

NEAL R. GROSS & CO., INC.

RPTS MICHON

HIF075000

MARKUP:

H.R. 2666, NO RATE REGULATION OF

BROADBAND INTERNET ACCESS ACT; AND,

H.R. 4725, COMMON SENSE SAVINGS ACT OF 2016

TUESDAY, MARCH 15, 2016

House of Representatives,

Committee on Energy and Commerce

Washington, D.C.

The committee met, pursuant to call, at 10:00 a.m., in Room 2123 Rayburn House Office Building, Hon. Fred Upton [chairman of the committee] presiding.

Members present: Representatives Upton, Barton, Whitfield, Shimkus, Pitts, Walden, Murphy, Burgess, Scalise, Latta, McMorris Rodgers, Harper, Lance, Guthrie, Olson, McKinley, Pompeo, Kinzinger, Griffith, Bilirakis, Johnson, Long, Bucshon, Flores, Brooks, Mullin, Hudson, Collins, Cramer, Pallone, Eshoo, Engel,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

Green, Capps, Doyle, Schakowsky, Butterfield, Matsui, Castor, Sarbanes, McNerney, Welch, Lujan, Tonko, Yarmuth, Clarke, Loeb sack, Schrader, Kennedy, and Cardenas.

Staff present: Gary Andres, Staff Director; Will Batson, Legislative Clerk, Energy and Power and Environment and the Economy; Ray Baum, Senior Policy Advisor for Communications and Technology; Mike Bloomquist, Deputy Staff Director; Sean Bonyun, Communications Director; Leighton Brown, Deputy Press Secretary; Karen Christian, General Counsel; Paige Decker, Executive Assistant; Gene Fullano, Detailee, Telecom; Giulia Giannangeli, Legislative Clerk, Commerce, Manufacturing and Trade; Kelsey Guyselman, Counsel, Telecom; Peter Kielty, Deputy General Counsel; Grace Koh, Counsel, Telecom; Carly McWilliams, Professional Staff Member, Health; Tim Pataki, Professional Staff Member; Graham Pittman, Legislative Clerk; David Redl, Chief Counsel, Telecom; Charlotte Savercool, Professional Staff, Communications and Technology; Adrianna Simonelli, Legislative Associate, Health; Heidi Stirrup, Health Policy Coordinator; Josh Trent, Professional Staff Member, Health; Gregory Watson, Legislative Clerk, Communications and Technology; Jean Woodrow, Director, Information Technology; Jen Berenholz, Minority Chief Clerk; Christine Brennan, Minority Press Secretary; Jeff Carroll, Minority Staff Director; Elizabeth Ertel, Minority Deputy Clerk; Kyle Fischer, Minority Health Fellow; David Goldman, Minority

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

Chief Counsel, Communications and Technology; Waverly Gordon, Minority Professional Staff Member; Tiffany Guarascio, Minority Deputy Staff Director and Chief Health Advisor; Jerry Leverich, Minority Counsel; Lori Maarbjerg, Minority FCC Detailee; Rachel Pryor, Minority Health Policy Advisor; Tim Robinson, Minority Chief Counsel; Samantha Satchell, Minority Policy Analyst; Matt Schumacher, Minority Press Assistant; Ryan Skukowski, Minority Policy Analyst; and Andrew Souvall, Minority Director of Communications, Outreach and Member Services.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

The Chairman. Okay, the committee will come to order. I want to remind members that opening statements were yesterday and, of course, all members are able to submit their opening statements. And at the conclusion of that yesterday afternoon, the chair did call up H.R. 2666 and the bill is open for amendment at any point.

[The Bill H.R. 2666 follows:]

*****INSERT*****

The Chairman. So, let me ask this question. Are there any bipartisan amendments to the bill? I don't see any.

So, are there any amendments to the bill? I don't see any, so the question -- I am sorry. The gentleman from California, Mr. McNerney. There is an amendment at the desk. The clerk will call the title of the amendment.

[The Amendment offered by Mr. McNerney follows:]

*****INSERT*****

The Clerk. Amendment to H.R. 2666 offered by Mr. McNerney. And at the end of the bill, add the following.

The Chairman. And the amendment will be considered as read. The staff will distribute the amendment and the gentleman from California is recognized for 5 minutes in support of his amendment.

Mr. McNerney. Thank you, Mr. Chairman. This is a very, very simple amendment. "Nothing in this Act shall be construed to affect the authority of the Federal Communication Commission to act in the public interest, convenience, and necessity."

This is basic. This is what we want. The public interest is the key principle that the Commission has used to protect consumers since Congress first created the agency in 1934. It is just as important today.

The FCC has consistently looked to the public standard when taking action to protect consumers, foster innovation, and increase competition. That standard has been the hallmark of the most important policies the Commission has undertaken. To give you a sense, the words public interest appears 93 times in the Commission's Act. That is how pervasive this concept is.

This amendment would seek to limit some of those unintended consequences by ensuring that the Commission continues to have authority that historically served it so well. Moreover, by preserving the FCC's authority to act in the public interest, my

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

amendment would safeguard the broad aims of the Communication Act and this amendment will continue to appropriately focus the FCC toward promoting the public good.

I urge the members to support it and I yield back.

The Chairman. The gentleman yields back. The chair will recognize the chairman of the Telco Subcommittee, Mr. Walden, for 5 minutes.

Mr. Walden. Thank you very much, Mr. Chairman. I speak out in opposition to this amendment. I appreciate the gentleman's offering it, however, and his concerns.

The issue here, though, if you go with his amendment, you basically vitiate the rest of the bill. You do away with the whole concept on this because there is no fence around the term of public interest obligation. It is whatever the FCC at the time says it is.

And part of what we are trying to do is the policy-setting body for the Federal Communications Commission is establish some definitions, establish some boundaries, give some certainty to the marketplace as to how things are regulated, what is regulated, and try to get to a predictable point where we can stimulate innovation and technological growth.

Remember, what is really going on here for the first time is that through the Obama administration to the FCC, the order went down to treat the internet as if it is an old railroad or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

canal system or common carrier in the communications law and begin to regulate something that has been one of the most vibrant job-creating, innovative things in our lifetime, in the history of humankind, probably, and that is the internet.

And what we are trying to do is say now wait a minute here. We will be with you to stop the bad behavior of locking and throttling, and maybe even paid prioritizations, things we can find common ground on in legislation, although we have not been able to get any support on that from the other side of the aisle. Meanwhile, the courts are going to decide what the FCC can or cannot do in terms of Title II regulation. But what we should do with what we can deal with here is to say no, there are boundaries. If you just go to the public interest obligations statute, there is no definition of what that means. It means whatever the majority three people at the FCC decide it means at the time. That does not give certainty to the marketplace. That will diminish innovation and job creation in America.

And so, therefore, reluctantly, I disagree with the gentleman from California and I would urge my colleagues to oppose his amendment and I would yield back the balance of my time.

The Chairman. The gentleman yields back. The gentlelady from California is recognized.

Ms. Eshoo. Thank you, Mr. Chairman.

I support Mr. McNerney's amendment and I think that it is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

an essential one. I don't know how many members have actually gone back to read the Communications Act, which is really what, moving forward, over all of the years was at the heart of the Communications Act. So there are the laws.

In the Communications Act, the words public interest appear 93 times -- 93 times. So, this isn't a new notion. This isn't using two words to throw sand in the gears. I think that public interest is already established and it needs to be kept. And I think it needs to be honored in each generation in terms of the work that we do. It is foundational. It is foundational.

And so I think that the gentleman's amendment makes eminent sense. The public interest is the key principle that all the commissions have used to protect consumers since the agency was first created by Congress, going back decades. And it is just as important today. It is just as important today.

You can compare or just use the -- on the one hand, people can say well the Constitution is dusty and so you just disregard it and that the Communications Act is dusty. In each generation, there has been an adherence to the basic principles and values.

And as I said, 93 times this phrase appears in the Communications Act. So, what the gentleman is putting forward is, again, something that is foundational and that we should be honoring just as much today as we have in the past.

So, I support it and I yield back.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

Mr. Pallone. Would the gentlewoman yield?

Ms. Eshoo. I would be glad to.

Mr. Pallone. I just want to support the amendment as well. I think it is a pretty sad day when we have to argue over language that says that the FCC should act in the public interest. I mean it seems to me that is so obvious that it is amazing to me that we are actually debating it.

And so I appreciate the fact that the gentleman offers this amendment. I don't see how anyone can justify not supporting it. So, I would urge my colleagues to support it.

I yield back.

The Chairman. The gentleman yields back.

Other members wishing to speak? The gentleman from Illinois, Mr. Shimkus.

Mr. Shimkus. Than you, Mr. Chairman.

I think this is instructive to just our citizens are asking who makes the laws. And I think I would rather have elected officials determining the public interest than appointed bureaucrats. If we were asking why this is important is because of that issue. I think people want us to be more specific in the legislative language. And the Constitution in Article II gives the power of the Executive Branch to enforce that, not to determine, not to make up, not to change, but to enforce the laws of the land.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

So, I am going to support my colleague and friend, Mr. Walden, and ask for a no vote on the amendment. I yield back.

The Chairman. The gentleman yields back. Others wishing to speak?

Seeing none, the vote occurs and the amendment offered by the gentleman from California, Mr. McNerney.

All those in favor, will say aye.

All those opposed, say no.

In the opinion of the chair, the noes have it. The amendment is not agreed to.

Are there further amendments to the bill? Seeing none, the question now --

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

[The Amendment offered by Mr. Walden follows:]

*****INSERT*****

The Chairman. The clerk will report the title of the amendment.

The Clerk. Amendment to H.R. 2666 offered by Mr. Walden.

The Chairman. The amendment will be considered as read. The staff will distribute the amendment and the gentleman from Oregon is recognized for 5 minutes in support of his amendment.

Mr. Walden. Thank you very much, Mr. Chairman. I offer this amendment to address the concerns expressed by during the subcommittee consideration of H.R. 2666.

Now, in that markup session, our colleague Ms. Matsui offered an amendment that proposed a number of exceptions to the no rate regulation rule. Among them were concerns the bill would prevent the FCC from using the Universal Service Fund rules to ensure comparable rate between urban and rural areas, concerns that this would jeopardize -- or I am sorry -- concerns that this would authorize paid prioritization and concerns that the FCC would be hampered in enforcing its truth-in-billing rules.

I listened to Ms. Matsui. I thought her comments made a lot of sense. And this amendment clearly addresses those particular items that Congresswoman Matsui raised during the subcommittee markup. I appreciate her always constructive role on this important subcommittee.

Now, unfortunately, we could not reach agreement on some other elements of her amendment, the amendment offered at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

subcommittee asked us to give the Federal Communications Commission authority to act to regulate discriminatory practices and, quote, to act in the public interest to protect consumers or regulate the billing practices employed by or penalties or fees charged by providers of broadband internet access service.

Now, while these statements all sound good on the face, in the hands of the Federal Communications Commission, they would actually reverse -- the practical effect is they would reverse the no rate regulation purpose, which is the purpose of this measure. If we were to accept these provisions, in fact we would tell the Federal Communications Commission don't rate regulate unless you think it is a good idea to rate regulate. So, that would be inconsistent with the underlying purpose of the bill, inconsistent, by the way, with the President of the United States' own statement and inconsistent with Chairman Wheeler's repeated statements to us and to the public.

Post facto rate regulation is a dangerous regulatory weapon that will threaten competition and innovation in the rapidly evolving internet marketplace and, thereby, reduce consumer choices. What we were able to achieve is an amendment that addresses the concerns that we share. The language in my amendment, Mr. Chairman, ensures the FCC can continue its ban on paid prioritization, can continue to ensure comparable rates between urban and rural customers, and can continue to enforce

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

its truth-in-billing rules. Those are all protected by this amendment. I believe these are important consumer protections. I believe that we all can embrace them.

Throughout the drafting of this bill and our amendment negotiations, our guiding principle has been to codify the bipartisan agreement expressed by President Obama, Chairman Wheeler, members of this committee, and the Senate Committee on Commerce, Science, and Transportation. The changes proposed in this amendment improved the bill and furthered that goal. I urge my colleagues to support this amendment and the underlying bill.

And so with that, Mr. Chairman, I would yield back the balance of my time.

The Chairman. The gentleman yields back.

The chair recognizes the gentleman from New Jersey, Mr. Pallone.

Mr. Pallone. Mr. Chairman, I can't support the amendment offered by Mr. Walden. We have an unfortunate pattern developing in our committee and I think it is important to note it now. Republicans claim they are willing to consider our concerns but it has become apparent that such consideration is dependent on the Republicans doing it for us. This amendment doesn't effectively address Ms. Matsui's concerns. On this bill in particular, almost every time the Democrats have dare to provide specific written concerns ourselves, the response from our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

colleagues across the aisle has been a resounding no.

To be clear, we had no hand in the drafting of this amendment to supposedly address our issues and, in my opinion, this amendment is just another example of the folly of this partisan approach that we are seeing today.

I yield back.

Mr. Green. Would the gentleman yield?

The Chairman. The gentleman yields.

Mr. Pallone. Well, I will yield first to Mr. Green.

Mr. Green. Thank you for yielding to me.

My concern about both these bills today, and I agree with you that some of these things we could deal, particularly on this bill, but there is no across the aisle working together on it. And that is unlike what we did last year with a lot of our bills last year and the odd numbered year that we worked on CURES, we worked on a lot of different bills that had bipartisan support.

Particularly on this bill, I think we could probably get to bipartisan support. I have to admit on the healthcare bill we couldn't get there with what the cuts are. But I hope our committee is not going to consider doing this for the rest of this year because it will make it a really difficult session for us simply because if you come out with only Republican votes, it may pass the House floor but it will never get past the Senate. And if you won't actually legislate, we need to have folks talking

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

across the aisle.

And thank you for yielding.

The Chairman. Would the gentleman yield?

Mr. Walden. Certainly because I just want to call this for what it is.

First of all, let's talk about a bill that passed out of this committee after bipartisan negotiations, very productive ones. The Small Business Exception Bill from the FCC on the reporting requirements on the internet. We met. We had a disagreement at sub. We worked with the democrats. And guess what? We came out unanimously, unanimously out of this committee. The bill passed unanimously on the floor.

The FCC Process Reform Bill, a bipartisan bill. We worked out our differences, came out of this committee.

The DOTCOM Act, a bipartisan bill. Our staffs actually worked quite closely together on that one as well.

The Consolidating Reporting Bill, FCC Process Reform and Consolidating Reporting came out of this committee bipartisan.

Mr. Pallone. Well, let me just take back my time, Mr. Chairman.

Mr. Walden. So, at let us at least be honest about the bipartisanship.

Mr. Pallone. Let me take back some time. I am not suggesting, Mr. Walden, that we didn't work together on those

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

other bills. I appreciate the fact that we worked together. The point I am trying to make is that we did not work effectively on this bill.

I don't want to give the impression that your amendment addresses the concerns that we have that were in Ms. Matsui's amendment. I think you have made it quite clear in your statement earlier that it doesn't. Maybe it address a few things but it doesn't address most of it.

And I think Mr. Green's point is quite apt. He is basically saying that if we want to actually get a bill that is going to pass the House, pass the senate, be signed by the President, we need to do a lot more work on a bipartisan basis.

I am not arguing about what we have done in the past on the other bills. I agree with you. But I think that it is quite clear that we are not making progress on this one and that we shouldn't have had the markup today because it is not going anywhere. That is my only point. And that is why we are going to be offering the amendments from Ms. Matsui, as well as Ms. Eshoo, because we are not there and I just don't want to give the impression to our Democratic colleagues that we are. We are certainly not.

If you want to add anything else --

Mr. Walden. Well, I appreciate the gentleman's clarification because I was trying to, in my own statement, be very clear that we were able to reach agreement on at least three

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

of Ms. Matsui's concerns. The others I said very clearly we couldn't find common ground on. That is kind of a legislative process. So, I appreciate your admitting that.

Mr. Pallone. No, I understand. I don't disagree with you.

Let me take my time back. I don't disagree with you. I am simply saying I think Mr. Green is right. We can work further and come up with a consensus bill on the points that Ms. Matsui and Ms. Eshoo raises and I just hope that we do. We certainly are not there yet.

And with that, I yield back.

The Chairman. The gentleman yields back his time.

Other members wishing to speak on this? Mr. Kinzinger is recognized for 5 minutes.

Mr. Kinzinger. Thank you, Mr. Chairman.

I just want to say thanks to Chairman Walden for offering this amendment today. I have said many times before the intent of this legislation is simply to ensure that the government is not in the business of mandating what rates consumers are going to pay for broadband, very simple.

Time and again through this process, we have heard the argument that the language in this bill, as it stands, might have unintended impacts in other areas of regulation. For example, when Harold Feld was before the committee, he specifically mentioned billing practices in the Universal Service Fund. We

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

took those concerns to heart.

Additionally, in our subcommittee process, some more areas of concerns were mentioned. Just to ensure clarity of argument, I am going to read a small out-take outlining the arguments from the transcripts of that subcommittee markup.

It was stated "the bill is far broader and could eviscerate the FCC's authority to protect consumers against truth-in-billing practices, discriminatory data caps, to ensure that broadband availability through the USF and e-rate are protected to address rate-related issues and merger reviews to ensure enforcement against paid prioritization.@ Those are all legitimate concerns.

So, let's take a look at what is in this amendment. Number one: Nothing in this Act shall impact the authority of the Commission in regards to the Universal Service Fund. Cool.

Nothing in this Act shall impact the authority of the Commission in regards to truth-in-billing. Awesome.

Nothing in this Act shall impact the authority of the Commission in regards to paid prioritization. Straightforward.

For the purpose of this Act, broadband internet access service shall not be construed to include data roaming. Excellent.

For the purpose of this Act, broadband internet access service shall not be construed to include data roaming

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

interconnection.

So, as you can see, this amendment not only clarifies that the bill before us would not touch those areas of concern but we actually go even further to ensure the intent of this legislation moving forward. We really want this legislation to be bipartisan and I appreciate working our staff and leadership and everything, working with the other side of the aisle. It has been great. But in a negotiation, neither side necessarily gets everything they want.

We had five areas of concern that were offered. We have three of them in there. This is a strong move to bipartisanship. But the idea that bipartisanship becomes totally capitulate to my side, which is what I am hearing, is just unrealistic.

So, I want this to be bipartisan. I hope it is but you know, we will see.

I think it is important to note, too, lastly, Ms. Matsui, and I appreciate having worked with her but the Universal Service Fund concern, truth-in-billing, interconnection, those are all in here. So, it may not be everything but it is a really good step to bipartisanship.

So, if nobody wants to speak, I can just yield my time back. I yield back.

The Chairman. The gentleman yields back.

The gentlelady from California, Ms. Eshoo.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

Ms. Eshoo. Thank you, Mr. Chairman. I would like to ask some -- we didn't see this amendment until maybe two hours ago. It was introduced or we saw it this morning. So, I would like to ask some questions of the counsel relative to the definition of rate regulation.

Can you briefly describe the way that this amendment actually defines rate regulation?

The. Counsel. This amendment defines the term rate as the amount charged by a provider of broadband internet access service for the delivery of broadband internet traffic. The bill also defines broadband internet access service as the meaning given such term in the rules adopted by the FCC as part of the Open Internet Order.

The term regulation is defined as regulation or regulate means with respect to a rule, the use by the Commission of rulemaking or enforcement authority to establish, declare, or review the reasonableness of such rates.

Ms. Eshoo. And where did this definition come from? Is it a definition that is used elsewhere in the law?

The. Counsel. The definition of broadband internet access service is used elsewhere in the law. The definitions of rate and regulation are for the purposes of this Act.

Ms. Eshoo. So, it essentially rests on the definition of broadband and what you just described, not anything else.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

The. Counsel. All three of these definitions work in conjunction to define the scope of the Act.

Ms. Eshoo. I am just on broadband. Now, are you aware of the definition of rate-setting the Supreme Court recently adopted, the Federal Energy Regulation Commission v. Electric Power Supply Association?

The. Counsel. I don't have that in front of me, no.

Ms. Eshoo. All right. Well, I think it is important to draw from, and I don't think it has happened, where you choose not to use tested Supreme Court definitions, rather than writing your own definition without any legal vetting. I mean we are writing a law. This is a markup. This is not just a -- it is an important debate but we are writing a bill. So, these are very important tenets, I think that need to be honored.

Now, in the description from our friends in the majority that -- and I want to thank you for where you have moved to. You have moved. You have moved somewhat. You have moved somewhat. But data caps are not in this. Merger reviews are not in this. FCC transparency are not in this. And general conduct standards of the Net Neutrality Rule are not in it.

Now, maybe you think these things are a pile of junk.

Mr. Walden. What?

Ms. Eshoo. I don't know. But they are very important elements.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

So, I agree with our ranking member.

Mr. Walden. Would the gentlelady yield on that?

Ms. Eshoo. Just a moment. I just want to finish and then I would be glad to. I don't think that this effort is ready for prime time. I really don't.

