

Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Olver  
Owens  
Pallone  
Pastor (AZ)  
Paul  
Pelosi  
Perlmutter  
Peters  
Petri  
Pingree (ME)  
Polis

Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Ribble  
Richmond  
Rothman (NJ)  
Rush  
Sánchez, Linda  
T.  
Sarbanes  
Schakowsky  
Schiff  
Schradner  
Schwartz  
Scott (VA)  
Serrano  
Sewell  
Sherman  
Sires  
Smith (WA)

Speier  
Stark  
Sutton  
Thompson (CA)  
Tierney  
Tonko  
Towns  
Tsongas  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz (MN)  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (MS)  
Thompson (PA)  
Thornberry

Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Walberg  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield

Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOT VOTING—14

Amodei  
Biggert  
Cardoza  
Costello  
Filner

Holden  
Landry  
LaTourette  
Pascarell  
Pence

Roybal-Allard  
Sanchez, Loretta  
Slaughter  
Wasserman  
Schultz

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1919

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 269, I was  
away from the Capitol due to prior commit-  
ments to my constituents. Had I been present,  
I would have voted "yea."

Mr. McKEON. Mr. Chairman, I move  
that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose;  
and the Speaker pro tempore (Mr.  
WEST) having assumed the chair, Mr.  
HASTINGS of Washington, Acting Chair  
of the Committee of the Whole House  
on the state of the Union, reported that  
that Committee, having had under con-  
sideration the bill (H.R. 4310) to au-  
thorize appropriations for fiscal year  
2013 for military activities of the De-  
partment of Defense, to prescribe mili-  
tary personnel strengths for fiscal year  
2013, and for other purposes, had come  
to no resolution thereon.

# MOTIONS TO INSTRUCT CON- FEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. BARROW. Mr. Speaker, I have a  
motion at the desk.

The SPEAKER pro tempore. The  
Clerk will report the motion.

The Clerk read as follows:

Mr. Barrow moves that the managers on  
the part of the House at the conference on  
the disagreeing votes of the two Houses on  
the Senate amendment to the bill H.R. 4348  
be instructed to insist on title II of the  
House bill, regarding approval of the Key-  
stone XL Pipeline.

The SPEAKER pro tempore (Mr.  
HASTINGS of Washington). Pursuant to  
clause 7 of rule XXII, the gentleman  
from Georgia (Mr. BARROW) and the  
gentleman from Michigan (Mr. UPTON)  
each will control 30 minutes.

Mr. WAXMAN. Mr. Speaker, I would  
like to inquire whether whoever is  
claiming time to speak on this motion  
on the Republican side of the aisle is,  
in fact, opposed to the motion.

Mr. UPTON. I would like to claim  
time on the Republican side in support  
of the motion.

The SPEAKER pro tempore. Pursu-  
ant to clause 7(b)(2) of rule XXII, the

gentleman from Georgia (Mr. BARROW),  
the gentleman from Michigan (Mr.  
UPTON), and the gentleman from Cali-  
fornia (Mr. WAXMAN) each will control  
20 minutes.

The Chair recognizes the gentleman  
from Georgia.

Mr. BARROW. I yield myself such  
time as I may consume.

Mr. Speaker, I rise in support of a  
motion to instruct the conferees on the  
Surface Transportation Extension Act  
of 2012 to insist on title II of that act,  
which contains revisions of the North  
American Energy Access Act, essen-  
tially calling for the completion of the  
Keystone XL pipeline.

Mr. Speaker, in these times of in-  
creasing security threats and economic  
uncertainty, the construction of the  
Keystone XL pipeline represents a win-  
win for America's national security  
and economic interests. Not only will  
this project create thousands of much-  
needed jobs, but it will secure Amer-  
ica's energy future by reducing our de-  
pendence on foreign oil.

By working with our neighbors to the  
north on an effort that ramps up our  
domestic energy production, we'll bet-  
ter protect families here at home from  
the effects of energy market insecurity  
caused by political and economic trou-  
bles in other parts of the world. Esti-  
mates vary, but the most conservative  
estimates predict that this jobs project  
will create 13,000 new construction jobs  
and an additional 7,000 manufacturing  
jobs.

But that's not all, Mr. Speaker. The  
Keystone XL pipeline, when operating  
at capacity, will be able to move 840,000  
barrels of oil per day into our domestic  
refining capacity on the domestic pro-  
duction market. To put that in per-  
spective, America imports about 8.4  
million barrels per day. The carrying  
capacity of this pipeline alone is 10 per-  
cent of America's net national daily  
imports. America consumes 20 million  
barrels of oil a day. The carrying ca-  
pacity of this pipeline represents 5 per-  
cent of current U.S. daily consumption  
of oil products.

The U.S. produces about 8.8 million  
barrels a day. This pipeline will have  
the capacity to bring in 10 percent  
more than what we're already pro-  
ducing on a daily basis here in this  
country. It also represents approxi-  
mately a one-third increase in the  
total daily imports from Canada. And  
if that wasn't enough, the 840,000 bar-  
rels a day this pipeline carries comes  
real close to the 900,000 barrels that we  
import every day from Venezuela.

I don't know about anybody else, but  
any policy in this country that private  
enterprise is going to lead the way on  
and pay for that can cause us to tell  
the folks in Venezuela, Good-bye, we'll  
see you later, that's good economic  
policy and good energy policy for this  
country.

Mr. Speaker, we've held hearings on  
this matter. We've engaged the public  
and energy experts. We've checked and  
rechecked for environmental soundness

## NOES—252

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishke  
Berg  
Berkley  
Berman  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler  
Coble  
Coffman (CO)  
Cole  
Conaway  
Connolly (VA)  
Costa  
Cravaack  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dicks  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake

Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Austria  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Gohmert  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
Lewis (CA)  
Lipinski  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino

McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Peterson  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Richardson  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)

and debated for hours on the floor of this House. After all that, what we're left with is a very well-vetted and, I think, worthwhile project that is ready to start construction. For the jobs and for the energy security, the folks I represent want us to get moving on this. We have an opportunity to make that happen in the highway bill conference that's currently under way.

I encourage my colleagues to support my motion to instruct so we can send that message loud and clear to the conferees.

With that, Mr. Speaker, I reserve the balance of my time.

□ 1930

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this amendment is really about jobs and the economy. The President, you will remember, in a national address in January, said he would do whatever it takes to create U.S. jobs. That's what this bill does. It creates, by just about everybody's estimate, 20,000 direct jobs and more than 100,000 indirect jobs. And I would note that under ED WHITFIELD's leadership, the chairman of the Energy and Power Subcommittee, we went through regular order on this bill last year. We held hearings, we held a subcommittee markup, we had a full committee markup, and last summer we passed it on the House floor by almost a two-to-one margin; obviously, bipartisan.

Mr. Speaker, we consume about 18 or 19 million barrels of oil every day. We produce only 8 to 9 million barrels a day. This is a pipeline that will bring us 800,000 barrels a day from our friends, the Canadians.

We've waited 3 years. You'll remember that Secretary of State Hillary Clinton said in October of 2010 that she was inclined to support this. And in August of last year she said, We'll have the review done before the end of the year. It's not been done yet. And even though this House passed the bill by a significant margin, the Senate did not act. That's why this bill has been attached to a couple of different bills, and now it's part of the highway bill. I support the gentleman's instruction to the conferees to include this.

The route has been rerouted through Nebraska. They now support this new route. We have spent billions of dollars in our refineries across the country trying to get ready for this new source of oil coming from our friends, the Canadians. So what happens if we continue to say no? The Canadians, for sure, are going to still produce this. They're still going to mine the oil sands in Alberta. But it's not going to come here. It's going to go to China. China is prepared to spend with the Canadians literally billions of dollars to send it there, of which none of it will come back to the United States.

That is not the right answer. No, it's not. That's why it's not only a national security issue as part of the highway bill, but it's also a way that we will

know that we will have a steady source of supply.

Now let me just make one more point. Today, we import from Canada 2.6 million barrels of oil every single day. A million barrels of that already is oil sands. In my home State of Michigan, the Marathon refinery outside of Detroit has spent \$2.2 billion expanding their refinery, preparing for oil sands—not from Alberta, not from this part of Canada, but other parts—of which the oil sands will then be part of what we consume here in the United States. A million barrels of the 2.6 million that Canada sends us every day is oil sands. What is the problem with expanding that by another 800,000 barrels a day that will produce American jobs and allow us to have less reliance on friends like Venezuela and folks in the Middle East, if we can use our best friend, Canada, to help us provide this oil to the United States?

So I support the gentleman's instruction. I hope that it will pass when we have the vote tomorrow.

I ask unanimous consent that the balance of my time be reserved and under the direction of Mr. WHITFIELD, the subcommittee chair of the Energy and Power Subcommittee.

The SPEAKER pro tempore (Mr. WOODALL). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume, and I rise in opposition to this instruction.

First of all, whatever your views are on the pipeline coming out of Canada, this is not the place for this issue to be brought up because what this provision would do would be to short-circuit the decisionmaking and mandate approval of the pipeline. It doesn't belong in the transportation bill.

