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4 MARKUP ON DISCUSSION DRAFT OF H.R. \_\_\_\_\_, THE ``U.S.

5 AGRICULTURAL SECTOR RELIEF ACT'';

6 DISCUSSION DRAFT OF H.R. \_\_\_\_\_, THE ``ASTHMA INHALERS RELIEF

7 ACT OF 2012''; AND

8 DISCUSSION DRAFT OF H.R. \_\_\_\_\_, THE ``NO MORE SOLYNDRAS ACT''

9 WEDNESDAY, JULY 18, 2012

10 House of Representatives,

11 Subcommittee on Energy and Power

12 Committee on Energy and Commerce

13 Washington, D.C.

14 The Subcommittee met, pursuant to call, at 4:05 p.m., in

15 Room 2123 of the Rayburn House Office Building, Hon. Ed

16 Whitfield [Chairman of the Subcommittee] presiding.

17 Members present: Representatives Whitfield, Burgess,

18 Scalise, Barton, Upton (ex officio), Rush, Green and Waxman

19 (ex officio).

20 Staff present: Charlotte Baker, Press Secretary; Anita  
21 Bradley, Senior Policy Advisor to Chairman Emeritus; Maryam  
22 Brown, Chief Counsel, Energy and Power; Allison Busbee,  
23 Legislative Clerk; Patrick Currier, Counsel, Energy and  
24 Power; Cory Hicks, Policy Coordinator, Energy and Power;  
25 Peter Kielty, Associate Counsel; Heidi King, Chief Economist;  
26 Mary Neumayr, Senior Energy Counsel; Jeff Baran, Democratic  
27 Senior Counsel; Jen Berenholz, Democratic Chief Clerk;  
28 Elizabeth Letter, Democratic Assistant Press Secretary; and  
29 Roger Sherman, Democratic Chief Counsel.

|  
30           Mr. {Whitfield.} I would like to call this markup to  
31 order.

32           Today we have the opening statements for the markup of  
33 the U.S. Agricultural Sector Relief Act of 2012 and the  
34 Asthma Inhaler Relief Act of 2012, and the No More Solyndras  
35 Act. I had actually forgotten about the No More Solyndras  
36 Act. So we have three pieces of legislation that we are  
37 going to be marking up, and we are going to do the opening  
38 statements today. So at this time I would recognize myself  
39 for the purpose of an opening statement.

40           This morning earlier today, we had a hearing on the  
41 first two pieces of legislation, and on the U.S. Agricultural  
42 Sector Relief Act of 2012, we heard from four representatives  
43 of agricultural groups, one from Michigan, one from Florida  
44 and two from California, as well as a witness for the Natural  
45 Resources Defense Council, Mr. Doniger, and the testimony was  
46 about the access to methyl bromide, which has been banned in  
47 the United States because of the agreement the United States  
48 has as a signatory to the Montreal Protocol.

49           The witnesses this morning testified that they really  
50 did not have any adequate substitute for methyl bromide, and  
51 while all of them had important testimony, the one piece of  
52 testimony that really stood out for me was when the

53 representative of the strawberry association pointed out that  
54 the California Department of Food and Agriculture  
55 commissioned a report, which concluded that the lack of  
56 methyl bromide or a viable alternative could mean that  
57 California communities will lose over \$1.5 billion annually  
58 and more than 23,000 jobs. This legislation allows for the  
59 continued use of what we call the critical-use application to  
60 the Montreal Protocol to allow the continued use of methyl  
61 bromide in certain situations.

62         The second bill, the Asthma Inhalers Relief Act, we have  
63 a company that still has about a million units of Primatene  
64 Mist in storage. They have been unable to sell Primatene  
65 Mist, and it has been the only non-prescription drug or  
66 medicine on the market to deal with asthma and the company if  
67 they are allowed the opportunity to distribute this medicine  
68 again, they will not receive any profit from the sale of it  
69 but will donate it to charity.

