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4 MARKUP OF H.R. 8, THE NORTH AMERICAN ENERGY SECURITY AND

5 INFRASTRUCTURE ACT OF 2015; AND

6 H.R. 3242, THE CHILD NICOTINE POISONING PREVENTION ACT

7 WEDNESDAY, SEPTEMBER 30, 2015

8 House of Representatives,

9 Committee on Energy and Commerce

10 Washington, D.C.

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

14 Members present: Representatives Upton, Barton,
15 Whitfield, Shimkus, Pitts, Walden, Murphy, Burgess,
16 Blackburn, Latta, McMorris Rodgers, Harper, Lance, Guthrie,
17 Olson, McKinley, Pompeo, Kinzinger, Griffith, Bilirakis,

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18 Johnson, Long, Ellmers, Bucshon, Flores, Brooks, Mullin,
19 Collins, Cramer, Pallone, Rush, Eshoo, Engel, Green, DeGette,
20 Capps, Doyle, Schakowsky, Butterfield, Matsui, Castor,
21 Sarbanes, McNerney, Welch, Lujan, Tonko, Yarmuth, Clarke,
22 Loeb sack, Schrader, Kennedy, and Cardenas.

23 Staff present: Nick Abraham, Legislative Associate,
24 Energy and Power; Gary Andres, Staff Director; Will Batson,
25 Legislative Clerk; Ray Baum, Senior Policy Advisor for
26 Communications and Technology; Mike Bloomquist, Deputy Staff
27 Director; Sean Bonyun, Communications Director; Leighton
28 Brown, Press Assistant; Allison Busbee, Policy Coordinator,
29 Energy and Power; Rebecca Card, Staff Assistant; Karen
30 Christian, General Counsel; Noelle Clemente, Press Secretary;
31 Patrick Currier, Senior Counsel, Energy and Power; Paul
32 Edattel, Professional Staff Member, Health; Melissa Froelich,
33 Counsel, Commerce, Manufacturing, and Trade; Tom
34 Hassenboehler, Chief Counsel, Energy and Power; Brittany
35 Havens, Oversight Associate, Oversight and Investigations; A.
36 T. Johnston, Senior Policy Advisor; Peter Kielty, Deputy
37 General Counsel; Ben Lieberman, Counsel, Energy and Power;
38 Brandon Mooney, Professional Staff Member, Energy and Power;
39 Paul Nagle, Chief Counsel, Commerce, Manufacturing, and

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40 Trade; Katie Novaria, Professional Staff Member, Health; Tim
41 Pataki, Professional Staff Member; Graham Pittman,
42 Legislative Clerk; Mark Ratner, Policy Advisor to the
43 Chairman; Michelle Rosenberg, GAO Detailee, Health; Chris
44 Santini, Policy Coordinator, Oversight and Investigations;
45 Chris Sarley, Policy Coordinator, Environment and Economy;
46 Charlotte Savercool, Legislative Clerk; Dan Schneider, Press
47 Secretary; Adrianna Simonelli, Legislative Associate, Health;
48 Heidi Stirrup, Health Policy Coordinator; Josh Trent,
49 Professional Staff Member, Health; Dylan Vorbach, Legislative
50 Clerk, Commerce, Manufacturing, and Trade; Jessica Wilkerson,
51 Oversight Associate, Oversight and Investigations; Michelle
52 Ash, Chief Counsel, Commerce, Manufacturing, and Trade; Jen
53 Berenholz, Chief Clerk; Christine Brennan, Press Secretary;
54 Jeff Carroll, Staff Director; Jacqueline Cohen, Senior
55 Counsel; Elizabeth Ertel, Deputy Clerk; Lisa Goldman,
56 Counsel; Waverly Gordon, Professional Staff Member; Tiffany
57 Guarascio, Deputy Staff Director and Chief Health Advisor;
58 Caitlin Haberman, Professional Staff Member; Ashley Jones,
59 Director of Communications, Member Services and Outreach;
60 Rick Kessler, Senior Advisor and Staff Director, Energy and
61 Environment; John Marshall, Policy Coordinator; Rachel Pryor,

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62 Health Policy Advisor; Alexander Ratner, Policy Analyst; Tim
63 Robinson, Chief Counsel; Samantha Satchell, Policy Analyst;
64 and Matt Schumacher, Press Assistant.

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65 The {Chairman.} Good morning, everybody. The committee
66 will come to order. And before we formally continue from the
67 opening statements yesterday, I--not everybody was here at
68 the very start, but it is made known that our good colleague,
69 Ed Whitfield, announced that he would not be running for
70 reelection next year. And I want to commend him and the
71 great work that he has done--yeah. I just want to formally
72 thank him for his service, for his leadership, on so many
73 different issues, and I also want to formalize--or formally
74 also lament that Lois Capps, on the Democratic side,
75 announced a little while ago that she would not be running as
76 well. And I know from this side of the aisle, we too
77 appreciate her leadership on so many different issues, driven
78 by her heart and certainly on the health side of things, and
79 we too will miss Lois' participation in the next Congress as
80 well. And I just want to say that we should give them both a
81 quick little hand in recognition.

82 And now, with that, I will yield to the ranking member
83 of the committee, Mr. Pallone.

84 Mr. {Pallone.} Thank you, Mr. Chairman. I was going to
85 heed what Mr. Welch said and see if we could ask both of

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86 these members to reconsider, which I know they won't, but you
87 can always try, because they--both Lois and Ed, you know,
88 share two things, maybe more; one is they are very
89 knowledgeable of the subject matter that they, you know, that
90 they are experts in and, you know, just spent a lot of time
91 understanding the legislation substantively, but also they
92 share the fact that they are just wonderful people. They are
93 very--it is always nice to talk to Lois and Ed. They always
94 have a smile, they have a very positive attitude. I wish I
95 could, you know, absorb some of it. So for--just for those
96 two reasons alone, I am going to miss both of them, and I
97 certainly share your lack of enthusiasm for their leaving.
98 We are not, you know, these are two people that we would
99 rather have stayed, but that is not the way it is around
100 here. So thank you.

101 Thank you, Mr. Chairman.

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102 H.R. 8

103 The {Chairman.} So at the conclusion of opening
104 statements yesterday, the chair called up H.R. 8, the North
105 American Energy Security and Infrastructure Act of 2015, and
106 the bill was open for amendment at any point.

107 And the chair recognizes himself for the purpose of
108 offering an amendment in the nature of a substitute. And the
109 clerk will report the amendment.

110 The {Clerk.} Amendment in the nature of a substitute to
111 H.R. 8, offered by Mr. Upton of Michigan.

112 [The amendment of Chairman Upton follows:]

113 ***** COMMITTEE INSERT *****

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114 The {Chairman.} And without objection, the reading of
115 the amendment is dispensed with, and will be considered base
116 text for purposes of amendment.

117 And the chair recognizes himself for 5 minutes in
118 support of the amendment.

119 So I am good on that, so--the--let me ask--the staff is
120 distributing the amendment. Are there any bipartisan
121 amendments to the amendment? I am aware of one to be offered
122 by the gentlelady from Washington State, Cathy McMorris
123 Rodgers, with, I want to say, Mr. McNerney, but she is in a
124 meeting at the Capitol at the moment and is on the way here,
125 so we may hold on that preference of the amendment until she
126 gets here to be offered jointly by the two.

127 Let me ask if there are other amendments to the
128 amendment. Chair would--Mr. Kennedy has an amendment.

129 Mr. {Kennedy.} Thank you, Mr. Chairman.

130 The {Chairman.} And the clerk will report the title of
131 the amendment.

132 The {Clerk.} Amendment offered by Mr. Kennedy to the
133 amendment in the nature of a substitute to H.R. 8.

134 [The amendment of Mr. Kennedy follows:]

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135 ***** INSERT 1 *****

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136 The {Chairman.} And the amendment will be considered as
137 read. The staff will distribute the amendment, and the
138 gentleman from Massachusetts is recognized for 5 minutes in
139 support of his amendment.

140 Mr. {Kennedy.} Thank you very much, Mr. Chairman.

141 Mr. Chairman, as you can see, my amendment is simple.
142 It is merely one line and it asks to strike Section 1110 from
143 the underlying bill that we are considering today.

144 Throughout the consideration of this large energy
145 package over the last several months, this section has gone
146 through many versions. In today's version, while I
147 appreciate the majority's efforts to change the section from
148 what it was once--to a new schedule, to what it is now, an
149 analysis, I believe that this issue is much bigger and much
150 more complex than we have had time to digest. And, frankly,
151 I believe this section does more harm than good.

152 Over the past 2 years, forward capacity market auction
153 clearing prices in New England have quadrupled from \$1
154 billion to \$4 billion, without sufficiently incentivizing
155 energy development as intended. After seven consecutive
156 years of auction prices hitting the floor, the last two

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157 auctions have seen all or part of New England failing to meet
158 needed capacity.

159 Now, those capacity prices have skyrocketed, and the
160 costs of a flawed system have been passed on to ratepayers in
161 my district; those who can least afford it. The shortfall of
162 my region's capacity markets have made it very clear in my
163 eyes that they need to be examined and evaluated. That is
164 why, in principle, I support Section 4221 of this bill, which
165 requires the Government Accountability Office to complete a
166 study on wholesale electricity markets to consider whether
167 market rules are producing rates that are just and
168 reasonable, as required by the Federal Power Act. Section
169 1110, however, makes requirements of those markets before we
170 fully understand their strengths and shortfalls. It further
171 requires FERC, the body responsible for overseeing these
172 markets, to evaluate these analyses. To me, I think we are
173 putting the cart before the horse.

174 The ISO/RTO constructs are squarely focused on
175 reliability, and are constantly analyzing issues facing their
176 respective regions. The criteria listed in Section 1110
177 fails to allow the ISOs and RTOs the flexibility needed to
178 address the issues unique to their region by being too vague

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179 and stating terms like ``adequate fuel on-site to enable
180 operation for an extended period of time'', and too
181 prescriptive by requiring more than one fuel source and fuel
182 certainty through firm contractual obligations all at once.

183 I can say for certain, these criteria do not match the
184 issues we are facing in New England, both for practical and
185 political reasons.

186 I realize that many of you are probably unfamiliar with
187 capacity markets, and I can't say as I blame you, as they are
188 unique only to a few regions of this country, and in
189 structure, vary significantly from region to region. Unless
190 you live in New England, New York, or the PJM region, you
191 probably lost track of what I am saying a long time ago. So
192 I just want to take a quick step back.

193 Capacity markets are, in theory, set up to ensure a
194 region has sufficient electricity generation in place 3-1/2
195 years in advance. Generators bid into this market system,
196 and commit to providing a set amount of electricity when
197 called upon. When capacity is strained, the price increases
198 that result are supposed to provide a signal to the market
199 about the need for more capacity, and encourage investment in
200 that market. Unfortunately, rather than taking a long-term

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201 approach, many generators have chosen to move to dual fuel
202 capabilities, which not only increases our carbon emissions,
203 but often prices increases for ratepayers as well. This has
204 left small businesses and working families across my district
205 with energy bills that are growing higher and higher, for
206 reasons far out of their control. Southeastern Massachusetts
207 in particular, a region that has struggled mightily in the
208 wake of a great recession, has been hit hardest by capacity
209 market shortcomings. And you don't have to take it from me.
210 In August, the head of ISO New England said that the capacity
211 market was structured to incentivize investment in natural
212 gas resources across the region, and has instead pushed
213 generators to dual fuel resources. This has resulted in a
214 combination of both high price volatility and increased
215 carbon emissions.

216 Mr. Chairman, I could go on and on, and I am frustrated
217 that we have not had an opportunity to truly discuss, debate,
218 and understand the issues inhibiting our energy
219 infrastructure. And while I appreciate this committee's
220 efforts to address broad energy issues, this section will
221 only be enacted to the detriment of New England and
222 Massachusetts, which are already suffering from the highest

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223 electric rates in the continental United States. This
224 section is simply not an analysis of market design that would
225 result in a--that would result in a skewed perception of the
226 issues facing each region. It is the first step in a process
227 that does nothing to fix the significant problems facing
228 capacity markets, while giving clear preference to certain
229 types of energy resources.

230 I urge my colleagues to support this amendment to strike
231 Section 1110, and hope to continue the conversation about
232 improving and strengthening energy markets in the near
233 future, with meaningful legislation that helps ratepayers in
234 New England, New York, PJM, and across the country.

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

236 The {Chairman.} The gentleman yields back.

237 The chair would recognize the gentleman from Kentucky,
238 Mr. Whitfield, for 5 minutes.

239 Mr. {Whitfield.} Mr. Chairman, thank you very much.

240 And I certainly have a lot--a great deal of respect and
241 admiration for our colleague from Massachusetts, but his
242 amendment would actually strike in totality Section 1110 of
243 this bill. And I might say that we have been discussing this
244 bill for--since last spring, really, and there have been

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245 multiple hearings on it, and I think we all understand that
246 capacity markets, per se, is a little bit of a complicated
247 issue. And the original language that we had on capacity
248 markets made it very clear that generating units that provide
249 consistent and reliable energy, in other words, baseload
250 units, were vitally important for reliability. And we
251 recognize that electric rates are going up around the
252 country, primarily because of the President's policy on
253 renewable energy, and we know that as you go through this
254 transformation, that does add additional costs. But we
255 really were trying to be reasonable on this Section 1110 that
256 is now in the amendment in the nature of a substitute,
257 offered by Chairman Upton. And all that this section does
258 now, it has been so watered down that it is almost
259 meaningless, but it is still important. And that is why we
260 want this in here because this provision requires a FERC
261 report to evaluate whether the structures and the designs of
262 electricity markets properly value those generating units to
263 provide consistent and reliable energy.

264 Now, I recognize that the public power groups didn't
265 like our original language. Many consumer groups didn't like
266 our original language because they had some of the same

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267 concerns that Mr. Kennedy expressed about the impact on
268 prices. So we changed it. And we are simply saying
269 generating units such as nuclear, coal, hydropower, certain
270 natural gas, and an increasing list of improved renewable and
271 storage technologies, provide valuable reliability services
272 to the grid. Ensuring these assets have a future should be a
273 bipartisan objective.

274 So I don't see really how people could oppose a
275 provision that simply calls for a report to Congress, looking
276 more in-depth at the impact of capacity markets on
277 reliability. And so this section that we have in this bill
278 simply amends the Federal Power Act to direct each regional
279 transmission organization, the RTOs, to complete an analysis
280 demonstrating how its market structure provides reliable
281 energy from resource and technology neutral generating
282 facilities that have certain key reliability attributes,
283 including the ability to run for an extended period of time,
284 the ability to operate in emergency weather conditions, and
285 the ability to provide essential reliability services.

286 This study will provide additional information on a
287 complex issue. And as we see more and more of a
288 transformation into renewables, we have to be aware of

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289 weather conditions like the Polar Vortex, we have to be aware
290 of reliability, we have to be aware of the impact on rates.
291 And so we have backed so far down the road on this that I
292 can't really understand how anyone would be in opposition to
293 the RTOs simply doing an analysis, report the results of that
294 analysis to Congress.

295 And with that, Mr. Chairman, I yield back the balance of
296 my time. And respectfully request that we defeat this
297 amendment. Thank you.

298 The {Chairman.} The gentleman yields back.

299 Other members wishing to speak? The gentleman from New
300 York.

301 Mr. {Tonko.} Mr. Chair, I move to strike the last word.

302 The {Chairman.} The gentleman is recognized for 5
303 minutes.

304 Mr. {Tonko.} Thank you, Mr. Chair. I support my
305 colleague's amendment. This provision has been controversial
306 from the start. It has gone through a number of iterations,
307 none of which have struck the right balance. Section 1110 of
308 this bill still raises significant concerns. Markets are not
309 perfect, that shouldn't come as a surprise to anyone, but
310 this language is designed to serve a narrow set of interests,

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311 and impose a particular solution on the wholesale markets
312 overseen by FERC; the New York ISO, the New England ISO, and
313 PJM.

314 We held one hearing on this complicated issue, and
315 different issues were raised by the different interests
316 represented at the hearing. Some interests, however, weren't
317 represented at all. Now we have a provision that is being
318 described as a study, but it does more than study these
319 markets and their performance relative to achieving
320 reliability. The analysis produced by an RTO or ISO becomes
321 part of any filing to FERC that alters their market structure
322 going forward. And to the extent that an RTO or ISO
323 identifies a difference between the reliability criteria in
324 this provision and the generation resources in their market,
325 the implication is that a change should be made.

326 If this were, indeed, only a study, no action would be
327 required by RTOs or ISOs in response to this. That doesn't
328 appear to be the case here. The provision essentially
329 defines reliability in narrow terms, too narrow, and then
330 asks RTOs and IOSs to accept that definition. The definition
331 is clearly skewed to favor coal or nuclear generation. These
332 are indeed important resources, but there are others. Demand

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333 response resources are, by this definition, unreliable, as
334 are renewables, although I don't know how large a role they
335 currently play in capacity markets anyway at this time. The
336 same would be true for energy storage. Even hydropower at
337 least run-of-the-river facilities might not qualify. After
338 all, their fuel isn't on-site, it is up river.

339 This provision is looking to the past, not to the
340 future. It constrains options and innovation on reliability.
341 We do have some serious issues here that need our attention.
342 Are some markets losing generation assets that we need, not
343 just for reliability, but to meet new environmental
344 standards? Are some markets becoming overly reliant on
345 natural gas? Are the various types of capacity--capacities
346 traded in these markets being priced properly? Distributed
347 generation is also important to reliability. They don't
348 receive consideration here. Frankly, it was some of the
349 facilities that had distributed generation of some kind, or
350 combined heat and power systems, that still had their lights
351 on during Hurricane Sandy. And where and how do micro grids
352 fit into this framework? Also, the public power Providers
353 have expressed concerns that they have about market
354 constraints on their ability to self-supply. They opposed

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355 many of the earlier versions of this section. This provision
356 and the study it mandates is silent on that issue. And what
357 about the impacts of this on electricity rates? The
358 committee received letters from several constituents that
359 raised the--raised this concern. Are higher rates or the
360 threat of them only a concern when you believe EPA
361 regulations are the cause? Apparently so. There may be
362 legitimate reasons for rates to increase, but that should
363 only happen if the ratepayers receive a true benefit from
364 paying those rates. Otherwise, it is simply a transfer
365 payment from consumers to a facility with no true reliability
366 or other benefit. We need additional oversight hearings on
367 the capacity markets, and I think we would benefit from a
368 thorough and objective study of the different capacity
369 markets, and they are different. We need to understand how
370 these markets are functioning. But before we attempt to
371 correct a problem, we need to better define the problem or
372 problems that need correction. And we should determine if
373 amending the Federal Power Act is the best way to address any
374 identified problems. This so-called study, which will result
375 in FERC recommendations to the RTOs will not answer any
376 substantive questions about capacity markets. It could very

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377 well raise electricity rates. This is bad policy and very
378 sloppy legislating.

379 We can and should do better than this, and I urge my
380 colleagues to support this amendment to strike the provision,
381 the amendment by Representative Kennedy.

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

383 The {Chairman.} The gentleman yields back.

384 Other members wishing to speak on the amendment?

385 The chair would recognize the gentleman from Illinois,
386 Mr. Shimkus.

387 Mr. {Shimkus.} Thank you, Mr. Chairman. I appreciate--
388 my colleague from Massachusetts and I have talked numerous
389 times. It wasn't in the specifics of this amendment, but it
390 was an issue on the auctions and the amount of commissioners
391 and the voting, which he knows I am sympathetic to and I look
392 forward to working with him on. We had a similar issue in
393 the--Southeastern Illinois, and so I just want to encourage
394 him to keep up the discussions.

395 This is a really--unfortunately, this is an ideological
396 debate now on the importance of major generation in the
397 country, and the ability of lesser generation to really fill
398 the gap on reliability.

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399 So that is why I appreciate what we are doing. I wish
400 we would have done more in the inclusion because major
401 generation is the key to reliability in this country.
402 Anything 400 megawatts or bigger, we need to encourage that.
403 We have great respect to the diversity of the ability for
404 fuel and generation in wind and solar, and battery
405 technology, and all that, but when it keeps--when it is about
406 the reliability of the national grid, you need major
407 generation; again, 400 megawatts and up. I am proud to have
408 a 1,600 megawatt coal-fired power plant in my district. It
409 is a key, a bastion to ensure that we keep the lights on.

410 And so this provision has fallen into this debate of
411 what is the new world order. I think we are saying that
412 major coal, major nuclear, major hydro, and yes, major
413 natural gas, has to be part of this debate on reliability,
414 and I think that is all that Chairman Whitfield is trying to
415 do and Chairman Upton on the inclusion of this. I think it
416 is a very important amendment, and I ask for us to sustain it
417 and vote against my colleague's amendment from Massachusetts.

418 The {Chairman.} Will the gentleman yield?

419 Mr. {Shimkus.} I will yield.

420 The {Chairman.} I just want to say that, you know, we

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421 have had a lot of discussion privately on this issue, and I
422 recognize, and I--and I thought they were constructive and
423 productive, and I understand the--initially, we really talked
424 about a mandate on this, and deliberately, we have scaled it
425 back to really be a study.

426 Now, I don't know what FERC is going to direct here, but
427 I think that it is important that we ask them to answer--to
428 at least issue a report. Without a mandated outcome, we view
429 it as a study, and it is not beyond that in terms of the
430 provision that is in the bill, and I would like to think that
431 we could accept the way that it is now, and knowing that, in
432 fact, there was a much harder version that we did not include
433 as part of the manager's amendment.

434 So with that, I yield back to the gentleman from
435 Illinois.

436 Mr. {Shimkus.} And with that--I would yield.

437 Mr. {Pallone.} You can finish. I can--

438 Mr. {Shimkus.} No, I am just--

439 Mr. {Pallone.} All right.

440 Mr. {Shimkus.} I am done.

441 Mr. {Pallone.} I just figured--I just wanted to say
442 briefly, Mr. Chairman, that I support Mr. Kennedy's amendment

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443 because we are not just talking about a study here. It
444 requires RTOs to file reports that would form the basis of
445 court cases and, you know, therefore, litigations. So I
446 think the point is it is not just a study.

447 I yield back.

448 The {Chairman.} The gentleman yields back time.

449 The chair would recognize the gentleman from Vermont for
450 5 minutes.

451 Mr. {Welch.} Thank you very much, Mr. Chairman. And,
452 Mr. Chairman, I want to thank you for the extraordinary
453 efforts you have made as our chair to bring us together. It
454 was quite amazing what you did with Mr. Pallone on the
455 America Cures Act, and I know that your effort was to do the
456 same here, but I share some of the frustration that Mr.
457 Whitfield expressed yesterday. We were pretty close to
458 having a solid repeat of America Cures on this bill, but it
459 is feeling to me like there is time pressure which has forced
460 us to come here today before we have had enough time to try
461 to work out some of these differences. It has become a bit
462 of an impediment to us achieving that goal. But I do want to
463 say I really do appreciate your efforts and Mr. Whitfield's.
464 This amendment in this issue, I think, is an example of

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465 where, had we been able to take a little bit more time, we
466 might have been able to work this out. Mr. Whitfield has got
467 a pretty solid point about the importance of reliability, and
468 then how do you achieve that and how do you guarantee it,
469 because all of us have to keep the lights on. But Mr.
470 Kennedy has--he has a real world situation where the
471 ratepayers in his middle-class and lower income areas in his
472 district just got absolutely hammered as a result of things
473 completely beyond their control that have to do with the way
474 the forward capacity market works. And it seems to me that
475 you have 2 issues that are both incredibly important. One is
476 reliability, and the other is cost. And everyday people are
477 concerned about cost. We have to be concerned about
478 reliability as well.

479 And I have a little bit of just disappointment that we
480 didn't have a little bit more time to be able to get to yes
481 on merging the Kennedy focus on what is it costing everyday
482 folks coming out of their pocket when they are trying to
483 figure out how to pay the bills, and Mr. Whitfield's very
484 legitimate concern about the necessity of reliability. I
485 don't know that we can square this circle, given that we are
486 here today in the markup, but I am frustrated that we can't,

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487 but I do want to say I do support that concern that the
488 Kennedy amendment focuses on the cost of power to middle-
489 income and low-income families.

490 I yield back.

491 The {Chairman.} The gentleman yields back.

492 Other members wishing to speak? Gentlelady from
493 California--bless you--

494 Ms. {Eshoo.} Thank you, Mr. Chairman.

495 The {Chairman.} --is recognized for 5 minutes.

496 Ms. {Eshoo.} Thank you.

497 The {Chairman.} Would you like a glass of water first?

498 Ms. {Eshoo.} I move to strike the last word.

499 In listening to the debate, which is obviously an
500 important one, and the--you know, the standout factors that
501 both Mr. Whitfield and Mr. Kennedy have made, reliability,
502 but also what--as Mr. Welch just said, a real world situation
503 that Mr. Kennedy has called out, and you, Mr. Chairman,
504 saying that this is just a study, but it has been established
505 that it really goes beyond that.

506 Is there some way that we could set this aside or agree,
507 amend, so that it is just a study, so that it is just a
508 study? I don't think that harms anyone, but I do think that

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509 it will help to advance the examination of the issues that
510 need to be examined, which are serious ones, as has been
511 said. Reliability is everything. I mean when we flip the
512 switch, we want--we just expect the lights to come on. So I
513 am just asking you if we can move back maybe to that prior
514 value that you stated, which is just a study, without all the
515 other strings hanging over it, and I think that it would
516 really speak well of the committee that we are working hand-
517 in-hand with each other, we are not predicting what the
518 outcome would be by any means, but that the--that a study be
519 done on the issue and then deal with whatever the outcome is
520 when we get the outcome, but not prejudge it by stacking the
521 deck and calling it a study.

522 So I ask you that question, Mr. Chairman.

523 The {Chairman.} Well, if the gentlelady will yield.

524 Ms. {Eshoo.} Sure.

525 The {Chairman.} From our perspective, we don't view
526 that it does mandate any outcome. We view this as a study
527 and, you know, we had long discussions over the last number
528 of weeks on this and, you know, for me, we are looking at the
529 long-term, getting a bill to the President that, in fact, he
530 can sign. To be silent on the reliability side, I think, is

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531 a mistake, which is why we watered down our initial proposal
532 from where we were over the last--really since July, rather
533 dramatically, to this language here that I confess some folks
534 are upset at us from the other side that we have gone too far
535 in the other direction. Would note--

536 Mr. {Pallone.} Ms. Eshoo--

537 Ms. {Eshoo.} Well--

538 Mr. {Pallone.} --may I respond just--

539 Ms. {Eshoo.} Yeah, I just--

540 The {Chairman.} So this is--I don't want to call this a
541 placeholder because it is not that, but as we look at
542 ultimately getting this bill to the House floor--

543 Ms. {Eshoo.} Um-hum.

544 The {Chairman.} --and knowing that the Senate now has
545 passed their bill out of committee and looking for time on
546 the Senate floor, obviously, and--we will continue to listen--
547 -

548 Ms. {Eshoo.} Well, Mr. Chairman, reclaiming my time, I--
549 -what is troubling to me here are a couple of things. There
550 is an upside because I hear members saying that they want to
551 come together on something, but my friend, Mr. Shimkus, said
552 I guess this is ideological. Well, you know what, I don't

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553 think reliability should be ideological. And if we are going
554 to--if this requires a study so that we can learn from the
555 outcome of that study, and it is not ideological, then I am
556 all for that, but it doesn't seem to me from what has been
557 said--and I respect the gentleman for what--Mr. Whitfield for
558 what he has advocated for all the years that he has been on
559 the committee. There is not a secret that we have disagreed,
560 we have different views. That is all right, it is healthy,
561 but I don't think the study should be weighted with ideology.
562 It just--I don't think it is going to work.

563 So, yes?

564 Mr. {Pallone.} Look, first of all, I think that you
565 make a very good point. And to the chairman, you know, to
566 disagree with the chairman, the suggestion that somehow this
567 bill is going to lead toward the President's signature, I
568 think, is totally wrong. I mean if we--if there was the
569 effort that we had initially to try to come together and
570 include some of the Democratic initiatives, particularly the
571 funding for some of the, you know, electricity grid and the
572 grant programs and the SPRO, that would have made a
573 difference that maybe we could get to the point where the
574 President would sign the bill, but I mean what the committee

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575 is doing with this substitute today is going in the direct
576 opposite direction if you are looking to get the President to
577 sign the bill.

578 And I think that Mr. Kennedy's amendment makes sense,
579 and so does Ms. Eshoo's point, so I would--you know, I--
580 obviously, you are not going to make whatever changes she is
581 suggesting, so I would ask members to vote in favor of the
582 Kennedy amendment. But there is no suggestion here that this
583 is going to be a bill the President is going to sign. Not--
584 that is not the direction we are going here, Mr. Chairman.

585 The {Chairman.} Gentlelady's time has expired.

586 Other members wishing to speak on the amendment?

587 Seeing none, the vote occurs on the amendment offered by
588 Mr. Kennedy.

589 All those in favor will say aye.

590 All those opposed, say no.

591 A recorded vote has been asked for. The clerk will call
592 the roll.

593 The {Clerk.} Mr. Barton.

594 [No response.]

595 The {Clerk.} Mr. Whitfield.

596 Mr. {Whitfield.} No.

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597 The {Clerk.} Mr. Whitfield votes no.
598 Mr. Shimkus.
599 Mr. {Shimkus.} No.
600 The {Clerk.} Mr. Shimkus votes no.
601 Mr. Pitts.
602 Mr. {Pitts.} No.
603 The {Clerk.} Mr. Pitts votes no.
604 Mr. Walden.
605 Mr. {Walden.} No.
606 The {Clerk.} Mr. Walden votes no.
607 Mr. Murphy.
608 Mr. {Murphy.} No.
609 The {Clerk.} Mr. Murphy votes no.
610 Mr. Burgess.
611 Mr. {Burgess.} No.
612 The {Clerk.} Mr. Burgess votes no.
613 Mrs. Blackburn.
614 [No response.]
615 The {Clerk.} Mr. Scalise.
616 [No response.]
617 The {Clerk.} Mr. Latta.
618 Mr. {Latta.} No.

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619 The {Clerk.} Mr. Latta votes no.
620 Mrs. McMorris Rodgers.
621 [No response.]
622 The {Clerk.} Mr. Harper.
623 [No response.]
624 The {Clerk.} Mr. Lance.
625 [No response.]
626 The {Clerk.} Mr. Guthrie.
627 Mr. {Guthrie.} No.
628 The {Clerk.} Mr. Guthrie votes no.
629 Mr. Olson.
630 Mr. {Olson.} No.
631 The {Clerk.} Mr. Olson votes no.
632 Mr. McKinley.
633 Mr. {McKinley.} No.
634 The {Clerk.} Mr. McKinley votes no.
635 Mr. Pompeo.
636 Mr. {Pompeo.} No.
637 The {Clerk.} Mr. Pompeo votes no.
638 Mr. Kinzinger.
639 Mr. {Kinzinger.} No.
640 The {Clerk.} Mr. Kinzinger votes no.

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641 Mr. Griffith.
642 Mr. {Griffith.} No.
643 The {Clerk.} Mr. Griffith votes no.
644 Mr. Bilirakis.
645 Mr. {Bilirakis.} No.
646 The {Clerk.} Mr. Bilirakis votes no.
647 Mr. Johnson.
648 Mr. {Johnson.} No.
649 The {Clerk.} Mr. Johnson votes no.
650 Mr. Long.
651 Mr. {Long.} No.
652 The {Clerk.} Mr. Long votes no.
653 Mrs. Ellmers.
654 [No response.]
655 The {Clerk.} Mr. Bucshon.
656 Mr. {Bucshon.} No.
657 The {Clerk.} Mr. Bucshon votes no.
658 Mr. Flores.
659 Mr. {Flores.} No.
660 The {Clerk.} Mr. Flores votes no.
661 Mrs. Brooks.
662 Mrs. {Brooks.} No.

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663 The {Clerk.} Mrs. Brooks votes no.
664 Mr. Mullin.
665 Mr. {Mullin.} No.
666 The {Clerk.} Mr. Mullin votes no.
667 Mr. Hudson.
668 [No response.]
669 The {Clerk.} Mr. Collins.
670 Mr. {Collins.} No.
671 The {Clerk.} Mr. Collins votes no.
672 Mr. Cramer.
673 Mr. {Cramer.} No.
674 The {Clerk.} Mr. Cramer votes no.
675 Mr. Pallone.
676 Mr. {Pallone.} Aye.
677 The {Clerk.} Mr. Pallone votes aye.
678 Mr. Rush.
679 Mr. {Rush.} Aye.
680 The {Clerk.} Mr. Rush votes aye.
681 Ms. Eshoo.
682 Ms. {Eshoo.} Aye.
683 The {Clerk.} Ms. Eshoo votes aye.
684 Mr. Engel.

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685 [No response.]

686 The {Clerk.} Mr. Green.

687 Mr. {Green.} Aye.

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

689 Ms. DeGette.

690 Ms. {DeGette.} Aye.

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

692 Mrs. Capps.

693 Mrs. {Capps.} Aye.

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

695 Mr. Doyle.

696 Mr. {Doyle.} Aye.

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

698 Ms. Schakowsky.

699 Ms. {Schakowsky.} Aye.

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

701 Mr. Butterfield.

702 [No response.]

703 The {Clerk.} Ms. Matsui.

704 Ms. {Matsui.} Aye.

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

706 Ms. Castor.

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707 Ms. {Castor.} Aye.

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

709 Mr. Sarbanes.

710 Mr. {Sarbanes.} Aye.

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

712 Mr. McNerney.

713 Mr. {McNerney.} Aye.

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

715 Mr. Welch.

716 Mr. {Welch.} Aye.

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

718 Mr. Lujan.

719 Mr. {Luan.} Aye.

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

721 Mr. Tonko.

722 Mr. {Tonko.} Aye.

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

724 Mr. Yarmuth.

725 Mr. {Yarmuth.} Aye.

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

727 Ms. Clarke.

728 Ms. {Clarke.} Aye.

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729 The {Clerk.} Ms. Clarke votes aye.
730 Mr. Loeb sack.
731 Mr. {Loeb sack.} Aye.
732 The {Clerk.} Mr. Loeb sack votes aye.
733 Mr. Schrader.
734 Mr. {Schrader.} Aye.
735 The {Clerk.} Mr. Schrader votes aye.
736 Mr. Kennedy.
737 Mr. {Kennedy.} Aye.
738 The {Clerk.} Mr. Kennedy votes aye.
739 Mr. Cardenas.
740 Mr. {Cardenas.} Aye.
741 The {Clerk.} Mr. Cardenas votes aye.
742 Chairman Upton.
743 The {Chairman.} Votes no.
744 The {Clerk.} Chairman Upton votes no.
745 The {Chairman.} Other members wishing to cast a vote?
746 Mr. Harper?
747 Mr. {Harper.} No.
748 The {Clerk.} Mr. Harper votes no.
749 The {Chairman.} Mrs. Blackburn?
750 Mrs. {Blackburn.} No.

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751 The {Clerk.} Mrs. Blackburn votes no.

752 The {Chairman.} Mrs. Ellmers.

753 Mrs. {Ellmers.} Mrs. Ellmers votes no.

754 The {Clerk.} Mrs. Ellmers votes no.

755 The {Chairman.} Mr. Butterfield.

756 Mr. {Butterfield.} Butterfield, aye.

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

758 The {Chairman.} Other members wishing to cast a vote?

759 Seeing none, the clerk will report the tally.

760 The {Clerk.} Mr. Chairman, on that vote, there were 22

761 ayes and 26 nays.

762 The {Chairman.} Twenty-two ayes, 26 nays.

763 The amendment is not agreed to.

764 Are there other amendments to the bill?

765 The gentleman from Kansas, Mr. Pompeo.

766 Mr. {Pompeo.} Mr. Chairman, I have an amendment at the

767 desk. It is numbered 27.

768 The {Chairman.} The clerk will report the title of the

769 amendment.

770 The {Clerk.} Amendment offered by Mr. Pompeo of Kansas,

771 to the amendment in the nature of a substitute for H.R. 8.

772 [The amendment of Mr. Pompeo follows:]

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773 ***** INSERT 2 *****

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|

774 The {Chairman.} And the amendment will be considered as
775 read. The staff will distribute the amendment, and the
776 gentleman is recognized for 5 minutes in support of his
777 amendment.

778 Mr. {Pompeo.} Thank you, Mr. Chairman. Thanks for
779 working so hard to get this bill to the state it is in today.
780 I think that we can all agree that transparency in
781 electricity rates is an important part of protecting
782 consumers from utilities who seek to pass the cost of
783 unnecessary subsidies down to ratepayers. We want to make
784 sure that the consumers of energy are paying for that energy
785 that they consume, and that there aren't cross subsidies that
786 result from utilities not being clear about the actual costs
787 of consumer-side technologies. I can't imagine why any
788 member of this committee wouldn't encourage such transparency
789 that allows ratepayers to be aware of potential increases in
790 their rates associated with a service that is only going to
791 be used by very few. Historically, regulated electric
792 markets, public utility commissions have allowed utilities to
793 recover only the cost of fair, just, and reasonable capital
794 investments when they benefit everyone. This is a sensible

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795 principle of user pays which I think everyone could agree to.

796 Consumer technologies are great, but they ought not to

797 be subsidized by the poor. This amendment doesn't prohibit

798 customer-side technologies. It doesn't prevent States from

799 paying for those technologies through electricity rates.

800 They can choose to do that. It simply encourages public

801 utility commissions to carefully consider whether electricity

802 rates are benefitting all of their ratepayers.

803 Under my amendment, the utility commissions would have

804 the option of adopting a standard whereby the public utility

805 commission would evaluate whether subsidizing a customer-side

806 technology through electricity rates would benefit--would be

807 a benefit only enjoyed by a few, whether it shifts costs to

808 those who do not use the technology, whether that consumer-

809 side technology has negative impacts on resource utilization,

810 fuel diversity, or grid security. Public utility would

811 simple be required to made an evaluation and present that to

812 the public within 90 days when it intends to allow a utility

813 to recover costs associated with these consumer-side

814 technology.

815 At a time of stagnant wages and slow economic growth, we

816 should be very careful before we increase electricity rates

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817 on those who can least afford it in order to subsidize those
818 poor Tesla owners and those folks who can actually afford to
819 pay for the cost of the energy choices that they are making.
820 Rooftop solar and energy charging stations are fine; we just
821 ought to be clear about their actual costs, and ratepayers
822 should be able to know what is in their rates associated with
823 those benefits that are being bestowed upon them.

824 With that, I urge the adoption of this amendment, and
825 yield back the balance of my time.

826 The {Chairman.} The gentleman yields back. The chair
827 would recognize the gentleman from New Jersey, Mr. Pallone.

828 Mr. {Pallone.} Mr. Chairman, I would like to speak in
829 opposition to the Pompeo amendment.

830 This amendment would severely hinder the massive growth
831 in consumer solar technology that has occurred in our country
832 in recent years. The Public Utility Regulatory Policy Act,
833 or PURPA, was passed in '78 in the midst of the energy crisis
834 that ripped through industrial world economies. Faced with
835 predictions that the price of oil would rise to \$100 a
836 barrel, Congress acted to reduce dependence on foreign oil,
837 to promote alternative energy sources and energy efficiency,
838 and to diversify the electric power industry. The U.S. solar

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839 industry achieved another record year in 2014, growing by 34
840 percent over 2013 to install nearly 7,000 megawatts of solar
841 electric capacity. Within the photovoltaic, or PV sector,
842 over 6,200 megawatts of capacity was installed, led by the
843 residential and utility segments, which grew by 51 percent
844 and 38 percent respectively.

845 I think we need to encourage and support the solar
846 industry, which reduces carbon emissions and saves consumers
847 money, and I think this amendment will clearly do the
848 opposite.

849 I yield back.

850 The {Chairman.} The gentleman yields back.

851 Other members wishing to speak on the amendment?

852 Seeing none, the vote occurs on the amendment offered by
853 Mr. Pompeo.

854 All those in favor will say aye.

855 Those opposed, say no.

856 Opinion--

857 {Voice.} Recorded vote.

858 The {Chairman.} A recorded vote is requested. The
859 clerk will call the tally.

860 The {Clerk.} Mr. Barton.

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861 [No response.]

862 The {Clerk.} Mr. Whitfield.

863 [No response.]

864 The {Clerk.} Mr. Shimkus.

865 Mr. {Shimkus.} Aye

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

867 Mr. Pitts.

868 Mr. {Pitts.} Aye.

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

870 Mr. Walden.

871 Mr. {Walden.} Aye.

872 The {Clerk.} Mr. Walden votes aye.

873 Mr. Murphy.

874 Mr. {Murphy.} Aye.

875 The {Clerk.} Mr. Murphy votes aye.

876 Mr. Burgess.

877 [No response.]

878 The {Clerk.} Mrs. Blackburn.

879 Mrs. {Blackburn.} Aye.

880 The {Clerk.} Mrs. Blackburn votes aye.

881 Mr. Scalise.

882 [No response.]

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883 The {Clerk.} Mr. Latta.
884 Mr. {Latta.} Aye.
885 The {Clerk.} Mr. Latta votes aye.
886 Mrs. McMorris Rodgers.
887 [No response.]
888 The {Clerk.} Mr. Harper.
889 [No response.]
890 The {Clerk.} Mr. Lance.
891 Mr. {Lance.} Aye.
892 The {Clerk.} Mr. Lance votes aye.
893 Mr. Guthrie.
894 [No response.]
895 The {Clerk.} Mr. Olson.
896 Mr. {Olson.} Aye.
897 The {Clerk.} Mr. Olson votes aye.
898 Mr. McKinley.
899 Mr. {McKinley.} Aye.
900 The {Clerk.} Mr. McKinley votes aye.
901 Mr. Pompeo.
902 Mr. {Pompeo.} Aye.
903 The {Clerk.} Mr. Pompeo votes aye.
904 Mr. Kinzinger.

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905 [No response.]

906 The {Clerk.} Mr. Griffith.

907 Mr. {Griffith.} Aye.

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

909 Mr. Bilirakis.

910 Mr. {Bilirakis.} Aye.

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

912 Mr. Johnson.

913 Mr. {Johnson.} Aye.

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

915 Mr. Long.

916 Mr. {Long.} Aye.

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

918 Mrs. Ellmers.

919 [No response.]

920 The {Clerk.} Mr. Bucshon.

921 Mr. {Bucshon.} Aye.

922 The {Clerk.} Mr. Bucshon votes aye.

923 Mr. Flores.

924 Mr. {Flores.} Aye.

925 The {Clerk.} Mr. Flores votes aye.

926 Mrs. Brooks.

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927 [No response.]

928 The {Clerk.} Mr. Mullin.

929 [No response.]

930 The {Clerk.} Mr. Hudson.

931 [No response.]

932 The {Clerk.} Mr. Collins.

933 Mr. {Collins.} Aye.

934 The {Clerk.} Mr. Collins votes aye.

935 Mr. Cramer.

936 Mr. {Cramer.} Aye.

937 The {Clerk.} Mr. Cramer votes aye.

938 Mr. Pallone.

939 Mr. {Pallone.} No.

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

941 Mr. Rush. Mr. Rush.

942 Mr. {Rush.} No.

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

944 Ms. Eshoo.

945 Ms. {Eshoo.} No.

946 The {Clerk.} Ms. Eshoo votes no.

947 Mr. Engel.

948 [No response.]

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949 The {Clerk.} Mr. Green.
950 Mr. {Green.} No.
951 The {Clerk.} Mr. Green votes no.
952 Ms. DeGette.
953 Ms. {DeGette.} No.
954 The {Clerk.} Ms. DeGette votes no.
955 Mrs. Capps.
956 Mrs. {Capps.} No.
957 The {Clerk.} Mrs. Capps votes no.
958 Mr. Doyle.
959 Mr. {Doyle.} No.
960 The {Clerk.} Mr. Doyle votes no.
961 Ms. Schakowsky.
962 [No response.]
963 The {Clerk.} Mr. Butterfield.
964 Mr. {Butterfield.} No.
965 The {Clerk.} Mr. Butterfield votes no.
966 Ms. Matsui.
967 Ms. {Matsui.} No.
968 The {Clerk.} Ms. Matsui votes no.
969 Ms. Castor.
970 Ms. {Castor.} No.

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971 The {Clerk.} Ms. Castor votes no.
972 Mr. Sarbanes.
973 Mr. {Sarbanes.} No.
974 The {Clerk.} Mr. Sarbanes votes no.
975 Mr. McNerney.
976 Mr. {McNerney.} No.
977 The {Clerk.} Mr. McNerney votes no.
978 Mr. Welch.
979 Mr. {Welch.} No.
980 The {Clerk.} Mr. Welch votes no.
981 Mr. Lujan.
982 Mr. {Luan.} No.
983 The {Clerk.} Mr. Lujan votes no.
984 Mr. Tonko.
985 Mr. {Tonko.} No.
986 The {Clerk.} Mr. Tonko votes no.
987 Mr. Yarmuth.
988 Mr. {Yarmuth.} No.
989 The {Clerk.} Mr. Yarmuth votes no.
990 Ms. Clarke.
991 Ms. {Clarke.} No.
992 The {Clerk.} Ms. Clarke votes no.

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993 Mr. Loeb sack.

994 Mr. {Loeb sack.} No.

995 The {Clerk.} Mr. Loeb sack votes no.

996 Mr. Schrader.

997 Mr. {Schrader.} Yes.

998 The {Clerk.} Mr. Schrader votes yes.

999 Mr. Kennedy.

1000 Mr. {Kennedy.} No.

1001 The {Clerk.} Mr. Kennedy votes no.

1002 Mr. Cardenas.

1003 [No response.]

1004 The {Clerk.} Chairman Upton.

1005 The {Chairman.} Votes aye.

1006 The {Clerk.} Chairman Upton votes aye.

1007 The {Chairman.} Members wishing to cast a vote that

1008 didn't? The gentleman--Mr. Whitfield.

1009 Mr. {Whitfield.} Aye.

1010 The {Clerk.} Mr. Whitfield votes aye.

1011 The {Chairman.} Hr. Harper.

1012 Mr. {Harper.} Aye.

1013 The {Clerk.} Mr. Harper votes aye.

1014 The {Chairman.} Mr. Kinzinger.

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

1015 Mr. {Kinzinger.} Yes.

1016 The {Clerk.} Mr. Kinzinger votes aye.

1017 The {Chairman.} Mrs. Brooks.

1018 Mrs. {Brooks.} Aye.

1019 The {Clerk.} Mrs. Brooks votes aye.

1020 The {Chairman.} Mr. Mullin.

1021 Mr. {Mullin.} Aye.

1022 The {Clerk.} Mr. Mullin votes aye.

1023 Mr. {Guthrie.} Aye.

1024 The {Chairman.} Votes aye.

1025 The {Clerk.} Mr. Guthrie votes aye.

1026 The {Chairman.} Other members? Mr. Cardenas.

1027 Ms. {Schakowsky.} How am I recorded?

1028 The {Chairman.} Schakowsky.

1029 The {Clerk.} You are not currently recorded.

1030 Ms. {Schakowsky.} No.

1031 The {Clerk.} Ms. Schakowsky votes no.

1032 The {Chairman.} Mr. Cardenas.

1033 Mr. {Cardenas.} No.

1034 The {Clerk.} Mr. Cardenas votes no.

1035 The {Chairman.} Other members wishing to cast a vote?

1036 Ellmers, I am sorry.

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1037 Mrs. {Ellmers.} Yes.

1038 The {Clerk.} Mrs. Ellmers votes aye.

1039 The {Chairman.} Other members?

1040 Seeing none, the clerk will report the tally.

1041 Mr. Barton? How is Mr. Barton recorded?

1042 The {Clerk.} Mr. Barton is not recorded.

1043 Mr. {Barton.} I am not recorded?

1044 The {Chairman.} On the Pompeo amendment.

1045 Mr. {Barton.} Pompeo? Yes.

1046 The {Clerk.} Mr. Barton votes aye.

1047 The {Chairman.} Other members?

1048 The clerk will again report the tally.

1049 {Voice.} Is that what happens when you are--

1050 {Voice.} Hey, Tony.

1051 The {Chairman.} There will be no thumbtack on your

1052 chair.

1053 The {Clerk.} Mr. Chairman, on that vote there were 28

1054 ayes and 21 nays.

1055 The {Chairman.} Twenty-eight ayes, 21 nays. The

1056 amendment is agreed to.

1057 Other amendments to the bill?

1058 Mr. {Tonko.} Mr. Chair.

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

1059 The {Chairman.} Mr. Tonko.

1060 Mr. {Tonko.} Thank you, Mr. Chair. I have an amendment
1061 at the desk.

1062 The {Chairman.} The clerk will report the title of the
1063 amendment.

1064 The {Clerk.} Amendment offered by Mr. Tonko of New York
1065 to the amendment in the nature of a substitute for H.R. 8.

1066 [The amendment of Mr. Tonko follows:]

1067 ***** INSERT 3 *****

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

|

1068 The {Chairman.} And the amendment will be considered as
1069 read, and the staff will distribute the amendment. And the
1070 gentleman is recognized for 5 minutes in support of his
1071 amendment.

1072 Mr. {Tonko.} Right. This is amendment number 23, Mr.
1073 Chair.

1074 Since the amendment to strike this section totally,
1075 offered by Representative Kennedy, failed, perhaps we will
1076 have better luck with the--this effort.

1077 Our colleagues stated a number of concerns with this
1078 section of the bill. My amendment does 3 things; it adds an
1079 impact analysis to this study by the RTOs and ISOs. This
1080 will give these operators a chance to comment--

1081 {Voice.} Mr. Chairman, can we get order in here? We
1082 can't hear a thing that is going on.

1083 The {Chairman.} Yeah, I will restart the clock.
1084 Gentlemen--

1085 Mr. {Pallone.} Mr. Chairman, could we find out which
1086 Tonko amendment this is again? Is this the one on capacity
1087 markets or FERC?

1088 Mr. {Tonko.} Twenty-three on capacity markets.

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1089 Mr. {Pallone.} Okay.

1090 {Voice.} Right?

1091 The {Chairman.} So are you okay with that? Is that the
1092 amendment?

1093 {Voice.} Yes.

1094 The {Chairman.} Okay. So the gentleman is now
1095 recognized for 5 minutes in support of his amendment.

1096 Mr. {Tonko.} Thank you, Mr. Chair.

1097 My amendment does three things; it adds an impact
1098 analysis to this study by the RTOs and ISOs. This will give
1099 these operators a chance to comment on any problems or
1100 changes that might result in their markets from adopting this
1101 definition of reliability. Second, it prevents FERC from
1102 issuing recommendations based on this study that would raise
1103 rates. There was much discussion about that aspect earlier
1104 with Mr. Kennedy's amendment. These recommendations seem
1105 more like mandates. FERC and RTOs have other mechanisms for
1106 supporting changes to rates if that, indeed, is necessary.
1107 Third, if reliability is the issue, and I am not sure that it
1108 is, then an RTO or an ISO that has already done a reliability
1109 needs assessment, and developed a comprehensive plan to
1110 address those identified needs, should not have to repeat

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1111 that analysis.

1112 My amendment does not relieve all concerns with this
1113 provision; we need to start again to do that, but this would
1114 broaden the analysis, prevent rates from increasing without
1115 appropriate consideration, and prevent RTOs and ISOs from
1116 performing duplicative and less robust analyses of their
1117 reliability needs.

1118 With that, I urge support of my amendment, and I yield
1119 back, Mr. Chair.

1120 The {Chairman.} The gentleman yields back.

1121 The chair would recognize the gentleman from Kentucky,
1122 Mr. Whitfield.

1123 Mr. {Whitfield.} Mr. Chairman, I would like to point
1124 out that in the bill, there is an entire section regarding
1125 study of wholesale electricity rates, because all of us
1126 understand the importance of maintaining reasonable
1127 electricity rates, certainly for the people who have limited
1128 economic means, but also for us to remain competitive in the
1129 global marketplace, and creating jobs and getting industries
1130 to expand and locate in America. So we all are focused on
1131 electricity rates. They have gone up in many areas,
1132 primarily because of a lot of the regulations coming out of

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1133 EPA on renewable energies, and we understand the reality of
1134 this transformation, but this amendment would amend Section
1135 1110 to prohibit FERC from making any recommendation that
1136 might increase electricity rates.

1137 Certainly, it is not our goal to increase any
1138 electricity rates, but we are primarily focused on
1139 reliability. People are frequently harmed much more if they
1140 lose their electricity because of reliability issues than
1141 they are in making sure that we have a reliable source of
1142 electricity. This is a critical factor, given what we
1143 learned about the difficulties of certain generation of
1144 electricity during the Polar Vortex and other emergency and
1145 severe weather conditions. So in this country, we cannot be
1146 out there vulnerable to severe weather conditions.

1147 Electricity prices are always a priority, but so is
1148 reliability and keeping the lights on. Therefore, we would
1149 prefer to keep this provision focused on doing just that. So
1150 Section 1110 is not focused primarily on electricity rates.
1151 We are looking at that through the wholesale electricity rate
1152 study at a separate part of this overall bill. Here, we are
1153 focusing on reliability. And we all have an admiration and
1154 respect for Mr. Tonko, but he, in effect, would prohibit the

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1155 analysis that we need to ensure reliability with this
1156 amendment. And so I would respectfully request that we not
1157 accept the Tonko amendment, and yield back the balance of my
1158 time.

1159 The {Chairman.} The gentleman yields back.

1160 The chair would recognize the gentleman from New Jersey
1161 for 5 minutes.

1162 Mr. {Pallone.} Thank you, Mr. Chairman.

1163 I am speaking in support of the Tonko amendment. This
1164 amendment would permit regional transmission organizations
1165 and independent system operators with a comprehensive
1166 reliability plan to opt-out of capacity market requirements
1167 in this legislation.

1168 Capacity markets were designed as a way to provide
1169 additional revenue to generators in an attempt to send market
1170 signals to build additional power generation. These
1171 experiments have proven ineffective and costly to consumers.
1172 They have also made it harder to ensure that future demand
1173 will be met, while also meeting reliability, affordability,
1174 and environmental goals.

1175 Capacity markets also make it difficult for consumers to
1176 receive power during emergency situations. When blizzard

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1177 snowed in the Northeast this year and drove power consumption
1178 up, generators played the capacity market for financial
1179 advantage, rather than providing consumers with needed power.
1180 A manmade climate change leads to more extreme weather and
1181 more extreme weather incidents, and we can only expect that
1182 Americans' need for reliable electricity will rise.

1183 Capacity markets impede the ability of load-serving
1184 energies to cost-effectively build their own generation
1185 resources or contract bilaterally for capacity. Despite
1186 billions of dollars of revenue paid to electric generators in
1187 RTO regions, few new power resources have been developed. In
1188 fact, when certain states stepped in to develop much-needed
1189 resources, which could have lowered prices, merchant
1190 generators encouraged changes in the market rules.

1191 So for these reasons, I urge members to support the
1192 Tonko amendment. And I yield back.

1193 The {Chairman.} Other members wishing to speak on the
1194 amendment? The gentleman from New Mexico. I almost said New
1195 Jersey, but New Mexico. The gentleman is recognized for 5
1196 minutes.

1197 Mr. {Lujan.} I yield to the gentleman from New York,
1198 Mr. Tonko.

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1199 Mr. {Tonko.} Yes. I thank the gentleman for yielding.

