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6 MARKUP OF:

7 H.R. 2140, DIESEL EMISSIONS REDUCTION ACT OF 2025;

8 H.R. 3194, LIFTING OVERBURDENSOME COMMERCE OBSTRUCTIONS AND
9 MOTIVES (LOCOMOTIVES) ACT;

10 H.R. 9317, BUSES UTILIZING SAFETY AND ENVIRONMENTAL STANDARDS
11 (BUSES) ACT;

12 H.R. 9615, BATTERY RECYCLING FOR AMERICA'S COMPETITIVE
13 ECONOMY (BRACE) ACT;

14 H.R. 9616, ENVIRONMENTAL MONITORING AND REMEDIATION
15 TECHNOLOGY ASSESSMENT IMITATIVE (EMRTAI) ACT OF 2026;

16 H.R. 9617, COORDINATING AND HARNESSING AMERICA'S RECOVERY OF
17 MINERALS (CHARM) ACT; AND

18 H.R. 9618, DIESEL ENGINE FLEXIBILITY (DEF) ACT

19 TUESDAY, JULY 14, 2026

20 House of Representatives,

21 Subcommittee on Environment,

22 Committee on Energy and Commerce,

23 Washington, D.C.

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27 The subcommittee met, pursuant to call, at 2:47 p.m.,

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

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

35

36 Staff Present: Ansley Boylan, Director of Operations;
37 Byron Brown, Chief Counsel; Jessica Donlon, General Counsel;
38 Sydney Greene, Director of Finance and Logistics; Christen
39 Harsha, Senior Counsel; Megan Jackson, Staff Director; Noah
40 Jackson, Clerk; AT Johnson, Special Advisor; Brayden
41 Lacefield, Special Assistant; Joel Miller, Deputy Staff
42 Director; Ben Mullaney, Press Secretary; Ryan Murphy,
43 Director of Member Services; Lillian Noland, Staff Assistant;
44 Brice Ogle, Special Assistant; Seth Ricketts, Clerk; Chris
45 Sarley, Member Services/Stakeholder Director; Timothy
46 Trimble, Staff Assistant; Katharine Willey, Senior Counsel;
47 Kelly Fabian, Minority Chief Counsel, CMT; Waverly Gordon,
48 Minority Deputy Staff Director and General Counsel; Tiffany
49 Guarascio, Minority Staff Director; Anthony Gutierrez,
50 Minority Professional Staff Member; Caitlin Haberman,
51 Minority Staff Director, ENV; Perry Hamilton, Minority Deputy
52 Director, Member Services and Outreach; Megan Kanne, Minority
53 Professional Staff Member; Alyssa Kimura, Minority Intern;
54 Serena Klebba, Minority Staff Assistant; Brendan Lopez,
55 Minority Press Assistant; Emma Roehrig, Minority Staff
56 Assistant; Kylea Rogers, Minority Policy Analyst; Andrew
57 Souvall, Minority Director of Communications, Outreach, and
58 Member Services; and Samantha Tate, Minority Intern.
59

60 *Mr. Palmer. The committee will come to order. The
61 chair recognizes himself for an opening statement.

62 Welcome to today's markup before the House Energy and
63 Commerce Committee's Subcommittee on Environment. Today we
64 will consider seven pieces of legislation, most of which are
65 bipartisan. Three bills we will be marking up support the
66 recovery of critical minerals and materials from domestic
67 sources rather than continuing to rely on adversaries such as
68 China that dominate the critical minerals supply chain.

69 H.R. 9615, the Battery Recycling for America's
70 Competitive Economy, or BRACE Act, led by Representative
71 Miller-Meeks, directs the Environmental Protection Agency to
72 consider modernizing and clarifying its regulation of lithium
73 ion batteries, updating its regulations implementing the
74 Resource Conservation and Recovery Act. These regulations
75 predate the widespread use of lithium ion batteries and
76 potentially inhibit the growth of the domestic battery
77 recycling industry.

78 H.R. 9616, Environmental Monitoring and Remediation
79 Technology Assessment Initiative, or EMRTAI Act, which
80 authorizes a program at EPA to support methods to identify
81 and recover critical minerals at contaminated sites,
82 contributing both to the discovery of new domestic sources of
83 critical minerals and remediating contaminated sites.

84 Additionally, we will consider H.R. 9617, the

85 Coordinating and Harnessing America's Recovery of Minerals,
86 or CHARM Act. This bipartisan bill, which I am proud to lead
87 with Ranking Member Tonko, channels EPA's expertise on
88 materials recovery and recycling into our government-wide
89 efforts to secure our access to critical minerals by
90 directing the EPA to develop and execute a national critical
91 mineral recovery strategy.

92 We are also considering four Clean Air Act bills. As we
93 have discussed before, the Clean Air Act has not been
94 meaningfully updated to adjust to our present day realities.
95 As a result, outdated provisions currently result in over-
96 burdensome standards that hamper economic prosperity while
97 doing little to reduce air pollution. The bills we will
98 consider today provide common-sense solutions that update
99 narrow provisions of the Clean Air Act while continuing to
100 protect the environment.

101 H.R. 2140, the Diesel Emissions Reduction Act, is
102 sponsored by Representative Langworthy and Representative
103 Matsui. This bill reauthorizes through 2029 the DERA grant
104 program, which facilitates updating and replacing old
105 equipment with newer technology or engines, providing
106 improving air quality while growing the economy.

107 H.R. 3194, the LOCOMOTIVES Act, is led by Representative
108 Moolenaar and Representative Obernolte. This bill amends the
109 Clean Air Act to ensure that locomotive emissions are subject

110 to a uniform Federal framework, protecting our national
111 supply chain and preventing increased operation costs from
112 being passed down to consumers.

113 H.R. 9317, the BUSES Act, is sponsored by Representative
114 Langworthy and Representative Gottheimer. This legislation
115 creates a national minimum standard for bus idling,
116 preventing state and local governments from enforcing bus
117 idling bans less than 15 minutes, which will ensure that
118 interstate carriers are not subjected to inconsistent local
119 requirements or bounty-driven enforcement schemes. The up to
120 15 minutes of idling time is necessary for checks to protect
121 the driver and passenger safety, accessibility, and mobility.

122 H.R. 9618, the Diesel Engine Flexibility Act, is led by
123 Representative Fedorchak and representative Don Davis. This
124 bill provides regulatory certainty by creating a 10-year safe
125 harbor for actions taken relying on EPA guidance relating to
126 diesel exhaust fluid, quality monitoring, and selective
127 catalytic reduction inducement standards. This bill gives
128 manufacturers, equipment, owners, and independent technicians
129 the certainty they need to move goods and protect supply
130 chains.

131 I appreciate the work on both sides to get these bills
132 ready for today's markup. Thank you, and I yield back. I
133 now recognize the gentleman from New York's 20th district,
134 the ranking member of the subcommittee, Representative Tonko,

135 for five minutes for an opening statement.

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

137 Today the subcommittee will consider seven bills, three
138 related to critical mineral recovery and four related to air
139 pollution from mobile sources. I know the majority and
140 minority staff have been working hard on these critical
141 mineral bills -- the CHARM Act, the EMRTAI Act, and the BRACE
142 Act, and I expect that by the end of today's markup all three
143 will have secured bipartisan support. I thank the chair and
144 his team for working with us on these efforts.

145 There is broad consensus that much more of our nation's
146 growing critical mineral demands should come from secure
147 domestic sources, and recovery from discarded and recycled
148 materials is a tremendous opportunity to help meet those
149 needs. I hope we can continue to work together to ensure
150 that we unlock these supplies responsibly and maintain a high
151 level of environmental and worker protections.

152 I also want to express my support for the Diesel
153 Emissions Reduction Act reauthorization. DERA has proven to
154 be an incredibly popular and effective program to support the
155 upgrade or retirement of the worst polluting diesel engines
156 in service. This is a great model for how we should be
157 tackling air pollution from mobile sources while -- which
158 continue to be a major public health threat for far too many
159 Americans.

160 Unfortunately, the other three bills to amend the Clean
161 Air Act take a different approach. The BUSES Act seeks to
162 limit state and local governments from implementing anti-
163 idling bus laws while the LOCOMOTIVES Act would prohibit
164 states from regulating emissions from trains. State and
165 local governments are on the front line of protecting
166 Americans from dangerous air pollution, and I do not believe
167 that limiting their ability, especially in the absence of a
168 credible Federal regulator, will result in better public
169 health outcomes.

170 Regarding the DEF Act, I fully understand the need to
171 provide long-term regulatory certainty. Regulatory certainty
172 has the ability to drive technology innovation while allowing
173 manufacturers to plan appropriately. But I cannot support
174 the claim of regulatory certainty to be used as an excuse to
175 maintain the status quo or even take us backwards. This bill
176 proposes locking in standards that are already more than 15
177 years old for a period of at least 15 years from now.

