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4 MARKUP ON H.R. 3670, ANTI-SPOOFING ACT OF 2013;  
5 H.R. 5161, E-LABEL ACT;  
6 H.R. 1575, KELSEY SMITH ACT;  
7 H.R. 4067, AND A BILL TO PROVIDE FOR THE EXTENSION OF THE  
8 ENFORCEMENT INSTRUCTION ON SUPERVISION REQUIREMENTS FOR  
9 OUTPATIENT THERAPEUTIC SERVICES IN CRITICAL ACCESS AND SMALL  
10 RURAL HOSPITALS THROUGH 2014;  
11 H.R. 5214, A BILL TO REQUIRE THE SECRETARY OF HEALTH AND  
12 HUMAN SERVICES TO PROVIDE FOR RECOMMENDATIONS FOR THE  
13 DEVELOPMENT AND USE OF CLINICAL DATA REGISTRIES FOR THE  
14 IMPROVEMENT OF PATIENT CARE;  
15 H.R. 4701, THE LYME AND TICK-BORNE DISEASES ACT OF 2014; AND  
16 H.R. 3522, EMPLOYEE HEALTH CARE PROTECTION ACT  
17 WEDNESDAY, JULY 30, 2014  
18 House of Representatives,  
19 Committee on Energy and Commerce  
20 Washington, D.C.

21           The Committee met, pursuant to other business, at 10:06  
22 a.m., in Room 2123 of the Rayburn House Office Building, Hon.  
23 Fred Upton [Chairman of the Committee] presiding.

24           Members present: Representatives Upton, Barton,  
25 Blackburn, Hall, Shimkus, Pitts, Walden, Terry, Murphy,  
26 Burgess, Gingrey, Latta, Harper, Lance, Cassidy, Guthrie,  
27 Olson, McKinley, Gardner, Kinzinger, Griffith, Bilirakis,  
28 Johnson, Long, Ellmers, Waxman, Dingell, Pallone, Eshoo,  
29 Engel, Green, DeGette, Capps, Doyle, Schakowsky, Matheson,  
30 Butterfield, Barrow, Matsui, Christensen, Castor, Sarbanes,  
31 Mcnerney, Braley, Welch, Lujan, Tonko, and Yarmuth.

32           Staff present: Nick Abraham, Legislative Clerk; Clay  
33 Alspach, Chief Counsel, Health; Gary Andres, Staff Director;  
34 Ray Baum, Senior Policy Advisor/Director of Coalitions; Mike  
35 Bloomquist, General Counsel; Sean Bonyun, Communications  
36 Director; Matt Bravo, Professional Staff Member; Leighton  
37 Brown, Press Assistant; Rebecca Card, Staff Assistant; Noelle  
38 Clemente, Press Secretary; Andy Duberstein, Deputy Press  
39 Secretary; Graham Dufault, Policy Coordinator, CMT; Paul  
40 Edattel, Professional Staff Member, Health; Gene Fullano,  
41 Detailee, Telecom; Kelsey Guyselman, Counsel, Telecom; Sydne  
42 Harwick, Legislative Clerk; Brittany Havens, Legislative

43 Clerk; Robert Horne, Professional Staff Member, Health; Kirby  
44 Howard, Legislative Clerk; Peter Kielty, Deputy General  
45 Counsel; Grace Koh, Counsel, Telecom; Alexa Marrero, Deputy  
46 Staff Director; Carly McWilliams, Professional Staff Member,  
47 Health; Katie Novaria, Professional Staff Member, Health;  
48 Chris Pope, Fellow, Health; David Redl, Counsel, Telecom;  
49 Charlotte Savercool, Legislative Clerk; Heidi Stirrup, Health  
50 Policy Coordinator; John Stone, Counsel, Health; Jessica  
51 Wilkerson, Legislative Clerk; Jean Woodrow, Director,  
52 Information Technology; Ziky Ababiya, Democratic Staff  
53 Assistant; Michelle Ash, Democratic General Counsel; Phil  
54 Barnett, Democratic Staff Director; Jen Berenholz, Democratic  
55 Chief Clerk; Shawn Chang, Democratic Chief Counsel,  
56 Communications and Technology; Eddie Garcia, Democratic  
57 Professional Staff Member; Kaycee Glavich, Democratic GAO  
58 Detailee; Hannah Green, Democratic Policy Analyst; Amy Hall,  
59 Democratic Senior Professional Staff Member; Margaret  
60 McCarthy, Democratic Professional Staff Member; and Matt  
61 Siegler, Democratic Counsel.

|  
62           Mr. {Walden.} [Presiding] The Committee will come to  
63 order. At the conclusion of opening statements yesterday,  
64 the Chair called up H.R. 3670, and the bill was open for  
65 amendment at any point. The Chair now recognizes Mr. Barton  
66 to offer an amendment in the nature of a substitute. Mr.  
67 Barton.

68           Mr. {Barton.} Thank you, Mr. Chairman. I have an  
69 amendment at the--

70           Mr. {Walden.} The Clerk will report the amendment.

71           The {Clerk.} Amendment in the nature of a substitute to  
72 H.R. 3670, offered by Mr. Barton of Texas.

73           [The amendment of Mr. Barton follows:]

74 \*\*\*\*\* INSERT 1 \*\*\*\*\*

|  
75           Mr. {Walden.} Without objection, the reading of the  
76 amendment is dispensed with. The gentleman is recognized for  
77 5 minutes in support of his amendment.

78           Mr. {Barton.} Mr. Chairman, we introduced this bill  
79 last year, and it has got broad bipartisan support. The  
80 amendment that I am offering today in the nature of a  
81 substitute takes out two sections of the bill. One section  
82 of the bill, this Section 2(b), had a specific definition of  
83 spoofing, and allowed the FCC the ability to prescribe  
84 regulations that would require a provider of spoofing  
85 services to notify people about that service.

86           Many of the stakeholders felt that, as currently  
87 written, Section 2(b) in some way might give the FCC more  
88 authority than they really needed, and so the amendment in  
89 the nature of a substitute takes out Section 2(b) and  
90 2(c)(ii), with the understanding that some of the information  
91 in those two sections will be clarified and included in  
92 report language on the bill.

93           This is a bipartisan amendment. I am not aware that  
94 there is any opposition to it. As the Republican author of  
95 the bill, I think it certainly removes some concerns, and I  
96 don't think it detracts from the intent of the bill, so I  
97 would hope the Committee would accept the amendment in the

98 nature of a substitute.

99 Mr. {Walden.} And do you yield back the balance--

100 Mr. {Barton.} Yield back.

101 Mr. {Walden.} Gentleman yields back the balance of his  
102 time. Is there further discussion on the amendment? Seeing  
103 none, the question now arises on the Barton amendment in the  
104 nature of a substitute.

105 All those in favor will say aye.

106 Those opposed, no.

107 The amendment is agreed to.

108 Got to go to the next ones. Are there further  
109 amendments to the bill? Seeing none, the question now occurs  
110 on favorably reporting H.R. 3670, as amended, to the House.

111 All those in favor shall signify by saying aye.

112 Those opposed, no.

113 The ayes have it. The bill is favorably reported.

|

114 H.R. 5161

115       Mr. {Walden.} Next the Chair calls up H.R. 5161, and  
116 asks the Clerk to report.

117       The {Clerk.} H.R. 5161, to promote the non-exclusive  
118 use of electronic labeling for devices licensed by the  
119 Federal Communications Commission.

120       [H.R. 5161 follows:]

121 \*\*\*\*\* INSERT 2 \*\*\*\*\*

|  
122           Mr. {Walden.} Without objection, the first reading of  
123 the bill is dispensed with, and the bill will be open for  
124 amendment at any point. So ordered.

125           Are there bipartisan amendments to the bill? Are there  
126 any amendments to the bill?

127           The question now occurs on favorably reporting H.R. 5161  
128 to the House.

129           All those in favor shall signify by saying aye.

130           All those opposed, no.

131           The ayes appear to have it. The ayes have it. The bill  
132 is favorably reported.



|

133 H.R. 1575

134 Mr. {Walden.} The Chair calls up H.R. 1575, and asks  
135 the Clerk to report.

136 The {Clerk.} H.R. 1575, to amend the Communications Act  
137 of 1934 to require a provider of a commercial mobile service,  
138 or an IP enabled voice service, to provide call location  
139 information concerning the user of such a service to law  
140 enforcement agencies in order to respond to a call for  
141 emergency services, or in an emergency situation that  
142 involves risk of death or serious physical harm.

143 [H.R. 1575 follows:]

144 \*\*\*\*\* INSERT 3 \*\*\*\*\*

|  
145           Mr. {Walden.} Without objection, the first reading of  
146 the bill is dispensed with. The bill will be open for  
147 amendment at any point. So ordered.

148           The Chair recognizes himself for an amendment in the  
149 nature of a substitute. I have an amendment at the desk.  
150 The Clerk will report the amendment.

151           The {Clerk.} Amendment in the nature of a substitute to  
152 H.R. 1575, offered by Mr. Walden of Oregon.

153           [The amendment of Mr. Walden follows:]

154 \*\*\*\*\* INSERT 4 \*\*\*\*\*

|  
155           Mr. {Walden.} Without objection, the reading of the  
156 amendment is dispensed with, and I recognize myself for 5  
157 minutes to describe the amendment.

158           Technology has made our lives measurably better. Most  
159 Americans carry in their pockets the kind of computing power  
160 and access to information our parents could only dream of  
161 through the works of Isaac Asimov or H.G. Wells. But today  
162 smartphones give us near ubiquitous access to the collective  
163 knowledge of the Internet, connect us to loved ones around  
164 the globe, and perhaps most importantly, can pinpoint our  
165 locations. I am honored to offer this amendment in the  
166 nature of a substitute to the Kelsey Smith Act.

167           Now, this was a bill first introduced, and strongly  
168 advocated, by my colleague, Mr. Yoder of Kansas. In an age  
169 where smartphones are smart enough to show our boarding  
170 passes on a screen at the airport, or a loyalty card when we  
171 are near a local coffee shop, it is startling that the same  
172 technology could be inaccessible to emergency personnel when  
173 they need it most.

174           Imagine it is getting late, and you haven't heard from  
175 your daughter. Her car is located in a local parking lot,  
176 but she is nowhere to be found. And that even though she is  
177 carrying a phone that could police her location, that

178 information remains locked up behind a bureaucracy at the  
179 wireless provider, and in a system that places on the burden  
180 on the wireless provider to ascertain whether it is an  
181 emergency or not, or risk suit if in error. That is the  
182 scenario that played out 7 years ago in Overland Park,  
183 Kansas.

184 This amendment in the nature of a substitute would  
185 ensure that no family has to go through what that family went  
186 through in a scenario like that again. It would give law  
187 enforcement the tools to gather location information during  
188 real emergencies.

189 Some have criticized the bill is too broad, or a threat  
190 to privacy, and that is simply not the case. This amendment  
191 creates three discrete categories of situations in which  
192 emergency providers would apply. First, when the officer  
193 believes that a life is in danger. Second, when the officer  
194 believes that a person is in danger of serious physical harm.  
195 And finally, when a person calls for emergency services.

196 Think about that for a second. Under current law, if  
197 you call 911, which sends your location to 911 operators, and  
198 the connection is lost for some reason, law enforcement would  
199 have to ask your wireless carrier for your local information,  
200 and wait for the carrier to decide if it is an emergency, or  
201 go get a court order. By calling 911, a person is clearly,

202 and unambiguously, reaching out for help. Why, then, do we  
203 ask wireless carriers to divine whether they believe an  
204 emergency exists before releasing location data, or to bear  
205 responsibility for the actions of law enforcement seeking  
206 information?

207       Importantly, this amendment also contains provisions to  
208 ensure that law enforcement officers do not misuse it.  
209 First, the officer must provide a sworn written statement,  
210 under penalty of perjury, that lists the facts of the  
211 situation. Second, the officer must have probable cause to  
212 believe that an emergency situation actually exists. And  
213 finally, within 48 hours after availing themselves of this  
214 emergency provision, the law enforcement agency must go to  
215 the court and request validation of their good faith belief.  
216 I believe that the benefits of this powerful tool, combined  
217 with court oversight, provide the right balance to save  
218 lives, and prevent abuse.

219       As a Washington Post editorial pointed out, this law  
220 saves lives using existing technology, does not cost  
221 taxpayers a dime. Versions of this legislation have been  
222 passed in 14 states, and it is time for it to move forward at  
223 the federal level. We can't go back and prevent what  
224 happened to Kelsey Smith, but we can ensure that no family  
225 has to endure what Greg and Missy Smith did for 5 days in

226 2007. That can be Kelsey's legacy.

227         So I thank Mr. Yoder for his tireless work to champion  
228 this legislation, I urge my colleagues to join me in  
229 accepting this amendment, and voting to move this legislation  
230 for consideration to the House of Representatives. And I  
231 yield back the balance of my time.

232         Is there further discussion on the amendment? The Chair  
233 recognizes the gentleman from California, Mr. Waxman, for 5  
234 minutes.

235         Mr. {Waxman.} Thank you, Mr. Chairman. I move to  
236 strike the last word. In my opening statement for the markup  
237 yesterday, I mentioned one lesson I had learned long ago from  
238 John Dingell, which is that procedure is substance, and that  
239 a bad process can produce bad bills. This is a case where a  
240 hearing and subcommittee markup could have made a difference  
241 in the quality of our work. That said, I also want to  
242 recognize that the majority has worked with us over the last  
243 few days to try to improve this bill. This has been a  
244 genuine effort on the majority's part, and I express my  
245 gratitude to them for them.

246         I will support the amendment in the nature of a  
247 substitute offered by Mr. Walden today because it reflects  
248 significant progress made on a bipartisan basis to improve  
249 this bill. Specifically, the amendment adds new privacy

250 protections, such as ensuring that a law enforcement  
251 officer's request for location information is accompanied by  
252 a sworn written statement. It also requires public safety to  
253 obtain a court order within 48 hours after a request for  
254 location information has been made. At the same time, the  
255 new provisions do not undermine the bill's intent to provide  
256 public safety officials with the ability to locate a user in  
257 an emergency situation involving risk of death or bodily  
258 injury.

