

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

1 {York Stenographic Services, Inc.}

2 RPTS BURDETTE

3 HIF149.030

4 MARKUP ON H.R. _____, THE PROMOTING NEW MANUFACTURING ACT

5 THURSDAY, MAY 29, 2014

6 House of Representatives,

7 Subcommittee on Energy and Power

8 Committee on Energy & Commerce

9 Washington, D.C.

10 The Subcommittee met, pursuant to call, at 10:02 a.m.,
11 in Room 2123 Rayburn Building of the Rayburn House Office
12 Building, Hon. John Shimkus [Chairman of the Subcommittee]
13 presiding.

14 Members present: Representatives Shimkus, Scalise,
15 Hall, Pitts, Terry, Latta, Cassidy, Olson, McKinley, Gardner,
16 Kinzinger, Griffith, Barton, Upton (ex officio), McNerney,
17 Tonko, Yarmuth, Engel, Green, Capps, Barrow, Matsui, Dingell
18 and Waxman (ex officio).

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

19 Staff present: Nick Abraham, Legislative Clerk; Gary
20 Andres, Staff Director; Charlotte Baker, Deputy
21 Communications Director; Mike Bloomquist, General Counsel;
22 Sean Bonyun, Communications Director; Matt Bravo,
23 Professional Staff Member; Leighton Brown, Press Assistant;
24 Allison Busbee, Policy Coordinator, Energy & Power; Patrick
25 Currier, Counsel, Energy & Power; Sydne Harwick, Legislative
26 Clerk; Tom Hassenboehler, Chief Counsel, Energy & Power;
27 Brittany Havens, Legislative Clerk; Peter Kielty, Deputy
28 General Counsel; Ben Lieberman, Counsel, Energy & Power; Mary
29 Neumayr, Senior Energy Counsel; Chris Sarley, Policy
30 Coordinator, Environment & Economy; Charlotte Savercool,
31 Legislative Coordinator; Tom Wilbur, Digital Media Advisor;
32 Jessica Wilkerson, Legislative Clerk; Jeff Baran, Democratic
33 Senior Counsel; Jen Berenholz, Democratic Chief Clerk; Stacia
34 Cardille, Democratic Chief Counsel; Alison Cassady,
35 Democratic Senior Professional Staff Member; Caitlin
36 Haberman, Democratic Policy Analyst; Elizabeth Letter,
37 Democratic Press Secretary; Alexandra Teitz, Democratic
38 Senior Counsel, Environment and Energy; and Debbie Letter,
39 Democratic Staff Assistant.

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

|

40 H.R. _____

41 Mr. {Shimkus.} The committee will come to order. At
42 the conclusion of opening statements yesterday, the chair
43 called up the discussion draft Promoting New Manufacturing
44 Act, and the bill was open for amendment at any point. Are
45 there any bipartisan amendments to the bill? Seeing none,
46 are there any other amendments? The chair recognizes the
47 gentleman from Texas, Mr. Barton.

48 Mr. {Barton.} Mr. Chairman, I have an amendment at the
49 desk, Barton 01, I think.

50 Mr. {Shimkus.} The Clerk will report.

51 The {Clerk.} Amendment to the discussion draft, the
52 Promoting New Manufacturing Act offered by Mr. Barton of
53 Texas.

54 [The amendment of Mr. Barton follows:]

55 ***** INSERT A *****

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

|
56 Mr. {Barton.} Mr. Chairman, I would ask the amendment
57 be considered as read.

58 Mr. {Shimkus.} Without objection and so ordered. And
59 we will distribute the amendments, and the gentleman is
60 recognized for 5 minutes to--

61 Mr. {Barton.} Thank you, Mr. Chairman. I don't think
62 it will take 5 minutes. The bill that has been introduced by
63 Mr. Scalise that we are marking up today was sent to the
64 Environmental Protection Agency for their comments, and they
65 have commented on it. They sent back a number of concerns.
66 So the amendment that I have just introduced is an attempt to
67 address those concerns.

68 One of the primary issues that the EPA raised relates to
69 the so-called dashboard in the bill. EPA expressed concern
70 that the agency would have to collect significant additional
71 information from state and local authorities in order to
72 provide data for the permitting dashboard.

73 The amendment before us, Mr. Chairman, would clarify
74 that for the dashboard EPA should provide the agency's
75 estimates of the number and timeliness of permits issued and
76 should base those estimates on information currently in
77 possession of the agency. He would make clear that the

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

78 agency is not required to seek additional information from
79 state and local agencies.

80 EPA also had a concern that the agency would not seek
81 additional information from states and local permitting
82 authorities in order to prepare the annual report for the
83 Congress that is required under the bill. This amendment
84 makes clear that the report should describe actions being
85 taken by the EPA to expedite the permitting process and that
86 there is not a need to collect additional information from
87 the state and local permitting agencies beyond what the
88 agencies have already provided voluntarily to the EPA.

89 A final concern is that the EPA had concerning the
90 section of the bill that provides if the agency establishes a
91 new National Ambient Air Quality Standard or revises an
92 existing standard, the agency should also publish
93 implementing regulations and guidance at the same time. My
94 amendment provides flexibility to EPA by providing that EPA
95 must issue concurrent regulations and guidance, and I quote
96 from the amendment, ``as the Administrator determines
97 necessary and appropriate to assist states' permitting
98 authorities and permit applicants.' ' This should address
99 concerns that were raised at the hearing last week and by the
100 EPA that the agency would be required to issue regulations or

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

101 guidance that was not needed.

102 There are billions of dollars, Mr. Chairman, of
103 investment pending. Manufacturers need to know the rules of
104 the road in order to get these facilities permitted. My
105 amendment would ensure that these projects become a reality,
106 but it also protects air quality and the public health. I
107 would hope that on a bipartisan basis we could endorse this
108 amendment. And with that, I would yield back, Mr. Chairman.

109 Mr. {Shimkus.} The gentleman yields back. At this
110 time, the chair recognizes--for what purpose does the
111 gentleman from California rise?

112 Mr. {Waxman.} Strike the last word.

113 Mr. {Shimkus.} The gentleman is recognized for 5
114 minutes.

115 Mr. {Waxman.} This amendment makes some modest
116 improvements to the bill. It is a step in the right
117 direction, and I won't oppose it. Unfortunately, this
118 amendment fails to fix the most significant problem with the
119 bill. The bill still creates a loophole in the Clean Air Act
120 allowing new facilities to emit more pollution and harm
121 public health.