178 I continue to believe that we should be celebrating
179 innovations in American-made pollution control technologies
180 such as selective catalytic reduction which have improved
181 fuel economy and have allowed liquid fuels to become less
182 polluting. Unfortunately, the bill we are considering today
183 is taking us further from the possibility of reaching a
184 bipartisan agreement compared to the discussion draft just

185 considered last month.

186 So I must encourage members to oppose these three Clean
187 Air Act regulatory bills but, again, I appreciate the
188 majority's willingness to work with us on DERA and the three
189 critical mineral bills.

190 With that, Mr. Chair, I thank you and yield back.

191 *Mr. Palmer. The chair now recognizes the gentleman
192 from Kentucky's 2nd district, the chairman of the full
193 committee, Representative Guthrie, for five minutes for an
194 opening statement.

195 *The Chair. Thank you. Thank you, Chairman Palmer and
196 the members of this subcommittee, for the important work that
197 has gone into today's markup. I know there has been a lot of
198 work between members, a lot of work between our staffs, and I
199 really appreciate it.

200 The Energy and Commerce Committee has a long history of
201 working on a bipartisan basis to tackle important problems
202 facing our country, and the recent work in the Environment
203 Subcommittee has continued this tradition. Five of the seven
204 bills on today's agenda are bipartisan, and our respective
205 staff are continuing to work on the battery recycling bill
206 being led by Representative Miller-Meeks to see if we can
207 reach a bipartisan compromise before a full committee markup.

208 Our staffs have been -- have also been discussing a
209 number of other environmental bills that were not yet ready

210 for today's markup, but I am encouraged by the efforts and
211 hope we will be able to mark up additional environmental
212 bills in the near term.

213 As we have discussed repeatedly before this
214 subcommittee, the bills before us demonstrate how we can grow
215 the economy and protect national security while maintaining a
216 healthy environment. Three of the bipartisan bills we are
217 marking up today demonstrate creative ways to develop -- to
218 address the critical minerals problem by shoring up supply
219 chains for critical minerals and materials through EPA
220 evaluation of regulatory barriers to the recovery of critical
221 minerals from lithium ion batteries and other materials and
222 support of technologies to recover critical minerals from
223 contaminated land and other materials.

224 The four other bills we are marking up continue the
225 subcommittee's work on modernizing outdated provisions of the
226 Clean Air Act. These common-sense reforms strengthen and
227 protect America's transportation system that our economy
228 relies upon, help maintain and grow a manufacturing base, and
229 reduce regulatory burdens and costs for consumers. Three of
230 the four Clean Air Act bills are bipartisan, and I thank
231 members on both sides of the aisle for their contributions.

232 I also appreciate the work of the EPA staff in providing
233 technical assistance and the many stakeholders who have
234 testified before the committee and otherwise provided their

235 input to get these bills ready for markup. Thank you.

236 And Mr. Chair, when you first took the chairmanship of
237 this subcommittee I remember us discussing the importance of
238 critical and rare earth minerals and how you have been driven
239 not this year, but through your time in Congress, to make
240 sure America meets its moment in this area. And I fully
241 understand that you saw it coming, that we had some issues
242 and hiccups the year before last, and so working -- some of
243 us have had confidential briefings in SCIF, so we can't
244 really share in a public setting, but your leadership and
245 commitment and drive to address this issue, I think all of us
246 who have attended those hearings and all those who just know
247 what is going on in the world, know for America to continue
248 to be the superpower that we are, we have to have access to
249 our own or friendly groups for people that we can depend on
250 critical minerals. And I really appreciate your leadership
251 and I yield back.

252 *Mr. Palmer. I thank the gentleman. The chair now
253 recognizes the gentleman from New Jersey's 6th district, the
254 ranking member of the full committee, Representative Pallone,
255 for five minutes for an opening statement.

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

257 Today we are marking up several good bills on battery
258 recycling, critical mineral recovery from mining waste and
259 discarded materials, and replacing dirty diesel engines. And

260 the subcommittee will also consider several bills that
261 undercut vital clean air protections and drive up expensive
262 fuel use.

263 So starting with the critical mineral bills, domestic
264 recycling still-viable critical minerals represents a
265 creative and efficient way to reduce our dependence on
266 foreign adversaries, namely China, for the critical minerals
267 we need to power modern technologies and cost-cutting clean
268 energy. And when we talk about bolstering our domestic
269 critical minerals supply chain, it is vital that we also
270 consider opportunities to boost recycling and recovery that
271 increase resource efficiency, reduce the need for new mined
272 materials, and reduce waste. Now, since the June
273 subcommittee hearing we have worked with the majority to come
274 to an agreement on three bills to address these important
275 goals.

276 First there is H.R. 9615, the BRACE Act, that will help
277 us increase the domestic recycling of batteries while also
278 keeping the critical minerals found in those batteries in the
279 country for future use. I appreciate the majority's
280 willingness to address many of our concerns in the amendment
281 in the nature of a substitute, particularly the ANS gets the
282 EPA moving on a regulatory framework for battery recycling
283 that addresses safety concerns while maintaining protections
284 for the environment and public health. And this is a

285 compromise, but I believe this bill is a reasonable path
286 forward so I plan to support it and urge my colleagues to do
287 the same.

288 Then we have H.R. 9616, EMRTAI, a bill led by
289 Representatives Landsman and Pfluger, is another bipartisan
290 effort to ensure that as we clean up abandoned mines and
291 Superfund sites we collect any critical minerals from those
292 sites. And this is a win-win for our environment and
293 domestic supply chain.

294 And then we have H.R. 9617, another good bipartisan bill
295 led by Environment Subcommittee Chair Palmer and Ranking
296 Member Tonko. It directs the EPA to consider how a national
297 critical mineral recovery strategy to coordinate Federal
298 efforts to recover critical minerals from discarded
299 materials.

300 And while there is much more work to be done to boost
301 batteries, recycling, and bolster our critical mineral supply
302 chains, these three bills are an important step forward.

303 We are also considering H.R. 2140, the bipartisan
304 reauthorization of the Diesel Emissions Reduction Act. I am
305 a long supporter of this popular program to help replace
306 dirty diesel engines across the nation, cleaning the air
307 while saving money on fuel costs. And I am pleased the
308 subcommittee is moving this bill forward.

309 Unfortunately, I can't say the same for the other Clean

310 Air Act transportation bills on today's agenda. These bills
311 will increase health-harming pollution, attack states'
312 ability to protect their residents, and drive up fuel use at
313 a time when Trump's reckless war of choice in Iran has sent
314 fuel prices skyrocketing.

315 Americans have been abundantly clear at the hands of the
316 Trump Administration that life has become increasingly
317 unaffordable. Hard-working American families are struggling
318 financially. And instead of looking to cut costs,
319 Republicans are doubling down on America's reliance on
320 volatile and expensive fossil fuels.

321 H.R. 9317, the BUSES Act, would needlessly undermine
322 state policies and allow school buses and motor coaches to
323 idle for 15 minutes or longer. This is a massive waste of
324 fuel when diesel prices are high from Trump's war in Iran,
325 and it is also especially harmful to children's health.

326 Then there is H.R. 3194, the LOCOMOTIVE Act, which
327 attacks states' ability to meet air quality, public health,
328 and climate goals by blocking them from setting more
329 protective standards for older, dirtier locomotives in use
330 today. And this will lock in this harmful pollution for
331 years to come.

332 There is bipartisan agreement on the importance of
333 ensuring clarity and certainty around emissions control
334 technology for diesel engines, but H.R. 9618, the Diesel

335 Engine Flexibility Act, is not the way to go. Despite trying
336 to work on a bipartisan compromise, the Republican majority
337 chose to introduce a version of the bill that blocks EPA from
338 setting more protective pollution standards for on and off-
339 road vehicles and engines, and instead locks in decades-old
340 weaker standards. The bill also includes hyper-partisan
341 language attacking states' ability to set more health
342 protective standards. And while I am glad the ANS attempts
343 to narrow the scope of the bill, I still have major concerns
344 with the legislation's approach and will have to oppose it.

345 And with that, Mr. Chairman, I yield back the balance of
346 my time.

347 *Mr. Palmer. I thank the gentleman.

348 The chair reminds members that, pursuant to the
349 committee rules, all members' opening statements will be made
350 part of the record. Are there further opening statements?

351 The chair now calls up H.R. 2140 and asks the clerk to
352 report.

353 *The Clerk. H.R. 2140, a bill to amend the Energy
354 Policy Act of 2005 to reauthorize the Diesel Emissions
355 Reduction Program. Be it enacted by the Senate and House of
356 Representatives of the United States of America --

357 *Mr. Palmer. Without objection, the first reading of
358 the bill is dispensed with, and the bill will be open for
359 amendment at any point.

360 So ordered.

361 [The bill follows:]

362

363 *****COMMITTEE INSERT*****

364

365 *Mr. Palmer. Does anyone seek to be recognized on the
366 bill?

367 For what purpose does the gentleman seek recognition?

368 *Mr. Langworthy. Mr. Chairman, I would like to speak in
369 support of H.R. 2140.

370 *Mr. Palmer. You are recognized for five minutes to
371 speak on the bill.

