

Sewell (AL)	Thompson (MS)	Wasserman
Shea-Porter	Thompson (PA)	Schultz
Sherman	Tiberi	Waters
Shimkus	Tierney	Waxman
Shuster	Tipton	Webster (FL)
Simpson	Titus	Welch
Sinema	Tonko	Wenstrup
Sires	Tsongas	Westmoreland
Slaughter	Turner	Whitfield
Smith (MO)	Upton	Williams
Smith (NE)	Valadao	Wilson (FL)
Smith (NJ)	Van Hollen	Wilson (SC)
Smith (TX)	Vargas	Wittman
Smith (WA)	Veasey	Wolf
Southerland	Vela	Womack
Speier	Velázquez	Woodall
Stewart	Visclosky	Yarmuth
Stivers	Wagner	Yoder
Swalwell (CA)	Walberg	Young (AK)
Takano	Walden	Young (IN)
Terry	Walorski	
Thompson (CA)	Walz	

## NAYS—36

Amash	Duncan (SC)	Marchant
Bachmann	Fleming	Massie
Barton	Gohmert	McClintock
Bass	Granger	Neugebauer
Brady (TX)	Graves (GA)	Perry
Bridenstine	Griffith (VA)	Posey
Broun (GA)	Hensarling	Ribble
Campbell	Honda	Stockman
Carter	Huelskamp	Stutzman
Conaway	Labrador	Thornberry
DeSantis	Lankford	Weber (TX)
Dingell	Lummis	Yoho

## NOT VOTING—19

Chaffetz	Gosar	McCarthy (NY)
Courtney	Green, Gene	Negrete McLeod
Crawford	Himes	Pastor (AZ)
DeLauro	Hinojosa	Scalise
Duffy	Johnson, Sam	Schneider
Esty	Jones	
Frankel (FL)	Larson (CT)	

## □ 1546

Mr. POSEY changed his vote from “yea” to “nay.”

Ms. LEE of California changed her vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: “A bill to promote energy efficiency, and for other purposes.”

A motion to reconsider was laid on the table.

Stated for:

Mr. HIMES. Mr. Speakers, had I been present for rollcall vote 98 on passage of H.R. 2126, I would have voted “aye.” I am proud of my colleagues on both sides of the aisle for coming together in support of much-needed energy savings measures.

## PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, on March 5, 2014—I was not present for rollcall votes 93–98 due to an event in Connecticut with President Barack Obama. If I had been present for these votes, I would have voted: “nay” on rollcall vote 93, “nay” on rollcall vote 94, “aye” on rollcall vote 95, “aye” on rollcall vote 96, “nay” on rollcall vote 97, “aye” on rollcall vote 98.

## PERSONAL EXPLANATION

Ms. FRANKEL of Florida. Mr. Speaker, on rollcall vote Nos. 96, 97, and 98, I was not present because of a dental emergency. Had I been present, I would have voted “yea” for rollcall vote No. 96, “nay” on rollcall vote No. 97, and “yea” on rollcall vote No. 98.

## ELECTRICITY SECURITY AND AFFORDABILITY ACT

## GENERAL LEAVE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 3826.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 497 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3826.

The Chair appoints the gentleman from Nebraska (Mr. FORTENBERRY) to preside over the Committee of the Whole.

## □ 1549

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3826) to provide direction to the Administrator of the Environmental Protection Agency regarding the establishment of standards for emissions of any greenhouse gas from fossil fuel-fired electric utility generating units, and for other purposes, with Mr. FORTENBERRY in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

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

Mr. Chair, I rise this afternoon in support of H.R. 3826, the Electricity Security and Affordability Act.

Recently, a constitutional law professor at George Washington University named Jonathan Turley issued a dire warning. Professor Turley said that he voted for President Obama in the last election, that he agrees philosophically with President Obama on many issues, but he said that, if left unchecked, the U.S. President could effectively become a government unto himself. He was referring to the fact that this President has been overly aggressive in the use of executive orders and regulations through various governmental agencies to accomplish his political goals.

The reason that we are here today is, with this legislation, it is our hope that we can overturn one of the most extreme regulations of the Obama administration.

In January of next year, it is anticipated that they will finalize a rule from EPA that will make it impossible to build a new coal-powered plant in America. That is hard to believe that

that can be the situation in our great country, particularly since 40 percent of our electricity comes from coal. The reason that it would be impossible to build a new coal-powered plant because of these new EPA regulations is the fact that the emission standards have been set so high, and I might add that it is pretty clear that those emission standards, the way they were set, violates the Energy Security Act of 2005.

We have written a letter to EPA setting out our concerns. They still have not responded to us. We have talked to lawyers throughout the country who are ready to file a lawsuit if this happens because it is impossible to believe that the three plants in America that used to set the emission standards for new coal-powered plants, none of those plants are in existence today. None of them are operating today. So our legislation, we believe, is a reasonable approach to a serious problem for America.

I might add that 41 out of 50 States last year indicated that their electricity rates have gone up under the Obama administration. I know that the President is greatly concerned about the less fortunate in our society. He has talked a lot about the minimum wage bill, for example, but these electricity rates going up hit the most vulnerable in our society the most, particularly those on fixed incomes. Yet it is his policies that are driving up these electricity costs.

So the legislation that we have on the floor today is very simple. First of all, it acknowledges for the first time by legislation that EPA can regulate greenhouse gases. This bill goes farther than any other bill has. So you can regulate greenhouse gases, but when you set the emissions standard, the unit must be in operation for a period of time. It must be commercially available to the utilities to buy it, as opposed to the proposed regulation in which the technology is simply not available.

So our legislation, as I said, we don't anticipate a new coal-powered plant to be built anytime soon in America because our natural gas prices are so low. But in Europe, which it is acknowledged is the green sector of the world, they mothballed 30 gigawatts of gas-powered plants in the last 20 months because the gas prices coming from Russia are so expensive that it is raising their electricity rates to such an extent that it is damaging the area. With our legislation, if those gas prices go up, an option available to the American people, to the American utility sector, is they can go out and build a coal-powered plant with reasonable regulations.

Then the second thing that our legislation does—and when I say “our,” I am talking about Senator JOE MANCHIN, a Democrat from West Virginia, has introduced this bill in the U.S. Senate. I, along with Democratic support, was able to get it out of the Energy and Commerce Committee.

So this debate is vitally important today because the President is going so fast, in such an extreme way, that it would make it impossible to use coal in America with a new plant, and we have never had a national debate on the issue. So today we can at least have this debate.

The second thing that our legislation does applies to existing plants. EPA said they are going to regulate existing coal plants. We say go ahead and do it, set the standards, but Congress will set the effective date for that regulation.

It is a very simple piece of legislation, one that I think is necessary to protect the American people and to ensure that America remains competitive in the global marketplace.

In addition to that, I want to make one other comment. Emissions from the energy sector in America are the lowest, CO<sub>2</sub> emissions are the lowest that they have been in 20 years. So America does not have to take a backseat to anyone on having a clean emission standard and regulation.

With that, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Kofi Annan, the former Secretary-General of the United Nations wrote in *The Washington Post* earlier this year:

Climate change is the biggest challenge of our time. It threatens the well-being of hundreds of millions of people today, and many billions more in time.

Robert Rubin, the former Treasury Secretary, said recently:

There are a lot of really significant monumental issues facing the global economy, but this supersedes them all.

The Energy and Commerce Committee is the committee in the House that has the power to tackle this monumental issue, the biggest challenge of our time, but we are missing in action. Instead of listening to the scientists and working on a bipartisan basis to protect the planet for our children and future generations, we are considering today a science denial bill that would strip the EPA of authority to stop dangerous carbon pollution.

The venerable JOHN DINGELL, the longtime chairman of the Energy and Commerce Committee, is famously known for pointing to a photo of the Earth, which I have here to the right, to describe the committee's jurisdiction. Under his leadership, the committee was known for listening to the experts, tackling the toughest problems, and crafting responsible science-based policies. But today we need a new symbol to represent what we are doing.

The Energy and Commerce Committee has joined *The Flat Earth Society*. We considered a very similar bill to this one last Congress.

Here is what Nature, one of the world's leading science journals, said at the time:

Misinformation was presented as fact, truth was twisted, and nobody showed any

inclination to listen to scientists, let alone learn from them. It has been an embarrassing display, not just for the Republican Party, but also for Congress and the U.S. citizens it represents.

□ 1600

It is hard to escape the conclusion that the U.S. Congress has entered the intellectual wilderness—*The Flat Earth Society*.

The United States is a major contributor to climate change. It cannot be stopped without us. We have a moral responsibility to act, but the Republican majority has brought a bill to the floor that does just the opposite. It makes the problem worse by preventing EPA from acting.

If we pass this terrible bill, we will vote to let China leap ahead of us in the race to build the clean energy economy for the future, and we will be ignoring our moral obligation to protect the planet for our children and grandchildren.

As you might have guessed, I strongly oppose this bill. Future generations will be appalled that we are considering it today. Coal-fired power plants are the largest single source of carbon pollution in the country. Today, there is no limit on how much carbon pollution these power plants can emit. That is why President Obama directed the Environmental Protection Agency to use its existing authority under law, under the Clean Air Act, to require power plants to control carbon pollution. EPA has proposed a rule to require new coal plants to use available pollution control technology to capture and sequester carbon. For existing coal plants, EPA is working with stakeholders to think through the best approach. H.R. 3826, the bill under consideration today, would stop EPA from issuing any rules and allow these plants to continue to keep emitting unlimited amounts of carbon pollution.

Republicans complain they don't like EPA's approach, but they won't even admit climate change is a problem, much less accept the President's invitation to work together on a solution. Instead, they want to pass a bill to deny the problem, block EPA action, and weaken the Clean Air Act.

My message to my Republican colleagues is simple: if you don't like what EPA is doing, tell us your plan. If you have other ideas for reducing carbon pollution to prevent catastrophic climate change, let's hear about them. If you don't, you should step aside and let the President lead.

Today is an embarrassing day for our committee on Energy and Commerce and the U.S. House of Representatives if this bill is to be passed. I hope that does not come about.

Mr. Chairman, I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, at this time I yield 3 minutes to the distinguished gentleman from California (Mr. MCCARTHY), the majority whip.

Mr. MCCARTHY of California. Mr. Chairman, in 2008 in an interview with

the *San Francisco Chronicle*, President Obama warned us that under his policies for energy, "electricity rates will necessarily skyrocket." Now it appears with high electricity costs, that this is a promise that the President chose to keep.

Today, millions of Americans are suffering from one of the coldest winters in recent memory, and in some cases, the most expensive. In New York, some homes are seeing their heating bills double, but it doesn't have to be this way. The U.S. is currently enjoying a revolution in energy production, the energy that heats our homes and keeps us warm during the cold winter nights. Americans across the country should be celebrating this breakthrough. In an economy where the Nation's income today is lower than in the year 2000, abundant energy should provide a sense of relief to strained budgets, but because of this administration's policies, Americans are simply left out in the cold with their energy bills.

First, the Democrats tried cap-and-trade, but that failed in a Democrat-led Congress. Now this administration has proposed arguably the most expensive regulation ever by the EPA, one that would render the construction of any future coal power plant impossible through the mandating of technology that isn't readily attainable.

