

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

RPTR BRYANT

EDTR SECKMAN

ORGANIZATIONAL MEETING

TUESDAY, JANUARY 24, 2017

House of Representatives,  
Committee on Energy and Commerce,  
Washington, D.C.

The committee met, pursuant to call, at 1:07 p.m., in Room 2167, Rayburn House Office Building, Hon. Greg Walden [chairman of the committee] presiding.

Present: Representatives Walden, Barton, Upton, Shimkus, Murphy, Burgess, Blackburn, Scalise, Latta, McMorris Rodgers, Harper, Lance, Guthrie, Olson, McKinley, Kinzinger, Griffith, Bilirakis, Johnson, Long, Bucshon, Flores, Brooks, Mullin, Hudson, Collins, Cramer, Walberg, Walters, Costello, Carter, Pallone, Eshoo, Engel, Green, DeGette, Doyle, Schakowsky, Butterfield, Matsui, Castor, Sarbanes, McNerney, Welch, Lujan, Tonko, Clarke, Loeb sack, Schrader,

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Kennedy, Cardenas, Ruiz, Peter, and Dingell.

Staff Present: Grace Appelbe, Staff Assistant; Will Batson, Legislative Clerk, Energy; Ray Baum, Staff Director; Mike Bloomquist, Deputy Staff Director; Elena Brennan, Legislative Clerk, O&I; Karen Christian, General Counsel; Jerry Couri, Professional Staff Member, Environment; Jordan Davis, Director of Policy & External Affairs; Paige Decker, Executive Assistant & Committee Clerk; Scott Dziengelski, Policy Coordinator, O&I; Paul Edattel, Chief Counsel, Health; Blair Ellis, Press Secretary/Digital Coordinator; Adam Fromm, Director of Coalitions & Outreach; Giulia Giannangeli, Legislative Clerk, DC&CP/Environment; Jay Gulshen, Legislative Clerk, Health; Tom Hassenboehler, Chief Counsel, Energy/Environment; Zach Hunter, Director of Communications; Peter Kielty, Deputy General Counsel; Brandon Mooney, Senior Policy Advisor, Energy; Paul Nagle, Chief Counsel, DC&CP; Mary Neumayr, Senior Energy Counsel; Tim Pataki, Senior Advisor for Member Services, Coalitions, and Legislative Operations; Mark Ratner, Policy Coordinator; David Redl, Chief Counsel, C&T; Alan Slobodin, Chief Investigative Counsel, O&I; Peter Spencer, Professional Staff Member, Energy; Hamlin Wade, Special Advisor for External Affairs; Luke Wallwork, Staff Assistant; Michelle Ash, Minority Chief Counsel, Digital Commerce and Consumer Protection; Jeff Carroll, Minority Staff Director; Jacqueline Cohen, Minority Senior Counsel; David Cwiertny, Minority Energy/Environment Fellow; Alex

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Debianchi, Minority Telecom Fellow; Elizabeth Ertel, Minority Office Manager; Jean Fruci, Minority Energy and Environment Policy Advisor; David Goldman, Minority Chief Counsel, Communications and Technology; Waverly Gordon, Minority Health Counsel; Tiffany Guarascio, Minority Deputy Staff Director and Chief Health Advisor; Caitlin Haberman, Minority Professional Staff Member; Rick Kessler, Minority Senior Advisor and Staff Director, Energy and Environment; Chris Knauer, Minority Oversight Staff Director; Una Lee, Minority Chief Oversight Counsel; Jerry Leverich, Minority Counsel; Miles Lichtman, Minority Staff Assistant; Lori Maarbjerg, Minority FCC Detailee; John Marshall, Minority Policy Coordinator; Dan Miller, Minority Staff Assistant; Rachel Pryor, Minority Health Policy Advisor; Alexander Ratner, Minority Policy Analyst; Tim Robinson, Minority Chief Counsel; Samantha Satchell, Minority Policy Analyst; Ryan Skukowski, Minority Senior Policy Analyst; Andrew Souvall, Minority Director of Communications, Outreach, and Member Services; and Tuley Wright, Minority Energy and Environment Policy Advisor.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. The committee will come to order. The committee will come to order, and the chair will recognize himself for a few opening remarks. First of all, in a sort of administrative nature, as members know, we have two scheduled votes on the House floor later today: the first roughly 1:30 p.m., the second roughly 5 p.m. So, between House votes and committee, buckle in for a long day.

I have before me already a list of 41 amendments, and we are told that we should anticipate more, although we have not seen them.

I mentioned this to our members earlier this morning, but I want to reiterate to both sides here now that, just because the House adjourns tonight and the Republican retreat is tomorrow morning, we will continue the organizational meeting following the dinner hour. That will be roughly 8:30 to 9 o'clock, and then we will go until we conclude. So we will try to take up every amendment, and we will go until we finish our work.

I want to warmly welcome my fellow members of the Committee on Energy and Commerce to our organizational meeting for the 115th Congress. I am humbled and honored to serve as your chairman in this Congress. As your chairman, I would like to start this hearing by paying tribute to the last person who had the gavel, and that is my friend from Michigan, our friend Fred Upton. Fred had an exemplary record of bipartisan success as chairman. Just in the last Congress, this committee held 185 hearings; 175 Energy and Commerce Committee

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

bills passed the House; 111 were signed into law. He also led the efforts to pass major legislative initiatives, such as the enactment of 21st Century Cures, the repeal of the SGR, opioid legislation, and pipeline safety legislation. The passage of mental health legislation led by Tim Murphy and TSCA led by Tom Shimkus also happened on Fred's watch.

Last but not least, Fred is my good friend, and I am grateful that he is continuing to serve on this committee as our chairman of the Subcommittee on Energy.

Fred, we thank you, we salute you, and we have something for you. If you want to stand up right here. Now, this is a photo of the signing of Cures, which you don't get to -- go ahead.

[Applause.]

The Chairman. Now, you actually don't get to take that home because we are going to hang it in the committee. No, not right there, but we are in the Transportation Committee room, anyway. And please feel free when you leave to take jurisdiction with you back to Energy and Commerce.

We are going to hang that, though, in at least the Republican side as a reminder to all of us what can be accomplished by this great committee under the leadership of Fred Upton as an inspiration for all of us.

Fred, thank you for your service.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Fred's work was remarkable, but it also continued a strong committee tradition of producing legislative solutions to the problems that American families face. We say it so often that we risk wearing out the phrase, but this is the best committee in the House, and we have the best members on both sides of the aisle. We are the workhorses, and we know how to get things done.

The message of the last election that we all heard loud and clear is the American people expect us to act to solve problems. I think we have a great opportunity before us to continue this committee's record of success and accomplishment, and I look forward to working with all of you to get our priorities enacted into law.

Finally, I would like to salute my ranking member, Frank Pallone. We have already sat down and talked about the ways we can work together. And I know Frank shares my commitment to this committee's work, and the achievements over the last Congress would not have happened without his support. Again, welcome back.

I yield to the ranking member, Mr. Pallone, for his opening statement.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

[The prepared statement of The Chairman follows:]

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

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Pallone. Well, first of all, thank you, Mr. Chairman, for what you said about me and also about the bipartisanship in this committee, which I certainly share and I know all our Democratic members share.

And I do want to thank Fred Upton. I think that the record of achievement, again, bipartisan achievement, under Fred was just amazing.

And, you know, I have to say it was interesting, Fred, to see you on the floor. I guess it was yesterday. So, even though you are no longer the chairman, you are still out there working hard every day, including yesterday, when we had a number of bills that were on the suspension list. And also continuing the work of Joe Barton, too, because Joe, like Fred, has always been very bipartisan.

So I look forward to working with our Republican colleagues this Congress. We both hold a great respect for this committee and know the importance of its work. And I believe the same holds true for all of our colleagues, each of whom have chosen and been assigned to serve as members of this committee.

Our committee is celebrating its 222nd year in existence, and I know we are all looking forward to getting to work to build a stronger economy, create more good-paying jobs, and protect consumers.

I will have more to say later, but I would now yield back. Thank you, Mr. Chairman. Did I get that wrong, 222?



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

[The prepared statement of Mr. Pallone follows:]

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

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. No, I think that is exactly right.

I was just going to point out that one of our incredible staff members is celebrating his 22nd year working for the committee. Alan Slobodin, right over there.

[Applause.]

The Chairman. Today marks 22 years, and he does a great job on our Oversight and Investigations work.

With that, now, I would like to take a moment to introduce the new Republican members of the committee, and then I know Mr. Pallone will introduce the new Democratic members.

First up, Tim Walberg of the Seventh District of Michigan. This committee has had the good fortune of getting the best the Michigan delegation has to offer, and we are happy to welcome Tim Walberg to Energy and Commerce. He is a pastor. He served in both Michigan and Indiana. He served for 16 years in the Michigan legislature before coming to Congress. Tim previously served on the Oversight and Government Reform Committee. He continues to serve on the Education and Workforce Committee. He is married to Sue and the father of three children, seven grandchildren, and one great-grandchild, Harley -- oh, no, wait a minute. Harley Davidson is not the great-grandchild; that is what you ride. Welcome, Mr. Walberg.

[Applause.]

The Chairman. Mimi Walters of the 45th District of California,

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

fresh insight, with all due respect to my Democratic colleagues, a Californian on this side of the aisle. Before politics, Mimi worked as a stockbroker in California, but she also had a job that perhaps best prepared her for her current job: she worked at Fantasyland at Disneyland. Later, Mimi got her start in politics in 1996 at the local level, serving as a councilwoman and mayor of Laguna Niguel before moving on to the State legislature. She is in her second term in the Congress, previously served on the House Judiciary and Transportation and Infrastructure Committees. She is married to David and a mother of four.

Mimi, we are happy to have you on the Energy and Commerce Committee. Mimi Walters.

[Applause.]

The Chairman. We have Ryan Costello of the Sixth District of Pennsylvania. With the addition of Mr. Costello of Pennsylvania, we now have three Pennsylvanians on the Energy and Commerce Committee. Like Mimi, Mr. Costello has deep experience at the local level, serving on his county board of supervisors and then as chairman of that board and also as the recorder of deeds, only good deeds. He was first elected to Congress just 2 years ago and served during the 114th Congress on the Veterans' Affairs Committee and the Transportation and Infrastructure Committee. A few fun facts about Mr. Costello. He can dunk a basketball. So get ready if you get on a basketball court with

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

him. He is married to Christine and the father of Ryan, Jr.

Welcome, Ryan Costello.

[Applause.]

The Chairman. And our final new member on the committee is Buddy Carter of the First District of Georgia. He is from Pooler, Georgia, and served his hometown on the planning and zoning commissions and as mayor from 1996 through 2004. Buddy then moved on to the Georgia legislature in 2005, was elected to Congress in 2014. He is the only pharmacist in the Congress, and we expect that experience to be very useful on the Health Subcommittee of which he is a member. Buddy is married to Amy, and they have three sons and three grandchildren.

Welcome to the Energy and Commerce Committee, Mr. Carter.

[Applause.]

The Chairman. Now I recognize Mr. Pallone to introduce our new Democratic members to the Energy and Commerce Committee.

Mr. Pallone. Thank you, Mr. Chairman.

I am especially pleased that we are welcoming three new Democrats to the committee. First is Raul Ruiz, who represents California's 36th Congressional District, is the proud son of farm workers growing up in Coachella. Raul has been a trailblazer in his community, achieving his lifelong dream of becoming a physician. As the only Democratic physician on the committee, Raul brings an important voice to the table. I look forward to Raul contributing his expertise in health care on

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

this committee as well as his work on the environment.

Raul.

[Applause.]

Mr. Pallone. Next is Scott Peters, who is an environmental leader who represents the 52nd Congressional District, which includes northern San Diego and a lot of the coast just north of San Diego. He worked at the EPA as an economist during the last years of the Carter administration and has expertise on Superfund as well as a number of other environmental policies. So we look forward to having that expertise on the committee.

Scott.

[Applause.]

Mr. Pallone. And last but certainly not least is Debbie Dingell from the 12th Congressional District of Michigan. Debbie's vast experience at building coalitions to promote auto and manufacturing jobs is going to be essential as we work to build a stronger economy. As the founder and past chair of the National Women's Health Resource Center, Debbie understands the importance of access to health care. Congratulations to Debbie as well.

Welcome, Debbie.

[Applause.]

Mr. Pallone. So, again, I yield back, Mr. Chairman.

The Chairman. Thank you, Mr. Pallone.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

And welcome to all our members returning to the committee and our new members joining us.

All right. We are now going to begin the business meeting with the resolution to adopt the committee rules for this Congress. The chair has a resolution at the desk and asks the clerk to report.

The Clerk. A resolution offered by Mr. Walden.

The Chairman. Without objection, the resolution will be considered as read, and the chair will recognize himself for 5 minutes.

[The information follows:]

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

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. Before I do that, I think we are going to do the colloquies, correct?

All right. I will recognize myself. And Mr. Pallone and I have a couple of colloquies that we had discussed. And so, with that, I would now recognize the gentleman from New Jersey, Mr. Pallone.

Mr. Pallone. I have two, Mr. Chairman: one on scheduling and one on letters of exchange. Do you want to do the scheduling one first?

The Chairman. I think that is fine. Let me figure out which one is scheduling. Right here. We are good. Yes.

Mr. Pallone. Okay. This relates to the matter of whether full committee and subcommittee chairmen will refrain in this Congress from scheduling committee markups on days and at times that conflict with important Democratic Caucus and leadership functions.

Last Congress, the majority would occasionally schedule opening statements for markups on the evenings before the day on which the markup was noticed, and at times, the majority would also notice midweek hearings and markups on days and at times that conflicted with regularly scheduled Democratic morning caucus and whip meetings. And as a result of these scheduling actions, some members in the minority, including full and subcommittee ranking members, would have to choose between events scheduled at competing times, both being equally important.

And although I and my staff often brought this problem to the attention of our past chairman and senior committee staff, it was never

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

completely resolved. So this is one matter, Mr. Chairman, with all due respect, that requires I think urgent attention as it does impact a number of really good and hardworking members. And it is a problem that I think we should be able to find a solution for.

I yield to the chairman.

The Chairman. I thank the gentleman. I agree with the ranking member. This is an important issue and important to members to be able to attend these caucus meetings. And I know no one on either side of the aisle ever misses their caucus meetings. I acknowledge there have been some unintended conflicts with these meetings on a few occasions. On a few of those, the hearings were planned or noticed prior to the announcement of the caucus meeting. As I mentioned when we met privately, we have a lot of work to do, but we will work to our best ability to minimize the conflicts where we can, especially respecting the caucus meetings of both parties.

Mr. Pallone. So, Mr. Chairman, you know, again, I just think that this is important in terms of making sure that all members be heard because, obviously, the committee and what we do is very important. So, if we do as you said, I think it allows for more full and broader participation by our members across all committee hearings and markups. And so I thank the gentleman.

The Chairman. I thank the gentleman. And I appreciate your concerns, and you have my assurance we will work closely with you and



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

your staff, and I appreciate your raising it today.

Mr. Pallone. And the second one I have is with regard to exchange of letters as it relates to the committee's jurisdiction. Based on listings of enacted House bills, bills being reported out of various committees in the 114th Congress, and by consulting publicly disclosed letters of exchange found in the Congressional Record, we believe that the majority has sometimes not provided the minority with regular notification of its decisions to waive committee jurisdiction over legislative matters.

So I am bringing this to your attention, Mr. Chairman, with the hope that these decisions are communicated in a more comprehensive and timely manner to me and my colleagues on the minority as well as our staff.

The Chairman. Will the ranking member yield?

Mr. Pallone. Yes.

The Chairman. Thank you for bringing this important matter to my attention as well. I have also been advised of this matter as well by our staff arising out of discussions they have had around today's organizational meeting with your staff.

Mr. Pallone. And I want to thank our staffs, after consulting with us, to meet further to find an acceptable way to resolve this problem, Mr. Chairman.

The Chairman. And when we met just a few weeks ago, we also

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

discussed this matter. I know of the importance of it. I committed to you then that we will promptly share any exchange of letters we execute with other committees. We already did this yesterday when we executed an exchange of letters with committees who received additional referrals on the suspension bills that were on the floor yesterday. We sent those letter exchanges to your office immediately so you had a copy.

I know you share my interest in protecting, defending, and perhaps expanding our jurisdiction. So we pledge to continue working with you to do so.

Mr. Pallone. I like that idea of expanding our jurisdiction. That sounds even better.

So I want to thank the chairman for your assistance in this matter. Anything we can do to ensure that this system captures all exchange letters would be most desirable, Mr. Chairman.

The Chairman. Yes, that will be our objective.

Mr. Pallone. Thank you again.

The Chairman. Okay. I now recognize myself to discuss the Energy and Commerce rules for the 115th Congress. Today's rules package contains just two changes from the last rules. The first is an administrative update to rule 7(a) of the committee rules. In the preceding Congresses, the committee was required to maintain a journal. The journal compiled the following pieces of information into one

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

document: attendance records for each committee meeting, records of recorded votes, a description of each recorded vote. Now, this document was not posted publicly, but the committee rules required the committee to make this available to the minority at their request.

The journal in many ways is, frankly, a relic of the past and how the committee used to maintain records and make them available. We used to keep everything on paper in our offices. Now we post committee records electronically on our Web site. The House and the committees use the public document repository and the committee Web site to make markup records available to the public.

And the House's requirement in rule XI to make markup records available in electronic form within 48 hours of the markup, frankly, has overtaken the need to have a written journal. Already, our committee rules require that we publicly post the recorded votes that are compiled in the journal to the House repository and the committee Web site immediately following all committee markups. So those are already posted electronically.

Our proposed change in this rules package will also memorialize current committee practice by requiring us to publicly post attendance records for markups, which is one piece of the journal.

The bottom line is that all the information in the journal will continue to be available to all members and the public. We are simply eliminating the duplicative requirement of keeping a separate paper

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

document with this information and making conforming changes to rule 7. So that is the first change in the rules. We are going to modernize the committee's recordkeeping and dispense with a printed document that I am not sure anybody accessed. It is all online.

The second change to committee rules is also to rule 7 and relates to the chair's authority to postpone recorded votes. Previously, the chair needed to obtain the ranking member's concurrence to postpone votes. The change we are proposing is to give the chair the authority to postpone votes after consulting with the ranking member. I have talked with the ranking member about this change and our staffs have also discussed this extensively. While it is a change from past committee practice, this authority is commonly granted to House committees. In fact, every other committee in the House, every other committee but E&C and Armed Services, provides the chair with authority to postpone votes.

It gives added flexibility to the chair to manage the markups efficiently and to be accommodating of members' scheduling needs on both sides of the aisle, especially in those cases where our committee markups conflict with floor votes or committee bills on the floor.

I did hear Ranking Member Pallone's concerns about this proposed rule. To address the concern, this rule requires that I consult with him, which I am happy to do, before postponing any recorded vote. It also requires that I provide reasonable notice to all members of when

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

the postponed vote will take place.

I pledge that I will work closely with you on determining a time to resume proceedings on a postponed matter, and I will use this authority judiciously and fairly.

I now recognize Mr. Pallone for a 5-minute statement.

Mr. Pallone. Thank you, Mr. Chairman.

Each of our committee's 24 Democrats values this opportunity to discuss and debate the committee rules we will be voting on later today.

Mr. Chairman, the Republican rules package, which Chairman Walden just called up from the desk, in my opinion, does not maintain sufficient transparency or encourage enough trust and consensus-building between committee Republicans and Democrats. The package also does little on the whole to inject more transparency into areas where past experience shows us that more real transparency and openness are needed.

To that extent, we will be raising some questions as well as offering amendments regarding publicly posting subpoenas, exchange of letters pertaining to committee jurisdiction, although we did that already, how staff conducts transcribed interviews, and witness hearing disclosures.

Two of the proposed rules are especially problematic from the standpoint of minority inclusion and committee transparency. And I am referencing now rule 7(a) and 7(b), relating to record votes; and

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

rule 16, related to subpoena power. With regard to the subpoena power, we are fundamentally opposed to unilaterally delegating subpoena authority to the committee chair. Chairman Walden has agreed to give me 72 hours' notice any time a subpoena is being noticed, but I strongly believe that we should return to our previous rules from the 113th Congress and before, where this was not done unilaterally.

You will remember that, before we moved to any subpoenas, the ranking member would have to agree, and if he didn't, we would then have a business meeting to actually discuss the matter and take a vote. This created more accountability for actually issuing the subpoena, and then it created, I think, more transparency.

Committee Democrats also oppose the proposed changes that are being made to rule 7. This is actually a change from the previous Congress. In the 114th Congress, the chairman of this committee was authorized from time to time -- which means not regularly or routinely -- and upon concurrence with the ranking member to postpone votes. The rule has been radically reworked in the resolution that is currently before us, now appearing as rule 7(b). And what the Republicans are now proposing is to adopt a rule that merely requires consultation with the ranking member and strikes the "from time to time" language. And this authority would extend not only to the full committee chair but also to the subcommittee chairs.

The reason this is concerning me, Mr. Chairman, is, based on my

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

experience, I used to be a member for many years of the Resources Committee, and I saw firsthand how constantly rolling votes led to less interaction between the parties during a markup. And less interaction leads to less bipartisanship and reduces the possibility for compromise. And compromise simply isn't possible, in my opinion, if we are not all here actually marking up legislation and listening to each other.

Over time, I saw the Resources Committee become more partisan and divisive, and I think a lot of that had to do with rolling votes. And so this is troubling, as we know for a fact that our committee's bipartisan success and achievements are directly linked to intracommittee transparency and inclusion of the minority.

So, taken as a whole, the Republican rules package lessens the importance of the ranking member and minority concurrence and consultation. And we will get to more of an explanation to this as we call up the amendments.

At this point, I yield back the balance of my time.

The Chairman. The gentleman yields back the balance of his time.

Is there further discussion on the resolution? If there is no further discussion, the vote occurs on the resolution.

All in favor, say aye.

Mr. Pallone. Wait a minute. Excuse me, Mr. Chairman. We are voting on the rules package now?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. Well, I asked, is there any further discussion on the resolution?

Mr. Pallone. We have several amendments.

The Chairman. Well, I figured somebody might.

Mr. Pallone. I thought you were going to the rankers now. You want to do that next? Do you want to stay on the rules package?

The Chairman. I think we are on the rules package.