70         And so the issue becomes, we have heard some testimony  
71 today from physicians who say that it really is not safe.  
72 From my perspective, it is a medicine that has been in the  
73 marketplace for about 40 years. It is the only medicine  
74 available today to deal with asthma without a prescription.  
75 And so this bill would allow those one million units to be  
76 distributed in hopes that at the end of that time there would

77 be another non-prescription drug that would be approved by  
78 the FDA to help people deal with asthma.

79         And then the third bill is the No More Solyndras Act. I  
80 think all of us are quite familiar with the purpose of this  
81 legislation and that is to prevent any further Solyndras from  
82 taking place on loan guarantees or grants from the Department  
83 of Energy and require the Treasury Department to have more  
84 input before those kinds of loan guarantees are awarded  
85 again.

86         I yield back the balance of my time.

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

88 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
89           Mr. {Whitfield.} At this point I would like to  
90 recognize the gentleman from Illinois, Mr. Rush, for his  
91 opening statement.

92           Mr. {Rush.} Thank you, Mr. Chairman.

93           Mr. Chairman, as you know, it has been just over 2 hours  
94 ago when we held a hearing on two of three bills that we are  
95 marking up today, the Agricultural Sector Relief Act and the  
96 Asthma Inhalers Relief Act.

97           Members on both sides of the aisle urged the  
98 subcommittee to hold another hearing so that we can hear from  
99 and ask questions of Administration witnesses. During our  
100 discussion on the Agricultural Relief Act, we heard  
101 contradictory statements from panelists over whether or not  
102 there was indeed an alternative to methyl bromide in the  
103 cultivation of growing crops. While some witnesses were  
104 adamant that there were no other viable substitutes for  
105 methyl bromide, I entered into the record letters from  
106 farmers who insisted that they had found alternatives, which  
107 were healthier and less damaging to the environment.

108           Unfortunately, Mr. Chairman, due to the haste in which  
109 we are having this markup, the members will not have the  
110 opportunity to hear directly from and to have their questions  
111 answered by the very experts in the agencies of jurisdiction

112 including the EPA and the USDA, who are responsible for  
113 overseeing these programs before the members of this  
114 committee decide on how we will vote on the pending  
115 legislation.

116 Mr. Chairman, additionally, it literally feels like just  
117 minutes ago we were here in this very same room listening to  
118 witnesses give competing testimony over whether or not  
119 Primatene Mist, the drug at the center of the Asthma Relief  
120 Act, is unhealthy for over-the-counter use. While one doctor  
121 asserted that she had concerns stemming from side effects  
122 related to cardiac issues, among others, another doctor on  
123 the panel told us that he was pretty fine, he was okay with  
124 using the drug for emergency asthma attacks.

125 Mr. Chairman, on an issue so important to the health and  
126 well-being of our constituents, it would seem to me that  
127 members of this subcommittee would indeed benefit greatly by  
128 hearing testimony from expert agency witnesses from the FDA  
129 and the EPA on these important matters.

130 So I ask you again, Mr. Chairman, what is the rush? Why  
131 is there a fire being shouted in the theater on these  
132 particular matters? Why is it more important to get these  
133 bills through the subcommittee quickly rather than getting  
134 all the facts and doing all of our due diligence to make sure  
135 that we get these bills done correctly?

136           Mr. Chairman, I have often extended a hand of assistance  
137 and friendship to you and to the ranking member of the full  
138 committee, and Mr. Waxman's also in assuring that EPA, USDA,  
139 FDA and any other relevant agency representatives will  
140 respond in a timely manner to a request to appear before this  
141 subcommittee to discuss these bills. If the idea is to truly  
142 address these issues and to provide legislative relief for  
143 the parties that will be affected by these bills, then I  
144 would submit that there is relatively small chance that any  
145 of these bills that we are debating and discussing and  
146 marking up today will get through the Senate or that either  
147 of these bills will be signed into law by the President.

148           So why don't we do the necessary legwork and the  
149 preliminary legwork to make sure that we are at least hearing  
150 from all the experts who are indeed responsible for  
151 implementing and overseeing these various programs before  
152 hastily marking up these bills?

