

Pittenger	Schakowsky	Titus
Pocan	Schiff	Tonko
Poe (TX)	Schneider	Torres
Poliquin	Schrader	Trott
Posey	Schweikert	Tsongas
Price (NC)	Scott (VA)	Turner
Quigley	Scott, Austin	Upton
Raskin	Sensenbrenner	Valadao
Ratcliffe	Serrano	Vargas
Reed	Sessions	Veasey
Reichert	Sewell (AL)	Vela
Renacci	Shea-Porter	Velázquez
Rice (NY)	Sherman	Visclosky
Rice (SC)	Shimkus	Wagner
Richmond	Shuster	Walberg
Roby	Simpson	Walden
Roe (TN)	Sinema	Walker
Rogers (AL)	Sires	Walorski
Rogers (KY)	Slaughter	Walters, Mimi
Rohrabacher	Smith (MO)	Walz
Rokita	Smith (NE)	Wasserman
Rooney, Francis	Smith (NJ)	Schultz
Rooney, Thomas J.	Smith (TX)	Waters, Maxine
	Smith (WA)	Watson Coleman
Ros-Lehtinen	Smucker	Weber (TX)
Rosen	Soto	Webster (FL)
Roskam	Speler	Welch
Ross	Stefanik	Wenstrup
Rothfus	Stewart	Westerman
Rouzer	Stivers	Williams
Roybal-Allard	Suozzi	Wilson (FL)
Royce (CA)	Swalwell (CA)	Wilson (SC)
Ruiz	Takano	Wittman
Ruppersberger	Taylor	Womack
Rush	Tenney	Woodall
Russell	Thompson (CA)	Yoder
Rutherford	Thompson (MS)	Yoho
Ryan (OH)	Thompson (PA)	Young (AK)
Sánchez	Thornberry	Young (IA)
Sanford	Tiberi	Zeldin
Sarbanes	Tipton	

## NAYS—2

Coffman Polis

## NOT VOTING—11

Brady (TX)	Davis, Danny	Scalise
Brooks (AL)	Jackson Lee	Scott, David
Cicilline	Labrador	Yarmuth
Cummings	Napolitano	

## □ 1436

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. POLIS. Mr. Speaker, during rollcall Vote No. 384 on H.R. 2786, I mistakenly recorded my vote as "no" when I should have voted "yes."

Mr. CICILLINE. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 384.

# RESIGNATION AS MEMBER OF THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

The SPEAKER pro tempore (Mr. WOODALL) laid before the House the following resignation as a member of the Committee on Oversight and Government Reform:

HOUSE OF REPRESENTATIVES,  
Washington, DC, July 18, 2017.

Hon. PAUL D. RYAN,  
Speaker, House of Representatives,  
Washington, DC.

DEAR SPEAKER RYAN: I, John Sarbanes, am submitting my resignation from the Committee on Oversight and Government Reform effective immediately. It has been a privilege and honor to have served on this Committee.

Sincerely,

JOHN P. SARBANES,  
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.  
There was no objection.

## ELECTING A MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. CROWLEY. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 453

*Resolved*, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

- (1) COMMITTEE ON NATURAL RESOURCES.—Mr. Gomez.
- (2) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Gomez.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## OZONE STANDARDS IMPLEMENTATION ACT OF 2017

## GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill, H.R. 806.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 451 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 806.

The Chair appoints the gentleman from New York (Mr. REED) to preside over the Committee of the Whole.

## □ 1438

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 806) to facilitate efficient State implementation of ground-level ozone standards, and for other purposes, with Mr. REED in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Illinois (Mr. SHIMKUS) and the gentleman from New York (Mr. TONKO) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SHIMKUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 806, the Ozone Standards Implementation Act of 2017, is about ensuring effective implementation of our air quality standards.

We have learned that timelines and procedures established almost 30 years

ago can be counterproductive today, resulting in unnecessary costs, regulatory delay, and economic uncertainty.

H.R. 806 ensures we will continue to deliver effective environmental protections, with reforms that will also help expand economic opportunity in communities around the Nation.

H.R. 806 removes barriers to the planning and permitting of new or expanded manufacturing facilities and to related economic activity essential for building out America's infrastructure.

The bill's reforms reflect practical improvements to the law suggested by State and local regulators, who have confronted the growing challenges of implementing multiple air quality standards under multiple implementation plans and under tight statutory deadlines. As a result, these challenges have increased, and it has become more difficult for many areas to enable the economic expansion needed for their communities. This bill takes several sensible steps to fix this situation.

First, it extends the date for final designations for the 2015 ozone standards to 2025. This allows States time to implement the 2008 ozone standards and other measures to improve air quality. The provisions align requirements for new source construction permitting with this phased ozone schedule, which will reduce permitting delays and still ensure the use of the best available emissions control technologies. The provisions would require timely issuance of implementation guidelines by EPA so States can plan effectively.

Second, the bill aligns the air quality standard setting with how the process works in practice, and it ensures fuller information about regulatory impacts. For example, it updates the mandatory review of air quality standards to reflect past experience by extending the requirement to 10 years, and preserves the EPA administrator's discretion to issue revised standards earlier, if necessary. The bill ensures the administrator, prior to revising an air quality standard, obtains advice from the EPA's Independent Science Advisory Committee about any adverse effects on jobs, welfare, and other economic impacts related to implementing the standards.

Finally, the bill takes several steps to address some of the problems communities face when working to meet the standards. For example, it ensures that, for certain ozone and particulate matter nonattainment areas, States are not required to include economically infeasible measures in their plans; it ensures that States may seek relief with respect to certain exceptional events, including droughts; and it directs EPA to examine the impacts of foreign emissions on standards compliance, ozone formation, and identify effective control strategies, including ways to facilitate EPA review to avoid unnecessary penalties for foreign emissions.

The bill also helps communities with most severe air quality challenges that are doing the most to clean up their air by providing a reasonable way to avoid burdensome and unnecessary sanctions, which harm their ability to grow their economies and create jobs.

The provisions of H.R. 806 represent important steps to update the Clean Air Act to reflect what we have learned over the past 25 years since its last major revisions.

There is more work to be done to modernize environmental laws, but ensuring orderly implementation of air quality standards is an important place to start and essential in our environment and our economy.

Mr. Chair, I urge all Members to support this important bill today, and I reserve the balance of my time.

Mr. TONKO. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, I want to express my strong opposition to H.R. 806, the Ozone Standards Implementation Act, which would undermine the Clean Air Act and the decades of progress that we have made to improve our Nation's public health and air quality.

This bill delays implementation of the 2015 ozone standards until 2025, extends the review cycle for all National Ambient Air Quality Standards from 5 to 10 years, and authorizes the EPA administrator to consider technological feasibility when establishing or revising a NAAQS.

Today, we will hear that removing health and environmental protections creates jobs, despite all the evidence that protecting public health and growing the economy are not mutually exclusive.

Since its enactment, the Clean Air Act has reduced key air pollutants by roughly 70 percent, while the United States economy has more than tripled.

We will hear today that our country has made enough progress, and we will hear claims that further progress will be extremely difficult, if not impossible, but this bill's supporters may not tell us that the American Lung Association's 2017 State of the Air report found that nearly 4 in 10 people in the United States live in counties that have unhealthy levels of either ozone or particle pollution. Delaying EPA's more protective health standards will only serve to delay these Americans' access to guaranteed clean air.

□ 1445

I believe American ingenuity continues to be up to the task of developing and deploying technologies that will protect our citizens. History has shown again and again that meeting such basic health protective standards is achievable. More importantly, advancing these protections will make America more productive, more competitive, and will improve quality of life and drive down public health costs tied to asthma, heart disease, and even cancer.

We may hear today that standards change too frequently and EPA should

have more time to review and implement each standard. We will likely not hear that EPA has discretion on these matters and is only tasked with changing those standards if it will protect health.

Every year, more studies are completed. With each new study, we gain an even better understanding of how ozone and other pollutants are harming Americans' health. It is critical that these standards reflect the latest available science.

What we are not likely to hear today is questioning of the large and growing body of scientific and medical evidence that breathing air that contains ozone and other criteria pollutants can cause serious health effects.

Unfortunately, this bill would cast aside that scientific evidence in favor of adding cost and technological feasibility considerations into the standard setting process. The proposed changes to the Clean Air Act will slow down, if not outright roll back, the progress we have made to clean our air. This would be a giant mistake.

Healthier people means fewer sick days, fewer hospital visits, and fewer premature deaths, all of which lead us to a more productive society.

According to a peer-reviewed 2011 EPA study, in 2010 alone, the Clean Air Act prevented over 160,000 premature deaths, 130,000 cases of heart disease, 1.7 million asthma attacks, and a million more respiratory illnesses. Many of those health benefits have helped our most vulnerable populations, particularly our children.

Let's do this for our children. Let's not make it worse. Let's improve our standards. That is why so many public health and medical organizations and professionals have vocally opposed this bill every step of the way.

The Clean Air Act keeps kids in school, adults at work and on the job, and tens of thousands of Americans out of the emergency room each and every year.

At a time when Republicans in Congress have been almost singularly focused on ramming through legislation to repeal the Affordable Care Act and rip healthcare away from tens of millions of Americans, this bill adds insult to injury. Plain and simple, the bill before us today would undermine the Clean Air Act as a safeguard of our public health law, and I encourage each and every Member of the House to oppose it.

Mr. Chairman, I reserve the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. OLSON), the author of the legislation.

Mr. OLSON. Mr. Chairman, I thank my friend from the land of Lincoln for the time to speak on this important bill this afternoon.

Mr. Chairman, I remember Houston in 1972, 45 years ago. Just like today, we were the heart of America's energy and chemical industries. But back

then, there were far too many days I could not see downtown from my home 25 miles away because of smog, ozone.

We have made amazing progress, Mr. Chairman. All of America has made progress. Now it is rare when I can't see downtown from 40 miles away. I am raising my family in the suburbs of Houston, Texas. I don't want to see my hometown's air get any worse—or anyone else's, for that matter.

I want that progress to continue. That is why this bipartisan bill, H.R. 806, keeps us moving forward with more breathable, cleaner air.

Nothing in this bipartisan bill changes any air quality standard. Nothing in this bill puts costs before science when EPA sets a new standard.

I will say that again because there is a lot of misinformation out there. This bill explicitly says that EPA can never ignore health data and can never put money ahead of safety.

This commonsense bill is about listening to our job creators back home. It is about giving local officials the tools they need to make air rules work. It is about making sure that our communities aren't penalized for pollution they can't control. It is about making sure that, when EPA sets a standard, they have to put out the rules to comply with that standard to our local communities at the exact same time.

Mr. Chairman, this is commonsense, bipartisan legislation. I urge my colleagues to support H.R. 806 so we can keep cleaning up America's air while growing our economy.

Mr. TONKO. Mr. Chairman, I would just suggest that, when we move the timeframe for accomplishment of our progress by 8 years out into the future, we are stalling progress; and when we tamper with a review every 5 years and make it 10, we are denying progress.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CÁRDENAS).

Mr. CÁRDENAS. Mr. Chairman, I rise today to speak in opposition to H.R. 806. I call it the "Smog Is Back" bill.

I was born and raised in the San Fernando Valley. As a boy, I was not allowed to play outside due to smog alerts, and you couldn't see the mountains just a few miles away. I have told my kids. They don't know what a smog alert is. You get to see the mountains 365 days a year.

That is because we got smart about cutting pollution. We passed commonsense regulations, and the impact was remarkable. Yet today, as I stand here, this Congress is trying to strip those protections and take us back to a dangerous time. It is not a joke, and this is shameful.

Just over a year ago, my first grandchild was born. It infuriates me that he could grow up with the same restrictions that I had after we have made so much progress. We should be making the world a better place for our children and grandchildren.

Mr. Chairman, when it comes to smog, it is not good to go back to the

future. It is just wrong. I urge my colleagues to oppose this legislation for the sake of all children.

Mr. SHIMKUS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SMITH), the chairman of the Science, Space, and Technology Committee.

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Illinois (Mr. SHIMKUS) for yielding me time, and I thank the gentleman from Texas (Mr. OLSON) for sponsoring H.R. 806, the Ozone Standards Implementation Act of 2017. I appreciate the efforts of Chairman WALDEN, subcommittee Chairman SHIMKUS, and members of the Energy and Commerce Committee to reduce the regulatory burden on the American people and the economy.

As chairman of the Science, Space, and Technology Committee, I have worked to ensure that EPA regulations are based on sound science. Specifically, the committee found that the 2015 ozone standards implemented by the previous administration were based on questionable science and would cost billions of dollars to implement. H.R. 806 is commonsense legislation that appropriately delays the implementation of these new standards, allowing States more time to work through compliance.

This legislation also resets the time period for the next review of Clean Air Act regulations. This is necessary to provide the Agency with ample time to analyze the science and economic impact of new rules.

Mr. Chairman, I urge my colleagues to support this legislation and reduce the regulatory burden on the American people and return the Agency to sound scientific rulemaking.

Again, I appreciate Chairman OLSON taking the initiative on this subject.

Mr. TONKO. Mr. Chairman, we have just heard from two colleagues from Texas, and I want to remind all of my colleagues, our colleagues, that the State of Texas has over 1.5 million residents with asthma, including some 430,000 children. Weakening vital protections in the Clean Air Act would put their health at risk.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, I rise in strong opposition to the Republican's "Smoggy Skies Act" that will gut America's landmark Clean Air Act.

Since Congress passed the Clean Air Act almost 50 years ago, American progress on clean air has gone hand in hand with growth in jobs and businesses. But that is at risk under this bill today because polluters want to take shortcuts and shift the costs to hardworking American families and other businesses. Republicans are helping them get this done through this "Smoggy Skies Act."

Coming from the State of Florida, I understand very well how air pollution

hurts jobs and economic growth. Americans everywhere, regardless of their ZIP Code, deserve an EPA and a Congress working to clean up air pollution, not boost polluter profits at our expense. In Florida, we probably would not be the tourist mecca that we are without the Clean Air Act.

When you look across the globe at other countries and people are deciding, "Where am I going to take my vacation? Where am I going to take my trip?" they are very discerning about countries that do not have the same kind of consumer protections.

I have seen, since the time I was a little girl, vast improvement in air quality back home in the Tampa Bay area, to the point of it used to be, in the early morning, you would walk outside and you could smell and taste it. Now we have very few days of smog and pollution.

But still, Congress should protect the pocketbooks of American citizens, not the profits of polluters because we have pockets of real pollution problems all across America. Approximately 125 million Americans still live in areas with dangerous levels of air pollution.

Air pollution costs our families money as smoggy skies aggravate asthma, COPD, bronchitis, lung disease, and the ability to work outside. Improving ozone standards can help avoid premature deaths, childhood asthma attacks, and missed school days.

I encourage you all to google the New England Journal of Medicine study that came out at the end of last month that said dirty air is very costly and has a deadly impact on many Americans still, especially our older neighbors and younger people with asthma and other respiratory illnesses. It said air pollution hastens death in America.

Harvard researchers determined that, after reviewing years of health records of more than 60 million Medicare beneficiaries in specific air quality levels, we are still in trouble. I took that as a direct warning to this Congress not to roll back the Clean Air Act and air pollution protections.

The Clean Air Act requires the EPA to take a look at air quality every 5 years, but under this bill, nope, it will be every 10 years. So polluters win and citizens pay more.

The Clean Air Act codifies a citizen's right to know when they are breathing dirty air, but under this bill, nope, citizens will not have a right to know. Again, the polluters win and citizens pay more.

Just like Mr. TONKO said, America is the world leader in ingenuity, technology, and science, but not under this GOP bill. Polluters will win, science will lose, and citizens will pay more.

This is a costly shame, and I urge my colleagues to oppose this bill.

Mr. SHIMKUS. Mr. Chairman, I would like to highlight a few specific things.

One is the standards established by the EPA remains unchanged. The real premise of this bill is the fact that,

when the 2008 standards came out, it took the EPA 7 years to get to the guidelines for how local communities and businesses could comply. While that was occurring, they ratcheted down a new set of standards.

So when we talk, this is really more about having our citizens and our communities be able to comply with the rules and regs before a new rule and reg gets in place.

Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. BIGGS).

□ 1500

Mr. BIGGS. Mr. Chairman, I thank the gentleman from Illinois for yielding time to me today. I applaud Congressman OLSON for introducing this very important legislation. I also thank Science Committee Chairman LAMAR SMITH for holding numerous hearings to fully examine the Environmental Protection Agency's National Ambient Air Quality Standards.

Arizonans desperately need the reforms that Representative OLSON has offered in his legislation. Unfortunately, my constituents in the East Valley of Maricopa County understand all too well the consequences of onerous EPA regulations.

Arizona has high levels of background ozone in the atmosphere, meaning that, from the EPA's perspective, we are regularly above the attainment level. But instead of trying to fully understand my State's intricate needs or engaging in efforts to work with State officials to develop achievable plans and paths forward, the EPA has doubled down time after time with new standards that are impossible to meet.

H.R. 806 will help States like mine create meaningful implementation plans by giving us more time to work with the Federal Government and stakeholders. It will also allow us more flexibility in how we meet new regulations. Good, commonsense bills like this one are needed to ensure that we do not overregulate in a way that severely disrupts our local economies for little or no benefit.

As chairman of the Science Subcommittee on Environment, I once again applaud Representative OLSON and thank my friend from Illinois, and I look forward to seeing this bill pass this Chamber.

Mr. TONKO. Mr. Chairman, having just heard from the gentleman from Arizona, I want to remind my colleagues that the State of Arizona has over 660,000 residents with asthma, including some 175,000 children. Weakening vital protections in the Clean Air Act would put their health at risk.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Michigan (Mrs. DINGELL).

Mrs. DINGELL. Mr. Chairman, I rise in strong opposition to H.R. 806, the Ozone Standards Implementation Act.

For nearly 5 decades, the Clean Air Act has proven to reduce air pollution by establishing critical National Ambient Air Quality Standards to protect

our public health and public welfare. This bill would drastically alter the Clean Air Act, putting everyone at risk by delaying the implementation of stronger air quality protections and extending the review period for setting future air pollution standards.

If we choose not to put air quality and public health first today, we jeopardize and undermine our ability to live long and healthy lives tomorrow.

When the EPA issued its final rule strengthening the National Ambient Air Quality Standards in 2015, this decision was based on the review of thousands of studies showing ozone's harmful effects.

Ozone is a pollutant. If we do not take our responsibility seriously to ensure every American has clean and healthy air to breathe, those with asthma will experience more attacks. We need to make sure that our children aren't developing chronic bronchitis and asthma; and we risk increased numbers of premature deaths across the country.

Every American deserves clean air now. We cannot afford an almost decade-long delay of improved air pollution standards.

According to the American Lung Association, nearly 4 in 10 people in the United States live in counties that have unhealthy levels of either ozone or particle pollution. More than 125 million Americans live in 204 counties where they are exposed to concerning levels of air pollution in the form of either ozone or short-term or year-round levels of particles.

While we have continued to make progress reducing ozone pollution, we have to further strengthen these standards in the name of public health. These standards are the cornerstone of the Clean Air Act.

Additionally, the provisions in this bill would also affect future NAAQS reviews for criteria pollutants by extending the review time for 5 to 10 years, compounding the negative public health impacts for generations.

In Michigan, if we fail to lower our ground ozone pollution, our seniors with pulmonary disease, asthma, and diabetes will suffer. For our kids who want to explore the outdoors and experience all the Great Lakes have to offer, ozone pollution may increasingly trigger a variety of health problems, including chest pain, coughing, and throat irritation.

Please, my colleagues, do not do this today. Think of the health of Americans.

Mr. SHIMKUS. Mr. Chairman, let me just remind my colleagues that—why 10 years? I mean, that is a good question.

When the 2008 standards came out, it took the administration 7 years, to 2015, to tell people how to even implement the 2008 standards. Then, 3 months later, they say: Oh, no, we are going to have a new standard set at 2015.

So this debate doesn't reduce or roll back. It says, let's let the EPA estab-

lish standards and then give communities time to comply. That is all this bill does.

Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia (Mr. MCKINLEY).

Mr. MCKINLEY. Mr. Chairman, today the House will vote on a bill addressing the ozone standards issued by the Obama administration.

Look, with the comments you have heard today, we all want clean air. But America has made great strides already. Ozone is down by one-third since 1980.

But the regulations imposed by President Obama in 2015 would cost the economy billions of dollars each year and hamper job growth. In many parts of the country, it is literally impossible to meet the new standards due to the background levels of ozone.

Much of the country, as you just heard the chairman talk about, was still trying to comply with the previous standard when, suddenly, a new level was imposed. This has resulted in confusion and duplication.

The bill that is before us this afternoon provides a commonsense approach. It delays the implementation, but, more importantly, it gives the States flexibility to deal with this issue. It revises the timeframe for changing standards from 5 years to 10 years. That is all. It requires the EPA to consider—very important—the economic and technical feasibility of the new standards.

So, Mr. Chairman, passing this bill today will remove a barrier to economic growth while, at the same time, still protecting our environment.

Mr. TONKO. Mr. Chair, having heard from my friend and colleague from West Virginia, I want to remind my colleagues that the State of West Virginia has 100,000 residents with asthma, including over 18,000 children. So it is weakening vital protections in the Clean Air Act that would put these populations at risk.

Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Chairman, I rise in strong opposition to H.R. 806, better known as the "Smoggy Skies Act."

Because of the Clean Air Act, families have safer air to breathe, fewer emergency room visits, and healthier futures. The bill before us today is a direct attack on that progress, delaying lifesaving protections against ozone pollution.

H.R. 806 will be particularly devastating to children with asthma, the elderly, and people with lung and heart disease. Dirty air remains a public health hazard.

If this bill becomes law, we will be rolling back the Clean Air Act's protections and successes and putting people's health at risk.

The Sacramento region in my district sits in California's Central Valley, which traps pollution from other parts of the State. And despite these chal-

lenges, we have fostered a strong partnership between the Federal Government and Sacramento's local agencies to improve our air quality. But in order for this progress to continue, the EPA must set its clean air requirements at a level that truly protects public health.

The bill before us today would block ozone protections and permanently damage the Clean Air Act. Between this "Smoggy Skies Act" and TrumpCare, Republicans are waging an all-out assault on Americans' health.

I urge my colleagues to oppose this bill and protect the well-being of future generations.

Mr. SHIMKUS. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Chairman, I rise today in strong support of H.R. 806, the Ozone Standards Implementation Act of 2017, introduced by my friend and colleague, PETE OLSON. This bill is necessary to shield States from job-killing mandates and ozone levels proposed by the Obama administration in October of 2015.

Most States are just beginning to adopt the 75 parts per billion ozone standard proposed in 2008, as the EPA didn't announce implementation guidance and a final rule until March 6 of 2015. Rather than allowing time for that standard to be implemented, the Obama administration moved the goalposts and unilaterally sought to dramatically lower the ozone standard once again to 70 parts per billion in October 2015.

Industry analysis projects that more than 950 different counties throughout the country will immediately be in nonattainment under the October 2015, 70 parts per billion standard. To make matters worse, the 70 parts per billion standard is not currently attainable in 9 of 10 counties in Arizona that measure ozone levels.

When pristine national parks like the Grand Canyon, Yosemite, and Rocky Mountain are in danger of being in nonattainment under the proposed Obama standard, there is a serious problem with the numbers.

The Chamber of Commerce has reported that counties classified as in nonattainment can have important permits denied by the EPA and important Federal highway and transportation projects suspended.

The Arizona Chamber Foundation and Prosper Foundation stated: "The EPA's new ozone standard of 70 parts per billion will virtually be impossible for Arizona to meet due to Arizona's high level of background, limited local sources, and unique geography. . . . Implementation of the current rule in Arizona is not reasonable, based in sound science, or achievable."

Tri-State stated: "In order to preserve our co-op-member owners access to affordable and reliable electricity, Tri-State Generation and Transmission Association wholeheartedly supports H.R. 806."

The National Taxpayer Union stated: “The costs are high for States and localities, regardless of whether they achieve attainment . . . jobs and investments will go elsewhere without more feasible, predictable reforms that are present in H.R. 806.”

Even the Obama administration projected in 2010 the unrealistic standard we are debating today would cost our economy between \$19 to \$25 billion annually.

The previous administration also admitted it did not have a clear plan for dealing with background ozone generated by factors outside a State’s control. This means the Obama EPA was literally attempting to punish States for ozone pollution that is created in other States like California, or in Mexico, or even China.

The October 2015 Obama ozone rule will force companies to close their doors and kill countless jobs throughout the country if this bill is not passed.

I thank the gentleman from Texas for sponsoring this much-needed legislation, and I urge my colleagues to vote in support of this commonsense bill.

Mr. TONKO. Mr. Chairman, I yield myself such time as I may consume.

As I earlier stated, the State of Arizona has over 660,000 residents with asthma, including 175,000 children; and I just question putting their health at risk with this bill that moves us in the wrong direction.

Mr. Chairman, I include in the RECORD a number of supporting documents. The first is a letter opposing the bill signed by the State Attorneys General of New York, California, Connecticut, Delaware, Illinois, Iowa, Maryland, Massachusetts, New Mexico, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, and the Acting Secretary of the Pennsylvania Department of Environmental Protection.

APRIL 26, 2017.

Re Opposition to H.R. 806, Ozone Standards Implementation Act of 2017.

Hon. GREG WALDEN, *Chairman*,  
Hon. FRANK PALLONE, *Ranking Member*,  
*Committee on Energy and Commerce, House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE WALDEN AND REPRESENTATIVE PALLONE: We write in opposition to H.R. 806, Ozone Standards Implementation Act of 2017. This bill would not only delay implementation of more protective ozone air quality standards, but, more broadly, would undermine the mandate in the Clean Air Act (Act) that the national ambient air quality standards for ozone and other criteria pollutants be based on up-to-date scientific evidence and focus solely on protecting public health and welfare. As explained below, these measures would be a significant step backward in combatting the dangers of ozone and other criteria pollutants.

Many of our states have struggled for decades with the pervasive problem of ozone pollution. The scientific evidence of harm to public health from ozone pollution is well established, as are the economic consequences. At certain concentration levels, ozone irritates the respiratory system, causing

coughing, wheezing, chest tightness and headaches. People exposed to elevated levels of ozone suffer from lung tissue damage, and aggravation of asthma, bronchitis, heart disease, and emphysema. Children, older adults, people with asthma or other lung diseases, and people who are active outdoors are particularly susceptible to the harmful health effects of ozone. Public health harms also exact an economic toll. For example, increased hospital admissions on bad ozone days increase health care costs borne by states and local governments. Ozone pollution also harms public welfare by damaging trees and reducing crop yields by interfering with the ability of plants to produce and store food and making them more susceptible to disease, insect pests, and other stressors. Ozone can also inhibit the ability of plants and trees to mitigate harms from climate change.

To protect against these and other adverse impacts and “to promote the public health and welfare and the productive capacity of its population,” the Act aims “to protect and enhance the quality of the Nation’s air resources.” 42 U.S.C. §7401(b)(1). To achieve this goal, the Act requires EPA to adopt primary standards for certain criteria pollutants, such as ozone, at a level that protects public health with an “adequate margin of safety.” 42 U.S.C. §7409(b)(1). The Act also requires EPA to adopt secondary standards at a level that protects the public welfare from “any known or anticipated adverse effects.” 42 U.S.C. §7409(b)(2). The Act mandates that EPA review the air quality standards for each criteria pollutant every five years and revise the standards as advances in science warrant. As Justice Scalia explained for a unanimous Supreme Court, EPA’s review must set the primary and secondary standards based on the scientific evidence, and may not consider implementation costs or other economic consequences. *Whitman v. Am. Trucking Ass’n*, 531 U.S. 457, 465 (2001). Rather, implementation decisions are a matter for states, which are empowered to evaluate the costs and co-benefits of potential implementation strategies and determine, in light of those costs and co-benefits, which strategies are most suitable for them. See *Union Elec. Corp. v. EPA*, 427 U.S. 246, 266 (1976).

To ensure that our residents and natural resources enjoy the benefits of the clean air that the statute demands, our offices have advocated in rulemakings and litigation that EPA set standards that protect public health and welfare with an adequate margin of safety, as the Act requires. E.g., *Mississippi v. EPA*, 744 F.3d 1334 (D.C. Cir. 2013) (State petitioners, including New York, California, Connecticut, Delaware, Illinois, Maryland, Massachusetts, New Mexico, Oregon, Rhode Island, and the District of Columbia, successfully argued for remand of secondary ozone standards); *American Farm Bureau Fed. v. EPA*, 559 F.3d 512 (D.C. Cir. 2009) (State petitioners and amici, including New York, California, Connecticut, Delaware, Illinois, Maryland, Massachusetts, New Mexico, Oregon, Pennsylvania Department of Environmental Protection, Rhode Island, and the District of Columbia, successfully argued for remand of primary fine particulate matter standards); *Murray Energy v. EPA* (D.C. Cir. 15–1385) (State amici, including California Air Resources Board, Delaware Department of Natural Resources, Massachusetts, New York, Rhode Island, Vermont, and the District of Columbia, filed a brief supporting the 2015 primary ozone standard against attempts to weaken it).

The ozone rule promulgated by EPA in 2015 strengthened the primary standard of 75 parts per billion (ppb) to 70 ppb. 80 Fed. Reg. 65,292 (Oct. 26, 2015). This level was at the

high end (i.e., less stringent) of the 65–70 ppb range that EPA proposed in 2014. EPA’s independent science advisors, the Clean Air Scientific Advisory Committee, cautioned that this level may offer little margin of safety, particularly for sensitive subpopulations. Therefore, in comments on the proposal, several of our states urged EPA to adopt a primary standard lower than 70 ppb to protect public health with an adequate margin of safety. However, even tightening the standard from 75 ppb to 70 ppb will result in important public health benefits. For example, EPA conservatively estimated that meeting the 70 ppb standard nationally (not including California) will result in net annual public health benefits of up to \$4.5 billion starting in 2025. These national benefits include preventing approximately: 316 to 660 premature deaths; 230,000 asthma attacks in children; 160,000 missed school days; 28,000 missed work days; 630 asthma-related emergency room visits; and 340 cases of acute bronchitis in children.

Under current law, states will develop and submit their own plans to attain the 2015 standard by 2020 or 2021. But H.R. 806 would delay this deadline until October 2026 and delay other similarly related deadlines, postponing even further the life-saving benefits of attaining clean air. The bill should be rejected on these grounds alone.

In addition, H.R. 806 would undermine the protection of health and welfare from the dangers of all criteria air pollutants by weakening the national ambient air quality standards process for updating standards based on the most recent scientific evidence. Instead of requiring that standards be reviewed—and as necessary, revised—every five years based on the latest scientific evidence on the harms to public health and welfare from exposure to criteria pollutants, H.R. 806 would require updates only once a decade.

The bill would also eliminate the Act’s requirement that air quality standards be set solely based on adequate protection of public health and welfare. Specifically, the bill would authorize the EPA Administrator to also consider “likely technological feasibility” in establishing primary and secondary standards. This provision appears designed to allow EPA to weaken standards nationwide if it thinks a single area might be incapable of meeting them. But if that were ever the case, the Act already provides relief mechanisms for the affected area. In addition, the bill undermines the Act’s existing protections by creating a loophole that allows EPA to treat hot or dry weather as an “exceptional event” excusing an area’s non-attainment.

Finally, the bill appears to be based on a misunderstanding of the Act’s balance between federal and state authority. The bill directs EPA to cherry-pick hypothetical state implementation strategies and only evaluate their adverse side-effects, and, potentially, use that evaluation to weaken ambient air quality standards. But EPA cannot know at the time it sets standards what strategies states will choose, or how individual states will value their beneficial side-effects. Those considerations should remain separate from the standard-setting process.

In summary, ozone pollution remains a serious and persistent problem for our nation, posing a particular risk to the health of children, the elderly and the sick, as well as individuals who spend time outdoors. Because H.R. 806 would represent a significant step backward in combatting ozone and other dangerous criteria pollutants, we urge you to

oppose the bill. Thank you for your attention to this critical matter.

Sincerely,

Eric T. Schneiderman, Attorney General of New York, Lemuël Srolovic, Chief, Environmental Protection Bureau, Michael J. Myers, Assistant Attorney General, Environmental Protection Bureau.

Xavier Becerra, Attorney General of California, David A. Zonana, Supervising Deputy Attorney General, Jonathan Wiener, Deputy Attorney General.

George Jepsen, Attorney General of Connecticut, Matthew I. Levine, Kirsten S.P. Rigney, Scott N. Koschwitz, Assistant Attorneys General, Office of the Attorney General.

Matthew P. Denn, Attorney General of Delaware, Ralph K. Durstein, III, Valerie S. Edge, Deputy Attorneys General, Delaware Department of Justice.

Lisa Madigan, Attorney General of Illinois, Matthew J. Dunn, Gerald T. Karr, James P. Gignac, Assistant Attorneys General, Environmental Enforcement Division.

Thomas J. Miller, Attorney General of Iowa, Jacob Larson, Assistant Attorney General.

Brian Frosh, Attorney General of Maryland, Roberta R. James, Assistant Attorney General.

Maura Healey, Attorney General of Massachusetts, Christophe Courchesne, Chief, Carol Iancu, Assistant Attorneys General, Environmental Protection Division, Office of the Attorney General.

Hector Balderas, Attorney General of New Mexico, Bill Grantham, Assistant Attorney General.

Ellen F. Rosenblum, Attorney General of Oregon, Paul Garrahan, Attorney-in-Charge, Natural Resources Section, Oregon Department of Justice.

Josh Shapiro, Attorney General of Pennsylvania, Office of the Attorney General.

Patrick McDonnell, Acting Secretary, Pennsylvania Department of Environmental Protection.

Peter Kilmartin, Attorney General of Rhode Island, Gregory S. Schultz, Assistant Attorney General.

Thomas J. Donovan, Jr., Attorney General of Vermont, Nicholas F. Persampieri, Assistant Attorney General.

Mark Herring, Attorney General of Virginia, John W. Daniel, II, Deputy Attorney General, Matthew L. Gooch, Assistant Attorney General, Environmental Section.

Bob Ferguson, Attorney General of Washington, Katharine G. Shirey, Assistant Attorney General.

Karl A. Racine, Attorney General for the District of Columbia.

Mr. TONKO. Mr. Chairman, the second document I include in the RECORD is a letter from the Commissioner of the New York State Department of Environmental Conservation, again, opposing the bill.

OFFICE OF THE COMMISSIONER, NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION,

Albany, NY.

Re H.R. 806, Ozone Standards Implementation Act of 2017.

Hon. JOHN SHIMKUS, Chairman, Subcommittee on the Environment, Committee on Energy and Commerce, House of Representatives, Washington, DC.

Hon. PAUL D. TONKO, Ranking Member, Subcommittee on the Environment, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR HONORABLE CHAIR SHIMKUS AND REPRESENTATIVE TONKO: The State of New York strongly opposes the "Ozone Standards Implementation Act of 2017," which will sub-

stantially harm public health to the detriment of New Yorkers and residents of many other states. The proposed bill would restrict the efficacy of the Clean Air Act in a way that would delay implementation of critical health-based standards for protecting the public from harmful ground-level ozone and other dangerous air pollutants. The result of this proposed bill would be the significant postponement of health and environmental benefits for nearly a decade, inevitably resulting in increased illness and deaths from air pollution.

#### INTRODUCTION

The Clean Air Act ("Act") addresses the critically important issue of protecting the health and welfare of all Americans from excessive levels of air pollution. It establishes a federal-state partnership under which EPA, informed by established science, sets National Ambient Air Quality Standards (NAAQS) at a level necessary to protect public health, and states develop and implement plans for achieving those standards. This collaborative process has significantly reduced pollutant concentrations to the great benefit of the public. Importantly, the process provided by the sections 109 and 110 of the Act recognizes that air pollution knows no boundaries and that air quality in many states, including New York, is impacted by emissions from sources located upwind.

Section 109 of the Act ensures that implementation of the Act is guided by established science; it charges the Clean Air Scientific Advisory Committee (CASAC) with reviewing the latest "state of the science" relating to public and environmental health, and conveying its findings to the Administrator. Based on that information, the Administrator establishes the NAAQS at a level necessary to protect public health within a reasonable margin of safety. Under Section 110 of the Act, States then develop plans to achieve air quality that meets the standard in those areas that do not meet the standard, known as "nonattainment" areas.

In its latest review, CASAC determined that the existing 2008 ozone NAAQS was insufficiently protective of public health, particularly for at-risk groups including children, older adults, people of all ages who have lung diseases such as asthma, and people who are active outdoors. Based on CASAC's scientific findings, EPA determined that implementing the 2015 ozone NAAQS would help prevent a range of harmful health effects each year, including 320 to 660 premature deaths; 230,000 asthma attacks in children; 160,000 days when kids miss school; 28,000 missed work days; 630 asthma-related emergency room visits; and 340 cases of acute bronchitis in children. EPA has identified additional serious health threats from ozone including cardiovascular disease (e.g., heart attacks, strokes, heart disease, congestive heart failure); potential harm to the central nervous system; and potential reproductive and developmental harm. The health benefits from meeting the 2015 ozone NAAQS exceed the costs of controls by 2 to 4 times.

Like many other states, New York strongly supported EPA's strengthening of the ozone NAAQS in 2015. This support comes even though New York faces a substantial burden of achieving ozone attainment in the New York City metropolitan area. This burden, however, is outweighed by the need to address the serious public health impacts. In New York City, approximately 1 in 10 emergency room visits for asthma are attributable to ozone pollution. Rather than seek to delay its ozone attainment efforts, New York strives to bring the New York City metropolitan area into attainment as expeditiously as possible, in order to provide its residents with cleaner and more healthful air to breathe.

#### DELAYING PUBLIC HEALTH BENEFITS OF THE 2015 OZONE NAAQS

The proposed legislation would harm public health by delaying the implementation of the 2015 ozone NAAQS (and its corresponding health benefits) for eight years and further postponing any future standard for several years beyond when they are necessary. Current law requires EPA to designate states under the 2015 ozone NAAQS according to their monitored air quality by October 2017, and states not meeting the standards would have a number of years to reach compliance proportional to the severity of their ozone problems. However, this legislation would defer action so that designations would not be made until October 2025, thus postponing even the beginning of planning efforts until after attainment would otherwise have been achieved under the current structure of the Act. For New Yorkers and other Americans, this would result in a substantial delay in their ability to breathe clean and healthful air.

Even worse, this proposed bill compounds this public health harm by allowing the construction of new power plants and factories without considering their impact on a region's ability to achieve compliance with the NAAQS. Under current law, such new and modified facilities located in areas designated nonattainment are subject to a control technology review under the Clean Air Act's nonattainment new source review program, which requires a demonstration of control technology that would consider the "lowest achievable emission rate," resulting in the most stringent emission limit for a certain source class. This bill would eliminate these new source reviews, which are critical for advancing a nonattainment area toward NAAQS compliance.

Together, these aspects of the legislation will have even worse additional adverse impacts on states like New York that are victimized by upwind air pollution. First, this legislation will impair New York's relief from ozone transport from upwind locations. EPA modeling indicates that between 75% and 94% of the ozone in the New York City metropolitan area comes from sources outside of New York. Although New York will continue actions to reduce emission of ozone precursors, it cannot achieve healthful ozone levels without a substantial reduction in emissions from states located upwind, which are responsible for most of New York's ozone levels. Many of these states encompass areas that are currently monitoring as nonattainment, and these areas would have to achieve emission reductions under current law if designated nonattainment. Postponing a nonattainment designation for the New York City metropolitan area will have the unacceptable effect of postponing the "good neighbor" obligation of upwind areas to reduce their significant contribution to New York's nonattainment until sometime after the nonattainment designation.

Moreover, postponing compliance with nonattainment New Source Review in areas that would otherwise be designated as nonattainment with the ozone NAAQS establishes an inequitable outcome for New York and other states that have already been designated nonattainment. Under this proposed bill, new industrial facilities in areas currently designated nonattainment with the 2008 ozone NAAQS or in the Ozone Transport Region—including all of New York—will have to comply with nonattainment NSR requirements, yet facilities located in regions with comparable or worse air quality and much higher emissions will not have to do so for a decade or more. As such, states that would otherwise be designated nonattainment would gain an unfair advantage in attracting business development under this bill.



# DELAYING PUBLIC HEALTH BENEFITS FROM REDUCING OTHER CRITERIA POLLUTANTS

Aside from ozone, provisions of this proposed bill would affect future NAAQS reviews for all criteria pollutants, thus compounding negative public health impacts. For example, the bill would irresponsibly extend the NAAQS review time from five years to ten for all criteria pollutants. Retaining the five-year review schedule ensures that the Administrator reviews the relevant state of the science while it is timely and germane. Health science moves quickly; by the time one NAAQS revision is reaching completion, other pertinent clinical studies are being published.

This proposed bill weakens public health protection by making cost and technological feasibility larger factors in the establishment and implementation of NAAQS. The Supreme Court has already upheld the notion that the consideration of costs has no place in the setting of a NAAQS (*Whitman v. American Trucking Associations, Inc.*, 2001). Instead, questions of technological and economic feasibility are considered at the stage of implementing the NAAQS. For example, the Act's nonattainment area classifications recognize that areas with more difficult ozone pollution problems require more time to comply. Unfortunately, Section 3(b) of the proposed bill would change the long-standing practice of how an Administrator determines the NAAQS by allowing him or her to analyze, as a secondary consideration, the likely technological feasibility of a revised NAAQS. Section 3(c) would expand CASAC's role to providing advice to the Administrator on adverse economic effects (among others) prior to the setting of the NAAQS. Taken together, these proposed revisions would have the effect that NAAQS would no longer be set at levels that are protective of public health and welfare.

Finally, the proposed bill unnecessarily redefines ordinary expected conditions as "exceptional events" that need not be considered by a state in demonstrating attainment. The intent of the "extraordinary event" exception is to allow a state to discount NAAQS exceedances that result from one-time, unpredictable, and uncontrollable events such as wildfires. The proposal, however, would allow commonplace conditions such as stagnant air masses and "meteorological event[s] involving high temperatures or lack of precipitation" to be considered exceptional. In their ozone planning, states should anticipate these conditions, which are expected to occur each year and promote the formation of ozone when public health is at the greatest risk.

