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6 MARKUP OF ENERGY AND COMMERCE COMMITTEE VOTE

7 ON H.R. 453, H.R. 350, H.R. 1119, H.R. 1733,

8 H.R. 1917, H.R. 2872, AND H.R. 2880

9 WEDNESDAY, DECEMBER 6, 2017

10 House of Representatives

11 Committee on Energy and Commerce

12 Washington, D.C.

16 The committee met, pursuant to call, at 10:00 a.m., in Room  
17 2123 Rayburn House Office Building, Hon. Greg Walden [chairman  
18 of the committee] presiding.

19 Members present: Representatives Walden, Barton, Upton,  
20 Shimkus, Murphy, Burgess, Blackburn, Scalise, Latta, McMorris  
21 Rodgers, Harper, Lance, Guthrie, Olson, McKinley, Kinzinger,  
22 Griffith, Bilirakis, Johnson, Long, Bucshon, Flores, Brooks,  
23 Mullin, Hudson, Collins, Cramer, Walberg, Walters, Costello,  
24 Carter, Pallone, Rush, Eshoo, Engel, Green, DeGette, Doyle,  
25 Schakowsky, Butterfield, Matsui, Castor, Sarbanes, McNerney,

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Welch, Lujan, Tonko, Clarke, Loeb sack, Schrader, Kennedy,  
Cardenas, Ruiz, Peters, and Dingell.

Staff present: Jennifer Barblan, Chief Counsel, Oversight  
& Investigations; Ray Baum, Staff Director; Mike Bloomquist,  
Deputy Staff Director; Adam Buckalew, Professional Staff Member,  
Health; Allie Bury, Legislative Clerk, Energy/Environment; Karen  
Christian, General Counsel; Kelly Collins, Staff Assistant; Robin  
Colwell, Chief Counsel, Communications & Technology; Sean  
Corcoran, Financial & Administrative Coordinator; Jerry Couri,  
Chief Environmental Advisor; Zachary Dareshori, Staff Assistant;  
Jordan Davis, Director of Policy and External Affairs; David  
DeMarco, IT Staff; Lamar Echols, Counsel, Oversight &  
Investigations; Paul Eddatel, Chief Counsel, Health; Wyatt  
Ellertson, Research Associate, Energy/Environment; Chuck Flint,  
Policy Coordinator, Communications & Technology; Melissa  
Froelich, Chief Counsel, Digital Commerce and Consumer  
Protection; Adam Fromm, Director of Outreach and Coalitions; Gene  
Fullano, Detailee, Communications & Technology; Ali Fulling,  
Legislative Clerk, Oversight & Investigations, Digital Commerce  
and Consumer Protection; Theresa Gambo, Human Resources/Office  
Administrator; Caleb Graff, Professional Staff Member, Health;  
Jay Gulshen, Legislative Clerk, Health; Brighton Haslett,  
Counsel, Oversight & Investigations; Tom Hassenboehler, Chief

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Counsel, Energy/Environment; Brittany Havens, Professional Staff, Oversight & Investigations; Jordan Haverly, Policy Coordinator, Environment; Elena Hernandez, Press Secretary; Zach Hunter, Director of Communications; Paul Jackson, Professional Staff, Digital Commerce and Consumer Protection; A.T. Johnston, Senior Policy Advisor, Energy; Peter Kielty, Deputy General Counsel; Bijan Koohmaraie, Counsel, Digital Commerce and Consumer Protection; Tim Kurth, Senior Professional Staff, Communications & Technology; Wayne Laufert, GPO Printer/Detail; Ben Lieberman, Senior Counsel, Energy; Mary Martin, Deputy Chief Counsel, Energy & Environment; Lauren McCarty, Counsel, Communications & Technology; Drew McDowell, Executive Assistant; Katie McKeogh, Press Assistant; Alex Miller, Video Production Aide and Press Assistant; Brandon Mooney, Deputy Chief Energy Advisor; John Ohly, Professional Staff, Oversight & Investigations; James Paluskiewicz, Professional Staff, Health; Mark Ratner, Policy Coordinator; Tina Richards, Counsel, Environment; Annelise Rickert, Counsel, Energy; Christopher Santini, Counsel, Oversight & Investigations; Dan Schneider, Press Secretary; Kristen Shatynski, Professional Staff Member, Health; Jennifer Sherman, Press Secretary; Alan Slobodin, Chief Investigative Counsel, Oversight & Investigations; Sam Spector, Policy Coordinator, Oversight & Investigations; Peter Spencer, Professional Staff Member, Energy; Jason Stanek, Senior Counsel, Energy; John Stone, Senior Counsel, Health; Josh Trent, Deputy

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76 Chief Health Counsel, Health; Natalie Turner, Counsel, Oversight  
77 & Investigations; Madeline Vey, Policy Coordinator, Digital  
78 Commerce and Consumer Protection; Evan Viau, Legislative Clerk,  
79 Communications & Technology; Hamlin Wade, Special Advisor,  
80 External Affairs; Chris Wells, GPO Printer/Detail; Jessica  
81 Wilkerson, Professional Staff, Oversight & Investigations;  
82 Everett Winnick, Director of Information Technology; Andy Zach,  
83 Senior Professional Staff Member, Environment; Greg Zerzan,  
84 Counsel, Digital Commerce and Consumer Protection; Michelle Ash,  
85 Minority Chief Counsel, Digital Commerce and Consumer Protection;  
86 Julie Babayan, Minority Counsel; Priscilla Barbour, Minority  
87 Energy Fellow; Jacquelyn Bolen, Minority Professional Staff;  
88 Christina Calce, Minority Counsel; Jeff Carroll, Minority Staff  
89 Director; Jacqueline Cohen, Minority Chief Environment Counsel;  
90 David Cwiertny, Minority Energy/Environment Fellow; Alex  
91 Debianchi, Minority Telecom Fellow; Elizabeth Ertel, Minority  
92 Deputy Clerk; Jean Fruci, Minority Energy and Environment Policy  
93 Advisor; Evan Gilbert, Minority Press Assistant; David Goldman,  
94 Minority Chief Counsel, Communications and Technology; Lisa  
95 Goldman, Minority Counsel; Waverly Gordon, Minority Health  
96 Counsel; Tiffany Guarascio, Minority Deputy Staff Director and  
97 Chief Health Advisor; Caitlin Haberman, Minority Professional  
98 Staff Member; Rick Kessler, Minority Senior Advisor and Staff  
99 Director, Energy and Environment; Chris Knauer, Minority  
100 Oversight Staff Director; Una Lee, Minority Senior Health

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101 Counsel; Jerry Leverich, Minority Counsel; Jordan Lewis, Minority  
102 Staff Assistant; Miles Lichtman, Minority Policy Analyst; Lori  
103 Maarbjerg, Minority FCC Detailee; John Marshall, Minority Policy  
104 Coordinator; Jessica Martinez, Minority Outreach and Member  
105 Services Coordinator; Kevin McAloon, Minority Professional Staff  
106 Member; Dan Miller, Minority Policy Analyst; Jon Monger, Minority  
107 Counsel; Dino Papanastasiou, Minority GAO Detailee; Caroline  
108 Paris-Behr, Minority Policy Analyst; Rachel Pryor, Minority  
109 Senior Health Policy Advisor; Alexander Ratner, Minority Policy  
110 Analyst; Tim Robinson, Minority Chief Counsel; Samantha Satchell,  
111 Minority Policy Analyst; Matt Schumacher, Minority Deputy Press  
112 Secretary and Digital Director; Andrew Souvall, Minority Director  
113 of Communications, Outreach and Member Services; Kimberlee  
114 Trzeciak, Minority Senior Health Policy Advisor; Eddie Walker,  
115 Minority Technology Director; Tuley Wright, Minority Energy and  
116 Environment Policy Advisor; C.J. Young, Minority Press Secretary;  
117 and Catherine Zander, Minority Environment Fellow.

118           The Chairman. Members will take their seats and our guests  
119 and staff as well. The meeting will come to order and the chair  
120 will recognize himself for an opening statement.

121           This morning we need to markup multiple commonsense bills  
122 that have been thoughtfully and thoroughly considered by the  
123 Energy and Environment Subcommittees.

124           Throughout this Congress, these subcommittees have been  
125 working diligently and in a bipartisan manner to develop  
126 legislation that prioritizes the consumer, supports American  
127 business, and protects the environment. These bills expand the  
128 nation's access to domestic energy resources, improve recycling  
129 and reuse of materials, and provide small businesses with the  
130 regulatory flexibility they need to meet environmental standards  
131 while still growing the economy and creating American jobs.

132           Clearly, these are important bills and I invite my colleagues  
133 on both sides of the aisle to work together constructively so we  
134 can move them out of the committee and one step closer to becoming  
135 law.

136           Many of us on this committee, if not all of us, want to see  
137 America do a better job of harnessing its great hydropower  
138 potential so we can produce more clean and reliable domestic  
139 energy. Two of today's bills do exactly this. H.R. 2872  
140 promotes hydropower development at existing non-powered dams and  
141 H.R. 2880 opens the door wider for the construction of more pumped  
142 storage hydropower projects, which is of particular interest to

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my constituents in the Pacific Northwest, where we have tremendous opportunities to build new pumped-hydro storage facilities.

Now four of this morning's bills lift the heavy and unnecessary regulatory burden off the nation's brick makers, amateur racers, coal refuse-to-energy plant owners, and wood stove manufacturers by providing more time and compliance options in meeting EPA air regulations. It is important to note that none of the four sectors affected by this legislation are a significant source of emissions and none of these bills repeal any regulation; they simply make minimal adjustments to reduce the risk of plant shutdowns and layoffs. In other words, these bills preserve jobs and save the consumer money while continuing the country on a path of reduced air emissions.

The seventh and final bill we are marking up today, H.R. 1733, directs the Secretary of Energy to update the federal strategy for recycling used lubricating oil. The result of this bill will be a maximized use of resources and a cleaner environment, an outcome that everyone should be able to support.

All the bills being considered this morning have followed regular order, being the subject of legislative hearings and subcommittee markups where bipartisan amendments have been offered and accepted. This process has yielded carefully crafted and well thought out legislation. I urge my colleagues to support these bills.

And I now recognize my friend from New Jersey, Mr. Pallone,

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168 for 3 minutes for an opening statement.

169 Mr. Pallone. Thank you, Mr. Chairman.

170 We have a number of bills before us today that came out of  
171 our Energy and Environment Subcommittee. On the energy side, we  
172 have three bills that I expect we will be able to pass by voice.  
173 Those are H.R. 1733, a bipartisan bill sponsored by Representative  
174 Brooks and Kennedy that directs the Secretary of Energy to review  
175 and update a report on the energy and environmental benefits of  
176 the refining of used lubricating oil. It has already been passed  
177 unanimously by the Energy Subcommittee.

178 The other two bills, both seeking to expedite hydroelectric  
179 licenses for non-powered dams and pump storage projects had issues  
180 when we started. We have now come along way, thanks to Members  
181 and staff on both sides of the aisle. We have amendments in the  
182 nature of a substitute for both bills, H.R. 2872, introduced by  
183 Dr. Bucshon and H.R. 2880, introduced by Mr. Griffith.

184 These bipartisan substitutes are a testament to what we can  
185 do when both parties work together. And I want to thank Chairman  
186 Walden and Upton, as well as the sponsor of these bills for working  
187 with Ranking Member Rush and me to develop a bipartisan compromise  
188 that we look forward to seeing enacted into law.

189 Unfortunately, on the environment side of the ledger, we have  
190 quite a different story. Once again, committee Republicans are  
191 advancing bills to undermine public health protections and erode  
192 our progress on clean air. Exempting businesses from clean air

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193 rules leads to more air pollution, which damages people's health.  
194 Relaxing air standards for businesses does not reduce cost. It  
195 merely transfers them from one business to another and to  
196 individuals who will incur costs in the form of increased health  
197 care cost and lost productivity.

198 Even the one bill where Republicans and Democrats have tried  
199 to come together, the Recognizing the Protection of Motorsports  
200 or RPM Act is ultimately unnecessary, in my opinion, since EPA  
201 has never taken enforcement actions against racecar owners.

202 I will discuss these bills in greater detail as we consider  
203 them but for now, I yield back the balance of my time, Mr. Chairman.

204 The Chairman. The gentleman yields back the balance of his  
205 time.

206 The chair recognizes the gentleman from Illinois, Mr.  
207 Shimkus, for 1 minute, right? These are 1 minutes?

208 Mr. Shimkus. Thank you, Mr. Chairman.

209 First of all, I have my son in the front row, Daniel Shimkus.  
210 So if you could wave to everybody. It shows you I can do something  
211 right. So I appreciate that -- or my wife can.

212 The bills from the Environment Subcommittee that we are  
213 marking up today, H.R. 1917, the BRICK Act; H.R. 1119, the SENSE  
214 Act; H.R. 350, the RPM Act; and H.R. 453, dealing with residential  
215 home heaters have been the subject of several discussions since  
216 the subcommittee markup.

