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4 MARKUP ON H.R. 3826, THE ELECTRICITY SECURITY AND  
5 AFFORDABILITY ACT  
6 TUESDAY, JANUARY 14, 2014  
7 House of Representatives,  
8 Subcommittee on Energy and Power  
9 Committee on Energy and Commerce  
10 Washington, D.C.

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

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

19 officio).

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

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

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

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

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

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

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

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

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

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

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

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

106           So today, what our objective is, we have legislation  
107 that we think restores some common sense to the extreme views  
108 of the President. And he has been taking unilateral action,

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

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

127         So I welcome the debate that we have today on this bill.  
128 And at this time I would like to recognize the gentleman from  
129 California, Mr. McNerney, for a 5-minute opening statement.

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

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

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

133 Human-caused climate change is one of the most important  
134 issues our Nation faces today. The evidence for climate  
135 change is overwhelming, be it super storms, mega-droughts,  
136 shifting of biological systems, to the disappearance of  
137 historical glaciers, ocean acidification, or the melting of  
138 the polar ice cap. This scale of change has resulted, in the  
139 agreement of the vast majority of scientists and experts, we  
140 should be making every effort to identify the best ways to  
141 reduce greenhouse gases instead of finding ways to expand  
142 their emissions. Climate change will affect our entire  
143 economy, our public health, our national security, and the  
144 environment.

145 I believe that H.R. 3286 as drafted will be a major step  
146 backward in solving the climate change challenge. As we  
147 heard at our subcommittee hearing in November, this  
148 legislation would have the effect of preventing the Clean Air  
149 Act from reducing carbon pollution from power plants. This  
150 would be deeply irresponsible. Many of my colleagues have  
151 noted that the Nation's carbon pollution has declined from  
152 the heights of a few years ago but that doesn't mean it is  
153 time to stop our efforts. Our emissions are still far above  
154 where they need to be according to scientists and policy

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

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

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

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



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

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

181 Mr. Chairman, I yield back.

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

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

184 Mr. Upton, for 5 minutes.

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

186 know that this hearing was delayed because of the problem

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

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

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

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

191 and yield back the balance of my time.

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

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

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

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

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

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

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

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

240         We will hear that EPA must be stopped or it will be the

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

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

264 Passing the bill before us today is not a responsible

265 way to act. It will only jeopardize the future of our  
266 children and grandchildren. Don't be so myopic that you look  
267 only at your coal industry in your district and play to the  
268 cheap seats and tell them how you are saving them from the  
269 war on coal. There is no war on coal but there is a problem  
270 and we have got to solve the problem, not deny it.

271 I yield back the balance of my time.

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

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

|  
274 H.R. 3826

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

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

284 [H.R. 3826 follows:]

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

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

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

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

292           The gentleman from California is recognized.

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

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

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

297           [The amendment of Mr. Waxman follows:]

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



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

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

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

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

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

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

340         But what Congress can't do is throw itself in the gears  
341 of progress. If the House Republicans don't want EPA to act  
342 on climate change, they need to establish a credible  
343 alternative approach. And that is all my amendment does. It  
344 does not change how this bill would limit EPA's authority to  
345 address carbon pollution from coal-fired power plants. This

346 amendment simply says that those limits on EPA's authority  
347 only apply once there is an alternative approach to replace  
348 the EPA rules that is at least as effective as those rules in  
349 reducing carbon pollution.

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

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

365         And I proffer that amendment to my colleagues. I would  
366 look forward to support for it and to vote on this amendment,  
367 the vote for this bill is to put your head in the sand. This  
368 is not the way to begin 2014, nor to tell future generations  
369 that we just don't have any ideas but we are going to let

370 climate change continue and that is just unfortunate. But  
371 future generations, not way in the future, but our kids and  
372 our grandchildren and ourselves will just bear the brunt and  
373 we will just continue to allow this carbon pollution to  
374 increase from the major source, which is coal-burning power  
375 plants. So I ask for an aye vote on the amendment.

