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3 MARKUP ON H.R. 2454, THE AMERICAN CLEAN ENERGY AND SECURITY

4 ACT OF 2009

5 THURSDAY, MAY 21, 2009

6 House of Representatives,

7 Committee on Energy and Commerce

8 Washington, D.C.

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

12       Members present: Representatives Waxman, Dingell,  
13 Markey, Boucher, Pallone, Gordon, Rush, Eshoo, Stupak, Engel,  
14 Green, DeGette, Capps, Doyle, Harman, Schakowsky, Gonzalez,  
15 Inslee, Baldwin, Ross, Weiner, Matheson, Butterfield,  
16 Melancon, Barrow, Hill, Matsui, Christensen, Castor,  
17 Sarbanes, Murphy of Connecticut, Space, McNerney, Sutton,  
18 Braley, Welch, Barton (ex officio), Hall, Upton, Stearns,

19 Deal, Whitfield, Shimkus, Shadegg, Blunt, Buyer, Radanovich,  
20 Pitts, Mack, Walden, Terry, Rogers, Myrick, Sullivan, Murphy  
21 of Pennsylvania, Burgess, Blackburn, Scalise, and Gingrey.

22       Staff present: Phil Barnett, Staff Director; Kristin  
23 Amerling, Chief Counsel; David Rapallo, General Counsel;  
24 Karen Lightfoot, Communications Director/Senior Policy  
25 Advisor; Bruce Wolpe, Senior Policy Advisor; Greg Dotson,  
26 Chief Environmental Counsel; Lorie Schmidt, Senior  
27 Counsel/Air Quality & Climate Change; Alexandra Teitz, Senior  
28 Counsel; Michael Goo, Counsel; Matt Weiner, Special  
29 Assistant; Jeff Baran, Professional Staff Member; Alex  
30 Barron, Professional Staff Member/Climate and Energy; Melissa  
31 Bez, Professional Staff Member; Joel Beauvais, Policy  
32 Advisor; Ben Hengst, EPA Detail; John Jimison, Counsel; Rob  
33 Cobbs, Professional Staff; Earley Green, Chief Clerk; Sharon  
34 Davis, Chief Legislative Clerk; Jen Berenholz, Deputy Clerk;  
35 Caitlin Haberman, Assistant Clerk; Mitch Smiley, Special  
36 Assistant; Douglas Wilder, Fellow; Miriam Edelman, Special  
37 Assistant; Valerie Baron, Special Assistant; Matt Eisenberg,  
38 Staff Assistant; Caren Auchman, Communications Associate;  
39 Lindsay Vidal, Press Assistant; Pope Barrow, Legislative  
40 Counsel; Warren Burke, Legislative Counsel; David Cavicke,  
41 Staff Director; Lance Kotschwar, General Counsel; Jerry  
42 Couri, Professional Staff; Amanda Mertens Campbell, Counsel;

43 Andrea Spring, Professional Staff; Aaron Cutler, Counsel;  
44 Mary Neumayr, Counsel; Peter Spencer, Professional Staff;  
45 Will Carty, Professional Staff; and Shannon Weinberg,  
46 Counsel.

|  
47 H.R. 2454

48 10:12 a.m.

49       The {Chairman.} The committee will please come to  
50 order. Before we begin considering amendments, I would like  
51 to yield to the gentleman from Texas, the ranking Republican  
52 member of the committee, Mr. Barton.

53       Mr. {Barton.} Thank you, Mr. Chairman. First, I want  
54 to commend you on the fair way you conducted this markup this  
55 week. It is a very difficult subject. It is a very  
56 complicated subject that there are strong feelings on both  
57 sides about. It would be an easy markup to lose control and  
58 let tempers flare but that has not happened, and that is a  
59 tribute to your chairmanship.

60       With regard to today's schedule, as you well know, you  
61 and I had a meeting last evening and we have agreed that it  
62 wouldn't be to the benefit of the committee or the comity  
63 between the members if sometime this afternoon we begin to  
64 engage in parliamentary procedures that would force either a  
65 reading of the bill or an amendment which would take it  
66 beyond the scheduled closure time or a previous question  
67 motion by the majority which would violate the traditions of  
68 the committee. So we have agreed to expedite the process  
69 today in terms of amendments and to put time limits on each

70 amendment, approximately 10 minutes per side at the maximum.  
71 In return, we will have a final passage vote sometime this  
72 afternoon within an hour or so after the House concludes its  
73 business, and when we come back after the Memorial Day work  
74 period, you have committed to holding at least 1 day of  
75 hearing on the cap-and-trade allowance system, and if  
76 possible, 2 days of hearings that would be fair and balanced  
77 so that we can get into some of the issues that we have not  
78 yet been able to get into, just understanding what the  
79 mechanism is of the programs in title III and title IV.

80       The {Chairman.} I want to thank Mr. Barton for his  
81 cooperation in making this as smooth a markup as it has been  
82 up to this point. I know there are strong feelings on this  
83 issue, and it is important that we work through the  
84 consideration of various proposals in the spirit of comity  
85 and tolerance and receptivity. We do have a lot of work to  
86 do with not a great deal of time, and I think it makes sense  
87 to set time limits for the amendments that we will be  
88 considering today. We have also seen some amendments that we  
89 have considered up to this point have taken an hour and a  
90 half to 2 hours where I think we could have shortened the  
91 period of time for discussion. So if we try to discipline  
92 ourselves on both sides, and the Republican side has 20  
93 amendments. We figure that on our side we will have five to

94 10 amendments. If we limit the time to no more than 10  
95 minutes per side, and many of the amendments will be 10  
96 minutes total, 5 minutes on each side, we will have to make  
97 an evaluation as we go through the consideration of the  
98 amendments. I think that would allow us to be able to give  
99 the priority amendments on both sides consideration and an  
100 opportunity for member to vote on them.

101 We will have three series of votes on the House Floor  
102 today so our work will not be uninterrupted. I have agreed  
103 with Mr. Barton that we will hold at least one full day of  
104 hearings on how the allocation system will work and the  
105 mechanisms of it and so we can get a greater spotlight on the  
106 mechanics of it all, and I think that would be a valuable  
107 hearing and I agree that we will in fact hold that day of  
108 hearings and see if we have time and reason to have  
109 additional hearings on the subject.

110 So with that understanding, I would like to have us move  
111 forward now.

112 Mr. {Terry.} Can I ask--

113 The {Chairman.} Yes, the gentleman from Nebraska.

114 Mr. {Terry.} In regard to the agreement on the  
115 hearings, was there any discussion of whether it is a full  
116 committee or subcommittee so those of us that aren't on the  
117 subcommittee can participate, is my specific interest.

118           The {Chairman.} We hadn't discussed that specifically  
119 but I think the best approach would be to have it in the  
120 subcommittee and all members who wish to attend may be able  
121 to participate.

122           For the first amendment this morning, I want to  
123 recognize the gentleman from Ohio, Mr. Space, for what I  
124 think is one of the most important and significant amendments  
125 that we are going to have to this legislation. Mr. Space,  
126 you have an amendment at the desk. I would ask unanimous  
127 consent that the amendment be considered as read and I would  
128 like to recognize the gentleman from Ohio, Mr. Space, for 5  
129 minutes.

130           [The amendment follows:]

131 \*\*\*\*\* INSERT 1 \*\*\*\*\*

|  
132           Mr. {Space.} Thank you, Mr. Chairman. As all of us  
133 know, this bill allocates emissions to electricity local  
134 distribution companies, the specific nature of which are  
135 located on page 553 of the bill in its present form as well  
136 as to natural gas local distribution companies which are  
137 located on page 554, both within section 782.

138           The purpose of this amendment, which is being circulated  
139 as I speak, is to clarify and make certain that these  
140 allocated emission allowances remit directly to the benefit  
141 of retail ratepayers. All of us have concerns about the  
142 effect that this legislation may have on consumers generally  
143 and this bill has made numerous attempts to mitigate those  
144 concerns. This amendment helps to specify and again make  
145 certain that those allowances in particular are intended to  
146 benefit and will indeed benefit the retail ratepayers. The  
147 amendment affects not just the submission of these allowances  
148 but also the auditing provisions of the bill itself. I think  
149 it is a positive change in all directions and will provide  
150 some level of protection and assurances to the little guy out  
151 there. Yield back, Mr. Chairman.

152           The {Chairman.} If the gentleman would yield to me on  
153 his time, Mr. Space, I think this amendment will reinforce  
154 one of the central policies of this bill and that is

155 protecting ratepayers. Our bill requires that allowances  
156 given to electricity and gas utilities must be used for the  
157 benefit of retail ratepayers, and this amendment strengthens  
158 these important provisions by making this policy even more  
159 explicit. For example, under the bill's allowance  
160 distribution provisions, EPA is required to audit a  
161 representative sample of electric distribution companies.  
162 Under the Space amendment, it would be clear that these  
163 audits will be focused on ensuring that emission allowances  
164 have been used exclusively for the benefit of retail  
165 ratepayers. The heart of this bill is the protection of the  
166 ratepayers. The Space amendment strengthens the provisions  
167 that are already in place, and I would certainly urge my  
168 colleagues to support this amendment.

169 Mr. {Barton.} Mr. Chairman.

170 The {Chairman.} The gentleman yields back his time and  
171 the chair will recognize Mr. Barton.

172 Mr. {Barton.} And I will be happy to yield some of my  
173 time to Mr. Walden. I will ask the counsel a question.  
174 Could you define retail ratepayer?

175 {Counsel.} Sorry, sir. The question was, have we  
176 defined retail ratepayer in this?

177 Mr. {Barton.} What is the definition of retail  
178 ratepayer?

179 {Counsel.} It is not defined in the statute.

180 Mr. {Barton.} Would a small dry cleaning business be a  
181 retail ratepayer?

182 {Counsel.} If the dry cleaner is paying an electricity  
183 bill.

184 Mr. {Barton.} Would a small manufacturing facility that  
185 uses electricity to run its processes be a retail ratepayer?

186 {Counsel.} If it is paying an electricity bill.

187 Mr. {Barton.} So anybody that pays an electricity bill  
188 is a retail ratepayer?

189 {Counsel.} Yes.

190 Mr. {Barton.} Does the author of the amendment agree  
191 with that?

192 Mr. {Space.} I agree if they are purchasing that  
193 electricity from an electric, and actually a natural gas  
194 distribution company as well. It applies to both natural gas  
195 and electricity distribution companies.

196 Mr. {Barton.} So your definition of retail ratepayer is  
197 not exclusive to homeowners and condos and apartments, it  
198 includes small businesses and manufacturing facilities,  
199 basically anybody that doesn't have a direct industrial  
200 contract with the electricity provider?

201 Mr. {Space.} That is correct.

202 Mr. {Barton.} I will yield to Mr. Walden.

203 Mr. {Walden.} Thank you, Mr. Barton. That was the  
204 question I was going to go after, but what assurance--I mean,  
205 I appreciate your opinion but what assurance do we have in  
206 statute? Is retail ratepayer defined anywhere in the  
207 statutes?

208 {Counsel.} No, it is not.

209 Mr. {Walden.} So it is commonly assumed that that is  
210 anybody who pays an electricity bill or a gas bill under this  
211 circumstance will be considered a retail ratepayer?

212 Mr. {Space.} So long as they purchase it from a local  
213 electricity, on in the case of natural gas, distribution  
214 company, yes.

215 Mr. {Walden.} What about situations like where you--and  
216 I may be wrong on this because this is all coming at us fast.  
217 Like Bonneville Power Administration has DSIs. These are  
218 industries that purchase directly power. I believe they are  
219 allocated power directly from the Bonneville Power  
220 Administration. Would they qualify through a DSI?

221 {Counsel.} I am sorry. I missed the question, sir.  
222 Someone was talking to me.

223 Mr. {Walden.} It happens. I am sympathetic with you.

224 {Counsel.} I am sorry.

225 Mr. {Walden.} A DSI is a direct service industry so  
226 they purchase power directly from, I believe, Bonneville

227 Power Administration. Would they be treated as a retail  
228 ratepayer?

229 {Counsel.} I don't know.

230 Mr. {Walden.} If it comes from one of the power  
231 marketing agencies like TVA, Tennessee Valley Authority or  
232 Bonneville Power Administration--

233 Mr. {Space.} If I could--

234 Mr. {Walden.} Certainly.

235 Mr. {Space.} The bill itself provides for allowances to  
236 be distributed specifically by natural gas local distribution  
237 companies and electricity local distribution companies. If  
238 these are ratepayers purchasing the power from those local  
239 distribution companies, they are considered purchasing retail  
240 power and are ratepayers pursuant to the amendment, and I  
241 believe the bill itself.

242 Mr. {Walden.} Right. So my question is, are the  
243 organizations like Bonneville Power Administration considered  
244 a local distribution company for purposes of this Act?

245 Mr. {Space.} I would refer to counsel for the  
246 definition of local distribution companies.

247 Mr. {Walden.} I appreciate that. I am just asking the  
248 professional opinion of counsel. I think I understand the  
249 intent of the legislation and the definition--

250 The {Chairman.} Will the gentleman yield?

251 Mr. {Walden.} Yes, certainly.

252 The {Chairman.} This is a power company purchasing from  
253 another power company?

254 Mr. {Walden.} No, this would be an industrial user that  
255 purchases, I believe, directly, and I may be wrong on this  
256 but I didn't have a chance to run this out in advance,  
257 directly from Bonneville, for example. And so my only  
258 question is, are these PMAs, power marketing, are they  
259 considered an LDC for purposes of this Act? Because I know  
260 it is your intent to do that but I just want to make sure  
261 because we are legislating--

262 The {Chairman.} They distribute as well as generate the  
263 power?

264 Mr. {Walden.} They may, yes.

265 {Counsel.} The definition of electricity local  
266 distribution company appears on page 567. It means an  
267 electric utility that has a legal, regulatory or contractual  
268 obligation to deliver electricity directly to retail  
269 consumers in the United States regardless of whether that  
270 entity or another entity sells the electricity as a commodity  
271 to those consumers, and the retail rates of which, except in  
272 the case of a registered electric co-op, are regulated by a  
273 State regulatory authority, regulatory commission,  
274 municipality, public utility or by an Indian tribe pursuant

275 to tribal law, and that again is on page 567.

276 Mr. {Walden.} I am sorry to interrupt, but the last  
277 qualifier is that they are regulated by a public utility  
278 commission of some sort?

279 {Counsel.} The retail rates of which except in the case  
280 of a registered electric cooperative are regulated by a State  
281 authority or some other type of regulatory commission.

282 Mr. {Walden.} Because Bonneville I think does its own  
283 rate-setting cases. So would they--

284 The {Chairman.} The gentleman's time is expired. I  
285 don't know that we can get a specific answer. The counsel  
286 will give us further information to help us reach some  
287 conclusion.

288 Mr. {Walden.} I would be--

289 {Counsel.} We are not sure whether Bonneville Power  
290 Authority sells wholesale or retail. If they sell wholesale,  
291 then it does not appear they would fall within the definition  
292 of electricity LDC but we don't know Bonneville Power's  
293 situation.

294 Mr. {Walden.} Mr. Chairman, and I know we need to move  
295 this along. Would the Chair and the author of the amendment  
296 be willing to work with us on this? I assume you would want  
297 to include anybody that is selling power to a retail  
298 ratepayer.

299 Mr. {Space.} Mr. Chairman, if I might?

300 The {Chairman.} Yes.

301 Mr. {Space.} The gentleman's request relates not just  
302 to the amendment but to the entirety of the bill itself  
303 because the question that you have raised about the  
304 eligibility of Bonneville for the allowances in question  
305 applies regardless of whether this amendment is passed or  
306 not.

307 The {Chairman.} Let me express my willingness to work  
308 with the gentleman, talk it through and see if we can resolve  
309 any disagreements.

310 Mr. {Walden.} I would be willing to accept that  
311 commitment because I think I understand what you are trying  
312 to get to. I just want to make sure there isn't a group that  
313 has been overlooked by accident.

314 Mr. {Space.} And I would certainly be willing to work  
315 with the gentleman.

316 Mr. {Barton.} Mr. Chairman, we are prepared to accept  
317 the amendment.

318 The {Chairman.} The time has expired on the debate.  
319 The vote now comes on the Space amendment. All those in  
320 favor of the amendment, say aye. Opposed, no. The ayes have  
321 it and the amendment is agreed to.

322 Who seeks recognition, Mr. Barton, on your side?

323 Mr. {Barton.} Mr. Walden.

324 The {Chairman.} Let me make an announcement. We have  
325 considered amendments to title I. We have considered  
326 amendments to title II. We have considered amendments to  
327 title III. We are going to open the bill up for amendments  
328 to any title, so the bill is open for amendment at any point.

329 Mr. {Walden.} So Mr. Chairman, I have an amendment at  
330 the desk. Actually I will throw you a curve ball. It is  
331 actually Upton 003, which is unrelated to Upton 007, the  
332 secret agent from Michigan.

333 Ms. {DeGette.} Mr. Chairman, I will reserve a point of  
334 order.

335 The {Chairman.} A point of order has been reserved.  
336 The gentleman from Oregon is offering an amendment that has  
337 the name of the gentleman from Michigan, Mr. Upton, and  
338 without objection, that amendment will be considered as read  
339 and the gentleman from Oregon is recognized to speak.

340 [The amendment follows:]

341 \*\*\*\*\* INSERT 2 \*\*\*\*\*

|

342           Mr. {Walden.} Thank you very much, Mr. Chairman. The  
343 purpose of this amendment is to build upon the notion that  
344 renewables are a good thing and that renewable energy that  
345 doesn't emit any more than those on the list that you will  
346 find on page 21, that doesn't exceed or perhaps even comes in  
347 less, should be included. And of course, as technologies  
348 develop there will be new ones that may not be on this list,  
349 so this amendment is really pretty simple. It says any  
350 source of electric generation with emissions of air  
351 pollutants that do not exceed those of the emission source  
352 listed in any of the preceding subparagraphs, which has the  
353 highest emission levels of air pollutants, so it amends the  
354 Clean Air Act and basically says there are some others out  
355 there that don't pollute that should be included. Some new  
356 technologies may come along and they should be treated as  
357 renewable energy under this Act, and I would yield to my  
358 colleague from Michigan for further comment.

359           Mr. {Upton.} Well, thank you. I thank the gentleman  
360 for offering this brilliant amendment. I note for the record  
361 I did vote against cloning so it is your amendment. You  
362 know, we don't want to pick winners and losers. The whole  
363 purpose is that we have renewable source of energy no matter  
364 what the cost and this fits that criteria, and so whether it

365 be woody biomass, whether it be existing hydro or new hydro,  
366 all those different things ought to qualify as part of the  
367 renewable base, and we are going to have another amendment a  
368 little bit later on that looks at States that have actually  
369 embarked on a renewable portfolio standard. We want those  
370 States to keep their rights in terms of what they have done  
371 to identify their base but this is a greater universe of what  
372 would count as renewable and I think it is a very good  
373 amendment, and I yield my time back to the gentleman from  
374 Oregon.

375 Mr. {Walden.} And I yield back and ask for your support  
376 on this amendment.

377 Ms. {DeGette.} Mr. Chairman, I withdraw my point of  
378 order.

379 The {Chairman.} The gentlelady withdraws her point of  
380 order. The Chair recognizes himself in opposition to the  
381 amendment. This amendment sounds neutral in the definition  
382 of a renewable but in effect it would allow nuclear to be  
383 considered a renewable fuel. We have had this issue before  
384 us a number of times during the committee's consideration of  
385 this legislation. While nuclear has enormous advantage of  
386 not emitting carbon dioxide, it is not a renewable fuel. It  
387 is based on fuel from uranium, which is mined which is not  
388 renewable. It is similar to coal in that sense. And when we

389 defined renewable, the idea of having nuclear as part of the  
390 definition was not what those who support renewables had in  
391 mind. It is already a technology that has been available,  
392 been in use, plays a very important and valuable role in  
393 portfolio of energy supplies but if we had nuclear considered  
394 a renewable, it would in effect crowd out other renewables  
395 that we want to be encouraged to be developed. That was the  
396 reason why in the compromise on the RES that we said that  
397 future nuclear power would be not considered in the base for  
398 how much would have to be achieved for the renewable  
399 objectives, and I think this amendment overturns the  
400 compromise, undermines what we are trying to do in the  
401 renewable area, discourages the development of new renewables  
402 that need attention and need guarantee that they are going to  
403 be marketable in order to make more renewable fuels  
404 available.

405 Mr. {Upton.} Would the gentleman yield?

406 The {Chairman.} Yes, I will be glad to yield to Mr.  
407 Upton.

408 Mr. {Upton.} One of the things that other countries do,  
409 France, U.K., Japan, soon to be China, they are now in the  
410 process of recycling spent nuclear fuel, high-level nuclear  
411 fuel. Our country of course has a ban on that. I would like  
412 to think that at some point down the line we will reverse

413 that and we will start that in this country. If in fact we  
414 had that program here, would the gentleman then support this  
415 amendment if we could recycle it, knowing that you can do it  
416 up to 90 percent?

417 The {Chairman.} Let me not make a decision sitting here  
418 without getting all the information. Maybe, maybe not, but I  
419 don't want to decide right now.

420 Mr. {Walden.} Mr. Chairman, since I yielded back  
421 earlier, if I could just make a point, and I appreciate your  
422 yielding to me. I think as we look at these renewables, any  
423 of us could make an argument that something has to happen to  
424 develop them. For example, there is fairly high intensity of  
425 energy that is consumed to create solar panels. We are  
426 actually making them in my State. There are things that have  
427 to be mined to go into those solar panels. When you look at  
428 the wind turbines that are going up at a rapid pace in my  
429 district, there is a lot of carbon, there is a lot of steel,  
430 there are all the electric components, and so into every  
431 source of energy, even renewable, part of how you get it into  
432 the transmission line, part of the equipment and the towers  
433 and the blades and all of that requires some level of energy.  
434 Actually interestingly enough, and I haven't mentioned this  
435 word yet this morning but I will, woody biomass is the most  
436 renewable probably thing out there because it just keeps

437 growing, and so I hope that at some point we can fix that  
438 problem in this bill. This would do that. All this  
439 amendment says is, as long as you don't emit--we are trying  
440 to deal with this carbon issue in the atmosphere is what this  
441 bill is trying to achieve. Why don't you work with us to  
442 generate new power from sources that don't add to greenhouse  
443 gas emissions like hydro, like biomass, like nuclear to deal  
444 with the atmospheric issues that the IPCC and others have  
445 said are so important to deal with? So I hope you will take  
446 another look at this amendment and support it, and I  
447 appreciate your courtesy in yielding your time to me on that  
448 point.

449       The {Chairman.} Thank you, Mr. Walden. Reclaiming my  
450 time. I would be happy to continue to work with the  
451 gentleman, not to continue, to begin to work with the  
452 gentleman because we have been very anxious to do that, but  
453 this amendment is not acceptable, and those other decisions  
454 that you would like us to look at for the future, I think we  
455 need to examine carefully and see if there is a way we can  
456 reach amendment.

457       Mr. {Gingrey.} Mr. Chairman, will you yield?

458       The {Chairman.} My time is expired and I am going to  
459 recognize Mr. Barton and he can yield as he sees fit.

460       Mr. {Barton.} Mr. Chairman, I thank you and I will

461 yield some of my time to Mr. Gingrey. I don't know if it  
462 good news or bad news, Mr. Chairman, but this was the nice  
463 amendment. You know, this is the amendment we actually put  
464 forward thinking that it would be accepted and you would work  
465 with us on this. The authors of the legislation are at war  
466 with themselves. The stated goal of this legislation is to  
467 reduce greenhouse gases that are made by man in the United  
468 States. That is a noble goal. If that is truly the goal and  
469 the primary goal, this amendment should be accepted because  
470 it is politically neutral. It simply says any source of  
471 electric generation that has emissions of air pollutants that  
472 don't exceed those of the emissions listed in the preceding  
473 paragraphs which have the highest emission levels would  
474 qualify, and you are exactly right. Nuclear power would  
475 qualify because it is zero emissions. Hydro would qualify  
476 because it has zero emissions. It is possible that clean  
477 coal technology at some point in time would qualify. It is  
478 possible that several other technologies that we don't even  
479 know about would qualify.

480 But what this amendment does is, it takes the politics  
481 out of the definition of renewable. If your goal is to  
482 reduce manmade greenhouse gases in the United States, this  
483 amendment should be accepted. If that is not the primary  
484 goal, if the primary goal is to pick winners and loses in the

485 emerging alternative technologies, it is a different  
486 ballgame. I would point out that some of the sources that  
487 are listed, some of the solar voltaics and things of that  
488 sort are extremely expensive and very, very unlikely to ever  
489 be large baseload sources of energy. On the other hand,  
490 hydroelectric power and nuclear power from these new reactor  
491 designs could be very much a part of a future clean energy  
492 strategy. I would also point what Mr. Upton did, and that  
493 is, that if the United States reverses Carter Administration  
494 policy and decides to reprocess its spent civilian commercial  
495 reactor rods, you can recycle, I think, about 98 percent of  
496 the energy that is in those rods, which would diminish the  
497 need for a Yucca Mountain or similar type of repository. So  
498 this is a difficult one, I would think, to say no to and I  
499 would hope that some members of the majority would say yes  
500 and join with the minority to pass it, and I will yield to  
501 Mr. Gingrey.

502       Mr. {Gingrey.} I thank the ranking member for yielding  
503 and certainly I do support the amendment, and I think it is  
504 important to note that while the chairman says uranium is not  
505 renewable, it indeed is ubiquitous. If coal is plentiful in  
506 this country, and indeed it is, we probably have 150 years of  
507 reserves of coal, uranium may be the most abundant element on  
508 the periodic table, and it is easily mined, it is here in the

509 United States. We don't have to be dependent on some country  
510 that doesn't like us very much, and then of course the point  
511 was brought up by Mr. Upton that the reprocessing technique  
512 that is used in France where 80 percent of their power is  
513 generated from nuclear, it is so close to being a renewable  
514 source that you just--I can't understand why we wouldn't  
515 include it. And the other thing, the final point I will make  
516 is, with nuclear you cannot pick winners and losers. You can  
517 put a nuclear plant pretty much anywhere. We are going to  
518 have four in the Southeast in my State of Georgia at Plant  
519 Vogel and Plant Hatch, and we are producing 20 percent of our  
520 electricity by nuclear and we can grow that, so I thank the  
521 gentleman for yielding time. I will yield back to him. But  
522 clearly nuclear is so darn close to being renewable that I  
523 think it meets the definition, and I yield back.

524       The {Chairman.} The gentleman's time has expired. For  
525 the last 5 minutes of debate on this amendment, I want to  
526 recognize Mr. Markey, but before I do, if I might, on that 5  
527 minutes indicate that we are not arguing whether nuclear  
528 should be used. We are not arguing whether coal should be  
529 used. We want sources of energy to be used that can be used  
530 in a way that protects the environment, and we are able to do  
531 that with nuclear now and we hope to be able to do that with  
532 coal at some point and we are putting a lot of money into

533 achieving that objective. But this is the question that goes  
534 to the definition of renewable. Mr. Barton says perhaps the  
535 majority is at war with itself. Well, let me indicate the  
536 majority is going to win the war--

537 Mr. {Barton.} With yourselves.

538 The {Chairman.} With ourselves because what we wanted  
539 to do is encourage the use of a wide diversity of fuels,  
540 nuclear, coal, natural gas, oil and renewables, some of which  
541 are already available and much more will be very effective  
542 low cost if we give the encouragement and the market for it  
543 to be developed. Mr. Markey.

544 Mr. {Markey.} I thank the Chair very much. As the  
545 amendment is drafted, it says that any source of electric  
546 generation with emissions of air pollutants that do not  
547 exceed those of the emission sources listed in any of the  
548 preceding paragraphs will essentially qualify. Well, our  
549 definition for renewables in the legislation that we are now  
550 considering is that 20 percent of electricity by the year  
551 2020 should come from renewables or efficiency. Since 20  
552 percent of all electricity in the United States today is  
553 generated by nuclear power, that would mean that there would  
554 be no new renewables at all since the entire standard would  
555 be met by the existing base of nuclear power in our country,  
556 a perfect match, 20 nuclear already in existence, 20 percent

557 is what we are calling for--

558 Mr. {Barton.} Would the gentleman yield on that point?

559 Mr. {Markey.} I would be glad to yield.

560 Mr. {Barton.} If this were to pass, we would be willing  
561 to accept an amendment to change the standard to 30 percent  
562 perhaps, move it up so that you get nuclear and you get your  
563 others too.

564 Mr. {Markey.} Well, again, let me continue. Hydro  
565 power is another 6 percent already in existence. As the  
566 chairman already pointed out, our goal is not in this  
567 legislation to harm nuclear power. In fact, most of the  
568 major nuclear energy utilities in the United States have  
569 endorsed this bill, and the reason that they have endorsed it  
570 is that they know that once there is a cap placed on carbon,  
571 that their ability to go to the capital markets to raise  
572 money combined with the loan guarantee programs, which the  
573 federal government has already authorized, will increase the  
574 revival of the industry which the gentleman from Georgia has  
575 already indicated is occurring at the Vogel site in his State  
576 already. So this is really not a question of whether or not  
577 nuclear is going to be a part of the mix in the future. It  
578 has been in the past, it will be again, and this bill is  
579 going to play a large role in reviving it regardless of what  
580 anyone might think about it as a technology.

581           This legislation, however, is also trying to focus upon  
582 biomass, on wind, on solar, on geothermal, on hydrokinetic  
583 and on a whole group of other technologies which historically  
584 have been underfunded. The nuclear sector itself over the  
585 years has been a favored technology of the federal government  
586 and that is why it up to 20 percent of our total electricity  
587 mix. That is why there is more electricity generated from  
588 nuclear in the United States than there is in the country of  
589 France, and it is going to continue to increase, and the  
590 gentleman from Georgia is saying that he already is  
591 witnessing that down in his home State. So the evisceration  
592 of the renewable goals which we have for our country would be  
593 complete if this amendment was adopted. I can't urge more  
594 strongly that the members reject it. This is part of a very  
595 well-balanced plan that we have going forward that includes  
596 clean coal, tens of billions of dollars for carbon  
597 sequestration for the coal industry, nuclear as loan  
598 guarantee programs and other programs that are included. I  
599 urge a no vote so that the renewables can play the same role  
600 in the future as these other energy technologies.

601           The {Chairman.} All time has been taken in the debate.  
602 We will now proceed to a roll call vote. The clerk will call  
603 the roll.

604           The {Clerk.} Mr. Waxman?

605 The {Chairman.} No.

606 The {Clerk.} Mr. Waxman votes no. Mr. Dingell?

607 [No response.]

608 The {Clerk.} Mr. Markey?

609 Mr. {Markey.} No.

610 The {Clerk.} Mr. Markey votes no. Mr. Boucher?

611 Mr. {Boucher.} No.

612 The {Clerk.} Mr. Boucher votes no. Mr. Pallone?

613 [No response.]

614 The {Clerk.} Mr. Gordon?

615 [No response.]

616 The {Clerk.} Mr. Rush?

617 [No response.]

618 The {Clerk.} Ms. Eshoo?

619 Ms. {Eshoo.} No.

620 The {Clerk.} Ms. Eshoo, no. Mr. Stupak?

621 [No response.]

622 The {Clerk.} Mr. Engel?

623 [No response.]

624 The {Clerk.} Mr. Green?

625 Mr. {Green.} No.

626 The {Clerk.} Mr. Green votes no. Ms. DeGette?

627 Ms. {DeGette.} No.

628 The {Clerk.} Ms. DeGette votes no. Mrs. Capps?

629 Mrs. {Capps.} No.

630 The {Clerk.} Mrs. Capps, no. Mr. Doyle?

631 [No response.]

632 The {Clerk.} Ms. Harman?

633 [No response.]

634 The {Clerk.} Ms. Schakowsky?

635 Ms. {Schakowsky.} No.

636 The {Clerk.} Ms. Schakowsky votes no. Mr. Gonzalez?

637 Mr. {Gonzalez.} No.

638 The {Clerk.} Mr. Gonzalez, no. Mr. Inslee?

639 Mr. {Inslee.} No.

640 The {Clerk.} Mr. Inslee, no. Ms. Baldwin?

641 Ms. {Baldwin.} No.

642 The {Clerk.} Ms. Baldwin, no. Mr. Ross?

643 [No response.]

644 The {Clerk.} Mr. Weiner?

645 Mr. {Weiner.} No.

646 The {Clerk.} Mr. Weiner, no. Mr. Matheson?

647 [No response.]

648 The {Clerk.} Mr. Butterfield?

649 Mr. {Butterfield.} No.

650 The {Clerk.} Mr. Butterfield, no. Mr. Melancon?

651 Mr. {Melancon.} No.

652 The {Clerk.} Mr. Melancon votes no. Mr. Barrow?

653 Mr. {Barrow.} Votes aye.

654 The {Clerk.} Mr. Barrow votes aye. Mr. Hill?

655 [No response.]

656 The {Clerk.} Ms. Matsui?

657 Ms. {Matsui.} No.

658 The {Clerk.} Ms. Matsui votes no. Mrs. Christensen?

659 Mrs. {Christensen.} No.

660 The {Clerk.} Mrs. Christensen, no. Ms. Castor?

661 Ms. {Castor.} No.

662 The {Clerk.} Ms. Castor, no. Mr. Sarbanes?

663 Mr. {Sarbanes.} No.

664 The {Clerk.} Mr. Sarbanes, no. Mr. Murphy of

665 Connecticut?

666 Mr. {Murphy of Connecticut.} No.

667 The {Clerk.} Mr. Murphy, no. Mr. Space?

668 [No response.]

669 The {Clerk.} Mr. McNerney?

670 Mr. {McNerney.} No.

671 The {Clerk.} Mr. McNerney votes no. Ms. Sutton?

672 Ms. {Sutton.} No.

673 The {Clerk.} Ms. Sutton votes no. Mr. Braley?

674 Mr. {Braley.} No.

675 The {Clerk.} Mr. Braley, no. Mr. Welch?

676 Mr. {Welch.} No.

677 The {Clerk.} Mr. Welch votes no. Mr. Barton?  
678 Mr. {Barton.} Aye.  
679 The {Clerk.} Mr. Barton votes aye. Mr. Hall?  
680 Mr. {Hall.} Aye.  
681 The {Clerk.} Mr. Hall votes aye. Mr. Upton?  
682 Mr. {Upton.} Aye.  
683 The {Clerk.} Mr. Upton, aye. Mr. Stearns?  
684 Mr. {Stearns.} Aye.  
685 The {Clerk.} Mr. Stearns, aye. Mr. Deal?  
686 Mr. {Deal.} Aye.  
687 The {Clerk.} Mr. Deal, aye. Mr. Whitfield?  
688 Mr. {Whitfield.} Aye.  
689 The {Clerk.} Mr. Whitfield, aye. Mr. Shimkus?  
690 Mr. {Shimkus.} Aye.  
691 The {Clerk.} Mr. Shimkus, aye. Mr. Shadegg?  
692 Mr. {Shadegg.} Aye.  
693 The {Clerk.} Mr. Shadegg, aye. Mr. Blunt?  
694 Mr. {Blunt.} Aye.  
695 The {Clerk.} Mr. Blunt votes aye. Mr. Buyer?  
696 Mr. {Buyer.} Aye.  
697 The {Clerk.} Mr. Buyer, aye. Mr. Radanovich?  
698 Mr. {Radanovich.} Aye.  
699 The {Clerk.} Mr. Radanovich, aye. Mr. Pitts?  
700 Mr. {Pitts.} Aye.

701 The {Clerk.} Mr. Pitts votes aye. Ms. Bono Mack?  
702 Ms. {Bono Mack.} Aye.  
703 The {Clerk.} Ms. Bono Mack, aye. Mr. Walden?  
704 Mr. {Walden.} Aye.  
705 The {Clerk.} Mr. Walden, aye. Mr. Terry?  
706 Mr. {Terry.} Aye.  
707 The {Clerk.} Mr. Terry, aye. Mr. Rogers?  
708 Mr. {Rogers.} Aye.  
709 The {Clerk.} Mr. Rogers, aye. Mrs. Myrick?  
710 Mrs. {Myrick.} Aye.  
711 The {Clerk.} Mrs. Myrick votes aye. Mr. Sullivan?  
712 [No response.]  
713 The {Clerk.} Mr. Murphy of Pennsylvania?  
714 Mr. {Murphy of Pennsylvania.} Aye.  
715 The {Clerk.} Mr. Murphy votes aye. Mr. Burgess?  
716 Mr. {Burgess.} Aye.  
717 The {Clerk.} Mr. Burgess, aye. Ms. Blackburn?  
718 Ms. {Blackburn.} Aye.  
719 The {Clerk.} Ms. Blackburn, aye. Mr. Gingrey?  
720 Mr. {Gingrey.} Aye.  
721 The {Clerk.} Mr. Gingrey, aye. Mr. Scalise?  
722 Mr. {Scalise.} Aye.  
723 The {Clerk.} Mr. Scalise, aye. Mr. Dingell?  
724 Mr. {Dingell.} Votes no.

725 The {Clerk.} Mr. Dingell votes no. Mr. Pallone?  
726 Mr. {Pallone.} No.  
727 The {Clerk.} Mr. Pallone votes no. Mr. Stupak?  
728 Mr. {Stupak.} No.  
729 The {Clerk.} Mr. Stupak, no. Mr. Rush?  
730 Mr. {Rush.} No.  
731 The {Clerk.} Mr. Rush votes no. Mr. Doyle?  
732 Mr. {Doyle.} No.  
733 The {Clerk.} Mr. Doyle votes no. Ms. Harman?  
734 Ms. {Harman.} No.  
735 The {Clerk.} Ms. Harman votes no. Mr. Ross?  
736 Mr. {Ross.} Aye.  
737 The {Clerk.} Mr. Ross votes aye. Mr. Hill?  
738 Mr. {Hill.} Aye.  
739 The {Clerk.} Mr. Hill votes aye.  
740 The {Chairman.} Have all members responded to the call  
741 of the roll? Mr. Space.  
742 The {Clerk.} Mr. Space?  
743 Mr. {Space.} Aye.  
744 The {Clerk.} Mr. Space, aye.  
745 The {Chairman.} Is the clerk ready to report the vote?  
746 The {Clerk.} Yes, sir. On that vote, Mr. Chairman, the  
747 yeas were 26 and the nays were 29.  
748 The {Chairman.} Twenty-six ayes, 29 no's. The

749 amendment is not agreed to.

750           The Chair would look now to the Democratic side, and Mr.  
751 Space, I understand you have an amendment at the desk. The  
752 clerk will report the amendment.

753           The {Clerk.} Amendment offered by Mr. Space of Ohio.

754           [The amendment follows:]

755 \*\*\*\*\* INSERT 3 \*\*\*\*\*

|  
756           The {Chairman.} Without objection, the amendment will  
757 be considered as read. We will have it distributed.

758           Mr. {Space.} Thank you, Mr. Chairman.

759           The {Chairman.} And the gentleman is recognized.

760           Mr. {Space.} Thank you, Mr. Chairman. This amendment,  
761 Mr. Chairman, helps clarify and particularize certain  
762 agricultural offsets, a rather comprehensive list that has  
763 been prepared in consultation with farmers both in my  
764 district and throughout the State of Ohio. One of the  
765 concerns that farmers have raised regarding the offsets  
766 program is the lack of specificity, and this amendment would  
767 simply provide that specificity and certainty in the process  
768 and I think make many of our farmers more comfortable with  
769 the legislation.

770           The {Chairman.} Will the gentleman yield to me?

771           Mr. {Space.} Certainly.

772           The {Chairman.} I understand the concerns you are  
773 raising that this amendment is trying to address. The  
774 agricultural and forestry sectors engage in many activities  
775 that sequester substantial amounts of carbon. These  
776 activities are expected to provide a significant source of  
777 low-cost emission offsets under this bill and producing and  
778 selling such offsets could help provide farmers and timber

779 interests an important new source of income. I join your  
780 interest in ensuring that high-quality agricultural offsets  
781 play a significant role in achieving the bill's emissions  
782 reduction goals as cost effectively as possible. I do have  
783 some concerns about the amendment as drafted. The amendment  
784 provides a very detailed list of specific activities that  
785 would receive offset credits but just listing an activity  
786 doesn't make it a source of offsets. Before offsets can be  
787 issued, EPA must develop ways to measure how much carbon each  
788 activity would sequester in the soil or in biomass. Then EPA  
789 can issue one offset for every ton of carbon sequestered. I  
790 think we need to make sure that EPA has the measurement  
791 methodologies in place before we give offset credits to  
792 specific activities, and these methodologies involve highly  
793 technical scientific calculations that must be left to the  
794 expert agency. So I don't think it makes sense to try to  
795 spell all this out before EPA and the Offsets Integrity  
796 Advisory Board established by this legislation have a chance  
797 to assess the carbon sequestered by each of these activities.  
798 But I agree that EPA and the Offsets Integrity Advisory Board  
799 should consider each of these activities and should develop  
800 measurement methodologies for every source of high-quality  
801 offsets.

802 If the gentleman is willing to withdraw his amendment, I

803 propose that we insert language into the committee report  
804 laying out this list and directing EPA and the Offsets  
805 Integrity Advisory Board to consider each of these activities  
806 as a potential source of offset credits and I would be  
807 willing to work further on this matter with the gentleman as  
808 this bill moves forward.

809 Mr. {Space.} I thank the chairman for his concern, and  
810 given the representations made--

811 Mr. {Barton.} Would the gentleman yield?

812 Mr. {Terry.} Sorry to interrupt. Before you withdraw,  
813 would you yield me a few seconds?

814 Mr. {Barton.} Or me, either one.

815 Mr. {Space.} I yield the gentleman 30 seconds.

816 Mr. {Terry.} I too am concerned on behalf of our  
817 farmers. There is another aspect here that I would like to  
818 just bring up for discussion and that is livestock where  
819 according to this plan, they have no opportunities for any  
820 type of credits because critters tend to burp and flatulate  
821 and eat corn, which according to yesterday's discussion is  
822 going to be a net contributor to carbon because that is going  
823 to be included in this. So livestock needs to be accounted  
824 for in here and is not. I will yield back to my friend from  
825 Ohio.

826 Mr. {Space.} I thank the gentleman for his concern, and

827 given the--

828           The {Chairman.} Would the gentleman yield to Mr.

829 Barton?

830           Mr. {Space.} Of course.

831           Mr. {Barton.} I would just say we would accept it as is

832 and I would like to add to the list, but I will accept what

833 you have got. It is a move in the right direction.

834           Mr. {Space.} Thank you to the ranking member as well.

835 Given the chairman's representations concerning his

836 willingness to work with us and the concerns raised both here

837 in this hearing as well as in advance, I would withdraw the

838 amendment and look forward to working with the chairman.

839           Mr. {Walden.} Would the gentleman yield--

840           Mr. {Space.} --in refining this list?

841           Mr. {Walden.} Would the gentleman yield?

842           Mr. {Space.} I yield my time back to--

843           Mr. {Walden.} Then I reserve a right to object to the

844 unanimous consent request.

845           The {Chairman.} Well, there is no unanimous consent

846 request. Why don't you yield, Mr. Space?

847           Mr. {Space.} I will yield the remaining time.

848           Mr. {Walden.} I just have a question for you. As I was

849 reading it on page 2 on line 14, it talks about aforestation

850 or reforestation of acreage not forested as of October 18,

851 2007. Where did that date come from? It is very specific.  
852 I actually was Googling trying to figure out what event  
853 happened on that day. I am just curious.

854 Mr. {Space.} It is a curious anomaly, and my response  
855 to that would be simply that this list is comprehensive and  
856 was prepared in connection in consultation with members of  
857 the agricultural industry and community, and the honest truth  
858 is, I am not sure where the date came from. It does appear  
859 arbitrary.

860 Mr. {Walden.} It just caught my attention. I don't  
861 know why the 16th or the 19th or, you know. Thank you. I  
862 yield back.

863 Mr. {Space.} Thank you.

864 The {Chairman.} The gentleman from Ohio withdraws his  
865 amendment. The chair now recognizes Mr. Rogers for the  
866 purpose of offering an amendment. Without objection, the  
867 amendment will be considered as read and the gentleman will  
868 be recognized for 5 minutes.

869 Mr. {Rogers.} Mr. Chairman, I would move that the  
870 Rogers amendments 2, 4 and 6 be considered en bloc in the  
871 interests of time today.

872 The {Chairman.} Without objection, the amendments--

873 Ms. {DeGette.} Mr. Chairman, I reserve a point of  
874 order.

875           The {Chairman.} Well, first of all, the gentlelady  
876 reserves a point of order, but without objection, the  
877 amendments will be considered en bloc, and Mr. Rogers is  
878 recognized.

879           [The amendments follow:]

880 \*\*\*\*\* INSERTS 4, 5, 6 \*\*\*\*\*

|

881           Mr. {Rogers.} Thank you, Mr. Chairman. And I come from  
882 a State that has been hit very, very hard, and I have to tell  
883 you, when you are sitting at your kitchen table and you work  
884 for a small auto parts manufacturer, you kind of have to  
885 scratch your head. Michigan is very proud of the role that  
886 they played in World War II as the arsenal of democracy.  
887 When the United States called them, they went from making  
888 pickup trucks in about late 1940 with 15,000 parts to less  
889 than a year later on that same assembly line pumping out  
890 bombers with over a million parts. They helped create the  
891 middle class. Rosie the Riveter got their start in Michigan.  
892 It kind of changed for a whole generation about how we  
893 embrace people into the workplace. So they scratched their  
894 heads and think I am a little confused. This is a great  
895 country through innovation. The government didn't tell them  
896 how to do that. They just asked them go from pickup trucks  
897 to airplanes. Nobody told them to do the Chevy Volt, of  
898 which they have spent billions of their own money at General  
899 Motors to research and develop and get close to production or  
900 lithium ion batteries. But now somehow we have given up on  
901 all of that and we are going to ask that particular family to  
902 pay a very heavy price. We are going to ask that family to  
903 pay more for their electric bills, more for their natural

904 gas, and how is this going to solve the problem. And what  
905 they are going to do is, they are going to take money from  
906 those individuals, money from small businesses and we are  
907 going to send it to Wall Street to trade in a commodity that  
908 you can't see and you can never, ever take delivery of, and  
909 oh, by the way, we have even figured out to put a loophole in  
910 here for overseas credits so companies if they have  
911 operations overseas, they get to figure out a new way on Wall  
912 Street to get credits there and bring it back and make more  
913 money off of the very people who are sitting at the kitchen  
914 table trying to figure out how to pay their light bill. And  
915 they scratch their head some more and say wait a minute, in  
916 the 100 days the Democratically controlled government of the  
917 United States forced out auto dealers about, I don't know, I  
918 guess they are up to over 3,000 of them. The government  
919 forced them to do that. Hundreds of thousands of people will  
920 lose their jobs because the government told them to close.  
921 By the way, those are private companies with private assets.  
922 Oh, and here is the other answer that they came up with, the  
923 government-proffered viability plan for General Motors, and I  
924 am going to quote from a UAW letter sent to us May 15, 2009,  
925 asking Members of Congress to join with them in talking to  
926 the Obama Administration so that GM should be required to  
927 maintain the maximum number of jobs in the United States

928 instead of outsourcing more production to other countries.  
929 Because of the government-proffered viability plan, they are  
930 going to go from, let us see, the share of GM sales in the  
931 U.S. market that will be imported from these countries will  
932 increase from 15.5 percent to 23.5 percent, and by the way,  
933 they are going to close 16 U.S. manufacturing facilities.  
934 They are going to close them here for my friends on the other  
935 side of the aisle and import them from places like, and  
936 quoting again from the UAW letter, Korea, Japan and China for  
937 sale in this country. Thank you for working so hard all  
938 those years to develop and build some of the state-of-the-art  
939 manufacturing in the United States of America, here is our  
940 gift to you. We are going to charge you more for your  
941 electric bill, charge you more for your natural gas bill,  
942 going to charge you more for your gasoline. Every product  
943 that you use will go up in price, and oh, thanks a lot, we  
944 are going to ask that we import more vehicles because somehow  
945 maybe that helps our carbon footprint. I don't know. And  
946 then they read this in the paper: as Detroit crumbles, China  
947 emerges as auto epicenter. They are fast after it, gang.  
948 They want our middle class and they are going to do  
949 everything they can to steal it. And what you do with this  
950 bill and what you didn't do by adding India and China as  
951 saying hey, listen, you can be either be with us or we are

952 not going to let you artificially steal these jobs that  
953 people who are killing themselves to make it. You say tough,  
954 and you know what? You say so tough, and we say, yeah, we  
955 know we are going to lose jobs. How do you do that? Because  
956 in title IV you have in section 422, 425, 426 and 427 said  
957 boy, we know we are going to lose a lot of jobs and you  
958 budget somewhere up to \$380 billion a year in a separate  
959 program to pay for all the jobs that you know you are going  
960 to lose in this bill, and it is not even part of  
961 unemployment. You created a whole new government program so  
962 a government program to take their money away from them and  
963 charge them more to get up in the morning and use their water  
964 and their electricity and make their eggs and their kids to  
965 do to their homework and to drive to work. You get a  
966 government program to do that and oh, by the way, we know  
967 that is really stupid so we are going to create a whole other  
968 government program to give you wages and we are going to pay  
969 for some of your health care for up to 3 years because we  
970 know this is really kind of a bad idea but, you know what,  
971 get over it, it is the buggy whip time. But you know what?  
972 The buggy whip went away. We are still going to buy cars in  
973 America. We are still going to produce things. And this is  
974 what you do. Five hundred and seventy-seven thousand  
975 Americans earn a mean salary of \$44,000 a year making auto

976 parts. Goodbye. Two hundred and ten thousand Americans work  
977 directly in auto manufacturing. They earn a mean salary of  
978 \$59,000. Goodbye. This bill says this. Give these people a  
979 break. If China and India don't comply, if we do lose one  
980 single job in this sector due to this bill, stop, let them  
981 breathe. Let them send their kids to college. Let them earn  
982 and be a part of the American dream, and I yield back the  
983 remainder of my time.

984 Ms. {DeGette.} Mr. Chairman, I withdraw my reservation.

985 Mr. {Markey.} [Presiding] The gentleman's time has  
986 expired. Are any members seeking recognition in opposition  
987 to the Rogers amendment? The Chair recognizes the gentlelady  
988 from Ohio, Ms. Sutton.

989 Ms. {Sutton.} I thank the gentleman, and I thank the  
990 gentleman for his amendment and for his remarks but, you  
991 know, as we have gone through this process, of course we have  
992 incorporated into this bill the Cash for Clunkers proposal,  
993 which is aimed indeed not just at dealing with the issue of  
994 job loss after the fact but rather it is intended to help  
995 those very dealers that we are talking about as well as  
996 improving our environment at the same time, and obviously  
997 multiple benefits are a good thing in helping consumers while  
998 we are at it. And I would just ask my friend from Michigan,  
999 as I know how difficult it is because coming from where I

1000 come from, we face much of the same concerns, I too saw the  
1001 letter from the United Auto Workers and it is a rather  
1002 lengthy letter and it has many statements in it. Of course,  
1003 one of the things that it asks us to do is to communicate  
1004 with the President, and I would just ask the gentleman if has  
1005 taken the opportunity to send him a letter.

1006 Mr. {Rogers.} We absolutely have, and remember, this is  
1007 the second viability plan that was proffered by the  
1008 President's government-run CARS committee to run the car  
1009 companies.

1010 Ms. {Sutton.} Well, I disagree--reclaiming my time. I  
1011 disagree with the assertions that are being made, that the  
1012 government is the one that is forcing the closings of the  
1013 dealerships, and I appreciate your--

1014 Mr. {Rogers.} It is the car czar and the CARS committee  
1015 who was appointed by the president of the United States.

1016 Ms. {Sutton.} I understand, but the decisions are being  
1017 made by the companies on what dealerships to close.

1018 Mr. {Rogers.} They fired the guy--

1019 Ms. {Sutton.} And I would--

1020 Mr. {Rogers.} --that came up with--

1021 Ms. {Sutton.} Reclaiming my time--

1022 Mr. {Rogers.} --the plan that didn't have this in it.

1023 Ms. {Sutton.} Reclaiming my time. But what it would

1024 just encourage, and I look forward to doing with the  
1025 gentleman from Michigan, is taking steps both within this  
1026 committee and outside of this committee to pursue the actions  
1027 to stop the job loss but this bill here is not what is going  
1028 to cause the auto industry to continue to suffer, and by the  
1029 time this would kick in, even if your scenario was correct,  
1030 those folks would be in a world of hurt and this would not be  
1031 something that would help them. We need to take action today  
1032 like the Cash for Clunkers proposal and other initiatives to  
1033 make sure that the scenario you point out in this amendment  
1034 that would in effect kill the bill, kill the program in the  
1035 bill doesn't actually come to fruition and I look forward to  
1036 working with you in every way that we can outside of this  
1037 committee, in this committee along the way to make sure that  
1038 that happens, and I yield back my time.