122 I want to discuss two of the changes made by the
123 amendment. As drafted the bill requires EPA to compile 6

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

124 years of historical data on preconstruction permits issued
125 across the country and calculate how many permits were issued
126 within 1 year. At the subcommittee hearing, the Delaware
127 Secretary of Natural Resources raised concerns about the
128 burden this would place on state and local permitting
129 agencies which would have to collect this information for
130 EPA. The amendment before us provides that EPA does not have
131 to collect data from the states and can just use the data it
132 already has. EPA currently maintains an online database to
133 share information about air pollution control technologies
134 used in permitting decisions. State and local permitting
135 agencies report permit information to EPA on a voluntary
136 basis. EPA estimates that the database reflects only about
137 half the permits issued.

138 The new language certainly reduces the burdens on
139 states, and I support the change. That said, with this
140 change, it is not clear that the bill's new permitting
141 database, this bill serves any purpose at all. The new
142 database will use the information from the existing database
143 to calculate statistics about permitting times, but these
144 statistics won't be valid because it would be based on a
145 partial and non-representative sample of permits. In fact,
146 the database is likely to systematically overstate permitting

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

147 times. That is because states are most likely to report the
148 most significant permits which are often more complex and
149 time-consuming.

150 Now, why would we require EPA to report information that
151 is almost certainly misleading? This is a waste of ever-
152 shrinking EPA resources.

153 The amendment makes another change. As drafted, the
154 bill requires EPA to issue implementation rules and guidance
155 at the same time it revises air quality standards. The
156 amendment qualifies this by providing that EPA shall issue
157 rules and guidance concurrently but only ``as the
158 Administrator determines necessary and appropriate to assist
159 states' permitting authorities and permit applicants.''

160 So on the one hand, the amendment provides a helpful
161 change. EPA's technical assistance and witnesses at the
162 subcommittee hearing pointed out that it isn't always
163 necessary or advisable to issue guidance and rules
164 concurrently with a new air quality standard. The amendment
165 gives EPA some discretion to determine when such rules and
166 guidance are appropriate.

167 But the amendment leaves Subsection 3(b) of the bill
168 intact. Subsection 3(b) states that if EPA fails to publish
169 final regulations and guidance concurrently with a new air

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

170 quality standard, then new facilities can receive
171 preconstruction permits under the old air quality standard
172 rather than the new one. They have amnesty from the new
173 science-based health standard. This makes no sense. The
174 amended bill would recognize that concurrent rules and
175 guidance aren't always appropriate, but it would still block
176 a new air quality standard from applying to permits unless
177 and until EPA issues such rules and guidance. If EPA wants a
178 standard that protects public health to go into effect, the
179 agency really doesn't have a choice at all about issuing the
180 rules and guidance. Worse, facilities can get out of meeting
181 the new standard by claiming EPA's guidance is insufficient,
182 and this is still a big and harmful loophole.

183 Again, I won't oppose this amendment, but it fails to
184 address my core concerns with the bill. I yield back my
185 time.

186 Mr. {Shimkus.} The gentleman yields back his time. Is
187 anyone else seeking time on this amendment? Seeing none, a
188 vote will be called on the amendment offered by the gentleman
189 from Texas, Mr. Barton.

190 All those in favor, say aye.

191 Those opposed, no.

192 The ayes have it. The ayes have it. The amendment is

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

193 agreed to.

194 For what purpose does the gentleman from California seek
195 recognition?

196 Mr. {Waxman.} Mr. Chairman, I have an amendment at the
197 desk. It is Waxman 02.

198 Mr. {Shimkus.} The Clerk will report the amendment.

199 The {Clerk.} Amendment to the discussion draft offered
200 by Mr. Waxman of California.

201 [The amendment of Mr. Waxman follows:]

202 ***** INSERT B *****

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

|
203 Mr. {Shimkus.} The gentleman is recognized for 5
204 minutes in support of his amendment.

205 Mr. {Waxman.} Mr. Chairman, this is a simple, targeted
206 amendment that strikes Subsection 3(b) of the bill.
207 Subsection 3(b) bars a new National Ambient Air Quality from
208 being applied to a preconstruction permit until EPA publishes
209 final regulations and guidance for implementing the new air
210 quality standard. This goes to the very heart of our
211 objections to the bill.

212 My amendment won't fix all of the problems with this
213 bill, but it will address my greatest concern that the bill
214 allows more dangerous air pollution to be admitted.

215 Under this bill, if EPA does not issue rules and
216 guidance governing implementation at the same time as it
217 finalizes a new air quality standard, polluters would receive
218 permits based on the old air quality standard that is
219 inadequate to protect public health. In effect, it provides
220 new polluters amnesty from new air quality standards.

221 The majority has offered an amendment that addresses
222 some of these concerns about the bill raised at the hearing.
223 Unfortunately, the amendment we just adopted does not change
224 this amnesty provision. Under the amended bill, the EPA

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

225 would have discretion as to whether or not to issue rules and
226 guidance at the same time as it issued a new air quality
227 standard. But if EPA chose not to issue that guidance, the
228 old standard would apply for permitting purposes. In fact,
229 if EPA decided that existing implementation regulations were
230 sufficient for the new air quality standard, under this bill
231 the new sources would never have to meet the new standard for
232 emitting purposes. This is both nonsensical and harmful.

233 At the legislative hearing on this bill we heard from
234 Collin O'Mara, Secretary of Natural Resources for the State
235 of Delaware. Secretary O'Mara stated that this provision
236 ``would likely cause substantial adverse health impacts by
237 exempting sources from complying with health-based air-
238 quality standards.'' Well, in short, this amnesty provision
239 would allow new sources to pollute more air more, and air
240 quality and public health would suffer. This provision would
241 have other troubling effects as well. In an area that
242 doesn't meet the air quality standards, if one source emits
243 more pollution, other sources will eventually have to pick up
244 the slack and control more. So by granting amnesty to new
245 sources, the bill shifts pollution control responsibility and
246 costs to existing sources. This shift will raise pollution
247 control costs overall as the Clean Air Act has long

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

248 recognized it is generally far more efficient and cost
249 effective to build pollution controls into a facility up
250 front rather than adding them later. But this provision does
251 the opposite.