259         Nevertheless, given the complexity of the bill, and the  
260 minimal amount of time we are giving to review it, I remain  
261 concerned that additional issues may warrant further  
262 consideration. For example, privacy and civil liberty groups  
263 have pointed to the lack of specific remedy, such as a  
264 penalty for police misconduct, or the ability to suppress  
265 evidence when a reviewing court finds that the law has been  
266 violated. They have also pointed to the lack of narrow  
267 definition of what constitute an emergency, and whether the  
268 bill properly connects the emergency to the records being  
269 sought.

270         So while I support moving this bill through committee on  
271 a voice vote, and appreciate the majority's willingness to  
272 work together to improve this bill, there is still work to do  
273 before the legislation is ready for the floor. I am hopeful

274 we will use the upcoming recess every day in August to  
275 solicit the views of privacy experts to consult with the  
276 judiciary committee, which has special expertise in some of  
277 the legal issues involved, and to further refine this bill.

278 So, with those complaints, I look forward--

279 Mr. {Walden.} And blessings.

280 Mr. {Waxman.} --looking forward to working together on  
281 this bill--

282 Mr. {Walden.} Appreciate that. Would you mind yielding  
283 to Ms. Eshoo?

284 Mr. {Waxman.} I would be pleased to yield to Ms. Eshoo.

285 Ms. {Eshoo.} I thank the gentleman for yielding. I  
286 also support passage of the Kelsey Smith Act. It is a bill  
287 that would assist law enforcement in obtaining critical  
288 location information during an emergency, and this is an  
289 issue that we have worked on in different ways over the  
290 years. It is very important.

291 I think it is disappointing that such a complex bill was  
292 really not vetted at the subcommittee, but I do appreciate  
293 the important changes offered by Mr. Walden to address  
294 privacy concerns. These changes take steps to ensure that  
295 the data is only provided when law enforcement provides a  
296 sworn statement attesting to the probable cause for the risk  
297 of danger, or a serious physical injury, and that disclosure



298 without delay is therefore required.

299 I hope we can address any outstanding issues prior to  
300 the House floor so that we can ensure that the law, you know,  
301 that the law provides the timely access to location  
302 information, and we know that that is a potentially  
303 lifesaving tool. So, Mr. Chairman, thank you for what you  
304 are offering. I think you are hearing the same--

305 Mr. {Walden.} Yeah.

306 Ms. {Eshoo.} --theme here on this side of the aisle,  
307 and I think that, in working together, we can really present  
308 a very solid bill on all fronts--

309 Mr. {Walden.} Yeah.

310 Ms. {Eshoo.} --to the full house. So, with that, I  
311 will yield back.

312 Mr. {Walden.} If the gentlelady would yield, I would  
313 just concur, and we look forward to working with you in a  
314 very good faith effort to get this right, but also to be able  
315 to move it in the limited time we have. So I appreciate the  
316 cooperation of your staff and yourselves on this effort.

317 Is there further discussion on the amendment? If not,  
318 the question now arises.

319 All those in support of the Walden amendment in the  
320 nature of a substitute will say aye.

321 Those opposed, no.

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

324           Is there further discussion on the bill? If not, the  
325 question now arises on favorably reporting H.R. 1575, as  
326 amended, to the House.

327           All those in favor shall say aye.

328           Those opposed, no.

329           The ayes appear to have it. The ayes have it, and the  
330 bill is favorably reported. Okay.

|

331 H.R. 4067

332 Mr. {Pitts.} [Presiding] The Chair calls up H.R. 4067,  
333 and asks the Clerk to report.

334 The {Clerk.} H.R. 4067, to provide for the extension of  
335 the enforcement instruction on supervision requirements for  
336 outpatient therapeutic services in critical access and small  
337 rural hospitals through 2014.

338 [H.R. 4067 follows:]

339 \*\*\*\*\* INSERT 5 \*\*\*\*\*

|  
340 Mr. {Pitts.} Without objection, the first reading of  
341 the bill is dispensed with. The bill will be open for  
342 amendment at any point. So ordered. Chair recognizes  
343 himself for 5 minutes.

344 H.R. 4067, a bill introduced by Congresswoman Lynn  
345 Jenkins, is a common sense solution to a problem caused by  
346 CMS that has the potential to limit or delay access to health  
347 care for seniors in rural areas of the country. The bill  
348 would delay, until the end of the year, enforcement of  
349 supervision requirements for outpatient therapeutic services  
350 in critical access hospitals to give CMS, and provider  
351 groups, time to identify which services will fall under the  
352 requirement. This legislation was passed by unanimous  
353 consent in the Senate. And I want to thank Congresswoman  
354 Lynn Jenkins for her leadership in bringing this bill forward  
355 in the House, and I urge my colleagues to support the bill.  
356 Yield back.

357 Are there bipartisan amendments to the bill? Okay. Are  
358 there any other amendments? If not, the Chair recognizes the  
359 Ranking Member of the Health Subcommittee, Mr. Pallone, for 5  
360 minutes.

361 Mr. {Pallone.} Thank you, Mr. Chairman. Move to strike  
362 the last word.

363 I am not clear why the committee bypassed regular order  
364 to mark up H.R. 4067. This bill would prevent the Centers  
365 for Medicare and Medicaid Services from enforcing physician  
366 supervision standards in rural and critical access hospital  
367 outpatient facilities. This seems to be an issue important  
368 enough that we would want to learn the facts of the situation  
369 before legislating. The standards the bill would suspend  
370 enforcement of have been in place since January of this year,  
371 with no ill effect, as far as anyone has been able to tell  
372 me. And now, 7 months into the year, we are marking up a  
373 bill that would stop enforcement of the standards for the  
374 next 5 months.

375 And anecdotally, I have heard of some providers' concern  
376 with the CMS supervision standard. They reason that we need  
377 to bar CMS from enforcing these rules because patients could  
378 complain, or a whistleblower could file a complaint that a  
379 facility was allowing staff to practice medicine on Medicare  
380 patients without any supervision. But isn't that the kind of  
381 thing we might be concerned about, and want a whistleblower  
382 to report? That is just what this bill would stop.

383 I am not aware of CMS taking action against a facility  
384 for failure to meet physician supervision standards since  
385 January, and we haven't heard of any patient access issues  
386 over the past 7 months. We haven't even had the ability to

387 hear the administration's views on the enforcement of  
388 physician supervision requirements.

389         And I understand, Mr. Chairman, that sometimes rural  
390 facilities face difficulty in securing staffing, but in this  
391 instance, ensuring that the providers in remote regions that  
392 are performing services on patients have appropriate  
393 supervision, whether that is in person, or immediate  
394 availability by phone, in case of an unforeseen emergency,  
395 seems to make sense. In many cases, if something goes wrong,  
396 it could take much longer to get assistance.

397         So my point, Mr. Chairman, and, you know, I have  
398 reiterated this in subcommittee, and I am going to reiterate  
399 it again, that this issue warrants further exploration so  
400 that we can understand the effect of suspending CMS's  
401 enforcement ability before we move ahead to legislate. And  
402 it is the same problem. We should have regular order.

403         When we don't have both a hearing and a markup in  
404 subcommittee, then we don't have that opportunity to hear  
405 from the administration, and hear from all the members as to  
406 whether or not this type of legislation is necessary. And  
407 so, under the circumstances, I think that we are making a  
408 huge mistake in moving forward with this markup. And, again,  
409 I know that the regular order of the subcommittee has been  
410 bypassed. I think that is wrong, and I don't want us to

411 continue to do that.

412 Thank you, Mr. Chairman.

413 Mr. {Pitts.} Chair thanks the gentleman. Is there any  
414 other discussion on the bill?

415 The question now occurs on favorably reporting H.R. 4067  
416 to the House.

417 All of those in favor shall signify by saying aye.

418 All opposed, no.

419 Mr. {Pallone.} Mr. Chairman, I am asking for a recorded  
420 vote on this.

421 Mr. {Pitts.} All right. The Clerk will--

422 The {Clerk.} Mr. Hall?

423 [No response.]

424 Mr. {Pitts.} --do the roll.

425 The {Clerk.} Mr. Barton?

426 Mr. {Barton.} Aye.

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

428 Mr. Whitfield?

429 [No response.]

430 The {Clerk.} Mr. Shimkus?

431 Mr. {Shimkus.} Aye.

432 The {Clerk.} Mr. Shimkus votes aye.

433 Mr. Pitts?

434 Mr. {Pitts.} Aye.

435 The {Clerk.} Mr. Pitts votes aye.  
436 Mr. Walden?  
437 Mr. {Walden.} Aye.  
438 The {Clerk.} Mr. Walden votes aye.  
439 Mr. Terry?  
440 Mr. {Terry.} Aye.  
441 The {Clerk.} Mr. Terry votes aye.  
442 Mr. Rogers?  
443 [No response.]  
444 The {Clerk.} Mr. Murphy?  
445 Mr. {Murphy.} Mr. Murphy votes aye.  
446 Mr. Burgess?  
447 Dr. {Burgess.} Aye.  
448 The {Clerk.} Mr. Burgess votes aye.  
449 Mrs. Blackburn?  
450 Mrs. {Blackburn.} Aye.  
451 The {Clerk.} Mrs. Blackburn votes aye.  
452 Mr. Gingrey?  
453 Dr. {Gingrey.} Aye.  
454 The {Clerk.} Mr. Gingrey votes aye.  
455 Mr. Scalise?  
456 [No response.]  
457 The {Clerk.} Mr. Latta?  
458 Mr. {Latta.} Aye.



459 The {Clerk.} Mr. Latta votes aye.

460 Mrs. McMorris Rodgers?

461 [No response.]

462 The {Clerk.} Mr. Harper?

463 Mr. {Harper.} Aye.

464 The {Clerk.} Mr. Harper votes aye.

465 Mr. Lance?

466 Mr. {Lance.} Aye.

467 The {Clerk.} Mr. Lance votes aye.

468 Mr. Cassidy?

469 [No response.]

470 The {Clerk.} Mr. Guthrie?

471 Mr. {Guthrie.} Aye.

472 The {Clerk.} Mr. Guthrie votes aye.

473 Mr. Olson?

474 Mr. {Olson.} Aye.

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

476 Mr. McKinley?

477 Mr. {McKinley.} Aye.

478 The {Clerk.} Mr. McKinley votes aye.

479 Mr. Gardner?

480 Mr. {Gardner.} Aye.

481 The {Clerk.} Mr. Gardner votes aye.

482 Mr. Pompeo?

483 [No response.]

484 The {Clerk.} Mr. Kinzinger?

485 Mr. {Kinzinger.} Aye.

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

487 Mr. Griffith?

488 Mr. {Griffith.} Aye.

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

490 Mr. Bilirakis?

491 Mr. {Bilirakis.} Aye.

492 The {Clerk.} Mr. Bilirakis votes aye.

493 Mr. Johnson?

494 Mr. {Johnson.} Aye.

495 The {Clerk.} Mr. Johnson votes aye.

496 Mr. Long?

497 Mr. {Long.} Aye.

498 The {Clerk.} Mr. Long votes aye.

499 Mrs. Ellmers?

500 [No response.]

501 The {Clerk.} Mr. Waxman?

502 Mr. {Waxman.} No.

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

504 Mr. Dingell?

505 [No response.]

506 The {Clerk.} Mr. Pallone?

507 Mr. {Pallone.} No.

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

509 Mr. Rush?

510 [No response.]

511 The {Clerk.} Ms. Eshoo?

512 Ms. {Eshoo.} Aye.

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

514 Mr. Engel?

515 [No response.]

516 The {Clerk.} Mr. Green?

517 Mr. {Green.} Aye.

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

519 Ms. DeGette?

520 Ms. {DeGette.} Aye.

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

522 Mrs. Capps?

523 [No response.]

524 The {Clerk.} Mr. Doyle?

525 Mr. {Doyle.} Yes.

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

527 Ms. Schakowsky?

528 [No response.]

529 The {Clerk.} Mr. Matheson?

530 [No response.]

531 The {Clerk.} Mr. Butterfield?  
532 [No response.]  
533 The {Clerk.} Mr. Barrow?  
534 Mr. {Barrow.} Votes aye.  
535 The {Clerk.} Mr. Barrow votes aye.  
536 Ms. Matsui?  
537 [No response.]  
538 The {Clerk.} Ms. Christensen?  
539 [No response.]  
540 The {Clerk.} Ms. Castor?  
541 Ms. {Castor.} No.  
542 The {Clerk.} Ms. Castor votes no.  
543 Mr. Sarbanes?  
544 [No response.]  
545 The {Clerk.} Mr. McNerney?  
546 Mr. {McNerney.} Aye.  
547 The {Clerk.} Mr. McNerney votes aye.  
548 Mr. Braley?  
549 [No response.]  
550 The {Clerk.} Mr. Welch?  
551 Mr. {Welch.} No.  
552 The {Clerk.} Mr. Welch votes no.  
553 Mr. Lujan?  
554 Mr. {Lujan.} No.

555 The {Clerk.} Mr. Lujan votes no.  
556 Mr. Tonko?  
557 Mr. {Tonko.} No.  
558 The {Clerk.} Mr. Tonko votes no.  
559 Mr. Yarmuth?  
560 [No response.]  
561 The {Clerk.} Chairman Upton?  
562 The {Chairman.} Votes aye.  
563 The {Clerk.} Chairman Upton votes aye.  
564 The {Chairman.} Other members wishing to cast a vote?  
565 Mr. Braley?  
566 Mr. {Braley.} Aye.  
567 The {Clerk.} Mr. Braley votes aye.  
568 The {Chairman.} Ms. DeGette?  
569 Ms. {DeGette.} How am I recorded, Mr. Chairman?  
570 The {Chairman.} How is Ms. DeGette recorded?  
571 The {Clerk.} Ms. DeGette is voted as aye.  
572 Ms. {DeGette.} I would like to vote no.  
573 The {Clerk.} Ms. DeGette votes no.  
574 The {Chairman.} Mr. Sarbanes?  
575 The {Clerk.} Mr. Sarbanes votes aye.  
576 The {Chairman.} Mr. Butterfield?  
577 The {Clerk.} Mr. Butterfield votes no.  
578 The {Chairman.} Other members wishing to cast a vote?

