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4 ``MARKUP OF H.R. 4471, THE GASOLINE REGULATIONS ACT OF 2012;
5 AND H.R. 4480, THE STRATEGIC ENERGY PRODUCTION ACT OF 2012''
6 THURSDAY, MAY 17, 2012
7 House of Representatives,
8 Committee on Energy and Commerce
9 Washington, D.C.

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

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

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

22 Staff present: Gary Andres, Staff Director; Charlotte
23 Baker, Press Secretary; Michael Beckerman, Deputy Staff
24 Director; Mike Bloomquist, General Counsel; Anita Bradley,
25 Senior Policy Advisor to Chairman Emeritus; Maryam Brown,
26 Chief Counsel, Energy and Power; Allison Busbee, Legislative
27 Clerk; Andy Duberstein, Deputy Press Secretary; Paul Edattel,
28 Professional Staff Member, Health; Cory Hicks, Policy
29 Coordinator, Energy and Power; Peter Kielty, Associate
30 Counsel; Heidi King, Chief Economist; Ben Lieberman, Counsel,
31 Energy and Power; Carly McWilliams, Legislative Clerk; Mary
32 Neumayr, Senior Energy Counsel; Katie Novaria, Legislative
33 Clerk; Charlotte Savercool, Executive Assistant; Lyn Walker,
34 Coordinator, Admin/Human Resources; Phil Barnett, Staff
35 Director; Jen Berenholz, Chief Clerk; Alison Cassady, Senior
36 Professional Staff Member; Jacqueline Cohen, Counsel; Greg
37 Dotson, Energy and Environment Staff Director; Caitlin
38 Haberman, Policy Analyst; Elizabeth Letter, Assistant Press
39 Secretary; Karen Lightfoot, Communications Director and
40 Senior Policy Advisor; Roger Sherman, Chief Counsel;
41 Alexandra Teitz, Senior Counsel, Environment and Energy; and
42 Will Wallace, Policy Analyst.

|
43 The {Chairman.} The Committee will come to order.

44 At the conclusion of opening statements yesterday, the
45 chair called up H.R. 4471 and the bill was open for amendment
46 at any point. Are there any bipartisan amendments to start
47 today?

48 Seeing none, the chair would recognize Mr. Waxman to
49 offer an amendment. The clerk will report.

50 Mr. {Waxman.} Yeah, thank you, Mr. Chairman. I have an
51 amendment at the desk.

52 The {Chairman.} The clerk will report the title of the
53 amendment.

54 The {Clerk.} Which number is your amendment, sir?

55 Mr. {Waxman.} Number three.

56 The {Clerk.} Amendment to H.R. 4471 offered by Mr.
57 Waxman of California.

58 [The amendment follows:]

59 ***** INSERT 1 *****

|
60 The {Chairman.} The amendment will be considered as
61 read. The staff will distribute the amendments. And the
62 gentleman from California is recognized for 5 minutes in
63 support of his amendment.

64 Mr. {Waxman.} Mr. Chairman and my colleagues, the
65 Gasoline Regulations Act blocks and delays EPA from
66 finalizing several important Air Quality Rules until after a
67 new government bureaucracy produces a new analysis of these
68 and other EPA actions. But it is a fool's errand because a
69 new government bureaucracy is required to conduct an
70 impossible analysis of rules that haven't even been proposed
71 using data that doesn't exist.

72 The bill would block EPA from issuing new Tier III
73 standards for motor vehicles and fuels to reduce harmful
74 tailpipe emissions that cause smog and deadly particle
75 pollution. Smog and soot pollution can trigger asthma
76 attacks, heart attacks, and even premature death. The bill
77 would block and likely indefinitely delay EPA from issuing
78 long-overdue rules to require refineries to use modern
79 technology to reduce their emissions of toxic air pollutants
80 that cause cancer, birth defects, neurological damage, and
81 other serious health problems.

82 The bill would also block and likely indefinitely delay

83 EPA from issuing rules necessary for States and localities to
84 implement the 2008 ozone standard. This would leave the
85 outdated and unprotected 1997 ozone standard in place. In
86 addition, the bill would block EPA from updating the ozone
87 standard to reflect the best available science on the health
88 effects of breathing dirty air.

89 During the legislative hearing on this bill, Chairman
90 Whitfield stated, ``it is not the intent of this legislation
91 to roll back any existing health protections.'' If that is
92 the case, then there should be no objection to my amendment.
93 My amendment states that notwithstanding the bill's
94 provisions, the administrator cannot delay implementing any
95 of the EPA rules laid out in Section 5 of the bill. If the
96 air pollution that would be controlled by those rules causes
97 serious harm to human health, including asthma attacks and
98 other respiratory diseases, heart attacks, cancer, birth
99 defects, brain damage, or premature death.

100 The Republicans want to pretend that this bill is not an
101 attack on the Clean Air Act or public health, but that claim
102 is laughable. This bill changes a foundational provision of
103 the Clean Air Act that has been in place since 1970. The
104 change would effectuate the interpretation that industry took
105 all the way to the Supreme Court, which ruled against them.
106 Barring EPA from setting air quality standards based on the

107 science is a fundamental and very dangerous weakening of the
108 Clean Air Act. And the bill indisputably prohibits EPA from
109 issuing important rules to reduce air pollution that is
110 harming Americans today. It even has the effect of borrowing
111 implementation of the current ozone standard.

112 Republicans argue these rules would only be delayed for
113 a while, but this assumes that the interagency committee can
114 actually complete the impossible study required by this bill.
115 And even then, there would still be no deadlines for these
116 rules as the bill eliminates existing deadlines and sets no
117 new ones.

118 Americans rely on the Environmental Protection Agency to
119 hold polluters responsible for cleaning up their pollution.
120 It is just common sense. If you stop EPA from doing its job,
121 public health will suffer. So let us come clean. If you
122 want to pass a bill to stop EPA from doing its job and if you
123 want to allow polluters to pollute with impunity, be honest
124 with the American people. Tell them you think that we have
125 done enough to reduce air pollution and that you want to stop
126 further clean up of air pollution, but just don't pretend
127 that this get-out-of-jail-free card for oil industry
128 polluters won't hurt the health of Americans and especially
129 our children and the elderly.

130 If, on the other hand, you don't want to block efforts

131 to clean up air pollution that is contributing to asthma
132 attacks, heart attacks, lung disease, cancer, birth defects,
133 neurological damage, and premature death, then I would urge
134 support for my amendment. My amendment will make it
135 perfectly clear that EPA can continue to clean up air
136 pollution that causes serious health effects, and I urge my
137 colleagues to support this amendment.

138 The {Chairman.} Other members wishing to speak on the
139 amendment?

140 Gentleman from Kentucky, Mr. Whitfield.

141 Mr. {Whitfield.} Thank you, Mr. Chairman. And with
142 great respect for the gentleman from California, I would
143 speak to oppose his amendment. I would say, first of all,
144 that we certainly don't intend to act with impunity to stop
145 any of these regulations. This legislation is so very
146 simple. As a matter of fact, it is totally consistent with
147 President Obama's Executive Order 13563. As recently as
148 March 2012 the White House issued a memo reiterating that
149 agencies should take active steps to take account of the
150 cumulative effects of new and existing rules. And that is
151 all this legislation does. It asks for an analysis to
152 determine what impact these three regulations--and I
153 recognize they are not final yet--but these three regulations
154 may have on gasoline prices in the future. I think any

155 unbiased American would say there is nothing wrong with that.
156 Why shouldn't we consider the cumulative impact of a
157 regulation or regulations? What is the cumulative impact
158 that that might have on future gasoline prices? And that is
159 all this legislation does.

160 Now, some people have said, well, there is no final rule
161 and we certainly understand that, but I would like to ask one
162 of our legal counsels just a question about the process over
163 at EPA. It is my understanding that EPA has an action
164 development process that they go through when they develop a
165 regulation. Is that correct?

166 {Counsel.} That is correct. EPA has published an
167 Action Development Plan to develop regulations.

168 Mr. {Whitfield.} And it is my understand when they
169 finally get to the point of where they are going to make a
170 regulation final or they are going to submit to OMB or the
171 Office of Federal Register that it is frequently 900 to 1,200
172 pages in analysis. Is that correct?

173 {Counsel.} That is correct. Both the rule language,
174 the preamble language, the analysis and background documents
175 can be thousands of pages.

176 Mr. {Whitfield.} And we know for a fact right now on
177 the three regulations that we refer to in this legislation
178 that they have already began meetings about this, meeting

179 with stakeholders, having a thorough analysis conducted
180 already. Is that correct?

181 {Counsel.} According to EPA's websites, the actions
182 have in fact been initiated and there have been stakeholder
183 outreach meetings.

184 Mr. {Whitfield.} So I would just say that what we are
185 trying to do is very simple and we know that there is plenty
186 of evidence already available, analysis already available.
187 It is not going to be that complicated for this taskforce.
188 And I will admit once again that we do not see that this
189 legislation is going to reduce gasoline prices tomorrow but
190 we do believe that it can contribute and make us more aware
191 of what these regulations, how they will impact gasoline
192 prices in the future. And that is information that we need
193 to know to protect the American public.

194 So with that I would simply respectfully request that we
195 defeat the gentleman's amendment.

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

197 Mr. {Whitfield.} I would be happy to yield.

198 Mr. {Waxman.} You asked the counsel about analyzing a
199 rule that hasn't even been proposed but you said if it has
200 been initiated that is enough. But initiated can mean a
201 variety of things. It could mean that EPA devoted some staff
202 time to collecting the newest scientific data on the topic.

203 It could mean the EPA held private meetings with key
204 stakeholders. It could mean EPA has held public meetings to
205 discuss potential approaches with affected communities. So
206 this business of initiated doesn't really tell you what a
207 rule is, and therefore, you can't do an analysis on a rule
208 that hasn't been proposed. Initiated does not necessarily
209 mean, however, that EPA has selected a preferred approach.
210 And even where EPA is leaning toward a preferred approach,
211 that often changes in the course of the initial pre-proposal
212 discussions.

213 I am going to give you an example of that. The Interior
214 Department just issued proposed rules for disclosure of the
215 contents of hydraulic fracturing fluids used in wells on
216 public lands. During preliminary discussions, the Interior
217 Department indicated that it planned to require drillers to
218 provide a list of chemicals 30 days before commencing
219 drilling, but the Interior Department changed course and
220 proposed a rule that requires drillers to disclose after the
221 fact. The importance of all this is that the bill would stop
222 EPA from acting unless there was this extensive analysis that
223 cannot be done on a rule that hasn't been proposed. And
224 therefore, it stops any action to protect the public health.

225 Mr. {Whitfield.} Mr. Chairman, I would ask unanimous
226 consent for 30 seconds to simply respond to the gentleman.

227 The {Chairman.} Without objection.

228 Mr. {Whitfield.} All I would say is that if these
229 regulations become final, then it is too late. All this
230 legislation does is it gives the taskforce the authority to
231 analyze and make a prediction, give us information on the
232 impact that these regulations may have on gasoline prices.
233 These regulations are going to take a while to develop anyway
234 but I think it is imperative that we have this information
235 and I think the American public would like this information.
236 And with that I guess my 30 seconds have expired.

237 The {Chairman.} I was counting. Your 30 seconds is now
238 ended.

239 Are there other Members wishing to speak on the
240 amendment?

241 The gentlelady from the Virgin Islands recognized for 5
242 minutes.

243 Dr. {Christensen.} Thank you, Mr. Chairman.

244 I want to rise to support the ranking member's
245 amendment. The bill really doesn't have anything to do with
246 gasoline prices. I heard Chairman Whitfield say it won't
247 change gasoline prices tomorrow, but in the past he said
248 there is nothing in the legislation that would in and of
249 itself reduce gasoline prices. Instead, this bill is really
250 a thinly veiled attempt to check off a few more boxes on the

251 oil industry's wish list at the expense of the health of the
252 American people. The oil industry doesn't want to have to
253 clean up the fuels used in motor vehicles, so this bill
254 blocks and delays EPA from issuing new Tier III standards to
255 reduce smog and particle pollution, too bad if this means
256 that the States and localities need to require other more
257 expensive pollution reductions, too bad if our communities
258 are unable to achieve healthy air.

259 The oil industry doesn't want to install modern and
260 available pollution control technology at refineries to
261 reduce emissions of toxic air pollutants that cause cancer,
262 brain damage, and other health effects. The Republican
263 solution is to block and indefinitely delay EPA from
264 requiring refiners to use this technology. The oil industry
265 would rather EPA rely on an outdated 15-year-old ozone
266 standard than on a standard rooted in the best available
267 peer-reviewed science on the health impacts of breathing high
268 levels of ozone. So this bill would block and likely
269 indefinitely delay from implementing the most recent ozone
270 standards or updating it until at least 2018.

271 This bill is just one more in a long line of bills
272 passed by this committee to allow industrial sources to
273 continue to pollute despite the availability of cost-
274 effective, proven emissions controls.

275 You know, our committee has amassed an embarrassing
276 record. This committee has voted to let dirty power plants
277 off the hook, boilers, cement kilns, industrial mining
278 facilities, offshore drilling operations, and now we have a
279 bill before us to delay several additional EPA Air Quality
280 Rules under the guise of protecting consumers from high
281 gasoline prices. My colleague's amendment, the ranking
282 member's amendment simply states that the bill will not delay
283 EPA action to finalize these Air Quality Rules if the rules
284 reduce pollution that causes asthma attacks, heart attacks,
285 cancer, brain damage, birth defects, and other serious health
286 problems. And so I urge my colleagues to support this
287 amendment.

288 Mr. {Waxman.} Will the gentlelady yield to me if you
289 are finished with your comment?

290 Dr. {Christensen.} Yes, please.

291 Mr. {Waxman.} Because I think it is important to
292 understand this business of ``initiate'' because the bill
293 says if EPA is initiating a rule, therefore it is stopped
294 from moving forward on that rule while a new bureaucracy, an
295 interagency taskforce will now analyze that rule. But there
296 is no rule so we don't know what they are analyzing. But
297 meanwhile, EPA cannot go forward with anything. And the
298 issue is this interagency committee, this new bureaucracy,

299 what would they analyze? They wouldn't know what sources
300 would be covered by a potential rule, they wouldn't know the
301 emission limits, they wouldn't know the most efficient
302 technology options available to covered sources, they
303 wouldn't know a compliance schedule.

304 Just because EPA has started discussing the framework
305 for a new Air Quality Rule, that does not mean we know what
306 the rule would require or what it would cost or what the
307 benefits to public health would be. All we know is simply
308 thinking about a rule and doing something to move forward to
309 initiate a rule stops EPA right in its tracks. And I don't
310 think that makes any sense because we are looking at impact
311 on human life. And they want this taskforce to analyze
312 impact on gas prices when they don't have enough information
313 to analyze impact on gas prices, but that means they are
314 going to stop EPA from analyzing the impact on human health
315 and stop any actions to protect human health.

316 And so my amendment says--and I guess I should talk like
317 the Republicans--it is a simple amendment. Saying it is
318 simple does not make it simple but my amendment says that we
319 are not going to delay finalization of any of the rules to
320 establish standards for clean air to reduce air pollution if
321 that pollution would be controlled by the finalized rules
322 contributing to asthma attacks, acute and chronic bronchitis,

323 heart attacks, cancer, birth defects, neurological damage, et
324 cetera.

325 So we are not going to let EPA be stopped. And we have
326 to understand this bill simply--as we hear over and over
327 again--simply cuts the heart out of the Clean Air Act. It
328 says the standards don't even have to be set on health. That
329 whole thing has been thrown out by this bill. So this is not
330 a simple bill with simple changes; it is a radical bill that
331 will harm people's health and I urge the support for the
332 amendment and opposition to the bill.

333 The {Chairman.} Gentleman's time is expired.

334 Other members wishing to speak on the amendment?

335 Mr. {Bilbray.} Mr. Chairman?

336 The {Chairman.} The gentleman from California, Mr.
337 Bilbray.

338 Mr. {Bilbray.} Mr. Chairman, I regretfully speak in
339 opposition of the amendment and make it clear this bill does
340 not affect the ozone standards that are set today. It
341 doesn't stop the development of rules to address those
342 issues. And I have just got to say to both sides this level
343 of urgency about public health that somehow any delay is a
344 major disaster. Can I ask, you know, that people take the
345 time to think about the next time you use the word ``tailpipe
346 emissions,'' will you ask your staff to look at why for 20

347 years the federal EPA has been still using an antiquated
348 standard called tailpipe emissions when the best air
349 pollution scientists at CARB knew in '92 that those are
350 inappropriate, inefficient, and misleading standards. But
351 for 20 years the Federal Government, who claims that we are
352 urgently defending public health, have been using a standard
353 that scientists have known is antiquated, failed, and was
354 abandoned by the best air pollution strategists 20 years ago.

355 Also, will you take the time to take a look at the
356 studies that have been done on traffic management that
357 predict up to 20 percent reduction in emissions and fuel
358 consumption which directly relates to fuel prices? Why have
359 we constantly walked away from that standard or that
360 challenge? And frankly, Mr. Chairman, I think that both of
361 them is because it means government has to change the way we
362 do business to improve air quality and reduce prices.
363 Government has to change the way we are going to get the job
364 done rather than government requiring private citizens to
365 change the way they--

366 Mr. {Waxman.} Will the gentleman yield? Will the
367 gentleman yield?

368 Mr. {Bilbray.} Give me a moment.

369 I think the biggest problem is too many of us in this
370 town think that our place at defending the consumer is to

371 force private sector to do things and not look at how we are
372 doing business that could have been and should have been done
373 much better a long time ago.

374 And I yield to the gentleman from California.

375 Mr. {Waxman.} I think with all due respect you are not
376 correct in your statement that this doesn't affect the
377 existing ozone standard. We have a standard set on
378 protecting public health. Now, that standard has to be
379 implemented with rules to give States direction on what they
380 have to do to meet that standard. Those very rules would be
381 stopped under this legislation because that would have to go
382 to this taskforce for analysis.

383 So you served on the Air Resources Board in California
384 so you have had a great deal of personal experience. A lot
385 of what you had to do was implement what the federal law
386 required. That implementation required some rules by EPA.
387 This would stop EPA from issuing those rules and what is this
388 all about? It is about protecting public health.

389 Mr. {Bilbray.} Reclaiming my time. The greatest thing
390 with it was really the modification of our SIP and then we
391 would send it back for approval into the FIP by the EPA. And
392 that back-and-forth goes on but, you know, frankly I just
393 hope that--

394 Mr. {Waxman.} But you can't deal with SIP unless you

395 know what EPA is asking and you know the standard that is
396 being set.

397 Mr. {Bilbray.} The standard is being set but the ozone
398 standards have been set. We know where they are. If they
399 want to modify that and move that, I am just saying I will
400 say this bluntly to both sides of this aisle. You shouldn't
401 be changing the standards until you go back and have a test,
402 a measurement that is scientific. And tailpipe emission is
403 not scientific. It is just convenient because it is the way
404 it has always been done.

405 Yield to the gentleman--

406 Mr. {Whitfield.} I would just like to ask counsel,
407 would this legislation affect in any way the current ozone
408 standards and implementation of it?

409 {Counsel.} The bill is written ``any rule revising or
410 supplementing the national ambient air quality standards for
411 ozone'' so only a rulemaking that would revise or supplement
412 the existing standard.

413 Mr. {Whitfield.} All right. And there is nothing in
414 this rule that would preclude EPA from analyzing impact on
415 health, is there--

416 {Counsel.} No, there is--

417 Mr. {Whitfield.} --on any of these three rules?

418 {Counsel.} No, benefits are included in the analysis in

419 the bill.

420 Mr. {Whitfield.} Okay. Now, what is the correct
421 terminology here? I shouldn't call this a rule. These are
422 proposed rules? What is the correct term?

423 {Counsel.} There are covered rules and actions. Those
424 that are regulatory actions are among the covered rules.
425 Covered actions would include the PSD permitting, PSD and
426 Title V permitting actions.

427 Mr. {Whitfield.} Okay. I yield back to the gentleman.

428 Mr. {Bilbray.} I yield back.

429 Mr. {Waxman.} Mr. Chairman, I ask unanimous consent
430 that I have an additional minute on this very subject.

431 The {Chairman.} Without objection, the gentleman is
432 recognized for--

433 Mr. {Waxman.} I would like to ask counsel, you said
434 that this bill would block implementation rules of the
435 standard, is that correct?

436 {Counsel.} No, I did not say that, sir.

437 Mr. {Waxman.} Okay. What would be blocked?

438 {Counsel.} Any rule revising or supplementing an
439 existing--

440 Mr. {Waxman.} Supplementing?

441 {Counsel.} That is correct.

442 Mr. {Waxman.} Now, what is a supplementing? Could that

443 be implementation?

444 {Counsel.} A supplement to an existing ozone standard
445 would be a supplement to that standard, not necessarily a
446 rule that is procedural or implementation of that standard.
447 But supplementing the standard might include, for example,
448 changing the averaging time, changing the level, changing the
449 indicator.

450 Mr. {Waxman.} Is there a definition of supplement in
451 the bill?

452 {Counsel.} No.

453 Mr. {Waxman.} So you are telling me what you think
454 supplement means? And I would submit that when the EPA is
455 looking at how to implement existing standards that could be
456 considered a supplementary rule. EPA issues rules on how to
457 implement the standards. I would submit, whether you intend
458 it or not, this bill, among other things that it would do,
459 would stop EPA from making sure that the existing ozone
460 standard can be met and it requires an analysis by a new
461 bureaucratic interagency not on health but on impact on
462 gasoline prices. And I think that means that is more
463 important than health, the outcome of this legislation if it
464 were to pass.

465 The {Chairman.} Are there other Members wishing to
466 speak on the amendment?

467 Seeing none, the vote occurs on the amendment offered by
468 the gentleman from California.

469 Those in favor will say aye.

470 Those opposed, say no.

471 Mr. {Waxman.} Roll call vote.

472 The {Chairman.} Roll call vote is requested. The clerk
473 will call the roll.

474 The {Clerk.} Mr. Barton?

475 Mr. {Barton.} No.

476 The {Clerk.} Mr. Barton votes no.

477 Mr. Stearns?

478 [No response.]

479 The {Clerk.} Mr. Whitfield?

480 Mr. {Whitfield.} No.

481 The {Clerk.} Mr. Whitfield votes no.

482 Mr. Shimkus?

483 Mr. {Shimkus.} No.

484 The {Clerk.} Mr. Shimkus votes no.

485 Mr. Pitts?

486 Mr. {Pitts.} No.

487 The {Clerk.} Mr. Pitts votes no.

488 Mrs. Bono Mack?

489 [No response.]

490 The {Clerk.} Mr. Walden?

491 Mr. {Walden.} No.
492 The {Clerk.} Mr. Walden votes no.
493 Mr. Terry?
494 Mr. {Terry.} No.
495 The {Clerk.} Mr. Terry votes no.
496 Mr. Rogers?
497 [No response.]
498 The {Clerk.} Mrs. Myrick?
499 [No response.]
500 The {Clerk.} Mr. Sullivan?
501 Mr. {Sullivan.} No.
502 The {Clerk.} Mr. Sullivan votes no.
503 Mr. Murphy?
504 Mr. {Murphy.} No.
505 The {Clerk.} Mr. Murphy votes no.
506 Mr. Burgess?
507 [No response.]
508 The {Clerk.} Mrs. Blackburn?
509 Mrs. {Blackburn.} No.
510 The {Clerk.} Mrs. Blackburn votes no.
511 Mr. Bilbray?
512 Mr. {Bilbray.} No.
513 The {Clerk.} Mr. Bilbray votes no.
514 Mr. Bass?

515 Mr. {Bass.} No.
516 The {Clerk.} Mr. Bass votes no.
517 Mr. Gingrey?
518 Dr. {Gingrey.} No.
519 The {Clerk.} Mr. Gingrey votes no.
520 Mr. Scalise?
521 [No response.]
522 The {Clerk.} Mr. Latta?
523 Mr. {Latta.} No.
524 The {Clerk.} Mr. Latta votes no.
525 Mrs. McMorris Rodgers?
526 Mrs. {McMorris Rodgers.} No.
527 The {Clerk.} Mrs. McMorris Rodgers votes no.
528 Mr. Harper?
529 Mr. {Harper.} No.
530 The {Clerk.} Mr. Harper votes no.
531 Mr. Lance?
532 Mr. {Lance.} No.
533 The {Clerk.} Mr. Lance votes no.
534 Mr. Cassidy?
535 Dr. {Cassidy.} No.
536 The {Clerk.} Mr. Cassidy votes no.
537 Mr. Guthrie?
538 Mr. {Guthrie.} No.

539 The {Clerk.} Mr. Guthrie votes no.
540 Mr. Olson?
541 Mr. {Olson.} No.
542 The {Clerk.} Mr. Olson votes no.
543 Mr. McKinley?
544 [No response.]
545 The {Clerk.} Mr. Gardner?
546 Mr. {Gardner.} No.
547 The {Clerk.} Mr. Gardner votes no.
548 Mr. Pompeo?
549 [No response.]
550 The {Clerk.} Mr. Kinzinger?
551 Mr. {Kinzinger.} No.
552 The {Clerk.} Mr. Kinzinger votes no.
553 Mr. Griffith?
554 Mr. {Griffith.} No.
555 The {Clerk.} Mr. Griffith votes no.
556 Mr. Waxman?
557 Mr. {Waxman.} Aye.
558 The {Clerk.} Mr. Waxman votes aye.
559 Mr. Dingell?
560 Mr. {Dingell.} Aye.
561 The {Clerk.} Mr. Dingell votes aye.
562 Mr. Markey?

563 [No response.]

564 The {Clerk.} Mr. Towns?

565 [No response.]

566 The {Clerk.} Mr. Pallone?

567 [No response.]

568 The {Clerk.} Mr. Rush?

569 Mr. {Rush.} Aye.

570 The {Clerk.} Mr. Rush votes aye.

571 Ms. Eshoo?

572 Ms. {Eshoo.} Aye.

573 The {Clerk.} Ms. Eshoo votes aye.

574 Mr. Engel?

575 [No response.]

576 The {Clerk.} Mr. Green?

577 Mr. {Green.} No.

578 The {Clerk.} Mr. Green votes no.

579 Ms. DeGette?

580 [No response.]

581 The {Clerk.} Mrs. Capps?

582 [No response.]

583 The {Clerk.} Mr. Doyle?

584 Mr. {Doyle.} Aye.

585 The {Clerk.} Mr. Doyle votes aye.

586 Ms. Schakowsky?

587 [No response.]

588 The {Clerk.} Mr. Gonzalez?

589 [No response.]

590 The {Clerk.} Ms. Baldwin?

591 [No response.]

592 The {Clerk.} Mr. Ross?

593 [No response.]

594 The {Clerk.} Mr. Matheson?

595 [No response.]

596 The {Clerk.} Mr. Butterfield?

597 Mr. {Butterfield.} Aye.

598 The {Clerk.} Mr. Butterfield votes aye.

599 Mr. Barrow?

600 Mr. {Barrow.} No.

601 The {Clerk.} Mr. Barrow votes no.

602 Ms. Matsui?

603 Ms. {Matsui.} Aye.

604 The {Clerk.} Ms. Matsui votes aye.

605 Mrs. Christensen?

606 Dr. {Christensen.} Aye.

607 The {Clerk.} Mrs. Christensen votes aye.

608 Ms. Castor?

609 [No response.]

610 The {Clerk.} Mr. Sarbanes?

611 [No response.]

612 The {Clerk.} Chairman Upton?

613 The {Chairman.} Votes no.

614 The {Clerk.} Chairman Upton votes no.

615 The {Chairman.} Other Members wishing to cast their

616 vote? Mr. Stearns?

617 Mr. {Stearns.} Votes no.

618 The {Clerk.} Mr. Stearns votes no.

619 The {Chairman.} Dr. Burgess?

620 Dr. {Burgess.} No.

621 The {Clerk.} Mr. Burgess votes no.

622 The {Chairman.} Mr. Pompeo?

623 Mr. {Pompeo.} No.

624 The {Clerk.} Mr. Pompeo votes no.

625 The {Chairman.} Ms. DeGette?

626 Ms. {DeGette.} Aye.

627 The {Clerk.} Mrs. DeGette votes aye.

628 The {Chairman.} Mr. Ross?

629 Mr. {Ross.} No.

630 The {Clerk.} Mr. Ross votes no.

631 The {Chairman.} Other Members wishing to cast their

632 vote?

633 Seeing none, the clerk will report the tally.

634 The {Clerk.} Mr. Chairman, on that vote there were 9

635 ayes, 29 nays.

636 The {Chairman.} Nine ayes, twenty-nine nays? The
637 amendment is not agreed to.

638 Are there further amendments to the bill?

639 Mr. {Rush.} Mr. Chairman?

640 The {Chairman.} Gentleman from Illinois, Mr. Rush.

641 Mr. {Rush.} Mr. Chairman, I have an amendment at the
642 desk.

643 The {Chairman.} The clerk will report the title.

644 The {Clerk.} Amendment to H.R. 4471 offered by Mr. Rush
645 of Illinois.

646 [The amendment follows:]

647 ***** INSERT 2 *****

|
648 The {Chairman.} The amendment will be considered as
649 read. The staff will distribute the amendment. And the
650 gentleman from Illinois is recognized for 5 minutes.

651 Mr. {Rush.} I want to thank you, Mr. Chairman.

652 Mr. Chairman, gas prices are on the minds of many
653 American families, but unfortunately, this bill under
654 consideration would do nothing, absolutely nothing to address
655 those concerns. The Gasoline Regulations Act of 2012 uses
656 the backdrop of today's gas prices to continue the majority
657 party's assault on the Environmental Protection Agency and
658 the Clean Air Act without doing a single thing to actually
659 reduce the cost that Americans are paying at the pump. This
660 bill would delay vital Clean Air Act protections applicable
661 to the largest polluters, diminish crucial public health
662 benefits for all Americans, and will have zero effect and
663 impact for lowering gas prices.

664 The bill has far-reaching adverse health and
665 environmental impacts, including, among others, fundamentally
666 altering ozone public health standards and protections and
667 delaying a protective Tier III clean air program for
668 passenger vehicles. Instead of looking into how the role of
669 speculators impact gas prices, as I have requested in a March
670 15 letter, or holding a hearing to determine why big oil

671 profits increase by \$2 million for every additional penny
672 that average Americans pay at the pump, the majority party is
673 again seeking to attack EPA and dismantle the Clean Air Act.

674 My amendment, Mr. Chairman, would get to the heart of
675 whether or not this bill would directly impact gas prices.
676 My amendment simply states that ``not letting the 90 days
677 after the date of enactment of this Act, the administrator of
678 the Energy Information Administration shall make a
679 determination as to whether implementation of this Act is
680 projected to lower gasoline prices in the U.S. within 10
681 years.'' However, Mr. Chairman, if the administrator of the
682 EIA determines that implementation of this Act is not
683 projected to lower gasoline prices in the U.S. within 10
684 years, then Section 5 and 6 of this Act would sunset and
685 cease to be effective.

686 Mr. Chairman, this committee should not use the backdrop
687 of high gas prices as an ill-informed reason to remove long-
688 standing Clean Air Act requirements for EPA to set ambient
689 air quality standards at the level necessary to protect human
690 health, nor should the majority attempt to block and delay
691 several EPA air quality and public health protections when
692 the bill's sponsor, my friend from Kentucky, the chairman of
693 the subcommittee, Mr. Whitfield, already admitted ``but there
694 is nothing in our legislation nor have we ever indicated that

695 there is anything in this legislation that would in and of
696 itself reduce gasoline prices.''

697 Mr. Chairman, it makes absolutely no sense to attack
698 long-standing Clean Air Act provisions that were enacted with
699 bipartisan support all in the name of lowering gasoline
700 prices which this bill clearly fails to do. So I urge all of
701 my colleagues to vote for the Rush amendment, which will
702 clearly link the provisions of this bill with its ability to
703 provide relief at the pump for the American consumer.

704 And with that I yield back the balance of my time.

705 The {Chairman.} The gentleman yields back. Other
706 Members wishing to speak?

707 Mr. Whitfield is recognized.

708 Mr. {Whitfield.} Yeah, I seek recognition to oppose the
709 amendment of the gentleman from Chicago. His amendment
710 basically lets the Energy Information Administration
711 administrator make the sole determination. Our legislation
712 allows a committee to look at this. And I am still really
713 puzzled by why there is such angst about this piece of
714 legislation to simply ask the administrator of EPA to look
715 before you leap into issuing new regulations that may have an
716 impact on gasoline prices. All we are asking is on these
717 three regulations, the Tier III, the greenhouse gas and
718 refineries, and the ozone that before you issue new

719 regulations, let us examine the cumulative impact that they
720 may have on the price of gasoline.

721 I don't think that any lawyer would look and say we are
722 gutting the Clean Air Act or anything else. We are simply
723 asking for additional information before you leap. And I
724 still don't think this is inconsistent with President Obama's
725 own executive order in which he asked agencies in his
726 Administration to look at the cumulative impact of
727 regulations. I mean what is so sacrosanct about potential
728 regulations? Why should we not explore the impact that they
729 have on certain elements of our society, in this case,
730 gasoline prices?