252 It is also unclear what EPA would have to do to avoid
253 triggering the amnesty provision. The bill does not explain
254 what kind of implementation rules and guidance are required
255 or what would be sufficient to satisfy the requirement. EPA
256 could issue a rule and someone could challenge it as
257 inadequate. Depending on state actions during the litigation
258 and the outcome of the litigation, final permits issued in
259 the interim might be invalid or subject to further legal
260 challenges. This uncertainty and confusion will only further
261 complicate and delay permitting efforts.

262 The amnesty provision in Section 3(b) harms public
263 health, threatens existing industrial facilities, adds
264 regulatory uncertainty and likely delays permitting. That is
265 a lose/lose proposition all around.

266 So I urge my colleagues to support this amendment to
267 delete the amnesty provision. And since I have a little bit
268 more time, let me talk about this in more general terms.

269 We have air quality standards that are set by EPA.
270 These standards are based on what the health--to protect

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

271 public health. And we learn more, and therefore these
272 standards are made more perfected by virtue of the knowledge
273 that we have, the science as we later determine it. Well, if
274 we allow a new source to come in that pollutes more than
275 would be permitted for them to go into operation, then we are
276 going to have an area that is going to be exceeding the
277 health quality standards. And so they are going to have to
278 look for ways to reduce that extra pollution.

279 Well, if they are not going to reduce the pollution from
280 a new source, they are going to have to go to existing
281 sources. Wait until you hear from the businesses that are
282 going to be affected. They did the best they could, and if
283 we impose upon them the extra burden, they are going to have
284 to spend a lot more money to accomplish it. And it just
285 doesn't make sense. It is contrary to the way the Clean Air
286 Act has always worked. So I urge support for the amendment.

287 Mr. {Shimkus.} The gentleman's time expired. Who seeks
288 recognition?

289 Mr. {Scalise.} Mr. Chairman?

290 Mr. {Shimkus.} For what purpose does the gentleman from
291 Louisiana rise?

292 Mr. {Scalise.} Move to strike the last word.

293 Mr. {Shimkus.} The gentleman is recognized for 5

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

294 minutes.

295 Mr. {Scalise.} And of course object to the amendment,
296 but I want to point out first of all that there is no amnesty
297 in the bill. In fact, existing law and the existing
298 standards would already have to be complied with. If you
299 will look at the section that my friend from California is
300 trying to strike, he is trying to gut the bill and take away
301 the accountability.

302 All we are doing is telling the EPA if they have got
303 some new proposal, if they want to implement a new standard,
304 they have got to give the guidance to go along with it.
305 Because what we have seen from the EPA too often is using,
306 under the guise of a new standard, it is really just an
307 attempt in a de facto way to deny permits to people. In
308 fact, a lot of these manufacturers are going to be not only
309 creating jobs in manufacturing products in America but they
310 are going to be doing it with the best environmental
311 technologies that are available in the world. Because if
312 they don't do it here, they are going to be going to other
313 countries. In fact, many are going to other countries
314 because of the EPA's attack on American manufacturing, and
315 they are going to countries where they don't have the level
316 of standards that we enjoy today, which are very high

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

317 standards.

318 And I will point out to the gentleman from California--I
319 know he is concerned about the EPA's meager existence. They
320 are barely scraping by to make ends meet. They have got
321 nearly 17,000 employees at the EPA, nearly 17,000 employees.
322 And yet they can't give basic guidance. If they are going to
323 come out with a new standard, they ought to be able to back
324 it up with the science, with the data, to tell people how to
325 comply.

326 Now, if they don't want to put out a standard that
327 people can comply with, which, by the way, they have actually
328 done a number of times, that is not their role. Their
329 mission is not to shut people down and deny jobs in America.
330 If their job really is focused on trying to increase air
331 standards and they have got great science to show whose
332 standards are going to help do that, then put the data out
333 there. Give the guidance.

334 We had testimony last week at our hearing on this. In
335 fact, one of our witnesses was a permitting engineer. He
336 testified, what I would like to know is what do you want me
337 to do to make the demonstration, and right now in a lot of
338 cases that guidance doesn't exist, close quote. Mr. Barton's
339 amendment gives the Administrator some greater flexibility to

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

340 work with the states. So that has already been put into the
341 bill. In fact, Dr. Cassidy has got another amendment that is
342 going to be coming up shortly that clarifies that a new
343 facility must install the best available control technology.

344 So at some point in time, if businesses are going to
345 have all these requirements dumped on top of them, there is a
346 responsibility that the agency has with some real disclosure
347 that they have got to show people how they can implement it.
348 Because if it is not implementable, then clearly it goes to
349 prove the point that we hear too often is that EPA is just
350 trying to put standards out there that they know are not
351 achievable because they just want to deny people permits. If
352 they have got a standard that they really think is going to
353 help improve quality, then put the data out there, be
354 transparent about it, and give the basic guidance. Just give
355 the basic guidance when you put out the standard. That is
356 not asking too much of their nearly 17,000 employees, and you
357 know, maybe if they don't have the time, maybe they got to
358 get more efficient about what they do in their regular job
359 instead of trying to put people out of business. They ought
360 to be figuring out how to actually do the things that they
361 are actually out there telling.

362 If they want to increase air quality, then back it up

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

363 with the science. Be transparent about it, and give the
364 proper guidance to show that it can be done. And if they
365 can't, then clearly the proposal is not serious, and it
366 shouldn't be brought forward in the first place because it is
367 not about increasing air quality. It is about running jobs
368 out of this country, and that is not what the role of a
369 federal agency should be, especially the EPA which has such a
370 horrible track record in this area.

371 So with that, I object to the amendment. I want to have
372 the higher standards that we put in our bill with the
373 increased transparency that actually makes the EPA back up
374 the things that they are proposing with real guidance. With
375 that, I yield back the balance of my time.

376 Mr. {Shimkus.} The gentleman yields back his time.
377 Anyone else seeking--the gentleman from New York is
378 recognized for 5 minutes.

379 Mr. {Tonko.} Thank you, Mr. Chair, and move to strike
380 the last word.

381 Mr. {Shimkus.} The gentleman is recognized.

382 Mr. {Tonko.} I support my colleague's amendment. If
383 experience has taught us anything over the past two decades
384 it is that the Clean Air Act has been a success. New
385 businesses have started, the economy has grown and the air is

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

386 cleaner and healthier for all of us. The adjustments to the
387 National Ambient Air Quality Standards that EPA institutes
388 are supported by a large body of research on the impacts of
389 air pollutants, on human health and on the environment.