We see this over and over again. Our Republican colleagues like to take bills and then hold them hostage to get what they want. They wanted to get the pipeline approved so they mandated the President had to make a decision within 60 days in a previous bill. The President didn't want it. He said, Okay, I'll sign it. But then he said he's not ready to make a decision in 60 days.

So this provision doesn't require him to make a decision. It tells him this is going to be decided. This is going to be done. That's what we used to call earmarks, and in fact this is an earmark—a special interest earmark.

On its merits, this legislative earmark for TransCanada makes no sense. Mandating approval of the Keystone XL pipeline might help jobs in other countries. It might create more jobs in Canada. But when the Republicans tell us it's going to produce so many jobs in the United States, they are not buying a pipeline; they are buying a pipe dream.

A green light for Keystone will lead to massive imports of transmission pipe manufactured overseas. The Amer-

ican people will bear all the risks and Big Oil will reap all the rewards of this pipeline. We are going to get more carbon pollution, more dangerous oil spills, land seizures by a foreign company, and higher oil prices in the Midwest. Big Oil gets the ability to extract more profits from the Midwest, a conduit for exploiting tar sands products to China, because that's where this oil is going to go. Because it's an international transport of oil from these tar sands from Canada to the United States going down to the Gulf, it can then be put on steamers and sent to China, and there is no restriction against it. We have open markets, and China would be delighted to take that oil. But it is not going to benefit us. It is going to benefit China.

President Obama listened to the differing views of American citizens and he made a responsible decision. He said he was not going to approve this pipeline through the ecologically fragile Sand Hills area of Nebraska. But the State Department would consider an alternative route, and Nebraska is still looking for another route that would be acceptable to the State.

The President is making sure he has all the information he needs to make the right decision. This provision takes the opposite approach. It gives the pipeline an unprecedented legislative earmark. It doesn't give discretion. It requires the Federal Energy Regulatory Commission to approve the pipeline immediately, even though we don't know what route it will take through Nebraska.

I think we ought to recognize these tar sands in Canada are very, very dirty, and it is going to require a lot of energy to get them into an oil form that can be transported through a pipeline. The consequence of that is going to be to add more carbon emissions at a time when our planet is already suffering from global warming and extreme climate change.

It would be incredibly reckless for Congress to jeopardize this critically important transportation bill by playing politics over an unrelated and extraneous provision. I urge my colleagues to reject this motion and to not put in this poison pill provision that would lead to the whole transportation bill being vetoed.

I reserve the balance of my time.

Mr. BARROW. I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, construction of the Keystone XL pipeline would create thousands of jobs for hardworking Americans, but it would also increase our energy independence. Canada has already confirmed its intention to build the pipeline. The only question now is whether or not our Nation will benefit from the jobs, economic growth, and energy security that comes with construction of the pipeline.

We cannot allow this opportunity to pass us by. The project would be developed in keeping with all environmental

regulations and constructed with the safest and most advanced pipeline technology available. What's more, the Keystone pipeline takes advantage of Canada's vast oil resources that are the second-largest on the planet.

The time for delay has long since passed. The House legislation would advance the approval and construction of the pipeline passed by the House on multiple occasions with bipartisan support. The Keystone pipeline has the potential to become a viable, long-lasting, sustainable source of energy for the future. Construction of the pipeline would provide a steady source of energy for our country, decrease our reliance on volatile oil markets, and provide the certainty that comes with steady jobs for tens of thousands of Americans.

Mr. Speaker, the pipeline is going to be built. What is left to decide is whether Americans will benefit from it. I strongly urge the conferees on the Surface Transportation reauthorization committee to include the Keystone pipeline in the final bill, and I look forward to working with my colleagues to continue to advance our Nation's energy independence.

□ 1940

Mr. WHITFIELD. Mr. Speaker, at this time, I would like to yield 4 minutes to the distinguished gentleman from Nebraska (Mr. TERRY), who is one of the primary sponsors of the Keystone pipeline legislation, and the route of the pipeline will be going partially through his home State of Nebraska.

Mr. TERRY. Mr. Speaker, I thank the gentleman, and I rise in strong support of the gentleman from Georgia's motion to instruct conferees to support the Keystone pipeline in the transportation bill.

Let's start with a quick tutorial here. Right here above the United States border in Canada, a couple hundred miles north of our border, lies the second or third largest current reserve of oil.

Now, there's already an existing pipeline coming down through the Bakken fields in North Dakota. This blue dotted line is the new pipeline, the one that is of controversy now, mostly because the environmental left, the NRDC and some other organizations that have come out and opposed that because they don't want fossil fuel use, especially a heavier crude. Now, that's the focus of the debate. They have stated that their whole goal here is to kill this pipeline.

Now, what does this pipeline do for the United States of America? First of all, we have the second or third largest reserve here. This pipeline will bring 800,000 barrels per day. We've already heard from two different gentlemen that our country imports about 10 million barrels per day. So if we can bring 800,000 to a million barrels per day, that's that much less that has to be imported from a country like Ven-

ezuela. And, by the way, we import about 800,000 to 900,000 barrels per day from Venezuela. Maybe we can stop sending our dollars to Venezuela so they can buy military equipment from Europe—I'm sorry—from Russia to destabilize South and Central America, which is what these dollars are doing.

So it provides us a level of energy security; offsets imports into our country from countries we don't like.

The bonus here is jobs—10,000 to 20,000 jobs will be created directly. And we hear statements that it won't create jobs, but I can take you to the laborers' facility that has a project labor agreement in hand. I can take you to the IBEW that has a project labor agreement in hand. I can take you to several other of our unions that have agreements ready to go if they would start building this pipeline.

Now, I wanted to mention and clear up some of the misinformation that's out there regarding this pipeline in my home State of Nebraska.

First of all, in the efforts that we took to get this pipeline out of the politics of the White House and into reasonable hands to get this approved, we exempted the State of Nebraska, giving them enough time to find a new route. The President ignored that provision of the bill and still used the State of Nebraska as his excuse to kill the pipeline. We're here today because the President denied their permit, said no to the Keystone pipeline.

Well, as we stand here today, this pipeline has already been rerouted, a different route chosen off of the Sand Hills of Nebraska. The environmental assessment is occurring as we speak here today, and it'll be done in a few months. There is no longer an excuse for the President to use to kill this new permit just recently filed by TransCanada for this pipeline.

So in review, we offset the oil we import from other countries we don't like.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WHITFIELD. I yield an additional 1 minute to the gentleman.

Mr. TERRY. We create 20,000 jobs building this pipeline, and we have a relationship with China where we access the second or third largest reserve.

And the gentleman is right. There's a pipeline that they're building to go off west so the Chinese can have access to part of this. We need this oil. Let's complement our friends and let's pass this pipeline.

Mr. WAXMAN. At this time, I would like to yield 4 minutes to the gentleman from Pennsylvania (Mr. DOYLE), an important member of the Energy and Commerce Committee.

Mr. DOYLE. Mr. Speaker, I rise in opposition to this motion to instruct.

Like Mr. BARROW and many of my friends on the other side of the aisle, I support building this pipeline in a way that protects the environment and creates good American jobs—but not in the manner that this motion to instruct would have us do.

I've come to the floor many times to talk about the Keystone pipeline. Many times my concern was that we're not using enough American-made steel in this project, that a lot of what we were told initially about the steel worker jobs and the things that would be created just didn't come to materialize. But my biggest concern with this motion to instruct is we're once again talking about a 30-day timeline for approval from an agency, the Federal Energy Regulatory Commission, which has nothing to do with oil pipeline siting and permitting.

We're tasking FERC with the regulation of wholesale electricity. We task them with ensuring reliability, hydropower permitting, and natural gas pipeline siting. FERC doesn't have the authority or the expertise to permit and site oil pipeline at all, and it is unrealistic to expect that they can do it in 30 days. And if FERC doesn't issue a permit in 30 days, it doesn't matter; this motion would allow the permit to be deemed as issued, to build the Keystone XL pipeline even if FERC doesn't approve a permit within 30 days.

A 30-day arbitrary and rushed approval for this pipeline is not worth holding up our entire highway bill conference. The Keystone XL pipeline will be built in due time with appropriate permitting. It will create good-paying jobs and strengthen our relationship with our neighbor Canada. Let's not hold up the highway bill conference that can bring even more good jobs and improved infrastructure that our country so badly needs.

I urge my colleagues to vote "no" on this motion to instruct.

Mr. BARROW. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. I thank the gentleman from Georgia for offering this motion and I thank him for yielding me this time.

We've heard a lot from different Members out here already about what the construction of this pipeline would mean in terms of increased capacity, of product coming from North American sources for U.S. oil consumption. We've heard about the jobs for the construction of the pipeline, and I'm not going to repeat all of those numbers and statistics. But I thought it would be helpful to talk about a couple of the issues that have been raised about this pipeline and try to clarify some of the facts about what's going on with this type of product and this type of pipeline.