Today, coal accounts for 37 percent of total U.S. electricity production. The EPA's regulation will cost approximately \$1,200 per household per year in lost income. That is \$100 more a month. Most importantly, this regulation will cause the greatest amount of harm, lost jobs, diminished incomes, and higher electricity bills in areas where incomes are modest, as are the lifestyles of those who live there. It isn't the rich on Fifth Avenue or in Beverly Hills who will be impacted; it is the American working class. Communities like Indiana's Second District, home to our good friend, Congresswoman JACKIE WALORSKI; or Ohio's Fourth District, home to our friend JIM JORDAN; or the First District, home to Chairman RYAN; or even Wisconsin's Second or Iowa's First District, both represented by my colleagues on the other side. All will be unnecessarily hurt by this regulation.

For all the talk from my colleagues on the other side of the aisle about fairness, this regulation is profoundly unfair. The Electricity Security and Affordability Act sponsored by my friend, ED WHITFIELD, rejects the administration's back door attacks on America's energy bills. This legislation restores opportunity and fairness by ensuring more American paychecks do not unnecessarily go to expanding electricity and heating costs.

Mr. Chairman, at a time when energy production is booming, the cost per family should be dropping, not rising. I suppose the President actually held true to another promise: he has promised an all-the-above energy policy. I

had hoped that meant increasing energy production from all sources, not increasing prices on all consumers.

I urge my colleagues to reject the President's plan for higher energy costs and support this legislation.

Mr. WAXMAN. Mr. Chairman, the previous speaker said that heating oil prices are going up, energy costs are going up. Well, if they are going up, it is not because of what President Obama has done by regulation because he has not adopted any regulations through EPA. The bill before us would stop any regulations from being adopted under current law. They would change the current law and say nothing could be adopted in the future.

The chairman of the Subcommittee on Energy made the statement no coal power plants are being proposed, yet what he is also suggesting is that we not allow them to be built in the future should they want to be built in a way that would reduce the pollution of carbon. What is unfair, it seems to me what is unfair is that coal-burning power plants can burn all the coal they want and put out all the pollution they want, and we are allowing it even though everyone is suffering from the consequences. So I find it amazing to hear the arguments: One, coal burning power plants are not going to be built; on the other hand, we are already paying higher prices and nothing has even been passed by the EPA and put into effect.

At this time I yield 5 minutes to my colleague, the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Chairman, I thank the ranking member for yielding to me, and I want to talk about this bill, H.R. 3826. Basically from where I can see, H.R. 3826 will essentially prevent the EPA from limiting coal-fired power plant emissions, including health-endangering pollution as well as carbon. We are all interested in health, but I want to talk about carbon pollution.

Climate change is one of the most important national issues we face right now, and the evidence for climate change is overwhelming, whether it is superstorms that are occurring more regularly, whether it is a record-changing drought, whether it is migration patterns of biological systems, melting of the polar icecaps and the related issue, ocean acidification, all of these current phenomenon are very dangerous and very threatening. The leading scientists of this Nation and around the world agree that this is a threat, that it is a problem. In fact, about 97 percent of planet scientists believe this is a problem, and the predictions and the models for the climate sciences are horrifying enough. Unfortunately, actual measurements and actual predictions and happenings are worse than the predictions, than the actual models are predicting, so we are facing a very dangerous situation.

I ask my colleagues, Why are you willing to take this risk? Climate

change is a very big problem. It is a very big risk. Ninety-seven percent of the scientists agree it is a risk, and yet we are going to say it is not really a risk, we can worry about that later. No, we have to worry about it right now, today.

The good news out there is that carbon-capture sequestration technology is coming along pretty well. What this bill would do, unfortunately, is prevent carbon-sequestration technology from being adopted in power plants. I submit that allowing carbon sequestration technology to be developed is in the interest of the coal industry. If the technology is developed and climate change keeps happening, which it is, then the public is going to demand that we incorporate climate change, carbon sequestration technology, and if it is not there, then coal plants are going to be shut down.

So now, when we have the opportunity when technology is being developed, there is money being spent by the Federal Government and by private industry to develop carbon-capture sequestration, let's go ahead and take advantage of that, implement it in our power plants on a limited basis now so when the need is there, it will be available. I don't understand why that is being ignored.

H.R. 3826 ignores that and other possibilities. It prohibits us from using existing carbon capture projects in the United States as a technical basis for implementing that technology in coal-fired power plants. We must take advantage of this technology in the United States and abroad. We shouldn't prevent the development of this technology. CS technology is improving. It is becoming more cost effective, and it is becoming more effective technologically. It is in the best interests of the long-term coal industry, and I strongly urge opposition to this bill.

Mr. WAXMAN. Mr. Chairman, I reserve the balance of my time.

Mr. WHITFIELD. I would just reiterate that America doesn't have to take a backseat to anyone on its emissions from energy sources. Our emissions today are lower than they were 20 years ago. Why should the U.S. unilaterally take this extreme position and other countries around the world, particularly in Europe and in Asia, are using coal and using coal, and we don't even have the flexibility to do that when they finalize this rule. So that is what we are up to today.

At this time I yield 2 minutes to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Mr. Chairman, many families and businesses have had to spend more to heat their homes this cold and snowy winter. Unfortunately, regulations recently introduced by unelected elites in President Obama's EPA will increase their utility and electricity bills further.

These regulations effectively ban new power plants by forcing them to meet an emissions standard that cannot be

achieved with any commercially available technology. They are unworkable and unaffordable, and will result in more lost jobs.

I stand in solidarity with the hard-working coal miners, power plant workers, steelworkers, boilermakers, carpenters, and truckdrivers, but the victims of the President's war on affordable energy are the families and businesses whose energy costs are skyrocketing, and the workers who are losing their jobs and incomes because of these regulations.

I strongly support H.R. 3826, the Electricity Security and Affordability Act. The bill will direct the EPA to adopt new coal-fired power plant emission standards that make sense and subject any new regulations on existing power plants to congressional review, where the people's Representatives can be held accountable.

I urge my colleagues on both sides of the aisle to approve this job-saving bill.

Mr. WAXMAN. Mr. Chairman, House Republicans are telling us greenhouse gas emissions are falling in the United States. They suggest the U.S. doesn't need to do anything more about climate change, but they couldn't be more wrong.

A couple of years ago when the utilities were switching out of coal and going to natural gas because natural gas was cheaper, we saw some leveling off of those emissions, but what matters most is whether the U.S. emissions are on track to decline in the future by the amount needed to prevent dangerous climate change.

□ 1615

Scientists say we need to reduce carbon pollution by 80 percent by 2050, but will not get anywhere near that level of reductions if we go about business as usual and stop EPA from acting and Congress doing nothing to respond to this emergency.

At this time, I yield 4 minutes to the gentlelady from California (Mrs. CAPPS), a member of our committee.

Mrs. CAPPS. Mr. Chairman, I thank my colleague for yielding.

There is an argument on the other side of the aisle—in fact, we heard it just a few minutes ago—that we shouldn't take action to address climate change because doing so will hurt poor people.

That is a particularly galling statement because the truth is that the world's poorest have the most to lose if we don't take urgent action to cut carbon pollution.

Poor people are on the front lines of climate change. World Bank President Jim Yong Kim says that, unless we address climate change, "We could witness the rolling back of decades of development gains and force tens of millions more to live in poverty."

According to the United Nations Development Programme, without coordinated global action to address climate and environmental threats, 3 billion

more people could be pushed into extreme poverty by 2050.

That is the reality. The world's poorest will be the most affected by the impacts of climate change, and yet they have the fewest resources to adapt to or respond to it.

To hear the other side tell it, the only way to protect the health and well-being of poor people is to weaken EPA's ability to cut carbon pollution, and that is nonsense.

It is time to stop denying the science and accept reality. We need to take action now to cut carbon pollution. The longer we wait, the higher the costs will be, especially for the poor.

Indeed, addressing climate change is in the economic self-interest of all of us. Consider recent comments by Robert Rubin, who was a universally respected Treasury secretary.

During his tenure, the budget deficit was reduced from \$290 billion to \$70 billion, the Dow Jones Industrial Average more than tripled, unemployment decreased to 4.3 percent, and more than 18 million new jobs were created.

Senator Bob Dole described Secretary Rubin as a man of honesty and integrity. Alan Greenspan called him one of the most effective secretaries of the Treasury in this Nation's history. When he resigned in 1999, Secretary Rubin received glowing tributes from Democrats and Republicans alike.

Over the past year, Secretary Rubin has focused on the threat of climate change to our economic well-being. Here is what he said about climate change a few weeks ago: "There are a lot of really significant monumental issues facing the global economy, but this one supersedes all else."

Experts are telling us that inaction on climate change threatens the global economy. Responding to this threat isn't about disadvantaging ourselves; it is about seizing opportunities. There are already 143,000 solar jobs and 80,000 wind jobs in the United States.

Winning the global clean energy race will mean millions of jobs and faster economic growth. Our competitors in China and Europe understand this. We risk being left behind if we don't recognize it as well. We should abandon this bill and start getting serious about climate change and the economy.

Mr. WHITFIELD. Mr. Chairman, may I inquire as to how much time is remaining on both sides?

The Acting CHAIR (Mr. YODER). The gentleman from Kentucky has 19 minutes remaining. The gentleman from California has 16 minutes remaining.

Mr. WHITFIELD. At this time, I yield 2 minutes to the gentlelady from Indiana (Mrs. WALORSKI).

Mrs. WALORSKI. Mr. Chairman, I rise today in support of H.R. 3826. I appreciate Congressman WHITFIELD's leadership on this commonsense bill. I am proud to be an original cosponsor.

This bill addresses President Obama's sweeping proposed rule for new power plants, which set the mediation standard so strict that the creation of a new

coal-fired power plant is virtually impossible.

Indiana is the backbone of manufacturing in America, but manufacturing depends on affordable energy. More than 80 percent of Indiana's electricity is coal-powered, and electricity rates in Indiana are expected to rise 32 percent by 2023, partly due to these EPA regulations.

If President Obama is able to implement his radical environmental agenda, energy prices could skyrocket, having a devastating impact on economic growth and job creating and hurting Hoosiers trying to pay their bills.

This bill provides a commonsense way to protect our environment by setting emission standards that are actually achievable.

I urge my colleagues to support this bill.

Mr. WAXMAN. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I appreciate the ranking member of the Energy and Commerce Committee yielding me this time, especially since we do not see eye to eye on this particular piece of legislation.

We do see eye to eye on numerous other issues before the Congress and the American people, such as protecting the health and safety of our Nation's coal miners and our American workers; and, indeed, we all, both sides of the aisle, share the common goal of wanting to provide clean water, clean air, and health and safety for our families each and every day of the year. In that sense, we all have that common ground.

There is a fear though in the coal fields today. I really wish the distinguished Majority Whip on that side of the aisle had mentioned my home State of West Virginia, one of the largest coal-producing States in the country when he mentioned and was going district by district about the various people that are going to be affected by these proposed regulations.

I do rise in support of H.R. 3826 as a cosponsor. I commend my coal country colleague, ED WHITFIELD, for his leadership on this issue and bringing it through his committee.