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

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

383 And certainly this Administration--and I respectfully  
384 say this--but I think the President's views have been  
385 extreme. He could not get through a Democrat-controlled  
386 House and Senate the cap-and-trade legislation and so he said  
387 that he was going to basically do it unilaterally through  
388 international agreements, through directing international  
389 financing institution like the World Bank, others, the  
390 Export-Import Bank, the U.S., not to provide any funding for  
391 a coal-powered plant anywhere even though countries like  
392 Bangladesh and elsewhere are still burning fuel oil, which is  
393 much dirtier than clean coal technology plans.

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

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

409           And so our legislation simply says on the existing  
410 regulations that will take effect in June of 2015 we want  
411 Congress to set the effective date for that regulation  
412 considering the impact on the economy, on jobs, on our  
413 ability to compete in the global marketplace because America  
414 does not have to take a backseat to anyone on cleaning up the  
415 emissions. We certainly don't have to take a backseat to  
416 China, to India, and other parts of the world.

417           And as I said in my opening statement, the President is

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

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

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

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

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

441         Mr. {Whitfield.} Well, I think we have taken a lot of

442 action on climate change already. That is why our CO2  
443 emissions are the lowest they have been in 20 years.

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

452 Mr. {Whitfield.} Yes--

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

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

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

458 Mr. {Whitfield.} We have an alternative. They are  
459 going to have to use the best available technology and that  
460 is what this bill is about. No one expects a new coal-  
461 powered plant is going to be built immediately because the  
462 natural gas prices are too low. But if 5 years down the road  
463 someone decides the technology is there, we have good  
464 technology for cleaner emissions, and we need it to  
465 strengthen our economy and create jobs and be more

466 competitive in the global marketplace. That is what we are  
467 trying to do.

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

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

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

478 Across this country we are already seeing the effects of  
479 climate change: sea level rise, more frequent and more  
480 intense forest fires, more frequent and more intense  
481 droughts, more frequent and more intense floods, more extreme  
482 storm events. People have lost their homes and lost income.  
483 Lives are at risk. Scientists are confident that these harms  
484 will rapidly grow worse as carbon pollution continues to  
485 rise. We no longer have the choice of whether to mitigate  
486 global warming by reducing carbon pollution or whether to  
487 adapt to changes it is causing. We waited too long to act.  
488 Now, we must both mitigate pollution to avert far worse harm  
489 and adapt to the harm we can no longer avoid.



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

500           President Obama has made it clear that he prefers  
501 Congress to act and House Democrats pass a bill to do so, but  
502 the congressional majority have overwhelmingly opposed any  
503 positive legislation on climate change. President Obama also  
504 made clear that doing nothing isn't an option. He pledged  
505 that if Congress won't act to protect Americans from carbon  
506 pollution, he would, and he is keeping his word.

507           I am confident that the EPA is taking on this task in a  
508 deliberate, reasonable, and balanced way. EPA's proposal  
509 would require new coal-fired power plants to use available  
510 and effective technology to control their carbon pollution.  
511 This is a balanced approach. It doesn't require plants to  
512 capture all or even most of the carbon pollution. It just  
513 requires plants to install technology and use it to capture

514 and sequester about 1/3 to 1/2 of their carbon pollution.  
515 Allowing partial capture rather than the full capture  
516 substantially lowers costs and gives utilities time to gain  
517 more experience with the technology before any more rigorous  
518 standards would be considered.

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

529 And with that, I yield back.

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

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

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

533 And I just want to point out the basic underlying reason  
534 why government gets involved in environmental protection.  
535 There is a failure in the market. There is no reason why any  
536 business would want to install anti-pollution equipment that  
537 costs money if their competitors don't also do the same

538 thing. Why do it? It doesn't make business sense. So  
539 government comes in and establishes a level playing field.  
540 If there is technology, if there is a way to reduce  
541 pollution, you have to do it. Either government requires a  
542 specific way to do it or a certain target that must be  
543 achieved because the market won't push businesses to do it on  
544 its own.