A lot of people think this is a brand new product. They're worried about product from oil sands. In fact, according to the Congressional Research Service, there are already five other pipelines that are bringing this product from Canada to the United States. In fact, for years this product has been coming to refineries in the State of Utah, where I'm from, and refined in refineries in North Salt Lake.

The most recent of those five pipelines that brings this product from

Canada was actually approved by the Obama administration in 2009. It brings 800,000 barrels a day from Canada into the United States. And when that project was approved by the Obama administration's State Department, the State Department said that the pipeline would send:

A positive economic signal in a difficult economic period about the future reliability and availability of a portion of United States' energy imports, and in the immediate term, this shovel-ready project will provide construction jobs for workers in the United States.

Now, when it comes to the Keystone proposal, as it was going through 3 years of environmental review, when discussing this pipeline, Secretary Clinton's Coordinator for International Energy Affairs, David Goldwyn, stated:

Balancing jobs and energy security . . . I think the case for a pipeline is overwhelming and she will approve it.

□ 1950

This is a project that has received a lot of scrutiny. It's not a new type of project—five other ones come to this country. I know there may be some unique aspects of this specific pipeline proposal, but in general there are five other ones that bring this product to the United States already.

This has become a symbol. We can have honest disagreements about what we think about issues, but we should make sure we understand what the facts are about this pipeline. As I said, this product has already come into this country many times.

I thank the gentleman again for offering this motion to recommit, and I urge passage.

Mr. WHITFIELD. At this time, I'd like to yield 4 minutes to the distinguished gentleman from Louisiana (Mr. SCALISE), a member of the Energy and Commerce Committee and a real advocate of the Keystone pipeline.

Mr. SCALISE. I thank the gentleman from Kentucky for yielding.

I want to rise in strong support of the gentleman from Georgia's motion to instruct. This is a strong bipartisan motion that has support not only in the Halls of Congress, but also has support amongst the American people as they look at this proposal.

Keystone, our friend in Canada, they have vast oil reserves, and they're going to extract those reserves whether they're used in America or whether they're used in China. So the question is not whether or not Canada is going to go and explore their oil sands, it's whether or not we get the oil from a friend in Canada—1 million barrels a day when it's in operation—or we continue to become more reliant on Middle Eastern oil, oil from countries, in many cases, that use the money that we send—the billions of dollars a day we send to them—against us, against our troops.

We have an opportunity to do many things here. We can help secure America's energy independence by saying that's 1 million barrels a day less that

we need to get from Middle Eastern countries who don't like us, we can get it from a friend in Canada. They want to send it to us. And oh, by the way, it's going to create about 20,000 American jobs upfront. There's much more to come. The estimates are even higher long term once the pipeline is in operation.

This shouldn't even be a dilemma. It's not controversial to most people. Most people consider it a no-brainer—20,000 jobs, 1 million barrels a day of oil from a friend in Canada instead of other countries—and yet President Obama has said no. Now, he goes around giving speeches saying he's for all of the above. We've heard it time and time again, he's for all of the above. Maybe he's for all up above, but nothing below. Because if you say "no" to the Keystone pipeline, you're not for an all-of-the-above energy.

You just look at the facts. We've got the opportunity to say "yes" to something that creates great jobs, and this transportation bill is the perfect place for it because this is infrastructure. We've got pipeline already running all throughout our country.

Even if this amendment passes, Mr. Chairman, there's nothing that says that every State has to have the Keystone pipeline go through it. If there are any environmental issues, each State still has to permit the pipeline if it goes through their State. So each State still has the ability to say, look, we want to make sure the route fits best with our environment. That will happen anyway, even if it's approved.

But if the President rejects Keystone, make no doubt about it, the oil will still be produced in Canada, except it will be sent to China, and the jobs will be sent to China, and the billions of dollars of private investment—this isn't one of those phony stimulus bills where we print a bunch of money we don't have and borrow it from China. This is actually real investment from private sources, and they want to spend those billions of dollars here in America. They want to create those jobs here in America. They want to help ensure our American energy independence right here at home, and the President keeps saying "no."

It's our opportunity to stand up in a bipartisan way and say this is something we all agree upon. Just because some radical environmentalists went and held a big rally over at the White House a few months ago, and literally 3 days later the President said, oh, wait, now I'm against Keystone. It's time for us to stand up and do the right thing—stand up for those American jobs, stand up for billions of dollars in private investment, and stand up for American energy security and say "yes" to the Keystone pipeline. I strongly support this motion.

Mr. WAXMAN. Mr. Speaker, I'm pleased at this time to yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman from California.

The transportation bill should be about increasing the number of riders on our mass transit systems to reduce our oil dependence. It should be about increasing the number of riders in HOV lanes to ease commuters' lives and to encourage people to get more energy-efficient vehicles. The transportation bill should not be used as a vehicle to force approval of the Keystone XL "export" pipeline, because that's what it is—it's an extra large export pipeline.

The American Petroleum Institute ads claim that the Keystone pipeline will deliver oil "to power our country." Sounds great. But in fact, there is no legislative guarantee that even a single drop of this oil and fuel from the Keystone "export" pipeline would stay in the United States for American consumers.

When I asked, in the hearing, the president of the TransCanada pipeline company whether he would guarantee that the oil that came from Canada through the entirety of the United States would stay here in the United States, he said no, I will not give you a guarantee. So let us not hear again from the Republicans about how this is oil for America because the president of the pipeline would not give us a guarantee that he would keep the oil here in the United States. And why is that? Because the pipeline is going to Port Arthur, Texas.

Now, what's so special about Port Arthur, Texas? Well, it just happens to be that it's a tax-free zone. So they're going to bring this pipeline, without any environmental safeguards because they just want to approve it themselves, the Congress—and a congressional expert is an oxymoron, okay. There is no such thing compared to real environmental experts, real experts in this area. A congressional expert is like jumbo shrimp or Salt Lake City nightlife—I mean, there is no such thing. And yet they're saying, no, let's approve the pipeline. No environmental safeguards—we'll just move it through, we're experts. We're going to supersede the Environmental Protection Agency and send it to Port Arthur, Texas. And then, in Port Arthur, Texas, it's going to get sent, and guess where it's going to get sent? You don't have to be Dick Tracy to figure this out. It's going to be sent to China. It's going to be sent to Latin America. It's going to be sent to Europe—tax free.

By the way, if you represent Port Arthur, Texas—if you represent any part of Texas, vote "yes" on this resolution. I'll throw in Louisiana and Oklahoma as well. But if you come from another State, I don't know what you're thinking. I really don't know what you're thinking. You don't have a guarantee on the environment. You don't have a guarantee that the oil is going to stay here in the United States. You're going to accept the canards, the fabrications, the misrepresentations that this is oil for America, when no one will put it in the bill that the oil must stay in America.

You won't hear the president of TransCanada or ExxonMobil or Chevron saying the oil is going to stay in America—let me know when that happens. This is oil that they're going to sell in other parts of the world. And why do they want to do that? Because right now a barrel of oil in the United States is \$93 a barrel, and a barrel of oil in Europe is \$115 a barrel. You don't have to be a finance major to figure out that they want to sell that oil on the world market.

So all we are is just a big conduit for that dirtiest oil in the world coming out of Canada, coming right through the United States—without environmental safeguards—going to Port Arthur, Texas, tax-free zone, to send it so that ExxonMobil and the rest of these companies can make a fortune on the global market. Now, is that crazy or what?

Why are we debating this right now? And why are we listening to these people at the same time that we export? You know something else we export, ladies and gentlemen? We export our young men and women over to the Middle East in order to protect oil coming into the United States. We should not be exporting young men and women at the expense of domestic oil which we could keep in our own country. That should not be exported, not if more young men and women have to be sent overseas in order to protect the oil lines coming in from the Middle East. That's our greatest vulnerability.

So vote "no" on this resolution. This is the capstone of the Republican majority's commitment to the oil industry. It is something that is very consistent with everything that they have done since they took over the majority. But the truth of the matter is that this is just a one-way trip to exotic locations in China and Morocco and Singapore for oil that is going to compromise the environment of the United States and not protect our security one whit.

I'm waiting for the first Republican to stand up and accept an amendment which would keep that oil in the United States. It just is not going to happen.

Mr. BARROW. Mr. Speaker, at this time I yield to 2 minutes to the gentleman from North Carolina (Mr. KISSELL).

□ 2000

Mr. KISSELL. Mr. Speaker, I thank my friend and colleague from Georgia for the time, and I rise in full support of his motion to instruct the conferees to support the Keystone pipeline.

A lot of numbers and a lot of facts have been given out. I will not repeat those. I will just cover a couple of points very quickly.

We have heard through the past years and even decades, we've talked about energy independence, but yet we haven't gotten that. We have the opportunity to create North American energy independence if we just make a few good decisions. This is one of them.

It's time. We've talked about this long enough. It's time to move this pipeline forward for all of the benefits that we can receive in jobs, in energy security. It's time.

We've heard a lot of discussions tonight about what the administration might say or Congress might say or the petroleum people and a few others. But we haven't heard something, an opinion for the American working families. Our families are desperate for energy security, for the pricing stability. This is a step towards that.

