the public
909 health of environmental justice communities.

910 The Clean Air Act waiver allows California to adopt
911 stronger vehicle emission standards than the Federal
912 Government. This waiver authority recognizes the significant
913 air quality challenges that harm the health of our residents.
914 The concentration of pollution from vehicles and trucks is
915 intense in environmental justice communities. Residents in
916 these areas have higher rates of cancer and respiratory
917 ailments like asthma. Too many kids have asthma inhalers
918 around their necks.

919 This bill attacks California's ability to protect its
920 residents from air pollution. It will also hurt residents in
921 other states that have adopted California's vehicle
922 standards.

923 This Republican effort to block innovation is a road to

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924 nowhere. The vehicle manufacturers have figured this out.
925 Last week California and truck manufacturers announced the
926 Clean Truck Partnership, which commits the truck industry to
927 follow our zero emissions rules for trucks.

928 In addition, major American automakers like Ford and
929 General Motors have goals to sell at least 50 percent
930 electric vehicles by 2030. They came to the realization that
931 it is better to embrace the future of transportation than try
932 to hold it back. This is critical for the health of all
933 communities, including communities of color and low-income
934 communities in my district and those across the country that
935 are hit hardest by air pollution from vehicles.

936 This pollution makes the air unsafe to breathe in our
937 communities. It worsens the climate crisis. I urge my
938 colleagues to support my amendment to make sure this bill
939 will not go into effect if it harms the health of
940 environmental justice communities.

941 I yield back.

942 *Mr. Johnson. The gentlelady yields back. Is there a
943 discussion on the amendment?

944 The chair recognizes Mr. -- Dr. Joyce.

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945 *Dr. Joyce. I would like to strike the last word to
946 speak in opposition to the amendment, Mr. Chair.

947 *Mr. Johnson. Dr. Joyce is recognized for five minutes.

948 *Dr. Joyce. This amendment would require the EPA to
949 certify that this act would not disproportionately harm the
950 public health environmental justice communities before it was
951 implemented. It is an amendment that is incredibly
952 shortsighted and ill conceived.

953 An internal combustion ban will disproportionately harm
954 the very communities that this amendment intends to protect.
955 The rural and urban poor will be forced into buying less
956 reliable cars at prices that they cannot afford, or
957 struggling families will have to purchase used cars with
958 internal combustion engines at exorbitant prices. It
959 couldn't be clearer that an EV mandate would be an economic
960 attack on the most disadvantaged communities in all of our
961 districts.

962 It is time to get out of the D.C. bubble and truly
963 understand how these policies will affect our constituents.
964 I urge all to vote no on this amendment.

965 Thank you, Mr. Chair, and I yield.

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966 *Mr. Johnson. The gentleman yields back. Is there
967 other discussion on the amendment?

968 *Mr. Carter. Mr. Chairman?

969 *Mr. Johnson. For what purpose does the gentleman
970 from --

971 *Mr. Carter. I move to strike the last word.

972 *Mr. Johnson. The gentleman is recognized for five
973 minutes.

974 *Mr. Carter. Mr. Chairman, I thank the gentleman from
975 Pennsylvania for introducing this bill, and I am proud to
976 cosponsor it. This bill, along with Mr. Walberg's bill, are
977 crucial to stopping the war against American consumers'
978 ability to choose what vehicle they want to drive.

979 The combined effect of California's waiver request and
980 EPA's emission standards is a de facto EV mandate that is
981 entirely inappropriate. The Federal Government is not in the
982 business of dictating consumer choice, especially when it can
983 be so detrimental to the lives of Americans from all walks of
984 life. Portions of my district are incredibly rural, and
985 simply not practical for EVs. My constituents deserve access
986 to affordable vehicles that can depend on.

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987 I understand that my colleagues across the aisle are big
988 fans of EVs. I get it. They are very high tech, and can be
989 incredibly convenient in the right circumstances, but not for
990 everyone, and especially if you make less than six figures.
991 If people want an EV, they can make that choice. In fact,
992 they already have a number of incentives pushing them that
993 way already. There are Federal tax credits to incentivize
994 purchasing an EV, and many states have other incentives on
995 top of that, and they are working. A Cox survey found that
996 51 percent of consumers are now considering either a new or
997 used EV, up from 38 percent in 2021.

998 Unfortunately, this has resulted in manufacturers
999 producing a surplus of EVs that are now sitting on lots. But
1000 businesses clearly think this is what consumers want.
1001 Otherwise, I don't think you would see what is happening in
1002 Georgia. My home state of Georgia is positioning itself to
1003 be the electric mobility capital of the U.S. We have
1004 multiple EV and battery manufacturing facilities coming to
1005 our state and my district specifically that will provide
1006 thousands of well-paying jobs and prosperity. Yet Georgia
1007 has not and will not propose tailpipe rules like California

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1008 or similar policies to more or less mandate EVs.

1009 I urge all my colleagues to oppose this amendment and
1010 support this bill, and I yield back.

1011 *Mr. Johnson. The gentleman yields back. Do other
1012 members wish to speak on the bill?

1013 The gentlelady from California is recognized.

1014 *Ms. Barragan. Thank you. I just want to point out if
1015 there are EVs sitting in lots, those dealers should send them
1016 to California, where there is a backlog of people who are
1017 trying to get into electric vehicles. And so if, again, if
1018 there is, they really should be sending them to California.

1019 And I think it is shortsighted. I mean, it is
1020 shortsighted and ill conceived to have the doctor and the
1021 pharmacist not mention at all the health impacts. Because
1022 looking at health impacts, I think, is critical. And that is
1023 what this amendment is about.

1024 *Mr. Johnson. The gentlelady's time has expired. You
1025 have already spoken, so I messed up by calling on you again.
1026 I apologize.

1027 *Mr. Tonko. Mr. Chair, I request --

1028 *Mr. Johnson. The gentleman from New York is

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1029 recognized.

1030 *Mr. Tonko. I will -- thank you, Mr. Chair. I will
1031 yield my time to Representative Barragan.

1032 *Mr. Johnson. The gentlelady is recognized.

1033 *Ms. Barragan. Thank you. Just to finish my remarks,
1034 you know, the citation was -- it is a shortsighted and ill
1035 conceived amendment. And I think that to have a doctor and a
1036 pharmacist address the bill and not mention once the health
1037 impacts, which is what this bill is about -- this is about
1038 protecting public health. What was responded to was about
1039 economic dollars. And so I just think it is shortsighted,
1040 and ill conceived that a doctor and a pharmacist won't
1041 address the health impacts, which is exactly what this is at
1042 the heart of.

1043 And with that, I yield back.

1044 *Mr. Johnson. The gentlelady yields back. I might
1045 point out that there is a public health issue associated with
1046 people not being able to get back and forth to work in places
1047 in rural communities where electric vehicles are not going to
1048 work. So I wanted to point that out, too.

1049 Does anyone else wish to speak?

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1050 *Mr. Weber. Mr. Chairman, I move to strike the last
1051 word.

1052 *Mr. Johnson. The gentleman is recognized for five
1053 minutes.

1054 *Mr. Weber. Thank you, Mr. Chairman. I yield time to
1055 the good doctor here.

1056 *Dr. Joyce. Thank you to the gentleman for yielding. I
1057 think that the points have to -- look at the clarity of the
1058 entire situation. And as a physician, as a legislator, I
1059 realize that my constituents need to have vehicles that will
1060 get them to the doctor's office, get them to the pharmacies.
1061 They need to have reliable vehicles that will get them to the
1062 hospital. EV mandates fall greatly short, and the impact of
1063 this amendment would negatively affect not just the well-
1064 being financially of my constituents, but it would also
1065 affect their health.

1066 Thank you, Mr. Chair, and I yield back.

1067 *Mr. Johnson. The gentleman yields back. Is there
1068 further discussion on the bill?

1069 *Dr. Ruiz. Yes, I move to strike the last word. I too
1070 am a physician --

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1071 *Mr. Johnson. The gentleman from California is
1072 recognized.

1073 *Dr. Ruiz. I too am a physician, and I also studied and
1074 have a master's of public health. And when you look at
1075 public health, you look at the general health of a
1076 population. And when you look at the general health of a
1077 population, you look at all the different risk factors, and
1078 then you look at cost benefits, and you determine what is the
1079 most impactful aspect of a population's health. And I can
1080 tell you that the literature is very clear that air pollution
1081 is a contributor to chronic illnesses, to premature death up
1082 to 10 years less of life than areas that have cleaner air.