217 Each of these bills helps small business to create and

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maintain jobs in their communities. As a subcommittee, we adopted an amendment in the nature of a substitute that addressed concerns raised in the provisions of H.R. 1119, the SENSE Act. H.R. 350, 453, and 1917 enjoyed bipartisan support. All of these bills provide the necessarily leeway and flexibility to smaller entities so that they can meet the requirements of the Clean Air Act, without addressing needless regulatory burdens.

And with that, Mr. Chairman, I yield back my time. Thank you.

The Chairman. The gentleman yields back.

Other members seeking recognition? I will go to Ms. Castor, I think, would be next, right? Ms. Castor for 1 minute.

Ms. Castor. Thank you, Mr. Chairman. I think at the outset it is important for folks to understand there are a number of bills here that undermine the Clean Air Act.

I regret that my Republican colleagues seek to find huge loopholes in the Clean Air Act because the Clean Air Act used to be bipartisan. For example, H.R. 453 would delay for 3 years the implementation of standards for new wood-burning boilers, furnaces, and stoves to reduce emissions. These were the first updates to the standards for these devices in 27 years and would help protect the public health from harmful particle pollution and other dangerous pollutants. Many manufacturers have already certified devices to meet the 2020 standards.

A number of these other bills go to the heart of the Clean

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243 Air Act and I don't know why the Republicans continue to chip away,  
244 and chip away, and chip away at these fundamental protections for  
245 the public health across the country. This unwise public policy  
246 and I look forward to debating these to a greater extent.

247 And I yield back.

248 The Chairman. The gentlelady's time has expired. The  
249 chair recognizes the gentleman from Mississippi I think is next  
250 up on our side, Mr. Harper.

251 Mr. Harper. Thank you.

252 The Chairman. And welcome to your new chairmanship. We  
253 will deal with that matter in a few minutes.

254 Mr. Harper. Thank you, Mr. Chairman, and thank you for  
255 bringing these commonsense bills to the full committee for markup  
256 today.

257 I want to encourage all members of the committee to support  
258 H.R. 453 as a compromise approach to easing the regulatory burden  
259 on manufacturers of wood heaters. H.R. 453 would simply give  
260 these manufacturers 3 additional years to comply with an Obama  
261 administration new source performance standards regulation.

262 Frank Moore of Hardy Manufacturing, located in my district,  
263 testified before the Environmental Subcommittee in September that  
264 he and other manufacturers are working to meet the 2020 Step 2  
265 Standards but that a lack of technology is making compliance  
266 nearly impossible.

267 The extension of this effective date doesn't remove any

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268 regulations. All products will remain regulated by Step 1 of this  
269 rule. Extension simply provides more time for manufacturers to  
270 comply and come up with these stricter requirements and meet those  
271 requirements.

272 I hope all members will support this.

273 I thank you, Mr. Chairman and I yield back.

274 The Chairman. Members on the minority side? Mr. Green is  
275 recognized for 1 minute.

276 Mr. Green. Thank you, Mr. Chairman and for the chairs and  
277 ranking members for holding this markup today.

278 We are considering three bills together that I would like  
279 to comment on: The Hydro bills, H.R. 2872 and H.R. 2880, our  
280 bipartisan solution, respectively deal with non-powered dams and  
281 closed loop pump storage. While we don't have a lot of hydropower  
282 in Texas, I know how important this resource is for many members  
283 on the committee and I am happy to see the committee working in  
284 a bipartisan way to advance the issue.

285 I am also pleased to see that we are advancing the bipartisan  
286 language on the re-lubricating oil study to the DOE.

287 We have also marked up four different bills that in some way  
288 involve the Clean Air Act. Unfortunately, I don't believe that  
289 the language in these bills, as they stand, is adequate to be  
290 supported on a bipartisan basis.

291 I am no stranger to fighting these unfair regulations as  
292 hastily crafted and poorly implemented and I do not believe these

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293 bills or the regulations that they alter meet the standard. In  
294 one case, we have a further delay of regulations that were first  
295 proposed in 1988 by the EPA at the backing of many states who wanted  
296 to address it. As written, I cannot support these. Hopefully,  
297 before they get to the final floor of the House we will see some  
298 amendments.

299 And I yield back.

300 The Chairman. The gentleman's time has expired.

301 On the Republican side, members seeking recognition?

302 The chairman of the Subcommittee on Energy, Mr. Upton, is  
303 recognized for 1 minute.

304 Mr. Upton. Well, thank you, Mr. Chairman, I would just note  
305 quickly that we are marking up in full committee H.R. 1733, 2872,  
306 and 2880. All of these bills are noncontroversial. They are  
307 bipartisan.

308 1733 is a bipartisan bill that simply requires the Secretary  
309 of Energy to update a report on the energy and tax environmental  
310 benefits of refining used lubricating oil.

311 Hydropower is the nation's number one renewable producing  
312 electricity with negligible emissions. And H.R. 2872 is  
313 introduced to promote new hydropower development at existing  
314 non-powered dams by providing FERC with the discretion to grant  
315 exemptions from license requirements for certain qualified  
316 facilities.

317 And H.R. 2880 was introduced to promote closed-loop pump

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318 storage hydropower developments by limiting FERC's authority to  
319 impose only licensing conditions that are necessary to protect  
320 public safety.

321         These bills are a good-faith effort to increase hydropower  
322 in the U.S. and I urge all my colleagues to vote for them and yield  
323 back.

324         The Chairman. The gentleman yields back.

325         Members on the Democratic side? Ms. Schakowsky is  
326 recognized for 1 minute.

327         Ms. Schakowsky. Thank you. First, I want to congratulate  
328 Gregg Harper, as he becomes chair of the O&I, as well as Adam  
329 Kinzinger, as he steps into the vice chair of the Digital Commerce  
330 and Consumer Protection Subcommittee, on which I am the ranking  
331 democrat.

332         Today, we see four more tax on clean air and clean water.  
333 The bills out of Environment Subcommittee seek to undue, delay,  
334 or undermine rules at the Environment Protection Agency, whether  
335 brick kilns, waste coal, wood stoves, or race vehicles,  
336 Republicans are working to chip away at critical protections for  
337 public health.

338         At the same time, the EPA Administrator, Scott Pruitt, is  
339 undermining clean air and water protections from within the  
340 agency. It is clear that we are facing a multipronged attack on  
341 our environment and Americans' health hangs in the balance.

342         I yield back.

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343 The Chairman. The gentlelady yields back.

344 Other members seeking recognition on the Republican side?

345 We will go now to the gentleman from Ohio, Mr. Johnson, for 1  
346 minute.

347 Mr. Johnson. Well thank you, Mr. Chairman. You know many  
348 of these bills before us today will provide relief to small  
349 businesses across the country, particularly those that have been  
350 subjected to federal regulation that, frankly, doesn't make a  
351 whole lot of sense.

352 For instance, the BRICK Act will provide the brick and tile  
353 industry with regulatory common sense and certainty, something  
354 these industries have not experienced in years. So I urge a yes  
355 vote on this important bill, as well as the others that we are  
356 considering today. And with that, I yield back.

357 The Chairman. The gentleman yields back.

358 Members on the Democratic side seeking recognition? The  
359 gentlelady from California, Ms. Matsui, recognized for 1 minute.

360 Ms. Matsui. Thank you, Mr. Chairman.

361 I am concerned that a number of the bills before us today  
362 will ultimately increase pollution and harm the health of my  
363 constituents. In my district, residential fireplaces and wood  
364 stoves are the greater sources of pollution in the winter. These  
365 products have long lifespans and do not turn over regularly. So  
366 the 3-year delay to strong emission standards for wood fuel  
367 heaters included in H.R. 453 will mean much longer than 3 years

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368 of dirtier woods stoves. This is not the type of legislation that  
369 creates a cleaner, healthier world for our children and  
370 grandchildren.

371 This bill, along with H.R. 1917 and H.R. 1119 moves us  
372 backward. At a time when the rest of the world is looking at ways  
373 to reduce emissions and clean up the air, we are talking about  
374 creating loopholes for polluters. I urge my colleagues to oppose  
375 these bills.

376 Thank you and I yield back.

377 The Chairman. The gentlelady yields back.

378 The chair recognizes the gentleman from the West Virginia,  
379 Mr. McKinley, for 1 minute.

380 Mr. McKinley. Thank you, Mr. Chairman.

381 In my district, we have a couple hydroelectric projects that  
382 will benefit from this legislation, projects located in  
383 Morgantown, West Virginia and Opekiska, that will generate about  
384 \$36 million in private investment but, more importantly, they are  
385 going to create between 600 and 700 private sector jobs that will  
386 be important in the construction industry. And once operational,  
387 they will also be providing tax revenue for local and State  
388 governments.

389 So thank you, Dr. Bucshon, for sponsoring this important  
390 piece of legislation.

391 I yield back.

392 The Chairman. The gentleman yields back.

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393 Member of the Democratic side? Mr. Tonko is recognized for  
394 1 minute.

395 Mr. Tonko. Thank you, Mr. Chair.

396 Today we will consider four bills that were reported out of  
397 the Environment Subcommittee that would amend the Clean Air Act.  
398 Broadly speaking, each bill seeks to give a carve-out under the  
399 law. Three of these bills were opposed by all Democratic members  
400 of the subcommittee. We know air pollution is incredibly  
401 damaging to our economy. It is responsible for respiratory  
402 illnesses, hospitalizations, and missed school and work days.  
403 Delaying these rules will result in our constituents breathing  
404 less healthy air. History shows that we can grow the economy  
405 while improving air quality. There is no reason to delay the  
406 steady progress we have made.

407 I want to reiterate my concerns with the bills before us  
408 today. For the record, I am glad we could come together to reach  
409 agreement on the two hydropower bills. These bills will  
410 streamline the processes to develop certain hydro projects in a  
411 timely fashion, while preserving environmental safeguards.

412 With that, Mr. Chair, I yield back.

413 The Chairman. I thank the gentleman. The gentleman yields  
414 back.

415 Members of the Republican side seeking recognition? Yes,  
416 I will come over to this side. Ms. Brooks recognized for 1 minute.

417 Mrs. Brooks. Thank you, Mr. Chairman.

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418 I want to thank the Energy Subcommittee and this committee  
419 for holding the hearing today and considering H.R. 1733.

420 I also want to thank my colleagues, the gentleman from  
421 Massachusetts, Mr. Kennedy, for supporting this bill when we  
422 introduced it together earlier this year.

423 H.R. 1733 requires a 2006 study mandated by the Energy Policy  
424 Act of 2005 to be updated to reflect current information about  
425 the benefits of re-refined lubricating oil and how its production  
426 and use could be increased.

427 As we witness increased tensions among major oil-producing  
428 nations and the general public continues to become more concerned  
429 with human impact on the environment, re-refined lubricating oil  
430 has the ability to reduce the need for further crude oil extraction  
431 and can be effectively recycled indefinitely.

432 Ensuring Congress has the current scientific data about the  
433 potential value of this material will allow legislators to make  
434 the right decisions when investigating environmental energy  
435 policy moving forward.

436 I urge my colleagues to support this measure and I yield back.

437 The Chairman. The gentlelady yields back.

438 Other members on the Democratic side seeking recognition?

439 Seeing none, any members on the Republican side seeking  
440 recognition?

441 Seeing none, we are ready to move forward.

442 And the chair has a resolution on the desk and asks the clerk

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443 to report the resolution.

444 You didn't think we were going to go that fast, did you?

445 [The resolution of Mr. Walden follows:]

446

447 \*\*\*\*\*COMMITTEE INSERT 1\*\*\*\*\*

448 The Clerk. The resolution offered by Mr. Walden --

449 The Chairman. Without object, the reading of the resolution  
450 is suspended with.

451 I would like to welcome Mr. Duncan to the committee. As  
452 happy as I am to see him join the committee today, I think the  
453 happiest person on the committee must be Mr. Carter, who will no  
454 longer occupy the last seat on the dais.

455 Mr. Duncan was elected in 2010, represents the Third District  
456 of South Carolina. In his previous life, he worked in the banking  
457 and financial services industries so, of course, he will be  
458 helping us claw back all that jurisdiction to the Energy and  
459 Commerce Committee. Prior to joining E and C, he served on the  
460 Homeland Security and Foreign Affairs Committees.

461 The resolution we are considering today will appoint Mr.  
462 Duncan to the Energy, Environment, and Digital Commerce and  
463 Consumer Protection Subcommittee. So I look forward to working  
464 with him and ask everyone to extend a warm welcome to Mr. Duncan.

465 I would also point out I occupied that seat at one point many  
466 years ago.

467 Yes, second, today's resolution appoints Mr. Harper as  
468 chairman of the Oversight and Investigations Subcommittee. Mr.  
469 Harper is currently chairman of the House Committee on  
470 Administration, which is singularly the second most important  
471 committee in the House. If you like our new digs, and the screens,  
472 and things, you have Mr. Harper to thank for all of this. He will

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473 continue to serve as chairman of the House Administration  
474 Committee.

475 Now, I also want to put a footnote in there. The House Ethics  
476 Committee is really important, too, since Mrs. Brooks chairs that  
477 and is here. But Greg is a lawyer by training, having practiced  
478 law for 27 years in Mississippi.

479 With our broad jurisdiction, oversight is a critical  
480 function of our committee and I know he is excited about his new  
481 role and we are looking forward to the great work he will  
482 accomplish on O and I.