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

373 H.R. 2140, the Diesel Emissions Reduction Act of 2025,
374 is a straightforward bill that reauthorizes a program
375 Congress first established in 2005 with broad bipartisan
376 support. And at its core, DERA helps communities replace or
377 upgrade older diesel-powered buses, trucks, heavy equipment
378 with newer, more efficient models. Through competitive
379 grants and rebates, the program helps school districts,
380 municipalities, ports, and other fleet operators modernize
381 equipment that they would otherwise may not have the
382 resources to replace on their own.

383 For many local governments, replacing aging equipment is
384 simply one of the largest capital investments that they face.
385 Whether it is a school bus, a snow plow, a dump truck, or an
386 emergency response vehicle, these vehicles keep our
387 communities running, and DERA helps make those upgrades
388 possible while allowing communities to stretch limited
389 taxpayer dollars further.

390 This program also has been an important driver of
391 American manufacturing. In my district Cummins operates its
392 Jamestown engine plant, where more than 1,000 hard-working
393 men and women design and build some of the most advanced
394 diesel engines in the world. Those are good-paying
395 manufacturing jobs to support families across western New
396 York and the southern tier, and strengthen our domestic
397 industrial base. The investments made by companies like
398 Cummins don't stop at the factory gates. They support
399 suppliers, machine shop, steel producers, transportation
400 companies, and countless small businesses throughout the
401 manufacturing supply chain.

402 When we support American engine manufacturers, we are
403 supporting an entire manufacturing ecosystem and the skilled
404 workforce that keeps it running. Programs like DERA help to
405 create demand for engines and technologies that are
406 researched, engineered, and built here in the United States
407 of America, giving manufacturers the confidence to continue
408 investing in innovation production and American workers.
409 That is especially important as we work to strengthen
410 domestic manufacturing and ensure that the next generation of
411 engine technology is developed right here at home and not
412 overseas.

413 This isn't about creating new mandates or expanding
414 government; it is about continuing a proven partnership that

415 helps communities modernize critical equipment while
416 supporting the manufacturers and skilled workers who make
417 that equipment possible. For communities looking to replace
418 aging equipment and for manufacturers like Cummins that
419 continue to invest in American innovation and American jobs,
420 DERA has been a success story for more than 20 years.

421 I urge my colleagues to support H.R. 2140 and I yield
422 back, Mr. Chairman.

423 *Mr. Palmer. The gentleman yields. Is there further
424 discussion on the bill?

425 The gentleman from California, Mr. Ruiz, is recognized
426 for five minutes.

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

428 As many of you know before I came to Congress, I was an
429 ER doc. I treated individuals who came into the ER
430 struggling to breathe, adults and children gasping for air.
431 There is nothing like watching the fear run across their
432 parents' faces. Often times the cause was the pollutants in
433 the air, pollutants that come from things like diesel
434 exhaust. Diesel exhaust contains nitrogen oxides and fine
435 particulate matter that contribute to air pollution and
436 negatively impacts the public's health. Pollutants are
437 inhaled deep into the lung, and for a kid whose airways are
438 still developing that alone is enough to trigger an asthma
439 attack or make asthma even worse.

440 In Imperial County, nearly 15 percent of the people have
441 asthma, almost double the national average. In a region
442 crossed every day by hundreds of thousands of diesel trucks
443 and powered by diesel farm equipment, kids are hospitalized
444 for asthma at twice the rate of the rest of the State of
445 California. In the Coachella Valley more than 41,000 adults
446 and over 10,000 children have been diagnosed with asthma. As
447 I mentioned, the cause is often the pollutants in the air,
448 including from things like diesel exhaust. My district sees
449 diesel engines run through our communities every single day
450 because it sits at the intersection of major freight
451 corridors and some of the most productive agricultural land
452 in the country.

453 The Calexico East Port of Entry, along with -- processes
454 roughly 450,000 commercial trucks a year, with the border,
455 trucks carrying an estimated \$20 billion in cross-border
456 trade annually between Imperial Valley and Mexicali. Add to
457 that the diesel-powered agricultural equipment running across
458 hundreds of thousands of acres of farmland, and you have a
459 community bearing a disproportionate share of this country's
460 diesel emissions burden without a proportionate share of the
461 resources to address it.

462 You see, that is why I care so much about this issue,
463 because I care very much about my constituents. And that is
464 exactly the problem that the Diesel Emissions Reduction Act

465 program this bill was built to solve. And that is why I
466 support it and thank Representatives Matsui and Langworthy
467 for moving it forward.

468 Since its creation, the Diesel Emission Reduction Act
469 has provided grants, rebates, and loans that help fleets,
470 agricultural operators, and public agencies replace or
471 retrofit older diesel engines with cleaner technology,
472 reducing the nitrous oxide and particulate matter emissions
473 that drive up asthma rates and respiratory illness. It is,
474 by EPA's own account, one of the most effective clean air
475 programs the Federal Government runs. Thirty percent of its
476 funding flows directly to states and territories, and the
477 rest is awarded through a competitive process that has
478 consistently rewarded well-designed, high-impact projects.
479 It reaches every state, every tribal nation, and every U.S.
480 territory, and it has done so with a two-decade track record
481 of bipartisan support because reducing diesel pollution is
482 not a partisan goal; it is a public health imperative that
483 both parties recognize.

484 This bill does one simple thing: it reauthorizes this
485 program through fiscal year 2029. It simply renews a proven
486 tool at the exact moment industry and community stakeholders
487 are asking us to act. For the families in Imperial and
488 Coachella Valleys who live with some of the worst air quality
489 in this country, for the farm workers and truck drivers on

490 the front lines of that pollution every single day, and for
491 the broader goal of protecting public health without imposing
492 new burdens on our agricultural and freight economy, I urge
493 my colleagues on both sides of the aisle to support this
494 legislation.

495 I yield back the balance of my time. Thank you.

496 *Mr. Palmer. The gentleman yields. Is there further
497 discussion on the bill?

498 Are there any amendments?

499 Seeing none, the question now occurs on adopting H.R.
500 2140.

501 All those in favor, say aye.

502 Those opposed, no.

503 The ayes have it and the bill is adopted and forwarded
504 to the full committee.

505 The chair now calls up H.R. 3194 and asks the clerk to
506 report.

507 *The Clerk. H.R. 3194, a bill to amend the Clean Air
508 Act to prohibit state standards relating to the control of
509 emissions from existing locomotives and engines used --

510 *Mr. Palmer. Without objection, the first reading of
511 the bill is dispensed with, and the bill will be open for
512 amendment at any point.

513 So ordered.

514 [The bill follows:]

515 *****COMMITTEE INSERT*****

516

517 *Mr. Palmer. Does anyone seek to be recognized on the
518 bill?

519 [Pause.]

520 *Mr. Palmer. The gentleman is recognized for five
521 minutes.

522 *Mr. Carter of Georgia. Thank you, Mr. Chairman. Mr.
523 Chairman, H.R. 3194 is a common-sense bill created in
524 response to California's attempt to impose zero-emission
525 locomotive mandates that would dramatically increase the
526 prices of goods and have serious consequences for freight
527 rail.

528 This bill will close a loophole which allows the
529 California Air Resources Board to request waivers from EPA
530 that allow the state to issue overreaching mandates. These
531 mandates would empower California to impose its policies on
532 the national rail system and govern interstate commerce. The
533 CARB proposal would effectively ban a large portion of the
534 national locomotive fleet from operating in California. This
535 would mean higher prices for consumers, and it would not lead
536 to cleaner air quality.

537 The fact is that California is simply rushing to green
538 without looking at the real-world consequences of their
539 actions. Zero-emission locomotive technology is simply not a
540 reality yet. This technology is largely still in the
541 prototype stage of development. Passing the LOCOMOTIVE Act

542 will ensure that we affirm only the Federal Government can
543 regulate locomotives engaged in interstate commerce,
544 protecting consumers from costly mandates and ensuring we
545 operate on policy based on fact and not on fiction.

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

547 *Mr. Palmer. The gentleman yields. Is there further
548 discussion on the bill?

549 The gentlelady from California is recognized for five
550 minutes.

551 *Ms. Barragan. Thank you, Mr. Chairman. I move to
552 strike the last word.

553 *Mr. Palmer. The gentlelady is recognized.

554 *Ms. Barragan. Mr. Carter said this was a loophole, but
555 in -- but Congress in 1990 specifically gave California
556 authority to regulate locomotives because it faces air
557 quality burdens the rest of the country doesn't have. The
558 LOCOMOTIVES Act isn't restoring the status quo; it is
559 stripping power Congress deliberately granted. I urge my
560 colleagues to oppose H.R. 3194, the LOCOMOTIVES Act.

561 And it isn't common sense. This Republican bill would
562 take away the ability of states to adopt stronger protections
563 against pollution from locomotives operating in their
564 communities. This is the wrong approach. And in my
565 district, communities like Wilmington, California, San Pedro,
566 and the surrounding harbor area live next to some of the

567 busiest ports, rail yards, and freight corridors in the
568 nation. Every day freight trains move goods through these
569 neighborhoods. The economic benefits are shared across the
570 country, but the pollution stays with the families who live
571 next to the tracks. That pollution is linked to higher rates
572 of asthma, heart disease, and other serious health problems.