1083 And so, when we look at transportation, which -- it is a
1084 determinant of health when you want to be able to get from
1085 location A to B -- you have to look at the entire aspect of
1086 it. So instead of arguing for one aspect of a person's
1087 health to get from point A to point B in terms of their
1088 health care delivery at the cost of a much bigger insult and
1089 impact to a person's health, which is breathing fumes or
1090 pollution in the air, which actually has a bigger overall
1091 impact in morbidity and mortality, we should be looking at

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1092 how to incentivize cleaner vehicles, how to incentivize the
1093 population to have clean, renewable energy or cleaner
1094 vehicles with electrical vehicle charging stations in those
1095 communities with equity in mind -- equity meaning people who
1096 need them the most, like in rural areas that need the
1097 transportation, and focus on those communities, your
1098 communities, rural communities, under-resourced, underserved
1099 communities, so that they can have the benefit of both
1100 cleaner air and good, reliable transportation.

1101 *Mr. Johnson. Would the gentleman yield?

1102 *Dr. Ruiz. All right. Sure.

1103 *Mr. Johnson. I just want to point out that, once
1104 again, it is not just the public health considerations of
1105 being able to get to the point of getting access to health
1106 care. Being able to drive your automobile to and from work,
1107 to go check on grandma and grandpa who you might be
1108 responsible for, to drive the miles and miles that might be
1109 necessary in rural America to get to the grocery store, to
1110 take the kids to school, those are issues that weigh heavy on
1111 rural Americans and contribute to an already exacerbated
1112 mental health crisis that we have in our country.

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1113 So there is much more to public health. And as a public
1114 health advocate yourself, there is much more to public health
1115 than simply air pollution, although I don't deny that air
1116 pollution is --

1117 *Dr. Ruiz. Mr. Chairman?

1118 *Mr. Johnson. -- something we all should be concerned
1119 about.

1120 *Dr. Ruiz. Mr. Chairman, I appreciate those remarks.
1121 And I am a firm believer in the social determinants of
1122 health. Having good, livable-wage jobs with safe
1123 neighborhoods, good green spaces, reliable electricity in
1124 your home, especially with the needs due to the extreme
1125 whiplash of weather that we are having caused often times by
1126 the fossil fuel is very important.

1127 So, again, I think that we should empower the residents
1128 to go to work, to visit their family, to visit their
1129 grandmother, to do that. It is not an either-or. It is a
1130 both. And we shouldn't justify increasing pollution due to a
1131 community's lack of transportation or rural status, and
1132 accept that they will just simply have to breathe dirty air.

1133 We should work on a comprehensive plan to focus on rural

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1134 America, which is my district, too, in order to increase
1135 economic development in a way that fosters a cleaner air. We
1136 don't have to compromise economic development or cleaner air
1137 due to promotion of good, well-paying, livable-wage, and
1138 transportation modalities. So that is the key point here.

1139 And this is about public health. So as a doctor and a
1140 public health specialist, I wanted to also put my two cents
1141 in. I appreciate that, and thank you.

1142 *Mr. Johnson. The gentleman yields back. Does anyone
1143 else wish to -- other members wish to speak on the bill?

1144 If there is no further discussion, the vote occurs on
1145 the amendment.

1146 *Mr. Tonko. Mr. Chair, can we have a recorded vote,
1147 please?

1148 *Mr. Johnson. A recorded vote has been called for; the
1149 clerk will call the roll.

1150 *The Clerk. Carter?

1151 *Mr. Carter. No.

1152 *The Clerk. Carter votes no.

1153 Palmer?

1154 *Mr. Palmer. No.

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

1155 *The Clerk. Palmer votes no.
1156 Crenshaw?
1157 *Mr. Crenshaw. No.
1158 *The Clerk. Crenshaw votes no.
1159 Joyce?
1160 *Dr. Joyce. No.
1161 *The Clerk. Joyce votes no.
1162 Weber?
1163 *Mr. Weber. No.
1164 *The Clerk. Weber votes no.
1165 Allen?
1166 *Mr. Allen. Allen, no.
1167 *The Clerk. Allen votes no.
1168 Balderson?
1169 *Mr. Balderson. No.
1170 *The Clerk. Balderson votes no.
1171 Fulcher?
1172 *Mr. Fulcher. Fulcher, no.
1173 *The Clerk. Fulcher votes no.
1174 Pfluger?
1175 *Mr. Pfluger. No.

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1176 *The Clerk. Pfluger votes no.
1177 Miller-Meeks?
1178 *Mrs. Miller-Meeks. No.
1179 *The Clerk. Miller-Meeks votes no.
1180 Obernolte?
1181 *Mr. Obernolte. No.
1182 *The Clerk. Obernolte votes no.
1183 Rodgers?
1184 *The Chair. No.
1185 *The Clerk. Rodgers votes no.
1186 Johnson?
1187 *Mr. Johnson. Johnson votes no.
1188 *The Clerk. Johnson votes no.
1189 Tonko?
1190 *Mr. Tonko. Aye.
1191 *The Clerk. Tonko votes aye.
1192 DeGette?
1193 *Ms. DeGette. Aye.
1194 *The Clerk. DeGette votes aye.
1195 Schakowsky?
1196 *Ms. Schakowsky. Aye.

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

1197 *The Clerk. Schakowsky votes aye.
1198 Sarbanes?
1199 [No response.]
1200 *The Clerk. Clarke?
1201 *Ms. Clarke. Aye.
1202 *The Clerk. Clarke votes aye.
1203 Ruiz?
1204 *Dr. Ruiz. Aye.
1205 *The Clerk. Ruiz votes aye.
1206 Peters?
1207 *Mr. Peters. Aye.
1208 *The Clerk. Peters votes aye.
1209 Barragan?
1210 *Ms. Barragan. Aye.
1211 *The Clerk. Barragan votes aye.
1212 Pallone?
1213 *Mr. Pallone. Aye.
1214 *The Clerk. Pallone votes aye.
1215 *Mr. Johnson. Are there any members not recorded?
1216 The clerk will report.
1217 [Pause.]

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

1218 *The Clerk. Chair Johnson, on that vote there were 8
1219 ayes and 12 noes.

1220 *Mr. Johnson. The amendment is not agreed to.
1221 Are there other amendments?

1222 Ms. Clarke is recognized.

1223 *Ms. Clarke. Mr. Chairman, I have an amendment at the
1224 desk labeled SCD03.

1225 *Mr. Johnson. The clerk will report the amendment.

1226 *Ms. Clarke. Oh, it is not this bill.

1227 *Voice. It is not this bill; it is the next one.

1228 *Ms. Clarke. Mr. Chairman? Mr. Chairman?

1229 *Mr. Johnson. Yes --

1230 *Ms. Clarke. That will be for the next bill. I am
1231 sorry.

1232 *Mr. Johnson. Yes, okay.

1233 *Ms. Clarke. I was overzealous.

1234 [Laughter.]

1235 *Mr. Johnson. No other amendments?

1236 The question now occurs on the forwarding of H.R. 1435
1237 to the full committee.

1238 All those in favor, say aye.

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1239 All those opposed, no.

1240 *Mr. Tonko. Mr. Chair, I ask for a recorded vote,
1241 please.

1242 *Mr. Johnson. A roll call vote has been called for; the
1243 clerk will call the roll.

1244 *The Clerk. Carter?

1245 *Mr. Carter. Yes.

1246 *The Clerk. Carter votes aye.
1247 Palmer?

1248 *Mr. Palmer. Aye.

1249 *The Clerk. Palmer votes aye.
1250 Crenshaw?

1251 *Mr. Crenshaw. Aye.

1252 *The Clerk. Crenshaw votes aye.
1253 Joyce?

1254 *Dr. Joyce. Aye.

1255 *The Clerk. Joyce votes aye.
1256 Weber?

1257 *Mr. Weber. Yes.

1258 *The Clerk. Weber votes aye.
1259 Allen?

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

1260 [No response.]

1261 *The Clerk. Balderson?

1262 *Mr. Balderson. Balderson, aye.

1263 *The Clerk. Balderson votes aye.

1264 Fulcher?

1265 *Mr. Fulcher. Fulcher is aye.

1266 *The Clerk. Fulcher votes aye.

1267 Pflugger?

1268 *Mr. Pflugger. Aye.

1269 *The Clerk. Pflugger votes aye.

1270 Miller-Meeks?

1271 *Mrs. Miller-Meeks. Aye.

1272 *The Clerk. Miller-Meeks votes aye.

1273 Obernolte?

1274 *Mr. Obernolte. Aye.

1275 *The Clerk. Obernolte votes aye.

1276 Rodgers?

1277 [No response.]

1278

1279 *The Clerk. Johnson?

1280 *Mr. Johnson. Aye.

