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MARKUP OF: H.R. 806, OZONE STANDARDS

IMPLEMENTATION ACT OF 2017; H.R. _____,

BROWNFIELDS ENHANCEMENT, ECONOMIC

REDEVELOPMENT, AND REAUTHORIZATION ACT OF

2017; AND, H.R. _____, NUCLEAR WASTE POLICY

AMENDMENTS ACT OF 2017

THURSDAY, JUNE 15, 2017

House of Representatives

Subcommittee on Environment and the Economy,

Committee on Energy and Commerce

Washington, D.C.

The Subcommittee met, pursuant to call, at 10:00 a.m., in Room 2123 Rayburn House Office Building, Hon. John Shimkus [chairman of the subcommittee] presiding.

Present: Representatives Shimkus, McKinley, Barton, Murphy, Blackburn, Harper, Olson, Johnson, Flores, Hudson,

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Cramer, Walberg, Carter, Walden (ex officio), Tonko, Ruiz, Peters, Green, DeGette, McNerney, Cardenas, Dingell, Matsui, and Pallone (ex officio).

Staff present: Mike Bloomquist, Deputy Staff Director; Elena Brennan, Legislative Clerk, Oversight and Investigations; Karen Christian, General Counsel; Jordan Davis, Director of Policy and External Affairs; Wyatt Ellertson, Research Associate, Energy/Environment; Adam Fromm, Director of Outreach and Coalitions; Giulia Giannangeli, Legislative Clerk, Digital Commerce and Consumer Protection/Environment; Jay Gulshen, Legislative Clerk, Health; Tom Hassenboehler, Chief Counsel, Energy/Environment; Zach Hunter, Director of Communications; A. T. Johnston, Senior Policy Advisor/Professional Staff, Energy/Environment; Peter Kielty, Deputy General Counsel; Drew McDowell, Executive Assistant; Katie McKeough, Press Assistant; Tina Richards, Counsel, Environment; Dan Schneider, Press Secretary; Sam Spector, Policy Coordinator, Oversight and Investigations; Peter Spencer, Professional Staff Member, Energy; Jason Stanek, Senior Counsel, Energy; Hamlin Wade, Special Advisor, External Affairs; Andy Zach, Professional Staff Member, Environment; Jeff Carroll, Minority Staff Director; Jacqueline Cohen, Minority Senior Counsel; David Cwiertney, Minority Energy/Environment Fellow; Elizabeth

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Ertel, Minority Office Manager; Jean Fruci, Minority Energy and Environment Policy Advisor; Caitlin Haberman, Minority Professional Staff Member; Rick Kessler, Minority Senior Advisor and Staff Director, Energy and Environment; Dan Miller, Minority Staff Assistant; Alexander Ratner, Minority Policy Analyst; Tim Robinson, Minority Chief Counsel; Andrew Souvall, Minority Director of Communications, Outreach and Member Services; Tuley Wright, Minority Energy and Environment Policy Advisor; and C. J. Young, Minority Press Secretary.

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Mr. Shimkus. Going to get the committee in order.

Let me first, before we start -- and we don't want to make this a maudlin thing. We have got work to do.

But I would ask, since Steve is a member of the full committee, that we just take a moment and in our own way think about him and then we will go to opening statements.

[Moment of silence]

Thank you. So good morning and welcome to today's subcommittee markup. Today we will markup three pieces of legislation from the foundations of the subcommittee's jurisdiction.

I noted at our first hearing this year in February that one of the guiding themes of our legislation work this Congress will be to identify the best ways to modernize the statutes within our jurisdiction.

Our first goal in this work was to implement practical and statutory updates that will accelerate infrastructure and manufacturing development which supports our congressional agenda.

Each piece of legislation we will consider this morning will advance that agenda. We will first consider Brownfields Enhancement Environmental Redevelopment and Reauthorization Act of 2017.

Cleaning up contaminated sites is a priority for the

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administration and the Brownfields program is great for the economy because grants can be directly leveraged into jobs, additional redevelopments funds and increase residential and commercial property values.

Brownfields funding and cleanup is also critically important to promoting investment in new infrastructure and to better utilize our existing infrastructure.

Despite the importance of the Brownfields program, it has not been authorized since 2006 and the bill we are considering today reauthorizes the program to make several needed improvements to the Brownfields law that will result in more sites being cleaned up.

This broadly bipartisan bill will further the goal of promoting infrastructure development and will result in direct economic benefits to all our districts and I hope my colleagues will support this legislation.

We will next consider the Nuclear Waste Policy Amendments Acts of 2017. Nuclear waste management policy is not a partisan issue and there is an urgent need for Congress to address this challenge as taxpayer liability continues to skyrocket due to the federal government's unfulfilled obligations.

This committee has received testimony from sources of expert witnesses about challenges associated with managing

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spent nuclear fuel. The bill before us today is a direct result of our extensive hearing record.

The bill amends the Nuclear Waste Policy Act to make key reforms to our nation's nuclear waste management policy. These include assuring the pending consideration of Yucca Mountain Repository license can be successfully completed, providing for the partnership with the state of Nevada to benefit as a whole state, authorizing an interim storage program, providing continuity in DOE's program management and fixing the system that funds the disposal program.

We will also call up H.R. 806, the Ozone Standards Implementation Act of 2017. The bill extends the ozone standard implementation schedule and air quality standard, setting time lines to reduce unnecessary burdens on states and localities.

The bill particularly supports our nation's infrastructure and manufacturing agenda because it aligns air quality permitting for new sources with the extended ozone implementation schedule.

This means manufacturing facilities which will continue to be required to install the best available emissions controls can more quickly proceed to new construction or expansion which will put our economic growth on a faster track.

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These bills deserve wide bipartisan support and with that I yield back my time and recognize the ranking member of the subcommittee for three minutes.

Mr. Tonko. Thank you, Mr. Chair.

Before I offer my opening statement, I want to join with you in sending along our thoughts and prayers to our Energy and Commerce colleague, Steve Scalise, as well as the Capitol police officers and staffers that were injured yesterday.

A tragic day and a cowardly act, and we all join in wishing everyone a full and speedy recovery. So you are welcome.

Today, we can show the American people that we are still here to serve the public and we can do it with respect and we can do it with civility, even when we disagree.

Today, the subcommittee will markup three bills -- the Brownfields Enhancement Economic Redevelopment and Reauthorization Act, the Nuclear Waste Policy Amendment Act and Ozone Standards Implementation Act.

In order to respect our allotted time for opening statements, I will save my comments on the individual bills for later. I have serious concerns with the Ozone and Nuclear Waste bills.

With that said, I do want to express my humble support and appreciation for the chair and the majority staff for

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working with our side on the bill to reauthorize EPA's Brownfields program.

This program has a tremendous record of cleaning up our communities, leveraging public and private dollars and returning unused properties back to productive use.

I believe the reforms before us today reflect many of our priorities as well as the consensus from many stakeholder and would make meaningful improvements to the program.

Reauthorizing this program would send a strong signal to appropriators and the administration that this program indeed must be funded at the authorized level.

Finally, I would like reiterate my concern that our subcommittee failed to receive testimony from the administration on any of these bills.

I understand many positions are still being filled. But now, six months into this administration, this can no longer be an excuse.

It is critical that we get the administration's feedback on these bills as well as a better sense of their policies and budget priorities.

I hope we can have Administrator Pruitt before us in the near future to discuss EPA's budget and other ongoing issues as we did in the past with Administrator McCarthy.

I will close by saying the Brownfields bill shows that

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we can accomplish when we come together and negotiate. I hope we can find other issues to replicate that bipartisan spirit, for example, the effort to update the Safe Drinking Water Act, and I thank you for your concerns on that issue.

I look forward to a meaningful and respectful debate this morning and hearing from our colleagues on both sides of the aisle, and with that, Mr. Chair, I yield back.

Mr. Shimkus. The gentleman yields back his time.

The chair now recognizes the chairman of the full committee, Mr. Walden, for three minutes.

The Chairman. I thank the gentleman and I join him and our colleagues on both sides of the aisle in honoring Steve Scalise and all those who were injured yesterday and the heroism of our law enforcement officials who saved us and those were here from a mass casualty carnage event.

And Steve, of course, is a very important member of this committee. We all love him dearly and we pray for him and Jennifer and the children and a speedy recovery for all those who were impacted.

Today's markup is another important step in this committee's efforts to modernize our energy infrastructure and update our environmental laws from the 21st century.

We have examined each of these issues at great length in previous subcommittee hearings and the bills before us today

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were informed through much of the feedback that we received from our witnesses during that time.

I would also note that we fully intend to continue to work on these bills as we move forward to full committee markup.

H.R. 806, reintroduced from last Congress, is enjoying its second run through the committee process and its importance for reducing the barriers to a more productive American economy remains undiminished.

We all support clean air and being good stewards of our environment. This legislation addresses some necessary issues with respect to the EPA's ozone standards.

For its 2008 ozone standards, EPA did not publish implementing regulations until March of 2015, seven years later, which states are now just in the process of implementing.

Then in October of 2015, just a few months after they put out their regulations, they issued new revised ozone standards. Now, this has created a situation where states currently face the prospect of implementing two different ozone standards simultaneously.

The Ozone Standards Implementation Act of 2017 ensures appropriate time lines to enable states and local authorities to do this while maintaining continued improvements in the

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nation's air quality and without unnecessarily restraining new source permitting and economic development, especially the permitting we need to accelerate our nation's infrastructure and manufacturing capabilities.

The subcommittee will also consider today the Brownfields Enhancement Economic Redevelopment and Reauthorization Act of 2017.

Cleaning up contaminated sites through the Brownfields program can have a tremendous economic impact on a community as well as creating jobs, providing additional funds for redevelopment of the affected areas and increasing property values, all of which are important.

In fact, in my home state of Oregon, we have a very active Brownfields program that's on the leading edge of cleanup activities in this area. That's why I am pleased the bill reauthorizes the Brownfields program for the first time since 2006. This bill makes it easier for smaller communities like those in my district to participate in the process of Brownfields cleanup and redevelopment.

The bill also allows states to provide additional grants of up to \$20,000 to small, rural and disadvantaged communities to assess and remediate Brownfields.

Finally, the subcommittee will also consider the Nuclear Waste Policy Amendments Act of 2017. Reliable, affordable

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and clean nuclear power is the cornerstone of our electric system.

However, challenges associated with maintaining the byproduct of nuclear generation remain unresolved. It is time that the federal government finally fulfills its requirement to manage spent nuclear fuel.

Breaking this current stalemate is essential, not just for our commercial nuclear power industry and ratepayers but also for the communities throughout the country that currently store this material despite the government's legal obligation to dispose of it.

This includes the Department of Energy's Hanford site, just a short distance up the Columbia River from my -- from where I live.

Congress has an obligation to honor its commitment to those communities who have contributed to our nation's security, starting with the Manhattan Project through the Cold War and still today.

Enactment of the Nuclear Waste Policy Amendments Act of 2017 will advance a solution. The bill provides the tools for DOE and the Nuclear Regulatory Commission to complete the pending Yucca Mountain repository license, allows the state of Nevada to enter into agreement with the government to fund as the host state, required DOE to initiate an interim

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storage program and authorizes DOE to contract with a private entity to temporarily store spent nuclear fuel, reforms the broken structure that funds the program and it strengthens the organization and management of DOE's program.

These bills advance thoughtful solutions that will make a difference for consumers and communities across the country. I applaud the work of the chairman and I yield back.

Mr. Shimkus. The gentleman yields back the time.

Chair now recognizes the ranking member of the full committee for as much time as he may consume. The gentleman is recognized.

Mr. Pallone. Thank you, Mr. Chairman.