We also disagree with the proposal to allow sources to avoid nonattainment new source review until release of the implementation guidance. EPA's delay in issuing guidance should not be an excuse to allow new sources in nonattainment areas to contribute to further air quality degradation. In addition, the bill's reduction of the time allotted for states to formulate and submit attainment plans from the current three years to one year reflects a misunderstanding of the laborious process for developing these plans.

## CONCLUSION

The Clean Air Act is a bipartisan success story. Citizens across the country have benefited from the Act's clean air requirements over the last few decades. People can breathe easier due to the clean air standards that have resulted from rigorous reviews that are guided by the latest scientific evidence. Passage of this proposed bill would deprive the American people of those benefits, worsen air quality and harm public health substantially.

Sincerely,

BASIL SEGGOS.

Mr. TONKO. Mr. Chairman, the third document I include in the RECORD is a letter signed by 15 medical and public health organizations, again, opposing the bill.

JULY 17, 2017.

DEAR REPRESENTATIVE: Clean air is fundamental for good health, and the Clean Air Act promises all Americans air that is safe to breathe. The undersigned public health and medical organizations urge you to oppose H.R. 806, the so-called "Ozone Standards Implementation Act of 2017." A more fitting name for this legislation would be the "Smoggy Skies Act," as it delays lifesaving standards to reduce ozone pollution, or smog, and permanently weakens the Clean Air Act.

Clear, up-to-date, scientific evidence documented the need for greater protection from ozone pollution, and drove the stronger limit on ozone that the U.S. Environmental Protection Agency (EPA) finalized in 2015. To meet the updated standard, the states have clear authority and plenty of time to plan and then work to reduce pollution under the Clean Air Act's long-established, balanced implementation timeline. Despite those facts, the Smoggy Skies Act imposes additional delays and sweeping changes that will threaten health, particularly the health of children, seniors and people with chronic disease.

The Smoggy Skies Act also reaches far beyond implementation of the current ozone standards. It permanently weakens the Clean Air Act and future air pollution health standards for all criteria pollutants. Specifically, the Smoggy Skies Act weakens implementation and enforcement of all lifesaving air pollution health standards, including those for carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide. It would also permanently undermine the Clean Air Act as a public health law.

The Clean Air Act requires that EPA review the science on the health impacts of carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide air pollutants every five years and update these national ambient air quality standards according to the current science. The Smoggy Skies Act would lengthen the review period of the air pollution health standards from once every five years to once every ten years for all criteria pollutants. As the science continues to evolve, the public deserves that their protections be based on the most up-to-date science, certainly not a schedule that is twice as long as they currently have under the law. The work that EPA and states do to clean up air pollution should be based on the best and most current science.

Emerging research adds crucial information to our understanding of the impacts that air pollution has on human health, and EPA should not have to wait a decade to incorporate it. For example, on March 29, 2016, a newly published study, *Particulate Matter Exposure and Preterm Birth: Estimates of U.S. Attributable Burden and Economic Costs* showed new information linking particulate air pollution to nearly 16,000 preterm births per year. Under the Smoggy Skies Act, EPA would have to wait as much as a decade to consider such new evidence when setting standards. Ten years is far too long to wait to protect public health from levels of pollution that the science shows are dangerous or for EPA to consider new information.

In the 2015 review of the ozone standard, EPA examined an extensive body of scientific evidence demonstrating that ozone inflames the lungs, causing asthma attacks

and resulting in emergency room visits, hospitalizations, and premature deaths. A growing body of research indicates that ozone may also lead to central nervous system harm and may harm developing fetuses. In response to the evidence, EPA updated the ozone standards. While many of our organizations called for a more protective level, there is no doubt that the updated, 70 parts per billion standard provides greater health protections compared to the previous standard.

The Smoggy Skies Act would delay implementation of these more protective air pollution standards for at least eight years. This means eight years of illnesses and premature deaths that could have been avoided. Parents will not be told the truth about pollution in their community and states and EPA will not work to curb pollution to meet the new standards. The public has a fundamental right to know when pollution in the air they breathe or the water they drink threatens health, and Congress must not add eight years of delay to health protections and cleanup.

Furthermore, the American public overwhelmingly supports upholding these more protective limits on ozone. A 2017 poll found that by a 2-to-1 margin, Americans believe Congress should leave EPA's updated standards in place, showing clear public opposition to the Smoggy Skies Act.

The Smoggy Skies Act would also permanently weaken implementation of the 2015 and future ozone standards. The Act would delay implementation to a date when the evidence shows that most states would meet the standard with cleanup measures already in place. It would also reduce requirements for areas with the most dangerous levels of ozone. Areas classified as being in "extreme nonattainment" of the standard would no longer need to write plans that include additional contingency measures if their initial plans fail to provide the expected pollution reductions. The Clean Air Act prioritizes reducing air pollution to protect the public's health, but the Smoggy Skies Act opens a new opportunity for communities to avoid cleaning up, irrespective of the health impacts.

Further, the bill would greatly expand the definition of an exceptional event. Under the Clean Air Act, communities can demonstrate to EPA that an exceptional event, such as a wildfire, should not "count" in determining whether their air quality meets the national standards. This bill would recklessly expand the definition of exceptional events to include high pollution days when the air is simply stagnant—the precise air pollution episodes the Clean Air Act was designed to combat—and declare those bad air days as "exceptional." Changing the accounting rules will undermine health protection and avoid pollution cleanup.

Additionally, the bill would permanently weaken the Clean Air Act. The Clean Air Act is one of our nation's premier public health laws because it puts health first. The Act has a two-step process: first, EPA considers scientific evidence to decide how much air pollution is safe to breathe and sets the standard that is requisite to protect public health with an adequate margin of safety. Then, states work with EPA to develop a plan to clean up air pollution to meet the standard. Cost and feasibility are fully considered in the second phase during implementation of the standard.

This bill states that if EPA finds that "a range of levels" of an air pollutant protect public health with an adequate margin of safety, then EPA may consider technological feasibility in choosing a limit within that

range. Further, the bill would interject implementation considerations, including projections of adverse economic and energy effects, into the standard setting process. These changes will permanently weaken the core health-based premise of the Clean Air Act—protecting the public from known health effects of air pollution with a margin of safety.

These changes would reverse the intention of the Clean Air Act explicitly included by its bipartisan authors in Congress: that basing the standard on the protection of public health would push technology to develop new tools and techniques to reduce emissions. They understood that pushing the cleanup technology to meet the urgent need to protect health would help to expand job development and growth. They were correct, as the emission control industry today has helped the nation meet stronger standards in creative, cost-effective ways.

The text also explicitly states that the Smoggy Skies Act does not authorize any additional funds to be appropriated to EPA for its work carrying out the bill's provisions. Forcing EPA to perform the additional work of implementing this bill with no additional resources could put the agency's current, lifesaving work at further risk.

Finally, an amendment adopted in committee would eliminate key enforcement provisions under the Clean Air Act. As amended, the bill could perpetuate poor air quality in communities with the highest pollution levels indefinitely. The provision waives the obligation for states with areas heavily polluted by ozone or particulate matter to write effective plans to attain the health standards. Currently, if an area with unhealthy air fails to write an adequate plan to meet air pollution standards, EPA can impose sanctions. Because that enforcement provision exists, EPA has almost never needed to use it—states wrote effective plans. As amended, the Smoggy Skies Act would bar EPA from using this key enforcement tool for especially polluted areas, essentially eliminating the obligation for states to write a meaningful pollution cleanup plan that can demonstrate meeting the health standards.

The Smoggy Skies Act is a sweeping attack on lifesaving standards that protect public health from air pollution. This bill is an extreme attempt to undermine our nation's proven clean air health protections. Not only does it delay the long-overdue updated ozone standards and weaken their implementation and enforcement, it also permanently weakens the health protections against many dangerous air pollutants and the scientific basis of Clean Air Act standards.

Please prioritize the health of your constituents and vote NO on the Smoggy Skies Act.

Sincerely,

Allergy & Asthma Network  
Alliance of Nurses for Healthy Environments  
American Academy of Pediatrics  
American Lung Association  
American Public Health Association  
American Thoracic Society  
Asthma and Allergy Foundation of America  
Center for Climate Change and Health  
Children's Environmental Health Network  
Health Care Without Harm  
National Association of County & City Health Officials  
National Environmental Health Association  
National Medical Association  
Physicians for Social Responsibility  
Trust for America's Health.

Mr. TONKO. Finally, Mr. Chairman, I include a letter signed by 121 environmental and other groups opposing the bill.

MARCH 21, 2017.

DEAR SENATOR/REPRESENTATIVE, on behalf of our millions of members, the undersigned 121 organizations urge you to oppose the "Ozone Standards Implementation Act" (H.R. 806, S. 263). The innocuous-sounding name is misleading: this legislation would actually systematically weaken the Clean Air Act without a single improvement, undermine Americans' 46-year right to healthy air based on medical science, and delay lifesaving health standards already years overdue.

This bill's vision of "Ozone Standards Implementation" eliminates health benefits and the right to truly safe air that Americans enjoy under today's law. First, the legislation would delay for ten years the right to safer air quality, and even the simple right to know if the air is safe to breathe. Corporations applying for air pollution permits would be free to ignore new ground-level ozone (aka smog) health standards during these additional ten years. For the first time the largest sources of air pollution would be allowed to exceed health standards. The bill would also outright excuse the parts of the country suffering the worst smog pollution from having backup plans if they do not reduce pollution. The most polluted parts of the country should not stop doing everything they can to protect their citizens' health and environment by cleaning up smog pollution.

This bill is not content to merely weaken and delay reductions in smog pollution. It also strikes at our core right to clean air based on health and medical science. The medically-based health standards that the law has been founded on for 46 years instead could become a political football weakened by polluter compliance costs. This could well result in communities being exposed to unhealthy levels of smog and soot and sulfur dioxide and even toxic lead pollution. The bill would also double the law's five-year review periods for recognizing the latest science and updating health standards, which are already frequently years late; this means in practice that unhealthy air would persist for longer than ten years.

The legislation also weakens implementation of current clean air health standards. The bill expands exemptions for "exceptional events" that are not counted towards compliance with health standards for air quality, even when air pollution levels are unsafe. This will mean more unsafe air more often, with no responsibility to clean it up. Requirements meant to ensure progress toward reducing smog and soot pollution would shift from focusing on public health and achievability to economic costs. Despite the bland name "Ozone Standards Implementation Act," this bill represents an extreme attack on the most fundamental safeguards and rights in the Clean Air Act.

Since 1970, the Federal Clean Air Act has been organized around one governing principle—that the EPA must set health standards based on medical science for dangerous air pollution, including smog, soot and lead, that protect all Americans, with "an adequate margin of safety" for vulnerable populations like children, the elderly and asthmatics. This legislation eviscerates that principle and protection. We urge you to oppose H.R. 806 and S. 263, to protect our families and Americans' rights to clean air.

Sincerely,

350KC; 350 Loudoun; Alaska Community Action on Toxics; Alton Area Cluster UCM (United Congregations of Metro-East); Brentwood House; California Latino Business Institute; Center for Biological Diversity; Central Valley Air Quality (CVAQ) Coalition; Chesapeake Physicians for Social Responsibility; Chicago Physicians for Social Responsibility.

Citizens for Clean Air; Clean Air Watch; Clean Water Action; Cleveland Environmental Action Network; Climate Action Alliance of the Valley; Connecticut League of Conservation Voters; Conservation Voters for Idaho; Conservation Voters of South Carolina; Dakota Resource Council; Earth Day Network; Earthjustice; Earthworks; Environment Iowa; Environment America.

Environment Arizona; Environment California; Environment Colorado; Environment Connecticut; Environment Florida; Environment Georgia; Environment Illinois; Environment Maine; Environment Maryland; Environment Massachusetts; Environment Michigan; Environment Minnesota; Environment Missouri; Environment Montana; Environment Nevada; Environment New Hampshire; Environment New Jersey; Environment New Mexico; Environment North Carolina.

Environment Ohio; Environment Oregon; Environment Rhode Island; Environment Texas; Environment Virginia; Environment Washington; Environmental Defense Action Fund; Environmental Entrepreneurs (E2); Environmental Law & Policy Center; Ethical Society of St. Louis; Faith Alliance for Climate Solutions; Florida Conservation Voters; Fort Collins Sustainability Group; Gasp; GreenLatinos.

Health Care Without Harm; Iowa Interfaith Power & Light; Jean-Michel Cousteau's Ocean Futures Society; KyotoUSA; Labadie Environmental Organization (LEO); Latino Donor Collaborative; League of Conservation Voters; League of Women Voters; Maine Conservation Voters; Maryland League of Conservation Voters; Michigan League of Conservation Voters; Moms Clean Air Force; Montana Conservation Voters Education Fund.

Montana Environmental Information Center; National Parks Conservation Association; Natural Resources Defense Council; NC League of Conservation Voters; Nevada Conservation League; New Mexico Environmental Law Center; New York League of Conservation Voters; Northern Plains Resource Council; OEC Action Fund; Ohio Organizing Collaborative, Communities United for Responsible Energy; Oregon League of Conservation Voters; Partnership for Policy Integrity; PennEnvironment.

People Demanding Action, Tucson Chapter; Physicians for Social Responsibility; Physicians for Social Responsibility, Maine Chapter; Physicians for Social Responsibility, Los Angeles Chapter; Physicians for Social Responsibility, Arizona Chapter; Physicians for Social Responsibility, SF Bay Area Chapter; Physicians for Social Responsibility, Tennessee Chapter; Physicians for Social Responsibility, Wisconsin Chapter; Powder River Basin Resource Council; Public Citizen; Public Citizen's Texas Office; RVA Interfaith Climate Justice Team; Safe Climate Campaign; San Juan Citizens Alliance; Sierra Club.

Southern Environmental Law Center; Texas Campaign for the Environment; Texas Environmental Justice Advocacy Services; Texas League of Conservation Voters; The Environmental Justice Center at Chestnut Hills United Church; Trust for America's Health; Union of Concerned Scientists; Utah Physicians for a Healthy Environment; Valley Watch; Virginia Organizing; Virginia Interfaith Power & Light; Voces Verdes; Voices for Progress; Washington Conservation Voters; WE ACT for Environmental Justice; Western Colorado Congress; Western Organization of Resource Councils; Wisconsin Environmental Health Network; Wisconsin League of Conservation Voters; Wisconsin Environment; Wyoming Outdoor Council.



□ 1515

Mr. TONKO. Mr. Chair, I yield 3 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Chair, I want to thank the gentleman for yielding.

Mr. Chair, for the folks who might be watching this today, I think it is important to understand that bad ozone causes a whole lot of health problems—things like making it difficult to breathe deeply. It can aggravate your emphysema. It can cause a sore and scratchy throat. It can aggravate lung diseases like asthma, emphysema, and bronchitis. And it is actually associated with asthma attacks, as I mentioned, and it can cause very serious obstructive pulmonary disease. It is a bad thing, it is dangerous, and it hurts people.

In the Obama administration, we tried to pass some standards to say that companies that emit the polluting substances have to comply with certain air standards to make sure that people don't suffer these nasty health effects.

What is going on today with H.R. 806 is that the Republicans are going to say: No, they don't have to implement right away. They have got a lot more time, years, before they actually have to comply with these air standards.

So what they are saying is that industries that pollute don't have to take the measures that they would need to take that will cost them money—yes, they will—in order to protect the public's health. They are saying that their money and the profits of their shareholders are more important than the lungs of our kids.

You are going to hear them say all this stuff about jobs, jobs. Please. This is not about jobs. This is about money. This is about profitability from polluting industries that don't want to spend the money to protect the public's health. That is what this is about. That is what we are talking about.

They always say: You can have a job, or you can breathe, but you can't do both. That is what our friends say. You can breathe, but then you won't have a job; or you can have a job, but then you can't breathe.

The fact is, they want to send us to work with gas masks on, and it is wrong. We as a people deserve to breathe. Our kids deserve to breathe. Our seniors deserve to breathe. If it costs a company a little bit more to make sure the air that we have is breathable, then they should spend that money. I believe that they should, because when you look at the health costs on the other side, they are astronomical. What does it cost to lose a loved one dying from an asthma attack or bronchitis or obstructive pulmonary disease? What does it cost a family in terms of not just treasure but heartache when they have their loved ones hooked up to a bunch of machines and wires because they are undergoing a respiratory attack? That is the cost. That is the true cost that we have to consider, Mr. Chair.

The real cost here is not this mythical jobs thing that they say. The real cost they are talking about is profitability, but the true cost to society is our health. Do you really want to see missed days of school, missed days of work? Do you really want to see more people incurring medical bills because of the failure of industry to protect our health when they are taking that stuff that they are spitting out of their smokestacks and putting it into the sky that we all have to breathe?

Mr. Chair, it is time to say “no” to H.R. 806. No.

The Acting CHAIR (Mr. BRIDENSTINE). The time of the gentleman has expired.

Mr. SHIMKUS. Mr. Chairman, let me just remind folks that what is going on here is that we have a 2008 standard that we were told 7 years afterwards: Here is how you comply.

That same year, we get new standards saying: Oh, no, no, no. You have got new standards lower than what it took us 7 years to define.

That is really the debate. We are not eliminating standards, we are not rolling back standards, we are just saying: Give us a break. Give us time to comply with the 2008 standards before you even force down the 2015 standards. Nothing in this bill rolls back either of those standards.

Mr. Chairman, I yield 2 minutes to my colleague from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chair, I thank my colleague from Illinois for his hard work, and I thank Mr. OLSON for his hard work. They have worked, I think, tirelessly and in an awfully well-intended way to craft a balance between the different competing points of view on this whole issue of ozone.

I know that he is concerned about people's health. I know that he is concerned about the environment. But on this particular issue, I am going to respectfully disagree and agree with my Democratic colleagues to say that I think that the time to act is now, because at some point there becomes the question: If not now, then when? At some point, delay moves to the point of obstruction of moving forward on an idea that has had its different wrinkles, in fairness to my colleague from Illinois. But at some point, you have to act.

Given the fact that people's health does hang in the balance, given the fact that there are another 2,000 cases a day of asthma that are protracted, we need to have a bias for action. I think it is a time for action.

I think it is reasonable. Moving from 75 to 70 parts per billion is not exactly a gargantuan change, given what is at play with regard to health. And finally, simply, I believe it fits with the conservative philosophy that I believe in. The conservative philosophy says that my rights end when they begin to infringe upon yours.

This notion of privatizing gain and offsetting costs to the public is some-

thing I think we always have to watch out for when we talk about this notion of free markets and having them truly work.

I, as a boy, grew up down the creek from a place called Campbell Creek, and there was a chemical plant that ended up dumping some stuff in the creek. It turned out not to be so good. It made a lasting impression on me as a boy. They were externalizing their costs, but they were internalizing their profits.

Mr. Chair, I think we need to be true to that theme whether we are talking about air or water or anything else. I think that this bill fits under that larger description. For that reason, I do say, with all due respect for the hard work that has been done, that it is time to act on this particular bill.

Mr. TONKO. Mr. Chair, two points on the review and the standards. Certainly not every review would require a change in standards, and I think that needs to be made clear here. When we talk about the difficulty of having to respond or achieve the standards that have been established and then they go stronger, well, on your way to 70 parts per billion, you are going to be moving through 75 parts per billion as you reduce those particulates that get emitted into our air. It is only logical that you could move along and continue to improve those standards.

This is about maintaining a quality of life, enhancing a quality of life, cutting into, for public health policy purposes, the devastating impacts of air pollutants and their relation to our public health.

Mr. Chair, I yield 3 minutes to the gentlewoman from California (Ms. BARRAGÁN).

Ms. BARRAGÁN. Mr. Chair, I rise today in opposition to the “Smoggy Skies Act,” a bill that would effectively gut the Clean Water Act.

I represent one of the most heavily polluted districts in California. As a matter of fact, sometimes kids in my district walk around with inhalers around their necks.

When I was a kid, my father had a home next to the freeway, and I first thought it was a great place to live because it was conveniently by the freeway, and what I later learned about air pollution and smog and the ozone layer, I knew it was not a good thing. When I see kids in my district walk around with inhalers, it just breaks my heart.

Every day, many of my constituents, people of color and low income, are surrounded by oil refineries, major highways, and industrial activities. These activities generate ozone pollution, the key ingredient for smog. It is dangerous. It is deadly.

Since 1970, the Clean Air Act has reduced the ozone in our air, protecting Americans against health problems, including asthma and heart attacks, shortness of breath, low birth weight, and premature death. Clean air is a good investment. The benefits of a

healthy environment pay off in worker productivity and longevity. Unhealthy people can't work or go to school, which is also a problem in my district where only 10 percent of students go on to college.

Oftentimes, it is a cycle. They are outside, they breathe in the dirty air, they get sick, they have asthma, they have to go to the doctor, and they miss school. That is only contributing to the low graduation rates that we are seeing happen in my district.

Smog is not only harmful to health, I think it is harmful especially in young children, in our seniors, and in some of our most vulnerable communities.

Over a third of the U.S. population lives in areas with unhealthy ozone levels—areas that would have to clean up the air under the new and improved 2015 ozone standards.

The "Smoggy Skies Act" is the latest in a series of congressional attempts to gut the Clean Air Act and block or delay lifesaving standards and protection.