731 Mr. {Walden.} Would the gentleman yield?

732 Mr. {Whitfield.} So with that I would--

733 Mr. {Walden.} Would the gentleman yield?

734 Mr. {Whitfield.} I would yield to the gentleman from
735 Oregon.

736 Mr. {Walden.} I think part of the conflict that my
737 Democrat friends has is the Obama Administration Secretary of
738 Energy 4 years ago actually advocated for gasoline prices to
739 those to the level of Europe. Now, he has kind of retreated
740 from that because the harsh reality is that sticks it to
741 consumers in a way that destroys their economy and ours. And
742 having been a small business owner for a few decades plus, I

743 always wanted to know what are the implications of the
744 decisions that are about to be made in my own business. If I
745 purchase something new, if I try and do something over here,
746 what is the rate of return? What are the costs? What are
747 the benefits? And all the gentleman's bill does is say the
748 American consumers and their policymakers will actually know
749 in advance before some rule gets adopted--a very limited set
750 of rules--what the impact would be on gas prices.

751 And that, I will tell you, if you are a working mom, you
752 are trying to get the kids out to the soccer practice and the
753 dance and all that and you are driving around in that van and
754 you are paying the pump 4, 4.50, or seeing it maybe hit 5, it
755 just sucks the disposable income you barely have now right
756 into your gas tank and out the other end. And when the
757 Federal Government continues to put these crazy regulations
758 on top of crazy regulations you begin to believe that
759 Secretary of Energy's call for European-level gas prices
760 maybe is still being fostered through the Obama
761 Administration.

762 So it is no wonder they want to cloak this assault on
763 Americans with incredible regulations that shut down
764 industry, paralyze growth, hurt our jobs. The worst recovery
765 we have had since the Great Depression, there is no wonder
766 why. You look at what the impact these rules and regulations

767 have. So this is a commonsense bill so we just know what the
768 costs are going to be.

769 Mr. {Rush.} Would the gentleman yield?

770 Mr. {Walden.} I would yield back to my friend from
771 Kentucky.

772 Mr. {Whitfield.} Well, you know, you make a good point
773 and that is the Secretary of Energy did make that comment
774 that he wanted to get gasoline prices equivalent to Europe,
775 and we do understand that the Obama Administration wants to
776 push America into electric cars as soon as possible. And
777 while we may not object to that, the reality is that the
778 country is not in a position right now to use electric cars.

779 And by the way, the stimulus money that went to Tesla
780 and Fisker Automotive, they received large sums of taxpayer
781 money to help develop electric cars and the price tag on
782 those electric cars is around \$200,000 per car--

783 Mr. {Rush.} Would the gentleman yield?

784 Mr. {Whitfield.} --which I might say is not looking
785 after the average American worker in this country. So I
786 would be happy to yield to the gentleman.

787 Mr. {Rush.} Yeah. The demagoguery that is focused on
788 the Obama Administration doesn't have a bag of beans to do
789 with my amendment. My amendment is straight. It says that
790 if the EIA determined that within 10 years gas prices would

791 not be reduced, then the provisions of this amendment will
792 sunset and the bill would cease to exist. Now, that is what
793 my amendment says. My amendment doesn't address the European
794 gasoline prices or any other matter. And as you said and as
795 the ranking member of the full committee stated before, it is
796 a simple amendment. It makes a lot of sense. If the EIA
797 determines that within 10 years gasoline prices will not go
798 down, then your amendment will sunset. It will cease. So
799 the demagoguery--

800 Mr. {Whitfield.} I certainly don't think we are
801 demagoguing the issue but I think--

802 Mr. {Rush.} Demagoguing--

803 Mr. {Whitfield.} --we are talking about facts here.
804 And I would simply oppose the amendment respectfully.

805 The {Chairman.} Gentleman's time is expired.

806 Gentleman from California.

807 Mr. {Waxman.} I know people want to vote without
808 further discussion but I think further discussion is
809 warranted on this amendment and this bill because this is
810 delivering the oil industry a wish list of their anti-
811 environmental dreams. In effect, EPA has to take costs into
812 consideration, impact on the economy, as well as health
813 benefits. They look at all of these questions. They look at
814 the science before they can decide on a rule. But this bill,

815 the underlying bill says that is all well and good but here
816 are a bunch of things that the EPA might act on, and if they
817 do act on it, they can't finish their work until this
818 interagency taskforce can evaluate what the impact of those
819 rules would be on the price of gasoline and jobs. But they
820 don't know what the rule is. So they are doing an analysis
821 without knowing what the rule is but it keeps EPA from
822 acting.

823 Now, let us look at gasoline prices. Gasoline prices
824 are determined by the world price for oil. If we stop EPA
825 from regulations to protect people from all these dreaded
826 illnesses and we don't allow EPA to regulate to protect the
827 environment, is that going to lower gasoline prices which is
828 dependent on the world oil price? It is simply going to say
829 that the oil companies can get away with not doing anything
830 to live up to requirements to protect public health. I think
831 the analysis--

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

833 Mr. {Waxman.} No, not yet but I might in a minute.

834 What we are being told is that gasoline prices are affected
835 by protection of public health in the United States, and
836 therefore, we are not going to protect public health in the
837 United States presumably to allow more production of oil
838 maybe. But even if we have more production of oil in the

839 United States, that is not going to lead to lower gasoline
840 prices because it is dependent on the world oil price.

841 So the Republican strategy is not a secret. What we see
842 here is a political message. It is a messaging strategy to
843 attack the President. The bill has nothing to protecting
844 consumers from high gasoline prices. If enacted, it would
845 not lower prices by one penny. But the bill has everything
846 to do with weakening public health protections and providing
847 huge giveaways to polluters in an election year.

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

849 Mr. {Waxman.} Now, the top five oil companies pocketed
850 \$137 billion in profits last year. That is a staggering
851 amount of money. That is larger than the GDP of most nations
852 in the world. These companies can afford to comply with
853 modest requirements that hold them responsible for the
854 pollution they produce, but this bill would stop EPA from
855 requiring oil refineries to reduce toxic air pollution.
856 Toxic air pollution produces cancer and birth defects,
857 neurological damage and we won't require the oil refineries
858 to reduce those pollutions that do such harm? It would stop
859 EPA from requiring cleaner cars and the fuel they need to run
860 on. It would even stop EPA from implementing the 2008
861 standard for ozone pollution issued by President Bush all in
862 the name of lowering gasoline prices but it wouldn't lower

863 gasoline prices at all.

864 Now, Mr. Whitfield said maybe eventually it would lower
865 gasoline prices. That means you have to believe that if you
866 never have environmental regulations of the polluters that
867 they will be able to have lower gasoline prices. Well, why
868 would that be the case? There is no evidence of that.

869 This amendment doesn't ask the EIA to do some sort of
870 complicated analysis. It asks, based on EIA's understanding
871 of the fundamentals of crude oil and gasoline markets to
872 study and block future air pollution requirements. And so I
873 would suggest that the Rush amendment is an important
874 amendment to stop this impact from happening.

875 I would be happy to yield to--

876 Mr. {Rush.} Would the gentleman yield?

877 Mr. {Waxman.} Yes.

878 Mr. {Rush.} I want to take just the final seconds--

879 Mr. {Waxman.} I ask unanimous consent for an additional
880 minute so I can yield to both of the gentleman that have
881 asked me to yield.

882 The {Chairman.} Without objection.

883 Mr. {Rush.} I think that the ranking member has made a
884 very good point here. And I don't think the Committee should
885 just ignore or just overlook this point. The underlying bill
886 blocks the EPA rules that have not yet been proposed. So we

887 are dealing with some kind of a shadowy figure that doesn't
888 exist, is a figment of the Republicans' vivid imagination,
889 and the EPA doesn't have any rules yet. And so here we are
890 blocking the rules that don't exist. It reminds me--

891 Mr. {Waxman.} Your amendment, which is what is pending,
892 says that the Energy Information Administration would
893 determine whether or not this bill will lower gasoline
894 prices, and if it does not, then the bill's most offensive
895 provisions about stopping protection of public health would
896 have no effect. Isn't that right?

897 Mr. {Rush.} That is what my amendment says.

898 Mr. {Waxman.} I don't know why anybody would vote
899 against that.

900 I would like to yield to--who was asking me?

901 The {Chairman.} The gentleman's time is expired.

902 Other Members wishing to speak on the amendment?

903 Mr. Shimkus from Illinois.

904 Mr. {Shimkus.} Speak against the amendment. First of
905 all, allowing a single member of the interagency committee to
906 circumvent the analysis will defeat the whole purpose of the
907 Act. Gas prices impact all parts of our economy so we need
908 multiple expert agencies. EIA does not have expertise in
909 international competitiveness, job impacts, definitely
910 agriculture or health benefits analysis. So that is why I

911 oppose this particular amendment.

912 Now, I would like to yield to my colleague from
913 Kentucky.

914 Mr. {Whitfield.} Thank you very much.

915 Some comments were made a few minutes ago that this
916 legislation was really for the benefit of big oil companies
917 and I can tell you, you read through here, I don't see any
918 benefit for big oil companies in here. The sole purpose of
919 this legislation is to look at the cumulative impact of three
920 proposed rules. They are not final yet. And it does not
921 preclude EPA from considering health benefits. It does not
922 preclude EPA from finalizing a rule. It simply asks for an
923 analysis of the cumulative impact of these regulations on
924 gasoline prices.

925 So I just wanted to clarify that. There is nothing in
926 here to benefit oil companies. I recognize that we all like
927 to demonize--

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

929 Mr. {Whitfield.} --big oil companies--

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

931 Mr. {Whitfield.} It is not my time.

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

933 Mr. {Shimkus.} My colleague from Kentucky returns the
934 time to me and I yield to my friend from Chicago.

935 Mr. {Rush.} We cannot get beyond the fact that these
936 rules are nonexistent. They don't exist. The rules that you
937 all are so afraid of, the rules that you are hampering about,
938 the rules that got you all up in a tizzy don't exist. They
939 don't exist. You can't get beyond that. You are arguing in
940 the vein of rules that do not even exist nowhere.

941 Mr. {Shimkus.} Yeah, reclaiming my time. And I
942 appreciate my friend. That is the whole point. We would
943 like to have this analysis before the rules get enacted. How
944 many times have we had EPA before the Subcommittee and we
945 said, do you quantify increase in energy costs and the
946 effects on jobs and the economy? And do you know what they
947 say? No. In fact, there is actually court cases that, in
948 the diesel engine arena, that prohibit them from doing that.
949 All we are saying is it might be nice to know what the
950 effects that these new rules and regulations will have on the
951 additional costs to the average consumer when they are trying
952 to go from home to school, from home to the grocery store.

953 Of course, as you know, I am from rural America. My new
954 Congressional District will have 33 counties. That is a lot
955 of time on the road. Just for an individual citizen from
956 Albany, Illinois, to go to the hospital, to go to the
957 community college, they drive long distances. I will argue
958 high gas prices have a huge impact on poor rural Americans.

959 I just think we ought to know and we ought to have an
960 analysis before the EPA finalized a rule what is going to be
961 the impact. So I appreciate my colleague for bringing up the
962 bill. I have stated the reasons why I don't think this
963 amendment is helpful, and with that, I will yield back the
964 balance of my time.

965 The {Chairman.} The gentleman yields back.

966 Are there other Members wishing to speak on the
967 amendment?

968 Seeing none, the vote occurs on the Rush amendment.

969 Those in favor will say aye.

970 Those opposed, say no.

971 In the opinion of the chair, the nos have it. The nos
972 have it. The amendment is defeated.

973 Are there further amendments to the bill?

974 Gentlelady from Colorado.

975 Ms. {DeGette.} Mr. Chairman, I have an amendment at the
976 desk.

977 The {Chairman.} Which number?

978 Ms. {DeGette.} 009, avoiding duplication.

979 The {Chairman.} The clerk will report the title.

980 The {Clerk.} Amendment to H.R. 4471 offered by Ms.
981 DeGette of Colorado.

982 The {Chairman.} And the amendment will be considered as

983 read. The staff will distribute the amendment and the
984 gentlelady is recognized for 5 minutes in support of her
985 amendment.

986 Ms. {DeGette.} Thank you very much, Mr. Chairman.

987 The title of this so-called Strategic Energy Production
988 Act is completely misleading. There is nothing about this
989 bill that is strategic in its approach and it will do nothing
990 to lower gasoline prices. Gasoline prices are set on the
991 global market and experts agree that increased domestic
992 production will have virtually no effect on the prices we pay
993 at the pump. Well, even worse, this bill will make our
994 country more vulnerable to energy supply disruptions by
995 making it more difficult to use the Nation's--

996 The {Chairman.} Excuse me. The gentlelady will
997 suspend. We believe that this amendment is for the next bill
998 that we are taking up.

999 Ms. {DeGette.} Okay. I will withdraw it.

1000 The {Chairman.} Are there further amendments to this
1001 bill?

1002 The gentlelady from Virgin Islands.

1003 Dr. {Christensen.} Mr. Chairman, I have an amendment at
1004 the desk.

1005 The {Chairman.} The clerk will report the title of the
1006 amendment.

1007 The {Clerk.} Amendment to H.R. 4471 offered by Mrs.

1008 Christensen of the Virgin Islands.

1009 [The amendment follows:]

1010 ***** INSERT 3 *****

|
1011 The {Chairman.} And the amendment will be considered as
1012 read.

1013 Mr. {Barton.} Mr. Chairman?

1014 The {Chairman.} The gentleman from Texas?

1015 Mr. {Barton.} I want to reserve a point of order.

1016 The {Chairman.} The gentleman from Texas reserves a
1017 point of order on the amendment. The amendment will be
1018 considered as read.

1019 Dr. {Christensen.} Mr. Chairman, I would like to have
1020 the amendment read.

1021 The {Chairman.} Okay.

1022 Mr. {Barton.} No, I don't object to it being read.

1023 The {Chairman.} The amendment will be read. The clerk
1024 will read the amendment.

1025 The {Clerk.} After Section 1, insert the following
1026 section and re-designate the subsequent sections and conform
1027 internal cross references accordingly. Section 2 findings:
1028 the Congress finds the following:

1029 1) According to the Energy Information Administration,
1030 since September 2011, two refineries in the Philadelphia
1031 area, ConocoPhillips, Trainer Refinery, and Sunoco's Marcus
1032 Hook Refinery, and one major Caribbean refinery supplying the
1033 East Coast HOVENSA's U.S. Virgin Islands refinery have

1034 closed. In addition, Sunoco announced plans to sell or idle
1035 its remaining Philadelphia area refinery by July 2012.

1036 2) According to the Energy Information Administration,
1037 U.S. consumption of motor gasoline fell in 2011, particularly
1038 on the East Coast, and is projected to continue to decline.

1039 3) A spokesman for Valero Energy said that it is ``very
1040 difficult to compete'' in the East Coast market but if there
1041 was a demand for product there, those refineries wouldn't
1042 close.

1043 4) IHS Cambridge Energy Research Associates stated that
1044 East Coast refineries had been most vulnerable to market
1045 conditions because they are buying crude at high prices but
1046 they have to sell gasoline in a very competitive market,
1047 which is shrinking.

1048 5) According to the Congressional Research Service, East
1049 Coast refineries have been particularly unprofitable due to
1050 reduced refinery capacity utilization.

1051 6) In February 2012 ConocoPhillips informed its
1052 shareholders of the severe market pressure facing its Trainer
1053 Pennsylvania refinery and other refineries on the East Coast.

1054 7) In an open letter to the Pennsylvania communities,
1055 Sunoco listed three market factors that forced the company to
1056 close or sell its Philadelphia and Marcus Hook refineries:
1057 expensive crude oil, declining demand for gasoline, and

1058 overcapacity in the refining sector. The company did not
1059 cite environmental regulations as a factor.

1060 8) HOVENSA stated that it decided to close its St. Croix
1061 U.S. Virgin Islands refinery because of economic losses
1062 caused by weakness in demand for refined petroleum products
1063 due to the global economic slowdown and the addition of new
1064 refining capacity in emerging markets.

1065 9) According to the Energy Information Administration,
1066 in 2011, U.S. refining capacity reached 17.7 million barrels
1067 per day, the highest level in at least 25 years. In
1068 particular, Gulf Coast refineries have increased their
1069 capacity by more than one million barrels per day since 2000.

1070 10) Therefore, in light of the findings in paragraphs 1
1071 through 9, market forces not environmental regulations were
1072 primary factors driving companies to close or sell refineries
1073 in Pennsylvania and the Virgin Islands.

1074 The {Chairman.} That being finished, a point of order
1075 has been reserved. The gentlelady is recognized for 5
1076 minutes in support of her amendment.

1077 Dr. {Christensen.} Thank you, Mr. Chairman. And thank
1078 you for--

1079 Mr. {Barton.} Would the gentlelady suspend briefly?
1080 Would the gentlelady suspend?

1081 Dr. {Christensen.} Yes, sir.

1082 Mr. {Barton.} Mr. Chairman, I am going to insist on my
1083 point of order but I don't have any problem if you want to
1084 let the gentlelady explain her amendment.

1085 The {Chairman.} Yeah. No, no, so the gentlelady is
1086 recognized for 5 minutes in support of her amendment and then
1087 we will--

1088 Dr. {Christensen.} Thank you.

1089 The {Chairman.} --deal with the point of order.

1090 Dr. {Christensen.} And thank you for your patience in
1091 having the amendment read.

1092 Republicans in the House have suggested that
1093 environmental and health protections are to blame for recent
1094 refinery closures in the United States and its territories.
1095 Speaker John Boehner has also repeated claims that
1096 ``extremely challenging regulations'' for U.S. refineries are
1097 causing gasoline prices to rise. The bill we are discussing
1098 would block and delay EPA rules designed to clean up vehicles
1099 and fuels and cut air pollution from refineries.

1100 Chairman Whitfield suggested that EPA is ``poised to
1101 pile on a new wave of costly regulations affecting gasoline
1102 and diesel fuel'' and by expense in refineries. But the
1103 truth is that the recent refinery closures were not driven by
1104 environmental protections and they certainly were not caused
1105 by regulations that have not yet been imposed. The truth is

1106 that recent decisions to close or sell refineries along the
1107 East Coast are based on market factors such as oil prices,
1108 consumer demand, and competition.

1109 My amendment simply lays out some key facts. The facts
1110 matter because if Congress misunderstands the cause of the
1111 problem, it is not likely to produce an effective solution.
1112 And the facts of this matter in particular are very important
1113 to me. My constituents are feeling the effects of HOVENSA's
1114 plan to shut down its refinery on St. Croix, U.S. Virgin
1115 Islands. This refinery has been by far the largest private
1116 employer in the U.S. Virgin Islands. When it announced the
1117 refinery closure, the company stated very clearly that the
1118 closure was due to 1.3 billion in economic losses and
1119 ``caused primary by weaknesses in demand for refined
1120 petroleum products due to the global economic slowdown and
1121 the addition of new refining capacity in emerging markets.''
1122 The company also noted that as an oil-fired refiner, it was
1123 at a competitive disadvantage with other mainland refiners
1124 that used cheaper natural gas to power their facilities.

1125 The company's CEO testified before the Senate of the
1126 U.S. Virgin Islands and reiterated that poor market
1127 conditions, including a drop in demand for the refinery's
1128 petroleum products had put it on a path to bankruptcy. He
1129 also dismissed suggestions that an EPA order to install

1130 modern pollution controls was a factor in the company's
1131 decision to close the refinery.

1132 The Pennsylvania refineries have also faced challenging
1133 market conditions. They process the most expensive type of
1134 crude oil. Demand for their products has fallen and excess
1135 capacity has squeezed their profit margins.

1136 Elsewhere in the United States refineries are thriving.
1137 In 2011, U.S. refining capacity reached 17.7 million barrels
1138 per day, the highest level in at least 25 years. In
1139 particular, Gulf Coast refineries have been able to process
1140 cheaper sources of crude compared to the rest of the country
1141 and maximized production. As a result, several refineries in
1142 the Gulf Coast are actually expanding their capacity.

1143 My amendment simply lays out these facts. Environmental
1144 protections such as the ones that will be blocked by this
1145 bill did not cause the refineries in Pennsylvania and the
1146 Virgin Islands to close their doors. They face crippling
1147 market conditions beyond their control and actually beyond
1148 the control of the President. And so I urge my colleagues to
1149 support this amendment.

1150 I yield.

1151 The {Chairman.} The gentlelady yields back.

1152 The gentleman from Texas?

1153 Mr. {Barton.} Mr. Chairman, I have been told by

1154 committee staff that the parliamentarians have changed their
1155 mind, that they have now decided that it is a borderline call
1156 but it is probably germane. So I will withdraw my point of
1157 order but I do want to be recognized in opposition to the
1158 amendment in terms of--

1159 The {Chairman.} Just note I am told that it is a
1160 borderline call and they say that it is likely not germane,
1161 but when they are this close, we will go ahead with it and
1162 remove the objection.

1163 The gentleman from Texas removes his objection and is
1164 recognized for 5 minutes.

1165 Mr. {Barton.} I think it is good, Mr. Chairman, to have
1166 a vigorous policy debate. While you could argue on
1167 germaneness issues, I think it is better for the Committee
1168 and the public if we actually argue the merits of the case.
1169 I have great sympathy for the gentlelady's situation and her
1170 district losing a major employer like the refinery that she
1171 has referred to is a huge economic blow and it is a personal
1172 blow. When all those folks have those jobs and they lose
1173 those jobs, it causes emotional distress as well as economic
1174 distress. So I have got nothing but sympathy for what is
1175 happening in her area.

1176 Having said that, this amendment is somewhat
1177 disingenuous because it is based on the premise that

1178 additional environmental regulations have no cost and that
1179 these refineries that are closing are not closing because of
1180 the cost of environmental protection. As my good friend from
1181 Texas, Mr. Green, can attest to, you can have environmental
1182 protection and economic prosperity. His district probably
1183 has more refineries and petrochemical complexes than any
1184 other district in the country.

1185 Having said that, there is a cost to additional
1186 environmental protection and there is a cost to upgrade these
1187 refineries to maintain the regulations that are in place here
1188 in the United States. And I think it is fair to say that the
1189 United States which not only has--as it should have--the most
1190 aggressive environmental protection regulations in place,
1191 also enforces those. And some of these older refineries in a
1192 very competitive market when faced with some of the things
1193 that the gentlelady's amendment has rightfully pointed out,
1194 they cannot compete unless they get grandfathered or get
1195 waivers on various regulatory additions and so they do shut
1196 down.

1197 You know, refineries overseas, especially the newer
1198 refineries in the Middle East and in the Asian Rim have
1199 state-of-the-art technology but they do not have some of the
1200 environmental requirements that we have here in the United
1201 States. And as Mr. Waxman has pointed out repeatedly today

1202 it is a world market. It is less expensive sometimes to
1203 refine crude overseas and import it into the eastern market
1204 because they don't have the environmental requirements that
1205 we have here in the United States.

1206 So the gentlelady's amendment I think so far as it goes
1207 does state the truth but it doesn't tell the whole truth and
1208 nothing but the truth.

1209 Mr. {Waxman.} Will the gentleman yield?

1210 Mr. {Whitfield.} I would be happy to yield.

1211 Mr. {Waxman.} Thank you for yielding.

1212 Mr. {Whitfield.} The very last sentence in her
1213 amendment says, ``therefore, in light of the findings, market
1214 forces not environmental regulations'' were the primary
1215 factors driving companies to close or sell refineries. And I
1216 might say we have a letter from Sunoco in which it says there
1217 were other factors but the expense of capital to meet the
1218 environmental regulatory requirements certainly contributed
1219 to it. And then the Department of Energy issued a report on
1220 March 2011 and it says, ``the cost of compliance contributed
1221 to the economic stresses that resulted in the shutdown of 66
1222 refineries from 1990 through 2010.''

1223 So if we adopt her amendment, we are basically saying
1224 these regulations do not have much to do with it, and I think
1225 the letter and the report from DOE shows that that is not the

1226 case. And so I would respectfully ask that we defeat the
1227 gentlelady's amendment.

1228 Mr. {Barton.} The gentleman from Kentucky, the
1229 distinguished subcommittee chairman, just makes the point
1230 that I have been making. There is a cost to environmental
1231 protection. There are also benefits but there is a cost.
1232 And as we tighten and tighten our already stringent existing
1233 regulations, those costs go up and they don't improve
1234 efficiency. So again, as Mr. Waxman has pointed out, in a
1235 world market where you are competing against refineries that
1236 don't have these restrictions in place, it does become more
1237 and more costly to keep these refineries in the United States
1238 that are older because we can't upgrade to meet the new cost
1239 of compliance. Therefore, they shut down because of foreign
1240 competition and sometimes because of domestic competition as
1241 the gentlelady has pointed out.

1242 So I would oppose the amendment on policy grounds and
1243 hope that we vote it down.

1244 The {Chairman.} Time has expired. The gentleman from
1245 California, Mr. Waxman.

1246 Mr. {Waxman.} Thank you, Mr. Chairman. I support this
1247 amendment because somebody said the truth not the whole
1248 truth. Well, this bill is not the whole truth because this
1249 bill is painting a picture that the solution to rising

1250 gasoline prices is to weaken public health and environmental
1251 protections. And the Christensen amendment would inject some
1252 much-needed facts into this bill's text. It clarifies the
1253 real reasons why several East Coast refineries have been put
1254 up for sale or closed.

1255 I have an ad submitted by Sunoco and they talk about all
1256 their problems--expensive crude oil, declining demand for
1257 gasoline, overcapacity in our industry--and they don't
1258 mention at all environmental regulations. Yet the premise of
1259 the bill is that environmental regulations is the reason why
1260 gasoline prices are high and why refineries are closing. I
1261 think that is an amazing statement for this bill and I think
1262 the Christensen amendment adds some reality.

1263 My Republican colleagues would have us believe that
1264 regulations to reduce toxic air pollution from refineries or
1265 make gasoline cleaner, regulations that haven't yet even been
1266 proposed, are in some ways keeping gasoline prices high and
1267 putting refineries out of business. That is silly. That is
1268 just plain silly. How can regulations that haven't been
1269 proposed on environmental requirements keep gasoline prices
1270 high? Even the refineries don't say that. And the
1271 Christensen amendment would give some clearer picture of what
1272 really is happening.

1273 Mr. {Doyle.} Will the gentleman yield?

1274 Mr. {Waxman.} I would be happy to yield to you.

1275 Mr. {Doyle.} Thank you.

1276 I mean, look, this is a messaging bill that is going
1277 nowhere. If Republicans want to make the case that
1278 regulations are raising gasoline prices, the American people
1279 aren't going to buy that. They are smarter than that.

1280 I don't know about the gentlelady's refinery in her
1281 district but in Pennsylvania I do know about those two
1282 refineries. I have spoken personally to both of the
1283 representatives of the refineries. They have had an open
1284 letter to all Pennsylvanians and they had private letters to
1285 members of the Pennsylvania Congressional Delegation. They
1286 listed three more factors that forced the Philadelphia plant
1287 to close. It was expensive crude oil, declining demand for
1288 gasoline, and overcapacity.

1289 I would note, however, if environmental regulations were
1290 the big hook they were losing money, both of these refineries
1291 in Pennsylvania that are selling have buyers--the Carlisle
1292 Group in one and Delta Airlines in the other--and they plan
1293 to operate these as refineries. So if the environmental
1294 regulation was so onerous that they couldn't make any money
1295 or there wasn't a business model that made sense, I don't
1296 think you would see two buyers right now, you know, they are
1297 in negotiations. These deals haven't been finalized but they

1298 are negotiating to buy the refineries and operate them as
1299 refineries.

1300 So, you know, I think we all understand what we are
1301 doing here today. You know, it is silly season now and
1302 people are making messages, but, you know, the idea at least
1303 in Pennsylvania that somehow EPA environmental regulations
1304 shut these refineries down, you know, just has no basis in
1305 reality.

1306 I will yield back.

1307 Mr. {Waxman.} I reclaim my time.

1308 You make an excellent point. This bill is a political
1309 exercise designed to blame the President for market
1310 conditions outside of his control. And this debate is also
1311 counterproductive. It is draining the time and energy of
1312 Members and staff that should be better devoted to finding
1313 real solutions to America's energy problems.

1314 But this isn't recent. That is all this committee has
1315 done for the last year and a half--message bills. We pass
1316 them out of committee, we pass them off the Floor and they go
1317 nowhere. And they are all to give the message to the
1318 American people stop regulations that protect public health.
1319 You don't need them, especially when it is going to cause
1320 economic hardship. It is not an accurate statement but that
1321 is the propaganda line. And they want to blame all problems

1322 on the President of the United States. It is as if
1323 Republicans didn't control the White House and the Congress
1324 and didn't cause our economic problems by not paying for the
1325 spending that they undertook during the Bush Administration.

1326 Yield back my time.

1327 The {Chairman.} Gentleman's time is expired.

1328 Can we vote on this amendment?

1329 Mr. {Whitfield.} May I just make one comment?

1330 The {Chairman.} The gentleman is recognized.

1331 Mr. {Whitfield.} Thank you.

1332 Once again, we are not saying that environmental
1333 regulations has required all of the closings or all of the
1334 price of gasoline. Her amendment says that market forces and
1335 market forces alone were the primary factors, and we have
1336 ample evidence from all sorts of sources that that is simply
1337 not the case. We are not trying to blame the President; we
1338 are trying to help the President have his executive order
1339 obeyed. He issued an executive order requiring that new
1340 regulations, initiated regulations, that they look at the
1341 cumulative cost of those.

1342 GAO issued a report just recently that says regulatory
1343 factors such as national air quality standards that have
1344 induced some States to switch to special gasoline blends
1345 contribute to the gasoline prices. We have the letter from

1346 Sunoco once again that says, ``expensive capital to meet the
1347 environmental regulatory requirements does contribute to
1348 their decision to close some refineries.'' A 2007 GAO study
1349 concluded, ``gasoline prices are determined based upon, yes,
1350 supply and demand, regulation such as national air quality
1351 standards set by EPA, refinery capacity, and available
1352 inventories.'' So we are not saying it is the only cause but
1353 it is a cause. And all this legislation does is say let us
1354 look at it. Let us have the information.

1355 And with that, I would yield back the balance of my
1356 time.

1357 The {Chairman.} The gentleman yields back.

1358 Are there further Members wishing to speak?

1359 Gentleman from Texas is recognized.

1360 Mr. {Green.} Thank you, Mr. Chairman.

1361 And I support the amendment and while I disagree with
1362 the final statement that market forces not environmental
1363 regulations. Market forces and environmental regulations
1364 because if you have an old asset, then if the market forces
1365 don't work, then you are not willing to invest in the plant
1366 and whether it is in eastern Pennsylvania or anywhere else.
1367 But everything else in the amendment is correct and that is
1368 my only frustration. I want to support the amendment but it
1369 is just not environment, it is also market forces whether it

1370 be in the Virgin Islands, whether it be in eastern
1371 Pennsylvania or in some of the other places in our country
1372 that refineries have shut down.

1373 As my colleague from Texas noted, I am fortunate to
1374 represent a number of refineries that have actually expanded
1375 and yet we have cleaned up our air in Houston, Texas. Is it
1376 where we want it to be? Of course not. But we will get
1377 there but we also want to keep those thousands of jobs that
1378 those refineries and the chemical plants that are near them
1379 provide. But it is a difference of market forces and the
1380 environmental regulations. If you haven't invested in your
1381 plant whether it is to keep it up for the environment or keep
1382 it up to where it is efficient and all of a sudden you come
1383 in and have to do it, it is economically not possibly,
1384 particularly for these facilities because of the price of the
1385 crude oil is so much higher than it is in the Gulf Coast.

1386 With that I yield back my time. And I understand the
1387 frustration. I would be same place Ms. Christensen was at if
1388 I was losing a refinery in my district, too.

1389 The {Chairman.} The gentleman from Pennsylvania, Dr.
1390 Murphy.

1391 Mr. {Murphy.} Thank you.

1392 Just very briefly I want to say an issue such as this I
1393 certainly think that the review of the impact of regulations

1394 on refineries being built and the impact on pricing, et
1395 cetera, are all worthy for review with this committee.
1396 Certainly, I would like to see us having hearings along those
1397 issues before we declare a finding like this without talking
1398 to the principals involved who own the refineries in
1399 Pennsylvania who are in negotiations and I hope we could go
1400 that route together, factual information first before we move
1401 on something like this.

1402 And I yield back.

1403 The {Chairman.} The gentleman yields back. I think we
1404 are ready to vote.

1405 All those in favor of the Christensen amendment will say
1406 aye.

1407 Those opposed will say no.

1408 In the opinion of the chair, the nos have it. The nos
1409 have it. The amendment is not agreed to.

1410 The gentl lady asks for a roll call vote. The clerk
1411 will call the roll.

1412 The {Clerk.} Mr. Barton?

1413 Mr. {Barton.} No.

1414 The {Clerk.} Mr. Barton votes no.

1415 Mr. Stearns?

1416 [No response.]

1417 The {Clerk.} Mr. Whitfield?

1418 Mr. {Whitfield.} No.
1419 The {Clerk.} Mr. Whitfield votes no.
1420 Mr. Shimkus?
1421 Mr. {Shimkus.} No.
1422 The {Clerk.} Mr. Shimkus votes no.
1423 Mr. Pitts?
1424 Mr. {Pitts.} No.
1425 The {Clerk.} Mr. Pitts votes no.
1426 Mrs. Bono Mack?
1427 Mrs. {Bono Mack.} No.
1428 The {Clerk.} Mrs. Bono Mack votes no.
1429 Mr. Walden?
1430 [No response.]
1431 The {Clerk.} Mr. Terry?
1432 [No response.]
1433 The {Clerk.} Mr. Rogers?
1434 Mr. {Rogers.} No.
1435 The {Clerk.} Mr. Rogers votes no.
1436 Mrs. Myrick?
1437 Mrs. {Myrick.} No.
1438 The {Clerk.} Mrs. Myrick votes no.
1439 Mr. Sullivan?
1440 Mr. {Sullivan.} No.
1441 The {Clerk.} Mr. Sullivan votes no.