I just wanted to begin by joining my colleagues in sending my thoughts and prayers to our committee colleague, Congressman Steve Scalise and his family and staff, and I can't emphasize enough how disturbing what happened yesterday is to me and I think to a lot of our colleagues, particularly since Steve was targeted because, you know, he was a Republican, probably because he was a leader in the Republican Party.

And, you know, I always think of Steve all the time as the guy that's smiling and wants to work. You know, everybody -- everybody has their own beliefs, be they

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conservative or liberal or whatever. But the idea that they are targeted for that is really disturbing to me.

So hopefully we will see some changes in terms of, you know, what happens but it is very disturbing to me to see that he was targeted and I hope that -- I hope that he does well. We are all praying for him.

Also grateful for the efforts of the Capitol police who saved so many lives and we are keeping everyone who was impacted by this event in our thoughts and prayers today, and the game is going to go on tonight.

I will be there and, obviously, this subcommittee markup goes on too because we want to show that we are not going to be intimidated by these kinds of attacks.

I want to stress one concern that touches all of us -- all of the bills in this subcommittee markup today. First, I am -- I am concerned that we have not received testimony from the administration on any of these proposals.

We do not know how the agencies that would implement these programs would interpret the language in these bills and we are being asked to vote on legislation without the opportunity to fully understand its effects and potential unintended consequences.

But I will turn briefly to each of the bills that we are going to consider, beginning with H.R. 806, a compilation of

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misguided proposals that weaken or delay vital safeguards in the Clean Air Act.

This legislation puts the public health and safety of the American people at risk and virtually guarantees that people living in areas with poor air quality will continue to breathe unhealthy air indefinitely.

I opposed this bill in the last Congress and I continue to oppose it now. We have had ozone alerts in New Jersey all of this week and I know the president has been in New Jersey on weekends.

So, hopefully, he takes notice of the fact that we have smog and bad air -- unhealthy air -- because of the ozone alerts.

The Brownfields bill, in contrast, shows that we can work together in a bipartisan fashion to protect the environment and revitalize local economies.

I appreciate the efforts by Mr. Shimkus and the committee staff to work with us to craft a bill that can become law.

This is a compromise bill and I would have liked to see more funding included. But it's a good bill to reauthorize an important program and I am happy to support it.

The final bill is the Nuclear Waste Policy Amendments Act. With more and more nuclear power reactors scheduled to

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shut down in the coming years, surrounding communities are realizing that the nuclear waste currently stored at these sites could be stored there indefinitely when the plant closes.

We need interim storage solutions to bridge the gap until a permanent repository is licensed and constructed and I commend Chairman Shimkus for producing the draft before us. But I worry that it does little to move interim storage forward.

It may even unintentionally hinder this mutually desired goal by explicitly linking it to the Nuclear Regulatory Commission's decision on a permanent repository.

And I also have some concerns with Section 202 of the discussion draft which undermines the state of Nevada's water rights.

My concerns aside, I do appreciate having a proposal from the chairman. We must address the storage and disposal of our nation's spent nuclear fuel and hope we can come to agreement on a strong bipartisan product to report by the time the full committee considers the legislation.

I yield back, Mr. Chairman.

Mr. Shimkus. Gentleman yields back his time.

The chair now will look to the majority to see if anyone wants two minutes for an opening statement. I would say that

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you'll have chances to make an opening statement during the call for the bill, too. So make -- no, wait. Wait.

Chair recognizes the gentleman from West Virginia.

Mr. McKinley. Thank you, Mr. Chairman, for holding this markup today and especially for advancing the Brownfields reauthorization bill.

It's been noted the reauthorization expired in 2006 so the reauthorization is critical to ensure funding of this important program. Using multipurpose grants and increasing the limit for remediation grants will result in more sites being cleaned up.

The bill also provides for additional grant funding for small, rural and disadvantaged communities. Developing and repurposing these sites will rejuvenate prime industrial sites and enhance community image.

Just last week, an Italian-based company began construction in their first manufacturing facility in the United States on a Brownfields site in Weirton, West Virginia.

I am confident if this bill was signed into law we will see even more success stories like this one. Thank you, and I yield back my time.

Mr. Shimkus. Gentleman yields back his time.

Chair now looks to the minority. Mr. Ruiz, you're

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recognized for two minutes.

Mr. Ruiz. Thank you, Mr. Chairman, and thank you for the opening -- for opening this session with a moment for Representative Scalise and the other victims of that tragic event.

You know, while I am pleased that the committee is considering at least one bipartisan bill this morning, I am extremely concerned that we are also considering H.R. 806, the Ozone Standards Implementation Act, legislation that, quite frankly, will make life worse for millions of Americans and exacerbate symptoms for those suffering from respiratory illnesses.

We have known for decades that air pollution is harmful to human health. It triggers asthma attacks, stunts lung development in children, causes respiratory infections and increases the risk of heart attacks, strokes and premature death.

Ozone is particular difficult to control because the corrosive pollutant is not emitted directly but, rather, formed through the mixture of vehicle and factory emissions which then cook in the sun to form ozone.

According to the California Air Resources Board, one-third of Californians live in communities where pollution exceeds federal safety standards, and as a physician, I care

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deeply about the health of our communities and the public health hazard that air pollution poses.

We know that robust ozone standards will benefit the health of tens of millions of Americans because overall the Clean Air Act has already reduced air pollution by 79 percent since 1970.

As technology improves, the EPA has an obligation to update our nation's ozone standards to further reduce air pollution and save more lives.

To me, as a father, there is no obligation more central to the EPA's mission than protecting the health and safety of the American people and the fact is respiratory illnesses caused by air pollution are preventable if we have the proper safeguards in place -- safeguards like those in the Clean Air Act.

Breathable air is a common good. It is a nonpartisan issue. We owe it to our constituents and the American public to ensure we pass legislation that will ensure the air everyone breathes is getting cleaner and I mean everyone, not just the affluent but also the indigent -- not just coast area but also middle America.

I hope this committee can work to protect our nation's health and ensure communities across our nation have clean air to breathe. We can and we must do more.

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Thank you. I yield back my time.

Mr. Shimkus. Gentleman yields back his time.

The chair looks to majority. Seeing none, anyone on minority? Mr. Green from Texas recognized for two minutes.

Mr. Green. Thank you, Mr. Chairman, and chair -- the ranking member for holding the markup today.

The policy issues before our subcommittee this morning are very important. This is why our subcommittee and the full Energy and Commerce Committee must hold oversight hearings on how current laws are being administered and receive agency input on pending legislation.

Our committee has not had one witness since the beginning of the year. This has never happened before during my time in Congress.

Federal agencies have the obligation to come before our committee and report how the American taxpayer's money is being spent. I hope colleagues on both sides of the aisle agree and will call holding budget and oversight hearings as soon as possible.

The ozone issue is extremely complicated. In 2015, the then-administrator, Gina McCarthy, stated at the Energy and Power Subcommittee hearing EPA examined thousands of scientific studies including more than 1,000 new studies published since EPA has last revised the standard.

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EPA and the ozone NAAQS proposal concluded there are significant uncertainties regarding some of the studies the EPA did include regarding lower the standard. EPA must address the challenges and opportunities for improving our air quality and protecting human health.

I am encouraged to see that on June 8th of this year EPA extended the deadline of the 2015 rule to get it right. The process must remain health-based but cannot be set aside when it's politically convenient.

Our industries are capable of meeting requirements of ozone NAAQS but not when the rules are changed and not enforced due to unknown criteria.

I support the EPA's 2015 determination but I do think there is an opportunity to address some of the stakeholders - - challenges faced by the agency and other stakeholders.

While I do not support the bill before the subcommittee today, I look forward to opportunities to improve the process to better promote the economy and health care.

I appreciate the efforts of the chair and the ranking member to address the critical issue of nuclear waste storage. The federal government has an obligation to the ratepayers and energy providers to safely store spent nuclear fuel.

I do have concerns with the current discussion draft,

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specifically the linkage between interim storage and Yucca Mountain.

Opening an interim facility is the fastest path forward to safely store any spent nuclear fuel, particularly for spent fuel sitting at the growing number of closed nuclear plants.

We do need to move on long-term storage but making interim storage contingent on the final decision on Yucca will stop any momentum on opening an interim facility.

I yield -- I thank you and yield back my time.

Mr. Shimkus. Gentleman yields back his time.

The chair now looks to the majority. Seeing none, to the minority. Mr. McNerney from California is recognized for two minutes.

Mr. McNerney. Well, I thank the chairman and also reach out to Mr. Scalise's family and staff and the Capitol police who did such a great job yesterday.

I want to thank my friend, Mr. Olson, for his dedication to this legislation. However, I disagree with the outcome that this legislation would produce.

I don't think it will improve the business environment. I do think it will increase pollution. It won't even hold pollution at current levels.

It'll step us back and make it worse. The Clean Air Act

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has been very successful and we just shouldn't be going backwards.

Just look at China and India. They would love to have our clean air and that was caused by the Clean Air Act. So let's take a step back and think about what we are doing with this.

Concerning the nuclear waste issue, I am a strong component of nuclear power and nuclear energy. Anyone who believes in climate change should be for nuclear power, in my opinion, and I want to move forward with nuclear waste but I have some issues, especially being from California.

Taking states' water rights is a real problem and the linkage could be improved.

So, those are my comments, and I yield back.

Mr. Shimkus. The gentleman yields back his time.

Again, chair looks to the majority. Seeing none, chair looks to the gentlelady from Michigan. Ms. Dingell is recognized for two minutes.

Ms. Dingell. Thank you, Mr. Chairman, and to the ranking minority.

I, like everybody else, am very saddened by what happened yesterday and prayers are with the Scalise family and everybody else.

The Energy and Commerce Committee has demonstrated a

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great ability and a long history together with working together in the name of bipartisanship to find solutions to our greatest challenges.

Actually, many of you may not remember Jim Broyhill, but Jim Broyhill frequently said people thought his first name was Dingell in his district because of the Dingell-Broyhill bills.

And yesterday, Joe Barton talked about his young son, and John Dingell adores Jack and always looked forward to those visits.

As members of Congress, this is why we are sent here and it's what the American people expect. The Brownfields authorization bill today is a good example.

The Brownfields program has a long history of bipartisan support because the program empowers states, local communities and other stakeholders to work together to prevent contaminated sites from endangering public health and environment.

And now, in the face of proposed cuts to the EPA's budget, the future of Brownfields grants are in jeopardy. Funding cuts will negatively impact both Republican and Democratic districts and ultimately our environment and every American living near a site. It is good to see us working together.

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I do have concerns on the other two bills as they've been expressed by my colleagues. We do not want to harm public health. I also want to acknowledge our colleague from Nevada that is in the room, Congresswoman Dina Titus, because I know she has great concerns.

Now more than ever we need to come together in the same fashion as we have on Brownfields, Republicans and Democrats, to find productive and bipartisan solutions on our toughest problems related to reducing ozone pollution and nuclear waste storage. Hopefully, as we move forward we will.

I yield back the balance of my time.

Mr. Shimkus. Gentlelady yields back her time.

Again, looking to the majority, now to the minority. Anyone else seeking time? Seeing no one asking for time, the chair calls up the Brownfields Enhancement Economic Redevelopment and Reauthorization Act of 2017 and ask the Clerk to report.

The Clerk. A discussion draft to amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 to reauthorize and improve the Brownfields program and for other purposes.

[The bill follows:]

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Mr. Shimkus. Without objection, the first reading of the bill is dispensed with and the bill will be open for amendment. No amendments have been filed, so I will recognize the gentleman from New Jersey.

Mr. Pallone. I don't know if this is the time but I do want to strike the last word at some point.

Mr. Shimkus. The gentleman is recognized.

Mr. Pallone. I don't want to take up a lot of time. But the bill is very important to me as I know it is to you and to Mr. Tonko and others.