390 The proposed legislation assumes we cannot continue that
391 record of success. The bill also sets up a new process that
392 may benefit a new project but that benefit comes at the
393 expense of existing businesses and activities. States
394 develop comprehensive implementation plans. Remember, the
395 states approve these permits. Those plans take account of
396 all possible pollution sources and balance the need of all
397 stakeholders in the effort to achieve cleaner air.

398 Section 3(b) of the bill would allow a new facility to
399 operate under less strict air quality standards than existing
400 facilities if EPA has not issued all final regulations and
401 guidance required for any type of facility that would be
402 covered by a newly established standard.

403 It seems to me that we move some flexibility. Guidance
404 is useful for the regulated community. As new situations are
405 encountered, the agency can work with an applicant to find
406 the most appropriate and cost-effective means for moving
407 their project forward under the law. It seems to me that we
408 want to simplify the regulatory process not complicate it.

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

409 We should ensure that regulations are implemented fairly and
410 consistently, and we should facilitate and encourage the
411 agency to work with regulated entities. If the agency would
412 call a standard into question by issuing guidance at a time
413 after a regulation is finalized, why would the agency ever do
414 that? I think this is going to result in greater confusion,
415 more legal challenges and certainly a less flexible
416 regulatory process.

417 I don't see how the lack of guidance helps an applicant
418 to comply with the law and move forward with its project.
419 Our Ranking Member is offering an amendment to improve this
420 bill, and I hope it would be accepted.

421 I have some time remaining if--is it okay? With that, I
422 yield back.

423 Mr. {Shimkus.} The gentleman yields back his time.
424 Anyone else seeking time in support or in opposition of this
425 amendment? The gentleman recognizes the lady from
426 California.

427 Ms. {Matsui.} Thank you. Thank you very much and--

428 Mr. {Shimkus.} For 5 minutes.

429 Ms. {Matsui.} --I move to strike the last word.

430 Mr. {Shimkus.} The lady is recognized.

431 Ms. {Matsui.} Thank you. I support my colleague's

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

432 amendment. This bill is based on a false premise. The bill
433 assumes that weakening the Clean Air Act will push EPA and
434 state and local agencies to issue preconstruction permits
435 faster. That is a baseless assumption and one that gives
436 serious implications for public health.

437 Under current law, a company wanting to build a new
438 facility or expand an existing one must obtain a
439 preconstruction permit. The goal of the permitting process
440 is simple, to ensure that the facility will not significantly
441 increase air pollution above levels that are safe to breathe.
442 The bill creates a new loophole in the law that could
443 undermine this simple goal. If EPA issues a new or revised
444 National Ambient Air Quality Standard, the bill provides that
445 the new standard doesn't apply for permitting unless and
446 until EPA has issued implementation rules and guidance for
447 the new standard.

448 I appreciate Mr. Barton's amendment to give EPA more
449 discretion as to whether to issue implementation rules and
450 guidance concurrently with new air quality standard. But
451 this isn't a real choice. Unless and until EPA issues the
452 rules and guidance, the bill allows new sources to violate
453 the new air quality standard but still receive
454 preconstruction permits. The result will be harmful levels

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

455 of pollution.

456 Delaware Secretary of Natural Resources testified that
457 concurrent guidance isn't always practical or necessary. EPA
458 told the committee the same, that most guidance evolves after
459 the standard takes effect as states and industry raise
460 questions that require EPA guidance. It is unclear how EPA
461 could provide guidance on solving problems before those
462 problems even arise.

463 The bill sets EPA up to fail. On the one hand, EPA
464 could hurry to issue guidance before hearing concerns from
465 states and industry, but then that guidance will be
466 incomplete. An industry group that wants delay of limitation
467 of the new air quality standard need only file a lawsuit
468 saying that EPA's guidance wasn't sufficient.

469 On the other hand, EPA could wait to issue more robust
470 and helpful guidance. But in the meantime, facilities would
471 be able to obtain permits under the old air quality standard.
472 A company could build a facility that is allowed to pollute
473 more than it would under current law. That is an opportunity
474 for even more lawsuits and delay.

475 Downwind communities likely would not be pleased to
476 learn that a facility is being allowed to pollute more.
477 Nearby facilities likely would not be pleased to learn that

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

478 they may have to cut their emissions more in order to make up
479 for new facilities' extra pollution.

480 All said, this bill amounts to more litigation, more
481 confusion and more pollution. I do not see how any of it
482 amounts to faster permitting. Mr. Waxman's amendment would
483 strike the language in the bill that exempts facilities from
484 complying with newly issued or revised air quality standards.
485 I urge my colleagues to support this amendment.

486 In closing, I want to note what this bill does not do.
487 It does not provide one penny more to EPA or the state and
488 local permitting agencies to hire more staff to review and
489 process permits. That is what these agencies need. They
490 don't need more loopholes. They don't need more lectures
491 about so-called red tape. They need more funding. These
492 agencies have seen their budgets cut over and over again in
493 recent years. I do not understand how my colleagues on the
494 other side expect EPA and the state and local permitting
495 agencies to do more work more quickly with fewer resources.
496 It is just not realistic.

497 Mr. {Waxman.} Will the gentlelady yield?

498 Ms. {Matsui.} Yes, I will yield to the Ranking Member.

499 Mr. {Waxman.} Thank you. I just want to very briefly
500 rebut the statement made by our colleague from Louisiana.

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

501 The EPA sets the standards. The EPA may offer some guidance
502 how to meet those standards. But the EPA does not give the
503 permits. The permits are issued at the state level, and if
504 EPA sets a standard and has not provided the guidance, that
505 doesn't stop the permits from being granted. They still may
506 be granted by the states.

507 The problem with this bill is that if they set a
508 standard more protective of public health and we then say
509 that the new permit applicant doesn't have to do what is
510 necessary to meet the new standard but rely on the old
511 standard, that means they are going to pollute more than they
512 otherwise would. And what this legislation would accomplish
513 is to allow them to try to hook onto the old standard and
514 continue to pollute more than would be necessary with a new
515 air quality standard. So we are trying to correct this
516 problem. Thank you for yielding.

517 Mr. {Shimkus.} The gentlelady's time expired. Anyone
518 else seek recognition? I will recognize myself for just a
519 few minutes.

520 This debate is about trying to marry up the rule with
521 the guidance sooner so that there is less uncertainty in
522 those people who have to comply. Where the ranking member is
523 correct on the permitting, the question is on how do you

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

524 model that and where are the guidelines by the EPA for the
525 states to develop a modeling which they can comply with?