1200 And, Mr. Chair, I think the--it is very important that
1201 in this measure, in this legislation, we do make a very
1202 strong statement about preventing or denying rate increases,
1203 simply through a section that addresses reliability. There
1204 are other avenues by which FERC and the RTOs will review
1205 mechanisms for supporting changes to rates. Furthermore, if
1206 we are that concerned about the ratepayer impact here with
1207 this bill, why would we reduce drastically the investment
1208 that we are to make in transmission upgrades, which now has
1209 been reduced to--by many degrees to what it was intended to
1210 do?

1211 So I think that it is clear here that the impact is
1212 going to fall on ratepayers, and we ought to make certain,
1213 even with redundancy, that it is made clear that we don't
1214 raise those rates.

1215 I yield back.

1216 Mr. {Lujan.} Chairman, just to continue on that point
1217 is, I think what is concerning about the legislation overall
1218 is understanding that there was going to be a significant
1219 investment in support of transmission storage and
1220 distribution infrastructure, specifically to mitigate any

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1221 rate increases for low-income individuals, that now is not in
1222 this bill. So if we are going to talk about reliability,
1223 let's not forget the transmission corridors and the
1224 distributed generation aspects of significant investments
1225 that need to be made as we look to work with rural electric
1226 cooperatives across the country, investor-owned utilities.

1227 I don't know how many of you have been involved in a
1228 rate case yourselves, Mr. Chairman, but I have. Working for
1229 the New Mexico Public Regulation Commission, which is
1230 essentially the ratemaking body, it is the Public Utility
1231 Commission of New Mexico, you automatically build into your
1232 rate cases line loss; the amount of electrons, not just
1233 because of physics that you lose through lines, but because
1234 of the age of this infrastructure. And so when we talk about
1235 reliability across the country, and an aspect that was
1236 hopeful to--and I still hope, Mr. Chairman, many of us want
1237 to be able to get to a place where we can lend support for
1238 this important piece of legislation, but when we talk about
1239 reliability the most and impact to ratepayers, and we can lay
1240 a path forward to provide that investment by looking at this
1241 piece as well, I certainly hope that those aspects will be
1242 included as we have a chance to be able to deliberate that

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1243 and find a way to yes again, Mr. Chairman.

1244 So with that, Mr. Chairman, I yield back the balance of
1245 my time.

1246 The {Chairman.} If the gentleman yields, I will just--I
1247 look forward to getting you to a yes at the end of the day.

1248 So--other members wishing to speak on this amendment?

1249 The gentleman from Illinois, Mr. Shimkus.

1250 Mr. {Shimkus.} Yeah, just a minute, Mr. Chairman, thank
1251 you.

1252 We are really talking about three ISOs in the country.

1253 I live in one of them, as my colleague from Massachusetts

1254 knows. We have talked about it a couple of times.

1255 Transmission--the building of new transmission line is much

1256 more costly than keeping current generating plants operating

1257 today. So there is a debate about, if you are talking about

1258 cost, keeping major generation online is--would save you

1259 money than building multiple transmission lines across the

1260 country. We are dealing with some in my district, and you

1261 get the, not in my backyard, you get all the problems. We

1262 have three going on right now. It is trying to wheel wind

1263 power from Kansas to not even our state; to states out east,

1264 because of Federal Government-regulated PURPA requirements.

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1265 And it is more costly than if we would keep our major
1266 generating units operating.

1267 So those parts need to be part of this debate and
1268 discussion, I think the cost analysis and other provisions of
1269 this bill. I would ask my colleagues to, again, support
1270 Chairman Whitfield and vote against the Tonko amendment.

1271 And I yield back.

1272 The {Chairman.} The gentleman yields back.

1273 The gentleman from Massachusetts.

1274 Mr. {Kennedy.} Thank you, Mr. Chairman. Strike the
1275 last word.

1276 I want to thank Mr. Whitfield and Mr. Shimkus for their
1277 efforts in prolonged discussions around capacity auctions,
1278 and particularly what took place in Massachusetts and your
1279 willingness to engage with me on those issues, and I am
1280 grateful for it.

1281 I do, however, still harbor reservations about this
1282 section, obviously, in 1110, and support Mr. Tonko's
1283 amendment, and wanted to speak on behalf of it.

1284 There is another amendment--or another section of this
1285 bill, as I think--I believe, Chairman, you had indicated, or
1286 Mr. Whitfield indicated, that does a--or asks for a GAO study

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1287 that looks at the capacity markets writ large, and a full-on
1288 evaluation as to how they are working. I think part of the
1289 issue is that some of the requirements and the specificities
1290 in Section 1110 as they are drawn up don't actually apply to
1291 the political and practical reality in some of those
1292 marketplaces that you touched on, Mr. Shimkus. And so I
1293 think I would ask other colleagues to support Mr. Tonko's
1294 amendment. The fact of the matter is is that the way that
1295 these markets are structured, again, at least in New England,
1296 to try to incentivize sufficient capacity, while being
1297 focused on reliability, part of the issue for consumers is
1298 not just do you turn the lights on, it is--or do you get a
1299 reasonable price, it is, is there, in fact--are the lights
1300 going to turn on. And, in fact, that is the focus of our
1301 grid operator and ISO in New England is to make sure that
1302 those rates turn--or those lights turn on at a just and
1303 reasonable price. So reliability is a key concern,
1304 obviously, and it is a concern for consumers. We just need
1305 to make sure that these markets are functioning in a way such
1306 that lights turn on at a just and reasonable price, and are
1307 informed by local concerns around what that portfolio of
1308 electricity generation should look like.

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1309 I yield back.

1310 The {Chairman.} The gentleman yields back.

1311 The chair would recognize Mr. Doyle for 5 minutes.

1312 Mr. {Doyle.} Thank you, Mr. Chairman.

1313 You know, this is unfortunate. I wish we did have more
1314 time to have more discussion on this section. I worry a lot
1315 about the--you know, when you look at prices and reliability,
1316 and you think about base capacity in this country, about 25
1317 percent of our base capacity is nuclear. It is greenhouse
1318 gas-free. But it is being undercut by the pricing right now
1319 on natural gas, and what we are seeing all across the country
1320 is a default to natural gas that is every--you know, any new
1321 capacity that is coming online that we are seeing the base
1322 capacity, it is natural gas and it is because of the price.
1323 In my State of Pennsylvania, it is even higher than 25
1324 percent.

1325 If we are going to be able to meet the goals of the
1326 Clean Power Act, and to reduce greenhouse gases, I would
1327 submit to you that if we start to lose the nuclear portfolio
1328 in this country because the pricing is high right now, it is
1329 expensive to operate and a lot of these nuclear plants are
1330 going through relicensing, and we start to lose that base

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1331 capacity, it is going to be replaced by something, other base
1332 capacity, that is most likely going to be natural gas, which
1333 has greenhouse gas emissions, and makes it even more
1334 difficult for states like mine to comply with the Clean Power
1335 Act.

1336 We need reliability. We all saw what happened during
1337 the Polar Vortex. You just can't legislate that rates can't
1338 go up, because if it is going to be a pricing decision, you
1339 are going to start to price out the higher, expensive
1340 utilities, and nuclear is one of those things that is going
1341 to get priced out of the market. And I think that is going
1342 to have long-term bad implications for the country long-term
1343 as we try to meet our goals on climate change.

1344 So I think it would be--you know, to not have a section
1345 on reliability in this bill makes no sense, but I think the
1346 dilemma we find ourselves in as Democrats, or many on this
1347 side of the aisle that are sensitive to these issues, is that
1348 somehow this process just got accelerated. You know, 110
1349 pages got added to this bill 24 hours ago. Much of us
1350 haven't just had the time to really digest everything that is
1351 in this bill and what it means. And I think we find
1352 ourselves in a situation where we are reluctant to support

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1353 many of these provisions without having a chance to further
1354 discuss them.

1355 If this bill has any chance of becoming law, and as it
1356 is written right now, it doesn't, some time between this
1357 markup and when this bill gets some floor action, we need a
1358 chance to sit down and discuss some of the ways we can amend
1359 provisions in this bill to make sure that this bill does meet
1360 the reliability concerns that we all share for our country.
1361 And I don't think we can simply--you know, we are not going
1362 to go back to a regulated market that just says, well, you
1363 know, we want reliability but we don't want any of the rates
1364 to go up. I--that is just not based in the real world, and I
1365 think all of us here on this committee, at least, understand
1366 that.

1367 So, Mr. Chairman, I would just say we have work to do.
1368 I am sympathetic to what Mr. Kennedy has said and what Mr.
1369 Tonko is saying, but I don't think any of their amendments
1370 are the answer either, but we clearly need to do some more
1371 work on this.

1372 Yield back.

1373 The {Chairman.} The gentleman yields back.

1374 Other members wishing to speak on the Tonko amendment?

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1375 Seeing none, roll call is requested. The clerk will
1376 call the roll on the Tonko amendment.
1377 The {Clerk.} Mr. Barton.
1378 Mr. {Barton.} No.
1379 The {Clerk.} Mr. Barton votes no.
1380 Mr. Whitfield.
1381 Mr. {Whitfield.} No.
1382 The {Clerk.} Mr. Whitfield votes no.
1383 Mr. Shimkus.
1384 Mr. {Shimkus.} No.
1385 The {Clerk.} Mr. Shimkus votes no.
1386 Mr. Pitts.
1387 [No response].
1388 The {Clerk.} Mr. Walden.
1389 [No response.]
1390 The {Clerk.} Mr. Murphy.
1391 Mr. {Murphy.} No.
1392 The {Clerk.} Mr. Murphy votes no.
1393 Mr. Burgess.
1394 [No response.]
1395 The {Clerk.} Mrs. Blackburn.
1396 [No response.]

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1397 The {Clerk.} Mr. Scalise.
1398 [No response.]
1399 The {Clerk.} Mr. Latta.
1400 Mr. {Latta.} No.
1401 The {Clerk.} Mr. Latta votes no.
1402 Mrs. McMorris Rodgers.
1403 [No response.]
1404 The {Clerk.} Mr. Harper.
1405 Mr. {Harper.} No.
1406 The {Clerk.} Mr. Harper votes no.
1407 Mr. Lance.
1408 Mr. {Lance.} No.
1409 The {Clerk.} Mr. Lance votes no.
1410 Mr. Guthrie.
1411 Mr. {Guthrie.} No.
1412 The {Clerk.} Mr. Guthrie votes no.
1413 Mr. Olson.
1414 Mr. {Olson.} No.
1415 The {Clerk.} Mr. Olson votes no.
1416 Mr. McKinley.
1417 Mr. {McKinley.} No.
1418 The {Clerk.} Mr. McKinley votes no.

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1419 Mr. Pompeo.

1420 Mr. {Pompeo.} No.

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

1422 Mr. Kinzinger.

1423 Mr. {Kinzinger.} No.

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

1425 Mr. Griffith.

1426 Mr. {Griffith.} No.

1427 The {Clerk.} Mr. Griffith votes no.

1428 Mr. Bilirakis.

1429 Mr. {Bilirakis.} No.

1430 The {Clerk.} Mr. Bilirakis votes no.

1431 Mr. Johnson.

1432 Mr. {Johnson.} No.

1433 The {Clerk.} Mr. Johnson votes no.

1434 Mr. Long.

1435 Mr. {Long.} No.

1436 The {Clerk.} Mr. Long votes no.

1437 Mrs. Ellmers.

1438 Mrs. {Ellmers.} No.

1439 The {Clerk.} Mrs. Ellmers votes no.

1440 Mr. Bucshon.

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1441 Mr. {Bucshon.} No.

1442 The {Clerk.} Mr. Bucshon votes no.

1443 Mr. Flores.

1444 Mr. {Flores.} No.

1445 The {Clerk.} Mr. Flores votes no.

1446 Mrs. Brooks.

1447 [No response].

1448 The {Clerk.} Mr. Mullin.

1449 [No response].

1450 The {Clerk.} Mr. Hudson.

1451 [No response.]

1452 The {Clerk.} Mr. Collins.

1453 Mr. {Collins.} No.

1454 The {Clerk.} Mr. Collins votes no.

1455 Mr. Cramer.

1456 Mr. {Cramer.} No.

1457 The {Clerk.} Mr. Cramer votes no.

1458 Mr. Pallone.

1459 Mr. {Pallone.} Aye.

1460 The {Clerk.} Mr. Pallone votes aye.

1461 Mr. Rush.

1462 Mr. {Rush.} Aye.

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1463 The {Clerk.} Mr. Rush votes aye.
1464 Ms. Eshoo.
1465 Ms. {Eshoo.} Aye.
1466 The {Clerk.} Ms. Eshoo votes aye.
1467 Mr. Engel.
1468 Mr. {Engel.} Aye.
1469 The {Clerk.} Mr. Engel votes aye.
1470 Mr. Green.
1471 Mr. {Green.} Aye.
1472 The {Clerk.} Mr. Green votes aye.
1473 Ms. DeGette.
1474 Ms. {DeGette.} Aye.
1475 The {Clerk.} Ms. DeGette votes aye.
1476 Mrs. Capps.
1477 Mrs. {Capps.} Aye.
1478 The {Clerk.} Mrs. Capps votes aye.
1479 Mr. Doyle.
1480 Mr. {Doyle.} No.
1481 The {Clerk.} Mr. Doyle votes no.
1482 Ms. Schakowsky.
1483 Ms. {Schakowsky.} Aye.
1484 The {Clerk.} Ms. Schakowsky votes aye.

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1485 Mr. Butterfield.

1486 Mr. {Butterfield.} Aye.

1487 The {Clerk.} Mr. Butterfield votes aye.

1488 Ms. Matsui.

1489 Ms. {Matsui.} Aye.

1490 The {Clerk.} Ms. Matsui votes aye.

1491 Ms. Castor.

1492 Ms. {Castor.} Aye.

1493 The {Clerk.} Ms. Castor votes aye.

1494 Mr. Sarbanes.

1495 Mr. {Sarbanes.} Aye.

1496 The {Clerk.} Mr. Sarbanes votes aye.

1497 Mr. McNerney.

1498 Mr. {McNerney.} Aye.

1499 The {Clerk.} Mr. McNerney votes aye.

1500 Mr. Welch.

1501 Mr. {Welch.} Aye.

1502 The {Clerk.} Mr. Welch votes aye.

1503 Mr. Lujan.

1504 Mr. {Luan.} Aye.

1505 The {Clerk.} Mr. Lujan votes aye.

1506 Mr. Tonko.

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1507 Mr. {Tonko.} Aye.

1508 The {Clerk.} Mr. Tonko votes aye.

1509 Mr. Yarmuth.

1510 Mr. {Yarmuth.} Aye.

1511 The {Clerk.} Mr. Yarmuth votes aye.

1512 Ms. Clarke.

1513 Ms. {Clarke.} Aye.

1514 The {Clerk.} Ms. Clarke votes aye.

1515 Mr. Loeb sack.

1516 Mr. {Loeb sack.} Aye.

1517 The {Clerk.} Mr. Loeb sack votes aye.

1518 Mr. Schrader.

1519 Mr. {Schrader.} Aye.

1520 The {Clerk.} Mr. Schrader votes aye.

1521 Mr. Kennedy.

1522 Mr. {Kennedy.} Aye.

1523 The {Clerk.} Mr. Kennedy votes aye.

1524 Mr. Cardenas.

1525 Mr. {Cardenas.} Aye.

1526 The {Clerk.} Mr. Cardenas votes aye.

1527 Chairman Upton.

1528 The {Chairman.} Votes no.

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1529 The {Clerk.} Chairman Upton votes no.

1530 The {Chairman.} Other members wishing to cast a vote?

1531 Mr. Mullin?

1532 Mr. {Mullin.} No.

1533 The {Clerk.} Mr. Mullin votes no.

1534 The {Chairman.} Mrs. Blackburn.

1535 Mrs. {Blackburn.} No.

1536 The {Clerk.} Mrs. Blackburn votes no.

1537 The {Chairman.} Mrs. Brooks.

1538 Mrs. {Brooks.} No.

1539 The {Clerk.} Mrs. Brooks votes no.

1540 The {Chairman.} Mr. Pitts.

1541 Mr. {Pitts.} No.

1542 The {Clerk.} Mr. Pitts votes no.

1543 The {Chairman.} Other members wishing to cast a vote?

1544 Seeing none, the clerk will report the tally.

1545 The {Clerk.} Mr. Chairman, on that vote there were 22

1546 ayes and 27 nays.

1547 The {Chairman.} Twenty-two ayes, 27 nays. The

1548 amendment is not agreed to.

1549 Other members wishing to offer an amendment?

1550 The gentleman from New York, Mr. Collins, has an

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1551 amendment at the desk?

1552 Mr. {Collins.} I do have an amendment at the desk, Mr.
1553 Chairman.

1554 The {Chairman.} And the--which--the clerk will report
1555 the title of the amendment.

1556 The {Clerk.} Amendment offered by Mr. Collins of New
1557 York to the amendment in the nature of a substitute for H.R.
1558 8.

1559 [The amendment of Mr. Collins follows:]

1560 ***** INSERT 4 *****

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|

1561 The {Chairman.} The amendment will be considered as
1562 read. The staff will distribute the amendment, and the
1563 gentleman is recognized for 5 minutes.

1564 Mr. {Collins.} Thank you, Mr. Chairman.

1565 Today, I offer an amendment that I do plan to withdraw
1566 that would give residential boilers the same flexibility in
1567 complying with new and more stringent annual fuel rating
1568 efficiency standards, as residential furnaces in the
1569 underlying bill and manager's amendment.

1570 The Department of Energy issued a notice of proposed
1571 rulemaking earlier this year to increase fuel rating
1572 efficiency standards for residential boilers that use natural
1573 gas, propane, and heating oil to heat water in millions of
1574 homes across America. There are estimated to be between 8
1575 and 10 million of these boilers in homes across America,
1576 making it a tall order to replace millions that do not meet
1577 this new rule.

1578 The Air Conditioning, Heating, and Refrigeration
1579 Institute estimate that three out of every four homes in the
1580 United States heated by a boiler are over 55 years old.
1581 Additionally, half of those housing units heated by a boiler

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1582 are over 65 years old.

1583 My district is home to many of these older homes that
1584 were constructed in the 1950s and '60s. There are many homes
1585 like this throughout the Northeast, and in making haste with
1586 this rule it will put a huge burden on homeowners. Making
1587 changes to the boiler in one's home will not only be costly,
1588 especially to those who may often not have the resources to
1589 update their home boilers, but if not done correctly, this
1590 rule could endanger the health and the property of the
1591 homeowners. We cannot make haste with a rule that is going
1592 to affect millions of homeowners overnight. That is why my
1593 amendment is simple; it gives installers, manufacturers,
1594 homeowners, and all stakeholders the additional time they
1595 need to study whether these standards can be reasonably met.

1596 And I hope perhaps later, the Energy and Commerce
1597 Committee can deal with this as we enter the heating system.
1598 But, Mr. Chairman, for now, I do withdraw the amendment.

1599 The {Chairman.} The gentleman withdraws his amendment
1600 and the other amendments to the bill. I would note that at
1601 the beginning, we noticed that there was a bipartisan
1602 amendment, the McMorris Rodgers-McNerney, the Big Mac
1603 amendment.

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1604 Ms. {McMorris Rodgers.} Thank you--

1605 The {Chairman.} They have an amendment at the desk.

1606 Mrs. {McMorris Rodgers.} Thank you, Chairman. Yes,
1607 amendment labeled FC Hydro 2.

1608 The {Chairman.} And the clerk will report the title of
1609 the amendment.

1610 The {Clerk.} Amendment offered by Mrs. McMorris Rodgers
1611 of Washington to the amendment in the nature of a substitute
1612 for H.R. 8.

1613 [The amendment of Mrs. McMorris Rodgers follows:]

1614 ***** INSERT 5 *****

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|

1615 The {Chairman.} And the amendment will be considered as
1616 read, and the staff will distribute the amendment. And the
1617 gentlelady from Washington State will be recognized for 5
1618 minutes.

1619 Mrs. {McMorris Rodgers.} Thank you, Mr. Chairman. And
1620 thank you for moving forward on this important legislation,
1621 architecture of abundance, this important markup. And I also
1622 want to thank my colleague from California, Mr. McNerney, for
1623 working on me--working with me on this particular amendment.

1624 As we continue to promote an all-of-the-above approach
1625 to energy, I believe it is very important that we include our
1626 Nation's largest, cleanest, most affordable, and renewable
1627 energy source; that being hydropower.

1628 You know, a couple of years ago, there was a study done
1629 by the National Hydro Association that highlighted that we
1630 could double hydropower in this country without building a
1631 new dam, simply by unleashing the potential of hydro. There
1632 are many, many dams that don't even have--they are not--that
1633 are not hydroelectric.

1634 In my home State of Washington, more than 70 percent of
1635 our energy is produced from clean and renewable hydropower,

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1636 yet the process for licensing hydropower can be very
1637 confusing, costly, and cumbersome. And this amendment seeks
1638 to correct it.

1639 I think it is also important--I think a lot of people
1640 think of hydropower as something that we did 70 or 80 years
1641 ago, and that it is not necessarily as--there is not as much
1642 potential today, but there is huge potential. And also
1643 because of technology, we have improved fish runs, new fish
1644 ladders, it is a different day and I want to make sure that
1645 we are continue--continuing to unleash this source.

1646 So this amendment addresses the burdens that are often
1647 found when trying to go through the licensing procedures, and
1648 it is creating more flexibility and more reliability in our
1649 grid.

1650 So there are commonsense changes included in the--
1651 included in this amendment, like allowing FERC to develop a
1652 schedule in consultation with the federal and state agencies
1653 and the tribes for hydropower licensing, and then holding
1654 them accountable to that schedule. Making the licensing
1655 study process more efficient so that we can get this low-cost
1656 source of power to communities faster. Unleashing ingenuity
1657 to increase hydropower production will lower energy costs and

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1658 help create thousands of jobs.

1659 And again, I thank my colleague from California for
1660 working with me on this amendment, and urge support. And I
1661 urge the balance of my time to the--my colleague from
1662 California, Mr. McNerney.

1663 Mr. {McNerney.} Well, I thank the gentlewoman from
1664 Washington State.

1665 This is a bipartisan effort, and I want to thank my
1666 colleague for working with me on this.

1667 Hydropower is a renewable source, and displaces
1668 greenhouse gas-producing power. About 200 million metric
1669 tons of carbon dioxide a year is displaced by hydropower.
1670 Hydropower licensing typically takes about 10 years to
1671 reauthorize an existing facility, and compare that to about
1672 18 months to authorize a new natural gas facility. So there
1673 is a little bit of an imbalance here.

1674 Over the next 15 years, there will be 500 hydropower
1675 plants that will require reauthorizing. The 10-year process
1676 is expensive, it is a deterrent. We need to streamline this
1677 and clear it up. This amendment does that. It is an effort
1678 to modernize and streamline the relicensing process, and it
1679 builds on the provisions that are already in the amendment in

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1680 the nature of a substitute.

1681 This amendment is a compromise. It doesn't have
1682 everything I wanted. I don't think it has everything that my
1683 colleague wanted. But it will clearly make the licensing
1684 process more efficient, and I am certainly in favor of that.

1685 Basically, in addition to the provision that my
1686 colleague mentioned, it requires the agencies to move in
1687 parallel instead of in sequence. So that will speed up the
1688 process considerably.

1689 And with that, I ask my colleagues to join in support of
1690 this bipartisan amendment. And I yield back to the
1691 gentlewoman from Washington State.

1692 The {Chairman.} The gentlelady yields back.

1693 Other members wishing to speak? The gentleman from New
1694 Jersey, Mr. Pallone.

1695 Mr. {Pallone.} Thank you, Mr. Chairman. I want to
1696 speak in opposition to the amendment.

1697 I was actually surprised by the hydroelectric licensing
1698 language in the chairman's substitute amendment. While I
1699 didn't agree with everything in the substitute, it
1700 represented a reasonable starting point for efforts to expand
1701 the use of hydroelectric power in cost-effective and

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1702 environmentally benign ways, and it was a far cry from the
1703 extremist industry wish list language that appeared in the
1704 majority's initial energy bill draft. It is certainly
1705 language many of us could work with, and I only wish the
1706 majority had put it forward much earlier and would stick with
1707 it, because now, my optimism proved to be short-lived with
1708 this new amendment.

1709 While hydroelectric power can be an important source of
1710 baseload generation that does not emit a pollution into the
1711 air, it can cause major harm to fish and wildlife
1712 populations, water quality, and other important resources.
1713 Hydroelectric power depends on rivers for fuel, and those
1714 rivers belong to all the American people, not just those who
1715 sell or buy the power generated from it.

1716 The Federal Power Act requires FERC to balance those
1717 competing interests in issuing a license because no one use
1718 of a river; power, drinking water, irrigation, recreation, or
1719 whatever, should dominate over other equally important uses.
1720 If the license might impact a protected resource such as a
1721 wild and scenic river, a national wildlife refuge, or a
1722 national park, then the federal department secretary
1723 responsible for that resource gets to put conditions on the

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1724 license in order to ensure its protection. Similarly, tribes
1725 whose lands are impacted get to ensure their resources are
1726 protected, and governors are able to weigh-in to maintain
1727 water quality that is vital to their states.

1728 The problem is that the language in this amendment has
1729 not been the subject of hearings, or even circulated to the
1730 public, prior to this morning. This amendment was not
1731 drafted with the input of the conservation and recreation
1732 community, the states, farmers, natural resource agencies, or
1733 Native American tribes, whose authorities or interests would
1734 be trampled by this amendment. This amendment is designed to
1735 make the process better for one stakeholder; that is the
1736 industry, while excluding and disenfranchising all the other
1737 stakeholders.

1738 Now, supporters say that the amendment makes the
1739 approval process for non-federal hydropower more efficient
1740 and collaborative, but there is nothing collaborative about
1741 federalizing the states' role in enforcing state law
1742 facilities holding within a state. There is nothing
1743 collaborative about using the power of the Federal Government
1744 to determine what reviews and studies are necessary for
1745 Native American tribes to protect their sacred homelands.

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1746 And this is a massive expansion of federal authority and a
1747 trampling of states' rights.

1748 It may be efficient to take away states' authority to
1749 protect their citizens, but that doesn't make it right. This
1750 amendment gives FERC and, thus, effectively, the power
1751 company, the power to limit scope of environmental review.
1752 In practice, this will limit the scope of the Clean Water Act
1753 and the Endangered Species Act to whatever FERC says it
1754 should be. And FERC has neither the in-house expertise nor
1755 the inclination to do this. When FERC staff testified before
1756 the committee back in May, Ann Miles specifically stated that
1757 she did not want to strip the states' or other federal
1758 agencies' authorities away, and this amendment would strip
1759 that authority away.

1760 So again, I actually was hopeful that the substitute had
1761 some language that, you know, was pretty good or at least
1762 didn't have as many problems, but this amendment changes that
1763 considerably and basically takes away so many other ways to
1764 guarantee proper licensing, so I have to speak in opposition
1765 to it, Mr. Chairman.

1766 I yield back.

1767 The {Chairman.} The gentleman yields back.

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1768 Other members wishing to speak on the amendment?

1769 Seeing--gentlelady from Colorado, Ms. DeGette.

1770 Ms. {DeGette.} Thank you very much, Mr. Chairman.

1771 I just wanted to talk a minute about the hydropower work

1772 that has been happening on both sides of the aisle over the

1773 summer. Following the passage of the successful legislation

1774 that Congresswoman McMorris Rodgers and a bunch of us did

1775 last year, we--our staffs have been working to draft

1776 comprehensive hydropower legislation that would address a lot

1777 of the issues that are brought up in this amendment;

1778 improving the licensing process, reducing duplicative

1779 studies, reauthorizing hydropower incentives, and taking a

1780 fresh look at how closed-loop pump storage projects are

1781 approved. That is just a few of the things the staff have

1782 been looking at.

1783 The Federal Energy Regulatory Commission is the lead

1784 agency for overseeing hydropower licensing, which requires

1785 coordinating with multiple other federal agency stakeholders.

1786 The bill that we have been working on would address the

1787 coordination process between the federal agencies, and it

1788 would direct FERC to develop a process for the agencies to

1789 resolve disagreements around licensing issues.

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1790 We have worked diligently to ensure that a process is
1791 outlined that would ensure that hydropower licensing and
1792 relicensing occurs on a clear timetable, so that companies
1793 investing in renewable energy are not left in limbo, and so
1794 the licensing process is transparent to the public.

1795 The working group has also made an effort to reduce
1796 duplicative studies to speed up the environmental impact
1797 reviews. We have consulted with organizations to make sure
1798 incentives exist for the implementation of advanced
1799 hydropower technologies, and we are diligently exploring how
1800 to best incentivize closed-loop pumped storage, which could
1801 prove to be particularly beneficial in western states. And
1802 it also provides great reliable power to an increasingly
1803 complex grid.

1804 Lastly, we are developing language to address adding
1805 hydropower at non-powered dams, which I know is in this bill.
1806 We also support the reauthorization of the hydropower
1807 production incentives that were originally included in the
1808 Energy Policy Act of 2005. I would ask the majority though
1809 not to consider hydropower sections in H.R. 8 as the last
1810 word from the committee because I think we can continue to
1811 work after this markup. Of course, Mr. McNerney is--and his

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1812 staff are a key member of this committee, and we would really
1813 like to have bipartisan hydropower legislation. I think that
1814 this amendment represents progress, but I am concerned
1815 because, frankly, it took a bunch of us who are working on
1816 that committee a little by surprise, I think Mr. Pallone
1817 mentioned that, and we haven't had time yet to review it with
1818 stakeholders. And I am also concerned, sadly, and I stress
1819 sadly, because H.R. 8 is no longer a consensus bill, I am
1820 worried that if the larger bill doesn't pass because of
1821 partisan disagreements, that hydropower, which this amendment
1822 is a bipartisan amendment, and I worry that hydropower is
1823 going to be a casualty of that. I hope that won't happen,
1824 and I look forward to continuing to work with both of the
1825 sponsors of this amendment as our efforts move forward,
1826 because this is really something we can do on a bipartisan
1827 basis.

1828 The {Chairman.} Would the gentlelady yield?

1829 Ms. {DeGette.} I would be happy to yield.

1830 The {Chairman.} Let me just say, I am committed to
1831 hydropower. I think this is a very good amendment. I know
1832 there is some division in terms of does it go far enough or
1833 whatnot. Again, I am going to voice my optimism, my

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1834 encouragement that this bill is going to move forward. We
1835 have work to do, not only here in the House, but obviously
1836 with the Senate, and I do feel pretty much like I did, to use
1837 an analogy that I sometimes use, with--about my Cubbies; it
1838 is going to happen. I made the prediction earlier this
1839 spring, as Mr. Shimkus knows, I said we are going to make the
1840 playoffs, and by God, we did. And I don't know, but
1841 hydropower is important. I would like to have it in this
1842 bill. I would like this bill to get to the President and for
1843 him to sign. And if somehow it gets stalled, we will come
1844 back to it. And I appreciate the leadership on both sides to
1845 try and get this done, but I think that it adds to the
1846 support in this bill and I look forward to working this issue
1847 throughout the entire process. So--

1848 Ms. {DeGette.} So reclaiming--

1849 The {Chairman.} --with that--

1850 Ms. {DeGette.} Reclaiming my 30 seconds, I would just
1851 say I agree with you on hydropower, Mr. Chairman, and I hope--
1852 --as this bill moves along, I really look forward to working
1853 with Mr. McNerney and Mrs. McMorris Rodgers.

1854 Mrs. {McMorris Rodgers.} Would--

1855 Ms. {DeGette.} And I would be happy to yield, yes.

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1856 Mrs. {McMorris Rodgers.} Would the lady yield? Yes. I
1857 too look forward to continuing to work in this legislation
1858 and in the working group to figure out that common ground in
1859 a bipartisan way, that we can continue to unleash the
1860 potential that hydropower offers for this country. And I
1861 appreciate working with the lady from Colorado last Congress
1862 on legislation for small hydropower projects, like in canals
1863 or streams. I mean there is potential and I just hope the
1864 committee continues to recognize that, and we want to keep
1865 building on it. Thank you.

1866 Ms. {DeGette.} Yield back.

1867 The {Chairman.} Time has expired.

1868 The gentleman from Maryland is recognized for 5 minutes.

1869 Mr. {Sarbanes.} Thank you, Mr. Chairman. I won't take
1870 5 minutes, but I wanted to provide a specific example of why
1871 I have some concerns with what is being proposed here.

1872 Actually, the Republican governor of my State of
1873 Maryland recently sent a letter to this committee expressing
1874 concern about these kinds of provisions that would impair
1875 state authority under the Clean Water Act to set licensing
1876 conditions that affect local water quality. And we have a
1877 specific situation in our state we are currently considering

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1878 the relicensing of the Conowingo Hydroelectric Dam on the
1879 Susquehanna River, which provides half of--that river
1880 provides half of all the freshwater that comes into the
1881 Chesapeake Bay, which makes it absolutely critical to the
1882 Bay's health. And as you know, and I think all know, the
1883 Chesapeake Bay is a very important economic driver, not just
1884 for Maryland but for the entire region. So we are trying to
1885 do what we can to restore the health of the Bay.

1886 In the past, the Conowingo Dam was trapping large
1887 amounts of suspended sediment that would have otherwise
1888 entered the Bay from the Susquehanna, but there is recent
1889 study showing that we have lost much of the dam's sediment
1890 storage capacity. So additional study here is required in
1891 order to better understand the full extent of the Conowingo
1892 Dam's impacts on the health of the Chesapeake Bay, and what
1893 licensing conditions are necessary to protect the Bay from
1894 these impacts. And without addressing that issue, Maryland
1895 may fail to meet its federal water quality requirements.

1896 So this is something very important to local communities
1897 with respect to water quality. And I have concerns about
1898 moving forward with broad changes to the hydropower
1899 relicensing requirements so quickly, without taking into

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1900 account the impact that it has with respect to our state and
1901 local partners. So I voice that concern, echoing those of
1902 Representative Pallone.

1903 And with that, I would yield back.

1904 The {Chairman.} The gentleman yields back.

1905 Other members wishing to speak? The gentleman from
1906 Oregon, Mr. Schrader.

1907 Mr. {Schrader.} Thank you, Mr. Chairman. I appreciate
1908 that. I will be brief.

1909 I just--my particular section of the United States, the
1910 Pacific Northwest, is very, very dependent on hydropower. We
1911 spend billions of dollars a year to make sure that the fish
1912 issue is well taken care of. We have a 98 percent survival
1913 rate with the new accelerated turbines. Hopefully, as I read
1914 the passage in the amendment, there is an opportunity to get
1915 credit for some of the innovative technology to make this
1916 river more fish-friendly, at the same time, saving ratepayers
1917 a lot of money. These licensing processes that take 10 years
1918 or better are crippling to the ratepayers. There is no
1919 rationale for reauthorization of an existing proven energy
1920 resource to take longer, sometimes five times longer, than
1921 those for fossil fuels. I just don't understand the

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1922 rationale why we would be in favor of a--an amendment that
1923 actually lines out very critically and very well what the
1924 priorities are and how you go through this.

1925 Right now in the Pacific Northwest, the ports are
1926 primarily dictating hydropower and reauthorization. I would
1927 submit to my colleges it is much more important to have a
1928 legislative process that we can continue to work on, as has
1929 been stated here, going forward.

1930 So I would urge my colleagues to look favorably upon the
1931 amendment. And I yield back.

1932 The {Chairman.} The gentleman yields back.

1933 Other members wishing to speak?

1934 Seeing none, the vote occurs on the amendment offered by
1935 McMorris Rodgers and Mr. McNerney.

1936 All those in favor will say aye.

1937 Those opposed, say no.

1938 Opinion of the chair the ayes have it. The ayes have it
1939 and the amendment is agreed to.

1940 Are there further amendments to the bill?

1941 The gentleman--recognize the gentleman from New Jersey,
1942 Mr. Pallone. Is there an amendment at the desk?

1943 Mr. {Pallone.} Yes, thank you, Mr. Chairman. The

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1944 amendment is EN Bill 15016.

1945 The {Chairman.} And the clerk will report the title of
1946 the amendment.

1947 The {Clerk.} Amendment offered by Mr. Pallone to the
1948 amendment in the nature of a substitute to H.R. 8.

1949 [The amendment of Mr. Pallone follows:]

1950 ***** INSERT 6 *****

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|

1951 The {Chairman.} And the staff--the amendment will be
1952 considered as read. The staff will distribute the amendment,
1953 and the gentleman is recognized for 5 minutes in support of
1954 his amendment.

1955 Mr. {Pallone.} Thank you, Mr. Chairman.

1956 My amendment is a simple one; to strike Section 1108,
1957 since the basis and need for this provision is completely
1958 lacking.

1959 Section 1108 would impose an unprecedented requirement
1960 for FERC to complete a reliability analysis of covered rules
1961 that cost over \$1 billion, and could impact just one electric
1962 generating unit. This section appears to be aimed straight
1963 at the Clean Power Plan and actions of the Administration to
1964 address the threat of climate change. Already, extreme
1965 weather events are costing us dearly, both in human life and
1966 in recovery costs. Our changing climate is exacerbating
1967 power outages in coastal areas as higher sea levels lead to
1968 more damage from storms. The power infrastructure is at
1969 higher risk from storm surges and coastal inundation, and the
1970 costs can be huge. Just look at the fallout from Super Storm
1971 Sandy. Since 2011, there has been more than 42 extreme

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1972 weather events in the United States that each caused at least
1973 \$1 billion in damages. Climate change is already imposing
1974 very real and very costly challenges for our nation, but once
1975 again, House Republicans are throwing up legislative
1976 roadblocks to prevent us from doing anything about it.

1977 With regard to the perceived purpose of this section,
1978 FERC certainly has the ability to comment on EPA rules if it
1979 so chooses. As the minimum, this--as a minimum, this
1980 provision is completely unnecessary. In fact, FERC already
1981 coordinates routinely with other federal agencies whose
1982 proposed or final rules affect the electric power sector. It
1983 is unclear whether FERC could either--would have either the
1984 resources or the ability to conduct an analysis within the
1985 short timeframes in this section. Second, state plans are
1986 the actual vehicles for implementation of the Clean Power
1987 Plan, so requiring FERC to analyze the final rule would be
1988 completely pointless. Frankly, FERC would be hard pressed to
1989 develop an accurate reliability analysis prior to the
1990 submission of state plans. And third, the final rule already
1991 requires each state to consider reliability concerns when
1992 developing a compliance plan, and EPA and FERC are
1993 coordinating their efforts to preserve continued reliable

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1994 electricity generation and transmission. Further, even if
1995 FERC were somehow able to put together the reliability in
1996 this section, the rule contains extended multiyear compliance
1997 timeframes that would limit the usefulness and accuracy of
1998 such predictions.

1999 See, these are all reasons to strike this section from
2000 the underlying bill. But perhaps the most important reason
2001 to support my amendment is because Section 1108 raises the
2002 specter of reliability failure where none exists. As EPA
2003 recently said, and I quote, ``Over the past 45 years, EPA has
2004 never issued a rule that has threatened the delivery of
2005 affordable and reliable electricity to American families.''
2006 And the Clean Power Plan will not change that. And I
2007 couldn't agree more with the statement from the EPA. In
2008 fact, the final Clean Power Plan provides states with a
2009 valuable tool to guarantee the reliability of the electric
2010 grid, and will help to ensure smooth transition to a cleaner
2011 energy future.

2012 So I urge adoption of my amendment. I don't think that
2013 what the underlying bill does in Section 1108 is at all
2014 necessary, and actually will be harmful.

2015 I yield back, Mr. Chairman.

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2016 The {Chairman.} The gentleman yields back.

2017 The chair would recognize the gentleman from Kentucky
2018 for 5 minutes.

2019 Mr. {Whitfield.} Mr. Chairman, thanks very much. And I
2020 ask the people to oppose the Pallone amendment.

2021 He basically is striking 1108, and I might say that this
2022 section is 1 of 4 sections that caused the entire breakdown
2023 of a bipartisan energy bill.

2024 And what does 1108 do? Well, many of you may remember
2025 when EPA passed the Utility Mercury Rule, a lot of
2026 lawsuits were filed, it took about 5 or 6 years to get
2027 through the court system, and the United States Supreme Court
2028 invalidated the law, saying that it was a violation of the
2029 Clean Air Act.

2030 And then FERC has come up here many times and testified
2031 on these regulations coming out of this Administration;
2032 whether it is EPA or some other agency, and they have said
2033 frequently that EPA particularly does not talk to them about
2034 the impact on reliability of some of these rules coming out
2035 of EPA. And FERC has the responsibility--part of the
2036 responsibility on reliability. So the section in the bill
2037 that so much--so many people are opposing, this is what it

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2038 does. It basically says that FERC must complete a
2039 reliability analysis of any federal agency rule that costs
2040 more than \$1 billion. I think most of us would acknowledge
2041 that EPA has been proactive in an unprecedented way because
2042 of the international commitments that President Obama has
2043 made on climate change. And we said before we all recognize
2044 the climate is changing; our only difference with the
2045 President is he believes it is the number one issue facing
2046 mankind, and many people do not believe it is the number one
2047 issue.

2048 So all that Section 11108--or 1108 does is that it
2049 requires FERC to do this analysis. So the agency with
2050 responsibility and oversight over the reliability of the
2051 electric grid must conduct a study if the regulation exceeds
2052 \$1 billion in cost, and specifically, they must look at
2053 electric reliability and resource adequacy; two, the
2054 electricity generation portfolio of the United States; three,
2055 the operation of the wholesale electricity markets; and four,
2056 energy delivery and infrastructure, including electric
2057 transmission facilities and natural gas pipelines. That is
2058 what 1108 does, and I don't think it is unreasonable when you
2059 have a regulation of that magnitude.

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2060 So I respectfully ask the members to not support the
2061 distinguished gentleman from New Jersey's amendment. And I
2062 yield back the balance of my time.

2063 The {Chairman.} The gentleman yields back.

2064 Other members wishing to speak on the amendment?

2065 Seeing none, the vote occurs on the amendment.

2066 {Voice.} Roll call.

2067 The {Chairman.} A roll call is requested. The clerk
2068 will call the roll.

2069 The {Clerk.} Mr. Barton.

2070 Mr. {Barton.} No.

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

2072 Mr. Whitfield.

2073 Mr. {Whitfield.} No.

2074 The {Clerk.} Mr. Whitfield votes no.

2075 Mr. Shimkus.

2076 Mr. {Shimkus.} No.

2077 The {Clerk.} Mr. Shimkus votes no.

2078 Mr. Pitts.

2079 Mr. {Pitts.} No.

2080 The {Clerk.} Mr. Pitts votes no.

2081 Mr. Walden.

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2082 [No response.]

2083 The {Clerk.} Mr. Murphy.

2084 [No response.]

2085 The {Clerk.} Mr. Burgess.

2086 Mr. {Burgess.} No.

2087 The {Clerk.} Mr. Burgess votes no.

2088 Mrs. Blackburn.

2089 Mrs. {Blackburn.} No.

2090 The {Clerk.} Mrs. Blackburn votes no.

2091 Mr. Scalise.

2092 [No response.]

2093 The {Clerk.} Mr. Latta.

2094 Mr. {Latta.} No.

2095 The {Clerk.} Mr. Latta votes no.

2096 Mrs. McMorris Rodgers.

2097 [No response.]

2098 The {Clerk.} Mr. Harper.

2099 [No response.]

2100 The {Clerk.} Mr. Lance.

2101 Mr. {Lance.} No.

2102 The {Clerk.} Mr. Lance votes no.

2103 Mr. Guthrie.

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2104 [No response.]

2105 The {Clerk.} Mr. Olson.

2106 Mr. {Olson.} No.

2107 The {Clerk.} Mr. Olson votes no.

2108 Mr. McKinley.

2109 Mr. {McKinley.} No.

2110 The {Clerk.} Mr. McKinley votes no.

2111 Mr. Pompeo.

2112 Mr. {Pompeo.} No.

2113 The {Clerk.} Mr. Pompeo votes no.

2114 Mr. Kinzinger.

2115 Mr. {Kinzinger.} No.

2116 The {Clerk.} Mr. Kinzinger votes no.

2117 Mr. Griffith.

2118 Mr. {Griffith.} No.

2119 The {Clerk.} Mr. Griffith votes no.

2120 Mr. Bilirakis.

2121 Mr. {Bilirakis.} No.

2122 The {Clerk.} Mr. Bilirakis votes no.

2123 Mr. Johnson.

2124 Mr. {Johnson.} No.

2125 The {Clerk.} Mr. Johnson votes no.

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2126 Mr. Long.
2127 Mr. {Long.} No.
2128 The {Clerk.} Mr. Long votes no.
2129 Mrs. Ellmers.
2130 Mrs. {Ellmers.} No.
2131 The {Clerk.} Mrs. Ellmers votes no.
2132 Mr. Bucshon.
2133 Mr. {Bucshon.} No.
2134 The {Clerk.} Mr. Bucshon votes no.
2135 Mr. Flores.
2136 Mr. {Flores.} No.
2137 The {Clerk.} Mr. Flores votes no.
2138 Mrs. Brooks.
2139 Mrs. {Brooks.} No.
2140 The {Clerk.} Mrs. Brooks votes no.
2141 Mr. Mullin.
2142 Mr. {Mullin.} No.
2143 The {Clerk.} Mr. Mullin votes no.
2144 Mr. Hudson.
2145 [No response.]
2146 The {Clerk.} Mr. Collins.
2147 Mr. {Collins.} No.

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

2148 The {Clerk.} Mr. Collins votes no.
2149 Mr. Cramer.
2150 Mr. {Cramer.} No.
2151 The {Clerk.} Mr. Cramer votes no.
2152 Mr. Pallone.
2153 Mr. {Pallone.} Aye.
2154 The {Clerk.} Mr. Pallone votes aye.
2155 Mr. Rush.
2156 Mr. {Rush.} Aye.
2157 The {Clerk.} Mr. Rush votes aye.
2158 Ms. Eshoo.
2159 Ms. {Eshoo.} Aye.
2160 The {Clerk.} Ms. Eshoo votes aye.
2161 Mr. Engel.
2162 Mr. {Engel.} Aye.
2163 The {Clerk.} Mr. Engel votes aye.
2164 Mr. Green.
2165 Mr. {Green.} Aye.
2166 The {Clerk.} Mr. Green votes aye.
2167 Ms. DeGette.
2168 Ms. {DeGette.} Aye.
2169 The {Clerk.} Ms. DeGette votes aye.

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

2170 Mrs. Capps.
2171 Mrs. {Capps.} Aye.
2172 The {Clerk.} Mrs. Capps votes aye.
2173 Mr. Doyle.
2174 Mr. {Doyle.} Aye.
2175 The {Clerk.} Mr. Doyle votes aye.
2176 Ms. Schakowsky.
2177 Ms. {Schakowsky.} Aye.
2178 The {Clerk.} Ms. Schakowsky votes aye.
2179 Mr. Butterfield.
2180 [No response.]
2181 The {Clerk.} Ms. Matsui.
2182 Ms. {Matsui.} Aye.
2183 The {Clerk.} Ms. Matsui votes aye.
2184 Ms. Castor.
2185 Ms. {Castor.} Aye.
2186 The {Clerk.} Ms. Castor votes aye.
2187 Mr. Sarbanes.
2188 Mr. {Sarbanes.} Aye.
2189 The {Clerk.} Mr. Sarbanes votes aye.
2190 Mr. McNerney.
2191 Mr. {McNerney.} Aye.

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

2192 The {Clerk.} Mr. McNerney votes aye.
2193 Mr. Welch.
2194 Mr. {Welch.} Aye.
2195 The {Clerk.} Mr. Welch votes aye.
2196 Mr. Lujan.
2197 Mr. {Luan.} Aye.
2198 The {Clerk.} Mr. Lujan votes aye.
2199 Mr. Tonko.
2200 Mr. {Tonko.} Aye.
2201 The {Clerk.} Mr. Tonko votes aye.
2202 Mr. Yarmuth.
2203 [No response.]
2204 The {Clerk.} Ms. Clarke.
2205 Ms. {Clarke.} Aye.
2206 The {Clerk.} Ms. Clarke votes aye.
2207 Mr. Loeb sack.
2208 Mr. {Loeb sack.} Aye.
2209 The {Clerk.} Mr. Loeb sack votes aye.
2210 Mr. Schrader.
2211 Mr. {Schrader.} Aye.
2212 The {Clerk.} Mr. Schrader votes aye.
2213 Mr. Kennedy.

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

- 2214 Mr. {Kennedy.} Aye.
- 2215 The {Clerk.} Mr. Kennedy votes aye.
- 2216 Mr. Cardenas.
- 2217 Mr. {Cardenas.} Aye.
- 2218 The {Clerk.} Mr. Cardenas votes aye.
- 2219 Chairman Upton.
- 2220 The {Chairman.} Votes no.
- 2221 The {Clerk.} Chairman Upton votes no.
- 2222 The {Chairman.} Members wishing to vote?
- 2223 Mrs. McMorris Rodgers.
- 2224 Mrs. {McMorris Rodgers.} No.
- 2225 The {Clerk.} Mrs. McMorris Rodgers votes no.
- 2226 The {Chairman.} Mr. Walden.
- 2227 Mr. {Walden.} No.
- 2228 The {Clerk.} Mr. Walden votes no.
- 2229 The {Chairman.} Mr. Murphy--Dr. Murphy?
- 2230 Mr. {Murphy.} No.
- 2231 The {Clerk.} Mr. Murphy votes no.
- 2232 The {Chairman.} Mr. Butterfield?
- 2233 Mr. {Butterfield.} Aye.
- 2234 The {Clerk.} Mr. Butterfield votes aye.
- 2235 The {Chairman.} Other members wishing to cast a vote?

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

2236 Seeing none, the vote--or the clerk will report the
2237 tally.

2238 The {Clerk.} Mr. Chairman, on that vote there were 22
2239 ayes and 27 nays.

2240 The {Chairman.} Twenty-two ayes, 27 nays. The
2241 amendment is not agreed to.

2242 Other members wishing to offer an amendment? The
2243 gentleman--the chair would recognize the gentleman from New
2244 York, Mr. Tonko.

2245 Mr. {Tonko.} I have an amendment at the desk, Mr.
2246 Chair.

2247 The {Chairman.} The clerk will report the title.

2248 The {Clerk.} Is it in Bill 1509, sir?

2249 Mr. {Tonko.} It is the amendment number 1. It is--

2250 The {Chairman.} 009, I believe.

2251 The {Clerk.} Amendment offered by Mr. Tonko to the
2252 amendment in the nature of a substitute to H.R. 8.

2253 [The amendment of Mr. Tonko follows:]

2254 ***** INSERT 7 *****

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

|

2255 The {Chairman.} The amendment will be considered as
2256 read, and the staff will distribute the amendment. And the
2257 gentleman is recognized for 5 minutes in support of his
2258 amendment.

2259 Mr. {Tonko.} Thank you, Mr. Chair.

2260 My amendment strikes the section of the bill designed to
2261 further expedite permitting for natural gas pipelines.

2262 These provisions are totally unnecessary. We are
2263 building new pipelines. There is no problem that needs
2264 fixing.

2265 The Northeast does need some additional pipeline
2266 capacity, and there are several in various stages of review
2267 and approval in our--in or near my district. I hear from my
2268 constituents about these projects regularly. They are very
2269 concerned and they feel like they are being left out of this
2270 process. They are concerned about safety and about the
2271 noise, air, and water pollution from the associated
2272 construction and operation of these facilities. They believe
2273 that FERC is far more interested in serving the interests of
2274 the pipeline and gas companies than in their communities and
2275 their needs.

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2276 Now, we all know that large infrastructure projects, no
2277 matter how beneficial to the public interests, are always
2278 controversial. Someone is always unhappy about the selected
2279 route or placement of these facilities, but we do need to do
2280 a better job of bringing the public along. These provisions
2281 do the opposite. Recently, the New York state--New York
2282 state senators and my colleague, Representative Gibson, wrote
2283 to FERC to ask for additional scoping meetings on the
2284 Northeast Direct Pipeline. Why? Because at the end of the
2285 scoping period, the pipeline company dumped about 6,000 pages
2286 of documents into the record, leaving no time for the public
2287 to review this material. The public has a right to be part
2288 of large projects that impact their given communities. Does
2289 that take extra time? Yes. Is it less convenient and more
2290 costly for the company? It may be, but these pipelines are
2291 in service for many decades. If it is worth doing, it is
2292 worth doing right. The pipeline companies do not have a
2293 problem, the public does.

2294 I urge support for this amendment, my amendment, and
2295 support for public participation.

2296 And with, Mr. Chair, I yield back.

2297 The {Chairman.} The gentleman yields back?

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2298 {Voice.} He yields back, yes.

2299 The {Chairman.} The gentleman yields back. I will
2300 recognize myself just for a moment.

2301 But, you know, I just want to say that we have worked
2302 very hard to find an agreement on this provision. We have
2303 held lots of hearings, we have received technical assistance
2304 from FERC, we have accepted many of their recommendations,
2305 and as you will see in the substitute amendment, we have
2306 struck a provision that would have given us stronger lead to
2307 FERC, and we did this in good faith after your side raised
2308 what I thought were legitimate concerns.

2309 So Section 1101 is a commonsense approach that
2310 introduces greater public transparency and accountability for
2311 federal and state permitting agencies, and for those reasons,
2312 I would oppose the amendment that is offered. And would
2313 recognize my time, which he can have because I am not going
2314 to--I am going to yield back. The gentleman from New Jersey,
2315 Mr. Pallone.

2316 Mr. {Pallone.} Thank you, Mr. Chairman. And I
2317 respectfully disagree with your analysis.

2318 I think this amendment--I think that Mr. Tonko's
2319 amendment is absolutely necessary because it would strike

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2320 Section 1101 of the bill, the so-called FERC process
2321 coordination section, and this section, in my opinion, makes
2322 dangerous and unnecessary changes to the FERC natural gas
2323 pipeline siting process. The siting of natural gas pipelines
2324 is often controversial and requires detailed regulatory
2325 scrutiny by FERC. And I am particularly concerned with one
2326 major change in this section that would require the agency to
2327 consider environmental data from aerial or remote surveys,
2328 instead of on-site inspections. An on-site inspection would
2329 still be required, but only after the approval of the
2330 application. This policy change allows companies working to
2331 build natural gas pipelines the ability to circumvent
2332 property owners' rights when surveying land. In a number of
2333 cases, companies do not have the requisite permits to survey
2334 the land they are seeking to access, and this allows them to
2335 sidestep that aspect of the application process.

2336 In my home State of New Jersey, Mercer County recently
2337 disallowed a company seeking to build a pipeline from
2338 surveying on county land because of sensitive environmental
2339 concerns in the area. And I am also troubled by the
2340 provision in Section 1101 which requires a final decision by
2341 FERC no later than 90 days after the Commission issues the

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2342 final environmental document. This policy change would
2343 require FERC to decide on a pipeline application within 90
2344 days, regardless of the complexity of the application. And I
2345 know all too well how dangerous natural gas pipelines can be
2346 to surrounding communities. In 1994, a 36-inch diameter
2347 natural gas pipeline broke and exploded into flames next to
2348 the Durham Woods apartment complex in Edison, New Jersey.
2349 The resulting fire destroyed or severely damaged 14 apartment
2350 buildings. Over 1,500 apartment residents were evacuated,
2351 100 residents were left homeless, and 1 person died.

2352 The federal regulators must be given the time needed to
2353 carefully and thoughtfully review applications for the
2354 construction of natural gas pipelines, and these applications
2355 must contain thorough environmental documentation to show a
2356 pipeline can be built in a safe and environmentally friendly
2357 manner. And so I am concerned that this--the substitute does
2358 not provide for that. And Mr. Tonko's amendment is very
2359 important because it will provide the additional protections
2360 that are necessary.