Those of us from the coal-producing regions of this country have truly become sick and tired—sick and tired—of this EPA turning out anti-coal regulations, while showing little or no appreciation of how these regulations will affect the lives and the livelihoods of the real people who have to work and live under them.

Granted, some are proposals; but, nevertheless, I remind my colleagues, it strikes fear—it strikes fear—in the very heart and soul of coal country.

Many of our coal companies that are laying off workers, as we speak, have this fear of what is coming down the pike as a main factor in laying off workers today.

Granted, there are many other factors affecting the current slump in the

coal fields. I don't deny that for one minute; but we have been frustrated—frustrated—with an EPA that has, time after time and time again, pushed out piles of guidance documents, regulations, using slanted science, and inflating claims about the benefits of their regulatory agenda without any consideration—one iota—of the affects upon jobs—the affects upon jobs in the real America that their regulatory agenda means.

Last September, when the EPA proposed regulations limiting greenhouse gas emissions for future power plants, it did so hinged upon the promise that the technologies required to achieve the new standards were proven and ready.

Based on this claim, we have to question whether this EPA is actually using good, sound science or if it is picking and choosing science that sounds good to meet whatever ends the agency desires.

There are no power plants—there are no power plants in commercial service anywhere in the world that have installed and operated the CCS technologies necessary to comply with the proposed rule—none, nada.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield an additional minute to the gentleman.

Mr. RAHALL. I thank the distinguished ranking member again.

The proposed greenhouse gas rule for new power plants may be the mother of all anti-coal regulatory measures so far promoted by this particular EPA. It spells curtains for the development of new coal-fired capacity in this country. That means decreased energy reliability and increased costs for American families and businesses.

What is more, the agency readily admits that the new regulations will have nearly zero impact on the emissions of greenhouse gases as economies around the globe continue to grow their use of coal power.

That is why this legislation is so important. It would block the EPA from unilaterally imposing these caps, requiring that any such efforts be approved by the Congress.

It would help set a course for the development of cutting-edge CCS technologies needed to ensure reliable, affordable coal-fired energy for America throughout the foreseeable future.

For those of us from coal country, this legislation is fundamental to preserving the jobs of our coal miners, those who work hard every day, going beneath the bowels of this Earth to produce the energy that fuels this Nation and the economies of our communities and, indeed, a national energy security for the United States.

I urge support of this legislation.

Mr. WHITFIELD. At this time, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. RODNEY DAVIS).

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, my thanks to Mr. WHITFIELD, my colleague from Kentucky,

and also my thanks to my colleague who I am lucky to follow, Mr. RAHALL from West Virginia, for talking about such an important issue to my district in central Illinois.

One of the reasons I am here, Mr. Chairman, is because I saw the devastation. The largest employer in my home county 20 years ago closed down because of a signature on a piece of paper here in Washington, D.C.

Peabody Mine No. 10 shut down its coal mining families. Families whose children I went to school with and grew up with were forced to move to get a job once again.

Now, we see this attack via the EPA on coal in middle America once again. I stand here today with my colleagues to say this bill is a commonsense proposal that is going to restrict the EPA's ability to overreach and cost families—all families, even the poorest families in this country—it is going to cost them more out of their family budget to turn the light switch on; it is going to cost jobs in my district at existing coal-fired power plants.

They are some of the best jobs in central Illinois. They are organized labor jobs. This is about jobs; this is about the economy; and this is about low-cost power that allows our economy to grow.

That is what we all want, Mr. Chairman, isn't it?

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

I want to point out that the speakers in favor of this bill describe themselves as part of the coal-producing regions of the country. They are representing, they think, the coal-producing regions of the country because they fear, if the coal industry had to use some technology that would reduce carbon emissions, that would cost jobs.

I want to dispute that in two respects. One, they claim that no one is using this technology, and that is not accurate. In fact, the control technology is already in effect, being used commercially in the United States for decades. There are seven large commercial CCS—that is carbon capture and sequestration—projects operating today.

Dr. Julio Friedmann, the Deputy Assistant Secretary for Clean Coal at the U.S. Department of Energy, recently testified: "First generation CCS technology is commercially available today."

So why are they worried about jobs? They are being told by the coal miners that, if they have to use a technology that costs money, that would raise the price of coal and, therefore, coal will lose out to other technologies.

Well, that hasn't been the case. I have been in Congress for 40 years. I remember the coal industry coming in and saying: If we have to put scrubbers on, we will go broke; they will never burn coal again.

The coal industry uses scrubbers right now. The cost of scrubbers has gone down. They overstated how much

it would cost. They cried about the lost jobs. It didn't happen.

The other thing I want to point out is that they talk about the coal jobs that will be lost. Well, coal jobs are being lost now because the utilities realize they can burn natural gas. It is cheaper, so coal is losing out in the market.

If natural gas is cheaper than burning coal now, they are going to burn natural gas. That is called the market. It is like cars replacing horse and buggies.

But the reality is that coal is going to be able to compete if we have new technologies imposed on them, just as they have been able to compete in the future. They can't compete if they are expensive, so they have got to figure out ways to produce coal that is less expensive.

That may happen, but we shouldn't subsidize coal to compete by having the world have to deal with carbon pollution.

□ 1630

We decided years ago that we weren't going to help coal compete by poisoning people with toxic mercury pollution when we required they use the technology to stop toxic mercury pollution. We decided they had to use scrubbers. They said they would go broke, that they couldn't afford it, that people would lose their jobs, but we required it because it reduced pollution that harmed people. Carbon pollution harms people on this planet, as we see the impact of climate change continue, because we refuse to require them to use less carbon and spew it out into the atmosphere.

Let me just say that you don't have to buy all of the arguments on climate change, but consider this: if there is a 10 percent chance that carbon pollution is going to cause greenhouse gases and climate change and do all of the terrible things that the scientists overwhelmingly tell us will happen, how many people want to take that 10 percent chance on the only atmosphere that we share on this planet?

I know that the coal people say they are willing to take that chance. They are afraid their constituents will turn against them because the coal companies will tell them to turn against them. They may lose their next elections. I don't think that is the case, but that is their fear. They are speaking from fear. They are speaking from a fear of jobs being lost, but that hasn't been the experience under the Clean Air Act, and we shouldn't repeal the Clean Air Act now as it relates to giving the EPA the authority to regulate these coal-burning power plants.

Mr. Chairman, I reserve the balance of my time.

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

Mr. Chairman, I can assure you we are not speaking from fear today. I can assure you we are not being parochial about coal. Coal is still the base load for this country—for manufacturing,

industrial use, electricity at home, and for our ability to compete in the world.

I have great admiration and respect for the gentleman from California, and I am sorry that he has made the decision to leave Congress after having a distinguished career, but I can tell you there is no power plant operating in America today that is using carbon capture and sequestration, because the technology is not available.

Now, there are some plants being built with government support and would not be built without that government support, but they are not in operation. There is a difference. When scrubbers were mandated by the EPA, scrubbers were already being put in plants at private expense. The government didn't pay for those scrubbers. They were already being used. Unlike this proposed regulation, there is no technology available to meet the emission standard, so there is a significant difference in what has happened and what is being proposed.

At this time, I yield 3 minutes to the gentleman from Michigan (Mr. UPTON), the distinguished chairman of the full Energy and Commerce Committee.

Mr. UPTON. Mr. Chairman, today, we are going to continue our pursuit of an all-of-the-above energy strategy, taking up legislation to address the EPA's pending greenhouse gas rules for power plants, which is the latest threat by the Obama administration to affordable and reliable energy.

While the President may boast support for an all-of-the-above strategy, his policies have been anything but. The President's approach seeks to limit our energy choices, to jeopardize jobs, to raise energy costs, and, indeed, to threaten America's global competitiveness.

Our Nation has become the envy of the world because of recent breakthroughs unlocking vast amounts of oil and natural gas, but the game-changing developments do not give cause to regulate an entire fuel category out of the mix—gone—especially a resource that comprises, today, 40 percent of the fuel that provides affordable electricity for millions of Americans and countless job creators. Given that the U.S. has the world's largest coal reserves and is the largest producer of coal, it should remain a critical contributor to a diverse electricity portfolio for decades to come. We should proudly embrace that we are the Saudi Arabia of coal reserves.

Fuel diversity gives us the flexibility to keep electricity costs low and to ensure reliability, particularly for the most vulnerable. As we have heard from many witnesses in hearings, the coal-fired power plant shutdowns already underway pose a serious threat to reliability in many regions, particularly in the Midwest. That threat will continue to get worse if the shutdowns increase in the years ahead while we will limit our options for new base load power. In sum, fuel diversity gives us a more stable, reliable, and affordable

electricity supply, and any threat to coal, including the EPA's pending rules, is a threat to that diversity and a threat to affordable energy.

I applaud both Chairman WHITFIELD and Senator MANCHIN for their efforts in authoring a workable bipartisan and bicameral alternative to the EPA's pending power plant rules. Their legislation is a good faith effort that requires a critical check on the EPA's misuse of the Clean Air Act to try to accomplish through regulation what was rejected by Congress through legislation.

Their approach does not prohibit the EPA from setting a standard for new plants, but, instead, it focuses on setting standards that have been adequately demonstrated—a key ingredient missing from the EPA's regulatory proposal. Just in the last 2 weeks, as Mr. WHITFIELD indicated, we have heard testimony from administration officials that carbon capture technologies, which are not yet commercially viable, could increase electricity costs by, perhaps, as much as 80 percent. This important legislation provides a role for Congress in setting the effective date for any regulation for existing plants.

Mr. WAXMAN. Mr. Chairman, may I inquire how much time we have on both sides?

The Acting CHAIR. The gentleman from California has 7 minutes remaining, and the gentleman from Kentucky has 12 minutes remaining.

Mr. WAXMAN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. RENACCI).

Mr. RENACCI. Mr. Chairman, I rise today in support of H.R. 3826, the Electricity Security and Affordability Act.

The United States is fortunate to have more coal than any other country in the world. This vital resource is currently used to meet nearly half of our electricity needs and to support over 550,000 jobs.

As a Representative of Ohio, a State that produces more than 24 million tons of coal per year and uses it to generate over 50 percent of our electricity, I understand firsthand the importance of keeping this abundant and affordable natural resource a part of America's energy supply. Unfortunately, over the past 5 years, this administration's policies have led to the closure of hundreds of coal-fired plants across the country. In fact, in just 1 year, Ohio's coal-generated electricity dropped nearly 20 percent as a result of the current regulatory environment.

The EPA's recently proposed greenhouse gas standards for new coal-fired plants are only the latest example of the administration's regulatory assault on America's power sector. Not only do these standards rely on a technology that is not even commercially viable at this point, but they will also lead to the loss of thousands of jobs and drive

up the price of energy for American families and businesses that are already struggling to make ends meet. Ohio alone stands to lose an estimated 18,000 manufacturing jobs by 2023 as a result of these overreaching regulations. More than 1,000 of these jobs will be in my district. These estimates do not even include job losses by coal miners, utility workers, and all of those impacted directly by plant closures.