526 And you know, ozone is a perfect example. A rule came
527 out 2008, the regulation--I mean the guidance came out 5
528 years later? There is tremendous uncertainty, and now we may
529 be going to a new ozone standard just down the path.

530 So this tries to create--this is more of a process
531 debate than anything, and I respectfully ask a no vote on the
532 Waxman amendment in support of my colleague, Mr. Scalise, and
533 I yield back my time.

534 Anyone else seeking time? If not the vote will occur on
535 the Waxman amendment.

536 All those in favor, say aye.

537 Those opposed, no.

538 In the opinion of the chair, the nos have it. The nos
539 have it. The amendment is not agreed to.

540 Is there anyone else seeking--the chair recognizes the
541 gentleman from Louisiana, Dr. Cassidy.

542 Dr. {Cassidy.} I have an amendment at the desk.

543 Mr. {Shimkus.} The Clerk will report the amendment.

544 The {Clerk.} Amendment to the discussion draft offered
545 by Mr. Cassidy of Louisiana.

546 [The amendment of Dr. Cassidy follows:]

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

547 ***** INSERT C *****

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

|
548 Mr. {Shimkus.} And Dr. Cassidy is recognized for 5
549 minutes in support of his amendment.

550 Dr. {Cassidy.} Yeah, the purpose of this bill is to cut
551 red tape and ensure modern manufacturing facilities can be
552 built in the United States.

553 We heard testimony last week. There is an estimated
554 \$112 billion in new manufacturing projects related to
555 abundant natural gas supplies that have been announced. In
556 fact, just to give context, the Wall Street Journal noted
557 yesterday Louisiana is becoming the Qatar on the Bayou.
558 Companies are building fertilizer plants, large liquification
559 facilities, methanol terminals, polymer plants, ammonia
560 factories and paper-finishing facilities, 66 industrial
561 projects announced worth some \$90 billion breaking ground
562 over the next 5 years translate into tens of thousands of
563 jobs for Americans who are currently struggling.

564 Now, we have also heard, however, about the challenges
565 manufacturers face in obtaining necessary preconstruction
566 permits under the Clean Air Act. There was testimony about
567 how permitting delays can derail projects and how it can take
568 more than a year or potentially years to get a decision on an
569 application.

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

570 Now, one of the major challenges that manufacturers face
571 is that regulatory requirements can change while a permit
572 application is pending, including changes to the National
573 Ambient Air Quality Standards and the new standards become
574 effective immediately for permitting purposes. At the same
575 time, EPA frequently fails to issue implementing regulations
576 and guidance for months or even years.

577 Under the bill there are common-sense provisions that
578 require that if EPA establishes a new ambient air quality
579 standard or revises an existing standard, EPA should publish
580 implementing regulations and guidance at the same time. The
581 bill would provide that the new standards would not take
582 effect for permitting purposes until the regulations and
583 guidance was issued.

584 Now, we heard assertions last week at the legislative
585 hearing that requiring EPA to issue timely directions to
586 permit applicants could lead to loopholes or amnesty for
587 permit applicants if EPA was slow in developing its
588 regulations and guidance. The implication was that permit
589 applicants could avoid installing state-of-the-art emissions
590 control equipment.

591 This is not the intent of the bill. My amendment
592 clarifies that under the bill new manufacturing facilities

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

593 must install the best available emissions control
594 technologies. In particular, this amendment makes clear
595 that, one, nothing in the bill changes the obligation of new
596 facilities in areas that are in attainment with National
597 Ambient Air Quality Standards to install the best available
598 control technology to address emissions. Further, number
599 two, nothing in the bill changes the obligation of new
600 facilities in areas that are not in attainment with such
601 standards to install the lowest available emissions rate
602 technology to improve air quality.

603 My amendment would make explicit that nothing in the
604 bill eliminates the requirement that new manufacturing
605 facilities install the best available emissions control
606 equipment. We want modern, new, clean manufacturing
607 facilities to be built in this country. This bill is
608 intended to make sure that this happens, even as air quality
609 and public health is fully protected. I urge support of my
610 amendment. I yield back.

611 Mr. {Shimkus.} The gentleman yields back his time.
612 Anyone--the gentleman from Kentucky.

613 Mr. {Yarmuth.} I move to strike the last word.

614 Mr. {Shimkus.} The gentleman is recognized for 5
615 minutes.

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

616 Mr. {Yarmuth.} Thank you, Mr. Chairman. This amendment
617 is not objectionable, but it doesn't actually fix the bill's
618 core problems. Section 3(b) of the bill gives new sources
619 amnesty from compliance with the new or revised air quality
620 standard until EPA issues rules and guidance on
621 implementation of the air quality standard. This amendment
622 doesn't affect this requirement in any way. All this
623 amendment does it reiterate that this bill doesn't affect the
624 Clean Air Act requirement for new sources to install some
625 pollution control technology. That is fine as far as it
626 goes, but it doesn't address our concerns with Section 3(b).

627 When a company applies for a preconstruction permit to
628 build a new facility or modify an existing one, there are two
629 steps. In step one, the company must determine which
630 pollution controls it will install to reduce the facility's
631 emissions. The bill does not appear to affect this
632 obligation to identify effective pollution controls. This
633 amendment reiterates that the obligation remains.

634 In step two, the applicant must estimate how much
635 pollution the new source will emit after installing pollution
636 controls and show that it will not cause a violation of the
637 air quality standard. In other words, the applicant must
638 model air pollution in the area and show that adding

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

639 pollution won't make the air unsafe to breathe. If the new
640 facility's emissions will cause a violation of the air
641 quality standard, the applicant must take additional steps to
642 cut its emissions or obtain offsets for the excess pollution.
643 The bill interferes with this second step of the process.

644 EPA revises National Ambient Air Quality Standards when
645 the science says it is necessary to protect human health.
646 EPA may not make a National Ambient Air Quality Standard more
647 stringent unless it finds that the old standard was not
648 sufficient to protect the public health with an adequate
649 margin of safety. But the discussion draft allows facilities
650 to disregard a new air quality standard. If EPA doesn't
651 issue rules and guidance at the same time it issues a new air
652 quality standard, the old air quality standard applies for
653 purposes of a preconstruction permit. This means that when
654 the facility is demonstrating whether its emissions will
655 violate the air quality standard, it is using the old,
656 insufficiently protective standard as a benchmark.