Mr. Pallone. All right. Well, then we are going to have -- we have some amendments if you want to deal with the rules package now. If you want to, we could do the appointment of the subcommittee rankers and members, though.

The Chairman. Without objection, I withdraw.

We can open up to amendment if that would be good. So we will do that. So does anyone seek recognition?

The gentlelady from Illinois.

Ms. Schakowsky. Well, thank you, Mr. Chairman.

The Chairman. Can you reference the amendment?

Ms. Schakowsky. Oh, I am sorry. I have an amendment at the desk.

The Chairman. And then they will read it.

The Clerk. We have no amendments on the rules package.

The Chairman. We have no amendments on the rules package?

The Clerk. No.

The Chairman. Do you have your amendment?



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Pallone. The amendment should be at the desk, Mr. Chairman.

The Chairman. I think we were just handed them.

Mr. Barton. Parliamentary inquiry, Mr. Chairman.

The Chairman. The gentleman is recognized.

Mr. Barton. Since we haven't adopted the rules package for this Congress yet, what rules are we operating under right now?

The Chairman. The rules of the House, I would assume, is what we are operating under as we organize.

Mr. Barton. Is it the rules of the House or the rules of the last committee?

The Chairman. I would defer to the counsel. If you can just stand by on that for a second.

Mr. Barton. Okay. Well, I have another question once that one is answered.

Counsel. I am sorry. I didn't hear the question, Mr. Barton.

Mr. Barton. I asked what rules we are operating under right now since we haven't adopted the proposed rules package for the committee for this Congress.

Counsel. We are operating under the rules of the House.

Mr. Barton. The rules of the House.

Second, what do the rules of the House say about having amendments at the desk in order to be considered?

Counsel. I don't believe they specifically address that

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

question.

Mr. Barton. A parliamentary inquiry. If the minority did not have the rules amendments, the amendments to the rules of the committee, at the desk, are they in order to be considered?

The Chairman. I think in the spirit of comity, yes.

Mr. Barton. In the spirit of comity, okay. If we are going to be commodious, if that is the right term, then I am okay with that.

I yield back.

The Chairman. Thank you. Did we found Ms. Schakowsky's amendment?

Counsel. We just got the copy. And this is to rule 16, correct?

The Chairman. Ms. Schakowsky, can you reference the amendment you are asking to be considered?

Ms. Schakowsky. My amendment to rule 16. You have it.

The Chairman. Okay. We now have that. The clerk shall report the amendment.

The Clerk. Amendment to the committee rules offered by Ms. Schakowsky.

The Chairman. Without objection, the amendment shall be considered as read. The clerks will distribute the amendment.

[The amendment of Ms. Schakowsky follows:]

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

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Ms. Schakowsky. Thank you, Mr. Chairman.

And my understanding is that the amendments actually were all at the desk. So we are all straight now, right? Do you have them all? Okay.

So my amendment deals with subpoena power and would ensure transparency when the committee uses subpoena power. It would require subpoenas to be posted on the committee's Web site within 1 day of issuance. In addition, it would provide for consultation with the ranking member on redactions necessary to protect individual privacy and security.

Let me be clear. This is only one of several that deal with subpoena power, which is one of the most powerful tools of government. They compel people to turn over information, sometimes sensitive and personal information, against their will to the government. We should be transparent in our use of this power as we use it in legitimate investigations.

In the last Congress, I served as ranking member of the select investigative panel. I feel strongly that we need to have uniform, fair rules for subpoena power, because I saw what happened when this power was abused by the select panel. The select panel chair, Marsha Blackburn, issued 36 subpoenas to physicians, medical researchers, small businesses, local government offices, and others. All were issued unilaterally by the chair without any effort to consult with

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

me, the ranking member, as informing me is not the same as consulting.

The Select Investigative Panel did not debate or vote on the subpoenas. The chair then refused to provide Democratic members of the panel with copies of the subpoenas, telling us that we would receive our copy only after they were issued.

Some of those subpoenas were ridiculously overbroad, probing into personal matters that Congress had no business examining. Many had unrealistic deadlines. And 30 of the 36 subpoenas were sent without any effort to obtain voluntary compliance first. Oftentimes, it was the very first contact these individuals had had with the panel.

We need rules to ensure that our committee's investigations are fair, balanced, and fact-driven. The American people should be extremely concerned that a single Member of Congress can demand information from private citizens under the threat of contempt.

My Democratic colleagues and I have developed some simple proposals to ensure that we use subpoena power judiciously. And my amendment would provide greater overall transparency and accountability regarding subpoena power. It would ask for redacted copies of subpoenas to be online within 24 hours, ensuring a record of subpoena is easily available to Members, staff, and the American people. And I would urge my colleagues, in the name of fairness, to please support this amendment.

I yield back.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. Would the gentlewoman yield?

Ms. Schakowsky. I would happily yield the balance of my time, yes.

Mr. Pallone. Mr. Chairman, I think this is so important from the issue of transparency, which, of course, is the main focus, really, of why we are offering all these amendments.

But I also think that the second part of this that says that the chair shall consult with the ranking minority member in advance of any redactions necessary to protect the privacy and security of individuals or entities subject to subpoena is really important, because that can be abused. And it can really have a negative impact on not only the individuals and their lives, but also their work. And we saw a lot of that with the special subcommittee, that we are concerned about the impact of these subpoenas on the activities and the work that the people that were being subpoenaed that was taking place.

So I just want to urge my colleagues to support this. It is important, both from a transparency point of view and also from a privacy point of view, I think, of the people that are being subpoenaed.

I yield back.

Ms. Schakowsky. And I yield back.

The Chairman. The gentlelady yields back the balance of her time.

I will speak in opposition to this. First of all, I think we need

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

to understand this is the same language in the Energy and Commerce Committee rules that was there in the last Congress. We are talking about the operation of the full committee here. And the chairman last Congress, he used subpoena power a grand total of five times.

And that is something we recognize is a very powerful tool. We fully respect its power. We also recognize that there are situations where you have whistleblowers that, if the subpoena were to go public, could cause major chilling effect on the ability of whistleblowers to come forward. We also have situations where we have friendly subpoenas, and there are certain entities and all that would not want that necessarily made public.

I think this is a solution in search of a problem that has not existed on the full committee and will not exist going forward. I fully respect the power of the subpoena. We already have rule 16 that deals with this. And so I would oppose the gentlelady's amendment.

Mr. Upton. If the gentleman would yield.

The Chairman. And I would yield to former Chairman Upton.

Mr. Upton. As I recall -- and I will let the counsel verify this. As I recall, the rule that we are doing here or the amendment that is part of our rules and that we adopted 2 years ago was the same language, the same authority that Henry Waxman had when he chaired the Oversight Committee. Am I correct? I am not correct.

So I will strike those words and just say that, in the last 2 years,

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

under this authority, I used it only five times. And I would say I would either find my friend the ranking member on the floor or use the phone. Sometimes it was used as a threat to try and get more information, but I thought that it worked fairly well. And we had what I at least thought on our side was a pretty good relationship as I gave a heads-up on those five occasions that I used it over the course of the 2 years.

Ms. Schakowsky. Would the gentleman yield?

Mr. Upton. I don't have the time. I will yield back to the gentleman from --

The Chairman. I would be happy to yield to the gentlelady.

Ms. Schakowsky. Here is my question. Does this rule then applies to subcommittees? What power does a subcommittee chair have then?

The Chairman. I would defer to the counsel on this. Who has authority to issue subpoenas?

Counsel. On our committee rules, that authority is designated to the chair if you read the text of rule 16. And I can read it to you: The power to authorize and issue subpoenas is delegated to the chair of the full committee, as provided for under clause 2 and 3(a)(i) of rule 11.

And if you look also at the text of rule 11, it specifies that authorized subpoenas shall be signed by the chair of the committee or

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

by a member designated by the committee. And so Chairman Walden, for our subpoenas to be valid when they are served, he signs. He would sign our subpoenas.

Ms. Schakowsky. Or designate. It says "or designee."

Counsel. But that is not what our committee -- it also talks about the rules, that our committee rules then delegate that authority to him. And he would have to delegate it, which he has not.

The Chairman. Can I ask counsel -- I will reclaim my time -- do other committees require posting of subpoenas on their Web sites, you are aware of?

Counsel. There are a variety of rules that different committees have on the authority of the chair. Some do not provide for consultation as we require in our committee rules. We require that you report the issuance to the members once we have issued a subpoena under Chairman Walden's authority. They do not require public posting, although in each instance when we issued a subpoena in the last Congress -- we did five -- we did post those on our Web site. That is how we handled that.

The Chairman. Are there other safeguards in our rules regarding subpoena authority, other notice requirements and things?

Counsel. So 72 hours in advance, to the extent practicable. We consult with the ranking member, and I believe that Chairman Upton did that each time, sometimes even further in advance than 72 hours. We



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

shall notify you of it. And then the third requirement is reporting it to the committee members, which all committees have.

The Chairman. I yield back the balance of my time. Are there other people seeking recognition?

The gentlelady from California is recognized.

Ms. Eshoo. Thank you, Mr. Chairman, very much.

I just want to make a comment on this, because, obviously, the committee rules, the full committee rules extend to the subcommittee and how the subcommittees will operate, et cetera, et cetera. But we are talking about a select committee that was put together, I believe by the Speaker, and that, even though it operated out of Energy and Commerce, it had another whole set of rules to it.

Now, I think there was, to put it minimally, a discoloration of this committee, the Energy and Commerce Committee, in terms of the rules, most especially when it came to subpoena and how subpoenas were used. Major newspapers editorialized on this across the country. So while usually rules and the committee are an internal discussion, this went viral, both in the print press and otherwise. So --

The Chairman. Would the gentlelady yield, when you get a chance?

Ms. Eshoo. I would be happy to yield.

My point is that we have a problem, because this was within the Energy and Commerce Committee, but our rules did not apply to that select committee. And while I think some of my colleagues would not

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

believe there was abuse, I do. I do. I think it was -- no Member of Congress should do that.

I would be happy to yield.

The Chairman. I appreciate that, and I thank the gentle lady for yielding.

The select committee was a product of the House --

Ms. Eshoo. Right. That is what I said.

The Chairman. -- by a resolution of the House that granted certain authorities to the select committee, which, in effect, precluded, for example, the chairman of this committee from having veto power over subpoenas. So that is something that was out of our control.

Ms. Eshoo. I understand that. But reclaiming my time, we now have seen so that if something like this comes up again before the full House, I think that, on the Republican and the Democratic side, on a bipartisan basis, we should not only review what those subpoena powers are, but stand together and say, in the name of our committee, this shouldn't be done, and that we do that on a bipartisan basis. So I appreciate it.

The Chairman. Would you yield one more time?

Ms. Eshoo. I would be glad to.

The Chairman. Because I believe what would happen -- I share your concern. I believe what would happen --

Ms. Eshoo. We have a problem.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. -- would be that the resolution of the House would still trump our committee rules. That is what happened here.

Ms. Eshoo. I understand that. I am saying, reclaiming my time, Mr. Chairman, that understanding that and understanding how this really went wrong and it was under the banner of the Energy and Commerce Committee, that, if and when the Speaker proposes another select committee, that we be very selective about what we accept in terms of the rules that would apply to it.

And, with that, I would --

Mr. Pallone. Would the gentlewoman yield?

Ms. Eshoo. I would be glad to.

Mr. Pallone. I know we want to go to a vote on this, but I just want to say one thing. I think that when the chairman talks about the whistleblower, I think the second part of Ms. Schakowsky's amendment effectively deals with this, where she says that the chair shall consult in advance of any redaction necessary to protect the privacy and security.

I mean, you are anticipating those types of situations to protect the privacy. So, again, I know the chairman is raising that, but I think that Ms. Schakowsky's amendment handles that situation.

Did you want to -- I will yield to you. I guess it is Anna's time. Anna, would you yield Jan a minute or whatever time?

Ms. Schakowsky. My understanding was that this was -- I don't

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

want to relitigate the whole select panel, but that it was a subcommittee of the Energy and Commerce Committee. We at multiple times -- yes, it was. And at multiple times, we asked for a business committee meeting to decide on rules, and that would have included rules on subpoena.

I just think that this amendment now says: Let's do transparency by having 24-hour issuance of a subpoena and consulting with the ranking minority member in advance as to redactions that are necessary to protect the privacy and security of individuals or entities subject to the subpoena, which came up also in this issue of, why are names being put out there and jeopardizing the privacy of individuals that were subpoenaed, not knowing, not consulting in a meaningful way with the minority? This amendment I think deals with that.

The Chairman. So if I can just say, I know we are going to go to votes here in a minute. I would remind members we have 41 amendments, at least, pending to dispense with between now and sometime tomorrow morning.

On this issue, it was not a subcommittee of this committee, because, as you know, there were members not on this committee who were on that select panel. So the resolution treated it differently. It housed it here, but it was not one of our six subcommittees.

And the subpoena authority was not our subpoena authority on Energy and Commerce. It derived its power from the resolution in the

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

House. So it was separate even though it was housed here. I understand, I respect my colleague's comments, but it was not actually a subcommittee.

Are there other members seeking recognition?

I would yield to my friend from California.

Ms. Eshoo. Thank you, Mr. Chairman.

Whenever the committee reconstitutes itself, I always raise this, and that is that a confirmation that we have in the full committee's rules.

The Chairman. Can I stop you for a second? I am reminded you have already spoken. If somebody else would yield Ms. Eshoo time.

I would recognize the gentleman from Pennsylvania, who yields to the gentlelady from California.

Ms. Eshoo. Thank you. And that is that the committee rules do, indeed, provide for members of subcommittees, when they are not a member of a particular subcommittee, that they can be a guest of that subcommittee and participate in it. I think it is very important.

It is wonderful for and important for the new members on both sides of the aisle to know, and I know I have exercised it many times over the years.

The Chairman. I appreciate that. Maybe we can get to that in a minute since we have this pending issue. I think it is important for our members to be able to sit in on other subcommittees. I think

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

that has been our --

Ms. Eshoo. Just for confirmation, it is in the rules.

The Chairman. It is not in the rules, but it has been our practice of the committee. I don't think it has been in the rules. I would yield -- well, I will let you two yield back and forth here.

Mr. Green. If no one else wants time, I will yield back.

The Chairman. If Mr. Green yields back his time, I would recognize the gentleman from Pennsylvania.

Mr. Doyle. I am sorry. I thought you had yielded me the time. And I was going to yield it back if nobody else wants it.

The Chairman. The gentleman yields back the balance of his time.

Are there other members seeking recognition? If not, the ranking member has asked for a recorded vote on this. So the clerk will call the roll.

The Clerk. Mr. Barton?

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Upton?

Mr. Upton. No.

The Clerk. Mr. Upton votes no.

Mr. Shimkus?

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Murphy?

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

Mr. Burgess?

Mr. Burgess. No.

The Clerk. Mr. Burgess votes no.

Mrs. Blackburn?

Mrs. Blackburn. No.

The Clerk. Mrs. Blackburn votes no.

Mr. Scalise?

Mr. Scalise. No.

The Clerk. Mr. Scalise votes no.

Mr. Latta?

Mr. Latta. No.

The Clerk. Mr. Latta votes no.

Mrs. McMorris Rodgers?

Mrs. McMorris Rodgers. No.

The Clerk. Mrs. McMorris Rodgers votes no.

Mr. Harper?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

Mr. Lance?

Mr. Lance. No.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Mr. Lance votes no.

Mr. Guthrie?

Mr. Guthrie. No.

The Clerk. Mr. Guthrie votes no.

Mr. Olson?

Mr. Olson. No.

The Clerk. Mr. Olson votes no.

Mr. McKinley?

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

Mr. Kinzinger?

Mr. Kinzinger. No.

The Clerk. Kinzinger votes no.

Mr. Griffith?

Mr. Griffith. No.

The Clerk. Mr. Griffith votes no.

Mr. Bilirakis?

Mr. Bilirakis. No.

The Clerk. Mr. Bilirakis votes no.

Mr. Johnson?

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Long?



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Long. No.

The Clerk. Mr. Long votes no.

Mr. Bucshon?

Mr. Bucshon. No.

The Clerk. Mr. Bucshon votes no.

Mr. Flores?

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

Mrs. Brooks?

Mrs. Brooks. No.

The Clerk. Mrs. Brooks votes no.

Mr. Mullin?

Mr. Mullin. No.

The Clerk. Mr. Mullin votes no.

Mr. Hudson?

Mr. Hudson. No.

The Clerk. Mr. Hudson votes no.

Mr. Collins?

Mr. Collins. No.

The Clerk. Mr. Collins votes no.

Mr. Cramer?

Mr. Cramer. No.

The Clerk. Mr. Cramer votes no.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Walberg?

Mr. Walberg. No.

The Clerk. Mr. Walberg votes no.

Mrs. Walters?

Mrs. Walters. No.

The Clerk. Mrs. Walters votes no.

Mr. Costello?

Mr. Costello. No.

The Clerk. Mr. Costello votes no.

Mr. Carter?

Mr. Carter. No.

The Clerk. Mr. Carter votes no.

Mr. Pallone?

Mr. Pallone. Aye.

The Clerk. Mr. Pallone votes aye.

Mr. Rush?

[No response.]

The Clerk. Ms. Eshoo?

Ms. Eshoo. Aye.

The Clerk. Ms. Eshoo votes aye.

Mr. Engel?

Mr. Engel. Aye.

The Clerk. Mr. Engel votes aye.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Green?

Mr. Green. Aye.

The Clerk. Mr. Green votes aye.

Ms. DeGette?

Ms. DeGette. Aye.

The Clerk. Ms. DeGette votes aye.

Mr. Doyle?

Mr. Doyle. Aye.

The Clerk. Mr. Doyle votes aye.

Ms. Schakowsky?

Ms. Schakowsky. Aye.

The Clerk. Ms. Schakowsky votes aye.

Mr. Butterfield?

Mr. Butterfield. Aye.

The Clerk. Mr. Butterfield votes aye.

Ms. Matsui?

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.

Ms. Castor?

Ms. Castor. Aye.

The Clerk. Ms. Castor votes aye.

Mr. Sarbanes?

Mr. Sarbanes. Aye.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Mr. Sarbanes votes aye.

Mr. McNerney?

Mr. McNerney. Aye.

The Clerk. Mr. McNerney votes aye.

Mr. Welch?

Mr. Welch. Aye.

The Clerk. Mr. Welch votes aye.

Mr. Lujan?

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko?

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Ms. Clarke?

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

Mr. Loeb sack?

Mr. Loeb sack. Aye.

The Clerk. Mr. Loeb sack votes aye.

Mr. Schrader?

Mr. Schrader. Aye.

The Clerk. Mr. Schrader votes aye.

Mr. Kennedy?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Kennedy. Aye.

The Clerk. Mr. Kennedy votes aye.

Mr. Cardenas?

Mr. Cardenas. Aye.

The Clerk. Mr. Cardenas votes aye.

Mr. Ruiz?

Mr. Ruiz. Aye.

The Clerk. Mr. Ruiz votes aye.

Mr. Peters?

Mr. Peters. Aye.

The Clerk. Mr. Peters votes aye.

Mrs. Dingell?

Mrs. Dingell. Aye.

The Clerk. Mrs. Dingell votes aye.

Chairman Walden?

The Chairman. No.

The Clerk. Chairman Walden votes no.

Mr. Chairman, on that vote, there were 23 ayes and 31 nays.

The Chairman. Twenty-three ayes, 31 nays. The amendment is not adopted.

The committee will stand in recess until immediately following votes on the House floor, when we will resume our markup of our committee rules. We stand in recess.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

[Recess.]

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

RPTR BAKER

EDTR ROSEN

[2:29 p.m.]

The Chairman. So I will call the full Energy and Commerce Committee back to order, and I would ask members to take their seats. Are there other members who seek recognition?

Mr. Pallone. Mr. Chairman.

The Chairman. For what purpose does the gentleman from New Jersey seek recognition?

Mr. Pallone. I have an amendment.

The Chairman. The gentleman has an amendment at the desk. Can you describe it?

Mr. Pallone. I don't know if these numbers are the same. Is this No. 4? It has to do with the subpoena authority. No. 4 perhaps.

The Chairman. Maybe Pallone number 4, perhaps. We will have our clerks find that out.

The Clerk. They are not numbered.

Mr. Pallone. This is the one on committee subpoena authority that deals with the concurrence of the ranking member.

The Clerk. That starts out the chairman of the committee may, after consultation, and it goes on to say if the ranking minority member objects, right?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. Yes. The clerk will report the amendment.

The Clerk. Amendment to committee rules offered by Mr. Pallone.

[The amendment of Mr. Pallone follows:]

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



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. Without objection, the further reading of the amendment is suspended. The gentleman is recognized to debate his amendment.

Mr. Pallone. Thank you, Mr. Chairman. I would like to offer an amendment to require the chair to secure the concurrence of the ranking member prior to the issuance of a committee subpoena. This is what I talked about before when we were discussing the rules. Under my amendment, if the ranking member objects to the proposed subpoena, the matter is referred to the committee for a vote. This has been the longstanding precedent and practice in our committee until the last Congress. In the last Congress, this committee changed the rule by giving the chair the power to unilaterally issue subpoenas without minority concurrence and without a vote of the committee. I spoke in opposition to this rule change then, and I continue to oppose it today.

This rules change eliminates an important minority right by requiring zero input from the minority before a subpoena is issued, and I think this is contrary to the bipartisan tradition of this committee, and I frankly think continued use of this authority for partisan purposes could undermine our ability to work together on the important issues of the day.

But eliminating the requirement of the ranking member's concurrence is about more than minority rights. It is about procedural fairness and transparency. The subpoena power is a serious power, and

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

wielding it responsibly is a serious obligation. It is not only the power to compel testimony and documents, it represents the power to tarnish the reputation of individual Americans and to bring down entire companies. To vest this power in one person, I just think is a bad idea. Without procedural protections, there is a huge potential for abuse.

Chairman Walden, I acknowledge that your predecessor, Representative Upton, used this power judiciously and recognized the gravity and the seriousness of exercising the subpoena power, and I take you at your word when you say that you will as well. But we in the minority, as well as individuals who are targets of the committee's subpoenas, should not have to rely on the good will and discretion of just one individual. There should be procedural protections in place to ensure that this power is not abused. We have certainly seen instances where the power was abused to the detriment of the institution of Congress and to the detriment of many individual Americans.

