

This is a preliminary transcript of a Committee markup. It has not yet been subject to a review process to ensure that the statements within are appropriately attributed to the witness or member of Congress who made them, to determine whether there are any inconsistencies between the statement within and what was actually said at the proceeding, or to make any other corrections to ensure the accuracy of the record.

1 {York Stenographic Services, Inc.}
2 RPTS ALDINGER
3 HIF153.000

4 MARKUP ON H.R. 2021, THE JOBS AND ENERGY PERMITTING ACT OF
5 2011
6 THURSDAY, JUNE 2, 2011
7 House of Representatives,
8 Committee on Energy and Commerce
9 Washington, D.C.

10 The Committee met, pursuant to call, at 9:17 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,
14 Stearns, Whitfield, Shimkus, Pitts, Bono Mack, Walden, Terry,
15 Rogers, Sullivan, Murphy, Burgess, Blackburn, Bilbray, Bass,
16 Gingrey, Scalise, Latta, McMorris Rodgers, Harper, Lance,
17 Cassidy, Guthrie, Olson, McKinley, Gardner, Pompeo,
18 Kinzinger, Griffith, Waxman, Dingell, Markey, Towns, Pallone,

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

22 Staff present: Phil Barnett, Democratic Staff Director;
23 Jen Berenholz, Democratic Chief Clerk; Alison Cassady,
24 Democratic Senior Professional Staff Member; Greg Dotson,
25 Democratic Energy and Environment Staff Director; Caitlin
26 Haberman, Democratic Policy Analyst; Karen Lightfoot,
27 Democratic Communications Director and Senior Policy Advisor;
28 and Alexandra Teitz, Democratic Senior Counsel, Environment
29 and Energy.

|
30 The {Chairman.} Good morning. The committee will come
31 to order. The chair reminds the committee that we are on
32 H.R. 2021, and the bill is open for amendment at any point,
33 and in keeping with the chair's announced policies, I will
34 first recognize the sponsors of any bipartisan amendments.
35 Are there any such amendments pending to be asked?

36 If not, the chair recognizes Mr. Waxman. What is the
37 purpose of the gentleman--

38 Mr. {Waxman.} Mr. Chairman, I seek recognition to
39 strike the last word.

40 The {Chairman.} The gentleman is recognized for 5
41 minutes.

42 Mr. {Waxman.} This morning I sent to you and Chairman
43 Whitfield a letter sharing some new information we received
44 from EPA about the Shell permitting process. It appears we
45 have been operating under a misapprehension of facts. Shell
46 has told many members of this committee, including myself,
47 that it has been waiting 5 years for clean air permits for
48 its proposed drilling operations in the Arctic. My initial
49 reaction was to agree that 5 years is far too long to wait
50 for a permit.

51 Many on this committee have used this 5-year claim to
52 justify the need for the legislation we are considering

53 today. One member called this 5-year delay a fiasco. At one
54 of our hearings on this bill EPA Assistant Administrator Gina
55 McCarthy disagreed with the claim that EPA regulatory
56 roadblocks have kept Shell waiting for 5 years.

57 So Ranking Member Rush and I sent a letter to EPA asking
58 the agency to lay out the timeline for Shell's permit
59 applications. We learned Shell's claims were misleading.

60 First, the two major source permits at issue in the
61 Arctic EPA proposed and finalized permits within 3 to 4
62 months of receiving completed applications. EPA has told
63 committee staff that region ten expedited these permits and
64 made them a top priority.

65 Second, since 2007, Shell has pulled permit
66 applications, submitted incomplete applications, modified its
67 proposed operations to the Arctic, and changed the target
68 drilling sites on numerous occasions. With each major change
69 EPA must revisit the potential impact of Shell's operation on
70 air quality and public health. We should not expect EPA to
71 take a one-size-fits-all approach to permitting offshore
72 drilling operations.

73 This bill would move us too far in that direction by
74 forcing EPA to meet an unrealistic timeline of 6 months for
75 all permit applications. Some permits may take more time
76 than others due to their complexity, size, or location.

77 And while EPA made the Shell permits a priority in this
78 case, it doesn't make sense to direct the agency that every
79 offshore air permit is a priority. For example, don't we
80 want permits for manufacturing facilities to be completed
81 quickly as well?

82 To ensure that proposed Offshore drilling operations
83 don't harm public health EPA needs the flexibility and time
84 to review these highly-technical applications, set permit
85 limits, accept public comment, and provide for administrative
86 review. The fundamental premise of this bill that EPA has
87 been blocking action on these permits is flawed, and I urge
88 my colleagues to oppose H.R. 2021.

89 And I yield back the time.

90 The {Chairman.} The chairman yields back.

91 Mr. Whitfield.

92 Mr. {Whitfield.} Mr. Chairman--

93 The {Chairman.} Would you like the last word?

94 Mr. {Whitfield.} Yes. I would like to strike the last
95 word. Just in response to Mr. Waxman's comments, it is true
96 that these decisions made by EPA on this Shell permit have
97 gone back and forth to the Environmental Appeals Board, but
98 the bottom line is it has been 5 years, and there is still no
99 final decision. The way it works is EPA makes a decision, it
100 is appealed to the Environmental Appeals Board, they take

101 action, then it goes back to EPA, then back to the Appeals
102 Board, then back to EPA, back to the Appeals Board, and many
103 of us are frustrated with the Appeals Board because it was
104 never even in statute as just a decision made by the
105 administrator of EPA, I think Mr. Reilly at that time.

106 So the bottom line is we are down the road 5 years,
107 still no final decision, and that is what we have been
108 concerned about, particularly at a time when we are trying to
109 produce more oil to be less dependent on foreign oil. We
110 have the resources in this country, and I think it is a
111 disservice to the American people and companies trying to do
112 business that anything would take that long and you are not
113 even in the court system yet.

114 The {Chairman.} If the gentleman will yield.

115 Mr. {Whitfield.} Yes. I yield.

116 The {Chairman.} We will remember the testimony from the
117 former president of Shell, I want to say it was in February,
118 when he lamented that they had spent over, that they had
119 spent literally billions of dollars, a number of years I
120 believe that the process actually started in February of
121 2006. Shell began the initial pre-app dialogue, and they
122 believe that there is as much as 25 billion barrels at that
123 particular spot, and they were denied again. And with the
124 attention that this committee have put on it, I know that the

125 White House had a meeting within the last couple of weeks
126 with Shell wanting to know what they could do to help
127 streamline the process knowing that it has been about almost
128 5 years now, and they have made the point that if things
129 don't get worked out literally this year, they are done.
130 They are just going to pull up and leave.

131 Mr. Green and I were at a, on a site in the Gulf 2 weeks
132 ago, and we saw a drill ship not more than a mile or two from
133 where we were, and they are paying literally \$750,000 a day
134 just to keep the ship there instead of sending it on to
135 Brazil where they know that there are ample supplies there
136 that equipment is needed.

137 And for Shell, after spending billions of dollars, they
138 are in the same position. You know, it is time to either
139 give the permit now or stop altogether, and it has been a
140 ping-pong effort with the EAB this entire time, and this
141 bill, this legislation is to remedy that situation, which is
142 why it does have really bipartisan support, not only in this
143 committee but also on the Floor.

144 And I support the efforts to move this bill forward.

145 Mr. {Waxman.} Would the gentleman from Kentucky yield
146 to me?

147 Mr. {Whitfield.} Yes.

148 Mr. {Waxman.} I don't disagree with you that we want

149 this request to drill approved as quickly as possible, but I
150 would like to ask the letter, that the letter from the U.S.
151 EPA be put in the record, Mr. Chairman.

152 The {Chairman.} Without objection.

153 [The information follows:]

154 ***** COMMITTEE INSERT *****

|
155 Mr. {Waxman.} Because in that letter they talked about
156 the fact that the application was submitted and then it was
157 withdrawn. There was a 2-year period where there was no
158 application pending. So to blame the EPA for all the delay
159 seems to me unfair.

160 I think the letter from EPA will speak for itself, but
161 if an application has been delayed simply by sending it to
162 the Appeals Board and back and forth and bureaucratic
163 obstacles, that is one thing, but if it is--there is an
164 application, the application is withdrawn, if the application
165 is revised, the application then is resubmitted, that is not
166 just EPA that has caused this long delay. That is the point
167 I wanted to make.

168 We want to work together to see how we can get things
169 expedited.

170 Mr. {Whitfield.} Would the gentleman yield?

171 Mr. {Waxman.} But it seems to me that it is not just
172 EPA. It looks like Shell was responsible.

173 Mr. {Whitfield.} I would like to reply just 1 minute.
174 It is my understanding that some of the times when that
175 application was withdrawn it was at--because of some changes
176 and clarifications from EPA regulations, and the bottom line
177 is when you buy these leases for a certain period of years,

178 like 10 years, and here you are 5 or 6 years down the road,
179 and you don't even have a permit to drill for exploration,
180 then I think there is a significant problem that--did someone
181 want recognition?

182 I will yield to Mr. Shimkus for--

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

184 Mr. {Shimkus.} Strike the last word.

185 The {Chairman.} The gentleman is recognized for 5
186 minutes.

187 Mr. {Shimkus.} I would disagree with the Chairman
188 Emeritus of this committee. The Environmental Appeals Board
189 is part of the EPA, and so when the Environmental Appeals
190 Board ping pongs this permit back and forth for 6, 5 to 6
191 years, here is issue one, September 14, 2007, here is
192 December 30, 2010, here is March 14, 2011, this was clearly
193 vetted in the hearing, this was clearly vetted and discussed
194 in the subcommittee markup. The EPA has dragged their feet.
195 We need to move on this. We want to create jobs, we want low
196 cost energy, and all the delaying we can do is not going to
197 delay this committee from moving this process forward.

198 So I would encourage my folks to keep the focus on who
199 is at fault, and it is the Environmental Agency that is
200 stopping the permitting of this deep sea Arctic drilling rig
201 through a process, a bureaucratic process that has been

202 purely vetted, we all understand it, we have got legislation
203 to streamline and fix this problem, and any obfuscation of
204 this debate in trying to distort the issue, well, it is good
205 for media fodder, but it is not going to distract us from
206 getting people back to work in the oil and gas industry in
207 this country.

208 I yield--

209 Mr. {Waxman.} The gentleman yield?

210 Mr. {Shimkus.} I would be happy to yield to the
211 Chairman Emeritus.

212 Mr. {Waxman.} Thank you. I just want to read from this
213 letter. It says, ``It is inaccurate to start the permit
214 clock from the date of the first two applications for a
215 variety of reasons, not the least of which is that one
216 application was for a different drill rig. Neither was for
217 the Chukchi Sea, and while one was for the same drill rig C
218 combination now at issue, Shell dropped its request for
219 action on this drill rig C combination from late 2007, until
220 January, 2010, and is now--and is only now working on an
221 application for the other drill rig.''

222 So I don't know--

223 Mr. {Shimkus.} Yes. Reclaiming my time, I would ask
224 the chairman of the full committee how much does it cost for
225 a drilling rig to stay onsite a day when it is not operating.

226 The {Chairman.} We were told last week or 2 weeks ago
227 that it is roughly about \$750,000 a day.

228 Mr. {Shimkus.} So if Shell has been trying to get a
229 final permit for 5 years, that is a pretty good capital
230 expense. Would you agree, Mr. Chairman?

231 The {Chairman.} As they indicated--

232 Mr. {Shimkus.} And I see nothing in the process of this
233 legislation where the Chairman Emeritus may be bringing up
234 clarifying of the record, but that doesn't distort the fact
235 that this legislation brought forth by my colleague from
236 Colorado is going to streamline this process and get us
237 producing oil and gas, bringing on more supply, lower cost
238 energy, and more jobs. And that is what we are focused on
239 here.

240 I yield back my time.

241 The {Chairman.} The gentleman yields back.

242 Are there members wishing to offer an amendment?

243 The gentlelady from California.

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

246 The {Chairman.} The Clerk will report the title.

247 The {Clerk.} Amendment offered by Ms. Eshoo of
248 California.

249 [The amendment follows:]

250 ***** INSERT 1 *****

|
251 The {Chairman.} Without objection the amendment will be
252 considered as read.

253 The {Clerk.} Ms. Eshoo, which number is it?

254 Ms. {Eshoo.} It is number 8.

255 The {Chairman.} Without objection the amendment will be
256 considered as read. The staff will distribute the amendment,
257 and the gentlelady is recognized for 5 minutes in support of
258 her amendment.

259 Ms. {Eshoo.} Thank you, Mr. Chairman.

260 This bill contains a rather extraordinary provision. It
261 says that any appeal of an exploration permit decision can
262 only be heard by the DC Circuit Court of Appeals. This is a
263 fundamental change to longstanding law and precedent
264 governing the venue for judicial review of challenges to EPA
265 action.

266 Over 40 years ago in 1970, when Congress adopted the
267 Clean Air Act and established venue for judicial review,
268 Congress made a sensible distinction. Locally and regionally
269 applicable EPA actions would be reviewed in the U.S. Court of
270 Appeals for the appropriate circuit. Nationally applicable
271 actions would be reviewed in the D.C. Circuit Court of
272 Appeals.

273 This distinction has worked well for the past 4 decades.

274 A major new industrial source will have significant local air
275 pollution impacts. Nearby communities will want to weigh in.
276 Local businesses will want to ensure that the new source
277 doesn't force more stringent cleanup requirements for
278 existing sources. State and local authorities will have
279 their views, and the industrial source itself may disagree
280 with EPA's decision.

281 All of these stakeholders may want to appeal EPA's
282 decision. Under the Clean Air Act they can do so in the
283 nearest Court of Appeals without having to travel to
284 Washington, DC, and for permits issued by States or
285 localities, the decision is reviewed by State courts.

286 But this bill would create a whole new regime for
287 exploration permits. In fact, under this bill even for an
288 exploration permit issued by a State or local permitting
289 agency all appeals would go to federal court in DC. Many of
290 my colleagues on the other side of the aisle have been
291 critical of centralized government and on a daily basis bash
292 Washington, DC. They extol the virtues of local control.
293 They cite the tenth amendment.

294 Well, this provision is all about centralizing control
295 here in Washington, DC. This provision would make it far
296 more difficult for regular folks to appeal a decision that
297 affects them directly. It took one of our witnesses from the

298 North Slope of Alaska 16 hours to get here and a plane ticket
299 that cost over \$1,000. This provision would force State and
300 local authorities to fly to DC to defend a challenged permit
301 decision. That is a huge burden in terms of time and money
302 and particularly so in these times of tight budgets.

303 The premise of this bill is that the oil industry needs
304 faster permit decisions. Moving review from one federal
305 circuit court to another doesn't expedite permit decisions,
306 and the committee received no testimony identifying any
307 actual problems with review in the relevant circuit courts.

308 So this provision, I believe, is unjustified. I think
309 it is burdensome, truly burdensome. I am a Californian. I
310 know what it is to fly across the country every week, and it
311 will reduce public participation. So this amendment, my
312 amendment, would simply strike it. I think it is sensible to
313 strike it. I don't think there is anything broken here if it
314 needs to be fixed, and that is why I urge my colleagues to
315 support this amendment and yield back the balance of my time,
316 Mr. Chairman.

317 The {Chairman.} The gentlelady yields back.

318 The gentleman from Colorado, Mr. Gardner.

319 Mr. {Gardner.} Thank you, Mr. Chairman, and I almost
320 feel, not quite, I almost feel a little bit sorry for the EPA
321 because they are now trying to justify why they have cost

322 this country 50,000 jobs and why they refuse to act on a
323 domestic energy source that could create 1 million barrels of
324 oil a day and help us address the problem of rising gas
325 prices. I almost feel sorry for them because now they are
326 sending letters to the committee trying to say, no, no, no,
327 it really didn't take 5 years, even though going back to
328 2006, the first permit was filed, along the suggestions that
329 the EPA made that the second permit was filed along the
330 suggestions the EPA made, the third, the fourth, year after
331 year after year of delay costing jobs and impeding our
332 ability to create domestic energy. So I almost feel sorry
333 for the EPA that they are trying to justify their inaction.

334 This amendment is completely unnecessary. Again, our
335 point of moving to the DC Circuit Court is our attempt to
336 highlight a matter of national importance, to provide
337 consistency and efficiency for a national priority. The EAB,
338 the Environmental Appeals Board, is in Washington, DC. Gas
339 prices affects us all, 50,000 jobs affect us all. This is a
340 matter of national importance and exactly why the DC Circuit
341 Court is the best way to provide expedited, judicial review.

342 Again, I would point out when it comes to the public
343 comment that the EPA issued their permits under the Clean Air
344 Act have a comment period. They have a comment period. The
345 public will have an opportunity for up to four additional

346 comment opportunities during the NEPA process associated with
347 the lease sale. So, again, there is comment period to
348 justify, to try to explain away why the EPA has delayed for 5
349 years the ability of this country to regain its energy
350 independence, to regain its energy security is baffling.

351 Again, we had witnesses from Alaska fly, testifying
352 strongly in support of this legislation. We had bipartisan
353 support testified before this committee amongst the Alaskan
354 delegation supporting this legislation.

355 The concern about whether or not this is heard in court
356 goes to the very heart of what we believe to be a national
357 priority, and that is creating jobs and lowering the cost of
358 energy, and I yield back my time.

359 The {Chairman.} The gentleman yields.

360 The gentleman from California, Mr. Waxman.

361 Mr. {Waxman.} Mr. Chairman, the bill before us puts a
362 limit on the time for EPA to review the matter, so the
363 amendment that we have before us doesn't affect that. What
364 this amendment says is that after the review and after there
365 is a decision that the appeal under the legislation would
366 have to be heard in Washington.

367 Now, I don't know why that is necessary. It centralizes
368 review in Washington, DC, and I think this highlights a gap
369 between the Republican rhetoric and actions. I have heard

370 over and over again from my colleagues on the other side of
371 the aisle that government should have less power over
372 citizens, not more, and I often agree with them, but then
373 they turn around and make it harder for citizens to challenge
374 government decisions by saying that the Federal Government is
375 the only one that can review it at the federal Washington,
376 DC, level. They are pulling the review of the State and
377 local permit decisions out of State courts and sending them
378 to the federal court in Washington, DC.

379 I often hear the rhetoric Federal Government should stop
380 writing roughshod over States and localities. Well, this
381 bill is more than about expediting OCS permit process. It
382 provides for the Federal Government to run roughshod over
383 local decisions, and we had people who came all the way from
384 Alaska to tell us they didn't want this taken to Washington.
385 They wanted it left in their own purview. They didn't want
386 to have to pay every time there was going to be a hearing by
387 flying all the way to Washington.

388 So, again, this has nothing to do with expediting the
389 permit. From a parochial California point of view this is of
390 particular concern to us because this bill upends a
391 permitting process that is working well. Our local air
392 pollution control authorities have decades of experience
393 achieving air quality protection without delaying projects.

394 Our local review boards fairly and expeditiously address
395 permit challenges. We heard no testimony from anyone
396 indicating there was any problem in California, and yet this
397 bill would set timelines that may eliminate our effective
398 review process.

399 Mr. {Gardner.} Will the gentleman yield?

400 Mr. {Waxman.} I will in a minute. It would transfer
401 jurisdiction from the California State courts to federal
402 courts in Washington, DC. There is nothing in the hearing
403 record that would justify this provision, and I would be
404 pleased to yield to the gentleman from Colorado.