483 So, Greg, welcome.

484 And finally, the resolution appoints MR. Latta to the Health  
485 Subcommittee.

486 Is there any discussion on the resolution?

487 Seeing and hearing none, if there is no discussion, the vote  
488 occurs on the resolution.

489 All those in favor will signify by saying aye.

490 Those opposed, no.

491 The ayes have it and the resolution is adopted.

492 Congratulations, gentlemen.

493 The chair now calls up H.R. 453 and asks the clerk to report.

494 [The Bill H.R. 453 follows:]

495 \*\*\*\*\*INSERT 2\*\*\*\*\*

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496           The Clerk. H.R. 453, to deem the Step 2 compliance date for  
497 standards of performance for new residential wood heaters, new  
498 residential hydronic heaters, and forced-air furnaces to May  
499 15th, 2023.

500           The Chairman. Without objection, the first reading of the  
501 bill is suspended with. The bill will be open for amendment at  
502 any point.

503           Are there any bipartisan amendments to the bill?

504           Are there any amendments to the bill? Okay.

505           For what purpose does the gentleman from New Jersey seek  
506 recognition?

507           Mr. Pallone. To speak in opposition to the bill.

508           The Chairman. The gentleman is recognized for 5 minutes.

509           Mr. Pallone. Thank you.

510           Mr. Chairman, I oppose H.R. 453, which would needlessly delay  
511 implementation of EPA's important standards for residential wood  
512 heaters finalized in February 2015 and those would help improve  
513 air quality, especially in communities where people burn wood for  
514 heat.

515           The EPA issued the first new source performance standards  
516 for residential wood heaters in 1988. And this means the  
517 standards have not been updated in nearly 30 years. The new  
518 standards will provide tremendous health benefits by cutting  
519 harmful air pollution, including particle pollution, carbon  
520 monoxide, and air toxics. And particle pollution causes a range

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521 of adverse health effects, including asthma, heart attacks, and  
522 stroke.

523 EPA estimates that the benefits of these standards will be  
524 up to \$7.6 billion or, put another way, for every dollar spent  
525 to manufacturer cleaner wood heaters, we will see up to \$165 in  
526 health benefits. And blocking this rule, in my opinion, is  
527 fiscally irresponsible.

528 The final rule has a gradual 5-year phase in to allow  
529 manufacturers time to adopt. And the Phase 2 requirements don't  
530 kick until 2020.

531 If this bill were to become law and these standards were  
532 delayed, manufacturers will be able to continue producing  
533 outdated wood heaters that pose risks to our air quality and our  
534 health. EPA's rule is a reasonable one that is long overdue. It  
535 has important benefits and it should be allowed to be implemented.

536 H.R. 453 would reward slackers in the industry by allowing  
537 them to avoid compliance with standards that most manufacturers  
538 currently meet and standards that benefit consumers and protect  
539 public health. This bill would add years of delay to an already  
540 flexible, unusually long transition period. H.R. 453 is not  
541 fair, not to most of the industry who are meeting these standards,  
542 not to consumers who will continue to pay more for fuel, and  
543 certainly not to people in communities whose health will continue  
544 to suffer from the pollution that could have been prevented.

545 And so I would urge my colleagues to vote no and I will yield

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546 to the gentlewoman from Florida.

547 Ms. Castor. Well, I thank the ranking member for yielding  
548 time.

549 Here is another example of how my Republican colleagues will  
550 chip away at the clean air that we breathe and the Clean Air Act.

551 Members, did you know that many of the manufacturers for  
552 these products have already certified devices to meet the 2020  
553 standards? And what you are going to do is you are going to  
554 penalize the good actors, the folks who have followed the law,  
555 who have followed the rules. Delay of this standard,  
556 implementation for 3 years, is completely unnecessary and it will  
557 reward those companies that have failed or chose not to invest  
558 in development of cleaner appliances at the expense of the public  
559 health.

560 These were the first updates to these standards for devices  
561 in 27 years because the science drove the decision-making. Clean  
562 air drove the decision-making.

563 You should also know that these more protective standards  
564 only apply to new boilers, furnaces, and stoves. They do not  
565 apply to wood-burning devices that are currently in use.

566 This is unnecessary, unwise, and the ranking member is  
567 correct, it is fiscally irresponsible as well.

568 I yield back the balance of my time to the ranking member.

569 Mr. Pallone. I thank the gentlewoman.

570 I don't know if anybody else wants my time. If not, I will

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571 yield back, Mr. Chairman.

572 The Chairman. The gentleman yields back the balance of his  
573 time.

574 The chair recognizes the new chairman of the Oversight and  
575 Investigation Subcommittee, Mr. Harper, for 5 minutes.

576 Mr. Harper. Thank you, Mr. Chairman.

577 I just want to remind everyone that under this bill no  
578 regulation is being removed or changed. This is simply an  
579 extension.

580 You know wood heater manufacturers are predominately small  
581 businesses that are very important sources of employment in their  
582 communities. The research and development cost of meeting the  
583 2020 standard are proving to be prohibitive for many manufacturers  
584 and some have already laid off workers as a result. If we look  
585 at the economic impact, that is going to be substantial if this  
586 extension is not given.

587 Remember that the first phase of EPA's New Source Performance  
588 Standards for wood heaters took effect in 2015 and substantially  
589 reduced emissions with minimal problems. So there has already  
590 been a positive impact on clean air. However, the second phase  
591 of these standards is scheduled to take effect in 2020 and is  
592 providing to be very difficult for many manufacturers. So this  
593 would, an extension for Phase 2, would just extend the Phase 2  
594 compliance deadline by 3 years to May 15, 2023.

595 And keep in mind that wood heaters are frequently used by

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596 low-income households and often in rural areas. The 2020  
597 deadline is likely to raise prices on those least able to afford  
598 them. It may also restrict product choice, as only a fraction  
599 of current designs are likely to still be available.

600 Therefore, if new wood heaters become more expensive, some  
601 consumers will opt to continue using older and higher-emitting  
602 wood heaters.

603 You know keep in mind that wood heaters are relatively minor  
604 sources of emissions overall, and even less so now that the 2015  
605 Phase 1 standard is in effect. And since many are used in rural  
606 areas that are in attainment with National Ambient Air Quality  
607 Standards, the impact of a 3-year delay on air quality would be  
608 negligible.

609 This is a common sense bill that really will help these  
610 manufacturers, and ultimately help consumers, and ultimately help  
611 clean air quality. Remember, again, extension of this effective  
612 date doesn't remove any of those regulations and I urge that we  
613 adopt and pass H.R. 453.

614 With that, I yield back.

615 The Chairman. The gentleman yields back.

616 Other members seeking recognition? Seeing none, the  
617 question now occurs on favorably reported on H.R. 453, as amended,  
618 to the House.

619 The clerk will call the roll. Those in support will vote  
620 aye; those opposed, nay.

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621 The Clerk. Mr. Barton.  
622 Mr. Barton. Aye.  
623 The Clerk. Mr. Barton votes aye.  
624 Mr. Upton.  
625 Mr. Upton. Aye.  
626 The Clerk. Mr. Upton votes aye.  
627 Mr. Shimkus.  
628 Mr. Shimkus. Aye.  
629 The Clerk. Mr. Shimkus votes aye.  
630 Mr. Burgess.  
631 Mr. Burgess. Aye.  
632 The Clerk. Mr. Burgess votes aye.  
633 Mrs. Blackburn.  
634 Mrs. Blackburn. Aye.  
635 The Clerk. Mrs. Blackburn votes aye.  
636 Mr. Scalise.  
637 [No response.]  
638 The Clerk. Mr. Latta.  
639 Mr. Latta. Aye.  
640 The Clerk. Mr. Latta votes aye.  
641 Mrs. McMorris Rodgers.  
642 [No response.]  
643 The Clerk. Mr. Harper.  
644 Mr. Harper. Aye.  
645 The Clerk. Mr. Harper votes aye.

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646 Mr. Lance.  
647 Mr. Lance. Aye.  
648 The Clerk. Mr. Lance votes aye.  
649 Mr. Guthrie.  
650 Mr. Guthrie. Aye.  
651 The Clerk. Mr. Guthrie votes aye.  
652 Mr. Olson.  
653 Mr. Olson. Aye.  
654 The Clerk. Mr. Olson votes aye.  
655 Mr. McKinley.  
656 Mr. McKinley. Aye.  
657 The Clerk. Mr. McKinley votes aye.  
658 Mr. Kinzinger.  
659 Mr. Kinzinger. Aye.  
660 The Clerk. Mr. Kinzinger votes aye.  
661 Mr. Griffith.  
662 Mr. Griffith. Aye.  
663 The Clerk. Mr. Griffith votes aye.  
664 Mr. Bilirakis.  
665 Mr. Bilirakis. Aye.  
666 The Clerk. Mr. Bilirakis votes aye.  
667 Mr. Johnson.  
668 Mr. Johnson. Aye.  
669 The Clerk. Mr. Johnson votes aye.  
670 Mr. Long.

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671           Mr. Long.   Aye.  
672           The Clerk.   Mr. Long votes aye.  
673           Mr. Bucshon.  
674           Mr. Bucshon.   Aye.  
675           The Clerk.   Mr. Bucshon votes aye.  
676           Mr. Flores.  
677           Mr. Flores.   Aye.  
678           The Clerk.   Mr. Flores votes aye.  
679           Mrs. Brooks.  
680           Mrs. Brooks.   Aye.  
681           The Clerk.   Mrs. Brooks votes aye.  
682           Mr. Mullin.  
683           Mr. Mullin.   Aye.  
684           The Clerk.   Mr. Mullin votes aye.  
685           Mr. Hudson.  
686           Mr. Hudson.   Aye.  
687           The Clerk.   Mr. Hudson votes aye.  
688           Mr. Collins.  
689           Mr. Collins.   Aye.  
690           The Clerk.   Mr. Collins votes aye.  
691           Mr. Cramer.  
692           Mr. Cramer.   Aye.  
693           The Clerk.   Mr. Cramer votes aye.  
694           Mr. Walberg.  
695           [No response.]

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696 The Clerk. Mrs. Walters.  
697 Mrs. Walters. Aye.  
698 The Clerk. Mrs. Walters votes aye.  
699 Mr. Costello.  
700 Mr. Costello. Aye.  
701 The Clerk. Mr. Costello votes aye.  
702 Mr. Carter.  
703 [No response.]  
704 The Clerk. Mr. Duncan.  
705 Mr. Duncan. Aye.  
706 The Clerk. Mr. Duncan votes aye.  
707 Mr. Pallone.  
708 Mr. Pallone. No.  
709 The Clerk. Mr. Pallone votes no.  
710 Mr. Rush.  
711 Mr. Rush. No.  
712 The Clerk. Mr. Rush votes no.  
713 Ms. Eshoo.  
714 Ms. Eshoo. No.  
715 The Clerk. Ms. Eshoo votes no.  
716 Mr. Engel.  
717 Mr. Engel. No.  
718 The Clerk. Mr. Engel votes no.  
719 Mr. Green.  
720 Mr. Green. No.

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721 The Clerk. Mr. Green votes no.  
722 Ms. DeGette.  
723 Ms. DeGette. No.  
724 The Clerk. Ms. DeGette votes no.  
725 Mr. Doyle.  
726 Mr. Doyle. No.  
727 The Clerk. Mr. Doyle votes no.  
728 Ms. Schakowsky.  
729 Ms. Schakowsky. No.  
730 The Clerk. Ms. Schakowsky votes no.  
731 Mr. Butterfield.  
732 Mr. Butterfield. No.  
733 The Clerk. Mr. Butterfield votes no.  
734 Ms. Matsui.  
735 Ms. Matsui. No.  
736 The Clerk. Ms. Matsui votes no.  
737 Ms. Castor.  
738 Ms. Castor. No.  
739 The Clerk. Ms. Castor votes no.  
740 Mr. Sarbanes.  
741 [No response.]  
742 The Clerk. Mr. McNerney.  
743 Mr. McNerney. No.  
744 The Clerk. Mr. McNerney votes no.  
745 Mr. Welch.

746           Mr. Welch.   No.  
747           The Clerk.   Mr. Welch votes no.  
748           Mr. Lujan.  
749           Mr. Lujan.   No.  
750           The Clerk.   Mr. Lujan votes no.  
751           Mr. Tonko.  
752           Mr. Tonko.   No.  
753           The Clerk.   Mr. Tonko votes no.  
754           Ms. Clarke.  
755           Ms. Clarke.   No.  
756           The Clerk.   Ms. Clarke votes no.  
757           Mr. Loeb sack.  
758           Mr. Loeb sack.   Aye.  
759           The Clerk.   Mr. Loeb sack votes aye.  
760           Mr. Schrader.  
761           Mr. Schrader.   Aye.  
762           The Clerk.   Mr. Schrader votes aye.  
763           Mr. Kennedy.  
764           [No response.]  
765           The Clerk.   Mr. Cardenas.  
766           Mr. Cardenas.   No.  
767           The Clerk.   Mr. Cardenas votes no.  
768           Mr. Ruiz.  
769           Mr. Ruiz.   No.  
770           The Clerk.   Mr. Ruiz votes no.

