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2 RPTS MEYERS  
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4 MARKUP ON H.R. 1938, THE NORTH AMERICAN-MADE ENERGY SECURITY  
5 ACT; AND THE SEMI-ANNUAL COMMITTEE ACTIVITY REPORT  
6 THURSDAY, JUNE 23, 2011  
7 House of Representatives,  
8 Committee on Energy and Commerce  
9 Washington, D.C.

10 The Committee met, pursuant to call, at 10:15 a.m., in  
11 Room 2123 of the Rayburn House Office Building, Hon. Fred  
12 Upton [Chairman of the Committee] presiding.

13 Members present: Representatives Upton, Barton, Stearns,  
14 Whitfield, Shimkus, Pitts, Bono Mack, Walden, Terry, Rogers,  
15 Myrick, Sullivan, Murphy, Burgess, Blackburn, Bilbray, Bass,  
16 Scalise, Latta, McMorris Rodgers, Harper, Lance, Cassidy,  
17 Guthrie, Olson, McKinley, Gardner, Pompeo, Kinzinger,  
18 Griffith, Waxman, Dingell, Markey, Towns, Pallone, Rush,

19 Eshoo, Engel, Green, DeGette, Capps, Doyle, Schakowsky,  
20 Gonzalez, Inslee, Baldwin, Ross, Matheson, Butterfield,  
21 Barrow, Matsui, Christenson, and Castor.

22 Staff present: Clay Alspach, Counsel, Health; Gary  
23 Andres, Staff Director; Charlotte Baker, Press Secretary; Jim  
24 Barnette, General Counsel; Ray Baum, Senior Policy Advisor/  
25 Director of Coalitions; Michael Beckerman, Deputy Staff  
26 Director; Mike Bloomquist, Deputy General Counsel; Sean  
27 Bonyun, Deputy Communications Director; Anita Bradley, Senior  
28 Policy Advisor to Chairman Emeritus; Maryam Brown, Chief  
29 Counsel, Energy and Power; Paul Cancienne, Policy  
30 Coordinator, CMT; Howard Cohen, Chief Health Counsel; Andy  
31 Duberstein, Special Assistant to Chairman Upton; Garrett  
32 Golding, Legal Analyst, Energy; Julie Goon, Health Policy  
33 Advisor; Cory Hicks, Policy Coordinator, Energy and Power;  
34 Peter Kielty, Senior Legislative Analyst; Ben Lieberman,  
35 Counsel, Energy and Power; Ryan Long, Chief Counsel, Health;  
36 Carly McWilliams, Legislative Clerk; Jeff Mortier,  
37 Professional Staff Member; Gib Mullan, Chief Counsel, CMT;  
38 Mary Neumayr, Counsel, Oversight/Energy; Katie Novaria,  
39 Legislative Clerk; Monica Popp, Professional Staff Member,  
40 Health; Andrew Powaleny, Press Assistant; Chris Sarley,  
41 Policy Coordinator, Environment and Economy; Kristen  
42 Amerling, Democratic Chief Counsel and Oversight Staff

43 Director; Phil Barnett, Democratic Staff Director; Jen  
44 Berenholz, Democratic Chief Clerk; Alli Corr, Democratic  
45 Policy Analyst; Greg Dotson, Democratic Energy and  
46 Environment Staff Director; Tim Gronniger, Democratic Senior  
47 Professional Staff Member; Jocelyn Gutierrez, DOE Detailee;  
48 Caitlin Haberman, Democratic Policy Analyst; Purvee Kempf,  
49 Democratic Senior Counsel; Karen Lightfoot, Democratic  
50 Communications Director, and Senior Policy Advisor; Karen  
51 Nelson, Democratic Deputy Committee Staff Director for  
52 Health; and Lindsay Vidal, Democratic Press Secretary.

|  
53           The {Chairman.} We are going to get started. And  
54 before I give my opening statement, I want to briefly say  
55 that I, like all of our colleagues, to welcome back Ms.  
56 Castor from Florida. We look forward to her participation  
57 and welcome her back to the committee.

58           Ms. {Castor.} Thank you, Mr. Chairman. I look forward  
59 to working with you.

60           The {Chairman.} And to formally welcome you back from  
61 your side of the aisle, I am going to yield to Mr. Waxman.

62           Mr. {Waxman.} Mr. Chairman, we have what we call the  
63 right of return on the Democratic side and we have two  
64 members sitting on the front row that have used the right of  
65 return. We are delighted that both of them are back, and I  
66 want to especially welcome Kathy Castor. She is an excellent  
67 member of the committee. She has not served on this  
68 committee in the minority yet, but it won't be very long.  
69 And we expect the right of return to be exercised by the  
70 other Democrats who are waiting in line. Thank you very  
71 much, Mr. Chairman.

72           The {Chairman.} Well, we are delighted to have her back  
73 and look forward to her participation. And I don't know,  
74 have you all decided the subcommittees yet that she is going  
75 to serve on? Okay. All right.

76 I am going to start my opening statement.

77 We are here this morning to talk about job creation.

78 And we are here to talk about energy security and sensible  
79 regulation. In the first half of 2011, our pursuit of these  
80 goals has been unwavering, and our successes many. Later  
81 today, we will vote on the Semiannual Committee Activity  
82 Report. This document was produced as part of the  
83 transparency and accountability agenda of Speaker Boehner and  
84 the Republican majority. It is a public report on the work  
85 of the committee, and without a doubt, we have a great deal  
86 to report. The Activity Report is an inherently nonpartisan  
87 document; it simply chronicles the work of the committee.

88 In the first 5 months of the 112th Congress, we held 52  
89 days of hearings. We reported 12 bills and resolutions to  
90 the House, and have played a central role in important  
91 legislation that has gone straight to the House floor. The  
92 full Committee alone has met for nearly 30 hours, and we have  
93 spent another 150 hours in subcommittee hearings and markups.  
94 After spending more than 180 hours in our committee rooms, my  
95 colleagues can understand as a Michigan Wolverine why I call  
96 this The Big House and our space upstairs Wrigley Field. I  
97 was in the bleachers on Friday in the last row for a win. We  
98 named the rooms after places where I think everyone would  
99 like to spend a lot of time. This Activity Report, listing

100 the hours we have put in and the work we have done, is  
101 something all of us should be proud of, and I want to thank  
102 every member for their hard work.

103 In addition to the Activities Report, we will continue  
104 important legislation to strengthen our partnership with an  
105 important ally and trading partner, simultaneously creating  
106 jobs, reducing our dependence on Middle East oil, and  
107 reducing the price at the pump.

108 H.R. 1938, the North American-Made Energy Security Act,  
109 was introduced by Representatives Terry and Ross to expedite  
110 the Presidential Permit for the Keystone pipeline extension.  
111 Expanding this pipeline will create the capacity to carry  
112 more than a million barrels of oil to U.S. refineries every  
113 day before the end of the decade. It will also create more  
114 than 100,000 jobs between construction of the pipeline itself  
115 and all the economic activity that it will create.

116 Canada's vast oil sands will be developed. The oil will  
117 be produced, shipped, refined, and used. The question is  
118 whether we, the United States, will partner with our northern  
119 neighbor and use this oil to help eliminate our dependence on  
120 oil from OPEC nations, or will we encourage, force Canada to  
121 find other customers like the Chinese, who are hungry for  
122 energy supplies. This project has been delayed long enough.  
123 It is time to make a decision, and this bipartisan bill,

124 indeed, will make that happen.

125           So again I want to thank my colleagues for their hard  
126 work this year. Our Nation faces urgent challenges. This  
127 committee can be a place where we find solutions.

128           And I yield now to the ranking member of the full  
129 committee, Mr. Waxman.

130           [The prepared statement of Chairman Upton follows:]

131 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
132 Mr. {Waxman.} Thank you very much, Mr. Chairman.

133 Today, we are marking up one bill and a committee  
134 Activity Report. I will save my remarks about the activity  
135 report for later and use this statement to discuss H.R. 1938,  
136 legislation that directs the President to expedite approval  
137 of the proposed Keystone XL pipeline.

138 This pipeline would carry a sludge made from Canadian  
139 tar sands through the middle of America. It would raise gas  
140 prices, endanger water supplies, and increase carbon  
141 emissions, and it should not be approved. Keystone XL is a  
142 highly controversial project. The State Department received  
143 nearly 50,000 comments on the draft Environmental Impact  
144 Statement. Once it is built, we will live with the pipeline  
145 and its impacts for 50 years or more. This is a decision  
146 that we need to get right.

147 Unfortunately, this bill's approach does not get it  
148 right. Instead, it says whatever the risks and costs just  
149 get it done. H.R. 1938 takes the extraordinary step of  
150 interfering in an ongoing decision-making process by the  
151 Secretary of State. The Secretary is in the midst of  
152 determining whether granting the permit requested by  
153 TransCanada would be in our national interest. The process  
154 for making these permit decisions was established by



155 Executive Orders issued by President Johnson and President  
156 George W. Bush. This bill overrides the Executive Orders and  
157 other federal law and it short-circuits the decision-making  
158 process. It requires the President to make a decision by  
159 November 1, even if the Environmental Impact Statement has  
160 not been finalized as required under the National  
161 Environmental Policy Act.

162         It cuts the time for other agencies to provide their  
163 views by two-thirds. It reduces or eliminates the  
164 opportunity for public comment on the national interest  
165 determination. And it essentially determines the outcome.  
166 The bill finds that the earliest possible construction of  
167 Keystone XL will serve the national interest, making it  
168 extremely difficult if not impossible for the State  
169 Department to decide otherwise.

170         I don't think Keystone XL is in the national interest.  
171 My greatest concern is that Keystone makes us more reliant on  
172 the dirtiest source of fuel currently available. On a  
173 lifecycle basis, tar sands emit far more carbon pollution  
174 than conventional oil, almost 40 percent more by some  
175 estimates. That is because it takes huge amounts of energy  
176 to take something the consistency of tar, which they mine,  
177 and turn it into synthetic oil. We should be reducing our  
178 oil dependency using cleaner fuels, but Keystone is a big

179 step in the opposite direction.

180         This project raises many other concerns. At a  
181 subcommittee hearing last week on pipeline safety, we learned  
182 about the potential risks associated with tar sands  
183 pipelines. The Pipeline and Hazardous Materials Safety  
184 Administration testified that current pipeline regulations  
185 may not be sufficient. TransCanada, Keystone XL's owner and  
186 operator has had 12 spills on the first Keystone pipeline,  
187 and it has been operating for less than a year. Keystone I  
188 even had to be shut down earlier this month when it was found  
189 that continued operation without corrective action would be  
190 hazardous.

191         The risks from spills are exacerbated with Keystone XL  
192 because it is rooted through the Ogallala Aquifer, which  
193 spans 8 States and provides drinking water for 2 million  
194 people. The shallow water table and highly porous soils mean  
195 that a spill can spread rapidly.

196         And with all these risks, the benefits are unclear. The  
197 study commissioned by DOE found that we will have excess  
198 pipeline capacity from Canada for the next decade or more,  
199 even without Keystone XL, and Keystone XL will likely raise,  
200 not lower, gas prices. In its permit application,  
201 TransCanada told the Canadian Government that by addressing  
202 the oversupply of crude and raising prices, Keystone XL will

203 increase revenue for Canadian producers by 2 to \$4 billion a  
204 year. If it raises revenues for them, it is coming from our  
205 American consumers.

206 I understand why big oil wants Keystone XL and I know  
207 why they want to short-circuit the process. The more we  
208 learn about this project, the worse it looks. What I don't  
209 know is why we should be weighing in on the side of the oil  
210 companies when the risks are so high for the American people.

211 [The prepared statement of Mr. Waxman follows:]

212 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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213           The {Chairman.} The chair would recognize the chairman  
214 of the Energy and Power Subcommittee, Mr. Whitfield, for 3  
215 minutes.

216           Mr. {Whitfield.} Thank you very much, Chairman Upton.  
217 And we are delighted that H.R. 1938 is before the full  
218 committee.

219           It is becoming quite clear that there is a pattern that  
220 is occurring at EPA, and that happens to be delay, delay,  
221 delay. Yesterday, we passed a bill on the House floor that  
222 would require EPA to change the way it does business relating  
223 to clean air permits for exploratory wells, exploratory  
224 drilling. The same type of delay is occurring in this  
225 pipeline case. TransCanada, the developer of this project,  
226 first submitted its application for a presidential permit in  
227 September of 2008. The State Department didn't release its  
228 draft Environmental Impact Statement until April of 2010.  
229 And at one point in there, Secretary Clinton even made the  
230 comment that she was inclined to approve it.

231           Now, after the State Department issued its draft  
232 Environmental Impact Statement, EPA rejected the draft  
233 statement and told the State Department they needed to  
234 perform more work. After another year, the State Department  
235 issued a supplemental draft statement that addressed EPA's

236 concerns. Even after that had been completed, EPA notified  
237 that that was not satisfactory and additional work needed to  
238 be done.

239         So we see a clear pattern developing at EPA on a broad  
240 spectrum of permit requests. And the pattern is delay,  
241 particularly on projects that they have an adverse view of.  
242 The great thing about this legislation is we are certainly  
243 not directing any agency to decide one way or the other. We  
244 are simply saying it is about time a decision be made and it  
245 has to be made by day certain.

246         And one of the problems that we are having at EPA also  
247 is that final decisions are not being made so there is no  
248 final administrative decision and there is no way that you  
249 can go to a court system to get something resolved. So all  
250 this legislation will do is set a deadline for making a  
251 decision and I hope that the entire committee will support  
252 H.R. 1938.

253         [The prepared statement of Mr. Whitfield follows:]

254 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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255           The {Chairman.} Other members wishing to make an  
256 opening statement? The gentlelady from California, Ms.  
257 Eshoo. And again, we welcome you back from your surgery.

258           Ms. {Eshoo.} Thank you. Thank you very much, Mr.  
259 Chairman, and good morning to all the members.

260           Today, we are marking up H.R. 1938. This legislation  
261 directs the President to expedite approval of the proposed  
262 Keystone XL pipeline, which would carry a sludge made from  
263 Canadian tar sands through six States--Montana, North Dakota,  
264 Nebraska, Oklahoma, Kansas, and Texas--into the heart of  
265 America. The bill would require a final decision on this  
266 controversial pipeline by November 1, unnecessarily--in my  
267 view--expediting a process the Obama Administration said they  
268 would finish by the end of 2011. This project should not be  
269 rushed.

270           The State Department received nearly 50,000 comments on  
271 the draft Environmental Impact Statement, and once it is  
272 built, we will live with the pipeline and its impacts for  
273 generations. The tar sand oil that would be carried by this  
274 pipeline is very destructive because this oil emits far more  
275 carbon pollution than conventional oil, almost 40 percent  
276 more by some estimates. The carbon footprint is massive  
277 because it takes huge amounts of energy to turn a tar-like

278 substance into a synthetic oil. At a time when we must find  
279 ways to end our dependence on fossil fuels, deepening our  
280 reliance on the dirtiest form of oil on the planet is simply  
281 not in the national interest. And this project will not  
282 solve our energy needs.

283         This bill and the Keystone XL pipeline would benefit oil  
284 companies at the expense of the American people, the public  
285 interest, and for all of these reasons, I would urge my  
286 colleagues to vote against it.

287         Thank you, Mr. Chairman, and I yield back.

288         [The prepared statement of Ms. Eshoo follows:]

289 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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290           The {Chairman.} Gentlelady yields back. The chair  
291 would recognize the chairman emeritus, Mr. Barton, for a  
292 minute.

293           Mr. {Barton.} How much? Can I have 2? Is it possible?

294           The {Chairman.} Unanimous consent?

295           Mr. {Barton.} I would ask unanimous consent for 1  
296 additional minute for a total of 2.

297           The {Chairman.} Hearing no objection, the gentleman is  
298 recognized for 2 minutes.

299           Mr. {Barton.} Thank you, Mr. Chairman, and thank the  
300 committee for granting me some extra time.

301           I listen to my good friends from California, Mrs. Eshoo  
302 and Mr. Waxman, and their opening statements. It strikes me  
303 as somewhat odd. We have had a pipeline application pending  
304 for almost 3 years on this particular pipeline. And this  
305 bill before us, as Congresswoman Eshoo just pointed out, says  
306 you have got to make a decision to accept it or deny it by  
307 November of this year. So we are basically saying in 3 years  
308 you ought to be able to make a decision on whether to grant  
309 the permit to build a state-of-the-art pipeline to bring  
310 about 700,000 barrels per day of crude oil from Canada into  
311 the United States.

312           The reason that it is a positive for the United States



313 to bring this crude oil in is that the refineries that it  
314 would come to were set up to process the heavy crudes from  
315 Mexico and Venezuela. And for various reasons, those sources  
316 are drying up. We don't receive as much crude as we did in  
317 the past. The Canadian crude will fit the refinery equipment  
318 very well and it will add to the available fuel supply for  
319 the United States. That should not be that controversial.  
320 And the bill before us doesn't say you have to grant the  
321 permit. It just said make it a presidential decision to  
322 expedite it and either say yes or say no by November.

323 To the extent we have technical issues, those can be  
324 worked out by the technical experts, but surely members on  
325 both sides of the aisle can accept the fact that it is in the  
326 best interest of the United States to get additional crude  
327 supplies from North America into the United States. And so I  
328 support the bill.

329 And with that, Mr. Chairman, I yield back.

330 [The prepared statement of Mr. Barton follows:]

331 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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332           The {Chairman.} The gentleman yields back. The chair  
333 would recognize other members wishing to make an opening  
334 statement on the Democratic side. Mr. Ross is recognized for  
335 1 minute.

336           Mr. {Ross.} Thank you, Mr. Chairman, for bringing the  
337 committee together today to consider this important  
338 legislation. I am proud to help introduce H.R. 1938, the  
339 North American-Made Energy Security Act, which directs the  
340 President to issue a final order granting or denying a permit  
341 for the Keystone XL pipeline project by November 1, 2011.  
342 Let me emphasize, all this legislation does is direct the  
343 President to make a decision. This has been going on for 3  
344 years. Perhaps it would go on for another 3 years, maybe 30  
345 years. It doesn't say approve it. It says make a decision  
346 either granting or denying a permit. And I think it is  
347 important that everyone understands that point because there  
348 has been some comments made this morning already that says it  
349 requires the President to approve it, and that is just not  
350 true.

351           I am very involved in this for a lot of reasons. I have  
352 got a lot of working families in my district struggling to  
353 get by. They are on a rollercoaster with gas prices. They  
354 keep going up and up and up and they simply cannot afford it.

355 It especially hits those hard in rural areas. And I think  
356 the fact the President released oil this morning from the  
357 Strategic Petroleum Reserve is another example why we need  
358 this.

359 Folks, we are sending a half a trillion dollars a year  
360 overseas to buy energy. Too much of that money is ending up  
361 in the hands of the terrorists that want to destroy us. It  
362 is time to start producing our own energy here at home, not  
363 only in the areas of oil and natural gas but also in  
364 investing in alternative and renewable forms of energy so  
365 that we can get a lot of these promising ideas from the  
366 science lab to the marketplace.

367 And Mr. Chairman, thank you for letting me run over.

368 [The prepared statement of Mr. Ross follows:]

369 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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370           The {Chairman.} The gentleman's time has expired. Mr.  
371 Shimkus is recognized.

372           Mr. {Shimkus.} Thank you, Mr. Chairman. I am going to  
373 take personal privilege. I have been a member of the  
374 committee for 15 years and for 8 of those, a Tracy has been  
375 behind my back. Ryan is here. His wife, Mo Tracy, used to  
376 be Mo Zilly, also served in my office for 8 years, and they  
377 are leaving my service. They are leaving the services  
378 committee, and they are leaving Washington, D.C., to go home,  
379 hopefully raise a family. And I just want to thank them. I  
380 want to thank Ryan for his service and I want to thank Mo for  
381 her service. They are going back to God's country and I want  
382 to take this opportunity to do that.

383           The {Chairman.} They are moving to Michigan?

384           Mr. {Shimkus.} No, God's country, Central Illinois  
385 where the living is simple, comfortable, and sweet. So if  
386 you would help me give them a round of applause. And I yield  
387 back my time.

388           The {Chairman.} Other members on the Democratic side  
389 wish to make an opening statement. Seeing none other, Mr.  
390 Terry is recognized for a minute.

391           Mr. {Terry.} Thank you.

392           The sad part about this bill is that it is even

393 necessary to do this. All other cross-border pipelines have  
394 received presidential permits between 18 and 24 months. We  
395 sit here at 33 months, 998 days with no end in sight with the  
396 acts of the EPA in trying to change rules as they go along.  
397 There has been an environmental study done. There has been a  
398 supplemental environmental study done. PHMSA has made their  
399 request, 57 of them, which have been adopted. So it is not  
400 like this hasn't gone through the process.

401 But what is also disturbing and equally disturbing is  
402 how hard the left is fighting the jobs that are going to be  
403 created. According to the building and construction trades--  
404 which I have a letter here that I would like to submit for  
405 the record along with Eli Union letter, which is other  
406 unions--20,000 direct jobs from a project labor agreement,  
407 which these are all good, high-paying union jobs.

408 [The information follows:]

409 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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410 Mr. {Terry.} So let us walk the walk on creating jobs.

411 [The prepared statement of Mr. Terry follows:]

412 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
413           Mr. {Barton.} [Presiding] The gentleman's time has  
414 expired. Who seeks time on the minority side? Mr. Green of  
415 Texas.

416           Mr. {Green.} Thank you, Mr. Chairman, for holding a  
417 markup. And I want to start by saying my strong support for  
418 H.R. 1938, the North American-Made Energy Security Act, which  
419 was introduced by our colleague, Congressman Terry.

420           TransCanada has agreed to comply with 57 additional  
421 special conditions developed by PHMSA for the Keystone XL  
422 project. The supplemental environmental impact went so far  
423 as to state that ``the incorporation of these conditions will  
424 result in a project that would have a degree of safety over  
425 any other typically constructed domestic oil pipeline system  
426 under current code and a degree of safety along the entire  
427 length of the pipeline similar to that which is required in  
428 the high-consequence areas.'' Additionally, an independent  
429 study found that the \$7 billion Keystone project is expected  
430 to create more than 20,000 high-wage manufacturing and  
431 construction jobs across the U.S., 18,000 person-years of  
432 employment. So not only would this project help our energy  
433 security, but it will also help our recovering economy by  
434 creating thousands of good-paying jobs.

435           I am constantly hearing from my building trades about

436 their support for this pipeline and this bill, and yet none  
437 of this even matters because the bill very fairly doesn't say  
438 what the administration's determination should be. Instead,  
439 it just expedites a decision once the final environmental  
440 review has been complete. The pipeline application process  
441 to date already has substantially exceeded the duration of  
442 the two most recent similar cross-border presidential permit  
443 applications, and I encourage my colleagues to support the  
444 bill.

445         And on a personal note, the pipeline would actually end  
446 in the eastern part of our district. We had a scoping  
447 hearing in our district a year ago at the request of the  
448 Sierra Club, but it still supported so we can have an access  
449 to that crude oil from some place other than Saudi Arabia or  
450 Venezuela. I yield back my time.

451         [The prepared statement of Mr. Green follows:]

452 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*



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453 Mr. {Barton.} That was a Texas minute.

454 The chair would recognize the gentleman from  
455 Mississippi, Mr. Harper, for 1 minute.

456 Mr. {Harper.} Thank you, Mr. Chairman. I thank you for  
457 bringing this bill to full committee for markup.

458 The North American-Made Energy Security Act will break  
459 bureaucratic red tape and force a decision on the Keystone  
460 pipeline. That is a decision that is long overdue. The bill  
461 will increase oil supply 1.3 million barrels per day in the  
462 United States, which you know will have a positive impact on  
463 gas prices in this country at the pump.

464 And let us talk about the economy and those 20,000 jobs  
465 that will be created are high-paying construction jobs. And  
466 so 3 years of review is long enough. Let us pass this and  
467 let us find out if indeed the administration is serious about  
468 creating jobs. I urge my colleagues to join me in supporting  
469 this legislation.

470 I yield back.

471 [The prepared statement of Mr. Harper follows:]

472 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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473           Mr. {Barton.} The gentleman yields back. Who seeks  
474 time on the minority side? Seeing no members seeking  
475 recognition, who seeks time on the majority?

476           Mr. Sullivan of Oklahoma is recognized for 1 minute.

477           Mr. {Sullivan.} Thank you, Mr. Chairman.

478           And it is almost ridiculous that we are even talking  
479 about something like this. In the United States we are  
480 purchasing over a billion dollars every day in foreign oil  
481 and we are concerned about something like this? And we talk  
482 about jobs in America, too. Like my colleague Lee Terry  
483 said, this will create 20,000 jobs. I think it will create  
484 even more than that in the United States of America. And  
485 with unemployment the way it is and the economy the way it  
486 is, why aren't we doing something like this? This is  
487 absolutely ridiculous. It is about time that Congress wakes  
488 up and smells the coffee that lessening our dependence on  
489 foreign oil is a good deal. If you are not for this, you are  
490 for more OPEC oil. What is your plan? I hope the President  
491 is serious about this and I hope this measure passes through  
492 the House, the Senate, and is signed by the President of the  
493 United States.

494           Thank you.

495           [The prepared statement of Mr. Sullivan follows:]

496 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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497           Mr. {Barton.} The gentleman yields back. Are there any  
498 members on either side that seek recognition for a 1-minute  
499 opening statement? The gentleman from Texas, Mr. Olson, is  
500 recognized for 1 minute.

501           Mr. {Olson.} Mr. Chairman, thank you for scheduling  
502 this markup today.

503           The bill before us would simply require the President to  
504 approve or disapprove the Keystone XL pipeline project within  
505 a defined time frame. When completed, the Keystone XL  
506 pipeline will transport nearly 1.3 million barrels of North  
507 American oil from Canada across the United States and  
508 eventually end up in a district I represent in the energy  
509 capital of the world, Houston, Texas.

510           The benefits of Keystone aren't limited to Southeast  
511 Texas. Our entire Nation benefits. In addition to helping  
512 shore up our Nation's energy security, the Keystone XL will  
513 provide over 20,000 construction and manufacturing jobs at a  
514 time that our Nation continues to struggle creating jobs.  
515 The administration wouldn't have to take 30 million barrels  
516 from the Strategic Petroleum Reserve to offset the oil  
517 purchasing from the Middle East.

518           This project is a win-win. Putting America back to work  
519 and strengthening American energy security with a trusted

520 neighbor in Canada, I strongly support this bill that ends  
521 unnecessary delays and asks the President for a decision in a  
522 timely manner on the Keystone XL pipeline.

523 I yield back my time.

524 [The prepared statement of Mr. Olson follows:]

525 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
526           The {Chairman.} The gentleman yields back. The  
527 gentleman from Louisiana, Mr. Scalise, recognized for 1  
528 minute.

529           Mr. {Scalise.} Thank you, Mr. Chairman.

530           I rise in strong support of the legislation that would  
531 move the Keystone pipeline forward. If you look at just the  
532 recent announcement by the administration today that they  
533 would go and raid another 30 million barrels from the  
534 Strategic Petroleum Reserve, that is not an answer to our  
535 country's energy needs. It is basically saying, you know,  
536 you have got known reserves here both in America and with our  
537 friends in Canada, and instead of actually going exploring  
538 for energy that we know is right here, they are going to go  
539 and raid the rainy day fund with no plan to actually bring  
540 down imports.

541           If you look at the Keystone pipeline, you are talking  
542 about virtually eliminating Middle Eastern oil just with the  
543 reserves that they have there, not to mention the 20,000 jobs  
544 that you will create. For every dollar we trade with Canada,  
545 we get back about 90 cents of that dollar, and yet the Middle  
546 Eastern oil that we could displace, when we send money to the  
547 Middle East, we get less than 50 cents of that money back,  
548 and much of that money goes and stays in countries that want

549 to use that money to do harm against us.

550           So if you look at high gas prices, the fact that the gas  
551 price has nearly doubled under President Obama, it is no  
552 surprise when they won't allow us to bring Canadian oil into  
553 America where you create 20,000 American jobs and you  
554 eliminate our dependence on Middle Eastern oil.

555           This is a no-brainer. We need to pass this legislation,  
556 create the jobs, and bring down the price at the pump.

557           [The prepared statement of Mr. Scalise follows:]

558 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
559           The {Chairman.} Other members wishing to seek--Mr.  
560 Gonzalez from Texas.

561           Mr. {Gonzalez.} Mr. Chairman, I will use this 1 minute  
562 and we can have this discussion some other time, I guess, but  
563 it is appropriate right now.

564           I will vote for this bill because I think it is  
565 important when it comes to the dependence that we have on  
566 foreign sources. I would rather be looking to Canada; I  
567 would rather be looking to Mexico. As much as I appreciate  
568 the Saudis, we may have some issues there, but I surely don't  
569 want to look to Hugo Chavez or Angola or Nigeria. But I  
570 don't want anyone to truly believe that the price of a gallon  
571 of gasoline is truly going to be impacted. And I have said  
572 this before.

573           Marvin Odom, President of Shell, testifying before the  
574 Senate said, ``simply stated, oil is a global commodity and  
575 oil companies are price-takers, not price-makers.'' Until we  
576 figure out what is going on with the speculators, don't think  
577 for a second that we are really going to impact the price of  
578 gasoline. And I have had this discussion with the American  
579 Petroleum Institute, and they give you one argument, but to  
580 be very honest with you, I think they would agree that we  
581 can't promise our constituents that it is going to be



582 reducing the price of a gallon of gas, but we can surely tell  
583 them that it lends to our national security. And that is  
584 reason enough at this point. It doesn't mean that we are  
585 going to abandon renewable alternatives to what we had in  
586 fossil fuels. But we better figure out what are our  
587 immediate needs in the very near future, and that is why I  
588 would be voting for this bill.

589 Thank you very much. And I yield back.

590 [The prepared statement of Mr. Gonzalez follows:]

591 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
592           The {Chairman.} The chair would recognize Mr. McKinley  
593 from West Virginia for a minute.

594           Mr. {McKinley.} Thank you, Mr. Chairman.

595           In my time here in this committee and also on the floor,  
596 I have heard many people say they are waiting for a jobs  
597 bill. And so for those who are uncertain as to what  
598 constitutes a jobs bill, this is a jobs bill. 20,000  
599 construction workers, opportunities to put people to work in  
600 refineries with this product when they bring it down to the  
601 coast and into Illinois, this is a jobs bill.

602           Nearly 3 years after they have filed their application,  
603 to be waiting for this decision is unconscionable. It is  
604 time for this administration to either paint or get off the  
605 ladder and let us put people to work.

606           Thank you.

607           [The prepared statement of Mr. McKinley follows:]

608 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
609           The {Chairman.} I actually hadn't heard that before but  
610 I am going to remember it. We know a different phrase. It  
611 varies down there, too? The gentleman from Louisiana is  
612 recognized, Dr. Cassidy.

613           Dr. {Cassidy.} I am struck that unemployment in our  
614 Nation is highest among men 18 to 24. As a side note, it is  
615 even higher among veterans who are in that age group. Now,  
616 as it turns out, these men may or may not have a college  
617 education, typically work in mining, manufacturing, or  
618 construction. Those are their options for good jobs with  
619 good benefits. Those people are hostile to these sorts of  
620 initiatives are hostile to these men having good jobs with  
621 good benefits. As it turns out, there will be mining, there  
622 will be Americans, not just Canadians helping with the  
623 mining, there will be construction that brings that down to  
624 the petrochemical plants. And at the petrochemical plants--  
625 many of the people who I represent work in these--again, they  
626 have good jobs with good benefits, not government benefits,  
627 private sector benefits.

628           So if my Democratic colleagues who oppose this bill  
629 really care about employment for these people who are  
630 particularly challenged now, I ask them to support this bill.

631           I yield back. Thank you.

632 [The prepared statement of Dr. Cassidy follows:]

633 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
634           The {Chairman.} The gentleman yields back. Are there  
635 other members wishing to make an opening statement? The  
636 gentleman from Colorado, Mr. Gardner.

637           Mr. {Gardner.} I thank the chairman for the opportunity  
638 to speak this morning. I just wanted to talk a little bit  
639 about the report that was mentioned. If 20 percent of the  
640 price is driven by speculation, then even under your own  
641 argument, 80 percent is driven by supply. So the fact that  
642 we can bring more supplies online through oil sands from our  
643 neighbors instead of the Middle East is an important approach  
644 that we ought to take. 20 percent, as you are citing, driven  
645 by speculation, 80 percent then left for supply. We ought to  
646 be delivering more of our own resources in our own backyard  
647 into this country.

648           Last night we passed a bill out of the House with  
649 bipartisan support to bring a million barrels of oil a day  
650 online. But yet today we see that the President has released  
651 the emergency reserve. The President says that he supports  
652 increased production on our Outer Continental Shelf and other  
653 areas yet takes actions to prevent it from happening. I  
654 think we have got to allow, you know, work on H.R. 1938, the  
655 Keystone XL pipeline, make sure we have an up or down answer,  
656 a decision that can actually creates jobs. And this report

657 in front of us, the document in front of us says that the  
658 Alberta Oil Sands could present opportunities for as many as  
659 6,000 jobs in Colorado over the next 4 years.

660 I believe we ought to pass this bill and start producing  
661 our own resources here and resources from our neighbors and  
662 get away from our dependence on Middle East Oil.

663 [The prepared statement of Mr. Gardner follows:]

664 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
665           The {Chairman.} Other members wishing to make an  
666 opening statement? The gentleman from the great State of  
667 Michigan, Mr. Dingell.

668           Mr. {Dingell.} Mr. Chairman, I thank you and I want to  
669 express my appreciation to you for postponing the markup of  
670 the Coal Combustion Waste Bill. That is the bill in which I  
671 believe we can work the matter out and on which I wish to be  
672 helpful to the chair in this matter, as I know does my good  
673 friend Mr. Green from Texas.

674           I would now focus my thoughts on the other piece of  
675 legislation, H.R. 1938. This directs the President to  
676 expedite consideration and approval of the construction and  
677 operation of the Keystone XL oil pipeline and for other  
678 purposes. The bill is unclear as to what he is to do under  
679 that instruction to expedite the approval of this particular  
680 pipeline. It also leaves us uncertain as to what changes in  
681 existing law, NEPA and other statutes that will need to be  
682 done.

683           We have had a bad experience with the folks at Keystone.  
684 You will recall, Mr. Chairman, that we had a magnificent  
685 spill in Michigan which screwed up our waters and our  
686 wildlife and our fish, and it made people very unhappy  
687 because, quite frankly, it gave strong evidence that the

688 pipeline company was slovenly in the conducting of its  
689 business.

690         It is also true, Mr. Chairman, that we had a major  
691 problem with regard to the proper enforcement of the law by  
692 the pipeline safety people in the Federal Government. They  
693 have a long history of poor work as they do at the Department  
694 of Transportation. And this committee has had to be all over  
695 them like ugly on an ape to try and make them do the job that  
696 they are supposed to do. And I can recount the history of  
697 investigations that we have had over the years to try and  
698 make these people do what they should in terms of assuring  
699 that pipelines don't explode, don't leak and draw waters,  
700 don't threaten the lives, health, and safety of our people.