405 Mr. {Gardner.} Thank you, and, again, I will point out
406 that the local review of California is not affected. This is
407 the ability of us to deal with exploratory permits, and if
408 you look at the Pacific Region lease history, which includes
409 California, the number of exploration and development plans
410 approved during the year going back to 1994, is zero. Zero
411 in '95, zero in '96, zero in '97, zero all the way up to--

412 Mr. {Waxman.} Reclaiming my time--

413 Mr. {Gardner.} --2010.

414 Mr. {Waxman.} --I think we have a disagreement as to
415 whether this affects California. I do believe it affects
416 California when it says we open up coastal drilling. That
417 affects California. We have a coastline. Alaska is not the

418 only place with a coastline, and we have a coastline, and we
419 are informed, and our counsels believe that California is
420 affected.

421 Now, we would be happy to exempt us from it because
422 evidently you didn't intend it, but as long as California is
423 covered I don't see the purpose of--I see that as an
424 unintended consequence. I don't agree with the idea of
425 bringing all the matters to Washington, DC, anyway, but
426 because it has an impact on California, it is of special
427 concern to us.

428 I would be happy to yield further.

429 Mr. {Gardner.} Thank you, and, again, so in the near or
430 immediate future there are no plans in California anyway, so
431 all this legislation means is that California has to do
432 nothing faster.

433 Mr. {Waxman.} But I do understand that many of the
434 Republican colleagues want to open up California for
435 drilling, and this will require exploratory permits. Why
436 change it now? If they want to drill off California, let
437 them work under the existing rules. That wasn't the purpose
438 of this legislation as I understood it.

439 Mr. {Gardner.} If the gentleman yield. Again, because
440 it is delegated authority, the appeals process still remains
441 with the State of California.

442 Mr. {Waxman.} No, it doesn't.

443 Mr. {Gardner.} And so, again, this is exploratory.

444 Mr. {Waxman.} I don't believe that is accurate. Now,
445 we have a statement of fact that needs to be determined by
446 our lawyers because we think it does, and we would want that
447 corrected.

448 But even if that weren't the case, I still think that
449 the Eshoo amendment makes sense. I will support it for two
450 reasons. One, I don't think that everything ought to be
451 decided in Washington even for Alaska, especially for Alaska.
452 That is pretty far away and expensive trip. Secondly, I do
453 have a special concern about California, and would the
454 gentleman be willing to make sure that if the Eshoo amendment
455 is not adopted, that we make provisions that California will
456 not be affected by this legislation in terms of how they
457 handle their permits?

458 I yield to you. Will you be willing to make sure that
459 we exempt California from this bill?

460 Mr. {Gardner.} Well, I don't think we, again, this is a
461 matter of national concern, and my colleague from California,
462 when you listen to the explanation of the bill, I believe
463 that your concerns have been, you know, taken into
464 consideration. The fact of the matter is it has taken 5
465 years on a matter of national importance, 50,000 jobs are at

466 stake, 1 million barrels of oil a day. The delegated
467 authorities--

468 Mr. {Waxman.} Well, you are back talking the points of
469 the bill--

470 Mr. {Gardner.} --still remain.

471 Mr. {Waxman.} --and I asked you a specific question
472 about California, and I gather the answer is no.

473 So my time has expired, and I thank the chairman for
474 his--

475 The {Chairman.} The gentleman's time has expired. Are
476 there members wishing to speak on the amendment?

477 Mr. {Bilbray.} Mr. Chairman.

478 The {Chairman.} The gentleman from California, Mr.
479 Bilbray, and then we will come to this side.

480 Mr. {Bilbray.} First of all, Mr. Chairman, I want to
481 clarify. California has been delegated for this kind of
482 review already, so California, even though there may be some
483 debate about that delegation to the State jurisdiction, EPA
484 has delegated that authority. My big question is we are
485 talking Alaska, and that is a real--so this--as far as I know
486 there is no non-attainment area. There is not any non-
487 attainment areas in the Alaskan area. As far as I know the
488 Federal Government is not threatening any local jurisdictions
489 or State with some kind of sanctions because of health risks

490 from air pollution.

491 If you are not talking about a federal mandate being
492 placed on the State or the local jurisdictions with the Clean
493 Air Act under the non-attainment clauses, then what is the
494 justification for the State or any agency of that State to
495 have a right to impose on federal property offshore and
496 federal operation.

497 So the issue really here is quite different than what we
498 see in the LA Air Basin where you have got federal operations
499 that are coming downwind and impacting an area that the
500 Federal Government is putting sanctions and regulations on.
501 Alaska does not have those mandates, do not have those
502 responsibilities, so they should not have the rights to
503 impose on the jurisdiction--

504 Mr. {Waxman.} Would the gentleman yield to me?

505 Mr. {Bilbray.} I yield to the gentleman.

506 Mr. {Waxman.} Yes. I think it is--I think the
507 gentleman works from the assumption that the only issue is
508 whether it is a non-attainment area. The whole question of
509 offshore oil and federal lands is under EPA's jurisdiction
510 EPA has delegated to California. Now, under this bill they
511 would take the appeals process and put it back in Washington.

512 So it is not because it is non-attainment. It is
513 because that is what the law--

514 Mr. {Bilbray.} Reclaiming my time. If California was
515 exempt from this bill, would the gentleman support the bill?

516 Mr. {Waxman.} Well, that is not the only issue on the
517 bill, but I would certainly think that on this amendment it
518 would not be as urgent for me to support this amendment.

519 Mr. {Bilbray.} Reclaiming my time. The real high
520 ground here is the fact that if the Federal Government is
521 mandating on the locals, then the locals have a say. In
522 Alaska the Federal Government is not mandating because there
523 is no health risk being created by air pollution according to
524 the Clean Air Act as far as we know it.

525 I yield back to the gentleman.

526 Mr. {Waxman.} Would the gentleman yield back to me?

527 The {Chairman.} He did. Go ahead.

528 Mr. {Waxman.} Okay. Offshore drilling operations are
529 major industrial sources of pollution. For example, Shell
530 estimated that its proposed drilling operations in the
531 Beaufort Sea would emit almost 1,400 tons per year of
532 nitrogen oxides. This emission rate is roughly equivalent to
533 that of a new state of the art petroleum refinery processing.

534 Mr. {Bilbray.} Let me--

535 Mr. {Waxman.} Let me just finish the sentence. Four
536 hundred thousand barrels of crude oil per day. That is why
537 there is a review--

538 Mr. {Bilbray.} Excuse me. Reclaiming my time. The
539 fact is the air districts are created for public health. You
540 don't have that threat, so you don't have the right to impose
541 the regulations if there is not the public protection that is
542 needed at that.

543 So we get back down to it. The Clean Air Act is a
544 public health act, and if there is not this risk, if there is
545 not the danger, if there is not the public risk, then there
546 is no right under the act to impose the regulations.

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

548 Mr. {Bilbray.} I yield to the gentleman.

549 Mr. {Whitfield.} I just want to point out specifically
550 on this Shell permit, Lisa Jackson herself testified at a
551 hearing here in this hearing room, and she said, ``I believe
552 that the analysis will clearly show that there is no public
553 health concern here with this permit. In fact, these
554 activities will not cause air pollution that will endanger
555 health.''

556 And the final comment I would make, the Cory--the
557 Gardner bill simply carves out a very small subset of the
558 prevention of significant deterioration permits relating
559 solely to exploration and nothing else. So we don't change
560 anything else. So they still have the EPA, the Environmental
561 Appeals Board for RCRA, underground injection control

562 permits, national pollutant discharge elimination systems,
563 and all other prevention of significant deterioration except
564 exploration.

565 Mr. {Bilbray.} Reclaiming my time, Mr. Chairman, I
566 remind my colleagues that the Clean Air Act and EPA
567 regulations related to it are supposed to be an act to
568 protect the public health. Having clean air so our children
569 can breathe healthy air. It is not created to crack down on
570 an industry you want to be punitive with. It is not meant to
571 stop people from developing the energy independence or the
572 economic stimulus that all Americans need and want.

573 And I yield back my time.

574 The {Chairman.} The gentleman yields back.

575 The chair would recognize the gentlelady from Colorado.

576 Ms. {DeGette.} I yield to the gentlelady from
577 California.

578 Ms. {Eshoo.} I thank the gentlewoman.

579 When our colleague from Colorado spoke, he used the
580 word, efficiency, which has remained with me. This amendment
581 really speaks to efficiency. Why bring about the burden of
582 making people travel across the country, leaving the courts
583 of their own State behind where these appeals have been
584 taken, where it has worked for 40 years? Explain to me how
585 efficient that is. That is really at the heart of the

586 amendment, and so there isn't any efficiency in the
587 legislation I think that can be pointed to with a straight
588 face.

589 Now, right now when California's administrative review
590 concludes, parties can appeal to the California State Court.
591 This bill takes that jurisdiction away and gives it to the DC
592 Circuit. That is not efficient. It is a burden for people
593 to have to come to Washington, DC, to travel here. We all
594 commute to all different parts of the country. Is this
595 something to help the airlines? I mean, what is your point
596 in this?

597 Mr. {Shimkus.} Would the gentlelady yield?

598 Ms. {Eshoo.} No. I am not finished yet. Now, there is
599 a moratorium on drilling in--on the West Coast that was
600 lifted in 2008, so the idea that this won't affect California
601 is wrong because while there are no immediate plans to drill,
602 it certainly could happen because the moratorium has been
603 lifted.

604 Now, I don't know if the--can the counsel tell us what
605 Shell paid in taxes to the Federal Government, since we are
606 feeling so sorry for them and what they are spending? Can
607 anyone tell us?

608 The {Counsel.} I am sorry. I wasn't--that question for
609 counsel. I was not at the table, but could you repeat the

610 question, please?

611 Ms. {Eshoo.} Yes. What taxes Shell paid to the Federal
612 Government.

613 The {Counsel.} Oh. That is Ways and--I am sorry. I
614 don't think I can answer that. That is not within the
615 jurisdiction of the committee.

616 Ms. {Eshoo.} We don't have the information--

617 Mr. {Shimkus.} Would the gentlelady yield?

618 Ms. {DeGette.} I control the time.

619 Ms. {Eshoo.} I would be glad to.

620 Ms. {DeGette.} I will yield to Mr. Shimkus.

621 Mr. {Shimkus.} Yes. If we want--part of the
622 legislation from my colleague in Colorado and you keyed on an
623 important word which is efficiency, our claim is that 5
624 years, 6 years is not an efficient process, and that is the
625 whole process of moving this legislation, it has taken 5, 6
626 years to get a resolution to this permit, and we want a
627 resolution. We want a decision, and so that is, I mean, your
628 question was efficiency. That is how I would respond to that
629 question.

630 Ms. {DeGette.} I will reclaim the time and yield to the
631 gentlelady from California.

632 Ms. {Eshoo.} Well, I appreciate what Mr. Shimkus just
633 said. I don't think the record shows that there is the kind

634 of demand that you claim for this--for the underlying
635 legislation, but if you agree with me that this is not
636 efficient, to have to have people drag across the country to
637 come to one court when the record shows very clearly there
638 has never been anything, no one has come here--

639 Mr. {Shimkus.} Will the gentlelady yield?

640 Ms. {Eshoo.} --and testified and said, you know what?
641 We don't want to go to our local courts in our States. No
642 one has come here to say that, so if this is something to
643 increase the, you know, the benefits to United Airlines or
644 Alaska Airlines or Delta or whomever, that is something else.
645 Maybe we should look at the airline industry, but this
646 amendment is very specific, and it points out how the
647 legislation was set up, what has actually worked.

648 So in this area you are not fixing something that is
649 broken, and it isn't efficient. If you would like to think
650 the rest of your legislation is efficient, that is your
651 prerogative. This is not. That is why the amendment is
652 being offered.

653 Ms. {DeGette.} So reclaiming my time, I have been
654 extremely happy that for the first time in my many years in
655 Congress we now have two Coloradoans on this committee,
656 however, I beg to differ with my colleague to the north about
657 this because it really doesn't make sense to have this

658 underlying provision in the bill. It really makes sense to--
659 for efficiency in the court actions to have them occurring in
660 the jurisdiction that is most convenient to all of the
661 parties.

662 And somebody who practiced in the federal courts for
663 many years before this new job I have got, I think this makes
664 eminent sense. I think everybody should support it, and I
665 yield back.

666 {Chairman.} The gentlelady's time has expired.

667 The chair would recognize the gentleman from Texas, Mr.
668 Barton.

669 Mr. {Barton.} And I would yield to the subcommittee
670 chairman, Mr. Whitfield.

671 Mr. {Whitfield.} Thank you, Mr. Barton. I would like
672 to just ask counsel a couple of questions.

673 All of this stems from the fact of regulations at EPA.
674 EPA makes initial decision about the exploratory permit in
675 the Shell case, and if the part is dissatisfied with that
676 decision, then they appeal to the Environmental Appeals
677 Board. Is that correct?

678 {Counsel.} That is correct.

679 Mr. {Whitfield.} And the Environmental Appeals Board,
680 while it is not technically a judicial hearing, it has all of
681 the appearance of a judicial hearing. Is that correct?

682 {Counsel.} The judges wear robes, and they have a
683 hearing room, and they--

684 Mr. {Whitfield.} And lawyers represent--

685 {Counsel.} --and lawyers represent them.

686 Mr. {Whitfield.} And all of that takes place in
687 Washington, DC, doesn't it?

688 {Counsel.} Yes, when there is oral argument.

689 Mr. {Whitfield.} So people fly into Washington, DC.
690 Right?

691 {Counsel.} Has certainly been the case in this Shell
692 case.

693 Mr. {Whitfield.} And then if you finally reach a
694 conclusion with EAB and EPA, and if you still don't like it,
695 then you can appeal to the United States District Court in
696 DC. Correct?

697 {Counsel.} If EAB actually allows the issuance of final
698 agency action.

699 Mr. {Whitfield.} Yes. Final agency action. You go--so
700 all we are doing in the very narrow subset of exploratory
701 permits, we are just saying you don't have to go to EAB
702 because they ping pong back and forth. Just go onto the
703 court system in Washington that--which does not change the
704 venue at all from what is currently the law, so this seems to
705 make all the sense in the world, and I appreciate the

706 gentleman yielding.

707 Mr. {Barton.} Before I yield back to the chairman, I
708 tell my good friend from California, there is not nefarious
709 about this part of the act. The Clean Air Act gives venue,
710 expedited venue for cases that are heard under the Clean Air
711 Act in this DC court, and so all we are doing in this bill is
712 copycatting the law currently in place for the Clean Air Act.
713 The DC court tends to have judges that are more specialized
714 in environmental issues, their docket tends to be more
715 environmental, there is a better chance that you would have
716 an expedited review if you went straight here. So that is
717 all this is. This isn't some gamesmanship situation.

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

719 Mr. {Barton.} Sure.

720 Ms. {Eshoo.} I don't think that is correct. The
721 current law states that these appeals are heard in the
722 appropriate regional court in the State. In California, I
723 mean, obviously, that would be the State court.

724 So--and I just want to remind people that just because
725 the law is set up the way it is, people still have to travel
726 within their State. It may not be--they may not live in the
727 city or town where that court is, so there is some
728 responsibility and obviously burden on those that would be
729 challenging, but at least it is within their own State.

730 So I don't agree with what the gentleman said because
731 the current law is very clear about where these appeals are
732 heard, and I just, you know, I know that each side gets their
733 heels dug in on, you know, if it is a Republican amendment
734 then it is accepted, if it is a Democratic amendment, it just
735 should go down. There is no need for this section of the
736 bill. It really should be struck.

737 Mr. {Barton.} If I could reclaim--

738 Ms. {Eshoo.} We should not be burdening people with
739 having to drag themselves across the country.

740 Mr. {Barton.} Reclaim my time.

741 Ms. {Eshoo.} Thank you. I appreciate you yielding time
742 to me.

743 Mr. {Barton.} But really, there is lots of things we
744 can fight about in this bill, but venue for where appeals are
745 heard shouldn't be one of them. There is--I think we are
746 both right, you know. Obviously you can under current law go
747 to federal court in the regions, but it is also true that
748 this DC court does have special standing under the Clean Air
749 Act and is the primary appeals court that has the expertise
750 in environmental issues. That is a true statement, and with
751 that I yield back to the chairman.

752 The {Chairman.} The gentleman yields back.

753 My sense is that we are getting to a close on the debate

754 on this amendment. If no other members are seeking time, we
755 will vote on the amendment.

756 All those in favor of the amendment, say aye. All those
757 opposed, say no.

758 Mr. {Waxman.} Roll call, please.

759 The {Chairman.} Roll call is requested. The clerk will
760 call the roll.

761 The {Clerk.} Mr. Barton?

762 Mr. {Barton.} No.

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

764 Mr. Stearns?

765 [No response.]

766 The {Clerk.} Mr. Whitfield?

767 Mr. {Whitfield.} Nay.

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

769 Mr. Shimkus?

770 Mr. {Shimkus.} No.

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

772 Mr. Pitts?

773 Mr. {Pitts.} No.

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

775 Mrs. Bono Mack?

776 Mrs. {Bono Mack.} No.

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

778 Mr. Walden?
779 Mr. {Walden.} No.
780 The {Clerk.} Mr. Walden, nay.
781 Mr. Terry?
782 Mr. {Terry.} No.
783 The {Clerk.} Mr. Terry, nay.
784 Mr. Rogers?
785 Mr. {Rogers.} No.
786 The {Clerk.} Mr. Rogers, nay.
787 Mrs. Myrick?
788 [No response.]
789 The {Clerk.} Mr. Sullivan?
790 Mr. {Sullivan.} No.
791 The {Clerk.} Mr. Sullivan, nay.
792 Mr. Murphy?
793 Mr. {Murphy.} No.
794 The {Clerk.} Mr. Murphy, nay.
795 Mr. Burgess?
796 [No response.]
797 The {Clerk.} Mrs. Blackburn?
798 Mrs. {Blackburn.} No.
799 The {Clerk.} Mrs. Blackburn, nay.
800 Mr. Bilbray?
801 Mr. {Bilbray.} No.

802 The {Clerk.} Mr. Bilbray, nay.
803 Mr. Bass?
804 Mr. {Bass.} No.
805 The {Clerk.} Mr. Bass, nay.
806 Mr. Gingrey?
807 Dr. {Gingrey.} No.
808 The {Clerk.} Mr. Gingrey, nay.
809 Mr. Scalise?
810 [No response.]
811 The {Clerk.} Mr. Latta?
812 Mr. {Latta.} No.
813 The {Clerk.} Mr. Latta, nay.
814 Mrs. McMorris Rodgers?
815 [No response.]
816 The {Clerk.} Mr. Harper?
817 Mr. {Harper.} Nay.
818 The {Clerk.} Mr. Harper, nay.
819 Mr. Lance?
820 Mr. {Lance.} No.
821 The {Clerk.} Mr. Lance, nay.
822 Mr. Cassidy?
823 Dr. {Cassidy.} Aye.
824 The {Clerk.} Mr. Cassidy, aye.
825 Mr. Guthrie?

826 Mr. {Guthrie.} No.

827 The {Clerk.} Mr. Guthrie, nay.

828 Mr. Olson?

829 Mr. {Olson.} No.

830 The {Clerk.} Mr. Olson, nay.

831 Mr. McKinley?

832 [No response.]