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771 Mr. Peters.  
772 [No response.]  
773 The Clerk. Mrs. Dingell.  
774 Mrs. Dingell. No.  
775 The Clerk. Mrs. Dingell votes no.  
776 Chairman Walden.  
777 The Chairman. Aye.  
778 The Clerk. Chairman Walden votes aye.  
779 Are there members not recorded? Mrs. McMorris Rodgers.  
780 Mrs. McMorris Rodgers. Aye.  
781 The Clerk. Mrs. McMorris Rodgers votes aye.  
782 Mr. Walberg.  
783 Mr. Walberg. Aye.  
784 The Clerk. Mr. Walberg votes aye.  
785 Mr. Sarbanes.  
786 Mr. Sarbanes. No.  
787 The Clerk. Mr. Sarbanes votes no.  
788 The Chairman. Mr. Scalise is on his way. So, we will  
789 provide him time to get here.  
790 Yes, Mr. Peters?  
791 Mr. Peters. No.  
792 The Chairman. The clerk, yes.  
793 Mr. Peters. No.  
794 The Chairman. Mr. Peters is a no.  
795 The Clerk. Mr. Peters votes no.

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796 Mr. Scalise

797 Mr. Scalise. Am I recorded, Mr. Chairman?

798 The Chairman. Well you know, you are not. And so we were

799 kind of waiting to think you would want to be.

800 Mr. Scalise. I vote aye.

801 The Chairman. That is a good vote.

802 The Clerk. Mr. Scalise votes aye.

803 The Chairman. Mr. Scalise votes aye.

804 The clerk will report the tally.

805 The Clerk. Mr. Chairman, on that vote, the ayes were 32 and

806 the nays were 21.

807 The Chairman. They ayes 32, nays 21. The bill is favorably

808 reported to the floor.

809 The chair now calls up H.R. 350 and asks our clerk to report,

810 please.

811 [The Bill H.R. 350 follows:]

812

813 \*\*\*\*\*INSERT 3\*\*\*\*\*

814           The Clerk. H.R. 350, to exclude vehicles used solely for  
815 competition from certain provisions of the Clean Air Act, and for  
816 other purposes.

817           The Chairman. And, without objection, the first reading of  
818 the bill is dispensed with. The bill will be open for amendment  
819 at any point.

820           Are there any bipartisan -- yes, but I will do the amendments  
821 first. Is that right?

822           Yes, are there any bipartisan amendments?

823           Are there any amendments?

824           The chair recognizes the gentlelady from Michigan, Mrs.  
825 Dingell.

826           Mrs. Dingell. Thank you, Mr. Chairman.

827           I have an amendment at the desk, although I do plan to  
828 withdraw it from consideration after debate has concluded.

829           [The Amendment of Mrs. Dingell follows:]

830

831           \*\*\*\*\*COMMITTEE INSERT 4\*\*\*\*\*

832           The Chairman. All right. If you will suspend, the clerk  
833 will report the amendment.

834           The Clerk. Amendment to H.R. 350 offered by Mrs. Dingell.

835           The Chairman. The chair recognizes the gentlelady from  
836 Michigan to speak on her amendment.

837           Mrs. Dingell. Thank you, Mr. Chairman.

838           My amendment represents simple changes that are needed to  
839 fix this bill. We have all discussed this issue and subcommittee  
840 Chairman Shimkus made a commitment to me that he would continue  
841 to work with me to try to fix this.

842           I mean what we are worried about, all of us -- well, maybe  
843 not everyone in this room but a lot of us love sports car racing  
844 and we want people to be able to race cars but, at the same time,  
845 after you have seen auto manufacturers jigger with some of their  
846 equipment, we need to make sure that cars that are on the road  
847 are not illegal.

848           I was hopeful that we could accept this language today in  
849 the spirit of working together toward a bipartisan compromise.  
850 Without the fixes outlined in my amendment, I cannot vote for this  
851 bill and I really do want to vote for this bill.

852           But I remain optimistic that conversation can continue on  
853 this issue and I am prepared to withdraw my amendment today if  
854 the chairman is willing to continue talking about this issue  
855 moving forward.

856           The Chairman. Do you want to yield to Mr. Shimkus on this

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857 matter?

858 Mrs. Dingell. I would be honored to.

859 Mr. Shimkus. Thank you.

860 We have been meeting and working on language. Everybody  
861 wants automobile racing to continue. Everybody wants the Clean  
862 Air Act to continue to comply and we want to make sure that vehicles  
863 that are on the road are on the road legally. The hurdle is there  
864 is just no way, on our side, that we are going to go to a national  
865 vehicle registration program either specifically stated or  
866 implied.

867 Mrs. Dingell. So would the gentleman yield?

868 Mr. Shimkus. I would.

869 Mrs. Dingell. We agree. So --

870 Mr. Shimkus. I don't think our staff agree. So I don't  
871 think the language agrees. And so let's continue to work on it.  
872 We have had this discussion. We want to work it out. I would  
873 like to come back, as a Member of Congress, but I can't if I go  
874 to a national vehicle registration program because --

875 Mrs. Dingell. Well, and I don't think anybody --

876 Mr. Shimkus. -- my folks will lynch me on this side. So,  
877 let's --

878 Mrs. Dingell. I, too, might be lynched. So you know, we  
879 don't want to go to our funerals.

880 But if we could really make this so -- if we could work  
881 together before it goes to the floor. Regrettably, I am going

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882 to have to oppose it today but I want to be able to vote for this.

883 Mr. Shimkus. And I will give you that commitment. Let's  
884 see what we can do.

885 I yield back to the gentlelady from Michigan.

886 Mrs. Dingell. I would ask for unanimous consent to withdraw  
887 my amendment.

888 The Chairman. The gentlelady withdraws her amendment and  
889 yields back the balance of time.

890 For what purpose does the gentleman from New Jersey seek  
891 recognition?

892 Mr. Pallone. To strike the last word.

893 The Chairman. The gentleman is recognized for 5 minutes.

894 Mr. Pallone. Mr. Chairman, I am sorry that we have not been  
895 able to come to agreement on H.R. 350, as much as I wanted to and  
896 everyone on this side of the aisle wanted to accomplish that. But  
897 I can't support a bill that undermines EPA's ability to enforce  
898 the anti-tampering provision of the Clean Air Act.

899 We don't need to move this bill today, in my opinion. We  
900 could continue to work with EPA and the Specialty Equipment  
901 Marketing Association to find a reasonable compromise. I am  
902 certainly willing to do that and I prefer to do that. But if we  
903 move forward today with the language you proposed, I would have  
904 to oppose the bill and ask my colleagues to oppose the bill.

905 The bill undermines EPA's current enforcement authority to  
906 go after companies that are marketing defeat devices to a much

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907 broader group of customers than those in the amateur racing  
908 community. And I don't think that is your intent but that is what  
909 the bill will do.

910 We knew at the start that this would be a difficult exemption  
911 to craft but I thought that we shared two goals: first, to make  
912 these currently illegal conversions legitimate in the eyes of the  
913 law; and then to ensure that once converted to race cars, these  
914 vehicles would only be driven on a race track and never on the  
915 road. However, EPA informed us that the language in the bill will  
916 not achieve that second goal. It will not ensure that motor  
917 vehicles that have defeat devices installed in them will never  
918 be driven on public roads. And frankly, I don't understand it.

919 The Trump administration's EPA says this does not work and  
920 I am now put in a position of defending the language that  
921 Administrator Pruitt's people say they need to enforce the Clean  
922 Air. It isn't a position that I expect to be taking very often,  
923 obviously.

924 So all we are looking for is language that fulfills the  
925 dictate of trust but verify, something I would think my Republican  
926 friends would appreciate, but this language doesn't meet the test  
927 of being able to verify.

928 I can only conclude that the industry is really just  
929 interested in getting a loophole put into law with no ability to  
930 enforce against violators and that is a license to cheat that I  
931 can't support.

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932           Vehicle manufacturers have spent a great deal of time and  
933 money to produce vehicles that emit fewer pollutants but, with  
934 this bill, we are now letting a few companies earn profits by  
935 undoing those efforts and putting public health at risk in the  
936 process.

937           So if you are not going to withdraw the bill, and it doesn't  
938 sound like it, I would like to continue to negotiate to find the  
939 right solution but I would urge my colleagues to vote against the  
940 bill at this time.

941           And I yield back.

942           The Chairman. The gentleman yields back the balance of his  
943 time and we do intend to continue working on this matter, as you  
944 heard from Mr. Shimkus and Mrs. Dingell. And I know that the teams  
945 were working late into the night to see if they couldn't find  
946 common ground last night is my understanding. So we will see if  
947 we can't continue to work on this going forward.

948           Are there any Republicans seeking to speak on this matter?

949           If not, we go to Mr. Tonko for 5 minutes.

950           Mr. Tonko. Mr. Chair, I move to strike the last word.

951           The Chairman. The gentleman is recognized for 5 minutes.

952           Mr. Tonko. Thank you, Mr. Chair.

953           Recognizing the protection of Motorsports Act seeks to  
954 exempt motor vehicles used solely for competition from penalties  
955 for altering a vehicle that results in increased emission of air  
956 pollutants, an exemption that already exists in the law.

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957 However, as was discussed at the legislative hearing, there are  
958 serious concerns with how broadly this bill is written.

959 At the subcommittee level, we talked about working together  
960 to come up with further amendments to the bill in its present form.  
961 I support Mrs. Dingell's amendment and would hope that we could  
962 come to terms that will enable us to support racing and allow the  
963 environment to be addressed.

964 The bill in its present form, however, would make it more  
965 difficult, if not impossible, for EPA to enforce against  
966 manufacturers that produce emissions control defeat devices for  
967 vehicles. The Clean Air Act prohibits selling or installing  
968 parts that would defeat or bypass emissions controls. Emissions  
969 controls are needed to reduce particulate matter, nitrogen  
970 oxides, carbon monoxide and other pollutants from vehicle  
971 exhaust. Allowing vehicles with defeat devices to be driven on  
972 public roads is simply completely unacceptable.

973 In my view, if people want to modify a car that they use solely  
974 for amateur racing, that is fine, but we cannot allow these devices  
975 to be marketed and sold to the general public, which will  
976 inevitably be the case with modified vehicles being driven on the  
977 road.

978 I understand there is a concern that EPA may go after racing  
979 hobbyists, despite the fact they never have in the past. No one  
980 wants or, frankly, expects to see EPA enforcement against  
981 individual vehicle owners and no one wants to curtail law-abiding

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982 racing hobbyists that are not taking their modified vehicles onto  
983 the roads. But this bill would block EPA from using its one course  
984 of action to prevent the proliferation of defeat devices going  
985 after manufacturers.

986 We know that some companies have marketed these devices to  
987 the general public and EPA has had success enforcing against  
988 manufacturers of defeat devices that have not been used  
989 exclusively for racing vehicles. In one such event, the company  
990 had sold some 114,000 devices. I know there was talk between  
991 subcommittee and full committee about narrowing the language to  
992 address some of these concerns. I am encouraged that these talks  
993 will continue but I am disappointed that we haven't been able to  
994 find a compromise. I cannot stand for taking away an important  
995 and really the only tool available to EPA to stop illegal defeat  
996 devices and the pollution they enable.

997 So I urge the members to oppose the bill as currently drafted.  
998 And with that, Mr. Chair, I yield back.

999 Mr. Shimkus. Would the gentleman yield? Mr. Tonko?

1000 Mr. Tonko. Yes, sir.

1001 Mr. Shimkus. Yes, let me just address this enforcement  
1002 discussion real quickly.

1003 Right now under Section 113 of the Clean Air Act, the EPA  
1004 currently and will still have general enforcement authority. So  
1005 in the case you use if a manufacturer of a device sells 114,000,  
1006 what usually happens is that raises alarm and the EPA then swoops

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1007 in to say where are you selling these 114,000 to and that is how  
1008 the system now works.

1009 So we are not taking away any authority, general authority  
1010 under the Clean Air Act but we -- you know in a State like Montana  
1011 that doesn't have emissions tests, we are not going to then force  
1012 the State of Montana to go into some emission-testing regime that  
1013 the Clean Air Act and the SIFs no longer currently require them  
1014 to do. And that is part of the debate problem and we are going  
1015 to continue to work on it. But I wanted to address the enforcement  
1016 debate on this.

1017 And I yield back. Thank you.

1018 Mr. Tonko. Okay. Well I appreciate that but I think,  
1019 still, the guidelines of the Clean Air Act should be maintained  
1020 and I have got to believe that there is a way to resolve this  
1021 favorably for both sides of the discussion.

1022 The Chairman. The gentleman yields back and I encourage all  
1023 of you to continue this work because I think it sounds like we  
1024 might be able to get there.

1025 Anyone else seeking recognition?

1026 If not, we will go to a roll call vote on this.

1027 Those in favor of favorably reporting H.R. 350 to the House  
1028 will vote aye; opposed, nay. And the clerk will call the roll.

1029 The Clerk. Mr. Barton.

1030 Mr. Barton. Aye.

1031 The Clerk. Mr. Barton votes aye.

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1032 Mr. Upton.