Mr. Chair, I urge my colleagues to vote "no" on H.R. 806, the "Smoggy Skies Act."

Mr. SHIMKUS. Mr. Chair, I yield 1 minute to the gentleman from California (Mr. MCCARTHY), the majority leader of the House.

Mr. MCCARTHY. Mr. Chair, I thank the gentleman for yielding me time and for his work.

Mr. Chair, when you drive up north through and past my district in California, you go through some amazing places—Sequoia National Park, Kings Canyon, then right on over to Yosemite. These are beautiful places. American treasures. You don't have to go far off the road to feel like you are remote and completely surrounded by the peacefulness of nature.

I have had my troubles with the EPA—regulatory cap and trade, waters of the U.S. rule. They are a couple that come to mind. But I do think and believe there is a purpose to ozone standards that clean up our air and make our communities healthier.

Yet the latest ozone and particulate matter regulations are so severe and divorced from reality that even the national parks like Sequoia, Kings Canyon, and Yosemite may not be clean enough. If such pristine nature isn't clean, nothing can be.

The problem is that the EPA sets new standards before we reach the old ones, and even before we have the technology to reach the new standards, the only result will be failure.

California's Central Valley faces many disadvantages with air quality. We have prevailing winds from the north to send us pollution from San Francisco, and because of our topography, it traps it all in. But we have made some amazing progress. Good days, when ozone isn't a problem, are up 144 percent since 2002. Unhealthy ones are down over 75 percent in the same period. You see similar trends in particulate matter as well.

But no matter how much better we make our air, we cannot catch up to reach the latest unrealistic EPA hurdles. The head of the San Joaquin Valley Air Pollution Control District said that, to do so, we would have to stop all fossil fuel combustion in the Central Valley. If we don't do that, don't stop all industry, stop building, stop businesses, and even stop driving our cars, you know what will happen? We will be punished, and we will be fined for where we live.

Now, something obviously has to change because these regulations are not rooted in reality. In this legislation, Mr. Chair, Congressman PETE OLSON's Ozone Standards Implementation Act, we don't get rid of ozone or particulate matter standards, we don't even oppose raising our standards when we use our technology and abilities to improve. What we do is make sure that the standards are set with a specific level for a set time so that the EPA cannot come back and change the goal-post every few years.

What we do is make sure that the EPA actually determines whether something is technologically possible when setting new attainment deadlines. What we do is make sure we aren't penalized for all things affecting our air that we can't control.

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We made sure that this legislation accomplished these goals without rolling back the protections for our communities or without backsliding on meeting current EPA standards in the Central Valley.

In the end, we must have clean air, but we have to be smart with this and set achievable and fixed goals our communities can meet. Building on our success, the people of our district and across America can continue to have cleaner air tomorrow than we do today.

Mr. TONKO. Mr. Chair, I yield myself the balance of my time.

Mr. Chair, I want to remind my colleagues, having just heard from a Californian, that California has nearly 3 million residents with asthma, including 650,000 children. Why on Earth would we want to put them at further risk by going backward? I suggest that we keep that in mind as we vote on this measure.

I heard the comment made about unachievable or unrealistic standards. Well, how is it that we have been making progress through the years? We have been growing jobs, and we have been cleaning the air. How is it that that was deemed unrealistic and unachievable?

Mr. Chairman, I believe in the pioneer spirit of this great country. I believe in her intellect. I believe in the passion to do the right thing. And I think that will continue to motivate us as we listen to scientists who tell us about the standards that we ought to achieve.

On our way to 75 parts per billion, we know that it is continued progress if

we achieve 70; and if we listen to the Clean Air Scientific Advisory Committee, they will tell us that the air, for safety, with the safety factor, we should be closer to 60. So we have much more room for progress, and we have the technological wizardry to make that happen. Our children and generations unborn are counting on us.

As has been stated many times over today, this is a move in a backward direction. We are concerned on this side of the aisle about H.R. 806. We need to know that the standards that are out there are achievable, that those standards drive technological improvement.

We can grow the economy and clean the air. They are not mutually exclusive. In fact, we have proven that they are inclusive.

Mr. Chair, I encourage all of my colleagues to support this effort of opposition to H.R. 806. It is, as many have called it, an effort that will continue to hold back progress.

Mr. Chair, I yield back the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I yield myself the balance of my time.

I would first of all like to thank my colleague from New York who serves as the ranking member of the committee. We have done some good work together that we look forward to bringing to the floor in a more amicable setting. Obviously, this one is not. I wish it could have been, but so the public policy world goes.

Let me, in my remaining time, highlight some of the organizations that are supporting our action. Through the committee process, we had the Farm Bureau, the American Petroleum Institute, the American Fuel & Petrochemical Manufacturers, the Portland Cement Association, National Association of Manufacturers, and the U.S. Chamber of Commerce express the need to reform and modernize the Clean Air Act in order to encourage economic growth and job creation, because we understand that what has, also, a major impact on health and welfare is our citizens having good-paying jobs.

There is a focus on what we are trying to do as Republicans through the legislative process, and we want to reduce the tax burdens, to ease the regulatory burdens, and to create jobs so that all of our citizens are able to achieve their economic goals and aspirations.

We also received a letter today that I include in the RECORD from over 145 organizations and over close to 20 State chambers of commerce.

JULY 18, 2017.

Hon. MITCH MCCONNELL,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. PAUL RYAN,  
Speaker, House of Representatives,  
Washington, DC.

Hon. CHUCK SCHUMER,  
Minority Leader, U.S. Senate, Washington, DC.

Hon. NANCY PELOSI,  
Minority Leader, House of Representatives,  
Washington, DC.

DEAR MAJORITY LEADER MCCONNELL,  
SPEAKER RYAN, AND MINORITY LEADERS

SCHUMER AND PELOSI: The undersigned, which represent a diverse group of industries from across the country, write to express our strong support for H.R. 806 and S. 263, the "Ozone Standards Implementation Act of 2017." This legislation provides a common-sense approach for implementing national ambient air quality standards, recognizes ongoing state efforts to improve air quality through a reasonable implementation schedule for the 2015 ozone standards, streamlines the air permitting process for businesses to expand operations and create jobs, and includes other reforms that bring more regulatory certainty to federal air quality standards. Additionally, the undersigned support language including certain elements of H.R. 806 and S. 263 included in the Fiscal Year 2018 Interior, Environment and Related Agencies Appropriations bill.

We have significant concerns that the 2015 ozone standards overlap with existing state plans to implement the 2008 ozone standards, leading to duplicative and wasteful implementation schedules, and unnecessary and severe economic impacts. The new ozone standards were promulgated in October 2015, only months after states received their final guidance from the Environmental Protection Agency (EPA) on how to implement the 2008 ozone standards. This delay was the result of the Obama administration's decision to halt work on the 2008 ozone standards during a 2010-2011 reconsideration period. The EPA, however, did not account for this self-imposed delay when issuing the 2015 ozone standards, thereby imposing duplicative costs and burdens of implementing multiple standards simultaneously. This is particularly wasteful as the EPA itself projects that nearly the entire country would attain the 2015 ozone standards simply by being provided an opportunity to fully implement already-planned measures like their state implementation plans for the 2008 ozone standards. Local economies also face severe impacts, as analysis of data indicates that the 2015 ozone standards could expand nonattainment to more than 950 counties if planned reductions are not allowed time to take effect, subjecting large parts of the country to costly nonattainment control requirements.

Notwithstanding concerns expressed by thousands of elected officials, state agencies, businesses, community groups, and other stakeholders, the EPA issued the 2015 ozone standards without addressing the overlap with the 2008 ozone standards and the enormous impacts that dual implementation would have on limited state resources, permitting, and the economy. It is now up to Congress to address these issues, and that is why we support H.R. 806 and S. 263. By better aligning the 2015 ozone standards with the 2008 ozone standards and their associated emissions reductions, H.R. 806 and S. 263 will help prevent unnecessary nonattainment designations and cost burdens, without sacrificing environmental protection. The legislation's permitting relief and other reforms are also an important step towards national ambient air quality standards that balance environmental protection and economic development.

In sum, H.R. 806 and S. 263 and the related appropriations language provide a common-sense plan that maintains continued air quality improvement without unnecessarily straining state and local economic resources.

We strongly encourage Congress to act quickly on this critical legislation.

Alabama Petroleum Council; Alaska Chamber; Alliance of Automobile Manufacturers; Alliance of Wyoming Manufacturers; Aluminum Association; American Chemistry Council; American Coatings Association; American Coke and Coal Chemicals Institute; American Farm Bureau Federation;

American Forest & Paper Association; American Fuel & Petrochemical Manufacturers; American Iron and Steel Institute; American Petroleum Institute; American Road & Transportation Builders Association (ARTBA); American Wood Council; Anderson Area Chamber of Commerce; Apache Junction Chamber of Commerce; API New York; API Ohio; API South Carolina.

Ardagh Group, Glass North America; Arizona Chamber of Commerce and Industry; Arizona Mining Association; Arkansas Petroleum Council; Ascension Chamber of Commerce; Associated Petroleum Industries of Michigan; Associated Petroleum Industries of Pennsylvania; Association of American Railroads; Baton Rouge Area Chamber; Buckeye Valley Chamber of Commerce; Carefree Cave Creek Chamber of Commerce; Cedar City Area Chamber of Commerce; Chandler Chamber of Commerce; Chemical Industry Council of California; Chemical Industry Council of Illinois; Chemistry Council of New Jersey; Colorado Association of Commerce & Industry; Colorado Oil & Gas Association; Colorado Petroleum Association; Colorado Petroleum Council.

Colorado Wyoming Petroleum Marketers Association; Connecticut Petroleum Council; Consumer Energy Alliance; Consumer Specialty Products Association; Council of Industrial Boiler Owners (CIBO); CVR Energy, Inc.; Delaware Petroleum Council; East Valley Chambers of Commerce Alliance; Fashion Jewelry & Accessories Trade Association; Flexible Packaging Association; Florida Petroleum Council; Fountain Hills Chamber of Commerce; Georgia Chemistry Council; Georgia Petroleum Council; Gilbert Chamber of Commerce; Glass Packaging Institute (GPI); Global Cold Chain Alliance; GPA Midstream Association; Grand Rapids Area Chamber of Commerce; Greater Bakersfield Chamber of Commerce.

Greater Baton Rouge Industry Alliance, Inc.; Greater Cheyenne Chamber of Commerce; Greater Coachella Valley Chamber of Commerce; Greater Flagstaff Chamber of Commerce; Greater North Dakota Chamber of Commerce; Greater Phoenix Chamber of Commerce; Greater Pittsburgh Chamber of Commerce; Illinois Petroleum Council; Independent Petroleum Association of America; Indiana Petroleum Council; Industrial Energy Consumers of America (IECA); Industrial Environmental Association; Industrial Minerals Association—North America; Institute of Makers of Explosives; Institute of Shortening and Edible Oils; Iowa Association of Business and Industry; Kansas Petroleum Council; Kentucky Association of Manufacturers; Kentucky Chamber of Commerce; Kentucky Chemical Industry Council.

Lodi District Chamber of Commerce; Louisiana Association of Business and Industry; Louisiana Chemical Association; Manufacture Alabama; Maryland Petroleum Council; Massachusetts Petroleum Council; Mesa Chamber of Commerce; Michigan Chemistry Council; Minnesota Petroleum Council; Missouri Petroleum Council; National Asphalt Pavement Association; National Association of Chemical Distributors; National Association of Manufacturers; National Cotton Council; National Council of Farmer Cooperatives; National Lime Association; National Mining Association; National Oilseed Processors Association; National Tooling and Machining Association; Nebraska Chamber of Commerce and Industry.

New Jersey Petroleum Council; New Mexico Association of Commerce & Industry; New York State Chemistry Council; North American Die Casting Association; North Carolina Petroleum Council; North Orange County Chamber; Ohio Chamber of Commerce; Ohio Chemistry Technology Council; Oklahoma State Chamber; Oregon Women In

Timber; Owens Illinois, Inc.; Oxnard Chamber of Commerce; Pennsylvania Chamber of Business and Industry; Petroleum Marketers Association of America; Portland Cement Association; Precision Machined Products Association; Precision Metalforming Association; Queen Creek Chamber of Commerce; Rancho Cordova Chamber of Commerce; Roof Coatings Manufacturers Association (RCMA).

Salt Lake Chamber; San Gabriel Valley Economic Partnership; Scottsdale Area Chamber of Commerce; South Carolina Chamber of Commerce; South Carolina Manufacturers Alliance; Tempe Chamber of Commerce; Tennessee Chamber of Commerce & Industry; Tennessee Petroleum Council; Texas Association of Manufacturers; Texas Oil and Gas Association; The Fertilizer Institute; Treated Wood Council; Truck and Engine Manufacturers Association; Tucson Metro Chamber; Tulsa Regional Chamber; U.S. Chamber of Commerce; Utah Petroleum Association; Virginia Chamber of Commerce; Virginia Petroleum Council; West Baton Rouge Chamber of Commerce.

West Virginia Chamber of Commerce; West Virginia Manufacturers Association; West Virginia Petroleum Council; Wisconsin Manufacturers & Commerce; Wisconsin Petroleum Council; Wyoming Petroleum Marketers Association; Yuma County Chamber of Commerce.

Mr. SHIMKUS. If I may, in the middle paragraph it says: "We have significant concerns that the 2015 ozone standards overlap with existing State plans to implement the 2008 ozone standards, leading to duplicative and wasteful implementation schedules, and unnecessary and severe economic impacts. The new ozone standards were promulgated in October of 2015, only months after States received their final guidance from the Environmental Protection Agency on how to implement the 2008 ozone standards."

Mr. Chairman, I couldn't say it any better than that. This is not, as I have said a couple of times, a rolling back of our regulations. This is identifying the fact that 2008 standards were implemented. It took 7 years to do the implementation guidelines, and when those guidelines came out 3 months after that, the Federal Government, through the EPA said, oh, we are going to now ratchet it down 5 more parts per billion, which leads you to believe that people are trying to comply.

Other benefits of this bill address the fact that you could be in the remotest parts of the country and fall against the EPA and ozone standards based upon nothing that you can do. We have communities that are trying to comply, are doing great work, but they are receiving emissions outside of their control. Plus, they will be penalized for that.

So we look forward to continued debates. I know that there have been amendments offered that we will consider.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-26. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Ozone Standards Implementation Act of 2017”.

#### SEC. 2. FACILITATING STATE IMPLEMENTATION OF EXISTING OZONE STANDARDS.

##### (a) DESIGNATIONS.—

(1) DESIGNATION SUBMISSION.—Not later than October 26, 2024, notwithstanding the deadline specified in paragraph (1)(A) of section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)), the Governor of each State shall designate in accordance with such section 107(d) all areas (or portions thereof) of the Governor’s State as attainment, nonattainment, or unclassifiable with respect to the 2015 ozone standards.

(2) DESIGNATION PROMULGATION.—Not later than October 26, 2025, notwithstanding the deadline specified in paragraph (1)(B) of section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)), the Administrator shall promulgate final designations under such section 107(d) for all areas in all States with respect to the 2015 ozone standards, including any modifications to the designations submitted under paragraph (1).

(3) STATE IMPLEMENTATION PLANS.—Not later than October 26, 2026, notwithstanding the deadline specified in section 110(a)(1) of the Clean Air Act (42 U.S.C. 7410(a)(1)), each State shall submit the plan required by such section 110(a)(1) for the 2015 ozone standards.

##### (b) CERTAIN PRECONSTRUCTION PERMITS.—

(1) IN GENERAL.—The 2015 ozone standards shall not apply to the review and disposition of a preconstruction permit application if—

(A) the Administrator or the State, local, or Tribal permitting authority, as applicable, determines the application to be complete on or before the date of promulgation of the final designation of the area involved under subsection (a)(2); or

(B) the Administrator or the State, local, or Tribal permitting authority, as applicable, publishes a public notice of a preliminary determination or draft permit for the application before the date that is 60 days after the date of promulgation of the final designation of the area involved under subsection (a)(2).

(2) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

(A) eliminate the obligation of a preconstruction permit applicant to install best available control technology and lowest achievable emission rate technology, as applicable; or

(B) limit the authority of a State, local, or Tribal permitting authority to impose more stringent emissions requirements pursuant to State, local, or Tribal law than national ambient air quality standards.

#### SEC. 3. FACILITATING STATE IMPLEMENTATION OF NATIONAL AMBIENT AIR QUALITY STANDARDS.

(a) TIMELINE FOR REVIEW OF NATIONAL AMBIENT AIR QUALITY STANDARDS.—

(1) TEN-YEAR CYCLE FOR ALL CRITERIA AIR POLLUTANTS.—Paragraphs (1) and (2)(B) of section 109(d) of the Clean Air Act (42 U.S.C. 7409(d)) are amended by striking “five-year intervals” each place it appears and inserting “10-year intervals”.

(2) CYCLE FOR NEXT REVIEW OF OZONE CRITERIA AND STANDARDS.—Notwithstanding section 109(d) of the Clean Air Act (42 U.S.C. 7409(d)), the Administrator shall not—

(A) complete, before October 26, 2025, any review of the criteria for ozone published under section 108 of such Act (42 U.S.C. 7408) or the national ambient air quality standard for ozone promulgated under section 109 of such Act (42 U.S.C. 7409); or

(B) propose, before such date, any revisions to such criteria or standard.

(b) CONSIDERATION OF TECHNOLOGICAL FEASIBILITY.—Section 109(b)(1) of the Clean Air Act (42 U.S.C. 7409(b)(1)) is amended by inserting after the first sentence the following: “If the Administrator, in consultation with the independent scientific review committee appointed under subsection (d), finds that a range of levels of air quality for an air pollutant are requisite to protect public health with an adequate margin of safety, as described in the preceding sentence, the Administrator may consider, as a secondary consideration, likely technological feasibility in establishing and revising the national primary ambient air quality standard for such pollutant.”.

(c) CONSIDERATION OF ADVERSE PUBLIC HEALTH, WELFARE, SOCIAL, ECONOMIC, OR ENERGY EFFECTS.—Section 109(d)(2) of the Clean Air Act (42 U.S.C. 7409(d)(2)) is amended by adding at the end the following:

“(D) Prior to establishing or revising a national ambient air quality standard, the Administrator shall request, and such committee shall provide, advice under subparagraph (C)(iv) regarding any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such national ambient air quality standard.”.

(d) TIMELY ISSUANCE OF IMPLEMENTING REGULATIONS AND GUIDANCE.—Section 109 of the Clean Air Act (42 U.S.C. 7409) is amended by adding at the end the following:

“(e) TIMELY ISSUANCE OF IMPLEMENTING REGULATIONS AND GUIDANCE.—

“(1) IN GENERAL.—In publishing any final rule establishing or revising a national ambient air quality standard, the Administrator shall, as the Administrator determines necessary to assist States, permitting authorities, and permit applicants, concurrently publish regulations and guidance for implementing the standard, including information relating to submission and consideration of a preconstruction permit application under the new or revised standard.

“(2) APPLICABILITY OF STANDARD TO PRECONSTRUCTION PERMITTING.—If the Administrator fails to publish final regulations and guidance that include information relating to submission and consideration of a preconstruction permit application under a new or revised national ambient air quality standard concurrently with such standard, then such standard shall not apply to the review and disposition of a preconstruction permit application until the Administrator has published such final regulations and guidance.

“(3) RULES OF CONSTRUCTION.—

“(A) Nothing in this subsection shall be construed to preclude the Administrator from issuing regulations and guidance to assist States, permitting authorities, and permit applicants in implementing a national ambient air quality standard subsequent to publishing regulations and guidance for such standard under paragraph (1).

“(B) Nothing in this subsection shall be construed to eliminate the obligation of a preconstruction permit applicant to install best available control technology and lowest achievable emission rate technology, as applicable.

“(C) Nothing in this subsection shall be construed to limit the authority of a State, local, or Tribal permitting authority to impose more stringent emissions requirements pursuant to State, local, or Tribal law than national ambient air quality standards.

“(4) DEFINITIONS.—In this subsection:

“(A) The term ‘best available control technology’ has the meaning given to that term in section 169(3).

“(B) The term ‘lowest achievable emission rate’ has the meaning given to that term in section 171(3).

“(C) The term ‘preconstruction permit’—

“(i) means a permit that is required under this title for the construction or modification of a stationary source; and

“(ii) includes any such permit issued by the Environmental Protection Agency or a State, local, or Tribal permitting authority.”.

(e) CONTINGENCY MEASURES FOR EXTREME OZONE NONATTAINMENT AREAS.—Section 172(c)(9) of the Clean Air Act (42 U.S.C. 7502(c)(9)) is amended by adding at the end the following: “Notwithstanding the preceding sentences and any other provision of this Act, such measures shall not be required for any nonattainment area for ozone classified as an Extreme Area.”.