2361 So I ask all members to support the Tonko amendment.
2362 Yield back the time.

2363 The {Chairman.} The gentleman yields back.

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2364 Other members wishing to speak on the amendment?

2365 Seeing none, the vote--

2366 Mr. {Pallone.} We would ask for a roll call.

2367 The {Chairman.} --occurs on the gentleman's amendment

2368 from New Jersey. Wasn't it your amendment, or--

2369 Mr. {Pallone.} No, this is Tonko's amendment.

2370 The {Chairman.} Tonko's amendment, all right.

2371 Mr. {Pallone.} And we would like a roll call.

2372 The {Chairman.} Roll call is requested. The clerk will

2373 call the roll.

2374 The {Clerk.} Mr. Barton.

2375 Mr. {Barton.} No.

2376 The {Clerk.} Mr. Barton votes no.

2377 Mr. Whitfield.

2378 Mr. {Whitfield.} No.

2379 The {Clerk.} Mr. Whitfield votes no.

2380 Mr. Shimkus.

2381 Mr. {Shimkus.} No.

2382 The {Clerk.} Mr. Shimkus votes no.

2383 Mr. Pitts.

2384 Mr. {Pitts.} No.

2385 The {Clerk.} Mr. Pitts votes no.

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

2386 Mr. Walden.

2387 [No response.]

2388 The {Clerk.} Mr. Murphy.

2389 Mr. {Murphy.} No.

2390 The {Clerk.} Mr. Murphy votes no.

2391 Mr. Burgess.

2392 Mr. {Burgess.} No.

2393 The {Clerk.} Mr. Burgess votes no.

2394 Mrs. Blackburn.

2395 Mrs. {Blackburn.} No.

2396 The {Clerk.} Mrs. Blackburn votes no.

2397 Mr. Scalise.

2398 [No response.]

2399 The {Clerk.} Mr. Latta.

2400 Mr. {Latta.} No.

2401 The {Clerk.} Mr. Latta votes no.

2402 Mrs. McMorris Rodgers.

2403 [No response.]

2404 The {Clerk.} Mr. Harper.

2405 [No response.]

2406 The {Clerk.} Mr. Lance.

2407 Mr. {Lance.} Yes.

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2408 The {Clerk.} Mr. Lance votes yes.

2409 Mr. Guthrie.

2410 [No response.]

2411 The {Clerk.} Mr. Olson.

2412 Mr. {Olson.} No.

2413 The {Clerk.} Mr. Olson votes no.

2414 Mr. McKinley.

2415 Mr. {McKinley.} No.

2416 The {Clerk.} Mr. McKinley votes no.

2417 Mr. Pompeo.

2418 Mr. {Pompeo.} No.

2419 The {Clerk.} Mr. Pompeo votes no.

2420 Mr. Kinzinger.

2421 Mr. {Kinzinger.} No.

2422 The {Clerk.} Mr. Kinzinger votes no.

2423 Mr. Griffith.

2424 Mr. {Griffith.} No.

2425 The {Clerk.} Mr. Griffith votes no.

2426 Mr. Bilirakis.

2427 Mr. {Bilirakis.} No.

2428 The {Clerk.} Mr. Bilirakis votes no.

2429 Mr. Johnson.

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

2430 Mr. {Johnson.} No.

2431 The {Clerk.} Mr. Johnson votes no.

2432 Mr. Long.

2433 [No response.]

2434 The {Clerk.} Mrs. Ellmers.

2435 Mrs. {Ellmers.} No.

2436 The {Clerk.} Mrs. Ellmers votes no.

2437 Mr. Bucshon.

2438 Mr. {Bucshon.} No.

2439 The {Clerk.} Mr. Bucshon votes no.

2440 Mr. Flores.

2441 Mr. {Flores.} No.

2442 The {Clerk.} Mr. Flores votes no.

2443 Mrs. Brooks.

2444 Mrs. {Brooks.} No.

2445 The {Clerk.} Mrs. Brooks votes no.

2446 Mr. Mullin.

2447 Mr. {Mullin.} No.

2448 The {Clerk.} Mr. Mullin votes no.

2449 Mr. Hudson.

2450 [No response.]

2451 The {Clerk.} Mr. Collins.

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

2452 Mr. {Collins.} No.

2453 The {Clerk.} Mr. Collins votes no.

2454 Mr. Cramer.

2455 Mr. {Cramer.} No.

2456 The {Clerk.} Mr. Cramer votes no.

2457 Mr. Pallone.

2458 Mr. {Pallone.} Aye.

2459 The {Clerk.} Mr. Pallone votes aye.

2460 Mr. Rush.

2461 Mr. {Rush.} Aye.

2462 The {Clerk.} Mr. Rush votes aye.

2463 Ms. Eshoo.

2464 Ms. {Eshoo.} Aye.

2465 The {Clerk.} Ms. Eshoo votes aye.

2466 Mr. Engel.

2467 Mr. {Engel.} Aye.

2468 The {Clerk.} Mr. Engel votes aye.

2469 Mr. Green.

2470 Mr. {Green.} No.

2471 The {Clerk.} Mr. Green votes no.

2472 Ms. DeGette.

2473 Ms. {DeGette.} Aye.

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

2474 The {Clerk.} Ms. DeGette votes aye.
2475 Mrs. Capps.
2476 Mrs. {Capps.} Aye.
2477 The {Clerk.} Mrs. Capps votes aye.
2478 Mr. Doyle.
2479 Mr. {Doyle.} No.
2480 The {Clerk.} Mr. Doyle votes no.
2481 Ms. Schakowsky.
2482 Ms. {Schakowsky.} Aye.
2483 The {Clerk.} Ms. Schakowsky votes aye.
2484 Mr. Butterfield.
2485 Mr. {Butterfield.} Votes aye.
2486 The {Clerk.} Mr. Butterfield votes aye.
2487 Ms. Matsui.
2488 Ms. {Matsui.} Aye.
2489 The {Clerk.} Ms. Matsui votes aye.
2490 Ms. Castor.
2491 Ms. {Castor.} Aye.
2492 The {Clerk.} Ms. Castor votes aye.
2493 Mr. Sarbanes.
2494 Mr. {Sarbanes.} Aye.
2495 The {Clerk.} Mr. Sarbanes votes aye.

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

2496 Mr. McNerney.

2497 Mr. {McNerney.} Aye.

2498 The {Clerk.} Mr. McNerney votes aye.

2499 Mr. Welch.

2500 Mr. {Welch.} Aye.

2501 The {Clerk.} Mr. Welch votes aye.

2502 Mr. Lujan.

2503 Mr. {Luan.} Aye.

2504 The {Clerk.} Mr. Lujan votes aye.

2505 Mr. Tonko.

2506 Mr. {Tonko.} Aye.

2507 The {Clerk.} Mr. Tonko votes aye.

2508 Mr. Yarmuth.

2509 [No response.]

2510 The {Clerk.} Ms. Clarke.

2511 Ms. {Clarke.} Aye.

2512 The {Clerk.} Ms. Clarke votes aye.

2513 Mr. Loeb sack.

2514 Mr. {Loeb sack.} Aye.

2515 The {Clerk.} Mr. Loeb sack votes aye.

2516 Mr. Schrader.

2517 Mr. {Schrader.} No.

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

2518 The {Clerk.} Mr. Schrader votes no.
2519 Mr. Kennedy.
2520 Mr. {Kennedy.} Aye.
2521 The {Clerk.} Mr. Kennedy votes aye.
2522 Mr. Cardenas.
2523 Mr. {Cardenas.} Aye.
2524 The {Clerk.} Mr. Cardenas votes aye.
2525 Chairman Upton.
2526 The {Chairman.} Votes no.
2527 The {Clerk.} Chairman Upton votes no.
2528 The {Chairman.} Other members wishing to cast a vote?
2529 Mr. Walden.
2530 Mr. {Walden.} No.
2531 The {Clerk.} Mr. Walden votes no.
2532 The {Chairman.} Mrs. McMorris Rodgers.
2533 Mrs. {McMorris Rodgers.} No.
2534 The {Clerk.} Mrs. McMorris Rodgers votes no.
2535 The {Chairman.} Mr. Long
2536 Mr. {Long.} No.
2537 The {Clerk.} Mr. Long votes no.
2538 The {Chairman.} Other members wishing to cast a vote?
2539 Seeing none, the clerk will report the tally.

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

2540 The {Clerk.} Mr. Chairman, on that vote there were 20
2541 ayes and 29 nays.

2542 The {Chairman.} Twenty ayes, 29 nays, the amendment is
2543 not agreed to.

2544 Further amendments to the bill? The chair would
2545 recognize the gentleman from Kansas, Mr. Pompeo.

2546 Mr. {Pompeo.} Thank you, Mr. Chairman. I have an
2547 amendment at the desk. I think it is number--

2548 The {Chairman.} The clerk will report the title of the
2549 amendment.

2550 The {Clerk.} Amendment offered by Mr. Pompeo of Kansas
2551 to the amendment in the nature of a substitute for H.R. 8.

2552 [The amendment of Mr. Pompeo follows:]

2553 ***** INSERT 8 *****

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|

2554 The {Chairman.} And the amendment will be considered as
2555 read, the staff will distribute the amendment. And the
2556 gentleman from Kansas is recognized for 5 minutes.

2557 Mr. {Pompeo.} Thank you, Mr. Chairman.

2558 The Department of Energy has proposed a--an incredibly
2559 proscriptive energy conservation standard for all hearth
2560 products. It is a small but mighty industry, employing
2561 thousands and thousands of people throughout its supply
2562 chain, and the proposed standard was developed without any
2563 stakeholder input, and places burdensome restrictions on all
2564 of these small business across the United States that
2565 manufacture, distribute, or sell natural gas or propane
2566 hearth products.

2567 The amendment I am offering today would empower the DOE
2568 to seek and obtain feedback from all the stakeholders
2569 whenever hearth products regulations are proposed. This
2570 feedback would include analysis evaluating a proposed rule's
2571 impact on the economy, small businesses, and the environment.
2572 It would protect the smallest of businesses and employers,
2573 preserve consumer choice, and ensure environmental safeguards
2574 are actually achieved.

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2575 I learned this morning that there is an opportunity that
2576 we can make this a bipartisan provision. I hope we can
2577 continue to talk about this and ensure that DOE reaches out
2578 to industry representatives when they are advocating for good
2579 policy with respect to this industry. And because I think
2580 there is an opportunity to make this bipartisan, Mr.
2581 Chairman, I will withdraw the amendment this morning.

2582 The {Chairman.} The gentleman asks unanimous consent to
2583 withdraw the amendment. Amendment is withdrawn.

2584 Mr. {Welch.} I just wanted to speak on it.

2585 The {Chairman.} Yeah, the gentleman from Vermont.

2586 Mr. {Welch.} I--Mr. Chairman, I want to thank Mr.
2587 Pompeo for this. We have a company in Vermont that is
2588 affected by this. They make really high-quality stoves. And
2589 the regulations to have to be reasonable. It seems like
2590 there is an issue here about whether the regulations would
2591 result in costs that would make it prohibitive for them to
2592 sell it and people to buy it.

2593 And I would like to enter into the record, if I may, a
2594 copy of a letter I wrote to Secretary Moniz about this issue.
2595 But I also want to thank the gentleman and I look forward to
2596 working with him to see if we can get this right.

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

2597 The {Chairman.} Mr. Loeb sack.

2598 Mr. {Loeb sack.} Thank you, Mr. Chair. And thank you,

2599 Mr. Pompeo, for--

2600 The {Chairman.} Without objection, it will be entered

2601 into the record.

2602 [The information follows:]

2603 ***** COMMITTEE INSERT *****

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|

2604 Mr. {Loebsack.} Thank you. I too have heard from
2605 manufacturers in my district. I have one in the eastern part
2606 of my state and retailers in my district, about the
2607 challenges that they face from the Department of Energy.
2608 Most of these businesses are small businesses. They are
2609 committed to producing clean, efficient products, but they
2610 are concerned that recent proposed--the recent proposed
2611 standard will result in increased costs, limit consumer
2612 choice, and limit the adoption rate of new cleaner and
2613 efficient technologies, and it appears to undermine the
2614 overarching goals of the DOE. And I couldn't support the
2615 amendment at this time, as I think Mr. Pompeo knows, but I do
2616 appreciate his efforts, and I would encourage the Department
2617 to work closely with all the stakeholders to develop policies
2618 that strike the balance of protecting small businesses and
2619 employers, preserving consumer choice, and ensuring
2620 environmental standards are actually achieved. My hope is,
2621 and it sounds as though we really can do this, we can
2622 continue to talk about the issue, consider ways to foster
2623 better communication among the Department, industry
2624 representatives, efficiency advocates, and other stakeholders

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2625 so that future DOE regulatory action results in actual good
2626 policies, which is the goal of all of us.

2627 So thank you, Mr. Pompeo, and I look forward to working
2628 with you in the future. And I yield back. Thank you, Mr.
2629 Chairman.

2630 The {Chairman.} The gentleman yields back. And the
2631 amendment is withdrawn.

2632 Further amendments to the bill? Gentleman from
2633 Maryland, Mr. Sarbanes.

2634 Mr. {Sarbanes.} Thank you, Mr. Chairman. An amendment
2635 at the desk.

2636 The {Chairman.} And the clerk will report the title.

2637 The {Clerk.} Amendment offered by Mr. Sarbanes of
2638 Maryland to the amendment in the nature of a substitute for
2639 H.R. 8.

2640 [The amendment of Mr. Sarbanes follows:]

2641 ***** INSERT 9 *****

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|

2642 The {Chairman.} And the amendment will be considered as
2643 read. And the gentleman is recognized--the staff will
2644 distribute the amendment, and the gentleman is recognized for
2645 5 minutes in support of his amendment.

2646 Mr. {Sarbanes.} Appreciate it, Mr. Chairman.

2647 My intention is to withdraw, ultimately, this amendment.
2648 I do think there is an opportunity for further discussion on
2649 it, but I appreciate the chance to present it to the
2650 committee.

2651 It would direct the Secretary of Energy to establish a
2652 financial assistance program to carry out projects that are
2653 related to the modernization of our electric grid, which,
2654 frankly, is still operating in the 20th century. We need to
2655 take action to improve grid reliability, flexibility,
2656 efficiency, and security. I think everybody on the committee
2657 agrees with that goal. And there are limitless ways in which
2658 the Federal Government can play a part in helping to
2659 modernize the electric grid. We can't just stick with the
2660 status quo. Whether it is the application of digital
2661 technologies, advanced communications and control,
2662 distributed energy resources, resilience, cybersecurity, or

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2663 providing customers with more choice in energy source usage
2664 and rates, it is a completely new world out there for how we
2665 can generate, distribute, and consume electricity.

2666 I do appreciate that the majority has provisions in this
2667 bill, I believe it is Section 1107, which asks that states
2668 consider how to advance so-called smart grid technologies,
2669 but the Federal Government has a role as well to play as a
2670 partner in this endeavor, along with state and local
2671 government, and the private sector and ratepayers. And the
2672 Federal Government must play that role in developing a
2673 strategy for the modernization of the electric grid, and
2674 being an investor in the research, development, and
2675 deployment of new advanced technologies.

2676 So under this amendment, the Department of Energy would
2677 provide assistance in the form of grants or cooperative
2678 agreements that help to advance the future grid. In order to
2679 be eligible, utilities can partner with entities such as
2680 national labs, universities, or state and local governments
2681 to develop or demonstrate new grid technologies or energy
2682 management techniques.

2683 Most people have heard the term smart grid, but I am not
2684 sure everyone appreciate how truly revolutionary it could be

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2685 if we were to achieve a smarter grid. Let me give you a
2686 scenario. Imagine a city in the middle of a deepfreeze. The
2687 local power grid is struggling to keep up with everyone's
2688 heaters. What if the grid could automatically communicate
2689 with buildings in the area and negotiate reduced power
2690 consumption in exchange for a financial incentive. A large
2691 hotel that is only half full due to the weather could dial
2692 back its thermostats, saving money on their bill and enabling
2693 the grid to divert that energy to homes and schools. This is
2694 a scenario that was taken directly from the Web site of one
2695 of our national labs, the Pacific Northwest National
2696 Laboratory, and their partners recently completed a 2-year
2697 project that successfully demonstrated that this sort of
2698 communication and cooperative energy use is possible.

2699 In your own home, imagine if you could throw dishes in
2700 the dishwasher or clothes in the dryer, and then set the
2701 device to automatically start when you can pay the optimal
2702 rate for electricity. This is a win-win. Consumers pay less
2703 and utilities can more efficiently manage peak loads.

2704 These scenarios I am describing don't even begin to
2705 scratch the surface of the potential for better integration
2706 of distributed energy sources like solar, wind, and

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2707 geothermal, energy storage capabilities, or other advances
2708 that only become conceivable when you do the type of basic
2709 research that this country has always supported and exceeded
2710 in.

2711 Supporting the Department of Energy's investment in
2712 smart grid research and development is akin to the National
2713 Institutes of Health investing in medical cures research.
2714 The electric grid is an indispensable element of modern
2715 society, and it is critical to our national security,
2716 economy, and the general wellbeing of the citizenry.

2717 So I intend to withdraw the amendment, but I hope that
2718 going forward, the committee will consider this kind of
2719 investment from the Federal Government, from the Department
2720 of Energy, and these kinds of solutions and upgrading our
2721 grid and making a 21st century grid, and I look forward to
2722 those conversations going forward.

2723 The {Chairman.} Does the gentleman withdraw his
2724 amendment?

2725 Mr. {Sarbanes.} I do.

2726 The {Chairman.} Amendment is withdrawn.

2727 If there are other amendments to the bill--gentleman
2728 from New Jersey, Mr. Pallone, has an amendment at the desk.

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

2729 Mr. {Pallone.} This is Pallone 018, Mr. Chairman.

2730 The {Chairman.} And the clerk will report the title of
2731 the amendment.

2732 The {Clerk.} Amendment offered by Mr. Pallone of New
2733 Jersey to the amendment in the nature of a substitute for
2734 H.R. 8.

2735 [The amendment of Mr. Pallone follows:]

2736 ***** INSERT 10 *****

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|

2737 The {Chairman.} And without objection, the amendment is
2738 read, the staff will distribute the amendment. And the
2739 gentleman is recognized for 5 minutes.

2740 Mr. {Pallone.} Mr. Chairman, as I had mentioned
2741 yesterday in my opening statement, one of the original points
2742 of discussion between us was that a bipartisan agreement
2743 would need to find funding for infrastructure programs in
2744 order to repair, replace, and upgrade our Nation's aging
2745 energy infrastructure. We agreed that deteriorating, leaky
2746 natural gas pipelines are a public safety and environmental
2747 hazard, and the--and that we would seek to--well, we would
2748 seek funding for a grant program to help accelerate pipeline
2749 replacement and offset rate increases for vulnerable
2750 households. These leaking pipelines pose serious risks in
2751 communities across the country. Many of the people in
2752 communities at risk will have trouble affording the rate
2753 increases that will be necessary to address these risks
2754 unless we make this funding available.

2755 In addition, we also discussed a competitive grant
2756 program to help states and local governments upgrade outdated
2757 electricity infrastructure in ways that enhance its

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2758 reliability and resiliency.

2759 Many of my GOP colleagues today have pledged their
2760 support for reliability and resiliency, but seem unwilling to
2761 support the resources necessary for these important goals.

2762 Finally, Mr. Chairman, as you know, we talked to the
2763 Secretary of Energy about funding modernization of the
2764 strategic petroleum reserve. My amendment, combined with Mr.
2765 Rush's pipeline amendment, would provide funding for these
2766 priorities at the levels that we discussed, and I said
2767 earlier this morning that this amendment in the nature of a
2768 substitute is not headed for the President's signature, in my
2769 opinion, and not including important funding from the bill is
2770 one of the several reasons why I believe that the President
2771 would never sign this bill.

2772 The language I am proposing in my amendment would amend
2773 the energy modernization fund and the majority substitute to
2774 provide funding for grid reliability and resiliency, and for
2775 modernizing the strategic petroleum reserve. The amendment
2776 is consistent with discussions that we had leading up to the
2777 subcommittee markup of this package, and it will help ensure
2778 a modern and reliable energy infrastructure, and reflect
2779 needs identified by the Department of Energy. I think this

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2780 funding is critically important. I think it is also
2781 necessary if we were ever to get a bill that would be signed
2782 by the President. And so I urge my colleagues to support it.

2783 And I yield back.

2784 The {Chairman.} The gentleman yields back.

2785 I will recognize myself for 5 minutes.

2786 Let me just say at the onset, this is not a bad
2787 amendment, but I can't support it at this time.

2788 I care a lot about improving our infrastructure. I
2789 realize the needs that are out there. I am looking forward
2790 to supporting--Mr. Green has got an amendment down the line
2791 here at some point as it relates to pipeline safety. And,
2792 you know, as we know about the grid, it needs modernization,
2793 whether it be from cyberattacks, whatever, I--there is added
2794 improvement that needs to be there. And you and I have both
2795 discussed personally, and I know our staff went down there in
2796 recent weeks to look at SPRO, and the need to modernize the
2797 equipment there, and that is part of his quadrennial review,
2798 and it needs to happen. And again, as this bill comes
2799 together with the Senate, and as we look at a bipartisan
2800 agreement, again, that I have talked about earlier that I
2801 really do think this bill will be--can be signed by the

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2802 President, I think that you will see these levels boosted.
2803 But at this time, probably cannot--I cannot support the
2804 increased levels that you are asking for now, but I look
2805 forward to work with you throughout this process. And I will
2806 let you know that the door is definitely not shut; it is
2807 open, but we are just not ready at this point to accept this
2808 amendment.

2809 So I would urge my colleagues to vote no, knowing that I
2810 am going to urge my colleagues to vote yes when Mr. Green's
2811 amendment comes forth, and again, work through the process as
2812 we look at the upcoming weeks.

2813 And I would yield back my time, and recognize the
2814 gentleman from Pennsylvania--

2815 Mr. {Doyle.} Thank you, Mr. Chairman.

2816 The {Chairman.} --Mr. Doyle.

2817 Mr. {Doyle.} I want to speak in support of Mr.
2818 Pallone's amendment that would increase funding for 2
2819 critical energy programs included in the quadrennial energy
2820 review; modernizing the strategic petroleum reserve and
2821 modernizing our grid.

2822 Ensuring that our constituents around the country have
2823 reliable access to power is one of our primary

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2824 responsibilities. The United States has one of the world's
2825 most reliable, affordable, and increasingly clean electric
2826 systems, but the backbone of the system, the grid, is
2827 outdated.

2828 The energy landscape in this country has changed
2829 dramatically in the last few decades, but our grid simply
2830 hasn't kept up. By providing states financial assistance to
2831 promote and integrate transmission, storage, and distribution
2832 infrastructure investment improves our electricity
2833 reliability, affordability, and efficiency. It is
2834 commonsense policy that is critically important, and I am
2835 glad that Mr. Pallone has introduced this amendment.

2836 We also need to make sure that we optimize the strategic
2837 petroleum emergency response capability. This is a
2838 multifaceted issue. We need to be actively analyzing the
2839 appropriate size of the SPRO and making infrastructure
2840 investments to ensure we are able to distribute this critical
2841 resource in an emergency. I think the funding amount in this
2842 bill was woefully inadequate, which is why I support my
2843 colleague's amendments. I am encouraged by what I have heard
2844 the chairman say. I think this is an issue we are
2845 confronting in Congress generally with regards to funding our

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2846 infrastructure. Everybody seems to be in agreement that we
2847 need to make these investments in the infrastructure. Nobody
2848 wants to vote for the money to do this. You know, we are
2849 robbing Peter to pay Paul all the time and, you know, the
2850 SPRO is one of the biggest piggybanks in Congress right now,
2851 and I am not sure we could get the oil out of there if we
2852 needed to because of the improvements that need to be made
2853 for this. So I think on this issue, on funding our roads and
2854 bridges, and our--just infrastructure generally across the
2855 country, Congress has to come to the realization that none of
2856 this is free, that this is investments in our own country,
2857 and that we ought not to be afraid to provide the revenue to
2858 fund these projects.

2859 So, Mr. Chairman, I do support the amendment, but I look
2860 forward to working with you as we get these funding levels
2861 where they need to be.

2862 I yield back.

2863 The {Chairman.} The gentleman yields back.

2864 The chair would recognize Mr. Barton for 5 minutes.

2865 Mr. {Barton.} Thank you, Mr. Chairman. I just--I am
2866 sure everyone knows, but the bill that we reported out of
2867 this committee a few weeks ago, H.R. 702, which I believe is

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2868 going to be on the Floor next week, that would repeal the ban
2869 on crude oil exports, has a provision in it to study what to
2870 do with the strategic petroleum reserve. And as you have
2871 pointed out, and as Mr. Doyle just pointed out, there are
2872 some problems with the SPRO and the lifting capability on a
2873 daily basis is one of those, and you and Mr. Whitfield and
2874 others are beginning to take steps to correct that.

2875 So just--we are going to have the H.R. 702 on the Floor
2876 next week, I hope, and it does have the requirement that we
2877 begin to seriously look at what we are going to do and how
2878 the SPR reforms.

2879 With that, I yield back.

2880 The {Chairman.} The gentleman yields back.

2881 Other members wishing to speak on the amendment?

2882 Seeing none--

2883 {Voice.} Ask for a roll call.

2884 The {Chairman.} --the vote--roll call is requested.

2885 The clerk will call the roll.

2886 The {Clerk.} Mr. Barton.

2887 Mr. {Barton.} No.

2888 The {Clerk.} Mr. Barton votes no.

2889 Mr. Whitfield.

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2890 Mr. {Whitfield.} No.

2891 The {Clerk.} Mr. Whitfield votes no.

2892 Mr. Shimkus.

2893 Mr. {Shimkus.} No.

2894 The {Clerk.} Mr. Shimkus votes no.

2895 Mr. Pitts.

2896 Mr. {Pitts.} No.

2897 The {Clerk.} Mr. Pitts votes no.

2898 Mr. Walden.

2899 [No response.]

2900 The {Clerk.} Mr. Murphy.

2901 [No response.]

2902 The {Clerk.} Mr. Burgess.

2903 [No response.]

2904 The {Clerk.} Mrs. Blackburn.

2905 Mrs. {Blackburn.} No.

2906 The {Clerk.} Mrs. Blackburn votes no.

2907 Mr. Scalise.

2908 [No response.]

2909 The {Clerk.} Mr. Latta.

2910 Mr. {Latta.} No.

2911 The {Clerk.} Mr. Latta votes no.

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2912 Mrs. McMorris Rodgers.
2913 [No response.]
2914 The {Clerk.} Mr. Harper.
2915 [No response.]
2916 The {Clerk.} Mr. Lance.
2917 Mr. {Lance.} No.
2918 The {Clerk.} Mr. Lance votes no.
2919 Mr. Guthrie.
2920 Mr. {Guthrie.} No.
2921 The {Clerk.} Mr. Guthrie votes no.
2922 Mr. Olson.
2923 Mr. {Olson.} No.
2924 The {Clerk.} Mr. Olson votes no.
2925 Mr. McKinley.
2926 Mr. {McKinley.} No.
2927 The {Clerk.} Mr. McKinley votes no.
2928 Mr. Pompeo.
2929 [No response.]
2930 The {Clerk.} Mr. Kinzinger.
2931 Mr. {Kinzinger.} No.
2932 The {Clerk.} Mr. Kinzinger votes no.
2933 Mr. Griffith.

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2934 Mr. {Griffith.} No.

2935 The {Clerk.} Mr. Griffith votes no.

2936 Mr. Bilirakis.

2937 Mr. {Bilirakis.} No.

2938 The {Clerk.} Mr. Bilirakis votes no.

2939 Mr. Johnson. Mr. Johnson.

2940 Mr. {Johnson.} No.

2941 The {Clerk.} Mr. Johnson votes no.

2942 Mr. Long.

2943 Mr. {Long.} No.

2944 The {Clerk.} Mr. Long votes no.

2945 Mrs. Ellmers.

2946 [No response.]

2947 The {Clerk.} Mr. Bucshon.

2948 Mr. {Bucshon.} No.

2949 The {Clerk.} Mr. Bucshon votes no.

2950 Mr. Flores.

2951 Mr. {Flores.} No.

2952 The {Clerk.} Mr. Flores votes no.

2953 Mrs. Brooks.

2954 Mrs. {Brooks.} No.

2955 The {Clerk.} Mrs. Brooks votes no.

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2956 Mr. Mullin.
2957 [No response.]
2958 The {Clerk.} Mr. Hudson.
2959 [No response.]
2960 The {Clerk.} Mr. Collins.
2961 Mr. {Collins.} No.
2962 The {Clerk.} Mr. Collins votes no.
2963 Mr. Cramer.
2964 Mr. {Cramer.} No.
2965 The {Clerk.} Mr. Cramer votes no.
2966 Mr. Pallone.
2967 Mr. {Pallone.} Aye.
2968 The {Clerk.} Mr. Pallone votes aye.
2969 Mr. Rush.
2970 Mr. {Rush.} Aye.
2971 The {Clerk.} Mr. Rush votes aye.
2972 Ms. Eshoo.
2973 Ms. {Eshoo.} Aye.
2974 The {Clerk.} Ms. Eshoo votes aye.
2975 Mr. Engel.
2976 Mr. {Engel.} Aye.
2977 The {Clerk.} Mr. Engel votes aye.

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2978 Mr. Green.

2979 Mr. {Green.} Aye.

2980 The {Clerk.} Mr. Green votes aye.

2981 Ms. DeGette.

2982 Ms. {DeGette.} Aye.

2983 The {Clerk.} Ms. DeGette votes aye.

2984 Mrs. Capps.

2985 Mrs. {Capps.} Aye.

2986 The {Clerk.} Mrs. Capps votes aye.

2987 Mr. Doyle.

2988 Mr. {Doyle.} Yes.

2989 The {Clerk.} Mr. Doyle votes aye.

2990 Ms. Schakowsky.

2991 Ms. {Schakowsky.} Yes.

2992 The {Clerk.} Ms. Schakowsky votes aye.

2993 Mr. Butterfield.

2994 Mr. {Butterfield.} Aye.

2995 The {Clerk.} Mr. Butterfield votes aye.

2996 Ms. Matsui.

2997 Ms. {Matsui.} Aye.

2998 The {Clerk.} Ms. Matsui votes aye.

2999 Ms. Castor.

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3000 Ms. {Castor.} Aye.

3001 The {Clerk.} Ms. Castor votes aye.

3002 Mr. Sarbanes.

3003 Mr. {Sarbanes.} Aye.

3004 The {Clerk.} Mr. Sarbanes votes aye.

3005 Mr. McNerney.

3006 Mr. {McNerney.} Aye.

3007 The {Clerk.} Mr. McNerney votes aye.

3008 Mr. Welch.

3009 Mr. {Welch.} Aye.

3010 The {Clerk.} Mr. Welch votes aye.

3011 Mr. Lujan.

3012 Mr. {Luan.} Aye.

3013 The {Clerk.} Mr. Lujan votes aye.

3014 Mr. Tonko.

3015 Mr. {Tonko.} Aye.

3016 The {Clerk.} Mr. Tonko votes aye.

3017 Mr. Yarmuth.

3018 Mr. {Yarmuth.} Aye.

3019 The {Clerk.} Mr. Yarmuth votes aye.

3020 Ms. Clarke.

3021 Ms. {Clarke.} Aye.

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3022 The {Clerk.} Ms. Clarke votes aye.

3023 Mr. Loeb sack.

3024 Mr. {Loeb sack.} Aye.

3025 The {Clerk.} Mr. Loeb sack votes aye.

3026 Mr. Schrader.

3027 Mr. {Schrader.} Aye.

3028 The {Clerk.} Mr. Schrader votes aye.

3029 Mr. Kennedy.

3030 Mr. {Kennedy.} Aye.

3031 The {Clerk.} Mr. Kennedy votes aye.

3032 Mr. Cardenas.

3033 Mr. {Cardenas.} Aye.

3034 The {Clerk.} Mr. Cardenas votes aye.

3035 Chairman Upton.

3036 The {Chairman.} Votes no.

3037 The {Clerk.} Chairman Upton votes no.

3038 The {Chairman.} Other members wishing to cast a vote?

3039 Mr. Walden.

3040 Mr. {Walden.} Votes no.

3041 The {Clerk.} Mr. Walden votes no.

3042 The {Chairman.} Dr. Murphy.

3043 Mr. {Murphy.} No.

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3044 The {Clerk.} Mr. Murphy votes no.

3045 The {Chairman.} Mrs. Ellmers.

3046 Mrs. {Ellmers.} No.

3047 The {Clerk.} Mrs. Ellmers votes no.

3048 The {Chairman.} Dr. Burgess.

3049 Mr. {Burgess.} No.

3050 The {Clerk.} Dr. Burgess votes no.

3051 The {Chairman.} Other members wishing to cast a vote?

3052 Seeing none, the clerk will report the tally.

3053 The {Clerk.} Mr. Chairman, on that vote there were 23

3054 ayes and 25 nays.

3055 The {Chairman.} Twenty-three ayes, 25 nays, the

3056 amendment is not agreed to.

3057 Other members wishing to offer an amendment?

3058 Mr. {Rush.} Yes.

3059 The {Chairman.} The chair would recognize the gentleman

3060 from Illinois, Mr. Rush.

3061 Mr. {Rush.} Mr. Chairman, I have an amendment at the

3062 desk--

3063 The {Chairman.} And--

3064 Mr. {Rush.} --Rush 27.

3065 The {Chairman.} The clerk will report the title of the

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3066 amendment, number 27.

3067 The {Clerk.} Amendment offered by Mr. Rush of Illinois
3068 to the amendment in the nature of a substitute for H.R. 8.

3069 [The amendment of Mr. Rush follows:]

3070 ***** INSERT 11 *****

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|

3071 The {Chairman.} And the amendment will be considered as
3072 read, and the staff will distribute the amendment. And the
3073 gentleman is recognized for 5 minutes in support of his
3074 amendment.

3075 Mr. {Rush.} I want to thank you, Mr. Chairman.

3076 Mr. Chairman, for the better part of this year, most of
3077 the majority and minority sides have negotiated on a
3078 bipartisan comprehensive energy bill that would help move the
3079 Nation forward. During these good faith negotiations, the
3080 minority side was promised that there would be actual money
3081 in the bill to help pay for some of the priorities most
3082 important to our members. To say that this did not occur,
3083 Mr. Chairman, and to say that I am feeling disappointment in
3084 this action, it would be an understatement. After all, Mr.
3085 Chairman, how can we possibly propose an energy bill without
3086 actually providing funds to help pay for at least one or more
3087 than one infrastructure project. Unfortunately, as we know,
3088 Mr. Chairman, after months of good faith negotiations by the
3089 2 parties, the minority side found out only a week ago that
3090 the rug had been pulled out from under us, and that the
3091 agreement we thought we had in place was no longer valid.

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3092 Mr. Chairman, I am pleased to note that this bill is no
3093 longer referenced as the ``architecture of abundance bill.''

3094 So, Mr. Chairman, as a result of these measures and
3095 these activities, I am offering an amendment that will
3096 partially address this issue, and would restore the funding
3097 for the natural gas pipeline replacement program.
3098 Specifically, Mr. Chairman, my amendment will restore the
3099 \$1.5 billion that was promised to the minority side in order
3100 to help offset the cost of replacing some of the Nation's
3101 oldest and leakiest natural gas pipelines, while minimizing
3102 the financial impact on low-income households. As was
3103 originally agreed to by the majority side, this amendment
3104 will establish a competitive grant program to provide
3105 financial assistance to states to incentivize companies, to
3106 accelerate or expand utility programs that improve the public
3107 safety and environmental performance of the natural gas
3108 distribution system.

3109 Mr. Chairman, at a time when we are witnessing most
3110 yearly--almost yearly catastrophic pipeline explosions,
3111 costing both lives and untold damages, this program can help
3112 to address this issue and to restore some confidence in our
3113 Nation's aging pipeline systems. In cities from Chicago to

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3114 San Bruno, and all across our Nation, this program will help
3115 to improve safety by offering a system to replace older cast
3116 iron and bare steel pipes, while also enhancing inspection
3117 and maintenance programs. Mr. Chairman, this program that
3118 was originally agreed to--agreed upon would provide tangible
3119 benefits to the American people, and can actually help save
3120 lives and prevent further catastrophes from ever occurring.

3121 So, Mr. Chairman, I would ask the members of the
3122 committee the question, where is the beef? Let's put some
3123 beef back in this bill, Mr. Chairman, and I urge all of my
3124 colleagues to support this amendment.

3125 And with that, I yield back.

3126 The {Chairman.} The gentleman yields back.

3127 I will recognize myself in opposition to the amendment.

3128 I--pipeline safety is dear to every members' heart, that
3129 is for sure, and I look forward to continuing the
3130 reauthorization of the Pipeline Safety Act, something that
3131 we, again, all care about and work--as we work with the T&I
3132 Committee, Chairman Shuster and I look forward to reauthorize
3133 that bill as it expires, and remember well the Upton-Dingell
3134 bill that President Obama signed a number of years ago that
3135 upgraded the safety standards for all new oil and gas

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3136 pipelines that I want to say, as I recall, passed with maybe
3137 only one Member of the House voting no.

3138 But there is something to be said about existing
3139 pipelines, and as we have seen pipelines break, whether it be
3140 a recent one in Mrs. Capps' district earlier this summer,
3141 just outside of my district in Kalamazoo River a few years
3142 ago, and others, we do have to do something about existing
3143 pipelines. And I will be supporting the Green amendment at
3144 some point later this afternoon, which brings some money into
3145 this play, and will work with Republicans and Democrats in
3146 the House and the Senate to perhaps further expand that as
3147 this process moves further, but at this point, cannot accept
3148 \$1.5 billion this at this point, but we will see where we go
3149 as the process moves forward. But it is very important that
3150 we have a provision in here focused on the existing
3151 pipelines, which is why the Green amendment is an important
3152 step in the right direction. But at this point, cannot
3153 accept the Rush amendment, but look forward to working in
3154 good faith with my friend from Chicago to make sure that we
3155 adequately address the situation. And as we look to
3156 reauthorize the program, there are a number of concerns that
3157 I have where I believe there are weaknesses in the existing

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3158 standards that, in fact, we can increase inspections in a
3159 number of things to ensure the safety of all of our residents
3160 from coast to coast.

3161 And with that, I yield back my time.

3162 Other members wishing to speak on the amendment?

3163 Gentleman from New Jersey.

3164 Mr. {Pallone.} Thank you, Mr. Chairman. I want to
3165 support Mr. Rush's amendment and urge my colleagues to do so.

3166 As he mentioned, it establishes this grant program to
3167 incentivize the repair, replacement, and maintenance of leaky
3168 natural gas distribution pipelines, and provide rate
3169 assistance for low-income households, which we had originally
3170 discussed with the Republican leadership.

3171 These old distribution pipelines are a major source of
3172 methane leaks into the atmosphere. Methane is a potent
3173 greenhouse gas which is 25 times more damaging to the climate
3174 than carbon dioxide, and roughly 1/3 of the methane emissions
3175 in the U.S. come from the oil and gas sector. The addition
3176 of such a provision will not only help to protect our
3177 environment by minimizing leaks of natural gas and associated
3178 methane emissions into our atmosphere, but also improve the
3179 public health of low-income communities that are especially

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3180 vulnerable to environmental stress. We as a nation must
3181 invest, Mr. Doyle made this point very well, that we must
3182 invest in the security of our energy infrastructure, and all
3183 our infrastructure, if we are to ensure the health of
3184 communities today and the livelihood of generations to come.
3185 It also, I might add, creates jobs and helps our economy.

3186 So it is important that we continue to work towards
3187 legislation such as this that helps to curb the impacts of
3188 climate change and ensure the health of our communities, as
3189 well as improve the economy through job creation.

3190 I yield back, Mr. Chairman.

3191 The {Chairman.} The gentleman yields back.

3192 Other members? Mrs. Capps.

3193 Mrs. {Capps.} Thank you, Mr. Chairman. And I want to
3194 voice my support for the Rush amendment.

3195 Pipeline safety is such a critical issue. I thank my
3196 friend from Illinois for offering this important amendment.
3197 You know, the underlying bill is disappointing on many
3198 levels. It does nothing to address or even acknowledge the
3199 environmental and public health impacts of our energy sector,
3200 and its continued dependence on fossil fuel. And it does
3201 virtually nothing to promote the development of renewable

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3202 sources of energy. The bill touches on many aspects of
3203 natural gas infrastructure but leaves out one of the most
3204 critical elements which is safety. Our Nation's pipeline
3205 infrastructure is deteriorating rapidly. And you referred
3206 already to the May 19 Plains oil spill in my district, as
3207 well as several other spills around the country since then,
3208 and these are stark reminders that the transport of oil and
3209 gas is dirty and is dangerous. The pipeline that burst in my
3210 district was not even 30 years old, yet had systemic
3211 corrosion throughout the pipeline. We shouldn't be
3212 accelerating the construction and permitting for new
3213 pipelines while ignoring the safety of our existing
3214 pipelines.

3215 I know the chairman is committed to reauthorizing our
3216 pipeline safety laws this Congress, and I do hope we can work
3217 together and move quickly on a bipartisan bill, but in the
3218 meantime, Mr. Rush's amendment would help incentivize
3219 distribution companies to make sorely needed safety
3220 improvements to existing pipeline infrastructure. If the
3221 majority is going to insist that we prolong our costly
3222 dependence on fossil fuels, the least we can do is to ensure
3223 the infrastructure we have is safe and reliable.

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3224 I urge my colleagues to support the Rush amendment. And
3225 I can yield to a colleague. I will yield to Mr. McNerney the
3226 balance of my time.

3227 Mr. {McNerney.} Thank you. I want to speak up in favor
3228 of the amendment.

3229 Our Nation needs to invest more in our Nation's
3230 infrastructure. The United States is a great country, it is
3231 the greatest country, and that is because our generations
3232 past invested in infrastructure which we are enjoying. Now
3233 it is our turn to stand up and invest in our Nation's
3234 infrastructure. And I can't stress that up, whether it is
3235 our pipelines, whether it is our electrical grid, whether it
3236 is our highways, we need to stand up in this committee and
3237 the jurisdiction we have to ask for more money for our
3238 Nation's infrastructure.

3239 I yield back. I will yield to--

3240 Ms. {Eshoo.} Thank you to my colleague.

3241 You know, I have been listening and listening and
3242 listening, and I think that this is an extremely sad note
3243 that is being played over and over and over again.

3244 When I think back in our Nation's history about our
3245 infrastructure, the first person that comes to mind is

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3246 President Lincoln, and during the Civil War he built the
3247 Continental Railroad in our country. We are now in the 21st
3248 century and every time something comes up that needs to be
3249 funded, we give lip service to the importance of the issue,
3250 and then you know what we do? We wrap paper around it, but
3251 it is not green; it is just some legislative mishmash of why
3252 it can't be funded. So it is so sad to me. It is so sad to
3253 me that one of the most bipartisan issues in the Congress for
3254 decades and decades and decades has been an investment in our
3255 Nation's infrastructure. And you know what? We are just not
3256 willing to do it anymore.

3257 I think the majority has an enormous responsibility
3258 here. What are you doing? Why? I understand you have
3259 ideological issues around different forms of energy, but
3260 infrastructure that needs to be repaired, built up for the
3261 safety and the wellbeing of our citizens, there isn't any
3262 ideology around that. None whatsoever. It was my county
3263 where it blew up, and the homes in San Bruno burned down and
3264 people were trapped and died in their homes. What is the
3265 answer to that? What is the answer to that? We can't do it?
3266 We don't know how? We don't want to? I mean what is the
3267 underlying reason for all of this?

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3268 So if I sound frustrated, yeah, I am, but I think the
3269 larger question is what is being produced for the country?
3270 The American people are just being trashed, set aside. And
3271 then we say we are a great country. Well, we are on our way
3272 to being not such a great country if this keeps up, because
3273 if we are not going to invest in infrastructure, then
3274 commerce is going to suffer, there will be job loss because
3275 there are job opportunities in this, and that we simply are
3276 not willing to invest in the wellbeing of the people and our
3277 communities across the country. And these communities don't
3278 think about infrastructure as an ideological issue. They pay
3279 taxes and send them to Washington, and they want the--
3280 something to come back to their communities that reflects an
3281 investment. Thank you.

3282 The {Chairman.} Gentlelady's time has expired.

3283 Other members wishing to speak?

3284 Seeing none, the amendment--

3285 {Voice.} I would ask for roll call.

3286 The {Chairman.} Roll call is requested. The clerk will
3287 call the roll.

3288 The {Clerk.} Mr. Barton.

3289 Mr. {Barton.} No.

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3290 The {Clerk.} Mr. Barton votes no.
3291 Mr. Whitfield.
3292 Mr. {Whitfield.} No.
3293 The {Clerk.} Mr. Whitfield votes no.
3294 Mr. Shimkus.
3295 Mr. {Shimkus.} No.
3296 The {Clerk.} Mr. Shimkus votes no.
3297 Mr. Pitts.
3298 Mr. {Pitts.} No.
3299 The {Clerk.} Mr. Pitts votes no.
3300 Mr. Walden.
3301 [No response].
3302 The {Clerk.} Mr. Murphy.
3303 Mr. {Murphy.} No.
3304 The {Clerk.} Mr. Murphy votes no.
3305 Mr. Burgess.
3306 Mr. {Burgess.} No.
3307 The {Clerk.} Mr. Burgess votes no.
3308 Mrs. Blackburn.
3309 [No response.]
3310 The {Clerk.} Mr. Scalise.
3311 [No response.]

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3312 The {Clerk.} Mr. Latta.
3313 Mr. {Latta.} No.
3314 The {Clerk.} Mr. Latta votes no.
3315 Mrs. McMorris Rodgers.
3316 [No response.]
3317 The {Clerk.} Mr. Harper.
3318 [No response.]
3319 The {Clerk.} Mr. Lance.
3320 Mr. {Lance.} No.
3321 The {Clerk.} Mr. Lance votes no.
3322 Mr. Guthrie.
3323 Mr. {Guthrie.} No.
3324 The {Clerk.} Mr. Guthrie votes no.
3325 Mr. Olson.
3326 Mr. {Olson.} No.
3327 The {Clerk.} Mr. Olson votes no.
3328 Mr. McKinley.
3329 Mr. {McKinley.} No.
3330 The {Clerk.} Mr. McKinley votes no.
3331 Mr. Pompeo.
3332 Mr. {Pompeo.} No.
3333 The {Clerk.} Mr. Pompeo votes no.

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3334 Mr. Kinzinger.

3335 [No response].

3336 The {Clerk.} Mr. Griffith.

3337 Mr. {Griffith.} No.

3338 The {Clerk.} Mr. Griffith votes no.

3339 Mr. Bilirakis.

3340 Mr. {Bilirakis.} No.

3341 The {Clerk.} Mr. Bilirakis votes no.

3342 Mr. Johnson.

3343 Mr. {Johnson.} No.

3344 The {Clerk.} Mr. Johnson votes no.

3345 Mr. Long.

3346 Mr. {Long.} No.

3347 The {Clerk.} Mr. Long votes no.

3348 Mrs. Ellmers.

3349 Mrs. {Ellmers.} No.

3350 The {Clerk.} Mrs. Ellmers votes no.

3351 Mr. Bucshon.

3352 Mr. {Bucshon.} No.

3353 The {Clerk.} Mr. Bucshon votes no.

3354 Mr. Flores.

3355 [No response].

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3356 The {Clerk.} Mrs. Brooks.
3357 Mrs. {Brooks.} No.
3358 The {Clerk.} Mrs. Brooks votes no.
3359 Mr. Mullin.
3360 Mr. {Mullin.} No.
3361 The {Clerk.} Mr. Mullin votes no.
3362 Mr. Hudson.
3363 [No response.]
3364 The {Clerk.} Mr. Collins.
3365 Mr. {Collins.} No.
3366 The {Clerk.} Mr. Collins votes no.
3367 Mr. Cramer.
3368 Mr. {Cramer.} No.
3369 The {Clerk.} Mr. Cramer votes no.
3370 Mr. Pallone.
3371 Mr. {Pallone.} Aye.
3372 The {Clerk.} Mr. Pallone votes aye.
3373 Mr. Rush.
3374 Mr. {Rush.} Aye.
3375 The {Clerk.} Mr. Rush votes aye.
3376 Ms. Eshoo.
3377 Ms. {Eshoo.} Aye.

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3378 The {Clerk.} Ms. Eshoo votes aye.
3379 Mr. Engel.
3380 Mr. {Engel.} Aye.
3381 The {Clerk.} Mr. Engel votes aye.
3382 Mr. Green.
3383 Mr. {Green.} Aye.
3384 The {Clerk.} Mr. Green votes aye.
3385 Ms. DeGette.
3386 Ms. {DeGette.} Aye.
3387 The {Clerk.} Ms. DeGette votes aye.
3388 Mrs. Capps.
3389 Mrs. {Capps.} Aye.
3390 The {Clerk.} Mrs. Capps votes aye.
3391 Mr. Doyle.
3392 Mr. {Doyle.} Yes.
3393 The {Clerk.} Mr. Doyle votes aye.
3394 Ms. Schakowsky.
3395 Ms. {Schakowsky.} Aye.
3396 The {Clerk.} Ms. Schakowsky votes aye.
3397 Mr. Butterfield.
3398 Mr. {Butterfield.} Aye.
3399 The {Clerk.} Mr. Butterfield votes aye.

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3400 Ms. Matsui.
3401 Ms. {Matsui.} Aye.
3402 The {Clerk.} Ms. Matsui votes aye.
3403 Ms. Castor.
3404 Ms. {Castor.} Aye.
3405 The {Clerk.} Ms. Castor votes aye.
3406 Mr. Sarbanes.
3407 Mr. {Sarbanes.} Aye.
3408 The {Clerk.} Mr. Sarbanes votes aye.
3409 Mr. McNerney.
3410 Mr. {McNerney.} Votes yes.
3411 The {Clerk.} Mr. McNerney votes aye.
3412 Mr. Welch.
3413 Mr. {Welch.} Aye.
3414 The {Clerk.} Mr. Welch votes aye.
3415 Mr. Lujan.
3416 Mr. {Luan.} Aye.
3417 The {Clerk.} Mr. Lujan votes aye.
3418 Mr. Tonko.
3419 Mr. {Tonko.} Aye.
3420 The {Clerk.} Mr. Tonko votes aye.
3421 Mr. Yarmuth.

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3422 Mr. {Yarmuth.} Aye.

3423 The {Clerk.} Mr. Yarmuth votes aye.

3424 Ms. Clarke.

3425 Ms. {Clarke.} Aye.

3426 The {Clerk.} Ms. Clarke votes aye.

3427 Mr. Loeb sack.

3428 Mr. {Loeb sack.} Aye.

3429 The {Clerk.} Mr. Loeb sack votes aye.

3430 Mr. Schrader.

3431 Mr. {Schrader.} Aye.

3432 The {Clerk.} Mr. Schrader votes aye.

3433 Mr. Kennedy.

3434 Mr. {Kennedy.} Aye.

3435 The {Clerk.} Mr. Kennedy votes aye.

3436 Mr. Cardenas.

3437 Mr. {Cardenas.} Aye.

3438 The {Clerk.} Mr. Cardenas votes aye.

3439 Chairman Upton.

3440 The {Chairman.} Votes no.

3441 The {Clerk.} Chairman Upton votes no.

3442 The {Chairman.} Other members wishing to cast a vote on

3443 this amendment?

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3444 Mr. Walden.

3445 Mr. {Walden.} No.

3446 The {Clerk.} Mr. Walden votes no.

3447 The {Chairman.} Mrs. Blackburn.

3448 Mrs. {Blackburn.} No.

3449 The {Clerk.} Mrs. Blackburn votes no.

3450 The {Chairman.} With that, the clerk will report the

3451 tally. Let me just say for members, I have talked to Mr.

3452 Pallone and it is my understanding that the next number of

3453 amendments are likely to go by voice one way or the other,

3454 and if we have a recorded vote before 1 o'clock, we will hold

3455 it, we will call the--we will hold the recorded vote until

3456 1:00. So members, if they want to leave and not participate

3457 in the upcoming amendments in terms of the debate, they are

3458 free, but for--at least until 1 o'clock.

3459 Mr. {Pallone.} But you are already--

3460 The {Chairman.} Mr. Barton reminds me, it saves me some

3461 money because he used to provide lunch to everybody, and I am

3462 not doing that.

3463 {Voice.} Would the gentleman yield? Does that mean you

3464 are not providing lunch?

3465 The {Chairman.} That is correct. I am saying this

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3466 because I am not--

3467 {Voice.} All right. We are all waiting for that, that
3468 is why we are still here.

3469 The {Chairman.} Yeah, right. Right.

3470 Mr. {Pallone.} But would the gentleman yield? We have
3471 to be back by 1 o'clock.

3472 The {Chairman.} Yeah. Yeah. I am just saying that you
3473 are protected until 1 o'clock.

3474 Mr. {Pallone.} Okay.

3475 The {Chairman.} Any votes between now and 1 o'clock
3476 will be held until 1 o'clock. So just--I wanted to just put
3477 that out there. And the clerk, when they are ready--every
3478 member has voted, right? Any member still wishing to vote on
3479 this amendment?

3480 The clerk will report the tally.

3481 The {Clerk.} Mr. Chairman, on that vote there were 23
3482 ayes and 25 nays.

3483 The {Chairman.} Twenty-three ayes, 25 nays, the
3484 amendment is not agreed to.

3485 And with that, are there further amendments to the bill?

3486 The gentlelady from California.

3487 Ms. {Eshoo.} Thank you, Mr. Chairman. I have an

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3488 amendment at the desk.

3489 The {Chairman.} The clerk will report the title of the
3490 amendment.

3491 The {Clerk.} Amendment offered by Ms. Eshoo to the
3492 amendment in the nature of a substitute for H.R. 8.

3493 [The amendment of Ms. Eshoo follows:]

3494 ***** INSERT 12 *****

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|

3495 The {Chairman.} The amendment will be considered as
3496 read. The staff will distribute the amendment, and the
3497 gentlelady from California is recognized for 5 minutes in
3498 support of her amendment.

3499 Ms. {Eshoo.} Thank you, Mr. Chairman.

3500 This amendment adds important transparency requirements
3501 to Section 1104 of the bill, which protects against
3502 disclosure of information regarding critical electrical
3503 infrastructure. And this is really related to an incident
3504 that took place, very serious, serious incident that our
3505 intelligence community, different branches of our government
3506 really did a probe on, and that is on April 16 of 2013--can I
3507 just ask for--okay, yeah, it is distracting. Thank you. The
3508 Metcalf Substation in San Jose, California, was attacked by
3509 coordinated gunfire in an event that nearly caused massive
3510 blackouts in Silicon Valley. This incident exposed the
3511 physical vulnerability of our Nation's electric
3512 infrastructure, and in many cases, highly sensitive
3513 information about grid vulnerabilities is publicly available
3514 or can be obtained through the Freedom of Information Act.
3515 So they used that as a tool to attack. So that is what this

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3516 amendment is about.

3517 So I am pleased that Section 1104 protects information
3518 regarding critical electric infrastructure from being
3519 obtained under FOIA, but I believe that more transparency is
3520 needed to ensure that this new authority is not abused. This
3521 amendment will ensure that FERC only protects from FOIA
3522 disclosure the minimum amount of information need to ensure
3523 the security and the reliability of the grid.