And I want to make something very clear. And that is that the Democrats are not for rate regulation of the internet. We are not. And that is why I offered before, I will offer again, the amendment that codifies exactly what the majority has been saying all along. Where we somehow have hit the ropes is that we are starting to get into well, we will allow the FCC to do this but we won't allow the FCC to do that.

And I think that that is skating on thin ice, I really do. I don't know where the FCC has gone so long on data caps, on merger reviews, on transparency, on the general standards. So, I think this needs some more work. And I hope with more work that we can come to an agreement.

So with that, I would be glad to --

Mr. Walden. Would the gentlelady yield?

Ms. Eshoo. I would be glad to yield the remainder of my time to the chairman of the subcommittee.

Mr. Walden. I appreciate that, the gentlelady and I appreciate her comments.

Nearly everything that you have raised of your concerns that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

is not in here are not in there because the authorities continue to exist under the Federal Communications Act under the Open Internet Rule to continue to regulate. We didn't address any of those. Because I know you --

Ms. Eshoo. Well, let me ask you something. I am not a lawyer.

Mr. Walden. That is true.

Ms. Eshoo. Are you?

Mr. Walden. No.

Ms. Eshoo. Okay.

Mr. Walden. That usually gets around the --

Ms. Eshoo. So, we come from the same starting point.

When under your amendment's definition of rate regulation, does that include what I mentioned, even though you don't mention it in your amendment?

Mr. Walden. Could you read me the list again?

Ms. Eshoo. Data caps, merger review, FCC transparency, general conduct standards, you know the Net Neutrality Rule, are those are all just assumed and covered under your new definition that the counsel just read?

Mr. Walden. So, mergers, I am told, has been outside the bounds for 25 years. And so we don't address that.

What were the other ones? I am sorry. We can kind of go one by one.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

Ms. Eshoo. Data caps, merger review, FCC transparency, general conduct rules.

Mr. Walden. They would not be allowed to regulate data caps under our bill. That is true. The transparency rule stays the same.

Ms. Eshoo. Well, see --

Mr. Walden. So, we don't address that. So --

Ms. Eshoo. We are over our time. I don't know if anyone wants to yield.

The Chairman. I was letting you be constructive.

Mr. Pallone. Keep going.

Ms. Eshoo. Thank you, Mr. Chairman.

See, I think that this is where the problem is. First of all, the amendment was filed a couple of hours ago. So, we are asking questions to find out what is in it. What does it bump into? What does it protect? What does it leave out?

And I don't know if anyone on this side is really full cognizant. I can't answer those questions.

Mr. Walden. I think we can address them.

Ms. Eshoo. I think that you just attempted to but that is why I think this needs more work.

Mr. Walden. Well --

Ms. Eshoo. I sincerely mean that. And I think that you and I need to sit down and talk, Mr. Chairman --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Walden. I would be happy to.

Ms. Eshoo. -- and not just our staffs.

Mr. Walden. Anytime. So, I think we can address each of those issues, and have with our legal counsels. Second, our amendment was filed approximately the same time all amendments are filed, well within the rules, two hours.

Ms. Eshoo. Well, I was criticized for filing something 36 hours ahead of time. Now, we have a new standard. So, it came in under the wire.

The point is, not the hour but the knowledge.

Mr. Walden. I am happy to give it to you.

Ms. Eshoo. Yes, so that is why I am asking the questions. And I would just ask you directly if you can postpone this and that we take another stab at this to see if we can come to a meeting of our minds. I think it deserves that.

If not, then, we will proceed. But that is what I would ask in all sincerity and see if we can reach an agreement.

Mr. Walden. Well, I am always open to sitting down and talking, as you know. I am always open, our side is, to negotiating these things. When issues have come up like Ms. Matsui raised four or five issues, we had that discussion. We didn't agree to everything that she had concerns about but this is a legislative process. Three of them are, I think, addressed appropriately here.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

On some of these issues, we just have a disagreement. This bill was filed a year ago. We have had the due process of hearing on it in subcommittee, markup on it in subcommittee. Now, we are here to markup on full committee.

Ms. Eshoo. Reclaiming my time.

Mr. Walden. Well, I don't know who has got the time.

The Chairman. Time is now expiring.

Ms. Eshoo. Expired, okay.

The Chairman. Let me just say that I would encourage both of you to perhaps, as you suggested, sit down together. It is going to be a while before this bill gets to the house floor. If you are able to reach further accommodation on an amendment that addresses the concerns that not only Ms. Matsui raised earlier but now, I certainly would be willing to help urge the rules committee to allow such an amendment.

And with that, the gentlelady's time has expired.

Is there anyone on this side? Going back to the other side, the gentleman from Pennsylvania is recognized for 5 minutes.

Mr. Doyle. Thank you, Mr. Chairman. I would like to strike the last word and oppose this amendment on the underlying bill.

As has been discussed, this amendment was filed this morning so, we have had very short time to read the text or discuss the full ramifications of the language with the FCC or any other expert authority. But in the short time that we have had to look this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

over, I can tell you that I have grave concerns about it and the underlying bill as well.

You know with the subcommittee markup, there seems to be some misunderstanding between our two sides about what opposition to rate regulation means. To be clear, what I mean is that I do not support ex ante regulation, which is what the FCC explicitly prohibited in the Open Internet Order. I, along with many of my colleagues, agree with Chairman Wheeler and the majority of the FCC that they should not be in the business of explicitly setting the cost of broadband service, nor should they be in the business of explicitly approving or denying rate changes.

What I and many of my colleagues on this side of the aisle do not agree with is this legislation and this amendment's attack on the FCC's ability to enforce the Communications Act and its own rules.

While I appreciate that this amendment carves out universal service, truth-in-billing, and paid prioritization, I believe that it puts at great risk the Commission's enforcement authority, its ability to evaluate mergers, and its ability to act in the public interest.

One of the most notable carve-outs not in this amendment or the underlying text is the one for the Open Internet Order. This submission would seriously endanger the FCC's ability to evaluate zero-rating programs, enact or enforce any forthcoming rules to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

protect consumer privacy or enforce the Commission's general conduct standard. These rules are intended to protect consumers and the vibrancy of our innovative and competitive online economy. So, it is unacceptable that this amendment and the underlying bill would undermine them.

This amendment does not address the underlying harms this bill will do to the internet ecosystem or the American people. Therefore, I cannot support this amendment and I encourage my colleagues to do the same.

Mr. Walden. Would the gentleman yield?

Mr. Doyle. Yes, I will.

Mr. Walden. I appreciate it. I would ask the gentleman, do you support things like the Binge On Initiative from T-Mobile?

Mr. Doyle. We have some concerns about that.

Mr. Walden. You have concerns about it. Okay. The reason I raise that is by all estimates, some 34 petabytes of data have gone through that program so far, saving consumers maybe as much, maybe, these are just rough estimates, \$100 million. Consumers are actually getting a choice here on Binge On. And I am not advocating T-Mobile or anybody else but I am saying that this is the kind of innovation in the marketplace that consumers are going to and it is saving them money, that the FCC has said well, maybe this is okay but you know what, we are going to take a look at it, too; we may come back and say it wasn't okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

And so I am trying to get to where the consumers --

Mr. Doyle. There are a lot of providers that aren't in this. YouTube is not in it. Facebook is not in it.

Mr. Walden. By choice.

Mr. Doyle. I mean I think what this boils down to, really, is whether or not you believe the FCC should have the ability to enforce its own rules.

Mr. Walden. If the gentleman will yield. Facebook, I believe, is doing a free data process overseas and here, too.

I mean the companies are innovating. That is why I don't understand the objection to stopping the FCC from post facto rate regulating by coming back on them or T-Mobile or somebody and saying you know what, it wasn't really fair so, now we are going to come back and punish you. That is what suffocates innovation in a vibrant marketplace that heretofore has not labored under the heavy hand of government regulators.

Mr. Doyle. Listen, this is to make sure that ISPs aren't picking winners and losers. That is what this is about. I just think, and the bottom line is this, either you believe you don't believe that the FCC should have the ability to enforce its own rules, act in the public interest, approve or deny mergers. That is not just rate regulation. That is the Commission doing its job. And if you disagree with that, that is fine but we don't.

Ms. Eshoo. Would the gentleman yield?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Doyle. And I will yield to Ms. Eshoo.

Ms. Eshoo. Thank you, Mr. Doyle.

I just wanted to add something to this for Mr. Walden to consider. If the provisions that are left out of the bill won't be impacted by the bill, why not just say so explicitly? I just put that out there because I think it is an important thought, if in fact we get to sit down and talk about this and put this off to another day and see if we can come to some kind of an agreement. We may have too much of a chasm but I think we should try.

The Chairman. The gentleman's time has expired.

Other members wishing to speak on the amendment? The gentleman from New Mexico.

Mr. Lujan. Thank you, Mr. Chairman. And my question is to the General Counsel. I apologize, some of the questions may be the same that I asked in the subcommittee markup. I think that there is a different General Counsel in the chair today. So, I apologize if some of this is redundant.

But my questions follow up on Ms. Eshoo's question about the definition of rate specifically. Can you tell me where the definition that is included in the amendment comes from?

The Counsel. This is a definition that was drafted that was drafted for the purposes of this amendment.

Mr. Lujan. So, this definition was drafted for the purposes

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

of this amendment. Were there reference materials that were used for the drafting for the definition of rate in the amendment?

The. Counsel. Yes, in the process, we looked at different definitions used in different contexts, including different court cases.

Mr. Lujan. Can you tell me which court cases you used?

The. Counsel. I don't have the citation with me but one of the cases was the Supreme Court's decision in Hope.

Mr. Walden. If the gentleman would yield.

Mr. Lujan. I would.

Mr. Walden. Because it was really an elected official that helped write this definition, that would be me, with the support of counsel, obviously. Because that is what we do here is we write law. We define things. And that is what we are doing here.

And we did look at the FPC v. Hope Natural Gas case, which as you know, having been a regulator, sort of set the standards for what rate regulation and tariffing. It is a 1944 case from the Supreme Court.

I appreciate the gentleman yielding.

Mr. Lujan. I appreciate the response from my chairman.

As we look at the case from 1944, there has been a lot that has been derived from how rates have been treated. Having the honor of serving on the regulatory body in the mid-2000s, for different rate proceedings, we have been in front of that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

Ms. Eshoo asked specifically as well if the counsel was familiar with the more recent rendering by the Supreme Court with the Federal Energy Regulatory Commission v. Electric Power Supply Association. Are you familiar with that case?

The. Counsel. I am not and I do not have the case in front of me.

Mr. Lujan. Was that case used in any way to look at the definition of rate, since it is more updated from 1944?

I yield to anyone.

Mr. Walden. No, because this is an issue of first impression.

Mr. Lujan. Not being an attorney, I appreciate that.

Mr. Walden. And just one other note. By the way, the Communications Act is from 1934. So, it is actually 10 years older than this court case. But this court case fundamentally set how you determine a rate of return and all of that, as you know, in the R equals zero plus V, minus V R.

Mr. Lujan. I appreciate that Mr. Chairman.

And my question to counsel, again, is last time I asked if you all used a dictionary. This is an older version, maybe published in 1944 of a dictionary. Today, you go can online and Webster's has a simple search engine derived by Yahoo! or Google or just about anyone else, you can get to Webster's. There is various aspects of the term rate that is defined inherently

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

therein as well.

All that I am saying here is with the complexity associated with how this term -- and did counsel use the definition in the dictionary?

The. Counsel. We considered various definitions of the word rate and drafted a provision that we think best reflects the intent and purpose of this bill.

Mr. Lujan. Okay. And real quick, Mr. Chairman, if I could address one other question because this gets to the specificity associated with the definition that is used. And I appreciate that there was an attempt made as well to define this. I think we need to get closer to defining rate as well.

But my concern is this: as we look at rates inherently with all aspects associated with charges, can counsel guarantee me that paid prioritization is not impacted by this definition of rate?

The. Counsel. This amendment explicitly has an exception that says nothing in this Act shall be construed to affect the authority of the commission to enforce Section 8.9 of Title 47 Code of Federal Regulations, which is the codification of the FCC's paid prioritization rule from the Open Internet Order.

Mr. Lujan. But then the definition of rate goes on to say anything charged for internet services. So, anything charged for a service is inherently all the costs and all the inputs into what is going to be charged.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

So, if there is an aspect here with how vague we are with these definitions, that is our concern here. Look --

Mr. Walden. Will the gentleman yield?

Mr. Lujan. Real quick, Mr. Chairman. Just one last point and I will yield to you.

Mr. Walden. Yes.

Mr. Lujan. Ms. Eshoo offered an amendment during the subcommittee markup that would have codified the FCC's order that we all say we agree with. It would have put that into this definition. It would have put it into law. It would have made clear that, as Ms. Eshoo made very clear, the democrats do not want there to be rate regulation, tariff regulation, charge regulation, whatever it may be, with the setting of paying for internet services by the FCC. Let's be clear about that. But Ms. Eshoo's amendment would have done that.

And so with that, I yield to the chairman.

The Chairman. The chairman's time has expired.

The chair recognizes Mr. Shimkus.

Mr. Shimkus. Thank you, Mr. Chairman. I yield my time to Mr. Walden.

Mr. Walden. I thank the gentleman for yielding. Let me, because I know my friend from New Mexico ran out of time, and so let me respond to a couple of points.

First of all, let me set on the record that the Republican's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

did not fully embrace in its entirety the Open Internet Order from the FCC. So, that is a bit of an overstatement from that.

What we do oppose is blocking and throttling and paid prioritization and the offensive things. We did not support the Title II Common Carrier Regulation, take the internet backwards into when we regulated canals and railroads and telecommunications like a grid. So, let me clarify that for the record. I know he didn't mean to overstate and drag us into something we are not a part of.

Second, this is what we do, is define things. We do it all the time here in Congress. And what we are doing here is defining rate means the amount charged by a provider of broadband internet access service for the delivery of broadband internet traffic. We did look at other legal sites. We did look at other legal precedents in coming up with this definition. And so, I mean it is what we do here. And so I think it is reasonable.

What we don't want, and I would hope that you would agree with me on this, what we don't want is a Commission either this one or a future one that has post facto penalty rate regulation, where you have innovation in the marketplace like I cite with Binge and other companies and then an FCC, including this one, that is saying well, we are going to take a look at that. It is out in the market. It has saved consumers maybe \$100 million. I don't know the number for sure. That is a big ballpark estimate on our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

part. But given the amount of data and kind of the data rates, we did an estimate.

The long and short of it is consumers are making the choice, not the regulator. But the regulator could come back and say well, gee, you didn't asked Mother May I but then you didn't really have to but we can come back afterwards and say hey, you went afoul. And that is the thing that we are trying to stop here and define it. And maybe this FCC won't go down that path but there is no guarantee the next one won't.

And so I am not a fan of a big, heavy FCC regulatory arm of three people, really one chairman, whoever that is in the future or today, that can come in and decide the whole fate of the internet and snuff out innovation and the kind of technology we have seen.

Because remember, we have gotten here without Title II regulation. We have gotten the innovation, the jobs, the technology, the consumer choice without Mother May I or gosh, did I make a mistake, or I thought it was okay, and then they come back and whack you. And that is what we are trying to avoid.

If you want to join with us, I have had draft legislation for more than a year open to the Democrats to join us to simply block paid prioritization, blocking, throttling. The things where we do find common ground, I would welcome you to be a part of that. We can't go, as Republicans, all the way to Title II regulation and government intrusion in the internet. We will be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

with you on stopping the bad behavior and punishing it, no question, clear. But now you are going to have a court case that may well decide it is okay to regulate on the hard wire side but not on the mobile side. That may well be the outcome and then what kind of internet are you going to have in terms of regulatory environment, when we are all going mobile?

And so I wish we could find common ground on this other point but so far, no takers. So, I yield to my friend from Texas.

The Chairman. The gentleman from Illinois' time.

Mr. Walden. Oh, I am sorry. Yes, I yield back.

Mr. Barton. I have tried not to get too involved in this debate but, at some point in time, you just have to kind of say the facts are the facts.

This is a one-sentence bill. One sentence. All you have got to do is read the bill. It says you are not going to regulate rates charged for broadband internet. Why do we have to have the bill? Because the Obama FCC has bent over backwards to try to figure out a way to get regulation of the internet and they did it through this order. And so the chairman of the subcommittee, with the support of the full committee chairman has introduced a one-sentence bill that a fourth grader can understand.

And I was here in 1996 when we passed the Telecommunications Act that created what today is called the open internet. And we consciously made a decision that we weren't going to have any kind

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

of rate regulation and that has worked until this FCC has taken it upon itself to try to shoehorn regulation into Title II, the 1934 Communications Act, when we had a monopoly in this country of hardline telephone service.

This is a simple bill. We should all vote for it. And then in the next administration, if we need to go back and clean it up, let's do it. But I strongly support the bill. I strongly support the amendment because it is an attempt by the subcommittee chairman to adhere to some of the issues that the minority raised in subcommittee and in earlier amendments apparently this morning at this markup.

It is that simple.

Mr. Pallone. Will the gentleman yield?

The Chairman. The gentleman's time has expired.

Mr. Pallone. His time has expired?

The Chairman. Other members wishing to speak on the amendment? Seeing none, the vote occurs --

Mr. Pallone. Yvette has --

The Chairman. I am sorry. The gentlelady from New York is recognized. Strike the last word.

Ms. Clarke. Thank you, Mr. Chairman. My Republican colleagues have offered this amendment and it will preserve the FCC's authority over some policy issues with regard to consumer protections. This amendment only singles out subpart Y of Part

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

64 of Title 47 of the Code of Federal Regulations. I am concerned with the FCC's critical consumer protections that they have been omitted from this amendment.

Counsel, could you tell us whether the Communications Act or FCC rules specify any other consumer protections?

The. Counsel. Could you clarify the question, please?

Ms. Clarke. Yes, according to this amendment, we are looking at singling out Subpart Y of Part 64 of Title 47 of the Code of Federal Regulations.

And the FCC has a critical role in consumer protection. So, I was wondering if you could tell us whether the Communications Act or the FCC rules specify any other the consumer protections.

The. Counsel. The Communications Act does contain other provisions that are related to consumer protection. This bill only addresses the regulation of rates as defined by the bill.

Ms. Clarke. But do you know whether it includes the truth-in-billing provisions of Subpart Y of Part 64 of the FCC Rules?

The. Counsel. This amendment explicitly carves out those rules. The truth-in-billing rule is codified at Subpart Y of Section 64 of 47 CFR.

Ms. Clarke. Well, given the way that this amendment codifies the FCC truth-in-billing rules, would the Commission be able to amend these rules in the future or would these rules be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

frozen in time by statute?

The. Counsel. This would except anything codified at that portion of the CFR.

Ms. Clarke. So, frozen in time?

The. Counsel. No, as long as they are codified in that Subpart Y of Part 64 of Title 47, related to --

Mr. Walden. Would the gentlelady yield for a clarification, since I am the author?

The. Counsel. Yes.

Ms. Clarke. Yes, I will, Mr. Chairman.

Mr. Walden. I think as long as -- they could continue to amend under their existing authorities on truth-in-billing and all, as long as they don't get into rate regulation, which I think we have general agreement we don't want them to do.

So, they could still -- they have got general authorities they can use. We just said here, we are not touching what they have already done in terms of -- we want them to continue to have that authority. We sort of wanted to spill over into where they do post facto rate regulation, if you will.

Ms. Clarke. Reclaiming my time, I would like to yield some time to Ms. Eshoo.

Ms. Eshoo. The last time I checked, it is only Congress that can write a statute. Counsel, is that right or is that wrong?

The. Counsel. That is accurate.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Ms. Eshoo. All right. So, this business of going left and turning right, and then going north and then go southeast, and southwest, and you can and you can't, and we are going to pick and we are going to choose, you know what? We are skating on very thin ice.

In a markup to consider something that applies to some things, we are not so sure about other things, based on laws that are old, and what is present has really not been taken into consideration and vetted. So, this is really getting messy.

And to Mr. Barton, who is my cherished friend and partner on this committee, I don't care if it is one sentence or one page or one hundred pages. It says what it says and it falls short. It is not as simple -- I wish it were simpler.

I tried to make it simple. I will yield back to the gentlewoman. I think she makes an excellent point.

Ms. Clarke. I thank Ms. Eshoo. And I would like to note that the critical consumer protections embodied by the FCC's transparency rules are not included. Isn't the purpose of those rules to protect consumers and make sure they have sufficient information when purchasing broadband internet services, Madam Counsel?

The Counsel. I don't believe that those rules are affected or impacted by the amendment before us.

Ms. Clarke. You don't believe that?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The. Counsel. Because they are not related to the regulation of the rates charge, which is what is addressed in this amendment.

Ms. Clarke. But when they purchase their broadband internet services, the rates are baked in, aren't they?