153           Mr. Chairman, in conclusion, I would just like for the  
154 record to show that I am against this speedy, expedited  
155 process of bringing these bills to markup without hearing  
156 from some of the most relevant managers of these programs,  
157 and that is those individuals at the EPA and the FDA.

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

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

160 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
161 Mr. {Whitfield.} Thank you very much, Mr. Rush.

162 At this time I will recognize the gentleman from Texas,  
163 Mr. Barton, for a 5-minute opening statement.

164 Mr. {Barton.} Thank you, Mr. Chairman, and let me say  
165 on the record that I think you are to be commended and Mr.  
166 Upton is to be commended for, one, having legislative  
167 hearings on these bills, and two, scheduling a subcommittee  
168 markup on these bills.

169 I am not quite where Mr. Rush is, that this is speedy,  
170 but I think it is a good thing the committee is using regular  
171 order and actually going through a process that all members  
172 have a chance to have input to and be participating in the  
173 hearing and then hopefully in the open markup that begins  
174 tomorrow, so I think that is a good thing, not a bad thing.

175 We have got three bills that are going to be before the  
176 subcommittee tomorrow. The Agriculture Relief Act, I am  
177 supportive without any changes. I think that is a good piece  
178 of legislation. I know that it could be changed and perhaps  
179 tomorrow there will be amendments to it, but as is, I would  
180 vote for it.

181 On the Asthma Inhaler Relief Act of 2012, as I said at  
182 the legislative hearing, no good deed goes unpunished, and  
183 the chief sponsor, Dr. Burgess, is simply trying to make

184 available to average Americans an over-the-counter drug that  
185 has been in use for 50 years and is in the warehouse but  
186 can't be sold because of an act of Congress and subsequent to  
187 that a decision by the executive branch to take those  
188 products off the market. There are two issues in play. One  
189 is a political-correctness issue dealing with  
190 hydrofluorocarbons and the other is an issue of, if I say  
191 this right, efficacious? How close am I? Efficacy issue.  
192 Close enough. And apparently there is a real debate whether  
193 the active medicinal drug in the Primatene Mist is  
194 efficacious or not, but since it has been on the market, I  
195 come down that we should allow it to be, but more  
196 importantly, we should allow those that have already been  
197 manufactured to be sold before they expire. But the more  
198 important there, as Dr. Burgess pointed out in the hearing  
199 this morning, is that there is really no excuse for EPA and  
200 FDA not having an over-the-counter remedy available for  
201 customers and consumers today. You wouldn't need to sell the  
202 Primatene inhaler if they had made available an over-the-  
203 counter alternative, which they have not done.

204       On the last bill, the No More Solyndras Act, I am very  
205 supportive of the underlying intent of the bill. I do think  
206 that we need to reform the loan program that is in existence  
207 today. I think those parts of the bill that deal with making

208 it absolutely clear that subordination is not allowed and it  
209 is my understanding that Dr. Burgess is going to have an  
210 amendment on some penalties if they do subordinate, which I  
211 will be supportive of.

212         Where I am a little bit different than the bill as  
213 currently drafted is, I don't see a reason to totally repeal  
214 the existing loan program for alternative-energy projects,  
215 the 1703/1705. So I am working with the chairman and other  
216 interested members on an amendment that would stop any new  
217 loans from going forward subject to report by the Secretary  
218 of the Energy Department back to this committee and to the  
219 Senate Energy Committee that either the program should go  
220 forward with reforms or the program should be terminated, and  
221 if the Secretary does not issue such a report by time certain  
222 in the next Congress, then the program would be terminated.  
223 Again, that is a work in progress, Mr. Chairman, and there  
224 are members looking at it, but we hope by markup tomorrow to  
225 have an amendment that both sides have agreed upon in that  
226 area. But bottom line, the fact that this subcommittee is  
227 acting to prevent any more Solyndras is a good thing, not a  
228 bad thing, and I am very supportive of us legislating in this  
229 area.

230         And with that, I again thank the subcommittee chairman  
231 for his leadership and I yield back my time.

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

233 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
234 Mr. {Whitfield.} Thank you very much.