833 The {Clerk.} Mr. Gardner?

834 Mr. {Gardner.} No.

835 The {Clerk.} Mr. Gardner, nay.

836 Mr. Pompeo?

837 Mr. {Pompeo.} No.

838 The {Clerk.} Mr. Pompeo, nay.

839 Mr. Kinzinger?

840 Mr. {Kinzinger.} No.

841 The {Clerk.} Mr. Kinzinger, nay.

842 Mr. Griffith?

843 Mr. {Griffith.} No.

844 The {Clerk.} Mr. Griffith, nay.

845 Mr. Waxman?

846 Mr. {Waxman.} Aye.

847 The {Clerk.} Mr. Waxman, aye.

848 Mr. Dingell?

849 Mr. {Dingell.} Aye.

850 The {Clerk.} Mr. Dingell, aye.
851 Mr. Markey?
852 [No response.]
853 The {Clerk.} Mr. Towns?
854 [No response.]
855 The {Clerk.} Mr. Pallone?
856 [No response.]
857 The {Clerk.} Mr. Rush?
858 [No response.]
859 The {Clerk.} Ms. Eshoo?
860 Ms. {Eshoo.} Aye.
861 The {Clerk.} Ms. Eshoo, aye.
862 Mr. Engel?
863 [No response.]
864 The {Clerk.} Mr. Green?
865 Mr. {Green.} No.
866 The {Clerk.} Mr. Green, nay.
867 Ms. DeGette?
868 Ms. {DeGette.} Aye.
869 The {Clerk.} Ms. DeGette, aye.
870 Mrs. Capps?
871 Mrs. {Capps.} Aye.
872 The {Clerk.} Mrs. Capps, aye.
873 Mr. Doyle?

874 Mr. {Doyle.} Yes.
875 The {Clerk.} Mr. Doyle, aye.
876 Ms. Schakowsky?
877 [No response.]
878 The {Clerk.} Mr. Gonzalez?
879 Mr. {Gonzalez.} Aye.
880 The {Clerk.} Mr. Gonzalez, aye.
881 Mr. Inslee?
882 Mr. {Inslee.} Aye.
883 The {Clerk.} Mr. Inslee, aye.
884 Mrs. Baldwin?
885 [No response.]
886 The {Clerk.} Mr. Ross?
887 [No response.]
888 The {Clerk.} Mr. Weiner?
889 Mr. {Weiner.} Aye.
890 The {Clerk.} Mr. Weiner, aye.
891 Mr. Matheson?
892 [No response.]
893 The {Clerk.} Mr. Butterfield?
894 [No response.]
895 The {Clerk.} Mr. Barrow?
896 Mr. {Barrow.} Vote no.
897 The {Clerk.} Mr. Barrow, nay.

898 Ms. Matsui?

899 Ms. {Matsui.} Aye.

900 The {Clerk.} Ms. Matsui, aye.

901 Ms. Christensen?

902 [No response.]

903 The {Clerk.} Mr. Upton?

904 Mr. {Upton.} Votes no.

905 The {Clerk.} Mr. Upton, nay.

906 The {Chairman.} Are there other members wishing to cast
907 a vote?

908 Mr. Stearns?

909 Mr. {Stearns.} No.

910 The {Clerk.} Mr. Stearns, nay.

911 The {Chairman.} Mr. Markey?

912 Mr. {Markey.} Votes aye.

913 The {Clerk.} Mr. Markey, aye.

914 The {Chairman.} Mr. Ross?

915 Mr. {Ross.} Nay.

916 The {Clerk.} Mr. Ross, nay.

917 The {Chairman.} Mr. Towns?

918 Mr. {Towns.} Aye.

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

920 The {Chairman.} Mr. Matheson?

921 Mr. {Matheson.} Aye.

922 The {Clerk.} Mr. Matheson, aye.

923 The {Chairman.} Mr. Scalise?

924 Mr. {Scalise.} Nay.

925 The {Clerk.} Mr. Scalise, nay.

926 The {Chairman.} Ms. Cathy McMorris Rodgers?

927 Mrs. {McMorris Rodgers.} No.

928 The {Clerk.} Mrs. McMorris Rodgers, nay.

929 The {Chairman.} Ms. Baldwin?

930 Ms. {Baldwin.} Aye.

931 The {Clerk.} Ms. Baldwin, aye.

932 The {Chairman.} Are there other members wishing to cast

933 a vote?

934 Seeing no others, the clerk will report the tally.

935 The {Chairman.} Dr. Burgess?

936 Dr. {Burgess.} No.

937 The {Clerk.} Mr. Burgess, nay. Mr. Chairman, on that

938 there were 15 ayes, 31 nays.

939 The {Chairman.} Fifteen ayes, 31 nays, the amendment is

940 not agreed to.

941 Are there other members wishing to offer an amendment?

942 Mr. Waxman?

943 Mr. {Waxman.} Mr. Chairman, I have an amendment at the

944 desk. Number one.

945 The {Chairman.} The clerk will report the title,

946 amendment number one. Amendment will be considered as read,
947 and the staff will distribute the amendment, and the
948 gentleman is recognized for 5 minutes in support of his
949 amendment.

950 [The amendment follows:]

951 ***** INSERT 2 *****

|

952 Mr. {Waxman.} As written, this bill will encourage more
953 litigation by eliminating administrative appeals to the
954 Environmental Protection--to the Environmental Appeals Board
955 and forcing all challenges to offshore exploration air
956 permits into the courts. I don't think this makes any sense.
957 As EPA testified before this committee, resolving permit
958 disputes through administrative reviews as provided by the
959 Environmental Appeals Board is cheaper and faster than
960 litigation.

961 The Board also has expertise in permitting and provides
962 for centralized review, producing consistent rulings across
963 the country. State witnesses agreed, witnesses from
964 California and Delaware testified that their administrative
965 review processes worked quickly and smoothly to resolve
966 disputes without litigation.

967 The less formal administrative appeals process also
968 makes it much easier for local stakeholders to participate in
969 permit decisions. Stakeholders don't need a lawyer to raise
970 concerns with the Environmental Appeals Board, and they can
971 conduct oral arguments through video conferencing.

972 Consider the concerned residents of the North Slope of
973 Alaska. Under this bill they would have to hire a lawyer and
974 fly to the District of Columbia to make their case, and in

975 almost all situations an Environmental Appeals Board decision
976 resolves the dispute, avoiding the costs and delays for all
977 parties of federal court review.

978 To date only four Appeals Board decisions have been
979 appealed to federal courts, and not one of them has been
980 overturned. That is a very impressive record.

981 My amendment would do two things. First, it would
982 ensure that as under current law any stakeholder who has
983 raised concerns during the permit process can petition the
984 Environmental Appeals Board to review a permit. It would
985 preserve the equivalent right of administrative appeal to a
986 State review board for permits issued by a State or locality.

987 Second, it would allow the administrator or State or
988 local permitting authority to extend the permit deadline by
989 up to 180 days to allow time for administrative review where
990 necessary. I don't think any of us want more litigation in
991 federal courts, and it is just wrong to set up a burdensome
992 process that limits citizens' ability to raise concerns about
993 oil and gas projects that could have a real impact on their
994 quality of life.

995 Subcommittee faced a question, faces a question today
996 and this is the full committee, that we--this committee faces
997 a question today, is the purpose of this bill to make
998 commonsense improvements to the permitting process, or is it,

999 the real goal to ram permits through quickly with minimal air
1000 quality protections and roll local stakeholders. The choice
1001 on this amendment makes it clear. I urge my colleagues to
1002 support this amendment.

1003 I would be happy to yield if someone wishes me to yield.

1004 I yield to the gentlelady from Colorado, Ms. DeGette.

1005 Ms. {DeGette.} Thank you very much, Mr. Waxman. I
1006 thank you for bringing up this amendment because it really
1007 does address one of the bill's fundamental flaws.

1008 It ensures that any stakeholder who has raised concerns
1009 during the permit process can petition the Environmental
1010 Appeals Board or a State review board to review a permit.
1011 This is really important in terms of public participation
1012 under the Clean Air Act because the citizens who will be most
1013 affected by proposed drilling operations such as Alaskan
1014 native communities who depend on the Arctic Ocean for their
1015 livelihoods, have a right to a robust local process that will
1016 allow them to voice their concerns.

1017 The other thing this amendment does is it allows the
1018 administrator or the delegated authority to extend the 6-
1019 month permit deadline by up to 180 days if necessary for a
1020 full administrative review, and Mr. Chairman, during the
1021 hearings we heard from the EPA as well as the states that 6
1022 months is just simply not always long enough to ensure a

1023 thorough technical review of an air permit, while allowing
1024 time for public comment and administrative review.

1025 So the solution is not to eliminate administrative
1026 review as the bill does. Instead the solution is to give the
1027 EPA administrator and State authorities the flexibility that
1028 they need to extend the deadline for just 6 months if
1029 necessary to accommodate review by the Environmental Appeals
1030 Board or State hearing boards. And so it really adds in
1031 flexibility.

1032 I think it is a really commonsense amendment, and I
1033 think we should really look at it on a bipartisan basis, and
1034 I would yield back to Mr. Waxman.

1035 Mr. {Waxman.} I thank you for yielding back to me. The
1036 idea of the 180-day period is to make sure that everybody can
1037 get heard, they can get all the facts before the Appeals
1038 Board so that the Appeals Board can act expeditiously. It is
1039 still within that total 1-year period, but it would give the
1040 Appeals Board a full opportunity to get all the comments and
1041 all the facts and then make a decision, and I think that
1042 decision can resolve things without forcing the parties into
1043 court.

1044 Thank you, Mr. Chairman.

1045 The {Chairman.} The gentleman's time has expired.

1046 The gentleman from Colorado is recognized for 5 minutes.

1047 Mr. {Gardner.} Thank you, Mr. Chairman, and you know,
1048 again, the law does state, the current law, existing law
1049 States that these permits are supposed to be issued in a
1050 year, but because of the Environmental Appeals Board and the
1051 appeals process and what happens it has taken 5, 6 years for
1052 this one permit to get through the process, to get through
1053 the EPA so they can start creating jobs and lowering the
1054 price of energy at the pump.

1055 If you look at the time that the EPA region itself had
1056 issued Shell permits, they issued three permits to Shell in
1057 approximately 6 months or less. These permits are of
1058 temporary nature and the time, very time sensitive. We are
1059 dealing with a 30 to 45-day window of activity, and to say
1060 that we are going to extend this process that has already
1061 taken 5 to 6 years is, I believe, poor public policy when it
1062 comes to a matter of national importance, and that is finding
1063 ways to develop more domestic energy.

1064 In the time that it has taken these first permits to get
1065 through Shell testified that they have drilled 400
1066 exploratory wells around the world. They have 400
1067 exploratory wells around the world in the time that it has
1068 taken to try to get through this one issue right here in our
1069 own backyard. It is the constant ping pong that has delayed
1070 this issue. Good public policy says that you approve or deny

1071 a permit within 6 months. That is what this bill does, and
1072 it makes it clear that on a matter of national importance, of
1073 jobs and energy, we are actually going to make a decision and
1074 make that decision promptly. They have done it before, they
1075 can do it again.

1076 Mr. {Shimkus.} Would the gentleman yield?

1077 Mr. {Gardner.} I yield back my time. Yes. The
1078 gentleman yields.

1079 Mr. {Shimkus.} And then I would just highlight that as
1080 much as there was an individual testify in opposition, there
1081 was in essence the executive director of the five Alaskan
1082 tribes, a huge region, who testified strongly in support of
1083 this legislation. So there was two folks at the hearing and
1084 one was strongly in support of an expedited process.

1085 Secondly, the EPA's regional administrator issued three
1086 permits to Shell in approximately 6 months or less. All
1087 three of these permits included public notice and comment and
1088 in some instances review of new air modeling techniques
1089 making them especially complex. As my colleague from
1090 Colorado said, it is this ping pong process with the
1091 Environmental Appeals Board that has caused the Shell permit
1092 to fester for longer than any of us would appreciate or want,
1093 preventing any--and this prevents final action, and what we
1094 are trying to get is final action.

1095 So I would ask my colleagues to reject the amendment,
1096 and I--

1097 Mr. {Whitfield.} Would the gentleman yield?

1098 Mr. {Shimkus.} The time is the gentleman from Colorado.

1099 Mr. {Gardner.} Yes. I would yield.

1100 Mr. {Whitfield.} Yes. I would just like to also stress
1101 the point that it has been over 5 years and still there is no
1102 final regulatory action, and basically this permit simply
1103 provides them an additional 180 days on top of the 6 months
1104 that this statute, that our bill attempts to set out.

1105 But I guess the thing that I really want to stress here
1106 is the fact that this is an extremely narrow bill that we
1107 have here. It applies only to exploratory permits, does not
1108 in any way affect any other aspect of the Clean Air Act. So
1109 I think that this amendment really would be defeating the
1110 intent of this legislation, and thank the gentleman for
1111 yielding?

1112 Dr. {Gingrey.} Would the gentleman yield to me?

1113 Mr. {Gardner.} Yes. I will yield.

1114 Dr. {Gingrey.} I appreciate the gentleman from Colorado
1115 for yielding. You know, the question was asked for our
1116 colleague on the other side of the aisle from California and
1117 was issue of counsel in regard to what the amount of annual
1118 taxes Shell Oil pays. I think counsel's response to that

1119 question was it was not within our jurisdiction. I might ask
1120 counsel another question regarding Shell Oil. Maybe we will
1121 get the same response, but do you know how many United States
1122 domestic jobs that Shell Oil produces every year? How many
1123 people are working for Shell Oil in the United States?

1124 {Counsel.} I know that it is very many, but I don't
1125 have a specific number.

1126 Dr. {Gingrey.} Well, if you don't know or if that is
1127 not in your jurisdiction, I will--I just happen to know
1128 because it is in my jurisdiction. About 20,000 jobs is what
1129 we are talking about and the Democrats obviously want to kill
1130 any domestic oil production. In amendment after amendment
1131 after amendment delaying for 30 days forever by a 30-day
1132 worth a thousand cuts is what this current amendment from Mr.
1133 Waxman is all about, and I am vehemently opposed to it.

1134 We absolutely have to have more domestic production of
1135 oil and gas in this country. The gentleman's bill is a good
1136 bill, it makes sense, the State of Alaska has testified to
1137 the necessity of it, and we need to get on with it, defeat
1138 these amendments, and pass this bill.

1139 And I yield back.

1140 The {Chairman.} The gentleman's time has expired.

1141 Other members wishing to speak on the amendment?

1142 Seeing--

1143 Mr. {Waxman.} If I might be recognized just to make one
1144 point.

1145 The {Chairman.} Yes.

1146 Mr. {Waxman.} My amendment does not allow 5 years. The
1147 amendment maintains the bill's 6-month deadline and allows
1148 one, 6-month extension, but it is still within that 5-year
1149 period, and it doesn't extend the period of time. So I just
1150 wanted to point that out for the record.

1151 The {Chairman.} Thank you.

1152 Other members wishing to speak?

1153 If seeing none, the amendment or the vote will be on the
1154 amendment. All those in favor of the amendment, say aye.
1155 All those opposed, say no.

1156 The gentleman asks for a roll call. The clerk will call
1157 the roll.

1158 The {Clerk.} Mr. Barton?

1159 Mr. {Barton.} No.

1160 The {Clerk.} Mr. Barton, nay.

1161 Mr. Stearns?

1162 Mr. {Stearns.} No.

1163 The {Clerk.} Mr. Stearns, nay.

1164 Mr. Whitfield?

1165 Mr. {Whitfield.} No.

1166 The {Clerk.} Mr. Whitfield, nay.

- 1167 Mr. Shimkus?
- 1168 Mr. {Shimkus.} No.
- 1169 The {Clerk.} Mr. Shimkus, nay.
- 1170 Mr. Pitts?
- 1171 Mr. {Pitts.} No.
- 1172 The {Clerk.} Mr. Pitts, nay.
- 1173 Mrs. Bono Mack?
- 1174 Mrs. {Bono Mack.} No.
- 1175 The {Clerk.} Mrs. Bono Mack, nay.
- 1176 Mr. Walden?
- 1177 [No response.]
- 1178 The {Clerk.} Mr. Terry?
- 1179 Mr. {Terry.} No.
- 1180 The {Clerk.} Mr. Terry, nay.
- 1181 Mr. Rogers?
- 1182 Mr. {Rogers.} No.
- 1183 The {Clerk.} Mr. Rogers, nay.
- 1184 Mrs. Myrick?
- 1185 [No response.]
- 1186 The {Clerk.} Mr. Sullivan?
- 1187 Mr. {Sullivan.} No.
- 1188 The {Clerk.} Mr. Sullivan, nay.
- 1189 Mr. Murphy?
- 1190 [No response.]

- 1191 The {Clerk.} Mr. Burgess?
- 1192 Dr. {Burgess.} No.
- 1193 The {Clerk.} Mr. Burgess, nay.
- 1194 Mrs. Blackburn?
- 1195 Mrs. {Blackburn.} No.
- 1196 The {Clerk.} Mrs. Blackburn, nay.
- 1197 Mr. Bilbray?
- 1198 Mr. {Bilbray.} No.
- 1199 The {Clerk.} Mr. Bilbray, nay.
- 1200 Mr. Bass?
- 1201 Mr. {Bass.} No.
- 1202 The {Clerk.} Mr. Bass, nay.
- 1203 Mr. Gingrey?
- 1204 Dr. {Gingrey.} No.
- 1205 The {Clerk.} Mr. Gingrey, nay.
- 1206 Mr. Scalise?
- 1207 Mr. {Scalise.} Nay.
- 1208 The {Clerk.} Mr. Scalise, nay.
- 1209 Mr. Latta?
- 1210 [No response.]
- 1211 The {Clerk.} Mrs. McMorris Rodgers?
- 1212 Mrs. {McMorris Rodgers.} No.
- 1213 The {Clerk.} Mrs. McMorris Rodgers, nay.
- 1214 Mr. Harper?

- 1215 Mr. {Harper.} Nay.
- 1216 The {Clerk.} Mr. Harper, nay.
- 1217 Mr. Lance?
- 1218 Mr. {Lance.} No.
- 1219 The {Clerk.} Mr. Lance, nay.
- 1220 Mr. Cassidy?
- 1221 Dr. {Cassidy.} Nay.
- 1222 The {Clerk.} Mr. Cassidy, nay.
- 1223 Mr. Guthrie?
- 1224 Mr. {Guthrie.} No.
- 1225 The {Clerk.} Mr. Guthrie, nay.
- 1226 Mr. Olson?
- 1227 Mr. {Olson.} No.
- 1228 The {Clerk.} Mr. Olson, nay.
- 1229 Mr. McKinley?
- 1230 [No response.]
- 1231 The {Clerk.} Mr. Gardner?
- 1232 Mr. {Gardner.} No.
- 1233 The {Clerk.} Mr. Gardner, nay.
- 1234 Mr. Pompeo?
- 1235 Mr. {Pompeo.} No.
- 1236 The {Clerk.} Mr. Pompeo, nay.
- 1237 Mr. Kinzinger?
- 1238 Mr. {Kinzinger.} No.

1239 The {Clerk.} Mr. Kinzinger, nay.
1240 Mr. Griffith?
1241 Mr. {Griffith.} Nay.
1242 The {Clerk.} Mr. Griffith, nay.
1243 Mr. Waxman?
1244 Mr. {Waxman.} Aye.
1245 The {Clerk.} Mr. Waxman, aye.
1246 Mr. Dingell?
1247 Mr. {Dingell.} Aye.
1248 The {Clerk.} Mr. Dingell, aye.
1249 Mr. Markey?
1250 Mr. {Markey.} Aye.
1251 The {Clerk.} Mr. Markey, aye.
1252 Mr. Towns?
1253 [No response.]
1254 The {Clerk.} Mr. Pallone?
1255 [No response.]
1256 The {Clerk.} Mr. Rush?
1257 [No response.]
1258 The {Clerk.} Ms. Eshoo?
1259 Ms. {Eshoo.} Aye.
1260 The {Clerk.} Ms. Eshoo, aye.
1261 Mr. Engel?
1262 [No response.]