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1281 *The Clerk. Johnson votes aye.
1282 Tonko?
1283 *Mr. Tonko. No.
1284 *The Clerk. Tonko votes no.
1285 DeGette?
1286 *Ms. DeGette. No.
1287 *The Clerk. DeGette votes no.
1288 Schakowsky?
1289 *Ms. Schakowsky. No.
1290 *The Clerk. Schakowsky votes no.
1291 Sarbanes?
1292 [No response.]
1293 *The Clerk. Clarke?
1294 *Ms. Clarke. No.
1295 *The Clerk. Clarke votes no.
1296 Ruiz?
1297 *Dr. Ruiz. No.
1298 *The Clerk. Ruiz votes no.
1299 Peters?
1300 *Mr. Peters. Peters, no.
1301 *The Clerk. Peters votes no.

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1302 Barragan?

1303 *Ms. Barragan. No.

1304 *The Clerk. Barragan votes no.

1305 Pallone?

1306 *Mr. Pallone. No.

1307 *The Clerk. Pallone votes no.

1308 *Mr. Johnson. Are there members that are not recorded?

1309 How is Chair Rodgers recorded?

1310 *The Clerk. Chair Rodgers is not recorded.

1311 *The Chair. Chair Rodgers votes aye.

1312 *The Clerk. Rodgers votes aye.

1313 *Mr. Johnson. How is Mr. Allen recorded?

1314 *The Clerk. Mr. Allen is not recorded.

1315 *Mr. Allen. Allen votes aye.

1316 *The Clerk. Allen votes aye.

1317 *Mr. Johnson. Are there are other members to be

1318 recorded?

1319 The clerk will report.

1320 [Pause.]

1321 *The Clerk. Chair Johnson, on that vote there were 13

1322 ayes and 8 noes.

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1323 *Mr. Johnson. The ayes have it, and the bill is agreed
1324 to.

1325 The chair now calls up H.R. 4468, and asks the clerk to
1326 report.

1327 *The Clerk. H.R. 4468, a bill to prohibit the
1328 administrator of the Environmental Protection Agency from
1329 finalizing, implementing, or enforcing a proposed rule with
1330 respect to emissions from vehicles, and for other purposes.

1331 *Mr. Johnson. Without objection, the first reading of
1332 the bill is dispensed with, and the bill will be open for
1333 amendment at any point.

1334 So ordered.

1335 [The bill follows:]

1336

1337 *****COMMITTEE INSERT*****

1338

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1339 *Mr. Johnson. Is there any discussion on the bill?

1340 The chair recognizes Mr. Pfluger from Texas.

1341 *Mr. Pfluger. Thank you, Mr. Chairman. I am proud to
1342 work with my colleague, Mr. Walberg, on this.

1343 H.R. 4468, the Choice in Automobile Retail Sales Act,
1344 introduced by our full committee and sponsored by Mr.
1345 Walberg, is important. It is interesting that we found
1346 ourselves here, that we actually have to once again push back
1347 on the overreach. But we have to do it because consumer
1348 choice is going to demand it. And this legislation
1349 recognizes the importance of consumer choice and maintaining
1350 availability for the types of reliable and affordable
1351 vehicles that Americans want.

1352 As I said recently during a subcommittee hearing, we are
1353 facing an all-out assault from the EPA, with rule after rule
1354 and weaponization after weaponization on liquid fuels and on
1355 primary sources of energy. These actions violate common
1356 sense, they ignore practical realities like how much
1357 electricity will we need to make this plan work. In fact, I
1358 asked multiple senior leaders and the administrator at EPA
1359 and the Department of Energy Secretary how much electricity

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1360 we are going to need or currently use, and how much we would
1361 need in addition to what we currently use. And nobody knows.
1362 Not a single person has been able to answer that question
1363 that sat right here in this committee. They are only
1364 concerned with imposing a mandate on how Americans live their
1365 daily lives.

1366 And the fact is that these rules will decrease our
1367 quality of life, they will jeopardize the most vulnerable in
1368 our populations, and they risk our national security by
1369 making us more dependent on nefarious actors. This must end.
1370 The CARS Act places a critical stop sign on this path to
1371 prevent a policy that makes sense for a few at the expense of
1372 the many.

1373 First, it prohibits the EPA from finalizing,
1374 implementing, or enforcing its proposal for light and medium-
1375 duty vehicles.

1376 Additionally, 4468 acknowledges that the EPA has abused
1377 its authority and did not seriously consider the impacts of
1378 its rule or if automakers can even comply. The association
1379 representing the manufacturers which produce 97 percent of
1380 new cars sold in the U.S. recently announced the EPA's

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1381 proposed rule is neither reasonable nor achievable in the
1382 rule's 10-year timeframe, and the group listed 10 specific
1383 reasons why this rule was designed to fail, including an
1384 overly optimistic assumption about the pace and scale of EV
1385 and battery manufacturing and the technology to complement
1386 them.

1387 Additionally, the listed reasons explicitly called out
1388 that access to mined and refined critical minerals is
1389 essential and dependent on maintaining good trade
1390 relationships with China, Russia, and others who mine and
1391 refine them.

1392 This committee here, by the way, has talked about
1393 combating the nefarious actions of the People's Republic of
1394 China and the Chinese Communist Party. So why would we want
1395 to embolden them and become more dependent on them? That is
1396 what this rule would do. That is why we have the CARS Act.

1397 And for good measure, there is also the lack of charging
1398 infrastructure for people who live in apartments, for those
1399 in rural and remote areas, just like my district.

1400 As if not extreme enough, the proposed rule contains
1401 unprecedented stringency in pace of growth for EVs. The rule

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1402 assumes that EVs alone will make up 60 percent of the new
1403 vehicle sales in 2030 and 67 percent of new vehicle sales
1404 just 2 years later, a schedule that dwarfs President Biden's
1405 initial ambitious 2030 target of 50 percent.

1406 Not only does the CARS Act send the EPA back to the
1407 drawing board, but it also amends EPA's regulatory authority
1408 to prevent us from being right back here again. Section 3 of
1409 the CARS Act prevents EPA from mandating a specific
1410 technology or issuing regulations that limit the availability
1411 of a particular vehicle engine.

1412 EPA's job is to identify emissions that endanger health
1413 or welfare, not socially engineer and pick favorites in the
1414 cars that Americans must buy. If EPA intends to only set
1415 emission standards that are economically and technically
1416 feasible, this provision shouldn't be a problem. However, if
1417 EPA overreaches and decides to ratchet up greenhouse gas and
1418 criteria pollution standards to create a de facto technology
1419 or engine mandate, this bill will prevent it.

1420 H.R. 4468 is a worthy companion to the California waiver
1421 bill we are also considering. And by stunting efforts to
1422 discriminate against consumer choice and limit the mobility

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1423 and freedom of Americans, it ensures and prioritizes ensuring
1424 the availability, affordability, and reliability of the
1425 vehicles and fuels that American consumers want and need for
1426 their lives.

1427 I urge everyone to use common sense and vote for this
1428 bill.

1429 I yield back.

1430 *Mr. Johnson. The gentleman yields back. Do other
1431 members wish to speak on the bill?

1432 Ms. Schakowsky, you are recognized.

1433 *Ms. Schakowsky. I move to strike the last word.

1434 *Mr. Johnson. The gentlelady is recognized.

1435 *Ms. Schakowsky. Thank you.

1436 So the transportation sector is the single largest
1437 source of greenhouse gas emissions in the United States. I
1438 myself, on a personal note, choose not to contribute to that.
1439 I now am the proud owner of a GM Chevy Bolt, 100 percent
1440 electric, a very affordable car, I might say. It has a lot
1441 of get up and go, and it is a bright, sporty red. And I
1442 appreciate it very, very much. And I am kind of ahead of the
1443 curve here when it comes to this legislation, because the

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1444 taking away of the rights of the EPA to limit emissions does
1445 not go into effect until 2027, giving plenty of time to
1446 actually meet the emissions standards.

1447 And it is estimated that the EPA program -- proposed
1448 rule, rather -- would cut more than seven billion tons of
1449 greenhouse gas emissions, which is an important development
1450 that we should all seek. And the proposed rule is also
1451 estimated to deliver \$1 trillion in net benefits by doing the
1452 following: cutting consumer costs, saving hundreds of
1453 billions of dollars in health and climate costs, making the
1454 air that we breathe cleaner and safer.

1455 So this bill would not only block the EPA's proposed
1456 light and medium-duty vehicle emissions standards, but it
1457 would effectively bar the EPA from setting any future vehicle
1458 emissions standards. It is -- says it can never set vehicle
1459 emission standards. The -- to block the EPA from setting
1460 vehicle emission standards means blocking them from
1461 fulfilling their mission, which is -- and blocking them from
1462 delivering an estimated \$1 trillion in benefits to consumers
1463 and to the economy.