Concurrence of the ranking member and a committee vote ensures the fair and more transparent process. In the event of a committee business meeting to authorize a subpoena, we can have a transparent debate about whether the subpoena is necessary, what is the appropriate scope, and whether or not efforts to obtain voluntary compliance have truly been exhausted.

Additionally, I can't see how scheduling a business meeting to

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

debate and vote on a subpoena is so burdensome that we should do away with this protection. If a subpoena is truly a last resort to obtain compliance of the committee's inquiry, adopted after months of attempts to obtain voluntary compliance, then the additional step of voting on the appropriateness of the subpoena should not be problematic.

And lastly, to those of my colleagues who argue that unilateral subpoena power is essential to our ability to conduct congressional oversight, I strongly disagree. As far as I can tell in this committee's history, we have never thought it was necessary or advisable to adopt a rule to give the chairman unilateral subpoena authority until the last 114th Congress. It is unclear to me why such a significant break with precedent is now necessary, and I hear no compelling argument why such power was necessary when we debated this rule change in the last Congress.

And so, again, I would offer this amendment to correct what I think is a serious problem, and I yield back.

The Chairman. The gentleman yields back. I would seek recognition to strike the last word.

Our committee actually goes beyond a number of the other committees in protecting minority rights in this area. We do provide at least 72-hour consultation with the minority. We notify the minority prior to issuance, and we report the issuance of the subpoena to all the members of the committee no later than one week after its

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

issuance. All the subpoenas Chairman Upton issued were posted to the committee's Web site. So I respect the concerns that my friend from New Jersey has raised, but I think there are adequate protections in the existing rules. We are not changing the existing rules from the way this committee operated in the last 2 years, and I would see if the former chairman would like to speak on this matter at some point, but I would rise in opposition to this proposed change. I think it has worked well the last 2 years. It is very similar to what most other committees operate on with the exception that we actually go farther in minority rights protection and consultation.

I recognize the gentleman from Michigan.

Mr. Upton. If the gentleman will yield, I just want to say I used it sparingly. We used it to prod folks to come with a threat, but I would note that there were a couple of times when I was talking to the ranking member to give him notice and it literally was a day or two maybe before we would have, like, the August break, some approved recess period, and there just, we wanted to use the time in a responsible fashion during the break so we could conduct interviews and there were only two rooms available in essence: our main committee room and the subcommittee room up on 2322. There are other hearings that are scheduled. With six subcommittees it would have been impossible, perhaps, on some of those occasions to do a 3-day notice to get people there, you know, what is going to, let's face it, be pretty much a

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

party-line vote.

The Chairman. On the subpoenas, yeah.

Mr. Upton. So I think that the rule that is proposed here is appropriate, and knowing you like I do, I know that you will use it sparingly as well. Neither one of us are lawyers.

The Chairman. There you go. With that I yield back the balance of my time, and I ask my colleagues to oppose the rule.

I would recognize Mr. Butterfield for 5 minutes.

Mr. Butterfield. Thank you, Mr. Chairman. Mr. Chairman, as you certainly know, and most of my colleagues know, I spent 15 long years as a trial judge in my State of North Carolina. And let me tell you, it is unheard of for a single person to issue a unilateral subpoena to compel a United States citizen to testify and to produce documents and to do other things. That is an awesome power. And for this committee to authorize the chair to have that power I think goes to an extreme, and so, I want to go on record supporting Mr. Pallone and what he said and what my other colleagues have said as well. Let me ask the question. Is there any recourse if a citizen is served with a subpoena from this committee? Is there any recourse whatsoever to resist or defend against the subpoena?

The Chairman. I would yield to the counsel since I am not a member of the bar.

Mr. Butterfield. Yes.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Counsel. They can work with committee counsel, but it does compel production. It requires --

Mr. Butterfield. The answer is no. When the chairman issues a subpoena, unless the chairman changes his mind, the subpoena is enforced.

Counsel. I can speak to what has typically happened. We have issued those documents, and we have worked with their lawyers to secure compliance. That has been our custom on this committee to issue them and --

Mr. Butterfield. But custom aside, in theory, in theory, a citizen has an absolute obligation to comply with a subpoena.

Counsel. Just as they do when a prosecutor issues a subpoena.

Mr. Butterfield. And there is no right to appeal to a higher authority, like when I was a judge, if a district attorney or probation officer or lawyer or wanted to issue a subpoena, the defendant, or the citizen, the target of the subpoena, could come to the court and ask to quash the subpoena because it was burdensome. But none of that exists here in this committee, and I want to go on record asking my colleagues to think twice about this before we give that type of power to the chair.

Thank you, Mr. Chairman. I yield back.

The Chairman. The gentleman yields back. Are there other members seeking recognition? The gentleman from Texas, Mr. Barton,

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

the vice chair of the full committee.

Mr. Barton. I wasn't going to comment, but since Mr. Butterfield gave his comments, I just want to educate members of the committee, or, perhaps, just new on the committee. A subpoena is a request for information, and it is being requested on behalf of the American people. This committee represents the American people in all the areas of jurisdiction that the committee has. Energy and Commerce subpoenas are issued to gather information. I don't know that we have ever issued a subpoena for a criminal purpose. I don't think so. It is possible, and I have been on the committee 30 years.

Mr. Butterfield. Will the gentleman yield?

Mr. Barton. Sure.

Mr. Butterfield. Would you acknowledge that there is potentially an opportunity to abuse that authority? In theory, the possibility of abuse --

Mr. Barton. Again, reclaiming my time, I have served under John Dingell, Henry Waxman, Tom Bliley, Billy Tauzin myself, Fred Upton, and now Greg Walden. None of the former chairmen ever abused the authority of the subpoena, and we had it, at one time, where you had to go to get a vote. I have served the subpoenas if there was a disagreement, you had to get a vote of the committee to issue the subpoena, and I have also served where it was up to the discretion of the chairman in consultation, or in conjunction with the ranking

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

member. We issue probably fewer subpoenas than any other major committee, and, again, every subpoena that I can recollect was simply to gather information, either at the full committee level, or, in some cases, at the Oversight and Investigation Subcommittee level, for hearings that were public hearings. And we had a lot of people kick back on wanting to comply, but because of the commitment of the staffs on both sides of the aisle, I am not aware that we have ever had a noncompliance problem, that they have always, except with the Obama administration, who had to be brought to the table kicking and screaming.

So I understand the sensitivity on the minority side of the subpoena issue, but, at least as it has been handled in the last 30 years, it has, in my opinion, been handled appropriately.

The Chairman. The gentleman yields back. Are there other members seeking recognition? The gentleman from Texas, Mr. Green.

Mr. Green. Mr. Chairman, I will be brief, but our camaraderie in our committee traditionally is working together, and I have been on it since 1997 with different chairs, and I don't think we have had an issue; but I also know that what our ranking member's amendment does is just require the cooperation in the notice, because if the chair still wants to go forward with the subpoena that the ranking member disagrees with, then, you know, you call the committee and we have a vote. I just think it would, this amendment would make us more



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

collegial that we work together better, and I am hoping that would set the tone for the rest of this Congress. But that is my two cents worth. Thank you.

The Chairman. I appreciate that. Are there other members seeking recognition on either side? If not, then the question before us is should the amendment be adopted. The clerk will call the roll. Those supporting the amendment, vote aye. Those no, nay. The clerk will call the roll.

The Clerk. Mr. Barton?

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Upton?

Mr. Upton. No.

The Clerk. Mr. Upton votes no.

Mr. Shimkus?

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Murphy?

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

Mr. Burgess?

Mr. Burgess. No.

The Clerk. Mr. Burgess votes no.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mrs. Blackburn?

Mrs. Blackburn. No.

The Clerk. Mrs. Blackburn votes no.

Mr. Scalise?

[No response.]

The Clerk. Mr. Latta?

Mr. Latta. No.

The Clerk. Mr. Latta votes no.

Mrs. McMorris Rodgers?

Mrs. McMorris Rodgers. No.

The Clerk. Mrs. McMorris Rodgers votes no.

Mr. Harper?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

Mr. Lance?

Mr. Lance. No.

The Clerk. Mr. Lance votes no.

Mr. Guthrie?

Mr. Guthrie. No.

The Clerk. Mr. Guthrie votes no.

Mr. Olson?

Mr. Olson. No.

The Clerk. Mr. Olson votes no.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. McKinley?

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

Mr. Kinzinger?

Mr. Kinzinger. No.

The Clerk. Mr. Kinzinger votes no.

Mr. Griffith?

Mr. Griffith. No.

The Clerk. Mr. Griffith votes no.

Mr. Bilirakis?

Mr. Bilirakis. No.

The Clerk. Mr. Bilirakis votes no.

Mr. Johnson?

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Long?

Mr. Long. No.

The Clerk. Mr. Long votes no.

Mr. Bucshon?

Mr. Bucshon. No.

The Clerk. Mr. Bucshon votes no.

Mr. Flores?

Mr. Flores. No.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Mr. Flores votes no.

Mrs. Brooks?

Mrs. Brooks. No.

The Clerk. Mrs. Brooks votes no.

Mr. Mullin?

Mr. Mullin. No.

The Clerk. Mr. Mullin votes no.

Mr. Hudson?

[No response.]

The Clerk. Mr. Collins?

Mr. Collins. No.

The Clerk. Mr. Collins votes no.

Mr. Cramer?

Ms. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Walberg?

Mr. Walberg. No.

The Clerk. Mr. Walberg votes no.

Mrs. Walters?

Mrs. Walters. No.

The Clerk. Mrs. Walters votes no.

Mr. Costello?

Mr. Costello. No.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Mr. Costello votes no.

Mr. Carter.

Mr. Carter. No.

The Clerk. Mr. Carter votes no.

Mr. Pallone?

Mr. Pallone. Aye.

The Clerk. Mr. Pallone votes aye.

Mr. Rush?

[No response.]

The Clerk. Ms. Eshoo?

Ms. Eshoo. Aye.

The Clerk. Ms. Eshoo votes aye.

Mr. Engel?

Mr. Engel. Aye.

The Clerk. Mr. Engel votes aye.

Mr. Green?

Mr. Green. Aye.

The Clerk. Mr. Green votes aye.

Ms. DeGette?

[No response.]

The Clerk. Mr. Doyle?

Mr. Doyle. Aye.

The Clerk. Mr. Doyle votes aye.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Ms. Schakowsky?

Ms. Schakowsky. Aye.

The Clerk. Ms. Schakowsky votes aye.

Mr. Butterfield?

Mr. Butterfield. Aye.

The Clerk. Mr. Butterfield votes aye.

Ms. Matsui?

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.

Ms. Castor?

Ms. Castor. Aye.

The Clerk. Ms. Castor votes aye.

Mr. Sarbanes?

Mr. Sarbanes. Aye.

The Clerk. Mr. Sarbanes votes aye.

Mr. McNerney?

Mr. McNerney. Aye.

The Clerk. Mr. McNerney votes aye.

Mr. Welch?

Mr. Welch. Aye.

The Clerk. Mr. Welch votes aye.

Mr. Lujan?

Mr. Lujan. Aye.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Mr. Lujan votes aye.

Mr. Tonko?

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Ms. Clarke?

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

Mr. Loeb sack?

Mr. Loeb sack. Aye.

The Clerk. Mr. Loeb sack votes aye.

Mr. Schrader?

Mr. Schrader. Aye.

The Clerk. Mr. Schrader votes aye.

Mr. Kennedy?

Mr. Kennedy. Aye.

The Clerk. Mr. Kennedy votes aye.

Mr. Cardenas?

Mr. Cardenas. Aye.

The Clerk. Mr. Cardenas votes aye.

Mr. Ruiz?

Mr. Ruiz. Aye.

The Clerk. Mr. Ruiz votes aye.

Mr. Peters?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Peters. Aye.

The Clerk. Mr. Peters votes aye.

Mrs. Dingell?

Mrs. Dingell. Aye.

The Clerk. Mrs. Dingell votes aye.

Chairman Walden?

The Chairman. No.

The Clerk. Chairman Walden votes no.

The Chairman. The clerk will report the tally.

The Clerk. Mr. Chairman, on that vote there were 22 ayes and 29 noes.

The Chairman. The amendment is not approved. Are there other amendments? For what purpose does the gentleman from New Jersey seek recognition?

Mr. Pallone. I have an amendment No. 2. This deals with the rolling of the votes.

The Chairman. So on the postponement of the votes, we will give our counsel time to find that amendment.

The Clerk. Amendment to the committee rules offered by Mr. Pallone.

The Chairman. Without objection, further reading of the amendment is dispensed with. The chair recognizes the gentleman from New Jersey to debate his amendment.



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

[The amendment of Mr. Pallone follows:]

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

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Pallone. Thank you, Mr. Chairman. I would like to offer an amendment to require the chair to obtain the concurrence of the ranking member prior to rolling or stacking votes on amendments. I see no reason why the rights of minority members to vote their views and prerogatives on legislation coming before the committee should be threatened. As I mentioned earlier in my opening remarks, my experience in the Natural Resources Committee showed me firsthand how constantly rolling votes led to less interaction between the parties during a markup, and less interaction leads to less bipartisanship and reduces the possibility for compromise. As far as I can tell in this committee's history we have never thought it was necessary to adopt a rule to give the chairman authority to postpone votes and proceedings unilaterally, and it is unclear why such a significant break with precedent is now necessary.

Now, again, this is a change in the rule from the previous Congress, and I just think it is going to make it much more contentious. I know the chairman has said he is not going to do this all the time, but the idea that you could do it without the concurrence of the ranking member I think does lend itself to the fact that we would have more and more rolling or stacking of the votes, which I don't think is helpful to the committee proceedings. I would yield back, Mr. Chairman.

The Chairman. The gentleman yields back the balance of his time. The chair recognizes himself in opposition to the amendment. This rule

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

change was the subject of the colloquy we had earlier, and a lot of discussion between our staffs and you and I together. As you know, the rule change would allow the chair of the committee, or subcommittee, to postpone a recorded vote without first seeking the concurrence of the ranking member, but it does require that the chair of the committee or subcommittee, as the case may be, consult with the ranking member prior to postponing the recorded vote, so there will be no surprise here. Further, the rule requires the committee provide reasonable notice of when the recorded vote will take place, so that all members on both sides of the aisle can be accommodated and can be here for the votes.

Now, I have encouraged my members, and I am sure you have yours, that we expect full participation in the markups, in the debates, in the hearings, like we are having today. Everybody fights like the devil to get on this committee. I don't want threshold members to just come in and vote and leave. We are here to do the people's business, and I think that is why all of us signed up for this. And so, I would hope you continue to participate, even if we roll the votes for the convenience of the members.

We have a strong record of working closely in a bipartisan manner on this committee. It doesn't mean we are always going to agree on every policy issue, but we get our work done, and we will continue to. So this is simply a tool of efficiency. I think in the last Congress,

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

every other committee in the House, with the exception of Armed Services and Budget, granted their chairs the authority to postpone the votes but us.

So we are really the outlier here. I will be judicious about it. I will consult with you on it so there are no surprises, and we will work these things out. I yield to the gentleman from Michigan, the former chair of the full committee.

Mr. Upton. Thank you, Mr. Chairman. I like the rule change that we have in the rules before us, and would therefore oppose the amendment. I would just note that we do have a number of members on both sides of the aisle that are not only in leadership, but also have some pretty responsible positions on other committees as they have a waiver. I look at my good friend, and I say this, Mr. Eliot, who's ranking, I think, on Foreign Affairs Committee. So as we have other responsibilities and knowing that we don't want to miss votes, this is an opportunity that appropriate notice is given, so that you know that there will be a series of votes that will start at a designated time, and I think that it is appropriate to make the change, particularly knowing that other committees share that same rule, so I would oppose the amendment and stand with my chairman.

The Chairman. I recognize and yield to the gentleman from New Jersey.

Mr. Pallone. Mr. Chairman, I just, I don't want to keep bringing

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

up the Resources Committee, but I think that what has often happened in our committee is that, first of all, we are all here when we debate, or at least most of us are when we debate and then vote. If you have -- if everyone knows, as in Resources, that they are just going to roll the votes at the end of the day or something of that nature, first of all, a lot of the members just don't show up.

But beyond that, it has happened many times in this committee where after a debate, you know, we will decide that we can work something out, either by a change in an amendment, or because everyone realizes that it is a good idea to maybe adopt the amendment. And it is just that give and take that we have had in this committee. And it is not always, you know, sometimes it is between two Republicans, not necessarily between two Democrats or between Democrats and Republicans, that I just think has made this committee a little better than the others, frankly, and created an atmosphere of not only bipartisanship, but also doing things that are more substantive and meaningful.

I just am very concerned. I know you are saying that you are not going to do this that often, but I just am very concerned that we not get into this practice where the members don't show up. We just roll everything at the end of the day, and we never have that kind of interaction that characterizes this committee, not only on a bipartisan basis, but just between members in general that often leads to a

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

substantive amendment or change that is adopted and that really is helpful. That is my plea. I understand that, I am concerned about this as a minority member, but I am also concerned about it just practically speaking in terms of what it results, the results in terms of what we adopt at a markup or, you know, in full committee or subcommittee. I yield back.

The Chairman. And I yield back the balance of my time. Are there other members seeking recognition on this amendment? If not --

Mr. Pallone. I ask for a roll call.

The Chairman. The gentleman asks for a roll call vote, and the clerk shall call the roll. Those in favor will vote aye. Those opposed, no, and the clerk will call the roll.

The Clerk. Mr. Barton.

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Upton?

Mr. Upton. No.

The Clerk. Mr. Upton votes no.

Mr. Shimkus?

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Murphy?

Mr. Murphy. No.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Mr. Murphy votes no.

Mr. Burgess?

Mr. Burgess. No.

The Clerk. Mr. Burgess votes no.

Mrs. Blackburn?

Mrs. Blackburn. No.

The Clerk. Mrs. Blackburn votes no.

Mr. Scalise?

Mr. Scalise. No.

The Clerk. Mr. Scalise votes no.

Mr. Latta?

Mr. Latta. No.

The Clerk. Mr. Latta votes no.

Mrs. McMorris Rodgers?

Mrs. McMorris Rodgers. No.

The Clerk. Mrs. McMorris Rodgers votes no.

Mr. Harper?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

Mr. Lance?

Mr. Lance. No.

The Clerk. Mr. Lance votes no.

Mr. Guthrie?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Guthrie. No.

The Clerk. Mr. Guthrie votes no.

Mr. Olson?

Mr. Olson. No.

The Clerk. Mr. Olson votes no.

Mr. McKinley?

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

Mr. Kinzinger?

Mr. Kinzinger. No.

The Clerk. Mr. Kinzinger votes no.

Mr. Griffith?

Mr. Griffith. No.

The Clerk. Mr. Griffith votes no.

Mr. Bilirakis?

Mr. Bilirakis. No.

The Clerk. Mr. Bilirakis votes no.

Mr. Johnson?

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Long?

Mr. Long. No.

The Clerk. Mr. Long votes no.



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Bucshon?

Mr. Bucshon. No.

The Clerk. Mr. Bucshon votes no.

Mr. Flores?

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

Mrs. Brooks?

Mrs. Brooks. No.

The Clerk. Mrs. Brooks votes no.

Mr. Mullin?

Mr. Mullin. No.

The Clerk. Mr. Mullin votes no.

Mr. Hudson?

[No response.]

The Clerk. Mr. Collins?

Mr. Collins. No.

The Clerk. Mr. Collins votes no.

Mr. Cramer?

Ms. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Walberg?

Mr. Walberg. No.

The Clerk. Mr. Walberg votes no.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mrs. Walters?

Mrs. Walters. No.

The Clerk. Mrs. Walters votes no.

Mr. Costello?

Mr. Costello. No.

The Clerk. Mr. Costello votes no.

Mr. Carter.

Mr. Carter. No.

The Clerk. Mr. Carter votes no.

Mr. Pallone?

Mr. Pallone. Aye.

The Clerk. Mr. Pallone votes aye.

Mr. Rush?

[No response.]

The Clerk. Ms. Eshoo?

Ms. Eshoo. Aye.

The Clerk. Ms. Eshoo votes aye.

Mr. Engel?

Mr. Engel. Aye.

The Clerk. Mr. Engel votes aye.

Mr. Green?

Mr. Green. Aye.

The Clerk. Mr. Green votes aye.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Ms. DeGette?

[No response.]

The Clerk. Mr. Doyle?

Mr. Doyle. Aye.

The Clerk. Mr. Doyle votes aye.

Ms. Schakowsky?

Ms. Schakowsky. Aye.

The Clerk. Ms. Schakowsky votes aye.

Mr. Butterfield?

Mr. Butterfield. Aye.

The Clerk. Mr. Butterfield votes aye.

Ms. Matsui?

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.

Ms. Castor?

[No response.]

The Clerk. Mr. Sarbanes?

Mr. Sarbanes. Aye.

The Clerk. Mr. Sarbanes votes aye.

Mr. McNerney?

Mr. McNerney. Aye.

The Clerk. Mr. McNerney votes aye.

Mr. Welch?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Welch. Aye.

The Clerk. Mr. Welch votes aye.

Mr. Lujan?

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko?

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Ms. Clarke?

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

Mr. Loeb sack?

Mr. Loeb sack. Aye.

The Clerk. Mr. Loeb sack votes aye.

Mr. Schrader?

Mr. Schrader. Aye.

The Clerk. Mr. Schrader votes aye.

Mr. Kennedy?

Mr. Kennedy. Aye.

The Clerk. Mr. Kennedy votes aye.

Mr. Cardenas?

Mr. Cardenas. Aye.

The Clerk. Mr. Cardenas votes aye.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Ruiz?

Mr. Ruiz. Aye.

The Clerk. Mr. Ruiz votes aye.

Mr. Peters?

Mr. Peters. Aye.

The Clerk. Mr. Peters votes aye.

Mrs. Dingell?

Mrs. Dingell. Aye.

The Clerk. Mrs. Dingell votes aye.

Chairman Walden?

The Chairman. Votes no.

The Clerk. Mr. Chairman, on that vote, there were 21 ayes and 30 noes.

The Chairman. 21 ayes, 31 noes. The amendment is not adopted. Okay. We are going to roll the rest of the votes until 9:30 tonight. Just kidding. Just kidding.

For what purpose does the gentleman from New Jersey seek recognition?

Mr. Pallone. I was going to put the words in your mouth. Anyway, I have an amendment at the desk. This is the last one on the rule.

The Chairman. Can you hold for a second. I think we have the count different than I announced it. Is it 21, 31 or 21, 30?