3524 The amendment also ensures that FERC periodically
3525 revisits the information that is protected from FOIA, and
3526 removes this protection from information that no longer
3527 threatens the grid. Making information about past electrical
3528 grid vulnerabilities public after it can no longer be used
3529 maliciously will provide valuable information to security
3530 researchers who are seeking to protect against future
3531 vulnerabilities.

3532 And lastly, this amendment clarifies that FERC
3533 designations of critical electric infrastructure information
3534 are subject to judicial review in the same manner that FOIA
3535 complaints are handled under current law. This amendment was
3536 drafted with input from FERC and is based on the language of
3537 the bipartisan Protecting Critical Infrastructure Act. So I

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3538 would urge the committee to support these important
3539 transparency measures.

3540 And I yield back.

3541 The {Chairman.} Would the gentlelady yield?

3542 Ms. {Eshoo.} I do--I would be glad to.

3543 The {Chairman.} All right, let me just say that we are
3544 prepared to accept the amendment. It is my understanding
3545 that we have a few Is and Ts that might need to be dotted or
3546 crossed, and I look forward to working with you as this bill
3547 moves forward, but we are prepared to accept the amendment.

3548 Ms. {Eshoo.} I will quit while I am ahead, Mr.
3549 Chairman. Thank you.

3550 The {Chairman.} With that, the vote occurs on the Eshoo
3551 amendment.

3552 Those in favor will say aye.

3553 Those opposed, say no.

3554 In the opinion of the chair, the ayes have it. The
3555 amendment is agreed to.

3556 Are there further amendments to the bill?

3557 Mr. {Green.} Mr. Chairman, I have an amendment at the
3558 desk.

3559 The {Chairman.} The gentleman from Texas, Mr. Green,

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3560 has an amendment at the desk. The clerk will report the
3561 title.

3562 The {Clerk.} Sir, is it Green Texas_040?

3563 Mr. {Green.} The--number 2? Number 32. Can I ask
3564 unanimous consent that it be considered as read? Mr.
3565 Chairman, I know they are going to hand out the amendment,
3566 can I ask unanimous consent the amendment be considered as
3567 read?

3568 The {Chairman.} Yes.

3569 The {Clerk.} Amendment offered by Mr. Green to the
3570 amendment in the nature of a substitute to H.R. 8.

3571 [The amendment of Mr. Green follows:]

3572 ***** INSERT 13 *****

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3573 The {Chairman.} And by unanimous consent, we will
3574 consider that--the amendment is considered as read. The
3575 staff will distribute the amendment, and the gentleman is
3576 recognized for 5 minutes in support of his amendment.

3577 Mr. {Green.} Thank you, Mr. Chairman.

3578 I don't think any of us doubt that America's
3579 infrastructure is aging. We need to address our
3580 infrastructure, and I supported both the Pallone and Rush
3581 amendments that we need to fund these improvements. Our
3582 roads and bridges are deteriorating. I know my colleague,
3583 Representative Doyle, and I have discussed the issue on our
3584 roads and bridges. American seaports and airports are in
3585 significant need of investment for our economy to address the
3586 21st century challenges.

3587 Finally, our grid and pipeline network need to be
3588 modernized for the safety of our economy and our environment.
3589 The natural gas distribution system in the U.S. is extensive.
3590 More than 60,000 miles of pipes exist today, much of it
3591 consisting of cast iron, steel, and copper. The Department
3592 of Energy has identified and established a number of programs
3593 to prioritize the distribution system. The DOE has engaged

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3594 stakeholders, including industry and environmentalists to
3595 announce improvements. The department states it is
3596 imperative to help modernize the Nation's natural gas
3597 transportation and distribution systems, and reduce methane
3598 emissions through commonsense standards, smart investments
3599 and innovative research to advance the state-of-art and
3600 natural gas performance. This material has worked well for
3601 over 60 years, but now we live in a world of polymers and
3602 plastics that offer superior performance. Unfortunately,
3603 many of our distribution systems reside in densely populated
3604 urban areas like Washington, DC, Boston, or New York.
3605 Estimates put the replacement of our distribution system at
3606 more than \$82 billion. Replacement will be time-consuming
3607 and disruptive. While the natural gas sectors work
3608 diligently to implement a replacement plan, much of this is
3609 contingent on funding.

3610 Federal agencies have worked closely with industry and
3611 states to establish an expedited rate recovery and
3612 replacement programs, however, rate recovery can
3613 disproportionately affect low-income families, like in our
3614 district. The last thing a struggling family can afford is
3615 an increased utility bill. It is difficult to explain to

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3616 folks that our bills have gone up for the replacement of
3617 something they never see.

3618 My amendment would commit \$100 million to the pipeline
3619 replacement. While it is not \$1.5 billion, and it is not
3620 more than--but it is a lot more than zero, and it is a
3621 beginning. We would continue to work on this issue and
3622 increase the amount of funding as we move forward.

3623 And I ask my colleagues to support this amendment.

3624 The {Chairman.} Will the gentleman yield?

3625 Mr. {Green.} I would be glad to yield, Mr. Chairman.

3626 The {Chairman.} We are prepared to accept the amendment
3627 on this side. It is an important provision. I appreciate
3628 your hard work on this. And as you ended your statement, you
3629 indicated that your--you would like to see that amount
3630 increase, and I look to work with you to see that occur, but
3631 at this point not prepared to go beyond that level at this
3632 point. And appreciate the gentleman's amendment, and again,
3633 prepared to accept it.

3634 Mr. {Green.} Thank you, Mr. Chairman. And I--like my
3635 colleague from California, I will stop while I am ahead.

3636 The {Chairman.} Yeah. Other members wishing to speak?

3637 Seeing none, the vote occurs on the Green amendment.

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3638 Those in favor will say aye.

3639 Those opposed, say no.

3640 In the opinion of the chair, the ayes have it. The
3641 amendment is agreed to.

3642 Are there further amendments to the bill?

3643 {Voice.} Is mine next?

3644 The {Chairman.} Mr. Green has another amendment?

3645 Mr. {Green.} I have another amendment, Mr. Chairman.

3646 And I would like to thank you and the ranking member for
3647 holding the markup, and I want to thank the staff for their
3648 hard work because it is not always easy--

3649 The {Chairman.} If I could get the clerk to report the
3650 title of the amendment.

3651 Mr. {Green.} Okay.

3652 The {Chairman.} The clerk will report the title of the
3653 amendment.

3654 The {Clerk.} Amendment offered by Mr. Gene Green of
3655 Texas to the amendment in the nature of a substitute to H.R.
3656 8.

3657 [The amendment of Mr. Green follows:]

3658 ***** INSERT 14 *****

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|

3659 The {Chairman.} And the amendment will be considered as
3660 read, and the gentleman is recognized for 5 minutes in
3661 support of his second amendment.

3662 Mr. {Green.} Thank you, Mr. Chairman. And I don't
3663 intend to ask for a vote on this amendment, but I am pleased
3664 the committee has decided to undertake an energy package. It
3665 is not as comprehensive as I would like, or that our Nation
3666 needs, and we hope we can do better.

3667 The last comprehensive energy package this committee
3668 passed was in 2007. The Energy Independence and Security Act
3669 was drafted in a different world. In 2007, we were importing
3670 16 million barrels of oil, and we were building LNG import
3671 terminals. We have concern about how we would fuel our
3672 economy because we lacked essential resources. Our bulk
3673 power relied heavily on one source of fuel, and the world
3674 looked at--to the Middle East for energy production.

3675 2015 is a lot different. Today, we are producing more
3676 than 9 million barrels a day. We are set to export 10
3677 billion cubic feet of natural gas. Our refining,
3678 manufacturing, and chemical industries are thriving. Our
3679 power system is diversified, and North America is now a focal

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3680 point of energy production in the next century. However, our
3681 priorities have not changed. The direction of federal
3682 agencies must change to meet these new realities. H.R. 8
3683 begins to address the issues, and it is not perfect but it
3684 goes.

3685 I would also like to encourage my colleague and offer
3686 the amendments--let me get to my amendment.

3687 The {Chairman.} The gentleman--

3688 Mr. {Green.} My amendment would require the Department
3689 of State, Department of Energy, and Federal Regulatory--
3690 Energy Regulatory Commission to establish a memorandum of
3691 understanding for processing permits on cross-border
3692 pipelines, infrastructure, and electricity wires. The
3693 agencies work together to establish great practices for
3694 cross-border permitting. According to the Department of
3695 Energy quadrennial energy review, energy system integration
3696 is in the best interest of the--North America. We share
3697 approximately 200 gigawatts, 3.5 billion barrels of oil, and
3698 1.5 trillion cubic feet of electricity, oil, natural gas with
3699 our neighbors, Canada and Mexico. While each federal entity
3700 permits different infrastructure, the challenges and
3701 opportunities they face are similar. Each deals with

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3702 environmental state agencies and public input.

3703 In 2014, the White House recognized the importance of
3704 permitting and released a plan to adopt the best practices.
3705 The plan was focused solely on domestic infrastructure, and
3706 sought to improve efficiency and effectiveness of the federal
3707 permitting and review of major infrastructures.

3708 Federal agencies have worked to expedite review and
3709 permitting of over 50 major projects, including renewable
3710 energy projects. The President called on Congress to
3711 establish similar interagency initiatives to improve that
3712 process. I have worked with my colleagues to establish a
3713 reasonable permitting process for the federal agency. In an
3714 effort to establish efficiencies and create great standard
3715 practices, the agencies should share information. MOUs
3716 similarly created have resulted in significant benefits.

3717 I would--I make sense to--it makes sense to establish a
3718 collaborative partnership and identify and pursue
3719 opportunities between the 3 federal entities. And I
3720 encourage my colleagues--I am going to withdraw this
3721 amendment, but we need to have something that has our federal
3722 agencies working together, and an MOU would help, and I think
3723 statutory authorization would be helpful. But again, this

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3724 may not be the time for it, but I hope we will consider this
3725 amendment as we move the bill along.

3726 The {Chairman.} If the gentleman will yield.

3727 Mr. {Green.} I would be glad to yield.

3728 The {Chairman.} First of all, I want to say I
3729 appreciate the amendment, and as much as I--I do support the
3730 amendment, but cannot accept it at this time. I appreciate
3731 the gentleman's work in the last Congress as we moved this
3732 bill forward, and I--as I have said a number of times today,
3733 I remain very encouraged that, in fact, we will get this bill
3734 to the President and he will be able to sign it. And it is
3735 not--it may not be as difficult as balancing basketballs on
3736 top of each other to get that job done, but if we added this
3737 provision to it, it, in fact, may make it that more difficult
3738 to get it done. So I look forward to working with the
3739 gentleman on perhaps another bill, maybe even independent,
3740 but at this point, appreciate his willingness to withdraw the
3741 amendment because I think that it is--

3742 Mr. {Green.} Mr. Chairman, I appreciate you working
3743 with us on it, and the issue is not going to go away, but I
3744 also know that, in reality, this is--could be a problem with
3745 the bill. And I would just urge my colleagues to consider it

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3746 in the future, and withdraw my amendment.

3747 The {Chairman.} Amendment is withdrawn.

3748 Are there further amendments to the bill?

3749 Gentleman from New Jersey.

3750 Mr. {Pallone.} Thank you, Mr. Chairman. I have an
3751 amendment at the desk, 018.

3752 The {Chairman.} The amendment will be considered as
3753 read. The--clerk will report the title of the amendment.

3754 The {Clerk.} Amendment offered by Mr. Pallone to the
3755 amendment in the nature of a substitute to H.R. 8.

3756 [The amendment of Mr. Pallone follows:]

3757 ***** INSERT 15 *****

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|

3758 The {Chairman.} And the amendment will be considered as
3759 read, the staff will distribute the amendment, and the
3760 gentleman from New Jersey is recognized for 5 minutes in
3761 support of his amendment.

3762 Mr. {Pallone.} Thank you.

3763 This amendment would strike Section 3006 of the bill,
3764 dealing with the export of liquefied natural gas, or LNG.
3765 This section is similar to H.R. 351, a bill that was
3766 considered on the House Floor in January.

3767 The Department of Energy currently conducts a public
3768 interest review of all applications to export LNG to a
3769 country without a Free Trade Agreement with the United
3770 States. DOE has established a record of acting
3771 expeditiously, and has acted on all applications that have
3772 completed the NEPA process. To date, DOE has approved 9
3773 final authorizations on 7 projects, and there is no backlog
3774 or delay at the Department of Energy to speak of.

3775 With these permits alone, we have the ability to become
3776 one of the largest exporters of natural gas in the world. So
3777 legislation to impose an arbitrary 30-day deadline, which is
3778 what this--what the underlying bill does, is simply

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3779 unnecessary.

3780 With regard to exporting natural gas, we should keep in
3781 mind that low domestic natural gas prices can provide an
3782 important competitive advantage to U.S. manufacturing, and
3783 simple economics tells us that additional demand due to
3784 unrestricted exports can raise domestic natural gas prices.
3785 We should think twice about giving away this advantage for
3786 short-term export profits when we are trying hard to rebuild
3787 our long-term manufacturing base. We should also remember
3788 that this provision will not result in LNG exports to Europe
3789 for some time, if at all. Although one LNG export terminal
3790 is set to begin full operation later this year, all other
3791 terminals remain under construction or in the planning
3792 process.

3793 When the U.S. actually begins to export significant
3794 quantities of LNG, it will most likely go to Asia, not
3795 Europe. The export terminals most likely to get constructed
3796 already signed long-term contracts to supply LNG to various
3797 customers, and those destinations are primarily in Asia.

3798 I am offering this amendment, Mr. Chairman, to strike
3799 Section 3006 because I don't believe the phantom LNG export
3800 backlog is one of the pressing issues facing ordinary

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3801 Americans, and I don't believe that expediting this type of
3802 infrastructure is what our country needs most. In my
3803 congressional district, 25 miles off the coast of Long
3804 Branch, my hometown, an LNG import facility has been proposed
3805 is in the--is--and it is in the permitting phase. While this
3806 facility is currently being designed as an import terminal,
3807 it could, with additional permitting and facilities, be
3808 converted to an export terminal in the future. Given our
3809 decreasing need for natural gas imports, I have concerns
3810 about the impact that could have on natural gas prices in the
3811 Northeast. I have opposed the construction of this terminal
3812 for several reasons, but I believe that our country should be
3813 encouraging the use of renewable energy resources like wind
3814 power, including windmills offshore in New Jersey. Wind
3815 power is exactly the type of clean energy America should be
3816 investing in; the type that will reduce our carbon emissions
3817 and create jobs. These are the types of clean energy
3818 solutions that America should be investing in; the type that
3819 will enhance our energy security, reduce carbon emissions,
3820 and lower overall energy costs to consumers.

3821 Unfortunately, Section 3006 doesn't achieve any of these
3822 goals. In fact, the arbitrary 30-day deadline in the bill

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3823 could have counterproductive results. In the Department of
3824 Energy is forced to make a decision before they have
3825 determined if an LNG project is in the public interest, it
3826 may have no choice but to deny the application, and that
3827 outcome doesn't benefit anyone, especially the applicants.

3828 So I urge my colleagues to vote yes on this important
3829 amendment. And I yield back, Mr. Chairman.

3830 The {Chairman.} The gentleman yields back.

3831 Other members wishing to speak? The gentleman from
3832 Ohio, Mr. Johnson.

3833 Mr. {Johnson.} Thank you, Mr. Chairman. And I have
3834 tremendous respect for our ranking member, having traveled to
3835 Europe with him to--as part of a group to look at energy
3836 issues across Europe, but I must disagree and oppose his
3837 amendment because I believe there is absolutely a need for
3838 greater certainty in the LNG export permitting process
3839 because, by establishing firm deadlines for DOE to act after
3840 the FERC environmental review, it is going to eliminate the
3841 guessing game.

3842 These terminals are huge, multibillion dollar
3843 investments, and companies require this certainty for
3844 planning purposes, and the legislation that has been offered,

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3845 this language will provide them that certainty. Secretary
3846 Moniz himself has indicated that this 30-day timeframe, this
3847 stop clock, is a deadline that is achievable. And let me
3848 point out that by a report for the Department of Energy
3849 itself, we learned that the economic benefits of exporting
3850 liquefied natural gas outweigh the costs. And although the
3851 economic benefits are significant, they may well be exceeded
3852 by the GO political benefits. We talked to our Ukrainian
3853 friends when we were over there about how exporting American
3854 LNG would affect the conduct by the Russians and Vladimir
3855 Putin, and we have learned also, and we have heard from many
3856 experts, that adding America's LNG exports to the
3857 international markets lowers prices everywhere, even if not
3858 directly--or not directly headed to Europe.

3859 And finally, let me talk briefly about the economic
3860 implications here at home. Experts have told us, and again,
3861 in a report that was prepared for the Department of Energy,
3862 that exporting liquefied natural gas would generate more than
3863 \$4.4 billion in net benefits to the U.S. economy. That means
3864 jobs. That means higher wages for American workers. That
3865 means more opportunities for a resurgence of manufacturing,
3866 and all of the other added benefits that come downstream from

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3867 those LNG exports.

3868 So with all due respect to our ranking member, I must
3869 oppose this amendment, and I urge my colleagues to oppose it
3870 as well.

3871 The {Chairman.} The gentleman yields back his time.

3872 Other members wishing to speak on the amendment?

3873 Gentleman from Texas, Mr. Olson.

3874 Mr. {Olson.} I thank the chair. And I join my
3875 colleague from Ohio in speaking opposition to the amendment
3876 from the ranking member.

3877 U.S. energy exports represent nothing but wins for
3878 America. It is a win for American energy security, it is a
3879 win for American economic growth, and it is a win for
3880 American foreign policy. Streamlining and expediting the
3881 process for LNG exports reviews would create jobs right here
3882 at home, and help foster a more competitive global market for
3883 natural gas. U.S. energy exports would enhance our strategic
3884 alliances, strengthen the independence of our allies, and
3885 help curtail the use of energy as a political weapon.

3886 Mr. Putin is bombing with troops in Syria right now. He
3887 has a stranglehold on Europe because he controls their oil,
3888 their natural gas. We can help our allies. Allies like

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3889 India, South Korea, and Japan, who crave our natural gas.
3890 There needs to be greater certainty in the LNG export
3891 permitting process by establishing firm deadlines for DOE to
3892 act after the FERC environmental review, it would eliminate
3893 the guessing game that my friend from Ohio mentioned.

3894 Section 3006 would give DOE 30 days to issue a decision
3895 following the completion of FERC's environmental review. DOE
3896 has been able to act within a 30-day timeframe in recent
3897 project approval. This is not an arbitrary deadline.
3898 Secretary Moniz believes this deadline is achievable.

3899 The LG export process will open new markets for American
3900 natural gas, and support through creation of thousands of
3901 jobs right here at home.

3902 I urge a no-vote on the amendment. I yield back.

3903 The {Chairman.} The gentleman yields back. Other
3904 members wishing to speak on the amendment?

3905 Seeing none, the vote occurs on the amendment. And a
3906 roll call is going--no?

3907 All those in favor of the amendment will say aye.

3908 All those opposed, say no.

3909 In the opinion of the chair, the nos have it. The nos
3910 have it, the amendment is not agreed to.

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3911 Other amendments to the bill?

3912 Gentleman from New York, Mr. Tonko--

3913 {Voice.} Mr. Schrader.

3914 The {Chairman.} Mr. Schrader. Can you--

3915 Mr. {Tonko.} Mr. Schrader just wanted to enter into

3916 dialogue--

3917 The {Chairman.} Doesn't have an amendment.

3918 Mr. {Tonko.} --since we--

3919 The {Chairman.} Yes.

3920 Mr. {Tonko.} --are not voting.

3921 The {Chairman.} Strike the last word. Mr. Schrader is

3922 recognized for 5 minutes.

3923 Mr. {Schrader.} Try and make the best use of members'--

3924 committee members' time. I just wanted to not propose an

3925 amendment, but just enter a quick dialogue with the chair and

3926 ranking member about maybe working on Section 4114, the waste

3927 energy section, a little bit more going forward.

3928 I understand the intent of the language is to disqualify

3929 energy that is producing any waste energy facility that takes

3930 residuals from the mixed waste or single bin recycling

3931 facility. Concerned that this language goes a little further

3932 than that, could cause problems. We only have one facility

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3933 in the entire State of Oregon, and that happens to be in my
3934 district, Marion County. They have a recycling rate of 61
3935 percent. We want to encourage that. Contrast with the solid
3936 waste programs, a lot of communities that rely only on the
3937 landfills, much less successful programs, and sometimes no
3938 recycling whatsoever. I am concerned that we really want to
3939 clarify that not every single truck that is coming into the
3940 solid waste facility has to be inspected and certified.
3941 Marion County does a good job in its immediate franchise
3942 jurisdiction, but occasionally to fill in the blanks in the
3943 program, loads will come in from outside the community, and
3944 it would be extremely onerous to try and chart every single
3945 load that came in from different areas around the state.
3946 It--I am just a little concerned that it would be a burden
3947 that would be unable to be fulfilled by the community.
3948 The other issue concerned about is that the provision
3949 here does not apply to landfill gas. That means a truckload
3950 of paper could go directly to a landfill, or a community that
3951 does zero recycling could send their trash to a landfill, and
3952 any electricity generated from landfill gas could be used to
3953 meet the federal renewable requirement. I don't think that
3954 is the intent of the language, but would hope I could work

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3955 with the chair and ranking member in the future to clarify
3956 things.

3957 The {Chairman.} Yeah.

3958 Mr. {Schrader.} Thank you.

3959 The {Chairman.} And if the gentleman would yield.
3960 Obviously, we will continue to listen.

3961 I just want to underscore that this impacts only federal
3962 procurement areas, and as I understand, your particular
3963 facility there is not impacted by this. But a couple of
3964 members have raised--

3965 Mr. {Schrader.} I would--

3966 The {Chairman.} --such, and--but we will continue to
3967 listen and try to make sure that we have this right. And I
3968 appreciate the gentleman's interest.

3969 Mr. {Schrader.} Thank you very much. I yield back.

3970 The {Chairman.} And the gentleman yields back.

3971 Other further amendments to the bill? The gentleman
3972 from New York, Mr. Tonko has an amendment at the desk. The
3973 clerk will report the title of the amendment.

3974 The {Clerk.} Amendment offered by Mr. Tonko of New York
3975 to the amendment in the nature of a substitute to H.R. 8.

3976 [The amendment of Mr. Tonko follows:]

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3977 ***** INSERT 16 *****

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3978 The {Chairman.} Without objection, the amendment is
3979 considered as read. The staff will distribute the amendment,
3980 and the gentleman is recognized for 5 minutes in support of
3981 his amendment.

3982 Mr. {Tonko.} Thank you, Mr. Chair.

3983 My amendment reauthorizes two existing programs; the
3984 Weatherization Assistance Program and the State Energy
3985 Program. Both of these programs have been operating
3986 successfully for many years. The federal dollars delivered
3987 through these programs leverage additional funding from
3988 states and the private sector. These programs address real
3989 problems. They are effective and they create and sustain
3990 jobs.

3991 Frankly, Mr. Chair, the bill before us does very little
3992 to advance efficiency. Some of its provisions are more
3993 likely to delay efficiency improvements than to move them
3994 forward, and there is little in this bill designed to address
3995 the needs of the average citizen.

3996 My amendment makes a small contribution in these areas.
3997 The Weatherization Assistance Program supports state-based
3998 programs to improve the energy efficiency of the homes of

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3999 low-income families. The Department of Energy provides
4000 grants to the states, United States territories, and tribal
4001 governments to deliver these services through local
4002 weatherization agencies. The program operates in all areas
4003 of the country, and weatherizes all types of homes, including
4004 single family homes, multifamily buildings, and mobile homes.
4005 The weatherization measures used include air sealing,
4006 wall and attic insulation, duct ceiling, and furnace repair
4007 and replacement. Federal funds leverage additional funding
4008 from other sources. And the program benefits, the local
4009 economy where the weatherization activity support jobs in
4010 construction and related industries. Investments in energy
4011 efficiency pay for themselves over time, but the upfront
4012 costs can be significant, and when a family's budget is
4013 severely limited, those costs are simply too high. The
4014 weatherization program helps those in our communities who do
4015 not have the financial resources to make energy efficiency
4016 investments on their own. That could include the elderly,
4017 the disabled, and other low-income families who are
4018 struggling to make ends meet. No one can afford to waste
4019 money, and a sudden increase in expenses is difficult to
4020 manage for many of our families, but low-income families are

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4021 particularly vulnerable to spikes in energy bills during
4022 heatwaves or cold weather due to poor insulation and
4023 inefficient appliances. They need assistance to make
4024 efficiency investments that will result in sustained energy
4025 savings, and provide them with a more comfortable and healthy
4026 home. Less money spent on energy frees up their budget to
4027 help with other essential expenses. Energy use in buildings
4028 still accounts for a significant part of our energy
4029 consumption. We can do much better, and the weatherization
4030 program helps us to achieve greater efficiency gains.

4031 The State Energy Program provides funding to the states
4032 to support the work of their energy offices. While there are
4033 many common denominators in energy policy, there are also
4034 many state-specific challenges that given state governments
4035 must deal with. The State Energy Program ensures that each
4036 state will have basic funding available to support its
4037 programs.

4038 These offices play a role in helping states to find the
4039 least costly ways to meet state goals for energy efficiency,
4040 goals for air quality, fuel diversity, and energy security.

4041 The committee last reauthorized these programs in 2007,
4042 for a 5-year period at about \$1 billion per year for

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4043 weatherization, and \$125 million per year for the State
4044 Energy Program.

4045 My amendment authorizes the weatherization program for
4046 another 5 years, but at lower levels; \$450 million per year.
4047 The State Energy Program is authorized for 5 years at \$75
4048 million per year. These are robust authorization levels, but
4049 they are lower than those of the last 5-year period, to be
4050 more in line with today's fiscal constraints.

4051 The Senate's bipartisan energy bill does contain
4052 reauthorizations for these programs. I ask my colleagues to
4053 support my amendment and help to extend the benefits of
4054 energy efficiency to more families, and to support local jobs
4055 and businesses that do this very important work.

4056 With that, Mr. Chair, I yield back.

4057 The {Chairman.} The gentleman yields back.

4058 I would just note before I yield to Mr. Whitfield that
4059 my understanding that there may be 8 or 10 more amendments,
4060 so--offered from your side, and for people that are watching
4061 or staffs that are here, I guess we will start voting as
4062 early as 1:15. All right? So make sure your members are
4063 back by 1:15.

4064 And with that, I yield to the gentleman from Kentucky,

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4065 Mr. Whitfield.

4066 Mr. {Whitfield.} Thank you, Mr. Chairman.

4067 In response to Mr. Tonko's amendment, let me first say
4068 that the weatherization program has been a very important
4069 program, and this amendment would reauthorize the Federal
4070 Weatherization Assistance Program at \$450 billion for each of
4071 the next 5 years.

4072 The Department of Energy's Weatherization Assistance
4073 Program is already being well funded. In recent years,
4074 Congress has been funding the program at or near the
4075 Department's requested levels, and the Department has not
4076 even requested additional funds.

4077 I might also add that the 2009 stimulus bill included \$5
4078 billion extra to DOE for the weatherization program; roughly
4079 17 times what was originally appropriated for that year.
4080 Furthermore, using experiments considered the gold standard
4081 for evidence, researchers from UC Berkeley, MIT, and the
4082 University of Chicago recently released a report on a first-
4083 of-its-kind field test of the Federal Weatherization
4084 Assistance Program. The study found that the cost of energy
4085 efficiency investments were about double the savings from
4086 those programs. That model projected savings are 2.5 times

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4087 the actual savings, and that even when accounting for the
4088 broader societal benefits of energy efficiency investments,
4089 the costs still substantially outweigh the benefits. The
4090 average rate of return is approximately minus 9.5 percent
4091 annually.

4092 So we are going to be looking at this weatherization
4093 program, but at this time, I don't think we want to
4094 reauthorize it for 5 years at a \$450 million annual amount.

4095 And so with that, I would respectfully oppose the
4096 gentleman's amendment from New York, and urge that we vote
4097 against it.

4098 Yield back.

4099 The {Chairman.} The gentleman yields back.

4100 Other members wishing to speak? The gentleman from New
4101 Jersey, Mr. Pallone.

4102 Mr. {Pallone.} Thank you, Mr. Chairman.

4103 I want to support the Tonko amendment on weatherization.
4104 And again, this--we have had some significant discussion on
4105 several amendments about the value of investment in terms of
4106 job creation and economic growth, and I think it is quite
4107 clear that the weatherization program and reauthorization of
4108 it would go far towards creating jobs and increasing growth

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4109 in this country.

4110 The program is among the Nation's most successful energy
4111 efficiency initiatives. It installs and pays for cost-
4112 effective energy efficiency upgrades to the homes of low-
4113 income Americans. Energy-efficient improvements save low-
4114 income families money on their monthly energy bills, while
4115 making their homes safer and more comfortable to live in.
4116 And the program has helped improve the lives of more than 7
4117 million families since its beginning in 1976. Families
4118 receiving weatherization services see their energy bills
4119 reduced by an average of roughly \$300 every year. Any family
4120 would appreciate that savings, but for low-income families,
4121 it can make an enormous difference. That is because low-
4122 income families spend 17 percent of their income on energy,
4123 compared to 4 percent for other households. Families spend
4124 their savings in their own communities, rather than spending
4125 their hard-earned money out of town to big energy companies.
4126 Increases in disposable income also reduce homelessness and
4127 demand for public assistance. So this is a win-win situation
4128 all across the board. And because reducing consumer energy
4129 demand also reduces pollution and improves air quality. But
4130 as I said before, this is really a job creation initiative as

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4131 well, and a prescription for economic growth.

4132 So for all those reasons, I would support, and urge my
4133 colleagues to support the amendment.

4134 I yield back.

4135 The {Chairman.} The gentleman yields back.

4136 Other members wishing to speak?

4137 Seeing none, the vote occurs--

4138 {Voice.} I would ask for a roll call.

4139 The {Chairman.} --on the amendment. Roll call is
4140 asked, so we will defer the roll call until members come
4141 back.

4142 Further amendments to the bill? The gentleman from New
4143 Mexico.

4144 Mr. {Lujan.} Mr. Chairman, I have an amendment at the
4145 desk, Amendment 43, 4-3.

4146 The {Chairman.} The clerk will report the title of the
4147 amendment.

4148 The {Clerk.} Amendment offered by Mr. Ben Ray Lujan of
4149 New Mexico to the amendment in the nature of a substitute for
4150 H.R. 8.

4151 [The amendment of Mr. Lujan follows:]

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4152 ***** INSERT 17 *****

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4153 The {Chairman.} And without objection, the amendment is
4154 considered as read. The staff will distribute the amendment,
4155 and the gentleman is recognized for 5 minutes.

4156 Mr. {Lujan.} Thank you, Mr. Chairman.

4157 Mr. Chairman, this amendment would require the Secretary
4158 of Energy to report back to the Committee on Energy and
4159 Commerce of the House of Representatives, and the Committee
4160 on Energy and Natural Resources of the Senate on the efforts
4161 made to take advantage of and promote the utilization of
4162 advanced technologies, such as Internet of Things, end-to-end
4163 platform solutions, to provide real-time actionable analytics
4164 and enable predictive maintenance and asset management to
4165 improve energy efficiency wherever feasible.

4166 Mr. Chairman, the Internet of Things includes endpoint
4167 devices connecting to the internet, and generating data that
4168 can be analyzed to extract valuable information. Intel,
4169 which, for more than 30 years, has been a vital partner to my
4170 home State of New Mexico, is an example of a business that is
4171 increasing the focus of the IOT business. This summer, the
4172 company's CEO reported a transformation of their business'
4173 growth and datacenter, memory, and Internet of Things

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4174 accounted for more than 70 percent of their operating profit.
4175 Intel's Rio Rancho campus is in my district, which provides
4176 and supports thousands of families with well-paying jobs, and
4177 contributes hundreds of millions of dollars to New Mexico's
4178 economy. So our effort to support the Internet of Things is
4179 critical to my district and many communities across the
4180 country, as companies like Microsoft, Cisco, Google, IBM, and
4181 Apple are working to further connect our world and lives.

4182 McKenzie estimates that IOT has a total potential
4183 economic impact of \$3.9 trillion, to \$11.1 trillion by year
4184 2025. But IOT just doesn't represent a business opportunity
4185 for American companies, it also represents an opportunity to
4186 strengthen our economic competitiveness, and better the lives
4187 of Americans by saving consumers money, providing certainty
4188 to utilities as they would invest in technologies that would
4189 provide certainty with ratemaking proceedings, and strengthen
4190 energy efficiency.

4191 And so with that, Mr. Chairman, I look forward to
4192 working with you and encourage adoption of this amendment.

4193 The {Chairman.} Will the gentleman yield?

4194 Mr. {Lujan.} Yes.

4195 The {Chairman.} I just--you know, we had a great

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4196 productive hearing yesterday, a good number of folks, and I
4197 think your amendment is a good one. We are prepared to
4198 accept it. I just wished that you had worked with Mr.
4199 Walden. We would have had a DCCC NRCC. Anyway, I just say
4200 that on the side, but we are prepared to accept the
4201 amendment. I think it is a good amendment, and--

4202 Mr. {Lujan.} Thank you, Mr. Chairman.

4203 The {Chairman.} --accept it.

4204 With that, other members wishing to speak on the
4205 amendment?

4206 Seeing none, the vote occurs on the--I am sorry, on the
4207 gentleman from New Mexico's--did the gentlelady want to speak
4208 on the amendment?

4209 {Voice.} No.

4210 The {Chairman.} All those in favor will say aye.

4211 All those opposed, say no.

4212 Opinion of the chair the ayes have it, and the amendment
4213 is agreed to.

4214 Further amendments to the bill?

4215 The gentlelady from Illinois.

4216 Ms. {Schakowsky.} Thank you, Mr. Chairman.

4217 The {Chairman.} Do you have an amendment at the desk?

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4218 Ms. {Schakowsky.} This--I have an amendment at the
4219 desk.

4220 The {Chairman.} And the clerk will report the title of
4221 the amendment.

4222 The {Clerk.} Amendment offered by Ms. Schakowsky of
4223 Illinois to the amendment in the nature of a substitute for
4224 H.R. 8.

4225 [The amendment of Ms. Schakowsky follows:]

4226 ***** INSERT 18 *****

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4227 The {Chairman.} The amendment will be considered as
4228 read. The staff will distribute the amendment, and the
4229 gentlelady is recognized for 5 minutes in support of her
4230 amendment.

4231 Ms. {Schakowsky.} This is 027, correct, Clerk? Okay.
4232 Thank you. So over the past two decades, wholesale
4233 electricity rates for more than half of all Americans have
4234 shifted from a cost-based to a market-rate basis. What this
4235 means is that energy prices are no longer determined based on
4236 what it actually costs to provide energy but rather what
4237 consumers are willing to pay. For a commodity as vital as
4238 electricity, that is not a good way to do it, and consumers
4239 have really suffered as a result.

4240 My amendment is simple. It establishes an Office of
4241 Consumer Advocacy and Compliance Assistance at the Federal
4242 Energy Regulatory Commission, at FERC. The office would
4243 monitor and review customer complaints about energy prices or
4244 services. It would have the authority to investigate prices
4245 and services charged provided by public utilities and natural
4246 gas companies. And it would be able to represent energy
4247 customers in administrative, regulatory, or judicial

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4248 proceedings relating to customer complaints.

4249 Simply put, the office would provide the support
4250 consumers need to challenge unfair or unjustified energy
4251 prices or inadequate services.

4252 Consumers deserve protection against abuse in pricing
4253 and poor service. According to the American Coalition for
4254 Clean Coal Electricity, the almost half of all American
4255 households with earnings of \$50,000 a year or less spend 17
4256 percent of their after-tax incomes to residential and
4257 transportation energy. Those constituents can't hire an
4258 investigator to look into unfair practices or attorneys to
4259 defend them in court. Right now they are stuck footing the
4260 bill, even if it is unreasonably expensive. This is
4261 something we should all want to address.

4262 For my colleagues who have argued that we should do
4263 everything we can to reduce energy costs, this provision
4264 would help achieve that goal. For my colleagues who believe
4265 more transparency and accountability is needed at federal
4266 agencies and the industries they oversee, this provision
4267 would help achieve that goal. For those who have heard from
4268 constituents who are fed up with energy costs and service but
4269 see no recourse available to them to address those concerns,

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4270 this provision is the answer.

4271 My amendment replaces the Office of Compliance and
4272 Assistance and Public Participation that would be established
4273 in the underlying bill and replaces it with an office that
4274 would have some real teeth. Rather than establishing an
4275 office to monitor and promote compliance with Commission
4276 rules, the Office of Consumer Advocacy and Compliance
4277 Assistance would be able to represent consumers in their
4278 efforts to address known pricing or service problems. Rather
4279 than simply promoting compliance with Commission rules, the
4280 office would ensure that those rules are followed and
4281 consumers are protected.

4282 I urge my colleagues to support this common-sense
4283 amendment that would give consumers the voice they deserve
4284 when it comes to their energy prices. And Mr. Chairman, I
4285 yield back my time.

4286 The {Chairman.} The gentlelady yields back. Other
4287 members wishing to speak on the amendment? The gentleman
4288 from Kentucky, Mr. Whitfield.

4289 Mr. {Whitfield.} Thanks, Chairman. And Ms. Schakowsky
4290 has been a strong advocate for consumers throughout her
4291 career in Congress, and her amendment would establish an

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4292 Office of Consumer Advocacy and Compliance Assistance at
4293 FERC. We simply believe, and she has made reference to this,
4294 that our Section 4211 in the bill does provide and create at
4295 FERC an Office of Compliance, Assistance, and Public
4296 Participation. The new office covers many of the issues
4297 identified by Ms. Schakowsky in her amendment including
4298 ensuring that the rates are just and reasonable. And reading
4299 from the Office of Compliance Assistance that we establish in
4300 this bill, the director shall promote, improve compliance
4301 with Commission rules. The director of the office shall be
4302 protecting consumers, making sure that there is market
4303 integrity, examining closely rates and charges, making sure
4304 that they are just and reasonable.

4305 So while we think that she has every good intention and
4306 the method is just a little bit different, we feel like that
4307 the language in the existing bill covers most of this. And
4308 for that, as much as I am a fan of Ms. Schakowsky personally
4309 and her advocacy for consumers, I would respectfully request
4310 that we not agree with her amendment on this case. I yield
4311 back the balance of my time.

4312 The {Chairman.} The gentleman yields back. Other
4313 members wishing to speak on the amendment? Seeing none, the

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4314 vote occurs. The gentlelady asks for a roll call. So at
4315 this point, Mike, do you want to just start or--so we will
4316 have a roll call vote but just wait one second. We have two
4317 roll calls that are stacked. One is the weatherization of
4318 Mr. Tonko and one is Schakowsky on consumer advocacy. Do you
4319 want to do one more amendment and then we will roll those,
4320 depending if we have a third roll call asked for?

4321 Ms. {Schakowsky.} Sure.

4322 The {Chairman.} All right? So we got those two stacked
4323 up. So are there other members wishing to offer an
4324 amendment? The gentlelady from California with a bad cough.
4325 Or do you want me to go to Mr. Loeb sack next? Is that all
4326 right? Let me go to Mr. Loeb sack. Is there an amendment at
4327 the desk?

4328 Mr. {Loeb sack.} I do, Mr. Chair. Thank you.

4329 The {Chairman.} The clerk will read the title of the
4330 amendment.

4331 The {Clerk.} Amendment offered by Mr. Loeb sack of Iowa
4332 to the amendment in the nature of a substitute for H.R. 8.

4333 [The amendment of Mr. Loeb sack follows:]

4334 ***** INSERT 19 *****

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|

4335 The {Chairman.} The amendment will be considered as
4336 read. The staff will distribute the amendment, and the
4337 gentleman will proceed for 5 minutes in support of his
4338 amendment.

4339 Mr. {Loebsack.} Thank you, Mr. Chair. Colleagues, my
4340 amendment is very, very simple. It is only one page long.
4341 It establishes a distributed wind initiative within the
4342 Department of Energy's Wind Program for research and
4343 development and provides technical information as well as a
4344 clearing house of information for small- and medium-
4345 distributed wind producers. Distributed wind has more
4346 domestic energy content than any other renewable energy
4347 technology. In 2014 over 90 percent of all small and medium
4348 wind energy systems installed in America were actually built
4349 in America. So distributed wind could be the best option for
4350 thousands of consumers to produce their own clean energy
4351 using equipment that is literally made in America.

4352 Distributed wind systems are typically owned by rural
4353 and local entities, for example, an individual or a family; a
4354 school district or a hospital; a farm or a ranch, and I see
4355 lots of them throughout the State of Iowa as I travel my 24

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4356 counties; a local business; a municipality or a tribe that
4357 uses most if not all of the electricity produced on site.
4358 Distributed locally owned and community wind projects
4359 typically contribute also more to the local economic
4360 development than conventional wind farms, and we have plenty
4361 of those in Iowa as well. So it is an economic benefit for
4362 utility customers.

4363 While the industry already employs thousands of people,
4364 from Maine, Vermont, and New York to Iowa, Minnesota,
4365 Colorado, Oregon, Washington, California, Alaska, Hawaii, and
4366 has very significant further job creation potential in the
4367 years ahead, distributed wind systems are installed in every
4368 state. And the opportunities for distributed wind deployment
4369 are significant across America. I think the reason that we
4370 are marking up this bill today is to improve and modernize
4371 our energy sector. It is imperative I believe to make sure
4372 that every American has the opportunity to find the
4373 information for themselves but not just a few types of
4374 renewable energy technologies but for as many energy options
4375 as possible.

4376 And that is the purpose of this amendment, and I thank
4377 the committee and I urge the support for this simple, common-

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4378 sense amendment. And I yield back the balance of my time.

4379 The {Chairman.} The gentleman yields back. I will
4380 yield myself 5 minutes in opposition to the amendment.

4381 I just want to say so what this amendment does, as we
4382 understand it, it establishes a new grant program within the
4383 wind program at DOE for R&D on small- and medium-sized wind
4384 projects. I would note that the existing bill in the
4385 manager's amendment includes money for grid security and grid
4386 enhancement which allows for distributed generation which
4387 would provide for wind.

4388 So we believe that the amendment itself, your amendment,
4389 is not necessary because not only does DOE have already an
4390 R&D program for distributed wind technology within the wind
4391 program, it offers competitive grants. But we in fact add to
4392 that with grid security, would note that the Wind Program at
4393 DOE has been issuing grants for distributed wind since 2013
4394 and is on schedule to issue the third round of grants a
4395 little bit later this year. For me, I support an all-of-the-
4396 above national energy policy that embraces a diverse range of
4397 traditional and alternative energy sources including wind,
4398 solar, hydro, safe nuclear, coal, natural gas, et cetera.

4399 So we appreciate the amendment, but because we are

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4400 already engaged on this and in fact, we are going to be
4401 adding with this grid security bill, at this point and
4402 probably further along the process, we don't think that it is
4403 needed. So I would ask my colleagues to oppose the bill--
4404 excuse me, oppose the amendment.

4405 Mr. {Loebsack.} I would like a roll call vote on this
4406 one.

4407 The {Chairman.} Yes. So are there other members
4408 wishing to speak on the amendment? Seeing none, the vote
4409 occurs on the Loebsack amendment, and he asked for a roll
4410 call vote. So we will--should we do the roll calls now?
4411 Okay. So we have three in the queue. The first would be on
4412 the Tonko weatherization amendment. The second will be on
4413 the Schakowsky consumer advocacy amendment, and the third
4414 will be on the Loebsack amendment on wind that was just
4415 offered.

4416 So the clerk will call the roll beginning with the Tonko
4417 amendment.

4418 The {Clerk.} Mr. Barton?

4419 [No response.]

4420 The {Clerk.} Mr. Whitfield?

4421 Mr. {Whitfield.} No.

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4422 The {Clerk.} Mr. Whitfield votes no.
4423 Mr. Shimkus?
4424 Mr. {Shimkus.} No.
4425 The {Clerk.} Mr. Shimkus votes no.
4426 Mr. Pitts?
4427 Mr. {Pitts.} No.
4428 The {Clerk.} Mr. Pitts votes no.
4429 Mr. Walden?
4430 Mr. {Walden.} No.
4431 The {Clerk.} Mr. Walden votes no.
4432 Mr. Murphy?
4433 Mr. {Murphy.} No.
4434 The {Clerk.} Mr. Murphy votes no.
4435 Mr. Burgess?
4436 [No response.]
4437 The {Clerk.} Mrs. Blackburn?
4438 Mrs. {Blackburn.} No.
4439 The {Clerk.} Mrs. Blackburn votes no.
4440 Mr. Scalise?
4441 [No response.]
4442 The {Clerk.} Mr. Latta?
4443 Mr. {Latta.} No.

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4444 The {Clerk.} Mr. Latta votes no.
4445 Mrs. McMorris Rodgers?
4446 [No response.]
4447 The {Clerk.} Mr. Harper?
4448 Mr. {Harper.} No.
4449 The {Clerk.} Mr. Harper votes no.
4450 Mr. Lance?
4451 Mr. {Lance.} No.
4452 The {Clerk.} Mr. Lance votes no.
4453 Mr. Guthrie?
4454 Mr. {Guthrie.} No.
4455 The {Clerk.} Mr. Guthrie votes no.
4456 Mr. Olson?
4457 Mr. {Olson.} No.
4458 The {Clerk.} Mr. Olson votes no.
4459 Mr. McKinley?
4460 [No response.]
4461 The {Clerk.} Mr. Pompeo?
4462 [No response.]
4463 The {Clerk.} Mr. Kinzinger?
4464 Mr. {Kinzinger.} No.
4465 The {Clerk.} Mr. Kinzinger votes no.

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4466 Mr. Griffith?

4467 Mr. {Griffith.} No.

4468 The {Clerk.} Mr. Griffith votes no.

4469 Mr. Bilirakis?

4470 Mr. {Bilirakis.} No.

4471 The {Clerk.} Mr. Bilirakis votes no.

4472 Mr. Johnson?

4473 Mr. {Johnson.} No.

4474 The {Clerk.} Mr. Johnson votes no.

4475 Mr. Long?

4476 Mr. {Long.} No.

4477 The {Clerk.} Mr. Long votes no.

4478 Mrs. Ellmers?

4479 Mrs. {Ellmers.} No.

4480 The {Clerk.} Mrs. Ellmers votes no.

4481 Mr. Bucshon?

4482 Mr. {Bucshon.} No.

4483 The {Clerk.} Mr. Bucshon votes no.

4484 Mr. Flores?

4485 [No response.]

4486 The {Clerk.} Mrs. Brooks?

4487 [No response.]

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

4488 The {Clerk.} Mr. Mullin?
4489 Mr. {Mullin.} No.
4490 The {Clerk.} Mr. Mullin votes no.
4491 Mr. Hudson?
4492 [No response.]
4493 The {Clerk.} Mr. Collins?
4494 Mr. {Collins.} No.
4495 The {Clerk.} Mr. Collins votes no.
4496 Mr. Cramer?
4497 Mr. {Cramer.} No.
4498 The {Clerk.} Mr. Cramer votes no.
4499 Mr. Pallone?
4500 Mr. {Pallone.} Aye.
4501 The {Clerk.} Mr. Pallone votes aye.
4502 Mr. Rush?
4503 Mr. {Rush.} Aye.
4504 The {Clerk.} Mr. Rush votes aye.
4505 Ms. Eshoo?
4506 Ms. {Eshoo.} Aye.
4507 The {Clerk.} Ms. Eshoo votes aye.
4508 Mr. Engel?
4509 Mr. {Engel.} Aye.

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4510 The {Clerk.} Mr. Engel votes aye.
4511 Mr. Green? Mr. Green?
4512 Mr. {Green.} Aye.
4513 The {Clerk.} Mr. Green votes aye.
4514 Ms. DeGette?
4515 Ms. {DeGette.} Aye.
4516 The {Clerk.} Ms. DeGette votes aye.
4517 Mrs. Capps?
4518 Mrs. {Capps.} Aye.
4519 The {Clerk.} Mrs. Capps votes aye.
4520 Mr. Doyle?
4521 Mr. {Doyle.} Yes.
4522 The {Clerk.} Mr. Doyle votes aye.
4523 Ms. Schakowsky?
4524 Ms. {Schakowsky.} Aye.
4525 The {Clerk.} Ms. Schakowsky votes aye.
4526 Mr. Butterfield?
4527 Mr. {Butterfield.} Aye.
4528 The {Clerk.} Mr. Butterfield votes aye.
4529 Ms. Matsui?
4530 [No response.]
4531 The {Clerk.} Ms. Castor?

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4532 Ms. {Castor.} Aye.

4533 The {Clerk.} Ms. Castor votes aye.

4534 Mr. Sarbanes?

4535 Mr. {Sarbanes.} Aye.

4536 The {Clerk.} Mr. Sarbanes votes aye.

4537 Mr. McNerney?

4538 Mr. {McNerney.} Aye.

4539 The {Clerk.} Mr. McNerney votes aye.

4540 Mr. Welch?

4541 Mr. {Welch.} Aye.

4542 The {Clerk.} Mr. Welch votes aye.

4543 Mr. Lujan?

4544 Mr. {Lujan.} Aye.

4545 The {Clerk.} Mr. Lujan votes aye.

4546 Mr. Tonko?

4547 Mr. {Tonko.} Aye.

4548 The {Clerk.} Mr. Tonko votes aye.

4549 Mr. Yarmuth?

4550 Mr. {Yarmuth.} Aye.

4551 The {Clerk.} Mr. Yarmuth votes aye.

4552 Ms. Clarke?

4553 Ms. {Clarke.} Aye.

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4554 The {Clerk.} Ms. Clarke votes aye.
4555 Mr. Loeb sack?
4556 Mr. {Loeb sack.} Aye.
4557 The {Clerk.} Mr. Loeb sack votes aye.
4558 Mr. Schrader?
4559 Mr. {Schrader.} Aye.
4560 The {Clerk.} Mr. Schrader votes aye.
4561 Mr. Kennedy?
4562 Mr. {Kennedy.} Aye.
4563 The {Clerk.} Mr. Kennedy votes aye.
4564 Mr. Cardenas?
4565 Mr. {Cardenas.} Aye.
4566 The {Clerk.} Mr. Cardenas votes aye.
4567 Chairman Upton?
4568 The {Chairman.} Votes no.
4569 The {Clerk.} Chairman Upton votes no.
4570 The {Chairman.} Other members wishing to cast their
4571 vote? Mr. McKinley?
4572 Mr. {McKinley.} No.
4573 The {Clerk.} Mr. McKinley votes no.
4574 The {Chairman.} Mrs. Brooks?
4575 Mrs. {Brooks.} No.

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4576 The {Clerk.} Mrs. Brooks votes no.

4577 The {Chairman.} Other members? Seeing none, the clerk
4578 will report the tally.

4579 The {Clerk.} Mr. Chairman, on that vote there were 22
4580 ayes, 24 nays.

4581 The {Chairman.} Twenty-two ayes, 24 nays. The
4582 amendment is not agreed to.

4583 The next roll call vote will be on the Schakowsky
4584 consumer advocacy amendment, and the clerk will call the
4585 roll.

4586 The {Clerk.} Mr. Barton?

4587 [No response.]

4588 The {Clerk.} Mr. Whitfield?

4589 Mr. {Whitfield.} No.

4590 The {Clerk.} Mr. Whitfield votes no.

4591 Mr. Shimkus?

4592 Mr. {Shimkus.} No.

4593 The {Clerk.} Mr. Shimkus votes no.

4594 Mr. Pitts?

4595 Mr. {Pitts.} No.

4596 The {Clerk.} Mr. Pitts votes no.

4597 Mr. Walden?

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4598 Mr. {Walden.} No.

4599 The {Clerk.} Mr. Walden votes no.

4600 Mr. Murphy?

4601 Mr. {Murphy.} No.

4602 The {Clerk.} Mr. Murphy votes no.

4603 Mr. Burgess?

4604 Mr. {Burgess.} No.

4605 The {Clerk.} Mr. Burgess votes no.

4606 Mrs. Blackburn?

4607 Mrs. {Blackburn.} No.

4608 The {Clerk.} Mrs. Blackburn votes no.

4609 Mr. Scalise?

4610 [No response.]

4611 The {Clerk.} Mr. Latta?

4612 Mr. {Latta.} No.

4613 The {Clerk.} Mr. Latta votes no.

4614 Mrs. McMorris Rodgers?

4615 [No response.]

4616 The {Clerk.} Mr. Harper?

4617 Mr. {Harper.} No.

4618 The {Clerk.} Mr. Harper votes no.

4619 Mr. Lance?

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4620 Mr. {Lance.} No.

4621 The {Clerk.} Mr. Lance votes no.

4622 Mr. Guthrie?

4623 Mr. {Guthrie.} No.

4624 The {Clerk.} Mr. Guthrie votes no.

4625 Mr. Olson?

4626 Mr. {Olson.} No.

4627 The {Clerk.} Mr. Olson votes no.

4628 Mr. McKinley?

4629 Mr. {McKinley.} No.

4630 The {Clerk.} Mr. McKinley votes no.

4631 Mr. Pompeo?

4632 [No response.]

4633 The {Clerk.} Mr. Kinzinger?

4634 Mr. {Kinzinger.} No.

4635 The {Clerk.} Mr. Kinzinger votes no.

4636 Mr. Griffith?

4637 Mr. {Griffith.} No.

4638 The {Clerk.} Mr. Griffith votes no.

4639 Mr. Bilirakis?

4640 Mr. {Bilirakis.} No.

4641 The {Clerk.} Mr. Bilirakis votes no.

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

4642 Mr. Johnson?

4643 Mr. {Johnson.} No.

4644 The {Clerk.} Mr. Johnson votes no.

4645 Mr. Long?

4646 Mr. {Long.} No.

4647 The {Clerk.} Mr. Long votes no.

4648 Mrs. Ellmers?

4649 Mrs. {Ellmers.} No.

4650 The {Clerk.} Mrs. Ellmers votes no.

4651 Mr. Bucshon?

4652 Mr. {Bucshon.} No.

4653 The {Clerk.} Mr. Bucshon votes no.

4654 Mr. Flores?

4655 [No response.]

4656 The {Clerk.} Mrs. Brooks?

4657 Mrs. {Brooks.} No.

4658 The {Clerk.} Mrs. Brooks votes no.

4659 Mr. Mullin?

4660 Mr. {Mullin.} No.

4661 The {Clerk.} Mr. Mullin votes no.

4662 Mr. Hudson?

4663 [No response.]

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4664 The {Clerk.} Mr. Collins?
4665 Mr. {Collins.} No.
4666 The {Clerk.} Mr. Collins votes no.
4667 Mr. Cramer?
4668 Mr. {Cramer.} No.
4669 The {Clerk.} Mr. Cramer votes no.
4670 Mr. Pallone?
4671 Mr. {Pallone.} Aye.
4672 The {Clerk.} Mr. Pallone votes aye.
4673 Mr. Rush?
4674 Mr. {Rush.} Aye.
4675 The {Clerk.} Mr. Rush votes aye.
4676 Ms. Eshoo?
4677 Ms. {Eshoo.} Aye.
4678 The {Clerk.} Ms. Eshoo votes aye.
4679 Mr. Engel?
4680 Mr. {Engel.} Aye.
4681 The {Clerk.} Mr. Engel votes aye.
4682 Mr. Green?
4683 Mr. {Green.} Aye.
4684 The {Clerk.} Mr. Green votes aye.
4685 Ms. DeGette?