1033 Mr. Upton. Aye.

1034 The Clerk. Mr. Upton votes aye.

1035 Mr. Shimkus.

1036 Mr. Shimkus. Aye.

1037 The Clerk. Mr. Shimkus votes aye.

1038 Mr. Burgess.

1039 Mr. Burgess. Aye.

1040 The Clerk. Mr. Burgess votes aye.

1041 Mrs. Blackburn.

1042 Mrs. Blackburn. Aye.

1043 The Clerk. Mrs. Blackburn votes aye.

1044 Mr. Scalise.

1045 [No response.]

1046 The Clerk. Mr. Latta.

1047 Mr. Latta. Aye.

1048 The Clerk. Mr. Latta votes aye.

1049 Mrs. McMorris Rodgers.

1050 Mrs. McMorris Rodgers. Aye.

1051 The Clerk. Mrs. McMorris Rodgers votes aye.

1052 Mr. Harper.

1053 Mr. Harper. Aye.

1054 The Clerk. Mr. Harper votes aye.

1055 Mr. Lance.

1056 [No response.]

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1057 The Clerk. Mr. Guthrie.  
1058 Mr. Guthrie. Aye.  
1059 The Clerk. Mr. Guthrie votes aye.  
1060 Mr. Olson.  
1061 Mr. Olson. Aye.  
1062 The Clerk. Mr. Olson votes aye.  
1063 Mr. McKinley.  
1064 Mr. McKinley. Aye.  
1065 The Clerk. Mr. McKinley votes aye.  
1066 Mr. Kinzinger.  
1067 Mr. Kinzinger. Aye.  
1068 The Clerk. Mr. Kinzinger votes aye.  
1069 Mr. Griffith.  
1070 Mr. Griffith. Aye.  
1071 The Clerk. Mr. Griffith votes aye.  
1072 Mr. Bilirakis.  
1073 Mr. Bilirakis. Aye.  
1074 The Clerk. Mr. Bilirakis votes aye.  
1075 Mr. Johnson.  
1076 Mr. Johnson. Aye.  
1077 The Clerk. Mr. Johnson votes aye.  
1078 Mr. Long.  
1079 Mr. Long. Aye.  
1080 The Clerk. Mr. Long votes aye.  
1081 Mr. Bucshon.

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1082           Mr. Bucshon.   Aye.

1083           The Clerk.   Mr. Bucshon votes aye.

1084           Mr. Flores.

1085           Mr. Flores.   Aye.

1086           The Clerk.   Mr. Flores votes aye.

1087           Mrs. Brooks.

1088           Mrs. Brooks.   Aye.

1089           The Clerk.   Mrs. Brooks votes aye.

1090           Mr. Mullin.

1091           Mr. Mullin.   Aye.

1092           The Clerk.   Mr. Mullin votes aye.

1093           Mr. Hudson.

1094           Mr. Hudson.   Aye.

1095           The Clerk.   Mr. Hudson votes aye.

1096           Mr. Collins.

1097           Mr. Collins.   Aye.

1098           The Clerk.   Mr. Collins votes aye.

1099           Mr. Cramer.

1100           Mr. Cramer.   Aye.

1101           The Clerk.   Mr. Cramer votes aye.

1102           Mr. Walberg.

1103           [No response.]

1104           The Clerk.   Mrs. Walters.

1105           Mrs. Walters.   Aye.

1106           The Clerk.   Mrs. Walters votes aye.

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1107 Mr. Costello.  
1108 Mr. Costello. Aye.  
1109 The Clerk. Mr. Costello votes aye.  
1110 Mr. Carter.  
1111 Mr. Carter. Aye.  
1112 The Clerk. Mr. Carter votes aye.  
1113 Mr. Duncan.  
1114 Mr. Duncan. Aye.  
1115 The Clerk. Mr. Duncan votes aye.  
1116 Mr. Pallone.  
1117 Mr. Pallone. No.  
1118 The Clerk. Mr. Pallone votes no.  
1119 Mr. Rush.  
1120 Mr. Rush. No.  
1121 The Clerk. Mr. Rush votes no.  
1122 Ms. Eshoo.  
1123 Ms. Eshoo. No.  
1124 The Clerk. Ms. Eshoo votes no.  
1125 Mr. Engel.  
1126 [No response.]  
1127 The Clerk. Mr. Green.  
1128 Mr. Green. No.  
1129 The Clerk. Mr. Green votes no.  
1130 Ms. DeGette.  
1131 Ms. DeGette. No.

1132 The Clerk. Ms. DeGette votes no.  
1133 Mr. Doyle.  
1134 Mr. Doyle. No.  
1135 The Clerk. Mr. Doyle votes no.  
1136 Ms. Schakowsky.  
1137 Ms. Schakowsky. No.  
1138 The Clerk. Ms. Schakowsky votes no.  
1139 Mr. Butterfield.  
1140 Mr. Butterfield. No.  
1141 The Clerk. Mr. Butterfield votes no.  
1142 Ms. Matsui.  
1143 Ms. Matsui. No.  
1144 The Clerk. Ms. Matsui votes no.  
1145 Ms. Castor.  
1146 Ms. Castor. No.  
1147 The Clerk. Ms. Castor votes no.  
1148 Mr. Sarbanes.  
1149 Mr. Sarbanes. No.  
1150 The Clerk. Mr. Sarbanes votes no.  
1151 Mr. McNerney.  
1152 Mr. McNerney. No.  
1153 The Clerk. Mr. McNerney votes no.  
1154 Mr. Welch.  
1155 Mr. Welch. No.  
1156 The Clerk. Mr. Welch votes no.

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1157 Mr. Lujan.  
1158 Mr. Lujan. No.  
1159 The Clerk. Mr. Lujan votes no.  
1160 Mr. Tonko.  
1161 Mr. Tonko. No.  
1162 The Clerk. Mr. Tonko votes no.  
1163 Ms. Clarke.  
1164 Ms. Clarke. No.  
1165 The Clerk. Ms. Clarke votes no.  
1166 Mr. Loeb sack.  
1167 Mr. Loeb sack. Aye.  
1168 The Clerk. Mr. Loeb sack votes aye.  
1169 Mr. Schrader.  
1170 Mr. Schrader. Aye.  
1171 The Clerk. Mr. Schrader votes aye.  
1172 Mr. Kennedy.  
1173 [No response.]  
1174 The Clerk. Mr. Cardenas.  
1175 Mr. Cardenas. No.  
1176 The Clerk. Mr. Cardenas votes no.  
1177 Mr. Ruiz.  
1178 Mr. Ruiz. Aye.  
1179 The Clerk. Mr. Ruiz votes aye.  
1180 Mr. Peters.  
1181 Mr. Peters. No.

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1182 The Clerk. Mr. Peters votes no. Mrs. Dingell.  
1183 Mrs. Dingell. No.  
1184 The Clerk. Mrs. Dingell votes no.  
1185 Chairman Walden.  
1186 The Chairman. Aye.  
1187 The Clerk. Chairman Walden votes aye.  
1188 The Chairman. Are there members not -- oh, I am sorry.  
1189 The Clerk. Mr. Scalise.  
1190 Mr. Scalise. Aye.  
1191 The Clerk. Mr. Scalise votes aye.  
1192 Mr. Lance.  
1193 Mr. Lance. Aye.  
1194 The Clerk. Mr. Lance votes aye.  
1195 The Chairman. Mr. Engel.  
1196 The Clerk. Mr. Engel.  
1197 Mr. Engel. Votes no.  
1198 The Clerk. Mr. Engel votes no.  
1199 The Chairman. Are there other members not recorded who wish  
1200 to be recorded?  
1201 If not, the clerk will report the tally, when ready.  
1202 The Clerk. Mr. Walden, on that vote, the ayes were 33 and  
1203 the nays were 20. The Chairman. Okay, the H.R. 350 is  
1204 reported to the House as approved.  
1205 The chair now calls up H.R. 1119, as forwarded by the  
1206 Subcommittee on Environment on November 17, 2017 and asks the

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1207 clerk to report.

1208 [The Bill H.R. 1119 follows:]

1209

1210 \*\*\*\*\*INSERT 5\*\*\*\*\*

1211           The Clerk. H.R. 1119, to establish the bases by which the  
1212 Administrator of the Environmental Protection Agency shall issue,  
1213 implement, and enforce certain emission limitations and  
1214 allocations for existing electric utility steam generating units  
1215 that convert coal refuse into energy.

1216           The Chairman. Without objection, the first reading of the  
1217 bill is dispensed with and the bill will be open for amendment  
1218 at any point.

1219           Are there any bipartisan amendments?

1220           Are there any amendments?

1221           The chair now recognizes the gentleman from West Virginia  
1222 for 5 minutes to strike the last word.

1223           Mr. McKinley. Thank you, Mr. Chairman.

1224           I would like to speak for a few minutes about the  
1225 environmental benefits of the SENSE Act. This SENSE Act makes  
1226 minor modifications to the Mercury and Air Toxic Standards, MATS,  
1227 in order to keep the coal refuse energy plants viable. This Act  
1228 will still require substantial reductions in air emissions from  
1229 these facilities but in a manner that is reasonable and achievable  
1230 for them.

1231           In exchange for the added flexibility under MATS, these  
1232 facilities will be able to continue operating and addressing the  
1233 coal refuse problem. Coal refuse is particularly pervasive  
1234 throughout West Virginia and Pennsylvania and, unfortunately, it  
1235 is a major contributor to acid mine drainage, which pollutes

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thousands of miles of rivers and streams in coal-mining regions. It is a source of major fires, which pollute the air and a fire hazard. Coal refuse piles are unsightly and a barrier to economic development.

Look, there are only 19 coal refuse to energy facilities in the United States. Most of them are small, under 100 megawatts, and not all of them will avail themselves of the provisions of the SENSE Act. Coal refuse to energy plants have thus far recycled over 200 million tons of coal refuse by combusting it produce electricity. The resulting ash is environmentally safe and is used for the remediation.

One of my district offices is located immediately adjacent to such a plant in Morgantown, West Virginia. And coal refuse to energy facilities are addressing the coal refuse problem at no additional cost to the taxpayers and, without them, the cost of remediation are estimated, in Pennsylvania alone, to be \$2 billion, so expensive that little, if any, remediation activity would ever be undertaken.

The net environmental benefits of the SENSE Act are substantial and I urge the support of the Act H.R. 1119.

Thank you and I yield back.

The Chairman. The gentleman yields back.

The chair recognizes -- do you want to go first or do you want Mr. Doyle? Okay, we will recognize the gentleman from Pennsylvania for 5 minutes to strike the last word.

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1261 Mr. Doyle. Thank you, Mr. Chairman.

1262 The SENSE Act introduced by fellow Pennsylvania Congressman  
1263 Rothfus is a regulatory carve-out to help coal refuse plants  
1264 comply with the Clean Air Act regulation. A majority of these  
1265 plants are located in my home State of Pennsylvania. In fact,  
1266 of the 19 facilities, there are 14 of them are in Pennsylvania.

1267 These plants have process coal refuse or waste coal left over  
1268 from mining operations for decades. These are mines that  
1269 operated prior to Congress passing critical regulations and  
1270 standards that mandate reclamation after mining was completed.  
1271 The leftovers, waste coal, now blanket acres and acres across  
1272 Pennsylvania, polluting local water sources and diminishing air  
1273 quality.

1274 I have seen the impressive environmental benefit of these  
1275 plants firsthand. They are part of a large effort to reclaim the  
1276 hundreds of thousands of acres of orphan waste coal piles that  
1277 blanket Pennsylvania. These mines in our state that powered the  
1278 country from the Industrial Revolution on through the first two  
1279 World Wars simply left these enormous piles of waste coal for  
1280 future generations to deal with.

1281 The coal refuse industry has enjoyed significant bipartisan  
1282 support back in my home state. And I certainly share Congressman  
1283 Rothfus' support of in the industry but I cannot support this bill  
1284 as currently written. A prominent rewriting of the environmental  
1285 regulations that protect our planet and public health isn't good

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1286 policy.

1287 I will say this: The SENSE Act is improved from last  
1288 Congress' SENSE Act. And last year's SENSE Act was improved upon  
1289 the bill that was introduced in the 113th Congress but the  
1290 underlying bill still goes too far. It isn't impossible for these  
1291 plants to comply with the regulation under MATS. I have talked  
1292 with plants on both sides of my State. A delay of a regulation  
1293 is one thing. A permanent rewriting of a regulation is quite  
1294 another.

1295 There are many other solutions to this problem. Instead of  
1296 this permanent carve-out, why not increase grants available for  
1297 emission control technologies, specifically, for power plants  
1298 that have accompanying environmental benefit? Why don't we pass  
1299 the RECLAIM Act that frees up AML funds?

1300 Now, I am happy to say that I have begun conversation with  
1301 members on both sides of the aisle and we are going to try and  
1302 craft legislation that helps expedite remediating waste coal  
1303 piles in Pennsylvania and around the country. I hope we are able  
1304 to include retraining programs for coal miners and other working  
1305 class Americans in these discussions going forward.

1306 I hope my colleagues on both sides of the aisle are willing  
1307 to consider this future legislation as a potential answer to this  
1308 pressing problem but I must oppose the underlying bill at this  
1309 time.