1263 The {Clerk.} Mr. Green?
1264 Mr. {Green.} No.
1265 The {Clerk.} Mr. Green, nay.
1266 Ms. DeGette?
1267 Ms. {DeGette.} Aye.
1268 The {Clerk.} Ms. DeGette, aye.
1269 Mrs. Capps?
1270 Mrs. {Capps.} Aye.
1271 The {Clerk.} Mrs. Capps, aye.
1272 Mr. Doyle?
1273 Mr. {Doyle.} Yes.
1274 The {Clerk.} Mr. Doyle, aye.
1275 Ms. Schakowsky?
1276 Ms. {Schakowsky.} Yes.
1277 The {Clerk.} Ms. Schakowsky, aye.
1278 Mr. Gonzalez?
1279 Mr. {Gonzalez.} No.
1280 The {Clerk.} Mr. Gonzalez, nay.
1281 Mr. Inslee?
1282 Mr. {Inslee.} Aye.
1283 The {Clerk.} Mr. Inslee, aye.
1284 Ms. Baldwin?
1285 Ms. {Baldwin.} Aye.
1286 The {Clerk.} Ms. Baldwin, aye.

1287 Mr. Ross?

1288 Mr. {Ross.} No.

1289 The {Clerk.} Mr. Ross, nay.

1290 Mr. Weiner?

1291 Mr. {Weiner.} Aye.

1292 The {Clerk.} Mr. Weiner, aye.

1293 Mr. Matheson?

1294 Mr. {Matheson.} No.

1295 The {Clerk.} Mr. Matheson, nay.

1296 Mr. Butterfield?

1297 [No response.]

1298 The {Clerk.} Mr. Barrow?

1299 Mr. {Barrow.} Vote no.

1300 The {Clerk.} Mr. Barrow, nay.

1301 Ms. Matsui?

1302 Ms. {Matsui.} Aye.

1303 The {Clerk.} Ms. Matsui, aye.

1304 Ms. Christensen?

1305 [No response.]

1306 The {Clerk.} Mr. Upton?

1307 Mr. {Upton.} Votes no.

1308 The {Clerk.} Mr. Upton, nay.

1309 The {Chairman.} Are there other members wishing to

1310 vote?

1311 Mr. Pallone?

1312 Mr. {Pallone.} Votes aye.

1313 The {Clerk.} Mr. Pallone, aye.

1314 The {Chairman.} Mr. Murphy?

1315 Mr. {Murphy.} No.

1316 The {Clerk.} Mr. Murphy, nay.

1317 The {Chairman.} Mr. Walden?

1318 Mr. {Walden.} No.

1319 The {Clerk.} Mr. Walden, nay.

1320 The {Chairman.} Other members wishing to cast a vote?

1321 Seeing none, the clerk will report the tally.

1322 The {Clerk.} Mr. Chairman, on that there were 13 ayes,

1323 33 nays.

1324 The {Chairman.} Thirteen ayes, 33 nays, the amendment

1325 is not agreed to.

1326 Are there other members wishing to offer an amendment?

1327 The gentlelady from California.

1328 Mrs. {Capps.} I have an amendment at the desk. It is

1329 numbered 02.

1330 The {Chairman.} Amendment number two. I will provide

1331 Ms. Capps--the amendment will be considered as the clerk will

1332 report the title, the amendment will be considered as read.

1333 Staff will distribute the amendment, and the gentlelady is

1334 recognized for 5 minutes in support of her amendment.

1335 [The amendment follows:]

1336 ***** INSERT 3 *****

|
1337 Mrs. {Capps.} Thank you, Mr. Chairman. It won't take
1338 me 5 minutes because this is a very straightforward and
1339 simple amendment.

1340 It addresses one of several concerns I have about the
1341 bill. Its harmful impact on State programs that are
1342 currently working well to both issue permits and protect
1343 local air quality.

1344 On May 13 our subcommittee heard testimony from the
1345 States of Delaware and California. Both States expressed
1346 serious concerns about the impact of this bill on local air
1347 quality. For example, the witness from the Delaware
1348 Department of Natural Resources stated, and this is a quote,
1349 ``Proposed constraints placed on States' rights and
1350 authorities will adversely affect our States' ability to
1351 protect public health and welfare from harmful effects of air
1352 pollution.''

1353 The witness from the California Air Resources Board
1354 testified that the discussion draft, and this is, again, a
1355 quote, ``Could have far-reaching, unintended consequence,''
1356 on the public health in California.

1357 As you may know, California and its local air districts
1358 in some cases require emission controls that go beyond
1359 federal law to address the State's unique pollution problems.

1360 This bill could nullify those State and local requirements
1361 and would increase pollution.

1362 For example, California recently adopted rules to reduce
1363 particulate matter, NOx, and other reactive organic gases
1364 from commercial harbor craft. This is particularly important
1365 to my community because emissions from marine vessels
1366 represent the largest source of smog forming air pollution in
1367 Santa Barbara County, accounting for over 40 percent of air
1368 pollution emissions.

1369 So it is critical to the attainment and maintenance of
1370 the air quality health standards that all marine vessels
1371 climbing our coasts are subject to air quality regulations,
1372 and that is why I have this simply amendment. It simply says
1373 that if a State or air quality district with the authority to
1374 implement this section, Section 328, of the Clean Air Act
1375 wants to enact more stringent air quality protections for
1376 offshore drilling operations it can do so.

1377 At our May 13 hearing Mr. Bilbray, member of this
1378 committee, raised the importance of, and this is his quote,
1379 ``giving the flexibility to the local administrators to be
1380 able to apply the technologies that work in that part of the
1381 area.'' I couldn't agree more.

1382 I urge my colleagues to support this very commonsense
1383 amendment. It simply allows States and local air districts

1384 to continue to do their job to protect the air quality of
1385 coastal communities while continuing their drilling
1386 operations.

1387 And I am prepared to either yield back or yield to one
1388 of my colleagues.

1389 I will yield back.

1390 The {Chairman.} The gentlelady yields back. The
1391 gentleman from Colorado.

1392 Mr. {Gardner.} Thank you, Mr. Chairman, and the purpose
1393 of this bill, the entire purpose of the Jobs and Energy
1394 Permitting Act is to create a process that we can use to
1395 explore our resources and help, again, achieve energy
1396 security for this country, and I am very concerned that this
1397 amendment will actually do the exact opposite of that,
1398 creating a tangled web of different policies, regulations,
1399 sort of a balkanization so to speak in federal waters when it
1400 comes to our ability to achieve what we should have not to
1401 believe is a national priority, energy independence.

1402 And so what we have created on the OCS over years is a
1403 way to actually deal with them consistently and efficiently,
1404 and that is what this bill is, again, trying to restore is
1405 consistency and efficiency for exploration purposes. I am
1406 afraid that this amendment would undermine the purpose of the
1407 act and then create a situation where it actually ties things

1408 up because of the confusion regarding who can do what and
1409 where.

1410 It is important to notice, to note that the federal OCS,
1411 the Outer Continental Shelf, is different. It is different
1412 from onshore State borders, where States have this type of
1413 flexibility in setting their State implementation plans, and
1414 it goes to the very fact that the Submerged Lands Act and the
1415 Outer Continental Shelf Lands Act were created for that
1416 purpose, to federalize and provide harmony in offshore
1417 activities, and this goes to the ability of OCS exploration.

1418 And to the issue of health, I think, again, it is
1419 important to remember the quote, the statement made before
1420 Congress by Administrator Lisa Jackson herself. ``I believe
1421 that the analysis will clearly show that there is no public
1422 health concern here.'' It goes on that, ``In fact, these
1423 activities will not cause air pollution that will endanger
1424 public health.''

1425 I have heard it said by some that this--they believe
1426 this activity will produce as much as a coal-powered power
1427 plant. In fact, that is not true. A coal-powered power
1428 plant would produce ten times more than this permit would
1429 anticipate.

1430 So, again, I think there is a lot of confusion, a lot of
1431 talking points that sort of miss the point of what the bill

1432 is trying to do, and that is to create jobs and achieve, and
1433 help achieve energy security.

1434 And I yield back.

1435 Mr. {Shimkus.} Would the gentleman yield?

1436 Mr. {Gardner.} I will yield.

1437 Mr. {Shimkus.} And I would--the concern is going to be
1438 allowing States air regulation in the Outer Continental Shelf
1439 area will balkanize the air permitting process. It will
1440 bring--it is an attempt--it will give people more an
1441 opportunity to be obstructionists in our location,
1442 identification, recovery, and production of oil and gas in
1443 the Outer Continental Shelf.

1444 And so any--we are trying again to be efficient, to
1445 streamline the process. This definitely doesn't do that.
1446 Again, States have the authority within their State borders
1447 and as they go out 3 miles from the coastal area, but to give
1448 States the authority in the Outer Continental Shelf, which is
1449 an asset for the entire country, I would reject, and I hope
1450 my colleagues would do that, too, and I yield back to my
1451 colleague from Colorado.

1452 Mr. {Gardner.} I yield back my time.

1453 The {Chairman.} The gentleman yields back.

1454 The gentleman from Texas, Mr. Green.

1455 Mr. {Green.} Thank you, Mr. Chairman, and I have some

1456 concerns about the amendment because most of the offshore
1457 drilling rigs--having a port city I represent, and I am going
1458 to ask if you my colleague would yield, we have certain
1459 authority, but if there is a ship that is a foreign-flag
1460 ship, we don't have the authority to regulate their emissions
1461 under international law in our local port communities. I
1462 don't think your amendment would do that, whether that is a
1463 drilling rig that is an offshore rig, plus as my colleague
1464 from Illinois said, the State of California, State of Texas,
1465 every coastal State, has authority so far out of their
1466 boundaries. Typically it is 3 miles, some cases it may be
1467 12. You have that authority to that, but then it becomes
1468 federal responsibility, and States don't have that authority
1469 outside their jurisdiction.

1470 I don't think this bill takes away the States'
1471 jurisdiction from what California has now on air quality
1472 within the limits. You can't expand it but--in the
1473 legislation.

1474 Mrs. {Capps.} Would you yield?

1475 Mr. {Green.} Be glad to yield.

1476 Mrs. {Capps.} I thank my colleague for yielding. I
1477 just want to say that this Section 328 has been in effect for
1478 over 20 years and has successfully worked in California and
1479 has also worked when Maryland sought the same application.

1480 It meant that the industry, what it has demonstrated is that
1481 industry can and has complied with California's requirements
1482 for these 20 years. They do it every day off my coastline.
1483 The delegation of authority has worked. It has resulted in
1484 significant decreases in air pollution emissions throughout
1485 the region while dozens of OCS exploration and development
1486 permits are issued each year.

1487 So it has proven to be very successful. It mostly
1488 applies to the small vessels going from shore out to the oil
1489 platform and back, and that is where over 40 percent of the
1490 air pollution has occurred within the County of Santa
1491 Barbara, and having these restrictions in place has
1492 substantially reduced that amount of pollution.

1493 Mr. {Green.} Well, in reclaiming my time, I don't think
1494 this bill if it becomes law would change that. I think you
1495 would still have the authority within the jurisdiction of the
1496 State.

1497 Now, what we are talking about here is EPA itself, not
1498 the on the State of California because you have certain
1499 responsibilities or you can do within your 3-mile limit or
1500 whatever California has, and this bill doesn't touch that, as
1501 we used to say, top side or bottom, because it mainly deals
1502 with federal law.

1503 And, again, offshore exploration, I know there is

1504 production in California but not very much offshore
1505 exploration.

1506 Mrs. {Capps.} Yes, there is.

1507 Mr. {Green.} And, well, I am glad to hear that. The
1508 fact is you and I joke about it, I would like to see more of
1509 it, but California would still have the same regulations just
1510 like Texas can in our offshore regulations.

1511 Mrs. {Capps.} Could I ask counsel then to give an
1512 opinion on that matter, because it is our impression that
1513 this legislation, underlying legislation would overrule this
1514 Section 328 that has allowed for 20 years for California to
1515 be able to regulate.

1516 {Counsel.} No. I disagree--

1517 Mr. {Green.} I would be glad to have counsel use my
1518 time.

1519 {Counsel.} Oh, sorry. Oh, no, I disagree. As a legal
1520 matter the delegation, the ability to delegate authority to
1521 the States to implement the federal laws is not affected in
1522 any way with this legislation.

1523 Mr. {Green.} That is why I--I think the amendment may
1524 be trying to address a problem that is not there, and so that
1525 is why I would encourage a no vote.

1526 Mr. {Waxman.} Would the gentleman yield?

1527 Mr. {Green.} I would be glad to yield my minute and 19

1528 seconds.

1529 Mr. {Waxman.} Well, as I understand it, Counsel, that
1530 the delegation, the authority of the delegation is affected
1531 by the statute that is being--the bill that is being proposed
1532 because it, the scope of the authority is bounded by EPA, and
1533 this bill would change the scope of the authority.

1534 {Counsel.} I disagree as a legal matter under Section
1535 328(A)(3). That is the provision that allows the State to be
1536 delegated, the authorities that the administrator has under
1537 Section 328, that provision is not amended in any way by the
1538 legislation.

1539 Mr. {Waxman.} But doesn't this restrict the authorities
1540 that the administrator has?

1541 {Counsel.} No. The--

1542 Mr. {Waxman.} The underlying bill? Doesn't it restrict
1543 the authorities the administrator has?

1544 {Counsel.} No, I don't believe so. As far as the
1545 substantive policy provisions of the bill, it just clarifies
1546 what the law is. So it doesn't, and those restrictions that
1547 are were already restricted, I mean, they were restricted
1548 under--

1549 Mr. {Waxman.} You don't believe it changes the law?

1550 {Counsel.} We could go through it section by section,
1551 but for the most part it is clarifying the existing law.

1552 The {Chairman.} The gentleman from California.

1553 Mr. {Bilbray.} Thank you, Mr. Chairman.

1554 The {Chairman.} Let me go to Mr. Waxman, and then I
1555 will come and do Mr. Bilbray.

1556 Mr. {Waxman.} I support this amendment. Section 328 of
1557 the Clean Air Act at issue here today was passed more than 20
1558 years ago in 1990, largely at the insistence of California
1559 officials and residents who were unhappy about uncontrolled
1560 air pollution from offshore drilling. Industry and business
1561 groups also were upset that offshore sources were basically
1562 free to pollute while onshore sources bore the burden of
1563 heavier regulation to try to make up for the degraded air
1564 quality, and the result of this situation was that every
1565 permit led to challenges and long delays so offshore sources
1566 weren't satisfied either.

1567 This bill would start to roll the clock back 20 years to
1568 when offshore drilling could pollute more and coastal
1569 communities and businesses could do little about it. The
1570 bill as written tramples on the ability of States and
1571 localities to ensure that they have all the tools at their
1572 disposal to curb air pollution offshore.

1573 My colleague's amendment, Ms. Capps, would allow
1574 California to continue to implement its program, one that has
1575 worked well for 20 years. As they say, don't fix it if it

1576 ain't broken. If Congress or the President opens new coastal
1577 waters to drilling, then those coastal States will have the
1578 ability to enact more stringent air quality protections if
1579 they are necessary to protect public health.

1580 I thought it was interesting that our colleague, Mr.
1581 Gardner, was the author of the legislation. When it came to
1582 the amendment offered by Ms. Eshoo said, California is not
1583 affected, but when it came to the amendment by Ms. Capps, his
1584 argument was, well, we want everybody to have the same rule,
1585 the rule that would be the most efficient.

1586 So California is clearly affected. Some are now trying
1587 to claim that allowing a State that already issues these
1588 permits for sources in their own State would somehow affect
1589 sources in other States. This is nonsense. California has
1590 no authority over sources in other States, and nothing in
1591 this amendment provides such authority.

1592 I urge my colleagues to support this amendment. We feel
1593 that if you review the bill carefully, it does change the
1594 authority of the administrator, and the administrator cannot
1595 delegate to the State any authority which the administrator
1596 does not have. We see no reason why California ought to be
1597 affected. This bill does affect California. This amendment
1598 makes it clear that it wouldn't, and I would be happy to
1599 yield to Ms. Capps.

1600 Mrs. {Capps.} I want to just simply, and I thank my
1601 colleague for explaining that in the years up to the rule
1602 that was regulated by EPA, Section 328, before that time
1603 there were many disputes, project delays, court expenses,
1604 permit denials, and that is what led to the ruling to give
1605 the States more control over its own air quality because of
1606 this disproportionate pollution that was coming from offshore
1607 that then had to be met by onshore actions.

1608 And so once the section was included in the law, we have
1609 seen that it works. Air quality related issues have ceased
1610 to be barriers off this particular coastline that is off in
1611 my district, and industry has complied with the requirements
1612 for over 20 years. They do it every single day. It hasn't
1613 prevented exploration or further permits. It is an example
1614 of industry and local regulations working well, side by side,
1615 and that is all that this amendment seeks to do, is to keep
1616 that in place, which has worked, and if it is overridden by
1617 this bill, I can guarantee you the local communities will
1618 rise up again because their air quality will be degraded.

1619 Mr. {Gardner.} Will the gentleman yield?

1620 Mr. {Waxman.} I would like to reclaim my time and ask
1621 counsel a question.

1622 California did testify that this would affect their
1623 authority, but under existing law EPA and California can

1624 decide where to measure the pollution, at the ship itself or
1625 on the shore, and as I understand the bill they can't make
1626 that decision. It must be at the shore itself. Is that a
1627 correct understand of the bill or the impact of it?

1628 {Counsel.} EPA's authority is restricted by Section
1629 328, and Section 328 relates to and the concerns relate to
1630 ambient air quality and PSD onshore, and that is consistent
1631 with the legislation history on this provision where--and it
1632 was--

1633 Mr. {Waxman.} But it would change the practice in
1634 California where they are measuring either at the ship or at
1635 the shore, and that could make a big difference in terms of
1636 ambient air in the non-attainment area or even in a
1637 prevention of significant deterioration.

1638 I believe my time has expired. Yes. You wanted--

1639 {Counsel.} California didn't testify with respect to
1640 where they measure. It has been an issue of contention.

1641 Mr. {Waxman.} No. California testified that they did
1642 not want this bill to interfere with their--

1643 {Counsel.} Certainly.

1644 Mr. {Waxman.} --abilities. We have been told that
1645 California is not affected. California thinks it is
1646 affected. Right now EPA and California can measure at the
1647 ship, but now they won't be able to anymore--

1648 Mr. {Gardner.} Would the gentleman yield?

1649 Mr. {Waxman.} Is that a correct understanding of the
1650 impact of the bill?

1651 {Counsel.} That is not consistent with my reading of
1652 Section 328 and where impacts are supposed to be measured
1653 currently under 328. The provision of the bill just
1654 clarifies what 328--

1655 Mr. {Waxman.} Yes, but it clarifies it in a way that
1656 denies the practice of measuring it at the ship. It would
1657 have to be at shore.

1658 {Counsel.} It would certainly belts and suspenders make
1659 sure that that--it was clear that you are not allowed to
1660 measure at the ship.

1661 Mr. {Waxman.} I think counsel is creating a new
1662 interpretation of Section 328. That is not the way we
1663 understand it.

1664 Mr. {Gardner.} Will the gentleman yield?

1665 Mr. {Waxman.} If I have time.

1666 The {Chairman.} The gentleman's time has expired. I
1667 ask unanimous consent the gentleman is recognized for 2
1668 additional minutes.

1669 Mr. {Waxman.} I yield to the gentleman from Colorado.

1670 Mr. {Gardner.} Thank my colleague from California.

1671 Under Section 328 I want to clarify my understanding of

1672 Section 328, it delegates the State federal authority. It
1673 doesn't create new authority for the State.

1674 {Counsel.} That is correct.