(f) PLAN SUBMISSIONS AND REQUIREMENTS FOR OZONE NONATTAINMENT AREAS.—Section 182 of the Clean Air Act (42 U.S.C. 7511a) is amended—

(1) in subsection (b)(1)(A)(iii), by inserting “and economic feasibility” after “technological achievability”;:

(2) in subsection (c)(2)(B)(ii), by inserting “and economic feasibility” after “technological achievability”;:

(3) in subsection (e), in the matter preceding paragraph (1)—

(A) by striking “The provisions of clause (ii) of subsection (c)(2)(B) (relating to reductions of less than 3 percent), the provisions of paragraphs” and inserting “The provisions of paragraphs”; and

(B) by striking “, and the provisions of clause (ii) of subsection (b)(1)(A) (relating to reductions of less than 15 percent)”; and

(4) in paragraph (5) of subsection (e), by striking “, if the State demonstrates to the satisfaction of the Administrator that—” and all that follows through the end of the paragraph and inserting a period.

(g) PLAN REVISIONS FOR MILESTONES FOR PARTICULATE MATTER NONATTAINMENT AREAS.—Section 189(c)(1) of the Clean Air Act (42 U.S.C. 7513a(c)(1)) is amended by inserting “, which take into account technological achievability and economic feasibility,” before “and which demonstrate reasonable further progress”.

(h) EXCEPTIONAL EVENTS.—Section 319(b)(1)(B) of the Clean Air Act (42 U.S.C. 7619(b)(1)(B)) is amended—

(1) in clause (i)—

(A) by striking “(i) stagnation of air masses or” and inserting “(i)(I) ordinarily occurring stagnation of air masses or (II)”; and

(B) by inserting “or” after the semicolon;

(2) by striking clause (ii); and

(3) by redesignating clause (iii) as clause (ii).

(i) REPORT ON EMISSIONS EMANATING FROM OUTSIDE THE UNITED STATES.—Not later than 24 months after the date of enactment of this Act, the Administrator, in consultation with States, shall submit to the Congress a report on—

(1) the extent to which foreign sources of air pollution, including emissions from sources located outside North America, impact—

(A) designations of areas (or portions thereof) as nonattainment, attainment, or unclassifiable under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); and

(B) attainment and maintenance of national ambient air quality standards;

(2) the Environmental Protection Agency’s procedures and timelines for disposing of petitions submitted pursuant to section 179B(b) of the Clean Air Act (42 U.S.C. 7509a(b));

(3) the total number of petitions received by the Agency pursuant to such section 179B(b), and for each such petition the date initially submitted and the date of final disposition by the Agency; and

(4) whether the Administrator recommends any statutory changes to facilitate the more efficient review and disposition of petitions submitted pursuant to such section 179B(b).

(j) STUDY ON OZONE FORMATION.—

(1) STUDY.—The Administrator, in consultation with States and the National Oceanic and Atmospheric Administration, shall conduct a study on the atmospheric formation of ozone and effective control strategies, including—

(A) the relative contribution of man-made and naturally occurring nitrogen oxides, volatile organic compounds, and other pollutants in ozone formation in urban and rural areas, including during wildfires, and the most cost-effective control strategies to reduce ozone; and

(B) the science of wintertime ozone formation, including photochemical modeling of wintertime ozone formation, and approaches to cost-effectively reduce wintertime ozone levels.

(2) PEER REVIEW.—The Administrator shall have the study peer reviewed by an independent panel of experts in accordance with the requirements applicable to a highly influential scientific assessment.

(3) REPORT.—The Administrator shall submit to Congress a report describing the results of the study, including the findings of the peer review panel.

(4) REGULATIONS AND GUIDANCE.—The Administrator shall incorporate the results of the study, including the findings of the peer review panel, into any Federal rules and guidance implementing the 2015 ozone standards.

**SEC. 4. APPLICABILITY OF SANCTIONS AND FEES IF EMISSIONS BEYOND CONTROL.**

The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by inserting after section 179B the following new section:

**“SEC. 179C. APPLICABILITY OF SANCTIONS AND FEES IF EMISSIONS BEYOND CONTROL.**

“(a) IN GENERAL.—Notwithstanding any other provision of this Act, with respect to any non-attainment area that is classified under section 181 as severe or extreme for ozone or under section 188 as serious for particulate matter, no sanction or fee under section 179 or 185 shall apply with respect to a State (or a local government or source therein) on the basis of a deficiency described in section 179(a), or the State's failure to attain a national ambient air quality standard for ozone or particulate matter by the applicable attainment date, if the State demonstrates that the State would have avoided such deficiency or attained such standard but for one or more of the following:

“(1) Emissions emanating from outside the nonattainment area.

“(2) Emissions from an exceptional event (as defined in section 319(b)(1)).

“(3) Emissions from mobile sources to the extent the State demonstrates that—

“(A) such emissions are beyond the control of the State to reduce or eliminate; and

“(B) the State is fully implementing such measures as are within the authority of the State to control emissions from the mobile sources.

“(b) NO EFFECT ON UNDERLYING STANDARDS.—The inapplicability of sanctions or fees with respect to a State pursuant to subsection (a) does not affect the obligation of the State (and local governments and sources therein) under other provisions of this Act to establish and implement measures to attain a national ambient air quality standard for ozone or particulate matter.

“(c) PERIODIC RENEWAL OF DEMONSTRATION.—For subsection (a) to continue to apply with respect to a State or local government (or source therein), the State involved shall renew the demonstration required by subsection (a) at least once every 5 years.”.

**SEC. 5. DEFINITIONS.**

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) BEST AVAILABLE CONTROL TECHNOLOGY.—The term “best available control technology” has the meaning given to that term in section 169(3) of the Clean Air Act (42 U.S.C. 7479(3)).

(3) HIGHLY INFLUENTIAL SCIENTIFIC ASSESSMENT.—The term “highly influential scientific assessment” means a highly influential scientific assessment as defined in the publication of the Office of Management and Budget entitled “Final Information Quality Bulletin for Peer Review” (70 Fed. Reg. 2664 (January 14, 2005)).

(4) LOWEST ACHIEVABLE EMISSION RATE.—The term “lowest achievable emission rate” has the meaning given to that term in section 171(3) of the Clean Air Act (42 U.S.C. 7501(3)).

(5) NATIONAL AMBIENT AIR QUALITY STANDARD.—The term “national ambient air quality standard” means a national ambient air quality standard promulgated under section 109 of the Clean Air Act (42 U.S.C. 7409).

(6) PRECONSTRUCTION PERMIT.—The term “preconstruction permit”—

(A) means a permit that is required under title I of the Clean Air Act (42 U.S.C. 7401 et seq.) for the construction or modification of a stationary source; and

(B) includes any such permit issued by the Environmental Protection Agency or a State, local, or Tribal permitting authority.

(7) 2015 OZONE STANDARDS.—The term “2015 ozone standards” means the national ambient air quality standards for ozone published in the Federal Register on October 26, 2015 (80 Fed. Reg. 65292).

**SEC. 6. NO ADDITIONAL FUNDS AUTHORIZED.**

No additional funds are authorized to be appropriated to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 115–229. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

**AMENDMENT NO. 1 OFFERED BY MS. CASTOR OF FLORIDA**

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 115–229.

Ms. CASTOR of Florida. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of section 2, add the following new subsection:

(c) LIMITATION.—This section shall not apply if the Clean Air Scientific Advisory Committee finds that application of subsection (a) could increase (especially for vulnerable populations such as children, seniors, pregnant women, outdoor workers, and minority and low-income communities) any of the following:

(1) Asthma attacks.

(2) Hospitalization and emergency room visits for those with respiratory disease or cardiovascular disease.

(3) The risk of preterm birth, babies born with low birth weight, or impaired fetal growth.

(4) The risk of heart attacks, stroke, or premature death.

(5) Reproductive, developmental, or other serious harms to human health.

The Acting CHAIR. Pursuant to House Resolution 451, the gentlewoman from Florida (Ms. CASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CASTOR of Florida. Mr. Chair, my amendment seeks to ensure that American families aren't forced to pick up the costs of air pollution that should be rightfully borne by polluters. My amendment seeks to protect kids across America, our older neighbors, and the most vulnerable to smog and dirty air.

My amendment says that the Republicans' “Smoggy Skies Act” will not take effect if the EPA Clean Air Scientific Advisory Committee finds negative impacts on individuals with asthma, bronchitis, COPD, and other health conditions, particularly in children and our older neighbors, pregnant women, folks who work outdoors, and those in working-class communities.

Mr. Chairman, Americans value their health and they value America's landmark Clean Air Act. Earlier this year, the American Lung Association released a new poll showing that 61 percent of all Americans support stronger smog standards and clearly oppose this dirty-air policy.

Harold P. Wimmer, national president and CEO of the American Lung Association, said: “More than half of all Americans breathe polluted air, putting them at risk of asthma attacks, respiratory infections, and premature death.”

The public wants clean, healthy air. It is no surprise that American voters strongly support maintaining safeguards to protect their health from the dangers of ozone pollution.

I have seen great improvement in the air quality over my lifetime back home in Tampa, Florida. We have heard in front of our committee and heard from folks through social media, from Democrats and Republicans here today, how much they value clean air and how much progress we have seen. Yet, according to the Florida KIDS COUNT Data book, in 2016, asthma emergency department visits reached over 48,000 in my State, and hospitalizations are in the thousands and thousands. That takes a toll, and it is very costly. Florida is not alone. This affects all Americans.

Mr. Chairman, you might have heard during general debate that I referenced a new, very important study that came out at in the month of June in the New England Journal of Medicine. Here is a press report that summarizes the study.

The title of the story is: “U.S. Air Pollution Still Kills Thousands Every Year, Study Concludes.

“The air Americans breathe has been getting cleaner for decades.

“But air pollution is still killing thousands in the U.S. every year. . . .

“We are now providing bullet-proof evidence that we are breathing harmful air,” says Francesca Dominici, a professor of biostatistics at the Harvard T.H. Chan School of Public Health, who led the study. “Our air is contaminated.”

“Dominici and her colleagues set out to do the most comprehensive study to date assessing the toll that air pollution takes on American lives.

“The researchers used data from Federal air monitoring stations as well as satellites to compile a detailed picture of air pollution down to individual ZIP Codes. They then analyzed the impact of very low levels of air pollution on mortality, using data from 60 million Medicare patients from 2000 to 2012.”

They said: “About 12,000 lives could be saved each year . . . by cutting the level of fine particulate matter nationwide by just 1 microgram per cubic meter of air below current standards.

Dominici said: “It’s very strong, compelling evidence that, currently, the safety standards are not safe enough.”

And yet, Republicans want to take us backwards. They are going to side with polluters over the health of American families, and I think that is wrong.

The proposed rollbacks by the Trump administration and this Republican Congress are simply a costly, dirty air policy. Repealing clean air rules will bring about disastrous health and economic damage to not only the folks I represent back home in Florida, but all across the country.

So let’s be clear. Ozone, or smog, is a corrosive gas that forms when emissions from smokestacks and tailpipes cook in the heat and sunlight. It triggers asthma and other respiratory illnesses. It is very expensive. It is not fair for Republicans to let polluters off the hook and shift costs to hard-working American families.

So if you believe in clean air in our great country, support my amendment. If you believe environmental protection based on science, support my amendment. If you want to stand with American families over polluters who seek shortcuts, support the Castor amendment.

Mr. Chair, I yield back the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Chairman, I appreciate my colleague, and I don’t question her passion and her evaluation of her perception about what we are doing.

But again, as I have said in general debate, nothing in this bill rolls back the 2008 standards; nothing rolls back the 2015 standards. The attempt is to say: Why is it so difficult to believe that we should meet the 2008 standards and give our communities time to do that before we throw on them a new

2015 standard? So that is the basic premise.

This amendment would allow the advisory panel to nullify one of the central provisions of the bill, section 2(a), which allows States to fully implement the 2008 ozone standards for which EPA only issued the implementing regulations in 2015 before turning to 2015.

So EPA says meet the 2008 standards. Delay, delay, delay; don’t know how to do it; no guidelines. 2015 comes, they say meet the 2008 standards; 3 months later, oh, but now we have got 2015 standards we want you to comply with. That is the basic premise of this bill.

□ 1545

Ozone air quality will continue to improve under H.R. 806. Regarding the 2015 standards, the EPA projects the vast majority of U.S. counties will meet the 2015 ozone standards by 2025 just with the rules and programs now in place or underway.

The bill ensures hundreds of counties are on track to meeting the 2015 standards, and that can come into compliance without being subjected to additional regulatory burdens, paper requirements, or restrictions, which will not do anything to improve public health.

The bill also does not limit States from imposing more stringent emission requirements if a State finds that such a condition exists in section 2. Nowhere does the bill authorize States to increase their emissions. This is not about continuing to improve air quality in a manner that doesn’t require the States to duplicate paperwork requirements.

Since 1980, ozone levels have declined 32 percent, and as we talk about in the environmental process, the low-hanging fruit has been picked. It gets more and more difficult as you start reducing the standards time, effort, energy, and technology.

So with the reduction of 32 percent by 1980, the EPA projects air quality “will continue to improve over the next decade as additional reductions in ozone precursors from power plants, motor vehicles, and other sources are realized.”

Nothing in the pending bill prevents these improvements to air quality from being realized.

Mr. Chairman, I urge a “no” vote on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. CASTOR).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. CASTOR of Florida. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. TONKO

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 115-229.

Mr. TONKO. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike subsection (b) of section 3 (relating to consideration of technological feasibility) and make such conforming changes as may be necessary.

The Acting CHAIR. Pursuant to House Resolution 451, the gentleman from New York (Mr. TONKO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. TONKO. Mr. Chair, my amendment strikes subsection (b) of section 3, which would allow the EPA to consider technological feasibility when determining what level of pollution is safe.

Health-based standards are the cornerstone of the Clean Air Act—health-based. The EPA sets NAAQS at levels sufficient to protect the public health, essentially, the level of ambient air pollution that is safe to breathe.

While costs are not considered in establishing these standards, costs can be—and are considered—in developing plans to achieve the necessary pollution reductions to meet the standards.

Unfortunately, H.R. 806, as currently drafted, would change the longstanding criteria for establishing an air quality standard from one that is based solely on protecting public health to one that includes a consideration of the technological feasibility. This issue has been long debated and settled by Congress.

Since passage of the Clean Air Act in 1970, including the 1990 Clean Air Act Amendments, Congress has excluded technological feasibility considerations from standard setting to ensure that public health—and public health alone—would determine the standards for air quality.

In 1970, on the passage of the Clean Air Act, Senator Ed Muskie from Maine said: “The first responsibility of Congress is not the making of technological or economic judgments—or even to be limited by what is or appears to be technologically or economically infeasible. Our responsibility is to establish what the public interest requires to protect the health of persons. This may mean that people and industries will be asked to do what seems to be impossible at present time. But if health is to be protected, these challenges must be met.”

For approaching five decades, that has been the guiding tenet of the Clean Air Act: what is in the betterment of public health.

Guided by this principle, our Nation has experienced a 70 percent reduction in key air pollutants while tripling the size of the economy.

I believe that a great deal of this success can be credited to American innovation. Despite assertions that achieving clean air was not feasible, American ingenuity has consistently risen



to the challenge and made our country the leader in both clean air and clean air technology.

Unquestionably, these standards have driven innovation, creating a thriving domestic pollution control industry.

So I ask my colleagues who are in favor of this measure: What is it about a can-do attitude that you don't get? Why is it that you have a lack of trust in the power of American ingenuity?

Had these standards not been ambitious and focused solely on public health, we may still be relying upon the technology from the 1970s and breathing the poor air quality from that era along with it.

Available technologies cannot and should not determine what we can have in terms of clean air. Let's have the scientific and medical experts guide us, and I have confidence that our engineers and innovators will find that way. The history of those protections that we enjoy has been to set ambitious, but achievable, goals. We have achieved those goals, and we have much cleaner air to show for it. Let's not roll back this process.

Mr. Chair, I reserve the balance of my time.

Mr. OLSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. OLSON. Mr. Chairman, Texans like me believe that facts are little, persistent things. With all due respect to my colleagues on the other side of the aisle, apparently, facts are annoying little things. Here are the facts about section 3(b) of my bill:

Section 3(b) states that if the EPA Administrator, in consultation with the EPA's independent scientific advisory committee, finds a range of levels of air quality that are needed to protect public health with an adequate margin of safety, then "the Administrator may . . ."—the Administrator may, not shall, not must, may—"as a secondary consideration, likely technological feasibility in establishing and revising the national primary ambient air quality standard for this pollutant."

Again, it clearly says may, not shall, not must, but may.

H.R. 806 does not change the Clean Air Act's requirement that standards be based on the protection of public health. Again, H.R. 806 does not change the Clean Air Act's requirement that standards be based on the protection of public health. This bill simply clarifies that the EPA Administrator has the discretion to consider technological feasibility when choosing among a range of levels identified and supported by science as protective of public health.

This is a clarification for all future Administrators—Democrat or Republican—that Congress considers technical feasibility to be a reasonable part of the decisionmaking process with policy choices. These policy choices

must be made among a range of scientifically valid options.

Again, facts are little, persistent things, and these are the facts about section 3(b) of H.R. 806.

Mr. Chairman, I urge a "no" vote on this amendment, and I yield back the balance of my time.

Mr. TONKO. Mr. Chairman, I think the insertion of discretion of the Administrator at the EPA as to the technological and economical availability, achievable qualities being inserted into this bill tells me—my interpretation is that the Administrator may not—the Administrator may not, may not—side with the residents—with the people of this country and their right to breathe clean air.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. TONKO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. TONKO. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

#### AMENDMENT NO. 3 OFFERED BY MR. BEYER

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 115-229.

Mr. BEYER. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike subsection (h) of section 3 (relating to exceptional events).

The Acting CHAIR. Pursuant to House Resolution 451, the gentleman from Virginia (Mr. BEYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. BEYER. Mr. Chairman, my amendment would strike the language that weakens the definition of exceptional events for air quality monitoring data. We know that air quality monitoring data is incredibly important and that Americans value clean air.

I am a businessman, and it is axiomatic that we can't manage what we can't measure.

Just last month, The New England Journal of Medicine published a study that showed long-term exposure to air pollution increases mortality for all Americans, but particularly those that are self-identified as racial minorities or people with low incomes.

That is why the EPA is responsible for setting the National Ambient Air Quality Standards, or NAAQS, for outdoor—ambient—air to protect our public health and the environment.

When States and the EPA identify areas that do not meet the standards,

States prepare their own plans specifying how they will reach attainment in those areas.

States are currently allowed to exclude monitoring data for periods affected by exceptional events—exceptional events like forest fires or unusual weather conditions, volcanos or seismic activities. They can exclude this data from the measurements used to make designation decisions. This is appropriate and it makes sense.

I think volcanos are exceptional. But this bill changes the exceptions provision in dangerous ways. It changes the definition of what qualifies as exceptional. Instead of exceptional, call it routine. Stagnant air, high temperature, or a lack of precipitation are not exceptional events, but they would be considered exceptional by this bill.

We live in Washington, D.C., with a record number of days of high temperatures this summer already. But this fact shouldn't exempt D.C. from keeping accurate NAAQS data.

Pretending that a heat wave is exceptional or that bad air quality is not harmful to people's health doesn't make it so. Climate change, global warming, and more frequent heat waves are likely to be the reality of our Earth today. So weakening this definition means that, by default, over time, States will never need to be in compliance with the NAAQS. They can say it is an exceptional event.

So, frustratingly, by weakening this definition of exceptional events, we nullify the standards altogether.

None of us wants to see the disastrous smog events—think of China and India—erupt here in America. So by supporting this amendment, we keep our commitment to the American people to support clean air. We shouldn't weaken our definition of exceptional events to incorporate everyday air occurrences like heat waves.

If this provision becomes law, it can mean more asthma attacks, cardiovascular and respiratory harm, emergency visits, and even early deaths from ozone pollution. So please support my amendment. It is important that if we have standards that they actually mean something. Exceptional is defined as unusual. Exceptional does not mean typical. Let's keep it that way.

Mr. Chairman, I reserve the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Chairman, under the Clean Air Act, section 319 provides relief to areas that violate National Ambient Air Quality Standards due to unusual or naturally occurring events as that they cannot control.

Section 3(h) would add—and I would argue strengthens the definition—droughts and extraordinary stagnation to the act's definition of an exceptional event.

Let me give you an example. In 2012, there was a major drought in the Midwest. Now, I am from corn country, and

we don't irrigate our corn because we have got great soil, and we have got weather conditions for most of the years that provide plentiful rain for that to happen. But that didn't happen in 2012. It was an extraordinary event. It was a drought.

Now the question is posed: Should we punish the communities for an extraordinary event; i.e., a drought that is out of the control of any human being?

It is an "extraordinary event." This language would provide reasonable relief for States in this condition, particularly those in the Western United States for, as I said, events beyond their control.

Nothing in H.R. 806 does away with the detailed statutory requirements under section 319(h) of the Clean Air Act for demonstrating "an exceptional event." Nor does anything in the bill do away with the detailed regulatory procedures and guidelines that the EPA has laid out for demonstrating exceptional events or the requirements to measure air quality or to make that air quality data available to the public.

□ 1600

This provision simply ensures citizens in areas experiencing unusual or natural occurring events beyond their control do not become subject to penalties or sanctions under the Clean Air Act as a result of those events.

Mr. Chair, I urge a "no" vote on this amendment, and I reserve the balance of my time.

Mr. BEYER. Mr. Chairman, I thank the gentleman for the perspective on corn. As someone who very much respects American agriculture, the worst thing is to have a drought.