573 For too many families breathing dirty air is a part of
574 daily life, but it doesn't have to be this way. States and
575 local governments understand the unique challenges facing
576 their communities. They should have the flexibility to
577 address those challenges. We have already seen what that
578 flexibility can accomplish. At our ports of Los Angeles and
579 Long Beach, Pacific Harbor Line is deploying zero-emission
580 battery electric locomotives and investing in cleaner rail
581 operations that reduce emissions in neighboring communities.
582 That is exactly the kind of innovation that we should
583 encourage.

584 This bill moves us in the opposite direction. It would
585 tie states' hands and prevent them from doing more to protect
586 public health when Federal standards are not enough. I
587 believe we should empower states to protect their residents,
588 not take away their authority.

589 I urge my colleagues to oppose this bill and I yield
590 back.

591 *Mr. Palmer. The gentlelady yields. Is there any

592 further discussion on the bill?

593 *Mr. Pallone. Mr. Chairman?

594 *Mr. Palmer. The chair recognizes the gentleman from
595 New Jersey for --

596 *Mr. Pallone. I just want to --

597 *Mr. Palmer. -- five minutes.

598 *Mr. Pallone. -- associate myself with the remarks from
599 the gentlewoman from California.

600 Look, the bottom line is that people that live -- we
601 have the same phenomenon in New Jersey. You know, you have a
602 situation where we have the Port of New York and New Jersey
603 and many parts of our state -- or many towns in our state.
604 And unfortunately, what happens is that the people that live
605 there locally are the ones that are -- that have the burden
606 of all this pollution, and it is bad. And the idea that we
607 would restrict California or any state that might adopt
608 California standards, whatever, from doing that, I think, is
609 a huge mistake. And so I also want to express my opposition.

610 *Mr. Palmer. The gentleman yields. Is there further
611 discussion on the bill?

612 Are there any amendments?

613 Seeing none, the question now occurs on adopting 3194.

614 All those in favor, say aye.

615 Those opposed, no.

616 The ayes have it, and the bill is adopted and forwarded

617 to the committee.

618 The chair now calls up H.R. 9317 and asks the clerk to
619 report.

620 *The Clerk. H.R. 9317, a bill to prohibit engine idling
621 restrictions for over-the-road buses and school buses if an
622 engine idles for less than 15 minutes, and for other
623 purposes.

624 *Mr. Palmer. Without objection, the first reading of
625 the bill is dispensed with, and the bill will be open for
626 amendment at any point.

627 So ordered.

628 [The bill follows:]

629

630 *****COMMITTEE INSERT*****

631

632 *Mr. Palmer. Does anyone seek to be recognized on the
633 bill?

634 For what purpose does the gentleman seek recognition?

635 *Mr. Langworthy. Mr. Chairman, I would like to speak in
636 support of H.R. 9317.

637 *Mr. Palmer. The gentleman is recognized.

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

639 My bill, H.R. 9317, the Buses Utilizing Safety and
640 Environmental Standards Act, or the BUSES Act, is about
641 bringing common sense to bus operations and preventing one
642 city's extreme policies from becoming the standard for the
643 rest of the country.

644 Buses are one of the safest and most efficient ways to
645 move large numbers of people. They transport children to
646 school, connect rural communities, support our tourism
647 industry. They move military personnel and they provide
648 critical transportation for millions of Americans every
649 single year. The rules governing these operators should
650 reflect what actually takes place to operate a bus safely,
651 not create unnecessary obstacles.

652 Here is the problem: buses don't idle because drivers
653 want to; they idle because the job requires it. Before a bus
654 can even begin its route, Federal law requires drivers to
655 complete safety inspections. They need to maintain brake
656 pressure, operate wheelchair lifts and other accessibility

657 equipment, and safely board passengers with disabilities.
658 And where I come from in western New York, keeping passengers
659 warm during the winter is often a matter of safety, not
660 convenience.

661 Unfortunately, New York, and particularly in New York
662 City, has gone in the opposite direction. New York City has
663 adopted some of the country's most aggressive bus anti-idling
664 policies, including a bounty hunter program that actually
665 pays private citizens to report alleged idling violations.
666 Some participants have reportedly earned hundreds of
667 thousands of dollars through this program, while at least one
668 bus company reportedly faced nearly \$800,000 in potential
669 fines. This is not common-sense enforcement; it creates a
670 financial incentive for people to look for technical
671 violations instead of encouraging practical compliance.

672 And New York isn't the only state moving in this
673 direction. California, Massachusetts, New Jersey,
674 Connecticut, they are all pursuing increasingly restrictive
675 anti-idling policies, creating a growing patchwork of rules
676 that interstate bus operators must navigate every day. That
677 is exactly why the BUSES Act is needed. It establishes one
678 clear national standard allowing -- covering buses to idle
679 for up to 15 minutes when necessary, giving operators enough
680 time to complete required safety inspections, operate
681 necessary equipment, and safely load their passengers. It

682 also prevents bounty-style enforcement programs and excessive
683 litigation from becoming the law of the land.

684 This bill doesn't eliminate anti-idling laws, it simply
685 recognizes that buses are unique, that safety and
686 accessibility matters, and that transportation providers
687 shouldn't have to choose between complying with Federal
688 safety requirements and avoiding local penalties.

689 I urge my colleagues to support this practical, common-
690 sense, and bipartisan legislation, and I yield back.

691 *Mr. Palmer. The gentleman yields. Is there -- the
692 gentleman yields. Is there further discussion on the bill?

693 The gentleman from Louisiana is recognized for five
694 minutes.

695 *Mr. Carter of Louisiana. Thank you, Mr. Chairman. I
696 respectfully have to rise in opposition to this bill,
697 particularly with the explanation that you have given: not
698 that it is illegal, you just don't want it enforced. And it
699 doesn't matter if it is enforced by a well-intended citizen.
700 It doesn't matter if they are being incentivized to do so.
701 What does matter is that we are not flooding the community
702 with fumes that they shouldn't be flooded with.

703 So the anti-idling -- you are deeply cutting into its
704 efficacy by saying we don't want it enforced. We want it, we
705 just don't want it enforced. Respectfully, I just -- I fail
706 to see the logic in offering an amendment that guts what

707 would be and has been a good measure to ensure that we don't
708 have idling that is excessively causing pollution in our
709 communities.

710 So I would urge my colleagues to vigorously oppose this,
711 maybe even for Mr. Langworthy to consider taking it back
712 because of the intent -- or certainly the outcome would be
713 catastrophic to our effort to have clean air for communities,
714 particularly when you say we just don't want it enforced. We
715 don't want people to go and tell what they see. In every
716 other violation in life we say if you see something, say
717 something. But in this case we want people to ignore it and
718 not enforce it.

719 Mr. Chair, I yield.

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

722 The chair recognizes the gentleman from New York, Mr.
723 Tonko, for five minutes.

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

726 *Mr. Palmer. The gentleman is recognized.

727 *Mr. Tonko. Thank you. Unfortunately, I must oppose
728 the BUSES Act.

729 This bill intends to limit the ability of state and
730 local governments to prohibit bus idling for periods under 15
731 minutes. It also prohibits civil action against bus

732 operators for any alleged violations of engine idling
733 restrictions under 15 minutes. But perhaps most concerning
734 is that the bill prohibits state and local governments from
735 compensating people who help enforce their local anti-idling
736 laws.

737 As far as I am aware, New York City is really the only
738 locality with such a program. I understand that bus
739 operators may be unhappy with New Yorkers collecting evidence
740 of buses in violation of the city's anti-idling laws leading
741 to fines on the operators, but I also recognize that New York
742 City has significant air pollution challenges, particularly
743 from mobile sources, and the city government is utilizing
744 several legitimate and often innovative strategies to protect
745 the public health of its residents.

746 There can be no doubt that policy decisions can have
747 consequences, and perhaps this policy will result in an
748 unfortunate reduction in the amount of private bus service in
749 New York City. It may also inspire some fleet operators to
750 embrace zero-emission vehicles more quickly and help achieve
751 the city's public health goals of reducing air pollution. I
752 honestly cannot say whether this is the right or wrong
753 approach for New York City, but ultimately it is not mine nor
754 anyone else's in Congress to place that -- to -- place to
755 decide that.

756 This is a policy question for the people of New York

757 City and their locally elected officials to determine whether
758 their anti-idling laws are working as intended, and whether
759 the potential trade-offs are acceptable. New York City has
760 determined a completely legitimate way to help enforce its
761 local laws, and Congress has no business getting involved in
762 the city's efforts to reduce local pollution.

763 I encourage members to oppose this bill and, with that,
764 Mr. Chair, I yield back.

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

767 The chair recognizes the gentleman from New Jersey, Mr.
768 Pallone, for five minutes.

769 *Mr. Pallone. Thank you, Mr. Chairman. I move to
770 strike the last word in opposition to the bill.