235 At this time I recognize the gentleman from California,  
236 Mr. Waxman, for an opening statement.

237 Mr. {Waxman.} Thank you, Mr. Chairman.

238 We are considering three bills that have not been  
239 thought through. Each would have unintended consequences and  
240 none of the bills offer real solutions to the problems they  
241 purport to address.

242 The first bill is the No More Solyndras Act. This is  
243 not serious legislation. It is a political bill that is  
244 designed to keep Solyndra in the news. It is our job to  
245 recognize that families across America are suffering from  
246 record droughts, wildfires, storms and floods that have been  
247 linked to climate change, and it is our responsibility to  
248 develop responsible policies to reduce the carbon emissions  
249 that are causing these woes, but we are failing miserably at  
250 these responsibilities.

251 Under the Solyndra legislation, tens of billions of  
252 dollars of loan guarantees will be issued in the years to  
253 come. They don't stop the program but they freeze the  
254 projects that could apply for these funds so those that are  
255 already on the list, new breakthrough technologies, would not  
256 even be eligible. Creating a legislative winners list of

257 projects eligible for loan guarantees is not the way to  
258 reform this program.

259         The other two bills would undermine the effectiveness of  
260 the Montreal Protocol. One bill would increase the use of  
261 methyl bromide, a pesticide that is a powerful ozone-  
262 depleting chemical. Methyl bromide has been banned since  
263 2005. But there is a mechanism in the law for critical-use  
264 exemptions, and each year growers apply for exemptions. EPA  
265 analyzes those applications with the help of USDA and the  
266 U.S. government requests critical-use exemptions under the  
267 Montreal Protocol. This process is in place, and since 2005,  
268 the level of critical-use exemptions requested by the United  
269 States and granted through the Montreal Protocol has  
270 decreased dramatically. That is what is supposed to happen.

271         The bill reverses all the progress that has been made.  
272 Instead of requiring growers to justify continued use of  
273 methyl bromide, the bill reverses the presumption and places  
274 the burden of proof on EPA. The bill also freezes into law  
275 an outdated list of approved critical uses. Sectors that  
276 have completely phased out the use of methyl bromide during  
277 the last 7 years like golf courses, would be permitted to use  
278 methyl bromide again, and the bill creates a gaping emergency  
279 event loophole.

280         I have concerns about the Primatene Mist bill.

281 Primatene Mist is an over-the-counter epinephrine inhaler  
282 from the 1960s. It was phased out at the end of 2011 and has  
283 been off the shelves for over 6 months. The bill would take  
284 the extraordinary action of putting Primatene Mist back on  
285 the shelves so its manufacturer could sell off its remaining  
286 inventory, which should take place, they tell us, in 9  
287 months. Taking that kind of action might make sense if the  
288 inhaler was necessary for public health but we have heard  
289 testimony earlier today that medical and public-health  
290 organizations oppose the use of Primatene Mist because it is  
291 not safe or recommended for treating asthma. That is what  
292 the American Thoracic Society and the Asthma and Allergy  
293 Foundation of America have told us. We had a doctor on the  
294 panel who testified, I am sure at the request of the  
295 manufacturer, who also had a chance to testify with a  
296 different point of view, but companies that already made  
297 their necessary investments to develop CFC-free inhalers say  
298 that there is no justification for this bill because it  
299 provides special treatment to a single company.

300 Now, I know people say that this is the only over-the-  
301 counter inhaler. Well, we only get an over-the-counter  
302 inhaler if a company wants to sell an over-the-counter  
303 inhaler. FDA can't provide it for us. And it is not  
304 convincing to me that we ought to allow an over-the-counter

305 inhaler if it is not doing what it should be doing if there  
306 are better treatments and if the people involved in dealing  
307 with asthma medically say they don't think they ought to have  
308 this drug out there because it has some serious consequences  
309 for heart attacks particularly.

310         So I am not ready to support that bill. I don't see the  
311 argument for it and at this point I am going to oppose it,  
312 but I do think Mr. Rush makes a good point. Let us get more  
313 information. Why do we have to be so speedy or why do we  
314 have to rush? I agree with Mr. Rush. There is no rush that  
315 should force us to move forward without fully understanding  
316 the consequences of what we are doing.