579 The {Clerk.} Ms. Ellmers?  
580 The {Chairman.} Ms. Ellmers?  
581 The {Clerk.} Ms. Ellmers votes aye.  
582 The {Chairman.} Mrs. Capps? Is she recorded?  
583 The {Clerk.} No, she is not. Mrs. Capps votes no.  
584 Dr. Cassidy?  
585 Dr. {Cassidy.} Aye.  
586 The {Clerk.} Dr. Cassidy votes aye.  
587 The {Chairman.} Other member wishing to cast a vote?  
588 Mr. Sarbanes?  
589 The {Clerk.} Aye. Mr. Sarbanes votes no.  
590 The {Chairman.} All right. Other members?  
591 Seeing none, Clerk will report the tally.  
592 How is Mr. Hall?  
593 Mr. {Hall.} Aye.  
594 The {Clerk.} Mr. Hall votes aye.  
595 The {Chairman.} And Mr. Yarmuth, is he recorded?  
596 The {Clerk.} Mr. Yarmuth? Mr. Yarmuth votes no.  
597 Mr. Chairman, on that vote there were 31 ayes and 11  
598 nays.  
599 The {Chairman.} 31 ayes, 11 nays, the bill is favorably  
600 reported.

|

601 H.R. 5214

602       The {Chairman.} The Chair would now call up H.R. 5214,

603 and ask the Clerk to report.

604       The {Clerk.} H.R. 5214, to require the Secretary of

605 Health and Human Services to provide for recommendations for

606 the development and use of clinical data registries for the

607 improvement of patient care.

608       [H.R. 5214 follows:]

609 \*\*\*\*\* INSERT 6 \*\*\*\*\*

|  
610           The {Chairman.} Without objection, the first reading of  
611 the bill is dispensed with, and the bill will be open for  
612 amendment at any point.

613           So ordered. Chair would recognize Mr. Olson to offer an  
614 amendment in the nature of a substitute.

615           Mr. {Olson.} Mr. Chairman, I have an amendment at the  
616 desk.

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

618           The {Clerk.} Amendment in the nature of a substitute to  
619 H.R. 5214, offered by Mr. Olson of Texas.

620           [The amendment of Mr. Olson follows:]

621 \*\*\*\*\* INSERT 7 \*\*\*\*\*



|  
622           The {Chairman.} And without objection, the reading of  
623 the amendment is dispensed with. The gentleman is recognized  
624 for 5 minutes in support of his amendment.

625           Mr. {Olson.} Thank you, Mr. Chairman. This amendment  
626 makes two corrections to the bill, but the goal of H.R. 5214  
627 is still the same, transparency from HHS. It ensures that  
628 patients and other groups are consulted, along with health  
629 providers, when forming a registry. It makes it clear, the  
630 bill gives no new powers to the Secretary. It cannot be used  
631 to mess with the practice of medicine.

632           I would like to give some time to Chairman Pitts for a  
633 few comments, and introduction of some documents.

634           Mr. {Pitts.} Thanks to the gentleman. I want to  
635 commend my colleague, Mr. Colson, for his leadership on this  
636 bill today. As we all know, because of our work on the SGR  
637 and other issues, registries have the potential to transform  
638 our health care system, and the quality of care that patients  
639 receive in this country. Unfortunately, CMS has been  
640 creating numerous barriers and hardships on providers and  
641 patients seeking to harness the potential of such registries.  
642 And that is why Mr. Olson's legislation is so timely and so  
643 very important.

644           The bill enjoys widespread bipartisan support from

645 patients, providers, and senior organizations, who have years  
646 of experience in building and operating clinical registries,  
647 including the American Association of Neurological Surgeons,  
648 the American Academy of Ophthalmology, the American Academy  
649 of Orthopedic Surgeons, the American College of Emergency  
650 Physicians, the American College of Gastroenterology, the  
651 American College of Surgeons, the American  
652 Gastroenterological Association, the American Joint  
653 Replacement Registry, the American Society of  
654 Anesthesiologists, the American Society of Clinical Oncology,  
655 the American Society of Nuclear Cardiology, the American  
656 Society of Plastic Surgeons, the American Society for  
657 Radiation Oncology, the American Neurological Association,  
658 the North American Spine Society, the Society for Vascular  
659 Surgery, the Society for Interventional Radiology, the  
660 Society of Neuro-interventional Surgery, the Society of  
661 Thoracic Surgeons, the American Association of Clinical  
662 Endocrinologists, the Global Genes Project, Little Miss Hanna  
663 Foundation, Mary Payton's Miracle Foundation, Parent Project  
664 Muscular Dystrophy, the Sanfilippo Foundation for Children,  
665 the Association of Mature American Citizens, Taylor's Tale,  
666 Drew's Hope, You Are Our Hope. And I ask unanimous consent  
667 to have these letters of support entered into the record.

668           The {Chairman.} Without objection.

669 [The information follows:]

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

|  
671 Mr. {Olson.} I yield back.

672 The {Chairman.} Yield back?

673 Mr. {Pitts.} And yield back the balance of my time.

674 The {Chairman.} Gentleman yields back. Chair

675 recognizes, strike the last word, Mr. Pallone from New Jersey  
676 for 5 minutes.

677 Mr. {Pallone.} Thank you, Mr. Chairman. Again, I  
678 object to the fact that we have not had regular order in the  
679 subcommittee on this bill. In fact, this bill wasn't even  
680 introduced until Monday night, and there has not been a real  
681 opportunity to review this bill. I know my Chairman of  
682 Subcommittee says that it is bipartisan. I don't think it is  
683 bipartisan. It is just another example of where, you know,  
684 we are getting a bill, we haven't had an opportunity to have  
685 a hearing, to have a markup in the subcommittee. And that is  
686 not a good thing, because this thing could be bipartisan, if  
687 the Republicans were willing to cooperate with us.

688 We all agree that registries are a good thing. In fact,  
689 they were a big part of the discussion during the SGR  
690 process, and we remain committed to our efforts to enact  
691 those registry provisions, along with the SGR bill. But this  
692 new bill appears to duplicate current public/private efforts  
693 that are already in existence.

694 Both the AMA, through the National Quality Registry  
695 Network, and the Agency for Health Care Quality Research,  
696 through its extensive Public/Private Registry User Guide,  
697 have already done exactly what this bill appears to be  
698 seeking to do, and that is provide detailed information on  
699 how to establish, operate, and use registries for quality  
700 improvement and outcomes improvement. The problem isn't that  
701 provider organizations don't know how to set up a registry.  
702 The real problem is a lack of funding. And that is why the  
703 bipartisan SGR bill included provisions that would  
704 incentivize a development in use of registries.

705 There is no reason a committee bill on registries  
706 couldn't be bipartisan, but I can't support a bill that adds  
707 more bureaucracy, and duplicates what is already out there.  
708 Rather than marking up this bill, which, again, did not go  
709 through regular order, did not have a subcommittee hearing or  
710 markup, our time would be better spent drafting a bipartisan  
711 bill over the August recess that provides a small amount of C  
712 grant money for registry development and technical  
713 assistance. The knowledge on registries is out there, and  
714 groups just need the funding to execute it. And I believe  
715 that would be a much better, and a more productive path to  
716 take.

717 Again, I don't understand why there is such an effort to

718 move this without having the opportunity to really look at  
719 it, and what it is going to mean. That is why you have  
720 hearings in subcommittee, which we are not having. So,  
721 again, I am going to ask for a recorded vote on this, because  
722 I think that this is something that could have been  
723 bipartisan, but that opportunity has been basically rejected  
724 by the Republicans here today, Mr. Chairman. I yield back.

725       The {Chairman.} Gentleman yields back. Other members  
726 wishing to speak on the bill?

727       Seeing none, are there any other amendments? Are there  
728 any amendments to the amendment in the nature of a  
729 substitute?

730       Seeing one, the vote occurs on the Olson amendment in  
731 the nature of a substitute.

732       All those in favor of the amendment will say aye.

733       Opposed say no.

734       Opinion of the Chair, the ayes have it. The ayes have  
735 it.

736       Mr. {Pallone.} Mr. Chairman, are we voting on--

737       The {Chairman.} On the amendment.

738       Mr. {Pallone.} On the amendment, okay. I ask for a--

739       The {Chairman.} The amendment--

740       Mr. {Pallone.} --recorded vote--

741       The {Chairman.} --in the nature of a--

742 Mr. {Pallone.} --on the bill.

743 The {Chairman.} --is adopted. Are there further  
744 amendments to the bill?

745 Seeing none, the vote occurs on H.R. 5214, as amended,  
746 and the Clerk will call the roll.

747 The {Clerk.} Mr. Hall?

748 Mr. {Hall.} Aye.

749 The {Clerk.} Mr. Hall votes aye.

750 Mr. Barton?

751 Mr. {Barton.} Aye.

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

753 Mr. Whitfield?

754 [No response.]

755 The {Clerk.} Mr. Shimkus?

756 Mr. {Shimkus.} Aye.

757 The {Clerk.} Mr. Shimkus votes aye.

758 Mr. Pitts?

759 Mr. {Pitts.} Aye.

760 The {Clerk.} Mr. Pitts votes aye.

761 Mr. Walden?

762 Mr. {Walden.} Aye.

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

764 Mr. Terry?

765 Mr. {Terry.} Aye.

766 The {Clerk.} Mr. Terry votes aye.  
767 Mr. Rogers?  
768 [No response.]  
769 The {Clerk.} Mr. Murphy?  
770 Mr. {Murphy.} Mr. Murphy votes aye.  
771 Mr. Burgess?  
772 Dr. {Burgess.} Aye.  
773 The {Clerk.} Mr. Burgess votes aye.  
774 Mrs. Blackburn?  
775 Mrs. {Blackburn.} Aye.  
776 The {Clerk.} Mrs. Blackburn votes aye.  
777 Mr. Gingrey?  
778 Dr. {Gingrey.} Aye.  
779 The {Clerk.} Mr. Gingrey votes aye.  
780 Mr. Scalise?  
781 [No response.]  
782 The {Clerk.} Mr. Latta?  
783 Mr. {Latta.} Aye.  
784 The {Clerk.} Mr. Latta votes aye.  
785 Mrs. McMorris Rodgers?  
786 [No response.]  
787 The {Clerk.} Mr. Harper?  
788 Mr. {Harper.} Aye.  
789 The {Clerk.} Mr. Harper votes aye.



790 Mr. Lance?  
791 Mr. {Lance.} Aye.  
792 The {Clerk.} Mr. Lance votes aye.  
793 Mr. Cassidy?  
794 Dr. {Cassidy.} Aye.  
795 The {Clerk.} Mr. Cassidy votes aye.  
796 Mr. Guthrie?  
797 Mr. {Guthrie.} Aye.  
798 The {Clerk.} Mr. Guthrie votes aye.  
799 Mr. Olson?  
800 Mr. {Olson.} Aye.  
801 The {Clerk.} Mr. Olson votes aye.  
802 Mr. McKinley?  
803 Mr. {McKinley.} Aye.  
804 The {Clerk.} Mr. McKinley votes aye.  
805 Mr. Gardner?  
806 [No response.]  
807 The {Clerk.} Mr. Pompeo?  
808 [No response.]  
809 The {Clerk.} Mr. Kinzinger?  
810 Mr. {Kinzinger.} Aye.  
811 The {Clerk.} Mr. Kinzinger votes aye.  
812 Mr. Griffith?  
813 Mr. {Griffith.} Aye.

814 The {Clerk.} Mr. Griffith votes aye.  
815 Mr. Bilirakis?  
816 Mr. {Bilirakis.} Aye.  
817 The {Clerk.} Mr. Bilirakis votes aye.  
818 Mr. Johnson?  
819 Mr. {Johnson.} Aye.  
820 The {Clerk.} Mr. Johnson votes aye.  
821 Mr. Long?  
822 Mr. {Long.} Aye.  
823 The {Clerk.} Mr. Long votes aye.  
824 Mrs. Ellmers?  
825 [No response.]  
826 The {Clerk.} Mr. Waxman?  
827 Mr. {Waxman.} No.  
828 The {Clerk.} Mr. Waxman votes no.  
829 Mr. Dingell?  
830 [No response.]  
831 The {Clerk.} Mr. Pallone?  
832 Mr. {Pallone.} No.  
833 The {Clerk.} Mr. Pallone votes no.  
834 Mr. Rush?  
835 [No response.]  
836 The {Clerk.} Ms. Eshoo?  
837 [No response.]

838 The {Clerk.} Mr. Engel?  
839 Mr. {Engel.} No.  
840 The {Clerk.} Mr. Engel votes no.  
841 Mr. Green?  
842 Mr. {Green.} No.  
843 The {Clerk.} Mr. Green votes no.  
844 Ms. DeGette?  
845 Ms. {DeGette.} No.  
846 The {Clerk.} Ms. DeGette votes no.  
847 Mrs. Capps?  
848 Mrs. {Capps.} No.  
849 The {Clerk.} Mrs. Capps votes no.  
850 Mr. Doyle?  
851 Mr. {Doyle.} No.  
852 The {Clerk.} Mr. Doyle votes no.  
853 Ms. Schakowsky?  
854 [No response.]  
855 The {Clerk.} Mr. Matheson?  
856 Mr. {Matheson.} No.  
857 The {Clerk.} Mr. Matheson votes no.  
858 Mr. Butterfield?  
859 Mr. {Butterfield.} No.  
860 The {Clerk.} Mr. Butterfield votes no.  
861 Mr. Barrow?

862 Mr. {Barrow.} No.

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

864 Ms. Matsui?

865 [No response.]

866 The {Clerk.} Ms. Christensen?

867 [No response.]