Around here, climate change is pretty controversial. We seem to slowly be moving in the recognition that it is real, whether we believe that it is caused by man or not. However, one of the things that we see around the world with climate change is the ever-increasing frequency of droughts.

The existing language in the original bill says that droughts and lack of precipitation are not considered exceptional events. Certainly, if they weren't exceptional before, they are going to be even less exceptional as we move into the future.

I appreciated the debate on the last amendment from my friend, Mr. TONKO, where he talked about the EPA Administrator saying: May, may, may. Well, this is a case where the last thing we want to do is make something like a drought a typical event. It is not going to be exceptional in the years to come.

So, let's preserve these. The EPA Administrator will always have an opportunity in the case of a drought once every 100 years to say that is, in fact, exceptional.

Mr. Chair, I urge adoption of this amendment, and I yield back the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I appreciate my colleague. Again, he was

on the floor when I talked about the great work I do with subcommittee members. Obviously, this is part of the debate where we are agreeing to disagree.

I will just say that air quality standards are put in place so that there are things that we can effect and we can deal with through mobile emissions, as you would probably know about, as stationary sources.

Exceptional events, such as droughts, are out of our control. That is why we think it should be placed into the language. We do believe it strengthens the provision of the law, doesn't weaken it.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. BEYER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BEYER. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 115-229.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Redesignate sections 5 and 6 as sections 6 and 7, respectively.

Insert after section 4 the following:

**SEC. 5. BRINGING REDUCTIONS TO ENERGY'S AIRBORNE TOXIC HEALTH EFFECTS.**

(a) REPEAL OF EXEMPTION FOR AGGREGATION OF EMISSIONS FROM OIL AND GAS SOURCES.—Section 112(n) of the Clean Air Act (42 U.S.C. 7412(n)) is amended by striking paragraph (4).

(b) HYDROGEN SULFIDE AS A HAZARDOUS AIR POLLUTANT.—The Administrator of the Environmental Protection Agency shall—

(1) not later than 180 days after the date of enactment of this Act, issue a final rule adding hydrogen sulfide to the list of hazardous air pollutants under section 112(b) of the Clean Air Act (42 U.S.C. 7412(b)); and

(2) not later than 365 days after a final rule under paragraph (1) is issued, revise the list under section 112(c) of such Act (42 U.S.C. 7412(c)) to include categories and subcategories of major sources and area sources of hydrogen sulfide, including oil and gas wells.

The Acting CHAIR. Pursuant to House Resolution 451, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, since the Republicans are talking about a bill that makes the Clean Air Act work better, even though, in many ways, that is the opposite of what the bill does, I have offered an amendment that will actually

do that. It will make the Clean Air Act work better to keep our air clean so we can breathe more freely, reduce asthma rates, and reduce cancer rates.

My amendment would very simply close a very glaring loophole that our current Clean Air Act has—a loophole that every day harms the freshness of the air and the health of my constituents in my State and so many others across the country.

My amendment, which is based off of legislation that I have introduced, along with many other cosponsors, four times, including in this Congress, called the BREATHE Act, would close the oil and gas industry's loophole to the Clean Air Act's aggregation requirement.

Currently, oil and gas operations, like the one here, are completely exempt from the aggregation requirement in the Clean Air Act. Under the aggregation requirement, small air pollution sources that cumulatively reduce as much air pollution as major sources, like a power plant, are actually rounded out entirely of the protections of the Clean Air Act. Oil and gas is exempt, and they shouldn't be.

While one site like this has emissions that are significant, you can imagine having 20,000 of these in one county, which we do in my home State of Colorado, and that cannot conceivably be rounded down to zero. That is the equivalent of several large power plants. We should look at them in the aggregate, where they are close to one another geographically.

The aggregation requirement is actually intended to protect the public from small air pollution sources that might individually seem innocuous, but cumulatively account for large volumes of toxic substances that are put in the air.

We have areas of Wyoming and northern Colorado that have worse air quality than Los Angeles, not because of one or two or ten extraction sites, but because of tens of thousands within an immediate vicinity.

The oil and gas industry currently does not have to aggregate or pull together its small air pollution sources. They round them down to zero. Rounding one or two down to zero is not an issue. Rounding 20,000 in one county down to zero leads to dirtier air, higher asthma, higher cancer rates.

If we round down every fracking pad to zero in an area where there are 100 of them, zero times 100 is still zero. But if we multiply a small amount of pollutants times 100, that can equal a great deal of pollutants, not to mention times 1,000, times 10,000. This provides a more holistic fix to make sure that our air is clean.

My amendment also adds hydrogen sulfide to the Clean Air Act's Federal List of Hazardous Air Pollutants, which was originally on the list but was, in my opinion, wrongly removed by Congress. The Clean Air Act completely exempts hydrogen sulfide from the list, even though hydrogen sulfide

already has been scientifically associated as the cause of a number of health issues, including nausea; vomiting; headaches; and irritation of the eyes, nose, and throat.

Hydrogen sulfide often may be released from well heads, pumps, piping, storage tanks, and flaring, which is what we are seeing here. In fact, 15 to 20 percent of all natural gas wells emit hydrogen sulfide, even though control technologies are inexpensive and are already deployed to curtail those hydrogen sulfide emissions.

This amendment ensures our oil and gas industry takes the measures that we need to avoid the release of hydrogen sulfide into communities by adding hydrogen sulfide to the List of Hazardous Air Pollutants and by listing oil and gas wells as a source of hydrogen sulfide.

My amendment simply makes the Clean Air Act work better. You can't round something significant down to zero, when you have a lot of them concentrated in a particular area. Of course, there is an impact on air quality from 1,000 or 10,000 wells that operate in one county.

Mr. Chair, I encourage my colleagues to vote "yes" on my amendment, and I reserve the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR (Mr. TIPTON). The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Chairman, the subject of H.R. 806 is criteria pollutants and the National Ambient Air Quality Standards program, not the hazardous air pollutants programs, which my colleague is referring to.

These two programs are addressed under different sections of the Clean Air Act. The whole title is Clean Air Act, but you have one section here dealing with national ambient air quality, and then you have another section on hazardous air aspects, which is what my colleague is trying to address. Criteria pollutants are addressed under section 107 and 110 and part C and D of title 1 of the Clean Air Act, while hazardous air pollutants fall under section 12.

This amendment, moreover, is wholly unrelated to the purpose of H.R. 806, which is to provide State regulators with additional time and flexibility, as we have heard throughout this debate, to implement ozone and other standards for criteria pollutants.

H.R. 806 makes process-related reforms to address practical implementation challenges identified by State regulators. This amendment would make substantive changes relating specifically to regulation of the oil and gas sector.

This amendment would make significant changes to the Clean Air Act that did not receive any Energy and Commerce Committee consideration during the markup of this bill.

The amendment would also circumvent the established regulatory

process for listing new hazardous air pollutants set forth under the Clean Air Act.

Mr. Chair, I urge a "no" vote on this amendment, and I reserve the balance of my time.

Mr. POLIS. Mr. Chair, I would like to point out that the Rules Committee granted the necessary waivers to allow this amendment to be considered, as they often do, and this amendment was also considered in a similar bill last session. That is because it is relevant to the subject matter at hand. The Rules Committee often waives those requirements.

This bill, as he pointed out, does two different things, both appearing in different sections of the Clean Air Act.

My amendment will, very simply, make sure that oil and gas operators play by the same rules as other industries. It doesn't mean that flaring won't occur. It will, and it does. For those of us who live in and around fracking, that is a fact of life. What it means is, whereas, you have the argument the industry has made that if you have one or two of these sites and you round the profile of emissions down to zero, just simply doesn't hold water when you have 1,000 or 10,000 active wells in a very limited area. We can't round that down to zero. It is simple math. The profile of emissions from that site is greater than several large power plants, if you have 10,000 wells.

Mr. Chair, I strongly urge my colleagues to vote "yes" on this amendment, and I yield back the balance of my time.

Mr. SHIMKUS. Mr. Chairman, to my colleague from Colorado, sitting in with the Rules Committee yesterday, the question was asked: Would you accept this amendment or would you not? I said: I appreciate my colleagues on the Rules Committee. They will do the due diligence in agreeing which amendment comes to the floor or not.

So it is good to see the Rules Committee has so much comradery and comity that they would allow someone from the committee to offer an amendment on the bill, but I still have to object because it splits this bill and tries to bring in air issues that are in the hazardous air program and jam it into this one where, basically, what we are trying to do is send a signal and allow communities to meet the 2008 standards before a new 2015 standard gets placed upon them 3 months after they do the implementing guidelines.

It is really a process, a bill that makes it easier for people to comply. It really helps EPA more easily be able to evaluate the data and move us forward to a cleaner environment.

Mr. Chair, I reluctantly hold my position that we should vote against the Polis amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POLIS. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. MCNERNEY

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 115-229.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 6.

The Acting CHAIR. Pursuant to House Resolution 451, the gentleman from California (Mr. MCNERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Mr. Chair, I yield myself such time as I may consume.

Mr. Chairman, this is an easy amendment to argue because it makes so much sense.

I am going to ask to strike section 6 of the bill. Let me read that section: "No additional funds are authorized to be appropriated to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized."

In other words, they are going to be carried out without any funds.

Mr. Chairman, I am going to move forward here and make the statement that the administration and House Republicans continue to add to the EPA's workload while cutting funding and hampering State and local agencies from providing the resources needed to protect public health.

□ 1615

This is surely unreasonable. In the case of H.R. 806, it will continue to obstruct the EPA's ability to advance and improve our Nation's air and water quality. My congressional district has extremely poor air quality, which has caused a variety of health issues for my constituents.

This bill does weaken the Clean Air Act. Specifically, it targets the implementation and enforcement of air pollution health standards. It also negatively impacts the budget for programs necessary to ensure that Americans can breathe the clean air.

This bill is in stark opposition to the public's overwhelming support of the Clean Air Act. According to the Center for American Progress, the Trump administration's EPA budget, which cuts more than \$2 billion from the Agency's budget, shifts the cost of implementing clean air standards to the States. All of these cuts would be harmful to the 649,000 children and more than 2 million adults with asthma living in California.

Every State agency that testified before the Energy and Commerce Subcommittee on the Environment stated

that more, not less, money is needed and that the Clean Air Act was working to protect the public's health and safety.

I represent one of the worst air quality regions in the Nation, the San Joaquin Valley, and yet the San Joaquin Valley air district has been a leader in utilizing EPA grants and expertise to achieve emissions reductions from mobile sources, showing that this funding is beneficial. The valley continues to set emission levels to record lows and has reduced air pollution by over 80 percent. This data proves that the Clean Air Act works and creates a better standard of living for all Americans.

The American Lung Association issued a State of the Air report for 2017 in the State of California. Most of its 28 counties received an F for air quality. We should be striving for better air quality.

Grants like the EPA's Targeted Air Shed Grants and Diesel Emission Reductions Act help thousands of agriculture, trucking, and other businesses acquire low-emitting tractors, trucks, and other equipment. This funding generates jobs and manufacturing here in the United States. These Federal funds have a great track record of benefiting our region, and it is a good investment.

EPA estimates that for every dollar spent on DERA, more than \$20 in health benefits are generated. That is \$20 of health benefits for every dollar invested. All 50 States have these programs.

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

Our States have made tremendous progress and a significant investment toward addressing climate change and public health. However, the Ozone Standards Implementation Act would take a step backward, destroying much of the progress, leading to a greater harm to public health and our economy.

I urge a "yes" vote on this amendment, and I reserve the balance of my time.

Mr. OLSON. Mr. Chair, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. OLSON. Mr. Chair, first of all, I appreciate my colleagues's challenge back in the San Joaquin Valley. It is a very tough place with ozone.

Fresno County is extreme for ozone, the San Joaquin Valley; Kern County is extreme for ozone, the San Joaquin Valley; Kings County is extreme for ozone, the San Joaquin Valley; Madera County is extreme for ozone, the San Joaquin Valley; Merced County is extreme for ozone, the San Joaquin Valley; San Joaquin County is extreme for ozone, the San Joaquin Valley; Stanislaus County is extreme for ozone, the San Joaquin Valley; Tulare County is extreme for ozone, the San

Joaquin Valley. That is a tough problem for your own district in the San Joaquin Valley, but your amendment does not fix this problem in any way.

Under this bill, the amount of resources that EPA needs to review proposed nonattainment designations and approving complex State implementation plans under 2015 ozone standards will be greatly reduced. EPA will do more with less. Therefore, EPA will be able to carry out the new requirements of this bill within existing authorizations, helping out the San Joaquin Valley.

This amendment is unnecessary because the bill will reduce the implementation costs by eliminating redundant and overlapping Federal regulatory requirements. Less red tape means lower implementation costs.

States testified that the bill will reduce the cost of EPA in their existing ozone programs while continuing to improve air quality and reduce ozone emissions. Our States have an excellent track record for cost-effective emission reductions over the last several decades.

The State of Maine sums up the point of this bill exactly, and they have very little ozone problems. The director of Maine's Bureau of Air Quality testified before our committee:

The changes, as proposed, in H.R. 806 to delay final designations under the 2015 standard until 2025 and to extend the timeframe for standard review from 5 to every 10 years, including concurrently published clearly defined implementing regulations, would allow the due process to be followed and fulfilled. This would more effectively and efficiently utilize Federal, State, and individual facility resources to establish a standard and work for the improvement of air quality and the protection of the people of our Nation.

This amendment is unnecessary. I urge my colleagues to oppose it, and I reserve the balance of my time.

Mr. McNERNEY. Mr. Chair, how much time is remaining?

The Acting CHAIR. The gentleman from California has 1 minute remaining, and the gentleman from Texas has 1 minute remaining.

Mr. McNERNEY. Mr. Chair, I appreciate my colleague and friend from Texas pointing out that we have counties in San Joaquin Valley that have extreme ozone problems, but to ask to do more with less is not reasonable. It is the DERA grants given to the counties from the EPA's budget that have allowed the agencies to have the 80 percent reduction in air pollution.

So taking that money away is not going to help. It is going to make matters worse. Our agencies aren't going to be able to do the things that they have been able to do, and they are not going to be able to continue those things. So I think saying that we can't put more money into air pollution reduction is not the answer. We need to be able to spend money to do this.

Mr. Chair, I yield back the balance of my time.

Mr. OLSON. Mr. Chairman, this bill ensures that EPA has the money to

help the San Joaquin Valley and every part of America that is nonattainment for ozone with the funds they need as quickly as possible. EPA will be more and more and more efficient. I urge opposition to this amendment.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. McNERNEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. McNERNEY. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. McNERNEY

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 115-229.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Air and Health Quality Empowerment Zone Designation Act of 2017".

#### SEC. 2. AIR AND HEALTH QUALITY EMPOWERMENT ZONES.

(a) DESIGNATION OF AIR AND HEALTH QUALITY EMPOWERMENT ZONES.—

(1) IN GENERAL.—The Administrator may designate an area as an air and health quality empowerment zone if—

(A) the air pollution control district or other local governmental entity authorized to regulate air quality for the area submits an application under paragraph (2) nominating the area for such designation; and

(B) the Administrator determines that—

(i) the information in the application is reasonably accurate; and

(ii) the nominated area satisfies the eligibility criteria described in paragraph (3).

(2) NOMINATION.—To nominate an area for designation under paragraph (1), the air pollution control district or other local governmental entity authorized to regulate air quality for the area shall submit to the Administrator an application that—

(A) demonstrates that the nominated area satisfies the eligibility criteria described in paragraph (3); and

(B) includes a strategic plan that—

(i) is designed for—

(I) addressing air quality challenges and achieving attainment of air quality standards in the area; and

(II) improving the health of the population in the area;

(ii) describes—

(I) the process by which the district or local governmental entity is a full partner in the process of developing and implementing the strategic plan; and

(II) the extent to which local institutions and organizations have contributed to the planning process;

(iii) identifies—

(I) the amount of State, local, and private resources that will be available for carrying out the strategic plan; and

(II) the private and public partnerships to be used (which may include participation by, and cooperation with, institutions of higher education, medical centers, and other private and public entities) in carrying out the strategic plan;

(iv) identifies the funding requested under any Federal program in support of the strategic plan;

(v) identifies baselines, methods, and benchmarks for measuring the success of the strategic plan; and

(vi) includes such other information as may be required by the Administrator; and

(C) provides written assurances satisfactory to the Administrator that the strategic plan will be implemented.

(3) **ELIGIBILITY CRITERIA.**—To be eligible for designation under paragraph (1), an area must meet all of the following criteria:

(A) **NONATTAINMENT.**—The area has been designated as being—

(i) in extreme nonattainment of the national ambient air quality standard for ozone; and

(ii) in nonattainment of the national ambient air quality standard for PM<sub>2.5</sub>.

(B) **UNIQUE SOURCES.**—The area had—

(i) emissions of oxides of nitrogen from farm equipment of at least 30 tons per day in calendar year 2011;

(ii) emissions of volatile organic compounds from farming operations of at least 3 tons per day in calendar year 2010; or

(iii) emissions of oxides of nitrogen from sources governed primarily through international law of at least 50 tons per day in calendar year 2010.

(C) **AIR QUALITY-RELATED HEALTH EFFECTS.**—As of the date of designation, the area meets or exceeds the national average per capita incidence of asthma.

(D) **ECONOMIC IMPACT.**—As of the date of designation, the area experiences unemployment rates higher than the national average.

(E) **MATCHING FUNDS.**—The air pollution control district or other local governmental entity submitting the strategic plan under paragraph (2) for the area agrees that it will make available (directly or through contributions from the State or other public or private entities) non-Federal contributions toward the activities to be carried out under the strategic plan in an amount equal to \$1 for each \$1 of Federal funds provided for such activities. Such non-Federal matching funds may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

(4) **PERIOD OF DESIGNATION.**—A designation under paragraph (1) shall remain in effect during the period beginning on the date of the designation and ending on the earlier of—

(A) the last day of the tenth calendar year ending after the date of the designation; or

(B) the date on which the Administrator revokes the designation.

(5) **REVOCAION OF DESIGNATION.**—The Administrator may revoke the designation under paragraph (1) of an area if the Administrator determines that—

(A) the area is in attainment with the national ambient air quality standards for PM<sub>2.5</sub> and ozone; or

(B) the air pollution control district or other local governmental entity submitting the strategic plan under paragraph (2) for the area is not complying substantially with, or fails to make progress in achieving the goals of, such strategic plan.

(b) **GRANTS FOR AIR AND HEALTH QUALITY EMPOWERMENT ZONES.**—

(1) **IN GENERAL.**—For the purpose described in paragraph (2), the Administrator may award one or more grants to the air pollution control district or local governmental entity submitting the application under subsection (a)(2) on behalf of each air and health

quality empowerment zone designated under subsection (a)(1).

(2) **USE OF GRANTS.**—A recipient of a grant under paragraph (1) shall use the grant solely for the purpose of carrying out the strategic plan submitted by the recipient under subsection (a)(2).

(3) **AMOUNT OF GRANTS.**—The amount awarded under this subsection with respect to a designated air and health quality empowerment zone shall be determined by the Administrator based upon a review of—

(A) the information contained in the application for the zone under subsection (a)(2); and

(B) the needs set forth in the application for those anticipated to benefit from the strategic plan submitted for the zone.

(4) **TIMING OF GRANTS.**—To the extent and in the amount of appropriations made available in advance, the Administrator shall—

(A) award a grant under this subsection with respect to each air and health quality empowerment zone on the date of designation of the zone under subsection (a)(1); and

(B) make the grant funds available to the grantee on the first day of the first fiscal year that begins after the date of such designation.

(c) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **PM<sub>2.5</sub>.**—The term “PM<sub>2.5</sub>” means particulate matter with a diameter that does not exceed 2.5 micrometers.

### SEC. 3. REPORT TO CONGRESS.

Not later than 5 years after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency—

(1) shall submit a report to the Congress on the impact of this Act; and

(2) may include in such report a description of the impact of this Act in regard to—

(A) the reduction of particulate matter and nitrogen oxides emissions;

(B) the reduction of asthma rates and other health indicators; and

(C) economic indicators.

Amend the title so as to read: “A bill to provide for the designation of, and the award of grant with respect to, air and health quality empowerment zones.”

The Acting CHAIR. Pursuant to House Resolution 451, the gentleman from California (Mr. McNERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. McNERNEY. Mr. Chair, I yield myself such time as I may consume.

Mr. Chairman, H.R. 806 does have a couple of provisions that would be helpful to the air district in my region to avoid economic sanctions for failing to meet certain standards when very specific criteria are met. However, the underlying bill, as a whole, is completely unacceptable and has been called the most irresponsible attack on the Clean Air Act health standards ever introduced.

The Clean Air Act works. It saves lives. It has improved the environment. I am privileged to represent a portion of the San Joaquin Valley which, as was pointed out in the prior amendment, has extreme ozone problems.

We produce more than half of the Nation's fruits, nuts, and vegetables. Unfortunately, the valley has recently been rebounding from an economic

downturn and is continually hurt by poor air quality. Action is needed.

This amendment seeks to address the serious health issues that are a direct result of the poor air quality in the San Joaquin Valley and other regions that are most at risk. The amendment provides a grant program for areas that are in nonattainment of PM 2.5, extreme nonattainment of ambient air quality standards, and those with high rates of asthma and unemployment. It requires a dollar-for-dollar matching from the districts receiving the grant.

