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4 MARKUP ON H.R. 1582, ENERGY CONSUMERS RELIEF ACT OF 2013;

5 H.R. 1900, NATURAL GAS PIPELINE PERMITTING REFORM ACT;

6 H.R. 83, TO REQUIRE THE SECRETARY OF THE INTERIOR TO ASSEMBLE

7 A TEAM OF TECHNICAL, POLICY, AND FINANCIAL EXPERTS TO ADDRESS

8 THE ENERGY NEEDS OF THE INSULAR AREAS OF THE UNITED STATES

9 AND THE FREELY ASSOCIATED STATES THROUGH THE DEVELOPMENT OF

10 ACTION PLANS AIMED AT REDUCING RELIANCE ON IMPORTED FOSSIL

11 FUELS AND INCREASING USE OF INDIGENOUS CLEAN-ENERGY

12 RESOURCES, AND FOR OTHER PURPOSES;

13 H.R. 2094, SCHOOL ACCESS TO EMERGENCY EPINEPHRINE ACT;

14 H.R. 698, HIV ORGAN POLICY EQUITY ACT (HOPE ACT); AND

15 H.R. 2052, GLOBAL INVESTMENT IN AMERICAN JOBS ACT OF 2013

16 WEDNESDAY, JULY 17, 2013

17 House of Representatives,

18 Committee on Energy and Commerce,

19 Washington, D.C.

20           The Committee met, pursuant to call, at 10:02 a.m., in  
21 Room 2123 of the Rayburn House Office Building, Hon. Fred  
22 Upton [Chairman of the Committee] presiding.

23           Members present: Representatives Upton, Hall, Barton,  
24 Whitfield, Shimkus, Pitts, Walden, Terry, Rogers, Murphy,  
25 Burgess, Blackburn, Gingrey, Scalise, Latta, McMorris  
26 Rodgers, Harper, Lance, Cassidy, Guthrie, Olson, McKinley,  
27 Gardner, Pompeo, Kinzinger, Griffith, Bilirakis, Johnson,  
28 Long, Ellmers, Waxman, Dingell, Pallone, Rush, Eshoo, Engel,  
29 Green, Capps, Doyle, Schakowsky, Matheson, Butterfield,  
30 Barrow, Matsui, Christensen, Castor, Sarbanes, McNerney,  
31 Braley, Welch, Lujan, and Tonko.

32           Staff present: Nick Abraham, Legislative Clerk;  
33 Charlotte Baker, Press Secretary; Mike Bloomquist, General  
34 Counsel; Sean Bonyun, Communications Director; Matt Bravo,  
35 Professional Staff Member; Allison Busbee, Policy  
36 Coordinator, Energy & Power; Patrick Currier, Counsel, Energy  
37 & Power; Marty Dannenfelser, Senior Advisor, Health Policy &  
38 Coalitions; Brenda Destro, Professional Staff Member, Health;  
39 Tom Hassenboehler, Chief Counsel, Energy & Power; Brittany  
40 Havens, Legislative Clerk; Peter Kielty, Deputy General  
41 Counsel; Jason Knox, Counsel, Energy & Power; Brandon Mooney,  
42 Professional Staff Member; Andrew Powaleny, Deputy Press

43 Secretary; Michelle Ash, Democratic Chief Counsel, Commerce,  
44 Manufacturing, and Trade; Jeff Baran, Democratic Senior  
45 Counsel; Phil Barnett, Democratic Staff Director; Jen  
46 Berenholz, Democratic Chief Clerk; Alison Cassady, Democratic  
47 Senior Professional Staff Member; Greg Dotson, Democratic  
48 Staff Director, Energy and Environment; Caitlin Haberman,  
49 Democratic Policy Analyst; Bruce Ho, Democratic Counsel; Ruth  
50 Katz, Democratic Chief Public Health Counsel; Karen  
51 Lightfoot, Democratic Communications Director and Senior  
52 Policy Advisor; Roger Sherman, Democratic Chief Counsel;  
53 Alexandra Teitz, Democratic Senior Counsel, Environment and  
54 Energy; and Will Wallace, Democratic Policy Analyst.

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55 H.R. 1582

56 10:02 a.m.

57 The {Chairman.} Good morning, everyone. The Committee

58 will come to order.

59 And at the conclusion of the opening statements yesterday,

60 the chair called up H.R. 1582, and the bill was open for

61 amendments at any point. Are there any bipartisan amendments

62 to the bill?

63 [H.R. 1582 follows:]

64 \*\*\*\*\* INSERT A \*\*\*\*\*

|  
65           The {Chairman.}   Seeing none, we will go to other  
66 amendments.

67           The chair would recognize the gentleman from Texas for  
68 what purpose?

69           Mr. {Barton.}   Mr. Chairman, I have an amendment at the  
70 desk.

71           The {Chairman.}   The clerk will report the title of the  
72 amendment.

73           The {Clerk.}    Amendment to the committee print of H.R.  
74 1582 offered by Mr. Barton of Texas.

75           [The amendment of Mr. Barton follows:]

76           \*\*\*\*\* INSERT 1 \*\*\*\*\*

|  
77           The {Chairman.} And the amendment will be considered as  
78 read. The text of the amendment will be given to the  
79 Members, and the gentleman from Texas is recognized for 5  
80 minutes in support of his amendment.

81           Mr. {Barton.} I thank the chairman. At the markup at  
82 subcommittee, we had a very lengthy and spirited discussion  
83 with Ranking Member Rush of the subcommittee and Ranking  
84 Member Waxman of the full committee about an amendment that  
85 Mr. Rush had put into play that went into some detail on  
86 estimating the benefits of specific rules and also the cost.  
87 There was some discussion about accepting the Rush amendment  
88 as is. There was some discussion about withdrawing it. But  
89 at the end of the markup, there was a decision to continue to  
90 work with Mr. Rush with no guarantees either way, that the  
91 minority would accept a compromise, nor was there a guarantee  
92 that the majority would accept it.

93           But in any event, a good faith effort was made to find a  
94 middle ground between the minority and the majority and my  
95 staff indicates to me that those discussions were serious and  
96 that they were heartfelt but that no compromise could be  
97 agreed upon.

98           Consequently, this amendment is my attempt, in the  
99 spirit of what we agreed to do at the subcommittee markup, to

100 incorporate as much of the Rush amendment as we could and to  
101 the Barton amendment and then move forward. So this  
102 amendment would try to delineate the relationship between the  
103 Department of Energy and the Environmental Protection Agency  
104 and also give some additional definition to exactly how you  
105 define benefits and costs and how you calculate them.

106 I will say, Mr. Chairman, while this was not a part of  
107 the discussion, my staff has given me information about the  
108 so-called social cost of carbon that the EPA has begun to use  
109 when trying to estimate both the benefits of some of their  
110 rules and the cost if you were not to implement these new  
111 rules. I have spent some time trying to understand the  
112 social cost of carbon, and as far as I can determine, it is  
113 an elegant way to basically, when you propose a rule, you can  
114 plug in certain numbers and you can get any benefit that you  
115 want from it using various discounts and rates of returns and  
116 net present values.

117 I am not going to in this amendment but at some point in  
118 the future, I may introduce a bill or may even ask the full  
119 committee or subcommittee to hold a hearing on the social  
120 cost of carbon and how it is calculated and how in the world  
121 the EPA was able to just out of the blue begin to use this  
122 particular calculation with no direction from the Congress.

123 But that is another issue, and for purposes of this day,

124 I simply offer the amendment to the bill and would hope that  
125 we would agree to it.

126 The {Chairman.} Does the gentleman yield back?

127 Mr. {Barton.} I am happy to yield back.

128 The {Chairman.} The chair would recognize the gentleman  
129 from California, Mr. Waxman.

130 Mr. {Waxman.} Thank you, Mr. Chairman.

131 The underlying bill mandates a skewed analysis of  
132 important EPA rules by requiring DOE to pretend that the  
133 rules provide absolutely no benefits. And then the bill  
134 indefinitely delays or even blocks those rules based on that  
135 one-sided analysis.

136 At last week's subcommittee markup, Mr. Rush offered an  
137 amendment to ensure that the benefits of EPA rules are  
138 considered in the analysis of the rules and the final  
139 determination as to whether those rules should be blocked.  
140 Many of these rules have huge benefits to public health and  
141 consumers. Mr. Rush's amendment was rejected but the  
142 majority staff shared this new amendment with our staff and  
143 we requested additional changes but those changes were not  
144 made.

145 As a result, this Republican amendment is a minor  
146 improvement to a very bad bill. I don't object to the  
147 amendment but it does not fix the serious problem with this



148 bill. The bill still allows DOE to veto EPA public health  
149 rules. And it still creates a costly and duplicative review  
150 process for EPA rules. Because there are no deadlines for  
151 this cumbersome process, important EPA rules can be delayed  
152 indefinitely.

153 The amendment does not even fully address the concerns  
154 Mr. Rush raised last week. With this amendment, DOE's  
155 analysis of EPA rules still focuses on the negative factors.  
156 The amendment directs DOE to look only at any adverse effects  
157 on energy costs, energy supply, and electrical reliability.  
158 That is a skewed approach that paints EPA rules in the worst  
159 possible light, ignoring the important benefits.

160 Yet in his opening statement, the Chairman of the Energy  
161 and Power Subcommittee argued that we must pass this  
162 legislation because EPA should have done a better job  
163 analyzing the Mercury and Air Toxics Standard Rule. He said  
164 the EPA underestimated how many coal plants would choose to  
165 shut down instead of clean up their toxic mercury pollution.  
166 But the chairman appears to be attributing every electric  
167 utility decision to increase the use of natural gas at the  
168 expense of coal over the last few years to the EPA rule  
169 itself. That doesn't make sense.

170 When you talk about energy experts and the electrical  
171 utilities, you learn that the price of natural gas, not rules

172 under the Clean Air Act, has been the key factor in this  
173 transition from coal to natural gas. In fact, as the price  
174 of natural gas has increased over the past few months, the  
175 use of coal has started to increase as well. Those are  
176 called market forces, not related to regulation, but market  
177 forces. They have an impact.

178       Every year, EPA's mercury rule will help reduce mercury  
179 pollution, prevent up to 11,000 premature deaths, deliver up  
180 to \$90 billion in benefits to the Nation. It is a tremendous  
181 success story that will deliver up to \$9 of benefits for  
182 every dollar spent. That this rule should be the poster  
183 child for the kind of public health rule this legislation is  
184 designed to block shows just how misguided this legislation  
185 truly is.

186       The amendment before us will be adopted and it is an  
187 improvement because we will be looking at some of the  
188 benefits and not just the costs, but regardless of this  
189 amendment, the bill remains deeply flawed. Nothing in this  
190 amendment changes the fact that this bill is an assault on  
191 public health and environmental protections.

192       I thank you, Mr. Chairman, yield back my time.

193       The {Chairman.} The gentleman yields back. Are there  
194 other Members wishing to speak on the amendment?

195       The gentleman from Louisiana is recognized.

196 Dr. {Cassidy.} Yes, I speak in favor of the amendment.  
197 The amendment clearly says page 2, lines 4 and 5, that the  
198 cost and benefits of the rules shall be considered and their  
199 limitations. And I think, although my colleague from  
200 California speaks kind of rosily of the analyses performed by  
201 the EPA, my poster child for the problem is the EPA  
202 formaldehyde law rule which the National Academy of Sciences  
203 said that no way could support their conclusions. And you  
204 may recall that when they came and testified I asked whether  
205 these scientists would allow that analysis to be published in  
206 a peer-reviewed journal and they said they would not.

207 So the issue is that the EPA's science does not support  
208 their conclusions but they will promulgate a rule which will  
209 have deleterious effects upon the economy, upon employment,  
210 and upon the health insurance benefits of those employees.  
211 As a physician, I know that someone's economic standing  
212 greatly influences their health.

213 One of the primary determinates of someone's health is  
214 how wealthy they are. If they have a good job with good  
215 benefits, they are in better health. If you have legislation  
216 which is crafted upon faulty methodology which outside  
217 agencies strongly critique, and in the meantime it costs jobs  
218 and people lose these good benefits and lose these good  
219 wages, not only does the worker but her family and her

220 children, her husband, their spouse, you name it, their  
221 health statistically is prone to suffer.

222         So if we were basing this upon great methodology, I  
223 would be a little bit okay with it. As it turns out, I do  
224 think this amendment does allow those costs and benefits of  
225 the health benefits to be considered and I will also have an  
226 independent review of just how well the EPA is doing their  
227 methodology.

228         Lastly, I will just say about market forces, market  
229 forces also include the price of compliance with regulation,  
230 and so if you make a regulatory regime more onerous, then  
231 clearly that is going to factor into the market force moving  
232 from one fuel to the other. With that--

233         Mr. {Whitfield.} Will the gentleman yield?

234         Dr. {Cassidy.} I yield.

235         Mr. {Whitfield.} I thank the gentleman for yielding. I  
236 just want to make a comment that Mr. Cassidy's legislation in  
237 my view brings real transparency to the process at EPA.  
238 Everyone keeps talking about that his amendment did not  
239 really include benefits. The truth of the matter is when EPA  
240 does their analysis, they do an exceptionally good job of  
241 calculating benefits. As a matter fact, they not  
242 infrequently overestimate benefits.

243         So the mere fact that EPA already looks at benefits and

244 now there is nothing in this legislation that precludes this  
245 commission that I will call it to look at benefits as well.

246         And a reference was made to utility MACT earlier and  
247 when EPA came to Congress to testify about all the benefits  
248 of utility MACT, the only thing basically that they talked  
249 about publicly was the significant reduction in mercury  
250 emissions, and yet we know from the hearings that we had that  
251 the documentation at EPA showed that the benefits did not  
252 come from mercury reduction but came from particulate matter  
253 reduction. So in my view they were misleading the American  
254 public. And any legislation that will bring more  
255 transparency to this process, I think, will be beneficial to  
256 all of us.

257         And I would yield back to the gentleman. Thank you.

258         Dr. {Cassidy.} Yes, reclaiming my time, I would also  
259 point out that a sharp critique from public health experts  
260 exactly how EPA calculated the benefits from that particulate  
261 matter reduction, and so again I think that this will allow  
262 that sort of--we shouldn't fear it, that transparency that  
263 will make hopefully good laws better or bad laws not able to  
264 destroy jobs of hard-working Americans. If no one else wants  
265 my time, I will yield back.

266         The {Chairman.} The gentleman yields back. Are there  
267 other Members wishing to speak on the amendment?

268 Mr. {Rush.} Mr. Chairman?

269 The {Chairman.} The gentleman from Illinois is  
270 recognized for 5 minutes.

271 Mr. {Rush.} Thank you, Mr. Chairman.

272 Mr. Chairman, I appreciate my friend from Texas' attempt  
273 to add elements of my amendment that I introduced in  
274 subcommittee in order to require an analysis of some of the  
275 benefits, as well as an extensive list of costs of the EPA  
276 rules. However, Mr. Chairman, the language of Mr. Barton's  
277 amendment does not include the in-depth analysis for all of  
278 the benefits just has it does for the underlying bill as it  
279 relates to cost.

280 And even more importantly, Mr. Chairman, the bill still  
281 allows the Department of Energy to veto the EPA rules which  
282 again I want to remind Members is absolutely unprecedented.

283 So, Mr. Chairman, it is for those reasons that I cannot  
284 support the underlying bill, although I will support Mr.  
285 Barton's amendment.

286 And Mr. Chairman, I yield the balance of my time to the  
287 ranking member, Mr. Waxman.

288 Mr. {Waxman.} Thank you for yielding to me. I just  
289 want to push back at the comments that Mr. Cassidy just made  
290 bringing up the National Academy of Sciences' review of EPA's  
291 draft formaldehyde assessment. I am not sure why we are

292 talking about this review in the context of the bill because  
293 EPA's assessment is not an energy-related rule. In fact, it  
294 is not a rule at all. The draft assessment is simply a  
295 scientific analysis of hazard data.

296         The argument appears to be that EPA did not perform a  
297 thorough and scientific assessment of formaldehyde, and  
298 therefore, the Department of Energy should be required to  
299 veto important public health protections. But that is not  
300 with the National Academy said. The National Academy agreed  
301 with the EPA that formaldehyde exposure may cause a decrease  
302 in pulmonary function. They agreed with EPA that there was  
303 sufficient evidence of a causal association between  
304 formaldehyde and certain cancers. They also agree with EPA  
305 that there was a causal relationship between formaldehyde  
306 exposure and lesions of the upper respiratory tract, sensory  
307 irritation, and allergic sensitization.

308         While the National Academy didn't agree with everything  
309 that EPA found in its draft formaldehyde assessment, they did  
310 not reject EPA's basic finding that formaldehyde exposure is  
311 linked to several serious health issues, including cancer.

312         And we should keep in mind that this was a draft  
313 assessment and experts at EPA are still working to  
314 incorporate the review comments that they received. That is  
315 an essential part of a science-based and risk-based

316 regulation.

317           But in the context of today's markup, the National  
318 Academy's review of EPA's draft formaldehyde assessment does  
319 not tell us anything about EPA's energy rules, nor does it  
320 tell us anything about the methods that EPA uses to calculate  
321 the benefits and costs of its rules, and it does nothing to  
322 inform the Committee about whether we should get DOE an  
323 unprecedented veto power over EPA's rules.

324           I thank the gentleman for yielding so I can raise those  
325 points because otherwise I think the previous statements  
326 might be misleading.

327           Mr. {Rush.} Mr. Chairman, if there is anybody else on  
328 my side who would like to--I yield to the chairman emeritus  
329 of the committee, Mr. Dingell.

330           Mr. {Dingell.} I want to thank my good friend.

331           I want to tell the author of the amendment that this is  
332 said with a great deal of respect and affection, but we have  
333 a proposal here which is very bad. We have a very complex  
334 rulemaking which has to take place by the EPA.

335           First, they find the health, then they find the economic  
336 consequences and they make a number of other things, and all  
337 this is subject to lawsuit at every turn of the road.  
338 Industry is not able to get quick decisions; this is one of  
339 the things that is causing industry all manner of trouble



340 because they can't make the decisions because they don't have  
341 clarity to the process.

342         So what we are doing here today with this legislation is  
343 adding a new level of convolution and obfuscation and  
344 litigation. The lawyers are going to love this and industry  
345 is going to find that this is going to confuse the process  
346 still more and leave us with a situation where we are not  
347 able to accomplish our basic purposes of having speedy and  
348 efficient government operate at relatively modest cost.  
349 There is a whole new overlay of responsibility that is going  
350 to take place and other under this legislation.

351         And it so happened that already the different agencies  
352 are compelled to comment on this and that includes the  
353 Department of Energy, which has to comment on this to the  
354 Office of Management and Budget as a process goes forward.

355         So what we are doing is spreading a magnificent level of  
356 confusion, affording a wonderful opportunity for there to be  
357 lots of litigation and lawsuits and trouble and difficulty  
358 over all kinds of questions, including when is there 1  
359 billion which is given, which is going to be caused by the  
360 particular proposal? Is that over 6 weeks, 6 months, 6  
361 years, or 60 years? Nobody knows. But we don't have any  
362 answers to those questions because we have had no significant  
363 hearings and no opportunity to learn what is going on. So

364 the merciful thing that I can say about this piece of  
365 legislation is it is not going to become law because the  
366 Senate is not going to take it up. It is not going to be  
367 signed into law by the President. I am sure it is going to  
368 be--

369 Mr. {Barton.} Mr. Chairman, I love the chairman  
370 emeritus but he is a minute-and-a-half over.

371 The {Chairman.} Yes.

372 Mr. {Dingell.} Pardon?

373 Mr. {Barton.} I said I love you, Mr. Chairman Emeritus,  
374 but you are a minute-and-a-half over.

375 Mr. {Dingell.} You have my apologies, gentleman. I am  
376 so enthusiastic about this amendment that I lost control of  
377 the time.

378 The {Chairman.} The gentleman's time from Illinois has  
379 expired. Are there further Members wishing to speak on the  
380 amendment?

381 The gentleman from Texas is recognized for 5 minutes.

382 Mr. {Olson.} I thank the chair and I would like to  
383 yield the balance of my time to my colleague from Louisiana,  
384 the author of the bill, Mr. Cassidy.

385 Dr. {Cassidy.} Thank you, Mr. Olson.

386 Just a couple of responses to Mr. Waxman.

387 Yes, the formaldehyde bill is not an energy bill but it

388 certainly reflects a methodology. I don't think we have to  
389 be so literal as to understand the inner workings as best we  
390 can of EPA. And there is a process by which it can be  
391 reviewed. Texas DEQ had to throw everybody on board because  
392 they were given such a short window to review. The comment  
393 period in Texas is a big State, lots of resources. They had  
394 to unwind the methodology that was used in the regression  
395 analysis and it was very difficult but this big State was  
396 able to do it. And so now it took them 6 weeks but that was  
397 all the time to do or something like that. It was some short  
398 period of time. I don't have it in front of me.

399         And the National Academy of Sciences is not so sanguine  
400 about the formaldehyde review as you suggest. I don't have  
401 that review of front of me but I recall parts of it. The  
402 cancer that was caused was in rats. It was nasal laryngeal  
403 and the National Academy of Sciences can't deny that it  
404 caused cancer in the nasal passages of rats, but the National  
405 Academy of Sciences wasn't quite so endorsing this would pose  
406 the harm to humans that EPA suggested.

407         So in the same way--granted it is not energy--we see EPA  
408 casting out a rule which will have a negative impact upon  
409 employment, therefore people working, therefore people with  
410 wages and benefits that can pay for their healthcare,  
411 therefore their health, and they are doing it on something

412 which was not transparent.

413 Texas DEQ had a very difficult time doing this.  
414 National Academy of Sciences specifically criticized the lack  
415 of transparency in the methodology section, and indeed, some  
416 of the conclusions were not warranted.

417 I think it is reasonable to ask EPA to be a little bit  
418 more forthcoming in how they arrive at their conclusions to  
419 allow that American worker whose job may be destroyed to at  
420 least know if it is valid that it should be so destroyed.

421 I yield back--

422 Mr. {Hall.} Does the gentleman yield?

423 Dr. {Cassidy.} It is his time to control. No, Mr.  
424 Hall.

425 Mr. {Olson.} I yield my time to Mr. Hall from Texas.

426 Mr. {Hall.} Thank you. I admire you for everything you  
427 said, and it is just a continuation of the assault we have  
428 had in defense against EPA, a defense we wouldn't have had to  
429 had had we elected a different President. It said on April  
430 12 of 2013 the Subcommittee on Energy and Power held a  
431 legislative hearing on a discussion draft of the Energy  
432 Consumers Relief Act of 2013, and it provided for greater  
433 transparency and all that. But it winds up saying that it  
434 would cause significant adverse effects to the economy. That  
435 is what the EPA has been doing. That is their practice. We

436 have proven time and time again, we have had testimony from  
437 people who came here testifying for the EPA that says that  
438 they have made some mistakes. And we get a new president, we  
439 will correct things, but this bill goes a step of the way  
440 doing that. I yield back my time. Thank you.

441 Mr. {Waxman.} Will the gentleman yield to me?

442 The {Chairman.} Mr. Olson.

443 Mr. {Waxman.} The gentleman from Texas?

444 Mr. {Hall.} Well, since Mr. Barton apologized for  
445 saying that you were to be compared with my cat, I will. My  
446 cat is still mad about that.

447 Mr. {Olson.} To the ranking member in the spirit of  
448 bipartisanship, sure, I yield the balance of my time to you,  
449 sir.

450 Mr. {Waxman.} Thank you for yielding to me. I just  
451 want to say that in this demonization of EPA, Mr. Cassidy is  
452 raising the National Academy to great stature, and I agree  
453 the National Academy has great stature. I just want to  
454 remind my colleagues the National Academy has said that  
455 climate change is a serious issue, it is a threat to this  
456 planet, and it should be a very high priority. So if we are  
457 going to look to the National Academy for guidance, let's  
458 recognize where they have a very clear position urging us to  
459 take action.

460 In the area of formaldehyde, I don't think their  
461 position was nearly as clear as Mr. Cassidy would suggest,  
462 and EPA is still working on that draft. Now if EPA had a  
463 time limit in which they had to make a decision, maybe they  
464 can make a decision on a flawed draft. That would be one of  
465 the problems when you put deadlines and then deem something  
466 approved. We are going to have been in a few minutes on  
467 another bill, but I just wanted to point that out because I  
468 have a great respect for the National Academy of Sciences and  
469 I also have respect for the work that EPA is doing.

470 If EPA were not doing its job, the health of the  
471 American people and the cost to all of us would be  
472 dramatically increased. And it is not just rats, it is  
473 humans that get cancer and our studies, as the doctor well  
474 knows, may well be on rats because we can learn from what is  
475 happening with them what will also happen to us. Thank you.

476 The {Chairman.} The gentleman's time is expired. Other  
477 Members wishing to speak on the amendment? Seeing none, the  
478 vote occurs on the amendment from the gentleman from Texas,  
479 Mr. Barton.

480 All those in favor will say aye.

481 Those opposed, say no.

482 In the opinion of the chair, the ayes have it. The ayes  
483 have it. The amendment is adopted.

484           Are there further amendments to the bill? The gentleman  
485 from California, Mr. Waxman.

486           Mr. {Waxman.} Mr. Chairman, I have an amendment at the  
487 desk.

488           The {Chairman.} The clerk will report the title of  
489 amendment.

490           The {Clerk.} Amendment to the committee print of H.R.  
491 1582 offered by Mr. Waxman of California.

492           [The amendment of Mr. Waxman follows:]

493           \*\*\*\*\* INSERT 2 \*\*\*\*\*

|  
494           The {Chairman.} And the amendment will be considered as  
495 read. The staff will distribute the amendment and the  
496 gentleman from California is recognized for 5 minutes in  
497 support of his amendment.