545         Now, the chairman said in his amendment we don't want  
546 EPA to require technology until technology is already being  
547 used. Well, why would any profit-making utility want to  
548 install pollution that costs money unless they are required  
549 to do it? That is just against common sense. So if we want  
550 something to be done and make it fair and make it assured for  
551 the public comments, we have to require it. And we can talk  
552 about how to require it, but simply to say, oh, we are not  
553 going to require anything until it is already done is like we  
554 are not going to have a chicken before the egg. We are not  
555 going to have an egg before the chicken.

556         Thank you for yielding to me.

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

558         When scrubbers--

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

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

561         When scrubbers--

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

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

565 Mr. {Griffith.} Mr. Chairman.

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

568 Mr. {Griffith.} Thank you very much, Mr. Chairman.  
569 Common sense, common sense, the marketplace won't make them  
570 do it. So what does that mean? Let me translate that for  
571 you. What that means is we will make things cost more in the  
572 United States by having the government raise the cost. We  
573 will get a level playing field in the United States but an  
574 unlevel playing field with all of our competitors across the  
575 world. Do you think that the Chinese are considering this  
576 policy, adopting this amendment? No, they are not. Do you  
577 think that any of the other Asian nations or the emerging  
578 economies of Africa are going to consider this when they do  
579 it?

580 We know that from NASA's studies--that is right,  
581 science, science--it takes about 10 days for the air to get  
582 from the middle of the Gobi desert to the eastern shore of  
583 Virginia, and when that air comes across without even the  
584 reasonable regulations that we have now, when you add these  
585 additional regulations on, you push our jobs to China and

586 other places in Asia and they send us back, that is right,  
587 their mercury, their pollution, their problems. We cannot  
588 solve as one nation of this world the problems that Mr.  
589 Waxman has referenced. Whatever the problems are, we cannot  
590 destroy our economy so that we can say, well, we feel good  
591 about it.

592 My district is a poor district compared with Mr.  
593 Waxman's and others. It has great people who want to work,  
594 and many of them have been working in the coal industry for  
595 generations. And many of them today are the casualties in  
596 the war on coal. And, ladies and gentlemen, I have to tell  
597 you, we are not surrendering in that war on coal. And I  
598 appreciate the chairman, Mr. Whitfield, bringing this bill  
599 forward because this bill is not a surrender. It is more  
600 like the demand that was made by the Germans at Bastogne to  
601 General McAuliffe.

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

609 I yield back.

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

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

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

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

616 Mr. {Tonko.} Thank you.

617 I support the amendment by Mr. Waxman. Our House  
618 Republican colleagues keep mentioning that United States  
619 greenhouse gas emissions are falling. They suggest that the  
620 United States doesn't need to do anything more about climate  
621 change, and I think nothing could be further from the truth.  
622 The United States' greenhouse gas emissions did fall in 2008  
623 and 2009, and that was explained primarily by the economic  
624 recession. That is an understandable statement. But since  
625 that time, our overall emissions have grown.

626 Cumulatively, the United States emissions have grown,  
627 not fallen, in 2010 and 2011, the 2 most recent years for  
628 which data are available. Claims that emissions are falling  
629 are looking only at the energy sector where fuel switching  
630 from coal to natural gas and electricity generation has  
631 helped control emissions somewhat. And even those claims are  
632 no longer accurate. Just yesterday, the Energy Information  
633 Administration, the EIA, reported that energy-related carbon

634 dioxide emissions last year grew by 2 percent as a result of  
635 fuel switching in the other direction, going from natural gas  
636 back to coal. So I think that that needs to be stated  
637 clearly as we review this legislation and the amendment.

