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RPTR BAKER

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MARKUP OF H.R. \_\_\_\_\_, IMPROVING COAL COMBUSTION

RESIDUALS REGULATION ACT OF 2015 (DAY 2)

WEDNESDAY, MARCH 25, 2015

House of Representatives,

Subcommittee on Environment and the Economy,

Committee on Energy and Commerce,

Washington, D.C.

The subcommittee met, pursuant to call, at 9:36 a.m., in Room 2123, Rayburn House Office Building, Hon. John Shimkus, [chairman of the subcommittee] presiding.

Present: Representatives Shimkus, Harper, Whitfield, Pitts, Murphy, Latta, McKinley, Johnson, Flores, Hudson, Cramer, Upton (ex officio), Tonko, Schrader, Green, Capps, Doyle, McNerney, Pallone (ex officio).

Staff Present: Nick Abraham, Legislative Clerk; Gary Andres, Staff Director; Charlotte Baker, Deputy Communications Director;

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Leighton Brown, Press Assistant; Karen Christian, General Counsel; Jerry Couri, Senior Environmental Policy Advisor; Kirby Howard, Legislative Clerk; Peter Kielty, Deputy General Counsel; Tina Richards, Counsel, Environment; Chris Sarley, Policy Coordinator, Environment & Economy; Charlotte Savercool, Legislative Clerk; Adrianna Simonelli, Legislative Clerk; Jessica Wilkerson, Legislative Clerk; Jen Berenholz, Minority Chief Clerk; Jeff Carroll, Minority Staff Director; Jacqueline Cohen, Minority Senior Counsel; Tiffany Guarascio, Minority Deputy Staff Director and Chief Health Advisor; Caitlin Haberman, Minority Professional Staff Director; Ashley Jones, Minority Director, Outreach and Member Services; Rick Kessler, Minority Senior Advisor and Staff Director, Energy and Environment; Tim Robinson, Minority Chief Counsel; and Ryan Schmit, Minority EPA Detailee.

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Mr. Shimkus. The subcommittee will come to order. Members take their seats. Can we get the door closed, please. Thank you.

At the conclusion of opening statements yesterday, the chair called up the committee print. The bill was open for amendment at any point.

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

Mr. Pallone. Yes.

Mr. Shimkus. For what purpose does the ranking member of the full committee seek recognition?

Mr. Pallone. I have an amendment at the desk, No. 3.

Mr. Shimkus. The clerk will report Amendment No. 3.

The Clerk. Amendment to discussion draft offered by Mr. Pallone.

Mr. Shimkus. Without objection, the reading of the amendment is dispensed with.

Mr. Shimkus. And the gentlemen from New York is recognized for 5 minutes in support of his amendment.

Mr. Pallone. Thank you, Mr. Chairman.

We have known for years that unsafe disposal of coal ash poses serious threats to human health and the environment. The EPA first determined that national disposal criteria for coal ash were necessary 15 years ago, and since then they have conducted a robust public rulemaking process, including extensive analysis, field hearings, and

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multiple rounds of public comment.

In December, EPA finalized minimum Federal criteria to address this serious environmental problem. The final rule reflects the input of over 450,000 public commenters, including States, industry groups, environmental groups, and individual concerned citizens.

But despite this forward progress, some on the subcommittee still think that legislation is needed. Some say we have too much enforcement. Some say too little. Some say we need more certainty. Some say we need more flexibility. But what is definitely not needed is a bill that scales back the minimum requirements in the EPA's final rule, and that is exactly what this bill does.

So my amendment does what members of this subcommittee have said they wanted all along, to require all State permit programs to include the minimum requirements in EPA's final rule. EPA has spent years developing sound technical standards that are protective of human health and the environment.

As we heard during the legislative hearing, the bill weakens provisions of EPA's final rule, such as groundwater protection standards and cleanup requirements, and eliminates other like location restrictions, liner requirements for existing surface impoundments, and closure requirements for deficient structures.

So my amendment will put all the protective requirements of EPA's rule, not just some, into the bill's framework for State permit programs. It would keep intact the new Federal floor of protections.

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It would ensure adequate safeguards for clean air and water, and it would ensure public access to important information.

I would ask my colleagues to vote yes to fully incorporate the requirements of EPA's final rule into this bill.

I yield back, Mr. Chairman.

Mr. Shimkus. The gentleman yields back his time.