1310 And I yield back.

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1311           The Chairman. The gentleman yields back the balance of his  
1312 time.

1313           Are there members on the Republican side seeking  
1314 recognition?

1315           Seeing none, members on the Democratic side? Mr. Pallone  
1316 is recognized for 5 minutes to strike the last word.

1317           Mr. Pallone. Thank you, Mr. Chairman.

1318           As Doyle mentioned, there were some changes made in this  
1319 bill, in this case, by the Environment Subcommittee that were a  
1320 step in the right direction, since the committee print no longer  
1321 includes the baffling cross-state provisions from the underlying  
1322 bill. But this is not to say that all the issues with the SENSE  
1323 Act have been remedied.

1324           The MATS rule represents the first national standard to  
1325 address power plants' emissions of mercury and other toxic air  
1326 pollutants like hydrochloric acid. And the SENSE Act is merely  
1327 a carve-out for MATS that would give waste coal facilities license  
1328 to pollute more than they should. And furthermore, the bill would  
1329 lock in this weaker standard for the foreseeable future.

1330           A small number of waste coal units would be allowed to avoid  
1331 controlling harmful pollution in perpetuity, regardless of any  
1332 subsequent developments in coal and control technologies, or new  
1333 information on the health effects of their pollution.

1334           So why are we even discussing such an unwise change? Because  
1335 the waste coal industry says they need and deserve a legislative

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1336 earmark just for using the coal that wasn't good enough to burn  
1337 in other power plants.

1338 But that claim doesn't pass the smell test. In the final  
1339 MATS rule, EPA determined that emissions from waste coal units  
1340 are no different than emissions from other coal-fired power plants  
1341 and don't justify special treatment. When waste coal plant  
1342 owners filed lawsuits challenging the requirements of the rule,  
1343 claiming it was impossible for them to meet, the D.C. Circuit Court  
1344 had little trouble rejecting those arguments unanimously. The  
1345 judges pointed to evidence demonstrating that many of the waste  
1346 coal units could already meet the rule's acid gas standard or  
1347 alternate sulfur dioxide standard.

1348 The court also noted that some of these already compliant  
1349 waste coal plants were among the best performing coal fired power  
1350 plants in the country. In fact, emissions from waste coal plants  
1351 were used to set the standard that all power plants have to meet.

1352 And the Clean Air Act takes a reasonable approach to setting  
1353 air pollution standards, setting emission limits based on what  
1354 is already being achieved by the top performing facilities in the  
1355 real world. So Congress, in setting up this program, did not want  
1356 to merely maintain the status quo. They wanted all facilities  
1357 within an industrial sector to make the necessary upgrades to  
1358 reduce their pollution in line with the best performing units.  
1359 And it turns out that waste coal units were these best performing  
1360 units. So it is simply not true to say they are unable to comply

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1361 with the MATS rule.

1362 And so I see no justification for allowing these facilities  
1363 to emit more pollution than other facilities, as the SENSE Act  
1364 would allow.

1365 And I yield to Ms. Castor.

1366 Ms. Castor. Well, thank you Ranking Member Pallone.

1367 Colleagues, this is another bill in the package today that  
1368 weakens the Clean Air Act. It weakens very important air  
1369 pollution safeguards. And I wanted to share with you the comments  
1370 of the American Lung Association. They sent over the following  
1371 statement on the SENSE Act.

1372 H.R. 1119 would weaken both the Cross-state Air Pollution  
1373 Rule and the Mercury Air Toxic Standards by allowing waste coal  
1374 plants to emit more sulfur dioxide. Sulfur dioxide can cause  
1375 breathing problems, asthma exacerbations, and reduce lung  
1376 function. Even worse, sulfur dioxide also forms particle  
1377 pollution that can shorten life, cause heart attacks, and lung  
1378 cancer. This bill would put health at risk in communities both  
1379 near waste coal plants and far down wind.

1380 It truly is an unnecessary and unfair special carve-out for  
1381 these waste coal plants. And what we know is that these plants  
1382 can meet the Mercury and Air Toxic Standards already. EPA has  
1383 said so. The courts have said so. And what this bill will do,  
1384 in the end if it passes, it will likely result in additional air  
1385 pollution that will impact the health and cost of communities

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1386 across the country.

1387 It is also unfair because it is unfair to other industrial  
1388 plants because it will allow these particular special coal refuse  
1389 plants to emit higher levels of pollution, forcing other sources  
1390 to cut even more of their emissions to make up the difference.

1391 For all of those reasons, I recommend that the committee  
1392 defeat this bill.

1393 And I yield back my time to the ranking member.

1394 Mr. Pallone. And I yield back, Mr. Chairman.

1395 The Chairman. The gentleman yields back.

1396 The chair recognizes the gentleman from Texas, the vice chair  
1397 of the Energy Subcommittee, Mr. Olson for strike the last word  
1398 for 5 minutes.

1399 Mr. Olson. Mr. Chair, I strike the last word and yield my  
1400 time to the gentleman from West Virginia, Mr. McKinley.

1401 Mr. McKinley. Thank you.

1402 Mr. Chairman, I have been listening to this. We have been  
1403 trying to work on this for some time. And you just heard the  
1404 comments that they didn't like the bill, some folks on the other  
1405 side didn't like -- back in the 113th Congress. They didn't like  
1406 it in the 114th Congress. They didn't like it in the 115th  
1407 Congress.

1408 Mr. Chairman, if we don't do something, this is just  
1409 supporting the status quo. We have got leaching refuse piles  
1410 getting into people's water wells. We have got a problem that

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1411 we are trying to resolve. And instead of just supporting the  
1412 status quo and arguing over this, I wonder whether, over the years,  
1413 you will ever, some of you folks will ever find a way to support  
1414 something like this to take care of it.

1415 I am very concerned about it because there are so few plants  
1416 but this is cleaning up an environmental hazard. It is using coal  
1417 that can't be used for any other purpose. And people say we didn't  
1418 like it 4 years ago, 2 years ago. They don't like it this year.  
1419 Just when are we ever going to get around to finding language that  
1420 we can accept?

1421 We have been trying to work across the aisle on this and all  
1422 we get is rebuffed.

1423 So, I yield back and I urge you all to support this bill.

1424 Mr. Doyle. Will the gentleman yield? Will the gentleman  
1425 yield?

1426 Mr. McKinley. Yes.

1427 Mr. Doyle. Thank you. We want to get this solved. There  
1428 is no state that has a bigger problem than mine. Fourteen of those  
1429 plants are in my state. Some plants comply already, many don't.  
1430 Over 40 years that these facilities have existed, they have  
1431 cleaned up about four percent of the waste coal in 40 years.

1432 There is a fund and I believe, by the way, Mr. McKinley, you  
1433 supported this fund, the Abandoned Mine Lands. I mean there is  
1434 money available. I don't understand why we don't help these  
1435 facilities comply, rather than just try to exempt a regulation

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1436 that allows them to still put pollution into the air.

1437       There is a solution to this and I am working right now with  
1438 Mr. Rothfus, by the way, on such a vehicle to do this. We do want  
1439 to fix the problem. I just don't think that the answer to the  
1440 problem is just to do away with -- you know this got better because  
1441 you took Cross-state Air out of it but you still have MATS and  
1442 you are eliminating MATS.

1443       So I want to get it done. I want to work on it. It is a  
1444 big problem in my State of Pennsylvania. And you and I have worked  
1445 on many things together with regards to these industries. So I  
1446 don't want you to think that I am rebuffing you because I am not.  
1447 I would like to work with you and Mr. Rothfus to get a solution  
1448 that helps these facilities comply and continue to do some of the  
1449 good work they are doing.

1450       Mr. McKinley. Reclaiming my time. Perhaps the best  
1451 solution would be why don't you put -- some of the people that  
1452 are in such opposition to this, put their own legislation in and  
1453 let us address it from that perspective. But this seems like we  
1454 have been doing this now in the 113th, 114th, and the 115th and  
1455 it gets rebuffed.

1456       Start it from the other side of the aisle, perhaps, and maybe  
1457 we can find some resolution.

1458       And I yield back my time.

1459       Mr. Shimkus. Would the gentleman yield? Would the  
1460 gentleman yield? Mr. McKinley?

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1461 Mr. Olson. It is my time.

1462 Mr. Shimkus. All right.

1463 Mr. Olson. The chairman from Illinois, Mr. Shimkus.

1464 Mr. Shimkus. Thank you. Just to finish, I appreciate the  
1465 time.

1466 I think the issue is newer coal refuse plants versus older  
1467 coal refuse plants. Some can meet it, the older ones can't. And  
1468 then for people who aren't from coal regions of this country, which  
1469 we are, we understand the environmental challenge to have these  
1470 hillsides of coal refuse and the leaching.

1471 So one, we don't think we are getting enough credit for the  
1472 environmental benefits of cleaning these up. And secondly, in  
1473 a lot of these areas, as you know, they are the poorer areas of  
1474 our community or in the rural areas.

1475 The third thing is, in cleaning up these sites, then we can  
1476 go back into the redevelopment of these cites, i.e. in what we  
1477 just did on the brownfield.

1478 So let's keep working. We are going to move this bill  
1479 because we have got a Member of Congress who has asked us to do  
1480 this. We passed last year's bill on the floor and we will pass  
1481 this one on the floor but if we can make it better along the way,  
1482 we would love to do it. But we are going to march forward because,  
1483 in our areas, they are asking us to do this.

1484 And I yield back to the gentleman from Texas.

1485 Mr. Olson. I yield back the balance of my time, all 2

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1486 seconds.

1487 The Chairman. The gentleman yields back.

1488 Any other member seeking recognition on either side?

1489 Seeing none, the question now arises on passage of H.R. 1119.

1490 Those in favor vote aye; those no. And the clerk will call the

1491 roll.

1492 The Clerk. Mr. Barton.

1493 Mr. Barton. Aye.

1494 The Clerk. Mr. Barton votes aye.

1495 Mr. Upton.

1496 [No response.] The Clerk. Mr. Shimkus.

1497 Mr. Shimkus. Aye.

1498 The Clerk. Mr. Shimkus votes aye.

1499 Mr. Burgess.

1500 [No response.]

1501 The Clerk. Mrs. Blackburn.

1502 Mrs. Blackburn. Aye.

1503 The Clerk. Mrs. Blackburn votes aye.

1504 Mr. Scalise.

1505 [No response.]

1506 The Clerk. Mr. Latta.

1507 Mr. Latta. Aye.

1508 The Clerk. Mr. Latta votes aye.

1509 Mrs. McMorris Rodgers.

1510 [No response.]

1511 The Clerk. Mr. Harper.  
1512 Mr. Harper. Aye.  
1513 The Clerk. Mr. Harper votes aye.  
1514 Mr. Lance.  
1515 [No response.]  
1516 The Clerk. Mr. Guthrie.  
1517 [No response.]  
1518 The Clerk. Mr. Olson.  
1519 Mr. Olson. Aye.  
1520 The Clerk. Mr. Olson votes aye.  
1521 Mr. McKinley.  
1522 Mr. McKinley. Aye.  
1523 The Clerk. Mr. McKinley votes aye.  
1524 Mr. Kinzinger.  
1525 Mr. Kinzinger. Aye.  
1526 The Clerk. Mr. Kinzinger votes aye.  
1527 Mr. Griffith.  
1528 Mr. Griffith. Aye.  
1529 The Clerk. Mr. Griffith votes aye.  
1530 Mr. Bilirakis.  
1531 Mr. Bilirakis. Aye.  
1532 The Clerk. Mr. Bilirakis votes aye.  
1533 Mr. Johnson.  
1534 Mr. Johnson. Aye.  
1535 The Clerk. Mr. Johnson votes aye.

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1536 Mr. Long.

1537 Mr. Long. Aye.

1538 The Clerk. Mr. Long votes aye.

1539 Mr. Bucshon.

1540 Mr. Bucshon. Aye.

1541 The Clerk. Mr. Bucshon votes aye.

1542 Mr. Flores.

1543 Mr. Flores. Aye.

1544 The Clerk. Mr. Flores votes aye.

1545 Mrs. Brooks.

1546 Mrs. Brooks. Aye.

1547 The Clerk. Mrs. Brooks votes aye.

1548 Mr. Mullin.

1549 Mr. Mullin. Aye.

1550 The Clerk. Mr. Mullin votes aye.

1551 Mr. Hudson.

1552 Mr. Hudson. Aye.

1553 The Clerk. Mr. Hudson votes aye.

1554 Mr. Collins.

1555 Mr. Collins. Aye.

1556 The Clerk. Mr. Collins votes aye.

1557 Mr. Cramer.

1558 Mr. Cramer. Aye.

1559 The Clerk. Mr. Cramer votes aye.

1560 Mr. Walberg.

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1561 Mr. Walberg. Aye. The Clerk. Mr. Walberg votes aye.  
1562 Mrs. Walters.  
1563 Mrs. Walters. Aye.  
1564 The Clerk. Mrs. Walters votes aye.  
1565 Mr. Costello.  
1566 Mr. Costello. Aye.  
1567 The Clerk. Mr. Costello votes aye.  
1568 Mr. Carter.  
1569 Mr. Carter. Aye.  
1570 The Clerk. Mr. Carter votes aye.  
1571 Mr. Duncan.  
1572 Mr. Duncan. Aye.  
1573 The Clerk. Mr. Duncan votes aye.  
1574 Mr. Pallone.  
1575 Mr. Pallone. No.  
1576 The Clerk. Mr. Pallone votes no.  
1577 Mr. Rush.  
1578 Mr. Rush. No.  
1579 The Clerk. Mr. Rush votes no.  
1580 Ms. Eshoo.  
1581 Ms. Eshoo. No.  
1582 The Clerk. Ms. Eshoo votes no.  
1583 Mr. Engel.  
1584 Mr. Engel. No. The Clerk. Mr. Engel votes no.  
1585 Mr. Green.