The. Counsel. The transparency provisions are separate from this amendment, they are not affected by the way that the language --

Ms. Clarke. And I think that that really proves the point that my colleague, Ms. Eshoo, and so many others have stated, if we are going to be legislating, creating statute in the 21st century, I think that we need to take the time to do the work that is required, so that we are dealing with a comprehensive matter -- this matter in a comprehensive manner.

Mr. Chairman, I yield back.

The Chairman. The gentlelady's time has expired. The chair will recognize the gentleman from Pennsylvania, Dr. Murphy.

Mr. Murphy. I would like to yield some time to Mr. Walden.

Mr. Walden. I thank the gentleman. I just have to clarify this. We believe in all the consumer protections my colleague from New York just talked about. That is why specifically in the legislation you still have all that authority over there on consumer billing, all those things. This is what is bizarre here. I am having trouble following because we specifically in the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

legislation, to address the issue that the gentlelady raised from New York say none of this applies. FCC, you still have your truth-in-billing. You still have all the consumer protection you have always had. This doesn't address it. This just says on rate-making only.

And by the way, if we want to talk about ages of statutes, the FCC is going back to the 1800s, when they regulated railroads and all to regulate the internet. I mean you have got a 1934 Communications Act. So, the age isn't the issue here. It is trying to make sure that consumers have all the protections. We do that in this bill. We don't mess with that. A simple reading of it will say that. That is why we do exceptions and we put it in here to make it doubly certain. We wouldn't even have to have this in here to leave the same authority the FCC has. We specifically said, though, nothing in there takes away that authority.

Second, what we are concerned about is a runaway FCC that will engage in rate regulation in reverse. They will wait until a company has proposed something and has it out in the marketplace and then they will come back and second guess what was offered to consumers. That is why I point out what T-Mobile is doing. T-Mobile has a product. They put it out to consumers. Guess what? There has been big uptake by consumers, apparently. I mean we saw, what, 34 petabytes of data? Maybe \$100 million in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

savings to consumers. That seems like a good thing. It is pro-consumer. This is a pro-consumer bill. This is a bill that says let's continue the vibrant marketplace we have had under the internet economy to allow people to innovate and not have a regulator for the first time come back and be able to say sorry, you got it wrong; here is the penalty; stop what you are doing.

These plans that are out there, just starting to emerge in America are being used by others in other countries today. The consumers will react. They will react a lot faster than an FCC or a Congress.

We are just saying here is what rate means. It means the amount charged by a provider or broadband internet service for the delivery of broadband internet traffic. And you know, regulate, it is pretty simple. The term regulation or regulate means with respect to a rate --

Mr. Pallone. Just like Donald Trump.

Mr. Walden. -- the use by the Commission of rule-making or enforcement authority to establish clear review of the reasonableness of such rate. We defined all this. It is a pretty simple bill but it has big impact for consumers in a positive way and for innovation technology.

Mr. Pallone. Will the gentleman yield?

Mr. Walden. I would be happy to yield to my friend from New Jersey.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

Mr. Pallone. I couldn't disagree more. I am very concerned that this bill is going to undermine the FCC's ability to protect consumers. And going back to what Mr. Barton said before, you know he says this is a very simple bill but it is deceptively simple because it says only that the FCC may not regulate rates. But as many experts have pointed out, and I think the debate here shows that the term rate regulation could mean anything.

And you know the Republicans claim that they intend the bill to be narrow. We have heard over and over again, though, from our side, that this could swallow vast sections of the Communications Act.

Mr. Walden. Reclaiming my time.

Mr. Pallone. I agree that you are going to protect the consumer.

Mr. Walden. Reclaiming my time.

Mr. Pallone. I do not think it is true. Yes.

Mr. Walden. Well, reclaiming my time. We have been very careful to make sure the consumers are not only protected but that they continue to have a vibrant marketplace where providers can innovate and offer them new choices. That is what is growing the internet to begin with. That is what we embrace.

It is this FCC, who by the way initially did not want to go down the full Title II regulatory common carrier path until they were forced to by the White House, that is what we are trying to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

avoid here is full rate regulation or post facto rate regulation, the worst form of regulation. And that is what you are going to get. That is what you are going to get from this FCC or the next one is second guessing on rates that are going to get involved in this and you are going to regret the day that we did not pass this if we don't get it through here. So, Mr. Chairman, I yield back. I think we have made our case. The only final point I would make before yielding is for my colleagues on the other side of the aisle, I would think you would actually want to support this amendment, since it improves the bill and addresses at least three of this issues Ms. Matsui raised, and then whatever you want to do on the final passage. I yield back.

The Chairman. The chairman from Pennsylvania yields back his time.

Other members wishing to speak on the amendment? Seeing none, the vote occurs on the Walden Amendment. A roll call has been asked. The clerk will call the roll.

The Clerk. Mr. Barton.

Mr. Barton. I was thinking I would vote no but I am going to vote yes.

The Clerk. Mr. Barton votes aye.

Mr. Whitfield.

Mr. Whitfield. Aye.

The Clerk. Mr. Whitfield votes aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Shimkus.

Mr. Shimkus. Aye.

The Clerk. Mr. Shimkus votes aye.

Mr. Pitts.

Mr. Pitts. Aye.

The Clerk. Mr. Pitts votes aye.

Mr. Walden.

Mr. Walden. Aye.

The Clerk. Mr. Walden votes aye.

Mr. Murphy.

Mr. Murphy. Aye.

The Clerk. Mr. Murphy votes aye.

Mr. Burgess.

Mr. Burgess. Aye.

The Clerk. Mr. Burgess votes aye.

Mrs. Blackburn.

[No response.]

The Clerk. Mr. Scalise.

[No response.]

The Clerk. Mr. Latta.

Mr. Latta. Aye.

The Clerk. Mr. Latta votes aye.

Mrs. McMorris Rodgers.

[No response.]

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Clerk. Mr. Harper.

Mr. Harper. Aye.

The Clerk. Mr. Harper votes aye.

Mr. Lance.

Mr. Lance. Aye.

The Clerk. Mr. Lance votes aye.

Mr. Guthrie.

Mr. Guthrie. Aye.

The Clerk. Mr. Guthrie votes aye.

Mr. Olson.

Mr. Olson. Aye.

The Clerk. Mr. Olson votes aye.

Mr. McKinley.

Mr. McKinley. Aye.

The Clerk. Mr. McKinley votes aye.

Mr. Pompeo.

Mr. Pompeo. Aye.

The Clerk. Mr. Pompeo votes aye.

Mr. Kinzinger.

Mr. Kinzinger. Aye.

The Clerk. Mr. Kinzinger votes aye.

Mr. Griffith.

Mr. Griffith. Aye.

The Clerk. Mr. Griffith votes aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Bilirakis.

Mr. Bilirakis. Aye.

The Clerk. Mr. Bilirakis votes aye.

Mr. Johnson.

Mr. Johnson. Aye.

The Clerk. Mr. Johnson votes aye.

Mr. Long.

Mr. Long. Aye.

The Clerk. Mr. Long votes aye.

Mrs. Elmers.

[No response.]

The Clerk. Mr. Bucshon.

Mr. Bucshon. Aye.

The Clerk. Mr. Bucshon votes aye.

Mr. Flores.

Mr. Flores. Aye.

The Clerk. Mr. Flores votes aye.

Mrs. Brooks.

Mrs. Brooks. Aye.

The Clerk. Mrs. Brooks votes aye.

Mr. Mullin.

Mr. Mullin. Aye.

The Clerk. Mr. Mullin votes aye.

Mr. Hudson.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Hudson. Aye.

The Clerk. Mr. Hudson votes aye.

Mr. Collins.

Mr. Collins. Aye.

The Clerk. Mr. Collins votes aye.

Mr. Cramer.

Mr. Cramer. Aye.

The Clerk. Mr. Cramer votes aye.

Mr. Pallone.

Mr. Pallone. No.

The Clerk. Mr. Pallone votes no.

Mr. Rush.

[No response.]

The Clerk. Ms. Eshoo.

Ms. Eshoo. No.

The Clerk. Ms. Eshoo votes no.

Mr. Engel.

[No response.]

The Clerk. Mr. Green.

Mr. Green. No.

The Clerk. Mr. Green votes no.

Ms. DeGette.

[No response.]

The Clerk. Mrs. Capps.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mrs. Capps. No.

The Clerk. Mrs. Capps votes no.

Mr. Doyle.

Mr. Doyle. No.

The Clerk. Mr. Doyle votes no.

Ms. Schakowsky.

Ms. Schakowsky. No.

The Clerk. Ms. Schakowsky votes no.

Mr. Butterfield. Mr. Butterfield. No.

The Clerk. Mr. Butterfield votes no.

Ms. Matsui.

Ms. Matsui. No.

The Clerk. Ms. Matsui votes no.

Ms. Castor.

Ms. Castor. No.

The Clerk. Ms. Castor votes no.

Mr. Sarbanes.

Mr. Sarbanes. No.

The Clerk. Mr. Sarbanes votes no.

Mr. McNerney. No.

The Clerk. Mr. McNerney votes no.

Mr. Welch.

Mr. Welch. No.

The Clerk. Mr. Welch votes no.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Lujan.

Mr. Lujan. No.

The Clerk. Mr. Lujan votes no.

Mr. Tonko.

Mr. Tonko. No.

The Clerk. Mr. Tonko votes no.

Mr. Yarmuth.

Mr. Yarmuth. No.

The Clerk. Mr. Yarmuth votes no.

Ms. Clarke.

Ms. Clarke. No.

The Clerk. Ms. Clarke votes no.

Mr. Loeb sack.

Mr. Loeb sack. No.

The Clerk. Mr. Loeb sack votes no.

Mr. Schrader.

Mr. Schrader. Aye.

The Clerk. Mr. Schrader votes aye.

Mr. Kennedy.

Mr. Kennedy. No.

The Clerk. Mr. Kennedy votes no.

Mr. Cardenas.

Mr. Cardenas. No.

The Clerk. Mr. Cardenas votes no.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Chairman Upton.

The Chairman. Votes aye.

The Clerk. Chairman Upton votes aye.

The Chairman. Other members wishing to cast a vote? How has Mr. Engel voted?

Mr. Engel. No.

The Clerk. Mr. Engel votes no.

The Chairman. Other members wishing to cast a vote? Seeing none, the clerk will report the tally.

The Clerk. Mr. Chairman, on that vote, there were 28 ayes, 21 noes.

The Chairman. With 28 ayes, 21 noes, the amendment is agreed to.

Are there further amendments to the bill? The gentlelady from California, Ms. Eshoo.

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

[The Amendment offered by Ms. Eshoo follows:]

*****INSERT*****

The Chairman. The clerk will report the title.

Ms. Eshoo. I think it is FOREBEAR_01.

The Clerk. Amendment to H.R. 2666 offered by Ms. Eshoo.

The Chairman. The amendment will be considered as read.

The staff will distribute the amendment. And the gentlelady is recognized for 5 minutes in support of her amendment.

Ms. Eshoo. Thank you, Mr. Chairman.

I think the members of the full committee on both sides of the aisle are now familiar with this amendment. I offered it at the subcommittee. And what the amendment does, very simply, is to place or to codify what the FCC adopted and that is no rate regulation and the forbearance as put forward by the Commission in Sections 203, 204, and 205; and to the extent Sections 201 and 202 could be read to allow the Commission to implement ex ante rate regulation, they also forbore from those provisions, too.

So, long story short, what this amendment expresses very simply is that there is that we do not support the FCC setting the monthly recurring rate that consumers would pay for broadband internet access service.

And this is a position that I think has been consistent with what the expressions of the chairman of the subcommittee have expressed, members on both sides of the aisle. I think it is very, very clear and I offer this amendment and I would ask not only the full consideration but the support of members for this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

because, as I said a moment ago, it simply codifies the forbearance used in the FCC's order and ensures it cannot be reversed by a future commission, period, amen.

I yield back.

The Chairman. Is there discussion of the gentlelady from California's amendment? The gentleman from Oregon seeks recognition.

Mr. Walden. Yes, thank you, Mr. Chairman. I am going to oppose the amendment but I want to ask the counsel a question, as we review this amendment.

And my question is this. Counsel, would this amendment prohibit the FCC from any kind of post facto, what I will describe as post facto rate-making by going back after the fact and penalizing somebody for the rate that they charged?

The. Counsel. No, sir, the FCC's existing forbearance leaves in place their enforcement authority.

Mr. Walden. All right. With that, I think this gets to the whole underlying issue I had, in part, with this amendment. I wouldn't want them rate regulating. I agree with my colleagues on that. We don't want them rate regulating after the fact, either. And so that, among other issues of this amendment lead to me to oppose it and I would encourage my colleagues to do likewise and I yield back.

Ms. Eshoo. I was just going to ask the gentleman to yield.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

The Chairman. Does the gentleman want to yield to the gentlelady from California?

Mr. Walden. I certainly, can. Sure, of course.

Ms. Eshoo. Thank you very much.

Let me just ask this. To the extent that Sections 201 and 202 could be read to allow the commission to implement these ex ante, if I am pronouncing it correctly, rate regulation, the Commission forbore from those provisions as well.

So, given what Mr. Walden just asked and your response, can you respond to 201 and 202 and the forbearance from those as well?

The. Counsel. Section 10(a) of the Communications Act requires a test for forbearance that requires that the FCC be able to certify that forbearing from that provision will not affect their ability to ensure something is just and reasonable. It is circular reasoning to say that they can forbear from the test for just and reasonable rates, under a test that requires you to determine that you have the ability to ensure justness and reasonableness.

Ms. Eshoo. So you are saying there is another test that the FCC could have put into place but didn't?

The. Counsel. There is test for forbearance itself must apply.

Ms. Eshoo. What is forbearance?

The. Counsel. The FCC, under Section 10(a) of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

Communications Act has a test for forbearance, which has a three-part test. The test requires that the FCC be able to show that forbearing from the rule is in the public interest. It has to show that forbearing from the rule is not necessary for the protection of consumers. And it has to show that enforcement of such regulation or provision is not necessary to ensure the charges, practices, classifications or regulations by, for, or in connection with that telecommunications service.

Ms. Eshoo. But what does that -- are you saying that you don't -- what is the implication here, that the forbearance that the FCC adopted is not solid enough, it is not believable, it is not sound? I don't understand what is being called into question.

The. Counsel. Well, what is being called into question is whether or not Sections 201 and 202 can be forborne from by the FCC under its own motion.

Ms. Eshoo. So you think they went too far out of their way not to regulate rates, is that you are implying?

The. Counsel. My legal opinion is that they have exceeded their authority in making some of the guarantees they made.

Ms. Eshoo. Oh, God! Isn't that something? Thank you.

The Chairman. Does the gentleman yield back?

Mr. Walden. Yes.

The Chairman. Okay, the gentleman's time has expired. Is there other discussion of the Eshoo amendment?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The ranking member from New Jersey is recognized for 5 minutes.

Mr. Pallone. Thank you, Mr. Chairman. I wanted to actually read for the record a letter from FCC Chairman Wheeler, who wrote to me yesterday regarding the bill.

[The information follows:]

*****COMMITTEE INSERT*****

Mr. Pallone. And I think, obviously, the concern he has is the suggestion that somehow the approach in this legislation is consistent with previous comments he made. And I think, after reading the letter, you can see that actually it is the Eshoo amendment that is consistent with what Chairman Wheeler has previously testified to.

So, if I could just read this. It is not very long and I think it is easier to just read it so that everyone understands what Chairman Wheeler is saying.

It says, Dear Congressman Pallone: I understand that the House Energy and Commerce Committee is about to markup H.R. 2666. There have been suggests that the approach in this legislation is consistent with comments I made before the Senate Appropriations Committee last year. I want to state, respectfully, that it is not.

In the Open Internet Order, the Commission expressly eschewed the future use of prescriptive, industry-wide rate regulation. That is the law of the land. We achieved that goal by forbearing from the elements of the Communications Act that require prescriptive, industry-wide rate regulation, Section 203, 204, and 205.

To the extent Sections 201 and 202 could be read to allow the Commission to implement ex ante rate regulation, we forbore from those provisions, too. And this is the light-touch

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

regulatory framework that worked for mobile voice. The same approach will work for broadband.

This broad forbearance in the Open Internet Order was the basis of my comments to the Senate Appropriations Committee. Senator Boozman asked if I objected to Congress prohibiting the Commission from the rate regulation. I responded that if Congress wanted to ensure that a future Commission would be unable to un-forbear, I would have no difficulty with it. What I said then remains true today. If Congress, in its wisdom, decides to make doubly sure that the forbearance in the Open Internet Order is the law of the land, that is Congress's prerogative.

But this bill does more than that. It would introduce significant uncertainty into the Commission's ability to enforce the three bright line rules that bar blocking, throttling, and paid prioritization rules, as well as our general conduct rule that would be applied to issues such as data caps and zero rating. It would also cast doubt on the ability of the Commission to ensure that broadband providers receiving universal service subsidies do not overcharge their consumers. Finally, it would hamstring aspects of the Commission's merger review process.

I am committed to ensuring that forbearance today is forbearance tomorrow but I would like to make plain that this bill is not consistent with the views that I expressed last year.

And I think, in fact, the Eshoo Amendment is consistent with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

what Chairman Wheeler has testified to. I would ask unanimous consent that the letter from Chairman be entered into the record.

The Chairman. Without objection.

Mr. Pallone. And I, obviously, support the Eshoo Amendment for these reasons.

The Chairman. Does the gentleman yield back?

Mr. Pallone. I yield back.

The Chairman. The chair recognizes the gentleman from Illinois, Mr. Kinzinger.

Mr. Kinzinger. Thank you, Mr. Chairman. I saw that letter and actually it is kind of confusing. I am not really sure why the chairman, Chairman Wheeler, sees the need to clarify his statements before the Senate Appropriations to us when his statements in this room were very clear.

Would the clerk please pull up the excerpt from our March 15, 2015 hearing? It was one year ago today that I had this interaction with Chairman Wheeler. I asked him whether this language would be consistent with the FCC's approach to prohibiting rate regulation.

Would the clerk please read Section 2 of H.R. 2666 as introduced?

Mr. Pallone. Parliamentary inquiry, Mr. Chairman.

The Chairman. The gentleman will state his parliamentary inquiry.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

Mr. Pallone. Well, again, when we introduce these things, I think that the gentleman has to make a unanimous consent request.

The Chairman. He asked, I think.

Mr. Pallone. I didn't hear that.

The Chairman. Yes, he did. He did.

Mr. Pallone. Okay, as long as that is the case.

The Chairman. And we approved your UC to put in your letter.

The clerk will proceed. The gentleman's time is started again.

The Clerk. Section 2, Regulation of Broadband Rates Prohibited. Notwithstanding any other provision of the law, the Federal Communications Commission may not regulate the rates charged for broadband internet access service, as defined in the rules adopted in the Report and Order on Remand, Declaratory Reading, and Order that was adopted by the Commission February 26, 2015.

Mr. Kinzinger. I guess we have a video. Cue it up, if we want to play that. It is me, so --

[Video shown.]

Mr. Kinzinger. All right, Mr. Chairman, it is the same facts as Chairman Wheeler confirmed to us was consistent with his approach. I am not sure what purpose this letter is, except to serve in this markup. But Chairman Wheeler's testimony that our bill is consistent with his approach is very clear.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

And I yield back.

The Chairman. The gentleman yields back.

Other members wishing to speak on the amendment? The gentlelady from Florida.

Ms. Castor. Thank you, Mr. Chairman. I yield my time to Ranking Member Pallone.

Mr. Pallone. Mr. Chairman, I would just like to reiterate the relevant portion of that video, that Mr. Kinzinger says said that legislation that said notwithstanding any provision of the law, the Federal Communications Commission may not regulate the rates charged for broadband internet access service, that would be consistent with that view. And then Chairman Wheeler says that is what we are trying to accomplish.

So, I think it is clear that Chairman Wheeler never said that he would support the language in H.R. 2666. In fact, he specifically said that is what the FCC is doing without legislation.

On the other hand, when he was testifying in the senate last year, he was clear about what legislation he would support and that is reflected, as I said, in the Eshoo Amendment.

So, I would urge anyone wishing to codify Chairman Wheeler's position to support the Eshoo Amendment. That clearly is consistent with his views.

And I yield back.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

The Chairman. The gentlelady yields back.

Other members wishing to speak on the amendment? Seeing none, the vote occurs on the amendment offered by the gentlelady from California. Roll call is requested. The clerk will call the roll.

The Clerk. Mr. Barton.

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Whitfield.

Mr. Whitfield. No.

The Clerk. Mr. Whitfield votes no.

Mr. Shimkus.

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Pitts.

Mr. Pitts. No.

The Clerk. Mr. Pitts votes no.

Mr. Walden.

Mr. Walden. No.

The Clerk. Mr. Walden votes no.

Mr. Murphy.

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

Mr. Burgess.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Burgess. No.

The Clerk. Mr. Burgess votes no.