California has 7 of the top 10 most polluted metropolitan areas and 11 of the worst 25 nationwide. There are millions of people at risk in the valley and south coast due to high levels of PM 2.5 and ozone, including children, seniors, and those with chronic illnesses. San Joaquin Valley counties received F grades for their air quality by the American Lung Association.

Our kids deserve to be healthy, attend school, and live in a clean air environment. Studies have shown that high-quality air standards would prevent thousands of premature deaths in the valley and that it would work to prevent heart attacks, emergency room visits, and missed school- and work-days.

One study estimated that in the Los Angeles-Long Beach-Glendale area, about 2.9 million people missed work or schooldays and were otherwise negatively affected from conducting normal activities due to poor air quality.

Valley children miss hundreds of thousands of days of school each year, and about one in five living in the valley has asthma. Illnesses related to poor air quality cost the valley billions, annually.

H.R. 806 will be a step backward. That is why I have offered this substitute amendment that would allow the EPA to target and work with our Nation's most affected regions, like those in the valley and the south coast. This is about addressing our environment, the air we breathe, and helping those most at risk.

At the same time, California has been cleaning the air. Its economy has continued to grow. In 2016, California's nonfarm employment increased by 2.6 percent, compared to 1.7 percent nationwide. In 2009, California's clean energy industry created \$2.7 billion and employed 123,000 people. By 2020, we expect it to grow to over \$140 billion with 345,000 employed. California's success is proof that H.R. 806 is unnecessary.

I urge adoption of my amendment, and I reserve the balance of my time.

Mr. SHIMKUS. Mr. Chair, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Chairman, I would like to thank my colleague for his impassioned discussion, especially of his area. We all have a lot of friends here. It is hard for the public to believe I am on both sides of the aisle, so it

saddens me to have to speak in opposition to this amendment.

This is doing, similarly, what I had to address with Congressman POLIS in that it is taking a bill in which we are trying to streamline the processes and then somehow creating a grant program out of the money. I don't know where this money is coming from, whether it is coming from the supposed savings from nonimplementation.

But as my colleague from Texas mentioned, the process, as you followed through the committee, is to say: How do you force people who are just told how to comply with 2008 standards, how do you then turn around and give them 2015 standards when they were just told how to comply 3 months prior?

And so what we have tried to do in this piece of legislation is to say let's allow people to move forward on 2008 while making sure that the 2015 standards occur with a deadline of 2025. That is the basic premise.

And it also addresses the issue of, and I know, there are parts of the country where they can do all that they can do and they are not going to meet the standards because of what is being imported from other regions, maybe, in your case, from Asia or from San Francisco or those areas. So how do you end up punishing an area when they are doing everything that they humanly can do?

There is some great, obviously, statistics that you have shared of the success in that region, although they are still stressed under the current standards.

□ 1630

So your amendment would eliminate the widely supported reforms in this bill. And I read, and we will have submitted for the RECORD, the 145-plus organizations that support it, plus the five or ten that we addressed earlier from the markup, and then really kind of apply only to a few parts of the country versus the entire country as a whole.

Across the Nation, States and communities struggle to implement these standards, and we are trying to streamline that process. This amendment would deprive communities across the Nation of the benefits of H.R. 806. It would reduce red tape, relief from the sanctions and penalties for emissions that are outside their control, as I said earlier, and streamline the implementation of the standards.

Mr. Chair, I appreciate my friend and colleague. I know it is a tough environment we are trying to address, especially some of those concerns.

Mr. Chair, I still urge my colleagues to vote "no," and I reserve the balance of my time.

Mr. MCNERNEY. Mr. Chair, how much time is remaining?

The Acting CHAIR. The gentleman from California has 1½ minutes remaining.

Mr. MCNERNEY. Mr. Chair, clearly everybody wants clean air, and I don't

doubt that for a second, and I appreciate the effort that is being made to streamline the implementation of clean air. But my questions are: Is this going to be a message bill? Or is this something we are actually going to get signed into law?

And my answer rhetorically is that if you want to get something signed into law, you really have to work on both sides of the aisle.

Now, there are a couple provisions in the bill that I think are completely objectionable. There may be room for compromise. The 10-year extension seems out of bounds to me. Technology moves much faster than 10 years. The idea that technical achievability can be taken into account really does lose sight of the important aspect of the Clean Air Act, which is that we want to protect people's health.

So among other things, if you want to actually get something done, if you want to actually work across the aisle and get something that we may get signed into law, work with us. Otherwise, I am going to have to put forward this amendment that replaces the ozone 805 and replaces it with something that actually works.

Mr. Chair, I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I agree with my colleague that this doesn't rise to the standard of the other bills that we will be bringing in a bipartisan manner, and we kind of raised that initially at the beginning. And it is, I think, to both of our losses.

But having said that, my colleague, Congressman OLSON, the author of the bill, did get a couple Democrats to sponsor the primary piece of legislation, and there is a Senate companion bill, S. 263, which we hope will be passed by the Senate. So we are a little more optimistic that this can get over the finish line than Mr. MCNERNEY might be, but, again, we will continue to work together where we can work together, and respectfully disagree when we have disagreements.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCNERNEY).

The amendment was rejected.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 115-229 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Ms. CASTOR of Florida.

Amendment No. 2 by Mr. TONKO of New York.

Amendment No. 3 by Mr. BEYER of Virginia.

Amendment No. 4 by Mr. POLIS of Colorado.

Amendment No. 5 by Mr. MCNERNEY of California.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MS. CASTOR OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. CASTOR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 232, not voting 7, as follows:

[Roll No. 385]

AYES—194

Adams	Foster	McNerney
Aguilar	Frankel (FL)	Meeks
Barragán	Fudge	Meng
Bass	Gabbard	Moore
Beatty	Gallego	Moulton
Bera	Garamendi	Murphy (FL)
Beyer	Gomez	Nadler
Bishop (GA)	Gonzalez (TX)	Neal
Blumenauer	Gottheimer	Nolan
Blunt Rochester	Green, Al	Norcross
Bonamici	Green, Gene	O'Halleran
Boyle, Brendan	Grijalva	O'Rourke
F.	Gutiérrez	Pallone
Brady (PA)	Hanabusa	Panetta
Brown (MD)	Hastings	Pascarell
Brownley (CA)	Heck	Payne
Bustos	Higgins (NY)	Perlmutter
Butterfield	Himes	Peters
Capuano	Hoyer	Pingree
Carbajal	Huffman	Pocan
Cárdenas	Jackson Lee	Poliquin
Carson (IN)	Jayapal	Polis
Cartwright	Jeffries	Price (NC)
Castor (FL)	Johnson (GA)	Quigley
Castro (TX)	Johnson, E. B.	Raskin
Chu, Judy	Jones	Reichert
Cicilline	Kaptur	Rice (NY)
Clark (MA)	Keating	Richmond
Clarke (NY)	Kelly (IL)	Rosen
Clay	Kennedy	Roybal-Allard
Cleaver	Khanna	Ruiz
Clyburn	Kihuen	Ruppersberger
Cohen	Kildee	Rush
Connolly	Kilmer	Ryan (OH)
Conyers	Kind	Sánchez
Cooper	Krishnamoorthi	Sarbanes
Correa	Kuster (NH)	Schakowsky
Costa	Langevin	Schiff
Courtney	Larsen (WA)	Schneider
Crist	Larson (CT)	Schrader
Crowley	Lawrence	Scott (VA)
Cuellar	Lawson (FL)	Scott, David
Davis (CA)	Lee	Serrano
Davis, Danny	Levin	Sewell (AL)
DeFazio	Lewis (GA)	Shea-Porter
DeGette	Lieu, Ted	Sherman
Delaney	Lipinski	Sires
DeLauro	Loebach	Slaughter
DelBene	Lofgren	Smith (WA)
Demings	Lowenthal	Soto
DeSaulnier	Lowe	Speier
Deutch	Lujan Grisham,	Suozzi
Dingell	M.	Swalwell (CA)
Doggett	Luján, Ben Ray	Takano
Doyle, Michael	Lynch	Thompson (CA)
F.	Maloney,	Thompson (MS)
Ellison	Carolyn B.	Titus
Engel	Maloney, Sean	Tonko
Eshoo	Mast	Torres
Españat	Matsui	Tsongas
Esty (CT)	McCollum	Vargas
Evans	McEachin	Veasey
Fitzpatrick	McGovern	Vela



Velázquez  
Visclosky  
Walz

Wasserman  
Schultz  
Waters, Maxine  
Watson Coleman

## NOES—232

Abraham  
Aderholt  
Allen  
Amash  
Amodei  
Arrington  
Babin  
Bacon  
Banks (IN)  
Barletta  
Barr  
Barton  
Bergman  
Biggs  
Bilirakis  
Bishop (MI)  
Bishop (UT)  
Black  
Blackburn  
Blum  
Bost  
Brady (TX)  
Brat  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Buck  
Bucshon  
Budd  
Burgess  
Byrne  
Calvert  
Carter (GA)  
Carter (TX)  
Chabot  
Cheney  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Comer  
Comstock  
Conaway  
Cook  
Costello (PA)  
Cramer  
Crawford  
Culberson  
Curbelo (FL)  
Davidson  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Donovan  
Duffy  
Duncan (SC)  
Duncan (TN)  
Dunn  
Emmer  
Estes (KS)  
Farenthold  
Faso  
Ferguson  
Fleischmann  
Flores  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gaetz  
Gallagher  
Garrett  
Gianforte  
Gibbs

Gohmert  
Goodlatte  
Gosar  
Gowdy  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Griffith  
Grothman  
Guthrie  
Handel  
Harper  
Harris  
Hartzler  
Hensarling  
Herrera Beutler  
Hice, Jody B.  
Higgins (LA)  
Hill  
Holding  
Hollingsworth  
Hudson  
Huizenga  
Hultgren  
Hunter  
Hurd  
Issa  
Jenkins (KS)  
Jenkins (WV)  
Johnson (LA)  
Johnson (OH)  
Johnson, Sam  
Jordan  
Joyce (OH)  
Katko  
Kelly (MS)  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger  
Knight  
Kustoff (TN)  
LaHood  
LaMalfa  
Lamborn  
Lance  
Latta  
Lewis (MN)  
LoBiondo  
Long  
Loudermilk  
Love  
Lucas  
Luetkemeyer  
MacArthur  
Marchant  
Marino  
Marshall  
Massie  
McCarthy  
McCauley  
McClintock  
McHenry  
McKinley  
McMorris  
Rodgers  
McSally  
Meadows  
Meehan  
Messer  
Mitchell  
Moolenaar  
Mooney (WV)  
Mullin  
Murphy (PA)  
Newhouse  
Noem  
Norman

## NOT VOTING—7

Cummings  
Granger  
Labrador

Napolitano  
Pelosi  
Ratcliffe

□ 1704

Messrs. MARSHALL, PERRY, PALMER, MOONEY of West Virginia, Mrs. McMORRIS RODGERS, and Mr. DUFFY changed their vote from “aye” to “no.”

Welch  
Wilson (FL)  
Yarmuth

Nunes  
Olson  
Palazzo  
Palmer  
Paulsen  
Pearce  
Perry  
Peterson  
Pittenger  
Poe (TX)  
Posey  
Reed  
Renacci  
Rice (SC)  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney, Francis  
Rooney, Thomas J.  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Rouzer  
Royce (CA)  
Russell  
Rutherford  
Sanford  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Sinema  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smucker  
Stefanik  
Stewart  
Stivers  
Taylor  
Tenney  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Trott  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walker  
Walorski  
Walters, Mimi  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westerman  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IA)  
Zeldin

Messrs. BUTTERFIELD, SCHRAEDER, POLIS, and HOYER changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 2 OFFERED BY MR. TONKO

The Acting CHAIR (Mr. HULTGREN). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. TONKO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 241, not voting 10, as follows:

[Roll No. 386]

## AYES—182

Adams  
Agullar  
Barragán  
Bass  
Bera  
Beyer  
Blumenauer  
Blunt Rochester  
Bonamici  
Boyle, Brendan F.  
Brady (PA)  
Brown (MD)  
Brownley (CA)  
Bustos  
Butterfield  
Capuano  
Cárbaal  
Cárdenas  
Carlson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu, Judy  
Cicilline  
Clark (MA)  
Clarke (NY)  
Kind  
Krishnamoorthi  
Kuster (NH)  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee  
Levin  
Lewis (GA)  
Lieu, Ted  
Lipinski  
Loeb sack  
Lofgren  
Davis, Danny  
DeFazio  
DeGette  
DeLaney  
DeLauro  
DelBene  
Demings  
DeSaulnier  
Deutch  
Dingell  
Doggett  
Doyle, Michael F.  
Engel  
Eshoo  
Espallat  
Esty (CT)  
Evans  
Faso  
Foster  
Frankel (FL)  
Fudge

Gabbard  
Gallego  
Garamendi  
Gomez  
Green, Al  
Grijalva  
Gutiérrez  
Hanabusa  
Hastings  
Heck  
Higgins (NY)  
Himes  
Hoyer  
Huffman  
Jackson Lee  
Jayapal  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Keating  
Kelly (IL)  
Kennedy  
Khanna  
Kihuen  
Kildee  
Kilmer  
Kind  
Krishnamoorthi  
Kuster (NH)  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee  
Levin  
Lewis (GA)  
Lieu, Ted  
Lipinski  
Loeb sack  
Lofgren  
Davis, Danny  
DeFazio  
DeGette  
DeLaney  
DeLauro  
DelBene  
Demings  
DeSaulnier  
Deutch  
Dingell  
Doggett  
Doyle, Michael F.  
Engel  
Eshoo  
Espallat  
Esty (CT)  
Evans  
Faso  
Foster  
Frankel (FL)  
Fudge

Norcross  
O'Halleran  
O'Rourke  
Pallone  
Panetta  
Pascarella  
Payne  
Perlmutter  
Peters  
Pingree  
Pocan  
Polis  
Price (NC)  
Quigley  
Raskin  
Rice (NY)  
Richmond  
Ros-Lehtinen  
Rosen  
Roybal-Allard  
Ruiz  
Kennedy  
Khanna  
Kihuen  
Kildee  
Kilmer  
Kind  
Krishnamoorthi  
Kuster (NH)  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee  
Levin  
Lewis (GA)  
Lieu, Ted  
Lipinski  
Loeb sack  
Lofgren  
Davis, Danny  
DeFazio  
DeGette  
DeLaney  
DeLauro  
DelBene  
Demings  
DeSaulnier  
Deutch  
Dingell  
Doggett  
Doyle, Michael F.  
Engel  
Eshoo  
Espallat  
Esty (CT)  
Evans  
Faso  
Foster  
Frankel (FL)  
Fudge

Abraham  
Aderholt  
Allen  
Amash  
Amodei  
Arrington  
Babin  
Bacon  
Banks (IN)  
Barletta  
Barr  
Barton  
Bergman  
Biggs  
Bilirakis  
Bishop (GA)  
Bishop (MI)  
Bishop (UT)  
Black  
Blackburn  
Blum  
Bost  
Brady (TX)  
Brat  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Buck  
Bucshon  
Budd  
Burgess  
Byrne  
Calvert  
Carter (GA)  
Carter (TX)  
Chabot  
Cheney  
Cleave  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Comer  
Comstock  
Conaway  
Cook  
Costello (PA)  
Cramer  
Crawford  
Culberson  
Davidson  
Davis, Rodney  
Denham  
Dent  
DeSantis  
Diaz-Balart  
Donovan  
Duffy  
Duncan (SC)  
Duncan (TN)  
Dunn  
Emmer  
Estes (KS)  
Farenthold  
Ferguson  
Fitzpatrick  
Fleischmann  
Flores  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gaetz  
Gallagher  
Garrett  
Gianforte  
Gibbs  
Gohmert  
Gonzalez (TX)

Goodlatte  
Gosar  
Gottheimer  
Gowdy  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Green, Gene  
Griffith  
Grothman  
Guthrie  
Handel  
Harper  
Harris  
Hartzler  
Hensarling  
Herrera Beutler  
Hice, Jody B.  
Higgins (LA)  
Hill  
Holding  
Hollingsworth  
Hudson  
Huizenga  
Hultgren  
Hunter  
Hurd  
Issa  
Jenkins (KS)  
Jenkins (WV)  
Johnson (LA)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce (OH)  
Katko  
Kelly (MS)  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger  
Knight  
Kustoff (TN)  
LaHood  
LaMalfa  
Lamborn  
Lance  
Latta  
Lewis (MN)  
LoBiondo  
Long  
Loudermilk  
Love  
Lucas  
Luetkemeyer  
MacArthur  
Marchant  
Marino  
Marshall  
Massie  
McCarthy  
McCauley  
McClintock  
McHenry  
McKinley  
McMorris  
Rodgers  
McSally  
Meadows  
Meehan  
Messer  
Mitchell  
Moolenaar  
Mooney (WV)  
Mullin  
Murphy (FL)  
Murphy (PA)  
Newhouse  
Noem  
Norman

## NOES—241

Nunes  
Olson  
Palazzo  
Palmer  
Paulsen  
Pearce  
Perry  
Peterson  
Pittenger  
Poe (TX)  
Poliquin  
Posey  
Reed  
Reichert  
Renacci  
Rice (SC)  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney, Francis  
Rooney, Thomas J.  
Roskam  
Ross  
Rothfus  
Rouzer  
Royce (CA)  
Russell  
Rutherford  
Sanford  
Schneider  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Sewell (AL)  
Shimkus  
Shuster  
Simpson  
Sinema  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smucker  
Stefanik  
Stewart  
Stivers  
Taylor  
Tenney  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Trott  
Turner  
Upton  
Valadao  
Walberg  
Walden  
Walker  
Walorski  
Walters, Mimi  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westerman  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IA)  
Zeldin

## NOT VOTING—10

Beatty  
Cummings  
DesJarlais  
Granger

Kaptur  
Labrador  
Napolitano  
Pelosi

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1708

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. BEYER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. BEYER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 235, not voting 7, as follows:

[Roll No. 387]

#### AYES—191

Adams	Gabbard	Nolan
Aguilar	Gallego	Norcross
Barragán	Garamendi	O'Rourke
Bass	Gomez	Pallone
Bera	Gonzalez (TX)	Panetta
Beyer	Gottheimer	Pascarell
Bishop (GA)	Green, Al	Payne
Blumenauer	Grijalva	Pelosi
Blunt Rochester	Gutiérrez	Perlmutter
Bonamici	Hanabusa	Peters
Boyle, Brendan	Hastings	Pingree
F.	Heck	Pocan
Brady (PA)	Higgins (NY)	Polis
Brown (MD)	Himes	Price (NC)
Brownley (CA)	Hoyer	Quigley
Bustos	Huffman	Raskin
Butterfield	Jackson Lee	Rice (NY)
Capuano	Jayapal	Richmond
Carbajal	Jeffries	Ros-Lehtinen
Cárdenas	Johnson (GA)	Rosen
Carson (IN)	Johnson, E. B.	Roybal-Allard
Cartwright	Kaptur	Ruiz
Castor (FL)	Keating	Ruppersberger
Castro (TX)	Kelly (IL)	Rush
Chu, Judy	Kennedy	Ryan (OH)
Cicilline	Khanna	Sánchez
Clark (MA)	Kihuen	Sarbanes
Clarke (NY)	Kildee	Schakowsky
Clay	Kilmer	Schiff
Cleaver	Kind	Schneider
Clyburn	Krishnamoorthi	Schrader
Cohen	Kuster (NH)	Scott (VA)
Connolly	Langevin	Scott, David
Conyers	Larsen (WA)	Serrano
Cooper	Larson (CT)	Sewell (AL)
Correa	Lawrence	Shea-Porter
Courtney	Lawson (FL)	Sherman
Crist	Lee	Sires
Crowley	Levin	Slaughter
Cuellar	Lewis (GA)	Soto
Curbelo (FL)	Lieu, Ted	Speier
Davis (CA)	Lipinski	Stefanik
Davis, Danny	Loeb sack	Suo zzi
DeFazio	Lofgren	Swalwell (CA)
DeGette	Lowenthal	Takano
Delaney	Lowey	Thompson (CA)
DeLauro	Lujan Grisham,	Thompson (MS)
DeBene	M.	Titus
Demings	Luján, Ben Ray	Tonko
Dent	Lynch	Torres
DeSaulnier	Maloney,	Tsongas
Deutch	Carolyn B.	Vargas
Dingell	Maloney, Sean	Veasey
Doggett	Mast	Vela
Doyle, Michael	Matsui	Velázquez
F.	McCollum	Visclosky
Ellison	McEachin	Walz
Engel	McGovern	Wasserman
Eshoo	McNerney	Schultz
Espallat	Meeks	Waters, Maxine
Esty (CT)	Meng	Watson Coleman
Evans	Moore	Welch
Fitzpatrick	Moulton	Wilson (FL)
Foster	Murphy (FL)	Yarmuth
Frankel (FL)	Nadler	
Fudge	Neal	