701         So we have here, then, Mr. Chairman, a situation where  
702 what we are seeking to do is somewhat unclear. I am anxious  
703 to work with you on this matter because I would like to see  
704 this pipeline built. I would also like to see it expedited,  
705 but I would also like to know how and why it is going to be  
706 expedited and what statutes are going to have to be changed  
707 to meet our concerns about seeing to it the matter is  
708 expedited.

709         I thank you for your courtesy to me, Mr. Chairman. I  
710 will have a few useful questions which I will direct at staff  
711 to try and have them help us understand what it is we are



712 doing here and how it is we are going to benefit ourselves  
713 rather than put ourselves at risk by legislating sloppily to  
714 help somebody who has a bad history to function in the  
715 construction and operation of a pipeline carelessly and  
716 sloppily.

717 I thank you, Mr. Chairman.

718 [The prepared statement of Mr. Dingell follows:]

719 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
720 The {Chairman.} The gentleman's time is expired.

721 Other members wishing to make an opening statement? Mr.  
722 Rush is recognized for 3 minutes.

723 Mr. {Rush.} Thank you, Mr. Chairman. Mr. Chairman,  
724 today we are marking up the North American-Made Energy  
725 Security Act, or the TransCanada Act, which would short-  
726 circuit the permitting process and require the Secretary of  
727 Energy to coordinate all of the federal agencies in charge of  
728 issuing a final decision on the Keystone XL pipeline by what  
729 is agreed to is an arbitrary timeline.

730 Mr. Chairman, only a week ago in a hearing on pipeline  
731 safety in the Energy and Power Subcommittee, the Nation's  
732 foremost experts on this subject testified that currently we  
733 do not have a comprehensive plan for transporting tar sands  
734 through the heart of our country and we will not even know if  
735 this substance provides a greater risk than other types of  
736 crude oil. In fact, the administrator the Pipeline Safety  
737 and Hazardous Materials Administration, PHMSA, as well as the  
738 executive director of the Pipeline Safety Trust told the  
739 subcommittee directly that this issue has not even been  
740 studied at all.

741 So today, we simply do not know how transporting this  
742 type of bitumen could affect pipeline safety or how a spill

743 might impact our environment. Yet, instead of heeding the  
744 advice of the very experts responsible for overseeing the  
745 safety of our pipelines and examining this issue more  
746 carefully before moving forward, here we are marking up a  
747 bill directing the administration to hurry up and make a  
748 decision on the pipeline, regardless if the agencies  
749 responsible for studying this issue have completed their  
750 vital work or not. It appears the majority's view is let us  
751 move forward at full speed and we will worry about safety  
752 after the fact.

753         For my constituents, who witnessed the same type of  
754 reckless behavior on the part of BP executives leading up to  
755 the Deep Horizon oil spill last spring, this bill is  
756 incomprehensible, irresponsible, ill-conceived, and  
757 indefensible. We simply do not have a plan or some would say  
758 even a clue. And it would be reckless indeed for Congress to  
759 attempt to rush approval for this pipeline as this bill  
760 clearly does without first even studying the safety  
761 precautions associated with moving forward.

762         And I urge all my colleagues to support the amendment I  
763 will offer. And with that, I yield back the balance of my  
764 time.

765         [The prepared statement of Mr. Rush follows:]

766 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
767           The {Chairman.} The gentleman yields back. Other  
768 members wishing to make an opening statement? The gentl lady  
769 from Illinois is recognized for 1 minute.

770           Ms. {Schakowsky.} Thank you, Mr. Chairman.

771           I am opposed to H.R. 1938. I believe we can meet our  
772 Nation's energy demands without destroying our environment in  
773 the process, and unfortunately, this bill fails to meet that  
774 standard. Forcing the President to rule on TransCanada's XL  
775 permit request before completing a thorough review is both  
776 shortsighted and hazardous. TransCanada's Keystone pipeline  
777 has been in operation for less than a year, has already had  
778 12 known oil leaks, and was called ``an imminent threat to  
779 life, property, and the environment'' by the Pipeline and  
780 Hazardous Materials Safety Administration earlier this month.

781           The XL pipeline, an extension of the Keystone pipeline  
782 would run through the Ogallala Aquifer, which provides 30  
783 percent of our Nation's irrigation water and drinking water  
784 for 2 million Americans. Contaminating the Ogallala would be  
785 an irreversible tragedy. The Keystone XL pipeline is clearly  
786 not a project the President should approve without careful  
787 consideration. I cannot support this legislation.

788           And yield back.

789           [The prepared statement of Ms. Schakowsky follows:]

790 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|

791 H.R. 1938

792           The {Chairman.} Other members wishing to make an  
793 opening statement? Seeing none, the chair calls up H.R. 1938  
794 and asks the clerk to report.

795           The {Clerk.} H.R. 1938, to direct the President to  
796 expedite the consideration and approval of construction and  
797 operation of the Keystone XL pipeline and for other purposes.

798           [H.R. 1938 follows:]

799 \*\*\*\*\* INSERT 1 \*\*\*\*\*

|  
800           The {Chairman.} Without objection, the first reading of  
801 the bill is dispensed with. So ordered. Are there any  
802 bipartisan amendments to the bill? Seeing none, if there are  
803 none, are there any other amendments to the bill? The  
804 gentleman from California, for what purpose does the  
805 gentleman seek recognition?

806           Mr. {Waxman.} Mr. Chairman, I have an amendment at the  
807 desk.

808           The {Chairman.} The gentleman has an amendment at the  
809 desk.

810           Mr. {Waxman.} Number 3.

811           The {Chairman.} Number 3. The clerk will report the  
812 title.

813           The {Clerk.} Amendment to H.R. 1938, offered by Mr.  
814 Waxman.

815           [The amendment follows:]

816 \*\*\*\*\* INSERT 2 \*\*\*\*\*



|  
817           The {Chairman.} And without objection, the reading of  
818 the amendment will be dispensed with by unanimous consent.  
819 And the gentleman is recognized for 5 minutes in support of  
820 his amendment.

821           Mr. {Waxman.} When the Subcommittee on Energy and Power  
822 met to markup this bill, Subcommittee Chairman Whitfield  
823 portrayed it as the answer to high gas prices. He said that  
824 ``more oil means lower prices.'' That sounds logical but oil  
825 markets are just not that simple. The Keystone XL pipeline  
826 is projected to actually increase gas prices in the Midwest.  
827 The owner and operator of the pipeline, TransCanada, told the  
828 Canadian Government that this project will increase oil  
829 prices in the Midwest because of market conditions specific  
830 to Midwest refineries. Therefore, TransCanada said the  
831 project will increase the annual revenue to Canadian oil  
832 producers by an estimated 2 to \$3.9 billion in 2013. And at  
833 the hearing last month on the bill, no one disputed this.

834           Now, I know that my Republican colleagues will say that  
835 higher crude prices won't necessarily increase gas prices,  
836 but at least one prominent oil market economist doesn't agree  
837 with them. Phillip Verleger, who served in both the Carter  
838 and Ford Administrations, says that Midwestern farmers and  
839 consumers will pay billions more at the pump if Keystone XL

840 is built. And when Mr. Rush asked the TransCanada  
841 representative at the hearing whether he could assure  
842 American families in the Midwest that their gas prices  
843 wouldn't go up with Keystone XL, he couldn't do that. Nor  
844 will building the Keystone XL pipeline lower gas prices for  
845 the rest of America. The simple fact is that oil is a global  
846 commodity and absent unique regional market conditions,  
847 prices are generally set by the world market. The amount of  
848 oil transported by Keystone XL is miniscule compared to world  
849 oil consumption, and the Keystone XL pipeline will do nothing  
850 to change world oil prices.

851       According to the Energy Information Agency, the EIA, the  
852 United States is producing the most oil it has produced in 20  
853 years. So are gas prices lower today than they were 20 years  
854 ago? The answer is no. 20 years ago the average price for a  
855 gallon of regular gas was \$1.11 according to the EIA. How  
856 much did you pay for gas this week?

857       So my amendment is very simple. It adds a finding that  
858 states what TransCanada told the Canadian Government about  
859 oil prices in the Midwest. I offer this amendment during the  
860 subcommittee markup. It was rejected. I opposed the bill,  
861 but even those members that support the pipeline shouldn't  
862 try to sell it to the American people as lowering gas prices  
863 when, if anything, it will raise them.

864 I urge my colleagues to be honest and straightforward  
865 with the American public and vote for this amendment which  
866 simply recognizes the oil industry's best projection of how  
867 this pipeline will affect oil prices.

868 I yield back the balance of my time.

869 The {Chairman.} The gentleman yields back.

870 Mr. {Terry.} In opposition to the amendment.

871 The {Chairman.} The gentleman from Nebraska is  
872 recognized for 5 minutes.

873 Mr. {Terry.} Well, I think we do need to be honest and  
874 straightforward with the American public. What this will do  
875 is bring 700,000 barrels per day from a trusted neighbor in  
876 Alberta, Canada. Yes, it is a heavy crude. Heavy crude is a  
877 discount and it will sell on a world oil market price.

878 It is two points here. We had that hearing. We had a  
879 TransCanadian representative here and a whole panel. And my  
880 impression from their testimony was that they all--I thought  
881 very clearly except for the TransCanadian that wouldn't  
882 answer the question directly because as I interpreted it, he  
883 wasn't going to counter a fellow employee, but it was pretty  
884 clear that he wasn't going to agree with that person either.  
885 But we had economists and industry people here that said the  
886 same thing that Gene Green said. Oil is going to be set by  
887 the market price. That is what the refineries in Texas and

888 Illinois and Oklahoma will pay for it.

889           So to sit here and say that this will be an increase is  
890 a prediction of world oil prices, which I would disagree that  
891 putting more oil onto the market would actually lessen world  
892 oil prices. It would add to supply. It is about equivalent  
893 to, well, about half of what Libya is producing or not  
894 producing now. So it makes sense to me that if you are  
895 putting more oil onto the market that prices will decrease,  
896 and that is exactly what the testimony will be.

897           But I have got to just vent a little bit here. It seems  
898 so odd to me that the left fights so hard to bring in this  
899 Canadian oil. Yes, it is a heavier crude. But yet we have  
900 no statements about the money we are sending Venezuela, a  
901 communist--well, yeah, once freely elected but now I would  
902 say a political dictator that is using our oil money to buy  
903 military equipment from Russia--and we have no concern with  
904 that. So to me, by bringing in this 700,000 barrels per day  
905 and the oil security that will be achieved for the United  
906 States here, the money that we won't send to OPEC, that we  
907 won't send to Venezuela certainly is important in this  
908 process. But to sit here and say prices are going to  
909 increase because of this pipeline is just nonsensical.

910           I have a minute left. Does anybody want a minute here?  
911 I yield to the gentlelady, Cathy McMorris Rodgers, from

912 Washington.

913           Mrs. {McMorris Rodgers.} I appreciate the gentleman for  
914 yielding. I was just going to piggyback on your comments  
915 related to Venezuela, you know, because I am in full support  
916 of this North American-Made Energy Act. And I want to see us  
917 getting our oil from friendly neighbors and working together  
918 with them. And it makes sense to me. It makes a lot more  
919 sense than importing a million barrels a day from Venezuela,  
920 sending them \$27 billion annually. Almost a third of their  
921 GDP in Venezuela is coming from America. And I just wanted  
922 to reinforce that point and offer my support of this  
923 legislation.

924           Mr. {Terry.} Thank you. I yield back. I am sorry. I  
925 will yield to the gentleman from Illinois.

926           Mr. {Shimkus.} Yeah, and I will just take the last 44  
927 seconds and, you know, highlight the jobs created. I know  
928 this is kind of directed to the Midwest. Remember, there are  
929 two pipelines. There is the Keystone and the Keystone XL.  
930 The XL is to take this heavy crude to Texas. The Keystone  
931 goes right to my district, \$4 billion of investment to  
932 receive this heavy crude, thousands of construction jobs over  
933 this period of time. And I would just raise the question as  
934 if more crude doesn't affect prices, why would the President  
935 release oil from the SPR? And I would say that he is making

936 the case more crude will help stabilize and lower prices.

937 And I yield back.

938 The {Chairman.} The gentleman's time has expired.

939 Other members in support of the amendment? The gentlelady  
940 from Colorado, Ms. DeGette.

941 Ms. {DeGette.} Mr. Chairman, I just simply want to  
942 point out that all this amendment does is reference the  
943 report that had to be filed with the Canadian Government that  
944 they found themselves, that access would strengthen Canadian  
945 crude oil pricing which would ``expected to increase the  
946 price of heavy crude to the equivalent cost of imported  
947 crude.'' So in fact the cost of the oil is going to go up.  
948 And that was the finding that they made that they filed with  
949 the government.

950 Now, I yield to Mr. Dingell if he would like the rest of  
951 my time.

952 Mr. {Dingell.} Well, I thank the distinguished  
953 gentlewoman.

954 Mr. Chairman, I have some questions I would like to ask  
955 the staff here. I have been looking with some diligence to  
956 find what the President is instructed to do to expedite the  
957 consideration. I find that to be at the bottom of page 5,  
958 line 23 and following. Am I correct on that? That is yes or  
959 no.

960 {Counsel.} Yes.

961 Mr. {Dingell.} Okay. Now, I look with some diligence  
962 to find what it is here that is going to expedite this and  
963 are there any specific instructions to the President or any  
964 agency of the U.S. Government to take any steps or actions  
965 which would, in fact, expedite the process of the application  
966 of Keystone?

967 {Counsel.} Well, yes, because the reference to the--

968 Mr. {Dingell.} If there are, please point them to me  
969 so--where are they?

970 {Counsel.} Page 6.

971 Mr. {Dingell.} Page 6? All right. What are they?

972 {Counsel.} Page 6, line 2 and 3, the requirements are  
973 that the agencies responsible for making the President's--

974 Mr. {Dingell.} If I read that correctly, it says ``the  
975 agency responsible for coordinator considering an aspect of  
976 the President's national interest determination in the  
977 President's permit decision--

978 {Counsel.} And those are--

979 Mr. {Dingell.} --for the construction and operation of  
980 the Keystone XL pipeline.'' Now, what statute here is being  
981 amended? What is the President being instructed to do? What  
982 is any Cabinet officer or regulatory agency being instructed  
983 to do here?

984           {Counsel.} The requirements for the Presidential permit  
985 decision and national interest determination are embedded in  
986 Executive Order 13337, and in that--

987           Mr. {Dingell.} Where is that mentioned here?

988           {Counsel.} The executive order is not but the President  
989 has been executing his authority under--

990           Mr. {Dingell.} Now, remember, we are told here that  
991 this is going to expedite the processing. And I am asking  
992 what steps is the pipeline company going to be instructed to  
993 do? What will the pipeline safety agency, Department of  
994 Transportation or any of them be instructed to do? I find  
995 nothing.

996           {Counsel.} The process for the presidential permit  
997 decision is made pursuant to Executive Order 13337, and it  
998 sets out--the Agency set--the Secretary of State--

999           Mr. {Dingell.} That is not mentioned here, is it?

1000           {Counsel.} The presidential permit is and the President  
1001 executes that under Executive Order 13337.

1002           Mr. {Dingell.} All right. Let us say for 15 minutes my  
1003 name is Obama and I am sitting in the Oval Office and this  
1004 thing comes into me. And I am going to say what did my dear  
1005 friend Mr. Upton and my friends at the Energy and Commerce  
1006 Committee instruct me to do? I am probably going to say,  
1007 well, I am a bald-headed liar if I know because I find



1008 nothing here that tells me what it is I am to do to expedite  
1009 this. It is some fine language and it sounds good and I am  
1010 sure it will look good in campaign brochures. But I don't  
1011 find anything that is mandated to the President or to any  
1012 Cabinet officer or federal regulatory agency to take any  
1013 steps here to move the process forward faster than they would  
1014 do under existing law.

1015       {Counsel.} In general, it is the case that the  
1016 President has been issuing these presidential permits since  
1017 the '60s under an implied authority for foreign affairs and  
1018 as Commander-in-Chief. And then to actually execute that  
1019 implied authority, he has been conducting it under an  
1020 Executive Order, the most recent of them being issued April  
1021 30, 2004.

1022       Mr. {Dingell.} With all respect, young lady, you are a  
1023 fine worder. I got to say you can make a very, very good  
1024 pleading on behalf of a very, very bad case. And I do salute  
1025 you for that. I will observe, however, that I find myself,  
1026 as I leave office here--no longer being named Obama--still  
1027 confused as to what it is I am supposed to do about this  
1028 thing. And I really am not in a position to say how any of  
1029 this is going to expedite my decision-making process or any  
1030 decision-making process inside the administration.

1031       And I have been praying that you would tell me but I am

1032 27 seconds over and I guess we just have to wait for another  
1033 time. Thank you, ma'am.

1034 The {Chairman.} The gentlelady's time has expired. The  
1035 chair would recognize Mr. Barton for 5 minutes.

1036 Mr. {Barton.} Thank you. I would certainly prefer a  
1037 Barack Dingell in the Oval Office to Barack Obama. I think  
1038 watching Mr. Dingell be president would be quite the treat.  
1039 And I also enjoy watching Dingell be Dingell in committee.  
1040 He said almost nothing but he said it in such an enjoyable  
1041 way that it was entertaining.

1042 The key phrases there are ``the President shall  
1043 expedite''--and on page 6--``take all necessary actions.''  
1044 Necessary. So there is specific language in the bill to meet  
1045 the gentleman from Michigan's objections, but sometimes it is  
1046 fun just to watch Chairman Dingell be Chairman Dingell. And  
1047 I enjoyed that.

1048 On the pending amendment--

1049 Mr. {Dingell.} If the gentleman will yield back to me?

1050 Mr. {Barton.} Very briefly.

1051 Mr. {Dingell.} You have been most gracious and kind to  
1052 me this morning. Thank you.

1053 Mr. {Barton.} You are a true treasure of the entire  
1054 Congress, not just this committee.

1055 The amendment before us is somewhat odd in that it is an

1056 amendment to the findings, first of all. I guess I could  
1057 offer an amendment if I were on the minority side. I am in a  
1058 grumpy mood, I don't like the bill, and I am against it--and  
1059 put that in the findings section if our counsel would have  
1060 said that was germane.

1061         What Mr. Waxman is attempting to do is take something  
1062 out of the permit application which was really talking about  
1063 enhanced revenues for the Canadian producers and put it in  
1064 the findings. Well, if you go back and look at the  
1065 application which our excellent majority staff has done, this  
1066 part of the application that Mr. Waxman is referring to was  
1067 simply pointing out the fact that because of limiting  
1068 marketing opportunities because of delivery options, the  
1069 Canadian oil that results from the tar sands sells at a  
1070 discount on the world market to Saudi like right now of  
1071 approximately \$20 a barrel. But if you give an additional  
1072 outlet for markets, which the pipeline would do, there is a  
1073 distinct possibility that that discount would shrink because  
1074 there would be more competition for that particular product--  
1075 in this case, oil that is derived from the Canadian oil  
1076 sands.

1077         But that does not mean that the price that consumers  
1078 would pay, you know, in the Gulf Coast at the end of the  
1079 pipeline would rise. It would give consumers an additional

1080 option. They could take oil from the pipeline. They could  
1081 take West Texas Intermediate coming over from the Permian  
1082 Basin. They could take imported oil from Mexico and  
1083 Venezuela, or they could continue to even import oil perhaps  
1084 as far away as from Saudi Arabia. It would be an additional  
1085 source of supply. And that is not going to raise prices.

1086         Mr. Waxman was absolutely correct when he pointed out  
1087 that oil is fungible and it is a world commodity, and on  
1088 average, there is an average price that is set every day in  
1089 the marketplace. Different people try to manipulate it.  
1090 OPEC tries to tighten supply and raise the price. Various  
1091 producers--and as has been pointed out by Mr. Shimkus--the  
1092 President of the United States is trying to influence the  
1093 price as his election prospects dim by releasing 30 million  
1094 barrels of oil hopefully to lower prices during the peak  
1095 driving season this summer.

1096         So various factors every day in the world market try to  
1097 influence the average price, but each specific type of crude  
1098 oil sells at a premium or at a discount to the world price.  
1099 And the Keystone pipeline if it is approved and if it is  
1100 built is going to provide 700,000 barrels of oil today to the  
1101 chief area of the United States that has our refinery  
1102 complexes, and that additional supply will provide  
1103 competition for the existing supplies, and that should--all

1104 things being equal, if the world oil situation is in balance--  
1105 --tend to lower prices to the consumers in the United States--  
1106 I mean the market areas served by the refineries.

1107 Mr. {Waxman.} Will the gentleman yield?

1108 Mr. {Barton.} I would be happy to yield.

1109 Mr. {Waxman.} You have given us a very erudite  
1110 explanation of markets, but TransCanada submitted a claim  
1111 that they are going to get a 2 to 4 billion increase in  
1112 revenues and--

1113 Mr. {Barton.} Million.

1114 Mr. {Waxman.} --under your argument, no one is paying  
1115 that. It is obviously 2 to \$4 billion that somebody is going  
1116 to pay, and it is going to be the people in the Midwest  
1117 because of the unique conditions of the supply of oil in that  
1118 region.

1119 Mr. {Barton.} Well, reclaiming my 2 seconds, the  
1120 Canadians are saying if they have an increased outlet, that  
1121 \$20 a barrel discount might decline because there is another  
1122 outlet for the oil. But it still has to compete on the Gulf  
1123 Coast with other sources of supply. And if it doesn't  
1124 compete economically, it will not be taken. So overall, as  
1125 we put more oil into the American market, you are going to  
1126 tend to drive the average price down.

1127 And with that, I oppose the amendment and yield back.

1128           The {Chairman.} The gentleman's time has expired.

1129   Other members wishing to speak on the amendment?

1130           The gentleman from Massachusetts, Mr. Markey, recognized  
1131 for 5 minutes.

1132           Mr. {Markey.} Thank you, Mr. Chairman. And this is  
1133 just to, you know, reinforce the point that Mr. Waxman was  
1134 just making and that is that in a document provided by  
1135 Keystone to the Canadian Government--so this is an official  
1136 document from the company to the Canadian Government--it says  
1137 that it will actually increase revenues for tar sands  
1138 producers by 2 to \$4 billion a year by raising crude oil  
1139 prices in the Midwest. So, you know, we just have to  
1140 basically take them at their word that that is what the  
1141 impact will be of, you know, the approval of this project.

1142           And maybe the majority doesn't want to acknowledge the  
1143 business model that TransCanada has for this pipeline, but it  
1144 does intend to make additional billions of dollars off of  
1145 Midwestern families and Midwestern farmers.

1146           Mr. {Barton.} Will the gentleman yield?

1147           Mr. {Markey.} Let me just finish here for a second.

1148           And by saying that it will reduce gasoline prices over  
1149 and over again just doesn't make it so because that is not  
1150 what this pipeline project, according to their own documents,  
1151 is intended to achieve.

1152           So if the permit application is inaccurate, then  
1153   Keystone, you know, TransCanada should correct this. But the  
1154   fact is that there is no need for the pipeline right now. A  
1155   report commissioned by the Department of Energy states that  
1156   for the next decade there is excess pipeline capacity, even  
1157   without the Keystone XL. This pipeline is being touted as a  
1158   way to help Americans at the pump. Instead, like so many  
1159   other Republican bills, it is just helping the oil industry  
1160   at the expense of the American public.

1161           I would be glad to yield to my friend from Texas.

1162           Mr. {Barton.} Well, thank you.

1163           In an earlier life, you sold ice cream at Fenway Park,  
1164   is that not correct.

1165           Mr. {Markey.} That is correct.

1166           Mr. {Barton.} On a day--and there never was such a day,  
1167   but assume there was a day that there was only one fan at  
1168   Fenway Park. Did that decrease your revenue potential or did  
1169   it increase your revenue potential for your ice cream sales?

1170           Mr. {Markey.} That would be a rainy day. That would be  
1171   a rainout.

1172           Mr. {Barton.} But on a day when there was standing room  
1173   only and it was hot, it tended to increase your revenue  
1174   potential, is that not correct?

1175           Mr. {Markey.} You definitely want thirsty children

1176 begging their parents to buy ice cream at Fenway Park. That  
1177 definitely enhances you--

1178 Mr. {Barton.} Now, you know markets because you  
1179 probably were the premier ice cream seller at Fenway Park.  
1180 If you were in charge of marketing for the Canadian oil  
1181 sands, you would want more potential customers rather than  
1182 less and you would want a delivery system that it got it to  
1183 them sooner rather than later. And that is all this study  
1184 that the permit application that you are referring to is  
1185 saying is that it gives them an additional outlet, and by  
1186 giving them an additional outlet, they can sell more oil than  
1187 they would otherwise. And number two, by creating more  
1188 competition for it, they might get a higher price. Wouldn't  
1189 you agree with that?

1190 Mr. {Markey.} I would say in response that you are  
1191 correct, but the price was--

1192 Mr. {Barton.} Let the record show Mr. Markey finally  
1193 admitted that I was correct about something.

1194 Mr. {Markey.} And I can reclaim my time. Here is the  
1195 way it works.

1196 Mr. {Barton.} It is your time.

1197 Mr. {Markey.} When I was selling in a blue collar  
1198 community, a Popsicle cost 7 cents. When I moved to an  
1199 affluent community, I raised the price of a Popsicle to 10



1200 cents. I am driving around in my ice cream truck and I am  
1201 18, I am 19, I am 20, I am 21--

1202 Mr. {Barton.} I didn't know you had your own truck. I  
1203 am impressed.

1204 Mr. {Markey.} Oh, yeah, it was a family truck. And it  
1205 was a huge truck and you are going out the window. But when  
1206 I went over to Fenway Park at night, I raised my prices to 25  
1207 cents. Now, since the Popsicle only cost a penny at 9:00  
1208 a.m. in the morning at the warehouse and I am out retail, it  
1209 is true that I did raise my prices. And the hotter the night  
1210 is the higher the price. And by the way, you can get it  
1211 because there was no competition. You know, there were no  
1212 Connor stores, Mr. Frosty wasn't there with his truck and I  
1213 was all alone.

1214 So what I learned about markets, in fact, was that you  
1215 are kind of looking to control the market and to charge  
1216 whatever you can get away with in that market. And what we  
1217 are learning here from this filing by Keystone, by  
1218 TransCanada, is that they intend on taking 2 to \$4 billion a  
1219 year by raising crude oil prices in the Midwest. And I do  
1220 understand that because I had a temptation to do that when I  
1221 was 18, 19, and 20 because I understand the insight, you  
1222 know, that you have to have into markets. There really is no  
1223 control over what a producer, a sales operative can extract

1224 from consumers. And here it just doesn't seem as though it  
1225 makes a lot of sense from a market perspective for the U.S.  
1226 at this time.

1227 I yield back the balance of my time.

1228 The {Chairman.} The gentleman's time has expired.

1229 Other members wishing to speak on the amendment?

1230 The gentleman from Ohio is recognized for 5 minutes.

1231 Mr. {Latta.} Thank you, Mr. Chairman. And I would like  
1232 to speak in opposition to the amendment.

1233 Canada is Ohio's largest trading partner when we are  
1234 looking at foreign countries, and if we didn't have Canada  
1235 out there, we would be in trouble in the State of Ohio. And  
1236 we need Canadian oil and has already been said from my  
1237 colleagues that it is very, very important that we trade with  
1238 our friends and also send our money to our friends. We don't  
1239 want to keep sending money to people that don't like us and  
1240 we don't know where that money then ends up. But we know  
1241 that it goes up to Canada. It is used by them and we get  
1242 about a 90 percent return on what we send up there.

1243 And as we are talking about needing more oil, I am not  
1244 sure how many people when they go home on the weekends--  
1245 because I am home every weekend and I put a lot of miles on  
1246 my car across the district--have noticed the things going on.  
1247 When I go up to the gas pump and buy my gas, I am noticing

1248 that people are buying three, four, five gallons at a time  
1249 now. They are not out filling up those tanks. So we have  
1250 got a lot of folks out there that are, you know, really  
1251 living paycheck to paycheck and they have got to have more  
1252 oil and we have got to have it at a better price.

1253 And one of the things also that we need to have in the  
1254 Midwest are more jobs. And it is kind of interesting in one  
1255 of these reports that are right before us here showing that  
1256 an increase in jobs by the impact of Alberta oil sands on the  
1257 development on U.S. state economies from '09 to '25 shows  
1258 that in Ohio alone that we will have an increase from 2011 to  
1259 2015 of about 13,200 jobs, an increase in jobs from '09 to  
1260 '25, 23,500. It also shows up in Michigan that there will be  
1261 an increase of over 18,900 jobs.

1262 And again, you know, we are close proximity to our  
1263 Canadian friends, and when I used to be in the Ohio  
1264 legislature, I was closer to Windsor, Ontario than I was to  
1265 Columbus, Ohio, and so we have a lot of trading going back  
1266 and forth up and down I-75 with our Canadian friends.

1267 Also, I would like to point out that just the number of  
1268 firms--by this report--showing that how much more jobs we can  
1269 create out of this because of the number of suppliers from  
1270 the State of Ohio that supply manufacturing products up into  
1271 Alberta and into the Canadians. It is 39 suppliers.

1272 Michigan is 21. Pennsylvania is 67. These are all jobs that  
1273 we have to have in the States. We need them in Ohio. We  
1274 need them in Michigan.

1275 And with that, Mr. Chairman, I yield back.

1276 The {Chairman.} The gentleman yields back.

1277 Are there other members wishing to speak on the  
1278 amendment? Seeing none, I think we are ready to vote on the  
1279 amendment. All those in favor of the amendment will vote  
1280 aye. Those opposed, say no. Noes appear to have it. Noes  
1281 have it. The amendment is not agreed to.

1282 Other members wishing to offer an amendment to the bill?

1283 The gentleman from Massachusetts, Mr. Markey.

1284 Mr. {Markey.} Mr. Chairman, I have an amendment at the  
1285 desk, Number 9.

1286 The {Chairman.} The clerk will report the title of the  
1287 amendment.

1288 The {Clerk.} An amendment offered by Mr. Markey of  
1289 Massachusetts.

1290 [The amendment follows:]

1291 \*\*\*\*\* INSERT 3 \*\*\*\*\*

|  
1292           The {Chairman.} And the amendment will be considered as  
1293 read. The staff will circulate the amendment and the  
1294 gentleman is recognized for 5 minutes in support of his  
1295 amendment.

1296           Mr. {Markey.} Thank you, Mr. Chairman, very much.

1297           During our hearing on this bill, we were repeatedly told  
1298 that approving this pipeline would lower gas prices at the  
1299 pump despite the fact that TransCanada's initial assessment  
1300 projected that oil prices would rise in the Midwest as a  
1301 result of the construction of the Keystone pipeline.

1302           TransCanada also projected that its profits would  
1303 dramatically increase because it could charge more for oil on  
1304 the Gulf Coast than it can in the Midwest. We were also  
1305 repeatedly told that the oil coming from Canada would enable  
1306 us to reduce our dependence on oil imported from unfriendly  
1307 Middle Eastern nations. In fact, TransCanada's application  
1308 for its permit even states that the proposed pipeline will  
1309 serve the national interest of the United States by providing  
1310 a secure and reliable source of Canadian crude oil to meet  
1311 the growing demand by refineries and markets in the United  
1312 States.

1313           And despite 12 spills from the existing Keystone  
1314 pipeline in the past year, we were repeatedly told that

1315 cutting short the environmental safety review of the Keystone  
1316 pipeline would be fine because of all the benefits that will  
1317 accrue to the American people from lower gas prices,  
1318 increased jobs and greater energy security once this pipeline  
1319 is approved. But we were not repeatedly assured that once  
1320 all of this oil is shipped from the tar sands of Canada all  
1321 the way to the Gulf of Mexico that at the end of the day,  
1322 none of it will be simply placed on oil tankers and be re-  
1323 exported to be sold within the larger global oil market.

1324 My amendment simply ensures that all of the purported  
1325 benefits from the approval of the Keystone pipeline go to the  
1326 American consumer and not to big oil by requiring the  
1327 Department of Energy to ensure that the oil stays here in the  
1328 United States and that benefits refiners and the consumers in  
1329 the United States and not in countries around the world. It  
1330 does this through a requirement that the Department of Energy  
1331 ensure that the oil and refined petroleum products that will  
1332 be transported by this new pipeline enter domestic commerce  
1333 for final disposition.

1334 The President may waive this requirement if he finds  
1335 that such a waiver is in the national interest, which in my  
1336 language means that three conditions must be met. First,  
1337 before waiving the requirement that oil stay in this country,  
1338 the President must find that a waiver would not lead to an

1339 increase in imports of crude oil or refined petroleum  
1340 products from countries hostile to the United States with  
1341 political or economic instability that compromises supply  
1342 security. Second, the President will also be required to  
1343 determine that a waiver will not lead to higher costs for oil  
1344 refiners. And finally, and most importantly, the President  
1345 will be required to determine that a waiver will not lead to  
1346 higher prices at the pump for the American consumer.

1347         This amendment is consistent with a longstanding U.S.  
1348 policy on oil exports. There are already similar provisions  
1349 in place to restrict oil exports from the Trans-Alaska  
1350 pipeline and other domestically produced oil that is  
1351 transported by way of pipelines across the public lands.

1352         This amendment continues to allow for oil swaps between  
1353 the United States and other countries in which equivalent  
1354 amounts of crude oil and refined product moves between the  
1355 U.S. and friendly foreign nations and it continues to  
1356 preserve other bilateral agreements and existing authorities.

1357         At our hearing, one of our witnesses asked the question  
1358 do they want secure, stable oil from a friendly neighboring  
1359 Canada or do they want to continue importing even more high-  
1360 priced foreign oil from volatile regions such as Venezuela or  
1361 the Middle East? We should not pass legislation that  
1362 expedites the approval of such a complex and controversial

1363 project without at least making sure that the secure, stable  
1364 oil from friendly neighboring Canada stays here in the United  
1365 States to protect our consumers, our economy, our people from  
1366 being tipped upside down at the pumps by actions that are  
1367 taken by other countries around the world. I urge an aye  
1368 vote on this amendment.

1369 And I yield back the balance of my time.

1370 Mr. {Barton.} Mr. Chairman?

1371 The {Chairman.} The gentleman from Texas first  
1372 recognized for 5 minutes.

1373 Mr. {Barton.} And I don't think I will take 5 minutes,  
1374 Mr. Chairman.

1375 It pains me that my friend from Massachusetts who  
1376 started off with such promise as an ice cream seller and  
1377 understood markets so perfectly that he was even capable of  
1378 manipulating the market by deciding where best to maximize  
1379 his profits, and I didn't even know he had a mobile supply  
1380 outlet, i.e. an ice cream truck that he could move around--to  
1381 see how far he has fallen as he has gotten, you know, wise  
1382 and seniority in Congress. Either you trust markets or you  
1383 don't.