Mrs. Blackburn.

[No response.]

The Clerk. Mr. Scalise.

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.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Clerk. Mr. McKinley votes no.

Mr. Pompeo.

Mr. Pompeo. No.

The Clerk. Mr. Pompeo 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.

Mrs. Elmers.

[No response.]

The Clerk. Mr. Bucshon.

Mr. Bucshon. No.

The Clerk. Mr. Bucshon votes no.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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. Pallone.

Mr. Pallone. Aye.

The Clerk. Mr. Pallone votes aye.

Mr. Rush.

[No response.]

The Clerk. Ms. Eshoo.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Ms. Eshoo. Aye.

The Clerk. Ms. Eshoo votes aye.

Mr. Engel.

[No response.]

The Clerk. Mr. Green.

Mr. Green. No.

The Clerk. Mr. Green votes no.

Ms. DeGette.

[No response.]

The Clerk. Mrs. Capps.

Mrs. Capps. Aye.

The Clerk. Mrs. Capps votes aye.

Mr. Doyle.

Mr. Doyle. Aye.

The Clerk. Mr. Doyle votes aye.

Ms. Schakowsky.

[No response.]

The Clerk. Mr. Butterfield. Mr. Butterfield.

Mr. Butterfield. Aye.

The Clerk. Mr. Butterfield votes aye.

Ms. Matsui.

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.

Ms. Castor.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Ms. Castor. Aye.

The Clerk. Ms. Castor votes aye.

Mr. Sarbanes.

Mr. Sarbanes. Aye.

The Clerk. Mr. Sarbanes votes no.

Mr. McNerney -- 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.

Mr. Yarmuth.

Mr. Yarmuth. Aye.

The Clerk. Mr. Yarmuth votes aye.

Ms. Clarke.

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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.

Chairman Upton.

The Chairman. Votes no. The Clerk. Chairman Upton votes no.

The Chairman. Other members wishing to vote? Mr. Engle votes aye.

The Clerk. Mr. Engel votes aye.

The Chairman. Mr. Engel votes aye. Mr. Green?

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

The Clerk. Mr. Green is recorded no.

Mr. Green. Would you change that to aye, Mr. Chairman?

The Chairman. Done.

The Clerk. Mr. Green is off aye -- off no, on aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Chairman. Other members wishing to cast a vote? Seeing none, the clerk will report the tally.

The Clerk. Mr. Chairman, on that vote there were 27 ayes, 20 noes.

The Chairman. The clerk will report how many ayes.

The Clerk. Twenty-seven ayes.

The Chairman. No, no, no. I think that is -- I think you are --

The Clerk. Twenty ayes, twenty-seven noes.

The Chairman. Twenty ayes, twenty-seven noes. Mr. Green and Mr. Engel were a little confusing.

The amendment is not agreed to, 20 to 27.

Are there further amendments to the bill?

Ms. Matsui. Mr. Chairman?

The Chairman. The gentlelady from California --

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

[The Amendment offered by Ms. Matsui follows:]

*****INSERT*****

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

The Chairman. -- has an amendment at the desk. The clerk will read the title of the amendment.

The Clerk. Amendment to H.R. 2666 offered by Ms. Matsui.

The Chairman. The amendment will be considered as read. The staff will distribute the amendment and the gentlelady is recognized for 5 minutes.

Ms. Matsui. Thank you, Mr. Chairman.

Access to the free and open internet is an issue of economic competitiveness for every American and that is why I supported the FCC's action last year to put strong net neutrality rules on the books.

In the Net Neutrality Order, the FCC made very clear that the agency has no intention of regulating consumer broadband rates. I don't believe the FCC should do so and neither does the FCC chairman or President Obama.

So, while I agree with my Republican colleagues who have stated they don't want the FCC to set consumer broadband prices, I remain concerned that, as written, H.R. 2666 goes far beyond what we all agree on and threatens the FCC's important duty to protect consumers. My amendment highlights some of the most glaring examples. My amendment ensures the FCC can fully enforce all the net neutrality rules. We need the FCC to be flexible so that the internet remains a vibrant platform for innovation and free speech. It also preserves other FCC functions we all agree

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

on, like universal service support for infrastructure deployment and connecting low income consumers and schools and libraries.

My amendment allows the FCC to go after fraud, like cramming on consumers' monthly phone bills. It also preserves the FCC's authorities when reviewing mergers between major corporations.

I do appreciate that my Republican colleagues attempted to address some of the issues that I highlighted in my amendment. We agree that the FCC should be able to address billing scams and ensure every American has access to broadband. I am especially pleased to see the Republican amendments speaks to my concern about fast and slow lanes on the internet, by preserving a band on paid prioritization. But my amendment would go further. It would ensure that all of the net neutrality rules, not just the ban on paid prioritization, are protected. And my amendment allows the FCC to be forward-looking and address discriminatory practices that could be future barriers to access.

So, while I appreciate these steps, I remain concerned about the potential unintended consequences of this bill, even as revised by today's Republican amendment. The future of the internet is so central to our economy and society and we need to get it right.

I urge all my colleagues to support my amendment to show they stand with consumers and innovators who need a strong FCC.

I yield back.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

The Chairman. The gentlelady yields back.

Other members wishing to speak? The gentleman from Oregon is recognized.

Mr. Walden. Thank you, Mr. Chairman. I will make this very brief.

First of all, I appreciate working with the gentlelady. We found common ground on three of the five issues. Obviously, we couldn't find it on all of them. But I do want to set the record straight that there is nothing in what we are doing on the Republican side that prevents the enforcement of going after fraudulent activity, going after breach of contract, going after slamming and cramming. All of that continues under existing law. All that continues under existing law. It does not have to be restated.

With that, I know we are on a time crunch, Mr. Chairman. I respect that and I would urge my colleagues to oppose Mr. Matsui's amendment.

The Chairman. The chairman yields back.

The chair recognizes the gentleman from New Jersey.

Mr. Pallone. Thank you, Mr. Chairman. I will be brief as well.

I support Congresswoman Matsui's amendment, even though the Republican's offered an 11th hour amendment that was intended to address our concerns, as we have already discussed, the Republican

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

amendment doesn't go far enough. The Matsui amendment provides assurance that we will preserve authority of the FCC to act in the public interest on the issues the Democrats believe are essential, which includes consumer protection, discrimination, and unfair business practices, universal service, and merger review.

So, I urge members to support Ms. Matsui's amendment and I yield back.

The Chairman. The gentleman yields back.

Other members wishing to speak on the amendment? Seeing none, the vote occurs on the amendment by the gentlelady from California. Roll call is requested. The clerk will call the roll.

The Clerk. Mr. Barton.

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Whitfield.

Mr. Whitfield. No.

The Clerk. Mr. Whitfield votes no.

Mr. Shimkus.

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Pitts.

Mr. Pitts. No.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Clerk. Mr. Pitts votes no.

Mr. Walden.

Mr. Walden. No.

The Clerk. Mr. Walden 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.

[No response.]

The Clerk. 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.

[No response.]

The Clerk. Mr. Harper.

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

Mr. Lance.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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. Pompeo.

Mr. Pompeo. No.

The Clerk. Mr. Pompeo 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.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Long.

Mr. Long. No.

The Clerk. Mr. Long votes no.

Mrs. Elmers.

[No response.]

The Clerk. 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.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Clerk. Mr. Collins votes no.

Mr. Cramer.

Mr. Cramer. No.

The Clerk. Mr. Cramer 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.

[No response.]

The Clerk. Mr. Green.

Mr. Green. Aye.

The Clerk. Mr. Green votes aye.

Ms. DeGette.

[No response.]

The Clerk. Mrs. Capps.

Mrs. Capps. Aye.

The Clerk. Mrs. Capps votes aye.

Mr. Doyle.

Mr. Doyle. Aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Clerk. Mr. Doyle votes aye.

Ms. Schakowsky.

[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.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Tonko.

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Mr. Yarmuth.

Mr. Yarmuth. Aye.

The Clerk. Mr. Yarmuth 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.

[No response.]

The Clerk. Chairman Upton.

The Chairman. Votes no. The Clerk. Chairman Upton votes
no.

The Chairman. Other members wishing to cast a vote? Mrs.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Cathy McMorris Rodgers?

Mrs. McMorris Rodgers. No.

The Clerk. Mrs. McMorris Rodgers votes no.

The Chairman. Other members wishing to cast a vote? Seeing none, the clerk will report the -- Mr. Engel.

How is Mr. Engel recorded? Aye.

The Clerk. Mr. Engel votes aye.

The Chairman. Other members wishing to record a vote? Seeing none, the clerk will report the tally on the amendment.

The Clerk. Mr. Chairman, on that vote, there were 20 ayes, 29 noes.

The Chairman. Twenty ayes, twenty-nine nays. The amendment is not agreed to.

Are there further amendments to the bill? Seeing none, the question now occurs on favorably reporting H.R. 2666, as amended, to the House.

All those in favor, will say aye.

Roll call request is made. The clerk will call the roll.

The Clerk. Mr. Barton.

Mr. Barton. Aye.

The Clerk. Mr. Barton votes aye.

Mr. Whitfield.

Mr. Whitfield. Aye.

The Clerk. Mr. Whitfield votes aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Shimkus.

Mr. Shimkus. Aye.

The Clerk. Mr. Shimkus votes aye.

Mr. Pitts.

Mr. Pitts. Aye.

The Clerk. Mr. Pitts votes aye.

Mr. Walden.

Mr. Walden. Aye.

The Clerk. Mr. Walden votes aye.

Mr. Murphy.

Mr. Murphy. Aye.

The Clerk. Mr. Murphy votes aye.

Mr. Burgess.

Mr. Burgess. Aye.

The Clerk. Mr. Burgess votes aye.

Mrs. Blackburn.

[No response.]

The Clerk. Mr. Scalise.

Mr. Scalise. Aye.

The Clerk. Mr. Scalise votes aye.

Mr. Latta.

Mr. Latta. Aye.

The Clerk. Mr. Latta votes aye.

Mrs. McMorris Rodgers.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mrs. McMorris Rodgers. Aye.

The Clerk. Mrs. McMorris Rodgers votes aye.

Mr. Harper.

Mr. Harper. Aye.

The Clerk. Mr. Harper votes aye.

Mr. Lance.

Mr. Lance. Aye.

The Clerk. Mr. Lance votes aye.

Mr. Guthrie.

Mr. Guthrie. Aye.

The Clerk. Mr. Guthrie votes aye.

Mr. Olson.

Mr. Olson. Aye.

The Clerk. Mr. Olson votes aye.

Mr. McKinley.

Mr. McKinley. Aye.

The Clerk. Mr. McKinley votes aye.

Mr. Pompeo.

Mr. Pompeo. Aye.

The Clerk. Mr. Pompeo votes aye.

Mr. Kinzinger.

Mr. Kinzinger. Aye.

The Clerk. Mr. Kinzinger votes aye.

Mr. Griffith.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Griffith. Aye.

The Clerk. Mr. Griffith votes aye.

Mr. Bilirakis.

Mr. Bilirakis. Aye.

The Clerk. Mr. Bilirakis votes aye.

Mr. Johnson.

Mr. Johnson. Aye.

The Clerk. Mr. Johnson votes aye.

Mr. Long.

Mr. Long. Aye.

The Clerk. Mr. Long votes aye.

Mrs. Elmers.

[No response.]

The Clerk. Mr. Bucshon.

Mr. Bucshon. Aye.

The Clerk. Mr. Bucshon votes aye.

Mr. Flores.

Mr. Flores. Aye.

The Clerk. Mr. Flores votes aye.

Mrs. Brooks.

Mrs. Brooks. Aye.

The Clerk. Mrs. Brooks votes aye.

Mr. Mullin.

Mr. Mullin. Aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Clerk. Mr. Mullin votes aye.

Mr. Hudson.

Mr. Hudson. Aye.

The Clerk. Mr. Hudson votes aye.

Mr. Collins.

Mr. Collins. Aye.

The Clerk. Mr. Collins votes aye.

Mr. Cramer.

Mr. Cramer. Aye.

The Clerk. Mr. Cramer votes aye.

Mr. Pallone.

Mr. Pallone. No.

The Clerk. Mr. Pallone votes no.

Mr. Rush.

[No response.]

The Clerk. Ms. Eshoo.

Ms. Eshoo. No.

The Clerk. Ms. Eshoo votes no.

Mr. Engel.

Mr. Engel. No.

The Clerk. Mr. Engel votes no.

Mr. Green.

Mr. Green. No.

The Clerk. Mr. Green votes no.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Ms. DeGette.

[No response.]

The Clerk. Mrs. Capps.

Mrs. Capps. No.

The Clerk. Mrs. Capps votes no.

Mr. Doyle.

Mr. Doyle. No.

The Clerk. Mr. Doyle votes no.

Ms. Schakowsky.

[No response.]

The Clerk. Mr. Butterfield. Mr. Butterfield. No.

The Clerk. Mr. Butterfield votes no.

Ms. Matsui.

Ms. Matsui. No.

The Clerk. Ms. Matsui votes no.

Ms. Castor.

Ms. Castor. No.

The Clerk. Ms. Castor votes no.

Mr. Sarbanes.

Mr. Sarbanes. No.

The Clerk. Mr. Sarbanes votes no.

Mr. McNerney. No.

The Clerk. Mr. McNerney votes no.

Mr. Welch.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Welch. No.

The Clerk. Mr. Welch votes no.

Mr. Lujan.

Mr. Lujan. No.

The Clerk. Mr. Lujan votes no.

Mr. Tonko.

Mr. Tonko. No.

The Clerk. Mr. Tonko votes no.

Mr. Yarmuth.

Mr. Yarmuth. No.

The Clerk. Mr. Yarmuth votes no.

Ms. Clarke.

Ms. Clarke. No.

The Clerk. Ms. Clarke votes no.

Mr. Loeb sack.

Mr. Loeb sack. No.

The Clerk. Mr. Loeb sack votes no.

Mr. Schrader.

Mr. Schrader. No.

The Clerk. Mr. Schrader votes no.

Mr. Kennedy.

Mr. Kennedy. No.

The Clerk. Mr. Kennedy votes no.

Mr. Cardenas.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

[No response.]

The Clerk. Chairman Upton.

The Chairman. Votes aye.

The Clerk. Chairman Upton votes aye.

The Chairman. Other members wishing to cast a vote? Seeing none, the clerk will report the tally.

The Clerk. Mr. Chairman, on that vote there were 29 ayes, 19 noes.

The Chairman. Twenty-nine ayes, nineteen noes, the bill, as amended, is passed and favorably reported.

The chair will now call up H.R. 4725 and ask the clerk to report.

[The Bill H.R. 4725 follows:]

*****INSERT*****

The Clerk. H.R. 4725, to reduce the federal deficit through reforms in spending under Medicaid, CHIP, and the Prevention and Public Health Fund.

The Chairman. And without objection, the first reading of the bill is dispensed with. The bill will be open for amendment at any point.

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

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

[The Amendment offered by Mr. Green follows:]

*****INSERT*****

The Chairman. The gentleman from Texas, Mr. Green, has an amendment to the bill. The clerk will report the title of the amendment. Which amendment?

Mr. Green. Amendment number 2.

The Chairman. Amendment number 2, D_02.

The Clerk. Amendment to H.R. 4725 offered by Mr. Gene Green of Texas.

The Chairman. The amendment will be considered as read. The staff will distribute the amendment and the gentleman from Texas is recognized for 5 minutes.

Mr. Green. Thank you. I would like to offer an amendment and plan to withdraw it. We should not be attempting to appease the most conservative members of the House by gutting programs that will help low-income families and children. Quite simply, that is what H.R. 4725 does.

The amendment I am offering strikes the misguided, unsound provision of H.R. 4725 that eliminates the enhanced Medicaid FMAP for inmates and replaces it with common sense provision to allows states that either not expanded or only recently expanded Medicaid to receive three full years of 100 percent federal match for Medicaid expansion.

Prisoners receive their coverage from their prison health system, not Medicaid. However, when a prisoner must be admitted for a serious inpatient care for longer than 24 hours, a state

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

can claim federal Medicaid matching assistance at the rate applicable for that population in any given state. Now that means if your state expanded Medicaid, a lot of these folks are eligible for enhanced Medicaid expansion matching rate because prisoners generally fit the low-income adult category. The legislation before us would punish these states that expanded Medicaid and reduce that matching rate back to the standard rate with no notice or at a time when states are three-fourths of the way through their budget cycles.

The savings from this provision come from leaving a hole in state budgets. I believe this is the wrong track all around. I believe we should be doing everything to expand Medicaid and helps states not simply shift more cost onto the states as this legislation proposes to do.

I will remind my colleagues that my proposal incentivizes states to expand Medicaid by allowing them to receive the full 100 percent match for the first three years. They chose to expand as common sense policy.

In the 19 states that have yet to expand Medicaid, more than 4 million people could gain coverage. States could realize major savings in other parts of their budgets and billions of dollars in uncompensated care costs would be avoided.

States have a modest portion of the expansion to pay but reap the benefits of billions in savings to their economies. One study

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

estimated that each new state dollar invested in Medicaid expansion would draw down \$13.41 in additional federal dollars.

Expansion states are reporting positive budget impacts and nationally, 78 percent of the new Medicaid enrollees who have obtained care said they would not have been able to afford or access this care prior to gaining Medicaid coverage. Low-income adults in these states have more access to healthcare services, fewer problems paying their medical bills and hospitals in expansion states are admitting fewer uninsured patients. Rather than being expensive for states, expansion makes budgetary sense for states.

A recent analysis of Virginia and other expansion states shows Medicaid expansion can actually save states money. According to a report by the National Public Radio, the decision by Texas to reject expansion in Medicaid would prevent the state from receiving an estimated \$1 billion in federal funds over a decade. At the same time, hospitals are eating \$5.5 billion in costs for treating uninsured people, the majority of whom wouldn't be uninsured if the state took up the Medicaid expansion. These uncompensated costs, in turn, are being covered by taxes and insurance premiums paid by the state's businesses and residents. States that took up Medicaid expansion, as a rule, have seen a marked decline in their uninsured rates and the amount of their costs their hospital incurred in caring for people without

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

insurance.

Medicaid expansion is just common sense. Let's help those 19 remaining states to do the right thing.

Mr. Chairman, I introduced it and will withdraw it but I want to make the point that the expansion of Medicaid for states is such a big issue, even in Texas we would see we are losing \$100 billion of federal funding and reimbursement.

And I will withdraw this amendment.

The Chairman. Well, before you withdraw, the chairman from New Jersey would like to speak on it.

Mr. Green. Oh, glad to yield my time.

The Chairman. Do you want more time? Do you want your own time?

Mr. Pallone. No, I think I need my own time.

Mr. Green. I yield back my time, Mr. Chairman.

The Chairman. The gentleman yields back.

Other members wishing to speak on the amendment? The gentleman from New Jersey is recognized for 5 minutes.

Mr. Pallone. I just want to say I strongly support the amendment because it incentivizes all states to expand Medicaid. And the numbers don't lie. Expansion is a good deal for state economies and the federal government. Expansion states are also reporting positive budget impacts. These fiscal impacts are substantial, with one study estimating savings in revenue of \$1.8

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

billion by the end of 2015 across the eight expansion states it examined.

Medicaid is a jobs creator. Independent analysis taken in the State of Kentucky's request found that for Kentucky alone, Medicaid expansion created 12,000 jobs in the first year and estimates are that the state will have created 40,000 jobs and created a positive \$30 billion impact on the state's economy through 2021.

While benefit from slower spending growth, expansion states are making substantial progress in reducing the ranks of the uninsured and lowering costs of uncompensated care, if all states expanded Medicaid, savings on reduced uncompensated care alone would offset between 13 and 25 percent of that additional state spending and Medicaid expansion is life-changing for beneficiaries.

The ACA coverage provisions are reducing un-insurance rates nationwide, with the biggest gains occurring in states that have expanded Medicaid. Multiple studies show that poor adults in states that have expanded Medicaid as part of health reform have greater access to healthcare services and fewer problems paying their medical bills, and hospitals there are admitting fewer uninsured patients. Not expanding Medicaid has a real and measurable impact on individuals every single day. In fact, if all non-expansion states had a rate of children's coverage

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

comparable to states that have expanded, it is estimated that at least 1,027,000 more children would have health coverage.

So, I think we have to do everything, Mr. Chairman, we can do to incentivize states that haven't expanded yet to do the right thing for their citizens. I know the gentleman is going to withdraw this amendment but I think it is a point well made about the value of incentivizing Medicaid expansion.

I yield back.

The Chairman. The gentleman yields back.

Other members wishing to speak on the amendment? Seeing none, does the gentleman from Texas withdraw his amendment? Mr. Green, ask unanimous consent to withdraw his amendment. The amendment is withdrawn.

The chair recognizes the gentleman from West Virginia. Strike the last word.

Mr. McKinley. Strike the last word, Mr. Speaker -- Mr. Chairman.