1039 Mr. {Markey.} The gentlelady's time has expired. Are  
1040 there other members wishing to speak on the Rogers amendment?

1041 Mr. {Buyer.} Mr. Chairman.

1042 Mr. {Markey.} The chair recognizes the gentleman from  
1043 Indiana, Mr. Buyer.

1044 Mr. {Buyer.} I move to strike the last word.

1045 Mr. {Markey.} The gentleman is recognized for that  
1046 purpose.

1047 Mr. {Buyer.} What I have done is, I have gone back to

1048 my math again, and I encourage all members once again do math  
1049 in the bill. So Mr. Rogers, I would like for you to know  
1050 that the authors of this legislation have taken your concerns  
1051 into consideration because they have created a climate change  
1052 worker adjustment assistance program which is modeled after  
1053 the TA in NAFTA. And so when I do this, I use the Indiana's  
1054 wage average, which is \$37,770. Now, keep in mind, though,  
1055 that the national average is \$43,000 according to the Bureau  
1056 of Labor. So let us just do back-of-the-envelope math. So I  
1057 want to address your concerns, Mr. Rogers, that are in the  
1058 bill. So if it is modeled after the TA new program,  
1059 displaced workers are entitled to 156 weeks of income  
1060 supplement. We have unemployment income assistance shall be  
1061 70 percent of the average weekly wage of the worker not to  
1062 exceed the State's average wage, so we have a displaced  
1063 worker is entitled to 80 percent of a monthly health care  
1064 premium of which we have an average cost of \$1,545. We have  
1065 displaced workers entitled to \$1,500 in job assistance and  
1066 displaced workers entitled to \$1,500 moving assistance, job  
1067 counseling and training.

1068 Now, let us do the math, and I am going to do this sort  
1069 of based on Indiana. So on annual compensation the bill  
1070 provides up to \$37,770 unemployment assistance to workers.  
1071 If we accept what Heritage says about a loss of about 2.5

1072 million jobs, if I add in just the Indiana, I am not even  
1073 doing the national average so I will do a little low balling  
1074 here. That comes up to \$94 billion. When I add in the  
1075 health care benefit to this, if we do 80 percent of the  
1076 premium so that is \$1,236 annually per person times 2.5  
1077 million, that is a \$3 billion cost. If I do the job  
1078 assistance, provides up to \$1,500 in job assistance  
1079 counseling times the 2.5, that is a \$3.75 billion cost. If I  
1080 add the job moving, job moving is about \$3.75 million. If I  
1081 do the job training, which it costs on average \$8,000 times  
1082 the 2.5 million jobs, that is \$20 billion. So you add up  
1083 \$94.4 billion, \$3.09 billion plus \$3.75 billion plus \$3.75  
1084 billion again and \$20 billion in job training, Mr. Rogers, I  
1085 would like for you to know that in the bill your concern with  
1086 regard to individuals that are going to lose their jobs, the  
1087 bill provides \$125 billion in job assistance.

1088         So what I realize here is that we are going to borrow  
1089 from the Chinese but collateral on this loan will be these  
1090 manufacturing jobs which you have dire concern about. I will  
1091 yield to the gentleman from Michigan.

1092         Mr. {Rogers.} I would thank the gentleman. I  
1093 appreciate that you would bring that up, and one of the  
1094 things that we have to understand is that in this bill, as  
1095 you have pointed out the dollar amount, but there is also a

1096 whole other section on the training dollars that we added up  
1097 that takes it up to as much as \$380 billion a year for people  
1098 they know will lose their jobs in this bill and there are  
1099 other programs. That doesn't count one penny of a new  
1100 government program we are going to create to try to figure  
1101 out after we have hurt the poor in this country by raising  
1102 their electric bill somewhere between \$1,500 and \$3,100 per  
1103 year extra, we are going to create another program to try to  
1104 figure out how we took that money from them in the first  
1105 place and figure out how to get it back.

1106         And I guess our argument on this is, there is so much a  
1107 better way to do this, that through innovation versus this  
1108 big government mandate of taking and figuring out who wins  
1109 and who loses and who gets some allocation, and by the way,  
1110 even the chairman of this committee, the sponsor of this  
1111 bill, said that he didn't even know what all was in this bill  
1112 yesterday. So we are going to vote on a bill that we think I  
1113 somewhere around \$2.3 trillion that will clearly, clearly,  
1114 clearly cost jobs. Otherwise you wouldn't have so many  
1115 different sections in this bill dedicated to those people who  
1116 you know are going to lose their jobs and a whole other  
1117 section trying to figure out how to keep the poor from going  
1118 under by a new government program to figure out how we get  
1119 their new costs in energy back to them in some form. Of

1120 course, it won't be 100 percent because that never quite  
1121 works when you send a dollar to Washington, D.C., and our  
1122 argument is, there is a better, more innovative way. Don't  
1123 give up on the next generation of Americans. Don't quit on  
1124 them. This bill quits on them. It says you don't believe  
1125 that they can do it, that they can innovate, that they can do  
1126 things like send a man to the moon, as you said. By the way,  
1127 if they didn't meet that deadline, hundreds of thousands of  
1128 people didn't lose their jobs. Big difference. Believe in  
1129 this next generation of Americans and you will be surprised  
1130 how fast we meet these goals without a huge government  
1131 mandate and the largest energy tax in the history of the  
1132 United States.

1133 The {Chairman.} Time has expired. Are we ready for the  
1134 question or does any other member wish to speak on the 5  
1135 minutes that we can take on the Democratic side? If not, we  
1136 will proceed to a vote. The clerk will call the roll.

1137 The {Clerk.} Mr. Waxman?

1138 The {Chairman.} No.

1139 The {Clerk.} Mr. Waxman votes no. Mr. Dingell?

1140 Mr. {Dingell.} Votes no.

1141 The {Clerk.} Mr. Dingell votes no. Mr. Markey?

1142 Mr. {Markey.} No.

1143 The {Clerk.} Mr. Markey votes no. Mr. Boucher?

1144 [No response.]

1145 The {Clerk.} Mr. Pallone?

1146 [No response.]

1147 The {Clerk.} Mr. Gordon?

1148 [No response.]

1149 The {Clerk.} Mr. Rush?

1150 [No response.]

1151 The {Clerk.} Ms. Eshoo?

1152 Ms. {Eshoo.} No.

1153 The {Clerk.} Ms. Eshoo votes no. Mr. Stupak?

1154 [No response.]

1155 The {Clerk.} Mr. Engel?

1156 [No response.]

1157 The {Clerk.} Mr. Green?

1158 [No response.]

1159 The {Clerk.} Ms. DeGette?

1160 Ms. {DeGette.} No.

1161 The {Clerk.} Ms. DeGette votes no. Mrs. Capps?

1162 Mrs. {Capps.} No.

1163 The {Clerk.} Mrs. Capps votes no. Mr. Doyle?

1164 Mr. {Doyle.} No.

1165 The {Clerk.} Mr. Doyle votes no. Ms. Harman?

1166 [No response.]

1167 The {Clerk.} Ms. Schakowsky?

1168 [No response.]

1169 The {Clerk.} Mr. Gonzalez?

1170 Mr. {Gonzalez.} No.

1171 The {Clerk.} Mr. Gonzalez votes no. Mr. Inslee?

1172 Mr. {Inslee.} No.

1173 The {Clerk.} Mr. Inslee votes no. Ms. Baldwin?

1174 Ms. {Baldwin.} No.

1175 The {Clerk.} Ms. Baldwin votes no. Mr. Ross?

1176 Mr. {Ross.} No.

1177 The {Clerk.} Mr. Ross votes no. Mr. Weiner?

1178 [No response.]

1179 The {Clerk.} Mr. Matheson?

1180 [No response.]

1181 The {Clerk.} Mr. Butterfield?

1182 Mr. {Butterfield.} No.

1183 The {Clerk.} Mr. Butterfield votes no. Mr. Melancon?

1184 Mr. {Melancon.} No.

1185 The {Clerk.} Mr. Melancon votes no. Mr. Barrow?

1186 Mr. {Barrow.} Votes no.

1187 The {Clerk.} Mr. Barrow votes no. Mr. Hill?

1188 Mr. {Hill.} No.

1189 The {Clerk.} Mr. Hill votes no. Ms. Matsui?

1190 Ms. {Matsui.} No.

1191 The {Clerk.} Ms. Matsui votes no. Mrs. Christensen?

1192 Mrs. {Christensen.} No.

1193 The {Clerk.} Mrs. Christensen, no. Ms. Castor?

1194 Ms. {Castor.} No.

1195 The {Clerk.} Ms. Castor votes no. Mr. Sarbanes?

1196 [No response.]

1197 The {Clerk.} Mr. Murphy of Connecticut?

1198 Mr. {Murphy of Connecticut.} No.

1199 The {Clerk.} Mr. Murphy, no. Mr. Space?

1200 Mr. {Space.} No.

1201 The {Clerk.} Mr. Space, no. Mr. McNerney?

1202 Mr. {McNerney.} No.

1203 The {Clerk.} Mr. McNerney, no. Ms. Sutton?

1204 Ms. {Sutton.} No.

1205 The {Clerk.} Ms. Sutton votes no. Mr. Braley?

1206 Mr. {Braley.} No.

1207 The {Clerk.} Mr. Braley, no. Mr. Welch?

1208 Mr. {Welch.} No.

1209 The {Clerk.} Mr. Welch, no. Mr. Barton?

1210 Mr. {Barton.} Aye.

1211 The {Clerk.} Mr. Barton votes aye. Mr. Hall?

1212 [No response.]

1213 The {Clerk.} Mr. Upton?

1214 Mr. {Upton.} Aye.

1215 The {Clerk.} Mr. Upton, aye. Mr. Stearns?

1216 Mr. {Stearns.} Aye.

1217 The {Clerk.} Mr. Stearns, aye. Mr. Deal?

1218 [No response.]

1219 The {Clerk.} Mr. Whitfield?

1220 Mr. {Whitfield.} Aye.

1221 The {Clerk.} Mr. Whitfield, aye. Mr. Shimkus?

1222 Mr. {Shimkus.} Aye.

1223 The {Clerk.} Mr. Shimkus, aye. Mr. Shadegg?

1224 Mr. {Shadegg.} Aye.

1225 The {Clerk.} Mr. Shadegg, aye. Mr. Blunt?

1226 Mr. {Blunt.} Aye.

1227 The {Clerk.} Mr. Blunt votes aye. Mr. Buyer?

1228 Mr. {Buyer.} Aye.

1229 The {Clerk.} Mr. Buyer votes aye. Mr. Radanovich?

1230 Mr. {Radanovich.} Aye.

1231 The {Clerk.} Mr. Radanovich, aye. Mr. Pitts?

1232 Mr. {Pitts.} Aye.

1233 The {Clerk.} Mr. Pitts, aye. Ms. Bono Mack?

1234 Ms. {Bono Mack.} Aye.

1235 The {Clerk.} Ms. Bono Mack, aye. Mr. Walden?

1236 Mr. {Walden.} Aye.

1237 The {Clerk.} Mr. Walden, aye. Mr. Terry?

1238 Mr. {Terry.} Aye.

1239 The {Clerk.} Mr. Terry votes aye. Mr. Rogers?

- 1240 Mr. {Rogers.} Aye.
- 1241 The {Clerk.} Mr. Rogers, aye. Mrs. Myrick?
- 1242 Mrs. {Myrick.} Aye.
- 1243 The {Clerk.} Mrs. Myrick votes aye. Mr. Sullivan?
- 1244 Mr. {Sullivan.} Aye.
- 1245 The {Clerk.} Mr. Sullivan, aye. Mr. Murphy of
- 1246 Pennsylvania?
- 1247 Mr. {Murphy of Pennsylvania.} Aye.
- 1248 The {Clerk.} Mr. Murphy, aye. Mr. Burgess?
- 1249 Mr. {Burgess.} Aye.
- 1250 The {Clerk.} Mr. Burgess, aye. Ms. Blackburn?
- 1251 Ms. {Blackburn.} Aye.
- 1252 The {Clerk.} Ms. Blackburn, aye. Mr. Gingrey?
- 1253 Mr. {Gingrey.} Aye.
- 1254 The {Clerk.} Mr. Gingrey, aye. Mr. Scalise?
- 1255 Mr. {Scalise.} Aye.
- 1256 The {Clerk.} Mr. Scalise, aye.
- 1257 The {Clerk.} Mr. Boucher?
- 1258 Mr. {Boucher.} Votes no.
- 1259 The {Clerk.} Mr. Boucher votes no. Mr. Rush?
- 1260 Mr. {Rush.} No.
- 1261 The {Clerk.} Mr. Rush, no. Mr. Pallone?
- 1262 Mr. {Pallone.} No.
- 1263 The {Clerk.} Mr. Pallone, no. Mr. Stupak?

1264 Mr. {Stupak.} No.

1265 The {Clerk.} Mr. Stupak, no. Mr. Matheson?

1266 Mr. {Matheson.} No.

1267 The {Clerk.} Mr. Matheson votes no. Mr. Doyle?

1268 Mr. {Doyle.} No.

1269 The {Clerk.} Mr. Doyle votes no. Ms. Schakowsky?

1270 Ms. {Schakowsky.} No.

1271 The {Clerk.} Ms. Schakowsky, no. Mr. Hall?

1272 Mr. {Hall.} Aye.

1273 The {Clerk.} Mr. Hall votes aye. Mr. Green?

1274 Mr. {Green.} No.

1275 The {Clerk.} Mr. Green votes no.

1276 The {Chairman.} Mr. Weiner, how do you wish to vote?

1277 Mr. {Weiner.} No.

1278 The {Clerk.} Mr. Weiner votes no.

1279 The {Chairman.} Any member wish to be recorded that is

1280 not recorded or recorded in a different way? If not, the

1281 clerk will announce the vote.

1282 The {Clerk.} On that vote, Mr. Chairman, the ayes were

1283 22 and the nays were 32.

1284 The {Chairman.} Twenty-two ayes, 32 no's. The

1285 amendment is not agreed to.

1286 Who wishes to be recognized? Mr. Melancon, I understand

1287 you have an amendment at the desk. The clerk will report the

1288 amendment.

1289           The {Clerk.} Amendment offered by Mr. Melancon of

1290 Louisiana.

1291           [The amendment follows:]

1292 \*\*\*\*\* INSERT 7 \*\*\*\*\*

|  
1293           The {Chairman.} Without objection, the amendment will  
1294 be considered as read and the gentleman is recognized for 5  
1295 minutes.

1296           Mr. {Melancon.} Thank you, Mr. Chairman. I appreciate  
1297 it. I wanted to introduce this amendment because of the  
1298 issue with mid-level ethanol additive and the concern with  
1299 the manufacturers of the engines, whether they are automobile  
1300 engines, marine engines, whatever, that could be impacted.  
1301 As a person who has experienced ethanol additives in a marine  
1302 engine, fortunately I only had to overhaul the engine  
1303 afterward. I didn't have to replace it completely. But I  
1304 have had the experience so it comes firsthand, and I would  
1305 hope that no one else has to go through that because of  
1306 something that we are doing for the good of the country. I  
1307 would ask that we request for waivers to allow the E15 blends  
1308 and that we take a look at the science first. We should  
1309 encourage more deployment of biofuels but not without  
1310 considering the impact of legacy systems. Make sure that car  
1311 warranties are kept intact, emergency generators after storms  
1312 are still running, which is very important to the folks in my  
1313 region of the country, and that the outdoor engines, marine  
1314 and otherwise, assets that people invest in can be protected.  
1315 This amendment simply asks the Science Advisory Board of EPA

1316 to take advice from scientific community before they provide  
1317 a waiver to E15 and to make sure that in the event that there  
1318 is any potential problems, that E10 would be available  
1319 throughout the entire country to make sure that those people  
1320 who still had warranties and/or engines that did not perform  
1321 with the mid-level ethanol additive would be protected and be  
1322 able to continue operating those vehicles.

1323 I appreciate the opportunity to introduce this amendment  
1324 and I wanted to make sure that it was on the radar screen and  
1325 included in the record, and with that I would withdraw it,  
1326 Mr. Chairman, and yield back the balance of my time.

1327 The {Chairman.} I thank the gentleman from Louisiana  
1328 for withdrawing his amendment and raising this very important  
1329 issue.

1330 We will now go to the Republican side. Mr. Blunt, do  
1331 you have an amendment?

1332 Mr. {Blunt.} Thank you, Mr. Chairman. Mr. Chairman, I  
1333 have an amendment at the desk. It is amendment number 595A  
1334 and it is the amendment that says 20 percent.

1335 [The amendment follows:]

1336 \*\*\*\*\* INSERT 8 \*\*\*\*\*

|  
1337           The {Chairman.} Without objection, the amendment will  
1338 be considered as read. It looks like there is some question  
1339 of whether it is there.

1340           The {Clerk.} This is not an en bloc amendment, correct?

1341           Mr. {Blunt.} Apparently we offered that and I think it  
1342 is not en bloc. It is just one amendment.

1343           The {Chairman.} While it is being distributed, the  
1344 gentleman is recognized.

1345           Mr. {Blunt.} Thank you, Mr. Chairman. Mr. Chairman,  
1346 this is an amendment that I hope the majority will find an  
1347 improved amendment over an amendment I offered a couple of  
1348 days ago. This amendment again deals with residential  
1349 utility rates. It is an amendment that creates a way for the  
1350 administrator of the EPA to determine the residential rates  
1351 in the country, and the EPA administrator I am told does this  
1352 in any case so this information is available. If the  
1353 administrator would determine that the average retail price  
1354 of electricity for end users in one or more of the nine  
1355 census divisions of the country is increased by more than 20  
1356 percent from the 2009 rate plus inflation, so you get the  
1357 2009 rate, you get inflation and then you get up to 20  
1358 percent before this amendment would have impact, and if the  
1359 administrator determines that this increase of more than 20

1360 percent above inflation was the result of the implementation  
1361 of title III of this Act, then the provisions of Title III  
1362 will cease to be effective. The rest of the Act would be  
1363 effective. The chairman had some concern that people would  
1364 not be able to move forward with other activities under the  
1365 bill if the entire Act was not effective and the rest of the  
1366 Act would be effective under this amendment. Only title III  
1367 would not be.

1368         Mr. Chairman, I would point out, even yesterday at the  
1369 first meeting, a webcast meeting of the President's selected  
1370 economic recovery advisory board, that board had a number of  
1371 concerns about this Act. Martin Feldstein from Harvard told  
1372 the President that the cost per capita of this Act could  
1373 range from \$400 to \$1,500 per person in additional annual  
1374 expenses. Now, for the average family in the country is I  
1375 think 2.56, that cost is substantial in that household. This  
1376 would address the utility portion of that cost and I would  
1377 hope that our members would look at title III, and if title  
1378 III is a reason for an increase of 20 percent or more above  
1379 inflation, that title III would cease to be effective, and I  
1380 would yield--

1381         Mr. {Upton.} Would the gentleman yield?

1382         Mr. {Blunt.} --my time to Mr. Upton.

1383         Mr. {Upton.} Well, thank you, my friend from Missouri.

1384 I just want to say, this would almost be a Gore amendment in  
1385 that when the Vice President was here he said that I think  
1386 the rates wouldn't go up more than a postage stamp. Well, we  
1387 are insisting that it be 20 percent nationally. I know some  
1388 States, particularly those with a heavy reliance on coal, I  
1389 look to Indiana, I look to Ohio, I look to Michigan, I look  
1390 to much of the Midwest, where coal generates as much as 90  
1391 percent of our electricity and some of those utilities have  
1392 talked about a 40 or 50 percent increase in rates, but this  
1393 is a 20 percent national rate just as a safeguard to make  
1394 sure in fact that this bill doesn't gouge consumers and so I  
1395 think it is a worthwhile amendment and I think we picked up  
1396 some Democratic support a couple of days ago when you had a  
1397 lower percentage. I would like to think that we might be  
1398 able to get this knowing that it is 20 percent in essence  
1399 plus inflation over that 2009 rate, and I look forward to the  
1400 vote and I yield back.

1401 Mr. {Blunt.} Mr. Chairman, I would yield some time to  
1402 Ms. Blackburn from Tennessee.

1403 Ms. {Blackburn.} I thank the gentleman for yielding and  
1404 I thank him for this amendment. I do support the amendment.  
1405 I would just like to point out in Tennessee, what we are  
1406 looking at, our residential usage is expected to go up 42  
1407 percent under this legislation. That would be a \$612

1408 increase for our residences. Our commercial rates, we expect  
1409 to see that be about a \$2,500-per-year increase for our  
1410 commercial users. Our industrial users are looking at a  
1411 \$36,000 increase and that is because the expectation of 42  
1412 percent increase in those rates, and both the rate and what  
1413 you are paying matters. I applaud the gentleman. This would  
1414 stop this at 20 percent. That would cut the increase in half  
1415 for what is expected. I thank him, I support it and I yield  
1416 back.

1417 Mr. {Blunt.} Mr. Chairman, I would yield back the  
1418 remaining time.

1419 The {Chairman.} The gentleman yields back the time.  
1420 The Chair would speak in opposition very, very briefly. We  
1421 have had this debate and this issue over and over again. It  
1422 is pretty much the same as what Mr. Blunt offered to title I  
1423 except--it is almost word for word but there are some minor  
1424 changes. The bill still directly protects consumers from  
1425 increases by allocating 39 percent of allowances to be  
1426 returned to consumers via local distribution companies and  
1427 what consumers care about are the bills and not the rates.  
1428 This provision would strike as a result of 20 percent  
1429 increase that the provisions of title III would cease to be  
1430 effective. It is not a reasonable, in my view, way to  
1431 respond to that kind of a circumstance, and I would hope that

1432 we would oppose this as we have done similar amendments that  
1433 have been offered in the last couple days, and I yield to Mr.  
1434 Butterfield.

1435         Mr. {Butterfield.} Thank you very much, Mr. Chairman.  
1436 I rise in opposition to this amendment. Mr. Chairman, there  
1437 is no one on this committee who is more concerned about the  
1438 potential for rate increases for our ratepayers but this is  
1439 not the way to address the problem. I am very concerned  
1440 about this potential. I have expressed that publicly and  
1441 privately. The chairman has reached a very good compromise  
1442 whereby many of the LDCs, all of the LDCs will get free  
1443 allowances that will pass through to the ratepayers and I  
1444 think that is a good way of dealing with it. It will offset  
1445 the economic impact and the potential for rate increases. If  
1446 that doesn't happen, then we can come back and revisit it,  
1447 but to suspend the provisions of title III would not be the  
1448 way to go. I oppose the amendment.

1449         The {Chairman.} I appreciate what the gentleman has to  
1450 say. Especially now that we have the Space amendment as part  
1451 of the legislation, it is very clear the ratepayers are going  
1452 to be protected. I would like to proceed to a vote. I  
1453 understand that the Republicans would like a roll call vote.  
1454 Let us call the roll, and I hope we can complete it before  
1455 members have to leave, but as your name is called, if there

1456 is no objection, people can leave, and if all members haven't  
1457 had a chance to vote, we will keep the roll open for members  
1458 to come after the votes on the Floor.

1459 The {Clerk.} Mr. Waxman?

1460 The {Chairman.} No.

1461 The {Clerk.} Mr. Waxman votes no. Mr. Dingell?

1462 Mr. {Dingell.} Dingell votes no.

1463 The {Clerk.} Mr. Dingell, no. Mr. Markey?

1464 Mr. {Markey.} No.

1465 The {Clerk.} Mr. Markey votes no. Mr. Boucher?

1466 [No response.]

1467 The {Clerk.} Mr. Pallone?

1468 [No response.]

1469 The {Clerk.} Mr. Gordon?

1470 [No response.]

1471 The {Clerk.} Mr. Rush?

1472 [No response.]

1473 The {Clerk.} Ms. Eshoo?

1474 [No response.]

1475 The {Clerk.} Mr. Stupak?

1476 Mr. {Stupak.} No.

1477 The {Clerk.} Mr. Stupak votes no. Mr. Engel?

1478 [No response.]

1479 The {Clerk.} Mr. Green?

1480 The {Clerk.} Mr. Green votes no. Ms. DeGette?  
1481 Ms. {DeGette.} No.  
1482 The {Clerk.} Ms. DeGette votes no. Mrs. Capps?  
1483 Mrs. {Capps.} No.  
1484 The {Clerk.} Mrs. Capps, no. Mr. Doyle?  
1485 Mr. {Doyle.} No.  
1486 The {Clerk.} Mr. Doyle, no. Ms. Harman?  
1487 [No response.]  
1488 The {Clerk.} Ms. Schakowsky?  
1489 The {Clerk.} Ms. Schakowsky, no. Mr. Gonzalez?  
1490 Mr. {Gonzalez.} No.  
1491 The {Clerk.} Mr. Gonzalez, no. Mr. Inslee?  
1492 Mr. {Inslee.} No.  
1493 The {Clerk.} Mr. Inslee, no. Ms. Baldwin?  
1494 Ms. {Baldwin.} No.  
1495 The {Clerk.} Ms. Baldwin, no. Mr. Ross?  
1496 [No response.]  
1497 The {Clerk.} Mr. Weiner?  
1498 The {Clerk.} Mr. Weiner votes no. Mr. Matheson?  
1499 The {Clerk.} Mr. Matheson, no. Mr. Butterfield?  
1500 Mr. {Butterfield.} No.  
1501 The {Clerk.} Mr. Butterfield, no. Mr. Melancon?  
1502 Mr. {Melancon.} No.  
1503 The {Clerk.} Mr. Melancon, no. Mr. Barrow?

1504 Mr. {Barrow.} No.

1505 The {Clerk.} Mr. Barrow votes no. Mr. Hill?

1506 Mr. {Hill.} No.

1507 The {Clerk.} Mr. Hill, no. Ms. Matsui?

1508 Ms. {Matsui.} No.

1509 The {Clerk.} Ms. Matsui, no. Mrs. Christensen?

1510 Mrs. {Christensen.} No.

1511 The {Clerk.} Mrs. Christensen, no. Ms. Castor?

1512 Ms. {Castor.} No.

1513 The {Clerk.} Ms. Castor votes no. Mr. Sarbanes?

1514 The {Clerk.} Mr. Sarbanes, no. Mr. Murphy of

1515 Connecticut?

1516 [No response.]

1517 The {Clerk.} Mr. Space?

1518 [No response.]

1519 The {Clerk.} Mr. McNerney?

1520 Mr. {McNerney.} No.

1521 The {Clerk.} Mr. McNerney votes no. Ms. Sutton?

1522 Ms. {Sutton.} No.

1523 The {Clerk.} Ms. Sutton, no. Mr. Braley?

1524 Mr. {Braley.} No.

1525 The {Clerk.} Mr. Braley, no. Mr. Welch?

1526 Mr. {Welch.} No.

1527 The {Clerk.} Mr. Welch, no. Mr. Barton?

1528 Mr. {Barton.} Aye.

1529 The {Clerk.} Mr. Barton votes aye. Mr. Hall?

1530 The {Clerk.} Mr. Hall, aye. Mr. Upton?

1531 Mr. {Upton.} Aye.

1532 The {Clerk.} Mr. Upton, aye. Mr. Stearns?

1533 [No response.]

1534 The {Clerk.} Mr. Deal?

1535 The {Clerk.} Mr. Deal, aye. Mr. Whitfield?

1536 Mr. {Whitfield.} Aye.

1537 The {Clerk.} Mr. Whitfield, aye. Mr. Shimkus?

1538 Mr. {Shimkus.} Aye.

1539 The {Clerk.} Mr. Shimkus, aye. Mr. Shadegg?

1540 Mr. {Shadegg.} Aye.

1541 The {Clerk.} Mr. Shadegg, aye. Mr. Blunt?

1542 Mr. {Blunt.} Aye.

1543 The {Clerk.} Mr. Blunt, aye. Mr. Buyer?

1544 Mr. {Buyer.} Aye.

1545 The {Clerk.} Mr. Buyer votes aye. Mr. Radanovich?

1546 Mr. {Radanovich.} Aye.

1547 The {Clerk.} Mr. Radanovich, aye. Mr. Pitts?

1548 Mr. {Pitts.} Aye.

1549 The {Clerk.} Mr. Pitts votes aye. Ms. Bono Mack?

1550 Ms. {Bono Mack.} Aye.

1551 The {Clerk.} Ms. Bono Mack, aye. Mr. Walden?

1552 Mr. {Walden.} Aye.

1553 The {Clerk.} Mr. Walden, aye. Mr. Terry?

1554 Mr. {Terry.} Aye.

1555 The {Clerk.} Mr. Terry votes aye. Mr. Rogers?

1556 Mr. {Rogers.} Aye.

1557 The {Clerk.} Mr. Rogers, aye. Mrs. Myrick?

1558 Mrs. {Myrick.} Aye.

1559 The {Clerk.} Mrs. Myrick, aye. Mr. Sullivan?

1560 Mr. {Sullivan.} Aye.

1561 The {Clerk.} Mr. Sullivan, aye. Mr. Murphy of

1562 Pennsylvania?

1563 [No response.]

1564 The {Clerk.} Mr. Burgess?

1565 Mr. {Burgess.} Aye.

1566 The {Clerk.} Mr. Burgess votes aye. Ms. Blackburn?

1567 Ms. {Blackburn.} Aye.

1568 The {Clerk.} Ms. Blackburn votes aye. Mr. Gingrey?

1569 Mr. {Gingrey.} Aye.

1570 The {Clerk.} Mr. Gingrey, aye. Mr. Scalise?

1571 Mr. {Scalise.} Aye.

1572 The {Clerk.} Mr. Scalise, aye.

1573 The {Clerk.} Mr. Pallone?

1574 Mr. {Pallone.} No.

1575 The {Clerk.} Mr. Pallone votes no.

1576           The {Clerk.} Mr. Ross?  
1577           Mr. {Ross.} No.  
1578           The {Clerk.} Mr. Ross votes no. Mr. Murphy?  
1579           Mr. {Murphy of Connecticut.} No.  
1580           The {Clerk.} Mr. Murphy votes no.  
1581           The {Chairman.} After all members--  
1582           The {Clerk.} Ms. Eshoo?  
1583           The {Chairman.} --have responded to this call--  
1584           Ms. {Eshoo.} No.  
1585           The {Clerk.} Ms. Eshoo votes no.  
1586           The {Chairman.} --the vote will be held open and we  
1587 will return promptly after the last of the three votes on the  
1588 House Floor.  
1589           [Recess.]  
1590           The {Chairman.} When we recessed, we were in the middle  
1591 of a roll call and we announced that the roll would be held  
1592 open for members who wished to respond after the votes on the  
1593 House Floor. Are there members who wish to respond to the  
1594 vote? The clerk will recognize those members.  
1595           The {Clerk.} Mr. Gordon?  
1596           Mr. {Gordon.} Votes no.  
1597           The {Clerk.} Mr. Gordon votes no. Mr. Engel?  
1598           Mr. {Engel.} Votes no.  
1599           The {Clerk.} Mr. Engel votes no. Ms. Harman?

1600 Ms. {Harman.} No.

1601 The {Clerk.} Ms. Harman votes no.

1602 The {Chairman.} Are there any other members who wish to  
1603 be recorded? If not, the clerk will tally the vote.

1604 The {Clerk.} Mr. Stearns?

1605 Mr. {Stearns.} Yes.

1606 The {Clerk.} Mr. Stearns votes aye. Mr. Rush?

1607 Mr. {Rush.} No.

1608 The {Clerk.} Mr. Rush votes no.

1609 The {Chairman.} Is the clerk prepared to announce the  
1610 vote?

1611 The {Clerk.} I ask for 2 seconds.

1612 The {Chairman.} Oh, there are some members still coming  
1613 so we will wait.

1614 The {Clerk.} We are prepared now.

1615 The {Chairman.} The clerk will announce the vote.

1616 The {Clerk.} On that vote, Mr. Chairman, the ayes were  
1617 25 and the nays were 31.

1618 The {Chairman.} Twenty-five ayes, 31 no's.

1619 The {Clerk.} I am sorry, Mr. Chairman. Hold on. I  
1620 apologize. That vote, the ayes were 22, the nays were 34.

1621 The {Chairman.} Twenty-two ayes, 34 no's. The  
1622 amendment is not agreed to.

1623 Mr. {Radanovich.} Mr. Chairman.

1624           The {Chairman.} Before I recognize anybody, I just want  
1625 to inform people that we have a number of tellers and there  
1626 is a check and a double check to be sure that all the votes  
1627 are correct, and that is the least we can expect. When  
1628 members here vote, every vote should be counted and all the  
1629 votes should be counted correctly.

1630           Mr. {Radanovich.} Mr. Chairman, we do have an amendment  
1631 at the desk, if I may be recognized?

1632           The {Chairman.} Pardon?

1633           Mr. {Radanovich.} I have an amendment at the desk, if I  
1634 may be recognized.

1635           The {Chairman.} Let me go to the Democratic side. The  
1636 gentleman is recognized. Mr. Radanovich, you have an  
1637 amendment to offer to the bill?

1638           Mr. {Radanovich.} Yes, Mr. Chairman, number 595A at the  
1639 desk. It is the 100 percent electricity price increase  
1640 amendment.

1641           [The amendment follows:]

1642 \*\*\*\*\* INSERT 9 \*\*\*\*\*

|  
1643           The {Chairman.} Without objection, the amendment will  
1644 be considered as read and the gentleman is recognized for 5  
1645 minutes.

1646           Mr. {Radanovich.} Thank you, Mr. Chairman. Recently in  
1647 California, the California Air Resources Air Board released a  
1648 report that talked about the California global warming bill  
1649 that would actually benefit California's economy, but Dorothy  
1650 Rothrick, who is the spokeswoman for the California  
1651 Manufacturers and Technology Association, says this analysis  
1652 is long on wishful thinking but short on economic reality,  
1653 even though it was supported by the Sierra Club and the NRDC.  
1654 She went on to state that there is no evaluation of the real-  
1655 time costs that California businesses and consumers will pay  
1656 up front. She says governments can get away with deficit  
1657 spending, but in the real world, families and businesses have  
1658 to pay bills every month or there are severe consequences.  
1659 Says Shelly Sullivan, who is the executive director of AB 32  
1660 Implementation Group, we are looking at billions in increased  
1661 electricity, natural gas, gasoline and fuel prices, billions  
1662 of new carbon fees and water fees, higher building costs,  
1663 rents and mortgages, and the California Air Resources Air  
1664 Board assumes that we can afford to pay for all this and wait  
1665 for savings 12 years from now. Ms. Sullivan and Ms. Rothrick

1666 worry that increased regulation and costs will result in  
1667 business flight to other States or other countries where less  
1668 stringent laws would ensure an overall increase in pollution.  
1669 Ironically, a California business could relocate to Indian or  
1670 China where the mix of energy consumption includes coal,  
1671 which would pollute the atmosphere worse than if it stayed in  
1672 California, says Rothrick. The State's industries are among  
1673 the cleanest in the world because of strict regulations, she  
1674 says. Higher taxes, fuel and labor costs already mean that  
1675 doing business in California costs more than anywhere in the  
1676 United States, and it is with that in mind that I submit this  
1677 legislation, that States under the reporting of the Secretary  
1678 of Energy, if there is 100 percent increase above 2009  
1679 electric rates adjusted for inflation, that the provisions of  
1680 title III of this Act will cease to be effective. Mr.  
1681 Chairman, that is all I have to say and I ask for a recorded  
1682 vote on this amendment.

1683       The {Chairman.} The gentleman yields back the balance  
1684 of my time?

1685       Mr. {Radanovich.} Oh, if I may reclaim just a couple  
1686 minutes?

1687       The {Chairman.} Yes.

1688       Mr. {Radanovich.} I do want to state that Edison  
1689 Electric in southern California just today increased their

1690 rates from anywhere between 10 to 15 percent on residential  
1691 users, so this is the effect that Californians are having on  
1692 their State global warming bill, and this type of rate  
1693 increases on residential users will be experienced nationwide  
1694 if this type of legislation is adopted, and with that I yield  
1695 back and thank the Chair and ask for a recorded vote.

1696 Mr. {Barton.} Mr. Chairman?

1697 The {Chairman.} Mr. Radanovich, are you--

1698 Mr. {Barton.} He is yielding back.

1699 Mr. {Radanovich.} I would yield to Mr. Barton.

1700 Mr. {Barton.} I want to make a point of order that a  
1701 quorum is not present.

1702 The {Chairman.} Well, the gentleman is correct.

1703 Mr. {Barton.} I would ask for a call of the committee.

1704 The {Chairman.} We could do that, but why don't we--

1705 Mr. {Upton.} We could just have a show hands on this  
1706 amendment.

1707 The {Chairman.} Well, we are not ready yet because we  
1708 haven't debated it. We have only heard one side. You are  
1709 all anxious to vote.

1710 Mr. {Upton.} Just a show of hands. We can avoid the  
1711 roll call.

1712 Mr. {Barton.} Well, that would be helpful, but let us--  
1713 the gentleman's time is almost over but he has yielded it

1714 back so the chair will recognize himself. With all due  
1715 respect, I do have to oppose this amendment. This amendment  
1716 like so many of the other amendments we have had during this  
1717 markup provides that if a certain event occurs, the  
1718 provisions of title III will cease to be effective, and I  
1719 don't think that makes sense. You are trying to put out all  
1720 sorts of awful situations that would require us to act  
1721 immediately, but whether the action should be that the whole  
1722 title III of this proposed bill, this proposed law should be  
1723 ineffective is a serious question and I think an  
1724 inappropriate response. I don't want an automatic off ramp  
1725 which dissolves the legislation. There will be a lot of  
1726 consequences to that and we may well need to address the  
1727 specific problem that is causing in this case on this  
1728 amendment as much as 100 percent increase over 2009 electric  
1729 rates adjusted for inflation.

1730         So with all due respect, I know it is a message  
1731 amendment. I know it is for many of you to say those who  
1732 support this proposed law weren't even willing to look at the  
1733 fact that there could be a tremendous increase in rates.  
1734 Well, we do care about the increases in rates and we would  
1735 want to respond to the increase in rates but the only  
1736 response that you are suggesting we take is the one that you  
1737 want to ordain now and that is to stop the whole law from

1738 taking effect and staying in effect. So it is a meat ax  
1739 approach. It doesn't deal with the problem, whatever the  
1740 problem is going to be. We don't anticipate rates to be  
1741 increasing as a result of the way the market has been  
1742 structured and as a result of the Space amendment that is  
1743 going to protect ratepayers by making sure that the  
1744 allocations are used to protect those ratepayers from any  
1745 increase in their utility costs.

1746 I also want to say in response to my friend from  
1747 California, if there are increases in California's rates, I  
1748 don't want it to be stated as a fact that it is due to  
1749 California's energy law. I remember so well when California  
1750 had the spike in our electricity rates, and we met with Vice  
1751 President Cheney and we said California is on the ropes  
1752 because our wholesale rates were so high, you have to help  
1753 us, and he said well, that is due to your environmental laws,  
1754 you shouldn't have all those environmental protection laws in  
1755 California. Well, you know it turned out that what we told  
1756 him was right, that we were being gouged by the wholesalers,  
1757 the Enron company particularly, and the reason we know this  
1758 was true is, when we found the tapes from Enron,  
1759 conversations of executives that they would withhold  
1760 wholesale power just to drive up the rates. They even  
1761 chuckled over the fact that a lot of elderly and low-income

1762 people were going to have to pay a lot more for their  
1763 electricity. They were going to make a lot more profit as a  
1764 result of it. So I wouldn't jump to conclusions as we  
1765 sometimes hear from people that say California's problems are  
1766 due to environmental laws, and I think the suggestion if  
1767 there are increases in California it is due to our  
1768 environmental energy laws, I won't accept that as a fact that  
1769 can just be stated because I don't believe that to be true  
1770 and I would want to see a lot more evidence than just a  
1771 statement of fact.

1772 This amendment is now before us.

1773 Mr. {Stupak.} Mr. Chairman, would you yield a moment?

1774 The {Chairman.} Yes.

1775 Mr. {Stupak.} You know, the Chair mentioned that these  
1776 are nothing but message amendments. I am looking here at my  
1777 Blackberry, and since we started this markup I received five  
1778 attack messages from the Republican National NRCC  
1779 communications, the latest one being last night at 10:29  
1780 saying that we are against jobs, saying we are against  
1781 America, saying we are for high prices. So you are  
1782 absolutely right. This is just another message amendment and  
1783 those of us on the committee who may be like in my case, a  
1784 Republican-leaning seat but I am a Democrat, we can be  
1785 assured there will be another press release so I have had

1786 five now in the first 2 days and I am sure when we are done  
1787 with this markup by the time we are done there will probably  
1788 be at least three more, so these are just message amendments.  
1789 They are not sincere. They are not really towards promoting  
1790 good legislation or correcting or identifying a problem. It  
1791 is just for message, so I hope we would stay united and vote  
1792 no because I don't want to be the only one getting these e-  
1793 mails. Thanks, and I yield back.

1794 The {Chairman.} Mr. Barton, you asked for recognition.

1795 Mr. {Barton.} I want to speak in support of it. Well,  
1796 first of all, truth in advertising, some of these do have a  
1797 message. There is no question about that. It is not  
1798 necessarily an attack on our friends on the majority side as  
1799 much as it is an effort to send a message to the American  
1800 people that we want to protect them from what we think are  
1801 the potential ravages of this bill. We have offered a price  
1802 protection amendment at 10 percent. We have offered a price  
1803 protection amendment at 20 percent and now we are offering it  
1804 at 100 percent. At some point in time there should be some  
1805 recognition from the proponents of this legislation that if  
1806 prices do go too high, title III, this particular amendment  
1807 refers to title III, which is the cap-and-trade mechanism,  
1808 shall cease to exist.

1809 Now, there are sections in the bill that we have not

1810 addressed yet where there are massive unemployment schemes in  
1811 place so there is some recognition in parts of this bill that  
1812 there are going to be some negative economic consequences.  
1813 We are just trying to put a price cap on the electricity  
1814 increase, and again, there is an acknowledgement of that on  
1815 the majority side. We did accept an amendment from Mr. Space  
1816 of Ohio that has some effect on that, which is an improvement  
1817 in the bill.

1818 I also want to comment very briefly on the comments  
1819 about the California electric market from several years ago.  
1820 California devised its own electricity market within the  
1821 State of California in which they outlawed long-term  
1822 contracts between distribution companies and power suppliers.  
1823 They created a system where everybody who provided power to  
1824 electricity users in California had to buy that power on the  
1825 spot market every day. They then, because of various  
1826 restrictions that the State put in place on new power  
1827 construction, hadn't built a new power plant in California in  
1828 between 5 and 10 years, and when the California population  
1829 and economy grew, they created a situation where you had a  
1830 limited amount of power that had to be auctioned off every  
1831 day on the spot market, and the Enrons of the world, seeing  
1832 that situation, did take advantage of it. The chairman is  
1833 correct about that. But the California legislature itself

1834 created the environment in which they didn't allow long-term  
1835 contracts, they didn't allow large power consumers to enter  
1836 into direct contracts with power supplies outside of the  
1837 State, and they forced everybody to buy their power on the  
1838 spot market, and to compound it, they added a provision that  
1839 everybody who bought power on the spot market had to pay the  
1840 market clearing price that the last person to put power into  
1841 the market.

1842 Mr. {Radanovich.} Will the gentleman yield?

1843 Mr. {Barton.} I would be happy to yield.

1844 Mr. {Radanovich.} I agree with what the gentleman is  
1845 saying but the true problem with the crisis in California was  
1846 failure of the then-Governor Gray Davis to act to force the  
1847 utilities into long-term contracts immediately, which would  
1848 have ended the crisis then and there, and he could have done  
1849 that but it was that failure of leadership that extenuated  
1850 the problem in California.

1851 Mr. {Barton.} Reclaiming my time. We finally, the Bush  
1852 Administration and the FERC chairman then was a gentleman  
1853 named Pat Wood from Houston, Texas, put price caps on the  
1854 California market. The FERC then authorized a series of  
1855 investigations that ended up in some of the market  
1856 manipulators were paying massive refunds and going to jail.  
1857 With that, I yield back, Mr. Chairman.

1858           The {Chairman.} We are going to proceed to a vote, but  
1859 the Chair wants to just make a very brief statement.  
1860 California had a very dysfunctional market based on a law  
1861 that was promoted by Ken Lay and Enron and some of the other  
1862 big companies and then they took advantage of it, and my  
1863 point in raising that was not to get into the emotional  
1864 debate about who did what in California, but Vice President  
1865 Cheney said to me personally, the problem in California is  
1866 you have all those environmental laws, that is why California  
1867 is paying such high rates for electricity, and he refused to  
1868 acknowledge what we knew later to be the case, that Enron was  
1869 taking advantage of this dysfunctional market that was  
1870 created.

1871           But on the amendment that is pending, I think we just  
1872 have to disagree. There is no point where we will say the  
1873 law ought to be put out of effect because there are a lot of  
1874 consequences when that happens. There are people who will be  
1875 relying on the law and just to suddenly pull the rug out from  
1876 everybody and say the law is no longer effective is not a  
1877 solution to a problem that we do not anticipate to exist, and  
1878 if it does exist, it may not be the appropriate response. So  
1879 we have a disagreement over this issue. We have had a number  
1880 of amendments on it and I would urge defeat of the amendment.  
1881 How do you wish to proceed? Do you want a show of hands? Do

1882 you want a roll call vote?

1883 Mr. {Radanovich.} Roll call vote, Mr. Chairman.

1884 The {Chairman.} The clerk will call the roll.

1885 The {Clerk.} Mr. Waxman?

1886 The {Chairman.} No.

1887 The {Clerk.} Mr. Waxman votes no. Mr. Dingell?

1888 [No response.]

1889 The {Clerk.} Mr. Markey?

1890 [No response.]

1891 The {Clerk.} Mr. Boucher?

1892 Mr. {Boucher.} No.

1893 The {Clerk.} Mr. Boucher votes no. Mr. Pallone?

1894 [No response.]

1895 The {Clerk.} Mr. Gordon?

1896 [No response.]

1897 The {Clerk.} Mr. Rush?

1898 [No response.]

1899 The {Clerk.} Ms. Eshoo?

1900 [No response.]

1901 The {Clerk.} Mr. Stupak?

1902 The {Clerk.} Mr. Stupak votes no. Mr. Engel?

1903 [No response.]

1904 The {Clerk.} Mr. Green?

1905 Mr. {Green.} No.

1906 The {Clerk.} Mr. Green votes no. Ms. DeGette?  
1907 Ms. {DeGette.} No.  
1908 The {Clerk.} Ms. DeGette, no. Mrs. Capps?  
1909 [No response.]  
1910 The {Clerk.} Mr. Doyle?  
1911 [No response.]  
1912 The {Clerk.} Ms. Harman?  
1913 Ms. {Harman.} No.  
1914 The {Clerk.} Ms. Harman votes no. Ms. Schakowsky?  
1915 [No response.]  
1916 The {Clerk.} Mr. Gonzalez?  
1917 Mr. {Gonzalez.} No.  
1918 The {Clerk.} Mr. Gonzalez votes no. Mr. Inslee?  
1919 Mr. {Inslee.} No.  
1920 The {Clerk.} Mr. Inslee, no. Ms. Baldwin?  
1921 Ms. {Baldwin.} No.  
1922 The {Clerk.} Ms. Baldwin votes no. Mr. Ross?  
1923 [No response.]  
1924 The {Clerk.} Mr. Weiner?  
1925 Mr. {Weiner.} No.  
1926 The {Clerk.} Mr. Weiner votes no. Mr. Matheson?  
1927 [No response.]  
1928 The {Clerk.} Mr. Butterfield?  
1929 Mr. {Butterfield.} No.

1930 The {Clerk.} Mr. Butterfield votes no. Mr. Melancon?  
1931 [No response.]  
1932 The {Clerk.} Mr. Barrow?  
1933 Mr. {Barrow.} No.  
1934 The {Clerk.} Mr. Barrow votes no. Mr. Hill?  
1935 [No response.]  
1936 The {Clerk.} Ms. Matsui?  
1937 Ms. {Matsui.} No.  
1938 The {Clerk.} Ms. Matsui, no. Mrs. Christensen?  
1939 Mrs. {Christensen.} No.  
1940 The {Clerk.} Mrs. Christensen votes no. Ms. Castor?  
1941 Ms. {Castor.} No.  
1942 The {Clerk.} Ms. Castor, no. Mr. Sarbanes?  
1943 Mr. {Sarbanes.} No.  
1944 The {Clerk.} Mr. Sarbanes, no. Mr. Murphy of  
1945 Connecticut?  
1946 Mr. {Murphy of Connecticut.} No.  
1947 The {Clerk.} Mr. Murphy, no. Mr. Space?  
1948 [No response.]  
1949 The {Clerk.} Mr. McNerney?  
1950 Mr. {McNerney.} No.  
1951 The {Clerk.} Mr. McNerney, no. Ms. Sutton?  
1952 Ms. {Sutton.} No.  
1953 The {Clerk.} Ms. Sutton votes no. Mr. Braley?

1954 Mr. {Braley.} No.

1955 The {Clerk.} Mr. Braley votes no. Mr. Welch?

1956 Mr. {Welch.} No.

1957 The {Clerk.} Mr. Welch, no. Mr. Barton?

1958 Mr. {Barton.} Aye.

1959 The {Clerk.} Mr. Barton votes aye. Mr. Hall?

1960 Mr. {Hall.} Aye.

1961 The {Clerk.} Mr. Hall, aye. Mr. Upton?

1962 Mr. {Upton.} Aye.

1963 The {Clerk.} Mr. Upton, aye. Mr. Stearns?

1964 Mr. {Stearns.} Aye.

1965 The {Clerk.} Mr. Stearns, aye. Mr. Deal?

1966 [No response.]

1967 The {Clerk.} Mr. Whitfield?

1968 Mr. {Whitfield.} Aye.

1969 The {Clerk.} Mr. Whitfield votes aye. Mr. Shimkus?

1970 Mr. {Shimkus.} Aye.

1971 The {Clerk.} Mr. Shimkus, aye. Mr. Shadegg?

1972 [No response.]

1973 The {Clerk.} Mr. Blunt?

1974 Mr. {Blunt.} Aye.

1975 The {Clerk.} Mr. Blunt votes aye. Mr. Buyer?

1976 Mr. {Buyer.} Aye.

1977 The {Clerk.} Mr. Buyer, aye. Mr. Radanovich?

1978 Mr. {Radanovich.} Aye.

1979 The {Clerk.} Mr. Radanovich, aye. Mr. Pitts?

1980 Mr. {Pitts.} Aye.

1981 The {Clerk.} Mr. Pitts, aye. Ms. Bono Mack?

1982 Ms. {Bono Mack.} Aye.

1983 The {Clerk.} Ms. Bono Mack votes aye. Mr. Walden?

1984 Mr. {Walden.} Aye.

1985 The {Clerk.} Mr. Walden, aye. Mr. Terry?

1986 Mr. {Terry.} Aye.

1987 The {Clerk.} Mr. Terry, aye. Mr. Rogers?

1988 Mr. {Rogers.} Aye.

1989 The {Clerk.} Mr. Rogers, aye. Mrs. Myrick?

1990 [No response.]

1991 The {Clerk.} Mr. Sullivan?

1992 [No response.]

1993 The {Clerk.} Mr. Murphy of Pennsylvania?

1994 [No response.]

1995 The {Clerk.} Mr. Burgess?

1996 [No response.]

1997 The {Clerk.} Ms. Blackburn?

1998 Ms. {Blackburn.} Aye.

1999 The {Clerk.} Ms. Blackburn votes aye. Mr. Gingrey?

2000 [No response.]