1442 Mr. Murphy?
1443 Mr. {Murphy.} No.
1444 The {Clerk.} Mr. Murphy votes no.
1445 Mr. Burgess?
1446 Dr. {Burgess.} No.
1447 The {Clerk.} Mr. Burgess votes no.
1448 Mrs. Blackburn?
1449 [No response.]
1450 The {Clerk.} Mr. Bilbray?
1451 [No response.]
1452 The {Clerk.} Mr. Bass?
1453 Mr. {Bass.} No.
1454 The {Clerk.} Mr. Bass votes no.
1455 Mr. Gingrey?
1456 [No response.]
1457 The {Clerk.} Mr. Scalise?
1458 [No response.]
1459 The {Clerk.} Mr. Latta?
1460 Mr. {Latta.} No.
1461 The {Clerk.} Mr. Latta votes no.
1462 Mrs. McMorris Rodgers?
1463 [No response.]
1464 The {Clerk.} Mr. Harper?
1465 Mr. {Harper.} No.

1466 The {Clerk.} Mr. Harper votes no.
1467 Mr. Lance?
1468 Mr. {Lance.} No.
1469 The {Clerk.} Mr. Lance votes no.
1470 Mr. Cassidy?
1471 Dr. {Cassidy.} No.
1472 The {Clerk.} Mr. Cassidy votes no.
1473 Mr. Guthrie?
1474 Mr. {Guthrie.} No.
1475 The {Clerk.} Mr. Guthrie votes no.
1476 Mr. Olson?
1477 Mr. {Olson.} No.
1478 The {Clerk.} Mr. Olson votes no.
1479 Mr. McKinley?
1480 Mr. {McKinley.} No.
1481 The {Clerk.} Mr. McKinley votes no.
1482 Mr. Gardner?
1483 Mr. {Gardner.} No.
1484 The {Clerk.} Mr. Gardner votes no.
1485 Mr. Pompeo?
1486 Mr. {Pompeo.} No.
1487 The {Clerk.} Mr. Pompeo votes no.
1488 Mr. Kinzinger?
1489 Mr. {Kinzinger.} No.

1490 The {Clerk.} Mr. Kinzinger votes no.
1491 Mr. Griffith?
1492 Mr. {Griffith.} No.
1493 The {Clerk.} Mr. Griffith votes no.
1494 Mr. Waxman?
1495 Mr. {Waxman.} Aye.
1496 The {Clerk.} Mr. Waxman votes aye.
1497 Mr. Dingell?
1498 [No response.]
1499 The {Clerk.} Mr. Markey?
1500 [No response.]
1501 The {Clerk.} Mr. Towns?
1502 [No response.]
1503 The {Clerk.} Mr. Pallone?
1504 Mr. {Pallone.} Aye.
1505 The {Clerk.} Mr. Pallone votes aye.
1506 Mr. Rush?
1507 Mr. {Rush.} Aye.
1508 The {Clerk.} Mr. Rush votes aye.
1509 Ms. Eshoo?
1510 Ms. {Eshoo.} Aye.
1511 The {Clerk.} Ms. Eshoo votes aye.
1512 Mr. Engel?
1513 Mr. {Engel.} Aye.

1514 The {Clerk.} Mr. Engel votes aye.
1515 Mr. Green?
1516 Mr. {Green.} Aye.
1517 The {Clerk.} Mr. Green votes aye.
1518 Ms. DeGette?
1519 [No response.]
1520 The {Clerk.} Mrs. Capps?
1521 Mrs. {Capps.} Aye.
1522 The {Clerk.} Mrs. Capps votes aye.
1523 Mr. Doyle?
1524 Mr. {Doyle.} Aye.
1525 The {Clerk.} Mr. Doyle votes aye.
1526 Ms. Schakowsky?
1527 Ms. {Schakowsky.} Aye.
1528 The {Clerk.} Ms. Schakowsky votes aye.
1529 Mr. Gonzalez?
1530 [No response.]
1531 The {Clerk.} Ms. Baldwin?
1532 [No response.]
1533 The {Clerk.} Mr. Ross?
1534 Mr. {Ross.} No.
1535 The {Clerk.} Mr. Ross votes no.
1536 Mr. Matheson?
1537 Mr. {Matheson.} No.

1538 The {Clerk.} Mr. Matheson votes no.
1539 Mr. Butterfield?
1540 Mr. {Butterfield.} Aye.
1541 The {Clerk.} Mr. Butterfield votes aye.
1542 Mr. Barrow?
1543 Mr. {Barrow.} Aye.
1544 The {Clerk.} Mr. Barrow votes aye.
1545 Ms. Matsui?
1546 Ms. {Matsui.} Aye.
1547 The {Clerk.} Ms. Matsui votes aye.
1548 Mrs. Christensen?
1549 Dr. {Christensen.} Aye.
1550 The {Clerk.} Mrs. Christensen votes aye.
1551 Ms. Castor?
1552 Ms. {Castor.} Aye.
1553 The {Clerk.} Ms. Castor votes aye.
1554 Mr. Sarbanes?
1555 [No response.]
1556 The {Clerk.} Chairman Upton?
1557 The {Chairman.} Votes no.
1558 The {Clerk.} Chairman Upton votes no.
1559 The {Chairman.} Members wishing to still cast their
1560 vote? Mr. Stearns?
1561 Mr. {Stearns.} No.

1562 The {Clerk.} Mr. Stearns votes no.
1563 The {Chairman.} Mr. Walden?
1564 Mr. {Walden.} No.
1565 The {Clerk.} Mr. Walden votes no.
1566 The {Chairman.} Mr. Terry?
1567 Mr. {Terry.} No.
1568 The {Clerk.} Mr. Terry votes no.
1569 The {Chairman.} Dr. Gingrey?
1570 Dr. {Gingrey.} No.
1571 The {Clerk.} Mr. Gingrey votes no.
1572 The {Chairman.} Ms. McMorris Rodgers?
1573 Mrs. {McMorris Rodgers.} No.
1574 The {Clerk.} Mrs. McMorris Rodgers votes no.
1575 The {Chairman.} Ms. DeGette?
1576 Ms. {DeGette.} Aye.
1577 The {Clerk.} Ms. DeGette votes aye.
1578 The {Chairman.} Mr. Sarbanes?
1579 Mr. {Sarbanes.} Aye.
1580 The {Clerk.} Mr. Sarbanes votes aye.
1581 The {Chairman.} Are there other Members wishing to cast
1582 a vote?
1583 Seeing none, the clerk will report the tally.
1584 The {Clerk.} Mr. Chairman, on that vote there were 16
1585 ayes, 30 nays.

1586 The {Chairman.} Sixteen ayes, thirty nays, the
1587 amendment is not agreed to.

1588 I would just note that as we are watching the clock and
1589 watching the Floor, it is my hope that we might be able to
1590 finish--we have a couple more amendments that I believe will
1591 be offered and my hope is that we could finish those
1592 amendments and get to final. We intend to recess about noon
1593 and we are expecting votes at 1:10 on the House Floor and
1594 come back after the votes on the Floor, which would be 2:00.
1595 So our hope is to finish this bill before noon.

1596 Are there further amendments to the bill? Gentleman
1597 from Texas, Mr. Green.

1598 Mr. {Green.} Mr. Chairman, I have an amendment at the
1599 desk.

1600 The {Chairman.} The clerk will report the title.

1601 The {Clerk.} Amendment to H.R. 4471 offered by Mr.
1602 Green of Texas.

1603 [The amendment follows:]

1604 ***** INSERT 4 *****

|
1605 The {Chairman.} The amendment will be considered as
1606 read and the staff will distribute the amendments.

1607 And the gentleman is recognized for 5 minutes in support
1608 of his amendment.

1609 Mr. {Green.} Thank you, Mr. Chairman.

1610 My amendment would strike Section 6 of the bill. This
1611 section of bill would require the EPA to consider industry
1612 costs when determining what level of air pollution is safe.
1613 By doing this, we would be rolling back on the core aspects
1614 of the Clean Air Act, which was passed on a bipartisan basis
1615 over 40 years ago and signed into law by a Republican
1616 president and unanimously upheld by the Supreme Court in
1617 2001.

1618 The Clean Air Act directs the EPA to set the level of
1619 each ambient air quality standard based on what is necessary
1620 to protect health, including the health of sensitive groups
1621 such as children. The law makes a clear distinction the EPA
1622 may not consider cost in setting these science-based
1623 standards that essentially identify the levels of pollution
1624 that are safe for people to breathe and establish the goals
1625 of healthy air quality across the country.

1626 Economic costs are considered several times in the
1627 process, though. The EPA conducts a regulatory impact

1628 analysis for a range of emission standards when they propose
1629 a standard. Then they do a second regulatory impact analysis
1630 when they finalize the standard. The most important time,
1631 however, is the last step which Congressman Bilbray mentioned
1632 in the subcommittee markup. Once the standard has been
1633 final, the EPA and the States develop deadlines and plans for
1634 achieving the health-based standards. States write specific
1635 plans to adopt pollution-control measures that may make the
1636 most sense in their communities and fully consider the cost.
1637 As a result, the compliance deadlines which can take into
1638 account cost can vary for each facility according to the
1639 difficulty of the standards.

1640 So let me repeat that. Compliance schedules can vary
1641 facility by facility due to the facility's specific economic
1642 and feasibility conditions. Some of these refineries, if it
1643 was only pollution, they could be given some extra time to do
1644 things.

1645 Mr. Chairman, as all members of this committee, I am
1646 probably the most sensitive to what regulatory compliance
1647 costs mean to refineries. I represent five large refineries
1648 and one is actually the largest refinery in the country. So
1649 I get it and I am pleased the Administration decided not to
1650 revisit the ozone NOx standards last September for that very
1651 reason. However, that does not mean that we should

1652 fundamentally change a 40-year-old law bipartisan authored,
1653 cornerstone of the Clean Air Act.

1654 I expect my friends on the Republican side will say
1655 this section simply forces EPA to follow the President's
1656 executive order. That is why we have an OMB and I am happy
1657 to have that battle with OMB if I disagree with the
1658 regulatory impact analysis that the EPA sends them to review.
1659 In fact, I want to share my colleague from Texas, Mr. Barton,
1660 we have met with OMB on issues that affect us and we have had
1661 some success. I am happy to petition our state regulators on
1662 behalf of the companies in my district to ensure they can
1663 comply with ozone NOx standards without so much economic
1664 stress. But let us don't pretend that this section isn't
1665 anything but messaging.

1666 My Republican colleagues supported this language before
1667 and a Republican president signed it into law. Fundamentally
1668 changing the Clean Air Act is not going to bring down gas
1669 prices and we are setting a dangerous precedent in the
1670 Committee by saying that unhealthy levels of pollution become
1671 healthy when costs of cleaning up are too high. If you are
1672 okay setting this precedent, you can vote against the
1673 amendment, but if you agree that we are going down a
1674 dangerous road by saying that unhealthy levels of pollution
1675 become healthy when the costs of cleaning it up are too high,

1676 then vote for my amendment.

1677 The Committee is much better than this. We passed very
1678 few bills this year on a bipartisan basis. Pipeline Safety,
1679 which our chair emeritus cosponsored PDUFA last week whereas
1680 most of these bills I would like to vote for because there is
1681 reason to support them. I want the delay that this original
1682 bill does, but by going in to change the Clean Air Act, it
1683 makes it difficult for those of us who also have to balance
1684 that both economic development and jobs with also the clean
1685 air. Our committee, we need to go beyond messaging bills and
1686 go back to addressing our problems our country faces in a
1687 practical and bipartisan way. If this amendment was adopted,
1688 I could very easily vote for the bill because I want to give
1689 our refineries a little more time to deal with what they have
1690 to do without reopening the Clean Air Act.

1691 And I yield back my time.

1692 The {Chairman.} The gentleman yields back. The
1693 gentleman from Texas, Mr. Barton, is recognized for 5
1694 minutes.

1695 Mr. {Barton.} There is not a lot of daylight between my
1696 friend from Texas, Mr. Green, and myself on some of these
1697 issues but I am a little bit puzzled. One of the premises of
1698 the underlying bill is before we go further, let us make sure
1699 we understand what market forces are in play and how various

1700 pending environmental regulations impact cost and those
1701 market forces. If I understand the gentleman's amendment
1702 correctly, he strikes the second that deals with reviewing
1703 the cost of pending regulations, is that correct?

1704 Mr. {Green.} Well, I don't want to change the Clean Air
1705 Act but the rest of the bill I don't mind the delay and study
1706 the impact of environmental but to actually go in and make
1707 those basic changes in the Clean Air Act that is all our
1708 amendment does.

1709 Mr. {Barton.} But your amendment strikes the section
1710 that relates to consideration of feasibility and cost in
1711 revising or supplementing--

1712 Mr. {Waxman.} Will the gentleman yield to me?

1713 Mr. {Barton.} --the national ambient air quality
1714 standards. It strikes the section of the bill that says
1715 before we implement or go further, we should at least look at
1716 what those things cost. Isn't that correct?

1717 Mr. {Waxman.} Will the gentleman yield?

1718 Mr. {Barton.} Sure, I will yield to the ranking member.

1719 Mr. {Waxman.} The whole premise of the Act since 1970
1720 is that the EPA decides on a standard to protect public
1721 health. And then in implementing that standard we look at
1722 all the cost considerations, the economic impact. Some areas
1723 get more time; some get less time. Some have more to do;

1724 some have less to do. That is always been the way this whole
1725 law has worked.

1726 On the Floor, the House adopted an amendment that we
1727 never had a day of hearings on in our committee. It wasn't
1728 offered in the committee. It was offered on the Floor by our
1729 colleague, Mr. Latta. And that said, oh, no, the standards
1730 are not going to be based on protecting public health; the
1731 standards are going to be based on a balancing of public
1732 health and costs. That has not been the law for 40 years.
1733 Now, that new standard is going to be set differently but the
1734 rest of the law still applies in terms of implementing what
1735 needs to be done to meet that standard. We don't have all
1736 the standards in this bill. We only have the ozone standard.
1737 So Mr. Green's amendment would say the ozone standard should
1738 be set as it is in existing law but the rest of the existing
1739 law would still apply in terms of economic considerations and
1740 this bill would apply. Is that correct?

1741 Mr. {Green.} Yeah. What I am trying to do is to give
1742 some time frame for refineries to be able to do this and do
1743 the study and not go back and change--don't throw out the
1744 baby with the bath water as we say in Texas. We can deal
1745 with the study and the delay but we still want to have the
1746 same law, the basic law we have dealt with for 40 years.

1747 Mr. {Barton.} Well, if I could reclaim my time, if I

1748 understand Mr. Whitfield's bill, which I am now a cosponsor
1749 of, it simply says before we go further, let us do this
1750 study. And I would think you would have to consider the
1751 feasibility and the cost and revising or supplementing these
1752 national ambient air quality standards. If your amendment is
1753 adopted, it guts the bill.

1754 Mr. {Whitfield.} Will the gentleman yield?

1755 Mr. {Barton.} Yeah.

1756 Mr. {Whitfield.} I would like to ask counsel a question
1757 here.

1758 It is true that as related to ozone this would change
1759 the Clean Air Act. Now, this came about because the American
1760 Trucking Association v. Whitman case that went all the way to
1761 the United States Supreme Court. And the question in there
1762 was whether or not you could consider cost when you are
1763 coming forth with new ambient air quality standards as it
1764 relates to ozone. And the court said what?

1765 {Counsel.} The court interpreted the Act to be
1766 ambiguous with respect to whether costs--

1767 Mr. {Whitfield.} Yeah. So it said it was ambiguous and
1768 that is why they said you have got to consider cost. Well,
1769 my point is that under new source performance standards in
1770 the Clean Air Act, cost must be considered under Section 111.
1771 Under emission standards for automobiles, Section 202, cost

1772 must be considered. Fuel additives and reformulated gasoline
1773 provisions, Section 211, cost must be included. Aircraft
1774 emissions, Section 231, cost must be looked at. In all of
1775 these cost must be considered. And that is all that this
1776 legislation does here is that we don't say, hey, you make the
1777 decision or anything else. We just say let us consider the
1778 cost because the only reason costs are not being considered
1779 there today is because the Supreme Court said the language
1780 was ambiguous. Thank you.

1781 Mr. {Barton.} I think my time is about to expire so--

1782 The {Chairman.} The gentleman's time is--

1783 Mr. {Barton.} --I am going to oppose the Green
1784 amendment but I am willing to consider a discussion of it at
1785 a later time.

1786 The {Chairman.} The gentleman's time is expired.

1787 Gentleman from California, Mr. Waxman.

1788 Mr. {Waxman.} I would like to ask counsel where in the
1789 opinion did the court say the issue is ambiguous?

1790 {Counsel.} The Court said that the language is
1791 ambiguous and therefore it would not imply that consideration
1792 of costs was required. But the court said there was
1793 ambiguity.

1794 Mr. {Waxman.} In what?

1795 {Counsel.} In a provision--

1796 Mr. {Waxman.} No, I understand we are talking--

1797 {Counsel.} --of the Clean Air Act.

1798 Mr. {Waxman.} --about the Clean Air Act. Look, this
1799 was a case that went to the Supreme Court. The Supreme Court
1800 held unanimously that the law requires that when standards
1801 are set, it be set based on protecting the public health.
1802 That was their finding. It was a unanimous finding. And
1803 they weren't ambiguous at all. Let me read what Justice
1804 Scalia wrote in that opinion. He said, for the court, the
1805 Clean Air Act ``unambiguously bars cost considerations from
1806 the NAQS''--National Air Quality Standards setting--``process
1807 and thus ends the matter for us as well as EPA.'' He is
1808 saying it is not ambiguous. Even if you wanted to do it
1809 differently, it is not ambiguous because the law does not
1810 allow it. Is that correct?

1811 {Counsel.} The basis--

1812 Mr. {Waxman.} Is that the finding or not?

1813 {Counsel.} The ultimate finding is that EPA should not
1814 consider costs in setting the standards. However, the basis
1815 for the rationale for that is that we have refused to find
1816 implicit and ambiguous sections of the Clean Air Act an
1817 authorization to consider costs that has elsewhere and so
1818 often been expressly granted.

1819 Mr. {Waxman.} Well, in other words, they are rejecting

1820 the--

1821 {Counsel.} It clarifies the ambiguity.

1822 Mr. {Waxman.} --arguments that people were making that
1823 there is some ambiguous sections that should require the
1824 taking into consideration of cost in setting the standard.
1825 That seems to me that is what the court was saying.

1826 Mr. {Whitfield.} But--

1827 Mr. {Waxman.} Before I yield to you--but the court was
1828 saying, well, you may argue, counsel, that that requires this
1829 further determination. The law is unambiguous in its
1830 language.

1831 Mr. {Whitfield.} Would the gentleman yield?

1832 Mr. {Waxman.} Yeah.

1833 Mr. {Whitfield.} Well, I am glad we are focusing on
1834 this point because, you know, there is a difference of
1835 opinion here. In which opinion did they say that the
1836 language was ambiguous as it relates to cost being considered
1837 in ambient air quality standards?

1838 {Counsel.} This is in the American Trucking Supreme
1839 Court decision.

1840 Mr. {Whitfield.} But who wrote that opinion?

1841 {Counsel.} Justice Scalia.

1842 Mr. {Waxman.} Will you--

1843 Mr. {Whitfield.} So, now, Mr. Waxman is saying Justice

1844 Scalia said it was totally unambiguous, but you have
1845 indicated there was a place in there where it said it was
1846 ambiguous.

1847 {Counsel.} They say that the sections of the Clean Air
1848 Act addressing national ambient air quality standards, that
1849 these are ambiguous sections of the Clean Air Act.

1850 Mr. {Whitfield.} But the gentleman--

1851 Mr. {Waxman.} Reclaiming my time. Somebody made an
1852 argument to the court that there are other sections of the
1853 Clean Air Act that are ambiguous and that would allow them to
1854 require that cost be considered in setting the standard. But
1855 Justice Scalia, probably not happily, said that is not true.
1856 Justice Scalia on behalf of a unanimous court says that the
1857 language of the Clean Air Act unambiguously bars cost
1858 considerations for the standards setting. Is that a correct
1859 statement?

1860 {Counsel.} That is a correct quote. The provisions of
1861 the Act that address national ambient air quality standards
1862 don't say whether or not to consider cost. It is silent.

1863 Mr. {Waxman.} But the court said that the standard for
1864 40 years of the Clean Air Act, that the standards be set on
1865 protecting the public health was going to be unchanged. Is
1866 that the result of the court decision?

1867 {Counsel.} That was the court--

1868 Mr. {Waxman.} Okay. So what I want to tell my
1869 colleagues is this isn't tinkering around the ages. This is
1870 a fundamental change in the Clean Air Act as we have known it
1871 for 40 years--

1872 Mr. {Barton.} Would the gentleman yield?

1873 Mr. {Waxman.} --to support unanimously--one other point
1874 before I yield.

1875 Mr. {Barton.} I am going to agree with you if you will
1876 yield.

1877 Mr. {Waxman.} Yeah, but the other point is all the
1878 other things in this law still apply. It is just a question
1879 of once they set the standard, then the implementation would
1880 be based on cost consideration, and the rest of the law that
1881 is being proposed would still apply.

1882 Yield to you.

1883 Mr. {Barton.} Every now and then you actually have
1884 fundamental truth emerge in these debates. It doesn't happen
1885 often but when it happens it ought to be recognized. And the
1886 gentleman from Texas and the gentleman from California have
1887 clarified something that the gentleman of Kentucky has just
1888 agreed with me on. What Mr. Waxman just said is absolutely
1889 true. Under the Clean Air Act as it is currently written,
1890 you can look at cost and consider cost, but ultimately, the
1891 EPA administrator has the ability to set a regulatory

1892 standard without considering the cost.

1893 Now, Mr. Whitfield and I think that is wrong. We think
1894 cost should actually have more weight. And--

1895 Mr. {Waxman.} If the gentleman would yield to me. Let
1896 me just point out that paragraph four on page six is not
1897 affected at all by the Green amendment and I think you were
1898 concerned about whether that was--it is not affected. And
1899 that is all the stuff that requires the review on impact and
1900 gasoline prices.

1901 Mr. {Whitfield.} Well, what the Green amendment has
1902 elucidated or illuminated is that at some point in the very
1903 near future this committee should go back and fundamentally
1904 look at the Clean Air Act.

1905 Mr. {Waxman.} If we do it, we ought to do it with a
1906 hearing and understand the full implications.

1907 Mr. {Whitfield.} I agree with you.

1908 Mr. {Waxman.} But that amendment was adopted on the
1909 Floor with 5 minutes on each side I believe on the debate and
1910 that was a fundamental change to the Clean Air Act. It
1911 deserved more consideration by this committee and we
1912 shouldn't further take that provision--

1913 Mr. {Barton.} I am siding with Mr. Whitfield. It is
1914 time to fundamentally look at these issues and Mr. Whitfield
1915 is to be commended for putting into this bill a provision

1916 that perhaps indirectly begins to address that issue.

1917 The {Chairman.} Gentleman's time is expired.

1918 Are there other Members wishing to speak on this
1919 amendment?

1920 The gentlelady from Colorado.

1921 Ms. {DeGette.} Move to strike the last word.

1922 I yield to the gentleman from Texas.

1923 Mr. {Green.} I want to thank my Colorado colleague.

1924 This bill sitting on our desk, Members, the only part
1925 that I have is the last part of the bill, Section 6 on page
1926 nine. The rest of this bill would stay in effect. What I am
1927 trying to do is not go into what my colleague from Texas
1928 wants to do. He wants to go in the basic text of the Clean
1929 Air Act. If we want to do that, let us look at separate
1930 legislation. I have companies who would benefit from every
1931 other section in this bill, 1 through 8. And that is why I
1932 want an amendment that would compromise the bill so we don't
1933 take out--let us don't go after the Clean Air Act. We will
1934 end up with this bill being the same way that our carbon bill
1935 was, our TRAIN Act, everything else. We will send this to
1936 the Senate and it will die. I represent enough refineries
1937 that I want to have some help for them so we can look at
1938 this, what this bill does but doesn't go in and reopen the
1939 Clean Air Act. That is all this asks.

1940 If we want to do the Clean Air Act, let us bring a bill
1941 up and have a full hearing. In fact, the Subcommittee ought
1942 to do it. But give and take but don't let us do it with a
1943 bill that really is needed to be done. And that is what we
1944 have done this session and it has been frustrating as a
1945 legislator, particularly one that represents a lot of
1946 industries and people who work there who would benefit but we
1947 are not seeing that happen. It will go to the Senate and die
1948 and we will not have any help. Section 1 through 8 will not
1949 benefit anyone if it is not made into law, and if we put this
1950 Section 6 in there, we will still be able to have that study
1951 and maybe have a chance of passing the United States Senate
1952 and helping some of the industries we are concerned about.

1953 That is why this amendment is here. It just takes out
1954 that one section, Section 6, but the rest of the bill I can
1955 vote for. But with the bill the way it is--and I said this
1956 in subcommittee--I didn't carry the amendment because I
1957 wanted to wait until the full committee so we would know. We
1958 only strike one section. The rest of this bill can be
1959 effective and I support it. And I thank my colleague from
1960 Colorado for yielding.

1961 The {Chairman.} The gentlelady yields back?

1962 Ms. {DeGette.} Yield back.

1963 The {Chairman.} The chair would just say we would enjoy

1964 going to conference with the Senate.

1965 Are there additional Members wishing to speak on the
1966 amendment?

1967 Seeing none, the vote occurs on the Green amendment.

1968 Those in favor will say aye.

1969 Those opposed, say no.

1970 In the opinion of the chair, the nos have it. Roll call
1971 is requested. The clerk will call the roll.

1972 The {Clerk.} Mr. Barton?

1973 Mr. {Barton.} No.

1974 The {Clerk.} Mr. Barton votes no.

1975 Mr. Stearns?

1976 [No response.]

1977 The {Clerk.} Mr. Whitfield?

1978 Mr. {Whitfield.} No.

1979 The {Clerk.} Mr. Whitfield votes no.

1980 Mr. Shimkus?

1981 Mr. {Shimkus.} No.

1982 The {Clerk.} Mr. Shimkus votes no.

1983 Mr. Pitts?

1984 Mr. {Pitts.} No.

1985 The {Clerk.} Mr. Pitts votes no.

1986 Mrs. Bono Mack?

1987 Mrs. {Bono Mack.} No.

1988 The {Clerk.} Mrs. Bono Mack votes no.
1989 Mr. Walden?
1990 Mr. {Walden.} No.
1991 The {Clerk.} Mr. Walden votes no.
1992 Mr. Terry?
1993 [No response.]
1994 The {Clerk.} Mr. Rogers?
1995 Mr. {Rogers.} No.
1996 The {Clerk.} Mr. Rogers votes no.
1997 Mrs. Myrick?
1998 Mrs. {Myrick.} No.
1999 The {Clerk.} Mrs. Myrick votes no.
2000 Mr. Sullivan?
2001 Mr. {Sullivan.} No.
2002 The {Clerk.} Mr. Sullivan votes no.
2003 Mr. Murphy?
2004 Mr. {Murphy.} No.
2005 The {Clerk.} Mr. Murphy votes no.
2006 Mr. Burgess?
2007 [No response.]
2008 The {Clerk.} Mrs. Blackburn?
2009 Mrs. {Blackburn.} No.
2010 The {Clerk.} Mrs. Blackburn votes no.
2011 Mr. Bilbray?

2012 Mr. {Bilbray.} No.

2013 The {Clerk.} Mr. Bilbray votes no.

2014 Mr. Bass?

2015 Mr. {Bass.} No.

2016 The {Clerk.} Mr. Bass votes no.

2017 Mr. Gingrey?

2018 [No response.]

2019 The {Clerk.} Mr. Scalise?

2020 [No response.]

2021 The {Clerk.} Mr. Latta?

2022 Mr. {Latta.} No.

2023 The {Clerk.} Mr. Latta votes no.

2024 Mrs. McMorris Rodgers?

2025 Mrs. {McMorris Rodgers.} No.

2026 The {Clerk.} Mrs. McMorris Rodgers votes no.

2027 Mr. Harper?

2028 Mr. {Harper.} No.

2029 The {Clerk.} Mr. Harper votes no.

2030 Mr. Lance?

2031 Mr. {Lance.} No.

2032 The {Clerk.} Mr. Lance votes no.

2033 Mr. Cassidy?

2034 Dr. {Cassidy.} No.

2035 The {Clerk.} Mr. Cassidy votes no.

2036 Mr. Guthrie?
2037 Mr. {Guthrie.} No.
2038 The {Clerk.} Mr. Guthrie votes no.
2039 Mr. Olson?
2040 Mr. {Olson.} No.
2041 The {Clerk.} Mr. Olson votes no.
2042 Mr. McKinley?
2043 Mr. {McKinley.} No.
2044 The {Clerk.} Mr. McKinley votes no.
2045 Mr. Gardner?
2046 Mr. {Gardner.} No.
2047 The {Clerk.} Mr. Gardner votes no.
2048 Mr. Pompeo?
2049 [No response.]
2050 The {Clerk.} Mr. Kinzinger?
2051 Mr. {Kinzinger.} No.
2052 The {Clerk.} Mr. Kinzinger votes no.
2053 Mr. Griffith?
2054 Mr. {Griffith.} No.
2055 The {Clerk.} Mr. Griffith votes no.
2056 Mr. Waxman?
2057 Mr. {Waxman.} Aye.
2058 The {Clerk.} Mr. Waxman votes aye.
2059 Mr. Dingell?

2060 Mr. {Dingell.} Aye.

2061 The {Clerk.} Mr. Dingell votes aye.

2062 Mr. Markey?

2063 [No response.]

2064 The {Clerk.} Mr. Towns?

2065 [No response.]

2066 The {Clerk.} Mr. Pallone?

2067 Mr. {Pallone.} Aye.

2068 The {Clerk.} Mr. Pallone votes aye.

2069 Mr. Rush?

2070 [No response.]

2071 The {Clerk.} Ms. Eshoo?

2072 [No response.]

2073 The {Clerk.} Mr. Engel?

2074 Mr. {Engel.} Aye.

2075 The {Clerk.} Mr. Engel votes aye.

2076 Mr. Green?

2077 Mr. {Green.} Aye.

2078 The {Clerk.} Mr. Green votes aye.

2079 Ms. DeGette?

2080 Ms. {DeGette.} Aye.

2081 The {Clerk.} Ms. DeGette votes aye.

2082 Mrs. Capps?

2083 Mrs. {Capps.} Aye.

2084 The {Clerk.} Mrs. Capps votes aye.
2085 Mr. Doyle?
2086 Mr. {Doyle.} Aye.
2087 The {Clerk.} Mr. Doyle votes aye.
2088 Ms. Schakowsky?
2089 Ms. {Schakowsky.} Aye.
2090 The {Clerk.} Ms. Schakowsky votes aye.
2091 Mr. Gonzalez?
2092 [No response.]
2093 The {Clerk.} Ms. Baldwin?
2094 [No response.]
2095 The {Clerk.} Mr. Ross?
2096 Mr. {Ross.} Aye.
2097 The {Clerk.} Mr. Ross votes aye.
2098 Mr. Matheson?
2099 Mr. {Matheson.} Aye.
2100 The {Clerk.} Mr. Matheson votes aye.
2101 Mr. Butterfield?
2102 Mr. {Butterfield.} Aye.
2103 The {Clerk.} Mr. Butterfield votes aye.
2104 Mr. Barrow?
2105 Mr. {Barrow.} Aye.
2106 The {Clerk.} Mr. Barrow votes aye.
2107 Ms. Matsui?

2108 Ms. {Matsui.} Aye.

2109 The {Clerk.} Ms. Matsui votes aye.

2110 Mrs. Christensen?

2111 Dr. {Christensen.} Aye.

2112 The {Clerk.} Mrs. Christensen votes aye.

2113 Ms. Castor?

2114 Ms. {Castor.} Aye.

2115 The {Clerk.} Ms. Castor votes aye.

2116 Mr. Sarbanes?

2117 Mr. {Sarbanes.} Aye.

2118 The {Clerk.} Mr. Sarbanes votes aye.

2119 Chairman Upton?

2120 The {Chairman.} Votes no.

2121 The {Clerk.} Chairman Upton votes no.

2122 The {Chairman.} Other Members wishing to vote?

2123 Mr. Terry?

2124 Mr. {Terry.} Votes no.

2125 The {Clerk.} Mr. Terry votes no.

2126 The {Chairman.} Dr. Burgess.

2127 Dr. {Burgess.} No.

2128 The {Clerk.} Mr. Burgess votes no.

2129 The {Chairman.} Mr. Pompeo?

2130 Mr. {Pompeo.} No.

2131 The {Clerk.} Mr. Pompeo votes no.

2132 The {Chairman.} Other Members wishing to cast a vote?
2133 Seeing none, the clerk will report the tally.
2134 Oh, Mr. Rush?
2135 Mr. {Rush.} Votes aye.
2136 The {Chairman.} Votes aye. Mr. Rush votes aye.
2137 The {Clerk.} Mr. Rush votes aye.
2138 Mr. Chairman, on that vote there were 18 ayes, 28 nays.
2139 The {Chairman.} Eighteen ayes, twenty-eight nays, the
2140 amendment is not agreed to.
2141 Are there further amendments to the bill?
2142 The gentlelady from California, Mrs. Capps.
2143 Mrs. {Capps.} I have an amendment at the desk.
2144 The {Chairman.} The clerk will report the title.
2145 The {Clerk.} What is the number of your amendment?
2146 Mrs. {Capps.} 05.
2147 The {Clerk.} Amendment to H.R. 4471 offered by Mrs.
2148 Capps of California.
2149 [The amendment follows:]

2150 ***** INSERT 5 *****

|
2151 The {Chairman.} The amendment will be considered as
2152 read, and the gentlelady is recognized for 5 minutes in
2153 support of her amendment. And the staff will distribute the
2154 amendment.