I would like to rise and raise a point of colloquy with you, Mr. Chairman, if that would be appropriate.

The Chairman. Yes, go ahead.

Mr. McKinley. Mr. Chairman, the small rural hospitals all across America have really become alarmed over CMS's treatment of the provider tax that we are going to be discussing in this legislation. Just in my own State of West Virginia, a third of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

all our hospitals are classified as critical access hospitals. And the impact that CMS has done retroactively is going to have a crushing blow, not only in States like West Virginia but all critical access hospitals across America with this. It is going to cost them millions of dollars and it is done retroactively.

You have to understand, Mr. Chairman, these same hospitals applied to CMS and were given instructions that they would be able to use the provider tax as a means of reimbursement. And now CMS has absolutely reversed themselves and now saying they can't and compounding it is that they want to do it retroactively. So, these small hospitals that are struggling, just absolutely on their heels, are being told that they are going to be penalized millions of dollars back as far as 2009. I think we have to be careful about that.

So, Mr. Chairman, if they are struggling now the way things are and then to be faced with retroactive penalties, I think this is punitive and it doesn't show how we are working as a Congress and an administration to address some of the hardships that our small rural hospitals are trying to do. They are taking care of our poor and under-served. We have got to take of these hospitals.

So, Mr. Chairman, I am asking you, as part of this legislation and as we go forward with it, do I have some assurance that we can work together to correct this unfair targeting? And more

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

specifically, will you work with us to oppose a retroactive penalty?

The Chairman. I would just like to assure the gentleman on the record that this provision would not make any of this retroactive and that I know that in the case of West Virginia I want to say that it is in the courts, where it is being appealed. This will have no impact on those years from 2009 forward. It does not do that. I wanted to give that gentleman that assurance and appreciate his thoughts on it.

Mr. McKinley. And can you work, going into the future, that we can we can still address this through this committee?

The Chairman. I look forward to working with the gentleman.

Mr. McKinley. Thank you very much.

The Chairman. Thank you. The gentleman's time has expired.

The chair will recognize the gentlelady from California, Ms. Capps, I am told for an amendment or no? Clerk? Oh, they asked me to -- yes, the gentlelady from California has an amendment at the desk.

[The Amendment offered by Mrs. Capps follows:]

*****INSERT*****

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

The Chairman. The clerk will read the title of the amendment.

The Clerk. Amendment to H.R. 4725 offered by Mrs. Capps.

The Chairman. And the amendment will be considered as read. The staff will distribute the amendment and the gentlelady from California is recognized for 5 minutes in support of her amendment.

Mrs. Capps. Thank you, Mr. Chairman. I do have an amendment at the desk.

Mr. Chairman, the Medicaid program is an important state federal partnership to provided needed healthcare services to some of the most vulnerable populations, including the working poor, low-income seniors, persons with disabilities and children.

I really appreciate the comments of my colleague from West Virginia, Mr. McKinley, to this point. It is only effective if this partnership is strong. Unfortunately, the bill before us would seriously damage that relationship. Perhaps the most egregious way is by reducing the ability of states to finance their share of the program by using provider taxes. The provision that is billed to cut provider taxes is once again an attempt by the majority to slash funding to Medicaid without much concern for the impact that would have on individuals and communities. But if we further restrict the use of provider taxes, taxes that the medical community actually wants to pay, we will take our states

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

legs out from under them. This would effectively cut services to entire communities, not just Medicaid beneficiaries and make access to care that much more difficult.

Provider taxes enable all of our home states to maintain a stable, functioning Medicaid program by helping to pay for the non-federal share of Medicaid programming. It is a highly regulated system to protect from abuse with the buy-in and support of the medical community who recognize their contribution to this program. Blocking or reducing the ability of states to use provider taxes is bad for the program that needs these fees to ensure full financing of the program. It is dangerous for the patients who may be blocked from care if state budgets are constrained and it is detrimental to the broader healthcare system and communities across the country who could see their community hospitals close due to being overwhelmed by un- and under-compensated care. That means that doors would be closed for everyone that they might need to serve, not just those in the Medicaid program. Moreover, blocking or reducing the ability of states to use provider taxes is an inefficient way to reduce spending. In fact, \$2 needs to be squeezed out of the program for the federal government to see an even \$1 reduction in spending. And the money that goes to states isn't a handout. It is based on actual need and the actual care received by patients. These costs won't disappear if this bill passes. It simply shifts the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

cost to the states. And again, the costs don't disappear and the need for the care doesn't disappear. That is why CBO expects that if provider taxes are reduced or eliminated, the states would not be able to replace all of the lost revenue and would have to cut their Medicaid programs to offset the loss of funds. That is bad for patients, the healthcare system, local communities and state budgets. And that is why my amendment simply strikes Section 4 of the bill before us, preserving the ability of states to continue assessing their provider taxes. This is particularly important as the misguided provision in the bill would immediately affect half of the states, including many of the states represented by members on this committee like California, Pennsylvania, North Carolina, Washington, and others. These states have already cut their budgets -- already set their budgets but this bill would undercut those efforts and send them into turmoil. Therefore, I ask you to join me in stopping this particularly direct blow to our communities.

Support my amendment to support your state. It is a state's rights bill. Support my amendment to preserve the federal-state Medicaid partnership and support this amendment so that we can protect access to healthcare services where they are needed most right in our communities.

And I am prepared to yield the remaining one minute or I will yield back.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

The Chairman. The gentlelady yields back.

The gentleman from Pennsylvania, Mr. Pitts, is recognized for 5 minutes.

Mr. Pitts. Thank you, Mr. Chairman.

Mr. Chairman, I rise in opposition to this amendment. This funding mechanism has been called a gimmick by President Obama's Bipartisan Fiscal Commission, called a scam by the Vice President, called a bit of a charade by Senator Dick Durbin. My colleagues may be as surprised as I am that I find myself, for once, agreeing with sentiments previously expressed by the President, Vice President and Senator Durbin but the underlying policy is less aggressive than what President Obama previously called for. In fact, the bill would simply reset the provider tax hold harmless threshold at the level that it was in 2011 under President Obama.

And I urge my colleagues to oppose the amendment. I yield back.

The Chairman. The gentleman yields back.

The gentleman from New Jersey.

Mr. Pallone. Thank you, Mr. Chairman. I urge support for the Capps Amendment. Today, 49 states and the District of Columbia use provider taxes in some form to help pay for the non-federal share of their Medicaid program.

With healthcare costs continuing to grow and Medicaid taking up an ever larger share of state budgets, provider taxes enable

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

states to maintain a stable functioning Medicaid program. And this amendment hits nearly half of all states.

Cuts in provider taxes do not increase efficiency or performance. There is simply a cost shift onto states. When states cut back on Medicaid, local governments and the central hospitals bear the brunt of the cost burden. The cost shift trail ultimately reduces the care available for Medicaid beneficiaries, which means vulnerable populations may be denied coverage and benefits at a time when they need them the most.

The CBO estimates that borrowing or sharply restricting states from using provider taxes would produce federal savings because CBO expects that state would not be able to replace all the lost revenue and would cut their Medicaid programs to offset the loss of funds. So, the impact on low-income people by denying states the ability to use this financing source is irrefutable.

So, I support the amendment to strike this section of the bill. I yield back, Mr. Chairman.

The Chairman. The gentleman yields back.

Other members wishing to speak on the amendment? Seeing the gentleman from New York, recognized for 5 minutes.

Mr. Tonko. Thank you, Mr. Chair. I move to strike the last word and speak in support of the Capps Amendment.

This limiting measure or the elimination of state use of provider assessments for Medicaid programs I believe would result

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

in damaging cuts for patients and undermine the Medicaid expansion. I know that in New York we are one of the 26 states, I believe, that would be affected by this proposal. It certainly would impact our efforts to continue with some very significant, stabilizing functioning programs in Medicaid. And because of the impact on my home state of New York, I would urge my colleagues to support the Capps Amendment to remove the provider assessment section of the bill, which would directly affect given Medicaid beneficiaries. And with that, I yield back.

The Chairman. The gentleman yields back.

Other members wishing to speak on the amendment? Seeing none, the question occurs on the amendment offered by the gentlelady from California.

Mr. Pallone. Mr. Chairman, we ask for a roll call.

The Chairman. A roll call is requested. The clerk will call the roll.

The Clerk. Mr. Barton.

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Whitfield.

Mr. Whitfield. No.

The Clerk. Mr. Whitfield votes no.

Mr. Shimkus.

Mr. Shimkus. No.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Clerk. Mr. Shimkus votes no.

Mr. Pitts.

Mr. Pitts. No.

The Clerk. Mr. Pitts votes no.

Mr. Walden.

Mr. Walden. No.

The Clerk. Mr. Walden 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.

[No response.]

The Clerk. 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.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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. Pompeo.

Mr. Pompeo. No.

The Clerk. Mr. Pompeo votes no.

Mr. Kinzinger.

Mr. Kinzinger. No.

The Clerk. Mr. Kinzinger votes no.

Mr. Griffith.

Mr. Griffith. No.

The Clerk. Mr. Griffith votes no.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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.

Mrs. Elmers.

[No response.]

The Clerk. Mr. Bucshon.

Mr. Flores.

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

Mrs. Brooks.

[No response.]

The Clerk. Mr. Mullin.

Mr. Mullin. No.

The Clerk. Mr. Mullin votes no.

Mr. Hudson.

Mr. Hudson. No.

The Clerk. Mr. Hudson votes no.

Mr. Collins.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Collins. No.

The Clerk. Mr. Collins votes no.

Mr. Cramer.

Mr. Cramer. No.

The Clerk. Mr. Cramer 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.

[No response.]

The Clerk. Mr. Green.

[No response.]

The Clerk. Ms. DeGette.

[No response.]

The Clerk. Mrs. Capps.

Mrs. Capps. Aye.

The Clerk. Mrs. Capps votes aye.

Mr. Doyle.

Mr. Doyle. Aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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.

The Clerk. Mr. McNerney votes aye.

Mr. Welch.

[No response.]

The Clerk. Mr. Lujan.

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Tonko.

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Mr. Yarmuth.

Mr. Yarmuth. Aye.

The Clerk. Mr. Yarmuth 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.

Chairman Upton.

The Chairman. Votes no. The Clerk. Chairman Upton votes
no.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Chairman. Other members wishing to vote? Mr. Engel?

Mr. Engel. Votes aye.

The Clerk. Mr. Engel votes aye.

The Chairman. Dr. Bucshon, are you recorded? Ms. Brooks?

Mr. Bucshon. Aye. Bucshon votes aye.

The Clerk. Mr. Bucshon votes aye.

The Chairman. Mrs. Brooks?

Mrs. Brooks. Aye.

The Clerk. Mrs. Brooks votes aye.

The Chairman. Other members wishing to cast a vote? Seeing none, the clerk will report the tally.

The Clerk. Mr. Chairman on that vote, there were 19 ayes and 28 noes.

The Chairman. Nineteen ayes, twenty-eight noes. The amendment is not agreed to.

The chair recognizes for Ms. Castor has an amendment at the desk?

Ms. Castor. Yes, I have an amendment at the desk.

[The Amendment offered by Ms. Castor follows:]

*****INSERT*****

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

The Chairman. And the number please? The clerk will report the title of the amendment. I think is it D_07?

Ms. Castor. 0-7.

The Chairman. D_07. The clerk will report the title.

The Clerk. Amendment to H.R. 4725 offered by Ms. Castor of Florida.

The Chairman. The amendment will be considered as read and the staff will distribute the amendments and the gentlelady is recognized for 5 minutes in support of the amendment.

Ms. Castor. Thank you, Mr. Chairman. Members, less than a year ago, Democrats and Republicans came together to pass the Medicare Access and Children's Health Insurance Reauthorization Act. This was the big SGR repeal but it also set policy for the Children's Health Insurance Program known as SCHIP and a higher matching rate for states through 2019.

This was terrific news. It was an important bipartisan effort. I believe it was probably almost unanimously supported by members in this committee. And it was terrific news because it meant that more children in America will get health coverage they need to succeed.

It was also good news for the taxpayers, as research shows that investing in health coverage for children provides a strong, long-term return because children grow up healthier, better educated and more economically successful as adults. And despite

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

all the acrimony over health policy over the past few years, whether it is appear in Congress or at the state level over Medicaid expansion, this was a great example of Democrats and Republicans coming together, feds and states coming together to take care of kids to ensure that they can see a doctor.

So, I have to say, we were very taken aback that Republicans would propose to renege on the agreement in the legislation that was adopted last year, to the detriment of children across this country.

This Republican bill, which really appeared out of the blue, probably at the insistence of Tea Party members, that is what it appears, that is what folks are saying, but this Republican bill will pull the rug out from under children, families, and states who we made, you made a commitment to just last year.

You know states have relied on this policy, on this new law, and made a commitment to expand and improve children's health benefits. This is no way to chart important policy relating to children's health policy and it is no way to treat America's kids. This Republican bill will be especially disruptive as states are already three-quarters of their way through this fiscal year. Many have already considered their upcoming 2017 budgets. In the state of Florida, our legislative session ended last Friday. They have relied on the commitment that we made through MACRA and the CHIP reauthorization. And in doing so, they said we are going

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

to improve health benefits for children in Florida and other states are going through the same exercise.

So, my amendment says that this section of the bill related to the CHIP reauthorization cannot take effect unless and until HHS certifies that there is no impact to children currently covered by CHIP and it cannot impact current state plans.

If you oppose the amendment, you are supporting a significant ratcheting back on children's health insurance and you are saying you are breaking the commitment you made last year, as part of that very important MACRA bill.

So, I urge my Republican colleagues, especially those of you who supported the children's health insurance re-authorization last year not to turn your back on kids that need to get to the doctors' office. Support this amendment. Vote yes on this amendment.

And I am happy to yield back my time. Thank you.

The Chairman. The gentlelady yields back.

The chair recognized the gentleman from Kentucky, Mr. Guthrie.

Mr. Guthrie. Thank you, Mr. Chairman. I move to strike the last word.

I oppose this amendment because it guts Section 5 of the underlying bill. That section would eliminate the 23 percentage point increase in the CHIP funding, matching the rate implemented

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

in the Affordable Care Act. Section 5 of the underlying bill extends the life of the current CHIP program under the base policy in Section 5, according to CBO, in 2018 about 700,000 more children or pregnant moms will be enrolled in CHIP due to Section 5. In 2019, 2.5 million more children or pregnant moms will be enrolled in CHIP than in the current law.

I further oppose this amendment because it would increase the federal deficit relative to the base bill. Non-partisan economists warn us that federal healthcare programs are adding significant pressure to our federal budget and are the biggest drivers of our debt and deficits.

We can help low-income kids while also protecting taxpayers. Growing debt and deficits threaten the very future of the many children CHIP aims to help. Congress has the responsibility to reduce deficits and growing our debt burden to protect our children and grandchildren.

I yield back.

The Chairman. The gentleman yields back.

The chair recognizes the ranking member of the full committee, Mr. Pallone.

Mr. Pallone. Thank you, Mr. Chairman.

I urge support for the Castor Amendment. Section 5 of this legislation would roll back the deal that we all made overwhelming in a bipartisan fashion when we enacted MACRA just last year.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

That legislation reaffirmed the so-called 23 percent bump. And the CHIP bump increased the federal share of the cost by 23 percent or percentage points across the board. The enhanced match rate for CHIP now ranges from 88 percent to 100 percent. States use this money to fund things like additional outreach and enrollment for under-insured kids, improve benefits, and they also strengthen the administrative capacity and quality metrics in their programs.

It is troubling that this proposal is even in the mix, when the same group of members here today voted just last year to extend CHIP with the bump. It seems my Republican colleagues are poised to take a vote that will pull the rug out from efforts to help uninsured kids in their own states by the end of the month, within 17 days.

I am not sure why low-income and uninsured kids are completely fine to put on the table in a budget debate. I simply can't understand how low-income kids can be the group Republicans are fine with harming but that is what we have here today and that is why the Castor Amendment is critical.

If Republicans truly mean vulnerable children no harm, then I urge all of us on a bipartisan basis to support this amendment and keep the promise we made when we enacted MACRA just last year.

I yield back.

The Chairman. The gentleman yields back.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

Other members wishing to speak on the amendment? The gentlelady from California.

Mrs. Capps. Thank you, Mr. Chairman. I also want to strike the last word to speak on behalf of this amendment.

Many of us have come to this Congress to work -- to this particular committee, to work to extend healthcare access to those who need it the most. This bill before us does just the opposite, by slashing funds to the Children's Health Insurance Program, SCHIP or CHIP as we know it. It is unfortunate that the health of our nation's children is being jeopardized for our budget gimmick, especially when these funds were reaffirmed, as was mentioned in the reauthorization of the program last year, that we, as a committee, have supported unanimously.

Since its inception, CHIP, a bipartisan supported program has been critical to the healthcare for our children. It has let parents rest easier. It has shown the nation what bipartisan support can do to make a real impact on each of our communities. As a long-time school nurse, I cannot impress upon my colleagues enough the importance of our children having a formal connection to the healthcare system, not just when they get sick and end up in the emergency room, but to keep the healthy, thriving, growing, and ready to learn. The CHIP program, SCHIP program is key to the health and economic security of our families. It links over 8 million of our nation's children to care and to services. It

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

is proven to be a cost-effective program that successfully provides affordable accessible health insurance for children in our communities. In my state, Medicaid is called MediCal. These programs have cut the rate of children's insurance combined with SCHIP in California by half. So, it is really effective. It is something that we must support and continue to support and that is why this amendment is important that we adopt and add to our agenda today.

And I yield back.

The Chairman. The gentlelady yields back.

Other members wishing to speak? Seeing none, the vote occurs on the amendment offered by the lady from Florida. Roll call is requested. The clerk will call the roll.

The Clerk. Mr. Barton.

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Whitfield.

Mr. Whitfield. No.

The Clerk. Mr. Whitfield votes no.

Mr. Shimkus.

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Pitts.

Mr. Pitts. No.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Clerk. Mr. Pitts votes no.

Mr. Walden.

Mr. Walden. No.

The Clerk. Mr. Walden votes no.

Mr. Murphy.

[No response.]

The Clerk. Mr. Burgess.

[No response.]

The Clerk. Mrs. Blackburn.

[No response.]

The Clerk. 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.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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. Pompeo.

Mr. Pompeo. No.

The Clerk. Mr. Pompeo 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.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Clerk. Mr. Johnson votes no.

Mr. Long.

Mr. Long. No.

The Clerk. Mr. Long votes no.

Mrs. Elmers.

[No response.]

The Clerk. 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.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Cramer.

Mr. Cramer. No.

The Clerk. Mr. Cramer 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.

[No response.]

The Clerk. Mr. Green.

Mr. Green. Aye.

The Clerk. Mr. Green votes aye.

Ms. DeGette.

[No response.]

The Clerk. Mrs. Capps.

Mrs. Capps. Aye.

The Clerk. Mrs. Capps votes aye.

Mr. Doyle.

Mr. Doyle. Aye.

The Clerk. Mr. Doyle votes aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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.

[No response.] The Clerk. Mr. Lujan.

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko.

Mr. Tonko. Aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Clerk. Mr. Tonko votes aye.

Mr. Yarmuth.

Mr. Yarmuth. Aye.

The Clerk. Mr. Yarmuth 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.

Chairman Upton.

The Chairman. Votes no. The Clerk. Chairman Upton votes no.

The Chairman. Other members wishing to cast a vote? Seeing none, the clerk will report the tally.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Clerk. Mr. Chairman, on that vote, there were 19 ayes, 27 noes.

The Chairman. Nineteen ayes, twenty-seven noes; the amendment is not agreed to.

Are there further amendments to the bill? The gentlelady from Illinois, Ms. Schakowsky has an amendment at the desk.

[The Amendment offered by Ms. Schakowsky follows:]

*****INSERT*****

Ms. Schakowsky. I have an amendment at the desk, Mr. Chairman.

The Chairman. The clerk will report the title of the amendment. I believe it is the number D_01.

Ms. Schakowsky. D_01.

The Clerk. Amendment to H.R. 4725 offered by Ms. Schakowsky of Illinois.

The Chairman. And the amendment will be considered as read. The staff will distribute the amendment and the gentlelady is recognized for 5 minutes in support of her amendment.

Ms. Schakowsky. Thank you, Mr. Chairman. I rise to offer an amendment that would protect the most vulnerable members of our society, children, the elderly, and the disabled from being removed from Medicaid. This amendment ensures that no low-income child or otherwise vulnerable individual cycles on and off Medicaid coverage, simply because their household gains income in any given month in the form of a lump sum which, frankly, is not the same as so-called millionaire jackpot winners, as the Republicans claim. It can be something as selling a car that they have.