2001 The {Clerk.} Mr. Scalise?

2002 Mr. {Scalise.} Aye.

2003 The {Clerk.} Mr. Scalise votes aye.

2004 The {Clerk.} Mr. Boucher?

2005 The {Chairman.} The clerk will call those members who  
2006 have not yet responded to the roll.

2007 The {Clerk.} Mr. Shadegg?

2008 Mr. {Shadegg.} Votes eye.

2009 The {Clerk.} Mr. Shadegg votes aye. Mr. Pallone?

2010 Mr. {Pallone.} No.

2011 The {Clerk.} Mr. Pallone, no. Ms. Eshoo?

2012 Ms. {Eshoo.} No.

2013 The {Clerk.} Ms. Eshoo, no. Mr. Engel?

2014 Mr. {Engel.} No.

2015 The {Clerk.} Mr. Engel, no. Ms. Schakowsky?

2016 Ms. {Schakowsky.} No.

2017 The {Clerk.} Ms. Schakowsky, no. Mr. Rush?

2018 Mr. {Rush.} No.

2019 The {Clerk.} Mr. Rush, no. Mr. Gordon?

2020 Mr. {Gordon.} No.

2021 The {Clerk.} Mr. Gordon, no. Mrs. Capps?

2022 Mrs. {Capps.} No.

2023 The {Clerk.} Mrs. Capps votes no. Mr. Gingrey?

2024 Mr. {Gingrey.} Aye.

2025 The {Clerk.} Mr. Gingrey votes aye. Mr. Space?

2026 Mr. {Space.} No.

2027 The {Clerk.} Mr. Space, no.

2028 The {Chairman.} Have all members responded to the call  
2029 of the roll? The clerk will tally the vote. Mr. Markey, did  
2030 you want to vote?

2031 The {Clerk.} Not recorded, Mr. Chairman. Mr. Markey?

2032 Mr. {Markey.} No.

2033 The {Clerk.} Mr. Markey votes no.

2034 The {Chairman.} Mr. Burgess, are you recorded?

2035 The {Clerk.} Not recorded. Mr. Burgess?

2036 Mr. {Burgess.} Aye.

2037 The {Clerk.} Mr. Burgess votes aye.

2038 The {Chairman.} Is the clerk ready to report the vote?

2039 The {Clerk.} Yes, sir. On that vote, Mr. Chairman,  
2040 there were 19 ayes and 30 no's.

2041 The {Chairman.} Nineteen ayes, 30 no's. The amendment  
2042 is not agreed to.

2043 First of all, I want to recognize Ms. Castor for a  
2044 unanimous consent request.

2045 Ms. {Castor.} Thank you, Mr. Chairman. Mr. Chairman  
2046 and my colleagues, an extraordinary statement of principles  
2047 on energy and climate legislation has been issued this  
2048 morning by 30 governors across the political spectrum, 23  
2049 Democrats, including my own governor, Charlie Crist of

2050 Florida. It is a broad statement of responsible, pragmatic  
2051 and farsighted leadership on one of the most important issues  
2052 of our time, so I am pleased to share this statement with the  
2053 committee and ask unanimous consent that it be distributed  
2054 now. Three important points from this bipartisan statement  
2055 by the governors. First, that we urgently need a  
2056 comprehensive strategy on energy, second, that we invest in  
2057 using energy more efficiently and producing more clean energy  
2058 here at home, and third, that we set a cap on greenhouse  
2059 gases to reduce emissions to levels guided by science to  
2060 avoid dangerous global warming. The governors' statement  
2061 also says that it is in the States where the green economy  
2062 will be built and the governors pledge to work with us here  
2063 in Congress to develop a partnership to build an energy-  
2064 efficient and energy-independent and energy-secure economy.  
2065 Mr. Chairman, I believe this statement of principles by these  
2066 30 governors with significant bipartisan support is fully  
2067 aligned with the principles and policies and programs in this  
2068 historic legislation. I hope later today we will respond to  
2069 our governors by voting to report this important bill from  
2070 the committee.

2071 [The information follows:]

2072 \*\*\*\*\* INSERT 10 \*\*\*\*\*

|  
2073           The {Chairman.} I thank the gentlelady.

2074           Mr. {Whitfield.} Mr. Chairman.

2075           The {Chairman.} The Chair would now recognize Mr.  
2076 McNerney.

2077           Mr. {Whitfield.} Mr. Chairman.

2078           The {Chairman.} Yes?

2079           Mr. {Whitfield.} May I just ask the gentlelady from  
2080 Florida one question?

2081           The {Chairman.} Yes. The gentleman is recognized.

2082           Mr. {Whitfield.} The gentlelady from Florida, I would  
2083 like to ask if those 30 governors endorse this specific  
2084 legislation.

2085           Ms. {Castor.} I think they are endorsing a strategy  
2086 that is fully consistent with the bill we have considered  
2087 here over the past few months and will vote out today.

2088           Mr. {Whitfield.} But they did not endorse this bill?

2089           Ms. {Castor.} I think their action is clear when it  
2090 comes on the day that we are going to vote out the  
2091 legislation. I think the message is crystal clear.

2092           The {Chairman.} The Chair recognizes Mr. McNerney.

2093           Mr. {McNerney.} Mr. Chairman, I would like to engage in  
2094 a colloquy with you.

2095           The {Chairman.} Certainly. The gentleman is

2096 recognized.

2097           Mr. {McNerney.} Thank you, Mr. Chairman. The American  
2098 Clean Energy and Security Act is groundbreaking legislation  
2099 that will combat climate change and create countless clean  
2100 energy jobs. I am proud to support this bill but I would  
2101 like also to take this opportunity to discuss an important  
2102 issue that I hope we are able to address as this legislation  
2103 moves toward consideration by the House. The bill issues  
2104 allowances to power producers and distribution companies to  
2105 protect customers and provide a smooth transition to the  
2106 clean energy economy. The bill appropriately distributes  
2107 allowances to companies producing electricity under long-term  
2108 contracts that do not allow them to recover costs associated  
2109 with carbon regulation. A similar arrangement was made under  
2110 the Clean Air Act's Acid Rain Program. At this time,  
2111 however, the bill does not provide allowances to cover these  
2112 same facilities' steam sales which are made under similar  
2113 long-term contracts. I am concerned that this emission may  
2114 inadvertently harm consumers and companies including some in  
2115 California that have acted early and decisively to combat  
2116 climate change. I would ask that we continue to work  
2117 together to address this issue. I also believe that my  
2118 colleague, Mr. Green from Texas, would like to offer comments  
2119 on this subject, and I yield to him.

2120           Mr. {Green.} I would like to thank my good friend,  
2121 Congressman McNerney, for raising this important issue. Mr.  
2122 Chairman, as Mr. McNerney points out, your bill wisely  
2123 contains a provision to hold harmless generators with long-  
2124 term contracts that provide power who can't recover their  
2125 costs because their contracts did not anticipate carbon  
2126 regulation. However, the bill as currently drafted would  
2127 exclude an important group of cogeneration facilities  
2128 including some in Texas from receiving this temporary relief  
2129 because the bill only covers power contracts with electric  
2130 energy, not thermal energy in the form of steam. And Mr.  
2131 Chairman, it is my understanding that only a relatively small  
2132 portion of allowances have been set aside for these  
2133 generators with long-term power contracts. It is also my  
2134 understanding that if we were to make clear that those who  
2135 are in the exact same circumstance with regard to thermal  
2136 contracts can apply to receive allowances from this small  
2137 pool. It would not affect the total or the percentage of  
2138 allowances currently made available to LDCs and merchant coal  
2139 under the bill.

2140           Mr. Chairman, I ask that we work together to resolve  
2141 this problem prior to Floor consideration by clarifying the  
2142 cogeneration facilities that have long-term contracts for  
2143 useful thermal energy would also be eligible to receive

2144 allowances under the long-term contract provisions, and I  
2145 thank you and I yield back my time to Mr. McNerney.

2146       The {Chairman.} Mr. McNerney, would you yield to me?

2147       Mr. {McNerney.} Yes, I will yield to the chairman.

2148       The {Chairman.} I want to thank you and Mr. Green for  
2149 your attention to this issue. You have our agreement to work  
2150 with you on this issue as we move this bill forward for  
2151 consideration by the House. We will do so in close  
2152 consultation with Mr. Boucher, given his expertise on  
2153 electricity issues, but I want to thank both of you for  
2154 bringing this issue to our attention. Does the gentleman  
2155 from California yield back his time?

2156       Mr. {McNerney.} Yes, I yield back the balance of my  
2157 time.

2158       The {Chairman.} Thank you. The chair recognizes the  
2159 gentleman from Illinois.

2160       Mr. {Shimkus.} Thank you, Mr. Chairman, and much to a  
2161 lot of my colleagues' chagrin, this might be the last time I  
2162 get to speak on this bill. I know you are disappointed.

2163       The {Chairman.} Are you asking unanimous consent?

2164       Ms. {DeGette.} Mr. Chairman, I reserve a point of  
2165 order.

2166       Mr. {Shimkus.} Let me just start by saying--

2167       The {Chairman.} Wait, wait, wait, wait. You asked to

2168 speak, and you said this will be the last time you will  
2169 speak, and then the gentlelady reserved a point of order.

2170 Mr. {Shimkus.} Against my speaking.

2171 The {Chairman.} Against your speaking.

2172 Mr. {Shimkus.} No amendment.

2173 The {Chairman.} Do you have an amendment?

2174 Mr. {Shimkus.} I have an amendment, Shimkus 020.

2175 [The amendment follows:]

2176 \*\*\*\*\* INSERT 11 \*\*\*\*\*

|  
2177           The {Chairman.} Without objection, the amendment will  
2178 be--

2179           Mr. {Shimkus.} I was trying to trap her.

2180           The {Chairman.} That amendment will be considered as  
2181 read. A point of order will be reserved by the gentlelady  
2182 from Colorado, and I would recognize the gentleman.

2183           Mr. {Shimkus.} Thank you, Mr. Chairman. Rich man, poor  
2184 man, beggar man, thief. We have learned a lot in this  
2185 markup. My colleague, Mr. Buyer, raised the issue about the  
2186 least affected by this bill are actually some of the major  
2187 authors of this bill. In fact, the Evansville Courier states  
2188 that since Indiana has 94 percent coal production, they will  
2189 be harmed. Illinois, 47.6, they will be harmed. Kentucky,  
2190 93 percent, they will be harmed. California and the home  
2191 State of Chairman, 1 percent, no harm. Massachusetts, home  
2192 State of Chairman Markey, 25 percent, no harm. And it is  
2193 curious that the districts that aren't harmed are some of the  
2194 wealthiest districts in the country. Median income of mine  
2195 is \$48,000 based upon the census report, American community  
2196 survey 2007. Mr. Whitfield's is \$36,000 a year. Mr. Buyer  
2197 used \$37,000 in his calculations last night. Chairman  
2198 Waxman's, \$79,000. Chairman Markey's, \$68,000 a year. The  
2199 wealthier districts pay less. What a shock. The poor

2200 districts pay more. We ought to be ashamed of ourselves.  
2201 Many of these poor districts have coal mines so we are now in  
2202 a double jeopardy situation for poor rural America, and I  
2203 want to ensure that more coal mines do not close, especially  
2204 in response to the FERC chairman's announcement that there  
2205 will be no more baseload energy created by coal or nuclear  
2206 power.

2207 My amendment is very simple. If because of this Act, two  
2208 coal mines close, this title III would be null and void.  
2209 Now, we have heard talk about the 90 amendments. My staff  
2210 put this up. This not a paid political advertisement, these  
2211 are real coal miners who lost their jobs in the 1990  
2212 amendments of the Clean Air Act, and I would say to those  
2213 authors of this amendment, that the 90 amendments are least  
2214 for toxic emittants. Carbon dioxide is not a toxic emittant,  
2215 who paid the price. The people who paid the price were  
2216 Midwestern States. This one mine, 1,200 jobs closed, and I  
2217 was at that rally to watch politicians come and say we are  
2218 going to save your jobs and they are very same politicians  
2219 who voted for the bill. I swore on that day I would never  
2220 vote for a bill and then go to these guys and say oh, I am  
2221 sorry, I am going to fight to keep your job. Now, my  
2222 colleagues on the Energy and Air Quality Subcommittee have  
2223 heard this speech before. The rest of the full committee has

2224 not. So that is why I bring it up one last time. Do you  
2225 know how many coal miners lost their jobs in the last Clean  
2226 Air Act amendments? You all know. I have said it 1,500  
2227 times: 14,000. The State of Ohio, do you know how many coal  
2228 miners lost their jobs, and that was testimony in this  
2229 committee? Thirty-five thousand jobs, 35,000 jobs. This  
2230 isn't going to hurt jobs? You have a simple solution. You  
2231 have a simple off ramp. Two coal mines close, an off ramp.  
2232 When we were talking about this bill in the previous Congress  
2233 with the previous chairman, we talked about industry-wide  
2234 with off ramps. But we had a change at the helm. Guess  
2235 what? No off ramps. And that is what we have been doing for  
2236 the past 3 days is talking about off ramps to make sure that  
2237 if electricity prices go high, we have an off ramp. This  
2238 amendment says if these guys get screwed in this bill, we are  
2239 going to have an off ramp to protect jobs. I don't trust  
2240 you. I don't trust this bill. This bill will cost jobs and  
2241 this is a great insurance policy if you really, really,  
2242 really believe that your bill will not cost jobs. And with  
2243 that, I will return the balance of my time.

2244 Ms. {DeGette.} Mr. Chairman, I withdraw my reservation.

2245 The {Chairman.} The gentleman's time has expired. The  
2246 reservation of a point of order has been withdrawn. The Chair  
2247 recognizes himself for 5 minutes after which we will respond

2248 to the vote and come back and vote, so if members want to  
2249 leave at some point, they can feel free to leave and they  
2250 will still be able to vote when they return.

2251 I just want to point out that coal production in the  
2252 United States has increased by 15 percent since 1991. Well,  
2253 how could that be and then there be a loss of jobs in  
2254 Illinois and the East Coast coal areas? Part of the reason  
2255 for it is that in 1990 when the Clean Air Act was adopted,  
2256 the utilities were given the requirement to reduce the sulfur  
2257 emissions and some of the other pollutants. They could have  
2258 done that, particularly the sulfur emissions, in one of two  
2259 ways. They could have put scrubbers on, especially when  
2260 high-sulfur coal was being burned, or they could have used  
2261 low-sulfur or western coal. Well, the utilities had the  
2262 choice and they chose the least costly alternative. They  
2263 moved much more in the direction of taking low-sulfur western  
2264 coal than paying for the scrubbers.

2265 Now, a little history lesson. When we were trying to  
2266 get legislation through in this committee to deal with acid  
2267 rain, some of us who wanted to deal with that problem and get  
2268 the pollution reductions to stop the acid rain offered a  
2269 proposal that would have provided a subsidy to pay for the  
2270 scrubbers, and the response to what I thought was a generous  
2271 offer was, there is no problem such as acid rain and we are

2272 not going to deal with it. Several years later in 1990, the  
2273 Congress passed a law under the Clean Air Act calling for  
2274 those reductions without any subsidy to help them pay for the  
2275 scrubbers and the utilities did what was in their economic  
2276 interest and jobs have been lost, and I am sorry that jobs  
2277 have been lost but that was sometimes the result of actions  
2278 or inactions. There are consequences.

2279 Well, we now have a proposal before us, this amendment  
2280 to stop the implementation of the provisions of title III if  
2281 there are losses of coal jobs. This bill I think will give  
2282 the power industry the certainty and support they need to  
2283 build new coal-fired power plants, ensuring the continued use  
2284 of coal in this country. So if you care about the coal  
2285 industry, realize that the utilities are waiting to know what  
2286 the rules are going to be, and if the rules are that they  
2287 will be able to build new power plants and use coal in the  
2288 future, it will bring a better future for coal. If this law  
2289 does not pass, I don't think it is going to be a clear  
2290 picture of what the situation will be for coal in this  
2291 country. We have taken strong steps to protect coal-mining  
2292 jobs by providing the support to build a whole new generation  
2293 of coal-fired power plants with very low emissions of carbon  
2294 dioxide. We provide regulatory certainty in this law that we  
2295 are proposing and this bill would lose one of the key

2296 barriers to building these power plants. The bill dedicates  
2297 2 percent of the allowances in the first few years and 5  
2298 percent thereafter to cover the full cost of installing  
2299 carbon capture and sequestration technology and running it  
2300 for the first 10 years of operation. So the bill gives coal  
2301 a path forward. If the gentleman from Illinois who is  
2302 offering the amendment wants to defeat the bill, I suggest to  
2303 him that he would be defeating the opportunity for the use of  
2304 coal in the future.

2305 Now, his specific amendment says that if by virtue of  
2306 the provisions of this law that if two or more coal mines  
2307 close, then all the provisions of title III will be out the  
2308 window. Well, I hope they don't have to close but that is  
2309 going to be a business decision. But if this overall bill  
2310 becomes law, the business decisions that will be made will be  
2311 to build new power plants burning coal. Now, that ought to  
2312 be good news for those from the coal areas and for the  
2313 utilities that want to use coal in the future. So I would  
2314 urge the rejection of the Shimkus amendment and the adoption  
2315 of the overall bill that is before us. My time is now  
2316 expired. The Chair would like to declare a recess unless we  
2317 want further debate. Mr. Barton?

2318 Mr. {Barton.} If I could have 2 minutes, or even 1  
2319 minute?

2320           The {Chairman.} I recognize the gentleman from Texas,  
2321 Mr. Barton, to make further comments before we recess.

2322           Mr. {Barton.} Very briefly, Mr. Chairman. I support  
2323 the Shimkus amendment. I just want to read from a news  
2324 article in the Charleston Gazette either today or yesterday  
2325 talking about the bill and complementing Congressman Boucher  
2326 on his efforts to improve the bill. The UMW representative  
2327 talks about some bonus amendment and some bonus allowances  
2328 that Mr. Boucher has negotiated that should be worth around  
2329 \$181 billion between now and 2050. Then the president of the  
2330 United Mine Workers, Mr. Roberts, said in a statement, ``The  
2331 legislation contains many pro-coal items that his union  
2332 supports but that he still has some concerns'' about the  
2333 bill. Bill Smith, a union spokesman, said that the UMW  
2334 supports what Boucher has done and what he says will be a  
2335 continuing effort to reduce the overall near-term emissions  
2336 reduction even further to at least 14 percent. On Wednesday,  
2337 the National Mining Association issued a statement repeating  
2338 its prior opposition to earlier versions of the Waxman-Markey  
2339 bill. The National Mining Association recognizes changes to  
2340 the original draft of the legislation are intended to reduce  
2341 harmful economic consequences of the legislation. These  
2342 changes, however, are not sufficient to produce a balanced  
2343 and responsible policy or addressing climate change concerns.

2344 Said Mining Association president Hal Quinn, ``The result  
2345 will be a devastating loss of high-paying mining jobs, higher  
2346 energy costs for businesses and the exporting of American  
2347 businesses and jobs to countries that do not require similar  
2348 greenhouse gas emission reductions.''

2349         So we recognize that efforts are being made to protect  
2350 the mining industry and the coal industry, but if this  
2351 legislation becomes law, Mr. Chairman, according to the  
2352 National Mining Association, the devastating loss of mining  
2353 jobs and I don't see how anybody in this country will build a  
2354 coal plant with the carbon capture and sequestration  
2355 technology not mature. A coal plant is going to emit  
2356 significantly more CO2 emissions than any other form of  
2357 baseload generation. They are not going to do it.

2358         The {Chairman.} The gentleman's time has expired. We  
2359 are being summoned to the House Floor to respond to two  
2360 votes. I know other members may wish to speak on this  
2361 particular amendment so I won't close the debate, and we will  
2362 come back as soon as we can after the second vote.

2363         [Recess.]

2364         The {Chairman.} The committee will please come back to  
2365 order. Mr. Boucher, I want to recognize you.

2366         Mr. {Boucher.} Well, thank you very much, Mr. Chairman.  
2367 I don't see my friend, the gentleman from Illinois, Mr.

2368 Shimkus, in the room at the moment. I was hoping he would be  
2369 here. I appreciate you recognizing me, Mr. Chairman. Let me  
2370 say a couple of things about the amendment that is pending  
2371 before us, the one that the gentleman from Illinois offered.  
2372 I have enjoyed a partnership over the years with the  
2373 gentleman from Illinois on issues related to one of the  
2374 principal economic concerns of the district that I represent  
2375 and also the one that he represents, and that is the health  
2376 of the coal industry and the thousands of coal jobs that  
2377 attend that industry, and we have joined together in many  
2378 instances in order to promote those common concerns, and even  
2379 on the occasions when I don't always agree with Mr. Shimkus,  
2380 I always appreciate the forcefulness with which he makes his  
2381 points. Today I think, however, his points are overstated  
2382 and I do disagree with his amendment.

2383 Let me just offer a couple of observations. For the  
2384 last month, I have been engaged in an intensive and  
2385 ultimately successful negotiation with Chairman Waxman and  
2386 Chairman Markey in order to address some core concerns, and  
2387 these are exactly the same concerns that motivated the  
2388 amendment that came from Mr. Shimkus, and those concerns are  
2389 keeping electricity rates affordable in the areas where the  
2390 predominance of electricity is generated by coal combustion,  
2391 paving a way for expanded coal production through technology

2392 and through other means, and also preserving the thousands of  
2393 coal jobs that attend the coal industry, and I am very  
2394 satisfied with the arrangements that we have made which are  
2395 now reflected in the text of the bill that the committee is  
2396 marking up. Let me just mention some of the agreements we  
2397 have achieved that are very important to the success of the  
2398 coal industry.

2399         First of all, we have obtained the provision of 90  
2400 percent of the emission allowances to electric utilities  
2401 without charge, and that was truly a major step forward that  
2402 helps to cushion any effect on electricity rates because of  
2403 the process by which emission allowances are allocated.  
2404 Secondly, we have obtained 2 billion tons of offsets that  
2405 will enable the emitting entities to obtain their reductions  
2406 while continuing to use coal. Utilities will be able to  
2407 continue their existing fuel mix by taking their reductions  
2408 off site by investing in agriculture, by investing in  
2409 forestry and through other steps, 2 billion tons of offsets  
2410 available every year for that purpose. The target for  
2411 emission reductions by the year 2020 has been reduced from  
2412 the original target that was set in the draft that Mr. Waxman  
2413 circulated down to a target of 17 percent. I continue to  
2414 have some concerns about that target. I believe a lower  
2415 number actually is appropriate, and under the agreement that

2416 we have achieved, I intend to work at future stages of this  
2417 process in order to obtain improvement and I believe that is  
2418 potentially possible.

2419 We also have bonus allowances for carbon capture and  
2420 sequestration deployment by utilities at the time that these  
2421 technologies become available and those bonus allowances are  
2422 valued at somewhere between \$75 and \$100 billion, depending  
2423 upon what the then-current value of emission allowances  
2424 happens to be. We have embedded within the legislation our  
2425 separate bill that assures the flow of \$1 billion annually in  
2426 research, development, and demonstration funding to the  
2427 development of carbon capture and sequestration technologies  
2428 and the Electric Power Research Institute tells us that with  
2429 that level of assured funding, we can count on available,  
2430 affordable and reliable carbon capture and sequestration  
2431 technologies being made available by the year 2020. I can  
2432 say that across the entire range of interested parties from  
2433 utilities to major companies within the coal industry to the  
2434 United Mine Workers, there is uniform agreement that these  
2435 are major steps forward. There is uniform agreement that  
2436 this legislation in the form in which you see it should  
2437 proceed through this committee and there is also uniform  
2438 agreement that we should continue to work for further  
2439 improvements, and that is a cause to which I am certainly

2440 committed.

2441           Let me say that at the outset of this process, I had  
2442 really hoped that we would have a bipartisan measure, and  
2443 beginning more than 2 years ago when we began the work on  
2444 developing cap-and-trade legislation in the subcommittee, we  
2445 extended a hand in partnership to our Republican colleagues.  
2446 Unfortunately, that offer has been declined. That offer  
2447 remains open and I am hoping that at future steps in this  
2448 process that offer will in fact be accepted and that we will  
2449 have bipartisan cooperation and help as we proceed to move  
2450 this measure through the House and through subsequent steps  
2451 in the legislative process. Thank you, Madam Chairman. I  
2452 yield back my time.

2453           Ms. {DeGette.} {Presiding} The gentleman's time has  
2454 expired. The vote will now occur on the Shimkus amendment.  
2455 All in favor, say aye. Opposed, no. A recorded vote has  
2456 been requested. The clerk will call the roll.

2457           The {Clerk.} Mr. Waxman?

2458           [No response.]

2459           The {Clerk.} Mr. Dingell?

2460           Mr. {Dingell.} Mr. Dingell votes no.

2461           The {Clerk.} Mr. Dingell votes no. Mr. Markey?

2462           Mr. {Markey.} No.

2463           The {Clerk.} Mr. Markey votes no. Mr. Boucher?

2464 Mr. {Boucher.} No.

2465 The {Clerk.} Mr. Boucher votes no. Mr. Pallone?

2466 [No response.]

2467 The {Clerk.} Mr. Gordon?

2468 [No response.]

2469 The {Clerk.} Mr. Rush?

2470 [No response.]

2471 The {Clerk.} Ms. Eshoo?

2472 Ms. {Eshoo.} No.

2473 The {Clerk.} Ms. Eshoo votes no. Mr. Stupak?

2474 Mr. {Stupak.} No.

2475 The {Clerk.} Mr. Stupak votes no. Mr. Engel?

2476 [No response.]

2477 The {Clerk.} Mr. Green?

2478 [No response.]

2479 The {Clerk.} Ms. DeGette?

2480 Ms. {DeGette.} No.

2481 The {Clerk.} Ms. DeGette votes no. Mrs. Capps?

2482 Mrs. {Capps.} No.

2483 The {Clerk.} Mrs. Capps votes no. Mr. Doyle?

2484 [No response.]

2485 The {Clerk.} Ms. Harman?

2486 Ms. {Harman.} No.

2487 The {Clerk.} Ms. Harman votes no. Ms. Schakowsky?

2488 [No response.]

2489 The {Clerk.} Mr. Gonzalez?

2490 Mr. {Gonzalez.} No.

2491 The {Clerk.} Mr. Gonzalez votes no. Mr. Inslee?

2492 Mr. {Inslee.} No.

2493 The {Clerk.} Mr. Inslee votes no. Ms. Baldwin?

2494 Ms. {Baldwin.} No.

2495 The {Clerk.} Ms. Baldwin votes no. Mr. Ross?

2496 Mr. {Ross.} No.

2497 The {Clerk.} Mr. Ross votes no. Mr. Weiner?

2498 Mr. {Weiner.} No.

2499 The {Clerk.} Mr. Weiner votes no. Mr. Matheson?

2500 Mr. {Matheson.} No.

2501 The {Clerk.} Mr. Matheson, no. Mr. Butterfield?

2502 Mr. {Butterfield.} No.

2503 The {Clerk.} Mr. Butterfield, no. Mr. Melancon?

2504 [No response.]

2505 The {Clerk.} Mr. Barrow?

2506 Mr. {Barrow.} Votes no.

2507 The {Clerk.} Mr. Barrow, no. Mr. Hill?

2508 Mr. {Hill.} No.

2509 The {Clerk.} Mr. Hill, no. Ms. Matsui?

2510 Ms. {Matsui.} No.

2511 The {Clerk.} Ms. Matsui votes no. Mrs. Christensen?

2512 Mrs. {Christensen.} No.

2513 The {Clerk.} Mrs. Christensen, no. Ms. Castor?

2514 Ms. {Castor.} No.

2515 The {Clerk.} Ms. Castor, no. Mr. Sarbanes?

2516 Mr. {Sarbanes.} No.

2517 The {Clerk.} Mr. Sarbanes, no. Mr. Murphy of

2518 Connecticut?

2519 Mr. {Murphy of Connecticut.} No.

2520 The {Clerk.} Mr. Murphy, no. Mr. Space?

2521 Mr. {Space.} Aye.

2522 The {Clerk.} Mr. Space, aye. Mr. McNerney?

2523 Mr. {McNerney.} No.

2524 The {Clerk.} Mr. McNerney votes no. Ms. Sutton?

2525 Ms. {Sutton.} No.

2526 The {Clerk.} Ms. Sutton, no. Mr. Braley?

2527 Mr. {Braley.} No.

2528 The {Clerk.} Mr. Braley votes no. Mr. Welch?

2529 Mr. {Welch.} No.

2530 The {Clerk.} Mr. Welch, no. Mr. Barton?

2531 Mr. {Barton.} Aye.

2532 The {Clerk.} Mr. Barton votes aye. Mr. Hall?

2533 [No response.]

2534 The {Clerk.} Mr. Upton?

2535 Mr. {Upton.} Aye.

2536 The {Clerk.} Mr. Upton, aye. Mr. Stearns?  
2537 Mr. {Stearns.} Aye.  
2538 The {Clerk.} Mr. Stearns, aye. Mr. Deal?  
2539 [No response.]  
2540 The {Clerk.} Mr. Whitfield?  
2541 Mr. {Whitfield.} Pass.  
2542 The {Clerk.} Mr. Whitfield passes. Mr. Shimkus?  
2543 Mr. {Shimkus.} Aye.  
2544 The {Clerk.} Mr. Shimkus, aye. Mr. Shadegg?  
2545 Mr. {Shadegg.} Aye.  
2546 The {Clerk.} Mr. Shadegg, aye. Mr. Blunt?  
2547 Mr. {Blunt.} Aye.  
2548 The {Clerk.} Mr. Blunt votes aye. Mr. Buyer?  
2549 Mr. {Buyer.} Aye.  
2550 The {Clerk.} Mr. Buyer, aye. Mr. Radanovich?  
2551 Mr. {Radanovich.} Aye.  
2552 The {Clerk.} Mr. Radanovich votes aye. Mr. Pitts?  
2553 Mr. {Pitts.} Aye.  
2554 The {Clerk.} Mr. Pitts, aye. Ms. Bono Mack?  
2555 [No response.]  
2556 The {Clerk.} Mr. Walden?  
2557 Mr. {Walden.} Aye.  
2558 The {Clerk.} Mr. Walden, aye. Mr. Terry?  
2559 Mr. {Terry.} Aye.

2560 The {Clerk.} Mr. Terry, aye. Mr. Rogers?  
2561 Mr. {Rogers.} Aye.  
2562 The {Clerk.} Mr. Rogers, aye. Mrs. Myrick?  
2563 Mrs. {Myrick.} Aye.  
2564 The {Clerk.} Mrs. Myrick, aye. Mr. Sullivan?  
2565 Mr. {Sullivan.} Aye.  
2566 The {Clerk.} Mr. Sullivan, aye. Mr. Murphy of  
2567 Pennsylvania?  
2568 Mr. {Murphy of Pennsylvania.} Aye.  
2569 The {Clerk.} Mr. Murphy votes aye. Mr. Burgess?  
2570 [No response.]  
2571 The {Clerk.} Ms. Blackburn?  
2572 Ms. {Blackburn.} Aye.  
2573 The {Clerk.} Ms. Blackburn votes aye. Mr. Gingrey?  
2574 Mr. {Gingrey.} Aye.  
2575 The {Clerk.} Mr. Gingrey votes aye. Mr. Scalise?  
2576 Mr. {Scalise.} Aye.  
2577 The {Clerk.} Mr. Scalise votes aye. Mr. Pallone?  
2578 Mr. {Pallone.} No.  
2579 The {Clerk.} Mr. Pallone votes no. Mr. Gordon?  
2580 Mr. {Gordon.} No.  
2581 The {Clerk.} Mr. Gordon, no. Mr. Rush?  
2582 Mr. {Rush.} No.  
2583 The {Clerk.} Mr. Rush votes no. Mr. Engel? Is he

2584 here?

2585 [No response.]

2586 The {Clerk.} Mr. Doyle?

2587 Mr. {Doyle.} No.

2588 The {Clerk.} Mr. Doyle votes no. Mr. Melancon?

2589 Mr. {Melancon.} No.

2590 The {Clerk.} Mr. Melancon votes no. Mr. Green?

2591 Mr. {Green.} No.

2592 The {Clerk.} Mr. Green, no. Ms. Schakowsky?

2593 Ms. {Schakowsky.} No.

2594 The {Clerk.} Ms. Schakowsky votes no. Mr. Waxman?

2595 The {Chairman.} No.

2596 The {Clerk.} Mr. Waxman, no.

2597 Mr. {Barton.} Is Dr. Burgess recorded?

2598 The {Clerk.} Mr. Burgess?

2599 Mr. {Burgess.} Aye.

2600 The {Clerk.} Mr. Burgess votes aye. Mr. Hall?

2601 Mr. {Hall.} Aye.

2602 The {Clerk.} Mr. Hall votes aye. Mr. Whitfield?

2603 Mr. {Whitfield.} Aye.

2604 The {Clerk.} Mr. Whitfield votes aye. Mr. Whitfield is

2605 off pass and on aye.

2606 Ms. {DeGette.} Are there any other members wishing to

2607 vote? The clerk will report the tally.

2608           The {Clerk.} On that vote, Madam Chair, the ayes were  
2609 22 and the nays were 34.

2610           Ms. {DeGette.} Twenty-two to 34. The amendment is not  
2611 agreed to.

2612           Mr. {Butterfield.} Madam Chair.

2613           Ms. {DeGette.} The gentleman from North Carolina.

2614           Mr. {Butterfield.} I have an amendment at the desk.

2615           Ms. {DeGette.} The clerk will report the title.

2616           The {Clerk.} Amendment offered by Mr. Butterfield from  
2617 North Carolina and Mr. Hill from Indiana. Page 341, line 4--  
2618 [The amendment follows:]

2619 \*\*\*\*\* INSERT 12 \*\*\*\*\*

|  
2620           Ms. {DeGette.} Without objection, move the amendment  
2621 can be considered as read. The gentleman is recognized in  
2622 support of his amendment.

2623           Mr. {Butterfield.} Thank you very much, Madam Chair,  
2624 and I will be brief. I realize that it is late in the  
2625 afternoon but thank you for recognizing me.

2626           Madam Chair, this amendment provides two clarifications  
2627 to the transportation section of the bill. I would like to  
2628 speak on the second issue in this amendment. The provision  
2629 grants the EPA administrator the authority to promulgate  
2630 emission standards for non-road vehicles and engines. While  
2631 the well-meaning base text seeks to allow the administrator  
2632 to set standards for the largest emitters referenced as  
2633 locomotives and marine vessels by the end of 2012, the  
2634 current language fails to differentiate between large and  
2635 small emitters within those categories, for example, a small  
2636 engine in a fishing boat. This amendment makes clear that  
2637 the intent is to have the administrator apply earlier  
2638 standards to categories based on two criteria. First, these  
2639 standards should apply to the largest emitters and then  
2640 secondly that the large emitters have the greatest potential  
2641 for significant and cost-effective emission reductions. In  
2642 other words, Madam Chair, this amendment directs the

2643 administrator to apply standards to categories where the most  
2644 significant--

2645 Mr. {Barton.} Will the gentleman yield?

2646 Mr. {Butterfield.} Yes, I will yield.

2647 Mr. {Barton.} Not that it counts, but we are willing to  
2648 accept it.

2649 Mr. {Butterfield.} Well, I thank you, Ranking Member.  
2650 I am going to stop with that and yield the balance of my time  
2651 to the gentleman from Indiana.

2652 Ms. {DeGette.} The gentleman is recognized.

2653 Mr. {Hill.} I thank the gentleman from North Carolina  
2654 for yielding, and I would like to thank the chairman for  
2655 working with me and Mr. Butterfield on this very important  
2656 amendment. The first half of this amendment involves sectors  
2657 in the vehicle and engine industry not covered by the  
2658 Administration's fuel economy ruling is weak heavy-duty off-  
2659 highway mobile sources, locomotives and marine vessels and  
2660 non-road vehicles and engines, diesel engines for 18-wheelers  
2661 is what it means in layman's terms.

2662 I have been working with your staff, Mr. Butterfield's  
2663 staff and stakeholders to ensure that multiple federal  
2664 agencies do not have conflicting regulatory authority. The  
2665 previous draft of the mobile source provision charts both the  
2666 Department of Transportation and the Environmental Protection

2667 Agency with regulatory authority. The agreement we have  
2668 struck would allow the Environmental Protection Agency the  
2669 ability to oversee the regulation of these mobile sources. I  
2670 thank the chairman and Mr. Butterfield for working together  
2671 in a bipartisan fashion to craft an amendment that solves two  
2672 issues in a sufficient manner, and if Mr. Shadegg is around,  
2673 I would yield to him.

2674 Ms. {DeGette.} The gentleman from North Carolina  
2675 controls the time. You can yield back to him and he can  
2676 yield to Mr. Shadegg.

2677 Mr. {Butterfield.} Reclaiming my time. I yield to the  
2678 gentleman from Arizona, Mr. Shadegg.

2679 Mr. {Barton.} He is not in the room but he says good  
2680 things about you telepathically.

2681 Mr. {Butterfield.} Thank you. I reclaim--

2682 Ms. {DeGette.} If the gentleman would yield to the  
2683 Chair?

2684 Mr. {Butterfield.} I yield to the chair.

2685 Ms. {DeGette.} Chairman Waxman would like to commend  
2686 you and Mr. Hill for your thoughtful work on the amendment.  
2687 The language that has been developed will provide the engine  
2688 manufacturers with the lead time and stability they need  
2689 while ensuring that we get environmental protections, so  
2690 Chairman Waxman would urge all members to support this

2691 amendment.

2692 Mr. {Butterfield.} I thank the Chair. I yield back the  
2693 balance of my time.

2694 Ms. {DeGette.} The gentleman yields back. The vote  
2695 now--

2696 Mr. {Buyer.} Madam Chairwoman.

2697 Ms. {DeGette.} Yes.

2698 Mr. {Buyer.} Oh, do the vote first.

2699 Ms. {DeGette.} The vote. All in favor, say aye.

2700 Opposed, no. The amendment is agreed to.

2701 Mr. {Buyer.} Madam Chairwoman.

2702 Ms. {DeGette.} For what purpose does the gentleman  
2703 raise?

2704 Mr. {Buyer.} I have an amendment. Actually, is Mr.  
2705 Boucher in the room? Is Mr. Boucher in the back? I thought  
2706 he was sitting on the side of you. Otherwise let us go to  
2707 Mr. Whitfield.

2708 Mr. {Blunt.} Madam Chair, I reserve a point of order.

2709 Ms. {DeGette.} I believe the gentleman from Kentucky  
2710 has an amendment at the desk.

2711 Mr. {Buyer.} There is no amendment to reserve a point  
2712 of order for. I will defer to Mr. Whitfield. Mr. Boucher is  
2713 not present.

2714 Ms. {DeGette.} Does the gentleman from Kentucky have an

2715 amendment at the desk?

2716 Mr. {Whitfield.} Yes, Whitfield amendment 02.

2717 Ms. {DeGette.} The clerk will report the title.

2718 The {Clerk.} Amendment offered by Mr. Whitfield of

2719 Kentucky. One, strike from page 448--

2720 [The amendment follows:]

2721 \*\*\*\*\* INSERT 13 \*\*\*\*\*

|  
2722 Ms. {DeGette.} Without objection, the amendment will be  
2723 considered as read and the gentleman is recognized in support  
2724 of his amendment.

2725 Mr. {Whitfield.} Madam Chairman, thank you very much.  
2726 This amendment is designed to do two things. Number one, it  
2727 is designed to minimize the volatility in the trading market  
2728 for allowances, particularly the secondary market. Number  
2729 two, it is designed to provide additional funding for carbon  
2730 capture and sequestration research.

2731 I will be the first to admit that in the bill there is  
2732 \$1 billion a year for carbon capture and sequestration  
2733 research for a period of years but most experts in the field  
2734 recognize that since this technology has not been perfected,  
2735 that there is no commercial application except a very small  
2736 one in Canada and also one in Norway, and that it would  
2737 dramatically change the way we do business and produce  
2738 electricity in America, that we need exceptionally large sums  
2739 of money in order to continue to produce electricity at a  
2740 reasonable rate.

2741 Now, the way that this deals with the volatility, and  
2742 let me just say that, for example, in the bill there are some  
2743 international offsets. EPA itself said that if these offsets  
2744 do not materialize, they could have underestimated the price

2745 of allowances by some 96 percent. In addition, a few years  
2746 ago the National Commission on Energy Policy released a  
2747 report entitled Ending the Energy Stalemate. Panel members  
2748 of that commission included representatives of the Natural  
2749 Resources Defense Council, the Consumers Union, professors  
2750 from Harvard and MIT and private industry representatives.  
2751 Their recommendation was that we need a safety value with a  
2752 reasonably low trigger to provide stability in the secondary  
2753 markets. Another reason we need this legislation, this  
2754 amendment is that experience in the European Union showed  
2755 quite clearly that there was extreme volatility in the  
2756 secondary markets.

2757         Now, how do we address the problem in this amendment?  
2758 Well, we eliminate the strategic reserve that is set up in  
2759 this bill. The strategic reserve allowances will be  
2760 available to people and entities under certain circumstances  
2761 but the minimum price under the strategic reserve is \$28 per  
2762 metric ton. The allowances under the bill are \$10 per metric  
2763 ton. And then I might also add that under the strategic  
2764 reserve, 60 percent above the rolling 36-month average of an  
2765 allowance will be the price for the strategic reserve. So my  
2766 point is, the strategic reserve does not do a very good job  
2767 or a predictable job on what the price of these allowances  
2768 will be. And with a bill affecting so many segments of our

2769 society, dramatically changing the way we do business in  
2770 America, we really do not understand how this volatility  
2771 issue will work. And so my amendment simply sets a price  
2772 beginning in the year 2013 of \$15 per metric ton with a 5  
2773 percent plus inflation increase every year thereafter, just  
2774 the same as the minimum price set out in the bill. But the  
2775 difference is that those people that would buy these  
2776 allowances, pay this money into this account, that money  
2777 would be directed for carbon capture and sequestration  
2778 research and that money will be desperately needed if we are  
2779 going to protect the coal industry. Mr. Boucher went into  
2780 great detail about what is in here for the coal industry, and  
2781 there are some things in there for the coal industry but I  
2782 can tell you that the coal industry and a lot of other  
2783 industries do not support this bill. The other side of the  
2784 aisle was also very good at giving us an opportunity to  
2785 provide input but sometimes you reach a point where you  
2786 simply cannot agree and so you have to walk away, and that is  
2787 precisely what we did. I think this amendment is vitally  
2788 important to provide the stability and the secondary markets  
2789 and to provide additional funding for carbon capture and  
2790 sequestration research and I would ask all of you to support  
2791 this amendment.

2792 Ms. {DeGette.} The gentleman's time is expired. The

2793 Chair will yield herself 5 minutes. There are many good ways  
2794 to make sure that a limit on carbon will be affordable for  
2795 business and consumers but a technology accelerator payment  
2796 option, which is just another way to say a price cap, is not  
2797 that way. The bill already contains many strong cost  
2798 containment tools and here are a few of the most important  
2799 ones.

2800 Trading itself is a powerful way of reducing costs,  
2801 providing firms flexibility to make the reductions whenever  
2802 they are the least expensive. The bill already provides for  
2803 strategic allowance reserve that can be tapped in case of  
2804 price spikes, and like oil from the Strategic Petroleum  
2805 Reserve, allowances from the reserve can be sold to stabilize  
2806 prices. The bill allows emitters to use a generous quantity  
2807 of high-quality, low-cost offsets to comply with their  
2808 obligations and many studies have found that offsets will  
2809 have a big impact in keeping allowance prices moderate. In  
2810 addition, emitters can borrow allowances from future years  
2811 and bank current allowances for use in the future. But this  
2812 works very differently from a price cap. Instead of  
2813 controlling costs while also preserving the cap on carbon  
2814 pollution, a price cap simply abandons the environmental  
2815 goal. This amendment would eliminate the national limit on  
2816 global warming pollution. A price cap would create certainty

2817 which would discourage companies from investing in the new  
2818 technologies that we need. For example, we need utilities to  
2819 invest in carbon capture and sequestration, a technology that  
2820 will create new jobs and also reduce power plant emissions.  
2821 By discouraging innovation, a price cap could end up raising  
2822 costs in the long run. And finally, a price cap would make  
2823 it difficult for the United States to enter into an  
2824 international climate treaty. The bill also contains a range  
2825 of features tailored to manage costs. This amendment is  
2826 unnecessary and it will effectively gut the pollution limits  
2827 in the bill. If anyone else wishes to be recognized, the  
2828 Chair will yield.

2829 Mr. {McNerney.} Madam speaker, I would like to--

2830 Ms. {DeGette.} The gentleman from California.

2831 Mr. {McNerney.} Thank you. I certainly appreciate the  
2832 gentleman from Kentucky's concern about prices, and no one  
2833 wants to see our consumers pay more for electricity but price  
2834 caps is going to act like a rent control. That is what  
2835 President Nixon tried and basically we saw the long lines for  
2836 gasoline. It will basically make the market nonfunctional.  
2837 So I think the trading allowances is a very efficient way, it  
2838 is a very efficient economic way to allow innovation into the  
2839 market. So I am going to stand in opposition to the  
2840 amendment and urge my colleagues to do the same. Thank you.

2841 Ms. {DeGette.} The gentleman yields back.

2842 Mr. {Whitfield.} Madam Chairman, may I have 1 minute to  
2843 respond to the gentleman?

2844 Ms. {DeGette.} Absolutely.

2845 Mr. {Whitfield.} Yesterday the President's economic  
2846 recovery advisory board met and they discussed the cap-and-  
2847 trade legislation that is before this committee, and one of  
2848 the specific issues that they talked a lot about was the  
2849 price volatility in the allowances. So there is a lot of  
2850 genuine concern about it and I appreciate the gentleman from  
2851 California's observations but many of us would disagree with  
2852 that assessment. Thank you.

2853 Ms. {DeGette.} The gentleman yields back. The vote  
2854 will now occur on the Whitfield amendment. All in favor say  
2855 aye. Opposed, no. In the Chair's opinion, the no's have it.

2856 Mr. {Whitfield.} I ask for a roll call vote.

2857 Ms. {DeGette.} A roll call vote has been requested.

2858 The clerk will call the roll.

2859 The {Clerk.} Mr. Waxman?

2860 [No response.]

2861 The {Clerk.} Mr. Dingell?

2862 [No response.]

2863 The {Clerk.} Mr. Markey?

2864 [No response.]

2865 The {Clerk.} Mr. Boucher?  
2866 [No response.]  
2867 The {Clerk.} Mr. Pallone?  
2868 [No response.]  
2869 The {Clerk.} Mr. Gordon?  
2870 Mr. {Gordon.} No.  
2871 The {Clerk.} Mr. Gordon votes no. Mr. Rush?  
2872 [No response.]  
2873 The {Clerk.} Ms. Eshoo?  
2874 Ms. {Eshoo.} No.  
2875 The {Clerk.} Ms. Eshoo votes no. Mr. Stupak?  
2876 [No response.]  
2877 The {Clerk.} Mr. Engel?  
2878 [No response.]  
2879 The {Clerk.} Mr. Green?  
2880 [No response.]  
2881 The {Clerk.} Mr. Green votes no. Ms. DeGette?  
2882 Ms. {DeGette.} No.  
2883 The {Clerk.} Ms. DeGette votes no. Mrs. Capps?  
2884 Mrs. {Capps.} No.  
2885 The {Clerk.} Mrs. Capps, no. Mr. Doyle?  
2886 Mr. {Doyle.} No.  
2887 The {Clerk.} Mr. Doyle, no. Ms. Harman?  
2888 Ms. {Harman.} No.

2889 The {Clerk.} Ms. Harman votes no. Ms. Schakowsky?  
2890 [No response.]  
2891 The {Clerk.} Mr. Gonzalez?  
2892 Mr. {Gonzalez.} No.  
2893 The {Clerk.} Mr. Gonzalez votes no. Mr. Inslee?  
2894 Mr. {Inslee.} No.  
2895 The {Clerk.} Mr. Inslee, no. Ms. Baldwin?  
2896 Ms. {Baldwin.} No.  
2897 The {Clerk.} Ms. Baldwin votes no. Mr. Ross?  
2898 [No response.]  
2899 The {Clerk.} Mr. Weiner?  
2900 Mr. {Weiner.} No.  
2901 The {Clerk.} Mr. Weiner votes no. Mr. Matheson?  
2902 [No response.]  
2903 The {Clerk.} Mr. Butterfield?  
2904 Mr. {Butterfield.} No.  
2905 The {Clerk.} Mr. Butterfield, no. Mr. Melancon?  
2906 Mr. {Melancon.} No.  
2907 The {Clerk.} Mr. Melancon, no. Mr. Barrow?  
2908 Mr. {Barrow.} Votes no.  
2909 The {Clerk.} Mr. Barrow votes no. Mr. Hill?  
2910 Mr. {Hill.} No.  
2911 The {Clerk.} Mr. Hill, no. Ms. Matsui?  
2912 Ms. {Matsui.} No.

2913 The {Clerk.} Ms. Matsui votes no. Mrs. Christensen?  
2914 Mrs. {Christensen.} No.  
2915 The {Clerk.} Mrs. Christensen votes no. Ms. Castor?  
2916 Ms. {Castor.} No.  
2917 The {Clerk.} Ms. Castor, no. Mr. Sarbanes?  
2918 Mr. {Sarbanes.} No.  
2919 The {Clerk.} Mr. Sarbanes, no. Mr. Murphy of  
2920 Connecticut?  
2921 [No response.]  
2922 The {Clerk.} Mr. Space?  
2923 [No response.]  
2924 The {Clerk.} Mr. McNERney?  
2925 Mr. {McNERney.} No.  
2926 The {Clerk.} Mr. McNERney, no. Ms. Sutton?  
2927 [No response.]  
2928 The {Clerk.} Mr. Braley?  
2929 [No response.]  
2930 The {Clerk.} Mr. Welch?  
2931 Mr. {Welch.} No.  
2932 The {Clerk.} Mr. Welch votes no. Mr. Barton?  
2933 Mr. {Barton.} Aye.  
2934 The {Clerk.} Mr. Barton votes aye. Mr. Hall?  
2935 Mr. {Hall.} Aye.  
2936 The {Clerk.} Mr. Hall votes aye. Mr. Upton?

2937 Mr. {Upton.} Aye.

2938 The {Clerk.} Mr. Upton votes aye. Mr. Stearns?

2939 [No response.]

2940 The {Clerk.} Mr. Deal?

2941 [No response.]

2942 The {Clerk.} Mr. Whitfield?

2943 Mr. {Whitfield.} Aye.

2944 The {Clerk.} Mr. Whitfield votes aye. Mr. Shimkus?

2945 Mr. {Shimkus.} Aye.

2946 The {Clerk.} Mr. Shimkus, aye. Mr. Shadegg?

2947 Mr. {Shadegg.} Aye.

2948 The {Clerk.} Mr. Shadegg, votes aye. Mr. Blunt?

2949 Mr. {Blunt.} Aye.

2950 The {Clerk.} Mr. Blunt, aye. Mr. Buyer?

2951 Mr. {Buyer.} Aye.

2952 The {Clerk.} Mr. Buyer votes aye. Mr. Radanovich?

2953 Mr. {Radanovich.} Aye.

2954 The {Clerk.} Mr. Radanovich votes aye. Mr. Pitts?

2955 Mr. {Pitts.} Aye.

2956 The {Clerk.} Mr. Pitts, aye. Ms. Bono Mack?

2957 [No response.]

2958 The {Clerk.} Mr. Walden?

2959 Mr. {Walden.} Aye.

2960 The {Clerk.} Mr. Walden, aye. Mr. Terry.

- 2961 Mr. {Terry.} Aye.
- 2962 The {Clerk.} Mr. Terry, aye. Mr. Rogers?
- 2963 Mr. {Rogers.} Aye.
- 2964 The {Clerk.} Mr. Rogers, aye. Mrs. Myrick?
- 2965 Mrs. {Myrick.} Aye.
- 2966 The {Clerk.} Mrs. Myrick, aye. Mr. Sullivan?
- 2967 Mr. {Sullivan.} Aye.
- 2968 The {Clerk.} Mr. Sullivan votes aye. Mr. Murphy of
- 2969 Pennsylvania?
- 2970 Mr. {Murphy of Pennsylvania.} Aye.
- 2971 The {Clerk.} Mr. Murphy votes aye. Mr. Burgess?
- 2972 Mr. {Burgess.} Aye.
- 2973 The {Clerk.} Mr. Burgess, aye. Ms. Blackburn?
- 2974 Ms. {Blackburn.} Aye.
- 2975 The {Clerk.} Ms. Blackburn, aye. Mr. Gingrey?
- 2976 Mr. {Gingrey.} Aye.
- 2977 The {Clerk.} Mr. Gingrey votes aye. Mr. Scalise?
- 2978 Mr. {Scalise.} Aye.
- 2979 The {Clerk.} Mr. Scalise votes aye. Mr. Murphy of
- 2980 Connecticut?
- 2981 Mr. {Murphy of Connecticut.} No.
- 2982 The {Clerk.} Mr. Murphy of Connecticut votes no.
- 2983 The {Chairman.} I would like to be recorded as voting
- 2984 no.