771 *Mr. Palmer. The gentleman is recognized.

772 *Mr. Pallone. The BUSES Act -- thank you, Mr. Chairman.

773 The BUSES Act would inhibit states' rights to protect
774 their residents from health-harming air pollution, and expose
775 children, a population especially susceptible to the impacts
776 of air pollution, to even more diesel exhaust. Early
777 exposure to air pollution in children can lead to long-term
778 health challenges and interfere with lung growth, disrupt
779 brain development, and block small airways. Allowing school
780 buses to unnecessarily idle for 15 minutes or more would have
781 devastating health consequences.

782 According to the American Lung Association's most recent
783 state of the art report -- or state of the air report, I
784 should say -- nearly half of America's children are living in
785 places with unhealthy levels of air pollution. We should be
786 fighting to lower this alarming statistic, not make it worse
787 like this bill would do. Schools are meant to be safe and
788 healthy places of learning for children, not a source of
789 toxic exposure to dangerous air pollution like particulate
790 matter and nitrogen oxides.

791 Additionally, excessive engine idling is a massive waste
792 of fuel. Americans have already spent more than \$65 billion
793 more on gasoline and diesel fuel since the start of Trump's
794 war in Iran, and H.R. 9317 would only exacerbate the fuel
795 affordability crisis, not to mention school budgets are
796 already strained with high diesel prices. Reporting from May
797 found that Trump's increase in diesel fuel costs would add
798 nearly \$2 billion to the annual cost of operating school
799 buses in the U.S., and this bill would only make these costs
800 worse as well.

801 The BUSES Act is not a safety solution. It sets a weak
802 national standard for engine idling without any guardrails,
803 and would leave communities to foot the bill both with their
804 health and their wallets. And I should also note that most
805 state and local idling restrictions are limited to roughly
806 three to five minutes, even less around schools, and already

807 include a range of exemptions for things like safety and
808 extreme low temperatures. And the BUSES Act would be an
809 extreme departure from these common-sense protections. It
810 would block states and localities from being able to address
811 the unique needs of their communities.

812 Overall, the BUSES Act undermines state and local
813 authority and would allow for engines to unnecessarily idle,
814 increasing pollution, harming public health, and wasting fuel
815 in the process. There is no reason to vote for this, and I
816 urge my colleagues to oppose the bill.

817 I yield back.

818 *Mr. Palmer. The gentleman yields. Is there further
819 discussion on the bill?

820 Are there any amendments?

821 Seeing none, the question now occurs on adopting H.R.
822 9317.

823 All those in favor, say aye.

824 Those opposed, no.

825 The ayes have it and the bill is adopted and forwarded
826 to the full committee.

827 The chair now calls up H.R. 9615 and asks the clerk to
828 report.

829 *The Clerk. H.R. 9615, a bill to support the recycling
830 and recovery of lithium ion batteries. Be it enacted by the
831 Senate and House --

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

835 So ordered.

836 [The bill follows:]

837

838 *****COMMITTEE INSERT*****

839

840 *Mr. Palmer. Does anyone seek to be recognized on the
841 bill?

842 For what purpose does the gentlelady seek recognition?

843 *Mrs. Miller-Meeks. I move to strike the last word and
844 speak in support.

845 *Mr. Palmer. The gentlelady is recognized for five
846 minutes.

847 *Mrs. Miller-Meeks. Thank you, Mr. Chairman.

848 I would like to speak in support of my bill, H.R. 9615,
849 the Battery Recycling for America's Competitive Economy, or
850 BRACE Act.

851 Demand for lithium ion batteries in the United States
852 has grown exponentially in recent years, in large part due to
853 demand for rechargeable batteries for energy storage systems,
854 electric vehicles, communication devices, and other consumer
855 goods. As more lithium ion batteries reach the end of their
856 life, the recycling and recovery of critical minerals from
857 these batteries provides a tremendous opportunity for the
858 United States to boost its supply chains for certain critical
859 minerals.

860 Critical minerals such as nickel, cobalt, lithium, and
861 copper can be recovered from lithium ion batteries. However,
862 end-of-life batteries and scrap materials are largely sent
863 overseas, often to China, for processing. Our subcommittee
864 has heard testimony at two hearings that our own regulatory

865 scheme under the Resource Conservation and Recovery Act, or
866 RCRA, is contributing to these valuable minerals being sent
867 overseas and to this missed opportunity to recover critical
868 minerals already present in our country.

869 The Environmental Protection Agency's EPA RCRA
870 regulations pre-date the widespread use of lithium ion
871 batteries in the United States. EPA currently administers
872 universal waste regulations first issued in 1995 to
873 streamline hazardous waste management standards for certain
874 common categories of universal waste. While there are
875 currently universal waste regulations for batteries, EPA
876 announced an intention to develop a separate category of
877 universal waste for lithium ion batteries in 2023.

878 In addition to lingering uncertainty resulting from the
879 drifting deadline for specific lithium ion battery universal
880 waste rules, the current universal waste rules also impose
881 unnecessary costs and burdens on recyclers of lithium ion
882 batteries. This legislation would address one of those
883 problems with the current regulations by allowing destination
884 facilities that recycle lithium ion batteries to store the
885 batteries prior to recycling them. Under the existing
886 universal waste regulations, handlers of universal waste may
887 store batteries under certain rules. However, destination
888 facilities are regulated differently.

889 Destination facilities, such as facilities at which

890 recycling occurs, face two options: they must store the
891 batteries at a separate location than that at which they are
892 recycled, incurring unnecessary costs; or they must obtain a
893 hazardous waste permit, a complex process. This common-sense
894 modification would eliminate the unnecessary requirement for
895 battery recyclers, allowing them to store lithium ion
896 batteries prior to recycling.

897 This legislation would also address a lingering source
898 of uncertainty by clarifying that the provisions of the 1996
899 Mercury Containing and Rechargeable Battery Act that preempt
900 state regulation of collection, storage, and transportation
901 of rechargeable batteries also apply to successor EPA
902 universal waste regulations, not simply the original 1995
903 versions referenced in that statute.

904 Common-sense updates to Federal lithium ion battery
905 regulations will encourage the growth of the domestic battery
906 recycling industry. This legislation is a great first step,
907 and I encourage my colleagues to support it.

908 With that I yield.

909 *Mr. Palmer. The gentlelady yields. Is there further
910 discussion on the bill?

911 Are there any amendments?

912 The gentlelady is recognized for an amendment.

913 *Mrs. Miller-Meeks. Mr. Chairman, I have an amendment
914 at the desk.

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

916 *The Clerk. Amendment in the nature of a substitute to
917 H.R. 9615 offered by Mrs. Miller-Meeks of Iowa. Strike all
918 after the enacting clause and insert the following. Section
919 1, short title. This Act may be cited as the Battery
920 Recycling for America's Competitive Economy Act, or the BRACE
921 Act. Section 2 --

922 *Mr. Griffith. [Presiding.] Without objection, the
923 reading of the amendment is dispensed with.

924 [The amendment of Mrs. Miller-Meeks follows:]

925

926 *****COMMITTEE INSERT*****

927

928 *Mr. Griffith. And the gentlelady is recognized for
929 five minutes in support of her amendment.

930 *Mrs. Miller-Meeks. Thank you, Mr. Chairman. I am
931 pleased to offer an amendment to the bill that will address
932 concerns from both sides of the aisle and that was negotiated
933 on a bipartisan basis.

934 This amendment directs EPA to finalize rulemaking on
935 lithium ion batteries as a category of universal waste no
936 later than 18 months from enactment. As EPA announced its
937 intention to promulgate such a rule back in 2023, it should
938 be well on its way to meeting this deadline.

939 This finalized rule should provide much-needed certainty
940 for the lithium ion battery recycling industry which has
941 wrestled with a lack of clarity and confusion surrounding
942 current regulations. This amendment requires EPA to consider
943 but not regulate on several issues as part of this process.
944 The EPA shall consider making permanent the interim policy
945 specified in the bill that allows destination facilities that
946 recycle lithium ion batteries to store those batteries prior
947 to recycling.

948 As I previously explained, the current regulations
949 require lithium ion battery recyclers to store batteries at a
950 separate location, incurring unnecessary costs. It also
951 requires EPA to consider any regulatory changes needed to
952 support the recycling of lithium ion batteries and the

953 recovery of critical minerals while still protecting health
954 and the environment. Finally, it also directs EPA to
955 consider whether additional safety requirements are needed to
956 address gaps in existing protections. Other standards and
957 regulations from a variety of authorities already apply to
958 lithium ion battery management, and we want to make sure EPA
959 is not imposing duplicative, redundant, unnecessary, or
960 conflicting regulations.

961 This is a similar bill to what I have done before in the
962 past on recycling of critical minerals and rare metals, and
963 this amendment was drafted with the input from both the
964 majority and minority and should enjoy bipartisan support. I
965 am proud to work with my colleagues on both sides of the
966 aisle to facilitate domestic battery recycling and the
967 recovery of critical mineral elements. I encourage my
968 colleagues to support this amendment.