The provision included in the underlying legislation is not targeted at millionaires or at lottery winners. We know this because we already have safeguards to prevent against the very circumstances this provision claims to fix.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

Today, under the ACA's streamlined approach to coverage, a lump sum payment is counted in Medicaid as income in the month in which it is received and it is settled up at the end of the year. So, lump sum income that is taxable is included in an individual's annual income that is used to calculate their eligibility for a premium tax credit or re-determine their Medicaid eligibility. So, we take care of that.

Furthermore, the ACA implemented several additional checks for detecting which individuals have received higher incomes for a period of time. For example, CMS requires that enrollees notify the state Medicaid agency immediately if they have a change of circumstances that affects their eligibility for Medicaid coverage. And in reality, this provision would have the practical effect of kicking children off coverage who have received no winnings or payments at all. This is because Medicaid eligibility is calculated by household income, although the majority of actual Medicaid enrollees are children, the elderly, and disabled.

And I know none of my colleagues came here to Congress to make sure that those vulnerable individuals lose their Medicaid. In fact, one of every three children in America is covered under Medicaid. So, this means that if a parent of a Medicaid child were to receive lump sum income under the legislation, it would be the child that would lose the coverage. Nationwide, 33 million

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

children are covered by Medicaid. In Illinois alone, 1.5 million children are on Medicaid, which is over 45 percent of children in Illinois. But this provision would not only help children. It would also keep individuals with disabilities and the elderly off Medicaid if someone in their household receives a lump sum payment, even a modest one.

Medicaid provides insurance to nearly 9 million non-elderly individuals with disabilities. In addition, 70 percent of nursing home residents rely on Medicaid. These individuals do not have the means to be cycled on and off Medicaid from one month to another. Moreover, it is unclear exactly how they would get health insurance coverage for a month or two at a time after being removed from Medicaid. Certainly, none of us came to take away health insurance from children, the elderly, or the disabled. But unfortunately, today, we are faced with a bill that would do just that.

I urge my colleagues to support my amendment to ensure that the most vulnerable in our society are not left without the care that they need. And unless someone else wants the time, I yield back.

The Chairman. The gentlelady yields back.

Other members wishing to speak on the amendment? The gentleman from Pennsylvania, Mr. Pitts.

Mr. Pitts. Thank you, Mr. Chairman.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

I oppose this amendment. This amendment would gut the common sense provision that we require states to consider income from high-dollar lottery winners when assessing Medicaid eligibility. Since its creation in 1965, Medicaid has always been a means-tested entitlement. A core standard for eligibility for the program is whether or not an applicant meets certain income eligibility thresholds. This policy will not take away coverage for the elderly or the disabled. The bill only impacts the calculation of modified adjusted gross income, which is not used to determine their eligibility.

This policy will not take away coverage from low-income families who need it. Under the bill, lottery winnings of less than \$60,000 would be exempted. But each \$10,000 increment of winnings above that amount would be counted as income for an additional month. If a lottery winner under this bill is not eligible for Medicaid, they would still be allowed to purchase health insurance elsewhere, which proponents of the Affordable Care Act should support.

Additionally, the threshold of \$60,000 in the bill is incredibly generous, set at more than 200 percent of the federal poverty level for a family of five. To give you a sense of this generous threshold, the U.S. Census Bureau reported in 2014 that the median household income in the country was \$51,939.

So, Mr. Chairman, the Schakowsky Amendment is a good example

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

of why I think a lot of the American people are frustrated with Washington, at a time when economists warn us that our federal budget's runaway spending path will soon lead to the return of trillion dollar annual deficits and could threaten our economic stability.

The Schakowsky Amendment lets the Secretary of HHS gut the requirement that lottery winnings should be counted as income for purposes for determining Medicaid eligibility. For this reason, I urge my colleagues to oppose the amendment.

Ms. Schakowsky. Would the gentleman yield for just a minute?

Mr. Pitts. Yes.

Ms. Schakowsky. Thank you. I appreciate that.

Let me just say it is not just about lottery winnings. It is about any kind of lump sum income and it is all settled up at the end of the year. What we are trying to avoid is the cycling on and off for a month. And that really does become a problem because then someone has to go back and re-register to be on Medicaid again, which could really harm the continuity for children.

So, I am not at all against the idea that somebody -- first of all, the very few people who win big money in lotteries but it can be the sale of property or something that would cause them to rise above that. And at the end of the year, then they would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

have to settle up, both in eligibility and in income taxes.

So, it is the continuity that we want to make sure that particularly the children and people with disabilities and the elderly have, not to have to worry month to month about all the paperwork and all the -- just the confusion about getting on and off of Medicaid.

I yield back. I thank the gentleman for yielding. I yield back to him.

The Chairman. The gentleman yields back, all the time has expired.

Other members wishing to speak? Seeing none, a vote occurs on the amendment offered by the gentlelady from Illinois. All those in favor, will say aye -- roll call vote is requested. The clerk will call the roll.

The Clerk. Mr. Barton.

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Whitfield.

Mr. Whitfield. No.

The Clerk. Mr. Whitfield votes no.

Mr. Shimkus.

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Pitts.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Pitts. No.

The Clerk. Mr. Pitts votes no.

Mr. Walden.

Mr. Walden. No.

The Clerk. Mr. Walden 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.

[No response.]

The Clerk. 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.

[No response.]

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Clerk. 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. Pompeo.

Mr. Pompeo. No.

The Clerk. Mr. Pompeo votes no.

Mr. Kinzinger.

[No response.]

The Clerk. Mr. Griffith.

Mr. Griffith. No.

The Clerk. Mr. Griffith votes no.

Mr. Bilirakis.

Mr. Bilirakis. No.

The Clerk. Mr. Bilirakis votes no.

Mr. Johnson.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Long. Mr. Long.

Mr. Long. No.

The Clerk. Mr. Long votes no.

Mrs. Elmers.

[No response.]

The Clerk. 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.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Clerk. Mr. Collins votes no.

Mr. Cramer.

Mr. Cramer. No.

The Clerk. Mr. Cramer 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.

[No response.]

The Clerk. Mr. Green.

Mr. Green. Aye.

The Clerk. Mr. Green votes aye.

Ms. DeGette.

[No response.]

The Clerk. Mrs. Capps.

Mrs. Capps. Aye.

The Clerk. Mrs. Capps votes aye.

Mr. Doyle.

Mr. Doyle. Aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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.

The Clerk. Mr. McNerney votes aye.

Mr. Welch.

[No response.]

The Clerk. Mr. Lujan.

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Tonko.

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Mr. Yarmuth.

Mr. Yarmuth. Aye.

The Clerk. Mr. Yarmuth 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.

Chairman Upton.

The Chairman. Votes no. The Clerk. Chairman Upton votes
no.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Chairman. Other members wishing to cast a vote? Mr. Harper.

Mr. Harper. No for Harper.

The Clerk. Mr. Harper votes no.

The Chairman. Other members? Seeing none, the clerk will report the tally. Mr. Engel?

The Clerk. Mr. Engle votes aye.

The Chairman. Mr. Mullin? Oh, he is okay. All right, he is recorded.

The clerk will report the tally.

The Clerk. Mr. Chairman, on that vote, there were 20 ayes, 28 noes.

The Chairman. Twenty ayes and twenty-eight noes; the amendment is not agreed to.

Are there further amendments to the bill?

Ms. Matsui. Mr. Chairman, I have an amendment at the desk.

[The Amendment offered by Ms. Matsui follows:]

*****INSERT*****

The Chairman. The gentlelady from California has an amendment at the desk. The clerk will report the title.

The Clerk. Amendment to H.R. 4725 Offered by Ms. Matsui.

The Chairman. And with that, the amendment will be considered as read. The staff will distribute the amendment and the gentlelady from California will be recognized for 5 minutes.

Ms. Matsui. Thank you, Mr. Chairman.

Mr. Chairman, this amendment would require the Secretary of Health and Human Services to certify before this bill can go into effect. Then, nothing in the bill will result in a loss of funding to states for the provision of comprehensive mental health and substance abuse services.

We are in a critical time for mental health funding. When one in seven Americans are affected by mental illness and we are facing an opioid epidemic, we have to step up and assure that people have access to the services and supports that need to be covered.

Medicaid provides over one-quarter of both mental health and substance abuse spending in this country. If we truly want to save money and lives, we need to invest in these services so that people get the care that they need as early as possible. The affordable care act is reducing un-insurance rates and increasing access to care and mental health care nationwide but much less so in states that have not yet expanded Medicaid. Not expanding

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

Medicaid has a real and measurable impact on individuals every single day, especially those with mental illnesses and substance abuse disorders.

According to a 2013 report done by the National Alliance on Mental Illness, or NAMI, Medicaid is the most important source of financing for mental health services in America today and expanding Medicaid will fill critical gaps in access to health and mental health care.

My amendment would ensure that this bill could not cut funding for critical mental health and substance abuse funding, which I believe is an investment in our nation's health. I urge my colleagues to support this amendment. Thank you and I yield back.

The Chairman. The gentlelady yields back.

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

Mr. Pitts. Thank you, Mr. Chairman. I rise in opposition to the Matsui Amendment.

This Prevention Fund is truly a slush fund. It gives the Executive Branch extraordinary authority but there is no guarantee on what they will spend it or how much they will spend. We have cited in the past some of these questionable grants they have made, things like pickleball from the Prevention Fund for Carteret County, North Carolina; massage therapy; kick boxing;

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

kayaking; Zumba, whatever that is; to the Waco, Texas \$235,000 grant; free pet neutering for the City of Nashville, \$7.5 million for free pet spaying and neutering; urban gardening for the City of Boston, \$1 million; New York for lobbying for a soda tax initiative, \$3 million; on and on.

This legislation will not result in the loss of funding to states for the provision of mental health and substance abuse services through the Substance Abuse and Mental Health Administration. You don't need a slush fund to prioritize mental health funding.

And so, the Congress ought to be the ones who appropriate, who provide this funding. It should not be a slush fund that gets \$2 billion a year ad infinitum in perpetuity.

So, we need to present solutions to prioritize spending, rather than choosing to ignore the problem and I urge my colleagues to vote no on this amendment.

I yield back.

The Chairman. The gentleman yields back.

Other members wishing to speak on the amendment? The gentlelady from Illinois. I saw her hand first.

Ms. Schakowsky. Thank you, Mr. Chairman. I move to strike the last word.

Any suggestion that the Prevention and Public Health Fund is a slush fund for the Secretary of the Department of Health and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Human Services is simply inaccurate. The Affordable Care Act granted explicit authority to Congress to allocate funding in the Prevention Fund. And since fiscal year 2014, Congress has used its authority to allocate the funds from the Prevention Fund.

I just want to mention in Illinois, my home state of Illinois, has received \$92 million from the fund since its creation in 2010 and these funds have helped to create programs to, for example, prevent diabetes, assist with smoking cessation, and reduce childhood obesity.

The same is true of the fiscal year 2026 appropriation legislation. Therefore, the Secretary has no discretion to allocate any of the Prevention Fund. Not only does the Secretary not have any control in allocating the funding, HHS must maintain a publicly available Web site that details the funding allocations of the Prevention Fund, as well as funding opportunities and awards from programs funded with Prevention dollars.

Such transparency makes it possible for anyone to learn where Prevention Fund's dollars are being used. And I think if the public takes the opportunity to look at that Web site, they will be very happy with what they see.

Rather than supporting programs that waste money, as the slush fund allegation implies, the prevention fund is being used, as it is in Illinois, to fund life-saving public health programs that prevent and combat chronic conditions, as I said, such as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

diabetes and prevention programs, obesity prevention programs, tobacco cessation programs. Rather than waste money, such investments in prevention can actually save us money, as well as save us lives.

As we know, chronic conditions such as diabetes, lung disease, and heart disease account for seven out of ten deaths in the United States and 86 percent of all healthcare spending in the United States. Reversing chronic disease trends in the United States by preventing the onset of chronic disease not only makes good financial sense but it makes for good healthcare policy. And I urge my colleagues to reject the elimination of this very important prevention fund and I yield back.

Mr. Green. Excuse me, would the lady yield?

Ms. Schakowsky. Yes, I would be happy to yield to the gentleman.

Mr. Green. Mr. Chairman, I thank the lady for yielding. I wasn't going to speak on this but I wanted to make sure my chair of the Health Subcommittee understands what Zumba is.

Mr. Pitts. Zumba it is.

Mr. Green. No, Zumba. It is a dance but it is also an exercise and in our district, we have dozens of those groups because I have actually been to some of them and seen the exercise work. So, it is prevention.

And in the community I represent, where diabetes is epidemic,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

our goal is to make sure those Prevention Funds work. And so if we can get them out dancing whatever, country-western, whatever, it actually gets them moving around and it will lower their diabetes rates.

So, this Prevention Fund is important but I just wanted to make sure you know it may be a regional issue but in our area, Zumba is very popular with a whole lot of my constituents.

And thank you for yielding.

Ms. Schakowsky. And I yield back.

The Chairman. The gentleman from Pennsylvania, Dr. Murphy asked for time?

Mr. Murphy. Yes, on the amendment, if I could strike the last word.

Look, we all know we have got to reform the mental health system. A full-page ad in today's Politico talks about it. We know we are tired of the moments of silence. We know this has to change.

I have been meeting with just about everybody on this committee and we know we are all committed to do this. I hope this committee takes up soon comprehensive mental health reform. Part of this is funding and I appreciate what Ms. Matsui is trying to do. I know that she is passionate about this issue as everybody else is here. That is what we ought to be addressing. And I hope, I pray we do this before we have one more killing, one more suicide

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

or anybody else gets harmed but I know that won't happen because it has happened several times during this markup.

So, I would ask that that be the way we approach this by comprehensive mental health forum. I know I have been with Mr. Pallone on this. He is passionate about it. Everybody is here. Let's approach this the right way.

I yield back.

The Chairman. The gentleman yields back. Other members wishing to speak on the amendment? Seeing none, the vote occurs on the amendment. Roll call is requested.

The clerk will call the roll.

The Clerk. Mr. Barton.

Mr. Whitfield.

Mr. Whitfield. No.

The Clerk. Mr. Whitfield votes no.

Mr. Shimkus.

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Pitts.

Mr. Pitts. No.

The Clerk. Mr. Pitts votes no.

Mr. Walden.

Mr. Walden. No.

The Clerk. Mr. Walden votes no.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Murphy.

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

Mr. Burgess.

Mr. Burgess. No.

The Clerk. Mr. Burgess votes no.

Mrs. Blackburn.

[No response.]

The Clerk. 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.

[No response.]

The Clerk. Mr. Lance.

Mr. Lance. No.

The Clerk. Mr. Lance votes no.

Mr. Guthrie.

Mr. Guthrie. No.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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. Pompeo.

[No response.]

The Clerk. Mr. Kinzinger

Mr. Kinzinger. No.

The Clerk. Mr. Kinzinger votes no.

Mr. Griffith.

[No response.]

The Clerk. 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.

Mrs. Elmers.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

[No response.]

The Clerk. 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.

[No response.]

The Clerk. Mr. Cramer.

Mr. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Pallone.

Mr. Pallone. Aye.

The Clerk. Mr. Pallone votes aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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. Yes.

The Clerk. Mr. Green votes aye.

Ms. DeGette.

[No response.]

The Clerk. Mrs. Capps.

Mrs. Capps. Aye.

The Clerk. Mrs. Capps votes aye.

Mr. Doyle.

Mr. Doyle. Yes.

The Clerk. Mr. Doyle votes aye.

Ms. Schakowsky.

Ms. Schakowsky. Yes.

The Clerk. Ms. Schakowsky votes aye.

Mr. Butterfield.

Mr. Butterfield. Aye.

The Clerk. Mr. Butterfield votes aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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.

[No response.]

The Clerk. Mr. Lujan.

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko.

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Mr. Yarmuth.

Mr. Yarmuth. Aye.

The Clerk. Mr. Yarmuth votes aye.

Ms. Clarke.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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.

Chairman Upton.

The Chairman. Votes no. The Clerk. Chairman Upton votes
no.

The Chairman. Other members wishing to cast? Mr. Harper.

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

The Chairman. Other members? Seeing none, the clerk will
report the tally. Mr. Engel? No, Mr. Barton. How is Mr.
Barton? Mr. Barton is recorded as no.

Other members? Seeing none, the clerk will report the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

tally.

The Clerk. Mr. Chairman, on that vote, there were 19 ayes,
26 noes.

The Chairman. Nineteen ayes, twenty-six noes; the
amendment is not agreed to.

Are there other amendments to the bill?

Mr. Green. I have an amendment, Mr. Chairman.

[The Amendment offered by Mr. Green follows:]

*****INSERT*****

The Chairman. Mr. Green has an amendment. The clerk will report the title of the amendment.

The Clerk. Sir, what is the number?

Mr. Green. Number four.

The Clerk. Is it MD_04 or D_04?

Mr. Green. MD_04, the one on the Zika outbreak.

The Clerk. Amendment to H.R. 4725 Offered by Mr. Green.

The Chairman. The amendment will be considered read. The staff will distribute the amendment. The gentleman is recognized for 5 minutes in support of his amendment.

Mr. Green. Thank you, Mr. Chairman. And my amendment will prevent the proposed cuts to the Prevention and Public Health Fund until Dr. Frienden from the CDC would certify that all U.S., state, local, and territory health officials have the epidemiology and the laboratory capacity to track and respond to the Zika outbreak.

That is what this fund is for, the Prevention and Public Health Fund is to track these type illnesses. And I strongly oppose a repeal of the Prevention and Public Health Fund because it is helping to improve public health across the country.

One example of how the Prevention Fund is helping increase our investments in prevention and improving public health in every state is the epidemiology laboratory capacity of the ELC Program. Congress provided \$40 million in fiscal year 2016 through the Prevention and Public Health Fund an improve states' ability to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

detect, diagnose, and contain disease outbreaks through the epidemiology laboratory capacity program. That equates to nearly 40 percent of the states' surveillance of funding.

The epidemiology and lab capacity grants afford states the state-of-the-art laboratories, trained epidemiologists who can investigate infection before they become widespread. The ELC grants enable states to rapidly detect and contain food-borne outbreaks like the multi-state Listeria outbreak last year. Investments in epidemiology and laboratory in Arizona and Kansas, in Oklahoma and Texas allowed these states to investigate the Listeria outbreak linked to dairy products and saving lives and healthcare costs. Not only is the epidemiology and laboratory capacity program vital to the building states laboratory and workforce capacity and investigate and respond to the Zika or other infectious disease outbreaks, several states currently are using this fund to support their efforts to prepare and respond to the Zika outbreak.

As the Centers for Disease Control and Prevention, along with state and territorial public health officials work to better understand and respond to Zika virus and its health impacts, particularly on pregnant women, infants, and we cannot afford to reduce our investment in these core public health functions. Eliminating the prevention in public health fund would seriously undermine the ability of states and territories to respond to Zika

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

and other infectious disease threats.

And I urge my colleagues to support this amendment but if you are looking at the amendments, you can see we have a whole bunch of other amendments on particular illnesses. But this is to make the point that the Prevention and Health Fund is used for so many things we can't respond to, like Zika, immediately. The funds are there for the Centers for Disease Control to deal with and help our states respond to it.

And I yield back my time.

The Chairman. The gentleman yields back.

The chair recognizes the gentleman from Pennsylvania, Mr. Pitts.

Mr. Pitts. Thank you, Mr. Chairman. I rise to oppose the Green Amendment.

A strong epidemiological laboratory capacity is crucial in identifying and diagnosis for emerging infectious diseases. However, it is not appropriate, as the amendment does, to place this burden on every state and local health office. It is inappropriate to ask states that are at no risk for localized transmission of the Zika virus due to the lack of the *Aedes aegypti* mosquito in much of the Northwestern United States to divert their time and money in preparing for a virus that may never meaningful impact their constituency. The focus should be on bolstering regional centers of excellence in addressing Zika. It would be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

unwise to use federal dollars to build Zika capacity in every state and every local lab.

We don't need a permanent multi-billion dollar fund that can be used by HHS sector for any purpose that eh Secretary deems appropriate. And as I said before, the Prevention slush fund is a great example of Congress abdicating its duties to set priorities. It is time that we reassert the role of Congress in setting fiscal priorities.

So, I urge my colleagues to oppose this amendment.

The Chairman. The gentleman yields back.

Other members wishing -- the gentleman from Kentucky, Mr. Yarmuth.

Mr. Yarmuth. I move to strike the last word and I yield my time to Mr. Green.

Mr. Green. Thank you, Mr. Chairman and my chairman of the Health Subcommittee.

If we don't have this fund, it will be forced onto the state health departments. Without the partnership of the CDC, those epidemiological labs will be forced on our states, particularly a state like Texas. If you look at the map where the Zika virus is going to happen, it will include most of the southern states and even up to some northern states. But without adopting this amendment and if this bill passes and becomes law, it will force it on all our states to be able to deal with it themselves, without

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

having a partnership with the CDC.

And with that, that is why this amendment is so important for a current disease that we are having trouble tracking in our own country, much less worldwide.

Thank you for yielding to me.

Mr. Yarmuth. I yield back, Mr. Chairman.