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

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

640 The gentleman from Texas is recognized for 5 minutes.

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

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

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

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

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

676           So what Mr. Whitfield is doing is saying, look, the  
677 market is moving away from coal because of economic reasons  
678 and environmental reasons, but let's at least give coal a  
679 chance. Let's say the standard that can actually meet the  
680 marketplace, that you can develop a technology that can  
681 actually be competitive in the marketplace, that the



682 utilities can build a coal-fired power plant and actually  
683 generate power at approximately the same equivalent cost as  
684 perhaps natural gas. That is all he is saying. I don't  
685 think that is a bad idea. It gives coal a chance, doesn't  
686 really change market economics, and maybe our friends out  
687 there in the research industry can come up with a way through  
688 sequestration or carbon capture or something that really  
689 makes some economic sense. But under the current EPA rule,  
690 you are just, you know, stabbing coal in the back and saying  
691 we are never going to give you a chance. And Mr. Whitfield's  
692 bill at least says give coal a chance.

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

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

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

706 coal-fired power plants.''

707         So the point of our debate is the EPA is required, if  
708 they are going to put new standards on, to have commercially  
709 available technology to do that. It is not available today,  
710 and because it is not available today, the EPA should not  
711 place these standards on. Otherwise, we will fall into what  
712 Mr. Barton said and Mr. Griffith said, is that you will price  
713 this power so far out of the market that it won't even be  
714 viable anymore, which is part of the reason why the war on  
715 coal is, is to price the cost of electric power through coal,  
716 which is the cheapest power that you can have today. We just  
717 want to make sure it is technologically available, and that  
718 is really the basis, and that is why I ask for people to vote  
719 against the amendment.

720         I yield back Mr. Barton's time.

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

722         Is there further discussion on the amendment?

723         The gentleman from Kentucky is recognized for 5 minutes.

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

725         I won't take anywhere near the 5 minutes, but so far,  
726 the entire discussion of this amendment and this bill has  
727 been related to money and economic factors, and I represent a  
728 very urban district in which we have two major coal-fired  
729 power plants and we have schoolchildren living in the

730 vicinity of those plants who have elevated incidence of  
731 asthma and respiratory diseases. We have an elevated rate of  
732 cancer in the areas immediately surrounding those plants. So  
733 I think we can talk about climate change and global warming  
734 and dollars, but there is a human aspect to the impact of  
735 coal-fired energy, and we feel it in my district and that is  
736 the case in a number of other districts. So I think we can't  
737 lose sight of the human impact of these technologies as well.

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

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

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

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

749 We are also not just seeing the problem from pollution  
750 localized. We are seeing it universalized in the climate  
751 change. Climate change is whether it is changing to hot or  
752 cold, it doesn't make any difference because the pollution  
753 from carbon and other greenhouse gases is making an impact on

754 our country and all around the world. So since we know these  
755 pollutants are causing these problems, the only prudent thing  
756 to do is to start reducing the amount of these greenhouse gas  
757 pollutants.

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

771         Now, the history of the Clean Air Act and environmental  
772 laws is not to take advantage of technology that is there--  
773 often, that is helpful--but it develops new technology. Is  
774 this pie-in-the-sky? Well, no. We wanted to reduce the  
775 emissions from automobiles and therefore the catalytic  
776 converter was developed. We put a requirement in to reduce  
777 these pollutants, and therefore, the technology followed it.

778 That was true of the ACI, the activated carbon injector for  
779 mercury. It was true of a lot of the scrubbers. And we have  
780 talked about scrubbers and required some of them, there are  
781 only three units around, the efforts to deal with NOx.