I just think that we have talked a little bit today in the aftermath of the shooting that occurred about how important it is to work together and I think that the Brownfields bill is a real good example of that.

I just -- I am going to -- just a little history here, which probably nobody wants to hear. But Paul Gillmor, who's not with us anymore, was the chairman of the committee at the time when we first did the Brownfields bill and I worked with him on a bipartisan basis to introduce it.

And at the time, it wasn't a time when I believe it was an all-Republican Congress. President Bush was the president.

Christie Whitman, who was our governor -- former governor became the EPA administrator and she pushed for it.

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She was a very pro-environmental Republican governor, I guess I have to say unlike the one we have now, and President Bush signed it, and it was a perfect example really of how Democrats and Republicans could work together even though it was an all-Republican government in Washington.

And I -- and I also think that it was important -- it is important to mention that as a priority because it shows that you can have a pro-environment agenda and cleanup and the same time -- at the same time create jobs.

There is this myth out there that, you know, if you're good on the environment somehow you're killing jobs and I -- and, certainly, President Trump gives that impression.

But I think the opposite is true and that was one of the reasons that we were successful in getting this passed and one of the reasons I believe why we are going to be successful today in moving it because Brownfields shows very dramatically that you can have a good environmental program that actually does good things for the environment but also creates a lot of jobs and rebuilds the economy.

So I just want to thank you, Mr. Chairman, for working with us on this because I do think it's very important and a good example of what we can do together.

Thank you.

Mr. Shimkus. Gentleman yields back his time and the

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gentleman thanks him for his comments.

I recognize myself for five minutes to -- but I'll try to be brief and just highlight some of the aspects of the Brownfields program.

This facilitates the cleanup of blighted areas in our communities, drives up economic development by leveraging federal grant money into private fund development jobs, will increase commercial and residential property values and the better use of existing infrastructure as well as the opportunity for development of new infrastructure.

The witnesses in our hearing talked about how the authorization program could be approved and that's kind of what we have reached compromise on.

We are going to create multipurpose grants for both Brownfields assessment and cleanup while providing flexibility to communities trying to clean up Brownfields sites within the area of their community.

The bill provides liability relief to states and local units of government who voluntarily acquire Brownfields property by virtue of its function as a sovereign, which will allow local units of government to address contamination on property they acquire through tax delinquency, bankruptcy or abandonment.

We increase the limit for remediation grants from

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\$200,000 to \$500,000, which makes it easier for Brownfields sites to be cleaned up.

The bill also provides for limited amount of grant funds to be used for administrative costs, which will allow small and rural communities to better participate in the process.

The legislation also clarifies when petroleum sites may be considered a Brownfield and when a lease holder may be eligible to receive grants under Brownfields program. The legislation expands eligibility for nonprofit organizations and for publically-owned properties purchased prior to January 11th.

Overall, it is good bipartisan bill. I do have to thank my colleagues for working with us and with that I yield back my time and now turn to the ranking member of the subcommittee, Mr. Tonko.

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

Mr. Shimkus. Gentleman is recognized five minutes.

Mr. Tonko. Thank you, Mr. Chair.

I, again, thank you and your staff for collaborating on a Brownfields reauthorization bill that can garner bipartisan support.

The Brownfields Enhancement Economic Redevelopment and Reauthorization Act would reauthorized EPA's Brownfields program, which expired in 2006.

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Since 2002, the program has proven its worth many times over. Over 44,000 acres of vital land have been made ready for productive use, increasing nearby property values and helping to preserve greenfields.

Thousands of properties that once sat idle have been brought back on to the local tax rolls. There is a reason why this program is so strongly supported by mayors, by economic developers and by environmentalists.

Due to the success of this EPA program, communities are beginning to realize that we can turn a liability into an opportunity.

I have often spoken about the successful cleanup efforts in my district, which are turning once abandoned waterfront factories and industrial sites into important engines for economic development.

All in all, this program is important for economic development and environmental fairness or disadvantaged communities where these sites can often be found. But there are many more sites that have to be assessed or remediated across our country.

This bill makes a number of widely agreed upon improvements to the program, which we have heard about from stakeholders over the course of a number of hearings.

The bill increases individual grants from \$200,000 to

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\$500,000 which would enable more difficult and complex sites to be remediated.

The language before us would also give grants' recipients additional flexibility by creating multipurpose grants. These grants would allow for assessment, cleanup and planning on a community wide basis, which is a good outcome.

It also would make it easier for not for profit stakeholders to get involved and allow a small portion of grants to be used to cover administrative costs among other changes to current law. These are important and necessary improvements to our EPA program.

I believe this bill will give communities the resources, the capacity and the flexibility to continue to build upon the success of this program and to continue to turn liabilities into opportunities.

Personally, I would have liked more funding for the program including categorical grants to states. However, I hope at the very least that this authorization will send a strong signal to the administration that Congress would support a significantly greater request for the program.

With that, Mr. Chair, I thank you again for your work on this bill and with that, yield back my time.

Mr. Shimkus. The gentleman yields back his time.

Chair looks to the majority. Anyone seeking

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recognition? Seeing none, anyone on the minority?

The question now occurs on forwarding the Brownfields Enhancement Economic Redevelopment and Reauthorization Act of 2017 to the full committee.

All those in favor say aye.

Those opposed, no.

The ayes have it. The ayes appear to have it. The ayes have it, and the bill is agreed to.

The chair calls up the Nuclear Waste Policy Amendments Act of 2017 and asks the Clerk to report.

The Clerk. A discussion draft to amend the Nuclear Waste Policy Act of 19 --

[The bill follows:]

*****INSERT 2*****

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Mr. Shimkus. Without objection, the first reading of the bill is dispensed with and the bill will be open for amendment at any point. So ordered.

Are there any amendments to the bill?

The chair recognizes the gentleman from California for what purpose?

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

Mr. Shimkus. The Clerk will report the title.

The Clerk. Amendment to the discussion draft offered by Mr. Peters.

Mr. Shimkus. The gentleman is recognized for five minutes in support of his amendment.

Mr. Peters. Thank you very much, Mr. Chairman.

I am glad we are here debating the needs for both permanent and interim storage for spent nuclear fuel. The existing process for storing nuclear fuel is broken.

That is to the detriment of communities across the country including the region I represent in San Diego just south of where the San Onofre Nuclear Generating Station is being decommissioned right now.

Without centralized safety repositories for spent nuclear fuel, current storage process presents environmental and security risks for our communities.

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The bill we are considering today takes important steps to advance both interim and permanent storage priorities. But by linking interim storage with the Yucca Mountain project, it could also impede efforts to remove spent nuclear fuel from places like San Onofre and place it in interim storage.

My amendment would simply strike the linkage from the bill and allow both interim and permanent storage to move forward on individual but complementary paths.

The sheer amount spent on nuclear fuel that will need to be relocated in the coming years shows us -- shows us that we need both interim and permanent storage to make things work safely and efficiently and both processes will take a lot of time. So there is no reason to put one after the other. So let's not tie our hands.

In the spirit of bipartisanship and with the hope that the author and I can work together to help move interim storage forward, I intend in a while to withdraw the amendment. But I wondered if any of my colleagues wishes to speak to it at this hearing.

Mr. Shimkus. It's the gentleman's time from California. If he wants to yield it to -- as you wish.

Mr. Peters. I will yield to Mr. Pallone.

Mr. Pallone. Thank you.

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I want to speak in support of the Peters amendment. The bill before us today would halt any development of interim storage facilities until the NRC finalizes their authorization for a permanent repository.

In this approach, development of interim storage facilities is shortsighted and, I believe, unnecessary. We know that spent nuclear fuel can be hazardous if not stored properly, and as we heard at our prior hearing on this matter, nuclear waste is currently just sitting at active and decommissioned nuclear plants.

It sits in pools and on concrete pads at sites that were never designed to hold it. This practice isn't just costly. It also presents a security risk and the problem is only getting worse.

According to the EPA, six nuclear plants are scheduled to retire within the next nine years. That includes the Oyster Creek Plant in Ocean County, New Jersey, just south of my district, and this increase in plant retirements underscores the need for interim storage solutions to bridge the gap until a permanent repository is licensed and constructed whenever and wherever that may be.

Instead of requiring these sites to hold this material while a permanent repository is licensed and constructed, we should begin moving it to more appropriate consolidated

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interim storage sites.

The Peters amendment addresses this problem and allows interim storage solutions to be pursued. It would allow deployment of interim storage options to go forward immediately and provide certainty for developers of such facilities.

In fact, under the provisions of the bill as currently drafted, it is difficult for me to see how any private entity could obtain financing to construct interim storage.

And so the Peters amendment is the right approach for dealing with our nuclear waste problems without delay. I support this amendment and encourage my colleagues to do the same.

Yield back to the gentleman.

Mr. Peters. Thank you. I would yield now to Mr. Tonko.

Mr. Tonko. Thank you. I appreciate the gentleman yielding.

As we know, courts have determined that DOE has breached contractual obligations under the Nuclear Waste Policy Act.

After the government missed deadlines to remove waste, utilities began suing for damages, which have been paid from the Treasury's judgment fund.

Those payments have totaled over \$6 billion, which would continue to grow. DOE estimated that it could begin to

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accept waste within the next 10 years. Liabilities -- if they could accept that waste, liabilities would ultimately total over \$25 billion.

I understand the magnitude of this problem and share the chair's concerns to protect taxpayers from any further need to make payments from the Treasury.

Unfortunately, I disagree that the strong linkage between the Yucca application and an interim solution is the best option to limit further taxpayer liability.

The bill under consideration today authorizes interim storage that can be operated by DOE or a private contractor but it prohibits any interim projects from moving forward until the Nuclear Regulatory Commission makes a final decision on a construction authorization for a permanent repository.

I support Mr. Peters' amendment to strike this linkage between Yucca and a consolidated interim solution. We here at the legislative hearing -- we heard at the legislative hearing that under the best circumstances full appropriations from Congress that a speedy resolution to the hundreds of contentions on the Yucca application the Yucca licensing process will take years to complete.

These are years that could be spent by concurrently getting interim projects started. Let's not delay a short-

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term solution any longer while the long-term solution continues to be resolved.

Furthermore, by continuing this linkage we are creating additional uncertainty that may undermine or dissuade a potential private entity from pursuing interim as a business model. I believe that is why we received letters from the Decommissioning Plant Coalition and WCS with concerns about this linkage.

As I mentioned at the legislative hearing, I would again like to propose the possibility that we consider the merits of the interim storage and a long-term repository on separate but parallel tracks.

Mr. Peters' amendment would put us on that path. President Trump's budget proposal included funding to restart licensing activities for the Yucca Nuclear Waste Repository and to initiate a robust interim storage program.

The most efficient path forward for members that would like to limit payments from the judgment fund is to continue to support the request from the administration while also supporting concurrent efforts on interim storage that will more quickly begin to limit taxpayers' liability.

I urge my colleagues to support Mr. Peters' amendment and yield back.

Mr. Peters. Mr. Chairman, my time has expired but as I

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indicated in the hopes that we can work something out and get close to what the Senate is considering with the delinkage I would be opposed to withdraw the amendments.

Mr. Shimkus. Is there objection?

Hearing none, so ordered.

I'd like to strike the last word just to kind of respond and get into a little discourse because I appreciate the gentleman offering the amendment. I know his concern.

I do think we really need to sit down and talk about the language because what the legislation authorizes, this isn't the first time a piece of legislation actually authorizes the Department of Energy to pursue interim storage facilities. So we have heard the concerns and we know the interim debate is important.

And so I think as we talk about maybe getting to a way we can agree, we need to sit down and look at the language because we think it's moving in the direction that people want to go.

And in fact, it requires DOE to initiate an interim storage program and directs the department to submit to Congress a detailed study and proposal regarding the development of more interim storage facilities.