The Clerk. 21 ayes, 30 nays.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. Okay. I think I said 31. 21 ayes, 31 nays. Thank you. 21 ayes, 30 nays. Sorry. The amendment is still not adopted.

The gentleman has an amendment at the desk. Is that right?

Mr. Pallone. This is the amendment on witness disclosures. And this is the last one on the rules package, Mr. Chairman.

The Chairman. All right. The clerk will report the amendment.

[The amendment of Mr. Pallone follows:]

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

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Amendment to the committee rules, offered by Mr. Pallone.

The Chairman. Without objection, further reading of the amendment is dispensed with, and the chair recognizes the gentleman from New Jersey on his amendment.

Mr. Pallone. Thank you, Mr. Chairman. My amendment is simple. It would require any presidential appointee invited to testify before this committee to disclose conflicts of interest directly related to the subject of that hearing. Potential conflicts of interest of government officials are an increasing concern to the American people, and my amendment would provide much-needed transparency in our hearings. Several of the President's recent nominations to his administration have come under scrutiny for serious potential conflict of interest issues that could directly affect their work, and this is a troubling pattern that I think our committee must address.

Although high-level government officials are required to file financial disclosures under Federal law, these disclosures only happen once a year, and thus are, in my opinion, under-inclusive. My amendment will ensure that a presidential appointee testifying before our committee would be required to disclose any current conflicts at the time of the hearing. I think taxpayers have a right to know whether these presidential officials have a personal or financial interest in the outcome if they make recommendations or testify on issues before

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

this committee.

The amendment would also allow for this requirement to be waived if both the committee chairman and ranking member determine there is good cause to do so, and this should address any hesitation members may have about the amendment. The amendment would ensure fairness and transparency on these issues, and I urge my colleagues to vote in favor of it. I yield to the gentleman from Maryland, Mr. Sarbanes.

Mr. Sarbanes. Thank you. I thank the gentleman for yielding. I think it is hard to overstate the point Mr. Pallone made a moment ago, which is the heightened expectation that the public now has that anyone who appears here in Congress, whether they are appearing as an appointee who is seeking confirmation, or whether they are appearing before a committee like ours, there should be absolute transparency and disclosure of any potential conflicts of interest that they might bring at the time of their testimony. And this we can regard as a situation of, you know, changed circumstances. Over the last few years, for a variety of reasons, that the public has become much more anxious about the question of whether their interests are being safeguarded, or whether other interests are kind of winning the day.

And, so, the expectation that these conflicts will be divulged at the time anyone appears here to testify before us, I think, is very high, and it would behoove the committee. I think it would be in keeping with the standards of this committee to put that requirement



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

in place, and I thank the gentleman for his proposed amendment to the rules and yield back to him.

Mr. Pallone. Thank you, and I yield back the balance of my time, Mr. Chairman.

The Chairman. The gentleman yields back the balance of his time. The chair recognizes himself in opposition to the amendment. As you may recall, in the last Congress, we updated our committee Rule 3 to conform it to the changes that were made in the House rule pertaining to witness disclosures. The House rule and the committee rule were revised to require information in the witness disclosure relating to foreign government contracts or payments.

When we revised this rule 2 years ago, no members of the committee filed amendments or were at our organizational meeting. Now, however, we do have these amendments seeking to extend the witness disclosure requirements we apply to nongovernmental witnesses to governmental witnesses who appear before the committee.

First of all, I think it is important to note for the record the top 67 political appointees already filed with the Office of Government Ethics. Their information is already publicly available on the Web site once they file. The other officials, including at the SEC, SES rank also file ethics statements, and there is a fairly simple process to get those if members want them.

I think it is important to consider the rationale of why we require

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

disclosures for nongovernmental witnesses, and do not for governmental witnesses. The entire body of Federal law and common law governs conflicts of interest for government employees already. The same is not true for private citizens with regard to their employment. Already, high-level officials in the government are required to file annual public disclosure documents much like the ones members file. This includes assets held for income, stocks, bonds, and other income-producing assets. Again, this public disclosure requirement applies to all high-level officials and officers or employees who are GS-15 or above. These reports are filed at agency ethics officers, and for high-level officials, and they are posted on the Internet.

So in preparing for our hearings, this information is already available if you want it. It is available publicly, and you can access it for any of these witnesses. So if anyone on the committee has concerns about a witness and purported conflicts of interest, that member can use his or her 5 minutes at any hearing if they choose to ask questions about this information. I would encourage my members to vote no on this amendment as it is unnecessary. And I yield back the balance of my time.

Are there other members seeking recognition? If not, then the question arises on passage of this amendment. Those supporting the amendment will vote aye. Those opposed, no, and the clerk will call the roll.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Mr. Barton?

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Upton?

Mr. Upton. No.

The Clerk. Mr. Upton votes no.

Mr. Shimkus?

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Murphy?

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

Mr. Burgess?

Mr. Burgess. No.

The Clerk. Mr. Burgess votes no.

Mrs. Blackburn?

Mrs. Blackburn. No.

The Clerk. Mrs. Blackburn votes no.

Mr. Scalise?

Mr. Scalise. No.

The Clerk. Mr. Scalise votes no.

Mr. Latta.

Mr. Latta. No.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Mr. Latta votes no.

Mrs. McMorris Rodgers?

Mrs. McMorris Rodgers. No.

The Clerk. Mrs. McMorris Rodgers votes no.

Mr. Harper?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

Mr. Lance?

Mr. Lance. No.

The Clerk. Mr. Lance votes no.

Mr. Guthrie?

Mr. Guthrie. No.

The Clerk. Mr. Guthrie votes no.

Mr. Olson?

Mr. Olson. No.

The Clerk. Mr. Olson votes no.

Mr. McKinley?

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

Mr. Kinzinger?

Mr. Kinzinger. No.

The Clerk. Mr. Kinzinger votes no.

Mr. Griffith?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Griffith. No.

The Clerk. Mr. Griffith votes no.

Mr. Bilirakis?

Mr. Bilirakis. No.

The Clerk. Mr. Bilirakis votes no.

Mr. Johnson?

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Long?

Mr. Long. No.

The Clerk. Mr. Long votes no.

Mr. Bucshon?

Mr. Bucshon. No.

The Clerk. Mr. Bucshon votes no.

Mr. Flores?

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

Mrs. Brooks?

Mrs. Brooks. No.

The Clerk. Mrs. Brooks votes no.

Mr. Mullin?

Mr. Mullin. No.

The Clerk. Mr. Mullin votes no.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Hudson?

[No response.]

The Clerk. Mr. Collins?

Mr. Collins. No.

The Clerk. Mr. Collins votes no.

Mr. Cramer?

Ms. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Walberg?

Mr. Walberg. No.

The Clerk. Mr. Walberg votes no.

Mrs. Walters?

Mrs. Walters. No.

The Clerk. Mrs. Walters votes no.

Mr. Costello?

Mr. Costello. No.

The Clerk. Mr. Costello votes no.

Mr. Carter.

Mr. Carter. No.

The Clerk. Mr. Carter votes no.

Mr. Pallone?

Mr. Pallone. Aye.

The Clerk. Mr. Pallone votes aye.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Rush?

[No response.]

The Clerk. Ms. Eshoo?

Ms. Eshoo. Aye.

The Clerk. Ms. Eshoo votes aye.

Mr. Engel?

Mr. Engel. Aye.

The Clerk. Mr. Engel votes aye.

Mr. Green?

[No response.]

The Clerk. Ms. DeGette?

[No response.]

The Clerk. Mr. Doyle?

Mr. Doyle. Aye.

The Clerk. Mr. Doyle votes aye.

Ms. Schakowsky?

Ms. Schakowsky. Aye.

The Clerk. Ms. Schakowsky votes aye.

Mr. Butterfield?

Mr. Butterfield. Aye.

The Clerk. Mr. Butterfield votes aye.

Ms. Matsui?

Ms. Matsui. Aye.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Ms. Matsui votes aye.

Ms. Castor?

Ms. Castor. Aye.

The Clerk. Ms. Castor votes aye.

Mr. Sarbanes?

Mr. Sarbanes. Aye.

The Clerk. Mr. Sarbanes votes aye.

Mr. McNerney?

Mr. McNerney. Aye.

The Clerk. Mr. McNerney votes aye.

Mr. Welch?

Mr. Welch. Aye.

The Clerk. Mr. Welch votes aye.

Mr. Lujan?

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko?

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Ms. Clarke?

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

Mr. Loeb sack?



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Loebsack. Aye.

The Clerk. Mr. Loebsack votes aye.

Mr. Schrader?

Mr. Schrader. Aye.

The Clerk. Mr. Schrader votes aye.

Mr. Kennedy?

Mr. Kennedy. Aye.

The Clerk. Mr. Kennedy votes aye.

Mr. Cardenas?

Mr. Cardenas. Aye.

The Clerk. Mr. Cardenas votes aye.

Mr. Ruiz?

Mr. Ruiz. Aye.

The Clerk. Mr. Ruiz votes aye.

Mr. Peters?

Mr. Peters. Aye.

The Clerk. Mr. Peters votes aye.

Mrs. Dingell?

Mrs. Dingell. Aye.

The Clerk. Mrs. Dingell votes aye.

Chairman Walden?

The Chairman. No.

Are there any members who did not cast a vote seeking to cast a

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

vote? Mr. Green?

Mr. Green. Green votes aye.

The Clerk. Mr. Green votes aye.

The Chairman. Are there other members wishing to be recorded?

Seeing none, the clerk will report the roll.

The Clerk. Mr. Chairman, on that vote there were 22 ayes and 30 noes.

The Chairman. This vote, 22 ayes and 30 noes. The amendment is not agreed to. Are there further amendments to the rules package? Seeing none, if there are no further amendments, the question now becomes adopting on the resolution. Those in favor will say aye. Those opposed, nay. The ayes appear to have it. The ayes have it, and the resolution is agreed to.

I just want to restate again so everybody is clear, in our colloquy Ms. Eshoo and I had about members being able to sit in on the other subcommittees, I think that is always how we have operated. I found it beneficial, and we will continue that practice to accommodate our members.

Now that a rule has been adopted, and pursuant to Rule 4 of those rules, I would like to introduce the new vice chair of the committee for the 115th Congress, the former chairman of this great committee, the gentleman from Texas, Mr. Joe Barton. Mr. Barton, as you know, we are all familiar with the great things he accomplished during his

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

chairmanship and his dedication to this committee and its traditions and successes.

I want to thank Joe for agreeing to serve as my vice chair. Your good counsel, your support will be invaluable to me as we work to tackle the many issues before us here in the Congress. As you know, you will have a major role to play, especially on policy and the energy environment in the energy world, and I thank you for taking a leadership role in that as a member, not only as vice chair of the full committee but a member of the Subcommittee on Energy, and so, Joe, welcome as our vice chair. We appreciate it.

We will now consider a resolution establishing the jurisdiction of the Energy and Commerce Committee's subcommittees. The chair has a resolution at the desk and asks the clerk to report.

The Clerk. A resolution offered by Mr. Walden.

[The resolution of Mr. Walden follows:]

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

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. Without objection, further discussion of the resolution is dispensed with. And the chair recognizes himself for 5 minutes. We made one change to the subcommittee jurisdictions in this Congress, and this change affects the jurisdiction of the Subcommittee on Energy, formerly known as the Subcommittee on Energy and Power, and the Subcommittee on Environment, formerly known as the Subcommittee on Environment and the Economy. In the previous Congress, matters related to the Clean Air Act were referred to the Subcommittee on Energy. In this Congress, we are moving the Clean Air Act from the Subcommittee on Energy to the Subcommittee on the Environment. Further, the amended jurisdictional statement that we are considering today clarifies the matters relating to air contamination in addition to soil and water contamination will be within the jurisdiction of the Subcommittee on the Environment. The jurisdictions of the other Energy and Commerce subcommittees remain the same.

Finally, we have one additional name change. The Subcommittee on Commerce, Manufacturing and Trade will now be called the Subcommittee on Digital Commerce and Consumer Protection. Is there further discussion of the resolution?

The question now occurs on the resolution. All those in favor will say aye. Those opposed, nay. The ayes have it. The ayes appear to have it, and the resolution is agreed to.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

We will now consider a resolution appointing the subcommittee chairs, vice chairs, and designated subcommittee members. The chair has a resolution at the desk and asks the clerk to report.

The Clerk. A resolution offered by Mr. Walden.

[The resolution of Mr. Walden follows:]

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

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. Without objection, the reading of the resolution is dispensed with. The chair recognizes himself briefly. The resolution simply designates the chair and vice chair of each subcommittee, and the resolution also designates the Republican members of each subcommittee. I am excited to have four new Republican members joining our subcommittees and thank my Republican colleagues for agreeing to serve in these positions. We do have an ambitious schedule ahead of us in this Congress, and I look forward to working side by side with you. Is there further discussion of the resolution? If there is no further discussion, the vote occurs on the resolution. All those in favor say aye. Those opposed, nay. The ayes appear to have it. The ayes have it, and the resolution is agreed to.

Now I recognize the gentleman from New Jersey, who has a resolution at the desk. The clerk will report.

The Clerk. A resolution offered by Mr. Pallone.

[The resolution of Mr. Pallone follows:]

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

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Pallone. Thank you, Mr. Chairman. I offer a resolution designating the subcommittee ranking members and the Democratic subcommittee membership for the 115th Congress. I am very pleased that our Democratic Caucus has selected the following ranking members of the subcommittees: Communications and Technology, Mike Doyle; Digital Commerce and Consumer Protection, Jan Schakowsky; Energy, Bobby Rush; Environment, Paul Tonko; Health, Gene Green; and Oversight and Investigations, Diana DeGette. This is a very strong leadership team, and I look forward to working with them. I would point out, as I am sure you noticed, that Mike Doyle is now the ranking member for Communications and Technology. He takes over from Anna Eshoo. And I do want to say that we are very, I just want to comment about Anna Eshoo's long tenure as the ranking member of the subcommittee, and I guess chairwoman at one time, correct? No. In any case, she has always been kind of, the best thing to say is the innovation person, not only of this committee, but of our Democratic Caucus in general, and I know she is going to continue to be active, but I did want to say that we want to comment on the fact that her tenure was so successful, particularly when it came to the innovation agenda, which I admire the most, Anna, so thank you.

Ms. Eshoo. I appreciate it.

Mr. Pallone. So I would yield back to you, Mr. Chairman, for consideration of the Democratic resolution.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. The gentleman yields back. I am going to just take, recognize myself for a minute on your resolution to commend Ms. Eshoo for her many years of service and her great inspirational ideas about innovation, technology, broadband, all the things we have been able to work side-by-side on over the years. We have passed some pretty important legislation that is still playing out to make more broadband available, wireless spectrum available, generate revenue for first responder programs, as well as the taxpayers pay-down debt, and it has been a great joy to work side by side with you on the Communications and Technology Subcommittee. I know Mr. Doyle will do a great job. Of course, I will yield to you.

Ms. Eshoo. I will just respond by saying thank you, just an enormous and deep thanks both to our ranking member for his generous comments, and to you, Mr. Chairman. It is a source of pride to me to see you become chairman of the full committee. And I salute Fred, who has always been a friend, comported himself with such dignity. And to Joe Barton who has been a friend for all the years that I have been on the committee. I chose to term limit myself, in case my Republican colleagues don't know this. You have a different system. I think that I would like to see my side open up more.

And so while my colleagues gave me a great gift when they elected me to be the ranking member of the subcommittee, which I love, and I am not going anywhere, I am still going to be on the subcommittee, and



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

I think you all know that I am still going to keep my voice out there, right? That we have to, we should be making room for others, and I have great confidence in Mike Doyle, the members of the subcommittee. I love Energy and Commerce. I am proud of what we have done together. I know that we have a lot of challenges ahead of us, and I hope that the rocky times won't obliterate the opportunities to get other things done.

The Chairman. Hear, hear.

Ms. Eshoo. So with that, really all of my thanks to you. I couldn't mean it more.

The Chairman. Thank you. And I yield back the balance of my time.

Is there any further discussion on the resolution? Seeing none, all those in favor will say aye. Those opposed, nay. The ayes have it, and the resolution is agreed to.

The chair recognizes himself to announce a number of policies that we will observe this Congress. For our committee veterans, many of these will sound familiar to you, although I have two additions. During the last Congress, we continued our transition to paperless hearings by electronically distributing testimony at all of the committee hearings. We are going to continue this policy under my chairmanship. For members who are more comfortable with paper copies of testimony, we will continue to work with you to accommodate your

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

needs. This change has helped our committee budget and improved our efficiency, and I thank the members for their support of this policy.

Second, a policy on participation at subcommittee hearings of which you are not a member, this policy has been referred to as the Eshoo Protocol, named for my former ranking committee on the C&T sub, Anna Eshoo. By right, all members of the House are entitled to nonparticipatory attendance at hearings if they are not on the committee. For members of the Energy and Commerce Committee, however, you may question witnesses at a hearing even if you are not on the subcommittee, but you will be recognized only after all the members of the subcommittee have been recognized, Democrat and Republican, regardless of when they arrived at the hearing.

So you get to participate and you get to ask questions, but you are the last one after all the members of the subcommittee have had their opportunity. I would ask the members not abuse this privilege. We all have busy schedules, and it can be frustrating when a member that is not on the subcommittee and who has not been present for the majority of the hearing shows up at the last second to ask questions. If you want to participate and ask questions, I think you should attend the majority of the hearing if you can.

On a related note, I would like to encourage that all members be prompt to show up, on time for hearings and markups. This is a courtesy both to our witnesses and to your fellow members. As you all know,

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

we keep an ambitious schedule. Most mornings, two subcommittee hearings are going on at the same time, so that members can be recognized as present at the gavel for purposes of establishing order of recognition. It is important that the hearing start at the noticed time. It is my expectation that absent exceptional circumstances, we are starting our hearings promptly at the time noticed.

In addition, I would like to discuss some of my policies with regard to markups. During markups in Chairman Upton's tenure, bipartisan amendments were given priority recognition. I intend to continue that tradition in this Congress. I encourage members to work on both sides of the aisle and work together to bring bipartisan amendments to our committee.

Finally, a word of caution for anyone drafting bills or amendments. The majority leader follows several protocols in scheduling legislation for the floor, and while those protocols are nonbinding on the committee, I would encourage you to observe the protocols in drafting the legislation. And that is that.

Now, we will now consider a resolution adopting the committee oversight plan. The chair has a resolution at the desk and asks the clerk to report.

The Clerk. Authorization and Oversight Plan of the Committee of Energy and Commerce, U.S. House of Representatives, 115th Congress.

The Chairman. Without objection, the reading of the resolution

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

is dispensed with. The chair recognizes himself for 5 minutes. The rules of the U.S. House require each committee to adopt an authorization and oversight plan and to submit it to the Committee on Oversight and Government Reform and the Committee on House Administration by February 15. The House rules adopted earlier this month made one change to what was previously known as the oversight plan.

We must now include in this document the committee's plan to address lapsed or expired authorizations in its jurisdiction. That agenda is set forth in the last section of this document. We have a number of expired authorizations that we are going to begin to examine in this Congress. Mr. Pallone, it is my hope that we can work together to prioritize the reauthorization work before this committee. With regard to the committee's oversight agenda, as a former ranking member on the Committee on Oversight and Investigations, I can speak personally about how integral this work of the Oversight Subcommittee is to the committee's success.

When oversight is properly done, it creates the factual record that informs our committee's legislative solutions, and allows us to develop the right fixes for the problems that we find. We have talked a lot today about this committee's great traditions, and one of them has been the strength of its oversight. I believe we have used our authorities appropriately to examine Federal programs and compliance with Federal regulations and policies, and I commit as chairman to

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

upholding that same tradition.

I will also note that our most successful investigations have often been the ones that enjoy bipartisan support, and I hope we can work together in exercising our appropriate oversight authorities.

The oversight plan for the 115th Congress proposed today outlines some of the topics and matters of which this committee intends to conduct oversight. To be clear, this plan does not limit, it does not limit in any way the matters that we can look into. The committee enjoys broad jurisdiction, which includes the most important policy issues and debates facing our country today. From oversight of health insurance markets, critical infrastructure, and cybersecurity, drug safety and innovation, electricity markets, and transmission, the management of Federal agencies and departments, and automobiles, to name just a few. We will not have a shortage of subjects to examine. We will review these programs to be sure they are managed appropriately and consistent with congressional intent.

Ranking Member Pallone will offer some remarks shortly and possibly some amendments. I believe the oversight plan for this Congress is comprehensive, and well-balanced among our jurisdictions. I believe this plan is consistent, and, in many respects, similar to the oversight plans adopted in previous Congresses that enjoyed minority support in terms of the subject matter and scope of the plan. I hope the minority will support this plan as well.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Therefore, I would urge a yes vote on the oversight plan. I look forward to its adoption. And now I recognize my friend from New Jersey for 5 minutes.

Mr. Pallone. Thank you, Mr. Chairman. This authorization and oversight plan really shows the broad jurisdiction of this committee that we have over many of the critical issues before our Nation. And since this plan outlines the areas where this committee is going to focus its oversight attention, I would have hoped that you and I and our staffs could have come to an agreement on the oversight priorities of the next 2 years so that this plan was a truly bipartisan one. There is a lot in this plan that I agree with, but there are some major glaring omissions that simply should not and cannot be ignored. My Democratic colleagues and I will be offering several amendments this afternoon to strengthen it.

The Energy and Commerce Committee is going to be at the forefront of the vigorous debate on the majority's efforts to repeal the Affordable Care Act. If this is really the majority's intent, you would think that they would want to look at the impacts a repeal would have on the American people. The oversight plan does not mention anything about the consequences of repealing the Affordable Care Act. The majority's oversight plan also does not properly address some of the major threats to climate change and the environment that we are likely to go experience with the Trump administration. There is no

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

recognition of the fact that the Paris Agreement on Climate Change became international law in November. That is another glaring omission. The United States led this effort, and that leadership should continue as we collectively work to fight climate change, while also continuing to build a clean energy economy.

There are other areas that are not either properly addressed or even included in this plan, and my colleagues and I will be introducing amendments to strengthen it so that we can build a stronger economy, create more good-paying jobs, and protect consumers, and I yield back.

The Chairman. The gentleman yields back. Is there further discussion on the resolution?

Mr. Pallone. We have some amendments.

The Chairman. Are there bipartisan amendments to the resolution? Are there other amendments? Who is seeking recognition? Oh, yes, Mr. Engel.