657 In practical terms, this will allow some facilities to
658 emit extra pollution at levels that could harm public health.
659 Under current law, facilities that would violate the new air
660 quality standard would have been required to take extra steps
661 to reduce their emissions and protect local air quality.

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

662 Unfortunately, this amendment does nothing to close the
663 loophole created by the bill in the second step of the
664 permitting process, and it is during the second step that the
665 facility has to prove that its pollution won't harm public
666 health. I don't object to the amendment as it doesn't make
667 the bill worse, but I urge my colleagues to oppose the bill,
668 even if the amendment is adopted.

669 Mr. {Shimkus.} The gentleman yields back--

670 Mr. {Yarmuth.} I yield back.

671 Mr. {Shimkus.} The gentleman yields back his time.

672 Does anyone else wish to speak on the amendment? If not we
673 will call the question on the amendment offered by the
674 gentleman from Louisiana.

675 All those in favor, say aye.

676 All those opposed say no.

677 In the opinion of the chair, the ayes have it. The ayes
678 have it. The amendment is agreed to.

679 A lot of excitement here this morning.

680 Anyone else seeking recognition?

681 Mr. {McNerney.} Mr. Chairman?

682 Mr. {Shimkus.} The chair recognizes the gentleman from
683 California.

684 Mr. {McNerney.} Thank you, Mr. Chairman. I have an

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

685 amendment at the desk.

686 Mr. {Shimkus.} The Clerk will report the amendment.

687 The {Clerk.} Amendment to the discussion draft offered
688 by Mr. McNerney of California.

689 [The amendment of Mr. McNerney follows:]

690 ***** INSERT D *****

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

|
691 Mr. {Shimkus.} The gentleman is recognized for 5
692 minutes in support of his amendment.

693 Mr. {McNerney.} Thank you, Mr. Chairman. Mr. Waxman
694 laid out a very clear case for why we should strike Section
695 3(b) from the bill. It creates a loophole in the Clean Air
696 Act that allows new facilities to meet old air quality
697 standards which is a form of amnesty. Unfortunately, the
698 committee chose to reject Mr. Waxman's amendment. If the
699 committee is unwilling to remove the Section 3(b) amnesty
700 loophole from the bill in the pretext of expediting the
701 permitting process, then we should at the very least, at the
702 very least, give state and local permitting authorities the
703 opportunity to do so. That is what my amendment does.

704 At the subcommittee hearing, Collin O'Mara, the
705 Secretary of the State of Delaware, State Department of
706 Natural Resources, stated in no uncertain terms that creating
707 a new Clean Air Act amnesty loophole will do nothing to
708 expedite air permitting in his State. Nothing. But
709 implementing this amnesty loophole could have serious
710 consequences.

711 Secretary O'Mara warned that the bill could harm public
712 health by exempting new and expanding facilities from

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

713 complying with science-based air quality standards. This
714 means more pollution will enter the air, and it will be
715 harder to clean up.

716 Secretary O'Mara warned that the bill could harm
717 existing businesses. When one facility is allowed to pollute
718 more, other facilities in the area will have to invest more
719 to reduce their emissions. That is not fair, and it is not
720 good for the economy.

721 Secretary O'Mara warned that the bill could increase the
722 cost of achieving air quality standards. It is much cheaper
723 and more efficient to install pollution controls at the front
724 end when a facility is being constructed rather than after
725 operations begin. This bill gets it backwards. More
726 facilities may have to install expensive retrofits in the
727 future to make up for letting new facilities off the hook
728 now.

729 Secretary O'Mara testified that regulatory certainty and
730 predictability are important factors in corporate decisions
731 to build or expand facilities in his State. But he warned
732 that the bill would increase, increase, regulatory
733 uncertainty for industry by setting up new avenues for
734 litigation and delay.

735 Secretary O'Mara articulated many valid concerns about

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

736 how this bill could affect his State. He should not have to
737 adopt a program that he thinks will be counterproductive and
738 harm human health. No state or local permitting agency
739 should be forced into that situation.

740 My amendment simply says if a state, federal, local or
741 tribal agency determines that adopting this loophole will
742 increase air pollution that harms human health, slows issues
743 of permits, increases regulatory uncertainty, creates new
744 litigation, shifts the burden of pollution control to small
745 businesses and other existing facilities or increase the cost
746 of achieving breathable air, then the agency can opt out.
747 The agency does not have to issue a permit that exempts a new
748 facility from meeting protective air quality standards.

749 This amendment does not fix all the problems created by
750 this bill, but at least it would allow the state and
751 localities to avoid some of them. I urge my colleagues to
752 support this amendment. Yield back.

753 Mr. {Shimkus.} The gentleman yields back his time. The
754 chair recognizes himself in opposition to the amendment.

755 Obviously Section 3(b) is a critical part of this bill.
756 Permit applicants, actually those people who have to comply,
757 should not be left in the dark on how to comply with new
758 permitting requirements, this whole reason why we are having

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

759 the bill, so that there is more certainty. And part of the
760 discussion of my friend from California is we would concur
761 that you want to do the emission standard right when you are
762 building the new facility, so you should know the
763 requirements. If a new rule gets put into place, the EPA
764 should be able to help assist and say, well, how do you do
765 that? And that is kind of--I think that is where the two
766 sides are kind of disagreeing which that is why we believe it
767 is a process debate. It is entirely within EPA's control to
768 issue direction to permit applications when it sets new
769 standards. The amendment offered by Mr. Barton provides
770 additional flexibility to the agency in issuing such
771 guidance. I want to remind my friends EPA can and should get
772 their job done on time. In the previous comments I talked
773 about the ozone standard and the 5 years.

774 Also, another reason why--permit applicants need to know
775 the rules of the road. The EPA ultimately has the veto
776 authority over the states on permitting, and the states need
777 to know how EPA views how they are going to comply with these
778 issues.

779 So with that, I would ask my colleagues to vote against
780 the amendment, and I would yield back my time. Anyone else
781 seeking time? The gentleman from New York is recognized.