868 Ms. Castor?

869 Ms. {Castor.} No.

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

871 Mr. Sarbanes?

872 Mr. {Sarbanes.} No.

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

874 Mr. McNerney?

875 Mr. {McNerney.} No.

876 The {Clerk.} Mr. McNerney votes no.

877 Mr. Braley?

878 [No response.]

879 The {Clerk.} Mr. Welch?

880 Mr. {Welch.} No.

881 The {Clerk.} Mr. Welch votes no.

882 Mr. Lujan?

883 Mr. {Lujan.} No.

884 The {Clerk.} Mr. Lujan votes no.

885 Mr. Tonko?

886 Mr. {Tonko.} No.

887 The {Clerk.} Mr. Tonko votes no.

888 Mr. Yarmuth?

889 Mr. {Yarmuth.} No.

890 The {Clerk.} Mr. Yarmuth votes no.

891 Chairman Upton?

892 The {Chairman.} Votes aye.

893 The {Clerk.} Chairman Upton votes aye.

894 The {Chairman.} How does Mr. Braley vote?

895 Mr. {Braley.} Aye.

896 The {Chairman.} Mr. Braley votes aye. Other members?

897 Mr. Gardner?

898 Mr. {Gardner.} Aye.

899 The {Clerk.} Mr. Gardner votes aye.

900 The {Chairman.} Ms. Eshoo?

901 Ms. {Eshoo.} How was I recorded?

902 The {Clerk.} You were not recorded.

903 Ms. {Eshoo.} No.

904 The {Clerk.} Ms. Eshoo votes no.

905 The {Chairman.} Other member wishing to cast a vote?

906 Seeing none, the Clerk will report the tally.

907 The {Clerk.} Mr. Chairman, on that vote there were 25

908 ayes and 18 nays.

909 The {Chairman.} 25 ayes to 18 nays, the bill is

910 favorably reported.

|

911 H.R. 4701

912           The {Chairman.} Chair will now call up H.R. 4701, and  
913 ask the Clerk to report.

914           The {Clerk.} H.R. 4701, to provide for scientific  
915 frameworks with respect to vector-borne diseases.

916           [H.R. 4701 follows:]

917 \*\*\*\*\* INSERT 8 \*\*\*\*\*

|  
918           The {Chairman.} Without objection, the first reading of  
919 the bill is dispensed with, and the bill will be open for  
920 amendment at any point. So ordered.

921           And the Chair would recognize Mr. Pitts to offer an  
922 amendment in the nature of a substitute.

923           Mr. {Pitts.} Mr. Chairman, there is an amendment at the  
924 desk.

925           The {Chairman.} Clerk will report the title of the  
926 amendment.

927           The {Clerk.} Amendment in the nature of a substitute to  
928 H.R. 4701, offered by Mr. Pitts.

929           [The amendment of Mr. Pitts follows:]

930 \*\*\*\*\* INSERT 9 \*\*\*\*\*



|  
931           The {Chairman.} And the amendment will be considered as  
932 read. The staff will distribute the amendment, and the  
933 gentleman from Pennsylvania will be recognized for 5 minutes  
934 in support of his--

935           Mr. {Pitts.} Thank you, Mr. Chairman. H.R. 4701, the  
936 Tick-borne Disease Research, Accountability, and Transparency  
937 Act of 2014, authored by Mr. Gibson, is an important bill to  
938 address the growing threat of Lyme disease. This amendment  
939 would make important changes to ensure transparency and  
940 public input into the process. We have received important  
941 feedback on this bill, and look forward to continuing the  
942 dialogue with the minority, the patient groups, the medical  
943 groups, and others as we move to the House floor. With that,  
944 I yield back.

945           Mr. {Pallone.} Mr. Chairman?

946           The {Chairman.} Does the gentleman yield back?  
947 Gentleman yields back. Chair will recognize the gentleman  
948 from New Jersey, Mr. Pallone.

949           Mr. {Pallone.} Thank you, Mr. Chairman. I continue to  
950 have concerns that language in the Pitts amendment could  
951 jeopardize the ability of HHS to make decisions in the strong  
952 science that should inform public health policy. The Pitts  
953 amendment would have the Speaker of the House of

954 Representatives and the Majority Leader of the Senate appoint  
955 members to the working group on Lyme disease and other tick-  
956 borne diseases. Congressional appointments to a standing  
957 committee that will be advising the Department on inter-  
958 agency coordination and research priorities could be seen as  
959 an attempt to allow Congress to politicize the research  
960 process. I would want to see all Congressional appointments  
961 to the working group removed in order to fully endorse this  
962 bill.

963         The language regarding working group members who  
964 represent a diversity of scientific perspectives, and  
965 requiring the working group's report to Congress to include  
966 views that are not supported by the working group as a whole,  
967 is also concerning. Leading public health groups, including  
968 the American Public Health Association, the Association of  
969 State and Territorial Health Officials, the National  
970 Association of County and City Health Officials, and the  
971 Trust for America's Health, recently sent a letter to  
972 committee leadership expressing concerns that this language  
973 could mandate the inclusion of perspectives supporting the  
974 long term use of antibiotics for the treatment of Lyme  
975 disease.

976         I would ask unanimous consent, Mr. Chairman, to submit  
977 that letter into the record for today's proceedings.

978           The {Chairman.} Without objection.

979           [The information follows:]

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

|  
981           Mr. {Pallone.} Now, according to the National Institute  
982 of Allergy and Infectious Disease, a short course of  
983 antibiotics cures the majority of cases, and more complicated  
984 cases can usually be treated with 3 to 4 weeks of antibiotic  
985 therapy. But for patients reporting continued symptoms after  
986 this antibiotic treatment, studies have shown that additional  
987 antibiotic therapy is not beneficial, and its risks outweigh  
988 the benefits. The overuse of antibiotics and antibiotic  
989 resistance are public health threats that this committee  
990 should take seriously.

991           I think that we can all agree that Lyme disease is a  
992 concerning health issue. The CDC estimates there are  
993 approximately 300,000 nationwide Lyme disease cases each  
994 year, and I support ensuring that research in the area of  
995 Lyme disease is productive and significant. However, there  
996 are still a number of other changes that I would like to see  
997 made to this bill, changes that have already been  
998 communicated to committee staff.

999           I don't want to prevent the bill from advancing today,  
1000 but before this bill moves to the floor, it is important to  
1001 me that these concerns be addressed. And so, Mr. Chairman, I  
1002 hope that I have your commitment that you and your staff will  
1003 work to address them before we go to the floor.

1004           The {Chairman.} Will the gentleman yield?

1005           Mr. {Pallone.} Certainly.

1006           The {Chairman.} And I know Mr. Griffith is going to ask  
1007 for his own time. I just want to tell both of you, and  
1008 others, this is an issue that all of us care about. There  
1009 has been a huge uptick in the number of incidents. I have to  
1010 believe that all of us know a family with a member that is  
1011 impacted by this, a whole series of just awful illness, and  
1012 we want to address it, and we want to make things much  
1013 better.

1014           And I give you my commitment, and I know that we have  
1015 worked over the last couple of months, working with  
1016 Republicans and Democrats to try and get a bill that actually  
1017 does something, and it moves the research forward that gives  
1018 hope to families out there. And I give you my absolute  
1019 commitment that we will continue to work together.

1020           This bill, obviously, won't be scheduled, you know,  
1021 until September at the earliest, maybe after the election,  
1022 who knows, but we have an opportunity, I would guess, that it  
1023 will go up under suspension of the rules. We have an  
1024 opportunity to offer Chairman's amendment to that. That is  
1025 part of the rules, and I look forward to working with all  
1026 parties to continue to try and make this a better bill. And,  
1027 with that, I yield back to my friend.

1028 Mr. {Pallone.} Thank you, Mr. Chairman. I appreciate  
1029 that, and I yield back--

1030 The {Chairman.} Would recognize Mr. Griffith for 5  
1031 minutes.

1032 Mr. {Griffith.} Thank you very much, Mr. Chairman. I  
1033 think this is a good bill, and I have an amendment that is  
1034 currently at the desk. However, I am going to ask that it  
1035 not be offered, but I am going to talk about it for a minute.  
1036 A lot of groups worked on this bill, and I know that the Lyme  
1037 community, those who are trying to make sure that we get a  
1038 bill that does something, and as you said, Mr. Chairman, it  
1039 is an important issue, and something that we need to take  
1040 action on, have agreed to this language.

1041 But I am disturbed by the trend in Congress over the  
1042 last 50 or 60 years to, for some reason, take away our  
1043 prerogatives, and hand it over to the Administrative Branch  
1044 of government. It doesn't matter whether it is a Democrat  
1045 Administrative Branch of government, or Executive. It  
1046 doesn't matter if it is a Republican. We need to start  
1047 looking out for the prerogatives of the United States House  
1048 of Representatives because it is the people's House. We are  
1049 the closest representatives to the people of the United  
1050 States. We are the ones they come to first to complain about  
1051 issues, and so we have a responsibility to try to do that.

1052           As a result, my amendment would have taken the currently  
1053 one member appointed by the Speaker of the House, and one  
1054 member appointed by the Majority Leader of the Senate, and  
1055 made it two members. Because I believe, as we go forward, we  
1056 need to work very hard to make sure that we are an equal  
1057 partner with the Executive Branch when it comes to making  
1058 policy on this issue, and many others.

1059           And so, Mr. Chairman, I just want to say I know that Mr.  
1060 Pallone and I disagree on this, and that is what legislative  
1061 bodies are supposed to do, have discussion, have  
1062 disagreement, try to work it out. I am not going to  
1063 introduce the amendment that would have changed it from a  
1064 total of two legislative appointments to four, but I think  
1065 we, as a House, Democrats and Republicans, representing our  
1066 respective peoples, need to realize that, on a lot of these  
1067 commissions, we need to have somebody there who answers to  
1068 the people's House, who says, okay, this is what is going on.  
1069 Because whether it is a Democrat president, whether it is a  
1070 Republican president, doesn't really matter. We have a job  
1071 to do, as the people who represent the United States of  
1072 America in the people's House.

1073           And with that, Mr. Chairman, I yield back.

1074           The {Chairman.} Gentleman yields back. Are there other  
1075 members wishing to speak on the amendment?

1076           Seeing none, the vote occurs on the Pitts amendment in  
1077 the nature of a substitute.

1078           All those in favor will say aye.

1079           All those opposed say no.

1080           Opinion of the Chair the ayes have it. The amendment in  
1081 the nature of a substitute is adopted. The vote now occurs  
1082 on the bill, as amended.

1083           All those in favor will say aye.

1084           All those opposed, say no.

1085           Opinion of the Chair, the ayes have it. The ayes have  
1086 it. The bill, as amended, is agreed to.



|

1087 H.R. 3522

1088           The {Chairman.} Chair now calls up the last bill of the

1089 markup, H.R. 3522, and ask the Clerk to report.

1090           The {Clerk.} H.R. 3522, to authorize health insurance

1091 issuers to continue to offer for sale current group health

1092 insurance coverage in satisfaction of the minimum essential

1093 health insurance coverage requirement, and for other

1094 purposes.

1095           [H.R. 3522 follows:]

1096 \*\*\*\*\* INSERT 10 \*\*\*\*\*

|  
1097           The {Chairman.} Without objection, the first reading of  
1098 the bill is dispensed with, and the bill will be open for  
1099 amendment at any point. So ordered.

1100           Are there any amendments to the bill? Strike the last  
1101 world. Gentleman from California is recognized for 5  
1102 minutes.

1103           Mr. {Waxman.} Thank you, Mr. Chairman. Republicans  
1104 have long claimed that the ACA would destroy millions of  
1105 jobs, it would cause tens of millions of Americans to lose  
1106 their employer coverage. Here is what has actually happened.  
1107 Since the law was enacted, businesses have added nearly 10  
1108 million jobs, and in just the past few months, more than 10  
1109 million people who were previously uninsured have gained  
1110 health insurance coverage. And yet my Republican colleagues  
1111 still insist the ACA is creating calamity in employer  
1112 sponsored health insurance.

1113           That is where H.R. 3522 comes in. The legislation that  
1114 is before us would allow insurance companies to discriminate  
1115 against small businesses if they have an older workforce,  
1116 more women in their workforce, or if any of their employees  
1117 or their children have pre-existing health conditions. Under  
1118 the legislation, these small businesses would face higher  
1119 premiums, and would continue to see their premiums spike year

1120 to year if an employee had an accident, developed a chronic  
1121 health condition, or had a complicated pregnancy.

1122       Republicans are claiming that this is just an effort to  
1123 help people keep the coverage they have. But let's be clear,  
1124 if your insurance starts covering your child to the age of  
1125 26, you are not losing your old coverage, your coverage is  
1126 simply getting better. If your insurance starts covering  
1127 preventive services, like annual physicals and vaccinations,  
1128 and cancer screening, for free, that is not losing your old  
1129 coverage. That is a sign that your coverage is getting  
1130 better.

1131       But that is not what the Republicans are arguing. They  
1132 are arguing something for which there is no evidence.  
1133 Employers are dropping coverage en masse, they say, so  
1134 Republicans are left to claim people are losing their  
1135 coverage, when their coverage is actually getting better.  
1136 That is misleading, and that is why I oppose this bill. We  
1137 ought to let the ACA go fully into effect, and not leave  
1138 these policies that are not fully covering them in place. So  
1139 I urge opposition to the bill, and yield my time back.

1140       The {Chairman.} Gentleman yields back. Chair would  
1141 recognize the gentleman from Louisiana, Dr. Cassidy.

1142       Dr. {Cassidy.} Thank you. Well, first, let's put a  
1143 point on it. The President, and supporters of Obamacare,

1144 promised numerous times that if you like your health care  
1145 plan, you can keep it. It was unequivocal, and this  
1146 unequivocal promise was apparently necessary, they thought,  
1147 to pass Obamacare on one of the slimmest, most partisan votes  
1148 in Congressional history.