2155 Mrs. {Capps.} Thank you, Mr. Chairman.

2156 This bill that we are working on creates a new
2157 interagency committee to do what is really the impossible:
2158 conduct an analysis of EPA air qualities that have not been
2159 proposed using data that does not exist. And I am concerned
2160 that this new interagency committee is being set up to fail.

2161 First, the bill requires the new committee to examine
2162 the potential impact of several EPA air quality rules on
2163 gasoline prices. There is one significant problem. These
2164 rules have not yet been proposed. We can argue about whether
2165 they have been initiated, contemplated, discussed, mulled
2166 over, considered, et cetera, but the fundamental fact is that
2167 the rules and their requirements have not even yet been
2168 proposed. The committee simply has nothing concrete to
2169 analyze.

2170 As a result, any report that this interagency committee
2171 completes will be the product of a series of best guesses,
2172 estimates, approximations, and assumptions that it cannot
2173 possibly provide a credible assessment of the potential

2174 impact of these potential rules on gasoline prices.
2175 Moreover, it may not even be possible for the interagency to
2176 complete this analysis, as insufficient as it would be,
2177 without a significant investment of resources at the
2178 Department of Energy.

2179 We asked the Energy Information Administration what it
2180 would take to complete this analysis. EIA, which is better
2181 positioned than any other government agency to tackle this
2182 project, said that it currently does not have the analytic
2183 capacity to conduct the state or regional level breakdowns
2184 required by this bill.

2185 The agency also would have to collect or purchase new
2186 data despite the bill's hollow assurances that this isn't
2187 necessary, and they would also have to devote significant new
2188 staff and contractor time to be able to comply with the
2189 bill's requirements. In essence, this bill proposes to
2190 devote scarce taxpayer dollars to produce a report that will
2191 not be reliable, will not be credible or actually be valuable
2192 to anyone.

2193 And so my amendment simply states that if the Department
2194 of Energy determines that this analysis will be infeasible to
2195 conduct, that it requires data that does not exist, or would
2196 generate results subject to such large estimates of
2197 uncertainty that the results would be neither reliable nor

2198 useful, then the interagency committee does not have to
2199 complete the report. And in addition, rules covered by the
2200 bill would thus no longer be delayed.

2201 This amendment is a good governance amendment. It
2202 ensures effective use of taxpayer dollars and I urge my
2203 colleagues to support this amendment.

2204 And I yield back the balance of my time.

2205 The {Chairman.} The gentlelady yields back.

2206 Members wishing to speak on this side against the
2207 amendment?

2208 The gentleman from Kentucky recognized briefly.

2209 Mr. {Whitfield.} I just want to make one comment.

2210 First of all, this legislation does not authorize the
2211 expenditure of any additional funds. All of these agencies
2212 that are part of this taskforce already have a budget in
2213 which they routinely review issues like this. And this
2214 amendment would basically render our bill almost ineffective
2215 and we don't think that just one person should make that
2216 determination. So I would respectfully request that we vote
2217 against the amendment.

2218 Yield back the balance of my time.

2219 The {Chairman.} Gentleman yields back.

2220 Mr. {Waxman.} Mr. Chairman?

2221 The {Chairman.} The gentleman from California.

2222 Mr. {Waxman.} I support the gentlelady's amendment.
2223 Our country is facing a fiscal cliff at the end of this year.
2224 We need to work together to fill a gap that amounts to
2225 trillions of dollars. Some will propose slashing Medicare
2226 and other critical public safety net programs. We will be
2227 working hard to find every penny we can to fill that gap.

2228 The Capps amendment helps in one small way. The new
2229 bureaucracy the Republicans want to create will cost millions
2230 of dollars. It hasn't yet been scored by the CBO. The DOE
2231 has told us it will take a substantial amount of resources.
2232 The Capps amendment simply states that if this analysis would
2233 be infeasible to conduct, require data that doesn't exist, or
2234 would generate results subject to such large estimates of
2235 uncertainty that the results would be neither reliable nor
2236 useful, then we don't have to waste millions of dollars to do
2237 it.

2238 And I urge support for this amendment. It is what we
2239 call a commonsense amendment. It simply says let us don't
2240 throw away a lot of money that we don't have.

2241 The {Chairman.} I was waiting for the word simple so
2242 that is good.

2243 Are there other Members wishing to speak?

2244 Seeing none, the vote occurs on the Capps amendment.

2245 Those in favor will say aye.

2246 Those opposed, say no.

2247 The nos appear to have it. The clerk will call the

2248 roll.

2249 The {Clerk.} Mr. Barton?

2250 [No response.]

2251 The {Clerk.} Mr. Stearns?

2252 [No response.]

2253 The {Clerk.} Mr. Whitfield?

2254 [No response.]

2255 The {Clerk.} Mr. Shimkus?

2256 Mr. {Shimkus.} No.

2257 The {Clerk.} Mr. Shimkus votes no.

2258 Mr. Pitts?

2259 Mr. {Pitts.} No.

2260 The {Clerk.} Mr. Pitts votes no.

2261 Mrs. Bono Mack?

2262 [No response.]

2263 The {Clerk.} Mr. Walden?

2264 Mr. {Walden.} No.

2265 The {Clerk.} Mr. Walden votes no.

2266 Mr. Terry?

2267 Mr. {Terry.} No.

2268 The {Clerk.} Mr. Terry votes no.

2269 Mr. Rogers?

2270 Mr. {Rogers.} No.

2271 The {Clerk.} Mr. Rogers votes no.

2272 Mrs. Myrick?

2273 Mrs. {Myrick.} No.

2274 The {Clerk.} Mrs. Myrick votes no.

2275 Mr. Sullivan?

2276 [No response.]

2277 The {Clerk.} Mr. Murphy?

2278 Mr. {Murphy.} No.

2279 The {Clerk.} Mr. Murphy votes no.

2280 Mr. Burgess?

2281 Dr. {Burgess.} No.

2282 The {Clerk.} Mr. Burgess votes no.

2283 Mrs. Blackburn?

2284 Mrs. {Blackburn.} No.

2285 The {Clerk.} Mrs. Blackburn votes no.

2286 Mr. Bilbray?

2287 Mr. {Bilbray.} No.

2288 The {Clerk.} Mr. Bilbray votes no.

2289 Mr. Bass?

2290 Mr. {Bass.} No.

2291 The {Clerk.} Mr. Bass votes no.

2292 Mr. Gingrey?

2293 [No response.]

2294 The {Clerk.} Mr. Scalise?
2295 [No response.]
2296 The {Clerk.} Mr. Latta?
2297 Mr. {Latta.} No.
2298 The {Clerk.} Mr. Latta votes no.
2299 Mrs. McMorris Rodgers?
2300 Mrs. {McMorris Rodgers.} No.
2301 The {Clerk.} Mrs. McMorris Rodgers votes no.
2302 Mr. Harper?
2303 Mr. {Harper.} No.
2304 The {Clerk.} Mr. Harper votes no.
2305 Mr. Lance?
2306 Mr. {Lance.} No.
2307 The {Clerk.} Mr. Lance votes no.
2308 Mr. Cassidy?
2309 Dr. {Cassidy.} No.
2310 The {Clerk.} Mr. Cassidy votes no.
2311 Mr. Guthrie?
2312 Mr. {Guthrie.} No.
2313 The {Clerk.} Mr. Guthrie votes no.
2314 Mr. Olson?
2315 Mr. {Olson.} No.
2316 The {Clerk.} Mr. Olson votes no.
2317 Mr. McKinley?

2318 Mr. {McKinley.} No.

2319 The {Clerk.} Mr. McKinley votes no.

2320 Mr. Gardner?

2321 Mr. {Gardner.} No.

2322 The {Clerk.} Mr. Gardner votes no.

2323 Mr. Pompeo?

2324 [No response.]

2325 The {Clerk.} Mr. Kinzinger?

2326 Mr. {Kinzinger.} No.

2327 The {Clerk.} Mr. Kinzinger votes no.

2328 Mr. Griffith?

2329 Mr. {Griffith.} No.

2330 The {Clerk.} Mr. Griffith votes no.

2331 Mr. Waxman?

2332 Mr. {Waxman.} Aye.

2333 The {Clerk.} Mr. Waxman votes aye.

2334 Mr. Dingell?

2335 Mr. {Dingell.} Aye.

2336 The {Clerk.} Mr. Dingell votes aye.

2337 Mr. Markey?

2338 [No response.]

2339 The {Clerk.} Mr. Towns?

2340 [No response.]

2341 The {Clerk.} Mr. Pallone?

2342 Mr. {Pallone.} Aye.

2343 The {Clerk.} Mr. Pallone votes aye.

2344 Mr. Rush?

2345 Mr. {Rush.} Aye.

2346 The {Clerk.} Mr. Rush votes aye.

2347 Ms. Eshoo?

2348 [No response.]

2349 The {Clerk.} Mr. Engel?

2350 Mr. {Engel.} Aye.

2351 The {Clerk.} Mr. Engel votes aye.

2352 Mr. Green?

2353 Mr. {Green.} No.

2354 The {Clerk.} Mr. Green votes no.

2355 Ms. DeGette?

2356 Ms. {DeGette.} Aye.

2357 The {Clerk.} Ms. DeGette votes aye.

2358 Mrs. Capps?

2359 Mrs. {Capps.} Aye.

2360 The {Clerk.} Mrs. Capps votes aye.

2361 Mr. Doyle?

2362 Mr. {Doyle.} Aye.

2363 The {Clerk.} Mr. Doyle votes aye.

2364 Ms. Schakowsky?

2365 Ms. {Schakowsky.} Aye.

2366 The {Clerk.} Ms. Schakowsky votes aye.
2367 Mr. Gonzalez?
2368 [No response.]
2369 The {Clerk.} Ms. Baldwin?
2370 [No response.]
2371 The {Clerk.} Mr. Ross?
2372 Mr. {Ross.} No.
2373 The {Clerk.} Mr. Ross votes no.
2374 Mr. Matheson?
2375 Mr. {Matheson.} No.
2376 The {Clerk.} Mr. Matheson votes no.
2377 Mr. Butterfield?
2378 [No response.]
2379 The {Clerk.} Mr. Barrow?
2380 Mr. {Barrow.} No.
2381 The {Clerk.} Mr. Barrow votes no.
2382 Ms. Matsui?
2383 Ms. {Matsui.} Aye.
2384 The {Clerk.} Ms. Matsui votes aye.
2385 Mrs. Christensen?
2386 [No response.]
2387 The {Clerk.} Ms. Castor?
2388 Ms. {Castor.} Aye.
2389 The {Clerk.} Ms. Castor votes aye.

2390 Mr. Sarbanes?

2391 Mr. {Sarbanes.} Aye.

2392 The {Clerk.} Mr. Sarbanes votes aye.

2393 Chairman Upton?

2394 The {Chairman.} Votes no.

2395 The {Clerk.} Chairman Upton votes no.

2396 The {Chairman.} Other Members wishing to cast a vote?

2397 Mr. Whitfield?

2398 Mr. {Whitfield.} No.

2399 The {Clerk.} Mr. Whitfield votes no.

2400 The {Chairman.} Mr. Sullivan?

2401 Mr. {Sullivan.} No.

2402 The {Clerk.} Mr. Sullivan votes no.

2403 The {Chairman.} Mrs. Bono Mack?

2404 Mrs. {Bono Mack.} No.

2405 The {Clerk.} Mrs. Bono Mack votes no.

2406 The {Chairman.} Mr. Pompeo?

2407 Mr. {Pompeo.} No.

2408 The {Clerk.} Mr. Pompeo votes no.

2409 The {Chairman.} Other Members? Seeing none, the clerk

2410 will report the tally.

2411 Mrs. Christensen?

2412 Dr. {Christensen.} Aye.

2413 The {Clerk.} Mrs. Christensen votes aye.

2414 The {Chairman.} Mr. Butterfield, are you recorded?

2415 Mr. {Butterfield.} I vote yes.

2416 The {Chairman.} He votes aye.

2417 The {Clerk.} Mr. Butterfield votes aye.

2418 Mr. Chairman, on that vote there were 14 ayes, 31 nays.

2419 The {Chairman.} Fourteen ayes, thirty-one nays, the
2420 amendment is not agreed to.

2421 I would note that there are several amendments still to
2422 be offered to this bill so we will recess until 2:05.

2423 [Recess.]

2424 The {Chairman.} Welcome back.

2425 We continue to proceed with amendments to H.R. 4471.

2426 Are there further amendments to the bill?

2427 The chair would recognize the gentlelady from Illinois.

2428 Ms. {Schakowsky.} Thank you, Mr. Chairman. I have an
2429 amendment at the desk.

2430 The {Chairman.} The clerk will report the title.

2431 The {Clerk.} Can we have the number of the amendment,
2432 please?

2433 Ms. {Schakowsky.} Number nine.

2434 The {Clerk.} Amendment to H.R. 4471 offered by Ms.
2435 Schakowsky of Illinois.

2436 [The amendment follows:]

2437 ***** INSERT 6 *****

|
2438 The {Chairman.} And the amendment will be considered
2439 read and the staff will distribute the amendment.

2440 And the gentlelady is recognized for 5 minutes in
2441 support of her amendment.

2442 Ms. {Schakowsky.} Okay. As you may remember, the
2443 amendment we dealt with right before we had a break was by
2444 Representative Capps that took away a study that was mandated
2445 that would require an analysis around jobs, et cetera. So
2446 hers was to eliminate the mandated study because it would be
2447 an exercise in futility and the interagency committee was
2448 unlikely to produce a credible, defensible analysis of these
2449 EPA rules since these are rules that haven't even been
2450 proposed. But if the Republican majority and the oil
2451 industry really want the analysis, the least we can do for
2452 taxpayers is to ask the oil industry to pay for it.

2453 So what my amendment would do is to ensure that the
2454 primary beneficiaries of this legislation, the oil industry,
2455 would have to foot the bill for the implementation of this
2456 analysis. Otherwise, where is the money going to come from?
2457 I heard Mr. Whitfield say that there is no new money, but
2458 DOE, the Department of Energy, which is chairing the
2459 interagency committee, is in charge of this study and they
2460 are going to rely on the EIA, the Energy Information Agency,

2461 for much of the data analysis envisioned by this bill. But
2462 the Republicans, you have been pushing to cut the EIA's
2463 budget. The House Republicans have proposed a 2013 budget
2464 for the EIA that is \$16 million below the President's
2465 request.

2466 So, you know, you may argue that the EIA won't have to
2467 collect any new data to do anything out of the ordinary for
2468 this bill, but that is not what the EIA says. The EIA told
2469 committee staff that they currently have little capability to
2470 conduct state or regional analyses of potential EPA rules as
2471 required by the bill. Even if EIA just conducted a national
2472 level analysis, they said, ``there could be some considerable
2473 additional costs for EIA as contractor expertise and manpower
2474 would likely be needed to supplement EIA staffing. It is
2475 just not even reasonable to imagine that there isn't going to
2476 be any costs in order to do the kind of detailed analyses
2477 that are required.

2478 And so my legislation says, fine, if you insist on doing
2479 it, let us have the oil industry pay, have a kind of user fee
2480 to make sure that taxpayers don't have to fund this and we
2481 don't have to add to the deficit. So that is my amendment.
2482 I think it is consistent with where you want to go if you
2483 want to go in that direction, and therefore, I would urge all
2484 my colleagues to vote in favor of this amendment, a simple

2485 amendment, Mr. Chairman.

2486 The {Chairman.} The gentlelady yields back.

2487 The gentleman from Kentucky, Mr. Whitfield.

2488 Mr. {Whitfield.} Thank you, Mr. Chairman.

2489 And I am delighted that the lady from Illinois, my good
2490 friend, has introduced a simple amendment because if we can
2491 keep all of this uncomplicated, it will help all of us.

2492 I might say, first of all, that this legislation really
2493 has been introduced not to benefit oil companies. As a
2494 matter of fact, I don't believe that the oil companies have
2495 even taken a position on this legislation. The purpose of
2496 this legislation is simply, as I have said before, to analyze
2497 the cumulative effect of three regulations that have been
2498 initiated to study at EPA to determine what impact those
2499 three regulations may have on gasoline prices in the future
2500 once that regulation becomes final. And that is the only
2501 thing that this legislation does. And I genuinely believe
2502 with the concern about gasoline prices the majority of people
2503 in America do not objection to agencies at least considering
2504 the cost impact, the possibility that it may increase the
2505 price of gasoline if they move forward with these
2506 regulations.

2507 This bill does not prohibit them from going forward with
2508 the regulations or even finalizing the regulation but it

2509 simply says you have got to at least consider the cumulative
2510 impact. And as we said this morning, there is not anything
2511 particularly unusual about that because even President Obama
2512 in Executive Order 13563 had requested these agencies to
2513 consider cumulative impact of some of their regulations.

2514 Now, the issue of where is the money going to come from?
2515 I would say that the taskforce is composed of a number of
2516 agencies in the Federal Government. It is not going to be
2517 chaired by the Energy Information Administration but really
2518 DOE will be taking the lead on this. And I will tell you
2519 that this year, 2012, DOE has \$25 billion was appropriated to
2520 it. And as a normal course in their business over there,
2521 they satisfy OMB regulatory reviews; they work with other
2522 interagency reviews. So we don't view this as a big cost to
2523 them. In fact, we are not authorizing any additional money.
2524 It is just they will be reprioritizing the way they do things
2525 over there and this study is not even going to last that
2526 long.

2527 So for those reasons I would respectfully oppose the
2528 gentlelady's amendment and ask the--

2529 Ms. {Schakowsky.} Will the gentleman yield--

2530 Mr. {Whitfield.} Yes.

2531 Ms. {Schakowsky.} --for a minute?

2532 Mr. {Whitfield.} Yes.

2533 Ms. {Schakowsky.} One thing I just wanted to say, so
2534 the bill sets up this new interagency bureaucracy to conduct
2535 a study of economic impact on gas prices of several EPA rules
2536 to reduce pollution from refineries and fuels which haven't
2537 even been proposed--

2538 Mr. {Whitfield.} Correct.

2539 Ms. {Schakowsky.} --using data that doesn't exist.

2540 Mr. {Whitfield.} Correct.

2541 Ms. {Schakowsky.} So, you know, you are saying it won't
2542 last long, it is not going to cost any money. I mean since
2543 when can a study be done--and DOE is in charge of it. It is
2544 definitely, they say, going to rely on the EIA for much of
2545 the data analysis. I mean to say that there is not going to
2546 be any cost whatsoever I think flies in the face of the job
2547 at hand. So why not ask the oil companies to pay for the
2548 analysis instead of the taxpayers?

2549 Mr. {Whitfield.} Well, let me just address one more
2550 time the fact that none of these regulations are final. As
2551 we said this morning, EPA does have a very sophisticated
2552 action development process and we either have the option of,
2553 number one, waiting for the regulation to be completed at
2554 which time it will be too late to consider what the potential
2555 impact will be on future gasoline prices, or when they finish
2556 these regulations it is a 9- or 1,200-page document. They

2557 have already initiated these regulations. They are already
2558 taking information. They are already talking to
2559 stakeholders. So we believe that there is adequate
2560 information there to make a determination and so for that
2561 reason is the reason we support this legislation and
2562 respectfully oppose the gentlelady's amendment.

2563 I yield back.

2564 The {Chairman.} The gentleman from California.

2565 Mr. {Waxman.} Mr. Chairman and my colleagues, I support
2566 this amendment.

2567 This bill creates a new bureaucracy. It is an
2568 interagency committee, and it gives it a whole lot of work to
2569 do. It is supposed to evaluate these proposed regulations
2570 that EPA can't enact until they have evaluated the
2571 regulations, but we haven't given them a dime to do their
2572 work. So I don't think anybody with a straight face could
2573 say it is going to be easy to appropriate money for another
2574 agency to do more work. In fact, it is duplicative work of
2575 what is already being done by EPA and OMB.

2576 So the amendment before us offers a solution to how to
2577 pay for this bill: assess a fee on the oil industry. It
2578 makes perfect sense. After all, the oil industry is the
2579 primary beneficiary of and advocate for this legislation. In
2580 fact, the American Petroleum Institute sent a letter to EPA

2581 on April 4th that provides a wish list of the public health
2582 and environmental protections the industry would like to
2583 avoid. That oil industry wish list includes EPA's not yet
2584 proposed greenhouse gas standards for refineries. The
2585 Gasoline Regulations Act would block EPA from finalizing
2586 those standards.

2587 The oil industry wish list describes how the oil
2588 industry wants to change the way EPA has set these national
2589 ambient standards. This is what we are voting on. That is
2590 the underlying bill. Well, if you are going to create this
2591 legislation, if you believe in it and you want to fund it,
2592 and you come from a government that is running out of money
2593 fast, as some people have put it, and you can't really expect
2594 more appropriations, why not have the oil industry pay for
2595 it? They are the client of this legislation.

2596 I urge my colleagues to support this amendment. Require
2597 the oil industry to pay for implementation of what is in
2598 essence the oil industry's legislation. I call for an aye
2599 vote and yield back my time.

2600 The {Chairman.} The gentleman yields back.

2601 Other members wishing to speak? Seeing none, the vote
2602 occurs on the amendment offered by the gentlelady from
2603 Illinois.

2604 All those in favor will say aye.

2605 Those opposed, say no.

2606 In the opinion of the chair, the nos have it.

2607 The gentelady asks for a roll call. The clerk will

2608 call the roll.

2609 The {Clerk.} Mr. Barton?

2610 [No response.]

2611 The {Clerk.} Mr. Stearns?

2612 [No response.]

2613 The {Clerk.} Mr. Whitfield?

2614 Mr. {Whitfield.} No.

2615 The {Clerk.} Mr. Whitfield votes no.

2616 Mr. Shimkus?

2617 Mr. {Shimkus.} No.

2618 The {Clerk.} Mr. Shimkus votes no.

2619 Mr. Pitts?

2620 Mr. {Pitts.} No.

2621 The {Clerk.} Mr. Pitts votes no.

2622 Mrs. Bono Mack?

2623 [No response.]

2624 The {Clerk.} Mr. Walden?

2625 [No response.]

2626 The {Clerk.} Mr. Terry?

2627 Mr. {Terry.} No.

2628 The {Clerk.} Mr. Terry votes no.

2629 Mr. Rogers?
2630 [No response.]
2631 The {Clerk.} Mrs. Myrick?
2632 [No response.]
2633 The {Clerk.} Mr. Sullivan?
2634 Mr. {Sullivan.} No.
2635 The {Clerk.} Mr. Sullivan votes no.
2636 Mr. Murphy?
2637 Mr. {Murphy.} No.
2638 The {Clerk.} Mr. Murphy votes no.
2639 Mr. Burgess?
2640 [No response.]
2641 The {Clerk.} Mrs. Blackburn?
2642 Mrs. {Blackburn.} No.
2643 The {Clerk.} Mrs. Blackburn votes no.
2644 Mr. Bilbray?
2645 Mr. {Bilbray.} No.
2646 The {Clerk.} Mr. Bilbray votes no.
2647 Mr. Bass?
2648 Mr. {Bass.} No.
2649 The {Clerk.} Mr. Bass votes no.
2650 Mr. Gingrey?
2651 [No response.]
2652 The {Clerk.} Mr. Scalise?

2653 Mr. {Scalise.} No.

2654 The {Clerk.} Mr. Scalise votes no.

2655 Mr. Latta?

2656 Mr. {Latta.} No.

2657 The {Clerk.} Mr. Latta votes no.

2658 Mrs. McMorris Rodgers?

2659 [No response.]

2660 The {Clerk.} Mr. Harper?

2661 Mr. {Harper.} No.

2662 The {Clerk.} Mr. Harper votes no.

2663 Mr. Lance?

2664 Mr. {Lance.} No.

2665 The {Clerk.} Mr. Lance votes no.

2666 Mr. Cassidy?

2667 Dr. {Cassidy.} No.

2668 The {Clerk.} Mr. Cassidy votes no.

2669 Mr. Guthrie?

2670 Mr. {Guthrie.} No.

2671 The {Clerk.} Mr. Guthrie votes no.

2672 Mr. Olson?

2673 [No response.]

2674 The {Clerk.} Mr. McKinley?

2675 Mr. {McKinley.} No.

2676 The {Clerk.} Mr. McKinley votes no.

2677 Mr. Gardner?

2678 Mr. {Gardner.} No.

2679 The {Clerk.} Mr. Gardner votes no.

2680 Mr. Pompeo?

2681 [No response.]

2682 The {Clerk.} Mr. Kinzinger?

2683 Mr. {Kinzinger.} No.

2684 The {Clerk.} Mr. Kinzinger votes no.

2685 Mr. Griffith?

2686 Mr. {Griffith.} No.

2687 The {Clerk.} Mr. Griffith votes no.

2688 Mr. Waxman?

2689 Mr. {Waxman.} Aye.

2690 The {Clerk.} Mr. Waxman votes aye.

2691 Mr. Dingell?

2692 [No response.]

2693 The {Clerk.} Mr. Markey?

2694 [No response.]

2695 The {Clerk.} Mr. Towns?

2696 [No response.]

2697 The {Clerk.} Mr. Pallone?

2698 [No response.]

2699 The {Clerk.} Mr. Rush?

2700 [No response.]

2701 The {Clerk.} Ms. Eshoo?
2702 [No response.]
2703 The {Clerk.} Mr. Engel?
2704 [No response.]
2705 The {Clerk.} Mr. Green?
2706 Mr. {Green.} No.
2707 The {Clerk.} Mr. Green votes no.
2708 Ms. DeGette?
2709 Ms. {DeGette.} Aye.
2710 The {Clerk.} Ms. DeGette votes aye.
2711 Mrs. Capps?
2712 [No response.]
2713 The {Clerk.} Mr. Doyle?
2714 Mr. {Doyle.} Aye.
2715 The {Clerk.} Mr. Doyle votes aye.
2716 Ms. Schakowsky?
2717 Ms. {Schakowsky.} Aye.
2718 The {Clerk.} Ms. Schakowsky votes aye.
2719 Mr. Gonzalez?
2720 [No response.]
2721 The {Clerk.} Ms. Baldwin?
2722 [No response.]
2723 The {Clerk.} Mr. Ross?
2724 [No response.]

2725 The {Clerk.} Mr. Matheson?
2726 [No response.]
2727 The {Clerk.} Mr. Butterfield?
2728 Mr. {Butterfield.} Aye.
2729 The {Clerk.} Mr. Butterfield votes aye.
2730 Mr. Barrow?
2731 Mr. {Barrow.} Votes no.
2732 The {Clerk.} Mr. Barrow votes no.
2733 Ms. Matsui?
2734 Ms. {Matsui.} Aye.
2735 The {Clerk.} Ms. Matsui votes aye.
2736 Mrs. Christensen?
2737 [No response.]
2738 The {Clerk.} Ms. Castor?
2739 [No response.]
2740 The {Clerk.} Mr. Sarbanes?
2741 Mr. {Sarbanes.} Aye.
2742 The {Clerk.} Mr. Sarbanes votes aye.
2743 Chairman Upton?
2744 The {Chairman.} Votes no.
2745 The {Clerk.} Chairman Upton votes no.
2746 The {Chairman.} Are there other members wishing to
2747 vote? Mr. Stearns?
2748 Mr. {Stearns.} Votes no.

2749 The {Clerk.} Mr. Stearns votes no.

2750 The {Chairman.} Ms. McMorris Rodgers?

2751 Ms. {McMorris Rodgers.} No.

2752 The {Clerk.} Mrs. McMorris Rodgers votes no.

2753 The {Chairman.} Ms. Myrick?

2754 Ms. {Myrick.} No.

2755 The {Clerk.} Mrs. Myrick votes no.

2756 The {Chairman.} Mr. Walden?

2757 Mr. {Walden.} No.

2758 The {Clerk.} Mr. Walden votes no.

2759 The {Chairman.} Mr. Olson?

2760 Mr. {Olson.} No.

2761 The {Clerk.} Mr. Olson votes no.

2762 The {Chairman.} Mr. Pallone?

2763 Mr. {Pallone.} Aye.

2764 The {Clerk.} Mr. Pallone votes aye.

2765 The {Chairman.} Are there other members wishing to cast

2766 a vote on this?

2767 Mr. Ross?

2768 Mr. {Ross.} No.

2769 The {Clerk.} Mr. Ross votes no.

2770 The {Chairman.} Mr. Matheson?

2771 Mr. {Matheson.} No.

2772 The {Clerk.} Mr. Matheson votes no.

2773 The {Chairman.} Other members wishing to cast a vote?
2774 Seeing none, the clerk will report the tally.
2775 How is Mr. Dingell recorded?
2776 The {Clerk.} Mr. Dingell is not recorded.
2777 The {Chairman.} Mr. Dingell?
2778 Mr. {Dingell.} Aye.
2779 The {Clerk.} Mr. Dingell votes aye.
2780 Mr. Chairman, on that vote, there were nine ayes, 29
2781 nays.
2782 The {Chairman.} Nine ayes, 29 nays. The amendment is
2783 not agreed to.
2784 Are there further amendments to the bill? Seeing none,
2785 the question now occurs on favorably reporting H.R. 4471 to
2786 the House.
2787 All those in favor will say aye.
2788 Those opposed, say no.
2789 The ayes appear to have it. The ayes--
2790 Mr. {Waxman.} Roll call.
2791 The {Chairman.} Roll call is requested. The clerk will
2792 call the roll.
2793 The {Clerk.} Mr. Barton?
2794 [No response.]
2795 The {Clerk.} Mr. Stearns?
2796 Mr. {Stearns.} Aye.

2797 The {Clerk.} Mr. Stearns votes aye.
2798 Mr. Whitfield?
2799 Mr. {Whitfield.} Aye.
2800 The {Clerk.} Mr. Whitfield votes aye.
2801 Mr. Shimkus?
2802 Mr. {Shimkus.} Aye.
2803 The {Clerk.} Mr. Shimkus votes aye.
2804 Mr. Pitts?
2805 Mr. {Pitts.} Aye.
2806 The {Clerk.} Mr. Pitts votes aye.
2807 Mrs. Bono Mack?
2808 [No response.]
2809 The {Clerk.} Mr. Walden?
2810 [No response.]
2811 The {Clerk.} Mr. Terry?
2812 Mr. {Terry.} Aye.
2813 The {Clerk.} Mr. Terry votes aye.
2814 Mr. Rogers?
2815 [No response.]
2816 The {Clerk.} Mrs. Myrick?
2817 [No response.]
2818 The {Clerk.} Mr. Sullivan?
2819 The {Chairman.} Mr. Sullivan?
2820 Mr. {Sullivan.} Aye.

2821 The {Clerk.} Mr. Sullivan votes aye.
2822 Mr. Murphy?
2823 Mr. {Murphy.} Aye.
2824 The {Clerk.} Mr. Murphy votes aye.
2825 Mr. Burgess?
2826 [No response.]
2827 The {Clerk.} Mrs. Blackburn?
2828 [No response.]
2829 The {Clerk.} Mr. Bilbray?
2830 Mr. {Bilbray.} Aye.
2831 The {Clerk.} Mr. Bilbray votes aye.
2832 Mr. Bass?
2833 Mr. {Bass.} No.
2834 The {Clerk.} Mr. Bass votes no.
2835 Mr. Gingrey?
2836 [No response.]
2837 The {Clerk.} Mr. Scalise?
2838 [No response.]
2839 The {Clerk.} Mr. Latta?
2840 Mr. {Latta.} Aye.
2841 The {Clerk.} Mr. Latta votes aye.
2842 Mrs. McMorris Rodgers?
2843 Mrs. {McMorris Rodgers.} Aye.
2844 The {Clerk.} Mrs. McMorris Rodgers votes aye.

2845 Mr. Harper?
2846 Mr. {Harper.} Aye.
2847 The {Clerk.} Mr. Harper votes aye.
2848 Mr. Lance?
2849 Mr. {Lance.} Aye.
2850 The {Clerk.} Mr. Lance votes aye.
2851 Mr. Cassidy?
2852 Dr. {Cassidy.} Aye.
2853 The {Clerk.} Mr. Cassidy votes aye.
2854 Mr. Guthrie?
2855 Mr. {Guthrie.} Aye.
2856 The {Clerk.} Mr. Guthrie votes aye.
2857 Mr. Olson?
2858 [No response.]
2859 The {Clerk.} Mr. McKinley?
2860 Mr. {McKinley.} Aye.
2861 The {Clerk.} Mr. McKinley votes aye.
2862 Mr. Gardner?
2863 Mr. {Gardner.} Aye.
2864 The {Clerk.} Mr. Gardner votes aye.
2865 Mr. Pompeo?
2866 Mr. {Pompeo.} Aye.
2867 The {Clerk.} Mr. Pompeo votes aye.
2868 Mr. Kinzinger?