Mr. Engel. Mr. Chairman, I have an amendment at the desk.

The Chairman. The clerk will report the amendment.

[The amendment of Mr. Engel follows:]

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

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Amendment to the draft oversight plan offered by Mr. Engel.

The Chairman. The chair recognizes the gentleman from New York for 5 minutes to discuss his amendment.

Mr. Engel. Thank you very much, Mr. Chairman. I appreciate it, and my amendment applies to the climate change section of the majority's oversight plan, which does not say anything about how our national energy policy should prevent or mitigate the effects of climate change. This is obviously one of the most important issues within the committee's jurisdiction, and certainly deserves our attention.

So my amendment would add language to ensure that the committee considers actions needed to meet our obligations under the Paris Agreement. The Paris Agreement marks an historic moment in the fight against climate change by establishing a strong global consensus to reduce carbon pollution and set the world on the path to a clean energy future. For the agreement to go into effect, 55 countries representing 55 percent of global emissions, had to formally join, and last November the world crossed the threshold needed to bring the Paris Agreement into force more than 3 years ahead of schedule. But this significant milestone in global cooperation on climate action is missing from the majority's oversight plan.

So, Mr. Chairman, this should not be a partisan issue. This is an important issue, and we need to work together on it. We have an



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

opportunity to implement policies that encourage American businesses to invest in new technologies and drive innovation. Since the committee is tasked with conducting oversight on issues related to a national energy policy, and shares jurisdiction with the Foreign Affairs Committee over global climate change, we should ensure our oversight plan includes actions associated with the Paris Agreement. To ignore such a large component of energy and climate policy would be an unfortunate mistake, so I urge all members to support my amendment. I yield back.

The Chairman. The gentleman yields back his time. The chair recognizes the chairman of the Environment Subcommittee, Mr. Shimkus, for 5 minutes.

Mr. Shimkus. Thank you, Mr. Chairman. I seek time in opposition to the amendment. The purpose of this meeting is to vote today on the oversight plan, which already includes provisions relating to international agreements. The committee included in the document its plans to continue to monitor international negotiations on efforts to control greenhouse gas emissions in connection with concerns about global climate change.

In the coming Congress, we plan to continue to monitor international negotiations including relating to actions taken under the United National Framework Convention on Climate Change, including any actions taken with regard to the Paris Agreement. As we implement

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

our agenda, we will continue to have many hearings, and the minority will have the opportunity, as always, to offer witnesses who may help educate the members on these important issues. We remain focused on economic and job growth and the impacts of Federal policies on American consumers, and we look forward to working with you. I urge a no vote on this amendment, and I yield back my time.

The Chairman. The gentleman yields back the balance of his time. Are there other members seeking recognition on this amendment? The chair recognizes the gentleman from New Jersey.

Mr. Pallone. Thank you, Mr. Chairman. I will be brief. I strongly support the Engel amendment because I think it is important to ensure that the committee addresses actions needed to meet the U.S. obligations under the Paris Agreement, in other words recognizing that the Paris Agreement is, in fact, in force, and obviously many of us are concerned because we have heard comments during the course of the last few months by the President suggesting that he might even abrogate the Paris Agreement, and I think there is no question in our mind that, you know, this is something that is in force, should not be abrogated, cannot be abrogated, and so to that end, I just wanted to say, Mr. Chairman, many members of this committee have received a letter signed by over 630 business leaders and investors reaffirming their deep commitment to addressing climate change and urging all U.S. elected leaders to strongly support the Paris Agreement.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

And these forward-looking corporate leaders do not represent liberal or progressive interests, but rather they understand the danger that unchecked climate change poses to their businesses and livelihoods, and they also understand that transition to a clean, renewable energy economy will help their bottom line while also creating jobs.

This letter, which is addressed to then President-elect, now President Trump, and Members of Congress states, and I quote, "Implementing the Paris Agreement will enable and encourage businesses and investors to turn billions of dollars in existing low-carbon investments into the trillions of dollars the world needs to bring clean energy and prosperity to all."

So, again, I urge my colleagues to support this commonsense amendment so that we can help create jobs, protect the public health, mitigate the worst impacts of climate change, and promote our national security. I yield back.

The Chairman. The gentleman yields back. Are there other members seeking recognition? Seeing none, the vote now occurs on the Engel amendment. Those in favor will say aye. Those opposed, no.

Mr. Engel. Mr. Chairman, I ask for a roll call recorded vote, please.

The Chairman. The gentleman from New York has asked for a roll call vote. The clerk will call the roll.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Mr. Barton?

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Upton?

Mr. Upton. No.

The Clerk. Mr. Upton votes no.

Mr. Shimkus?

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Murphy?

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

Mr. Burgess?

Mr. Burgess. No.

The Clerk. Mr. Burgess votes no.

Mrs. Blackburn?

Mrs. Blackburn. No.

The Clerk. Mrs. Blackburn votes no.

Mr. Scalise?

Mr. Scalise. No.

The Clerk. Mr. Scalise votes no.

Mr. Latta.

Mr. Latta. No.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Mr. Latta votes no.

Mrs. McMorris Rodgers?

Mrs. McMorris Rodgers. No.

The Clerk. Mrs. McMorris Rodgers votes no.

Mr. Harper?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

Mr. Lance?

Mr. Lance. No.

The Clerk. Mr. Lance votes no.

Mr. Guthrie?

Mr. Guthrie. No.

The Clerk. Mr. Guthrie votes no.

Mr. Olson?

Mr. Olson. No.

The Clerk. Mr. Olson votes no.

Mr. McKinley?

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

Mr. Kinzinger?

Mr. Kinzinger. No.

The Clerk. Mr. Kinzinger votes no.

Mr. Griffith?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Griffith. No.

The Clerk. Mr. Griffith votes no.

Mr. Bilirakis?

Mr. Bilirakis. No.

The Clerk. Mr. Bilirakis votes no.

Mr. Johnson?

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Long?

Mr. Long. No.

The Clerk. Mr. Long votes no.

Mr. Bucshon?

Mr. Bucshon. No.

The Clerk. Mr. Bucshon votes no.

Mr. Flores?

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

Mrs. Brooks?

Mrs. Brooks. No.

The Clerk. Mrs. Brooks votes no.

Mr. Mullin?

Mr. Mullin. No.

The Clerk. Mr. Mullin votes no.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Hudson?

[No response.]

The Clerk. Mr. Collins?

Mr. Collins. No.

The Clerk. Mr. Collins votes no.

Mr. Cramer?

Ms. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Walberg?

Mr. Walberg. No.

The Clerk. Mr. Walberg votes no.

Mrs. Walters?

Mrs. Walters. No.

The Clerk. Mrs. Walters votes no.

Mr. Costello?

Mr. Costello. No.

The Clerk. Mr. Costello votes no.

Mr. Carter.

Mr. Carter. No.

The Clerk. Mr. Carter votes no.

Mr. Pallone?

Mr. Pallone. Aye.

The Clerk. Mr. Pallone votes aye.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Rush?

[No response.]

The Clerk. Ms. Eshoo?

Ms. Eshoo. Aye.

The Clerk. Ms. Eshoo votes aye.

Mr. Engel?

Mr. Engel. Aye.

The Clerk. Mr. Engel votes aye.

Mr. Green?

Mr. Green. Aye.

The Clerk. Mr. Green votes aye.

Ms. DeGette?

[No response.]

The Clerk. Mr. Doyle?

Mr. Doyle. Aye.

The Clerk. Mr. Doyle votes aye.

Ms. Schakowsky?

[No response.]

The Clerk. Mr. Butterfield?

[No response.]

The Clerk. Ms. Matsui?

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Ms. Castor?

Ms. Castor. Aye.

The Clerk. Ms. Castor votes aye.

Mr. Sarbanes?

Mr. Sarbanes. Aye.

The Clerk. Mr. Sarbanes votes aye.

Mr. McNerney?

Mr. McNerney. Aye.

The Clerk. Mr. McNerney votes aye.

Mr. Welch?

Mr. Welch. Aye.

The Clerk. Mr. Welch votes aye.

Mr. Lujan?

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko?

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Ms. Clarke?

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

Mr. Loeb sack?

Mr. Loeb sack. Aye.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Mr. Loeb sack votes aye.

Mr. Schrader?

Mr. Schrader. Aye.

The Clerk. Mr. Schrader votes aye.

Mr. Kennedy?

Mr. Kennedy. Aye.

The Clerk. Mr. Kennedy votes aye.

Mr. Cardenas?

Mr. Cardenas. Aye.

The Clerk. Mr. Cardenas votes aye.

Mr. Ruiz?

Mr. Ruiz. Aye.

The Clerk. Mr. Ruiz votes aye.

Mr. Peters?

Mr. Peters. Aye.

The Clerk. Mr. Peters votes aye.

Mrs. Dingell?

Mrs. Dingell. Aye.

The Clerk. Mrs. Dingell votes aye.

Chairman Walden?

The Chairman. No.

The Clerk. Chairman Walden votes no.

The Chairman. Are there other members wishing to be recorded?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The gentlelady from Tennessee.

The Clerk. Mrs. Blackburn. Mrs. Blackburn votes no.

Mr. Hudson. Mr. Chairman, how am I recorded?

The Chairman. How is Mr. Hudson recorded?

The Clerk. Mr. Hudson is not recorded.

Mr. Hudson. No.

The Clerk. Mr. Hudson votes no.

The Chairman. Mr. Butterfield.

The Clerk. Mr. Butterfield votes aye.

The Chairman. Are there other members not recorded who wish to be recorded? Seeing none, the clerk will report the tally.

The Clerk. Mr. Chairman, on that vote, there were 21 ayes and 30 noes.

The Chairman. 21 ayes, 30 noes. The amendment is not adopted.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

RPTR KERR

EDTR ZAMORA

[3:30 p.m.]

The Chairman. 21 ayes, 30 noes. The amendment is not adopted.

For what purpose does the gentlelady from Florida seek recognition?

Ms. Castor. Mr. Chairman, I ask unanimous consent to consider en bloc the following amendments: The Castor amendment, Eshoo, McNerney, and Peters.

The Chairman. The clerk will report.

The Clerk. An en bloc amendment offered by Ms. Castor.

The Chairman. With unanimous consent, we will dispense with further reading of the amendment.

[The amendments offered en bloc of Ms. Castor, Ms. Eshoo, Mr. McNerney, and Mr. Peters follows:]

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

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. The chair recognizes the gentlelady from Florida.

Ms. Castor. Thank you, Mr. Chairman.

Colleagues, my amendment goes to the intersection of the committee's jurisdiction on climate change, public health, and the environment. There is a growing urgency to address the impacts of the changing climate, and we have a clear moral responsibility to future generations to do all that we can to understand the impacts and develop solutions together.

Last year was the warmest year on record. That was the third consecutive time that happened. Sixteen out of the 17 hottest years have all occurred since the year 2000, and I believe that, working together, we can develop solutions.

Now, I represent the State of Florida. We have a lot of economic and environmental impacts already under way because of the changing climate, but we need to focus here, add some language to our oversight plan relating to public health. We have already seen significant impacts due to rising temperatures, not to mention mosquito-borne disease, infectious diseases, water-borne illnesses.

A report by the bipartisan group called Risky Business last year said that, regarding the heat, unmitigated climate change is expected to lead to increasing heat during the 21st century and will be the primary catalyst for higher mortality. And Florida will likely have among the Nation's highest death tolls as a result of higher

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

temperatures driven by climate change, but no area in the country is immune.

Residents of the southeastern United States currently endure about 8 days of temperatures at or above 95 degrees Fahrenheit every day. They think over this century we are going to face an additional 48 to 130 days of increased heat. Of course, you all know that higher temperatures contribute to the formation of harmful air pollutants and allergens. My amendment would expand the committee's ability to examine the respiratory and cardiovascular impacts of climate change, especially for the most vulnerable populations.

The American Lung Association says that inhaling smog pollution is like getting a sunburn on your lungs. This is particularly critical that we do this for our children. They are outside more often, they are taking deeper breaths.

Regarding more vulnerable communities, the NAACP says that 75 percent of African Americans live in counties that currently violate Federal air pollution standards, and the Environmental Defense Fund found that our Latino neighbors are three times more likely to die from asthma often for those same reasons.

I believe we have the talent at our fingertips in this country to tackle the impacts of the changing climate, particularly relating to our health. One of those talented folks is Dr. Ruiz, who has just come on to the committee, and I would like to yield the balance of my

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

time to Dr. Ruiz.

Mr. Ruiz. Thank you very much.

Climate determines the habitat of animals and disease-carrying vectors. Some viruses thrive in warmer weather, and we have seen increases in infections and geospatial spread of viruses like the Zika virus. In 2016, there were 4,900 cases of Zika infections in the Continental United States, and 35,527 in U.S. territories. In addition to the West Nile, the arid conditions could also increase the number of cases of Valley fever, a potentially fatal disease caused by a fungus called *Coccidioides* that can grow in the soil and becomes airborne if the soil dries out.

While the majority of people exposed to the spores do not exhibit symptoms, people who start to develop the disease can have cough, fever, headache, and in rare cases, it can lead to death. Therefore, whether you believe it was manmade or not, the weather is becoming warmer in northern America, and we are seeing the spread of these vector-borne illnesses, and we should start to provide oversight, investigate the possibilities of how we can mitigate those public health crisis on human health.

Thank you very much. I yield back my time.

The Chairman. The gentleman yields back time. Are there other members seeking recognition?

It is en bloc, right, so if there are other members seeking

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

recognition. Mr. McNerney.

The chair recognizes the gentleman from California, Mr. McNerney, for 5 minutes.

Mr. McNerney. Thank you, Mr. Chairman. My amendment would address the --

The Chairman. Mr. McNerney, can you turn on your microphone, please?

Mr. McNerney. My amendment would have the committee investigate if the administration intimidates climate scientists or extinguishes climate data. It also requires the committee to seek ways to have the administration use unbiased science in decisionmaking.

I propose this amendment in response to statements the new administration has made and actions taken on climate. Climate change is happening and it is a serious threat. It will add billions of dollars of cost to make our Nation's infrastructure more resilient. Our military leaders recognize the threat of climate change to our national security. Sea levels will rise, which is a threat to low-lying areas like my communities.

This committee's oversight plan fails to address this and many other threats, and instead looks to attack the Paris Agreement signed by more than 70 countries, and to overturn Federal actions on climate change such as the Clean Power Plan. We should be working to strengthen scientific information used by Federal agencies.



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Unfortunately, nothing the new administration has said shows any concern for the realities and threats of climate change. We have even seen mentions of climate change removed from the White House Web site. Just the other day, the CDC summit on health and climate change was canceled. Numerous peer-reviewed studies show that 97 percent of climate scientists agree that climate warming trends are extremely likely to be due to human activities.

My amendment is needed to ensure that climate change is not ignored. I urge my colleagues who believe that climate change is happening and is caused largely by human activities and that we still have a chance of preventing the worst impacts of climate change to support this amendment.

Mr. Chairman, I yield back.

The Chairman. The gentleman yields back the balance of his time. Are there other members seeking recognition?

The gentleman from California, Mr. Peters, is recognized for 5 minutes.

Mr. Peters. Thank you very much, Mr. Chairman.

My amendment would ensure that the Energy and Commerce Committee addresses the threat of climate change. Following examples set by the Defense community to mitigate climate change, strengthen resiliency, and promote domestic energy security, the DOD is using renewable energy to make our military more powerful, efficient, and effective because

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

they know that energy security is national security. And the idea of climate change as a national security threat is just as relevant to this committee and has implications beyond harm to the environment.

In 2015, the Department of Defense released a report that said, quote, climate change is an urgent and growing threat to national security, contributing to an increase of natural disasters, refugee flows, and conflicts over basic resources such as food and water. As a result of these security threats, the Department has devised a series of practices that are of more general usefulness and from which this committee could take some lessons.

For instance, major power outages are increasingly jeopardizing critical mission operations as they are growing in number and severity across the United States. To address this, military installations in San Diego and across the country are investing in renewable energy, building energy resiliency, and assuring energy security, all while achieving savings on energy purchases.

At Marine Corps Base Camp Pendleton, systems of solar panels and microgrids provide renewable backup energy supply in the event of a power outage. Naval Base Coronado commissioned the largest renewable energy purchase by the Federal Government in history, which will provide 210 megawatts of energy at an estimated \$90 million in savings over the length of the contract. And a hybrid renewable energy project that broke ground at Fort Hood, Texas, last January is projected to

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

save the Army a minimum of \$168 million over the course of the contract.

All of these large-scale renewable energy projects are developed using third-party financing through existing authorities such as power purchase agreements and enhanced use leases with deals structured to be cost neutral or with savings.

Since 2009, the Department estimates it has saved over \$1 billion through renewable energy purchases, projects on installations. So incorporating climate change into adaptation and resiliency plans is a forward looking smart approach the military is taking to bolster national security. And we can learn from the military successes and best practices and collaborate on future renewable energy projects in the rest of the Federal Government.

I urge my colleagues to support this amendment so that this committee can confront climate change as a threat to national security, expand renewable energy research, and promote domestic energy security.

Thank you, Mr. Chairman. I yield back my time.

The Chairman. I thank the gentleman who yields back the balance of his time.

Are there other members seeking recognition?

The gentleman from Illinois, Mr. Shimkus, is recognized.

Mr. Shimkus. Thank you, Mr. Chairman, to speak in opposition to the amendment. The amendments are unnecessary. The plan already

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

includes broad provisions regarding oversight relating to global climate change. The committee has included in this document its plan to consider whether international agreements and regulatory efforts addressing climate change are scientifically well grounded. The committee included in this document plans to review the activities undertaken in the area of climate change, including DOE, HHS, and other agencies within the committee's jurisdiction, including efforts to prepare for and respond to weather events and natural disasters in the future.

Our oversight, consistent with our jurisdiction, should focus on impacts of regulations and policies on Americans, and this plan does so. Over the past three Congresses, the committee held 21 hearings relating to EPA's climate regulations.

In 2013, we invited 13 Federal agencies to testify on climate change policies and activities, including the Science Advisor, NOAA, NASA, and others, and all but two agencies, EPA and DOE, declined to testify.

As we implement our agenda, we will continue to have many hearings, and the minority will have the opportunity, as always, to offer witnesses who may help educate the members on these important issues. We remain focused on job creation and growing our economy, and we look forward to working with you, and I urge a no vote on this amendment. And I yield back my time.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. The gentleman yields back the balance of his time.

Other members seeking recognition?

If there are no other members seeking recognition, the question now comes on the en bloc amendments.

Those in favor will say aye.

Those nay.

The clerk will call the roll.

The Clerk. Mr. Barton?

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Upton?

Mr. Upton. No.

The Clerk. Mr. Upton votes no.

Mr. Shimkus?

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Murphy?

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

Mr. Burgess?

Mr. Burgess. No.

The Clerk. Mr. Burgess votes no.

Mrs. Blackburn?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mrs. Blackburn. No.

The Clerk. Mrs. Blackburn votes no.

Mr. Scalise?

[No response.]

The Clerk. Mr. Latta?

Mr. Latta. No.

The Clerk. Mr. Latta votes no.

Mrs. McMorris Rodgers?

Mrs. McMorris Rodgers. No.

The Clerk. Mrs. McMorris Rodgers votes no.

Mr. Harper?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

Mr. Lance?

Mr. Lance. No.

The Clerk. Mr. Lance votes no.

Mr. Guthrie?

Mr. Guthrie. No.

The Clerk. Mr. Guthrie votes no.

Mr. Olson?

Mr. Olson. No.

The Clerk. Mr. Olson votes no.

Mr. McKinley?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

Mr. Kinzinger?

Mr. Kinzinger. No.

The Clerk. Mr. Kinzinger votes no.

Mr. Griffith?

Mr. Griffith. No.

The Clerk. Mr. Griffith votes no.

Mr. Bilirakis?

Mr. Bilirakis. No.

The Clerk. Mr. Bilirakis votes no.

Mr. Johnson?

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Long?

Mr. Long. No.

The Clerk. Mr. Long votes no.

Mr. Bucshon?

Mr. Bucshon. No.

The Clerk. Mr. Bucshon votes no.

Mr. Flores?

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mrs. Brooks?

Mrs. Brooks. No.

The Clerk. Mrs. Brooks votes no.

Mr. Mullin?

Mr. Mullin. No.

The Clerk. Mr. Mullin votes no.

Mr. Hudson?

Mr. Hudson. No.

The Clerk. Mr. Hudson votes no.

Mr. Collins?

[No response.]

The Clerk. Mr. Cramer?

Mr. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Walberg?

Mr. Walberg. No.

The Clerk. Mr. Walberg votes no.

Mrs. Walters?

Mrs. Walters. No.

The Clerk. Mrs. Walters votes no.

Mr. Costello?

Mr. Costello. No.

The Clerk. Mr. Costello votes no.



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Carter?

Mr. Carter. No.

The Clerk. Mr. Carter votes no.

Mr. Pallone?

Mr. Pallone. Votes aye.

The Clerk. Mr. Pallone votes aye.

Mr. Rush?

[No response.]

The Clerk. Ms. Eshoo?

Ms. Eshoo. Aye.

The Clerk. Ms. Eshoo votes aye.

Mr. Engel?

Mr. Engel. Aye.

The Clerk. Mr. Engle votes aye.

Mr. Green?

Mr. Green. Aye.

The Clerk. Mr. Green votes aye.

Ms. DeGette?

[No response.]

The Clerk. Mr. Doyle?

Mr. Doyle. Aye.

The Clerk. Mr. Doyle votes aye.

Ms. Schakowsky?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

[No response.]

The Clerk. Mr. Butterfield?

Mr. Butterfield. Aye.

The Clerk. Mr. Butterfield votes aye.

Ms. Matsui?

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.

Ms. Castor?

Ms. Castor. Aye.

The Clerk. Ms. Castor votes aye.

Mr. Sarbanes?

Mr. Sarbanes. Aye.

The Clerk. Mr. Sarbanes votes aye.

Mr. McNerney?

Mr. McNerney. Aye.

The Clerk. Mr. McNerney votes aye.

Mr. Welch?

Mr. Welch. Aye.

The Clerk. Mr. Welch votes aye.

Mr. Lujan?

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Ms. Clarke?

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

Mr. Loeb sack?

Mr. Loeb sack. Aye.

The Clerk. Mr. Loeb sack votes aye.

Mr. Schrader?