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

4686 Ms. {DeGette.} Aye.

4687 The {Clerk.} Ms. DeGette votes aye.

4688 Mrs. Capps?

4689 Mrs. {Capps.} Aye.

4690 The {Clerk.} Mrs. Capps votes aye.

4691 Mr. Doyle?

4692 Mr. {Doyle.} Yes.

4693 The {Clerk.} Mr. Doyle votes aye.

4694 Ms. Schakowsky?

4695 Ms. {Schakowsky.} Aye.

4696 The {Clerk.} Ms. Schakowsky votes aye.

4697 Mr. Butterfield?

4698 Mr. {Butterfield.} Aye.

4699 The {Clerk.} Mr. Butterfield votes aye.

4700 Ms. Matsui?

4701 [No response.]

4702 The {Clerk.} Ms. Castor?

4703 Ms. {Castor.} Aye.

4704 The {Clerk.} Ms. Castor votes aye.

4705 Mr. Sarbanes?

4706 Mr. {Sarbanes.} Aye.

4707 The {Clerk.} Mr. Sarbanes votes aye.

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4708 Mr. McNerney?

4709 Mr. {McNerney.} Aye.

4710 The {Clerk.} Mr. McNerney votes aye.

4711 Mr. Welch?

4712 Mr. {Welch.} Aye.

4713 The {Clerk.} Mr. Welch votes aye.

4714 Mr. Lujan?

4715 Mr. {Lujan.} Aye.

4716 The {Clerk.} Mr. Lujan votes aye.

4717 Mr. Tonko? Mr. Tonko?

4718 Mr. {Tonko.} Aye.

4719 The {Clerk.} Mr. Tonko votes aye.

4720 Mr. Yarmuth?

4721 Mr. {Yarmuth.} Aye.

4722 The {Clerk.} Mr. Yarmuth votes aye.

4723 Ms. Clarke?

4724 Ms. {Clarke.} Aye.

4725 The {Clerk.} Ms. Clarke votes aye.

4726 Mr. Loeb sack?

4727 Mr. {Loeb sack.} Aye.

4728 The {Clerk.} Mr. Loeb sack votes aye.

4729 Mr. Schrader?

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4730 Mr. {Schrader.} Aye.

4731 The {Clerk.} Mr. Schrader votes aye.

4732 Mr. Kennedy?

4733 Mr. {Kennedy.} Aye.

4734 The {Clerk.} Mr. Kennedy votes aye.

4735 Mr. Cardenas?

4736 Mr. {Cardenas.} Aye.

4737 The {Clerk.} Mr. Cardenas votes aye.

4738 Chairman Upton?

4739 The {Chairman.} Votes no.

4740 The {Clerk.} Chairman Upton votes no.

4741 The {Chairman.} Other members wishing to cast their

4742 vote on the Schakowsky amendment? Seeing none, the clerk

4743 will report the tally.

4744 The {Clerk.} Mr. Chairman, on that vote there were 22

4745 ayes and 25 nays.

4746 The {Chairman.} Twenty-two ayes, 25 nays. The

4747 amendment is not agreed to.

4748 The next vote on the Loeb sack amendment. I would just

4749 note my conversation with Mr. Pallone, it appears as though

4750 we have eight amendments remaining of which some will have

4751 recorded vote I imagine, so before we get to final passage.

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4752 So the clerk will call the roll on the Loeb sack amendment on
4753 wind.

4754 The {Clerk.} Mr. Barton?

4755 [No response.]

4756 The {Clerk.} Mr. Whitfield?

4757 Mr. {Whitfield.} No.

4758 The {Clerk.} Mr. Whitfield votes no.

4759 Mr. Shimkus?

4760 Mr. {Shimkus.} No.

4761 The {Clerk.} Mr. Shimkus votes no.

4762 Mr. Pitts?

4763 Mr. {Pitts.} No.

4764 The {Clerk.} Mr. Pitts votes no.

4765 Mr. Walden?

4766 Mr. {Walden.} No.

4767 The {Clerk.} Mr. Walden votes no.

4768 Mr. Murphy?

4769 Mr. {Murphy.} No.

4770 The {Clerk.} Mr. Murphy votes no.

4771 Mr. Burgess?

4772 Mr. {Burgess.} No.

4773 The {Clerk.} Mr. Burgess votes no.

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4774 Mrs. Blackburn?

4775 Mrs. {Blackburn.} No.

4776 The {Clerk.} Mrs. Blackburn votes no.

4777 Mr. Scalise?

4778 [No response.]

4779 The {Clerk.} Mr. Latta?

4780 Mr. {Latta.} No.

4781 The {Clerk.} Mr. Latta votes no.

4782 Mrs. McMorris Rodgers?

4783 [No response.]

4784 The {Clerk.} Mr. Harper?

4785 Mr. {Harper.} No.

4786 The {Clerk.} Mr. Harper votes no.

4787 Mr. Lance?

4788 Mr. {Lance.} No.

4789 The {Clerk.} Mr. Lance votes no.

4790 Mr. Guthrie?

4791 Mr. {Guthrie.} No.

4792 The {Clerk.} Mr. Guthrie votes no.

4793 Mr. Olson?

4794 Mr. {Olson.} No.

4795 The {Clerk.} Mr. Olson votes no.

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

4796 Mr. McKinley?

4797 Mr. {McKinley.} No.

4798 The {Clerk.} Mr. McKinley votes no.

4799 Mr. Pompeo?

4800 [No response.]

4801 The {Clerk.} Mr. Kinzinger?

4802 Mr. {Kinzinger.} No.

4803 The {Clerk.} Mr. Kinzinger votes no.

4804 Mr. Griffith?

4805 Mr. {Griffith.} No.

4806 The {Clerk.} Mr. Griffith votes no.

4807 Mr. Bilirakis?

4808 Mr. {Bilirakis.} No.

4809 The {Clerk.} Mr. Bilirakis votes no.

4810 Mr. Johnson?

4811 Mr. {Johnson.} No.

4812 The {Clerk.} Mr. Johnson votes no.

4813 Mr. Long?

4814 Mr. {Long.} No.

4815 The {Clerk.} Mr. Long votes no.

4816 Mrs. Ellmers?

4817 Mrs. {Ellmers.} No.

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4818 The {Clerk.} Mrs. Ellmers votes no.
4819 Mr. Bucshon?
4820 Mr. {Bucshon.} No.
4821 The {Clerk.} Mr. Bucshon votes no.
4822 Mr. Flores?
4823 [No response.]
4824 The {Clerk.} Mrs. Brooks?
4825 Mrs. {Brooks.} No.
4826 The {Clerk.} Mrs. Brooks votes no.
4827 Mr. Mullin?
4828 Mr. {Mullin.} No.
4829 The {Clerk.} Mr. Mullin votes no.
4830 Mr. Hudson?
4831 [No response.]
4832 The {Clerk.} Mr. Collins?
4833 Mr. {Collins.} No.
4834 The {Clerk.} Mr. Collins votes no.
4835 Mr. Cramer?
4836 Mr. {Cramer.} No.
4837 The {Clerk.} Mr. Cramer votes no.
4838 Mr. Pallone?
4839 Mr. {Pallone.} Aye.

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

4840 The {Clerk.} Mr. Pallone votes aye.
4841 Mr. Rush?
4842 Mr. {Rush.} Aye.
4843 The {Clerk.} Mr. Rush votes aye.
4844 Ms. Eshoo?
4845 Ms. {Eshoo.} Aye.
4846 The {Clerk.} Ms. Eshoo votes aye.
4847 Mr. Engel?
4848 Mr. {Engel.} Aye.
4849 The {Clerk.} Mr. Engel votes aye.
4850 Mr. Green?
4851 Mr. {Green.} Aye.
4852 The {Clerk.} Mr. Green votes aye.
4853 Ms. DeGette?
4854 Ms. {DeGette.} Aye.
4855 The {Clerk.} Ms. DeGette votes aye.
4856 Mrs. Capps?
4857 Mrs. {Capps.} Aye.
4858 The {Clerk.} Mrs. Capps votes aye.
4859 Mr. Doyle?
4860 Mr. {Doyle.} Yes.
4861 The {Clerk.} Mr. Doyle votes aye.

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

4862 Ms. Schakowsky?

4863 Ms. {Schakowsky.} Yes.

4864 The {Clerk.} Ms. Schakowsky votes aye.

4865 Mr. Butterfield?

4866 Mr. {Butterfield.} Aye.

4867 The {Clerk.} Mr. Butterfield votes aye.

4868 Ms. Matsui?

4869 Ms. {Matsui.} Aye.

4870 The {Clerk.} Ms. Matsui votes aye.

4871 Ms. Castor?

4872 Ms. {Castor.} Aye.

4873 The {Clerk.} Ms. Castor votes aye.

4874 Mr. Sarbanes?

4875 Mr. {Sarbanes.} Aye.

4876 The {Clerk.} Mr. Sarbanes votes aye.

4877 Mr. McNerney?

4878 Mr. {McNerney.} Aye.

4879 The {Clerk.} Mr. McNerney votes aye.

4880 Mr. Welch?

4881 Mr. {Welch.} Aye.

4882 The {Clerk.} Mr. Welch votes aye.

4883 Mr. Lujan?

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

4884 Mr. {Lujan.} Aye.

4885 The {Clerk.} Mr. Lujan votes aye.

4886 Mr. Tonko?

4887 [No response.]

4888 The {Clerk.} Mr. Yarmuth?

4889 Mr. {Yarmuth.} Aye.

4890 The {Clerk.} Mr. Yarmuth votes aye.

4891 Ms. Clarke?

4892 Ms. {Clarke.} Aye.

4893 The {Clerk.} Ms. Clarke votes aye.

4894 Mr. Loeb sack?

4895 Mr. {Loeb sack.} Aye.

4896 The {Clerk.} Mr. Loeb sack votes aye.

4897 Mr. Schrader?

4898 Mr. {Schrader.} Aye.

4899 The {Clerk.} Mr. Schrader votes aye.

4900 Mr. Kennedy?

4901 Mr. {Kennedy.} Aye.

4902 The {Clerk.} Mr. Kennedy votes aye.

4903 Mr. Cardenas?

4904 Mr. {Cardenas.} Aye.

4905 The {Clerk.} Mr. Cardenas votes aye.

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

4906 Chairman Upton?

4907 The {Chairman.} Votes no.

4908 The {Clerk.} Chairman Upton votes no.

4909 The {Chairman.} Other members wishing to cast their
4910 vote? Mr. Tonko?

4911 Mr. {Tonko.} Votes aye.

4912 The {Clerk.} Mr. Tonko votes aye.

4913 The {Chairman.} Dr. Burgess?

4914 The {Clerk.} Dr. Burgess is recorded as no.

4915 The {Chairman.} Other members wishing to cast their
4916 vote? Seeing none, the clerk will report the tally.

4917 The {Clerk.} Mr. Chairman, on that vote there were 23
4918 ayes and 25 nays.

4919 The {Chairman.} Twenty-three ayes, 25 nays. The
4920 amendment is not agreed to.

4921 Other members wishing to offer an amendment to the bill?
4922 The gentleman from Vermont, Mr. Welch has--

4923 Mr. {Welch.} I have--

4924 The {Chairman.} --two amendments en bloc?

4925 Mr. {Welch.} I have two amendments en bloc that I
4926 intend to offer and withdraw. Number one is the American
4927 Renewable Energy and Efficiency Act that I introduce with my

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4928 colleague, Mr. Lujan. And what this does is set a renewable
4929 energy and energy efficiency resource--

4930 The {Chairman.} Hold on. I am sorry. Wait, wait. I
4931 am sorry. The Clerk will report the title of the two
4932 amendments en bloc that he is offering.

4933 The {Clerk.} Amendments offered by Mr. Welch of Vermont
4934 to the amendment in the nature of a substitute to H.R. 8.

4935 [The amendments of Mr. Welch follow:]

4936 ***** INSERT 20, 21 *****

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|

4937 The {Chairman.} Without objection, the two amendments
4938 are considered as read, and the gentleman is recognized for 5
4939 minutes in support of his two amendments.

4940 Mr. {Welch.} Okay. Thank you very much, Mr. Chairman.
4941 The first is the American Renewable Energy and Efficiency Act
4942 that I am cosponsoring with my colleague from New Mexico, Mr.
4943 Lujan. It sets a renewable energy and energy efficiency
4944 resource standard that would require 30 percent renewables,
4945 20 percent electric savings, and 13 percent natural gas
4946 savings by 2030.

4947 Often there is an argument made against setting
4948 statutory objectives on energy efficiency in renewable energy
4949 by those who fear that it would set unattainable standards.
4950 In fact, what we have seen, particularly in a State like
4951 Vermont is that where we have set standards and we haven't
4952 micromanaged how we achieve those goals and leave it up to a
4953 lot of the utility folks who have the challenge of trying to
4954 meet these standards, they figure it out.

4955 Also there is a concern that when you have these energy
4956 efficiency standards it might increase costs. In Vermont, we
4957 have been enjoying rate reductions. We developed an energy

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4958 efficiency utility that actually brought low growth down.
4959 This was at a time of increased economic activity. So Mr.
4960 Lujan and I believe that this is something that is worthy of
4961 further discussion and hopefully at some point would be part
4962 of a statute.

4963 The second is the Renewable Energy Certainty Act, and my
4964 cosponsor on that was Mr. Gibson. And it would allow the
4965 General Services Administration to enter into 30-year
4966 renewable energy power purchase agreements. The GSA, of
4967 course, is an independent agency. It manages and supports
4968 the basic functioning of the Federal Government including
4969 procurement. Under current law, it is only the U.S. Military
4970 that can enter into power purchase agreements for longer than
4971 10 years. So we want to give that authority to the Federal
4972 Government as well.

4973 Thank you, Mr. Chairman, and I will withdraw my
4974 amendments.

4975 The {Chairman.} Did the gentleman withdraw the
4976 amendment?

4977 Mr. {Welch.} Yes.

4978 The {Chairman.} He did? Without objection, it is
4979 withdrawn.

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4980 Are there further amendments to the bill? The chair
4981 will recognize the gentleman from California, Mr. Cardenas.
4982 He has got an amendment at the desk. The Clerk will report
4983 the title of the amendment.

4984 Mr. {Cardenas.} 38.

4985 The {Chairman.} Just FYI, so the order of amendments
4986 that I have received from Mr. Pallone are Cardenas, Pallone,
4987 Castor, Eshoo, Welch, Schakowsky and Pallone again, just for
4988 people to know in the queue.

4989 The gentleman from North Carolina, are you going to have
4990 an amendment?

4991 Mr. {Butterfield.} Yes. I have an amendment on--

4992 The {Chairman.} Okay. All right. I will come back to
4993 you. For now, let's do the Cardenas amendment. The clerk
4994 will report the title of the amendment.

4995 The {Clerk.} Amendment offered by Mr. Cardenas of
4996 California to the amendment in the nature of a substitute to
4997 H.R. 8.

4998 [The amendment of Mr. Cardenas follows:]

4999 ***** INSERT 22 *****

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|

5000 The {Chairman.} Without objection, the reading of the
5001 amendment is dispensed with. The gentleman from California
5002 is recognized for 5 minutes in support of his amendment.

5003 Mr. {Cardenas.} Thank you, Mr. Chairman. I would like
5004 to explain a little bit about the Low Income Solar Act,
5005 otherwise known as LISA. I start by reminding all of us that
5006 the cost of solar power has plummeted in recent years, yet
5007 many low-income families who would benefit the most from a
5008 reduction in their electricity bills are not taking advantage
5009 of this portable, sustainable energy--

5010 Mr. {Shimkus.} Mr. Chairman, the committee room is not
5011 in order.

5012 The {Chairman.} The gentleman is correct. The
5013 gentleman from California is recognized.

5014 Mr. {Cardenas.} Thank you. I could speak louder, but I
5015 appreciate it, Mr. Chairman.

5016 As I was saying, many of these families are not taking
5017 advantage of this possible reduction in their electricity
5018 bills and are not taking advantage of the affordable,
5019 sustainable energy sources that could be available to them.

5020 With an up-front investment, homeowners who switch to

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5021 solar end up reducing their monthly electric bills by 10 to
5022 20 or even significantly more than that, percent, and yet
5023 much of that savings is not coming to the families who need
5024 it the most, low-income families.

5025 Due to the combined lack of access to financing options
5026 and living under a roof that cannot support a solar panel,
5027 families across the country are missing out on energy savings
5028 and doing their part to reduce their carbon footprint.

5029 One report by George Washington University estimates
5030 that households making less than 40,000 account for just 5
5031 percent of all solar installations. That is why I introduced
5032 this amendment, the Low Income Solar Act earlier this
5033 Congress and now submit the text for this amendment at this
5034 time.

5035 As this committee works to address our Nation's
5036 comprehensive energy needs, it must also do more to reduce
5037 the barrier for hard-working families to access solar power
5038 and other energy options. This amendment would help families
5039 by providing grants to eligible homeowners to reduce the up-
5040 front cost of installing solar panels. This amendment also
5041 provides loans to not-for-profit organizations and solar
5042 installation companies to develop community solar facilities

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5043 for low-income families who do not have the ability to
5044 install solar panels on their rooftops. Low Income Solar Act
5045 encourages job training and investment in all communities
5046 including rural and tribal lands. My amendment would provide
5047 the necessary tools to support the deployment of solar
5048 rooftops across all communities.

5049 We need an all-of-the-above approach to support our
5050 Nation's energy needs as well as addressing climate change.
5051 This amendment would accomplish both, expanding the use of
5052 renewable energy and reducing the need to burn fossil fuels
5053 to reduce electricity, to produce electricity. It would also
5054 create jobs in our most needy communities across America.

5055 As one report from the UCLA Center states, Los Angeles
5056 County is currently leaving around 98 percent of its solar
5057 capacity untapped. Achieving just 10 percent of its rooftop
5058 solar potential could create 47,000 and slash nearly 2.5
5059 million tons of carbon dioxide emissions annually. That is
5060 the equivalent of taking about half-a-million cars off the
5061 road.

5062 I urge my colleagues to support the amendment and offer
5063 an opportunity if any colleagues need time. Thank you.

5064 Mr. {Sarbanes.} Yeah, I appreciate the gentleman

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5065 yielding. I definitely support this amendment. I think the
5066 entire committee can get behind the goals of the amendment
5067 which is to accelerate deployment of residential solar power
5068 by focusing on low-income housing.

5069 In Baltimore we have recently launched a demonstration
5070 project that brought city government together, the Abell
5071 Foundation which is engaged in philanthropy in the city, a
5072 community service group called Civic Works which is actually
5073 a big AmeriCorps program, solar workforce training non-profit
5074 called Grid Alternatives which actually has done great work
5075 in California as Mr. Cardenas can attest. And with the
5076 funding from the Abell Foundation, the City Housing
5077 Department, that whole partnership, are going to be able to
5078 finance solar installations on 30 low-income homes in East
5079 Baltimore and train members of a community that has
5080 experienced persistent poverty for work in a very dynamic
5081 growth industry.

5082 This amendment would help bring these programs to scale
5083 and expand into other parts of the country. Mr. Chairman,
5084 low-income households stand to benefit most from the energy
5085 savings derived from residential solar power as was just
5086 indicated. Unfortunately, most cannot finance that

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5087 installation of solar panels on their own. If we adopt the
5088 Cardenas amendment, we can help more individuals of modest
5089 means access solar power. We can train workers to become
5090 part of the energy industry which is the goal of Title 2 of
5091 the underlying bill, and we can reduce carbon emissions from
5092 the electric grid. This is a smart, strong, good-quality
5093 amendment. I urge my colleagues to support it. I yield back
5094 to the member.

5095 Mr. {Cardenas.} Thank you very--

5096 The {Chairman.} The gentleman--

5097 Mr. {Cardenas.} Thank you. I yield back the balance of
5098 my time.

5099 The {Chairman.} The gentleman yields back. I will
5100 yield myself time, 5 minutes.

5101 I would note so what this amendment does, as we
5102 understand it, it establishes a program in DOE to distribute
5103 \$200 million annually through 2030 in loans and grants for
5104 solar installations in low-income areas. I would note that
5105 the administration already invests heavily in solar
5106 technology, specifically in bringing costs down for consumers
5107 including--for the most vulnerable, for low-income folks. I
5108 would note that in July the White House announced the

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5109 National Community Solar Partnership to assess exactly how to
5110 best expand solar access to low- and moderate-income
5111 communities, and DOE is already awarding grants focused on
5112 that mission.

5113 In addition to the \$336 million that DOE requested for
5114 their solar programs this year, just this month, September,
5115 the White House announced an additional \$120 million for
5116 solar, and that is on top of more than the \$1 billion in loan
5117 guarantees for renewables that the president announced in
5118 August. So all told, between the summer of 2014 and the
5119 summer of 2015, the administration has announced almost \$5.5
5120 billion for renewables, including solar.

5121 So I think we may be there. We are trying not to expand
5122 too much this bill at this point, and I would respectfully
5123 ask that our side, all members, might oppose the amendment,
5124 and I yield back my time.

5125 Other members wish to speak--

5126 Mr. {Rush.} Mr. Chairman?

5127 The {Chairman.} Mr. Rush is recognized for 5 minutes.

5128 Mr. {Rush.} Mr. Chairman, I want to speak in favor of
5129 the Cardenas amendment. I want to thank the gentleman from
5130 California for introducing this amendment.

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5131 Mr. Chairman, many low-income families who would benefit
5132 the most from a reduction in their electricity bills are not
5133 taking advantage of this affordable, sustainable energy
5134 source because of a combined lack of access to financing
5135 options and living under a roof that cannot support a solar
5136 panel. In fact, Mr. Chairman, as was stated by the gentleman
5137 from California, a recent report by the George Washington
5138 University estimates that households making less than \$40,000
5139 annually account for just 5 percent of all solar
5140 installations. For homeowners with suitable roofs, this
5141 legislation would provide grants to help reduce the up-front
5142 costs of installing solar panels. For renters or families
5143 unable to install solar on their roofs, the bill provides
5144 loans to solar developers to connect low-income families to
5145 solar either physically or virtually through the construction
5146 of community solar facilities.

5147 In all cases, this amendment encourages job training for
5148 solar projects in local communities. This amendment will
5149 establish a loan and grant program through the Department of
5150 Energy that would, one, grant money for part of the up-front
5151 costs of residential solar for low-income families owning
5152 their home. Secondly, the amendment would provide for loan

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5153 money to organizations that find ways to provide access to
5154 community solar facilities for low-income families through
5155 local efforts.

5156 This bill would also incentivize the construction of
5157 community solar facilities and ``virtual'' solar roof panels
5158 for low-income families. It would support programs that aim
5159 to fulfill the need for solar in geographical areas that have
5160 little or no solar deployment. It would promote diversity in
5161 the workforce by prioritizing loans for women and minority-
5162 owned small businesses. It would also require the loans are
5163 paid back with mechanisms that maximizes the financial
5164 benefits to families. It would set aside a portion of funds
5165 for developing solar economies in Appalachia, Indian tribal
5166 lands, and Hawaiian and Alaskan Native communities.

5167 Mr. Chairman, the Cardenas amendment also aims to
5168 address several of the other various to widespread adoption
5169 of solar power in communities that need it the most by
5170 providing funding for soft costs and solar workforce training
5171 and development.

5172 This amendment would also provide support to
5173 organizations that help to advance policies in state and
5174 local governments that in turn improve low-income resident

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5175 access to solar.

5176 Mr. Chairman, there is nothing, absolutely nothing,
5177 wrong with this amendment. This amendment is timely, and it
5178 needs the support of this entire committee. And I urge my
5179 colleagues to support it, and I am supporting it. I yield
5180 back.

5181 The {Chairman.} The gentleman yields back. Other
5182 members--the gentleman from New Jersey is recognized.

5183 Mr. {Pallone.} Thank you, Mr. Chairman. I also want to
5184 indicate my support for the Cardenas amendment. It is really
5185 a microcosm of Democratic priorities. First, it addresses
5186 climate change. Second, it helps create renewable energy
5187 jobs and push forward the new clean energy economy. It also
5188 helps minority and women-owned businesses, and it ensures
5189 that low-income households can reap the environment and cost-
5190 saving benefits of solar energy.

5191 So low-income families are the hardest hit as we know by
5192 rising utility prices. According to the Bureau of Labor
5193 Statistics, low-income Americans spend upwards of 60 percent
5194 of their earnings on necessities including electricity.

5195 So the Cardenas amendment helps low-income families get
5196 access to sustainable, affordable solar energy and helps

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5197 provide greater access to this clean energy resource for
5198 minority businesses, tribes, and others. It is basically a
5199 win-win situation, and I yield back.

5200 The {Chairman.} The gentleman yields back. Other
5201 members wishing to speak? Seeing none, the vote--the
5202 gentleman is recognized from California.

5203 Mr. {Cardenas.} I would like to have a voice vote.

5204 The {Chairman.} Oh, roll call? I am sorry. The vote
5205 occurs on the amendment offered by M. Cardenas. The clerk
5206 will call the roll.

5207 The {Clerk.} Mr. Barton?

5208 [No response.]

5209 The {Clerk.} Mr. Whitfield?

5210 Mr. {Whitfield.} No.

5211 The {Clerk.} Mr. Whitfield votes no.

5212 Mr. Shimkus?

5213 Mr. {Shimkus.} No.

5214 The {Clerk.} Mr. Shimkus votes no.

5215 Mr. Pitts?

5216 Mr. {Pitts.} No.

5217 The {Clerk.} Mr. Pitts votes no.

5218 Mr. Walden?

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5219 Mr. {Walden.} No.

5220 The {Clerk.} Mr. Walden votes no.

5221 Mr. Murphy?

5222 Mr. {Murphy.} No.

5223 The {Clerk.} Mr. Murphy votes no.

5224 Mr. Burgess?

5225 Mr. {Burgess.} No.

5226 The {Clerk.} Mr. Burgess votes no.

5227 Mrs. Blackburn?

5228 Mrs. {Blackburn.} No.

5229 The {Clerk.} Mrs. Blackburn votes no.

5230 Mr. Scalise?

5231 [No response.]

5232 The {Clerk.} Mr. Latta?

5233 Mr. {Latta.} No.

5234 The {Clerk.} Mr. Latta votes no.

5235 Mrs. McMorris Rodgers?

5236 [No response.]

5237 The {Clerk.} Mr. Harper?

5238 [No response.]

5239 The {Clerk.} Mr. Lance?

5240 Mr. {Lance.} No.

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5241 The {Clerk.} Mr. Lance votes no.
5242 Mr. Guthrie?
5243 Mr. {Guthrie.} No.
5244 The {Clerk.} Mr. Guthrie votes no.
5245 Mr. Olson?
5246 Mr. {Olson.} No.
5247 The {Clerk.} Mr. Olson votes no.
5248 Mr. McKinley?
5249 Mr. {McKinley.} No.
5250 The {Clerk.} Mr. McKinley votes no.
5251 Mr. Pompeo?
5252 [No response.]
5253 The {Clerk.} Mr. Kinzinger?
5254 Mr. {Kinzinger.} No.
5255 The {Clerk.} Mr. Kinzinger votes no.
5256 Mr. Griffith?
5257 Mr. {Griffith.} No.
5258 The {Clerk.} Mr. Griffith votes no.
5259 Mr. Bilirakis?
5260 Mr. {Bilirakis.} No.
5261 The {Clerk.} Mr. Bilirakis votes no.
5262 Mr. Johnson?

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5263 Mr. {Johnson.} No.

5264 The {Clerk.} Mr. Johnson votes no.

5265 Mr. Long?

5266 Mr. {Long.} No.

5267 The {Clerk.} Mr. Long votes no.

5268 Mrs. Ellmers?

5269 Mrs. {Ellmers.} No.

5270 The {Clerk.} Mrs. Ellmers votes no.

5271 Mr. Bucshon?

5272 Mr. {Bucshon.} No.

5273 The {Clerk.} Mr. Bucshon votes no.

5274 Mr. Flores?

5275 Mr. {Flores.} No.

5276 The {Clerk.} Mr. Flores votes no.

5277 Mrs. Brooks?

5278 Mrs. {Brooks.} No.

5279 The {Clerk.} Mrs. Brooks votes no.

5280 Mr. Mullin?

5281 [No response.]

5282 The {Clerk.} Mr. Hudson?

5283 [No response.]

5284 The {Clerk.} Mr. Collins?

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5285 Mr. {Collins.} No.

5286 The {Clerk.} Mr. Collins votes no.

5287 Mr. Cramer?

5288 Mr. {Cramer.} No.

5289 The {Clerk.} Mr. Cramer votes no.

5290 Mr. Pallone?

5291 Mr. {Pallone.} Aye.

5292 The {Clerk.} Mr. Pallone votes aye.

5293 Mr. Rush?

5294 Mr. {Rush.} Aye.

5295 The {Clerk.} Mr. Rush votes aye.

5296 Ms. Eshoo?

5297 Ms. {Eshoo.} Aye.

5298 The {Clerk.} Ms. Eshoo votes aye.

5299 Mr. Engel?

5300 Mr. {Engel.} Aye.

5301 The {Clerk.} Mr. Engel votes aye.

5302 Mr. Green?

5303 Mr. {Green.} Aye.

5304 The {Clerk.} Mr. Green votes aye.

5305 Ms. DeGette?

5306 Ms. {DeGette.} Aye.

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5307 The {Clerk.} Ms. DeGette votes aye.
5308 Mrs. Capps?
5309 Mrs. {Capps.} Aye.
5310 The {Clerk.} Mrs. Capps votes aye.
5311 Mr. Doyle?
5312 Mr. {Doyle.} Yes.
5313 The {Clerk.} Mr. Doyle votes aye.
5314 Ms. Schakowsky?
5315 [No response.]
5316 The {Clerk.} Mr. Butterfield?
5317 Mr. {Butterfield.} Aye.
5318 The {Clerk.} Mr. Butterfield votes aye.
5319 Ms. Matsui?
5320 Ms. {Matsui.} Aye.
5321 The {Clerk.} Ms. Matsui votes aye.
5322 Ms. Castor?
5323 Ms. {Castor.} Aye.
5324 The {Clerk.} Ms. Castor votes aye.
5325 Mr. Sarbanes?
5326 Mr. {Sarbanes.} Aye.
5327 The {Clerk.} Mr. Sarbanes votes aye.
5328 Mr. McNerney?

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5329 Mr. {McNerney.} Aye.

5330 The {Clerk.} Mr. McNerney votes aye.

5331 Mr. Welch?

5332 Mr. {Welch.} Aye.

5333 The {Clerk.} Mr. Welch votes aye.

5334 Mr. Lujan?

5335 Mr. {Lujan.} Aye.

5336 The {Clerk.} Mr. Lujan votes aye.

5337 Mr. Tonko?

5338 Mr. {Tonko.} Aye.

5339 The {Clerk.} Mr. Tonko votes aye.

5340 Mr. Yarmuth?

5341 Mr. {Yarmuth.} Aye.

5342 The {Clerk.} Mr. Yarmuth votes aye.

5343 Ms. Clarke?

5344 Ms. {Clarke.} Aye.

5345 The {Clerk.} Ms. Clarke votes aye.

5346 Mr. Loeb sack?

5347 Mr. {Loeb sack.} Aye.

5348 The {Clerk.} Mr. Loeb sack votes aye.

5349 Mr. Schrader?

5350 Mr. {Schrader.} Aye.

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5351 The {Clerk.} Mr. Schrader votes aye.

5352 Mr. Kennedy?

5353 Mr. {Kennedy.} Aye.

5354 The {Clerk.} Mr. Kennedy votes aye.

5355 Mr. Cardenas?

5356 Mr. {Cardenas.} Aye.

5357 The {Clerk.} Mr. Cardenas votes aye.

5358 Chairman Upton?

5359 The {Chairman.} Votes no.

5360 The {Clerk.} Chairman Upton votes no.

5361 The {Chairman.} Members wishing to vote? Mr. Barton?

5362 Mr. {Barton.} No.

5363 The {Clerk.} Mr. Barton votes no.

5364 The {Chairman.} Ms. Schakowsky?

5365 Ms. {Schakowsky.} Votes yes.

5366 The {Clerk.} Ms. Schakowsky votes yes.

5367 The {Chairman.} Mr. Pompeo?

5368 Mr. {Pompeo.} No.

5369 The {Clerk.} Mr. Pompeo votes no.

5370 The {Chairman.} Mr. Harper?

5371 Mr. {Harper.} No.

5372 The {Clerk.} Mr. Harper votes no.

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5373 The {Chairman.} Mr. Mullin?

5374 Mr. {Mullin.} No.

5375 The {Clerk.} Mr. Mullin votes no.

5376 The {Chairman.} Other members wishing to cast their
5377 vote? Seeing none, the clerk will report the tally.

5378 The {Clerk.} Mr. Chairman, on that vote there were 23
5379 ayes and 28 nays.

5380 The {Chairman.} Twenty-three ayes, 28 nays. The
5381 amendment is not agreed to.

5382 Are there further amendments to the bill? The gentleman
5383 from New Jersey.

5384 Mr. {Pallone.} Mr. Chairman, I have Pallone 019 at the
5385 desk.

5386 The {Chairman.} The clerk will report the title of the
5387 amendment.

5388 Mr. {Pallone.} I am not sure I have that right. Is it
5389 maybe 021? 021?

5390 The {Chairman.} Yeah, I got 21.

5391 Mr. {Pallone.} Yeah, 021.

5392 The {Chairman.} 21.

5393 The {Clerk.} Amendment offered by Mr. Pallone to the
5394 amendment in the nature of a substitute to H.R. 8.

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5395 [The amendment of Mr. Pallone follows:]

5396 ***** INSERT 23 *****

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|

5397 The {Chairman.} The amendment will be considered as
5398 read. The staff will distribute the amendment, and the
5399 gentleman from New Jersey is recognized for 5 minutes in
5400 support of his amendment.

5401 Mr. {Pallone.} Mr. Chairman, I move to strike Sections
5402 4151 to 4152 of the substitute which would undermine the
5403 Department of Energy's participation in the development of
5404 building energy efficiency codes and will harm consumers, the
5405 economy, and the environment. When the Energy and Power
5406 Subcommittee held the hearing on the efficiency title of the
5407 majority's proposal, I noted that the title almost certainly
5408 resulted in a net increase in energy consumption. One of the
5409 main reasons for that assessment was the inclusion of the
5410 language I am seeking to strike, language that would severely
5411 undercut a program that DOE testified would have saved some
5412 \$700 million in energy costs.

5413 Of particular concern is the language preventing DOE
5414 from providing any assistance, whether technical or
5415 financial, if it finds that a proposed code does not meet a
5416 simple payback period of 10 years or less. This is a
5417 dangerous federal precedent of determining what is and is not

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5418 an acceptable return on investment and doesn't fit with the
5419 reality of mortgage durations and home ownership. Dictating
5420 a single federally determined simple payback model does not
5421 account for the widely varying market and climate
5422 circumstances across our vast country.

5423 Building codes are the most effective tool to ensure
5424 that efficiency is implemented when it is cheapest and
5425 easiest, when a building is first constructed. Building
5426 codes are particularly important because they protect
5427 homeowners by lowering the overall cost of home ownership.
5428 Unlike upgrades such as granite countertops, efficiency is
5429 hard to see at the time of purchase. And so a builder
5430 looking to cut costs may skimp on this important measure to
5431 reduce their first cost. And this is short-sighted and
5432 ultimately will result in greater cost to the homeowner who
5433 sees the combined costs of their mortgage and utility bills
5434 each month. Skimping on efficiency probably doesn't do much
5435 to lower a mortgage payment, but it certainly will result in
5436 a higher utility bill, increasing overall monthly costs and
5437 reducing affordability.

5438 The language in the substitute takes a short-sighted
5439 view of affordability by requiring DOE to analyze simple

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5440 payback of measures over 3-, 5-, and 7-year periods and not
5441 allowing them to propose any measure that has a longer
5442 payback than 10 years. Given that a mortgage will run from
5443 15 to 30 years and a home will be around for many decades,
5444 limiting DOE to such short payback periods does not make
5445 sense in my opinion.

5446 Now Mr. McKinley and Mr. Welch actually have legislation
5447 that does make sense. It is a truly consensus language or
5448 bill that would make meaningful, positive changes to current
5449 law in this area. In our negotiations with the majority, we
5450 advocated for substituting the McKinley-Welch language, but
5451 we were told that a number of members oppose that language.

5452 Now I can respect the fact that we don't all agree on
5453 the best way to address the issue of building efficiency, but
5454 the right solution in that situation was the one we
5455 advocated, leaving both proposals out of this package and
5456 staying with current law. That would be a compromise.
5457 Unfortunately, that is not the path that the majority chose.

5458 The bottom line is that the language in the bill will
5459 result in less efficiency, less affordability, and less
5460 assistance to state and local governments from DOE, and it
5461 will increase energy use, carbon emissions, and the effects

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5462 of climate change. And so I urge my colleagues to join me in
5463 striking this language from the bill. And I yield back.

5464 The {Chairman.} The gentleman yields back. The chair
5465 recognizes the gentlelady from Tennessee, Mrs. Blackburn.

5466 Mrs. {Blackburn.} Thank you, Mr. Chairman, and I do
5467 oppose the gentleman's amendment. Now, the Blackburn-
5468 Schrader language that was offered and then became Sections
5469 4151 and 4152 in the bill, it does not co-opt the process
5470 there at DOE. It ensures that DOE does not pick winners and
5471 losers and really brings some clarity to bear and better
5472 defines the role of DOE in providing technical assistance
5473 which really makes sure that the states and local governments
5474 have access to the technical expertise they need to implement
5475 energy codes without being compelled to adopt new codes.

5476 Now, the 10-year payback is a simple method to assess
5477 cost-of-benefit analysis of new energy efficiency technology.
5478 In fact, DOE reports recommend the payback period for
5479 residential buildings be 3 years. And what you have in this
5480 amendment, it would eliminate any required payback period
5481 which means that DOE would be free to support any code or any
5482 proposal without regard to cost. Energy codes are already
5483 too expensive. When you look at the construction costs that

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5484 are there, the construction costs associated with energy
5485 codes really have skyrocketed in recent years. The 2012
5486 Residential Energy Code added on average \$5,668 to the cost
5487 of a home, and in some parts of the country it exceeded
5488 \$7,000.

5489 So moving every state to the 2012 Residential Energy
5490 Code would result in a \$4.1 billion loss in investment in
5491 single-family homes. This type of devastating loss in
5492 residential investment would mean a loss of 37,795 jobs that
5493 would be eliminated in construction, transportation,
5494 professional services. Many families wouldn't be able to
5495 afford a mortgage because every \$1,000 increase in the price
5496 of a home opts out and removes 246,000 households from the
5497 mortgage process for a 30-year, fixed-rate mortgage with a 5
5498 percent interest rate.

5499 So I encourage my colleagues a no vote on the amendment,
5500 and I yield back.

5501 The {Chairman.} The gentlelady yields back. Other
5502 members wishing to speak on the amendment? The gentleman
5503 from Vermont.

5504 Mr. {Welch.} Thank you very much. I speak in support
5505 of this amendment but with a certain measure of frustration

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5506 because I have a lot of appreciation for the concerns that
5507 the homebuilders have expressed and were outlined by my
5508 colleague from Tennessee. But there are two issues here, and
5509 Mr. McKinley and I, in our approach, were trying to be
5510 mindful of two things. One, the cost associated with
5511 retrofits and the practical decisions that homeowners have to
5512 make because if you are going to spend money to retrofit your
5513 home, you want to know when you are going to get your money
5514 back for that expenditure. The homeowners are concerned that
5515 it be on a shorter window of time because their view is that
5516 the longer that payback period it is, the more expense will
5517 be associated with doing it and the less the reward. And I
5518 think that is more or less the argument that Ms. Blackburn
5519 made.

5520 There is some truth to that. You know, what is the
5521 right time? But on the other hand, there is a lot of energy
5522 efficiency provisions that can be incorporated at the outset
5523 that in fact would pay back over a longer period of time and
5524 maybe even into the second owner. And what the SAVE Act
5525 which is being replaced by this legislation did with Mr.
5526 McKinley and I was allowed the EPA to essentially give
5527 information to local code writers, not to direct what that

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5528 code was. Because it is not a one-size-fits-all. It is not
5529 some code that can be written here in Washington. I think
5530 there is universal agreement on both sides of the aisle that
5531 that just wouldn't work.

5532 So the way Mr. McKinley had designed our approach was to
5533 allow the continuation of the governmental role in the
5534 process. But that was a limited role. And we got kind of
5535 compressed on the time because I have had very good
5536 conversations on this bill and other bills with Mr.
5537 Blackburn. But on the squeeze here on time, Mr. Chairman, we
5538 just weren't able to work it out. And I know Mr. Schrader
5539 has been incredibly cooperative and helpful on this as well.

5540 But I do want the committee to understand this is not an
5541 either/or proposition. If you have a reasonable time period
5542 for payback, which is relevant to the homebuilders where they
5543 have got the practical experience of dealing with folks who
5544 have limited budgets to build or buy a home, but on the other
5545 hand, you can get the benefit of advice, not orders, not
5546 dictates, from experts that allow our local people to take
5547 that into account. I think that is a good thing. And let
5548 the local people decide. Don't impose it on them. So I am
5549 going to support this now, but I am hopeful that maybe

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5550 between now and when this bill comes to the floor it is a
5551 situation we might be able to improve through further
5552 cooperation.

5553 The {Chairman.} The chair would like to recognize the
5554 gentleman, Mr. Schrader.

5555 Mr. {Schrader.} Thank you, Mr. Chairman. Yes, I would
5556 like to speak respectfully in opposition to the amendment. A
5557 lot of work has gone into the Building Energy Efficiency
5558 Codes, both by Mr. Welch, Mr. McKinley, and my colleague,
5559 Mrs. Blackburn. I think it is important to set at least a
5560 basic bar, increase that transparency so that our
5561 homebuilding community as well as homeowners understand what
5562 the options are, what those payback periods could be. I
5563 would agree with my good colleague from Vermont that 10 years
5564 is not necessarily the be-all and end-all, and there are some
5565 energy efficiency projects that we should entertain that have
5566 a longer payback period. And I hope to work on that
5567 hopefully as this bill goes forward with him. But it is
5568 important to move the ball down the field, and this begins to
5569 do that, put some of the existing opportunities in play, make
5570 sure that DOE is not looked upon as a partisan organization,
5571 has a neutral stance, advocating for different products and

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5572 technology. I think that enhances the opportunity for a lot
5573 of this energy efficiency that we all want to see happen go
5574 forward. So with that, I would like to speak in favor of the
5575 inclusion of the Blackburn-Schrader provisions and vote
5576 against the amendment. Thank you, and I yield back.

5577 The {Chairman.} The gentleman yields back. Further
5578 members wishing to speak? So seeing no members wishing to
5579 speak--oh, I am sorry. Mr. Tonko is recognized for 5
5580 minutes.

5581 Mr. {Tonko.} Thank you, Mr. Chair. I will be brief
5582 here. I support the Pallone amendment. The language of
5583 Chapter 5 of the substitute would prevent DOE from helping
5584 consensus-based code and standard development, and it limits
5585 the kind of assistance that DOE should and can provide, the
5586 analysis it can do and the provisions on which it can help.
5587 It also would impose onerous bureaucratic requirements. It
5588 prescribes detailed direction on economic analysis contrary
5589 to industry best practices. It is my belief that building
5590 energy codes are among the chiefest and most effective tools
5591 that states can use to meet their energy needs, and Chapter 5
5592 would prevent DOE from helping states. The language in the
5593 bill would remove current authority, to provide financial

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5594 assistance to states, and limit the provisions on which DOE
5595 could provide technical assistance. It also ties DOE's hands
5596 in promoting effective state policies that protect home
5597 buyers from excessive energy bills and certainly will help
5598 homebuyers cut air pollution.

5599 Ultimately I think this language harms consumers, it
5600 harms the economy, and it harms our environment. With that,
5601 I would urge my colleagues to support the Pallone amendment,
5602 Mr. Chair, and I yield back.

5603 The {Chairman.} The gentleman yields back. Other
5604 members wishing to speak on the amendment? Seeing none, the
5605 vote occurs on the amendment offered by the gentleman from
5606 New Jersey.

5607 Those in favor, say aye. I was hoping there would be
5608 none.

5609 Those opposed say no.

5610 In the opinion of the chair, the noes have it. And a
5611 roll call is requested. The clerk will call the roll.

5612 The {Clerk.} Mr. Barton?

5613 [No response.]

5614 The {Clerk.} Mr. Whitfield?

5615 Mr. {Whitfield.} No.

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5616 The {Clerk.} Mr. Whitfield votes no.
5617 Mr. Shimkus?
5618 [No response.]
5619 The {Clerk.} Mr. Pitts?
5620 Mr. {Pitts.} No.
5621 The {Clerk.} Mr. Pitts votes no.
5622 Mr. Walden?
5623 Mr. {Walden.} No.
5624 The {Clerk.} Mr. Walden votes no.
5625 Mr. Murphy?
5626 [No response.]
5627 The {Clerk.} Mr. Burgess?
5628 [No response.]
5629 The {Clerk.} Mrs. Blackburn?
5630 Mrs. {Blackburn.} No.
5631 The {Clerk.} Mrs. Blackburn votes no.
5632 Mr. Scalise?
5633 [No response.]
5634 The {Clerk.} Mr. Latta?
5635 Mr. {Latta.} No.
5636 The {Clerk.} Mr. Latta votes no.
5637 Mrs. McMorris Rodgers?

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5638 [No response.]

5639 The {Clerk.} Mr. Harper?

5640 Mr. {Harper.} No.

5641 The {Clerk.} Mr. Harper votes no.

5642 Mr. Lance?

5643 Mr. {Lance.} No.

5644 The {Clerk.} Mr. Lance votes no.

5645 Mr. Guthrie?

5646 Mr. {Guthrie.} No.

5647 The {Clerk.} Mr. Guthrie votes no.

5648 Mr. Olson?

5649 Mr. {Olson.} No.

5650 The {Clerk.} Mr. Olson votes no.

5651 Mr. McKinley?

5652 Mr. {McKinley.} No.

5653 The {Clerk.} Mr. McKinley votes no.

5654 Mr. Pompeo?

5655 [No response.]

5656 The {Clerk.} Mr. Kinzinger?

5657 Mr. {Kinzinger.} No.

5658 The {Clerk.} Mr. Kinzinger votes no.

5659 Mr. Griffith?

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5660 Mr. {Griffith.} No.

5661 The {Clerk.} Mr. Griffith votes no.

5662 Mr. Bilirakis?

5663 Mr. {Bilirakis.} No.

5664 The {Clerk.} Mr. Bilirakis votes no.

5665 Mr. Johnson?

5666 Mr. {Johnson.} No.

5667 The {Clerk.} Mr. Johnson votes no.

5668 Mr. Long?

5669 [No response.]

5670 The {Clerk.} Mrs. Ellmers?

5671 Mrs. {Ellmers.} No.

5672 The {Clerk.} Mrs. Ellmers votes no.

5673 Mr. Bucshon?

5674 Mr. {Bucshon.} No.

5675 The {Clerk.} Mr. Bucshon votes no.

5676 Mr. Flores?

5677 Mr. {Flores.} No.

5678 The {Clerk.} Mr. Flores votes no.

5679 Mrs. Brooks?

5680 Mrs. {Brooks.} No.

5681 The {Clerk.} Mrs. Brooks votes no.

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5682 Mr. Mullin?

5683 Mr. {Mullin.} No.

5684 The {Clerk.} Mr. Mullin votes no.

5685 Mr. Hudson?

5686 [No response.]

5687 The {Clerk.} Mr. Collins?

5688 Mr. {Collins.} No.

5689 The {Clerk.} Mr. Collins votes no.

5690 Mr. Cramer?

5691 Mr. {Cramer.} No.

5692 The {Clerk.} Mr. Cramer votes no.

5693 Mr. Pallone?

5694 Mr. {Pallone.} Aye.

5695 The {Clerk.} Mr. Pallone votes aye.

5696 Mr. Rush?

5697 [No response.]

5698 The {Clerk.} Ms. Eshoo?

5699 Ms. {Eshoo.} Aye.

5700 The {Clerk.} Ms. Eshoo votes aye.

5701 Mr. Engel?

5702 Mr. {Engel.} Aye.

5703 The {Clerk.} Mr. Engel votes aye.

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5704 Mr. Green?

5705 Mr. {Green.} Aye.

5706 The {Clerk.} Mr. Green votes aye.

5707 Ms. DeGette?

5708 Ms. {DeGette.} Aye.

5709 The {Clerk.} Ms. DeGette votes aye.

5710 Mrs. Capps?

5711 Mrs. {Capps.} Aye.

5712 The {Clerk.} Mrs. Capps votes aye.

5713 Mr. Doyle?

5714 Mr. {Doyle.} Yes.

5715 The {Clerk.} Mr. Doyle votes aye.

5716 Ms. Schakowsky?

5717 Ms. {Schakowsky.} Yes.

5718 The {Clerk.} Ms. Schakowsky votes aye.

5719 Mr. Butterfield?

5720 Mr. {Butterfield.} Yes.

5721 The {Clerk.} Mr. Butterfield votes aye.

5722 Ms. Matsui?

5723 Ms. {Matsui.} Aye.

5724 The {Clerk.} Ms. Matsui votes aye.

5725 Ms. Castor?

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5726 Ms. {Castor.} Aye.

5727 The {Clerk.} Ms. Castor votes aye.

5728 Mr. Sarbanes?

5729 Mr. {Sarbanes.} Aye.

5730 The {Clerk.} Mr. Sarbanes votes aye.

5731 Mr. McNerney?

5732 Mr. {McNerney.} Aye.

5733 The {Clerk.} Mr. McNerney votes aye.

5734 Mr. Welch?

5735 Mr. {Welch.} Aye.

5736 The {Clerk.} Mr. Welch votes aye.

5737 Mr. Lujan?

5738 Mr. {Lujan.} No.

5739 The {Clerk.} Mr. Lujan votes no.

5740 Mr. Tonko?

5741 Mr. {Tonko.} Aye.

5742 The {Clerk.} Mr. Tonko votes aye.

5743 Mr. Yarmuth?

5744 Mr. {Yarmuth.} Aye.

5745 The {Clerk.} Mr. Yarmuth votes aye.

5746 Ms. Clarke?

5747 Ms. {Clarke.} Aye.

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5748 The {Clerk.} Ms. Clarke votes aye.

5749 Mr. Loeb sack?

5750 Mr. {Loeb sack.} Aye.

5751 The {Clerk.} Mr. Loeb sack votes aye.

5752 Mr. Schrader?

5753 Mr. {Schrader.} No.

5754 The {Clerk.} Mr. Schrader votes no.

5755 Mr. Kennedy?

5756 Mr. {Kennedy.} Aye.

5757 The {Clerk.} Mr. Kennedy votes aye.

5758 Mr. Cardenas?

5759 Mr. {Cardenas.} Aye.

5760 The {Clerk.} Mr. Cardenas votes aye.

5761 Chairman Upton?

5762 The {Chairman.} Votes no.

5763 The {Clerk.} Chairman Upton votes no.

5764 The {Chairman.} Other members wishing to cast their

5765 vote? Dr. Murphy?

5766 Mr. {Murphy.} No.

5767 The {Clerk.} Dr. Murphy votes no.

5768 The {Chairman.} Mr. Long?

5769 Mr. {Long.} No.

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5770 The {Clerk.} Mr. Long votes no.

5771 The {Chairman.} Mr. Barton?

5772 Mr. {Barton.} No.

5773 The {Clerk.} Mr. Barton votes no.

5774 The {Chairman.} Other members? Mr. Shimkus?

5775 Mr. {Shimkus.} No.

5776 The {Clerk.} Mr. Shimkus votes no.

5777 The {Chairman.} You can raise your hand. I didn't

5778 think--sorry. Other members wishing to cast their vote.

5779 Mr. {Pallone.} Let me see if Bob is back there. Hold

5780 on. Let me just--

5781 The {Chairman.} We will wait 2 seconds. No. Okay.

5782 The clerk will report the tally.

5783 The {Clerk.} Mr. Chairman, on that vote there were 20

5784 ayes and 28 nays.

5785 The {Chairman.} Twenty ayes, 28 nays. The amendment is

5786 not agreed to.

5787 Are there further amendments to the bill?

5788 Mr. {Butterfield.} Mr. Chairman?

5789 The {Chairman.} The gentleman from North Carolina, Mr.

5790 Butterfield.

5791 Mr. {Butterfield.} Mr. Chairman, I have an amendment at

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5792 the desk.

5793 The {Chairman.} The clerk will report the title.

5794 The {Clerk.} Amendment offered by Mr. Butterfield of

5795 North Carolina to an amendment in the nature of a substitute

5796 to H.R. 8.

5797 [The amendment of Mr. Butterfield follows:]

5798 ***** INSERT 24 *****

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|

5799 The {Chairman.} The amendment will be considered as
5800 read. The staff will distribute the amendment, and the
5801 gentleman is recognized for 5 minutes in support of his
5802 amendment.

5803 Mr. {Butterfield.} Thank you very much, Mr. Chairman.
5804 Mr. Chairman, my amendment seeks to improve the Energy Star
5805 Home Performance Program and the Energy Star New Homes
5806 Program. Both of these programs, Mr. Chairman, are currently
5807 in effect, and they are important to encouraging the
5808 deployment of new technologies to improve residential
5809 efficiency. My amendment would create a grant program
5810 through the U.S. Department of Energy which would provide a
5811 rebate of up to 15 percent of the cost of participating in
5812 either program to landlords or homeowners.

5813 Often the barriers to participation in Energy Star
5814 programs is financial. I represent one of the poorest
5815 districts in the country where one in four live in poverty.
5816 Many homeowners and landlords in my district cannot take
5817 advantage of the Energy Star residential program because it
5818 is too expensive to make the improvements necessary to
5819 participate. If we want real improvement to residential

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5820 energy efficiency, we must make it easier for the middle
5821 class to participate in these programs. In fact, in 2014,
5822 only three projects in North Carolina completed home
5823 performance with Energy Star. But Massachusetts, for
5824 example, Mr. Kennedy's home state, completed more than 5,000
5825 projects in 2014. It is not that my constituents don't want
5826 to make their homes energy efficient. It is because these
5827 improvements come at a significant cost that many cannot
5828 afford. The startling low participation numbers in my
5829 district for programs which have the potential to save
5830 homeowners significant amounts of money over many years is
5831 concerning and is easily remedied by passage of this
5832 amendment. DOE, Mr. Chairman, estimates that participation
5833 in the Home Performance Program will result in typical
5834 utility bill savings of 20 percent or more. Similarly the
5835 Energy Star New Homes Program can result in savings of up to
5836 30 percent when compared to typical new homes. Those savings
5837 are critical for people who are struggling to put food on the
5838 table and keep the lights on. That is a choice that no one
5839 should be forced to make.

5840 My amendment can stimulate and create jobs, something
5841 that both sides of the aisle certainly agree on. Both Energy

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5842 Star Residential Programs are voluntary. They depend heavily
5843 on the private sector to help with program implementation.
5844 Contractors can help make improvements to existing properties
5845 and ensure that specific energy efficiency goals are met by
5846 participants. Many of the industries from homebuilders and
5847 insulation companies, appliance manufacturers, window and
5848 lighting manufacturers, these are all key stakeholders who
5849 are invested in these programs.

