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6 MARKUP OF

7 H.R. 6409, FOREIGN EMISSIONS AND NONATTAINMENT CLARIFICATION
8 FOR ECONOMIC STABILITY (FENCES);

9 H.R. 4218, CLEAN AIR AND ECONOMIC ADVANCEMENT REFORM (CLEAR)
10 ACT;

11 H.R. 6387, FIRE IMPROVEMENT AND REFORMING EXCEPTIONAL EVENTS
12 (FIRE) ACT;

13 H.R. 4214, CLEAN AIR AND BUILDING INFRASTRUCTURE IMPROVEMENT
14 ACT;

15 H.R. 161, NEW SOURCE REVIEW PERMITTING IMPROVEMENT ACT;

16 H.R. 6373, AIR PERMITTING IMPROVEMENTS TO PROTECT NATIONAL
17 SECURITY ACT; AND

18 H.R. 6398, REDUCING AND ELIMINATING DUPLICATIVE ENVIRONMENTAL
19 REGULATIONS (RED TAPE) ACT.

20 WEDNESDAY, DECEMBER 10, 2025

21 House of Representatives,

22 Subcommittee on Environment,

23 Committee on Energy and Commerce,

24 Washington, D.C.

25

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27 The subcommittee met, pursuant to call, at 10:15 a.m. in

28 Room 2123, Rayburn House Office Building, Hon. Gary J. Palmer
29 [chair of the subcommittee] presiding.

30 Present: Representatives Palmer, Crenshaw, Latta,
31 Griffith, Carter of Georgia, Joyce, Weber, Pfluger, Miller-
32 Meeks, Lee, Langworthy, Evans, Fedorchak, Guthrie, (ex-
33 officio); Tonko, Schakowsky, Ruiz, Peters, Barragan, Soto,
34 Auchincloss, Carter of Louisiana, Menendez, Landsman, and
35 Pallone (ex-officio).

36 Staff Present: Byron Brown, Chief Counsel; Jessica
37 Donlon, General Counsel; Andrew Furman, Professional Staff
38 Member; Sydney Greene, Director of Finance and Logistics;
39 Christen Harsha, Senior Counsel; Annabelle Huffman, Clerk;
40 Calvin Huggins, Clerk; Megan Jackson, Staff Director; Noah
41 Jackson, Clerk; AT Johnson, Special Advisor; Sophie
42 Khanahmadi, Deputy Staff Director; Alex Khlopin, Policy
43 Analyst; Brayden Lacefield, Special Assistant; Sarah Meier,
44 Counsel and Parliamentarian; Joel Miller, Chief Counsel; Ben
45 Mullaney, Press Secretary; Lillien Noland, Staff Assistant;
46 Seth Ricketts, Special Assistant; Jackson Rudden, Clerk;
47 Chris Sarley, Member Services/Stakeholder Director; Timothy
48 Trimble, Staff Assistant; Jane Vickers, Press Assistant;
49 Katharine Willey, Senior Counsel; Keegan Cardman, Minority
50 Staff Assistant; Giancarlo Ceja, Minority Staff Assistant;
51 Timia Crisp, Minority Professional Staff Member; Devon
52 Gorbey, Minority Environment Fellow; Waverly Gordon, Minority

53 Deputy Staff Director and General Counsel; Tiffany Guarascio,
54 Minority Staff Director; Anthony Gutierrez, Minority
55 Professional Staff Member; Caitlin Haberman, Minority Staff
56 Director, Environment; Perry Hamilton, Minority Member
57 Services and Outreach Manager; Shae Reinberg, Minority
58 Intern; Emma Roehrig, Minority Staff Assistant; Andrew
59 Souvall, Minority Director of Communications, Outreach, and
60 Member Services; and Hannah Treger, Minority Staff Assistant.

61 *Mr. Palmer. The committee will come to order.

62 The chair now recognizes himself for five minutes for an
63 opening statement.

64 Welcome to today's Environment Subcommittee markup of
65 seven bills to improve the process for establishing and
66 implementing the National Ambient Air Quality Standards and
67 to streamline environmental reviews and the New Source Review
68 Preconstruction Permitting Program under the Clean Air Act.

69 No one questions that the Clean Air Act has been
70 important in helping to improve air quality since the law was
71 first enacted more than half a century ago. However, the law
72 has not been significantly amended since 1990, and has not
73 kept pace to meet the economic and security risk facing this
74 country. Common-sense permitting reforms contained in these
75 seven bills are needed to improve the Clean Air Act so the
76 United States can continue to be the world leader in economic
77 prosperity, technological innovation, and environmental

78 quality.

79 At subcommittee hearings in June and September we heard
80 testimony from several witnesses that the air quality
81 standards for fine particulate matter and ozone that were
82 issued by the Biden-Harris Administration will stifle
83 economic growth and be nearly impossible for states and
84 regulated industries to meet because they are so close to
85 background levels, and that decisions on whether a state is
86 meeting the standards should not be impacted by pollution
87 caused by wildfires and from international sources outside of
88 the state's control.

89 We also heard testimony from top state environmental
90 regulators that several of the deadlines in the Clean Air Act
91 are impossible for EPA and the states to implement. For
92 example, several witnesses said it would make sense to extend
93 the timeframe for reviewing air quality standards from every
94 5 years, as it is in current law, to every 10 years.

95 We also heard testimony from multiple witnesses that the
96 current preconstruction permitting and environmental review
97 provisions of the Clean Air Act can slow down or even block
98 construction of high-tech manufacturing and energy products
99 that we need more of in this country to win the race for
100 critical minerals and advanced semiconductors against China.

101 The seven bills that we will be marking up are H.R.
102 6409, the Foreign Emissions Nonattainment Clarification for

103 Economic Stability by Representative Pfluger. This bill
104 would clarify that foreign air pollution is not to be
105 considered when deciding if a state or air district is
106 meeting an air standard.

107 H.R. 4218, Clean Air and Economic Advancement Reform
108 Act, Representative Carter. This bill makes several
109 improvements to the process for establishing and implementing
110 the Air Quality Standards Program under the Clean Air Act.

111 H.R. 6387, Fire Improvement and Reforming Exceptional
112 Events by Representative Evans. This bill clarifies that
113 emissions from forest fires and other events are not factored
114 into whether a state or air district is meeting an air
115 standard.

116 H.R. 4214, Clean Air and Building Infrastructure
117 Improvement Act, Representative Allen. This bill clarifies
118 that when a new air standard has been factored into
119 preconstruction permits under the Clean Air Act.

120 H.R. 161, New Source Review Permitting Improvement Act,
121 Representative Griffith. This bill clarifies what kind of
122 construction or modifications of existing facilities would
123 trigger permitting under the Clean Air Act.

124 H.R. 6373, Air Permitting Improvements to Protect
125 National Security Act, which I introduced. This bill would
126 allow the President to waive the requirement that facilities
127 that are critical to our national security, including

128 critical mineral processing facilities, offset emissions as
129 part of the permitting process.

130 And H.R. 6398, Reducing Eliminated [sic] Duplicative
131 Environmental Regulations Act by Representative Joyce. This
132 bill would streamline the environmental review and permitting
133 process.

134 The passage of these bills will go a long way toward
135 improving our infrastructure and making permitting more
136 predictable and cost effective. Some of these bills include
137 ideas that we have considered in previous years, but some of
138 them offer creative solutions based on feedback we have
139 received. I urge all of my colleagues to support these
140 pieces of legislation.

141 And I yield back. I now recognize the gentleman from
142 New York's 20th district, the ranking member of the
143 subcommittee, my friend, Mr. Tonko, for five minutes for an
144 opening statement.

145 *Mr. Tonko. Thank you, Mr. Chair.

146 We have heard over and over again from members on both
147 sides of the aisle how effective the Clean Air Act has been
148 at reducing pollution and protecting Americans. Without a
149 doubt, the law has been successful. Incredibly successful.
150 It is arguably the most effective public health law in our
151 nation's history.

152 But despite decades of progress, millions of Americans

153 still live in areas determined as having unhealthy air
154 quality. And rather than allowing the law to continue
155 working to help bring relief to Americans still experiencing
156 unsafe levels of air pollution, the Republicans' position, as
157 evident by the bills included in today's markup, is to
158 declare the job done and start eroding the progress that has
159 been made over the past five decades.

160 This should not come as a surprise. Republicans on this
161 committee, under the leadership of several different
162 committee and subcommittee chairs, have been trying and
163 failing to enact versions of the proposals before us for many
164 years. These bills do not represent new and innovative
165 solutions specifically tailored to meet our current policy
166 challenges. They are the same tired ideas that suggest
167 Americans should expect to live with unsafe air quality if
168 the rules necessary to protect them would cut into polluters'
169 profits.

170 But Congress doesn't legislate in a vacuum. So I think
171 it is important to add some context to today's proceedings.

172 First, since January 20, the Trump Administration has
173 been on a crusade to gut the Environmental Protection Agency,
174 roll back previously-finalized National Ambient Air Quality
175 Standards, and exempt favored industries from hazardous air
176 pollutant rules. The Trump Administration is making EPA a
177 toxic workplace for the people responsible for conducting and

178 analyzing the science necessary to inform the regulatory
179 process.

180 That science is so essential, especially because as we
181 generate more robust and precise scientific evidence, our
182 understanding of the health effects of air pollution becomes
183 more clear, and it is almost always worse than we previously
184 thought. That is why the National Ambient Air Quality
185 Standards are so important. Standard-setting process
186 requires regular reviews and updates to ensure public health
187 is adequately protected based on the latest science. But the
188 bills today would undermine the NAAQS process, which has
189 proven to be so successful.

190 Several of the bills would make it more difficult for
191 EPA to strengthen standards in the future, even if the
192 scientific evidence would warrant it. Other bills would make
193 it easier for polluters to cut corners and avoid compliance,
194 which is great for their bottom lines but not so good for the
195 people who live and work near these facilities. Gutting the
196 EPA and its workforce and carrying out a massive deregulatory
197 agenda will have consequences indeed.

198 And to complement the Trump Administration's efforts to
199 reduce agency capacity, these proposed bills would
200 drastically limit its legal authorities. Ultimately, if
201 these bills are enacted, it will be more difficult for EPA to
202 protect Americans from environmental health threats and

203 enforce the rules against polluters, even beyond this current
204 Administration.

205 The second important piece of context is that earlier
206 this year congressional Republicans and President Trump
207 enacted a partisan budget reconciliation bill that would
208 result in millions of Americans losing their health care.
209 Millions more are feeling the effects of significant premium
210 increases. House Republicans have no plan to address the
211 expiration of the Affordable Care Act's Enhanced Premium Tax
212 Credits. That comes at a time when so many Americans are
213 losing access to health care.

214 The proposals we will consider today simply add insult
215 to injury. These bills will make it more likely that
216 Americans will get sick and need to see a doctor or visit an
217 emergency room. Republicans' policy preferences are pushing
218 us toward a future where hospitals, already under financial
219 pressure, will have to deal with more cases of asthma, COPD,
220 and other health consequences of increased air pollution
221 affecting millions of uninsured Americans.

222 The Clean Air Act has a 50-year track record of success
223 driving innovation in pollution control technologies and
224 enabling the cost-effective reduction of pollution. It is
225 hard -- it is -- worked as intended, and it continues to
226 protect Americans' health while enabling economic growth.
227 The legislation we will consider today represents serious

228 challenges and threats to both past and future progress, so I
229 must oppose each of them.

230 And with that, Mr. Chair, I yield back.

231 *Mr. Palmer. The chair now recognize the gentleman from
232 Kentucky 2nd district, the chairman of the full committee, my
233 friend, Mr. Guthrie --

234 *The Chair. Hey --

235 *Mr. Palmer. -- five minutes for an opening statement.

236 *The Chair. Oh I am sorry. Okay, thank you, Chairman
237 Palmer, and I really appreciate the opportunity to be here --
238 members of the subcommittee for the important work of this
239 markup.

240 Over the past few months this subcommittee has held two
241 hearings to consider common-sense permitting reform solutions
242 that will modernize the Clean Air Act. During these hearings
243 we discussed proposals related to how to best protect public
244 health while streamlining sprawling regulations that account
245 for some of the most expensive and significant barriers in
246 modern permitting process, costs which are passed down to
247 consumers and communities.

248 This morning the Environment Subcommittee is considering
249 seven pieces of legislation to modernize the Clean Air Act.
250 These bills will reduce the permitting gridlock that is
251 slowing American economic progress. It has been 35 years
252 since we meaningfully amended the Clean Air Act, and the

253 bills we are considering today address aging and inefficient
254 provisions that require modernization.

255 We can protect our environment while fostering economic
256 growth. Local communities should not be penalized for poor
257 air quality from foreign emissions like the Canadian
258 wildfires. The Clean Air Act should be modernized so that
259 states can continue to protect air quality while balancing
260 the needs of -- businesses have for regulatory certainty and
261 streamlined processes to obtain permits to build without
262 unnecessary delays and costs. Red tape and over-burdensome
263 regulations are stifling economic development and American
264 innovation. Communities and companies are being punished for
265 emissions they have no control over.

266 I look forward to discussing the bills today and steps
267 we can take to lessen regulatory burdens on Americans. And I
268 hope -- I know that all Americans are aware that this is
269 Army-Navy Week, so I will conclude and yield back with go,
270 Army, beat Navy.

271 I yield back.

272 *Mr. Palmer. The gentleman yields. The chair now
273 recognizes my friend, the gentleman from New Jersey's 6th
274 district, the ranking member of the full committee,
275 Representative Pallone, for five minutes for an opening
276 statement.

277 *Mr. Pallone. Thank you, Mr. Chairman.

278 Today we are marking up seven Republican bills that once
279 again put corporate polluters over people and will make the
280 American people sicker. Republicans are eroding the
281 foundation of the Clean Air Act and threatening our ability
282 to ensure Americans have clean and healthy air to breathe.

283 We know air pollution is dangerous and already poses
284 serious and significant health risks to our communities every
285 day. It is linked to cancer, cardiovascular diseases, and
286 over 100,000 premature deaths every year. Unfortunately, we
287 are not here to consider any practical, bipartisan solutions
288 to address this problem and, instead, the majority is trying
289 to rehash and rebrand the same tired, failed pro-corporate
290 polluter ideas that they push every Congress. And the result
291 is that we are once again wasting time on these pro-polluter
292 bills instead of tackling the real problems facing Americans
293 like the affordability crisis and skyrocketing health care
294 costs resulting from Republicans' refusal to extend Enhanced
295 Premium Tax Credits that make health care more affordable for
296 millions of Americans.

297 Now, the Clean Air Act has a long history of working to
298 drive economic development while at the same time protecting
299 the health of our communities. In fact, under the Clean Air
300 Act, air pollution has fallen over 78 percent since 1970,
301 while at the same time our gross domestic product has nearly
302 quadrupled. Any potential changes to the law should continue

303 to have those goals in mind. We can't and should not
304 sacrifice one in pursuit of the other. But unfortunately,
305 that is exactly what these Republican bills would do.

306 What my colleagues continuously ignore is that cleaner
307 air results in healthier Americans, and a healthier American
308 workforce means fewer missed workdays, fewer health care
309 costs, and, in turn, a stronger economy. So there is no
310 economic argument for tearing down the Clean Air Act.

311 Four of the bills we are considering today will
312 undermine the National Ambient Air Quality Standards, or
313 NAAQS, a suite of health-based air quality standards that let
314 us know what level of pollution is safe to breathe. H.R.
315 4218 will gut these protections by requiring the EPA to
316 consider the economic impact and feasibility of implementing
317 the standard. In other words, weakening public health
318 protections in favor of industry profits. It also removes
319 critical incentives for states and contains problematic
320 exemptions that will artificially reduce reporting while
321 leaving communities exposed to unsafe air.

322 And Republicans like these provisions so much they are
323 duplicated in the other bills that we are considering today.
324 So next is H.R. 4214, which gives new sources of pollution
325 amnesty from new air quality standards, allowing new
326 industrial facilities to emit more pollution with reckless
327 abandon. This would raise the cost of cleaning up pollution

328 and worsen air quality overall.

329 Committee Republicans are also targeting the New Source
330 Review program. H.R. 161 would allow polluters to cook the
331 books on how they measure cancer-causing emissions and allow
332 more pollution in communities already impacted by poor air
333 quality.

334 On top of that we have H.R. 6398, which removes EPA's
335 ability to review the public health and environmental impacts
336 of major projects.

337 And finally, there is H.R. 6373, which gives the
338 President the ability to waive Clean Air Act permit
339 requirements while simultaneously creating a pay-to-pollute
340 scheme that lets large industrial sources of pollution off
341 the hook for the harm they cause by simply paying their way
342 into compliance.

343 Now, instead of addressing deadly air pollution or
344 offering solutions to the affordability crisis that the Trump
345 Administration is causing, they are pushing policies to help
346 out their billionaire buddies. Republicans are already
347 forcing Americans to foot the bill for skyrocketing health
348 care costs, and now they want to make people even sicker as
349 they struggle to afford care.

350 So I have opposed these ideas before; I oppose these
351 bills today. I strongly urge my colleagues to do the same.

352 Let me just say in the last minute, you know, one of the

353 arguments I keep hearing from the President is that, you
354 know, we don't have to worry about the Clean Air Act anymore
355 because air pollution has fallen significantly. And I did
356 mention that air pollution has fallen over 78 percent since
357 1970. But that doesn't mean you are supposed to reverse
358 course. Just because things have improved doesn't mean we
359 want to go back to the days when the air was dirty and there
360 was smog in LA and everything else. And that is what really
361 bothers me, is this notion on the part of the President that
362 somehow, because things are significantly improved in terms
363 of air quality, that now is the time to weaken the
364 protections and have dirty air. It makes no sense to me
365 whatsoever, but that is what I hear from the President and
366 that is what I hear from my Republican colleagues. And it is
367 just not acceptable.

368 So with that I yield back, Mr. Chairman.

369 *Mr. Palmer. The gentleman yields. The chair reminds
370 members that, pursuant to the committee rules, all members'
371 opening statements will be made part of the record. Are
372 there further opening statements?

373 *Mr. Pallone. Mr. Peters.

374 *Mr. Palmer. The chair recognizes the gentleman from
375 California, Mr. Peters, for an opening statement for three
376 minutes.

377 *Mr. Peters. Thank you, Mr. Chairman. I want to thank

378 you for holding this hearing. I do recognize that the
379 environmental laws are some decades old, and we should be
380 open to modernizing them and realize that they are not given
381 to us by Moses on tablets, they were given to us by people
382 who back then were trying to solve the same kinds of problems
383 we are trying to solve today.

384 One of the reasons I am so aggressive about trying to
385 amend some of the process statutes is because we have the
386 backstop of these substantive environmental laws that prevent
387 the emission of pollutants into the environment without a
388 permit. And that is the Clean Water Act and the Clean Air
389 Act. So I think we should be specifically very much more
390 thoughtful and targeted when we deal with these bills.

391 But I do want to express my sympathy with two of these
392 efforts. One is, Mr. Chairman, your effort, the Air
393 Permitting Improvements to Protect National Security Act.
394 How do we prevent -- how do we keep from penalizing
395 facilities that are critical to our national security? I
396 think that is a reasonable inquiry. I would say two points
397 on that.

398 One is I am not willing to leave this definition problem
399 to the President of the United States, particularly this
400 president, who is willing to use national security as an
401 excuse to pull permits from existing wind facilities or to
402 impose tariffs beyond, I think, what his power is under the

403 Constitution. If we want to deal with this issue, I would be
404 happy to work on -- in Congress to define what those national
405 security exceptions are, rather than leaving that discretion
406 to the president. I think, you know, with a different
407 president from our party, you know, you might be sympathetic
408 to that protection, as well.

409 Second, with respect to Mr. Evans's FIRE Act, I think
410 the -- it's the concept of many of us in the West. We can
411 understand the idea that states should not be penalized for
412 mitigating the risk of catastrophic wildfires. My issue here
413 is that I think we already have a process for states to
414 submit data to the EPA that they want excluded from
415 consideration from compliance of the National Air -- Ambient
416 Air Quality Standards. That includes wildfire mitigation and
417 prescribed burns.

418 Rather than reinvent the wheel, I would like to offer to
419 work with Mr. Evans to figure out how to improve that
420 existing process to make sure that it is understandable for
421 the states who will be responsible for navigating it.

422 So I appreciate the issues being raised today. I think
423 we have more work to do.

424 And I yield back my time.

425 *Mr. Palmer. The gentleman yields. Are there further
426 opening statements?

427 Seeing none, the chair calls up H.R. 6409 and asks the

428 clerk to report.

429 *The Clerk. H.R. 6409, a bill to amend the Clean Air
430 Act to clarify standards for emissions emanating from outside
431 of the United States, and for other purposes.

432 *Mr. Palmer. Without objection, the first reading of
433 the bill is dispensed with. The bill will be open for
434 amendment at any point.

435 So ordered.

436 [The bill follows:]

437

438 *****COMMITTEE INSERT*****

439

440 *Mr. Palmer. Does anyone seek to be recognized on the
441 bill?

442 Mr. Pfluger is -- the gentleman from Texas. Mr. Pfluger,
443 is recognized.

444 *Mr. Pfluger. Thank you, Mr. Chairman, and I would like
445 to speak in favor of my bill, H.R. 6409, the FENCES Act.

446 Before I do, I just want to address one thing that I
447 continue to hear. This is a hearing on environmental issues.
448 And as we heard from the ranking member, there was a lot of
449 health care concerns. And I just want to make it clear that
450 not a single Republican has ever voted on the Affordable Care
451 Act -- unaffordable care act. That was done by Democrats.
452 And so rising costs are a result of the policy that you
453 passed. And if you are going to bring up health care in this
454 hearing, let's just set the record straight that you guys
455 passed this and the rising costs are a result of your policy.

456 So back to the topic at hand. Across the country and
457 the state, states are being unfairly penalized for emissions
458 that they didn't create. Whether it's smoke drifting from
459 Canadian wildfires or emissions carried over the border from
460 Mexico, these foreign sources can push countries into
461 nonattainment, even when local communities and businesses are
462 doing everything right. Congress has always recognized this
463 reality, and that is why the Clean Air Act allows states to
464 adjust their plans when foreign emissions prevent them from

465 meeting Federal standards.

466 But EPA guidance under the previous administration
467 rewrote that understanding and narrowed the relief only to
468 human-caused emissions from abroad, and that makes zero
469 sense. The FENCES Act, which is the Foreign Emissions
470 Nonattainment Clarification for Economic Stability Act,
471 restores the original intent of the law. It makes clear that
472 all foreign emissions, natural or human caused, must be
473 excluded when determining nonattainment or when reviewing new
474 facility permits. And importantly, this bill lets states
475 account for foreign emissions earlier in the regulatory
476 process, instead of forcing them to wait until the very end
477 and risk costly delays or Federal sanctions. This matters in
478 every region of the country.

479 But let me highlight the consequences back home in my
480 district in the Permian Basin. We saw this play out recently
481 when the Biden EPA floated a possible nonattainment
482 designation that created real uncertainty. Even the hint of
483 nonattainment sends a signal that permits could slow down,
484 costs could rise, and long-term planning becomes harder for
485 producers and communities alike at no fault of their own.
486 That experience made it clear that these designations are too
487 consequential to get wrong.

488 Local communities should not be burdened by regulatory
489 consequences tied to emissions that come from foreign sources

490 or unavoidable natural events. The FENCES Act levels the
491 playing field, sets the table for fairness, and it is about
492 giving states regulatory certainty. It is about keeping
493 American industries competitive while still upholding
494 environmental standards.

495 And I will remind everyone that the decision from the
496 Biden Administration, the hint of nonattainment, was based on
497 sensors in New Mexico -- not in Texas, but in New Mexico.

498 I would urge my colleagues to support this bill and I
499 yield back.

500 *Mr. Palmer. The gentleman yields. Is there any
501 further discussion on the bill?

502 *Mr. Ruiz. Mr. Chairman, I have an amendment at the
503 desk.

504 *Mr. Palmer. Is there any further discussion on the
505 bill?

506 Seeing none, the gentleman has an amendment at the desk.
507 The clerk will state the amendment.

508 You have to specify --

509 *Mr. Ruiz. It is SC_AMD_HR6409_05.

510 *Mr. Palmer. The clerk will designate the amendment.

511 *The Clerk. Amendment to H.R. 6409 offered by Mr. Ruiz.
512 Add at the end the following. Section 3, Limitation.

513 *Mr. Palmer. The amendment is considered read. Without
514 objection, the reading of the amendment is dispensed with.

515 [The amendment of Mr. Ruiz follows:]

516

517 *****COMMITTEE INSERT*****

518

519 *Mr. Palmer. And the gentleman is recognized for five
520 minutes in support of the amendment.

521 *Mr. Ruiz. Thank you, Mr. Chairman.

522 What this amendment does is straightforward. It
523 prohibits implementation of the Foreign Emissions and
524 Nonattainment Clarification for Economic Stability, or the
525 FENCES Act if the provision in this bill will increase
526 serious and life-threatening health problems for children,
527 seniors, and other at-risk communities. In other words, if
528 this bill will make air pollution worse and increase the
529 likelihood of death from those illnesses for a community, the
530 bill cannot go into effect, period.

531 The reason is simple. The Clean Air Act is a public
532 health law meant to protect the health and safety of
533 Americans. I think we can all agree with these goals. But
534 this is not what this bill, the FENCES Act, would do. This
535 bill would allow areas to ignore air pollution and escape a
536 nonattainment designation for a National Ambient Air Quality
537 Standard, or NAAQS, by just blaming exceedances on sources
538 outside of their borders or outside the country, while
539 residents continue to breathe unhealthy air and suffer the
540 consequences.