1149 But it was clear to anyone who actually read the bill  
1150 that the promise was false, and it would be a major  
1151 disruption in people's health care plans. And we now know it  
1152 was a false promise. For example, 93,000 people in Louisiana  
1153 have lost their health care plan due to Obamacare. Now, the  
1154 President has acknowledged this was a false promise. When  
1155 asked in an interview about those who had their health  
1156 coverage cancelled due to Obamacare, he goes, well, I am  
1157 sorry they are finding themselves in this situation based  
1158 upon assurances they got from me. And, Mr. Chairman, I have  
1159 an article to this effect that I will submit for the record.

1160 Yet even after the acknowledgement of the President,  
1161 Congressional supporters continue to defend the promise. For  
1162 example, when asked about the President's apology, Ms. Pelosi  
1163 said, he is gracious, he is taking responsibility, but that  
1164 doesn't mean there was anything in the law that said that  
1165 what you had before 2010, you couldn't keep it. Now, Mr.  
1166 Chairman, I have another article I will submit for that.  
1167 Now, this is after millions of Americans, and I laugh kind of

1168 grimly, had their health care coverage cancelled because of  
1169 Obamacare.

1170         Now, by the way, as Mr. Waxman brings up, extols the  
1171 benefits of this, you know the SHOP exchanges in 18 states  
1172 will have only one offering? In 18 states there will only be  
1173 one plan that you can take or leave. Recent reports that the  
1174 average increases in the small group market will be 11  
1175 percent, in some states 10 times that much. Forbes recently  
1176 reported that in Washington State the increase for small  
1177 businesses was going to be 588 percent. Wow. Man, we have  
1178 done them a favor. Pennsylvania is going to be 66 percent,  
1179 California, 37 percent.

1180         Now, a similar bill was introduced by Chairman Upton for  
1181 the individual market, and received 44 votes from Democrats.  
1182 There are some, I think, who are less interested in  
1183 protecting the signature legislation of President Obama, and  
1184 more interested in actually protecting American workers  
1185 getting hammered by premium increases.

1186         My legislation, the Employee Health Care Protection Act,  
1187 is meant to do one thing, provide relief to American workers,  
1188 and ensure that the American people can keep the health care  
1189 plans they like. If supporters of this law really believe in  
1190 keeping their word to the American people, they should  
1191 support this legislation. It will allow millions of

1192 Americans to keep the health care plan they like. If they  
1193 don't like it, they can go onto the exchange. We don't have  
1194 to kind of benightedly say that you are better off with what  
1195 we are telling you you are better off with. Let them choose.  
1196 And if they would like to have the plan that is on the SHOP  
1197 exchange, the one plan, in some cases, they can join it. And  
1198 if they choose not, they can stay with the plan that they do.  
1199 For whatever reason, I think giving the American people the  
1200 power of choice, and keeping promises made, is a better  
1201 alternative.

1202 Mr. Chairman, I yield back.

1203 The {Chairman.} Gentleman yields back. Gentleman from  
1204 New Jersey.

1205 Mr. {Pallone.} Okay. You know, I listened to the  
1206 sponsor, and I do respect him, but I just don't understand  
1207 this theory about wanting to have the freedom to choose a  
1208 lousy plan. I just don't get it. I had this conversation  
1209 once with Ms. Fox, at the Rules Committee, where she told me  
1210 that she had a constituent who wanted to keep their plan.  
1211 And I asked what the plan was, and you paid \$50 a month, and  
1212 you got no hospitalization.

1213 And I said to her, I said, you know, what good is an  
1214 insurance plan if it doesn't cover hospitalization? Because  
1215 my whole, you know, most people, when they are looking for

1216 health insurance, want to at least provide coverage for  
1217 hospitalization so they don't spend 100,000 or \$200,000 when  
1218 they have to go to the hospital.

1219 But the gentleman, and the GOP, continue this charade  
1220 that somehow freedom means the freedom to have a lousy health  
1221 plan that doesn't even include hospitalization. And people  
1222 buy these \$50 plans, and don't realize that they don't  
1223 include hospitalization. And that is what the gentleman is  
1224 continuing here. I know that was the individual market, he  
1225 is talking about the small group market, but it is the same  
1226 thing.

1227 The Republicans are claiming that H.R. 3352 is essential  
1228 so that people can keep the plans they had, and they liked,  
1229 in 2013, but let's get the facts straight. When the law  
1230 passed, employers and health insurers had the option to  
1231 grandfather their coverage. They could keep that coverage  
1232 the same, and it would not have to comply with the new ACA  
1233 reforms. They could even raise premiums and cost sharing,  
1234 and still stay grandfathered.

1235 For plans that did not grandfather, a host of important  
1236 new consumer protections went into place that are very  
1237 important. Plans had to limit their profits and overhead to  
1238 20 percent of the premiums they collect. Plans had to offer  
1239 free preventive care, and get rid of lifetime limits on

1240 coverage. In November of 2013, the President announced that  
1241 individuals and small businesses who were not yet ready to  
1242 transition into these new, more fair, secure health coverage  
1243 guaranteed by the ACA could remain in their existing plans  
1244 for another year. And then, in March of this year, the  
1245 President extended that policy so that individuals and small  
1246 businesses could keep their plans into 2016.

1247 But this bill would allow those 2013 plans to stay on  
1248 the market forever, and people who didn't even have those  
1249 plans could now buy into them. And that means consumers  
1250 don't get the new protections that went into effect this  
1251 year. I don't see how that is good policy. Just repeating,  
1252 you know, that you should be able to have the freedom to keep  
1253 these lousy plans is not what we should be talking about  
1254 here. We should be talking about how we provide good  
1255 coverage for the average American.

1256 And since the ACA was passed, we have added key new  
1257 benefits and protections to employer coverage, but at the  
1258 same time we have added 10 million jobs, we have helped 10  
1259 million people to get health coverage, we have seen premiums  
1260 rise at historically low levels, and we have extended the  
1261 life of the Medicare trust fund by 13 years. That just came  
1262 out this week.

1263 This is amazing progress, and we shouldn't turn back



1264 just because someone thinks that I should have the freedom to  
1265 buy a lousy health plan that may not even include  
1266 hospitalization. I don't think that is the freedom, or the  
1267 choice, that the framers intended. We are supposed to be  
1268 acting for the public good here, in my opinion.

1269 Mr. {Waxman.} Gentleman yield?

1270 Mr. {Pallone.} I would yield, yes.

1271 Mr. {Waxman.} I also want to point out that, when  
1272 people make this choice to stay on a plan that doesn't have  
1273 the protections of the ACA, because they think they won't get  
1274 sick, they are taking out of the pool of the insurance group  
1275 that would be paying for everybody else in the marketplace.  
1276 And that means we are continuing to segment the market, and  
1277 shifting the costs onto other people. So thank you for  
1278 yielding.

1279 Mr. {Pallone.} Thank you. I would yield back.

1280 The {Chairman.} Gentleman yields back. Chair would  
1281 recognize Mr. Barton from Texas.

1282 Mr. {Barton.} Thank you, Mr. Chairman. Before I talk  
1283 about this issue, I just want to say that I associate myself  
1284 with what Congressman Griffith of Virginia said, about the  
1285 need for the Congress to reassert itself. While he didn't  
1286 ask for a vote on his amendment, I would have voted for it,  
1287 and I hope that he continues that fight.

1288           On this issue, it is ironic to me to hear my friends in  
1289 the minority continue to use the talking points that they  
1290 used when they were passing the Affordable Care Act, and act  
1291 as if there have been no intervening events in the real  
1292 world. They got exactly what they wanted. They crammed it  
1293 down our throats in this committee, on the floor, in the  
1294 Senate, and the President signed it, and it is not working.  
1295 It is not working. The President's plan, or the Affordable  
1296 Care Act's disapproval rating in the country today stands  
1297 around 60 percent, and that is a reality. It doesn't matter  
1298 what the talking points say. And the bill before us gives  
1299 people a real choice.

1300           Now, I will agree with Mr. Pallone and Mr. Waxman that  
1301 some of the older plans are not as extensive, and they don't  
1302 offer as much coverage. And I don't know how you define  
1303 good, but perhaps they are not as good as the mandates in the  
1304 Affordable Care Act. But they do have one advantage, they  
1305 are affordable. And some people prefer less coverage, rather  
1306 than more coverage, and why should we prevent that from  
1307 happening? You know, just because liberal ideology says you  
1308 have to accept this as the best coverage doesn't mean that it  
1309 is.

1310           I get letters every day in my Congressional office from  
1311 people who signed up for Obamacare, and now they can't afford

1312 it, or it is not available, or there is some problem with it.  
1313 So don't let the perfect be the enemy of the possible. Some  
1314 coverage is preferable to perfect coverage that you can't  
1315 afford, or don't need. And that is what the bill before us  
1316 attempts to do, allow some semblance of private choice,  
1317 private markets, to continue to operate. There is nothing  
1318 wrong with that principle.

1319         The Affordable Care Act is not going to work. It will  
1320 eventually either be changed, or it will be repealed and  
1321 replaced, and this bill before the Committee is simply a  
1322 minor step, but an important step, in that process. And with  
1323 that--

1324         Mr. {Shimkus.} Will the gentleman yield?

1325         Mr. {Barton.} --I will yield to Mr. Shimkus, and then  
1326 Dr. Gingrey.

1327         Mr. {Shimkus.} Yeah, and I will be brief too. Most  
1328 people, when I talk in my Congressional district, accept the  
1329 premise that health insurance across the board, people are  
1330 paying more and getting less. I say that all the time. They  
1331 concur. Co-pays are up, premiums are up, and when you have a  
1332 perfect policy, and people go to the hospital, and they can't  
1333 pay the co-pay, then the hospital has uncompensated care,  
1334 which they were promised they wouldn't have to have, because  
1335 they can't even make the minimum payments required under

1336 these new perfect plans. So it is really kind of speaking to  
1337 Joe's debate. And this is just a basic difference between  
1338 the ideologies of the two parties.

1339 We believe in the power of the individual, and having  
1340 choice. The health care law was a perfect example of  
1341 government knowing best, and depriving individuals from the  
1342 freedom of choice to make their own decisions, and let them  
1343 be held accountable. And with that, I want to thank you for  
1344 your time.

1345 Mr. {Barton.} I yield 48 seconds to Dr. Gingrey.

1346 Dr. {Gingrey.} Well, I thank the gentleman for  
1347 yielding. You know, I have heard a member on the Democratic  
1348 side say, just a few seconds ago, that he can't believe that  
1349 Republicans are defending the right of an individual to buy a  
1350 lousy plan. You know, years ago I bought a Ford Maverick,  
1351 and everybody told me it was a lousy car. Maybe it was, but  
1352 it got me from Point A to Point B, and it was what I could  
1353 afford. It was the automobile that I could afford.

1354 And that is kind of following on to what Representative  
1355 Barton said. I mean, that is what America is all about, a  
1356 right to choose. And I am so surprised that our colleagues  
1357 on the other side of the aisle think that a one-size-fits-  
1358 all, whether you could afford it or not is the way to go,  
1359 dictated by the Federal Government. No, an individual ought

1360 to have the right to buy a lousy plan. I don't think they  
1361 are lousy plans.

1362 The {Chairman.} Gentleman--

1363 Dr. {Gingrey.} I think they are good plans, and I yield  
1364 back.

1365 The {Chairman.} Gentleman's time has expired. The  
1366 Chair would recognize the gentlelady from California, Ms.  
1367 Eshoo.

1368 Ms. {Eshoo.} Thank you, Mr. Chairman. I move to strike  
1369 the last word. I don't know how many of you recall years  
1370 ago, on Saturday Night Live, there was a segment entitled  
1371 ``The Whiners'', and, you know, they sat on the sofa, and all  
1372 they did was whine. They were a broken record, and I can't  
1373 help but think of that segment of Saturday Night Live.

1374 You know, the first rhetorical question that I would  
1375 raise is, what do you have on the table? What plan have you  
1376 come up with for the American people that would end the  
1377 discrimination that we ended in the Affordable Care Act, and  
1378 all of the benefits that have come with it? It is a broken  
1379 record. It is a broken record on your side. And, again, all  
1380 of a sudden I can picture and hear that segment on Saturday  
1381 Night Live. You hate the health plan, the person that signed  
1382 it into law, and it has been a constant drum beat. And now  
1383 you are suing the President for making an adjustment. I

1384 mean, go figure. With taxpayer dollars, I might add, all of  
1385 those that beat their chest about being fiscally responsible.

1386 Now, I think that these benefits that come in the  
1387 package as a result of reforming the insurance industry,  
1388 people care a great deal about that. People getting sick,  
1389 and then being dropped, you think that that is a good policy?  
1390 Why don't you write a policy like that into law? See how  
1391 many people would stand next to you on that. There is a  
1392 portion of the ACA that I learned about years ago,  
1393 introducing legislation in the mid '90s, and I learned this  
1394 from the disabilities community. They would reach the cap,  
1395 the ceiling, the limit, on their health plan. And then,  
1396 guess what? Go fishing. You have nothing, because you have  
1397 reached that ceiling. And reintroduce that legislation, one  
1398 Congress after another, and then it finally made its way into  
1399 the ACA.

1400 These are things that people care about. They didn't  
1401 have choice before because they were discriminated against.  
1402 So where is your plan? Your plan is no plan. Your plan is  
1403 whining. Your plan is suing the President, and using  
1404 taxpayer dollars. Now, come on, you know, we are passing  
1405 some good legislation out of the committee today, and you  
1406 know what, this committee is just too important to be taking  
1407 up what The Whiners did on Saturday Night Live years ago.

1408           So if you want to talk about a lousy plan, this one is,  
1409 the one that is before us. I am sorry to say that, but it  
1410 is, and it is unfair to the American people. And you pull a  
1411 veil over it, and do a dance, and say this is attractive,  
1412 come on down, except any reform that was passed to protect  
1413 the American people against what the insurance companies were  
1414 doing is stripped out of it all over again. So what year and  
1415 what century do you want to go back to? America is all about  
1416 moving forward, not looking in the rearview mirror and  
1417 thinking you see the past. What you have on the table here  
1418 is part of the past. You want to stick with that, stick with  
1419 it, but I don't think the American people are with you on  
1420 this at all. I really don't.