782 So the technology is driven forward if we require that  
783 all of these companies that produce pollution have to reduce  
784 the pollution. But what this bill, which would amend the  
785 Clean Air Act wants to have us do is nothing. Don't require  
786 the coal-burning power plants to do anything. Continue to  
787 pollute. We are not going to require you to reduce the  
788 pollution. And it was described as giving coal a break.  
789 Well, we give coal a break. We don't require them to pay the  
790 costs of their doing business, the external costs, the  
791 externalities, as economists would say, for what they do in  
792 their business. And in fact, we subsidize them. I don't  
793 know what kind of tax breaks they get, but anything their  
794 legislators can accomplish to get in law, they have it. And  
795 this is another bonus to them. It is the children and the  
796 grandchildren of people all over the world that will suffer  
797 if we just keep on saying we are not going to do anything and  
798 that is it.

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

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

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

802 recognized for 5 minutes.

803           Mr. {Scalise.} I thank the chairman for yielding and  
804 especially for bringing this legislation that I am proud to  
805 be a cosponsor of.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

896         Is there further discussion on the Waxman amendment?

897         The gentleman from California is recognized for 5

898 minutes.

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

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

911 So if we provide incentives for innovation, then the  
912 industry will take up those incentives and it will improve.  
913 We will see pollution reduction and we will see cost  
914 reduction and there would be a viable industry long into the  
915 future. And I think that is an important consideration, but  
916 also what about the people that were devastated by super  
917 storm Sandy and the \$60 billion cost to the United States  
918 Government? These weather events are going to be more  
919 costly, they are going to be more devastating, they are going  
920 to hurt more and more people. We can't ignore that.

921 And finally, I would like to address the provision that

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

935 And I yield to Mr. Waxman.

936 Mr. {Waxman.} I just want to say that I have been here  
937 for decades in Congress and I was here when people came  
938 forward and said we have got pollution problems. Congress,  
939 we want you to pass a law to deal with it. We don't want the  
940 Congress to set the standards or dictate the ways of  
941 reduction for pollutants, but we want to have a law called  
942 the Clean Air Act where the Environmental Protection Agency  
943 develops the expertise. They have to look at all the  
944 scientific information and make a determination. And then  
945 when they set standards, the standards are to protect public

946 health. And in order to achieve these standards, they  
947 require that reductions in pollution that threatens public  
948 health must be reduced. And if it is a localized matter,  
949 they leave it to the States to figure out their own  
950 strategies. Sometimes it is a problem between different  
951 States if there is pollution going from one State to another.

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

960         Now, you could say, oh, wait a second. We didn't hear  
961 anything about carbon pollution in 1990. Well, some of us  
962 did, but it wasn't spelled out specifically. But what was in  
963 the law was that when pollutants cause harm to public health  
964 and safety, the law required EPA to make a finding on that  
965 regard and then to regulate. And who decided that? Well,  
966 the Supreme Court of the United States. You might not like  
967 their decision. You know what, I don't like a lot of their  
968 decisions either, but we are a nation of laws. And what this  
969 committee majority seems to want to do is to repeal the law

970 and to change its impact when it comes to coal-burning power  
971 plants. EPA, you can no longer regulate it unless there is a  
972 technology that can achieve the reductions that is already  
973 being used. Well, why would we have anybody who runs a  
974 business put in the technology if their competitors aren't  
975 going to do it, if it costs them money, if it is going to  
976 detract from their business, which is to reward their  
977 shareholders?

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

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

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

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

989         I really hadn't intended to speak. I thought this was  
990 going to be something your bill would pass through relatively  
991 quickly with that. But I have listened to the debate on a  
992 couple of the issues that have been raised. One of us talked  
993 about asthma and health standards. If someone would just pay

994 a little bit more attention to--EPA's own reports are  
995 indicating that indoor air quality is far more dangerous than  
996 outdoor air, as much as 100 times worse, and when people  
997 spend 90 percent of their time indoors, we have not been able  
998 to demonstrate that disease or the health risks that they are  
999 addressing or facing have been caused by outdoor air or  
1000 indoor air. So you can walk through a park a mile away from  
1001 a powerhouse and be 100 times safer than breathing air in  
1002 your own home or in your office, but yet we keep attacking  
1003 our coal-fired powerhouses across America because it is easy  
1004 to blame them.