541 Americans don't want us to just point the finger and
542 shrug our shoulders. They want us to take action to cut
543 pollution, protect their health so the air is healthy to

544 breathe.

545 The bill's sponsors claim this is about fairness,
546 protecting states from penalties for pollution caused by
547 Canadian wildfires or dust from Mexico. But here is what
548 they are not telling you. This bill makes it easier for
549 areas to avoid accountability entirely, with no incentive to
550 clean up pollution, and leaving communities to suffer.

551 And let me tell you what this means for my district.
552 Imperial County has been designated a nonattainment area for
553 ozone and particulate matter for over a decade. One in five
554 children in Imperial County suffer from asthma, double the
555 state rate, due to high levels of air pollution already. The
556 Coachella Valley is classified as extreme nonattainment for
557 ozone, with an attainment deadline that has been pushed all
558 the way to 2032.

559 Under the Clean Air Act states aren't penalized if they
560 have done their part and foreign emissions keep them from
561 meeting standards. The FENCES Act strips that safeguard,
562 allowing polluted areas to avoid clean-up and leaving
563 residents with weaker protections. That is environmental
564 malpractice.

565 Yes, we understand that cross-border pollution exists.
566 EPA has already recognized that Imperial County would have
567 attained ozone standards but for emissions from Mexico. The
568 Clean Air Act already has provisions to address this, so the

569 bill is completely unnecessary. And the existence of cross-
570 border pollution doesn't mean we give up trying to provide
571 clean and healthy air for already over-burdened communities.

572 When a kid comes with an asthma attack to the emergency
573 department, we are not debating where the stimuli for that
574 asthma exacerbation came from, whether it was from our
575 communities or from across the border. What we care about is
576 that kid getting better, is saving the kid's life. That
577 should be our focus. Here we are debating whether, you know,
578 the pollution is coming from Mexico or coming from the United
579 States or other places. You know, we need to address that
580 pollution coming from Mexico, but what we really need to
581 focus on is the health of that child who already suffers from
582 acute asthma exacerbations. And I have seen children who
583 have died from asthma attacks. Do you think their parents
584 are really going to be concerned after their child dies where
585 that pollution came from? They want the air that they
586 breathe in our local communities to be clean, and this bill
587 will make that air dirtier.

588 My amendment protects communities that are already over-
589 burdened, communities that have been asked again and again to
590 bear the burden of pollution, illness, and higher health care
591 costs.

592 And let's be clear. While we are here debating
593 giveaways to polluters, congressional Republicans have still

594 taken no action to extend the Enhanced Premium Tax Credits
595 beyond the end of 2020. In fact, their big, beautiful bill,
596 also known as the big, ugly law, increased premiums by
597 stripping health care insurance away, cutting Medicaid by
598 nearly a trillion, taking over \$600 billion from rural
599 hospitals that, by the way, treat this child that comes in
600 with asthma exacerbation. And as a result, 2026 plan rates
601 and premiums tax credits levels are already being set based
602 on the expiration of these subsidies.

603 People in my community would have to pay 18,000 years --
604 \$18,000 more a year. That is impossible for working people,
605 and it would force families into devastating choices between
606 putting food on their table, paying for their child's asthma
607 medications or their health insurance.

608 We need to protect our -- clean our air and protect our
609 health care for our children and our communities.

610 Thank you, and I yield back.

611 *Mr. Palmer. Is there further discussion on the
612 amendment?

613 The gentleman from Texas, Mr. Pfluger, is recognized for
614 five minutes.

615 *Mr. Pfluger. Thank you, Mr. Chairman. Obviously, I am
616 in opposition to this amendment, and I will remind this
617 committee that for four years under the Biden Administration
618 we brought Democrat witnesses into this committee room and

619 talked about trans-border pollution. And you would probably
620 not expect a Texan to rise in support of California, but that
621 is what I am going to paint the picture with right now, that
622 even in places like San Diego, that we are advocating for
623 you, that the pollution that is in Tijuana across the
624 southern border, you shouldn't be held accountable for that,
625 and that shouldn't be weaponized as a way to stop projects
626 from happening and being built in San Diego or in California.

627 But that is exactly what happened under the Biden
628 Administration, is that there was not a clear-eyed, factual,
629 scientific look at data. It was a very weaponized look,
630 whether it was in El Paso or San Diego or any other place.
631 Those were the data that the previous administration were
632 using to stop projects.

633 So I completely agree with my colleague that we want
634 clean air, and the Clean Air Act does that. And it was
635 monumental legislation that was passed. But unfortunately,
636 we just have to go off the facts, and those facts are that
637 the previous administration weaponized, which is why I am in
638 opposition to this amendment.

639 This bill is tailored so that communities are not
640 unfairly punished for air emissions that they don't have
641 control over, and it doesn't change the underlying health
642 protections in the Clean Air Act. In fact, it strengthens
643 them and makes sure that we focus on what we can control.

644 And you know what? We need the administration to do what
645 they should have done in the previous one, which was to deal
646 with the worst of the worst polluters, which are countries
647 like China and Mexico and other countries that don't care.
648 But punishing our own communities is not the answer to that.

649 The last thing I will say -- so obviously, I am in
650 opposition, I urge my colleagues to vote against this
651 amendment. And a rhetorical question would be why didn't the
652 Democrats, when they had control of the House, the Senate,
653 and the White House from 2021 to the end of 2022 extend, as
654 they tried to, the Enhanced Premium Tax Credits. They failed
655 that, for the record, they failed that proposition. They
656 wanted to make it permanent and they couldn't even do it.
657 They couldn't get the votes on their side of the aisle.

658 So with that, Mr. Chairman, I yield back.

659 *Mr. Palmer. The gentleman yields. Is there further
660 discussion on the amendment?

661 The gentleman from Florida, Mr. Soto, is recognized for
662 five minutes.

663 *Mr. Soto. Thank you so much, Chairman.

664 Utility bills are going up this year, 6 to 10 percent in
665 some states, even higher in 2025 under Trump's watch. He
666 promised to lower energy bills. He has done the exact
667 opposite. And the reasons are simple: AI and data centers
668 are spiking demand.

669 And by the way, we need them to help with commerce, to
670 help with our AI advancement. But at the same time, he
671 canceled \$7.5 billion in renewable energy projects, 223 of
672 them, mostly wind and solar. This is why your utility rates
673 are going up, because we have demand spiking while he is
674 pulling away projects that are either almost done or in the
675 pipeline.

676 What is not as big of a driver is the Clean Air Act
677 right now. And the irony is a lot of these projects would
678 help make sure the air was cleaner because they aren't using
679 fossil fuels. And so we need to set the record straight
680 about what is causing this rise in utility prices that is
681 hurting the American people.

682 And I yield back.

683 *Mr. Palmer. The gentleman yields. Is there further
684 discussion on the amendment?

685 The gentleman from Texas, Mr. Crenshaw, is recognized
686 for five minutes.

687 *Mr. Crenshaw. Thank you, Mr. Chairman. I move to
688 strike the last word and just say a few things about the bill
689 and this amendment.

690 This is a common-sense bill. I don't think that
691 Americans should be punished for foreign pollutants.

692 And as Mr. Pfluger pointed out, you know, we are talking
693 about our state, Texas. We are talking about California. It

694 is really difficult for me to see why this would be
695 controversial at all. It is simply common sense. We should
696 be responsible for what we can control, not what we cannot
697 control.

698 As for the amendment itself, I mean, this is a -- this
699 lacks common sense. How on Earth are they supposed to make
700 this kind of assertion, any scientific board, that there is
701 not going to be any more asthma attacks? I mean, how do you
702 even make that correlation?

703 I might educate everyone with some statistics. It turns
704 out that between 2000 and 2021, cases of asthma have remained
705 flat. Did everyone know that? They remain flat despite a
706 huge increase in GDP and productivity and population growth.
707 They remained flat.

708 The data gets even better. Hospitalizations from asthma
709 dropped by 75 percent. ER visits from asthma dropped by half
710 during that same period. So what crisis are we trying to
711 solve?

712 And when you did what the Biden Administration did and
713 lower the PM 2.5 rate from 12 to around 9, which is very
714 close to background levels, you are making it impossible for
715 your constituents to even build anything new and, by the way,
716 meet those energy demands that we just talked about, which
717 are -- you are exactly right, we do have much higher energy
718 demands than we ever thought possible because of things like

719 data centers.

720 So look, this amendment is designed to be a poison pill
721 to a very common-sense piece of legislation that we shouldn't
722 have to take into account China's air pollution, Canadian
723 wildfires, Mexican pollution when we are looking at
724 attainment zones to build the things we need to build so that
725 our citizens can prosper. I really hope that we could come
726 together on something like this.

727 And I yield back.

728 *Mr. Palmer. The gentleman yields. Is there further
729 discussion on the amendment?

730 Seeing none, the clerk -- oh, Mr. the gentleman -- the
731 chair recognizes the gentleman from Virginia, Mr. Griffith,
732 for five minutes.

733 *Mr. Griffith. Thank you very much, Mr. Chairman. I
734 hadn't planned to speak on this bill, but somehow we got into
735 utility rates, and it just drives me crazy that somehow the
736 policies that President Obama and President Biden brought
737 into play are Republicans' fault. President Obama said that
738 if we passed his plans -- and it was a cap-and-trade plan,
739 but it was -- but we have done similar things with the Green
740 New Deal -- that your electric rates would necessarily
741 skyrocket.

742 When you take existing coal and natural gas plants and
743 you shut them down or limit them as a result of -- and the

744 policies may be fine. People may like those policies. But
745 when you do that, which is what the Democrats have advocated
746 doing in numerous administrations and when they were in
747 control, you are going to make electric prices go up.

748 Everything they have done, even if you can point to what
749 this administration has done in the last few months as being
750 a minor increase, everything on energy policy that our
751 colleagues on the other side of the aisle have done have
752 caused the American consumers' prices to go up. For example,
753 in 2012 we opened up a new facility in my district, Mr.
754 Chairman. It was the cleanest coal-fired burning plant in
755 the world at the time it opened up. It has a 50 to 70-year
756 life expectancy. Let's go with 50. That makes it 2062. A
757 Democratic legislature in Virginia wants to limit and has
758 limited the life expectancy on that. I think it is to, like,
759 2040 now, maybe 2035. And what happens is, in order to make
760 up for that power that they are not going to have in the
761 future that they counted on, the company has to build
762 additional facilities, generally looking at -- based on
763 policies in the Biden Administration -- wind and solar.

764 Now they don't -- wind and solar don't really provide
765 baseload power. You can look at it and say that is great,
766 you can do batteries. But when they build the wind and
767 solar, when they build a battery unit to back it up, when
768 they do all of that, the ratepayer has to pay for it. And

769 the already-built plant which could produce electricity --
770 because there is no additional cost in building it -- could
771 produce electricity at a lower rate, that already-existing
772 facility still has to be paid for, even though legislators in
773 the Commonwealth of Virginia have chosen to say we are going
774 to limit it. And that is happening across the country, and
775 it is happening here in Congress.

776 When you choose to take those offline, somebody has to
777 pay. And I can assure you, it is not the power companies; it
778 is the ratepayer, the consumer. It gets passed along. I am
779 sure it is the same in many other states. In Virginia the
780 publicly-controlled, from a pricing standpoint, utility is
781 entitled to a return on their investment. So they are going
782 to make a profit every year, and it is the consumer that pays
783 the price. And what we are paying for today are the mistakes
784 of Democrat administrations and Democrat congresses of the
785 past.

786 I yield back.

787 *Mr. Palmer. The gentleman yields. Is there further
788 discussion on the amendment?

789 If there is no further discussion --

790 *Voice. Mr. Menendez.

791 *Mr. Palmer. Oh, I didn't see you.

792 *Voice. You have got to respond.

793 *Mr. Palmer. The chair recognizes the gentleman from

794 New Jersey, Mr. Menendez, for five minutes.

795 *Mr. Menendez. Thank you, Chairman. It wouldn't be a
796 committee hearing if we didn't have the opportunity to engage
797 with each other.

798 You know, listen, every committee here you are talking
799 about prior administrations, right? You have a lot to
800 criticize the Biden Administration, now we are talking about
801 the Obama Administrations. And it is just fascinating that
802 there is nothing that the Trump Administration does that you
803 feel the need to criticize or push back on. Right?

804 He says that he would give himself an A-plus-plus-plus-
805 plus-plus on the economy, right? He says affordability is a
806 con job, right? He has all these tariffs. And his way to
807 address the unaffordability challenge is to unwind the
808 tariffs that his administration put into place. And now,
809 when we talk with our constituents, we know the affordability
810 crisis is real, right?

811 And I believe that you have solutions that you believe
812 would be good for your constituents. And we believe we have
813 solutions. But we know the affordability crisis is real.
814 And the President is saying that he would give himself an A-
815 plus-plus-plus-plus-plus. Do you agree with that? Do you
816 think that is how this economy is performing? That there is
817 no room for improvement? Because that is what an A-plus
818 grade would be. And I think there is a ton of room for

819 improvement, right, whether it is on energy, whether it is on
820 health care.

821 But there is a ton of room for improvement because
822 people are suffering out there, and I can't believe that you
823 wouldn't say he is doing all right but there is still room
824 for improvement, so maybe it is not an A-plus-plus-plus,
825 right? So if we are going to talk about administrations, I
826 would like to hear Republicans talk about things that they
827 disagree with the Trump Administration, things that the Trump
828 Administration could do better.

829 And I am happy to yield any of my time, because I think
830 it is important that Republicans use their voices to push
831 back on this administration.

832 *Mr. Griffith. I would ask the gentleman to yield, Mr.
833 Chairman.

834 *Mr. Menendez. I yield. Yes, of course. I said I
835 would, and I am happy to.

836 *Mr. Griffith. It has to go through the chairman.

837 *Mr. Menendez. I yield. It is my time, right?

838 *Mr. Palmer. The gentleman yields to the gentleman from
839 Virginia. He is recognized.

840 *Mr. Griffith. Thank you very much. So there are
841 things that I have disagreed with the President on over time,
842 but I would say that the President got this statement right.
843 Democrats broke it, we are trying to fix it. And that is

844 what these bills today are about. That is what some of the
845 other bills that we have dealt with are about.

846 And I would remind the gentleman that he has not yet
847 been in office a full year, and it takes a while to turn the
848 ship of state around. It is not going to get done in 11
849 months. So I ask the American people to be patient with us
850 and to realize that we are trying to fix the problems that
851 are out there, but we run into opposition every single time
852 with a two-vote majority in the House. And our choices are
853 to keep pushing forward, keep taking the incoming fire. We
854 will do that.

855 Is the President perfect? No. I would say to the
856 gentleman he is not perfect. Would I say to the gentleman
857 that there are always things that a legislative body and an
858 administration can do better? Of course there are. But I
859 would also say to the gentleman that we are trying to resolve
860 the problems and the problems that the American people
861 elected President Trump and us to try to solve. And to
862 obfuscate by saying that, you know, well, we have now had
863 this administration, you can't point back -- look, energy
864 policy takes years before you see an impact, years. And we
865 are now paying the price for the energy policies of the past.

866 *Mr. Menendez. All right, see, I will reclaim my time
867 here.

868 *Mr. Griffith. The gentleman reclaims his time. I

869 respect that.

870 *Mr. Menendez. Because -- and I appreciate it. I let
871 you go, and I wanted to make -- be a good faith effort,
872 right?

873 But, you know, on -- when you start a new administration
874 with trying to undo certain things, right -- and you guys
875 won, you were in the majority, you have the right to take
876 things in a different course. But, you know, on a project
877 like Revolution Wind off the coast of Rhode Island, almost 90
878 percent done, and you have the president pull the permit on
879 it, right? That is not productive for creating more energy
880 production.

881 You know, you talk about, you know, a year into this
882 administration. Well, four years of President Biden, as I
883 mentioned in one of our last hearings, has resulted from the
884 Infrastructure Investment and Jobs Act a project in every
885 single congressional district. And that clearly means that
886 all the Republicans that didn't vote for the Infrastructure
887 Investment and Jobs Act have a project in their district
888 funded by a bill signed into law by President Biden. I think
889 that is a good thing.

890 I think we have had conversations about how South
891 Carolina is seeing this economic boom because of the
892 Infrastructure Investment and Jobs Act, the Inflation
893 Reduction Act, and the CHIPS and Science Act. So that is a

894 great thing to see across the country, but that was President
895 Biden. And I do see Republicans going to a lot of ribbon
896 cuttings for Federal money and Federal projects that were
897 delivered by the Biden Administration. So I think there is
898 an immense amount that they have done right.

899 And I am glad you don't think the President is doing a
900 perfect job. I think that is an important thing to say,
901 because there is an immense amount of work that we have to
902 do, and I look forward to you continuing to challenge the
903 administration when you know that they are doing wrong by our
904 constituents.

905 With that I will yield back.

906 *Mr. Carter of Georgia. Would the gentleman yield? A
907 very quick question. I know, I know.

908 *Mr. Menendez. Fifteen seconds, sure.

909 *Mr. Carter of Georgia. Mr. Chairman?

910 *Mr. Palmer. The gentleman is recognized.

911 *Mr. Carter of Georgia. Well, of those examples that
912 you named earlier about projects that were started and ended
913 by the -- would the Keystone XL pipeline be an example of
914 that?

915 *Mr. Menendez. In what way? That was the Obama
916 Administration, when they --

917 *Mr. Carter of Georgia. I think it would.

918 *Mr. Menendez. -- issued a national permit for the

919 project.

920 Okay. So you are saying that that justifies what
921 happened with Revolution Wind?

922 *Mr. Carter of Georgia. No, no, I am just asking. Is
923 that the type of example that you are referring to?

924 *Mr. Menendez. Referring to projects that were funded
925 by legislation signed into law by President Biden? I don't
926 believe Keystone Pipeline fits within that universe of things
927 that I am talking about.

928 I am talking about three major bills that were signed
929 into law by President Biden which are bringing Federal
930 dollars to all of your districts, right? That is what I am
931 talking about. So the -- I don't think Keystone Pipeline is
932 within that universe --

933 *Mr. Carter of Georgia. I yield back.

934 *Mr. Palmer. The gentleman yields. Is there any other
935 member wishing to speak on the amendment?

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

938 All those in favor shall signify by saying aye.

939 All those opposed, nay.

940 *Mr. Pallone. You want a --

941 *Mr. Tonko. We need a recorded vote, Mr. Chair.

942 *Mr. Palmer. The gentleman requests a recorded vote.
943 The clerk will call the roll.

944 *The Clerk. Mr. Crenshaw?
945 [No response.]
946 *The Clerk. Mr. Latta?
947 *Mr. Latta. No.
948 *The Clerk. Mr. Latta votes no.
949 Mr. Griffith?
950 *Mr. Griffith. No.
951 *The Clerk. Mr. Griffith votes no.
952 Mr. Carter of Georgia?
953 *Mr. Carter of Georgia. No.
954 *The Clerk. Mr. Carter of Georgia votes no.
955 Mr. Joyce?
956 *Mr. Joyce. No.
957 *The Clerk. Mr. Joyce votes no.
958 Mr. Weber?
959 *Mr. Weber. No.
960 *The Clerk. Mr. Weber votes no.
961 Mr. Pfluger?
962 *Mr. Pfluger. No.
963 *The Clerk. Mr. Pfluger votes no.
964 Mrs. Miller-Meeks?
965 *Mrs. Miller-Meeks. No.
966 *The Clerk. Mrs. Miller-Meeks votes no.
967 Ms. Lee?
968 *Ms. Lee. No.

969 *The Clerk. Ms. Lee votes no.
970 Mr. Langworthy?
971 *Mr. Langworthy. No.
972 *The Clerk. Mr. Langworthy votes no.
973 Mr. Evans?
974 *Mr. Evans. No.
975 *The Clerk. Mr. Evans votes no.
976 Mrs. Fedorchak?
977 *Mrs. Fedorchak. No.
978 *The Clerk. Mrs. Fedorchak votes no.
979 Mr. Guthrie?
980 *The Chair. No.
981 *The Clerk. Mr. Guthrie votes no.
982 Mr. Tonko?
983 *Mr. Tonko. Yes.
984 *The Clerk. Mr. Tonko votes aye.
985 Ms. Schakowsky?
986 *Ms. Schakowsky. Aye.
987 *The Clerk. Ms. Schakowsky votes aye.
988 Mr. Ruiz?
989 *Mr. Ruiz. Aye.
990 *The Clerk. Mr. Ruiz votes aye.
991 Mr. Peters?
992 *Mr. Peters. Aye.
993 *The Clerk. Mr. Peters votes aye.

994 Ms. Barragan?

995 *Ms. Barragan. Aye.

996 *The Clerk. Ms. Barragan votes aye.

997 Mr. Soto?

998 *Mr. Soto. Aye.

999 *The Clerk. Mr. Soto votes aye.

1000 Mr. Auchincloss?

1001 *Mr. Auchincloss. Aye.

1002 *The Clerk. Mr. Auchincloss votes aye.

1003 Mr. Carter of Louisiana?

1004 *Mr. Carter of Louisiana. Aye.

1005 *The Clerk. Mr. Carter of Louisiana votes aye.

1006 Mr. Menendez?

1007 *Mr. Menendez. Aye.

1008 *The Clerk. Mr. Menendez votes aye.

1009 Mr. Landsman?

1010 *Mr. Landsman. Aye.

1011 *The Clerk. Mr. Landsman votes aye.

1012 Mr. Pallone?

1013 *Mr. Pallone. Aye.

1014 *The Clerk. Mr. Pallone votes aye.

1015 Chairman Palmer?

1016 *Mr. Palmer. No.

1017 *The Clerk. Chairman Palmer votes no.

1018 *Mr. Palmer. Are there any other members who wish to

1019 vote on the bill?

1020 The clerk will report.

1021 *The Clerk. Chairman Palmer, on that vote there were 11
1022 ayes and 13 noes.

1023 *Mr. Palmer. The amendment is not agreed to. Are there
1024 further amendments?

1025 The question now occurs on adopting H.R. 6409.

1026 All those in favor, say aye.

1027 Those opposed, no.

1028 The ayes have it. The bill is adopted and forwarded to
1029 the full committee.

1030 *Mr. Tonko. Yes, we should have a recorded vote, I
1031 think.

1032 *Mr. Palmer. A roll call vote has been requested. The
1033 clerk will call the roll.

1034 *The Clerk. Mr. Crenshaw?

1035 [No response.]

1036 *The Clerk. Mr. Latta?

1037 *Mr. Latta. Aye.

1038 *The Clerk. Mr. Latta votes aye.

1039 Mr. Griffith?

1040 *Mr. Griffith. Aye.

1041 *The Clerk. Mr. Griffith votes aye.

1042 Mr. Carter of Georgia?

1043 *Mr. Carter of Georgia. Aye.

1044 *The Clerk. Mr. Carter of Georgia votes aye.
1045 Mr. Joyce?
1046 *Mr. Joyce. Aye.
1047 *The Clerk. Mr. Joyce votes aye.
1048 Mr. Weber?
1049 *Mr. Weber. Aye.
1050 *The Clerk. Mr. Weber votes aye.
1051 Mr. Pfluger?
1052 *Mr. Pfluger. Aye.
1053 *The Clerk. Mr. Pfluger votes aye.
1054 Mrs. Miller-Meeks?
1055 *Mrs. Miller-Meeks. Aye.
1056 *The Clerk. Mrs. Miller-Meeks votes aye.
1057 Ms. Lee?
1058 *Ms. Lee. Aye.
1059 *The Clerk. Ms. Lee votes aye.
1060 Mr. Langworthy?
1061 [No response.]
1062 *The Clerk. Mr. Evans?
1063 *Mr. Evans. Aye.
1064 *The Clerk. Mr. Evans votes aye.
1065 Mrs. Fedorchak?
1066 *Mrs. Fedorchak. Aye.
1067 *The Clerk. Mrs. Fedorchak votes aye.
1068 Mr. Guthrie?

1069 *The Chair. Aye.
1070 *The Clerk. Mr. Guthrie votes aye.
1071 Mr. Tonko?
1072 *Mr. Tonko. No.
1073 *The Clerk. Mr. Tonko votes no.
1074 Ms. Schakowsky?
1075 *Ms. Schakowsky. No.
1076 *The Clerk. Ms. Schakowsky votes no.
1077 Mr. Ruiz?
1078 *Mr. Ruiz. No.
1079 *The Clerk. Mr. Ruiz votes no.
1080 Mr. Peters?
1081 *Mr. Peters. No.
1082 *The Clerk. Mr. Peters votes no.
1083 Ms. Barragan?
1084 *Ms. Barragan. No.
1085 *The Clerk. Ms. Barragan votes no.
1086 Mr. Soto?
1087 *Mr. Soto. No.
1088 *The Clerk. Mr. Soto votes no.
1089 Mr. Auchincloss?
1090 *Mr. Auchincloss. No.
1091 *The Clerk. Mr. Auchincloss votes no.
1092 Mr. Carter of Louisiana?
1093 *Mr. Carter of Louisiana. No.