1384 Now, I will stipulate that probably 95 percent of the  
1385 time, every bit of oil that comes through this pipeline if it  
1386 is built that is refined into products is going to be sold in



1387 the United States simply because we are the largest market,  
1388 we tend to have the best prices, and it just makes economic  
1389 sense. However, having said that, there will be occasion, a  
1390 hurricane in the Gulf of Mexico, something happened perhaps  
1391 in one of the Caribbean Islands, in Mexico, that it makes  
1392 economic sense a product that is produced to be shipped  
1393 overseas. I don't think that will happen very often, but it  
1394 on occasion may happen.

1395         If you trust markets, the market will determine the best  
1396 way to maximize the profit from the products that are refined  
1397 just like Mr. Markey maximized his popsicle profits by he  
1398 knew he could get the best price at Fenway Park where he had  
1399 a monopoly, but during the day when there were no games, he  
1400 would go out into the neighborhoods and sell popsicles for  
1401 less but he still made a profit because it only cost him a  
1402 penny. And knowing the golden heart of Mr. Markey, while he  
1403 won't admit it, I bet there were occasions where he went into  
1404 the poorer neighborhoods of Boston and gave popsicles away  
1405 because he is just that kind of a guy.

1406         Mr. {Green.} Mr. Chairman, does the gentleman yield?

1407         Mr. {Barton.} I will be happy to yield.

1408         Mr. {Green.} First of all, I did not know our colleague  
1409 from Massachusetts sold ice cream at Fenway Park. I was  
1410 proud of my time I sold Cokes. Here in the South we call it

1411 soda water, Colt 45s.

1412 Mr. {Barton.} Yeah, I probably bought some. You  
1413 probably ripped me off.

1414 Mr. {Green.} Before we had the Astros, we had our Colt  
1415 45s. But I just wanted to engage you because I am familiar  
1416 with imported oil. I have five refineries actually, but two  
1417 of them have contracts, one with Mexico. The Shell refinery  
1418 has a contract with Pemex to bring in heavier Mexican crude.  
1419 And part of that agreement is they have to ship back refined  
1420 product to Mexico because Mexico does not refine enough in  
1421 their own country. But that is part of the contract. Now, I  
1422 have aligned L refinery that for years has brought in heavier  
1423 crude from Venezuela. Now, there is no agreement to send  
1424 back to Venezuela refined product. CITGO probably takes care  
1425 of that.

1426 But, you know, this would be the first time we would put  
1427 that on a requirement because we do import oil from other  
1428 countries, and part of that agreement is to send back refined  
1429 product. So why would we do this?

1430 Mr. {Barton.} Reclaiming my time. The agreement that  
1431 you just alluded to is a market-based approach. They send  
1432 the product where it makes the most sense at that time to  
1433 send them. And I will stipulate that for this particular  
1434 product, a market-based approach will always be best. We

1435 don't need the Markey amendment, as well-intentioned as it  
1436 is, because it will distort the market. And with all due  
1437 respect, the President of the United States is not the best  
1438 person to decide market outcomes, regardless of who is in the  
1439 White House, whether it is President Dingell or President  
1440 Obama or maybe my governor, you know, President Perry or my  
1441 former speaker, President Gingrich, whoever. They are not in  
1442 the best position to determine how to allocate output.

1443         So I would respectfully oppose Mr. Markey's amendment.  
1444 And I yield back.

1445         The {Chairman.} The gentleman yields back. Other  
1446 members wishing to speak in support of the amendment? Mr.  
1447 Waxman is recognized for 5 minutes.

1448         Mr. {Waxman.} Mr. Chairman and my colleagues, I support  
1449 the Markey amendment. We hear over and over that the State  
1450 Department must approve the Keystone XL pipeline to enhance  
1451 our energy security. As one of the witnesses at the hearing  
1452 pointed out, shipping Canadian oil across America doesn't  
1453 make it a domestic product. And if that Canadian oil is then  
1454 exported to China, we will have gained nothing, absolutely  
1455 nothing from this pipeline except for the higher gas prices  
1456 in the Midwest, more profits for Gulf Coast oil refineries,  
1457 and the risk of oil spills in the Ogallala Aquifer. Well,  
1458 that is a pretty bad deal.

1459           And in fact the finding in the legislation, Finding  
1460 number 7, says ``the principle choice for Canadian oil  
1461 exporters is between moving increasing crude oil volumes  
1462 through the United States or Asia led by China. Increased  
1463 Canadian oil exports to China will result in increased United  
1464 States crude oil imports from other foreign sources,  
1465 especially the Mideast.'' Well, that would be a bad deal.  
1466 But the Republican response to these concerns is this won't  
1467 happen. The oil companies won't send the tar sands crude oil  
1468 or refined products to China or other countries. Maybe not.  
1469 Or maybe not right now. There is a market. And maybe if the  
1470 market conditions are right, we better not count on the oil  
1471 companies not to export.

1472           Does anyone here really think that out of the goodness  
1473 of their hearts the oil companies will forgo profits if they  
1474 can get a better price for their oil elsewhere? After all,  
1475 the CEO of Valero, which is pushing for Keystone XL says that  
1476 ``the future of refining in the U.S. is in exports.'' The  
1477 future of refining in the U.S. is in exports. Now, we hear  
1478 from people representing those areas where there is going to  
1479 be increased refining and their oil companies' constituents  
1480 are going to make a lot of money, but that doesn't mean the  
1481 oil is going to stay here.

1482           Patriotism sure hasn't stopped many manufacturers from

1483 relocating overseas. All we have to do is pick up the  
1484 newspaper any day of the week to hear about all of the  
1485 profits for which no taxes are paid in the United States  
1486 because the companies go through these extravagant ways of  
1487 trying to make sure they didn't make the money here for tax  
1488 purposes. And they would claim they are patriots for sure.

1489         This amendment simply provides that if the State  
1490 Department approves Keystone XL to enhance energy security,  
1491 we should have some assurance that the oil will be used here  
1492 rather than being shipped to China.

1493         The amendment doesn't bar exports. Instead, it provides  
1494 reasonable leeway for the President to allow for exports when  
1495 it is in the national interest. I think that is the minimum  
1496 we should ask, and I urge my colleagues to support this  
1497 amendment. And I want to yield to Mr. Markey.

1498         Mr. {Markey.} I thank the gentleman very much.

1499         In the amendment itself, we make it possible for the  
1500 President to provide waivers for such requirements if the  
1501 crude oil is refined in an adjacent foreign country and  
1502 consumed therein in exchange for the same quantity of crude  
1503 oil being consumed in the United States. So that helps to  
1504 provide for some constancy in terms of the international  
1505 agreements that are reached, but it keeps an equivalent  
1506 amount of oil here in the United States for our consumers and

1507 it also gives the President the ability to issue a waiver if  
1508 there is an international agreement that has to be met as  
1509 well.

1510         So I think that it is important to understand that  
1511 ultimately we should only do this if it is helping our  
1512 country. You know, we should do it in order to protect our  
1513 consumers. For every \$10 a barrel that the price of oil goes  
1514 up, it is 2/10 of a point off the GDP growth in our country.  
1515 And one of the key factors since World War II has been that  
1516 11 out of 13 recessions that have occurred since World War II  
1517 have been related to increase in the price of oil. One of  
1518 the best ways to ensure that that does not occur here is to  
1519 make sure that any oil that we have stays here and is used in  
1520 order to reduce the likelihood of an increase in economic  
1521 activity being harmed.

1522         Mr. {Waxman.} We know, Mr. Chairman and my colleagues,  
1523 that the Canadian crude oil companies are going to make an  
1524 extra 2 to \$4 billion at the expense of the Midwestern  
1525 ratepayers. We also know that the oil company refineries are  
1526 going to make money when this crude oil is brought down into  
1527 Louisiana. What we don't know is whether the Koch brothers  
1528 are going to make money because they wouldn't even answer our  
1529 questions nor did we get any cooperation to get answers to  
1530 our questions. But, presumably, they may make some money out

1531 of all of this as well. But we are not going to get the  
1532 benefit for the American people because they make more money  
1533 at the refineries and at the oil companies and in Canada.

1534 The {Chairman.} The gentleman's time has expired.

1535 Mr. {Terry.} Move to strike the last word.

1536 The {Chairman.} The gentleman from Nebraska, Mr. Terry.

1537 Mr. {Terry.} Thank you, Mr. Chairman.

1538 This is almost comical. Yes, if we buy more oil from  
1539 OPEC, Venezuela, they are going to make more money from it.  
1540 That is how markets work. I would encourage my colleagues to  
1541 vote no on this. Not only is it requiring now several new  
1542 hurdles to jump through that aren't already in statute, this  
1543 is a way of trying to kill the pipeline here in reality,  
1544 which is the ultimate goal here is to kill the pipeline  
1545 because they don't want this new oil coming in because it is  
1546 all about being against fossil fuels. That has been  
1547 confirmed by some of the environmentalist comments and the  
1548 political article today.

1549 Mr. {Whitfield.} Will the gentleman yield?

1550 Mr. {Terry.} I want to in just a second.

1551 But not only is this impossible, it is impossible for  
1552 the President to even make those determinations and  
1553 guarantees unless the President has total control of the  
1554 markets. Now, Chavez has done that in Venezuela, but I am

1555 not sure the American people are willing to give the  
1556 President total control of the markets in the United States  
1557 so that he would become a dictator that could manipulate the  
1558 markets and make those type of dictates.

1559         But the practical problem here, or answer, is that if we  
1560 send this oil to the refineries, they are going to use that  
1561 because it is a heck of a lot cheaper, easier, accessible  
1562 than bringing it in on the ships. But here is just one  
1563 little statistic. Alberta to Houston to Shanghai, 11,500  
1564 miles. Alberta to Vancouver to Shanghai, 5,900 miles.

1565         I yield to the gentleman from Kentucky.

1566         Mr. {Whitfield.} Well, thanks very much for yielding.

1567         You know, listening to this debate reminds me of the  
1568 article in the New York Times recently where a spokesman for  
1569 the Natural Resources Defense Council, which is the leading  
1570 critic of this pipeline, make the comment ``this is really a  
1571 campaign against tar sands expansion rather than this  
1572 particular pipeline.'' And I think that is exactly the case  
1573 here. But if we are going to be less dependent, it is  
1574 important that we take product from wherever we can. And I  
1575 think the gentleman made a great point that it will be going  
1576 to China if it does not go here.

1577         And I will yield back to the gentleman.

1578         Mr. {Terry.} Thank you. I yield to the gentleman from



1579 Pennsylvania.

1580 Mr. {Murphy.} I thank the gentleman from Nebraska.

1581 A couple other points to add to this. We currently have  
1582 a large amount of foreign aid to OPEC countries. And any of  
1583 my colleagues who have traveled to these countries and see  
1584 how beautiful their roads are, their new buildings, they are  
1585 building islands with our money to the tune of \$129 billion a  
1586 year. We don't get much say in that because we also know the  
1587 OPEC countries meet and they have talked in the past about  
1588 raising oil prices to the cost of \$200 a barrel. We are not  
1589 at that table because we are dependent upon them.

1590 And also world oil prices are affected by how much oil  
1591 is in the market. Now, we may not be able to control where  
1592 all that oil is sold. Will some of it go to foreign nations?  
1593 Maybe. I know that that is part of what happens. But when  
1594 oil comes from Canada and through the United States, that is  
1595 things that OPEC cannot control. And when OPEC cannot  
1596 control it, we have leverage against some of those oil prices  
1597 and when we have leverage against it, there you don't have  
1598 their hands around our throat squeezing more out of us and  
1599 then building beautiful things in their country. That is the  
1600 way the world markets work and that is why I believe we  
1601 should be doing all we can to make sure that we have more of  
1602 this oil coming through the United States.

1603           One other point about this, too, is there is also a  
1604 large amount of gasoline we import because we don't have the  
1605 capacity to do several things. I say use more of our oil,  
1606 drill more for our oil, use more North American oil, and help  
1607 bring prices down under our control.

1608           I yield back to the gentleman.

1609           Mr. {Terry.} Reclaiming my time. I just want to read  
1610 from the EPA's own letter of July 16, page three. ``Based on  
1611 our review, there is a reasonable close causal relationship  
1612 between issuing a cost border permit for the Keystone XL  
1613 Project and the increased extraction of oil sands crude in  
1614 Canada intended to supply that pipeline. Not only will this  
1615 pipeline transport large volume of oil sands crude for at  
1616 least 50 years from a known dedicated source in Canada to  
1617 refineries in the Gulf Coast, there are no significant export  
1618 markets for this crude oil other than the United States.''

1619           The {Chairman.} Gentleman's time has expired. Other  
1620 members wishing to speak on the amendment? I see one more  
1621 and then we will--gentleman from Louisiana.

1622           Dr. {Cassidy.} Yeah, thank you. I am not sure if the--  
1623 maybe I just don't understand the amendment, but I am not  
1624 sure that the author of the amendment understands what they  
1625 do with oil. Now only a portion of the oil goes to gasoline.  
1626 There are different fractions, some of which is used for jet

1627 fuel. Some of which ultimately serves as feed stock for the  
1628 production of plastic.

1629 The {Chairman.} Is the gentleman using his mic?

1630 Dr. {Cassidy.} It is on. So some of it is used as feed  
1631 stock for plastics. Now, as it turns out, Exxon Mobile is in  
1632 my district, and I know the left hates Exxon Mobile. But  
1633 they recently did an expansion in my district. 9,000 people  
1634 were employed constructing the expansion. Now, another--I  
1635 don't know--few thousand are going to be employed producing  
1636 the plastics that are exported across the world. Now, that  
1637 is in export from a fraction of the oil.

1638 When I asked the folks there why did they choose to  
1639 expand in Louisiana as opposed to China, India, or elsewhere,  
1640 they said, one, we have rule of law. That is good. Two, we  
1641 have great workers. That is also good. And three, they said  
1642 they have reliable feedstock. Now, it is the reliable  
1643 feedstock, which is a portion of this oil, a refined  
1644 petroleum product, that our workers are actually turning into  
1645 something that we export across the world.

1646 Now, I don't think the author of this bill understands  
1647 that it is not the whole thing that goes into gasoline. It  
1648 is only a fraction, and that that other fraction employs  
1649 thousands of American workers making products that we then  
1650 export, high-value-added products. Now, do I think that the

1651 president--

1652 Mr. {Markey.} Will the gentleman yield?

1653 Dr. {Cassidy.} --would understand this? Absolutely

1654 not. The President has shown minimal understanding of oil

1655 and gas market.

1656 Mr. {Markey.} Will the gentleman yield?

1657 Dr. {Cassidy.} I will yield.

1658 Mr. {Markey.} I thank you. It is on line seven of my

1659 amendment. It says very clearly that if the oil is entered

1660 into domestic commerce, then it is fine, and domestic

1661 commerce, I will say this--

1662 Dr. {Cassidy.} Reclaiming my time.

1663 Mr. {Markey.} --that that would include the industry

1664 that the gentleman was just--

1665 Dr. {Cassidy.} Reclaiming my time. If they make a

1666 high-value-added product and they ship it to you-name-it-

1667 where--

1668 Mr. {Markey.} That would be fine under my amendment.

1669 Dr. {Cassidy.} I don't see where--

1670 Mr. {Markey.} I say that for the congressional record

1671 for congressional intent. That would be fine.

1672 Mr. {Kinzinger.} Will the gentleman yield?

1673 Dr. {Cassidy.} Yes, glad to.

1674 Mr. {Kinzinger.} You know as a fellow--I have an Exxon

1675 refinery in my district as well, and I can tell you the  
1676 number of jobs it provides refining oil from Canada frankly  
1677 is incredible. And, you know, the folks that work there  
1678 appreciate that every day. I think this amendment--you know,  
1679 and we say no, it is intended to--the whole intention of this  
1680 amendment is to kill this pipeline. We know that. I mean  
1681 that is what all these amendments are intended to do is to  
1682 kill this pipeline.

1683         And so when we talk about where we are in the energy  
1684 crisis, we talk about where we are in the jobs crisis, these  
1685 are the basic things that we should be doing to help our  
1686 economy recover and to get un-addicted to foreign oil. And  
1687 it is one of the most impossible things we can do to even get  
1688 a pipeline. And I will yield back to the gentleman.

1689         Dr. {Cassidy.} That is just the point we are making. I  
1690 yield back.

1691         The {Chairman.} Gentleman yields back. Are there other  
1692 members wishing to speak on the amendment? Seeing none--the  
1693 gentleman is recognized for one minute.

1694         Mr. {Waxman.} I just want to point out that the bill  
1695 expedites the approval of this pipeline without the usual  
1696 process for reviewing it. Many of us want that review to  
1697 take place. That doesn't mean we don't want the pipeline to  
1698 go into effect if it meets all the standards. So on one say,

1699 you say standards, we don't need standards. Let us waive  
1700 them all. And our side, let us review them, and some of us  
1701 may think we shouldn't have the pipeline at all.

1702 But let us not attribute these motives to us that--

1703 Mr. {Shimkus.} Will the gentleman yield?

1704 Mr. {Waxman.} --you need to recognize that there are  
1705 motives on your side as well.

1706 Mr. {Shimkus.} Will the gentleman yield?

1707 Mr. {Waxman.} Be happy to.

1708 Mr. {Shimkus.} The intent of the bill is to come to a  
1709 decision. The decision could be no pipeline, so this bill  
1710 says--

1711 Mr. {Waxman.} Highly unlikely the way the bill is  
1712 drafted.

1713 Mr. {Shimkus.} It says make a decision. It has already  
1714 been delayed. So to say that one side or the other--we are  
1715 not saying making a yes decision. We are saying a make a  
1716 decision.

1717 Mr. {Waxman.} Well, if I could just--reclaiming my  
1718 time. There has to be a decision made whether it is in our  
1719 national interest. The finding in the bill says it is in our  
1720 national interest. That is one issue that doesn't have to be  
1721 resolved anymore. Without any further review, we have  
1722 decided it legislatively.

1723 Mr. {Terry.} Will the gentleman yield?

1724 Mr. {Waxman.} I would be happy to, but I only asked for  
1725 one minute. It is up to the chairman to decide when that  
1726 minute is up, but as long as I have time, I will yield to  
1727 you.

1728 The {Chairman.} Why don't we continue the discussion on  
1729 the next amendment and vote on this one?

1730 Mr. {Waxman.} Yield back my time.

1731 The {Chairman.} Gentleman yields back. Seeing no other  
1732 member wishing to speak on the amendment.

1733 Mr. {Markey.} If I may, just very--one minute. If I  
1734 may just be recognized for 1 minute, and I need no more than  
1735 1 minute, Mr. Chairman.

1736 The {Chairman.} Gentleman is recognized for 1 minute.

1737 Mr. {Markey.} I thank you. The gentleman from  
1738 Louisiana, the gentleman from Illinois, they seem to raise  
1739 concerns about whether or not this oil can be used in the  
1740 domestic plastics industry based down in the Gulf states, and  
1741 the answer is no, there is no restriction upon that. If the  
1742 product that is then created is sent into the global  
1743 marketplace using this oil, then there is no problem with  
1744 that.

1745 The issue would be if the oil was then put in tankers  
1746 and sent to other countries and then used by other countries

1747 for their purposes. That is what we are objecting to. If we  
1748 are going to allow for all of these environmental and other  
1749 issues to be compromised, then the beneficiaries should be  
1750 the American plastics industry. The beneficiaries should be  
1751 American consumers. That is all I am saying with this  
1752 amendment.

1753 And so I understand what the intent is, and it is to  
1754 help the American plastics industry to have this stream of  
1755 oil coming to help them. That is really the goal, and I  
1756 urge--and I vote on the Markey amendment. And I yield back  
1757 the balance of my time.

1758 The {Chairman.} I think we are ready to vote on the  
1759 amendment. All those in favor of the amendment say aye. All  
1760 those say no. No's appear to have it. The gentleman asks  
1761 for a recorded vote. The clerk will read the--

1762 The {Clerk.} Mr. Barton?

1763 Mr. {Barton.} No.

1764 The {Clerk.} Mr. Barton, nay.

1765 Mr. Stearns?

1766 [No response.]

1767 The {Clerk.} Mr. Whitfield?

1768 Mr. {Whitfield.} No.

1769 The {Clerk.} Mr. Whitfield, nay.

1770 Mr. Shimkus?



- 1771 Mr. {Shimkus.} No.
- 1772 The {Clerk.} Mr. Shimkus, nay.
- 1773 Mr. Pitts?
- 1774 Mr. {Pitts.} No.
- 1775 The {Clerk.} Mr. Pitts, no. Mrs. Bono Mack?
- 1776 [No response.]
- 1777 The {Clerk.} Mr. Walden?
- 1778 Mr. {Walden.} No.
- 1779 The {Clerk.} Mr. Walden, nay.
- 1780 Mr. Terry?
- 1781 Mr. {Terry.} Nay.
- 1782 The {Clerk.} Mr. Terry, nay.
- 1783 Mr. Rogers?
- 1784 Mr. {Rogers.} No.
- 1785 The {Clerk.} Mr. Rogers, nay.
- 1786 Mrs. Myrick?
- 1787 [No response.]
- 1788 The {Clerk.} Mr. Sullivan?
- 1789 [No response.]
- 1790 The {Clerk.} Mr. Murphy?
- 1791 [No response.]
- 1792 The {Clerk.} Mr. Burgess?
- 1793 [No response.]
- 1794 The {Clerk.} Mrs. Blackburn?

- 1795 [No response.]
- 1796 The {Clerk.} Mr. Bilbray?
- 1797 Mr. {Bilbray.} No.
- 1798 The {Clerk.} Mr. Bilbray, nay.
- 1799 Mr. Bass?
- 1800 [No response.]
- 1801 The {Clerk.} Mr. Gingrey?
- 1802 [No response.]
- 1803 The {Clerk.} Mr. Scalise?
- 1804 Mr. {Scalise.} No.
- 1805 The {Clerk.} Mr. Scalise, nay.
- 1806 Mr. Latta?
- 1807 Mr. {Latta.} Nay.
- 1808 The {Clerk.} Mr. Latta, nay.
- 1809 Mrs. McMorris Rodgers?
- 1810 [No response.]
- 1811 The {Clerk.} Mr. Harper?
- 1812 Mr. {Harper.} No.
- 1813 The {Clerk.} Mr. Harper, nay.
- 1814 Mr. Lance?
- 1815 Mr. {Lance.} No.
- 1816 The {Clerk.} Mr. Lance, nay.
- 1817 Mr. Cassidy?
- 1818 Dr. {Cassidy.} No.

- 1819 The {Clerk.} Mr. Cassidy, nay.  
1820 Mr. Guthrie?  
1821 Mr. {Guthrie.} No.  
1822 The {Clerk.} Mr. Guthrie, nay.  
1823 Mr. Olson?  
1824 Mr. {Olson.} No.  
1825 The {Clerk.} Mr. Olson, nay.  
1826 Mr. McKinley?  
1827 Mr. {McKinley.} No.  
1828 The {Clerk.} Mr. McKinley, nay.  
1829 Mr. Gardner?  
1830 Mr. {Gardner.} No.  
1831 The {Clerk.} Mr. Gardner, nay.  
1832 Mr. Pompeo?  
1833 Mr. {Pompeo.} No.  
1834 The {Clerk.} Mr. Pompeo, nay.  
1835 Mr. Kinzinger?  
1836 Mr. {Kinzinger.} No.  
1837 The {Clerk.} Mr. Kinzinger, nay.  
1838 Mr. Griffith?  
1839 Mr. {Griffith.} No.  
1840 The {Clerk.} Mr. Griffith, nay.  
1841 Mr. Waxman?  
1842 Mr. {Waxman.} Aye.

1843 The {Clerk.} Mr. Waxman, aye.  
1844 Mr. Dingell?  
1845 Mr. {Dingell.} No.  
1846 The {Clerk.} Mr. Dingell, nay.  
1847 Mr. Markey?  
1848 Mr. {Markey.} Aye.  
1849 The {Clerk.} Mr. Markey, aye.  
1850 Mr. Towns?  
1851 [No response.]  
1852 The {Clerk.} Mr. Pallone?  
1853 Mr. {Pallone.} Yes.  
1854 The {Clerk.} Mr. Pallone, aye.  
1855 Mr. Rush?  
1856 Mr. {Rush.} Aye.  
1857 The {Clerk.} Mr. Rush, aye.  
1858 Ms. Eshoo?  
1859 Ms. {Eshoo.} Aye.  
1860 The {Clerk.} Ms. Eshoo, aye.  
1861 Mr. Engel?  
1862 Mr. {Engel.} Aye.  
1863 The {Clerk.} Mr. Engel, aye.  
1864 Mr. Green?  
1865 Mr. {Green.} No.  
1866 The {Clerk.} Mr. Green, no.

1867 Ms. DeGette?  
1868 Ms. {DeGette.} Aye.  
1869 The {Clerk.} Ms. DeGette, aye.  
1870 Mrs. Capps?  
1871 Mrs. {Capps.} Aye.  
1872 The {Clerk.} Mrs. Capps, aye.  
1873 Mr. Doyle?  
1874 Mr. {Doyle.} Aye.  
1875 The {Clerk.} Mr. Doyle, aye.  
1876 Ms. Schakowsky?  
1877 Ms. {Schakowsky.} Aye.  
1878 The {Clerk.} Ms. Schakowsky, aye.  
1879 Mr. Gonzalez?  
1880 [No response.]  
1881 The {Clerk.} Mr. Inslee?  
1882 [No response.]  
1883 The {Clerk.} Ms. Baldwin?  
1884 Ms. {Baldwin.} Aye.  
1885 The {Clerk.} Ms. Baldwin, aye.  
1886 Mr. Ross?  
1887 [No response.]  
1888 The {Clerk.} Mr. Matheson?  
1889 Mr. {Matheson.} No.  
1890 The {Clerk.} Mr. Matheson, nay.

1891 Mr. Butterfield?  
1892 Mr. {Butterfield.} Aye.  
1893 The {Clerk.} Mr. Butterfield, aye.  
1894 Mr. Barrow?  
1895 Mr. {Barrow.} Aye.  
1896 The {Clerk.} Mr. Barrow, aye.  
1897 Ms. Matsui?  
1898 Ms. {Matsui.} Aye.  
1899 The {Clerk.} Ms. Matsui, aye.  
1900 Ms. Christensen?  
1901 Dr. {Christensen.} Aye.  
1902 The {Clerk.} Mr. Christensen, aye.  
1903 Ms. Castor?  
1904 Ms. {Castor.} Aye.  
1905 The {Clerk.} Ms. Castor, aye.  
1906 Mr. Upton.  
1907 The {Chairman.} I was waiting. The vote is no.  
1908 The {Clerk.} Mr. Upton, nay.  
1909 The {Chairman.} Other members wishing to vote? Mr.  
1910 Bass?  
1911 Mr. {Bass.} Nay.  
1912 The {Clerk.} Mr. Bass, nay.  
1913 The {Chairman.} Mr. Sullivan?  
1914 Mr. {Sullivan.} Nay.

1915           The {Clerk.} Mr. Sullivan, nay.

1916           The {Chairman.} Ms. Bono Mack?

1917           Mrs. {Bono Mack.} Nay.

1918           The {Clerk.} Ms. Bono Mack, nay.

1919           The {Chairman.} Mr. Rush? Excuse me, Mr. Towns.

1920           Mr. {Towns.} Aye.

1921           The {Clerk.} Mr. Towns, aye.

1922           The {Chairman.} Other members wishing to cast a vote?

1923   Seeing none, the clerk will report the tally.

1924           The {Clerk.} Mr. Chairman, on that, there were 17 ayes,

1925   27 nays.

1926           The {Chairman.} Seventeen ayes, 27 nos. The amendment

1927   is not agreed to.

1928           Mr. {Rush.} Mr. Chairman, I have an amendment at the

1929   desk.

1930           Mr. {Dingell.} Mr. Chairman.

1931           The {Chairman.} Let me go to Mr. Dingell first. Mr.

1932   Dingell, do you have an amendment at the desk?

1933           Mr. {Dingell.} I will wait my turn, but I will be happy

1934   to be recognized.

1935           The {Chairman.} Okay.

1936           Mr. {Rush.} I yield to Mr. Dingell.

1937           The {Chairman.} Mr. Dingell.

1938           Mr. {Dingell.} Mr. Chairman, I have an amendment at the

1939 clerk's desk at page 6 after line 16.

1940           The {Chairman.} The clerk will read the title of the  
1941 amendment.

1942           The {Clerk.} An amendment offered by Mr. Dingell of  
1943 Michigan.

1944           [The amendment follows:]

1945 \*\*\*\*\* INSERT 4 \*\*\*\*\*



|  
1946           The {Chairman.} The amendment will be considered as  
1947 read, and the gentleman is recognized for 5 minutes in  
1948 support of his amendment.

1949           Mr. {Dingell.} Mr. Chairman, I thank you. This is a  
1950 very simple amendment. It says no action by the secretary of  
1951 energy pursuant to this section shall affect any duty or any  
1952 responsibility to comply with any requirement to conduct  
1953 environmental review.

1954           One of the things that has been troublesome is we have  
1955 gone through this business of permitting drilling, pipeline  
1956 construction, and other things has been that we have done a  
1957 poor job of reviewing the environmental impacts of that  
1958 action.

1959           If you look back at the recent events in the Gulf, you  
1960 will find that there was a hideous mess. Some five billion  
1961 barrels of oil were deposited in the Gulf, caused no end to  
1962 difficulties because a lot of the environmental requirements  
1963 were disregarded as matters went forward down there. As a  
1964 result, the people of the whole Gulf area found themselves  
1965 thoroughly abused by that result.

1966           Keystone, if those of you will remember, has been active  
1967 in running pipelines in Michigan. They did it in such a  
1968 slovenly fashion that we have a very fine mess up there near

1969 the district of the Chairman and near the district of Mr.  
1970 Rogers and a number of others of us who have had to live with  
1971 the consequence of the incompetence of Keystone. And in  
1972 fact, the permitting was done poorly by the state. This  
1973 amendment simply says that although the matters of issuing  
1974 the permit will be expedited, they will not allow for there  
1975 to be slovenly handling of the environmental reviews that  
1976 would be necessary under the National Environmental Policy  
1977 Act or any of the other statutes including the Pipeline  
1978 Safety Act, which relate to how the permitting of the  
1979 pipeline or the drilling or other acts would be considered.

1980         In my discussion with the staff, you will recall that  
1981 the staff indicated that there was nothing in here which  
1982 would impair the different environmental laws that relate to  
1983 pipelines and drilling and other issues of this kind. So  
1984 just to sort of keep everybody on their toes down there at  
1985 Department of Transportation and the other federal regulatory  
1986 agencies that would address the permitting that we have here  
1987 before us, out of an exercise of caution, I offer this  
1988 amendment which simply says that the requirements to conduct  
1989 environmental review and the duty therefore will not be  
1990 adversely affected by the legislation which we have before  
1991 us.

1992         It is quite possible that the legislation, that that is

1993 redundant, but having dealt with pipeline spills and the  
1994 consequences of it and some of the other spills that we have  
1995 seen associated with these matters, I feel that the greatest  
1996 care in ensuring that proper review of these matters is  
1997 taken.

1998         So I would urge my colleagues to vote for the amendment.  
1999 It is not going to slow anything down. It will simply  
2000 encourage the people who are doing the reviews to do the  
2001 reviews as they would and as they should and as will best  
2002 ensure the safety of all persons concerned which means so  
2003 much.

2004         Mr. {Waxman.} Will the gentleman yield?

2005         Mr. {Dingell.} Yes, I will yield to the gentleman.

2006         Mr. {Waxman.} I want to speak in support of your  
2007 amendment. It ensures that this legislation does not  
2008 interfere with the National Environmental Policy Act or other  
2009 required environmental reviews. This is an amendment. It is  
2010 important because it makes clear that if a state department  
2011 needs additional time to comply with NEPA, then they will be-  
2012 -not beat down by the November 1 deadline in the Act. This  
2013 is just common sense, and the State Department has received  
2014 more than 230,000 public comments on the supplemental  
2015 environmental impact statement for this project.

2016         It is highly controversial. It only makes sense for

2017 them to take the time they need to comply with the law, and I  
2018 urge support for this amendment.

2019 Mr. {Dingell.} I thank the gentleman for his support.  
2020 I would note way back when I was a young fellow in this place  
2021 and had hair, I was the author of the National Environmental  
2022 Policy Act. It has worked well to see to it we know what we  
2023 are doing. It has not slowed down things, but it has made  
2024 sure that we have been safe, correct, wise, and proper in  
2025 what we have done. I yield back the balance of the time.

2026 The {Chairman.} The gentleman yields back his time. I  
2027 yield myself 5 minutes. I just want to say the gentleman  
2028 from the great State of Michigan has had a very convincing  
2029 argument. We see no reason not to accept this amendment as  
2030 part of the bill H.R. 1938, and we recognize its positive  
2031 impact, and we will accept it. Gentleman from Nebraska.

2032 Mr. {Terry.} Yeah, will the gentleman yield? I agree  
2033 with your decision, Mr. Chairman. I think that making sure  
2034 that there is clarity in here, that the environmental process  
2035 and Department of Energy will continue as it is supposed to.  
2036 I would like to point out that these are not my prepared  
2037 notes here sitting in front of me. This is the environmental  
2038 impact study, the supplemental impact environmental impact  
2039 study.

2040 The EPA has, in its first one, make 57 recommendation

2041 that--

2042 Mr. {Dingell.} Point of order. I would like to hear  
2043 the remarks of the gentleman from Nebraska.

2044 Mr. {Terry.} The gentleman is correct. He should hear  
2045 me. And so 57 recommendations were already adopted. Another  
2046 set of recommendations from the supplemental are in the  
2047 process of being adopted and hearing set on those. So  
2048 nothing in this bill as we wrote it, Mr. Chairman and  
2049 Chairman Emeritus, were ever intended to interfere with the  
2050 occurring process. So yield back.

2051 The {Chairman.} Gentleman yields back. I yield back my  
2052 time. All those in favor of the amendment will signal by  
2053 saying aye. Aye. Opposed say no. The ayes have it. The  
2054 amendment is adopted. Other members to the bill? Mr. Rush  
2055 from Illinois.

2056 Mr. {Rush.} Mr. Chairman, I have an amendment at the  
2057 desk, Amendment number 37.

2058 The {Chairman.} Clerk will read the title of the  
2059 amendment.

2060 The {Clerk.} An amendment offered by Mr. Rush of  
2061 Illinois.

2062 [The amendment follows:]

2063 \*\*\*\*\* INSERT 5 \*\*\*\*\*

|  
2064           The {Chairman.} And the amendment will be considered as  
2065 read. Staff will circulate the amendment, and the gentleman  
2066 is recognized for 5 minutes in support of his amendment.

2067           Mr. {Rush.} Mr. Chairman, I really think that we can  
2068 just deal with this amendment if you just--I will rename this  
2069 amendment the Dingell Amendments if you just want to move  
2070 into the committee with that caveat, we will save a lot of  
2071 time.

2072           Mr. Chairman, during the Energy and Power Subcommittee  
2073 markup, I offered my amendment to delete a finding that I  
2074 thought was particularly misleading. Finding number 15  
2075 states ``analysis using the Environmental Protection Agency  
2076 models shows that the Keystone XL Pipeline will result in no  
2077 significant change in total United States or global  
2078 greenhouse gas emissions.''