The Chairman. The gentleman yields back.

Roll call is requested. Those in favor, will say aye, opposed, say no. The clerk will call the roll.

The Clerk. Mr. Barton.

Mr. Whitfield.

Mr. Whitfield. No.

The Clerk. Mr. Whitfield votes no.

Mr. Shimkus.

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Pitts.

Mr. Pitts. No.

The Clerk. Mr. Pitts votes no.

Mr. Walden.

Mr. Walden. No.

The Clerk. Mr. Walden votes no.

Mr. Murphy.

Mr. Murphy. No.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Clerk. Mr. Murphy votes no.

Mr. Burgess.

Mr. Burgess. No.

The Clerk. Mr. Burgess votes no.

Mrs. Blackburn.

[No response.]

The Clerk. 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.

[No response.]

The Clerk. 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.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Clerk. Mr. Olson votes no.

Mr. McKinley.

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

Mr. Pompeo.

[No response.]

The Clerk. Mr. Kinzinger

Mr. Kinzinger. No.

The Clerk. Mr. Kinzinger votes no.

Mr. Griffith.

Mr. Griffith. No.

The Clerk. Mr. Griffith votes no.

Mr. Bilirakis.

[No response.]

The Clerk. Mr. Johnson.

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Long.

Mr. Long. No.

The Clerk. Mr. Long votes no.

Mrs. Elmers.

[No response.]

The Clerk. Mr. Bucshon.

Mr. Bucshon. No.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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.

[No response.]

The Clerk. Mr. Cramer.

Mr. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Pallone.

Mr. Pallone. Aye.

The Clerk. Mr. Pallone votes aye.

Mr. Rush.

[No response.]

The Clerk. Ms. Eshoo.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Ms. Eshoo. Aye.

The Clerk. Ms. Eshoo votes aye.

Mr. Engel.

[No response.]

The Clerk. Mr. Green.

Mr. Green. For Zika, I vote aye.

The Clerk. Mr. Green votes aye.

Ms. DeGette.

[No response.]

The Clerk. Mrs. Capps.

Mrs. Capps. Aye.

The Clerk. Mrs. Capps 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.

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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.

[No response.]

The Clerk. Mr. Lujan.

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko.

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Mr. Yarmuth.

Mr. Yarmuth. Aye.

The Clerk. Mr. Yarmuth votes aye.

Ms. Clarke.

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

Mr. Loeb sack.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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.

Chairman Upton.

The Chairman. Votes no. The Clerk. Chairman Upton votes
no.

The Chairman. Has Mr. Harper voted?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

The Chairman. Mr. Barton?

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

The Chairman. Mr. Bilirakis?

Mr. Bilirakis. No.

The Clerk. Mr. Bilirakis votes no.

The Chairman. Other members wishing to cast a vote? Seeing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

none, the clerk will report the tally.

The Clerk. Mr. Chairman, on that vote, there were 19 ayes and 26 noes.

The Chairman. Nineteen ayes, twenty-six noes; the amendment is not agreed to.

Are there further amendments to the bill?

Mr. Lujan. Mr. Chairman, I have an amendment.

[The Amendment offered by Mr. Lujan follows:]

*****INSERT*****

The Chairman. The gentleman from New Mexico has an amendment. The clerk will read and report the title of the amendment.

Mr. Lujan. MD_10, the suicide prevention program.

The Clerk. Amendment to H.R. 4725 Offered by Mr. Lujan.

The Chairman. The amendment will be considered read. The staff will distribute the amendment. And the gentleman is recognized for 5 minutes in support of his amendment.

Mr. Lujan. Mr. Chairman, I would like to visit with all of our colleagues about an important provision that is being stricken from this bill but first off, to make clear that I strongly opposed the repeal of the Prevention and Public Health Fund.

The Prevention Fund provides vital resources to support state-run public health efforts to combat chronic diseases, lead poisoning and suicide. In 2015, this fund provided more than \$7 million to New Mexico.

For the last several years, this committee has been working to improve mental healthcare in this country. Unfortunately, this bill undermines those efforts. According to the CDC, in 2014, there were nearly 43,000 suicides across our nation. For young Americans between the ages of 15 and 34, suicide remains the leading cause of death. Behind each of these numbers is a story of a family member, a friend, a loved one, whose life ended far too soon. To combat this, Congress created the Garrett Lee

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

Smith Suicide Prevention Programs. Last year we provided \$12 million to the Prevention and Public Health Fund to the Garrett Lee Smith Suicide Prevention Program to help states and tribes implement youth suicide prevention programs. This accounts for nearly a third of the total funding this program received. To date, the Garrett Lee Smith Suicide Prevention Program has awarded 180 grants to 50 states and the District of Columbia, 47 tribes or tribal organizations and one territory. This includes a program to the Pueblo San Felipe, which supports suicide prevention in New Mexico, which is working to develop and implement tribal youth programs.

This also makes sure that early intervention programs are not left behind. The research shows that the Garrett Lee Smith Suicide Prevention efforts work. One study in the American Journal of Public Health showed that counties that have adopted this training have significantly lowered suicide rates among young people. Another study reported that an expansion of the program would have prevented more than 79,000 suicide attempts. Let me repeat that last one. Another study reported that an expansion of the program would have prevented more than 79,000 suicide attempts.

So, I hope when we have a conversation about this that there is not a mention of this being a slush fund or a gimmick because 79,000 lives is real and meaningful. Just one is, as we look at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

this important program.

And we shouldn't forget that this was brought to us in 2004, after the passing of a son of one of our colleagues, Senator Smith out of Oregon. I hope that there is some support in this regard not to cut this program, not to reduce this program by an additional \$12 million. And that is why I am offering an amendment to protect the Prevention Fund from any cuts to the Garrett Lee Smith Youth Suicide Prevention Program, which does also receive some funding from another area. So, I hope that an excuse is not given to suggest that more funds come into this program through another aspect of the budget, which is \$24 million. It is currently at \$36 million. This was authorized for \$82 million in 2004, signed by President Bush, where the Congress came together to do the right thing.

So, I am hopeful we will do the right thing today and protect this program. And with that, Mr. Chairman, I yield back the balance of my time.

The Chairman. The gentleman yields back.

The chair recognizes the gentleman from Virginia, Mr. Griffith.

Mr. Griffith. Thank you, Mr. Chairman. I urge my colleagues to oppose the amendment.

Republican support of the Garrett Lee Smith Youth Suicide Prevention Program, as the gentleman said, it came into existence

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

in 2004, long before the slush fund came into existence. We have funded this program through the appropriations process.

The question before us today is whether a permanent multi-billion dollar mandatory fund is necessary. The appropriations process is the place where Congress is supposed to set its fiscal priorities. I think the Garrett Lee Smith Program is one that the appropriators should prioritize when making choices.

This program supports things such as campus suicide prevention programs, which are important in assisting colleges and preventing the tragedy of suicide on their campuses. An important program such as this enjoys broad bipartisan support and it will not go unfunded by our appropriations colleagues. Responsible governing is about setting priorities. An open-ended slush fund is not responsible governing. If Congress does not set priorities, programs like the Garrett Lee Smith Program will suffer as mandatory programs and interest on the debt continue to take a bigger piece of the budget.

The bill before us includes common sense reforms, like ensuring lottery winners don't take advantage of Medicaid and disabled children aren't treated worse than incarcerated individuals under Medicaid. It is time that we take our heads out of the sand and acknowledge that it is things like this \$2 billion a year permanent slush fund that add to the fiscal troubles

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

of our country. We are passing down a fiscal mess to our children and our grandchildren.

I urge my colleagues to vote no on this amendment. And I yield back.

The Chairman. The gentleman yields back.

I just want to, before I yield, I just want to not it is my understanding that we are likely to have only three more amendments left before we get to final passage.

So, the chair recognizes Mr. Cardenas.

Mr. Cardenas. Thank you, Mr. Chairman. Thank you for holding this hearing.

It disturbs me when my colleagues, my elected colleagues start using terms like slush fund without getting into the detail of fact. And then when we have other colleagues pointing out the cause and effect of making policy that forces good programs to close under the guise of efficiency or getting rid of slush funds or what have you. And I think that Mr. Lujan very eloquently pointed out how important some of this funding is when it comes to literally saving American lives, especially when it comes to the fact that today we have sent more Americans than we have in the last decades, more Americans to go fight in our American uniforms and they have come back, in many cases, not the same, I dare say feeling broken and having a suicide rate that is higher than any other demographic in our country. So, making sure that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

we are there for them and their families is critically important.

And with all due respect, the term of Congress has the power of the purse, you are darn right. When we cut into that purse, we must not forget that many times we are doing so to the detriment of services and to the livelihoods of individuals and families here in America.

And with that, I would like to yield the balance of my time to my colleague Lujan, with your permission Mr. Chair.

Mr. Lujan. Mr. Chairman, my concern is when -- I agree that we, as members of Congress, need to take our heads out of the sand. With 43,000 suicides across the nation in 2014 for young adults between the ages of 15 and 34, suicide remains the second leading cause of death. That is profound.

And when this program was authorized for \$82 million, what is being suggested today is to reduce it from \$36 million, is already a little more than half of \$82 million to \$24 million. I am at a loss for words, Mr. Chairman.

So, as we look at this budget debate with what is before us today, this notion that the way that cover children with SCHIP is by cutting a program, by helping kids that are vulnerable to suicide and mental behavior health is by cutting the program. I am just sorry that we are even having to vote on this legislation today because I know that this is not easy for anyone, especially anyone that is opposing these programs and cutting them.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

I just hope, Mr. Chairman, that there is a better way to get to this. But cutting these programs is not a way to help these children, especially when another report suggests additional support saves an additional 79,000 young people.

So, with that, I yield the balance of my time back to Mr. Cardenas. I see Mr. Sarbanes is looking for time.

The Chairman. The gentleman yields.

Mr. Sarbanes. I want to thank Congressman Lujan for bringing this dictionary today because it is going to come in handy now.

The first definition of slush fund is a fund raised from the sale of slush and other refuse to obtain small luxuries or pleasures. And the second one is a fund for bribing public officials.

I don't see how we can characterize this Prevention Fund as a slush fund when it is going to combat suicide and suicide attempts, as Mr. Lujan has described. That is not a luxury. It is not a luxury to combat suicide in this country. That is a necessity I would think all of us could agree on.

So, you can argue against this fund but to characterize it as a slush fund, when it is addressing these important priorities I think is unfair and irresponsible and I yield back to the gentleman from California.

Mr. Cardenas. Thank you, Mr. Chairman.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

The Chairman. The gentleman yields back.

The gentleman from Pennsylvania, Dr. Murphy.

Mr. Murphy. Thank you. I want to point out that Garrett Lee Smith bill has not been re-authorized since 2006. So, it has been ten years.

Last year this 41,000 deaths by suicide in this country, 1.2 million suicide attempts serious enough to require medical care. We don't even know how many were attempted that didn't require medical care. And 45,000 drug overdose deaths and the list goes on and on.

An article appeared, I think it was in today's Washington Post about a man last name Ford, age 22, who went to attack some police with the idea that he wanted to be killed. So, it was an attempted suicide by cop. These stories go on and on all throughout the nation.

And again, looking at where we put money on some things doesn't deal with this huge issue. We want comprehensive reform.

And I know the gentleman is concerned about this. We all are. But I ask again, that if we do this only in terms of some aspects of looking for funding, I will work with the gentleman. I will sign a letter with him to ask the appropriators, heck, we should get everybody in this community to sign it, to ask for money for Garrett Lee Smith. But when it comes to actually making a change in this, I just hope to God that this committee looks at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

how we can do comprehensive reform because people that are committing suicide are troubled, many times seriously mentally ill, or are depressed, or have other problems. And we need to get to the underlying cause of all this and we will address it. And I hope again, that is a mystery we will deal with soon.

Mr. Shimkus. Will the gentleman yield?

Mr. Murphy. I will yield to the gentleman from Illinois.

Mr. Shimkus. Thank you. Remember what this is. This is a \$2 billion a year self-appropriating fund under ObamaCare that we don't control. It never goes through the appropriation process.

Mr. Lujan. This one did.

Mr. Shimkus. Just that portion but not this whole fund. This is giving HHS \$2 billion unaccountable every year without going through the Appropriation Committee. That is what we are addressing. We are appropriators. We authorize and then we appropriate. That is one of our responsibilities. And for slush, we have listed the slush: pickleball, massage therapy, kick boxing, kayaking, Zumba, bike lanes, free pet neutering, urban gardening, lobbying for a soda tax, block construction of new jobs, creating fast food small businesses, boosting bike clubs. Come on, \$2 billion every year under ObamaCare that we don't control. And we authorize and are appropriators. We are supposed to appropriate.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

If this is a good enough fund, then the authorizer should continue to authorize and the appropriators should appropriate the money. Don't put a guilt trip on us when we are just trying to do our job. And if it is a good enough program, authorize it and appropriate it. Don't give it to HHS to run amuck, spread their money out under Obamacare.

I yield back.

Mr. Pallone. Will the gentleman yield? I don't know, I think this is Murphy's time.

Mr. Shimkus. Murphy's.

Mr. Murphy. I will yield to the gentleman.

Mr. Pallone. The appropriators actually do appropriate all the money under the Prevention Fund. I mean that is a fact. So, I don't know what the gentleman is talking about. They actually do appropriate the money. They review it and they appropriate the money. They may not like what they do but that is the case.

Mr. Shimkus. Will the gentleman yield?

Mr. Murphy. Yes, we will.

Mr. Shimkus. They are not required to go through the appropriation process under ObamaCare law. They are not required to.

Mr. Pallone. Well, whether required or not, the fact of the matter is that they do it. And they did it in this fiscal year.

Mr. Shimkus. But several years they have not. But they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

have not in the past.

Mr. Pallone. Again, I don't know -- we keep talking about this. This Prevention Fund was set up for exactly that prevention. I don't think that you can argue that overwhelmingly, the money is not used for prevention and it is, essentially, appropriated by the appropriators annually. So, I don't know what the point you are trying to make.

You know you keep mentioning all these other things. We are talking about suicide. We are talking about lead prevention. We are talking about Zika. We are talking about very important issues here.

And the whole purpose of the Prevention Fund when it was established by the Affordable Care Act was for exactly that, prevention. And you may argue and say okay, Zumba or whatever isn't prevention but the fact of the matter is, as Mr. Green points out, I know we are all kidding here, that it does have an important purpose for people who are suffering from diabetes.

Mr. Murphy. I would like to reclaim.

Mr. Pallone. So, you can argue what you think is good or bad. The fact of the matter is --

Mr. Murphy. Reclaiming my last three seconds here, if I could from my friend. I want to get back to the original issue. Let's deal with this mental illness as a serious issue that this committee ought to be handling comprehensively. I yield back.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

The Chairman. The gentleman's time has expired.

I think we are ready to vote on this amendment. The gentlelady from New York is recognized.

Ms. Clarke. Thank you, Mr. Chairman. I would like to yield time to Mr. Lujan.

Mr. Lujan. Thank you, Ms. Clarke. I am glad that this is an emotionally charged and passionate debate because all of these young people, all these suicides, the families that have lost them deserves that.

Dr. Murphy, I appreciate your remarks and your words. I think that you presented an argument better than I ever could have on why we should vote for my amendment today, so that this funding is not removed.

To my colleague, Mr. Shimkus, I know how to count. I know who is in the majority. It is clear that the majority of our Republican colleagues have the votes to pass the legislation that is before us today. All my amendment is saying is don't take the money away from the suicide prevention program. That is all that my amendment does.

Look, I certainly hope that slush fund, when we talk about a slush fund in the litany of issues that some of our colleagues have characterized as a slush fund, what I heard today during this debate on this amendment is that suicide prevention is not part of that. That is not right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

And so let's just pause, think about this one and see what we can do to protect this \$12 million, which if I could ask a parliamentary inquiry to counsel, isn't it true that the fiscal year 2016 appropriations bill passed by this Congress allocated every dollar of the Prevention Fund, including the \$12 million for the Garrett Lee Smith Youth Suicide Program?

The. Counsel. That is true.

Mr. Lujan. That is true. So with that, Mr. Chairman, I yield back the balance of my time.

Mr. Shimkus. Would the gentleman yield for one second?

Mr. Lujan. It is Ms. Clarke's time.

Mr. Shimkus. Okay.

Ms. Clarke. I will yield to you, Mr. Shimkus.

Mr. Shimkus. I would join my colleague from Pennsylvania in a letter to the appropriators, as he offered, so that regular order would occur and we would have this funded.

Mr. Lujan. Ms. Clarke?

Ms. Clarke. Yes, I yield to Mr. Lujan.

Mr. Lujan. Mr. Chairman, if I could ask the general counsel, are we going through regular order today?

The. Counsel. This is a full committee markup, yes.

Mr. Lujan. Regular order. The last time I watched one of those reruns of the Schoolhouse Rock cartoons, this is what it took me through, regular order through the committee process.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

This is more profound than a letter. We are voting today whether we are going to keep this program alive or this program goes away. That is more powerful than a letter. We have this right now. Why strike it? Why eliminate it?

And so, Mr. Chairman, just again, as we work on this one, I hope that, again, the Garrett Lee Smith Youth Suicide Prevention Program, we all agree on protecting this program. Let's just work together not to eliminate this \$12 million, which will reduce it even more. And by the power of a vote today, by voting yes on this amendment, we can do that.

I yield back.

Ms. Clarke. Mr. Chairman, I yield time to Mr. Cardenas.

Mr. Cardenas. Thank you very much. Basically, ladies and gentlemen, what we are witnessing right now is the legislative two-step. It is when legislation is passed not as an appropriation legislation but as an act of Congress to implement whether it is to negate something or to enact a new program or effort. Basically what we are watching is a policy committee making legislation and then, therefore, making it easier for the appropriators to go ahead and say let's follow the legislation that was passed in the policy committee and let's cut the suicide prevention money because that is line with what our policy committee has already done.

So, I want to thank Mr. Lujan for his amendment but also for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

his unwillingness to look at the clock and be detoured from continuing to make this important life-saving point, even though we are all keeping ourselves from our lunch.

It is really important that we understand that, as legislators, we should be willing to sacrifice our time, other things that we may want to do, so that we can actually get things right because that is what the millions of voters send the handful of us here to do, and that is to get it right.

Tens of thousands of American children, men and women, are killing themselves at their own hand every year and we just have a modicum, a modicum of funds coming from the federal government to help our own situation and for us to cut it is atrocious.

Thank you, I yield back.

The Chairman. Time has expired. Other members wishing to speak? Seeing none, a vote occurs on the amendment. All those in favor, will say -- roll call is asked for. The clerk will call the roll.

The Clerk. Mr. Barton.

Mr. Whitfield.

Mr. Whitfield. No.

The Clerk. Mr. Whitfield votes no.

Mr. Shimkus.

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Pitts.

Mr. Pitts. No.

The Clerk. Mr. Pitts votes no.

Mr. Walden.

[No response.]

The Clerk. Mr. Murphy.

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

Mr. Burgess.

Mr. Burgess. No.

The Clerk. Mr. Burgess votes no.

Mrs. Blackburn.

[No response.]

The Clerk. 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.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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. Pompeo.

[No response.]

The Clerk. 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.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Long.

Mr. Long. No.

The Clerk. Mr. Long votes no.

Mrs. Elmers.

[No response.]

The Clerk. 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.

[No response.]

The Clerk. Mr. Hudson.

Mr. Hudson. No.

The Clerk. Mr. Hudson votes no.

The Chairman. Did Mr. Mullin vote on that?

Mr. Mullin. No, I didn't. No.

The Clerk. Mr. Mullin votes no.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Collins.

Mr. Collins. No.

The Clerk. Mr. Collins votes no.

Mr. Cramer.

Mr. Cramer. No.

The Clerk. Mr. Cramer 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.

[No response.]

The Clerk. Mr. Green.

Mr. Green. Yes.

The Clerk. Mr. Green votes aye.

Ms. DeGette.

[No response.]

The Clerk. Mrs. Capps.

Mrs. Capps. Aye.

The Clerk. Mrs. Capps votes aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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.

The Clerk. Mr. McNerney votes aye.

Mr. Welch.

[No response.]

The Clerk. Mr. Lujan.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko.

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Mr. Yarmuth.

Mr. Yarmuth. Aye.

The Clerk. Mr. Yarmuth 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.

Chairman Upton.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Chairman. Votes no. The Clerk. Chairman Upton votes no.

The Chairman. Was Mr. Barton recorded?

Mr. Barton. No. Did you call me?

The Chairman. Yes, I asked.

The Clerk. Mr. Barton votes no.

The Chairman. Mr. Scalise?

Mr. Scalise. No.

The Clerk. Mr. Scalise votes no.

The Chairman. Any other member? Mr. Walden?

Mr. Walden. Aye.

The Clerk. Mr. Walden votes aye.

The Chairman. Other members wishing to cast a vote? Seeing none, the clerk will report the tally.