1094 *The Clerk. Mr. Carter of Louisiana votes no.
1095 Mr. Menendez?
1096 *Mr. Menendez. No.
1097 *The Clerk. Mr. Menendez votes no.
1098 Mr. Landsman?
1099 *Mr. Landsman. No.
1100 *The Clerk. Mr. Landsman votes no.
1101 Mr. Pallone?
1102 *Mr. Pallone. No.
1103 *The Clerk. Mr. Pallone votes no.
1104 Chairman Palmer?
1105 *Mr. Palmer. Aye.
1106 *The Clerk. Chairman Palmer votes aye.
1107 *Mr. Palmer. Are there other members that wish to be
1108 recorded?
1109 *Mr. Langworthy. Aye.
1110 *Mr. Palmer. Mr. Langworthy. How is Mr. Langworthy
1111 recorded?
1112 *The Clerk. Mr. Langworthy is not recorded.
1113 *Mr. Langworthy. Aye.
1114 *The Clerk. Mr. Langworthy votes aye.
1115 *Mr. Palmer. How is Mr. Crenshaw recorded?
1116 *The Clerk. Mr. Crenshaw is not recorded.
1117 *Mr. Crenshaw. Crenshaw votes aye.
1118 *The Clerk. Mr. Crenshaw votes aye.

1119 *Mr. Palmer. The clerk will report.

1120 *The Clerk. Chairman Palmer, on that vote there were 14
1121 ayes and 11 noes.

1122 *Mr. Palmer. The ayes have it. The bill is adopted and
1123 forwarded to the full committee.

1124 The chair now calls up H.R. 4218 and asks the clerk to
1125 report.

1126 *The Clerk. H.R. 4218, a bill to amend the Clean Air
1127 Act to facilitate state implementation of National Ambient
1128 Air Quality Standards, and for other purposes. Section --

1129 *Mr. Palmer. Without objection, the first reading of
1130 the bill is dispensed with. The bill will be open for
1131 amendment at any point.

1132 So ordered.

1133 [The bill follows:]

1134

1135 *****COMMITTEE INSERT*****

1136

1137 *Mr. Palmer. Does anyone seek to be recognized on the
1138 bill?

1139 The chair recognizes the gentleman from Georgia, Mr.
1140 Carter.

1141 *Mr. Carter of Georgia. Thank you, Mr. Chairman. Mr.
1142 Chairman, EPA reviews National Ambient Air Quality Standards
1143 on five-year intervals. After establishing the National
1144 Ambient Air Quality Standards, states assumed the
1145 responsibility -- the primary responsibility for implementing
1146 and enforcing them. This is an extremely time-consuming
1147 process, one that takes years and years.

1148 My bill, the CLEAR Act, would give states the time
1149 needed to implement standards without rushing the process.
1150 This bill also allows states the opportunity to correct
1151 deficiencies found by EPA in state implementation plans for
1152 the National Air Ambient Quality Standards before EPA can
1153 issue a Federal implementation plan. The CLEAR Act offers
1154 common-sense solutions to make attaining CLEAR Act -- clear,
1155 clean air standards realistic while giving states the time
1156 needed to comply.

1157 In terms of exceptional events, the CLEAR Act provides
1158 much-needed clarification. Under my bill, natural disasters,
1159 wildfires, and actions to prevent wildfires that produce
1160 emissions are excluded from regulatory penalties, as they
1161 should be. This is not about choosing between the

1162 environment and development. This is about common sense. We
1163 should not penalize states that are impacted by events out of
1164 their control, and they should not be penalized for taking
1165 action to prevent exceptional events.

1166 Georgia is the top state for business in America. It
1167 has been for 12 years. Even with our growth, Georgia's air
1168 has never been cleaner since monitoring began years ago, as
1169 our witnesses stated in a legislative hearing we had on that
1170 bill. If we give our state officials the time they truly
1171 need to implement regulations while also ensuring that they
1172 are not punished for background levels from natural sources,
1173 we can have lasting, meaningful policy and economic growth.

1174 I urge my colleagues to support the CLEAR Act and I
1175 yield back.

1176 *Mr. Palmer. The gentleman yields. Are there any other
1177 members who wish to speak on the bill?

1178 *Mr. Pallone. I just have an amendment.

1179 *Mr. Palmer. Seeing none, are there any amendments?

1180 The chair recognizes the gentleman from New Jersey, Mr.
1181 Pallone, for five minutes.

1182 *Mr. Pallone. Thank you, Mr. Chairman. My amendment is
1183 HR --

1184 *Mr. Palmer. Mr. Pallone --

1185 *Mr. Pallone. -- _02.

1186 *Mr. Palmer. Thank you.

1187 *The Clerk. Amendment to H.R. 4218 offered by Mr.
1188 Pallone. Page 2, beginning on line 4, strike subsection B
1189 and make conforming -- make such conforming changes as may be
1190 necessary.

1191 *Mr. Palmer. Without objection, the first reading of
1192 the -- the reading of the amendment is dispensed.

1193 [The amendment of Mr. Pallone follows:]

1194

1195 *****COMMITTEE INSERT*****

1196

1197 *Mr. Palmer. The gentleman is recognized.

1198 *Mr. Pallone. Thank you, Mr. Chairman.

1199 My amendment is straightforward, and it fixes one of the
1200 most egregious provisions in the bill, the consideration of
1201 "likely attainability" in the NAAQS-setting process.

1202 Now, let's not pretend that we are tinkering around the
1203 margins or applying common sense here. This is a radical
1204 provision that would allow polluters to override scientists.
1205 The bill would make so-called likely attainability a factor
1206 in the scientific decision about how much pollution is safe
1207 for a child to breathe, thereby requiring EPA to set air
1208 quality standards based on corporate profits rather than
1209 public health. I think it is outrageous to even consider
1210 this provision that will make Americans sicker, especially at
1211 a time when families across the nation are facing
1212 skyrocketing health care costs.

1213 Requiring EPA to consider attainability, or the
1214 potential costs of attaining an air quality standard, is a
1215 dangerous precedent that ignores the purpose of the Clean Air
1216 Act. Since 1970 the law's science-based health protective
1217 standards keep our eye on the prize: healthy air for
1218 everyone. Cooperative federalism allows the EPA to set the
1219 clean air goals and states to decide how best to achieve
1220 them.

1221 Furthermore, this provision would overturn a unanimous

1222 Supreme Court decision written by Justice Scalia that bars
1223 cross-considerations from the NAAQS-setting process. This is
1224 not to say that attainability and costs aren't considered at
1225 any point. The scientific determination of what is safe to
1226 breathe doesn't depend on the technology or cost of cleaning
1227 up pollution. But these considerations come into play in a
1228 second step of the process, when states decide the most
1229 effective way to meet their air quality goals. But section
1230 2(b) turns this extremely effective approach upside down.
1231 The considerations set up by this section are equivalent to a
1232 doctor basing a patient's diagnosis on the cost of treatment
1233 and likeliness of a cure. It is unconscionable, and puts the
1234 health of all Americans at unnecessary risk.

1235 So my amendment ensures that the Clean Air Act continues
1236 to prioritize the health and safety of families and children
1237 by rejecting this dangerous change, and I urge my colleagues
1238 to stand with the American people and vote in favor of this
1239 amendment.

1240 And I yield back, Mr. Chairman.

1241 *Mr. Palmer. The gentleman yields. Is there discussion
1242 of the amendment?

1243 The gentleman from Georgia, Mr. Carter, is recognized
1244 for five minutes.

1245 *Mr. Carter of Georgia. Mr. Chairman, I seek to be
1246 recognized to speak in opposition to this amendment.

1247 *Mr. Palmer. The gentleman is recognized.

1248 *Mr. Carter of Georgia. Mr. Chairman, this amendment
1249 would retain the status quo.

1250 The Clean Air Act currently requires the EPA
1251 administrator to establish the NAAQS at a level that is
1252 protective of public health with an adequate margin of
1253 safety, and provides a role for the Clean Air Science
1254 Advisory Committee to evaluate the science. Section 2(b) of
1255 this bill does not change the Clean Air Act's requirements
1256 that standards be protective of public health.

1257 The text simply clarifies that the EPA administrator has
1258 the discretion in certain situations to consider
1259 technological feasibility when choosing among a range of
1260 levels identified and supported by the Science Advisory
1261 Committee as protective of public health.

1262 I urge a no vote on this amendment and I yield back.

1263 *Mr. Palmer. The gentleman yields. Is there further
1264 discussion of the amendment?

1265 The gentleman from New Jersey, Mr. Menendez, is
1266 recognized for five minutes.

1267 *Mr. Menendez. Thank you, Chairman.

1268 Since 1970 the Clean Air Act has had several key
1269 features that have helped make it one of our country's most
1270 successful environmental laws and public health protections.
1271 One of those features is the law's science-based health

1272 protective standards that reflect its core mission: healthy
1273 air for everyone. And cooperative federalism allows the EPA
1274 to set the clean air goals and states decide how best to
1275 achieve them.

1276 The Clean Air Act uses regulatory standards like the
1277 National Ambient Air Quality Standards, or NAAQS, to drive
1278 innovation and pollution controls, often called "technology
1279 forcing standards.'" The reality is it usually costs less to
1280 dump pollution rather than to prevent it, so businesses
1281 generally don't control pollution in the absence of
1282 regulatory requirements.

1283 Once an air pollution standard is in place, industry
1284 gets to work to meet it. We have seen this time and time
1285 again. And along the way we develop more effective and less
1286 expensive pollution control technologies that then become the
1287 industry standard, which, in addition to benefiting public
1288 health, is good for business. Not only is our air cleaner,
1289 but we also export tens of billions of dollars of pollution
1290 control equipment all over the world. We have seen that
1291 happen over and over again.

1292 But section 2(b) ignores this fact and rejects an
1293 approach that has been successful for over 50 years. The
1294 provision attempts to insert consideration of costs into the
1295 NAAQS-setting process, setting a higher, less protective
1296 standard that will endanger public health, including the

1297 health of vulnerable populations like children, the elderly,
1298 low-income communities, and communities of color.
1299 Ultimately, this provision would mean the EPA must weigh
1300 costs of polluting -- to polluting industries against the
1301 well-being of our communities, and that is entirely
1302 unacceptable.

1303 As we have repeated time and time again in this
1304 committee, over 100 million Americans live in counties with
1305 unhealthy levels of air pollution, and air pollution is
1306 responsible for over 100,000 premature deaths in America
1307 every year. So it is a mystery to me why our Republican
1308 colleagues attempt to turn the NAAQS process into a
1309 reflection of how much public health protection polluters can
1310 afford, instead of what is safe for our children, friends,
1311 and neighbors to breathe.

1312 Every aspect of life is impacted by the quality of our
1313 air. That is why it is important that we protect the EPA's
1314 ability to set air quality standards that -- excuse me, to
1315 set air quality standards that are guided solely by public
1316 health.

1317 Overall, this section is a radical rewrite of the
1318 health-based air quality standards that are the foundation of
1319 the Clean Air Act. It ignores decades of experience in
1320 cleaning up air pollution. It is an extreme and reckless
1321 approach. So I urge adoption of the amendment to protect our

1322 families and to ensure these critical standards are based on
1323 science and health alone.

1324 And with that I yield back.

1325 *Mr. Palmer. The gentleman yields. Is there further
1326 discussion of the amendment?

1327 *Mr. Pallone. I would ask for a roll call, Mr.
1328 Chairman.

1329 *Mr. Palmer. Seeing none, all those -- the gentleman
1330 has requested a recorded vote. The clerk will call the roll.

1331 *The Clerk. Mr. Crenshaw?

1332 *Mr. Crenshaw. No.

1333 *The Clerk. Mr. Crenshaw votes no.
1334 Mr. Latta?

1335 [No response.]

1336 *The Clerk. Mr. Griffith?

1337 *Mr. Griffith. No.

1338 *The Clerk. Mr. Griffith votes no.
1339 Mr. Carter of Georgia?

1340 *Mr. Carter of Georgia. No.

1341 *The Clerk. Mr. Carter of Georgia votes no.
1342 Mr. Joyce?

1343 *Mr. Joyce. No.

1344 *The Clerk. Mr. Joyce votes no.
1345 Mr. Weber?

1346 [No response.]

1347 *The Clerk. Mr. Pfluger?
1348 [No response.]
1349 *The Clerk. Mrs. Miller-Meeks?
1350 *Mrs. Miller-Meeks. No.
1351 *The Clerk. Mrs. Miller-Meeks votes no.
1352 Ms. Lee?
1353 *Ms. Lee. No.
1354 *The Clerk. Ms. Lee votes no.
1355 Mr. Langworthy?
1356 [No response.]
1357 *The Clerk. Mr. Evans?
1358 *Mr. Evans. No.
1359 *The Clerk. Mr. Evans votes no.
1360 Mrs. Fedorchak?
1361 *Mrs. Fedorchak. No.
1362 *The Clerk. Mrs. Fedorchak votes no.
1363 Mr. Guthrie?
1364 *The Chair. No.
1365 *The Clerk. Mr. Guthrie votes no.
1366 Mr. Tonko?
1367 *Mr. Tonko. Yes. Aye.
1368 *The Clerk. Mr. Tonko votes aye.
1369 Ms. Schakowsky?
1370 [No response.]
1371 *The Clerk. Mr. Ruiz?

1372 *Mr. Ruiz. Yes.

1373 *The Clerk. Mr. Ruiz votes aye.

1374 Mr. Peters?

1375 *Mr. Peters. Aye.

1376 *The Clerk. Mr. Peters votes aye.

1377 Ms. Barragan?

1378 *Ms. Barragan. Aye.

1379 *The Clerk. Ms. Barragan votes aye.

1380 Mr. Soto?

1381 *Mr. Soto. Aye.

1382 *The Clerk. Mr. Soto votes aye.

1383 Mr. Auchincloss?

1384 *Mr. Auchincloss. Aye.

1385 *The Clerk. Mr. Auchincloss votes aye.

1386 Mr. Carter of Louisiana?

1387 *Mr. Carter of Louisiana. Aye.

1388 *The Clerk. Mr. Carter of Louisiana votes aye.

1389 Mr. Menendez?

1390 *Mr. Menendez. Aye.

1391 *The Clerk. Mr. Menendez votes aye.

1392 Mr. Landsman?

1393 *Mr. Landsman. Aye.

1394 *The Clerk. Mr. Landsman votes aye.

1395 Mr. Pallone?

1396 *Mr. Pallone. Aye.

1397 *The Clerk. Mr. Pallone votes aye.
1398 Chairman Palmer?
1399 *Mr. Palmer. No.
1400 *The Clerk. Chairman Palmer votes no.
1401 *Mr. Palmer. Are there other members who wish to be
1402 recorded?
1403 *Mr. Latta. Mr. Chairman, how is Latta recorded?
1404 *Mr. Palmer. How is Mr. Latta recorded?
1405 *The Clerk. Mr. Latta is not recorded.
1406 *Mr. Latta. Latta votes no.
1407 *The Clerk. Mr. Latta votes no.
1408 *Mr. Palmer. How is Mr. Pfluger recorded?
1409 *Mr. Pfluger. No.
1410 *The Clerk. Mr. Pfluger is not recorded.
1411 Mr. Pfluger votes no.
1412 *Mr. Palmer. How is Mr. Langworthy recorded?
1413 *The Clerk. Mr. Langworthy is not recorded.
1414 *Mr. Langworthy. Langworthy votes no.
1415 *The Clerk. Mr. Langworthy votes no.
1416 *Mr. Palmer. How is Ms. Schakowsky reported?
1417 *The Clerk. Ms. Schakowsky is not recorded.
1418 *Ms. Schakowsky. Aye.
1419 *The Clerk. Ms. Schakowsky votes aye.
1420 *Mr. Palmer. The clerk will report the result.
1421 *The Clerk. Chairman Palmer, on that vote there were 11

1422 ayes and 13 noes.

1423 *Mr. Palmer. The amendment is not agreed to. Are there
1424 further amendments?

1425 *Mr. Tonko. I have an amendment at the desk, Mr. Chair.

1426 *Mr. Palmer. You will specify the amendment.

1427 *Mr. Tonko. It is labeled HR4218_04.

1428 *Mr. Palmer. The gentleman is recognized for five
1429 minutes to speak on --

1430 *Voice. Well, the clerk has to --

1431 *Mr. Palmer. The clerk will report the amendment.

1432 *The Clerk. Amendment to H.R. 4218 offered by Mr.
1433 Tonko. Page 12, beginning on line 5, strike paragraph 1 and
1434 2 --

1435 *Mr. Palmer. Without objection, the reading of the
1436 amendment is dispensed with.

1437 [The amendment of Mr. Tonko follows:]

1438

1439 *****COMMITTEE INSERT*****

1440

1441 *Mr. Palmer. And the gentleman is recognized for five
1442 minutes in support of the amendment.

1443 *Mr. Tonko. Thank you, Mr. Chair. It is absolutely
1444 critical that our environmental regulations are informed by
1445 the latest and best available science. That is why EPA is
1446 legally required to maintain a scientific advisory committee
1447 to inform the NAAQS standards-setting process.

1448 We have debated provisions included in the CLEAR Act
1449 numerous times in the past, including section 4, which would
1450 change the composition of EPA's Clear Air Scientific Advisory
1451 Committee, or CASAC. The CASAC is required by law to consist
1452 of seven members, at least one of which is required to be a
1453 physician, one a National Academies member, and one a state
1454 representative. The bill before us would change states'
1455 representation from one seventh to three sevenths of the
1456 committee's makeup.

1457 In the past I have been very clear that I am not opposed
1458 to having greater state representation on the CASAC, provided
1459 that the committee continues to have the technical and
1460 scientific expertise necessary to properly advise the
1461 administrator. States are important partners in
1462 understanding public health risks posed by air pollution, but
1463 they are far from the only voice that should be part of this
1464 process.

1465 My amendment seeks to recognize the potential for a

1466 greater role for states while maintaining the balance of the
1467 CASAC's composition. It would maintain the proposed increase
1468 in states' seats from 1 to 3, while also increasing the total
1469 number of committee members from 7 to 13, and requiring that,
1470 along with the 3 state representatives, there are also 3
1471 physicians and 3 National Academies members. This would
1472 clearly allow more states the opportunity to participate in
1473 this aspect of the NAAQS process without risking erosion of
1474 the committee's technical expertise.

1475 So if members would like to have more states represented
1476 in this process, this amendment does that while also allowing
1477 more public health experts and doctors to be able to advise
1478 the agency. I encourage you to support this amendment.

1479 With that, Mr. Chair, I yield back.

1480 *Mr. Palmer. The gentleman yields. Is there further
1481 discussion on the amendment?

1482 *Mr. Carter of Georgia. Chairman?

1483 *Mr. Palmer. The gentleman from Georgia, Mr. Carter, is
1484 recognized.

1485 *Mr. Carter of Georgia. Mr. Chairman, this amendment
1486 would undermine the purpose of the bill and dilute the role
1487 that state air regulators should play.

1488 Section 4 of this bill would require the Clean Air
1489 Science Advisory Committee, which helps advise the EPA
1490 administrator on technical issues impacting the NAAQS, to

1491 include additional expertise from state regulatory agencies.
1492 In both hearings before this committee we heard about the
1493 impacts that resulted from an unbalanced CASAC board. It is
1494 essential to have members of CASAC who understand how
1495 scientific data is applied and what it would look like in
1496 practice.

1497 State air pollution control agencies are uniquely well
1498 qualified in this area, as they are responsible for applying
1499 the standards. CASAC members have experience in the
1500 underlying science, but they do not have significant
1501 experience in how that science is translated in NAAQS, or how
1502 monitoring data is modeled to determine if an area meets or
1503 violates the standards they set. This is a significant
1504 knowledge gap. State air regulatory agencies possess
1505 specialized expertise: the practical knowledge and skills
1506 needed for environmental management.

1507 I urge my colleagues to oppose this amendment, and I
1508 yield back.

1509 *Mr. Palmer. The gentleman yields. The gentleman from
1510 Ohio, Mr. Landsman, is recognized.

1511 *Mr. Landsman. Thank you. I just want to speak in
1512 support of my colleague's amendment, and I do hope that my
1513 friends on the other side of the aisle will consider
1514 supporting this.

1515 This is really a simple sort of approach, which is to

1516 say, look, if you are going to change the group that oversees
1517 or provides advice on critically important clean air, clean
1518 water legislation policy, include scientists, include
1519 doctors, include physicians.

1520 This committee benefits from the fact that it has
1521 multiple physicians on both sides of the aisle. And what Mr.
1522 Tonko is saying is, you know, 100 percent include -- you
1523 know, have these state folks lead this effort, but just
1524 expand the committee from 7 people to 13 so that you can have
1525 physicians, you can have experts in the field so that we are
1526 getting the best possible policy for the people we serve, and
1527 that seems to make all the sense in the world.

1528 I can understand if Mr. Tonko said, look, you know, I
1529 want to amend this to -- just in a way that ensures there is
1530 physicians, and it undermines or dilutes the number of state
1531 leaders at the table. But he didn't do that. He decided
1532 that, look, he wants to make sure that this is a science-
1533 based process, that we get all the data that we can possibly
1534 get, we are leveraging all the experts we can leverage. And
1535 so it made sense.

1536 Just change it from 7 people to 13 people so that you
1537 can have both, you can have the state leadership that you all
1538 are pushing for and the scientific and medical expertise to
1539 review and comment on the data, which I suspect, if you
1540 filled this room with a cross-section of Americans and you

1541 said, hey, what if we just added a few seats to make sure
1542 that we can balance both, we have the state folks at the
1543 table and we have experts including physicians and
1544 scientists, they would say, yes, that makes sense.

1545 So with that I encourage my colleagues to support this
1546 amendment.

1547 *Mr. Palmer. The gentleman yields. Is there further
1548 discussion on the amendment?

1549 If there is no further discussion, the vote occurs on
1550 the amendment.

1551 All those in favor shall signify by saying --

1552 *Mr. Tonko. A roll call, Mr. Chair.

1553 *Mr. Palmer. The gentleman requests a recorded vote.
1554 The clerk will call the roll.

1555 *The Clerk. Mr. Crenshaw?

1556 *Mr. Crenshaw. No.

1557 *The Clerk. Mr. Crenshaw votes no.

1558 Mr. Latta?

1559 *Mr. Latta. No.

1560 *The Clerk. Mr. Latta votes no.

1561 Mr. Griffith?

1562 *Mr. Griffith. No.

1563 *The Clerk. Mr. Griffith votes no.

1564 Mr. Carter of Georgia?

1565 *Mr. Carter of Georgia. No.

1566 *The Clerk. Mr. Carter of Georgia votes no.
1567 Mr. Joyce?
1568 *Mr. Joyce. No.
1569 *The Clerk. Mr. Joyce votes no.
1570 Mr. Weber?
1571 [No response.]
1572 *The Clerk. Mr. Pfluger?
1573 *Mr. Pfluger. No.
1574 *The Clerk. Mr. Pfluger votes no.
1575 Mrs. Miller-Meeks?
1576 *Mrs. Miller-Meeks. No.
1577 *The Clerk. Mrs. Miller-Meeks votes no.
1578 Ms. Lee?
1579 *Ms. Lee. No.
1580 *The Clerk. Ms. Lee votes no.
1581 Mr. Langworthy?
1582 *Mr. Langworthy. No.
1583 *The Clerk. Mr. Langworthy votes no.
1584 Mr. Evans?
1585 *Mr. Evans. No.
1586 *The Clerk. Mr. Evans votes no.
1587 Mrs. Fedorchak?
1588 *Mrs. Fedorchak. No.
1589 *The Clerk. Mrs. Fedorchak votes no.
1590 Mr. Guthrie?

1591 [No response.]

1592 *The Clerk. Mr. Tonko?

1593 *Mr. Tonko. Yes. Aye.

1594 *The Clerk. Mr. Tonko votes aye.

1595 Ms. Schakowsky?

1596 *Ms. Schakowsky. Aye.

1597 *The Clerk. Ms. Schakowsky votes aye.

1598 Mr. Ruiz?

1599 *Mr. Ruiz. Aye.

1600 *The Clerk. Mr. Ruiz votes aye.

1601 Mr. Peters?

1602 *Mr. Peters. Aye.

1603 *The Clerk. Mr. Peters votes aye.

1604 Ms. Barragan?

1605 *Ms. Barragan. Aye.

1606 *The Clerk. Ms. Barragan votes aye.

1607 Mr. Soto?

1608 *Mr. Soto. Aye.

1609 *The Clerk. Mr. Soto votes aye.

1610 Mr. Auchincloss?

1611 *Mr. Auchincloss. Aye.

1612 *The Clerk. Mr. Auchincloss votes aye.

1613 Mr. Carter of Louisiana?

1614 *Mr. Carter of Louisiana. Aye.

1615 *The Clerk. Mr. Carter of Louisiana votes aye.

1616 Mr. Menendez?

1617 *Mr. Menendez. Yes.

1618 *The Clerk. Mr. Menendez votes aye.

1619 Mr. Landsman?

1620 *Mr. Landsman. Aye.

1621 *The Clerk. Mr. Landsman votes aye.

1622 Mr. Pallone?

1623 *Mr. Pallone. Aye.

1624 *The Clerk. Mr. Pallone votes aye.

1625 Chairman Palmer?

1626 *Mr. Palmer. No.

1627 *The Clerk. Chairman Palmer votes no.

1628 *Mr. Palmer. Are there other members that wish to be

1629 recorded?

1630 How is Chairman Guthrie recorded?

1631 *The Chair. No.

1632 *The Clerk. Chairman Guthrie is not recorded.

1633 Chairman Guthrie votes no.

1634 *Mr. Palmer. The clerk will report the result.

1635 *The Clerk. Chairman Palmer, on that vote there were 11

1636 ayes and 13 noes.

1637 *Mr. Palmer. The amendment is not agreed to. Are there

1638 further amendments?

1639 The gentlelady from California --

1640 *Ms. Barragan. Mr. Chair, I --

1641 *Mr. Palmer. -- is recognized to state --

1642 *Ms. Barragan. Mr. Chair, I have an amendment at the
1643 desk. It is HR4218_09.