2079           My amendment was defeated on a party line vote after my  
2080 colleagues on the other side insisted that the statement was  
2081 indeed true. Well, Mr. Chairman, this past week, I wrote a  
2082 letter to EPA asking they agency to weigh in on the accuracy  
2083 of this finding, and this was the agency's reply. ``EPA has  
2084 conducted no modeling nor provided any models to analysis the  
2085 likely effect of the Keystone XL Pipeline on U.S. or global  
2086 greenhouse gas emissions. The language in the above finding

2087 is therefore incorrect.''

2088           The official EPA statement went on to say again ``as  
2089 detailed in the supplemental draft Environmental Impact  
2090 Statement for the Keystone XL Project issued by the  
2091 Department of State, the Department of Energy directed a  
2092 contractor to conduct modeling or potential impact of the  
2093 project. EPA provided some data to be used in that effort,  
2094 but--and this is highlighted--EPA models were not used, and  
2095 the EPA did not model any projected emissions effects of the  
2096 project.''

2097           Mr. Chairman, there is some who believe that the  
2098 majority does not care about the facts or truth or science,  
2099 and they can get in the way of the industry moving forward  
2100 unfettered. So today, we have an opportunity to set the  
2101 record straight and prove to the American people that when a  
2102 statement has been demonstrably shown to be false, then  
2103 members of the Congress, Democrats or Republican, are to put  
2104 their partisan differences aside and stand on the side of the  
2105 truth. Scripture tell us ``know ye the truth, and the truth  
2106 shall set you free.''

2107 So in order to correct this misleading  
2108 statement contained in the bill, I urge all of my colleagues  
2109 to support my amendment. And I will reserve the balance of  
2109 my time.

2110           The {Chairman.} Yield back the time?

2111 Mr. {Rush.} I yield back. I yield the remaining of my  
2112 time to the ranking member.

2113 Mr. {Waxman.} Thank you very much. I want to support  
2114 your amendment to strike finding 15 in the legislation which  
2115 says that analysis using EPA models shows that Keystone XL  
2116 Pipeline will result in no significant change in total U.S.  
2117 or global greenhouse gas emissions. This finding is just not  
2118 supported by the facts. Nothing in the record for this  
2119 decision shows any analysis of the greenhouse gas emissions  
2120 based on an EPA model, nor does the record indicate that  
2121 under.

2122 Nor does the record indicate that under no circumstances  
2123 would the Keystone XL Pipeline result in higher greenhouse  
2124 gas emissions. Supporters of the bill point to a study done  
2125 by the consulting firm ENSUS that claim that this finding is  
2126 accurate, but this argument is a red herring. The ENSUS  
2127 report does not use EPA models. It doesn't even claim to.  
2128 Instead, it simply says that some of the data it used is  
2129 consistent with some of the data the EPA has used in the  
2130 past. And the report specifically says that it does not  
2131 reflect the views of any government agency.

2132 Tar sands crude is more polluting than conventional oil,  
2133 and the supplement draft Environmental Impact Statement  
2134 recognizes that tar sands crude has substantially higher life



2135 cycle greenhouse gas emissions compared to the average U.S.  
2136 crude supply. The supplemental data Environmental Impact  
2137 Statement also includes an analysis by DOE that shows that  
2138 there will be an increased total gas emissions compared to  
2139 the base case under at least one of the scenarios.

2140         So I would urge that we support the Rush amendment and  
2141 not put a finding in legislation that is not accurate and not  
2142 based on correct information.

2143         Mr. {Terry.} Mr. Chairman.

2144         The {Chairman.} Gentleman from Nebraska, Mr. Terry.

2145         Mr. {Terry.} I rise in opposition to this amendment. I  
2146 think probably the best way to argue against this amendment  
2147 is simply to read what is in the Environmental Impact  
2148 Statement. There has been a study done on life cycle  
2149 greenhouse gases, and I encourage my colleagues on a  
2150 supplemental Environmental Impact Study, page 35.

2151         Now, technically correct that the EPA did not do this  
2152 study. A study was done on behalf of the EPA. That study on  
2153 page 35 says ``changes in life cycle greenhouse gas emissions  
2154 were calculated with the models and methodology used in  
2155 deriving indirect impacts of petroleum consumption for the  
2156 RFS-2 program. Petroleum indirect impact analysis February  
2157 2010.''

2158         Here is a copy of the rules for doing the impact

2159 statement from the EPA. This is the EPA's standards that  
2160 were followed in this greenhouse gas emissions. The  
2161 conclusion--let me see if I can get to the right chart here.  
2162 But on page 41, global life cycle greenhouse gas emissions,  
2163 now this is all part of the environmental record. The chart  
2164 Global Life Cycle Greenhouse Gas Emissions, No XL Pipeline,  
2165 Versus Keystone XL Pipeline, concludes that there is  
2166 negligible difference in the life cycle greenhouse gases.

2167 Now, this leads us to why--the argument that we just  
2168 heard in favor of the argument leads us to why we have to  
2169 have a bill because all of the standards and procedures in  
2170 developing the Environmental Impact Study that the state  
2171 department will rely on to determine if it is in our national  
2172 interests to approve this pipeline are now being changed by  
2173 the EPA.

2174 In their recent July letter, the old standard of doing  
2175 it is this, EPA's own rules and regulations, but now the EPA,  
2176 in a letter, suggests a different method. Well, they are  
2177 just saying well, that didn't work out for us in trying to  
2178 delay this. So let us come up with something new. You can't  
2179 compare heavy crude to heavy crude. Remember we are  
2180 displacing heavy crude with heavy crude from a friendly  
2181 country, not Venezuela. And so, they say what you have to do  
2182 is compare it to Texas sweet crude. Now, come on. That is

2183 not the standard. The standard is right here.

2184 EPA, follow your own dang rules. We are onto your game.

2185 We understand you are against this pipeline, and you are

2186 doing everything you can to change the rules just like you

2187 did in the Chukchi Sea and everything else in regarding to

2188 fossil fuels. We understand your game. That is why we have

2189 this bill.

2190 Mr. {Rush.} Will the gentleman yield?

2191 Mr. {Terry.} I will yield to the gentleman from

2192 Illinois.

2193 Mr. {Rush.} Mr. Chairman, I am amused by the arguments,

2194 and I really think that my friend from Nebraska might make an

2195 argument for a number of other different issues that may

2196 surround this particular issue. And he certainly made some

2197 assertions about this pipeline that I don't share. But let

2198 us face a few facts in this. This bill, it has some

2199 allegations. This bill has some assertions that are totally

2200 false, and that is really underlined by the statement or

2201 letter from the assistant administrator, Ms. Gina McCarthy,

2202 dated June 22, where it says here that, in the second

2203 paragraph, EPA provided some data to be used in the effort,

2204 but EPA models were not used. And EPA did not model any

2205 projected emission effects of the project.

2206 Now, that is real clear. You can say whatever you want.

2207 You can get a whole library of papers.

2208 Mr. {Terry.} I am just reading--I reclaim my time.

2209 Mr. {Rush.} But the facts are--

2210 Mr. {Terry.} I am just reading these studies. I am  
2211 reading the studies, not--

2212 The {Chairman.} Gentlemen.

2213 Mr. {Terry.} --the EPA trying to kill this project for  
2214 you. I am just reading the studies.

2215 The {Chairman.} Gentleman's time has expired. Other  
2216 members wishing to speak on the amendment? On the Democratic  
2217 side, any members? Mr. Gardner recognized for 5 minutes.

2218 Mr. {Gardner.} Thank you, Mr. Chairman. In light of  
2219 this amendment, I just want to submit for the record an  
2220 article that says ``Oil sands project in Canada will go on if  
2221 pipeline is blocked.'' The entire argument that we are  
2222 hearing is about we can stop this so we can--strike this  
2223 language, and we will prevent this from happening.

2224 Well, here is what it talks about. Environmentalists  
2225 are using the project as a proxy for their general antagonism  
2226 toward oil sands projections, which consumes large amounts of  
2227 water and energy. This is a quote. ``This is really a  
2228 campaign against tar sands expansion rather than a single  
2229 pipeline, said Susan Casey Lefkowitz, the director of the  
2230 International Program at the Natural Resources Defense

2231 Counsel.''

2232           It is going to continue, as the article says, by rail or  
2233 ship or network or pipelines. It is going to happen. That  
2234 is coming somewhere.

2235           Mr. {Rush.} Will the gentleman yield?

2236           Mr. {Gardner.} And yet we are sitting here talking  
2237 about trying to--

2238           Mr. {Rush.} Will the gentleman yield?

2239           Mr. {Gardner.} No, I will yield back my time.

2240           Mr. {Rush.} Thank you.

2241           The {Chairman.} Gentleman yields back. Are there other  
2242 members wishing to speak on the amendment?

2243           Mr. {Waxman.} Yeah, I do.

2244           The {Chairman.} Mr. Waxman.

2245           Mr. {Waxman.} I have not been recognized on this  
2246 amendment, and I just think it is the right thing to yield to  
2247 Mr. Rush, and I would like to--

2248           Mr. {Rush.} Yeah, it seems as though the other side is  
2249 trying to make a record that this side is against the  
2250 pipeline. I don't think that anyone over here has made that  
2251 decision yet. The administration hasn't made that decision  
2252 yet, and it seems as though when we are attempting to help  
2253 bring some clarity to this bill, to help bring some truth  
2254 into this bill, then we are accused of being opposed to the

2255 pipeline or trying to kill the pipeline. That is not true.  
2256 I have some suspicions. I am sure that most of us who  
2257 represent Midwestern States, we are concerned about whether  
2258 or not this is going to increase already skyrocketing  
2259 gasoline prices in the Midwest region and in our district.  
2260 Of course we have some concerns about that.

2261 But we have not made--I know I have not made a final  
2262 determining, so I think that the other side is really trying  
2263 to again bamboozle this process in using those kind of  
2264 arguments. The fact remains that what we are doing is we are  
2265 not standing for the truth in this legislation in this  
2266 committee. And I have been on this committee for many, many  
2267 years, and I have never, ever during Democratic reign or  
2268 during Republican reign, I have never, ever been a part of a  
2269 process where there was a blatant lie in a bill that came out  
2270 of this committee, whether it was on the Republican side or  
2271 the Democratic side, that we didn't try to correct.

2272 And all members of this committee know that this is an  
2273 erroneous assertion that the EPA modeled and conducted this  
2274 study. You know it, and I know it. No matter what you say,  
2275 no matter how many papers you bring forth--

2276 Mr. {Terry.} Will the gentleman yield?

2277 Mr. {Rush.} --how many studies, we all know that this  
2278 is an untruth. It is a lie.

2279 Mr. {Terry.} Would the gentleman yield?

2280 Mr. {Waxman.} I would be happy to yield to you.

2281 Mr. {Terry.} Thank you. I appreciate that, Mr. Waxman.

2282 I am feeling a little bit like I am being called a liar here.

2283 Mr. {Waxman.} Reclaiming my time.

2284 Mr. {Terry.} The study was done, I did say, for the

2285 EPA. I misspoke. It was done for the State Department, and

2286 the EPA then used and the Stated Department used Brookhaven

2287 National Laboratory, using Department of Energy's global

2288 energy model. I am just reading the report. So those are

2289 the facts that are before me. And that is right.

2290 Mr. {Waxman.} If I might reclaim my time.

2291 Mr. {Terry.} So I yield back.

2292 Mr. {Waxman.} Look, there is truth and there is

2293 fiction. The statement of the finding that Mr. Rush seeks to

2294 strike is that EPA did a report. EPA did not do a report.

2295 Some other company did a report, and it is not EPA's. So why

2296 not correct the finding?

2297 Mr. {Terry.} Can--

2298 Mr. {Waxman.} No, I still got time for myself here. If

2299 it is not accurate, just say it. But it just seems we are

2300 seeing over and over again in this committee truth doesn't

2301 make a lot of difference. We can state things as facts even

2302 if they are not. We can deny that there is global warming

2303 and climate change even if it is going on. We can say there  
2304 is no impact on the climate around this country even though  
2305 every day in the news, the first story is about a flood or a  
2306 drought or something unexpected. We can put our heads in the  
2307 sand and say we are right, we are right, we are right, and  
2308 everybody else is wrong. We know that everybody else wants  
2309 to stop this pipeline.

2310 Well, the truth is that this pipeline without this bill  
2311 is probably going to be approved because Secretary Clinton  
2312 seems inclined to support it. The State Department, which  
2313 has jurisdiction, seems inclined to be for it. I wish they  
2314 would have more time to review the input from other agencies,  
2315 but under existing law, they have the power to do it. Your  
2316 bill is to try to ram that project through without letting  
2317 the rules be observed because you are convinced it is right.

2318 Well, sometimes you are convinced things are right when  
2319 you are wrong. It is true for us too. But don't make a  
2320 finding in law something that is not accurate, and I  
2321 appreciate Mr. Rush pointing that out. And I don't know why  
2322 you should be so exercised. If he points something out that  
2323 is inaccurate, you should just say you are right. Let us  
2324 drop it out, and then go on with your bill. You will get the  
2325 same results. Yield back the balance of my time.

2326 The {Chairman.} Gentleman's time has expired. The



2327 gentleman from Illinois.

2328           Mr. {Shimkus.} Speak in opposition to the amendment. I  
2329 would like to yield the time to Mr. Terry for as much time as  
2330 he may consume.

2331           Mr. {Terry.} Thank you, John. I do get exercised when  
2332 there is a mischaracterization. So the findings says in the  
2333 bill that this amendment is going to change the language. I  
2334 am reading the bill now. ``Analysis using the Environmental  
2335 Protection Agency models shows that Keystone XL Pipeline will  
2336 result in no significant change in the United States or  
2337 global greenhouse gas emissions.'' That is a fact.

2338           The greenhouse gasses, according to the draft in  
2339 Supplemental Environment Impact Study, makes that conclusion.  
2340 The EPA standards set forth and footnoted throughout the  
2341 environmental study says that the EPA's modeling was used.  
2342 So I think that is the facts, and I will yield back to John.

2343           Mr. {Shimkus.} And just a reminder that the first  
2344 Keystone Pipeline has helped create thousands of jobs in my  
2345 district because the refinery changed and expanded to process  
2346 this heavy crude. So my district has already benefited from  
2347 the first pipeline in jobs. That is why we have numerous  
2348 letters. Here is one from the Building Trades, friends of  
2349 mine even though I am Republican.

2350           We have a letter here from the International Brotherhood

2351 of Teamsters supporting this legislation, the Labors  
2352 International supporting this legislation, the International  
2353 Union of Operating Engineers, also good friends of mine,  
2354 supporting this legislation, the United Association of  
2355 Journeymen and Apprentices of the Plumbing and Pipefitting  
2356 Industry of the United States and Canada supporting this  
2357 legislation.

2358         They are supporting this legislation because it is going  
2359 to create jobs. It is going to keep our workers employed in  
2360 good--I will in a minute--in good high-paying jobs. How do I  
2361 know that? In this downturn of this economy, really in my  
2362 colleague Jerry Costello's district, but right next to my  
2363 district, we have undergone a \$4 billion refinery expansion.  
2364 \$4 billion have been put at risk by corporate America to  
2365 receive this heavy crude. In this expansion, thousands of  
2366 workers of organized labor have been working for 2 and a half  
2367 years expanding this refinery. We had the biggest crane in  
2368 the world in our district building this refinery.

2369         Mr. {Waxman.} Mr. Chairman, will you yield since you  
2370 have the time?

2371         Mr. {Shimkus.} It is my time.

2372         Mr. {Waxman.} It is your time? Excuse me.

2373         Mr. {Shimkus.} And I will yield, Mr. Waxman, but I will  
2374 just finish this point. This is, as we said in other

2375 amendments, this is a jobs bill. Why would we not move to  
2376 create and preserve and expand American jobs? And with that,  
2377 I will yield.

2378         Mr. {Waxman.} Thank you for yielding. Look, I could  
2379 see your argument, why you support the bill. But the  
2380 amendment before us is to strike the finding that says  
2381 ``analysis using the Environmental Protection Agency models  
2382 shows that the Keystone XL Pipeline will result in no  
2383 significant change in total U.S. or global greenhouse gas  
2384 emissions.'' That is a finding we are going to put into law,  
2385 yet we have a letter from the EPA that says that EPA has  
2386 conducted no modeling. We ask unanimous consent the letter  
2387 be put into the record. ``EPA has conducted no modeling nor  
2388 provided any models to analyze the likely effect of Keystone  
2389 XL Pipeline on U.S. and global greenhouse gas emissions.

2390         The language in the above, which is the finding,  
2391 therefore is incorrect. So look, the argument for the  
2392 finding is well, maybe it is not technically correct, but one  
2393 could think it might be correct because the analysis was done  
2394 the way EPA would have suggested we do it. But EPA says they  
2395 never suggested it. It would not harm what you are trying to  
2396 accomplish to adopt the Rush amendment.

2397         Mr. {Shimkus.} Henry, just so I can reclaim my time for  
2398 the last 5 seconds.

2399 Mr. {Waxman.} Yes.

2400 Mr. {Shimkus.} Reclaiming my last 5 seconds. The  
2401 finding says analysis using the Environmental Protection  
2402 Agency models. We are not asserting that the EPA--we are  
2403 saying that the models were used, and that is why the  
2404 statement of finding is correct. My time has expired.

2405 Mr. {Waxman.} The EPA says it is not true.

2406 The {Chairman.} Are there other members wishing to  
2407 speak on the amendment? Seeing none, the vote occurs on the  
2408 amendment. All those in favor, say aye. All those opposed,  
2409 say no. The nos appear to have it.

2410 Mr. {Rush.} Mr. Chairman.

2411 The {Chairman.} Gentleman asks for a roll call vote.  
2412 The clerk will call the roll.

2413 The {Clerk.} Mr. Barton?

2414 [No response.]

2415 The {Clerk.} Mr. Stearns?

2416 [No response.]

2417 The {Clerk.} Mr. Whitfield?

2418 Mr. {Whitfield.} No.

2419 The {Clerk.} Mr. Whitfield, nay.

2420 Mr. Shimkus?

2421 Mr. {Shimkus.} No.

2422 The {Clerk.} Mr. Shimkus, nay.

2423 Mr. Pitts?

2424 Mr. {Pitts.} No.

2425 The {Clerk.} Mr. Pitts, nay.

2426 Mrs. Bono Mack?

2427 Mrs. {Bono Mack.} No.

2428 The {Clerk.} Mrs. Bono Mack, nay.

2429 Mr. Walden?

2430 Mr. {Walden.} No.

2431 The {Clerk.} Mr. Walden, nay.

2432 Mr. Terry?

2433 Mr. {Terry.} No.

2434 The {Clerk.} Mr. Terry, nay.

2435 Mr. Rogers?

2436 Mr. {Rogers.} No.

2437 The {Clerk.} Mr. Rogers, nay.

2438 Mrs. Myrick?

2439 [No response.]

2440 The {Clerk.} Mr. Sullivan?

2441 Mr. {Sullivan.} No.

2442 The {Clerk.} Mr. Sullivan, nay.

2443 Mr. Murphy?

2444 [No response.]

2445 The {Clerk.} Mr. Burgess?

2446 [No response.]

2447 The {Clerk.} Mrs. Blackburn?  
2448 [No response.]  
2449 The {Clerk.} Mr. Bilbray?  
2450 [No response.]  
2451 The {Clerk.} Mr. Bass?  
2452 [No response.]  
2453 The {Clerk.} Mr. Gingrey?  
2454 [No response.]  
2455 The {Clerk.} Mr. Scalise?  
2456 Mr. {Scalise.} No.  
2457 The {Clerk.} Mr. Scalise, nay.  
2458 Mr. Latta?  
2459 Mr. {Latta.} No.  
2460 The {Clerk.} Mr. Latta, nay.  
2461 Mrs. McMorris Rodgers?  
2462 [No response.]  
2463 The {Clerk.} Mr. Harper?  
2464 Mr. {Harper.} No.  
2465 The {Clerk.} Mr. Harper, nay.  
2466 Mr. Lance?  
2467 Mr. {Lance.} No.  
2468 The {Clerk.} Mr. Lance, nay.  
2469 Mr. Cassidy?  
2470 Dr. {Cassidy.} No.

- 2471 The {Clerk.} Mr. Cassidy, nay.  
2472 Mr. Guthrie?  
2473 Mr. {Guthrie.} No.  
2474 The {Clerk.} Mr. Guthrie, nay.  
2475 Mr. Olson?  
2476 Mr. {Olson.} No.  
2477 The {Clerk.} Mr. Olson, nay.  
2478 Mr. McKinley?  
2479 Mr. {McKinley.} No.  
2480 The {Clerk.} Mr. McKinley, nay.  
2481 Mr. Gardner?  
2482 Mr. {Gardner.} No.  
2483 The {Clerk.} Mr. Gardner, nay.  
2484 Mr. Pompeo?  
2485 Mr. {Pompeo.} No.  
2486 The {Clerk.} Mr. Pompeo, nay.  
2487 Mr. Kinzinger?  
2488 Mr. {Kinzinger.} No.  
2489 The {Clerk.} Mr. Kinzinger, nay.  
2490 Mr. Griffith?  
2491 Mr. {Griffith.} No.  
2492 The {Clerk.} Mr. Griffith, nay.  
2493 Mr. Waxman?  
2494 Mr. {Waxman.} Aye.

2495 The {Clerk.} Mr. Waxman, aye.  
2496 Mr. Dingell?  
2497 Mr. {Dingell.} Aye.  
2498 The {Clerk.} Mr. Dingell, aye.  
2499 Mr. Markey?  
2500 [No response.]  
2501 The {Clerk.} Mr. Towns?  
2502 [No response.]  
2503 The {Clerk.} Mr. Pallone?  
2504 Mr. {Pallone.} Aye.  
2505 The {Clerk.} Mr. Pallone, aye.  
2506 Mr. Rush?  
2507 Mr. {Rush.} Aye.  
2508 The {Clerk.} Mr. Rush, aye.  
2509 Ms. Eshoo?  
2510 Ms. {Eshoo.} Aye.  
2511 The {Clerk.} Ms. Eshoo, aye.  
2512 Mr. Engel?  
2513 Mr. {Engel.} Aye.  
2514 The {Clerk.} Mr. Engel, aye.  
2515 Mr. Green?  
2516 Mr. {Green.} No.  
2517 The {Clerk.} Mr. Green, nay.  
2518 Ms. DeGette?



2519 Ms. {DeGette.} Aye.  
2520 The {Clerk.} Ms. DeGette, aye.  
2521 Mrs. Capps?  
2522 Mrs. {Capps.} Aye.  
2523 The {Clerk.} Mrs. Capps, aye.  
2524 Mr. Doyle?  
2525 Mr. {Doyle.} Yes.  
2526 The {Clerk.} Mr. Doyle, aye.  
2527 Ms. Schakowsky?  
2528 [No response.]  
2529 The {Clerk.} Mr. Gonzalez?  
2530 [No response.]  
2531 The {Clerk.} Mr. Inslee?  
2532 Mr. {Inslee.} Aye.  
2533 The {Clerk.} Mr. Inslee, aye.  
2534 Ms. Baldwin?  
2535 Ms. {Baldwin.} Aye.  
2536 The {Clerk.} Ms. Baldwin, aye.  
2537 Mr. Ross?  
2538 Mr. {Ross.} No.  
2539 The {Clerk.} Mr. Ross, nay.  
2540 Mr. Matheson?  
2541 Mr. {Matheson.} No.  
2542 The {Clerk.} Mr. Matheson, nay.

- 2543 Mr. Butterfield?
- 2544 Mr. {Butterfield.} Aye.
- 2545 The {Clerk.} Mr. Butterfield, aye.
- 2546 Mr. Barrow?
- 2547 Mr. {Barrow.} Aye.
- 2548 The {Clerk.} Mr. Barrow, aye.
- 2549 Ms. Matsui?
- 2550 Ms. {Matsui.} Aye.
- 2551 The {Clerk.} Ms. Matsui, aye.
- 2552 Ms. Christensen?
- 2553 Dr. {Christensen.} Aye.
- 2554 The {Clerk.} Ms. Christensen, aye.
- 2555 Ms. Castor?
- 2556 Ms. {Castor.} Aye.
- 2557 The {Clerk.} Ms. Castor, aye.
- 2558 Mr. Upton?
- 2559 The {Chairman.} Votes no.
- 2560 The {Clerk.} Mr. Upton, nay.
- 2561 The {Chairman.} Other members wishing to vote? Mr.
- 2562 Stearns?
- 2563 Mr. {Stearns.} No.
- 2564 The {Clerk.} Mr. Stearns, nay.
- 2565 The {Chairman.} Mr. Bass?
- 2566 Mr. {Bass.} No.

2567           The {Clerk.} Mr. Bass, nay.

2568           The {Chairman.} Mr. Gardner?

2569           The {Clerk.} Mr. Gardner is already recorded.

2570           The {Chairman.} Okay.

2571           The {Clerk.} The gentleman is no.

2572           The {Chairman.} He is okay. Other members wishing to

2573 cast a vote? Seeing none, the clerk will report the tally.

2574 Is there one down here? Mr. Doyle?

2575           The {Clerk.} He is recorded.

2576           The {Chairman.} He is lifting his finger up, all right.

2577 Clerk will report the tally.

2578           The {Clerk.} Mr. Chairman, on that, there were 16 ayes,

2579 26 nays.

2580           The {Chairman.} Sixteen ayes, 26 nos. The amendment is

2581 not agreed to. Are there other members wishing to--

2582           Mr. {Rush.} Mr. Chairman.

2583           The {Chairman.} Mr. Rush had already asked me.

2584           Mr. {Rush.} Mr. Chairman, I have an amendment at the

2585 desk, number 36.

2586           The {Clerk.} An amendment offered by Mr. Rush of

2587 Illinois.

2588           [The amendment follows:]

2589 \*\*\*\*\* INSERT 6 \*\*\*\*\*

|  
2590           The {Chairman.} The amendment will be considered as  
2591 read. The clerk will distribute the amendment, and the  
2592 gentleman is recognized for 5 minutes.

2593           Mr. {Rush.} Mr. Chairman, I am going to say this.  
2594 During the last Congress, I copiloted and chaired a Jobs Now  
2595 conference, and I represent a district that is in dire needs  
2596 of jobs. And I am looking forward to a time when my district  
2597 can enjoy even more jobs, and so I am pro-jobs in this  
2598 Congress, and I have been in most Congresses. But my  
2599 amendment will allow for 120 days after a final environmental  
2600 impact or no later than January 1, 2012 for the President to  
2601 issue a decision on the Keystone XL Pipeline.

2602           Mr. Chairman, a week ago in a hearing on pipeline safety  
2603 in the Energy and Power Subcommittee, we heard testimony from  
2604 the nation's foremost authorities warning us that we simply  
2605 do not know the environmental impact of transporting diluted  
2606 vitamin to the heart of the country or how this substance  
2607 differs from other types of crude. Yet, this bill would  
2608 force the administration to issue the presidential permit for  
2609 the pipeline within 30 days of the final Environmental Impact  
2610 Study and no later than November 1st, 2011. This arbitrary  
2611 timeline will reduce the allocated time that federal agencies  
2612 should have to determine the national interest in citing this

2613 proposal by almost two-thirds, while also reducing or  
2614 eliminating the 30-day public comment period.

2615 I believe public input is a vital and a necessary part  
2616 of the determination process, especially for the local  
2617 community that would be most affected by a decision to move  
2618 forward.

2619 I also believe that it is important for the various  
2620 departments to weigh in with their national interest  
2621 determinations, which this bill will severely curtail if not  
2622 completely eliminate. In fact, in conversations that my  
2623 office has held with the State Department as well as the EPA,  
2624 we were informed that it would be close to impossible for the  
2625 responsible agencies to do their due diligence and reply to  
2626 the arbitrary timeline of November the 1st, as this bill  
2627 would mandate.

2628 Additionally, the State Department has already  
2629 publically stated that it expects to have a decision on  
2630 Keystone out by the end of the year. Mr. Chairman, my  
2631 amendment will allow for the appropriate time period for the  
2632 public and the different agencies to weigh in while also  
2633 mandating that a decision is made within a timely manner.

2634 Pushing the deadline back by just a mere two months will  
2635 avoid short-circuiting the review process and also make sure  
2636 that a decision is made in a reasonable time period. So I

2637 urge all of my colleagues to support this amendment, and with  
2638 that, I yield back the balance of my time.

2639 Mr. {Whitfield.} [Presiding] Does anyone seek  
2640 recognition?

2641 Mr. {Terry.} Yes, Mr. Chairman. I seek--

2642 Mr. {Whitfield.} Mr. Terry is recognized for 5 minutes.

2643 Mr. {Terry.} --time in opposition. Just a couple of  
2644 points here. First, I want to clarify that what this bill  
2645 does is says a decision needs to be made. It doesn't say yes  
2646 or no. It just says that here is the timeline. Now, it  
2647 doesn't, Bobby.

2648 Mr. {Rush.} You are good, man. You are good. You are  
2649 good.

2650 Mr. {Terry.} It doesn't. It says make a decision. It  
2651 doesn't say yes. The other part of this that I would say is  
2652 maybe you have had conversations with the State Department,  
2653 but we asked them to come up here and provide us testimony,  
2654 and they refused. So I don't have any evidence that they  
2655 need any more than the five months that they have to follow  
2656 up on the EPA's recommendation or setting hearings. If they  
2657 come here and say they can't do that in five months, we would  
2658 probably be open to changing their date.

2659 But we have no evidence that they can't do their  
2660 hearings, that they want to do a second round of, can't be

2661 done in 5 months. So without any evidence saying they can't  
2662 do it, I just don't see any reason to agree with that. I  
2663 yield back to the Chairman.

2664 Mr. {Whitfield.} Well, I would just like to comment  
2665 that EPA had a 60-day comment period for its proposed  
2666 regulation of Utility MACT, which had a financial cost to  
2667 this economy of over \$14 billion, estimated to increase  
2668 electricity costs by 8 or 9 percent, and they had a 60-day  
2669 comment period.

2670 So if they can complete a gigantic, 1,000-page  
2671 regulation with a 60-day comment period, you would think that  
2672 they would be able to do this within five months.

2673 Mr. {Rush.} Would the gentleman yield? Mr. Chairman?

2674 Mr. {Terry.} It is my time, and I will--yeah, they seem  
2675 to have enough time to be able to do this as you just pointed  
2676 out. And keep in mind, this is the second round of doing  
2677 this. This isn't the first time of going out for public  
2678 comment. There has already been two others in the time. The  
2679 other part, before I yield to the gentleman from Illinois, is  
2680 I am kind of offended that the State Department won't talk to  
2681 us, but you get to call them up, and they give you  
2682 information. I am kind of offended at that right now, and I  
2683 will yield to you.

2684 Mr. {Rush.} Well, I think we might clarify this. I

2685 called the State Department, and they answered the phone.  
2686 You called them and told them to get up here within a matter  
2687 of a few hours, and they said that they could not make it  
2688 during that time period that you gave them to get up--to be  
2689 here to appear before the committee.

2690 So I am sure they would answer your phone call and give  
2691 you the same information that they shared with me if you  
2692 would just call them. You know, dial first and call them,  
2693 and they will answer the phone and give you the same  
2694 information.

2695 Mr. {Terry.} Well, reclaiming my time on that. I  
2696 respect the gentleman's comment there. We gave them 2 weeks.  
2697 We have also made comments to them. We would like to hear  
2698 from you, and they haven't. So it has been difficulty.

2699 Mr. {Rush.} If you will yield just for a second, I  
2700 don't recall that invitation going to the State Department  
2701 with a 2-week period that they were supposed to respond. I  
2702 don't recall that. What I do recall is the fact that they  
2703 were asked to be here within a totally unreasonable period of  
2704 time, and they couldn't make it. They said they couldn't  
2705 make it. And they also stated that if you would give them an  
2706 appropriate timeline--

2707 Mr. {Terry.} They didn't--reclaiming my time.

2708 Mr. {Rush.} --they would try to be here.



2709 Mr. {Terry.} Reclaiming my time. Not to keep dickering  
2710 on little points here that are side tracking us, but we  
2711 invited--they declined. They didn't say that there was a  
2712 scheduling conflict. They said they would not come. There  
2713 is a difference between not being able to come and refusing  
2714 to come. And the hearing was noticed a week in advance, and  
2715 the invitation made the week before that. I am going to  
2716 yield back to the Chairman of the Subcommittee, if he has  
2717 anything to add to this, but otherwise--

2718 Mr. {Rush.} Mr. Chairman, if you will yield a minute to  
2719 me.

2720 Mr. {Whitfield.} Well, there is--do you want to yield  
2721 to Mr. Rush?

2722 Mr. {Terry.} I will yield my remaining 14 seconds to  
2723 the gentleman, my friend from Illinois.

2724 Mr. {Rush.} Mr. Chairman, also the EPA indicated that  
2725 they didn't want to appear before the committee because they  
2726 were in the middle of determination. They were deliberating  
2727 on this particular project. And I might add, you know, 60  
2728 days, we are asking for 60 days, and I think that that is not  
2729 something that is unreasonable. We want an additional 60  
2730 days so that they can have the time to go through their--  
2731 perform their due diligence so that they would be able to  
2732 reach a decision that is in the best interest of the American

2733 people.

2734           And I don't think jobs are going to be adversely  
2735 affected in 60 days. We are all for jobs. Let the jobs come  
2736 if they are going to come. But give this agency, give the  
2737 affected agency, give the public, the ones who are going to  
2738 be most affected by this. We are not talking about plumbing  
2739 in a building or home. We are talking about a pipeline with  
2740 thousands and thousands of miles. There should be due  
2741 diligence.

2742           Mr. {Whitfield.} Gentleman's time has expired. Does  
2743 anyone seek recognition? The question now occurs on the  
2744 amendment. Those in favor, say aye. Those opposed, nay. In  
2745 the opinion of the chair, the nos have it. The nos have it.  
2746 Are there further amendments? The gentlelady, Ms.  
2747 Christensen. For what purpose does the gentlelady seek  
2748 recognition?

2749           Dr. {Christensen.} Thank you, Mr. Chairman. I have an  
2750 amendment at the desk.

2751           Mr. {Whitfield.} Clerk will report the amendment.

2752           The {Clerk.} What is the number at the top?

2753           Dr. {Christensen.} It is 5, 005.

2754           The {Clerk.} An amendment offered by Ms. Christensen of  
2755 the Virgin Islands.

2756           [The amendment follows:]

2757 \*\*\*\*\* INSERT 7 \*\*\*\*\*

|  
2758 Mr. {Whitfield.} The gentlelady is recognized for 5  
2759 minutes to explain her amendment.

2760 Dr. {Christensen.} Thank you, Mr. Chairman. I agree  
2761 that we must reduce our alliance on oil from high conflict  
2762 resolutions, but H.R. 1938 attempts to set a very high cost.  
2763 And it makes a series of findings, as has been discussed,  
2764 related to the Keystone XL Pipeline. Some of these findings  
2765 are a matter of opinion, and some are just flat-out wrong.  
2766 But all of these findings share one characteristic: they all  
2767 support the pipeline and inconvenient facts are not included.