498           Mr. {Waxman.} Thank you, Mr. Chairman.

499           My amendment is straightforward. It eliminates the  
500 bizarre provision in the bill that gives the Secretary of  
501 Energy the unprecedented authority to effectively veto EPA  
502 public health rules. Under this bill, if DOE determines that  
503 a rule would cause any ``significant adverse effects to the  
504 economy,' ' EPA would be locked for finalizing the rule. It  
505 makes no sense to allow DOE to veto EPA public health rules,  
506 especially since the veto would be based on macroeconomic  
507 analysis that is outside of DOE's area of expertise.

508           This is a broad assault on key public health rules. If  
509 this bill became law, important clean air and clean water  
510 protections would be at risk. The terms in the bill are so  
511 expansive and so vague that nearly every major public health  
512 standard would be affected.

513           Now, last Congress, the House voted 145 times to block  
514 EPA rules. That is more times than we voted to repeal the  
515 Affordable Care Act. The House voted to block EPA regulation  
516 of mercury and other toxic pollutants from power plants and



517 incinerators. The House voted to strip EPA of authority to  
518 set water quality standards, and the House voted to overturn  
519 EPA's scientific finding that carbon pollution endangers  
520 health and the environment. That is, by the way, finding  
521 that the National Academy of Sciences has made as well.

522 None of these assaults on EPA was enacted. They all  
523 died in the Senate, so now the majority is trying a new  
524 approach: give another agency veto power over EPA rules.  
525 Well, this bill would set a terrible precedent. If we give  
526 DOE a veto over EPA, where do we stop? Are we going to get  
527 the Commerce Department a veto over the Department of State  
528 or the CDC a veto over the FDA? This bill is a recipe for  
529 making the federal agencies as dysfunctional as Congress has  
530 become. No one should want that.

531 The DOE veto is not consistent with the stated purpose  
532 of the bill. We keep hearing that this bill is about having  
533 DOE perform an independent analysis of EPA rules. But this  
534 bill goes far beyond that. It will indefinitely delay a host  
535 of future EPA rules while DOE performs analyses in  
536 consultation with six other agencies and then DOE would be  
537 authorized to actually block EPA rules.

538 The regulatory analysis process established by the bill  
539 would be duplicative. EPA already examines the costs and  
540 benefits of its rules. And that analysis would be subject to

541 extensive interagency review. DOE would then participate in  
542 this well-understood and thorough interagency review process.  
543 Any concerns DOE has about a potential rule can be addressed  
544 in that process. They can give their views to EPA. In fact,  
545 that is how DOE's concerns are addressed today. We don't  
546 need to create an unprecedented veto power for DOE.

547         The result would be a costly and duplicative parallel  
548 regulatory review process. That is a waste of taxpayer  
549 funds. Do we want more government bureaucracy? That is what  
550 this bill would accomplish. This bill has serious flaws but  
551 the DOE veto tops the list. So my amendment simply  
552 eliminates this provision. It says DOE would not be able to  
553 veto an EPA proposal.

554         I have yet to hear any proponent of this bill explain  
555 why it makes sense to empower DOE to veto another agency's  
556 rules. The American public wants serious legislation focused  
557 on solving real problems, not mere political messaging bills  
558 with no prospect of becoming law.

559         So I urge the adoption of this amendment to eliminate  
560 this unjustifiable DOE veto authority.

561         And if nobody wants my time, I will yield it back.

562         The {Chairman.} The gentleman yields back. The chair  
563 recognizes the gentleman from Texas, Mr. Barton.

564         Mr. {Barton.} Thank you. And I am going to yield quite

565 a bit of my time to the subcommittee chairman, Mr. Whitfield.

566 Well, we just need to put things on the table. Mr.  
567 Waxman is correct in the intent of the bill, and the reason  
568 that we are offering or supporting the Cassidy bill is that  
569 EPA has almost unchecked authority under current law to  
570 propose and implement these rules with no real requirement  
571 that they conduct any kind of a cost-benefit analysis.

572 And I wasn't in the committee when the original Clean  
573 Air Act was passed, Clean Water Act, and all those, but at  
574 that time when they were passed we had rivers that were  
575 catching on fire and there were clear and obvious current  
576 present dangers to the environment and to some of the  
577 industries and groups that were polluting. That is not the  
578 case today.

579 This specific issue that some of us are concerned about,  
580 CO2 emissions, carbon dioxide emissions, they are running  
581 models 300 years in the future and using the most esoteric  
582 variables to come up with negative consequences if we don't  
583 reduce CO2. But it is not a clear and present danger today.  
584 And so the Cassidy bill clearly states let's put a check on  
585 the EPA. Let's have the Department of Energy, whose  
586 Secretary is going to be appointed by the same President who  
587 appoints the administrator of the EPA and require if the rule  
588 costs a billion dollars or more, there has to be a real

589 analysis and an independent evaluation of that rule. Now,  
590 you can't sugarcoat that.

591 Most of the majority of this committee thinks the EPA is  
592 out of control. A fair number of the minority thinks they  
593 are not out of control but even some of the minority side  
594 thinks there ought to be some check on the EPA.

595 If you accept the Waxman amendment, there is no reason  
596 for the bill. Now, that is a good thing if you are in the  
597 minority apparently, but it is a bad thing if you are in the  
598 majority. So, you know, this is one of those that is kind of  
599 a fish-or-cut-bait deal. If you think the EPA is always  
600 right and they are always there and they always, you know,  
601 they are just blessed by the Lord to always take everything  
602 into account, then support the Waxman amendment and then vote  
603 against the bill. But if you think the EPA could be  
604 perfected and it wouldn't be a bad idea to have an  
605 independent analysis, in this case the Department of Energy,  
606 then reject the Waxman amendment and support the underlying  
607 bill.

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

609 Mr. {Barton.} Let me yield to Mr. Whitfield first and  
610 then if there is time, I will certainly yield time to Mr.  
611 Waxman.

612 Mr. {Whitfield.} I want to thank the gentleman for

613 yielding.

614           And once again, this really is about transparency and of  
615 course the Waxman amendment would actually strike the  
616 provision that gives the Department of Energy the opportunity  
617 to overturn or prohibit the regulation.

618           But one theme that comes through consistently whatever  
619 EPA comes up to testify in Congress, we know that they  
620 calculate the benefits very well, the health benefits and so  
621 forth, but when we ask them questions, do they ever estimate  
622 the cost, even the health cost of the impact of families who  
623 lose jobs because of regulations put out by EPA, the answer  
624 is no.

625           So all the Cassidy bill does is it gives the Secretary  
626 of Energy, Secretary of Commerce, Secretary of Labor, Small  
627 Business Administration an opportunity to meet together to  
628 analyze the impact on jobs, loss of jobs, the gross domestic  
629 product, the effect on the economy.

630           And I think that with this EPA being the most prolific  
631 in history under this Administration, this simply provides a  
632 more balanced, transparent approach. And that is the whole  
633 purpose of the legislation. And I see nothing wrong with it  
634 to have a more balanced approach. And I would yield back to  
635 you.

636           Mr. {Barton.} Mr. Waxman is welcome to my last 4

637 seconds.

638           The {Chairman.} The gentleman's time is expired. The  
639 gentlelady from Illinois recognized for 5 minutes.

640           Ms. {Schakowsky.} Thank you. My friend, Mr. Barton,  
641 said that the EPA has ``unchecked ability to issue rules,''  
642 and yesterday in his opening statement the chairman also said  
643 that this legislation will finally put some interagency  
644 checks and balances on the EPA, and I just wanted to counter  
645 that statement because it overlooks the existing review  
646 process for rules. Every single EPA rule is scrutinized up  
647 and down by numerous federal agencies as well as the key  
648 stakeholders and the public.

649           Let me explain. Under current law and practice EPA must  
650 meet numerous statutory and administrative requirements for  
651 economic impact analysis and public review of proposed rules  
652 before they are finalized. For economically significant  
653 rules, the EPA must provide the Office of Information and  
654 Regulatory Affairs at OMB with an assessment, and to the  
655 extent possible, a quantification of the benefits of the  
656 proposed rule such as benefits to human health and the cost  
657 of the proposed rule, such as the cost of complying with the  
658 regulations and any adverse effects on employment.

659           The EPA also must assess the cost and benefits of  
660 potential alternatives to the proposed rule and explain why

661 the proposal is the preferred alternative. The EPA compiles  
662 all this information into a regulatory impact analysis, which  
663 is issued for public comment as part of the proposed rule.

664         These analyses are extensive. The analysis for the  
665 Mercury and Air Toxics rule is 510 pages long. The analysis  
666 for the new Tier 3 rule is 532 pages long. Other statutes  
667 that apply to EPA rulemaking include the Paperwork Reduction  
668 Act, which requires federal agencies to collect information  
669 from entities in the least burdensome way; the Regulatory  
670 Flexibility Act and Small Business Regulatory Enforcement  
671 Fairness Act, which requires federal agencies to assess and  
672 minimize the impact of a proposed rule on small businesses  
673 and other small entities; the Unfunded Mandates Reform Act,  
674 which requires federal agencies to assess the effects of  
675 their regulatory actions on state, local, and tribal  
676 governments and the private sector; and numerous Executive  
677 Orders pertaining to the impacts of federal rules on  
678 particular populations. According to the GAO, these  
679 requirements are ``clearly voluminous and require a wide  
680 range of procedural consultative and analytical action on the  
681 part of the agencies.''

682         In addition, OMB manages an extensive interagency review  
683 process to allow other agencies, including the Department of  
684 Energy, Department of Commerce to comment on EPA rules prior

685 to their proposal and finalization.

686 EPA must submit its rules for broader public comment  
687 giving key stakeholders and concerned citizens the  
688 opportunity to weigh in. EPA then has to respond to those  
689 comments when finalizing the rule.

690 So the EPA rules go through numerous layers of public  
691 review and interagency review as required by law and  
692 Executive Order. And in these times of budget cuts and  
693 sequestration, I am surprised that my Republican colleagues  
694 are calling for yet another government analysis. It is  
695 wasteful and duplicative and it certainly is not true that  
696 the EPA has an unchecked ability to issue rules.

697 And as my colleague and the chairman emeritus says, it  
698 is also very expensive. And I yield back.

699 The {Chairman.} The gentlelady yields back. Are there  
700 other Members wishing to speak on the amendment?

701 The gentleman from Illinois, Mr. Shimkus.

702 Mr. {Shimkus.} Thank you, Mr. Chairman. Just a brief  
703 comment.

704 First of all, I want to thank my colleagues for all the  
705 well wishes for my absence last week, thus proving a second  
706 time that Republicans do have heart. So I do want to thank  
707 the cards and comments provided.

708 On the subject matter, on the duplication and the



709 wasteful spending, you know, there is nothing novel about  
710 having other agencies review other agencies work, especially  
711 when they have expertise, especially EPA itself has veto  
712 authority so I am assuming that if veto authority is bad, we  
713 ought to take the veto authority away from the EPA that it  
714 has for Section 404 permitting, which can block or even  
715 retroactively veto an Army Corps wetlands or dredging permit  
716 as occurred in the Spruce Mine matter.

717         Also, EPA has authority to put on hold other major  
718 proposed actions being reviewed under NEPA review by  
719 referring them back to the Council on Environmental Quality  
720 if EPA believes that the proposed action is ``environmentally  
721 unsatisfactory.''

722         So, I mean, it is just like the National Academy of  
723 Sciences debate. There are some times when we like it; there  
724 are some times when we don't like it. There are some times  
725 when we dislike veto authority, but if the EPA has veto  
726 authority, then we kind of like it. So I think if the EPA  
727 has some veto authority, then we ought to give the Department  
728 of Energy and the like some veto authority.

729         And with that, I yield back my time.

730         Mr. {Hall.} Mr. Chairman, would the gentleman yield?

731         Mr. {Shimkus.} I would yield to Mr. Hall.

732         Mr. {Hall.} I think we ought to remind the gentelady

733 that just spoke about review after review they have done of  
734 the EPA to tell them how to act and how to keep their policy  
735 on the right side of the road and that they have been  
736 scrutinized and been scrutinized. Yes, they have. They have  
737 been scrutinized by something that you forgot to tell us  
738 about and that is a review that you didn't mention, a review  
739 by the courts, and the courts have reviewed them.

740         And I think that some of us on this committee now ought  
741 to feel a little guilty because back when we wrote the Clean  
742 Air Act Mr. Dingell was chairman here, Mr. Waxman was here,  
743 Mr. Barton probably was here, but we put EPA into that act  
744 even those of us who are on the energy side of the bill  
745 because we thought even the energy people needed some  
746 supervision, but we also thought they needed fairness. And  
747 that is what they haven't had.

748         This bill requires that and requires them to take some  
749 position other than a position that causes adverse effects to  
750 the economy. And that is what EPA is very guilty of. It has  
751 been pointed out many times and there will be some changes in  
752 the future. And this one will get the right people to make  
753 the final decision.

754         I yield back.

755         Mr. {Shimkus.} And seeing no other Members, I yield  
756 back my time, Mr. Chairman.

757           The {Chairman.} The gentleman yields back. The  
758 gentl lady from Florida is recognized for 5 minutes.

759           Ms. {Castor.} Thank you, Mr. Chairman.

760           Members, I support Ranking Member Waxman's amendment.  
761 My Republican colleagues claim that this bill is about  
762 improving transparency at the EPA and the rulemaking process  
763 there. But if that was the intention, this bill really  
764 misses the mark because under current law and practice EPA  
765 already must meet numerous statutory and administrative  
766 requirements for economic impact analysis, the economic  
767 analysis of proposed rules before they are finalized.

768           For major rules, EPA must assess and, when possible,  
769 quantify the benefits of the proposed rule such as the  
770 benefits to human health and the environment and the costs of  
771 the proposed rules such as compliance costs and the effects  
772 on economic productivity and employment.

773           EPA then compiles this information into a Regulatory  
774 Impact Analysis which is issued for extensive public comment  
775 as part of the proposed rule. But now this bill says on top  
776 of all of that, we are going to create a new confusing and  
777 arbitrary process that duplicates the transparent and  
778 rigorous process that already exists.

779           The bill requires the Secretary of Energy to complete  
780 yet another analysis. But does the bill require the

781 Secretary to disclose the methodology? No, it doesn't. Does  
782 the bill require the Secretary to solicit public comment on  
783 the analysis and respond to those comments? No, it doesn't.  
784 The Secretary then must use the analysis to determine whether  
785 or not the rule will have significant adverse effects on the  
786 economy, and if the Secretary decides yes, then the rule is  
787 blocked from being finalized.

788 In essence, the bill gives the DOE the power to veto  
789 critical EPA rules that protect the environment and human  
790 health, but the veto is subjective, it is arbitrary, and this  
791 kind of process is really unprecedented in administrative law  
792 today. The bill gives the Energy Secretary's opinion more  
793 weight than the requirements of the Clean Air Act, the  
794 requirements of the Clean Water Act, the requirements of the  
795 Safe Drinking Water Act, and other cornerstone environmental  
796 statutes.

797 When you pull the curtain back on this bill, what it  
798 does in essence it is a way for my friends on the other side  
799 of the aisle to directly undermine and attack the Clean Water  
800 Act, Clean Air Act, Safe Drinking Water Act, and other  
801 environmental statutes.

802 Mr. Waxman's amendment would strike the veto power from  
803 the bill. This amendment doesn't even get to that  
804 duplicative economic analysis. Under his amendment, that

805 would remain, but at the very least, it would not allow the  
806 Energy Secretary to veto EPA rules to nullify EPA rules by  
807 FIA. So I urge my colleagues to support Ranking Member  
808 Waxman's amendment.

809 And I will yield to the gentleman from California.

810 Mr. {McNerney.} I thank the gentlelady for her  
811 courtesy.

812 I would like to address a claim that I believe was made  
813 or implied anyway by Mr. Barton that the environment may be  
814 okay now and we don't need any new rules. I represent part  
815 of the Central Valley of California and we suffer from very  
816 poor air quality. Now, what does that mean? That means our  
817 children have asthma, it means our public hospital rates are  
818 exceedingly high, it affects families, it affects jobs, but  
819 especially the children.

820 And so my constituents and I deeply appreciate EPA rules  
821 that are currently helping reduce air pollution. If this  
822 bill becomes law, that improvement could come to a direct  
823 halt and I think it will hurt too many people, including  
824 members of my own family.

825 So I support the Waxman amendment. I think it is going  
826 to make this bill not acceptable but at least it will make it  
827 better and I urge my colleagues to do the same. I yield back  
828 to the gentlelady.

829 Dr. {Cassidy.} Will the gentlelady yield?

830 Ms. {Castor.} I would be happy to yield to the  
831 gentleman.

832 Dr. {Cassidy.} Yes, a couple of things just working  
833 backwards.

834 Of course the problem in the Central Valley, as I  
835 understand it, is pesticides trapped in the atmosphere, this  
836 actually wouldn't touch that. This was actually just for  
837 energy.

838 Secondly, the Barton amendment Ms. Castor mentions  
839 doesn't include benefits. The Barton amendment specifically  
840 includes benefits. It would include the benefits that are  
841 out there.

842 Lastly, the problem with EPA economic analysis is so  
843 often it is considered specious. So they claim job growth  
844 from the regulatory environment. The manufacturers came and  
845 spoke about that and just said is not true. We are not going  
846 to create more jobs. To paraphrase John Marshall, the power  
847 to tax and the power to regulate is the power to destroy.  
848 And those employers said these are destroying jobs.

849 I yield back. Thank you for your lenience.

850 The {Chairman.} The gentlelady's time is expired. Are  
851 there other Members wishing to speak on the amendment?

852 Mr. {Rush.} Mr. Chairman?

853           The {Chairman.} The gentleman from Illinois.

854           Mr. {Rush.} Well, thank you, Mr. Chairman.

855           Mr. Chairman, my friend Mr. Barton and my friend Mr.

856 Whitfield made some statements that were both alarming and

857 stunning all at the same time. My friend Mr. Barton

858 mentioned that there are no impacts to climate change. What

859 could be more absurd? I object to that statement, Mr.

860 Chairman, and I believe that the American people would also

861 strongly disagree with that statement.

862           Mr. Chairman, I am sure that the farmers in the Midwest

863 and across the country who have lost record crops the last

864 year, I am sure that they would disagree with Mr. Barton and

865 Mr. Whitfield. The firefighters who have been battling the

866 record wildfires over the last year-and-a-half, they would

867 disagree. The families in the communities of the 19

868 firefighters who lost their lives recently, they will

869 disagree. And I know that the families in New York and in

870 New Jersey who witnessed and are still in the midst of

871 recovering their homes and their lives in fact from the

872 devastation of Hurricane Sandy last year, they would

873 disagree.

874           The difference between what the majority side looks at

875 and what the minority side's viewpoint is that the minority

876 side sees all of these record extreme weather catastrophes,

877 including heat waves, wildfires, crop losses, hurricanes,  
878 tornadoes, flooding, we see these things and we implore the  
879 Committee that has the primary jurisdiction and the  
880 Environmental Protection Agency to do what we were all  
881 invested to do, to act and to act now.

882 Texas is drying up. Who knows? 100 years from now  
883 Texas might be another desert. I am sure Mr. Barton would  
884 not want to see Texas to be reduced to a desert. Let's act  
885 now.

886 The majority party sees all of these record-breaking  
887 extreme weather events and they say stick your head in the  
888 sand. Ignore them. You know, climate doesn't have any  
889 effect on these things. You know, let's not deal with the  
890 issues. Let's go out and attack the same agencies, the very  
891 agencies who have immediate authority and legislative  
892 prerogatives to try to deal with these problems. They are  
893 the only ones that can lead the charge to mitigate these  
894 disasters.

895 So why don't we just handcuff them? Why don't we just  
896 take their budgets away from them? Why don't we just limit  
897 their power and limit their authority? Why don't we just ban  
898 them? Why don't we just eliminate the agencies altogether?  
899 You know, I think that would do the American people great  
900 disservice.



901           So I don't get it. What don't you get about climate  
902 change? Why are you going to continue to ignore the science?  
903 And not only the science but the evidence. The evidence is  
904 before us almost daily, week by week in the headlines of the  
905 news, the lead stories on the television day by day.

906           So I am not going to stick my head in the ground and I  
907 don't think those of us on the minority side are going to try  
908 to breathe with our head under the ground. If we follow your  
909 advice and follow your direction, that might be the safest  
910 place in the country to protect our heads is under the  
911 ground.

912           I yield back.

913           The {Chairman.} The gentleman's time is expired. Are  
914 there other Members wishing to speak on the amendment?

915           The gentleman from New Mexico, Mr. Lujan, is recognized.

916           Mr. {Lujan.} Mr. Chairman, thank you very much.

917           And there are just some areas that I want to offer some  
918 thoughts of what is happening in New Mexico with some of the  
919 ideas that have been suggested that we are at a different  
920 time that rivers aren't burning any longer and that our  
921 communities are not being plagued with impacts that were seen  
922 before us.

923           I would invite my colleagues to travel with me to New  
924 Mexico or to Arizona, to parts of Colorado where, because of

925 the devastation of drought and the impact of climate change,  
926 are devastating our forests, costing lives. And the further  
927 impact that we are having is not just when the fire is  
928 burning but after the fire is put out. For those of us that  
929 live in these mountainous areas, we are dependent on these  
930 watersheds up in the mountains to be able to provide  
931 nourishment to the rest of the community, and not just the  
932 communities that live at the base of those mountains and  
933 those watersheds, the agricultural communities that are  
934 downstream and downriver who are now going to be carrying the  
935 devastation and changing these waterways in so many of these  
936 communities. Why can't we take a look at that? And  
937 understand that when we say rivers aren't burning, maybe not  
938 in some parts of the country but in my part of the country,  
939 they are.

940 We also have the impact from decades of neglect with  
941 individuals in New Mexico who are dying today because of  
942 various kinds of cancer and kidney disease as a result of  
943 being exposed to different elements when they were working in  
944 uranium mines.

945 Stewart Udall moved forward some legislation years ago  
946 that provided support to impacted workers and right now Tom  
947 Udall and myself have a piece of legislation called the  
948 Radiation Exposure and Compensation Act, which would bring

949 recognition to these individuals that continue to work in  
950 these mines based on the previous legislation from '71 until  
951 present. People won't sign onto the legislation because they  
952 say it costs too much.

953         Had the EPA been doing the work that we are now saying  
954 that they will not be able to do because of concerns of  
955 impacts on human health, how many other individuals would  
956 have been devastated?

957         When I look at these Navajo elders, these women in the  
958 eyes and they look at me and they say, Ben, are people in  
959 Washington waiting for us to die so that the problem goes  
960 away? Is my response to them now, don't worry? We are going  
961 to send a review of a rule that could change someone's life  
962 to the DOE to review and they may address your problem which  
963 we know it won't.

964         And then, Mr. Chairman, the other thing that I can't  
965 seem to get my arms around is this legislation is going to  
966 send to the Department of Energy a review of the EPA's  
967 rulemaking and then a report to the Congress. If my  
968 recollection serves me correctly, last week or the week  
969 before we voted on an appropriation bill pertaining with the  
970 Department of Energy and the allocations that were set up for  
971 that appropriation markup based on the Republican Paul Ryan  
972 budget were dismal.

973           If I am not mistaken, the Department of Energy was  
974 gutted, so who is going to do this work that this bill would  
975 be sent to do? After the message that we sent with the  
976 markup last week is to Department of Energy, you have got a  
977 lot of fluff over there, we are going to cut you, we are  
978 going to gut you. So that may help me, Mr. Chairman, with  
979 understanding how that work will be done.

980           And then lastly, when we are saying that climate change  
981 is not real or some are--I wouldn't say that--and we refuse  
982 to even consider holding hearings on different reports and  
983 studies that have been put together. I would just like to  
984 remind the body that back on May 23 of 2011, Ranking Member  
985 Waxman and Mr. Rush requested a hearing based on two studies,  
986 one of which we have talked about, the National Academy of  
987 Sciences a little bit today, a report that was entitled  
988 ``America's Climate Choices'' looking into these areas.

989           And so, Mr. Chairman, I just hope that we don't forget  
990 about these individuals that are dying in New Mexico, that  
991 are dying in Arizona, that are dying in Colorado and Utah  
992 based on the infections that came out of these exposures, and  
993 these lives that have been taken associated with fire, the  
994 devastation that is going to be cost, and the cost to the  
995 economy, the cost to these businesses that are now going to  
996 be put out of business because where are they going to get

997 this water with the devastation of fire and no one is going  
998 to still help to go out and protect these watersheds?

999 Mr. Chairman, I hope that we don't forget about those  
1000 people when we work together, and I strongly encourage my  
1001 colleagues to support the Waxman amendment.

1002 Thank you. I yield back.

1003 The {Chairman.} The gentleman's time is expired. Other  
1004 Members wishing to speak on the amendment?

1005 Seeing none, the vote occurs on the amendment offered by  
1006 the gentleman from California.

1007 Those in favor will say aye.

1008 Those opposed, say no.

1009 In the opinion of the chair, the noes have it. Roll  
1010 call is requested. The clerk will call the roll.

1011 The {Clerk.} Mr. Hall?

1012 Mr. {Hall.} No.

1013 The {Clerk.} Mr. Hall votes no.

1014 Mr. Barton?

1015 Mr. {Barton.} No.

1016 The {Clerk.} Mr. Barton votes no.

1017 Mr. Whitfield?

1018 Mr. {Whitfield.} No.

1019 The {Clerk.} Mr. Whitfield votes no.

1020 Mr. Shimkus?

1021 Mr. {Shimkus.} No.  
1022 The {Clerk.} Mr. Shimkus votes no.  
1023 Mr. Pitts?  
1024 Mr. {Pitts.} No.  
1025 The {Clerk.} Mr. Pitts votes no.  
1026 Mr. Walden?  
1027 Mr. {Walden.} No.  
1028 The {Clerk.} Mr. Walden votes no.  
1029 Mr. Terry?  
1030 Mr. {Terry.} No.  
1031 The {Clerk.} Mr. Terry votes no.  
1032 Mr. Rogers?  
1033 Mr. {Rogers.} No.  
1034 The {Clerk.} Mr. Rogers votes no.  
1035 Mr. Murphy?  
1036 Mr. {Murphy.} No.  
1037 The {Clerk.} Mr. Murphy votes no.  
1038 Mr. Burgess?  
1039 Dr. {Burgess.} No.  
1040 The {Clerk.} Mr. Burgess votes no.  
1041 Mrs. Blackburn?  
1042 Mrs. {Blackburn.} No.  
1043 The {Clerk.} Mrs. Blackburn votes no.  
1044 Mr. Gingrey?