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

782 Mr. {Tonko.} Thank you, Mr. Chair. I move to strike
783 the last word.

784 Mr. {Shimkus.} The gentleman is recognized for 5
785 minutes.

786 Mr. {Tonko.} Thank you, Mr. Chair. I support Mr.
787 McNerney's amendment. It wouldn't solve all of the problems
788 with the bill, but it partially addresses one major concern.
789 Section 3 of the bill requires EPA to issue implementation
790 regulations and guidance at the same time it issues a new
791 National Ambient Air Quality Standard. That requirement is
792 problematic for a number of reasons, but the bill doesn't
793 stop there. Under Section 3(b) until EPA issues the required
794 regulations and guidance, new sources of pollution get
795 amnesty. They don't have to meet the new more protective air
796 quality standard in order to get a preconstruction permit.
797 This creates a big loophole in the Clean Air Act that could
798 allow new facilities to emit more pollution than is safe.
799 Not only does this provision threaten public health, it is
800 also unfair to existing facilities. In an area with
801 unhealthy air, we all know that pollution is a zero-sum game.
802 If new facilities are allowed to emit more, existing
803 facilities will have to emit less to make up for that extra
804 pollution. And it is generally much more expensive to add

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

805 pollution controls to existing sources than to build in
806 controls up front when you are designing and building a new
807 facility. This just doesn't make any sense. How would
808 shifting pollution control burdens to existing manufacturing
809 facilities and raising pollution control costs overall boost
810 American manufacturing.

811 All of this bill focuses on state permitting. At the
812 legislative hearing that we recently had, we heard from only
813 one state permitting official, that being the Delaware
814 Secretary for Environment and Energy. Secretary O'Mara
815 explained that allowing new facilities to get a
816 preconstruction permit under an outdated air quality standard
817 will produce confusion and uncertainty. EPA echoed this
818 concern in its technical assistance to the committee. The
819 result would be more litigation and more permitting delays
820 which wouldn't help anyone.

821 The stated purpose of this bill is to speed up
822 permitting. Well, if a state, local or federal permitting
823 agency decides that this amnesty provision would actually
824 slow down permitting, it should not be bound by the
825 provision. If a state finds that allowing facilities to be
826 permitted under an older air quality standard would harm
827 public health, a state should be able to opt out of this

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

828 provision and protect the health of its citizens. If a state
829 finds that the bill's amnesty provision would create
830 regulatory uncertainty and indeed increase litigation, a
831 state should not be required to implement it.

832 That is all Mr. McNerney's amendment does. The
833 amendment allows each permitting agency to make its own
834 decision about whether this amnesty provision would assist or
835 impede its permitting. We often hear from our Republican
836 colleagues that we should leave more decisions to states or
837 decisions to localities. Well, here is our chance. Here is
838 your chance. You can vote for the McNerney amendment and
839 allow states and localities to make the final decision on
840 whether this flawed provision would help or would hinder
841 these permitting efforts.

842 I urge everyone to support this common-sense amendment--

843 Mr. {Waxman.} Will the gentleman yield if you have
844 time?

845 Mr. {Tonko.} --and I will yield my remaining time to or
846 ranking member, Mr. Waxman.

847 Mr. {Waxman.} Thank you very much. The EPA sets the
848 standard. They learn more from the science as to what the
849 standard ought to be to protect public health. So they set a
850 new standard that is more stringent than the previous

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

851 standard. At the state level, for the most part, an
852 applicant will come in and ask for a permit to build a new
853 facility. The state generally--it is usually the state--
854 would then say we want you to do the following in order to
855 get your permit. You have got to reduce the amount of
856 pollution to a greater extent. If we don't adopt the
857 McNerney amendment, that state won't be able to make the
858 decision. You take away the power of the state to make the
859 decision. Well, the whole idea of the Clean Air Act is the
860 Federal Government sets the standards, but it leaves the
861 states with flexibility to decide how to meet the standards.
862 And the state now, if they chose to, not they don't have to,
863 but if they chose to under the circumstances outlined in this
864 amendment, they could say you can go ahead with the permit
865 but you have got to reduce the pollution more because we
866 don't want to make other sources have to reduce that
867 pollution for the whole region because it is not a fair
868 burden to place on existing sources if a new source can use
869 existing technology to achieve a lower amount of pollution.
870 And unless this amendment is adopted, the bill doesn't give
871 the states the flexibility. The bill says states, we know
872 better than any of you. You have to take one size fits all.
873 You must give the permit based on the weaker standard.

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

874 So I strongly support the McNerney amendment, and I
875 appreciate what my colleagues have said in favor of the
876 amendment.

877 Mr. {Shimkus.} The gentleman's time has expired.
878 Anyone else seeking time? If not, the vote will occur on the
879 amendment offered by the gentleman from California, Mr.
880 McNerney.

881 All those in favor, say aye.

882 Those opposed, no.

883 In the opinion of the chair, the nos--

884 Mr. {McNerney.} Mr. Chairman, I ask for recorded vote.

885 Mr. {Shimkus.} The gentleman asks for a recorded vote.

886 The Clerk will call the role.

887 The {Clerk.} Mr. Scalise?

888 [No response.]

889 Mr. Hall?

890 Mr. {Hall.} No.

891 The {Clerk.} Mr. Hall votes no.

892 Mr. Shimkus?

893 Mr. {Shimkus.} No.

894 The {Clerk.} Mr. Shimkus votes no.

895 Mr. Pitts?

896 Mr. {Pitts.} No.

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

897 The {Clerk.} Mr. Pitts votes no.

898 Mr. Terry?

899 Mr. {Terry.} No.

900 The {Clerk.} Mr. Terry votes no.

901 Mr. Burgess?

902 [No response.]

903 The {Clerk.} Mr. Latta?

904 Mr. {Latta.} No.

905 The {Clerk.} Mr. Latta votes no.

906 Mr. Cassidy?

907 Dr. {Cassidy.} No.

908 The {Clerk.} Mr. Cassidy votes no.

909 Mr. Olson?

910 Mr. {Olson.} No.

911 The {Clerk.} Mr. Olson votes no.

912 Mr. McKinley?

913 Mr. {McKinley.} No.

914 The {Clerk.} Mr. McKinley votes no.

915 Mr. Gardner?

916 Mr. {Gardner.} No.

917 The {Clerk.} Mr. Gardner votes no.

918 Mr. Pompeo?

919 [No response.]

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

920 The {Clerk.} Mr. Kinzinger?

921 Mr. {Kinzinger.} No.

922 The {Clerk.} Mr. Kinzinger votes no.

923 Mr. Griffith?

924 Mr. {Griffith.} No.

925 The {Clerk.} Mr. Griffith votes no.

926 Mr. Barton?

927 Mr. {Barton.} No.

928 The {Clerk.} Mr. Barton votes no.

929 Mr. Upton?

930 The {Chairman.} No.

931 The {Clerk.} Mr. Upton votes no.

932 Mr. Rush?

933 [No response.]