2869 Mr. {Kinzinger.} Aye.

2870 The {Clerk.} Mr. Kinzinger votes aye.

2871 Mr. Griffith?

2872 Mr. {Griffith.} Aye.

2873 The {Clerk.} Mr. Griffith votes aye.

2874 Mr. Waxman?

2875 Mr. {Waxman.} No.

2876 The {Clerk.} Mr. Waxman votes no.

2877 Mr. Dingell?

2878 Mr. {Dingell.} Votes no.

2879 The {Clerk.} Mr. Dingell votes no.

2880 Mr. Markey?

2881 [No response.]

2882 The {Clerk.} Mr. Towns?

2883 [No response.]

2884 The {Clerk.} Mr. Pallone?

2885 Mr. {Pallone.} No.

2886 The {Clerk.} Mr. Pallone votes no.

2887 Mr. Rush?

2888 [No response.]

2889 The {Clerk.} Ms. Eshoo?

2890 [No response.]

2891 The {Clerk.} Mr. Engel?

2892 [No response.]

2893 The {Clerk.} Mr. Green?
2894 [No response.]
2895 The {Clerk.} Ms. DeGette?
2896 Ms. {DeGette.} No.
2897 The {Clerk.} Ms. DeGette votes no.
2898 Mrs. Capps?
2899 Mrs. {Capps.} No.
2900 The {Clerk.} Mrs. Capps votes no.
2901 Mr. Doyle?
2902 Mr. {Doyle.} No.
2903 The {Clerk.} Mr. Doyle votes no.
2904 Ms. Schakowsky?
2905 Ms. {Schakowsky.} No.
2906 The {Clerk.} Ms. Schakowsky votes no.
2907 Mr. Gonzalez?
2908 [No response.]
2909 The {Clerk.} Ms. Baldwin?
2910 [No response.]
2911 The {Clerk.} Mr. Ross?
2912 Mr. {Ross.} Aye.
2913 The {Clerk.} Mr. Ross votes aye.
2914 Mr. Matheson?
2915 Mr. {Matheson.} Aye.
2916 The {Clerk.} Mr. Matheson votes aye.

2917 Mr. Butterfield?

2918 Mr. {Butterfield.} No.

2919 The {Clerk.} Mr. Butterfield votes no.

2920 Mr. Barrow?

2921 Mr. {Barrow.} Aye.

2922 The {Clerk.} Mr. Barrow votes aye.

2923 Ms. Matsui?

2924 Ms. {Matsui.} No.

2925 The {Clerk.} Ms. Matsui votes no.

2926 Mrs. Christensen?

2927 [No response.]

2928 The {Clerk.} Ms. Castor?

2929 Ms. {Castor.} No.

2930 The {Clerk.} Ms. Castor votes no.

2931 Mr. Sarbanes?

2932 Mr. {Sarbanes.} No.

2933 The {Clerk.} Mr. Sarbanes votes no.

2934 Chairman Upton?

2935 The {Chairman.} Votes aye.

2936 The {Clerk.} Chairman Upton votes aye.

2937 The {Chairman.} Ms. Myrick?

2938 Ms. {Myrick.} Aye.

2939 The {Clerk.} Mrs. Myrick votes aye.

2940 The {Chairman.} Mr. Walden?

2941 Mr. {Walden.} Votes aye.

2942 The {Clerk.} Mr. Walden votes aye.

2943 The {Chairman.} Mr. Olson?

2944 Mr. {Olson.} Aye.

2945 The {Clerk.} Mr. Olson votes aye.

2946 The {Chairman.} Mr. Scalise?

2947 Mr. {Scalise.} Aye.

2948 The {Clerk.} Mr. Scalise votes aye.

2949 The {Chairman.} Mr. Green?

2950 Mr. {Green.} No.

2951 The {Clerk.} Mr. Green votes no.

2952 The {Chairman.} Other members wishing to cast a vote?

2953 Seeing none, the clerk will report the tally.

2954 The {Clerk.} Mr. Chairman, on that vote, there were 27

2955 ayes, 13 nays.

2956 The {Chairman.} There has been a sighting in the

2957 hallway. All right. How is Mr. Barton recorded?

2958 The {Clerk.} Mr. Barton is not recorded.

2959 Mr. {Barton.} Yes.

2960 The {Clerk.} Mr. Barton votes aye.

2961 The {Chairman.} The clerk will report the tally.

2962 The {Clerk.} Mr. Chairman, on that vote, there were 28

2963 ayes, 13 nays.

2964 The {Chairman.} Twenty ayes, 13 nays.

2965 The {Clerk.} Twenty-eight.

2966 The {Chairman.} I am sorry. Twenty-eight ayes, 13

2967 nays?

2968 The {Clerk.} Correct.

2969 The {Chairman.} The ayes have it. The bill is

2970 favorably reported.

|

2971 H.R. 4480

2972 The {Chairman.} Now the chair calls up H.R. 4480 and
2973 will ask the clerk to report the title of the bill.

2974 The {Clerk.} H.R. 4480, to provide the development of a
2975 plan to increase oil and gas exploration, development and
2976 production under oil and gas leases of federal lands under
2977 the jurisdiction of the Secretary of Agriculture, the
2978 Secretary of Energy, the Secretary of the Interior, and the
2979 Secretary of Defense in response to a drawdown of petroleum
2980 reserves from the Strategic Petroleum Reserve.

2981 [H.R. 4480 follows:]

2982 ***** INSERT 7 *****

|
2983 The {Chairman.} Without objection, the first reading of
2984 the bill is dispensed with. So ordered.

2985 Are there any bipartisan amendments to the bill? Seeing
2986 none, are there other amendments to the bill?

2987 Ms. DeGette, did you have an amendment?

2988 Mr. {Waxman.} She had one this morning.

2989 The {Chairman.} Are you ready to return to that
2990 amendment?

2991 Ms. {DeGette.} I am. I do have an amendment, and it is
2992 to this bill, in fact.

2993 The {Chairman.} You had an amendment this morning to
2994 this same bill.

2995 Ms. {DeGette.} I did.

2996 The {Chairman.} The clerk will report the title of the
2997 amendment.

2998 The {Clerk.} Amendment to H.R. 4480 offered by Ms.
2999 DeGette of Colorado.

3000 [The amendment follows:]

3001 ***** INSERT 8 *****

|
3002 The {Chairman.} And without objection, the amendment is
3003 considered as read. The staff will distribute the amendment,
3004 and the gentlelady is recognized for 5 minutes in support of
3005 her amendment.

3006 Ms. {DeGette.} Thank you, Mr. Chairman.

3007 Just to reiterate some of the points that I made before,
3008 what this bill would do is make our country more vulnerable
3009 to energy supply disruptions by making it more difficult to
3010 use the Strategic Petroleum Reserve because the bill requires
3011 that upon any release from the SPR, the Secretary of Energy
3012 has to develop a plan to increase oil and gas leasing on
3013 federal lands under the jurisdiction of multiple agencies
3014 both on and off shore within 6 months of a release. This
3015 would complicate the process and impede the Department of
3016 Energy's ability to respond promptly to supply interruptions
3017 with emergency crude oil from the Strategic Petroleum
3018 Reserve.

3019 In addition, all of us are against duplicative layers of
3020 bureaucracy but this bill creates a new one. Land management
3021 agencies within the Department of Interior such as the Bureau
3022 of Land Management and the Bureau of Ocean Energy Management
3023 have had many years of experience and a lot of expertise in
3024 managing and leasing federal lands for energy production.

3025 They have got extensive processes in place right now that
3026 involve public notice and comment and the opportunity for
3027 local input.

3028 So in contrast, the DOE currently has no role or no
3029 experience in oil and gas leasing. What would happen is,
3030 this bill would turn the existing regulatory framework on its
3031 head. It would mandate that DOE, which is an agency with no
3032 relevant expertise, to take over the planning for oil and gas
3033 leasing of federal lands. Not only do they not have the
3034 relevant expertise to implement the new land management
3035 responsibility but also the DOE doesn't have the resources.
3036 Chris Smith, who is DOE's Deputy Assistant Secretary for Oil
3037 and Natural Gas, testified before the Energy and Power
3038 Subcommittee that implementing this bill would require a
3039 large investment of resources at DOE but there is no
3040 authorization to enable DOE to carry out this responsibility
3041 nor does it meet any of the offsetting regulations. Mr.
3042 Smith also said that creating more bureaucratic structures
3043 and complicating the government's decision-making process are
3044 not the best means of responding to spikes in gasoline prices
3045 and reducing our dependence on imported oil.

3046 I really agree with Mr. Smith. I think irrespective of
3047 our varying views on increased oil and gas drilling, I think
3048 we should all be able to agree that creating a new and

3049 duplicative layer of bureaucracy with an agency that lacks
3050 the relevant expertise is a recipe for a waste of money and
3051 it is also a recipe for inefficient regulation of the
3052 Strategic Petroleum Reserve.

3053 And so just like Ms. Schakowsky's amendment to the last
3054 bill, my amendment is really simple. It gives the Energy
3055 Secretary the option to evaluate current leasing and
3056 permitting activities following a release from the SPR and
3057 determined to take no further action if that plan would
3058 duplicate or override existing expertise and planning and
3059 waste government resources.

3060 Again, we are all against waste and abuse, and I don't
3061 think my amendment fixes everything wrong with this bill, but
3062 what it does do is highlight what we always do in Congress,
3063 which is when we see a problem, we just put more layers of
3064 bureaucracy in place.

3065 And so for that reason, Mr. Chairman, I am going to ask
3066 for your support for this commonsense amendment, and I will
3067 yield back.

3068 The {Chairman.} The gentlelady yields back.

3069 The chair would recognize the gentleman from Colorado,
3070 Mr. Gardner.

3071 Mr. {Gardner.} I ask the chairman to strike the last
3072 word, I guess, is the proper question.

3073 I thank my colleague from Colorado for her amendment.
3074 However, I must stress my objection to the amendment because
3075 the process doesn't change under this bill. The process for
3076 going forward with leases remains the same. This simply says
3077 that we need a process to increase domestic drilling
3078 opportunities on federal lands if the Strategic Petroleum
3079 Reserve, or SPRO, is accessed. In fact, I think it is not a
3080 very good idea to ask the Department of Energy to provide
3081 comment on efficiencies when the Secretary of Energy is the
3082 one who gave us Solyndra, and so I don't think they are the
3083 greatest people to tell us what is efficient or what is
3084 effective, but they are a proper agency or department to make
3085 sure that we are coordinating our response because they have
3086 the Strategic Petroleum Reserve under their jurisdiction.

3087 And so I would also point out that the coordination
3088 between these departments of government that we are asking to
3089 come up with a plan to make sure that we are replacing the
3090 depletions from the SPRO, at least increasing opportunities
3091 to replace those depletions, is a letter from our fellow
3092 committee member, Representative Markey, who also wrote to
3093 the U.S. Energy Information Administration questioning the
3094 effective coordination of the Department of Interior and the
3095 Department of Energy and citing a very intense lack of
3096 coordination and communication between those two bodies.

3097 And so I think by bringing people together, we are going
3098 to make a more effective effort to increase our energy
3099 production on federal land and, again, the Department of the
3100 Interior has also proven that it needs encouragement to
3101 increase development and production on federal lands. We
3102 have had testimony before talking about how decreases on
3103 federal land have hurt our ability to increase productivity
3104 in this country when it comes to energy reserves.

3105 So I would object to this amendment and I just think it
3106 is the wrong direction giving the Department of Energy,
3107 giving them credit for being efficient when they are the ones
3108 that gave us Solyndra is not in the best interest of this
3109 committee.

3110 I yield back my time.

3111 The {Chairman.} The gentleman yields back.

3112 Are there other members wishing to speak on the
3113 amendment? Seeing none, the vote occurs on the DeGette
3114 amendment.

3115 All those in favor will say aye.

3116 Those opposed, say no.

3117 Ms. {DeGette.} I ask for a recorded vote.

3118 The {Chairman.} A roll call vote is requested. The
3119 clerk will call the roll.

3120 The {Clerk.} Mr. Barton?

- 3121 [No response.]
- 3122 The {Clerk.} Mr. Stearns?
- 3123 Mr. {Stearns.} No.
- 3124 The {Clerk.} Mr. Stearns votes no.
- 3125 Mr. Whitfield?
- 3126 Mr. {Whitfield.} No.
- 3127 The {Clerk.} Mr. Whitfield votes no.
- 3128 Mr. Shimkus?
- 3129 [No response.]
- 3130 The {Clerk.} Mr. Pitts?
- 3131 Mr. {Pitts.} No.
- 3132 The {Clerk.} Mr. Pitts votes no.
- 3133 Mrs. Bono Mack?
- 3134 [No response.]
- 3135 The {Clerk.} Mr. Walden?
- 3136 [No response.]
- 3137 The {Clerk.} Mr. Terry?
- 3138 Mr. {Terry.} No.
- 3139 The {Clerk.} Mr. Terry votes no.
- 3140 Mr. Rogers?
- 3141 [No response.]
- 3142 The {Clerk.} Mrs. Myrick?
- 3143 Mrs. {Myrick.} No.
- 3144 The {Clerk.} Mrs. Myrick votes no.

3145 Mr. Sullivan?
3146 Mr. {Sullivan.} No.
3147 The {Clerk.} Mr. Sullivan votes no.
3148 Mr. Murphy?
3149 Mr. {Murphy.} No.
3150 The {Clerk.} Mr. Murphy votes no.
3151 Mr. Burgess?
3152 Dr. {Burgess.} No.
3153 The {Clerk.} Mr. Burgess votes no.
3154 Mrs. Blackburn?
3155 [No response.]
3156 The {Clerk.} Mr. Bilbray?
3157 Mr. {Bilbray.} No.
3158 The {Clerk.} Mr. Bilbray votes no.
3159 Mr. Bass?
3160 Mr. {Bass.} No.
3161 The {Clerk.} Mr. Bass votes no.
3162 Mr. Gingrey?
3163 Dr. {Gingrey.} No.
3164 The {Clerk.} Mr. Gingrey votes no.
3165 Mr. Scalise?
3166 Mr. {Scalise.} No.
3167 The {Clerk.} Mr. Scalise votes no.
3168 Mr. Latta?

- 3169 Mr. {Latta.} No.
- 3170 The {Clerk.} Mr. Latta votes no.
- 3171 Mrs. McMorris Rodgers?
- 3172 Mrs. {McMorris Rodgers.} No.
- 3173 The {Clerk.} Mrs. McMorris Rodgers votes no.
- 3174 Mr. Harper?
- 3175 Mr. {Harper.} No.
- 3176 The {Clerk.} Mr. Harper votes no.
- 3177 Mr. Lance?
- 3178 Mr. {Lance.} No.
- 3179 The {Clerk.} Mr. Lance votes no.
- 3180 Mr. Cassidy?
- 3181 Dr. {Cassidy.} No.
- 3182 The {Clerk.} Mr. Cassidy votes no.
- 3183 Mr. Guthrie?
- 3184 Mr. {Guthrie.} No.
- 3185 The {Clerk.} Mr. Guthrie votes no.
- 3186 Mr. Olson?
- 3187 Mr. {Olson.} No.
- 3188 The {Clerk.} Mr. Olson votes no.
- 3189 Mr. McKinley? Mr. McKinley?
- 3190 Mr. {McKinley.} No.
- 3191 The {Clerk.} Mr. McKinley votes no.
- 3192 Mr. Gardner?

3193 Mr. {Gardner.} No.

3194 The {Clerk.} Mr. Gardner votes no.

3195 Mr. Pompeo?

3196 Mr. {Pompeo.} No.

3197 The {Clerk.} Mr. Pompeo votes no.

3198 Mr. Kinzinger?

3199 Mr. {Kinzinger.} No.

3200 The {Clerk.} Mr. Kinzinger votes no.

3201 Mr. Griffith?

3202 Mr. {Griffith.} No.

3203 The {Clerk.} Mr. Griffith votes no.

3204 Mr. Waxman?

3205 [No response.]

3206 The {Clerk.} Mr. Dingell?

3207 Mr. {Dingell.} Aye.

3208 The {Clerk.} Mr. Dingell votes aye.

3209 Mr. Markey?

3210 [No response.]

3211 The {Clerk.} Mr. Towns?

3212 [No response.]

3213 The {Clerk.} Mr. Pallone?

3214 Mr. {Pallone.} Aye.

3215 The {Clerk.} Mr. Pallone votes aye.

3216 Mr. Rush?

3217 Mr. {Rush.} Aye.

3218 The {Clerk.} Mr. Rush votes aye.

3219 Ms. Eshoo?

3220 Ms. {Eshoo.} Aye.

3221 The {Clerk.} Ms. Eshoo votes aye.

3222 Mr. Engel?

3223 [No response.]

3224 The {Clerk.} Mr. Green? Mr. Green?

3225 [No response.]

3226 The {Clerk.} Ms. DeGette?

3227 Ms. {DeGette.} Aye.

3228 The {Clerk.} Ms. DeGette votes aye.

3229 Mrs. Capps?

3230 Mrs. {Capps.} Aye.

3231 The {Clerk.} Mrs. Capps votes aye.

3232 Mr. Doyle?

3233 Mr. {Doyle.} Yes.

3234 The {Clerk.} Mr. Doyle votes aye.

3235 Ms. Schakowsky?

3236 Ms. {Schakowsky.} Aye.

3237 The {Clerk.} Ms. Schakowsky votes aye.

3238 Mr. Gonzalez?

3239 [No response.]

3240 The {Clerk.} Ms. Baldwin?

3241 [No response.]

3242 The {Clerk.} Mr. Ross?

3243 Mr. {Ross.} No.

3244 The {Clerk.} Mr. Ross votes no.

3245 Mr. Matheson?

3246 Mr. {Matheson.} No.

3247 The {Clerk.} Mr. Matheson votes no.

3248 Mr. Butterfield?

3249 Mr. {Butterfield.} Aye.

3250 The {Clerk.} Mr. Butterfield votes aye.

3251 Mr. Barrow?

3252 Mr. {Barrow.} Votes no.

3253 The {Clerk.} Mr. Barrow votes aye.

3254 Ms. Matsui?

3255 Ms. {Matsui.} Aye.

3256 The {Clerk.} Ms. Matsui votes aye.

3257 Mrs. Christensen?

3258 [No response.]

3259 The {Clerk.} Ms. Castor?

3260 Ms. {Castor.} Aye.

3261 The {Clerk.} Ms. Castor votes aye.

3262 Mr. Sarbanes?

3263 Mr. {Sarbanes.} Aye.

3264 The {Clerk.} Mr. Sarbanes votes aye.

3265 Chairman Upton?
3266 The {Chairman.} Votes no.
3267 The {Clerk.} Chairman Upton votes no.
3268 The {Chairman.} Other members wishing to cast a vote?
3269 Mr. Walden?
3270 Mr. {Walden.} No.
3271 The {Clerk.} Mr. Walden votes no.
3272 The {Chairman.} Mr. Shimkus?
3273 Mr. {Shimkus.} No.
3274 The {Clerk.} Mr. Shimkus votes no.
3275 The {Chairman.} Mr. Engel?
3276 Mr. {Engel.} Votes aye.
3277 The {Clerk.} Mr. Engel votes aye.
3278 The {Chairman.} Mr. Waxman?
3279 Mr. {Waxman.} Aye.
3280 The {Clerk.} Mr. Waxman votes aye.
3281 The {Chairman.} Mr. Green?
3282 Mr. {Green.} Aye.
3283 The {Clerk.} Mr. Green votes aye.
3284 The {Chairman.} Other members wishing to cast a vote?
3285 Seeing none, the clerk will report the tally.
3286 Mr. Dingell is recorded, correct?
3287 The {Clerk.} Yes.
3288 Mr. Chairman, on that vote, there were 15 ayes, 30 nays.

3289 The {Chairman.} Fifteen ayes, 30 nays. The amendment
3290 is not agreed to.

3291 For what purpose does the gentleman from the great State
3292 of Michigan seek recognition?

3293 Mr. {Dingell.} Thank you, Mr. Chairman. I have an
3294 amendment at the clerk's desk.

3295 The {Chairman.} The clerk will report the title of the
3296 amendment.

3297 The {Clerk.} Is it number 4, sir?

3298 Mr. {Dingell.} It is 004, yes.

3299 The {Clerk.} Amendment to H.R. 4480 offered by Mr.
3300 Dingell of Michigan.

3301 [The amendment follows:]

3302 ***** INSERT 9 *****

|
3303 The {Chairman.} The amendment will be considered as
3304 read. The staff will distribute the amendment, and the
3305 gentleman is recognized for 5 minutes in support of his
3306 amendment.

3307 Mr. {Dingell.} Thank you, Mr. Chairman, for your
3308 courtesy.

3309 When we had the meeting of the subcommittee to consider
3310 this, there was a colloquy me and an able member of the
3311 committee staff, and the question that we addressed was, is
3312 this legislation going to in any way change the way the
3313 public lands in the different agencies of the federal
3314 government are administered. The answer was that there will
3315 be no change in it, and as Ms. Brown observed, she said there
3316 is nothing in the legislation that says it would change it.
3317 So as a legal matter, it doesn't change it, referring
3318 specifically to the fact that the legislation does not change
3319 land management practices.

3320 Having said that, traditionally when the public lands
3321 are set aside, almost every agency has a specific organic act
3322 which defines how the sundry lands that are under the
3323 administration of that agency are administered. The Park
3324 Service has such. The Bureau of Land Management has such.
3325 The Forest Service has such. The refuge system has an

3326 organic statute that defines how its lands are administered
3327 as do the national cemeteries and Indian reservations and
3328 military reservations.

3329 The purpose of this amendment is very simple. It is to
3330 do one thing and one thing only, and that is to see to it
3331 that the public lands that are referred to in H.R. 4480 are
3332 administered according to their statute, the fundamental
3333 statute of the agency administering them, with no change
3334 being made in how the lands are administered, and since there
3335 is no desire on the part of the offerers of the legislation,
3336 I am simply seeing to clarify that so that we won't find that
3337 there will be the kind of curious problems that we have seen
3338 in the change of administration of public lands by one
3339 committee functioning over lands which are under the
3340 jurisdiction of another and finding to our great surprise
3341 that we have gotten an embarrassment because we have changed
3342 the administration unknowingly and unintentionally.

3343 I recognize the intention of the offerers of the
3344 legislation. It has been interpreted by the staff and the
3345 clear purpose is simply to see to it that when this matter
3346 comes into a court, which not infrequently engages in some
3347 curious practices of their own, to see to it that there will
3348 be no changes in the public land law of any particular tract
3349 which will be opened up to leasing under the legislation.

3350 It is an inoffensive amendment, I urge my colleagues to
3351 support it, and I will be happy to yield any questions of any
3352 member that might wish to raise same.

3353 The {Chairman.} Would the gentleman yield?

3354 Mr. {Dingell.} I will yield to the chairman.

3355 The {Chairman.} I like the words ``simply clarify.''
3356 Our side is prepared to accept the amendment.

3357 Mr. {Dingell.} Mr. Chairman, as always, you are most
3358 courteous, and I thank you for your kindness.

3359 The {Chairman.} With that, no other members seeking
3360 time, the question is on the Dingell amendment.

3361 All those in favor will say aye.

3362 Those opposed, say no.

3363 In the opinion of the chair, the ayes have it. The ayes
3364 have it and the amendment is agreed to.

3365 Are there further amendments to the bill?

3366 Mr. {Rush.} Mr. Chairman?

3367 The {Chairman.} The gentleman from Illinois.

3368 Mr. {Rush.} I have an amendment at the desk, Rush 057.

3369 Mr. {Chair.} Zero five seven?

3370 Mr. {Rush.} Right.

3371 The {Chairman.} The clerk will report the title of the
3372 amendment.

3373 The {Clerk.} Amendment to H.R. 4480 offered by Mr. Rush

3374 of Illinois.

3375 [The amendment follows:]

3376 ***** INSERT 10 *****

|
3377 The {Chairman.} And the amendment will be considered as
3378 read. The staff will distribute the amendment, and the
3379 gentleman is recognized for 5 minutes in support of his
3380 amendment.

3381 Mr. {Rush.} I want to thank you, Mr. Chairman.

3382 Mr. Chairman, we must forgive the American people who
3383 may be monitoring this markup today, and in the face of
3384 today's atrocious gas prices, the American people, we can
3385 forgive them for making the assumption that this committee
3386 was actually working on bills that would address one of their
3387 most pressing concerns, and that is the gas prices at the
3388 pump. Because we all know, and the majority side has already
3389 conceded on more than one occasion that neither the two bills
3390 that we are marking up today will do anything to lower the
3391 prices at the pump.

3392 Instead, the Strategic Energy Production Act will
3393 attempt to tie the hands of the Obama Administration and add
3394 unnecessary obstacles to the Administration's ability to act
3395 in operating the Strategic Petroleum Reserve in the future.

3396 As we have heard in the subcommittee hearing from Mr.
3397 Chris Smith, the Deputy Assistant Secretary for Oil and
3398 Natural Gas and the Office of Fossil Energy at the Department
3399 of Energy, this bill would complicate use of the SPR and

3400 potentially reduce its effectiveness because this bill would
3401 ``make it more difficult for the SPR to achieve its mission
3402 to respond promptly to supply interruptions with emergency
3403 crude oil. It would also limit DOE's ability to manage the
3404 SPR on a day-to-day basis in which releases occasionally are
3405 necessary for the routine maintenance and operation of the
3406 reserve.''

3407 Mr. Chairman, my amendment says that before we tie the
3408 hands of the Administration, let us first make sure that this
3409 bill will actually reduce prices at the pump for the American
3410 consumer.

3411 My amendment simply states that ``not later than 90 days
3412 after the enactment of this Act, the Administrator of the
3413 Energy Information Administration shall make a determination
3414 as to whether implementation of this Act is projected to
3415 lower gasoline prices in the United States within 10 years.''
3416 However, if the Administrator of the EIA determines that
3417 implementation of this Act is not projected to lower gasoline
3418 prices in the United States within 10 days, then Section 2 of
3419 this Act would sunset and cease to be effective.

3420 Mr. Chairman, during the subcommittee markup, the bill's
3421 sponsor, Mr. Gardner, made the observation that within 90
3422 days of the enactment of this Act, there may not be a
3423 drawdown, which means that there would no plans put in place

3424 to allow for more federal leases. However, I would argue
3425 that my amendment is not that complicated. It simply directs
3426 the EIA to answer the basic question of whether opening up
3427 additional lands for leasing can lower gas prices without
3428 looking at any specific plan.

3429 The bill specifically limits the amount of additional
3430 federal lands that could be leased to 10 percent, and I am
3431 confident that the EIA has the knowledge and the expertise to
3432 determine if leasing up to that amount would result in
3433 lowering overall gas prices.

3434 So in order to ensure that the American consumers are
3435 actually benefiting from lower gas prices before we tie the
3436 hands of the Obama Administration, I would urge all my
3437 colleagues to vote for this amendment.

3438 And with that, Mr. Chairman, I yield back.

3439 The {Chairman.} The gentleman yields back.

3440 The chair recognizes the gentleman from Colorado, Mr.
3441 Gardner, for 5 minutes.

3442 Mr. {Gardner.} Thank you, Mr. Chairman.

3443 And again, what this amendment requires is the study of
3444 a plan when the plan hasn't been offered, and so the
3445 amendment says that within 90 days, there is to be this study
3446 to see whether or not the plan that is authorized by the Act
3447 would lower the price of gasoline. The problem is, the

3448 Strategic Petroleum reserve may not be drawn down within 90
3449 days. It may not be drawn down within 180 days. It may be 2
3450 years, 3 years or 4 years. And to study the effect on price
3451 of a plan that doesn't exist is a phantom study.

3452 And so I think that this amendment really ought to be
3453 opposed by everyone on this committee because it would
3454 require an analysis of a leasing plan before it is developed.
3455 The bill in no way, shape or form ties the hands of any
3456 administration to tap into the Strategic Petroleum Reserve.
3457 That decision could be made now. It could be made this
3458 afternoon. It could be made tomorrow under the criteria of
3459 the law. This does not change the criteria of the law that
3460 is required to be followed when you access the Strategic
3461 Petroleum Reserve.

3462 I suggest perhaps that the Department of Energy go back
3463 and re-read the legislation and they would see that it has
3464 nothing to do whatsoever with their ability to draw down the
3465 Strategic Petroleum Reserve. In fact, the entire purpose of
3466 the bill is to make sure that we are replenishing the energy
3467 that we remove from the Strategic Petroleum Reserve.

3468 I have here a letter that I would ask to be inserted
3469 into the record from the Independent Petroleum Association of
3470 America. I will just read a couple of the sentences out of
3471 this letter where it says ``One of the keys to increasing

3472 American energy security is to have a balanced strategy that
3473 continually replenishes our reserves. This legislation, the
3474 Strategic Energy Production Act, achieves that goal by tying
3475 a release of the Strategic Petroleum Reserve to an increase
3476 of oil and gas leases on federal lands.' ' So you release the
3477 SPRO, you draw down the SPRO and then a plan is created to
3478 increase opportunities to replace that oil by utilizing
3479 federal lands. It doesn't change the process of accessing
3480 that federal land. It doesn't change the process of
3481 accessing the Strategic Petroleum Reserve. What it does is,
3482 it makes a determination that if we have a supply problem
3483 because there is not enough supply, that is why you release
3484 the SPRO, then you actually increase supply by increasing
3485 opportunity on federal lands for additional production
3486 opportunity.

3487 And so I would oppose this amendment because, again, it
3488 is seeking a study of a plan that doesn't exist.

3489 Mr. {Waxman.} Will the gentleman yield to me?

3490 Mr. {Gardner.} I would be happy to yield.

3491 Mr. {Waxman.} I think there is a misunderstanding on
3492 your part. It isn't a question of deciding whether the plan
3493 reduces gasoline prices. It is a question of whether this
3494 bill will reduce gasoline prices.

3495 Mr. {Gardner.} Reclaiming my time. I understand the

3496 semantics and the semantic acrobats that you may try to go
3497 through in terms of justifying a yes vote on this. But the
3498 simple matter is, the bill, the Act calls for a plan to be
3499 created, drafted after a drawdown of the Strategic Petroleum
3500 Reserve.

3501 Now, that plan based on the consultation of the
3502 Department of Energy, Departments of Agriculture and Defense,
3503 the consultation that is required under the Act, we don't
3504 know what acres are going to be involved until they consult,
3505 until they come forward with that plan. We don't know how
3506 many acres are going to be involved until the SPRO is
3507 actually drawn down.

3508 And so to require a study to take place in 90 days when
3509 we don't have a plan would again not determine anything. And
3510 so I object to this amendment on the simple grounds that this
3511 bill, this amendment really doesn't have anything to do with
3512 the actual mechanisms and mechanics of the legislation.

3513 And so with that, I ask for opposition and a no vote on
3514 the amendment, and I yield back my time.

3515 The {Chairman.} The gentleman yields back.

3516 Mr. {Waxman.} Mr. Chairman.

3517 The {Chairman.} I recognize the gentleman from
3518 California.

3519 Mr. {Waxman.} If the Energy Information Administration

3520 projects that this bill will lower gasoline prices now or in
3521 the future, the bill would go into effect as drafted. But if
3522 the EIA determines that the bill will not lower gasoline
3523 prices, the provisions authorizing the Department of Energy
3524 to set leasing plans for the Departments of Interior and
3525 Defense will not go into effect. In other words, the Rush
3526 Amendment will ensure that we don't waste taxpayers' dollars
3527 on a new government bureaucracy at DOE whose purpose is to
3528 duplicate the responsibilities of other government
3529 bureaucracies for no reason whatsoever.

3530 I thought the gentleman from Colorado's argument was
3531 interesting. He talked about not evaluating a plan that
3532 isn't in existence. That sounded like the points we were
3533 making on the previous bill where we were saying that they
3534 were going to do a study on a rule that hadn't even been
3535 proposed. Well, this is not asking them to do a study on a
3536 plan, this is to have the Energy Information Administration
3537 look at this bill, and if we did everything this bill
3538 requires, wouldn't really lead to lower gasoline prices. And
3539 I don't think it would.

3540 Mr. {Gardner.} Would the gentleman yield?

3541 Mr. {Waxman.} Yes.

3542 Mr. {Gardner.} The bill requires a plan, so you are
3543 saying then that we should study the plan?

3544 Mr. {Waxman.} If the bill requires that there is going
3545 to be a plan and that there is going to be a reduction in
3546 gasoline prices, for every bit of gas taken out of the SPRO,
3547 you could go and drill more, will that lower gasoline prices.
3548 That is the issue that they will be studying and they will
3549 have to make a determination whether that will reduce
3550 gasoline prices.

3551 Mr. {Gardner.} Will the gentleman yield?

3552 Mr. {Waxman.} Yes.

3553 Mr. {Gardner.} You can't study the plan until it is
3554 offered.

3555 Mr. {Waxman.} Look at the bill. Is it possible if we
3556 increase oil supplies, will we get a lower gasoline price?
3557 My guess is, they will look at that on its face and say that
3558 oil prices are at the world market and therefore this doesn't
3559 really lower gasoline prices.