1421           Is the ACA perfect? Of course not. No legislation is.  
1422 Why? Because it is the product of human beings. We are all  
1423 less than perfect. But when you start talking about how they  
1424 were discriminated against by the insurance companies, I want  
1425 to tell you, sir, I don't believe that, in any of your  
1426 districts, that your constituents are saying, bring it on, we  
1427 love having a choice to be discriminated against. I mean, I  
1428 just don't fall for that. So I think we should just get this  
1429 thing off the table. And I don't know why that you think  
1430 this is a good idea. Let's take a vote on it, and I hope no  
1431 more Saturday Night Live whining is brought up in

1432 legislation, because it is not attractive, it is not  
1433 truthful, and it really does not fit with the dignity of the  
1434 American people. I yield back.

1435 The {Chairman.} Gentlelady's time has expired. Chair  
1436 would recognize the gentlelady from Tennessee, Ms. Blackburn.

1437 Mrs. {Blackburn.} Thank you so much, Mr. Chairman. I  
1438 am enjoying this debate that we are having this morning. You  
1439 know, I think that the gentlelady from California, and the  
1440 colleagues on our left may appreciate knowing Gallup did a  
1441 poll in May, asking American people that were surveyed, what  
1442 is the biggest problem with the Federal Government? What is  
1443 your greatest fear of what is wrong with our country? What  
1444 do you think is wrong? Over 75 percent of the people  
1445 surveyed said that the biggest fear they have about what is  
1446 going on in this country is that big government, taking too  
1447 much of their freedom, interfering with their lives. And  
1448 guess what? 56 percent of all Democrats that were surveyed  
1449 said big government is the biggest problem they have.

1450 Why do they feel this way? It is because, primarily,  
1451 the impact of the Affordable Care Act, or PPACA, or  
1452 Obamacare, whatever you want to call it, and it is reaching  
1453 in, it is taking their freedom, it is taking away choice, it  
1454 is taking away options, and it is saying, you must do this,  
1455 and handle your health care, which is a personal matter, in



1456 this way, because the Federal Government says you are going  
1457 to do it this way.

1458 Now, it is never whining to stand up and fight for  
1459 freedom, and I would seriously doubt that Patrick Henry ever  
1460 said, give me health care or give me death. He said give me  
1461 liberty, or give me death. Health care is something where  
1462 individuals want to make their choice of what is going to  
1463 work for them, and what is going to work for their families,  
1464 and purchase a plan that they can afford. Mr. Cassidy is to  
1465 be commended for bringing the bill forward that stands with  
1466 the majority of Americans who say Obamacare is not working  
1467 for them. It is too expensive to afford, the networks are  
1468 narrowing, the out of pocket costs are rising, and the  
1469 American people do not see this as a resolution to any health  
1470 care issues that they are facing.

1471 With that, I yield to the gentleman from Colorado.

1472 Mr. {Gardner.} I thank the gentlelady for yielding.  
1473 And I wish I had brought some of the letters with me from  
1474 Coloradans who had their health insurance cancelled. 335,000  
1475 Coloradans had their health insurance cancelled thanks to  
1476 Obamacare. They are not whiners. They are not some whiners  
1477 on Saturday Night Live. I think it is offensive to call the  
1478 335,000 people in Colorado who had their health insurance  
1479 cancelled nothing but Saturday Night Live whiners. I hope

1480 that this debate will take a higher cause and higher purpose  
1481 than to focus on people in Colorado, who had legitimate  
1482 health care needs, and concerns, and policies that they  
1483 wanted to keep, and to call them whiners.

1484         But perhaps that is what some people in this Chamber and  
1485 body think they are, nothing but whiners. 335,000  
1486 Coloradans, millions of people around this country, just  
1487 whiners because they bought health insurance plans they were  
1488 promised they could keep. Let's go back to those talking  
1489 points. Let's do a little rewind and replay of the talking  
1490 points from several years ago. If you like your health care  
1491 plan, you can keep it. Lie of the year. If you like your  
1492 doctor, you can keep him or her. Turning out not to be true.  
1493 And in the debate today it is talked about how premiums are  
1494 rising, admitting that premiums are rising. But the promise  
1495 of Obamacare was that it would lower premiums.

1496         And so here we are, having a fight over a bill that the  
1497 majority of the American public has rejected, with people  
1498 calling millions of Americans whiners. I support this  
1499 legislation, and believe that people ought to be given the  
1500 choice to keep the plan that they liked, that they wanted to  
1501 keep, that worked for them. And who are we, as Congress, to  
1502 think we know what is best for the people of this country,  
1503 and that we can impose our judgment on them because we

1504 believe we are smarter than them? Shame on anyone here who  
1505 believes that the people of this country are whiners.

1506 Mr. Chairman, I urge the support of this bill, and yield  
1507 back to the gentlelady.

1508 Mrs. {Blackburn.} I thank the gentleman for yielding  
1509 back, and I yield my time back to the Chairman.

1510 The {Chairman.} Gentlelady yields back. Other members  
1511 wishing to speak? I see a lot. Mr. Green, recognized for 5  
1512 minutes.

1513 Mr. {Green.} Thank you, Mr. Chairman. I know in the  
1514 news, if you look at the news today, they are all talking  
1515 about cease fires. I have enjoyed the last cease fire for  
1516 about the last 3 or 4 months, that we haven't had a motion on  
1517 the floor to repeal the Affordable Care Act, because we have  
1518 actually been working on issues in the committee that may  
1519 have an impact.

1520 But, again, bringing this bill up, it reminds me of the  
1521 same arguments that I think some of us may have heard in the  
1522 1960s, after Medicare passed, although Medicare passed with  
1523 Republican votes, unlike the Affordable Care Act. But I  
1524 remember seeing things in the '60s, talking about how it was  
1525 so terrible, socialized medicine, and yet I bet you there  
1526 would not be one person today in Congress who would get up on  
1527 the floor and say, let's abolish Medicare, and let's let

1528 people have their liberty not to have insurance over 65, or  
1529 let them die, because that is what we are talking about.  
1530 That is the liberty and death we are talking about.

1531         The discussion today, it is just so incorrect, and I  
1532 want to ask unanimous consent to place into the record two  
1533 items about how misleading some of this information is on the  
1534 Affordable Care Act. First, it is an article from National  
1535 Journal titled, ``Obamacare Premiums Aren't Living Up To The  
1536 Doomsayers' Predictions''. It shows how premiums are growing  
1537 at a slower rate than they have in the past. In fact,  
1538 premiums are actually falling in many states around the  
1539 country.

1540         The second document is an issue brief from the  
1541 Department of Health and Human Service, showing the actual  
1542 premium people in marketplace plans pay, only \$82 a month,  
1543 and financial assistance available for the vast majority of  
1544 consumers, and that is saving people real money. If I could  
1545 ask unanimous consent to place that in the record, Mr.  
1546 Chairman?

1547         The {Chairman.} Without objection.

1548         [The information follows:]

1549 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
1550 Mr. {Pallone.} Mr. Chairman--

1551 Mr. {Green.} Well, thank you. I still have, you know,  
1552 it would be nice just to legislate, and I think that is what  
1553 the Energy and Commerce Committee has been, our history, is  
1554 to legislate. And so instead having the 54th, or 56th, or  
1555 57th time that we will have something on the floor to appeal  
1556 the Affordable Care Act, let's see if we can fix the law.

1557 There has never been a law passed by any Congress that  
1558 is perfect. And if you want to fix it, if you have  
1559 complaints about the problems, let's sit down and work it  
1560 out. But just repealing it is not going to happen, and it  
1561 would be nice not to, you know, not to have this battle  
1562 again, because we have already had it. I think 53, I know  
1563 some of the Republicans say 56 times. And I would like to  
1564 yield the remainder of my time to my colleague from New  
1565 Jersey, our Ranking Member on Health Care.

1566 Mr. {Pallone.} I just want to thank you. And I just  
1567 wanted to go back to my example before Rules, with Virginia  
1568 Fox, Congresswoman Fox, where she said, you know, you should  
1569 have the freedom to have this \$50 plan. You know, you pay  
1570 \$50 a month, you don't get hospitalization.

1571 The problem, though, is it is all very nice to talk in  
1572 an ideological sense about how that is choice, and that is

1573 freedom, and we can talk about Patrick Henry, and, you know,  
1574 that is wonderful. But the problem is, when that woman ends  
1575 up in an accident, and she goes to the hospital, and she runs  
1576 up a bill for 100 or \$200,000, first of all, she may not even  
1577 realize that her plan for \$50 doesn't have hospitalization,  
1578 because they don't necessarily tell her that. And then the  
1579 other thing is that that 100 or \$200,000 ends up being passed  
1580 on to everybody else.

1581         So you may think of this in this ideological sense of  
1582 how wonderful it is to have the freedom to have a lousy plan,  
1583 but a lot of people don't even realize that that is what they  
1584 are buying. And the consequences for the health care system,  
1585 and for everybody else, is that their freedom becomes our  
1586 responsibility. And I don't see how that is fair, or how  
1587 that is good policy.

1588         I yield back to Mr. Green. I don't know if anybody else  
1589 wants your time.

1590         Mr. {Green.} Okay. I yield to my colleague from  
1591 Maryland--

1592         Mr. {Sarbanes.} Yeah, I just--

1593         Mr. {Green.} --the remainder of my time.

1594         Mr. {Sarbanes.} I just want to pick up on Ranking  
1595 Member Pallone's observation, because, to be logically  
1596 consistent in arguing that you should be able to buy a ``bad

1597 plan'', or lousy plan, that allows you to shop in the  
1598 emergency room and be covered, you would have to enforce  
1599 basically a restriction against those people that they cannot  
1600 use the emergency room. That is the only way it makes sense  
1601 to say that somebody should have the liberty and freedom to  
1602 choose a bad plan. Fine if they want to do that, but then  
1603 you have to make sure they are not going to come consume  
1604 resources that affect everybody else.

1605         Thank God we live in a country where we are not going to  
1606 leave somebody in the gutter outside of the emergency room.  
1607 We are going to bring them in, we are going to give them that  
1608 coverage, and we are going to find a way to pay for it. But  
1609 that is the reason that we need to have insurance in place  
1610 broadly across the country, so that those kinds of costs are  
1611 covered.

1612         And so it is fine to take that position, but if you are  
1613 going to take that position, be logically consistent about  
1614 it, which you haven't been. And I yield back.

1615         The {Chairman.} Gentleman's time is expired. Other  
1616 members wish to speak on the amendment? Dr. Murphy.

1617         Mr. {Murphy.} Thank you, move to strike the last word.  
1618 I am not sure how many members of this committee were here  
1619 when we dealt with the Affordable Care Act, but I think we  
1620 had some 30 different amendments to the bill offered on this

1621 side of the aisle. And I also found that, even those that  
1622 happened to make the bill, they all managed to disappear on  
1623 the way to the floor. And the final law had to be passed on  
1624 Christmas Eve. So if it was so good, it still bring up the  
1625 question of why there was not the bipartisan work there  
1626 before it was pushed through?

1627         But I do want to deal with a number of facts, and one of  
1628 the reasons why this bill and this amendment are before us.  
1629 We were promised that we would deal with a high number of ER  
1630 visits, and they would be down. Actually, indications are  
1631 they are not down. On our hearings in Oversight and  
1632 Investigation Subcommittee, when it was brought up that the  
1633 costs were going up of plans, there was immediate denial.  
1634 Plans have gone up in cost, when you look at the deductibles  
1635 and co-pays.

1636         The people of Pennsylvania have told me repeatedly that  
1637 when they have a \$6,000 deductible for an individual, or  
1638 12,000 for a family, they cannot afford it. Not only does  
1639 this affect follow-up appointments with primary care  
1640 physicians, this also has greatly affected psychological and  
1641 psychiatric care, and people can't afford the care. They put  
1642 it off. And that sort of thing is not acceptable in that  
1643 area of mental health.

1644         We also had hearings that the website would work, and



1645 that was dismissed as insignificant. It will cost a billion  
1646 dollars. You could provide a lot of health care to people  
1647 for that amount of money. It was dismissed as maybe just the  
1648 cost of doing business.

1649 We were also told that business would not cut insurance.  
1650 Well, businesses have cut insurance. Businesses have also  
1651 kept the number of employees under 50 because they feel if  
1652 they increase over 50, they can no longer afford it.

1653 We were told the reason we had to pass this law was that  
1654 45 million Americans were without insurance, and now we  
1655 celebrate when nine million Americans have signed up. By any  
1656 measures, that is not good math.

1657 What is still lacking here is the issue of moving  
1658 forward on reforming the system. To simply say that we ought  
1659 to be offering some amendments and other changes is not  
1660 appropriate, because we have offered several bills, and,  
1661 like, 300 plus other bills, they lie in the Senate because  
1662 the Majority Leader there, I assume, does not want to bring  
1663 up any vote for Senators to vote on on the health care bill  
1664 before their election. Because he knows a lot of people  
1665 don't want to run on the Affordable Care Act because they  
1666 know how unpopular it is with their constituents.

1667 I hope someday this committee can work together to  
1668 reform this health care system in a way that is really

1669 reform. I think we still have serious problems with  
1670 affordability and access to care, because that which you  
1671 cannot afford is still not care. Not just the premiums, but  
1672 the deductibles and co-pays are still awful.

1673 And if there is any other member that wants my time, I  
1674 will yield to them. Otherwise, I will yield--

1675 Mr. {Hall.} I would like a half a minute of it. Let's  
1676 get on with this. We call it a broken record. My answer to  
1677 that is, there aren't any more broken records. I heard the  
1678 Governor of Wisconsin talking to his son, telling him get a  
1679 job, and he said, Dad, you sound like a broken record. His  
1680 father told him, said, no, there aren't any broken records  
1681 any more. There aren't even any Victrolas. You may have a  
1682 broken iPod. Come on, let's go.