1644 *Mr. Palmer. The clerk will report the amendment.

1645 *The Clerk. Amendment to H.R. 4218 offered by Ms.
1646 Barragan. Add at the end the following --

1647 *Mr. Palmer. Without objection, the reading of the
1648 amendment is dispensed with.

1649 [The amendment of Ms. Barragan follows:]

1650

1651 *****COMMITTEE INSERT*****

1652

1653 *Mr. Palmer. And the gentlelady is recognized for five
1654 minutes in support of the amendment.

1655 *Ms. Barragan. Thank you, Mr. Chair.

1656 My amendment prevents the CLEAR Act from taking effect
1657 unless the EPA finds that this bill will not increase harmful
1658 health outcomes for our communities such as asthma attacks,
1659 emergency room visits due to respiratory disease, or babies
1660 born with low birth weight. This is critical because the
1661 Republican legislation before us guts the Clean Air Act, and
1662 the cost of turning back the clock on clean air is far too
1663 high for public health and for the affordability of health
1664 care across the country.

1665 Air pollution is a well-documented trigger for asthma,
1666 respiratory illness, cardiovascular disease, birth
1667 complications, and premature death. A weaker Clean Air Act
1668 threatens to make America sicker. For communities already
1669 burdened by pollution -- often low-income communities and
1670 communities of color -- the consequences are severe. More
1671 pollution means more asthma attacks, more emergency room
1672 visits, worsened chronic illnesses, and more premature
1673 deaths.

1674 We see this clearly in the story of Caitlin Joshua and
1675 her twin sister, Angel, who have suffered from chronic asthma
1676 since childhood. They grew up in Louisiana's cancer alley,
1677 surrounded by petrochemical facilities, refineries, and the

1678 pollution that comes from those plants. Caitlin's doctor
1679 prescribes multiple medications and breathing treatments to
1680 manage her asthma, yet she still spent significant time and
1681 money in urgent care. Angel and her -- and Caitlin really
1682 shouldn't have to go through this. Caitlin's physician told
1683 her directly, "It is where you live. It is the air quality.
1684 You are going to have to move out of there.'" Now, imagine
1685 being told that your only health care solution is to leave
1686 your home. That is the human cost of weaker clean air
1687 enforcement.

1688 This story is not isolated. In California's San Joaquin
1689 Valley families are experiencing a similar crisis. Recent
1690 reporting found that because of air pollution-driven asthma,
1691 residents are buying inhalers on the street for \$70 apiece
1692 from other people because they cannot afford them at
1693 pharmacies. This is the cost of pollution on our health care
1694 system.

1695 Democrats have spent this year focused on lowering
1696 health care costs. Affordable coverage is critical, which is
1697 why we have fought to extend health care tax credits and have
1698 opposed Republicans' massive cuts to Medicaid.

1699 When pollution makes people sick, it makes health care
1700 more expensive. Every unplanned hospital admission, every
1701 emergency asthma treatment, every chronic lung disease
1702 diagnosis translates directly into higher cost. Sicker

1703 communities mean higher premiums, missed school and work, and
1704 unaffordable medical bills. The Republican bill to weaken
1705 clean air protections is not simply a debate about industrial
1706 permitting; it is a decision about who pays.

1707 Do large corporations and polluting industries pay for
1708 cleaner technology, or do low-income communities, workers,
1709 seniors, and children continue to pay with their health and
1710 their lives? That is what this vote is about. Republicans
1711 have already cut health care. Now they propose to cut the
1712 clean air protections that keep people healthy in the first
1713 place. Instead, we can and should pursue economic growth
1714 while protecting public health.

1715 The Clean Air Act is not a burden. It is a foundation
1716 for healthier lives, fewer emergency room visits, and lower
1717 health care costs. I strongly urge this committee to support
1718 my amendment and preserve the clean air protections our
1719 constituents depend on.

1720 I yield back.

1721 *Mr. Palmer. Is there a discussion of the amendment?

1722 The gentleman from Georgia, Mr. Carter, is recognized.

1723 *Mr. Carter of Georgia. Mr. Chairman, we can protect
1724 public health and the environment while facilitating economic
1725 growth, but we need permitting reform to stay competitive in
1726 the global economy, as many of my colleagues on both sides of
1727 the aisle have recognized. Meaningful permitting reform

1728 cannot occur without modernizing the Clean Air Act.

1729 The consequences of our committee and Congress's
1730 inaction are on the horizon, and they are significant:
1731 continued permitting gridlock; prevention of growth; failure
1732 to build new bridges, roads and other infrastructure
1733 projects; American businesses forced to abandon or shutter
1734 their facilities. In fact, according to a recent report by
1735 the National Association of Manufacturers, the current over-
1736 burdensome regulations threaten nearly \$200 billion in
1737 economic activity and put 1 million -- 1 million -- jobs at
1738 risk. These are real impacts that threaten the future for
1739 the youngest members of our population. Those impacts are
1740 tangible for women, for children, and for all Americans.

1741 I urge my colleagues to oppose this amendment and I
1742 yield back.

1743 *Mr. Palmer. The gentleman yields. Is there further
1744 discussion on the amendment?

1745 Mr. Carter from Louisiana is recognized.

1746 *Mr. Carter of Louisiana. Thank you, Mr. Chairman. I
1747 support the gentlelady's amendment.

1748 This bill, the CLEAR Act, would weaken air quality-
1749 setting standards, delay implementation of stronger health
1750 protective standards, and give polluters a free pass to
1751 contaminate our air.

1752 Republicans continue to peddle legislation with false

1753 narratives that we need to undermine the Clean Air Act in
1754 order to promote economic growth. This has been proven false
1755 time and time again.

1756 For more than 50 years the Clean Act [sic] has been
1757 successful in reducing pollution by nearly 80 percent, while
1758 the nation's GDP has almost quadrupled. This is incredible
1759 progress, but we cannot become complacent. Our air quality
1760 standards must reflect the latest scientific information.
1761 Unfortunately, this legislation would do just the opposite,
1762 undermining science in favor of industry profits.

1763 The CLEAR Act would force the EPA to set less protective
1764 standards and allow industry to continue polluting our air.
1765 Under the Republicans' proposal, communities would be left to
1766 contend with adverse effects of air pollution: more asthma
1767 attacks, heart attacks, lung disease, birth defects,
1768 neurological damage, and premature death. Ms. Barragan's
1769 amendment would ensure that EPA prioritizes community health,
1770 especially that of the most vulnerable and historically
1771 marginalized like in my district in Louisiana.

1772 The American people deserve clean, safe air. I urge my
1773 colleagues to support this very basic, common-sense, decent
1774 amendment.

1775 And I yield back.

1776 *Mr. Palmer. The gentleman yields. Is there further
1777 discussion of the amendment?

1778 The gentleman from Texas, Mr. Crenshaw, is recognized
1779 for five minutes.

1780 *Mr. Crenshaw. Thank you, Mr. Chairman. I move to
1781 strike the last word.

1782 I just want to continue to address the -- what I think
1783 is a manufactured crisis here about public health. And so I
1784 am going to go back to the statistics. We didn't make these
1785 up. This is from the CDC. This is not Trump's CDC, this is
1786 just the CDC under Biden, under Obama, under -- same CDC,
1787 same CDC statistics.

1788 So national surveillance shows current asthma prevalence
1789 went from 7.4 percent, which is about 20 million people in
1790 2001, to 7.7 percent, about 25 million in 2021. And you
1791 might look at that and say, oh, see, it is increasing. Well,
1792 here is the thing. When you actually account for population
1793 growth, that is actually a decrease on a per capita basis.
1794 So where is this crisis of air quality that we are talking
1795 about?

1796 And then there is the actual outcomes of having asthma.
1797 Those attacks are way down. Over that same period, the share
1798 of people who had asthma, had at least one attack in the past
1799 year substantially fell for children and adults. So with
1800 children attack prevalence dropped from 62 percent to 39
1801 percent in that 20-year period. In adults it dropped from 54
1802 percent to 40 percent.

1803 ER visits declined from 62.6 per 10,000 people in 2001
1804 to 29.8 per 10,000 people in 2020. I said before that was a
1805 50 percent drop. I was wrong, it is more than a 50 percent
1806 drop, slightly more. Hospitalization rates fell from 13 to
1807 -- out of 10,000 to 2.9 out of 10,000 over that same period.
1808 Again, in my earlier statements I said that was a 75 percent
1809 drop. I was wrong. It is more like a 78 percent drop.
1810 Deaths have fallen, 15 deaths per million in 2001 to 10.6 per
1811 million in 2021. A separate peer-reviewed study reports that
1812 age-adjusted asthma mortality rates dropped from 2.46 to
1813 1.33.

1814 I mean, the American Lung Association notes 2010 to
1815 2022, that overall asthma prevalence has been flat but the
1816 percentage of people with asthma who suffer an attack each
1817 year has fallen by about a quarter since 2001. I mean, we
1818 could keep going, but in the end, like, we just have to be
1819 honest about this. We are scaring people into this idea that
1820 they can't have manufacturing, that they can't have basic
1821 power needs because their counties are in unattainment zones.
1822 And you are scaring them into believing that they are going
1823 to die of asthma when all the statistics show the opposite.

1824 So we have to have honest debates about this stuff. We
1825 are not trying to -- you keep saying we are trying to get rid
1826 of the air quality act. That is just not true. There is no
1827 bills today about getting rid of the air quality act. We are

1828 trying to put some left-and-right limits on it that are
1829 completely sensible.

1830 Again, we can have it both ways. We can protect the
1831 environment and we can continue to protect public health,
1832 which we all agree on, and we can also create a regulatory
1833 environment where we can actually build some stuff that we
1834 actually need for our own prosperity, and it will probably
1835 save more lives in the long run.

1836 I yield back.

1837 *Mr. Palmer. The gentleman yields. Is there further
1838 discussion on the amendment?

1839 The gentleman from Ohio, Mr. Landsman, is recognized for
1840 five minutes.

1841 *Mr. Landsman. Yes. I think it is really important to
1842 have a frank conversation about this, and asthma, and air
1843 quality in general.

1844 The idea that flat is victory is so problematic for the
1845 families and the children that are struggling with upper
1846 respiratory issues. Asthma is one of, if not the leading
1847 cause of kids missing school. And it is, you know, one of
1848 the leading causes of serious, serious health issues for
1849 children.

1850 And so if you only look at the statistics, if that is
1851 your perspective -- as I am just going to look at a
1852 spreadsheet -- yes, the EPA works. The numbers are going

1853 down. Science works. The interventions that have led to a
1854 -- I guess this sort of flattening of asthma rates in this
1855 country, those interventions have worked. You don't walk
1856 away from that, nor do you ignore the fact that these
1857 children -- and it is children -- are going to the hospital
1858 with upper respiratory issues for a whole host of reasons:
1859 sewer backups, mold and dilapidated buildings, air quality,
1860 all of these things that the EPA and other agencies are
1861 working to address with local leaders. And if we get in
1862 their way or if we do anything other than support them, it is
1863 going to make matters worse.

1864 But I just -- as I am sitting here listening to these
1865 stats being rattled off, the idea that flat is victory, I am
1866 thinking about the number of children in the -- in
1867 Cincinnati, in my district that go to the hospital all the
1868 time with serious upper respiratory issues caused by crap in
1869 their walls, by -- in the crap in the air, all kinds of
1870 issues that if you strip away or undermine the power of the
1871 Environmental Protection Agency to help these children, it is
1872 only going to get worse. Flat is not victory, nor are these
1873 children statistics. This is a huge, huge issue for
1874 families, particularly in low-income communities.

1875 I yield back.

1876 *Mr. Palmer. The gentleman yields. Is there further
1877 discussion on the amendment?

1878 The gentleman from Ohio is recognized for five minutes.

1879 *Mr. Latta. Well, thank you, Mr. Chairman. I yield my
1880 time to the gentleman, the vice chairman of the subcommittee.

1881 *Mr. Crenshaw. I appreciate that, and I appreciate the
1882 discussion on this important subject, on asthma.

1883 We are not saying flat is victory, and I just laid out a
1884 bunch of stats. It is really not flat. I mean, when it
1885 comes to the important outcomes here, hospitalizations, ER
1886 visits, not only is it not flat, it has dramatically
1887 decreased, despite a pretty substantial increase in
1888 population and manufacturing and power production and all of
1889 these things. So no, we are not making the argument that it
1890 is flat.

1891 And I have got to say, just philosophically, there has
1892 to be some limiting principle to how we regulate whatever it
1893 is we are talking about. There has to be some limiting
1894 principle. Just because 1 regulation is good doesn't mean 10
1895 more are better. Eventually, you start to have trade-offs
1896 that are inconsistent with our ability to prosper as a
1897 nation.

1898 And with all of the progress we have made -- and, you
1899 know, the argument can be made, oh, we should keep making
1900 more. Well, yes, we could keep making more and we could all
1901 live in -- back in the Stone Age. We are at a point where we
1902 have done a pretty good job.

1903 We don't want to get rid of the Clean Air Act. We don't
1904 want to get rid of the EPA. We don't want to get rid of all
1905 regulations. We want to put them in a place of common sense.
1906 And when it comes to 20 years of industrial growth and yet
1907 the asthma rates have not changed, that is -- that does tell
1908 you something. It tells you that there might be other
1909 factors behind asthma, you know, especially when you consider
1910 that the vast majority -- somewhere in here, like 16 percent
1911 of these particulate matters that we are talking about are
1912 actually due to these point of production places that we are
1913 discussing. It is a very small number, and yet we are
1914 putting all of the blame on asthma on that. That is not a
1915 reasonable, logical conclusion, and that should be part of
1916 this discussion.

1917 And I yield back to the gentleman. Thank you.

1918 *Mr. Latta. I yield back.

1919 *Mr. Palmer. The gentleman yields. Is there further
1920 discussion on the amendment?

1921 If there is no further discussion, the vote occurs on
1922 the amendment.

1923 All those in favor, signify by saying aye.

1924 *Mr. Tonko. Mr. Chair, can I request a recorded vote,
1925 please?

1926 *Mr. Palmer. The gentleman requests a recorded vote.
1927 The clerk will call the roll.

1928 *The Clerk. Mr. Crenshaw?
1929 *Mr. Crenshaw. No.
1930 *The Clerk. Mr. Crenshaw votes no.
1931 Mr. Latta?
1932 *Mr. Latta. No.
1933 *The Clerk. Mr. Latta votes no.
1934 Mr. Griffith?
1935 *Mr. Griffith. No.
1936 *The Clerk. Mr. Griffith votes no.
1937 Mr. Carter of Georgia?
1938 [No response.]
1939 *The Clerk. Mr. Joyce?
1940 [No response.]
1941 *The Clerk. Mr. Weber?
1942 [No response.]
1943 *The Clerk. Mr. Pfluger?
1944 *Mr. Pfluger. No.
1945 *The Clerk. Mr. Pfluger votes no.
1946 Mrs. Miller-Meeks?
1947 *Mrs. Miller-Meeks. No.
1948 *The Clerk. Mrs. Miller-Meeks votes no.
1949 Ms. Lee?
1950 *Ms. Lee. No.
1951 *The Clerk. Ms. Lee votes no.
1952 Mr. Langworthy?

1953 *Mr. Langworthy. No.

1954 *The Clerk. Mr. Langworthy votes no.

1955 Mr. Evans?

1956 *Mr. Evans. No.

1957 *The Clerk. Mr. Evans votes no.

1958 Mrs. Fedorchak?

1959 [No response.]

1960 *The Clerk. Mr. Guthrie?

1961 [No response.]

1962 *The Clerk. Mr. Tonko?

1963 *Mr. Tonko. Aye.

1964 *The Clerk. Mr. Tonko votes aye.

1965 Ms. Schakowsky?

1966 *Ms. Schakowsky. Aye.

1967 *The Clerk. Ms. Schakowsky votes aye.

1968 Mr. Ruiz?

1969 [No response.]

1970 *The Clerk. Mr. Peters?

1971 *Mr. Peters. Aye.

1972 *The Clerk. Mr. Peters votes aye.

1973 Ms. Barragan?

1974 *Ms. Barragan. Aye.

1975 *The Clerk. Ms. Barragan votes aye.

1976 Mr. Soto?

1977 *Mr. Soto. Aye.

1978 *The Clerk. Mr. Soto votes aye.
1979 Mr. Auchincloss?
1980 *Mr. Auchincloss. Aye.
1981 *The Clerk. Mr. Auchincloss votes aye.
1982 Mr. Carter of Louisiana?
1983 *Mr. Carter of Louisiana. Aye.
1984 *The Clerk. Mr. Carter of Louisiana votes aye.
1985 Mr. Menendez?
1986 *Mr. Menendez. Aye.
1987 *The Clerk. Mr. Menendez votes aye.
1988 Mr. Landsman?
1989 *Mr. Landsman. Aye.
1990 *The Clerk. Mr. Landsman votes aye.
1991 Mr. Pallone?
1992 *Mr. Pallone. Aye.
1993 *The Clerk. Mr. Pallone votes aye.
1994 Chairman Palmer?
1995 *Mr. Palmer. No.
1996 *The Clerk. Chairman Palmer votes no.
1997 *Mr. Palmer. Are there other members who wish to be
1998 recorded?
1999 How is the gentleman from Georgia, Mr. Carter, recorded?
2000 *The Clerk. Mr. Carter is not recorded.
2001 *Mr. Carter of Georgia. Carter votes no.
2002 *The Clerk. Mr. Carter of Georgia votes no.

2003 *Mr. Palmer. How is the gentleman from Kentucky,
2004 Chairman Guthrie --
2005 *The Chair. No.
2006 *Mr. Palmer. -- recorded?
2007 *The Clerk. Mr. Guthrie votes no.
2008 *Mr. Palmer. How is the gentleman from Pennsylvania,
2009 Mr. Joyce, recorded?
2010 *The Clerk. Mr. Joyce is not recorded.
2011 *Mr. Joyce. Joyce votes no.
2012 *The Clerk. Mr. Joyce votes no.
2013 *Mr. Palmer. How is the gentlelady from North Dakota,
2014 Mrs. Fedorchak recorded?
2015 *The Clerk. Mrs. Fedorchak is not recorded.
2016 *Mrs. Fedorchak. No.
2017 *The Clerk. Mrs. Fedorchak votes no.
2018 *Mr. Palmer. How is the gentleman from Texas, Mr.
2019 Weber, recorded?
2020 *The Clerk. Mr. Weber is not recorded.
2021 *Mr. Weber. Mr. Weber votes no.
2022 *The Clerk. Mr. Weber votes no.
2023 *Mr. Palmer. Are there other members who wish to be
2024 recorded?
2025 The clerk will report the result.
2026 *The Clerk. Chairman Palmer, on that vote there were 10
2027 ayes and 14 noes.

2028 *Mr. Palmer. The amendment is not agreed to. Are there
2029 further amendments?

2030 The question now occurs on adopting H.R. 4218.

2031 All those in favor, say aye.

2032 Those opposed, no.

2033 The ayes have it.

2034 *Mr. Tonko. A recorded vote, please.

2035 *Mr. Palmer. The gentleman requests the yeas and nays.

2036 A roll call -- the clerk will call the roll.

2037 *The Clerk. Mr. Crenshaw?

2038 *Mr. Crenshaw. Yes.

2039 *The Clerk. Mr. Crenshaw votes aye.

2040 Mr. Latta?

2041 *Mr. Latta. Aye. Aye.

2042 *The Clerk. Mr. Latta votes aye.

2043 Mr. Griffith?

2044 *Mr. Griffith. Aye.

2045 *The Clerk. Mr. Griffith votes aye.

2046 Mr. Carter of Georgia?

2047 *Mr. Carter of Georgia. Aye.

2048 *The Clerk. Mr. Carter of Georgia votes aye.

2049 Mr. Joyce?

2050 *Mr. Joyce. Joyce votes aye.

2051 *The Clerk. Mr. Joyce votes aye.

2052 Mr. Weber?

2053 [No response.]

2054 *The Clerk. Mr. Pfluger?

2055 *Mr. Pfluger. Aye.

2056 *The Clerk. Mr. Pfluger votes aye.

2057 Mrs. Miller-Meeks?

2058 *Mrs. Miller-Meeks. Aye.

2059 *The Clerk. Mrs. Miller-Meeks votes aye.

2060 Ms. Lee?

2061 *Ms. Lee. Aye.

2062 *The Clerk. Ms. Lee votes aye.

2063 Mr. Langworthy?

2064 *Mr. Langworthy. Aye.

2065 *The Clerk. Mr. Langworthy votes aye.

2066 Mr. Evans?

2067 *Mr. Evans. Aye.

2068 *The Clerk. Mr. Evans votes aye.

2069 Mrs. Fedorchak?

2070 *Mrs. Fedorchak. Aye.

2071 *The Clerk. Mrs. Fedorchak votes aye.

2072 Mr. Guthrie?

2073 *The Chair. Aye.

2074 *The Clerk. Mr. Guthrie votes aye.

2075 Mr. Tonko?

2076 *Mr. Tonko. No.

2077 *The Clerk. Mr. Tonko votes no.

2078 Ms. Schakowsky?
2079 *Ms. Schakowsky. No.
2080 *The Clerk. Ms. Schakowsky votes no.
2081 Mr. Ruiz?
2082 [No response.]
2083 *The Clerk. Mr. Peters?
2084 *Mr. Peters. No.
2085 *The Clerk. Mr. Peters votes no.
2086 Ms. Barragan?
2087 *Ms. Barragan. No.
2088 *The Clerk. Ms. Barragan votes no.
2089 Mr. Soto?
2090 *Mr. Soto. No.
2091 *The Clerk. Mr. Soto votes no.
2092 Mr. Auchincloss?
2093 [No response.]
2094 *The Clerk. Mr. Carter of Louisiana?
2095 *Mr. Carter of Louisiana. No.
2096 *The Clerk. Mr. Carter of Louisiana votes no.
2097 Mr. Menendez?
2098 *Mr. Menendez. No.
2099 *The Clerk. Mr. Menendez votes no.
2100 Mr. Landsman?
2101 *Mr. Landsman. No.
2102 *The Clerk. Mr. Landsman votes no.

2103 Mr. Pallone?

2104 *Mr. Pallone. No.

2105 *The Clerk. Mr. Pallone votes no.

2106 Chairman Palmer?

2107 *Mr. Palmer. Aye.

2108 *The Clerk. Chairman Palmer votes aye.

2109 *Mr. Palmer. How is the gentleman from Texas recorded?

2110 *The Clerk. Mr. Weber is not recorded.

2111 *Mr. Weber. Weber votes aye.

2112 *The Clerk. Mr. Weber votes aye.

2113 *Mr. Palmer. Are there other members who wish to be

2114 recorded?

2115 *Mr. Auchincloss. Yes.

2116 *Mr. Palmer. The gentleman from Massachusetts, Mr.

2117 Auchincloss.

2118 *The Clerk. Mr. Auchincloss is not recorded.

2119 *Mr. Auchincloss. No.

2120 *The Clerk. Mr. Auchincloss votes no.

2121 *Mr. Palmer. The clerk will report.

2122 *The Clerk. Chairman Palmer, on that vote there were 14

2123 ayes and 10 noes.

2124 *Mr. Palmer. The bill is adopted and will be forwarded

2125 to the full committee.

2126 The chair now calls up H.R. 6387 and asks the clerk to

2127 report.

2128 *The Clerk. H.R. 6387, a bill to amend the Clean Air
2129 Act to require revisions to the regulations governing the
2130 review and handling of air quality monitoring data influenced
2131 by exceptional events or actions to mitigate wildfire risk.

2132 Section 1, short title. This Act may be cited as the
2133 Fire Improvement and Reforming Exceptional Events Act, or the
2134 FIRE Act.

2135 Section 2, air quality monitoring data influenced by
2136 exceptional events or actions to mitigate wildfire risk --

2137 *Mr. Palmer. Without objection, the first reading the
2138 bill is dispensed with. The bill will be open for amendment
2139 at any point.

2140 So ordered.

2141 [The bill follows:]

2142

2143 *****COMMITTEE INSERT*****

2144

2145 *Mr. Palmer. The chair recognizes the gentleman from
2146 Colorado, Mr. Evans.

2147 *Mr. Evans. Thank you, Mr. Chairman. Thank you, Mr.
2148 Chair. I want to speak today in strong support of my common-
2149 sense, bipartisan bill that will help address a longstanding
2150 issue in Colorado and many other Western states that
2151 continues to drive up costs for families.

2152 The Fire Improvement and Reforming Exceptional Events
2153 Act, or FIRE Act, for short, ensures that states are not
2154 punished for smoke and emissions that they cannot control
2155 while still maintaining strong environmental protections.

2156 For years my area, the Front Range of Colorado, has
2157 consistently struggled to meet ozone attainment levels set by
2158 the Federal Clean Air Act, despite the fact that the bulk of
2159 emissions originate from sources outside of the state's
2160 control. This includes sources like wildfires, Chinese
2161 pollution, and naturally occurring atmospheric events.

2162 The resulting red tape around air quality permitting and
2163 the regulations that states like Colorado slap onto industry,
2164 the economy, and consumers are a leading cause of the
2165 affordability crisis that working families in my district are
2166 facing. When the economy is strangled under the weight of
2167 costly, poorly-designed ozone attainment standards, jobs are
2168 lost, prices spike, and financial stress increases negative
2169 health outcomes.