2985 The {Clerk.} I'm sorry. Mr. Waxman?

2986 The {Chairman.} No.

2987 The {Clerk.} Mr. Waxman votes no. Mr. Boucher?

2988 Mr. {Boucher.} No.

2989 The {Clerk.} Mr. Boucher votes no. Mr. Dingell?

2990 Mr. {Dingell.} No.

2991 The {Clerk.} Mr. Dingell votes no. Mr. Markey?

2992 Mr. {Markey.} No.

2993 The {Clerk.} Mr. Markey votes no. Mr. Pallone?

2994 Mr. {Pallone.} No.

2995 The {Clerk.} Mr. Pallone votes no. Mr. Rush?

2996 Mr. {Rush.} No.

2997 The {Clerk.} Mr. Rush, no. Mr. Stupak?

2998 Mr. {Stupak.} No.

2999 The {Clerk.} Mr. Stupak, no. Mr. Engel?

3000 Mr. {Engel.} No.

3001 The {Clerk.} Mr. Engel votes no. Ms. Schakowsky? I

3002 don't see her here. Ms. Schakowsky?

3003 Ms. {Schakowsky.} No.

3004 The {Clerk.} Ms. Schakowsky votes no. Mr. Ross?

3005 Mr. {Ross.} No.

3006 The {Clerk.} Mr. Ross, no. Mr. Matheson. Is he here?

3007 [No Response.]

3008 The {Clerk.} Mr. Braley?

3009 Mr. {Braley.} No.

3010 The {Clerk.} Mr. Braley votes no. Ms. Sutton?

3011 Ms. {Sutton.} No.

3012 The {Clerk.} Ms. Sutton votes no. Mr. Space?

3013 Mr. {Space.} No.

3014 The {Clerk.} Mr. Space votes no.

3015 The {Chairman.} If all members responded to the vote,  
3016 the Clerk will tally the vote and report it.

3017 The {Clerk.} Mr. Chairman, on that vote, there were 20  
3018 ayes and 35 no's.

3019 The {Chairman.} Twenty ayes, 35 no's, the amendment is  
3020 not agreed to.

3021 Mr. {Barton.} Mr. Chairman?

3022 The {Chairman.} Mr. Barton?

3023 Mr. {Barton.} Could I enter into a colloquy just on the  
3024 schedule?

3025 The {Chairman.} Yes.

3026 Mr. {Barton.} We keep hearing various estimations about  
3027 when the House is going to conclude its business today. The  
3028 agreement that you and I had last evening was that the  
3029 Committee would stay in session to finish the markup, and we  
3030 would shoot as a target of concluding at about an hour after  
3031 the House has finished its business for the day. Is that  
3032 still your intention?

3033           The {Chairman.} That is still my intention. If we  
3034 could do it earlier, that would be my preference.

3035           Mr. {Barton.} So if we are finished around--we have got  
3036 an estimate between 4:30 and 7:00. So if we are finished at  
3037 4:30, we want to be out of here by 5:30 and if we are  
3038 finished at 7:00, you want to be out by 8:00 or sooner?

3039           The {Chairman.} I think that is right. The estimate I  
3040 last heard was 6:00.

3041           Mr. {Barton.} So if we finished at 6:00, we want to be  
3042 out by 7:00?

3043           The {Chairman.} Yes, but since you control so much of  
3044 the time we will spend on amendments, I would ask you to  
3045 think through whether it is essential that we have 23 to 30  
3046 votes on every single amendment because some of them can be  
3047 offered and you can argue that we defeated them and say how  
3048 terrible it was.

3049           Mr. {Barton.} I don't have to argue that you defeated  
3050 them, you did defeat them.

3051           The {Chairman.} Well, we can defeat them on a voice  
3052 vote. We don't need a roll call vote on every one.

3053           Mr. {Barton.} Well, we won't have 23 to 30 votes on  
3054 every issue, I promise you.

3055           The {Chairman.} We have had substantial votes,  
3056 differences on these amendments. You are entitled to roll

3057 call votes, and the Chair will protect that right. I would  
3058 only ask you that we not plan the number of amendments,  
3059 whether they will be roll call votes to make sure that we are  
3060 an hour later if we can finish an hour sooner.

3061 Mr. {Barton.} We have approximately 10 more  
3062 amendments--

3063 The {Chairman.} Then let us go.

3064 Mr. {Barton.} --that we are trying to--

3065 The {Chairman.} Let us go.

3066 Mr. {Barton.} We might encourage you to encourage The  
3067 Clerk to read--I know she has done yeoman's work. In fact,  
3068 we ought to give her a hand because she's done such good  
3069 work.

3070 The {Chairman.} That almost sounded like a backhanded  
3071 compliment?

3072 Mr. {Barton.} No, it was not backhanded.

3073 The {Chairman.} What would you want me to encourage her  
3074 to do? Get the speed reader in?

3075 Mr. {Barton.} Well, Mr. Chairman, I promised you last  
3076 night I am not going to force the reading of any long-winded,  
3077 but I may force the reading of a 5-page amendment just to  
3078 hear that young man read. I think it might be entertaining  
3079 just to see what a speed reader sounds like.

3080 The {Chairman.} I fear that based on your promise last

3081 night, we let him go.

3082 Mr. {Barton.} Oh, well--

3083 The {Chairman.} But I am not sure of that.

3084 Mr. {Barton.} --if that is the case. Anyway, we are  
3085 working very diligently on our side to make sure that we meet  
3086 your timeline request.

3087 The {Chairman.} I thank you very much for that. The  
3088 amendment would now go to the Republican side.

3089 Mr. {Pitts.} Mr. Chairman?

3090 The {Chairman.} Mr. Pitts.

3091 Mr. {Pitts.} I have an amendment at the desk.

3092 The {Chairman.} The Clerk will report the amendment.

3093 Mr. {Pitts.} It is 009.

3094 [The amendment follows:]

3095 \*\*\*\*\* INSERT 14 \*\*\*\*\*

|  
3096           The {Chairman.} And without objection, that amendment  
3097 will be considered as read.

3098           Ms. {DeGette.} Reserve a point of order.

3099           The {Chairman.} Point of order is reserved, and the  
3100 gentleman is recognized for 5 minutes.

3101           Mr. {Pitts.} Thank you, Mr. Chairman. The amendment  
3102 that I am offering is co-sponsored by Mr. Murphy of  
3103 Pennsylvania. We are offering a quite simple amendment. The  
3104 amendment defines renewable as any form of energy that a  
3105 state law deems as renewable or alternative. Twenty-nine  
3106 States and the District of Columbia have renewable or  
3107 alternative electricity standards. Many of the state  
3108 standards include renewable or alternative forms of energy  
3109 that are not included in the American Clean Energy Security  
3110 Act, and I think we have circulated a list of the States with  
3111 RES. The federal RES in the bill before us is in addition  
3112 to, not in lieu of, any existing state renewable mandate.  
3113 Thus, States must comply with their own state standards along  
3114 with a federally mandated standard which may be difficult to  
3115 meet. States understand their own geographic resources. The  
3116 Federal Government should defer to individual States to  
3117 decide what form of energy will best allow them to meet their  
3118 renewable and alternative standard. Again, I have spoken to

3119 the Public Utility Commission in Pennsylvania. This is a bi-  
3120 partisan group. They have sent a letter to us. I will  
3121 submit that letter for the record, if there is no objection.

3122           The {Chairman.} Without objection, we will receive the  
3123 letter and put it in the record.

3124           [The information follows:]

3125 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
3126 Mr. {Pitts.} They have spoken about it in a strongly  
3127 bi-partisan way requesting this kind of amendment.  
3128 Pennsylvania is a classic case. The State has approved a  
3129 two-tiered alternative energy portfolio standard, 18 percent.  
3130 Some of the forms of electricity that the governor and the  
3131 state legislature have deemed as renewable cannot be found in  
3132 the American Clean Energy Security Act. If a federal RES is  
3133 passed into law, States should be able to receive federal  
3134 credits for the source of energy they deem to be renewable or  
3135 alternative. And with that, I will yield to Mr. Murphy. He  
3136 is not here. I will reserve.

3137 The {Chairman.} The gentleman yielded his time to Mr.  
3138 Murphy, but he is not here at the moment.

3139 Mr. {Pitts.} I will yield back.

3140 The {Chairman.} Oh, you yield back the time, your time?

3141 Ms. {DeGette.} Mr. Chairman, I will withdraw my point  
3142 of order.

3143 The {Chairman.} The gentlelady withdraws her point of  
3144 order. The Chair recognizes Mr. Markey.

3145 Mr. {Markey.} I thank the gentleman very much. This is  
3146 an essential part of any law which we pass here today. We  
3147 are trying to construct a national plan for the creation of a  
3148 new generation of clean energy jobs. We are trying to create

3149 a new generation of technologies that will make it possible  
3150 for us to dock out imported oil from OPEC. We are creating a  
3151 new plan that will make it possible for us to reduce  
3152 dramatically the greenhouse gases that are sent up into the  
3153 atmosphere that are dangerously warming our planet. We are  
3154 trying to put together a national plan to improve the public  
3155 health of its citizens in our country. We are writing a  
3156 federal, national law. That is our job, and this provision,  
3157 the provision that deals with renewable electricity  
3158 generation, has been carefully negotiated among all of the  
3159 members who have a desire to work to put together a new  
3160 formula for our country.

3161         Unfortunately, there are many States in the union that  
3162 have no renewable electricity standards at all. There are  
3163 others that have standards that are all across the map. What  
3164 we're trying to do here is to put together a national plan, a  
3165 plan that we need for our own national security, for job  
3166 creation, and to deal with this serious issue of climate  
3167 change. And it is not a standard that is one that is beyond  
3168 the reach of any one of the States. That is why we made our  
3169 definitions so inclusive. That is why the definition of wind  
3170 and solar and biomass and geothermal and waste are so broad  
3171 so that it is possible for every State to meet the standard  
3172 so that we can put in place a plan to protect our country.

3173           So I can't think of something that would go right to the  
3174 heart of this in terms of the plan that we put together. We  
3175 are sending a signal to new energy developers all across the  
3176 country. We are sending a signal to investors all across the  
3177 country, and by the way, all across the world to look to the  
3178 United States to invest in this new generation of renewable  
3179 energy technologies. They need the certainty, they need the  
3180 predictability of knowing what this national marketplace is  
3181 going to look like. And the amendment by the gentleman from  
3182 Pennsylvania will just cut the legs out from under it. It  
3183 will allow for once again this cacophony of different  
3184 standards or no standards to exist. Yes, we want individual  
3185 States to have their own standards, and yes, we want them to  
3186 be even higher, and in many States they will be higher than  
3187 the standard that we have in this law. But we cannot allow  
3188 for this to continue in a way that does not signal to the  
3189 investing community, to the entrepreneurial community, to the  
3190 technological community that there is not a consistent, long-  
3191 term plan in place for people to invest in. Now, I know Mr.  
3192 McNerney down here is an expert on these issues, and would  
3193 you like to speak to that issue, Mr. McNerney, the issue of  
3194 the need to create the national, predictable marketplace for  
3195 renewable electricity?

3196           Mr. {McNerney.} Well, thank you, Mr. Chairman. Yes, I

3197 spent 20 years or more developing wind energy technology, and  
3198 what happens in the market is that if the government support  
3199 or government subsidies are insecure or fluctuate, then those  
3200 markets go away. Investors need to know what the market is  
3201 going to look like to be able to put their money into  
3202 technology. When that doesn't happen, the technology will go  
3203 overseas. Technology we developed in this country will go  
3204 overseas and be built and be manufactured and be sold, and  
3205 profits will go overseas and those jobs with them. So we  
3206 need a consistent, well-understood and predictable government  
3207 position on these issues and support, and if we don't have  
3208 it, I am afraid we are going to be losing jobs rather than  
3209 gaining them. So I think the Chairman and I--

3210       The {Chairman.} I thank the gentleman.

3211       Mr. {McNerney.} Yield back.

3212       Mr. {Markey.} The gentleman knows this field well. If  
3213 we want the investment in these new technologies, if we want  
3214 to be exporting these new technologies overseas, rather than  
3215 importing them from other countries that are going to go too  
3216 far ahead of us, then vote no on the Pitts amendment.

3217       The {Chairman.} We have had 5 minutes of debate on each  
3218 side. Are we ready for the question--

3219       Mr. {Barton.} 2 minutes.

3220       The {Chairman.} I will recognize the gentleman for 3

3221 minutes, and I hope you will yield some time to Mr. Murphy.

3222           Mr. {Barton.} I will do that. We are going to give  
3223 some of these allowances to the States to distribute as they  
3224 see fit. We are going to give the authority to the state  
3225 PUCs to regulate and make sure that the local distribution  
3226 companies in each State pass through the rebates, but we are  
3227 not willing to give the States the authority to have a  
3228 different definition of what is renewable. What this tells  
3229 me is that this carefully crafted compromise that we keep  
3230 hearing about is a compromise in political correctness where  
3231 only the people on the majority side in the Energy and  
3232 Commerce Committee know what is right for the entire American  
3233 economy. Well, there are some really, really bright folks on  
3234 the majority side in this Committee, and almost every one of  
3235 them, in fact every one of them that I know that I consider  
3236 to be a good friend and a very capable legislators. Some of  
3237 the members I don't know very well, but I am sure they are  
3238 just as qualified. But as bright and as capable and as  
3239 sincere the majority is, not all knowledge in the country is  
3240 on the right side of this Committee dais. And what Mr. Pitts  
3241 is saying is if a State has a renewable portfolio standard in  
3242 existence, let it be the standard in that State for this  
3243 section of the bill. If a State doesn't, then the  
3244 definitions in the bill are the definitions for those

3245 particular States that don't have it. That is all it does.  
3246 It is taking the logic and the policy that the majority has  
3247 put together but it is simply saying, let us take advantage  
3248 of differences by State and use it. If they have a renewable  
3249 electricity standard, let us let that definition apply. I  
3250 think that is common sense. I would hope--

3251 The {Chairman.} Gentleman yield?

3252 Mr. {Barton.} --we accept it. I would be happy to  
3253 yield to the Chair.

3254 The {Chairman.} I just wanted to point out what we did  
3255 in this renewable portfolio provision is to have a standard  
3256 for the whole country but to recognize the regional  
3257 differences, and we did that in the proposal that we have  
3258 before us. I think if we would change that along the lines  
3259 of this amendment, I think it would do harm to what we are  
3260 trying to accomplish which is to produce more renewable  
3261 fuels. And we would let the governor of a State certify that  
3262 the State can't meet the renewable requirement of 15 percent,  
3263 and that way the State can play a role. We let the States go  
3264 higher than the national standard. But we have a national  
3265 standard, and we think it is important to have it.

3266 Mr. {Barton.} I am reclaiming what little time I have.

3267 The {Chairman.} I will yield.

3268 Mr. {Barton.} Washington doesn't always know best, even

3269 on the Energy and Commerce Committee. And I am going to  
3270 yield the little bit of--

3271 The {Chairman.} The gentleman is right. In Texas and  
3272 California, it doesn't always know best, either.

3273 Mr. {Barton.} Mr. Murphy, for my last--

3274 The {Chairman.} No, I am going to yield to Mr. Murphy.  
3275 How much time would you like, Mr. Murphy? Two minutes. The  
3276 gentleman is recognized for 2 minutes.

3277 Mr. {Murphy of Pennsylvania.} I thank the Chairman.

3278 Let me add to this. I know that we need base load of energy.  
3279 Wind is great, solar is great, but as they say, when the wind  
3280 don't blow, the lights don't glow, if the sun ain't bright,  
3281 the bulbs don't light. What we have to have is a base load,  
3282 and I know in our State, the good Governor Rendell, former  
3283 head of the DNC, was wise enough to say we could use waste  
3284 coal as part of this.

3285 There are 250,000 acres of abandoned mine land, and  
3286 2,200 miles of streams impaired by polluted mine drainage  
3287 which puts aluminum and manganese and iron into our streams  
3288 and makes them lifeless. And what the state Legislature did  
3289 in Pennsylvania, working with the governor's office, said let  
3290 us use waste coal. It actually has less emissions than  
3291 regular coal-fired power plants, and I would like to see us  
3292 do that. Now, I know this bill does allow municipal waste,

3293 and that is good. Let us understand that coal is also has  
3294 its waste from these huge gob piles that are like mountains  
3295 in areas. And that is why we would like to see as part of  
3296 this, to allow the states to include as part of what they  
3297 have done in their wisdom and waste coal being among them. I  
3298 think that would help immensely. Whether that is already in  
3299 the bill, Mr. Chairman, that would allow our Governor Rendell  
3300 to ask for a waiver to include waste coal, perhaps we can  
3301 clarify that, but I believe this amendment would give us some  
3302 latitude to allow that to happen anyway so that states that  
3303 have already made some actions toward cleaning up our  
3304 environment with these kind of things can go into place. But  
3305 I yield back the rest of my time, Mr. Chairman.

3306 The {Chairman.} The gentleman yields back his time. We  
3307 will now proceed to a vote. I would like to see if we can  
3308 take this on a voice vote. We will ask for the yeas and nays  
3309 by voice.

3310 Mr. {Pitts.} Mr. Chairman, I would like a recorded  
3311 vote, please.

3312 The {Chairman.} Okay. We will go to a recorded vote.  
3313 The Clerk will call the roll.

3314 The {Clerk.} Mr. Waxman?

3315 The {Chairman.} No.

3316 The {Clerk.} Mr. Waxman, no. Mr. Dingell.

3317 Mr. {Dingell.} No.

3318 The {Clerk.} Mr. Dingell votes no. Mr. Markey?

3319 Mr. {Markey.} No.

3320 The {Clerk.} Mr. Markey, no. Mr. Boucher?

3321 [No response.]

3322 The {Clerk.} Mr. Pallone?

3323 [No response.]

3324 The {Clerk.} Mr. Gordon?

3325 [No response.]

3326 The {Clerk.} Mr. Rush?

3327 [No response.]

3328 The {Clerk.} Ms. Eshoo?

3329 Ms. {Eshoo.} No.

3330 The {Clerk.} Ms. Eshoo, no. Mr. Stupak?

3331 Mr. {Stupak.} No.

3332 The {Clerk.} Mr. Stupak, no. Mr. Engel?

3333 [No response.]

3334 The {Clerk.} Mr. Green?

3335 [No response.]

3336 The {Clerk.} Ms. DeGette?

3337 Ms. {DeGette.} No.

3338 The {Clerk.} Ms. DeGette votes no. Mrs. Capps?

3339 Mrs. {Capps.} No.

3340 The {Clerk.} Mrs. Capps, no. Mr. Doyle?

3341 Mr. {Doyle.} No.

3342 The {Clerk.} Mr. Doyle, no. Ms. Harman?

3343 Ms. {Harman.} No.

3344 The {Clerk.} Ms. Harman, no. Ms. Schakowsky?

3345 Ms. {Schakowsky.} No.

3346 The {Clerk.} Ms. Schakowsky votes no. Mr. Gonzalez?

3347 Mr. {Gonzalez.} No.

3348 The {Clerk.} Mr. Gonzales, no. Mr. Inslee?

3349 Mr. {Inslee.} No.

3350 The {Clerk.} Mr. Inslee, no. Ms. Baldwin?

3351 Ms. {Baldwin.} No.

3352 The {Clerk.} Ms. Baldwin, no. Mr. Ross?

3353 [No response.]

3354 The {Clerk.} Mr. Weiner?

3355 Mr. {Weiner.} No.

3356 The {Clerk.} Mr. Weiner, no. Mr. Matheson?

3357 [No response.]

3358 The {Clerk.} Mr. Butterfield?

3359 Mr. {Butterfield.} No.

3360 The {Clerk.} Mr. Butterfield votes no. Mr. Melancon?

3361 Mr. {Melancon.} No.

3362 The {Clerk.} Mr. Melancon votes no. Mr. Barrow?

3363 Mr. {Barrow.} No.

3364 The {Clerk.} Mr. Barrow votes no. Mr. Hill?

3365 [No response.]

3366 The {Clerk.} Ms. Matsui?

3367 Ms. {Matsui.} No.

3368 The {Clerk.} Ms. Matsui votes no. Mrs. Christensen?

3369 Mrs. {Christensen.} No.

3370 The {Clerk.} Mrs. Christensen, no. Ms. Castor?

3371 Ms. {Castor.} No.

3372 The {Clerk.} Ms. Castor, no. Mr. Sarbanes?

3373 Mr. {Sarbanes.} No.

3374 The {Clerk.} Mr. Sarbanes, no. Mr. Murphy of

3375 Connecticut?

3376 Mr. {Murphy of Connecticut.} No.

3377 The {Clerk.} Mr. Murphy, no. Mr. Space?

3378 [No response.]

3379 The {Clerk.} Mr. McNerney?

3380 Mr. {McNerney.} No.

3381 The {Clerk.} Mr. McNerney votes no. Ms. Sutton?

3382 [No response.]

3383 The {Clerk.} Mr. Braley?

3384 [No response.]

3385 The {Clerk.} Mr. Welch?

3386 Mr. {Welch.} No.

3387 The {Clerk.} Mr. Welch, no. Mr. Barton?

3388 Mr. {Barton.} Aye.

3389 The {Clerk.} Mr. Barton votes aye. Mr. Hall?  
3390 [No response.]  
3391 The {Clerk.} Mr. Upton?  
3392 Mr. {Upton.} Aye.  
3393 The {Clerk.} Mr. Upton, aye. Mr. Stearns?  
3394 Mr. {Stearns.} Aye.  
3395 The {Clerk.} Mr. Stearns, aye. Mr. Deal?  
3396 [No response.]  
3397 The {Clerk.} Mr. Whitfield?  
3398 Mr. {Whitfield.} Aye.  
3399 The {Clerk.} Mr. Whitfield, aye. Mr. Shimkus?  
3400 Mr. {Shimkus.} Aye.  
3401 The {Clerk.} Mr. Shimkus, aye. Mr. Shadegg?  
3402 [No response.]  
3403 The {Clerk.} Mr. Blunt?  
3404 Mr. {Blunt.} Aye.  
3405 The {Clerk.} Mr. Blunt, aye. Mr. Buyer?  
3406 Mr. {Buyer.} Aye.  
3407 The {Clerk.} Mr. Buyer, aye. Mr. Radanovich? Mr.  
3408 Radanovich?  
3409 Mr. {Radanovich.} Aye.  
3410 The {Clerk.} Mr. Radanovich votes aye. Mr. Pitts?  
3411 Mr. {Pitts.} Aye.  
3412 The {Clerk.} Mr. Pitts votes aye. Ms. Bono Mack?

- 3413 Ms. {Bono Mack.} Aye.
- 3414 The {Clerk.} Ms. Bono Mack votes aye. Mr. Walden?
- 3415 Mr. {Walden.} Aye.
- 3416 The {Clerk.} Mr. Walden, aye. Mr. Terry.
- 3417 Mr. {Terry.} Aye.
- 3418 The {Clerk.} Mr. Terry, aye. Mr. Rogers?
- 3419 Mr. {Rogers.} Aye.
- 3420 The {Clerk.} Mr. Rogers, aye. Mrs. Myrick?
- 3421 Mrs. {Myrick.} Aye.
- 3422 The {Clerk.} Mrs. Myrick votes aye. Mr. Sullivan?
- 3423 Mr. {Sullivan.} Aye.
- 3424 The {Clerk.} Mr. Sullivan votes aye. Mr. Murphy of
- 3425 Pennsylvania?
- 3426 Mr. {Murphy of Pennsylvania.} Aye.
- 3427 The {Clerk.} Mr. Murphy of Pennsylvania votes aye. Mr.
- 3428 Burgess?
- 3429 Mr. {Burgess.} Aye.
- 3430 The {Clerk.} Mr. Burgess, aye. Ms. Blackburn?
- 3431 Ms. {Blackburn.} Aye.
- 3432 The {Clerk.} Ms. Blackburn, aye. Mr. Gingrey?
- 3433 Mr. {Gingrey.} Aye.
- 3434 The {Clerk.} Mr. Gingrey, aye. Mr. Scalise?
- 3435 Mr. {Scalise.} Aye.
- 3436 The {Clerk.} Mr. Scalise, aye. Mr. Boucher?

3437 Mr. {Boucher.} No.

3438 The {Clerk.} Mr. Boucher votes no. Mr. Pallone?

3439 Mr. {Pallone.} No.

3440 The {Clerk.} Mr. Pallone votes no. Mr. Gordon?

3441 Mr. {Gordon.} No.

3442 The {Clerk.} Mr. Gordon votes no. Mr. Rush?

3443 Mr. {Rush.} No.

3444 The {Clerk.} Mr. Rush, no. Mr. Engel?

3445 Mr. {Engel.} No.

3446 The {Clerk.} Mr. Engel votes no. Mr. Green?

3447 Ms. {Green.} No.

3448 The {Clerk.} Mr. Green, no. Mr. Space?

3449 Mr. {Space.} Aye.

3450 The {Clerk.} Mr. Space votes aye. Mr. Shadegg?

3451 Mr. {Shadegg.} Votes aye.

3452 The {Clerk.} Mr. Shadegg votes aye. Mr. Ross?

3453 Mr. {Ross.} No.

3454 The {Clerk.} Mr. Ross votes no. Mr. Hall?

3455 Mr. {Hall.} Aye.

3456 The {Clerk.} Mr. Hall votes aye.

3457 The {Chairman.} Have all members responded to the call

3458 of the roll? The clerk will tally the vote. Is the clerk

3459 ready to announce the vote?

3460 The {Clerk.} Yes, sir. On that vote, Mr. Chairman, the

3461 ayes were 23, the nays were 31.

3462 The {Chairman.} Well, it is a different vote than the  
3463 last one.

3464 The {Clerk.} Twenty-three to 31.

3465 The {Chairman.} Twenty-three ayes, 31 nays. The  
3466 amendment is not agreed to.

3467 Mr. {Barton.} Mr. Chairman?

3468 The {Chairman.} Mr. Barton?

3469 Mr. {Barton.} I have an amendment at the desk. It is  
3470 called the Barton Substitute.

3471 The {Chairman.} Barton Substitute Amendment. The clerk  
3472 will report the amendment.

3473 Ms. {DeGette.} Mr. Chairman, reserve a point of order.

3474 The {Chairman.} Point of order is reserved.

3475 The {Clerk.} Substitute amendment offered by Mr. Barton  
3476 of Texas.

3477 Mr. {Barton.} Mr. Chairman, I am going to dispense and  
3478 ask unanimous consent in the minute to dispense with the  
3479 reading of the amendment, but since we do have a speed reader  
3480 and I saw that he was practicing his speed reading, I would  
3481 ask that we begin to read this amendment. But I promise you  
3482 within 2 to 3 minutes, I will ask to suspend the reading of  
3483 the amendment.

3484 The {Chairman.} The clerk will read the bill.

3485 Mr. {Barton.} I want to speed reader to read the bill,  
3486 not the clerk.

3487 The {Chairman.} The speed reader clerk will read the  
3488 bill. Before you begin the reading, have you been practicing  
3489 the reading of this particular amendment?

3490 Mr. {Wilder.} I just got it a couple minutes ago.

3491 The {Chairman.} Did you look it over?

3492 Mr. {Wilder.} This version of it.

3493 The {Chairman.} Did you look it over?

3494 Mr. {Wilder.} I went over it a little bit.

3495 Mr. {Barton.} I want him to read it in a Texas accent.

3496 Mr. {Wilder.} In lieu of the matter proposed to be  
3497 inserted by--

3498 The {Chairman.} Let us have order. The amendment  
3499 offered by Mr. Barton is before us, and rather than ask  
3500 unanimous consent to dispense with the reading, the rules  
3501 require that the amendment be read. The clerk will read the  
3502 bill.

3503 Mr. {Wilder.} In lieu of the matter proposed to be  
3504 inserted by the amendment offered by blank, inserting the  
3505 following: Section 1, Short Title and Table of Contents.

3506 Mr. {Barton.} Now listen to him.

3507 Mr. {Wilder.} (a) Short Title: This Act may be cited  
3508 as the Energy Production, Innovation, and Conservation Act.

3509 (b) Table of Contents: The table of contents for this Act is  
3510 as follows: Section 1, Short title and table of contents.  
3511 Title 1, Clean Energy Standard, Section 101, Federal; clean  
3512 energy standard; Title II, American Energy, Subtitle A,  
3513 Conservation and Efficiency, Chapter 1, Tapping America's  
3514 Ingenuity and Creativity, Section 201, Definitions; Section  
3515 202, Statement of policy; Section 203, Prize authority;  
3516 Section 204, Eligibility--

3517 Mr. {Barton.} All right. Mr. Chairman, I ask unanimous  
3518 consent that the reading of the amendment be dispensed with.

3519 The {Chairman.} I ask unanimous consent that he take  
3520 the time to give your point of view.

3521 [The amendment follows:]

3522 \*\*\*\*\* INSERT 15 \*\*\*\*\*

|  
3523           The {Chairman.} Without objection, the amendment will  
3524 be considered as read, and the gentleman from Texas--what is  
3525 your--could you inform us--

3526           Mr. {Wilder.} My name is Douglas Wilder.

3527           The {Chairman.} Douglas Wilder, if anybody in the  
3528 country wants to hire a speed reader, are you available?

3529           Mr. {Wilder.} Yes.

3530           The {Chairman.} This is a lot of energy for one job.

3531           Mr. {Markey.} And the clerk lost hers.

3532           The {Chairman.} Okay. The meeting will please come to  
3533 order. Mr. Barton is recognized.

3534           Mr. {Barton.} Well, thank you, Mr. Chairman, and I just  
3535 felt that since you went to all that trouble, that we ought  
3536 to at least get some benefit of the young man's expertise.  
3537 If he will just work on his accent a little bit, he will have  
3538 a bright future.

3539           Mr. Chairman, this is the Republican substitute. I want  
3540 to say up front that it is not the substitute in its  
3541 entirety, it is only those portions of the substitute that  
3542 are germane to this Committee's jurisdiction, so our  
3543 production package and some of the tax sections are not in  
3544 this substitute because they were not germane, and we didn't  
3545 want a point of order on germaneness to be lodged against the

3546 bill. But it is comprehensive. I should say that what  
3547 Congressman Inslee said several nights ago where he was very  
3548 eloquent in trying to move the country in a new direction,  
3549 this substitute in any other Congress would be considered  
3550 very progressive, very moderate, but because it still  
3551 attempts to use the market mechanism and a price mechanism to  
3552 let people make free choices on which forms of energy to use  
3553 and how to use them, it is not as directive and invasive by  
3554 government as the pending legislation.

3555         For example, the substitute amendment does not have a  
3556 cap-and-trade program. We don't need to regurgitate the  
3557 reasons that those of us on our side of the aisle think that  
3558 that is an unacceptable idea, but we do accept that it would  
3559 be better for the economy if we were less carbon intensive.  
3560 And so instead of a cap-and-trade mechanism that is very  
3561 complicated, we take a page out of the current law in the  
3562 Clean Air Act and simply set a performance standard for new  
3563 coal plants and natural gas plants based on existing  
3564 technology. We set a limit on the amount of CO2 that those  
3565 plants can emit. It starts for coal plants at 2,000 per  
3566 megawatt and for natural gas plants at 1,100 per megawatt.  
3567 Those are both standards that can be met with existing  
3568 technology, and over time, those standards are decreased.  
3569 The standards only apply to new plant generation. For

3570 existing plants, we create a tax incentive, although that is  
3571 not actually a part of this amendment because it wouldn't be  
3572 germane. But if you want to go in and retrofit an existing  
3573 power plant and make it more efficient so it meets or exceeds  
3574 that standard that I just enunciated by at least 5 percent,  
3575 then they would get accelerated depreciation. So we take a  
3576 cared approach, we set a standard on CO2 based on existing  
3577 technology. We do include the Boucher language on carbon  
3578 capture sequestration and conversion so that we do support  
3579 the concept in the bill to do the R&D for CCS technology.

3580 But if a plant can meet or exceed these new standards, we use  
3581 the incentives to move our older plants into the cleaner era.

3582 On the renewable electricity standard, we adopt the  
3583 language where it is based on emissions. It is not based on  
3584 what I consider to be a political correctness test. So we do  
3585 have a clean energy standard that includes hydro, it includes  
3586 clean coal technology, it includes nuclear. We don't play  
3587 games between old and new. It is what it is. If we want a  
3588 less carbon-intensive economy, we want else emissions, we  
3589 think the clean energy standard ought to encompass everything  
3590 that is truly clean. We have a transmission siding title  
3591 which the current bill does not have. Now, my understanding  
3592 is that Mr. Inslee is still working to try to come up with  
3593 some sort of a transmission section that may be offered in

3594 the manager's amendment. I don't know if that is true or  
3595 not, but the Republican alternative does have a transmission  
3596 section. We try to do things that help in the direction that  
3597 the authors of the pending legislation are trying to do, but  
3598 we try to do it without negatively impacting the economy. We  
3599 do have the Blackburn language on Massachusetts v. EPA. If I  
3600 had to point to one of the major shortfalls with the  
3601 existing, pending bill that Mr. Waxman and Mr. Markey has put  
3602 together is that they don't exempt and don't repeal that  
3603 court case. If the bill that is before us becomes law you  
3604 are going to have a double-jeopardy situation where we have  
3605 all of the statutory language in the bill but we also have  
3606 the regulatory approach because of the court case. And I  
3607 don't think we ought to put the American economy into dual  
3608 jeopardy.

3609 The {Chairman.} The gentleman's time has expired. Do  
3610 you wish additional time?

3611 Mr. {Barton.} Could I have one additional minute?

3612 The {Chairman.} Without objection.

3613 Mr. {Barton.} I thank the gentleman. So just in  
3614 summary, we have a domestic reforestation section. We do  
3615 have Mr. Walden's biomass language in our substitute. So it  
3616 is comprehensive. It would work. I think it would be good  
3617 law if it were to become law. For those that don't think the

3618 current bill in its current form is acceptable, I would ask  
3619 that you sincerely take a look at this. And with that, Mr.  
3620 Chairman, I yield back.

3621         The {Chairman.} The gentleman yields back his time.

3622 The Chair recognizes Mr. Markey.

3623         Mr. {Markey.} I thank the Chair very much. The votes  
3624 that we are about to take are the most important energy votes  
3625 in a generation. In a few moments, we will choose whether or  
3626 not to adopt the Republican substitute for the plan that we  
3627 have had before us this week.

3628         Whether we want America to take the lead in developing  
3629 the clean energy technologies that will re-invigorate our  
3630 economy or continue falling behind further internationally,  
3631 whether we want to send a message to OPEC that we are finally  
3632 serious about breaking our dependence upon imported oil,  
3633 tired of sending Americans' dollars overseas, whether we will  
3634 curb the heat-trapping emissions that are threatening our  
3635 planet or wreck our climate for future generations, the  
3636 American people are overwhelmingly calling for a new  
3637 direction. They are calling for this Congress to take action  
3638 in a way that changes forever our relationship with that  
3639 imported oil, with the loss of jobs overseas, with the  
3640 pollution which is causing greenhouse gas warming on our  
3641 planet. This substitute would eviscerate the renewable

3642 electricity standard which is included in our legislation  
3643 which is at the heart of this plan to unleash a technological  
3644 revolution, to unleash trillions of dollars of investment  
3645 ready to go in all of the new technologies that can be used  
3646 in order to break our dependence upon imported oil and chart  
3647 our course toward a new, clean, green energy-job future. The  
3648 bill as well, when it sets its performance standards for  
3649 coal, uses a standard that could have been met in 1980. What  
3650 we have done in this legislation in conjunction with the  
3651 utility industry, in conjunction with the coal miners and led  
3652 by Mr. Boucher is to create a brand-new paradigm where we  
3653 will begin to make the investment in new coal technology and  
3654 carbon capture and sequestration technology that will forever  
3655 change the relationship between our planet and the burning of  
3656 coal. The amendment would also undermine the benefits that  
3657 the underlying bill will realize through energy efficiency by  
3658 removing the incentives for utilities to implement efficiency  
3659 programs. And worse yet, the substitute would create an  
3660 incentive for utilities to increase consumer energy  
3661 consumption.

3662         And finally, and the gentleman from Texas made reference  
3663 to this, the substitute would repeal *Massachusetts v. EPA*,  
3664 the most important Supreme Court decision on the subject of  
3665 the environment in history and a law which helped to forge

3666 the compromise which was reached and announced on the White  
3667 House lawn just two days ago between the automotive industry,  
3668 the auto workers and the American people. It would be a huge  
3669 mistake to adopt the Republican substitute. I would like to  
3670 yield back to the gentleman from California on this because I  
3671 think his words on this subject, on this substitute, are  
3672 important to be recorded.

3673       The {Chairman.} Well, I thank you for yielding to me,  
3674 and if you have some time there may be other members who want  
3675 that last minute. But in this last minute of consideration  
3676 on this substitute amendment, I urge my colleagues to defeat  
3677 it. It would replace a bill that is supported by a very long  
3678 list of public interest groups, environmental groups who put  
3679 an enormous amount of energy into getting this legislation to  
3680 the point where it is today. It would reject the input of  
3681 some of the leaders of American industry who have said we  
3682 need to do the kinds of things that our legislation would  
3683 provide, an incentive for businesses to limit carbon  
3684 emissions, a bill that can create more jobs, and a real  
3685 reduction in the pollution that is causing global warming.  
3686 So I would urge my colleagues to vote against the substitute  
3687 and to vote for passage of the underlying bill.

3688       The gentleman's time has expired, and the Chair would  
3689 proceed now to ask the Clerk to call the roll.

3690 The {Clerk.} Mr. Waxman?

3691 The {Chairman.} No.

3692 The {Clerk.} Mr. Waxman votes no. Mr. Dingell.

3693 [No response.]

3694 The {Clerk.} Mr. Markey?

3695 Mr. {Markey.} No.

3696 The {Clerk.} Mr. Markey, no. Mr. Boucher?

3697 Mr. {Boucher.} No.

3698 The {Clerk.} Mr. Boucher votes no. Mr. Pallone?

3699 [No response.]

3700 The {Clerk.} Mr. Gordon?

3701 [No response.]

3702 The {Clerk.} Mr. Rush?

3703 [No response.]

3704 The {Clerk.} Ms. Eshoo?

3705 Ms. {Eshoo.} No.

3706 The {Clerk.} Ms. Eshoo votes no. Mr. Stupak?

3707 Mr. {Stupak.} No.

3708 The {Clerk.} Mr. Stupak, no. Mr. Engel?

3709 Mr. {Engel.} No.

3710 The {Clerk.} Mr. Engel votes no. Mr. Green?

3711 [No response.]

3712 The {Clerk.} Ms. DeGette?

3713 Ms. {DeGette.} No.

3714 The {Clerk.} Ms. DeGette votes no. Mrs. Capps?  
3715 Mrs. {Capps.} No.  
3716 The {Clerk.} Mrs. Capps, no. Mr. Doyle?  
3717 Mr. {Doyle.} No.  
3718 The {Clerk.} Mr. Doyle votes no. Ms. Harman?  
3719 Ms. {Harman.} No.  
3720 The {Clerk.} Ms. Harman votes no. Ms. Schakowsky?  
3721 Ms. {Schakowsky.} No.  
3722 The {Clerk.} Ms. Schakowsky, no. Mr. Gonzalez?  
3723 [No response.]  
3724 The {Clerk.} Mr. Inslee?  
3725 Mr. {Inslee.} No.  
3726 The {Clerk.} Mr. Inslee votes no. Ms. Baldwin?  
3727 Ms. {Baldwin.} No.  
3728 The {Clerk.} Ms. Baldwin, no. Mr. Ross?  
3729 Mr. {Ross.} No.  
3730 The {Clerk.} Mr. Ross, no. Mr. Weiner?  
3731 Mr. {Weiner.} No.  
3732 The {Clerk.} Mr. Weiner, no. Mr. Matheson?  
3733 Mr. {Matheson.} No.  
3734 The {Clerk.} Mr. Matheson, no. Mr. Butterfield?  
3735 Mr. {Butterfield.} No.  
3736 The {Clerk.} Mr. Butterfield votes no. Mr. Melancon?  
3737 Mr. {Melancon.} No.

3738 The {Clerk.} Mr. Melancon votes no. Mr. Barrow?  
3739 Mr. {Barrow.} Votes no.  
3740 The {Clerk.} Mr. Barrow, no. Mr. Hill?  
3741 [No response.]  
3742 The {Clerk.} Ms. Matsui?  
3743 Ms. {Matsui.} No.  
3744 The {Clerk.} Ms. Matsui, no. Mrs. Christensen?  
3745 Mrs. {Christensen.} No.  
3746 The {Clerk.} Mrs. Christensen, no. Ms. Castor?  
3747 Ms. {Castor.} No.  
3748 The {Clerk.} Ms. Castor votes no. Mr. Sarbanes?  
3749 Mr. {Sarbanes.} No.  
3750 The {Clerk.} Mr. Sarbanes, no. Mr. Murphy of  
3751 Connecticut?  
3752 [No response.]  
3753 The {Clerk.} Mr. Space?  
3754 Mr. {Space.} No.  
3755 The {Clerk.} Mr. Space votes no. Mr. McNerney?  
3756 Mr. {McNerney.} No.  
3757 The {Clerk.} Mr. McNerney, no. Ms. Sutton?  
3758 Ms. {Sutton.} No.  
3759 The {Clerk.} Ms. Sutton, no. Mr. Braley?  
3760 Mr. {Braley.} No.  
3761 The {Clerk.} Mr. Braley, no. Mr. Welch?

3762 Mr. {Welch.} No.

3763 The {Clerk.} Mr. Welch votes no. Mr. Barton?

3764 Mr. {Barton.} Aye.

3765 The {Clerk.} Mr. Barton votes aye. Mr. Hall?

3766 [No response.]

3767 The {Clerk.} Mr. Upton?

3768 Mr. {Upton.} Aye.

3769 The {Clerk.} Mr. Upton, aye. Mr. Hall, do you want to

3770 vote?

3771 Mr. {Hall.} Aye.

3772 The {Clerk.} Mr. Hall votes aye. Mr. Stearns?

3773 Mr. {Stearns.} Aye.

3774 The {Clerk.} Mr. Stearns, aye. Mr. Deal?

3775 [No response.]

3776 The {Clerk.} Mr. Whitfield?

3777 Mr. {Whitfield.} Aye.

3778 The {Clerk.} Mr. Whitfield, aye. Mr. Shimkus?

3779 Mr. {Shimkus.} Yes.

3780 The {Clerk.} Mr. Shimkus, aye. Mr. Shadegg?

3781 Mr. {Shadegg.} Pass.

3782 The {Clerk.} Mr. Shadegg passes. Mr. Blunt?

3783 Mr. {Blunt.} Aye.

3784 The {Clerk.} Mr. Blunt votes aye. Mr. Buyer?

3785 Mr. {Buyer.} Aye.

3786 The {Clerk.} Mr. Buyer votes aye. Mr. Radanovich?  
3787 Mr. {Radanovich.} No.  
3788 The {Clerk.} Mr. Radanovich, no. Mr. Pitts?  
3789 Mr. {Pitts.} Aye.  
3790 The {Clerk.} Mr. Pitts votes aye. Ms. Bono Mack?  
3791 Ms. {Bono Mack.} Aye.  
3792 The {Clerk.} Ms. Bono Mack, aye. Mr. Walden?  
3793 Mr. {Walden.} Pass.  
3794 The {Clerk.} Mr. Walden passes. Mr. Terry?  
3795 Mr. {Terry.} Aye.  
3796 The {Clerk.} Mr. Terry votes aye. Mr. Rogers?  
3797 Mr. {Rogers.} Aye.  
3798 The {Clerk.} Mr. Rogers votes aye. Mrs. Myrick?  
3799 Mrs. {Myrick.} Aye.  
3800 The {Clerk.} Mrs. Myrick, aye. Mr. Sullivan?  
3801 Mr. {Sullivan.} Aye.  
3802 The {Clerk.} Sullivan, aye. Mr. Murphy of  
3803 Pennsylvania?  
3804 Mr. {Murphy of Pennsylvania.} Aye.  
3805 The {Clerk.} Mr. Murphy votes aye. Mr. Burgess? Mr.  
3806 Burgess?  
3807 Mr. {Burgess.} Yes.  
3808 The {Clerk.} Votes aye?  
3809 Mr. {Burgess.} Yes.

3810 The {Clerk.} Mr. Burgess votes aye. Ms. Blackburn?  
3811 Ms. {Blackburn.} Aye.  
3812 The {Clerk.} Ms. Blackburn, aye. Mr. Gingrey?  
3813 Mr. {Gingrey.} Aye.  
3814 The {Clerk.} Mr. Gingrey votes aye. Mr. Scalise?  
3815 Mr. {Scalise.} Aye.  
3816 The {Clerk.} Mr. Scalise votes aye. Mr. Dingell?  
3817 Mr. {Dingell.} Votes no.  
3818 The {Clerk.} Mr. Dingell votes no. Mr. Pallone? Is he  
3819 here? I am sorry. I thought he was here. Mr. Gordon?  
3820 Mr. {Gordon.} Votes no.  
3821 The {Clerk.} Mr. Gordon votes no. Mr. Green?  
3822 Mr. {Green.} No.  
3823 The {Clerk.} Mr. Green votes no. Mr. Gonzalez?  
3824 Mr. {Gonzalez.} No.  
3825 The {Clerk.} Mr. Gonzalez votes no. Mr. Rush?  
3826 Mr. {Rush.} No.  
3827 The {Clerk.} Mr. Rush votes no. Mr. Pallone?  
3828 Mr. {Pallone.} No.  
3829 The {Clerk.} Mr. Pallone votes no.  
3830 The {Chairman.} Have all members responded to the call  
3831 of the roll? If so, I see the clerk tallying the vote, and  
3832 we will have it announced as soon as that tally is complete.  
3833 The clerk will announce the vote.

3834           The {Clerk.} Mr. Chairman, on that vote there were 19  
3835 ayes, 35 no's and two present, two voting present.

3836           The {Chairman.} Two voting present, 19 ayes--

3837           The {Clerk.} Thirty-five--

3838           The {Chairman.} Thirty-five no's and two voting  
3839 present.

3840           The {Clerk.} Two voting present. The amendment is not  
3841 agreed to. Mr. Braley, you have an amendment?

3842           Mr. {Braley.} Yes, Mr. Chairman.

3843           [The amendment follows:]

3844           \*\*\*\*\* INSERT 16 \*\*\*\*\*

|  
3845           The {Chairman.} But without objection, the amendment  
3846 will be considered as read, and the gentleman is recognized  
3847 for 5 minutes.

3848           Mr. {Braley.} Thank you, Mr. Chairman. In the spirit  
3849 of bipartisanship rarely seen in the Big 12 Conference, I am  
3850 pleased to offer an amendment with Mr. Terry of Nebraska, and  
3851 this amendment will insert on page 122 after line 18 language  
3852 to provide for loan guarantees to construct renewable fuel  
3853 pipelines as part of Section 1701 of the Energy Policy Act of  
3854 2001. And one of the things we do know is that there is a  
3855 tremendous demand for biofuels on both coasts, and yet there  
3856 is a shortage of supply. One of the things that we have  
3857 learned is that CO2 emissions are reduced by 30 percent when  
3858 comparing biofuels transported by pipelines versus rail cars  
3859 and 87 percent when comparing pipelines to trucks. So this  
3860 very simple amendment will add language to provide for  
3861 pipelines that carry renewable fuels to be part of the loan  
3862 guarantee program that currently exists. And with that, I  
3863 will yield back the balance of my time.

3864           The {Chairman.} Rather than do that, would you yield to  
3865 me just--

3866           Mr. {Braley.} I would be happy to yield to the  
3867 Chairman.

3868           The {Chairman.} Thank you and Mr. Terry for your  
3869 bipartisan amendment. You want to ensure that the  
3870 construction of pipeline infrastructure is available for  
3871 renewable fuels and that they qualify for loan guarantees  
3872 under Title XVII. I think you have worked together to  
3873 develop a straightforward, sensible provision that would  
3874 update Title XVII. I think this amendment supports key goals  
3875 of this legislation. It would improve America's energy  
3876 security and create clean energy jobs, and I thank you for it  
3877 and encourage members to support it.

3878           Mr. {Green.} Mr. Chairman, do you yield or does the  
3879 gentleman yield?

3880           The {Chairman.} Mr. Braley has the time.

3881           Mr. {Green.} Who has the time?

3882           The {Chairman.} Mr. Braley has the time.

3883           Mr. {Green.} Mr. Braley, do you yield?

3884           Mr. {Braley.} I would be happy to yield to the Ranking  
3885 Member.

3886           Mr. {Green.} I know the pipeline is only for renewable  
3887 fuels, and I haven't read the whole amendment, but I know we  
3888 had the debate earlier on the lifecycle of biofuels. Is  
3889 there anything in here that would limit it to biofuels that  
3890 have a life cycle that limit greenhouse gases?

3891           Mr. {Braley.} The change to the bill in the amendment

3892 simply amends the definition of renewable fuel to include  
3893 that of the Clean Air Act and adding to it and ethanol and  
3894 biodiesel.

3895       The {Chairman.} Gentleman's time has expired. Who  
3896 seeks recognition? Mr. Barton, 5 minutes.

3897       Mr. {Barton.} I won't take 5 minutes. I want to ask  
3898 one question of Counsel. On page 6, line 4, eminent domain  
3899 authority. When any entity in the carrying out of the  
3900 project, does that mean a private entity has eminent domain  
3901 authority?

3902       {Counsel.} Would you repeat the question, please?

3903       Mr. {Barton.} On page 6, line 4, line 3 says eminent  
3904 domain authority and it says when any entity in the carrying  
3905 out of a project described in paragraph one and then it goes  
3906 through a long list of things. It says that they can  
3907 exercise the right of eminent domain in the District Court of  
3908 the United States for the district for which such property  
3909 may be located. So my question is, are we giving the right  
3910 of government eminent domain to private entities?

3911       The {Chairman.} I have been informed that the wrong  
3912 copy, the wrong version of this amendment has been  
3913 distributed, so if the gentleman will withhold his question,  
3914 let us see if what your concern is in the actual amendment.

3915       Mr. {Barton.} Mr. Chairman, we have gone from 6 pages

3916 to basically one page.

3917 The {Chairman.} That is an improvement.

3918 Mr. {Barton.} It is moving in the right direction. So  
3919 the first one that was handed out is wrong?

3920 The {Chairman.} That is correct.

3921 Mr. {Barton.} Can I suspend just for 30 seconds to read  
3922 this?

3923 The {Chairman.} Yes, absolutely.

3924 Mr. {Barton.} Mr. Chairman, I don't have objections to  
3925 the clean amendment.

3926 The {Chairman.} The corrected amendment is before us.  
3927 Without objection that will be the amendment under  
3928 consideration, and it is a straightforward amendment that Mr.  
3929 Braley and Mr. Terry had proposed which I think meets with  
3930 support from both sides of the aisle. All those in favor of  
3931 the Braley and Terry amendment say aye, opposed no. The ayes  
3932 have it, and the amendment is agreed to.

3933 Mr. {Blunt.} Mr. Chairman?

3934 The {Chairman.} Mr. Blunt.

3935 Mr. {Blunt.} Mr. Chairman, I would like to call up  
3936 three amendments en bloc. Amendment number 5 which is an  
3937 amendment I have my name on, amendment number 23 which is an  
3938 amendment from Mr. Stearns, and amendment number 66 from Mr.  
3939 Pitts. And we would like to present those within the time

3940 limit and as one en bloc.

3941 [The amendments follow:]

3942 \*\*\*\*\* INSERTS 17, 18, 19 \*\*\*\*\*

|  
3943           The {Chairman.} Without objection--

3944           Ms. {DeGette.} Mr. Chairman, I reserve a point of  
3945 order.

3946           The {Chairman.} Without objection, the three amendments  
3947 will be considered en bloc, and further without objection,  
3948 the three amendments will be considered as read and the  
3949 gentleman from Missouri is recognized for 5 minutes.

3950           Mr. {Blunt.} I thank the Chairman. Let me first start  
3951 with the amendment number 5, the amendment that I have. This  
3952 is an amendment that would simply strike the additional  
3953 performance standards for coal under this legislation. Mr.  
3954 Chairman, by additional performance standards, your bill, the  
3955 bill that you and Mr. Markey have, amends the Clean Air Act  
3956 to create performance standards for new coal-fueled power  
3957 plants. Section 116 of the bill imposes an additional  
3958 emissions limit on new coal-fired generating facilities.  
3959 That section requires that in addition to the cap on  
3960 emissions proposed under the cap-and-trade part of the bill,  
3961 new coal-fired facilities must reduce carbon dioxide  
3962 emissions by 50 percent if they were permitted between 2009  
3963 and 2020 and by 65 percent if permitted after 2020. This is  
3964 an additional standard. This amendment would just simply  
3965 create uniformity as to how coal and other electric

3966 generating units are treated. The performance standards  
3967 imposed on natural gas, for instance, would be the same  
3968 standard on coal if this amendment was allowed, and I would  
3969 yield time to Mr. Stearns.