Mr. Schrader. Aye.

The Clerk. Mr. Schrader votes aye.

Mr. Kennedy?

[No response.]

The Clerk. Mr. Cardenas?

Mr. Cardenas. Aye.

The Clerk. Mr. Cardenas votes aye.

Mr. Ruiz?

Mr. Ruiz. Aye.

The Clerk. Mr. Ruiz votes aye.

Mr. Peters?

Mr. Peters. Aye.

The Clerk. Mr. Peters votes aye.

Mrs. Dingell?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mrs. Dingell. Aye.

The Clerk. Mrs. Dingell votes aye.

Chairman Walden?

The Chairman. Walden votes no.

The Clerk. Chairman Walden votes no.

Mr. Kennedy?

Mr. Kennedy. Aye.

The Clerk. Mr. Kennedy votes aye.

The Chairman. Are there other members wishing to be recorded?

Are there any other members wishing to be recorded?

If not, the clerk will report the roll.

The Clerk. Mr. Chairman, on that vote, there were 21 ayes and 29 noes.

The Chairman. 21 ayes, 29 noes. The amendment is not adopted.

For what purpose does the gentleman from New Mexico seek recognition?

Mr. Lujan. Mr. Chairman, I have an amendment at the desk.

The Chairman. The clerk will report the amendment.

The Clerk. Amendment to the draft oversight plan offered by Mr. Lujan.

[The amendment of Mr. Lujan follows:]

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

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. The chair recognizes the gentleman from New Mexico to discuss his amendment.

Mr. Lujan. Thank you, Mr. Chairman. Recently, the Department of Energy released a report regarding the state of our national laboratories. This report made clear that the national security labs, including Los Alamos and Sandia National Laboratories in New Mexico, are national scientific treasures.

While the labs are tasked with ensuring the security of our Nation's nuclear stockpile, they also have much broader economic impact. For example, programs such as the New Mexico Small Business Assistance Program provides needed technical assistance to small businesses in the region. The labs have led to startups such as Ubiquity, a LANL spinoff that was recognized as a top growth company in New Mexico.

I can honestly say that some of LANL's contributions are truly out of this world, such as the ChemCam device, which LANL developed for NASA's Mars Rover program. These and many other successes at the national labs in New Mexico and across the country have bettered the lives of Americans. And that is why I introduced an amendment to the fiscal year 2013 National Defense Authorization Act to study the governance structure of the national nuclear safety -- or security administration.

I continue to be committed to working with my colleagues on this

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

committee and the administration to strengthen the long-term health of these critical institutions. The 2013 NDAA established the Congressional Advisory Panel on the governance of the nuclear security enterprise, and tasked the panel to offer recommendations with respect to the most appropriate governance structure, mission, and management of the nuclear security enterprise, also known as the Augustine-Mies panel.

This Congressional Advisory Panel released an interim report in April of 2014, and a final report with recommendations in 2014. The advisory panel concluded that the, I quote, NNSA governance reform, at least as has been implemented, has failed to provide the effective mission-focused enterprise that Congress intended. It also concluded that the relationships among NNSA, the Secretary of Energy, and the DOE headquarters are not properly aligned with mission needs today and are therefore in need of major reform.

I believe that many of the recommendations made to Congress in the AGS MMNSE report will strengthen the ability of DOE and NNSA to execute their critical missions and that this report should receive greater scrutiny and attention from this committee.

Though Secretary Moniz worked to address the issues raised by the AGS MMNSE report, there is still much work to do. That is why I am offering this amendment to the oversight plan calling for the continued examination of the report's findings and recommendation and DOE's

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

efforts to address these issues.

While I appreciate the Subcommittee on Oversight and Investigations that they held a hearing to examine this report in February of 2015, one hearing on this subject is not enough. The mission of the NNSA and DOE is part of this committee's jurisdiction, and the findings made by the panel are particularly sobering, given the mission of these two agencies. The National Nuclear Security Mission is too important for us to ignore these problems, and the work of the AGS MMNSE panel provides the committee with a clear roadmap for meaningful reform.

It should be clear to all of us, including Secretary of Energy nominee Rick Perry, that the Department's role of safeguarding and maintaining our Nation's nuclear deterrent must be a priority, especially if President Trump is truly considering substantive changes to the structure and missions scope of the national security laboratories.

My amendment is intended to both recognize the importance of the expert recommendations of this committee contained in the AGS MMNSE report and to ensure that together we begin the work of fixing the governance problems identified by the panel. I urge adoption, and I yield back the balance of my time.

The Chairman. The gentleman yields back the balance of his time.

The chair would recognize himself for 5 minutes. As the

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

gentleman and friend from New Mexico mentioned, the Oversight committee did do a hearing on this issue. We do believe that our oversight plan already accommodates this, but in the spirit of the DCCC and the NRCC chair and former chair are getting along, besides that, we think this is a really important issue, we are willing to adopt this amendment by unanimous consent.

Is there further discussion on this amendment?

Seeing none, the -- all those in favor will say aye.

Those opposed, nay.

The ayes have it. The ayes -- the ayes have it, correct?

Ms. Clarke. You ask --

The Chairman. Well, yeah, we are into the vote on this one, I am sorry.

The ayes have it, and the amendment is agreed to.

Are there other members seeking recognition?

The chair recognizes the gentlelady -- who do you want? I don't know who is next. I think we are supposed to recognize Ms. DeGette next. For what purpose does she seek recognition?

Ms. DeGette. I have an amendment at the desk.

The Chairman. The clerk will report the DeGette amendment.

The Clerk. Amendment to the draft oversight plan offered by Ms. DeGette.

The Chairman. Without objection, further reading of the



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

amendment is dispensed with.

[The amendment of Ms. DeGette follows:]

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

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. The chair recognizes the gentlelady from Colorado, Ms. DeGette.

Ms. DeGette. Thank you very much, Mr. Chairman.

Mr. Chairman, recent weeks have been dominated by the discussion of Russia's attempts to influence the U.S. election. In October of 2016, the Department of Homeland Security and the Office of the Director of National Intelligence issued a joint statement that said, and I quote, the U.S. Intelligence Community is confident that the Russian Government directed the recent compromises of emails from U.S. persons and institutions, including from U.S. organization -- or U.S. political organizations.

The statement goes on to say that some of the disclosures of hacked emails were, quote, "consistent with the methods and motivations of Russian-directed efforts. These thefts and disclosures are intended to interfere with the U.S. election process. Such activity is not new to Moscow. The Russians have used similar tactics and techniques across Europe and Eurasia, for example, to influence public opinion there," end quote.

The statement from DHS and the ODNI also says, quote, we believe that based on the scope and sensitivity of these efforts, that only Russia's senior-most officials could have authorized these activities.

Mr. Chairman, as you know, additional evidence has been made available to the public through a January 6, 2017, report released by

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

the ODNI. Quoting from it, it said, quote, "We assess Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the U.S. Presidential election. Russia's goals were to undermine public faith in the U.S. democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency. We further assess Putin and the Russian Government developed a clear preference for President-elect Trump. We have high confidence in these judgments," end quote.

Mr. Chairman, the proposed oversight plan for the 115th Congress says that we will explore current cybersecurity threats and strategies to address those threats. Although I think this language provides the committee with latitude to examine a host of cyber-related activities, I do believe that we should closely examine which systems under this committee's jurisdiction may be vulnerable to the kinds of activities that were described by both the October 16 statement, and more recently, their January 17, 2017, report.

We should specifically seek to understand whether those systems remain vulnerable, and if so, explore ways to better defend against and prevent further attacks. One agency that is in the committee's jurisdiction is the Federal Communications Commission. The FCC has the ability to take action to secure the Nation's networks and assist Congress in making those networks resilient.

And, Mr. Chairman, I am not making this amendment because of one

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

party or the other. I am really worried about this, and I think everybody on this committee is worried about it, whether you are a Democrat or Republican, and this is why I think it is really important that we focus in on this in our oversight and investigations efforts.

With that, I have got a couple of minutes, I would like to yield to Mr. McNerney.

Mr. McNerney. Thank you.

Mr. Chairman, our enemies are using every method at their disposal to attack the United States. We need to make sure that we use all the tools at our disposal to defend our networks and protect our citizens. The FCC is the expert agency tasked with overseeing these networks. This is not a time for turf wars between agencies. They should all be doing what they can, and that includes the Department of Homeland Security, the National Telecommunications and Information Administration, the Department of Defense, and the Federal Trade Commission.

As a committee, we need to make sure that the FCC is fully empowered and engaged in studying the problem and doing everything it can to prevent these attacks; otherwise, I feel we are leaving our constituents unnecessarily vulnerable. This amendment will help ensure that the Energy and Commerce Committee focuses on protecting our networks and citizens from cyber threats this Congress.

I urge all members to support Ms. DeGette's amendment. With

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

that, I yield back.

The Chairman. The gentleman yields back.

Ms. DeGette. Mr. Chairman, I yield back.

The Chairman. I am sorry. The gentlelady yields back. The gentleman yields back.

Are there other members seeking recognition?

The chair recognizes the gentlelady from Tennessee, the new subcommittee chairman of the Communications Technology Subcommittee, Mrs. Blackburn.

Mrs. Blackburn. Thank you, Mr. Chairman.

I think that everyone knows that cybersecurity has been a priority for this committee. As a simple fact, just look at the number of agencies that fall under our jurisdiction and our oversight jurisdiction because they are connected to the Internet. And we plan to work to exercise and expand our presence in the cybersecurity debate throughout the 115 Congress.

And while I appreciate the gentlelady from Colorado referencing the FCC, the FCC doesn't represent the sum total of our jurisdiction over these important issues. And pointing to the FCC alone is looking at this issue through far too narrow a lens. And we do have a broad jurisdiction, and we are going to take a broad view.

As we review the cybersecurity issues, Mr. Lance of New Jersey is going to be very involved in this issue on our subcommittee's behalf.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

I think it is important to realize too that cybersecurity cuts across all industries. There is no silver bullet, and there is absolutely no single agency that can create perfect cybersecurity. This amendment is not the approach to ensuring the protection of Americans online, and I would encourage my colleagues to vote no.

Ms. DeGette. Will the gentlelady yield?

Mrs. Blackburn. I will yield.

Ms. DeGette. Thank you. I just want to be -- I just want to clarify. I don't want there to be a misunderstanding that this amendment just relates to the FCC, because in the oversight plan in general, we talk about all of the agencies. So this amendment would talk about the FCC, but this would apply to every agency, not just the FCC.

I yield back.

Mrs. Blackburn. And reclaiming my time, we are going to take a broad view of this and we are going to be able to move forward through an orderly process. And with that, I again urge a no vote.

The Chairman. The gentlelady yields back the balance of her time?

Mrs. Blackburn. I do.

The Chairman. She does.

Is there further discussion on the amendment?

There is no further discussion on the amendment. The question

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

now arises. Those in favor will vote aye.

Those nay.

The clerk will call the roll.

The Clerk. Mr. Barton?

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Upton?

Mr. Upton. No.

The Clerk. Mr. Upton votes no.

Mr. Shimkus?

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Murphy?

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

Mr. Burgess?

Mr. Burgess. No.

The Clerk. Mr. Burgess votes no.

Mrs. Blackburn?

Mrs. Blackburn. No.

The Clerk. Mrs. Blackburn votes no.

Mr. Scalise?

[No response.]

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Mr. Latta?

Mr. Latta. No.

The Clerk. Mr. Latta votes no.

Mrs. McMorris Rodgers?

[No response.]

The Clerk. Mr. Harper?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

Mr. Lance?

Mr. Lance. No.

The Clerk. Mr. Lance votes no.

Mr. Guthrie?

Mr. Guthrie. No.

The Clerk. Mr. Guthrie votes no.

Mr. Olson?

Mr. Olson. No.

The Clerk. Mr. Olson votes no.

Mr. McKinley?

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

Mr. Kinzinger?

Mr. Kinzinger. No.

The Clerk. Mr. Kinzinger votes no.



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Griffith?

Mr. Griffith. No.

The Clerk. Mr. Griffith votes no.

Mr. Bilirakis?

Mr. Bilirakis. No.

The Clerk. Mr. Bilirakis votes no.

Mr. Johnson?

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Long?

Mr. Long. No.

The Clerk. Mr. Long votes no.

Mr. Bucshon?

Mr. Bucshon. No.

The Clerk. Mr. Bucshon votes no.

Mr. Flores?

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

Mrs. Brooks?

Mrs. Brooks. No.

The Clerk. Mrs. Brooks votes no.

Mr. Mullin?

Mr. Mullin. No.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Mr. Mullin votes no.

Mr. Hudson?

Mr. Hudson. No.

The Clerk. Mr. Hudson votes no.

Mr. Collins?

[No response.]

The Clerk. Mr. Cramer?

Mr. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Walberg?

Mr. Walberg. No.

The Clerk. Mr. Walberg votes no.

Mrs. Walters?

[No response.]

The Clerk. Mr. Costello?

Mr. Costello. No.

The Clerk. Mr. Costello votes no.

Mr. Carter?

Mr. Carter. No.

The Clerk. Mr. Carter votes no.

Mr. Pallone?

Mr. Pallone. Votes aye.

The Clerk. Mr. Pallone votes aye.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Rush?

[No response.]

The Clerk. Ms. Eshoo?

Ms. Eshoo. Aye.

The Clerk. Ms. Eshoo votes aye.

Mr. Engel?

[No response.]

The Clerk. Mr. Green?

Mr. Green. Aye.

The Clerk. Mr. Green votes aye.

Ms. DeGette?

Ms. DeGette. Aye.

The Clerk. Ms. DeGette votes aye.

Mr. Doyle?

Mr. Doyle. Yes.

The Clerk. Mr. Doyle votes aye.

Ms. Schakowsky?

Ms. Schakowsky. Aye.

The Clerk. Ms. Schakowsky votes aye.

Mr. Butterfield?

Mr. Butterfield. Aye.

The Clerk. Mr. Butterfield votes aye.

Ms. Matsui?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.

Ms. Castor?

Ms. Castor. Aye.

The Clerk. Ms. Castor votes aye.

Mr. Sarbanes?

Mr. Sarbanes. Aye.

The Clerk. Mr. Sarbanes votes aye.

Mr. McNerney?

Mr. McNerney. Aye.

The Clerk. Mr. McNerney votes aye.

Mr. Welch?

Mr. Welch. Aye.

The Clerk. Mr. Welch votes aye.

Mr. Lujan?

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko?

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Ms. Clarke?

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Loeb sack?

Mr. Loeb sack. Aye.

The Clerk. Mr. Loeb sack votes aye.

Mr. Schrader?

Mr. Schrader. Aye.

The Clerk. Mr. Schrader votes aye.

Mr. Kennedy?

Mr. Kennedy. Aye.

The Clerk. Mr. Kennedy votes aye.

Mr. Cardenas?

Mr. Cardenas. Aye.

The Clerk. Mr. Cardenas votes aye.

Mr. Ruiz?

Mr. Ruiz. Aye.

The Clerk. Mr. Ruiz votes aye.

Mr. Peters?

[No response.]

The Clerk. Mrs. Dingell?

Mrs. Dingell. Aye.

The Clerk. Mrs. Dingell votes aye.

Chairman Walden?

The Chairman. Walden votes no.

The Clerk. Chairman Walden votes no.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. Are there other members who wish to be recorded?

The gentlelady from California.

Mrs. Walters. No.

The Clerk. Mrs. Walters votes no.

The Chairman. Are there other any other members wishing to be recorded?

The gentlelady from Washington State.

Mrs. McMorris Rodgers. No.

The Clerk. Mrs. McMorris Rogers votes no.

The Chairman. Other members?

If not, the clerk will report the tally.

The Clerk. Mr. Chairman, on that vote, there were 21 ayes and 29 noes.

The Chairman. 21 ayes, 29 noes. The amendment is not approved.

Are there other members seeking recognition?

The gentlelady from California, Ms. Eshoo.

Ms. Eshoo. Thank you, Mr. Chairman. I have an amendment at the desk.

The Chairman. The clerk will report the amendment. Which one is it, Ms. Eshoo?

Ms. Eshoo. This is on our oversight of medical devices. It is 29.

The Chairman. It is a medical device safety amendment. We

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

believe it to be -- I don't believe we have numbers on them, right?

Ms. Eshoo. Well, they were numbered on the list of --

The Chairman. I think that is an internal document that you have that we don't have.

Ms. Eshoo. Was it secret?

The Chairman. I don't -- you have to ask your ranking --

Ms. Eshoo. That is why I used 29?

The Chairman. That was not shared with us, so that is why we have to do this.

The Clerk. Amendment to the draft oversight plan offered by Ms. Eshoo.

The Chairman. With unanimous consent, the clerk will dispense with further reading of the amendment.

[The amendment of Ms. Eshoo follows:]

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

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. And the chair recognizes the gentlelady from California regarding her amendment.

Ms. Eshoo. Thank you, Mr. Chairman. I understand that every member that is speaking is drawing less and less attention to what they are saying, so let me just say this quickly. I think this is something that we can all come together around.

We know that medical devices have brought about extraordinary breakthroughs in the field of health care, and we acknowledge that the FDA is the Federal agency responsible for regulating these devices. The reason I am offering the amendment is that the oversight plan to establish our committee's jurisdiction does not include medical devices in terms of over -- in the oversight plan, and I think that it should be.

That is as simple as I can make it, and it may be it was just overlooked, but I think that it is very important. And years ago, I did oversight on medical devices, and Mr. Barton and I, at that time, authored major legislation based on our oversight and reformed the entire medical device industry. So I would just ask everybody to support this. I think it is important to have it be part of our plan.

And I yield back.

The Chairman. The gentlelady yields back.

And I would now recognize the gentleman from Texas, the new chairman of the Health Subcommittee, Mr. Burgess.



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Burgess. Mr. Chairman, I would just briefly say I believe the oversight plan already covers this, but I think it would be in the interest of bipartisanship, perhaps we will accept the amendment, or that would be my recommendation.

I yield back.

The Chairman. And the gentleman yields back the balance of his time.

Further discussion on the Eshoo amendment, medical devices?

Seeing no further discussion, no one seeking recognition, the question now comes on adoption of the amendment. All those in favor will say aye.

Those opposed, nay.

The ayes appear to have it. The ayes have it, and the amendment is adopted.

Is there anyone seeking recognition?

The gentleman from Maryland, Mr. Sarbanes. For what purpose do you seek recognition?

Mr. Sarbanes. Mr. Chairman, I have an amendment at the desk.

The Chairman. Which amendment is this?

Mr. Sarbanes. This is an amendment relating to oversight of an investigation of efforts by the Trump administration to generate profits.

The Chairman. Okay. The clerk will report the amendment.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Amendment to the draft oversight plan offered by Mr. Sarbanes.

The Chairman. With unanimous consent, we will suspend with further reading of the amendment.

[The amendment of Mr. Sarbanes follows:]

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

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. And the chair now recognizes the gentleman from Maryland, Mr. Sarbanes, for 5 minutes to discuss his amendment.

Mr. Sarbanes. Thank you, Mr. Chairman.

This amendment would amend the committee's oversight plan to include investigation of any efforts by the Trump administration to generate profits for the Trump organization or businesses that supported the Trump campaign through regulatory decisions or selective enforcement.

This is a simple and appropriate assertion of Congress' constitutional duty of executive branch oversight and I think an appropriate exercise of this committee's oversight. As has been widely reported, and I make this point because I don't want my colleagues to think that this is a sort of gratuitous amendment that is being offered. We all know that President Trump is coming into office with a farflung business enterprise like nothing we have ever seen in our history. It is an unprecedented array of potential conflicts of interest that arise when you look at that web of businesses both at home and abroad.

So this is, in a sense, this Presidency is a case of first impression in terms of the kind of oversight and standards that we need to apply to make sure that the public interest is being put forward. Without prejudging, frankly, whether the President is in a position of divided loyalties or not, it is just that we need to be attendant

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

to that.

The fact that the President has chosen to retain full ownership of his business, though, does create a problem. In other words, the President could address many of the issues I am concerned about and I think our colleagues are concerned about if he fully divested of his interest in his business. But having not done that, the potential for conflicts to arise and the need for this committee to bring attention to them, I think, is significant.

And also the potential for scandal, which we don't want to see. I mean, in a sense, the oversight I am asking for here is a way to protect the President from himself or to protect the Presidency from these potential conflicts and lapses. And the American people already prepared for the potential for scandal, if you look at some of polling. So I think we need to take steps to try to prevent that from happening.

The conflicts are not unique to the President. As many of us know, a lot of the nominees that he has put forward come with their own conflicts of interest that need attention. The President campaigned on a pledge to, quote, drain the swamp, but if you look at some of these appointees, he seems to be bringing more conflicts into the situation rather than distancing himself from them. Examples include Scott Pruitt, his nominee to head the EPA, who has got a very longstanding and close relationship to big oil and gas and has opposed environmental regulations that would make sense for the country. Rex

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Tillerson is nominee to lead the State Department, long-time CEO, as we know, of ExxonMobil, and there needs to be concern about whether decisions made there are ones that are being made in the public interest or for the benefit of energy industry players. Tom Price, our colleague, and there is some concerns there about potential conflicts of interest.

So I offer this amendment because I think that the committee has a responsibility to ensure that the Trump administration, when it is carrying out its actions and making important decisions, is doing so in the public interest and not based on conflict of interest. And our committee is well placed to insist upon that, and that is why we propose this particular amendment.

The public is asking this President to look out for them, not look out for himself. I think we can help in that endeavor and make sure that this President, when he is making important decisions, does not do so in a way that creates divided loyalties. We shouldn't have to wonder whether the important decisions carried out are ones that are being made for the benefit of the public, are being made for the benefit of the President and his business interests.

I think amending the oversight plan to include this kind of oversight can help with that. And I yield back, encourage my colleagues to support this amendment to the oversight plan.

The Chairman. The gentleman yields back the balance of his time.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The chair recognizes the gentleman from Pennsylvania, the chairman of the Oversight and Investigation Subcommittee, the very capable Mr. Murphy.

Mr. Murphy. Thank you, Mr. Chairman.

I want to comment to this because this is an issue that goes back really to the Magna Carta and parliamentary law and our early Constitution where persons should be afforded due process. And that is, you don't charge someone, you don't even start an investigation until someone has actually done something that requires an investigation.