2170 Trust me, I have a kid with asthma. I understand the
2171 struggles that many parents and many folks with asthma have.
2172 I want clean air as much as anyone. But when families and
2173 jobs are penalized for emissions outside of their control,
2174 that leads to unemployment, that leads to higher costs, and
2175 that does not promote healthy living. It instead promotes
2176 poverty, and poverty also leads to negative health outcomes.

2177 The clearest example of the economic strain that the
2178 current system is putting on my constituents is a
2179 reformulated gasoline mandate that Colorado has imposed. In
2180 the summertime commuters across the state are forced to buy
2181 reformulated gas that is typically \$0.40 more expensive per
2182 gallon, despite the fact that this so-called mitigation
2183 effort produces negligible results, less than one part per
2184 billion, in actually reducing ozone levels.

2185 But don't take my word for it. The Democrat-appointed
2186 chair of the Denver Regional Air Quality Council admitted
2187 that we could "ban oil and gas in Colorado and still not meet
2188 summertime ozone standards.'" Why?

2189 [Slide]

2190 *Mr. Evans. Well, I have got all of the slides right
2191 here. Not my slides. These are slides from the Colorado
2192 Department of Public Health and Environment, which shows that
2193 in Colorado only 29 percent of the ozone and the air
2194 pollution along the Colorado Front Range is human caused.

2195 The other 71 percent of the air pollution is things like
2196 naturally occurring, it is things like fire, and it is things
2197 that are outside the control of the State of Colorado, which
2198 in this slide are represented as the boundary initial
2199 conditions.

2200 We need to follow the science. And in this case the
2201 science from entities like the Democrat-controlled Colorado
2202 Department of Public Health and Environment show that two-
2203 thirds of the air quality in Colorado is not under the
2204 control of the State of Colorado. And that is why the
2205 legislation this subcommittee is considering today is so
2206 important, and why my bill, the FIRE Act, has garnered
2207 bipartisan support.

2208 It is a common-sense solution. It simply clarifies how
2209 emissions from wildfires, prescribed burns, and other
2210 exceptional events are treated in Federal air quality
2211 reviews. It maintains the environmental protections that
2212 benefit Americans, while allowing states the flexibility to
2213 comply with the Clean Air Act without punishing American jobs
2214 for international wildfire smoke, naturally occurring
2215 exceptional events, and other things that fall in those
2216 categories.

2217 I am proud to be leading this bill with Congressman Gray
2218 from California, whose district and state face similar
2219 challenges to mine when it comes to ozone nonattainment and

2220 wildfires. And I am grateful to my colleagues on this
2221 committee who are championing their own legislation vital to
2222 modernizing the Clean Air Act. I look forward to supporting
2223 the FIRE Act and these bills that we are hearing today
2224 through the legislative process, and I urge my colleagues to
2225 join me in advancing them through markup today.

2226 And I yield back.

2227 *Mr. Palmer. The gentleman yields. Is there further
2228 discussion on the bill?

2229 *Mr. Tonko. Mr. Chair, I move to strike the last word.

2230 *Mr. Palmer. The gentleman is recognized.

2231 *Mr. Tonko. Thank you, sir.

2232 I completely understand that many state and local
2233 governments are dealing with severe air pollution related to
2234 wildfires. And of course, those challenges will only get
2235 worse, as we know, if we continue to ignore the threat of
2236 climate change, which is causing longer and more devastating
2237 fire seasons. I also appreciate the prescribed burns that
2238 can be used as an effective tool in limiting future wildfire
2239 risks.

2240 Our air pollution rules should acknowledge naturally
2241 occurring exceptional events, as well as tailored and proven
2242 methods to treat them. However, we shouldn't lose sight that
2243 our constituents' lungs don't care where the pollution they
2244 are breathing comes from. Our environmental regulations

2245 should seek to create the conditions to maximize public
2246 health protections, even when conducting wildfire mitigation
2247 activities, and the current law clearly allows for this
2248 already.

2249 EPA already provides a pathway for states to exclude
2250 data influenced by exceptional events like wildfires and like
2251 prescribed burns from being used when determining compliance
2252 with air quality standards. In 2019 the EPA issued guidance
2253 addressing how prescribed fires could satisfy the statutory
2254 definition of exceptional events. And in 2024 EPA issued a
2255 number of other tools to assist our states in meeting the
2256 regulatory requirements. This helps ensure that states are
2257 doing everything possible to follow best practices and limit
2258 health risks from prescribed fires causing unsafe air
2259 quality.

2260 This bill would also create a major loophole in the law
2261 by dramatically expanding the types of events that could be
2262 considered an exceptional event, including common occurrences
2263 like drought and hot days. Exceptional events should be
2264 limited to things that are truly exceptional. It is critical
2265 that during high temperature and low precipitation times,
2266 days that are more likely to experience poor air quality,
2267 that we are still seeking to protect people. Exemptions for
2268 prescribed fire activities from NAAQS, not to mention the
2269 other commonly occurring conditions that would be considered

2270 exceptional under this bill, does not protect public health.

2271 Our constituents will breathe unsafe air whether or not

2272 an event is eligible for an exceptional event exclusion.

2273 This bill is seeking a quick fix that papers over legitimate

2274 pollution reduction issues. Instead, we should build upon

2275 the existing law and EPA's efforts to bring together all of

2276 the relevant partners, from Federal to state to local levels,

2277 to work together to reduce wildfire risk while also

2278 mitigating risks to public health.

2279 With that I urge members to oppose the bill, Mr. Chair,

2280 and I yield back.

2281 *Mr. Palmer. The gentleman yields. Is there further

2282 discussion on the bill?

2283 Seeing none, are there any amendments?

2284 Seeing none, if there is no further discussion, the

2285 question now occurs on adopting H.R. 6387.

2286 *Mr. Tonko. Mr. Chair, I call for a recorded vote,

2287 please.

2288 *Mr. Palmer. A roll call vote has been requested. The

2289 clerk will call the roll.

2290 *The Clerk. Mr. Crenshaw?

2291 [No response.]

2292 *The Clerk. Mr. Latta?

2293 *Mr. Latta. Aye.

2294 *The Clerk. Mr. Latta votes aye.

2295 Mr. Griffith?

2296 *Mr. Griffith. Aye.

2297 *The Clerk. Mr. Griffith votes aye.

2298 Mr. Carter of Georgia?

2299 [No response.]

2300 *The Clerk. Mr. Joyce?

2301 *Mr. Joyce. Aye.

2302 *The Clerk. Mr. Joyce votes aye.

2303 Mr. Weber?

2304 *Mr. Weber. Weber votes aye.

2305 *The Clerk. Mr. Weber votes aye.

2306 Mr. Pfluger?

2307 *Mr. Pfluger. Aye.

2308 *The Clerk. Mr. Pfluger votes aye.

2309 Mrs. Miller-Meeks?

2310 [No response.]

2311 *The Clerk. Ms. Lee?

2312 *Ms. Lee. Aye.

2313 *The Clerk. Ms. Lee votes aye.

2314 Mr. Langworthy?

2315 *Mr. Langworthy. Aye.

2316 *The Clerk. Mr. Langworthy votes aye.

2317 Mr. Evans?

2318 *Mr. Evans. Aye.

2319 *The Clerk. Mr. Evans votes aye.

2320 Mrs. Fedorchak?

2321 *Mrs. Fedorchak. Aye.

2322 *The Clerk. Mrs. Fedorchak votes aye.

2323 Mr. Guthrie?

2324 [No response.]

2325 *The Clerk. Mr. Tonko?

2326 *Mr. Tonko. No.

2327 *The Clerk. Mr. Tonko votes no.

2328 Ms. Schakowsky?

2329 *Ms. Schakowsky. No.

2330 *The Clerk. Ms. Schakowsky votes no.

2331 Mr. Ruiz?

2332 [No response.]

2333 *The Clerk. Mr. Peters?

2334 *Mr. Peters. No.

2335 *The Clerk. Mr. Peters votes no.

2336 Ms. Barragan?

2337 *Ms. Barragan. No.

2338 *The Clerk. Ms. Barragan votes no.

2339 Mr. Soto?

2340 *Mr. Soto. No.

2341 *The Clerk. Mr. Soto votes no.

2342 Mr. Auchincloss?

2343 *Mr. Auchincloss. No.

2344 *The Clerk. Mr. Auchincloss votes no.

2345 Mr. Carter of Louisiana?

2346 *Mr. Carter of Louisiana. No.

2347 *The Clerk. Mr. Carter of Louisiana votes no.

2348 Mr. Menendez?

2349 *Mr. Menendez. No.

2350 *The Clerk. Mr. Menendez votes no.

2351 Mr. Landsman?

2352 *Mr. Landsman. No.

2353 *The Clerk. Mr. Landsman votes no.

2354 Mr. Pallone?

2355 *Mr. Pallone. No.

2356 *The Clerk. Mr. Pallone votes no.

2357 Chairman Palmer?

2358 *Mr. Palmer. Aye.

2359 *The Clerk. Chairman Palmer votes aye.

2360 *Mr. Carter of Georgia. How is Carter recorded?

2361 *The Clerk. Mr. Carter is not recorded.

2362 *Mr. Carter of Georgia. Votes aye.

2363 *Mr. Latta. [Presiding.] How are --

2364 *The Clerk. Mr. Carter votes aye.

2365 *Mr. Latta. Are there any other members to be recorded?

2366 How is the gentleman from Texas --

2367 *Mr. Crenshaw. Crenshaw votes aye.

2368 *The Clerk. Mr. Crenshaw is not recorded.

2369 Mr. Crenshaw votes aye.

2370 *Mr. Latta. How is the chairman recorded?

2371 *The Chair. Aye.

2372 *The Clerk. Mr. Guthrie votes aye.

2373 *Mr. Latta. Are there any other members wishing to
2374 record their vote?

2375 Hearing none, the clerk will take the roll.

2376 *The Clerk. Mr. Latta, on that vote there were 13 ayes
2377 and 10 noes.

2378 *Mr. Latta. Thank you very much. The ayes have it.
2379 The bill is adopted and forwarded to the full committee.

2380 The chair calls up H.R. 4214 and asks the clerk to
2381 report.

2382 *The Clerk. H.R. 4214, a bill to require the
2383 administrator of the Environmental Protection Agency --

2384 *Mr. Latta. Without objection, the first reading of the
2385 bill is dispensed with, and the bill will be open for
2386 amendment at any point.

2387 So ordered.

2388 [The bill follows:]

2389

2390 *****COMMITTEE INSERT*****

2391

2392 *Mr. Latta. Does anyone seek to be recognized on the
2393 bill?

2394 For what purpose does the gentleman from Georgia wish to
2395 be recognized?

2396 *Mr. Carter of Georgia. Mr. Chairman, I move to strike
2397 the last word.

2398 *Mr. Latta. The gentleman is recognized for five
2399 minutes to speak on the bill.

2400 *Mr. Carter of Georgia. Mr. Chairman, Congressman
2401 Allen's Clean Air and Building Infrastructure Improvement Act
2402 is another common-sense piece of legislation designed to fix
2403 our overly burdensome NAAQS standards.

2404 This bill would require the EPA to publish implementing
2405 regulations and guidance when establishing or revising
2406 National Ambient Air Quality Standards. Too often under-
2407 staffed state agencies are forced to implement regulations on
2408 tight timelines with little to no guidance from the EPA.

2409 This bill also requires guidance on how to submit pre-
2410 construction permit applications under new or revised
2411 standards. If EPA fails to do its job, the new standards
2412 will not apply to permit applications.

2413 This legislation would also repeal the overly
2414 burdensome, economically devastating Biden-Harris PM 2.5
2415 rule.

2416 This is about streamlining permitting and ensuring our

2417 states' agencies have the proper guidance needed to properly
2418 do their jobs. It will remove costly delays and uncertainty
2419 that industries and developers often face when they try to
2420 build and invest in America. The Clean Air and Building
2421 Infrastructure Improvement Act will pave the way for more
2422 manufacturing and investment in America, creating jobs and
2423 investment while also protecting our environment.

2424 I want to thank Congressman Allen for introducing this
2425 legislation and I urge its adoption.

2426 Thank you, Mr. Chairman, and I yield back.

2427 *Mr. Latta. Thank you very much. The gentleman yields
2428 back. Is there any further discussion on the bill?

2429 For what purpose does the gentleman from New Jersey wish
2430 to be recognized?

2431 *Mr. Menendez. Mr. Chairman, I have an amendment at the
2432 desk.

2433 *Mr. Latta. The clerk -- does the clerk have the
2434 number?

2435 *The Clerk. Would the gentleman please specify his
2436 amendment?

2437 *Mr. Menendez. HR4214_01.

2438 *Mr. Latta. The clerk will report the amendment.

2439 *The Clerk. Amendment to H.R. 4214 offered by Mr.
2440 Menendez. Page 2, line 13. Strike --

2441 *Mr. Palmer. Without objection, the reading of the

2442 amendment is dispensed with.

2443 [The amendment of Mr. Menendez follows:]

2444

2445 *****COMMITTEE INSERT*****

2446

2447 *Mr. Latta. And the gentleman is recognized for five
2448 minutes in support of the amendment.

2449 *Mr. Menendez. Thank you, Mr. Chairman.

2450 This is a simple, targeted amendment that strikes a
2451 loophole created by section 2 of the bill that would
2452 jeopardize the health of our families and the economic
2453 benefits that the Clean Air Act provides. Let me walk
2454 through why.

2455 The Clean Air Act requires major new or expanding
2456 sources of air pollution to obtain permits before they start
2457 construction. It is common sense. To clean up ongoing
2458 pollution, we must minimize the amount of pollution that is
2459 added to an area. To obtain a permit for a new source, a
2460 company must first determine which pollution controls it will
2461 install to reduce the facility's emissions. Then the
2462 applicant must estimate how much pollution the facility will
2463 emit, and show that this quantity of pollution will not cause
2464 the area to exceed the standard. If the new facility's
2465 emissions will cause a violation of an air quality standard,
2466 the applicant must take additional steps to cut its emissions
2467 or obtain offsets.

2468 The EPA updates and strengthens the national air quality
2469 standards when the science says it is necessary to protect
2470 human health with an adequate margin of safety. But the bill
2471 allows certain facilities to disregard this science and

2472 ignore a new standard when obtaining a permit. Under this
2473 legislation, if the EPA doesn't issue rules and guidance at
2474 the same time it issues a new air quality standard, the old,
2475 unprotected standard applies for purposes of a pre-
2476 construction permit. This means that when a new facility is
2477 demonstrating whether its emissions will violate the air
2478 quality standard, it would use the old, weaker standard as a
2479 benchmark. In effect, this bill gives new polluters amnesty
2480 from the standard that protects public health.

2481 These facilities will be allowed to emit extra pollution
2482 at levels that could harm the well-being of our communities.
2483 This provision -- and frankly, the entire package of bills
2484 being considered today -- parades a solution to allow more
2485 efficient implementation of the NAAQS program. But clearly,
2486 in this provision and others implementation won't be faster
2487 or improve actual permitting processes. It will create
2488 exemptions to allow polluters to pollute more. It seems that
2489 Republicans are willing to consider industry's bottom line
2490 more than they are willing to protect the health of American
2491 families, workers, and children.

2492 Yet this provision is also bad news for business. If
2493 one facility emits more than its fair share of pollution,
2494 other facilities will eventually have to pick up the slack
2495 and control more. So by granting amnesty to new sources of
2496 pollution, the bill shifts the pollution control

2497 responsibility to existing businesses. That will raise
2498 pollution control costs overall for the manufacturing sector.

2499 As the Clean Air Act has long recognized, it is
2500 generally far more efficient and cost effective to build
2501 pollution controls into a facility up front, rather than
2502 adding them later. But this provision does the opposite. It
2503 allows new facilities to be built with insufficient pollution
2504 controls, forcing more expensive upgrades on existing ones.
2505 That makes no economic sense, and it makes no sense for the
2506 health and well-being of the people that we serve.

2507 Republicans are failing to deliver on efficiency, on
2508 affordability, on the real issues that are facing our working
2509 families. The amnesty provision in section 2 epitomizes
2510 those failures. It harms public health and burdens existing
2511 manufacturing facilities by allowing new ones to pollute more
2512 than they would be allowed to under current law.

2513 I urge my colleagues to support my amendment to strike
2514 the amnesty provision from the bill, and with that I yield
2515 back.

2516 *Mr. Latta. The gentleman yields back. Is there
2517 further discussion on the amendment?

2518 For what purpose does the gentleman from Georgia seek
2519 recognition?

2520 *Mr. Carter of Georgia. Mr. Speaker, I -- Mr. Chairman,
2521 I seek to be recognized to speak in opposition to this

2522 amendment.

2523 *Mr. Latta. The gentleman is recognized for five
2524 minutes to speak on the amendment.

2525 *Mr. Carter of Georgia. Mr. Chairman, this amendment
2526 would significantly gut the bill and ignore the testimony we
2527 received on ways to improve the NAAQS and permitting process.
2528 The bill would require EPA to issue implementation guidance
2529 at the same time it updates a NAAQS standard.

2530 At our two hearings this summer, several witnesses
2531 testified that the 2024 PM 2.5 NAAQS issued by the Biden-
2532 Harris Administration was so close to background levels that
2533 many states would be prevented from issuing permits for new
2534 businesses and factories. This permitting gridlock would
2535 shut down our economy and could lead to 200 billion -- let me
2536 repeat, \$200 billion -- in lost economic activity and a
2537 million lost jobs. One million lost jobs.

2538 This is a limited, common-sense approach that does not
2539 overturn the 2024 NAAQS, even though it should be overturned,
2540 but minimizes the negative consequences of this unrealistic
2541 standard for projects already going through the permitting
2542 process.

2543 I urge a no vote on this amendment, and I yield back.

2544 *Mr. Latta. Thank you. The gentleman yields back. Is
2545 there further discussion?

2546 For what purpose does the gentleman from New Jersey --

2547 *Mr. Pallone. Mr. Chairman, strike the last --

2548 *Mr. Latta. -- the ranking member of the full committee
2549 seek recognition?

2550 *Mr. Pallone. To strike the last word, Mr. Chairman.

2551 *Mr. Latta. The gentleman is recognized for five
2552 minutes to strike the last word.

2553 *Mr. Pallone. Thank you, Mr. Chairman. I support my
2554 colleague from New Jersey's amendment.

2555 Proponents of this bill and some regulated entities
2556 claim that EPA isn't issuing implementation rules and
2557 guidance quickly enough after updating a National Ambient Air
2558 Quality Standard, or NAAQS. The bill concludes that the
2559 solution is to sacrifice public health across the country by
2560 allowing new or expanding facilities to just ignore the new
2561 air quality standard. Now, this is very much in line, of
2562 course, with Republicans' polluter-over-people agenda.

2563 Under the Clean Air Act, a company that wants to build a
2564 new facility must obtain a pre-construction permit that
2565 requires the facility to control its pollution. The goal of
2566 this permitting process is simple: to ensure that the
2567 facility will not significantly increase air pollution above
2568 levels that are safe to breathe.

2569 Now, under this bill, if EPA issues a new National
2570 Ambient Air Quality Standard, that standard doesn't apply for
2571 permitting purposes unless and until EPA has issued

2572 implementation rules and guidance for the new standard.
2573 Witnesses have testified that concurrent guidance isn't
2574 always practical or necessary. Besides allowing unhealthy
2575 levels of air pollution, this provision doesn't even help
2576 states speed up permitting. In reality, this bill allows
2577 some facilities to pollute more, leaving existing facilities
2578 to foot the bill of cleaning up pollution in an area with
2579 poor air quality. And that just increases costs and is not
2580 in -- by any stretch of the imagination permitting reform.

2581 So I reject the trade-offs suggested by proponents of
2582 this provision that we should be willing to expose our kids
2583 to unhealthy air and sacrifice air quality to speed up
2584 permits for corporate polluters. My colleague from New
2585 Jersey's amendment would strike the language in the bill that
2586 exempts facilities from complying with new air quality
2587 standards, and I urge my colleagues to support this
2588 amendment.

2589 I yield back, Mr. Chairman.

2590 *Mr. Latta. Thank you. The gentleman yields back. Is
2591 there further discussion on the amendment?

2592 Seeing none, a roll call has been requested on the
2593 amendment, and the clerk will call the roll.

2594 *The Clerk. Mr. Crenshaw?

2595 [No response.]

2596 *The Clerk. Mr. Latta?

2597 *Mr. Latta. No.

2598 *The Clerk. Mr. Latta votes no.

2599 Mr. Griffith?

2600 *Mr. Griffith. No.

2601 *The Clerk. Mr. Griffith votes no.

2602 Mr. Carter of Georgia?

2603 *Mr. Carter of Georgia. No.

2604 *The Clerk. Mr. Carter of Georgia votes no.

2605 Mr. Joyce?

2606 *Mr. Joyce. No.

2607 *The Clerk. Mr. Joyce votes no.

2608 Mr. Weber?

2609 *Mr. Weber. No.

2610 *The Clerk. Mr. Weber votes no.

2611 Mr. Pfluger?

2612 [No response.]

2613 *The Clerk. Mrs. Miller-Meeks?

2614 [No response.]

2615 *The Clerk. Ms. Lee?

2616 *Ms. Lee. No.

2617 *The Clerk. Ms. Lee votes no.

2618 Mr. Langworthy?

2619 *Mr. Langworthy. No.

2620 *The Clerk. Mr. Langworthy votes no.

2621 Mr. Evans?

2622 [No response.]

2623 *The Clerk. Mrs. Fedorchak?

2624 *Mrs. Fedorchak. No.

2625 *The Clerk. Mrs. Fedorchak votes no.

2626 Mr. Guthrie?

2627 *The Chair. No.

2628 *The Clerk. Mr. Guthrie votes no.

2629 Mr. Tonko?

2630 *Mr. Tonko. Aye.

2631 *The Clerk. Mr. Tonko votes aye.

2632 Ms. Schakowsky?

2633 *Ms. Schakowsky. Aye.

2634 *The Clerk. Ms. Schakowsky votes aye.

2635 Mr. Ruiz?

2636 [No response.]

2637 *The Clerk. Mr. Peters?

2638 *Mr. Peters. Aye.

2639 *The Clerk. Mr. Peters votes aye.

2640 Ms. Barragan?

2641 *Ms. Barragan. Yes.

2642 *The Clerk. Ms. Barragan votes aye.

2643 Mr. Soto?

2644 *Mr. Soto. Aye.

2645 *The Clerk. Mr. Soto votes aye.

2646 Mr. Auchincloss?

2647 *Mr. Auchincloss. Aye.

2648 *The Clerk. Mr. Auchincloss votes aye.

2649 Mr. Carter of Louisiana?

2650 *Mr. Carter of Louisiana. Aye.

2651 *The Clerk. Mr. Carter of Louisiana votes aye.

2652 Mr. Menendez?

2653 *Mr. Menendez. Aye.

2654 *The Clerk. Mr. Menendez votes aye.

2655 Mr. Landsman?

2656 *Mr. Landsman. Aye.

2657 *The Clerk. Mr. Landsman votes aye.

2658 Mr. Pallone?

2659 *Mr. Pallone. Aye.

2660 *The Clerk. Mr. Pallone votes aye.

2661 Chairman Palmer?

2662 *Mr. Palmer. No.

2663 *The Clerk. Chairman Palmer votes no.

2664 *Mr. Latta. Are there any other members wishing --

2665 *Mr. Crenshaw. Crenshaw votes no.

2666 *Mr. Latta. Thank you.

2667 *The Clerk. Mr. Crenshaw votes no.

2668 *Mr. Evans. How is Evans recorded?

2669 *The Clerk. Mr. Evans is not recorded.

2670 *Mr. Evans. No.

2671 *The Clerk. Mr. Evans votes no.

2672 *Mr. Latta. How is the gentleman from Texas recorded?
2673 *The Clerk. Mr. Pfluger is not recorded.
2674 *Mr. Pfluger. No.
2675 *The Clerk. Mr. Pfluger votes no.
2676 *Mr. Latta. Oh, and Is the vice chairman of the Energy
2677 Subcommittee recorded?
2678 Are you recorded?
2679 *Mr. Weber. No.
2680 *The Clerk. Mr. Weber votes no.
2681 *Mr. Latta. Thank you.
2682 Are any other members wishing to be recorded?
2683 Hearing none, the clerk will take the roll.
2684 *The Clerk. Mr. Latta, on that vote there were 10 ayes
2685 and 13 noes.
2686 *Mr. Latta. The amendment is not agreed to. Are there
2687 further amendments on the bill?
2688 Hearing none, the question now occurs on adopting H.R.
2689 4214, and a recorded vote is requested. The clerk will call
2690 the roll.
2691 *The Clerk. Mr. Crenshaw?
2692 [No response.]
2693 *The Clerk. Mr. Latta?
2694 *Mr. Latta. Aye.
2695 *The Clerk. Mr. Latta votes aye.
2696 Mr. Griffith?

2697 *Mr. Griffith. Aye.

2698 *The Clerk. Mr. Griffith votes aye.

2699 Mr. Carter of Georgia?

2700 *Mr. Carter of Georgia. Aye. Aye.

2701 *The Clerk. Mr. Carter of Georgia votes aye.

2702 Mr. Joyce?

2703 *Mr. Joyce. Aye.

2704 *The Clerk. Mr. Joyce votes aye.

2705 Mr. Weber?

2706 *Mr. Weber. Aye.

2707 *The Clerk. Mr. Weber votes aye.

2708 Mr. Pfluger?

2709 *Mr. Pfluger. Aye.

2710 *The Clerk. Mr. Pfluger votes aye.

2711 Mrs. Miller-Meeks?

2712 [No response.]

2713 *The Clerk. Ms. Lee?

2714 *Ms. Lee. Aye.

2715 *The Clerk. Ms. Lee votes aye.