We should not forget at all our American working families, our responsibility to helping them as they struggle to get by in this tough economy. They have to be front and center in this decision. So I encourage my colleagues to vote "yes."

And I appreciate, once again, my colleague bringing this motion forward.

Mr. WHITFIELD. I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I'd like, at this time, to yield 4 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, I rise in opposition to this motion to instruct the conferees. I'm a member of the Transportation and Infrastructure Committee, and we would like to see our bill passed.

And I represent a city, Memphis, Tennessee, that is the transportation and distribution center of America. Transportation jobs are extremely important to the city of Memphis.

It's been 958 days, nine extensions, nearly 3 years since the last surface transportation bill expired. The Keystone proponents insist this language be in this transportation bill, which is language, if it's anywhere, should be in an energy bill, not a transportation bill. But by doing so, they will end the hopes of transportation workers throughout this country, let alone Memphis, to have a transportation reauthorization bill passed. We will, instead, have a 10th extension and even more uncertainty in the transportation business.

The Senate's made it clear they're not going to accept the bill with the Keystone pipeline extension and so has the President of the United States, the same President of the United States who allowed the extension, the southern extension of the Keystone XL to go through. He's not against pipe lines. He's not against oil. But he's against this one because it hasn't gone through the proper processes. And at that time, he'll make a decision, pro or con. But it needs to go through the proper processes, so we don't need to defeat the scientific judgment and environmental studies that are necessary before we approve a pipeline.

But what's happening is the proponents of the Keystone pipeline are paying homage to their patron saint, their patron saint, Big Oil. What Big Oil wants, Big Oil often gets. And it's Big Oil, not the people of Canada, our

friends with the hockey pucks, our friends who have got a long-time good relationship with this Nation. It's Big Oil that will make the profit and control the oil. And Big Oil wants to sell it where they will make the most profit.

There is a greater demand in this world for oil than ever before because of a burgeoning middle class in China and India and other parts of this world where people are starting to get cars and need gas to drive those cars. Because of that, the price of oil has gone up.

While the middle class in America has shrunk, the middle class around the world has grown, and they want that oil, and that's where it's going to be sold. It doesn't have to go to Port Arthur, Texas, to go to other places. But it's going to be sold on the international market where it gets the best price for the oil companies who are already getting great tax breaks from this Congress, and that won't help the American people one iota.

The fact is we need to end our addiction to Big Oil. We need to get away from fossil fuels, and we need to think about the next generation.

James Hansen, a leading NASA climate scientist, has called the pipeline the fuse to the biggest carbon bomb on the planet. Game over. Give up future generations. Forget the flora and the fauna. Forget what we've known in the past.

But the real issue besides that is this is just not relevant and pertinent to this bill. What's important is that we pass a reauthorization bill that builds our highways, improves our transportation system, gets more people into buses, finds alternative forms of energy, has bike lanes and encourages people to get around without burning fossil fuels, and gets our transportation bill passed and puts people to work.

It's the best thing we could do for the economy is to pass the bill. And the conferees' suggestion that the Keystone pipeline be kept alive as an issue just keeps the passage of this bill further down the road, keeps American workers unemployed, keeps commerce stalled.

We need to not approve this recommendation. I ask us to vote "no."

Mr. BARROW. I yield myself such time as I may consume.

Mr. Speaker, some have said that because we are inextricably part of a world market, because we consume more than we produce of this vital commodity that, therefore, we cannot legislate ourselves an island in this process; and since we both produce and consume and produce and export, therefore it follows from that that virtually anything we can get, any new source of conventional energy that we get is going to be a mere conduit, a pass-through to somebody else and a loss to us.

I'd like to point out that we produce in this country some 12 million barrels a day. We export some 2.9 million to 3

□ 2010

million barrels a day. So there's both oil being produced in this country and exported, for a net annual production on a daily basis of 8.8. It does not follow from that that any new sources of energy that we get are going to flow right through this country someplace else. In fact, a study commissioned by the Department of Energy addressed the dynamic effect of limiting our access to unconventional sources of this energy in Canada and allowing that energy to go someplace else.

And a study compiled for the Department of Energy pointed out what the perverse effect of this would be. If we deny ourselves access to this new source of Canadian oil, what will happen is it will go to other countries. And who will fill the gap? Middle Eastern and African OPEC countries will actually increase their shipments to this country. We'll become more dependent upon imports from folks that we don't want to rely upon if we deny ourselves access to those folks we do want to rely upon.

In the words of the study commissioned for the Department of Energy, they would displace, the Canadian oil crudes would be lost to the U.S. market and go instead to Asia. They would displace the world's balancing crudes, Middle Eastern and African, predominantly OPEC grades, which would in turn move to the USA. The net effect would be substantially higher U.S. dependence on crude oils from those sources, the sources we want to wean ourselves off of.

Finally, along this line, it's been said that because we're describing conditions in ordinary terms when the markets are working as we hope they will and as they should, we need to remember, we need to bear in mind there's always the possibility the world market will fail us.

I'm old enough to remember a time in this country's history when we were embargoed. First, in 1973, because we came to the aid of our ally, Israel, in response to the Yom Kippur War, we were embargoed by the OPEC oil countries. Folks who supply a little more than a third of our imports today, at that time, cut us off completely. It happened before. It did happen again in 1979. We were embargoed a second time in the same decade.

We need to bear in mind that while we're concerned about market conditions and the ebb and flow of product and consumption in ordinary times, we also have to gird ourselves for the possibility that we can be embargoed by our current vendors. And against that backdrop, access to North American oil, in time of emergency, can have a far greater impact on our economic and national security at that time than the conditions we're talking about and arguing about now in the ordinary course of events.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. WHITFIELD. I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, may I inquire as to how much time each side has?

The SPEAKER pro tempore (Mr. CHAFFETZ). The gentleman from California has 5 minutes. The gentleman from Georgia has 8½ minutes. The gentleman from Kentucky has 8 minutes.

Mr. WAXMAN. Before I yield to Mr. RUSH from Illinois, I just want to make a comment.

We need to get ourselves off of our dependence on oil whether it is from the United States or overseas; and if we go along with this pipeline, we are increasing our dependence on a very, very dirty oil that is going to use up a lot of carbon just to be able to get it into a State where it can be sent down that pipeline.

I am pleased now to yield 3 minutes to the ranking member and, hopefully, the next chairman of the Energy Subcommittee, the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I want to thank the ranking member of the full committee for recognizing me.

Mr. Speaker, I rise in opposition to this motion to instruct. A mandatory approval of the Keystone XL pipeline does not belong in our transportation bill. This provision jeopardizes the entire transportation bill and all of the American jobs that the transportation bill will provide and produce.

The southern portion of the Keystone XL pipeline from Oklahoma to the gulf is already moving forward with the President's support, but the northern portion does not yet have a final route through the State of Nebraska. President Obama has made it clear that he will not short-circuit the normal approval process and deprive the American people of their opportunity, their right, to have input just to benefit a foreign company and foreign interests.

As it stands now, it is very unclear if this project would benefit the hard-pressed communities of this Nation, such as the one that I represent, with jobs and contracts and other economic opportunities that we have been hearing so much about and that has been bandied about by the proponents of this pipeline. We desperately need jobs and contracts and economic opportunity, but we have no guarantees that this XL pipeline will produce the same.

So, regardless of whether you believe this pipeline should be built or not, including the Keystone XL pipeline approval—mandatory approval, I might add—in the transportation bill, which the President already promised he will veto, it may not necessarily further the pipeline, but it may doom the same. It may doom the entire transportation bill.

If you care about American jobs, then the number one priority should be to pass the transportation bill all by itself. Pass the transportation bill to create and preserve American jobs for the American people. Don't burden the jobs-producing transportation bill with

extraneous gimmicks and extraneous gestures. The passage of this motion to instruct conferees will be a stumbling stone for Keystone.

Mr. WHITFIELD. May I ask who has the right to close?

The SPEAKER pro tempore. The gentleman from Georgia.

Mr. WHITFIELD. I yield myself such time as I may consume.

First of all, I want to thank the gentleman from Georgia for introducing this motion to instruct as I think it is for the benefit of the American people. Yet, having said this in many hearings on this subject, I really am puzzled as to how people can be opposed to the Keystone pipeline.

Many people have come up today who have been opposed to it, and they've talked about the necessity for jobs. The Keystone pipeline will create many jobs. As a matter of fact, we know that oil from the oil sands in Canada is already coming to America. There are over 1,000 American companies today supplying goods and services to Canadian oil sands and pipeline companies.

Just to give you an example, with regard to Caterpillar, which makes the 797—the world's largest truck—the engines are made in Indiana; the cab is fabricated and installed in Illinois; the frame component is cast in Louisiana; and the Michelin tires are made in South Carolina. That's just one. I could go through here and list a multitude of companies from which jobs are being created because of the oil sands, and only more will be created if we can build this new pipeline.