317         I thank the chairman for this opportunity to make an  
318 opening statement, and I look forward to the markup.

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

320 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
321 Mr. {Whitfield.} Thank you, Mr. Waxman.

322 At this time I will recognize for 3 minutes the  
323 gentleman from Texas and the sponsor of the Primatene Mist  
324 bill, Dr. Burgess.

325 Dr. {Burgess.} I thank the chairman for the  
326 recognition.

327 The whole issue of the over-the-counter epinephrine  
328 multi-dose inhaler is not that it was gradually withdrawn  
329 from the market, it was abruptly withdrawn. It was withdrawn  
330 on December 31st of last year, and it wasn't withdrawn  
331 because of any medical considerations despite the fact that  
332 we heard testimony to that fact today. It was withdrawn  
333 because it contained as a propellant for the epinephrine to  
334 get it into the lungs, to deliver into the lungs of the  
335 asthmatic patient who is in crisis, a compound called  
336 chlorofluorocarbon, which I understand was supposed to be  
337 removed under the Montreal Protocol.

338 Look, I have got no problem if they took the  
339 chlorofluorocarbons out of my underarm deodorant or my hair  
340 spray but we are talking about a medication that was  
341 efficacious for asthmatics. It was inexpensive. We had some  
342 discussion on the panel this morning, but I will just tell  
343 you, as someone who buys these medicines on a somewhat

344 regular basis, the HFA-containing albuterol inhaler costs  
345 about \$55. For two of the Primatene inhalers, which  
346 incidentally last longer than an HFA inhaler, for two of  
347 those inhalers, it is \$32. In other words, a \$32 investment  
348 can pretty much take care of whatever needs an occasional  
349 asthmatic such as myself might encounter for almost a year's  
350 time. That is a pretty good bargain, and we hear from people  
351 all the time that we need to be cost-effective in our medical  
352 treatments. This sounds pretty cost-effective.

353         Now, there was an elaborate game of hide the bill this  
354 morning, and it has been going on for months, been going on  
355 for over a year actually, and quite frankly, it just needs to  
356 stop. If the Environmental Protection Agency has a problem  
357 with the medical indication of using inhaled epinephrine,  
358 then they need to say so. If the Food and Drug  
359 Administration has a problem with the use of inhaled  
360 epinephrine for the treatment of asthmatics, then it needs to  
361 say so. But this nonsensical finger pointing of one federal  
362 agency at the other, refusing to answer any questions when  
363 submitted over and over again in writing, asking direct  
364 questions when they are here at the witness table in both our  
365 Health Subcommittee, in the Energy Subcommittee, in the  
366 Oversight and Investigation Subcommittee where they are sworn  
367 to testify under oath, it makes no sense that there has been

368 this elaborate deception on the part of the federal agencies.  
369 Come clean with us. Tell us why it is you feel this way. It  
370 is necessary for this legislation to go forward. There has  
371 been plenty of time for the affected agencies to actually  
372 divulge their information to us but they choose not to. I  
373 think the legislation is going to go a long way towards  
374 helping asthmatic patients in this country. It is high time  
375 it happened. It probably should have happened last December  
376 before the ban went into place. But nevertheless, we can  
377 correct that defect now.

378 I urge people to look at this seriously and support the  
379 legislation when we mark it up tomorrow, and I will yield  
380 back the balance of my time.

381 [The prepared statement of Dr. Burgess follows:]

382 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
383 Mr. {Whitfield.} Thank you, Dr. Burgess.