2716 Mr. Langworthy?

2717 *Mr. Langworthy. Aye.

2718 *The Clerk. Mr. Langworthy votes aye.

2719 Mr. Evans?

2720 *Mr. Evans. Aye.

2721 *The Clerk. Mr. Evans votes aye.

2722 Mrs. Fedorchak?

2723 *Mrs. Fedorchak. Aye.

2724 *The Clerk. Mrs. Fedorchak votes aye.

2725 Mr. Guthrie?

2726 *The Chair. Aye.

2727 *The Clerk. Mr. Guthrie votes aye.

2728 Mr. Tonko?

2729 *Mr. Tonko. No.

2730 *The Clerk. Mr. Tonko votes no.

2731 Ms. Schakowsky?

2732 *Ms. Schakowsky. No.

2733 *The Clerk. Ms. Schakowsky votes no.

2734 Mr. Ruiz?

2735 [No response.]

2736 *The Clerk. Mr. Peters?

2737 *Mr. Peters. No.

2738 *The Clerk. Mr. Peters votes no.

2739 Ms. Barragan?

2740 *Ms. Barragan. No.

2741 *The Clerk. Ms. Barragan votes no.

2742 Mr. Soto?

2743 *Mr. Soto. No.

2744 *The Clerk. Mr. Soto votes no.

2745 Mr. Auchincloss?

2746 *Mr. Auchincloss. No.

2747 *The Clerk. Mr. Auchincloss votes no.
2748 Mr. Carter of Louisiana?
2749 *Mr. Carter of Louisiana. No.
2750 *The Clerk. Mr. Carter of Louisiana votes no.
2751 Mr. Menendez?
2752 *Mr. Menendez. No.
2753 *The Clerk. Mr. Menendez votes no.
2754 Mr. Landsman?
2755 *Mr. Landsman. No.
2756 *The Clerk. Mr. Landsman votes no.
2757 Mr. Pallone?
2758 *Mr. Pallone. No.
2759 *The Clerk. Mr. Pallone votes no.
2760 Chairman Palmer?
2761 [No response.]
2762 *Mr. Palmer. Are there members wishing to be recorded?
2763 How is the gentleman from Texas recorded?
2764 *Mr. Crenshaw. Crenshaw votes aye.
2765 *The Clerk. Mr. Crenshaw is not recorded.
2766 Mr. Crenshaw votes aye.
2767 *Mr. Latta. One last call. If not, the clerk will
2768 report.
2769 *The Clerk. Mr. Latta, on that vote there were 12 ayes
2770 and 10 noes.
2771 *Mr. Latta. Thank you very much. The ayes have it.

2772 The bill is adopted and forwarded to full committee.

2773 The chair now calls up H.R. 161 and asks the clerk to
2774 report.

2775 *The Clerk. H.R. 161, a bill to amend sections 111,
2776 169, and 171 of the Clean Air Act to clarify --

2777 *Mr. Latta. Without objection, the first reading of the
2778 bill is dispensed with, and the bill will remain open for
2779 amendment at any point.

2780 So ordered.

2781 [The bill follows:]

2782

2783 *****COMMITTEE INSERT*****

2784

2785 *Mr. Latta. Does anyone seek to be recognized on the
2786 bill?

2787 For what purpose does the gentleman from Virginia seek
2788 recognition?

2789 *Mr. Griffith. Mr. Speaker -- or Mr. Chairman, I ask to
2790 speak in favor of the bill.

2791 *Mr. Latta. The gentleman is recognized for five
2792 minutes to speak on the bill.

2793 *Mr. Griffith. Thank you very much, Mr. Chairman, and I
2794 am speaking in favor of my bill, H.R. 161, the New Source
2795 Review Permitting Improvement Act, and my bill is simply
2796 clarifying that a modification of a power plant or industrial
2797 plant and factory shouldn't include projects to reduce
2798 emissions or increase efficiency.

2799 Over the history of the Clean Air Act there has been a
2800 lot of consternation over what the definition of a major
2801 modification or even a regular modification should be, and at
2802 what point should any work on a stationary source require
2803 more intensive EPA modeling and review. Essentially, it is
2804 some industrial plants you have an owner who ends up not
2805 installing pollution controls or other efficiency
2806 improvements for fear of having to go through the complex and
2807 uncertain New Source Review permitting process where they
2808 might lose their air permit.

2809 Earlier this year we received testimony in this

2810 subcommittee about how New Source Review permitting
2811 uncertainty actually discourages installing an installation
2812 of additional emission control equipment, and really drives
2813 away investment in domestic manufacturing. We can talk all
2814 we want about a desire to build, but without some tweaks in
2815 this area of the Clean Air Act permits I am confident some
2816 manufacturing facilities will not be built, expanded, or
2817 improved and updated.

2818 More specifically, my bill is necessary in part because
2819 of how some courts have interpreted the word "modification"
2820 to have a different meaning depending on which section of the
2821 Clean Air Act the word appears in. My bill would clarify
2822 questions of interpretation by adopting the so-called maximum
2823 hourly emission rate test, currently utilized under the same
2824 language in the EPA's New Source Performance Standards
2825 program. To ensure that this change to New Source Review
2826 program is not abused, there is a provision which says that
2827 the maximum hourly emission rate cannot be higher than it was
2828 in the preceding 10 years.

2829 My bill also specifically says that plants have to
2830 reduce the emissions per kilowatt hour or per unit, such as a
2831 chest of drawers, that is produced.

2832 Finally, when clarifying the term "modification" across
2833 the Prevention of Significant Deterioration permitting
2834 program and in nonattainment areas, I include an annual

2835 actual emissions test for the entirety of the stationary
2836 source.

2837 Mr. Chairman, I ask unanimous consent to include for the
2838 record several letters of support for H.R. 161 from the
2839 American Cement Association, the National Rural Electric
2840 Cooperative Association, the Electrical Power Supply
2841 Association, the American Public Power Association, the
2842 American Fuel and Petrochemical Manufacturers, the U.S.
2843 Chamber of Commerce, and the Citizens for Responsible Energy
2844 Solutions.

2845 *Mr. Latta. Without objection, so ordered.

2846 [The information follows:]

2847

2848 *****COMMITTEE INSERT*****

2849

2850 *Mr. Griffith. Further, Mr. Chairman, the bill is
2851 supported by several labor unions including the United Mine
2852 Workers of America; the transportation division of the Sheet
2853 Metal, Air, Rail, and Transportation Workers; the
2854 International Brotherhood of Boilermakers; the Transportation
2855 Communications Union; the Ironworkers Union; and the
2856 Association of Heat and Frost Insulators and Allied Workers.
2857 I would also say the National Mining and the National
2858 Aluminum are also in favor of the bill, Mr. Chairman.

2859 The reason I mentioned chest of drawers -- and I
2860 apologize to those of you who have heard the story before --
2861 but this first came to my attention because of a United
2862 States manufacturer of furniture, case goods, chests of
2863 drawers, and other furniture goods in my district and in
2864 North Carolina. And in the facility in my district they have
2865 a conveyor belt that runs from about here out to the front
2866 door of the Rayburn Building and back.

2867 Decades ago, Mr. Chairman, they changed their processes.
2868 They no longer have a lacquer unit at the end of that
2869 conveyor belt. So every piece of furniture in that facility
2870 in Galax, Virginia goes down the conveyor belt, circles
2871 around, and comes back. It adds about a minute, minute-and-
2872 a-half, I think, to the production time on every piece of
2873 furniture that facility manufactures. And time is money when
2874 you are dealing with these things because they are competing

2875 with, as you can guess, Asian countries that are producing
2876 these products at a much cheaper amount of money because they
2877 have so much lower labor. They are competitive, they are
2878 staying in business. They are all American. Everything in
2879 their facility is USA, but they are at a disadvantage because
2880 their lawyers consistently tell them that, based on court
2881 rulings, they are afraid to modify that conveyor belt for
2882 fear they would have to comply the entire facility with an
2883 update and a review under the New Source Review. So they
2884 can't improve their process, making them less competitive
2885 against our Asian competition, and that is just wrong.

2886 I am trying to solve this problem with this bill, and I
2887 will yield back.

2888 *Mr. Latta. The gentleman yields back. Is there
2889 further discussion on the bill?

2890 *Mr. Carter of Louisiana. Amendment.

2891 *Mr. Latta. For what purpose does the gentleman from
2892 Louisiana seek recognition?

2893 *Mr. Carter of Louisiana. I have an amendment, sir. I
2894 am sorry.

2895 *Mr. Latta. Oh, I am sorry. The gentleman will --
2896 well, I should say, does the gentleman have the number for
2897 the clerk, which amendment?

2898 *Mr. Carter of Louisiana. Yes, SC_AMD_HR161_09.

2899 *Mr. Latta. The clerk will report the amendment.

2900 *The Clerk. Amendment to H.R. 161 offered by Mr. Carter
2901 of Louisiana. Page 2, beginning on line 11 --

2902 *Mr. Latta. Without objection, the reading of the
2903 amendment is dispensed with.

2904 [The amendment of Mr. Carter of Louisiana follows:]

2905

2906 *****COMMITTEE INSERT*****

2907

2908 *Mr. Latta. And the gentleman is recognized for five
2909 minutes in support of the amendment.

2910 *Mr. Carter of Louisiana. Thank you, Mr. Chairman. I
2911 urge my colleagues to support my common-sense amendment that
2912 would protect public health, especially for communities near
2913 industrial facilities.

2914 This amendment requires that industry prove that their
2915 modifications to facilities do not increase emissions by
2916 installing air monitors at the facilities that directly
2917 report their emissions to the EPA and to the public.

2918 If my Republican colleagues are serious about their new
2919 definitions of modifications in this bill, they should
2920 wholeheartedly support my amendment. It provides
2921 transparency, since under this bill a facility's modification
2922 to the plant will not trigger New Source Review permitting.
2923 This amendment simply makes sure there aren't any loopholes.
2924 These monitors and reporting requirements ensure that the
2925 facilities can't cook the books or manipulate their
2926 operations to make their emissions appear lower than they
2927 truly are under the bill's new, weaker definition of
2928 modifications and construction.

2929 The additional protections from this amendment are
2930 especially vital for the safety of communities like mine in
2931 south Louisiana, where emissions from industrial facilities
2932 are always at the forefront of their minds and in direct view

2933 of their backyards. Americans should be able to easily check
2934 the EPA website and see that the facility down the street is
2935 compliance -- is in compliance because it is measuring and
2936 reporting its emissions timely.

2937 My amendment also resolves -- removes, rather -- the use
2938 of maximum achievable hourly emissions rate, and instead uses
2939 the standard measurement currently used in the New Source
2940 Review program: annual emissions. Without this change, the
2941 program can be unenforceable and open to misinterpretation
2942 and actual emissions.

2943 We do not need to choose between supporting industry or
2944 constituents' right -- rights to breathe clean air. Let's
2945 hold these industries accountable and ensure families living
2946 next to them have the information they need to stay safe.
2947 This is not a matter of being pro or anti-industry. This is
2948 a matter about making sure that they can co-exist, that if
2949 you want industry to survive, industry can only survive if
2950 they have healthy, safe communities that have the ability to
2951 breathe clean air, to have access to clean water.

2952 And any modification that is being made should be real
2953 simple, real basic. Let's test it. If you believe it to be
2954 true, a simple test will prove your case. And there is, in
2955 this case, a win-win scenario. I urge my colleagues to
2956 please support this common-sense measure that will
2957 demonstrate that Republicans and Democrats can work together

2958 in providing clean air. This is a great test. Let's do it
2959 today.

2960 *Mr. Palmer. [Presiding.] Does anyone else -- the chair
2961 recognizes the gentleman from Virginia, Mr. Griffith, for
2962 five minutes.

2963 *Mr. Griffith. Speaking in opposition to the amendment,
2964 I would submit the amendment is not necessary as we account
2965 in the bill for the annual emissions limit increases under
2966 the Prevention of Significant Deterioration programs and
2967 under the definitions of a nonattainment area.

2968 My friends also forget about the title 5 permitting
2969 program for the facility's potential to emit limitations.

2970 And I would also point out that in so many cases we are
2971 talking about things that are not that expensive to change,
2972 but they are afraid to move forward with the current language
2973 that we have. And so we are adding -- this amendment would
2974 add additional costs, again limiting the ability of
2975 manufacturers in particular to make changes that would make
2976 them more competitive and yet not affect the air quality.
2977 This would add an additional cost.

2978 And so I would ask my colleagues to vote no on the
2979 amendment and I yield back.

2980 *Mr. Palmer. Is there any further discussion of the
2981 amendment?

2982 *Mr. Carter of Louisiana. Would the gentleman yield?

2983 *Mr. Palmer. The gentleman yielded. Do you wish to
2984 speak on the amendment?

2985 *Mr. Carter of Louisiana. I just wanted to ask a
2986 question.

2987 *Mr. Griffith. The gentleman -- I will yield to the
2988 gentleman to ask a question. I may have to get counsel to
2989 help me.

2990 *Mr. Carter of Louisiana. No, it is a very -- it is
2991 going to be a very simple one.

2992 I would ask that if these modifications, in your
2993 estimation, are simple and you are saying they are going to
2994 do better, then I fail to understand why there would be a
2995 concern with just putting belts and suspenders on to make
2996 sure that we are ensuring that we are not causing further
2997 harm to a neighborhood.

2998 I believe you in your statement that you want to do the
2999 right thing, and I want us to do the right thing together. I
3000 think in the interest of safety and clean health for the
3001 people in the communities, a demonstration from EPA and from
3002 this Congress that we want to ensure that they are safe and
3003 to have this extra level of security and comfort by
3004 monitoring these modifications, I think, will go a very long
3005 way.

3006 I yield. Thank you, sir.

3007 *Mr. Palmer. The gentleman yields. The chair

3008 recognizes the gentlelady from North Dakota, Mrs. Fedorchak.

3009 *Mrs. Fedorchak. Thank you, Mr. Chair. I also would
3010 speak in opposition to the -- Mr. Carter's amendment and in
3011 favor of the bill as a whole.

3012 Mr. Carter's amendment -- it is hard to know what the
3013 additional cost would be of that monitoring, of the
3014 additional cost for the EPA, as well, for that monitoring.
3015 And I think all of those costs get baked right into the price
3016 of everything that consumers purchase. And so, you know, in
3017 an era where we are really concerned about affordability, I
3018 think that is just a risk I would not be willing to take in
3019 adding to this.

3020 But when we talk about things that make sense, and
3021 common sense, and don't make sense, the current way that the
3022 New Source Review permitting is handled just simply makes
3023 zero sense at all. I have seen it personally myself multiple
3024 times, where generators want to make improvements to increase
3025 their efficiency or reduce emissions, and they simply won't
3026 do it because of these New Source Review permitting
3027 standards. At a time where we should be encouraging our
3028 generators, our power generators, to maximize their output,
3029 we simply need to remove barriers like this that discourage
3030 those kinds of investments to improve their efficiency,
3031 improve their output, and reduce emissions.

3032 The New Source Review Permitting Act provides a clear,

3033 consistent standard for a major modification, which is, as
3034 Mr. Griffith has said, a major source of resistance for
3035 modifications today.

3036 Essentially, a plant doesn't have to go through the full
3037 NSR process as long as the project doesn't result in a net
3038 increase in hourly emissions. This reform will reduce
3039 regulatory uncertainty, streamline permitting, and encourage
3040 modernization projects that improve environmental performance
3041 and public health. At the same time, the bill ensures that
3042 when facility changes would increase hourly emissions or harm
3043 the environment, they cannot move forward without undergoing
3044 the full NSR permitting review.

3045 Most importantly, this bill is fuel neutral. It will
3046 apply to all the fuels on the -- in the -- on the spectrum of
3047 generation. And so I really encourage my colleagues on the
3048 other side of the aisle to support this and help our
3049 facilities maximize their output at a time when we have never
3050 needed more power.

3051 Thank you. I yield back.

3052 *Mr. Palmer. The gentlelady yields. Is there further
3053 discussion on the amendment?

3054 Seeing none, the vote occurs on the amendment.

3055 All those in favor shall signify by saying aye.

3056 *Mr. Tonko. Mr. Chair, can we have a recorded vote,
3057 please?

3058 *Mr. Palmer. A recorded vote is requested. The clerk
3059 will call the roll.
3060 *The Clerk. Mr. Crenshaw?
3061 *Mr. Crenshaw. No.
3062 *The Clerk. Mr. Crenshaw votes no.
3063 Mr. Latta?
3064 *Mr. Latta. No.
3065 *The Clerk. Mr. Latta votes no.
3066 Mr. Griffith?
3067 *Mr. Griffith. No.
3068 *The Clerk. Mr. Griffith votes no.
3069 Mr. Carter of Georgia?
3070 *Mr. Carter of Georgia. No.
3071 *The Clerk. Mr. Carter of Georgia votes no.
3072 Mr. Joyce?
3073 *Mr. Joyce. No.
3074 *The Clerk. Mr. Joyce votes no.
3075 Mr. Weber?
3076 *Mr. Weber. No.
3077 *The Clerk. Mr. Weber votes no.
3078 Mr. Pfluger?
3079 [No response.]
3080 *The Clerk. Mrs. Miller-Meeks?
3081 [No response.]
3082 *The Clerk. Ms. Lee?

3083 *Ms. Lee. No.

3084 *The Clerk. Ms. Lee votes no.

3085 Mr. Langworthy?

3086 *Mr. Langworthy. No.

3087 *The Clerk. Mr. Langworthy votes no.

3088 Mr. Evans?

3089 *Mr. Evans. No.

3090 *The Clerk. Mr. Evans votes no.

3091 Mrs. Fedorchak?

3092 *Mrs. Fedorchak. No.

3093 *The Clerk. Mrs. Fedorchak votes no.

3094 Mr. Guthrie?

3095 *The Chair. No.

3096 *The Clerk. Mr. Guthrie votes no.

3097 Mr. Tonko?

3098 *Mr. Tonko. Yes. Aye.

3099 *The Clerk. Mr. Tonko votes aye.

3100 Ms. Schakowsky?

3101 *Ms. Schakowsky. Aye.

3102 *The Clerk. Ms. Schakowsky votes aye.

3103 Mr. Ruiz?

3104 *Mr. Ruiz. Aye.

3105 *The Clerk. Mr. Ruiz votes aye.

3106 Mr. Peters?

3107 *Mr. Peters. Aye.

3108 *The Clerk. Mr. Peters votes aye.
3109 Ms. Barragan?
3110 *Ms. Barragan. Aye.
3111 *The Clerk. Ms. Barragan votes aye.
3112 Mr. Soto?
3113 *Mr. Soto. Aye.
3114 *The Clerk. Mr. Soto votes aye.
3115 Mr. Auchincloss?
3116 *Mr. Auchincloss. Aye.
3117 *The Clerk. Mr. Auchincloss votes aye.
3118 Mr. Carter of Louisiana?
3119 *Mr. Carter of Louisiana. Aye.
3120 *The Clerk. Mr. Carter of Louisiana votes aye.
3121 Mr. Menendez?
3122 [No response.]
3123 *The Clerk. Mr. Landsman?
3124 [No response.]
3125 *The Clerk. Mr. Pallone?
3126 *Mr. Pallone. Votes aye. Aye.
3127 *The Clerk. Mr. Pallone votes aye.
3128 Chairman Palmer?
3129 *Mr. Palmer. No.
3130 *The Clerk. Chairman Palmer votes no.
3131 *Mr. Palmer. Are there members who wish to be recorded?
3132 The gentleman from Ohio, how is he recorded?

3133 *The Clerk. Mr. Landsman is not recorded.

3134 *Mr. Landsman. Aye.

3135 *The Clerk. Mr. Landsman votes aye.

3136 *Mr. Palmer. Are there any other members?

3137 The clerk will report the result.

3138 *Mr. Tonko. What about -- we have got one coming in.

3139 *Mr. Palmer. How is the gentleman from New Jersey
3140 recorded?

3141 *The Clerk. Mr. Menendez is not recorded.

3142 *Mr. Menendez. Aye.

3143 *The Clerk. Mr. Menendez votes aye.

3144 *Mr. Palmer. The clerk will report the result.

3145 [Pause.]

3146 *The Clerk. Chairman Palmer, on that vote there were 11
3147 ayes and 12 noes.

3148 *Mr. Palmer. The amendment is not agreed to. Are there
3149 further amendments?

3150 The question now occurs on adopting H.R. 161.

3151 All those in favor, say aye.

3152 Those opposed, no.

3153 The ayes have it. The bill is adopted and forward to
3154 the full committee.

3155 *Mr. Tonko. Could we have a roll call?

3156 *Mr. Palmer. A roll call vote has been requested. The
3157 clerk will call the roll.

3158 *The Clerk. Mr. Crenshaw?
3159 *Mr. Crenshaw. Aye.
3160 *The Clerk. Mr. Crenshaw votes aye.
3161 Mr. Latta?
3162 *Mr. Latta. Aye.
3163 *The Clerk. Mr. Latta votes aye.
3164 Mr. Griffith?
3165 *Mr. Griffith. Aye.
3166 *The Clerk. Mr. Griffith votes aye.
3167 Mr. Carter of Georgia?
3168 *Mr. Carter of Georgia. Aye.
3169 *The Clerk. Mr. Carter of Georgia votes aye.
3170 Mr. Joyce?
3171 *Mr. Joyce. Aye.
3172 *The Clerk. Mr. Joyce votes aye.
3173 Mr. Weber?
3174 *Mr. Weber. Yes.
3175 *The Clerk. Mr. Weber votes aye.
3176 Mr. Pfluger?
3177 [No response.]
3178 *The Clerk. Mrs. Miller-Meeks?
3179 [No response.]
3180 *The Clerk. Ms. Lee?
3181 *Ms. Lee. Aye.
3182 *The Clerk. Ms. Lee votes aye.

3183 Mr. Langworthy?
3184 *Mr. Langworthy. Aye.
3185 *The Clerk. Mr. Langworthy votes aye.
3186 Mr. Evans?
3187 *Mr. Evans. Aye.
3188 *The Clerk. Mr. Evans votes aye.
3189 Mrs. Fedorchak?
3190 *Mrs. Fedorchak. Aye.
3191 *The Clerk. Mrs. Fedorchak votes aye.
3192 Mr. Guthrie?
3193 *The Chair. Aye.
3194 *The Clerk. Mr. Guthrie votes aye.
3195 Mr. Tonko?
3196 *Mr. Tonko. No.
3197 *The Clerk. Mr. Tonko votes no.
3198 Ms. Schakowsky?
3199 *Ms. Schakowsky. No.
3200 *The Clerk. Ms. Schakowsky votes no.
3201 Mr. Ruiz?
3202 *Mr. Ruiz. No.
3203 *The Clerk. Mr. Ruiz votes no.
3204 Mr. Peters?
3205 *Mr. Peters. No.
3206 *The Clerk. Mr. Peters votes no.
3207 Ms. Barragan?

3208 *Ms. Barragan. No.
3209 *The Clerk. Ms. Barragan votes no.
3210 Mr. Soto?
3211 *Mr. Soto. No.
3212 *The Clerk. Mr. Soto votes no.
3213 Mr. Auchincloss?
3214 *Mr. Auchincloss. No.
3215 *The Clerk. Mr. Auchincloss votes no.
3216 Mr. Carter of Louisiana?
3217 *Mr. Carter of Louisiana. No.
3218 *The Clerk. Mr. Carter of Louisiana votes no.
3219 Mr. Menendez?
3220 *Mr. Menendez. No.
3221 *The Clerk. Mr. Menendez votes no.
3222 Mr. Landsman?
3223 *Mr. Landsman. No.
3224 *The Clerk. Mr. Landsman votes no.
3225 Mr. Pallone?
3226 *Mr. Pallone. No.
3227 *The Clerk. Mr. Pallone votes no.
3228 Chairman Palmer?
3229 *Mr. Palmer. Aye.
3230 *The Clerk. Chairman Palmer votes aye.
3231 *Mr. Palmer. Are there any members who wish to be
3232 recorded?

3233 The clerk will report.

3234 *The Clerk. Chairman Palmer, on that vote there were 12
3235 ayes and 11 noes.

3236 *Mr. Palmer. The ayes have it. The bill is adopted and
3237 forwarded to the full committee. The chair calls up H.R.
3238 6373 and asks the clerk to report.

3239 *The Clerk. H.R. 6373, a bill to amend the Clean Air
3240 Act to establish authority for the President to waive the
3241 requirement for --

3242 *Mr. Palmer. Without objection, the first reading of
3243 the bill is dispensed with. The bill will be open for
3244 amendment at any point.

3245 So ordered.

3246 [The bill follows:]

3247

3248 *****COMMITTEE INSERT*****

3249

3250 *Mr. Palmer. I recognize myself for five minutes to
3251 speak on H.R. 6373, the Air Permitting Improvements to
3252 Protect National Security Act.

3253 Critical minerals and rare earth elements have become
3254 buzzwords around Capitol Hill over the last several months.
3255 But something I want to bring attention to is that our access
3256 to critical minerals and rare earth elements is not at the
3257 heart of the problem, but the United States' lack of ability
3258 to process and refine them is the real issue. That is what
3259 we are relying on China for, and that is what H.R. 6373 aims
3260 to address.

3261 Increasing both manufacturing and critical mineral
3262 processing and refining capacity in the homeland is an
3263 understated endeavor. The U.S. isn't just reliant on China
3264 for the aggregate material; we are reliant on China for
3265 manufacturing everything from our pacemakers to dishwashers
3266 to automobiles to fighter jets, and the list could go on and
3267 on.