1683 The {Chairman.} Other Republican members wishing to use  
1684 this time? Go ahead.

1685 Mr. {Murphy.} Ms. Ellmers, do you want my time?

1686 Mrs. {Ellmers.} Yes, I would like to use the time, and  
1687 thank you to my colleagues. You know, my colleague from  
1688 Pennsylvania brought up a very important point about the  
1689 deductibles. You know, our colleagues across the aisle  
1690 continuously talk about they, that they don't know what  
1691 terrible health care plan they had, and how they are using  
1692 this against them when they end up in the emergency room, and

1693 then find out that they are not going to be able to--who is  
1694 they?

1695           Again, this continuous idea that hospitals around this  
1696 country would ever turn any individual away for health care.  
1697 Yes, there has to be a way to pay for it. That is what  
1698 hospital staff does. That is what our Social Services do.  
1699 That is what our social workers do. They work with patients.  
1700 And, yes, we have to come up with affordable care. But, you  
1701 know, we were given a promise. The American people were  
1702 given a promise, if you like your health care plan, you can  
1703 keep it. And today we are going to enforce that, we are  
1704 going to pass this, and we are going to look to the American  
1705 people, and we are going to work with the American people,  
1706 and I hope our colleagues across the aisle, to come up with  
1707 affordable care for every American.

1708           And with that, I yield back my 5 seconds.

1709           The {Chairman.} Gentleman's time has expired. Chair  
1710 would recognize the gentlelady from Colorado, Ms. DeGette.

1711           Ms. {DeGette.} Thank you very much, Mr. Chairman. And  
1712 I am really sorry that my colleague from Colorado gave his  
1713 statement, and logged all of these numbers out, and then  
1714 left, because they are actually not exactly correct. He said  
1715 that 335,000 Coloradoans had had their--he is back,  
1716 excellent. Good, because I want you to hear this, Mr.

1717 Gardner. Mr. Gardner said that 335,000 Coloradoans had their  
1718 insurance cancelled, but, in fact--they did receive the  
1719 notices, but 96 percent of those people received offers of  
1720 renewal. And, in fact, a number of those people did renew  
1721 their insurance.

1722         The reason they received those notices is because they  
1723 didn't comply with the minimal requirements of the Affordable  
1724 Care Act. And the reason the Affordable Care Act has minimum  
1725 requirements is because a lot of Americans who were buying  
1726 these low cost insurance policies were, in fact, not getting  
1727 the health care that they needed to be healthy, or to have  
1728 their children be healthy. But nonetheless, 96 percent of  
1729 them were offered renewals, and many of them accepted.

1730         But here is the other thing about Colorado since the  
1731 Affordable Care Act was passed. In Colorado, the number of  
1732 uninsured in Colorado, after we did our state exchange,  
1733 dropped by 7.5 percent. And so it went from 16.5 percent of  
1734 Coloradoans who were uninsured to nine percent of--I am  
1735 sorry, to seven percent of--no, to nine percent of  
1736 Coloradoans who were uninsured.

1737         And the other thing that happened was people are finding  
1738 that their insurance rates have either stayed the same, or  
1739 only have gone up a little, or gone down. In other words,  
1740 the cost curve is starting to bend, and most people have

1741 better insurance than they had before. And so, actually, the  
1742 program is working for most Coloradoans. Nationally what we  
1743 have seen is we have seen 10 million more Americans enrolled  
1744 in health insurance, and the insurance rates have dropped by  
1745 quite a bit nationally, and we are going to see even more of  
1746 that.

1747 But I want to end what I am saying in talking about my  
1748 friend Selena, who I went to visit last weekend. Selena is  
1749 self-employed. She is 63 years old. She was able to get  
1750 insurance on the exchange at a cheap rate because she is  
1751 self-employed, and she went in for a routine mammogram, where  
1752 they found something. She was able to have early detection,  
1753 early surgery. And I went over to visit at her house last  
1754 week, and she said to me, Diana, I want you to call Mr.  
1755 Obama, and I want you to thank him, because I probably  
1756 wouldn't be alive here today if it weren't for Obamacare.

1757 I want to yield the balance of my time now to Ms. Capps.

1758 Mrs. {Capps.} Thank you. And I want to agree with my  
1759 colleague from Texas that there is no bill that is perfect,  
1760 and one of the things I did was to support extending people's  
1761 existing plans last year.

1762 The truth is, however, that the Affordable Care Act, as  
1763 we know it in California, it is called Covered California, is  
1764 an important step to fixing our broken health care system.

1765 There are fixes we need to make to improve it. This bill  
1766 certainly doesn't do that. It doesn't mean consumers can  
1767 definitely keep their old care, old plan. It just gives  
1768 insurance companies an exemption from their responsibility to  
1769 their constituents, or their consumers. It gives them all  
1770 the power. We are going right back to the old way, giving  
1771 them all the power, and, in so doing, taking that power of  
1772 choice and reliability away from consumers.

1773 I can't support this legislation. I know we could be  
1774 doing some good, important work in fixing the Affordable Care  
1775 Act, because nothing is perfect as it is originally written.  
1776 We need the experience of states, like California, that are  
1777 beginning to implement it, and we could make the changes that  
1778 will make it more cost-effective, and more affordable, more  
1779 accessible.

1780 But by repealing it, which, in disguise, this  
1781 legislation is doing yet another time, we are just going back  
1782 to the same old, as was said earlier, broken record. So I  
1783 want to yield the balance of my time. Thank you.

1784 Ms. {DeGette.} And I yield back.

1785 The {Chairman.} Gentlelady yields back. Other members  
1786 wishing to speak? Mr. Olson is recognized.

1787 Mr. {Olson.} I thank the Chair. I yield the balance of  
1788 my time to my friend from Louisiana, Mr. Cassidy.

1789 Dr. {Cassidy.} Thank you for allowing me this. I am  
1790 struck at the smirks when Ms. Eshoo speaks of whiners, the  
1791 smirks of people who clearly are insensitive to the burden  
1792 this law has placed upon many Americans. Here is a study  
1793 showing that, for women, 2013 to '14, average premium  
1794 increase of 41 percent, 41 percent, with different age ranges  
1795 having 18, 28, and 37. If you are one of those folks who is  
1796 lower income, not on a subsidy, and someone in Congress is  
1797 calling you a whiner, and smirking over the inside joke, I  
1798 cannot believe that.

1799 Secondly, Mr. Green, you have mentioned National  
1800 Journal, but, unfortunately, that article is a little old.  
1801 Here, again, I submit it for the record, this, which shows  
1802 that health care premium is skyrocketing, not according to  
1803 Price-Waterhouse, which did that study, but through insurance  
1804 brokers. In Delaware, up to 100 percent, California 53  
1805 percent. So I have submitted this for the record, but now I  
1806 will submit something that came out on the record today,  
1807 because we just heard about how wonderful Cover California's  
1808 doing.

1809 In 2014, consumers purchasing individual policies,  
1810 granted, it is individual, pay between 22 and 88 percent more  
1811 for health insurance than they did last year. You are a  
1812 family, not on a subsidy, paying over 10 to 15 percent of

1813 your income for insurance, and people are smirking in  
1814 Congress, calling you a whiner.

1815         And as it regards the superiority of these policies  
1816 relative to that which is in the free market, I will submit  
1817 this to the record, Kansas town employees loses health care  
1818 coverage due to Obamacare, more expensive, less generous, and  
1819 Blue Cross/Blue Shield said they wouldn't cover anyone unless  
1820 they worked more than 30 hours, therefore part time employees  
1821 now lose their health coverage. This is the superiority of  
1822 the exchange.

1823         Now, again, as to the Shangri-La of how wonderful  
1824 Obamacare is, here is another article from National Journal,  
1825 ``Is Obamacare Living Up To Its Pre-Existing Conditions  
1826 Promise?'' And the reality is no. The reality is that,  
1827 under the law as written, in Florida, HIV patients are not  
1828 getting the therapy that they wish because they have been  
1829 priced out.

1830         Now, I am a little curious. Mr. Pallone thinks it is  
1831 quite all right for the President, by executive order, to  
1832 override statute and delay implementation, but when we  
1833 attempt by statute to do the same thing the President does by  
1834 executive order, it becomes, unfortunately, untenable. I  
1835 wish you had entered your amendment protecting the  
1836 prerogative of Congress, Mr. Griffith. I also would have



1837 voted for it.

1838           Now, I can understand why folks on the other side of the  
1839 aisle are defensive. In 2009, I wasn't on the committee  
1840 then, but here is something for the record. 32 Democrats  
1841 voted to kill a GOP amendment that explicitly allowed people  
1842 to keep their current health care plans, explicitly allowed.  
1843 It was voted against. I guess we don't care about whiners.

1844           And lastly, for the effect upon the job market, as it  
1845 turns out, there is 10,000 more jobs, but there are not 10  
1846 million more people working. I have been looking at this,  
1847 and the low income worker has--and it is statistical, I can  
1848 provide it for you, has had her hours decrease from 40 to 30,  
1849 and is having to take second jobs. There are 10 million more  
1850 jobs, but not 10 million more workers, and that has  
1851 disproportionately affected the lowest quintile of workers.  
1852 I can provide all that documentation. We are pounding the  
1853 American people with this law, but folks up here smirk,  
1854 calling them whiners.

1855           Well, I stand firmly on the side of those American  
1856 people, who are now insurance poor to fulfill a vision of  
1857 another party that doesn't think they are smart enough to  
1858 know the policy they should have. And just let's do away  
1859 with one more red herring. This has nothing to do with  
1860 having policies cancelled. There is still an open enrollment

1861 period. If you don't like your policy, you can go into  
1862 another. There is nothing to prevent people from learning.  
1863 But if they are 55 years old, they may choose not to buy  
1864 obstetrical benefits. And if they have 18 year old children,  
1865 they may choose not to have pediatric dentistry, which they  
1866 are now being forced to pay for. Now, again, I stand with  
1867 the whiners. I stand against those who smirk about them. I  
1868 yield back.

1869       The {Chairman.} Gentleman's time has expired. Other  
1870 members wishing to speak on the amendment? Mr. Dingell?  
1871 Would you like to strike the last word, Mr. Dingell?  
1872 Gentleman from Michigan is recognized.

1873       Mr. {Dingell.} There was someone in baseball who at one  
1874 time said déjà vu all over again, and by golly, that is where  
1875 we are right now.

1876       I want to express my affection and respect for my  
1877 colleagues on the Republican side, but I do think it would be  
1878 nice if they would recognize that ACA is now the law of the  
1879 land, and it is working. Senior citizens just saved \$11  
1880 billion on health care and on Medicare, you know--rather, on  
1881 medicines. That is a remarkable event. And all of the other  
1882 problems that we used to have about seeing to it that people  
1883 got the health care they needed are in large part being  
1884 addressed under this legislation. Is it perfect? No. Last

1885 time we wrote some perfect legislation, Moses brought it down  
1886 off Sinai, and he got mad and threw it down, broke the whole  
1887 business.

1888 But the hard fact of the matter is that it is better.  
1889 Kids are on their parents' plans. We are seeing that  
1890 everybody has a better chance. We are now seeing that people  
1891 who had been denied by pre-existing conditions can get health  
1892 care now, which they couldn't previously. Strangely enough,  
1893 the insurance companies supported all of this. Remarkable  
1894 event. And they thought it made a pretty good idea. They  
1895 also are making money providing insurance, rather than  
1896 playing games by trying to evade legitimate costs, and things  
1897 of that kind. If you look, you will find that where people  
1898 have a chance to know what is happening to them, they are  
1899 finding this is a pretty good thing, from the standpoint of  
1900 their personal economic views.

1901 You know, my Republican friends--

1902 Mr. {Green.} Mr. Chairman, could we have order in the  
1903 committee? I can't quite hear because of the discussion.

1904 The {Chairman.} Gentleman is correct.

1905 Mr. {Dingell.} When I was a small boy, I remember my  
1906 Republican friend spent huge amounts of time attacking Social  
1907 Security. And then finally that particular bunch died off,  
1908 and then when I sat in the chair and presided over the

1909 passage of Medicare, they started attacking Social Security  
1910 again, and started attacking Medicare. And we finally got  
1911 Medicare to the point where now people are saying, don't let  
1912 the government get its hands on my Medicare. And so we hear  
1913 a lot of people who are running around protecting senior  
1914 citizens from government intrusion into their Medicare.

1915 Now we have this legislation. And we invited our  
1916 Republican colleagues to join us in the consideration of the  
1917 legislation. Couldn't get a peep out of them. They wouldn't  
1918 come in, they wouldn't help. They wouldn't have a thing to  
1919 do with what it is we are doing.

1920 Mr. {Green.} Would the gentleman yield?

1921 Mr. {Dingell.} So my hope is that the Republicans will  
1922 stop this business of trying to just take us back to those  
1923 sad, grim old days when our senior citizens, and when our  
1924 people didn't have health care because the insurance  
1925 companies had practiced that kind of insurance salesmanship.

1926 So, with affection to my Republicans and Republican  
1927 friends, let's get down to the simple business of doing what  
1928 we should be doing, legislating. Let's get this thing going.  
1929 Let's see to it that we make it work. Give it a chance.  
1930 This is a piece of legislation that is covering 350 million  
1931 people. It is a huge piece of legislation. And it is going  
1932 to be a terrible, terrible task to get it to work in the way

1933 that we need to have it work. But it can be done if we all  
1934 get together and pull together.

1935         And so, to my dear Republican friends, I say let's stop  
1936 this nonsensical fighting. Let's defeat this legislation.  
1937 Let's go on and get down to the business of making the  
1938 Affordable Care Act, in fact, work for the benefit of all of  
1939 our people so we can go home and say we did something good  
1940 for the country, instead of just being down here with this  
1941 nasty, unpleasant wrangling that is continuously going on,  
1942 and bringing nothing but disrespect upon the Congress. So,  
1943 with affection and respect, let's quit this nonsense, and  
1944 let's get down to serious business. Thank you, Mr. Chairman.

1945         The {Chairman.} I think we are ready to vote. Can we  
1946 vote? Other members wishing to speak? Well, if you are  
1947 going to--all right. Yield to the gentleman from Colorado.

1948         Mr. {Gardner.} Chairman, strike the last word. I think  
1949 I did misstate the numbers from Colorado. There were 335,000  
1950 cancellations, but since March, there have been an additional  
1951 2,300 plus cancellations, so actually the number is now  
1952 237,000 people in Colorado who have had their health  
1953 insurance cancelled as a result of Obamacare.