As noted, DOE pursued interim storage in the 1980s but the project failed for a variety of reasons. I don't think a

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lot of people even know that.

This draft lays a foundation for a successful interim storage program by having DOE provide for a full accounting of program integration, funding arrangements and cost estimates.

The legislation removes an existing prohibition barring DOE from using private entities for storage and provides explicit DOE authority to contract with nonfederal entities. So that's a move, I think, in the right direction.

The nonfederal facility must hold the NRC license and the project must have state and local support prior to entering into a contract.

These conditions will help provide assurances the facilities can successfully advance while protecting limited taxpayers' dollars.

It is estimated it will require at least three years, or until 2020, to complete an interim storage licensing process. They would also need to construct the storage facility and consider supporting the infrastructure.

However, having a licensed facility is only one piece of the puzzle. DOE must have the capacity to transport. In fact, when I was at SONGS and we got asked questions about it, people want the spent nuclear fuel off the shoreline.

And I remind them -- but then they started asking

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questions about we don't want it moved. You got to -- if you don't want it where it's at it has to be moved and in testimony that we have had on the subcommittee over the past couple of years, it's going to take DOE a long time for the cars and the -- and the process, although high-level nuclear waste and spent fuel is moved already.

DOE says there is a big lag time in that ability. So I hope that in this process we can -- we can develop a time line where people can adequately see where -- I've asked staff to do that so we can see how things, we believe, will move concurrently and we will be in a better position.

But if there is language and things that we need to do we do really look forward to doing that process. It's important that we move forward and complete the process. Everyone needs certainty and I pledge to use this time in between this markup and the next to try to find a compromise.

And with that, I will yield back my time.

Is there anyone on -- Mr. Green from Texas is recognized.

Mr. Green. Thank you, Mr. Chairman. I would strike the last word.

Mr. Shimkus. You're recognized for five minutes.

Mr. Green. I want to thank the chairman for his long-term efforts on this bill. In fact, I forget how many years

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ago we went out and we visited Yucca Mountain. It's been a good while.

We need to make good on the commitment made to nuclear ratepayers and we need to stop the flow of money out of the taxpayer-financed judgment fund caused by the Energy Department's failure to take title to and dispose of spent fuel and other nuclear waste.

Ultimately, that waste needs to go into a permanent repository and I share the chairman's view that Yucca Mountain is currently the only game in town.

But the Yucca project has been way behind schedule, even before the Blue Ribbon Commission recommended we look at other options other than Yucca.

It is time for us to put first things first and give the DOE the tools and direction it needs to move forward immediately with licensing one or more sites for interim storage or spent nuclear fuel.

That's why I am an original co-sponsor of Congressman Issa's legislation to authorize the secretary to enter into contracts for storage of waste in privately constructed fully licensed consolidated interim storage sites like the ones proposed in west Texas and New Mexico.

I recognize that the chairman is trying to strike a balance in this bill and trying to move forward on interim

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storage while ensuring we maintain progress on licensing a permanent repository and I think that's a laudable goal.

However, I am concerned that in its current form the legislation couldn't quite balance explicitly linking licensing of consolidated interim storage or monitored retrievable storage, as it's called in this bill, to a decision on the Yucca Mountain license.

The legislation tilts too far in the direction of Nevada at the expense of the interim storage and nuclear rate payers. It's my understanding that because this bill ties interim storage so firmly to the time line of a discussion on Yucca Mountain it harms the ability of companies proposing the private storage projects to move forward and jeopardize the investments in such projects.

These ideas were driven home in a letter we received this week from WCS, the company proposing to build an interim storage facility in Andrews, Texas.

Although WCS has temporarily put its plans on hold pending the completion of a merger, the letter states that a time line would be jeopardized, however, if the provisions of the discussion draft that prohibit the secretary of energy from entering into a cooperative agreement for storage of spent nuclear fuel until such a time as there is a final decision approving or disapproving the issuance of a

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construction authorization for a repository.

The letter goes on to say that the scenario arising out of the linkage of the build puts further investment in interim storage at risk.

Additionally, I understand that the company proposing a similar project in New Mexico met recently with Ranking Member Pallone and told him that the strict leakage in the bill would cause similar problems for their project.

So I think that's why my friend from California is trying -- what's trying to do here deleting the strict linkage between the licensing decision on Yucca Mountain and the interim establish a minimum storage would be a major improvement to the bill and go a long way to making this product that nearly all of us on both sides of the aisle can support.

And Mr. Chairman, I want to support this bill. As I said earlier, I've been a supporter of Yucca Mountain project. I do think it's essential we do keep the pressure on DOE to move forward.

I think there would be continued pressure to license a repository. As a Texan, I certainly don't want an interim storage facility to turn into a de facto permanent repository.

I would note that this administration and the

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Appropriations Committee is already moving to restart the licensing process for Yucca Mountain without any further action by our committee.

I think we should keep our eye on the ball and that ball is moving waste away from plants to consolidated interim storage facilities and slowing the money -- flow of monetary damages from the taxpayer-financed judgment fund as quickly as possible.

Mr. Peters' amendment would help make that happen and I hope that's -- as we move to full committee and hopefully toward a more consensus-oriented bill we would recognize that the Peters amendment would help us get to a product that we -- that can be first to enact a piece of nuclear waste legislation in 30 years.

And I yield back my time.

Mr. Shimkus. Gentleman yields back his time and I thank him.

The chair now recognizes the gentleman from Texas for what purpose?

Mr. Barton. To strike the requisite number of words.

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

Mr. Barton. Mr. Chairman, I wasn't here for opening statements today, but I want to commend you and the ranking

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member.

You know, we are treating this as just another humdrum subcommittee markup. In fact, I think you all know my son, Jack, who's kind of grown up with this committee, and I asked him before I came down here -- I said, I am going to markup -- do you want to go. And he said, is it full committee or subcommittee.

[Laughter]

And I said it's subcommittee.

Mr. Shimkus. Will the gentleman yield? Did you tell him who was chairing it?

Mr. Barton. I did, actually.

Mr. Shimkus. All right.

Mr. Barton. Yes, I said it's subcommittee and he said no, I don't do subcommittee anymore. And I said well, Shimkus -- Chairman Shimkus is chairing it and that made him think, Mr. Chairman. But he said he'd wait until full committee.

But this is an important markup. We have jacked around with nuclear waste storage in this country literally for almost 40 years and we finally have a bipartisan solution, at least it sounds like it's going to be bipartisan, and that is a nontrivial accomplishment. And you and Mr. Tonko are to be commended along with our full committee chairman and ranking

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member, Mr. Pallone, for working together to make this happen.

And, of course, I've been messing with this for as long as I've been in the Congress and I will say I am proud of some of the parts of the underlying bill, especially the part that requires local support -- state support.

That -- I think if we made one huge mistake early on it was not giving the states more input into the initial process. If we had let Nevada have a bigger say up front we might not have the mess we have today.

So I am very supportive of the underlying bill and I have great encouragement for Congresswoman Matsui and what she's attempting to do on interim storage. I understand that she's going to withdraw -- at least, I am told she may offer to withdraw.

That may be late-breaking news that she doesn't know yet herself. But I am going to work with her on that at the appropriate time.

So with that, I am very supportive of the underlying bill and I yield back.

Mr. Shimkus. Chair thanks the gentleman and the gentleman yields back his time.

The chair now looks to the minority side. Anyone seek time? Is there anyone wishing to offer an amendment? Hint,

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hint.

The chair recognizes the gentlelady from California for what purpose?

Ms. Matsui. Chairman.

Mr. Shimkus. Will the Clerk report the amendment?

The Clerk. Amendment to the discussion draft offered by Ms. Matsui.

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

Ms. Matsui. Thank you, Mr. Chairman. I do appreciate the discussion we are having here today. I believe it's moving the process forward.

I do appreciate this opportunity to discuss the importance of the safe and thorough disposal of spent nuclear fuel.

The Rancho Seco Nuclear Power Plant, which was operated by my local utility until 1989 when it was shut down, since then it has gone through the decommissioning process, which was completed in 2008.

But spent nuclear fuel is still housed on site. This has been a problem not only for our local utility but also the surrounding community. We have seen firsthand in the Sacramento region the consequences of inaction on spent nuclear fuel.

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That is why I am offering an amendment today that would authorize a pilot storage facility for priority nuclear waste from decommissioned nuclear reactors.

There is an urgent need to change the way that our country stores spent nuclear fuel and I thank the chairman for recognizing this issue in his legislation.

But the legislation before us does not allow a storage program to begin until a final decision is made on a permanent repository.

Unfortunately, decommissioned nuclear facilities that keep their spent fuel on site cannot wait for the repository process to play out before moving their waste.

Across the country there are 20 shut down commercial reactors at 17 sites in 12 states with spent fuel on site. These reactors are all over the country, from outside of my district in California to Illinois, Wisconsin, Vermont and Oregon.

While experts that monitored on-site storage does not present immediate safety issues, it is still problematic for host communities. The communities that are home to these shut down sites never expected to house long-term storage facilities.

They did not consent to this type of use and it obstructs redevelopment for economically productive uses.

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These communities are counting on the federal government's obligation to provide a functioning disposal program as outlined in the Nuclear Waste Policy Act.

We did not follow through on our obligation to these communities and their local utilities and the result has been lawsuits and significant liability for taxpayers.

The Department of Energy estimates that it could pay out more than 30 -- over \$30 billion as part of the settlements for disposal litigation.

But the real dollar figure could be much higher because the department assumes it will be in a position to begin disposing of spent fuel in 2023, using a pilot consolidated storage facility. Any delay in this schedule will only increase the department's liabilities.

Authorizing a pilot interim storage program will begin the process of reducing DOE's liabilities. But a pilot program does not mean we need to abandon a nuclear repository.

In fact, my amendment directs the department to evaluate the extent to which a storage proposal enhances the flexibility of our nuclear waste disposal system including the impacts for a permanent repository.

I understand a repository is a priority for some of the members on our committee. But regardless of how members feel

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about a permanent repository, I believe you can support my amendment.

My amendment presents an opportunity to take an important step towards solving this problem our nation has faced for decades.

The Nuclear Regulatory Commission has received two applications to establish interim storage facilities. There are private companies in consenting communities that want to help us with the challenge.

Let's authorize a pilot storage program and stay out of their way so they can solve the problem. And as Mr. Barton already announced, I would like to respectfully withdraw my amendment.

But this is a very important issue to many people in many states. So I'd like to ask for your -- Mr. Chairman, your commitment to continue working on this as we move forward.

Mr. Shimkus. Yes, I look forward. I am going to claim some time to speak on -- after you withdraw the amendment. I think Mr. Tonko may want some time, and I will then get engaged.

Ms. Matsui. Right. Mr. Tonko.

Mr. Tonko. Thank you. Thank you, Mr. Chair. I move to strike the last word.

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Mr. Shimkus. Let me get this organized properly. Does the gentlelady yield back the time?

Ms. Matsui. I yield -- yielding back.

Mr. Shimkus. I now recognize the gentleman from New York for five minutes.

Mr. Tonko. Thank you. I like Mr. Peters' amendment. I believe proposals which can more quickly facilitate an interim storage option while the NRC works to address concerns over the Yucca application are a good step in the direction of limiting taxpayers' liability through the judgment fund in solving our nation's nuclear waste challenges.

This issue is particularly important for sites that have already gone through decommissioning. This proposal pilot project could provide relief and security to those host communities.

So I urge my colleagues to support Ms. Matsui's amendment. I yield back.

Mr. Shimkus. Gentleman yields his time.

Mr. Pallone. I was going to take his time but go ahead.

Mr. Shimkus. The chair recognizes the gentleman from New Jersey to strike the last word for five minutes.

