

Electricity Restructuring Bill Clears First Hurdle —Barely

Battle Continues in House and Senate as IBEW Fights for Worker and Consumer Protections



Reps. Sherrod Brown (D-OH), left, and John Shimkus (R-IL) jointly introduced and argued for the IBEW-backed amendment to add worker and consumer protections to H.R. 2944, the Energy Competition and Reliability Act.

After more than two years of discussions, hearings, back room negotiations and political maneuvering, Congress recently took its first official action on comprehensive legislation to restructure the electric utility industry in the United States. The IBEW played a major part in the process, lobbying hard for an amendment to protect utility workers and consumers and against provisions that would cripple utility companies that employ IBEW members from competing in open electricity markets.

On October 27, 1999, the Energy and Power Subcommittee of the U.S. House of Representatives voted 17-11 to send H.R. 2944, the Energy Competition and Reliability Act, to the full Commerce Committee. Energy and Power is a subgroup of the Commerce Committee. On a tie vote of 13-13, the subcommittee failed to pass an IBEW-backed amendment to H.R. 2944 that would have provided worker and consumer protections.

The IBEW has opposed the concept of a federal mandate on states to deregulate their electricity markets, believing that such choices are best left to decision makers in the individual states who best know the needs of their communities. Nevertheless, the union wanted Congress to go on record supporting measures that guarantee safety, reliability and provisions to protect the rights of workers. The amendment, introduced by Representatives Sherrod Brown (D-OH) and John Shimkus (R-IL), contained the IBEW's priority items in the debate. These included: 1) urging states to adopt voluntarily language to require that current employees of utilities have priority consideration for job openings in the event of a merger or transfer of ownership; 2) creating model guidelines addressing training and skills for the utility work force, as well as consolidating existing guidelines on the construction and maintenance of electric utility facilities in order to ensure maximum reliability of the system; 3) mitigating the impact of reductions in force or other personnel actions by proposing retraining, continued health care coverage and early retirement options to employees who may be affected.

The Brotherhood's lobbying effort was an effective combination of the International Office's resources and the efforts of local IBEW leaders from the home districts of the members of the House subcommittee. Several business managers and other local representatives came to Washington, D.C., to meet with key subcommittee members and urge their support for the Brown-Shimkus amendment. Other local leaders participated in a conference call with International staff to discuss the amendment and then called their respective members on the subcommittee to urge support for Brown-Shimkus.

The vote on the amendment took place as a show of hands, not a recorded roll call vote. Under Congressional rules, a tie vote means that a measure fails. IBEW staff present at the hearing noted how members voted. In general, Democrats supported Brown-Shimkus. With three notable exceptions, Republicans opposed it, especially after Rep. Steve Largent (R-OK), carrying the water for the power marketing lobby, spoke vehemently against the amendment, invoking many of the anti-union catch phrases that have become standard fare among some in the Republican Party. In addition to Rep. Shimkus, the other Republicans supporting the amendment were Reps. Vito Fossella (R-NY) and Edward Whitfield (R-KY). Two key Democrats, Reps. Bobby Rush (D-IL) and Ron Klink (D-PA) were unavoidably absent from the subcommittee session (Rush was attending the funeral of his son). Another, Rep. Edward Markey (D-MA), was out of the room at the time of the vote on Brown-Shimkus.

The IBEW was also concerned with two amendments, one proposed by Markey and the other by Largent. These amendments could have required utility companies to divest themselves of generation assets, thus giving a major competitive edge to Enron and other energy producing companies at the expense of traditional utilities employing IBEW members. Seeing that there was insufficient support for these measures, both Congressmen withdrew their amendments.

On the final subcommittee vote on reporting the legislation to the full committee, Rep. Whitfield was the only Republican to vote against it. Two Democrats, Ralph Hall (D-TX) and Bart Gordon (D-TN), voted to approve the final product.

"Although we are disappointed with the vote on the Brown-Shimkus amendment, we are encouraged by our initial success in winning a measure of bipartisan support for the concepts of worker and consumer protections," said IBEW International President J.J. Barry. President Barry noted that the strong combined effort of the International Office and the leadership at IBEW locals in the districts of subcommittee members was an outstanding effort that will serve the union well as the debate on utility restructuring legislation moves to the full Commerce Committee.