1954         These policies were indeed cancelled. We had a panel of  
1955 insurance companies testify before us that those plans were  
1956 cancelled because of the health care bill. We had a panel of

1957 insurance executives testify that the law was written in such  
1958 a way that even those that had been extended will be  
1959 cancelled because of the health care bill.

1960           And to talk about what is happening in Colorado,  
1961 remember the three primary promises that were made of  
1962 Obamacare. And most people who voted for the bill probably  
1963 said the same thing. The three primary promises of  
1964 Obamacare, if you like your health care plan, you can keep  
1965 your health care plan. 337,000 Coloradans found that not to  
1966 be true. If you like your doctor, you can keep your doctor.  
1967 People across this country have found that not to be true.  
1968 This will lower the cost of health care premiums. People who  
1969 supported the health care bill in this committee today have  
1970 said premiums are rising. The third primary promise, the  
1971 foundational promises sold to the American people, simply not  
1972 true. But, instead, 337,000 Coloradans have been called  
1973 whiners here today.

1974           Now, when it comes to what is happening to those who had  
1975 their health insurance cancelled in Colorado, we don't know,  
1976 because I will read to you what a Denver Post article said  
1977 several months ago, that the Colorado Division of Insurance  
1978 is not even tracking what is happening to the people who had  
1979 their insurance cancelled. And here is the quote from the  
1980 Denver Post, ``But Colorado's Insurance Division is not

1981 tracking what happens to premiums as policyholders move to  
1982 ACA compliant plans.'" So it is not known how many people  
1983 are facing premium hikes, and how steep those increases are.

1984 The Colorado health insurance exchange has already  
1985 increased taxes by millions of dollars. It is over budget.  
1986 There are problems with the budget. They don't know where  
1987 the money is being spent. I encourage this committee to take  
1988 a look at these exchanges and see what has happening, because  
1989 after one year, we don't know if they are going to be  
1990 sustainable. In fact, some of them are already increasing  
1991 taxes by millions of dollars. 337,000 Coloradans lost their  
1992 health insurance, had it cancelled, because of Obamacare.  
1993 Mr. Chairman, I yield back.

1994 Mr. {Barton.} Would the gentleman--

1995 Mr. {Gardner.} I yield the time to the gentleman from  
1996 Texas.

1997 Mr. {Barton.} Yeah, just briefly. This is a really  
1998 important issue, and it is to the benefit and appreciation of  
1999 the members that everybody takes it seriously. These are  
2000 real issues, and this is committee that has got a history of  
2001 work on real issues. But it shouldn't get too personal, and  
2002 some of the things that have been said about whining and all  
2003 of that, first of all, I thought Ms. Eshoo's comment was  
2004 cute. I thought it made a point. I didn't agree with the

2005 point. And I am one of the few members on the Republican  
2006 side that can remember that. Most of our members over here  
2007 are either too young, or their parents wouldn't let them  
2008 watch such trivial entertainment as Saturday Night Live.

2009 So I hope, in the spirit of what Mr. Dingell was talking  
2010 about, and certainly in the spirit that Chairman Upton wants,  
2011 that we talk about these issues, but in a friendly, non-  
2012 personal way. Because, whatever side you are on on this  
2013 debate today, this committee will be involved when we make  
2014 changes to the Affordable Care Act, and those changes will be  
2015 made, and they need to be made in a legislative way. And  
2016 that is what we are about today. Mr. Cassidy's bill is an  
2017 honest attempt to do it in a more conservative way.

2018 And I understand people disagree with that, but that is  
2019 what Congress is about. We would rather be here calling each  
2020 other whiners than shooting at each other, like they are  
2021 doing in other parts of the world. And I can assure my  
2022 members on the majority side, I have been called a lot worse  
2023 than a whiner in this committee, so that is a minor point.  
2024 And with that, I yield back.

2025 The {Chairman.} Gentleman yields back. Other members  
2026 wish to speak? Mr. Yarmuth is insisting.

2027 Mr. {Yarmuth.} Thank you, Mr. Chairman. I move to  
2028 strike the last word. I will be brief. Since we are



2029 stuffing the record with statistics, I would just like to  
2030 point out a couple of things. One is a national survey, just  
2031 within the last week, that more than 70 percent of the people  
2032 who have acquired insurance under the Affordable Care Act are  
2033 satisfied with their plans, and that includes more than 70  
2034 percent of Republicans. I doubt if you would have gotten  
2035 that level of satisfaction from people about their insurance  
2036 plans prior to the passage of the ACA.

2037         In Kentucky, which is, I think, one of the models of  
2038 success under the ACA, more than 420,000 people have acquired  
2039 insurance coverage, either through Medicaid or the private  
2040 plan, through the ACA, through Kynect, our Kentucky exchange.  
2041 The average premium for those buying private plans is \$88 a  
2042 month, after the subsidy, clearly within the affordability  
2043 range of most Kentuckians.

2044         And the statistics in regard to the reduction in  
2045 unreimbursed care to hospitals and providers, the number of  
2046 people taking advantage of preventative care services at all  
2047 levels, has dramatically increase. So I think a lot of the  
2048 satisfaction level of the ACA and its success stories have to  
2049 do with whether a state actually embraced the law, and wanted  
2050 to see it succeed, rather than trying to sabotage it.

2051         And one final thing, I know Mr. Cassidy cited  
2052 statistics, and one thing that we ought to keep in mind, he

2053 very definitely said the difference between 2013 and 2014,  
2054 which was the difference between when there was no ACA in the  
2055 private plans and when there was. And I have dealt with a  
2056 number of my constituents who said they had insurance premium  
2057 increases of 50 or 60 percent. And when you looked at their  
2058 plans, what they had before was a plan that they were paying  
2059 \$100 a month for, which didn't cover anything, which, again,  
2060 subjected them to bankruptcy at the slightest accident or so  
2061 forth. And, yes, they are paying more now under the ACA, but  
2062 they also have coverage which will actually protect them.

2063 So we can throw statistics around, they can tell a  
2064 variety of stories, but the success of the ACA I think can be  
2065 documented where people actually decided to try and make it  
2066 work. I yield back.

2067 The {Chairman.} Gentleman yields back. Other members  
2068 wishing to speak?

2069 Seeing none, the vote occurs on H.R. 3522, and the Clerk  
2070 will call the roll.

2071 The {Clerk.} Mr. Hall?

2072 Mr. {Hall.} Aye.

2073 The {Clerk.} Mr. Hall votes aye.

2074 Mr. Barton?

2075 Mr. {Barton.} Aye.

2076 The {Clerk.} Mr. Barton votes aye.

2077 Mr. Whitfield?  
2078 [No response.]  
2079 The {Clerk.} Mr. Shimkus?  
2080 Mr. {Shimkus.} Aye.  
2081 The {Clerk.} Mr. Shimkus votes aye.  
2082 Mr. Pitts?  
2083 Mr. {Pitts.} Aye.  
2084 The {Clerk.} Mr. Pitts votes aye.  
2085 Mr. Walden?  
2086 Mr. {Walden.} Aye.  
2087 The {Clerk.} Mr. Walden votes aye.  
2088 Mr. Terry?  
2089 Mr. {Terry.} Aye.  
2090 The {Clerk.} Mr. Terry votes aye.  
2091 Mr. Rogers?  
2092 [No response.]  
2093 The {Clerk.} Mr. Murphy?  
2094 Mr. {Murphy.} Mr. Murphy votes aye.  
2095 Mr. Burgess?  
2096 Dr. {Burgess.} Aye.  
2097 The {Clerk.} Mr. Burgess votes aye.  
2098 Mrs. Blackburn?  
2099 Mrs. {Blackburn.} Aye.  
2100 The {Clerk.} Mrs. Blackburn votes aye.

2101 Mr. Gingrey?

2102 Dr. {Gingrey.} Aye.

2103 The {Clerk.} Mr. Gingrey votes aye.

2104 Mr. Scalise?

2105 [No response.]

2106 The {Clerk.} Mr. Latta?

2107 Mr. {Latta.} Aye.

2108 The {Clerk.} Mr. Latta votes aye.

2109 Mrs. McMorris Rodgers?

2110 [No response.]

2111 The {Clerk.} Mr. Harper?

2112 Mr. {Harper.} Aye.

2113 The {Clerk.} Mr. Harper votes aye.

2114 Mr. Lance?

2115 Mr. {Lance.} Aye.

2116 The {Clerk.} Mr. Lance votes aye.

2117 Mr. Cassidy?

2118 Dr. {Cassidy.} Aye.

2119 The {Clerk.} Mr. Cassidy votes aye.

2120 Mr. Guthrie?

2121 Mr. {Guthrie.} Aye.

2122 The {Clerk.} Mr. Guthrie votes aye.

2123 Mr. Olson?

2124 Mr. {Olson.} Aye.

2125           The {Clerk.} Mr. Olson votes aye.  
2126           Mr. McKinley?  
2127           Mr. {McKinley.} Aye.  
2128           The {Clerk.} Mr. McKinley votes aye.  
2129           Mr. Gardner?  
2130           Mr. {Gardner.} Aye.  
2131           The {Clerk.} Mr. Gardner votes aye.  
2132           Mr. Pompeo?  
2133           [No response.]  
2134           The {Clerk.} Mr. Kinzinger?  
2135           Mr. {Kinzinger.} Aye.  
2136           The {Clerk.} Mr. Kinzinger votes aye.  
2137           Mr. Griffith?  
2138           Mr. {Griffith.} Aye.  
2139           The {Clerk.} Mr. Griffith votes aye.  
2140           Mr. Bilirakis?  
2141           Mr. {Bilirakis.} Aye.  
2142           The {Clerk.} Mr. Bilirakis votes aye.  
2143           Mr. Johnson?  
2144           Mr. {Johnson.} Aye.  
2145           The {Clerk.} Mr. Johnson votes aye.  
2146           Mr. Long?  
2147           Mr. {Long.} Aye.  
2148           The {Clerk.} Mr. Long votes aye.

2149 Mrs. Ellmers?

2150 Mrs. {Ellmers.} Aye.

2151 The {Clerk.} Mrs. Ellmers votes aye.

2152 Mr. Waxman?

2153 Mr. {Waxman.} No.

2154 The {Clerk.} Mr. Waxman votes no.

2155 Mr. Dingell?

2156 Mr. {Dingell.} Votes no.

2157 The {Clerk.} Mr. Dingell votes no.

2158 Mr. Pallone?

2159 Mr. {Pallone.} No.

2160 The {Clerk.} Mr. Pallone votes no.

2161 Mr. Rush?

2162 [No response.]

2163 The {Clerk.} Ms. Eshoo?

2164 Ms. {Eshoo.} No.

2165 The {Clerk.} Ms. Eshoo votes no.

2166 Mr. Engel?

2167 Mr. {Engel.} No.

2168 The {Clerk.} Mr. Engel votes no.

2169 Mr. Green?

2170 Mr. {Green.} No.

2171 The {Clerk.} Mr. Green votes no.

2172 Ms. DeGette?

2173 Ms. {DeGette.} No.

2174 The {Clerk.} Ms. DeGette votes no.

2175 Mrs. Capps?

2176 Mrs. {Capps.} No.

2177 The {Clerk.} Mrs. Capps votes no.

2178 Mr. Doyle?

2179 Mr. {Doyle.} No.

2180 The {Clerk.} Mr. Doyle votes no.

2181 Ms. Schakowsky?

2182 Ms. {Schakowsky.} No.

2183 The {Clerk.} Ms. Schakowsky votes no.

2184 Mr. Matheson?

2185 Mr. {Matheson.} Aye.

2186 The {Clerk.} Mr. Matheson votes aye.

2187 Mr. Butterfield?

2188 Mr. {Butterfield.} No.

2189 The {Clerk.} Mr. Butterfield votes no.

2190 Mr. Barrow?

2191 Mr. {Barrow.} Aye.

2192 The {Clerk.} Mr. Barrow votes aye.

2193 Ms. Matsui?

2194 Ms. {Matsui.} No.

2195 The {Clerk.} Ms. Matsui votes no.

2196 Ms. Christensen?

2197 [No response.]

2198 The {Clerk.} Ms. Castor?

2199 Ms. {Castor.} No.

2200 The {Clerk.} Ms. Castor votes no.

2201 Mr. Sarbanes?

2202 Mr. {Sarbanes.} No.

2203 The {Clerk.} Mr. Sarbanes votes no.

2204 Mr. McNerney?

2205 Mr. {McNerney.} No.

2206 The {Clerk.} Mr. McNerney votes no.

2207 Mr. Braley?

2208 Mr. {Braley.} No.

2209 The {Clerk.} Mr. Braley votes no.

2210 Mr. Welch?

2211 Mr. {Welch.} No.

2212 The {Clerk.} Mr. Welch votes no.

2213 Mr. Lujan?

2214 Mr. {Lujan.} No.

2215 The {Clerk.} Mr. Lujan votes no.

2216 Mr. Tonko?

2217 Mr. {Tonko.} No.

2218 The {Clerk.} Mr. Tonko votes no.

2219 Mr. Yarmuth?

2220 Mr. {Yarmuth.} No.



2221           The {Clerk.} Mr. Yarmuth votes no.  
2222           Chairman Upton?  
2223           The {Chairman.} Votes aye.  
2224           The {Clerk.} Chairman Upton votes aye.  
2225           The {Chairman.} Other members wishing to cast a vote?  
2226   Seeing none, the Clerk will report the tally.  
2227           The {Clerk.} Mr. Chairman, on that vote there were 27  
2228   ayes and 20 nays.  
2229           The {Chairman.} 27 ayes, 20 nays. The H.R. 3522 is  
2230   favorably reported. Without objection, staff is authorized  
2231   to make technical and conforming changes to the legislation  
2232   reported by the Committee today, so ordered. And, without  
2233   objection, the Committee stands adjourned.  
2234           [Whereupon, at 11:50 a.m., the Committee was adjourned].