2768 In fact, there are a lot of inconvenient facts about  
2769 this pipeline, as we have heard, that the American people  
2770 should know. This project has many potentially significant  
2771 adverse environmental impacts. Tar sands require far more  
2772 energy to extract and process than the conventional crude  
2773 oil. The result is that the lifecycle greenhouse gas  
2774 emissions from using tar sands fuel are estimated to be from  
2775 9 to 37 percent higher than from our baseline fuel mix.

2776 Overall, fuel from tar sands pipelines could erase  
2777 roughly two-thirds or more of the greenhouse gas emission  
2778 reductions that the President's vehicle standards would  
2779 achieve in 2020. This pipeline would almost double our  
2780 current use of tar sands fuel. At a time when we are trying

2781 to curb carbon emissions and stop global warming, Keystone XL  
2782 makes us more reliant on one of the dirtiest sources of fuels  
2783 currently available. And the jobs it is said it would create  
2784 would be better off being created from expanding renewable  
2785 and clean sources of energy.

2786 This amendment adds a finding. It adds a finding that  
2787 simply recognizes that Keystone XL will increase carbon  
2788 emissions and make it harder to address global warming. The  
2789 finding states that the State Department Supplemental Draft  
2790 Environmental Impact statement estimates that the Keystone XL  
2791 Pipeline would increase carbon pollution associated with U.S.  
2792 fuel use by up to 23 million metric tons of carbon dioxide  
2793 equivalent per year, which is equivalent to the annual  
2794 emissions from an extra 4.5 million passenger vehicles.

2795 It is important, as has been said, that we are truthful  
2796 with the American people about the true costs of the Keystone  
2797 XL Pipeline. It would have devastating effects on the  
2798 environment, and we need to be up front with the American  
2799 people about those effects.

2800 I ask my colleagues to support this amendment, and I  
2801 yield back my time.

2802 Mr. {Whitfield.} Gentlelady yields back the balance of  
2803 her time. Does anyone seek--the gentleman, Mr. Terry, is  
2804 recognized for 5 minutes.

2805 Mr. {Terry.} I rise in opposition to the gentlelady's--  
2806 that a substantial amendment that is substantially similar to  
2807 one we debated just a little bit ago. And I will reiterate  
2808 from the record that the EPA has been provided State  
2809 Department requested, modeled after EPA or using the EPA  
2810 modeling. That it concludes that global life cycle  
2811 greenhouse gas emissions, comparing the pipeline to no  
2812 pipeline is negligible. We have established that. That is  
2813 the record, and I would like to read from the supplemental as  
2814 well. Saying ``despite the differences in study, design, and  
2815 input, it is clear that western Canada crude oils would  
2816 likely be transported through the proposed project are on  
2817 average somewhat more greenhouse green intensive. Although  
2818 the study shows that there would be no substantive change in  
2819 global greenhouse gas emissions as a result of the  
2820 construction of the proposed project and no substantive  
2821 change in western Canada SBU WCSB crude oil imports into the  
2822 United States, whether the project is implemented or not.''

2823 So I am going to yield to the gentlelady because I don't  
2824 know where in the record it shows that there will be an  
2825 increase, and I would appreciate if she could give me the  
2826 reference. I am referencing the study that is in the record  
2827 right now saying that it is negligible. So I yield to the  
2828 gentlelady.

2829 Dr. {Christensen.} And I don't have the report right  
2830 with me, but--

2831 Mr. {Terry.} All right, reclaiming my time. I will go  
2832 ahead and yield back my time. We have debated this.

2833 Mr. {Whitfield.} The gentleman yields back the balance  
2834 of his time. Is there further discussion on this amendment?  
2835 The gentleman from California, Mr. Waxman, is recognized for  
2836 5 minutes.

2837 Mr. {Waxman.} Mr. Chairman and my colleagues, I support  
2838 the Christensen amendment. On May 12, 2011, the National  
2839 Academy of Sciences, our nation's preeminent scientific  
2840 organization released a new report entitled ``America's  
2841 Climate Choices'' and the Academy charged the writing of a  
2842 consensus report to provide authoritative analysis to inform  
2843 and guide our response to climate change.

2844 And they found ``climate change is occurring, is very  
2845 likely caused primarily by human activities, and poses  
2846 significant risk to humans and to the environment.'' The  
2847 Academy called delaying action imprudent and urged that the  
2848 U.S. should begin ramping down emissions as soon as possible.

2849 Similarly, the Vatican has recently weighed in on  
2850 climate change. On May 11, 2011, a report by the Pontifical  
2851 Academy of Sciences emphasized the dangers associated with  
2852 climate change. This legislation takes us in exactly the

2853 wrong direction. Rather than listening to the experts and  
2854 cutting carbon pollution, this legislation says full steam  
2855 ahead for pollution control.

2856         The Christensen amendment simply recognizes the facts,  
2857 and if we approve this pipeline, our carbon pollution will  
2858 increase. Let us not deny reality, and let us approve the  
2859 Christensen amendment.

2860         Mr. {Inslee.} Gentleman yield?

2861         Mr. {Waxman.} I would be happy to yield to the  
2862 gentleman from Washington.

2863         Mr. {Inslee.} I just am looking forward to the day  
2864 where we start getting together on this issue, not just about  
2865 this pipeline but this larger issue whether we got a problem.  
2866 And I just am going to ask my colleagues across the aisle. I  
2867 am going to send you all a report that was issued two days  
2868 ago by a consortium of Marine scientists, and this is  
2869 probably the most esteemed Marine science conclave people  
2870 have ever had.

2871         And they issued a report 2 days ago that basically said  
2872 we are heading for major extinction events in the oceans  
2873 because of a combination of ocean acidification caused by  
2874 carbon dioxide, temperature changes, and pollution. And the  
2875 thing that was stunning about it is they basically said we  
2876 are not looking at little tiny changes in the oceans. We are



2877 looking at mass extinction events that have never happened in  
2878 human history and will be equal to the previous six  
2879 extinction events the planet has had.

2880 This amendment is not going to solve that problem, but I  
2881 am going to send my Republican colleagues this report. And I  
2882 hope that you will just take a look at it because this isn't  
2883 a global warming issue. It is a global collapse issue of  
2884 major life forms in the ocean upon which we get about 16 or  
2885 20 percent of our protein.

2886 And I just hope you will take a look at it because I  
2887 hope the day will come when we can get together and figure  
2888 out how we are going to skin this cat. Thank you.

2889 Mr. {Whitfield.} Thank you, Mr. Inslee. Question will  
2890 now occur on the amendment. Those in favor, say aye. Those  
2891 opposed, no. In the opinion of the chair, the nos have it.  
2892 Are there further amendments to the bill? Are there any  
2893 further amendments to the legislation?

2894 Ms. {Eshoo.} Yes.

2895 Mr. {Whitfield.} The gentlelady from California, Ms.  
2896 Eshoo, is recognized for 5 minutes for explanation of her  
2897 amendment.

2898 Ms. {Eshoo.} Thank you, Mr. Chairman. I have an  
2899 amendment at the desk.

2900 Mr. {Whitfield.} The clerk will--just let me have the

2901 clerk report the amendment.

2902           The {Clerk.} An amendment offered by Ms. Eshoo of

2903 California.

2904           [The amendment follows:]

2905 \*\*\*\*\* INSERT 8, 9 \*\*\*\*\*

|  
2906 Mr. {Whitfield.} The gentlelady is recognized for 5  
2907 minutes.

2908 Ms. {Eshoo.} Thank you, Mr. Chairman, and I would like  
2909 to ask unanimous consent that as the copy of the amendment is  
2910 being passed out to members, that a September 11, 2010  
2911 article from the San Francisco Chronicle accompany the  
2912 amendment as well.

2913 Mr. {Whitfield.} Without objection.

2914 Ms. {Eshoo.} Thank you, Mr. Chairman. Public pipeline  
2915 safety is not a subject I take likely. On September 10,  
2916 2010, there was a natural gas explosion in San Bruno,  
2917 California. As a result of that, eight people were killed,  
2918 dozens were injured, and there was the destruction of 55  
2919 homes.

2920 To put this into geographic context, San Bruno,  
2921 California is very close to San Francisco International  
2922 Airport in San Mateo County, the county that I live in.  
2923 While San Bruno is not in my congressional district, it is in  
2924 Congresswoman Speier's. This is one of the most shocking  
2925 events that has taken place in the Bay area, in northern  
2926 California, in California, and in our country. We have been  
2927 regulating natural gas pipelines, and I would urge you just--  
2928 you may not have time to read the article, but when you see

2929 this picture, you can understand the devastation.

2930           We have been regulating natural gas pipelines since  
2931 1968, and we are still seeing horrific explosions like the  
2932 one in San Bruno, California. I think it is dangerous to  
2933 move forward with a tar sands oil pipeline, which we have  
2934 little to no experience regulating before we have the proper  
2935 safety knowledge and procedures in place.

2936           And that is what my amendment is about. We are hearing  
2937 strong concerns that pipelines carrying tar sands and the  
2938 chemical bitmutin may pose greater safety risks--I may not be  
2939 pronouncing that correctly--than pipelines carrying  
2940 conventional or synthetic crude.

2941           At a June 16, 2011 hearing on pipeline safety held by  
2942 the Subcommittee on Energy and Power, Cynthia Quarterman, who  
2943 is the administrator of the Pipeline and Hazardous Material  
2944 Safety Administration, PHMSA, testified that her agency,  
2945 which is specifically designed for researching and  
2946 administering pipeline safety, had not done a study analyzing  
2947 the risks associated with transporting diluted bitmutin but  
2948 would be happy to do such a study if required by Congress.

2949           So my amendment would require PHMSA to complete a  
2950 comprehensive review of the properties and characteristics of  
2951 this and the hazardous liquid pipeline regulations before the  
2952 final presidential permit is issued on the Keystone Tar Sands

2953 Pipeline. This study, I think, is important for the safety  
2954 of all Americans and will determine whether current  
2955 regulations are sufficient to regulate pipelines used for the  
2956 transportation of tar sands crude oil.

2957 I think that this approach makes sense because it is far  
2958 less costly to build pipelines correctly than to try to fix  
2959 or replace a line that is already built. And I think that  
2960 the San Bruno explosion speaks to that.

2961 So, Mr. Chairman and members, we all realize that we  
2962 have a profound responsibility to protect lives. Certainly  
2963 we have to take into consideration money and property and  
2964 take the proper precautions now. So for these reasons, I  
2965 urge all of my colleagues to support this amendment, and I  
2966 will reserve the balance of my time if I have any. Yeah, I  
2967 do.

2968 The {Chairman.} The gentlelady's time has expired. I  
2969 am going to recognize myself for 5 minutes. I just want to  
2970 say to the gentlelady that this next month in July, we are  
2971 intending to start moving the Pipeline Safety Bill, which, as  
2972 you know, expires in September. And I intend to have a  
2973 conversation with Chairman Mica later today as our two  
2974 committees have joint jurisdiction. And the Transportation  
2975 Committee actually has certainly a big say in terms of  
2976 jurisdiction on this bill itself, and we are working on

2977 details between the two.

2978           But I want to say I do support a study on this, and, as  
2979 you know, the Pipeline Safety Bill, because it expires in the  
2980 end of September, we need to deal with that in both the House  
2981 and the Senate. And that study, I would support a study as  
2982 part of the Pipeline Safety Bill, which we deal again with in  
2983 subcommittee next month. And I have just seen the amendment,  
2984 so I am not as certain as to where I would be as it relates  
2985 to the finding that is here.

2986           But I wonder if the gentlelady might withdraw her  
2987 amendment now. We will absolutely commit to working as a  
2988 study for sure maybe beyond that in the couple weeks that we  
2989 have before it would go to markup in subcommittee next month.  
2990 I would rather do that--

2991           Dr. {Christensen.} Well, Mr. Chairman, thank you for  
2992 what you have said, and I have--

2993           The {Chairman.} I mean it is--

2994           Dr. {Christensen.} --you know, really respect for what  
2995 you have said. I think that your intentions are absolutely  
2996 sincere. I am worried, and I do want to work with both you  
2997 and Chairman Mica because this is what is coming up in the--  
2998 relative to the pipeline bill is an essential moment for us  
2999 to visit the issues that I just outlined in this amendment.

3000           Having said that, I don't think we should go forward

3001 with this unless we have something that speaks to the  
3002 pipeline issue because this is really--it is dangerous. This  
3003 is something, I think, that needs to be included so I have a  
3004 dilemma.

3005       The {Chairman.} Yeah, well I want to ensure that--you  
3006 know, and again, you know, Hillary Clinton, Secretary of  
3007 State, has indicated that she is inclined to move forward on  
3008 this bill or on the Keystone XL Pipeline. She said that  
3009 nearly a year ago. We want to make sure that all of our  
3010 pipelines are safe no matter what it carries, natural gas,  
3011 whatever in that.

3012       And it is appropriate that as we look at this as well as  
3013 the Pipeline Safety, and they are somewhat compatible, the  
3014 two bills together. And I just want to say that I want to  
3015 work with you to make sure that the bottom line at the end of  
3016 the day, in fact, all of the pipelines will be safe for  
3017 carrying this type of material and--

3018       Dr. {Christensen.} Well, let me ask you this, if I  
3019 might, Mr. Chairman. Can you make a commitment that as this  
3020 moves on, that this is not the last discussion about--

3021       The {Chairman.} Absolutely.

3022       Dr. {Christensen.} --pipeline regulation in this bill  
3023 as well?

3024       Mr. {Waxman.} Mr. Chairman, will you yield to me?

3025           The {Chairman.} My time for the moment, but absolutely  
3026 I will make that commitment. This is not something that is  
3027 going to go away. We have time to work on this again  
3028 because, as we are looking at the schedule, we are looking  
3029 for a subcommittee markup before the August break. And I  
3030 know that the Senate is moving as well, and I look forward to  
3031 working with the gentlelady in that regard and want to  
3032 underscore my support to make sure that the pipeline no  
3033 matter--again no matter what it carries, is going to be safe  
3034 for every community that it may pass through.

3035           Mr. {Waxman.} Gentleman yield?

3036           The {Chairman.} Yield to the gentleman from California.

3037           Mr. {Waxman.} Well, it seems to me the logical thing to  
3038 do is to do the Pipeline Safety Bill and not do this one  
3039 until we have done that legislation because we want to be  
3040 sure that the pipeline is safe, and we do have a particularly  
3041 high corrosive in these tar sands that will be traveling  
3042 through this pipeline.

3043           So rather than just say you will work with her later on  
3044 pipeline safety, would the Chairman be willing to agree to  
3045 hold back on this bill, even if it passes the committee,  
3046 before you move it beyond this committee until we have  
3047 resolved the issues on pipeline safety?

3048           The {Chairman.} I just want to say we have a couple



3049 committees that are involved. They are all beginning to move  
3050 that process forward. This is more specific in terms of a  
3051 rifle shot bill, but pipeline safety is not going to go away.  
3052 We are committed to having a markup in subcommittee before  
3053 the August break.

3054 Transportation Committee--and I don't know that you were  
3055 in the room when I talked about the discussion that I intend  
3056 to have--staffs have talked already, and I intend to talk  
3057 with Chairman Mica later today as it relates to that. And I  
3058 know that they are planning to move on somewhat of an  
3059 expedited basis as well.

3060 Mr. {Waxman.} Gentleman yield to me further?

3061 The {Chairman.} I will ask to stop the clock for a  
3062 moment. Yes.

3063 Mr. {Waxman.} Look, it just seems to me that it makes  
3064 more sense to build a pipeline right than to have to go and  
3065 change it after it is already built, and the Eshoo amendment  
3066 simply says that we should understand the risk before we  
3067 approve this pipeline and before the State Department makes a  
3068 final decision, the Pipeline Hazardous Materials Safety  
3069 Administration, or PHMSA, should do a study of the hazards  
3070 and evaluate whether pipeline safety regulations are  
3071 sufficient to ensure that pipelines carrying tar sands crude  
3072 oil don't leak. So let us do that first and then go with

3073 this pipeline to be sure we are doing it safely rather than  
3074 go ahead with this pipeline from Canada, find out that it  
3075 wasn't reviewed by the responsible agency, and they didn't do  
3076 what they should have done for pipeline safety. Let us put  
3077 the horse before the cart.

3078 Mr. {Terry.} Would the gentleman yield?

3079 The {Chairman.} My time is expired, so I am going to  
3080 yield.

3081 Mr. {Terry.} May I be recognized?

3082 The {Chairman.} It is going to be on this side first.

3083 Mr. {Terry.} Okay.

3084 The {Chairman.} Are the Democrats asking for--let me go  
3085 to Mr. Terry.

3086 Mr. {Terry.} Appreciate it. Move to strike the last  
3087 word. The 57 recommendations for this pipeline came from the  
3088 PHMSA review of the safety. They looked at bitmutin as one  
3089 of the chemicals in there. It has already been reviewed. I  
3090 don't want to leave an impression here that this already  
3091 hasn't been reviewed by the agency in charge of making  
3092 review.

3093 In fact, one of the recommendations was on the steel  
3094 itself and the thickness of the steel. And so those type of  
3095 things have already been resolved. So really what we are  
3096 saying is let us do another PHMSA total review of this.

3097 There was kind of an impression that nobody--

3098 Ms. {Eshoo.} Would the gentleman yield?

3099 Mr. {Terry.} --had looked at these things, and it has  
3100 already been.

3101 Ms. {Eshoo.} Would the gentleman yield?

3102 Mr. {Terry.} I would proudly yield to the gentlelady  
3103 from California.

3104 Ms. {Eshoo.} Thank you. Now, my staff has advised me--  
3105 I am not a member of our Energy and Power Subcommittee, but  
3106 they advised me that when Cynthia Quarterman, the  
3107 administrator of PHMSA, testified before that subcommittee,  
3108 that they had not done a study analyzing the risks associated  
3109 with transporting the diluted bitmutin. And she said that  
3110 she would be happy to do the study if required by Congress.  
3111 So maybe--

3112 Mr. {Terry.} I think what she was saying--

3113 Ms. {Eshoo.} Have I not been advised correctly?

3114 Mr. {Terry.} Reclaiming my time. I think she was  
3115 talking about the chemical itself and the totality, but they  
3116 have looked at it in a sense of this pipeline. And based on  
3117 their review of all of the environmental data and all that  
3118 was provided to them, the PHMSA came up with 57.

3119 But the chemical that they used to help the heavy crude  
3120 move through is part of what was provided to PHMSA, and PHMSA

3121 then based their recommendations on this particular--

3122 Mr. {Green.} Would the gentleman yield?

3123 Mr. {Terry.} And I would yield to the gentleman from  
3124 Texas.

3125 Mr. {Green.} Thank you for yielding to me. There has  
3126 been experience by running this particular substance into the  
3127 Midwest. All this bill talks about is the extension of this  
3128 pipeline down to the Gulf Coast, so we do have a history, and  
3129 there have been some problems with that pipeline.

3130 But again I think my colleague for California's  
3131 amendment is concerned, it was a natural gas pipeline.  
3132 Whereas this is not natural gas. This is actually a  
3133 substance that will be flowing, and there is experience in  
3134 the Midwest. Granted, I would like to have better pipeline  
3135 safety laws. I live and work along every pipeline you can  
3136 imagine in our area. And that is why we have the  
3137 reauthorization coming up. This will be my third pipeline  
3138 reauthorization on our committee, and every time, we try and  
3139 make it tougher. But it is still safer in a pipeline than is  
3140 running down our highways in a tanker truck.

3141 And so whether it is natural gas LNG on a truck or  
3142 whether it is this substance on trucks, it is still safer in  
3143 a pipeline, and we need to do better. But this amendment,  
3144 there have been studies of it because there has been hard

3145 experience, and I think--

3146 Mr. {Terry.} Okay, well reclaiming. That is good  
3147 information for all of us. Yield to the gentleman from  
3148 Illinois, Mr. Shimkus.

3149 Mr. {Shimkus.} Yeah, and Anna is a great friend. There  
3150 is a huge difference--and my friend from Texas--a huge  
3151 difference between natural gas and crude oil pipelines. One  
3152 is explosive. One makes a mess, and we do not want to delay  
3153 this project when there is really no natural gas applications  
3154 in this project.

3155 And the other part of the debate that my colleague  
3156 mentioned, I want to make sure that we understood that the  
3157 Vancouver that he mentioned was not Vancouver, Washington  
3158 State. It was Vancouver, Canada. This pipeline will be  
3159 built, and it will either be built to go to our refineries,  
3160 or it will be built to go to terminals that will ship this to  
3161 China.

3162 That is our debate, and that is why we need a decision  
3163 because capital will flow where there is certainty. And  
3164 until there is continued delay, no capital will go to this.  
3165 And it has already been delayed 15 months. And I yield back  
3166 to my colleague.

3167 Mr. {Terry.} Yield back.

3168 The {Chairman.} Gentleman's time has expired. Does the

3169 gentlelady wish to withdraw her amendment, or do we vote?

3170           Ms. {Eshoo.} Well, I feel like I am between a rock and  
3171 a hard place. I don't think that the majority is going to  
3172 support this amendment, and so while I am not totally  
3173 comfortable withdrawing it, I want to use the opportunity to  
3174 see what we can do together.

3175           I am not convinced that there has been any study of the  
3176 transport of diluted bitmutin. And the risks really need to  
3177 be calculated. So I will withdraw the amendment, trusting,  
3178 Mr. Chairman, that we are going to work closely with both you  
3179 and Chairman Mica because this is a serious issue. And I  
3180 don't want any community to have to go through what happened  
3181 in San Bruno, California. It just is total devastation. So I  
3182 will withdraw my amendment in the spirit in which you have  
3183 described the cooperative work that we are going to do  
3184 together on an important and serious issue, Mr. Chairman.

3185           The {Chairman.} Thank you. I look forward to working  
3186 with the lady. The amendment is withdrawn. Are there  
3187 further amendments to the bill? Seeing none, the vote occurs  
3188 on the bill H.R. 1938 as amended. And we will have a roll  
3189 call vote on that. So the clerk will call the roll. And let  
3190 me say then when we finish the recorded vote, we will adjourn  
3191 for an hour and come back. So the clerk will call the roll  
3192 on final passage.

- 3193 The {Clerk.} Mr. Barton?
- 3194 [No response.]
- 3195 The {Clerk.} Mr. Stearns?
- 3196 [No response.]
- 3197 The {Clerk.} Mr. Whitfield?
- 3198 Mr. {Whitfield.} Aye.
- 3199 The {Clerk.} Mr. Whitfield, aye.
- 3200 Mr. Shimkus?
- 3201 Mr. {Shimkus.} Aye.
- 3202 The {Clerk.} Mr. Shimkus, aye.
- 3203 Mr. Pitts?
- 3204 Mr. {Pitts.} Aye.
- 3205 The {Clerk.} Mr. Pitts, aye. Mrs. Bono Mack?
- 3206 Mrs. {Bono Mack.} Aye.
- 3207 The {Clerk.} Mrs. Bono Mack, aye.
- 3208 Mr. Walden?
- 3209 Mr. {Walden.} Aye.
- 3210 The {Clerk.} Mr. Walden, aye.
- 3211 Mr. Terry?
- 3212 Mr. {Terry.} Aye.
- 3213 The {Clerk.} Mr. Terry, aye.
- 3214 Mr. Rogers?
- 3215 Mr. {Rogers.} Aye.
- 3216 The {Clerk.} Mr. Rogers, aye.

3217 Mrs. Myrick?  
3218 Mrs. {Myrick.} Aye.  
3219 The {Clerk.} Mrs. Myrick, aye.  
3220 Mr. Sullivan?  
3221 Mr. {Sullivan.} Aye.  
3222 The {Clerk.} Mr. Sullivan, aye.  
3223 Mr. Murphy?  
3224 Mr. {Murphy.} Aye.  
3225 The {Clerk.} Mr. Murphy, aye.  
3226 Mr. Burgess?  
3227 Dr. {Burgess.} Aye.  
3228 The {Clerk.} Mr. Burgess, aye.  
3229 Mrs. Blackburn?  
3230 Mrs. {Blackburn.} Aye.  
3231 The {Clerk.} Mrs. Blackburn, aye.  
3232 Mr. Bilbray?  
3233 [No response.]  
3234 The {Clerk.} Mr. Bass?  
3235 [No response.]  
3236 The {Clerk.} Mr. Gingrey?  
3237 [No response.]  
3238 The {Clerk.} Mr. Scalise?  
3239 Mr. {Scalise.} Aye.  
3240 The {Clerk.} Mr. Scalise, aye.



- 3241 Mr. Latta?
- 3242 Mr. {Latta.} Aye.
- 3243 The {Clerk.} Mr. Latta, aye.
- 3244 Mrs. McMorris Rodgers?
- 3245 Mrs. {McMorris Rodgers.} Aye.
- 3246 The {Clerk.} Mrs. McMorris Rodgers, aye.
- 3247 Mr. Harper?
- 3248 Mr. {Harper.} Aye.
- 3249 The {Clerk.} Mr. Harper, aye.
- 3250 Mr. Lance?
- 3251 Mr. {Lance.} Aye.
- 3252 The {Clerk.} Mr. Lance, aye.
- 3253 Mr. Cassidy?
- 3254 Dr. {Cassidy.} Aye.
- 3255 The {Clerk.} Mr. Cassidy, aye.
- 3256 Mr. Guthrie?
- 3257 Mr. {Guthrie.} Aye.
- 3258 The {Clerk.} Mr. Guthrie, aye.
- 3259 Mr. Olson?
- 3260 Mr. {Olson.} Aye.
- 3261 The {Clerk.} Mr. Olson, aye.
- 3262 Mr. McKinley?
- 3263 Mr. {McKinley.} Aye.
- 3264 The {Clerk.} Mr. McKinley, aye.

3265 Mr. Gardner?  
3266 Mr. {Gardner.} Aye.  
3267 The {Clerk.} Mr. Gardner, aye.  
3268 Mr. Pompeo?  
3269 Mr. {Pompeo.} Aye.  
3270 The {Clerk.} Mr. Pompeo, aye.  
3271 Mr. Kinzinger?  
3272 Mr. {Kinzinger.} Aye.  
3273 The {Clerk.} Mr. Kinzinger, aye.  
3274 Mr. Griffith?  
3275 Mr. {Griffith.} Aye.  
3276 The {Clerk.} Mr. Griffith, aye.  
3277 Mr. Waxman?  
3278 [No response.]  
3279 The {Clerk.} Mr. Dingell?  
3280 Mr. {Dingell.} Aye.  
3281 The {Clerk.} Mr. Dingell, aye.  
3282 Mr. Towns?  
3283 [No response.]  
3284 The {Clerk.} Mr. Markey?  
3285 [No response.]  
3286 The {Clerk.} Mr. Pallone?  
3287 Mr. {Pallone.} No.  
3288 The {Clerk.} Mr. Pallone, nay.

3289 Mr. Rush?

3290 [No response.]

3291 The {Clerk.} Ms. Eshoo?

3292 Ms. {Eshoo.} No.

3293 The {Clerk.} Ms. Eshoo, nay.

3294 Mr. Engel?

3295 Mr. {Engel.} No.

3296 The {Clerk.} Mr. Engel, nay.

3297 Mr. Green?

3298 Mr. {Green.} Yes.

3299 The {Clerk.} Mr. Green, aye.

3300 Ms. DeGette?

3301 Ms. {DeGette.} No.

3302 The {Clerk.} Ms. DeGette, nay.

3303 Mrs. Capps?

3304 Mrs. {Capps.} No.

3305 The {Clerk.} Mrs. Capps, nay.

3306 Mr. Doyle?

3307 Mr. {Doyle.} Yes.

3308 The {Clerk.} Mr. Doyle, aye.

3309 Ms. Schakowsky?

3310 [No response.]

3311 The {Clerk.} Mr. Gonzalez?

3312 [No response.]

- 3313 The {Clerk.} Mr. Inslee?
- 3314 Mr. {Inslee.} No.
- 3315 The {Clerk.} Mr. Inslee, nay.
- 3316 Ms. Baldwin?
- 3317 Ms. {Baldwin.} No.
- 3318 The {Clerk.} Ms. Baldwin, nay.
- 3319 Mr. Ross?
- 3320 Mr. {Ross.} Aye.
- 3321 The {Clerk.} Mr. Ross, aye.
- 3322 Mr. Matheson?
- 3323 Mr. {Matheson.} Yes.
- 3324 The {Clerk.} Mr. Matheson, aye.
- 3325 Mr. Butterfield?
- 3326 Mr. {Butterfield.} Nay.
- 3327 The {Clerk.} What did he say? I am sorry, he passed.
- 3328 Mr. Butterfield, nay. Mr. Barrow?
- 3329 Mr. {Barrow.} Aye.
- 3330 The {Clerk.} Mr. Barrow, aye.
- 3331 Ms. Matsui?
- 3332 Ms. {Matsui.} No.
- 3333 The {Clerk.} Ms. Matsui, nay.
- 3334 Ms. Christensen?
- 3335 Dr. {Christensen.} No.
- 3336 The {Clerk.} Ms. Christensen, nay.

3337 Ms. Castor?

3338 Ms. {Castor.} No.

3339 The {Clerk.} Ms. Castor, nay.

3340 Mr. Upton?

3341 The {Chairman.} Aye.

3342 The {Clerk.} Mr. Upton, aye.

3343 The {Chairman.} Other members wishing to vote? Mr.

3344 Stearns?

3345 Mr. {Stearns.} Aye.

3346 The {Clerk.} Mr. Stearns, aye.

3347 The {Chairman.} Mr. Towns?

3348 Mr. {Towns.} No.

3349 The {Clerk.} Mr. Towns, nay.

3350 The {Chairman.} Mr. Bass?

3351 Mr. {Bass.} No.

3352 The {Clerk.} Mr. Bass, nay.

3353 The {Chairman.} Other members wishing to vote? Seeing

3354 none, the clerk will report the ballot.

3355 The {Clerk.} On that, there were 33 ayes, 13 nays.

3356 The {Chairman.} Thirty-three ayes, 13 nays. The bill

3357 is passed as amended, and recognize the gentlelady from

3358 Colorado.

3359 Ms. {DeGette.} Mr. Chairman, the minority requests that

3360 the appropriate time we can file the minority view.

3361           The {Chairman.} She requests the appropriate time to  
3362 file minority views. Without objection, so ordered.  
3363 Committee stands adjourned until 2:15.

3364           [Recess.]

3365           The {Chairman.} The committee will come back to order,  
3366 and now call up the activity report and ask the clerk to  
3367 report.

3368           The {Clerk.} Activity report of the Committee on Energy  
3369 and Commerce, U.S. House of Representatives, January 5  
3370 through May 31, 2011.

3371           [The activity report follows:]

3372 \*\*\*\*\* INSERT 10 \*\*\*\*\*

|  
3373           The {Chairman.} And without objection, the first  
3374 reading of the report is dispensed with. So ordered. The  
3375 chair will recognize himself very briefly.

3376           Under a new House rule, our committee is required to  
3377 file a semiannual activity report. It is an important part  
3378 of the Republican leadership's transparency and  
3379 accountability efforts. That said, this should not be a  
3380 partisan exercise. We are reporting to the House on what the  
3381 committee has done.

3382           The activity report that I have circulated does just  
3383 that. There is no soaring partisan rhetoric. There is no  
3384 grandstanding about our accomplishments, and I would note  
3385 that the minority has filed 10 amendments to the activity  
3386 report. I further note that all 10 of those amendments seek  
3387 to amend the oversight plan that this committee approved over  
3388 4 months ago by a voice vote and obviously on a partisan  
3389 basis. Apparently we are accused of operating on a partisan  
3390 basis at almost every turn. I dispute that, and may discuss  
3391 that topic more later on. What is abundantly clear today,  
3392 though, is that the minority is turning perhaps what should  
3393 be almost a perfunctory, nonpartisan event into something  
3394 more than that, i.e., partisan.

3395           I would yield back at this time and ask if there are--I

3396 will recognize the chairman for what purpose?

3397 Mr. {Waxman.} Opening statement.

3398 The {Chairman.} Opening statement? The chair is  
3399 recognized for 5 minutes. Strike the last word.

3400 Mr. {Waxman.} Strike the last word, yes. Mr. Chairman,  
3401 I will try to be brief as well.

3402 We have found the committee activity report generally  
3403 accurate in chronicling the meetings and hearings and  
3404 markups. We have some technical corrections for accuracy,  
3405 and we hope they can be accepted. And we will have  
3406 amendments to offer to ensure that the committee is  
3407 protecting the health care of seniors, the disabled and  
3408 children.

3409 The fact of the matter is that this committee has  
3410 accomplished virtually nothing since January. It is there on  
3411 page 9 of the report: total bills and resolutions referred  
3412 to the committee, 417; bills and resolutions reported to the  
3413 House, 12; number of public laws, zero.

3414 For all of its labors, this committee has decisively  
3415 failed to meet some of the most urgent needs of the American  
3416 people today: to pass into law legislation that will promote  
3417 jobs and job growth for the country. Instead, the committee  
3418 leadership has followed an extreme agenda across the  
3419 committee's jurisdiction.



3420           On health care, this committee has voted to strip  
3421 benefits from seniors, the disabled and children. It has  
3422 passed legislation that repeals basic consumer protections  
3423 and would allow insurance companies to discriminate against  
3424 individuals with preexisting illnesses. The Republican  
3425 agenda has been to end Medicare and Medicaid as we know it.  
3426 This is not a record for which we ought to be proud.

3427           On energy and the environment, the record is no better.  
3428 This committee room has become an alternative universe where  
3429 the laws of nature cease to exist. It is an embarrassment  
3430 that the committee voted that climate change is not  
3431 occurring, is not caused by man, and is not a threat to  
3432 health and the environment.

3433           I have offered to work with my Republican colleagues on  
3434 a bipartisan basis on many bills, including the chemical  
3435 security bill, the OCS bill and the coal ash bill, but these  
3436 overtures have been rejected again and again.

3437           We can continue down the path we are on, or we try to  
3438 find some common ground. We can end up with no major  
3439 legislation emanating from this committee enacted into law,  
3440 or we can forge bipartisan consensus and achieve something  
3441 for the American people. There are areas where I hope we can  
3442 find a bipartisan solution. One is toy safety, another is  
3443 privacy, and a third is spectrum allocation and public

3444 safety. I hope we seize these opportunities.

3445           So I believe this should be a moment for reflection and  
3446 reassessment of the course we are on and of what we truly  
3447 want to accomplish in this Congress. Our country needs  
3448 leadership from Congress from both parties, not divisiveness  
3449 and partisanship, and I yield back the balance of my time.

3450           The {Chairman.} Are there other members wishing to  
3451 strike the last word? If not, we will open the bill up for  
3452 amendment. Are there any--

3453           Mr. {Waxman.} Just a point of information. Is the  
3454 committee report considered as read and open for amendment at  
3455 any point?

3456           The {Chairman.} Yes, it is. I did that. I recognized  
3457 myself briefly, as you did, and it is open to amendment.