Further, the preamble of this committee's authorization and oversight plan outlines, in general principles, the committee oversight activity will follow. We will, for example, conduct thorough oversight, reach conclusions based on an objective review of the facts. We will treat witnesses fairly, and we will request information in a responsible manner that is calculated to be helpful to the committee in its oversight responsibilities.

Now, this committee -- the Subcommittee of Oversight and Investigation focus on, one, waste, fraud, and abuse, and two, ensuring laws are adequate to protect the public interest or are being implemented in a manner that protects the public interest. This amendment offered today is a dramatic departure from the existing preamble, because instead of describing committee best practices, it

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

would make the administration the subject of immediate committee investigation without any facts to support it.

In addition, the amendment would establish a permanent presumption that the administration is at all times acting in bad faith and to generate profits for businesses with connection to the President. Under current law, all high level Federal officials are required to file a public financial disclosure statement, members here included, including the President. The statements are thorough and include disclosures of private income, gifts received, assets and income producing property of over \$1,000 in value, liabilities exceeding \$10,000, financial transactions exceeding \$1,000 in income producing property and securities, positions held in outside businesses and organizations, agreements for future employment or leaves of absence with private entities, continuing payments from or participation in benefit plans of former employees, and the cash value of interest in any blind trust.

If members are interested in the President's finances, I encourage them to take advantage of existing law and review those forums. We do not need to make a partisan game of our oversight plan and begin a hunt before this all begins. I yield back.

The Chairman. The gentleman yields back.

Mr. Sarbanes. Will the gentleman yield just for --

The Chairman. The gentleman -- do you want to yield?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Murphy. Yeah.

The Chairman. He yields.

Mr. Sarbanes. Yeah, thank you. I thank the gentleman for yielding. I take your point about the current language of the oversight in the preamble and the desire to protect the public interest, and I think, obviously, the amendment I am proposing is consistent with that.

You are right, it does seek to establish a little bit of a presumption in the way the committee is going to do its oversight, but I don't think it is a presumption of bad faith on the part of the administration. I think it is a presumption of potential conflict of interest, which is coming from the fact that the President has not adequately dealt with his interest in terms of divesting of his business interest.

So we are placed in a position where on day one of his Presidency these conflicts can present themselves, and I think that warrants the extra level of oversight that this -- specificity that this amendment would bring to the plan.

Mr. Murphy. Reclaiming my time then, if the gentleman would yield back. The concern still here is operating an investigation on the basis of a presumption. I don't think that is a good basis for how the subcommittee or the committee should act to do investigations on the basis of presumptions.



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The facts will speak for themselves, if ones emerge, that are under the jurisdiction of this committee, and at that time we will move forward fairly and judiciously to do that. But I ask at this time that members oppose this amendment because I think that undermines some of the basic constitutional rights we should operate under. I yield back.

The Chairman. The gentleman yields back.

Is there further discussion on the Sarbanes amendment?

Seeing none, the vote now occurs on the Sarbanes amendment.

Those in favor, say aye.

Wait a minute. Okay. Sorry. There is a request for a roll call vote. So the clerk will call the roll.

Those in favor, vote aye.

Those opposed, nay.

And the clerk will call the roll.

The Clerk. Mr. Barton?

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Upton?

Mr. Upton. No.

The Clerk. Mr. Upton votes no.

Mr. Shimkus?

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Murphy?

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

Mr. Burgess?

Mr. Burgess. No.

The Clerk. Mr. Burgess votes no.

Mrs. Blackburn?

Mrs. Blackburn. No.

The Clerk. Mrs. Blackburn votes no.

Mr. Scalise?

[No response.]

The Clerk. Mr. Latta?

Mr. Latta. No.

The Clerk. Mr. Latta votes no.

Mrs. McMorris Rodgers?

[No response.]

The Clerk. Mr. Harper?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

Mr. Lance?

Mr. Lance. No.

The Clerk. Mr. Lance votes no.

Mr. Guthrie?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Guthrie. No.

The Clerk. Mr. Guthrie votes no.

Mr. Olson?

Mr. Olson. No.

The Clerk. Mr. Olson votes no.

Mr. McKinley?

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

Mr. Kinzinger?

Mr. Kinzinger. No.

The Clerk. Mr. Kinzinger votes no.

Mr. Griffith?

Mr. Griffith. No.

The Clerk. Mr. Griffith votes no.

Mr. Bilirakis?

Mr. Bilirakis. No.

The Clerk. Mr. Bilirakis votes no.

Mr. Johnson?

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Long?

Mr. Long. No.

The Clerk. Mr. Long votes no.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Bucshon?

Mr. Bucshon. No.

The Clerk. Mr. Bucshon votes no.

Mr. Flores?

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

Mrs. Brooks?

Mrs. Brooks. No.

The Clerk. Mrs. Brooks votes no.

Mr. Mullin?

Mr. Mullin. No.

The Clerk. Mr. Mullin votes no.

Mr. Hudson?

Mr. Hudson. No.

The Clerk. Mr. Hudson votes no.

Mr. Collins?

Mr. Collins. No.

The Clerk. Mr. Collins votes no.

Mr. Cramer?

Mr. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Walberg?

Mr. Walberg. No.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Mr. Walberg votes no.

Mrs. Walters?

Mrs. Walters. No.

The Clerk. Mrs. Walters votes no.

Mr. Costello?

Mr. Costello. No.

The Clerk. Mr. Costello votes no.

Mr. Carter?

Mr. Carter. No.

The Clerk. Mr. Carter votes no.

Mr. Pallone?

Mr. Pallone. Votes aye.

The Clerk. Mr. Pallone votes aye.

Mr. Rush?

[No response.]

The Clerk. Ms. Eshoo?

Ms. Eshoo. Aye.

The Clerk. Ms. Eshoo votes aye.

Mr. Engel?

[No response.]

The Clerk. Mr. Green?

Mr. Green. Aye.

The Clerk. Mr. Green votes aye.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Ms. DeGette?

Ms. DeGette. Aye.

The Clerk. Ms. DeGette votes aye.

Mr. Doyle?

Mr. Doyle. Aye.

The Clerk. Mr. Doyle votes aye.

Ms. Schakowsky?

Ms. Schakowsky. Aye.

The Clerk. Ms. Schakowsky votes aye.

Mr. Butterfield?

Mr. Butterfield. Aye.

The Clerk. Mr. Butterfield votes aye.

Ms. Matsui?

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.

Ms. Castor?

Ms. Castor. Aye.

The Clerk. Ms. Castor votes aye.

Mr. Sarbanes?

Mr. Sarbanes. Aye.

The Clerk. Mr. Sarbanes votes aye.

Mr. McNerney?

Mr. McNerney. Aye.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Mr. McNerney votes aye.

Mr. Welch?

Mr. Welch. Aye.

The Clerk. Mr. Welch votes aye.

Mr. Lujan?

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko?

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Ms. Clarke?

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

Mr. Loeb sack?

Mr. Loeb sack. Aye.

The Clerk. Mr. Loeb sack votes aye.

Mr. Schrader?

Mr. Schrader. Aye.

The Clerk. Mr. Schrader votes aye.

Mr. Kennedy?

Mr. Kennedy. Aye.

The Clerk. Mr. Kennedy votes aye.

Mr. Cardenas?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Cardenas. Aye.

The Clerk. Mr. Cardenas votes aye.

Mr. Ruiz?

Mr. Ruiz. Aye.

The Clerk. Mr. Ruiz votes aye.

Mr. Peters?

Mr. Peters. Aye.

The Clerk. Mr. Peters votes aye.

Mrs. Dingell?

Mrs. Dingell. Aye.

The Clerk. Mrs. Dingell votes aye.

Chairman Walden?

The Chairman. No.

The Clerk. Chairman Walden votes no.

The Chairman. Are there other members wishing to be recorded?

The gentlelady from Washington State.

Mrs. McMorris Rodgers. No.

The Clerk. Mrs. McMorris Rodgers votes no.

The Chairman. Are there any other members wishing to be recorded?

If not, the clerk will report the tally.

The Clerk. Mr. Chairman, on that vote, there were 22 ayes and 30 noes.



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. 22 ayes and 30 noes. The amendment is not agreed to.

Are there further amendments?

Mr. Tonko. Mr. Chair, I have an amendment at the desk.

The Chairman. The clerk will report the amendment.

Mr. Tonko. I believe it is amendment 9.

The Chairman. We do not appear to have your amendment at the desk.

The Clerk. No, I have it.

The Chairman. We have it. Can you describe what your --

Mr. Tonko. Number 9, I believe.

The Chairman. We find the amendment? Okay. Yeah, it is just helpful if you can describe them. We don't have the cheat sheet by numbers, so --

The Clerk. Amendment to the draft oversight plan offered by Mr. Tonko.

The Chairman. By unanimous consent, further reading of the amendment is dispensed with.

[The amendment of Mr. Tonko follows:]

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

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. The chair recognizes the gentleman, Mr. Tonko, for 5 minutes.

Mr. Tonko. Thank you, Mr. Chair.

This amendment would put additional focus on our Nation's drinking water systems' needs, the potential to create jobs, the dangers of unregulated contaminants, and the ongoing crisis in Flint. While the proposed oversight plan does mention drinking water infrastructure and regulation, I would suggest that it does not go nearly far enough. There is much more in this committee's jurisdiction that we must examine.

The proposed oversight plan includes the need to improve efficiencies and leverage investments from the Drinking Water State Revolving Fund. I am sure we could all support this, but I was disappointed that the plan is silent on the need for more investment and to reauthorize the Drinking Water SRF, which was created and last authorized in 1996.

Now, over two decades later, we are reaping the consequences of our negligence. Water systems are struggling with aging infrastructure and widespread unregulated and underregulated contaminants. Communities are spending far too much money on emergency repairs and not enough on planned maintenance. Improving efficiency can only get us so far. At some point, our Federal Government will need to send more financial support to State and local

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

governments. Unfortunately, this is at odds with the new administration's targeting of more than \$500 million worth in grants to States provided by EPA.

Also, I want to mention the reports that emerged last night regarding a freeze on EPA grants and contracts. While we still do not know the length or scope of this freeze, I find it deeply troubling that EPA provides critical public health funding on water quality and infrastructure that might have those programs threatened.

I am all for oversight of these programs, but freezing grants is a dangerous decision that goes against the will of Congress when we appropriated the Agency these funds. This includes funds that were recently approved through the SRF to provide relief to Flint. I hope every member of this committee will oppose this decision and call for an immediate end to this policy.

EPA has estimated that over the next 20 years, water systems will require some \$384 billion to keep their drinking water systems running. This need has grown every time that EPA has estimated it.

Last year's Water Infrastructure Improvements for the Nation Act failed to include strong "Buy America" language. With greater investments and requirements for American parts, I have no doubt that we will create many jobs in every district.

Additionally, the proposed plan calls for oversight of EPA's regulatory actions. I would argue that we should be far more concerned

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

by the Agency's inaction. EPA has a well documented inability to set national primary drinking water standards since the passage of the Safe Drinking Water Act amendments in 1996. The 1996 amendments significantly changed the EPA's process for regulating contaminants. No new standards have been set since then, despite the fact that a number of harmful contaminants have been showing up in water systems across our country.

The EPA has acknowledged the problems of many of these dangerous unregulated contaminants, such as PFOA, but has been unable to set a new standard. Our constituents should not have to turn on the tap in fear that it may harm their families. We should examine whether EPA has the resources and authorities necessary to make sure we are all continuing to guarantee safe drinking water to all Americans. I would also mention that the previous administration led us to believe that we could expect a revision of the Lead and Copper Rule in 2017.

I hope that President Trump's administration finalizes this rule and this committee prioritizes the health of the millions of Americans that live with systems that violated this rule last year.

Finally, the proposed plan makes no mention to Flint, Michigan, or any of the other communities that are struggling with significant water quality issues. Sadly, residents in Flint are still without safe drinking water. This, in fact, is shameful. Last year's Water Infrastructure Improvements for the Nation Act provided some relief

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

to the city of Flint, as well as new grant programs to replace lead service lines and support disadvantaged and small communities. This is a start, although this new grant freeze from the administration may undermine the efforts of Congress to provide for some hard bipartisan work that will be successful.

This committee must play a role in successfully implementing these new programs. I know if our committee takes a leadership role on these issues from the outset of this Congress, we can accomplish even more. I urge support of this amendment to create a more robust oversight plan for our Nation's drinking water systems.

With that, I yield back.

The Chairman. The chair recognizes the gentleman from Illinois.

Mr. Shimkus. Thank you, Mr. Chairman. And I have a great respect for my ranking member of the subcommittee, and I look forward to working with him on some of these issues. But I would ask my colleagues to not support this amendment. The purpose of this meeting is to vote today on the oversight plan representing many committee priorities, not litigate issues or presume the answers.

The committee has included in this document its plan to consider the broad impact of the State Revolving Loan Fund established in section 1452 of the Safe Drinking Water Act, which may include State drinking water programs and national need as opposed to State-by-State needs by the audit committee Federal crosscutting requirements on resolving

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

fund dollars, including Buy America iron steel, examining the economic impact of every Federal dollar used in infrastructure development, or funding of the Flint lead pipe response under WRDA pursuant to section 1452 of the Safe Drinking Water Act.

The committee's oversight plan already makes accommodations for EPA activities for addressing emerging contaminants. This would include, but not be limited, to the very difficult word of perfluorinated compound, or algal toxins. And so with that, I would ask my colleagues to not support the amendment. I look forward to working with my colleague from New York. And I yield back my time.

The Chairman. The gentleman yields back the balance of his time. Are there other members seeking recognition?

Seeing none -- oh, I am sorry. He was standing up.

Mrs. Dingell is recognized.

Mrs. Dingell. I move to strike the last word.

The Chairman. The gentlelady is recognized.

Mrs. Dingell. I will be quick because I know votes have been called, but I rise to -- in supporting this amendment. Drinking water is such a critical issue. It should never be partisan. We have had another scare in my down rivers last week with dirty colored water. They didn't make transparent the tests we need to work together, and now we are telling the people of Flint that they have got to wait again. I urge all of us to work together to tell the American people we are

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

going to keep their water safe. Thank you.

The Chairman. The gentlelady yields back.

Does the gentleman seek a recorded vote? Okay.

Those in favor of the gentleman's amendment, vote aye.

Those opposed, nay.

The noes have it. The amendment is not adopted.

Now, for the committee. The ranking member and I have discussed the future for this evening. Members of the minority have several amendments left to be considered. We will reconvene, because of some other conflicts, at 5:45. And during that period, Mr. Pallone, I will yield to you.

Mr. Pallone. The problem we have is that there are many members that have told me that they have to take flights tonight, so we are going to reconvene at 5:45, but whatever amendments we have on our side, we are going to try to condense into a half-hour period so we can be done by 6:15.

So we will talk between now and 5:45 about what amendments and how much time we would have on those. I know some people may not be able to come back, but hopefully can come back at least for that half-hour between 5:45 and 6:15.

The Chairman. So our intent is to wrap up by 6:15, adopt the final package here, and then adjourn.

With that, the committee stands in recess.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

[Recess.]



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

RPTR BAKER

EDTR SECKMAN

[5:47 p.m.]

The Chairman. We will call the full Energy and Commerce Committee back to order. When we left, we agreed we would come back and start at 5:45, which we have basically done. We also -- the ranking member and I -- have agreed we will end at 6:15. Both sides have agreed to this. We will end at 6:15 and then have a final vote on the oversight plan. We will also agree -- we have -- to 1 minute per member to debate these amendments. That was the request of the ranking member, which I agreed to, that we would limit our debate to a minute apiece on these amendments.

So, with that, I would recognize my friend from New Jersey, Mr. Pallone.

Mr. Pallone. I mean, I know we still have members coming in, but I am also asking, we are doing some of the Democratic amendments en bloc, and I am basically asking that only the members who are sponsoring an amendment, including the en bloc parts of the amendment, would speak because if everybody speaks, we are not going to have time. So 1 minute and try to only have responses to the amendment, including the en blocs, to speak.

Thank you, Mr. Chairman.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. Mr. Welch.

The chair recognizes the gentleman from Vermont, Mr. Welch.

Mr. Welch. Thank you, Mr. Chairman. I ask unanimous consent to call up amendment No. 28 on energy efficiency, and I understand from conversations with Mr. Upton that if I am allowed to amend a few words --

The Chairman. Let's have the clerk report the amendment.

Mr. Welch. Thank you.

The Clerk. Amendment to the draft oversight plan offered by Mr. Welch.

The Chairman. With unanimous consent, we will dispense with further reading of the amendment.

[The amendment of Mr. Welch follows:]

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

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. Mr. Welch, do you want to describe your amendment, as amended?

Mr. Welch. My amendment would, on the intro, after page 4, comma, take out, strike the section "entitled," and in the title, it would delete the word "promotion," and then the text of the amendment would be the same. And I would ask unanimous consent to be permitted to make those amendments to my amendment.

The Chairman. Without objection, the amendment would be amended to say, on page 4, at the end of the section "energy efficiency mandates," insert the following, "energy efficiency," and then the language.

Mr. Welch. That is correct.

Mr. Upton. If the gentleman will yield. We have looked at the language. We think that it is a good addition and glad to accept it.

The Chairman. Let's have Mr. Welch speak to his amendment.

Mr. Upton. I am glad to return to the gentleman the language that he wrote.

The Chairman. Did you want to speak on it any further, Mr. Upton, if you want to?

Mr. Upton. I will be glad to strike the last word for a minute.

The Chairman. One minute.

Mr. Upton. We have got a lot of members on both sides of the aisle that care deeply about energy efficiencies. We passed a bill on the

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

House floor last night unanimously that the Senate didn't take up, and I think this is a good change and one that we can accept, and I thank the gentleman for changing the language so that it is acceptable on this side.

Mr. Welch. Thank you.

The Chairman. The gentleman yields back.

Any other member seeking recognition on the Welch amendment?

Seeing none, the question now arises on approving the Welch amendment.

All those in favor will say aye.

Those opposed, nay.

The ayes have it, and the amendment is adopted.

Mr. Green. Mr. Chairman.

The Chairman. The gentleman from Texas, Mr. Green, for what purpose do you seek recognition?

Mr. Green. I ask unanimous consent to offer the Green, Cardenas, and Schrader, and Loeb sack amendments en bloc: amendments 13, 12, 15, and 17, respectively.

The Chairman. All right. Let's let the clerk get those amendments, and again, we don't have those amendment numbers, unless they have been added during the break.

The Clerk. An en bloc amendment offered by Mr. Green.

The Chairman. I ask unanimous consent that we dispense with

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

further reading of the amendment, and I would recognize the gentleman from Texas, Mr. Green, to describe his amendment.

[The amendments offered en bloc of Mr. Green follow:]

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

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Green. Thank you, Mr. Chairman.

I will explain by one sentence on each of these amendments. The Cardenas amendment would add the examination of insurance rates for children in State outreach efforts to enroll insured children in the oversight plan.

The Schrader amendment would instruct this committee to examine the effect of the affordable care coverage provisions on access to health care and the detrimental effect that repeal would have on its access.

The amendment offered by Mr. Loeb sack would add an examination of the effect of the Affordable Care Act on access to health care in rural areas, including the ACA's impact on rural hospitals and the detrimental effect that the repeal would have on this.

And my amendment would direct the committee to examine the State economic impact of Medicaid expansion and the impact expansion has on access to coverage and care, and the detrimental effect that repeal would have on State budgets and patients who fall within the 100 and 133 percent of Federal poverty level.

Mr. Chairman, I think each of these amendments are some concern on how we are going to address the Affordable Care Act in this new Congress. I think the members on our side of the aisle are doing individual items, but what we would like to see is, if we are going to deal with the Affordable Care Act, not to cherry-pick different

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

sections, is to look at the whole law and see if we can improve it and make it better. And that is what I think this amendment does.

I can talk about the benefit of Medicaid. One in seven seniors count on Medicaid for health care coverage. Medicaid is the primary source of long-term care for Americans. If Medicaid didn't exist, the vast majority of Medicaid, 74 million beneficiaries, would be uninsured. That is our concern, Mr. Chairman. We have a comprehensive --

The Chairman. The gentleman's time is expired.

Mr. Green. Through the Health Subcommittee and our full committee on dealing with the Affordable Care Act. I would be glad to yield --

The Chairman. Well, the gentleman's time is expired. Remember, we are on one-minutes and you ended up with two.

Mr. Green. Thank you, Mr. Chairman.

I yield back.

The Chairman. I will now recognize the gentleman from Texas, Dr. Burgess, chairman of the Health Subcommittee.

Mr. Burgess. Thank you, Mr. Chairman. I don't know how I will do this in 1 minute, but I do urge a "no" vote for all four amendments. On the Green amendment, the committee resources are best spent by working to sustain and strengthen Medicaid for the most vulnerable Medicaid patients. House Republicans have a better way to provide

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

access, coverage, and medical services for low-income Americans in a more sustainable, affordable, cost-effective fashion.

Mr. Cardenas' amendment is another attempt on the other side of the dais to distract from the harm that ObamaCare has done to patients and families across the country. I oppose this amendment and support solutions-oriented bills, such as loosening the age rating ban from three-to-one to five-to-one while giving States the option to narrow or widen the standard.

The amendment offered by Mr. Schrader is again another attempt to distract from the harm that the Affordable Care Act has done to patients and families across the country. Twenty-one States have seen average premium increases of 25 percent or more. Only one in five original 23 health insurance CO-OPs remain in business. Again, I oppose the amendment.

And, finally, the amendment offered by Mr. Loeb sack, again the reason we are even in the situation where Republicans are having to rescue Americans is because of how poorly constructed the Affordable Care Act was. If we were doing nothing, the law would collapse under its own weight beginning in 2018.

I yield back and urge a "no" vote.

The Chairman. The gentleman yields back. The chair recognizes the gentleman from Iowa, Mr. Loeb sack, for 1 minute.

Mr. Loeb sack. Thank you, Mr. Chairman.



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

I am offering this amendment to our oversight plan so that the committee can better understand how our healthcare policy decisions affect rural areas throughout the country. You can understand that, Mr. Chair. I think your district might be larger than all of Iowa, as you have reminded me in the past. Too often we see folks in rural America lack access to quality medical services. With nearly one in five uninsured Americans living in rural America, it is imperative that we ensure that rural America is not left out in moving forward regarding the health of our Nation. And with only 10 percent of the doctors practicing in these areas, I am glad that the ACA has provided new resources to increase the number of doctors and nurses in rural areas, such as new scholarships, loan repayment programs, and Medicare payment incentives to encourage providers to practice in rural communities. In short, the ACA has been good for rural America.