Any member seeking recognition on this amendment?

The gentleman from West Virginia. You are recognized for 5 minutes.

Mr. McKinley. Mr. Chairman, I would oppose this amendment because we heard from the States and utilities at both of our hearings on this issue that, because a rule was written as a self-implementing rule, that there would be key places that the Agency would have incorporated certain flexibility if there were State oversight and if the rule were implemented through enforceable permits.

Secretary Stanislaus acknowledged that the rule would have been written differently if it had been implemented through the permitting program. The legislation incorporates the flexibility back into the State permit program, and this amendment would completely negate these efforts.

The amendment flies in the face of everything that we are trying to accomplish here with this, and it goes back -- just would undo a lot of the efforts of all the stakeholders and working with the EPA in trying to accomplish this.

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So I would urge my colleagues to oppose this amendment.

I yield back my time.

Mr. Shimkus. The gentleman yields back his time.

The gentleman from New York is recognized for 5 minutes.

Mr. Tonko. Thank you, Mr. Chair.

The EPA made certain that there were protections in their rule that they deem essential for the best outcome. We have received testimony, some confusion as to what is in, what is out, whether it is there or whether it is not part of the package.

And I think that this amendment addresses -- I support Mr. Pallone's amendment because I believe he addresses any possible confusion that might arise, therefore incorporating fully EPA's final rule.

EPA has determined that the requirements in the rule are those that are essential to address the risks from coal ash and to provide adequate protections for public health purposes and for the environment.

Picking and choosing from the Federal requirements will not ensure that coal ash disposal is done safely, and weakening the Federal requirements will only guarantee that the risks remain high.

I oppose this bill and think it is unnecessary, but at least this amendment ensures that EPA's criteria are fully incorporated into the bill's framework for State permit programs.

This amendment does what this bill was supposed to do all along,

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and I thank my colleague for offering it. Without it, the unsafe disposal of coal ash will likely continue and the American people will continue to suffer the related consequences.

So I urge my colleagues to support the amendment, to vote yes on Mr. Pallone's amendment, that would improve this bill.

And, with that, I yield back.

Mr. Pallone. Mr. Tonko, can I just ask you to yield for 1 minute?

Mr. Tonko. Absolutely. I yield to Mr. Pallone.

Mr. Pallone. Thank you. I appreciate your comments.

As far as the gentleman from West Virginia is concerned, I think he is being very honest in what he is saying and I understand where he is coming from. But that is exactly the problem. In other words, if States have the flexibility, then there is no Federal floor of protection.

And I know that some on the other side have suggested that they want to have the minimum requirements in EPA's final rule incorporated into the bill. But, as the gentleman from West Virginia says, that isn't the case.

I mean, he is being honest about that, and I appreciate it. But if you go along with what he is suggesting, then the bottom line is that we don't have the Federal floor protection.

I yield back.

Mr. Shimkus. The gentleman from New York yields back.

Mr. Tonko. I yield back.

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Mr. Shimkus. Thank you.

I would like to recognize myself for 5 minutes in opposition.

So the whole thing that we are trying to do is take the reg, put it into Federal code, make it law. Under the testimony that we have heard, for it to be applicable, you have to have discretion by the States very similar to the discretion afforded by the municipal solid waste regulations.

So we are just doing what we have done in the municipal solid waste, and we are just applying it to coal ash. The EPA has been very helpful so that coal ash is no longer being labeled a toxic. But now the whole intent is to have minimum standards with a certification program that the States can then comply to. There is a minimum standard, and it is, again, simple.

So what my colleague attempts to do is just force the implementation of the reg without the flexibility. And flexibility, as testified, is key for the States to be able to do the job they are being asked to do. So I appreciate the concerns of my colleague.

Mr. Pallone. Would the gentleman yield?

Mr. Shimkus. I would yield.

Mr. Pallone. I mean, I am just trying to make a point here -- and I think the point has been made -- which is that the bottom line is the way this bill reads without my amendment is that States can pretty much do what they want.

I mean, it is true, generally speaking, that most EPA regulatory



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schemes or process -- and, you know, in my own State of New Jersey, we have so much industrial pollution from the past -- you know, that States are allowed flexibility, but they have to meet certain minimum requirements.