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1586           Mr. Green.   No.  
1587           The Clerk.   Mr. Green votes no.  
1588           Ms. DeGette.  
1589           Ms. DeGette.   No.  
1590           The Clerk.   Ms. DeGette votes no.  
1591           Mr. Doyle.  
1592           Mr. Doyle.   No.  
1593           The Clerk.   Mr. Doyle votes no.  
1594           Ms. Schakowsky.  
1595           Ms. Schakowsky.   No.  
1596           The Clerk.   Ms. Schakowsky votes no.  
1597           Mr. Butterfield.  
1598           Mr. Butterfield.   No.  
1599           The Clerk.   Mr. Butterfield votes no.  
1600           Ms. Matsui.  
1601           Ms. Matsui.   No.  
1602           The Clerk.   Ms. Matsui votes no.  
1603           Ms. Castor.  
1604           Ms. Castor.   No.  
1605           The Clerk.   Ms. Castor votes no.  
1606           Mr. Sarbanes.  
1607           Mr. Sarbanes.   No.  
1608           The Clerk.   Mr. Sarbanes votes no.  
1609           Mr. McNerney.  
1610           Mr. McNerney.   No.

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1611 The Clerk. Mr. McNerney votes no.  
1612 Mr. Welch.  
1613 Mr. Welch. No.  
1614 The Clerk. Mr. Welch votes no.  
1615 Mr. Lujan.  
1616 Mr. Lujan. No.  
1617 The Clerk. Mr. Lujan votes no.  
1618 Mr. Tonko.  
1619 Mr. Tonko. No.  
1620 The Clerk. Mr. Tonko votes no.  
1621 Ms. Clarke.  
1622 Ms. Clarke. No.  
1623 The Clerk. Ms. Clarke votes no.  
1624 Mr. Loeb sack.  
1625 Mr. Loeb sack. No.  
1626 The Clerk. Mr. Loeb sack votes no.  
1627 Mr. Schrader.  
1628 Mr. Schrader. No.  
1629 The Clerk. Mr. Schrader votes no.  
1630 Mr. Kennedy.  
1631 [No response.]  
1632 The Clerk. Mr. Cardenas.  
1633 Mr. Cardenas. No.  
1634 The Clerk. Mr. Cardenas votes no.  
1635 Mr. Ruiz.

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1636 Mr. Ruiz. No.

1637 The Clerk. Mr. Ruiz votes no.

1638 Mr. Peters.

1639 Mr. Peters. No.

1640 The Clerk. Mr. Peters votes no. Mrs. Dingell.

1641 Mrs. Dingell. No.

1642 The Clerk. Mrs. Dingell votes no.

1643 Chairman Walden.

1644 The Chairman. Aye.

1645 The Clerk. Chairman Walden votes aye.

1646 The Clerk. Mr. Lance.

1647 Mr. Lance. Aye.

1648 The Clerk. Mr. Lance votes aye.

1649 Mrs. McMorris Rodgers.

1650 Mrs. McMorris Rodgers. Aye.

1651 The Clerk. Mrs. McMorris Rodgers votes aye.

1652 The Clerk. Mr. Scalise.

1653 Mr. Scalise. Votes aye.

1654 The Clerk. Mr. Scalise votes aye.

1655 Mr. Upton.

1656 Mr. Upton. Votes aye.

1657 The Clerk. Mr. Upton votes aye.

1658 Mr. Guthrie.

1659 Mr. Guthrie. Aye.

1660 The Clerk. Mr. Guthrie votes aye.

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1661 Mr. Burgess. Mr. Chairman, am I recorded?

1662 The Clerk. Mr. Burgess is not recorded.

1663 Mr. Burgess. Aye.

1664 The Clerk. Mr. Burgess votes aye.

1665 The Chairman. Other members not recorded seeking to be  
1666 recorded?

1667 If not, the clerk will report the tally.

1668 The Clerk. Mr. Chairman, on that vote, the ayes were 31 and  
1669 the nays were 23.

1670 The Chairman. Thirty-one to twenty-three. The bill is  
1671 approved favorably and reported to the floor.

1672 The chair now calls up H.R. 1917 and asks the clerk to report  
1673 this measure.

1674 [The Bill H.R. 1917 follows:]

1675

1676 \*\*\*\*\*INSERT 6\*\*\*\*\*

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1677           The Clerk. H.R. 1917, to allow for judicial review of any  
1678 final rule addressing national emission standards for hazardous  
1679 air pollutants for brick and structural clay products or for clay  
1680 ceramics manufacturing before requiring compliance with such  
1681 rule.

1682           The Chairman. Without objection, the first reading of the  
1683 bill is dispensed with and the bill will be open for amendment  
1684 at any point.

1685           Are there any bipartisan amendments?

1686           Are there any amendments?

1687           If not, the chair recognizes the gentleman from Ohio, Mr.  
1688 Johnson, for 5 minutes to strike the last word.

1689           Mr. Johnson. Thank you, Mr. Chairman, and I appreciate the  
1690 opportunity to speak on this bill once more before we take the  
1691 vote here in the overall committee.

1692           You know the brick industry, the brick and tile industry has  
1693 really been through it over the last decade or so. Since 2005,  
1694 between 2005 and 2012 they lost about 45 percent of the jobs in  
1695 the industry.

1696           They have spent hundreds of millions of dollars complying  
1697 with rules, federal regulations that have been set aside by the  
1698 courts with virtually no acknowledgment by the federal agencies  
1699 that that effort had been put in. They are, in many cases, these  
1700 companies are the mainstay of employment in the small communities  
1701 that they reside in. In many cases, they are the largest

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1702 employer.

1703           One gentleman, for example, Mr. Ryan Parker, president of  
1704 Endicott Clay Products, in testimony before our committee said  
1705 this: As the largest employer, by far, in our county, we pay over  
1706 \$10 million in wages to our 325 employees per year. Let's not  
1707 repeat the past errors, which could cause many small businesses  
1708 in our industry to close their doors unnecessarily.

1709           You know this legislation doesn't ask for a lot. It simply  
1710 asks that we apply common sense to these regulations.

1711           I don't need the full 5 minutes, I don't think, Mr. Chairman,  
1712 because I think this legislation speaks for itself.

1713           With that, I yield back my time and simply urge --

1714           Mr. Shimkus. Will the gentleman yield to me?

1715           Mr. Johnson. Yes, I certainly do yield.

1716           Mr. Shimkus. Well, I want to thank the gentleman for  
1717 bringing the legislation. Just three short points.

1718           This is a result of the BRICK MACT, EPA's rule coming out  
1719 in 2003 that was vacated by the court in 2007. So the court said  
1720 illegal regulation but the industry moved in that direction and  
1721 some couldn't survive it.

1722           So what we are trying to do is stop that from happening again  
1723 -- another reg, another lawsuit, another loss of jobs, and then  
1724 a defeat in the court. So all this does is just delay the  
1725 enforcement of the new rule until the court case is rendered.

1726           And the other great thing about the work that my colleague

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1727 has done is very bipartisan. It has Congressman Bishop from  
1728 Georgia on there. It has Congresswoman Sewell from Alabama on  
1729 there, along with Republican members. So I think it is important,  
1730 again, for jobs and manufacturing and I appreciate my colleague  
1731 for bringing it forward.

1732 And I yield back to him.

1733 Mr. Johnson. I thank the gentleman for adding his comments  
1734 and, again, I think we have made the case why this is so important.

1735 Mr. Chairman, I yield back.

1736 The Chairman. The gentleman yields back. Are there other  
1737 members seeking recognition?

1738 The chair recognizes the ranking member, Mr. Pallone, for  
1739 5 minutes to strike the last word.

1740 Mr. Pallone. Thank you, Mr. Chairman, and I am speaking in  
1741 opposition to the bill.

1742 My Republican colleagues describing the need for this bill  
1743 say that it is necessary in order to delay the Environmental  
1744 Protection Agency's brick and clay MACT rule, until all judicial  
1745 review has been completed.

1746 However, that is not true. It is completely false. The  
1747 courts already have the ability to issue a stay of any compliance  
1748 dates in the final rule, as necessary to protect the public  
1749 interest. And that is their job and we should let them do it.

1750 We all know there have already been challenges filed  
1751 regarding this final rule. It will be up to the D.C. Circuit when

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they review these challenges to decide whether to stay the rule.

Well-established legal factors exist for granting a stay. These factors take into account whether there is a likelihood of success on the merits, the prospect of irreparable harm to the moving party and other parties, and most importantly, whether granting the stay is in the public interest.

The courts have used these factors time and time to determine whether to grant a stay and for how long. There is no reason for Congress to override this process and the judgment of the court.

And I think before we conclude on behalf of the D.C. Circuit that the compliance deadlines for the brick MACT final rule should be extended, we should let them take a look at the final rule. And ultimately, if a stay is necessary, the court can grant it, not Congress.

And I don't know if anyone else wants my time. If not, I would urge my colleagues to vote against the bill and I yield back.

The Chairman. The gentleman yields back the balance of his time.

Are there other members seeking recognition? The gentleman from Virginia, Mr. Griffiths, is recognized to strike the last word for 5 minutes.

Mr. Griffith. Thank you very much, Mr. Chairman. I just want to set the record straight. Our job is to get the law the way that we believe is in the best interest of the people of the United States of America. We are not overriding the process. We

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1777 are getting the process right.

1778           Going to court and trying to get a stay on something is  
1779 expensive. It is time-consuming and, oftentimes, people decide  
1780 well, we are just going to go ahead and comply because a lot of  
1781 these regulations may be smaller brick manufacturers or smaller  
1782 industries.

1783           And we saw in my district a number of facilities that were  
1784 shut down on a prior regulation that was put out and the Supreme  
1785 Court ultimately decided that it was invalid the way that the  
1786 agency had done it. That didn't bring the jobs back to my  
1787 district.

1788           This bill is getting the process right for the American  
1789 people and that is our job.

1790           I yield back.

1791           The Chairman. The gentleman yields back the balance of his  
1792 time.

1793           Other members seeking recognition, either side?

1794           Seeing none, the chair now will put for a vote -- the question  
1795 now occurs on favorably reporting H.R. 1917 to the House.

1796           Those in favor will say aye; those opposed nay. And the  
1797 clerk will call the roll.

1798           The Clerk. Mr. Barton.

1799           Mr. Barton. Aye.

1800           The Clerk. Mr. Barton votes aye.

1801           Mr. Upton.

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1802 [No response.] The Clerk. Mr. Shimkus.  
1803 Mr. Shimkus. Aye.  
1804 The Clerk. Mr. Shimkus votes aye.  
1805 Mr. Burgess.  
1806 Mr. Burgess. Aye.  
1807 The Clerk. Mr. Burgess votes aye.  
1808 Mrs. Blackburn.  
1809 Mrs. Blackburn. Aye.  
1810 The Clerk. Mrs. Blackburn votes aye.  
1811 Mr. Scalise.  
1812 [No response.]  
1813 The Clerk. Mr. Latta.  
1814 Mr. Latta. Aye.  
1815 The Clerk. Mr. Latta votes aye.  
1816 Mrs. McMorris Rodgers.  
1817 [No response.]  
1818 The Clerk. Mr. Harper.  
1819 [No response.]  
1820 The Clerk. Mr. Lance.  
1821 [No response.]  
1822 The Clerk. Mr. Guthrie.  
1823 Mr. Guthrie. Aye.  
1824 The Clerk. Mr. Guthrie votes aye.  
1825 Mr. Olson.  
1826 Mr. Olson. Aye.

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1827 The Clerk. Mr. Olson votes aye.  
1828 Mr. McKinley.  
1829 Mr. McKinley. Aye.  
1830 The Clerk. Mr. McKinley votes aye.  
1831 Mr. Kinzinger.  
1832 Mr. Kinzinger. Aye.  
1833 The Clerk. Mr. Kinzinger votes aye.  
1834 Mr. Griffith.  
1835 Mr. Griffith. Aye.  
1836 The Clerk. Mr. Griffith votes aye.  
1837 Mr. Bilirakis.  
1838 Mr. Bilirakis. Aye.  
1839 The Clerk. Mr. Bilirakis votes aye.  
1840 Mr. Johnson.  
1841 Mr. Johnson. Aye.  
1842 The Clerk. Mr. Johnson votes aye.  
1843 Mr. Long.  
1844 Mr. Long. Aye.  
1845 The Clerk. Mr. Long votes aye.  
1846 Mr. Bucshon.  
1847 Mr. Bucshon. Aye.  
1848 The Clerk. Mr. Bucshon votes aye.  
1849 Mr. Flores.  
1850 Mr. Flores. Aye.  
1851 The Clerk. Mr. Flores votes aye.