3268 Section 173 of the Clean Air Act contains a provision
3269 allowing offset requirements to be waived for rocket engines
3270 or motors related to our defense, which are essential for
3271 national security. This bill would expand that authority to
3272 include advanced manufacturing facilities and critical
3273 mineral refineries which are vital to strengthening America's
3274 economic and national security. Under the bill the president

3275 would have the authority to determine what facilities are
3276 exempt from certain offset emission credit requirements.
3277 This would provide flexibility, a clear pathway to
3278 production, and help increase investor confidence.

3279 I have said it over and over, but the critical minerals
3280 issue is this generation's space race. I think we can take a
3281 three-tiered approach: focus on international agreements and
3282 investments such as the \$9.5 billion deal with Australia and
3283 the deals with Japan, Malaysia, and Saudi Arabia to meet our
3284 immediate needs; turn our attention to domestic efforts at
3285 identifying companies with some capacity for mining,
3286 separation, processing, and refining, including recycling
3287 materials from black mass as the second tier; and the third,
3288 building out the processing refinery infrastructure we need
3289 to eliminate any ability of China or any other adversarial
3290 nation to threaten the U.S. or our allies by cutting us off
3291 from refined materials and elements as they did earlier this
3292 year.

3293 This is where H.R. 6373, the Air Permitting Improvements
3294 to Protect National Security Act, comes into play. This bill
3295 will help reduce U.S. reliance on China by prioritizing the
3296 development of crucial national security infrastructure.

3297 I yield back. Does anyone seek to be recognized on the
3298 bill?

3299 *Mr. Tonko. Mr. Chair, I move to strike the last word.

3300 *Mr. Palmer. The gentleman is recognized.

3301 *Mr. Tonko. Thank you, sir.

3302 Americans deserve clean air. But this bill would
3303 undermine critical Clean Air Act protections for people
3304 already suffering from unhealthy air quality in nonattainment
3305 areas. And as we heard at the legislative hearing, by
3306 allowing some favored industries to escape certain NAAQS
3307 requirements it would actually impose stricter requirements
3308 on other nearby sources to make up that difference.

3309 I understand the impulse to support certain strategic
3310 industries. My district, along with several other nearby
3311 districts in upstate New York, are home to major chip
3312 manufacturing investments. I have seen firsthand how these
3313 projects not only benefit us locally, but also support
3314 America's long-term national security and economic
3315 competitiveness interests. So I am extremely supportive of
3316 the notion that we should be doing all that we can to ensure
3317 the responsible construction and operation of advanced
3318 manufacturing facilities, but I do not think it is
3319 responsible or even reasonable to expect that people will --
3320 who live in the communities that host these facilities to
3321 sacrifice their health for the sake of letting an industrial
3322 site cut corners and avoid environmental protections.

3323 To make matters worse, this bill allows these favored
3324 industries to avoid environmental standards through a new,

3325 opaque exemption process. This is a complete non-starter.
3326 We have had a front row seat to the Trump Administration's
3327 abuse of an existing Clean Air Act exemption in section 112
3328 of the Act. Before we create a new opportunity for abuse,
3329 this committee should exert its oversight responsibilities to
3330 understand what the Administration has already done and what
3331 the public health consequences of those decisions might be
3332 because, truthfully, we don't fully know.

3333 The exemptions issued this year have had virtually no
3334 transparency. The Administration has not needed to develop a
3335 public record or seek comments. They haven't even needed to
3336 publish a meaningful analysis of -- to demonstrate that the
3337 statutorily-required conditions for an exemption such as
3338 technology availability have been met. Under normal
3339 circumstances I would question the wisdom of creating a new
3340 Clean Air Act exemption. But seeing how the Trump
3341 Administration is so willing to exploit existing exemptions
3342 to benefit its political supporters with little to no
3343 justification means that I cannot support this bill.

3344 So with that I urge members to oppose it and, Mr. Chair,
3345 I yield back.

3346 *Mr. Palmer. Is there any further discussion on the
3347 bill?

3348 The gentleman from Florida, Mr. Soto, is recognized.

3349 *Mr. Soto. Thank you, Mr. Chairman.

3350 I do think it is a admirable effort to try to improve
3351 the ability to process new rare earth minerals here in the
3352 United States. While this may go a little too far, you may
3353 find some allies on other issues. We do have to avoid a
3354 reliance on China, which is why Trump's attempt to allow
3355 Nvidia H200 chip sales to China right now, which have a
3356 military aspect, which are our competitive advantage, seems
3357 to be the real issue facing microchips right now.

3358 The end product, where we have the most advanced chips
3359 in the world, are being given to China because of the Trump's
3360 failed tariff war against China that has cost soybean farmers
3361 and has hurt local retailers across the nation. It has
3362 raised inflation. And to fix that, rather than removing the
3363 tariffs to help lower costs and helping our local agriculture
3364 folks, at the same time that you are doing your best to try
3365 to avoid us being beholden to China, Trump is giving away the
3366 store, the most complex microchips we have.

3367 And so I would hope since -- while it is not the
3368 jurisdiction of this subcommittee, it is the jurisdiction of
3369 this committee, the full committee, that these Nvidia H200
3370 chips will be the subject of the same vigor that we see with
3371 this effort on critical rare earth minerals.

3372 And I yield back.

3373 *Mr. Palmer. The gentleman yields. Is there further
3374 discussion on the bill?

3375 Seeing none, are there any amendments?

3376 The gentleman from Arizona is recognized.

3377 *Mr. Ruiz. Thank you, Mr. Chairman. I would like to
3378 introduce amendment SC_AMD_HR6736_01.

3379 *Mr. Palmer. The clerk will report the amendment.

3380 *The Clerk. Amendment to H.R. 6373 offered by Mr. --

3381 *Mr. Griffith. Mr. Chairman? If I might reserve an
3382 objection to the amendment, please.

3383 *Mr. Palmer. The gentleman is recognized -- reserves an
3384 objection.

3385 *The Clerk. Add at the end the following. Section 3,
3386 Limitation. This Act and the amendments made by this Act
3387 shall not take effect until the administrator of --

3388 *Mr. Palmer. Without objection, the reading of the
3389 amendment is dispensed with.

3390 [The amendment of Mr. Ruiz follows:]

3391

3392 *****COMMITTEE INSERT*****

3393

3394 *Mr. Palmer. The gentleman is recognized for five
3395 minutes --

3396 *Mr. Ruiz. Thank you, Mr. Chairman.

3397 *Mr. Palmer. -- to speak on the amendment.

3398 *Mr. Ruiz. I would like to be crystal clear about what
3399 we have witnessed this year. A Republican sat in this very
3400 chamber and voted to rip health care away from millions of
3401 Americans; gut our resources to hospitals and clinics, long-
3402 term care, take away health and nutrition for millions of
3403 individuals through their massive historic cuts to SNAP. And
3404 so now these same members are gutting air quality protections
3405 that are literally helping people breathe. They are removing
3406 protections that save lives in communities like mine.

3407 Let's not pretend we don't see the pattern here:
3408 benefit the CEO billionaires and multi-corporations at the
3409 expense of working people and at-risk communities. When it
3410 comes to the health and well-being of working people in
3411 vulnerable communities, Republicans have made their
3412 priorities abundantly clear. They side with billionaires
3413 with their massive, massive historic tax cuts in the billions
3414 for billionaires while increasing costs for working people.

3415 This amendment is straightforward and necessary. If
3416 health care costs increased by more than 25 percent for
3417 American families, implementation of this unhealthy bill must
3418 be paused. That threshold gives Congress a clear checkpoint

3419 to reassess before moving forward with a policy that affects
3420 millions of Americans nationwide.

3421 These are not just abstract Federal concerns. They have
3422 real consequences in our states. In California Medi-Cal
3423 costs have increased by approximately \$20 billion over recent
3424 projections. The state's own budget document shows that
3425 unexpected cost growth in our Medicaid program is straining
3426 our fiscal capacity.

3427 And let me tell you what that means on the ground. When
3428 health care costs spike, it means higher premiums for working
3429 families, reduced services for those who need them most, and
3430 increased pressure on our safety net hospitals and community
3431 health centers, those same ones that are experiencing a \$600
3432 billion cut by the beautiful -- big, beautiful bill. In my
3433 district, in communities like Imperial County and the
3434 Coachella Valley, we cannot afford to gamble with people's
3435 health. Imperial County already has some of the worst air
3436 quality in the nation, with asthma hospitalization rates that
3437 exceed the state average by over 50 percent.

3438 There is a correlation proven scientifically between air
3439 pollution and asthma exacerbation, ED visits, and
3440 hospitalization. There is no refuting that data. In fact, I
3441 can go into the data which my colleague on the other aisle so
3442 misconstrued.

3443 The Coachella Valley faces similar challenges, with

3444 elevated rates of respiratory disease and cardiovascular
3445 illnesses linked to environmental factors. These are
3446 families who are already struggling. Any policy that could
3447 drive up health care costs or exacerbate health burdens in
3448 these vulnerable areas demand automatic reassessment if
3449 expenditures balloon beyond expectations.

3450 This amendment does not obstruct our national security
3451 goals. It does not prevent us from strengthening critical
3452 supply chains or enhancing our industrial capacity. What it
3453 does is ensure fiscal responsibility and protect public
3454 health. As a physician, you know, I have seen firsthand what
3455 happens when health systems are strained and when vulnerable
3456 communities don't get the protections they need. And as a
3457 Member of Congress I have a responsibility to those
3458 communities and to the American taxpayers.

3459 And as a physician who understands science and
3460 understands the correlation between risk factors and diseases
3461 and disparities, you know, I am -- my colleague on the other
3462 side has mentioned on multiple occasions this study or --
3463 based on self-reporting surveys, and likes to make the claim
3464 that somehow there is more pollution and less ED visits. And
3465 that is a wild extrapolation. I think any doctor on the
3466 other side can correlate that if you have a noxious stimulus
3467 in the air like pollution, there is emphysema and COPD and
3468 asthma exacerbation. And we know that is true.

3469 In fact, the reason why towards the end years of this
3470 study that ended in 2021 you saw ED reports of asthma coming
3471 down was because of COVID. One, many people wanted to stay
3472 away from the emergency departments. And two, when people
3473 went in with respiratory distress, the initial diagnosis and
3474 -- which remained -- was COVID, and not necessarily the --
3475 due to asthma. I didn't make it up. The own authors
3476 explained it here.

3477 But my colleague on the other side wants to misrepresent
3478 this and try to draw wild extrapolation to kind of say there
3479 is no problem with asthma if we allow companies to continue
3480 to pollute the air. And that is wrong, and we have to call
3481 it out for what it is.

3482 I yield back.

3483 *Mr. Palmer. The gentleman yields.

3484 *Mr. Griffith. Mr. Chairman?

3485 *Mr. Palmer. Representative Griffith --

3486 *Mr. Griffith. Yes.

3487 *Mr. Palmer. -- is recognized.

3488 *Mr. Griffith. Thank you, Mr. Chairman. I raised my
3489 point of order in that the amendment is clearly not germane.
3490 And let me explain briefly, if I might, Mr. Chair.

3491 *Mr. Palmer. The gentleman is recognized.

3492 *Mr. Griffith. This amendment has the administrator of
3493 the Environmental Protection Agency certifying information

3494 about group health plans, group or individual health
3495 insurance coverage by health insurance issuers. And the EPA
3496 has no expertise there. The bill doesn't say anything about
3497 health insurance plans, group plans, individual health plans.
3498 It doesn't -- it has no relevance to the underlying bill, Mr.
3499 Chairman.

3500 I mean, nice try to get the favorite talking points in
3501 there. And as a matter of comity -- and that is c-o-m-i-t-y,
3502 I had a mistake one time and they didn't understand my accent
3503 and thought I was talking about something humorous, this is
3504 not humorous -- but in the sake of trying to be friendly we
3505 have adopted over the years the policy of letting people
3506 explain their amendment before we raise the parliamentary
3507 objection. But initially, when we first had these, it was
3508 meant to be -- the objection was meant to be a matter of
3509 efficiency so that you didn't have to go through the debate
3510 on the matter that didn't have anything to do with the
3511 underlying bill.

3512 But this clearly is not germane, and I would ask the
3513 chairman to so rule.

3514 *Mr. Ruiz. Will the gentleman yield?

3515 *Mr. Griffith. I am happy to yield.

3516 *Mr. Ruiz. So --

3517 *Mr. Palmer. The gentleman is recognized.

3518 *Mr. Ruiz. Thank you very much.

3519 The reason why this is germane is because this is a bill
3520 that focuses mostly and primarily on open mining, which
3521 increases, as we know, pollution for the surrounding
3522 communities. Our whole session is about protecting the air
3523 quality and the public health of communities in our country.
3524 When you have an exacerbation of illnesses, that drives up
3525 costs. When you have cuts to hospitals like you all voted on
3526 in the Big, Beautiful Bill --

3527 *Mr. Griffith. But I might -- claiming back my time
3528 just briefly -- and I will give you another second, but --

3529 *Mr. Ruiz. So --

3530 *Mr. Griffith. But this bill doesn't deal --

3531 *Mr. Ruiz. And this --

3532 *Mr. Griffith. -- with those cuts that were made that
3533 you claim were made earlier.

3534 *Mr. Ruiz. But it --

3535 *Mr. Griffith. This bill doesn't deal with health
3536 insurance plans.

3537 *Mr. Ruiz. -- issues.

3538 *Mr. Griffith. It deals with regulations. This is not
3539 in the purview of the EPA. They would probably have to hire
3540 another 25 employees. It is a whole new section of the EPA.
3541 We would be expanding the EPA into whole new arenas never
3542 before -- that have existed, and it has nothing to do with
3543 the underlying bill, other than a claim that the underlying

3544 bill affects health, and therefore --

3545 *Mr. Ruiz. Would the gentleman yield for a correction?

3546 *Mr. Griffith. that could affect health insurance --

3547 *Mr. Ruiz. It is the Secretary of HHS --

3548 *Mr. Griffith. Oh, my goodness.

3549 *Mr. Ruiz. -- that would assess that, not the EPA.

3550 *Mr. Griffith. This totally blows up the whole

3551 germaneness rule. We might as well just have any bill mean

3552 anything.

3553 *Mr. Ruiz. It is the Secretary of HHS. You were wrong.

3554 It is not the EPA director, it is the Secretary of HHS.

3555 *Mr. Griffith. Well, it says right here. The amendment

3556 that I am looking at says the administrator of the

3557 Environmental Protection Agency --

3558 *Mr. Ruiz. And the Secretary of HHS.

3559 *Mr. Griffith. -- in consultation. It is the EPA. I

3560 am sorry, it is not germane.

3561 I yield back.

3562 *Mr. Palmer. The gentleman insists on the point of

3563 order. Is there anyone else wishing to speak briefly on the

3564 point of order?

3565 The chair will now rule on the point of order. As the

3566 gentleman from Virginia noted, clause 7 of Rule XVI of the

3567 Rules of the House prohibit the committee from considering

3568 non-germane amendments. The precedence of the House set

3569 forth several general tests for germaneness. These include
3570 the fundamental purpose test, the jurisdiction test, and the
3571 subject matter test.

3572 Having reviewed the amendment and listened to the
3573 arguments, the chair finds that the amendment violates the
3574 subject matter test with respect to the underlying bill.
3575 Therefore, the chair sustains the point of order.

3576 Are there further amendments?

3577 *Mr. Carter of Louisiana. Mr. Chairman?

3578 *Mr. Palmer. The gentleman from Louisiana, Mr. Carter,
3579 is recognized.

3580 *Mr. Carter of Louisiana. Mr. Chairman, I have an
3581 amendment at the desk, SC --

3582 *Mr. Palmer. The gentleman -- go ahead.

3583 *Mr. Carter of Louisiana. -- HR6373_02.

3584 *Mr. Palmer. The clerk will report the amendment.

3585 *The Clerk. Amendment to H.R. 6373. At the end -- add
3586 at the end the following. Section 3, Limitation.

3587 *Mr. Palmer. Without objection, the reading of the
3588 amendment is dispensed with.

3589 [The amendment of Mr. Carter of Louisiana follows:]

3590

3591 *****COMMITTEE INSERT*****

3592

3593 *Mr. Palmer. And the gentleman is recognized for five
3594 minutes in support of the amendment.

3595 *Mr. Carter of Louisiana. Mr. Chairman, my amendment is
3596 simple. It ensures that none of the waivers and exemptions
3597 provided in this bill to allow additional industrial
3598 emissions disguised under the vague pretext of national
3599 security are used to further enrich the President's family
3600 and his business.

3601 This amendment also ensures that no one can buy one of
3602 these waivers by funding lavish renovations to the White
3603 House. Attending fancy dinners, handing the president gold
3604 bars, and offering to fund gold painted decor of the White
3605 House shouldn't get you special treatment when it comes to
3606 clean air and its protections.

3607 I wish this amendment weren't necessary, but the blatant
3608 cronyism in this Administration is overwhelming and, quite
3609 frankly, disgusting to Republicans and Democrats alike. So I
3610 am offering my Republican colleagues an opportunity to reach
3611 out across the aisle and make sure that no Trump crypto mine
3612 schemes -- scheme gets a leg up on using these abusive
3613 extrajudicial waivers offered in this bill. This amendment
3614 is a chance to show that congressional Republicans can push
3615 back against big money interests and represent regular
3616 Americans who just want to breathe clean air. It shouldn't
3617 be that difficult to just want to breathe clean air.

3618 I urge my colleagues to join me in voting yes on this
3619 amendment, yes to the American people, yes to fairness, yes
3620 to doing things the right way, yes to regaining the
3621 confidence of the American people that we can rise above
3622 cronyism, favoritism, and trickery, and demonstrate to the
3623 American people that we are brave enough, strong enough to
3624 support our Constitution, our rule of law, and every
3625 semblance of fairness.

3626 I yield.

3627 *Mr. Palmer. The gentleman yields. The chair
3628 recognizes himself to speak in opposition to this amendment.

3629 This is not a serious amendment. It mocks the
3630 importance of permitting reform measures specifically in
3631 regard to where we are in terms of our reliance on China for
3632 processed and refined rare earth elements and critical
3633 minerals. We need to recognize that this is an economic
3634 security issue, it is a national security issue. There are
3635 real consequences for not putting ourselves in a position to
3636 provide for ourselves what we are now dependent on China for.

3637 As I noted earlier in introducing the bill, we can't
3638 make anything: a car, a fighter jet, a naval vessel. This
3639 impacts job opportunities. It impacts, like I said, our
3640 economy, but specifically it impacts our national security.
3641 I urge my colleagues to approach this problem with the
3642 seriousness it deserves, and work toward a solution for the

3643 overall problem that we are trying to address with this bill.

3644 I urge a no vote on the amendment and I yield back. Is
3645 there anyone else, any other member who wishes to speak on
3646 the amendment?

3647 The chair recognizes the gentleman from New York, Mr.
3648 Langworthy.

3649 *Mr. Langworthy. Mr. Chairman, I would like to strike
3650 the last word and speak in opposition to the amendment.

3651 *Mr. Palmer. The gentleman is recognized.

3652 *Mr. Langworthy. Thank you, Mr. Chairman.

3653 The EPA's own data shows that 84 percent of PM 2.5
3654 emissions now come from sources like wildfires and road dust
3655 that are costly and hard to control. Nonattainment under the
3656 National Ambient Air Quality Standards is primarily the
3657 result of non-mobile sources.

3658 America's ability to build has always been central to
3659 our strength, from factories that powered our Industrial
3660 Revolution to the technology that has made us the global
3661 leader in innovation. But today that strength is being
3662 tested, and we are no longer moving at the pace of our
3663 competitors. While countries like China can break ground on
3664 massive projects in just a matter of months, here in the U.S.
3665 we struggle to turn around even the simplest approvals. What
3666 used to be a straightforward process has now become one of
3667 the biggest barriers to growth in this country.

3668 A company can secure financing, it can line up its
3669 workforce, and have the technology ready to go, but it will
3670 wait years -- and maybe years after that -- before breaking
3671 ground because of permitting delays. Federal agencies pile
3672 review on top of review, each one demanding more time, more
3673 paperwork, more money without providing any real additional
3674 benefit.

3675 In New York State, Micron is making one of the largest
3676 private investments in the country to build a state-of-the-
3677 art semiconductor facility. That project represents
3678 thousands of jobs and a cornerstone of America's supply chain
3679 resilience. Yet these kind of investments constantly run the
3680 risk of delay or derailment because of overlapping reviews
3681 that add time and expense, but no real environmental gains at
3682 all.

3683 If we want America to lead, we cannot allow outdated
3684 processes to block our future. Every project that stalls is
3685 another opportunity lost to our competitors. Every delay is
3686 another family waiting for a good job that never
3687 materializes. The bills we are discussing today are about
3688 fixing that broken system so that the next generation of
3689 factories, energy infrastructure, and advanced manufacturing
3690 can break ground here in the United States of America.

3691 I urge a no vote on this amendment. Thank you, Mr.
3692 Chairman, and I yield back.

3693 *Mr. Palmer. The gentleman yields back. Does anyone
3694 else, any other member, wish to speak on -- Mr. -- oh, the
3695 gentleman from Florida, Mr. Soto, is recognized for five
3696 minutes.

3697 *Mr. Soto. Thank you, Chairman. You know, the American
3698 people are absolutely outraged by massive amounts of
3699 corruption by the Trump Administration, and so I applaud my
3700 dear friend from Louisiana for bringing forward this
3701 important, good-government amendment to make sure that, if
3702 these pollution waivers are granted, they are not granted
3703 under a corruption scheme.

3704 So to Mr. Carter, if you would yield to a question.

3705 *Mr. Carter of Louisiana. Certainly.

3706 *Mr. Soto. Would -- I just want to make sure. Would
3707 this pollution waiver protection apply to the \$2 billion
3708 cryptocurrency pay-to-play scheme that the Trump
3709 Administration has right now?

3710 *Mr. Carter of Louisiana. Absolutely.

3711 *Mr. Soto. Second question. Would it apply to donors
3712 to the billionaire ballroom he is building?

3713 *Mr. Carter of Louisiana. Especially.

3714 *Mr. Soto. And then what about pardons? We have seen a
3715 lot of pardons granted --

3716 *Mr. Carter of Louisiana. In every possible way that
3717 you can imagine, we want to close any loophole that will

3718 allow a pay to play, that will allow the American people's
3719 health and welfare to be put in second, third, or fourth
3720 place to favoritism, cronyism, or lackeyism to the president.

3721 *Mr. Soto. Now, would this stop giving away our most
3722 advanced chips to China to make up for his big blunders with
3723 tariffs?

3724 *Mr. Carter of Louisiana. This is just another one of
3725 those loopholes that we are trying to close.

3726 *Mr. Soto. Well, we will have to worry about that with
3727 an anti-incompetence next.

3728 And I yield back.

3729 *Mr. Carter of Louisiana. Thank you.

3730 *Mr. Palmer. The gentleman yields. Does any other
3731 member wish to be recognized?

3732 The gentleman from Colorado, Mr. Evans, is recognized
3733 for five minutes.

3734 *Mr. Evans. Thank you, Mr. Chairman. I move to strike
3735 the last word.

3736 *Mr. Palmer. The gentleman is recognized.

3737 *Mr. Evans. Thank you, Mr. Chairman.

3738 I spent 12 years in the U.S. Army. I deployed overseas
3739 as part of the global war on terror. And so in this piece of
3740 legislation we are talking about national security here, and
3741 national security is critically important and connected to
3742 our ability to manufacture and make things here in the United

3743 States. I am an Army guy. And so when I throw out Navy
3744 statistics, you know how serious this is. We built and
3745 delivered less than 10 commercial ships in 2023. China has
3746 built and delivered somewhere around 1,000, depending on how
3747 you crunch those statistics. We can't build and manufacture
3748 things in the United States because of the permitting delays
3749 and the bureaucratic quagmires that are being imposed through
3750 just a lot of this overlapping legislation and the current
3751 process. And so that is where this piece of legislation is
3752 so important.

3753 And so the amendment here, this amendment here, just to
3754 me this looks like a, unfortunately, just a political stunt
3755 that is missing the point, which is to make sure that we can
3756 actually produce things in the United States again and make
3757 sure that we are protecting and promoting our national
3758 security through our industrial capacity to manufacture
3759 things.

3760 And whenever we hear the conversation of -- as I have
3761 heard so many times from my colleagues on the other side --
3762 we always hear the conversation around public health. Well,
3763 I just want to point out my area of the country is a major
3764 producer of energy and is under major, major regulations from
3765 the Clean Air Act, and here is what we are actually seeing in
3766 Colorado.

3767 In my part of the state -- again, major producer of oil

3768 and gas -- from NASA, NASA sounder data says that between
3769 2000 and 2019 -- 2013 to 2019, methane enhancements -- so
3770 enhancements are things that come from human-caused, these
3771 are above-the-background concentration -- methane
3772 enhancements decreased by 52 percent. The State of
3773 Colorado's public health and environment ground-level
3774 Platteville monitoring site -- again, that is in my district,
3775 heart of oil and gas country -- says that oil and gas
3776 emissions, ethane, fell 65 percent between 2013 and 2019.
3777 And that is when production is actually increasing in
3778 Colorado.

3779 And so, when we are talking about the Clean Air Act, we
3780 are talking about producing energy, we are talking about
3781 national security and making sure that we can actually
3782 promote the national defense of the United States through
3783 industry and through manufacturing, we have to make sure that
3784 we have the ability to build things in the United States
3785 because if we don't build it here, it will be built in places
3786 like China.