Rising energy costs are one of the main problems facing many hard-working Americans. While we are all impacted by these rules, it is the most vulnerable citizens who, unfortunately, will be hit the hardest. It is the 387,000 Ohioans who are living well below the poverty line and who spend almost 30 percent of their incomes on energy costs that these standards will hurt the most. These standards are not just an attack on coal; they are an attack on those individuals who are having to choose between paying their electric bills and providing the basic necessities for their families.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WHITFIELD. I yield the gentleman an additional 1 minute.

Mr. RENACCI. The bill before us today offers a realistic alternative to the EPA's misguided and unachievable approach to regulating new and existing power plants. I applaud Representative WHITFIELD's efforts on this critical piece of legislation, and I urge my colleagues to support it.

Mr. WAXMAN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield 2 minutes to the gentlelady from Indiana, Congresswoman BROOKS.

Mrs. BROOKS of Indiana. Mr. Chairman, I rise today in support of H.R. 3826 because, late last year, the EPA Administrator, Gina McCarthy, went on a listening tour through America to hear from the public about reducing carbon pollution from existing power plants. Unfortunately, the Administrator declined to go to those States most affected by the proposed regulations and, instead, opted to visit San Francisco, Seattle, and Boston. It is unfortunate that her stops didn't include places like my home State of Indiana, which stands to lose much from these misguided regulations.

If Ms. McCarthy had taken the time to visit Indiana or other States like Indiana, she would have heard from people like Nina, in Anderson, who wrote me an anxious letter about what penalizing the coal industry would do to families on fixed incomes. She explained her church already has had to help many families pay for their electric bills, and she worries about how her community will cope when the EPA's new regulations are enacted.

I wish I could tell Nina not to worry, but, sadly, her fears are very much warranted because the new regulations will have catastrophic impacts on our Hoosier economy. The State Utility

Forecasting Group at Purdue University has estimated that, like Ohio, Indiana's electrical rates will increase 32 percent by 2023 because of EPA rules. The price increase will hurt every Hoosier who turns on a light switch. It will also cost up to 17,000 jobs in Indiana and permanently ruin the prestige that our State enjoys as being one of the Nation's most business-friendly States.

That is why I am proud to be a cosponsor of this important bill, which finally puts the brakes on unchecked EPA regulations and injects much-needed congressional oversight and consultation into the rulemaking agenda. We all have an obligation to leave the world a better place for our children and future generations, but we can't do it when we take away jobs and hurt the economy. That is why I support this bill, and I encourage all of my colleagues to do the same.

Mr. WAXMAN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota (Mr. CRAMER).

Mr. CRAMER. Thank you, Chairman WHITFIELD.

Mr. Chairman, I think pretty much everybody I talk to around here is familiar with the fact that North Dakota has 25,000 job openings with fewer than 10,000 people looking for work. It is not an accident. It helps, for sure, to have an 800-year supply of coal under the ground, to have some oil and some gas, but it also is an indication of a regulatory and tax climate that champions work, that champions investment, that doesn't apologize for having the lowest priced electricity rates in the country most times of the year. We also have a robust manufacturing economy as a result of those same policies.

Mr. Chairman, I believe that America's economic security and America's national security depend on America's energy security. I would love to see every Member of this body go to North Dakota and see what that type of development looks like. I would also like to have them breathe some of the cleanest air, see some of the cleanest water and some of the richest topsoil in the world. We are very proud of the fact that we can feed a hungry world while also meeting the growing demands of our economy.

If you really believe that there are several carbon-capture technology projects that are viable on power plants in this country, you should love this bill, because this bill actually prepares the standard for measuring that. It simply states that, for 12 consecutive months, six power plants—six different units—should be able to demonstrate it, with three of them being, of course, lignite, which is what we mine in North Dakota.

We don't have to compromise quality of life for a high standard of living—we don't do it in North Dakota, and we can replicate it across this country—but the EPA's overreach will hurt that.



I think this bill actually helps it, and I am very proud of my colleague Mr. WHITFIELD for his bicameral-bipartisan approach to this problem and to the solution that he has come up with. I urge all of my colleagues to vote for it.

Mr. WHITFIELD. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentleman from Kentucky has 5½ minutes remaining, and the gentleman from California has 7 minutes remaining.

Mr. WAXMAN. I yield myself such time as I may consume.

Mr. Chairman, I just want to say that it was unfortunate to make a reference personally to Gina McCarthy, the head of the Environmental Protection Agency, on her listening tour. The Republicans have not allotted enough money to the EPA to let her go everywhere in the country, so she went to 10 regional offices as well as the Washington headquarters, and she invited people to come in and give their points of view.

□ 1645

That is the full amount of money she had available to her. So it seems to be unfair to criticize her for not going to every nook and cranny in coal country, when she went to every part of the country and had representation for those regions.

At this time I yield 3 minutes to my colleague from the State of California (Mr. PETERS).

Mr. PETERS of California. I thank the gentleman.

Mr. Chairman, proponents of this bill are arguing, in part, that EPA's plan to require carbon pollution controls under section 111 is going to hurt electric utilities. But it was just last month in the Utility Air Regulation Group v. EPA case that those same leading utilities argued to the Supreme Court that if EPA intends to address climate carbon pollution, it should act under section 111, which is what this bill would prevent EPA from doing.

The Utility Air Regulatory Group represents about 60 utilities, from Duke Energy, the Southern Company, FirstEnergy, to the Salt River Project. On February 24, they told the Supreme Court that this was the appropriate way for EPA to address carbon pollution from utilities under section 111. That is exactly what the EPA would do, if it were not for this law.

I know there may be some ideological desire to deny climate change and simply hope that the issue goes away, but that is not going to happen.

More fundamentally, what we are getting caught up in today is this false choice that you hear over and over again that you have to choose, on one hand, between a healthy environment and, on the other hand, a prosperous economy. Americans deserve nothing less than both. We have to pay attention to this.

I just offer comments from some of our leading health organizations—the American Academy of Pediatrics, the American College of Preventive Medi-

cine, the American Lung Association, the American Public Health Association, and others—who point out:

Cleaning up carbon pollution and other greenhouse gases saves lives. Researchers found that efforts enacted now to reduce greenhouse gases, including carbon pollution from all sources in the United States, would prevent more than 16,000 premature deaths by 2030. The lives saved are a result of reductions in the ozone- and particulate-forming pollution that is also reduced as carbon is reduced. Cleaning up carbon pollution from power plants is essential to saving those lives.

We know, in turn, that will save money.

So it is important to remember, too, the economic effect of unregulated carbon does not just extend to the climate but also to the by-products of clean air that come and help our economy and help people be healthy and ultimately contribute to the economy.

Mr. WHITFIELD. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I rise today in support of H.R. 3826. I appreciate the work that the bill's sponsor, Mr. WHITFIELD, has done on this issue, and I am proud to be an original cosponsor of this bill.

Wisconsin relies on coal for roughly two-thirds of our electricity production. Energy costs are consistently one of the many concerns my constituents share with me. The cold winter has made high energy bills the norm throughout Wisconsin. Instead of trying to alleviate these high costs, the EPA is pursuing policies that will drive energy prices even higher.

The EPA's New Source Performance Standards require that now power plants capture, compress, and store about 40 percent of the CO<sub>2</sub> produced in order to be compliant. However, the CCS technology required has not been adequately demonstrated. Ignoring the realities of today's technologies, the EPA is plowing full speed ahead.

This action clearly marks yet another salvo in the Obama administration's war on coal. The next volley will be the rules concerning existing power plants. If done incorrectly, these new rules could effectively make it too expensive for our coal-fired power plants to continue operating. While this might be the dream of some, my constituents and yours simply cannot afford it.

Fortunately, this bill restores common sense to the EPA's rulemaking process for power plants. By setting reasonable guidelines on the rules concerning new plants and subjecting any rules for current plants to congressional oversight, the bill will ensure that our constituents are able to afford their energy costs.

I urge my colleagues to support this bill and prevent the EPA from unleashing chaos in the energy sector and picking the pockets of consumers.

Mr. WAXMAN. Mr. Chairman, may I inquire how much time we have remaining on each side?

The Acting CHAIR. The gentleman from California has 4 minutes remaining, and the gentleman from Kentucky has 4 minutes remaining.

Mr. WAXMAN. Mr. Chairman, I yield the balance of my time to the gentleman from the State of Oregon (Mr. BLUMENAUER), a great champion of environmental protection.

Mr. BLUMENAUER. Thank you, Mr. WAXMAN. I appreciate your leadership and courtesy in permitting me to speak on this bill.

Mr. Chair, I would like to reference the comments a moment ago that somehow there isn't available large commercial carbon capture sequestration and that this is somehow a figment. As a matter of fact, in the United States today, there are seven large commercial carbon capture sequestration projects operating today. The projects at large commercial coal-fired power plants will come online in the United States and Canada this year.

Dr. Julio Friedmann, Deputy Assistant Secretary for Clean Coal at the U.S. Department of Energy, recently testified that:

First generation CCS technology is commercially available today. You can call up a number of U.S. and international manufacturers, and they will sell you a unit at a large scale for capture of more than a million tons per year.

The idea that CCS technologies for coal are unavailable is simply not true. I would deeply suggest that this is one of the reasons we are having this bizarre conversation today. We are just sort of out of sync with reality.

I strongly oppose H.R. 3826. The debate on this bill is about the reality of dangerous climate change.

If you accept modern science, you cannot deny the combined weight of over 10,000 peer-reviewed, published scientific studies which tell us climate change is happening, is caused by humans, and will have extremely serious impacts. If you fight wildfires, farm, run a ski resort, or live in a low-lying coastal area, you are already living with the impacts of climate change on a daily basis.

All these studies and experiences are telling us the same thing: carbon pollution produced by human activities is warming the Earth. It is driving more extreme weather events, more heat waves and droughts, longer and more intense wildfire seasons, rising sea levels, melting permafrost, and ocean acidification.

Climate disruption is harming economic activities in my State such as agriculture and ski resorts. It is affecting the insurance industry. It is beginning to impose huge costs on those least able to bear them—people living in the poorest and most vulnerable parts of the world.

The United States is a major contributor to climate change and it cannot be mitigated without us. We have a moral responsibility to act, but H.R. 3826 does just the opposite. It makes

the problem worse by preventing EPA from acting in the interest of the environment and our country.

Coal-fired plants are the largest single source of carbon pollution. Today, there is no limit on how much carbon pollution they can emit. That is why President Obama directed EPA to use its existing authority under the Clean Air Act to require power plants to control carbon pollution, something long overdue.

EPA has proposed a rule to require new coal plants to use available pollution control technology to capture and sequester carbon pollution. For existing coal plants, EPA is working with stakeholders to think through the best approach. EPA has not yet even issued a proposal, but industries are moving on.

In my region, a major utility made the decision on sound economics and environment to shut down a coal-powered plant.

H.R. 3826 would stop EPA from issuing any rules and allow these plants to keep emitting unlimited amounts of carbon pollution. For existing plants, the bill would be straight-out prohibition of any EPA rule from becoming effective unless Congress somehow passed a new law to implement the rule. As a practical matter, this repeals the EPA's existing authority to act.

Mr. Chairman, this bill is a dead letter. The Senate will never pass it, and even if it did, the President would veto it, as well he should. Let's spare him the agony and reject this misguided proposal now.