5850 My amendment finally will help motivate landlords and
5851 homeowners to participate in these programs, will directly
5852 benefit residents who will see lower utility costs. This
5853 amendment supports the middle class, it encourages innovation
5854 and the adoption of new technologies for most job creation
5855 and has added environmental benefits. I ask my colleagues to
5856 please consider it and support the amendment. I yield back.

5857 The {Chairman.} The gentleman yields back. The chair
5858 would recognize the gentleman from Kentucky, Mr. Whitfield.

5859 Mr. {Whitfield.} Thank you, Mr. Chairman. Mr.
5860 Butterfield's amendment would establish a new grant program
5861 at the Department of Energy for energy efficient homes and
5862 residences.

5863 You know, I read an article the other day that the

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5864 Federal Government now has 67 separate programs on climate
5865 change alone. We are approaching a \$20 trillion federal
5866 debt. The Federal Government already has several grant
5867 programs in place that go specifically to energy efficiency
5868 in homes and buildings. These programs are already extremely
5869 well-funded.

5870 So I would just say that this is duplicative, as well-
5871 meaning as it is and as well-intended as it is. There are so
5872 many programs out there already involved in this, and with a
5873 \$20 trillion federal debt and I might say that about \$5
5874 billion went to efficiency programs in the stimulus bill in
5875 2009.

5876 So I would respectfully oppose the amendment and would
5877 yield time to--

5878 Mr. {Shimkus.} And thank you. Yeah, I would also--I
5879 agree with my colleague that high energy prices
5880 disproportionately affect the middle class and the poor. But
5881 to say we are going to be able to save the middle class and
5882 the poor by helping them to get energy efficient instead of
5883 focusing on lower energy prices? Low prices are a simple
5884 supply-and-demand equation. We need more energy, not less
5885 energy. We need major generation, not small generation. We

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5886 need the all-the-above portfolio of coal, nuclear, and hydro.
5887 And if you will go to the EIA Web site, look at cost per
5888 kilowatt hour, the cost per kilowatt hour of generating
5889 electricity for the consumers is major generation. The low-
5890 cost provider is coal.

5891 So in reality, if we really want to help the middle
5892 class and the poor, we should encourage electricity
5893 generation by coal, nuclear, and hydro. Part of this debate
5894 is every time we talk about one of these major generating
5895 operations, we get an amendment against it. Hydro is not
5896 good enough. Definitely coal is not good enough. And then
5897 we go to these issues of, well, let's be more efficient.
5898 Let's do Energy Star. Let's do these things to help lower
5899 the cost to the individual when the best thing to do is make
5900 sure--

5901 Mr. {Butterfield.} Would the gentleman yield? Would
5902 the gentleman yield?

5903 Mr. {Shimkus.} I am happy.

5904 Mr. {Butterfield.} Are you discounting the value of
5905 energy efficiency? Don't you think that is a major--

5906 Mr. {Shimkus.} I am--

5907 Mr. {Butterfield.} Yes.

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5908 Mr. {Shimkus.} --promoting the benefit of major
5909 generation in this country, and 60 percent of our electricity
5910 generation is generated by coal, nuclear, and hydro. And
5911 they continue to be attacked. So part of--and I got attacked
5912 earlier by being ideological, but the ranking member was
5913 ideological on one of the amendment debates.

5914 So this is really a debate about do you believe in
5915 baseload power, major generation, or do you believe in
5916 decentralized, individual, rooftop solar, energy efficiencies
5917 which are more expensive? They are just more expensive. So
5918 if you really are concerned about the middle class and the
5919 poor, you would be supportive of major generation. And with
5920 that, I yield back my time.

5921 The {Chairman.} The gentleman yields back. Other
5922 members wishing to speak on the amendment? Seeing none, the
5923 vote occurs on the amendment offered by the gentleman from
5924 North Carolina.

5925 All those in favor say aye.

5926 Those opposed--

5927 Mr. {Pallone.} He wants a vote.

5928 The {Chairman.} He wants a--all those opposed say no.

5929 The noes have it.

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5930 Roll call is requested is my understanding. Is that
5931 right?
5932 Mr. {Pallone.} Yes.
5933 The {Chairman.} So it is. So the clerk will call the
5934 roll.
5935 The {Clerk.} Mr. Barton?
5936 [No response.]
5937 The {Clerk.} Mr. Whitfield?
5938 Mr. {Whitfield.} No.
5939 The {Clerk.} Mr. Whitfield votes no.
5940 Mr. Shimkus?
5941 Mr. {Shimkus.} No.
5942 The {Clerk.} Mr. Shimkus votes no.
5943 Mr. Pitts?
5944 Mr. {Pitts.} No.
5945 The {Clerk.} Mr. Pitts votes no.
5946 Mr. Walden?
5947 [No response.]
5948 The {Clerk.} Mr. Murphy?
5949 [No response.]
5950 The {Clerk.} Mr. Burgess?
5951 [No response.]

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5952 The {Clerk.} Mrs. Blackburn?

5953 Mrs. {Blackburn.} No.

5954 The {Clerk.} Mrs. Blackburn votes no.

5955 Mr. Scalise?

5956 [No response.]

5957 The {Clerk.} Mr. Latta?

5958 Mr. {Latta.} No.

5959 The {Clerk.} Mr. Latta votes no.

5960 Mrs. McMorris Rodgers?

5961 [No response.]

5962 The {Clerk.} Mr. Harper?

5963 Mr. {Harper.} No.

5964 The {Clerk.} Mr. Harper votes no.

5965 Mr. Lance?

5966 Mr. {Lance.} No.

5967 The {Clerk.} Mr. Lance votes no.

5968 Mr. Guthrie?

5969 [No response.]

5970 The {Clerk.} Mr. Olson?

5971 Mr. {Olson.} No.

5972 The {Clerk.} Mr. Olson votes no.

5973 Mr. McKinley?

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5974 [No response.]

5975 The {Clerk.} Mr. Pompeo?

5976 Mr. {Pompeo.} No.

5977 The {Clerk.} Mr. Pompeo votes no.

5978 Mr. Kinzinger?

5979 [No response.]

5980 The {Clerk.} Mr. Griffith?

5981 Mr. {Griffith.} No.

5982 The {Clerk.} Mr. Griffith votes no.

5983 Mr. Bilirakis?

5984 Mr. {Bilirakis.} No.

5985 The {Clerk.} Mr. Bilirakis votes no.

5986 Mr. Johnson?

5987 [No response.]

5988 The {Clerk.} Mr. Long?

5989 [No response.]

5990 The {Clerk.} Mrs. Ellmers?

5991 Mrs. {Ellmers.} No.

5992 The {Clerk.} Mrs. Ellmers votes no.

5993 Mr. Bucshon?

5994 Mr. {Bucshon.} No.

5995 The {Clerk.} Mr. Bucshon votes no.

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5996 Mr. Flores?
5997 Mr. {Flores.} No.
5998 The {Clerk.} Mr. Flores votes no.
5999 Mrs. Brooks?
6000 Mrs. {Brooks.} No.
6001 The {Clerk.} Mrs. Brooks votes no.
6002 Mr. Mullin?
6003 [No response.]
6004 The {Clerk.} Mr. Hudson?
6005 [No response.]
6006 The {Clerk.} Mr. Collins?
6007 Mr. {Collins.} No.
6008 The {Clerk.} Mr. Collins votes no.
6009 Mr. Cramer?
6010 Mr. {Cramer.} No.
6011 The {Clerk.} Mr. Cramer votes no.
6012 Mr. Pallone?
6013 Mr. {Pallone.} Aye.
6014 The {Clerk.} Mr. Pallone votes aye.
6015 Mr. Rush?
6016 [No response.]
6017 The {Clerk.} Ms. Eshoo?

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6018 Ms. {Eshoo.} Aye.

6019 The {Clerk.} Ms. Eshoo votes aye.

6020 Mr. Engel?

6021 Mr. {Engel.} Aye.

6022 The {Clerk.} Mr. Engel votes aye.

6023 Mr. Green?

6024 Mr. {Green.} Aye.

6025 The {Clerk.} Mr. Green votes aye.

6026 Ms. DeGette?

6027 Ms. {DeGette.} Aye.

6028 The {Clerk.} Ms. DeGette votes aye.

6029 Mrs. Capps?

6030 Mrs. {Capps.} Aye.

6031 The {Clerk.} Mrs. Capps votes aye.

6032 Mr. Doyle?

6033 Mr. {Doyle.} Aye.

6034 The {Clerk.} Mr. Doyle votes aye.

6035 Ms. Schakowsky?

6036 Ms. {Schakowsky.} Aye.

6037 The {Clerk.} Ms. Schakowsky votes aye.

6038 Mr. Butterfield?

6039 Mr. {Butterfield.} Aye.

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6040 The {Clerk.} Mr. Butterfield votes aye.
6041 Ms. Matsui?
6042 Ms. {Matsui.} Aye.
6043 The {Clerk.} Ms. Matsui votes aye.
6044 Ms. Castor?
6045 Ms. {Castor.} Aye.
6046 The {Clerk.} Ms. Castor votes aye.
6047 Mr. Sarbanes?
6048 Mr. {Sarbanes.} Aye.
6049 The {Clerk.} Mr. Sarbanes votes aye.
6050 Mr. McNerney?
6051 Mr. {McNerney.} Aye.
6052 The {Clerk.} Mr. McNerney votes aye.
6053 Mr. Welch?
6054 Mr. {Welch.} Aye.
6055 The {Clerk.} Mr. Welch votes aye.
6056 Mr. Lujan?
6057 Mr. {Lujan.} Aye.
6058 The {Clerk.} Mr. Lujan votes aye.
6059 Mr. Tonko?
6060 Mr. {Tonko.} Aye.
6061 The {Clerk.} Mr. Tonko votes aye.

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6062 Mr. Yarmuth?

6063 Mr. {Yarmuth.} Aye.

6064 The {Clerk.} Mr. Yarmuth votes aye.

6065 Ms. Clarke?

6066 Ms. {Clarke.} Aye.

6067 The {Clerk.} Ms. Clarke votes aye.

6068 Mr. Loeb sack?

6069 Mr. {Loeb sack.} Aye.

6070 The {Clerk.} Mr. Loeb sack votes aye.

6071 Mr. Schrader?

6072 Mr. {Schrader.} Aye.

6073 The {Clerk.} Mr. Schrader votes aye.

6074 Mr. Kennedy?

6075 Mr. {Kennedy.} Aye.

6076 The {Clerk.} Mr. Kennedy votes aye.

6077 Mr. Cardenas?

6078 Mr. {Cardenas.} Aye.

6079 The {Clerk.} Mr. Cardenas votes aye.

6080 Chairman Upton?

6081 The {Chairman.} Votes no.

6082 The {Clerk.} Chairman Upton votes no.

6083 The {Chairman.} Other members wishing to cast their

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6084 vote? Dr. Burgess?

6085 Mr. {Burgess.} No.

6086 The {Clerk.} Dr. Burgess votes no.

6087 The {Chairman.} Mr. Barton?

6088 Mr. {Barton.} No.

6089 The {Clerk.} Mr. Barton votes no.

6090 The {Chairman.} Mr. Johnson?

6091 Mr. {Johnson.} No.

6092 The {Clerk.} Mr. Johnson votes no.

6093 The {Chairman.} Mr. Long?

6094 Mr. {Long.} No.

6095 The {Clerk.} Mr. Long votes no.

6096 The {Chairman.} Mr. Kinzinger?

6097 Mr. {Kinzinger.} No.

6098 The {Clerk.} Mr. Kinzinger votes no.

6099 Mr. {McKinley.} I vote no.

6100 The {Clerk.} Mr. McKinley votes no.

6101 The {Chairman.} Walden?

6102 Mr. {Walden.} No.

6103 The {Clerk.} Mr. Walden votes no.

6104 Mr. {Murphy.} Murphy, no.

6105 The {Clerk.} Mr. Murphy votes no.

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6106 The {Chairman.} Mr. Guthrie?

6107 Mr. {Guthrie.} No.

6108 The {Clerk.} Mr. Guthrie votes no.

6109 The {Chairman.} Other members wishing to cast a vote?

6110 Seeing none, the clerk will report the tally.

6111 The {Clerk.} Mr. Chairman, on that vote there were 22
6112 ayes and 27 nays.

6113 The {Chairman.} Twenty-two ayes, 27 nays. The
6114 amendment is not agreed to.

6115 It is my understanding that we have five amendments to
6116 go and then final which should correspond I hope with votes
6117 on the Floor.

6118 Ms. Castor has an amendment at the desk.

6119 Ms. {Castor.} I have an amendment at the desk, Mr.
6120 Chairman.

6121 The {Chairman.} Without objection, the--no, the clerk
6122 will read the title of the bill, of the amendment.

6123 The {Clerk.} Amendment offered by Ms. Castor of Florida
6124 to the amendment in the nature of a substitute for H.R. 8.

6125 [The amendment of Ms. Castor follows:]

6126 ***** INSERT 25 *****

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|

6127 The {Chairman.} The amendment will be considered as
6128 read. The staff will distribute the amendment, and the
6129 gentlelady is recognized for 5 minutes in support of her
6130 amendment.

6131 Ms. {Castor.} Well, thank you very much, Mr. Chairman.
6132 This amendment comes at a perfect time because it follows on
6133 the debate we had on the previous amendment and what a few of
6134 my Republican colleagues have called for, and like so many of
6135 the Democratic amendments that have been offered today would
6136 improve energy resiliency and efficiency, help modernize
6137 America's energy policy and help bring energy systems into
6138 the 21st century.

6139 My amendment focuses on thermal energy and combined heat
6140 power. These are essential to a smart energy future for our
6141 country, but they are often overlooked components of our
6142 national energy supply.

6143 In the United States, up to 36 percent of the total
6144 energy produced is lost from power plants, industrial
6145 facilities and buildings in the form of waste heat. My
6146 amendment will help industry, universities, hospitals, and
6147 others capture that waste heat and use renewables for

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6148 heating, cooling, and power generation.

6149 Now I want to read what is included in the definition of
6150 renewable in this amendment. Biomass, geothermal, hydro
6151 power, landfill gas, municipal solid waste, ocean energy,
6152 organic waste, photosynthetic processes, photovoltaic energy,
6153 solar energy, and wind.

6154 So what this will do, it will help strengthen our
6155 ability to keep the lights on, keep buildings comfortable,
6156 and enable uninterrupted business operations. This is
6157 possible through combined heat and power and distributed
6158 energy systems whose overall resilience has been proven by
6159 their performance during national disasters.

6160 We have also heard testimony in the Energy and Power
6161 Subcommittee extensively on the importance in the future on
6162 these distributed, locally based energy systems.

6163 What my amendment proposes to do is help overcome the
6164 financing hurdles that will be key in implementing this
6165 highly efficient and resilient energy infrastructure. My
6166 amendment would establish an initiative to provide cost-
6167 shared funding for technical assistance for feasibility
6168 studies and engineering, and it would enable qualifying
6169 energy infrastructure projects to access lower interest debt

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6170 financing through a loan guarantee program.

6171 What the folks who have looked at this approach say is
6172 that industrial competitiveness will be enhanced because they
6173 will be able--these businesses will be able to develop new
6174 revenue streams, will help communities, universities and
6175 others reduce energy costs, reduce emissions, and enhance
6176 energy supply resiliency.

6177 I have to say, coming from the State of Florida where we
6178 have been fortunate not to have been hit by a major hurricane
6179 in the last 10 years, we know it is just a matter of time
6180 unfortunately, and we do have a storm intensifying in the
6181 Atlantic Ocean right now. Severe weather is now the leading
6182 cause of power outages in this country.

6183 So we have got to plan ahead. We have got to be
6184 smarter. And according to a joint DOE and EPA joint study,
6185 roughly 65 gigawatts of technical potential remain in the
6186 Nation's hospitals, universities, waste water treatment
6187 plants, and other critical infrastructure. My amendment will
6188 help to reduce the up-front capital cost of installing these
6189 locally based energy efficient systems. These systems have
6190 proven themselves to supply electricity during grid outages
6191 resulting from extreme weather. During Hurricane Sandy,

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6192 those with these systems, such as hospitals and universities,
6193 were able to keep the lights on and actually had heat and
6194 water in the aftermath of superstorm Sandy.

6195 So I respectfully request that the committee think
6196 towards the future. Think with an eye towards the future.
6197 Take this modest but very important step to help unleash the
6198 innovation we have in America. We know how to do this. We
6199 can do this. Let's give our businesses, our universities,
6200 hospitals a fighting chance here. Help them save some money
6201 at the same time, and I will urge an aye vote on this
6202 amendment. Thank you. I am happy to yield my remaining
6203 time.

6204 Mr. {Cardenas.} I just want to give a shout-out. I
6205 happen to be at UC San Diego, and they actually have somebody
6206 on campus who is a retired businessman who they put in charge
6207 of trying to get them to change their energy footprint and
6208 where they are getting their energy.

6209 So a little shout-out to all of my colleagues. During
6210 the winter, maybe you want to make your way out to La Jolla
6211 and go check it out, you know, and see what they are doing
6212 over there. And they are doing every kind of energy you can
6213 think of. Thank you.

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6214 Mr. {Doyle.} How about January 15th?

6215 Mr. {Pallone.} We have to go in winter.

6216 The {Chairman.} Gentlelady's time has expired. Strike
6217 the last word for me. Let me just say as we understand it,
6218 the amendment would establish a new DOE loan program to
6219 support distributed generation. We see this as a little bit
6220 too broad. Locally-grown energy may make sense in some
6221 circumstances but maybe not in others. There are often
6222 economic reasons to use non-local energy sources and to use
6223 them on a larger scale than distributed generation. But I
6224 would also note that the provision is duplicative of other
6225 DOE programs as well as tax incentives and state programs
6226 that encourage the use of distributed renewable energy.

6227 So as circumstances change across the country and
6228 regions, states should decide whether or not--how they are
6229 going to use or encourage distributed generation. We also
6230 don't have a price tag on this, so we don't know what the
6231 cost to that amendment is.

6232 So I would urge my colleagues to vote no on the
6233 amendment. And with that, I yield back.

6234 Are there other members wishing to speak on the
6235 amendment? Seeing none, the vote occurs. Roll call is--let

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6236 me just--gentleman from Texas.

6237 Mr. {Olson.} Thank you, Mr. Chairman. I will just take
6238 a second. This is just another Solyndra, and the taxpayers
6239 already spent hundreds of millions of dollars. I urge a no
6240 vote.

6241 The {Chairman.} The gentleman's time is expired. Roll
6242 call vote is asked for on the Castor amendment. Those in
6243 favor will vote aye. Those opposed vote no. The clerk will
6244 call the roll.

6245 The {Clerk.} Mr. Barton?

6246 [No response.]

6247 The {Clerk.} Mr. Whitfield?

6248 Mr. {Whitfield.} No.

6249 The {Clerk.} Mr. Whitfield votes no.

6250 Mr. Shimkus?

6251 Mr. {Shimkus.} No.

6252 The {Clerk.} Mr. Shimkus votes no.

6253 Mr. Pitts?

6254 Mr. {Pitts.} No.

6255 The {Clerk.} Mr. Pitts votes no.

6256 Mr. Walden?

6257 [No response.]

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6258 The {Clerk.} Mr. Murphy?

6259 [No response.]

6260 The {Clerk.} Mr. Burgess?

6261 [No response.]

6262 The {Clerk.} Mrs. Blackburn?

6263 Mrs. {Blackburn.} No.

6264 The {Clerk.} Mrs. Blackburn votes no.

6265 Mr. Scalise?

6266 [No response.]

6267 The {Clerk.} Mr. Latta?

6268 Mr. {Latta.} No.

6269 The {Clerk.} Mr. Latta votes no.

6270 Mrs. McMorris Rodgers?

6271 [No response.]

6272 The {Clerk.} Mr. Harper?

6273 Mr. {Harper.} No.

6274 The {Clerk.} Mr. Harper votes no.

6275 Mr. Lance?

6276 Mr. {Lance.} No.

6277 The {Clerk.} Mr. Lance votes no.

6278 Mr. Guthrie?

6279 Mr. {Guthrie.} No.

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6280 The {Clerk.} Mr. Guthrie votes no.
6281 Mr. Olson?
6282 Mr. {Olson.} No.
6283 The {Clerk.} Mr. Olson votes no.
6284 Mr. McKinley?
6285 Mr. {McKinley.} No.
6286 The {Clerk.} Mr. McKinley votes no.
6287 Mr. Pompeo?
6288 Mr. {Pompeo.} No.
6289 The {Clerk.} Mr. Pompeo votes no.
6290 Mr. Kinzinger?
6291 [No response.]
6292 The {Clerk.} Mr. Griffith?
6293 Mr. {Griffith.} No.
6294 The {Clerk.} Mr. Griffith votes no.
6295 Mr. Bilirakis?
6296 Mr. {Bilirakis.} No.
6297 The {Clerk.} Mr. Bilirakis votes no.
6298 Mr. Johnson? Mr. Johnson?
6299 Mr. {Johnson.} No.
6300 The {Clerk.} Mr. Johnson votes no.
6301 Mr. Long?

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6302 Mr. {Long.} No.

6303 The {Clerk.} Mr. Long votes no.

6304 Mrs. Ellmers?

6305 Mrs. {Ellmers.} No.

6306 The {Clerk.} Mrs. Ellmers votes no.

6307 Mr. Bucshon?

6308 Mr. {Bucshon.} No.

6309 The {Clerk.} Mr. Bucshon votes no.

6310 Mr. Flores?

6311 Mr. {Flores.} No.

6312 The {Clerk.} Mr. Flores votes no.

6313 Mrs. Brooks?

6314 Mrs. {Brooks.} No.

6315 The {Clerk.} Mrs. Brooks votes no.

6316 Mr. Mullin?

6317 [No response.]

6318 The {Clerk.} Mr. Hudson?

6319 [No response.]

6320 The {Clerk.} Mr. Collins?

6321 Mr. {Collins.} No.

6322 The {Clerk.} Mr. Collins votes no.

6323 Mr. Cramer?

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6324 Mr. {Cramer.} No.

6325 The {Clerk.} Mr. Cramer votes no.

6326 Mr. Pallone?

6327 Mr. {Pallone.} Aye.

6328 The {Clerk.} Mr. Pallone votes aye.

6329 Mr. Rush?

6330 Mr. {Rush.} Aye.

6331 The {Clerk.} Mr. Rush votes aye.

6332 Ms. Eshoo?

6333 Ms. {Eshoo.} Aye.

6334 The {Clerk.} Ms. Eshoo votes aye.

6335 Mr. Engel?

6336 Mr. {Engel.} Aye.

6337 The {Clerk.} Mr. Engel votes aye.

6338 Mr. Green?

6339 Mr. {Green.} Aye.

6340 The {Clerk.} Mr. Green votes aye.

6341 Ms. DeGette?

6342 Ms. {DeGette.} Aye.

6343 The {Clerk.} Ms. DeGette votes aye.

6344 Mrs. Capps?

6345 Mrs. {Capps.} Aye.

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6346 The {Clerk.} Mrs. Capps votes aye.
6347 Mr. Doyle?
6348 Mr. {Doyle.} Yes.
6349 The {Clerk.} Mr. Doyle votes aye.
6350 Ms. Schakowsky?
6351 [No response.]
6352 The {Clerk.} Mr. Butterfield?
6353 Mr. {Butterfield.} Yes.
6354 The {Clerk.} Mr. Butterfield votes aye.
6355 Ms. Matsui?
6356 Ms. {Matsui.} Aye.
6357 The {Clerk.} Ms. Matsui votes aye.
6358 Ms. Castor?
6359 Ms. {Castor.} Aye.
6360 The {Clerk.} Ms. Castor votes aye.
6361 Mr. Sarbanes?
6362 Mr. {Sarbanes.} Yes.
6363 The {Clerk.} Mr. Sarbanes votes aye.
6364 Mr. McNerney?
6365 Mr. {McNerney.} Aye.
6366 The {Clerk.} Mr. McNerney votes aye.
6367 Mr. Welch?

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6368 [No response.]

6369 The {Clerk.} Mr. Lujan?

6370 Mr. {Lujan.} Aye.

6371 The {Clerk.} Mr. Lujan votes aye.

6372 Mr. Tonko?

6373 Mr. {Tonko.} Aye.

6374 The {Clerk.} Mr. Tonko votes aye.

6375 Mr. Yarmuth?

6376 Mr. {Yarmuth.} Aye.

6377 The {Clerk.} Mr. Yarmuth votes aye.

6378 Ms. Clarke?

6379 Ms. {Clarke.} Aye.

6380 The {Clerk.} Ms. Clarke votes aye.

6381 Mr. Loeb sack?

6382 Mr. {Loeb sack.} Aye.

6383 The {Clerk.} Mr. Loeb sack votes aye.

6384 Mr. Schrader?

6385 Mr. {Schrader.} Aye.

6386 The {Clerk.} Mr. Schrader votes aye.

6387 Mr. Kennedy?

6388 Mr. {Kennedy.} Aye.

6389 The {Clerk.} Mr. Kennedy votes aye.

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

6390 Mr. Cardenas?

6391 Mr. {Cardenas.} Aye.

6392 The {Clerk.} Mr. Cardenas votes aye.

6393 Chairman Upton?

6394 The {Chairman.} Votes no.

6395 The {Clerk.} Chairman Upton votes no.

6396 The {Chairman.} Other members wishing to cast their

6397 vote? Mrs. McMorris Rodgers?

6398 Mrs. {McMorris Rodgers.} No.

6399 The {Clerk.} Mrs. McMorris Rodgers votes no.

6400 Mr. {Welch.} Aye.

6401 The {Chairman.} Mr. Welch--

6402 The {Clerk.} Mr. Welch votes aye.

6403 The {Chairman.} Mr. Walden?

6404 Mr. {Walden.} Votes no.

6405 The {Clerk.} Mr. Walden votes no.

6406 The {Chairman.} Dr. Burgess?

6407 Mr. {Burgess.} No.

6408 The {Clerk.} Dr. Burgess votes no.

6409 The {Chairman.} Dr. Murphy?

6410 Mr. {Murphy.} No.

6411 The {Clerk.} Dr. Murphy votes no.

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

6412 The {Chairman.} Any other members wishing to cast their
6413 vote? Mr. Barton?

6414 Mr. {Barton.} I am getting my exercise, Mr. Chairman.
6415 And my vote is no.

6416 The {Chairman.} You need it.

6417 The {Clerk.} Mr. Barton votes no.

6418 The {Chairman.} What does your Fit Bit say? Did Mr.
6419 Welch vote? Yeah. I think he did. Yeah, he did. Other
6420 members wishing to cast a vote? Seeing none, the clerk will
6421 report the tally. Votes have just started on the House
6422 Floor.

6423 Mr. {Pallone.} Oh, really?

6424 The {Clerk.} Mr. Chairman, on that vote there were 22
6425 ayes and 27 nays.

6426 The {Chairman.} Twenty-two ayes, 27 nays. The
6427 amendment is not agreed to.

6428 Are there further amendments to the bill? Ms. Eshoo has
6429 an amendment at the desk. The clerk will report the title of
6430 the amendment.

6431 Ms. {Eshoo.} Thank you, Mr. Chairman. The amendment is
6432 Eshoo 22 I believe.

6433 The {Clerk.} Amendment offered by Ms. Eshoo of

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6434 California to the amendment in the nature of a substitute for

6435 H.R. 8.

6436 [The amendment of Ms. Eshoo follows:]

6437 ***** INSERT 26 *****

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|

6438 The {Chairman.} Without objection, the amendment is
6439 considered as read, and the staff will distribute the
6440 amendment. The gentlelady is recognized for 5 minutes.

6441 Ms. {Eshoo.} Thank you, Mr. Chairman. I think everyone
6442 is just dying to hear about another amendment, but I will be
6443 as brief as possible.

6444 This one makes a very simple change to existing law
6445 that--

6446 The {Chairman.} If the gentlelady will suspend--

6447 Ms. {Eshoo.} Yes?

6448 The {Chairman.} --we will accept the amendment.

6449 Ms. {Eshoo.} Isn't that wonderful. Thank you, Mr.
6450 Chairman. Bye-bye.

6451 The {Chairman.} Without objection, the gentlelady's
6452 time is expired. The vote occurs on the Eshoo amendment.

6453 Those in favor will say aye.

6454 Those opposed say no.

6455 With that, the amendment is agreed to.

6456 Are there further amendments to the bill? Mr. Welch has
6457 an amendment at the desk. The clerk will report the tile.

6458 The gentleman is not so--

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6459 The {Clerk.} The title, Welch, underscore 058? 058,

6460 sir?

6461 The {Chairman.} I believe it is.

6462 Mr. {Welch.} 58.

6463 The {Clerk.} Amendment offered by Mr. Welch of Vermont-

6464 -

6465 The {Chairman.} That will be considered as--oh.

6466 The {Clerk.} --to the amendment in the nature of a

6467 substitute for H.R. 8.

6468 [The amendment of Mr. Welch follows:]

6469 ***** INSERT 27 *****

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|

6470 The {Chairman.} Considered as read. The staff will
6471 distribute the amendment, and the gentleman is recognized for
6472 5 minutes.

6473 Mr. {Welch.} Thank you very much. Let me give a little
6474 history and talk to--

6475 Ms. {Eshoo.} No, we don't want history. Just go
6476 straight to today.

6477 Mr. {Welch.} Mr. Chairman, call this committee to
6478 order.

6479 The {Chairman.} This looks like such a simple
6480 amendment. It is like one--

6481 Mr. {Welch.} Well, here is--

6482 The {Chairman.} --but it is probably not okay.

6483 Mr. {Welch.} Obviously this is important. Section 433
6484 was a part of energy legislation that was advanced by our
6485 previous chair, Mr. Waxman. And the goal of that legislation
6486 in the 2007 energy bill was to require federal buildings and
6487 majorly renovated federal buildings to become fossil fuel
6488 free by 2030.

6489 As a supporter of 433, Mr. Shimkus, speaking for myself,
6490 there have been problems with the implementation. And in

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6491 fact, our colleagues in the Senate passed some provisions
6492 that are very similar to what Mr. Whitfield has in this bill
6493 that are constructive.

6494 But what we don't have in this bill are some additional
6495 provisions that were authored by Mr. McKinley and me in the
6496 SAVE Act which could have been part of a substitute which
6497 would have the effect of actually significantly increasing
6498 the energy efficiency of our federal buildings.

6499 One of the challenges in this bill is that the mutual
6500 understanding that we have, that energy efficiency has to be
6501 a major part of our energy policy, whether you are advocating
6502 for nuclear, whether you are advocating for coal, whether you
6503 are advocating for renewables, the less you use, the better
6504 we are all going to be. And there have been major
6505 initiatives by many on both sides of the aisle to try to
6506 double-down on energy efficiency. And in my view, we are
6507 falling short in this legislation from what we could achieve
6508 together on energy efficiency.

6509 So the strike-all in the nature of a substitute would
6510 incorporate provisions that are included in the bill that Mr.
6511 McKinley and I sponsored called the SAVE Act, and that
6512 actually had bipartisan origination with Mr. King and with

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6513 Mr. Perlmutter, and it would, according to analysis by ACEEE,
6514 the compromise language would result in over five times the
6515 carbon savings compared to Section 433 on its own--and here
6516 is the money part--would lead to \$11 billion more in consumer
6517 savings and save significantly more energy. That was
6518 language that was included in the McKinley-Welch package.

6519 So the goal here in the nature of a substitute is to
6520 acknowledge that there are some problems with the Section
6521 433. That is a legacy issue for Mr. Waxman But to try to
6522 make certain that the goal that was attempted to be achieved
6523 in that section is actually achieved and then some with very
6524 practical ways to proceed.

6525 So Mr. Chairman, that is the basis of this. I don't
6526 know if there is an opportunity between now and the bringing
6527 up of this bill--

6528 Mr. {Whitfield.} Will the gentleman yield?

6529 Mr. {Welch.} I do yield to Mr. Whitfield.

6530 Mr. {Whitfield.} Well, first of all, you know, the
6531 language that is in here is the language that you and I had
6532 worked on--

6533 Mr. {Welch.} Right.

6534 Mr. {Whitfield.} --Mr. Welch, and it is in the Senate.

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6535 And I can tell you, some of us feel very strongly about this
6536 433 provision which prohibits in federal buildings, new and
6537 modified, after 2030 any fossil fuel and when everyone is
6538 talking about an all-of-the-above policy, all-of-the-above
6539 energy policy that prohibits fossil fuels.

6540 But because you and I have worked on this issue and the
6541 language is in here that you and I talked about, Mr.
6542 Chairman, I would like to keep this language in here but work
6543 with Mr. Welch and when we go to the Floor, see if we can--I
6544 am just not really aware of all the details of what you are
6545 talking about, but I would be happy to sit down with you and
6546 move forward and--

6547 Mr. {Welch.} Okay. Reclaiming my time. I would
6548 welcome that opportunity because those of us who supported
6549 433 have to acknowledge there have been implementation issues
6550 in addition to the issue that is of concern to you. But with
6551 the language in the SAVE Act, if we have a chance to
6552 incorporate that, I actually think that the proponents of 433
6553 could see that without that provision, we actually can
6554 achieve the carbon savings and monetary savings that really
6555 energy efficiency is ultimately all about as opposed to which
6556 fuel source it is.

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6557 The {Chairman.} Sounds like a withdrawal.

6558 Mr. {Welch.} Am I withdrawing this? No? Am I? I
6559 would be willing to withdraw it, yeah.

6560 The {Chairman.} Without objection--

6561 Mr. {Welch.} With the assurance that I am going to work
6562 with Mr. Whitfield.

6563 The {Chairman.} Yeah. Yeah. Mr. Whitfield is good to
6564 his word.

6565 The gentleman withdraws his amendment. I would note
6566 that there are two votes on the House Floor, 7-1/2 minutes
6567 remaining. So we will recess with really two amendments
6568 remaining as I understand it, Ms. Schakowsky and Mr. Pallone,
6569 and we will come back shortly after the final, the second
6570 vote. Stands in recess.

6571 [Recess.]

6572 The {Chairman.} It started again. So are there further
6573 amendments to the bill? The gentlelady from Illinois has an
6574 amendment at the desk. The clerk will read the title of the
6575 amendment.

6576 The {Clerk.} Amendment offered by Ms. Schakowsky of to
6577 the amendment in the nature of a substitute H.R. 8.

6578 [The amendment of Ms. Schakowsky follows:]

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6579 ***** INSERT 28 *****

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|

6580 The {Chairman.} The amendment will be considered as
6581 read. The staff will distribute the amendment, and the
6582 gentlelady is recognized for 5 minutes in support of her
6583 amendment.

6584 Ms. {Schakowsky.} Thank you, Mr. Chairman. My
6585 amendment would strike Section 4125 of the bill which
6586 undermines the Energy Star Program, the savings for
6587 consumers, and takes away current consumer rights.

6588 I would like to read from Consumers Union report on
6589 this, the publisher of Consumer Reports, a very respected and
6590 impartial consumer organization. It says the Energy Star
6591 Program has improved enormously over the past several years.
6592 Independent testing, more robust audits, and more frequently
6593 updated standards have provided consumers with a better value
6594 for Energy Star appliances and electronics.

6595 However, Section 4125 threatens to erode the
6596 improvements by limiting accountability for appliance
6597 manufacturers to accurately label the efficiency of their
6598 products.

6599 Consumers rely on the Energy Star label to save energy
6600 and money, and manufacturers benefit from the volunteer

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6601 program through product differentiation and price premiums.
6602 Consumers often pay more for Energy Star appliances because
6603 of their low operating costs and high quality. The Energy
6604 Star label is widely marketed to consumers looking for these
6605 attributes. When a consumer relies on the Energy Star label
6606 to purchase a product that is later disqualified from the
6607 program for using more energy than the Energy Star label
6608 indicate, the consumer currently has a right to recover the
6609 cost incurred from this misrepresentation. Section 4125 of
6610 H.R. 8 takes that right away. When it disqualifies an Energy
6611 Star product, EPA can provide redress or compensation from
6612 consumers who bought the product. But this process is not
6613 codified, and it is between EPA and the manufacturer. There
6614 is no consumer representation. However, rather than
6615 improving the Energy Star Program or consumer representation,
6616 in the EPA process Section 4125 simply takes away the
6617 consumer's right to redress and insulates manufacturers who
6618 made disqualified products from liability.

6619 If implemented, this provision sends a message to
6620 consumers that if they rely on the Energy Star label and pay
6621 more for a product that is later found to be mislabeled and
6622 disqualified and results in higher energy bills, it is the

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6623 consumer who would be stuck with the higher cost.

6624 That is a quote from Consumers Union. This is not
6625 hypothetical. Samsung, LG, and Whirlpool among others have
6626 falsely claimed that specific products meet Energy Star
6627 specifications. Consumers have mobilized to be compensated
6628 for the false claims. They should have that right. Allowing
6629 consumers to pursue legal action would deter manufacturers
6630 from making false claims and incentivize the removal of those
6631 products from the market.

6632 Some manufacturers have claimed that they will stop
6633 participating in the Energy Star Program if this provision
6634 isn't included in the bill. And I think that is fine. Let
6635 them. The manufacturers that honor their Energy Star claims
6636 will keep selling those products on the market, and companies
6637 that would defraud customers will remove their products. And
6638 that is what we want.

6639 I would like to just give an analogy. We have seen now
6640 that Volkswagen made false claims about their automobiles,
6641 promised high performance and low emissions but did not
6642 deliver, obviously, and probably in a fraudulent way. Those
6643 cars are not worth what they were paid for, and consumers
6644 have every right to seek a full rebate for the purchase price

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6645 of their vehicles. At least they should be able to pursue
6646 breach of warranty claims against Volkswagen.

6647 Section 4125 of this bill would prevent consumers from
6648 pursuing breach of warranty claims against products that
6649 inaccurately claim Energy Star compliance, and I believe that
6650 is equivalent to preventing Volkswagen drivers from seeking
6651 redress. In both cases, consumers are tricked into
6652 purchasing a product that wrongfully claims to be energy
6653 efficient. Some may argue that there is a process built into
6654 the legislation or into the EPA or into the DOE, but it is
6655 not a process that actually involves consumers and their
6656 particular complaints.

6657 So I would urge my colleagues to keep the rights that
6658 consumers have right now and not limit them and support my
6659 amendment that would eliminate the provision that limits
6660 rights. And I yield back.

6661 The {Chairman.} The gentlelady yields back. The chair
6662 recognizes the gentleman from Ohio, Mr. Latta.

6663 Mr. {Latta.} Well, thank you very much, Mr. Chairman,
6664 and if I may speak in opposition to the lady's amendment?
6665 The Energy Star Program has been and is a highly successful
6666 and voluntary program that benefits consumers, manufacturers,

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6667 and the Federal Government. There is a win-win-win. The
6668 program was designed to be low cost, low compliance to
6669 incentivize participation by manufacturers. The costs
6670 associated with the class action lawsuit litigation has that
6671 ability to overshadow the compliance and the participation
6672 costs for the entire program for a manufacturer.

6673 Once it occurs, it is possible that manufacturers may,
6674 and again, I am not saying that they would, but there are
6675 some that might pull out of the program totally. And that
6676 would hurt the consumer out there because if we wanted to
6677 have as much participation as possible, that would make this
6678 a very, very successful program. So there could be very much
6679 a chilling effect out there.

6680 The language does not, as some believe, prevent a
6681 lawsuit for any reason regarding a product. It just requires
6682 the suit be filed before a product is disqualified from the
6683 Energy Star Program.

6684 The language was developed with a cross-section of
6685 interests including efficiency and consumer advocates,
6686 manufacturers, and the EPA. The EPA process can be done more
6687 efficiently compared to lengthy legal proceedings which can
6688 take years, and I believe that consumers would prefer the EPA

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6689 disqualification process over a class action litigation.

6690 The EPA I believe is in the best position to weigh the
6691 manufacturer's responsibility and a disqualification in the
6692 EPA disqualification process. The entire reimbursement goes
6693 to the consumer versus a legal proceeding where the legal
6694 fees get eaten up in large portions because of that lawsuit.

6695 And with that, Mr. Chairman, I oppose the amendment.

6696 Thank you.

6697 The {Chairman.} The gentleman yields back. Other
6698 members wishing to speak on the amendment? Mr. Welch,
6699 recognized for 5 minutes.

6700 Mr. {Welch.} Thank you, Mr. Chairman. I oppose this
6701 amendment. First of all, I want to acknowledge that the
6702 amendment is being offered by the person in this Congress
6703 that I regard as the foremost consumer advocate, and I have
6704 enormous appreciation for her leadership on the rights of
6705 consumers.

6706 The reason I am opposing this is because Mr. Latta and I
6707 have offered a provision that does two things in my view.
6708 Number one, it protects and enhances the Energy Star Program.
6709 The legislation we proposed has enormous support from the
6710 energy efficiency community because this is a program that

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6711 has worked.

6712 Secondly, this is not a proposal that will deny
6713 remedies. It provides an alternative remedy when there is an
6714 injury. And the question for us is not how do you not
6715 protect consumers, it is what is a practical way to do that
6716 for the benefit of consumers and for energy efficiency.

6717 Some of the things, Ms. Schakowsky, that you said I
6718 think are not at all the case here. This has nothing to do
6719 with Volkswagen. Volkswagen can be sued and should be sued,
6720 and I hope they are sued and they probably will be. This is
6721 limited to the Energy Star Program where folks are buying a
6722 toaster, they are buying a TV that--manufacturers want to get
6723 that Energy Star rating as you mentioned because that helps
6724 them sell it. And the process that is in place now, if there
6725 is independent testing, and there used to be industry testing
6726 but now we have independent testing by the DOE and the EPA.
6727 And with that independent testing, as Energy Star advanced,
6728 there were some findings that the ratings that were
6729 advertised were not being met. And then there is a remedy
6730 now in law that allows EPA and DOE to impose penalties for
6731 remediation, including the return of some money.

6732 Now, the amount of money that is involved in this as an

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6733 injured consumer--I buy a toaster. I buy a TV, and I don't
6734 get the full benefit. It is like four or five bucks a month.
6735 It is very small. So yes, you can sue and get that cash.
6736 But basically in that class action lawsuit, it is going to be
6737 significant expense to the manufacturers. And when there is
6738 a situation where the manufacturer's product doesn't live up,
6739 it is not--whatever it is, the goal here is energy efficiency
6740 and the goal is remedy for the injured party, the consumer.

6741 So the test for me, and this is why I work with Mr.
6742 Latta, is that we are giving power to--or there is power for
6743 the DOE and the EPA who have been vigilant on this to
6744 actually enforce it for the benefit of the integrity of the
6745 Energy Star standard and for the benefit of the consumer.
6746 And where the amount of monetary damage to the consumer is so
6747 small in general on these appliances, it really occurs to me
6748 that it is a reasonable remedy that protects both the program
6749 and the rights of consumers.

6750 The right to sue, by the way, is retained. If the
6751 manufacturer doesn't want to participate in the program or
6752 doesn't want to comply with the requirements of the EPA, of
6753 the Department of Energy, then they can be subject to a
6754 lawsuit.

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6755 So the question I think for us is, number one, is this
6756 provision in the Latta-Welch bill good for the integrity of
6757 the Energy Star Program, and (b), is there a remedy that is
6758 reasonable and practical that will require compliance with
6759 the standard established and provide remedy, including
6760 monetary relief, for an injured consumer. And my conclusion
6761 as a person who has been a strong, pro-consumer supporter, is
6762 that there is. And I want to have an Energy Star Program
6763 that works and doesn't have constraints on it because of the
6764 very real-world expenses associated with significant class
6765 action litigation. I yield back.

6766 The {Chairman.} The gentleman yields back. Other
6767 members wishing to speak on the amendment? The gentlelady
6768 from California is recognized for 5 minutes.

6769 Mrs. {Capps.} Thank you, Mr. Speaker, and I am going to
6770 yield to my colleague.

6771 Ms. {Schakowsky.} The gentleman says that this remedy
6772 that now exists, that currently exists--so it is being taken
6773 away--that other remedies are more successful, and beyond
6774 that, that we are only talking about not expensive products.
6775 Not expensive perhaps to an individual, but to a company that
6776 wants to cheat and misrepresent itself as having that Energy

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6777 Star specifications, it could be worth a lot of money.

6778 Now, companies that say if this current right that
6779 exists--I am not adding a new right of private action. This
6780 is what already consumers have. It is being taken away,
6781 saying if consumers are given this right, that they may not
6782 want to be part of the program anymore? It is hard to
6783 understand. If they are making a claim that this is an
6784 energy efficient product, that it has met the standards, that
6785 later it is found not to be true, it seems to me that the
6786 good guys would want to be able to keep all the remedies in
6787 place for the credibility of the brand, of their personal
6788 brand, Whirlpool for example, or for the Energy Star brand
6789 for which they may be charging higher prices. Maybe not the
6790 cost of a Volkswagen, but you add up millions of consumers
6791 that may buy a product and are being defrauded by believing
6792 that that product is more energy efficient.

6793 Why would we want to take away remedies? I think that--
6794 I would yield back but say that, you know, you have claimed
6795 that there is a remedy that would be more efficient.
6796 Consumers, consumer organizations are saying not so.
6797 Manufacturers of these products who stand to gain by taking
6798 away this right are saying that they want it taken away.

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6799 So I don't know. Self-interest there I think is really
6800 different. Consumers want it. The manufacturers don't. And
6801 so a piece of legislation is written to protect the
6802 manufacturers more. I think that we are here to protect
6803 consumers and do it in a way that they are already protected.
6804 And I yield back.

6805 The {Chairman.} The gentlelady from California yields
6806 back. Other members wishing to speak? Seeing none, the vote
6807 occurs on the amendment offered by the gentlelady from
6808 Illinois.

6809 All those in favor will say aye.

6810 Those opposed say no.

6811 In the opinion of the chair, the noes have it. The
6812 gentlelady asks for a roll call. The clerk will call the
6813 roll.

6814 The {Clerk.} Mr. Barton?

6815 [No response.]

6816 The {Clerk.} Mr. Whitfield?

6817 Mr. {Whitfield.} No.

6818 The {Clerk.} Mr. Whitfield votes no.

6819 Mr. Shimkus?

6820 Mr. {Shimkus.} No.

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6821 The {Clerk.} Mr. Shimkus votes no.
6822 Mr. Pitts?
6823 Mr. {Pitts.} No.
6824 The {Clerk.} Mr. Pitts votes no.
6825 Mr. Walden?
6826 [No response.]
6827 The {Clerk.} Mr. Murphy?
6828 Mr. {Murphy.} No.
6829 The {Clerk.} Mr. Murphy votes no.
6830 Mr. Burgess?
6831 Mr. {Burgess.} No.
6832 The {Clerk.} Mr. Burgess votes no.
6833 Mrs. Blackburn?
6834 Mrs. {Blackburn.} No.
6835 The {Clerk.} Mrs. Blackburn votes no.
6836 Mr. Scalise?
6837 [No response.]
6838 The {Clerk.} Mr. Latta?
6839 Mr. {Latta.} No.
6840 The {Clerk.} Mr. Latta votes no.
6841 Mrs. McMorris Rodgers?
6842 [No response.]

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6843 The {Clerk.} Mr. Harper?
6844 Mr. {Harper.} No.
6845 The {Clerk.} Mr. Harper votes no.
6846 Mr. Lance?
6847 [No response.]
6848 The {Clerk.} Mr. Guthrie?
6849 Mr. {Guthrie.} No.
6850 The {Clerk.} Mr. Guthrie votes no.
6851 Mr. Olson?
6852 Mr. {Olson.} No.
6853 The {Clerk.} Mr. Olson votes no.
6854 Mr. McKinley?
6855 Mr. {McKinley.} No.
6856 The {Clerk.} Mr. McKinley votes no.
6857 Mr. Pompeo?
6858 Mr. {Pompeo.} No.
6859 The {Clerk.} Mr. Pompeo votes no.
6860 Mr. Kinzinger?
6861 Mr. {Kinzinger.} No.
6862 The {Clerk.} Mr. Kinzinger votes no.
6863 Mr. Griffith?
6864 Mr. {Griffith.} No.

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6865 The {Clerk.} Mr. Griffith votes no.
6866 Mr. Bilirakis?
6867 Mr. {Bilirakis.} No.
6868 The {Clerk.} Mr. Bilirakis votes no.
6869 Mr. Johnson?
6870 Mr. {Johnson.} No.
6871 The {Clerk.} Mr. Johnson votes no.
6872 Mr. Long?
6873 Mr. {Long.} No.
6874 The {Clerk.} Mr. Long votes no.
6875 Mrs. Ellmers?
6876 Mrs. {Ellmers.} No.
6877 The {Clerk.} Mrs. Ellmers votes no.
6878 Mr. Bucshon?
6879 Mr. {Bucshon.} No.
6880 The {Clerk.} Mr. Bucshon votes no.
6881 Mr. Flores?
6882 Mr. {Flores.} No.
6883 The {Clerk.} Mr. Flores votes no.
6884 Mrs. Brooks?
6885 Mrs. {Brooks.} No.
6886 The {Clerk.} Mrs. Brooks votes no.

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6887 Mr. Mullin?

6888 [No response.]

6889 The {Clerk.} Mr. Hudson?

6890 [No response.]

6891 The {Clerk.} Mr. Collins?

6892 Mr. {Collins.} No.

6893 The {Clerk.} Mr. Collins votes no.

6894 Mr. Cramer?

6895 Mr. {Cramer.} No.

6896 The {Clerk.} Mr. Cramer votes no.

6897 Mr. Pallone?

6898 Mr. {Pallone.} Aye.

6899 The {Clerk.} Mr. Pallone votes aye.

6900 Mr. Rush?

6901 Mr. {Rush.} Aye.

6902 The {Clerk.} Mr. Rush votes aye.

6903 Ms. Eshoo?

6904 Ms. {Eshoo.} Aye.

6905 The {Clerk.} Ms. Eshoo votes aye.

6906 Mr. Engel?

6907 Mr. {Engel.} Aye.

6908 The {Clerk.} Mr. Engel votes aye.

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6909 Mr. Green?

6910 [No response.]

6911 The {Clerk.} Ms. DeGette?

6912 Ms. {DeGette.} Aye.

6913 The {Clerk.} Ms. DeGette votes aye.

6914 Mrs. Capps?

6915 Mrs. {Capps.} Aye.

6916 The {Clerk.} Mrs. Capps votes aye.

6917 Mr. Doyle?

6918 Mr. {Doyle.} Yes.

6919 The {Clerk.} Mr. Doyle votes aye.

6920 Ms. Schakowsky?

6921 Ms. {Schakowsky.} Aye.

6922 The {Clerk.} Ms. Schakowsky votes aye.

6923 Mr. Butterfield?

6924 Mr. {Butterfield.} Aye.

6925 The {Clerk.} Mr. Butterfield votes aye.

6926 Ms. Matsui?

6927 Ms. {Matsui.} Aye.

6928 The {Clerk.} Ms. Matsui votes aye.

6929 Ms. Castor?

6930 Ms. {Castor.} Aye.

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6931 The {Clerk.} Ms. Castor votes aye.
6932 Mr. Sarbanes?
6933 Mr. {Sarbanes.} Aye.
6934 The {Clerk.} Mr. Sarbanes votes aye.
6935 Mr. McNerney?
6936 Mr. {McNerney.} Aye.
6937 The {Clerk.} Mr. McNerney votes aye.
6938 Mr. Welch?
6939 Mr. {Welch.} No.
6940 The {Clerk.} Mr. Welch votes no.
6941 Mr. Lujan?
6942 Mr. {Lujan.} Aye.
6943 The {Clerk.} Mr. Lujan votes aye.
6944 Mr. Tonko?
6945 Mr. {Tonko.} Aye.
6946 The {Clerk.} Mr. Tonko votes aye.
6947 Mr. Yarmuth?
6948 Mr. {Yarmuth.} Aye.
6949 The {Clerk.} Mr. Yarmuth votes aye.
6950 Ms. Clarke?
6951 Ms. {Clarke.} Aye.
6952 The {Clerk.} Ms. Clarke votes aye.

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

6953 Mr. Loeb sack?

6954 Mr. {Loeb sack.} Aye.

6955 The {Clerk.} Mr. Loeb sack votes aye.

6956 Mr. Schrader?

6957 Mr. {Schrader.} No.

6958 The {Clerk.} Mr. Schrader votes no.

6959 Mr. Kennedy?

6960 Mr. {Kennedy.} Aye.

6961 The {Clerk.} Mr. Kennedy votes aye.

6962 Mr. Cardenas?

6963 Mr. {Cardenas.} Aye.

6964 The {Clerk.} Mr. Cardenas votes aye.

6965 Chairman Upton?

6966 The {Chairman.} Votes no.

6967 The {Clerk.} Chairman Upton votes no.

6968 The {Chairman.} Members wishing--Mr. Lance?

6969 Mr. {Lance.} No.

6970 The {Clerk.} Mr. Lance votes no.

6971 The {Chairman.} Mrs. Kathy McMorris Rodgers?

6972 Mrs. {McMorris Rodgers.} No.

6973 The {Clerk.} Mrs. McMorris Rodgers votes no.

6974 The {Chairman.} Mr. Barton?

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

6975 Mr. {Barton.} No.

6976 The {Clerk.} Mr. Barton votes no.

6977 The {Chairman.} Mr. Walden?

6978 Mr. {Walden.} No.

6979 The {Clerk.} Mr. Walden votes no. Other members
6980 wishing--Mr. Green?

6981 Mr. {Green.} Aye.

6982 The {Clerk.} Mr. Green votes aye.

6983 The {Chairman.} Other members wishing to cast their
6984 vote? Seeing none, the clerk will report the tally.

6985 The {Clerk.} Mr. Chairman, on that vote there were 21
6986 ayes and 30 nays.

6987 The {Chairman.} Twenty-one ayes, 30 nays. The
6988 amendment is not agreed to.

6989 Are there further amendments to the bill? The gentleman
6990 from New Jersey, Mr. Pallone. Is the amendment at the desk?
6991 The clerk will report the title of the amendment.

6992 The {Clerk.} Amendment offered by Mr. Pallone of New
6993 Jersey to the amendment in the nature of a substitute for
6994 H.R. 8.

6995 [The amendment of Mr. Pallone follows:]

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6996 ***** INSERT 29 *****

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|

6997 The {Chairman.} The amendment will be considered as
6998 read. The staff will distribute the amendment, and the
6999 gentleman is recognized for 5 minutes.

7000 Mr. {Pallone.} Thank you, Mr. Chairman. It has been 8
7001 years since the Congress passed a major energy bill.
7002 Regrettably, in that time, Congress has failed to pass
7003 legislation to tackle climate change head on. In fact, we
7004 spent an embarrassing amount of time arguing about the simple
7005 existence of climate change.

7006 Energy and climate change are inexorably linked. Each
7007 are a facet of the other. Energy is the source of 84 percent
7008 of U.S. greenhouse gas emissions, and any energy bill has a
7009 large impact on the direction of energy investment.

7010 To that end, it is critical that legislation focused on
7011 developing U.S. energy policy move the country on the right
7012 path by helping to reduce carbon pollution and not to
7013 increase it. It is imperative that U.S. energy policy
7014 promote clean forms of energy and help make all energy useful
7015 or efficient. A necessary step to understanding its
7016 potential impact on emissions is to have the energy bill
7017 scored before it is brought to the House Floor, and my

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7018 amendment would do just that. The energy bill once passed
7019 out of committee would be submitted to the Energy Information
7020 Agency who would determine the overall short- and long-term
7021 impacts of the bill on U.S. greenhouse gas emissions, the
7022 climate pollution score. The bill should not be brought to
7023 the Floor until such an analysis is complete. At a minimum,
7024 we should know how much carbon pollution will result from the
7025 provisions of this bill before it takes effect, and members
7026 should not be asked to vote for an energy package before they
7027 get the full story about the bill's overall impact on climate
7028 change.