People say, Oh, you're going to export all this oil. Well, I genuinely believe that is a red herring. The Department of Energy, itself, did an analysis of this and said, if any oil were exported coming out of Canada, it would be a very minute amount. Yes, we do export some petroleum products now, but no one can honestly say—and no one has ever heard—that we intend to export the majority part of this oil, not even close to it. So I think that is a red herring.

I might also say that there was a moratorium on the Transatlantic pipeline in Canada from exporting oil. We found out that, when that happened, oil production in America went down because companies decided, well, the prices are down, and we're not going to be able to export any. Then President Clinton lifted that moratorium. So I think the gentleman from Massachusetts, in making this argument of, "Oh, we've got to prevent export" is a red herring.

There are a lot of pipelines already in America. On the average, they were studied for 18 months before they were approved. This pipeline has been studied for 40 months. I might also say that the Pipeline and Hazardous Materials Safety Administration has put together 57 additional safety measures for this pipeline that are not on other pipelines. This would be the safest pipeline built in America.



So we have the ability here, if the President would simply approve it, of building a pipeline that will bring 830,000 more barrels of oil a day to America. I still believe in supply and demand. If supply goes up, prices go down, and I think that we all recognize that. Yet President Obama received a final environmental impact statement from the State Department.

That environmental impact statement said, between the option of building this pipeline and not building this pipeline, the preference would be to build the pipeline.

That's why we all were so shocked. It's because, after that, we thought the President would approve this pipeline. But what did he say?

I don't want to make a decision until after the Presidential election.

Now, I'm not going to put words in his mouth, but I'm assuming he was concerned about the environmental groups, and that's fine. Yet to deprive the American people of approximately 20,000 new jobs directly in building the pipeline, additional jobs like Caterpillar that would be selling more products to the Canadian companies where the oil sands are being produced—the oil is being produced in the oil sands—really makes no sense.

This is a safe pipeline. It's 1,700 miles long. Only 60 miles of this pipeline route was suggested to be changed, which was in Nebraska, and the Governor of Nebraska and the legislature in Nebraska agreed with the change.

□ 2020

They've basically signed off on this. So I am puzzled by why anybody would be opposed to it. More oil, more jobs, less dependent on Middle Eastern oil. Yeah, we all would like to be less dependent on oil, but I tell you what, there are not enough electric cars in America to provide the necessary transportation that we need, despite the millions of dollars from President Obama's stimulus funds into the production of it.

The reality is we need oil. We have an opportunity to do it here, to create jobs. I think the perfect place for this to be considered is in the transportation bill because we're talking about transporting oil for America to be less dependent on Middle Eastern oil.

I would urge everyone to support the gentleman from Georgia and his motion, and I urge everyone to vote in favor of it.

I yield back the balance of my time. Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Those of us who are speaking on this motion to instruct the conferees are from the Energy and Commerce Committee, not the Transportation Committee, which developed the fundamental underlying bill to which this pipeline issue has been attached. The transportation bill provides an enormous amount of money for people to have jobs building the roads, mass transit, other kinds of transportation

systems, and that all will be stopped if we don't renew the transportation bill itself.

The Senate, on an overwhelming bipartisan basis, got together and passed a transportation bill. The House wasn't able to do that. We were passing short-term extensions of existing law until we passed something to go to conference, and we're now in conference. So the motion is to instruct the conferees to take the House position on this pipeline issue.

The problem with it is the President has said he'll veto the bill. He'll veto the transportation bill if the pipeline provision is in it. He said it because he feels it needs to be reviewed before the decision is made on whether to allow this pipeline to be built. I don't consider that unreasonable.

What's really going on here is the Republicans want to stick it to the President. This is all politics. They want to make the President have to veto the bill, and then they'll say he vetoed the bill, how outrageous it is.

Let's not play politics. Let's reject this motion to instruct.

I yield back the balance of my time.

Mr. BARROW. Mr. Speaker, I yield myself the remaining time.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 8½ minutes.

Mr. BARROW. Mr. Speaker, I encourage the conferees to include approval of the Keystone XL pipeline. It will get Americans back to work. And while we're developing the alternative energy sources of the future, it will reduce our current dependency on purchasing oil from countries that don't share our values.

I understand the reasons why some folks are opposed to any new and unconventional sources of traditional energy that we rely on. The argument essentially is: More of the same means we'll increase our dependence upon a dirty source of energy. It will increase our dependence upon oil as the basic feedstock for transportation energy in this country.

Mr. Speaker, you can't increase your dependence beyond 100 percent. We are 100 percent dependent upon oil and its byproducts for the transportation energy in this country. Unlike the energy we get out of the walls or off the grid or out of the light sockets, a whole bunch of different energy feedstocks go into that basic energy commodity—some of it's coal; some of it's natural gas; some of it's nuclear, like the plants we're building in my district at Plant Vogtle; some of it's wind and solar.

We've got a lot of different energy feedstocks that go into the wires and we utilize in every other way. But the transportation energy in this country that we use to push all of our trucks, all of our cars, and all of our tractors, it all comes from oil. We've got all of our transportation eggs in one energy basket.

You can't increase your dependence anymore than 100%. That's where we

are. I understand that's what people's concerns are. But I think Secretary Clinton summed it up conclusively just a year and a half or so ago back in October of 2010 at a conference. Secretary of State Clinton was quoted as saying:

We're either going to be dependent on dirty oil from the Persian Gulf or dirty oil from Canada until we can get our act together as a country and figure out that clean, renewable energy is both in our economic interests and in the interests of our planet.

Until we do that, we're going to be getting our oil from one source or the other. As for me, as between the Persian Gulf on the one hand and Canada on the other, I choose Canada.

Meanwhile, I am optimistic about the future of alternative, clean sources of energy, and I want to wean us off the use of foreign oil as much as anyone in this building. But we aren't there yet, we're not there now, and we're not going to be there in the foreseeable future. For as long as oil is our primary source of transportation energy in this country, we can't take it for granted, and we can't pretend that making it more scarce, or what's the same thing, making it more expensive is going to hasten the day we're no longer relying upon it just because we don't like it.

Mr. Speaker, the folks that I represent expect us to vote for jobs and for energy security. We have an opportunity to do that with the transportation bill. I urge my colleagues to support the motion to instruct and to send that message loud and clear to our conferees.

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

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WHITFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

Mr. RAHALL. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Rahall moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to agree to sections 1528, 20017 (to the extent that such section amends section 5323 of title 49, United States Code, to provide subsection (k) relating to Buy America), 33007, 33008, and 35210 of the Senate amendment.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from New

York (Mr. HANNA) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

My motion is simple. It instructs the conferees to seize the opportunity to create more American jobs and to revive American manufacturing by closing loopholes in Buy American laws.

The House-Senate conference committee is seeking to resolve differences on the surface transportation reauthorization bill. But one thing we should be able to agree on right now is that every taxpayer dollar spent constructing highway, transit, and rail projects should help create jobs in America and not overseas.

American workers are still struggling to find work as our economy slowly recovers from the worst economic recession since the Great Depression. The construction and manufacturing sectors have been particularly hard hit. More than 56,000 U.S. factories have closed or moved overseas in the last 10 years, and 90,000 more manufacturing firms, most of which are small businesses, are at risk of going out of business.

Today, more than 2.2 million construction and manufacturing workers remain out of work. I have pleaded again and again that we must enact a well-funded, long-term surface transportation bill immediately and not let another construction season dwindle while Congress dawdles.

□ 2030

We must find common ground, and we must find it fast. As part of that effort, one area where I hope we can all agree is ensuring that the investments we make with this bill will be spent on projects that are stamped "Made in America." We have the capability, the capacity, and the workers ready to get the job done here at home. Unfortunately, we are currently giving these contracts and these high-skilled jobs away to foreign manufacturers and workers.

This motion to instruct directs House conferees to adopt several bipartisan Senate provisions to strengthen the Buy American provisions. The other body adopted these non-controversial, commonsense Buy American provisions by voice vote and without a word of opposition.

First and foremost, the Senate Buy American provisions close existing loopholes that allow highway, transit, and rail projects to be subdivided into separate contracts, meaning Buy American rules no longer apply to most of the work. The most glaring recent example—and we've all heard about it—of project segmentation is California's Bay Bridge project, connecting Oakland to San Francisco.

Even though more than \$320 million of Federal aid highway funds were spent on the Bay Bridge project, the project was divided into 20 separate

construction projects. As a result, 343,000 tons of steel for the project were manufactured in China by a Chinese State-owned company that had no prior bridge-building experience—no prior bridge-building experience, employed 3,000 workers on the project, including welders, polishers, and engineers. These workers could be American workers, with our engineers designing the bridge and our workers welding the girders on our steel manufactured here at home and guaranteed to be much safer.

The Senate Buy American provisions also ensure, through robust notice and comment requirements, that U.S. companies will know of potential waivers to the Buy American law before the U.S. Department of Transportation grants the waivers. This process will enable these companies to assess whether they have an American-made product that can be used in the project. And that is what this motion is all about, ensuring that American workers and companies get a fair shot.