1464 So clean air and clean -- and the clean environment

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1465 ought to be considered by us here in the Congress as a human
1466 right. And so I strongly urge our colleagues to support this
1467 -- to vote no, excuse me, to vote no on this very detrimental
1468 legislation.

1469 And I yield back.

1470 *Mr. Johnson. The gentlelady yields back. Are there
1471 others wishing to speak on -- Mr. Allen, for what purpose do
1472 you seek recognition?

1473 *Mr. Allen. I would like to strike the last word.

1474 *Mr. Johnson. The gentleman is recognized for five
1475 minutes.

1476 *Mr. Allen. Many people want to say they support
1477 electric vehicles for all because they want to be -- they
1478 think they are cost -- cutting-edge or technology
1479 progressive. Interestingly, electric vehicles are not a 21st
1480 century phenomenon. And the same issues that made them
1481 unattractive to many buyers are still present today.

1482 According to Car and Driver, electric cars appeared long
1483 before the internal combustion engine, with the first
1484 non-rechargeable motorized carriage first appearing in
1485 Scotland in the 1830s, motorized carriers with rechargeable

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1486 batteries in 1859, prototype electric cars appearing in
1487 England in 1884, and a U.S. patent application for an
1488 electric carriage to a Scottish chemist living in Iowa by
1489 1980. For reference, the Des Moines Register stated at the
1490 time that the Iowa EV had a front wheel drive, had a top
1491 speed of 20 miles per hour, and went 50 miles on a charge.

1492 So nearly 200 years later, why haven't electric vehicles
1493 had more of a footprint in our transportation landscape? And
1494 why do states and the EPA need to ban internal combustion
1495 engines to ensure widespread EV adoption? There are two
1496 words: price and functionality.

1497 In the late 19th and early 20th centuries, there was a
1498 limited market for cars because they were expensive, and only
1499 wealthy Americans could afford them. In addition,
1500 electricity was not yet widely available outside city
1501 centers, and carrying a spare battery did not make sense.
1502 Whatever benefits came to wealthier city folks from not
1503 smelling gas fumes or avoiding a noisy engine while driving
1504 were more than offset by functionality and affordability for
1505 the greater public.

1506 Consumer choice ended America's early fascination with

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1507 the EV when the Ford Model T came on the scene in 1908. The
1508 Model T started at a price point that was half that of the
1509 EV, and in 15 years the Model T cost only 10 percent of the
1510 price of an EV. At that time government did not interfere,
1511 and consumers won.

1512 Today the changes EV proponents want to make to vehicles
1513 with internal combustion engines and the reasons why EV
1514 adoption is lagging are largely unchanged. The main
1515 difference between the past couple centuries and today is the
1516 government's intervention into consumer choice. No matter
1517 how much government floods the market with fleet requirements
1518 that squeeze out internal combustion engines and require EVs,
1519 if consumers aren't buying those cars no one wins. This is
1520 why I am supporting the CARS Act, and encourage you to do, as
1521 well.

1522 One size does not fit all. We heard from the Minnesota
1523 auto dealers that price and functionality are crucial to new
1524 car sales. And what makes sense for city and suburban
1525 consumers is not what people want to live in most rural
1526 areas. That is why he testified in favor of the CARS Act.
1527 The bill stops EPA's current tailpipe regulation, and instead

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1528 allows consumers and the market to determine the cause and
1529 engine technology they want available, not the ones that
1530 unelected bureaucrats say we should drive.

1531 I am also supporting the CARS Act because it takes
1532 history into account and prevents people from being forced to
1533 buy technology they cannot afford, or cars with engines that
1534 cannot easily be charged where they live. The CARS Act does
1535 not remove the ability for EPA to protect Americans from
1536 unhealthy vehicle emissions; it provides Americans from EPA
1537 practically limiting their options.

1538 I urge my colleagues to support the CARS Act, and I
1539 yield back.

1540 *Mr. Johnson. The gentleman yields back. Do others
1541 wish to speak?

1542 The gentleman from New York.

1543 *Mr. Tonko. Thank you, Mr. Chair. I move to strike the
1544 last word.

1545 *Mr. Johnson. The gentleman is recognized for five
1546 minutes.

1547 *Mr. Tonko. Thank you, sir.

1548 I strongly oppose the so-called Choice in Automobile

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1549 Retail Sales Act of 2023. This bill would do nothing to
1550 expand choice in automobile sales. In fact, its ill-defined
1551 constraints on EPA's authority to address air pollution from
1552 vehicles would limit consumer choice.

1553 Congress passed and subsequently strengthened the Clean
1554 Air Act to protect public health by addressing air pollution
1555 from a variety of sources. While my Republican colleagues
1556 may not agree with the notion that EPA should be protecting
1557 public health and the environment, the Clean Air Act is the
1558 law of the land, and has been for decades.

1559 Under section 202 of the Clean Air Act, Congress
1560 directed EPA to set vehicle emission standards for a new
1561 motor vehicle. These standards were intended to drive
1562 technological innovation, which they historically have done.
1563 This bill would bar the administrator from putting in place
1564 vehicle emission standards that "result in limited
1565 availability of new motor vehicles based on the type of new
1566 motor vehicle engine in such new motor vehicles." I read
1567 that as Congress telling EPA to put limits on what vehicle
1568 manufacturers can produce, and subsequently what types of
1569 cars are available for consumers to purchase.

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1570 Consumers' needs should be driving what vehicle
1571 manufacturers make. And demand for EVs is astronomical.
1572 There are 45 consumers who say they would definitely buy an
1573 EV for every EV manufactured. Why should we stifle this
1574 demand?

1575 House Republicans are discounting the significant
1576 technological innovation, public health benefits, and cost
1577 savings associated with EVs in an attempt to promote their
1578 pro-oil agenda. This bill is an obvious attack on EVs. But
1579 if enacted it would harm more than just the EV market. The
1580 vague language would apply to other vehicle types, including
1581 hybrid, flex fuel, hydrogen fuel cell, and even internal
1582 combustion engines.

1583 While I oppose this bill because of its intent, I also
1584 have significant concerns with its wide-reaching, vague
1585 language and the implementation implications of deciding
1586 limited availability based on vehicle engine type. This bill
1587 is a step in the wrong direction, and I urge my colleagues to
1588 oppose it.

1589 And with that, Mr. Chair, I yield back.

1590 *Mr. Johnson. The gentleman yields back. Do others

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1591 wish to speak on the bill?

1592 Mr. Pallone is recognized.

1593 *Mr. Pallone. Thank you, Mr. Chairman.

1594 *Mr. Johnson. I am sorry, Mr. Pallone.

1595 *Mr. Pallone. You want to go first? Go ahead.

1596 *Mr. Johnson. Mr. Crenshaw from Texas --

1597 *Mr. Crenshaw. Mr. Chairman, I move to strike the last
1598 word.

1599 *Mr. Johnson. The gentleman is recognized for five
1600 minutes.

1601 *Mr. Crenshaw. It is worth noting there is a lot of
1602 comments that make it seem like these Republican-led bills
1603 are the ones that are creating massive change, but that is
1604 not true. What these bills do is simply reverse the extreme
1605 changes proposed by the EPA.

1606 This is -- what we are proposing here is
1607 maintaining and preserving the current way of life that many
1608 Americans enjoy, and simply pointing out that there are some
1609 serious costs to these supposed -- to these extreme changes
1610 that the EPA wants to implement, and looking at those costs
1611 through rose colored glasses, and not taking into account the

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1612 full extent.

1613 I heard before that public health is about weighing
1614 costs and benefits. I totally agree. But you actually have
1615 to look at all the data if you are going to do that properly.
1616 And what the data suggests from the EPA's own website is
1617 that, look, if this is purely about air quality, well, air
1618 quality has increased in quality by almost 80 percent over
1619 the last 50 years. There isn't some air quality crisis all
1620 of a sudden. That is just false to say that. By every
1621 measure, air quality has improved drastically over the last
1622 50 years, and it had nothing to do with EVs. The push
1623 towards EVs seems to be more about an obsession, without
1624 really any benefit to speak of.

1625 Now, there are some downsides. There is no indication
1626 that EVs are ever going to get any cheaper. They are far
1627 more expensive than combustion engine vehicles right now.
1628 They are on an uptrend, not a downtrend. Despite their more
1629 widespread use, their costs have increased. So if this is
1630 about saving the people who are in downtrodden communities,
1631 who are disenfranchised, all you are doing is making their
1632 transportation more expensive.