3970       Mr. {Stearns.} I thank my colleague. The amendment I  
3971 have, my colleagues, is dealing with carbon capture and  
3972 sequestration. To commercially develop this, we need to have  
3973 a liability framework. It must be in place to encourage  
3974 investment. Mr. Boucher talked about relative to carbon  
3975 capture and sequestration when he was talking about the Pitts  
3976 amendment, well, if we are going to go ahead, as Mr. Waxman,  
3977 the Chairman, talked about with carbon fuel burning plants  
3978 then we need to have carbon capture sequestration liability  
3979 reform framework in place. So the amendment authorized the  
3980 EPA to develop and promulgate regulations for states to  
3981 apply, be approved for, and administer a State Carbon Dioxide  
3982 Storage Program and allows for an approved state regulatory  
3983 agency to establish all rules and regulation with respect to  
3984 the administration and enforcement of such a program. Each  
3985 storage operator will be required by the state regulatory  
3986 agency or the administrator to have and maintain financial  
3987 assurance necessary to cover public liability claims relating  
3988 to the storage facility. It is so important if we are going  
3989 to go forward with carbon capture and sequestration. Upon

3990 the issuance of a certificate of completion of injection  
3991 operations by the state regulatory agency, then the  
3992 administrator will simply be vested with complete and  
3993 absolute title and ownership of the storage facility and any  
3994 stored carbon dioxide at the facility. At this point, when a  
3995 completion certificate is issued, the storage operator and  
3996 all generators of any injected carbon dioxide will no longer  
3997 have further liability associated with the project, and any  
3998 performance bonds posted by the storage operator will simply  
3999 be released. Continuing monitoring of the storage facility,  
4000 including remediation of any well leakage, will become at  
4001 this point the responsibility of the administrator. So for  
4002 each fiscal year, the administrator will collect an annual  
4003 assessment from each storage operator that has not obtained a  
4004 certificate of completion of injection operation. I yield  
4005 the rest of my balance to Mr. Pitts.

4006 Mr. {Pitts.} Thank you, Mr. Chairman. I am offering an  
4007 amendment that merely adds coal and natural gas that is  
4008 equipped with CCS technology to the definition of renewable  
4009 energy resource. Adding CCS coal and natural gas eliminates  
4010 regional advantages and disadvantages that I believe  
4011 currently exist in the renewable electricity standard. My  
4012 State of Pennsylvania is 58 percent dependent on the use of  
4013 coal for electricity generation, and nationally, natural gas

4014 accounts for 21.6 percent of the energy we use. Therefore,  
4015 States that rely heavily on coal and natural gas will be  
4016 heavily penalized if, after the deployment of CCS, they are  
4017 not counted in the renewable electricity standard. Adding  
4018 CCS coal and natural gas to the RES would keep electric bills  
4019 lower for families across the Nation, it would help avoid  
4020 reliability problems that occur when relying too heavily on  
4021 intermittent renewable like wind and solar, and CCS coal and  
4022 natural gas would be zero emission sources of electricity.  
4023 It just makes sense that they be added to the RES. With that  
4024 I yield back.

4025 Ms. {DeGette.} Mr. Chairman, I withdraw my reservation.  
4026 The {Chairman.} The gentlelady withdraws her  
4027 reservation. Would the gentleman yield back his time?

4028 Mr. {Blunt.} Mr. Chairman, I would just point out that  
4029 coal is essential to many of our States. In Missouri, more  
4030 than 80 percent of our electricity is generated by coal. It  
4031 powers, as Mr. Pitts said, nearly 50 percent of all the  
4032 electricity in the country. We have almost 30 percent of the  
4033 global coal reserves, and I hope we can strike a balance  
4034 between continuing to use fossil fuels while developing new  
4035 energy technologies. And I yield back.

4036 The {Chairman.} The gentleman's time has expired. The  
4037 Chair yields to Mr. Markey.

4038           Mr. {Markey.} I thank you. First of all, just let me  
4039 say that this legislation does more for coal's future than  
4040 any piece of legislation in a generation. It is going to  
4041 provide the multi-billion dollar funding of the research  
4042 development and deployment of the carbon capture  
4043 sequestration technology that will make it possible for coal  
4044 to continue to prosper in a carbon-constrained world. That  
4045 is the objective of all of those sections Mr. Boucher and  
4046 other members negotiated and ultimately had included in this  
4047 legislation, tens of billions of dollars to accomplish that  
4048 goal.

4049           But even with all that said and done, coal is not a  
4050 renewable. Coal is consumed in the actual production of the  
4051 electricity which is created. That is why we have a separate  
4052 section, a separate section for renewables. Renewables have  
4053 their own section in the legislation, and that is so that we  
4054 can create a separate set of incentives for the development,  
4055 not of one or two, but potentially dozens of new technologies  
4056 that can compliment coal and nuclear and hydro and natural  
4057 gas as a means of generating electricity in our country but  
4058 to be able then to export those new technologies as we hope  
4059 to export the carbon capture and sequestration technology  
4060 that we develop under the coal sections of this bill. But to  
4061 merge two separate concepts, coal a non-renewable, although

4062 ultimately with a little bit of scientific and technological  
4063 breakthrough, a low-carbon emitting technology, yes, and to  
4064 merge that with renewable technologies which are going to be  
4065 incentivized in a different part of the legislation, would be  
4066 to pervert the goals that we have for both.

4067         And so right now I think it is pretty clear what is  
4068 happening. There is an all-out assault here on the renewable  
4069 standards in this bill, and I understand the historic  
4070 opposition that has been raised against it. But no longer is  
4071 it possible to say we are attempting to harm the coal  
4072 industry, because that is not true and this legislation is  
4073 demonstrable evidence of that. I do not think that we could  
4074 receive the support of the mine workers if they believed  
4075 that, of Mr. Boucher and the coal state members who have  
4076 negotiated these provisions.

4077         So I urge in the strongest possible terms the rejection  
4078 of this amendment. Otherwise, I am afraid we would no longer  
4079 have our balanced policy, but we would have our renewable  
4080 electricity standard gobbled up by coal, even if it was clean  
4081 coal. We don't have to do that.

4082         Mr. {Stearns.} Will the gentleman yield?

4083         Mr. {Markey.} We have a way here in this legislation of  
4084 ensuring that we are doing both and that ultimately is what  
4085 the American people want us to do.

4086 Mr. {Stearns.} Will the gentleman yield?

4087 Mr. {Markey.} I urge a no vote on this legislation. My  
4088 I yield to the gentleman from Pennsylvania on this issue, Mr.  
4089 Doyle?

4090 The {Chairman.} Will the gentleman yield to me, first,  
4091 and then maybe to the other members who seek recognition.

4092 These performance standards are necessary to level the  
4093 playing field, prevent a large emissions legacy from  
4094 uncontrolled plants and to ensure that the use of revenues  
4095 for CCS bonus allowances is wise and pays off. The new  
4096 subsidies ensure that CCS is a viable option for developers,  
4097 and the new source performance standards ensures that a clear  
4098 signal is sent to banks and utilities that CCS is the  
4099 technology of choice when it comes to coal. So I would join  
4100 you in urging defeat of this amendment.

4101 Mr. {Stearns.} Will the gentleman yield?

4102 Mr. {Markey.} And I will be glad to yield.

4103 Mr. {Stearns.} Will the gentleman from Massachusetts  
4104 perhaps help me out? Wouldn't you agree that to go ahead  
4105 with carbon capture and sequestration that we have to  
4106 commercially develop a liability framework to encourage this  
4107 investment and without that liability or framework nobody's  
4108 going to spend the capital?

4109 Mr. {Markey.} Actually, at our hearing which I think

4110 the gentleman was at the insurance industry testified that  
4111 they are actually developing private-sector insurance to  
4112 cover this entire area, and I think we should allow the  
4113 private sector insurance industry to first have an  
4114 opportunity to develop their own approach.

4115 The {Chairman.} All time has expired on the amendment.  
4116 Now we will have a recorded vote on the three amendments en  
4117 bloc, and the Clerk will call the roll.

4118 The {Clerk.} Mr. Waxman?

4119 The {Chairman.} No.

4120 The {Clerk.} Mr. Waxman votes no. Mr. Dingell?

4121 Mr. {Dingell.} Votes no.

4122 The {Clerk.} Mr. Dingell votes no. Mr. Markey? Mr.  
4123 Markey.

4124 Mr. {Markey.} No.

4125 The {Clerk.} Mr. Markey votes no. Mr. Boucher?

4126 [No response.]

4127 The {Clerk.} Mr. Pallone?

4128 [No response.]

4129 The {Clerk.} Mr. Gordon?

4130 Mr. {Gordon.} Votes no.

4131 The {Clerk.} Mr. Gordon votes no. Mr. Rush?

4132 Mr. {Rush.} No.

4133 The {Clerk.} Mr. Rush votes no. Ms. Eshoo?

4134 Ms. {Eshoo.} No.

4135 The {Clerk.} Ms. Eshoo votes no. Mr. Stupak?

4136 Mr. {Stupak.} No.

4137 The {Clerk.} Mr. Stupak votes no. Mr. Engel?

4138 Mr. {Engel.} No.

4139 The {Clerk.} Mr. Engel, no. Mr. Green?

4140 [No response.]

4141 The {Clerk.} Ms. DeGette?

4142 Ms. {DeGette.} No.

4143 The {Clerk.} Ms. DeGette, no. Mrs. Capps?

4144 Mrs. {Capps.} No.

4145 The {Clerk.} Mrs. Capps, no. Mr. Doyle?

4146 Mr. {Doyle.} No.

4147 The {Clerk.} Mr. Doyle, no. Ms. Harman?

4148 Ms. {Harman.} No.

4149 The {Clerk.} Ms. Harman, no. Ms. Schakowsky?

4150 [No response.]

4151 The {Clerk.} Mr. Gonzalez?

4152 Mr. {Gonzalez.} No.

4153 The {Clerk.} Mr. Gonzalez votes no. Mr. Inslee?

4154 [No response.]

4155 The {Clerk.} Ms. Baldwin?

4156 Ms. {Baldwin.} No.

4157 The {Clerk.} Ms. Baldwin, no. Mr. Ross?

4158 [No response.]

4159 The {Clerk.} Mr. Weiner?

4160 Mr. {Weiner.} No.

4161 The {Clerk.} Mr. Weiner, no. Mr. Matheson?

4162 [No response.]

4163 The {Clerk.} Mr. Butterfield?

4164 Mr. {Butterfield.} No.

4165 The {Clerk.} Mr. Butterfield, no. Mr. Melancon?

4166 Mr. {Melancon.} No.

4167 The {Clerk.} Mr. Melancon, no. Mr. Barrow?

4168 Mr. {Barrow.} Votes no.

4169 The {Clerk.} Mr. Barrow, no. Mr. Hill?

4170 Mr. {Hill.} No.

4171 The {Clerk.} Mr. Hill votes no. Ms. Matsui?

4172 Ms. {Matsui.} No.

4173 The {Clerk.} Ms. Matsui, no. Mrs. Christensen?

4174 [No response.]

4175 The {Clerk.} Ms. Castor?

4176 Ms. {Castor.} No.

4177 The {Clerk.} Ms. Castor votes no. Mr. Sarbanes?

4178 Mr. {Sarbanes.} No.

4179 The {Clerk.} Mr. Sarbanes, no. Mr. Murphy of

4180 Connecticut?

4181 [No response.]

4182 The {Clerk.} Mr. Space?  
4183 Mr. {Space.} Aye.  
4184 The {Clerk.} Mr. Space votes aye. Mr. McNerney?  
4185 Mr. {McNerney.} No.  
4186 The {Clerk.} Mr. McNerney, no. Ms. Sutton?  
4187 Ms. {Sutton.} No.  
4188 The {Clerk.} Ms. Sutton, no. Mr. Braley?  
4189 Mr. {Braley.} No.  
4190 The {Clerk.} Mr. Braley, no. Mr. Welch?  
4191 Mr. {Welch.} No.  
4192 The {Clerk.} Mr. Welch votes no. Mr. Barton?  
4193 Mr. {Barton.} Aye.  
4194 The {Clerk.} Mr. Barton, aye. Mr. Hall?  
4195 Mr. {Hall.} Aye.  
4196 The {Clerk.} Mr. Hall votes aye. Mr. Upton?  
4197 Mr. {Upton.} Aye.  
4198 The {Clerk.} Mr. Upton, aye. Mr. Stearns?  
4199 Mr. {Stearns.} Aye.  
4200 The {Clerk.} Mr. Stearns, aye. Mr. Deal?  
4201 [No response.]  
4202 The {Clerk.} Mr. Whitfield?  
4203 Mr. {Whitfield.} Aye.  
4204 The {Clerk.} Mr. Whitfield, aye. Mr. Shimkus?  
4205 Mr. {Shimkus.} Aye.

4206 The {Clerk.} Mr. Shimkus votes aye. Mr. Shadegg?  
4207 [No response.]  
4208 The {Clerk.} Mr. Blunt?  
4209 Mr. {Blunt.} Aye.  
4210 The {Clerk.} Mr. Blunt votes aye. Mr. Buyer?  
4211 Mr. {Buyer.} Aye.  
4212 The {Clerk.} Mr. Buyer votes aye. Mr. Radanovich?  
4213 Mr. {Radanovich.} Yes.  
4214 The {Clerk.} Mr. Radanovich votes aye. Mr. Pitts?  
4215 Mr. {Pitts.} Aye.  
4216 The {Clerk.} Mr. Pitts votes aye. Ms. Bono Mack?  
4217 Ms. {Bono Mack.} Aye.  
4218 The {Clerk.} Ms. Bono Mack votes aye. Mr. Walden?  
4219 Mr. {Walden.} Aye.  
4220 The {Clerk.} Mr. Walden, aye. Mr. Terry?  
4221 Mr. {Terry.} Aye.  
4222 The {Clerk.} Mr. Terry, aye. Mr. Rogers?  
4223 Mr. {Rogers.} Aye.  
4224 The {Clerk.} Mr. Rogers votes aye. Mrs. Myrick?  
4225 Mrs. {Myrick.} Aye.  
4226 The {Clerk.} Mrs. Myrick votes aye. Mr. Sullivan?  
4227 Mr. {Sullivan.} Aye.  
4228 The {Clerk.} Sullivan, aye. Mr. Murphy of  
4229 Pennsylvania?

4230 Mr. {Murphy of Pennsylvania.} Aye.

4231 The {Clerk.} Mr. Murphy, aye. Mr. Burgess?

4232 [No response.]

4233 The {Clerk.} Ms. Blackburn?

4234 Ms. {Blackburn.} Aye.

4235 The {Clerk.} Ms. Blackburn votes aye. Mr. Gingrey?

4236 Mr. {Gingrey.} Aye.

4237 The {Clerk.} Mr. Gingrey, aye. Mr. Scalise?

4238 Mr. {Scalise.} Aye.

4239 The {Clerk.} Mr. Scalise, aye. Mr. Boucher?

4240 Mr. {Boucher.} No.

4241 The {Clerk.} Mr. Boucher votes no. Mr. Pallone?

4242 Mr. {Pallone.} No.

4243 The {Clerk.} Mr. Pallone votes no. Mr. Green?

4244 Mr. {Green.} No.

4245 The {Clerk.} Mr. Green votes no. Ms. Schakowsky?

4246 Ms. {Schakowsky.} No.

4247 The {Clerk.} Ms. Schakowsky, no. Mr. Inslee?

4248 Mr. {Inslee.} No.

4249 The {Clerk.} Mr. Inslee votes no. Mr. Ross?

4250 Mr. {Ross.} No.

4251 The {Clerk.} Mr. Ross, no. Mr. Matheson?

4252 Mr. {Matheson.} Aye.

4253 The {Clerk.} Mr. Matheson, aye. Mr. Shadegg?

4254 Mr. {Shadegg.} Votes aye.

4255 The {Clerk.} Mr. Shadegg votes aye.

4256 The {Chairman.} Have all members responded to the vote?

4257 Ms. Christensen?

4258 Mrs. {Christensen.} Not recorded, Mr. Chairman. No.

4259 The {Clerk.} Mrs. Christensen votes no.

4260 The {Chairman.} The clerk will report the vote.

4261 The {Clerk.} Mr. Chairman, on that vote, there were 23

4262 ayes and 33 no's.

4263 The {Chairman.} Twenty-three ayes and 33 no's. The

4264 amendment is not agreed to. Who seeks recognition? Mr.

4265 Weiner, do you have an amendment at the desk?

4266 Mr. {Weiner.} At the desk, yes I do.

4267 The {Chairman.} Do we need the speed reader or can we

4268 get unanimous consent that it be considered as read?

4269 Mr. {Weiner.} Request unanimous consent it be

4270 considered as read for the purposes of debate and passage.

4271 [The amendment follows:]

4272 \*\*\*\*\* INSERT 20 \*\*\*\*\*

|  
4273           The {Chairman.} Without objection, that will be the  
4274 order. The gentleman is recognized for 5 minutes.

4275           Mr. {Weiner.} Mr. Chairman, I don't think I will take  
4276 the full 5 minutes. The Energy Star indicia is one of the  
4277 most recognizable ones in consumer life, except because of  
4278 lack of attention on the part of Congress and EPA, it has had  
4279 its meaning diluted over the course of time. The Energy Star  
4280 label was envisioned by the EPA to accommodate approximately  
4281 the best 25 percent of products. The most energy-efficient  
4282 ones would get the Energy Star logo. In addition to the  
4283 other things we are doing in this bill, including the best in  
4284 class language that Ms. Harman was able to draft, it is time  
4285 we updated the Energy Star certification system. Right now  
4286 an overwhelming number of appliances have that indicia  
4287 because the standards haven't been kept up. For example, 92  
4288 percent of dishwashers qualify for the Energy Star, 60  
4289 percent of dehumidifiers because the standards haven't been  
4290 updated year by year.

4291           Another problem that we have is that under the Energy  
4292 Star system, the appliance manufacturers provide all of the  
4293 data, and according to a report by Consumers Union, it gives  
4294 the manufacturers too many opportunities to game the system.  
4295 They pointed to an example of a company that submitted a

4296 refrigerator for rating, and they tested it without the ice  
4297 maker running. It qualified for the Energy Star rating, and  
4298 when it was reported that it should have had the ice maker  
4299 running, it was not compliant.

4300         The amendment that I am offering updates the program in  
4301 a couple of ways. One, it requires the EPA update their  
4302 standards more frequently every 3 years rather than every 7  
4303 years. Second, it requires that EPA every once in a while do  
4304 some spot testing to make sure the manufacturers are on the  
4305 level. Third, it requires that manufacturers submit their  
4306 most current appliances for testing and don't hold those back  
4307 for fear that it will dilute the energy efficiency standards  
4308 of older appliances. What sometimes happens is that if a  
4309 company has something in development, they intentionally hold  
4310 it back from getting its rating because they don't want to  
4311 make it seem like the ones that are on the shelves are less  
4312 energy compliant, again diluting the value of the Energy Star  
4313 system.

4314         One thing we don't do in this amendment that I would  
4315 have liked to do is make the Energy Star label mean something  
4316 relative to other Energy Star products.

4317         Mr. {Barton.} Would the gentleman yield for a question?

4318         Mr. {Weiner.} Sure, one final point here. Okay. Yes,  
4319 maybe I should give this a shot. Yes, I would be glad to

4320 yield.

4321 Mr. {Barton.} I want to know if you are a Yankee fan or  
4322 a Met fan.

4323 Mr. {Weiner.} Met fan, sir.

4324 Mr. {Barton.} We don't have a problem with the policy.  
4325 We have a little bit of a question about the 10 million  
4326 authorization. What is that number based on?

4327 Mr. {Weiner.} The number is based on a ballpark of what  
4328 EPA thought it would take to go and do some of these spot  
4329 tests, update the regulations more frequently and do the part  
4330 of the amendment that I was just going to describe which  
4331 tells them to go in and study whether or not they should go  
4332 to a system that allows the Energy Star label to be more  
4333 communicative by making one relative to others, like a  
4334 different color or a different Energy Star one, two, three so  
4335 that consumers can look at two refrigerators and see two  
4336 Energy Star indicias and be able to determine which one is  
4337 more or less energy efficient. They said it is going to  
4338 require them some money. I happen to disagree, Mr. Chairman.  
4339 I don't believe it will cost them that much money, but that  
4340 is what they said. And in the wisdom of staff we included a  
4341 dollar amount since we are in the process of--

4342 Mr. {Barton.} No, I thank you for using a real number  
4343 instead of such sums. Would you ask unanimous consent to

4344 change it to \$5 million? And if you yourself have some  
4345 concerns--

4346 Mr. {Weiner.} If you made that unanimous consent  
4347 request, I wouldn't object and I would leave it to the wisdom  
4348 of the Chairman to decide whether he should.

4349 Mr. {Barton.} Then I would ask unanimous consent that  
4350 the gentleman's amendment be amended to authorize 5 million  
4351 per year as opposed to 10 million.

4352 Mr. {Weiner.} Reserving the right to object. If this  
4353 is successful--

4354 Mr. {Barton.} We will accept it.

4355 Mr. {Weiner.} Terrific. I withdraw my reservation.

4356 Ms. {Harman.} Mr. Chairman?

4357 Mr. {Green.} Mr. Chairman, who has the time?

4358 The {Chairman.} Mr. Weiner has the time. Do you wish  
4359 to yield--

4360 Mr. {Green.} Mr. Weiner--

4361 Mr. {Weiner.} It is a unanimous consent request.

4362 The {Chairman.} The unanimous consent is agreed to.

4363 Mr. {Weiner.} And I yield to the gentlelady from  
4364 California.

4365 Ms. {Harman.} I support the amendment as amended or not  
4366 amended, but I wanted to say that Mr. Weiner talked to me  
4367 first about this to make sure that nothing he was doing here

4368 would interfere with several provisions that are in our bill,  
4369 including the so-called cash-for-clunker appliances provision  
4370 and also the best in class idea that we have. And I don't  
4371 think this does interfered. I think he is right that the  
4372 Energy Star label is not awarded as carefully as it should  
4373 be, and our goal here is to promote efficiency, and by doing  
4374 this study and by seeing whether there are improvements in  
4375 the way we label things, I think it's a win for reducing  
4376 carbon emissions and certainly for informing consumers fully  
4377 about what they are purchasing. So I just want to  
4378 congratulate the gentleman for offering this amendment.

4379 Mr. {Weiner.} I yield back, Mr. Chairman.

4380 The {Chairman.} Will you yield to Mr. Green?

4381 Mr. {Weiner.} I don't have any time, but I would be  
4382 glad to yield to Mr. Green.

4383 Mr. {Green.} My concern though is since it was a  
4384 ballpark figure, are we talking about the new Yankee Stadium?  
4385 That \$5 million wouldn't even buy a shutter.

4386 The {Chairman.} The gentleman's time has expired. That  
4387 question will have to be put on the table. All those in  
4388 favor of the Weiner amendment say aye, opposed no. The ayes  
4389 have it, the amendment is agreed to.

4390 We will now recognize a member--

4391 Mr. {Buyer.} Mr. Chairman?

4392           The {Chairman.} --another member. Who seeks  
4393 recognition? Mr. Buyer, do you have an amendment?

4394           Mr. {Buyer.} Mr. Chairman, I have two amendments, and I  
4395 will do them en bloc if you are willing to accept both of  
4396 these amendments. So if the best way to handle this--

4397           The {Chairman.} En bloc does not mean in blind.

4398           Mr. {Buyer.} Well, I--

4399           The {Chairman.} I am not prepared to accept anything  
4400 until I see it. Do you want to offer it or not?

4401           Mr. {Buyer.} These are two very good amendments, and it  
4402 is one in which I have worked on not only with your staff but  
4403 also with Mr. Boucher. One is the amendment number 20, and  
4404 the other is an amendment with Greg Walden with regard to  
4405 mature forests. We have had good discussions, Mr. Chairman,  
4406 with regard to the mature forest issues, and some of your  
4407 members have also worked with our members on an amendment.  
4408 And I will do them both en bloc if you are willing to take  
4409 them both in bloc.

4410           The {Chairman.} Well, I have to look at them first, and  
4411 I am not prepared to say that. Do you want to offer them en  
4412 bloc and we will discuss them or do you want to offer them  
4413 separately?

4414           Mr. {Buyer.} Well, I guess--

4415           The {Chairman.} One of those amendments--

4416 Mr. {Buyer.} Let me do them separately then. That will  
4417 give you a chance to look at them, and then you will have the  
4418 opportunity--

4419 The {Chairman.} I tell you what. Do it en bloc--

4420 Mr. {Buyer.} --to look at them individually.

4421 The {Chairman.} Let us do them together.

4422 Mr. {Buyer.} We will do them together and--

4423 Mr. {Markey.} If you are going to do it, just do it  
4424 already and be done with it.

4425 The {Chairman.} Did you want to do this together to  
4426 save time?

4427 Mr. {Buyer.} Let us go ahead and pass out both  
4428 amendments, Mr. Chairman, and I will proceed to discuss if  
4429 you would like.

4430 The {Chairman.} The gentleman has two amendments. We  
4431 will consider en bloc without objection.

4432 [The amendments follow:]

4433 \*\*\*\*\* INSERTS 21, 22 \*\*\*\*\*

|  
4434           The {Chairman.} Without objection we will consider them  
4435 both read.

4436           Mr. {Stupak.} Mr. Chairman, reserve a point of order.

4437           The {Chairman.} A point of order is reserved by the  
4438 gentleman from Michigan, and I would like to recognize Mr.  
4439 Buyer for 5 minutes.

4440           Mr. {Buyer.} Thank you, Mr. Chairman. And then you  
4441 know, if you disagree with one of them, we can bifurcate them  
4442 no differently than what we had done before with Mr. Barton.

4443           The issue with regard to the interconnection and net  
4444 metering is an issue that Mr. Boucher and I have worked on  
4445 together since 2005, and right now I would like the members  
4446 to know over the last 2 years we have a lot of renewable  
4447 energy projects ongoing within the VA and DoD. So with  
4448 regard to the VA, with regard to renewable energy projects,  
4449 there are 54, 38, eight of which are solar, 16 of which are  
4450 geothermal, and wind turbine. We have 14 that are actually  
4451 going to be funded in this year's appropriation. Of the 22  
4452 that I have been able to get in to work with the Secretary--

4453           The {Chairman.} Will the gentleman yield to me?

4454           Mr. {Buyer.} Yes, sir.

4455           The {Chairman.} You have two amendments, one of which  
4456 we support, so you may not want to talk at length about it.

4457 That metering amendment for federal agencies, we support that  
4458 amendment. The other one that you are offering with Mr.  
4459 Walden is problematic, so perhaps you can spend some time  
4460 talking about that one.

4461 Mr. {Buyer.} Very well.

4462 The {Chairman.} See if you can convince us.

4463 Mr. {Buyer.} I want to thank Mr. Boucher for his work,  
4464 and I will work with you on further issues that you and I  
4465 have.

4466 With regard to mature forest stands, I brought up the  
4467 discussion with my colleagues. The drive that I took from  
4468 Denver up to Breckenridge and then to Vail and what I have  
4469 learned is we have over 2 million acres of the Lodgepole Pine  
4470 Forest in Colorado. The pine beetle has killed this forest,  
4471 and over 500,000 acres of the continuous areas in southern  
4472 Wyoming, and it is headed to Aspen. And I believe that this  
4473 is a good amendment. It is very narrowly tailored, and I  
4474 want to yield to the gentleman, Mr. Walden, who is known as  
4475 Mr. Woody.

4476 Mr. {Walden.} Great. I appreciate that, Mr. Chairman.  
4477 It has been a wonderful time. That is not what I meant. We  
4478 are going to talk about biomass here, and I just want to tell  
4479 you that I just got some numbers. In Colorado, for example,  
4480 there are nearly 7 million acres of lands that are considered

4481 mature stand forest, much like what you saw in that photo in  
4482 the Colorado Mountains--

4483           Mr. {Buyer.} It is behind you.

4484           Mr. {Walden.} --that would be off-limits because of the  
4485 term in this bill that lacks any scientific basis, and I say  
4486 that, I want to enter into the record two letters, one from  
4487 the Society of American Foresters where they say the  
4488 exclusion of the mature stands on federal lands is extremely  
4489 problematic. They go on to say in the end, excluding these  
4490 lands has no basis in science. For those who have cared  
4491 about science, here are the scientists. No basis in science.  
4492 I ask unanimous consent that be entered into the record.

4493           [The information follows:]

4494 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
4495           The {Chairman.} Noted.

4496           Mr. {Walden.} The second is from the National  
4497 Association of Forest Service Retirees, and it says that  
4498 essential treatments to maintain the health and resilience of  
4499 forest stands are not limited to just removal of small,  
4500 noncommercial trees. Throughout stand development, trees  
4501 become crowded, diseased or insect-infested. They go on.  
4502 These are the professionals in the forestry business, and we  
4503 should listen to them.

4504           Now, let me just point out that there is nothing in this  
4505 bill that will prevent the treatment of these trees from  
4506 being removed. Let me make that clear. There is nothing in  
4507 here that prevents this forest from being treated. Here is  
4508 what the language mature stand says, however, is that all the  
4509 material they take out of there will not count if it is  
4510 burned in a new, efficient, new technology, new science-based  
4511 energy-generating facility because it came off a mature  
4512 stand. So do you know what they are going to do with it most  
4513 likely? They are going to pile it up on the ground, wait  
4514 until winter, and then burn it. They call that a slash burn.  
4515 They are going to burn it. They are just going to pile it up  
4516 out here, wait until winter, and they are going to burn it,  
4517 most likely. That is what they do when they do thinning.

4518 What we are saying is why don't you take that material, chop  
4519 it up, make it into woody biomass, bricks, bricks like this,  
4520 pucks like I had the other day, replace coal, generate  
4521 electricity, create heat sources, and do it in a way that  
4522 doesn't emit greenhouse gases, that is highly efficient, and  
4523 that produces renewable energy.

4524 Mr. {Buyer.} I would like to reclaim my time. In  
4525 Colorado State University, what they are saying is if we  
4526 don't go in and do these selective cuts, within the next 3 to  
4527 5 years, Colorado's mature lodgepole pine trees will be gone.  
4528 So being able to go in and do these selective cuts, manage  
4529 the forest in a very smart and efficient manner, is good  
4530 conservation. And that is what we are trying to do, and then  
4531 to use them for woody biomass. I think it is a good  
4532 amendment. That I yield back.

4533 The {Chairman.} Gentleman's time is expired. Any other  
4534 member wish to be recognized? Mr. Stupak?

4535 Mr. {Stupak.} Mr. Chairman, Mr. Walden and I have  
4536 talked a lot about this. We went back and forth the other  
4537 day on this, and I come from the Midwest and we treat our  
4538 forests a little differently than they do on the west coast.  
4539 We have the emerald ash borer which is devastating all of our  
4540 ash trees in the Midwest. But because we are not an old  
4541 growth or mature forest where that is being found, we can use

4542 it underneath some of this language that we have here in the  
4543 timber sales cuts. I am still of the opinion we can use it,  
4544 Greg. You are shaking your head no. On your western end  
4545 there, I think the forest are treated a little different.  
4546 Even underneath the proposal, we have it in the legislation.  
4547 At least in our forests in the Midwest, more than 92, 93  
4548 percent is available for woody biomass of the federal lands.  
4549 Now, there is a small portion that is off underneath this  
4550 current definition, and as I said the other day, we have  
4551 negotiated this woody biomass about eight drafts and went  
4552 back and forth, and then while I know your amendment is well-  
4553 intended, I would ask that we defeat it. I hope we could  
4554 just defeat this amendment and just move on with it. This is  
4555 an issue that I think we have to put some more time in.  
4556 Depending on where you are, the Midwest, the West, the  
4557 forests are truly treated differently, not only are timber  
4558 sales, our forest management plans, and I think it is  
4559 something we should look at--

4560 Mr. {Walden.} Would the gentleman--

4561 Mr. {Stupak.} --further, but for right now, I guess I  
4562 would ask for a no vote.

4563 Mr. {Walden.} Would the gentleman just yield for just a  
4564 second because we just got these data points you might be  
4565 interested in. If you would yield.

4566 Mr. {Stupak.} Yes.

4567 Mr. {Walden.} Thanks. There are at least 2 million  
4568 acres of mature stands in the National Forest Service system  
4569 in Michigan. Half of that will most likely on average not be  
4570 available under the bill because of the roadless term and  
4571 half of that won't be available because of mature stand term.  
4572 That is mature stands, 2 million. In Minnesota, it is 1.1  
4573 million. You know, you can go all over the country and, you  
4574 know, if you are down in Georgia it is 640,000 acres and  
4575 Idaho is 10 million acres. And you have mature stands, and  
4576 the bugs you talked about get into the mature trees.

4577 Mr. {Stupak.} Reclaiming my time.

4578 Mr. {Walden.} That is all right.

4579 Mr. {Stupak.} I got three national forests. That 2  
4580 million acres is very small compared to my whole comparison  
4581 of my forests. Like I said, it is about at most 8 percent.

4582 Mr. {Walden.} If I could just follow up?

4583 Mr. {Stupak.} Go ahead.

4584 Mr. {Walden.} The total number in the National Forest  
4585 Service system--you are right, most of the federal lands are  
4586 on the west side of the Mississippi.

4587 Mr. {Stupak.} West side.

4588 Mr. {Walden.} There is about 150 million of Federal  
4589 Forest Service lands that is treed, that is forested,

4590 actually forested. That is not grasslands. Half of that is  
4591 off-limits because of this bill, right off the top because it  
4592 is mature stand. Half of it right off the top. And the  
4593 scientists say there is no scientific basis for that. You  
4594 are going to go do the treatment. This is about what you do  
4595 with what comes out.

4596 Mr. {Stupak.} I agree.

4597 Mr. {Walden.} You are just going to burn it and slash  
4598 as opposed to efficiently burning it without greenhouse gas  
4599 emissions to any amount. But I understand, and I appreciate  
4600 your willingness to--

4601 Mr. {Stupak.} I would be willing to continue work on  
4602 this thing, Greg.

4603 Mr. {Walden.} I realize it is--

4604 Mr. {Stupak.} There are some more issues there we got  
4605 to resolve.

4606 Mr. {Walden.} I think if you can accept it here--

4607 Mr. {Buyer.} Would the gentleman accept it and we will  
4608 work on the details?

4609 Mr. {Stupak.} Now when we put together, like you said,  
4610 eight drafts, there has been a coalition of us worked on it,  
4611 and I think--

4612 Mr. {Buyer.} But that is the purpose of the committee  
4613 process to improve the work product.

4614 Mr. {Walden.} When you find something is wrong.

4615 Mr. {Buyer.} That's what it does, Bart.

4616 Mr. {Stupak.} Correct, and I am not comfortable.

4617 The {Chairman.} Gentlemen--

4618 Mr. {Stupak.} I think there really are differences on  
4619 the way we treat it from the Midwest to West. So let's look  
4620 at those a little bit more. I am not prepared to say you  
4621 have the right answer yet on it.

4622 The {Chairman.} Will the gentleman yield?

4623 Mr. {Stupak.} Yes. The committee process in the markup  
4624 is to resolve issues, but we considered this issue over and  
4625 over and over again in the last three days. And I think it  
4626 would be a lot more effective if you accepted the willingness  
4627 of members on both sides of the aisle to just continue to  
4628 work on this issue, not bring it up for a vote every day.

4629 Mr. {Walden.} Well, Mr. Chairman, if I might, I have  
4630 been in personal discussions with the gentlelady from  
4631 Colorado for a day or two, the gentleman from Michigan. We  
4632 have been in contact with the gentleman from Arkansas, we are  
4633 working with the gentleman from Washington, Mr. Baird. There  
4634 have been a lot of--this amendment is not the same as the one  
4635 I brought up. It simply strikes the word mature forest.

4636 Mr. {Stupak.} But you only take--

4637 The {Chairman.} You know what? I want to withdraw the

4638 comments I just made. You are representing your constituents  
4639 as you believe best, and you care about this issue and you  
4640 have been tenacious about it, and I would like to encourage  
4641 people to continue working on it to see if we can resolve it.  
4642 I would urge that we not accept this amendment now because I  
4643 don't think we have reached that point where we are all  
4644 feeling comfortable with it.

4645 Ms. {DeGette.} Will the gentleman yield?

4646 Mr. {Stupak.} I would yield to Ms. DeGette.

4647 Ms. {DeGette.} I would like to echo what the gentleman  
4648 from Oregon is saying in terms of--he really is working hard  
4649 on this, along with members of both sides of the aisle who  
4650 are from the Rocky Mountain West and the Northwest. I am not  
4651 sure we are quite there on this amendment yet, but I will say  
4652 that the points that the gentleman from Oregon raises, the  
4653 picture that he was showing, that looks like western  
4654 Colorado, the pine beetle kill. I will also point out though  
4655 the reason why the pine beetles are killing those forests is  
4656 because the forests are warming and so the larvae are  
4657 surviving over the winters. And so we really do have to do  
4658 something about global climate change, and I will commit,  
4659 win, lose, or draw with this amendment today, I will commit  
4660 personally to working with the gentleman as we move forward  
4661 to the front. I yield back.

4662 Mr. {Walden.} And for that commitment, I will make sure  
4663 you get a Bear Mountain woody biomass block.

4664 Ms. {DeGette.} That is all right, but thank you for the  
4665 offer.

4666 The {Chairman.} All time is expired. The Chair would  
4667 request that we vote on the Buyer amendment, first on--

4668 Mr. {Buyer.} Mr. Chairman?

4669 The {Chairman.} Yes?

4670 Mr. {Buyer.} Given the spirit of commitment to work on  
4671 this mature forest issue, I will withdraw the amendment and  
4672 not vote on it, all right?

4673 The {Chairman.} Thank you very much. Let me see, we  
4674 have one amendment to vote on, and that is the net metering  
4675 amendment that Mr. Buyer has offered, which has a consensus  
4676 behind it. All those favor of the amendment--

4677 Mr. {Stupak.} Mr. Chairman, I will withdraw my point of  
4678 order against--

4679 The {Chairman.} The point of order is withdrawn. All  
4680 those in favor of the amendment will say aye, opposed no.  
4681 The ayes have it, and the amendment is agreed to.

4682 Now, who seeks recognition? Mr. Stupak?

4683 Mr. {Stupak.} Mr. Chairman, I have amendment number 71  
4684 at the desk.

4685 [The amendment follows:]

4686 \*\*\*\*\* INSERT 23 \*\*\*\*\*

|  
4687           The {Chairman.} Without objection the Stupak amendment  
4688 number 71 will be considered as read, and the gentleman is  
4689 recognized for 5 minutes.

4690           Mr. {Stupak.} Thank you, Mr. Chairman. I thought it  
4691 would be appropriate to bring this up because we made  
4692 commitments to Mr. Walden and Mr. Buyer to continue to work  
4693 on the woody biomass. This really has to deal with a real  
4694 sensitive area, and it is the inclusion of iron ore under the  
4695 Energy Intensive Industry Allowances.

4696           Throughout the negotiations when Mr. Inslee and Mr.  
4697 Doyle provisions in our substitute here, they did a great  
4698 job. They tried to take care of a number of industries,  
4699 about 41 of them who are number one high users of energy and  
4700 trade-intensive industry. And certainly iron ore is one of  
4701 them. And in the list there we had like 41 of them, iron ore  
4702 was going to be included as part of it. However, as we  
4703 started to look at it a little bit closer when we put the  
4704 eligible industrial sector, there is supposed to be any  
4705 sector that is in the manufacturing sector, but then another  
4706 provision in the bill allows metal production for the  
4707 processing of iron and copper ores with subsequent steps in  
4708 the process of metal manufacturing. That would presumably  
4709 include iron ore. However, the iron ore industry is not

4710 defined as a manufacturing industry. So it could possibly be  
4711 excluded under an incorrect interpretation.

4712         So what we are trying to do is simply clarify what I  
4713 believe is the intent of the bill as written which is that  
4714 iron ore should be treated and covered in the industrial part  
4715 of this program, regardless of its classification as  
4716 manufacturing or not. Now, we have gone round and round  
4717 again. This is a sensitive area with the RES and all this,  
4718 and we are trying to negotiate out. It seems like every time  
4719 we take a step forward, another hurdle comes up. But you  
4720 have committed, Mr. Markey has committed, Mr. Inslee, and Mr.  
4721 Doyle have committed to continue to work on this problem.  
4722 Everyone thinks we had the right intent, but we just can't  
4723 close up the language. And it is much like Title I when we  
4724 brought up on the coal-fired power plants, generation plants  
4725 you and I spoke about on the first day. We still have that  
4726 one pending, and your staff has been trying to work that one  
4727 out. We just have not been able to.

4728         So hopefully we can continue to work on these two  
4729 issues, the Title I on my coal-fired power plants and also  
4730 this one on the iron ore; and I would with unanimous consent  
4731 withdraw my amendment based upon your willingness to continue  
4732 to work with us and Mr. Doyle and Mr. Inslee and Mr. Markey.  
4733 We will get these things--

4734           The {Chairman.} If the gentlemen would yield, I want us  
4735 to continue to work on those issues. They are important  
4736 issues, and I think we need to continue to see if we can get  
4737 to a good conclusion on them.

4738           Mr. {Doyle.} Will the gentleman yield?

4739           Mr. {Stupak.} I think, Mr. Chairman--yes.

4740           Mr. {Doyle.} Will the gentleman yield?

4741           Mr. {Stupak.} Yes.

4742           Mr. {Doyle.} I also want to assure my friend that we  
4743 will work with him between now and when this bill makes it  
4744 down to the House Floor to try to resolve this.

4745           Mr. {Stupak.} Okay. There are only three iron ore  
4746 mines left in all of the United States, two are within my  
4747 district, and again, everyone said iron ore is included, and  
4748 unfortunately, when we add this other section, it sort of  
4749 looks like it may be excluded. So we want to make sure that  
4750 we have a firm clarification before we move forward.

4751           Thank you, Mr. Chairman. With that, I will withdraw my  
4752 amendment and thank you.

4753           The {Chairman.} Thank you. The Chair looks to the  
4754 Republican side for any amendments. The gentleman from  
4755 Michigan.

4756           Mr. {Upton.} Mr. Chairman, I have an amendment that I  
4757 am offering en bloc with Mr. Terry and with Mr. Radanovich.

4758           The {Chairman.} Three amendments that--

4759           Mr. {Upton.} I am sorry. Mr. Scalise was next. We  
4760 told Mr. Scalise he would be next.

4761           The {Chairman.} Mr. Scalise, you are recognized. Do  
4762 you have an amendment?

4763           Mr. {Scalise.} Yes, Mr. Chairman. I have an amendment  
4764 at the desk numbered 005.

4765           Ms. {DeGette.} Chairman, reserve a point of order.

4766           The {Chairman.} Without objection, the amendment will  
4767 be considered as read. The gentlelady from Colorado reserved  
4768 a point of order, and the gentleman is recognized for 5  
4769 minutes.

4770           [The amendment follows:]

4771           \*\*\*\*\* INSERT 24 \*\*\*\*\*

|

4772           Mr. {Scalise.} Thank you, Mr. Chairman. This amendment  
4773 deals with the trading component of this piece of  
4774 legislation. There hasn't been a lot of discussion yet on  
4775 the trading scheme under cap-and-trade energy tax. What this  
4776 bill does is bans speculators, foreign governments from  
4777 getting involved in the process of buying and selling energy  
4778 in the United States. So what it ultimately will do, and if  
4779 you look, we had some testimony when Vice-President Gore was  
4780 here a couple of weeks ago. One of the comments that came up  
4781 earlier today was the involvement of Enron in the California  
4782 electricity crisis and the fact that they were speculating.  
4783 It was pointed out in the hearing with Vice-President Gore  
4784 that Enron's CEO, Ken Lay, was at the White House back in  
4785 August of 1997, met with President Clinton and Vice-President  
4786 Gore to help develop the cap-and-trade scheme.

4787           So clearly Enron had an interest, and in fact, when I  
4788 had asked Vice-President Gore about that meeting, he did not  
4789 dispute that the meeting occurred in the White House. So  
4790 clearly Enron had a real big interest in cap-and-trade  
4791 because the trading scheme allows for the creation of a new  
4792 commodities market. It allows for in essence rationing of  
4793 energy in the country where you then have to go and buy the  
4794 ability to emit more carbon than the government gives you as

4795 a cap. And so at a minimum--and it was talked about  
4796 yesterday a little bit on the regulations in Section 341.  
4797 There was some talk that there are some regulations to limit  
4798 exposure that taxpayers would have, but the prohibitions here  
4799 do not prohibit speculation. It prohibits excess  
4800 speculation, but it still allows speculation in this  
4801 commodities market. And so it also allows governments,  
4802 foreign governments, to come in and have up to 10 percent of  
4803 the regulated allowances that they could then buy to turn  
4804 around and sell to American companies at a premium which  
4805 would then be passed on in higher utility rates for  
4806 consumers.

4807         So with all the talk that we have had about foreign oil,  
4808 Saudi sheiks would be able to buy these permits and then turn  
4809 around and sell them to U.S. companies that would have to buy  
4810 them in order to emit energy. The Chinese government would  
4811 be able to come in and buy these permits, but we know that  
4812 the Chinese government is not buying any more of our debt  
4813 because we are spending too much money here in Washington.  
4814 But this is creating a new place for them to go and put their  
4815 money. So the Chinese government can go and buy 10 percent,  
4816 up to 10 percent of all of these allowances on this new  
4817 commodities market and literally help control the U.S.  
4818 economy on energy. That is in the bill, it is allowed right

4819 now. My amendment prohibits that.

4820           And so as we have talked about all of the dangers of  
4821 speculation, especially as we have talked about all the jobs  
4822 that are going to be lost to China, and we tried to block  
4823 some of that. We were not successful in getting amendments  
4824 to block it. So if we know China is going to get millions of  
4825 our jobs, at a minimum we can stop them from profiting off  
4826 the trading scheme in this bill. And so that is what this  
4827 amendment does. It takes out the ability for speculators and  
4828 foreign governments like China to buy and trade these energy-  
4829 emitting permits. So that is what the amendment does, and I  
4830 yield back the balance of my time.

4831           Mr. {Stupak.} Mr. Chairman?

4832           Ms. {DeGette.} Mr. Chairman, I withdraw my reservation.

4833           The {Chairman.} Mr. Markey?

4834           Mr. {Markey.} Yes, I rise in opposition to the  
4835 amendment.

4836           The {Chairman.} Gentleman is recognized for 5 minutes.

4837           Mr. {Markey.} I thank the Chairman. The objective of  
4838 the legislation is to create a wide, deep, vibrant, liquid  
4839 market for carbon. That is the point, and we don't think  
4840 that it makes sense to limit that market just to covered  
4841 entities. We want all of the liquidity which is possible to  
4842 move into this marketplace. That will give it stability but

4843 also give it the capacity to be able to deal with this very  
4844 complex issue which this legislation is seeking to  
4845 accomplish.

4846         To deal with the issue the gentleman from Louisiana is  
4847 raising, there are position limits that are built into the  
4848 legislation in order to prevent the cornering of the market  
4849 by any one or group of entities that might seek to manipulate  
4850 this marketplace. A lot of what we have been discussing thus  
4851 far, Mr. Stupak yesterday was making reference to it, is the  
4852 goal to make sure that we do not repeat the problems of the  
4853 past. But to the gentleman's central point, which is what  
4854 the limitations should be on who can participate in this  
4855 liquid market, it should be those who have the capital to  
4856 participate. Ultimately we do want global participation  
4857 because ultimately from a reciprocal perspective, we want to  
4858 be selling our technologies, our products around the globe.  
4859 That is the point.

4860         The only goal that we should have is to make sure that  
4861 these markets are honest, that they are transparent, that  
4862 they are being monitored, reinforcement mechanisms are  
4863 strong, that position limits are in place, that the  
4864 regulators are doing their job. Once that happens, we are  
4865 creating a free market, the same kind of free market that  
4866 allows people in the rest of the world to invest in General

4867 Electric, to invest in Dow Chemical, to invest in Exxon. If  
4868 they want to invest, they should be able to invest. But the  
4869 opposite is also true. We are also able to invest any  
4870 individual, any entity, in our country in any other company  
4871 in the rest of the world if we determine that those products  
4872 are in fact honest, transparent, and reliable.

4873         So the gentleman I think is well-intentioned, but the  
4874 effect it would be to remove liquidity from this marketplace.  
4875 And ultimately its ability to be able to function will be  
4876 dependent upon the number of individuals and other entities  
4877 that are willing to invest their money in this system. We  
4878 think we have the protections which are built in to achieve  
4879 that goal. I urge a no vote on the amendment by the  
4880 gentleman from Louisiana.

4881         Mr. {McNerney.} Will the gentleman yield?

4882         Mr. {Markey.} I will yield the remainder of my time to  
4883 the gentleman.

4884         Mr. {McNerney.} Thank you. I have a concern and  
4885 observation. This sort of language may prevent new players  
4886 from coming into the market. You always want to have a  
4887 robust market that allows young companies to come up, and if  
4888 they are not certified yet, then they are not going to be  
4889 able to buy the allowances. It is going to make it much more  
4890 expensive for them to get into the market. Is that a

4891 consideration?

4892           Mr. {Scalise.} First they would have to have a cap  
4893 established in order to then be limited. So once the  
4894 government under cap-and-trade energy tax would actually set  
4895 that cap, then they would be a covered entity under this  
4896 section so they would be able to participate in that  
4897 marketplace.

4898           Mr. {McNerney.} All right. Thank you. I think the  
4899 language is a little unnerving to me, having been on the  
4900 entrepreneurial side of business of energy production. So I  
4901 am very wary about the language we find here.

4902           Mr. {Markey.} Let me reclaim my time and recognize the  
4903 gentleman from Utah.

4904           Mr. {McNerney.} I yield to the Chairman.

4905           Ms. {DeGette.} [Presiding] The gentleman is  
4906 recognized.

4907           Mr. {Matheson.} Well, thank you. I thank my colleague  
4908 for yielding. I think we have to be really careful. We had  
4909 a discussion last night on energy trading, and I wanted to  
4910 speak then but we had some limited time. I just want to  
4911 suggest that this amendment is kind of what can be wrong  
4912 about over regulating how financial markets work. Financial  
4913 markets work best when there is transparency and  
4914 accountability, and that is the goal we ought to have, not

4915 just for a carbon market, for energy markets in general.

4916           You know, we had the problem, and my colleague, Mr.  
4917 Stupak, raised it last night about people avoiding NYMEX and  
4918 engaging in what is called trading through the London  
4919 loophole. We do need to have that transparency and  
4920 accountability, and that is the proper level of regulation  
4921 for financial markets. If we are not careful and we  
4922 overreach on this, we will create a situation where energy  
4923 prices are going to go up because you are going to prevent  
4924 people from appropriately hedging risk. And if you prevent  
4925 them from doing that, they are going to have to increase  
4926 their cost of energy.

4927           So both what we talked about last night--

4928           Mr. {Scalise.} Would the gentleman yield?

4929           Mr. {Matheson.} --and the language that is in the  
4930 underlying bill--

4931           Ms. {DeGette.} Gentleman--

4932           Mr. {Matheson.} --and this amendment, I would just  
4933 encourage people to--

4934           Mr. {Scalise.} Would you suggest it is a bad thing for  
4935 energy prices to increase? I would agree.

4936           Ms. {DeGette.} The gentleman's time has expired. I  
4937 will ask unanimous consent the gentleman be granted 2  
4938 additional minutes.

4939 Mr. {Markey.} I thank the gentlelady, and I continue to  
4940 yield to the gentleman from Utah.

4941 Mr. {Matheson.} I think I made the general point. I  
4942 think we just have to be very careful. There is talk in this  
4943 underlying bill about eliminating over-the-counter Martin  
4944 trades. We have got to be very careful. I used to trade  
4945 these. I used to represent end-users in natural gas futures,  
4946 and I would suggest that there is a role for this market if  
4947 it is appropriately regulated with appropriate transparency  
4948 and accountability, but it will work. But if we overreach,  
4949 there will be consequences I think we will regret. And it is  
4950 a complicated issue, very complicated. I encourage our  
4951 Committee to continue to look at it, but I suggest that this  
4952 particular amendment which would restrict an open and  
4953 transparent market with multiple traders may create less  
4954 liquidity and problems in the marketplace. I yield back.