3458           Are there any bipartisan amendments? Seeing none, are  
3459 there any other amendments? The gentleman from New Jersey,  
3460 Mr. Pallone, has an amendment at the desk.

3461           Mr. {Pallone.} I believe so. Amendment number 3,  
3462 health.

3463           The {Chairman.} The clerk will report the title of the  
3464 amendment.

3465           Mr. {Pallone.} It is about SCHIP and Medicaid.

3466           The {Clerk.} An amendment offered by Mr. Pallone of New  
3467 Jersey.

3468 [The amendment follows:]

3469 \*\*\*\*\* INSERT 11 \*\*\*\*\*

|  
3470           The {Chairman.} The amendment will be considered as  
3471 read. The staff will circulate the amendment. And the  
3472 gentleman is recognized for 5 minutes in support of his  
3473 amendment.

3474           Mr. {Pallone.} Thank you, Mr. Chairman.

3475           I am concerned about the harms of the Republican budget  
3476 on children in Medicaid and CHIP, so my amendment would  
3477 require the committee to examine these issues closely. The  
3478 Republican budget proposal, which passed the House in April,  
3479 proposes devastating cuts to programs of importance to our  
3480 Nation's most vulnerable children and families, failing to  
3481 promise a brighter future for the next generation.

3482           Medicaid and the Children's Health Insurance Program, or  
3483 CHIP, cover nearly 30 million, or one-third of all America's  
3484 children, and over half of low-income children. Medicaid and  
3485 CHIP provide children with comprehensive medical services to  
3486 address physical, mental and developmental health needs.  
3487 Children represent half of all Medicaid enrollees yet they  
3488 account for only 20 percent of the spending. Through  
3489 Medicaid and CHIP, the country has successfully reached the  
3490 highest rate of insured children on record: 90 percent of  
3491 children in the United States have health coverage.

3492           In the Republican budget outline for fiscal year 2012,

3493 they have proposed to end the Medicaid entitlement, instead  
3494 providing fixed dollar amount funding to States through block  
3495 grants. Specifically, it proposes to slash \$771 billion out  
3496 of current Medicaid and another \$627 billion out of Medicaid  
3497 as part of health care reform for a total of \$1.4 trillion in  
3498 federal Medicaid cuts. With these types of cuts, it is near  
3499 certain that funding for States will be far lower than under  
3500 the current financing system, jeopardizing coverage and  
3501 protections currently guaranteed for children and other  
3502 vulnerable populations.

3503 In fact, what is even worse, by eliminating the  
3504 Affordable Care Act, the Republican proposal would  
3505 effectively repeal funding for CHIP, a program which provides  
3506 health coverage for more than 7 million children and has the  
3507 support of 82 percent of the American public. The proposal  
3508 appears to anticipate the expiration of the CHIP in 2013, 6  
3509 years sooner than currently scheduled, and creates a \$150  
3510 billion shortfall, which would cause all covered children to  
3511 have their health care coverage threatened.

3512 Now, I think obviously that children are the single  
3513 largest group of beneficiaries that would be at risk even  
3514 though they are the least expensive population to coverage.  
3515 Such potential loss of health insurance has dire consequences  
3516 for the health of children. Uninsured children are 20 to 30

3517 percent more likely to lack immunizations, prescription  
3518 medications, asthma care and basic dental care. Uninsured  
3519 children with conditions requiring ongoing medical attention  
3520 such as asthma or diabetes are six to eight times more likely  
3521 to have unmet health care needs, and uninsured children are  
3522 also more likely than insured children to miss school due to  
3523 health problems and to experience preventable  
3524 hospitalizations.

3525         If the Republican budget were to be adopted, all  
3526 progress on children's health care coverage would come to a  
3527 halt and the uninsured rate for America's children would  
3528 likely double or triple in a matter of just a few years.  
3529 While tackling the national debt is a critically important  
3530 matter, it must not be done in a way that slashes the basic  
3531 investments in our Nation's children. We must not balance  
3532 budgets on the backs of kids.

3533         So I urge my colleagues to allow this committee to do  
3534 its job and examine the effects of this budget, and I would  
3535 ask for an aye vote on my amendment.

3536         I don't know if any of my colleagues would like me to  
3537 yield time, and if not, I will yield back the balance of my  
3538 time, Mr. Chairman.

3539         The {Chairman.} The gentleman yields back his time.

3540         The chair would recognize Dr. Burgess.

3541 Dr. {Burgess.} Thank you, Mr. Chairman. I have a  
3542 secondary amendment at the desk.

3543 The {Chairman.} The clerk will read the amendment.

3544 Mr. {Waxman.} Mr. Chairman, I reserve a point of order  
3545 on that amendment.

3546 The {Chairman.} Point of order is reserved.

3547 The {Clerk.} A second-degree amendment to the activity  
3548 report offered by Mr. Burgess of Texas.

3549 [The amendment follows:]

3550 \*\*\*\*\* INSERT 12 \*\*\*\*\*

|  
3551 Mr. {Waxman.} Mr. Chairman, I insist on the reading.

3552 The {Chairman.} The clerk will read the amendment.

3553 The {Clerk.} Strike all and replace with ``The  
3554 committee will examine how many children would lose their  
3555 private health care coverage''--

3556 Mr. {Waxman.} Mr. Chairman, I ask unanimous consent it  
3557 be considered as read, now that I have had a chance to look  
3558 at it.

3559 The {Chairman.} The amendment is considered as read.

3560 The gentleman will have 5 minutes in support of his  
3561 amendment, and the staff will circulate the amendment.

3562 Dr. {Burgess.} I thank the chairman for the  
3563 recognition.

3564 This amendment would ensure that this committee reviews  
3565 how the President's health care reform law repeatedly  
3566 violated his campaign pledge to ensure Americans are able to  
3567 keep their health care coverage. In addition, the amendment  
3568 would ensure that the Medicaid program continues to serve the  
3569 Nation's poorest and sickest individuals.

3570 Earlier this week, the Associated Press reported that  
3571 the President's health care reform law could expand the  
3572 Medicaid program to include middle-class Americans with  
3573 incomes around \$64,000. If such a dramatic expansion of



3574 Medicaid is implemented by this Administration, one in four  
3575 Americans will become a Medicaid recipient. It doesn't sound  
3576 like health care reform. This dramatic expansion will not  
3577 only cost the federal and State government billions, it could  
3578 also have effects on access to care for the nearly 60 million  
3579 existing Medicaid beneficiaries who already face tremendous  
3580 challenges in finding someone to actually see them when they  
3581 are ill. We are all well aware of the provider shortage  
3582 created by the lack of satisfactory reimbursement in  
3583 Medicaid.

3584         In addition, because of not even the potential crowd-  
3585 out, the very real phenomenon of crowd-out resulting from the  
3586 overexpansion of entitlement programs in the Patient  
3587 Protection and Affordable Care Act, Americans, mostly  
3588 children, could lose their private health insurance and be  
3589 forced into Medicaid or the Children's Health Insurance  
3590 Program.

3591         During the campaign as a candidate, the President  
3592 promised reform. In reality, his reform plan is an  
3593 overexpansion of already strained entitlement programs and a  
3594 path toward really what is going to amount to a government  
3595 takeover of our health care system. So I ask my colleagues  
3596 on both sides to look at this critically and support the  
3597 secondary amendment that ensures that the Medicaid program is

3598 preserved for those for whom it was designed, the most  
3599 vulnerable citizens, and individuals with private health care  
3600 insurance could indeed take the President's promise to the  
3601 bank, if you like what you have, you can keep it.

3602 I will be happy to yield to anyone else on either side.  
3603 If not, Mr. Chairman, I will yield back the balance of my  
3604 time.

3605 The {Chairman.} The gentleman yields back.

3606 Does the gentleman from California insist on his point  
3607 of order?

3608 Mr. {Waxman.} Mr. Chairman, I do have a point of order,  
3609 that the text of the amendment offered by the gentleman from  
3610 Texas is in effect a substitute amendment that should be  
3611 subject to further amendment. According to the House  
3612 Practice Manual chapter 2, section 14, ``a perfecting  
3613 amendment should retain some portion of the substitute so as  
3614 not to be in effect a substitute in the third degree.''

3615 We have talked with the parliamentarians about this  
3616 principle, and what this means is that when text of an  
3617 amendment does not retain some part of the underlying  
3618 amendment, it is in effect a substitute. The amendment  
3619 offered by the gentleman strikes out the entirety of the  
3620 underlying amendment and is therefore in effect a substitute,  
3621 not a perfecting amendment. Therefore, my point of order is

3622 not to rule the proposal out of order but to recognize that  
3623 the amendment that is now being offered is a substitute and  
3624 would be open to further amendment.

3625         The {Chairman.} So does the gentleman withdraw his  
3626 point of order that it is not germane?

3627         Mr. {Waxman.} Well, I withdraw my point of order in  
3628 terms of germaneness, which I never intended to make. I just  
3629 wanted an understanding that the amendment is not a  
3630 perfecting amendment but a substitute amendment.

3631         The {Chairman.} So this amendment then is germane as a  
3632 substitute to the amendment that was offered.

3633         Mr. {Waxman.} Well, the other part of the statement was  
3634 that the amendment is germane, and while the chair would not  
3635 make a declaratory judgment on a parliamentary matter, we  
3636 will proceed.

3637         The {Chairman.} So--

3638         Mr. {Waxman.} I withdraw a point of order at this  
3639 point.

3640         The {Chairman.} The gentleman withdraws his point of  
3641 order, and discussion now is on the Burgess amendment.

3642         Mr. {Pallone.} Mr. Chairman.

3643         Mr. {Barton.} Mr. Chairman.

3644         Mr. {Pallone.} I have an amendment to the Burgess  
3645 amendment, a substitute.

3646 Mr. {Barton.} I want to reserve a point of order.

3647 The {Chairman.} The gentleman from Texas, Mr. Barton,  
3648 reserves a point of order.

3649 Mr. {Barton.} On Mr. Pallone's amendment to the  
3650 amendment to the amendment.

3651 The {Chairman.} Is it at the desk?

3652 Mr. {Pallone.} Well, I have to read it. Is it at the  
3653 desk?

3654 Mr. {Barton.} Mr. Chairman, my understanding of the  
3655 rules, if the amendments are not at the desk at least 2 hours  
3656 before, they can't be offered.

3657 Mr. {Pallone.} Yes, but how do we know what you were  
3658 doing. Burgess's wasn't there either.

3659 Mr. {Barton.} His was there at the beginning of the  
3660 markup.

3661 Mr. {Waxman.} That is not a rule. That was a rule of  
3662 recognition only.

3663 The {Chairman.} Mr. Pallone's amendment is allowed, so  
3664 the clerk will report the title of the amendment.

3665 The {Clerk.} An amendment to the Burgess substitute  
3666 offered by Mr. Pallone.

3667 [The amendment follows:]

3668 \*\*\*\*\* INSERT 13 \*\*\*\*\*

|  
3669           The {Chairman.} Without objection, the amendment will  
3670 be considered as read. The staff will circulate the  
3671 amendment. And the gentleman is recognized for 5 minutes.

3672           Mr. {Pallone.} Thank you, Mr. Chairman.

3673           The amendment is very simple. It simply says that the  
3674 committee will examine how many young children would lose  
3675 Medicaid and the Children's Health Insurance Program under  
3676 the Republican budget, so basically this goes back to the  
3677 concern that I expressed in my original amendment, which is  
3678 that--and I am not going to repeat the same thing again--  
3679 which is that because of what is proposed in the Republican  
3680 budget, my fear is that many children, young children who are  
3681 now Medicaid eligible under the current law and under the  
3682 CHIP program, would simply lose their eligibility and would  
3683 go into the ranks of the uninsured.

3684           Unless someone else wants my time, Mr. Chairman, I will  
3685 yield back.

3686           The {Chairman.} Is there further discussion on the--

3687           Mr. {Pallone.} I yield to the gentlewoman from Florida.

3688           Ms. {Castor.} I thank the distinguished gentleman, and  
3689 I just want to speak in favor of your amendment and say well,  
3690 thank goodness for Medicaid and how important it will be that  
3691 the GOP budget relating to Medicaid be defeated because we

3692 have families all across America who rely on Medicaid for  
3693 their basic health care needs, and when you hear Medicaid, we  
3694 are talking primarily about children, children in foster  
3695 care, pregnant women, and even seniors in nursing homes, and  
3696 I am afraid this GOP budget comes at such a difficult time  
3697 for our children. We have many families, mostly children and  
3698 pregnant women, that have had to come onto Medicaid at a time  
3699 when we are in the middle of this huge economic recession,  
3700 maybe someone in the family has lost a job and that has  
3701 resulted in a decline in the family income. Many of these  
3702 families, the kids come on to Medicaid on a temporary basis  
3703 or CHIP on a temporary basis. This is a very important  
3704 safety net, and this GOP budget needs to be examined for the  
3705 impact it is going to have on American families.

3706 Families USA also released a report this week that shows  
3707 what a double whammy this will be because under the GOP  
3708 budget and the cuts to Medicaid and health services for  
3709 children, we are also going to lose thousands and thousands  
3710 and thousands of jobs all across the country, and just ask  
3711 your local hospitals, doctors, nurses. They know what the  
3712 resulting cuts from the GOP budget will do to jobs. In my  
3713 State of Florida alone, this Families USA report said simply  
3714 thousands and thousands of jobs are going to be put at risk  
3715 by the GOP budget because of cuts to health services under

3716 Medicaid.

3717           So I think this is a very important topic for the  
3718 committee to examine and I salute Mr. Pallone for encouraging  
3719 us to examine how many children will lose their health care.  
3720 Maybe we should say how many Americans will lose their jobs  
3721 as a result of the GOP budget relating to Medicaid as well.  
3722 Yield back.

3723           Ms. {Schakowsky.} And will the gentleman yield, further  
3724 yield?

3725           Mr. {Pallone.} Yes, I yield to the gentlewoman from  
3726 Illinois.

3727           Ms. {Schakowsky.} Thank you. Let us see what we are  
3728 actually talking about here that is in jeopardy because of  
3729 the Republican budget and that is why we should examine it.

3730           Medicaid and the Children's Health Insurance Program  
3731 cover nearly 30 million, or one-third of all American  
3732 children and over half of all low-income children. Medicaid  
3733 and CHIP provide children with comprehensive medical services  
3734 to address physical, mental and development health needs.  
3735 Children represent half of all Medicaid enrollees. They  
3736 account only for 20 percent of the spending. Through  
3737 Medicaid and CHIP, the country has successfully reached the  
3738 highest rate of insured children on record. 90 percent of  
3739 children in the United States have health coverage. That is

3740 now at risk because of the Republican budget.

3741           According to the Center for Children and Families, there  
3742 are an estimated 14.1 million children covered at State  
3743 option through CHIP or Medicaid, all of whom will be at risk  
3744 of losing coverage. So we need to be fully aware when we  
3745 pass legislation of exactly what the impact will be on the  
3746 children of our children, on the people of our country, and I  
3747 want to speak in favor of this Pallone amendment that  
3748 requires that we do just that in the amendment, and I urge  
3749 support for the Pallone amendment to the amendment to the  
3750 amendment, or something.

3751           The {Chairman.} Do you yield back your time? Are there  
3752 other members wishing to speak on the amendment? Dr. Burgess  
3753 is recognized for 5 minutes.

3754           Dr. {Burgess.} Mr. Chairman, thank you for the  
3755 recognition.

3756           This is not a clash of ideologies. This is the  
3757 application and not the theory. The Republican budget is an  
3758 aspirational document. It still sits over in the Senate  
3759 awaiting Senate action. The Senate is likely going to take  
3760 no action because they never do. As a consequence, a unified  
3761 budget resolution is not likely to come before the House of  
3762 Representatives in this year or next, but we do have the  
3763 Patient Protection and Affordable Care Act, 2,700 pages of



3764 detailed instructions to the federal agencies that even as we  
3765 speak are grinding out rule after rule after rule, and what  
3766 did we find yesterday? Sixty-four thousand dollars. A  
3767 couple that earns \$64,000, if there is an income adjustment  
3768 because they happen to receive their income off Social  
3769 Security, not only are they eligible for Medicaid, they are  
3770 required to take Medicaid. The numbers of people on  
3771 Medicaid, middle-class individuals pushed onto Medicaid in  
3772 this country, is going to be unlike anything we have ever  
3773 seen.

3774         What do you think is the practical effect of that when  
3775 you do not have enough providers today to see the Medicaid  
3776 patients that want to go to the doctor's office because we  
3777 are not paying our doctors to see our Medicaid patients, and  
3778 then we double-down and vastly expand the system. How do you  
3779 think that is going to work out? You are of necessity going  
3780 to be driving off the poorest and the most vulnerable  
3781 citizens off of those rolls.

3782         This amendment, my amendment, prior to its subsequent  
3783 amendment by Mr. Pallone, was merely to preserve the access  
3784 for that vulnerable segment of the population. Now, later  
3785 on, if you want to talk ideology, we can do that. We do that  
3786 on this committee all the time, but we have got a very harsh  
3787 reality staring us in the face, and that is the Affordable

3788 Care Act. That is an act that violated every pledge the  
3789 President made to the people of the United States when he was  
3790 running for the highest office in the land, and we did not  
3791 properly vet that in this committee in the last Congress and  
3792 as a consequence we are struck with those consequences now.

3793 And again, I must reiterate, even as we speak, at every  
3794 federal agency at every level, some bureaucrat is cranking  
3795 out a rule or a regulation. You talk about job killing.  
3796 Look, Medicaid was never intended to be an economic  
3797 development program. I know some people believe that it was.  
3798 But you talk about a job-killing activity, that is the  
3799 Affordable Care Act. That is the Affordable Care Act  
3800 rulemaking process that is going on right now. That is the  
3801 deference to go to final proposed rules without even  
3802 appearing for public comment. That is what this committee  
3803 has been evaluating all year long.

3804 I think this amendment to the amendment needs to be  
3805 struck down. I would like to see a vote on my substitute  
3806 amendment to the original amendment. I think that is the  
3807 appropriate place for us to go. And I will yield back the  
3808 balance of my time.

3809 Mr. {Waxman.} I would like to be recognized. First of  
3810 all, let us look at the Burgess amendment. The Burgess  
3811 amendment says we are going to look at how many children

3812 would lose their current private health care coverage and be  
3813 forced to enroll in Medicaid and the Children's Health  
3814 Insurance Program under the President's Patient Protection  
3815 and Affordable Care Act. Well, I can tell you the answer to  
3816 that right now: none. There is nothing in that law that  
3817 says that a child that has private insurance has to give it  
3818 up to go into CHIP or Medicaid. The only ones who are going  
3819 to be in CHIP or Medicaid are kids who before now have no  
3820 coverage at all.

3821         The second part of your amendment, I don't find  
3822 offensive except for what the implications are. It says  
3823 ``the committee should examine the negative implications  
3824 expanding Medicaid to the middle class will have on the  
3825 ability of low-income children to access care in the Medicaid  
3826 program.'' Well, I assume you are talking about the middle-  
3827 class seniors. Are you talking about the middle-class  
3828 seniors?

3829         Dr. {Burgess.} Well, in fact, under provisions of  
3830 PPACA, anyone who falls into those income levels has to, they  
3831 don't have an option to get a subsidy in the exchange, they  
3832 have to go into Medicaid.

3833         Mr. {Waxman.} That is up to 133 percent of poverty.

3834         Dr. {Burgess.} It is 138 percent of poverty.

3835         Mr. {Waxman.} How much is that? Fourteen thousand

3836 dollars a year. If you are worried about somebody who has  
3837 \$14,000 a year income being called middle class and crowding  
3838 out low-income children, I think there are other things to  
3839 worry about. But that is the Burgess amendment.

3840 Now, what Mr. Pallone would have us look at is the kids  
3841 who are going to lose their Medicaid and CHIP benefits under  
3842 the Republican budget. Well, that is worth looking at  
3843 because the Republican budget would take Medicaid and make it  
3844 into a block grant and then cut it severely and then the  
3845 States would have the ability to decide they don't want to  
3846 cover kids any longer. They could say the kids that are now  
3847 covered under Medicaid or would be covered under Medicaid  
3848 under the Affordable Care Act will no longer be eligible for  
3849 it. So I think we ought to look at that because I believe  
3850 that if the Republican budget became law, we would have many,  
3851 many more uninsured people than if we left the law as it is.

3852 Now, why do I say that? Because we have 45,000 to  
3853 50,000 uninsured now, and the purpose of adopting the  
3854 Affordable Care Act was to give these people a chance to get  
3855 health insurance. Some of them didn't have health insurance  
3856 because of previous medical conditions, and even if they  
3857 could afford to buy it, they were denied it for the  
3858 individual policies. The Republican answer for that was:  
3859 nothing. There was no answer. There has never been a

3860 proposal. Maybe a high-risk group and insurance would cost  
3861 more and then maybe these people could afford it, and if they  
3862 couldn't, they are out of luck. There are a lot of people  
3863 who have no insurance because their employees don't offer it.  
3864 Well, the Republican proposal doesn't do anything to help  
3865 them, and there are a lot of people who can't afford it.  
3866 They could buy a health insurance policy but it is  
3867 unaffordable and so the Affordable Care Act would try to make  
3868 it affordable by giving some tax credits. Well, the fact of  
3869 the matter is that if you are going to repeal the Affordable  
3870 Care Act, which is what this committee voted to do, and if  
3871 you are going to pass a Republican budget that turns Medicaid  
3872 on its head and makes it a block grant, then we ought to be  
3873 able to find out what the consequences are, and that is what  
3874 the Pallone amendment would have us do.

3875 I urge support for the Pallone substitute to the Burgess  
3876 substitute.

3877 The {Chairman.} The gentleman's time has expired.

3878 Are there other members wishing to speak on the  
3879 amendment? The gentleman from Michigan, the good Mike  
3880 Rogers, is recognized for 5 minutes.

3881 Mr. {Rogers.} Thank you, Mr. Chairman, and I would  
3882 yield my time to Dr. Burgess.

3883 Dr. {Burgess.} Thank you, Mr. Rogers.

3884           Now, do remember what a budget is. A budget is an  
3885 outline. If the Senate were to take up and pass a budget, if  
3886 the House were to pass the unified budget resolution, the  
3887 proposals for Medicaid as well as Medicare would be sent back  
3888 to this committee. The budgetary instructions would come to  
3889 this committee and we would fill out the details of that  
3890 legislation. But make no mistake about it: the details of  
3891 the Affordable Care Act are well spelled out in 2,700 pages.  
3892 Those details are being poured over right now by bureaucrats  
3893 over in the agencies, and if there are adjusted gross income  
3894 figures that are to be determined, they are making those  
3895 determinations. That is where the \$64,000 question  
3896 yesterday, that is where that occurred.

3897           And I would also point out that under current law, no  
3898 one knows what the effect is going to be on the private, the  
3899 employer-sponsored insurance market. We hear figures that  
3900 vary considerably but none of us really knows. Part of that  
3901 is because we never really held those investigatory hearings  
3902 in the Congress last year but fortunately this year we are.

3903           If the Republican budget were to pass the Senate and be  
3904 enacted as a unified budget resolution, the instructions for  
3905 legislation would come back to the committees of jurisdiction  
3906 where we would write that legislation, and as opposed to the  
3907 legislative language of the Affordable Care Act, it would be

3908 written in the committee. There would be a chance for input  
3909 from everyone on both sides of the dais, unlike 2009 and 2010  
3910 when one side was completely shut out of the legislative  
3911 process, both sides would have an opportunity.

3912         So the gentleman will have his chance to have those  
3913 issues fully vetted but honestly, what we have to deal with  
3914 now are the effects of a very bad law that got passed by a  
3915 very bad process last year and it will, despite the  
3916 entreaties of the ranking member, it will affect the ability  
3917 of people to receive care in both the Medicaid system, the  
3918 Medicare system and every private insurer across the country.

3919         I thank the gentleman for yielding, and I will yield  
3920 back to the gentleman from Michigan.

3921         The {Chairman.} Does the gentleman yield back his time?

3922         Mr. {Rogers.} I yield back my time.

3923         The {Chairman.} The gentleman's time is yielded back.

3924         The gentl lady from Florida.

3925         Ms. {Castor.} Thank you, Mr. Chairman.

3926         On the second-degree amendment, I wanted to make another  
3927 important point when it comes to the Affordable Care Act  
3928 because that amendment starts with ``The committee will  
3929 examine how many children would lost their current private  
3930 health care coverage.'' Well, remember, one of the most  
3931 important consumer protections in the Affordable Care Act was

3932 that new consumer protection, that new requirement that  
3933 insurance companies cover young people, young adults up to  
3934 the age of 26, that they are going to be covered by their  
3935 parents' policies. I wonder if the staff has any data. So  
3936 far it hasn't been in effect long but it is one of the most  
3937 popular new requirements under the Affordable Care Act. How  
3938 many thousands of young people now have affordable health  
3939 care coverage under the Affordable Care Act because of that  
3940 new provision that says young adults up to the age of 26 can  
3941 now stay on their parents' policy. Does anyone have that  
3942 handy? Well, I can tell you anecdotally at home, I hear from  
3943 families all of the time about what a godsend it has been to  
3944 have their young people at home be able to stay on their  
3945 parents' coverage until the age of 26. Oftentimes when they  
3946 finished college, they are in that period and it is very  
3947 difficult. It is very expensive for a young person, whether  
3948 they were not yet able to find a job or they found a job to  
3949 afford individual coverage. So it has made a lot of sense.  
3950 This is one of the most important consumer protections under  
3951 the Affordable Care Act, and I would hazard to guess, we have  
3952 got thousands of more young people throughout the country  
3953 that have gained health care coverage because of the  
3954 Affordable Care Act.

3955 Mrs. {Blackburn.} If the gentlelady would yield?



3956 Ms. {Castor.} I would be happy to yield.

3957 Mrs. {Blackburn.} I thank the gentlelady for yielding.

3958 I appreciate her question, and my question for staff would be  
3959 in a similar vein, do we have any information on how many  
3960 companies have stopped offering the child-only coverage  
3961 because of Obamacare and PPACA. One of the things that we  
3962 are hearing, unlike what the gentlelady from Florida is  
3963 hearing, what we are hearing in our office are calls coming  
3964 in from families who have had child-only policies and those  
3965 policies are no longer being offered in the marketplace  
3966 because of the pressure that has been put on that marketplace  
3967 and the restrictions due to the passage of PPACA, and I yield  
3968 back to the gentlelady.

3969 Mr. {Pallone.} Would the gentlewoman yield time to me?

3970 Ms. {Castor.} I am happy to yield to the gentleman.

3971 Mr. {Pallone.} Thank you.

3972 You know, I listened to what Dr. Burgess said, and what  
3973 really concerns me is this. You know, in the Health  
3974 Subcommittee, we have countless hearings about repealing the  
3975 Affordable Care Act, the health care reform, and all we are  
3976 really saying in my amendment at this point is, can we have  
3977 this committee spend some time or the subcommittee spend some  
3978 time looking at what I consider this radical Republican  
3979 budget and its impact on health care, in this case, for

3980 children relevant to Medicaid and CHIP. You know, I know a  
3981 lot of you feel that, and certainly the health care reform  
3982 was rather significant but if the Republican budget were to  
3983 go into effect, I assure you, that would be very significant  
3984 as well, and if anything, I see the Republicans hiding from  
3985 the budget. I don't even hear that much about it anymore  
3986 after they passed it. It was almost like they passed it and  
3987 they didn't want to talk about it again. I think that when  
3988 you pass such an extreme measure that essentially gets rid of  
3989 Medicare as we know it and makes such severe cuts in  
3990 Medicaid, that we need to have some air time. We need to  
3991 have some time to actually look at what the impact is going  
3992 to be on kids in this case and probably on some of the other  
3993 things as well.

3994       This would have longstanding ramifications on the  
3995 Nation's health care and particularly with regards to kids.  
3996 You know, I know that CHIP was a bipartisan effort when it  
3997 first was authorized. There were Republicans and Democrats  
3998 on it, and I think it has done a very good job. Ninety  
3999 percent of the kids now have coverage. But you change that  
4000 dramatically in that budget plan, and rather than run away  
4001 from the budget plan, which I think a lot of Republicans are  
4002 doing these days, you should embrace it and let us have some  
4003 hearings and talk about what the impact is going to be, in

4004 this case on children.

4005 I yield back to the gentlewoman.

4006 Ms. {Castor.} And I yield back.

4007 The {Chairman.} The gentlelady yields back.

4008 Are there other members wishing to speak? Seeing none,  
4009 the vote will occur on the Pallone substitute to the Burgess  
4010 substitute. All those in favor, say aye. Those opposed, say  
4011 no.

4012 Mr. {Waxman.} Roll call, Mr. Chairman.

4013 The {Chairman.} Roll call is requested. The clerk will  
4014 call the roll.

4015 The {Clerk.} Mr. Barton?

4016 Mr. {Barton.} No.

4017 The {Clerk.} Mr. Barton, nay.

4018 Mr. Stearns?

4019 [No response.]

4020 The {Clerk.} Mr. Whitfield?

4021 [No response.]

4022 The {Clerk.} Mr. Shimkus?

4023 [No response.]

4024 The {Clerk.} Mr. Pitts?

4025 Mr. {Pitts.} No.

4026 The {Clerk.} Mr. Pitts, nay.

4027 Mrs. Bono Mack?

4028 [No response.]  
4029 The {Clerk.} Mr. Walden?  
4030 Mr. {Walden.} No.  
4031 The {Clerk.} Mr. Walden, nay.  
4032 Mr. Terry?  
4033 Mr. {Terry.} No.  
4034 The {Clerk.} Mr. Terry, nay.  
4035 Mr. Rogers?  
4036 Mr. {Rogers.} No.  
4037 The {Clerk.} Mr. Rogers, nay.  
4038 Mrs. Myrick?  
4039 Mrs. {Myrick.} No.  
4040 The {Clerk.} Mrs. Myrick, nay.  
4041 Mr. Sullivan?  
4042 [No response.]  
4043 The {Clerk.} Mr. Murphy?  
4044 [No response.]  
4045 The {Clerk.} Mr. Burgess?  
4046 Dr. {Burgess.} No.  
4047 The {Clerk.} Mr. Burgess, nay.  
4048 Mrs. Blackburn?  
4049 Mrs. {Blackburn.} No.  
4050 The {Clerk.} Mrs. Blackburn, nay.  
4051 Mr. Bilbray?

4052 [No response.]

4053 The {Clerk.} Mr. Bass?

4054 Mr. {Bass.} No.

4055 The {Clerk.} Mr. Bass, nay.

4056 Mr. Gingrey?

4057 [No response.]

4058 The {Clerk.} Mr. Scalise?

4059 Mr. {Scalise.} Nay.

4060 The {Clerk.} Mr. Scalise, nay.

4061 Mr. Latta?

4062 Mr. {Latta.} Nay.

4063 The {Clerk.} Mr. Latta, nay.

4064 Mrs. McMorris Rodgers?

4065 [No response.]

4066 The {Clerk.} Mr. Harper?

4067 Mr. {Harper.} Nay.

4068 The {Clerk.} Mr. Harper, nay.

4069 Mr. Lance?

4070 Mr. {Lance.} Nay.

4071 The {Clerk.} Mr. Lance, nay.

4072 Mr. Cassidy?

4073 Dr. {Cassidy.} No.

4074 The {Clerk.} Mr. Cassidy, nay.

4075 Mr. Guthrie?

4076 Mr. {Guthrie.} No.

4077 The {Clerk.} Mr. Guthrie, nay.

4078 Mr. Olson?

4079 Mr. {Olson.} No.

4080 The {Clerk.} Mr. Olson, nay.

4081 Mr. McKinley?

4082 [No response.]

4083 The {Clerk.} Mr. Gardner?

4084 Mr. {Gardner.} No.

4085 The {Clerk.} Mr. Gardner, nay.

4086 Mr. Pompeo?

4087 [No response.]

4088 The {Clerk.} Mr. Kinzinger?

4089 [No response.]

4090 The {Clerk.} Mr. Griffith?

4091 Mr. {Griffith.} No.

4092 The {Clerk.} Mr. Griffith, nay.

4093 Mr. Waxman?

4094 Mr. {Waxman.} Aye.

4095 The {Clerk.} Mr. Waxman, aye.

4096 Mr. Dingell?

4097 [No response.]

4098 The {Clerk.} Mr. Markey?

4099 [No response.]

4100 The {Clerk.} Mr. Towns?  
4101 Mr. {Towns.} Aye.  
4102 The {Clerk.} Mr. Towns, aye.  
4103 Mr. Pallone?  
4104 Mr. {Pallone.} Aye.  
4105 The {Clerk.} Mr. Pallone, aye.  
4106 Mr. Rush?  
4107 [No response.]  
4108 The {Clerk.} Ms. Eshoo?  
4109 [No response.]  
4110 The {Clerk.} Mr. Engel?  
4111 Mr. {Engel.} Aye.  
4112 The {Clerk.} Mr. Engel, aye.  
4113 Mr. Green?  
4114 [No response.]  
4115 The {Clerk.} Ms. DeGette?  
4116 Ms. {DeGette.} Aye.  
4117 The {Clerk.} Ms. DeGette, aye.  
4118 Mrs. Capps?  
4119 [No response.]  
4120 The {Clerk.} Mr. Doyle?  
4121 Mr. {Doyle.} Yes.  
4122 The {Clerk.} Mr. Doyle, aye.  
4123 Ms. Schakowsky?

4124 Ms. {Schakowsky.} Aye.  
4125 The {Clerk.} Ms. Schakowsky, aye.  
4126 Mr. Gonzalez?  
4127 [No response.]  
4128 The {Clerk.} Mr. Inslee?  
4129 Mr. {Inslee.} Aye.  
4130 The {Clerk.} Mr. Inslee, aye.  
4131 Ms. Baldwin?  
4132 [No response.]  
4133 The {Clerk.} Mr. Ross?  
4134 [No response.]  
4135 The {Clerk.} Mr. Matheson?  
4136 [No response.]  
4137 The {Clerk.} Mr. Butterfield?  
4138 Mr. {Butterfield.} Aye.  
4139 The {Clerk.} Mr. Butterfield, aye.  
4140 Mr. Barrow?  
4141 Mr. {Barrow.} Votes aye.  
4142 The {Clerk.} Mr. Barrow, aye.  
4143 Ms. Matsui?  
4144 Ms. {Matsui.} Aye.  
4145 The {Clerk.} Ms. Matsui, aye.  
4146 Mrs. Christensen?  
4147 [No response.]