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1633 There is also no indication that we are going to solve
1634 the problem of trying to charge these things on an already
1635 stressed grid system. Where are you going to get all the
1636 extra electricity?

1637 And we have been warned about this by the North American
1638 Electric Reliability Corporation, among other grid operators.

1639 You are also not taking into account the fact that to
1640 build a single EV battery requires the mining and processing
1641 of more than 500,000 pounds of material. That is 10 times
1642 more than the roughly 25,000 pounds of petroleum that an
1643 internal combustion engine uses over the life of a car. You
1644 have to dig up 500,000 pounds of Earth just to make one of
1645 these things, and you have got to do it all over the world,
1646 and it is usually done with slave labor. And it has got to
1647 be processed, and so you are emitting actually 70 percent
1648 more emissions, carbon dioxide emissions, to build a single
1649 EV than to build a combustion engine vehicle, 70 percent
1650 more. That statistic comes from the EV manufacturers
1651 themselves, who do a proper accounting of the entire supply
1652 chain.

1653 So in the short term, EVs actually increase carbon

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1654 dioxide emissions. It takes about 70,000 miles for them to
1655 break even with an internal combustion engine vehicle. Those
1656 are the facts. Those are the trade-offs, if we are going to
1657 say that we are considering trade-offs.

1658 And then what is the benefit? Again, some magical
1659 health benefit? Some fixing of this air quality crisis?
1660 Look, some cities, I am sure, have that air quality crisis.
1661 Then those cities should deal with it. There is ways to do
1662 that, right? If the mayor of Los Angeles wants to tax their
1663 people and buy everyone an EV, that is on you, that is not a
1664 Federal Government problem. That is not what we should be
1665 doing up here. We don't impose costs on the entirety of the
1666 population, on the whole of American people just because you
1667 think there is some potential possible health benefit that
1668 you can't really articulate exactly in a couple of locations.

1669 When you talk about costs and benefits and trade-offs,
1670 that is how you should talk about it, with all the facts, not
1671 just the ones you like.

1672 I yield back. Thank you.

1673 *Mr. Johnson. The gentleman yields back. Do other --
1674 Mr. Pallone, for what purpose do you seek recognition?

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1675 *Mr. Pallone. Strike the last word to speak on the
1676 underlying bill.

1677 *Mr. Johnson. The gentleman is recognized for five
1678 minutes.

1679 *Mr. Pallone. I just have to say, I mean, I respect the
1680 gentleman from Texas, I really do. But I disagree with his
1681 facts and his analysis.

1682 I mean, the fact is that last week was the hottest week
1683 ever recorded. When I was home for July 4th, I read it in
1684 the newspaper. It said that July 3rd was the hottest day
1685 ever recorded. July 4th, Independence Day, was hotter even
1686 than July 3rd. So the fact is that the droughts, the
1687 wildfires, the hurricanes, the extreme heat continue to rise
1688 around the country and around the world, for that matter.
1689 And the effects of these are being, you know, felt by our
1690 constituents. They are costing us billions of dollars every
1691 year. The climate crisis is real, and the continued infusion
1692 of greenhouse gases into the atmosphere has to be addressed.
1693 I mean, those are facts.

1694 So, you know, I know the gentleman said that it is
1695 extreme to want to change the status quo, let's continue with

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1696 the status quo. But I would say the opposite. It is not
1697 extreme, it is irresponsible, in my opinion, to continue with
1698 the status quo when faced with all these crises. There is a
1699 crisis. It is not a made-up crisis. The crisis is real.
1700 And, I mean, all you have to do is, you know, step outside,
1701 at least where I am, or, you know, see the kinds of problems
1702 that we are facing.

1703 So I don't think there is anything extreme. In fact, I
1704 would say the opposite. I don't think it is responsible to
1705 act as if we can just continue with the status quo. We
1706 can't.

1707 And yes, I agree that what the -- what these bills, this
1708 bill and others do is to try to continue the status quo,
1709 which means you continue to use fossil fuels, you continue to
1710 put more greenhouse gases into the atmosphere. I don't see
1711 how that is helpful. So in our efforts to try to change
1712 that, you know, we are just doing what we think is a
1713 responsible thing for the Federal Government. And the
1714 Federal Government has the authority, in my opinion, to deal
1715 with this issue under the Clean Air Act and other
1716 legislation.

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1717 But I wanted to particularly, Mr. Chairman, mention my
1718 concern with section 2 of the bill, because section 2 would
1719 prohibit the EPA administrator from finalizing the recently
1720 proposed multi-pollutant emission standards for model year
1721 2027 and later light-duty and medium-duty vehicles. So these
1722 are the new standards for light, medium, and heavy-duty
1723 vehicles that I believe will save consumers money, bolster
1724 our economy by promoting American manufacturing, and reduce
1725 our dependence on foreign oil.

1726 And there are significant environmental, public health,
1727 and economic benefits associated with the proposed rule. At
1728 our legislative hearing last month we heard from EPA that the
1729 proposed standards would avoid 7.3 billion tons of carbon
1730 dioxide emissions through 2055, and that between 2027 and
1731 2055 the proposed standard's net benefits are projected to
1732 reach up to \$1.6 trillion.

1733 Further, the proposed standards would save the average
1734 consumer \$12,000 over the lifetime of the vehicle. That is,
1735 you know, costs on gasoline, costs on, you know, for the
1736 vehicles, you know, to fix it or to keep it maintained.

1737 The proposed standards are also expected to deliver

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1738 significant health benefits, including fewer cases of
1739 premature death, heart attacks, aggravated asthma, cancer,
1740 and heart disease.

1741 So, you know, I think that my Republican colleagues are
1742 discounting these benefits, which would go unrealized if this
1743 bill were to be enacted. And with this bill, House
1744 Republicans are literally picking winners and losers. They
1745 say, you know, we are picking winners and losers, but they
1746 are the ones that are picking winners and losers. But even
1747 if you thought that we are both picking winners and losers,
1748 the fact of the matter is, you know, we don't want people to
1749 get sick. We don't want the climate crisis to continue. We
1750 don't want the effect of the warming of the planet to
1751 continue.

1752 And the problem is that, with this bill, the winners are
1753 corporate polluters and the losers are the American people.
1754 So I urge my colleagues to vote no on what I consider a very
1755 short-sighted piece of legislation.

1756 And with that, I yield back, Mr. Chairman.

1757 *Mr. Johnson. The gentleman yields back. Are there
1758 other members -- for what purpose does Dr. Joyce seek --

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1759 *Dr. Joyce. Mr. Chairman, I move to strike the last
1760 word to speak in opposition to the amendment.

1761 *Mr. Johnson. The gentleman is recognized for five --

1762 *Dr. Joyce. I yield my time to Mr. Crenshaw from Texas.

1763 *Mr. Crenshaw. I thank the gentleman. I just wanted to
1764 respond briefly.

1765 So there was -- it was stated that my facts were
1766 incorrect. And I would say that the gentleman is certainly
1767 entitled to his own opinion, because that is exactly what was
1768 stated, was a series of opinions. I only stated facts, and I
1769 will repeat those facts. And they are indisputable. They
1770 are not subject to debate. They are simply facts. They are
1771 simply data and math.

1772 And the science and the facts are this. It does take 70
1773 percent more emissions of carbon dioxide, which is a
1774 greenhouse gas which you blame for climate change. All
1775 right? I, for one, want cleaner air. I want less carbon
1776 dioxide emissions in the world. So I look at this fact -- a
1777 very hard, cold fact -- and I say, how is it that we are
1778 saying that EVs are saving us from climate change by
1779 decreasing emissions when, in fact, producing them produces

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1780 70 percent more emissions?

1781 You know, they break even eventually, eventually with an
1782 internal combustion engine vehicle, at around 70,000 miles
1783 driven. Now, how long does that take? Especially
1784 considering when users of electric vehicles don't drive very
1785 far because they need charging stations, right? They are
1786 usually used in cities.

1787 So it is a fact, and it is an indisputable fact that in
1788 the short term at least, producing EVs and largely moving
1789 towards their use will increase global emissions of carbon
1790 dioxide. That is not an opinion. It is a mathematical fact.

1791 Now, there has been two arguments used against these
1792 bills. One is that they reduce air particulates and increase
1793 air quality at a local level. Okay, that is true, right?
1794 You don't want to breathe in what comes out of a tailpipe.
1795 And if you are breathing around an EV, sure, the air quality
1796 might be a little bit better. But the question, of course,
1797 is do we -- are we really in a crisis?