4955 Mr. {Stupak.} Will the gentleman yield?

4956 Mr. {Markey.} Let me just follow up and then I will  
4957 come back and yield to the gentleman from Michigan.

4958 Mr. {Stupak.} What Mr. Matheson said, is correct. You  
4959 do have to have some liquidities in these markets. That is  
4960 why in the underlying bill we have in there CFTC will set up  
4961 these boards to determine the proper amount of liquidity that  
4962 should be. Whether it is the carbon market, whether it is

4963 the oil market, whether it is the wheat, corn, whatever it  
4964 might be under the Commodities Future Act, there are these  
4965 boards that we set up to determine liquidity so we don't get  
4966 out of balance, so you don't have an overreach.

4967         And you are absolutely right, Jim. I know you have been  
4968 a big help on it when we had the bill before the Ag  
4969 Committee, but I think this amendment just goes too far, and  
4970 I would hope we would defeat it. I yield back to Mr. Markey.

4971         Mr. {Markey.} I thank you. So, yes, let me just  
4972 summarize, and I think the point has been made. One,  
4973 excessive speculation is bad, and that leads to a financial  
4974 bubble. We have to have protections in to ensure that that  
4975 does not occur. However, we don't want to discourage  
4976 participation in the market because that is likely to result  
4977 in less trading, more volatility, less liquidity, and a more  
4978 thinly traded market, and as a result, greater volatility.  
4979 If we limit it the way the gentleman from Louisiana suggests,  
4980 we create more problems than are solved. I think we have got  
4981 a good formula in place. You have heard from the gentleman  
4982 from California, Utah, and Michigan. We urge a no vote on  
4983 this amendment.

4984         Ms. {DeGette.} The gentleman's time has expired. The  
4985 vote will now occur. All in favor of the amendment say aye,  
4986 opposed no. The no's appear to have it. The no's have it.

4987 Mr. {Scalise.} Request a recorded vote.

4988 Ms. {DeGette.} A recorded vote is requested. The clerk

4989 will call the roll.

4990 The {Clerk.} Mr. Waxman?

4991 [No response.]

4992 The {Clerk.} Mr. Dingell?

4993 Mr. {Dingell.} Votes no.

4994 The {Clerk.} Mr. Dingell votes no. Mr. Markey?

4995 Mr. {Markey.} No.

4996 The {Clerk.} Mr. Markey votes no. Mr. Boucher?

4997 [No response.]

4998 The {Clerk.} Mr. Pallone?

4999 [No response.]

5000 The {Clerk.} Mr. Gordon?

5001 [No response.]

5002 The {Clerk.} Mr. Rush?

5003 [No response.]

5004 The {Clerk.} Ms. Eshoo?

5005 Ms. {Eshoo.} No.

5006 The {Clerk.} Ms. Eshoo votes no. Mr. Stupak?

5007 Mr. {Stupak.} No.

5008 The {Clerk.} Mr. Stupak, no. Mr. Engel?

5009 [No response.]

5010 The {Clerk.} Mr. Green?

5011 [No response.]

5012 The {Clerk.} Ms. DeGette?

5013 Ms. {DeGette.} No.

5014 The {Clerk.} Ms. DeGette, no. Ms. DeGette votes no.

5015 Mrs. Capps?

5016 Mrs. {Capps.} No.

5017 The {Clerk.} Mrs. Capps, no. Mr. Doyle?

5018 Mr. {Doyle.} No.

5019 The {Clerk.} Mr. Doyle, no. Ms. Harman?

5020 Ms. {Harman.} No.

5021 The {Clerk.} Ms. Harman votes no. Ms. Schakowsky?

5022 Ms. {Schakowsky.} No.

5023 The {Clerk.} Ms. Schakowsky votes no. Mr. Gonzalez?

5024 Mr. {Gonzalez.} No.

5025 The {Clerk.} Mr. Gonzalez, no. Mr. Inslee?

5026 Mr. {Inslee.} No.

5027 The {Clerk.} Mr. Inslee, no. Ms. Baldwin?

5028 Ms. {Baldwin.} No.

5029 The {Clerk.} Ms. Baldwin, no. Mr. Ross?

5030 [No response.]

5031 The {Clerk.} Mr. Weiner?

5032 Mr. {Weiner.} No.

5033 The {Clerk.} Mr. Weiner votes no. Mr. Matheson?

5034 Mr. {Matheson.} No.

5035 The {Clerk.} Mr. Matheson, no. Mr. Butterfield?  
5036 Mr. {Butterfield.} No.  
5037 The {Clerk.} Mr. Butterfield, no. Mr. Melancon?  
5038 Mr. {Melancon.} No.  
5039 The {Clerk.} Mr. Melancon, no. Mr. Barrow?  
5040 Mr. {Barrow.} Votes no.  
5041 The {Clerk.} Mr. Barrow votes no. Mr. Hill?  
5042 Mr. {Hill.} No.  
5043 The {Clerk.} Mr. Hill votes no. Ms. Matsui?  
5044 Ms. {Matsui.} No.  
5045 The {Clerk.} Ms. Matsui, no. Mrs. Christensen? Mr.  
5046 Sarbanes? I am sorry, I skipped. Ms. Castor?  
5047 Mr. {Sarbanes.} No.  
5048 The {Clerk.} Mr. Sarbanes, no. Mr. Sarbanes, no. Mr.  
5049 Murphy of Connecticut?  
5050 Mr. {Murphy of Connecticut.} No.  
5051 The {Clerk.} Mr. Murphy, no. Mr. Space?  
5052 Mr. {Space.} No.  
5053 The {Clerk.} Mr. Space, no. Mr. McNerney?  
5054 Mr. {McNerney.} No.  
5055 The {Clerk.} Mr. McNerney, no. Ms. Sutton?  
5056 [No response.]  
5057 The {Clerk.} Mr. Braley?  
5058 Mr. {Braley.} No.

5059 The {Clerk.} Mr. Braley, no. Mr. Welch?  
5060 Mr. {Welch.} No.  
5061 The {Clerk.} Mr. Welch votes no. Mr. Barton?  
5062 Mr. {Barton.} Aye.  
5063 The {Clerk.} Mr. Barton votes aye. Mr. Hall?  
5064 [No response.]  
5065 The {Clerk.} Mr. Upton?  
5066 Mr. {Upton.} Aye.  
5067 The {Clerk.} Mr. Upton, aye. Mr. Stearns?  
5068 [No response.]  
5069 The {Clerk.} Mr. Deal?  
5070 [No response.]  
5071 The {Clerk.} Mr. Whitfield?  
5072 Mr. {Whitfield.} Aye.  
5073 The {Clerk.} Mr. Whitfield, aye. Mr. Shimkus?  
5074 Mr. {Shimkus.} Aye.  
5075 The {Clerk.} Mr. Shimkus, aye. Mr. Shadegg?  
5076 Mr. {Shadegg.} Aye.  
5077 The {Clerk.} Mr. Shadegg, aye. Mr. Blunt?  
5078 Mr. {Blunt.} Aye.  
5079 The {Clerk.} Mr. Blunt votes aye. Mr. Buyer?  
5080 Mr. {Buyer.} Aye.  
5081 The {Clerk.} Mr. Buyer, aye. Mr. Radanovich?  
5082 Mr. {Radanovich.} Aye.

5083 The {Clerk.} Mr. Radanovich votes aye. Mr. Pitts?  
5084 Mr. {Pitts.} Aye.  
5085 The {Clerk.} Mr. Pitts, aye. Ms. Bono Mack?  
5086 Ms. {Bono Mack.} Aye.  
5087 The {Clerk.} Ms. Bono Mack, aye. Mr. Walden?  
5088 Mr. {Walden.} Aye.  
5089 The {Clerk.} Mr. Walden, aye. Mr. Terry?  
5090 Mr. {Terry.} Aye.  
5091 The {Clerk.} Mr. Terry votes aye. Mr. Rogers?  
5092 [No response.]  
5093 The {Clerk.} Mrs. Myrick?  
5094 Mrs. {Myrick.} Aye.  
5095 The {Clerk.} Mrs. Myrick, aye. Mr. Sullivan?  
5096 Mr. {Sullivan.} Aye.  
5097 The {Clerk.} Mr. Sullivan votes aye. Mr. Murphy of  
5098 Pennsylvania?  
5099 Mr. {Murphy of Pennsylvania.} Aye.  
5100 The {Clerk.} Mr. Murphy votes aye. Mr. Burgess?  
5101 Mr. {Burgess.} Aye.  
5102 The {Clerk.} Mr. Burgess, aye. Ms. Blackburn?  
5103 Ms. {Blackburn.} Aye.  
5104 The {Clerk.} Ms. Blackburn, aye. Mr. Gingrey?  
5105 Mr. {Gingrey.} Aye.  
5106 The {Clerk.} Mr. Gingrey, aye. Mr. Scalise?

5107 Mr. {Scalise.} Aye.

5108 The {Clerk.} Mr. Scalise votes aye. Mr. Hall?

5109 Mr. {Hall.} Aye.

5110 The {Clerk.} Mr. Hall votes aye. Mr. Waxman?

5111 The {Chairman.} No.

5112 The {Clerk.} Mr. Waxman votes no. Mr. Pallone?

5113 Mr. {Pallone.} No.

5114 The {Clerk.} Mr. Pallone votes no. Mr. Gordon?

5115 Mr. {Gordon.} No.

5116 The {Clerk.} Mr. Gordon votes no. Mr. Rush?

5117 Mr. {Rush.} No.

5118 The {Clerk.} Mr. Rush, no.

5119 Ms. {DeGette.} Has every member voted? The clerk will

5120 tally--

5121 The {Clerk.} Ms. Sutton?

5122 Ms. {Sutton.} No.

5123 The {Clerk.} Ms. Sutton votes no.

5124 Ms. {DeGette.} The clerk will tally and report--

5125 The {Clerk.} Mr. Ross, did you vote?

5126 Mr. {Ross.} No.

5127 The {Clerk.} Mr. Ross, no.

5128 Ms. {DeGette.} The clerk will tally and report the

5129 vote.

5130 The {Clerk.} On that vote, Madam Chairman, the ayes

5131 were 20 and the nays were 32.

5132 Ms. {DeGette.} Ayes were 20, the no's were 32. The  
5133 amendment is not agreed to. The Chair recognizes the  
5134 gentleman from Washington, Mr. Inslee. Does the gentleman  
5135 have an amendment--

5136 Mr. {Inslee.} Madam Chair, would you defer just for  
5137 about a minute-and-a-half or is there another minute we can  
5138 take? I want to check on something before we offer this.

5139 Ms. {DeGette.} Certainly. Does another member from--

5140 Mr. {Upton.} Madam Chair, I have got an amendment that  
5141 is ready.

5142 Ms. {DeGette.} The gentleman from Michigan has an  
5143 amendment.

5144 Mr. {Upton.} We have got an amendment en bloc. It is  
5145 myself, Mr. Radanovich, and Mr. Terry.

5146 [The amendments follow:]

5147 \*\*\*\*\* INSERTS 25, 26, 27, 28, 29 \*\*\*\*\*

|  
5148 Mr. {Stupak.} May I reserve a point of order in that?

5149 Mr. {Upton.} If you really want to. And while the  
5150 clerk is passing it out, I would make a couple of comments.  
5151 I intend to withdraw my amendment, but still you need to  
5152 deliver them. And let me--

5153 The {Chairman.} If the gentleman will suspend. The  
5154 clerk shall consider the amendments as read. The gentleman  
5155 is recognized.

5156 Mr. {Upton.} Thank you, Madam Chair. Madam Chair, as  
5157 we know, the United States needs for electricity is going to  
5158 increase by 30 to 40 percent by the year 2030, and I believe  
5159 very strongly in a clean energy program but I also don't  
5160 think that we can have one without nuclear. And my  
5161 provisions create a new title that do a number of things, but  
5162 it also streamlines the approval process. Jobs are  
5163 important. I know that in Mr. Dingell's district, DTE  
5164 submitted an application where they have spent well over \$150  
5165 million more than a year and a half ago. I am looking  
5166 forward I hope to seeing one or both of the two nuclear  
5167 plants in my district expand, but quite frankly, 5 minutes is  
5168 not enough to debate this title as we are getting ready to  
5169 conclude the bill in the next hour or so, and so I am  
5170 prepared to withdraw the portion of the en bloc amendment

5171 that I introduced following a colloquy with Mr. Dingell and  
5172 with Mr. Hill. And I yield to Mr. Dingell.

5173 Mr. {Dingell.} I want to thank my good friend for  
5174 yielding to me. I would like to observe that there appears  
5175 to be a great deal of merit in the amendment. I think that  
5176 there is a certain amount of controversy with it also, but I  
5177 would like to work with my good friend to if possible get it  
5178 into shape where we could offer it at some future time and  
5179 see to it that it was successfully included in this  
5180 legislation if we move through the process. So I want to  
5181 thank him for what he is doing. I have high regard for him  
5182 and great affection.

5183 Mr. {Upton.} Mr. Hill?

5184 Mr. {Hill.} Mr. Chairman, I would echo what Mr. Dingell  
5185 has already said about Mr. Upton's bill. You know, the  
5186 elephant in the room on energy independence and clean energy  
5187 is nuclear, and I think we need to get over the fact that it  
5188 is not something that America wants to do anymore. And for  
5189 some reason, we have got this attitude that nuclear needs to  
5190 be off the table. Well, we need to get it back on the table  
5191 because nuclear is the one technology that is proven, and we  
5192 are exploring a lot of different new technologies that may or  
5193 may not work. I happen to believe that most of them will  
5194 work. But we know that nuclear works and it works safely.

5195 And so I join with representative Upton and his efforts to  
5196 try to jumpstart nuclear, and I want to do my part in lending  
5197 assistance to his efforts.

5198 Mr. {Upton.} I thank you both. I look forward to  
5199 working with both of you as we prepare an amendment for when  
5200 this bill gets to the Floor, and I would yield the balance of  
5201 my time on this amendment. I would ask unanimous consent to  
5202 withdraw my portion of the en bloc amendment and then yield  
5203 the balance of my time to Mr. Terry and Mr. Radanovich.

5204 Mr. {Terry.} Thank you, Mr. Upton, and I feel that  
5205 these three amendments that I have actually strengthen our  
5206 nuclear program. They are not meant to be messaging, they  
5207 are real. One, number 17, authorizes the additional \$50  
5208 billion to the loan guarantee program, number 25, I think it  
5209 is, eliminates barriers to the loan guarantee program. What  
5210 we found out, if you are a joint operation or a partnership,  
5211 that you are excluded from participating in the loan program.  
5212 That has disqualified some, so we want to eliminate those  
5213 barriers. Also to encourage the modern technology of  
5214 recycling within the nuclear power. What number 20 does is  
5215 defines recycled nuclear fuel as a renewable. With that, am  
5216 I authorized to yield to Mr. Radanovich?

5217 The {Chairman.} Please.

5218 Mr. {Radanovich.} I thank the gentleman from Nebraska.

5219 My amendment is simple, Mr. Chairman. It makes a state  
5220 ineligible to receive emission allowances if the state  
5221 prohibits or limits the construction of new nuclear  
5222 facilities for any economic or other reason. It affects  
5223 about 16 states in the country and hope for a yes vote on  
5224 this and yield back, Mr. Chairman.

5225 The {Chairman.} Gentleman yields back his time. So we  
5226 had how many amendments offered? But how many do we have?  
5227 We have four pending, one withdrawn?

5228 Mr. {Barton.} Max, four.

5229 The {Chairman.} Okay. So we have four amendments that  
5230 we are considering, by unanimous consent en bloc, and as I  
5231 understand there is opposition to that en bloc amendment.  
5232 Mr. Markey, do you want to express your opposition now and do  
5233 the members want to vote or shall we respond to the votes on  
5234 the Floor? Why don't you give your opposition, then we will  
5235 vote when we come back unless we can do it quickly.

5236 Mr. {Markey.} Well, this is an important debate, Mr.  
5237 Chairman, a very, very important debate. So I hope--

5238 The {Chairman.} Well, then why don't you use your 5  
5239 minutes in opposition, and then we will come back and vote.

5240 Mr. {Markey.} Thank you. On the Terry amendment, this  
5241 amendment appears to be an attempt to address the issue of  
5242 subrogation, that is, the status of the United States

5243 Government as a lender to a nuclear power plant that has gone  
5244 bankrupt. We think that if that occurs, the United States  
5245 should be at the very head of the line of the creditors to  
5246 the now-insolvent nuclear power plant. This amendment is  
5247 designed to change that, to not let the taxpayers who have  
5248 provided the loans for the nuclear power plant to be first in  
5249 line to gain access to whatever assets are left of that  
5250 nuclear company.

5251 Our staff asked the head of the Nuclear Energy Institute  
5252 whether this language was something that they were seeking.  
5253 He just told us no, they are not seeking it. And so as a  
5254 result, this appears to be an attempt to do subrogation--

5255 Mr. {Terry.} Did you read the language?

5256 Mr. {Markey.} --but it was--

5257 Mr. {Terry.} Will someone yield for 5 seconds?

5258 Mr. {Markey.} I will be glad to yield.

5259 Mr. {Terry.} That is no way the intent. Which one are  
5260 you reading?

5261 Mr. {Markey.} Which Terry amendment are we talking  
5262 about here? The Terry amendment number 25.

5263 Mr. {Terry.} Okay, 25, that joint ownership and  
5264 partnership with another qualified public power entity.

5265 Mr. {Markey.} So will the gentleman explain? If he is  
5266 not intending on changing the laws of subrogation, could he

5267 explain what he is intending on accomplishing?

5268 Mr. {Terry.} It is not intended to change the  
5269 subrogation, it is intended that when two entities partner up  
5270 together that they should be eligible under the loan program.  
5271 There has actually been denials of application to the loan  
5272 guarantee program because they are a joint ownership or a  
5273 partnership.

5274 Mr. {Markey.} Could the gentleman explain what exists  
5275 in the Title VII program that prohibits that right now?

5276 Mr. {Terry.} I cannot explain that. All I know is that  
5277 they have been denied. Joint ownerships or a partnership  
5278 between two entities have been denied, and so this clarifies  
5279 the language that a joint venture or partnership would still  
5280 be eligible.

5281 Mr. {Markey.} If the gentleman would yield--

5282 Mr. {Terry.} Yes.

5283 Mr. {Markey.} --we have not been able to find any  
5284 language in the law which prohibits that. But we do know  
5285 that there are some who wish that in the event of a  
5286 bankruptcy and since tens of billions of dollars of taxpayer  
5287 money is now at risk because these nuclear power plants are  
5288 being built with federal taxpayer dollar guarantees. So if  
5289 something goes under, that means that we lose the money. The  
5290 taxpayers lose the money. So who do the taxpayers go

5291 against? And what has been happening is there has been  
5292 attempts to modify these subrogation rules in a way in which  
5293 each one of the entities are not liable to the taxpayers for  
5294 the bankruptcy. And so that is the concern that I have.  
5295 Otherwise, there is no explanation for an amendment of this  
5296 nature since there really is no prohibition on join  
5297 partnerships. What we are concerned about is--

5298 Mr. {Radanovich.} Will the gentleman yield?

5299 Mr. {Markey.} --what happens at the point at which a  
5300 bankruptcy occurs. And so if I can in the Radanovich  
5301 amendment which is before us, it would actually disallow  
5302 California and Wisconsin from receiving any allowances under  
5303 this law for efficiency and renewable energy because they  
5304 have laws that prohibit the construction of new nuclear power  
5305 plants.

5306 Mr. {Radanovich.} Will the gentleman yield?

5307 Mr. {Markey.} So the State of California under this law  
5308 would be prohibited from benefiting, even though they have  
5309 exercised their own state's rights in determining what kind  
5310 of electrical generating facilities that they want to see  
5311 constructed in their own home states.

5312 Mr. {Radanovich.} Will the gentleman yield?

5313 Mr. {Markey.} I will be glad to yield.

5314 Mr. {Radanovich.} Thank you, Mr. Chairman. The reason

5315 I put this bill in the hopper was because I believe that this  
5316 bill will result in higher energy prices, and I don't think  
5317 that we can call for higher energy prices without  
5318 guaranteeing access to every type of clean and cheap energy  
5319 to all consumers, and that access should be made to all  
5320 consumers all across the country. I yield back.

5321 The {Chairman.} All the time has expired. Do members  
5322 feel comfortable to vote now?

5323 Mr. {Terry.} Mr. Chairman?

5324 The {Chairman.} Mr. Terry, it is your amendment.

5325 Mr. {Terry.} Strike the last word to engage in a  
5326 colloquy.

5327 The {Chairman.} The gentleman is recognized for 2  
5328 minutes.

5329 Mr. {Terry.} Thank you. First of all, Mr. Markey, the  
5330 plain language I don't think does anything to a subrogation.  
5331 That was never the intent. And whether or not Title VII is  
5332 unclear about whether it includes joint ownership, the  
5333 problem is it is being interpreted internally that way. And  
5334 so this just simply allows those type of entities to be  
5335 eligible.

5336 Second question, Mr. Waxman, are there any of these four  
5337 that could be accepted?

5338 Mr. {Markey.} I would like to work with the gentleman,

5339 but at this point I am just unsure of what the intent of it  
5340 would be.

5341       The {Chairman.} Let me ask the gentleman, if you would.  
5342 I don't find it acceptable at this point, but we will  
5343 continue to talk to you. I would urge you to withdraw the  
5344 amendments. If you want, we will take a vote. You want a  
5345 voice vote?

5346       Mr. {Terry.} No, I think--

5347       Mr. {Barton.} I would strongly encourage you all to  
5348 withdraw and work with them. Honest. They got 36 votes, we  
5349 got 23. Half our members aren't here. We got five more  
5350 amendments to do.

5351       The {Chairman.} The gentleman--

5352       Mr. {Barton.} So if you withdraw them, I will work to  
5353 make sure that every consideration is given to putting  
5354 something in this if and when this bill goes any further.

5355       Mr. {Terry.} All right. I will withdraw.

5356       Mr. {Barton.} Okay.

5357       The {Chairman.} The gentleman withdraws his--

5358       Mr. {Terry.} Unanimous consent to withdraw my three.

5359       The {Chairman.} You don't need unanimous consent.

5360 Well, are all the authors willing to join you? I think so,  
5361 too. All the amendments en bloc are withdrawn. We have a  
5362 series of votes on the House Floor. Please return after that

5363 and we will try to conclude our markup.

5364 [Recess.]

5365 The {Chairman.} Committee, please come back to order.

5366 We are in the final stretch.

5367 Mr. {Barton.} Work, work, work, Mr. Chairman. Work,

5368 work, work.

5369 The {Chairman.} Mr. Barton, you have some amendments on

5370 your side? Let us bring them up.

5371 Mr. {Barton.} Mr. Chairman, we have two--

5372 The {Chairman.} We disposed of the pending amendments,

5373 yes.

5374 Mr. {Barton.} Did we?

5375 The {Clerk.} Yes, it was withdrawn.

5376 The {Chairman.} Oh, yes.

5377 Mr. {Barton.} That is correct. Mr. Radanovich is going

5378 to offer an en bloc amendment which would be Radanovich 09,

5379 Deal 005, Upton 20, Shadegg 1, Shadegg 501B, and Walden Hydro

5380 5, I think.

5381 The {Chairman.} Yes, let us give the clerks a chance to

5382 find these so we can have them distributed and have the right

5383 ones distributed.

5384 Mr. {Radanovich.} Mr. Chairman--

5385 The {Chairman.} Just wait a minute.

5386 Mr. {Radanovich.} --Radanovich 9 and Deal 5.

5387           The {Chairman.} Radanovich 9--  
5388           Mr. {Radanovich.} And Deal 5.  
5389           The {Chairman.} Deal 5 and what else?  
5390           Mr. {Radanovich.} That is it.  
5391           Mr. {Barton.} Upon 20, Shadegg 1--  
5392           The {Chairman.} Upton 20, Shadegg 1--  
5393           Mr. {Barton.} --Shadegg 501B.  
5394           The {Chairman.} So Shadegg has got two amendments in  
5395 there. 501B.  
5396           Mr. {Barton.} And Walden Hydro 5.  
5397           Ms. {DeGette.} Reserve a point of order.  
5398           The {Chairman.} The gentlelady reserves a point of  
5399 order.  
5400           Ms. {DeGette.} The clerk will report the amendment.  
5401           The {Clerk.} An amendment offered by Mr. Radanovich at  
5402 the end of Title III.  
5403           [The amendments follow:]  
  
5404           \*\*\*\*\* INSERT 30, 31, 32, 33, 34, 35 \*\*\*\*\*

|  
5405 Ms. {DeGette.} Without objection, the amendment will be  
5406 considered as read.

5407 The Chair will withdraw her reservation and recognize  
5408 Mr. Radanovich for 5 minutes in support of his amendment.

5409 Mr. {Radanovich.} Thank you, Madam Chairwoman. My  
5410 amendment is the Agriculture Jobs Off-Ramp amendment, and I  
5411 happen to represent the great Central Valley in California.  
5412 We produce and grow some of the best fruits and vegetables,  
5413 not just for California but for the entire country, and it  
5414 has got a large export component of it as well. And right  
5415 now we are suffering mightily, not because of the global  
5416 warming bill, but because the Endangered Species Act which  
5417 protects a worthless little worm that is going extinct and it  
5418 has shut down the pumps and it is costing the people in the  
5419 Central Valley 40,000 jobs this year and a loss of \$2 billion  
5420 of income in the State's largest industry. Now, as I had  
5421 mentioned, this is not due to global warming, it is due to  
5422 the abuses of a well-intentioned law that was written in  
5423 1974, the Endangered Species Act, that has run amok and  
5424 creating an enormous amount of job losses.

5425 My concern is that this type of environmental alarmism  
5426 is going to be a result of this global warming bill, and its  
5427 adverse impacts on the price of agricultural input costs, not

5428 just in California, but all across the country. My fear is  
5429 that this bill will increase the price of gas or diesel,  
5430 natural gas, electricity, fertilizer, cars, trucks, tractors,  
5431 and trailers, transportation in the form of rail, truck, and  
5432 plane, machine parts, and traditional agriculture tools.  
5433 This bill I believe will disproportionately punish low- and  
5434 middle-class families in my district, many of whom are  
5435 traditionally agriculture workers. And if these agriculture  
5436 jobs are lost, we will mostly be more dependent on foreign  
5437 sources for our food supply. If you like buying oil from  
5438 Hugo Chavez, you are going to love buying your breakfast,  
5439 lunch and dinner from him as well because these types of  
5440 increased costs on California agriculture, American  
5441 agriculture, will force these industries off shore and in  
5442 different countries.

5443         And that is why I am dropping this legislation, this  
5444 amendment, that would require the Secretary of Labor to  
5445 report back on the number of agriculture jobs lost  
5446 nationally. And if it reaches 5 percent, the provisions of  
5447 this Act will cease to be effective.

5448         I want to thank you for the consideration of this bill  
5449 and yield to the gentleman from Arizona, Mr. Shadegg.

5450         Mr. {Shadegg.} Thank you, gentleman, for yielding. I  
5451 appreciate his proportion of this en bloc amendment. I have

5452 two pieces in it. One deals with the issue of essentially  
5453 the foreign aid provision in this legislation.

5454 This legislation calls for spending money by giving it  
5455 to other countries to purchase clean technology from the  
5456 United States. Unfortunately, it talks about the expenditure  
5457 of billions of dollars, minimum of 6.374 billion in the time  
5458 period from 2012 to 2021, another 7.977 billion from 2022 to  
5459 2026, another 81 billion in the period 2027 to 2050 for a  
5460 total minimum of over 95 billion which we give away to  
5461 foreign countries to buy clean technology. As worthy as that  
5462 goal may be, there are many here in this country who think  
5463 that money would be better spent in the United States, and my  
5464 amendment simply says it should go instead to low-income  
5465 consumers here in the United States.

5466 The second amendment which I have recognizes the  
5467 legitimate stake that states have in this issue, and that is  
5468 we have concern on our side of the aisle about employment.  
5469 We have offered many different avenues to try to address  
5470 increasing unemployment in this legislation or as a result of  
5471 this legislation. All of those amendments have been  
5472 rejected. This is yet another attempt that would say that if  
5473 as a result of this legislation unemployment goes up in a  
5474 given state by more than 2 percent, then that state may opt  
5475 out of Title III by one of three things, a declaration by its

5476 governor, a piece of legislation by its legislature opting  
5477 out, or a vote of its people. This is a recognition that it  
5478 is the people who will be impacted. They have local  
5479 officials who represent them and that some portions of the  
5480 country are being adversely affected at the moment. But much  
5481 worse than others, for example, my friends from Michigan  
5482 which face the highest unemployment in the Nation, and I  
5483 would strongly urge the adoption of these two amendments and  
5484 yield back my time to Mr. Radanovich.

5485 Mr. {Upton.} Will the gentleman yield?

5486 Mr. {Shadegg.} I would be happy to yield.

5487 Mr. {Upton.} I just wanted to say I was glad to have my  
5488 amendment included as part of this as well. As Mr. Shadegg  
5489 said, there is no bigger issue in the Midwest, let alone  
5490 Michigan, than the jobs issue, and yesterday our unemployment  
5491 numbers came out, and they are almost 13 percent. And we are  
5492 well on the way to the dire prediction of perhaps 20 percent  
5493 by the end of the summer. And what my amendment does is  
5494 this. I know that we saved Mr. Wilder's job who did a  
5495 terrific job as one of the reading clerks there for a minute  
5496 or two, going through 40 or 50 pages as I understand it, but  
5497 as we look at this bill itself, we are going to see a lot of  
5498 jobs go someplace else, a lot more than just Mr. Wilder's.  
5499 And what my amendment says that if there is a greater than a

5500 10 percent unemployment across the country, that we would  
5501 cease the transfer of money to foreign entities and instead  
5502 divert it to worker training for people who lost their jobs  
5503 in this country. It is a good amendment. It is part of this  
5504 one, the en bloc, and I would like to think that it will be  
5505 considered, and I yield back to the gentleman from  
5506 California.

5507       The {Chairman.} The gentleman's time is expired.

5508       Mr. {Radanovich.} I thank the gentlelady and yield back  
5509 the time I don't have.

5510       The {Chairman.} The gentleman from Massachusetts.

5511       Mr. {Markey.} I thank the gentlelady very much. We  
5512 have had this discussion over and over again, and it has  
5513 manifested itself in different ways, but it all comes down to  
5514 the same decision which we have to make and that is whether  
5515 or not we believe that the legislation which we are  
5516 considering is going to create a new generation of green  
5517 jobs, whether or not it is going to lead to developing the  
5518 domestic capacity for us to begin to back out that 13 million  
5519 barrels of oil a day which we consume from overseas. That is  
5520 the choice. This particular iteration, this particular  
5521 formulation, is one that gives to the EPA administrator the  
5522 ability to make a determination regarding job losses. In  
5523 this case, the cessation of the operation of the legislation

5524 is tied to job losses in the agriculture industry. We  
5525 fundamentally reject on our side of the aisle this level of  
5526 pessimism with regard to the opportunities which this  
5527 legislation is going to present, especially in the  
5528 agriculture sector, especially in the offsets sections of the  
5529 legislation, especially with regard to the solar and to the  
5530 wind which is going to be possible out in the rural parts of  
5531 this country.

5532         We fundamentally reject it, and to tie the long-term  
5533 implementation of this legislation to a determination by the  
5534 administrator of the EPA would be to fundamentally destroy  
5535 the confidence which the investors, not only of our country  
5536 but the world, would have in this program. We are trying to  
5537 create some confidence, some long-term predictability that  
5538 will lead us to new generations of jobs, not just in urban  
5539 America but here empowering rural America. They have a huge  
5540 role in the efforts that this legislation is going to  
5541 unleash.

5542         And so we have already cast this vote at least half-a-  
5543 dozen times. There have been different number of approaches  
5544 which have been taken to derail this bill, to create off-  
5545 ramps which end the ability for this legislation to be  
5546 implemented, but at the end of the day, the vote must be  
5547 known. There is a new dawn of energy job creation which this

5548 bill will signal by the end of this evening, and I urge the  
5549 members not to allow a decision made by an EPA administrator  
5550 to end it because that will be the top line of every memo  
5551 written in every investment banking firm in the world about  
5552 whether or not they should be investing in the new  
5553 technologies that we are trying to unleash.

5554 Mr. {Upton.} Will the gentleman yield for a question?

5555 Mr. {Markey.} Let me yield first to the gentleman from  
5556 Maryland, Mr. Sarbanes.

5557 Mr. {Sarbanes.} Thank you for yielding. Very quickly,  
5558 there has been a lot of discussion of these off-ramps, and  
5559 conceptually what I have arrived at is that we are on this  
5560 highway, and every proposal that the other side has put  
5561 forward is designed to take an off-ramp from the future. We  
5562 are never going to get to where we need to get if we keep  
5563 putting our blinker on and taking the next off-ramp. And  
5564 meanwhile, as we are getting off the highway, these other  
5565 countries are continuing on and passing us by. And that is  
5566 the danger here.

5567 So whether it is a small off-ramp or the giant off-ramp  
5568 in the form of a substitute that was offered a little while  
5569 ago, we can't afford to stop this forward progress, and I  
5570 would urge people to reject this.

5571 Mr. {Radanovich.} Will the gentleman yield?

5572 Mr. {Markey.} I will reclaim my time. The Shadegg and  
5573 the Upton amendments also shift the emission allowances away  
5574 from the International Clean Technology Deployment program,  
5575 and there, too, we are trying to create partnerships so that  
5576 we can have a global approach to these issues. I don't think  
5577 that this approach makes any sense whatsoever, but I would be  
5578 glad to yield to whoever it is that is seeking recognition.  
5579 The gentleman from Michigan, Mr. Upton.

5580 Mr. {Upton.} A quick comment. My amendment is not an  
5581 off-ramp, it is a diversion of the money, back to worker  
5582 training. But I would just like to know if the gentleman  
5583 knows how much money is in this bill for the international  
5584 fund and how much money is in there for worker training for  
5585 those that are displaced because of the Act? Like Mr.  
5586 Shimkus, I know the answer, I think. I will put it this way.  
5587 Do you know how many times greater the international fund is  
5588 over the displaced worker fund? One, two, three, four, or  
5589 five?

5590 Mr. {Markey.} The workers' program is essentially 1/2  
5591 of 1 percent of the allocation, and the international program  
5592 I think is approximately 1 percent of that, including  
5593 adaptation to the program.

5594 Ms. {DeGette.} The gentleman's time is expired. The  
5595 vote now occurs--

5596 Mr. {Barton.} Madam Chairwoman, I would seek  
5597 recognition in support also. We agreed--

5598 Ms. {DeGette.} Does the gentleman ask unanimous consent  
5599 to be recognized?

5600 Mr. {Barton.} If I need unanimous consent. I didn't  
5601 know I needed it. We agreed to 10 minutes on each side.

5602 Ms. {DeGette.} Okay. The gentleman is recognized.

5603 Mr. {Barton.} Thank you, Madam Chairwoman. One of the  
5604 amendments in this en bloc amendment is an amendment by  
5605 Congressman Deal of Georgia who is not here, and I think it  
5606 is worthy of some explanation.

5607 He would set up a public information program where the  
5608 Secretary of Labor would make a quarterly calculation of the  
5609 number of adversely affected workers receiving payments under  
5610 Section 425 which is the Climate Change Worker Assistance  
5611 program. Now, in spite of the many protestations of many of  
5612 the supporters of this legislation that there is not going to  
5613 be any negative economic impact, there are close to 100 pages  
5614 in the legislation going through the Climate Change Worker  
5615 Adjustment Assistance program, and workers who are eligible  
5616 for such assistance include workers employed in the energy  
5617 producing and transforming industry, dependent upon energy  
5618 industries, energy intensive manufacturing industries,  
5619 consumer goods manufacturing, and other industries whose

5620 employment the Secretary determines has been adversely  
5621 affected by any requirement of Title VII of the Clean Air  
5622 Act. So apparently, somebody believes, in spite of what we  
5623 have heard for the last 4 days, there are going to be some  
5624 negative economic impacts. And in this bill, in addition to  
5625 the normal unemployment benefits that we have already, this  
5626 creates an additional program as I understand it on top of.  
5627 And so the Deal amendment would simply say that you have to  
5628 make a quarterly calculation of those adversely affected  
5629 workers and put it up on a website that would be maintained  
5630 by the Department of Energy. It is an informational  
5631 amendment. It is part of the en bloc, and I thought that  
5632 deserved to have some time.

5633 And I would yield to Mr. Walden.

5634 Mr. {Walden.} Thank you very much, Mr. Chairman. I am  
5635 going to speak toward the Walden amendment on hydropower.

5636 First of all, this is water. You pour it in here, and  
5637 it is the same water you pour in here, and under this bill,  
5638 this water going through one dam produces electricity that  
5639 has no carbon footprint but it is not renewable. If you go  
5640 through a different one, it is, depending upon the year, and  
5641 I would like to know from the Chairman why January 1 of 1992  
5642 was picked as the year before which this water goes through  
5643 this dam isn't renewable and if it goes through after, it is?

5644 Who made the decision on 1992?

5645 The {Chairman.} The Chair will defer to Mr. Markey.

5646 Mr. {Walden.} Mr. Markey, can you inform me?

5647 Mr. {Markey.} In the same way that 2005 is used as a  
5648 benchmark or 2020 is used as a benchmark, that number was a  
5649 chosen after considerable deliberation, reflecting upon a  
5650 large set of construction projects that actually had reached  
5651 their culmination point during that time period.

5652 Mr. {Walden.} Okay.

5653 Mr. {Markey.} And it was felt that it would make sense  
5654 to include them because it would help actually then in  
5655 making--

5656 Mr. {Walden.} I am going to reclaim my time and go to  
5657 the next piece of this amendment because I am using up time  
5658 here, but I would like to get the list of those projects.

5659 Clause 3, however, on page 15 says that the hydro  
5660 project installed on the dam is operated so that the water  
5661 surface elevation at any given location and time that would  
5662 have occurred and the absence of the hydroelectric project is  
5663 maintained. In other words, if you put an electrical  
5664 generation device on a dam, the energy produced for that  
5665 device is not considered as new hydro and renewable if at any  
5666 location or time the water behind that dam is affected by  
5667 the addition of that electrical generating device, that

5668 turbine. I have talked to engineers in the Corps of  
5669 Engineers who tell me it is physically impossible not to do  
5670 that. And so therefore, while we have heard a lot of talk on  
5671 that side about how we are going to encourage new hydro, the  
5672 practical and engineering affect of Clause 3 precludes that  
5673 new hydro from ever being considered. And so our amendment  
5674 fixes both of these issues, and I urge its support.

5675 Ms. {DeGette.} Does any member wish to be recognized in  
5676 opposition to the en bloc amendments?

5677 Mr. {McNerney.} Yes, Madam Chairwoman.

5678 Ms. {DeGette.} The gentleman from California.

5679 Mr. {McNerney.} Thank you. I just want to respond to  
5680 some comments by my colleague from California, and I  
5681 certainly appreciate the concern about farm jobs. I have a  
5682 lot of agriculture in my district, and we are seeing huge  
5683 decreases and withdrawals for the delta, but the delta smelt  
5684 which was referred to as the worthless worm is the base of  
5685 the delta food chain and it is going extinct. But it is only  
5686 has resulted in 300,000 acre fee reduction. That is only 5  
5687 percent of the withdrawal from the delta. Now the real cause  
5688 of the low, extremely low, damagingly low withdrawals is  
5689 three consecutive years of very low rainfall, and that is  
5690 consistent with global warming. I don't know if it can be  
5691 blamed on it or not but it is certainly consistent, and 50

5692 years of over drafting the delta.

5693           So I am very concerned about blaming this bill, and we  
5694 will see that as we move forward for all the problems we are  
5695 having in California and other environmental laws for  
5696 damaging the state. I think the environmental laws are  
5697 making our state healthier and may get our country healthier.  
5698 For example, the Clean Water Act. Where would we be now  
5699 without the Clean Water Act, the Clean Air Act, the  
5700 amendments to the Clean Air Act of 1990? So the arguments  
5701 that were given forth on that I don't think carry water. And  
5702 so I urge my colleagues to vote against that.

5703           Mr. {Walden.} Will the gentleman yield?

5704           Mr. {McNerney.} Yes, I yield.

5705           Mr. {Walden.} Does the gentleman support the closure of  
5706 the pumps in the delta due to the delta smelt decision, the  
5707 Wanger decision?

5708           Mr. {McNerney.} The delta withdrawal is due to very  
5709 low--

5710           Mr. {Walden.} Does the gentleman support the decision,  
5711 the Wanger decision, to shut the pumps down for the delta  
5712 smelt?

5713           Mr. {McNerney.} That decision was made in the judicial  
5714 area so I don't--

5715           Mr. {Walden.} Can the gentleman from California answer

5716 yes or no on that?

5717 Mr. {McNerney.} No, the gentleman is not going to  
5718 answer yes or not on that.

5719 Mr. {Walden.} I suggest the gentleman does support that  
5720 decision.

5721 Mr. {McNerney.} The gentleman from--

5722 Ms. {DeGette.} Gentleman--

5723 Mr. {McNerney.} I am sorry.

5724 Ms. {DeGette.} The gentleman from California controls  
5725 the time.

5726 Mr. {Markey.} Does the gentleman from California yield?

5727 Mr. {McNerney.} Yes, I yield back to the gentleman from  
5728 Massachusetts.

5729 Mr. {Markey.} I thank the gentleman very much. And  
5730 just to so that all members can know that the language in the  
5731 bill has been endorsed by the National Hydropower  
5732 Association. Mr. Chairman, will you yield? Were they part  
5733 of--

5734 Ms. {DeGette.} Gentleman from California controls the  
5735 time.

5736 Mr. {Markey.} The gentleman from California has time.  
5737 I just thought everyone should know about it, that we think  
5738 the language in the bill--

5739 Mr. {Walden.} Will the gentleman from California yield

5740 for a question to the Chairman of the Committee since you  
5741 raised the Hydropower Association. I just have a question.  
5742 Did they give the list--

5743 Ms. {DeGette.} The gentleman has not--does the  
5744 gentleman yield?

5745 Mr. {Radanovich.} Yes.

5746 Mr. {Walden.} Okay. So thank you for yielding because  
5747 my question is so the Hydropower Association, so they support  
5748 clause 3 on page 15? And did they provide the list of the  
5749 facilities and come up with the date?

5750 Mr. {Markey.} The National Hydropower Association in  
5751 conjunction with American Rivers Association drafted the  
5752 language that is actually used for the production tax credit  
5753 as well. So we try to work with groups that, you know, are  
5754 out there and we believe that we reached a good formula, and  
5755 we look forward to working with the gentleman in the weeks  
5756 ahead.

5757 Mr. {Walden.} Would you be willing to provide me with  
5758 that list of the dams for electric facilities since '92, that  
5759 took you back to that '92 date because your discussion draft  
5760 from the week before had a different date and that is why--

5761 Mr. {Markey.} We will provide the information to the  
5762 gentleman.

5763 Mr. {Walden.} I appreciate that. Thank you, sir.

5764 Ms. {DeGette.} Does the gentleman from California yield  
5765 back? The gentleman yields back. The vote now occurs on  
5766 the en bloc amendment. All in favor say aye, opposed no. In  
5767 the opinion of the Chair, the no's have it.

5768 Mr. {Barton.} Madam Chairwoman, we would ask for a roll  
5769 call vote.

5770 Ms. {DeGette.} Recorded vote has been requested. The  
5771 clerk will call the roll.

5772 The {Clerk.} Mr. Waxman?

5773 The {Chairman.} No.

5774 The {Clerk.} Mr. Waxman votes no. Mr. Dingell?

5775 [No response.]

5776 The {Clerk.} Mr. Markey?

5777 Mr. {Markey.} No.

5778 The {Clerk.} Mr. Markey votes no. Mr. Boucher?

5779 Mr. {Boucher.} No.

5780 The {Clerk.} Mr. Boucher, no. Mr. Pallone?

5781 [No response.]

5782 The {Clerk.} Mr. Gordon?

5783 [No response.]

5784 The {Clerk.} Mr. Rush?

5785 Mr. {Rush.} No.

5786 The {Clerk.} Mr. Rush votes no. Ms. Eshoo?

5787 Ms. {Eshoo.} No.

5788 The {Clerk.} Ms. Eshoo votes no. Mr. Stupak?  
5789 Mr. {Stupak.} No.  
5790 The {Clerk.} Mr. Stupak, no. Mr. Engel?  
5791 [No response.]  
5792 The {Clerk.} Mr. Green?  
5793 [No response.]  
5794 The {Clerk.} Ms. DeGette?  
5795 Ms. {DeGette.} No.  
5796 The {Clerk.} Ms. DeGette, no. Mrs. Capps?  
5797 Mrs. {Capps.} No.  
5798 The {Clerk.} Mrs. Capps votes no. Mr. Doyle?  
5799 Mr. {Doyle.} No.  
5800 The {Clerk.} Mr. Doyle, no. Ms. Harman?  
5801 Ms. {Harman.} No.  
5802 The {Clerk.} Ms. Harman votes no. Ms. Schakowsky?  
5803 Ms. {Schakowsky.} No.  
5804 The {Clerk.} Ms. Schakowsky, no. Mr. Gonzalez?  
5805 Mr. {Gonzalez.} No.  
5806 The {Clerk.} Mr. Gonzalez votes no. Mr. Inslee?  
5807 Mr. {Inslee.} No.  
5808 The {Clerk.} Mr. Inslee, no. Ms. Baldwin?  
5809 Ms. {Baldwin.} No.  
5810 The {Clerk.} Ms. Baldwin votes no. Mr. Ross?  
5811 [No response.]

5812 The {Clerk.} Mr. Weiner?  
5813 Mr. {Weiner.} No.  
5814 The {Clerk.} Mr. Weiner, no. Mr. Matheson?  
5815 Mr. {Matheson.} No.  
5816 The {Clerk.} Mr. Matheson, no. Mr. Butterfield?  
5817 Mr. {Butterfield.} No.  
5818 The {Clerk.} Mr. Butterfield, no. Mr. Melancon?  
5819 [No response.]  
5820 The {Clerk.} Mr. Barrow?  
5821 Mr. {Barrow.} No.  
5822 The {Clerk.} Mr. Barrow votes no. Mr. Hill?  
5823 Mr. {Hill.} No.  
5824 The {Clerk.} Mr. Hill, no. Ms. Matsui?  
5825 Ms. {Matsui.} No.  
5826 The {Clerk.} Ms. Matsui votes no. Mrs. Christensen?  
5827 Mrs. {Christensen.} No.  
5828 The {Clerk.} Mrs. Christensen, no. Ms. Castor?  
5829 Ms. {Castor.} No.  
5830 The {Clerk.} Ms. Castor, no. Mr. Sarbanes?  
5831 Mr. {Sarbanes.} No.  
5832 The {Clerk.} Mr. Sarbanes, no. Mr. Murphy of  
5833 Connecticut?  
5834 Mr. {Murphy of Connecticut.} No.  
5835 The {Clerk.} Mr. Murphy, no. Mr. Space?

5836 Mr. {Space.} No.

5837 The {Clerk.} Mr. Space votes no. Mr. McNerney?

5838 Mr. {McNerney.} No.

5839 The {Clerk.} Mr. McNerney, no. Ms. Sutton?

5840 Ms. {Sutton.} No.

5841 The {Clerk.} Ms. Sutton, no. Mr. Braley?

5842 Mr. {Braley.} No.

5843 The {Clerk.} Mr. Braley votes no. Mr. Welch?

5844 [No response.]

5845 The {Clerk.} Mr. Barton?

5846 Mr. {Barton.} Aye.

5847 The {Clerk.} Mr. Barton votes aye. Mr. Hall?

5848 Mr. {Hall.} Aye.

5849 The {Clerk.} Mr. Hall votes aye. Mr. Upton?

5850 Mr. {Upton.} Aye.

5851 The {Clerk.} Mr. Upton, aye. Mr. Stearns?

5852 Mr. {Stearns.} Aye.

5853 The {Clerk.} Mr. Stearns, aye. Mr. Deal?

5854 [No response.]

5855 The {Clerk.} Mr. Whitfield?

5856 Mr. {Whitfield.} Aye.

5857 The {Clerk.} Mr. Whitfield, aye. Mr. Shimkus?

5858 Mr. {Shimkus.} Aye.

5859 The {Clerk.} Mr. Shimkus, aye. Mr. Shadegg?

- 5860 Mr. {Shadegg.} Aye.
- 5861 The {Clerk.} Mr. Shadegg, aye. Mr. Blunt?
- 5862 Mr. {Blunt.} Aye.
- 5863 The {Clerk.} Mr. Blunt votes aye. Mr. Buyer.
- 5864 Mr. {Buyer.} Aye.
- 5865 The {Clerk.} Mr. Buyer, aye. Mr. Radanovich.
- 5866 Mr. {Radanovich.} Aye.
- 5867 The {Clerk.} Mr. Radanovich votes aye. Mr. Pitts.
- 5868 Mr. {Pitts.} Aye.
- 5869 The {Clerk.} Mr. Pitts, aye. Ms. Bono Mack.
- 5870 Ms. {Bono Mack.} Aye.
- 5871 The {Clerk.} Ms. Bono Mack, aye. Mr. Walden.
- 5872 Mr. {Walden.} Aye.
- 5873 The {Clerk.} Mr. Walden, aye. Mr. Terry.
- 5874 Mr. {Terry.} Aye.
- 5875 The {Clerk.} Mr. Terry, aye. Mr. Rogers.
- 5876 Mr. {Rogers.} Aye.
- 5877 The {Clerk.} Mr. Rogers, aye. Mrs. Myrick.
- 5878 Mrs. {Myrick.} Aye.
- 5879 The {Clerk.} Mrs. Myrick votes aye. Mr. Sullivan.
- 5880 Mr. {Sullivan.} Aye.
- 5881 The {Clerk.} Mr. Sullivan, aye. Mr. Murphy of
- 5882 Pennsylvania.
- 5883 Mr. {Murphy of Pennsylvania.} Aye.

5884 The {Clerk.} Mr. Murphy, aye. Mr. Burgess.  
5885 Mr. {Burgess.} Aye.  
5886 The {Clerk.} Mr. Burgess votes aye. Ms. Blackburn.  
5887 Ms. {Blackburn.} Aye.  
5888 The {Clerk.} Ms. Blackburn, aye. Mr. Gingrey.  
5889 Mr. {Gingrey.} Aye.  
5890 The {Clerk.} Mr. Gingrey votes aye. Mr. Scalise.  
5891 Mr. {Scalise.} Aye.  
5892 The {Clerk.} Mr. Scalise votes aye. Mr. Dingell.  
5893 Mr. {Dingell.} No.  
5894 The {Clerk.} Mr. Dingell votes no. Mr. Pallone.  
5895 Mr. {Pallone.} No.  
5896 The {Clerk.} Mr. Pallone votes no. Mr. Gordon.  
5897 Mr. {Gordon.} No.  
5898 The {Clerk.} Mr. Gordon votes no. Mr. Green.  
5899 Mr. {Green.} No.  
5900 The {Clerk.} Mr. Green, no. Mr. Engel.  
5901 Mr. {Engel.} No.  
5902 The {Clerk.} Mr. Engel votes no. Mr. Ross.  
5903 Mr. {Ross.} No.  
5904 The {Clerk.} Mr. Ross, no. Mr. Melancon.  
5905 Mr. {Melancon.} No.  
5906 The {Clerk.} Mr. Melancon votes no. Mr. Welch.  
5907 Mr. {Welch.} No.

5908           The {Clerk.} Mr. Welch votes no.

5909           The {Chairman.} Have all members responded to the call  
5910 of the roll? The clerk will tally the vote and announce the  
5911 outcome.

5912           The {Clerk.} Mr. Chairman, on that vote there were 22  
5913 ayes and 36 nos.

5914           The {Chairman.} Twenty-two ayes, 36 nos. The amendment  
5915 is not agreed to. The gentlelady from Ohio, Ms. Sutton, has  
5916 an amendment at the desk. Without objection, it will be  
5917 considered as read. Just wait a minute to have it  
5918 distributed. The gentlelady is recognized for 5 minutes on  
5919 her amendment.