And what you are saying with this bill is that there are no minimum requirements. States have the flexibility basically to do what they want. And I think the gentleman from West Virginia was pretty honest in saying that, and I think that is exactly what is going on here.

So I understand what the chairman is trying to say. But, I mean, the bottom line is, if the flexibility exists and there is no minimum requirements, the States can do what they want.

Mr. Shimkus. Reclaiming, there is minimum requirements. That is the whole aspect. And when we tried to get the EPA Assistant Administrator to confirm section by section, he, in essence, refused to do so. So we have taken it right out of the code.

Because the final rule is self-implementing, EPA did not include certain elements from the June 2010 proposed rule that would have allowed modification of certain requirements based on site-specific factors because of the absence of a State regulatory oversight.

Because the draft legislation would require EPA's rule to be implemented with either State or EPA regulatory oversight, the bill restores the ability of the implementing agency to modify in limited instances elements of the rule to take into account site-specific risk-based factors, which is, again, similar to what we do in the

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Federal Municipal Solid Waste Regulations in Part 258.

Mr. Pallone. Well, Mr. Chairman, if you would just yield, I just don't see how there is any real standard under the circumstances you describe. Look, I think we have debated this enough. I am not going to keep going.

Mr. Shimkus. No. That is fine. And I appreciate that.

I will yield to Mr. McKinley.

Mr. McKinley. Just, again, in the remarks that were made yesterday -- and they were not refuted -- and that was that this draft legislation includes all of the provisions of the final rule, all of the final rule, except for two provisions. One was the notification requirement and the publicly accessible Internet site requirement. Other than that, it is the rule. It is what they passed.

I yield back.

Mr. Shimkus. Let me reclaim my time, yielding to the ranking member.

Mr. Pallone. I guess, you know, it just seems to me that, if we don't have any standard or if the standard can just be waived, then I don't know how you have any standard and minimum requirements.

But, anyway, I think we have made the point. So I will leave it alone at this point.

Mr. Shimkus. Yeah. I appreciate the comments, and thank you for those.

Anyone else wishing to speak on the amendment offered by the

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gentleman from New Jersey?

If there are no further discussions, the vote occurs on the amendment.

All those in favor, so signify by saying aye.

The gentleman requests a roll call vote. We will conduct a roll call vote.

The Clerk. Mr. Harper?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

Mr. Whitfield?

Mr. Whitfield. No.

The Clerk. Mr. Whitfield votes no.

Mr. Pitts?

Mr. Pitts. No.

The Clerk. Mr. Pitts votes no.

Mr. Murphy?

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

Mr. Latta?

Mr. Latta. No.

The Clerk. Mr. Latta votes no.

Mr. McKinley?

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

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Mr. Johnson?

[No response.]

Mr. Bucshon?

[No response.]

Mr. Flores?

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

Mr. Hudson?

Mr. Hudson. No.

The Clerk. Mr. Hudson votes no.

Mr. Cramer?

Mr. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Upton?

Mr. Upton. No.

The Clerk. Mr. Upton votes no.

Mr. Johnson?

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Tonko?

Mr. Tonko. Yes.

The Clerk. Mr. Tonko votes yes.

Mr. Schrader?

Mr. Schrader. Yes.

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The Clerk. Mr. Schrader votes yes.

Mr. Green?

[No response.]

Ms. DeGette?

[No response.]

Ms. Capps?

Mrs. Capps. Votes yes.

The Clerk. Ms. Capps votes yes.

Mr. Doyle?

[No response.]

Mr. McNerney?

Mr. McNerney. Yes.

The Clerk. Mr. McNerney votes yes.

Mr. Cardenas?

[No response.]

Mr. Pallone?

Mr. Pallone. Yes.

The Clerk. Chairman Shimkus?

Mr. Shimkus. No.

I believe the gentleman is not recorded.

Mr. Green. I vote aye.

The Clerk. Mr. Green votes yes.

Mr. Shimkus. Any other members wishing to vote?

Will the clerk report.

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The Clerk. Mr. Chairman, on that vote, the nays were 12 and the nays were 6.

Mr. Shimkus. Let's do that again.

The Clerk. My apologies.

The yeses were 6, and the noes were 12.

Mr. Shimkus. So the nays prevail. The amendment is not agreed to.

Are there any amendments to the bill?

For what purpose does the gentlelady from California rise?

Mrs. Capps. I have an amendment at the desk.