Last year I introduced bipartisan legislation, H.R. 3533, the Invest in American Jobs Act of 2011, to strengthen Buy American. The bipartisan Senate Buy American provisions incorporate many major provisions from this legislation.

Although I believe that we can do even more to strengthen Buy American, particularly in the area of public transportation, the bipartisan Senate Buy American provisions represent a good start. We will hear from some of our friends across the aisle that we should let the conference committee work its will. But let's be honest with ourselves: a vote against this motion is a vote to continue to send jobs overseas, to continue to weaken our economy, to continue to allow our foreign competitors to reap the benefits of rebuilding our Nation with American taxpayer dollars.

Mr. Speaker, we have a responsibility to U.S. taxpayers to ensure that the investments we make in our Nation's transportation and infrastructure truly help rebuild America—our infrastructure, our companies, and our people.

I urge adoption of this motion, and I reserve the balance of my time.

Mr. HANNA. Mr. Speaker, I yield myself such time as I may consume.

This motion, offered by my friend, the gentleman from West Virginia, instructs conferees to the Surface Transportation reauthorization conference to agree to several provisions in the Senate bill relating to Buy American requirements. These Senate provisions will expand Buy American requirements for the Federal highway program, the Federal transit program, and for Amtrak.

It is important to note that this is a nonbinding procedural vote. A vote for or against this motion does not impact the outcome of the conference negotiations. However, it's also important to note that time spent preparing and debating this motion would have been better spent at the negotiating table.

I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am honored to yield 2 minutes to the gentleman from New York (Mr. BISHOP), a very valued member of our Transportation and Infrastructure Committee.

Mr. BISHOP of New York. I thank Ranking Member RAHALL for yielding and for his leadership on this issue and his leadership on the Transportation and Infrastructure Committee.

Mr. Speaker, I support this commonsense motion to put America back to work by preventing the harmful outsourcing of American jobs. The U.S. is still recovering from the worst recession since the Great Depression. The manufacturing and construction sectors have been particularly hard-hit. In the past decade, more than 56,000 U.S. factories have closed or moved overseas. An additional 90,000 manufacturing firms are at risk of going out of business. More than 2.2 million construction and manufacturing workers remain out of work.

This motion to instruct directs conferees on H.R. 4348 to address important loopholes in Buy American laws in order to create more American jobs. Provisions contained in the Senate amendment to H.R. 4348 will help ensure that all steel, iron, and manufactured goods used to construct highway, transit, and rail projects are produced in the United States. By closing loopholes, these provisions will make certain that projects financed by U.S. taxpayers will be made in America, with jobs in our communities, not outsourced overseas.

This motion to instruct directs conferees to adopt several Senate Buy American provisions that would prohibit project segmentation on certain projects, require public notice and comment on waiver requests, require review of longstanding waivers, and require an annual report on waivers. I think that reasonable people would agree that this isn't too much to ask for projects that are paid for with U.S. taxpayer dollars.

Federal transportation dollars should not be used to outsource American jobs. It doesn't make sense. It isn't right. I urge my colleagues to support this motion to instruct conferees.

Mr. HANNA. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. I thank the gentleman from New York (Mr. HANNA).

I rise in opposition to this motion to instruct. The motion to instruct would add to already stringent Buy American provisions in American law that apply to highway, transit, Amtrak, and inner city rail projects, making them unworkable in our increasingly globalized economy.

I know this is well-intentioned. But too often in Washington, what some hope a bill will do, in fact, it does just the opposite. I know that many Members see the term "Buy American" and think they should automatically be in



support. I understand that. I can certainly see justification for some Buy American provisions, and we already have that in law today. These are longstanding rules that are manageable for our American job creators and aligned with our international standards.

However, “Buy American” doesn’t actually mean what it appears to mean. This motion to instruct would actually have the opposite effect, undermining America’s transportation, infrastructure, and development as well as America’s competitiveness and job growth. Instead of providing sure-fire markets for our local companies, goods, and services, this motion to instruct would actually backfire. The result will raise costs for American taxpayers, delay American projects, and burden American businesses that could, instead, be focusing on creating jobs in the struggling economy. And it conflicts with our goal of making the United States the most competitive country in the world.

I also want to insert into the RECORD two letters, one from the U.S. Chamber of Commerce, which is representing 3 million businesses in America, and another from the Emergency Committee for American Trade, local companies that employ over 6 million workers, both opposing this motion to instruct.

Let’s explore the reasons why I urge my colleagues to oppose this motion. First, it will increase costs for transportation projects by requiring that local content requirements apply to more projects by making waivers from these local requirements much more difficult.

□ 2040

That means that few transportation projects can be undertaken to fix our aging infrastructure. This is not the time to impede strategic investment in American infrastructure, which holds the key to U.S. economic competitiveness and prosperity.

Second, a misplaced requirement to “buy local” would hurt American companies, undermine their competitiveness, hamper their innovation and productivity, and prevent them from participating in bidding for transportation projects due to their increasingly global supply and production chains.

As we all know, many products that American companies build will sometimes have parts from other parts of the world, mainly so they can compete against other products in the world. Take, for example, a store from back home in Texas, where a Canadian manufacturer of PVC pipes and fittings was advised by its distributor in California that the contractor, who had used its fittings on sewage pipes installed at Camp Pendleton, was being asked to remove the fittings from the ground and replace them with a similar product from an American competitor.

So far, it sounds good. The problem is the Canadian manufacturer purchased most of its plastic resin inputs to make those fittings from Texas-based compa-

nies—from American companies in Texas. That meant that Buy American restrictions prevented our local companies from being able to export their product to Canada and sell it as part of an overall project in California. It was an overall lose-lose situation for everybody.

In short, more stringent Buy American provisions actually make it harder to sell American because of the realities of how products are built these days. These provisions will prevent American companies from being able to sell inputs—their products—to foreign companies, who then go after government contracts. It may sound attractive to cut foreign companies out of the procurement market, but don’t forget about the thousands of American companies and millions of American workers who stand behind them and depend on them.

Third, tightening Buy American restrictions also sends a message to our global competitors that it’s all right for them to enact more barriers against American goods and services when they’re selling and buying procurement in their home market. In fact, all over the world—in countries like China, India and Brazil—local-content rules in a variety of industries are popping up to block American companies from selling into there.

In justifying those restrictions against our American companies, these countries often point to Buy American provisions and argue that what they’re doing is just the same. Well, this dynamic has the effect of stopping American businesses and their workers from competing in vast foreign procurement markets around the world, resulting in billions of dollars lost to America and to our opportunities to sell our products overseas.

Fourth, such measures also make the United States a less attractive market for foreign-based companies that employ millions of hardworking Americans here at home. Expanded domestic content requirements send precisely the wrong signal, as America seeks to reverse the trend of declining foreign investment into America, which creates products and companies and jobs here in America.

And, fifth, tightening the Buy American restrictions could also leave the United States vulnerable to World Trade Organization litigation and retaliation based on what our obligations are under the WTO government procurement agreement.

Overall, stricter Buy American provisions undermine the American Government’s ability to buy the highest quality goods and services at the lowest cost to us, the American taxpayers. It makes it more difficult to maintain policies consistent with our obligations around the world, and it blocks our ability to show our trading partners they need to open their procurement markets to American goods and services, and at the same time they hurt U.S. companies that are trying to find

customers for their products and services.

I understand how politically appealing these measures can be; but when they backfire against American companies, when they backfire against American workers, you don’t read much about it, but it costs these workers their livelihood. Frankly, it takes American companies competing here at home and around the world out of the picture.

At a time when we have a struggling economy, after the stimulus, after all the bailouts, after all the Cash for Clunkers, deficit spending, we actually have fewer Americans working today than when the President took office. Now is not the time to hurt more American workers, drive up the cost of these projects, delay them further, and ultimately hurt our ability to compete and sell around the world. No matter how politically appealing, this makes no economic sense for America.

For all these reasons, I urge my colleagues to vote “no” on this motion.

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA,  
Washington, DC, May 17, 2012.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world’s largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, urges you to oppose the Rahall Motion to Instruct on the Highway Extension Conference Report that would expand requirements that projects be built with U.S. steel and other goods—otherwise known as “Buy America” provisions.

The Rahall motion would impose costly and burdensome contracting obstacles upon federal, state, and local entities that receive funding under the surface transportation bill. Passage of this motion would have the unintended consequence of increasing costs and delaying much-needed infrastructure re-investment, thereby resulting in fewer transportation projects being funded.

While the “Buy America” sentiment may sound appealing, the reality is quite different. As the U.S. already imposes significant “Buy America” contracting requirements, the Rahall motion would undermine American job creation and competitiveness, and would undercut Congress’ goal of ensuring that transportation funds are spent in the most efficient and cost-effective manner possible. There is no need to expand “Buy America” provisions and doing so would be highly counterproductive, particularly for industry sectors hard hit by the recession.

The Chamber opposes the Rahall Motion to Instruct and urges you to vote against this effort to expand “Buy America” provisions.