Mr. WHITFIELD. At this time I yield 2 minutes to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. Mr. Chairman, I am a cosponsor of the Electricity Security and Affordability Act. We have heard a lot of rhetoric on the floor about what is going on, but I want you to understand something. In Pennsylvania, over 40 percent of the electricity is generated by coal-fired power plants.

If you go back to the election, during his candidacy the President said very clearly that if you want to continue to produce electricity using coal-powered power plants, you can, but we will bankrupt you. The only thing he didn't add to that was "period."

That is the war on coal. That is where we are going.

When we talk about these things, and we talk about the numbers of people in our society right now, not just the middle- and the lower middle-income, but the low-income people, what are we affecting? Everything that they put in their mouth, everything they put on their backs, everything that they do to heat and light their homes.

The sum total of the cost of anything is everything that goes into it.

The cost of energy and using coal to get there just makes sense. Coal has done so much for this country for so many years. I am not just talking

about a few people. If you do not believe this is affecting people, please come back to western Pennsylvania. Walk with me. Go into these little towns where there no longer is a coal mine open. Not only that—their towns are shut down.

Now isn't that a marvelous thing to accomplish and champion and say we are doing the right thing for America? We are going to drive your energy costs up and make it impossible for you to heat and light your homes. We are going to change the cost of everything you use to raise your children. It affects the cost of everything. The sum total is made up of energy costs also.

What we will do is we will raise the bar so high that it will no longer be possible for these people to operate at a profitable level and then we will back off and say, My goodness, they just couldn't meet the standard.

We ask, What does the standard have to be? Just a little bit better than it is now.

We say, How would we begin to measure it? Well, we haven't determined that yet. We have set standards for you, but we don't have any way of doing it. We can't get to the point where we can measure the metrics on it.

I would just ask you for one thing: I want you to think about those thousands and millions of people who have forever relied on coal and the electricity that we can supply and the energy we can supply at a unit that is low enough that they can continue to live a normal life. That is all we are asking.

This bill is common sense, which is so devoid in this House.

Mr. WAXMAN. Mr. Chairman, I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, to conclude, I would point out to my friends on the other side of the aisle there has been a lot of discussion today about the availability of carbon capture and sequestration. Let's not forget that the Energy Policy Act of 2005 said:

Emission standards will not be set by plants receiving funds from the Clean Energy Initiative at the Department of Energy.

To my friend from the west coast, it is costing \$5 billion, and the president of the Southern Company said:

This plant cannot be consistently replicated on a national level and cannot be the primary basis for new emission standards.

That is because they are artificially concocted.

So our legislation simply says, in the future, if natural gas prices go up, America, like most every other country in the world, will have the option of building a new coal-powered plant.

I think it is a reasonable approach. It has bipartisan support.

This is the first time that we have been able to have a national debate with this President, who has already made up his mind he does not want coal for America. This is our opportunity to express the opinion of the American people that we need coal moving into the future.

I would urge the adoption of H.R. 3826, and I yield back the balance of my time.

Ms. ESHOO. Mr. Chair, I rise in opposition to H.R. 3826 because it would prevent the Environmental Protection Agency from ever regulating carbon emissions to stem climate change.

H.R. 3826 moves the goalposts on the EPA's carbon emissions rules and would effectively guarantee that our nation's dirtiest power plants continue to spew carbon into the atmosphere and further exacerbate global warming.

This bill is clearly a response to the President's Climate Action Plan, a series of executive actions designed to protect future generations from the harmful effects of climate change. I welcome the President's plan, and I regret the fact that House Leadership continues to steadfastly block action on climate change. Beyond the benefits to our air and climate, the EPA's proposed rules will provide regulatory certainty to fossil-fuel generators and would spur further development of renewable energy technologies that are our best chance to turn the tide of climate change.

Simply denying that climate change is occurring is not a policy and is completely out of touch with reality. The Intergovernmental Panel on Climate Change recently concluded with 95 to 100 percent certainty that humans are the principal cause of climate change. Such findings of the world's most highly regarded scientists cannot be more certain than this.

The American people know that climate change is not a "hoax" or a "fraud," as some of our colleagues claim, because they are experiencing the hottest years on record, as well as the most severe floods, wildfires and droughts in modern history. My home state of California is currently facing an unprecedented drought which is threatening the prosperity of everyone from urban and rural communities to farmers, fishermen, wildlife, and large and small businesses.

Steps to halt and reverse the effects of climate change are well overdue, and our window to act is quickly closing. H.R. 3826 does the exact opposite, and for all these reasons, I urge my colleagues to oppose this legislation.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-40. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 3826

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

#### **SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Electricity Security and Affordability Act".*

#### **SEC. 2. STANDARDS OF PERFORMANCE FOR NEW FOSSIL FUEL-FIRED ELECTRIC UTILITY GENERATING UNITS.**

(a) *LIMITATION.—The Administrator of the Environmental Protection Agency may not*



issue, implement, or enforce any proposed or final rule under section 111 of the Clean Air Act (42 U.S.C. 7411) that establishes a standard of performance for emissions of any greenhouse gas from any new source that is a fossil fuel-fired electric utility generating unit unless such rule meets the requirements under subsections (b) and (c).

(b) **REQUIREMENTS.**—In issuing any rule under section 111 of the Clean Air Act (42 U.S.C. 7411) establishing standards of performance for emissions of any greenhouse gas from new sources that are fossil fuel-fired electric utility generating units, the Administrator of the Environmental Protection Agency (for purposes of establishing such standards)—

(1) shall separate sources fueled with coal and natural gas into separate categories; and

(2) shall not set a standard based on the best system of emission reduction for new sources within the coal category unless—

(A) such standard has been achieved on average for at least one continuous 12-month period (excluding planned outages) by each of at least 6 units within such category—

(i) each of which is located at a different electric generating station in the United States;

(ii) which, collectively, are representative of the operating characteristics of electric generation at different locations in the United States; and

(iii) each of which is operated for the entire 12-month period on a full commercial basis; and

(B) no results obtained from any demonstration project are used in setting such standard.

(c) **COAL HAVING A HEAT CONTENT OF 8300 OR LESS BRITISH THERMAL UNITS PER POUND.**—

(1) **SEPARATE SUBCATEGORY.**—In carrying out subsection (b)(1), the Administrator of the Environmental Protection Agency shall establish a separate subcategory for new sources that are fossil fuel-fired electric utility generating units using coal with an average heat content of 8300 or less British Thermal Units per pound.

(2) **STANDARD.**—Notwithstanding subsection (b)(2), in issuing any rule under section 111 of the Clean Air Act (42 U.S.C. 7411) establishing standards of performance for emissions of any greenhouse gas from new sources in such subcategory, the Administrator of the Environmental Protection Agency shall not set a standard based on the best system of emission reduction unless—

(A) such standard has been achieved on average for at least one continuous 12-month period (excluding planned outages) by each of at least 3 units within such subcategory—

(i) each of which is located at a different electric generating station in the United States;

(ii) which, collectively, are representative of the operating characteristics of electric generation at different locations in the United States; and

(iii) each of which is operated for the entire 12-month period on a full commercial basis; and

(B) no results obtained from any demonstration project are used in setting such standard.

### **SEC. 3. CONGRESS TO SET EFFECTIVE DATE FOR STANDARDS OF PERFORMANCE FOR EXISTING, MODIFIED, AND RECONSTRUCTED FOSSIL FUEL-FIRED ELECTRIC UTILITY GENERATING UNITS.**

(a) **APPLICABILITY.**—This section applies with respect to any rule or guidelines issued by the Administrator of the Environmental Protection Agency under section 111 of the Clean Air Act (42 U.S.C. 7411) that—

(1) establish any standard of performance for emissions of any greenhouse gas from any modified or reconstructed source that is a fossil fuel-fired electric utility generating unit; or

(2) apply to the emissions of any greenhouse gas from an existing source that is a fossil fuel-fired electric utility generating unit.

(b) **CONGRESS TO SET EFFECTIVE DATE.**—A rule or guidelines described in subsection (a) shall not take effect unless a Federal law is enacted specifying such rule's or guidelines' effective date.

acted specifying such rule's or guidelines' effective date.

(c) **REPORTING.**—A rule or guidelines described in subsection (a) shall not take effect unless the Administrator of the Environmental Protection Agency has submitted to Congress a report containing each of the following:

(1) The text of such rule or guidelines.

(2) The economic impacts of such rule or guidelines, including the potential effects on—

(A) economic growth, competitiveness, and jobs in the United States; and

(B) electricity ratepayers, including low-income ratepayers in affected States.

(3) The amount of greenhouse gas emissions that such rule or guidelines are projected to reduce as compared to overall global greenhouse gas emissions.

### **SEC. 4. REPEAL OF EARLIER RULES AND GUIDELINES.**

The following rules and guidelines shall be of no force or effect, and shall be treated as though such rules and guidelines had never been issued:

(1) The proposed rule—

(A) entitled “Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units”, published at 77 Fed. Reg. 22392 (April 13, 2012); and

(B) withdrawn pursuant to the notice entitled “Withdrawal of Proposed Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units”, signed by the Administrator of the Environmental Protection Agency on September 20, 2013, and identified by docket ID number EPA-HQ-OAR-2011-0660.

(2) The proposed rule entitled “Standards of Performance for Greenhouse Gas Emissions from New Stationary Sources: Electric Utility Generating Units”, signed by the Administrator of the Environmental Protection Agency on September 20, 2013, and identified by docket ID number EPA-HQ-OAR-2013-0495.

(3) With respect to the proposed rule described in paragraph (1), any successor or substantially similar proposed or final rule that—

(A) is issued prior to the date of the enactment of this Act;

(B) is applicable to any new source that is a fossil fuel-fired electric utility generating unit; and

(C) does not meet the requirements under subsections (b) and (c) of section 2.

(4) Any proposed or final rule or guidelines under section 111 of the Clean Air Act (42 U.S.C. 7411) that—

(A) are issued prior to the date of the enactment of this Act; and

(B) establish any standard of performance for emissions of any greenhouse gas from any modified or reconstructed source that is a fossil fuel-fired electric utility generating unit or apply to the emissions of any greenhouse gas from an existing source that is a fossil fuel-fired electric utility generating unit.

### **SEC. 5. DEFINITIONS.**

In this Act:

(1) **DEMONSTRATION PROJECT.**—The term “demonstration project” means a project to test or demonstrate the feasibility of carbon capture and storage technologies that has received government funding or financial assistance.

(2) **EXISTING SOURCE.**—The term “existing source” has the meaning given such term in section 111(a) of the Clean Air Act (42 U.S.C. 7411(a)), except such term shall not include any modified source.

(3) **GREENHOUSE GAS.**—The term “greenhouse gas” means any of the following:

(A) Carbon dioxide.

(B) Methane.

(C) Nitrous oxide.

(D) Sulfur hexafluoride.

(E) Hydrofluorocarbons.

(F) Perfluorocarbons.

(4) **MODIFICATION.**—The term “modification” has the meaning given such term in section 111(a) of the Clean Air Act (42 U.S.C. 7411(a)).

(5) **MODIFIED SOURCE.**—The term “modified source” means any stationary source, the modification of which is commenced after the date of the enactment of this Act.