3560 This is a bill that I think is deceptive because its
3561 premise is that we should believe that drilling to the last
3562 drop and rolling back air quality protections will protect
3563 consumers from price spikes at the pump, and that is a
3564 fantasy. Oil prices are set on the global market. Spikes in
3565 oil prices come from turmoil in the Middle East, growing
3566 demand in China. As we discussed during consideration of the
3567 last bill, the CBO released a report last week drawing the

3568 same conclusion. Even if the United States increased
3569 production and became a net exporter of oil, U.S. consumers
3570 would still be exposed to gasoline prices that rose and fell
3571 in response to disruptions around the world. That is what
3572 CBO says. That is what we argue.

3573 We are willing to let the Energy Information
3574 Administration look at this bill and the premise of the bill.
3575 If they think it is going to accomplish the goals without a
3576 plan being before them, just simply what the bill proposes,
3577 they think that there is a possibility you are going to lower
3578 gasoline prices, then that is fine. But I don't think they
3579 are going to reach that conclusion and Mr. Rush is calling
3580 your bluff.

3581 I yield to the gentleman from Illinois.

3582 Mr. {Rush.} My amendment again doesn't consider a plan.
3583 It is not about planning. It really is about the results,
3584 and the results are clear. You talk about acrobatics. I
3585 mean, the other side, you guys are really engaged in a lot of
3586 strenuous and excessive acrobatics as it relates to changing
3587 the tone and the wording and trying to confuse the American
3588 public.

3589 My amendment speaks directly toward results. If in fact
3590 the EIA determines after 90 days that this bill would
3591 increase gasoline prices, well, then the bill would not go

3592 into effect. If it determines that it does not increase
3593 gasoline prices, then it will go into effect. So I am just
3594 somewhat confused by this approach. You know, you make one
3595 argument one moment and then you turn around and make another
3596 argument in another moment, both arguing against what I am
3597 trying to get to, and that is just the results, commonsense
3598 results.

3599 The {Chairman.} The gentleman's time is expired.

3600 Other members wishing to speak? The gentleman from
3601 Illinois is recognized.

3602 Mr. {Shimkus.} Thank you, Mr. Chairman. I want to
3603 speak against the amendment.

3604 I have really been waiting for someone to raise this CBO
3605 report because it reminds me of the Wizard of the Oz when the
3606 wizard, when Toto pulls back the curtain and he is pulling
3607 the levers, don't mind the person behind the curtain. Well,
3608 who is the main author of the CBO report? And the main
3609 author--and in fact, the CBO Director, Mr. Elmendorf, really
3610 has hurt the credibility of the Congressional Budget Office
3611 by having this individual as the lead author of this report.

3612 The Congressional Budget Office since 1974 is supposed
3613 to produce independent, nonpartisan timely analysis of
3614 economic and budgetary issues to support the Congressional
3615 budget process. All CBO employees are appointed solely on

3616 the basis of professional competence without regard to
3617 political acidification.

3618 Well, here is the author and his picture drawn from his
3619 Facebook page or website, Mr. Stocking. I think he is at the
3620 Democratic National Convention with a ``change'' poster,
3621 BarackObama.com. So here is the author of this vaunted CBO
3622 report, and so it is just very important that we--this really
3623 does hurt the CBO, to have someone that is in opposition to
3624 their core position on their website as being in keeping with
3625 CBO's mandate to provide objective, impartial analysis and a
3626 report that should make no recommendation.

3627 Here is Mr. Stocking's background. He worked with Care
3628 2, working with environmental groups and anti-oil causes.
3629 Shocking that this report would come out. He has done
3630 analytical work for the Wilderness Society, the League of
3631 Conservation Voters to fight gas drilling in Wyoming. His
3632 own Facebook page, under likes, he lists two movies, one of
3633 which is an anti-oil industry documentary titled ``Crude.
3634 Have you seen the price of oil lately.'' His other likes
3635 include the green workplace, Jerry Brown, Michelle Obama,
3636 Barack Obama, moveon.org. Does this sound like a nonpartisan
3637 person who is objectively analyzing the facts and figures of
3638 this debate, a very basic debate? Is more crude oil supplies
3639 good? Is that good for lowering the world crude oil price.

3640 Mr. {Waxman.} Will the gentleman yield?

3641 Mr. {Shimkus.} Oh, there is a lot more of his
3642 background that I want to get on record first.

3643 He also lists--let us see. I have talked about Green
3644 Corps, Nature Conservancy, talking points memo, Student
3645 Conservation Association. On his Facebook includes 15 photos
3646 of him attending the 2008 Democratic Convention in Denver,
3647 including four photos of him holding signs. This is the one
3648 identified here supporting President Obama. Public records
3649 show donations to Senator Kerry and Barack Obama.

3650 Again, the point being, the CBO has really erred in
3651 allowing this to be the basis and the main author when he is
3652 clearly identified as a partisan, and not just a partisan but
3653 an environmentalist ideologue, anti-fossil fuel sector
3654 individual. So how in the world can we--I mean, I knew this
3655 was going to bring up but more supply is always good for
3656 lower prices. More supply is always good for lower prices if
3657 demand stays the same. You get more supply, demand goes up
3658 commensurately, then you are going to have the same price.

3659 I hope Mr. Elmendorf gets a transcript of this markup
3660 and takes some corrective action against truly an ideologue
3661 that is portraying as an independent analysis.

3662 Yield back my time.

3663 The {Chairman.} The gentleman yields back.

3664 Other members wishing to speak on the amendment? Mr.
3665 Waxman is recognized for 5 minutes.

3666 Mr. {Waxman.} I wish to take a point and respond to
3667 this issue, looking at one of the authors of a report and
3668 then criticizing the validity of the report.

3669 This document from CBO was prepared at the request of
3670 the chairman of the Senate Committee on Energy and Natural
3671 Resources. In keeping with CBO's mandate to provide
3672 objective, impartial analysis, this report makes no
3673 recommendations.

3674 Andrew Stocking of CBO's Microeconomics Studies Division
3675 wrote the report under the guidance of Joseph Kile and David
3676 Moore, formerly of CBO, Bob Arnold, Perry Beider, Terry
3677 Dinan, Wendy Edelberg, Kathy Gramp, Mark Hadley, Mark Lasky,
3678 Chad Shirley, Natalie Tawil and Steven Weinberg of CBO
3679 provided helpful comments on drafts. Several external
3680 reviewers also provided useful comments: James Hamilton of
3681 the University of California, San Diego, Tancred Lidderdale
3682 of the Energy Information Administration, Adele Morris of the
3683 Brookings Institution, Michael Ratner of the Congressional
3684 Research Service, Bob Ryan of the Linehouse Research and
3685 Training, Catherine Wolfram of the University of California,
3686 Berkeley. The assistance of external reviewers implies no
3687 responsibility for the final product which rests solely on

3688 CBO. Christine Bogusz edited the report. Maureen
3689 Constantino took the cover photo. She and Jeanine Reese
3690 prepared the report for publication, and this is signed by
3691 Douglas W. Elmendorf, Director.

3692 I think you are being very unfair to single out one
3693 person. I don't know if you did a study of all these other
3694 people to know their views. There is nothing that says
3695 somebody working at CBO cannot be a Democrat or a Republican
3696 activist. There is nothing at CBO or should there be that
3697 says anybody who works there as an economist should pass a
3698 litmus test on their views to meet what you would consider
3699 acceptable on environmental issues.

3700 What did CBO say? CBO looked at gasoline prices in
3701 three countries over the last 12 years--the United States,
3702 Japan and Canada--and they found that the prices in each
3703 country spiked and fell in unison, even though the United
3704 States produces some of the oil it consumes, Japan produces
3705 almost no oil and Canada is a net oil exporter. That is what
3706 they looked at. I don't know what insidious leftwing
3707 environmental plot is involved in it but that seems to me
3708 like a reasonable study.

3709 And CBO analysis shows that domestic oil production is a
3710 non-factor in controlling domestic gasoline prices.
3711 Increasing domestic production in the United States would do

3712 nothing to protect American consumers from gasoline price
3713 spikes caused by rising global oil prices.

3714 Mr. {Gardner.} Would the gentleman yield?

3715 Mr. {Waxman.} The Associated Press found the same
3716 thing, and not only that--

3717 Mr. {Gardner.} Would the gentleman yield?

3718 Mr. {Waxman.} Not only that, Joe Barton agreed with
3719 that position that I reiterated earlier, that it is world oil
3720 prices.

3721 So this is what is called, as I recall, an ad hominem
3722 attack on an argument. You can't match--you can't rebut the
3723 argument on the facts but you decide to rebut the argument
3724 and conclusion by singling out an individual and trying to
3725 say that he is someone who shouldn't be trusted, I presume as
3726 an economist, to look and reach these views.

3727 Now, who wanted me to yield? Yes.

3728 Mr. {Gardner.} Thank you.

3729 And I will just talk a little bit about what the CBO
3730 report pointed out. It says the extensive network of
3731 pipelines, shipping and other options for transporting oil
3732 around the world means that a single world oil price
3733 prevails. That is what you read. I believe that is what you
3734 read. Disruptions related to oil production that occur
3735 anywhere in the world raise the price of oil for every

3736 consumer of oil.

3737 Now, it sounds like this world supply matters only when
3738 it comes to world price matters but supply doesn't affect it.
3739 So the argument that I am hearing from you and others on the
3740 committee is that if the United States quit producing oil
3741 altogether, it wouldn't impact price.

3742 Mr. {Waxman.} Well, that would be quite an extreme.
3743 Reclaiming my time. It is my time. That would be extreme.
3744 No one is making that argument. It certainly could affect
3745 the overall global price.

3746 But let us take Canada, for example.

3747 Mr. {Gardner.} Would the gentleman yield?

3748 Mr. {Waxman.} Point of order. Canada produces more oil
3749 than it consumes, and Canada's price for gasoline is the same
3750 as our price. What conclusion can you draw from that? Are
3751 we going to produce enough gasoline that it will provide
3752 enough supply for the whole world market to lower oil prices,
3753 which would lower gasoline prices? And you have to take into
3754 consideration the tightness of supplies based on what is
3755 going on in the Middle East and other places, and that is the
3756 point that CBO made and that is the point that I have made
3757 and others have made it, and I suppose you could look at some
3758 of my past votes and say that discredits me, but it doesn't
3759 discredit the point even if you don't like me or some

3760 gentleman who is one of many people that developed the CBO
3761 report.

3762 The {Chairman.} The gentleman's time is expired.

3763 Are there other members wishing to speak on the
3764 amendment? Seeing none, the vote occurs on the amendment
3765 offered by the gentleman from Illinois.

3766 Those in favor, say aye.

3767 Those opposed, say no. In the opinion of the chair--

3768 Mr. {Rush.} Mr. Chairman.

3769 The {Chairman.} The clerk will call the roll.

3770 The {Clerk.} Mr. Barton?

3771 [No response.]

3772 The {Clerk.} Mr. Stearns?

3773 [No response.]

3774 The {Clerk.} Mr. Whitfield?

3775 Mr. {Whitfield.} No.

3776 The {Clerk.} Mr. Whitfield votes no.

3777 Mr. Shimkus?

3778 Mr. {Shimkus.} No.

3779 The {Clerk.} Mr. Shimkus votes no.

3780 Mr. Pitts?

3781 Mr. {Pitts.} No.

3782 The {Clerk.} Mr. Pitts votes no.

3783 Mrs. Bono Mack?

3784 Mrs. {Bono Mack.} No.

3785 The {Clerk.} Mrs. Bono Mack votes no.

3786 Mr. Walden?

3787 Mr. {Walden.} No.

3788 The {Clerk.} Mr. Walden votes no.

3789 Mr. Terry?

3790 Mr. {Terry.} No.

3791 The {Clerk.} Mr. Terry votes no.

3792 Mr. Rogers?

3793 [No response.]

3794 The {Clerk.} Mrs. Myrick?

3795 Mrs. {Myrick.} No.

3796 The {Clerk.} Mrs. Myrick votes no.

3797 Mr. Sullivan?

3798 Mr. {Sullivan.} No.

3799 The {Clerk.} Mr. Sullivan votes no.

3800 Mr. Murphy?

3801 Mr. {Murphy.} No.

3802 The {Clerk.} Mr. Murphy votes no.

3803 Mr. Burgess?

3804 [No response.]

3805 The {Clerk.} Mrs. Blackburn?

3806 Ms. {Blackburn.} Mrs. Blackburn votes no.

3807 Mr. Bilbray?

3808 Mr. {Bilbray.} No.

3809 The {Clerk.} Mr. Bilbray votes no.

3810 Mr. Bass?

3811 Mr. {Bass.} No.

3812 The {Clerk.} Mr. Bass votes no.

3813 Mr. Gingrey?

3814 [No response.]

3815 The {Clerk.} Mr. Scalise?

3816 Mr. {Scalise.} No.

3817 The {Clerk.} Mr. Scalise votes no.

3818 Mr. Latta?

3819 Mr. {Latta.} No.

3820 The {Clerk.} Mr. Latta votes no.

3821 Mrs. McMorris Rodgers?

3822 Mrs. {McMorris Rodgers.} No.

3823 The {Clerk.} Mrs. McMorris Rodgers votes no.

3824 Mr. Harper?

3825 Mr. {Harper.} No.

3826 The {Clerk.} Mr. Harper votes no.

3827 Mr. Lance?

3828 Mr. {Lance.} No.

3829 The {Clerk.} Mr. Lance votes no.

3830 Mr. Cassidy?

3831 Dr. {Cassidy.} No.

3832 The {Clerk.} Mr. Cassidy votes no.
3833 Mr. Guthrie?
3834 Mr. {Guthrie.} No.
3835 The {Clerk.} Mr. Guthrie votes no.
3836 Mr. Olson?
3837 Mr. {Olson.} No.
3838 The {Clerk.} Mr. Olson votes no.
3839 Mr. McKinley?
3840 Mr. {McKinley.} No.
3841 The {Clerk.} Mr. McKinley votes no.
3842 Mr. Gardner?
3843 Mr. {Gardner.} No.
3844 The {Clerk.} Mr. Gardner votes no.
3845 Mr. Pompeo?
3846 Mr. {Pompeo.} No.
3847 The {Clerk.} Mr. Pompeo votes no.
3848 Mr. Kinzinger?
3849 [No response.]
3850 The {Clerk.} Mr. Griffith?
3851 Mr. {Griffith.} No.
3852 The {Clerk.} Mr. Griffith votes no.
3853 Mr. Waxman?
3854 Mr. {Waxman.} Aye.
3855 The {Clerk.} Mr. Waxman votes aye.

3856 Mr. Dingell?

3857 Mr. {Dingell.} Aye.

3858 The {Clerk.} Mr. Dingell votes aye.

3859 Mr. Markey?

3860 Mr. {Markey.} Votes aye.

3861 The {Clerk.} Mr. Markey votes aye

3862 Mr. Towns?

3863 [No response.]

3864 The {Clerk.} Mr. Pallone?

3865 Mr. {Pallone.} Aye.

3866 The {Clerk.} Mr. Pallone votes aye.

3867 Mr. Rush?

3868 Mr. {Rush.} Aye.

3869 The {Clerk.} Mr. Rush votes aye.

3870 Ms. Eshoo?

3871 Ms. {Eshoo.} Aye.

3872 The {Clerk.} Ms. Eshoo votes aye.

3873 Mr. Engel?

3874 Mr. {Engel.} Aye.

3875 The {Clerk.} Mr. Engel votes aye.

3876 Mr. Green?

3877 Mr. {Green.} Aye.

3878 The {Clerk.} Mr. Green votes aye.

3879 Ms. DeGette?

3880 Ms. {DeGette.} Aye.

3881 The {Clerk.} Ms. DeGette votes aye.

3882 Mrs. Capps?

3883 [No response.]

3884 The {Clerk.} Mr. Doyle?

3885 Mr. {Doyle.} Yes.

3886 The {Clerk.} Mr. Doyle votes aye.

3887 Ms. Schakowsky?

3888 Ms. {Schakowsky.} Aye.

3889 The {Clerk.} Ms. Schakowsky votes aye.

3890 Mr. Gonzalez?

3891 [No response.]

3892 The {Clerk.} Ms. Baldwin?

3893 [No response.]

3894 The {Clerk.} Mr. Ross?

3895 Mr. {Ross.} No.

3896 The {Clerk.} Mr. Ross votes no.

3897 Mr. Matheson?

3898 [No response.]

3899 The {Clerk.} Mr. Butterfield?

3900 Mr. {Butterfield.} Aye.

3901 The {Clerk.} Mr. Butterfield votes aye.

3902 Mr. Barrow?

3903 Mr. {Barrow.} No.

3904 The {Clerk.} Mr. Barrow votes no.
3905 Ms. Matsui?
3906 Ms. {Matsui.} Aye.
3907 The {Clerk.} Ms. Matsui votes aye.
3908 Mrs. Christensen?
3909 Dr. {Christensen.} Aye.
3910 The {Clerk.} Mrs. Christensen votes aye.
3911 Ms. Castor?
3912 Ms. {Castor.} Aye.
3913 The {Clerk.} Ms. Castor votes aye.
3914 Mr. Sarbanes?
3915 Mr. {Sarbanes.} Aye.
3916 The {Clerk.} Mr. Sarbanes votes aye.
3917 Chairman Upton?
3918 The {Chairman.} Votes no.
3919 The {Clerk.} Chairman Upton votes no.
3920 The {Chairman.} Other members wishing to cast a vote?
3921 Mr. Barton?
3922 Mr. {Barton.} No.
3923 The {Clerk.} Mr. Barton votes no.
3924 The {Chairman.} Ms. Capps?
3925 Ms. {Capps.} Votes yes.
3926 The {Clerk.} Mrs. Capps votes aye.
3927 The {Chairman.} Mr. Matheson?

3928 Mr. {Matheson.} Votes no.

3929 The {Clerk.} Mr. Matheson votes no.

3930 The {Chairman.} Dr. Burgess?

3931 Dr. {Burgess.} No.

3932 The {Clerk.} Mr. Burgess votes no.

3933 The {Chairman.} Other members wishing to cast a vote?

3934 Seeing none, the clerk will report the tally.

3935 Is Dr. Gingrey recorded?

3936 The {Clerk.} Mr. Gingrey is not recorded.

3937 The {Chairman.} Dr. Gingrey?

3938 Mr. {Gingrey.} No.

3939 The {Clerk.} Mr. Gingrey votes no.

3940 The {Chairman.} Is. Mr. Lance recorded? Oh, he is.

3941 Mr. {Green.} Mr. Chairman, while we are awaiting the

3942 count, could I comment on my colleague from Texas and his

3943 friendship for Bobby Rush? The old saying, if you want a

3944 friend in Washington, you bring a dog.

3945 The {Chairman.} My dog is waiting for me to take her

3946 outside soon, so we are trying to get these amendments done.

3947 Mr. {Waxman.} Just don't put her on the roof of your

3948 car.

3949 The {Chairman.} Sammy won't allow that.

3950 Is the clerk ready to report the tally?

3951 The {Clerk.} Mr. Chairman, on that vote, there were 17

3952 ayes, 31 nays.

3953 The {Chairman.} Seventeen ayes, 31 nays. The amendment
3954 is not agreed to.

3955 For what purpose does the gentleman from California seek
3956 recognition?

3957 Mr. {Waxman.} I have an amendment at the desk.

3958 The {Chairman.} And the number is?

3959 Mr. {Waxman.} Three.

3960 The {Chairman.} The clerk will report the title of the
3961 amendment.

3962 The {Clerk.} Amendment to H.R. 4480 offered by Mr.
3963 Waxman of California.

3964 [The amendment follows:]

3965 ***** INSERT 11 *****

|
3966 The {Chairman.} The amendment will be considered as
3967 read and the staff will distribute the amendment, and the
3968 gentleman is recognized for 5 minutes in support of his
3969 amendment.

3970 Mr. {Waxman.} If this bill were to become law, the
3971 Secretary of Energy would be given the authority to require
3972 drilling in lands currently managed by the Department of
3973 Interior, Department of Agriculture and the Department of
3974 Defense. This doesn't make any sense. These agencies
3975 understand the lands they manage and their missions better
3976 than the Department of Energy, and frankly, I am just
3977 surprised that the Republicans would want to legally require
3978 the Department of Defense to take orders from Secretary Chu,
3979 but that is exactly what this bill would accomplish.

3980 The Defense Department is concerned that drilling in
3981 inappropriate places could adversely affect our armed
3982 services military training and readiness. For instance, DOD
3983 has objected to exploration along 80 percent of the Virginia
3984 coast, home base of the Navy's 2nd Fleet in Norfolk, among
3985 other military installations. And this isn't a partisan
3986 view.

3987 In 2005, Defense Secretary Donald Rumsfeld said drilling
3988 structures within a military training area in the eastern

3989 Gulf of Mexico would be ``incompatible with military
3990 activities such as missile flights, low-flying drone
3991 aircraft, weapons testing and training.'' And I hope because
3992 the position I am taking was the position that Donald
3993 Rumsfeld took shouldn't discredit the position because you
3994 can lay out a lot of things that Donald Rumsfeld, our
3995 Secretary of Defense, said and did that I disagreed with.

3996 There are also DOD lands that may have oil and gas
3997 deposits. Is it appropriate to drill there? Is it
3998 consistent with meeting the Nation's defense goals? I don't
3999 know, but I do know that DOD is in the best position to
4000 determine whether it is appropriate to issue leases for their
4001 lands, not the Department of Energy. It is ridiculous to
4002 suggest that requiring the Department of Defense take orders
4003 from the Secretary of Energy and believe that this is going
4004 to reduce gasoline prices.

4005 So my amendment would fix this problem by clarifying
4006 that no action can be required by DOE's plan if the action
4007 will adversely affect national security or military
4008 activities including preparedness and training. This is an
4009 amendment that I think makes a lot of sense. It will not fix
4010 the fundamental problems with this legislation but at least
4011 it will prevent the legislation from doing active harm to our
4012 defense activities.

4013 I urge all members to support this amendment and I am
4014 really curious to hear what opposition there is, if any.
4015 Maybe this one will be accepted as well because we shouldn't
4016 be overriding the military when it comes to these kinds of
4017 matters.

4018 The {Chairman.} Will the gentleman yield?

4019 Mr. {Waxman.} I would be happy to.

4020 The {Chairman.} I didn't hear the words ``simply
4021 clarify'' but we are prepared to accept it.

4022 Mr. {Waxman.} Mr. Chairman, I--

4023 The {Chairman.} It makes a better bill even better.

4024 Mr. {Waxman.} I can only say it doesn't make a better
4025 bill even better but it makes a bill less worse, and for
4026 that, I extend to you my gratitude and accept your
4027 willingness to take my amendment.

4028 The {Chairman.} The gentleman's time is expired.

4029 All those in favor of the amendment, say aye.

4030 All those opposed, say no.

4031 In the opinion of the chair, the ayes have it. The ayes
4032 have it. The amendment is adopted.

4033 Are there further amendments to the bill? The gentleman
4034 from Massachusetts.

4035 Mr. {Markey.} I have amendment number 109 at the desk.

4036 The {Chairman.} The clerk will report the title of the

4037 amendment.

4038 The {Clerk.} Amendment to H.R. 4480 offered by Mr.

4039 Markey of Massachusetts.

4040 [The amendment follows:]

4041 ***** INSERT 12 *****

|
4042 The {Chairman.} The amendment will be considered as
4043 read and the staff will distribute the amendment, and the
4044 gentleman is recognized for 5 minutes in support of his
4045 amendment.

4046 Mr. {Markey.} Thank you very much, Mr. Chairman.

4047 Mr. Chairman, this bill requires any federal agency that
4048 manages public lands to abide by a leasing plan that the
4049 Department of Energy puts together whenever oil is released
4050 from the Strategic Petroleum Reserve, and it also says that
4051 the plan should provide--and this is the key phrase, and I
4052 agree with it. It says ``The plan should provide an adequate
4053 and reliable supply of domestic transportation fuels.'' I
4054 don't think there can be a more noble goal for legislation.
4055 I congratulate the majority for basically embodying that
4056 sentiment in their legislation.

4057 So my amendment basically requires that oil and fuels
4058 that begin as domestic oil and fuels stay that way, which in
4059 my belief just captures the heart of what this bill is meant
4060 to achieve.

4061 So let me be clear. I do agree with Mr. Whitfield that
4062 these bills won't do anything to reduce gas prices. I also
4063 agree with the Congressional Budget Office, which recently
4064 did a study showing that there is absolutely no historical

4065 correlation whatsoever between drilling in the United States
4066 and gasoline prices anyway. But I also believe in truth in
4067 advertising. If the plan is supposed to create a domestic
4068 supply of oils and fuels, let us make sure that it actually
4069 does so.

4070 All my amendment says is that any company that bids on
4071 one of these leases on the public lands, the people's lands
4072 of the United States, developed as part of DOE's plan has to
4073 certify that the oil and fuels derived from the lease have to
4074 be sold in the United States. What better way to ensure
4075 domestic supply for the transportation sector of the United
4076 States to make sure that the oil that is drilled for on the
4077 public lands is sold here in the United States in the
4078 transportation sector? And just say it concretely in the
4079 legislation. They can be sold to consumers, they can be put
4080 into cars and trucks, they can be sold to chemical companies
4081 even and turned into plastics, which can in turn be exported.
4082 But they just can't go to a bunch of refineries in Port
4083 Arthur, Texas, and be sent to Europe, Latin America or China
4084 on a tax-free basis. That is what happened with three-
4085 quarters of the gasoline refined in the region last year, and
4086 it is the plan for refined products made from exporting oil
4087 through the Keystone export pipeline, because that is all it
4088 will be. It will be the Keystone export pipeline, and we

4089 really don't want that. I think we agree with that. We want
4090 to keep it here in the United States. That is the point of
4091 the legislation.

4092 So that is all my amendment says, and I just urge
4093 support for my commonsense amendment and would be willing to
4094 accept a unanimous consent request to include it in the bill
4095 without further debate.

4096 The {Chairman.} The gentleman from Illinois is
4097 recognized.

4098 Mr. {Shimkus.} To speak against the amendment, Mr.
4099 Chairman.

4100 Thank you, Mr. Chairman. We have had this a couple of
4101 times in different markups and hearings. We have all today
4102 really continued to admit that oil is a worldwide commodity
4103 product. We have tried to talk about how that is influenced,
4104 basically supply and demand. We also know that environmental
4105 regulations that require capital expenses cause the refiners
4106 to make a decision, make a decision whether they are going to
4107 invest capital to meet the new regs or they are going to
4108 close facilities, which we have heard facilities that are in
4109 the process of being closed.

4110 In an all-of-the-above strategy, and I would focus on
4111 North American resources, that would be oil sands, especially
4112 my friend from California, Mr. Waxman, talked about national

4113 defense. What better way to ensure national defense than to
4114 allow oil sands to flow into our refineries to go to our
4115 defense industry and sector, but no, there was an amendment
4116 offered in an energy bill that prohibits that. Likewise, the
4117 same amendment prohibited coal-to-liquid applications, which
4118 is another national security aspect of this debate.

4119 As I said, I think it was in one of the many Keystone XL
4120 debates that we have had, Mr. Markey, that I do believe that
4121 it is a worldwide commodity product and the more base
4122 commodity you put on the market, if demand is the same, price
4123 will go down. That is true for oil. That is true for
4124 natural gas. That is true for beans. That is true for corn.
4125 That is true for pork bellies, any commodity product. If you
4126 want lower prices and demand stays the same, you want more
4127 supply.

4128 So putting more supply on the overall world market, if
4129 demand is the same, prices will go down. And so this is not
4130 helpful. We have heard this debate before. It actually
4131 would discourage additional--

4132 Mr. {Terry.} Would the gentleman yield?

4133 Mr. {Shimkus.} --exploration, discovery and recovery,
4134 and so that is why is I oppose the amendment, and I yield--

4135 Mr. {Green.} Will the gentleman yield?

4136 Mr. {Terry.} Thank you.

4137 Mr. {Shimkus.} Let me go to Mr. Terry, and then I will
4138 go over to Mr. Green.

4139 Mr. {Terry.} I will try and be quick so we reserve time
4140 for Gene.

4141 It is somewhat silly. We import 9 to 10 million barrels
4142 per day--per day. Wouldn't it be nice if we can use the
4143 resources that we have here in the United States and maybe a
4144 couple hundred miles across the border, the third largest
4145 reserve in the world, to provide us that level of energy
4146 security. About 50 percent of our export or trade deficit is
4147 energy being imported into this Nation. Think of all the
4148 money and jobs that would be created if we can keep that
4149 domestically.

4150 To sit here and say that if we allow Canadian oil to
4151 come into the United States that it is just going to be
4152 exported is just asinine. Now, if we can sit there and say
4153 okay, some of the byproducts and lubricants will be exported,
4154 some of the diesel, yeah, that has been going on every year.
4155 But to sit here and say that regular gasoline is going to be
4156 exported just simply isn't the truth, and I yield back.

4157 Mr. {Shimkus.} I would like to yield to Mr. Green from
4158 Texas.

4159 Mr. {Green.} Thank you, Mr. Chairman.

4160 First of all, I don't think this is a secret. I don't

4161 think we need this bill. It complicates leasing from the
4162 Department of Interior. But this amendment would make it
4163 even worse, simply because having represented a lot of
4164 refineries who do export gasoline, are we going to not export
4165 steel because we want to keep all the steel in our country?
4166 Why would we not have the downstream jobs? Let us bring the
4167 oil in from Canada or anywhere else, or I would rather
4168 produce in our own country and have those downstream jobs.

4169 And so I think the amendment makes a bad bill much
4170 worse. So I thank my colleague from Illinois for yielding me
4171 time.

4172 Mr. {Shimkus.} And with that, Mr. Chairman, I yield
4173 back my time.

4174 The {Chairman.} The gentleman yields back.

4175 Are there other members wishing to speak?

4176 Mr. {Markey.} Mr. Chairman.

4177 The {Chairman.} We have to get somebody to yield to
4178 you.

4179 Mr. {Markey.} Two minutes.

4180 The {Chairman.} I ask unanimous consent for 2 minutes.

4181 Mr. {Markey.} I thank the chairman very much.

4182 So here is the bottom line. Here is the rule of supply
4183 and demand in the oil market. OPEC supplies the oil and we
4184 pay whatever they demand. That is supply and demand. We

4185 only have 2 percent of the world's oil reserves. They have
4186 70 percent of the world's oil reserves. So do you really
4187 think we are impacting on the price of oil in the world? You
4188 want to export the oil we do have? You want to have the
4189 price of oil, which the oil companies want, by the way. It
4190 is only \$92 a barrel now for that oil here that is drilled in
4191 the United States. It is \$117 on the global market, which is
4192 where the oil companies want to sell American oil. You want
4193 to go that way, you go that way.

4194 But I will tell you what, that is just them making a
4195 profit. Their loyalty, the loyalty of Exxon Mobil is to
4196 their shareholders. It is to the world. They are not an
4197 American company in the sense that they want to keep the
4198 price of oil low for consumers. They want to get the highest
4199 possible prices on the global market. You can support that,
4200 but understand the consequence of that is that oil is drilled
4201 for in the United States on the public lands of the United
4202 States and then exported around the world, and ultimately,
4203 and that is what the CBO just said to us, the extensive
4204 network of pipelines, shipping and other options for
4205 transporting oil around the world means that a single world
4206 oil price prevails and disruptions related to oil production
4207 that occur anywhere in the world would raise the price of oil
4208 for every consumer of oil regardless of the amount--

4209 Mr. {Murphy.} Would the gentleman yield?

4210 Mr. {Markey.} --of oil imported or exported by that
4211 consumer's country.

4212 So all I am saying is, they have an incentive to export
4213 it because the price of a global barrel of oil is larger. If
4214 you just keep it here, it is \$92 a barrel. The consumers who
4215 are consuming it in their cars get the benefit of it. And so
4216 I just urge adoption of the Markey amendment.

4217 Mr. {Murphy.} Will the gentleman yield? Mr. Chairman,
4218 I have a question.

4219 The {Chairman.} His time is expiring.

4220 Are there other members wishing to speak on the
4221 amendment? Dr. Murphy.

4222 Mr. {Murphy.} Just a couple questions I have for the
4223 gentleman offering this.

4224 The issue becomes one, we wonder what happens, you know,
4225 when prices decline under certain level of people slow down
4226 drilling, we have a situation with natural gas drilling in
4227 Pennsylvania of the Marcellus shale where the price has
4228 declined so much that a number of rigs are shutting down,
4229 something like 4,000 fewer wells are probably going to be
4230 drilled, and that of course has an impact upon employment.
4231 Do we have any analysis of what some of this would mean on
4232 employment for people working on drills, the roughnecks, the

4233 electrical workers, the steamfitters, iron workers, people
4234 that make steel pipe? Do we have any impact on jobs of this?

4235 Mr. {Markey.} This amendment just goes to oil, and we
4236 have plenty of demand for oil in the United States, and every
4237 barrel of oil we produce here is one--

4238 Mr. {Murphy.} Let me ask this too, sir. Would this
4239 have an impact on--you know, one of the things we have is the
4240 ability to sell oil to other countries, that otherwise when
4241 you see what happens when Iran is saying that they were not
4242 going to sell oil to NATO countries or to European countries,
4243 to use that to manipulate support for Iran's nuclear program.
4244 Would this prevent us from being able to sell oil to our
4245 friendly nations?