1675 Mr. {Gardner.} And so California can do what is
1676 delegated to it by the EPA.

1677 {Counsel.} Only that authority that EPA actually has
1678 under 328.

1679 Mr. {Gardner.} Okay, and then one further point. I
1680 heard a comment from another colleague on the committee that
1681 said that there is a lot of exploration activity going on.
1682 Do we know when the last lease sale to occur in California
1683 was?

1684 {Counsel.} It has been decades, but I don't have the--

1685 Mr. {Gardner.} When was the last exploratory permit
1686 issued?

1687 {Counsel.} We--I have tracked back to 1994, and I know
1688 that there wasn't one before '94, so there has been non
1689 exploratory permit in many years.

1690 Mr. {Waxman.} If I could reclaim my time, for 20 years
1691 California has been measuring the pollution at the ship.
1692 Under this bill they won't be able to do that anymore. They
1693 have to do it at the shore. You believe that is the
1694 situation now, that they have to do it at the shore, but that
1695 hasn't been the practice for 20 years. Am I wrong?

1696 {Counsel.} I am not comfortable, and I don't feel that
1697 measurement has been taken--there has been no drill ship to
1698 be measuring where--

1699 Mr. {Waxman.} But the rules under which California
1700 operates is that they look at the emissions at the ship.
1701 That is a far-more stringent requirement. I believe that
1702 what this bill does is requires them to do it at the shore
1703 and, therefore, takes away the authority of California and
1704 EPA to do it at the ship.

1705 The EPA can't delegate that to California before EPA's
1706 jurisdiction is now being changed, and I think that that is
1707 an important point to understand.

1708 Yield back my time.

1709 The {Chairman.} The gentleman's time has expired.

1710 The gentleman from California.

1711 Mr. {Bilbray.} Mr. Chairman, just to clarify,
1712 California, ``the South Coast Air Basin,`` only has the
1713 justification for the regulatory oversight offshore because
1714 of onshore impacts created by those offshore activities. If
1715 it wasn't for the problems of the LA Air Basin, i.e., the
1716 South Coast Air District, there would be no justification and
1717 wouldn't have been any federal legislation to delegate the
1718 South Coast Air Basin to have the authority over federal
1719 lands and in the operations there.

1720 So obviously the air impacts in the air district is what
1721 is the issue here, not the emissions at the source offshore.
1722 Now, granted, testing can be done offshore at the site but
1723 only are applicable to the law or the justification for the
1724 law if it is added into a modeling formula that predicts
1725 impacts in the non-attainment area.

1726 So we are still coming back to this issue that it is not
1727 just State by State. It is district air basin impact. And
1728 so the jurisdiction for State intervention in federal lands
1729 are still conditioned on does it impact a non-attainment
1730 area. If you are doing offshore activity off of Humboldt,
1731 there is no evidence that that is placing Humboldt in a
1732 position to be a non-attainment area under the Federal Clean
1733 Air Act.

1734 So thus the local jurisdiction or the State's
1735 jurisdiction on federal land should be very limited, if not
1736 nil, in that area. But where we are talking about is the
1737 South Coast Air Basin, and to be blunt, we are talking
1738 specifically about exploration, which has not existed in the
1739 last 20 years as far as I know or anyone else can take a look
1740 at.

1741 And so we are really talking back and forth on this
1742 issue, but when it comes down to it is it is all based on
1743 that impact, and I would just ask the author of this bill,

1744 the gentlelady from Santa Barbara, does your amendment apply
1745 only to impacts to non-attainment areas?

1746 Mrs. {Capps.} What I want to speak to is that the air
1747 pollution district is very concerned that there are
1748 provisions of the bill--

1749 Mr. {Bilbray.} Reclaiming my time, let me just say this
1750 again. The argument of issues, and I appreciate that, I sat
1751 on the bodies that got--went with the crew boats. The crew
1752 boats, which are the offshore activity that you mentioned,
1753 are regulated and are addressed under these issues in non-
1754 attainment areas. They could also be addressed like we do
1755 the bunker fuel for ships that are coming in from overseas,
1756 can be regulated through the port activity, too. We have
1757 done that--in fact, you see in California shift to using that
1758 as a condition of port activity.

1759 So, again, my biggest issue here is that the
1760 justification for State intervention and offshore activity is
1761 directly tied to the nexus of air impact into that district,
1762 because your amendment specifically target only those
1763 activities that impact non-attainment areas.

1764 Mrs. {Capps.} My amendment would allow the State to
1765 have jurisdiction, and in fact, most of the pollution occurs
1766 from the vessels going to the platform and back. The smaller
1767 vessels. That is where the--

1768 Mr. {Bilbray.} Okay. Reclaiming my time. I want to
1769 clarify to you the State already has that jurisdiction
1770 because when anything that goes in and out of the port, even
1771 international trade has been regulated by the air districts
1772 and CARB, so I think your amendment really is not specific to
1773 the justification for the South Coast Air Basin having the
1774 authority that they were vested with and ends up applying a
1775 proposal that is not germane to the problem. When you talk
1776 about Humboldt and areas that are attainment areas, what is
1777 the justification for the State intervening on the federal
1778 operations?

1779 And I just think that you mean well here, but, again, we
1780 get back to the fact that specifically the issue that you are
1781 talking about with exploration, the crew boats can be
1782 regulated by the locals no matter what we do with offshore.
1783 We clarified that. They can be regulated because the port
1784 operations come under the jurisdiction of the State
1785 regulatory agencies, and that is a good example of I just
1786 asked you to read the implementation plan for the Long Beach
1787 Harbor. They are specifically addressed in one way or the
1788 other because they are part of port operations.

1789 I yield back, Mr. Chairman.

1790 The {Chairman.} The gentleman yields back.

1791 Are there other members wishing time? If not, the vote

1792 is on the amendment. All those in favor, say aye. All those
1793 opposed, say no. No's appear to have it.

1794 Mr. {Waxman.} Roll call.

1795 The {Chairman.} A roll call is requested. The clerk
1796 will call the roll.

1797 The {Clerk.} Mr. Barton?

1798 [No response.]

1799 The {Clerk.} Mr. Stearns?

1800 Mr. {Stearns.} No.

1801 The {Clerk.} Mr. Stearns, nay.

1802 Mr. Whitfield?

1803 Mr. {Whitfield.} No.

1804 The {Clerk.} Mr. Whitfield, nay.

1805 Mr. Shimkus?

1806 Mr. {Shimkus.} No.

1807 The {Clerk.} Mr. Shimkus, nay.

1808 Mr. Pitts?

1809 Mr. {Pitts.} No.

1810 The {Clerk.} Mr. Pitts, nay.

1811 Mrs. Bono Mack?

1812 Mrs. {Bono Mack.} No.

1813 The {Clerk.} Mrs. Bono Mack, nay.

1814 Mr. Walden?

1815 Mr. {Walden.} No.

- 1816 The {Clerk.} Mr. Walden, nay.
- 1817 Mr. Terry?
- 1818 Mr. {Terry.} No.
- 1819 The {Clerk.} Mr. Terry, nay.
- 1820 Mr. Rogers?
- 1821 Mr. {Rogers.} No.
- 1822 The {Clerk.} Mr. Rogers, nay.
- 1823 Mrs. Myrick?
- 1824 [No response.]
- 1825 The {Clerk.} Mr. Sullivan?
- 1826 [No response.]
- 1827 The {Clerk.} Mr. Murphy?
- 1828 [No response.]
- 1829 The {Clerk.} Mr. Burgess?
- 1830 [No response.]
- 1831 The {Clerk.} Mrs. Blackburn?
- 1832 [No response.]
- 1833 The {Clerk.} Mr. Bilbray?
- 1834 Mr. {Bilbray.} No.
- 1835 The {Clerk.} Mr. Bilbray, nay.
- 1836 Mr. Bass?
- 1837 Mr. {Bass.} No.
- 1838 The {Clerk.} Mr. Bass, nay.
- 1839 Mr. Gingrey?

- 1840 Dr. {Gingrey.} No.
- 1841 The {Clerk.} Mr. Gingrey, nay.
- 1842 Mr. Scalise?
- 1843 Mr. {Scalise.} Nay.
- 1844 The {Clerk.} Mr. Scalise, nay.
- 1845 Mr. Latta?
- 1846 Mr. {Latta.} Nay.
- 1847 The {Clerk.} Mr. Latta, nay.
- 1848 Mrs. McMorris Rodgers?
- 1849 Mrs. {McMorris Rodgers.} Nay.
- 1850 The {Clerk.} Mrs. McMorris Rodgers, nay.
- 1851 Mr. Harper?
- 1852 Mr. {Harper.} Nay.
- 1853 The {Clerk.} Mr. Harper, nay.
- 1854 Mr. Lance?
- 1855 Mr. {Lance.} No.
- 1856 The {Clerk.} Mr. Lance, nay.
- 1857 Mr. Cassidy?
- 1858 Dr. {Cassidy.} No.
- 1859 The {Clerk.} Mr. Cassidy, nay.
- 1860 Mr. Guthrie?
- 1861 Mr. {Guthrie.} No.
- 1862 The {Clerk.} Mr. Guthrie, nay.
- 1863 Mr. Olson?

- 1864 Mr. {Olson.} No.
- 1865 The {Clerk.} Mr. Olson, nay.
- 1866 Mr. McKinley?
- 1867 Mr. {McKinley.} No.
- 1868 The {Clerk.} Mr. McKinley, nay.
- 1869 Mr. Gardner?
- 1870 Mr. {Gardner.} No.
- 1871 The {Clerk.} Mr. Gardner, nay.
- 1872 Mr. Pompeo?
- 1873 Mr. {Pompeo.} No.
- 1874 The {Clerk.} Mr. Pompeo, nay.
- 1875 Mr. Kinzinger?
- 1876 Mr. {Kinzinger.} No.
- 1877 The {Clerk.} Mr. Kinzinger, nay.
- 1878 Mr. Griffith?
- 1879 Mr. {Griffith.} Nay.
- 1880 The {Clerk.} Mr. Griffith, nay.
- 1881 Mr. Waxman?
- 1882 Mr. {Waxman.} Aye.
- 1883 The {Clerk.} Mr. Waxman, aye.
- 1884 Mr. Dingell?
- 1885 Mr. {Dingell.} Aye.
- 1886 The {Clerk.} Mr. Dingell, aye.
- 1887 Mr. Markey?

1888 [No response.]
1889 The {Clerk.} Mr. Towns?
1890 [No response.]
1891 The {Clerk.} Mr. Pallone?
1892 [No response.]
1893 The {Clerk.} Mr. Rush?
1894 [No response.]
1895 The {Clerk.} Ms. Eshoo?
1896 Ms. {Eshoo.} Aye.
1897 The {Clerk.} Ms. Eshoo, aye.
1898 Mr. Engel?
1899 [No response.]
1900 The {Clerk.} Mr. Green?
1901 Mr. {Green.} No.
1902 The {Clerk.} Mr. Green, nay.
1903 Ms. DeGette?
1904 Ms. {DeGette.} Aye.
1905 The {Clerk.} Ms. DeGette, aye.
1906 Mrs. Capps?
1907 Mrs. {Capps.} Aye.
1908 The {Clerk.} Mrs. Capps, aye.
1909 Mr. Doyle?
1910 Mr. {Doyle.} Yes.
1911 The {Clerk.} Mr. Doyle, aye.

1912 Ms. Schakowsky?
1913 Ms. {Schakowsky.} Aye.
1914 The {Clerk.} Ms. Schakowsky, aye.
1915 Mr. Gonzalez?
1916 Mr. {Gonzalez.} Aye.
1917 The {Clerk.} Mr. Gonzalez, aye.
1918 Mr. Inslee?
1919 Mr. {Inslee.} Aye.
1920 The {Clerk.} Mr. Inslee, aye.
1921 Ms. Baldwin?
1922 Ms. {Baldwin.} Aye.
1923 The {Clerk.} Ms. Baldwin, aye.
1924 Mr. Ross?
1925 [No response.]
1926 The {Clerk.} Mr. Weiner?
1927 Mr. {Weiner.} Aye.
1928 The {Clerk.} Mr. Weiner, aye.
1929 Mr. Matheson?
1930 Mr. {Matheson.} No.
1931 The {Clerk.} Mr. Matheson, nay.
1932 Mr. Butterfield?
1933 Mr. {Butterfield.} Aye.
1934 The {Clerk.} Mr. Butterfield, aye.
1935 Mr. Barrow?

1936 Mr. {Barrow.} Votes no.

1937 The {Clerk.} Mr. Barrow, nay.

1938 Ms. Matsui?

1939 Ms. {Matsui.} Aye.

1940 The {Clerk.} Ms. Matsui, aye.

1941 Ms. Christensen?

1942 [No response.]

1943 The {Clerk.} Mr. Upton?

1944 Mr. {Upton.} Votes no.

1945 The {Clerk.} Mr. Upton, nay.

1946 The {Chairman.} Are there members wishing to vote?

1947 Mr. Barton?

1948 Mr. {Barton.} No.

1949 The {Clerk.} Mr. Barton, nay.

1950 The {Chairman.} Mr. Murphy?

1951 Mr. {Murphy.} No.

1952 The {Clerk.} Mr. Murphy, nay.

1953 The {Chairman.} Mr. Sullivan?

1954 Mr. {Sullivan.} No.

1955 The {Clerk.} Mr. Sullivan, nay.

1956 The {Chairman.} Ms. Blackburn?

1957 Mrs. {Blackburn.} No.

1958 The {Clerk.} Mrs. Blackburn, nay.

1959 The {Chairman.} Dr. Burgess?

1960 Dr. {Burgess.} No.

1961 The {Clerk.} Dr. Burgess, nay.

1962 The {Chairman.} Other members wishing to cast a vote?

1963 Mr. Ross?

1964 Mr. {Ross.} No.

1965 The {Clerk.} Mr. Ross, nay.

1966 The {Chairman.} No other members wishing to cast a

1967 vote, the clerk will report the tally.

1968 The {Clerk.} Mr. Chairman, on that there were 13 ayes,

1969 34 nays.

1970 The {Chairman.} Thirteen ayes, 34 nays, the amendment

1971 is not agreed to.

1972 Are there other members wishing to ask--the gentlelady

1973 from California.

1974 Ms. {Matsui.} Thank you, Mr. Chairman. I have an

1975 amendment at the desk.

1976 The {Chairman.} And which amendment is it?

1977 Ms. {Matsui.} Amendment number three.

1978 The {Chairman.} Amendment number three. The clerk will

1979 report the title.

1980 The {Clerk.} An amendment offered by Ms. Matsui of

1981 California.

1982 [The amendment follows:]

1983 ***** INSERT 4 *****

|
1984 The {Chairman.} The amendment will be considered as
1985 read. The staff will distribute the amendment, and the
1986 gentlelady is recognized for 5 minutes in support of her
1987 amendment.

1988 Ms. {Matsui.} Thank you, Mr. Chairman.

1989 Mr. Chairman, the bill allows EPA or the relevant
1990 permitting authority just 6 months to review an oil company's
1991 application for a permit under the Clean Air Act and issue a
1992 final agency action. Six months simply isn't enough time.
1993 These permits are highly technical and involve careful
1994 analysis of air pollution monitoring and modeling data,
1995 review of available emissions control technology, and an
1996 analysis of potential impacts to air quality.

1997 EPA testified before the Energy and Power Subcommittee
1998 on May 13 that it would not be able to do a thorough review
1999 of the application, draft a permit, allow for public comment,
2000 and provide for administrative review within a 6-month time
2001 period. In fact, EPA testified that this would not be enough
2002 time even without administrative review.

2003 Some have suggested that the Department of Interior
2004 process in the Gulf serves as a good model for how EPA should
2005 conduct air pollution permitting. I disagree. Interior is
2006 not the agency that should be considering impacts on air

2007 pollution. The Interior model doesn't protect air quality,
2008 and it minimizes public involvement.

2009 One reason Interior processes permits quickly is that it
2010 exempts the overwhelming majority of drilling operations from
2011 any detail air quality analysis or pollution control
2012 requirements. In addition, their process does not allow for
2013 any public comment on exploration plans which are where the
2014 specific air pollution impacts of a project would be
2015 identified and addressed.

2016 In 1990, a bipartisan group of Congressmen agreed that
2017 the Interior approach was not sufficient to protect air
2018 quality in California from offshore drilling operations.
2019 That is why Congress moved the permitting authority from
2020 Interior to EPA for all offshore areas except the Western and
2021 Central Gulf. We need to provide EPA with enough time to
2022 ensure that the permit is legally defensible and technically
2023 sound. The phrase, haste makes waste, applies here as
2024 cutting corners on the permit process will make the permit
2025 more vulnerable to challenge in court.

2026 My amendment is straightforward. It allows the
2027 administrator to provide additional 30-day extensions if the
2028 administrator determines that such time is necessary to
2029 ensure participation by the States and other stakeholders or
2030 to meet the requirements of the law. It makes no sense to

2031 set EPA up to fail by setting an unrealistic timeline through
2032 these highly-technical and controversial permits.

2033 I urge my colleagues to support this commonsense
2034 amendment, and I yield back the balance of time.

2035 The {Chairman.} The gentlelady yields back.

2036 The gentleman from Colorado.

2037 Mr. {Gardner.} Thank you, Mr. Chairman, and on the
2038 matter of highly complex and technical issues, it is
2039 important to note that the EPA's regional administrator
2040 issued three permits to Shell in approximately 6 months or
2041 less. All three of these permits included public notice and
2042 comment and in some of the cases review of new air modeling
2043 techniques making these permit issues particularly complex.
2044 So they have done it within 6 months or less already.

2045 The 30-day extension, it is important to look at how the
2046 wording of the amendment is actually spelled out. There is
2047 the addition of the S on the word extension, making it
2048 plural, 30-day extensions. This could go on for ad
2049 infinitum. I mean, this is a constant ping pong that you
2050 could move from EPA to the EAB, back to the EPA, to the EAB.
2051 We have seen it happen already for 5, over 5 years with the
2052 Shell process.

2053 This--the process as it stands today already allows for
2054 comment on the NEPA permitting issues. It allows for four

2055 additional comment periods in the National Environmental
2056 Policy Act issues and one on the Clean Air Act Permit itself.
2057 So there are a total of five comment periods already built
2058 into this. The fact that they have done it in 6 months or
2059 less already, this is an issue of national importance for a
2060 time-sensitive exploration process that takes between 30 and
2061 45 days.

2062 Again, I think this would add so much time to the--it
2063 might even make it worse than it is today, the 5 years delay.
2064 And with that I yield back my time. I urge a no vote on this
2065 amendment and give back my time.

2066 The {Chairman.} The gentleman yields back.

2067 Are there other members that wish--the gentlelady from
2068 Illinois.

2069 Ms. {Schakowsky.} Thank you. I wanted to speak in
2070 support of my colleague's amendment. This amendment would
2071 address a key problem in the bill. The bill would require
2072 EPA and the State permitting authorities to rush, in some
2073 cases, not all, but to rush the permitting process to meet an
2074 arbitrary deadline.

2075 The EPA testified that the 6-month timeline can be
2076 unrealistic given the agency's commitment to reviewing each
2077 permit on its technical merits and ensuring participation by
2078 all relevant stakeholders. The EPA could not say definitely

2079 what the ideal timeframe would be, but the agency is certain
2080 that 6 months just may not be enough time to evaluate to an
2081 application for a major new source of air pollution.

2082 The EPA also testified that rushing permit decisions
2083 will increase the likelihood that the agency will issue
2084 permits that will not hold up in court. Then the EPA has to
2085 start from scratch, and that seems counterproductive given
2086 the majority's focus on ensuring expedited review of air
2087 permits for offshore sources.