(6) **NEW SOURCE.**—The term “new source” has the meaning given such term in section 111(a) of the Clean Air Act (42 U.S.C. 7411(a)), except that such term shall not include any modified source.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 113-373. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall be not be subject to amendment, and shall not be subject to a demand for division of the question.

□ 1700

AMENDMENT NO. 1 OFFERED BY MR. SMITH OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 113-373.

Mr. SMITH of Texas. Mr Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, lines 7 to 8, strike “within the coal category” and insert “within a fossil-fuel category”.

The Acting CHAIR. Pursuant to House Resolution 497, the gentleman from Texas (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we should not stand by and let the EPA tear down America one regulation at a time, so I thank the gentleman from Kentucky (Mr. WHITFIELD) for his work on H.R. 3826, the Electricity Security and Affordability Act.

Economic growth depends on job creators, not Federal regulators. We need to increase access to affordable energy, not take energy options off the table.

Now is the time to ensure a robust “all-of-the-above” energy strategy that includes our abundant fossil energies, as well as nuclear and renewables.

But by requiring carbon capture and storage technology that doesn't even exist, the EPA's new power proposal effectively bans new coal power. There is no coal power plant anywhere in the world that can meet the EPA's radical proposal.

What is equally troubling is that the EPA is planning to require this same unproven technology for new natural gas power.

This amendment stops the EPA's attack on natural gas. It prevents the

EPA from using make-believe technologies when setting standards.

I am interested in protecting all forms of affordable energy from EPA overreach, including coal, natural gas, and renewables, and that is what this amendment does.

Under the Clean Air Act, the EPA is required to rely on a technology that has been "adequately demonstrated" in the words of the law, but once again, the EPA is trying to twist the law to suit its extremist agenda.

The EPA does this by using an old legal trick: if you can't win the argument as it stands, start arguing about definition of words. By redefining what the term "adequately demonstrated" means, the agency is requiring the use of an unproven technology. In so doing, the EPA is making a tremendous power grab, one that reaches well beyond coal.

Only in Washington can you call something "adequately demonstrated" that doesn't even exist.

Over the past few months, it has become increasingly clear that the EPA isn't just going after coal. The administration has no intention of stopping there. Coal may be taking the hardest hit today, but the EPA is gearing up to take down natural gas.

This administration has tried to demonize hydraulic fracturing and prevent the construction of the Keystone XL pipeline, which would create thousands of jobs and provide many Americans with affordable energy.

As America is finding hope in an energy renaissance, the EPA plans to impose harsh power plant requirements on all forms of fossil energy. The EPA and the Department of Energy have already begun to tout these plans around the world.

This amendment requires the EPA to rely on proven technologies when it sets rules for any power plant. I urge my colleagues to join me in support of H.R. 3826, and help prevent the EPA from implementing reckless regulations that disregard the facts.

This amendment promotes an all-of-the-above-energy strategy, supports good-paying jobs, American manufacturing, and helps us secure energy independence. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR (Mr. HULTGREN). The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Mr. Chair, the underlying bill, H.R. 3826, is a radical rewrite of the Clean Air Act. It effectively repeals the EPA's existing authority to address carbon pollution from coal-powered plants.

It says that EPA cannot set a standard for new plants unless the standard is already being met by power plants using technologies that can achieve that standard.

Well, why would any power plant want to spend the money to use technology to achieve a standard that their competitors do not have to achieve?

So it is a chicken and egg problem. You cannot require them to do what they are not already doing.

Well, this amendment goes a step further and it says, for natural gas-fired power plants, they shouldn't have to do anything that they are not already doing either. They would block EPA from requiring natural gas-fired power plants to install pollution controls.

The problem is, EPA's current proposal for new natural gas plants doesn't require any pollution control technology. EPA is going to set a standard, and then let that standard be achieved however the industry would accomplish it.

So this amendment would preemptively block EPA from ever considering rules that might further reduce carbon pollution from any future power plants, whether they be coal or natural gas.

I think it makes no sense. It is a disaster for the climate. I urge my colleagues to vote against this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, how much time remains on either side?

The Acting CHAIR. The gentleman from Texas has 1½ minutes remaining. The gentleman from California has 3 minutes remaining.

Mr. SMITH of Texas. Mr. Chairman, let me say to my friend from California, we have one more speaker on this side, and if he is prepared to close, then we will go to our last speaker.

Mr. WAXMAN. Mr. Chairman, I am not prepared to close. I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, if you look at what is happening with this bill and this amendment, if both were passed, combined, coal and natural gas power plants emit a third of all carbon pollution in this country. They are responsible for virtually all carbon pollution from the electricity sector.

This amendment would ensure that industry can keep building new fossil fuel power plants without modern pollution controls, whether they be natural gas or coal.

So, in effect, if this amendment is agreed to, and the underlying bill is adopted, it would say, in effect, we are not going to control any of the carbon pollution coming from any power plant.

Now, if we don't control the pollution from any power plant, and we let them emit whatever pollution they choose to emit, and it is obviously cheaper to pollute than to stop polluting, we will, in effect, condemn us to all that pollution which happens to be—let me repeat this again—it happens to be a third of the carbon pollution in this country today.

That would mean there is no chance in hell that we will ever reduce the pollution in this country that we can reduce that is adding to climate change pollution, in addition to all the other pollutants coming from around the world.

Those pollutants don't go away; they accumulate in the atmosphere, and when they accumulate in the atmosphere, we see the impact on the climate.

At some point, we are going to have so many pollutants in the atmosphere from carbon that scientists are telling us we won't be able to do anything. We won't be able to continue to contribute to that pollution without making it impossible to do anything about climate change.

We have a chance to do something about climate change now. We should not lose that chance by adopting this amendment and the underlying bill. So, I would urge that we vote against the amendment and the underlying bill.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield the balance of my time to the gentleman from Arizona (Mr. SCHWEIKERT), who is the chairman of the Environment Subcommittee of the Science, Space, and Technology Committee.

Mr. SCHWEIKERT. Mr. Chairman, I thank the chairman of the Science and Technology Committee, congratulations on yesterday.

Sort of a one step off, I lost the ranking member. I was going to congratulate him on his years of service now that his decision is to leave the body.

I am obviously standing here with two separate points I want to make. One is, I actually believe the underlying bill has been substantially misrepresented.

If you take the totality of the Clean Air Act, NO<sub>x</sub>, and all the other pollutants that are regulated, that is not what this piece of legislation touches and does.

Be that as it may, I am here to stand up and advocate for amendment No. 1, which is very simple in its elegance. It does a very simple thing. It says, this bill is not only a discussion about coal, but it is actually a discussion about all fossil fuels.

If we are going to have a regime mechanic that says this technology, once it is properly demonstrated is appropriate to adopt, should not that demonstration be on other forms of fossil fuels that may be generating power?

In many ways it is that concept of sort of optionality. If we are going to create a silo that says hey, these mechanics are only about coal, that is unfair. It should be about all forms of energy, because you would hate to find out, a year or two from now, that the bright, shiny object that I believe the EPA is often chasing has moved to something else, and we have allowed a hole here in our amendment process.

Mr. SMITH of Texas. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SMITH).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 2 OFFERED BY MRS. CAPPS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 113-373.

Mrs. CAPPS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 2(b)(2)(A)(i), insert “or elsewhere” after “in the United States”.

In section 2(c)(2)(A)(i), insert “or elsewhere” after “in the United States”.

The Acting CHAIR. Pursuant to House Resolution 497, the gentlewoman from California (Mrs. CAPPS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. CAPPS. Mr. Chairman, H.R. 3826 is about denial. It denies the realities of climate change. It denies EPA the ability to do its job.

The Supreme Court has clearly stated that the EPA has the authority to regulate carbon emissions from power plants, and EPA has used that authority under the Clean Air Act to propose rules to improve the quality and safety of our air.

These EPA rules are crucial to mitigating the harmful impacts of climate change, especially given the majority's refusal to take meaningful action to reduce greenhouse gas emissions.

H.R. 3826 would nullify these proposed rules and restrict EPA's ability to write new ones. This not only does nothing to address climate change, it also creates tremendous uncertainty for the power sector.

The bill also bizarrely restricts EPA to considering only pollution control technologies being used in the United States when setting new power plant standards. In other words, if a viable technology is being used abroad, EPA must pretend it doesn't exist.

Under the Clean Air Act, EPA must determine the best system of emission reduction for new coal-fired power plants, and it must set standards based on this best technology. This bill would block EPA from considering pollution controls used outside of the U.S., even if such systems are readily available and proven abroad.

As the global leader in innovation and technology, it is absurd that we would bar the EPA from even looking at the best technologies available just because of where it is being used.

My amendment would make a commonsense correction to this problem. If adopted, it would simply allow the EPA to consider all existing pollution control technologies, regardless of where they are being used.

For example, the EPA has proposed standards for new coal-fired power plants that would achieve greater carbon pollution reduction through the use of carbon capture and sequestration technology, commonly called CCS. If coal is going to be part of the clean energy future, CCS is precisely the kind of technology that we need to encourage.

Understanding this, EPA and others have provided evidence to our committee that CCS is both feasible and available, and that coal-fired power plants with CCS are moving forward.

□ 1715

Some of these projects are in the United States, but some of them are being pursued abroad; but without my amendment, these improvements or projects abroad would not be considered by this innovation. This is ridiculous and wrong.

I want to be clear. This amendment will not make this a sensible or reasonable bill, and I will be voting “no” even if my amendment should be adopted; but my amendment would at least avoid the embarrassment of the United States Congress requiring a science-based agency to pretend that technologies operating in other countries simply don't exist.

I know that some of my colleagues like to deny the science of climate change, but I hope there can be bipartisan agreement that we shouldn't deny science just because it is being used by someone else.

Effective CCS technologies are already being installed and used in other countries, including our neighbor to the north; and EPA surely should be allowed to consider these technologies. My amendment would simply ensure that EPA can do its job and consider all available technologies when setting pollution control standards.

So I ask my colleagues to support this simple and sensible change and support my amendment.

I reserve the balance of my time.

Mr. WHITFIELD. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Chair, I certainly have a great deal of respect for the gentlelady from California, and I might add, we have heard a lot today about climate change.

Former EPA Administrator Lisa Jackson, herself, stated in a hearing:

We will not ultimately be able to change the amount of CO<sub>2</sub> that is accumulating in the atmosphere alone.

By that, she meant the United States, and there are a couple of reasons she said that. First of all, 96 percent of CO<sub>2</sub> emissions are naturally occurring; manmade is around 4 percent.

I might also point out that, in the recent fifth assessment report of the Intergovernmental Panel on Climate Change, they acknowledged a lack of warming since 1998, and they acknowledged the growing discrepancy between their climate model projections versus actual readings.

So it is not that people are denying. It is that there is a significant difference among the scientific community about what is manmade CO<sub>2</sub> contributing and what is naturally occurring CO<sub>2</sub>.

To the gentlelady's amendment, the Premier of Saskatchewan was in my office today, talking about the Canadian project that the gentlewoman from California referred to. It is not in operation yet.

He did say that it would not have been built without government funds; and her amendment would simply say that, if it is working in Canada, the EPA could apply that and make it mandatory here.