4246 Mr. {Markey.} If the gentleman would yield?

4247 Mr. {Murphy.} Yes.

4248 Mr. {Markey.} Thank you.

4249 My amendment does not alter any of our treaty
4250 obligations. That is because the leases my amendment applies
4251 to represent just a small fraction of the oil produced in
4252 this country. No oil produced on private lands will be
4253 impacted by my amendment. No oil produced on preexisting
4254 leases.

4255 Mr. {Murphy.} Reclaiming my time, sir, it says here
4256 that all gas--that is gasoline, I am assuming?

4257 Mr. {Markey.} Yes.

4258 Mr. {Murphy.} And crude oil produced under such leases.

4259 All means all, and it just seems to me that that would--

4260 Mr. {Markey.} It is on the public lands, on new leases

4261 on public lands.

4262 Mr. {Murphy.} I appreciate that, but that would

4263 prohibit us from selling any oil to any other countries if we

4264 saw it in the best interest of national defense or the

4265 economy or other purposes.

4266 Mr. {Markey.} Well, again, it doesn't alter any new

4267 treaty obligations. What we are saying is, looking forward,

4268 given the catastrophic situation we are in right now with oil

4269 prices--

4270 Mr. {Murphy.} I appreciate that.

4271 Mr. {Markey.} --keep the oil that we have here. The

4272 President wants to have a national security waiver, but it

4273 seems to me, our national security is--

4274 Mr. {Murphy.} Well, I am going to reclaim my time in

4275 the effort to move forward, sir. I appreciate your comments.

4276 I read it that this would prohibit us from doing that unless

4277 there was some other activities.

4278 So I will yield my time back, or if someone else on our

4279 side--

4280 Mr. {Shimkus.} Dr. Murphy, if you would, up here?

4281 Mr. {Murphy.} Yes, Chairman Shimkus.

4282 Mr. {Shimkus.} Just for a minute to say that my friend
4283 protests too much when he complains about OPEC and their
4284 ability to influence the world market. The last time I
4285 checked, Canada, United States were not members of OPEC. So
4286 the whole argument is, more supply for us versus what OPEC
4287 could do is a good thing, and I will yield back to my
4288 colleague from Pennsylvania.

4289 Mr. {Murphy.} I thank the gentleman. I will yield back
4290 to the chairman.

4291 The {Chairman.} The gentleman yields back.

4292 Other members wishing to speak? Ms. Eshoo.

4293 Ms. {Eshoo.} Thank you, Mr. Chairman. I would like to
4294 yield my time to Mr. Markey.

4295 Mr. {Markey.} I thank the gentlelady. I am going to
4296 take one minute.

4297 Again, I just will say this. The amendment does not
4298 apply to private lands. It doesn't apply to any old public
4299 lands, that is, where the leases are already in existence.
4300 But what it does say--and I agree with the gentleman. We
4301 should keep the Canadian and United States oil here in the
4302 United States. That is my goal from this amendment, keep it
4303 here. We should try to gain energy independence here in this
4304 hemisphere, and all I am saying is, just keep it here. We

4305 are going to the public lands, after all. We are not going
4306 to private lands. We are saying to the American public, we
4307 want to lease this land to Exxon Mobil, and Exxon Mobil's ads
4308 say we want to provide domestic oil supply security in the
4309 United States. That is what their ad said. That is what
4310 Chevron's ad said. They all say the same thing. And your
4311 language says, domestic supply for transportation
4312 domestically.

4313 So all I am saying is that there is a Federal Trade
4314 Commission--

4315 Mr. {Murphy.} Will the gentleman yield?

4316 Mr. {Markey.} --unfair and deceptive practices action
4317 that we can take against even the naming of the legislation
4318 and the Exxon Mobil ads on TV.

4319 Mr. {Murphy.} Will the gentleman yield?

4320 Mr. {Markey.} It is obvious that the goal that we both
4321 say we share is to keep the oil here and have Canada and the
4322 United States partner in sending a message to OPEC, and then
4323 when I say okay, let us keep the oil here, we are told that,
4324 you know, oh, that is a violation of the free market. Well,
4325 what is the point then? If the oil companies are left with
4326 making the decision as to whether or not they are going to
4327 sell the oil overseas, of course they are going to sell the
4328 oil overseas. They make \$117 a barrel, not \$92 a barrel if

4329 they sell it here. I would sell it overseas. If I could
4330 create the Markey-Upton Oil Company, believe me, I would be
4331 wanting to sell all my oil for \$117 a barrel.

4332 The {Chairman.} We are looking for investors.

4333 Mr. {Markey.} As soon as we leave, that will be okay.

4334 Then we will be bipartisan and we will--

4335 The {Chairman.} The STOCK Act, we can't do that
4336 anymore.

4337 Mr. {Markey.} And in addition, on natural gas, to the
4338 gentleman from Pennsylvania, just so he knows, in the first
4339 three months of 2012, production of natural gas went up 9
4340 percent in the United States, which is a good thing because
4341 it keeps driving prices down, which is the goal that we all
4342 have: low natural gas prices.

4343 And either way, we are now talking about building a
4344 pipeline for natural gas into New England out of the
4345 Marcellus shale, which is great for New England. We like it.
4346 Low-priced natural gas is reviving the domestic manufacturing
4347 industry of New England. We like it. We want low-priced
4348 natural gas. We don't want to export it, though. We don't
4349 want a pipeline to come to Boston and then put it on LNG
4350 tankers and send it overseas, the cheap natural gas. We want
4351 it here for Americans. We want to make it. We want to drill
4352 for it here in America and then make products here in America

4353 with it. That is what we want, and that is the essence of
4354 the amendment. It is going to make it in America amendment.
4355 It is drill for it here, make it here.

4356 Otherwise, drill baby, drill, is kind of just a made-up
4357 mantra that really is export, baby, export, and all I am
4358 trying to do is just get to the heart of it to keep it here.
4359 Our national security is at stake.

4360 I thank the gentleman for the extra time and I yield
4361 back.

4362 The {Chairman.} The gentlelady yields back her time.
4363 Any other members wishing to speak?

4364 Seeing none, the vote occurs on the Markey amendment.

4365 All those in favor will say aye.

4366 Those opposed, say no.

4367 The nos appear to have it. The nos have it. The
4368 amendment is not agreed to.

4369 Mr. {Markey.} May I have a roll call vote?

4370 The {Chairman.} Roll call is requested. The clerk will
4371 call the roll.

4372 The {Clerk.} Mr. Barton?

4373 [No response.]

4374 The {Clerk.} Mr. Stearns?

4375 [No response.]

4376 The {Clerk.} Mr. Whitfield?

4377 Mr. {Whitfield.} No.
4378 The {Clerk.} Mr. Whitfield votes no.
4379 Mr. Shimkus?
4380 Mr. {Shimkus.} No.
4381 The {Clerk.} Mr. Shimkus votes no.
4382 Mr. Pitts?
4383 Mr. {Pitts.} No.
4384 The {Clerk.} Mr. Pitts votes no.
4385 Mrs. Bono Mack?
4386 Mrs. {Bono Mack.} No.
4387 The {Clerk.} Mrs. Bono Mack votes no.
4388 Mr. Walden?
4389 Mr. {Walden.} No.
4390 The {Clerk.} Mr. Walden votes no.
4391 Mr. Terry?
4392 Mr. {Terry.} No.
4393 The {Clerk.} Mr. Terry votes no.
4394 Mr. Rogers?
4395 [No response.]
4396 The {Clerk.} Mrs. Myrick?
4397 Mrs. {Myrick.} No.
4398 The {Clerk.} Mrs. Myrick votes no.
4399 Mr. Sullivan?
4400 Mr. {Sullivan.} No.

4401 The {Clerk.} Mr. Sullivan votes no.
4402 Mr. Murphy?
4403 Mr. {Murphy.} No.
4404 The {Clerk.} Mr. Murphy votes no.
4405 Mr. Burgess?
4406 [No response.]
4407 The {Clerk.} Mrs. Blackburn?
4408 Mrs. {Blackburn.} No.
4409 The {Clerk.} Mrs. Blackburn votes no.
4410 Mr. Bilbray?
4411 Mr. {Bilbray.} No.
4412 The {Clerk.} Mr. Bilbray votes no.
4413 Mr. Bass?
4414 Mr. {Bass.} No.
4415 The {Clerk.} Mr. Bass votes no.
4416 Mr. Gingrey?
4417 Dr. {Gingrey.} No.
4418 The {Clerk.} Mr. Gingrey votes no.
4419 Mr. Scalise?
4420 Mr. {Scalise.} No.
4421 The {Clerk.} Mr. Scalise votes no.
4422 Mr. Latta?
4423 Mr. {Latta.} No.
4424 The {Clerk.} Mr. Latta votes no.

4425 Mrs. McMorris Rodgers?
4426 Mrs. {McMorris Rodgers.} No.
4427 The {Clerk.} Mrs. McMorris Rodgers votes no.
4428 Mr. Harper?
4429 Mr. {Harper.} No.
4430 The {Clerk.} Mr. Harper votes no.
4431 Mr. Lance?
4432 Mr. {Lance.} No.
4433 The {Clerk.} Mr. Lance votes no.
4434 Mr. Cassidy?
4435 Dr. {Cassidy.} No.
4436 The {Clerk.} Mr. Cassidy votes no.
4437 Mr. Guthrie?
4438 Mr. {Guthrie.} No.
4439 The {Clerk.} Mr. Guthrie votes no.
4440 Mr. Olson?
4441 Mr. {Olson.} No.
4442 The {Clerk.} Mr. Olson votes no.
4443 Mr. McKinley?
4444 Mr. {McKinley.} No.
4445 The {Clerk.} Mr. McKinley votes no.
4446 Mr. Gardner?
4447 Mr. {Gardner.} No.
4448 The {Clerk.} Mr. Gardner votes no.

4449 Mr. Pompeo?
4450 Mr. {Pompeo.} No.
4451 The {Clerk.} Mr. Pompeo votes no.
4452 Mr. Kinzinger?
4453 Mr. {Kinzinger.} No.
4454 The {Clerk.} Mr. Kinzinger votes no.
4455 Mr. Griffith?
4456 Mr. {Griffith.} No.
4457 The {Clerk.} Mr. Griffith votes no.
4458 Mr. Waxman?
4459 [No response.]
4460 The {Clerk.} Mr. Dingell?
4461 [No response.]
4462 The {Clerk.} Mr. Markey?
4463 Mr. {Markey.} Votes aye.
4464 The {Clerk.} Mr. Markey votes aye.
4465 Mr. Towns?
4466 [No response.]
4467 The {Clerk.} Mr. Pallone?
4468 Mr. {Pallone.} Aye.
4469 The {Clerk.} Mr. Pallone votes aye.
4470 Mr. Rush?
4471 [No response.]
4472 The {Clerk.} Ms. Eshoo?

4473 Ms. {Eshoo.} Aye.
4474 The {Clerk.} Ms. Eshoo votes aye.
4475 Mr. Engel?
4476 Mr. {Engel.} Aye.
4477 The {Clerk.} Mr. Engel votes aye.
4478 Mr. Green?
4479 Mr. {Green.} No.
4480 The {Clerk.} Mr. Green votes no.
4481 Ms. DeGette?
4482 Ms. {DeGette.} No.
4483 The {Clerk.} Ms. DeGette votes no.
4484 Mrs. Capps?
4485 Mrs. {Capps.} No.
4486 The {Clerk.} Mrs. Capps votes no.
4487 Mr. Doyle?
4488 [No response.]
4489 The {Clerk.} Ms. Schakowsky?
4490 Ms. {Schakowsky.} Aye.
4491 The {Clerk.} Ms. Schakowsky votes aye.
4492 Mr. Gonzalez?
4493 [No response.]
4494 The {Clerk.} Ms. Baldwin?
4495 [No response.]
4496 The {Clerk.} Mr. Ross?

4497 Mr. {Ross.} No.

4498 The {Clerk.} Mr. Ross votes no.

4499 Mr. Matheson?

4500 [No response.]

4501 The {Clerk.} Mr. Butterfield?

4502 Mr. {Butterfield.} Aye.

4503 The {Clerk.} Mr. Butterfield votes aye.

4504 Mr. Barrow?

4505 Mr. {Barrow.} Aye.

4506 The {Clerk.} Mr. Barrow votes aye.

4507 Ms. Matsui?

4508 Ms. {Matsui.} Aye.

4509 The {Clerk.} Ms. Matsui votes aye.

4510 Mrs. Christensen?

4511 The {Chairman.} Mrs. Christensen?

4512 Dr. {Christensen.} Aye.

4513 The {Clerk.} Mrs. Christensen votes aye.

4514 Ms. Castor?

4515 Ms. {Castor.} Aye.

4516 The {Clerk.} Ms. Castor votes aye.

4517 Mr. Sarbanes?

4518 Mr. {Sarbanes.} Aye.

4519 The {Clerk.} Mr. Sarbanes votes aye.

4520 Chairman Upton?

4521 The {Chairman.} Votes no.

4522 The {Clerk.} Chairman Upton votes no.

4523 The {Chairman.} Other members wishing to cast a vote?

4524 Mr. Barton?

4525 Mr. {Barton.} No.

4526 The {Clerk.} Mr. Barton votes no.

4527 The {Chairman.} Mr. Stearns?

4528 Mr. {Stearns.} No.

4529 The {Clerk.} Mr. Stearns votes no.

4530 The {Chairman.} Dr. Burgess?

4531 Dr. {Burgess.} No.

4532 The {Clerk.} Mr. Burgess votes no.

4533 The {Chairman.} Ms. Capps?

4534 The {Clerk.} Mrs. Capps is recorded as no.

4535 Ms. {Capps.} Aye.

4536 The {Clerk.} Mrs. Capps votes aye.

4537 The {Chairman.} Other members wishing to cast a vote?

4538 Seeing none, the clerk will report the tally.

4539 I want to say as the clerk is adding it up, it is my

4540 understanding we have three amendments remaining, and we are

4541 going to try to get a unanimous consent that no more 5

4542 minutes on each side for each amendment, and maybe it can be

4543 less.

4544 Mr. {Markey.} I have good material.

4545 The {Chairman.} He said he has good material. Does
4546 that mean he is singing? That means he is going to sing
4547 again, right? So 2-1/2 minutes on either side.

4548 The {Clerk.} Mr. Chairman, on that vote, we had 12
4549 ayes, 33 nays.

4550 The {Chairman.} Twelve ayes, 33 nays. The amendment is
4551 not agreed to.

4552 Are there other amendments to the bill?

4553 Mr. {Markey.} Mr. Chairman.

4554 The {Chairman.} The gentleman from Massachusetts.

4555 Can we roll--can I get an agreement? Mr. Waxman is not
4556 here. Can we roll the three votes at the end, roll the last
4557 three votes? Does anyone have objection to rolling the votes
4558 so it will be four recorded votes, three amendments plus
4559 final, so we will do that. Without objection, so ordered.

4560 The gentleman from Massachusetts has an amendment at the
4561 desk. The clerk will report the title.

4562 The {Clerk.} Which number, sir?

4563 Mr. {Markey.} Number 111.

4564 The {Clerk.} Amendment to H.R. 4480 offered by Mr.
4565 Markey of Massachusetts.

4566 [The amendment follows:]

4567 ***** INSERT 13 *****

|
4568 The {Chairman.} Without objection, the amendment is
4569 considered as read, and the gentleman is recognized for no
4570 more than 5 minutes in support of his amendment.

4571 Mr. {Markey.} Thank you, Mr. Chairman.

4572 My amendment would simply prevent large multinational
4573 oil companies that acquire leases under the leasing plan
4574 created by this bill from claiming certain federal tax breaks
4575 on production from those leases.

4576 The underlying legislation makes clear that the drilling
4577 plan that would be created under the bill should be
4578 consistent with the economic goals of the Nation. What could
4579 be more consistent with U.S. economic goals than eliminating
4580 wasteful and unnecessary subsidies to the most profitable
4581 industry in the world and using that money to reduce
4582 America's deficit?

4583 The big five oil companies made a record profit of \$137
4584 billion in 2011. In the first quarter of this year, Big Oil
4585 continued to capitalize on the pain Americans are feeling at
4586 the pump, raking in \$368 million in profits per day.

4587 My amendment would prevent companies that want leases
4588 under the bill's plan from claiming three specific tax
4589 subsidies on production from these new leases, and it would
4590 apply only to the largest multinational oil companies. Small

4591 domestic producers would be unaffected by the amendment.

4592 My Republican friends say that Big Oil doesn't get
4593 taxpayer subsidies. They say that oil companies simply get
4594 the tax breaks that every other corporation operating in this
4595 country is entitled to. Of course, it is difficult to
4596 imagine what other industries are interested in claiming the
4597 Section 263(c) tax deduction for intangible drilling costs.
4598 This subsidy allows oil producers to deduct business costs
4599 like fuel, repairs and drilling supplies. But rather than
4600 taking these deductions over the life of an investment, as
4601 occurs in most industries, oil companies can claim them all
4602 in the first year. Now, that is a great deal. That is a
4603 great deal of the multinational oil companies.

4604 And then there is the Section 193 tax deduction for
4605 tertiary well injectants. What is a tertiary injectant, you
4606 ask? Well, it is a fluid gas or other chemical that is
4607 pumped into oil and gas reservoirs in order to increase the
4608 amount of oil that can be extracted from the well. It is
4609 difficult to imagine manufacturing or software or biotech
4610 companies needing to deduct their tertiary injectant
4611 expenses.

4612 The same goes for Section 613 tax deduction for
4613 percentage depletion of oil and gas wells. It is not called
4614 the Section 613 deduction for depleted pens, pencils and

4615 printing paper. This tax break is explicitly targeted to
4616 support oil companies.

4617 When oil companies claim they pay some of the highest
4618 effective tax rates in the world, they are including taxes
4619 paid to foreign governments and deferred taxes that are owed
4620 to the U.S. government but haven't actually been paid. In
4621 reality, big oil companies pay a lower effective U.S. tax
4622 rate than average Americans. While the typical American
4623 household pays a 20 percent effective tax rate, Chevron in
4624 2011 paid a 19 percent effective rate on U.S. earnings;
4625 ConocoPhillips, 18 percent; Exxon Mobil, 13 percent. That is
4626 even 1 percent lower than Mitt Romney's effective tax rate of
4627 14 percent.

4628 Under this bill, oil companies will be undeterred in
4629 emptying consumers' pockets when they pull up to the pump,
4630 but by adopting my amendment at least will prevent oil
4631 companies from drilling into Americans' pocketbooks a second
4632 time through the tax code.

4633 The Joint Committee on Taxation estimates that repealing
4634 the three subsidies in my amendment for all oil and gas
4635 production would save U.S. taxpayers more than \$25 billion
4636 over the next decade. That is money that we could put
4637 towards reducing the deficit right now, and I desperately
4638 want to reduce the federal deficit.

4639 So let us do something for regular Americans who are so
4640 concerned about the national debt and the federal deficit in
4641 this bill. Let us adopt the Markey amendment, reduce the
4642 federal deficit. It is the one thing we should be able to do
4643 here this afternoon.

4644 I yield back the balance of my time.

4645 The {Chairman.} The gentleman yields back.

4646 The gentleman from Colorado is recognized.

4647 Mr. {Colorado.} Thank you, Mr. Chairman.

4648 In arguing for the last amendment offered, our colleague
4649 stated that we want low-priced natural gas. The effect of
4650 this amendment would be to increase the price of energy. I
4651 don't see how increases taxes results in lower priced energy,
4652 and that is exactly what this amendment would do.

4653 We have already heard testimony from BLM Director Abbey
4654 state that leased lands are at the lowest from the BLM since
4655 1984. It is already too expensive to drill and produce on
4656 federal land. This amendment simply adds to the cost and
4657 will add to the price at the pump for consumers, which is the
4658 exact opposite of the goal of this bill. The goal of this
4659 bill is to reduce the price at the pump, and I oppose the
4660 amendment.

4661 Mr. {Scalise.} Will the gentleman yield? Will the
4662 gentleman from Colorado yield?

4663 Mr. {Gardner.} Yes, I yield to the gentleman from
4664 Louisiana.

4665 Mr. {Scalise.} I thank the gentleman from Colorado for
4666 yielding.

4667 And as he said, and I guess it was the gentleman from
4668 Massachusetts who brought the amendment acknowledged, this
4669 would be a \$25 billion tax increase on American-made oil. If
4670 you look at the amendment, the amendment doesn't apply to oil
4671 that is made in Saudi Arabia. It doesn't apply to oil that
4672 is made in so many of these countries that don't like us. So
4673 the result of this would be, if you make it in America, you
4674 will get a \$25 billion tax increase, but if you make it in
4675 another country, no tax increase.

4676 So does anybody that took 5th grade math think that this
4677 isn't going to result in more lost jobs going to foreign
4678 countries? That is what happens. That is what will happen
4679 under this amendment. It would basically make it
4680 uneconomical to produce oil in America. Now, how does that
4681 make any sense? Because if you make it here, you are going
4682 to get \$25 billion of new taxes added onto your backs that
4683 you are just going to pass right back onto the consumer in
4684 the form of higher gas prices. We don't want higher gas
4685 prices. We don't want fewer jobs. And you get both under
4686 this amendment. You get higher gas prices and fewer jobs

4687 because this amendment actually says it only applies, the tax
4688 increase only applies if you make it in America. Can you
4689 imagine a more anti-American energy approach to tax people if
4690 they make it here but the tax increase doesn't apply if they
4691 make it in a foreign country.

4692 You know, President Obama has already run tens of
4693 thousands of energy jobs out of this country already
4694 according to his own Energy Information Agency, and under
4695 this amendment, we would see hundreds of thousands of energy
4696 jobs leave the country so not only would we lose all this
4697 jobs but we would lose billions of dollars in federal revenue
4698 that those oil companies pay. You know, the number two
4699 source of revenue to the federal government, number two
4700 source next to the IRS is the taxes and fees and royalties
4701 that are paid by oil and gas companies. They are the number
4702 two source of revenue of the federal government, and under
4703 this amendment, you run their jobs out to foreign countries,
4704 we don't get that revenue. We don't get the jobs, so there
4705 is higher unemployment, more people that are not being able
4706 to look for work. A report came last month, 360,000 more
4707 Americans gave up looking for work because of these kind of
4708 regulations. You would have even more than wouldn't be able
4709 to find jobs because you would have literally put a \$25
4710 billion tax only if you make it in America.

4711 And so I would not only object to the amendment but I
4712 would ask if it was germane to the bill because it deals with
4713 the Internal Revenue Code, which is not something we are
4714 dealing with in this bill.

4715 Mr. {Shimkus.} Would the gentleman yield?

4716 Mr. {Scalise.} I will yield to the gentleman from
4717 Colorado, who can then yield.

4718 Mr. {Gardner.} I thank the gentleman, and I yield to
4719 the gentleman from Illinois.

4720 Mr. {Shimkus.} Yeah, and my point is, the tax increase
4721 would be borne by who?

4722 Mr. {Scalise.} The tax increase would be borne by the
4723 consumers.

4724 Mr. {Shimkus.} So this is a bill, a set of bills to
4725 make sure that we keep gas prices lower. So this tax
4726 increase would raise gas prices at the pump, and that is what
4727 I find pretty bizarre about this process.

4728 So I yield back to my friend from Colorado.

4729 Mr. {Gardner.} I thank the gentleman, and I yield back
4730 my time.

4731 The {Chairman.} All time has expired.

4732 All those in favor of the amendment, say aye.

4733 Those opposed, say no.

4734 In the opinion of the chair, the nos have it.

4735 A roll call vote is requested and will be rolled.

4736 Are there further amendments to the bill? The chair

4737 recognizes the gentlelady from the Virgin Islands, Mrs.

4738 Christensen.

4739 Dr. {Christensen.} Thank you, Mr. Chairman. I have an

4740 amendment at the desk.

4741 The {Chairman.} The clerk will report the title of the

4742 amendment.

4743 The {Clerk.} Amendment to H.R. 4480 offered by Ms.

4744 Christensen of the Virgin Islands.

4745 [The amendment follows:]

4746 ***** INSERT 14 *****

|
4747 The {Chairman.} The amendment will be considered as
4748 read. The gentlelady is recognized for no more than 5
4749 minutes in support of her amendment.

4750 Ms. {Christensen.} Thank you, Mr. Chairman.

4751 This is a small amendment, but it could have significant
4752 impact by expanding the plan required under this bill form a
4753 leasing plan to an all-of-the-above plan that will actually
4754 protect consumers and lower gas prices.

4755 The Republican response to high gas prices is to propose
4756 drilling for more oil, yet every economist and oil market
4757 expert tells us that this will have no meaningful impact on
4758 world oil prices, which means it will have no meaningful
4759 impact on gas prices in the United States.

4760 Domestic oil production is at an 8-year high. The
4761 Administration has already undertaken significant efforts to
4762 increase domestic production including extensive lease sales.
4763 But lease sales cannot be the only response. As Mr.
4764 Whitfield has admitted, this bill as written as just a lease
4765 plan will not lower gas prices. So why don't we do more?

4766 Let me be clear. I think the planning activities
4767 required by this bill are redundant and a waste of government
4768 resources, but if we are going to have the Secretary of
4769 Energy create a plan, at least that plan should be useful.

4770 A recent CBO report on energy security says that
4771 policies to reduce oil consumption such as fuel efficiency
4772 requirements would be ``more effective at reducing the
4773 vulnerability of consumers to disruption than policies
4774 designed to increase the domestic production of oil.''
4775 Experience shows that to be true. Since 1980, efficiency
4776 improvements have reduced the cost per mile driven by over 25
4777 percent according to the Energy Information Administration.

4778 This puts money back in consumers' pockets. New fuel
4779 efficiency standards will save consumers hundreds of dollars
4780 per year net on average. If you express that in terms of
4781 prices at the pump, the net savings are equivalent to
4782 lowering prices at the pump by 14 cents per gallon today.
4783 This will rise to a savings of \$1.13 per gallon by 2025.
4784 That is real action on gas prices.

4785 So why not include fuel efficiency in our response to
4786 high gas prices? Why should the House reject the President's
4787 all-of-the-above approach and instead rely solely on one
4788 thing we know won't work: more drilling. Consumers deserve
4789 better. We should give it to them.

4790 I urge my colleagues to support my amendment so that we
4791 can begin to really solve our energy challenges.

4792 I yield back the balance of my time.

4793 The {Chairman.} The gentlelady yields back.

4794 The chair would recognize the gentleman from Illinois,
4795 Mr. Shimkus.

4796 Mr. {Shimkus.} Thank you, Mr. Chairman, obviously to
4797 speak in opposition to the amendment.

4798 And just briefly, because I know it is late, the whole
4799 premise is to increase the supply of oil. That is the way
4800 you reduce supply disruptions. Our biggest concern is about
4801 a supply disruption out of the Strait of Hormuz because of
4802 our reliance on imported crude oil, primarily from the Middle
4803 East.

4804 So in this bill, what we are saying is, if you release
4805 the SPRO, we recover and drill for more oil supply on federal
4806 lands. It is the ability to increase more North American
4807 energy security that will help minimize the supply
4808 disruptions, especially in North America.

4809 So I appreciate my colleague's submission of the
4810 amendment and I ask my colleagues to vote against it, and I
4811 yield back my time.

4812 The {Chairman.} Time is yielded back. All time is
4813 expired.

4814 All those in favor of the Christensen amendment will say
4815 aye.

4816 Those opposed, say no.

4817 In the opinion of the chair, the nos have it. The nos

4818 have it and the amendment is not agreed to.

4819 Are there further amendments to the bill?

4820 Mr. {Markey.} Can we get a roll call on that? Mrs.

4821 Christensen, do you want a roll call?

4822 Dr. {Christensen.} Yes.

4823 The {Chairman.} Roll call is requested. Okay. Done.

4824 Mr. Markey, final amendment to the bill.

4825 Mr. {Markey.} Mr. Chairman, I have the final Markey

4826 amendment in my hand.

4827 The {Chairman.} The clerk will report the title of the

4828 amendment.

4829 The {Clerk.} Amendment to H.R. 4480 offered by Mr.

4830 Markey of Massachusetts.

4831 [The amendment follows:]

4832 ***** INSERT 15 *****

|
4833 The {Chairman.} The amendment is considered as read and
4834 the gentleman is recognized for no more than 5 minutes in
4835 support of his amendment.

4836 Mr. {Markey.} Thank you, Mr. Chairman.

4837 My amendment provides an incentive for companies to
4838 drill on public lands they already hold leases for before
4839 getting new leases to drill on even more public lands.

4840 When you turn on the TV these days, it is hard not to
4841 see a commercial from one of the biggest oil companies or the
4842 American Petroleum Institute. In one of those commercials,
4843 the American Petroleum Institute says that it might surprise
4844 us to learn that we get two-thirds of American's natural gas
4845 and oil from North America. Of course, what they don't tell
4846 you is that we could be getting much more right now without
4847 any intervention whatsoever by the federal government.

4848 Maybe it would also surprise the American people to
4849 learn that oil companies are not drilling on more than two-
4850 thirds of the taxpayer-owned land that they already hold
4851 leases for. That is right. They have already bid for and
4852 now control an area the size of Kentucky and South Carolina,
4853 two beautiful States, by the way, but they are not drilling
4854 in any of that area. They bid for it, they have got it and
4855 now they are not drilling.

4856 Now, why don't they drill? Well, let us be honest.
4857 They don't drill because they don't think they are getting
4858 enough money for a barrel of oil right now so they just let
4859 it sit there. They have to pay like a buck a year per acre
4860 to hold onto it, but that is two-thirds of all of the leases
4861 they have. They are not even drilling on it. And you know
4862 what they are asking us to do? Get them more leases.

4863 So I have a suggestion for how to tell those people the
4864 whole story about the millions of acres that oil companies
4865 are allowing to sit idle, completely idle, and I think the
4866 Fox network should create a new reality TV show for the oil
4867 companies holding all of these idle wells, and it would be
4868 called American Idle, I-d-l-e. Every week the oil companies
4869 can come and sing their sad tune about needing more taxpayer-
4870 owned land to drill, even as the leases they have left to
4871 languish for years at a time, those lease blocks, they don't
4872 even touch them. Two-thirds of all the leases--

4873 The {Chairman.} Did Glen Campbell come back?

4874 Mr. {Markey.} Glen Campbell can sing this song, and
4875 Exxon Mobil and BP could sing songs, you know, and it would
4876 be like not taking care of business or sitting on the block
4877 in the bay doing nothing. The refrain, of course, in the
4878 background would be wasting time, wasting time. That would
4879 be the oil companies, Chevron and BP in the background, and

4880 Simon Cowell could come back to the show he created so he
4881 could mock them for their subpar performance as prices rise
4882 and the American people try in vain to vote them all out.

4883 Of course, in typical fashion for the oil industry, they
4884 would still demand to be advanced to the next round of
4885 leasing. All right, we are not drilling on two-thirds of all
4886 the leases we have on public land but give us some more, you
4887 know, and of course, this new show would fit right into the
4888 Republican Congress because that is the way we do business
4889 here.

4890 Now, an easier solution would be to pass my amendment,
4891 and I hope we can reach some kind of harmony between the
4892 interests of taxpayers and the responsibility of oil
4893 companies here because the underlying bill requires each
4894 federal agency to abide by any leasing plan the Department of
4895 Energy creates for lands it manages.

4896 My amendment says this, that if there is no oil and gas
4897 production occurring on more than half of the existing leases
4898 under the federal agency's jurisdiction, then the Department
4899 of Energy plans to lease even more of that agency's lands
4900 will not be mandated under this bill.

4901 So American Idle just has to be renamed American Half
4902 Idle in order to allow new leases under a federal agency's
4903 jurisdiction to be eligible. Just half of the leases need to

4904 be producing in order to get more leases. Now, that sounds
4905 fair, doesn't it, that the oil companies have to do a little
4906 work, they just can't buy the oil-producing lands in ocean
4907 areas and then sit on it for 5 years, 10 years. That doesn't
4908 sound right to the American people. They sound urgent to
4909 drill on the TV commercials and yet two-thirds of it they are
4910 just sitting on.

4911 Let us make the oil companies use the vast areas they
4912 have before giving away our public lands because otherwise
4913 those blocks of leases, they are just going to sit there and
4914 the oil companies will just keep singing their old song, and
4915 that song goes something like this. Sitting in the morning
4916 sun, I'll be waiting when the evening comes watching the cash
4917 roll in as the earnings hit new highs again. The oil
4918 companies in the background, you can hear them, I am sitting
4919 on a block in the bay, got a lease I won't give away. Oh, I
4920 am just sitting on a block in the bay wasting time. I left
4921 my estate in Houston headed for the Gulf today because I got
4922 profits to live for and drilling nothing's going to bring
4923 them my way. So I am just going to sit on the block in the
4924 bay making profits every day. Oh, I am just sitting on a
4925 block in the bay wasting time.

4926 Vote aye on the amendment. Get the oil industry back
4927 into our--get those rigs out there drilling. The Democrats

4928 want them to start drilling. Drill baby, drill. Vote yes
4929 for the Markey amendment.

4930 Mr. {Green.} Mr. Chairman.

4931 The {Chairman.} I know, he shouldn't have used the word
4932 ``Houston'' and he just lost your vote. I should have
4933 brought my dog Sammy.

4934 Mr. {Green.} Mr. Chairman, he didn't have my vote
4935 anyway, but I have listened to Otis Redding my whole life,
4936 and Congressman is not Otis Redding.