2088 Alternatively, the EPA could be forced to deny permits
2089 where there simply isn't enough time to work with the
2090 applicants and develop something that meets the Clean Air Act
2091 requirements, which is clearly not where the majority wants
2092 to go. In that case the applicant has to start over from the
2093 beginning or win a lawsuit in the Court of Appeals and then
2094 wait for the EPA to finalize and issue a permit. There is
2095 just no way that is going to speed up the process.

2096 So the better approach would be to ensure that the EPA
2097 or the States have the time needed to do it right in the
2098 first place. The amendment would allow the administrator to
2099 provide the additional 30-day extensions if she determines
2100 that such time is necessary to ensure participation by the
2101 States and other stakeholders, and I urge my colleagues to
2102 support this amendment.

2103 I yield back.

2104 The {Chairman.} The gentlelady yields back.

2105 Are there other members wishing to speak?

2106 The gentleman from Illinois.

2107 Mr. {Shimkus.} Thank you, Mr. Chairman, and just to
2108 highlight, this whole title one, title two, stationary
2109 sources, mobile sources, that is all part of this debate. I
2110 mean, that is why we are here. Congress gave EPA the
2111 authority to regulate only new engines and new vessels, but
2112 the language of the amendment isn't so constrained. So in
2113 essence old vessels could be thrown into this process.

2114 The amendment thus violates the scheme that Congress
2115 laid out in the Clean Air Act for stationary sources and
2116 mobile sources. The--and I yield back my time.

2117 The {Chairman.} The gentleman yields back.

2118 The gentleman from Texas, Mr. Green.

2119 Mr. {Green.} Mr. Chairman, I reluctantly oppose the
2120 amendment, one, because it is not just one 30-day extension.
2121 It could be extensions after extension after extension. We
2122 would still be back to where we are now. And there is
2123 opportunity, the public has the opportunity to participate in
2124 four additional comment periods in the National Environmental
2125 Act Policy Act associated with Outer Continental Shelf sales,
2126 lease sales and the exploration permit. Together that is

2127 five opportunities for public comment also embedded in the
2128 process, all of which Ms. McCarthy confirmed when she
2129 testified at the hearing on the bill.

2130 The State of Alaska commented and testified that the
2131 current process resulted in no air permit over 5 years is
2132 unworkable and asked Congress for policy direction to EPA
2133 consistent with this bill. That is why this amendment is
2134 something that we shouldn't consider because it just
2135 continues current law where we will just have extension after
2136 extension without really making a decision on a permit.

2137 And I would be glad to yield back my time.

2138 The {Chairman.} The gentleman yields back.

2139 The gentlelady from California, Ms. Eshoo.

2140 Ms. {Eshoo.} Thank you, Mr. Chairman. I support the
2141 amendment, and I can't help but think of, I mean, we do
2142 things incrementally obviously, so so far we have passed part
2143 of the bill that says the people cannot go into their own
2144 State courts, they have to drag themselves to Washington, DC,
2145 we have a new paradigm here that centralized government has
2146 really trumped anything that is local or State. California
2147 in plain English is getting screwed in this bill, and we
2148 Californians know that, we know what has worked in
2149 California, but that, even though we are one-tenths of the
2150 United States, pay no heed to that State, and now the

2151 Republicans are arguing that we don't need to provide for
2152 public comment on Clean Air Act permits to the oil industries
2153 offshore activities.

2154 Mr. {Gardner.} Will the gentlelady yield?

2155 Ms. {Eshoo.} No. I am not ready to yield yet. They
2156 are arguing that because there are opportunities to comment
2157 when OCS shelf lands at least for oil production, the public
2158 doesn't need to be able to comment on any of the specific
2159 projects. There is a problem with this, and I think that it
2160 is really misguided.

2161 Offshore drilling operations are major industrial
2162 sources of pollution. For example, Shell estimated that its
2163 proposed drilling operations in the Beaufort Sea would emit
2164 almost 1,400 tons per year of nitrogen oxides. How would you
2165 and your families like to be inhaling that? How is that?
2166 Take that back to your constituents. I don't think they
2167 would consider it a gift.

2168 These emissions, this emissions rate is roughly
2169 equivalent to that of a new state-of-the-art petroleum
2170 refinery processing 400,000 barrels of crude oil per day.
2171 When the Department of Interior prepares a 5-year plan, it
2172 does prepare an EIS, and the public can comment on it, but
2173 these plans, and I don't know if anyone has ever looked at
2174 them, are so general and sweeping that it is impossible for

2175 anyone to understand what a specific project would entail.
2176 And that is why it is so important to give the public the
2177 opportunity to comment on the specifics.

2178 It is also impossible to model the impacts of a specific
2179 project based on these general statements. The public can
2180 comment on multiple lease sales and specific lease sales. I
2181 have done that in the past as a private citizen, but these
2182 are also highly-generalized documents that provide no details
2183 on any specific drilling operation.

2184 When a company develops an exploration plan, you can
2185 begin to see the specific projects that they are proposing to
2186 undertake. Unfortunately, the exploration plan is not
2187 subject to public comment, and when the oil company gets its
2188 permit to drill, even more specific and relevant information
2189 becomes available.

2190 However, the permit to drill is also not subject to
2191 public comment. Why are we afraid of public comment? Why do
2192 we want to take the public out of this? What is it that you
2193 are feeling so badly about with Shell that you want to knock
2194 out the opportunity for your constituents and mine to
2195 comment? The permit under the Clean Air Act is the one
2196 opportunity for the public to comment when the details of the
2197 drilling operation are finally known, and the legislation we
2198 are considering today would limit that opportunity for public

2199 comment.

2200 I don't think there is anything, anything that trumps
2201 the public interest. That is what we are here for. That is
2202 what we are here for and--

2203 Mr. {Gardner.} Will the gentlelady yield?

2204 Ms. {Eshoo.} --this is really an unfortunate thing that
2205 is in the bill, and I don't know how anyone goes home and
2206 says, guess what I did for you. I knocked you out of the
2207 process to comment, and this is, you know, it seems like a
2208 small thing. It is a big thing. Why not allow people to do
2209 that? Why don't you just rip away the entire process? Why
2210 don't you just pull the Clean Air Act and everything that
2211 goes with it and the EPA? Just do one bill and kill it all.
2212 Kill it all. That will, I think, is your ultimate goal.

2213 Instead we are going slash by slash, limiting the
2214 public, making people drag to Washington, DC, in order to go
2215 to a centralized court instead of being able to remain in
2216 their States.

2217 So this is not a good bill, and I think it is an insult
2218 to people across the country, not just Californians but the
2219 average citizen across the country, and I am really concerned
2220 about it. I think it is bad legislation, and I yield back.

2221 The {Chairman.} The gentlelady's time has expired.

2222 The gentleman from Texas, Dr. Burgess.

2223 Dr. {Burgess.} Thank you, Mr. Chairman. I would like
2224 to yield to the gentleman from Colorado.

2225 Mr. {Gardner.} Thank you for--the gentleman from Texas
2226 for yielding, and again, what this legislation presents is an
2227 opportunity for us to pursue what we ought to be pursuing for
2228 every single one of our constituents, and that is the
2229 opportunity to get a job, to find a job that they might
2230 otherwise not have without legislation like this, to pursue
2231 energy security, and to relieve, to start addressing the
2232 price of gasoline at the pump.

2233 That is what I am going to go home and tell my
2234 constituents that this legislation is about. The fact that
2235 this Congress is serious, when we have people coming to our
2236 town meetings, telling us that they don't have a job, that
2237 they are paying \$50, \$60 or more every time they fill up with
2238 a tank of gas, and they can't afford it, they can't afford to
2239 commute to their work, they are struggling to pay their bills
2240 at the same time. A million barrels of oil a day, 50,000
2241 jobs from this one piece of activity in the Beaufort and
2242 Chukchi Sea. Fifty thousand jobs.

2243 I have a feeling is we modified the bill to include 30-
2244 day extensions, 45-day extensions, 60-day extensions, we
2245 would still have the same vote. It would still be 13 or 15
2246 to 33 or 34 people still voting no.

2247 The EAB is in Washington, DC. They wear robes. It is
2248 litigation. It is centralized in the EPA but never
2249 authorized by Congress. Purely a regulatory administrative
2250 construct that is now being used to block American-made
2251 energy.

2252 The other night I was listening to debate on the House
2253 Floor, and they were talking about make it in America. Make
2254 it in America. Well, you know what? We need to make it in
2255 America. We need jobs in America. You know what else we
2256 need to make it in America? We need affordable energy
2257 prices. We need to have a policy that actually allows us to
2258 achieve energy security in the United States, but time and
2259 time again I continue to hear road blocks are needed. Let's
2260 empower people behind desks in the bureaucracies, the
2261 faceless bureaucracy of Washington to deny businesses the
2262 ability to achieve energy security, to create jobs.

2263 What we are doing with this legislation is creating an
2264 exploratory permit process that allows to achieve our
2265 national priority. That is what this legislation is about.
2266 This legislation is about creating opportunity for the
2267 American people, and I yield back my time.

2268 Mr. {Shimkus.} Will the gentleman yield?

2269 Dr. {Burgess.} Reclaiming my time, would the gentleman
2270 from Colorado answer a question for me?

2271 Mr. {Gardner.} Yes, sir.

2272 Dr. {Burgess.} Now, we had a lot of hearings on this
2273 issue. We brought in a lot of stakeholders. The State of
2274 Alaska actually discussed this pending legislation, did they
2275 not?

2276 Mr. {Gardner.} They did. They certainly did in support
2277 of the legislation.

2278 Dr. {Burgess.} And it would be my contention that we
2279 ought to give the wishes of the State that is involved at
2280 least some consideration as we go through this process.
2281 Would that not be a reasonable assumption?

2282 Mr. {Gardner.} I think it is a reasonable assumption
2283 and a reasonable assumption that to take 5 years to issue a
2284 permit is simply unacceptable.

2285 Mr. {Shimkus.} Would the gentleman yield on that point?

2286 Dr. {Burgess.} I would be happy to yield to the
2287 gentleman from Illinois.

2288 Mr. {Shimkus.} The other thing that was brought forward
2289 in our testimony was the Trans-Alaskan Pipeline, which is at
2290 33 percent capacity. If we don't find more supply that
2291 pipeline can no longer operate, and if it no longer operates,
2292 that pipeline has to be disassembled. Everyone who is here
2293 testifying, even though it was in opposition to this
2294 legislation, said we do not want the pipeline closed.

2295 So this is a major, major part of our whole energy
2296 strategy and policy and don't ever, ever underestimate the
2297 amount of jobs that are created in the fossil fuel industry.
2298 I am attacked for it all the time. I will stand solidly on
2299 the fact that the fossil fuel industry in this country
2300 creates thousands of high-paying, good-quality jobs with
2301 great healthcare benefits, and for this Administration and
2302 for my friends on the left who want to just dry the fossil
2303 fuel industry into history, they are killing the goose that
2304 has laid the golden egg for this country.

2305 Dr. {Burgess.} I would like to reclaim my time and
2306 yield the balance to Mr. Whitfield of Kentucky.

2307 Mr. {Whitfield.} I would like to just remind everyone
2308 that this, that the Gardner bill applies only to temporary
2309 exploratory permits, 30, 45 days, and even for that the
2310 public, which we all want to participate in hearings on this,
2311 have five opportunities to submit their testimony. So there
2312 is ample opportunity for public input, and I yield back.

2313 Dr. {Burgess.} And I yield back the balance of my time.

2314 The {Chairman.} The gentleman from Texas, Mr. Gonzalez.

2315 Mr. {Gonzalez.} Thank you very much, Mr. Chairman. I
2316 am going to be really brief.

2317 As we continue with this debate, first understand that I
2318 intend on voting yes on this bill, yet I think we have had

2319 some very reasonable amendments that have been voted down,
2320 and I understand we were in the majority. To be honest with
2321 you we did it, too, once in awhile, not as often, but it
2322 happens.

2323 But one thing that I caution my dear friends on the
2324 other side of the aisle, and even my colleagues on the
2325 Democratic side, I do believe we can create jobs. I do
2326 believe in independence from foreign sources of oil, but I
2327 don't believe anything that we are doing here today is going
2328 to reduce the price of a gallon of gasoline, and that is what
2329 the American people really are focused on, and we keep
2330 telling them that is what we are going to do by producing
2331 more oil domestically, which I am for by the way for many
2332 other reasons.

2333 But we have had testimony on the Senate from the
2334 president of one of the oil companies which we have been
2335 discussing, and he said simply stated, oil is a global
2336 commodity. Oil companies are price takers, not makers, and
2337 the recent stories about oil speculation, therein lies the
2338 problem, and I think we ought to get to work on that if we
2339 really are intending on lowering the price of a gallon of
2340 gasoline to the consumer.

2341 So let us stay focused on what is the real issue here
2342 today. Let us not make overblown promises to the American

2343 public that we cannot keep, not through this piece of
2344 legislation, yet I think there are some good reasons to
2345 support my colleague from Houston, Mr. Green, on this bill.

2346 But I am just saying can we just stop saying we are
2347 going to lower the price of gasoline unless there is someone
2348 on the other side of the aisle that wants to rebut, refute--

2349 Mr. {Inslee.} Will the gentleman yield?

2350 Mr. {Gonzalez.} --the president of one of the largest
2351 oil companies in America stated under oath over in the
2352 Senate, and I yield back the balance of my time.

2353 The {Chairman.} The gentleman yields back. Are there
2354 other members wishing to speak on the matter?

2355 Mr.--no, I am sorry. Mr. Inslee was first.

2356 Mr. {Inslee.} The frustrating thing about this bill is
2357 that it just won't address energy prices. No matter what we
2358 do we just don't have enough oil underneath our ground to
2359 make a difference if we consume 25 percent of the world's
2360 oil, and we have only got 3 tops, 4 percent. We are not
2361 going to solve this problem, but I just want to share some
2362 really good news that this Congress could do something about.

2363 Yesterday the Chair of the Research Division for General
2364 Electric said that he believes that within 5 years solar
2365 energy, residential solar energy will be cost competitive in
2366 the average United States household within 5 years. Now,

2367 maybe it will end up being 8, maybe it will end up being 10,
2368 but instead of focusing on things that could actually produce
2369 energy and reduce the cost of gasoline by producing energy,
2370 the only thing we are focusing on is just drilling. And my
2371 concern about the policy and my friends across the aisle is
2372 it is not an above all. It is just a below all. It is
2373 whatever below our feet is the only thing we are
2374 concentrating on. It is the only thing we are doing. Your
2375 budgets are slashing the renewable energy budget, you are
2376 slashing the efficiency budget, things that actually could
2377 produce energy for us to reduce the price of gasoline.

2378 So there is three things we can do, two of them would
2379 have an impact at least long term on oil, one will have no
2380 impact, but that is the one we are doing, and it is just
2381 grossly disappointing when we have got brilliant people like
2382 at GE doing this great work, but we are not helping them at
2383 all. In fact, we are going backwards on this policy.

2384 And I will yield back.

2385 The {Chairman.} The gentleman from Massachusetts.

2386 Mr. {Markey.} Thank you, Mr. Chairman, and you know,
2387 this is just a further extension of the Republican objective
2388 not of advancing an agenda of all of the above but really it
2389 is an agenda of oil above all. So we have been waiting on
2390 this committee for you to bring out your wind and solar and

2391 biomass and geothermal and plug-in hybrid and all electric
2392 vehicle strategy here. You know, we have been waiting month
2393 after month after month.

2394 What we keep getting from you, though, is your oil above
2395 all strategy. Okay. It is not balanced. It doesn't have a
2396 strategy that is, as Mr. Inslee is saying, deploying all of
2397 the weapons that we need in order to be successful.

2398 Here is what the Republicans have done so far this year.
2399 Zeroed out, zeroed out the Loan Guarantee Program for the
2400 wind and solar energy industry. The Loan Guarantee Program.
2401 They have kept in \$20 billion for nuclear, but they have left
2402 out the \$20 billion that was in the budget for wind and
2403 solar.

2404 What else have they done? They have kept in the \$40
2405 billion in tax breaks for the oil and gas industry over the
2406 next 10 years, but they have slashed the Clean Energy Budget
2407 by 70 percent. That is the Wind and Solar Research Project.
2408 They slashed that budget. Okay.

2409 What else have they done? Well, the Bureau of Land
2410 Management is trying to put together the personnel so that we
2411 can deploy 20 to 30,000 megawatts of wind and solar on public
2412 lands. They have cut that budget by \$4 billion over in the
2413 Department of Interior.

2414 What has this committee done? Well, this committee has

2415 passed a bill which ties the hands of the EPA to increase the
2416 fuel economy standards for the vehicles we drive, for the
2417 boats, the planes, the trains, where we put the oil that we
2418 consume. We put 70 percent of the oil that we consume in
2419 America into gasoline tanks. Okay.

2420 So if you tie the hands and you prohibit the EPA from
2421 actually improving the efficiency of these vehicles, then, of
2422 course, you need more and more oil, of course you have to
2423 compromise the environment, of course you have to short
2424 circuit the public health and environmental protections.
2425 That is your agenda. It is oil above all, and why do we need
2426 more oil? Because you guys don't have an agenda. It is oil
2427 above all--

2428 Mr. {Shimkus.} Would my colleague just for one second?

2429 Mr. {Markey.} I will be glad to. Sure.

2430 Mr. {Shimkus.} You are forgetting coal.

2431 Mr. {Markey.} And coal.

2432 Mr. {Shimkus.} I want to make sure that you bring coal
2433 into this debate since it creates a lot of jobs--

2434 Mr. {Markey.} And I want to bring coal--

2435 Mr. {Shimkus.} --and lowers energy prices.

2436 Mr. {Markey.} --into the debate. In the Waxman-Markey
2437 bill that we passed out of this committee 2 years ago we put
2438 in \$60 billion for clean coal technologies, for carbon

2439 capture and sequestration. We did that. We had--we didn't
2440 have a renewables above all agenda. We put in the \$60
2441 billion for coal, for carbon capture and sequestration.
2442 Sixty billion dollars. Okay.

2443 But what we have when you guys get control is we have
2444 this fossil fuel only approach that ignores, as Mr. Inslee is
2445 saying, these incredible breakthroughs where, you know, the
2446 head of General Electric, okay, is saying that we are going
2447 to have a breakthrough that could lead to upwards of 10,000
2448 megawatts of solar per year being installed by the year 2015,
2449 in our country. Last year we had 10,000 new megawatts of
2450 wind installed in the country.

2451 What are you guys doing? You are squeezing out the Loan
2452 Guarantee, squeezing out the tax breaks for that industry but
2453 protecting with your life the tax breaks for oil executives
2454 which are the last industry in America who need any tax
2455 breaks in the year 2011. Okay.

2456 So it is all upside down, and this is just step, you
2457 know, nine, and I am sure there is ten, 11, 12, 13, 14 that
2458 you are going to have for these industries that don't need
2459 help, but the one help, and I will tell you the one thing
2460 that I think that--and this is where history is going to
2461 really judge you very poorly. We don't mind having a race.
2462 Let's have a race of these energy sources, but the more that

2463 you keep all of the subsidies for the energy sources you love
2464 on the books and kill the other ones, then we are going to be
2465 upset over here, because we know we are going to win.

2466 General Electric says we are going to win.

2467 Mr. {Shimkus.} Will the gentleman yield?

2468 Mr. {Markey.} And all electric vehicles are on the
2469 move. Half of all the vehicles which Chrysler sold in the
2470 first quarter of 2011, averaged more than 35 miles per
2471 gallon, okay, and that is all as a result of the 2007,
2472 Increased Energy Efficiency Law which we passed out of this
2473 Committee.