1045 [No response.]

1046 The {Clerk.} Mr. Scalise?

1047 Mr. {Scalise.} No.

1048 The {Clerk.} Mr. Scalise votes no.

1049 Mr. Latta?

1050 Mr. {Latta.} No.

1051 The {Clerk.} Mr. Latta votes no.

1052 Mrs. McMorris Rodgers?

1053 [No response.]

1054 The {Clerk.} Mr. Harper?

1055 [No response.]

1056 The {Clerk.} Mr. Lance?

1057 Mr. {Lance.} No.

1058 The {Clerk.} Mr. Lance votes no.

1059 Mr. Cassidy?

1060 Dr. {Cassidy.} No.

1061 The {Clerk.} Mr. Cassidy votes no.

1062 Mr. Guthrie?

1063 Mr. {Guthrie.} No.

1064 The {Clerk.} Mr. Guthrie votes no.

1065 Mr. Olson?

1066 Mr. {Olson.} No.

1067 The {Clerk.} Mr. Olson votes no.

1068 Mr. McKinley?

1069 Mr. {McKinley.} No.  
1070 The {Clerk.} Mr. McKinley votes no.  
1071 Mr. Gardner?  
1072 Mr. {Gardner.} No.  
1073 The {Clerk.} Mr. Gardner votes no.  
1074 Mr. Pompeo?  
1075 Mr. {Pompeo.} No.  
1076 The {Clerk.} Mr. Pompeo votes no.  
1077 Mr. Kinzinger?  
1078 Mr. {Kinzinger.} No.  
1079 The {Clerk.} Mr. Kinzinger votes no.  
1080 Mr. Griffith?  
1081 Mr. {Griffith.} No.  
1082 The {Clerk.} Mr. Griffith votes no.  
1083 Mr. Bilirakis?  
1084 Mr. {Bilirakis.} No.  
1085 The {Clerk.} Mr. Bilirakis votes no.  
1086 Mr. Johnson?  
1087 Mr. {Johnson.} No.  
1088 The {Clerk.} Mr. Johnson votes no.  
1089 Mr. Long?  
1090 Mr. {Long.} No.  
1091 The {Clerk.} Mr. Long votes no.  
1092 Mrs. Ellmers?



1093 Mrs. {Ellmers.} No.

1094 The {Clerk.} Mrs. Ellmers votes no.

1095 Mr. Waxman?

1096 Mr. {Waxman.} Aye.

1097 The {Clerk.} Mr. Waxman votes aye.

1098 Mr. Dingell?

1099 Mr. {Dingell.} Aye.

1100 The {Clerk.} Mr. Dingell votes aye.

1101 Mr. Pallone?

1102 Mr. {Pallone.} Aye.

1103 The {Clerk.} Mr. Pallone votes aye.

1104 Mr. Rush?

1105 Mr. {Rush.} Aye.

1106 The {Clerk.} Mr. Rush votes aye.

1107 Ms. Eshoo?

1108 Ms. {Eshoo.} Aye.

1109 The {Clerk.} Ms. Eshoo votes aye.

1110 Mr. Engel?

1111 [No response.]

1112 The {Clerk.} Mr. Green?

1113 Mr. {Green.} Aye.

1114 The {Clerk.} Mr. Green votes aye.

1115 Ms. DeGette?

1116 [No response.]

- 1117 The {Clerk.} Mrs. Capps?
- 1118 Mrs. {Capps.} Aye.
- 1119 The {Clerk.} Mrs. Capps votes aye.
- 1120 Mr. Doyle?
- 1121 Mr. {Doyle.} Aye.
- 1122 The {Clerk.} Mr. Doyle votes aye.
- 1123 Ms. Schakowsky?
- 1124 Ms. {Schakowsky.} Aye.
- 1125 The {Clerk.} Ms. Schakowsky votes aye.
- 1126 Mr. Matheson?
- 1127 Mr. {Matheson.} No.
- 1128 The {Clerk.} Mr. Matheson votes no.
- 1129 Mr. Butterfield?
- 1130 Mr. {Butterfield.} Aye.
- 1131 The {Clerk.} Mr. Butterfield votes aye.
- 1132 Mr. Barrow?
- 1133 Mr. {Barrow.} No.
- 1134 The {Clerk.} Mr. Barrow votes no.
- 1135 Ms. Matsui?
- 1136 Ms. {Matsui.} Aye.
- 1137 The {Clerk.} Ms. Matsui votes aye.
- 1138 Mrs. Christiansen?
- 1139 Dr. {Christiansen.} Aye.
- 1140 The {Clerk.} Mrs. Christiansen votes aye.

1141 Ms. Castor?

1142 Ms. {Castor.} Aye.

1143 The {Clerk.} Ms. Castor votes aye.

1144 Mr. Sarbanes?

1145 Mr. {Sarbanes.} Aye.

1146 The {Clerk.} Mr. Sarbanes votes aye.

1147 Mr. McNerney?

1148 Mr. {McNerney.} Aye.

1149 The {Clerk.} Mr. McNerney votes aye.

1150 Mr. Braley?

1151 Mr. {Braley.} Aye.

1152 The {Clerk.} Mr. Braley votes aye.

1153 Mr. Welch?

1154 Mr. {Welch.} Aye.

1155 The {Clerk.} Mr. Welch votes aye.

1156 Mr. Lujan?

1157 Mr. {Lujan.} Aye.

1158 The {Clerk.} Mr. Lujan votes aye.

1159 Mr. Tonko?

1160 Mr. {Tonko.} Aye.

1161 The {Clerk.} Mr. Tonko votes aye.

1162 Chairman Upton?

1163 The {Chairman.} Votes no.

1164 The {Clerk.} Chairman Upton votes no.

1165           The {Chairman.} Other Members wishing to cast a vote?

1166           Seeing none, the clerk will report the tally. The

1167 gentleman from Mississippi.

1168           Mr. {Harper.} No.

1169           The {Clerk.} Mr. Harper votes no.

1170           Mr. Chairman, on that vote there were 19 ayes and 30

1171 nays.

1172           The {Chairman.} 19 ayes, 30 nays, the amendment is not

1173 agreed to.

1174           Are there further amendments to the bill?

1175           Mr. {Rush.} Mr. Chairman?

1176           The {Chairman.} The gentleman from Illinois.

1177           Mr. {Rush.} Mr. Chairman, I have an amendment at the

1178 desk.

1179           The {Chairman.} The clerk will report the amendment.

1180           The {Clerk.} Sir, what number is your amendment?

1181           Mr. {Rush.} Amendment #1.

1182           The {Clerk.} Amendment to the committee print of H.R.

1183 1582 offered by Mr. Rush of Illinois.

1184           [The amendment of Mr. Rush follows:]

1185 \*\*\*\*\* INSERT 3 \*\*\*\*\*

|  
1186           The {Chairman.} The amendment will be considered as  
1187 read. The staff will distribute the amendment, and the  
1188 gentleman is recognized 5 minutes in support of his  
1189 amendment.

1190           Mr. {Rush.} I want to thank you, Mr. Chairman.

1191           Mr. Chairman, my amendment would prevent the Cassidy  
1192 bill from blocking and delaying EPA rules that save consumers  
1193 money at the pump by exempting these important rules from the  
1194 bill's unprecedented intrusion into EPA's rulemaking process.

1195           Mr. Chairman, this bill could prevent EPA from adopting  
1196 rules that protect consumers even when the benefits of these  
1197 rules are enormous. For example, the EPA and the Department  
1198 of Transportation has issued rules for model year 2012 to  
1199 2016 cars and trucks. These rules will save consumers on  
1200 average more than \$3,000 over the life of a vehicle, save 1.8  
1201 billion barrels of oil, and reduce carbon pollution by 960  
1202 million metric tons.

1203           The agency rules for 2017 to 2025 cars and trucks will  
1204 also increase the benefits to American families. In 2017 to  
1205 2025 consumers will save more than \$8,000 over the life of a  
1206 vehicle. The Nation will save 4 billion barrels of oil, and  
1207 we will reduce our carbon pollution by 2 billion metric tons.

1208           Mr. Chairman, these are precisely the kinds of rules

1209 that we need. Yet if EPA tried to propose these rules with  
1210 the Cassidy bill in place, the rules could be blocked from  
1211 ever going into effect. That wouldn't make any sense as  
1212 these rules are supported by every automobile manufacturer in  
1213 our Nation. As a matter of fact, Mr. Chairman, the General  
1214 Motors CEO Dan Akerson called these rules ``a win for  
1215 American manufacturers for the very first time.''

1216         These EPA rules are expected to save consumers more than  
1217 \$1.7 trillion in fuel costs and will reduce America's  
1218 dependence on oil by more than 2 million barrels each and  
1219 every day. That is more than our countries combined imports  
1220 from Saudi Arabia and Venezuela together.

1221         Mr. Chairman, this committee needs to do what is best  
1222 for all of the American families and consumers. Blocking  
1223 these EPA rules will harm the environment and could increase  
1224 the fuel costs for consumers, which is exactly what we can  
1225 expect if this bill goes into effect and prevents EPA from  
1226 making further improvements to our vehicle standards.

1227         The President's Climate Action Plan calls for new heavy-  
1228 duty vehicle fuel efficiency standards for model year 2018  
1229 and later. As was the EPA's previous rules, these new heavy-  
1230 duty vehicle standards will likely receive broad support from  
1231 industry, reduce fuel consumption save Americans money at the  
1232 pump, and increase the efficiency of motor vehicles across

1233 our Nation, which would have an additional economic benefit  
1234 for consumers.

1235 But these improvements may be delayed or never even  
1236 occur if this bill, the Cassidy bill, becomes law and  
1237 prevents the EPA from adopting new rules. EPA's vehicle  
1238 standards are important rules that save consumers money and  
1239 are a win for both industry and the environment. Subjecting  
1240 these rules to unprecedented delays and potential DOE vetoes  
1241 under the bill would be a step backwards and would harm both  
1242 consumers and the environment and will really reveal how  
1243 backwards the full committee, the majority side, is on this  
1244 particular issue.

1245 Mr. Chairman, I urge my colleagues to protect American  
1246 consumers by voting for my amendment, and with that I yield  
1247 back the balance of my time.

1248 The {Chairman.} The gentleman yields back his time.  
1249 The time is expired.

1250 The chair recognizes the gentleman from Kentucky, Mr.  
1251 Whitfield.

1252 Mr. {Whitfield.} Thank you, Mr. Chairman.

1253 And I rise in a very respectful way to oppose the  
1254 amendment of our gentleman from Illinois.

1255 All of us obviously support saving money on gasoline,  
1256 and I don't think there is anything in this legislation that

1257 would preclude that. First of all, as we all know, it  
1258 applies only to rules that exceed \$1 billion in cost. And it  
1259 specifically says on page 4 that one of the things that the  
1260 Secretary of Energy with his other members would have to look  
1261 at would be the impact on consumer prices. So if the  
1262 gasoline price went down, obviously that is not going to be  
1263 something that they would want to prevent a rule from taking  
1264 place.

1265         On the other hand, if a rule is adopted affecting the  
1266 way automobiles are manufactured to meet certain mileage  
1267 tests and let's say that costs go up dramatically, and as a  
1268 result of that, sales go down, and as a result of that, they  
1269 start laying off autoworkers at the manufacturing plants, and  
1270 let's say they start losing their healthcare and their  
1271 children start going hungry, and it reached that state, then  
1272 the whole purpose of this bill is this transparency to look  
1273 at the impact on the overall economy, the impact on the jobs,  
1274 the impact on the consumer prices, the impact on GDP.

1275         So it is simply a balancing act. And for that reason, I  
1276 think that because if gasoline prices go down, under this  
1277 legislation there is absolutely no reason for the Department  
1278 of Energy to try to intervene. So I would respectfully  
1279 request that Members oppose the gentleman's amendment  
1280 basically because in this specific instance of gasoline is



1281 really unnecessary.

1282           And with that, I would yield back the balance of my  
1283 time.

1284           The {Chairman.} The gentleman yields back. Other  
1285 Members wishing to speak on the amendment?

1286           The gentlelady from California is recognized for 5  
1287 minutes.

1288           Ms. {Eshoo.} Thank you, Mr. Chairman.

1289           I support Mr. Rush's amendment and I just want to spend  
1290 a couple of moments to talk about why.

1291           First of all, this bill threatens to block or  
1292 indefinitely delay important energy-related environmental  
1293 rules even when those rules will create enormous economic  
1294 benefits. I think that this is bad economic policy, I think  
1295 it is bad energy policy, and I think it is bad environmental  
1296 policy.

1297           The EPA and the Department of Transportation's tailpipe  
1298 standards and fuel efficiency rules provide substantial  
1299 benefits. They help consumers save money at the pump, reduce  
1300 reliance on foreign oil, and reduce the carbon pollution that  
1301 is threatening our climate.

1302           Under EPA's car and truck rules, by 2025 Americans will  
1303 be able to travel twice as far on a gallon of gas, which will  
1304 save consumers thousands of dollars at the pump over the life

1305 of a new, more efficient vehicle. The savings to American  
1306 consumers will be equivalent to a drop in gasoline prices of  
1307 a dollar per gallon. This is significant savings.

1308 We are also talking about rules that are supported by  
1309 all--let me repeat that--supported by all of the major auto  
1310 companies, including Ford, GM, and Chrysler. These rules  
1311 will cut U.S. emissions of carbon pollution by 6 billion  
1312 metric tons, which is more than the total U.S. emissions of  
1313 last year. In short, these rules are good for American  
1314 consumers, manufacturers, and our environment.

1315 Like Mr. Rush, I am concerned that the bill could  
1316 prevent EPA from adopting new vehicle rules that save  
1317 consumers even more money and continue to address the threat  
1318 of climate change.

1319 The President's Climate Action Plan calls for new  
1320 standards for heavy-duty vehicles, which are the second-  
1321 largest source of carbon pollution in the transportation  
1322 sector. Current standards for these vehicles are projected  
1323 to produce \$49 billion in net benefits and future standards  
1324 would build on these gains. Now, why would we want to stand  
1325 in the way of that? These are measures that would save  
1326 consumers money, but under the bill, they would be at risk no  
1327 matter how large the benefits. It doesn't make sense.

1328 For instance, DOE does not have the capability to do the

1329 macroeconomic analysis required under Section 3 of the bill,  
1330 nor does the Agency have the resources to develop that  
1331 capacity. If DOE is unable to conduct the economic analysis,  
1332 then EPA would be legally prohibited from ever finalizing its  
1333 rule, never mind that the DOE analysis is parallel and  
1334 duplicative to analyses that EPA already completes when it  
1335 develops regulations.

1336 But maybe that is the underlying ideology of the bill  
1337 where you either hobble an agency so that they can't do  
1338 anything and then say that it is dysfunctional and it can't  
1339 operate and that it is a bad agency. I mean maybe that is  
1340 really what should be written in the staff analysis.

1341 I am also concerned that the bill could undermine the  
1342 existing rules for light-duty vehicles. Although the bill  
1343 applies only to future rules, the light-duty vehicle rule  
1344 requires EPA and the DOT to conduct a midterm review by 2018  
1345 to ensure that the rules are working properly. If changes  
1346 are needed then, no matter how minor, this bill could delay  
1347 or obstruct the entire program. So this not only threatens  
1348 the substantial's consumer benefits of the rules but  
1349 undermines the certainty that automakers need to build the  
1350 fuel-efficient cars of tomorrow. This bill is fundamentally  
1351 flawed.

1352 I would just like to close with the following

1353 observation. I have commuted across the country every week  
1354 since I was first sworn in as a Member of Congress. I  
1355 wouldn't be elected unless there were Republicans that vote  
1356 for me. And let me just say to you that the Republicans in  
1357 my Congressional District ask me every week what is happening  
1358 to the GOP? These are policies that are driving people away  
1359 from you.

1360 Our country, America, I have always said, is the best  
1361 idea that was ever born. It is because we are never  
1362 satisfied about the progress that we have made. We want to  
1363 make even more progress. I think the Grand Old Party is  
1364 working very hard to relegate itself to the dustbin of  
1365 history.

1366 These are bad policies for our country, bad for  
1367 consumers, and bad for the future of our country. And it  
1368 really makes me very sad that in this distinguished committee  
1369 that we are taking up bills that take us back to a time when  
1370 we didn't know any better instead of making progress. With  
1371 that, I yield back the balance of my time.

1372 The {Chairman.} The gentlelady's time is expired.

1373 Are there other Members wishing to speak on the  
1374 amendment? Seeing none, the vote occurs on the amendment.

1375 Those in favor will say aye.

1376 Those opposed will say no.

1377 Mr. {Waxman.} Roll call.

1378 The {Chairman.} Roll call is requested. The clerk will  
1379 call the roll.

1380 The {Clerk.} Mr. Hall?

1381 Mr. {Hall.} No.

1382 The {Clerk.} Mr. Hall votes no.

1383 Mr. Barton?

1384 [No response.]

1385 The {Clerk.} Mr. Whitfield?

1386 Mr. {Whitfield.} No.

1387 The {Clerk.} Mr. Whitfield votes no.

1388 Mr. Shimkus?

1389 Mr. {Shimkus.} No.

1390 The {Clerk.} Mr. Shimkus votes no.

1391 Mr. Pitts?

1392 [No response.]

1393 The {Clerk.} Mr. Walden?

1394 [No response.]

1395 The {Clerk.} Mr. Terry?

1396 Mr. {Terry.} No.

1397 The {Clerk.} Mr. Terry votes no.

1398 Mr. Rogers?

1399 Mr. {Rogers.} No.

1400 The {Clerk.} Mr. Rogers votes no.

1401 Mr. Murphy?  
1402 Mr. {Murphy.} No.  
1403 The {Clerk.} Mr. Murphy votes no.  
1404 Mr. Burgess?  
1405 Dr. {Burgess.} No.  
1406 The {Clerk.} Mr. Burgess votes no.  
1407 Mrs. Blackburn?  
1408 Mrs. {Blackburn.} No.  
1409 The {Clerk.} Mrs. Blackburn votes no.  
1410 Mr. Gingrey?  
1411 [No response.]  
1412 The {Clerk.} Mr. Scalise?  
1413 [No response.]  
1414 The {Clerk.} Mr. Latta?  
1415 Mr. {Latta.} No.  
1416 The {Clerk.} Mr. Latta votes no.  
1417 Mrs. McMorris Rodgers?  
1418 [No response.]  
1419 The {Clerk.} Mr. Harper?  
1420 [No response.]  
1421 The {Clerk.} Mr. Lance?  
1422 [No response.]  
1423 The {Clerk.} Mr. Cassidy?  
1424 Dr. {Cassidy.} No.

1425 The {Clerk.} Mr. Cassidy votes no.  
1426 Mr. Guthrie?  
1427 Mr. {Guthrie.} No.  
1428 The {Clerk.} Mr. Guthrie votes no.  
1429 Mr. Olson?  
1430 Mr. {Olson.} No.  
1431 The {Clerk.} Mr. Olson votes no.  
1432 Mr. McKinley?  
1433 Mr. {McKinley.} No.  
1434 The {Clerk.} Mr. McKinley votes no.  
1435 Mr. Gardner?  
1436 Mr. {Gardner.} No.  
1437 The {Clerk.} Mr. Gardner votes no.  
1438 Mr. Pompeo?  
1439 Mr. {Pompeo.} No.  
1440 The {Clerk.} Mr. Pompeo votes no.  
1441 Mr. Kinzinger?  
1442 Mr. {Kinzinger.} No.  
1443 The {Clerk.} Mr. Kinzinger votes no.  
1444 Mr. Griffith?  
1445 Mr. {Griffith.} No.  
1446 The {Clerk.} Mr. Griffith votes no.  
1447 Mr. Bilirakis?  
1448 Mr. {Bilirakis.} No.

1449 The {Clerk.} Mr. Bilirakis votes no.  
1450 Mr. Johnson?  
1451 Mr. {Johnson.} No.  
1452 The {Clerk.} Mr. Johnson votes no.  
1453 Mr. Long?  
1454 Mr. {Long.} No.  
1455 The {Clerk.} Mr. Long votes no.  
1456 Mrs. Ellmers?  
1457 Mrs. {Ellmers.} No.  
1458 The {Clerk.} Mrs. Ellmers votes no.  
1459 Mr. Waxman?  
1460 Mr. {Waxman.} Aye.  
1461 The {Clerk.} Mr. Waxman votes aye.  
1462 Mr. Dingell?  
1463 Mr. {Dingell.} Aye.  
1464 The {Clerk.} Mr. Dingell votes aye.  
1465 Mr. Pallone?  
1466 Mr. {Pallone.} Aye.  
1467 The {Clerk.} Mr. Pallone votes aye.  
1468 Mr. Rush?  
1469 Mr. {Rush.} Aye.  
1470 The {Clerk.} Mr. Rush votes aye.  
1471 Ms. Eshoo?  
1472 Ms. {Eshoo.} Aye.



1473 The {Clerk.} Ms. Eshoo votes aye.  
1474 Mr. Engel?  
1475 [No response.]  
1476 The {Clerk.} Mr. Green?  
1477 [No response.]  
1478 The {Clerk.} Ms. DeGette?  
1479 [No response.]  
1480 The {Clerk.} Mrs. Capps?  
1481 Mrs. {Capps.} Aye.  
1482 The {Clerk.} Mrs. Capps votes aye.  
1483 Mr. Doyle?  
1484 Mr. {Doyle.} Aye.  
1485 The {Clerk.} Mr. Doyle votes aye.  
1486 Ms. Schakowsky?  
1487 Ms. {Schakowsky.} Aye.  
1488 The {Clerk.} Ms. Schakowsky votes aye.  
1489 Mr. Matheson?  
1490 Mr. {Matheson.} Aye.  
1491 The {Clerk.} Mr. Matheson votes aye.  
1492 Mr. Butterfield?  
1493 Mr. {Butterfield.} Aye.  
1494 The {Clerk.} Mr. Butterfield votes aye.  
1495 Mr. Barrow?  
1496 Mr. {Barrow.} Aye.

1497 The {Clerk.} Mr. Barrow votes aye.  
1498 Ms. Matsui?  
1499 Ms. {Matsui.} Aye.  
1500 The {Clerk.} Ms. Matsui votes aye.  
1501 Ms. Christiansen?  
1502 Dr. {Christiansen.} Aye.  
1503 The {Clerk.} Ms. Christiansen votes aye.  
1504 Ms. Castor?  
1505 Ms. {Castor.} Aye.  
1506 The {Clerk.} Ms. Castor votes aye.  
1507 Mr. Sarbanes?  
1508 Mr. {Sarbanes.} Aye.  
1509 The {Clerk.} Mr. Sarbanes votes aye.  
1510 Mr. McNerney?  
1511 Mr. {McNerney.} Aye.  
1512 The {Clerk.} Mr. McNerney votes aye.  
1513 Mr. Braley?  
1514 [No response.]  
1515 The {Clerk.} Mr. Welch?  
1516 Mr. {Welch.} Aye.  
1517 The {Clerk.} Mr. Welch votes aye.  
1518 Mr. Lujan?  
1519 Mr. {Lujan.} Aye.  
1520 The {Clerk.} Mr. Lujan votes aye.

1521 Mr. Tonko?

1522 Mr. {Tonko.} Aye.

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

1524 Chairman Upton?

1525 The {Chairman.} Votes no.

1526 The {Clerk.} Chairman Upton votes no.

1527 The {Chairman.} Other Members wishing to cast a vote?

1528 The gentleman from New Jersey, Mr. Lance?

1529 Mr. {Lance.} No.

1530 The {Clerk.} Mr. Lance votes no.

1531 The {Chairman.} Mississippi, Mr. Harper?

1532 Mr. {Harper.} No.

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

1534 The {Chairman.} Louisiana, Mr. Scalise?

1535 Mr. {Scalise.} No.

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

1537 The {Chairman.} Pennsylvania, Mr. Pitts?

1538 Mr. {Pitts.} No.

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

1540 The {Chairman.} Mr. Walden, Oregon?

1541 Mr. {Walden.} No.

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

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

1544 Mr. {Rush.} Mr. Chairman?

1545 The {Chairman.} The gentleman from Texas, Mr. Green?  
1546 Mr. {Green.} Yes.  
1547 The {Clerk.} Mr. Green votes aye.  
1548 Mr. {Rush.} Mr. Chairman, how is Dr. Burgess recorded?  
1549 I heard a voice but I didn't see--  
1550 The {Chairman.} Dr. Burgess was recorded--  
1551 Mr. {Rush.} I heard a voice coming out of somewhere.  
1552 The {Clerk.} Dr. Burgess is recorded as a no.  
1553 Mr. {Waxman.} It was his voice.  
1554 The {Chairman.} It was his voice.  
1555 Mr. {Waxman.} I hear it in my sleep.  
1556 The {Chairman.} Yes.  
1557 Mrs. {Blackburn.} You know that voice.  
1558 The {Chairman.} Dr. Gingrey?  
1559 The {Clerk.} Mr. Gingrey is not recorded.  
1560 Dr. {Gingrey.} No.  
1561 The {Chairman.} Votes no.  
1562 The {Clerk.} Mr. Gingrey votes no. Other Members  
1563 wishing--Mr. Braley from Iowa?  
1564 Mr. {Braley.} Aye.  
1565 The {Clerk.} Mr. Braley votes aye.  
1566 The {Chairman.} Other Members wishing to cast a vote?  
1567 Seeing none, the clerk will report the tally.  
1568 The {Clerk.} Mr. Chairman, on that vote there were 21

1569 ayes and 28 nays.

1570           The {Chairman.} 21 ayes, 28 nays, the amendment is not  
1571 agreed to. Are there further amendments to the bill?

1572           The gentleman from New York, Mr. Tonko.

1573           Mr. {Tonko.} Yes, Mr. Chairman. I have an amendment at  
1574 the desk.

1575           The {Chairman.} The clerk will report the title of the  
1576 amendment.

1577           The {Clerk.} Amendment to the committee print of H.R.  
1578 1582 offered by Mr. Tonko of New York.

1579           [The amendment of Mr. Tonko follows:]

1580 \*\*\*\*\* INSERT 4 \*\*\*\*\*

|  
1581           The {Chairman.} The amendment will be considered as  
1582 read. The staff will distribute the amendment, and the  
1583 gentleman is recognized for 5 minutes in support of his  
1584 amendment.

1585           Mr. {Tonko.} Thank you, Mr. Chairman.

1586           My Republican colleagues argue that this bill brings  
1587 needed transparency to EPA rules. If this bill was really  
1588 about transparency, I would have no problem with it, but that  
1589 is not the case. This bill will block or indefinitely delay  
1590 EPA rules that are critical to protecting human health, the  
1591 environment, and our climate. It adds yet another  
1592 duplicative layer of analysis to an already exhaustive  
1593 regulatory process. The legislation bars EPA from issuing a  
1594 final rule until the Department of Energy completes its  
1595 duplicative analysis of this rule, and if applicable, makes  
1596 its subjective determination as to whether the rule would  
1597 cause significant adverse effects to the economy.

1598           The bill sets no deadline for DOE to complete the study  
1599 or to make its determination. This appears to eliminate any  
1600 statutory or judicial deadlines for the issuance of rules.  
1601 This bill would likely result in the indefinite delay of  
1602 critical EPA rules and the bill allows the Secretary of  
1603 Energy to block the EPA rule for good. These delays and

1604 vetos would have real-life, tangible impacts on human health  
1605 and the environment in our United States.

1606       Let's look at a couple of examples of the types of rules  
1607 that would be covered by this bill. If this bill had been  
1608 law, EPA could have been delayed or blocked from finalizing  
1609 the Mercury and Air Toxics Standards which set emissions  
1610 limits for new coal- and oil-fired power plants for mercury  
1611 and other toxic air pollutants. EPA estimates that these new  
1612 standards will save up to 11,000 lives, prevent 130,000  
1613 asthma attacks, and avert 540,000 missed work or sick days  
1614 each year. In addition, it would reduce children's exposure  
1615 to mercury, which is a powerful neurological toxin that is  
1616 retained in our bodies and can cause developmental delays and  
1617 loss of IQ.

1618       This bill would certainly apply to EPA's recently  
1619 proposed Tier 3 Vehicle Emissions and Fuel Standards program.  
1620 More than 150 million Americans still breathe unhealthy  
1621 levels of air pollution. Motor vehicles are a significant  
1622 source of this pollution, especially in our urban areas. EPA  
1623 has proposed to lower the permissible sulfur content of  
1624 gasoline, which would allow vehicles to operate more  
1625 efficiently and pollute less. EPA estimates that this rule  
1626 would prevent 22,000 asthma attacks, 2,400 premature deaths,  
1627 and some 1.8 million lost school days, workdays, and

1628 restricted activity days each year. These are human health  
1629 benefits that could be further delayed or perhaps permanently  
1630 lost if this bill were to take effect.

1631 The EPA rules potentially blocked by this bill are  
1632 especially important for the most vulnerable amongst us, our  
1633 babies, our kids, and our seniors. My amendment simply  
1634 states that this bill does not apply to EPA rules that would  
1635 reduce the incidence of cancer, premature death, asthma  
1636 attacks, or respiratory disease in children.

1637 If my amendment passes, EPA's rules will still receive  
1638 extensive examination and review. They will be subject to a  
1639 robust interagency process. They will have to withstand all  
1640 applicable notice and comment requirements. The Office of  
1641 Information and Regulatory Affairs will review their rules  
1642 and their adherence to all requirements of law and regulatory  
1643 policy and they will be analyzed with state-of-the-art  
1644 economic tools pursuant to Executive Order.

1645 After this exhaustive process, I would hope that we  
1646 could all agree that children shouldn't have to wait for the  
1647 Secretary of Energy to complete a redundant economic analysis  
1648 to be able to breathe clean air or play outside without being  
1649 exposed to cancer-causing pollutants. Failure to issue  
1650 regulations not only jeopardizes human health and our  
1651 environment, it can harm the economy. This legislation fails



1652 to recognize that fact.

1653           Perhaps if the agencies overseeing our financial system  
1654 had issued a few more rules, the banking system would have  
1655 not required an extensive bailout and we wouldn't be  
1656 struggling to recover from a self-inflicted economic wound  
1657 that cost us billions.

1658           My amendment will make it clear that EPA can continue to  
1659 issue rules that protect children's health as the Clean Air  
1660 Act empowers the Agency to do. I urge my colleagues to  
1661 support this amendment.

1662           And with that, I yield back, Mr. Chair.

1663           The {Chairman.} The gentleman yields back.

1664           The chair will recognize the gentleman from Kentucky,  
1665 Mr. Whitfield.

1666           Mr. {Whitfield.} Thank you, Mr. Chairman. And I seek  
1667 recognition to oppose the gentleman's amendment.

1668           Obviously, the hearings that we have had on the EPA  
1669 regulations, and we have had a lot, and we all recognize that  
1670 there are many benefits in regulations implemented by EPA,  
1671 particularly as it relates to premature mortality, asthma  
1672 attacks, incidents of cancer, and so forth. And we all  
1673 obviously support regulations that minimize those types of  
1674 diseases and impacts on healthcare particularly of children,  
1675 the most vulnerable in our society.

1676           But having said that, I do oppose the amendment because  
1677 the legislation introduced by Mr. Cassidy simply says that  
1678 the Department of Energy, working with Secretary of Commerce,  
1679 Secretary of Labor, Small Business Administration, after the  
1680 initial report, will determine what the impact of that  
1681 regulation will be on the overall economy, the impact on  
1682 consumer prices, the impact on jobs.

1683           And we have had so many hearings through the years. We  
1684 all know that poverty has a dramatic impact on the healthcare  
1685 of anyone suffering from poverty. And we know that  
1686 regulations sometimes cause plants to shut down. We know  
1687 that very well related to coal and the coal sectors. And  
1688 when you go to the communities where they rely on certain  
1689 activity, economic activity that is impacted by these  
1690 regulations and people lose their jobs, people lose their  
1691 healthcare, people lose the ability to provide money for  
1692 their children to be educated, they suffer as well.

1693           And the thing that is so disappointing is that time  
1694 after time after time when EPA comes to testify, they say we  
1695 never consider the impact on the families of the people who  
1696 lose the jobs. We never consider the impact of the  
1697 healthcare that they lose, the health insurance that they  
1698 lose and the impact that that will have on them.

1699           So all this legislation does is it gives another

1700 opportunity to explore in more detail the impact on the  
1701 families of those people who lose their jobs. It is not an  
1702 either/or but it is a let's look at it in the balance. Let's  
1703 look at the benefits that the EPA has set out but let's also  
1704 consider the economic impacts and the impact that that has on  
1705 healthcare as well as other things.

1706         And so we are not directing the Department of Energy  
1707 Secretary to do anything except if he determines with the  
1708 other members of the Obama Administration that that  
1709 particular regulation affecting a cost of at least \$1 billion  
1710 will have more of a detrimental impact than will it be a  
1711 benefit, then we want to take some action on it.

1712         So with that, I would yield back the balance of my time  
1713 and respectfully request that Members would oppose the Tonko  
1714 amendment. Thank you.

1715         The {Chairman.} The gentleman yields back.

1716         The chair would recognize the gentleman from California.

1717         Mr. {Waxman.} Thank you, Mr. Chairman.

1718         I really want to think through that argument that was  
1719 just made to us. In effect, the gentleman from Kentucky is  
1720 arguing that if somebody in the coal area loses his or her  
1721 job, their children might become poor, and if they become  
1722 poor, that could adversely affect their health. Therefore,  
1723 we are not going to let an EPA regulation to protect children

1724 elsewhere and maybe even in Kentucky from being protected  
1725 from pollutants that cause children diseases like asthma and  
1726 cancer and everything else.

1727         Now, that is a very strange ethical balancing because we  
1728 are saying that the potential life of a child in the family  
1729 that has a job that may be adversely affected by a regulation  
1730 should take precedence than children who are already poor.

1731         Now, poverty of course isn't the only thing at stake  
1732 here. Even kids from middle-class families have asthma.  
1733 Even kids from wealthy families can get cancer from exposure  
1734 to air pollutants, especially toxic air pollutants. So who  
1735 is going to do this ethical weighing? Well, one could say  
1736 maybe what EPA proposes will make a lot of sense and we will  
1737 want that regulation. But it can't go into effect until we  
1738 have a very long process of DOE doing the analysis. And DOE  
1739 presumably is going to do an analysis speculating on the  
1740 impact of families in the coal area if coal is adversely  
1741 affected.

1742         But wait a second. What if coal is not adversely  
1743 affected? What if the regulation simply requires that coal  
1744 people to use some retrofitting equipment, use some anti-  
1745 pollution devices, which by the way will give jobs to  
1746 families who produce those anti-pollution devices? I think  
1747 we ought to factor that in because the kids from those

1748 families will be benefited presumably.

1749           So I just really ask you to think through the ethics of  
1750 this. I know the chairman of the subcommittee, I speak to  
1751 the chairman, Mr. Chairman, I know the chairman of the  
1752 subcommittee is concerned about his constituents in the coal  
1753 industry. I am sure people in Congress were very concerned  
1754 about the people that made horse and buggies. I know the  
1755 people in the Congress didn't want slavery eliminated because  
1756 it was the basis of their economic foundation. But that  
1757 should not be what guides us on national and ethical policy.

1758           Well, I just want to express my concern at the  
1759 disjointed ethical analysis because when you finally get to  
1760 agreeing that the regulation makes sense, not that everybody  
1761 is going to be happy and not that everybody is going to come  
1762 out on top with it, that overall, the benefits heavily  
1763 outweigh the costs, which is what EPA does before they can  
1764 issue a regulation. And if they don't come up with that,  
1765 they could be sued and it could go to court to decide whether  
1766 they have acted lawfully. And there is OMB that has to  
1767 review what the agency at EPA decides, again, looking at all  
1768 of this economic analysis.

1769           But I just think that the American people ought to hear  
1770 this argument and decide if they want their families' health  
1771 put at risk because the potential of what might happen to

1772 somebody in Kentucky or some other place if the coal industry  
1773 had to spend more money to reduce the pollution that causes  
1774 poor health.

1775         And it is not just carbon, although that is really what  
1776 is on the minds of the people on this bill. They don't want  
1777 carbon pollution regulated. That is what they don't want EPA  
1778 to do. But EPA also regulates air pollutants that are  
1779 otherwise very harmful, and I mean harmful, toxic air  
1780 pollutants that cause birth defects, neurological problems,  
1781 in addition to asthma and all the other things.

1782         So this amendment applies to kids. I think if you care  
1783 about kids, you don't stop EPA from going forward after they  
1784 have done their thorough analysis with regulations that  
1785 protect kids' health. And I would hope Members would support  
1786 the amendment by the gentleman from New York.

1787         The {Chairman.} The gentleman's time is expired.

1788         The chair would recognize the gentleman from Kentucky,  
1789 Mr. Guthrie.

1790         Mr. {Guthrie.} Thank you, Mr. Chairman. I would like  
1791 to yield to my colleague from Kentucky, Mr. Whitfield.

1792         Mr. {Whitfield.} Well, I thank the gentleman for  
1793 yielding.

1794         And just in response, I don't think there is anything in  
1795 this legislation that would allow the Department of Energy to

1796 just look at one State, the impacts, say, on Kentucky of a  
1797 rule. It requires a much broader national analysis of the  
1798 impact nationwide on a number of different factors.

1799         And the gentleman from California, who I have a great  
1800 deal of respect for, did make a great point. Some of these  
1801 regulations do require coal plants to put in additional  
1802 equipment, and that creates some jobs, and that is very good.  
1803 But what about those regulations of which there are some of  
1804 which the technology is simply not available commercially to  
1805 meet the emissions standard? What about in that situation  
1806 where it is not available? There is no way it can be done.  
1807 And what about the impact that that has on people who lose  
1808 their jobs and their healthcare and their education  
1809 opportunities? So that is really all that this is about.

1810         Would the gentleman mind yielding to Mr. Cassidy? Thank  
1811 you.

1812         Dr. {Cassidy.} Yes, a couple of things. This argument  
1813 seems a very duplicative. We seem to be going around and  
1814 about on this time after time.

1815         First, let's just say it doesn't have to be a long time  
1816 that it takes. Texas DEQ came back on that formaldehyde  
1817 which, granted, was not energy but it shows that it can be  
1818 done in a very complicated, nontransparent methodology and  
1819 figured it out within several months.

1820           And it is kind of a specious argument that we are going  
1821 to somehow sacrifice the health of children because clearly  
1822 the DOE's Secretary has the ability to consider the benefits.  
1823 That was the Barton amendment.

1824           And as regards the transparency, I will say once more  
1825 there is concern that EPA overstates benefits and that is  
1826 concern that came from testimony from public health physician  
1827 and other officials before this.

1828           And by the way, it is not just to the coal industry  
1829 which is affected. It is any energy-intensive enterprise.  
1830 Now, it may be in Santa Monica, a beautiful beach, I am very  
1831 familiar with the area, it doesn't have blue-collar workers.  
1832 But our problem with employment right now is blue-collar  
1833 workers, not just mining but manufacturing and construction.  
1834 And manufacturing, if it is a steel plant, if it is energy-  
1835 intensive of some other sort, requires energy. So we may  
1836 think, oh my gosh, all we are doing is affecting the people  
1837 of Kentucky; that doesn't matter to us, but we are also  
1838 affecting autoworkers and steelmakers.

1839           The reason that so many plants moved overseas--of  
1840 course, we can't compete with China or India's labor cost,  
1841 but we can with their energy costs. When our energy costs go  
1842 up, they move overseas because then we can't compete on  
1843 anything. When our energy costs are down, then they come



1844 back. We are seeing a renaissance of energy-intensive  
1845 enterprise, which is to say jobs for families who are blue-  
1846 collar and otherwise underemployed.

1847 Now, I will say one of the benefits of this is for those  
1848 families to allow them to go back to work, good jobs, good  
1849 benefits, and that does improve a family's health. With  
1850 that, I yield back.

1851 Mr. {Waxman.} Will the gentleman yield to me?

1852 Thank you very much for yielding.

1853 Look, EPA regulates and does an analysis and they look  
1854 at the benefits and they look at the costs, and if the  
1855 benefits outweigh the costs, they go forward with their  
1856 regulations subject to OMB review, subject to sometimes court  
1857 review.

1858 But what we are really talking about is carbon because  
1859 otherwise, when EPA regulates, they have to use the best  
1860 available control technology. And look at the history of the  
1861 Clean Air Act, adopted the first time when Nixon was  
1862 President, revised when George HW Bush was President. The  
1863 enormous gains from the Clean Air Act of reducing pollution  
1864 came about because it drove the development of technology to  
1865 reduce those pollutants that adversely affect public health.

1866 And I just think let's be honest about this debate.

1867 What the Republicans are saying is don't let EPA regulate

1868 carbon emissions that cause greenhouse gases that cause  
1869 climate change. And I was a very moved by the statement from  
1870 our colleague from New Mexico, Mr. Lujan, when he talked  
1871 about people being affected every single day by the carbon  
1872 emissions in the air. And these are emissions that stay in  
1873 the air for hundreds of years and we are going to let more be  
1874 added. And the Republicans are being members of the Flat  
1875 Earth Society by denying the science, refusing to hear from  
1876 the scientists, and now keeping EPA from regulating.

1877         So that is really what this is all about and don't give  
1878 me this business about the poor kids of families that may be  
1879 displaced. I don't agree with that argument. I think it is  
1880 ethically invalid.

1881         The {Chairman.} The gentleman's time from Kentucky is  
1882 expired.

1883         The gentl lady from California, Mrs. Capps.

1884         Mrs. {Capps.} Thank you, Mr. Chairman.

1885         I also want to register my support for Mr. Tonko's  
1886 commonsense amendment because it protects our children's  
1887 health and lives from pollution.

1888         I think we should be clear about the effect of the  
1889 underlying bill. The bill will block or delay EPA's public  
1890 health protections opposed by certain industry interests.  
1891 But the problem is that the public doesn't want more

1892 pollution. The public doesn't support weakening the Clean  
1893 Air Act or the Safe Drinking Water Act. The public does not  
1894 support blocking specific public health standards such as  
1895 EPA's requirements that coal-fired power plants clean up  
1896 their toxic mercury emissions. Now, the other side tried to  
1897 block that rule and many others in the last Congress, but  
1898 those bills never went anywhere in the Senate. Yet certain  
1899 industry interests still want to block EPA regulations so the  
1900 majority is trying another slightly subtler approach here.

1901 This bill creates new hurdles for EPA to jump over in  
1902 order to clean up air pollution, and it makes an end run  
1903 around most of the environmental laws administered by the  
1904 EPA. For many important rules under the Clean Air Act and  
1905 other statutes if the Department of Energy isn't an able to  
1906 complete the analysis required by this bill, the rules will  
1907 not be able to be finalized. That is just a slow death. And  
1908 the DOE has little expertise and no resources to do this  
1909 macroeconomic analysis, so the prospects do become bleak.

1910 For example, the Tier 3 regulations to clean up gasoline  
1911 will prevent an estimated 22,000 asthma attacks per year.  
1912 Those regulations will avoid almost 2 million lost workdays  
1913 and school days due to illness. They will prevent premature  
1914 deaths from heart attacks and strokes triggered by air  
1915 pollution, not just a few deaths but over 2,000 per year.

1916 And yet if this bill became law, the Tier 3 regulations may  
1917 never become final.

1918         So I don't think we should pretend that this bill is  
1919 about transparency or more analysis. This bill is about the  
1920 same thing as so many bills that were promoted in the last  
1921 Congress, stopping EPA from doing its work of protecting the  
1922 public from pollution. Our colleagues across the aisle say  
1923 this is not the intent of the underlying bill. They claim  
1924 they don't want to block rules that will protect kids from  
1925 pollution, but this amendment by Mr. Tonko gives us a clear  
1926 choice. This amendment provides for an up-or-down vote on  
1927 our children's health.

1928         Mr. Tonko's amendment ensures that EPA can finalize  
1929 rules to reduce the incidence of cancer, premature death,  
1930 asthma attacks, or respiratory disease in children without  
1931 the cumbersome DOE process. Mr. Tonko's amendment says that  
1932 when it comes to health and the lives of our kids, we are  
1933 going to let the EPA do its job.

1934         Of course every EPA rule will still have to go to the  
1935 lengthy public process, rigorous data requirements, extensive  
1936 economic analysis, detailed interagency review, and  
1937 opportunities for legal challenges. These already apply.  
1938 But despite all the misleading rhetoric we have heard today  
1939 about the need for still more economic analysis, we actually

1940 have a very simple choice to make. We can protect polluters  
1941 or we can protect America's children.

1942 I urge my colleagues to make the right choice and  
1943 support Mr. Tonko's amendment.

1944 I yield back or to someone else who may wish time. I  
1945 yield back.

1946 Mr. {Murphy.} Mr. Chairman?

1947 The {Chairman.} The gentlelady yields back.

1948 The gentleman from Pennsylvania, Dr. Murphy.

1949 Mr. {Murphy.} Thank you, Mr. Chairman.

1950 I would like to point out that nothing at all in the  
1951 underlying bill states, blocks, stops, or even addresses  
1952 anything about health. It talks about something we need to  
1953 be talking about, and that is poverty and the effect about  
1954 jobs the EPA has and indeed they have come before our  
1955 committee before and said that is not something they pay  
1956 attention to. Well, we want to make them pay attention to  
1957 what that does.

1958 In May, more than 130 employees at PBS Coal in Somerset  
1959 County, Pennsylvania, were laid off, third round of layoffs  
1960 in the company in less than a year. Last week, nearly 400  
1961 people, it was announced, would lose their jobs at  
1962 FirstEnergy by shutting off the Hatfield and Mitchell coal-  
1963 fired power plants in Greene and Washington County,

1964 Pennsylvania, after the company spent nearly \$1 billion  
1965 cleaning them up. They joined about 5,000 other coal miners  
1966 who lost their jobs in 2012.

1967           And it won't just be minors losing their jobs. It is  
1968 the boilermakers who are no longer building and maintaining  
1969 power plants, thousands of laborers, electricians, operating  
1970 engineers, steamfitters, plumbers, carpenters, machinists all  
1971 out of work. They will be joining those that join  
1972 manufacturing in Millersburg, Kentucky, who were laid off in  
1973 March or Peoria, the hundreds of boilermakers there laid off  
1974 of work; Erie, Pennsylvania, where GE is laying off 950  
1975 workers at its locomotive power plant because less coal means  
1976 less work for the railroads. These men and women are out of  
1977 work because of the country's 600 coal plants, more than 20  
1978 percent of all coal-fired units are being shut down due to  
1979 EPA regulations.

1980           Now, I am not want to talk much about my family, but I  
1981 wanted to talk about growing up in poverty because I remember  
1982 what it was like to come home to an empty refrigerator  
1983 growing up with my 10 brothers and sisters, my mom and dad  
1984 both working long jobs all the times to try and feed us. And  
1985 I remember in part motivated by that when I went to college  
1986 at Wheeling Jesuit University. I would oftentimes join  
1987 groups to travel throughout Appalachia helping families in

1988 the bleakest kind of poverty you can imagine. In coal towns  
1989 that were once thriving but as the mines shut down, miners  
1990 lost their jobs. And that was true not only in West Virginia  
1991 but Pennsylvania, New York, Ohio, Kentucky, Illinois,  
1992 Tennessee, Virginia, North Carolina where the poverty is  
1993 still so bleak in parts of eastern Kentucky that it is  
1994 absolutely amazing, three times the national poverty rate.

1995         And when people grow up in poverty, even despite  
1996 whatever things may come out of the healthcare bill, they  
1997 oftentimes characteristically have more drug abuse, dental  
1998 problems, chronic depression, cancer. They just can't afford  
1999 food. They can't afford to live. We see that such families  
2000 have depression twice the rate of the rest of the population,  
2001 higher rates of asthma and obesity because of poverty.

2002         Now, here we are talking about that even when things get  
2003 better with some kids who don't have mental health problems,  
2004 a recent study by Georgetown University says that they will  
2005 have other risks for obesity and cancer and hypertension and  
2006 stroke and cardiovascular disease because of the stresses of  
2007 poverty and unemployment.

2008         Now, I am with my colleagues. We want to make sure we  
2009 are looking at health and the EPA does a lot of talking about  
2010 that. All we are asking is at least for Americans who are  
2011 out there who are going to be told they are going to lose

2012 their jobs if power plants are shut down, as coal mines are  
2013 shut down, and towns move back to incredible unspeakable  
2014 poverty, I ask you to look at the eyes of the people who are  
2015 in poverty of all ages, the young and the old and in between  
2016 and make the EPA look at their eyes as well. I don't give a  
2017 rat's tail if they don't have the people right now to do it.  
2018 They certainly have enough people to come up with some other  
2019 things.

2020           They step into the area of the Department of Energy.  
2021 Somebody ought to speak up for Americans who are losing their  
2022 jobs and saying as regulations come through, we ought to find  
2023 out how poverty affects them, how they can't even afford to  
2024 live in decent trailers, how we have to send charitable  
2025 organizations down to put a roof on their house, put a toilet  
2026 in their house, give them running water. Why are we afraid  
2027 to talk about those things? I can't imagine why anybody  
2028 would vote against an amendment that says we want to know  
2029 what the EPA is doing to put more people in poverty.

2030           So what are we going to do? Offer them more food  
2031 stamps, more welfare, more money for their schools, more  
2032 other things there? Why not give people the decency of a job  
2033 and say that when we come up with these regulations, why  
2034 can't we talk about the effect this has upon jobs, the effect  
2035 this has upon families, the effect this has upon the future



2036 of children and the struggles they have and the hopelessness  
2037 that they have and the depression may face and the worries  
2038 that they have?

2039           Let's be compassionate and get back to these issues and  
2040 stop talking about the politics of either side on this and  
2041 for once and for all make the EPA and other federal  
2042 organizations say we want to know about your war on jobs, the  
2043 effect upon children, and I yield back.

2044           The {Chairman.} The gentleman yields back.

2045           The chair would recognize the gentleman from New Mexico.

2046           Mr. {Lujan.} Mr. Chairman, if the Committee would  
2047 indulge me, I am going to share a very personal story and one  
2048 that I hope doesn't get too emotional.

2049           You know, we talked about the impact of this and what  
2050 Congressman Tonko's legislation would do to look at rules  
2051 that would result in reduced incidence of cancer, premature  
2052 mortality, asthma attacks, respiratory disease in children.

2053           My father growing up was an ironworker. My dad had all  
2054 the pride in the world. He got up early in the morning and  
2055 we had an old beat-up pickup truck. Sometimes it would  
2056 start, sometimes it wouldn't. Sometimes dad had to thumb his  
2057 way to work. Fortunately, he had brothers that worked with  
2058 him in his trade that would give him a ride and pick him up  
2059 and take him to work. Mom would pack him his lunch and, you

2060 know, we didn't have much growing up but Dad always found a  
2061 way to leave a piece of that tortilla, half of that apple,  
2062 whatever it was in a lunchbox and whichever one of his four  
2063 kids would meet him at the driveway when he got home, he  
2064 would share that with him. It was a big treat. My father  
2065 died from lung cancer December 18 of this last year.

2066         And so when we say legislation doesn't matter or to  
2067 adopt legislation that is going to save someone's life, it  
2068 doesn't matter. Come look at my mom in her eyes and tell her  
2069 it doesn't matter. My father's grandchildren and great-  
2070 grandson tell him and them it doesn't matter.

2071         Look, if this amendment is something that everyone can  
2072 agree to and there is a thought that there could be a  
2073 billion-dollar cost to something that would impact the  
2074 prevention of cancer in this legislation, which doesn't  
2075 outline a timeline, which I hope at least the majority  
2076 Republicans will fix, it doesn't say billion over a year, a  
2077 billion over 10 years, a billion over 100 years, a billion  
2078 over 1,000 years, why wouldn't we do that?

2079         And, look, Dad's exposure came through him working at a  
2080 national lab, but the next step with this is to connect it  
2081 with how the Occupational Safety Hazard Association or  
2082 organization works from a safety perspective with the Act  
2083 with the EPA to enforce these to make sure that these things

2084 that we are breathing in aren't going to kill our families.

2085           Furthermore, those individuals around the Navajo Nation,  
2086 this study that came out from them in 2008 cost more than \$1  
2087 billion. These individuals who suffer from a berm that broke  
2088 at Church Rock, New Mexico, on the Navajo Nation of a chapter  
2089 where there was a big berm was collecting all these tailings  
2090 and this liquid waste that came out of the mines, had rules  
2091 been in place then to prevent that berm from breaking at the  
2092 same time that there was a meltdown at Three Mile Island,  
2093 which received more attention than the Navajo Nation, what  
2094 would happen to these communities?

2095           And so should this have been delayed to go in and help  
2096 these individuals, these families that are dying of these  
2097 illnesses every day, these communities that have been  
2098 devastated? What company is going to move in where  
2099 contamination ran through, nuclear and uranium contamination  
2100 ran through a river from New Mexico to Arizona? Who is going  
2101 to move in there? And who is going to clean it up? The  
2102 Federal Government sure hasn't been keeping track with this.

2103           So all I am saying is I know that this conversation is  
2104 emotional and it should be, but there should be some areas  
2105 where the Republican majority and the Democratic minority can  
2106 find some common ground, especially in areas where we are  
2107 going to address this issue.

2108           And lastly, if I could just try to make sense of the  
2109 economic argument that is being made to prevent the passage  
2110 of this amendment and that ultimately defeated the last  
2111 amendment that looks at the economic impact of not addressing  
2112 climate change and the cost of denying climate change even  
2113 exists. More natural disasters, more hurricanes that are  
2114 stronger, more tornadoes that are even more devastating, more  
2115 firefighters that are causing severe impacts to our  
2116 watersheds and the impact to that water that is making its  
2117 way to these businesses, more respiratory ailments and  
2118 cancers that are caused sounds to me like it costs a whole  
2119 lot of money. And I know we can put dollar amounts on what  
2120 has happened over these last few years. We should look at  
2121 the understanding what the economic impact as of not doing  
2122 anything to address climate change. And I hope, Mr.  
2123 Chairman, that we get to that point.

2124           Thank you and I yield back.

2125           The {Chairman.} The gentleman yields back.

2126           Other Members wishing to speak? Seeing none, the vote  
2127 occurs on the amendment.

2128           Those in favor of the Tonko amendment will say aye.

2129           Those opposed, say no.

2130           In the opinion of the chair, the noes have it. The noes  
2131 have it. The amendment is not agreed to.

2132 Mr. {Tonko.} Mr. Chair, I call for a recorded vote,  
2133 please.

2134 The {Chairman.} A roll call vote is requested and the  
2135 clerk will call the roll.

2136 The {Clerk.} Mr. Hall?

2137 [No response.]

2138 The {Clerk.} Mr. Barton?

2139 [No response.]

2140 The {Clerk.} Mr. Whitfield?

2141 Mr. {Whitfield.} No.

2142 The {Clerk.} Mr. Whitfield votes no.

2143 Mr. Shimkus?

2144 Mr. {Shimkus.} No.

2145 The {Clerk.} Mr. Shimkus votes no.

2146 Mr. Pitts?

2147 Mr. {Pitts.} No.

2148 The {Clerk.} Mr. Pitts votes no.

2149 Mr. Walden?

2150 [No response.]

2151 The {Clerk.} Mr. Terry?

2152 Mr. {Terry.} No.

2153 The {Clerk.} Mr. Terry votes no.

2154 Mr. Rogers?

2155 Mr. {Rogers.} No.

2156 The {Clerk.} Mr. Rogers votes no.  
2157 Mr. Murphy?  
2158 Mr. {Murphy.} No.  
2159 The {Clerk.} Mr. Murphy votes no.  
2160 Mr. Burgess?  
2161 [No response.]  
2162 The {Clerk.} Mrs. Blackburn?  
2163 Mrs. {Blackburn.} No.  
2164 The {Clerk.} Mrs. Blackburn votes no.  
2165 Mr. Gingrey?  
2166 [No response.]  
2167 The {Clerk.} Mr. Scalise?  
2168 Mr. {Scalise.} No.  
2169 The {Clerk.} Mr. Scalise votes no.  
2170 Mr. Latta?  
2171 Mr. {Latta.} No.  
2172 The {Clerk.} Mr. Latta votes no.  
2173 Mrs. McMorris Rodgers?  
2174 [No response.]  
2175 The {Clerk.} Mr. Harper?  
2176 Mr. {Harper.} No.  
2177 The {Clerk.} Mr. Harper votes no.  
2178 Mr. Lance?  
2179 Mr. {Lance.} No.

2180 The {Clerk.} Mr. Lance votes no.  
2181 Mr. Cassidy?  
2182 Dr. {Cassidy.} No.  
2183 The {Clerk.} Mr. Cassidy votes no.  
2184 Mr. Guthrie?  
2185 Mr. {Guthrie.} No.  
2186 The {Clerk.} Mr. Guthrie votes no.  
2187 Mr. Olson?  
2188 [No response.]  
2189 The {Clerk.} Mr. McKinley?  
2190 Mr. {McKinley.} No.  
2191 The {Clerk.} Mr. McKinley votes no.  
2192 Mr. Gardner?  
2193 Mr. {Gardner.} No.  
2194 The {Clerk.} Mr. Gardner votes no.  
2195 Mr. Pompeo?  
2196 Mr. {Pompeo.} No.  
2197 The {Clerk.} Mr. Pompeo votes no.  
2198 Mr. Kinzinger?  
2199 Mr. {Kinzinger.} No.  
2200 The {Clerk.} Mr. Kinzinger votes no.  
2201 Mr. Griffith?  
2202 Mr. {Griffith.} No.  
2203 The {Clerk.} Mr. Griffith votes no.

2204 Mr. Bilirakis?

2205 Mr. {Bilirakis.} No.

2206 The {Clerk.} Mr. Bilirakis votes no.

2207 Mr. Johnson?

2208 Mr. {Johnson.} No.

2209 The {Clerk.} Mr. Johnson votes no.

2210 Mr. Long?

2211 Mr. {Long.} No.

2212 The {Clerk.} Mr. Long votes no.

2213 Mrs. Ellmers?

2214 Mrs. {Ellmers.} No.

2215 The {Clerk.} Mrs. Ellmers votes no.

2216 Mr. Waxman?

2217 Mr. {Waxman.} Aye.

2218 The {Clerk.} Mr. Waxman votes aye.

2219 Mr. Dingell?

2220 Mr. {Dingell.} Votes aye.

2221 The {Clerk.} Mr. Dingell votes aye.

2222 Mr. Pallone?

2223 [No response.]

2224 The {Clerk.} Mr. Rush?

2225 [No response.]

2226 The {Clerk.} Ms. Eshoo?

2227 Ms. {Eshoo.} Aye.



2228 The {Clerk.} Ms. Eshoo votes aye.  
2229 Mr. Engel?  
2230 [No response.]  
2231 The {Clerk.} Mr. Green?  
2232 Mr. {Green.} Aye.  
2233 The {Clerk.} Mr. Green votes aye.  
2234 Ms. DeGette?  
2235 [No response.]  
2236 The {Clerk.} Mrs. Capps?  
2237 Mrs. {Capps.} Aye.  
2238 The {Clerk.} Mrs. Capps votes aye.  
2239 Mr. Doyle?  
2240 [No response.]  
2241 The {Clerk.} Ms. Schakowsky?  
2242 Ms. {Schakowsky.} Aye.  
2243 The {Clerk.} Ms. Schakowsky votes aye.  
2244 Mr. Matheson?  
2245 Mr. {Matheson.} Aye.  
2246 The {Clerk.} Mr. Matheson votes aye.  
2247 Mr. Butterfield?  
2248 Mr. {Butterfield.} Aye.  
2249 The {Clerk.} Mr. Butterfield votes aye.  
2250 Mr. Barrow?  
2251 Mr. {Barrow.} Aye.

2252 The {Clerk.} Mr. Barrow votes aye.  
2253 Ms. Matsui?  
2254 Ms. {Matsui.} Aye.  
2255 The {Clerk.} Ms. Matsui votes aye.  
2256 Ms. Christiansen?  
2257 Dr. {Christiansen.} Aye.  
2258 The {Clerk.} Ms. Christiansen votes aye.  
2259 Ms. Castor?  
2260 Ms. {Castor.} Aye.  
2261 The {Clerk.} Ms. Castor votes aye.  
2262 Mr. Sarbanes?  
2263 Mr. {Sarbanes.} Aye.  
2264 The {Clerk.} Mr. Sarbanes votes aye.  
2265 Mr. McNerney?  
2266 Mr. {McNerney.} Aye.  
2267 The {Clerk.} Mr. McNerney votes aye.  
2268 Mr. Braley?  
2269 Mr. {Braley.} Aye.  
2270 The {Clerk.} Mr. Braley votes aye.  
2271 Mr. Welch?  
2272 [No response.]  
2273 The {Clerk.} Mr. Lujan?  
2274 Mr. {Lujan.} Aye.  
2275 The {Clerk.} Mr. Lujan votes aye.

2276 Mr. Tonko?

2277 Mr. {Tonko.} Aye.

2278 The {Clerk.} Mr. Tonko votes aye.

2279 Chairman Upton?

2280 The {Chairman.} I am sorry, votes no.

2281 The {Clerk.} Chairman Upton votes no.

2282 The {Chairman.} Other Members wishing to cast a vote?

2283 Mr. Pallone?

2284 Mr. {Pallone.} Aye.

2285 The {Clerk.} Mr. Pallone votes aye.

2286 The {Chairman.} Mr. Walden?

2287 Mr. {Walden.} Walden votes no.

2288 The {Clerk.} Mr. Walden votes no.

2289 The {Chairman.} Mr. Hall?

2290 Mr. {Hall.} No.

2291 The {Clerk.} Mr. Hall votes no.

2292 The {Chairman.} Mr. Welch, are you recorded?

2293 The {Clerk.} Mr. Welch is not recorded.

2294 Mr. {Welch.} Votes aye.

2295 The {Clerk.} Mr. Welch votes aye.

2296 The {Chairman.} Other Members wishing to cast a vote?

2297 Seeing none, the clerk will report the tally.

2298 The {Clerk.} Mr. Chairman, on that vote there were 19

2299 ayes and 25 nays.

2300           The {Chairman.} 19 ayes, 25 nays, the amendment is not  
2301 agreed to.

2302           Are there further amendments to the bill? Seeing none,  
2303 the question now occurs on favorably reporting H.R. 1582, as  
2304 amended, to the House.

2305           All those in favor will say aye.

2306           Those opposed, say no.

2307           In the opinion of the chair, the ayes have it. The ayes  
2308 have it. The bill is agreed to.

2309           Roll call is requested. And the clerk will report the  
2310 tally.

2311           The {Clerk.} Mr. Hall?

2312           [No response.]

2313           The {Clerk.} Mr. Barton?

2314           [No response.]

2315           The {Clerk.} Mr. Whitfield?

2316           Mr. {Whitfield.} Aye.

2317           The {Clerk.} Mr. Whitfield votes aye.

2318           Mr. Shimkus?

2319           Mr. {Shimkus.} Aye.

2320           The {Clerk.} Mr. Shimkus votes aye.

2321           Mr. Pitts?

2322           Mr. {Pitts.} Aye.

2323           The {Clerk.} Mr. Pitts votes aye.

2324 Mr. Walden?

2325 Mr. {Walden.} Aye.

2326 The {Clerk.} Mr. Walden votes aye.

2327 Mr. Terry?

2328 Mr. {Terry.} Aye.

2329 The {Clerk.} Mr. Terry votes aye.

2330 Mr. Rogers?

2331 [No response.]

2332 The {Clerk.} Mr. Murphy?

2333 Mr. {Murphy.} Aye.

2334 The {Clerk.} Mr. Murphy votes aye.

2335 Mr. Burgess?

2336 [No response.]

2337 The {Clerk.} Mrs. Blackburn?

2338 Mrs. {Blackburn.} Aye.

2339 The {Clerk.} Mrs. Blackburn votes aye.

2340 Mr. Gingrey?

2341 [No response.]

2342 The {Clerk.} Mr. Scalise?

2343 Mr. {Scalise.} Aye.

2344 The {Clerk.} Mr. Scalise votes aye.

2345 Mr. Latta?

2346 Mr. {Latta.} Aye.

2347 The {Clerk.} Mr. Latta votes aye.

2348 Mrs. McMorris Rodgers?  
2349 [No response.]  
2350 The {Clerk.} Mr. Harper?  
2351 Mr. {Harper.} Aye.  
2352 The {Clerk.} Mr. Harper votes aye.  
2353 Mr. Lance?  
2354 Mr. {Lance.} Aye.  
2355 The {Clerk.} Mr. Lance votes aye.  
2356 Mr. Cassidy?  
2357 Dr. {Cassidy.} Aye.  
2358 The {Clerk.} Mr. Cassidy votes aye.  
2359 Mr. Guthrie?  
2360 Mr. {Guthrie.} Aye.  
2361 The {Clerk.} Mr. Guthrie votes aye.  
2362 Mr. Olson?  
2363 [No response.]  
2364 The {Clerk.} Mr. McKinley?  
2365 Mr. {McKinley.} Aye.  
2366 The {Clerk.} Mr. McKinley votes aye.  
2367 Mr. Gardner?  
2368 Mr. {Gardner.} Aye.  
2369 The {Clerk.} Mr. Gardner votes aye.  
2370 Mr. Pompeo?  
2371 Mr. {Pompeo.} Aye.

2372 The {Clerk.} Mr. Pompeo votes aye.  
2373 Mr. Kinzinger?  
2374 Mr. {Kinzinger.} Aye.  
2375 The {Clerk.} Mr. Kinzinger votes aye.  
2376 Mr. Griffith?  
2377 Mr. {Griffith.} Aye.  
2378 The {Clerk.} Mr. Griffith votes aye.  
2379 Mr. Bilirakis?  
2380 Mr. {Bilirakis.} Aye.  
2381 The {Clerk.} Mr. Bilirakis votes aye.  
2382 Mr. Johnson?  
2383 Mr. {Johnson.} Aye.  
2384 The {Clerk.} Mr. Johnson votes aye.  
2385 Mr. Long?  
2386 [No response.]  
2387 The {Clerk.} Mrs. Ellmers?  
2388 Mrs. {Ellmers.} Aye.  
2389 The {Clerk.} Mrs. Ellmers votes aye.  
2390 Mr. Waxman?  
2391 Mr. {Waxman.} No.  
2392 The {Clerk.} Mr. Waxman votes no.  
2393 Mr. Dingell?  
2394 Mr. {Dingell.} Votes no.  
2395 The {Clerk.} Mr. Dingell votes no.

2396 Mr. Pallone?

2397 Mr. {Pallone.} No.

2398 The {Clerk.} Mr. Pallone votes no.

2399 Mr. Rush?

2400 [No response.]

2401 The {Clerk.} Ms. Eshoo?

2402 Ms. {Eshoo.} No.

2403 The {Clerk.} Ms. Eshoo votes no.

2404 Mr. Engel?

2405 [No response.]

2406 The {Clerk.} Mr. Green?

2407 Mr. {Green.} No.

2408 The {Clerk.} Mr. Green votes no.

2409 Ms. DeGette?

2410 [No response.]

2411 The {Clerk.} Mrs. Capps?

2412 Mrs. {Capps.} No.

2413 The {Clerk.} Mrs. Capps votes no.

2414 Mr. Doyle?

2415 [No response.]

2416 The {Clerk.} Ms. Schakowsky?

2417 Ms. {Schakowsky.} No.

2418 The {Clerk.} Ms. Schakowsky votes no.

2419 Mr. Matheson?



2420 Mr. {Matheson.} Aye.

2421 The {Clerk.} Mr. Matheson votes aye.

2422 Mr. Butterfield?

2423 Mr. {Butterfield.} No.

2424 The {Clerk.} Mr. Butterfield votes no.

2425 Mr. Barrow?

2426 Mr. {Barrow.} Aye.

2427 The {Clerk.} Mr. Barrow votes aye.

2428 Ms. Matsui?

2429 Ms. {Matsui.} No.

2430 The {Clerk.} Ms. Matsui votes no.

2431 Mrs. Christiansen?

2432 Dr. {Christiansen.} No.

2433 The {Clerk.} Mrs. Christiansen votes no.

2434 Ms. Castor?

2435 Ms. {Castor.} No.

2436 The {Clerk.} Ms. Castor votes no.

2437 Mr. Sarbanes?

2438 Mr. {Sarbanes.} No.

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

2440 Mr. McNerney?

2441 Mr. {McNerney.} No.

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

2443 Mr. Braley?

2444 Mr. {Braley.} No.

2445 The {Clerk.} Mr. Braley votes no.

2446 Mr. Welch?

2447 Mr. {Welch.} No.

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

2449 Mr. Lujan?

2450 Mr. {Lujan.} No.

2451 The {Clerk.} Mr. Lujan votes no.

2452 Mr. Tonko?

2453 Mr. {Tonko.} No.

2454 The {Clerk.} Mr. Tonko votes no.

2455 Chairman Upton?

2456 The {Chairman.} Votes aye.

2457 The {Clerk.} Chairman Upton votes aye.

2458 The {Chairman.} Are there Members wishing to cast a

2459 vote? Mr. Hall?

2460 Mr. {Hall.} Votes aye.

2461 The {Clerk.} Mr. Hall votes aye.

2462 The {Chairman.} Anyone else? Mr. Rush?

2463 Mr. {Rush.} Rush votes no.

2464 The {Clerk.} Mr. Rush votes no.

2465 The {Chairman.} Any other Members wishing to cast a

2466 vote? Mr. Shimkus, have you voted?

2467 Seeing none, the clerk will report the tally.

2468           The {Clerk.} Mr. Chairman, on that vote, there were 25  
2469 ayes and 18 nays.

2470           The {Chairman.} 25 ayes and 18 nays, the bill as  
2471 amended is approved. H.R. 1582 is favorably reported.

|

2472 H.R. 1900

2473           The {Chairman.} The chair now calls up H.R. 1900 and  
2474 asks the clerk to report.

2475           The {Clerk.} H.R. 1900, to provide for the timely  
2476 consideration of all licenses, permits, and approvals  
2477 required under federal law with respect to the siting,  
2478 construction, expansion, or operation of any natural gas  
2479 pipeline projects.

2480           [H.R. 1900 follows:]

2481 \*\*\*\*\* INSERT B \*\*\*\*\*

|  
2482           The {Chairman.} Without objection, the first reading of  
2483 the bill is dispensed with and the bill will be open for  
2484 amendment at any point. So ordered.

2485           The chair now recognizes Mr. Pompeo for the purpose of  
2486 offering an amendment in the nature of a substitute.

2487           Mr. {Pompeo.} Thank you, Mr. Chairman. I do have an  
2488 amendment at the desk.

2489           The {Chairman.} And the clerk will report the  
2490 amendment.

2491           The {Clerk.} Amendment in the nature of a substitute to  
2492 H.R. 1900 offered by Mr. Pompeo of Kansas.

2493           [The amendment of Mr. Pompeo follows:]

2494 \*\*\*\*\* INSERT 5 \*\*\*\*\*

|  
2495           The {Chairman.} And without objection, the reading of  
2496 the amendment is dispensed with.

2497           The gentleman is recognized for 5 minutes in support of  
2498 his amendment.

2499           Mr. {Pompeo.} Thank you, Mr. Chairman.

2500           As I said in the subcommittee hearing and indeed in the  
2501 markup last week, this legislation, H.R. 1900, is a  
2502 commonsense approach providing certainty for natural gas  
2503 pipeline developers, and even more importantly than the  
2504 developers themselves, this legislation ultimately helps  
2505 alleviate the increasingly prevalent natural gas pipeline  
2506 capacity issue that is plaguing parts of the country,  
2507 especially the Northeast.

2508           Ultimately, though, this is a pro-consumer piece of  
2509 legislation that will provide lower energy costs for  
2510 consumers all across America by providing the infrastructure  
2511 we need to get energy to where the demand centers are and  
2512 where working families need that energy.

2513           One of the benefits of having the legislative hearing  
2514 and the subcommittee markup is that we got a chance to hear  
2515 again from some of the stakeholders with different ideas and  
2516 suggestions. As a result of that, I am offering this  
2517 amendment in the nature of a substitute that incorporates

2518 many of the suggestions from folks who testified, as well as  
2519 folks on the other side of the auditorium here today. It  
2520 does three things really.

2521 First, the substitute amendment applies this legislation  
2522 only to projects that go through the pre-filing process.  
2523 That is an extensive review beginning up to 8 months before  
2524 applications are even filed with the commissions. We learned  
2525 from FERC and other witnesses that the pre-filing process is  
2526 a successful process that keeps all stakeholders, including  
2527 state, local, and federal agencies, as well as property  
2528 owners informed and involved with the project from the very  
2529 beginning. It also allows pipeline developers to incorporate  
2530 additional environmental mitigation measures into the process  
2531 as they move through application and ultimately construction.

2532 Second, as a result of the testimony of Commissioner  
2533 Moeller, we learned about his concern with FERC's 12-month  
2534 shot clock and when it would start. As originally drafted,  
2535 the shot clock began right after public notice. After  
2536 hearing his concerns that were shared by some on this  
2537 committee, specifically the timeline that Mr. Moeller said  
2538 that the timeline was achievable if we made this  
2539 modification, we changed the start time to when FERC actually  
2540 receives a completed application that is ready to go as  
2541 defined by current regulation.

2542           And then finally, the third substitute provision  
2543 maintains the statutory requirement that the permit will go  
2544 into effect absent agency action but makes some small changes  
2545 to that process as well, requires agencies seeking a 30-day  
2546 extension to the 90-day deadline to certify that they are  
2547 unable to complete their work and be forced to deny the  
2548 private as a result of that time period. This was something  
2549 that other folks on the other side were concerned about.

2550           So now, as a result of these changes from pre-filing to  
2551 final permit reviews, the substitute puts in place a process  
2552 that last over 2 years that include 8 months of a pre-filing  
2553 process, 12 months for the FERC certificate, 90 days for the  
2554 agency to take final action, 30 days for an extension in the  
2555 event the agency needs more time, and then 30 days after the  
2556 permit goes into effect for agencies to add additional terms  
2557 and conditions.

2558           I can't see how anyone could think that over 2 years is  
2559 not moving fast enough or that we are putting an undue burden  
2560 on agencies to complete their tasks along that timeline. We  
2561 have tried hard. I worked with folks over the last few days  
2562 to try and accommodate all of their concerns, and we have  
2563 tried to put together a truly bipartisan bill and a  
2564 commonsense update to the gas pipeline permitting process.

2565           I urge all Members to support this substitute amendment



2566 and I yield back.

2567           The {Chairman.} The gentleman yields back. Are there  
2568 amendments to the substitute?

2569           The gentleman from California.

2570           Mr. {Waxman.} Strike the last word.

2571           The {Chairman.} The gentleman strikes the last word and  
2572 is recognized.

2573           Mr. {Waxman.} Okay. Mr. Chairman, there is an irony  
2574 that this bill should be offered following the last one that  
2575 was just passed because the last one said we don't want to  
2576 trust EPA as an agency to make decisions. We want those  
2577 decisions reviewed by the DOE. But this amendment says that  
2578 FERC can stand in the place of all the other agencies that  
2579 would have to do a review in their area of specialization.

2580           For example, the Bureau of Land Management would look at  
2581 rights-of-way through federal lands for a project that FERC,  
2582 let's say, what is to agree to, but this amendment says, no,  
2583 FERC can have that power, not the BLM. BLM can advise them  
2584 but FERC is not going to make that decision. FERC will be  
2585 figuring out water discharge limits. FERC will be  
2586 determining which technologies should be employed to reduce  
2587 air pollution emissions, not EPA but FERC. FERC will be  
2588 issuing permits to protect wetlands and even bald eagles.  
2589 These are jobs that FERC doesn't have the expertise or the

2590 resources to carry out, but we are going to let FERC do it.  
2591 It looks like FERC has a lot of goodwill on this committee if  
2592 we agree to this bill.

2593         But we don't really trust FERC that much either because  
2594 the underlying bill says after FERC has completed application  
2595 and they are doing their analysis, they have got to act  
2596 within 90 days. And if they don't act within 90 days, then  
2597 the permit goes automatically into effect.

2598         Now, we heard from a career director of the Office of  
2599 Energy Projects at FERC who testified. He didn't believe  
2600 this bill would result in faster permitting. He told us that  
2601 the bill could actually result in slower permitting if  
2602 agencies have no choice but to deny applications because of  
2603 the arbitrary deadlines established by the bill.

2604         The amendment that is now before us seems like it was  
2605 cobbled together to try to find solutions to some of the  
2606 issues that were raised but it doesn't deal with the  
2607 underlying problem, which is that permits are going to be  
2608 granted in 90 days even if the agency is not ready to make  
2609 that decision.

2610         And I note this amendment, which gives FERC the role of  
2611 being a super permitter, does some good things, but that is  
2612 troublesome. It acknowledges that forcing agencies to  
2613 approve or deny permits in 90 days could result in agencies

2614 simply denying their permits. The amendment provides  
2615 agencies another 30 days if they otherwise be forced to deny  
2616 a permit.

2617 That doesn't solve the problem for permits that require  
2618 longer than 120 days to complete. Permits can be detailed  
2619 documents with terms and conditions to protect public health  
2620 and the environment. It can take time to work out these  
2621 details. But the underlying bill says we don't have any more  
2622 time. FERC, you just make all the decisions and make them in  
2623 90 days. Maybe we will give you a little bit more time, but  
2624 that is it.

2625 So I don't think this Pompeo amendment solves the  
2626 problems with this bill. I still will oppose the bill. And  
2627 I know the amendment that I offered as a substitute will  
2628 become the basis for other amendments that we will be  
2629 considering and we will hear about those amendments later on.

2630 The bill is fundamentally flawed, and I urge opposition  
2631 to the bill.

2632 I will be happy to yield to Mr. Green the balance of my  
2633 time.

2634 Mr. {Green.} I thank my colleague and I want to use  
2635 this opportunity to thank Mr. Pompeo for working with us and  
2636 a number of us who had concerns and still have concerns about  
2637 the bill.

2638           There were two issues that this amendment addresses.  
2639   The last one is one that deems it approved. And some of our  
2640   Members who aren't on the subcommittee, where I come from in  
2641   Texas we deal with FERC and pipelines literally every day. I  
2642   have never not lived on a pipeline easement in Houston. And  
2643   who they were having problems at FERC over the last decade,  
2644   but over the last few years, there hasn't been. And dealing  
2645   with a lot of these companies, I have not had one complaint  
2646   from a company because of regulatory delay at FERC.

2647           And my only concern about it is that there are some good  
2648   things in this bill and particularly the two amendments that  
2649   Mr. Pompeo put in, but by putting this deemed approval in  
2650   there, it is the kiss of death in the United States Senate.  
2651   It will pass the House Floor but it will go nowhere in the  
2652   Senate.

2653           So that is why I have some concern about the bill and I  
2654   intend to vote against it even though there were some  
2655   improvements with this amendment.

2656           And I yield. I thank you, Mr. Chairman, Ranking Member,  
2657   for your time.

2658           The {Chairman.} The gentleman's time is expired.

2659           Are there further amendments to the substitute? Seeing  
2660   none--the gentleman from Illinois seeks recognition?

2661           Mr. {Rush.} Mr. Chairman, I do seek recognition. I

2662 have an amendment at the desk.

2663           The {Chairman.} The gentleman has an amendment at the  
2664 desk. The clerk will report the title of the amendment.

2665 What number?

2666           Mr. {Rush.} #2.

2667           The {Chairman.} #2? #1.

2668           Mr. {Rush.} Amendment #1.

2669           The {Clerk.} The amendment to the amendment in the  
2670 nature of a substitute offered by Mr. Rush of Illinois.

2671           [The amendment of Mr. Rush follows:]

2672 \*\*\*\*\* INSERT 6 \*\*\*\*\*

|  
2673           The {Chairman.} And the amendment will be considered as  
2674 read. The staff will distribute the amendment. And the  
2675 gentleman is recognized for 5 minutes.

2676           Before he starts, let's just make sure this is the right  
2677 amendment. Come on up and we will make sure. Is that the  
2678 amendment?

2679           Mr. {Rush.} Mr. Chairman, this is the correct  
2680 amendment.

2681           The {Chairman.} Yes, the gentleman is recognized for 5  
2682 minutes.

2683           Mr. {Rush.} Mr. Chairman, I apologize for the confusion  
2684 there. I am involved in two simultaneous meetings at the  
2685 same time, as most Members have been.

2686           But, Mr. Chairman, my amendment strikes the section of  
2687 the bill that provides that permits automatically go into  
2688 effect if agencies do not approve or deny the permits in 90  
2689 days.

2690           At the hearing last week, Mr. Chairman, no one could  
2691 explain how this provision would work as these permits aren't  
2692 yes-or-no decisions. These permits can be detailed documents  
2693 that need to be written by the agencies, and it doesn't make  
2694 any sense to mandate that an unwritten permit will  
2695 automatically take effect.

2696 Mr. Chairman, we received technical comments from some  
2697 of the agencies whose permitting processes would be affected  
2698 by this provision. And here is what the agencies responsible  
2699 for implementing these laws told us. The Army Corps of  
2700 Engineers stated, ``this legislation could allow certain  
2701 activities to proceed despite potential adverse and  
2702 significant impacts to aquatic resources and without  
2703 appropriate compensatory mitigation.'' The EPA stated, ``it  
2704 will severely limit States' ability to ensure that discharges  
2705 comply with water quality standards.'' The EPA also told the  
2706 Committee, ``this requirement could potentially result in  
2707 sources receiving an inadequate permit or a permit that does  
2708 not ensure compliance with the Clean Air Act.'' The Bureau  
2709 of Land Management and the Fish and Wildlife Service raised  
2710 similar concerns.

2711 Mr. Chairman, the Pompeo amendment seems to acknowledge  
2712 that this provision would be unworkable but it would make the  
2713 provision even more problematic by apparently requiring FERC  
2714 to write and issue the permits of other agencies that will  
2715 require FERC to duplicate the expertise of the EPA, the BLM,  
2716 the Fish and Wildlife Service, and the Army Corps of  
2717 Engineers.

2718 And, Mr. Chairman, and you know just as well as we know  
2719 that that is just not feasible. Even if it were feasible, it

2720 would require an amazing dedication of new personnel, new  
2721 resources to duplicate the functions of all of these federal  
2722 agencies at a time when my Republican colleagues are in fact  
2723 cutting the funding to many of these same agencies.

2724 Mr. Chairman, attempting to transform FERC into some  
2725 kind of super permitting police agency would be a mistake.  
2726 It is a bad idea that has not been thoroughly thought out.  
2727 This automatic permitting provision could have serious  
2728 environmental consequences and it could result in permits  
2729 being issued that are inconsistent with the requirements of  
2730 the Nation's environmental laws.

2731 Mr. Chairman, agencies should act expeditiously on  
2732 pipeline applications but they also need time to perform  
2733 their due diligence by conducting the necessary environmental  
2734 and safety reviews. They must be able to set appropriate  
2735 term and conditions to protect the environment and the public  
2736 health, and clearly, the permits should meet the underlying  
2737 statutory requirements.

2738 Mr. Chairman, I urge all Members to support my amendment  
2739 which will address a major problem with this bill.

2740 And with that, I yield back the balance of my time.

2741 The {Chairman.} The gentleman yields back.

2742 The gentleman from Kansas is recognized for 5 minutes.

2743 Mr. {Pompeo.} Mr. Chairman, thank you. I move to



2744 strike the last word and respectfully oppose the Rush  
2745 amendment.

2746       Where to begin? First of all, you know, he says that my  
2747 amendment acknowledges that this bill is unworkable. That is  
2748 not true. It doesn't. It is not unworkable. They don't  
2749 have to take my word for it. You can take Commissioner  
2750 Moeller's word for it, the man who will be forced to  
2751 implement this. Commissioner Moeller said if you get the  
2752 shot clock right and start the clock at the right time, we  
2753 can absolutely do this.

2754       So I don't know what some staff person at FERC might  
2755 have said or might not have said, but the Commissioner, the  
2756 one who chose to come testify--and we invited a number of  
2757 commissioners to come testify, but the commissioner who chose  
2758 to come testify said that this was eminently workable if we  
2759 would finish that shot clock provision. We have done that,  
2760 and so this bill is easily, easily workable.

2761       Mr. Chairman, both Mr. Waxman and Mr. Rush suggested  
2762 that this is giving FERC some greater power, that we are  
2763 taking away authority from EPA or BLM or DOI. Nothing could  
2764 be further from the truth. We are completely respecting  
2765 those agencies. Indeed, we give FERC no authority that would  
2766 have otherwise been granted to them. We haven't changed  
2767 their statutory duties, obligations, rights. All we are

2768 saying is that we would respectfully ask you to do your job  
2769 and to finish and complete the process.

2770         We are not taking any power away from them. If they  
2771 think that a particular pipeline shouldn't be built because  
2772 they have got environmental concerns, they ought to come  
2773 articulate that and present that and denied the permit. All  
2774 they have got to do is act. This seems like a pretty  
2775 straightforward proposition, a basic governmental function.

2776         You know, we also have heard now folks talk about  
2777 letters that were submitted. We had a hearing on this,  
2778 invited a number of agencies to come testify before this  
2779 committee on this bill if they had concerns about it. If  
2780 they thought it was going to cause their agencies problem,  
2781 they were invited to come here to testify. None of them  
2782 chose to show up save for one Commissioner from the Federal  
2783 Energy Regulatory Commission.

2784         Last thought, there has been lots of talk about how this  
2785 deemed approved provision is radical or unheard-of or  
2786 unprecedented but that is just simply not true. This is not  
2787 the first time we have had laws written that anticipated the  
2788 need for certainty in permitting or application and granted  
2789 approval if an agency did not act. There are lots of  
2790 examples. I will read a couple of them.

2791         Indeed, in the Clean Water Act itself at 33 USC 129 that

2792 deals with the States' certification of projects, it says if  
2793 the administrator does not approve or disapprove such  
2794 application within 45 days of receipt, the application shall  
2795 be deemed approved. We are not breaking new ground here.

2796 In TSCA, Section 5, dealing with new chemical approvals,  
2797 if EPA does not take action on a pre-manufacturing notice,  
2798 the manufacturer of the chemical can begin manufacturing the  
2799 chemical. The company must submit a notice of commencement  
2800 to EPA within 30 days, after which the chemical is considered  
2801 an existing chemical. It has been deemed approved.

2802 The Pinelands National Reserve, 471(i), dealing with  
2803 approval of comprehensive forest management programs, the  
2804 same thing. Should the Secretary fail to act on the proposed  
2805 plan within 90 days, the plan shall be regarded as approved.  
2806 I could go on but my time is winding down.

2807 Look, H.R. 1900 falls in this tradition. That is just a  
2808 simple thing. It says EPA, BLM, DOI, knock yourselves out.  
2809 Do your job, but you can't wait forever. You can't leave  
2810 folks who need energy, who need affordable energy waiting for  
2811 you to act. Do your job, finish the application process,  
2812 make the review. And what you will be approving is not some  
2813 blank piece of paper. It is not some nothing, not some  
2814 vacuum. Commissioner Moeller made very clear this is a  
2815 workable bill. They know precisely what they will be

2816 approving of these agencies don't complete their tasks, and  
2817 for that reason the amendment by Mr. Rush I would urge my  
2818 colleagues to vote against it.

2819 I yield back, Mr. Chairman.

2820 Mr. {Whitfield.} [Presiding] The gentleman yields  
2821 back.

2822 Is there further discussion on the Rush amendment?

2823 The gentleman from Michigan is recognized.

2824 Mr. {Dingell.} Mr. Chairman, last week, I introduced an  
2825 amendment to require GAO to study what if any delays there  
2826 have been or there may be in the permitting process. The  
2827 Committee chose not to adopt that amendment, which was  
2828 friendly, and so I am going to be forwarding a request on  
2829 that study from myself to the GAO. My good friend, Mr.  
2830 Barton, has indicated that he will join me in signing the  
2831 request and I look forward to hearing back from him and other  
2832 Members who might wish to sign.

2833 The harsh fact of the matter is there is a basic rule of  
2834 life and that is if it ain't broke, don't fix it. We have  
2835 found no problem here. I am not opposed to constructing  
2836 natural gas pipelines. I think they should be constructed  
2837 but carefully and safely. And I would remind my colleagues  
2838 if one of those things let's go, it is like an atom bomb.

2839 And there are considerably different situations with

2840 regard to whether the permitting should be permitted in  
2841 different places and under different circumstances.

2842         And I would point out that Commissioner Moeller last  
2843 week says that 90 percent of the permit applications at FERC  
2844 are already approved within 12 months and that the delays on  
2845 the remaining 10 percent are due to complexities of the  
2846 proposed projects or incomplete applications.

2847         What is he telling us? He is telling us that they then  
2848 are going to either approve in haste, they are going to  
2849 disapprove in haste, they are going to act without proper  
2850 time to consider a significant number of applications that  
2851 need to be considered in connection with the permitting  
2852 process.

2853         If there is a problem here, we don't know what it is.  
2854 All we know is we have got a piece of legislation before us  
2855 that is going to encourage the agencies to move faster. But  
2856 one of the reasons that we give the agencies time is they  
2857 have to give notice to the people so that the people can make  
2858 the necessary comments and can point out that there are  
2859 perils here or there are reasons why they support them or  
2860 reasons why they oppose them.

2861         This is going to constrict that notice because that  
2862 notice is defined now in the administrative procedures and in  
2863 the other statutes that affect the issuance of permits of

2864 this kind not only by the agency that issues the permits with  
2865 regard to the pipeline but also with regard to agencies that  
2866 issue permits with regard to endangered species or water  
2867 pollution or air pollution or other things. And those are  
2868 oftentimes extremely complicated questions and require the  
2869 time be given to the people so that they can make the  
2870 necessary comments on the peril.

2871         We had a situation where a bunch of natural gas got  
2872 loose in pipelines or rather from a treatment process in  
2873 Cleveland during World War II. During that time in those  
2874 dollars, it cost \$300 billion to Cleveland, just literally  
2875 blew the hell out of Cleveland. And it got into the sewers  
2876 and basements and everything else and it caused incredible  
2877 destruction. When one of these pipelines goes up, there are  
2878 serious consequences.

2879         But that is not the only concern we have here because we  
2880 are concerned about the impact on the environment, on whether  
2881 or not it is going to pollute the waters or contaminate the  
2882 air or cause other difficulties or endanger the different  
2883 species that are endangered under the law. And so this  
2884 encourages nothing less than carelessness, haste, and  
2885 doubtful behavior without proper opportunities for the  
2886 citizens to see to it that they are heard and to give the  
2887 process an opportunity for it to work.

2888 I think we have a lot of questions. What delays have  
2889 there been and what has caused them? How do we fix  
2890 identifiable delays in issuing permits? What effect do  
2891 appropriations and other resources have on FERC and other  
2892 federal agencies that have to deal with these particular  
2893 problems? We have no decent factual record here to justify  
2894 the enactment of this legislation or even its consideration.  
2895 It may be there is something needed here to be done but the  
2896 record doesn't show it and there is no reason to proceed on  
2897 this kind of legislation.

2898 The amendment is a very helpful one and I commend the  
2899 gentleman for offering it, but when you put lipstick on a  
2900 pig, you still got a pig and the lipstick doesn't help. So I  
2901 urge the adoption of the amendment and the rejection of the  
2902 legislation.

2903 Mr. {Whitfield.} The gentleman's time is expired.

2904 The chair will recognize himself for 5 minutes just to  
2905 make a comment about this amendment.

2906 I did want to simply point out and just clarify that  
2907 during the testimony of the FERC Commissioner, Mr. Moeller,  
2908 they talked about 90 percent of the certificates were  
2909 completed within 12 months, and that is true, but that  
2910 relates only to the control that FERC has. They have control  
2911 over the certificate process but they do not have any control

2912 of the other agencies, and that is one of the purposes of Mr.  
2913 Pompeo's bill is to put some time constraints on those other  
2914 agencies. And so the 90 percent did not refer to approval of  
2915 permits per se but of the certificate in their process.

2916 And with that, I would be happy to yield to the  
2917 gentleman from Illinois.

2918 Mr. {Shimkus.} Just for a minute, thank you, Mr.  
2919 Chairman.

2920 What is going on in the country right now also on the  
2921 whole pipeline debate is that this natural gas is going to  
2922 flow to places where it needs to go whether you believe in  
2923 the climate change debate and you want to have electricity,  
2924 and there is limited amount of pipelines. And so what it is  
2925 doing is it is pushing crude oil or refined product out of  
2926 these pipelines so there is also a disruption in the  
2927 transportation fuels of passenger vehicles.

2928 And so if you are all in, as I am, on fracking and  
2929 really getting a chance to really develop this natural gas  
2930 boon that we have, we have to have the infrastructure to move  
2931 the natural gas, whether that is to power plants, whether  
2932 that is to chemical manufacturing facilities, whether it is  
2933 LNG terminals or the like.

2934 And so that is why I am pleased to support my colleague,  
2935 Mr. Pompeo, and really follow up on Chairman Whitfield's



2936 comment is that the FERC is one thing but there is a lot of  
2937 other agencies that this whole process has to go through, and  
2938 this bill is intended to get the job done, get it done right,  
2939 but in a timely process so that the energy disruptions based  
2940 upon transportation doesn't cause great distress to this  
2941 country.

2942         And, you know, we have seen what is happening in the  
2943 movement of crude oil and we want to move natural gas through  
2944 trains, we want to move other things through the like,  
2945 pipelines is the safest, most secure route to transport  
2946 commodity products, natural gas, and liquid commodities, and  
2947 we should be about the safety mechanism but also the  
2948 timeliness so we can take great advantage of this opportunity  
2949 that we have in this country.

2950         And I thank my colleagues and I yield back.

2951         Mr. {Whitfield.} The gentleman yields back to me. And  
2952 I yield back the balance of my time.

2953         The gentlelady from Florida is recognized for 5 minutes.

2954         Ms. {Castor.} Thank you, Mr. Chairman.

2955         Well, anyone who is truly concerned about the  
2956 expeditious approval of pipelines across America should  
2957 support the Rush amendment and oppose the underlying bill  
2958 because what we heard in the Energy and Power Subcommittee  
2959 and what is contained in the legislative record if you will

2960 go back and review the testimony is that the underlying bill  
2961 will likely lead to greater delays in the approvals of  
2962 pipelines.

2963 Chairman Emeritus Dingell is absolutely correct. There  
2964 was no compelling case made through the testimony in the  
2965 legislative record. The testimony from the career director  
2966 of FERC's Office of Energy Projects confirmed that the 12-  
2967 month time limit may actually lead to more pipeline delays  
2968 contrary to the sponsors' stated purpose.

2969 The nonpartisan staff witness testified that he did not  
2970 believe H.R. 1900 would effectively cause pipelines to be  
2971 permitted any faster than they are now, and that if FERC must  
2972 deny applications that cannot properly be reviewed within the  
2973 time period, it quite possibly could take longer for certain  
2974 projects to be approved. And then what will happen is they  
2975 will have to re-file and start over.

2976 The legislative record also contains the fact that 90  
2977 percent of these pipeline projects are approved within 12  
2978 months, so the ones we are talking about that take longer  
2979 other more complex pipelines. And in order to ensure that  
2980 the safety of the public is protected, there is this natural  
2981 give-and-take that happens among agencies. Do you move the  
2982 pipeline maybe certain yards one way or the other? Do you  
2983 look at other alternatives? That is the natural give-and-

2984 take that leads to more expeditious approvals.

2985           Also, it is likely that if you say within 90 days  
2986 something has to be approved, you are going to be doing so in  
2987 contravention of environmental statutes. If you want to  
2988 delay a project, do that, and allow the environmental  
2989 litigators to take up the cause and take a pipeline project  
2990 into court.

2991           I think that the underlying bill runs counter to the  
2992 author's intent. I think it is going to lead to greater  
2993 delays. It is simply not realistic for the very complex  
2994 pipeline projects to say 90 days and if it is not finished,  
2995 it is deemed approved.

2996           Mr. {McNerney.} Will the gentlelady yield?

2997           Ms. {Castor.} I am almost done. I am almost done.

2998           And so I would say please do not approve something that  
2999 is so unrealistic and will complicate the approval of  
3000 important infrastructure for natural gas and pipelines all  
3001 across the country. I think the Rush amendment is a  
3002 reasonable step to try to improve a very flawed bill but in  
3003 the end, whether we are able to do so appears unlikely.

3004           And Mr. McNerney from California had asked me previously  
3005 to yield time, so I will yield to the gentleman from  
3006 California.

3007           Mr. {McNerney.} Thank you for the courtesy.

3008           And I understand my friend from Illinois, Mr. Shimkus,  
3009 would like to see product move, and I think we all feel that  
3010 way. There is a natural bottleneck because of the increase  
3011 of natural gas. But pipelines are being permitted. And as  
3012 the chairman emeritus suggested, if it isn't broke, don't fix  
3013 it.

3014           But I have a further piece of ancient wisdom here. Be  
3015 careful what you wish for because you might actually get it.  
3016 If this were to become law, complex projects would either be  
3017 denied or would be permitted without appropriate review. In  
3018 either case, the result will be endless lawsuits. This is  
3019 self-defeating to the underlying objective of the bill.

3020           So if you want this to move forward and be adopted into  
3021 law, you are going to get a lot more than you asked for. I  
3022 recommend that we pass the amendment.

3023           And I want to yield to the chairman emeritus if he needs  
3024 time.

3025           Mr. {Dingell.} We have observed that we finally have  
3026 heard exactly what this is about. It is not so much to speed  
3027 up the process at FERC but rather it is to create an entirely  
3028 new speed-up of all the other permitting processes that are  
3029 going on under other laws probably not under the jurisdiction  
3030 of this committee.

3031           I thank the gentleman for yielding.

3032 Mr. {McNerney.} I yield back.

3033 Mr. {Whitfield.} Does the gentlelady from Florida--  
3034 well, I guess she yields back, too.

3035 Is there further discussion on the amendment? The  
3036 gentlelady--well, I am sorry, Anna. He had his hand up  
3037 before, so Mr. Engel, I recognize you for 5 minutes.

3038 Mr. {Engel.} Thank you. Thank you, Mr. Chairman.

3039 As my colleagues have mention, the language that really  
3040 disturbs me in the bill is the deemed approved language. And  
3041 I think Mr. Rush's amendment will take care of that.

3042 I really wanted to try very hard to vote for this bill  
3043 because I really do think that there needs to be some kind of  
3044 finality, that these things cannot keep going on and on and  
3045 on and on with the delaying tactics just for the sake of  
3046 delay. I don't think that that helps us, this country, or  
3047 helps us.

3048 However, sometimes the cure turns out to be as bad or  
3049 worse than the problem, and I think to say that something is  
3050 deemed approved is very troublesome. We want an adequate  
3051 amount of time to figure out what the best way forward is.  
3052 We don't want it to be--well, we don't want it to be endless.  
3053 We also don't want to short-circuit the things that are very  
3054 important, environmental and other things that need to be  
3055 done.

3056           And as some of my colleagues have already said, it could  
3057 even have the opposite effect because if agencies are forced  
3058 to make a yes-or-no decision by a certain deadline, the  
3059 language could leave them to decline permits because they  
3060 need more time. So we need to allow the agencies to complete  
3061 their work within a reasonable time frame. The question is  
3062 what is reasonable?

3063           I want to thank Mr. Pompeo for working with some of our  
3064 offices, my office certainly on this side of the aisle during  
3065 the past week to try to improve the bill, and I am sorry that  
3066 we were unable to come to a compromised language that was  
3067 satisfactory for all of us, but I know there was a good faith  
3068 effort to do that.

3069           So I really wanted to support the bill if possible but  
3070 it is really hard for me to do that without Mr. Rush's  
3071 amendment. Changes in our discussion during these weeks,  
3072 some changes have been made in this substitute language that  
3073 are good but I still have concerns about the language in this  
3074 bill that could have negative environmental effects. The  
3075 approval language again is a specific problem and I  
3076 understand the industry's need for finality on these projects  
3077 but it really boils down to, from my way of thinking, that it  
3078 really cannot be done at the expense of proper agency review  
3079 of projects. It just can't. We would be going away from one

3080 problem, I think, and creating a problem that would be even  
3081 worse.

3082           So let me just say that I support Mr. Rush's amendment  
3083 for all the reasons mentioned. And to Mr. Pompeo, while we  
3084 were unable to reach a compromise on this language, I  
3085 appreciate his trying to work with us towards compromise and  
3086 I hope that in the future we can figure out a happy medium  
3087 here and continue to work together.

3088           I yield back unless anyone wants my time.

3089           Mr. {Whitfield.} Do you want to yield to Ms. Eshoo or  
3090 do you want 5 minutes, Ms. Eshoo?

3091           Ms. {Eshoo.} I would prefer the 5.

3092           Mr. {Whitfield.} Okay. The gentleman yields back the  
3093 balance of his time.

3094           Mr. {Engel.} Yes, Mr. Chairman. Thank you.

3095           Mr. {Whitfield.} At this time, I recognize the  
3096 gentleman from Texas for 5 minutes.

3097           Mr. {Olson.} I thank the chair.

3098           And as we see all over the world every day, a soldier  
3099 will be helped by a sailor.

3100           I yield to Mr. Pompeo, the sponsor of the bill, as much  
3101 time as he may consume.

3102           Mr. {Pompeo.} Very kind of a Navy guy.

3103           Just a couple quick points. So there has been some

3104 concern expressed that we got it wrong, that this legislation  
3105 is going to cause problems, that the author didn't get what  
3106 he intended I think was the reference. Well, it is possible  
3107 that I could have it wrong but if I have got it wrong, then  
3108 so does every major natural gas organization in the country.  
3109 They very much want this deadline. They very much want the  
3110 agencies to be put on a time period that says do your job,  
3111 get it done, complete it, be thorough, be complete, but give  
3112 us an answer. So I don't think we have got this legislation  
3113 wrong.

3114 I suspect, Mr. Chairman, somewhat feigned concern that  
3115 there will be denials of pipeline permits as a result of  
3116 this. I think it is just wrong. I think that is not going  
3117 to be the case that we are going to see. And I think  
3118 Commissioner Moeller in his testimony certainly didn't  
3119 indicate that.

3120 And lastly, I want to thank Mr. Engel, too. We did work  
3121 hard with a number of folks on that side. And I understand  
3122 what a have some concerns about this. I listened to their  
3123 concerns about the deemed approved language, but there were  
3124 simply no alternatives offered they got us to a place where  
3125 we could be sure that we could get finality, that we could  
3126 actually get agencies to act. And so we tried and we worked.  
3127 I was not presented with any other alternative that would



3128 have gotten to us to a place where we would have finally  
3129 gotten the agency to make sure they had to do what they were  
3130 supposed to do.

3131         And finally, one last comment that I think has been  
3132 overlooked, in the substitute amendment, these agencies have  
3133 the opportunity to continue to offer conditions even after  
3134 the permit has been granted. And then in that same vein,  
3135 that means it is not a 90-day process. I continue to hear  
3136 folks talk about 90 days, 90 days, 90 days. We are talking  
3137 about a 2-year-long process for all the stakeholders to have  
3138 the opportunity to comment and express their concerns and  
3139 improve the permit application so that we get a pipeline that  
3140 fits the location which it is designed to serve.

3141         So the concern about 90 days misunderstands the total  
3142 length of the process and the duration and the availability  
3143 for input.

3144         And with that, Mr. Olson, thank you for the time.

3145         Mr. {Olson.} Anybody else on my side want some time to  
3146 speak? On the other side, 2:45 left?

3147         In that case, I yield back the balance of my time.

3148         Mr. {Whitfield.} The gentleman yields back the balance  
3149 of his time.

3150         At this time I recognize the gentlelady from California,  
3151 Ms. Eshoo, for 5 minutes.

3152 Ms. {Eshoo.} Thank you, Mr. Chairman.

3153 I think if we are going to have a conversation about  
3154 interstate natural gas pipelines, we really have to consider  
3155 the safety impacts. In September 2010 in my home county, San  
3156 Mateo County, California, that is the county that is just  
3157 south of the city and county of San Francisco and right near  
3158 San Francisco International Airport, a natural gas pipeline  
3159 explosion in San Bruno, the city of San Bruno, killed eight  
3160 people and destroyed dozens of home. I mean the ground just  
3161 absolutely erupted under these homes and burned people alive  
3162 in their homes. I mean it is one of the largest pipeline  
3163 disasters in our country.

3164 And this bill rushes the permitting process and that  
3165 puts people at risk. I don't know if the author of the bill  
3166 took any of this into consideration but it is a real one. It  
3167 is a real one. That community is still struggling to cope  
3168 with the overwhelming disaster that took place there.

3169 Now, at the subcommittee hearing on this bill, the  
3170 Pipeline Safety Trust testified that they opposed the bill.  
3171 They oppose it because an important part of FERC's process is  
3172 an analysis that includes engineering and safety issues.

3173 So I don't think we should be short-circuiting that  
3174 process. A rigid 12-month deadline for FERC's analysis I  
3175 think is a mistake. Most frankly, I don't think life is that

3176 tidy. It would be wonderful if it would fit into that tight  
3177 time frame, but I will tell you after what we witnessed in  
3178 our county, safety really can't be pushed aside.

3179 Now, some complex projects will take more time than  
3180 that, and I think that that is a very important consideration  
3181 here and we should allow FERC to take the time it needs to  
3182 get it right because, again, if any kind of safety is  
3183 sacrificed, this is real world. This is not some dry  
3184 language buried inside of a whatever-number-page bill. This  
3185 has real impacts. People depend on FERC and the other  
3186 agencies to do a careful job to ensure that residents living  
3187 near pipelines or right on top of them are protected.

3188 And that is why I really want to raise this issue of  
3189 what happened in my county. It was a real, real disaster, a  
3190 real disaster. And I wouldn't want to see this happen  
3191 anyplace in our country, much less anyplace in the world, but  
3192 we are talking about the United States, and this is not some  
3193 rural region. This is right adjacent to San Francisco  
3194 International Airport. In fact, when the explosions took  
3195 place, the very, very early reporting was that they thought a  
3196 giant airliner had crashed because it was--I mean the sounds  
3197 and all of it were seemingly related to that. Instead, it is  
3198 the pipes underneath those homes that just absolutely blew  
3199 them sky high and the residents in them. Luckily, many of

3200 the residents were picking up their children from school and  
3201 otherwise their lives would have been taken, but they lost  
3202 their homes anyway.

3203         So I want to raise this, Mr. Chairman, again because it  
3204 is a real-life issue and I don't think the legislation  
3205 really--let me just put it this way. It worries me a great  
3206 deal that the legislation is not sensitive to the whole issue  
3207 of safety. I don't think it is covered in the underlying  
3208 bill.

3209         So with that, I will yield back the balance of my time.  
3210 Thank you.

3211         The {Chairman.} The gentlelady yields back. Are there  
3212 further Members wishing to speak on the amendment? Seeing  
3213 none, the vote occurs--the gentleman from North Carolina.

3214         Mr. {Butterfield.} Thank you, Mr. Chairman. I won't  
3215 take up the full 5 minutes, but, Mr. Chairman, the Rush  
3216 amendment addresses a very, very problematic provision in  
3217 this bill, and I support Mr. Rush's amendment and thank him  
3218 for it.

3219         Under the Pompeo substitute, if an agency cannot  
3220 complete its review of a permit application by the arbitrary  
3221 90- or 120-day deadline, then FERC is required to  
3222 automatically--and I think that is what we are talking about--  
3223 -to automatically issue this permit. This broadly applies to

3224 the Clean Air Act, the Clean Water Act, Endangered Species  
3225 Act, the Coastal Zone Management Act, and even rights-of-way  
3226 through federal lands. Now, these permits are detailed  
3227 documents that include emission limits and technology or  
3228 operating requirements and conditions to ensure the  
3229 environment is protected. Agencies need to figure out all of  
3230 these details and then actually draft the permits.

3231 Under the Pompeo substitute, FERC acts as a super  
3232 permitting agency. If an agency misses the deadline, FERC  
3233 apparently writes and issues the permit itself. It is up to  
3234 FERC to decide whether or not to include conditions submitted  
3235 by the agencies with expertise, the agencies Congress  
3236 empowered to issue the permits in the very first place.

3237 It makes no sense to have FERC issuing permits for other  
3238 agencies. FERC doesn't have the expertise to issue BLM  
3239 rights-of-way through federal lands or to set water pollution  
3240 discharge limits. That is not a workable solution, Mr.  
3241 Chairman. There are going to be real environmental and  
3242 safety impacts if permits automatically go into effect  
3243 without the responsible agencies completing the necessary  
3244 analysis.

3245 The Army Corps of Engineers and EPA provided technical  
3246 comments on the bill. They raised concerns that automatic  
3247 permitting could lead to permits that are inconsistent with

3248 the requirements of the Clean Water Act and Clean Air Act.  
3249 This could lead to environmentally harmful water or air  
3250 pollution.

3251 Automatically issuing permits without an agency  
3252 confirming that the legal requirements are met is also going  
3253 to increase the risk of litigation and undermine the public's  
3254 acceptance of interstate natural gas pipelines going through  
3255 their communities. This is a bad provision and the  
3256 consequences have not been thought through, and so I thank  
3257 Mr. Rush and I support Mr. Rush's amendment and ask all of my  
3258 colleagues to vote for it. Thank you.

3259 I yield back.

3260 The {Chairman.} The gentleman yields back.

3261 Is there further discussion on the amendment? Seeing  
3262 none, the vote occurs on the amendment offered by the  
3263 gentleman from Illinois.

3264 All of those in favor of the amendment will say aye.

3265 Those opposed, say no.

3266 In the opinion of the chair, the noes--

3267 Mr. {Rush.} Mr. Chairman?

3268 The {Chairman.} Roll call is requested. The clerk will  
3269 call the roll.

3270 The {Clerk.} Mr. Hall?

3271 Mr. {Hall.} No.

- 3272 The {Clerk.} Mr. Hall votes no.
- 3273 Mr. Barton?
- 3274 Mr. {Barton.} No.
- 3275 The {Clerk.} Mr. Barton votes no.
- 3276 Mr. Whitfield?
- 3277 Mr. {Whitfield.} No.
- 3278 The {Clerk.} Mr. Whitfield votes no.
- 3279 Mr. Shimkus?
- 3280 Mr. {Shimkus.} No.
- 3281 The {Clerk.} Mr. Shimkus votes no.
- 3282 Mr. Pitts?
- 3283 Mr. {Pitts.} No.
- 3284 The {Clerk.} Mr. Pitts votes no.
- 3285 Mr. Walden?
- 3286 Mr. {Walden.} No.
- 3287 The {Clerk.} Mr. Walden votes no.
- 3288 Mr. Terry?
- 3289 Mr. {Terry.} No.
- 3290 The {Clerk.} Mr. Terry votes no.
- 3291 Mr. Rogers?
- 3292 Mr. {Rogers.} No.
- 3293 The {Clerk.} Mr. Rogers votes no.
- 3294 Mr. Murphy?
- 3295 [No response.]

3296 The {Clerk.} Mr. Burgess?  
3297 [No response.]  
3298 The {Clerk.} Mrs. Blackburn?  
3299 Mrs. {Blackburn.} No.  
3300 The {Clerk.} Mrs. Blackburn votes no.  
3301 Mr. Gingrey?  
3302 [No response.]  
3303 The {Clerk.} Mr. Scalise?  
3304 [No response.]  
3305 The {Clerk.} Mr. Latta?  
3306 Mr. {Latta.} No.  
3307 The {Clerk.} Mr. Latta votes no.  
3308 Mrs. McMorris Rodgers?  
3309 Mrs. {McMorris Rodgers.} No.  
3310 The {Clerk.} Mrs. McMorris Rodgers votes no.  
3311 Mr. Harper?  
3312 Mr. {Harper.} No.  
3313 The {Clerk.} Mr. Harper votes no.  
3314 Mr. Lance?  
3315 Mr. {Lance.} No.  
3316 The {Clerk.} Mr. Lance votes no.  
3317 Mr. Cassidy?  
3318 [No response.]  
3319 The {Clerk.} Mr. Guthrie?



3320 Mr. {Guthrie.} No.

3321 The {Clerk.} Mr. Guthrie votes no.

3322 Mr. Olson?

3323 Mr. {Olson.} No.

3324 The {Clerk.} Mr. Olson votes no.

3325 Mr. McKinley?

3326 Mr. {McKinley.} No.

3327 The {Clerk.} Mr. McKinley votes no.

3328 Mr. Gardner?

3329 Mr. {Gardner.} No.

3330 The {Clerk.} Mr. Gardner votes no.

3331 Mr. Pompeo?

3332 Mr. {Pompeo.} No.

3333 The {Clerk.} Mr. Pompeo votes no.

3334 Mr. Kinzinger?

3335 Mr. {Kinzinger.} No.

3336 The {Clerk.} Mr. Kinzinger votes no.

3337 Mr. Griffith?

3338 Mr. {Griffith.} No.

3339 The {Clerk.} Mr. Griffith votes no.

3340 Mr. Bilirakis?

3341 [No response.]

3342 The {Clerk.} 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. Waxman?  
3352 Mr. {Waxman.} Aye.  
3353 The {Clerk.} Mr. Waxman votes aye.  
3354 Mr. Dingell?  
3355 Mr. {Dingell.} Aye.  
3356 The {Clerk.} Mr. Dingell votes aye.  
3357 Mr. Pallone?  
3358 [No response.]  
3359 The {Clerk.} Mr. Rush?  
3360 Mr. {Rush.} Aye.  
3361 The {Clerk.} Mr. Rush votes aye.  
3362 Ms. Eshoo?  
3363 Ms. {Eshoo.} Aye.  
3364 The {Clerk.} Ms. Eshoo votes aye.  
3365 Mr. Engel?  
3366 Mr. {Engel.} Aye.  
3367 The {Clerk.} Mr. Engel votes aye.

3368 Mr. Green?

3369 Mr. {Green.} Aye.

3370 The {Clerk.} Mr. Green votes aye.

3371 Ms. DeGette?

3372 [No response.]

3373 The {Clerk.} Mrs. Capps?

3374 Mrs. {Capps.} Aye.

3375 The {Clerk.} Mrs. Capps votes aye.

3376 Mr. Doyle?

3377 [No response.]

3378 The {Clerk.} Ms. Schakowsky?

3379 Ms. {Schakowsky.} Aye.

3380 The {Clerk.} Ms. Schakowsky votes aye.

3381 Mr. Matheson?

3382 [No response.]

3383 The {Clerk.} Mr. Butterfield?

3384 Mr. {Butterfield.} Aye.

3385 The {Clerk.} Mr. Butterfield votes aye.

3386 Mr. Barrow?

3387 Mr. {Barrow.} Aye.

3388 The {Clerk.} Mr. Barrow votes aye.

3389 Ms. Matsui?

3390 [No response.]

3391 The {Clerk.} Ms. Christiansen?

3392 Dr. {Christiansen.} Aye.

3393 The {Clerk.} Ms. Christiansen votes aye.

3394 Ms. Castor?

3395 [No response.]

3396 The {Clerk.} Mr. Sarbanes?

3397 Mr. {Sarbanes.} Aye.

3398 The {Clerk.} Mr. Sarbanes votes aye.

3399 Mr. McNerney?

3400 Mr. {McNerney.} Aye.

3401 The {Clerk.} Mr. McNerney votes aye.

3402 Mr. Braley?

3403 [No response.]

3404 The {Clerk.} Mr. Welch?

3405 [No response.]

3406 The {Clerk.} Mr. Lujan?

3407 Mr. {Lujan.} Aye.

3408 The {Clerk.} Mr. Lujan votes aye.

3409 Mr. Tonko?

3410 Mr. {Tonko.} Aye.

3411 The {Clerk.} Mr. Tonko votes aye.

3412 Chairman Upton?

3413 The {Chairman.} Votes no.

3414 The {Clerk.} Chairman Upton votes no.

3415 The {Chairman.} Members wishing to cast a vote?

3416 Mr. Matheson?

3417 Mr. {Matheson.} No.

3418 The {Clerk.} Mr. Matheson votes no.

3419 The {Chairman.} Other Members wishing to cast a vote?

3420 Dr. {Cassidy.} I vote no.

3421 The {Clerk.} Mr. Cassidy votes no.

3422 The {Chairman.} Dr. Murphy, were you recorded?

3423 Mr. {Murphy.} No.

3424 The {Clerk.} Mr. Murphy votes no.

3425 The {Chairman.} Other Members wishing to cast a vote?

3426 Mr. Braley?

3427 Mr. {Braley.} Aye.

3428 The {Clerk.} Mr. Braley votes aye.

3429 The {Chairman.} Mr. Pallone?

3430 Mr. {Pallone.} Aye.

3431 The {Clerk.} Mr. Pallone votes aye.

3432 The {Chairman.} Other Members? Seeing none, the clerk

3433 will report the tally.

3434 The {Clerk.} Mr. Chairman, on that vote there were 17

3435 ayes and 27 nays.

3436 The {Chairman.} 17 ayes, 27 nays, the amendment is not

3437 agreed to.

3438 Are there further amendments to the substitute? The

3439 gentleman from California? No? Do you have an amendment?

3440 Yes, the gentleman from California, Mr. McNerney.

3441 Mr. {McNerney.} I have an amendment at the desk.

3442 The {Chairman.} And the clerk will report the title of  
3443 the amendment.

3444 The {Clerk.} Amendment to the amendment in the nature  
3445 of a substitute offered by Mr. McNerney of California.

3446 [The amendment of Mr. McNerney follows:]

3447 \*\*\*\*\* INSERT 7 \*\*\*\*\*

|  
3448           The {Chairman.} And the amendment will be considered as  
3449 read. The staff will distribute a copy of the amendment, and  
3450 the gentleman is recognized for 5 minutes.

3451           Mr. {McNerney.} Thank you, Mr. Chairman.

3452           Climate change is one of the most urgent energy  
3453 challenges that we face today. The world's climate  
3454 scientists have concluded that if global average temperatures  
3455 increase beyond 3.6 degrees Fahrenheit, society will face  
3456 serious impacts. Just last month, the Environmental Energy  
3457 Agency concluded that unless the world takes strong actions  
3458 to reduce greenhouse gas emissions immediately, global  
3459 temperatures could rise by more than 9 degrees Fahrenheit in  
3460 the decades ahead.

3461           Now, many of us do hope that natural gas will serve as a  
3462 critical bridge fuel as we work to control our carbon  
3463 pollution, and I agree that natural gas is now playing a  
3464 crucial role in our energy supply system, but there are  
3465 serious issues with natural gas.

3466           While it is cleaner than coal or oil, natural gas is a  
3467 fossil fuel and it still releases carbon pollution when  
3468 burned. But worse, if methane escapes without being burned,  
3469 it is even more serious threat. Methane is a potent global  
3470 warming gas far more powerful than carbon dioxide. During

3471 the production, distribution, and transmission of natural  
3472 gas, methane can escape from leaky equipment and pipes.  
3473 Fugitive methane emissions from natural gas systems do  
3474 represent a significant source of global warming pollution in  
3475 the United States.

3476         These fugitive methane emissions can reduce or even  
3477 negate the climate benefits of using natural gas as a  
3478 substitute for coal and oil. We need to get the methane  
3479 emissions under control.

3480         What my amendment states is that for an application for  
3481 pipeline construction will be considered complete and the  
3482 one-year clock will start only when a company shows its  
3483 project will utilize available designs, systems, and  
3484 practices to minimize methane emissions to the extent  
3485 practical.

3486         My amendment does not establish any new mandatory  
3487 requirements on pipeline companies. It simply states that if  
3488 companies want the new deadlines to apply, they need to show  
3489 they are taking commonsense steps to address methane  
3490 emissions.

3491         If we are going to make changes to the natural gas  
3492 pipeline permitting process, we should talk about more than  
3493 just the deadlines. We should also talk about the quality of  
3494 the projects. Reducing methane emissions is good for natural



3495 gas companies and it is good for our environment.

3496 Mr. Chairman, I yield back.

3497 The {Chairman.} The gentleman yields back.

3498 Other Members wishing to speak on the amendment? The  
3499 gentleman from Kansas, Mr. Pompeo.

3500 Mr. {Pompeo.} Thank you, Mr. Chairman.

3501 I oppose the McNerney amendment. I think it shows that  
3502 it is not my bill, it is not this amendment that I propose to  
3503 that is adding any restrictions or making any changes to  
3504 environmental law. It is this amendment that is trying to do  
3505 so. It is trying to put additional demands and requirements  
3506 in place and they are wholly unfounded. And frankly, I  
3507 consider this amendment kind of to be a red herring with  
3508 respect to what I am trying to accomplish here.

3509 I am not trying to change any of the underlying rules or  
3510 policies, just tell folks to get their act together and  
3511 complete the task. But opponents don't want to confront the  
3512 status quo of a regulatory process that is failing because it  
3513 allows these pipelines to remain in limbo for years.

3514 I just have to say one last time nothing in this bill  
3515 affects any existing pipeline safety standards. It is all  
3516 regulated by PHMSA, which is completely unaffected by this  
3517 bill. Moreover, the NEPA analysis that every pipeline  
3518 application already has to go through will include estimates

3519 for such things as the fugitive methane emissions that Mr.  
3520 McNerney's amendment attempts to address. Industry also has  
3521 every incentive to control these methane leaks. Escaping  
3522 methane is escaping product which means losses. There are  
3523 ongoing collaborations between industry and the environmental  
3524 community to study new ways to deal with this issue.

3525 With that, Mr. Chairman, I urge a no vote on the  
3526 McNerney amendment and yield back the balance of my time.

3527 The {Chairman.} The gentleman yields back.

3528 The gentl lady from California.

3529 Mrs. {Capps.} Thank you, Mr. Chairman. I wish to speak  
3530 in support of Mr. McNerney's amendment.

3531 H.R. 1900 attempts to solve a problem that doesn't even  
3532 exist. It seeks to speed up the approval of natural gas  
3533 pipelines even though GAO found that the Federal Energy  
3534 Regulatory Commission, FERC's permitting is predictable and  
3535 consistent and does get pipelines built. The bill seeks to  
3536 change this process even though the pipeline companies have  
3537 testified that the permitting process is ``generally very  
3538 good.''

3539 We have real energy challenges in this country and we  
3540 should be spending our time seeking real solutions to these  
3541 challenges, not on problems that don't even exist. Mr.  
3542 McNerney's amendment addresses a real energy problem, the

3543 dangers of climate change and the contributions of natural  
3544 gas infrastructure to this warming climate.

3545         Although natural gas emits less carbon dioxide when  
3546 burned than coal or oil, the development and transportation  
3547 of natural gas results in releases of methane, which is a  
3548 potent greenhouse gas, 25 times more damaging to the climate  
3549 than carbon dioxide. This is a serious concern.

3550         According to a recent study by the World Resources  
3551 Institute--and this is a quote that Mr. McNerney gave but I  
3552 want to underscore it--``leaks from natural gas systems  
3553 represent a significant source of global warming pollution in  
3554 the United States.'' The study further found that methane  
3555 leaks occur at every stage of the natural gas lifecycle with  
3556 leaky pipelines being one of the major sources, as I can  
3557 attest to with Ms. Eshoo's comments about a very tragic event  
3558 in the State of California.

3559         Mr. McNerney's amendment is a commonsense measure to  
3560 address this problem by ensuring that new pipelines  
3561 incorporate designs, systems, and practices that minimize  
3562 leaks and reduce climate pollution. This is precisely what  
3563 we should expect and require of energy infrastructure that  
3564 will be around for decades and it makes both economic and  
3565 environmental sense. By reducing pipeline leaks, the  
3566 amendment ensures that more of our domestic energy resources

3567 will be actually used and fewer of these resources will be  
3568 wasted.

3569         The amendment doesn't fix all of the problems associated  
3570 with H.R. 1900, but it does ensure that the bill addresses an  
3571 energy problem that actually exists. If we are going to  
3572 revisit the laws governing the permitting of natural  
3573 pipelines, this is the kind of commonsense stuff that we  
3574 should be discussing. And I urge my colleagues to support  
3575 this amendment, and I am finished with my statement.

3576         I can yield back to someone. I will yield back.

3577         The {Chairman.} The gentlelady yields back.

3578         Anyone else wanting to speak on this amendment? Seeing  
3579 none, the vote occurs on the amendment offered by the  
3580 gentleman from California.

3581         All those in favor will say aye.

3582         Those opposed, say no.

3583         In the opinion of the chair, the noes have it. The noes  
3584 have it. The noes have it.

3585         Mr. {Waxman.} Mr. Chairman.

3586         The {Chairman.} The gentleman from California?

3587         Mr. {Waxman.} Mr. Chairman, I have an amendment at the  
3588 desk.

3589         The {Chairman.} The clerk will read the title of the  
3590 amendment.

3591           The {Clerk.} Amendment to the amendment in the nature  
3592 of a substitute offered by Mr. Waxman of California.

3593           [The amendment of Mr. Waxman follows:]

3594   \*\*\*\*\* INSERT 8 \*\*\*\*\*

|  
3595           The {Chairman.} And the amendment will be considered as  
3596 read. And the gentleman will have 5 minutes in support of  
3597 his amendment, and the staff will distribute it to the  
3598 members.

3599           Mr. {Waxman.} Thank you, Mr. Chairman.

3600           I hope this amendment can be accepted because I think it  
3601 makes a lot of sense. We tried to solve one problem with  
3602 this bill and that is the speed by which the permits are  
3603 approved, but I have an amendment that deals with another  
3604 problem that I think we ought to look at and see if we can  
3605 resolve.

3606           When someone is going to come in and ask for a pipeline  
3607 permit and get this accelerated time frame to present their  
3608 application, I think we ought to ask them to recognize that  
3609 there is a problem in the law if a pipeline operator is  
3610 sending natural gas through the pipeline but some of that  
3611 natural gas is leaking. The way the system operates now is a  
3612 pipeline operator charges the end consumer, the consumer who  
3613 is buying the natural gas for all of the gas they send  
3614 through the pipeline, including the gas they never get  
3615 because it was leaked. That doesn't make sense. It is not  
3616 fair to the consumer, as well as being a harmful toxic--or  
3617 let's say harmful and very powerful greenhouse gas. But I am

3618 talking about it from the point of view of the consumer.

3619           So what we would say is we want a policy that will  
3620 incentivize the pipeline companies to reduce these leaks.  
3621 They don't have an incentive to reduce the leaks if they can  
3622 get the full price for their gas, even the gas that leaks  
3623 out. But on the other hand, if we said that they could not  
3624 charge for the gas that was leaking or leaked, they can only  
3625 charge for the gas that was delivered, I think that makes  
3626 sense.

3627           The clock doesn't start running for the new one-year  
3628 permit deadline unless the pipeline company's application  
3629 shows that the company won't charge its customers for natural  
3630 gas that leaks from the pipeline. It doesn't require a  
3631 pipeline company to do anything. I think we ought to think  
3632 through the policy of requiring them to bear the cost and not  
3633 pass it on because they are the ones best able to stop that  
3634 leak. But we just say you don't get advantage of this one-  
3635 year deadline for FERC to decide on your permit application  
3636 unless you are willing to accept the idea that you are not  
3637 going to stick the consumer with the costs that wouldn't have  
3638 otherwise occurred except by the reason of the leak itself.

3639           And I hope the gentleman from Kansas would see merit in  
3640 this, and I would yield to him with the hope that maybe he  
3641 would accept this amendment.

3642 Mr. {Pompeo.} Thank you, Ranking Member.

3643 And I wish I could very much. I have been here 30  
3644 months. I think I have voted with you a couple times but not  
3645 today. I don't think this amendment makes any sense. It is  
3646 irrelevant to the matter that is before us. If we want to  
3647 have a hearing on fraud and the pipelines if they are not  
3648 delivering all the product that they are supposed to and they  
3649 are telling the consumer that they are delivering something  
3650 and they are not really getting it or there is a contractual  
3651 provision that is being violated, I think private entities  
3652 have the perfect capacity and absolutely the right incentive  
3653 to get that right. And so I think you have got an amendment  
3654 to this bill that doesn't make much sense. It is not  
3655 connected. I think it is probably a solution searching for a  
3656 problem, too.

3657 But in fact, you know, we have got environmental groups  
3658 working with universities on ways to reduce this leakage. I  
3659 don't impact PHMSA with this at all, the folks who do  
3660 pipeline safety. This is a safety issue as well I suspect  
3661 you are concerned with in addition to the economic one you  
3662 proffer. And so unfortunately, I will have to urge my  
3663 colleagues to vote no on your amendment.

3664 Mr. {Waxman.} Well, I will reclaim my time. I thought  
3665 you said this is a solution to a problem that doesn't exist,



3666 too, because that is what I think your underlying bill is all  
3667 about.

3668           But we can solve more than one problem at the same time.  
3669 We can walk and chew gum as they used to say under a previous  
3670 Republican President. And so for solving the problem of the  
3671 time frame to get a permit approved, why not say at the same  
3672 time that in order to get this benefit that you are going to  
3673 offer to the pipeline permittee, that they ought not to pass  
3674 the charges on to the purchaser.

3675           I think it makes sense. You are not willing to accept  
3676 it at the present time. I can force it to a vote but I am  
3677 not going to do that. I just want you to think about it and  
3678 I hope this is an issue that we can deal with in another  
3679 time, maybe on a bill that is going somewhere, or if this  
3680 bill goes somewhere at some point we can consider putting it  
3681 on this bill.

3682           So I offer this amendment. I think it makes a lot of  
3683 sense. I wish the gentleman would accept it, but it looks  
3684 like he is not. But I still would like to urge people to  
3685 vote for it.

3686           The {Chairman.} The gentleman's time is expired.

3687           Other Members wishing to speak on the bill?

3688           Mr. {Barton.} Mr. Chairman?

3689           The {Chairman.} Let's see. Mr. Tonko and then Mr.

3690 Barton. Mr. Tonko.

3691 Mr. {Tonko.} Thank you, Mr. Chair.

3692 I support my colleague's amendment. I was surprised  
3693 when I learned that pipeline operators are allowed to charge  
3694 their customers for natural gas that leaks out along the way.  
3695 Right now, if a company wants to ship 100 units of gas  
3696 through a pipeline and 1 unit leaks out, the company has to  
3697 pay the pipeline operator for that lost unit. The company is  
3698 basically required to donate that lost unit to the pipeline  
3699 operator.

3700 The pipeline companies have an incentive to identify and  
3701 fix the big methane leaks that may pose an imminent safety  
3702 hazard but they have little incentive to plug the smaller  
3703 methane leaks that, over thousands of miles of pipeline, add  
3704 up to a significant loss. This is an issue that the  
3705 Committee should examine in more detail. And while the  
3706 country currently enjoys abundant natural gas supplies, that  
3707 doesn't mean that we should be content to waste gas by  
3708 letting it escape into our atmosphere.

3709 We need to change the incentives here. Pipeline  
3710 companies should have the right incentives to make their  
3711 pipelines as efficient as possible. They shouldn't be able  
3712 to pass the buck of leaky pipelines on to their customers. I  
3713 would hope that we all could agree on this point that

3714 customers should not have to pay for a product that is lost  
3715 in transit through no fault of their own.

3716         Mr. Waxman's amendment states very clearly that a  
3717 pipeline company that wants its application considered within  
3718 the one-year deadline set up by this bill must demonstrate  
3719 that it won't charge customers for lost natural gas. If a  
3720 pipeline company wants to continue passing on the cost of  
3721 lost natural gas to its customers, it can do so, but then the  
3722 bill's 12-month permitting deadline wouldn't apply to  
3723 applications submitted by that company.

3724         So with that, I urge my colleagues to support Ranking  
3725 Member Waxman's amendment and I yield back, Mr. Chair.

3726         The {Chairman.} The gentleman yields back.

3727         Does Mr. Barton still request time?

3728         Mr. {Barton.} Yes, if I am allowed.

3729         The {Chairman.} The gentleman is recognized.

3730         Mr. {Barton.} I would like to ask some questions of  
3731 counsel. Who is our pipeline expert there at the table?  
3732 Okay.

3733         My understanding is in a natural gas pipeline is the  
3734 owner of the natural gas that puts it into the system puts in  
3735 a certain quantity but the consumer who is going to pay for  
3736 it ultimately pays on the output, not on the input. Am I  
3737 correct or incorrect?

3738 {Counsel.} That is my understanding, too, sir.

3739 Mr. {Barton.} So I also understand that depending on  
3740 the length of the pipeline and the diameter of the pipeline  
3741 and the temperature gradient differential and the age of the  
3742 pumping stations that there is a natural loss or leakage as  
3743 you go through the system, and so that in order to maintain  
3744 pressure and guarantee a certain output, that you would  
3745 normally put a little more in at the beginning than you  
3746 expect to get out at the end. Is that correct?

3747 {Counsel.} That is correct, sir. Any pipeline cannot  
3748 be 100 percent completely sealed from emissions. That is  
3749 correct.

3750 Mr. {Barton.} Okay. Now, with that information, I  
3751 don't think Mr. Waxman's amendment is detrimental to the  
3752 underlying basis of the bill. Mr. Pompeo is the author. He  
3753 said that he doesn't see fit to accept it, and I am going to  
3754 respect that, but I would say in general, you know, that  
3755 while it may not be necessary for the underlying purpose of  
3756 the bill, it is certainly not detrimental, and this is  
3757 something that perhaps in the future we could work with the  
3758 minority on.

3759 Nobody wants a system that leaks indiscriminately. I  
3760 mean, you know, not just from an environmental standpoint but  
3761 obviously from an economic standpoint, natural gas is a

3762 commercial commodity and it has value. It also as a  
3763 greenhouse gas can be detrimental if released into the  
3764 atmosphere in sufficient quantities. So you have both an  
3765 economic incentive to minimize it and you have an  
3766 environmental incentive to minimize it. And both sides of  
3767 this committee should be able to agree that we should work  
3768 together on some amendment similar to what Mr. Waxman is--

3769 Mr. {Waxman.} Would the gentleman yield?

3770 Mr. {Green.} Mr. Chairman--

3771 Mr. {Barton.} I will certainly yield.

3772 Mr. {Waxman.} Thank you. I appreciate your statement.  
3773 I think we ought to look at this more carefully. I think we  
3774 have two issues, the consumer and the release into the air of  
3775 a very potent greenhouse gas. I would ask that we continue  
3776 to look at it. I will respect the author's view that he  
3777 doesn't want to put it on this bill, and so I won't put it to  
3778 a recorded vote, but I would like a voice vote on it. But  
3779 more importantly, I want to continue to work on this issue.

3780 Mr. {Green.} Mr. Chairman, does the gentleman yield?

3781 Mr. {Waxman.} Yes.

3782 Mr. {Green.} Understanding that, you know, a pipeline--  
3783 and I know this is a consumer amendment but, you know, you  
3784 and I as consumers, we are not on those pipelines. If you  
3785 have one pipeline, you may have 10 business customers there,

3786 and from what I understand, they meter with they take out of  
3787 that pipeline. And there may be some loss between the  
3788 production so, you know, this doesn't affect you and I for  
3789 our gas bills that we pay at home--

3790 Mr. {Barton.} No, when you and I go to the gasoline  
3791 station, we pay on what comes out of the pump into our tank.  
3792 We don't pay on what the distributor put into the big  
3793 underground tank.

3794 Mr. {Green.} Well, and then natural gas, it is the same  
3795 situation. But I know there is some concern about leakage  
3796 along the route and that is a pollution issue, but I agree  
3797 that maybe we need to look at this because natural gas, we  
3798 hope, because of our success, will be with us for a long  
3799 time, and we want to make sure we utilize everything we can  
3800 to the best of our ability.

3801 Mr. {Barton.} I just want to assure Mr. Waxman when we  
3802 ship Texas natural gas to California, he is going to get  
3803 every cubic foot of gas that he paid for.

3804 Mr. {Waxman.} If the gentleman would yield, with that  
3805 assurance, I am going to withdraw the amendment--

3806 Mr. {Barton.} Praise the Lord.

3807 Mr. {Waxman.} --so that we can continue to look at it  
3808 together and come up with bipartisan legislation.

3809 Mr. {Barton.} Remember the Alamo.

3810 Mr. {Waxman.} I never forget it.

3811 The {Chairman.} You lost at the Alamo.

3812 Mr. {Barton.} We still remember it because it made us  
3813 win at San Jacinto.

3814 The {Chairman.} By unanimous consent, the amendment is  
3815 withdrawn.

3816 Are there further amendments to the amendment in the  
3817 nature of the substitute? Seeing none, if there are no more  
3818 amendments, the vote occurs on the amendment in the nature of  
3819 a substitute.

3820 All those in favor will say aye.

3821 All those opposed, say no.

3822 In the opinion of the chair, the ayes have it and the  
3823 amendment is agreed to.

3824 So with that, the final passage on the bill, as amended,  
3825 all those in favor will say aye. Sounds better.

3826 All those opposed, say no.

3827 The ayes appear to have it. Roll call is requested.

3828 The clerk will call the roll.

3829 It is my understanding that just to give Members--Mr.  
3830 Waxman and I have conferred. We are going to try to put the  
3831 next bills in block and have those go by voice vote. So this  
3832 should be the last recorded vote of the afternoon before the  
3833 Committee.

3834 The clerk will call the roll.  
3835 The {Clerk.} Mr. Hall?  
3836 [No response.]  
3837 The {Clerk.} Mr. Barton?  
3838 Mr. {Barton.} Aye.  
3839 The {Clerk.} Mr. Barton votes aye.  
3840 Mr. Whitfield?  
3841 Mr. {Whitfield.} Aye.  
3842 The {Clerk.} Mr. Whitfield votes aye.  
3843 Mr. Shimkus?  
3844 Mr. {Shimkus.} Aye.  
3845 The {Clerk.} Mr. Shimkus votes aye.  
3846 Mr. Pitts?  
3847 Mr. {Pitts.} Aye.  
3848 The {Clerk.} Mr. Pitts votes aye.  
3849 Mr. Walden?  
3850 Mr. {Walden.} Aye.  
3851 The {Clerk.} Mr. Walden votes aye.  
3852 Mr. Terry?  
3853 Mr. {Terry.} Aye.  
3854 The {Clerk.} Mr. Terry votes aye.  
3855 Mr. Rogers?  
3856 Mr. {Rogers.} Aye.  
3857 The {Clerk.} Mr. Rogers votes aye.



3858 Mr. Murphy?

3859 Mr. {Murphy.} Aye.

3860 The {Clerk.} Mr. Murphy votes aye.

3861 Mr. Burgess?

3862 [No response.]

3863 The {Clerk.} Mrs. Blackburn?

3864 [No response.]

3865 The {Clerk.} Mr. Gingrey?

3866 [No response.]

3867 The {Clerk.} Mr. Scalise?

3868 [No response.]

3869 The {Clerk.} Mr. Latta?

3870 Mr. {Latta.} Aye.

3871 The {Clerk.} Mr. Latta votes aye.

3872 Mrs. McMorris Rodgers?

3873 Mrs. {McMorris Rodgers.} Aye.

3874 The {Clerk.} Mrs. McMorris Rodgers votes aye.

3875 Mr. Harper?

3876 Mr. {Harper.} Aye.

3877 The {Clerk.} Mr. Harper votes aye.

3878 Mr. Lance?

3879 Mr. {Lance.} Aye.

3880 The {Clerk.} Mr. Lance votes aye.

3881 Mr. Cassidy?

3882 Dr. {Cassidy.} Aye.  
3883 The {Clerk.} Mr. Cassidy votes aye.  
3884 Mr. Guthrie?  
3885 Mr. {Guthrie.} Aye.  
3886 The {Clerk.} Mr. Guthrie votes aye.  
3887 Mr. Olson?  
3888 Mr. {Olson.} Aye.  
3889 The {Clerk.} Mr. Olson votes aye.  
3890 Mr. McKinley?  
3891 Mr. {McKinley.} Aye.  
3892 The {Clerk.} Mr. McKinley votes aye.  
3893 Mr. Gardner?  
3894 Mr. {Gardner.} Aye.  
3895 The {Clerk.} Mr. Gardner votes aye.  
3896 Mr. Pompeo?  
3897 Mr. {Pompeo.} Aye.  
3898 The {Clerk.} Mr. Pompeo votes aye.  
3899 Mr. Kinzinger?  
3900 Mr. {Kinzinger.} Aye.  
3901 The {Clerk.} Mr. Kinzinger votes aye.  
3902 Mr. Griffith?  
3903 Mr. {Griffith.} Aye.  
3904 The {Clerk.} Mr. Griffith votes aye.  
3905 Mr. Bilirakis?

3906 Mr. {Bilirakis.} Aye.

3907 The {Clerk.} Mr. Bilirakis votes aye.

3908 Mr. Johnson?

3909 Mr. {Johnson.} Aye.

3910 The {Clerk.} Mr. Johnson votes aye.

3911 Mr. Long?

3912 Mr. {Long.} Aye.

3913 The {Clerk.} Mr. Long votes aye.

3914 Mrs. Ellmers?

3915 Mrs. {Ellmers.} Aye.

3916 The {Clerk.} Mrs. Ellmers votes aye.

3917 Mr. Waxman?

3918 Mr. {Waxman.} No.

3919 The {Clerk.} Mr. Waxman votes no.

3920 Mr. Dingell?

3921 Mr. {Dingell.} Votes no.

3922 The {Clerk.} Mr. Dingell votes no.

3923 Mr. Pallone?

3924 Mr. {Pallone.} No.

3925 The {Clerk.} Mr. Pallone votes no.

3926 Mr. Rush?

3927 [No response.]

3928 The {Clerk.} Ms. Eshoo?

3929 Ms. {Eshoo.} No.

3930 The {Clerk.} Ms. Eshoo votes no.  
3931 Mr. Engel?  
3932 Mr. {Engel.} No.  
3933 The {Clerk.} Mr. Engel votes no.  
3934 Mr. Green?  
3935 Mr. {Green.} No.  
3936 The {Clerk.} Mr. Green votes no.  
3937 Ms. DeGette?  
3938 [No response.]  
3939 The {Clerk.} Mrs. Capps?  
3940 Mrs. {Capps.} No.  
3941 The {Clerk.} Mrs. Capps votes no.  
3942 Mr. Doyle?  
3943 [No response.]  
3944 The {Clerk.} Ms. Schakowsky?  
3945 Ms. {Schakowsky.} No.  
3946 The {Clerk.} Ms. Schakowsky votes no.  
3947 Mr. Matheson?  
3948 Mr. {Matheson.} Aye.  
3949 The {Clerk.} Mr. Matheson votes aye.  
3950 Mr. Butterfield?  
3951 Mr. {Butterfield.} No.  
3952 The {Clerk.} Mr. Butterfield votes no.  
3953 Mr. Barrow?

3954 Mr. {Barrow.} Aye.

3955 The {Clerk.} Mr. Barrow votes aye.

3956 Ms. Matsui?

3957 [No response.]

3958 The {Clerk.} Mrs. Christiansen?

3959 Dr. {Christiansen.} No.

3960 The {Clerk.} Mrs. Christiansen votes no.

3961 Ms. Castor?

3962 [No response.]

3963 The {Clerk.} Mr. Sarbanes?

3964 Mr. {Sarbanes.} No.

3965 The {Clerk.} Mr. Sarbanes votes no.

3966 Mr. McNerney?

3967 [No response.]

3968 The {Clerk.} Mr. Braley?

3969 Mr. {Braley.} No.

3970 The {Clerk.} Mr. Braley votes no.

3971 Mr. Welch?

3972 [No response.]

3973 The {Clerk.} Mr. Lujan?

3974 Mr. {Lujan.} No.

3975 The {Clerk.} Mr. Lujan votes no.

3976 Mr. Tonko?

3977 Mr. {Tonko.} No.

3978           The {Clerk.} Mr. Tonko votes no.  
3979           Chairman Upton?  
3980           The {Chairman.} Votes aye.  
3981           The {Clerk.} Chairman Upton votes aye.  
3982           The {Chairman.} Members wishing to cast a vote?  
3983           Mr. Hall? Is Mr. Hall recorded?  
3984           Mr. {Hall.} Votes aye.  
3985           The {Clerk.} Mr. Hall votes aye.  
3986           The {Chairman.} Other Members wishing to cast a vote?  
3987   Seeing none, the clerk will report the tally.  
3988           The {Clerk.} Mr. Chairman, on that vote, there were 28  
3989   ayes and 14 nays.  
3990           The {Chairman.} 28 ayes, 14 nays, the bill, H.R. 1900,  
3991   is favorably reported, as amended.  
3992           Mr. {Waxman.} Mr. Chairman, we would like to reserve  
3993   the appropriate amount of time for other views of this and  
3994   the other bill.  
3995           The {Chairman.} Absolutely. That will occur without  
3996   objection.

|

3997 H.R. 83; H.R. 2094; H.R. 698; H.R. 2052

3998 The {Chairman.} The chair now asks unanimous consent

3999 that the committee adopt and favorably report the following

4000 bills as described to the House: H.R. 83, H.R. 2094, H.R.

4001 698, and H.R. 2052 with an amendment filed by Mr. Terry.

4002 Without objection, so ordered.

4003 [H.R. 83, H.R. 2094, H.R. 698, H.R. 2052 follow:]

4004 \*\*\*\*\* INSERT C \*\*\*\*\*

|

4005 [The amendment of Mr. Terry follows:]

4006 \*\*\*\*\* INSERT 9 \*\*\*\*\*



|  
4007           The {Chairman.} And the chair now would recognize Mr.  
4008 Terry for 5 minutes for a colloquy. Mr. Terry?

4009           Mr. {Terry.} Ms. Schakowsky, we have a colloquy--

4010           Ms. {Schakowsky.} Yes, we do.

4011           Mr. {Terry.} --on our amendment as it is being added  
4012 into the--and it regards the use or the term benefit and  
4013 costs, particularly the costs, and I want to let Ms.  
4014 Schakowsky know that on Section 4(b) specifies the matters to  
4015 be considered in the review including, the current economic  
4016 impact of foreign direct investment in the United States.  
4017 The term ``current economic impact'' is intending to cover  
4018 not only the benefits of foreign direct investment in the  
4019 United States but also any costs that may result from such an  
4020 investment.

4021           I yield to the gentlelady.

4022           Ms. {Schakowsky.} Thank you. I appreciate that  
4023 clarification.

4024           Let me just clarify my objection. And while I won't  
4025 oppose this amendment, I do want to express my reservations.  
4026 And, Mr. Chairman, you worked with me in a very collegial and  
4027 bipartisan manner to craft a bipartisan bill, H.R. 2052. It  
4028 is a good product.

4029           Now, we have before us this amendment that makes three

4030 changes that could be perceived to weaken important  
4031 provisions of the bill. I have concerns about each of these  
4032 but would like to focus on the elimination of cost-benefit  
4033 language which you just referred to regarding the bill's  
4034 required review of the current economic impact of direct  
4035 foreign investment.

4036         During our negotiations, I suggested that language, the  
4037 cost-and-benefit language, be included because I believe that  
4038 we needed to ensure that the review be balanced, and you  
4039 agreed. In addition, some of the language and the findings  
4040 in the sense of Congress could be read as if there are only  
4041 benefits of FDI and we want it to be evenhanded. While I do  
4042 believe there are benefits, of course, to FDI, there are also  
4043 costs that must be considered.

4044         Regardless of the amendments before us now, I take the  
4045 words that you spoke as assurance that the bill's requirement  
4046 of a review of the current economic impact of foreign direct  
4047 investment required under this bill will in fact include a  
4048 review of both the benefits and costs of foreign direct  
4049 investments.

4050         And so I do expect that we will be able to work together  
4051 to ensure that the review, should this bill become law, is  
4052 balanced and to ensure that any report of this committee on  
4053 H.R. 2052 included the clarification that you just made.

4054 Mr. {Terry.} I respect that and I agree with you. The  
4055 gentlelady is right that the costs should be part of that  
4056 assessment.

4057 Ms. {Schakowsky.} And I would like to yield to Mr.  
4058 Barrow.

4059 Mr. {Terry.} And I yield to Mr. Barrow.

4060 Mr. {Barrow.} I thank the gentleman for the time.

4061 I am a cosponsor of the Global Investment American Jobs  
4062 Act because it is an opportunity to grow American jobs. As  
4063 in many of our districts, many of our constituents are proud  
4064 to work in Georgia for companies with foreign ownership.  
4065 Companies in the 12th District of Georgia like Solvay, YKK,  
4066 Alstom, and Covidien make incredible contributions to the  
4067 local economy. They invest in the 12th District, and workers  
4068 in Georgia are proud to give them a good return on that  
4069 investment.

4070 There is a lot we can still do to grow jobs from within,  
4071 but if we focus only on that, we are cheating ourselves. We  
4072 should also focus on being an attractive investment for  
4073 foreign companies who can also contribute to good-paying,  
4074 high-quality job opportunities in the American economy.

4075 I want to thank the chairman and ranking member of the  
4076 subcommittee for moving this bill. I know they worked  
4077 closely together to hone this legislation to something I

4078 think we can all agree on, which will do some good.

4079 With that, I yield back.

4080 Mr. {Terry.} Thank you, Mr. Barrow. And I appreciate  
4081 the support, Ms. Schakowsky, Mr. Barrow, and yield back my  
4082 time.

4083 The {Chairman.} The gentleman yields back.

4084 The chair would recognize the gentlelady from California  
4085 for 5 minutes.

4086 Mrs. {Capps.} Thank you, Mr. Chairman. I move to  
4087 strike the last word.

4088 And I want to thank you, Mr. Chairman, and the Ranking  
4089 Member Waxman, Chairman Pitts, and Ranking Member Pallone for  
4090 holding this important markup on the HOPE act today.

4091 Some of us remember the fear and worry that surrounded  
4092 AIDS in the 1980s. I was working as a nurse in California at  
4093 the time. We called it Legionnaire's disease. At first, no  
4094 one even knew what caused AIDS and the diagnosis was  
4095 considered and was actually true as a swift death sentence.

4096 However, in the last few decades, medical technology and  
4097 research has transformed HIV/AIDS care and treatment, and  
4098 now, thanks to these breakthroughs, HIV is a chronic  
4099 condition. This has led to improved life expectancies,  
4100 something to celebrate.

4101 But it also means that individuals with HIV are more

4102 likely to encounter other medical competitions as they age,  
4103 just like any other person, and they face unique  
4104 complications as the powerful drugs that keep their HIV at  
4105 bay often take a very hard toll on their bodies. These  
4106 combination of factors put HIV-positive individuals at a  
4107 higher risk for ailments like kidney and liver disease and it  
4108 places them at a high risk to need an organ transplant. And  
4109 that is what we are trying to address here.

4110         HIV-positive individuals can now safely received  
4111 transplants. They wait on the same long waiting list as all  
4112 Americans but there might be a better way. According to  
4113 transplant experts, each year, we toss out hundreds of HIV-  
4114 positive organs that could otherwise be viable for  
4115 transplantation. Studies in other countries have suggested  
4116 that these organs could be used to help people who are  
4117 already HIV-positive. These organs have the potential to  
4118 save lives and lessen the transplant waiting list for all  
4119 Americans, but instead, they go wasted because we cannot even  
4120 do the research to see if they could be used by those already  
4121 infected based on this outdated ban.

4122         That is why we need to pass the HOPE Act today. The  
4123 HOPE Act would create a pathway, grounded of course in  
4124 medical science, to research the feasibility and safety of  
4125 positive-to-positive organ transplantation. Just think about

4126 it. This is a chance to possibly shorten the waiting list  
4127 for all people waiting for an organ. It also is a  
4128 possibility to better outcomes for those in need and it can  
4129 significantly lower healthcare costs, all while maintaining  
4130 the safety and integrity of our current organ transplantation  
4131 system.

4132 I want to thank and acknowledge Senators Boxer and  
4133 Coburn for championing the issue in the Senate. With their  
4134 leadership, the HOPE Act passed by unanimous consent in June.  
4135 I would like to thank my medical colleagues, especially Dr.  
4136 Harris, the bill's Republican lead, and Dr. Burgess for their  
4137 support.

4138 And finally, I would like to thank all of the advocates  
4139 who have come together around this bill. The HOPE Act  
4140 benefits from a very broad and hardworking coalition of  
4141 supporters. I want to acknowledge one advocate in  
4142 particular, who is Mr. Thomas Lane, an HIV-positive and a  
4143 double kidney transplant recipient. Tom was incredibly brave  
4144 to share his story publicly at a briefing last year on this  
4145 topic. Unfortunately, he recently passed away from chemo  
4146 complications, but I know he would be heartened by the HOPE  
4147 Act's momentum.

4148 The HOPE Act is a commonsense bill that creates a path  
4149 forward for research on this issue. As I have said, it is

4150 supported by a broad coalition of supporters from the  
4151 medical, the research, and the HIV patient populations. It  
4152 has strong support on both sides of the Capitol on both sides  
4153 of the aisle. It is a critically important issue and an  
4154 opportunity to save lives. That is why I am urging a yes  
4155 vote on it today and I am prepared to yield back.

4156         But I also want to include--and I want to list these  
4157 because they are significant, Mr. Chairman--letters of  
4158 support that I would like to enter into the record from the  
4159 following organizations: the American Medical Association,  
4160 the American Society of Transplant Surgeons, American Society  
4161 of Transplantation, United Network for Organ Sharing, the  
4162 Dialysis Patient Citizens, the American Society for  
4163 Nephrology, the American Civil Liberties Union, the HIV  
4164 Medicine Association, and a joint group letter of support  
4165 featuring many other organizations including the Association  
4166 of Organ Procurement Organization and the Organization for  
4167 Transplant Professionals.

4168         With that, I yield back my time.

4169         The {Chairman.} The gentlelady yields back and we again  
4170 appreciate her good work on that legislation.

4171         I would remind my colleagues we have passed these four  
4172 bills, so without objection, staff is authorized to make  
4173 technical and conforming changes to the bills reported by the

4174 Committee. So ordered.

4175 And without objection, the Committee stands adjourned.

4176 [Whereupon, at 1:41 p.m., the Committee was adjourned.]