Sincerely,

R. BRUCE JOSTEN.

EMERGENCY COMMITTEE  
FOR AMERICAN TRADE,  
Washington, DC, May 17, 2012.

DEAR REPRESENTATIVE: We are writing to express our strong opposition to the Rahall Motion to Instruct Conferees to accept certain Buy America expansion provisions included in the Senate Amendment to H.R. 4348, the Surface Transportation Act/Moving Ahead for Progress in the 21st Century that would substantially expand “Buy America” provisions for transportation projects in ways that will undermine infrastructure development, and American competitiveness and job growth.

Founded in 1967, ECAT is an organization of the heads of leading U.S. international business enterprises representing all major sectors of the American economy. Their annual worldwide sales exceed \$3 trillion and they employ more than 6.4 million persons. ECAT's purpose is to promote economic growth through the expansion of international trade and investment.

As you know, the United States maintains robust domestic preference (e.g., Buy America) provisions in U.S. law, with particularly strong provisions related to transportation projects. These provisions provide strong preferences for the use of U.S. products and only permit the use of foreign goods from those foreign governments that are members of the World Trade Organization—Government Procurement Agreement (or similar provisions in trade agreements) where foreign governments open their procurement markets to U.S. goods, and for limited cost and availability, or public interest reasons. Those exceptions are vital to enable the U.S. government to procure effectively and efficiently in the public interest and to avoid price increases that will undermine procurement that would otherwise occur without a competitive marketplace.

The importance of maintaining balance in U.S. Buy America rules is more important than ever. U.S. companies are increasingly engaged in international supply and production chains that use inputs from overseas, which enhance their competitiveness and the ability to manufacture and sustain and grow jobs in the United States. With tight fiscal constraints, the United States and state governments need to procure in the most efficient and cost-effective manner.

The Senate amendments, if adopted, would undermine U.S. infrastructure development, reduce competition, and restrict the United States' ability to acquire the best goods, services, and technologies at the best value for U.S. taxpayers.

Equally concerning is the impact that such Buy America expansions will have on U.S. companies seeking to expand their sales to burgeoning foreign procurement markets, where other governments are likely to retaliate with their own limits on U.S. participation in foreign procurements, shutting U.S. companies potentially out of hundreds of billions of dollars of new procurements overseas.

The Senate provisions that the Rahall motion would seek to include in H.R. 4338 would create costly and time-consuming obstacles to the waiver process and limit procurement flexibility of local governments, thereby expanding the application of Buy America provisions. Such proposals are unnecessary and counterproductive to efforts to promote infrastructure development and improve America's international competitiveness. Such proposals also send the wrong signal to other countries that will use buy national provisions like this to justify increasing the exclusion of U.S. goods and services from their own infrastructure projects.

We share your strong interest in strengthening America's infrastructure and promoting greater economic growth. We strongly urge you, therefore, to oppose the Rahall Motion to Instruct Conferees on adopting of restrictive Senate Buy America provisions that will undermine the goals of this legislation and its ability to stimulate U.S. growth.

Respectfully,

CALMAN COHEN,  
President.

Mr. RAHALL. Mr. Speaker, I am very proud to yield 3 minutes to the gentleman from Ohio (Ms. SUTTON), who's been a real stalwart and real fighter for Buy American provisions and American jobs.

Ms. SUTTON. I thank the gentleman for yielding, and I thank him for his leadership.

Mr. Speaker, I rise today for the laborer and the steelworker. I rise today for the small business owner and the working family. I rise today to support this motion to instruct because we should all rise and we should all strive to support our working families and create jobs right here in this country.

We know that one way to do that is to ensure that the money we spend to rebuild and strengthen our transportation and infrastructure, if we spend it here, it leads to jobs here. If we invest in American iron, steel, and manufactured goods, we are investing in the people who produce those products.

While it's easy to stand up here on the floor and talk about the need to support our workers and create jobs, this motion takes those words and turns them into action. By closing loopholes and strengthening Buy American provisions, we come one step closer to ensuring that every American taxpayer dollar spent on transportation and infrastructure will be spent on an item proudly stamped: "Made in America."

Last year, I was proud to introduce the American Jobs First Initiative, a series of four bills to strengthen Buy American laws and level the playing field for American manufacturers and workers. I introduced them, Mr. Speaker, because every day I hear from Ohioans who are ready to get back to work. Every day I hear from Ohioans who just want a chance at a good-paying job and a slice of the American Dream. And every day I hear from Ohioans who want this Congress to act to make sure that when their taxpayer dollars are being used, that we will use American iron and steel and manufactured goods to build that infrastructure.

This is our chance, Mr. Speaker. Vote "yes" on this motion to instruct. Vote for jobs. Vote for working Americans. And vote to give our constituents a fair chance at the American Dream.

Mr. HANNA. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Connecticut, Mr. CHRIS MURPHY.

Mr. MURPHY of Connecticut. Thank you very much, Mr. RAHALL.

I rise in support of this motion to instruct. Over the past year, the President and Democrats have proposed a series of measures to spend a little bit of money to put people back to work, to spend some money to educate our kids, to build some new schools, to expand broadband. Every single one of those efforts has been met by resistance from Republicans. I realize why that is. The argument is that we don't have any more money to spend. I get that argument. What I don't get is the argument against this motion.

What this motion says is that forget spending new money. Let's just make sure that the money that we are al-

ready obligated to spend is spent on American jobs. No new money. Let's just redirect the money that we're spending on bridges, on roads, on railways, and make sure that it gets spent on U.S. companies.

It's wrong to suggest that we're talking about dramatically ratcheting up Buy American standards such that we're going to ignite some trade war with WTO companies. That's not what we're talking about here today. Buy American laws have been on the books for generations. What we're talking about is just bringing Buy American standards back to what they used to be.

The fact is that we have blown hole after hole after hole in Buy American, in part because the Chamber of Commerce, which opposes this motion to instruct, thinks it's a good thing for big multinational companies who bid on a lot of this work to be able to take big chunks of it overseas where they can drive down the cost to them and keep a bigger differential of the contract.

□ 2050

Let me give you an example of these loopholes. One loophole is a provision that allows you to segment a contract into all sorts of small, little pieces. When you segment that contract into small pieces, each one of those pieces can result in the amount of the particular contract being so small that it doesn't qualify for Buy American.

Well, on one particular bridge contract in San Francisco, by segmenting out the contract and getting around Buy American, we lost 43,000 tons of steel to a Chinese steel company. American jobs lost.

When you allow for every country that signs a trade agreement to be exempt from Buy American, this happened. Guess what? Today we make our dog tags on a European-made machine simply because the country that makes it is exempt from Buy American, and they bid 4 percent less than the American company did. American jobs lost.

We win when we enforce Buy American because what happens is a company gets a contract. They subcontract with other American companies, and the ripple effect of that one initial contract multiplies jobs times three throughout the economy. Every time we send a contract overseas, yes, it may save that particular bid 3 or 4 or 5 percent. But when we lose that job here in America, when we have to start paying unemployment compensation, when we lose the taxes to the Federal Government, when that unemployed worker's kids need to go on Medicaid, guess what? That 3 or 4 or 5 percent disappears overnight. Let's pass this motion to instruct.

Mr. HANNA. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am happy to yield 4 minutes to a very valued member of our Transportation and Infrastructure Committee, the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I rise in support of the motion to instruct offered by my good friend, the ranking member of the Transportation Committee, Mr. RAHALL. Mr. RAHALL has been a true advocate for the American worker, and certainly for our Nation's transportation system. He understands the key importance of not only passing this bill, but making sure that this bill is putting Americans to work.

This Congress, I have been working to improve Buy American requirements through my Buy American Improvement Act. Mr. RAHALL introduced the Invest in American Jobs Act of 2011. Unfortunately, we have been unable to move either of these bills here in the House, and we were unable to include language in the House version of the bill that we worked on in committee. But over in the Senate, they came to a bipartisan agreement to include these important provisions in the bill, including prohibiting the segmentation of transportation projects, guaranteeing transparency and opportunities for public comment on requests for waivers to Buy American provisions, requiring longstanding waivers to be reconsidered, and requiring DOT to report annually on the waivers it grants.

Now why is this important? It's important because all too often there are loopholes that are either purposely used in order to get a product from overseas, or sometimes just simply overlooked.

I had an issue with a contractor, a defense contractor in my district, who lost a job, lost a bid to make a product to a South Korean company. They knew that the law was not followed. But far too often, someone who has a product to offer, someone who has a product that can be used in a transportation project, does not even know that they were passed over. It's critical that we put this Senate language in the final bill, the conferees do that, so we can know when an American company can do the job, and we get that to American workers.

If we ensure that all of the iron, steel, manufactured goods used in Federal highway, transit, and railroad projects is produced in the United States, it creates jobs for American manufacturers and stops needless outsourcing. In addition, by closing loopholes, those provisions will guarantee that when projects are funded by U.S. taxpayers, they will be made by American workers and create American jobs instead of being outsourced overseas.

There's a reason that the Chinese insist on "Buy Chinese," just as India insists on "Buy Indian," and Brazil on "Buy Brazilian."