The vote of the Energy and Power Subcommittee is only the first step in what is still a long and uncertain process for H.R. 2944. Commerce Committee Chairman Thomas Bliley (R-VA), a strong proponent of deregulation, pressured Energy and Power Subcommittee Chairman Joe Barton (R-TX) to report a measure to the full committee, and vowed to shape the bill to his liking. Bliley has indicated that full committee action on H.R. 2944 will not come before the spring of 2000. Even if the committee were to vote out a bill, consideration by the full House of Representatives in an election year is far from certain. Rep. John Dingell (D-MI), the veteran, highly respected ranking minority member of the full committee, calls H.R. 2944 the worst piece of legislation he has seen. This is a good indication of the struggle still to come over this bill. Meanwhile, in the Senate, no subcommittee action on restructuring legislation has been scheduled. The IBEW is continuing to seek support for worker

and consumer protection amendments and is building on the International/grass roots coalition that lobbied the subcommittee effectively.

Progress on this legislation will be reported in future issues of the *IBEW Journal*. Given the rapid pace at which legislation sometimes moves, however, members are urged to consult the IBEW's web site—www.ibew.org—for continuing updates on the status of H.R. 2944 and any Senate bill that may emerge. ☐

House Commerce Committee

The next step for H.R. 2944, the Energy Competition and Reliability Act—or some version of it—will be action by the full House Commerce Committee, most likely in the spring of 2000. Listed below are members of that committee. The IBEW will be communicating the union's position on this important legislation to these Representatives. The committee members are listed in order of seniority, with their states and district numbers.

REPUBLICANS

Thomas J. Bliley, Jr. (VA-7th),
Chairman
W.J. Tauzin, (LA-3rd)
Michael G. Oxley, (OH-4th)
Michael Bilirakis (FL-9th)*
Joe Barton (TX-6th)*
Fred Upton (MI-6th)
Cliff Stearns (FL-6th)*
Paul E. Gillmor (OH-5th)
Jim Greenwood (PA-8th)
Christopher Cox (CA-47th)
Nathan Deal (GA-9th)
Steve Largent (OK-1st)*
Richard M. Burr (NC-5th)*
Brian Bilbray (CA-49th)
Edward Whitfield (KY-1st)*
Greg Ganske (IA-4th)
Charles Norwood (GA-10th)*
Tom Coburn (OK-2nd)*
Rick Lazio (NY-2nd)
Barbara Cubin (WY-At Large)
James E. Rogan (CA-27th)*
John M. Shimkus (IL-20th)*
Heather A. Wilson (NM-1st)*
John Shadegg (AZ-4th)*
Charles Pickering, Jr. (MS-3rd)*
Vito Fossella (NY-13th)*
Roy Blunt (MO-7th)
Ed Bryant (TN-7th)*
Robert Ehrlich, Jr. (MD-2nd)*

DEMOCRATS

John D. Dingell (MI-16th),
Ranking Minority Member
Henry A. Waxman (CA-29th)
Edward J. Markey (MA-7th)*
Ralph M. Hall (TX-4th)*
Rick Boucher (VA-9th)*
Edolphus Towns (NY-10th)
Frank Pallone, Jr. (NJ-6th)*
Sherrod Brown (OH-13th)*
Bart Gordon (TN-6th)*
Peter Deusch (FL-20th)*
Bobby Rush (IL-1st)*
Anna Eshoo (CA-14th)
Ron Klink (PA-4th)*
Bart Stupak (MI-1st)
Eliot Engel (NY-17th)
Thomas C. Sawyer (OH-14th)*
Albert Wynn (MD-4th)*
Gene Green (TX-29th)
Karen McCarthy (MO-5th)*
Ted Strickland (OH-6th)*
Diana L. DeGette (CO-1st)
Thomas Barrett (WI-5th)
Bill Luther (MN-6th)
Lois Capps (CA-22nd)

**Member of Energy and Power subcommittee*