Mr. Shimkus. The clerk will report the amendment.

The Clerk. Amendment to discussion draft offered by Mrs. Capps.

Mr. Shimkus. The gentlelady is recognized for 5 minutes in support of her amendment.

Mrs. Capps. This amendment is to the bill, the Resource Conservation and Recovery Act, which has a simple purpose, to protect public health and the environment from unsafe disposal of solid waste. Regulations for municipal solid waste must include criteria necessary to protect human health and the environment.

EPA's new final rule on coal ash also embodies this protective standard, but this bill before us would eliminate that standard for coal ash. If this bill is adopted as is, coal ash will be the only waste not held to a standard of protection under RCRA.

Not only does this bill exclude some of the requirements EPA

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deemed necessary in the final rule, it provides significant discretion to the States. And, importantly, when EPA reviews the sufficiency of State permit programs under this bill, it cannot even ask whether or not the program adequately protects public health and the environment.

Yesterday one of my Republican colleagues asked what the difference is between the discretion given for municipal solid waste programs and the discretion that would be given under this bill. The legal standard of protection is that difference.

Under current law, State municipal solid waste programs are reviewed by EPA against a legal standard of protection. In contrast, permit programs under this bill would not face the same review. My amendment would fix this by holding State coal ash programs to the same legal standard as State solid waste.

It wouldn't be hard for States to meet this standard because, in its final rule, EPA laid out a template for a program that meets this standard.

This is a simple amendment to ensure we are doing what is necessary to protect human health and the environment. Without it, the health of our families, communities, and our environment are at risk.

I ask and urge my colleagues to join me in supporting this amendment. And I have time to either yield back or yield to any of my colleagues.

I yield to my colleague, Mr. McNerney.

Mr. McNerney. Thank you, Mrs. Capps.

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I want to urge my colleagues to support this very simple, but important, amendment. But it seems to me this morning we have seen a basic disagreement about whether the bill provides a floor or not. And so what this amendment does is make sure that we have a floor.

When authority is delegated to the States under the RCRA, the States are held to legal standards of protectiveness. These standards are the yardsticks by which is determined whether a State's efforts measure up, and they ensure a consistent level of effort and protection throughout the Nation.

This approach has worked well because it ensures that every American family enjoys a basic level of protection, a floor that prevents a race to the bottom among the States in which a State willing to have the laxest protection becomes a dumping ground for the neighboring States, and it prevents unfairness of one State allowing the facility within its borders to contaminate an adjacent State.

The CRS has identified the lack of standards of protection in previous versions of coal ash legislation as a significant issue. The bill we are considering today has the same basic fundamental flaw, a lack of standard of protectiveness. This bill contains no consistent national standards to protect against the risk of coal ash and no guarantee that States' programs will be protective.

The risks from coal ash are real. They are significant. We should be working to address them, not insisting on legislation that is flawed. The American people deserve better. While I don't support



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this legislation, I think the amendment will go a long way to make a big improvement. And, again, I urge my colleagues to vote yes.

And I yield back to Mrs. Capps.

Mrs. Capps. I yield back.

Mr. Shimkus. Gentlelady yields back her time.

Mr. McKinley seeks recognition, 5 minutes to speak, I believe, in opposition to the amendment.

Mr. McKinley. Thank you, Mr. Chairman.

I find this interesting with this provision because there are some people saying we don't need this legislation at all and the rule should be able to take into effect, but they are saying the rule may not go far enough. I think it is interesting because it comes from the EPA.

It brings us back to -- this amendment brings us back to where we were 4 years ago. And to insert "protect human health and environment" as a subjective standard into the minimum requirements that the EPA has set up -- and we are adopting into this -- serves as a Federal baseline for protection in legislation.

The minimum requirements were crafted in such a way in coordination with the EPA that we set up a Federal guideline to provide the safety to protect human health and the environment. They already are in that because they set the rule. And we are trying to adopt the basis of the rule as the basis for where we go with this.

So I appreciate my colleagues' concerns. We have had this amendment many times before. And the effect of adding "protect human

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health standards" into the minimum requirements is still the same. It is an attempt to set up a subjective yardstick for litigation. And the Federal district judges, the EPA, all are going to get -- we establish confusion with this issue, and it allows litigants to get into this and challenge it.

The EPA has the tools in this. If they think this permit is failing to meet the minimum requirements for health and safety, the legislation gives the EPA specific criteria to address and access that State permit to be protective.