4148 The {Clerk.} Ms. Castor?  
4149 Ms. {Castor.} Aye.  
4150 The {Clerk.} Ms. Castor, aye.  
4151 Mr. Upton?  
4152 The {Chairman.} Votes no.  
4153 The {Clerk.} Mr. Upton, no.  
4154 The {Chairman.} Are there other members wishing to  
4155 vote? Ms. Bono Mack?  
4156 Mrs. {Bono Mack.} No.  
4157 The {Clerk.} Mrs. Bono Mack, nay.  
4158 The {Chairman.} Mr. Rush?  
4159 Mr. {Rush.} Aye.  
4160 The {Clerk.} Mr. Rush, aye.  
4161 The {Chairman.} Ms. Capps?  
4162 Mrs. {Capps.} Aye.  
4163 The {Clerk.} Ms. Capps, aye.  
4164 The {Chairman.} Mrs. McMorris-Rodgers?  
4165 Mrs. {McMorris-Rodgers.} No.  
4166 The {Clerk.} Mrs. McMorris-Rodgers, no.  
4167 The {Chairman.} Mr. Bilbray?  
4168 Mr. {Bilbray.} Nay.  
4169 The {Chairman.} Mr. Shimkus?  
4170 Mr. {Shimkus.} No.  
4171 The {Clerk.} Mr. Bilbray, nay.

4172           The {Chairman.} Mr. Ross?  
4173           Mr. {Ross.} Aye.  
4174           The {Clerk.} Mr. Ross, aye.  
4175           Mr. Chairman, what was Mr. Shimkus?  
4176           Mr. {Shimkus.} No.  
4177           The {Clerk.} Mr. Shimkus, nay.  
4178           The {Chairman.} Are there any other members wishing to  
4179 cast their vote?  
4180           Mr. {Scalise.} Mr. Chairman?  
4181           The {Chairman.} Mr. Scalise.  
4182           Mr. {Scalise.} If I could just check and see how I was  
4183 recorded?  
4184           The {Clerk.} Mr. Chairman, Mr. Scalise is recorded as  
4185 nay.  
4186           The {Chairman.} Other members? Mr. Harper?  
4187           The {Clerk.} Mr. Chairman, Mr. Harper is recorded as  
4188 nay.  
4189           The {Chairman.} Seeing no other members, the clerk will  
4190 report the tally. How is Mr. Whitfield recorded?  
4191           Mr. {Whitfield.} Votes nay.  
4192           The {Clerk.} Mr. Whitfield, nay.  
4193           The {Chairman.} Ready for the tally?  
4194           The {Clerk.} Mr. Chairman on that, there were 15 ayes,  
4195 24 nays.

4196           The {Chairman.} Fifteen ayes, 24 nays. The amendment  
4197 is not agreed to.

4198           The vote now occurs on the Burgess substitute to the  
4199 Pallone amendment. Those in favor, say aye. Those opposed,  
4200 say no. In the opinion of the chair, the ayes have it. The  
4201 ayes have it. The amendment is agreed to.

4202           The vote is now on the Pallone amendment as amended by  
4203 the Burgess substitute. Those in favor, say aye. Those  
4204 opposed, say no. In the opinion of the chair, the ayes have  
4205 it. The ayes have it and the amendment is agreed to.

4206           Are there other amendments to the bill? Mr. Engel.

4207           Mr. {Engel.} Thank you, Mr. Chairman. I have an  
4208 amendment at the desk.

4209           The {Chairman.} The clerk will report the title of the  
4210 amendment.

4211           The {Clerk.} What is the number, Mr. Engel?

4212           Mr. {Engel.} It is number 5, I believe.

4213           The {Clerk.} An amendment to the Committee on Energy  
4214 and Commerce activity report offered by Mr. Engel of New  
4215 York.

4216           [The amendment follows:]

4217           \*\*\*\*\* INSERT 14 \*\*\*\*\*

|  
4218           The {Chairman.} The amendment will be considered as  
4219 read. The staff will distribute the amendment. And the  
4220 gentleman from New York is recognized for 5 minutes in  
4221 support of his amendment.

4222           Mr. {Engel.} Thank you very much, Mr. Chairman. I  
4223 appreciate it.

4224           And we all remember back in April of this year when the  
4225 majority passed its 2012 budget resolution. I voted against  
4226 the measure for a number of reasons. First of all, it  
4227 contains massive cuts to the social safety net while at the  
4228 same time it protects Big Oil, protects companies which ship  
4229 jobs overseas, does nothing to create jobs, and is not  
4230 something that I could easily support. It almost seemed to  
4231 me like the majority wanted to roll back the 21st century and  
4232 use the budgetary crisis or the unbalanced budget or the  
4233 deficit as an excuse to get rid of every social program they  
4234 have hated for the past 80 years, and I think that is a very  
4235 dangerous thing.

4236           But more specifically, the Ryan budget attacks Medicare  
4237 and turns it into a voucher system. It cuts taxes for  
4238 corporations and the wealthiest Americans while trying the  
4239 balance on the backs of the poor, disabled and middle-class  
4240 Americans. It also takes away health coverage for over 30

4241 million Americans by repealing the Affordable Care Act. It  
4242 dismantles Medicaid, turning it into a system of block  
4243 grants, leading up to the point in the future where the cost  
4244 of the program will dwarf the amount of reimbursements  
4245 provided to States. So what that does obviously is disables  
4246 Medicaid as we know it as well. So the goal here is to end  
4247 Medicaid as we know it by setting it up to fail. Medicaid  
4248 benefits the poor and the disabled, two groups who should not  
4249 carry the load of balancing the budget.

4250         It is, in my opinion, the majority's budget's proposal  
4251 is the culmination of the greatest hits of Republican  
4252 political issues. During the health care debate, Republicans  
4253 frightened seniors to the point where they were fearful for  
4254 their Medicare and urged Democrats to keep their hands off of  
4255 Medicare. This of course was just a political ploy, because  
4256 the fact is, that the Affordable Care Act bolsters Medicare  
4257 and protect its guaranteed benefits. So how did Republicans  
4258 reward seniors for their votes? By proposing the largest  
4259 attack on Medicare since its creation.

4260         So my amendment is very simple. It just simply says  
4261 that our committee will recommend opposition to proposals  
4262 that result in ending Medicare and replacing it with a  
4263 voucher, which in essence would double seniors' health care  
4264 costs in Medicare. In my district alone, Medicaid provides

4265 health coverage for over 20,400 seniors and individuals with  
4266 disabilities who are dual eligible. The Medicaid benefits  
4267 received by these individuals include payment of their  
4268 Medicare Part B premiums, coverage of Medicare cost sharing,  
4269 dental and vision benefits and long-term care. There are  
4270 4,600 nursing home residents in my district, 79 percent of  
4271 all nursing home residents whose care is paid for by  
4272 Medicaid. Cuts of the magnitude proposed by House  
4273 Republicans could lead to both eligibility and coverage  
4274 restrictions for these seniors and individuals with  
4275 disabilities and put them at risk.

4276         So Mr. Chairman, knowing how many of my constituents  
4277 will be affected by the majority's proposal, the Ryan budget,  
4278 I think it is imperative for this committee to recognize what  
4279 this will mean to seniors, not only in my district but  
4280 seniors in every one of our districts on both sides of the  
4281 aisle across the country. Forty million seniors on Medicare  
4282 will be affected by this, and we know it won't be good. So I  
4283 recommend this. I recommend that we oppose the Republican  
4284 budget proposal specifically as it reflects to Medicare,  
4285 again, in opposition to ending Medicare as we know it and  
4286 replacing it with a voucher, which would take away care for  
4287 senior citizens, health care for senior citizens, make them  
4288 pay more out-of-pocket expenses and puts Medicare in

4289 jeopardy.

4290           So that is my amendment, very simple, and I thank you,  
4291 Mr. Chairman, and I yield back.

4292           The {Chairman.} The gentleman yields back his time.

4293           The chair would recognize the gentleman from New  
4294 Hampshire, Mr. Bass.

4295           Mr. {Bass.} Mr. Chairman, I have a second-degree  
4296 amendment at the desk.

4297           The {Chairman.} The clerk will report the title.

4298           Mr. {Waxman.} Reserving a point of order.

4299           The {Chairman.} Point of order is reserved.

4300           The {Clerk.} Second-degree amendment offered by Mr.  
4301 Bass of New Hampshire.

4302           [The amendment follows:]

4303 \*\*\*\*\* INSERT 15 \*\*\*\*\*

|  
4304           The {Chairman.} The amendment will be considered as  
4305 read. The staff will circulate the amendment.

4306           The gentleman from New Hampshire is recognized for 5  
4307 minutes.

4308           Mr. {Bass.} Thank you very much, Mr. Chairman.

4309           I heard earlier today that this--first of all, I will  
4310 start by saying I think it is regrettable that on a routine  
4311 committee document that is required by a House rule that this  
4312 debate would degenerate to these types of issues, but that is  
4313 where we are. And I heard that there was talk of proposing  
4314 an amendment that would in essence imply that anybody in this  
4315 Congress would vote to end Medicare, and that is precisely  
4316 what this amendment proposes, and I considered suggesting to  
4317 the committee that everybody just vote yes because there is  
4318 nothing in this amendment that anybody intends to do, but I  
4319 thought it might be more productive if we really make it  
4320 reflect what we are thinking about doing.

4321           So I have a perfecting amendment that allows half of the  
4322 first sentence to remain and it would read as follows: ``The  
4323 committee will recommend opposition to proposals that result  
4324 in ending Medicare.'' There is no question about that. The  
4325 committee will also recommend support for proposals to repeal  
4326 provisions that provide an unelected 15-member body to ration



4327 care for those 55 and older and will recommend proposals to  
4328 ensure that Medicare does not go bankrupt in 2024.

4329         We all believe that seniors deserve health care and they  
4330 deserve to have health care not just today and tomorrow but  
4331 for those individuals who are younger than 55 years old,  
4332 those individuals that will be expecting to receive health  
4333 care benefits after the date that the trustees predict that  
4334 the program will be bankrupt. No, you can't cut oil  
4335 subsidies, tax the rich, cut foreign aid and save Medicare.  
4336 This takes hard bipartisan work on the part of the committee,  
4337 and it is my hope over the next few months that we are going  
4338 to be able to come together and work on a plan that will  
4339 preserve and protect Medicare, keep it from going bankrupt,  
4340 as the trustees predict it will in 2024, and have an honest  
4341 debate about whether or not we want an unelected body put in  
4342 place by the Obama health care law which in essence can  
4343 determine what procedures are allowed and what procedures  
4344 aren't allowed under Medicare. I am sure that saves a lot of  
4345 money, and it does it very quickly, and I know it affects  
4346 everybody including current seniors, but I believe that the  
4347 only responsible course of action that we can take now at  
4348 this time is to move to preserve and protect Medicare.

4349         The only option that we don't have at our disposal now  
4350 if we are be legislators is to do nothing, so I urge my

4351 colleagues to support my second-degree amendment to the  
4352 existing amendment offered by my friend from New York and  
4353 then vote for passage should this amendment be agreed to.

4354 Mr. {Waxman.} Will the gentleman yield?

4355 Mr. {Pallone.} Will the gentleman yield?

4356 Mr. {Bass.} I will yield to the gentleman from  
4357 California.

4358 Mr. {Waxman.} Thank you for yielding.

4359 I have a concern about the drafting of your amendment.  
4360 It says strike all after ``Medicare.'' Now, Medicare is  
4361 twice mentioned in the pending amendment. ``The Committee  
4362 will recommend opposition to proposals that result in ending  
4363 Medicare.'' Would you stop it there and then insert your  
4364 language? Or would it be after the whole amendment and then  
4365 insert your amendment?

4366 Mr. {Bass.} The period would occur after the first use  
4367 of the word ``Medicare'' so it would read as follows: ``The  
4368 committee will recommend opposition to proposals that result  
4369 in ending Medicare. The Committee will also recommend,'' and  
4370 so forth.

4371 Mr. {Waxman.} Support for proposals to repeal?

4372 Mr. {Bass.} So it eliminates the words ``and replacing  
4373 it with a voucher doubling seniors' health care costs in  
4374 Medicare'' and substitutes ``in lieu thereof, the committee

4375 will also recommend'' dot dot dot 2024.

4376 Mr. {Waxman.} If I can inquire further, were you  
4377 unhappy with the language that said replacing with a voucher,  
4378 doubling seniors' health care costs. Did you think that was  
4379 a little too strident?

4380 Mr. {Bass.} I have no question that we will not have  
4381 vouchers and we will not double seniors' health care costs,  
4382 but it is my feeling that due to the political nature of the  
4383 debate right now, that there will be allegations made that  
4384 these are indeed vouchers even though they aren't. What we  
4385 are proposing to do, and my friend from California knows, is  
4386 a model that is surprisingly similar to the bipartisan model  
4387 that was proposed by Senator Brough and Congressman Thomas  
4388 back in the late 1990s, and it was also proposed for the  
4389 Medicare Part D prescription drug plan, but--

4390 Mr. {Waxman.} Would the gentleman yield?

4391 Mr. {Bass.} --I want to make it clear that we can  
4392 support a provision that says that we are not going to vote  
4393 to end Medicare, which is exactly what this amendment says.

4394 Mr. {Waxman.} Mr. Chairman, when the gentleman yields  
4395 back, I would like to be recognized.

4396 Mr. {Bass.} I yield to you.

4397 The {Chairman.} The gentleman yields back his time?

4398 Mr. {Bass.} I said I yielded to the gentleman from

4399 California. I yield back.

4400 The {Chairman.} Does the gentleman still insist on his  
4401 point of order?

4402 Mr. {Waxman.} I am going to reserve my point of order,  
4403 but I do want to be recognized on the amendment.

4404 The {Chairman.} The gentleman is recognized for 5  
4405 minutes.

4406 Mr. {Waxman.} Well, the reason I asked whether the  
4407 gentleman from New Hampshire objected to the words Medicare  
4408 going into a voucher, well, it does. Premium support is the  
4409 same thing as a voucher. It would double seniors' health  
4410 care costs. So he didn't want those statements made. But  
4411 then what he says is that there are proposals in his  
4412 amendment that ration care for 55 and older. Well, I know of  
4413 no committee that is going to ration care for 55 and older.  
4414 That is a misstatement of fact. An unelected 15-member body  
4415 to ration care, well, there is a committee that has to be  
4416 appointed and confirmed by the Senate that will make  
4417 recommendations on Medicare but it doesn't ration care. That  
4418 is a very charged way of putting it. If he thinks calling  
4419 premium support a voucher, which is accurate, is an unfair  
4420 characterization, I must say I consider it unfair to say that  
4421 there is going to be a committee that is going to ration care  
4422 under Medicare.

4423           We have had the committee to make recommendations on  
4424 Medicare for some time now. It is different than the IPAB,  
4425 but it is a committee that makes recommendations for changes  
4426 in Medicare. Sometimes the Congress approves of their  
4427 recommendations, sometimes we don't. But no one has ever  
4428 said that committee is a committee that is in charge of  
4429 giving recommendations to ration care--

4430           Dr. {Cassidy.} Will the gentleman yield?

4431           Mr. {Waxman.} --to 55 and older. So I think that this  
4432 doesn't really add up to a legitimate point of view.

4433           Who is asking me to yield?

4434           Dr. {Cassidy.} Cassidy down here on the far  
4435 hinterlands.

4436           Mr. {Waxman.} Mr. Cassidy, I will yield to you.

4437           Dr. {Cassidy.} Thank you.

4438           Now, I work in a public hospital, and I have learned how  
4439 government rations. They don't say thou shall not have this  
4440 procedure, they say we are going to cut your global budget.  
4441 IPAB is charged with cutting a global budget. And I speak  
4442 from experience and I can show you lots of examples.

4443           Mr. {Waxman.} Will the gentleman speak into the mic,  
4444 because I am trying to listen but I can't hear you.

4445           Dr. {Cassidy.} I couldn't hear you so something may be  
4446 wrong with the mics, but I am trying to speak into it.

4447           The way the government institutions ration with a global  
4448 budget is, they make the line longer, so the person who has  
4449 congestive heart failure doesn't get surgery to fix her heart  
4450 failure next month, she gets it next year. The person with  
4451 the broken hip doesn't get it immediately repaired, they get  
4452 it repaired if at all--

4453           Mr. {Waxman.} Reclaiming my time. A person who doesn't  
4454 have health insurance gets whatever they can get. They have  
4455 go to an emergency room when they get very sick. They don't  
4456 have a chance to go to a doctor for services--

4457           Dr. {Cassidy.} Will the gentleman yield?

4458           Mr. {Waxman.} --that might keep them healthy. They  
4459 wait until they are very, very sick because they can't get  
4460 access to care. That is a problem--

4461           Dr. {Cassidy.} Will the gentleman yield?

4462           Mr. {Waxman.} --of the uninsurance. But in a public  
4463 hospital where we have government deciding appropriations and  
4464 always there are people who say they care about the poor but  
4465 then voting for lower appropriations for low-income people,  
4466 we always have these public hospitals starved, and that the  
4467 gentleman has told us he has seen, and I strongly disagree  
4468 with that kind of process.

4469           But when we have a committee to recommend changes to  
4470 Medicare as the IPAB would do, that would affect whether

4471 people who have Medicare coverage can get access to services  
4472 at least under Medicare now, they are eligible for, they are  
4473 entitled to them. Now, if we had a premium support, or a  
4474 voucher plan, or what was in the Republican budget, which I  
4475 want to say is similar to something else, there wouldn't be  
4476 guaranteed services, it would be guaranteeing a sum of money  
4477 to help people buy a private insurance policy that may cover  
4478 them for those services but may cover with very a limited  
4479 amount of money--

4480 Mr. {Walden.} Will the gentleman yield?

4481 Mr. {Waxman.} --to go for those services.

4482 Mr. {Walden.} Would the gentleman yield?

4483 Mr. {Waxman.} Who is asking?

4484 Mr. {Walden.} Down here.

4485 Mr. {Waxman.} Yes, I would be pleased to yield.

4486 Mr. {Walden.} I guess the question would be, isn't that  
4487 a bit like Medicare Part D, which seniors have taken great  
4488 advantage of, that has come in under budget. The premiums  
4489 that the Democrats wanted to lock into statute when we had  
4490 that markup, that level hasn't been reached. We are trying  
4491 to figure out a way to save Medicare for future generations  
4492 and not let it go bankrupt, which it does under the Democrat  
4493 plan that is in law today--

4494 Mr. {Waxman.} Reclaiming my time. That is not an

4495 accurate statement because the Affordable Care Act has so  
4496 many ways that they try to reduce health care costs  
4497 legitimately.

4498 Dr. {Cassidy.} Will the gentleman yield?

4499 Mr. {Waxman.} No, not yet. And in reducing those  
4500 costs, the projections for the IPAB to go into effect with  
4501 recommendations that could actually have teeth in them is  
4502 pushed way, way out because the whole bill that is now law is  
4503 going to hold down health care costs--

4504 Mr. {Walden.} Mr. Chairman, I move to strike the last  
4505 word.

4506 Mr. {Waxman.} --not simply deny people care, which is  
4507 what I think would happen under the budget by the  
4508 Republicans.

4509 The {Chairman.} The gentleman's time has expired.  
4510 Other members--

4511 Mr. {Walden.} I move to strike the last word.

4512 The {Chairman.} The gentleman from Oregon is  
4513 recognized.

4514 Mr. {Walden.} Thank you, Mr. Chairman. I think it is  
4515 an important debate to have, and I concur with my colleague  
4516 from New Hampshire, Mr. Bass, that it seems kind of an odd  
4517 place where would normally have a routine agreement. It has  
4518 turned in a partisan spat, which is unfortunate and



4519 unnecessary.

4520           If we are going to have a discussion about Medicare, let  
4521 us have it. Obamacare, which this committee really didn't  
4522 get an opportunity to deal with in an open and transparent  
4523 way, given what happened with the Senate, ends up creating  
4524 this IPAB, and the IPAB is a 15-member appointed board that  
4525 will make six-figure salaries and answer to themselves  
4526 basically, and they are going to decide what physicians get  
4527 reimbursed on, among other things. The federal health care  
4528 law that is in effect today takes \$500 billion out of  
4529 Medicare, Medicare Advantage. A lot of people in my district  
4530 say without Medicare Advantage, some physicians wouldn't see  
4531 them, and we know and I think Dr. Burgess could back me up on  
4532 this, some one-third of physicians are capping their  
4533 practices when it comes to Medicare.

4534           So we now are facing an access problem and it is only  
4535 going to get worse. It seems to me that the Medicare  
4536 actuaries and the trustees have both said Medicare is going  
4537 broke unless we change it, and that is after they take into  
4538 account the federal health care law that was approved in a  
4539 very partisan manner in the last Congress.

4540           And so what we are trying to say is, there is a better  
4541 way. We have listened to seniors, and in our proposal,  
4542 seniors are taken care of. If you have Medicare today and

4543 you are 55 and older, you will still be eligible for  
4544 Medicare, but if we don't do anything, if we go the path of  
4545 the current law that the Democrats have put in place,  
4546 Medicare goes broke and seniors lose out and the next  
4547 generation loses out.

4548         Look, my parents, both of whom are gone, were both on  
4549 Medicare. I saw the importance of Medicare. I saw the  
4550 importance of home health. I saw the importance of hospice.  
4551 My wife's parents both were on Medicare. My mother-in-law--  
4552 they are both passed away now, but my mother-in-law was the  
4553 hardest-core Democrat of anybody I had ever met, and after  
4554 Medicare Part D, came along and she suffered from severe  
4555 rheumatoid arthritis from the time she was in her 20s and had  
4556 enormous health problems, and as a result had very high  
4557 prescription drug costs, and when Medicare Part D came along,  
4558 she signed up for it, and at a dinner one night, I finally  
4559 asked her, Joann, did that work out pretty well for you, and  
4560 she had to confess that it was at least one thing a  
4561 Republican had done that she agreed with and it had made an  
4562 enormous difference in their lives.

4563         We want that going forward for the next generation of  
4564 seniors to have a Medicare program that makes an enormous  
4565 difference in their life that is affordable, that takes care  
4566 of the poorest and the sick and doesn't bankrupt the country

4567 and the grandkids.

4568 Mr. {Waxman.} Will the gentleman yield?

4569 Mr. {Walden.} Now, you go back to IPAB and you have got  
4570 these people that are appointed that don't answer to anybody,  
4571 maybe the Secretary of HHS, they make a six-figure salary,  
4572 they serve longer than the President, 6 years, and to be  
4573 reappointed for another 6, and I don't know who you even can  
4574 appeal their decisions to. And so I think that is scares me  
4575 and scares seniors I talk to us, you are getting a whole  
4576 government board now between them and their physicians and  
4577 how they are going to get access. I mean, that is really  
4578 what happens here. And I know Dr. Cassidy has a lot of  
4579 experience in this area and may want to weigh in on the IPAB  
4580 some more, but this is what you all put in law.

4581 Dr. Cassidy, I would yield.

4582 Dr. {Cassidy.} Thank you.

4583 Under current law, under Obamacare, Medicare goes  
4584 bankrupt. Now, that is under current law. Now, partly that  
4585 is worsened because Obamacare takes \$500 billion from  
4586 Medicare to spend on another government program. With that  
4587 said, IPAB, to think that that is not going to end up  
4588 affecting patients' access to care is to be disingenuous with  
4589 the American people. Medicare is too important of a program  
4590 to sit here and say don't worry, we are going to cut provider

4591 reimbursement but you are not going to have a problem with  
4592 access. As it turns out, already MEDPAC says that there are  
4593 problems with access for Medicare beneficiaries in the  
4594 current system.

4595         By the way, under the CBO report, they say under current  
4596 law, there will be record taxes, record deficits and all  
4597 because of entitlement spending, and because of that, there  
4598 is a likelihood that seniors on Medicare will see their  
4599 benefits cut. Now, the answer is not to kick it down the  
4600 road--

4601         Mr. {Walden.} Dr. Cassidy, if I could reclaim my time?

4602         Dr. {Cassidy.} I yield back.

4603         Mr. {Walden.} I want to conclude with this point.

4604 During the health care reform debate, 60 House Democrats  
4605 commented that IPAB would, and I quote your letter, of which  
4606 Mr. Pallone was a signator, ``threaten the ability of  
4607 Medicare beneficiaries to access the care they need.''

4608         With that, my time is expired.

4609         Mr. {Pallone.} Mr. Chairman?

4610         The {Chairman.} The gentleman's time is expired. The  
4611 gentleman from New Jersey.

4612         Mr. {Pallone.} Thank you, Mr. Chairman.

4613         You know, I think this debate today has been very  
4614 productive, and I have no problem if you want to have a

4615 hearing on IPAB. I think actually we are supposed to have  
4616 one and hopefully we will after the next break, but my--

4617 The {Chairman.} If the gentleman will yield, we are  
4618 going to have a hearing on IPAB.

4619 Mr. {Pallone.} Right, my point, Mr. Chairman, if I  
4620 could take my time back, is that this debate today has been  
4621 very helpful, but what the Democrats are trying to do is to  
4622 basically expand the debate in the full committee and in the  
4623 Subcommittee on Health so that we are not just spending all  
4624 our time talking about repealing the Affordable Care Act but  
4625 rather are getting into the meat, if you will, of the  
4626 Republican budget plan.

4627 Mr. {Waxman.} Will the gentleman yield?

4628 Mr. {Pallone.} Yes.

4629 Mr. {Waxman.} Look, I just want to correct some  
4630 statements that have been made many times on the other side  
4631 of the aisle. If we did not have the Affordable Care Act,  
4632 the Medicare trust fund is going to go broke, and in fact,  
4633 the Affordable Care Act extended the Medicare trust fund for  
4634 20 years.

4635 Secondly, the problems, if we didn't have the health  
4636 care act, would still be there for Medicare, and we always  
4637 look for ways to get greater efficiency. The IPAB is one  
4638 that many people find offensive but it is a way to get

4639 efficiencies. But in the bill, we got efficiencies to make  
4640 the system run better, but for the Republicans to say there  
4641 is \$500 billion taken out of Medicare and that is why is  
4642 going to go broke, the Republican budget adopted every single  
4643 one of those cuts and then added more when they were deciding  
4644 on the voucher system.

4645         So that is why I think it is important to have the  
4646 amendment to look at this proposed voucher system and the  
4647 impact it has. Thank you for yielding.

4648         Mr. {Pallone.} Thank you.

4649         My whole point, the point I am trying to make here today  
4650 is, look, with our amendments to this activity report, we are  
4651 simply asking that the full committee or, in this case, also  
4652 the Health Subcommittee, look into the Republican budget,  
4653 whether it is the CHIP and the impact on kids or, in Mr.  
4654 Engel's case, Medicare, and I would point out for those who  
4655 say you like the debate or you like the fact that we are  
4656 having this discussion today, when you vote on these  
4657 amendments to change what myself or Mr. Engel did, what we  
4658 are trying to deal with the Republican budget, if you make  
4659 those changes and you make it so that we can't deal with that  
4660 and that is not part of the activity report, then you are  
4661 precluding us from having those hearings because you are  
4662 going to have all the hearings you want on repealing the

4663 Affordable Care Act. You have already had so many. But we  
4664 are simply saying, let us have hearings on the Republican  
4665 budget, let us have hearings on what the impact of that  
4666 budget would be on Medicare, let us have hearings on what  
4667 impact it will have on SCHIP and cutting Medicaid. I mean,  
4668 obviously you are going to have your IPAB hearing, you are  
4669 going to have all the hearings you want on repealing  
4670 everything under the Affordable Care Act, but I want to point  
4671 out that some of you have said you like this debate today,  
4672 you like to have more debate on these topics. Well, then  
4673 don't bring up secondary amendments that preclude the  
4674 activity report from saying that we should look into these  
4675 things.

4676         We are simply asking that there be a full hearing, a  
4677 series of hearings on the Republican budget and all the  
4678 negative or positive--you think it is positive. I don't know  
4679 why you want to take out vouchers. You know, all of a sudden  
4680 you don't like vouchers. I thought you did like vouchers.  
4681 You know, if you want to place it with premium support, go  
4682 ahead, but all I am asking is, don't eliminate those sections  
4683 that we are bringing up today that would let us look into the  
4684 Republican budget. If you are proud of the budget, then let  
4685 us have the hearings. Call it whatever you want, premium  
4686 support, vouchers, I will call it end of Medicare, whatever

4687 you want, but let us at least have some discussion. This  
4688 discussion today I think is tremendously productive but it  
4689 won't happen if you keep amending our amendments and make it  
4690 so that the activity report doesn't include those hearings.  
4691 You can bring up whatever you want any time. Our problem is,  
4692 we would like to have some hearings on what you think is a  
4693 good thing. We may not think it is good but we don't have  
4694 hearings on it in any case.

4695 Mr. {Walden.} Will the gentleman yield?

4696 Mr. {Pallone.} Sure.

4697 Mr. {Walden.} At least the House this session  
4698 considered a budget, in fact, multiple budgets, and passed  
4699 one, and even the Senate took up the President's budget,  
4700 which got no votes, and the House budget, which got 40 votes  
4701 but I am not sure the Senate Democrats ever--

4702 Mr. {Pallone.} Well, my only point is--

4703 Mr. {Walden.} --and that seems to be a more responsible  
4704 course of action.

4705 Mr. {Pallone.} Well, let me just take my time. My only  
4706 point is that we have not had much discussion about in this  
4707 committee, and I would simply like the activity report to  
4708 reflect that we should have more discussion whether it is  
4709 ending Medicare or it is severely cutting Medicaid, all the  
4710 things that we are bringing up here today. This is a great



4711 discussion.

4712 Mr. {Walden.} Will you yield again?

4713 Mr. {Pallone.} I want it to continue. I don't want it  
4714 to end, but if you keep voting--

4715 Mr. {Walden.} Will you yield?

4716 Mr. {Pallone.} --to eliminate these amendments, it is  
4717 going to end today and we won't have this discussion again.

4718 Mr. {Walden.} Will the gentleman yield?

4719 Mr. {Pallone.} I don't think I have any time left.

4720 Mr. {Walden.} Well, how much debate did the committee  
4721 have on PPACA when it came over from the Senate? That was  
4722 actually the health care law.

4723 The {Chairman.} The gentleman's time has expired.

4724 Seeing no other member wishing to ask for time, the vote is  
4725 on the Bass secondary amendment to the Engel amendment.

4726 Those in favor of the Bass amendment will say aye. Those  
4727 opposed will say no. In the opinion of the chair, the ayes  
4728 have it. The ayes have it. The amendment is agreed to.

4729 The vote now occurs--

4730 Mr. {Waxman.} Mr. Chairman, I seek recognition.

4731 The {Chairman.} For what purpose does the gentleman  
4732 seek recognition?

4733 Mr. {Waxman.} I have an amendment at the desk.

4734 The {Chairman.} Reserve a point of order, Mr. Stearns.

4735 The clerk will read the title of the amendment. Is it an  
4736 amendment or a substitute?

4737 Mr. {Waxman.} It is an amendment to the Engel amendment  
4738 as perfected by the Bass amendment.

4739 The {Chairman.} The clerk will read the title.

4740 The {Clerk.} An amendment to the amendment by Mr.  
4741 Waxman of California.

4742 [The amendment follows:]

4743 \*\*\*\*\* INSERT 16 \*\*\*\*\*

|  
4744           The {Chairman.} The amendment will be considered as  
4745 read. The staff will circulate the amendment. And the  
4746 gentleman is recognized for 5 minutes.

4747           Mr. {Waxman.} We would put into this amendment as  
4748 amended the language that the committee will recommend  
4749 opposition to provisions in the Republican budget that result  
4750 in ending Medicare and replacing it with a voucher, doubling  
4751 seniors' health care costs in Medicare. I ask for its  
4752 immediate consideration and an affirmative vote without  
4753 debate.

4754           Mr. {Stearns.} Point of information, Mr. Chairman, just  
4755 while we are discussing this, can we ask the parliamentarian,  
4756 if you amend an amendment and it is defeated, can you amend  
4757 the amendment with a third degree? Is that possible to do?

4758           Mr. {Waxman.} This is a second-degree amendment to the  
4759 amendment that has been perfected by the amendment that was  
4760 just adopted.

4761           Mr. {Stearns.} Well, the first amendment was amended by  
4762 Mr. Bass and it was accepted. You would have to put yours at  
4763 the same time--

4764           Mr. {Waxman.} If the gentleman--

4765           Mr. {Stearns.} --Bass was doing it. You couldn't do it  
4766 after Bass lost, as I understand.

4767 Mr. {Waxman.} If I did it while Bass was pending, it  
4768 would be a third-degree amendment, but since the amendment  
4769 was adopted, it was not a substitute, it was an amendment,  
4770 and now I am offering another amendment which has the same  
4771 status as--

4772 Mr. {Stearns.} So that is the question, can you amend  
4773 again? It is not a third degree, is what you are saying, but  
4774 it is another amendment to a second degree, and your side  
4775 thinks that--now, what happens, Mr. Waxman, if your amendment  
4776 is not true?

4777 Mr. {Waxman.} If my amendment is not what?

4778 Mr. {Stearns.} Is not true.

4779 Mr. {Waxman.} True?

4780 Mr. {Stearns.} Not true.

4781 Mr. {Waxman.} Oh, in this committee?

4782 Mr. {Stearns.} In this committee.

4783 Mr. {Waxman.} In this committee if it is not true?

4784 Mr. {Stearns.} There is no validity to your amendment.  
4785 Doubling seniors' health care costs, you and I both know,  
4786 this is not true. You are offering an amendment that doesn't  
4787 tell the truth.

4788 Mr. {Waxman.} I beg to differ, but we are waiting for  
4789 the chair to make a decision.

4790 Mr. {Stearns.} Well, I am just trying to make you feel

4791 a little guilty here for your amendment.

4792 The {Chairman.} Does the gentleman withdraw his point  
4793 of order?

4794 Mr. {Stearns.} Per your request.

4795 The {Chairman.} Is there further discussion on the  
4796 amendment? If not, the vote occurs on the amendment, the  
4797 amendment by Mr. Waxman. Those in favor, say aye. Those  
4798 opposed, say no. In the opinion of the chair--

4799 Mr. {Waxman.} I ask for a roll call vote.

4800 The {Chairman.} The clerk will call the roll.

4801 Mr. {Griffith.} Mr. Chairman, since we are going to do  
4802 a roll call vote, I still raise the question, and I know that  
4803 I am learning this process so I am just trying to learn, but  
4804 if Mr. Waxman's amendment was broader, should it not have  
4805 been offered simultaneously with the Bass amendment and then  
4806 the broader amendment taken up first, and then if the broader  
4807 amendment is adopted, the more narrow amendment would not be  
4808 permitted in front of us? And since it is not in the right  
4809 time frame, is it proper to take a recorded vote?

4810 The {Chairman.} I am told that we are operating  
4811 correctly.

4812 Mr. {Griffith.} All right.

4813 The {Chairman.} The clerk will call the roll.

4814 The {Clerk.} Mr. Barton?

- 4815 Mr. {Barton.} No.
- 4816 The {Clerk.} Mr. Barton, nay.
- 4817 Mr. Stearns?
- 4818 Mr. {Stearns.} No.
- 4819 The {Clerk.} Mr. Stearns, nay.
- 4820 Mr. Whitfield?
- 4821 [No response.]
- 4822 The {Clerk.} Mr. Shimkus?
- 4823 Mr. {Shimkus.} No.
- 4824 The {Clerk.} Mr. Shimkus, nay.
- 4825 Mr. Pitts?
- 4826 Mr. {Pitts.} No.
- 4827 The {Clerk.} Mr. Pitts, nay.
- 4828 Mrs. Bono Mack?
- 4829 [No response.]
- 4830 The {Clerk.} Mr. Walden?
- 4831 Mr. {Walden.} No.
- 4832 The {Clerk.} Mr. Walden, nay.
- 4833 Mr. Terry?
- 4834 Mr. {Terry.} No.
- 4835 The {Clerk.} Mr. Terry, nay.
- 4836 Mr. Rogers?
- 4837 Mr. {Rogers.} No.
- 4838 The {Clerk.} Mr. Rogers, nay.