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

1010 Well, let's go to some of the other matters that were  
1011 also talked about, about what answer do we have? I think  
1012 what we are trying to do--

1013 Mr. {Whitfield.} David, excuse me for interrupting.  
1014 Would you speak into your microphone? I have been told that  
1015 on the TV they are not picking up your voice.

1016 Mr. {McKinley.} The issue of trying to address the  
1017 climate change, I think we are doing it in a bill that is

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

1025         And all they want, the people in Africa who want to  
1026 build a powerhouse so that they can cook with electricity,  
1027 they can heat their homes, and we are saying because of World  
1028 Bank and the Export-Import Bank and the Treasury are saying  
1029 we are not going to loan you any money. I think you are  
1030 going to see a change. The fact that under the omnibus bill  
1031 we are going to allow them to go back and refinance so that  
1032 they can build coal-fired powerhouses there. And we are  
1033 going to reduce the CO2 emissions in the world by what we are  
1034 doing by addressing the poverty in this situation.

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

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

1051           And I get so frustrated sitting here listening to the  
1052 debate about picking on coal-fired powerhouses when the  
1053 gentleman from Virginia talks about we can accomplish all  
1054 this, we are just going to add to the cost of adding product.  
1055 We are going to hurt our middle class. We are going to cause  
1056 even a greater division between the rich and the poor when we  
1057 start raising utility bills. We are going to drive more jobs  
1058 offshore. This is serious business, and this idea of pushing  
1059 an ideology only crushes an industry here in America and puts  
1060 at risk jobs all across--it is not just coalmining jobs; it  
1061 is the railroad workers, it is the truck drivers, it is the  
1062 timber industry. All that is affected by our fossil fuels,  
1063 our coal. Let's be careful about it instead of playing an  
1064 ideological fight. Let's find out where the real fight is  
1065 and that is to get our people with jobs again.



1066 I yield back the balance of my time.

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

1069 Is there further discussion on the Waxman amendment?

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

1073 All those opposed, no.

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

1075 Mr. {Waxman.} Roll call vote.

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

1078 The {Clerk.} Mr. Scalise?

1079 Mr. {Scalise.} No.

1080 The {Clerk.} Mr. Scalise votes no.

1081 Mr. Hall?

1082 Mr. {Hall.} No.

1083 The {Clerk.} Mr. Hall votes no.

1084 Mr. Shimkus?

1085 Mr. {Shimkus.} No.

1086 The {Clerk.} Mr. Shimkus votes no.

1087 Mr. Pitts?

1088 Mr. {Pitts.} No.

1089 The {Clerk.} Mr. Pitts votes no.

1090 Mr. Terry?  
1091 Mr. {Terry.} No.  
1092 The {Clerk.} Mr. Terry votes no.  
1093 Mr. Burgess?  
1094 Dr. {Burgess.} No.  
1095 The {Clerk.} Mr. Burgess votes no.  
1096 Mr. Latta?  
1097 Mr. {Latta.} No.  
1098 The {Clerk.} Mr. Latta votes no.  
1099 Mr. Cassidy?  
1100 Dr. {Cassidy.} No.  
1101 The {Clerk.} Mr. Cassidy votes no.  
1102 Mr. Olson?  
1103 Mr. {Olson.} No.  
1104 The {Clerk.} Mr. Olson votes no.  
1105 Mr. McKinley?  
1106 Mr. {McKinley.} No.  
1107 The {Clerk.} Mr. McKinley votes no.  
1108 Mr. Gardner?  
1109 Mr. {Gardner.} No.  
1110 The {Clerk.} Mr. Gardner votes no.  
1111 Mr. Pompeo?  
1112 Mr. {Pompeo.} No.  
1113 The {Clerk.} Mr. Pompeo votes no.