1798 But then the second argument that was just used is that
1799 it is going to save us from climate change. But that is just
1800 not true because of the mathematical reasoning that I just

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1801 stated. It is simply not true. It is not a matter of
1802 opinion. Our opinions are the same in the need to decrease
1803 overall emissions. But if that is our goal, then the last
1804 thing you want to do is massively produce a product that has
1805 more emissions than the products we are currently using.

1806 And I yield back to my friend from Pennsylvania.

1807 *Dr. Joyce. Mr. Chair, we yield back.

1808 *Mr. Johnson. The gentleman yields back. Do other
1809 members wish to speak on the bill?

1810 Are there any bipartisan amendments?

1811 *Ms. Clarke. Not that I am aware of.

1812 *Mr. Johnson. Are there any amendments to the bill?

1813 *Ms. Clarke. Yes, Mr. Chairman, I have an amendment at
1814 the desk labeled SCD03.

1815 *Mr. Johnson. The clerk will report the amendment.

1816 *The Clerk. Amendment to H.R. 4468, offered by Ms.
1817 Clarke.

1818 Page 3, after line 12, insert the following. Section 4
1819 certification. This act and the amendments made by this act
1820 may not take effect until the date on which the administrator
1821 of the Environmental Protection Agency certifies that the

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1822 implementation of this act and the amendments made --

1823 *Mr. Johnson. Without objection, the reading of the
1824 amendment is dispensed with.

1825 [The amendment of Ms. Clarke follows:]

1826

1827 *****COMMITTEE INSERT*****

1828

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1829 *Mr. Johnson. And the gentlelady is recognized for five
1830 minutes in support of her amendment.

1831 *Ms. Clarke. Thank you, Mr. Chairman.

1832 Republicans love to talk about the cost of electric
1833 vehicles, which I would like to point out are expected to
1834 reach the same price point as gas-powered cars by the end of
1835 this year, thanks to the historic investments in the
1836 Bipartisan Infrastructure Law and the Inflation Reduction
1837 Act.

1838 However, my colleagues across the aisle fail to
1839 recognize their dire cost of inaction on reducing harmful
1840 pollution and CO2 emissions from our vehicles. That is why I
1841 am offering this amendment, which would delay implementation
1842 of this bill until the EPA administrator certifies that it
1843 will not harm public health.

1844 I am not sure if my Republican colleagues are aware, but
1845 passenger vehicles alone produce more than 1 million tons of
1846 nitrogen oxide emissions and over 33,000 tons of particulate
1847 matter pollution every year. Study after study have linked
1848 exposure to these pollutants with tens of thousands of
1849 preventable deaths, millions of asthma attacks, and countless

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1850 cases of heart disease, stroke, and diabetes. And these
1851 emissions and their harms disproportionately impact people in
1852 low-income communities, rural communities, and communities of
1853 color.

1854 For example, one study found that light-duty gas
1855 vehicles were one of the most significant emissions sources
1856 driving the disparity between communities of color and
1857 exposure to particulate matter. Reducing dangerous pollution
1858 from our vehicles is an urgent issue for the over 120 million
1859 people in the United States who live in areas with unhealthy
1860 levels of air pollution.

1861 Under the Clean Air Act the EPA is required to address
1862 air pollution that endangers public health. My amendment
1863 simply ensures that mandate is not contradicted by ill
1864 conceived and needlessly vague legislation.

1865 With that, Mr. Chairman, I urge my colleagues to support
1866 this common-sense amendment, and I yield back the balance of
1867 my time.

1868 *Mr. Johnson. The gentlelady yields back. We will now
1869 go to discussion on the amendment, and the chair recognizes
1870 himself for five minutes in opposition to the amendment, and

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1871 I do oppose this amendment and urge other members to do so,
1872 as well.

1873 The underlying bill stops the current light-duty and
1874 medium-duty emission standards, and prevents the EPA from
1875 deciding which type of cars people should be or not have
1876 available to them. It does not remove the statutory
1877 provision under the Clean Air Act section 202(a)(1) for EPA
1878 to address air pollution that endangers public health or
1879 welfare.

1880 In addition, the amendment does not have a deadline, so
1881 EPA could never get around to making this determination,
1882 permitting EPA to effectively veto this bill, asking the
1883 Biden EPA to make a certification that would limit its power
1884 under the Clean Air Act. Recognizing the aggressive
1885 regulatory posture this Administration takes, we should not
1886 give so much leeway.

1887 Also, the amendment is drafted outside of the Clean Air
1888 Act, and public health is not defined. EPA could use a
1889 definition that is consistent with the Clean Air Act,
1890 something more limited or something much broader to justify
1891 its decision. For instance, does lack of access to an

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1892 affordable and reliable vehicle decrease access to medical
1893 care or a meaningful job for people in rural areas?

1894 Finally, this amendment's conditioning of a
1895 congressional statute on executive branch action delegates
1896 Congress's Article I authority to the EPA. This is not in
1897 line with the separation of powers outlined in the
1898 Constitution.

1899 For these reasons I urge my colleagues to join me in
1900 opposing the amendment, and I will yield back my time.

1901 Are there other members wishing to speak on the
1902 amendment?

1903 If there is no further discussion, the vote occurs on
1904 the amendment.

1905 All those in favor shall signify by saying aye.

1906 *Mr. Tonko. Mr. Chair, may I ask for a recorded vote,
1907 please?

1908 *Mr. Johnson. A recorded vote has been requested. The
1909 chair [sic] will call the roll.

1910 *The Clerk. Carter?

1911 [No response.]

1912 *The Clerk. Palmer?

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1913 [No response.]
1914 *The Clerk. Crenshaw?
1915 [No response.]
1916 *The Clerk. Crenshaw?
1917 *Mr. Crenshaw. Nay.
1918 *The Clerk. Crenshaw votes no.
1919 Joyce?
1920 *Dr. Joyce. No.
1921 *The Clerk. Joyce votes no.
1922 Weber?
1923 [No response.]
1924 *The Clerk. Allen?
1925 *Mr. Allen. No.
1926 *The Clerk. Allen votes no.
1927 Balderson?
1928 *Mr. Balderson. Balderson, no.
1929 *The Clerk. Balderson votes no.
1930 Fulcher?
1931 *Mr. Fulcher. No.
1932 *The Clerk. Fulcher votes no.
1933 Pfluger?

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1934 *Mr. Pfluger. No.

1935 *The Clerk. Pfluger votes no.

1936 Miller-Meeks?

1937 *Mrs. Miller-Meeks. No.

1938 *The Clerk. Miller-Meeks votes no.

1939 Obernolte?

1940 *Mr. Obernolte. No.

1941 *The Clerk. Obernolte votes no.

1942 Rodgers?

1943 [No response.]

1944 *The Clerk. Johnson?

1945 *Mr. Johnson. Johnson votes no.

1946 *The Clerk. Johnson votes no.

1947 Tonko?

1948 *Mr. Tonko. Aye.

1949 *The Clerk. Tonko votes aye.

1950 DeGette?

1951 *Ms. DeGette. Aye.

1952 *The Clerk. DeGette votes aye.

1953 Schakowsky?

1954 *Ms. Schakowsky. Aye.

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1955 *The Clerk. Schakowsky votes aye.
1956 Sarbanes?
1957 [No response.]
1958 *The Clerk. Clarke?
1959 *Ms. Clarke. Aye.
1960 *The Clerk. Clarke votes aye.
1961 Ruiz?
1962 *Dr. Ruiz. Aye.
1963 *The Clerk. Ruiz votes aye.
1964 Peters?
1965 [No response.]
1966 *The Clerk. Barragan?
1967 [No response.]
1968 *The Clerk. Pallone?
1969 *Mr. Pallone. Aye.
1970 *The Clerk. Pallone votes aye.
1971 *Mr. Johnson. Are there members that are not recorded?
1972 *Mr. Carter. How is Carter --
1973 *The Clerk. Carter is not recorded.
1974 *Mr. Carter. No.
1975 *The Clerk. Carter votes no.

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1976 *Mr. Weber. How is Weber's no vote recorded?
1977 *The Clerk. Weber is not recorded.
1978 *Mr. Weber. Weber votes no.
1979 *The Clerk. Weber votes no.
1980 *Mr. Johnson. How is Mr. Peters --
1981 *The Clerk. Peters is not recorded.
1982 *Mr. Peters. Peters votes aye.
1983 *The Clerk. Peters votes aye.
1984 *Mr. Peters. Thank you.
1985 *Mr. Johnson. How is Chair Rodgers recorded?
1986 *The Clerk. Rodgers is not recorded.
1987 *The Chair. Aye.
1988 *The Clerk. Rodgers votes --
1989 *The Chair. I am voting no, actually.
1990 *The Clerk. Rodgers is off aye and on no.
1991 *Mr. Johnson. Do any other members wish to be recorded?
1992 The clerk will report.
1993 [Pause.]
1994 *The Clerk. Chair Johnson, on that vote there were 7
1995 ayes and 12 noes.
1996 *Mr. Johnson. The noes have it. The amendment is not

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1997 agreed to.