We believe that the Energy Policy Act of 2005 made it illegal for EPA to even set the emissions standard that they have set in their proposed rule, and certainly, what the gentlelady's amendment would allow is the governments to put in large sums of money to make some projects work that may not, in reality, be able to be accomplished in the U.S. because of a lack of private capital.

So if technology is working in another country, it can be brought to America, and if it meets our standards set in paragraphs B and C, it would be able to be utilized; so for that reason, I would make the argument that the gentlelady's amendment should be rejected.

I reserve the balance of my time.

Mrs. CAPPS. Mr. Chair, I would just make the comment that I think there is a little bit of a misunderstanding here. I was not implying that, if there was a technology in another country, such as Canada, it would automatically have to be used in this country.

I would just propose, in my amendment, that we wouldn't want to deny a scientist the opportunity to be able to examine other technologies just because they came from a different country, such as Canada.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chair, what I object to is that the EPA would use that and mandate that private industry build that technology here in the U.S. And I think that your amendment would allow them to do that, and that is what I object to.

I reserve the balance of my time.

Mrs. CAPPS. Mr. Chairman, I will just add that I don't believe the word “mandate” or “require” is in my amendment. It would just be allowing the consideration of proposals and technologies from other countries, not just the United States, as far as my amendment was concerned.

Mr. Chairman, my amendment is simple and straightforward. It makes a

small change to the bill, as I just said, which would allow EPA to consider all available technologies when developing pollution controlled systems. This is an idea that really should have bipartisan support.

My colleagues across the aisle often say how the government shouldn't be picking winners and losers, yet that is precisely what this bill does. It not only declares which technologies can be winners, but it doesn't even allow all available technologies to be considered. The bill allows polluters to keep polluting while our children and grandchildren will suffer the consequences down the road.

My amendment won't make this deeply flawed legislation something I can support, but it will at least allow EPA to look at the full picture when making its decision.

I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chair, the purpose of our legislation is, whenever EPA sets the standard, we want the technology to be in the U.S. for at least a year—operating for a year, and six units have the proof of that; so that is why we object to the gentlelady's amendment, and I would urge Members to vote against her amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mrs. CAPPS. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 3 OFFERED BY MRS. CAPITO

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 113-373.

Mrs. CAPITO. I have an amendment at the desk, Mr. Chair.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of section 2, add the following:  
(d) TECHNOLOGIES.—Nothing in this section shall be construed to preclude the issuance, implementation, or enforcement of a standard of performance that—

(1) is based on the use of one or more technologies that are developed in a foreign country, but has been demonstrated to be achievable at fossil fuel-fired electric utility generating units in the United States; and

(2) meets the requirements of subsection (b) and (c), as applicable.

The Acting CHAIR. Pursuant to House Resolution 497, the gentlewoman from West Virginia (Mrs. CAPITO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from West Virginia.

Mrs. CAPITO. Mr. Chair, I rise to say that my amendment is a simple clari-

fying amendment that goes right along with the discussion we were just having with the previous amendment.

It makes clear that the underlying bill does not stop the EPA from relying on foreign technologies to establish a performance standard, so long as that foreign technology has been adequately demonstrated at power plants here in the United States, and I think my colleague from Kentucky was making that point in his rebuttal.

The Electricity Security and Affordability Act is necessary because the EPA has taken the unprecedented step of requiring the use of technology that has not been demonstrated on a large commercial scale here in the United States. The rule is, therefore, a de facto ban on new coal plants anywhere in the United States.

Well, why is this significant? As our existing coal fleet retires, either due to regulations or because plants have reached the end of their useful life, what takes their place to provide affordable and reliable electricity to families and businesses?

In January, when temperatures dropped across the Eastern part of the United States, American Electric Power, AEP, which provides power in my region of the country, was operating 89 percent of the coal capacity that will retire in 2015.

When that capacity is no longer available, our electric grid will be less reliable, and the energy prices paid by individuals and small businesses will increase.

West Virginia has vast supplies of both natural gas and coal, so I fully support the development and use of all our domestic energy resources. We need a diverse energy policy that includes coal, natural gas, nuclear, and renewable to support our economic growth and keep the energy bills that families pay each month from skyrocketing.

But we cannot turn away from coal, which provides 40 percent of our Nation's electricity and 95 percent of the electricity in my home State of West Virginia.

Other countries understand that coal provides the energy necessary to power their own economies. The International Energy Agency released a report in December, stating that global coal consumption will continue to rise and increase by more than 2 percent through 2018. Between 2007 and 2012, global coal consumption increased faster than oil or natural gas.

China and India are constructing new coal plants. Even Germany is increasing its coal capacity in 2013.

The rest of the world is willing to use coal. We, in the United States, have a strong competitive advantage because we have hundreds of years of supply. Increasingly, we are exporting coal for use abroad. West Virginia exports more coal than any other State.

While we are glad the coal exports allow for production that provides jobs—real jobs in our State, it is dif-

ficult to understand why we would turn away from using our own domestic resources at the same time other countries are turning towards our domestic resources.

Importantly, unilateral action by the United States will do virtually nothing to address the global problem of carbon dioxide emissions. In 2012, carbon dioxide emissions from energy production in the United States fell by 3.8 percent to their lower level since the mid-90s.

Despite this drop, carbon dioxide emissions from energy globally increased to their highest level on record. China's carbon dioxide emissions alone more than offset the decreased emissions from the United States.

That is why I introduced legislation that would delay the implementation of the U.S. carbon dioxide regulations until other countries comprising 80 percent of non-U.S. emissions enact equally stringent regulations. Acting in concert with our global competitors would minimize the economic consequences and maximize the environmental benefits.

Instead, the administration has chosen the opposite course, imposing a unilateral regulation that maximizes our economic pain and minimizes the environmental benefits. EPA's regulation means absolutely fewer West Virginia jobs and higher energy prices for consumers.

Let's be clear about what today's legislation does. This legislation does not stop the EPA from regulating greenhouse gas emissions from new coal plants. The bill simply requires EPA to base its regulations on the best performing existing coal plants.

We should encourage the implementation of newer, cleaner burning coal technologies, but a de facto ban on new coal plants won't encourage new technologies. It will leave promising research on the shelf while energy prices increase and the economic advantage offered by our natural resources is lost.

This is a good straightforward piece of legislation. My amendment makes it clear that we want the best commercially available technology to set the standards for new plants, regardless of where that technology is developed, as long as that technology is demonstrated in the United States coal plants.

I urge the amendment's adoption and reserve the balance of my time.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. I don't know how to oppose this amendment because it doesn't seem to make the underlying bill any worse.

The problem is this: The bill requires that, before a new standard for coal-powered plants is set, there has to be six coal-powered plants in this country

that are already using this technology; and we have argued: Well, that is not going to happen because no one is going to use the technology if their competitors aren't going to use the technology.

And if there is technology outside of this country that is being used successfully, EPA can't rely on that. Mrs. CAPPS' amendment would have changed that. That is still going to be voted on later.

Mrs. CAPITO's amendment says EPA could consider technologies developed in other countries, but only if those technologies are also being broadly adopted in the United States, as I understand it.

Well, in fact, that will lead to the exact same problem as we have in the underlying bill. Under both the amendment and the bill, EPA would still be prevented from proposing a standard based on cleaner coal technologies, such as ultrasupercritical boilers, which can reduce pollution by improving efficiency.

That kind of technology is already being used in more than 100 ultracritical coal units generating power in China, but the United States has only installed one. Well, we can't let that one and all the others that are being used in China allow the EPA to set a standard that would require that technology.

□ 1730

Under the bill and the amendment, that one U.S. plant won't be sufficient for EPA to set a new standard. So even if this amendment passes, EPA will still be prohibited from setting pollution control standards based on effective pollution controls that have been deployed overseas.

Well, I guess if you are going to pretend that climate change isn't happening, why not pretend that clean air technologies used in other countries don't exist, either? So I can't oppose—I am not going to ask for a rollcall vote. I am not going to even—I will even vote against your amendment. I am not going to vote for it. But it seems to me the amendment has a problem that the underlying bill already has, and it doesn't fix anything.

So if people want to vote for this amendment, vote for the amendment because it doesn't make anything any different than the problems that I see with the underlying bill.

With those comments, Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 113-373.

Mr. MCKINLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of section 3, add the following new subsection:

(d) CONSULTATION.—In carrying out subsection (c), the Administrator of the Environmental Protection Agency shall consult with the Administrator of the Energy Information Administration, the Comptroller General of the United States, the Director of the National Energy Technology Laboratory, and the Under Secretary of Commerce for Standards and Technology.

The Acting CHAIR. Pursuant to House Resolution 497, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Chairman, under this legislation, the EPA is required to submit a report to Congress regarding the impacts this proposed regulation will have on the economy, our competitiveness, our job losses, and electricity rates.

Quite frankly, many here in Congress and the constituents we represent across America have come not to trust the EPA to tell the truth about the impacts the proposed New Source Performance Standard rule or the upcoming existing source rule will have on our Nation.

The amendment before us adds stakeholders with whom the EPA should consult when finalizing this report. This includes the Energy Information Agency, who will provide the EPA with the necessary statistics and background. It includes the Comptroller General who oversees the Government Accountability Office because the GAO's reports have led to hearings and legislation, billions of dollars in taxpayer savings and improvements to a wide range of government programs and services.

It also includes the National Institute of Standards and Technology, who works with industry to develop and apply our Nation's technology, measurements, and standards, and, finally, the National Energy Technology Laboratory, under the direction of the Department of Energy. NETL has been leading the charge in working with the private sector and academia in developing carbon capture and sequestration technologies.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIR. Does anyone seek recognition in opposition to the amendment? If not, the gentleman from West Virginia is recognized to close.

Mr. MCKINLEY. Mr. Chairman, during the House debate recently on Congressman GARDNER's House bill H.R. 4480, the Domestic Energy and Jobs bill, I offered a similar amendment. This amendment passed by voice vote and ensured that NETL had a seat at the table.

As background and for those of you who are unaware, NETL is our only government research, design, and de-

velopment laboratory dedicated to domestic energy sources. Last year alone, NETL worked with academia and the private sector on over 1,000 projects. This represented over 55,000 jobs and \$12 billion in project funding in every State and nearly every congressional district. It is only fitting that they, along with others, are included in this process.

Let's be clear here. If we support transparency by having relevant agencies consult with the EPA, these same agencies who provide us with statistics, develop our standards, develop our technology, and keep our agencies and Congress in line and accountable, then you would support this amendment. Members of Congress consult with their staffs, their respective committees, other Members' offices, and their constituents, so it is fitting the EPA should do the same under this amendment.

Chairman WHITFIELD and his staff are to be commended for their hard work to put together such an incredible bipartisan effort in this legislation. I am a proud cosponsor to work with him and encourage all my colleagues to support this amendment and, more importantly, the underlying bill.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 113-373.

Mr. MCKINLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 17, strike “; and” and insert a semicolon.

Page 5, line 19, strike “States.” and insert “States;”.

Page 5, after line 19, insert the following:

(C) required capital investments and projected costs for operation and maintenance of new equipment required to be installed; and

(D) the global economic competitiveness of the United States.

The Acting CHAIR. Pursuant to House Resolution 497, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Chair, once again, I would like to reference section 3 of the underlying bill. The amendment would strengthen the analysis and reporting the EPA is required to develop under this legislation.