5920           [The amendment follows:]

5921 \*\*\*\*\* INSERT 36 \*\*\*\*\*

|

5922 Ms. {Sutton.} Thank you, Mr. Chairman, and hopefully  
5923 this won't take near that long. This amendment addresses an  
5924 issue, currently the Davis Bacon provisions in this bill  
5925 apply to carbon capture and storage projects funded through  
5926 the carbon capture and storage research corporation which is  
5927 Section 115, and CCS deployment projects for the use of CCS  
5928 bonus allowances, Section 114. And I, of course, strongly  
5929 support these provisions, and I am offering an amendment to  
5930 apply Davis Bacon throughout the bill. The amendment is  
5931 designed to ensure that prevailing wage rates are paid to  
5932 construction workers on all federally assisted construction  
5933 activities related to this Act. This amendment is essential  
5934 to ensuring that the green jobs created by this bill are also  
5935 good family sustaining jobs.

5936 For example, under the bill allowances are allocated to  
5937 encourage the construction of clean energy resources and  
5938 other allowances are allocated for domestic adaptation  
5939 activities, and in order to maintain the consistent  
5940 application of Davis Bacon to federally assisted construction  
5941 the community wage standards of the Act should apply to those  
5942 provisions of the bill. This amendment also includes an  
5943 exemption under the retrofit for energy and environmental  
5944 performance program for the residential bid program, and this

5945 exemption recognizes that individuals will be utilizing this  
5946 program for upgrades to their home. And, in addition, there  
5947 is an exemption for small businesses. Those would be  
5948 projects less than 6,500 square feet, which is premised on a  
5949 case codified in 1971 for post offices. And with that, Mr.  
5950 Chairman, I yield back.

5951 The {Chairman.} Will the gentlelady yield to me?

5952 Ms. {Sutton.} I will yield to the chairman.

5953 The {Chairman.} The Davis Bacon Act requires that  
5954 workers on federally funded construction projects be paid no  
5955 less than the wages paid in the community for similar work.  
5956 This law prevents the federal government, which is a large,  
5957 influential construction owner from using tax dollars to  
5958 undercut local wage standards through its investments in  
5959 construction work. It is important that we build a clean  
5960 energy economy with good high wage jobs and quality workers,  
5961 and I strongly support this amendment. The gentlelady yields  
5962 back her time?

5963 Ms. {Sutton.} I do.

5964 The {Chairman.} Mr. Barton.

5965 Mr. {Barton.} Very briefly, Mr. Chairman. I rise in  
5966 opposition. I guess if we are going to pass a bill where  
5967 cost is no object and what the price of anything is that is  
5968 under this Act, we might as well add an amendment to it that

5969 says you have to have some sort of a minimum wage rate. I am  
5970 not opposed to workers having high wages obviously, and I am  
5971 certainly not opposed on direct federal contracts where the  
5972 construction is a federal project having a Davis Bacon  
5973 component, but this amendment, if adopted, would say that any  
5974 entity that receives emission allowances or funding under the  
5975 Act would have to make a reasonable effort to comply with  
5976 Davis Bacon.

5977         It doesn't implicitly acknowledge that that might be  
5978 counterproductive because it does have an exemption for  
5979 residential buildings and non-residential commercial space  
5980 that is, if I read it right, less than 6,500 square feet so  
5981 it implicitly acknowledged that there is a possibility that  
5982 the way trade is paid might be above the market so we thought  
5983 there might be a germaneness question on this, Mr. Chairman,  
5984 because it is Davis Bacon, but since you are not changing the  
5985 Davis Bacon Act, you are just saying that it has to apply to  
5986 this Act. Our parliamentarian has said that there is not a  
5987 germaneness test, so we oppose it on policy grounds, would  
5988 hope that it is not made a part of the Act. I will yield to  
5989 Mr. Stearns.

5990         Mr. {Stearns.} I thank the ranking member. I would  
5991 like to ask counsel, if a family inherits a home from their  
5992 father and mother and it is a large home and it is in

5993 Florida, central Florida, and it turns out it is 6,505 square  
5994 feet. It is a residential building. Would they have to have  
5995 Davis Bacon apply to them if they retrofitted this house  
5996 based upon this Act?

5997 {Counsel.} My understanding of the amendment is that  
5998 the residential definition in the retrofit program is  
5999 completely exempted, and that would include any single family  
6000 home.

6001 Mr. {Stearns.} It says here if the net interior space  
6002 of such non-residential building is less than 6,500 feet, so  
6003 this is above that threshold, 6,505 feet.

6004 {Counsel.} I thought you defined it as a family home.  
6005 That is a residential building.

6006 Mr. {Stearns.} Non-residential. Okay. So all  
6007 residential are exempt?

6008 {Counsel.} That is right.

6009 Mr. {Stearns.} Okay. So if they had a small business  
6010 in a building that was 6,505 feet then what would happen?

6011 {Counsel.} Then it would be defined as a non-  
6012 residential property, and if they retrofitted the home  
6013 pursuant to the provision of that Act and this amendment was  
6014 part of the Act, the Davis Bacon standard would apply.

6015 Mr. {Stearns.} And so they live in Florida and so that  
6016 would apply, and they couldn't do anything with a private

6017 contractor on this commercial building?

6018 {Counsel.} Well, they could choose any contractor they  
6019 wanted as long as the wage standards under the Davis Bacon  
6020 Act were complied with.

6021 Mr. {Stearns.} Well, they put out a price to fix this  
6022 building. If it turns out they get a lower price and they  
6023 don't even know about the Davis Bacon Act and they accept the  
6024 lower price, what happens to them then?

6025 The {Chairman.} Will the gentleman yield? You are  
6026 talking about violation of the Davis Bacon Act?

6027 Mr. {Stearns.} Well, I am saying in this case they get  
6028 3 estimates, maybe one of them is lower and they take it and  
6029 they don't know it is against the Davis Bacon Act, so I guess  
6030 what happens to them then? Are the inspectors out here to  
6031 confirm this in central Florida that they have their  
6032 commercial building actually retrofitted?

6033 {Counsel.} If they were applying for federal money  
6034 through the REEP program that came to the states and the  
6035 Davis Bacon Act would apply to their building, as a condition  
6036 of obtaining that grant to pay up to half the cost of the  
6037 retrofit the Davis Bacon conditions would apply, and if they  
6038 were to use that money they would have to meet the conditions  
6039 of this provision and presumably be guided by the state as to  
6040 how to obtain the appropriate assurances that their payment

6041 for their half of that--

6042 Mr. {Stearns.} Okay. I will just conclude, Mr.

6043 Chairman. What is the fine or penalty if they don't do this?

6044 {Counsel.} I do not know the penalty.

6045 Mr. {Stearns.} Does the chairman know what would happen

6046 to this family if they retrofitted their home?

6047 The {Chairman.} I don't know. Don't know the answer,

6048 but I do know the time is up.

6049 Mr. {Stearns.} Okay.

6050 The {Chairman.} We now go to the vote. All those in

6051 favor of the Sutton amendment, say aye. Opposed, no. The

6052 ayes have it. The amendment is agreed to.

6053 Mr. {Barton.} Mr. Chairman, could we have a roll call

6054 vote on that, please?

6055 The {Chairman.} You do want a roll call vote?

6056 Mr. {Barton.} Please.

6057 The {Chairman.} Okay. The clerk will call the roll.

6058 The {Clerk.} Mr. Waxman.

6059 The {Chairman.} Mr. Waxman votes aye.

6060 The {Clerk.} Mr. Waxman, aye. Mr. Dingell.

6061 Mr. {Dingell.} Votes aye.

6062 The {Clerk.} Mr. Dingell votes aye. Mr. Markey.

6063 Mr. {Markey.} Aye.

6064 The {Clerk.} Mr. Markey, aye. Mr. Boucher.

6065 Mr. {Boucher.} Aye.

6066 The {Clerk.} Mr. Boucher, aye. Mr. Pallone.

6067 Mr. {Pallone.} Aye.

6068 The {Clerk.} Mr. Pallone votes aye. Mr. Gordon.

6069 Mr. {Gordon.} Aye.

6070 The {Clerk.} Mr. Gordon, aye. Mr. Rush.

6071 Mr. {Rush.} Aye.

6072 The {Clerk.} Mr. Rush, aye. Ms. Eshoo.

6073 Ms. {Eshoo.} Aye.

6074 The {Clerk.} Ms. Eshoo votes aye. Mr. Stupak.

6075 Mr. {Stupak.} Aye.

6076 The {Clerk.} Mr. Stupak, aye. Mr. Engel.

6077 [No response.]

6078 The {Clerk.} Mr. Green.

6079 Mr. {Green.} Yes.

6080 The {Clerk.} Mr. Green votes aye. Ms. DeGette.

6081 Ms. {DeGette.} Aye.

6082 The {Clerk.} Ms. DeGette, aye. Mrs. Capps.

6083 Mrs. {Capps.} Aye.

6084 The {Clerk.} Mrs. Capps, aye. Mr. Doyle.

6085 Mr. {Doyle.} Aye.

6086 The {Clerk.} Mr. Doyle, aye. Ms. Harman.

6087 Ms. {Harman.} Aye.

6088 The {Clerk.} Ms. Harman, aye. Ms. Schakowsky.

6089 Ms. {Schakowsky.} Aye.

6090 The {Clerk.} Ms. Schakowsky votes aye. Mr. Gonzalez.

6091 Mr. {Gonzalez.} Aye.

6092 The {Clerk.} Mr. Gonzalez votes aye. Mr. Inslee.

6093 Mr. {Inslee.} Aye.

6094 The {Clerk.} Mr. Inslee, aye. Ms. Baldwin.

6095 Ms. {Baldwin.} Aye.

6096 The {Clerk.} Ms. Baldwin, aye. Mr. Ross.

6097 Mr. {Ross.} Aye.

6098 The {Clerk.} Mr. Ross, aye. Mr. Weiner.

6099 Mr. {Weiner.} Aye.

6100 The {Clerk.} Mr. Weiner votes aye. Mr. Matheson.

6101 Mr. {Matheson.} Aye.

6102 The {Clerk.} Mr. Matheson, aye. Mr. Butterfield.

6103 Mr. {Butterfield.} Aye.

6104 The {Clerk.} Mr. Butterfield, aye. Mr. Melancon.

6105 Mr. {Melancon.} Aye.

6106 The {Clerk.} Mr. Melancon, aye. Mr. Barrow.

6107 Mr. {Barrow.} Aye.

6108 The {Clerk.} Mr. Barrow votes aye. Mr. Hill.

6109 Mr. {Hill.} Aye.

6110 The {Clerk.} Mr. Hill votes aye. Ms. Matsui.

6111 Ms. {Matsui.} Aye.

6112 The {Clerk.} Ms. Matsui votes aye. Mrs. Christensen.

6113 Mrs. {Christensen.} Aye.

6114 The {Clerk.} Mrs. Christensen votes aye. Ms. Castor.

6115 Ms. {Castor.} Aye.

6116 The {Clerk.} Ms. Castor, aye. Mr. Sarbanes.

6117 Mr. {Sarbanes.} Aye.

6118 The {Clerk.} Mr. Sarbanes, aye. Mr. Murphy of

6119 Connecticut.

6120 Mr. {Murphy of Connecticut.} Aye.

6121 The {Clerk.} Mr. Murphy, aye. Mr. Space.

6122 [No response.]

6123 The {Clerk.} Mr. McNerney.

6124 Mr. {McNerney.} Aye.

6125 The {Clerk.} Mr. McNerney, aye. Ms. Sutton.

6126 Ms. {Sutton.} Aye.

6127 The {Clerk.} Ms. Sutton, aye. Mr. Braley.

6128 Mr. {Braley.} Aye.

6129 The {Clerk.} Mr. Braley votes aye. Mr. Welch.

6130 Mr. {Welch.} Aye.

6131 The {Clerk.} Mr. Welch, aye. Mr. Barton.

6132 Mr. {Barton.} No.

6133 The {Clerk.} Mr. Barton votes no. Mr. Hall.

6134 Mr. {Hall.} No.

6135 The {Clerk.} Mr. Hall, no. Mr. Upton.

6136 Mr. {Upton.} Aye.

6137 The {Clerk.} Mr. Upton votes aye. Mr. Stearns.  
6138 Mr. {Stearns.} No.  
6139 The {Clerk.} Mr. Stearns votes no. Mr. Deal.  
6140 [No response.]  
6141 The {Clerk.} Mr. Whitfield.  
6142 Mr. {Whitfield.} No.  
6143 The {Clerk.} Mr. Whitfield, no. Mr. Shimkus.  
6144 Mr. {Shimkus.} Aye.  
6145 The {Clerk.} Mr. Shimkus, aye. Mr. Shadegg.  
6146 Mr. {Shadegg.} No.  
6147 The {Clerk.} Mr. Shadegg votes no. Mr. Blunt.  
6148 Mr. {Blunt.} No.  
6149 The {Clerk.} Mr. Blunt, no. Mr. Buyer.  
6150 Mr. {Buyer.} No.  
6151 The {Clerk.} Mr. Buyer votes no. Mr. Radanovich.  
6152 Mr. {Radanovich.} No.  
6153 The {Clerk.} Mr. Radanovich votes no. Mr. Pitts.  
6154 Mr. {Pitts.} No.  
6155 The {Clerk.} Mr. Pitts votes no. Ms. Bono Mack.  
6156 Ms. {Bono Mack.} No.  
6157 The {Clerk.} Ms. Bono Mack votes no. Mr. Walden.  
6158 [No response.]  
6159 The {Clerk.} Mr. Terry.  
6160 [No response.]

6161 The {Clerk.} Mr. Rogers.  
6162 Mr. {Rogers.} No.  
6163 The {Clerk.} Mr. Rogers, no. Mrs. Myrick.  
6164 Mrs. {Myrick.} No.  
6165 The {Clerk.} Mrs. Myrick, no. Mr. Sullivan.  
6166 Mr. {Sullivan.} No.  
6167 The {Clerk.} Mr. Sullivan votes no. Mr. Murphy of  
6168 Pennsylvania.  
6169 Mr. {Murphy of Pennsylvania.} Aye.  
6170 The {Clerk.} Mr. Murphy votes aye. Mr. Burgess.  
6171 Mr. {Burgess.} No.  
6172 The {Clerk.} Mr. Burgess, no. Ms. Blackburn.  
6173 Ms. {Blackburn.} No.  
6174 The {Clerk.} Ms. Blackburn, no. Mr. Gingrey.  
6175 Mr. {Gingrey.} No.  
6176 The {Clerk.} Mr. Gingrey, no. Mr. Scalise.  
6177 Mr. {Scalise.} No.  
6178 The {Clerk.} Mr. Scalise votes no. Mr. Terry, not  
6179 recorded. Votes no. Sorry. Mr. Terry votes no.  
6180 The {Chairman.} There are some members still waiting to  
6181 be called.  
6182 The {Clerk.} Mr. Engel.  
6183 Mr. {Engel.} Aye.  
6184 The {Clerk.} Mr. Engel votes aye. Mr. Space.

6185 Mr. {Space.} Aye.

6186 The {Clerk.} Mr. Space, aye.

6187 The {Chairman.} All members responded to the roll. The  
6188 clerk has tallied the roll, and we would like to have the  
6189 outcome.

6190 The {Clerk.} On that amendment, Mr. Chairman, there  
6191 were 39 yeas and 18 nos.

6192 The {Chairman.} Thirty-nine yes, 18 nos. The amendment  
6193 is agreed to. Mr. Inslee, are you ready?

6194 Mr. {Inslee.} I am, Mr. Chair.

6195 The {Chairman.} The gentleman has an amendment at the  
6196 desk. Do you wish to offer this amendment?

6197 Mr. {Inslee.} I do. I will be offering it en bloc. It  
6198 is Inslee un-numbered and Inslee 49. I wish to offer it en  
6199 bloc. I will be then separating the question and withdrawing  
6200 one of them.

6201 The {Chairman.} Without objection, the--

6202 Mr. {Barton.} Mr. Chairman, point of order.

6203 The {Chairman.} The gentleman will state his point of  
6204 order.

6205 Mr. {Barton.} Aren't we rotating, like you folks just  
6206 had one, wouldn't we come to this side first before you go to  
6207 your side again just the normal regular order?

6208 The {Chairman.} The gentleman shouldn't be concerned

6209 about it.

6210           You have one amendment left on your side. We have a  
6211 couple on our side. Don't worry about it.

6212           Mr. {Barton.} That means we should get an amendment  
6213 actually passed if we--it is one thing to offer, Mr.  
6214 Chairman. It is another thing to have them accept--

6215           Mr. {Buyer.} Will the chairman yield?

6216           The {Chairman.} Who is asking me to yield to whom?

6217           Mr. {Buyer.} Mr. Buyer.

6218           The {Chairman.} Mr. Buyer, you are going to be offering  
6219 the next amendment.

6220           Mr. {Buyer.} We are, and we are going to do ours en  
6221 bloc, so why don't you take your remaining amendments, do an  
6222 en bloc, and maybe we can finish up the bill. Just a  
6223 suggestion.

6224           The {Chairman.} Thanks for the suggestion. It is one  
6225 we ought to--it is a helpful one, but we have different  
6226 members on different issues. They have rights. People have  
6227 rights as individual members and some are willing to put them  
6228 together and some not. In this case, for example, by  
6229 unanimous consent, I would like to ask that Mr. Inslee be  
6230 able to offer his two amendments en bloc, one of which he is  
6231 going to withdraw, as I understand it, but he hasn't asked to  
6232 withdraw it yet, so I would like to recognize him but let us

6233 be sure we have unanimous consent that the 2 amendments be  
6234 considered as read. And, Mr. Inslee, you have 2 amendments  
6235 but you only get one 5-minute period of time, and you are now  
6236 recognized for that.

6237 [The amendments follow:]

6238 \*\*\*\*\* INSERT 37, 38 \*\*\*\*\*

|  
6239           Mr. {Inslee.} Thank you. I will be as brief as duty  
6240 permits. The first amendment, the one we hope to pass that  
6241 we may or may not have a vote on but we will pass, is Inslee  
6242 49. Basically this amendment will create a loan guarantee  
6243 program for the adoption and perfection of high capacity  
6244 transmission technologies. We know that we have to  
6245 substantially increase the capacity of our transmission  
6246 system to deal both with increasing demands and the fact that  
6247 renewable energy now requires a whole new dynamic of our  
6248 transmission system. We know that whereas we used to be able  
6249 to bring coal to the generating plant, we can't bring wind to  
6250 the generating plant or solar cell. We can't ship protons or  
6251 wind to a central generating plant.

6252           We have to generate the electricity where they are  
6253 located and then transmit them to the site where we need the  
6254 electricity so we know we need substantial changes in our  
6255 transmission system. This is a proposal that Mr. Hoyer  
6256 originally proposed, legislation that would essentially make  
6257 high capacity transmission technologies eligible for stimulus  
6258 funding and create a loan guarantee program to help their  
6259 adoption. We haven't had enough props in our hearings so I  
6260 will hold one up. This is a wire by American Semi-Conductor.  
6261 Basically, they have a system whereby using super cool metals

6262 they can create the same capacity like 150<sup>th</sup> the amount of  
6263 volume of metal and less than 1/5 of the width of a corridor.

6264 And we now have at least three places in the United  
6265 States lines that are actually, number one, underground,  
6266 don't have visual problems that bother our constituents, have  
6267 a 50-foot corridor rather than a 300-foot corridor, and have  
6268 efficiencies in the area of 20 to 30 percent more efficient.  
6269 So we want to move these technologies forward. The amendment  
6270 simply would make this eligible for stimulus funding and  
6271 create a small \$100 million grant program for the perfection  
6272 of these technologies. It is one of the things we have to  
6273 do. I will be offering that amendment.

6274 The second amendment I will be withdrawing attempts to  
6275 find a solution to our siting challenges we have with our  
6276 transmission system. We know how difficult it is to site  
6277 transmission lines. All of us who are in public life  
6278 understand that our constituents, Republicans and Democrats,  
6279 share 2 traits. We all want unlimited electricity and we  
6280 want 0 electric lines anywhere in our states and country.  
6281 Reconciling those 2 things is difficult. The amendment I  
6282 will offer and withdraw would propose a way to solve that  
6283 problem or move forward by creating back stops siting  
6284 authority for the Federal Energy Regulatory Commission. It  
6285 would suggest that if a state is unsuccessful in siting a

6286 line after 3 years that the FERC would have jurisdiction then  
6287 and only then to site the line.

6288         The proposal we would make would suggest that that  
6289 should be for lines that help fulfill the utility's  
6290 obligation to provide renewable energy. It would also give  
6291 great deference to states by requiring the recommendations of  
6292 states to be followed as to siting even after the 3-year  
6293 period unless the FERC could find a reason that would make  
6294 that a non-viable proposal. It would not expand the eminent  
6295 domain authority. It would be essentially the same as if  
6296 states provided the siting of these lines. Now the reason I  
6297 have proposed this is it is just very clear that we have some  
6298 responsibility that requires some heavy lifting, and that  
6299 heavy lifting is to find a way to respond to the national  
6300 challenge for a national grid.

6301         When we built our grid, it responded to local challenges  
6302 and local generation capability. We now need a national  
6303 system that will respond to the national challenge of dealing  
6304 with global warming and really using the renewable energy  
6305 sources that we have. So there may be many proposals to  
6306 accomplish that this is one we have not been able to find  
6307 consensus as of this moment on this subject but I look  
6308 forward to working with Mr. Markey and Mr. Waxman to  
6309 hopefully find a solution by the time we go to the floor. I

6310 want to note I want to thank Mr. Markey particularly for his  
6311 efforts.

6312       The {Chairman.} Would you yield to me?

6313       Mr. {Inslee.} And I will yield to Mr. Waxman.

6314       The {Chairman.} Let me express my strong feeling that  
6315 we must have a transmission provision in this legislation  
6316 especially for the west, and the west needs the interconnect  
6317 and the ability to develop that transmission, so, Mr. Markey,  
6318 as the chairman of the subcommittee, is going to hold  
6319 hearings on it, and by the time we get to the House floor, I  
6320 expect we are going to develop an amendment that we will put  
6321 into the legislation. We can't ignore the needs for the  
6322 western part of this country, while at the same time, of  
6323 course, we need to understand the concerns of the people on  
6324 the East Coast, but many of us live on the West Coast, and we  
6325 want this transmission issue resolved. You might want to  
6326 yield to Mr. Markey. Without objection, the gentleman is  
6327 given an additional minute.

6328       Mr. {Inslee.} I yield to Mr. Markey.

6329       Mr. {Markey.} I thank the gentleman for yielding and I  
6330 thank the gentleman very much for all of his work on this  
6331 legislation. There are many different stakeholders involved  
6332 in this issue, and, as the chairman said, we think it is  
6333 advisable for us to have a full-blown hearing on this issue

6334 with all of the stakeholders in the country who are able to  
6335 participate. But as the chairman said towards the goal of  
6336 developing that transmission piece for this legislation, and  
6337 without question the gentleman from Washington State has been  
6338 the driving force on this issue, and we intend to work with  
6339 him as the leader towards developing that final product that  
6340 we can use in the legislation, and I think the gentleman for  
6341 all his work.

6342 Mr. {Inslee.} I appreciate that. I look forward to  
6343 working. Just one final comment. You know, this bill is  
6344 going to require in this challenge some really heavy lifting  
6345 by all of us whether you are from a coal-fired state or a  
6346 steel state or a hydro state. All of us are going to have  
6347 heavy lifting here. That is certainly true on transmission,  
6348 and I hope we can find a solution so we all share in that.  
6349 Thank you very much,

6350 The {Chairman.} The gentleman from Washington has  
6351 withdrawn one of his amendments dealing with the transmission  
6352 interconnect, and his other amendment is still pending. Mr.  
6353 Barton.

6354 Mr. {Barton.} Seek recognition and strike the requisite  
6355 number of words.

6356 The {Chairman.} The gentleman is recognized.

6357 Mr. {Barton.} First of all, I want to say that the

6358 amendment that he has not withdrawn, the minority is prepared  
6359 to accept. On the amendment that he did withdraw, I would  
6360 like to point out that the Republican alternative had a  
6361 transmission siting component to it. There were some  
6362 differences. The gentleman's amendment that he is  
6363 withdrawing is good as far as it goes, but in the eastern  
6364 interconnection it only applies to states that are in that  
6365 eastern interconnection and the amendment that I saw earlier  
6366 was for underground corridors but this one apparently is  
6367 above ground also, but it only applies to projects that are  
6368 for the renewable energy component.

6369         We are going to need transmission siting for all types  
6370 of transmission, not just for renewable energy projects so we  
6371 stand prepared. Mr. Terry has worked on this amendment. We  
6372 had something similar to this in the Energy Policy Act of  
6373 2005 for what we called high intensity corridors between the  
6374 states that there was, I believe, a court challenge to so  
6375 that the gentleman from Washington and the gentleman from  
6376 Nebraska have certainly identified an area that regardless of  
6377 what happens to this particular bill, they have identified a  
6378 problem that we need to address because our transmission grid  
6379 is out of date. It is subject to blackouts. It is also  
6380 subject to potential terrorist attacks. It was designed for  
6381 a regulated market which more and more we are beginning to

6382 have a deregulated power market at the wholesale level so we  
6383 stand prepared to work with Mr. Inslee, Mr. Waxman, Mr.  
6384 Markey and others to try to solve this problem.

6385       The {Chairman.} Will the gentleman yield to me?

6386       Mr. {Barton.} I would be happy to yield.

6387       The {Chairman.} I thank you very much for those words,  
6388 and to me that is very encouraging. We need to work together  
6389 on these issues. This is an important issue on transmission.  
6390 And, as Mr. Inslee said, it may be heavy lifting. This whole  
6391 bill is heavy lifting. The whole problems of energy and the  
6392 demand for jobs and independent and economic growth is hard  
6393 to do. We need to do it together. We may not be together  
6394 today on the legislation that is going to pass out at  
6395 committee, but let extend an invitation to all the members,  
6396 Democrat and Republican, let us sit down and work together as  
6397 we go forward because we, I think, should try to reach a  
6398 point where we can support something on a bipartisan basis  
6399 that the committee will put forward on the House floor, so I  
6400 thank you for your comments.

6401       Mr. {Inslee.} Mr. Barton, would you yield just for a  
6402 moment, Mr. Barton?

6403       Mr. {Barton.} I would be happy to yield.

6404       Mr. {Inslee.} I want to thank you also for not  
6405 correcting me when I refer to these as semi-conductors. They

6406 are super conducting lines, and I would appreciate you in not  
6407 humiliating me in the eyes of the United States of America.  
6408 I take care of that myself. Thank you very much.

6409 Mr. {Barton.} It would be impossible for me to  
6410 humiliate you, but seriously you have done an excellent job  
6411 on this bill, and you are to be commended, not just on this  
6412 section but on all the--you have been an indefeatable  
6413 proponent of this, and you should have a tremendous  
6414 celebration this evening for the efforts you have made on  
6415 behalf of this bill.

6416 The {Chairman.} The vote now comes--well, would you  
6417 yield to Ms. Eshoo?

6418 Mr. {Barton.} Sure.

6419 Ms. {Eshoo.} Mr. Chairman, thank you, and thank you to  
6420 the ranking member for yielding his time. Even though this  
6421 discussion comes very late in our markup, it is nonetheless  
6422 as has been noted by the speaker so far how important it is.  
6423 I am very pleased to co-sponsor this effort at the committee.  
6424 The current transmission lines are copper, advanced composite  
6425 is 30 percent more efficient, super conducting is 60 percent  
6426 more efficient. And members should recall with some pleasure  
6427 that voted for the ARPA funds that there are going to be  
6428 monies available for this, and so from those that are going  
6429 to apply the facilities and utilities, we are going to win in

6430 terms of having a much better grid in the country so this is  
6431 really important. It bumps up the effort to a whole new  
6432 level for our country. And so I am pleased to be part of the  
6433 effort and glad that the ranking member supports it. I think  
6434 it will be good news for the country, and I yield back.

6435 Thank you.

6436 The {Chairman.} Thank you. The vote now comes on the  
6437 Inslee amendment. All those in favor, say aye. Opposed, no.  
6438 The ayes have it and the amendment is agreed to. The chair  
6439 would like to now call on Mr. Buyer to offer an amendment.  
6440 Do you have just one amendment or--

6441 Mr. {Buyer.} One en bloc amendment, which will be the  
6442 last amendment on the Republican side given that you have no  
6443 more amendments.

6444 The {Chairman.} We do have some amendments on the  
6445 Democratic side.

6446 Mr. {Buyer.} How many amendments do you have on your  
6447 side because actually we got like 400 more if you want us to  
6448 go.

6449 The {Chairman.} You have been generous in taking up our  
6450 time in this markup, but I don't want to be criticized for  
6451 not calling on a Republican that has an amendment at this  
6452 point. If you prefer, we can call on a Democrat.

6453 Mr. {Buyer.} How many amendments does your side have

6454 because what we are trying to do is trying to be helpful  
6455 here, Mr. Chairman. We are taking 8 amendments and making  
6456 them en bloc to be cooperative here.

6457         The {Chairman.} We have 2 amendments on our side that  
6458 will be offered and voted on and there will be several--I  
6459 don't know how many will be offered and withdrawn. Does that  
6460 make you want to go now with yours or do you want to wait?

6461         Mr. {Buyer.} No. I think we will take--show your hand.  
6462 Have you brought up Title IV to the bill?

6463         The {Chairman.} The bill has been open for amendment at  
6464 any point for a very long time. All right. Well, I will  
6465 reserve the right to offer this amendment and allow you to go  
6466 next. Mr. Space. Just a minute. I did promise Mr.  
6467 Matheson. You don't care. Then Mr. Space. Mr. Space, you  
6468 are recognized.

6469         Mr. {Space.} Thank you, Mr. Chairman. I have an  
6470 amendment at the desk.

6471         The {Chairman.} Without objection, the amendment will  
6472 be considered as read, and the gentleman from Ohio is  
6473 recognized for 5 minutes.

6474         [The amendment follows:]

6475 \*\*\*\*\* INSERT 39 \*\*\*\*\*

|

6476           Mr. {Space.} Thank you, Mr. Chairman. This is a  
6477 relatively simple but important amendment, particularly for  
6478 agricultural producers who are affected by the bill. The  
6479 bill itself provides offset credits for certain agricultural  
6480 activities. Section 732 is the section that provides for  
6481 those credits. Section 733 defines those credits somewhat  
6482 vaguely. We did attempt to resolve that by way of an  
6483 amendment earlier today but at the chair's suggestion that we  
6484 would work on those issues, that amendment was withdrawn.  
6485 Notwithstanding that offset activity credit remains in the  
6486 bill. Section 734 currently imposes a requirement that with  
6487 limited exceptions these activities which are subject to  
6488 offset credits are eligible for those credits only if they  
6489 started after January 1, 2009, the theory being that we want  
6490 to reward people who begin these new activities in capturing  
6491 carbon.

6492           The problem is that by limiting these offsets only to  
6493 those projects began after January 1, 2009, we are  
6494 prejudicing those who have engaged in those activities in  
6495 advance or essentially at the head of the curve when it comes  
6496 to climate change conduct. One example that comes to mind is  
6497 no till plowing or practices in the agricultural community.  
6498 If you have 2 farmers, one who has been engaging in

6499 responsible practices for the last 5 years, no till plowing,  
6500 for example, on one side of the road, and on the other side  
6501 of the street a farmer that has never engaged in it but  
6502 begins to engage in the activity after January 1, 2009, the  
6503 more irresponsible farmer will get the offset credit, the  
6504 responsible farmer will not.

6505         Although this may sound a bit mundane to most of the  
6506 members of this committee, it is actually very important to  
6507 those farmers who want to participate in this bill, so it is  
6508 not only unfair to those farmers who have been proactive, it  
6509 is also encouraging farmers that have been engaging in the no  
6510 till practices, it will encourage them to cease that activity  
6511 for a defined period of time and then re-initiate, and that  
6512 circumvents the very intent and purposes of the bill. So  
6513 what this amendment essentially provides, and it is the  
6514 material part of the amendment, is in subsection (b)(2) that  
6515 will provide that the activity that the individual seeks an  
6516 offset for must have begun after January 1, 2009, except with  
6517 regard to activities that are easily and readily reversible  
6518 and where the administrator determines that to change the  
6519 date would remove the incentive to cease and then re-initiate  
6520 it. It is a rather complicated and complex analogy but it is  
6521 one that applies especially to those relatively small family  
6522 farms. This should be a somewhat non-controversial amendment

6523 and we are asking that the body of this committee approve  
6524 this amendment.

6525         The {Chairman.} If the gentleman would yield to me, I  
6526 think this amendment is a good one, and I urge members to  
6527 support it. You are allowing the offset for projects that  
6528 have been done in anticipation of the controls, is that--

6529         Mr. {Space.} If the chairman would yield back the time.  
6530 Not necessarily in anticipation of legislation, but there are  
6531 farmers right now in Ohio's 18<sup>th</sup> district, for example, that  
6532 are and have been for several years engaging in no till  
6533 practices on their farms, and they have been doing it because  
6534 it was the responsible thing to do, it was the right thing to  
6535 do, and not necessarily for any kind of monetary gain. What  
6536 this bill will do as it is written now is reward those  
6537 farmers who commence engagement in no till practices, but it  
6538 won't reward those farmers who have been doing it for several  
6539 years, so this amendment is designed to give the  
6540 administrator of the EPA the authority to look back and  
6541 capture those people that have been doing it to give them the  
6542 full credit of the carbon capture offset.

6543         The {Chairman.} I think it makes a great deal of sense.  
6544 The gentleman's time--you yield back the balance of your  
6545 time?

6546         Mr. {Space.} I yield back, Mr. Chairman.

6547           The {Chairman.} Mr. Barton.

6548           Mr. {Barton.} Mr. Chairman, I know the hour is late and  
6549 we want to catch planes or go eat supper depending on your  
6550 mood, go have a drink because you are so despondent about  
6551 this passing or whatever, but my good friend from Ohio has  
6552 just highlighted one of the real problems in this  
6553 legislation. We are going to give credit if this becomes a  
6554 part of the bill, and since you said you support it, it is  
6555 going to, for activities that have already occurred that may  
6556 or may not have been intended to give credits simply because  
6557 somebody made a decision some time after January 1, 2001, to  
6558 do something that they thought made sense but now will  
6559 qualify for offsets that can become a commodity that can be  
6560 sold.

6561           My great grandfather had 3 windmills on his farm in  
6562 Whitney, Texas in 1890. If you use this logic and change  
6563 that date from January 1, 2001, to January 1, 1890, he would  
6564 be eligible if he were alive.

6565           Mr. {Space.} Will the gentleman yield?

6566           Mr. {Barton.} I would be happy to yield.

6567           Mr. {Space.} That is a legitimate, entirely legitimate,  
6568 concern that you have and I believe that this amendment  
6569 addresses that concern because it confines the ability to  
6570 take advantage of the exception to those cases where it is

6571 not just simply easily reversible, but in those cases where  
6572 the administrator finds that there is an incentive for people  
6573 who are engaged in smart responsible practices to stop doing  
6574 so and then re-engage or re-initiate after a period of time  
6575 so that they can then become eligible. In your case and your  
6576 grandfather's case, he is not likely to tear those windmills  
6577 down and then rebuild them after a period of time to take  
6578 advantage of the credit.

6579 In this case, with the no till practices, all a farmer  
6580 would have to do is stop behaving responsibly, after a period  
6581 of time re-engage in the practice, and then he is eligible  
6582 for the credits. In that interim gap, we are going to be  
6583 seeing an additional influx of carbon into the atmosphere and  
6584 I think it obviates and is counterproductive to the purpose  
6585 of the bill.

6586 Mr. {Barton.} Reclaiming my time. If you are going to  
6587 have a cap and trade program, which I don't think we need,  
6588 but that is beside the point, it makes sense to have an  
6589 offset component, but we have already--I think we have shown  
6590 in the debate and I think we have got instances that when you  
6591 have offsets they are extremely subject to abuse and to  
6592 fraud, and for the life of me, with all due respect, I don't  
6593 see why we are accepting something that is retroactive. At  
6594 least make your offset program proactive so that it doesn't

6595 kick in until the act actually kicks in. I think you are  
6596 going to be amazed at how many projects all of a sudden seem  
6597 to qualify because they were commenced in the early 2000's,  
6598 and then you are going to get pressure to come in and say,  
6599 well, we did that same thing in 1995, so maybe we ought to  
6600 retroactively go the date even a little bit further back.

6601 You are setting a terrible precedent, Mr. Chairman, and  
6602 I am not discounting the sincerity of the author of the  
6603 amendment but this is going to be a nightmare. It is going  
6604 to be abused. There are going to be millions or hundreds of  
6605 millions of dollars fraudulently claimed under this program,  
6606 and I just would hope we wouldn't accept it, but I yield  
6607 back.

6608 The {Chairman.} The gentleman yields back his time.  
6609 The vote now comes on the Space amendment. All those in  
6610 favor of the amendment say aye. Opposed, no. The ayes have  
6611 it, and the amendment is agreed to. Mr. Buyer, I want to  
6612 recognize you at this time.

6613 Mr. {Buyer.} How many further amendments, Mr. Chairman?

6614 The {Chairman.} Do you wish to be recognized or not?

6615 Mr. {Buyer.} Do you have more amendments?

6616 The {Chairman.} We have a Matheson amendment, a  
6617 Gonzalez colloquy. The Matheson amendment is going to be  
6618 withdrawn. Mr. Rush wants to be recognized so he can engage

6619 in a discussion, and then there is a manager's amendment, and  
6620 that manager's amendment would require an actual vote. Would  
6621 you prefer us to go with our manager's amendment?

6622 Mr. {Buyer.} Yes.

6623 The {Chairman.} Okay.

6624 Mr. {Buyer.} Thank you, Mr. Chairman.

6625 The {Chairman.} I have an amendment at the desk, and  
6626 without objection that amendment will be considered as read,  
6627 and I would like to have 5 minutes to discuss it.

6628 [The amendment follows:]

6629 \*\*\*\*\* INSERT 40 \*\*\*\*\*

|  
6630           The {Chairman.} The manager's amendment makes a number  
6631 of technical, conforming, and other changes that I don't  
6632 believe are controversial. In fact, we have shared this  
6633 amendment with Mr. Barton and he and his staff have had a  
6634 chance to review it. And I don't believe that there is any  
6635 problem that he has with this amendment.

6636           Mr. {Barton.} Mr. Chairman, we are prepared to accept  
6637 the amended manager's amendment, the revised version.

6638           The {Chairman.} I could discuss it in more detail but I  
6639 think I ought to stop while I am ahead.

6640           Mr. {Stearns.} Point of order, Mr. Chairman. Has your  
6641 manager's amendment been at the desk for 2 hours? I hope you  
6642 will be honest.

6643           Mr. {Barton.} We have known about it for over 2 hours.  
6644 I will say that.

6645           Mr. {Stearns.} But I think the question, I am just  
6646 curious whether the--

6647           The {Chairman.} The answer to the gentleman's inquiry  
6648 is yes. Now the vote comes on the manager's amendment, as  
6649 amended, the manager's amendment. All those in favor of the  
6650 amendment, say aye. Opposed, no. The ayes have it, and the  
6651 amendment is agreed to. Mr. Matheson, we recognize you next.

6652           Mr. {Matheson.} Thank you, Mr. Chairman. I have an

6653 amendment at the desk.

6654           The {Chairman.} The amendment will be considered as

6655 read and the gentleman is recognized for 5 minutes.

6656           [The amendment follows:]

6657 \*\*\*\*\* INSERT 40A \*\*\*\*\*

|

6658           Mr. {Matheson.} Thank you, Mr. Chairman. I am offering  
6659 amendment in order to help or address issues related to small  
6660 business refiners. Small refiners are found in 22 states in  
6661 this country, including those owned by farm cooperatives.  
6662 There is a high concentration of small business refiners in  
6663 the interior west. They are essential to fuel supply in that  
6664 area and there are very few alternative suppliers, if any.  
6665 Governors from Wyoming, South Dakota and New Mexico support  
6666 assistance for these refiners. Other members of Congress  
6667 have also written to the committee in support of action.  
6668 Small refiners are in a different position than larger  
6669 refiners. And this, by the way, small refiners are defined  
6670 in federal government as small business refiners is an entity  
6671 that refines less than 205,000 barrels a day.

6672           They are in a different position and have more exposure  
6673 than large refiners just because larger companies have  
6674 international facilities and greater scales of economy. So  
6675 what this amendment does is it tries to address that issue  
6676 for small business refiners by providing 1 percent of  
6677 allowances from an allocated pool to help these refiners. It  
6678 is targeted assistance that would phase out in 2025. This  
6679 amendment tries to balance transitional assistance with  
6680 expectations of transitioning to a low carbon economy, and,

6681 Mr. Chairman, I would now yield to you.

6682 The {Chairman.} Thank you very much for yielding.

6683 Mr. {Green.} Mr. Chairman.

6684 The {Chairman.} Yes.

6685 Mr. {Green.} If the gentleman would yield.

6686 The {Chairman.} The gentleman yielded to me, and I am  
6687 sure he would be happy to yield to you next since he does  
6688 have time available. I understand what the gentleman is  
6689 attempting to do, and I am very sympathetic to that. I want  
6690 to work with the gentleman and others on the committee who  
6691 have an interest in this matter and prepare a possible  
6692 amendment on the House floor to address this concern.

6693 Mr. {Matheson.} I appreciate that. Mr. Green, do you  
6694 still want me to yield?

6695 Mr. {Green.} Well, Mr. Chairman, first, I would say I  
6696 would accept his amendment, but I understand. Two percent  
6697 was negotiated and included both large refiners and small  
6698 refiners. In fact, we have refiners who have small  
6699 refineries that would fit under what we would consider a  
6700 small refinery, but put together they would be pretty large.  
6701 But I appreciate the chairman's support for trying to address  
6702 this issue and hopefully increase it to a percentage higher  
6703 on the House floor, and I just want to thank you for your  
6704 work and again thank you, Mr. Chairman, for your work with

6705 us.

6706 Mr. {Matheson.} I really appreciate it, Mr. Chairman,  
6707 and look forward to working with this as the bill moves  
6708 forth.

6709 The {Chairman.} The gentleman withdraws his amendment?

6710 Mr. {Matheson.} Yes, I withdraw the amendment and I  
6711 yield back.

6712 The {Chairman.} And yields back the balance of his  
6713 time. Mr. Barton.

6714 Mr. {Barton.} I seek recognition and strike the  
6715 requisite number of words.

6716 The {Chairman.} The gentleman is recognized.

6717 Mr. {Barton.} Mr. Chairman, I want to thank the  
6718 gentleman from Utah for his efforts here. I would also like  
6719 to thank Mr. Green for his efforts. I will point out if you  
6720 really want to help refiners because you are not having a  
6721 special exemption for some of the tailpipe emissions, the  
6722 refiner allowance program needs to be 44 percent, so you are  
6723 at 2 percent. Mr. Matheson wants to go to 3 percent. If you  
6724 really want to hold harmless the motorists of America, you  
6725 ought to put 44 percent. The problem, if you do that you go  
6726 over 100 percent in terms of free allowances, which is a  
6727 problem even for this new Democrat majority, so 2 percent, 3  
6728 percent--

6729 The {Chairman.} Would the gentleman yield to me?

6730 Mr. {Barton.} I would be happy to yield.

6731 The {Chairman.} I disagree with the gentleman's  
6732 statement but at this late hour, I really don't want to go  
6733 into all the debate about it, but I would be happy to discuss  
6734 it with you further--

6735 Mr. {Barton.} I am sure of that.

6736 The {Chairman.} --why I don't think your argument would  
6737 be justified--your suggestion would be justified. But I will  
6738 accept the fact that we might have a disagreement about it  
6739 but I think if we had an opportunity to talk it over, you  
6740 could see our point of view.

6741 Mr. {Barton.} I would certainly listen, Mr. Chairman.  
6742 I yield back.

6743 The {Chairman.} Thank you. The gentleman yields back.  
6744 Mr. Gonzalez.

6745 Mr. {Gonzalez.} Thank you very much, Mr. Chairman. I  
6746 would like this opportunity, and I appreciate you giving me  
6747 the opportunity, to enter into a colloquy with you regarding  
6748 emission allowances, and I know you have been waiting for  
6749 this with baited CO2 breath, the local distribution companies  
6750 bringing new plants on line in the next few years. I don't  
6751 think members understand that there may be as many as 10 just  
6752 on this side of the aisle that would be impacted, but there

6753 would be consequences because of the timing of getting the  
6754 permit, the license, the construction, and when they would  
6755 come on line. The original draft inadvertently left these  
6756 facilities out of the calculation for allowances, and several  
6757 local distribution companies would have faced the situation  
6758 whereby they would have had to purchase significantly more  
6759 allowances from day one under the rules of this bill instead  
6760 of being covered by the LDC allocation presently described in  
6761 the bill.

6762 In the case of San Antonio, the municipally-owned LDC  
6763 would have had to raise rates to cover the additional costs  
6764 delivered electricity to meet the basic need that would have  
6765 deluded the consumer protections that were incorporated into  
6766 the bill. While I agree with the goals of the legislation,  
6767 that is, to reduce CO2 emission, I do not believe it would be  
6768 fair if those local utilities which are adding capacity in  
6769 the immediate future to meet their base load needs would have  
6770 to begin at a disadvantage. In comparison to other  
6771 electricity LDCs, the only difference is that their  
6772 additional facility won't come on line by the date of this  
6773 legislation despite the financial investment having been  
6774 made, the permitting process having been completed, and the  
6775 construction being underway.

6776 The amendment in the nature of a substitute does include

6777 language to address the concerns of these local distribution  
6778 companies which have facilities coming on line after 2009 but  
6779 not later than 2012. However, it is in need of a correction  
6780 to properly determine how to calculate those emissions for  
6781 plants having less than 3 years of operation. The proposed  
6782 fix in the bill we are about to vote on today is a very  
6783 strong first step in that direction but I would hope that I  
6784 would have the commitment from the chairman that we will  
6785 continue to work to address the deficiency in the language as  
6786 it exists.

6787       The {Chairman.} If the gentleman would permit, I thank  
6788 you for raising this issue. Our staffs have worked together  
6789 on it, and I want to assure you that we will continue to work  
6790 together as the process moves forward. You have raised an  
6791 issue of great concern.

6792       Mr. {Gonzalez.} Thank you very much, and I yield back.

6793       The {Chairman.} The gentleman yields back. Mr.  
6794 Dingell.

6795       Mr. {Dingell.} Mr. Chairman, I want to compliment you  
6796 for the way that you have handled this and express my thanks  
6797 to you for the fair way in which you have considered the  
6798 concerns of the members and think that we have basically a  
6799 good bill. I do want to make just one small remark. I hope  
6800 my friend, Mr. Engel, is around here because I want him to

6801 hear what I have to say. I have great respect for him, and  
6802 he is a fine member and a good friend. He wants to use flex  
6803 fuels instead of imported oil. So do I. But there is  
6804 language in the Statement of Managers which I find to be most  
6805 curious. First of all, it requires or rather allows the  
6806 Secretary of Energy to mandate light duty vehicles to be flex  
6807 fuel vehicles, but, understand, not all flex fuels, but only  
6808 E85 and M85.

6809         Now M85 is an interesting fuel because its major  
6810 component is methyl alcohol, which is made by burning coal.  
6811 It is also interesting that this wonderful substance happens  
6812 to be a deadly toxic substance which can impair the health of  
6813 people simply by falling on the skin of the individual  
6814 concerned. Now it is particularly interesting because  
6815 although we have been trying to stimulate the production of  
6816 alternative fuels and flex fuels, we find that E85 is  
6817 available in less than 1 percent of all fuel stations in the  
6818 country. And we have had hearings in this committee on this  
6819 matter under my chairmanship to try and see that we did  
6820 something about this.

6821         Now we find, however, that fuel is not available in  
6822 quantities enough to meet the current demand, let alone any  
6823 future demand that might be anticipated. Congress mandated,  
6824 as you will recall, 36 billion gallons of renewable fuels to

6825 be produced by 2022, but even assuming that the RFS of 36  
6826 billion gallons could be met, this will still just represent  
6827 20 percent of the total gasoline fuel and half of 20 percent  
6828 will be E10. Where the fuel for these flex vehicles will  
6829 come from, nobody knows. The fuel infrastructure isn't there  
6830 to justify these mandates and the cost to industry and  
6831 consumers. It should be noted that the cost of this is  
6832 relatively minor. It costs another \$100 to \$200 a car.

6833         We are going to have a lot then of cars for which  
6834 consumers are going to be paying an extra \$100 or \$200 and  
6835 driving around the country hunting for places where they can  
6836 put in the flex fuels which the cars are capable of using.  
6837 This will, of course, also require significant subsidies from  
6838 the taxpayers. Having said this, it should be noted that we  
6839 are not going to have the flex fuels available at any time in  
6840 the foreseeable future, so this is a total error in that we  
6841 have gone about creating a lot of cars for which there will  
6842 be no fuel. It is my hope that somebody around here will  
6843 realize that this is not a good thing to do, and that we will  
6844 set about then doing something which will make sense, and  
6845 that is instead of stimulating the production of cars which  
6846 can't find a useful fuel that they will then set about  
6847 creating a useful fuel for which we have right now too many  
6848 cars to properly fuel the vehicles.

6849           Now again I respect my colleague, Mr. Engel, and his  
6850 goal is a desirable one, but his mechanism for achieving it  
6851 is an erroneous one. And if we intend to do something here  
6852 about addressing the problem that we confront with regard to  
6853 global warming and loading the atmosphere with carbon this  
6854 portion of the amendment is not the right way to address it.  
6855 So I will perhaps be filing a minority view on this, and I  
6856 will be working between now and the time we get on the floor  
6857 to find a more rational way of addressing this situation, and  
6858 I will look forward to working with you and hopefully with  
6859 Mr. Engel to achieve some kind of a sensible conclusion to  
6860 what is a work of great enthusiasm but rather diminished  
6861 effectiveness. And I thank you, and I yield back the balance  
6862 of my time.

6863           Mr. {Engel.} Would Mr. Dingell yield?

6864           Mr. {Dingell.} Certainly. I will be glad to yield.

6865           Mr. {Engel.} Thank you.

6866           Mr. {Dingell.} Maybe you can explain why I have to be  
6867 concerned about these things.

6868           Mr. {Engel.} Well, I thank you.

6869           Mr. {Dingell.} You got a fine amendment. It just  
6870 doesn't work.

6871           Mr. {Engel.} Thank you, Mr. Chairman. I am glad that  
6872 we have an opportunity to discuss this. I certainly respect

6873 your concerns and I certainly take them very, very seriously,  
6874 but I have concerns as well. I am concerned that the United  
6875 States of America for too long has been addicted to oil, to  
6876 foreign oil, and I believe with all my heart that the only  
6877 way that we can wean ourselves off of middle eastern and  
6878 foreign oil is to make this country energy independent. I  
6879 think that this--

6880 Mr. {Dingell.} If the gentleman would permit me to make  
6881 an observation.

6882 Mr. {Engel.} Certainly.

6883 Mr. {Dingell.} He is requiring the manufacturer of  
6884 large numbers of automobiles or potentially large numbers of  
6885 automobiles but there is no fuel available for those  
6886 vehicles. This is the most curious thing. If my good friend  
6887 wants to address this problem, let us address the fuel and  
6888 the supply side as opposed to addressing this other matter in  
6889 this other curious way.

6890 Mr. {Engel.} Will the gentleman yield?

6891 Mr. {Dingell.} What the gentleman has done is then to  
6892 create a situation where there is going to be all these flex  
6893 fuel vehicles driving around looking for a place that they  
6894 can get flex fuel. He has done nothing to address the supply  
6895 side.

6896 Mr. {Engel.} Well, if the gentleman will yield back to

6897 me perhaps I can--

6898           The {Chairman.} The gentleman's time has expired. I am  
6899 going to yield 2 minutes to Mr. Engel, and then I want to  
6900 yield time to Mr. Barton, and then I think we have just got  
6901 to move on, folks. So Mr. Engel is recognized for 2 minutes.

6902           Mr. {Engel.} Thank you, Mr. Chairman. It is hard to do  
6903 this in 2 minutes but I will try my best. I visited a  
6904 country like Brazil which every car manufactured in Brazil  
6905 was a flex fuel car. When you drive into a gasoline station  
6906 in Brazil, you can get ethanol, methanol or gasoline. I  
6907 believe it creates competition, and I believe that is very  
6908 important. I also believe Chairman Dingell's point is that  
6909 it becomes a Catch 22. If you don't have the vehicles that  
6910 will use this kind of fuel then you won't have the fuel. I  
6911 believe if you filled the vehicles you will then get the  
6912 fuel. I also believe very strongly that it would cost \$90 or  
6913 \$100 at most per car to do this, and I think that is a very  
6914 small price to pay to make us energy independent while we are  
6915 moving to solar and wind and all those other things.