4839 Mrs. Myrick?  
4840 Mrs. {Myrick.} No.  
4841 The {Clerk.} Mrs. Myrick, nay.  
4842 Mr. Sullivan?  
4843 [No response.]  
4844 The {Clerk.} Mr. Murphy?  
4845 Mr. {Murphy.} No.  
4846 The {Clerk.} Mr. Murphy, nay.  
4847 Mr. Burgess?  
4848 Dr. {Burgess.} No.  
4849 The {Clerk.} Mr. Burgess, nay.  
4850 Mrs. Blackburn?  
4851 [No response.]  
4852 The {Clerk.} Mr. Bilbray?  
4853 [No response.]  
4854 The {Clerk.} Mr. Bass?  
4855 Mr. {Bass.} No.  
4856 The {Clerk.} Mr. Bass, nay.  
4857 Mr. Gingrey?  
4858 [No response.]  
4859 The {Clerk.} Mr. Scalise?  
4860 Mr. {Scalise.} Nay.  
4861 The {Clerk.} Mr. Scalise, nay.  
4862 Mr. Latta?

- 4863 Mr. {Latta.} Nay.
- 4864 The {Clerk.} Mr. Latta, nay.
- 4865 Mrs. McMorris Rodgers?
- 4866 Mrs. {McMorris Rodgers.} No.
- 4867 The {Clerk.} Mrs. McMorris Rodgers, nay.
- 4868 Mr. Harper?
- 4869 [No response.]
- 4870 The {Clerk.} Mr. Lance?
- 4871 Mr. {Lance.} Nay.
- 4872 The {Clerk.} Mr. Lance, nay.
- 4873 Mr. Cassidy?
- 4874 Dr. {Cassidy.} No.
- 4875 The {Clerk.} Mr. Cassidy, nay.
- 4876 Mr. Guthrie?
- 4877 Mr. {Guthrie.} No.
- 4878 The {Clerk.} Mr. Guthrie, nay.
- 4879 Mr. Olson?
- 4880 Mr. {Olson.} No.
- 4881 The {Clerk.} Mr. Olson, nay.
- 4882 Mr. McKinley?
- 4883 [No response.]
- 4884 The {Clerk.} Mr. Gardner?
- 4885 Mr. {Gardner.} No.
- 4886 The {Clerk.} Mr. Gardner, nay.



4887 Mr. Pompeo?  
4888 Mr. {Pompeo.} No.  
4889 The {Clerk.} Mr. Pompeo, nay.  
4890 Mr. Kinzinger?  
4891 [No response.]  
4892 The {Clerk.} Mr. Griffith?  
4893 Mr. {Griffith.} No.  
4894 The {Clerk.} Mr. Griffith, nay.  
4895 Mr. Waxman?  
4896 Mr. {Waxman.} Aye.  
4897 The {Clerk.} Mr. Waxman, aye.  
4898 Mr. Dingell?  
4899 [No response.]  
4900 The {Clerk.} Mr. Markey?  
4901 [No response.]  
4902 The {Clerk.} Mr. Towns?  
4903 [No response.]  
4904 The {Clerk.} Mr. Pallone?  
4905 Mr. {Pallone.} Aye.  
4906 The {Clerk.} Mr. Pallone, aye.  
4907 Mr. Rush?  
4908 [No response.]  
4909 The {Clerk.} Ms. Eshoo?  
4910 [No response.]

4911 The {Clerk.} Mr. Engel?  
4912 Mr. {Engel.} Aye.  
4913 The {Clerk.} Mr. Engel, aye.  
4914 Mr. Green?  
4915 [No response.]  
4916 The {Clerk.} Ms. DeGette?  
4917 Ms. {DeGette.} Aye.  
4918 The {Clerk.} Ms. DeGette, aye.  
4919 Mrs. Capps?  
4920 [No response.]  
4921 The {Clerk.} Mr. Doyle?  
4922 Mr. {Doyle.} Yes.  
4923 The {Clerk.} Mr. Doyle, aye.  
4924 Ms. Schakowsky?  
4925 Ms. {Schakowsky.} Aye.  
4926 The {Clerk.} Ms. Schakowsky, aye.  
4927 Mr. Gonzalez?  
4928 [No response.]  
4929 The {Clerk.} Mr. Inslee?  
4930 Mr. {Inslee.} Aye.  
4931 The {Clerk.} Mr. Inslee, aye.  
4932 Ms. Baldwin?  
4933 [No response.]  
4934 The {Clerk.} Mr. Ross?

- 4935 Mr. {Ross.} Aye.
- 4936 The {Clerk.} Mr. Ross, aye.
- 4937 Mr. Matheson?
- 4938 [No response.]
- 4939 The {Clerk.} Mr. Butterfield?
- 4940 Mr. {Butterfield.} Aye.
- 4941 The {Clerk.} Mr. Butterfield, aye.
- 4942 Mr. Barrow?
- 4943 Mr. {Barrow.} Votes aye.
- 4944 The {Clerk.} Mr. Barrow, aye.
- 4945 Ms. Matsui?
- 4946 [No response.]
- 4947 The {Clerk.} Mrs. Christensen?
- 4948 Dr. {Christensen.} Aye.
- 4949 The {Clerk.} Mrs. Christensen, aye.
- 4950 Ms. Castor?
- 4951 Ms. {Castor.} Aye.
- 4952 The {Clerk.} Ms. Castor, aye.
- 4953 Mr. Upton?
- 4954 The {Chairman.} Votes no.
- 4955 The {Clerk.} Mr. Upton, nay.
- 4956 The {Chairman.} Are there other members wishing to cast
- 4957 a vote? Ms. Bono Mack?
- 4958 Mrs. {Bono Mack.} No.

4959 The {Clerk.} Mrs. Bono Mack, nay.  
4960 The {Chairman.} Ms. Capps?  
4961 Mrs. {Capps.} Aye.  
4962 The {Clerk.} Mrs. Capps, aye.  
4963 The {Chairman.} Mr. Whitfield?  
4964 Mr. {Whitfield.} No.  
4965 The {Clerk.} Mr. Whitfield, nay.  
4966 The {Chairman.} Mr. Matheson?  
4967 Mr. {Matheson.} Aye.  
4968 The {Clerk.} Mr. Matheson, aye.  
4969 The {Chairman.} Are there other members seeking to  
4970 vote? Ms. Blackburn?  
4971 Mrs. {Blackburn.} No.  
4972 The {Clerk.} Mrs. Blackburn, nay.  
4973 The {Chairman.} Other members? Seeing none, the clerk  
4974 will report the tally.  
4975 The {Clerk.} Mr. Chairman, on that, there were 14 ayes,  
4976 25 nays.  
4977 The {Chairman.} Oh, wait. Excuse me. Mr. Bilbray?  
4978 Mr. {Bilbray.} No.  
4979 The {Clerk.} Mr. Bilbray, nay.  
4980 The {Chairman.} Now the clerk will report the tally.  
4981 The {Clerk.} Mr. Chairman, on that there were 14 ayes,  
4982 26 nays.

4983           The {Chairman.} Fourteen ayes, 26 nays. The amendment  
4984 is not agreed to.

4985           The vote now occurs on the Engel amendment as second  
4986 degreed by Mr. Bass. Those in favor will say aye. Those  
4987 opposed, say no. In the opinion of the chair--

4988           Mr. {Waxman.} Request a roll call.

4989           The {Chairman.} Roll call is requested. The clerk will  
4990 call the roll.

4991           The {Clerk.} Mr. Barton?

4992           Mr. {Barton.} Aye.

4993           The {Clerk.} Mr. Barton, aye.

4994           Mr. Stearns?

4995           [No response.]

4996           The {Clerk.} Mr. Whitfield?

4997           Mr. {Whitfield.} Aye.

4998           The {Clerk.} Mr. Whitfield, aye.

4999           Mr. Shimkus?

5000           Mr. {Shimkus.} Aye.

5001           The {Clerk.} Mr. Shimkus, aye.

5002           Mr. Pitts?

5003           Mr. {Pitts.} Aye.

5004           The {Clerk.} Mr. Pitts, aye.

5005           Mrs. Bono Mack?

5006           Mrs. {Bono Mack.} Aye.

5007 The {Clerk.} Mrs. Bono Mack, aye.  
5008 Mr. Walden?  
5009 Mr. {Walden.} Aye.  
5010 The {Clerk.} Mr. Walden, aye.  
5011 Mr. Terry?  
5012 [No response.]  
5013 The {Clerk.} Mr. Rogers?  
5014 Mr. {Rogers.} Aye.  
5015 The {Clerk.} Mr. Rogers, aye.  
5016 Mrs. Myrick?  
5017 [No response.]  
5018 The {Clerk.} Mr. Sullivan?  
5019 [No response.]  
5020 The {Clerk.} Mr. Murphy?  
5021 Mr. {Murphy.} Aye.  
5022 The {Clerk.} Mr. Murphy, aye.  
5023 Mr. Burgess?  
5024 Dr. {Burgess.} Aye.  
5025 The {Clerk.} Mr. Burgess, aye.  
5026 Mrs. Blackburn?  
5027 Mrs. {Blackburn.} Aye.  
5028 The {Clerk.} Mrs. Blackburn, aye.  
5029 Mr. Bilbray?  
5030 Mr. {Bilbray.} Aye.

5031 The {Clerk.} Mr. Bilbray, aye.  
5032 Mr. Bass?  
5033 Mr. {Bass.} Aye.  
5034 The {Clerk.} Mr. Bass, aye.  
5035 Mr. Gingrey?  
5036 [No response.]  
5037 The {Clerk.} Mr. Scalise?  
5038 Mr. {Scalise.} Aye.  
5039 The {Clerk.} Mr. Scalise, aye.  
5040 Mr. Latta?  
5041 Mr. {Latta.} Aye.  
5042 The {Clerk.} Mr. Latta, aye.  
5043 Mrs. McMorris Rodgers?  
5044 Mrs. {McMorris Rodgers.} Aye.  
5045 The {Clerk.} Mrs. McMorris Rodgers, aye.  
5046 Mr. Harper?  
5047 [No response.]  
5048 The {Clerk.} Mr. Lance?  
5049 Mr. {Lance.} Aye.  
5050 The {Clerk.} Mr. Lance, aye.  
5051 Mr. Cassidy?  
5052 Dr. {Cassidy.} Aye.  
5053 The {Clerk.} Mr. Cassidy, aye.  
5054 Mr. Guthrie?

5055 Mr. {Guthrie.} Aye.

5056 The {Clerk.} Mr. Guthrie, aye.

5057 Mr. Olson?

5058 Mr. {Olson.} Aye.

5059 The {Clerk.} Mr. Olson, aye.

5060 Mr. McKinley?

5061 [No response.]

5062 The {Clerk.} Mr. Gardner?

5063 Mr. {Gardner.} Aye.

5064 The {Clerk.} Mr. Gardner, aye.

5065 Mr. Pompeo?

5066 Mr. {Pompeo.} Aye.

5067 The {Clerk.} Mr. Pompeo, aye.

5068 Mr. Kinzinger?

5069 Mr. {Kinzinger.} Aye.

5070 The {Clerk.} Mr. Kinzinger, aye.

5071 Mr. Griffith?

5072 Mr. {Griffith.} Aye.

5073 The {Clerk.} Mr. Griffith, aye.

5074 Mr. Waxman?

5075 Mr. {Waxman.} Present.

5076 The {Clerk.} Mr. Dingell?

5077 [No response.]

5078 The {Clerk.} Mr. Markey?



5079 [No response.]

5080 The {Clerk.} Mr. Towns?

5081 [No response.]

5082 The {Clerk.} Mr. Pallone?

5083 Mr. Waxman, present.

5084 Mr. Pallone?

5085 Mr. {Pallone.} Present.

5086 The {Clerk.} Mr. Pallone, present.

5087 Mr. Rush?

5088 Mr. {Rush.} Present.

5089 The {Clerk.} Mr. Rush, present.

5090 Ms. Eshoo?

5091 [No response.]

5092 The {Clerk.} Mr. Engel?

5093 Mr. {Engel.} Present.

5094 The {Clerk.} Mr. Engel, present.

5095 Mr. Green?

5096 [No response.]

5097 The {Clerk.} Ms. DeGette?

5098 [No response.]

5099 The {Clerk.} Mrs. Capps?

5100 Mrs. {Capps.} Present.

5101 The {Clerk.} Mrs. Capps, present.

5102 Mr. Doyle?

5103 [No response.]

5104 The {Clerk.} Ms. Schakowsky?

5105 Ms. {Schakowsky.} Present.

5106 The {Clerk.} Ms. Schakowsky, present.

5107 Mr. Gonzalez?

5108 [No response.]

5109 The {Clerk.} Mr. Inslee?

5110 Mr. {Inslee.} Present.

5111 The {Clerk.} Mr. Inslee, present.

5112 Ms. Baldwin?

5113 [No response.]

5114 The {Clerk.} Mr. Ross?

5115 [No response.]

5116 The {Clerk.} Mr. Matheson?

5117 [No response.]

5118 The {Clerk.} Mr. Butterfield?

5119 Mr. {Butterfield.} Present.

5120 The {Clerk.} Mr. Butterfield, present.

5121 Mr. Barrow?

5122 Mr. {Barrow.} Votes aye.

5123 The {Clerk.} Mr. Barrow, aye.

5124 Ms. Matsui?

5125 [No response.]

5126 The {Clerk.} Mrs. Christensen?

5127 Dr. {Christensen.} Present.

5128 The {Clerk.} Mrs. Christensen, present.

5129 Ms. Castor?

5130 Ms. {Castor.} Present.

5131 The {Clerk.} Ms. Castor, present.

5132 Mr. Upton?

5133 The {Chairman.} Votes ayes.

5134 The {Clerk.} Mr. Upton, aye.

5135 The {Chairman.} Are there other members wishing to cast  
5136 a vote? Mr. Terry?

5137 Mr. {Terry.} Aye.

5138 The {Clerk.} Mr. Terry, aye.

5139 The {Chairman.} Mr. Pallone?

5140 Mr. {Pallone.} I would like to be recorded as aye.

5141 The {Clerk.} Mr. Pallone, aye. Off present, on aye.

5142 The {Chairman.} Other members wishing to cast a vote?  
5143 Mr. Ross?

5144 Mr. {Ross.} Aye.

5145 The {Clerk.} Mr. Ross, aye.

5146 The {Chairman.} Other members wishing to cast a vote?  
5147 Seeing none, the clerk will report the tally.

5148 The {Clerk.} Mr. Chairman, on that, there were 28 ayes,  
5149 zero nays and nine presents.

5150 The {Chairman.} The amendment is adopted, 28, zero,

5151 nine. The amendment as amended is adopted.

5152           It is my understanding that we have a unanimous consent  
5153 agreement. I am going to make a unanimous consent request  
5154 that the remaining amendments be considered en bloc and that  
5155 there will be 5 minutes in support and 5 minutes opposed at  
5156 which point vote is likely to occur and we will get to final  
5157 passage and be done. So with that announcement, the  
5158 gentleman from California offers the remaining amendments.

5159           Mr. {Waxman.} Mr. Chairman, I have a series of  
5160 amendments at the desk. I will ask unanimous consent that  
5161 they be considered as read, and I will explain them.

5162           The {Chairman.} So is it all the remaining amendments.  
5163 Is that right?

5164           Mr. {Waxman.} Yes, all the remaining amendments will be  
5165 considered en bloc.

5166           [The amendments follow:]

5167 \*\*\*\*\* INSERTS 17 through 25 \*\*\*\*\*

|  
5168           The {Chairman.} And considered as read. The clerk will  
5169 distribute the amendments. And the gentleman from California  
5170 is recognized for 5 minutes in support of his amendment.

5171           Mr. {Waxman.} Mr. Chairman, we are recommending that  
5172 the committee oppose proposals that result in benefit cuts to  
5173 Medicare and Medicaid for seniors and individuals with  
5174 disabilities. The committee will examine how the cuts in the  
5175 Republican budget on Medicare and Medicaid will impact  
5176 veterans' families. The committee will examine how the  
5177 Republican budget will affect the health care benefits,  
5178 premiums and out-of-pocket costs for the 40 million seniors  
5179 served by Medicare and the 6 million seniors served by  
5180 Medicaid. The committee will examine the impacts of the  
5181 Republican budget on nursing home quality standards for the 3  
5182 million seniors served in nursing homes by Medicaid and the 2  
5183 million seniors served in nursing homes by Medicare.

5184           The committee will examine the effects of cuts in  
5185 investments in the clean energy sector in the Republican  
5186 budget on the Nation's global competitiveness and  
5187 technological leadership. The committee will examine gaps in  
5188 security legislation and regulations that leave critical  
5189 infrastructure vulnerable including public drinking water  
5190 systems. The committee will examine successful strategies

5191 adopted by other major countries around the world to control  
5192 and reduce greenhouse gas emissions in order to mitigate  
5193 global climate change, and the committee will examine the  
5194 role of climate change in causing or contributing to the  
5195 floods, droughts and wildfires occurring across the United  
5196 States.

5197         And then the last one is, the committee will recommend  
5198 opposition to proposals that could result in millions of  
5199 children losing Medicaid or CHIP health care coverage under  
5200 the Republican budget.

5201         These are obvious amendments that we think ought to be  
5202 part of the committee report and under consideration by the  
5203 committee either by way of oversight, investigations or  
5204 possible legislation, which is appropriate as the committee  
5205 sees fit. But this is to amendment the proposal that is  
5206 before us which is the committee activities, and I think all  
5207 of these amendments are appropriate committee activities and  
5208 I would urge my colleagues to support them. I will yield to  
5209 anybody who wants, or I yield back, either way. Yield back.

5210         The {Chairman.} The gentleman yields back.

5211         I will seek time to speak in opposition. I just want to  
5212 say a couple things. You know, from the very beginning, I  
5213 have done my very best to be bipartisan in all the things  
5214 that we have done from recognizing members that might offer

5215 bipartisan amendments to going regular order on virtually  
5216 every bill that has emerged from this committee from the  
5217 hearings to acceptance of witnesses to making sure that even  
5218 sometimes subcommittees don't conflict with each other,  
5219 knowing that we are very busy on lots of different issues as  
5220 we have six major subcommittees with six very able chairs,  
5221 vice chairs and ranking members and particularly staff, and  
5222 we have, I want to say, on every bill that has been reported  
5223 out of this committee, there has been at least some  
5224 bipartisan support, some more than others, and on the bills  
5225 that we have seen get to the House floor, we have had what I  
5226 think is pretty significant Democratic bipartisan support on  
5227 virtually everything as we saw last night with the Alaska  
5228 bill with nearly two dozen members on board. But looking at  
5229 the bill today on Keystone pipeline and the support of a good  
5230 number of members on both sides of the aisle, as I look at  
5231 the issues that we are going to be dealing with in the weeks  
5232 ahead, whether it be coal ash, whether it be toys, whether it  
5233 be spectrum, whether there are active negotiations,  
5234 discussions that are going on, particularly with the relevant  
5235 members of the committee. Pipeline safety is an issue that I  
5236 think will herald as a good success in this Congress, not  
5237 only our work with this committee but also with the  
5238 Transportation Committee.

5239           As I look at the work that is going to be done on PDUFA,  
5240 something that we desperately need, particularly as we look  
5241 at exports and good drugs and solving diseases around the  
5242 world, as I look at the medical device user fee and the  
5243 discussions that are beginning on that, knowing that that  
5244 legislation expires in September of next year, looking at the  
5245 hearings that we start after the break on IPAB, again, we are  
5246 looking for witnesses that both sides are able to call and  
5247 certainly a good debate as it relates to all of the issues  
5248 before the committee. We are going to continue that.

5249           And in the oversight plan that was adopted, I want to  
5250 remind folks on a unanimous vote, a voice vote with very good  
5251 comments, particularly on the Democratic side of the aisle, I  
5252 thought we were off to a very good start, and I just want to  
5253 commit that we will continue to work in a bipartisan way. It  
5254 doesn't necessarily mean that you are going to get a vote  
5255 that is unanimous. We understand that. But this committee  
5256 is engaged on those issues and we will continue to do so.

5257           Mr. {Waxman.} Will the gentleman yield?

5258           The {Chairman.} I will yield for a moment and then I  
5259 want to get to the vote.

5260           Mr. {Waxman.} I thank you for yielding. I appreciate  
5261 what you are saying. It means a great deal to hear you say  
5262 you want to work on a bipartisan basis.



5263           The {Chairman.} Continue to work.

5264           Mr. {Waxman.} Well, we had the Affordable Care Act, we  
5265 had the finding on the Clean Air Act, on regulation of carbon  
5266 emissions, we had the net neutrality. Those were all very  
5267 partisan and didn't get us off to a good start, but I do look  
5268 forward to working on a bipartisan basis. I appreciate your  
5269 comments, and we hope that the members will accept these  
5270 other ideas for the committee report. Whether they do or  
5271 not, let us from this moment on try to work on a bipartisan  
5272 basis for the rest of this Congress, and I will do my best.

5273           Ms. {DeGette.} Will the chairman yield?

5274           The {Chairman.} It is my time. I will yield to the  
5275 gentlelady from Colorado.

5276           Ms. {DeGette.} If the chairman is done, I was going to  
5277 strike the last word to talk about the oversight plan, but I  
5278 can probably do it right now.

5279           The {Chairman.} I will yield.

5280           Ms. {DeGette.} Since the chairman mentioned the  
5281 oversight plan, we have been working very closely together on  
5282 a bipartisan basis on the oversight committee. We have had a  
5283 number of good hearings, although we have had some repetitive  
5284 hearings on waste, fraud and abuse, and yesterday, for  
5285 example, we had an excellent hearing on Medicare and how we  
5286 can save money, but Mr. Chairman, we have been really

5287 hampered in our oversight efforts, and I am just going to be  
5288 frank with you about it.

5289         For whatever reason, there are a number of issues that  
5290 the chairman and I had agreed on, that you had agreed on:  
5291 drug shortage hearings, vaccine development, H1N1, a follow-  
5292 up on the New Orleans health care situation and also on the  
5293 Deepwater Horizon. Nuclear safety in light of Fukushima, we  
5294 had one hearing on that but we could have many, many more  
5295 hearings on the safety of U.S. nuclear facilities and nuclear  
5296 waste disposal. You and I had talked about a food safety  
5297 hearing, given what happened with the E. coli in Germany, and  
5298 this committee's longstanding progress. Just one I heard  
5299 about yesterday, tobacco labeling, on and on, and I am told  
5300 by Chairman Stearns and others, one reason why we have been  
5301 unable to have robust oversight in this Congress is because  
5302 many of the O&I staff have been pulled off to do some  
5303 oversight hearings on Yucca Mountain, which are in a  
5304 different subcommittee, and so we can't do it in Oversight  
5305 and Investigations.

5306         And I think you would agree, Mr. Chairman and Mr.  
5307 Dingell and Mr. Waxman and all of us that oversight is the  
5308 bread and butter of this committee, and I would just ask you  
5309 and your staff and the members on your side if you can't work  
5310 with us to get more robust investigations going and some

5311 hearings that can be bipartisan, that can really help us move  
5312 our agenda forward, and I thank for you yielding and I yield  
5313 back.

5314       The {Chairman.} I know my time is expired but I want to  
5315 continue working with the gentlelady, and I commend your work  
5316 and Mr. Stearns'. I know that on a number of those issues we  
5317 have letters outstanding where we have sought information,  
5318 particularly on food safety that I have signed and others. I  
5319 look forward to legislation that will be developed to fix the  
5320 problems that you all discover and identify as we are with  
5321 the Medicare fraud and abuse legislation that I expect again  
5322 to be bipartisan and you to be a lead with others to get that  
5323 done where we actually save the taxpayers money and I can  
5324 absolutely pledge that we continue to work to have a very  
5325 aggressive oversight plan. And I appreciate the gentlelady's  
5326 comments.

5327       At that point I would note that my time is expired. All  
5328 time is expired on the amendments en bloc, so those in favor  
5329 of the amendments en bloc will say aye. Those opposed, say  
5330 no.

5331       Mr. {Waxman.} Request a roll call vote.

5332       The {Chairman.} Roll call vote is requested. The clerk  
5333 will call the roll.

5334       The {Clerk.} Mr. Barton?

5335 Mr. {Barton.} No.

5336 The {Clerk.} Mr. Barton, nay.

5337 Mr. Stearns?

5338 [No response.]

5339 The {Clerk.} Mr. Whitfield?

5340 [No response.]

5341 The {Clerk.} Mr. Shimkus?

5342 [No response.]

5343 The {Clerk.} Mr. Pitts?

5344 Mr. {Pitts.} No.

5345 The {Clerk.} Mr. Pitts, nay.

5346 Mrs. Bono Mack?

5347 Mrs. {Bono Mack.} No.

5348 The {Clerk.} Mrs. Bono Mack, nay.

5349 Mr. Walden?

5350 Mr. {Walden.} No.

5351 The {Clerk.} Mr. Walden, nay.

5352 Mr. Terry?

5353 [No response.]

5354 The {Clerk.} Mr. Rogers?

5355 Mr. {Rogers.} No.

5356 The {Clerk.} Mr. Rogers, nay.

5357 Mrs. Myrick?

5358 [No response.]

5359 The {Clerk.} Mr. Sullivan?  
5360 [No response.]  
5361 The {Clerk.} Mr. Murphy?  
5362 Mr. {Murphy.} No.  
5363 The {Clerk.} Mr. Murphy, nay.  
5364 Mr. Burgess?  
5365 Dr. {Burgess.} No.  
5366 The {Clerk.} Mr. Burgess, nay.  
5367 Mrs. Blackburn?  
5368 Mrs. {Blackburn.} Nay.  
5369 The {Clerk.} Mrs. Blackburn, nay.  
5370 Mr. Bilbray?  
5371 Mr. {Bilbray.} Nay.  
5372 The {Clerk.} Mr. Bilbray, nay.  
5373 Mr. Bass?  
5374 Mr. {Bass.} No.  
5375 The {Clerk.} Mr. Bass, nay.  
5376 Mr. Gingrey?  
5377 [No response.]  
5378 The {Clerk.} Mr. Scalise?  
5379 Mr. {Scalise.} Nay.  
5380 The {Clerk.} Mr. Scalise, nay.  
5381 Mr. Latta?  
5382 Mr. {Latta.} Nay.

5383           The {Clerk.}   Mr. Latta, nay.  
5384           Mrs. McMorris Rodgers?  
5385           Mrs. {McMorris Rodgers.}   No.  
5386           The {Clerk.}   Mrs. McMorris Rodgers, nay.  
5387           Mr. Harper?  
5388           [No response.]  
5389           The {Clerk.}   Mr. Lance?  
5390           Mr. {Lance.}   Nay.  
5391           The {Clerk.}   Mr. Lance, nay.  
5392           Mr. Cassidy?  
5393           Dr. {Cassidy.}   No.  
5394           The {Clerk.}   Mr. Cassidy, nay.  
5395           Mr. Guthrie?  
5396           Mr. {Guthrie.}   No.  
5397           The {Clerk.}   Mr. Guthrie, nay.  
5398           Mr. Olson?  
5399           Mr. {Olson.}   No.  
5400           The {Clerk.}   Mr. Olson, nay.  
5401           Mr. McKinley?  
5402           [No response.]  
5403           The {Clerk.}   Mr. Gardner?  
5404           Mr. {Gardner.}   No.  
5405           The {Clerk.}   Mr. Gardner, nay.  
5406           Mr. Pompeo?

5407 Mr. {Pompeo.} No.

5408 The {Clerk.} Mr. Pompeo, nay.

5409 Mr. Kinzinger?

5410 Mr. {Kinzinger.} No.

5411 The {Clerk.} Mr. Kinzinger, nay.

5412 Mr. Griffith?

5413 Mr. {Griffith.} No.

5414 The {Clerk.} Mr. Griffith, nay.

5415 Mr. Waxman?

5416 Mr. {Waxman.} Aye.

5417 The {Clerk.} Mr. Waxman, aye.

5418 Mr. Dingell?

5419 [No response.]

5420 The {Clerk.} Mr. Markey?

5421 [No response.]

5422 The {Clerk.} Mr. Towns?

5423 [No response.]

5424 The {Clerk.} Mr. Pallone?

5425 Mr. {Pallone.} Aye.

5426 The {Clerk.} Mr. Pallone, aye.

5427 Mr. Rush?

5428 Mr. {Rush.} Aye.

5429 The {Clerk.} Mr. Rush, aye.

5430 Ms. Eshoo?

5431 [No response.]

5432 The {Clerk.} Mr. Engel?

5433 Mr. {Engel.} Aye.

5434 The {Clerk.} Mr. Engel, aye.

5435 Mr. Green?

5436 [No response.]

5437 The {Clerk.} Ms. DeGette?

5438 Ms. {DeGette.} Aye.

5439 The {Clerk.} Ms. DeGette, aye.

5440 Mrs. Capps?

5441 [No response.]

5442 The {Clerk.} Mr. Doyle?

5443 Mr. {Doyle.} Yes.

5444 The {Clerk.} Mr. Doyle, aye.

5445 Ms. Schakowsky?

5446 Ms. {Schakowsky.} Aye.

5447 The {Clerk.} Ms. Schakowsky, aye.

5448 Mr. Gonzalez?

5449 [No response.]

5450 The {Clerk.} Mr. Inslee?

5451 Mr. {Inslee.} Aye.

5452 The {Clerk.} Mr. Inslee, aye.

5453 Ms. Baldwin?

5454 [No response.]



5455 The {Clerk.} Mr. Ross?  
5456 Mr. {Ross.} Aye.  
5457 The {Clerk.} Mr. Ross, aye.  
5458 Mr. Matheson?  
5459 Mr. {Matheson.} Aye.  
5460 The {Clerk.} Mr. Matheson, aye.  
5461 Mr. Butterfield?  
5462 Mr. {Butterfield.} Aye.  
5463 The {Clerk.} Mr. Butterfield, aye.  
5464 Mr. Barrow?  
5465 Mr. {Barrow.} Votes aye.  
5466 The {Clerk.} Mr. Barrow, aye.  
5467 Ms. Matsui?  
5468 [No response.]  
5469 The {Clerk.} Mrs. Christensen?  
5470 Dr. {Christensen.} Aye.  
5471 The {Clerk.} Mrs. Christensen, aye.  
5472 Ms. Castor?  
5473 Ms. {Castor.} Aye.  
5474 The {Clerk.} Ms. Castor, aye.  
5475 Mr. Upton?  
5476 The {Chairman.} Votes no.  
5477 The {Clerk.} Mr. Upton, nay.  
5478 The {Chairman.} Are there other members wishing to cast

5479 a vote? Mr. Whitfield?

5480 Mr. {Whitfield.} Nay.

5481 The {Clerk.} Mr. Whitfield, nay.

5482 The {Chairman.} Ms. Capps?

5483 Mrs. {Capps.} Aye.

5484 The {Clerk.} Mrs. Capps, aye.

5485 The {Chairman.} Mr. Terry?

5486 Mr. {Terry.} Nay.

5487 The {Clerk.} Mr. Terry, nay.

5488 The {Chairman.} Other members? Mr. Shimkus?

5489 Mr. {Shimkus.} No.

5490 The {Clerk.} Mr. Shimkus, nay.

5491 The {Chairman.} Are there other members seeking to cast

5492 their vote? Seeing none, the clerk will report the tally.

5493 The {Clerk.} Mr. Chairman, on that, there were 15 ayes,

5494 25 nays.

5495 The {Chairman.} Fifteen ayes, 25 nays. The amendments

5496 en bloc are not agreed to.

5497 Mr. {Barton.} Mr. Chairman?

5498 The {Chairman.} The gentleman from Texas.

5499 Mr. {Barton.} I would like to strike the requisite

5500 number of words briefly.

5501 The {Chairman.} The gentleman is recognized briefly.

5502 Mr. {Barton.} Mr. Chairman, I am not going to take a

5503 long time, but I think members of the committee need to  
5504 realize what has just happened.

5505         In prior Congresses, the committee had to issue a report  
5506 of its activity but it was done by the chairman with the  
5507 acknowledgment of the ranking member. It was not subject to  
5508 committee vote. It was simply compiled, shown to both  
5509 staffs, the ranking member, the chairman, generally if there  
5510 was a discussion agreed on what was in the report, and if  
5511 they were minority views, they put in, it went out. Under  
5512 the Republican Congress, this time we have changed the rules  
5513 of the House that the committees have to make these reports  
5514 subject to the committee process, to be open and transparent.  
5515 That wasn't done when Mr. Waxman was chairman, when I was  
5516 chairman, when Mr. Tozan or Mr. Dingell. This is the first  
5517 time this process has been used.

5518         Now, if you look at the actual report that we have just  
5519 spent 3 hours amending or 2 hours amending, it is a dry  
5520 recital of what the committee has actually been doing. It  
5521 has the subcommittees, the full committee rosters and then  
5522 just basically a chronology of the hearings that have been  
5523 held. There is no real political opinion in it. It is a dry  
5524 recital.

5525         Now, Mr. Waxman has taken the opportunity, which is his  
5526 right as the minority member, to offer amendments which are

5527 in order under the rules, but almost every one of the  
5528 amendments the gentleman from California just offered uses  
5529 the term ``the Republican budget,' ' not all of them but most  
5530 of them, the majority of them. He is within his rights to do  
5531 that. There is absolutely nothing in the rules that prohibit  
5532 it. But our chairman for both sides of the aisle, not just  
5533 for the Republicans, our chairman, Mr. Upton, has been  
5534 running this process straight down the middle, and I think he  
5535 should be commended, and I would hope as we mature as a  
5536 committee working together, the exercise that we just have  
5537 seen, again, it is within the rules but to offer amendments  
5538 on a pure ministerial function of the committee where there  
5539 is no real objection to the report is somewhat unusual, and I  
5540 want to commend Mr. Upton for his handling of this issue, and  
5541 with that, I yield back.

5542       The {Chairman.} I thank the gentleman for his nice  
5543 words.

5544       If there are no further amendments, the question now  
5545 occurs on favorably reporting the activity report to the  
5546 House. All those in favor, say aye. Those opposed, say no.  
5547 The ayes appear to have it. The ayes have it and the  
5548 activity report is favorably reported.

5549       Mr. {Waxman.} Mr. Chairman, I want to serve notice that  
5550 the minority views will be submitted.

5551           The {Chairman.} Without objection, the staff is  
5552 authorized to make technical and conforming changes to the  
5553 bill and to the activity report, and the minority will  
5554 certainly have its requisite number of days.

5555           I would thank all members and staff again. The bill is  
5556 favorably reported and the committee stands adjourned.

5557           [Whereupon, at 4:15 p.m., the Committee was adjourned.]