7029 The Members of the House and the American people have
7030 the right to know if we are helping to address climate change
7031 or making the problem worse, and this amendment will give
7032 them the answer. I yield back.

7033 The {Chairman.} The gentleman yields back. Any other
7034 member wishing to speak on the amendment? The gentleman from
7035 Kentucky, Mr. Whitfield.

7036 Mr. {Whitfield.} Mr. Chairman, this amendment would
7037 provide that the bill should not take effect until the Energy
7038 Information Administration has done a study and prepared a
7039 report on the carbon impacts of the provision.

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7040 As I have stated earlier, there hasn't been any
7041 administration in recent memory more focused on climate
7042 change, carbon emissions, than the Obama Administration.
7043 There are 67 separate government programs that deal with this
7044 issue. This amendment in effect would delay implementation
7045 of the bill indefinitely and appears to be a diversion in our
7046 trying to address the issues of reliability and
7047 affordability. The focus of this bill is simply to modernize
7048 our energy infrastructure and ensure access to affordable,
7049 reliable energy and to help promote a strong economy.

7050 And so because of that, I would respectfully oppose the
7051 gentleman's amendment and urge that we not adopt his
7052 amendment. And I would be happy to yield.

7053 The {Chairman.} The gentleman yields back. Other
7054 members wishing to speak on the amendment?

7055 Mr. {Rush.} Mr. Chairman? Mr. Chairman, the Founding
7056 Fathers of this great Nation created three branches of
7057 government, and whereas my friend, and I do mean my friend
7058 from Kentucky, keeps alluding to what the executive branch is
7059 doing. I don't think that that gives us comfort to abdicate
7060 our responsibilities as the legislative branch.

7061 First of all, I don't agree that all of this activity is

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7062 focused on the executive branch, but I certainly don't want
7063 to yield my responsibilities of a legislator to deal with
7064 issues that are facing the American people.

7065 Mr. Chairman, the 800-pound gorilla that is in this
7066 committee room has been here all day that we have failed to
7067 address adequately and failed to discuss is climate change,
7068 the issue of climate change. And Mr. Chairman, there are so
7069 many, many reasons why we have to consider climate change,
7070 and I am in support of my friend from New Jersey's amendment.

7071 There is no doubt that the levels of heat-trapping
7072 carbon pollution in the atmosphere are rising. The Pope said
7073 it last week. We have said it continuously. The world is
7074 getting warmer as a result of this carbon pollution. Carbon
7075 dioxide levels are rising steadily each year, and in 2013
7076 they exceeded 400 parts per million for the first time in
7077 millions of years. Temperature increases are tracking the
7078 common increases with the exception of 1998. The ten warmest
7079 years in recorded history all have occurred since the year
7080 2000. The 14 warmest years in recorded history have all come
7081 in the last 16 years.

7082 Mr. Chairman, snowpack is a key source of drinking
7083 water, hydro power, and irrigation for millions of people in

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7084 the west, but a warmer climate is threatening snow pack in
7085 many areas. Snowpack melts are as much as 4 weeks earlier
7086 than in previous decades. Early snow melt produces floods
7087 and then lower river volumes which exacerbate the effects of
7088 summer droughts and leads to drier forests that are more
7089 susceptible to wildfire.

7090 Mr. Chairman, as the earth is warming, our glaciers are
7091 melting. The world's glaciers have lost each year for the
7092 past 23 years, and the rate of shrinkage has been accelerated
7093 over the past decade. Some glaciers in the north Cascade
7094 Mountains have totally disappeared. Of the 150 glaciers
7095 present in Glacier National Park in 1910, only 25 large
7096 glaciers remain in 2010. Climate change is driving more
7097 frequent, larger, and intense wildfires. The average number
7098 of wildfires over the past year has doubled.

7099 Mr. Chairman, as the planet warms, heat waves are
7100 getting worse and threatening human health. The death rate
7101 is increasing by 4 percent during heat waves. I remember the
7102 heat wave of 1995 where in my city 700 people died. More
7103 people died than would be typical in that period.

7104 Climate change, Mr. Chairman, is already increasing
7105 disease in our great Nation. The cases of Lyme diseases have

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7106 doubled since 1991 in part because of a warmer climate that
7107 has expanded in the area where it takes to live. Climate
7108 change is extending the allergy season leading to more hay
7109 fever and asthma attacks, especially in those who are most
7110 vulnerable, the children and the elderly. Over a quarter of
7111 Americans are sensitive to ragweed and pollen. Wildfires
7112 have increased.

7113 Mr. Chairman, let us speak to the elephant, to the
7114 gorilla in this room. We cannot ignore climate change.
7115 Climate change is a reality. The Pope said it. I saw
7116 members on the other side standing up, giving him a rousing
7117 ovation when he mentioned climate change. Let's get to the
7118 business of doing something about it, and let's not just
7119 applaud the Pope. Let's do something. Obey the Pope.

7120 The {Chairman.} The gentleman's time is expired. Other
7121 members wishing to speak on the amendment? The gentlelady
7122 from California is recognized.

7123 Mrs. {Capps.} Thank you, Mr. Speaker. I want to speak
7124 for a brief time in support of the Pallone amendment as well.

7125 As policymakers, you know, we have a responsibility to
7126 create policies that advance the best interests of current as
7127 well as future generations. And this means ensuring that we

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7128 have access to secure, affordable energy but also ensuring we
7129 do everything we can to minimize the harmful impacts that
7130 using that energy has on human health and the environment.

7131 It is clear that we will continue to be depending on
7132 fossil fuels to meet our energy needs for quite some time,
7133 but it is also clear that this dependence is harming public
7134 health as well as our economy. So we have no choice but to
7135 aggressively pursue cleaner, more sustainable sources of
7136 energy. Sadly, this bill focuses almost exclusively on
7137 fossil fuel development. There is nothing to advance solar,
7138 wind, or other renewable energy sources.

7139 Furthermore, this bill fails to address or even consider
7140 the climate impacts of our continued dependence on fossil
7141 fuel. The power sector is the single-largest source of
7142 greenhouse gas emissions that are driving climate change, and
7143 the impacts of climate change being felt today are already
7144 being felt today and they are only going to get worse. We
7145 are already seeing changing climate patterns with more
7146 extreme temperatures. I know this has been said already. I
7147 just want to underscore that we are in the midst of an
7148 unprecedented drought in my state, and we have flooding in
7149 other states and increased uncertainty. These changes are

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7150 making it harder to plan for agriculture and food production.
7151 They increase wildfire risk, and they cost our economy
7152 billions of dollars. Warmer temperatures are leading to more
7153 frequent and widespread harmful algal blooms in both fresh
7154 and salt water systems. Melting land ice in warmer ocean
7155 temperatures contribute to sea level rise which is already
7156 threatening our coasts, let alone the island nations of the
7157 world. And our oceans are becoming more acidic as they
7158 absorb the excess carbon dioxide we are pumping into the
7159 atmosphere. This is especially prevalent in coastal
7160 communities and has wide-ranging devastating impacts on our
7161 fisheries and our coastal economies.

7162 It would be naïve to think that we are going to stop
7163 burning fossil fuels tomorrow. But it is also naïve to
7164 advance legislation that doubles down on fossil fuels while
7165 doing nothing to advance clean energy sources or address
7166 climate change impacts. This amendment would ensure that the
7167 climate impacts of this bill are at least studied and
7168 understood before the bill takes effect.

7169 I urge my colleagues to support this Pallone amendment,
7170 and I will yield to my colleague, Mr. McNerney.

7171 Mr. {McNerney.} Thank you. I thank the gentlelady for

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7172 yielding. Climate change is progressing. It is pretty
7173 obvious. To deny it is to deny the obvious. Hey, we score
7174 bills for budget. Why don't we start scoring all our bills
7175 for climate change, for carbon emissions, establish a carbon
7176 emission budget for each bill that we pass? Thank you. I
7177 yield back to the gentlelady.

7178 The {Chairman.} The gentlelady yields back.

7179 Mr. {Shimkus.} Mr. Chairman?

7180 The {Chairman.} The gentleman from Illinois.

7181 Mr. {Shimkus.} Yeah. Just to add a little balance in
7182 this, and I know we are being quick. We know that the public
7183 policy debate on what should be the criteria pollutants was
7184 debated in the Clean Air Act, and they were nitrous oxide,
7185 sulfur dioxide, particulate matter, and mercury. We know
7186 that this debate on ``carbon pollution'' is the result of a
7187 Supreme Court ruling that then empowered the EPA, based upon
7188 a false premise of harm to human health.

7189 So just because we say it is, it is not necessarily so.
7190 Carbon dioxide is what we exhale, and to define that as a
7191 pollutant is just--that is why obviously it is not part of
7192 our debate and we are glad it is not in the amendment. And I
7193 ask people to defeat the Pallone amendment.

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7194 The {Chairman.} Gentleman yields back. Other members
7195 wishing to speak? Seeing none, the roll call has been asked,
7196 so the clerk will call the roll.

7197 The {Clerk.} Mr. Barton?

7198 Mr. {Barton.} No.

7199 The {Clerk.} Mr. Barton votes no.

7200 Mr. Whitfield?

7201 Mr. {Whitfield.} No.

7202 The {Clerk.} Mr. Whitfield votes no.

7203 Mr. Shimkus?

7204 Mr. {Shimkus.} No.

7205 The {Clerk.} Mr. Shimkus votes no.

7206 Mr. Pitts?

7207 Mr. {Pitts.} No.

7208 The {Clerk.} Mr. Pitts votes no.

7209 Mr. Walden?

7210 Mr. {Walden.} No.

7211 The {Clerk.} Mr. Walden votes no.

7212 Mr. Murphy?

7213 Mr. {Murphy.} No.

7214 The {Clerk.} Mr. Murphy votes no.

7215 Mr. Burgess?

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7216 [No response.]

7217 The {Clerk.} Mrs. Blackburn?

7218 Mrs. {Blackburn.} No.

7219 The {Clerk.} Mrs. Blackburn votes no.

7220 Mr. Scalise?

7221 [No response.]

7222 The {Clerk.} Mr. Latta?

7223 Mr. {Latta.} No.

7224 The {Clerk.} Mr. Latta votes no.

7225 Mrs. McMorris Rodgers?

7226 [No response.]

7227 The {Clerk.} Mr. Harper?

7228 Mr. {Harper.} No.

7229 The {Clerk.} Mr. Harper votes no.

7230 Mr. Lance?

7231 Mr. {Lance.} No.

7232 The {Clerk.} Mr. Lance votes no.

7233 Mr. Guthrie?

7234 Mr. {Guthrie.} No.

7235 The {Clerk.} Mr. Guthrie votes no.

7236 Mr. Olson?

7237 Mr. {Olson.} No.

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7238 The {Clerk.} Mr. Olson votes no.
7239 Mr. McKinley?
7240 Mr. {McKinley.} No.
7241 The {Clerk.} Mr. McKinley votes no.
7242 Mr. Pompeo?
7243 Mr. {Pompeo.} No.
7244 The {Clerk.} Mr. Pompeo votes no.
7245 Mr. Kinzinger?
7246 Mr. {Kinzinger.} No.
7247 The {Clerk.} Mr. Kinzinger votes no.
7248 Mr. Griffith?
7249 Mr. {Griffith.} No.
7250 The {Clerk.} Mr. Griffith votes no.
7251 Mr. Bilirakis?
7252 Mr. {Bilirakis.} No.
7253 The {Clerk.} Mr. Bilirakis votes no.
7254 Mr. Johnson?
7255 Mr. {Johnson.} No.
7256 The {Clerk.} Mr. Johnson votes no.
7257 Mr. Long?
7258 Mr. {Long.} No.
7259 The {Clerk.} Mr. Long votes no.

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7260 Mrs. Ellmers?

7261 Mrs. {Ellmers.} No.

7262 The {Clerk.} Mrs. Ellmers votes no.

7263 Mr. Bucshon?

7264 Mr. {Bucshon.} No.

7265 The {Clerk.} Mr. Bucshon votes no.

7266 Mr. Flores?

7267 Mr. {Flores.} No.

7268 The {Clerk.} Mr. Flores votes no.

7269 Mrs. Brooks?

7270 Mrs. {Brooks.} No.

7271 The {Clerk.} Mrs. Brooks votes no.

7272 Mr. Mullin?

7273 [No response.]

7274 The {Clerk.} Mr. Hudson?

7275 [No response.]

7276 The {Clerk.} Mr. Collins?

7277 Mr. {Collins.} No.

7278 The {Clerk.} Mr. Collins votes no.

7279 Mr. Cramer?

7280 Mr. {Cramer.} No.

7281 The {Clerk.} Mr. Cramer votes no.

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7282 Mr. Pallone?

7283 Mr. {Pallone.} Aye.

7284 The {Clerk.} Mr. Pallone votes aye.

7285 Mr. Rush?

7286 [No response.]

7287 The {Clerk.} Ms. Eshoo?

7288 Ms. {Eshoo.} Aye.

7289 The {Clerk.} Ms. Eshoo votes aye.

7290 Mr. Engel?

7291 Mr. {Engel.} Aye.

7292 The {Clerk.} Mr. Engel votes aye.

7293 Mr. Green?

7294 Mr. {Green.} Aye.

7295 The {Clerk.} Mr. Green votes aye.

7296 Ms. DeGette?

7297 Ms. {DeGette.} Aye.

7298 The {Clerk.} Ms. DeGette votes aye.

7299 Mrs. Capps?

7300 Mrs. {Capps.} Aye.

7301 The {Clerk.} Mrs. Capps votes aye.

7302 Mr. Doyle?

7303 Mr. {Doyle.} Aye.

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7304 The {Clerk.} Mr. Doyle votes aye.

7305 Ms. Schakowsky?

7306 Ms. {Schakowsky.} Aye.

7307 The {Clerk.} Ms. Schakowsky votes aye.

7308 Mr. Butterfield?

7309 Mr. {Butterfield.} Aye.

7310 The {Clerk.} Mr. Butterfield votes aye.

7311 Ms. Matsui?

7312 Ms. {Matsui.} Aye.

7313 The {Clerk.} Ms. Matsui votes aye.

7314 Ms. Castor?

7315 Ms. {Castor.} Aye.

7316 The {Clerk.} Ms. Castor votes aye.

7317 Mr. Sarbanes?

7318 Mr. {Sarbanes.} Aye.

7319 The {Clerk.} Mr. Sarbanes votes aye.

7320 Mr. McNerney?

7321 Mr. {McNerney.} Aye.

7322 The {Clerk.} Mr. McNerney votes aye.

7323 Mr. Welch?

7324 Mr. {Welch.} Aye.

7325 The {Clerk.} Mr. Welch votes aye.

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7326 Mr. Lujan?

7327 Mr. {Lujan.} Aye.

7328 The {Clerk.} Mr. Lujan votes aye.

7329 Mr. Tonko?

7330 Mr. {Tonko.} Aye.

7331 The {Clerk.} Mr. Tonko votes aye.

7332 Mr. Yarmuth?

7333 Mr. {Yarmuth.} Aye.

7334 The {Clerk.} Mr. Yarmuth votes aye.

7335 Ms. Clarke?

7336 Ms. {Clarke.} Aye.

7337 The {Clerk.} Ms. Clarke votes aye.

7338 Mr. Loeb sack?

7339 Mr. {Loeb sack.} Aye.

7340 The {Clerk.} Mr. Loeb sack votes aye.

7341 Mr. Schrader?

7342 Mr. {Schrader.} Aye.

7343 The {Clerk.} Mr. Schrader votes aye.

7344 Mr. Kennedy?

7345 Mr. {Kennedy.} Aye.

7346 The {Clerk.} Mr. Kennedy votes aye.

7347 Mr. Cardenas?

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7348 Mr. {Cardenas.} Aye.

7349 The {Clerk.} Mr. Cardenas votes aye.

7350 Chairman Upton?

7351 The {Chairman.} Votes no.

7352 The {Clerk.} Chairman Upton votes no.

7353 The {Chairman.} Other members wishing to cast a vote?

7354 Dr. Burgess?

7355 Mr. {Burgess.} No.

7356 The {Clerk.} Dr. Burgess votes no.

7357 The {Chairman.} Cathy McMorris Rodgers? Mrs. McMorris

7358 Rodgers?

7359 The {Clerk.} Mrs. McMorris Rodgers votes no.

7360 The {Chairman.} Mr. Rush?

7361 The {Clerk.} Mr. Rush votes aye.

7362 The {Chairman.} Other members wishing to cast a vote?

7363 Mr. Mullin? No.

7364 Mr. {Mullin.} No.

7365 The {Clerk.} Mr. Mullin votes no.

7366 The {Chairman.} Mr. Mullin votes no. I sound just like

7367 him. He has got that Midwestern--and don't steal our water.

7368 Other members wishing to cast a vote?

7369 Seeing none, the Clerk will report the tally.

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7370 The {Clerk.} Mr. Chairman, on that vote there were 23
7371 ayes and 29 nays.

7372 The {Chairman.} Wait, 23 ayes, 29 nays, the amendment
7373 is not agreed to.

7374 So if there is no--okay. So, are there further
7375 amendments to the bill?

7376 Seeing none, if there is no further discussion, the vote
7377 occurs on the amendment in the nature of a substitute, as
7378 amended.

7379 All those in favor shall signify by saying aye.

7380 All those opposed say no.

7381 The ayes have it. The amendment in the nature of a
7382 substitute is agreed to, which means we now go to--the
7383 question now occurs on favorably reporting H.R. 8, as
7384 amended, to the House.

7385 All those in favor shall signify by saying aye.

7386 Those opposed say no.

7387 A roll call is asked for. Clerk will call the roll.

7388 The {Clerk.} Mr. Barton?

7389 Mr. {Barton.} Aye.

7390 The {Clerk.} Mr. Barton votes aye.

7391 Mr. Whitfield?

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7392 Mr. {Whitfield.} Aye.

7393 The {Clerk.} Mr. Whitfield votes aye.

7394 Mr. Shimkus?

7395 Mr. {Shimkus.} Aye.

7396 The {Clerk.} Mr. Shimkus votes aye.

7397 Mr. Pitts?

7398 Mr. {Pitts.} Aye.

7399 The {Clerk.} Mr. Pitts votes aye.

7400 Mr. Walden?

7401 Mr. {Walden.} Aye.

7402 The {Clerk.} Mr. Walden votes aye.

7403 Mr. Murphy?

7404 Mr. {Murphy.} Aye.

7405 The {Clerk.} Mr. Murphy votes aye.

7406 Mr. Burgess?

7407 Mr. {Burgess.} Aye.

7408 The {Clerk.} Mr. Burgess votes aye.

7409 Mrs. Blackburn?

7410 Mrs. {Blackburn.} Aye.

7411 The {Clerk.} Mrs. Blackburn votes aye.

7412 Mr. Scalise?

7413 [No response.]

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7414 The {Clerk.} Mr. Latta?

7415 Mr. {Latta.} Aye.

7416 The {Clerk.} Mr. Latta votes aye.

7417 Mrs. McMorris Rodgers?

7418 Mrs. {McMorris Rodgers.} Aye.

7419 The {Clerk.} Mrs. McMorris Rodgers votes aye.

7420 Mr. Harper?

7421 Mr. {Harper.} Aye.

7422 The {Clerk.} Mr. Harper votes aye.

7423 Mr. Lance?

7424 Mr. {Lance.} Aye.

7425 The {Clerk.} Mr. Lance votes aye.

7426 Mr. Guthrie?

7427 Mr. {Guthrie.} Aye.

7428 The {Clerk.} Mr. Guthrie votes aye.

7429 Mr. Olson?

7430 Mr. {Olson.} Aye.

7431 The {Clerk.} Mr. Olson votes aye.

7432 Mr. McKinley?

7433 Mr. {McKinley.} Aye.

7434 The {Clerk.} Mr. McKinley votes aye.

7435 Mr. Pompeo?

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7436 Mr. {Pompeo.} Aye.

7437 The {Clerk.} Mr. Pompeo votes aye.

7438 Mr. Kinzinger?

7439 Mr. {Kinzinger.} Aye.

7440 The {Clerk.} Mr. Kinzinger votes aye.

7441 Mr. Griffith?

7442 Mr. {Griffith.} Aye.

7443 The {Clerk.} Mr. Griffith votes aye.

7444 Mr. Bilirakis?

7445 Mr. {Bilirakis.} Aye.

7446 The {Clerk.} Mr. Bilirakis votes aye.

7447 Mr. Johnson?

7448 [No response.]

7449 The {Clerk.} Mr. Long?

7450 Mr. {Long.} Aye.

7451 The {Clerk.} Mr. Long votes aye.

7452 Mrs. Ellmers?

7453 Mrs. {Ellmers.} Aye.

7454 The {Clerk.} Mrs. Ellmers votes aye.

7455 Mr. Bucshon?

7456 Mr. {Bucshon.} Aye.

7457 The {Clerk.} Mr. Bucshon votes aye.

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7458 Mr. Flores?

7459 Mr. {Flores.} Aye.

7460 The {Clerk.} Mr. Flores votes aye.

7461 Mrs. Brooks?

7462 Mrs. {Brooks.} Aye.

7463 The {Clerk.} Mrs. Brooks votes aye.

7464 Mr. Mullin?

7465 Mr. {Mullin.} Aye.

7466 The {Clerk.} Mr. Mullin votes aye.

7467 Mr. Hudson?

7468 [No response.]

7469 The {Clerk.} Mr. Collins?

7470 Mr. {Collins.} Aye.

7471 The {Clerk.} Mr. Collins votes aye.

7472 Mr. Cramer?

7473 Mr. {Cramer.} Aye.

7474 The {Clerk.} Mr. Cramer votes aye.

7475 Mr. Pallone?

7476 Mr. {Pallone.} No.

7477 The {Clerk.} Mr. Pallone votes no.

7478 Mr. Rush?

7479 [No response.]

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7480 The {Clerk.} Ms. Eshoo?

7481 Ms. {Eshoo.} No.

7482 The {Clerk.} Ms. Eshoo votes no.

7483 Mr. Engel?

7484 Mr. {Engel.} No.

7485 The {Clerk.} Mr. Engel votes no.

7486 Mr. Green?

7487 Mr. {Green.} Aye.

7488 The {Clerk.} Mr. Green votes aye.

7489 Ms. DeGette?

7490 Ms. {DeGette.} No.

7491 The {Clerk.} Ms. DeGette votes no.

7492 Mrs. Capps?

7493 Mrs. {Capps.} No.

7494 The {Clerk.} Mrs. Capps votes no.

7495 Mr. Doyle?

7496 Mr. {Doyle.} No.

7497 The {Clerk.} Mr. Doyle votes no.

7498 Ms. Schakowsky?

7499 Ms. {Schakowsky.} No.

7500 The {Clerk.} Ms. Schakowsky votes no.

7501 Mr. Butterfield?

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7502 Mr. {Butterfield.} No.

7503 The {Clerk.} Mr. Butterfield votes no.

7504 Ms. Matsui?

7505 Ms. {Matsui.} No.

7506 The {Clerk.} Ms. Matsui votes no.

7507 Ms. Castor?

7508 Ms. {Castor.} No.

7509 The {Clerk.} Ms. Castor votes no.

7510 Mr. Sarbanes?

7511 Mr. {Sarbanes.} No.

7512 The {Clerk.} Mr. Sarbanes votes no.

7513 Mr. McNerney?

7514 Mr. {McNerney.} Aye.

7515 The {Clerk.} Mr. McNerney votes aye.

7516 Mr. Welch?

7517 Mr. {Welch.} No.

7518 The {Clerk.} Mr. Welch votes no.

7519 Mr. Lujan?

7520 Mr. {Lujan.} No.

7521 The {Clerk.} Mr. Lujan votes no.

7522 Mr. Tonko?

7523 Mr. {Tonko.} No.

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7524 The {Clerk.} Mr. Tonko votes no.
7525 Mr. Yarmuth?
7526 Mr. {Yarmuth.} No.
7527 The {Clerk.} Mr. Yarmuth votes no.
7528 Ms. Clarke?
7529 Ms. {Clarke.} No.
7530 The {Clerk.} Ms. Clarke votes no.
7531 Mr. Loeb sack?
7532 Mr. {Loeb sack.} No.
7533 The {Clerk.} Mr. Loeb sack votes no.
7534 Mr. Schrader?
7535 Mr. {Schrader.} Aye.
7536 The {Clerk.} Mr. Schrader votes aye.
7537 Mr. Kennedy?
7538 Mr. {Kennedy.} No.
7539 The {Clerk.} Mr. Kennedy votes no.
7540 Mr. Cardenas?
7541 Mr. {Cardenas.} No.
7542 The {Clerk.} Mr. Cardenas votes no.
7543 Chairman Upton?
7544 The {Chairman.} Votes aye.
7545 The {Clerk.} Chairman Upton votes aye.

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7546 The {Chairman.} Other members wishing to cast a vote?
7547 Mr. Rush?
7548 The {Clerk.} Mr. Rush votes no.
7549 The {Chairman.} Mr. Johnson?
7550 Mr. {Johnson.} Aye.
7551 The {Clerk.} Mr. Johnson votes aye.
7552 The {Chairman.} Other members wishing to cast a vote?
7553 Seeing none, the Clerk will report the tally.
7554 The {Clerk.} Mr. Chairman, on that vote there were 32
7555 ayes and 20 nays.
7556 The {Chairman.} 32 ayes, 20 nays? 20 nays? The bill,
7557 as amended, is passed, and we will do the days to do
7558 corrections, et cetera, at the--after the end of the three
7559 bills that we are doing. So, thank you.

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|

7560 H.R. 3242

7561 The {Chairman.} The Chair now calls up H.R. 3242, and
7562 asks the Clerk to report.

7563 The {Clerk.} H.R. 3242, to require special packaging
7564 for liquid nicotine containers, and for other purposes.

7565 [The bill follows:]

7566 ***** COMMITTEE INSERT *****

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|

7567 The {Chairman.} Without objection, the first reading of
7568 the bill is dispensed with, and the bill will be open for
7569 amendment at any point.

7570 Are there any bipartisan amendments to the bill?

7571 Are there any amendments to the bill?

7572 Seeing none, the question now occurs on favorably
7573 reporting--okay. Strike the last word, the gentleman from
7574 New Jersey is recognized for 5 minutes.

7575 Mr. {Pallone.} Thank you, Mr. Chairman. I am
7576 supporting the bill, but I just wanted to mention, now that
7577 we are considering it, H.R. 1375 would require liquid
7578 nicotine containers to be childproof, enforced by the
7579 Consumer Products Safety Commission. Poisoning by liquid
7580 nicotine is on the rise, and Representative Esty should be
7581 commended for her efforts to raise awareness of this issue.
7582 Childproofing is--

7583 The {Chairman.} Suspend.

7584 Mr. {Pallone.} Thank you, Mr. Chairman. Childproofing
7585 is a must, as the public health threats for nicotine exposure
7586 is rising. Just today it was reported that 33 State Attorney
7587 Generals and 40 public health organizations are calling on

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7588 the Food and Drug Administration to require child resistant
7589 packaging for liquid nicotine products. And the FDA already
7590 has noticed its intent to require childproof packaging, and
7591 FDA's authority to do so is clear. Therefore, if this bill
7592 becomes law, I strongly encourage CPSC and the FDA to
7593 coordinate on this matter, and obviously urge support for the
7594 bill. Thank you.

7595 The {Chairman.} Gentleman yields back. The Chair would
7596 recognize, strike the last word, Mrs. Brooks from Indiana.

7597 Mrs. {Brooks.} Thank you, Mr. Chairman. Last night I
7598 mentioned how grateful I am to have worked with Ms. Esty from
7599 Connecticut for helping spearhead this effort, and help us
7600 craft this bill that will protect children for generations to
7601 come. Advancing the Child Nicotine Poisoning Prevention Act
7602 will demonstrate to the country just how concerned we are
7603 about the dangers faced by children today.

7604 The bill deals with a real problem we have today. E-
7605 cigarette use has exploded in recent years, with 10 percent
7606 of American adults now vaping, and 70 percent of users
7607 starting in the last year alone. While I understand there is
7608 much debate around the health effects of vaping itself, what
7609 isn't in question is the harm the liquid tobacco that these

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7610 e-cigarettes use is doing to children who are accidentally
7611 exposed to it. Because e-cigarettes are relatively new, many
7612 people aren't aware of the dangers or the steps that need to
7613 be taken to protect their children.

7614 A recent study found that 36 percent of e-cigarette
7615 users did not lock up the bottles of liquid nicotine, and did
7616 not use child proof caps. Unfortunately, most don't know
7617 that a single teaspoon of this liquid can be deadly to a
7618 child if it is either ingested or absorbed through the skin,
7619 and the problem is multiplied by the fact that this liquid,
7620 if you aren't aware, comes in bright packages that are
7621 attractive to kids in familiar flavors like bubble gum, or
7622 grape, or root beer. And so it is no wonder that e-cigarette
7623 exposure has increasingly become a health risk.

7624 Last week I had the opportunity to visit the Indiana
7625 Poison Control Center, where they shared with me that
7626 exposures to e-cigarettes alone have increased eightfold from
7627 2011 to 2014. Now, poison centers all across the country are
7628 extremely frustrated, and they are calling, I believe, for
7629 this type of solution, and I believe this Act is this type of
7630 solution. What it will do is essentially just put a child
7631 proof safety cap issue before the manufacturers. We must

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7632 shield our children from hazardous products.

7633 To the Ranking Member's point, I know that the FDA plans
7634 to also regulate in this space, and some are worried about
7635 the overlapping regulations this bill might impose. But I am
7636 hopeful that the savings clause at the end of the bill will
7637 allay the fears of those skeptics, since it explicitly allows
7638 the FDA to continue their regulatory authority. More
7639 importantly, the FDA hasn't yet produced a proposed rule yet,
7640 or finalized their deeming regulations. Once they do, it may
7641 take over a year for them to be finalized and enforceable,
7642 and this is a problem right now. There have been 67 cases of
7643 e-cigarette exposure in Indiana this year alone. So let us
7644 solve the problem right now by simply extending existing law
7645 to this new product. And at this point I yield back, and
7646 thank you, Mr. Chairman.

7647 The {Chairman.} The gentlelady yields back. Other
7648 members wishing to speak?

7649 Seeing--the gentlelady from Illinois. Strike the last
7650 word.

7651 Ms. {Schakowsky.} If I could strike the last word? I
7652 just want to say thank you to the Congresswoman for this
7653 legislation. You know, she--it is a bipartisan bill. She

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7654 worked with Congresswoman Esty. This is so important, and it
7655 is an opportunity for all of us today to do something good
7656 for our kids. So thank you very much.

7657 The {Chairman.} The gentlelady yields back. The
7658 question now occurs on favorably reporting H.R. 3242 to the
7659 House.

7660 All those in favor shall signify by saying aye.

7661 Those opposed, say no.

7662 The ayes appear to have it. They have it, and the bill
7663 is favorably reported.

7664 The Chair now calls the Committee Print of proposed
7665 matters for inclusion in reconciliation and recommendations,
7666 and asks the Clerk to report.

7667 The {Clerk.} Committee Print, the Committee on Energy
7668 and Commerce submits the following recommendations to the
7669 Committee on the budget, pursuant to Section 2002(a)(2) of S.
7670 Con. Res. 11.

7671 [The committee print follows:]

7672 ***** COMMITTEE INSERT *****

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|

7673 The {Chairman.} Without objection, the first reading of
7674 the Committee Print is dispensed with, and will be open for
7675 amendment at any point. So ordered.

7676 Are there any bipartisan amendments to the Committee
7677 Print?

7678 Seeing none, are there any amendments to the Committee
7679 Print?

7680 Seeing none--strike the last word? The gentleman from
7681 New Jersey asks to strike the last word, is recognized for 5
7682 minutes.

7683 Mr. {Pallone.} Thank you, Mr. Chairman. Today it seems
7684 that Republicans are using the reconciliation process at yet
7685 another--I think there are 61 attempts now at repealing the
7686 ACA. And let us be clear, gutting the Prevention and Public
7687 Health Fund, cutting Planned Parenthood, which is the trust
7688 provider for many of our 13.2 million new Medicaid enrollees,
7689 that is gutting the Affordable Care Act for the political
7690 gain of Republicans. I don't see much difference between
7691 that and the other 60 attempts at rolling back the Affordable
7692 Care Act that we have had over the last 5 years.

7693 And here is the thing, people like their coverage. In

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7694 2014, in a survey by the Commonwealth Fund, 78 percent of
7695 newly insured consumers in the marketplace, including 70
7696 percent--74 percent of Republicans, expressed satisfaction
7697 with their coverage. The ACA is good for taxpayers too.
7698 Taxpayers have saved \$116 billion through improvements in
7699 Medicare health delivery under the Affordable Care Act.
7700 50,000 lives and 20--and \$12 billion have been saved due to a
7701 17 percent reduction in hospital acquired conditions, such as
7702 infections, from 2010 to 2013 under the ACA, and \$19.2
7703 billion has been recovered for taxpayers from stepped up
7704 anti-fraud efforts in Medicare and other health programs
7705 under the ACA.

7706 So I am disappointed that, after all of this Committee's
7707 bipartisan success, whether repealing the flawed SGR, or
7708 advancing 21st century cures, would we go back to partisan
7709 politics, using the ACA as a political football. Whether it
7710 is this Committee, Ways and Means, Ed and Labor, all the
7711 reconciliation bills put forth by the Republicans have one
7712 thing in common, they all gut the largest expansion of health
7713 care in this country in 50 years. The ACA is the law of the
7714 land, and has become a part of the fabric of our healthcare
7715 system. The majority of Americans agree the partisanship

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7716 needs to stop. The ACA is working. No bill is perfect, and
7717 we should fix what needs fixing, but move forward with the
7718 governing of this nation.

7719 Now, as far as Planned Parenthood, over the last couple
7720 of weeks Republicans have said to the public that defunding
7721 Planned Parenthood is no big deal. They say they aren't
7722 removing access to care because they will put that money into
7723 the community health centers. I just want to clarify to my
7724 GOP colleagues, and to the public, money for healthcare is
7725 always great, and Democrats would wholeheartedly support more
7726 funding for healthcare, but this debate has nothing to do
7727 with providing more funding for community health centers. In
7728 fact, you are fooling no one, because the fact is your
7729 actions impact access to care. Your intentions are not to
7730 provide this access elsewhere. Your intention is to
7731 terminate Planned Parenthood, and any other provider that
7732 offers women access to comprehensive healthcare, including
7733 their right to an abortion.

7734 Let us be clear, there are not enough providers at
7735 community health centers, with not enough hours in the day,
7736 to add more than four million new patients to their workload,
7737 money or no money. And in case the Republicans haven't

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7738 noticed, we have got a severe shortage of doctors, especially
7739 gynecologists and primary care doctors, so saying this
7740 legislation has no impact on access to care is absolutely
7741 ludicrous. Planned Parenthood provides critical service to
7742 millions of individuals throughout the country.

7743 The impact of this bill hits women nationwide.
7744 Approximately one in five American women have received care
7745 at a Planned Parenthood health center in her lifetime.
7746 Approximately 2.7 million patients visit a Planned Parenthood
7747 health center each year. At least 60 percent of people
7748 served by Planned Parenthood receive benefits through public
7749 health coverage programs, including Medicaid and Title 10.
7750 At least 78 percent of patients served by Planned Parenthood
7751 each year have incomes of 150 percent of the poverty level or
7752 less. And each year Planned Parenthood offers preventative
7753 services to millions of women to screen for cancer and
7754 sexually transmitted infections, and to prevent unintended
7755 pregnancies.

7756 More than 90 percent of services provided by Planned
7757 Parenthood health centers are preventative, including primary
7758 care services, such as contraceptives, sexually transmitted
7759 infection, testing, and treatment, and cervical and breast

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7760 cancer screenings. 80 percent of the patients served by
7761 Planned Parenthood receive services to prevent unintended
7762 pregnancies. This is a discriminatory bill. Planned
7763 Parenthood health centers are non-profit healthcare centers
7764 that receive reimbursements for providing preventative health
7765 services, just like those that other health care providers
7766 receive. And Planned Parenthood's national office and
7767 affiliates also receive funding from private sources. Of the
7768 2.7 million Americans served by Planned Parenthood in a year,
7769 1.5 million of these patients receive services through Title
7770 10, the nation's family planning program.

7771 I reject this legislation, Mr. Chairman. It is nothing
7772 but a political farce that the majority of Americans do not
7773 support. We have done some great things together on the
7774 Energy and Commerce Committee. Let us get back to the real
7775 work we all want to do, and leave this type of political
7776 grandstanding behind us. I yield back.

7777 The {Chairman.} The gentleman yields back. Are there
7778 other members wishing to strike the last word? Mr. Green is
7779 recognized for 5 minutes.

7780 Mr. {Green.} Mr. Chairman, I move to strike the last
7781 word. We shouldn't be using our Committee to elevate this

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7782 agenda, extremist agenda, deny women access to critical
7783 healthcare options. The Committee should not be used to
7784 level baseless and politicized attacks on Planned Parenthood
7785 and take us to the brink of a government shutdown.

7786 Earlier this week all the Democratic Committee members
7787 joined in a letter to both Chairman Upton, Pitts, and Murphy
7788 to request that they stop using this Committee as a platform
7789 to advance the--their extremist agenda. On July 14, 2015
7790 this Committee launched an investigation into allegations
7791 that Planned Parenthood was engaged in the sale of fetal
7792 tissue for profit based on one heavily edited video released
7793 by the Center for Medical Progress. To date, as documented
7794 by the Democratic staff memo, there is no evidence that
7795 Planned Parenthood violated the law. In contrast, the
7796 Committee has received substantial evidence indicating that
7797 both short videos and the longer, full footage videos--

7798 The {Chairman.} The gentleman yields back. The Chair
7799 would recognize the gentlelady from California, Ms. Eshoo,
7800 first. She had her--sorry, Lois.

7801 Ms. {Eshoo.} Let's get along. That I think as members
7802 have walked to the floor to cast their votes, and their
7803 voices, to demolish the Affordable Care Act, I don't know, is

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7804 it 65 times, 55 times, I think the American people deserve
7805 better than that. In fact, they got a lot better when they
7806 became insured as a result of it. And the facts keep rolling
7807 in, but our colleagues, sadly, on the other side of the aisle
7808 don't want to accept the facts.

7809 So now we have a new boogeyman. We have Planned
7810 Parenthood. In my Congressional district, David Packard and
7811 Bill Hewlett, two of the most respected citizens of our
7812 country, Republicans, chaired Planned Parenthood. It shows
7813 how far the sad journey that the Republican Party has
7814 embarked upon. You are so far away from that model. You
7815 don't understand, or want to understand, that Planned
7816 Parenthood takes very good care of people. It is an
7817 essential healthcare provider. We could always debate
7818 abortion, and I think it always will be debated. But you
7819 know what is really disturbing to me, is that in this ban,
7820 you, who talk so consistently about giving the American
7821 people a choice, you are denying hundreds of thousands of
7822 women the choice in their insurance policy through Medicaid.
7823 You know, women have complicated bodies, and they
7824 deserve--I don't care where they live, how much money they
7825 have, or how poor they are. They deserve to have these

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7826 services. They are very different than what most males
7827 undergo. And I am sick and tired of having women's bodies
7828 picked apart. Not by doctors, but by politicians. So here
7829 we are now, on another march to folly. The Republicans want
7830 to destroy Planned Parenthood. I think this is so
7831 wrongheaded. I think it is unfair. I think it is
7832 unwarranted. And I think that it is based on a house of
7833 cards. Because what brought this subject front and center
7834 had fake actors, false addresses, false driver's licenses,
7835 and you could go on and on.

7836 Now, are people entitled to oppose abortion? Of course
7837 they are. We live in a democracy. But for the Congress, for
7838 the United States House of Representatives, to take this
7839 issue, and essentially create an altar to place it on, and
7840 say, we are going to put all stakes on this. We are even
7841 willing to shut down the most important government in the
7842 world over Planned Parenthood. I think that mental health
7843 services are needed around here.

7844 I mean, this is not the right thing for us to be doing.
7845 I respect my colleagues that don't agree with me on the issue
7846 of abortion. I respect your opinion on that, and--even if
7847 you don't respect mine. But to go down the path that we are

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7848 going down, and then to see that hearing on TV last night--I-
7849 -this is not going to accrue as a source of pride to anyone
7850 that is involved in it. So I just--I couldn't oppose this
7851 more. I think it is very sad, I think it is wrong, and I
7852 think it is unfair.

7853 The {Chairman.} The gentlelady's time has expired. I
7854 would note that votes have been called on the floor. We are
7855 going to have three votes. So may I just have a show of
7856 hands on how many folks are going to really want to speak?
7857 Because we will--we are going to have to come back after
7858 votes, then. Let me recognize Mr. Barton for 5 minutes.

7859 Mr. {Barton.} Well, Mr. Chairman, we just love you.
7860 That is why we like to be here. Whether we are debating or
7861 just acting, we like to be in the Committee. You know, it is
7862 a nice venue.

7863 I am not going to speak the full 5 minutes, Mr.
7864 Chairman. I want to just kind of explain what we are doing
7865 here. The House and the Senate don't have to do
7866 reconciliation, but when we do, it is to reform, change
7867 entitlement programs. And, because of the rules, you get an
7868 instruction, and then you report your bill, if you report a
7869 bill, to the Budget Committee, and then they package it and

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7870 send it to the floor, where I believe there is an up or down
7871 vote with no amendments. Our instructions were to save a
7872 billion dollars, and we have chosen to do that by ending one
7873 of the programs within the Affordable Care Act that scores, I
7874 believe, about 12 billion, which is more than the budget
7875 request, budget instruction, but I think that is--that would
7876 be a worthwhile thing to do. So I am going to support the
7877 reconciliation bill on final passage.

7878 With respect to Planned Parenthood, Republicans support
7879 women's health services. Republicans support family
7880 planning. Most Republicans don't support abortion--I don't
7881 support abortion--and most Republicans don't support the
7882 practice that Planned Parenthood has engaged in, of taking
7883 the parts of the aborted babies and selling them. I
7884 personally think that is abhorrent. I don't think it should
7885 be even condoned. I don't think it should be allowed, and I
7886 think we should prevent it. The advocates for Planned
7887 Parenthood that have testified in other committees, and in
7888 this Committee, have basically defended that practice. And
7889 they have the right to defend it, but that doesn't make it
7890 right that it is done.

7891 Planned Parenthood is a private organization. They are

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7892 not entitled automatically to Federal funding. The bill
7893 before us doesn't specifically defund Planned Parenthood, but
7894 in reality it would. We need to acknowledge that. But those
7895 funds will be re-programmed to other organizations that don't
7896 conduct the practices that Planned Parenthood does.
7897 Honorable people can disagree about whether that is a good
7898 practice or a bad practice, but it is certainly within the
7899 rights of the Congress, and of this Committee, to defund
7900 something that the majority of the Committee disagrees with.
7901 And that is what the bill before us does, so that is why I
7902 support it. I will yield to anybody--

7903 Mr. {Pallone.} Mr.--could I--could you yield to me a
7904 second?

7905 Mr. {Barton.} I would yield to the Ranking Minority
7906 Member, who serves with distinction in his position.

7907 Mr. {Pallone.} The problem that I have, though--I mean,
7908 I understand what you are saying, which is that, you know,
7909 the majority can always decide no one has a right to Federal
7910 funds, but, you know, under Medicaid, which is a big part of
7911 what we are talking about here, historically, we have
7912 operated under the principle of any willing provider. In
7913 other words, if you can perform the services, and you are

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7914 certified that you can perform, you know, healthcare
7915 services, and I am not talking about abortion, then the
7916 individual has a choice, because we operate under the
7917 principle, under Medicaid, of any willing provider.

7918 Once you say that, okay, we are not going to allow a
7919 provider because they also separately, and not with Federal
7920 funds, you know, do abortions, now you start to get into
7921 breaking down the system of any willing provider. What would
7922 stop us, then, if the majority figured, okay, we don't want
7923 Catholic hospitals to, you know, take patients under
7924 Medicaid, or Jewish hospitals, or, you know--

7925 Mr. {Barton.} Well, reclaiming my time--

7926 Mr. {Pallone.} Well, I am just trying to point out that
7927 if you break the principle, and you say that we can decide,
7928 for some reason, that we are going to break the principle of
7929 any--

7930 Mr. {Barton.} Again--

7931 Mr. {Pallone.} --willing provider, you can do it for
7932 anything.

7933 Mr. {Pallone.} Reclaiming my time--

7934 Mr. {Barton.} Sure.

7935 Mr. {Pallone.} --we can have a disagreement about what

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7936 a private entity does or does not do, but it is a basic fact
7937 that no private entity is entitled to Federal funding.
7938 Planned Parenthood is a private entity. They knowingly and
7939 willfully have supported a practice that I believe, even on
7940 the minority side, at least in private, a large number of
7941 members don't support. And, you know, if you disagree with
7942 the practice, and you are not entitled to Federal funding,
7943 you ought to be able to deny funding for that practice to
7944 providers of that practice. With that, my time has expired.

7945 The {Chairman.} The gentleman's time has expired. I
7946 know we have a number of members that want to speak. We have
7947 9 minutes--8 minutes left in the first of three votes, so we
7948 will come back immediately following the votes. We will
7949 recess, and we will continue the discussion, knowing that at
7950 the end of the process there will be a recorded vote on the
7951 output. But we will start with the--striking the last word
7952 as soon as we get back.

7953 Mr. {Bucshon.} [Presiding] Strike the last word.

7954 Mr. {Cardenas.} Thank you. Permission to strike the
7955 last word. Thank you, Mr. Chairman. Planned Parenthood. It
7956 appears that right now that organization is being bantered
7957 about outside of this building by the likes of people who

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7958 want to be the President of the United States, and folks who
7959 want to espouse certain personal beliefs, et cetera, but the
7960 one thing that strikes me as very unfortunate for women, and
7961 families, and children who, by the millions, plan on visiting
7962 Planned Parenthood facilities to get their basic healthcare
7963 is that Planned Parenthood, by this so-called reconciliation
7964 effort, is being attacked, and prescriptively trying to be
7965 excluded--there is an effort to exclude them from being able
7966 to participate with their responsibilities, and for us, as a
7967 Federal Government, to work with them to make sure that they
7968 are rendering the care and the services to these millions of
7969 women and children around the children around the country
7970 every single year. And the idea that some kind of
7971 replacement of funds for that kind of destruction would
7972 actually balance out the care that they are providing today
7973 is just not true.

7974 One of the things that I am proud of as an American is
7975 to know that, even though it took us a long time since the
7976 inception of this country for us to give, for example, the
7977 women the right to own property, the women the right to being
7978 able to make decisions without having to have a man vouch for
7979 them, or to say what is right or wrong in their decision-

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7980 making, even though it took us a long time, I am proud to
7981 know that in this--in my lifetime, I have been able to
7982 experience that, and watch my sisters, and my mother, and the
7983 women I care about being able to have the freedoms that men
7984 have taken for granted since this country began. And it is
7985 unfortunate that these attacks on Planned Parenthood are
7986 really going to be detrimentally affecting women's--not only
7987 right to choose their healthcare, but also their ability to
7988 actually receive healthcare, because Planned Parenthood,
7989 disproportionately, is one of the main providers when it
7990 comes to many communities across the country, whether it is a
7991 rural country or not--rural community or not.

7992 And the fact of the matter is, I think it is important
7993 for all of us to express our opinions when we see this kind
7994 of rhetoric manifest itself in the halls of Congress, where
7995 people have been sent here not so much to exercise their
7996 religious beliefs first and foremost, but to make sure that
7997 we are being mindful of the Constitution of the United
7998 States, and the rights that every person in this country has,
7999 and should be receiving, and should not be denied. But by
8000 attacking Planned Parenthood, and trying to wipe them away
8001 from the opportunity to participate in the funds that they

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8002 have the right to--by providing the service--the healthcare
8003 services that they render to American women, and children,
8004 and families is a misappropriation of our efforts, in my
8005 opinion, as a Congress, and as individual members of
8006 Congress.

8007 Planned Parenthood, by the work that they do, especially
8008 when it comes to the community health centers, renders
8009 billions of dollars' worth of critical services to women and
8010 children throughout the country. And anytime that we, in any
8011 way, irresponsibly attack an organization like that, we are
8012 hurting Americans, primarily in this case we are hurting
8013 women, and we are hurting children. I just wish that I could
8014 hear more of my colleagues, on both sides of the aisle,
8015 defend the rights of women and children when it comes to how
8016 much we can put into our budgets to make sure that they are
8017 healthy on the front end, to make sure they have food, to
8018 make sure that they have shelter, to make sure they have the
8019 kinds of things that America prides itself on, and the kinds
8020 of things that we can actually go, literally, to the ends of
8021 the Earth to provide other people for, but yet, in this
8022 country, I have never seen a Congress be so aggressive--in
8023 the last couple years be so aggressive about cutting those

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8024 kinds of necessities to our American children and women.

8025 So I just wanted to express my disappointment in the
8026 fact that we are even having this discussion about whether or
8027 not Planned Parenthood deserves to have the resources they
8028 need to continue to provide the services that they--that
8029 American children, and women, and families deserve. I yield
8030 back the balance of my time.

8031 Mr. {Bucshon.} The gentleman yields back. I now
8032 recognize myself for 5 minutes, strike the last word.

8033 I just want to remind everyone there are 13,000
8034 Federally funded health clinics, and there are about 700
8035 Planned Parenthood clinics. The intention of Republicans is
8036 to increase access for women. We just, you know, I just--I
8037 will speak for myself--don't believe that an organization
8038 that openly talks about selling human body parts should be
8039 Federally funded.

8040 I also want to talk about the Affordable Care Act, and
8041 remind everyone that it was passed under reconciliation
8042 without a single Republican vote, so questioning using
8043 reconciliation to repeal aspects of the Affordable Care Act
8044 which are not working for the American people, you know,
8045 reconciliation is appropriate.

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8046 With that, I am going to recognize Ms. Matsui, 5
8047 minutes. Strike the--

8048 Ms. {Matsui.} Thank you, Mr. Chairman. Any suggestions
8049 that the Prevention of Public Health Fund is a slush fund for
8050 the Secretary or Department of Health and Humans Services is
8051 inaccurate. The Affordable Care Act granted explicit
8052 authority to Congress to allocate funding in the Prevention
8053 Fund. Since fiscal year 2014 Congress has used that
8054 authority to allocate the funds from the Prevention Fund.
8055 The same is true of the fiscal year 2016 House and Senate
8056 Labor HHS funding bills that recently passed each chamber.
8057 Therefore, the Secretary has no discretion to allocate any of
8058 the Prevention Fund. Not only does the Secretary not have
8059 any control in allocating the funding, HHS must maintain a
8060 publicly available website that details the funding
8061 allocations of the Prevention Fund, as well as funding
8062 opportunities and awards for programs funded with Prevention
8063 Fund dollars. Such transparency makes it possible for anyone
8064 to learn where Prevention Fund dollars are being used.

8065 I think if the public takes the opportunity to look at
8066 that website, they will be happy with what they see. Rather
8067 than supporting programs that waste money, as the slush fund

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8068 allegation implies, the Prevention Fund is being used to fund
8069 life-saving public health programs that prevent--combat
8070 chronic conditions, such as diabetes control, and prevention
8071 programs, obesity prevention programs, and tobacco cessation
8072 programs. Rather than waste money, such investments in
8073 prevention can actually save us money, as well as save lives.

8074 As we know, chronic conditions, such as diabetes, lung
8075 disease, and heart disease account for seven out of 10 deaths
8076 in the United States, and 86 percent of all healthcare
8077 spending in the U.S. Reversing the chronic disease trends in
8078 the United States by preventing the onset of chronic disease
8079 not only makes good financial sense, but it makes for good
8080 health policy. I urge my colleagues to reject the
8081 elimination of the Prevention Fund, and I yield back.

8082 Mr. {Bucshon.} The gentlelady yields back. I now
8083 recognize Mr. Olson, 5 minutes.

8084 Mr. {Olson.} I thank the Chair. The arguments from my
8085 colleagues from the other side are based on a common false
8086 premise. If Planned Parenthood of America does not get
8087 Federal taxpayer dollars to fund abortions, maybe illegal
8088 abortions, as depicted in those videos, women's health in
8089 America will suffer. They say a private organization like

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8090 Planned Parenthood must have our taxpayer money to give women
8091 in need the healthcare they deserve. Taxpayer funds for
8092 abortions, maybe illegal, are a necessary evil for women's
8093 health.

8094 Today's action by this Committee ensures that more
8095 American women in need of greater healthcare will get the
8096 healthcare they want in all places in our country. There are
8097 1,200 Federally qualified health centers in 9,000 service
8098 sites across this great nation. Per year, 21 million women
8099 get their healthcare at these FQHCs. In contrast, Planned
8100 Parenthood of America sees 2.7 million people in 665 clinics.
8101 My home state of Texas has 71 FQHCs at more than 300 sites.
8102 Marfa, Texas, the home of flying lights of mystery, a town of
8103 1,019 people, has an FQHC. The closest Planned Parenthood
8104 clinic is in El Paso, 195 miles away, a 2 hour and 50 minute
8105 drive to El Paso from Marfa. The second closest is in San
8106 Antonio, Texas. That is 403.6 miles from Marfa, a drive of 5
8107 hours and 33 minutes.

8108 If you want more women getting more healthcare at more
8109 sites across America, vote for this reconciliation package.
8110 Give Texas women, like those in Marfa, the same access that
8111 they have in Houston, San Antonio, Dallas, Fort Worth, or

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8112 Austin. By passing this reconciliation resolution, we ensure
8113 every Federal penny is spent on women's healthcare that we
8114 have in America. I yield back.

8115 Mr. {Bucshon.} The gentleman yields back. I now
8116 recognize Mrs. Capps, 5 minutes. Strike the last word.

8117 Mrs. {Capps.} Thank you, Mr. Chairman. I move to
8118 strike the last word, because here we are again, voting on a
8119 partisan proposal that plays politics with the health and
8120 well-being of women and families.

8121 You know, these aren't new ideas coming from our
8122 colleagues and the majority. They are just recycled
8123 proposals that appear to me to be bordering on an obsession.
8124 First we are asked to again vote to destroy our nation's
8125 investment in improving the health and well-being of our
8126 citizens. The Public Health and Prevention Trust Fund exists
8127 to address the expensive and debilitating chronic conditions
8128 that plague far too many in our country. These efforts are
8129 based on the best medical science to implement programs that
8130 prevent disease before they come more--become more costly for
8131 the individual, and for our healthcare system. It means
8132 efforts to immunize our children, prevent obesity and
8133 diabetes, and prepare the public health system to address

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8134 infectious diseases and other outbreaks, and it is working.
8135 For example, in its first 3 months, the Tips from Former
8136 Smokers media campaign, which is supported by the Fund,
8137 inspired more than a million and a half people to try to quit
8138 smoking, and more than 100,000 people have quit for good.

8139 Despite these accomplishments, and the over 900
8140 organizations nationwide that support the Fund, we continue
8141 to hear lies about what the Fund does, and how it is
8142 regulated. It is shortsighted at best, and harmful at worst,
8143 to fall into the trap of thinking we can address these large,
8144 costly problems without dedicated investments to the public
8145 health system. But that is what a vote for this
8146 reconciliation package would do today.