384 At this time I will recognize the gentleman from Texas,  
385 Mr. Green, for a 3-minute opening statement.

386 Mr. {Green.} Thank you, Mr. Chairman, for the time.

387 I have been involved in the Solyndra oversight process  
388 since our first hearing. From early in this process, I was  
389 disappointed in some of the decisions by the Administration.  
390 As we conducted our oversight, it became obvious to me that  
391 the fervor to save the deal overshadowed the opinions of many  
392 that Solyndra was a sinking ship. The fervor led to bad  
393 decisions, most notably to subordinate the federal  
394 government's stake in the investment to that of private  
395 outside investors. Contrary to the testimony of at least one  
396 witness last week, there has been no evidence brought in  
397 front of our committee that political favoritism played any  
398 role in the Solyndra process. Instead, there have been many  
399 documents indicating that rushed decisions. Sloppiness and  
400 wishful thinking determined the outcome. No Administration,  
401 Democratic or Republican, is immune from making mistakes, and  
402 on a side note, I remember about 6 or 7 years ago under  
403 President Bush's Administration the IRS spent hundreds of  
404 millions of dollars for a computer system that we couldn't  
405 use. So I think we have a problem with buying things in our

406 government.

407       The insistence by the majority of continued insinuating  
408 criminal activity, cronyism and the continuous scoring  
409 partisan points is reckless. We are sitting here today with  
410 an actual opportunity to fix the problem with the loan  
411 guarantee program but the majority insists on bringing up a  
412 bill filled with unnecessary rhetoric and gutting a program  
413 they once championed. The next step on Solyndra is a simple  
414 one: completely close the door on subordination and direct  
415 the Department of Energy to implement procedures that would  
416 prevent the mistakes that occurred from happening again. We  
417 don't need pages of findings and we don't need to sunset a  
418 program that has enormous potential.

419       The bill before us today will prevent any of the  
420 remaining loan guarantees from going toward new, innovative  
421 technologies. Under the Republican plan, the biggest  
422 qualifying factor will become when the application was  
423 postmarked, not the content of the application. Energy  
424 industries will lose potential transformative funding because  
425 of an overreaction to Solyndra. If the Republicans want to  
426 eliminate the program, eliminate it. I don't support that  
427 approach, but at least we are not hamstringing a program and  
428 force use to spend money inefficiently. It will not just be  
429 renewable-energy technology that suffers. Potential

430 innovations in oil and gas and nuclear are also at stake as  
431 well.

432           This program is a good idea that I supported when the  
433 Republicans developed it in 2005 energy law and it is still a  
434 good idea today. We need to reform it, not disable it.

435           I yield back.

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

437 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
438           Mr. {Whitfield.} At this time I recognize the gentleman  
439 from Louisiana, Mr. Scalise, for a 3-minute opening  
440 statement.

441           Mr. {Scalise.} Thank you, Mr. Chairman. I appreciate  
442 you bringing these bills forward to protect taxpayer money  
443 and to protect jobs as we are seeing are under assault by the  
444 Obama Administration on so many different fronts.

445           You know, as it relates to the bill to prevent more  
446 Solyndras, we just had a hearing recently in this committee  
447 where the new head of the loan program came forward and  
448 basically acknowledged that he is willing to continue to put  
449 taxpayers in the back of the line if he does a subordinate of  
450 a loan in spite of the fact that the law doesn't give him  
451 that authority, and even the Treasury Department back during  
452 Solyndra raised red flags and said you ought to talk to the  
453 Justice Department before doing it because it is probably  
454 something you can't do, and yet he is going to continue to  
455 double down on that failed policy that not only got us  
456 Solyndra, but as we have seen, we got Beacon Power went  
457 bankrupt. You have also got, just today we heard, a new  
458 solar company, Amonix, just announced that they are shutting  
459 down their Nevada plant after getting \$15 million from the  
460 Obama Administration and yet they want to continue going

461 forward with this and they will criticize us when we are  
462 saying enough is enough. Let us start protecting the  
463 taxpayers and stopping these Solyndras from going forward.

464       Clearly, we know the Obama Administration wants to keep  
465 doing them. They want to even keep putting the taxpayers in  
466 the back of the line when such a dismal failure like Solyndra  
467 showed half a billion dollars of taxpayer money could be  
468 lost.

469       We saw what happened with, earlier today we had a  
470 hearing in relation to this pesticide that EPA is trying to  
471 block. Look, I represent strawberry farmers in Ponchatoula,  
472 Louisiana, that would be at risk. We had California farmers,  
473 we had Michigan farmers come here and testify that we could  
474 lose thousands of American jobs, and oh, by the way, there  
475 are developing nations that still allow these pesticides to  
476 be used. They are going to get our jobs. So now more jobs  
477 would be exported by the exporter in chief who is running  
478 this country and continue to run jobs out of the country with  
479 these crazy policies that have nothing to do with safety.