2474 So all I am asking for you guys to be is just a little
2475 bit consistent, which is not going to happen here today,
2476 understand why we get perturbed on our side when further
2477 truncating of health and environment laws seem to be
2478 necessitated because of your inability to realize, okay, that
2479 we are a technological giant in the United States. That is
2480 our greatest strength, and you just keep sucking the
2481 lifeblood out of these industries that are on the move, and
2482 corporate America and the venture capital industry is putting
2483 their money behind.

2484 Twenty-eight thousand new megawatts of wind over the
2485 last 5 years in America, and all the electricity for New
2486 England, six States, is 30,000 megawatts. Okay. So it is on

2487 the move, but you guys can kill it if you kill those tax
2488 breaks, kill the Loan Guarantee Programs, and I know you are
2489 committed to doing it, but I am just telling you you are on
2490 the wrong side of history.

2491 The {Chairman.} The gentleman's time has expired.

2492 Are there other members wishing to speak on the
2493 amendment?

2494 Seeing none, the vote is on the amendment. All those in
2495 favor, say aye. All those opposed, say no. The no's appear
2496 to have it. A roll call is requested. The clerk will call
2497 the roll.

2498 The {Clerk.} Mr. Barton?

2499 [No response.]

2500 The {Clerk.} Mr. Stearns?

2501 [No response].

2502 The {Clerk.} Mr. Whitfield?

2503 Mr. {Whitfield.} No.

2504 The {Clerk.} Mr. Whitfield, nay.

2505 Mr. Shimkus?

2506 Mr. {Shimkus.} No.

2507 The {Clerk.} Mr. Shimkus, nay.

2508 Mr. Pitts?

2509 Mr. {Pitts.} No.

2510 The {Clerk.} Mr. Pitts, nay.

2511 Mrs. Bono Mack?
2512 Mrs. {Bono Mack.} No.
2513 The {Clerk.} Mrs. Bono Mack, nay.
2514 Mr. Walden?
2515 Mr. {Walden.} No.
2516 The {Clerk.} Mr. Walden, nay.
2517 Mr. Terry?
2518 Mr. {Terry.} No.
2519 The {Clerk.} Mr. Terry, nay.
2520 Mr. Rogers?
2521 Mr. {Rogers.} No.
2522 The {Clerk.} Mr. Rogers, nay.
2523 Mrs. Myrick?
2524 [No response.]
2525 The {Clerk.} Mr. Sullivan?
2526 Mr. {Sullivan.} No.
2527 The {Clerk.} Mr. Sullivan, nay.
2528 Mr. Murphy?
2529 [No response.]
2530 The {Clerk.} Mr. Burgess?
2531 Dr. {Burgess.} No.
2532 The {Clerk.} Mr. Burgess, nay.
2533 Mrs. Blackburn?
2534 [No response.]

2535 The {Clerk.} Mr. Bilbray?
2536 Mr. {Bilbray.} No.
2537 The {Clerk.} Mr. Bilbray, nay.
2538 Mr. Bass?
2539 Mr. {Bass.} No.
2540 The {Clerk.} Mr. Bass, nay.
2541 Mr. Gingrey?
2542 [No response.]
2543 The {Clerk.} Mr. Scalise?
2544 Mr. {Scalise.} No.
2545 The {Clerk.} Mr. Scalise, nay.
2546 Mr. Latta?
2547 Mr. {Latta.} Nay.
2548 The {Clerk.} Mr. Latta, nay.
2549 Mrs. McMorris Rodgers?
2550 Mrs. {McMorris Rodgers.} No.
2551 The {Clerk.} Mrs. McMorris Rodgers, nay.
2552 Mr. Harper?
2553 Mr. {Harper.} Nay.
2554 The {Clerk.} Mr. Harper, nay.
2555 Mr. Lance?
2556 Mr. {Lance.} No.
2557 The {Clerk.} Mr. Lance, nay.
2558 Mr. Cassidy?

2559 Dr. {Cassidy.} No.
2560 The {Clerk.} Mr. Cassidy, nay.
2561 Mr. Guthrie?
2562 Mr. {Guthrie.} No.
2563 The {Clerk.} Mr. Guthrie, nay.
2564 Mr. Olson?
2565 Mr. {Olson.} No.
2566 The {Clerk.} Mr. Olson, nay.
2567 Mr. McKinley?
2568 Mr. {McKinley.} No.
2569 The {Clerk.} Mr. McKinley, nay.
2570 Mr. Gardner?
2571 Mr. {Gardner.} No.
2572 The {Clerk.} Mr. Gardner, nay.
2573 Mr. Pompeo?
2574 Mr. {Pompeo.} No.
2575 The {Clerk.} Mr. Pompeo, nay.
2576 Mr. Kinzinger?
2577 Mr. {Kinzinger.} No.
2578 The {Clerk.} Mr. Kinzinger, nay.
2579 Mr. Griffith?
2580 Mr. {Griffith.} Nay.
2581 The {Clerk.} Mr. Griffith, nay.
2582 Mr. Waxman?

2583 Mr. {Waxman.} Aye.

2584 The {Clerk.} Mr. Waxman, aye.

2585 Mr. Dingell?

2586 [No response.]

2587 The {Clerk.} Mr. Markey?

2588 Mr. {Markey.} Aye.

2589 The {Clerk.} Mr. Markey, aye.

2590 Mr. Towns?

2591 [No response.]

2592 The {Clerk.} Mr. Pallone?

2593 Mr. {Pallone.} Aye.

2594 The {Clerk.} Mr. Pallone, aye.

2595 Mr. Rush?

2596 [No response.]

2597 The {Clerk.} Ms. Eshoo?

2598 Ms. {Eshoo.} Aye.

2599 The {Clerk.} Ms. Eshoo, aye.

2600 Mr. Engel?

2601 [No response.]

2602 The {Clerk.} Mr. Green?

2603 Mr. {Green.} No.

2604 The {Clerk.} Mr. Green, nay.

2605 Ms. DeGette?

2606 Ms. {DeGette.} Aye.

2607 The {Clerk.} Ms. DeGette, aye.
2608 Mrs. Capps?
2609 Mrs. {Capps.} Aye.
2610 The {Clerk.} Mrs. Capps, aye.
2611 Mr. Doyle?
2612 Mr. {Doyle.} Yes.
2613 The {Clerk.} Mr. Doyle, aye.
2614 Ms. Schakowsky?
2615 Ms. {Schakowsky.} Yes.
2616 The {Clerk.} Ms. Schakowsky, aye.
2617 Mr. Gonzalez?
2618 Mr. {Gonzalez.} Aye.
2619 The {Clerk.} Mr. Gonzalez, aye.
2620 Mr. Inslee?
2621 Mr. {Inslee.} Aye.
2622 The {Clerk.} Mr. Inslee, aye.
2623 Ms. Baldwin?
2624 Ms. {Baldwin.} Aye.
2625 The {Clerk.} Ms. Baldwin, aye.
2626 Mr. Ross?
2627 [No response.]
2628 The {Clerk.} Mr. Weiner?
2629 Mr. {Weiner.} Aye.
2630 The {Clerk.} Mr. Weiner, aye.

2631 Mr. Matheson?

2632 Mr. {Matheson.} No.

2633 The {Clerk.} Mr. Matheson, nay.

2634 Mr. Butterfield?

2635 Mr. {Butterfield.} Aye.

2636 The {Clerk.} Mr. Butterfield, aye.

2637 Mr. Barrow?

2638 Mr. {Barrow.} Votes no.

2639 The {Clerk.} Mr. Barrow, nay.

2640 Ms. Matsui?

2641 Ms. {Matsui.} Aye.

2642 The {Clerk.} Ms. Matsui, aye.

2643 Ms. Christensen?

2644 [No response.]

2645 The {Clerk.} Mr. Upton?

2646 Mr. {Upton.} Votes no.

2647 The {Clerk.} Mr. Upton, nay.

2648 The {Chairman.} Are there members wishing to cast a

2649 vote?

2650 Mr. Barton?

2651 Mr. {Barton.} No.

2652 The {Clerk.} Mr. Barton, nay.

2653 The {Chairman.} Mr. Dingell?

2654 Mr. {Dingell.} Votes aye.

2655 The {Clerk.} Mr. Dingell, aye.

2656 The {Chairman.} Mr. Stearns?

2657 Mr. {Stearns.} No.

2658 The {Clerk.} Mr. Stearns, nay.

2659 The {Chairman.} Mr. Ross?

2660 Mr. {Ross.} No.

2661 The {Clerk.} Mr. Ross, nay.

2662 The {Chairman.} Other members wishing to cast a vote?

2663 Seeing none--oh, Mr. Towns.

2664 Mr. {Towns.} Aye.

2665 The {Clerk.} Mr. Towns, aye.

2666 The {Chairman.} Other members? Seeing none, the clerk

2667 will report the tally.

2668 The {Clerk.} Mr. Chairman, on that there were 16 ayes,

2669 31 nays.

2670 The {Chairman.} Sixteen ayes, 31 nays, the amendment is

2671 not agreed to.

2672 Are there other members wishing to offer--Mr. Markey.

2673 Mr. {Markey.} I have an amendment at the desk, 04.

2674 The {Chairman.} 04. The clerk will report the title.

2675 The {Clerk.} An amendment offered by Mr. Markey of

2676 Massachusetts.

2677 [The amendment follows:]

2678 ***** INSERT 5 *****

|
2679 The {Chairman.} The amendment will be considered as
2680 read. The clerk or the staff will distribute the amendment,
2681 and the gentleman is recognized for 5 minutes in support of
2682 his amendment.

2683 Mr. {Markey.} Thank you, Mr. Chairman.

2684 Now, we know that the underlying legislation represents
2685 another attempt by the Republicans to gut the Clean Air Act,
2686 but after Shell spent years changing its mind about how it
2687 wanted to drill, what ship it wanted to use, and even which
2688 Arctic sea it planned to drill in, one of the air permits it
2689 was granted by EPA was rejected by EPA's Environmental
2690 Appeals Board after it was challenged. In a response Shell
2691 has apparently decided to try to legislate its way around its
2692 problems.

2693 This legislation prevents EPA from requiring emissions
2694 reductions from all drilling support vessels from icebreakers
2695 to the drilling ship itself as it moves towards the site as
2696 part of the air permitting process. What this means is that
2697 up to 98 percent of the total air emissions associated with
2698 Arctic OCS drilling could not be regulated by EPA under the
2699 drilling process, 98 percent of total air emissions can't be
2700 regulated.

2701 So the EPA has now informed Congressman Waxman that as

2702 part of its permit negotiations Shell has actually agreed to
2703 add technology to one of its icebreakers to reduce the
2704 icebreakers NOx emissions by 96 percent and particulate
2705 emissions by 82 percent. Shell has also agreed to use a
2706 cleaner burning of fuel than what would otherwise be required
2707 by law. Shell agreed to take these measures so that it could
2708 receive its permit from EPA, and the net affect of all the
2709 measures Shell has taken, agreed to take, will reduce the NOx
2710 emissions for the entire drilling project by 72 percent.

2711 But under this bill EPA would no longer have the ability
2712 to require or request measures such as these because the bill
2713 says that the EPA cannot require reductions in emissions from
2714 mobile sources using its stationary source, air-permitting
2715 authority.

2716 Now, several weeks ago Bob Meyers, who led EPA's air
2717 office during the Bush Administration, pointed out at the
2718 Energy and Power Subcommittee hearing that, in fact, EPA can
2719 regulate icebreakers and other support vessels under Title II
2720 of the Clean Air Act. He said that this is why these mobile
2721 source emissions could be exempted from being regulated as
2722 part of the stationary source air permitting process.

2723 It all sounds so reasonable. You can't be a carnivorous
2724 vegetarian. You can't be a little bit pregnant. You can't
2725 actually have Salt Lake City nightlife. You can't be a

2726 congressional expert. They are all contradictions in terms.
2727 Okay. You can be one or the other, and you shouldn't be
2728 regulated as both a mobile source and a stationary source
2729 under the Clean Air Act.

2730 There is just one problem. Shell's air permit says that
2731 all of its icebreakers and other support vessels are foreign
2732 flags, so they can't be regulated under Title II of the Clean
2733 Air Act in the first place, and even if they were American
2734 vessels, they are all too old to have been subject to the
2735 most stringent Clean Air Act or international emissions
2736 requirements.

2737 So while the Republicans say that this bill just keeps
2738 the icebreakers and the icebreaker part of the Clean Air Act,
2739 the reality is that it effectively puts EPA's ability to
2740 reduce emissions from all of these sources on ice. My
2741 amendment simply follows up on Mr. Meyers' observation. It
2742 says that any air permit for OCS drilling can exempt the
2743 emissions from icebreakers or other oil drilling support
2744 vessels from regulation under the stationary source air
2745 permit parts of the Clean Air Act as long as those vessels
2746 meet the most stringent Title II Clean Air Act regulations
2747 that are in place.

2748 It is a simple amendment. It seems to me that it should
2749 be easily supported. You can't be saying you are neither

2750 escape any regulation at all. Pick one or the other. I am
2751 picking Title II of the Clean Air Act just to make sure that
2752 we don't further enhance the melting of the Arctic Ice Cap
2753 under the guise of saying that Shell, which is going to be up
2754 there contributing to this problem, should be exempt.

2755 I yield back the balance of my time.

2756 The {Chairman.} The gentleman from Kentucky.

2757 Mr. {Whitfield.} Yes. I would like to ask the general
2758 counsel some questions regarding the Markey amendment to help
2759 us better understand it.

2760 It is my understanding that this amendment would change
2761 the Clean Air Act. It is my understanding the Clean Air Act,
2762 first two titles, Title I is about stationary sources. Is
2763 that correct?

2764 {Counsel.} Yes.

2765 Mr. {Whitfield.} Title II is about mobile sources. Is
2766 that correct?

2767 {Counsel.} That is correct.

2768 Mr. {Whitfield.} EPA on stationary sources can regulate
2769 new construction. Is that correct?

2770 {Counsel.} Yes.

2771 Mr. {Whitfield.} And any reconstruction or major
2772 modification. Is that correct?

2773 {Counsel.} That is.

2774 Mr. {Whitfield.} On stationary sources EPA may regulate
2775 only new stationary sources. Is that correct? I mean mobile
2776 sources.

2777 {Counsel.} Oh.

2778 Mr. {Whitfield.} Mobile sources.

2779 {Counsel.} On mobile sources that is--in general that
2780 is the rule. Only new sources.

2781 Mr. {Whitfield.} Only new. But under this amendment he
2782 in effect would allow EPA to regulate mobile sources even
2783 though they were not new. Is that correct?

2784 {Counsel.} That would be the case if it was a vessel
2785 that didn't meet the most stringent vessels promulgated under
2786 Title II. Then it would be regulated as a stationary source.

2787 Mr. {Whitfield.} So it would be much more stringent
2788 than what the rule is today. Is that correct?

2789 {Counsel.} That is correct.

2790 Mr. {Whitfield.} It would require it to use best
2791 available control technology. Is that correct?

2792 {Counsel.} Yes. That is one of the requirements.

2793 Mr. {Whitfield.} So I know we are not trying to change
2794 in any way the way EPA regulates mobile sources or stationary
2795 sources, and yet this amendment precisely does that. Is that
2796 correct?

2797 {Counsel.} I think that is a correct legal conclusion.

2798 Mr. {Whitfield.} And then in addition to that the Coast
2799 Guard does have legal authority over these foreign flag
2800 vessels under treaties that we have with other countries. Is
2801 that correct?

2802 {Counsel.} That is correct.

2803 Mr. {Whitfield.} And this legislation, this amendment
2804 of Mr. Markey would even interfere with those treaty
2805 obligations. Is that correct?

2806 {Counsel.} Potentially because many of these vessels
2807 might not--in the same way that you can't regulate a power
2808 plant in China under the Clean Air Act--

2809 Mr. {Whitfield.} All right.

2810 {Counsel.} --you can't regulate foreign flag vessels
2811 that way. Yes.

2812 Mr. {Whitfield.} So here we are on our side of the
2813 aisle trying to defend the Clean Air Act from Mr. Markey's
2814 attacks, and so I would hope that we would all be opposed to
2815 his amendment.

2816 The {Chairman.} Does the gentleman yield back?

2817 Are there other members wishing--Mr. Waxman.

2818 Mr. {Waxman.} Mr. Chairman and my colleagues, I support
2819 the Markey amendment. The vessels that service or support
2820 the drilling operation make up the lion share of pollution.
2821 Shell has estimated that these support vessels including

2822 dirty icebreakers would comprise 96 percent of the emissions
2823 from its proposed operations in the Arctic.

2824 We have had two hearings on this bill and both hearings
2825 one of the majority's witnesses, Bob Meyers, testified that
2826 the solution is not to regulate these vessels as part of the
2827 offshore drilling operation but instead to rely on the mobile
2828 source program under Title II of the Clean Air Act. EPA told
2829 committee staff that it is, ``not accurate to say that in the
2830 absence of the OCS permitting process these vessels still
2831 would be regulated under the Clean Air Act.''

2832 One problem is that Title II regulations only apply to
2833 new vessels, and these large oceangoing vessels can be old
2834 and very dirty. For example, one of the icebreakers Shell
2835 has identified for its proposed Arctic Ocean drilling was
2836 built in 2000, before most emission standards for marine
2837 engines went into effect.

2838 Shell's recent actions demonstrate how the OCS
2839 permitting process can reduce pollution from these vessels
2840 and protect public health. During the permit process Shell
2841 agreed to add emission controls to one of its icebreakers,
2842 cutting harmful particulate pollution by 82 percent, but
2843 Title II doesn't require those controls, and if these vessels
2844 are exempted from any requirements under the permit,
2845 pollution reductions are unlikely.

2846 Right now this bill is a bait and switch. The majority
2847 says it exempts support vessels from permit requirements
2848 because they are subject to Title II, but Title II does
2849 nothing to control pollution from most support vessels. If
2850 we want to rely on Title II to control pollution from these
2851 mobile sources, then we need to make sure that Title II
2852 actually applies.

2853 That is why this amendment--that is what this amendment
2854 would do. It would ensure that the exemption from permitting
2855 requirements only applies to support vessels that actually
2856 meet updated Title II emissions standards.

2857 With respect to comments from counsel, Mr. Markey's
2858 amendment changes nothing in the current Clean Air Act. All
2859 it does is to limit the new exemption provided in the
2860 underlying bill. It says that new exemption only applies to
2861 certain vessels, those that are actually meeting updated
2862 Title II standards.

2863 I urge my colleagues to support this amendment.

2864 I would yield if somebody--

2865 The {Chairman.} The gentleman from--

2866 Mr. {Waxman.} Yes. Mr. Gardner. You want me to yield
2867 to you?

2868 Mr. {Gardner.} No. I will wait.

2869 Mr. {Waxman.} You are seeking your own time. Then I

2870 yield back my time.

2871 The {Chairman.} The gentleman from Texas, Mr. Barton.

2872 Mr. {Barton.} Thank you. I haven't really participated
2873 much in the debate today. It is--I have listened to it, and
2874 I have watched it on television. I was down in my office,
2875 but I think this is a good amendment that just makes some
2876 basic comments on.

2877 In the time that Shell has been trying to get a permit
2878 to drill one well in Alaska, one well, 90 miles offshore,
2879 they have drilled 400 wells around the world in the last 5
2880 years. In the time that they have been waiting to get this
2881 permit to drill this one well, United States has used 30
2882 billion barrels of oil. Thirty billion.