1998 Are there further amendments?

1999 The question now occurs on forwarding H.R. 4468 to the
2000 full committee.

2001 All those in favor, say aye.

2002 *Mr. Tonko. Mr. Chair, we ask for a recorded vote,
2003 please.

2004 *Mr. Johnson. A recorded vote has been requested. The
2005 clerk will call the roll.

2006 *The Clerk. Carter?

2007 [No response.]

2008 *The Clerk. Palmer?

2009 [No response.]

2010 *The Clerk. Crenshaw?

2011 *Mr. Crenshaw. Aye.

2012 *The Clerk. Crenshaw votes aye.

2013 Joyce?

2014 *Dr. Joyce. Aye.

2015 *The Clerk. Joyce votes aye.

2016 Weber?

2017 *Mr. Weber. Aye.

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2018 *The Clerk. Weber votes aye.
2019 Allen?
2020 *Mr. Allen. Aye.
2021 *The Clerk. Allen votes aye.
2022 Balderson?
2023 *Mr. Balderson. Aye.
2024 *The Clerk. Balderson votes aye.
2025 Fulcher?
2026 *Mr. Fulcher. Fulcher is aye.
2027 *The Clerk. Fulcher votes aye.
2028 Pfluger?
2029 *Mr. Pfluger. Aye.
2030 *The Clerk. Pfluger votes aye.
2031 Miller-Meeks?
2032 *Mrs. Miller-Meeks. Aye.
2033 *The Clerk. Miller-Meeks votes aye.
2034 Oberholte?
2035 *Mr. Oberholte. Aye.
2036 *The Clerk. Oberholte votes aye.
2037 Rodgers?
2038 [No response.]

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2039 *The Clerk. Johnson?
2040 *Mr. Johnson. Johnson votes aye.
2041 *The Clerk. Johnson votes aye.
2042 Tonko?
2043 *Mr. Tonko. No.
2044 *The Clerk. Tonko votes no.
2045 DeGette?
2046 *Ms. DeGette. No.
2047 *The Clerk. DeGette votes no.
2048 Schakowsky?
2049 *Ms. Schakowsky. No.
2050 *The Clerk. Schakowsky votes no.
2051 Sarbanes?
2052 [No response.]
2053 *The Clerk. Clarke?
2054 *Ms. Clarke. No.
2055 *The Clerk. Clarke votes no.
2056 Ruiz?
2057 *Dr. Ruiz. No.
2058 *The Clerk. Ruiz votes no.
2059 Peters?

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2060 [No response.]

2061 *The Clerk. Peters?

2062 *Mr. Peters. No.

2063 *The Clerk. Peters votes no.

2064 Barragan?

2065 [No response.]

2066 *The Clerk. Pallone?

2067 *Mr. Pallone. Votes no.

2068 *The Clerk. Pallone votes no.

2069 *Mr. Johnson. Are there other members wishing to be

2070 recorded?

2071 How is Chair Rodgers recorded?

2072 *The Chair. Aye.

2073 *The Clerk. Chair Rodgers votes aye.

2074 *Mr. Johnson. The clerk will report.

2075 *Mr. Carter. How is Carter --

2076 *The Clerk. Carter is not recorded.

2077 *Mr. Carter. Yes.

2078 *The Clerk. Carter votes aye.

2079 *Mr. Johnson. Now the clerk will report.

2080 [Pause.]

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2081 *The Clerk. Chair Johnson, on that vote there were 12
2082 ayes and 7 noes.

2083 *Mr. Johnson. The ayes have it, and the bill is agreed
2084 to.

2085 The chair now calls up H.R. 4469, and asks the chair --
2086 or asks the clerk to report.

2087 *The Clerk. H.R. 4469, a bill to clarify that eRINs are
2088 not authorized for purposes of satisfying the volume of
2089 renewable fuel that needs to be contained in transportation
2090 fuel for purposes of the renewable fuel program, and for
2091 other purposes.

2092 *Mr. Johnson. Without objection, the first reading of
2093 the bill is dispensed with, and the bill will be open for
2094 amendment at any point.

2095 So ordered.

2096 [The bill follows:]

2097

2098 *****COMMITTEE INSERT*****

2099

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2100 *Mr. Johnson. The chair now recognizes himself for five
2101 minutes to speak in support of the bill.

2102 I would like to strike the last word to speak in favor
2103 of the bill. I urge support for the No Fuel Credits for
2104 Batteries Act introduced by our colleague, Mr. Pence from
2105 Indiana.

2106 The legislation is straightforward. It clarifies that
2107 Congress never affirmatively gave statutory authority to the
2108 EPA to develop and use eRINs to satisfy the volume obligation
2109 for renewable fuel contained in transportation fuel under the
2110 Renewable Fuel Standard program. The most Congress did was
2111 authorize a study and report to this committee on credits for
2112 use of renewable electricity and electric vehicles.

2113 Those study and report provisions contained in the
2114 larger subtitle a, title 2 of the Energy Independence and
2115 Security Act of 2007 entitled Renewable Standard -- Renewable
2116 Fuel Standard appear after 5 sections that dramatically
2117 expanded the RFS, and are drafted outside of the RFS
2118 provisions in the Clean Air Act. At that time Congress could
2119 not have been clearer that any eRINs program was not meant to
2120 be a part of the RFS. Rather, Congress said, "Give us more

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2121 information and alternatives, and we will figure it out once
2122 we have it.'`

2123 Since the EPA never fully complied with these
2124 requirements, how were Congress's committees of jurisdiction
2125 supposed to draft authorizing provisions for the pilot
2126 program called for in section 206, or something more long
2127 term? It cannot. And in fact, it did not.

2128 I know some people want to try to remake the fact
2129 pattern in a way that supports creation of eRINs. From my
2130 vantage point, though, those who want EPA to have this
2131 authority cannot get their story straight with each other.
2132 Mr. Goffman told us two weeks ago that the EPA set proposal
2133 "laid out a detailed approach to how a program might work
2134 under the RFS.'" He never testified, either in writing or
2135 orally, that the EPA had the statutory authority to implement
2136 eRINs, or what that authority was.

2137 Others want to claim that EPA did what it was supposed
2138 to do under section 206's study and report requirements, the
2139 last time Congress spoke directly to the EPA, and that is
2140 enough for it to proceed. Yet, taken in the best light, EPA
2141 only partially complied.

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2142 EPA's 2010 RFS rulemaking determined that it was
2143 theoretically possible for electricity to qualify as a
2144 renewable fuel and generate RINs only if the responsible
2145 party could identify the specific quantities of electricity
2146 actually used as transportation fuel. This is not practical
2147 nor feasible.

2148 But EPA, in the last 14-plus years, has not provided a
2149 report either to this committee or to the general public on
2150 three of the four required descriptions for alternatives
2151 based on its study. And it has changed its mind on the one
2152 it tried to accomplish. Failure to provide recommendations
2153 does not constitute either the legal authority or the excuse
2154 to act.

2155 Still others want to point to the creation of a fuel
2156 pathway and Appropriations Committee report language as a
2157 justification for eRINs authority. But just creating a
2158 pathway is no guarantee of RIN authority and report language,
2159 or a joint explanatory statement is not binding in the same
2160 manner as statutory language. The facts are simple and
2161 straightforward, yet EPA left the door open to regulations
2162 creating eRINs, despite its lack of authority.

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2163 Mr. Goffman told us that EPA could finalize its eRINs
2164 proposal without additional notice or comment. This bill
2165 makes it crystal clear that EPA does not enjoy Chevron
2166 deference, and will not survive the major questions doctrine
2167 on this matter. Ensuring any action it takes to finalize
2168 eRINs will be at legal peril.

2169 I urge all members to support this bill, and I yield
2170 back.

2171 Do other members wish to speak on this bill?

2172 The gentleman from New York.

2173 *Mr. Tonko. Thank you, Mr. Chair. I move to strike the
2174 last word.

2175 *Mr. Johnson. The gentleman is recognized for five
2176 minutes.

2177 *Mr. Tonko. Thank you, Mr. Chair. It is a little
2178 ironic that the previous bill, H.R. 4468, is concerned about
2179 limiting the availability of certain types of motor vehicles.
2180 And yet, with this bill, the majority seems to have no
2181 problem with limiting the availability of certain types of
2182 fuels.