480       You know, as Mr. Burgess has pointed out, you know, you  
481 have got a great product for asthma that is at risk right  
482 here with these policies. I mean, it just one after the  
483 other of continued radical regulations being brought forward  
484 by this Administration, and we have already seen the results.

485 It is not like we are trying to take a preemptive strike. We  
486 have seen billions of dollars of taxpayer money lost. We  
487 have seen millions of jobs leave our country, and we are  
488 saying enough is enough and yet there are still people that  
489 are trying to block this. They want to keep going forward,  
490 you know, and then the President comes out just recently with  
491 this latest tax increase proposal, and this is after in 2009  
492 the President said you don't raise taxes because that would  
493 just suck up, take more demand out of the economy and put  
494 businesses in a further hole. That was in 2009. Well, now  
495 he wants to raise those same taxes that he said would kill  
496 jobs, and in fact, we just got a report that came out through  
497 the National Federation of Independent Businesses that shows  
498 that 700,000 jobs would be lost if the President got his tax  
499 increase. You just see one after the other. It is Solyndra  
500 versus Keystone. We want Keystone to create jobs. The  
501 President wants more Solyndras to run more money and more  
502 jobs out of this country. We can't afford to do it. It is  
503 time we stop and pass these bills.

504 Thank you, Mr. Chairman. I yield back the balance of my  
505 time.

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

507 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
508 Mr. {Whitfield.} Thank you.

509 I would remind everyone that members' opening statements  
510 will be made part of the record pursuant to committee rules,  
511 and I do have Mr. Upton's statement that also will be part of  
512 the record.

513 [The prepared statement of Mr. Upton follows:]

514 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
515           Mr. {Whitfield.} I see no others here to make an  
516 opening statement.

|  
517 H.R. \_\_\_\_

518 Mr. {Whitfield.} At this point the chair would call up  
519 the Asthma Inhalers Relief Act of 2012 and ask the clerk to  
520 report.

521 The {Clerk.} Discussion draft to direct the  
522 Administrator of the Environmental Protection Agency to allow  
523 for the distribution, sale and consumption in the United  
524 States of remaining inventories of over-the-counter CFC  
525 epinephrine inhalers.

526 [H.R. \_\_\_\_ follows:]

527 \*\*\*\*\* INSERT 1 \*\*\*\*\*

|  
528 Mr. {Whitfield.} Without objection, the first reading  
529 of the bill is dispensed with and the bill will be open for  
530 amendments at any point. So ordered.

531 For the information of members, we will now be on the  
532 Asthma Inhalers Relief Act of 2012, the markup. The  
533 subcommittee will reconvene tomorrow at 10 a.m., and I would  
534 remind members that the chair will give priority recognition  
535 to amendments offered on a bipartisan basis and I look  
536 forward to seeing all of you tomorrow, and particularly you,  
537 Mr. Rush. I look forward to being with you all day tomorrow.

538 Did you have a comment, Mr. Rush?

539 Mr. {Rush.} Mr. Chairman, since we have been here all  
540 day on matters of importance to you and to industry, might I  
541 suggest that you take the full committee out to dinner  
542 tonight and that you provide breakfast tomorrow, and that  
543 would at least show us that you are grateful to us for  
544 spending all of today and all of tomorrow in the power of  
545 your presence.

546 Mr. {Whitfield.} Well, I appreciate that very much,  
547 that you brought that to my attention, and I don't know if I  
548 will take every member because there are not many here but I  
549 will take you.

550 Mr. {Rush.} I can round them up, Mr. Chairman.

551 Mr. {Whitfield.} Thank you, sir.

552 And without objection, the subcommittee will stand in  
553 recess.

554 [Whereupon, at 4:38 p.m., the subcommittee recessed, to  
555 reconvene at 10:00 a.m., Thursday, July 19, 2012.]