1114 Mr. Kinzinger?  
1115 Mr. {Kinzinger.} No.  
1116 The {Clerk.} Mr. Kinzinger votes no.  
1117 Mr. Griffith?  
1118 Mr. {Griffith.} No.  
1119 The {Clerk.} Mr. Griffith votes no.  
1120 Mr. Barton?  
1121 Mr. {Barton.} No.  
1122 The {Clerk.} Mr. Barton votes no.  
1123 Mr. Upton?  
1124 The {Chairman.} No.  
1125 The {Clerk.} Mr. Upton votes no.  
1126 Mr. Rush?  
1127 [No response.]  
1128 The {Clerk.} Mr. McNerney?  
1129 Mr. {McNerney.} Votes aye.  
1130 The {Clerk.} Mr. McNerney votes aye.  
1131 Mr. Tonko?  
1132 Mr. {Tonko.} Aye.  
1133 The {Clerk.} Mr. Tonko votes aye.  
1134 Mr. Yarmuth?  
1135 Mr. {Yarmuth.} Aye.  
1136 The {Clerk.} Mr. Yarmuth votes aye.  
1137 Mr. Engel?

1138 [No response.]

1139 The {Clerk.} Mr. Green?

1140 Mr. {Green.} No.

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

1142 Mrs. Capps?

1143 Mrs. {Capps.} Aye.

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

1145 Mr. Doyle?

1146 Mr. {Doyle.} Aye.

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

1148 Mr. Barrow?

1149 Mr. {Barrow.} No.

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

1151 Ms. Matsui?

1152 Ms. {Matsui.} Aye.

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

1154 Ms. Christensen?

1155 Dr. {Christensen.} Aye.

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

1157 Ms. Castor?

1158 Ms. {Castor.} Aye.

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

1160 Mr. Waxman?

1161 Mr. {Waxman.} Aye.

1162           The {Clerk.} Mr. Waxman votes aye.  
1163           Chairman Whitfield?  
1164           Mr. {Whitfield.} No.  
1165           The {Clerk.} Chairman Whitfield votes no.  
1166           Mr. {Whitfield.} Are all Members recorded?  
1167           The gentleman from New York, Mr. Engel.  
1168           Mr. {Engel.} Votes aye.  
1169           The {Clerk.} Mr. Engel votes aye.  
1170           Mr. {Whitfield.} Does anyone seek recognition to be  
1171 recorded?  
1172           Okay. The clerk will report the result.  
1173           The {Clerk.} Mr. Chairman, on that vote there were 10  
1174 ayes and 19 noes.  
1175           Mr. {Whitfield.} 10 ayes, 19 noes, the amendment is not  
1176 agreed to.  
1177           At this time does anyone seek recognition to offer  
1178 another amendment to the bill?  
1179           Seeing no one seeking recognition, the question would  
1180 now occur on forwarding H.R. 3826 to the full committee.  
1181           All those in favor of the legislation, signify by saying  
1182 aye.  
1183           All those opposed, no.  
1184           In the opinion of the chair, the ayes have it.  
1185           Mr. {Waxman.} Roll call vote, Mr. Chairman.

1186 Mr. {Whitfield.} The gentleman asks for a roll call  
1187 vote. The clerk will call the roll.  
1188 The {Clerk.} Mr. Scalise?  
1189 Mr. {Scalise.} Aye.  
1190 The {Clerk.} Mr. Scalise votes aye.  
1191 Mr. Hall?  
1192 Mr. {Hall.} Aye.  
1193 The {Clerk.} Mr. Hall votes aye.  
1194 Mr. Shimkus?  
1195 Mr. {Shimkus.} Aye.  
1196 The {Clerk.} Mr. Shimkus votes aye.  
1197 Mr. Pitts?  
1198 Mr. {Pitts.} Aye.  
1199 The {Clerk.} Mr. Pitts votes aye.  
1200 Mr. Terry?  
1201 Mr. {Terry.} Aye.  
1202 The {Clerk.} Mr. Terry votes aye.  
1203 Mr. Burgess?  
1204 Dr. {Burgess.} Aye.  
1205 The {Clerk.} Mr. Burgess votes aye.  
1206 Mr. Latta?  
1207 Mr. {Latta.} Aye.  
1208 The {Clerk.} Mr. Latta votes aye.  
1209 Mr. Cassidy?