2183 The concept of eRINs is not new. Since 2010, under the

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2184 RFS, EPA has had approved fuel pathways for renewable
2185 electricity that is generated from eligible feedstocks. And
2186 it was not unexpected that EPA pursued operationalizing these
2187 long-approved pathways under its recent RFS proposal.

2188 I am very disappointed that the aspect of the rule was
2189 delayed, and I do hope EPA will not be discouraged by this
2190 legislation. But as other pathways have been approved and
2191 operationalized in the meantime, the delay to act on eRINS
2192 has denied landfills, wastewater treatment plants, farmers,
2193 and other digester owners from being able to take advantage
2194 of the incentives in the program, which they should otherwise
2195 qualify for.

2196 It makes no sense that a CNG for -- Compressed Natural
2197 Gas -- bus running on renewable natural gas should qualify
2198 for credits, but an electric bus powered by electricity
2199 generated from renewable natural gas cannot. The RFS was
2200 intended to support rural communities, reduce dependence on
2201 foreign oil, and lower emissions: eRINS are clearly aligned
2202 with those goals.

2203 I do encourage members to oppose this bill and allow EPA
2204 to properly incentivize all eligible renewable fuels under

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2205 the RFS, not just promote a specific type of vehicle
2206 technology.

2207 With that, I yield back, Mr. Chair.

2208 *Mr. Johnson. Do other members wish to speak on the
2209 bill?

2210 Mr. Pallone.

2211 *Mr. Pallone. Thank you, Mr. Chairman. I move to
2212 strike the last word.

2213 *Mr. Johnson. The gentleman is recognized for five
2214 minutes.

2215 *Mr. Pallone. I oppose the bill, the No Fuel Credits
2216 for Batteries Act of 2023, because if enacted it would
2217 prohibit EPA from allowing the generation of eRINs, which we
2218 know are credits for renewable electricity generation under
2219 the Renewable Fuel Standard.

2220 It appears my Republican colleagues have forgotten the
2221 years of work that Congress, the EPA, and a wide variety of
2222 stakeholders have put into this issue. To put it simply,
2223 eRINs are not a new concept.

2224 In 2010 EPA finalized a rule to allow renewable
2225 electricity to count as a renewable fuel under the RFS, as

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2226 long as it was made from renewable biomass and that it was
2227 used as a transportation fuel. Four years later, EPA
2228 approved a pathway for eRIN generation from biogas. And
2229 while the pathways were approved, EPA has yet to put in place
2230 a mechanism for eRIN generation.

2231 In 2016 EPA proposed a renewable enhancement and growth
2232 support rule, which requested comment from stakeholders on
2233 how EPA should structure its eRIN generating mechanism. And
2234 at the end of last year EPA put out a proposed rule with a
2235 detailed compliance mechanism structure for eRINs. We heard
2236 from EPA that the eRIN proposal received such extensive
2237 feedback that the agency chose to further engage with
2238 stakeholders before finalizing.

2239 So in addition to over a decade of regulatory action,
2240 Congress has explicitly directed EPA to continue working on
2241 eRINs. In fact, in 2020 Congress appropriated funds for EPA
2242 to process applications for the electric pathway under the
2243 RFS.

2244 Now, with this bill, my Republican colleagues are simply
2245 turning a blind eye to decades of regulatory action,
2246 congressional direction, and stakeholder engagement on eRINs,

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2247 simply because they are opposed to electric vehicles. So I
2248 urge my colleagues to vote no on this bill. It really makes
2249 no sense to stop all this progress.

2250 I yield back.

2251 *Mr. Johnson. The gentleman yields back. Do other
2252 members wish to speak on the bill?

2253 The gentlelady from Iowa, for what purpose do you seek
2254 recognition?

2255 *Mrs. Miller-Meeks. I wish to speak in support of the
2256 bill.

2257 *Mr. Johnson. The gentlelady is recognized for five
2258 minutes.

2259 *Mrs. Miller-Meeks. Thank you, Mr. Chair. As the state
2260 that has some of the highest production of biofuels, be it
2261 ethanol, be it biodiesel, be it compressed natural gas, and
2262 50 percent of our energy in the State of Iowa is from
2263 renewables, I strongly support this.

2264 The RFS and eRIN concept was not meant to have
2265 electricity generated from an electric vehicle, even if that
2266 electric vehicle is produced by using biofuels that create
2267 electricity. So I think that not having this bill in place

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2268 allows electric vehicles to supplant a marketplace that is
2269 large and is growing and is needed, especially as we look at
2270 future markets with Sustainable Aviation Fuel and marine
2271 fuel.

2272 So I am strongly in support of this bill. I yield.

2273 *Mr. Johnson. The gentlelady yields back. Do other
2274 members wish to speak on the bill?

2275 Are there any bipartisan amendments?

2276 Are there any amendments?

2277 [Pause.]

2278 *Mr. Johnson. Since there are no amendments, the
2279 question now occurs on forwarding H.R. 4469 to the full
2280 committee.

2281 All those in favor, say aye.

2282 *Mr. Tonko. Mr. Chair, I ask for a recorded vote,
2283 please.

2284 *Mr. Johnson. A recorded vote has been requested. The
2285 clerk will call the roll.

2286 *The Clerk. Carter?

2287 *Mr. Carter. Aye.

2288 *The Clerk. Carter votes aye.

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2289 Palmer?
2290 [No response.]
2291 *The Clerk. Crenshaw?
2292 *Mr. Crenshaw. Aye.
2293 *The Clerk. Crenshaw votes aye.
2294 Joyce?
2295 *Dr. Joyce. Aye.
2296 *The Clerk. Joyce votes aye.
2297 Weber?
2298 *Mr. Weber. Aye.
2299 *The Clerk. Weber votes aye.
2300 Allen?
2301 *Mr. Allen. Aye.
2302 *The Clerk. Allen votes aye.
2303 Balderson?
2304 *Mr. Balderson. Balderson, aye.
2305 *The Clerk. Balderson votes aye.
2306 Fulcher?
2307 *Mr. Fulcher. Fulcher is aye.
2308 *The Clerk. Fulcher votes aye.
2309 Pfluger?

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2310 *Mr. Pfluger. Aye.
2311 *The Clerk. Pfluger votes aye.
2312 Miller-Meeks?
2313 *Mrs. Miller-Meeks. Aye.
2314 *The Clerk. Miller-Meeks votes aye.
2315 Obernolte?
2316 *Mr. Obernolte. Aye.
2317 *The Clerk. Obernolte votes aye.
2318 Rodgers?
2319 [No response.]
2320 *The Clerk. Johnson?
2321 *Mr. Johnson. Johnson votes aye.
2322 *The Clerk. Johnson votes aye.
2323 Tonko?
2324 *Mr. Tonko. No.
2325 *The Clerk. Tonko votes no.
2326 DeGette?
2327 *Ms. DeGette. No.
2328 *The Clerk. DeGette votes no.
2329 Schakowsky?
2330 *Ms. Schakowsky. No.

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2331 *The Clerk. Schakowsky votes no.
2332 Sarbanes?
2333 [No response.]
2334 *The Clerk. Clarke?
2335 *Ms. Clarke. No.
2336 *The Clerk. Clarke votes no.
2337 Ruiz?
2338 *Dr. Ruiz. No.
2339 *The Clerk. Ruiz votes no.
2340 Peters?
2341 *Mr. Peters. No.
2342 *The Clerk. Peters votes no.
2343 Barragan?
2344 [No response.]
2345 *The Clerk. Pallone?
2346 *Mr. Pallone. No.
2347 *The Clerk. Pallone votes no.
2348 *Mr. Johnson. Are other members needing to be recorded?
2349 How is Chair Rodgers recorded?
2350 *The Clerk. Chair Rodgers is not recorded.
2351 *The Chair. Chair Rodgers votes aye.

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2352 *The Clerk. Rodgers votes aye.

2353 *Mr. Johnson. The clerk will report.

2354 [Pause.]

2355 *The Clerk. Chair Johnson, on that vote there were 12
2356 ayes and 7 noes.

2357 *Mr. Johnson. The ayes have it, and the bill is agreed
2358 to.

2359 Without objection, entering into the record the article
2360 "Unsold Electric Cars are Piling up on Dealer Lots," the
2361 Axios article.

2362 [The information follows:]

2363

2364 *****COMMITTEE INSERT*****

2365

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2366 *Mr. Johnson. Without objection, staff is authorized to
2367 make technical and conforming changes to the legislation
2368 approved by the subcommittee today.

2369 That is so ordered.

2370 Without objection, the subcommittee stands adjourned.

2371 [Whereupon, at 3:38 p.m., the subcommittee was
2372 adjourned.]