My amendment will further study the effects of the ACA on rural areas, and I urge my colleagues to support.

And I yield back.

The Chairman. The gentleman yields back his time.

The chair recognizes the gentleman from Michigan, Mr. Upton.

Mr. Upton. Well, thank you, Mr. Chairman.

One of the reasons that we are in this situation is that the numbers haven't looked so good for the Affordable Care Act. Twenty-one States have seen their average premium increase of 25 percent or more.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Seven States are over 50 percent. In 2016, 225 counties had just one insurer. And the next year, 2017, that almost quadrupled to 1,022 counties with just one insurer. Five States have just one insurer offering coverage on the exchange, and only 5 of the original 25 health insurance CO-OPs remain in business. So this needs to be re-examined, and this amendment doesn't do it. So I would urge my colleagues to vote no, and I yield back the balance of my time.

The Chairman. The gentleman yields back the balance of his time.

The chair recognizes Mr. Cardenas of California.

Mr. Cardenas. Thank you very much, Mr. Chairman.

I am going to try to remain calm and follow my notes after what I just heard, the accusations of what some of our amendments are attempting to do. My amendment would have the oversight within the subcommittee to monitor insurance coverage rates for our Nation's children and further Federal and State efforts to improve upon that coverage rate through outreach and enrollment efforts. We have made huge gains in coverage for our Nation's children in recent years, gains that should not be lost. The Medicaid expansion in the Affordable Care Act has helped our country to realize the highest rates of insurance coverage for children. That brings it to 95.2 percent in 2015. That is something that America should be proud of. One of the most effective strategies for States to reach eligible but uninsured children is to put out the welcome mat for the whole family by extending Medicaid

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

coverage to parents and other low-income adults. States choosing to expand Medicaid coverage to more low-income adults will not only reduce the number of uninsured children but will also boost children and families' long-term economic security, and kids benefit when their parents are healthier.

The Chairman. The gentleman's time is expired.

Mr. Cardenas. Anyway, thank you very much.

I yield back.

The Chairman. Thank you.

Other members seeking recognition?

The chair recognizes the gentleman from Pennsylvania.

Mr. Murphy. Just very quickly, Mr. Chairman.

This is another attempt to distract from what we need to be doing with the Affordable Care Act. It has been very clear, we have repeatedly said we support maintaining the rule that allows people under age 26 to stay on their parents' plan. We want to make coverage more affordable for younger patients. Right now, it is very costly, and that is why many of them do not choose to get health care. Or they may sign up for insurance; they just can't afford to get sick because the deductibles and copays are so high. Loosening the age rating bands are going to be a way to help make it more affordable, but we will work on that. And I might add, too, in our ongoing investigations, oversight investigation, we repeatedly worked in the past to try and

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

get HHS to give us data on people who signed up, Medicaid, people who have lost their insurance, people who signed up. We never did get a lot of that, and we will continue to investigate to make sure we are doing the best. But I certainly say that everybody in this committee I believe supports continuing coverage for those under age 26, and I can't imagine we are going to change that now.

And I yield back.

The Chairman. The gentleman's time is expired.

The chair recognizes the gentleman from New Jersey.

Mr. Pallone. I know some members came later. We are operating under a 1-minute rule now, and we are asking only those who have sponsored the amendments to actually speak, and we are going to have a roll call on everything other than the things that are agreed on.

So I will leave it at that, Mr. Chairman.

The Chairman. The gentleman yields back.

Mr. Pallone. Yes.

The Chairman. The gentleman yields back.

Are there other members seeking recognition? Is there somebody else? Nobody else?

Mr. Schrader? You are seeking recognition? No.

Mr. Schrader. On this package, yes, sir.

The Chairman. Yeah, okay. The chair recognizes the gentleman from Oregon, Mr. Schrader.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Schrader. Thank you very much, Mr. Chairman.

I would like to comment on my amendment. It is very simple. It simply asks us to look at the real facts, not the so-called alternative facts, about what the ACA has done. More than 20 million people have gained coverage. 129 million Americans with preexisting conditions are covered. Women cannot be charged more or denied coverage because of their gender. No lifetime, no annual limits on coverage. 9.4 million have purchased private insurance through the help of the premium tax credits.

And in our State alone, the 16 CCOs cover the entire Medicaid population. It is an unqualified success. In exchange for dollars to set up those CCOs, Oregon agreed to keep medical inflation under 3.4 percent. Other States that didn't do that, they are 11 plus percent, the most difficult population to take care of, and we have done it without sacrificing quality.

Hospital readmissions are down 30 percent. Diabetes complications down 30 percent. Primary care enrollment up 70 percent. Dental care for kids up 65 percent, and ER visits down 45 percent.

My amendment will help us better understand the importance of these coverage provisions, and I ask my colleagues to support it today. Thank you, sir.

The Chairman. The gentleman's time has expired.

Are there other members seeking recognition?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Butterfield.

Mr. Butterfield. Mr. Chairman, I want to speak in support of Mr. Loeb's amendment. I think it is very timely. Repeal would be devastating to rural areas, not just in the Midwest, but in the rural South as well. The rural hospitals in my district are operating on the margin already. Repeal would be devastating.

I yield back the balance of my time to Mr. Green.

Mr. Green. I thank my colleague for yielding.

And, Mr. Chairman, I will close. These are just four amendments that we know we are concerned about, and I know there is no law that has ever been passed by this Congress or State legislature that doesn't need to go back and revisit it. I just want to make sure and I think our side wants to make sure that we look at the total of the legislation and that we don't take away some of the things that people have been beneficial for. Even the President talked about some of the good things in it. So that is all we want to do is say these are four things, but there are probably dozens more that we could do, but I would be glad to look forward on a regular order, looking at what we can do to improve the Affordable Care Act and fix it.

I yield back the balance of my time.

The Chairman. The gentleman yields back the balance of his time. Are there other members seeking recognition? Seeing none, there is a request for a roll call vote.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

So all those in favor, vote aye.

Those opposed, nay.

And the clerk will call the roll.

The Clerk. Mr. Barton?

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Upton?

Mr. Upton. No.

The Clerk. Mr. Upton votes no.

Mr. Shimkus?

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Murphy?

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

Mr. Burgess?

Mr. Burgess. No.

The Clerk. Mr. Burgess votes no.

Mrs. Blackburn?

Mrs. Blackburn. No.

The Clerk. Mrs. Blackburn votes no.

Mr. Scalise?

[No response.]

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Mr. Latta?

Mr. Latta. No.

The Clerk. Mr. Latta votes no.

Mrs. McMorris Rodgers?

Mrs. McMorris Rodgers. No.

The Clerk. Mrs. McMorris Rodgers votes no.

Mr. Harper?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

Mr. Lance?

Mr. Lance. No.

The Clerk. Mr. Lance votes no.

Mr. Guthrie?

Mr. Guthrie. No.

The Clerk. Mr. Guthrie votes no.

Mr. Olson?

[No response.]

The Clerk. Mr. McKinley?

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

Mr. Kinzinger?

Mr. Kinzinger. No.

The Clerk. Kinzinger votes no.



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Griffith?

Mr. Griffith. No.

The Clerk. Mr. Griffith votes no.

Mr. Bilirakis?

Mr. Bilirakis. No.

The Clerk. Mr. Bilirakis votes no.

Mr. Johnson?

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Long?

Mr. Long. No.

The Clerk. Mr. Long votes no.

Mr. Bucshon?

Mr. Bucshon. No.

The Clerk. Mr. Bucshon votes no.

Mr. Flores?

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

Mrs. Brooks?

Mrs. Brooks. No.

The Clerk. Mrs. Brooks votes no.

Mr. Mullin?

Mr. Mullin. No.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Mr. Mullin votes no.

Mr. Hudson?

Mr. Hudson. No.

The Clerk. Mr. Hudson votes no.

Mr. Collins?

Mr. Collins. No.

The Clerk. Mr. Collins votes no.

Mr. Cramer?

Mr. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Walberg?

Mr. Walberg. No.

The Clerk. Mr. Walberg votes no.

Mrs. Walters?

Mrs. Walters. No.

The Clerk. Mrs. Walters votes no.

Mr. Costello?

Mr. Costello. No.

The Clerk. Mr. Costello votes no.

Mr. Carter?

Mr. Carter. No.

The Clerk. Mr. Carter votes no.

Mr. Pallone?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Pallone. Aye.

The Clerk. Mr. Pallone votes aye.

Mr. Rush?

[No response.]

The Clerk. Ms. Eshoo?

[No response.]

The Clerk. Mr. Engel?

Mr. Engel. Aye.

The Clerk. Mr. Engel votes aye.

Mr. Green?

Mr. Green. Aye.

The Clerk. Mr. Green votes aye.

Ms. DeGette?

Ms. DeGette. Aye.

The Clerk. Ms. DeGette votes aye.

Mr. Doyle?

[No response.]

The Clerk. Ms. Schakowsky?

Ms. Schakowsky. Aye.

The Clerk. Ms. Schakowsky votes aye.

Mr. Butterfield?

Mr. Butterfield. Aye.

The Clerk. Mr. Butterfield votes aye.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Ms. Matsui?

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.

Ms. Castor?

[No response.]

The Clerk. Mr. Sarbanes?

Mr. Sarbanes. Aye.

The Clerk. Mr. Sarbanes votes aye.

Mr. McNerney?

Mr. McNerney. Aye.

The Clerk. Mr. McNerney votes aye.

Mr. Welch?

Mr. Welch. Aye.

The Clerk. Mr. Welch votes aye.

Mr. Lujan?

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko?

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Ms. Clarke?

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Loeb sack?

Mr. Loeb sack. Aye.

The Clerk. Mr. Loeb sack votes aye.

Mr. Schrader?

Mr. Schrader. Aye.

The Clerk. Mr. Schrader votes aye.

Mr. Kennedy?

Mr. Kennedy. Aye.

The Clerk. Mr. Kennedy votes aye.

Mr. Cardenas?

Mr. Cardenas. Aye.

The Clerk. Mr. Cardenas votes aye.

Mr. Ruiz?

Mr. Ruiz. Aye.

The Clerk. Mr. Ruiz votes aye.

Mr. Peters?

Mr. Peters. Aye.

The Clerk. Mr. Peters votes aye.

Mrs. Dingell?

Mrs. Dingell. Aye.

The Clerk. Mrs. Dingell votes aye.

Chairman Walden?

The Chairman. No.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Chairman Walden votes no.

The Chairman. I forgot to ask if there are members that have not cast their votes.

Mr. Johnson?

The Clerk. Mr. Johnson votes no.

The Chairman. Are there any other members that have not cast their vote? All right.

The Clerk. Mr. Chairman, on that vote, there are 20 ayes and 29 noes.

The Chairman. Twenty ayes, 29 noes. The amendment is not adopted. The chair recognizes the gentleman Mr. Butterfield.

Mr. Butterfield. Thank you, Mr. Chairman.

I know not to speak until I am recognized. Thank you very much. I have an amendment at the desk, No. 38.

The Chairman. Thank you.

Mr. Butterfield. Mr. Chairman, may I proceed?

The Chairman. We have to let the clerk read the amendment.

The Clerk. Amendment to the draft oversight plan offered by Mr. Butterfield.

The Chairman. Unanimous consent to dispense with further reading of the amendment.

[The amendment of Mr. Butterfield follows:]

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

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

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. Now the chair recognizes Mr. Butterfield.

Mr. Butterfield. Thank you, Mr. Chairman.

Mr. Chairman, my amendment will correct the title of the Assistant Secretary for Mental Health and Substance Abuse that was created by Public Law 114-225. The amendment is technical in nature and would simply clarify the Assistant Secretary's title within the oversight plan to ensure that it reflects current law. It is important that this committee's oversight plan reflect our bipartisan commitment to mental health and substance-use issues. Under the bipartisan reforms to our Nation's mental health and substance-use programs passed last year, many improvements were made to strengthen our country's abilities to provide substance-use services to those who need them. Included in the new law was \$1 billion for opiate abuse response, funding for substance-use disorder programs in targeted areas, evidence-based intervention programs, crisis response grants, and the creation of a substance-use policy laboratory. It is important that this committee's oversight plan accurately reflect Congress' intent to elevate both mental health and substance-use issues by clarifying the Assistant Secretary's title. I urge my colleagues to support this amendment.

I yield back.

The Chairman. The gentleman yields back the balance of his time.

Are there any members seeking recognition?



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The gentleman from Pennsylvania, Mr. Murphy.

Mr. Murphy. I agree and move we adopt.

The Chairman. And yield back the balance of your time.

Mr. Murphy. I yield back.

The Chairman. Are there other members seeking recognition?

Seeing none, the question now comes before us on adoption of the Butterfield amendment.

All those in favor will say aye.

Those opposed, nay.

The ayes appear to have it. The ayes have it, and the amendment is adopted.

Now we will go to my friend from California. For what purpose does she seek recognition?

Ms. Matsui. Mr. Chairman, I ask unanimous consent to call up my amendment with Representative Kennedy's amendment en bloc.

The Chairman. The clerk will report the en bloc amendment.

The Clerk. An en bloc amendment offered by Ms. Matsui.

The Chairman. Unanimous consent to dispense with further reading of the amendment.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

[The amendments offered en bloc of Ms. Matsui follow:]

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

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Chairman. The chair recognizes the gentlelady from California.

Ms. Matsui. Thank you, Mr. Chairman.

My amendment would ensure that the committee continue and expand upon critical work to improve mental health services in this country. Millions of Americans across the country rely on Medicaid for mental health care. The Medicaid program is not only a safety net but a foundation for mental health services. With Medicaid, low-income families have access to everything from depression screening to hospital and community services during crisis to substance-use disorder prevention and treatment. The Affordable Care Act has made these services available to millions more Americans who otherwise may not have been able to access any affordable mental health care. That includes nearly 2 million Americans who have gained access to substance-abuse treatment under the law.

We must ensure that the gains we have made under the Affordable Care Act for people with mental illness or substance-use disorder are not lost. A repeal of the Affordable Care Act would immediately and devastatingly do that. This committee has a responsibility to our Nation's parents and families who suffer without access to care. I urge my colleagues to support this amendment.

Thank you.

The Chairman. The gentlelady yields back the balance of her

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

time. Are there other members seeking recognition? The chair recognizes the gentleman from Pennsylvania, the chairman of the Oversight and Investigation Subcommittee, Mr. Murphy.

Mr. Murphy. Mr. Chairman, on this, I would say that this is unnecessary and somewhat redundant. In September of 2016, the Subcommittee on Health held a hearing entitled "An Examination of Federal Mental Health Parity Laws and Regulations." This committee has been very supportive of mental health parity. And during that hearing, we reviewed the mental health requirements under the Patient Protection and Affordable Care Act, the former administration's interagency Mental Health and Substance Use Disorder Parity Task Force, title 8 of the Families in Mental Health Crisis Act, as well as the Mental Act Health Parity Act of 1996, and the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008. Even more, as part of the 21st Century Cures, we passed our breakthrough mental health reforms. These are part, as people know, a multiyear, bipartisan investigation. I am confident that the members of this committee and subcommittees are absolutely committed to working this, not just with the Affordable Care Act, but quite frankly, many of those aspects of parity and other healthcare delivery are separate from the Affordable Care Act, standalone laws, and we will work those things. Believe me; we didn't work so hard on this without having a commitment to do that.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

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

The Chairman. The gentleman's time has expired.

Yes, the gentleman from Massachusetts is recognized.

Mr. Kennedy. Thank you, Mr. Chairman.

I appreciate the comments from my colleague, Mr. Murphy. And as he indicated, we did pass the 21st Century Cures last Congress with broad bipartisan support. However, it was, despite the gains made there, it is a far cry from the comprehensive reform that our country needs with regards to its mental health system. I am disappointed that the oversight plan today doesn't build on that momentum going forward. The document doesn't even mention the word "parity" much less the words "substance-use disorder." 21st Century Cures was supposed to be an effort to build upon that existing framework of Federal laws and programs, including the Affordable Care Act, that promote prevention efforts and expand access to treatment to individuals with or at risk for mental illness and substance-use disorders. As you know, the Affordable Care Act substantially expanded mental health benefits by requiring that insurance companies and all parties, both managed care and fee-for-service, of the Medicaid program as well as the CHIP program cover mental health and substance-use disorder services, including behavior health treatment. Before the ACA was passed, many of the plans did not require those necessary services, and I respectfully request that my colleagues vote yes on this amendment as we try to make

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

sure that these reforms are put in place going forward.

I yield back.

The Chairman. The gentleman yields back the balance of his time.

Are there any other members wishing to speak on this amendment?

If not, the question now rises on approval of the Matsui amendment, correct?

And those in favor -- you want a recorded vote?

A request for a recorded vote.

Those in favor, vote aye.

Those opposed, nay.

The clerk will call the role.

The Clerk. Mr. Barton?

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Upton?

Mr. Upton. No.

The Clerk. Mr. Upton votes no.

Mr. Shimkus?

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Murphy?

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Burgess?

Mr. Burgess. No.

The Clerk. Mr. Burgess votes no.

Mrs. Blackburn?

Mrs. Blackburn. No.

The Clerk. Mrs. Blackburn votes no.

Mr. Scalise?

[No response.]

The Clerk. Mr. Latta?

Mr. Latta. No.

The Clerk. Mr. Latta votes no.

Mrs. McMorris Rodgers?

Mrs. McMorris Rodgers. No.

The Clerk. Mrs. McMorris Rodgers votes no.

Mr. Harper?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

Mr. Lance?

Mr. Lance. No.

The Clerk. Mr. Lance votes no.

Mr. Guthrie?

Mr. Guthrie. No.

The Clerk. Mr. Guthrie votes no.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Olson?

[No response.]

The Clerk. Mr. McKinley?

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

Mr. Kinzinger?

Mr. Kinzinger. No.

The Clerk. Kinzinger votes no.

Mr. Griffith?

Mr. Griffith. No.

The Clerk. Mr. Griffith votes no.

Mr. Bilirakis?

Mr. Bilirakis. No.

The Clerk. Mr. Bilirakis votes no.

Mr. Johnson?

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Long?

Mr. Long. No.

The Clerk. Mr. Long votes no.

Mr. Bucshon?

Mr. Bucshon. No.

The Clerk. Mr. Bucshon votes no.



**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Flores?

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

Mrs. Brooks?

Mrs. Brooks. No.

The Clerk. Mrs. Brooks votes no.

Mr. Mullin?

Mr. Mullin. No.

The Clerk. Mr. Mullin votes no.

Mr. Hudson?

Mr. Hudson. No.

The Clerk. Mr. Hudson votes no.

Mr. Collins?

Mr. Collins. No.

The Clerk. Mr. Collins votes no.

Mr. Cramer?

Mr. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Walberg?

Mr. Walberg. No.

The Clerk. Mr. Walberg votes no.

Mrs. Walters?

Mrs. Walters. No.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

The Clerk. Mrs. Walters votes no.

Mr. Costello?

Mr. Costello. No.

The Clerk. Mr. Costello votes no.

Mr. Carter?

Mr. Carter. No.

The Clerk. Mr. Carter votes no.

Mr. Pallone?

Mr. Pallone. Aye.

The Clerk. Mr. Pallone votes aye.

Mr. Rush?

[No response.]

The Clerk. Ms. Eshoo?

[No response.]

The Clerk. Mr. Engel?

Mr. Engel. Aye.

The Clerk. Mr. Engel votes aye.

Mr. Green?

Mr. Green. Aye.

The Clerk. Mr. Green votes aye.

Ms. DeGette?

Ms. DeGette. Aye.

The Clerk. Ms. DeGette votes aye.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Doyle?

[No response.]

The Clerk. Ms. Schakowsky?

Ms. Schakowsky. Aye.

The Clerk. Ms. Schakowsky votes aye.

Mr. Butterfield?

Mr. Butterfield. Aye.

The Clerk. Mr. Butterfield votes aye.

Ms. Matsui?

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.

Ms. Castor?

[No response.]

The Clerk. Mr. Sarbanes?

Mr. Sarbanes. Aye.

The Clerk. Mr. Sarbanes votes aye.

Mr. McNerney?

Mr. McNerney. Aye.

The Clerk. Mr. McNerney votes aye.

Mr. Welch?

Mr. Welch. Aye.

The Clerk. Mr. Welch votes aye.

Mr. Lujan?

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko?

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Ms. Clarke?

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

Mr. Loeb sack?

Mr. Loeb sack. Aye.

The Clerk. Mr. Loeb sack votes aye.

Mr. Schrader?

Mr. Schrader. Aye.

The Clerk. Mr. Schrader votes aye.

Mr. Kennedy?

Mr. Kennedy. Aye.

The Clerk. Mr. Kennedy votes aye.

Mr. Cardenas?

Mr. Cardenas. Aye.

The Clerk. Mr. Cardenas votes aye.

Mr. Ruiz?

Mr. Ruiz. Aye.

The Clerk. Mr. Ruiz votes aye.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

Mr. Peters?

Mr. Peters. Aye.

The Clerk. Mr. Peters votes aye.

Mrs. Dingell?

Mrs. Dingell. Aye.

The Clerk. Mrs. Dingell votes aye.

Chairman Walden?

The Chairman. No.

The Clerk. Chairman Walden votes no.

The Chairman. Are there other members wishing to be recorded?  
Are there any other members wishing to be recorded? If not, the clerk will report the tally.

The Clerk. Mr. Chairman, on that vote, there were 20 ayes and 29 noes.

The Chairman. Twenty ayes, 29 noes. The amendment is not adopted.

We have reached that point in our markup where we told everyone we would get to 6:15. We have actually gone beyond that to accommodate as many members' amendments as possible. I know there was a bipartisan amendment, but I am told that literally we don't have paper on it, unfortunately, so we will not proceed with that one.

And at this point, I think we are ready to move to adopt the committee authorization and oversight plan.

**This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.**

All those in favor of the adoption of the oversight plan, as amended, will say aye.

Those opposed, no.

The ayes appear to have it. The ayes have it. The plan is adopted.

I want to thank everyone for their participation today. We have a lot of work starting next week, and we will see you here.

Without objection, staff is authorized to make technical and conforming changes to the resolutions adopted today, including the organizational meeting portion and authorization and oversight plan. So ordered.

Without objection, the committee stands adjourned.

[Whereupon, at 6:18 p.m., the committee was adjourned.]