4937 The {Chairman.} My dog can sing better, and I will
4938 bring her down soon.

4939 Who is speaking on our side on this amendment? Mr.
4940 Gardner.

4941 Mr. {Gardner.} Thank you, Mr. Chairman, and I have no
4942 idea how to follow that so I am not even going to try other
4943 than to say that I oppose the amendment and urge my
4944 colleagues to vote against it as well.

4945 Again, just look at some of the legislation we have had
4946 before this committee. We have had people testify that said
4947 it has taken 6 years for them to get a permit from the EPA.
4948 Under your plan, even though it is government delay that has
4949 caused it, they would lose their lease. These people aren't
4950 leasing paying money trying to explore just for kicks and
4951 giggles. They are not doing it to hog it all up. They are

4952 doing because it is necessary as part of their business plan
4953 to provide energy for this country, which will indeed lower
4954 the price of gas at the pump.

4955 As the law already states, a company must use it or lose
4956 it as it is today. There are no simple plots of land out
4957 there with a big X on it that says drill here for 50 million
4958 barrels of oil. It is not that easy. As simple as people
4959 might like it to be, the fact is, this is a business
4960 operation that has to have leases in order to explore, to
4961 find, to find the resources, the monetary resources to meet
4962 the costs of exploration. In fact, in Utah alone, there is
4963 an area in Utah, I believe it is in Mr. Matheson's district
4964 where it took 4 years to get a permit. Under this plan, you
4965 are saying government delays will result in the loss of lease
4966 simply because the government delayed.

4967 Again, this is just an amendment that is in search of, I
4968 guess the attempt to try to end production on federal lands,
4969 and as somebody who has a great deal of federal land in my
4970 State, I hope that we would defeat this amendment and move
4971 forward with American energy production and do so in a way
4972 that doesn't put America at a disadvantage, and I would ask
4973 for a no vote.

4974 I yield back my time.

4975 The {Chairman.} All time is expired.

4976 All those in favor of the amendment will say aye.
4977 Those opposed, say no.
4978 In the opinion of the chair--a roll call is requested.
4979 At this point, are there further amendments to the bill?
4980 Seeing none, the votes will occur on these--we will have
4981 recorded votes. The first amendment will be the Markey 111
4982 amendment, the Christensen 011 amendment, the Markey 110
4983 amendment, and then the bill as amended, four recorded votes.
4984 The clerk will call the roll on the Markey 111 amendment.
4985 The {Clerk.} Mr. Barton?
4986 Mr. {Barton.} No.
4987 The {Clerk.} Mr. Barton votes no.
4988 Mr. Stearns?
4989 [No response.]
4990 The {Clerk.} Mr. Whitfield?
4991 Mr. {Whitfield.} No.
4992 The {Clerk.} Mr. Whitfield votes no.
4993 Mr. Shimkus?
4994 Mr. {Shimkus.} No.
4995 The {Clerk.} Mr. Shimkus votes no.
4996 Mr. Pitts?
4997 Mr. {Pitts.} No.
4998 The {Clerk.} Mr. Pitts votes no.
4999 Mrs. Bono Mack?

5000 Mrs. {Bono Mack.} No.

5001 The {Clerk.} Mrs. Bono Mack votes no.

5002 Mr. Walden?

5003 Mr. {Walden.} No.

5004 The {Clerk.} Mr. Walden votes no.

5005 Mr. Terry?

5006 Mr. {Terry.} No.

5007 [No response.]

5008 Mr. Rogers?

5009 [No response.]

5010 The {Clerk.} Mrs. Myrick?

5011 Mrs. {Myrick.} No.

5012 The {Clerk.} Mrs. Myrick votes no.

5013 Mr. Sullivan?

5014 Mr. {Sullivan.} No.

5015 The {Clerk.} Mr. Sullivan votes no.

5016 Mr. Murphy?

5017 [No response.]

5018 The {Clerk.} Mr. Burgess?

5019 Dr. {Burgess.} No.

5020 The {Clerk.} Mr. Burgess votes no.

5021 Mrs. Blackburn?

5022 Mrs. {Blackburn.} No.

5023 The {Clerk.} Mrs. Blackburn votes no.

5024 Mr. Bilbray?

5025 Mr. {Bilbray.} No.

5026 The {Clerk.} Mr. Bilbray votes no.

5027 Mr. Bass?

5028 Mr. {Bass.} No.

5029 The {Clerk.} Mr. Bass votes no.

5030 Mr. Gingrey?

5031 [No response.]

5032 The {Clerk.} Mr. Scalise?

5033 Mr. {Scalise.} No.

5034 The {Clerk.} Mr. Scalise votes no.

5035 Mr. Latta?

5036 Mr. {Latta.} No.

5037 The {Clerk.} Mr. Latta votes no.

5038 Mrs. McMorris Rodgers?

5039 [No response.]

5040 The {Clerk.} Mr. Harper?

5041 Mr. {Harper.} No.

5042 The {Clerk.} Mr. Harper votes no.

5043 Mr. Lance?

5044 Mr. {Lance.} No.

5045 The {Clerk.} Mr. Lance votes no.

5046 Mr. Cassidy?

5047 Dr. {Cassidy.} No.

5048 The {Clerk.} Mr. Cassidy votes no.
5049 Mr. Guthrie?
5050 Mr. {Guthrie.} No.
5051 The {Clerk.} Mr. Guthrie votes no.
5052 Mr. Olson?
5053 Mr. {Olson.} No.
5054 The {Clerk.} Mr. Olson votes no.
5055 Mr. McKinley?
5056 Mr. {McKinley.} No.
5057 The {Clerk.} Mr. McKinley votes no.
5058 Mr. Gardner?
5059 Mr. {Gardner.} No.
5060 The {Clerk.} Mr. Gardner votes no.
5061 Mr. Pompeo?
5062 Mr. {Pompeo.} No.
5063 The {Clerk.} Mr. Pompeo votes no.
5064 Mr. Kinzinger?
5065 Mr. {Kinzinger.} No.
5066 The {Clerk.} Mr. Kinzinger votes no.
5067 Mr. Griffith?
5068 Mr. {Griffith.} No.
5069 The {Clerk.} Mr. Griffith votes no.
5070 Mr. Waxman?
5071 [No response.]

5072 The {Clerk.} Mr. Dingell?
5073 [No response.]
5074 The {Clerk.} Mr. Markey?
5075 Mr. {Markey.} Votes aye.
5076 The {Clerk.} Mr. Markey votes aye.
5077 Mr. Towns?
5078 [No response.]
5079 The {Clerk.} Mr. Pallone?
5080 Mr. {Pallone.} Aye.
5081 The {Clerk.} Mr. Pallone votes aye.
5082 Mr. Rush?
5083 [No response.]
5084 The {Clerk.} Ms. Eshoo?
5085 Ms. {Eshoo.} Aye.
5086 The {Clerk.} Ms. Eshoo votes aye.
5087 Mr. Engel?
5088 Mr. {Engel.} Aye.
5089 The {Clerk.} Mr. Engel votes aye.
5090 Mr. Green?
5091 Mr. {Green.} No.
5092 The {Clerk.} Mr. Green votes no.
5093 Ms. DeGette?
5094 Ms. {DeGette.} Aye.
5095 The {Clerk.} Ms. DeGette votes aye.

5096 Mrs. Capps?
5097 Mrs. {Capps.} Aye.
5098 The {Clerk.} Mrs. Capps votes aye.
5099 Mr. Doyle?
5100 Mr. {Doyle.} Aye.
5101 The {Clerk.} Mr. Doyle votes aye.
5102 Ms. Schakowsky?
5103 Ms. {Schakowsky.} Aye.
5104 The {Clerk.} Ms. Schakowsky votes aye.
5105 Mr. Gonzalez?
5106 [No response.]
5107 The {Clerk.} Ms. Baldwin?
5108 [No response.]
5109 The {Clerk.} Mr. Ross?
5110 [No response.]
5111 The {Clerk.} Mr. Matheson?
5112 [No response.]
5113 The {Clerk.} Mr. Butterfield?
5114 Mr. {Butterfield.} Aye.
5115 The {Clerk.} Mr. Butterfield votes aye.
5116 Mr. Barrow?
5117 Mr. {Barrow.} No.
5118 The {Clerk.} Mr. Barrow votes no.
5119 Ms. Matsui?

5120 Ms. {Matsui.} Aye.

5121 The {Clerk.} Ms. Matsui votes aye.

5122 Mrs. Christensen?

5123 Dr. {Christensen.} Aye.

5124 The {Clerk.} Mrs. Christensen votes aye.

5125 Ms. Castor?

5126 Ms. {Castor.} Aye.

5127 The {Clerk.} Ms. Castor votes aye.

5128 Mr. Sarbanes?

5129 Mr. {Sarbanes.} Aye.

5130 The {Clerk.} Mr. Sarbanes votes aye.

5131 Chairman Upton?

5132 The {Chairman.} Votes no.

5133 The {Clerk.} Chairman Upton votes no.

5134 The {Chairman.} Other members wishing to vote?

5135 Dr. Murphy?

5136 Mr. {Murphy.} No.

5137 The {Clerk.} Mr. Murphy votes no.

5138 The {Chairman.} Mr. Terry?

5139 Mr. {Terry.} No.

5140 The {Clerk.} Mr. Terry votes no.

5141 The {Chairman.} Mrs. McMorris Rodgers?

5142 Mrs. {McMorris Rodgers.} No.

5143 The {Clerk.} Mrs. McMorris Rodgers votes no.

5144 The {Chairman.} Mr. Stearns?
5145 Mr. {Stearns.} No.
5146 The {Clerk.} Mr. Stearns votes no.
5147 The {Chairman.} Mr. Ross?
5148 Mr. {Ross.} No.
5149 The {Clerk.} Mr. Ross votes no.
5150 The {Chairman.} Mr. Matheson?
5151 Mr. {Matheson.} No.
5152 The {Clerk.} Mr. Matheson votes no.
5153 The {Chairman.} Other members wishing to cast a vote?
5154 Seeing none, the clerk will report the tally.
5155 The {Clerk.} Mr. Chairman, on that vote, there were 13
5156 ayes, 33 nays.
5157 The {Chairman.} Thirteen ayes, 33 nays. The amendment
5158 is not agreed to.
5159 The clerk will now call the roll on the Christensen 011
5160 amendment.
5161 The {Clerk.} Mr. Barton?
5162 Mr. {Barton.} No.
5163 The {Clerk.} Mr. Barton votes no.
5164 Mr. Stearns?
5165 Mr. {Stearns.} No.
5166 The {Clerk.} Mr. Stearns votes no.
5167 Mr. Whitfield?

5168 Mr. {Whitfield.} No.
5169 The {Clerk.} Mr. Whitfield votes no.
5170 Mr. Shimkus?
5171 Mr. {Shimkus.} No.
5172 The {Clerk.} Mr. Shimkus votes no.
5173 Mr. Pitts?
5174 Mr. {Pitts.} No.
5175 The {Clerk.} Mr. Pitts votes no.
5176 Mrs. Bono Mack?
5177 Mrs. {Bono Mack.} No.
5178 The {Clerk.} Mrs. Bono Mack votes no.
5179 Mr. Walden?
5180 Mr. {Walden.} No.
5181 The {Clerk.} Mr. Walden votes no.
5182 Mr. Terry?
5183 Mr. {Terry.} No.
5184 The {Clerk.} Mr. Terry votes no.
5185 Mr. Rogers?
5186 [No response.]
5187 The {Clerk.} Mrs. Myrick?
5188 Mrs. {Myrick.} No.
5189 The {Clerk.} Mrs. Myrick votes no.
5190 Mr. Sullivan?
5191 Mr. {Sullivan.} No.

5192 The {Clerk.} Mr. Sullivan votes no.
5193 Mr. Murphy?
5194 Mr. {Murphy.} No.
5195 The {Clerk.} Mr. Murphy votes no.
5196 Mr. Burgess?
5197 Dr. {Burgess.} No.
5198 The {Clerk.} Mr. Burgess votes no.
5199 Mrs. Blackburn?
5200 Mrs. {Blackburn.} No.
5201 The {Clerk.} Mrs. Blackburn votes no.
5202 Mr. Bilbray?
5203 Mr. {Bilbray.} No.
5204 The {Clerk.} Mr. Bilbray votes no.
5205 Mr. Bass?
5206 Mr. {Bass.} No.
5207 The {Clerk.} Mr. Bass votes no.
5208 Mr. Gingrey?
5209 [No response.]
5210 The {Clerk.} Mr. Scalise?
5211 Mr. {Scalise.} No.
5212 The {Clerk.} Mr. Scalise votes no.
5213 Mr. Latta?
5214 Mr. {Latta.} No.
5215 The {Clerk.} Mr. Latta votes no.

5216 Mrs. McMorris Rodgers?
5217 Mrs. {McMorris Rodgers.} No.
5218 The {Clerk.} Mrs. McMorris Rodgers votes no.
5219 Mr. Harper?
5220 Mr. {Harper.} No.
5221 The {Clerk.} Mr. Harper votes no.
5222 Mr. Lance?
5223 Mr. {Lance.} No.
5224 The {Clerk.} Mr. Lance votes no.
5225 Mr. Cassidy?
5226 Dr. {Cassidy.} No.
5227 The {Clerk.} Mr. Cassidy votes no.
5228 Mr. Guthrie?
5229 Mr. {Guthrie.} No.
5230 The {Clerk.} Mr. Guthrie votes no.
5231 Mr. Olson?
5232 Mr. {Olson.} No.
5233 The {Clerk.} Mr. Olson votes no.
5234 Mr. McKinley?
5235 Mr. {McKinley.} No.
5236 The {Clerk.} Mr. McKinley votes no.
5237 Mr. Gardner?
5238 Mr. {Gardner.} No.
5239 The {Clerk.} Mr. Gardner votes no.

5240 Mr. Pompeo?
5241 Mr. {Pompeo.} No.
5242 The {Clerk.} Mr. Pompeo votes no.
5243 Mr. Kinzinger?
5244 Mr. {Kinzinger.} No.
5245 The {Clerk.} Mr. Kinzinger votes no.
5246 Mr. Griffith?
5247 Mr. {Griffith.} No.
5248 The {Clerk.} Mr. Griffith votes no.
5249 Mr. Waxman?
5250 Mr. {Waxman.} Aye.
5251 The {Clerk.} Mr. Waxman votes aye.
5252 Mr. Dingell?
5253 [No response.]
5254 The {Clerk.} Mr. Markey?
5255 Mr. {Markey.} Votes aye.
5256 The {Clerk.} Mr. Markey votes aye.
5257 Mr. Towns?
5258 [No response.]
5259 The {Clerk.} Mr. Pallone?
5260 Mr. {Pallone.} Aye.
5261 The {Clerk.} Mr. Pallone votes aye.
5262 Mr. Rush?
5263 [No response.]

5264 The {Clerk.} Ms. Eshoo?
5265 Ms. {Eshoo.} Aye.
5266 The {Clerk.} Ms. Eshoo votes aye.
5267 Mr. Engel?
5268 Mr. {Engel.} Aye.
5269 The {Clerk.} Mr. Engel votes aye.
5270 Mr. Green?
5271 [No response.]
5272 The {Clerk.} Ms. DeGette?
5273 Ms. {DeGette.} Aye.
5274 The {Clerk.} Ms. DeGette votes aye.
5275 Mrs. Capps?
5276 Mrs. {Capps.} Aye.
5277 The {Clerk.} Mrs. Capps votes aye.
5278 Mr. Doyle?
5279 Mr. {Doyle.} Aye.
5280 The {Clerk.} Mr. Doyle votes aye.
5281 Ms. Schakowsky?
5282 Ms. {Schakowsky.} Aye.
5283 The {Clerk.} Ms. Schakowsky votes aye.
5284 Mr. Gonzalez?
5285 [No response.]
5286 The {Clerk.} Ms. Baldwin?
5287 [No response.]

5288 The {Clerk.} Mr. Ross?
5289 Mr. {Ross.} No.
5290 The {Clerk.} Mr. Ross votes no.
5291 Mr. Matheson?
5292 Mr. {Matheson.} No.
5293 The {Clerk.} Mr. Matheson votes no.
5294 Mr. Butterfield?
5295 Mr. {Butterfield.} Aye.
5296 The {Clerk.} Mr. Butterfield votes aye.
5297 Mr. Barrow?
5298 Mr. {Barrow.} Aye.
5299 The {Clerk.} Mr. Barrow votes aye.
5300 Ms. Matsui?
5301 Ms. {Matsui.} Aye.
5302 The {Clerk.} Ms. Matsui votes aye.
5303 Mrs. Christensen?
5304 Dr. {Christensen.} Aye.
5305 The {Clerk.} Mrs. Christensen votes aye.
5306 Ms. Castor?
5307 Ms. {Castor.} Aye.
5308 The {Clerk.} Ms. Castor votes aye.
5309 Mr. Sarbanes?
5310 Mr. {Sarbanes.} Aye.
5311 The {Clerk.} Mr. Sarbanes votes aye.

5312 Chairman Upton?

5313 The {Chairman.} Votes no.

5314 The {Clerk.} Chairman Upton votes no.

5315 The {Chairman.} Other members wishing to cast a vote?

5316 Mr. Green?

5317 The {Clerk.} Mr. Green is not recorded.

5318 Mr. {Green.} No.

5319 The {Clerk.} Mr. Green votes no.

5320 The {Chairman.} Mr. Dingell?

5321 The {Clerk.} Mr. Dingell is not recorded.

5322 Mr. {Dingell.} Votes aye.

5323 The {Clerk.} Votes aye.

5324 The {Clerk.} Mr. Dingell votes aye.

5325 The {Chairman.} Other members?

5326 Seeing none, the clerk will report the tally.

5327 The {Clerk.} Mr. Chairman, on that vote, there were 16

5328 ayes, 32 nays.

5329 The {Chairman.} Sixteen ayes, 32 nays. The amendment

5330 is not agreed to.

5331 The final amendment vote will be the Markey 110

5332 amendment, and the clerk will call the roll. The Christensen

5333 amendment was not agreed to, so the Markey 110 amendment.

5334 The {Clerk.} Mr. Barton?

5335 Mr. {Barton.} No.

5336 The {Clerk.} Mr. Barton votes no.
5337 Mr. Stearns?
5338 Mr. {Stearns.} No.
5339 The {Clerk.} Mr. Stearns votes no.
5340 Mr. Whitfield?
5341 Mr. {Whitfield.} No.
5342 The {Clerk.} Mr. Whitfield votes no.
5343 Mr. Shimkus?
5344 Mr. {Shimkus.} No.
5345 The {Clerk.} Mr. Shimkus votes no.
5346 Mr. Pitts?
5347 Mr. {Pitts.} No.
5348 The {Clerk.} Mr. Pitts votes no.
5349 Mrs. Bono Mack?
5350 Mrs. {Bono Mack.} No.
5351 The {Clerk.} Mrs. Bono Mack votes no.
5352 Mr. Walden?
5353 Mr. {Walden.} No.
5354 The {Clerk.} Mr. Walden votes no.
5355 Mr. Terry?
5356 Mr. {Terry.} No.
5357 The {Clerk.} Mr. Terry votes no.
5358 Mr. Rogers?
5359 [No response.]

5360 The {Clerk.} Mrs. Myrick?
5361 Mrs. {Myrick.} No.
5362 The {Clerk.} Mrs. Myrick votes no.
5363 Mr. Sullivan?
5364 Mr. {Sullivan.} No.
5365 The {Clerk.} Mr. Sullivan votes no.
5366 Mr. Murphy?
5367 Mr. {Murphy.} No.
5368 The {Clerk.} Mr. Murphy votes no.
5369 Mr. Burgess?
5370 Dr. {Burgess.} No.
5371 The {Clerk.} Mr. Burgess votes no.
5372 Mrs. Blackburn?
5373 Mrs. {Blackburn.} No.
5374 The {Clerk.} Mrs. Blackburn votes no.
5375 Mr. Bilbray?
5376 Mr. {Bilbray.} No.
5377 The {Clerk.} Mr. Bilbray votes no.
5378 Mr. Bass?
5379 Mr. {Bass.} No.
5380 The {Clerk.} Mr. Bass votes no.
5381 Mr. Gingrey?
5382 [No response.]
5383 The {Clerk.} Mr. Scalise?

5384 Mr. {Scalise.} No.

5385 The {Clerk.} Mr. Scalise votes no.

5386 Mr. Latta?

5387 Mr. {Latta.} No.

5388 The {Clerk.} Mr. Latta votes no.

5389 Mrs. McMorris Rodgers?

5390 Mrs. {McMorris Rodgers.} No.

5391 The {Clerk.} Mrs. McMorris Rodgers votes no.

5392 Mr. Harper?

5393 Mr. {Harper.} No.

5394 The {Clerk.} Mr. Harper votes no.

5395 Mr. Lance?

5396 Mr. {Lance.} No.

5397 The {Clerk.} Mr. Lance votes no.

5398 Mr. Cassidy?

5399 Dr. {Cassidy.} No.

5400 The {Clerk.} Mr. Cassidy votes no.

5401 Mr. Guthrie?

5402 Mr. {Guthrie.} No.

5403 The {Clerk.} Mr. Guthrie votes no.

5404 Mr. Olson?

5405 Mr. {Olson.} No.

5406 The {Clerk.} Mr. Olson votes no.

5407 Mr. McKinley? Mr. McKinley?

5408 Mr. {McKinley.} No.

5409 The {Clerk.} Mr. McKinley votes no.

5410 Mr. Gardner?

5411 Mr. {Gardner.} No.

5412 The {Clerk.} Mr. Gardner votes no.

5413 Mr. Pompeo?

5414 Mr. {Pompeo.} No.

5415 The {Clerk.} Mr. Pompeo votes no.

5416 Mr. Kinzinger?

5417 Mr. {Kinzinger.} No.

5418 The {Clerk.} Mr. Kinzinger votes no.

5419 Mr. Griffith?

5420 Mr. {Griffith.} No.

5421 The {Clerk.} Mr. Griffith votes no.

5422 Mr. Waxman?

5423 Mr. {Waxman.} Aye.

5424 The {Clerk.} Mr. Waxman votes aye.

5425 Mr. Dingell?

5426 Mr. {Dingell.} Dingell votes aye.

5427 The {Clerk.} Mr. Dingell votes aye.

5428 Mr. Markey?

5429 Mr. {Markey.} Aye.

5430 The {Clerk.} Mr. Markey votes aye.

5431 Mr. Towns?

5432 [No response.]

5433 The {Clerk.} Mr. Pallone?

5434 Mr. {Pallone.} Aye.

5435 The {Clerk.} Mr. Pallone votes aye.

5436 Mr. Rush?

5437 [No response.]

5438 The {Clerk.} Ms. Eshoo?

5439 Ms. {Eshoo.} Aye.

5440 The {Clerk.} Ms. Eshoo votes aye.

5441 Mr. Engel?

5442 [No response.]

5443 The {Clerk.} Mr. Green? Mr. Green?

5444 Mr. {Green.} No.

5445 The {Clerk.} Mr. Green votes no.

5446 Ms. DeGette?

5447 Ms. {DeGette.} Aye.

5448 The {Clerk.} Ms. DeGette votes aye.

5449 Mrs. Capps?

5450 Mrs. {Capps.} Aye.

5451 The {Clerk.} Mrs. Capps votes aye.

5452 Mr. Doyle?

5453 Mr. {Doyle.} Aye.

5454 The {Clerk.} Mr. Doyle votes aye.

5455 Ms. Schakowsky?

5456 Ms. {Schakowsky.} Aye.
5457 The {Clerk.} Ms. Schakowsky votes aye.
5458 Mr. Gonzalez?
5459 [No response.]
5460 The {Clerk.} Ms. Baldwin?
5461 [No response.]
5462 The {Clerk.} Mr. Ross?
5463 Mr. {Ross.} No.
5464 The {Clerk.} Mr. Ross votes no.
5465 Mr. Matheson?
5466 Mr. {Matheson.} No.
5467 The {Clerk.} Mr. Matheson votes no.
5468 Mr. Butterfield?
5469 Mr. {Butterfield.} Aye.
5470 The {Clerk.} Mr. Butterfield votes aye.
5471 Mr. Barrow?
5472 Mr. {Barrow.} No.
5473 The {Clerk.} Mr. Barrow votes no.
5474 Ms. Matsui?
5475 Ms. {Matsui.} Aye.
5476 The {Clerk.} Ms. Matsui votes aye.
5477 Mrs. Christensen?
5478 Dr. {Christensen.} Aye.
5479 The {Clerk.} Mrs. Christensen votes aye.

5480 Ms. Castor?

5481 Ms. {Castor.} Aye.

5482 The {Clerk.} Ms. Castor votes aye.

5483 Mr. Sarbanes?

5484 Mr. {Sarbanes.} Aye.

5485 The {Clerk.} Mr. Sarbanes votes aye.

5486 Chairman Upton?

5487 The {Chairman.} Votes no.

5488 The {Clerk.} Chairman Upton votes no.

5489 The {Chairman.} Other members wishing to cast a vote?

5490 Seeing none, the clerk will report the tally.

5491 The {Clerk.} Mr. Chairman, on that vote, there were 14

5492 ayes, 33 nays.

5493 The {Chairman.} Fourteen ayes, 33 nays. The amendment

5494 is not agreed to.

5495 The question now occurs on favorably reporting H.R. 4480

5496 as amended to the House.

5497 All those in favor will say aye.

5498 Those opposed, say no.

5499 The ayes appear to have it. Roll call is requested.

5500 The clerk will call the roll.

5501 The {Clerk.} Mr. Barton?

5502 Mr. {Barton.} Aye.

5503 The {Clerk.} Mr. Barton votes aye.

5504 Mr. Stearns?
5505 Mr. {Stearns.} Aye.
5506 The {Clerk.} Mr. Stearns votes aye.
5507 Mr. Whitfield?
5508 Mr. {Whitfield.} Aye.
5509 The {Clerk.} Mr. Whitfield votes aye.
5510 Mr. Shimkus?
5511 Mr. {Shimkus.} Aye.
5512 The {Clerk.} Mr. Shimkus votes aye.
5513 Mr. Pitts?
5514 Mr. {Pitts.} Aye.
5515 The {Clerk.} Mr. Pitts votes aye.
5516 Mrs. Bono Mack?
5517 Mrs. {Bono Mack.} Aye.
5518 The {Clerk.} Mrs. Bono Mack votes aye.
5519 Mr. Walden?
5520 Mr. {Walden.} Aye.
5521 The {Clerk.} Mr. Walden votes aye.
5522 Mr. Terry?
5523 Mr. {Terry.} Aye.
5524 The {Clerk.} Mr. Terry votes aye.
5525 Mr. Rogers?
5526 [No response.]
5527 The {Clerk.} Mrs. Myrick?

5528 Mrs. {Myrick.} Aye.
5529 The {Clerk.} Mrs. Myrick votes aye.
5530 Mr. Sullivan?
5531 Mr. {Sullivan.} Aye.
5532 The {Clerk.} Mr. Sullivan votes aye.
5533 Mr. Murphy?
5534 Mr. {Murphy.} Aye.
5535 The {Clerk.} Mr. Murphy votes aye.
5536 Mr. Burgess?
5537 Dr. {Burgess.} Aye.
5538 The {Clerk.} Mr. Burgess votes aye.
5539 Mrs. Blackburn?
5540 Mrs. {Blackburn.} Aye.
5541 The {Clerk.} Mrs. Blackburn votes aye.
5542 Mr. Bilbray?
5543 Mr. {Bilbray.} No.
5544 The {Clerk.} Mr. Bilbray votes no.
5545 Mr. Bass?
5546 Mr. {Bass.} Aye.
5547 The {Clerk.} Mr. Bass votes aye.
5548 Mr. Gingrey?
5549 [No response.]
5550 The {Clerk.} Mr. Scalise?
5551 Mr. {Scalise.} Aye.

5552 The {Clerk.} Mr. Scalise votes aye.
5553 Mr. Latta?
5554 Mr. {Latta.} Aye.
5555 The {Clerk.} Mr. Latta votes aye.
5556 Mrs. McMorris Rodgers?
5557 Mrs. {McMorris Rodgers.} Aye.
5558 The {Clerk.} Mrs. McMorris Rodgers votes aye.
5559 Mr. Harper?
5560 Mr. {Harper.} Aye.
5561 The {Clerk.} Mr. Harper votes aye.
5562 Mr. Lance?
5563 Mr. {Lance.} Aye.
5564 The {Clerk.} Mr. Lance votes aye.
5565 Mr. Cassidy?
5566 Dr. {Cassidy.} Aye.
5567 The {Clerk.} Mr. Cassidy votes aye.
5568 Mr. Guthrie?
5569 Mr. {Guthrie.} Aye.
5570 The {Clerk.} Mr. Guthrie votes aye.
5571 Mr. Olson?
5572 Mr. {Olson.} Aye.
5573 The {Clerk.} Mr. Olson votes aye.
5574 Mr. McKinley?
5575 Mr. {McKinley.} Aye.

5576 The {Clerk.} Mr. McKinley votes aye.
5577 Mr. Gardner?
5578 Mr. {Gardner.} Aye.
5579 The {Clerk.} Mr. Gardner votes aye.
5580 Mr. Pompeo?
5581 Mr. {Pompeo.} Aye.
5582 The {Clerk.} Mr. Pompeo votes aye.
5583 Mr. Kinzinger?
5584 Mr. {Kinzinger.} Aye.
5585 The {Clerk.} Mr. Kinzinger votes aye.
5586 Mr. Griffith?
5587 Mr. {Griffith.} Aye.
5588 The {Clerk.} Mr. Griffith votes aye.
5589 Mr. Waxman?
5590 Mr. {Waxman.} No.
5591 The {Clerk.} Mr. Waxman votes no.
5592 Mr. Dingell?
5593 Mr. {Dingell.} Dingell votes no.
5594 The {Clerk.} Mr. Dingell votes no.
5595 Mr. Markey?
5596 Mr. {Markey.} No.
5597 The {Clerk.} Mr. Markey votes no.
5598 Mr. Towns?
5599 [No response.]

5600 The {Clerk.} Mr. Pallone?
5601 Mr. {Pallone.} No.
5602 The {Clerk.} Mr. Pallone votes no.
5603 Mr. Rush?
5604 [No response.]
5605 The {Clerk.} Ms. Eshoo?
5606 Ms. {Eshoo.} No.
5607 The {Clerk.} Ms. Eshoo votes no.
5608 Mr. Engel?
5609 [No response.]
5610 The {Clerk.} Mr. Green?
5611 Mr. {Green.} No.
5612 The {Clerk.} Mr. Green votes no.
5613 Ms. DeGette?
5614 Ms. {DeGette.} No.
5615 The {Clerk.} Ms. DeGette votes no.
5616 Mrs. Capps?
5617 Mrs. {Capps.} No.
5618 The {Clerk.} Mrs. Capps votes no.
5619 Mr. Doyle?
5620 Mr. {Doyle.} No.
5621 The {Clerk.} Mr. Doyle votes no.
5622 Ms. Schakowsky?
5623 Ms. {Schakowsky.} No.

5624 The {Clerk.} Ms. Schakowsky votes no.
5625 Mr. Gonzalez?
5626 [No response.]
5627 The {Clerk.} Ms. Baldwin?
5628 [No response.]
5629 The {Clerk.} Mr. Ross?
5630 Mr. {Ross.} Aye.
5631 The {Clerk.} Mr. Ross votes aye.
5632 Mr. Matheson?
5633 Mr. {Matheson.} Aye.
5634 The {Clerk.} Mr. Matheson votes aye.
5635 Mr. Butterfield?
5636 Mr. {Butterfield.} No.
5637 The {Clerk.} Mr. Butterfield votes no.
5638 Mr. Barrow?
5639 Mr. {Barrow.} Aye.
5640 The {Clerk.} Mr. Barrow votes aye.
5641 Ms. Matsui?
5642 Ms. {Matsui.} No.
5643 The {Clerk.} Ms. Matsui votes no.
5644 Mrs. Christensen?
5645 Dr. {Christensen.} No.
5646 The {Clerk.} Mrs. Christensen votes no.
5647 Ms. Castor?

5648 Ms. {Castor.} No.

5649 The {Clerk.} Ms. Castor votes no.

5650 Mr. Sarbanes?

5651 Mr. {Sarbanes.} No.

5652 The {Clerk.} Mr. Sarbanes votes no.

5653 Chairman Upton?

5654 The {Chairman.} Votes aye.

5655 The {Clerk.} Chairman Upton votes aye.

5656 The {Chairman.} Other members wishing to cast a vote?

5657 Seeing none, the clerk will report the tally.

5658 The {Clerk.} Mr. Chairman, on that vote, there were 31

5659 ayes, 16 nays.

5660 Mr. {Waxman.} Mr. Chairman.

5661 The {Chairman.} Thirty-one ayes, 16 nays. The bill as

5662 amended is favorably reported and passed.

5663 Without objection, the staff is authorized to make

5664 technical and conforming changes to the bills approved by the

5665 committee today, H.R. 4471 and H.R. 4480. So ordered.

5666 The chair would recognize the gentleman from California.

5667 Mr. {Waxman.} Mr. Chairman, we would request the full

5668 time that is allotted to the minority.

5669 The {Chairman.} Without objection, the time is granted.

5670 I would thank all members and staff for a long day

5671 today. Without objection, the committee stands adjourned.

5672

[Whereupon, at 5:13 p.m., the Committee was adjourned.]