969 And I yield back.

970 *Mr. Griffith. The gentlelady yields back. Is there
971 any further discussion on the amendment?

972 I recognize the gentleman from New Jersey, Mr. Menendez,
973 for five minutes.

974 *Mr. Menendez. Thank you, Chairman.

975 The amendment in the nature of a substitute for the
976 Battery Recycling for America's Competitive Economy Act, or
977 BRACE Act, while still a compromise, is a perfect example of

978 a win-win for the environment and our supply chain.

979 This language would require the EPA to develop a rule
980 for lithium ion battery recycling that protects both health
981 and the environment. The new rule will consider critical
982 safety measures for battery recycling, providing much-needed
983 support for landfills and recyclers that have been forced to
984 address the fire hazards associated with lithium ion
985 batteries without any agency guidance. I believe that the
986 EPA will take an important first step with this rule.

987 The bill also creates parity between facilities that
988 temporarily store lithium ion batteries before recycling and
989 recyclers who store battery waste on site, all while
990 maintaining safety at both. That is why the BRACE Act offers
991 a meaningful path forward on lithium ion battery recycling.
992 The amendment in the nature of a substitute ensures we
993 properly recycle lithium ion batteries right here at home,
994 keeping their critical mineral components in our domestic
995 supply chain while protecting the health and safety of our
996 workers, communities, and environment.

997 To be clear, this amendment and the underlying bill
998 represent a bipartisan compromise. While the text does not
999 include everything that either side might have wanted, there
1000 is significant bipartisan work to reach this agreement. I
1001 urge my colleagues to support this amendment and the
1002 underlying bill.

1003 Thank you, and I yield back.

1004 *Mr. Palmer. [Presiding.] The gentleman yields. Is
1005 there further discussion of the amendment?

1006 Seeing none, if there is no further discussion the vote
1007 occurs on the amendment.

1008 All those in favor will signify by saying aye.

1009 All those opposed, nay.

1010 The ayes have it and the amendment is agreed to.

1011 The question now occurs on adopting H.R. 9615, as
1012 amended.

1013 All those in favor, say aye.

1014 Those opposed, no.

1015 The ayes have it and the bill is adopted and forwarded
1016 to the full committee.

1017 The chair now calls up H.R. 9616 and asks the clerk to
1018 report.

1019 *The Clerk. H.R. 9616, a bill to establish a program
1020 for the recovery of critical materials from contaminated
1021 sites, and for other purposes. Be it enacted by the Senate
1022 and House of Representatives of the United States of America
1023 and Congress assembled, section 1 --

1024 *Mr. Palmer. Without objection, the first reading of
1025 the bill is dispensed with. The bill will be open for
1026 amendment at any point.

1027 So ordered.

1028 [The bill follows:]

1029

1030 *****COMMITTEE INSERT*****

1031

1032 *Mr. Palmer. I will now recognize myself for five
1033 minutes in support of the bill, the Environmental Monitoring
1034 and Remediation Technology Assessment Initiative, or EMRTAI
1035 Act of 2026.

1036 Critical minerals are essential to some of the most
1037 crucial technologies for communications devices, energy
1038 infrastructure, and defense equipment. However, supply
1039 chains for some of these materials are incredibly vulnerable
1040 to disruption and we are often forced to rely on foreign
1041 nations.

1042 Fortunately, cutting-edge technologies are emerging to
1043 identify and take advantage of unconventional sources of
1044 critical minerals right here at home. Legacy mine sites
1045 across the country contain valuable critical minerals and
1046 rare earth elements that were previously overlooked or too
1047 difficult to recover. Nearly 100 legacy mining and mineral
1048 processing sites are included on the Environmental Protection
1049 Agency's national priorities list of the nation's most
1050 contaminated sites.

1051 The EPA is already supporting the recovery of critical
1052 minerals at legacy hardrock mining sites through the EMRTAI
1053 program. This legislation before us today authorizes this
1054 program and broadens it to include other contaminated sites
1055 to support the recovery of critical minerals and remediation
1056 of environmental contamination across the country. It

1057 directs the EPA to investigate, evaluate, and support methods
1058 and processes to identify critical minerals at contaminated
1059 sites and to recover critical minerals from those sites.

1060 This legislation also includes guidance to the EPA in
1061 selecting the most beneficial projects that help identify new
1062 domestic sources of critical minerals, strengthen national
1063 security, and further the remediation of the contaminated
1064 sites.

1065 New technologies are making the recovery of critical
1066 minerals from non-traditional sources increasingly feasible.
1067 Through this program the EPA will provide support to entities
1068 with the expertise to recover these valuable materials and
1069 eliminate health and safety standards -- safety hazards posed
1070 by contaminated sites.

1071 I thank my colleagues, Mr. Pfluger and Mr. Landsman, for
1072 introducing this legislation, and I am glad we have the
1073 opportunity to advance this bipartisan solution to address
1074 both a national security challenge and environmental threat.
1075 I encourage my colleagues to support this legislation.

1076 I yield back. Does anyone -- or is there any further
1077 discussion on the bill?

1078 The chair recognizes the gentleman, cosponsor, Mr.
1079 Landsman, for five minutes.

1080 *Mr. Landsman. Thank you, Mr. Chairman.

1081 We can all agree that strengthening the domestic

1082 recovery and recycling of critical minerals is important for
1083 our economy, for jobs, our national security, and America's
1084 energy security. That is why I am a proud sponsor of the
1085 Environmental Monitoring and Remediation Technology
1086 Assessment Initiative Act of 2026.

1087 The legislation establishes a program to identify and
1088 assess technologies for recovering critical minerals from
1089 legacy hardrock mine sites, Superfund sites, and contaminated
1090 areas, enhancing environmental monitoring and national
1091 security. This legislation shows we can improve domestic
1092 critical mineral sources while cleaning up some of our
1093 nation's most toxic sites.

1094 As the committee continues to have conversations about
1095 domestic critical mineral recycling, I ask that my colleagues
1096 consider voting yes for this bill.

1097 And with that I yield back.

1098 *Mr. Palmer. The gentleman yields. Is there further
1099 discussion on the bill?

1100 The gentleman from Florida, Mr. Soto, is recognized for
1101 five minutes.

1102 *Mr. Soto. Thank you, Chairman.

1103 Critical minerals seem to be in all sorts of
1104 technologies nowadays, from hybrid and electric vehicles to
1105 solar panels, cell phones, computers, and more. When you
1106 look at EVs themselves, they have cobalt, natural graphite,

1107 lithium, manganese, and nickel. Solar panels: lithium,
1108 cobalt, aluminum, gallium, zinc, selenium, cadmium, indium,
1109 silicon, and more. That is a lot of critical minerals that
1110 we have to look out for just in everyday items that Americans
1111 use, and so that is why I am thrilled to see a slate of bills
1112 dealing with critical mineral recycling, whether it is the
1113 BRACE Act and -- which is improving lithium ion recycling;
1114 the EMRTAI Act, which would identify critical materials in
1115 contaminated sites; or the next act, the CHARM Act, which
1116 would help coordinate Federal efforts to recover critical
1117 minerals from discarded materials.

1118 We know mining is essential to critical minerals. We
1119 can't rely on China, who is a rival of ours, for all of our
1120 critical minerals. But there is also other areas where we
1121 can find an abundance of critical minerals like in landfills,
1122 even coal ash and other areas that are unfortunately right
1123 now contaminated sites that we could harness some of these
1124 critical minerals. But we must recycle responsibly, that --
1125 we have to protect the public health as we do that, and so
1126 these are first steps, critical steps, to develop a national
1127 strategy for recycling and recovering these critical minerals
1128 that are already on U.S. soil.

1129 And with that I yield back.

1130 *Mr. Palmer. The gentleman yields. Is there any
1131 further discussion on the bill?

1132 Seeing none, are there any amendments?

1133 Seeing none, the question now occurs on adopting H.R.
1134 9616.

1135 All those in favor, say aye.

1136 Those opposed, no.

1137 The ayes have it and the bill is adopted and forwarded
1138 to the full committee.

1139 The chair now calls up H.R. 9617, the CHARM Act, and
1140 asks the clerk to report.

1141 *The Clerk. H.R. 9617, a bill to amend the Solid Waste
1142 Disposal Act to direct the administrator of the Environmental
1143 Protection Agency to coordinate a national critical
1144 mineral --

1145 *Mr. Palmer. Without objection, the first reading of
1146 the bill is dispensed with, and the bill will be open for
1147 amendment at any point.

1148 So ordered.

1149 [The bill follows:]

1150

1151 *****COMMITTEE INSERT*****

1152

1153 *Mr. Palmer. I now recognize myself for five minutes to
1154 speak in favor of H.R. 9617, Coordinating and Harvesting
1155 America's Recovery Minerals Act, or the CHARM Act.