So I would urge the rejection of the amendment. I yield back my time.

Mr. Shimkus. The gentleman yields back his time.

I am sorry. I didn't know she wanted to get time yielded.

Mr. McKinley, will you yield time to the gentlelady from California that you have remaining?

Mr. McKinley. Yes.

Mrs. Capps. Thank you very much for yielding.

And I just want to make the point, as a public health nurse for many, many years, I do believe this Nation does have standards of public health and that these are not subjective.

But breathing clean air and drinking clean water and certain standards have been held. This is a debate about what those standards should be, but it is certainly, I hope, understood that we do have a role to play in Congress and in the public health system for setting

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standards of health and safety.

And I will yield to a colleague or I will yield back.

Mr. Shimkus. The time is the gentleman from West Virginia.

So --

Mr. McKinley. I hear that. And I think that is what this legislation is trying to provide, is give the States using the minimum.

If you in California want to have a higher standard for air and water quality, then set the standard. But there is going to be a minimum standard that is set in the rules and regs. They have already passed the final rule to take care of this. So I think it is resolved.

If you want to make it more stringent, that is the option of California to be able to do that. Other States may want to have something that is slightly different, but not below the minimum.

I yield back my time.

Mr. Shimkus. The gentleman yields back his time.

Any other members seeking recognition on the amendment?

Mr. Pallone. Ask for a roll call.

Mr. Shimkus. The gentleman is asking for a roll call vote on the amendment offered by the gentlelady from California, Mrs. Capps. A roll call will be conducted.

Will the clerk call the roll.

The Clerk. Mr. Harper?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

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Mr. Whitfield?

Mr. Whitfield. No.

The Clerk. Mr. Whitfield votes no.

Mr. Pitts?

Mr. Pitts. No.

The Clerk. Mr. Pitts votes no.

Mr. Murphy?

[No response.]

Mr. Latta?

Mr. Latta. No.

The Clerk. Mr. Latta votes no.

Mr. McKinley?

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

Mr. Johnson?

[No response.]

Mr. Bucshon?

Mr. Bucshon. No.

The Clerk. Mr. Bucshon votes no.

Mr. Flores?

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

Mr. Hudson?

Mr. Hudson. No.

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The Clerk. Mr. Hudson votes no.

Mr. Cramer?

Mr. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Upton?

Mr. Upton. No.

The Clerk. Mr. Upton votes no.

Mr. Tonko?

Mr. Tonko. Yes.

The Clerk. Mr. Tonko votes yes.

Mr. Schrader?

Mr. Schrader. Yes.

The Clerk. Mr. Schrader votes yes.

Mr. Green?

Mr. Green. Yes.

The Clerk. Mr. Green votes yes.

Ms. DeGette?

[No response.]

Ms. Capps?

Mrs. Capps. Yes.

The Clerk. Ms. Capps votes yes.

Mr. Doyle?

Mr. Doyle. Yes.

The Clerk. Mr. Doyle votes yes.

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Mr. McNerney?

Mr. McNerney. Yes.

The Clerk. Mr. McNerney votes yes.

Mr. Cardenas?

Mr. Cardenas. Yes.

The Clerk. Mr. Cardenas votes yes.

Mr. Pallone?

Mr. Pallone. Yes.

The Clerk. Mr. Pallone votes yes.

Chairman Shimkus.

Mr. Shimkus. No.

The Clerk. Mr. Chairman, on that vote, there were 8 ayes and 12 nays.

Mr. Shimkus. The vote is 12 nays and 8 ayes. The amendment is not agreed to.

The question now occurs on forwarding the committee print to the full committee.

All those in favor, signify by saying aye.

If you are requesting that. Right.

All those opposed, nay.

The ayes appear to have it.

And the gentleman from New Jersey requests a roll call vote.

So the clerk will call the roll.

The chair recognizes the gentleman from New York.

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Mr. Tonko. I move to strike the last word.

Mr. Shimkus. The gentleman is recognized for 5 minutes.

Mr. Tonko. Thank you, Mr. Chair.

I oppose this legislation, and I urge my colleagues to join me in opposition. In past Congresses, we were told that EPA wanted this bill to close gaps in its authority under Subtitle D of RCRA. Well, now we hear that EPA thinks their authority is strong and has no gaps. The witness yesterday reiterated that point.