We're here to say that we need to do the same thing, to send the message that U.S. taxpayer dollars should be spent in the United States, not in China, not anywhere else.

These are provisions our country needs now more than ever. The American taxpayer funds for transportation

should be used to create American jobs. It's just common sense. If you go home, any of us, we go home and we talk to our constituents, they understand it. They know that it's common sense. Unfortunately, it's far too infrequent that we do what is common sense here.

The Senate managed to do what is common sense and put in important, key Buy American provisions in their version of the transportation bill. The conferees should accept that Senate position, that bipartisan position, the commonsense position, and make sure that we get this transportation bill passed as soon as possible and make sure that those taxpayer funds are used to put Americans to work, not to be outsourced.

I urge my colleagues to support this motion.

Mr. HANNA. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from West Virginia has 14½ minutes remaining, and the gentleman from New York has 21 minutes remaining.

Mr. RAHALL. And do I have the right to close?

The SPEAKER pro tempore. Yes.

Mr. RAHALL. I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the ranking member of the Transportation Committee, and I thank him for his leadership.

Many Members have firsthand experience in addressing some of the angst of our constituents, whether it's in West Virginia or in the State of Texas, California, Ohio, maybe even Utah. We recognize that we have an obligation as part of the international family to engage in trade. That it's part of the economic fabric of this construct in which we work together.

But Mr. RAHALL's motion is both instructive and vital. For those who have had the opportunity to receive most recently Federal transportation dollars, the city of Houston has waited a mighty long time. But in the course of doing that, unfortunately, over two decades of trying to secure funding for a light rail project, we have seen the steel industry in America decimated.

The story of the San Francisco bridge is not only tragic, it is with great sadness that one would lose jobs and opportunities because of the way that particular project was bid.

It is no insult to China for America to stand up and demand that we Buy American. It is no insult to our other allies for, Mr. Speaker, that is what everyone does.

This motion creates an even playing field in a new world matrix where every man and every woman on the international field of trade is for themselves. Let me tell you the story of dealing with Federal funding. I've made every effort to press for the building of railcars. We don't make

railcars. What we have are companies that are based here in the United States, owned elsewhere, but are based here and therefore they make these particular railcars in the United States. That's at least halfway because it does create jobs. I frankly believe that if we are giving Federal funding, those same companies should try to relocate the rail-making process in the area where the light rail or the rail system is going.

The prohibiting of the segmentation of highway transit and Amtrak projects is brilliant because what it does, again, it creates an even playing field for the construction companies, for those who are in essence experts on making the aspects of highway and transit, and allows them the even playing field of bidding.

□ 2100

To require opportunities for public notice is crucial to give our companies an even playing field. Why should we be ashamed of trying to rebuild manufacturing, to try to put life back into the steel industry, because nothing is ever final until you make the effort to do so.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. RAHALL. I yield the gentlewoman an additional 1 minute.

Ms. JACKSON LEE of Texas. This gives us the opportunity again to match what is being done in other countries. There will be American companies that will tell you that bribes are passed, while they are trying to negotiate, by others trying to do business overseas.

I had a constituent in my office today that said that they engaged with a Korean company. They went in with an agreement; they had a signed agreement. They gave them their intelligence and proprietary information. They said that we will match this and do this together. When they got to the endpoint, that Korean company said, well, we've got to go out for bid, when they had been promised, the American company, that that would not be the case, that they would be partnering all the way.

Mr. Speaker, let me tell you what the final results were. The Korean company didn't go out for bid. They took the proprietary information and they did the job themselves—never did this kind of work, don't know how to do the work, but the American company was left out the door. Not exactly fitting what Mr. RAHALL is saying, but as an example of why we have to match the kind of intensity on the international arena. We have to match it by protecting American companies.

I would say that this is an important, vital motion to instruct, and I want Federal dollars to be utilized for American companies. I believe this is the right approach to Buy American.

Mr. HANNA. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I'm ready to close if the gentleman is ready to

yield back his time or close himself first.

Mr. HANNA. Mr. Speaker, I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, in conclusion on this motion to instruct, let me just say that the motion is in support of the Senate Buy American provisions.

The Senate-passed Buy American provisions are very similar if not exactly as the House Transportation and Infrastructure Committee adopted on a voice vote, which was offered by the gentleman from Minnesota (Mr. CRAVAACK) during committee consideration of what was then called H.R. 7. So the majority has accepted this language in committee deliberation, and yet they appear to be opposing it as it comes to the floor today in the form of a motion to instruct the conferees.

I would say also that that Buy American provision that is in the Senate-passed bill that this motion seeks to accept does allow for the Secretary of Transportation to provide for other than U.S. made when that product that is needed cannot be found in the United States of America or when it is truly cost prohibitive to make that product in the United States of America. So there is sufficient waiver authority provided in the Senate Buy American provisions to allow the Secretary of Transportation to do what is in America's best interest.

But most importantly, by adopting my motion to instruct—and in conference hopefully adopting the Senate Buy American provision—we're ending the most egregious loophole that is used to export American jobs, and that is the segmentation of contracts that allows companies to circumvent current Buy American provisions.

Let me say in addition that I was here for most of the previous debate on the previous motion to instruct on the Keystone pipeline, and I heard a great deal of support from that side of the aisle urging American-made energy. I certainly agree with that principle. I'm an advocate of all-of-the-above—as long as it's domestic—in our energy policy in this country. And, I might add, I'm a supporter of the Keystone pipeline and have so voted in previous votes in this body.

But now it comes to this motion to instruct conferees on Buy American, and I hear just the opposite from the majority side by their rather silent opposition, but nevertheless stated opposition, to this motion because while they're for American-made energy, they appear to be against American-made products using American labor and using the Buy American label on U.S. steel and other products used in our highway construction and transit modes in this country. So it seems to me rather contradictory what we're hearing from the majority side in the debate on these two motions this evening.

So as I conclude, let me say that this motion has truly wide-ranging support.

I recognize that the majority has inserted the United States Chamber of Commerce opposition to this bill, and then at the same time I heard reference to the deals and the contractual relationships and the other alliances that our United States—supposedly—United States Chamber of Commerce has with other countries to build these projects, again shipping jobs overseas. So I wonder if it's truly the “United States” Chamber of Commerce that's addressing this issue.

But I will list those that are supportive of the motion to instruct. The Alliance for American manufacturing, the American Institute of Steel Construction, the American Iron and Steel Institute, the BlueGreen Alliance, the Committee on Pipe and Tube Imports, the Concrete Reinforcing Steel Institute, the International Brotherhood of Electrical Workers, International Brotherhood of Teamsters, McWane, Inc., Municipal Castings Association, National Steel Bridge Alliance, Nucor Corporation, Specialty Steel Industry of North America, Steel Manufacturers Association, the Transportation Trades Department, and the United Steelworkers of America are among just a few of the groups that are supporting this motion to instruct.

So, again, let me say this is about—and I will conclude now—American jobs. When it's made in America, Americans can make it, and we have too many Americans today that are not making it. They are near their rope's end. They're frustrated. They do not see Washington or the Congress of the United States as in any way addressing the real problems that exist out there in America and the real problems in their lives. They see us just passing the buck and continuing to argue among ourselves and appear to not agree on anything.

But this is something that we do agree on, as evidenced by the bipartisan manner in which this bill passed the other body—and we know how hard it is to get anything through that other body. But this transportation legislation did pass with over 70 votes in the other body—a rarity in this atmosphere today in Washington, but nevertheless something that happened. That's what we ought to be adopting here is looking at that bipartisan bill and following the other body's lead in this provision and in the entire bill itself.

So I conclude and urge Members to adopt this motion to instruct conferees.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON. Mr. Speaker, I rise to speak in favor of Congressman RAHALL's Motion to Instruct Conferees to close the loopholes in the Buy America laws. By closing these loopholes, we can create more American jobs, and revive our domestic manufacturing base.

Our economy is still recovering from the worst economic recession since the Great Depression. Today, more than 2.2 million construction and manufacturing workers are still

out of work. Let's use this opportunity to get them back to work.

Provisions contained in the Senate amendment to H.R. 4348 will help ensure that the materials used to construct our roads and bridges are produced in the United States. These projects are financed with taxpayer dollars, and we should be using materials produced domestically, not outsourced overseas.

I want to encourage my colleagues to support this motion, and to seize this opportunity to promote our construction and manufacturing industries. By producing and manufacturing domestically, we will create and sustain good-paying jobs in our local communities.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. RAHALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 2110

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The SPEAKER pro tempore (Mr. WITTMAN). Pursuant to House Resolution 661 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 4310.

Will the gentleman from Utah (Mr. CHAFFETZ) kindly take the chair.

□ 2110

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2013, and for other purposes, with Mr. CHAFFETZ (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 12 printed in House Report 112-485 offered by the gentleman from Colorado (Mr. POLIS) had been disposed of.

#### AMENDMENT NO. 17 OFFERED BY MR. COFFMAN OF COLORADO

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 112-485.

Mr. COFFMAN of Colorado. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.