Mr. Pallone. I just wanted to stress that this is an important amendment that would require the Department of

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Energy to set up the pilot program for the interim storage of nuclear waste.

Since 2013, five nuclear power plants have shut down and stopped generating power and six more are scheduled to close between now and 2025 including the Oyster Creek Nuclear Generating Station in New Jersey.

Oyster Creek will soon stop providing power but will continue to provide a home to spent nuclear fuel long into the future unless we come together to fix this program.

And I know that many of my colleagues here today face similar circumstances in their communities including Ms. Matsui.

At soon to be shut down plants, the surrounding communities are realizing that the nuclear waste currently sitting in dry cask and spent fuel pools at these sites will be stored there indefinitely when the plant closes absent a workable national solution, and that's why I believe that the Matsui amendment is important.

We can't simply wait around any longer while all the issues related to building a permanent repository are addressed. We need to take action now to set up a pilot program to develop sites to house nuclear waste in the interim.

And there are several shut down plants across the

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country where all of the decommissioning work has been completed and the sites would be ready to be repurposed except for the fact that there is no place for the spent nuclear fuel on site to go.

So I urge all my colleagues to support this amendment and yield back the balance of my time.

Mr. Shimkus. Gentleman yields back his time.

I'll strike the last word to respond. First of all, I agree. This is a very important amendment and that's why we tried to address it in the original text of the bill before us and I pledge time to work together to find a compromise.

Let me -- let me tell the dilemma. I do think establishing a time line is very, very important and I think what you'll see, based upon DOE and NRC aspects, is even going to interim is a three- to five-year time frame where adjudication of the license application is a three-year issue.

Adjudication of the license application doesn't mean that we are even going to move to long-term. The license application could say Yucca's not fit after they hear the adjudication response.

So it's important for us to move on interim storage. So we are -- we are really close. The other concern is this. We want to be careful that in the use of the nuclear waste

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fund that money doesn't get so pulled away in the interim debate that we can't fund the long term storage provisions.

So those are -- those are concerns and we look forward to working with you. We are very, very close. We all have what I would call dead plants, right. We all -- the thing that's also not part of this debate is the defense waste issue, which the chairman of the full committee mentioned Hanford, and there are some really nasty defense waste issues that have to have a long-term storage location and for decades that place has also been, you know, on federal land in the state of Nevada.

So I pledge, honestly, to work with you on this.

Mr. Barton. Would the chairman yield?

Mr. Shimkus. Yes, I would yield.

Mr. Barton. I am, obviously, not the subcommittee or full committee chairman but I am the vice chairman and I believe the key to solving the long-term storage issue is interim storage. I really -- we have tried for 30 years to have one repository and force that to be the answer. That solution does not work. If you, as you have done wisely, Mr. Chairman, create an interim option with the understanding that interim is not a surrogate for long term, the interim storage facilitates the, I would say, the certainty but at least the probability that there be a long-term solution that

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is satisfied.

Now, the key question is that you have -- as you have said in your comments, what happens if they don't certify Yucca. Now, we assume that they are going to because it's passed all the precertification requirements and stuff. But what if they don't?

So this interim option for the very reasons the gentlelady from California enunciated and Mr. Pallone elaborated on is paramount to solving the long-term problem.

So I take at face value what you just told the gentlelady from California is that you will work with her to solve this.

I will work with you to help her solve it because this is -- this is kind of -- this is what really solves the problem and we -- it is so great to come to subcommittee and hear a bipartisan solution and we need to build on that.

Things that last in law are things that are bipartisan and we have a once in a political lifetime opportunity under your leadership to solve one of the most vexatious problems that we face at this committee and that countries face.

So I want to commend you and I want to commend Ms. Matsui. Let's really work together and fix this, and with that I yield back.

Mr. Shimkus. The chair recognizes the lady from

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California.

Ms. Matsui. Thank you very much and I appreciate very much Mr. Barton's comments and, Mr. Chairman, I do -- I understand your comments.

I do wish to move forward with you and I believe we are very close with this pilot aspect that I think gives us an opportunity really to go forward in a way where we are not -- we are not actually promising everything but we are moving forward and I think this is the thing that could actually break through.

So I appreciate your comments and I am hoping to work with you so I can withdraw this amendment and move forward.

Mr. Shimkus. Is there objection to the gentlelady withdrawing the amendment?

Hearing none, so ordered and the chair thanks the gentlelady.

Ms. Matsui. Thank you

Mr. Shimkus. Are there further amendments?

The chair recognizes the gentleman from California.

Mr. Cardenas. Thank you, Mr. Chairman, and I appreciate the opportunity for us to publically discuss this incredibly important issue.

Amendment number two, I believe it's numbered.

Mr. Shimkus. Clerk will report the amendment.

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The Clerk. Amendment to the discussion draft offered by Mr. Cardenas.

Mr. Shimkus. Gentleman is recognized for five minutes in support of his amendment.

Mr. Cardenas. Thank you very much, Mr. Chairman.

My amendment would strike Section 202 of the bill dealing with water rights. Over 10 years ago, after the DOE had applied for water rights at the Yucca Mountain site, the Nevada state engineer ultimately denied the application on the grounds that the proposed uses were not beneficial and were detrimental to the interests of the Nevada public.

Now, Section 202 of the draft before us simply declares the water uses at the Yucca Mountain site to be beneficial and not detrimental to the public interest.

This section fundamentally undermines the basis Nevada -- of Nevada's use -- that Nevada used to deny the water rights application. But I simply say states' rights, ladies and gentlemen.

In fact, in the 113th Congress, the House voted on the Water Rights Protection Act authored by Representative Tipton of Colorado and I was pleased to remind us that every Republican did in fact vote aye for it.

The bill prohibited so-called federal water grabs by prohibiting federal agencies from requiring the transfer of

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privately-held water rights to the federal government and my question to us today, colleagues, is does Section 202 of the bill before us today fall into the category of a federal water grab.

There is litigation on this case right now. The case is not moving because the Yucca Mountain licensing process has stalled. I urge members to support my amendment.

While I agree that we need to come up with a solution to our country's nuclear waste problem, creating a legal fact to take water rights from the state of Nevada in this instance is premature and sets us on a slippery slope and certainly sets a bad precedent. And once again, I want to thank the chairman for recognizing me so I could present my amendment, and I yield back.

Mr. Shimkus. The gentleman yields back his time.

Let me strike the last word in opposition to the amendment. But, again, this is another one where we really want to talk and figure out.

I know water rights in the West, that's the real deal. So we understand the challenges. This amendment strikes Section 202 from the committee print. In my opening statement I acknowledged the concern regarding provisions and sensitivity to water access and I appreciate my colleagues' concern.

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Congress established the Nuclear Waste Management Policy and designated the Yucca Mountain site as the location of the first repository. Remember, I say first because we got so much nuclear waste and defense waste on the ground that there could possibly be a future one somewhere else.

Despite federal law, the state of Nevada has refused to issue necessary water access permits to the Department of Energy for the Yucca Mountain site.

This section will deem the project -- Section 202 will deem the project in the public interest and beneficial to interstate commerce and is enacted only if the NRC issues an authorization to construct the repository.

So during the adjudication phase -- that is not an issue -- and the Yucca Mountain site moves forward it does not provide for an unlimited taking of water from the state of Nevada.

The Nuclear Regulatory Commission staff noted that access to sufficient quantities of water is one of the two unresolved issues to authorize Yucca Mountain construction.

I understand, as my colleague has mentioned, that there is litigation between Nevada and DOE and currently under a stay. If NRC decides to issue the Yucca Mountain license, the litigation would still need to be brought to completion. The provision would assist DOE to receive a favorable

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decision from the court if DOE and the state of Nevada have not yet come to an agreement.

I urge opposition to the amendment. We will listen to the debate and we will see where we go from here and I do appreciate my colleague raising the issue.

And I will yield back my time and recognize the ranking member of the subcommittee, Mr. Tonko, for five minutes.

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

Mr. Shimkus. Gentleman is recognized for five minutes.

Mr. Tonko. Thank you.

The bill before us would determine the Yucca Mountain repository would be a beneficial use of water, which would essentially override the state of Nevada's objection over its water rights.

States, especially Western states, are incredibly protective of these rights, and I would recommend caution before going down that road.

First and foremost, I do not think this is an issue we need to address at this time. We can allow the administration to more clearly articulate its policy toward Yucca, allow Congress to appropriate necessary funds to restart the application process and begin to address the hundreds of other contentions with the application and then determine whether such a drastic legislative action is

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necessary. Whether it is necessary or not, I cannot say at this time. But I do not -- but I do know it will be years before we need to have this debate in earnest.

So I would urge my colleagues to support the gentleman's amendment, preserve Nevada's water rights and give us time to determine whether such a debate is required.

And with that, I will yield my remaining time to Frank Pallone.

Mr. Pallone. Thank you, Mr. Tonko.

I wanted to thank the chairman again for his efforts on this bill. But, again, while I want to move forward on interim storage on ensuring that the money ratepayers have already paid into the nuclear waste fund is put to its intended use and on stemming the flow of taxpayer money out of the damage fund, there are a number of provisions in this proposal that prevent me from supporting it today.

The Cardenas amendment speaks to one of those provisions, Section 202, which has the effect of stripping water rights from the state of Nevada.

Mr. Chairman, this is obviously a controversial issue. I am fortunate to be from New Jersey where water rights to date at least have not often been a major contentious issue.

However, I spent many years on the Natural Resources Committee and I learned quickly and well that those matters

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are of paramount concern to my colleagues on both sides of the aisle from the West and diminishing or interfering or preempting water rights, particularly those of a Western state, is not something to be done lightly or in the eyes of many Republicans or Democratic members to be done at all.

In fact, in previous nuclear waste bills reported by this committee we have actually included savings clauses to preserve state water rights, not preempt them.

I understand that the chairman believes that this language is necessary in order for the licensing of the Yucca Mountain project to move forward but I just don't agree.

Perhaps time will prove me wrong and such a dramatic move might have to be something that Congress considers. But I don't think that time is now and I don't think there is any reason for members of this committee to be forced to take such precipitous action on such a contentious issue.

Mr. Cardenas' amendment would address one of my chief concerns with this legislation and go a long way towards getting to a legislative product that members on both sides of the aisle can strongly support.

So, Mr. Chairman, we have the chance to produce the first major positive change to nuclear waste policy in some 30 years. The administration and the Appropriations Committee are doing the things necessary to get the Yucca

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project license moving again.

But let's let them do their work. Let us focus on the things that we can do and need to do, set up a real consolidated interim storage program and ensure that both taxpayers and rate payers are made whole.

And so I urge my colleagues to adopt the Cardenas amendment. I yield back to Mr. Tonko.

Mr. Tonko. And I yield back, Mr. Chair.

Mr. Shimkus. The gentleman yields back his time.

Anyone else seeking time? Mr. Cardenas.

Mr. Cardenas. I would like the last --

Mr. Shimkus. You've already had your -- let Mr. McNerney claim time and maybe he can yield you some time. The gentleman is recognized for five minutes.

Mr. McNerney. I thank the chairman and I have been down to Yucca Mountain with the chairman. I want to see this move forward aggressively but, like Mr. Barton said, one of the early mistakes was that Nevada -- the state of Nevada feels like this is being forced upon them without any say.

One of the most poisonous issues is water rights in the West. So if we have the appearance of forcing a change on water rights in the West you'll have a very fierce opposition.

There is bound to be a better way to move forward on

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this. I am not sure what that is but I would certainly like to work with the chairman and other members to try and find that solution because we need to find a solution.

And with that, I will yield to my colleague from California.

Mr. Cardenas. Thank you very much, and thank you, Mr. Chairman. I appreciate your words and your commitment to work on this very specific issue.