934 The {Clerk.} Mr. McNerney?

935 Mr. {McNerney.} Aye.

936 The {Clerk.} Mr. McNerney votes aye.

937 Mr. Tonko?

938 Mr. {Tonko.} Aye.

939 The {Clerk.} Mr. Tonko votes aye.

940 Mr. Yarmuth?

941 Mr. {Yarmuth.} Aye.

942 The {Clerk.} Mr. Yarmuth votes aye.

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

943 Mr. Engle?

944 Mr. {Engel.} Aye.

945 The {Clerk.} Mr. Engel votes aye.

946 Mr. Green?

947 [No response.]

948 The {Clerk.} Ms. Capps?

949 Mrs. {Capps.} Aye.

950 The {Clerk.} Ms. Capps votes aye.

951 Mr. Doyle?

952 [No response.]

953 The {Clerk.} Mr. Barrow?

954 Mr. {Barrow.} No.

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

956 Ms. Matsui?

957 Ms. {Matsui.} Aye.

958 The {Clerk.} Ms. Matsui votes aye.

959 Ms. Christensen?

960 [No response.]

961 The {Clerk.} Ms. Castor?

962 [No response.]

963 The {Clerk.} Mr. Waxman?

964 Mr. {Waxman.} Aye.

965 The {Clerk.} Mr. Waxman votes aye.

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

966 Mr. Whitfield?

967 [No response.]

968 Mr. {Shimkus.} The Clerk will report. Mr. Green?

969 Mr. {Green.} Aye.

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

971 Mr. {Shimkus.} Seeing no other members, the Clerk will
972 report.

973 The {Clerk.} Mr. Chairman, on that vote there were 8
974 ayes and 14 nays.

975 Mr. {Shimkus.} The amendment is not agreed to.

976 Are there any other amendments?

977 Seeing none, the question now occurs on forwarding the
978 discussion draft to the Full Committee as amended.

979 All those in favor, say aye.

980 Those opposed, no.

981 The ayes have it.

982 Mr. {Waxman.} Request a roll call vote.

983 Mr. {Shimkus.} The gentleman requests a roll call vote.
984 The Clerk will call the roll.

985 The {Clerk.} Mr. Scalise?

986 [No response.]

987 The {Clerk.} Mr. Hall?

988 Mr. {Hall.} Aye.

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

989 The {Clerk.} Mr. Hall votes aye.
990 Mr. Shimkus?
991 Mr. {Shimkus.} Aye.
992 The {Clerk.} Mr. Shimkus votes aye.
993 Mr. Pitts?
994 Mr. {Pitts.} Aye.
995 The {Clerk.} Mr. Pitts votes aye.
996 Mr. Terry?
997 Mr. {Terry.} Aye.
998 The {Clerk.} Mr. Terry votes aye.
999 Mr. Burgess?
1000 [No response.]
1001 The {Clerk.} Mr. Latta?
1002 Mr. {Latta.} Aye.
1003 The {Clerk.} Mr. Latta votes aye.
1004 Mr. Cassidy?
1005 Dr. {Cassidy.} Aye.
1006 The {Clerk.} Mr. Cassidy votes aye.
1007 Mr. Olson?
1008 Mr. {Olson.} Aye.
1009 The {Clerk.} Mr. Olson votes aye.
1010 Mr. McKinley?
1011 Mr. {McKinley.} Aye.

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

1012 The {Clerk.} Mr. McKinley votes aye.
1013 Mr. Gardner?
1014 Mr. {Gardner.} Aye.
1015 The {Clerk.} Mr. Gardner votes aye.
1016 Mr. Pompeo?
1017 [No response.]
1018 The {Clerk.} Mr. Kinzinger?
1019 Mr. {Kinzinger.} Aye.
1020 The {Clerk.} Mr. Kinzinger votes aye.
1021 Mr. Griffith?
1022 Mr. {Griffith.} Aye.
1023 The {Clerk.} Mr. Griffith votes aye.
1024 Mr. Barton?
1025 Mr. {Barton.} Aye.
1026 The {Clerk.} Mr. Barton votes aye.
1027 Mr. Upton?
1028 The {Chairman.} Aye.
1029 The {Clerk.} Mr. Upton votes aye.
1030 Mr. Rush?
1031 [No response.]
1032 The {Clerk.} Mr. McNerney?
1033 Mr. {McNerney.} No.
1034 The {Clerk.} Mr. McNerney votes no.

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

1035 Mr. Tonko?

1036 Mr. {Tonko.} No.

1037 The {Clerk.} Mr. Tonko votes no.

1038 Mr. Yarmuth?

1039 Mr. {Yarmuth.} No.

1040 The {Clerk.} Mr. Yarmuth votes no.

1041 Mr. Engle?

1042 Mr. {Engel.} No.

1043 The {Clerk.} Mr. Engel votes no.

1044 Mr. Green?

1045 [No response.]

1046 The {Clerk.} Ms. Capps?

1047 Mrs. {Capps.} No.

1048 The {Clerk.} Ms. Capps votes no.

1049 Mr. Doyle?

1050 [No response.]

1051 The {Clerk.} Mr. Barrow?

1052 Mr. {Barrow.} Aye.

1053 The {Clerk.} Mr. Barrow votes aye.

1054 Ms. Matsui?

1055 Ms. {Matsui.} No.

1056 The {Clerk.} Ms. Matsui votes no.

1057 Ms. Christensen?

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

1058 [No response.]

1059 The {Clerk.} Ms. Castor?

1060 [No response.]

1061 The {Clerk.} Mr. Waxman?

1062 Mr. {Waxman.} No.

1063 The {Clerk.} Mr. Waxman votes no.

1064 Mr. {Shimkus.} Any other members seeking recognition?

1065 One more coming. Mr. Green?

1066 Mr. {Green.} No.

1067 The {Clerk.} Mr. Green votes no.

1068 Mr. {Shimkus.} The Clerk will report, when you count.

1069 The {Clerk.} Mr. Chairman, on that vote there were 14
1070 ayes and 8 nays.

1071 Mr. {Shimkus.} Fourteen ayes, eight nays. The ayes
1072 have it. The bill is agreed to.

1073 Without objection, staff is authorized to make technical
1074 and conforming changes for the legislation approved by the
1075 Subcommittee today. So ordered, without objection. The
1076 Subcommittee stands adjourned.

1077 [Whereupon, at 10:56 a.m., the Subcommittee was
1078 adjourned.]