1210 Dr. {Cassidy.} Aye.  
1211 The {Clerk.} Mr. Cassidy votes aye.  
1212 Mr. Olson?  
1213 Mr. {Olson.} Aye.  
1214 The {Clerk.} Mr. Olson votes aye.  
1215 Mr. McKinley?  
1216 Mr. {McKinley.} Aye.  
1217 The {Clerk.} Mr. McKinley votes aye.  
1218 Mr. Gardner?  
1219 Mr. {Gardner.} Aye.  
1220 The {Clerk.} Mr. Gardner votes aye.  
1221 Mr. Pompeo?  
1222 Mr. {Pompeo.} Aye.  
1223 The {Clerk.} Mr. Pompeo votes aye.  
1224 Mr. Kinzinger?  
1225 Mr. {Kinzinger.} Aye.  
1226 The {Clerk.} Mr. Kinzinger votes aye.  
1227 Mr. Griffith?  
1228 Mr. {Griffith.} Aye.  
1229 The {Clerk.} Mr. Griffith votes aye.  
1230 Mr. Barton?  
1231 Mr. {Barton.} Aye.  
1232 The {Clerk.} Mr. Barton votes aye.  
1233 Mr. Upton?

1234 The {Chairman.} Aye.

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

1236 Mr. Rush?

1237 [No response.]

1238 The {Clerk.} Mr. McNerney?

1239 Mr. {McNerney.} Votes no.

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

1241 Mr. Tonko?

1242 Mr. {Tonko.} No.

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

1244 Mr. Yarmuth?

1245 Mr. {Yarmuth.} No.

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

1247 Mr. Engel?

1248 Mr. {Engel.} No.

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

1250 Mr. Green?

1251 Mr. {Green.} No.

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

1253 Mrs. Capps?

1254 Mrs. {Capps.} No.

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

1256 Mr. Doyle?

1257 Mr. {Doyle.} No.



1258 The {Clerk.} Mr. Doyle votes no.  
1259 Mr. Barrow?  
1260 Mr. {Barrow.} Aye.  
1261 The {Clerk.} Mr. Barrow votes aye.  
1262 Ms. Matsui?  
1263 Ms. {Matsui.} No.  
1264 The {Clerk.} Ms. Matsui votes no.  
1265 Ms. Christensen?  
1266 Dr. {Christensen.} No.  
1267 The {Clerk.} Ms. Christensen votes no.  
1268 Ms. Castor?  
1269 Ms. {Castor.} No.  
1270 The {Clerk.} Ms. Castor votes no.  
1271 Mr. Waxman?  
1272 Mr. {Waxman.} No.  
1273 The {Clerk.} Mr. Waxman votes no.  
1274 Chairman Whitfield?  
1275 Mr. {Whitfield.} Aye.  
1276 The {Clerk.} Chairman Whitfield votes aye.  
1277 Mr. {Whitfield.} Does anyone seek recognition to record  
1278 their vote?  
1279 Will the clerk please report the result?  
1280 The {Clerk.} Mr. Chairman, on that vote there were 18  
1281 ayes and 11 noes.

1282           Mr. {Whitfield.} The legislation is agreed to, 18 ayes,  
1283 11 nays, so the ayes have it and the bill is agreed to.

1284           Without objection, staff is authorized to make technical  
1285 and conforming changes to the legislation approved by the  
1286 Subcommittee today. So ordered.

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

1292           [The information follows:]

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

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