3787 We have seen the data. I have held out the papers. I
3788 will hold them up again here from the State of Colorado,
3789 showing that 70 percent of the air pollution in Colorado
3790 doesn't come from sources under Colorado's control, it comes
3791 from places like China. China has a perverse incentive to
3792 increase pollution because, as pollution from China goes up,

3793 as they manufacture and build more things, that pollution
3794 comes to the United States and our jobs, our producers, our
3795 energy is held accountable for that pollution.

3796 And so what this piece of legislation does before us is
3797 make sure that our producers aren't held responsible for
3798 those things, particularly in the national security space.
3799 And unfortunately, this amendment that I am looking at here
3800 is just an end run to gut those critical national security
3801 protections. And so I oppose this amendment and I urge my
3802 colleagues to oppose this amendment as well.

3803 I yield back.

3804 *Mr. Palmer. The gentleman yields. Does any other
3805 member wish to be recognized?

3806 The gentleman from Kentucky, the chairman of the full
3807 committee, Mr. Guthrie, is recognized for five minutes.

3808 *The Chair. Thank you, Mr. Chairman, and I will yield
3809 you time.

3810 *Mr. Palmer. The gentleman yields. Thank you.

3811 I am appalled at some of the -- particularly this
3812 amendment. And what is appalling about it is a lack of
3813 regard for the seriousness of the situation that we have
3814 right now in the United States because of our reliance on
3815 China for processed and refined rare earth elements and
3816 critical minerals. Just earlier this year China embargoed
3817 rare earth elements. We were able to work with them to get

3818 them to extend it for six months. And then December 1 they
3819 planned a full embargo not only of the United States, but of
3820 our allies.

3821 You are -- I mean, you are making arguments about health
3822 care in regard to some of the legislation that has come
3823 before the committee today. Do you not understand that if we
3824 don't have the ability to process and refine our own rare
3825 earth elements and critical minerals, that people are not
3826 going to be able to get things that we have come to just
3827 consider routine and basic, like an MRI, a CAT scan, a CT,
3828 because we will get to a point where we can't repair
3829 equipment because we don't have the materials that we need?
3830 We are talking about building chip -- microchip and
3831 semiconductor facilities in the United States. If we don't
3832 have these materials available for us, we are not making
3833 anything.

3834 This is -- and I said this earlier in my comments. This
3835 is this generation's space race. We have a window that is
3836 closing rapidly on us to secure our own supply chain. It is
3837 absolutely imperative that we do that not only for ourselves,
3838 but to work collaboratively with allies around the world.

3839 I have been working for the last five years trying to
3840 get this Congress's attention on this issue. During COVID --
3841 I don't know how many of you were here during COVID, but
3842 China cut us off from personal protective equipment. You

3843 know what we had to do? We had to use the Defense Production
3844 Act to order companies that were making one product to stop
3845 making that product to start making PPE. That is when I
3846 started looking at this. I thought, oh my God, what else are
3847 we reliant on China for? And when I started seeing how
3848 dependent we were, I realized we had to do something.

3849 And I have spoken time and time and time again in this
3850 committee about this. I also launched a Western Hemisphere
3851 Alliance because it is not just us. Do you realize that
3852 there is not one single major refinery for rare earth
3853 elements in the Western Hemisphere? Not one. If I said
3854 there wasn't one in the United States, that would be
3855 problematic enough, but there is not one in the Western
3856 Hemisphere. There is only nine in the world. Eight are in
3857 China, the other one is in Malaysia. It is owned by an
3858 Australian company, Lynas.

3859 This is one of the greatest challenges facing this
3860 country in terms of our national security that we have ever
3861 faced. And it is not just so, as Mr. Evans pointed out, that
3862 we have the materials that we need to produce our weapon
3863 systems, our fighters, our ships, our missiles, our guidance
3864 systems. It is not just that. It is our ability to compete
3865 in the arms race for artificial intelligence and quantum
3866 computing. And I have said this time and time and time
3867 again, that whoever wins the arms race for artificial

3868 intelligence and quantum computing will not be a superpower,
3869 they will be the superpower. And we are right on the
3870 precipice of this.

3871 We have to act with the seriousness that is justified
3872 for this moment in time. So, you know, I really -- I don't
3873 mind the politics in the amendments, and both sides do that.
3874 I don't mind that at all, and I think all -- both sides are
3875 justifiable in doing that. But there are certain bills where
3876 it is totally inappropriate, and I think it -- that applies
3877 this time. We have to take this seriously. We have to do
3878 the things that we need to do. And expediting permitting in
3879 this case is consistent with what we have done in regard to
3880 building rocket engines and motors for military vehicles, for
3881 our armored vehicles.

3882 So it is -- this is not something that we ought to be in
3883 opposition to. It is something that we ought to work
3884 together on to make sure that we have provided for our nation
3885 the very basic things that will allow us to maintain our
3886 national security and our economic security.

3887 With that I will yield back and recognize the gentleman
3888 from Massachusetts, Mr. Auchincloss, for five minutes.

3889 *Mr. Auchincloss. Thank you, Chairman. I appreciate
3890 the spirit of seriousness to which the chairman is bringing
3891 the question of competition with China. I served last term
3892 on the Select Committee on China, which was a bipartisan

3893 strategic committee carving out a number of areas where the
3894 United States needs to invest and out-compete the Chinese
3895 Communist Party.

3896 And I also hear the chairman's exhortation that we not
3897 be partisan about the issue. I would invite the chairman
3898 then to offer his thoughts on the President's recent national
3899 security document released last week that has been cheered in
3900 Beijing for watering down language about our commitment to
3901 Taiwan and his decision to greenlight exports of our highest
3902 capability semiconductor chips to the Chinese Communist
3903 Party. In the spirit of being non-partisan about our
3904 commitment to out-compete the Chinese Communist Party, would
3905 the chairman like to weigh in on those decisions by this
3906 Administration?

3907 *Mr. Palmer. I thank the gentleman for the question. I
3908 have not seen the report, but I would be happy to have a
3909 serious discussion about these things because I have great
3910 concerns about China's ambitions toward Taiwan.

3911 There was an article, I think, in the last few days in
3912 the Wall Street Journal in anticipation of a Chinese
3913 invasion, which obviously is -- as the gentleman, I think,
3914 would agree on -- raises very serious consequences not only
3915 for us, but worldwide.

3916 *Mr. Auchincloss. Yes, but my concern is that, starting
3917 with TikTok, then with a failure to address fentanyl, despite

3918 bipartisan legislation on fentanyl interdiction here in
3919 Congress, moving on to cutting-edge AI chips, moving on to
3920 Taiwan tariffs that he had to tuck tail and run on, and ended
3921 up putting our farmers in the crosshairs, a decision to wedge
3922 Japan away from the United States as Japan is trying to
3923 counter Chinese belligerence now, this President has
3924 repeatedly failed to be strong when strength is the only
3925 language that the Chinese Communist Party understands, and
3926 when there is bipartisan commitment in Congress to be strong
3927 against what is the pacing adversary of the 21st century.

3928 And so I do encourage the chairman to --

3929 *Mr. Palmer. Would --

3930 *Mr. Auchincloss. -- review this Administration's
3931 actions --

3932 *Mr. Palmer. Would the gentleman yield?

3933 *Mr. Auchincloss. -- and to weigh in publicly because,
3934 goodness knows, we need to build some bipartisan pushback.

3935 I believe the gentleman from Louisiana wanted to --

3936 *Mr. Carter of Louisiana. Yes.

3937 *Mr. Auchincloss. I will yield to the gentleman from
3938 Louisiana.

3939 *Mr. Palmer. The gentleman from Louisiana is
3940 recognized.

3941 *Mr. Carter of Louisiana. Thank you very much. Mr.
3942 Chairman, you suggested that we should be serious, and I am

3943 going to give you and every other member of this committee
3944 the benefit of the doubt that you are not suggesting that
3945 health care for the American people isn't serious, that you
3946 aren't suggesting that we should short circuit or give
3947 shortcuts in health care and the ability for one to breathe
3948 clean air.

3949 Listen, I would be the first to tell you that I am
3950 supportive of permit reform, for expediting processes so
3951 people can get steel in the ground and get people back to
3952 work faster. But I will also tell you that I would never
3953 sacrifice the health or the well-being of the American people
3954 to accomplish that. We should never be so quick in any of
3955 our efforts that we put the American people's health at risk.

3956 And yes, sir, we are serious, and we are very serious
3957 about every comment that is made about health care, about
3958 environmental justice, about making sure that when we allow
3959 these shortcuts to expedite permitting processes, that we do
3960 not do it at the expense of the American people.

3961 I represent Louisiana, where people are living in close
3962 proximity to petrochemical plants. And I have said
3963 consistently we must coexist, but you can only coexist if you
3964 put the health and welfare of the people who are made to
3965 breathe these chemicals, who are made to drink water that may
3966 be contaminated -- yes, we should expedite permits, but we
3967 should not expedite permits that may hurt or damage the

3968 health of American people. Yes, we should make sure that we
3969 are competitive with China and that we are pushing back
3970 against those things that would put America's security at
3971 risk, but we should always make sure that the American people
3972 are in that thought process.

3973 Yes, sir, very respectfully, I am very serious. There
3974 is nothing unserious about fighting for the American people
3975 and their health care, and we will continue to use this perch
3976 to advance those discussions every time there is something
3977 that I and -- or others believe are anti the health care of
3978 the American people. Yes, we should expedite, but not at the
3979 expense of the American people.

3980 And I yield back.

3981 *Mr. Auchincloss. Mr. Chairman, I yield back my time.

3982 *Mr. Palmer. The gentleman yields. Is there any
3983 further discussion on the amendment?

3984 *Mr. Tonko. Call for roll call, please.

3985 *Mr. Palmer. There is a call for a roll call. The
3986 clerk will call the roll.

3987 *The Clerk. Mr. Crenshaw?

3988 [No response.]

3989 *The Clerk. Mr. Latta?

3990 [No response.]

3991 *The Clerk. Mr. Griffith?

3992 *Mr. Griffith. No.

3993 *The Clerk. Mr. Griffith votes no.
3994 Mr. Carter of Georgia?
3995 [No response.]
3996 *The Clerk. Mr. Joyce?
3997 [No response.]
3998 *The Clerk. Mr. Weber?
3999 *Mr. Weber. No.
4000 *The Clerk. Mr. Weber votes no.
4001 Mr. Pfluger?
4002 [No response.]
4003 *The Clerk. Mrs. Miller-Meeks?
4004 *Mrs. Miller-Meeks. No.
4005 *The Clerk. Mrs. Miller-Meeks votes no.
4006 Ms. Lee?
4007 *Ms. Lee. No.
4008 *The Clerk. Ms. Lee votes no.
4009 Mr. Langworthy?
4010 *Mr. Langworthy. No.
4011 *The Clerk. Mr. Langworthy votes no.
4012 Mr. Evans?
4013 *Mr. Evans. No.
4014 *The Clerk. Mr. Evans votes no.
4015 Mrs. Fedorchak?
4016 *Mrs. Fedorchak. No.
4017 *The Clerk. Mrs. Fedorchak votes no.

4018 Mr. Guthrie?
4019 *The Chair. No.
4020 *The Clerk. Mr. Guthrie votes no.
4021 Mr. Tonko?
4022 *Mr. Tonko. Aye.
4023 *The Clerk. Mr. Tonko votes aye.
4024 Ms. Schakowsky?
4025 *Ms. Schakowsky. Aye.
4026 *The Clerk. Ms. Schakowsky votes aye.
4027 Mr. Ruiz?
4028 *Mr. Ruiz. Aye.
4029 *The Clerk. Mr. Ruiz votes aye.
4030 Mr. Peters?
4031 *Mr. Peters. Aye.
4032 *The Clerk. Mr. Peters votes aye.
4033 Ms. Barragan?
4034 [No response.]
4035 *The Clerk. Mr. Soto?
4036 *Mr. Soto. Aye.
4037 *The Clerk. Mr. Soto votes aye.
4038 Mr. Auchincloss?
4039 *Mr. Auchincloss. Aye.
4040 *The Clerk. Mr. Auchincloss votes aye.
4041 Mr. Carter of Louisiana?
4042 *Mr. Carter of Louisiana. Aye.

4043 *The Clerk. Mr. Carter of Louisiana votes aye.
4044 Mr. Menendez?
4045 *Mr. Menendez. Aye.
4046 *The Clerk. Mr. Menendez votes aye.
4047 Mr. Landsman?
4048 *Mr. Landsman. Aye.
4049 *The Clerk. Mr. Landsman votes aye.
4050 Mr. Pallone?
4051 *Mr. Pallone. Aye.
4052 *The Clerk. Mr. Pallone votes aye.
4053 Chairman Palmer?
4054 *Mr. Palmer. No.
4055 *The Clerk. Chairman Palmer votes no.
4056 *Mr. Latta. Mr. Chair, how is Latta recorded?
4057 *Mr. Palmer. Mr. Latta is --
4058 *The Clerk. Mr. Latta is not recorded.
4059 *Mr. Latta. Mr. Latta votes no.
4060 *The Clerk. Mr. Latta votes no.
4061 *Mr. Palmer. How is Mr. Crenshaw recorded?
4062 *The Clerk. Mr. Crenshaw is not recorded.
4063 *Mr. Crenshaw. No.
4064 *The Clerk. Mr. Crenshaw votes no.
4065 *Mr. Palmer. How is Mr. Joyce recorded?
4066 *The Clerk. Mr. Joyce is not recorded.
4067 *Mr. Joyce. Joyce votes no.

4068 *The Clerk. Mr. Joyce votes no.

4069 *Mr. Palmer. The clerk will report the result.

4070 [Pause.]

4071 *The Clerk. Mr. Chairman, on that vote there were 10
4072 ayes and 12 noes.

4073 *Mr. Palmer. The amendment is not agreed to. Are there
4074 further amendments?

4075 The question now occurs on adopting H.R. 6373.

4076 All those in favor, say aye.

4077 Those opposed, no.

4078 *Mr. Tonko. We call for a recorded vote, please.

4079 *Mr. Palmer. A roll call vote has been requested. The
4080 clerk will call the roll.

4081 *The Clerk. Mr. Crenshaw?

4082 *Mr. Crenshaw. Aye.

4083 *The Clerk. Mr. Crenshaw votes aye.

4084 Mr. Latta?

4085 *Mr. Latta. Aye.

4086 *The Clerk. Mr. Latta votes aye.

4087 Mr. Griffith?

4088 *Mr. Griffith. Aye.

4089 *The Clerk. Mr. Griffith votes aye.

4090 Mr. Carter of Georgia?

4091 [No response.]

4092 *The Clerk. Mr. Joyce?

4093 *Mr. Joyce. Aye.

4094 *The Clerk. Mr. Joyce votes aye.

4095 Mr. Weber?

4096 *Mr. Weber. Aye.

4097 *The Clerk. Mr. Weber votes aye.

4098 Mr. Pfluger?

4099 [No response.]

4100 *The Clerk. Mrs. Miller-Meeks?

4101 [No response.]

4102 *The Clerk. Ms. Lee?

4103 *Ms. Lee. Aye.

4104 *The Clerk. Ms. Lee votes aye.

4105 Mr. Langworthy?

4106 *Mr. Langworthy. Aye.

4107 *Mr. Palmer. Miller-Meeks.

4108 *The Clerk. Mr. Langworthy votes aye.

4109 Mr. Evans?

4110 *Mr. Evans. Aye.

4111 *The Clerk. Mr. Evans votes aye.

4112 Mrs. Fedorchak?

4113 *Mrs. Fedorchak. Aye.

4114 *The Clerk. Mrs. Fedorchak votes aye.

4115 Mr. Guthrie?

4116 *The Chair. Aye.

4117 *The Clerk. Mr. Guthrie votes aye.

4118 Mr. Tonko?
4119 *Mr. Tonko. No.
4120 *The Clerk. Mr. Tonko votes no.
4121 Ms. Schakowsky?
4122 *Ms. Schakowsky. No.
4123 *The Clerk. Ms. Schakowsky votes no.
4124 Mr. Ruiz?
4125 *Mr. Ruiz. No.
4126 *The Clerk. Mr. Ruiz votes no.
4127 Mr. Peters?
4128 *Mr. Peters. No.
4129 *The Clerk. Mr. Peters votes no.
4130 Ms. Barragan?
4131 [No response.]
4132 *The Clerk. Mr. Soto?
4133 *Mr. Soto. No.
4134 *The Clerk. Mr. Soto votes no.
4135 Mr. Auchincloss?
4136 *Mr. Auchincloss. No.
4137 *The Clerk. Mr. Auchincloss votes no.
4138 Mr. Carter of Louisiana?
4139 *Mr. Carter of Louisiana. No.
4140 *The Clerk. Mr. Carter of Louisiana votes no.
4141 Mr. Menendez?
4142 *Mr. Menendez. No.

4143 *The Clerk. Mr. Menendez votes no.
4144 Mr. Landsman?
4145 *Mr. Landsman. No.
4146 *The Clerk. Mr. Landsman votes no.
4147 Mr. Pallone?
4148 *Mr. Pallone. No.
4149 *The Clerk. Mr. Pallone votes no.
4150 Chairman Palmer?
4151 *Mr. Palmer. Aye.
4152 *The Clerk. Chairman Palmer votes aye.
4153 *Mr. Palmer. How is Mrs. Miller-Meeks recorded?
4154 *The Clerk. Mrs. Miller-Meeks is not recorded.
4155 *Mrs. Miller-Meeks. Yes.
4156 *The Clerk. Mrs. Miller-Meeks votes aye.
4157 *Mr. Palmer. Are there other members that wish to be
4158 recorded?
4159 The clerk will report.
4160 [Pause.]
4161 *The Clerk. Mr. Chairman, on that vote there were 12
4162 ayes and 10 noes.
4163 *Mr. Palmer. The ayes have it. The bill is adopted and
4164 forwarded to the full committee.
4165 The chair calls up H.R. 6398 and asks the clerk to
4166 report.
4167 *The Clerk. H.R. 6398, a bill to amend the Clean Air

4168 Act relating to review by the Environmental Protection
4169 Agency, a proposed --

4170 *Mr. Palmer. Without objection, the first reading of
4171 the bill is dispensed with. The bill will be open for
4172 amendments at any point.

4173 So ordered.

4174 [The bill follows:]

4175

4176 *****COMMITTEE INSERT*****

4177

4178 *Mr. Palmer. Does anyone seek to be recognized on the
4179 bill?

4180 *Mr. Joyce. Mr. Chairman?

4181 *Mr. Palmer. The gentleman from Pennsylvania, Mr.
4182 Joyce, is recognized for five minutes.

4183 *Mr. Joyce. Thank you, Mr. Chairman. I wish to speak
4184 in support of my bill. Thank you for holding this important
4185 markup and for including H.R. 6398, the Reducing and
4186 Eliminating Duplicative Environmental Regulations, or the RED
4187 Tape Act.

4188 This bill eliminates the requirement for the EPA to
4189 conduct a duplicative review and publicly comment on other
4190 agencies' environmental impact statements. This legislation
4191 keeps in place the initial environmental review required for
4192 Federal projects and regulations under NEPA. It simply
4193 eliminates a bureaucratic and redundant secondary review that
4194 only serves to further delay the permitting and construction
4195 of critical projects.

4196 In order for America to remain competitive in the global
4197 economy, we must take steps to ensure timely and predictable
4198 outcomes for any new projects or regulations. Very simply,
4199 my legislation, the RED Tape Act, directly accomplishes this
4200 goal, and I urge my colleagues to support the bill.

4201 Thank you, Mr. Chairman, and I yield back.

4202 *Mr. Palmer. The gentleman yields. Is there any

4203 further discussion on the bill?

4204 *Mr. Tonko. Mr. Chair?

4205 *Mr. Palmer. The chair recognizes the gentleman from
4206 New York, Mr. Tonko, for five minutes.

4207 *Mr. Tonko. I move to strike the last word.

4208 *Mr. Palmer. The gentleman is recognized.

4209 *Mr. Tonko. Thank you, sir. I urge my colleagues to
4210 vote against this legislation.

4211 The RED Tape Act would block a critical public health
4212 agency from simply reviewing environmental impact statements
4213 from major Federal projects. These reviews weren't slowing
4214 down projects. They weren't stopping projects. But by
4215 removing them from the overall process, we are losing out on
4216 the expertise of EPA's scientists tasked with protecting
4217 public health and the environment.

4218 I often say that NEPA is one of our most critical laws
4219 because it makes you look before you leap. I don't have a
4220 problem with making government more efficient, but this bill
4221 is simply removing the voice of an important agency whose
4222 viewpoint you happen to dislike. An EPA assessment might
4223 find a major project could harm the health of your
4224 constituents, your town, or your neighbors. That is the type
4225 of critical assessment that EPA's expertise alone could offer
4226 and would be missing as a result of this bill. This broader
4227 attack on expertise and EPA cannot continue to stand, and I

4228 urge my Republican colleagues to stand with me in opposition.

4229 So I urge all my colleagues to vote no on this misguided
4230 bill, Mr. Chair, and I yield back.

4231 *Mr. Palmer. The gentleman yields. Is there any
4232 further discussion on the bill?

4233 Do any members wish to offer an amendment?

4234 [Pause.]

4235 *Mr. Palmer. The question now occurs on adopting H.R.
4236 6398.

4237 All those in favor, say aye.

4238 All those opposed, no.

4239 *Mr. Tonko. Call for a recorded vote, please.

4240 *Mr. Palmer. A roll call vote has been requested. The
4241 clerk will call the roll.

4242 *The Clerk. Mr. Crenshaw?

4243 *Mr. Crenshaw. Aye.

4244 *The Clerk. Mr. Crenshaw votes aye.

4245 Mr. Latta?

4246 [No response.]

4247 *The Clerk. Mr. Griffith?

4248 *Mr. Griffith. Aye.

4249 *The Clerk. Mr. Griffith votes aye.

4250 Mr. Carter of Georgia?

4251 [No response.]

4252 *The Clerk. Mr. Joyce?

4253 *Mr. Joyce. Aye.

4254 *The Clerk. Mr. Joyce votes aye.

4255 Mr. Weber?

4256 *Mr. Weber. Aye.

4257 *The Clerk. Mr. Weber votes aye.

4258 Mr. Pfluger?

4259 [No response.]

4260 *The Clerk. Mrs. Miller-Meeks?

4261 *Mrs. Miller-Meeks. Yes.

4262 *The Clerk. Mrs. Miller-Meeks votes aye.

4263 Ms. Lee?

4264 *Ms. Lee. Aye.

4265 *The Clerk. Ms. Lee votes aye.

4266 Mr. Langworthy?

4267 *Mr. Langworthy. Aye.

4268 *The Clerk. Mr. Langworthy votes aye.

4269 Mr. Evans?

4270 *Mr. Evans. Aye.

4271 *The Clerk. Mr. Evans votes aye.

4272 Mrs. Fedorchak?

4273 *Mrs. Fedorchak. Aye.

4274 *The Clerk. Mrs. Fedorchak votes aye.

4275 Mr. Guthrie?

4276 *The Chair. Aye.

4277 *The Clerk. Mr. Guthrie votes aye.

4278 Mr. Tonko?

4279 *Mr. Tonko. No.

4280 *The Clerk. Mr. Tonko votes no.

4281 Ms. Schakowsky?

4282 *Ms. Schakowsky. No.

4283 *The Clerk. Ms. Schakowsky votes no.

4284 Mr. Ruiz?

4285 *Mr. Ruiz. No.

4286 *The Clerk. Mr. Ruiz votes no.

4287 Mr. Peters?

4288 *Mr. Peters. No.

4289 *The Clerk. Mr. Peters votes no.

4290 Ms. Barragan?

4291 [No response.]

4292 *The Clerk. Mr. Soto?

4293 *Mr. Soto. No.

4294 *The Clerk. Mr. Soto votes no.

4295 Mr. Auchincloss?

4296 *Mr. Auchincloss. No.

4297 *The Clerk. Mr. Auchincloss votes no.

4298 Mr. Carter of Louisiana?

4299 *Mr. Carter of Louisiana. No.

4300 *The Clerk. Mr. Carter of Louisiana votes no.

4301 Mr. Menendez?

4302 *Mr. Menendez. No.

4303 *The Clerk. Mr. Menendez votes no.
4304 Mr. Landsman?
4305 [No response.]
4306 *The Clerk. Mr. Pallone?
4307 *Mr. Pallone. No.
4308 *The Clerk. Mr. Pallone votes no.
4309 Chairman Palmer?
4310 *Mr. Palmer. Aye.
4311 *The Clerk. Chairman Palmer votes aye.
4312 *Mr. Latta. Mr. Chairman, how is Latta recorded?
4313 *The Clerk. Mr. Latta is not recorded.
4314 *Mr. Latta. Mr. Latta votes aye.
4315 *The Clerk. Mr. Latta votes aye.
4316 *Mr. Tonko. Mr. Landsman.
4317 *Mr. Palmer. How is Mr. Landsman recorded?
4318 *The Clerk. Mr. Landsman is not recorded.
4319 *Mr. Landsman. No.
4320 *The Clerk. Mr. Landsman votes no.
4321 *Mr. Palmer. The clerk will report.
4322 *The Clerk. Chairman Palmer, on that vote there were 12
4323 ayes and 10 noes.
4324 *Mr. Palmer. The ayes have it, and the bill is adopted
4325 and forwarded to the full committee.
4326 Without objection, the staff is authorized to make
4327 technical and conforming changes to the legislation approved

4328 by the committee today.

4329 So ordered.

4330 Without objection, the committee stands adjourned.

4331 [Whereupon, at 1:31 p.m., the subcommittee was

4332 adjourned.]