The Clerk. Mr. Chairman, on that vote, there were 20 ayes and 27 noes.

The Chairman. Twenty ayes, twenty-seven noes; the amendment is not agreed to.

Are there further amendments to the bill? Seeing none -- Mr. Butterfield has an amendment at the desk.

[The Amendment offered by Mr. Butterfield follows:]

*****INSERT*****

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

The Chairman. The clerk will report the title of the amendment.

The Clerk. What is the number, sir?

Mr. Butterfield. Let's see. Where would it be? I see the header 01, AMD_01.

The Chairman. AMD_01.

The Clerk. Amendment to H.R. 4725 Offered by Mr. Butterfield.

The Chairman. The amendment will be considered as read. The staff will distribute the amendment and the gentleman is recognized for five minutes in support of his amendment.

Mr. Butterfield. Thank you, Mr. Chairman.

Mr. Chairman, we are facing a public health crisis in our country. We certainly all know that. It is happening because of our country's aging water and sewer infrastructure. The epicenter of this crisis is the City of Flint, Michigan. More than 10,000 children, many under the age of 6 have been exposed to dangerous amounts of lead in their drinking water. The dangers of high levels of lead exposure are well-documented. They are deadly. Overexposure can result in a series of life-long development and learning disabilities.

This crisis is not limited to Michigan, Mr. Chairman. It

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

impacts our entire country. The New York Times recently reported that the city of Sebring, Ohio found unsafe levels of lead in their water and waited more than 5 months before instructing pregnant women and children to stop drinking the water.

In my district of North Carolina, the cities of Durham and Greenville have had tap water with unsafe levels of lead. Earlier this month, I sent a letter to the appropriate agency in North Carolina requesting a comprehensive review of the water systems.

I have serious concerns with this entire bill but I am particularly concerned with Section 6 of the bill. Section 6 repeals Section 4002 of the ACA, which is the Prevention and Public Health Fund and rescinds all unobligated funds. This fund was created to provide for expanded and sustained national investment in Prevention and Public Health Funds, to improve health and help restrain the rate of growth in private and public sector healthcare costs.

This amendment, Mr. Chairman, supports public health by requiring the Secretary of HHS to certify that in repealing the Prevention and Public Health Fund that there exists no risk to the lead exposure to humans from sources of lead in pipes, or soil, or paint anywhere in our country. We all know the risk of lead exposure and I mentioned them earlier. It is critical that should the Prevention and Public Health Fund be repealed, as is called for in Section 6, the American people should receive assurances

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

that in doing so there exists no risk of lead exposure to humans from paint, pipes, and soil.

And so, Mr. Chairman, I am totally opposed to the repeal of this fund because of the good it is doing all across the country. I ask my colleagues to join with me in supporting this amendment.

I yield back.

Mr. Pallone. Will the gentleman yield?

Mr. Butterfield. I will yield to the ranking member.

Mr. Pallone. Thank you. I just want to say that this is a very important amendment. Unfortunately, it took the crisis in Flint to awaken the national conscious to the threat that lead poses to human health, particularly for children.

And just last week, just to highlight how many communities are impacted, it is not just Flint, just last week bottled water had to be delivered to 30 school district buildings in North New Jersey because testing showed that those schools' drinking water had elevated levels of lead. We had also a report that 11 cities in New Jersey have a higher proportion of young children with dangerous levels of lead exposure than Flint, Michigan.

I think there is an urgent need for more, rather than fewer federal dollars for lead poisoning prevention. The fact of the matter is that the Prevention Fund provides all of the funding for the CDC's Childhood Lead Poisoning Prevention. So, if this bill were to become law without Mr. Butterfield's amendment, there

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

would be no money for the CDC's Childhood Lead Poisoning Prevention.

So, I urge my colleagues to support this amendment. Nothing could be more important than making sure that we have funding for lead poisoning prevention, particularly for children.

The Chairman. Will the gentleman yield?

Mr. Pallone. Sure. It is Mr. Butterfield's time.

The Chairman. I mean both gentlemen.

Mr. Butterfield. Certainly, sir. Yes.

The Chairman. I just want to say it is my understand that this amendment is likely to go by voice down but I look forward to working with everyone here to work on a constructive solution for every community and working very closely with my two senators from Michigan in a bipartisan way and I am hopeful, encouraged that they can actually pass something in the next day or two in the Senate that we can then work on in the House. But I would urge --

Mr. Butterfield. Thank you, Mr. Chairman. That is very reassuring and I have read your comments about the Flint crisis.

The Chairman. I care a lot about it, all of our communities.

Mr. Butterfield. Yes, and I thank you for that and I look forward to working with you as we address the lead problem, not only in Flint but all across the country.

The Chairman. Absolutely.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Butterfield. Thank you.

The Chairman. I underscore that.

Mr. Butterfield. I yield back.

The Chairman. The gentleman yields back.

Mr. Butterfield. Yes.

The Chairman. And with that, I think we can have a vote on the amendment offered by the gentleman from North Carolina.

Those in favor, say aye.

Opposed, say no.

In the opinion of the chair, the noes have it. The amendment is not agreed to.

Are there further amendments to the bill? The gentlelady from New York.

Ms. Clarke. Thank you, Mr. Chairman.

I rise to offer my amendment.

[The Amendment offered by Ms. Clarke follows:]

*****INSERT*****

The Chairman. The clerk will report the title of the amendment.

Ms. Clarke. It is CLARKE_015.

The Chairman. CLARKE_015?

Ms. Clarke. Yes.

The Clerk. Amendment to H.R. 4725 Offered by Ms. Clarke of New York.

The Chairman. And without objection, the amendment is considered as read. The staff will distribute the amendment and the gentlelady has 5 minutes in support of her amendment.

Ms. Clarke. Thank you so very much, Mr. Chairman.

My amendment would protect funding for the Racial and Ethnic Approaches to Community Health Program, also known as reach. This amendment would exclude the program from the language set forth in Section 6 of the bill. REACH is a national program administered by the CDC to reduce racial and ethnic health disparities. Through REACH, awardees plan and carry out local culturally appropriate programs to address a wide range of intractable health issues and imperatives among racial and ethnic minorities.

Health disparities in America are glaring. One particularly tragic disparity is in infant mortality rates. According to the CDC, infant mortality is defined as the death of a baby before his or her first birthday. African American

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

infants have a national infant mortality rate of 10.84 percent, which is twice the infant mortality rate of their white counterparts.

However, REACH programs have produced positive health outcomes among racial and ethnic minorities. In Brownsville Brooklyn, which is a predominantly African American neighborhood located in my district in New York, REACH funded a local nonprofit, the Brooklyn Perinatal Network and its program. This program supported local community health centers in their implementation of an enhanced perinatal risk assessment system and a community-based navigation system to link women with services. These efforts were aimed at identifying at-risk mothers and, in doing so, connect them with the appropriate services to lower their baby's risk of infant mortality. Because of this program, half of the women assessed were connected to additional support services to aid in the healthy delivery and support of their babies.

I find it absolutely astonishing that my Republican colleagues who claim to be so concerned about saving the life of a child but yet they consistently attack programs such as REACH that are actually saving children's lives by lowering infant mortality rates in communities of color.

So, one person's slush fund is another person's access to life itself. It is plain and simple. Either you are on the side

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

of saving lives of infants or you are not. All of those in favor of saving infants vote in favor of my amendment.

And I yield back the balance of my time.

The Chairman. The gentlelady yields back.

Other members wishing to speak on the amendment? Seeing none, the vote occurs on the amendment offered by the gentlelady from New York. All those in favor -- do you want a roll call?

A roll call vote is requested. The Clerk will call the roll.

The Clerk. Mr. Barton.

Mr. Whitfield.

[No response.]

The Clerk. Mr. Shimkus.

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

Mr. Pitts.

Mr. Pitts. No.

The Clerk. Mr. Pitts votes no.

Mr. Walden.

[No response.]

The Clerk. Mr. Murphy.

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

Mr. Burgess.

Mr. Burgess. No.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Clerk. Mr. Burgess votes no.

Mrs. Blackburn.

[No response.]

The Clerk. 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.

Mr. Guthrie. No.

The Clerk. Mr. Guthrie votes no.

Mr. Olson.

Mr. Olson. No.

The Clerk. Mr. Olson votes no.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. McKinley.

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

Mr. Pompeo.

Mr. Pompeo. No.

The Clerk. Mr. Pompeo 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.

Mrs. Elmers.

[No response.]

The Clerk. Mr. Bucshon.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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. Pallone.

Mr. Pallone. Aye.

The Clerk. Mr. Pallone votes aye.

Mr. Rush.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

[No response.]

The Clerk. Ms. Eshoo.

Mr. Engel.

[No response.]

The Clerk. Mr. Green.

Mr. Green. Yes.

The Clerk. Mr. Green votes aye.

Ms. DeGette.

[No response.]

The Clerk. Mrs. Capps.

Mrs. Capps. Aye.

The Clerk. Mrs. Capps 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.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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.

[No response.]

The Clerk. Mr. Lujan.

Mr. Lujan. Aye.

The Clerk. Mr. Lujan votes aye.

Mr. Tonko.

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Mr. Yarmuth.

Mr. Yarmuth. Aye.

The Clerk. Mr. Yarmuth votes aye.

Ms. Clarke.

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

Mr. Loeb sack.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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.

Chairman Upton.

The Chairman. Votes no. The Clerk. Chairman Upton votes
no.

The Chairman. Other members? Mr. Whitfield.

Mr. Whitfield. No.

The Chairman. Mr. Barton.

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

The Chairman. Do you have Mr. Whitfield as a no?

The Clerk. Mr. Whitfield votes no.

The Chairman. Mr. Walden.

Mr. Walden. No.

The Clerk. Mr. Walden votes no.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Chairman. Any other members wish to cast a vote?
Seeing none, the clerk will report the tally.

The Clerk. Mr. Chairman, on that vote there were 18 ayes
and 29 noes.

The Chairman. Eighteen ayes, twenty-nine noes; the
amendment is not agreed to.

The Chair will recognize Mr. Green for a U.C.

Mr. Green. Thank you, Mr. Chairman. I ask unanimous
consent to place on the record a number of letters from various
groups. I ask unanimous consent to place them in the record.

[The information follows:]

*****COMMITTEE INSERT*****

The Chairman. Without objection, the chair will recognize Mr. Cardenas for an amendment.

[The Amendment offered by Mr. Cardenas follows:]

*****INSERT*****

Mr. Cardenas. Mr. Chairman, I have an amendment at the desk and if allowed to speak on my amendment, I am prepared to withdraw it after.

The Chairman. Oh, wonderful. The clerk will report the title of the amendment.

The Clerk. Amendment to H.R. 4725 Offered by Mr. Cardenas.

The Chairman. My understanding is this is the last amendment.

So, the amendment will be considered as read. The staff will distribute the amendment. The gentleman is recognized for as much time as he may consume.

Mr. Cardenas. They called votes, so I won't take too much time. But thank you, Mr. Chairman.

My amendment would emphasize the importance of comprehensive immigration reform and its relevance in any serious discussions that must take place when considering mandatory spending cuts and savings and the effects of the budgetary decisions and actions by this committee.

Arguably, the contours and effects of the Common Sense Savings Act stretch beyond the jurisdiction of our committee, yet a good deal of it is within the jurisdiction of Energy and Commerce Committee. This bill and other so-called mandatory savings bills from at least two other house committees will be folded into the budget reconciliation process. The Republican party claims that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

these pathways will result in specific savings in fiscal years 2017 and 2018 of about \$12 billion and close to \$300 billion over the next 10 years.

Mr. Chairman, my amendment is germane to this because the fundamental purpose of the Common Sense Savings Act matches up with the fundamental purpose of my amendment, which is to reduce the federal deficit through spending reforms to public health programs by taking positive impacts of the comprehensive immigration reform on our revenue.

If Congress is serious about reducing the federal budget deficit through policy bills, then we should consider serious legislation that would actually increase our revenue and reduce the deficit. And once again, so we would not have to harm the health and effect that we have on our policy when it comes to vulnerable populations across America. Our nation doesn't win. When we pass legislation that takes critically-needed healthcare benefits from our most vulnerable and voiceless constituents, including low-income children or even from low-income households that may be fortunate to prevail in a lawsuit and get a few damages.

What Republicans prioritize and how they would go about cutting spending, growth, and the overall federal deficit probably diverges greatly from how most Americans would go about accomplishing those goals. Yet, what my amendment proposes could make a big long-term difference in reducing the federal deficit,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

would also allow us to continue to have the good programs that many people on both sides of the aisle agree that we should continue of we have the resources to do so.

That being the case, ladies and gentlemen, comprehensive immigration reform would restore hundreds of billions of dollars to our revenue in this country at the federal level and also at local and state levels as well, and eventually, over the next 20 years, restore as much as \$1 trillion -- \$1 trillion, ladies and gentlemen, to the federal coffers and that would allow us to continue to have the good programs that many of us believe in, without having to make the difficult decisions of having to cut badly needed programs that save lives, improve the health of Americans and also, in addition to things like making sure that we are there for our constituents when it comes to mental health as well.

Once again, ladies and gentlemen, we are on a policy committee but when we actually get involved in making sure that we pass good strong policy, it allows our appropriation committees, the other committees to not have to make those Draconian cuts that we force them to do when we make bad decisions at the legislative level, such as this wonderful policy committee.

And with that, Mr. Chairman, I appreciate the opportunity to present my amendment and I withdraw my amendment.

The Chairman. The gentleman withdraws his amendment.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Votes have been called on the House floor.

The chair would recognize the gentlelady from New York.

Mr. Cardenas. The remainder of my time, yes.

Ms. Clarke. I appreciate it, Mr. Chairman.

I would just like to support my colleague's amendment. Nine and ten entrepreneurs recognize our immigration is broken and three-quarters support a pathway to citizenship for the 11.7 million unauthorized immigrants living in the country. Entrepreneurs also see the importance of legally admitting high- and low-skilled immigrants to the United States; 74 percent of them believe it would be beneficial to the country and the economy to allow more high-skilled foreign workers to immigrate to the United States and 64 percent believe we should admit more low-skilled workers.

Legalizing unauthorized immigrants will increase the wages of American workers by \$475 billion cumulatively over the next decade. Workers will spend these wages on goods and services and this increased spending will drive businesses' demand and create prosperity. All told, legalizing the undocumented will create 121,000 each year and add a cumulative \$832 billion to the United States economy over the next decade.

Mr. Chairman, indeed, if this amendment were to be adopted and we were to pass comprehensive immigration reform, these Draconian cuts that are being proposed by my colleagues on the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

other side of the aisle would not be necessary.

I yield back the balance of my time.

The Chairman. The gentleman's time has expired. The gentleman withdraws his amendment.

Mr. Cardenas. I withdraw my amendment. Thank you, Mr. Chairman.

The Chairman. Are there further amendments to the bill? Seeing none, the question now occurs on favorably reporting our H.R. 4725 to the House. Roll call is requested. The clerk will call the roll.

The Clerk. Mr. Barton.

Mr. Barton. Yes.

The Clerk. Mr. Barton votes aye.

Mr. Whitfield.

Mr. Whitfield. Aye.

The Clerk. Mr. Whitfield votes aye.

Mr. Shimkus.

Mr. Shimkus. Aye.

The Clerk. Mr. Shimkus votes aye.

Mr. Pitts.

Mr. Pitts. Aye.

The Clerk. Mr. Pitts votes aye.

Mr. Walden.

Mr. Walden. Aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Clerk. Mr. Walden votes aye.

Mr. Murphy.

Mr. Murphy. Aye.

The Clerk. Mr. Murphy votes aye.

Mr. Burgess.

Mr. Burgess. Aye.

The Clerk. Mr. Burgess votes aye.

Mrs. Blackburn.

[No response.]

The Clerk. Mr. Scalise.

Mr. Scalise. Aye.

The Clerk. Mr. Scalise votes aye.

Mr. Latta.

Mr. Latta. Aye.

The Clerk. Mr. Latta votes aye.

Mrs. McMorris Rodgers.

Mrs. McMorris Rodgers. Aye.

The Clerk. Mrs. McMorris Rodgers votes aye.

Mr. Harper.

[No response.]

The Clerk. Mr. Lance.

Mr. Lance. Aye.

The Clerk. Mr. Lance votes aye.

Mr. Guthrie.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Guthrie. Aye.

The Clerk. Mr. Guthrie votes aye.

Mr. Olson.

Mr. Olson. Aye.

The Clerk. Mr. Olson votes aye.

Mr. McKinley.

Mr. McKinley. Aye.

The Clerk. Mr. McKinley votes aye.

Mr. Pompeo.

Mr. Pompeo. Aye.

The Clerk. Mr. Pompeo votes aye.

Mr. Kinzinger.

Mr. Kinzinger. Aye.

The Clerk. Mr. Kinzinger votes aye.

Mr. Griffith.

Mr. Griffith. Aye.

The Clerk. Mr. Griffith votes aye.

Mr. Bilirakis.

Mr. Bilirakis. Aye.

The Clerk. Mr. Bilirakis votes aye.

Mr. Johnson.

[No response.]

The Clerk. Mr. Long.

Mr. Long. Aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Clerk. Mr. Long votes aye.

Mrs. Elmers.

[No response.]

The Clerk. Mr. Bucshon.

Mr. Bucshon. Aye.

The Clerk. Mr. Bucshon votes aye.

Mr. Flores.

Mr. Flores. Aye.

The Clerk. Mr. Flores votes aye.

Mrs. Brooks.

Mrs. Brooks. Aye.

The Clerk. Mrs. Brooks votes aye.

Mr. Mullin.

Mr. Mullin. Aye.

The Clerk. Mr. Mullin votes aye.

Mr. Hudson.

Mr. Hudson. Aye.

The Clerk. Mr. Hudson votes aye.

Mr. Collins.

Mr. Collins. Aye.

The Clerk. Mr. Collins votes aye.

Mr. Cramer.

Mr. Cramer. Aye.

The Clerk. Mr. Cramer votes aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Mr. Pallone.

Mr. Pallone. No.

The Clerk. Mr. Pallone votes no.

Mr. Rush.

[No response.]

The Clerk. Ms. Eshoo.

[No response.]

The Clerk. Mr. Engel.

[No response.]

The Clerk. Mr. Green.

Mr. Green. No.

The Clerk. Mr. Green votes no.

Ms. DeGette.

[No response.]

The Clerk. Mrs. Capps.

Mrs. Capps. No.

The Clerk. Mrs. Capps votes no.

Mr. Doyle.

Mr. Doyle. No.

The Clerk. Mr. Doyle votes no.

Ms. Schakowsky.

Ms. Schakowsky. No.

The Clerk. Ms. Schakowsky votes no.

Mr. Butterfield. Mr. Butterfield. No.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

The Clerk. Mr. Butterfield votes no.

Ms. Matsui.

Ms. Matsui. No.

The Clerk. Ms. Matsui votes no.

Ms. Castor.

Ms. Castor. No.

The Clerk. Ms. Castor votes no.

Mr. Sarbanes.

Mr. Sarbanes. No.

The Clerk. Mr. Sarbanes votes no.

Mr. McNerney. No.

The Clerk. Mr. McNerney votes no.

Mr. Welch.

Mr. Welch. No.

The Clerk. Mr. Welch votes no.

Mr. Lujan.

Mr. Lujan. No.

The Clerk. Mr. Lujan votes no.

Mr. Tonko.

Mr. Tonko. No.

The Clerk. Mr. Tonko votes no.

Mr. Yarmuth.

Mr. Yarmuth. No.

The Clerk. Mr. Yarmuth votes no.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Ms. Clarke.

Ms. Clarke. No.

The Clerk. Ms. Clarke votes no.

Mr. Loeb sack.

Mr. Loeb sack. No.

The Clerk. Mr. Loeb sack votes no.

Mr. Schrader.

Mr. Schrader. No.

The Clerk. Mr. Schrader votes no.

Mr. Kennedy.

Mr. Kennedy. No.

The Clerk. Mr. Kennedy votes no.

Mr. Cardenas.

The Chairman. Mr. Cardenas?

Mr. Cardenas. No.

The Clerk. Mr. Cardenas votes no.

Chairman Upton.

The Chairman. Votes aye.

The Clerk. Chairman Upton votes aye.

The Chairman. Other members wishing to cast a vote? Mr.
Johnson.

Mr. Johnson. Aye.

The Clerk. Mr. Johnson votes aye.

The Chairman. Any other members wishing to cast a vote?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

Seeing none, the clerk will report the tally.

The Clerk. Mr. Chairman, on that vote there were 28 ayes and 19 noes.

The Chairman. Twenty-eight ayes, nineteen noes; the bill is approved, favorably reported. I would ask unanimous consent for the clerk to make technical corrections to errors that may be in the bill.

And without objection, so ordered.

With that, the committee stands adjourned.

[Whereupon, at 1:38 p.m., the committee was adjourned.]

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com