6916           We cannot get from step 1 to step 10 overnight, and I  
6917 think this gives us another vehicle. If we are talking about  
6918 plug-in electric vehicles, they can be flex fuel as well, so  
6919 when the President of the United States, and I commend him,  
6920 announces that for \$1,300 more a car he is going to increase

6921 CAFÉ standards, which I applaud, I think the \$90 to \$100 a  
6922 car, we could do this in America and make every car flex  
6923 fuel. And, frankly, I am perplexed why the automobile  
6924 industry is lobbying so heavily against this. Maybe they  
6925 ought to get into the real world and understand that the  
6926 reason why people aren't buying cars is because they are not  
6927 doing the kind of things that the American public wants, and  
6928 they have resisted these changes for years and years.

6929         They, thankfully, have stopped resisting the change  
6930 towards better CAFÉ standards with the President, but they  
6931 are still resisting these changes with lobbyists and  
6932 everything else here trying to block it. I think that what  
6933 we want in this country is energy independence, and I think  
6934 that flex fuel cars are one of the ways to go, and, frankly,  
6935 I would be delighted to work with Chairman Dingell on a way  
6936 to make this happen, whether it is on the supply side with  
6937 the fuel or whether it is making more vehicles, but we have  
6938 to do this and this language, I think, is a small step in  
6939 that direction. We need to go even further, and I would hope  
6940 that we can go further before the time the bill hits the  
6941 floor of the House for us to vote on it. And I thank  
6942 Chairman Waxman for being generous with his time.

6943         The {Chairman.} The gentleman's time has expired. Mr.  
6944 Barton.

6945           Mr. {Barton.} Thank you, Mr. Chairman. I will be  
6946 brief. It is good to see Democratic unity on display in the  
6947 committee. I mean this seriously. I don't appreciate the  
6948 work product, but I do appreciate the work effort that you  
6949 and Mr. Markey have exhibited in bringing the bill this far.  
6950 It is truly remarkable to see what you all have been able to  
6951 accomplish. But I want to encourage my good friend from  
6952 Michigan. He can do more than file a minority report. He  
6953 can vote with me against the bill, and if he can bring Mr.  
6954 Stupak and a few others, we can start over and I guarantee my  
6955 friend from Michigan, we can make him very, very happy. With  
6956 that, I want to yield to Mr. Shimkus.

6957           Mr. {Shimkus.} Thank you. And I had promised not to  
6958 speak, but of course the renewable fuels debate compels me.  
6959 Because of what we said before, this is a debate that should  
6960 have been in the manager's amendment. Eliot Engel is right.  
6961 In this Congress under Republican leadership and under  
6962 Democrat leadership have pushed renewable fuels. You are  
6963 part of this now acceptance of renewable fuels as being an  
6964 option in the liquid fuel debate. You have accepted this  
6965 baby. Now you have to help nurture it. To cut it off before  
6966 it entered grade school would be a great disservice. In my  
6967 district, I can get from--and I represent parts of 30  
6968 counties in southern Illinois. I can fill up continuously

6969 with E85.

6970 I have had E85 vehicles 3 different congressional terms.  
6971 This is the only thing we have done to reduce our reliance on  
6972 imported crude oil, renewable fuels, and this cost to the  
6973 manufacturers is so small that it is crazy not to have  
6974 choices. It is just crazy. So I am really taking offense at  
6975 what the Chairman Emeritus has done, and I am with you,  
6976 buddy, let us fight it.

6977 The {Chairman.} Before we get into a fight, let me move  
6978 on to another subject, but I want to say to all my colleagues  
6979 that we have differences of opinion. I don't want to get  
6980 corny about it, but we all want the same goals and we have to  
6981 work together. Get the pun? Corny. Mr. Rush.

6982 Mr. {Rush.} Mr. Chairman, when we started this markup  
6983 in my opening statement, I said that this was a good bill and  
6984 after 3 days, I still believe that it is a great bill. I  
6985 think the bill would have been even much greater had I been  
6986 able to overcome some of the jurisdictional barriers with the  
6987 Ed-Labor Committee because had I been able to successfully  
6988 overcome those arguments then I would have offered an  
6989 amendment that would have covered construction projects  
6990 funded or assisted by the underlying bill. And my amendment  
6991 would have provided a unique opportunity to target quality  
6992 green jobs and training programs and opportunities to low

6993 income and unrepresented workers, communities which  
6994 traditionally have been left out of the opportunities to  
6995 share in our nation's prosperity.

6996         Mr. Chairman, without strong requirements low ruling  
6997 contractors could dominate on projects covered under this  
6998 act, and they would possibly fail to provide job training and  
6999 they would squander a chance to build construction careers in  
7000 a new green economy that works for all of us. States and  
7001 cities have pioneered the use of targeted hiring and  
7002 apprenticeship requirements on public funding construction  
7003 projects all across this country. They have demonstrated  
7004 some of the best practices for ensuring job quality and  
7005 equitable access to employment and training opportunities.

7006         And, Mr. Chairman, my proposal was supported by a broad  
7007 coalition of advocates for green jobs, for workers' rights,  
7008 for job training, and economic justice including GreenLaw,  
7009 the National Employment Law Project in partnership with  
7010 working families, the Center for Community Change, the  
7011 Campaign for Community Values, and the Transportation Equity  
7012 Network, and many, many others. The principle reflected in  
7013 my proposal resulted from many months of discussion with key  
7014 stakeholders including the building and construction trades  
7015 department of the AFL-CIO. The proposed language would have  
7016 targeted jobs to low income local workers. Contractors would

7017 have had to ensure that a percentage of project work hours  
7018 are work by either low income local workers or by women and  
7019 the minimum percentages would have ranged from 10 percent  
7020 with a goal of at least 30 percent.

7021         It would also ensure quality job training opportunities.  
7022 When certified apprenticeship programs were located near a  
7023 project, a contractor would have had to maximize the use of  
7024 registered apprentices, and this would have generated quality  
7025 job training opportunities and promoting use of high role  
7026 contractors. Lastly, Mr. Chairman, my proposal would support  
7027 a quality, pre-apprenticeship training program, and 1 percent  
7028 of each project's funds would have been dedicated to free  
7029 apprenticeship training programs that would have a strong  
7030 record of training low income workers and need for them would  
7031 have helped to provide pathways into long-term, middle class  
7032 construction careers and ensure a pipeline of workers ready  
7033 to step into new apprenticeship positions.

7034         Mr. Chairman, this is an issue that won't go away. It  
7035 is extremely important to me and to my district, and, Mr.  
7036 Chairman, I am looking forward to working with you to address  
7037 this matter and these issues before the bill comes to the  
7038 House floor. I yield back the balance of my time.

7039         The {Chairman.} If the gentleman would yield just to me  
7040 to acknowledge that you have made a very powerful point. We

7041 want jobs and we want to make sure we get them to a lot of  
7042 the people who need them the most, and while what you wanted  
7043 to do was so worthwhile, and I think would have had strong  
7044 bipartisan support it is not within the jurisdiction of our  
7045 committee. But I want to work with you and our colleagues on  
7046 the other committees and see if we can make this happen. I  
7047 want to commend you for your compassion and your concern and  
7048 your commitment to the working people and the people who want  
7049 to be working people in this country. Thank you very much.  
7050 Ms. Blackburn, the gentlelady from Tennessee, I want to  
7051 recognize you for 5--did you have an amendment you want to  
7052 offer?

7053 Ms. {Blackburn.} Yes, Mr. Chairman.

7054 The {Chairman.} Without objection, the amendment will  
7055 be considered as read. The gentlelady is recognized for 5  
7056 minutes.

7057 [The amendment follows:]

7058 \*\*\*\*\* INSERT 41 \*\*\*\*\*

|  
7059 Ms. {Blackburn.} Thank you, Mr. Chairman, and as you  
7060 are aware, I will offer and withdraw, but this is an issue  
7061 that has not been addressed in this entire bill. My  
7062 amendment, which is a Title IV amendment, it would create a  
7063 section--447 would create a sense of Congress. It is a sense  
7064 of Congress regarding intellectual property rights. My  
7065 amendment seeks to protect U.S. and intellectual property in  
7066 2 ways, number 1, by encouraging the administration to not  
7067 agree to any international climate change accord that  
7068 contains exceptions to intellectual property rights that will  
7069 help U.S. businesses and workers, and, number 2, to limit  
7070 countries eligible for U.S. foreign aid authorized by the  
7071 legislation to only those that have demonstrated a commitment  
7072 to protecting IP rights.

7073 Strong IP rights also have to facilitate technology  
7074 transfer to other countries, a purported goal of the  
7075 underlying legislation by providing companies the confidence  
7076 to engage in foreign direct investment, joint ventures,  
7077 partnerships, and licensing agreements internationally. If  
7078 the U.S. agrees to weak IP protection in a rush to adopt  
7079 international agreements it will stifle critical RND  
7080 investments in the new technology and slow its deployment.  
7081 The first part of the amendment says that IP must not be

7082 neglected or used as a bargaining chip. The second part of  
7083 the amendment expresses the sense of Congress that U.S. tax  
7084 dollars not be used by other nations to purchase state of the  
7085 art U.S. technology which might subsequently be reproduced by  
7086 foreign companies or counterfeited and used domestically or  
7087 exported to other markets, including our own. In either  
7088 case, the results would be the same, lost jobs for U.S.  
7089 workers, lost revenue for U.S. companies, and less incentive  
7090 to invest in future clean technologies.

7091         The stats that I have to back this up, and this is why I  
7092 feel like it is so important that we consider this issue,  
7093 and, Mr. Chairman, I would ask that we please consider this  
7094 before the bill goes to the floor. U.S. inventors hold 50  
7095 percent of the world's U.S. patents granted in the clean  
7096 energy field over the period from 2002 to 2008. The U.S.  
7097 leads the world with 52 percent of U.S. patents in fuel  
7098 sales. We hold nearly half the world's granted U.S. wind  
7099 patents that have been granted since 2002, that is 48 percent  
7100 of those, 46 percent of the world's U.S. solar patents. The  
7101 U.S. holds 40 percent of the world's granted U.S. patents in  
7102 the hybrid, electrical vehicle market, and I will mention  
7103 that the 3 states at the top of the heap on holding these  
7104 patents are California, Tennessee, and Ohio.

7105         We know that our American engineers and innovators are

7106 leading the world in creating clean energy ideas. It is  
7107 imperative that we as members of Congress demonstrate our  
7108 intent to protect the innovators' intellectual property  
7109 rights before embarking on any plan to combat international  
7110 climate change. Thank you, Mr. Chairman. I look forward to  
7111 working with you on the issue.

7112 Mr. {Stearns.} Will the gentlelady yield just for a  
7113 second?

7114 Ms. {Blackburn.} Yes, I will yield to Mr. Stearns.

7115 Mr. {Stearns.} I just wanted to ask counsel. She makes  
7116 some very good points, and she talks in her bill about the  
7117 United States funding directly other countries and meeting  
7118 the cost of mitigating greenhouse gas emissions or adapting  
7119 to the impacts of climate change. How much money is in the  
7120 bill for assisting other countries in meeting their  
7121 greenhouse gas emissions?

7122 {Counsel.} Section 782 provides allowance value for  
7123 those purposes.

7124 Mr. {Stearns.} It says that meeting the cost of  
7125 mitigating greenhouse gas emissions, how do we do that and  
7126 how much money is involved? Does anyone on the Democrat side  
7127 know?

7128 The {Chairman.} Will the gentleman yield? We don't  
7129 know but we will get you an answer.

7130 Mr. {Stearns.} Well, counsel doesn't know either then?

7131 I mean is it less than--

7132 {Counsel.} We will get you an answer.

7133 Mr. {Stearns.} Does anybody know ballpark how much we  
7134 are talking about?

7135 The {Chairman.} The allowance price will be set by the  
7136 market, and we will have to see what the market will bring,  
7137 but we don't have an answer for you at this time or even a  
7138 good estimate or even an energy--we don't have a good  
7139 estimate for you. We will have to get that for you. The  
7140 gentlelady's time has expired. Mr. Buyer, you have an en  
7141 bloc amendment. Without objection, the en bloc amendments,  
7142 if you will identify--I think you already identified them.

7143 Mr. {Buyer.} No, I have not.

7144 The {Chairman.} Okay. Would you identify the  
7145 amendments you wish to offer?

7146 Ms. {DeGette.} Mr. Chairman, I reserve a point of  
7147 order.

7148 Mr. {Buyer.} Mr. Chairman, the en bloc request will be  
7149 8 amendments. Mine is identified as CCA09-097, Buyer 100  
7150 percent CDC allocation. Number 2 is the Burgess 032,  
7151 regarding international offsets. Then there are the next 5  
7152 amendments are from Mr. Upton identified as MPB2564. Next is  
7153 MPB2565. Next is MPB2566. Next is MPB2567. Next is

7154 MPB2568. And the last amendment would be Scalise 001A,  
7155 regarding a 5-year reauthorization, Title III.

7156           The {Chairman.} The members have heard the  
7157 identification of the amendments, and the amendments are  
7158 being distributed, and the gentleman is recognized to speak  
7159 on his amendments. And he has 5 minutes. He can yield time  
7160 to others, but it is his 5 minutes on behalf of the en bloc  
7161 amendment.

7162           [The amendment follows:]

7163 \*\*\*\*\* INSERT 42 \*\*\*\*\*

|

7164           Mr. {Buyer.} I will first identify Mr. Burgess'  
7165 amendment regarding international offsets. He seeks to  
7166 strike the international offset authority. Mr. Burgess is  
7167 seeking that the allowances to the source of emissions.  
7168 Regarding the Buyer amendment, I have great concerns about  
7169 the proposal before us would reward individual utility  
7170 emissions permits based on a percentage of their emissions  
7171 and retail sales. I believe this results in a windfall  
7172 revenue for those regions in the United States with 0 or low  
7173 emissions and is a disproportionate burden to those who are  
7174 dependent on fossil fuel. Indiana, in particular, fossil  
7175 fuel dependency is 99.6 percent. So I did a little math, so  
7176 I go back and do the math. The data compiled by EIA sales  
7177 data and extrapolation of the NERC subregion data and EPA  
7178 emissions data.

7179           What I have learned is that for a typical Indiana  
7180 utility, NIPSCO or PSI, they would get under the present  
7181 scheme in the bill .55 to .57 allowances per ton of  
7182 emissions. Now a typical California utility, I will choose  
7183 Southern Cal Edison or PG&E, they would get 1.34 to 1.63  
7184 allowances per ton of emissions. In other words, they are  
7185 going to have more than they need to sell back to the Midwest  
7186 and to other parts of the country. For a typical Washington

7187 utility, for example, Puget Sound or Seattle City Light,  
7188 Puget Sound would receive .96 allowances per ton of emissions  
7189 that they are responsible for, and Seattle gets 4.86  
7190 allowances per ton that they are responsible for. So  
7191 Southern Cal Edison gets 2.43 times the allowances per ton of  
7192 CO<sup>2</sup> emissions than a utility in Indiana and PG&E gets 2.97  
7193 times more than one in Indiana.

7194 Seattle City Light gets 8.84 times the allowances per 10  
7195 of CO<sup>2</sup> emissions in Indiana and Puget Sound gets 1.7 times the  
7196 amount of emissions. So this allocation formula, I think  
7197 would be better if it is based on the carbon content of fuel  
7198 that is a much better mechanism to lower the cost to  
7199 consumers. With that, I would like to yield 1 minute to Mr.  
7200 Scalise of Louisiana to discuss his amendment.

7201 Mr. {Scalise.} I would like to thank the gentleman from  
7202 Indiana. This amendment just places a 5-year sunset on the  
7203 bill. Just like so many other things we do here in Congress,  
7204 earlier today FAA just got reauthorized. The highway bill  
7205 has to get reauthorized. If you look at this bill, and, of  
7206 course, if all the predictions on the other side are correct  
7207 and all the jobs would be created that they say and no job  
7208 loss would occur, there would be a line from here to Maryland  
7209 to reauthorize the bill. But if on the other hand a lot of  
7210 the things that we have suggested and so many outside experts

7211 have suggested, and even your own bill suggests that there  
7212 could be massive unemployment jobs going to China and India,  
7213 as well as more carbon being emitted because they would be  
7214 done in countries that don't have our regulations, then we  
7215 should have a stop gap measure in place to give a protection  
7216 that this has to be reauthorized.

7217         The word unemployment is in this bill at least 16 times.  
7218 There is over 50 pages dedicated to unemployment. Then they  
7219 get into words like partial separation, adversely affected  
7220 employment 46 times. That is the same thing as unemployment.  
7221 We have talked about off ramps. There is a title to even  
7222 start using political correctness and say bridge retirement  
7223 instead of unemployment, so there is all kinds of terms in  
7224 here, over 50 pages dealing with unemployment. If that  
7225 happens, this should at least be and have some kind of  
7226 accountability in place so that the taxpayers, the people  
7227 that would be unemployed because of this bill, should be able  
7228 to have relief.

7229         Mr. {Buyer.} Thank you, Mr. Scalise. I now yield the  
7230 remaining time to Mr. Upton.

7231         Mr. {Upton.} I want to thank the gentleman for carrying  
7232 this amendment. My amendments really do protect the  
7233 consumers. We know the Michigan story. Things are bad,  
7234 expected to get worse, and if the economic climate in the

7235 rest of the country follows Michigan's poor lead, we are in  
7236 real trouble. And what my series of amendments does is this,  
7237 and by the way we heard today from Mr. Radanovich that I  
7238 guess electric utility increases in the State of California  
7239 are going up 11 percent and that is before this bill gets  
7240 enacted. If this bill gets enacted and things continue to  
7241 get worse for the rest of the country, we provide an off  
7242 ramp.

7243 We say that these provisions will be sunset if utility  
7244 account terminations reach 8 million households. In the  
7245 second bill, we say that if gas arrearages hit an average of  
7246 \$400, the average. We say that it will be sunset as well if  
7247 arrearage in electric bills equals \$175. And the fourth  
7248 bill, if natural gas arrearages accounts equal at least 1 in  
7249 4 households around the country. And the last one, we sunset  
7250 it if percentage of overdue accounts in the electric industry  
7251 hits 25 percent. In parts of Michigan, we are 1 in 3,  
7252 probably \$400 million to \$500 million in lost money going to  
7253 my utilities in Michigan because of high accounts. If this  
7254 legislation increases the personal consumers accounts in gas  
7255 and electricity by a magnitude of what we have already seen  
7256 in Michigan, we say stop. Consumers, you are going to be  
7257 protected and we are going to come back and help you by  
7258 subsetting this legislation and come back and go through a

7259 markup to make this bill a little bit more responsible. And  
7260 I yield back my time. Thank you.

7261 The {Chairman.} The gentleman's time has expired. Mr.  
7262 Markey is recognized.

7263 Mr. {Markey.} I thank the gentleman. There are 8  
7264 separate component parts to this block so I will try to in  
7265 this brief period of time reflect upon a few of them. First,  
7266 the 5-year sunset essentially on the bill, in terms of  
7267 creating a market place for a predictable investment in the  
7268 technologies that are going to be necessary in order to move  
7269 us to this clean energy jobs future, it will basically  
7270 discourage a very large percentage of what we believe to be a  
7271 trillion dollar market place ready to go once they know what  
7272 that market place is going to look like. And so just from  
7273 the very beginning saying that the whole program sunsets in 5  
7274 years ensures that the investment will not be there.

7275 Second, in terms of the allocation with regard to the  
7276 utility sector, we work with the Edison Electric Institute in  
7277 developing this formula. This is a formula that was accepted  
7278 across the full span of the Edison Electric Institute. It is  
7279 something that was embraced by them and actually serves as a  
7280 foundation to the legislation. Perhaps it could have been  
7281 tweaked here or there but you could not, in fact, achieve a  
7282 consensus in an organization that broad unless those internal

7283 deliberations led to a certain regional vantage in terms of  
7284 the way in which that program was constructed.

7285         Thirdly, in terms of international offsets, as we all  
7286 know, 20 percent of all greenhouse gases are emitted because  
7287 of deforestation. The preservation of the rain forests of  
7288 our planet are without question one of the most cost  
7289 effective ways in which compliance with this bill can be  
7290 achieved. To remove international offsets from this  
7291 legislation would be to, 1, make it more expensive for all of  
7292 the entities covered by the legislation to comply. And,  
7293 secondly, we would not be investing in that area where we  
7294 could have derived the greatest reductions in greenhouse  
7295 gases. So the totality of the amendments that are all  
7296 bundled here in this one proposal reflect again a skepticism  
7297 of the legislation, and that is the right of the minority,  
7298 but at the same time we believe that in its totality that the  
7299 provisions which we have dealing with consumer rates, working  
7300 through the Edison Electric Institute looking at the trade  
7301 exposed energy intensive industries, looking through the  
7302 steel industry, the cement industry, the paper, the aluminum  
7303 and other trade exposed industries in terms of the allocation  
7304 formulas, looking at the natural gas, the oil heating sector,  
7305 putting together these formulas all intended to create a  
7306 pathway that makes it possible for industries to make the

7307 transition with consumers to this new clean job creation  
7308 future that facts out the imported oil while at the same time  
7309 reducing greenhouse gases, so I hope the members on our side  
7310 reject these amendments.

7311 Mr. {Walden.} Would the gentleman yield?

7312 Mr. {Markey.} And I will yield to the chairman if he  
7313 would like for a comment, but beyond that I just urge a no  
7314 vote and I will yield back the balance of my time.

7315 The {Chairman.} The gentleman yields back the balance  
7316 of his time. Mr. Barton seeks--

7317 Ms. {DeGette.} Mr. Chairman, I withdraw my reservation.

7318 The {Chairman.} The reservation for point of order is  
7319 withdrawn. Mr. Barton, I yield to you 2 minutes.

7320 Mr. {Barton.} I yield to Mr. Buyer, but let me say  
7321 first on the international offset program that is a disaster  
7322 waiting to happen because the U.N. and the European Union  
7323 have been trying to find a way to get compliance with their  
7324 international offsets and they have admitted it is almost  
7325 impossible to do. Again, we are not opposed to an offset  
7326 program if you are going to have a cap and trade program with  
7327 allowances, but those offsets ought to be domestic, not  
7328 international. And there are some, again, implicit  
7329 acknowledgement of the problems internationally because it  
7330 requires either 1.25 or 1-1/2 tons of international offsets

7331 to get a 1 ton credit in the United States.

7332           On the 100 percent allocation that Mr. Buyer put in  
7333 play, that is a huge issue and it is something we are going  
7334 to discuss hopefully at length in the hearing that the  
7335 chairman has promised to have. You really do create a  
7336 regional disparity. If you are in a region where all of your  
7337 electricity is generated by coal or natural gas you get a 50  
7338 percent allowance, so you are going to have to buy 50  
7339 percent. On the other hand, you are in a region where the  
7340 electricity is generated primarily by hydro or wind power or  
7341 nuclear power, you get your 50 percent for your emissions,  
7342 then you get 50 percent for your retail sales, if I  
7343 understand it. That is an absolute windfall. And what that  
7344 means in the real world is money is going to go from the  
7345 south and Midwest to the northwest and to those areas that  
7346 have a heavy component of nuclear power. It is an unfair  
7347 windfall.

7348           Now the fact that EEI supports it doesn't necessarily  
7349 mean that it is the right thing to do and I would guarantee  
7350 you that if this bill becomes law, we will come back every  
7351 year and tweak that trying to rebalance that balance. I want  
7352 to yield negative 13 seconds to Mr. Buyer.

7353           Mr. {Buyer.} Mr. Chairman, may I ask unanimous consent  
7354 for 30 seconds?

7355           The {Chairman.} The gentleman will be given 1 minute  
7356 and he doesn't have to take it all.

7357           Mr. {Buyer.} I thank the chairman. First of all, Mr.  
7358 Chairman, I want to agree with you. I believe every member  
7359 here in this committee, we want what is best for our country,  
7360 and as I look at a map of the country, I recognize, as Mr.  
7361 Shimkus had brought out, that there are regions of the  
7362 country that have a higher standard of living and they are  
7363 going to have their utility bills drop under the present  
7364 schematic in the bill, and so the numbers that I shared with  
7365 the committee I think tell the story very well on how I  
7366 believe that the 50/50 formula is unfair. But that is the  
7367 dimension in which I see the world because I come from a  
7368 state that is 96 percent dependent.

7369           But, Mr. Chairman, I want to compliment you. I want to  
7370 compliment you on the arc of fair dealing and wise tolerance  
7371 and which you have handled the gavel through a very difficult  
7372 markup, and I extend my personal compliments to you for  
7373 having done that.

7374           The {Chairman.} Thank you very much. I appreciate  
7375 that. Despite those kind words, I am not going to vote for  
7376 your amendment. The vote now comes on Mr. Buyer's amendment  
7377 en bloc. All those in favor of the amendment, say aye.  
7378 Opposed, say no.

7379 Mr. {Barton.} Mr. Chairman, I ask for a roll call.  
7380 The {Chairman.} Okay. Let us go for a roll call.  
7381 The {Clerk.} Mr. Waxman.  
7382 The {Chairman.} No.  
7383 The {Clerk.} Mr. Waxman votes no. Mr. Dingell.  
7384 Mr. {Dingell.} No.  
7385 The {Clerk.} Mr. Dingell votes no.. Mr. Markey.  
7386 Mr. {Markey.} No.  
7387 The {Clerk.} Mr. Markey votes no. Mr. Boucher.  
7388 Mr. {Boucher.} No.  
7389 The {Clerk.} Mr. Boucher, no. Mr. Pallone.  
7390 Mr. {Pallone.} No..  
7391 The {Clerk.} Mr. Pallone, no. Mr. Gordon.  
7392 Mr. {Gordon.} No.  
7393 The {Clerk.} Mr. Gordon, no. Mr. Rush.  
7394 Mr. {Rush.} No.  
7395 The {Clerk.} Mr. Rush, no. Ms. Eshoo.  
7396 Ms. {Eshoo.} No.  
7397 The {Clerk.} Ms. Eshoo, no. Mr. Stupak.  
7398 Mr. {Stupak.} No.  
7399 The {Clerk.} Mr. Stupak votes no. Mr. Engel.  
7400 Mr. {Engel.} No.  
7401 The {Clerk.} Mr. Engel, no. Mr. Green.  
7402 Mr. {Green.} No.

7403 The {Clerk.} Mr. Green votes no. Ms. DeGette.  
7404 Ms. {DeGette.} No.  
7405 The {Clerk.} Ms. DeGette votes no. Mrs. Capps.  
7406 Mrs. {Capps.} No.  
7407 The {Clerk.} Mrs. Capps, no. Mr. Doyle.  
7408 Mr. {Doyle.} No.  
7409 The {Clerk.} Mr. Doyle, no. Ms. Harman.  
7410 Ms. {Harman.} No.  
7411 The {Clerk.} Ms. Harman, no. Ms. Schakowsky.  
7412 Ms. {Schakowsky.} No.  
7413 The {Clerk.} Ms. Schakowsky votes no. Mr. Gonzalez.  
7414 Mr. {Gonzalez.} No.  
7415 The {Clerk.} Mr. Gonzalez, no. Mr. Inslee.  
7416 [No response.]  
7417 The {Clerk.} Ms. Baldwin.  
7418 Ms. {Baldwin.} No.  
7419 The {Clerk.} Ms. Baldwin, no. Mr. Ross.  
7420 Mr. {Ross.} No.  
7421 The {Clerk.} Mr. Ross votes no. Mr. Weiner.  
7422 Mr. {Weiner.} No.  
7423 The {Clerk.} Mr. Weiner votes no. Mr. Matheson.  
7424 Mr. {Matheson.} No.  
7425 The {Clerk.} Mr. Matheson votes no. Mr. Butterfield.  
7426 Mr. {Butterfield.} No.

7427 The {Clerk.} Mr. Butterfield, no. Mr. Melancon.  
7428 Mr. {Melancon.} No.  
7429 The {Clerk.} Mr. Melancon votes no. Mr. Barrow.  
7430 Mr. {Barrow.} No.  
7431 The {Clerk.} Mr. Barrow votes no. Mr. Hill.  
7432 Mr. {Hill.} No.  
7433 The {Clerk.} Mr. Hill, no. Ms. Matsui.  
7434 Ms. {Matsui.} No.  
7435 The {Clerk.} Ms. Matsui votes no. Mrs. Christensen.  
7436 Mrs. {Christensen.} No.  
7437 The {Clerk.} Mrs. Christensen, no. Ms. Castor.  
7438 Ms. {Castor.} No.  
7439 The {Clerk.} Ms. Castor, no. Mr. Sarbanes.  
7440 Mr. {Sarbanes.} No.  
7441 The {Clerk.} Mr. Sarbanes, no. Mr. Murphy of  
7442 Connecticut.  
7443 Mr. {Murphy of Connecticut.} No.  
7444 The {Clerk.} Mr. Murphy votes no. Mr. Space.  
7445 Mr. {Space.} No.  
7446 The {Clerk.} Mr. Space votes no. Mr. McNerney.  
7447 Mr. {McNerney.} No.  
7448 The {Clerk.} Mr. McNerney votes no. Ms. Sutton.  
7449 Ms. {Sutton.} No.  
7450 The {Clerk.} Ms. Sutton, no. Mr. Braley.

7451 Mr. {Braley.} No.

7452 The {Clerk.} Mr. Braley votes no. Mr. Welch.

7453 Mr. {Welch.} No.

7454 The {Clerk.} Mr. Welch, no. Mr. Barton.

7455 Mr. {Barton.} Aye.

7456 The {Clerk.} Mr. Barton votes aye. Mr. Hall.

7457 Mr. {Hall.} Aye.

7458 The {Clerk.} Mr. Hall votes aye. Mr. Upton.

7459 Mr. {Upton.} Aye.

7460 The {Clerk.} Mr. Upton votes aye. Mr. Stearns.

7461 Mr. {Stearns.} Aye.

7462 The {Clerk.} Mr. Stearns votes aye. Mr. Deal.

7463 [No response.]

7464 The {Clerk.} Mr. Whitfield.

7465 Mr. {Whitfield.} Aye.

7466 The {Clerk.} Mr. Whitfield, aye. Mr. Shimkus.

7467 Mr. {Shimkus.} Aye.

7468 The {Clerk.} Mr. Shimkus, aye. Mr. Shadegg.

7469 Mr. {Shadegg.} Aye.

7470 The {Clerk.} Mr. Shadegg votes aye. Mr. Blunt.

7471 Mr. {Blunt.} Aye.

7472 The {Clerk.} Mr. Blunt votes aye. Mr. Buyer.

7473 Mr. {Buyer.} Aye.

7474 The {Clerk.} Mr. Buyer, aye. Mr. Radanovich.

7475 Mr. {Radanovich.} Aye.

7476 The {Clerk.} Mr. Radanovich votes aye. Mr. Pitts.

7477 Mr. {Pitts.} Aye.

7478 The {Clerk.} Mr. Pitts, aye. Ms. Bono Mack.

7479 Ms. {Bono Mack.} No.

7480 The {Clerk.} Ms. Bono Mack, no. Mr. Walden.

7481 Mr. {Walden.} No.

7482 The {Clerk.} Mr. Walden, no. Mr. Terry.

7483 Mr. {Terry.} Aye.

7484 The {Clerk.} Mr. Terry votes aye. Mr. Rogers.

7485 Mr. {Rogers.} Aye.

7486 The {Clerk.} Mr. Rogers votes aye. Mrs. Myrick.

7487 Mrs. {Myrick.} Aye.

7488 The {Clerk.} Mrs. Myrick votes aye. Mr. Sullivan.

7489 Mr. {Sullivan.} Aye.

7490 The {Clerk.} Mr. Sullivan, aye. Mr. Murphy of

7491 Pennsylvania.

7492 Mr. {Murphy of Pennsylvania.} Aye.

7493 The {Clerk.} Mr. Murphy votes aye. Mr. Burgess.

7494 Mr. {Burgess.} Aye.

7495 The {Clerk.} Mr. Burgess votes aye. Ms. Blackburn.

7496 Ms. {Blackburn.} Aye.

7497 The {Clerk.} Ms. Blackburn votes aye. Mr. Gingrey.

7498 Mr. {Gingrey.} Aye.

7499           The {Clerk.} Mr. Gingrey, aye. Mr. Scalise.  
7500           Mr. {Scalise.} Aye.  
7501           The {Clerk.} Mr. Scalise votes aye. Mr. Inslee.  
7502           Mr. {Inslee.} No.  
7503           The {Clerk.} Mr. Inslee votes no.  
7504           The {Chairman.} Have all members responded to the call  
7505 of the roll? The chair sees no other members seeking  
7506 recognition. The clerk will announce the vote.  
7507           The {Clerk.} Mr. Chairman, on that amendment there were  
7508 20 ayes and 38 nos.  
7509           The {Chairman.} Twenty ayes and 38 nos, and the  
7510 amendment is not agreed to. Ms. Sutton.  
7511           Ms. {Sutton.} Thank you, Mr. Chairman, and I know it is  
7512 late so I will be very brief. Throughout the course of  
7513 working on this bill, I note that the chairman have been  
7514 engaged with many of us dealing with some of the concerns we  
7515 have over the provisions related to biomass, and I would just  
7516 ask that perhaps for a commitment to continue our work and  
7517 see if we can't address those concerns as the bill moves  
7518 forward. Yes, woody biomass is what I said, Mr. Walden.  
7519           The {Chairman.} Yeah, baby, that is right. I want to  
7520 give you my commitment because I think this is an important  
7521 issue and we have to continue to work on it to see if we can  
7522 find a good combination for those who have such great

7523 concerns about it. Thank you.

7524 Mr. {Markey.} And I would add my commitment as well. I  
7525 don't think we have begun to learn as much as we are going to  
7526 learn about biomass and we are going to create an environment  
7527 in which that is possible, and we are going to work with the  
7528 gentlelady and all the members.

7529 Ms. {Sutton.} I thank you.

7530 The {Chairman.} The question is on the Waxman-Markey  
7531 amendment in the nature of a substitute as amended. This is  
7532 not final passage but to adopt the amendment in the nature of  
7533 a substitute as amended. All those in favor, say aye.

7534 Opposed, no. The ayes have it. Before we get to the final  
7535 vote on this bill, I would like to recognize myself very  
7536 briefly. I want to thank all members for their work on this  
7537 legislation. This has been a process, a difficult one for  
7538 this week, but it involves many months of work, in fact, many  
7539 years of work. And I particularly want to thank Chairman  
7540 Emeritus John Dingell, Chairman Markey, Mr. Boucher, Mr.  
7541 Doyle, Mr. Inslee, Mr. Green, Mr. Gonzalez, Mr. Butterfield,  
7542 Mr. Rush, and Ms. Sutton for all their work as we crafted key  
7543 provisions of this bill. And I want to also add Mr. Space  
7544 because his amendment, I don't know if it was yesterday or  
7545 today, but it was a very important amendment and I want to  
7546 express my appreciation to him.

7547           And I want to thank ranking member Joe Barton for  
7548 working with me through this process and the consideration of  
7549 this legislation. He is a great gentleman and a guide, and  
7550 I appreciate that. To all the members, I express my  
7551 admiration for all of you for the work that you have done and  
7552 being concerned about these issues, even though we have  
7553 differences of opinion willing to debate them. We are taking  
7554 a decisive and historic action to promote America's energy  
7555 security, to create millions of clean energy jobs that will  
7556 drive our economic recovery and long-term growth. When this  
7557 bill is enacted into law, we will break our dependence on  
7558 foreign oil, make our nation the world leader in clean energy  
7559 jobs and technology and cut global warming pollution.

7560           For those who are interested in trivial pursuit, we have  
7561 now had 4 very long days of debate lasting approximately 37  
7562 hours. On Monday we had statements from 30 members of the  
7563 committee. We received over 350 potential amendments at the  
7564 desk including over 280 from our Republican colleagues. From  
7565 Tuesday through today, we considered 94 amendments, 38 from  
7566 Democrats, 56 from Republicans. We passed or accepted many  
7567 of these amendments, and I believe the amendments have  
7568 improved the bill, both those that have been adopted and  
7569 those that raised various points for us to think about. As a  
7570 result of our work, our bill today and the process we are

7571 following have gained substantial support from industry,  
7572 labor, and environmental groups throughout the country. Over  
7573 60 major organizations, associations, companies, unions,  
7574 environmental and community groups have expressed support for  
7575 the step we are about to take in reporting this bill from  
7576 committee.

7577         From Duke Energy and EEI to the Environmental Defense  
7578 Fund and the Natural Resources Defense Counsel and Sierra  
7579 Club, from GE and Alcoa and DuPont, the mineworkers, the  
7580 autoworkers, the steelworkers, from Shell and Conoco, to the  
7581 World Wildlife Fund, there is a growing consensus on the need  
7582 to act and act responsibly, and I believe that is what we  
7583 have done. But this is not the end of our work. I committed  
7584 to the members and to the ranking member that we will hold  
7585 further hearings on the allocation portions of the bill.  
7586 Other committees will consider the bill and then we will move  
7587 to the floor. But every member of this committee should be  
7588 proud of our work this week and over the past few years on  
7589 this important issue, and I thank you all for the diligence  
7590 which each member has applied himself or herself to the  
7591 matter before us. This is an important bill, maybe one of  
7592 the most important bills that we will consider in this  
7593 Congress. And I want to yield time to Mr. Barton.

7594         Mr. {Barton.} Well, thank you, Mr. Chairman, and thank

7595 you for those kind words you said about me, but don't let it  
7596 happen again. I have already been twittered that my re-elect  
7597 has fallen 5 points because of what you just said.  
7598 Seriously, I do want to commend you and your members,  
7599 especially Mr. Markey, your subcommittee chairman, for the  
7600 way you conducted the debate. As I said earlier, I don't  
7601 agree with the work product but I do agree and am very much  
7602 impressed with your ability and your first major test as  
7603 chairman to keep the committee functioning in a collegial  
7604 way, which is no trivial accomplishment. It really is  
7605 impressive.

7606 I want to thank the staff on both sides, both at the  
7607 committee level and the personal level. They have done an  
7608 outstanding job. At the appropriate time, I will offer an  
7609 amendment to the bill, we now have a new source of biomass  
7610 and that is all the amendments that we have placed at the  
7611 desk. A small forest somewhere in Greg Walden's district has  
7612 been destroyed.

7613 Mr. {Walden.} It will not count, however, as renewable.

7614 Mr. {Barton.} So on the substance of the bill, I know  
7615 that those of you that are proponents have every right to be  
7616 proud of it, and to the victors go the spoils, so I am not  
7617 going to speak at length on what I see as the shortcomings.  
7618 Suffice it to say that myself and others that will not vote

7619 for the bill do have legitimate and serious concerns about  
7620 the redirection of our energy policy in America which the  
7621 foundation and the bedrock of our free market economy, which  
7622 is the most efficient, the most productive, the largest in  
7623 the world, 1/3 of the world's GDP is based on the United  
7624 States economy, and that economy for over 150 years has been  
7625 based on a free market allocation of resources in the energy  
7626 sector and this bill does make fundamental changes in that  
7627 basic philosophy.

7628         Now those of you that support the bill have every right  
7629 to think that those changes are necessary and for the sake of  
7630 our nation, I hope to some degree that you are right. I am  
7631 afraid that you are not, but we will see. In any event, Mr.  
7632 Chairman, I do commend you. I also want to commend the  
7633 members on my side of the aisle. It is easy on the majority  
7634 to keep up a good faith attitude because you are winning.  
7635 Now you mentioned that there were 56 Republican amendments  
7636 offered. I think 2 or 3 of those were accepted. It is not a  
7637 lot of fun, as you well know having been in the minority  
7638 yourself for 12 years, to work very hard and put just as much  
7639 effort, just as much focus and get beat time after time after  
7640 time after time, 36-22, 31-20, whatever it is. Not every  
7641 amendment on the Republican side that was not accepted was a  
7642 gotcha amendment, and some of those, in fact, I would say

7643 many of them have merit and at some point in time I do hope  
7644 we can work in a bipartisan basis on some of these issues.

7645         So, anyway, Mr. Chairman, you and Mr. Markey have every  
7646 right to be proud of what you have accomplished. Those of us  
7647 on the minority side commend you for your effort and look  
7648 forward to working with you. And one last thing. I do want  
7649 to commend in addition to all the members on the Republican  
7650 side special commendation to my subcommittee ranking member  
7651 Mr. Upton, who has been an absolute soldier.

7652         The {Chairman.} Thank you, Mr. Barton. I want to yield  
7653 to Mr. Upton at this point for a few comments.

7654         Mr. {Upton.} Thank you. I do have a few comments, and  
7655 I appreciate the way that the markup was run. We alternated  
7656 amendments back and forth. As the chairman said, this is one  
7657 of the most important bills that many of us will ever mark up  
7658 in this committee. It was important that we went in regular  
7659 order and we could debate the amendments with a decent amount  
7660 of time these last number of days. There was a report that  
7661 came out today that emissions fell last year but they fell  
7662 not because of legislation but they fell because of a  
7663 weakened economy, something that all of us bear. We are not  
7664 happy with the unemployment numbers. We are not happy with  
7665 the trade numbers. We are not happy with the way that the  
7666 economy of this country has been heading over the last number

7667 of months, and for Michigan it has been a long, bad spell.

7668           But we expect that with this legislation, should it  
7669 become enacted, emissions will continue to fall but it also  
7670 could fall because of the worsening economy that this bill  
7671 may bring about and that fear no our side is genuine, and  
7672 that is why we worked so hard on amendments to try and offset  
7673 those economic woes. So I would say to the gentleman, the  
7674 chairman on the Democratic side, and all to the staff, thank  
7675 you for allowing us to be able to have our say these last  
7676 number of days. By committee rules you allowed us to offer  
7677 amendments that went back and forth. We had good engagement,  
7678 and I think sets the stage for when this bill does get to the  
7679 house floor.

7680           I would hope that you, as chairman, and, my good friend,  
7681 Mr. Markey, and we have had a lot of battles, and we have  
7682 been on the same side over the last number of years in  
7683 telecommunications and now again at energy, I would just hope  
7684 that when this bill does wind its way to the floor that you  
7685 would urge the Rules Committee to be as accommodating as you  
7686 have been the last couple of days, that we be able to offer  
7687 amendments whether they be bipartisan or partisan on the  
7688 house floor because we know at least on this side that there  
7689 are a good number of improvements that we can see to this  
7690 bill that will indeed reduce emissions without harming our

7691 economy. Whether they be with nuclear, whether they be with  
7692 renewable, whether they be with the issues that we have  
7693 learned a lot about from the northwest with woody biomass and  
7694 all of that, we know that we can improve this piece of  
7695 legislation. We look forward to engaging in a positive way  
7696 down the road. And, again, thank you. Thank you, Mr.  
7697 Chairman.

7698       The {Chairman.} Thank you, Mr. Upton. Mr. Markey, to  
7699 close the debate and discussion.

7700       Mr. {Markey.} Thank you. Thank you, Mr. Chairman, very  
7701 much. First, I want to thank you, Mr. Chairman, for the  
7702 masterful way in which you and your staff conducted this  
7703 proceeding. I want to thank all of the staffs. There is a  
7704 litany of saints too long to enumerate who worked very hard  
7705 to produce this product and they each deserve credit. I want  
7706 to thank all the members, the Democrats who have been  
7707 participating in the construction of this legislation, but  
7708 also the Republicans who have played a very important role in  
7709 good spirit and seriousness in this debate in trying to  
7710 improve it, and we thank you for that. I thank my good  
7711 friend, Joe Barton, and Fred Upton for the way in which they  
7712 led the minority throughout this debate. It is a very  
7713 difficult process. This is my 33rd year on this committee,  
7714 and I know what it feels like to be in the minority on big

7715 energy issues when they are being debated in this committee,  
7716 and I very much appreciate the way in which you have  
7717 comported yourselves and the minority has as well.

7718 I am proud of the way in which this committee has  
7719 conducted itself. It is in the finest traditions of the  
7720 Energy and Commerce Committee going back through John  
7721 Dingell, and, you, Joe Barton, and continued here by Henry  
7722 Waxman, and I think that is why this committee is held in  
7723 such esteem. The vote, which we are about to cast, in my  
7724 opinion is one that will be remembered decades from now, and  
7725 I know that each member who has participated in this debate  
7726 knows that, and I thank everyone for their hard work in  
7727 making this moment possible. So, again, Mr. Chairman, I want  
7728 to congratulate you on the tremendous way in which you have  
7729 comported yourself, and I move to report favorably H.R. 2454,  
7730 as amended, to the House floor.

7731 The {Chairman.} First of all, let me ask unanimous  
7732 consent to make technical and conforming changes, and without  
7733 objection that will be the order. The motion before us is to  
7734 report H.R. 2454 favorably, as amended. The clerk will call  
7735 the roll.

7736 The {Clerk.} Mr. Waxman.

7737 The {Chairman.} Aye.

7738 The {Clerk.} Mr. Waxman votes aye. Mr. Dingell.

7739 Mr. {Dingell.} Votes aye.

7740 The {Clerk.} Mr. Dingell votes aye. Mr. Markey.

7741 Mr. {Markey.} Aye.

7742 The {Clerk.} Mr. Markey, aye. Mr. Boucher.

7743 Mr. {Boucher.} Aye.

7744 The {Clerk.} Mr. Boucher, aye. Mr. Pallone.

7745 Mr. {Pallone.} Aye.

7746 The {Clerk.} Mr. Pallone, aye. Mr. Gordon.

7747 Mr. {Gordon.} Aye.

7748 The {Clerk.} Mr. Gordon votes aye. Mr. Rush.

7749 Mr. {Rush.} Aye.

7750 The {Clerk.} Mr. Rush, aye. Ms. Eshoo.

7751 Ms. {Eshoo.} Aye.

7752 The {Clerk.} Ms. Eshoo, aye. Mr. Stupak.

7753 Mr. {Stupak.} Aye.

7754 The {Clerk.} Mr. Stupak, aye. Mr. Engel.

7755 Mr. {Engel.} Aye.

7756 The {Clerk.} Mr. Engel, aye. Mr. Green.

7757 Mr. {Green.} Aye.

7758 The {Clerk.} Mr. Green, aye. Ms. DeGette.

7759 Ms. {DeGette.} Aye.

7760 The {Clerk.} Ms. DeGette votes aye. Mrs. Capps.

7761 Mrs. {Capps.} Aye.

7762 The {Clerk.} Mrs. Capps, aye. Mr. Doyle.

7763 Mr. {Doyle.} Aye.

7764 The {Clerk.} Mr. Doyle, aye. Ms. Harman.

7765 Ms. {Harman.} Aye.

7766 The {Clerk.} Ms. Harman, aye. Ms. Schakowsky.

7767 Ms. {Schakowsky.} Aye.

7768 The {Clerk.} Ms. Schakowsky votes aye. Mr. Gonzalez.

7769 Mr. {Gonzalez.} Aye.

7770 The {Clerk.} Mr. Gonzalez votes aye. Mr. Inslee.

7771 Mr. {Inslee.} Aye.

7772 The {Clerk.} Mr. Inslee, aye. Ms. Baldwin.

7773 Ms. {Baldwin.} Aye.

7774 The {Clerk.} Ms. Baldwin, aye. Mr. Ross.

7775 Mr. {Ross.} No.

7776 The {Clerk.} Mr. Ross, no. Mr. Weiner.

7777 Mr. {Weiner.} Aye.

7778 The {Clerk.} Mr. Weiner, aye. Mr. Matheson.

7779 Mr. {Matheson.} No.

7780 The {Clerk.} Mr. Matheson, no. Mr. Butterfield.

7781 Mr. {Butterfield.} Aye.

7782 The {Clerk.} Mr. Butterfield, aye. Mr. Melancon.

7783 Mr. {Melancon.} No.

7784 The {Clerk.} Mr. Melancon, no. Mr. Barrow.

7785 Mr. {Barrow.} No.

7786 The {Clerk.} Mr. Barrow, no. Mr. Hill.

7787 Mr. {Hill.} Aye.

7788 The {Clerk.} Mr. Hill, aye. Ms. Matsui.

7789 Ms. {Matsui.} Aye.

7790 The {Clerk.} Ms. Matsui, aye. Mrs. Christensen.

7791 Mrs. {Christensen.} Aye.

7792 The {Clerk.} Mrs. Christensen, aye. Ms. Castor.

7793 Ms. {Castor.} Aye.

7794 The {Clerk.} Ms. Castor, aye. Mr. Sarbanes.

7795 Mr. {Sarbanes.} Aye.

7796 The {Clerk.} Mr. Sarbanes, aye. Mr. Murphy of

7797 Connecticut.

7798 Mr. {Murphy of Connecticut.} Aye.

7799 The {Clerk.} Mr. Murphy, aye. Mr. Space.

7800 Mr. {Space.} Aye.

7801 The {Clerk.} Mr. Space, aye. Mr. McNerney.

7802 Mr. {McNerney.} Aye.

7803 The {Clerk.} Mr. McNerney, aye. Ms. Sutton.

7804 Ms. {Sutton.} Aye.

7805 The {Clerk.} Ms. Sutton, aye. Mr. Braley.

7806 Mr. {Braley.} Aye.

7807 The {Clerk.} Mr. Braley votes aye. Mr. Welch.

7808 Mr. {Welch.} Aye.

7809 The {Clerk.} Mr. Welch, aye. Mr. Barton.

7810 Mr. {Barton.} No.

7811 The {Clerk.} Mr. Barton votes no. Mr. Hall.  
7812 Mr. {Hall.} No.  
7813 The {Clerk.} Mr. Hall, no. Mr. Upton.  
7814 Mr. {Upton.} No.  
7815 The {Clerk.} Mr. Upton, no. Mr. Stearns.  
7816 Mr. {Stearns.} No.  
7817 The {Clerk.} Mr. Stearns votes no. Mr. Deal.  
7818 [No response.]  
7819 The {Clerk.} Mr. Whitfield.  
7820 Mr. {Whitfield.} No.  
7821 The {Clerk.} Mr. Whitfield, no. Mr. Shimkus.  
7822 Mr. {Shimkus.} No.  
7823 The {Clerk.} Mr. Shimkus, no. Mr. Shadegg.  
7824 Mr. {Shadegg.} No.  
7825 The {Clerk.} Mr. Shadegg, no. Mr. Blunt.  
7826 Mr. {Blunt.} No.  
7827 The {Clerk.} Mr. Blunt votes no. Mr. Buyer.  
7828 Mr. {Buyer.} No.  
7829 The {Clerk.} Mr. Buyer, no. Mr. Radanovich.  
7830 Mr. {Radanovich.} No.  
7831 The {Clerk.} Mr. Radanovich votes no. Mr. Pitts.  
7832 Mr. {Pitts.} No.  
7833 The {Clerk.} Mr. Pitts, no. Ms. Bono Mack.  
7834 Ms. {Bono Mack.} Aye.

7835 The {Clerk.} Ms. Bono Mack, aye. Mr. Walden.  
7836 Mr. {Walden.} No.  
7837 The {Clerk.} Mr. Walden votes no. Mr. Terry.  
7838 Mr. {Terry.} No.  
7839 The {Clerk.} Mr. Terry, no. Mr. Rogers.  
7840 Mr. {Rogers.} No.  
7841 The {Clerk.} Mr. Rogers, no. Mrs. Myrick.  
7842 Mrs. {Myrick.} No.  
7843 The {Clerk.} Mrs. Myrick votes no. Mr. Sullivan.  
7844 Mr. {Sullivan.} No.  
7845 The {Clerk.} Mr. Sullivan, no. Mr. Murphy of  
7846 Pennsylvania.  
7847 Mr. {Murphy of Pennsylvania.} No.  
7848 The {Clerk.} Mr. Murphy, no. Mr. Burgess.  
7849 Mr. {Burgess.} No.  
7850 The {Clerk.} Mr. Burgess votes no. Ms. Blackburn.  
7851 Ms. {Blackburn.} No.  
7852 The {Clerk.} Ms. Blackburn, no. Mr. Gingrey.  
7853 Mr. {Gingrey.} No.  
7854 The {Clerk.} Mr. Gingrey, no. Mr. Scalise.  
7855 Mr. {Scalise.} No.  
7856 The {Clerk.} Mr. Scalise votes no.  
7857 The {Chairman.} Have all members responded to the call  
7858 of the roll? Seeing no other member asking for recognition,

7859 the clerk will tally the vote. The clerk will report the  
7860 vote.

7861 The {Clerk.} Mr. Chairman, on the vote on final  
7862 passage, there were 33 ayes and 25 nos.

7863 The {Chairman.} Thirty-three ayes, 25 nos. The motion  
7864 is agreed to.

7865 [Whereupon, at 8:30 p.m., the Committee was adjourned.]