1156 It has never been more important to develop secure
1157 domestic supply chains of critical minerals. According to
1158 the U.S. Geological Survey, of the final 2025 list of
1159 critical minerals the United States was 100 percent net
1160 import-reliant for 13 of those mineral commodities, and an
1161 additional 20 of those critical minerals had an import
1162 reliance greater than 50 percent of apparent consumption.
1163 Adversaries such as China have already demonstrated their
1164 willingness to exploit this dependance.

1165 Recycling and recovery of critical minerals from sources
1166 already located in the United States can play an important
1167 role in breaking our dependance on foreign rivals and
1168 addressing this alarming vulnerability. Securing our
1169 domestic critical mineral supply chains will require
1170 deliberate Federal coordination.

1171 The Environmental Protection Agency, or EPA, has already
1172 developed expertise in the recovery and recycling of valuable
1173 minerals as well as relationships with important partners.
1174 For example, EPA currently regulates the recovery of
1175 materials from solid waste, is preparing regulations to
1176 encourage the recycling of lithium ion batteries, supports
1177 the development of new technologies to recover critical

1178 minerals from legacy mine sites, and manages the process for
1179 certain permits needed by critical mineral refining
1180 facilities.

1181 The EPA administers multiple programs that could impact
1182 critical mineral recovery, as do other Federal agencies.
1183 This legislation would require EPA to develop and implement a
1184 national critical mineral recovery strategy to coordinate
1185 Federal Government efforts to recover critical minerals from
1186 discarded materials. The EPA would play the leading role in
1187 harmonizing these efforts.

1188 This legislation would also require the EPA to consider
1189 legal, technical, or other barriers to recovering critical
1190 minerals from discarded materials. This national critical
1191 mineral recovery strategy would also direct the EPA to work
1192 with other agencies to identify non-traditional domestic
1193 sources of critical minerals.

1194 The bill also requires the EPA to consider opportunities
1195 to recover critical minerals from discarded materials in a
1196 manner that minimizes risk to health and the human
1197 environment.

1198 I am glad my colleague, Ranking Member Tonko, has joined
1199 me in putting forward this legislation. I am proud that we
1200 could work together to address the challenges in a bipartisan
1201 manner. I encourage my colleagues to support the
1202 legislation.

1203 I yield back. Is there any other members seeking
1204 recognition to speak on the bill?

1205 The chair recognizes the gentleman from New York, Mr.
1206 Tonko, for five minutes.

1207 *Mr. Tonko. Thank you, Mr. Chair. I move to strike the
1208 last word.

1209 *Mr. Palmer. The gentleman is recognized.

1210 *Mr. Tonko. Thank you, Chair. I thank you for your
1211 leadership on this bill and share the sentiments that it is a
1212 pleasure to join in this effort.

1213 The CHARM Act would direct EPA to develop a national
1214 strategy to support critical mineral recovery. We know there
1215 are significant amounts of discarded materials that can
1216 become valuable, secure sources of domestic critical
1217 minerals, and there may very well be legitimate regulatory,
1218 technological, and economic barriers preventing the United
1219 States from tapping into these supplies.

1220 EPA has significant expertise to lead the national
1221 strategy effort. The agency has already done considerable
1222 work to develop a framework for end-of-life management of
1223 batteries to result in the responsible collection, reuse, and
1224 recycling of these mineral-rich technologies. I do hope the
1225 CHARM Act might build upon that work to identify additional
1226 opportunities to recover critical minerals in a manner that
1227 maintains public health, worker safety, and, of course,

1228 environmental protections.

1229 Our critical mineral supply chain challenges are
1230 significant, and recovery must play an important role in
1231 meeting our national demands. So I do thank you and the
1232 majority and minority staff for working together on this
1233 bill, and I encourage members to support it.

1234 With that I thank you, Mr. Chair, and yield back.

1235 *Mr. Palmer. The gentleman yields. Is there further
1236 discussion on the bill?

1237 Are there any amendments?

1238 The question now occurs on adopting H.R. 9617.

1239 All those in favor, say aye.

1240 Those opposed, no.

1241 The ayes have it, and the bill is adopted and forwarded
1242 to the full committee.

1243 The chair now calls up H.R. 9618 and asks the clerk to
1244 report.

1245 *The Clerk. H.R. 9618, a bill to amend the Clean Air
1246 Act to preserve regulatory stability for motor vehicles,
1247 motor vehicle engines --

1248 *Mr. Palmer. Without objection, the first reading of
1249 the bill is dispensed with, and the bill will be open for
1250 amendment at any point.

1251 So ordered.

1252 [The bill follows:]

1253 *****COMMITTEE INSERT*****

1254

1255 *Mr. Palmer. Does anyone seek to be recognized on the
1256 bill?

1257 For what purpose does gentlelady seek recognition?

1258 *Mrs. Fedorchak. Mr. Chairman, I have an amendment in
1259 the nature of a substitute at the desk and an additional
1260 amendment at the desk that makes some minor technical
1261 changes. I would like to address both of those.

1262 *Mr. Palmer. You can only call up one amendment at a
1263 time.

1264 *Mrs. Fedorchak. Okay, I will just talk about the ANS,
1265 then.

1266 *Mr. Palmer. The gentlelady is recognized for five --
1267 the clerk will report the amendment.

1268 *The Clerk. Amendment to the amendment in the nature of
1269 a substitute to H.R. 9618 offered by Mrs. Fedorchak --

1270 *Mr. Palmer. Without objection, the reading of the
1271 amendment is dispensed with.

1272 [The amendment of Mrs. Fedorchak follows:]

1273

1274 *****COMMITTEE INSERT*****

1275

1276 *Mr. Palmer. And the gentlelady is recognized for five
1277 minutes in support of the amendment.

1278 *Mrs. Fedorchak. Thank you, Chairman Palmer and Ranking
1279 Member Tonko, for working with me to include my bill, the
1280 Diesel Engine Flexibility Act, or the DEF Act, in today's
1281 markup.

1282 Farmers, truckers, contractors, manufacturers, and
1283 equipment operators depend on reliable equipment to keep our
1284 economy moving. They shouldn't be sidelined by faulty
1285 sensors or unnecessary shutdowns that have nothing to do with
1286 actual emissions. The DEF Act provides the certainty needed
1287 while improving safety and keeping our economy moving.

1288 Modern diesel engines rely on Diesel Exhaust Fluid, or
1289 DEF, to dramatically reduce emissions. That is a goal that
1290 we all support. But the technology isn't perfect. Today a
1291 faulty sensor or a minor system malfunction, often unrelated
1292 to actual emissions, can trigger a countdown that forces an
1293 engine into severe power restriction, slowing a vehicle to
1294 just five miles per hour. That is not an emissions problem;
1295 it is a reliability and a safety problem.

1296 In North Dakota, farmers and ranchers are spraying
1297 fields in a rare calm day or harvesting grain before a storm.
1298 They might be hauling grain to market and livestock to an
1299 auction. Energy producers are moving equipment to well
1300 sites. Truckers and contractors are driving hundreds of

1301 miles across rural highways. If one of those vehicles
1302 suddenly loses power because of a faulty sensor, especially
1303 in the middle of the winter when temperatures can reach 20
1304 below 0, that isn't just frustrating, it can be disastrous
1305 and it can be dangerous. And it costs these folks time and
1306 money, often through no fault of their own. Our producers
1307 and workers deserve policies that don't cause this, and
1308 things that they can rely on instead.

1309 I was pleased to see President Trump and EPA
1310 Administrator Lee Zeldin recognize this issue and take
1311 action. The EPA issued updated guidance that gives operators
1312 more warning before power restrictions take effect, and they
1313 provided additional flexibility when these systems experience
1314 technical failures. Those common-sense changes improve
1315 safety while maintaining the emissions performance systems --
1316 performances these systems were designed to achieve.

1317 My bill builds on that progress by putting those common-
1318 sense reforms into law. It creates a stable, 10-year
1319 regulatory framework so manufacturers, operators, and
1320 independent technicians have the certainty they need to
1321 invest, to innovate, and to keep equipment operating safely.
1322 It also directs EPA to consider the real-world impacts of
1323 future regulations by reducing unnecessary shutdowns and
1324 giving manufacturers meaningful lead time before new
1325 standards take effect.

1326 The DEF Act provides long-term certainty while
1327 preserving the environmental benefits these systems were
1328 designed to achieve. Again, this is a practical, bipartisan
1329 solution.

1330 I want to thank my partner on this legislation,
1331 Congressman Don Davis of North Carolina, for his leadership
1332 and collaboration in advancing this bipartisan bill, and I
1333 urge my colleagues to support the Diesel Engine Flexibility
1334 Act.

1335 And I yield back.

1336 *Mr. Palmer. The gentlelady yields. Is there further
1337 discussion of the amendment?

1338 The gentleman from New York, Mr. Tonko, is recognized
1339 for five minutes.

1340 *Mr. Tonko. Thank you, Mr. Chair.

1341 The Clean Air Act is clear that the Environmental
1342 Protection Agency has an obligation to protect Americans from
1343 dangerous pollution, including from the transportation
1344 sector.