8147 Similarly, we see yet another attempt to deny women
8148 access to their healthcare providers of their choosing, with
8149 no credible evidence to support this rash policy decision.
8150 This would keep women from the providers they trust, and
8151 impact access to important women's health services, including
8152 the full range of birth control option. Access to birth
8153 control has long held special status in the Medicaid program.
8154 These services are included on the short list of mandatory
8155 benefits states must provide, and are eligible for a special

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8156 Federal reimbursement match made of 90 percent. This is not
8157 an accident. It is an acknowledgement that allows women to--
8158 access to contraception when they choose it, is in the best
8159 interest of the health of women, and their children.

8160 Moreover, it is critical to reducing the need for abortion,
8161 something I believe we all can agree on.

8162 Access to affordable birth control options is the best
8163 interest--in the best interest of our nation's fiscal health
8164 as well. In fact, for every dollar of public funding spent
8165 on contraception, we save nearly \$6 in medical costs. Yet,
8166 in contrast, as a nation, we spend up to 12-1/2 billion each
8167 year on unplanned pregnancies. Anything that gets in the way
8168 of women accessing affordable birth control options is not
8169 only bad for women and families, but a disservice to our
8170 nation's taxpayers.

8171 I find it particularly concerning that this poor fiscal
8172 decision-making is being done through reconciliation, a
8173 legislative procedure meant to save spending in our
8174 healthcare system. This doesn't make sense. Choosing if and
8175 when to have a child are some of the most decision--important
8176 decision a woman ever makes. Access to reproductive health
8177 services, including safe abortion, provides greater economic

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8178 security and educational opportunities for women and
8179 families. In my years of being a nurse, we know that proper
8180 birth spacing is important not only for the woman's health,
8181 but also for the health of her children. This can't be
8182 accomplished without access to a range of options, so women
8183 can decide what birth control is best for them.

8184 With these facts in place, it is hard to see how this
8185 proposal is anything more than a cynical ploy to play
8186 politics with women's lives. We have seen it in policies to
8187 allow employers denying female employees insurance coverage
8188 for birth control. We have seen it in proposals to restrict
8189 how women with private insurance can spend their own private
8190 dollars in purchasing health insurance with full reproductive
8191 coverage, and we have seen it day in and day out as this
8192 Congress has held the most daily votes--almost daily votes,
8193 hearings, and markups to feed into the political theater of
8194 de-funding Planned Parenthood.

8195 Women deserve access to the family planning services
8196 that they need. These decisions are personal ones, should be
8197 made by women and their healthcare providers, not by her
8198 employer, or by this Congress. We need to trust women. We
8199 need to trust healthcare providers. We need to trust our

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8200 communities. This reconciliation package does none of these
8201 things. I call on my colleagues to oppose the reconciliation
8202 before us today, and I yield back the balance of my time.

8203 Mr. {Bucshon.} The gentlelady yields back. Recognize
8204 Mr. Pitts, 5 minutes.

8205 Mr. {Pitts.} Thank you, Mr. Chairman. Let me just
8206 speak to a couple of issues that have been raised by the
8207 other side. First, the Prevention and Public Health Fund.
8208 Basically, this is a fund that provides \$2 billion a year to
8209 the Secretary of Health and Human Services in perpetuity,
8210 forever, and she has--or he has complete discretion over what
8211 they fund, without Congressional input, approval, or
8212 oversight. No one here can tell us what this funding will be
8213 used for next year, or in 5 years, or in 10 years, or 20
8214 years, or 50 years, because the fund, you know, lasts in
8215 perpetuity. And Congress is giving up its oversight role,
8216 and this is not the only source of funding for prevention,
8217 but I might mention a few things they have used this so-
8218 called Prevention Fund for.

8219 Now, I am sure they have used some of it for good
8220 purposes, but without going through any Congressional
8221 process, they have given, for instance, \$7-1/2 million to the

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8222 City of Nashville for free pet spaying and neutering. City
8223 of Boston received a million dollars for urban gardening.
8224 Pitt County, North Carolina received funds for signage to
8225 promote bike lanes. Philadelphia received money to push for
8226 higher state cigarette excise tax rates. Seattle, King
8227 County Public Health received \$3 million for improving
8228 walking and biking environment. Another one, 12 million, for
8229 changes in zoning policies to locate fast food retailers
8230 farther from schools. A county in North Carolina, \$400,000
8231 to promote pickleball. Waco, Texas got 235,000 for massage
8232 therapy, aerobics classes, kickboxing, Zumba, whatever that
8233 is, kayaking, and--and on and on. 16 million, Cook County,
8234 Illinois for sugar sweetened beverages, and the link between
8235 that and obesity. So this needs to be done with
8236 Congressional oversight, and--so this is a legitimate
8237 amendment to--or aspect to this bill.

8238 Let me speak briefly on the issue of Planned Parenthood
8239 and abortion that has been raised. The other side talks
8240 about access for safe abortions. No abortion is safe.
8241 Abortion always results in the death of a victim, the baby.
8242 There are always two victims in an abortion. One is the
8243 baby, one is the mother. One is dead, one is wounded.

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8244 Abortion is the most violent form of death known to mankind,
8245 death by dismemberment, decapitation, poisoning. How can you
8246 defend the indefensible? What we see on these videos, if you
8247 will take time to just look at one of them, is horrific. It
8248 is barbaric. The whistleblower says she put the scissors
8249 here and made a cut, and then cut through the mouth and the
8250 face to harvest the brain. How can you defend something like
8251 that? Trafficking in human baby body parts. This is not
8252 about politics. This is about saving the lives of the
8253 unborn, and keeping women from being wounded through this
8254 horrible violence.

8255 So this is very legitimate. What we are doing in this
8256 bill also is providing for redistribution of monies from the
8257 665 Planned Parenthood clinics to over 13,000 Federally
8258 qualified health centers--rural health center sites across
8259 the country. And some of you--it is interesting. You know,
8260 one of the speakers has three Planned Parenthood sites, but
8261 51 Federally qualified health sites in their district.
8262 Another has one who spoke, 56 Federally qualified sites.
8263 And, you know, I think--double the amount of money, because
8264 they are doing real healthcare, not just referring for
8265 mammograms. They do the mammograms. They are doing the real

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8266 women's healthcare there. And so this is very, very
8267 important, and I urge my colleagues to support this
8268 reconciliation bill, and yield back.

8269 The {Chairman.} The gentleman yields back. I just--I
8270 know we are--we have just one vote, because no amendments. I
8271 would just--no member--I am not--no one is right to speak is
8272 going to be denied. I just would encourage folks that--we
8273 did do opening statements yesterday on all three bills, and
8274 if you could--after you write--and--if, by chance, you can
8275 help us speed things along so you don't take the full 5
8276 minutes, it would be, I think, appreciated by all. And I
8277 would recognize the gentlelady from Colorado next, Ms.
8278 DeGette, for 5 minutes.

8279 Ms. {DeGette.} Thank you so much, Mr. Chairman. Well,
8280 first of all, I think that the 4.2 million women who use
8281 Planned Parenthood, 90 percent of them for healthcare
8282 services, would take great umbrage at the statements just
8283 made by my colleague that what Planned Parenthood is not real
8284 women's healthcare. Many women get all of their healthcare,
8285 and their family planning, from Planned Parenthood.

8286 And I will also say, good news for the folks on the
8287 other side of the aisle, Planned Parenthood receives no

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8288 Federal funding for abortion. I don't agree with the Hyde
8289 Amendment, but it says no Federal funds shall be used to pay
8290 for abortions. Every single penny that Planned Parenthood
8291 gets from Medicaid recipients is for all of the approved
8292 services, none of which are abortions. I think also I take
8293 umbrage--I think most people would take umbrage at people
8294 saying Planned Parenthood receives all this Federal money.
8295 Planned Parenthood receives Medicaid funding for the poor
8296 women, and men, who go there for their services. And those
8297 4.2 people--million people who go to Planned Parenthood, I
8298 don't think they want the U.S. Congress telling them where
8299 they can go for their healthcare services, so long as they
8300 are approved by the Federal Government.

8301 Now, I have been hearing for a while now that people
8302 should just be able to go to Federal--to community health
8303 centers. After all, according to the last speaker, they are
8304 the ones that do the real healthcare. Well, Federal health--
8305 community health centers, which, by the way, were set up
8306 under the ACA, do provide wonderful healthcare services for
8307 men, women, and children, but the bulk of what they do is not
8308 women's healthcare services. And I thought it was
8309 fascinating when Mr. Pitts said, well, this is only a 1 year

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8310 period, and so all of the people who get funded from Planned-
8311 -from Medicaid through Planned Parenthood can just go to the
8312 Federal health--community health centers. In fact, that is
8313 so far from the truth as to be laughable.

8314 Let me give you some statistics. Right now we have 24
8315 million patients who go to the community health centers. The
8316 community health centers themselves are telling us that for
8317 every person they take into the community health centers,
8318 seven people are turned away because the community health
8319 centers don't have the bandwidth to treat those people.

8320 So let us say we have 4.2 million Planned Parenthood
8321 patients. I don't know offhand how many of them are Medicaid
8322 recipients, but if we add in several more million Medicaid--
8323 Planned Parenthood patients, then you are not going to have
8324 one in seven turned away for every one, you are going to have
8325 even more turned away. Added to this is this is only a 1
8326 year budget reconciliation bill. How on earth do you think
8327 all of these community health centers can expand their
8328 clinics, their equipment, their technicians, their doctors,
8329 their nurses to care for all of these Planned Parenthood
8330 patients who will be coming? That is laughable to think
8331 about, and it is just not going to happen.

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8332 And so, really, what this is, it is just an attempt to
8333 get rid of Planned Parenthood. I suggest anybody here to a
8334 Planned Parenthood clinic in their district. If you don't
8335 like abortion, don't go to one of the ones that does
8336 abortions with non-Federal money. Go to one that gives pap
8337 smears, that gives breast cancer screening, that gives well-
8338 women visits, birth control, and family planning. See what
8339 they are doing. See how they are helping these patients.
8340 And then you will understand why it is perfectly appropriate
8341 for Medicaid money to go to them, and why, in fact, no
8342 Federal funding is going to them for any of their less than
8343 10 percent of abortion services. With that, I am happy to
8344 yield back.

8345 The {Chairman.} The gentlelady yields back. Other
8346 members wishing to make a statement? The gentleman from
8347 Illinois, Mr. Rush.

8348 Mr. {Rush.} Good morning. Thank you, Mr. Chairman.
8349 Mr. Chairman, for anyone who is wondering about my position
8350 on abortion, I am opposed to abortion, and I have some
8351 reasons that I am in opposition to abortion, some very
8352 important reasons for me. However, Mr. Chairman, that said,
8353 the assault by mostly men on women's healthcare must cease.

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8354 It is about time that we--the men who are in control, for the
8355 most part, of this body relinquish their efforts to force
8356 women to make decisions that are not in line with how men
8357 believe.

8358 This budget reconciliation bill, if enacted, will
8359 completely devastate healthcare access to poor women who live
8360 in underserved rural and urban areas. Let me remind you, Mr.
8361 Chairman, that rural and underserved urban areas, we all have
8362 some of those in our district. Approximately one in five
8363 women go to a Planned Parenthood clinic for care, and I don't
8364 want to deny 34 percent of women access to family planning
8365 services, such as pre-natal care. I don't want to deny nine
8366 percent of women access to cervical, ovarian, or breast
8367 cancer screening. It becomes up close and personal for me.
8368 Just last Sunday at church, my church secretary, and my
8369 executive assistant at the church, both got up and announced
8370 to my congregation that one had--was suffering--had been
8371 diagnosed with breast cancer, and the other one had a return
8372 ovarian--of ovarian cancer that she is facing. So it is
8373 really more than just some abstract idea, or abstract
8374 concerns. We--I don't want to deny 42 percent of women
8375 disease prevention and treatment, such as HIV testing.

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8376 Mr. Chairman, I am kind of tired of attempts by some in
8377 this body, not only in this Committee, but in this Congress,
8378 to try to politicize my morality, or try to manipulate my
8379 morality. Mr. Chairman, I am very much aware that in this
8380 body there is a tendency of some who are members of this
8381 Committee, and some who are members of this Congress, to try
8382 to create a Hell for those who don't agree with them, and a
8383 Heaven for those who do agree with them. You don't have that
8384 right. You don't have that privilege. You cannot legislate
8385 morality, and we need to stop trying to legislate morality.

8386 Mr. Chairman, if, in fact, you, or I, or any members of
8387 this body were successful in terms of trying to legislate
8388 morality, then I think that the standard that Pope Francis
8389 set--every stage of life is important. Every stage. It is
8390 curious to me that in the same--on the same day, less than 15
8391 hours after a woman was executed in Georgia by the death
8392 penalty, that there is no outcry, no movement, no discussion
8393 in this body about the death penalty. Every stage, every
8394 stage, every stage of life is important. I yield back.

8395 The {Chairman.} The gentleman yields back. Other
8396 members wishing to speak? The gentleman from Massachusetts,
8397 Mr. Kennedy. All right.

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8398 Mr. {Kennedy.} Thank you, Mr. Chairman, move to strike
8399 the last word. Thank you. Mr. Chairman, today there are 62
8400 million Americans who struggle to access a primary care
8401 physician. Nearly half of those are low income, and roughly
8402 40 percent are minorities. That lack of access is an
8403 undeniable problem that has a profound impact on the health
8404 of families and individuals in every corner of this country,
8405 and it is a problem this Committee should be debating and
8406 considering legislation to address.

8407 Instead, we are marking up a bill that would actually
8408 make access to treatment and care more difficult. It would
8409 de-fund Planned Parenthood, and potentially other providers
8410 that offer life-saving preventative care to millions of
8411 Americans. It would rescind funding for critical public
8412 health initiatives supported by the Prevention Fund and the
8413 Affordable Care Act. Initiatives like breast cancer and--
8414 excuse me, like breast and cervical cancer screenings,
8415 diabetes prevention, training for pharmacy care doctors, and
8416 eliminating childhood lead poisoning. And it would be
8417 combined with provisions that passed the Ways and Means
8418 Committee yesterday to gut the rest of the Affordable Care
8419 Act.

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8420 If passed and enacted, something we all know,
8421 fortunately, will not happen, it would reverse the incredible
8422 strides we have made over the past few years to make
8423 healthcare more accessible, and more affordable. Last year
8424 the uninsured rate fell for every age bracket, for every
8425 income level, for every ethnic group in every state.
8426 Nationwide, our uninsured rate is at record lows, nearing
8427 single digits. As my Republican colleagues know, and seem
8428 comfortable with, the fact that repealing the ACA through
8429 reconciliation will reverse this trend, increasing the number
8430 of uninsured Americans by 24 million over the next 10 years.
8431 And if they are successful in de-funding Planned Parenthood,
8432 they would be closing the doors of 700 health centers, the
8433 majority of which are located in regions with a shortage of
8434 healthcare professionals, or in rural, medically underserved
8435 communities, once again, limiting access to healthcare for
8436 our constituents, our friends, our families, and our
8437 neighbors.

8438 Instead of spending time debating an extremist attack on
8439 women that will never be signed into law, we should be
8440 focused on any of the wide range of issues that are impacting
8441 Americans today. We should be finding ways to extend

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8442 coverage to the nearly four million in our country who are
8443 uninsured because they fall into the Medicaid gap. We should
8444 be praising Planned Parenthood for efforts to provide cancer
8445 screenings and STI tests to low income women, and basic care
8446 to their families. We should be strengthening wrap-around
8447 services for those suffering from substance abuse and
8448 substance use disorders. We should be focused on
8449 implementing long overdue mental health parity laws.

8450 In my short time on this Committee, we have demonstrated
8451 a willingness to work together to address the problems facing
8452 our nation, and to move past partisan debates that have too
8453 often dominated this House. I hope that once we have taken
8454 this vote, and ended this debate, we can return to having
8455 substantive conversations about expanding access to
8456 healthcare for women and low income families across our
8457 country. Thank you, Mr. Chairman. I yield back.

8458 The {Chairman.} The Chair would recognize the gentleman
8459 from Texas, Mr. Flores.

8460 Mr. {Flores.} Thank you, Mr. Chairman. I will be
8461 brief. First of all, I will vote for the reconciliation that
8462 is being proposed today in this Committee, but I do want to
8463 say a few things. I am glad we are taking this up. Number

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8464 two is I am glad that we are tackling moving dollars away
8465 from an organization that focuses on killing unborn children.
8466 By the way, one of every two of those children are children
8467 of color.

8468 This process doesn't go far enough, I think, in my view,
8469 in terms of trying to stop a deeply unpopular Obamacare law,
8470 and I think that, you know, I am going to continue to work on
8471 trying to come up with a solution, along with my conservative
8472 colleagues in the House, to come up with a broader way to
8473 deal with this. But, again, I will vote for it, but I don't
8474 think it goes far enough to deal with Obamacare, and also
8475 with Planned--thank you, I yield back.

8476 The {Chairman.} The gentleman yields back. On this
8477 side, the gentlelady from--no, I was--before--the gentleman
8478 from Kentucky.

8479 Mr. {Yarmuth.} Thank you, Mr. Chairman. Move to strike
8480 the last word. You know, it is my understanding that there
8481 is a lot of discontent with using tissue--fetal tissue for
8482 research. And even though the incendiary videos, doctored as
8483 they were, are questionable as to their legitimacy and
8484 validity, I understand the sensitivity of the issue, and I
8485 think it certainly is a valid question to debate, even though

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8486 this body, 20 years ago, approved the use of fetal tissue for
8487 research.

8488 If the Congress thinks it is an important enough subject
8489 to deal with by itself, then we ought to debate that. But if
8490 my understanding is correct, testimony yesterday before the
8491 Oversight and Government Reform Committee, only about three
8492 percent of Planned Parenthood clinics actually engage in this
8493 type of activity. So we would be essentially penalizing 97
8494 percent of the clinics--the country for something they are
8495 not doing. It is kind of like SMU, for you Texans, getting
8496 penalized--the golfers can't play in the postseason because
8497 the basketball team made a mistake.

8498 I was--Saturday--I am a former--a Board member of
8499 Planned Parenthood of Kentucky, and I was at a rally on
8500 Saturday morning. Planned Parenthood of Kentucky, the
8501 clinics they operate don't perform abortions, never have, but
8502 they do things like have been mentioned, performing these
8503 important tests--cervical cancer screenings, and pap smears,
8504 and so forth. They have a teen peer educating unit that goes
8505 into schools throughout the community and teaches young
8506 children about family planning, and safe sex, and
8507 contraception, and making good choices. They do things that

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8508 are important that no one else does. No Federally qualified
8509 health clinic, to my knowledge, has a teen peer educating
8510 group. I sat and listened on Saturday morning as one women,
8511 and a couple men, after another talked about the important
8512 care that was provided to them in critical junctures of their
8513 life, where they could never get it anywhere else.

8514 So if we want to debate whether fetal tissue research
8515 is--appropriate thing to do, let us debate that. Let us not
8516 penalize an organization that provides care to five million--
8517 almost five million women, 5,000 in my district alone, every
8518 year for what may be--for an activity that some people find
8519 distasteful. That is a valid point of discussion. I think
8520 we ought to engage in that. But let us not throw everything
8521 out with them. This is not the appropriate place or time,
8522 and, again, it is penalizing a lot of very--of women
8523 throughout this country, and men, who count on Planned
8524 Parenthood for their medical services, again, for a very,
8525 very small minority of the clinics that perform fetal tissue
8526 research. With that, I yield back.

8527 The {Chairman.} The gentleman yields back. Other
8528 members--the gentleman from Pennsylvania, Mr. Doyle.

8529 Mr. {Doyle.} Thank you, Mr. Chairman. I--and I won't

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8530 take my full time either. I just think that the debate on
8531 Planned Parenthood has been very disappointing. We all know
8532 that no Federal dollars are permitted to go to Planned
8533 Parenthood for abortion. Every member in this body knows
8534 that is a fact. We also know that the fetal tissue donation-
8535 -it is done at two facilities in the country, one in
8536 California, and one in Oregon. That is it. That is where it
8537 is done. Women must give consent to donate the fetal tissue
8538 for research, that is curing many diseases in the country.

8539 The idea that, you know, to hear people talk about we
8540 are selling baby parts for profit, like it is some evil plot
8541 to--I mean, they distort the whole idea. It is for fetal
8542 tissue research to find cures for terrible diseases. Many
8543 members in the Republican Party have voted in support of
8544 fetal tissue research. And like Mr. Yarmuth has said, that
8545 if that is the debate you want to have, whether or not we
8546 should permit fetal tissue research in this country, then let
8547 us have that debate. But don't stand here and--without a
8548 single shred of evidence, not a single shred of evidence, and
8549 indict Planned Parenthood for doing something they are not
8550 doing, and for making it sound like what they are doing,
8551 donating fetal tissue for research to cure many diseases in

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8552 this country, is something horrible. I think the debate
8553 could have been much more elevated than what I saw yesterday,
8554 at the government research and oversight.

8555 I will oppose this reconciliation, and I will yield the
8556 balance of my time to Mr. Green.

8557 Mr. {Green.} Thank you, Mr. Chairman. Thank my
8558 colleague for yielding to me. I spoke earlier, opposing the
8559 part of the this reconciliation about Planned Parenthood, but
8560 I want to make sure we get the facts straight about what you
8561 are doing to the Affordable Care Act, and how--the success of
8562 it. The Affordable Care Act is working, and improving
8563 affordable, high quality health coverage, as well as
8564 transforming our nation's healthcare delivery system. And--
8565 since June of--30th of this year, 9.9 million consumers
8566 enrolled in the state and Federally facilitated exchanges.
8567 Approximately 2.7 million of these people use state exchanges
8568 to select their private plans. Since passage of the law more
8569 than 5 years ago, an estimated 17.6 million uninsured people
8570 have gained health coverage through the ACA's various
8571 coverage provisions.

8572 According to the U.S. Census Bureau, the uninsured rate
8573 fell from 13.3 percent to 10.4 percent from 13--2013 to 2014,

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8574 representing the largest single year reduction in the
8575 uninsured since 1987. In 2014, hospital uncompensated care
8576 costs were \$7.1 billion lower than 2013 levels as a result of
8577 exchange coverage and Medicaid expansion. The ACA has
8578 improved healthcare delivery systems. Hospital re-admissions
8579 are down, and indicators of patient safety, such as hospital
8580 acquired conditions have improved significantly. When you
8581 attack the Affordable Care Act, you are attacking those 13
8582 million people who are actually having insured that didn't
8583 have it before. And states that choose to expand Medicaid
8584 and run their own marketplace saw greatest decreases in
8585 uninsured rate. For example, California reduced its
8586 uninsured rate from 17.2 to 12.4 from '13 to '14, a decrease
8587 of 28 percent. Kentucky reduced its uninsured rate from 14.3
8588 percent to 8.5 percent, a decrease of 41 percent.

8589 These are the successes of the Affordable Care Act, and
8590 this reconciliation attacks that success, and these people
8591 who are benefitting from it. States with already low
8592 insurance rates, many of which are offering robust Medicaid
8593 programs prior to 2014, saw moderate, but important,
8594 decreases in uninsured rates dip below the six percent in the
8595 District of Columbia, Hawaii, and Vermont. Many states have

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8596 utilized the flexibility by the SVM model to tailor their
8597 exchanges and needs for their population.

8598 So, again, Mr. Chairman, as we--if you attack the
8599 Affordable Care Act, you are attacking the 13 million people
8600 who are getting access to it now that didn't for 2010. And I
8601 can show that from my district, in a very urban area in
8602 Houston. We have seen the success, even though in Texas we
8603 didn't expand Medicaid, we didn't do our own state exchange,
8604 because, again, being a proud Texan, I think we could always
8605 do it better, but I wish the state legislature would do it so
8606 we would do it better, and even more so than the success we
8607 have had. And, again, I thank my colleague for yielding the
8608 time to me.

8609 The {Chairman.} Gentleman yields back. The Chair would
8610 recognize the gentlelady from Florida.

8611 Ms. {Castor.} Well, thank you, Mr. Chairman, and I have
8612 to say, the Republican majority has really taken us back in a
8613 time warp today. It feels like we are probably back in the
8614 1950s. The first half of the hearing was on energy policy,
8615 was very anti-science. It was practically the world is flat.
8616 They refused to address the changing climate, and the
8617 challenges that poses for our country and our communities,

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8618 refused to modernize America's energy policy by unleashing
8619 innovation to benefit consumers and businesses all across
8620 America. But now the GOP majority wants to restrict
8621 contraceptives, and family planning services. This is
8622 decades old in--and it is another unconscionable attack on
8623 women's health and Planned Parenthood.

8624 And I wanted to pose a question, who is doing more today
8625 in America to reduce the number of unplanned pregnancies.
8626 Certainly not the Republicans in Congress, who continue to
8627 vote to block access to contraceptives, and family planning,
8628 as they are--

8629 Mr. {Bucshon.} Would the gentlelady yield?

8630 Ms. {Castor.} --today. I will yield when I am
8631 finished. Thank you, sir. No, it is Planned Parenthood that
8632 is doing more to reduce the number of unplanned pregnancies
8633 in America.

8634 Now, although the GOP attacks on women's health have
8635 gone on for years here in the Congress, we recently hit a new
8636 low this summer, when a shady group, that is actually under
8637 criminal investigation, helped launch a broad-based smear
8638 campaign against Planned Parenthood. To date, all of the
8639 investigations that have been launched have turned up there

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8640 is no evidence to substantiate the allegations that Planned
8641 Parenthood, or any of its affiliates, violated the law,
8642 including an investigation by this very Committee.

8643 Actually, what the evidence has turned up so far is that
8644 Mr. Dunliden, and his organization that doctored the YouTube
8645 videos, misrepresented itself to gain access to medical
8646 conferences and Planned Parenthood facilities. They should
8647 be the ones that are under investigation and brought to
8648 account. The investigations out there so far have showed
8649 that the videos are selectively edited, they repeatedly omit
8650 exculpatory statements about compliance with the law. We
8651 simply cannot allow Republicans in Congress to use these
8652 falsified videos to continue their extremist agenda against
8653 women and deny women access to comprehensive healthcare.

8654 You know, this is the House of Representatives, and the
8655 population of the United States of America is a little more
8656 female, about 50--a little over 50 percent. But here in the
8657 Congress, you all know what the percentage is. It is under
8658 20 percent female. Well, it certainly shows. I will urge my
8659 colleagues to defeat this attempt, again, to paint another
8660 chapter in the radical agenda against women's health. And I
8661 am happy to yield to the gentleman at this time.

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8662 Mr. {Bucshon.} Just briefly, a radical agenda is
8663 defending people that sell body parts. I said that on the
8664 floor. I am a physician. No one wants better access to
8665 healthcare for women than me. My wife is a physician, and
8666 also it is not--it is factually incorrect that the Republican
8667 majority doesn't want women to have access to contraceptives.
8668 I thought the Affordable Care Act took care of that for
8669 everyone.

8670 So, you know, I am not sure why you continue to make
8671 false statements--

8672 Ms. {Castor.} Well, I will reclaim my time. I hope you
8673 have read the legislation that will be considered today,
8674 because what it will do is eliminate access to contraceptives
8675 and family planning. If my Republican colleagues truly
8676 believe that there should be family planning services, and
8677 contraceptives allowed to women and families across America.
8678 They should vote no on this radical idea, and--idea of
8679 reconciliation today. I will yield back the balance of my
8680 time.

8681 The {Chairman.} The gentlelady yields back. The Chair
8682 would recognize the gentleman from Illinois, Mr. Shimkus.

8683 Mr. {Shimkus.} Thank you, Mr. Chairman, and I have a

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8684 lot of friends, both on this side, and on that side. This is
8685 a very difficult debate, and, unfortunately, we get thrown
8686 into these debates now and then. And there are different
8687 views of really important things, so I am not speaking in an
8688 attempt to defend--I mean to offend, but my district demands
8689 that I speak out for life. If I know one thing about my
8690 district, they stand for life. And the position in my
8691 district is life begins at conception, distinct entity, and
8692 should end at natural death. And I think that the women
8693 population of my district is probably the majority, and the
8694 majority of them are pro-life females. So that is why this
8695 is a difficult thing. Again, I speak not to offend my
8696 colleagues, because I know we are a great, diverse nation,
8697 but just as people are called to speak out for their
8698 district, we have to.

8699 In this country, we kill babies, and that is just not
8700 where many of us believe our country should be. And we have
8701 been thrown into this because of the videos, and part of this
8702 debate on funding is, let us take the money to women's health
8703 care through FQHCs, and let us do an investigative research,
8704 and figure out what really happened. But they are disturbing
8705 enough that, in pro-life districts, our constituents are

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8706 demanding some action. And I know you all appreciate that.
8707 In other districts, your folks are defending not to take
8708 action.

8709 Partial birth abortion is against the law. And I think,
8710 as you watch the videos, you can question whether the law was
8711 being broken, or just listen to them. If they are crushing
8712 above, and crushing below--so shouldn't we get the facts on
8713 whether the law has been broken in some of these cases?
8714 Selling baby parts for profit is against the law. Is--
8715 shouldn't we find that out?

8716 Ms. {DeGette.} Would the gentleman yield?

8717 Mr. {Shimkus.} I would, to my friend from Colorado.

8718 Ms. {DeGette.} So I just want to point out that you are
8719 right, selling baby parts, selling fetal tissue, is against
8720 the law. And in this case, there has been no evidence
8721 whatsoever that Planned Parenthood has sold fetal tissue. As
8722 you know, under the law, organizations are allowed to have
8723 processing and transportation fees, and that is all that is--

8724 Mr. {Shimkus.} Right.

8725 Ms. {DeGette.} --been shown here. So if, in fact--

8726 Mr. {Shimkus.} Okay.

8727 Ms. {DeGette.} If, in fact, the law was broken, then

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8728 they can be prosecuted--

8729 Mr. {Shimkus.} Reclaiming my time, but we are still in
8730 the investigative process. The search hasn't--we are not
8731 done in the investigative process.

8732 Now, in the film, and in the video, they are not
8733 providing a--and a billing schedule. They are negotiating.
8734 And the process of negotiating says that that is not a set
8735 price. So this is the process, you know, I have been here a
8736 long time. Affordable Care Act was passed through this
8737 process. It is a regular order. It is very difficult. I
8738 don't speak, again, to offend. I am saying that a lot
8739 because I do have a lot of friends on the other side.

8740 Mr. {Pallone.} Would the gentleman yield?

8741 Mr. {Shimkus.} I have only got 45 seconds, and I am
8742 just going to sum up, and I am sure there is going to be
8743 time. I would just--we are being asked, in pro-life
8744 districts around this country, to stand up for life, and this
8745 has really been the first time in my career when I can do it
8746 on the floor, and when I can do it in my district, and I can
8747 do it in the Committee, and I need to take this opportunity
8748 to do so. And with that, I yield back my time.

8749 The {Chairman.} The gentleman yields back. The Chair

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8750 would recognize--I believe the gentleman from Maryland is
8751 looking for time. Yes?

8752 Mr. {Sarbanes.} Thank you, Mr. Chairman. I am going to
8753 be relatively brief. Everyone is acknowledging this is a
8754 really difficult issue, the issue of abortion. And it is one
8755 that you hope people will come to with a soberness, and come
8756 to in good faith, arguing often very different positions
8757 based on their convictions. And I have always greeted that
8758 debate with respect for those with whom I differ. And I have
8759 always assumed that those who come down on the other side of
8760 the issue are doing so in a principled fashion.

8761 That is why it is so hard for me to understand why this
8762 latest critique, this latest attack would be based on these
8763 videos that are so clearly doctored, so clearly distorted.
8764 To me, it undermines the righteousness of the position that
8765 it expresses concern about, the practice of abortion, and it
8766 makes me wonder whether the arguments being brought forth are
8767 being brought forth in good faith, and in a principled
8768 fashion. And I think that, unfortunately, that undermines
8769 the conversation, the discussion, the debate in ways that are
8770 not worthy of the Committee, and are not worthy of our
8771 Congress.

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8772 There are plenty of strong, important arguments of
8773 conviction that can be delivered up by those who oppose
8774 abortion, and I respect them when they are presented in that
8775 fashion. But to use as a foundation for what we have seen
8776 over the last few weeks, these videos, which everyone
8777 acknowledges have been distorted, I think is lamentable, and
8778 I just wanted to express that because in the past I feel that
8779 the conversation has been at a higher level. So I oppose the
8780 reconciliation, but I--more than that, I oppose the tactics
8781 that have been used to level these attacks at Planned
8782 Parenthood. And with that I will yield back.

8783 Mr. {Pallone.} Would the gentleman yield to me just--

8784 Mr. {Sarbanes.} Yes.

8785 Mr. {Pallone.} --briefly? You know, I--Mr. Shimkus, I
8786 know earlier you said, you know, that I was an ideologue,
8787 which is fine, I am not offended by that, but--and maybe you
8788 are too. The problem that I see, briefly, is this. You
8789 admit that the jury--you say the jury is out, you know, they
8790 are still investigating whether Planned Parenthood broke the
8791 law. I think the jury isn't out. I don't think they have.
8792 But even acknowledging the fact that, you know, that you may
8793 continue your investigation, find something out, you know,

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8794 differently than what we found out so far.

8795 The bottom line is that this legislation basically de-
8796 funds Planned Parenthood, or anybody that performs abortion,
8797 any group or, you know, clinic that performs abortion without
8798 the--without any reference to whether they did anything
8799 wrong. I mean, that is what the legislation says. And
8800 abortion is allowed under the law, whether you agree it or
8801 not. The Supreme Court has said that it is allowed. So if a
8802 facility performs an abortion, which is allowed under the
8803 law, and we haven't yet proven that they violated the law,
8804 how can you justify taking the funding away from them? There
8805 is no due process, there is no equal protection. This isn't
8806 the way we operate.

8807 I mean, I was using the analogy before--because we have
8808 this notion of any willing provider under Medicaid that says
8809 that if the service is performed correctly, you know,
8810 mammogram, whatever it happens to be, you can go to whoever
8811 you want. I mean, I know there are people that are offended
8812 when they go to a Catholic hospital because they see crosses,
8813 and they see, you know, statues and religious figures, yet
8814 they will go there, and we fund healthcare by a Catholic
8815 hospital, even though their ideology may be different from

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8816 the religion that you practice.

8817 So how can we now say that just because an organization
8818 performs abortions, not even in that clinic, but somewhere,
8819 which is allowed under the law, that now we are going to
8820 exclude them from Medicaid funding. The next step is to say
8821 that this body will just decide whatever we want on whatever
8822 ideology, that we are not going to fund a hospital or a
8823 clinic because we don't like what they do. We don't like it
8824 because they say prayers, we don't like it because, you know,
8825 they have an ideology different than your own. It just isn't
8826 proper. It is not the way to operate in this--in a
8827 democracy. Thank you.

8828 The {Chairman.} The gentleman's time has expired. I
8829 would just note that--I am led to believe that we have no
8830 more than three folks, three members, going to be asking for
8831 time. I have a sense that it will be less, I hope, for--in 5
8832 minutes, and then we will immediately go to the vote. So for
8833 those members that are watching in their offices, staff that
8834 are here, let them know that it is coming soon. And I would
8835 recognize the gentleman from Vermont, Mr. Welch.

8836 Mr. {Welch.} Thank you. Mr. Chairman, the other day I
8837 was talking to my colleague, Dr. Bucshon, and he was making a

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8838 point that I actually agree with, and that is that there is
8839 enough money in the healthcare system to meet the needs of
8840 all the people in this country. It is a question of whether
8841 we can find ways to engage patients to manage their own care,
8842 and deal with some of the structural issues that drive up
8843 cost. And there are probably a lot of different ideas, but
8844 there are two bad ones. There is one bad one in this
8845 proposal, and there is one that should be there. The bad one
8846 is to get ride of the Prevention Fund. We have to have
8847 individuals, all of us, being primarily responsible for
8848 taking--doing those things that we can do to keep ourselves
8849 healthy. The Prevention Fund helps to do that.

8850 Chronic disease accounts for about 86 percent of the
8851 U.S. healthcare cost. A Trust for America's Health report
8852 concluded that investments in proven community-based
8853 interventions increase physical activity, improve nutrition,
8854 and prevent smoking, the very programs supported by the
8855 Prevention Fund. Patients have to be involved. We have to
8856 get them involved. That is going to save us money. It is
8857 going to make them healthier. We should not be raiding the
8858 Prevention Fund.

8859 The second issue that is a real cost driver is the cost

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8860 of prescription drugs. I mean, we have seen how, in some
8861 cases, just recently, a tablet that was costing \$13.50 was
8862 purchased by an individual, bought the company, and the next
8863 day increased the price for 750 bucks, and that is a rip-off.
8864 And does there have to be some public policy to address the
8865 rampant cost of prescription drugs, and can we have that in a
8866 way that it doesn't stifle innovation so that there is a
8867 pipeline of innovation? We should be addressing that. And
8868 it is not addressed here.

8869 So the two things that I wanted to focus on are, one,
8870 let us keep the Prevention Fund so we get people engaged in
8871 their own health. Number two, let us address, in an
8872 aggressive way, but in a proper way, the escalating cost of
8873 prescription drugs. And I yield the balance of my time to my
8874 colleague from California, Mr. McNerney.

8875 Mr. {McNerney.} I thank the gentleman from Vermont.
8876 Mr. Speaker, I would like to advocate for properly funding
8877 Planned Parenthood. I have seen the women's health services
8878 they provide. It is important for many, many, many women.
8879 But let us talk about abortion. No one likes abortion.
8880 Every abortion is a tragedy. So we should agree that we
8881 shouldn't do anything to make more abortions. But that is

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8882 exactly what de-funding Planned Parenthood will do. If
8883 Planned Parenthood is de-funded, there will be more unwanted
8884 pregnancies, and that means there will be more demand for
8885 abortions, exactly what we don't want.

8886 Now, I know my Republican colleagues will feel compelled
8887 to vote to de-fund Planned Parenthood no matter what has said
8888 here today. I just ask you to try and look at this issue
8889 from the other point of view. But whatever you do, don't
8890 make more abortions by de-funding Planned Parenthood. And I
8891 yield back.

8892 The {Chairman.} The gentleman yields back. The Chair
8893 would recognize Ms. Clarke.

8894 Ms. {Clarke.} Thank you, Mr. Chairman. I move to
8895 strike the last word. I oppose the reconciliation
8896 instructions before this Committee. I believe that access to
8897 quality healthcare is a right, and not a privilege, a right
8898 that is being trampled over by the majority's misguided
8899 reconciliation instructions. These reconciliation
8900 instructions would repeal and de-fund the Prevention and
8901 Public Health Fund. This fund helps communities, especially
8902 communities of color, and communities of modest means. It
8903 addresses disease prevention, early detection, as well as

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8904 management of chronic illness, like diabetes, and heart
8905 disease.

8906 New York has received over \$170 million from the
8907 Prevention Fund since its inception in 2010. These funds
8908 have preserved and saved lives. Some of the healthcare
8909 investments by the Fund in New York include a 3 year project
8910 funded by the Racial Ethnic Approaches to Community Health
8911 Grants Program, which addresses chronic factors by
8912 establishing community-based programs and culturally tailored
8913 interventions for communities of color, investments funded by
8914 the Emerging Infections Program to strengthen New York's
8915 ability to prevent, detect, and respond to disease outbreaks,
8916 such as Ebola outbreak that occurred in New York, and most
8917 recently Legionnaire's outbreaks in the Bronx, New York. And
8918 finally, though this Fund, New York received funding to
8919 provide vaccines to the uninsured and vulnerable New Yorkers
8920 of modest means, and thereby improved New York's vaccine
8921 safety net. Without support from these vaccine programs, the
8922 recent measles outbreak surely may have been far worse than
8923 it was.

8924 Additionally, these reconciliation instructions would
8925 also essentially strip Planned Parenthood of its Medicaid

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8926 reimbursements for one year. We know that Planned Parenthood
8927 provides critical healthcare services to more than four
8928 million women and men each year. In New York alone it
8929 provides close to 50,000 breast cancer screenings, and over
8930 36,000 cervical cancer screenings, examinations that have
8931 saved lives.

8932 I clearly recall that during the healthcare reform
8933 debate Republicans accused Democrats of rationing healthcare.
8934 But it is these Republican reconciliation instructions that
8935 is actually rationing healthcare to women and men,
8936 communities of color, and Americans of modest means, the most
8937 vulnerable Americans. Rationing healthcare services to those
8938 who need it the most flies in the face of everything that we
8939 are trying to accomplish, in terms of moving this nation
8940 forward with preventive care. Healthcare is a right, and it
8941 is not a privilege. And it was just a week ago today that
8942 Pope Francis reminded all of us of our moral obligations, one
8943 to another. The Golden Rule. Let us remember that. And I
8944 yield back the balance of my time.

8945 The {Chairman.} The gentlelady yields back. The Chair
8946 would recognize the gentleman from Iowa, Mr. Loeb sack.

8947 Mr. {Loeb sack.} Thank you, Mr. Chairman. I move to

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8948 strike the last word. First of all, I think I should say
8949 that I do agree with, I think, everything that my colleagues
8950 on this side of the aisle have said about Planned Parenthood,
8951 and the attempts to de-fund Planned Parenthood. I just--I
8952 think it is the wrong thing to do. I think it is short-
8953 sighted. I agree with my friend, Mr. McNerney. If anything,
8954 it will lead to more abortions. So I think it is really
8955 cutting off your nose to spite your face to attempt to do
8956 that.

8957 But I want to take a moment to speak to the positive
8958 effects of the Prevention and Public Health Fund, including
8959 in my state. This, to me, is more than short sighted, to try
8960 to de-fund this particular fund, this particular aspect of
8961 the Affordable Healthcare Act. Iowa, so far, has received
8962 \$43 million from the Fund, which we have put to use to
8963 implement both prevention and public health programs that
8964 improve the health of Iowans.

8965 My state received over \$580,000 from the Prevention Fund
8966 for tobacco use prevention, and in the first week of the Tips
8967 for Former Smokers campaign, Iowa saw a 59.3 percent increase
8968 in culls. Nationally this campaign, as was mentioned
8969 already, has motivated over 1-1/2 million Americans to try to

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8970 quit smoking, and 100,000 smokers have quit for good, and
8971 saved nearly 17,000 people from a premature death. In 2012
8972 Iowa also received \$180,000 through the National Breast and
8973 Cervical Cancer Early Detection Program for cancer
8974 screenings. Since its creation, this initiative has detected
8975 more than 64,000 breast cancers, 3,500 cervical cancers, and
8976 167,000 pre-malignant cervical lesions.

8977 Additionally, the aging population in Iowa is large and
8978 growing. By 2025 our population is projected to be nearly 20
8979 percent over the age of 65. And over a 2 year period the
8980 Prevention and Public Health Fund reached 19,000 individuals
8981 in Iowa, with programs proven to reduce falls and injuries
8982 among older adults. These are only a few of the critical
8983 initiatives funded by the Prevention and Public Health Fund
8984 that are saving lives. And let me repeat, saving lives.

8985 Each cancer that is caught early, each smoker who is
8986 able to quit, each case of diabetes or stroke that does not
8987 occur, and each youth suicide that is prevented is a life
8988 saved. I find it difficult to understand, quite frankly, how
8989 anyone can possibly consider cutting funding dedicated to
8990 saving lives across our country through prevention. And
8991 further, this investment in saving lives and improving health

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8992 saves money in the long run. We all have medical
8993 professionals come in and talk to us, especially folks
8994 dealing with chronic diseases. Every single one of them says
8995 prevention is the way to deal with this in the long term.
8996 And every single one of them says that this is how we are
8997 going to save costs in the long term. This is a no-brainer
8998 to me. I cannot understand why anyone truly, rationally,
8999 would want to prevent money from going into this fund. It
9000 makes no sense whatsoever.

9001 One last plea, and then I will end. You know, this
9002 body--and I understand them. You know, I am a politician,
9003 just like everybody in this body. And most of us, most of
9004 the time, unfortunately, think in the short term. And most
9005 often folks think about electoral terms. Every 2 years, how
9006 to get re-elected, how to appeal to your base. Mr. Shimkus,
9007 how to appeal to folks--and I respect you completely for what
9008 you said about what your district expects of you. I
9009 understand that, and I really do respect you for saying that.
9010 And you are a very principled person, and I appreciate that,
9011 but it is time that this institution take a long term view of
9012 things. Take a long term view of how do we deal with chronic
9013 illnesses? How do we prevent chronic illnesses? How do we

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9014 save taxpayer dollars when it comes to Medicare, when it
9015 comes to all this money that we put into our healthcare
9016 system? This is the best way to do it. And to try to take
9017 the money from the Affordable Care Act that deals with
9018 prevention and public health, to me, makes no sense
9019 whatsoever. So I am going to vote against the reconciliation
9020 instructions for a variety of reasons, but this is the
9021 biggest reason and the most important one for me. And with
9022 that, I will yield back my time.

9023 The {Chairman.} The gentleman yields back. The Chair
9024 would recognize Dr. Murphy. Strike the last work.

9025 Mr. {Murphy.} Thank you. I just want one minute here
9026 to comment on--look, this is a deeply held concern for all of
9027 us here, and getting back to--regardless of what organization
9028 is involved with this--and I do hope people, whether they are
9029 in this Committee or outside, are looking at those videos,
9030 because it does raise a concern about harvesting and selling
9031 baby parts. For profit, or not for profit, whatever that is,
9032 harvesting and selling is a concern, and it is deeply
9033 upsetting.

9034 The videos, the lengthy ones, I have watched them. And
9035 I know some people claim the editing is there or not, but it

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9036 still comes down to this. I don't hear anybody denying that
9037 it occurs. And I looked at my colleague--Joe Pitts has
9038 pointed that out, and that is part of what we are going to
9039 have to come to grips with in this Congress, and this
9040 Committee, to openly and honestly talk about what occurs
9041 there. Not just who does it, but what occurs. And I hope we
9042 find the tenacity and the heart to do so. I yield back.

9043 The {Chairman.} The gentleman yields back. It is my
9044 understanding that we are now prepared to vote. So I would
9045 move that the Committee do now approve and transmit the
9046 recommendations of this Committee, and all appropriated
9047 accompanying material, including additional, supplemental, or
9048 dissenting views, to the House Committee on the Budget in
9049 order to comply with the reconciliation directive included in
9050 Section 2002(a) of the Concurrent Resolution on the Budget
9051 for Fiscal Year 2016, S. Con. Res. 11, and consistent with
9052 Section 310 of the Congressional Budget and Impoundment
9053 Control Act of 1974.

9054 All those in favor will say aye.

9055 All those opposed, say no.

9056 In the opinion of the Chair the ayes have it. A roll
9057 call is requested. The Clerk will call the roll.

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9058 The {Clerk.} Mr. Barton?

9059 [No response.]

9060 The {Clerk.} Mr. Whitfield?

9061 Mr. {Whitfield.} Aye.

9062 The {Clerk.} Mr. Whitfield votes aye.

9063 Mr. Shimkus?

9064 Mr. {Shimkus.} Aye.

9065 The {Clerk.} Mr. Shimkus votes aye.

9066 Mr. Pitts?

9067 Mr. {Pitts.} Aye.

9068 The {Clerk.} Mr. Pitts votes aye.

9069 Mr. Walden?

9070 Mr. {Walden.} Aye.

9071 The {Clerk.} Mr. Walden votes aye.

9072 Mr. Murphy?

9073 Mr. {Murphy.} Aye.

9074 The {Clerk.} Mr. Murphy votes aye.

9075 Mr. Burgess?

9076 Mr. {Burgess.} Aye.

9077 The {Clerk.} Mr. Burgess votes aye.

9078 Mrs. Blackburn?

9079 Mrs. {Blackburn.} Aye.

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9080 The {Clerk.} Mrs. Blackburn votes aye.
9081 Mr. Scalise?
9082 [No response.]
9083 The {Clerk.} Mr. Latta?
9084 Mr. {Latta.} Aye.
9085 The {Clerk.} Mr. Latta votes aye.
9086 Mrs. McMorris Rodgers?
9087 [No response.]
9088 The {Clerk.} Mr. Harper?
9089 [No response.]
9090 The {Clerk.} Mr. Lance?
9091 Mr. {Lance.} Aye.
9092 The {Clerk.} Mr. Lance votes aye.
9093 Mr. Guthrie?
9094 Mr. {Guthrie.} Aye.
9095 The {Clerk.} Mr. Guthrie votes aye.
9096 Mr. Olson?
9097 Mr. {Olson.} Aye.
9098 The {Clerk.} Mr. Olson votes aye.
9099 Mr. McKinley?
9100 Mr. {McKinley.} Aye.
9101 The {Clerk.} Mr. McKinley votes aye.

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9102 Mr. Pompeo?

9103 Mr. {Pompeo.} Aye.

9104 The {Clerk.} Mr. Pompeo votes aye.

9105 Mr. Kinzinger?

9106 Mr. {Kinzinger.} Aye.

9107 The {Clerk.} Mr. Kinzinger votes aye.

9108 Mr. Griffith?

9109 Mr. {Griffith.} Aye.

9110 The {Clerk.} Mr. Griffith votes aye.

9111 Mr. Bilirakis?

9112 Mr. {Bilirakis.} Aye.

9113 The {Clerk.} Mr. Bilirakis votes aye.

9114 Mr. Johnson?

9115 Mr. {Johnson.} Aye.

9116 The {Clerk.} Mr. Johnson votes aye.

9117 Mr. Long?

9118 Mr. {Long.} Aye.

9119 The {Clerk.} Mr. Long votes aye.

9120 Mrs. Ellmers?

9121 Mrs. {Ellmers.} Aye.

9122 The {Clerk.} Mrs. Ellmers votes aye.

9123 Mr. Bucshon?

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9124 Mr. {Bucshon.} Aye.

9125 The {Clerk.} Mr. Bucshon votes aye.

9126 Mr. Flores?

9127 Mr. {Flores.} Aye.

9128 The {Clerk.} Mr. Flores votes aye.

9129 Mrs. Brooks?

9130 Mrs. {Brooks.} Aye.

9131 The {Clerk.} Mrs. Brooks votes aye.

9132 Mr. Mullin?

9133 Mr. {Mullin.} Aye.

9134 The {Clerk.} Mr. Mullin votes aye.

9135 Mr. Hudson?

9136 [No response.]

9137 The {Clerk.} Mr. Collins?

9138 Mr. {Collins.} Aye.

9139 The {Clerk.} Mr. Collins votes aye.

9140 Mr. Cramer?

9141 Mr. {Cramer.} Aye.

9142 The {Clerk.} Mr. Cramer votes aye.

9143 Mr. Pallone?

9144 Mr. {Pallone.} No.

9145 The {Clerk.} Mr. Pallone votes no.

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9146 Mr. Rush?

9147 Mr. {Rush.} No.

9148 The {Clerk.} Mr. Rush votes no.

9149 Ms. Eshoo?

9150 Ms. {Eshoo.} No.

9151 The {Clerk.} Ms. Eshoo votes no.

9152 Mr. Engel?

9153 Mr. {Engel.} No.

9154 The {Clerk.} Mr. Engel votes no.

9155 Mr. Green?

9156 Mr. {Green.} No.

9157 The {Clerk.} Mr. Green votes no.

9158 Ms. DeGette?

9159 Ms. {DeGette.} No.

9160 The {Clerk.} Ms. DeGette votes no.

9161 Mrs. Capps?

9162 Mrs. {Capps.} No.

9163 The {Clerk.} Mrs. Capps votes no.

9164 Mr. Doyle?

9165 Mr. {Doyle.} No.

9166 The {Clerk.} Mr. Doyle votes no.

9167 Ms. Schakowsky?

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9168 Ms. {Schakowsky.} No.

9169 The {Clerk.} Ms. Schakowsky votes no.

9170 Mr. Butterfield?

9171 Mr. {Butterfield.} No.

9172 The {Clerk.} Mr. Butterfield votes no.

9173 Ms. Matsui?

9174 Ms. {Matsui.} No.

9175 The {Clerk.} Ms. Matsui votes no.

9176 Ms. Castor?

9177 Ms. {Castor.} No.

9178 The {Clerk.} Ms. Castor votes no.

9179 Mr. Sarbanes?

9180 Mr. {Sarbanes.} No.

9181 The {Clerk.} Mr. Sarbanes votes no.

9182 Mr. McNerney?

9183 Mr. {McNerney.} No.

9184 The {Clerk.} Mr. McNerney votes no.

9185 Mr. Welch?

9186 Mr. {Welch.} No.

9187 The {Clerk.} Mr. Welch votes no.

9188 Mr. Lujan?

9189 Mr. {Lujan.} No.

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9190 The {Clerk.} Mr. Lujan votes no.
9191 Mr. Tonko?
9192 Mr. {Tonko.} No.
9193 The {Clerk.} Mr. Tonko votes no.
9194 Mr. Yarmuth?
9195 Mr. {Yarmuth.} No.
9196 The {Clerk.} Mr. Yarmuth votes no.
9197 Ms. Clarke?
9198 Ms. {Clarke.} No.
9199 The {Clerk.} Ms. Clarke votes no.
9200 Mr. Loeb sack?
9201 Mr. {Loeb sack.} No.
9202 The {Clerk.} Mr. Loeb sack votes no.
9203 Mr. Schrader?
9204 Mr. {Schrader.} No.
9205 The {Clerk.} Mr. Schrader votes no.
9206 Mr. Kennedy?
9207 Mr. {Kennedy.} No.
9208 The {Clerk.} Mr. Kennedy votes no.
9209 Mr. Cardenas?
9210 Mr. {Cardenas.} No.
9211 The {Clerk.} Mr. Cardenas votes no.

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9212 Chairman Upton?

9213 The {Chairman.} Votes aye.

9214 The {Clerk.} Chairman Upton votes aye.

9215 The {Chairman.} Members wishing to vote? Mr. Harper?

9216 Mr. {Harper.} Aye.

9217 The {Clerk.} Mr. Harper votes aye.

9218 The {Chairman.} Mr. Barton?

9219 Mr. {Barton.} Aye.

9220 The {Clerk.} Mr. Barton votes aye.

9221 The {Chairman.} Any other member wishing to cast a

9222 vote? The Clerk will report the tally.

9223 The {Clerk.} Mr. Chairman, on that vote there were 28

9224 ayes and 23 nays.

9225 The {Chairman.} 28 ayes, 23 nays? The recommendation

9226 is approved--is favorably approved. Without objection, staff

9227 is authorized to make technical and conforming changes to the

9228 reconciliation recommendations in the legislation approved by

9229 the Committee today. So ordered, and I would recognize the

9230 gentleman from New Jersey.

9231 Mr. {Pallone.} Mr. Chairman, House Rule 11, Clause 2(1)

9232 provides that for reports accompanying legislation, including

9233 investigative and other Committee reports, the minority has

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9234 the right to file supplemental minority or additional views
9235 for inclusion in the report. Under that rule, minority views
9236 would need to be filed not less than two additional calendar
9237 days from when the Committee approves the measure
9238 accompanying the report. The majority is allowed to consent
9239 to providing the minority with more time, and we are hereby
9240 asking the majority for an additional 3 days for H.R. 8.

9241 The {Chairman.} Without objection, the unanimous
9242 consent is approved. Thank you. I want to thank all members
9243 for their time today. I want to particularly thank the staff
9244 on both sides. It has been a long day, so, with that, the
9245 Committee stands adjourned.

9246 [Whereupon, at 6:20 p.m., the Committee was adjourned.]