In past Congresses, we were told that this bill was necessary to ensure that EPA would not regulate coal ash as hazardous and restrict beneficial reuse. Well, EPA reiterated yesterday that they are not regulating coal ash as hazardous and they are not restricting beneficial reuse. We all heard Mr. Stanislaus say that EPA is not doing so now and they have no plans to do so as we move forward.

We can all agree that coal ash can pose serious risks when not disposed of properly. Now for the first time we have minimum Federal requirements that set a floor of public health and the environmental protections. The old arguments are now moot, but still some are pursuing legislation. Why?

Well, now we are told that Subtitle D will not include effective enforcement. In fact, we are being told that by stakeholders who specifically sought a Subtitle D rule.

Importantly, EPA is not concerned about the enforcement of its rule. We heard just yesterday that it expects strong enforcement

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through a combination of citizen suits and State adoption of the requirements. Now we are also hearing that the rule will lead to dual enforcement. Too little or too much, it seems the advocates cannot decide. But, again, EPA is not concerned about this potential problem.

As we heard yesterday, EPA believes it has effectively addressed any concerns about dual enforcement by establishing a mechanism to review and approve State plans. So the old arguments for this legislation are now moot and the new arguments purely speculative.

EPA has confidence in its final rule, and so do I. We should not overrule the public process that we went into it and undermine its protections. I urge my colleagues to vote no on this bill.

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

Mr. Shimkus. The gentleman yields back his time.

The clerk will now call the roll.

The Clerk. Mr. Harper?

Mr. Harper. Aye.

The Clerk. Mr. Harper votes aye.

Mr. Whitfield?

Mr. Whitfield. Aye.

The Clerk. Mr. Whitfield votes aye.

Mr. Pitts?

Mr. Pitts. Aye.

The Clerk. Mr. Pitts votes aye.

Mr. Murphy?



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Mr. Murphy. Aye.

The Clerk. Mr. Murphy votes aye.

Mr. Latta?

Mr. Latta. Aye.

The Clerk. Mr. Latta votes aye.

Mr. McKinley?

Mr. McKinley. Aye.

The Clerk. Mr. McKinley votes aye.

Mr. Johnson?

Mr. Johnson. Aye.

The Clerk. Mr. Johnson votes aye.

Mr. Bucshon?

Mr. Bucshon. Aye.

The Clerk. Mr. Bucshon votes aye.

Mr. Flores?

Mr. Flores. Aye.

The Clerk. Mr. Flores votes aye.

Mr. Hudson?

Mr. Hudson. Aye.

The Clerk. Mr. Hudson votes aye.

Mr. Cramer?

Mr. Cramer. Aye.

The Clerk. Mr. Cramer votes aye.

Mr. Upton?

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Mr. Upton. Aye.

The Clerk. Mr. Tonko?

Mr. Tonko. No.

The Clerk. Mr. Tonko votes no.

Mr. Schrader?

Mr. Schrader. Aye.

The Clerk. Mr. Schrader votes aye.

Mr. Green?

Mr. Green. Aye.

The Clerk. Mr. Green votes aye.

Ms. DeGette?

[No response.]

Ms. Capps?

Mrs. Capps. No.

The Clerk. Ms. Capps votes no.

Mr. Doyle?

Mr. Doyle. Aye.

The Clerk. Mr. Doyle votes aye.

Mr. McNerney?

Mr. McNerney. No.

The Clerk. Mr. McNerney votes no.

Mr. Cardenas?

Mr. Cardenas. No.

The Clerk. Mr. Cardenas votes no.

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Mr. Pallone?

Mr. Pallone. No.

The Clerk. Mr. Pallone votes no.

Chairman Shimkus?

Mr. Shimkus. Aye.

The Clerk. Chairman Shimkus votes aye.

Mr. Chairman, on that vote, there were 16 ayes and 5 nays.

Mr. Shimkus. 16 ayes and 5 nays. The ayes have it. The bill is agreed to.

Without objection, staff is authorized to make technical and conforming changes to the bill as reported by the subcommittee today. So ordered.

[The information follows:]

\*\*\*\*\* INSERT 1-1 \*\*\*\*\*

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Mr. Shimkus. Without objection, the subcommittee stands adjourned.

[Whereupon, at 10:04 a.m., the subcommittee was adjourned.]