1345 Vehicles and engines powered by diesel fuel account for
1346 more than 60 percent of all nitrogen oxides pollution from
1347 the transportation sector in the United States. Exposure to
1348 diesel exhaust can lead to serious health conditions and
1349 result in increased emergency room visits, absences from work
1350 and school, and even premature death. That is why EPA

1351 standards to drive down pollution from the transportation
1352 sector are so very vital.

1353 EPA standards also spur innovation in new technologies.
1354 Selective catalytic reduction systems that use a urea-based
1355 Diesel Exhaust Fluid are a prime example. These systems help
1356 cut tailpipe pollution, reduce fuel consumption, provide
1357 efficiency benefits, and fuel savings to the driver -- which
1358 is critical more than ever, given Trump's fuel affordability
1359 crisis. To protect the engine and ensure compliance with EPA
1360 emission standards, manufacturers design engines to
1361 progressively derate or reduce power if there is an issue
1362 with the emissions control system such as the DEF tank being
1363 empty. This is critical to protect the engine and ensuring
1364 the vital public health and environmental benefits of these
1365 systems are preserved.

1366 To address recent concerns with various DEF
1367 requirements, EPA put out a series of guidance documents on
1368 technical issues related to emissions control systems in
1369 diesel vehicles and engines for manufacturers. At the
1370 Environmental Subcommittee legislative hearing in June we
1371 considered a discussion draft that aimed to codify EPA's
1372 guidance. The bill also set a minimum derate inducement
1373 schedule for diesel engines and vehicles, preserving
1374 inducements as a necessary measure to protect our progress in
1375 cutting pollution from diesel engines.

1376 While I generally have concerns with codifying guidance
1377 on highly technical issues, the discussion draft's approach
1378 had bipartisan potential with some targeted changes.
1379 Unfortunately, despite trying to work on a bipartisan
1380 compromise, the majority decided to include a version of the
1381 bill that is vastly different from what was discussed at the
1382 subcommittee hearing.

1383 Furthermore, the amendment in the nature of a substitute
1384 still includes a number of partisan poison pills. While the
1385 ANS narrows the scope of the bill to only block more
1386 protective standards or state waivers that relate to
1387 inducement strategies or DEF quality monitoring, it still
1388 allows the administrator to set weaker standards and
1389 unnecessarily targets existing state authority under the
1390 Clean Air Act to set more ambitious standards in order to
1391 protect public health.

1392 The ANS still adds a five-year lead time for any updated
1393 standards or state waivers after the 10-year safe harbor,
1394 effectively locking in older protections for 15 years.
1395 Freezing EPA vehicle standards in place for 15 years would
1396 stifle innovation to develop newer and more cost effective
1397 emissions control technologies and leave American
1398 manufacturers far behind their global competitors.

1399 Furthermore, this bill does not actually preserve EPA's
1400 guidance. It allows EPA to revert [sic] course and undermine

1401 state authority in the process. The bill unnecessarily
1402 undermines longstanding efforts to ensure emissions control
1403 systems on diesel trucks, operate as intended, and fails to
1404 protect the health of the communities that these trucks drive
1405 through.

1406 While I hoped we could have come to a bipartisan
1407 agreement on a bill to address DEF requirements for diesel
1408 engines, this bill certainly is not it. I urge my colleagues
1409 to oppose this ANS and the underlying bill.

1410 And with that I thank you, Mr. Chair, and yield back.

1411 *Mr. Palmer. The gentleman yields. Is there further
1412 discussion on the amendment?

1413 The gentleman from Colorado, Mr. Evans, is recognized
1414 for five minutes.

1415 *Mr. Evans. Thank you, Mr. Chairman, and I want to
1416 thank my colleague, Representative Fedorchak, for bringing
1417 this bill because her leadership is sorely needed as we
1418 continue to make common-sense modernizations to the Clean Air
1419 Act.

1420 Let's be honest. Farmers and ranchers, our agricultural
1421 producers, they have a tough job. Anybody who doubts that,
1422 just go look at the mental health rates in rural America.
1423 When you are working in an industry that is dependent on the
1424 weather, that is dependent on being able to make food
1425 literally come up and grow out of the ground and then, as I

1426 talked to one of my ag producers the other day, a hail storm
1427 runs through and flattens 2,000 acres of feed which is
1428 absolutely critical for your dairy, this is a tough job.

1429 My farmers and ranchers often tell me that the number-
1430 one export that they have is their kids. I will say that
1431 again. My farmers and ranchers in my district often tell me
1432 their number-one export is their kids who are not able to
1433 keep a third or fourth or fifth-generation family farm going
1434 because of the regulatory burden that is being imposed on
1435 them, and that is why this piece of legislation is so
1436 important.

1437 Our farmers and ranchers need clarity and additional
1438 flexibility around emissions monitoring and repairs for their
1439 equipment and their vehicles. Again, I represent a top ag-
1440 producing district in the nation. Multiple billions of
1441 dollars every year in annual revenue and economic product
1442 come from my district in the ag sector. That feeds the rest
1443 of our country. And this Diesel Engines Flexibility Act
1444 simply provides a 10-year safe harbor for recently-published
1445 guidance from the EPA around NOx sensors and maintenance
1446 protection. It also prevents activist states like Colorado
1447 and California from superseding these regulations with more
1448 restrictive policies and ultimately crushing our all our
1449 already-struggling farmers and ranchers.

1450 You guys have heard this before. I have a kid with

1451 respiratory issues. No one wants clean air more than I do,
1452 but we have to follow the science. If we regulate our own
1453 economy and our own industries to death, then we just become
1454 reliant on nations like China that pollute more than we do to
1455 produce the same amount of, in this case, food.

1456 Losing our farmers and ranchers because we are crushing
1457 them under regulatory burden, all it does is raises prices at
1458 the grocery store, makes food more expensive, drives jobs out
1459 of the United States, makes us dependent on others for our
1460 food security, and ultimately results in dirtier air, more
1461 expenses, and poorer health outcomes because when we lose
1462 those jobs and food is more expensive and we have to import
1463 it from places that pollute more, nobody wins.

1464 Common-sense approaches like what my colleague has
1465 brought forth is critical if we want to provide our economy
1466 with the stability it needs to continue to accelerate, create
1467 more jobs, protect our farmers and ranchers, produce our food
1468 here in the United States, lower prices at the grocery store,
1469 and ultimately allow our constituents to achieve the American
1470 dream.

1471 And so I am proud to support this bill, I am proud to
1472 support our farmers and ranchers, and I urge my colleagues to
1473 do the same and yield back, Mr. Chairman.

1474 *Mr. Palmer. The gentleman yields. Does any other
1475 member wish to address the amendment?

1476 Seeing none --

1477 *Mrs. Fedorchak. Mr. Chairman?

1478 *Mr. Palmer. The gentlelady from North Dakota is
1479 recognized.

1480 *Mrs. Fedorchak. Mr. Chairman, I have an amendment at
1481 the desk, amendment No. 3.

1482 *Mr. Palmer. The clerk will report the amendment.

1483 *The Clerk. Amendment to the amendment in the nature of
1484 a substitute to H.R. 9618 offered by Mrs. Fedorchak of North
1485 Dakota. Page 6, line 3, strike "or are available for sale''.

1486 *Mr. Palmer. Without objection, the reading of the
1487 amendment is dispensed with.

1488 [The amendment of Mrs. Fedorchak follows:]

1489

1490 *****COMMITTEE INSERT*****

1491

1492 *Mr. Palmer. And the gentlelady is recognized for five
1493 minutes in support of the amendment.

1494 *Mrs. Fedorchak. Thank you, Mr. Chairman.

1495 This amendment is pretty simple. It clarifies the
1496 nature of this legislation by removing certain terms which
1497 could lead to confusion in how vehicles or equipment are
1498 treated or defined under the text. In doing so, it upholds
1499 the intent of the bill by reducing regulatory uncertainty
1500 felt by farmers, ranchers, truckers, and manufacturers across
1501 the country.

1502 I urge a yes vote on this amendment and I yield back.

1503 *Mr. Palmer. The gentlelady yields. Is there further
1504 discussion of the amendment?

1505 Seeing none, the vote occurs on the amendment.

1506 All those in favor shall signify by saying aye.

1507 Those opposed, nay.

1508 The ayes have it, the amendment is agreed to.

1509 We are now going to vote on the ANS.

1510 All those in favor shall signify by saying aye.

1511 All opposed, no.

1512 The ayes have it. The amendment is agreed to. Is there
1513 any further discussion on the bill?

1514 Seeing none, the question now occurs on adopting H.R.
1515 9618, as amended.

1516 All those in favor, say aye.

1517 Those opposed, no.

1518 The ayes have it and the bill is adopted and forwarded
1519 to the full committee.

1520 Without objection, the staff is authorized to make
1521 technical and conforming changes to the legislation approved
1522 by the committee today.

1523 So ordered.

1524 Without objection, the committee stands adjourned.

1525 [Whereupon, at 4:01 p.m., the subcommittee was
1526 adjourned.]