And you're darn right, water rights are a big issue all over the world but certainly we have had some epic legal and legislative battles, and I'll quote a famous quote from a very famous American that said, whiskey is for drinking and water is for fighting over, and nothing could be further from the truth.

This nuclear waste policy is complicated. It is complicated, and I do appreciate the effort of all of my colleagues in years past and present and that is why, Mr. Chairman, it's good for me to hear your commitment on the record here to those of us who are serving together trying to solve this complicated matter.

So I will say that I look forward to work with you, Mr. Chairman, and all of my colleagues to advance carefully drafted legislation on this complicated issue.

And with that in mind in the spirit of cooperation and

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your commitment, Mr. Chairman, I'll withdraw my amendment.

Mr. Shimkus. Is there objection?

Hearing none, the chair thanks the gentleman for his words and we look forward to talking about this in the next week or two.

Are there any other amendments?

Seeing none, the question now occurs on forwarding the Nuclear Waste Policy Amendments Act of 2017 to the full committee.

All those in favor say aye.

Those opposed, no.

The ayes appear to have it. The ayes have it. The bill is agreed to.

The chair now calls up H.R. 806 and asks the Clerk to report.

The Clerk. H.R. 806 -- to facilitate efficient state implementation of ground level ozone standards and --

[The bill, H.R. 806, follows:]

*****INSERT 3*****

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Mr. Shimkus. Without objection, the first reading of the bill is dispensed with and the bill will now be open for amendments at any point, so ordered.

Mr. Ruiz. I have an amendment.

Mr. Shimkus. First of all, are there any bipartisan amendments? Just checking. For what purpose does the gentleman from California seek recognition?

Mr. Ruiz. Mr. Chairman, I have an amendment at the desk, hoping that it would be bipartisan.

Mr. Shimkus. Clerk will -- the Clerk will -- is it Amendment Number One?

Mr. Ruiz. Yes.

Mr. Shimkus. The Clerk will report the amendment.

The Clerk. The amendment to H.R. 806, offered by Mr. Ruiz.

Mr. Shimkus. The gentleman is recognized for five minutes in support of his amendment.

Mr. Ruiz. Mr. Chairman, my amendment is very simple. My amendment states that if CASAC, the Clean Air Scientific Advisory Committee, determines that delaying implementation of the 2015 ozone standards will increase health risks, especially to our vulnerable populations like children, seniors or pregnant women or outdoor workers, then Section 2 of the bill, which will delay the standards, will not take

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effect.

Today, those of us voting have a choice to protect the public's health or not. But all of us, our constituents, do not have a choice about the air we breathe daily, because we all breathe every day thousands of times a day and throughout our entire lives.

I have treated in the emergency department countless patients suffering from heart diseases and lung diseases including children suffering from an acute asthma attack, struggling for every breath.

I am going to ask everybody in this room if they can raise their hand if they have a child, a loved one, a grandchild who has asthma.

So it affects a lot of us and it is painful, frightening and no parent should have to go through that experience because we lack the will to ensure we all have clean air to breathe. Implementation of a new standard like the 2015 ozone standard takes time, which everyone understands, and the Clean Air Act provides the flexibility needed for areas that have more serious air pollution problems and face bigger challenges to achieving cleaner air.

No one expects that all areas will achieve these standards immediately. But it is vital that we get started. If we delay the implementation of the 2015 ozone standard,

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southern Californians who already subjected to some of the worst air quality in the nation will fall even further behind the rest of the nation.

There is clear widely accepted scientific evidence that air pollution harms people and if you doubt it ask your doctors.

The rates for asthma in some areas are very high. For example, in my area, south to my district, the rates for asthma-related emergency room visits for children ages five to 17 in Imperial County are more than double than the rate for California as a whole.

A report from the American Lung Association indicates that over 54,000 children and over 132 adults suffer from asthma in Riverside County, which are at risk for worsening air pollution.

So we should be supporting our communities as they work to improve air quality for their residents. The delays in H.R. 806 would undoubtedly impose a heavy cost on our public's health. But what does this really mean?

The public health costs are measured by the aggregate costs of impairing people's health, robbing them of time at school, their work and creating economic burdens associated with their excess health care expenses.

Put simply, if we do not hurry we will pay a higher cost

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in both suffering and economic impacts later. Through cleaner faster air protections we can actually mitigate and in some cases completely avoid this pain and suffering, not to mention the costs.

We should not slow our momentum. We heard from Dr. Boushey during our April hearing about the array of pulmonary and cardiovascular diseases associated with breathing polluted air with high levels of ozone.

Ozone is highly reactive in the respiratory tract, interacting with proteins in the lung lining fluid, causing inflammation. Long-term exposure to ozone is linked to permanent cell damage and stunted lung development.

Those of us who took anatomy class in medical school dissected cadavers and we have seen lungs that are black and those lungs usually are compared with those that are from rural areas because the black lungs are from high air-polluted urban areas.

Furthermore, studies have directly linked exposure to higher levels of ozone with topological effects on the nervous system and brain. Prenatal exposure to polluted air that continues through infancy and into adolescence impairs lung development and can impact the health of children as adults.

The good news, however, is that it can be reversible at

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times if we clean our air. A study in the American Journal of Respiratory and Critical Care Medicine found that children who moved to areas with lower concentrations of particulate matter then experienced increased lung growth and lung function.

So the data is clear. Before we delay the implementation of updating ozone standards that aim to protect the public's health, we should understand the full range of consequences behind that decision. That is responsible policy making and what the American people expect.

So we must continue to put the American public's health first and we can start by ensuring the air everyone breathes is conducive to a long and healthy life.

So Congress established CASAC to provide expert guidance. Let's follow the expert advice. My amendment calls on us to do just that and I hope my colleagues will support protecting the public's health and support my simple common sense straight forward amendment.

Thank you, Mr. Chairman, and I yield back the balance of my time.

Mr. Shimkus. The gentleman yields back his time.

The chair looks to the gentleman from Texas.

Mr. Olson. Strike the last word.

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Mr. Shimkus. Gentleman is recognized for five minutes.

Mr. Olson. I thank the chair, and to open, I want to say that yesterday hit home. It hit hard. Four weeks ago, I had dinner with Scalise and Agents Griner and Bailey in Sugar Land, Texas at the Perry's Steakhouse.

We can't do much now for them except for pray. So I ask everyone to pray for the two civilians wounded and heroic officers, Steve, his wife, Jennifer, and his daughter, Madison, and his son, Harrison.

Today we're marking up my bill, H.R. 806, the Ozone Standards Implementation Act. A nearly identical bill passed the House in the 113th and 114th Congresses. It should pass this current 115th Congress starting today.

I would like to thank my bipartisan colleagues -- Congressmen Flores, Latta, the whip, Scalise, who is here in prayer, as original co-sponsors of this bill as well as continued support from Leader McCarthy and Democrats Sanford Bishop of Georgia and Henry Cuellar from Texas.

This bill creates a path to move forward on air quality. It fixes the mess of the last eight years by giving long overdue reforms to the process on which EPA sets new ozone standards.

As we have seen since 2008, EPA has a terrible track record -- delayed guidance and sloppy tools that give local

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officials roadblock after roadblock after roadblock.

And now we are close to the point where lower standards are out of our control. Naturally-occurring ozone comes from trees and livestock. Ozone from Asia, annual crop burnings in Mexico, exceptional events like forest fires hinder compliance.

You can't control what you can't control. My ozone bill would allow states to fully implement the 2008 standards before imposing requirements from the most recent late 2015 lower standards.

Ozone has declined by about a third since 1980 and the 2008 standards and regulations already in place will ensure continued improvements for the next eight years until the new standard is implemented.

This amendment will allow the Clean Air Scientific Advisory Panel to nullify one of the central provisions of this bill. CASAC is the last agency we want to empower.

The fact is they have been idle for over a decade. Section 109(d)(2)(C)(4) of the Clean Air Act expressly requires the Clean Air Advisory Council, CASAC, to, quote, "advise the administrator of any adverse political public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such national ambient air quality standards,"

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end quote.

Despite this provision, EPA has never requested such advice from CASAC. I say again, EPA has never requested such advice from CASAC.

Ozone air quality will continue to improve under H.R. 806. EPA, and I quote, "projects the vast majority of U.S. counties that meet the 2015 standards by 2025 just within the rules and programs now in place or underway." No change necessary.

The bill does not limit states from imposing more stringent emission requirements. If a state finds such instances, Section 2 allows it.

Nowhere does this bill authorize states to increase their emissions. Nowhere does this bill allow states to increase their emissions. This is about improving air quality in a manner that doesn't require states to duplicate paperwork requirements.

Put quite simply, my bill allows counties in moderate attainment areas of the 2008 ozone standards like Harris County, Texas, or Cook County, Illinois, or Middlesex County, New Jersey and counties in severe nonattainment areas like Riverside County, California, to keep making progress by spending their dollars on lowering their ozone instead of sending millions of dollars in fines to Washington, D.C.

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Let's make the Clean Air Act work again.

Vote against this amendment and for final passage of H.R. 806. I yield back.

Mr. Shimkus. Gentleman yields back his time. Anyone seeking time? The chair recognizes the ranking member of the subcommittee, Mr. Tonko. He is striking the last word for five minutes.

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

Mr. Shimkus. The gentleman is recognized five minutes.

Mr. Tonko. Thank you. Dr. Ruiz's amendment would strike the delay of the 2015 Ozone National Ambient Air Quality Standard if EPA's Clean Air Scientific Advisory Committee finds that it would impact the public health of vulnerable populations.

According to a peer review 2011 EPA study, in 2010 alone the Clean Air Act prevented over 160,000 premature deaths, 130,000 cases of heart disease, 1.7 million asthma attacks and millions of respiratory illnesses.

Many of those health benefits have been enjoyed by vulnerable populations, particularly our children. Before the 2015 ozone standard was finalized, the Clean Air Scientific Advisory Committee concluded that there was ample scientific evidence to recommend a range of levels or revised primary ozone standards from 70 to 60 parts per billion.

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EPA settled on the high end of that range. We know that the current best available science would justify an even more protective standard. So at the very least we should allow the advisory committee to review this delay and ensure that vulnerable populations will not be negatively impacted by retaining the previous inadequate standard any longer.

While we have made remarkable strides in air quality since the passage of the Clean Air Act, we still have a long way to go. The American Lung Association's 2017 State of the Air Report found that nearly four in 10 people in the United States live in counties that have unhealthful levels of either ozone or particle pollution.

Simply put, that is not good enough. Delaying EPA's more protective health standards will only serve to delay these Americans' access to guaranteed clean air.

When it comes to air pollution, children are extremely vulnerable populations. They have small lungs and we like to encourage them to run around outside.

We should think very carefully and oppose any decisions that have a disproportionate negative effect on the health of children. We have to ensure that the health protective standards required by the law are doing their job.

So therefore, the least we can do is have the independent Clean Air Scientific Advisory Board confirm that

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is the case before delaying implementation of the 2015 standards.

Because of that, I ask my colleagues to support Dr. Ruiz's amendment and I have time remaining if anyone wants to -- okay, I'll yield back. Thank you.

Mr. Shimkus. Gentleman yields back his time.

And the gentleman from Texas, Mr. Flores, for what purpose?

Mr. Flores. Move to strike the last word.

Mr. Shimkus. Gentleman is recognized for five minutes.

Mr. Flores. Thank you, Mr. Chairman. Thank you for holding today's markup on this important legislation that updates our energy infrastructure and environmental laws.

Our laws and regulations should protect life and health in a way that keeps the economy moving. Although I appreciate the EPA's action last week that gives states an additional year to comply with the 2015 ozone standard, we have more work to do to give states long-term regulatory certainty.

Unfortunately, communities still face challenges of implementing two standards at once, causing unneeded permitting uncertainty as infrastructure projects and expansion plans for businesses are put on hold.