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1852 Mrs. Brooks.

1853 Mrs. Brooks. Aye.

1854 The Clerk. Mrs. Brooks votes aye.

1855 Mr. Mullin.

1856 Mr. Mullin. Aye.

1857 The Clerk. Mr. Mullin votes aye.

1858 Mr. Hudson.

1859 Mr. Hudson. Aye.

1860 The Clerk. Mr. Hudson votes aye.

1861 Mr. Collins.

1862 [No response.]

1863 The Clerk. Mr. Cramer.

1864 Mr. Cramer. Aye.

1865 The Clerk. Mr. Cramer votes aye.

1866 Mr. Walberg.

1867 Mr. Walberg. Aye. The Clerk. Mr. Walberg votes aye.

1868 Mrs. Walters.

1869 Mrs. Walters. Aye.

1870 The Clerk. Mrs. Walters votes aye.

1871 Mr. Costello.

1872 Mr. Costello. Aye.

1873 The Clerk. Mr. Costello votes aye.

1874 Mr. Carter.

1875 Mr. Carter. Aye.

1876 The Clerk. Mr. Carter votes aye.

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1877 Mr. Duncan.

1878 [No response.]

1879 The Clerk. Mr. Pallone. Mr. Pallone. No.

1880 The Clerk. Mr. Pallone votes no.

1881 Mr. Rush.

1882 Mr. Rush. No.

1883 The Clerk. Mr. Rush votes no.

1884 Ms. Eshoo.

1885 Ms. Eshoo. No.

1886 The Clerk. Ms. Eshoo votes no.

1887 Mr. Engel.

1888 Mr. Engel. No. The Clerk. Mr. Engel votes no.

1889 Mr. Green.

1890 Mr. Green. No.

1891 The Clerk. Mr. Green votes no.

1892 Ms. DeGette.

1893 Ms. DeGette. No.

1894 The Clerk. Ms. DeGette votes no.

1895 Mr. Doyle.

1896 Mr. Doyle. No.

1897 The Clerk. Mr. Doyle votes no.

1898 Ms. Schakowsky.

1899 Ms. Schakowsky. No.

1900 The Clerk. Ms. Schakowsky votes no.

1901 Mr. Butterfield.

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1902            Mr. Butterfield.    No.

1903            The Clerk.    Mr. Butterfield votes no.

1904            Ms. Matsui.

1905            Ms. Matsui.    No.

1906            The Clerk.    Ms. Matsui votes no.

1907            Ms. Castor.

1908            Ms. Castor.    No.

1909            The Clerk.    Ms. Castor votes no.

1910            Mr. Sarbanes.

1911            Mr. Sarbanes.    No.

1912            The Clerk.    Mr. Sarbanes votes no.

1913            Mr. McNerney.

1914            Mr. McNerney.    No.

1915            The Clerk.    Mr. McNerney votes no.

1916            Mr. Welch.

1917            Mr. Welch.    No.

1918            The Clerk.    Mr. Welch votes no.

1919            Mr. Lujan.

1920            [No response.]

1921            The Clerk.    Mr. Tonko.

1922            Mr. Lujan.    No.

1923            The Clerk.    Mr. Lujan votes no.

1924            Mr. Tonko.

1925            Mr. Tonko.    No.

1926            The Clerk.    Mr. Tonko votes no.

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1927 Ms. Clarke.

1928 Ms. Clarke. No.

1929 The Clerk. Ms. Clarke votes no.

1930 Mr. Loeb sack.

1931 Mr. Loeb sack. No.

1932 The Clerk. Mr. Loeb sack votes no.

1933 Mr. Schrader.

1934 Mr. Schrader. No.

1935 The Clerk. Mr. Schrader votes no.

1936 Mr. Kennedy.

1937 [No response.]

1938 The Clerk. Mr. Cardenas.

1939 Mr. Cardenas. No.

1940 The Clerk. Mr. Cardenas votes no.

1941 Mr. Ruiz.

1942 Mr. Ruiz. No.

1943 The Clerk. Mr. Ruiz votes no.

1944 Mr. Peters.

1945 Mr. Peters. No.

1946 The Clerk. Mr. Peters votes no. Mrs. Dingell.

1947 Mrs. Dingell. No.

1948 The Clerk. Mrs. Dingell votes no.

1949 Chairman Walden.

1950 The Chairman. Walden votes aye.

1951 The Clerk. Chairman Walden votes aye.

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1952 The Chairman. Other members not recorded?

1953 Mr. Upton.

1954 Mr. Upton. Votes aye.

1955 The Clerk. Mr. Upton votes aye.

1956 The Clerk. Mr. Lance.

1957 Mr. Lance. Votes aye.

1958 The Clerk. Mr. Lance votes aye.

1959 Mrs. McMorris Rodgers.

1960 Mrs. McMorris Rodgers. Aye.

1961 The Clerk. Mrs. McMorris Rodgers votes aye.

1962 The Clerk. Mr. Harper.

1963 Mr. Harper. Votes aye.

1964 The Clerk. Mr. Harper votes aye.

1965 Mr. Duncan.

1966 Mr. Duncan. Aye.

1967 The Clerk. Mr. Duncan votes aye.

1968 Mr. Collins.

1969 Mr. Collins. Aye.

1970 The Clerk. Mr. Collins votes aye.

1971 The Chairman. Are there other members not recorded who wish

1972 to be recorded?

1973 We are awaiting Mr. Scalise, I believe is on his way in.

1974 Mr. Scalise. Scalise votes aye.

1975 The Clerk. Mr. Scalise votes aye.

1976 The Chairman. With that, the clerk will report the tally.

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1977           The Clerk. Mr. Chairman, on that vote the ayes were 31 and  
1978 the nays were 23.

1979           The Chairman. Thirty-one to twenty-three. The bill is  
1980 favorably approved.

1981           And we will now move to the chair now calls up H.R. 1753 and  
1982 asks the clerk to -- I am sorry -- H.R. 1733 and asks the clerk  
1983 to report.

1984           [The Bill H.R. 1733 follows:]

1985

1986           \*\*\*\*\*INSERT 7\*\*\*\*\*

1987           The Clerk. H.R. 1733, to direct the Secretary of Energy to  
1988 review and update a report on the energy and environmental  
1989 benefits of the re-refining of used lubricating oil.

1990           The Chairman. Without objection, the first reading of the  
1991 bill is dispensed with. The bill will be open for amendment at  
1992 any point.

1993           Are there any bipartisan amendments?

1994           Are there any amendments?

1995           The chair recognizes the gentlelady from Indiana, Mrs.  
1996 Brooks for 5 minutes to strike the last word.

1997           Mrs. Brooks. Thank you, Mr. Chairman.

1998           Re-refining of oil has been utilized in our country for  
1999 decades but the technology is constantly improving. The process  
2000 removes contaminants from used oil, like our used motor oils, and  
2001 it blends additives to restore that oil to its original  
2002 effectiveness, and it can be done infinitely.

2003           Many federal agencies actually use this re-refined oil --  
2004 DOD, U.S. Postal, and others but yet the United States lags behind,  
2005 well behind, actually, other developed nations in the amount of  
2006 re-refining that we do. And so federal studies and  
2007 recommendations are obsolete.

2008           There hasn't been a study done since 2006. And so what this  
2009 bill does, it is asking for the study to be updated and that we  
2010 have updated information to make it easier to educate the  
2011 consumers about the benefits of this product, how we can increase

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2012 the collection, the responsible collection of used oil, how we  
2013 can promote sustainable reuse of used oil by federal agencies and  
2014 others.

2015 And with that, I would actually urge passage of 1733 and also  
2016 appreciate the bipartisan manner in which we have brought this  
2017 bill through committee and to this committee.

2018 I yield back.

2019 Mr. Upton. [Presiding.] The gentlelady yields back.

2020 Other members wishing to speak on the bill?

2021 Seeing none, without objection -- let me see.

2022 Are there any bipartisan amendments to the bill?

2023 Seeing none, are there any other amendments to the bill?

2024 Seeing none, the question now occurs on favorably reporting  
2025 H.R. 1733 to the house.

2026 All those in favor, so signify by saying aye.

2027 Those opposed, say no.

2028 In the opinion of the chair, the ayes have it and the bill  
2029 is favorably reported.

2030 The chair now will call up H.R. 2872 and ask the clerk to  
2031 report.

2032 [The Bill H.R. 2872 follows:]

2033

2034 \*\*\*\*\*INSERT 8\*\*\*\*\*

2035           The Clerk. H.R. 2872, to amend the Federal Power Act to  
2036 promote hydropower development at existing non-powered dams, and  
2037 for other purposes.

2038           Mr. Upton. Without objection, the first reading of the bill  
2039 is dispensed with and the bill will be open for amendment at any  
2040 point.

2041           And the chair will recognize myself for an amendment in the  
2042 nature of a substitute.

2043           [The Amendment of Mr. Upton follows:]

2044

2045           \*\*\*\*\*INSERT 9\*\*\*\*\*

2046 Mr. Upton. And the clerk will report the title and the  
2047 amendment will be considered as read, and the staff will  
2048 distribute the amendment in the nature of a substitute.

2049 The Clerk. Amendment in the nature of a substitute to H.R.  
2050 2872.

2051 Mr. Upton. Mr. Bucshon was going to offer this amendment.  
2052 I would just say that this is an amendment that both sides have  
2053 agreed to. I think it is in the nature of a substitute. I am  
2054 not aware of any problems with it.

2055 In trying to expedite our time, I would ask if any other  
2056 member wishes to speak on this amendment that everyone has agreed  
2057 to.

2058 Seeing none, the vote occurs on the Amendment in the nature  
2059 of a substitute.

2060 All those in favor, say aye.

2061 Those opposed will say no.

2062 In the opinion of the chair, the ayes have it. The amendment  
2063 is adopted.

2064 Are there further amendments to the bill?

2065 Seeing none, the question now occurs on the bill, as amended.

2066 Those in favor will say aye.

2067 Those opposed, say no.

2068 In the opinion of the chair, the ayes have it and the bill,  
2069 as amended, is favorably reported.

2070 The chair will now call up H.R. 2880 and ask the clerk to

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2071 report.

2072 [The Bill H.R. 2880 follows:]

2073

2074 \*\*\*\*\*INSERT 10\*\*\*\*\*



2075           The Clerk. H.R. 2880, to amend the Federal Power Act to  
2076 promote closed-loop pumped storage hydropower, and for other  
2077 purposes.

2078           Mr. Upton. And without objection, the first reading of the  
2079 bill is dispensed with. The bill will be open for any amendment  
2080 -- for amendment at any point.

2081           Are there any bipartisan amendments?

2082           Mr. Griffith. Mr. Chairman, I have a bipartisan amendment  
2083 at the desk.

2084           [The Amendment of Mr. Griffith follows:]

2085

2086           \*\*\*\*\*INSERT 11\*\*\*\*\*

2087           The Chairman. The gentleman from Virginia is recognized --  
2088 the clerk will report the title of the amendment.

2089           The Clerk. Amendment in the nature of a substitute to H.R.  
2090 2880 offered by Mr. Griffith.

2091           Mr. Upton. And the amendment will be considered as read.  
2092 The staff will distribute the amendment.

2093           The gentleman from Virginia is recognized for 5 minutes.

2094           Mr. Griffith. Mr. Chairman, I am tempted to take the Bucshon  
2095 approach and get the bill on the way but I will say it is a good  
2096 amendment, that I have joined with Mr. Peters in offering it, and  
2097 it helps us get closed-loop pumped storage hydropower development  
2098 in the United States.

2099           And I will leave it at that and yield back.

2100           Mr. Upton. The gentleman yields back.

2101           Are there other members wishing to speak on the amendment?

2102           The gentleman from California is recognized for 5 minutes.

2103           Mr. Peters. Thank you, Mr. Chairman. I just wanted to  
2104 thank Mr. Griffith for his work on this. It is a pleasure to work  
2105 with him on an energy issue. Sometimes we don't see eye to eye  
2106 but on hydropower, I think there is a lot of agreement and we  
2107 appreciate all the work of the committee as well.

2108           Thank you.

2109           Mr. Upton. I know they need additional water in California,  
2110 based on the fires we saw on the T.V. today, too.

2111           Other amendments? Other members wishing to speak on the

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2112 amendment?

2113 Seeing none, the vote occurs on the amendment in the nature  
2114 of a substitute offered by the gentleman from Virginia.

2115 Those in favor will say aye.

2116 Those opposed say no.

2117 In the opinion of the chair, the ayes have it and amendment  
2118 is agreed to.

2119 Further amendments to the bill?

2120 Seeing none, the question occurs on H.R. 2880, as amended.

2121 Those in favor will say aye.

2122 Those opposed, say no.

2123 In the opinion of the chair, the ayes have it and the bill  
2124 is favorably reported.

2125 Without objection, the staff is authorized to make technical  
2126 and conforming changes to the legislation considered by the  
2127 committee today. So ordered.

2128 And without objection, the committee stands adjourned.

2129 [Whereupon, at 11:28 a.m., the committee was adjourned.]

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