2883 Now, this one well, if they get the permit, isn't going
2884 to produce that kind of oil, but it might produce as much
2885 with its sister wells in the field if it is fully developed,
2886 a million barrels a day, which is 365 million barrels a year,
2887 which might keep the Alaska Pipeline flowing.

2888 Now, while Shell has been trying to drill this one well,
2889 get the permit to drill this one well, the Russians are
2890 drilling in the Arctic Ocean in their territorial
2891 jurisdiction, the Norwegians are drilling in the Arctic Ocean
2892 in their territorial jurisdiction, international oil
2893 companies from around the world, especially with the

2894 Norwegians, are drilling or asking to drill, and we have not
2895 been able to get one permit to drill one well.

2896 Now, Mr. Markey and Mr. Waxman and Mrs. Eshoo, Mrs.
2897 Capps have all gone to the wall to try to protect the
2898 environment against the predatory practices allegedly of the
2899 support ships and that would support this one drilling
2900 platform. There is more pollution in one hour on freeway in
2901 Mr. Waxman's district than there is in 10 years up in the
2902 Arctic Ocean where this drilling platform. These icebreakers
2903 which primary purpose is to keep the commercial lanes
2904 flowing, open for commerce, maybe they are 30 years old,
2905 maybe they do need to be retrofitted, maybe that is a good
2906 thing, but you don't let the tail wag the dog.

2907 We need the energy that we think is under the Arctic
2908 Ocean in the territorial jurisdiction of the United States of
2909 America, and this three-page bill simply makes it possible to
2910 get a decision on a permit in a reasonable amount of time.
2911 That is all it does. That is all it does. And we are being
2912 subjected to this onslaught of feel-good amendments and in an
2913 unreal world maybe they have merit, but in the real world we
2914 are talking about a handful of drilling platforms at most, a
2915 handful of support ships, and almost no, well, in fact, I
2916 will say no negative environmental impact and negligible
2917 environmental impact that is even measurable.

2918 The Clean Air Act under Title II has existing authority
2919 that can regulate mobile sources if it is the will of the
2920 Congress and the EPA to do so. So we don't need this
2921 amendment, you know. We have got a three-page bill that is
2922 well-intentioned, it is commonsense, it is based on the
2923 premise that for 5 years existing EPA foot dragging and
2924 bureaucracy has passed the ball around so that an oil company
2925 has spent over a half a billion dollars and has yet to be
2926 able to get a permit to drill the well.

2927 We need to pass this bill, we need to move it to the
2928 Floor, you know, in conjunction with our friends in the
2929 Senate, maybe there is some minor modification that needs to
2930 be made, but if you just read the bill, it is only three
2931 pages long, there is absolutely nothing but commonsense about
2932 this, and at some point in time I hope my friends on the
2933 minority side will accept that premise and work with us to
2934 help produce energy that America needs.

2935 Again, 30 billion barrels of oil have been consumed in
2936 the United States since Shell asked for its first permit.

2937 With that I yield back, Mr. Chairman.

2938 The {Chairman.} Are there other members wishing to
2939 speak on this amendment?

2940 Seeing none the vote will be on the amendment. All
2941 those in favor of the Markey amendment, say aye. All those

2942 opposed, say no. The no's appear to have it. The no's--
2943 {Voice.} Roll call.
2944 The {Chairman.} A roll call is requested. The clerk
2945 will call the roll.
2946 The {Clerk.} Mr. Barton?
2947 Mr. {Barton.} No.
2948 The {Clerk.} Mr. Barton, nay.
2949 Mr. Stearns?
2950 Mr. {Stearns.} No.
2951 The {Clerk.} Mr. Stearns, nay.
2952 Mr. Whitfield?
2953 Mr. {Whitfield.} No.
2954 The {Clerk.} Mr. Whitfield, nay.
2955 Mr. Shimkus?
2956 Mr. {Shimkus.} No.
2957 The {Clerk.} Mr. Shimkus, nay.
2958 Mr. Pitts?
2959 Mr. {Pitts.} No.
2960 The {Clerk.} Mr. Pitts, nay.
2961 Mrs. Bono Mack?
2962 Mrs. {Bono Mack.} No.
2963 The {Clerk.} Mrs. Bono Mack, nay.
2964 Mr. Walden?
2965 Mr. {Walden.} No.

2966 The {Clerk.} Mr. Walden, nay.
2967 Mr. Terry?
2968 Mr. {Terry.} No.
2969 The {Clerk.} Mr. Terry, nay.
2970 Mr. Rogers?
2971 [No response.]
2972 The {Clerk.} Mrs. Myrick?
2973 [No response.]
2974 The {Clerk.} Mr. Sullivan?
2975 Mr. {Sullivan.} No.
2976 The {Clerk.} Mr. Sullivan, nay.
2977 Mr. Murphy?
2978 [No response.]
2979 The {Clerk.} Mr. Burgess?
2980 Dr. {Burgess.} No.
2981 The {Clerk.} Mr. Burgess, nay.
2982 Mrs. Blackburn?
2983 Mrs. {Blackburn.} Nay.
2984 The {Clerk.} Mrs. Blackburn, nay.
2985 Mr. Bilbray?
2986 Mr. {Bilbray.} No.
2987 The {Clerk.} Mr. Bilbray, nay.
2988 Mr. Bass?
2989 Mr. {Bass.} No.

2990 The {Clerk.} Mr. Bass, nay.
2991 Mr. Gingrey?
2992 [No response.]
2993 The {Clerk.} Mr. Scalise?
2994 Mr. {Scalise.} Nay.
2995 The {Clerk.} Mr. Scalise, nay.
2996 Mr. Latta?
2997 Mr. {Latta.} No.
2998 The {Clerk.} Mr. Latta, nay.
2999 Mrs. McMorris Rodgers?
3000 [No response.]
3001 The {Clerk.} Mr. Harper?
3002 Mr. {Harper.} Nay.
3003 The {Clerk.} Mr. Harper, nay.
3004 Mr. Lance?
3005 Mr. {Lance.} No.
3006 The {Clerk.} Mr. Lance, nay.
3007 Mr. Cassidy?
3008 Dr. {Cassidy.} No.
3009 The {Clerk.} Mr. Cassidy, nay.
3010 Mr. Guthrie?
3011 Mr. {Guthrie.} No.
3012 The {Clerk.} Mr. Guthrie, nay.
3013 Mr. Olson?

- 3014 Mr. {Olson.} No.
- 3015 The {Clerk.} Mr. Olson, nay.
- 3016 Mr. McKinley?
- 3017 Mr. {McKinley.} No.
- 3018 The {Clerk.} Mr. McKinley, nay.
- 3019 Mr. Gardner?
- 3020 Mr. {Gardner.} No.
- 3021 The {Clerk.} Mr. Gardner, nay.
- 3022 Mr. Pompeo?
- 3023 Mr. {Pompeo.} No.
- 3024 The {Clerk.} Mr. Pompeo, nay.
- 3025 Mr. Kinzinger?
- 3026 Mr. {Kinzinger.} No.
- 3027 The {Clerk.} Mr. Kinzinger, nay.
- 3028 Mr. Griffith?
- 3029 Mr. {Griffith.} Nay.
- 3030 The {Clerk.} Mr. Griffith, nay.
- 3031 Mr. Waxman?
- 3032 Mr. {Waxman.} Aye.
- 3033 The {Clerk.} Mr. Waxman, aye.
- 3034 Mr. Dingell?
- 3035 Mr. {Dingell.} Aye.
- 3036 The {Clerk.} Mr. Dingell, aye.
- 3037 Mr. Markey?

3038 Mr. {Markey.} Aye.

3039 The {Clerk.} Mr. Markey, aye.

3040 Mr. Towns?

3041 [No response.]

3042 The {Clerk.} Mr. Pallone?

3043 Mr. {Pallone.} Aye.

3044 The {Clerk.} Mr. Pallone, aye.

3045 Mr. Rush?

3046 [No response.]

3047 The {Clerk.} Ms. Eshoo?

3048 Ms. {Eshoo.} Aye.

3049 The {Clerk.} Ms. Eshoo, aye.

3050 Mr. Engel?

3051 [No response.]

3052 The {Clerk.} Mr. Green?

3053 Mr. {Green.} No.

3054 The {Clerk.} Mr. Green, nay.

3055 Ms. DeGette?

3056 Ms. {DeGette.} Aye.

3057 The {Clerk.} Ms. DeGette, aye.

3058 Mrs. Capps?

3059 Mrs. {Capps.} Aye.

3060 The {Clerk.} Mrs. Capps, aye.

3061 Mr. Doyle?

3062 Mr. {Doyle.} Yes.

3063 The {Clerk.} Mr. Doyle, aye.

3064 Ms. Schakowsky?

3065 Ms. {Schakowsky.} Aye.

3066 The {Clerk.} Ms. Schakowsky, aye.

3067 Mr. Gonzalez?

3068 Mr. {Gonzalez.} No.

3069 The {Clerk.} Mr. Gonzalez, nay.

3070 Mr. Inslee?

3071 [No response.]

3072 The {Clerk.} Ms. Baldwin?

3073 Ms. {Baldwin.} Aye.

3074 The {Clerk.} Ms. Baldwin, aye.

3075 Mr. Ross?

3076 Mr. {Ross.} No.

3077 The {Clerk.} Mr. Ross, nay.

3078 Mr. Weiner?

3079 [No response.]

3080 The {Clerk.} Mr. Matheson?

3081 Mr. {Matheson.} No.

3082 The {Clerk.} Mr. Matheson, nay.

3083 Mr. Butterfield?

3084 [No response.]

3085 The {Clerk.} Mr. Barrow?

3086 Mr. {Barrow.} Votes no.

3087 The {Clerk.} Mr. Barrow, nay.

3088 Ms. Matsui?

3089 Ms. {Matsui.} Aye.

3090 The {Clerk.} Ms. Matsui, aye.

3091 Ms. Christensen?

3092 [No response.]

3093 The {Clerk.} Mr. Upton?

3094 Mr. {Upton.} Votes no.

3095 The {Clerk.} Mr. Upton, nay.

3096 The {Chairman.} Are there members wishing to cast a
3097 vote?

3098 Mr. Rogers?

3099 Mr. {Rogers.} Votes no.

3100 The {Clerk.} Mr. Rogers, nay.

3101 The {Chairman.} Mr. Murphy?

3102 Mr. {Murphy.} Votes no.

3103 The {Clerk.} Mr. Murphy, nay.

3104 The {Chairman.} Are there other members--Mr. Inslee?

3105 Mr. {Inslee.} Aye.

3106 The {Clerk.} Mr. Inslee, aye.

3107 The {Chairman.} Mr. Gingrey? Dr. Gingrey?

3108 Dr. {Gingrey.} No.

3109 The {Clerk.} Mr. Gingrey, nay.

3110 The {Chairman.} Are there other members wishing to cast
3111 a vote?

3112 Seeing none, the clerk will report the tally.

3113 The {Clerk.} Mr. Chairman, on that there were 12 ayes,
3114 34 nays.

3115 The {Chairman.} Twelve ayes, 34 nays.

3116 Mr. Towns, before the close of the vote.

3117 Mr. {Towns.} Aye.

3118 The {Chairman.} Votes aye.

3119 The {Clerk.} Mr. Towns, aye.

3120 The {Chairman.} So if I might just say 13 ayes, 34
3121 nays. The amendment is not agreed to.

3122 Are there further amendments to the bill?

3123 Seeing none, the question will be on favorably reporting
3124 the bill on final passage, and the clerk will call the roll?

3125 The {Clerk.} Mr. Barton?

3126 Mr. {Barton.} Aye.

3127 The {Clerk.} Mr. Barton, aye.

3128 Mr. Stearns?

3129 [No response].

3130 The {Clerk.} Mr. Whitfield?

3131 Mr. {Whitfield.} Aye.

3132 The {Clerk.} Mr. Whitfield, aye.

3133 Mr. Shimkus?

3134 Mr. {Shimkus.} Aye.
3135 The {Clerk.} Mr. Shimkus, aye.
3136 Mr. Pitts?
3137 Mr. {Pitts.} Aye.
3138 The {Clerk.} Mr. Pitts, aye.
3139 Mrs. Bono Mack?
3140 Mrs. {Bono Mack.} Aye.
3141 The {Clerk.} Mrs. Bono Mack, aye.
3142 Mr. Walden?
3143 Mr. {Walden.} Aye.
3144 The {Clerk.} Mr. Walden, aye.
3145 Mr. Terry?
3146 Mr. {Terry.} Yes.
3147 The {Clerk.} Mr. Terry, aye.
3148 Mr. Rogers?
3149 Mr. {Rogers.} Aye.
3150 The {Clerk.} Mr. Rogers, aye.
3151 Mrs. Myrick?
3152 [No response.]
3153 The {Clerk.} Mr. Sullivan?
3154 [No response.]
3155 The {Clerk.} Mr. Murphy?
3156 Mr. {Murphy.} Aye.
3157 The {Clerk.} Mr. Murphy, aye.

3158 Mr. Burgess?
3159 [No response.]
3160 The {Clerk.} Mrs. Blackburn?
3161 Mrs. {Blackburn.} Aye.
3162 The {Clerk.} Mrs. Blackburn, aye.
3163 Mr. Bilbray?
3164 Mr. {Bilbray.} Aye.
3165 The {Clerk.} Mr. Bilbray, aye.
3166 Mr. Bass?
3167 Mr. {Bass.} Aye.
3168 The {Clerk.} Mr. Bass, aye.
3169 Mr. Gingrey?
3170 Dr. {Gingrey.} Aye.
3171 The {Clerk.} Mr. Gingrey, aye.
3172 Mr. Scalise?
3173 Mr. {Scalise.} Aye.
3174 The {Clerk.} Mr. Scalise, aye.
3175 Mr. Latta?
3176 Mr. {Latta.} Aye.
3177 The {Clerk.} Mr. Latta, aye.
3178 Mrs. McMorris Rodgers?
3179 [No response.]
3180 The {Clerk.} Mr. Harper?
3181 Mr. {Harper.} Aye.

- 3182 The {Clerk.} Mr. Harper, aye.
- 3183 Mr. Lance?
- 3184 Mr. {Lance.} Aye.
- 3185 The {Clerk.} Mr. Lance, aye.
- 3186 Mr. Cassidy?
- 3187 Dr. {Cassidy.} Aye.
- 3188 The {Clerk.} Mr. Cassidy, aye.
- 3189 Mr. Guthrie?
- 3190 Mr. {Guthrie.} Aye.
- 3191 The {Clerk.} Mr. Guthrie, aye.
- 3192 Mr. Olson?
- 3193 Mr. {Olson.} Aye.
- 3194 The {Clerk.} Mr. Olson, aye.
- 3195 Mr. McKinley?
- 3196 Mr. {McKinley.} Aye.
- 3197 The {Clerk.} Mr. McKinley, aye.
- 3198 Mr. Gardner?
- 3199 Mr. {Gardner.} Aye.
- 3200 The {Clerk.} Mr. Gardner, aye.
- 3201 Mr. Pompeo?
- 3202 Mr. {Pompeo.} Yes.
- 3203 The {Clerk.} Mr. Pompeo, aye.
- 3204 Mr. Kinzinger?
- 3205 Mr. {Kinzinger.} Yes.

3206 The {Clerk.} Mr. Kinzinger, aye.
3207 Mr. Griffith?
3208 Mr. {Griffith.} Aye.
3209 The {Clerk.} Mr. Griffith, aye.
3210 Mr. Waxman?
3211 Mr. {Waxman.} No.
3212 The {Clerk.} Mr. Waxman, nay.
3213 Mr. Dingell?
3214 Mr. {Dingell.} No.
3215 The {Clerk.} Mr. Dingell, nay.
3216 Mr. Markey?
3217 Mr. {Markey.} No.
3218 The {Clerk.} Mr. Markey, nay.
3219 Mr. Towns?
3220 Mr. {Towns.} No.
3221 The {Clerk.} Mr. Towns, nay.
3222 Mr. Pallone?
3223 Mr. {Pallone.} No.
3224 The {Clerk.} Mr. Pallone, nay.
3225 Mr. Rush?
3226 [No response.]
3227 The {Clerk.}
3228 Ms. Eshoo?
3229 Ms. {Eshoo.} No.

3230 The {Clerk.} Ms. Eshoo, nay.
3231 Mr. Engel?
3232 [No response.]
3233 The {Clerk.} Mr. Green?
3234 Mr. {Green.} Yes.
3235 The {Clerk.} Mr. Green, aye.
3236 Ms. DeGette?
3237 Ms. {DeGette.} No.
3238 The {Clerk.} Ms. DeGette, nay.
3239 Mrs. Capps?
3240 Mrs. {Capps.} No.
3241 The {Clerk.} Mrs. Capps, nay.
3242 Mr. Doyle?
3243 Mr. {Doyle.} No.
3244 The {Clerk.} Mr. Doyle, nay.
3245 Ms. Schakowsky?
3246 Ms. {Schakowsky.} Nay.
3247 The {Clerk.} Ms. Schakowsky, nay.
3248 Mr. Gonzalez?
3249 Mr. {Gonzalez.} Aye.
3250 The {Clerk.} Mr. Gonzalez, aye.
3251 Mr. Inslee?
3252 Mr. {Inslee.} Nay.
3253 The {Clerk.} Mr. Inslee, nay.

3254 Ms. Baldwin?

3255 Ms. {Baldwin.} No.

3256 The {Clerk.} Ms. Baldwin, nay.

3257 Mr. Ross?

3258 Mr. {Ross.} Aye.

3259 The {Clerk.} Mr. Ross, aye.

3260 Mr. Weiner?

3261 [No response.]

3262 The {Clerk.} Mr. Matheson?

3263 Mr. {Matheson.} Aye.

3264 The {Clerk.} Mr. Matheson, aye.

3265 Mr. Butterfield?

3266 [No response.]

3267 The {Clerk.} Mr. Barrow?

3268 Mr. {Barrow.} Votes aye.

3269 The {Clerk.} Mr. Barrow, aye.

3270 Ms. Matsui?

3271 Ms. {Matsui.} No.

3272 The {Clerk.} Ms. Matsui, no.

3273 Ms. Christensen?

3274 [No response.]

3275 The {Clerk.} Mr. Upton?

3276 Mr. {Upton.} Aye.

3277 The {Clerk.} Mr. Upton, aye.

3278 The {Chairman.} Are there members wishing to cast a
3279 vote?
3280 Mr. Weiner?
3281 Mr. {Weiner.} Nay.
3282 The {Clerk.} Mr. Weiner, nay.
3283 The {Chairman.} Mr. Stearns?
3284 Mr. {Stearns.} Aye.
3285 The {Clerk.} Mr. Stearns, aye.
3286 The {Chairman.} Mr. Sullivan?
3287 Mr. {Sullivan.} Yes.
3288 The {Clerk.} Mr. Sullivan, aye.
3289 The {Chairman.} Dr. Burgess?
3290 Dr. {Burgess.} Aye.
3291 The {Clerk.} Dr. Burgess, aye.
3292 The {Chairman.} Are there other members wishing to cast
3293 a vote?
3294 If not, the clerk will report the tally.
3295 The {Clerk.} Mr. Chairman, on that there were 34 ayes,
3296 14 nays.
3297 The {Chairman.} Thirty-four ayes, 14 nays, the bill is
3298 passed.
3299 Mr. {Waxman.} Mr. Chairman.
3300 The {Chairman.} The gentleman from California.
3301 Mr. {Waxman.} I am giving notice of our intention to

3302 file minority views to the report on this bill.

3303 The {Chairman.} With no objection the right number of
3304 days will be allowed.

3305 The bill is reported passed, and the committee stands
3306 adjourned.

3307 [Whereupon, at 11:45 a.m., the Committee was adjourned.]