As a co-author of the bill with my friend, Mr. Olson,

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and our friends across the aisle, H.R. 806 modernizes our ozone laws to reflect actual implementation reality and will allow these crucial investment projects to move forward.

I also appreciate the chairman's dedication to a long-term solution for nuclear waste storage. And one of the things that's interesting about Mr. Ruiz's amendment is that virtually all of the counties in the country with the exception of California are going to meet the 2015 standard by 2025. And so I'd like to use some of the comments from earlier in 2016 when we last had a hearing on this bill. This was commenting on the bill language in 2016 by the San Joaquin Valley Air Pollution Control District Director Sadedrin.

He said it does not roll back anything that is in the Clean Air Act for protection for public health, safeguarding public health and it does nothing to roll back any of the progress that has been made and it will not impede or slow down our progress as we move forward to reduce air pollution and improve our health.

Further on H.R. 806, the current bill, he said there is nothing in this bill that would roll back even a single measure that we have already put in place and will hold back anything that we have to do and are planning to do moving forward to meet the current standards.

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The EPA itself -- if I can find the language there -- the EPA itself rejects that the vast majority of U.S. counties will meet the 2015 ozone standards by 2025 with just the rules and programs now in place or underway.

So with respect to Mr. Ruiz's amendment, I mean, if we wanted to limit this to just California I would probably be okay with it because California is not going to meet the -- it doesn't meet the 2008 standard. It's not going to meet the 2015 standard by 2025 or any date, moving forward, because of the unique nature of California.

That said, I would urge a vote for H.R. 806 and a vote against the Ruiz amendment. Thank you. I yield back.

Mr. Shimkus. Gentleman yields back his time.

The chair now recognizes the ranking member of the full committee, Mr. Pallone, for what purpose?

Mr. Pallone. In support of the Ruiz amendment, Mr. Chairman.

Mr. Shimkus. Gentleman is recognized for five minutes.

Mr. Pallone. Thank you, Mr. Chairman.

The bill's supporters argue that the purpose of Section 2-A is merely to give states enough time to implement EPA's 2015 ozone standard.

But the American public has waited far too long, in my opinion, for adequate protection from high levels of ozone.

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I mentioned that in my state we have had, you know, with the high temperatures that we had over the last week we have had several ozone alerts.

The promise of the Clean Air Act's air quality standards is healthy air for the entire nation. But the previous ozone standard has fallen short and since 2008 it has been weaker than the science and the law would allow.

So in 2015, EPA strengthened the ozone standard based on yet another exhaustive review of the scientific evidence. EPA's stronger ozone standard would help avoid a litany of adverse health impacts, as Dr. Ruiz mentioned, from asthma attacks in children to missed school days, premature deaths and EPA estimates that the benefits associated with the new ozone standards range from \$2.9 billion to \$5.9 billion annually, outweighing the costs by approximately \$1.4 billion.

But this bill would essentially say that the negative consequences of ozone pollution and the benefits of cleaner air don't matter. Section 2-A of the bill would block implementation of the updated ozone standards, jeopardizing the health and safety of all Americans.

Again, I don't understand it where the Republicans are coming from. Everyone is impacted. As I mentioned, we have smog alerts in New Jersey. The president is going to be in

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New Jersey this weekend on the golf course. He's going to be breathing the same air as everybody else.

I don't understand why he and, you know, the Republican leaders don't understand that this is something that must be done for all Americans -- you know, that we need these stronger standards regardless of where you live or where you operate. You can't deny the science.

I mean, the science is clear and it just -- it bothers me that we continue to get these efforts to say that we can delay this, you know, it doesn't matter.

Mr. Olson mentioned one of my counties, Middlesex County, New Jersey. I assure you, Mr. Olson, that Middlesex County would not support this bill. I am sure that if I -- if I even mentioned it to them they'd pass an ordinance for a resolution tomorrow saying that they don't support the bill and they'd want the standards to go into place because of the impact on the public, you know, whether it's asthma or the other concerns that we have.

Now, the proponents of this bill have repeatedly stated that it's not intended to roll back any of the existing health protections afforded in the Clean Air Act. But I think that that is simply not true.

The bill radically changes numerous provisions of the law that ensures that we all breathe safe air. But if

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Republicans want to claim that this bill is not intended to weaken the Clean Air Act and endanger public health, there is no reason why they should object to Mr. Ruiz's amendment.

His amendment simply states that implementation of EPA's 2015 ozone standard would not be delayed if the Clean Air Scientific Advisory Committee finds that doing so causes serious harm to human health including asthma attacks and other respiratory diseases, heart attacks, strokes, birth defects or premature death.

He is only -- Mr. Ruiz is basically saying, leave it to the scientists to tell us. Don't leave it to the lay people or to us. Leave it to the scientists.

Swift implementation of the new ozone standards has meaningful real world benefits. These public health benefits and air quality protections are especially important for the most vulnerable -- babies, kids, seniors -- and they all would be needlessly blocked by this bill.

I think Americans rely on the EPA to hold polluters responsible for cleaning up their pollution. It's just common sense. If you stop the EPA from doing its job, public health will suffer.

If you don't want to block efforts to clean up air pollution that's contributing to asthma and all these other things, then support this amendment.

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Adoption of Mr. Ruiz's amendment will make it perfectly clear that EPA can continue to clean up air pollution that causes serious health effects and so I urge my colleagues to support this amendment. It's just common sense, in my opinion.

I yield back.

Mr. Shimkus. Gentleman yields back his time. Anyone seeking time to speak on the amendment?

If there is no further discussion, the vote occurs on the amendment.

All those in favor signify by saying aye.

All oppose, no.

The noes have it, in the opinion of the chair.

Mr. Ruiz. Mr. Chairman, I'd like to record the vote.

Mr. Shimkus. The gentleman requests a recorded vote.
Clerk will call the vote slowly.

The Clerk. Mr. McKinley.

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

Mr. Barton.

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Murphy.

Mr. Murphy. No.

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The Clerk. Mr. Murphy votes no.

Mrs. Blackburn.

[No response.]

The Clerk. Mr. Harper.

[No response.]

The Clerk. Mr. Olson.

Mr. Olson. No.

The Clerk. Mr. Olson votes no.

Mr. Johnson.

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Flores.

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

Mr. Hudson.

[No response.]

Mr. Cramer.

Mr. Cramer. No.

The Clerk. Mr. Cramer votes no.

Mr. Walberg.

[No response.]

Mr. Carter.

Mr. Carter. No.

The Clerk. Mr. Carter votes no.

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Mr. Walden.

[No response.]

Mr. Tonko.

Mr. Tonko. For the people, aye.

The Clerk. Mr. Tonko votes aye.

Mr. Ruiz.

Mr. Ruiz. Aye.

The Clerk. Mr. Ruiz votes aye.

Mr. Peters.

Mr. Peters. Aye.

The Clerk. Mr. Peters votes aye.

Mr. Green.

Mr. Green. Aye.

The Clerk. Mr. Green votes aye.

Ms. DeGette.

Ms. DeGette. Aye.

The Clerk. Ms. DeGette votes aye.

Mr. McNerney.

Mr. McNerney. Aye.

The Clerk. Mr. McNerney votes aye.

Mr. Cardenas.

Mr. Cardenas. Aye.

The Clerk. Mr. Cardenas votes aye.

Ms. Dingell.

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[No response.]

Ms. Matsui.

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.

Mr. Pallone.

Mr. Pallone. Aye.

The Clerk. Mr. Pallone votes aye.

Chairman Shimkus.

Mr. Shimkus. Did you call me?

The Clerk. Chairman Shimkus.

Mr. Shimkus. Chairman Shimkus votes no.

The Clerk. Chairman Shimkus votes no.

Mr. Shimkus. For what purpose does the gentleman from Mississippi rise?

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

Mr. Shimkus. Is there anybody else wishing to record their vote?

The Clerk. Chairman Walden.

The Chairman. No.

The Clerk. Chairman Walden votes no.

Mr. Walberg.

Mr. Walberg. No.

The Clerk. Mr. Walberg votes no.

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Mr. Shimkus. The Clerk will report the tally.

The Clerk. Mr. Chairman, on that vote there were -- there were nine ayes and 12 noes.

Mr. Shimkus. Nine ayes and 12 noes. The amendment is not agreed to. Does anyone else have an amendment to offer?

The gentleman from California, for what purpose do you rise?

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

Mr. Shimkus. Clerk will report the amendment.

The Clerk. Which number?

Mr. Shimkus. Do any -- does anybody know which --

Mr. McNerney. 806.

The Clerk. Amendment to H.R. 806 offered by Mr. McNerney.

Mr. Shimkus. Gentleman is recognized for five minutes in support of his amendment.

Mr. McNerney. I thank the chair.

My amendment strikes Section 5 of this bill, which states that the bill -- Section 5 states that no additional funds may be used to carry out this legislation.

Mr. Chairman, the administration and the House Republicans continue to ask that the EPA do more and more with less and less resources while also trying -- while also

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tying the hands of our state and local agencies.

This doesn't make sense. It's illogical. And in the case of H.R. 806 it would hamper the EPA's ability to protect our nation's air and water quality.

The Trump administration's proposed budget for fiscal year 2018 recommends cutting the EPA's budget by more than \$2 billion, eliminating dozens of programs.

According to the Center for American Progress, the Trump administration's EPA budget unloads hundreds of millions of dollars of work onto states without giving those states the resources to do the job.

Many states can't afford that kind of dramatic shift. These cuts would be harmful for the 649,000 children and more than 2 million adults with asthma living in my state of California alone.

A March 2017 report by the Environmental Council of States indicated that state environmental agencies rely on federal funding for approximately 27 percent of their budgets.

Thanks for starting the clock, Mr. Chair. I represent one of the worst air quality regions in the nation, the San Joaquin Valley. However, the San Joaquin Valley Air District has been a leader in utilizing EPA grants and expertise to achieve emission reductions for mobile sources showing that

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this federal funding is beneficial.

The valley continues to set emission levels to record lows and has reduced air pollution by more than 80 percent with the help of those grants.

The Valley Air District utilizes EPA targeted air shed grants and Diesel Emission Reduction Act -- that is also DERA -- funding that have been essential in this effort. These grants have helped thousands of agriculture, trucking and other businesses acquire low-emitting trucks, tractors and other equipment.

This funding generates jobs and manufacturing here in the United States. These federal funds have a great track record of benefitting our region and it's a good investment. EPA estimates that for every dollar spent on DERA, more than \$20 in health benefits are generated and all 50 states have these programs.

The Air Valley District stated that more, not less, money is needed to ensure proper protection of the public through the Clean Air Act.

I also want to highlight how this bill combined with other efforts by the Trump administration will continue to negatively impact air quality and public health.

President Trump recently announced he would rescind EPA's final vehicle emission determination, meaning that

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states like California would to be allowed to enact stronger fuel efficiency and emission standards.

This is a state's right that has been responsible for tremendous improvement in mileage efficiency of vehicles across the country. Don't take it away.

States made tremendous progress and significant investments toward addressing climate change and public health. But the bill before us today and actions of the administration will take us back in history. It will harm the public health and hurt our economy.

I urge a yes vote on my amendment and a no vote on H.R. 806. We need to protect the health and well-being of our constituents.

Mr. Chairman, I yield back.

Mr. Shimkus. The gentleman yields back his time.

Who seeks time? The gentleman from Texas is recognized to strike the last word for five minutes.

Mr. Flores. Strike the last word. Thank you, Mr. Chairman.

This amendment would eliminate the restriction on any additional authorizations necessary to carry out the bill.

Under this bill the amount of agency resources needed to review proposed unattainment designations and approving complex state implementation plans under the 2015 ozone

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standards will be greatly reduced.