One of the problems our coal, gas, and oil industries face is the vast ideologically motivated regulations they must endure, such as the New Source Performance Standards. However, other nations don't seem to impose

such burdensome policies and regulations on their industries. Instead, countries in the Middle East and Asia promote their fossil fuel businesses and work to make it easier for those countries to get their fossil fuels to market. Mr. Chairman, it is called fairness.

Now, I am sure you will hear that some of the opponents of this in the past have falsely claimed that this amendment is flawed and too broad. We have heard that this amendment might open up a Pandora's box of issues as we heard from our friends 2 years ago when I offered a similar amendment. That is simply not true, not accurate.

This amendment and legislation will make certain that the United States remains viable in its manufacturing on a global scale, ensures that we don't put more people and their families or children out on the street or with uncertainty, and we can provide them with certainty and access to abundant and affordable electricity. This amendment is about protecting our liberties and providing transparency.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the amendment so I can make a few points about this.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. I didn't speak on the last amendment. I didn't think that last amendment did anything worse than the bill already does. This amendment modifies a section of the underlying bill which requires EPA to report to Congress on the economic impacts of any regulation of carbon pollution from existing fossil fuel-fired power plants.

Well, this reporting requirement is largely meaningless because EPA already does this analysis, and if this bill were adopted, EPA wouldn't issue any rules to trigger the reporting requirement anyway. But this amendment would add more items to be considered in EPA's report on a rule regulating carbon pollution from existing power plants.

For example, this bill would require EPA to look at the rule's potential effects on capital, operation, and maintenance costs for pollution control equipment. But that is exactly what EPA already does for every significant rule that requires pollution controls. The amendment also requires EPA to analyze how our particular pollution control requirement may affect the global economic competitiveness of the United States. I don't think that makes any sense to add this because it is questionable whether we even have reliable economic models to make this assessment.

If this bill were adopted, EPA wouldn't be doing this report anyway, so it doesn't really matter. I am not going to object to the amendment, and I am not going to vote for the amendment, but it won't have any effect because the underlying bill is going to

prevent the EPA from acting whether it is a new power plant or existing power plants.

But I did want to single out this provision which I think is unreasonable to expect EPA to be able to do this global economic competitiveness analysis. That is not what EPA does. They are not in the position to do it, and to add that requirement, I think, is a very bad precedent.

I yield back the balance of my time.

Mr. MCKINLEY. Mr. Chairman, I thank Congressman WAXMAN.

Under this amendment, the EPA is required, as he just stated, is required to take into account the economic impacts this rule could have on our global competitiveness and the required capital investments and costs for operations and maintenance of new equipment.

We know that, under the New Source Performance Standards rule, the cost of electricity could skyrocket by as much as 70 percent. This cost will be passed on to the consumers. Consequently, American manufacturers will indeed be put at a global disadvantage, and many will lose their business.

We have seen testimony by economists, academics, and scientists who say that, under this proposed regulation, capital costs will increase by as much as 110 percent. This is unconscionable. At a time when Saudi Arabia, China, and India are helping their job creators thrive and open up global opportunities for them, this administration and its ideologically motivated EPA are exporting jobs, trading uncertainty, and trying to decarbonize America with little to show for health and economic benefits.

The EPA needs to look at what other nations are doing to grow, stabilize, and sustain their fossil fuel industries. This amendment will help us show how we can improve and stop hindering the development of our natural resources.

Ultimately, I offered this amendment because we are supposed to be a nation leading by example over the rest of the world. With nearly 23 million people underemployed or unemployed, we really ought to be saying to our regulators: Just because you can doesn't mean you should.

Mr. Chairman, again, I wish to thank Mr. UPTON and Mr. WHITFIELD for their support of this amendment and the underlying bill that goes with it. Mr. WHITFIELD's work on the overall bill shows his true leadership and caring for the people of Appalachia and all across America.

This country is a leader of the world, an innovator, and a job creator. It is time that it reins in the excessive regulations that create burdens resulting in families, children, husbands, and spouses worried about tomorrow. It is time their regulators pull back in. This amendment and this legislation overall will create that ability that we have in the American Dream again, but not an American Dream that is driven by regulations.

I urge all my colleagues on both sides of the aisle to support this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MS.

SCHAKOWSKY

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 113-373.

Ms. SCHAKOWSKY. Mr. Chair, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Redesignate section 5 as section 6 and insert after section 4 the following:

**SEC. 5. CONGRESSIONAL ACCEPTANCE OF SCIENTIFIC FINDINGS.**

Congress accepts the scientific finding (contained in the proposed rule referred to in section 4(2)) that greenhouse gas pollution is "contributing to long-lasting changes in our climate that can have a range of negative effects".

The Acting CHAIR. Pursuant to House Resolution 497, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois.

Ms. SCHAKOWSKY. Mr. Chairman, I yield myself 4 minutes.

My dear colleagues, this is the simplest of simple amendments. It asks of this House only one thing, to acknowledge the truth of these words:

Greenhouse gas pollution is contributing to long-lasting changes in our climate that can have a range of negative effects.

Our country and this Congress are at a critical moment in the history of our small planet. We are privileged as leaders of the most powerful country on Earth to be in a position to lead the world in combating climate change. There is still time.

□ 1745

If we act now, we can protect our natural resources, like water, promote job growth, and ensure that our descendants are able to live healthy lives on this planet long after we are gone.

Making the right choice begins with accepting the fact of climate change. It is hard to ignore this reality. The 10 hottest years in human history all occurred since 1998. This time last year, we had just completed the hottest year ever in the United States, a full degree hotter in terms of average temperature than the previous record. Though we are dealing with cold in many parts of the U.S. this year, the scientists tell us global temperatures are continuing to warm.

Micronesia, the Marshall Islands, and Palau, among others, will be submerged during this century unless meaningful action is taken. Here at home, we are seeing more and more severe droughts, wildfires, storms, and hurricanes—often all in the same year.



There are tremendous economic incentives for the United States to take climate change seriously. In December, the Pew Charitable Trust estimated that the clean energy sector could generate \$1.9 trillion in revenue from 2012 to 2018. We also know that there are three times as many jobs created per dollar spent on renewable energy than on fossil fuel. As we work to create an economy that supports 21st century jobs, how can we overlook one of the world's fastest-growing industrial sectors and the millions of jobs it would support?

Large multinational corporations have joined environmentalists, scientists, and the vast majority of the American public who recognize the impact of carbon pollution on our world. For example, Coca-Cola has already suffered from a global water shortage that is driving up costs, and Coke has recognized climate change as a challenge to its future profitability.

The business plans of ExxonMobil and other Big Five oil companies assume they will have to pay for the cost of carbon in the future. This Congress should recognize the same facts that these business leaders have accepted: climate change is real and requires a different game plan. History will not be kind to climate change deniers.

The Schakowsky-Lowenthal amendment doesn't ask for much. It doesn't change the bill's provisions. It simply asks us as 21st century leaders of the most powerful country in the world to say "yes" to this simple fact: climate change is real and can have negative consequences.

Mr. Chairman, I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I rise to oppose the gentlelady's amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I have a great deal of respect and admiration for the gentlelady from Illinois. I might say, this legislation would never have been necessary if EPA had adopted a standard that had been adequately demonstrated and was not in violation of the Energy Policy Act of 2005.

I would also say in wanting to add this language to the bill, EPA itself, in discussing its proposed regulation, projected that its rule would result in almost zero CO<sub>2</sub> emission changes or quantified benefits in cost by 2022. So even EPA does not think that their regulation is going to really significantly reduce CO<sub>2</sub> emissions because 96 percent of CO<sub>2</sub> emissions are naturally occurring; less than 4 percent are man-made.

I might also point out once again that no one is a denier of climate change, but more and more scientists seem to be disagreeing with the impact of manmade CO<sub>2</sub> versus naturally occurring CO<sub>2</sub>.

After the Fifth Assessment Report of the Intergovernmental Panel on Cli-

mate Change in the fall of last year, a group of scientists from the non-governmental Intergovernmental Panel on Climate Change in a 1,200-page report with thousands of references to peer reviewed papers made the argument that natural forces, not man-made forces, are really driving the Earth's climate. So we are particularly concerned that this regulation would prevent America from flexibility. In the future if natural gas prices go up, we would not have the option, like most every other country in the world, of building a coal plant, and so that is why we respectfully oppose her amendment.

I reserve the balance of my time.

Ms. SCHAKOWSKY. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. LOWENTHAL).

Mr. LOWENTHAL. I thank the gentlewoman from Illinois for yielding and for being a steadfast leader on this issue.

Mr. Chairman, this amendment simply confirms what world's scientists already know: that greenhouse gases contribute to long-lasting changes in our climate that can have a range of harmful effects.

Disinformation by entities with conflicts of interest have fueled reports of scientific disagreement. However, the scientific community is not divided because there is no compelling scientific evidence denying human's role in climate change, period. Case closed.

Every minute we waste on the myth of disagreement is a minute longer we wait to take concrete action, making our inevitable energy transition even more expensive.

Mr. Chairman, we will be judged by our children for what we do here today. I urge an "aye" vote.

Ms. SCHAKOWSKY. I yield back the balance of my time.

Mr. WHITFIELD. I yield myself the balance of my time.

In reply to this case closed argument, I would just point out that the Fifth Assessment Report of the Intergovernmental Panel on Climate Change, which came out in the fall, acknowledged a lack of warming since 1998 and a growing discrepancy between the model projections and the reality of the observations actually made; that the discrepancy between the models and reality was increasing. It also acknowledged the evidence of decreased climate sensitivity to the increases in atmospheric CO<sub>2</sub> concentrations. It also acknowledged that sea level rising during the period 1920-1950 was the same as in 1995 to 2012. Now that is the United Nations Intergovernmental Panel on Climate Change.

With that, I respectfully request that we defeat the gentlelady's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. SCHAKOWSKY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Illinois will be postponed.

Mr. WHITFIELD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCKINLEY) having assumed the chair, Mr. HULTGREN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3826) to provide direction to the Administrator of the Environmental Protection Agency regarding the establishment of standards for emissions of any greenhouse gas from fossil fuel-fired electric utility generating units, and for other purposes, had come to no resolution thereon.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2824, PREVENTING GOVERNMENT WASTE AND PROTECTING COAL MINING JOBS IN AMERICA; PROVIDING FOR CONSIDERATION OF H.R. 2641, RESPONSIBLY AND PROFESSIONALLY INVIGORATING DEVELOPMENT ACT OF 2013; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. WEBSTER of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 113-374) on the resolution (H. Res. 501) providing for consideration of the bill (H.R. 2824) to amend the Surface Mining Control and Reclamation Act of 1977 to stop the ongoing waste by the Department of the Interior of taxpayer resources and implement the final rule on excess spoil, mining waste, and buffers for perennial and intermittent streams, and for other purposes; providing for consideration of the bill (H.R. 2641) to provide for improved coordination of agency actions in the preparation and adoption of environmental documents for permitting determinations, and for other purposes; and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

#### ELECTRICITY SECURITY AND AFFORDABILITY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 497 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3826.

Will the gentleman from Illinois (Mr. HULTGREN) kindly resume the chair.

□ 1756

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole