

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WHITFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### EPS SERVICE PARTS ACT OF 2014

Mr. WHITFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5057) to amend the Energy Policy and Conservation Act to permit exemptions for external power supplies from certain efficiency standards, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5057

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “EPS Service Parts Act of 2014”.

#### SEC. 2. EXEMPT SUPPLIES.

Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) is amended by adding at the end the following:

“(5) EXEMPT SUPPLIES.—

“(A) FEBRUARY 10, 2014, RULE.—

“(i) IN GENERAL.—An external power supply shall not be subject to the final rule entitled ‘Energy Conservation Program: Energy Conservation Standards for External Power Supplies’, published at 79 Fed. Reg. 7845 (February 10, 2014), if the external power supply—

“(I) is manufactured during the period beginning on February 10, 2016, and ending on February 10, 2020;

“(II) is marked in accordance with the External Power Supply International Efficiency Marking Protocol, as in effect on February 10, 2016;

“(III) meets, where applicable, the standards under paragraph (3)(A), and has been certified to the Secretary as meeting International Efficiency Level IV or higher of the External Power Supply International Efficiency Marking Protocol, as in effect on February 10, 2016; and

“(IV) is made available by the manufacturer as a service part or a spare part for an end-use product that—

“(aa) constitutes the primary load; and

“(bb) was manufactured before February 10, 2016.

“(ii) REPORTING.—The Secretary may require manufacturers of products exempted pursuant to clause (i) to report annual total units shipped as service and spare parts that fall below International Efficiency Level VI.

“(iii) LIMITATION OF EXEMPTION.—The Secretary may issue a rule, after providing public notice and opportunity for public comment, to limit the applicability of the exemption established under clause (i) if the Secretary determines that the exemption is resulting in a significant reduction of the energy savings that would otherwise result from the final rule described in such clause.

“(B) AMENDED STANDARDS.—

“(i) IN GENERAL.—The Secretary may exempt an external power supply from any

amended standard under this subsection if the external power supply—

“(I) is manufactured within four years of the compliance date of the amended standard;

“(II) complies with applicable marking requirements adopted by the Secretary prior to the amendment;

“(III) meets the standards that were in effect prior to the amendment; and

“(IV) is made available by the manufacturer as a service part or a spare part for an end-use product that—

“(aa) constitutes the primary load; and

“(bb) was manufactured before the compliance date of the amended standard.

“(i) REPORTING.—The Secretary may require manufacturers of a product exempted pursuant to clause (i) to report annual total units shipped as service and spare parts that do not meet the amended standard.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from New York (Mr. TONKO) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

#### GENERAL LEAVE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. WHITFIELD. Mr. Speaker, at this time, I would like to yield 5 minutes to the gentleman from Colorado (Mr. GARDNER), who is an important member of the Energy and Commerce Committee.

Mr. GARDNER. Mr. Speaker, I would like to thank Chairman WHITFIELD for his leadership on the Energy and Power Subcommittee, and I certainly appreciate the work you have done on energy independence.

Mr. Speaker, I rise today in support of the EPS Service Parts Act of 2014. This bill simply seeks to achieve congressional intent of the Energy Independence and Security Act of 2007 regarding exemptions for certain service parts.

I would like to thank my colleague from New York, Congressman TONKO, for working with me on this legislation, and I would also like to thank Chairman UPTON and Ranking Member WAXMAN for bringing this bill to the floor.

In the 2007 Energy Independence and Security Act, Congress recognized the need for manufacturers to continue to produce and distribute service and spare parts to be used with older out-of-production products that didn’t comply with the new energy efficiency regulations produced by the 2007 bill.

The most common forms of EPS products are laptops, desktops, tablets, printers, and network products—products we use every day. Congress anticipated issues surrounding older service parts. The 2007 bill provided that from July 1, 2008, through June 30, 2015, the

energy standards would not apply to EPS made available as service or spare parts for end use products manufactured before July 1, 2008.

The reason for this legislation is to make a technical correction to provide explicit authority to the Department of Energy to create a similar exemption when the Department of Energy updated their EPS efficiency standards.

The existing language in the 2007 bill, according to DOE, has the opposite effect. It actually prevents DOE from extending this needed exemption in its February 2014 rulemaking on EPS efficiency standards.

The EPS Service Parts Act is in line with the original intent of the 2007 energy bill. It allows for continued production and distribution of replacement EPS for use with equipment manufactured before February 10, 2016, the effective date of the new DOE efficiency standards.

By passing this legislation, the bill will benefit both U.S. consumers and manufacturers. It will allow manufacturers such as Dell or Hewlett-Packard to maintain and distribute supplies of replacement parts for older equipment. It will also allow for warranty and contract compliance by these manufacturers.

Without this legislation, manufacturers would be required to redesign and qualify service on spare EPS parts at significant expense solely to support products that are no longer in production.

Manufacturers would also be forced to destroy existing inventories. Again, they would have to be destroyed—existing inventories—that were intended to support service and spare parts.

Also, in addition to meeting energy efficiency standards, the redesigned EPS parts would also need to be recertified to all the applicable safety, efficiency, and other environmental specifications.

Because of the low volume of services and spare parts, this would be a very costly and job-costing undertaking for manufacturers. Companies have estimated increased costs in the millions of dollars with no corresponding benefit to energy savings or the consumer.

This bill has the support of the Information Technology Industry Council, the Alliance to Save Energy, the American Council for an Energy-Efficient Economy, the Association of Home Appliance Manufacturers, the Consumer Electronics Association, the National Association of Manufacturers, and the Natural Resources Defense Council.

The bill saves money and avoids a regulatory overreach not intended by, but accidentally instigated by a previous Congress.

I urge my colleagues to vote “yes” on the bill.

Again, thank you to my colleague from New York (Mr. TONKO).

Mr. TONKO. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of H.R. 5057, the External Power Supply Service Parts Act of 2014.

I thank my colleague Representative GARDNER and Chairman UPTON and Ranking Member WAXMAN for their cooperation and support in bringing this measure to the floor.

External power supplies have become regular fixtures in homes and workplaces around the world as we have expanded our use of rechargeable batteries to power the many electronic products we use every day. Because these products are so common, lowering their power consumption translates into substantial energy savings for consumers and savings for businesses.

Earlier this year, the Department of Energy finalized a rule to strengthen the energy efficiency standards for these products. I support that rule.

H.R. 5057 is not intended to undermine the new standard. H.R. 5057 simply creates a short-term targeted exemption to enable a smooth and orderly transition to the new standard for both manufacturers and for the current owners of equipment purchased prior to the adoption of the new standard.

This narrow exemption enables manufacturers to continue to provide service and replacement parts for existing equipment. It allows owners of equipment to keep it functioning for the full intended life of that given product.

The bill ensures the exemption included in this legislation will not result in a significant delay in reaching the new energy efficiency targets for EPS equipment.

The bill provides DOE with the authority to establish a reporting requirement to track the number of parts that are shipped and of those that do not meet the efficiency standard.

If the Department finds that this exemption is undermining the energy savings that are projected under the new efficiency regulations, the Secretary can issue a rule to limit or rescind the exemption.

H.R. 5057 strikes an appropriate balance, I believe, that keeps us moving forward on efficiency goals for external power supplies while providing manufacturers and owners of current products the assurance that service and spare parts will be available.

Again, I want to thank my colleague, Representative GARDNER, for working with me and working with our colleagues on this bill.

I urge all Members to support the legislation, and with that, Mr. Speaker, I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also want to thank Mr. TONKO and Mr. GARDNER for being the cosponsors of this legislation and thank Mr. WAXMAN and Mr. UPTON for working with all of us to bring it to the floor, as well as the staffs on both sides of the aisle.

As both Mr. TONKO and Mr. GARDNER stated, this bill is a technical correction to existing law that will allow ex-

ternal power supply manufacturers to continue to sell service parts compatible with older technology to the benefit of consumers and manufacturers. It is a good piece of legislation.

I would urge all the Members to support this legislation, and I reserve the balance of my time.

Mr. TONKO. Mr. Speaker, I have no other speakers, and with that, I yield back the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and pass the bill, H.R. 5057, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WHITFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 45 minutes p.m.), the House stood in recess.

□ 1504

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 3 o'clock and 4 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 717;

Adoption of House Resolution 717, if ordered;

The motion to suspend the rules and pass H.R. 2678, if ordered; and

The motion to suspend the rules and pass H.R. 4751, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### PROVIDING FOR CONSIDERATION OF H.R. 3522, EMPLOYEE HEALTH CARE PROTECTION ACT OF 2014

The SPEAKER pro tempore. The unfinished business is the vote on order-

ing the previous question on the resolution (H. Res. 717) providing for consideration of the bill (H.R. 3522) to authorize health insurance issuers to continue to offer for sale current group health insurance coverage in satisfaction of the minimum essential health insurance coverage requirement, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 227, nays 196, not voting 8, as follows:

[Roll No. 490]

YEAS—227

|               |                 |               |
|---------------|-----------------|---------------|
| Aderholt      | Goodlatte       | Neugebauer    |
| Amash         | Gosar           | Noem          |
| Amodei        | Gowdy           | Nugent        |
| Bachmann      | Granger         | Nunes         |
| Bachus        | Graves (GA)     | Olson         |
| Barletta      | Graves (MO)     | Palazzo       |
| Barr          | Griffin (AR)    | Paulsen       |
| Barton        | Griffith (VA)   | Pearce        |
| Benishek      | Grimm           | Perry         |
| Bentivolio    | Guthrie         | Petri         |
| Bilirakis     | Hall            | Pittenger     |
| Bishop (UT)   | Hanna           | Pitts         |
| Black         | Harper          | Poe (TX)      |
| Blackburn     | Harris          | Pompeo        |
| Boustany      | Hartzler        | Posey         |
| Brady (TX)    | Hastings (WA)   | Price (GA)    |
| Bridenstine   | Heck (NV)       | Reed          |
| Brooks (AL)   | Hensarling      | Reichert      |
| Brooks (IN)   | Herrera Beutler | Renacci       |
| Broun (GA)    | Holding         | Ribble        |
| Buchanan      | Hudson          | Rice (SC)     |
| Bucshon       | Huelskamp       | Rigell        |
| Burgess       | Huizenga (MI)   | Roby          |
| Byrne         | Hultgren        | Roe (TN)      |
| Calvert       | Hunter          | Rogers (AL)   |
| Camp          | Hurt            | Rogers (KY)   |
| Campbell      | Issa            | Rogers (MI)   |
| Capito        | Jenkins         | Rohrabacher   |
| Carter        | Johnson (OH)    | Rokita        |
| Cassidy       | Johnson, Sam    | Rooney        |
| Chabot        | Jolly           | Ros-Lehtinen  |
| Chaffetz      | Jones           | Ross          |
| Clawson (FL)  | Jordan          | Rothfus       |
| Coble         | Joyce           | Royce         |
| Coffman       | Kelly (PA)      | Runyan        |
| Cole          | King (IA)       | Ryan (WI)     |
| Collins (GA)  | King (NY)       | Salmon        |
| Collins (NY)  | Kingston        | Sanford       |
| Conaway       | Kinzinger (IL)  | Scalise       |
| Cook          | Kline           | Schock        |
| Cotton        | Labrador        | Schweikert    |
| Cramer        | LaMalfa         | Scott, Austin |
| Crawford      | Lamborn         | Sensenbrenner |
| Crenshaw      | Lance           | Sessions      |
| Culberson     | Lankford        | Shimkus       |
| Daines        | Latta           | Shuster       |
| Davis, Rodney | LoBiondo        | Simpson       |
| Denham        | Long            | Smith (MO)    |
| Dent          | Lucas           | Smith (NE)    |
| DeSantis      | Luetkemeyer     | Smith (NJ)    |
| Diaz-Balart   | Lummis          | Smith (TX)    |
| Duffy         | Marchant        | Southerland   |
| Duncan (SC)   | Marino          | Stewart       |
| Duncan (TN)   | Massie          | Stivers       |
| Ellmers       | McAllister      | Stockman      |
| Farenthold    | McCarthy (CA)   | Stutzman      |
| Fincher       | McCaul          | Terry         |
| Fitzpatrick   | McClintock      | Thompson (PA) |
| Fleischmann   | McHenry         | Thornberry    |
| Fleming       | McKeon          | Tiberi        |
| Flores        | McKinley        | Tipton        |
| Forbes        | McMorris        | Turner        |
| Fortenberry   | Rodgers         | Upton         |
| Fox           | Meadows         | Valadao       |
| Franks (AZ)   | Meehan          | Wagner        |
| Frelinghuysen | Messer          | Walberg       |
| Gardner       | Mica            | Walden        |
| Garrett       | Miller (FL)     | Walorski      |
| Gerlach       | Miller (MI)     | Weber (TX)    |
| Gibbs         | Miller, Gary    | Webster (FL)  |
| Gibson        | Mullin          | Wenstrup      |
| Gingrey (GA)  | Mulvaney        | Westmoreland  |
| Gohmert       | Murphy (PA)     | Whitfield     |