This amendment is unnecessary since the bill already reduces implementation costs by eliminating redundant and overlapping federal regulatory requirements.

Less red tape means lower implementation cost, thus the amendment would not be needed. States testified that the bill would reduce the cost of implementation -- of implementing their existing ozone programs or continuing to improve and reduce ozone emissions and our states have an excellent track record for cost effective emissions reductions over the last several decades.

The gentleman mentioned states' rights. I mean, California would still be free to do whatever it wants to as long as it meets at least the federal standard.

This bill reduces the continued ozone reductions that lower implementations costs, thus no additional authorizations are needed.

I urge a no vote on this amendment. I yield back.

Mr. Shimkus. The gentleman yields back his time.

Who seeks the time to dispute? The gentleman from New York is recognized to strike the last word for five minutes.

Mr. Tonko. Thank you, Mr. Chair. I move to strike the last word and thank you for the opportunity.

Section 5 of this bill would make it explicit that no

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additional funds are authorized to be appropriated to carry out this act.

I have made my feelings known on this bill as a whole but regardless of your feelings on the bill this section is not just viable. We cannot continue to ask EPA to do more with less and that's what this section requires.

Instead of this language, we should be holding budget hearings to better understand the administration's environmental priorities.

Personally, I believe the cuts to EPA proposed by President Trump's budget, especially the proposed cuts to state and tribal assistance grants, will severely hurt states and our nation's ability to clean up our air.

This bill even includes new reports that would not have access to additional funding. Frankly, I have no problem with asking EPA to look at some of these issues if it's done in a scientifically rigorous manner such as studying the potential for transpacific air pollution.

But it isn't fair to require these studies among other new agency activities without allowing EPA to access additional funds to do so.

So for those reasons I ask my colleagues to support Mr. McNerney's amendment and with that yield back, Mr. Chair.

Mr. Shimkus. Gentleman yields back his time.

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Chair now recognizes the gentleman from Texas five minutes for striking the last word.

Mr. Olson. I thank the chairman.

And facts are little persistent things, and the facts show the EPA can comply with the Clean Air Act over ozone. President Bush in 2008 put out new standards -- 75 parts per billion.

It took President Obama's administration eight years to put out the rules to comply with those new standards. That happened in the spring of 2015. Six short months later, new standards came out -- 70 parts per billion. This is a mess.

Delaying the standards will provide additional time to implement the 2015 ozone standards by extending the date for final designations from 2017 to 2025 and extending new permitting requirements until that date.

That provides states additional time to make sure to comply with the 2015 standards. It gives states the time to fully implement the 2008 standards which EPA issued the guidance seven years later.

EPA projects that based on the 2012 through 2014 data over 240 counties with ozone monitors would violate the 2015 standards but are on track to meet those standards by 2025.

It makes no sense to sweep counties unnecessarily into this burdensome, nonattainment regulatory regime. And how

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about the costs? They are significant.

EPA has estimated compliance costs for the 2008 standards beginning in 2020 of \$7.6 billion to \$8.8 billion annually. EPA estimates compliance costs for the 2015 standards beginning in 2025 of \$2 billion annually including \$1.4 billion outside of California and \$80 million in California.

The Baton Rouge Area Chamber of Commerce recently testified, and I quote, "to clarify the economic impact quantitatively, the unimplemented standards have cost the region at least 35,070 jobs and caused more than \$33.9 billion in capital investment to be completed in other regions."

States and counties were put on hold until a more favorable regulatory climate is established. The current ozone regime is broken and H.R. 806 fixed that by giving EPA the time they have proven they need to comply with the law.

I yield back.

Mr. Shimkus. The gentleman yields back his time.

The chair recognizes the gentleman from New Jersey to strike the last word for five minutes.

Mr. Pallone. Thank you, Mr. Chairman.

I want to indicate my support of the McNerney amendment. When we considered this bill last Congress, the Congressional

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Budget Office identified an additional \$2 million that would be needed to conduct the duplicative study required by Section 3-J.

So that's why Section 5 was added. Although the bill would require additional resources to implement, Section 5 ensures that no new resources will be provided so, again, giving the EPA more to do but not giving them the funds to do it.

We have seen this before. My Republican colleagues have voted time and again to cut the EPA's budget and now the Trump administration is following suit. They say that the goal is efficiency, that EPA must learn to do more with less. But I believe the real goal is to have EPA just do less, and that just removes the environmental cop from the beat.

Polluters benefit but our constituents do not and ultimately we all pay the price. Draconian funding cuts just place a greater burden on states since about 40 percent of EPA's budget is distributed to the states in grants and other assistance, and this is especially true for air quality programs because much of the permitting and preparation of implementation plans done under the Clean Air Act is actually done by the states.

One of the complaints we have heard is that EPA is not providing sufficient guidance early enough in the NAAQS

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process to assist states in meeting their obligation under the law and that states want and need assistance. We heard as much during our legislative hearing.

However, blocking additional funds doesn't do anything to address that concern. In fact, the prohibition of funds in Section 5 will only make the situation worse. It would draw funds and staff attention away from other EPA programs that already are strapped for cash.

And so I urge my colleagues to support the McNerney amendment to strike Section 5 of the bill. It's time for Congress to provide adequate resources to enable the federal government to deliver the services that our constituents require, and I yield back.

Mr. Shimkus. Gentleman yields back his time.

Any members seeking time to speak on the amendment? If there is no further discussion the vote occurs on the amendment.

All those in favor shall signify by saying aye.

Those oppose, no.

The noes have it. The gentleman requests a recorded vote. The Clerk will record the roll call.

The Clerk. Mr. McKinley.

Mr. McKinley. No.

The Clerk. Mr. McKinley votes no.

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Mr. Barton.

[No response.]

Mr. Murphy.

Mr. Murphy. No.

The Clerk. Mr. Murphy votes no.

Mrs. Blackburn.

[No response.]

Mr. Harper.

Mr. Harper. No.

The Clerk. Mr. Harper votes no.

Mr. Olson.

Mr. Olson. No.

The Clerk. Mr. Olson votes no.

Mr. Johnson.

Mr. Johnson. No.

The Clerk. Mr. Johnson votes no.

Mr. Flores.

Mr. Flores. No.

The Clerk. Mr. Flores votes no.

Mr. Hudson.

[No response.]

Mr. Cramer.

Mr. Cramer. No.

The Clerk. Mr. Cramer votes no.

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Mr. Walberg.

[No response.]

Mr. Carter.

Mr. Carter. No.

The Clerk. Mr. Carter votes no.

Mr. Tonko.

Mr. Tonko. Aye.

The Clerk. Mr. Tonko votes aye.

Mr. Ruiz.

Mr. Ruiz. Aye.

The Clerk. Mr. Ruiz votes aye.

Mr. Peters.

Mr. Peters. Aye.

The Clerk. Mr. Peters votes aye.

Mr. Green.

[No response.]

Ms. DeGette.

Ms. DeGette. Aye.

The Clerk. Ms. DeGette votes aye.

Mr. McNerney.

Mr. McNerney. Aye.

The Clerk. Mr. McNerney votes aye.

Mr. Cardenas.

[No response.]

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Ms. Dingell.

[No response.]

Ms. Matsui.

Ms. Matsui. Aye.

The Clerk. Ms. Matsui votes aye.

Mr. Pallone.

Mr. Pallone. Aye.

The Clerk. Mr. Pallone votes aye.

Mr. Shimkus.

Mr. Shimkus. Shimkus votes no.

The Clerk. Mr. Shimkus votes no.

Mr. Shimkus. Any other member -- for what purpose the gentleman from Oregon?

The Clerk. Mr. Walden is not recorded. Mr. Barton is not recorded.

Mr. Barton. No.

The Clerk. Mr. Barton votes no.

Mr. Walberg is not recorded.

Mr. Walberg. No.

The Clerk. Mr. Walberg votes no.

Mr. Shimkus. Any other members seeking to recorded?

Seeing none, the Clerk will report the tally.

The Clerk. Mr. Chairman, on that vote there were seven ayes and 12 noes.

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Mr. Shimkus. Seven ayes and 12 noes. The amendment is not agreed to.

Are there further amendments? Seeing none, the question now occurs on forwarding H.R. 806 to the full committee.

All those in favor will say aye.

Those opposed, no.

The ayes appear to have it.

Mr. Tonko. Mr. Chair.

Mr. Shimkus. Gentleman from New York.

Mr. Tonko. I request a roll call, please.

Mr. Shimkus. Gentleman requests a recorded vote. The Clerk will call the vote.

The Clerk. Mr. McKinley.

Mr. McKinley. Aye.

The Clerk. Mr. McKinley votes aye.

Mr. Barton.

Mr. Barton. Aye.

The Clerk. Mr. Barton votes aye.

Mr. Murphy.

Mr. Murphy. Aye.

The Clerk. Mr. Murphy votes aye.

Mrs. Blackburn.

[No response.]

Mr. Harper.

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Mr. Harper. Aye.

The Clerk. Mr. Harper votes aye.

Mr. Olson.

Mr. Olson. Aye.

The Clerk. Mr. Olson votes aye.

Mr. Johnson.

Mr. Johnson. Aye.

The Clerk. Mr. Johnson votes aye.

Mr. Flores.

Mr. Flores. Aye.

The Clerk. Mr. Flores votes aye.

Mr. Hudson.

[No response.]

Mr. Cramer.

Mr. Cramer. Aye.

The Clerk. Mr. Cramer votes aye.

Mr. Walberg.

Mr. Walberg. Aye.

The Clerk. Mr. Walberg votes aye.

Mr. Carter.

Mr. Carter. Aye.

The Clerk. Mr. Carter votes aye.

Mr. Walden.

The Chairman. Aye.

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The Clerk. Mr. Walden votes aye.

Mr. Tonko.

Mr. Tonko. No.

The Clerk. Mr. Tonko votes no.

Mr. Ruiz.

Mr. Ruiz. No.

The Clerk. Mr. Ruiz votes no.

Mr. Peters.

Mr. Peters. No.

The Clerk. Mr. Peters votes no.

Mr. Green.

[No response.]

Ms. DeGette.

Ms. DeGette. No.

The Clerk. Ms. DeGette votes no.

Mr. McNerney.

Mr. McNerney. No.

The Clerk. Mr. McNerney votes no.

Mr. Cardenas.

[No response.]

Ms. Dingell.

[No response.]

Ms. Matsui.

Ms. Matsui. No.

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The Clerk. Ms. Matsui votes no.

Mr. Pallone.

Mr. Pallone. No.

The Clerk. Mr. Pallone votes no.

Mr. Shimkus.

Mr. Shimkus. Shimkus votes yes.

The Clerk. Mr. Shimkus votes aye.

Mr. Green.

Mr. Green. No.

The Clerk. Mr. Green votes no.

Mr. Shimkus. Any other members seeking to be recorded?

If not, the Clerk will report.

The Clerk. Mr. Chairman, on that vote there were 12 ayes and eight noes.

Mr. Shimkus. Would you say that again? I was distracted.

The Clerk. Mr. Chairman, on that vote there were 12 ayes and eight noes.

Mr. Shimkus. Twelve ayes and eight noes.

The H.R. 40 -- H.R. 806 is now recorded to be reported to the full committee.

Without objection, the staff is authorized to make technical and conforming changes to the legislation approved by the subcommittee today. So ordered.

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I am glad that Jack found wisdom in coming to the subcommittee to find out how cool it was. So I appreciate that.

And I am going to take a personal -- point of personal privilege and identify the young man in the Cardinal -- I think it was a Cardinal shirt. That's my son, my youngest son, Daniel, who made it here for the last markup.

So with that, without objection, the Subcommittee stands adjourned.

[Whereupon, at 12:01 p.m., the Subcommittee was adjourned.]