#### NOES—235

Abraham	Gosar	O'Halleran
Aderholt	Govdy	Olson
Allen	Graves (GA)	Palazzo
Amash	Graves (LA)	Palmer
Amodei	Graves (MO)	Paulsen
Arrington	Green, Gene	Pearce
Babin	Griffith	Perry
Bacon	Grothman	Peterson
Banks (IN)	Guthrie	Pittenger
Barletta	Handel	Poe (TX)
Barr	Harper	Poliquin
Barton	Harris	Posey
Bergman	Hartzler	Ratcliffe
Biggs	Hensarling	Reed
Billrakis	Herrera Beutler	Reichert
Bishop (MI)	Hice, Jody B.	Renacci
Bishop (UT)	Higgins (LA)	Rice (SC)
Black	Hill	Roby
Blackburn	Holding	Roe (TN)
Blum	Hollingsworth	Rogers (AL)
Bost	Hudson	Rogers (KY)
Brady (TX)	Huizenga	Rohrabacher
Brat	Hultgren	Rokita
Bridenstine	Hunter	Rooney, Francis
Brooks (AL)	Hurd	Rooney, Thomas
Brooks (IN)	Issa	J.
Buchanan	Jenkins (KS)	Roskam
Buck	Jenkins (WV)	Ross
Bucshon	Johnson (LA)	Rothfus
Budd	Johnson (OH)	Rouzer
Burgess	Johnson, Sam	Royce (CA)
Byrne	Jones	Russell
Calvert	Jordan	Rutherford
Carter (GA)	Joyce (OH)	Sanford
Carter (TX)	Katko	Schweikert
Chabot	Kelly (MS)	Scott, Austin
Cheney	Kelly (PA)	Sensenbrenner
Coffman	King (IA)	Sessions
Cole	King (NY)	Shimkus
Collins (GA)	Kinzing	Shuster
Collins (NY)	Knight	Simpson
Comer	Kustoff (TN)	Sinema
Comstock	LaHood	Smith (MO)
Conaway	LaMalfa	Smith (NE)
Cook	Lamborn	Smith (NJ)
Costa	Lance	Smith (TX)
Costello (PA)	Latta	Smucker
Cramer	Lewis (MN)	Stewart
Crawford	LoBiondo	Stivers
Culberson	Long	Taylor
Davidson	Loudermilk	Tenney
Davis, Rodney	Love	Thompson (PA)
Denham	Lucas	Thornberry
DeSantis	Luetkemeyer	Tiberi
DesJarlais	MacArthur	Tipton
Diaz-Balart	Marchant	Trott
Donovan	Marino	Turner
Duffy	Marshall	Upton
Duncan (SC)	Massie	Valadao
Duncan (TN)	McCarthy	Wagner
Dunn	McCaul	Walberg
Emmer	McClintock	Walden
Estes (KS)	McHenry	Walker
Farenthold	McKinley	Walorski
Faso	McMorris	Walters, Mimi
Ferguson	Rodgers	Weber (TX)
Fleischmann	McSally	Webster (FL)
Flores	Meadows	Wenstrup
Fortenberry	Meehan	Westernman
Fox	Messer	Williams
Franks (AZ)	Mitchell	Wilson (SC)
Frelinghuysen	Moolenaar	Wittman
Gaetz	Mooney (WV)	Womack
Gallagher	Mullin	Woodall
Garrett	Murphy (PA)	Yoder
Gianforte	Newhouse	Yoho
Gibbs	Noem	Young (AK)
Gohmert	Norman	Young (IA)
Goodlatte	Nunes	Zeldin

#### NOT VOTING—7

Beatty	Labrador	Smith (WA)
Cummings	Napolitano	
Granger	Scalise	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1712

So the amendment was rejected. The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. POLIS

The Acting CHAIR. The unfinished business is the demand for a recorded

vote on the amendment offered by the gentleman from Colorado (Mr. POLIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 242, not voting 5, as follows:

[Roll No. 388]

#### AYES—186

Adams	Gallego	Norcross
Aguilar	Garamendi	O'Halleran
Barragán	Gomez	O'Rourke
Bass	Gottheimer	Pallone
Beatty	Green, Al	Panetta
Bera	Grijalva	Pascarell
Beyer	Gutiérrez	Payne
Bishop (GA)	Hanabusa	Pelosi
Blumenauer	Hastings	Perlmutter
Blunt Rochester	Heck	Peters
Bonamici	Higgins (NY)	Pingree
Boyle, Brendan	Himes	Pocan
F.	Hoyer	Polis
Brady (PA)	Huffman	Price (NC)
Brown (MD)	Jackson Lee	Quigley
Brownley (CA)	Jayapal	Raskin
Bustos	Jeffries	Rice (NY)
Butterfield	Johnson (GA)	Richmond
Capuano	Johnson, E. B.	Rosen
Carbajal	Kaptur	Roybal-Allard
Cárdenas	Keating	Ruiz
Carson (IN)	Kelly (IL)	Ruppersberger
Cartwright	Kennedy	Rush
Castor (FL)	Khanna	Ryan (OH)
Castro (TX)	Kihuen	Sánchez
Chu, Judy	Kildee	Sarbanes
Cicilline	Kilmer	Schakowsky
Clark (MA)	Kind	Schiff
Clarke (NY)	Krishnamoorthi	Schneider
Clay	Kuster (NH)	Schrader
Cleaver	Langevin	Scott (VA)
Clyburn	Larsen (WA)	Scott, David
Cohen	Larson (CT)	Serrano
Connolly	Lawrence	Sewell (AL)
Conyers	Lawson (FL)	Shea-Porter
Cooper	Lee	Sherman
Correa	Levin	Sinema
Courtney	Lewis (GA)	Sires
Crist	Lieu, Ted	Slaughter
Crowley	Lipinski	Smith (WA)
Davis (CA)	Loeb sack	Soto
Davis, Danny	Lofgren	Speier
DeFazio	Lowenthal	Suo zzi
DeGette	Lowey	Swalwell (CA)
Delaney	Lujan Grisham,	Takano
DeLauro	M.	Thompson (CA)
DeBene	Luján, Ben Ray	Thompson (MS)
Demings	Lynch	Titus
DeSaulnier	Maloney,	Tonko
Deutch	Carolyn B.	Torres
Dingell	Maloney, Sean	Tsongas
Doggett	Matsui	Vargas
Doyle, Michael	McCollum	Vela
F.	McEachin	Velázquez
Ellison	McGovern	Visclosky
Engel	McNerney	Walz
Eshoo	Meeks	Wasserman
Espallat	Meng	Schultz
Esty (CT)	Moore	Waters, Maxine
Evans	Moulton	Watson Coleman
Fitzpatrick	Murphy (FL)	Welch
Foster	Nadler	Wilson (FL)
Frankel (FL)	Neal	Yarmuth
Fudge	Nolan	

#### NOES—242

Abraham	Babin	Bergman
Aderholt	Bacon	Biggs
Allen	Banks (IN)	Billrakis
Amash	Barletta	Bishop (MI)
Amodei	Barr	Bishop (UT)
Arrington	Barton	Black

Blackburn  
Blum  
Bost  
Brady (TX)  
Brat  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Buck  
Bucshon  
Budd  
Burgess  
Byrne  
Calvert  
Carter (GA)  
Carter (TX)  
Chabot  
Cheney  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Comer  
Comstock  
Conaway  
Cook  
Costa  
Costello (PA)  
Cramer  
Crawford  
Cuellar  
Culberson  
Curbelo (FL)  
Davidson  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Donovan  
Duffy  
Duncan (SC)  
Duncan (TN)  
Dunn  
Emmer  
Estes (KS)  
Farenthold  
Faso  
Ferguson  
Fitzpatrick  
Fleischmann  
Flores  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gaetz  
Gallagher  
Garrett  
Gianforte  
Gibbs  
Gohmert  
Gonzalez (TX)  
Goodlatte  
Gosar  
Gowdy  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Green, Gene  
Griffith  
Grothman  
Guthrie  
Handel

Harper  
Harris  
Hartzler  
Hensarling  
Herrera Beutler  
Hice, Jody B.  
Higgins (LA)  
Hill  
Holding  
Hollingsworth  
Hudson  
Huizenga  
Hultgren  
Hunter  
Hurd  
Issa  
Jenkins (KS)  
Jenkins (WV)  
Johnson (LA)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce (OH)  
Katko  
Kelly (MS)  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger  
Knight  
Kustoff (TN)  
LaHood  
LaMalfa  
Lamborn  
Lance  
Latta  
Lewis (MN)  
LoBiondo  
Long  
Loudermilk  
Love  
Lucas  
Luetkemeyer  
MacArthur  
Marchant  
Marino  
Marshall  
Massie  
Mast  
McCarthy  
McCaul  
McClintock  
McHenry  
McKinley  
McMorris  
Rodgers  
McSally  
Meadows  
Meehan  
Messer  
Mitchell  
Moolenaar  
Mooney (WV)  
Mullin  
Murphy (PA)  
Newhouse  
Noem  
Norman  
Nunes  
Olson  
Palazzo  
Palmer  
Paulsen  
Pearce  
Perry

Peterson  
Pittenger  
Poe (TX)  
Poliquin  
Posey  
Ratcliffe  
Reed  
Reichert  
Renacci  
Rice (SC)  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney, Francis  
Rooney, Thomas  
J.  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Rouzer  
Royce (CA)  
Russell  
Rutherford  
Sanford  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smucker  
Stefanik  
Stewart  
Stivers  
Taylor  
Tenney  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Trott  
Turner  
Upton  
Valadao  
Veasey  
Wagner  
Walberg  
Walker  
Walorski  
Walters, Mimi  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westerman  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IA)  
Zeldin

## NOT VOTING—5

Cummings  
Granger

Labrador  
Napolitano

Scalise

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1716

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

## AMENDMENT NO. 5 OFFERED BY MR. MCNERNEY

The Acting CHAIR (Mr. WOMACK).  
The unfinished business is the demand  
for a recorded vote on the amendment  
offered by the gentleman from Cali-  
fornia (Mr. MCNERNEY) on which fur-  
ther proceedings were postponed and

on which the noes prevailed by voice  
vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 190, noes 236,  
not voting 7, as follows:

[Roll No. 389]

## AYES—190

Adams  
Agular  
Barragán  
Bass  
Beatty  
Bera  
Beyer  
Bishop (GA)  
Blumenauer  
Blunt Rochester  
Bonamici  
Boyle, Brendan  
F.  
Brady (PA)  
Brown (MD)  
Brownley (CA)  
Bustos  
Butterfield  
Capuano  
Carbajal  
Cárdenas  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu, Judy  
Cicilline  
Clark (MA)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Correa  
Costa  
Courtney  
Crist  
Crowley  
Curbelo (FL)  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Demings  
DeSaulnier  
Deutch  
Dingell  
Doggett  
Doyle, Michael  
F.  
Ellison  
Engel  
Eshoo  
Español  
Esty (CT)  
Evans  
Foster  
Frankel (FL)  
Fudge

Gabbard  
Gallego  
Garamendi  
Gomez  
Gonzalez (TX)  
Gottheimer  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hanabusa  
Hastings  
Heck  
Higgins (NY)  
Himes  
Hoyer  
Huffman  
Jackson Lee  
Jayapal  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Khanna  
Kihuen  
Kildee  
Kilmer  
Kind  
Krishnamoorthi  
Kuster (NH)  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee  
Levin  
Lewis (GA)  
Lieu, Ted  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowe  
Lujan Grisham,  
M.  
Luján, Ben Ray  
Lynch  
Maloney,  
Carolyn B.  
Maloney, Sean  
Matsui  
McCollum  
McEachin  
McGovern  
McNerney  
Meeks  
Meng  
Moore  
Moulton  
Murphy (FL)  
Nadler

Neal  
Nolan  
Norcross  
O'Halleran  
O'Rourke  
Pallone  
Panetta  
Pascarell  
Payne  
Perlmutter  
Peters  
Pingree  
Pocan  
Polis  
Price (NC)  
Quigley  
Raskin  
Rice (NY)  
Richmond  
Ros-Lehtinen  
Rosen  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Soto  
Speier  
Suozi  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Titus  
Tonko  
Torres  
Tsongas  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters, Maxine  
Watson Coleman  
Welch  
Wilson (FL)  
Yarmuth

## NOES—236

Abraham  
Aderholt  
Allen  
Amash  
Amodei  
Arrington  
Babin  
Bacon  
Banks (IN)

Barletta  
Barr  
Barton  
Bergman  
Biggs  
Bilirakis  
Bishop (MI)  
Bishop (UT)  
Black

Buck  
Bucshon  
Budd  
Burgess  
Byrne  
Calvert  
Carter (GA)  
Carter (TX)  
Chabot  
Cheney  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Comer  
Comstock  
Conaway  
Cook  
Costello (PA)  
Cramer  
Crawford  
Cuellar  
Culberson  
Davidson  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Donovan  
Duffy  
Duncan (SC)  
Duncan (TN)  
Dunn  
Emmer  
Estes (KS)  
Farenthold  
Faso  
Ferguson  
Fitzpatrick  
Fleischmann  
Flores  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gaetz  
Gallagher  
Garrett  
Gianforte  
Gibbs  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Griffith  
Grothman  
Guthrie  
Handel  
Harper  
Hartzler  
Hensarling  
Herrera Beutler  
Hice, Jody B.  
Higgins (LA)  
Hill

Holding  
Hollingsworth  
Hudson  
Huizenga  
Hultgren  
Hunter  
Hurd  
Issa  
Jenkins (KS)  
Jenkins (WV)  
Johnson (LA)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Katko  
Kelly (MS)  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger  
Knight  
Kustoff (TN)  
LaHood  
LaMalfa  
Lamborn  
Lance  
Latta  
Lewis (MN)  
LoBiondo  
Long  
Loudermilk  
Love  
Lucas  
Luetkemeyer  
MacArthur  
Marchant  
Marino  
Marshall  
Massie  
Mast  
McCarthy  
McCaul  
McClintock  
McHenry  
McKinley  
McMorris  
Rodgers  
McSally  
Meadows  
Meehan  
Messer  
Mitchell  
Moolenaar  
Mooney (WV)  
Mullin  
Murphy (PA)  
Newhouse  
Noem  
Norman  
Nunes  
Olson  
Palazzo  
Palmer  
Paulsen  
Pearce  
Perry  
Peterson  
Pittenger  
Poe (TX)  
Poliquin

Posey  
Ratcliffe  
Reed  
Reichert  
Renacci  
Rice (SC)  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney, Francis  
Rooney, Thomas  
J.  
Roskam  
Ross  
Rothfus  
Rouzer  
Royce (CA)  
Russell  
Rutherford  
Sanford  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Sinema  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smucker  
Stefanik  
Stewart  
Stivers  
Taylor  
Tenney  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Trott  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walker  
Walorski  
Walters, Mimi  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westerman  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IA)  
Zeldin

## NOT VOTING—7

Cummings  
Granger  
Joyce (OH)

Labrador  
Napolitano  
Pelosi

Scalise

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1720

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

The Acting CHAIR. The question is  
on the amendment in the nature of a  
substitute.

The amendment was agreed to.

The Acting CHAIR. Under the rule,  
the Committee rises.

Accordingly, the Committee rose;  
and the Speaker pro tempore (Mr.  
HULTGREN) having assumed the chair,  
Mr. WOMACK, Acting Chair of the Com-  
mittee of the Whole House on the state

of the Union, reported that that Committee, having had under consideration the bill (H.R. 806) to facilitate efficient State implementation of ground-level ozone standards, and for other purposes, and, pursuant to House Resolution 451, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment in the nature of a substitute.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. CARTWRIGHT. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CARTWRIGHT. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Cartwright moves to recommit the bill H.R. 806 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith, with the following amendment:

At the end of the bill, add the following new section:

#### SEC. 7. LIMITATION.

This Act and the amendments made by this Act shall not apply if the Clean Air Scientific Advisory Committee, in consultation with the Director of the Congressional Budget Office, finds that application of this Act and the amendments made by this Act could increase, with respect to Americans without access to affordable, comprehensive health insurance, any of the following health impacts:

- (1) Asthma attacks.
- (2) Hospitalizations or emergency room visits for those with respiratory or cardiovascular disease.
- (3) The risk of preterm birth, babies born with low birth weight, or impaired fetal growth.
- (4) The risk of heart attacks, stroke, or premature death.
- (5) Reproductive, developmental, or other serious harms to human health.

Mr. CARTWRIGHT (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. CARTWRIGHT. Mr. Speaker, the Ozone Act, or perhaps more accurately, the "Smoggy Skies Act," will put our communities at risk and dangerously harm public health. The delays and exemptions in this act are unprecedented. They will cut critical portions of the Clean Air Act to the detriment of our Nation and our people's health.

This motion to recommit is simple. If the Clean Air Scientific Advisory Com-

mittee, which is an independent group of nationally recognized experts, if they believe that this act will increase asthma attacks, increase emergency room visits, increase pre-term births, increase impaired fetal growth, lead to an increased risk of heart attack, stroke, premature death, then the act will not go into effect.

Now I ask, what is more important or fundamental as the representatives of the people than to ensure that our actions do not bring harm to the American people? How can we go home to our constituents and look a mother in the eye and say we voted for something that could make her child sick? How can we visit a school if we voted for something that could spike rates of asthma?

We originally passed the bipartisan Clean Air Act to protect the health of our people. As we vote to partially dismantle it today, at least we should ensure scientists certify that we are doing no harm to the American people.

Some of my colleagues may vote against this motion to recommit because they already know this act will have a devastating impact on the American people's health. Plain and simple, ozone is a pollutant. It is the leading component of smog. It causes chest pain, shortness of breath, respiratory infections, asthma attacks, acute bronchitis, and even premature death.

Smog is linked to 16,000 preterm births per year. Exposure to ozone in the womb and in childhood causes permanent lung damage. The new ozone standards could prevent 230,000 childhood asthma attacks per year. Delaying implementation of the new ozone standards will only sentence more and more children to lifelong lung disease.

When setting the new ozone standards, the EPA used the best available science and reviewed hundreds of studies on the negative health effects of ozone. One conclusion was clear: the current standards do not protect the American people.

My Republican colleagues here recently passed legislation that would have taken healthcare away from 22 million people. Now we are considering a bill that would make our Nation sicker, a bill that would hurt our most vulnerable: babies, infants, schoolchildren, the elderly.

For good reasons, this bill is opposed by the American Academy of Pediatrics, the American Heart Association, the American Lung Association, the American Public Health Association, the National Association of County and City Health Officials, and many, many more. These experts know that this bill is nothing more than a recipe for increased sickness and more suffering.

We know that people are being harmed by ozone. We have a duty to our citizens to raise the bar and protect their health. This is the people's House. We are here to protect the people. We are here to fight for the most vulnerable among us and not to rep-

resent special interests. We need to be the body to promote health, not take away healthcare. We need to fight for kids, not make them sick. We need to clean our air, not protect polluters.

Mr. Speaker, support this amendment and make sure this bill is not the health catastrophe all the experts know that it is.

Mr. Speaker, I yield back the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, to my colleagues and friends, I appreciate the debate. Those who followed it here, just a couple of points.

The question is: Why are we here today?

In 2008, the EPA established ozone standards, and then it took the EPA 7 years to tell communities how to comply with those 2008 standards. It is the truth. I am just telling you the truth.

Three months later, after they told the communities how to comply, they said: Now we are going to give you 2015 standards.

That is why we are here. We are just here trying to say that if the EPA is going to establish standards, then they ought to say: We are going to give you the guidelines on how to comply now, not 7 years later.

So what this bill does is allow communities to meet the 2008 standards. It doesn't roll back any standards. It says meet the 2008 standards. In fact, we don't even say roll back the 2015 standards. We just say, give the communities time to comply with the 2015 standards.

This motion is a distraction. Let's reject it, and move to pass the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. CARTWRIGHT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 235, not voting 7, as follows:

[Roll No. 390]

#### AYES—191

Adams	Beatty	Blum
Aguilar	Bera	Blumenauer
Barragán	Beyer	Blunt Rochester
Bass	Bishop (GA)	Bonamici

Boyle, Brendan F.	Grijalva	O'Rourke	Jenkins (KS)	Mitchell	Scott, Austin	Cook	Jenkins (WV)	Reed
Brady (PA)	Gutiérrez	Pallone	Jenkins (WV)	Moolenaar	Sensenbrenner	Costa	Johnson (LA)	Renacci
Brown (MD)	Hanabusa	Panetta	Johnson (LA)	Mooney (WV)	Sessions	Costello (PA)	Johnson (OH)	Rice (SC)
Brownley (CA)	Hastings	Pascarell	Johnson (OH)	Mullin	Shimkus	Cramer	Johnson, Sam	Roby
Bustos	Heck	Payne	Johnson, Sam	Murphy (PA)	Shuster	Crawford	Jones	Roe (TN)
Butterfield	Higgins (NY)	Pelosi	Jordan	Newhouse	Simpson	Cuellar	Jordan	Rogers (AL)
Capuano	Himes	Perlmutter	Joyce (OH)	Noem	Smith (MO)	Culberson	Joyce (OH)	Rogers (KY)
Carbajal	Hoyer	Peters	Katko	Norman	Smith (NE)	Davidson	Katko	Rohrabacher
Cárdenas	Huffman	Pingree	Kelly (MS)	Nunes	Smith (NJ)	Davis, Rodney	Kelly (MS)	Rokita
Carson (IN)	Jackson Lee	Pocan	Kelly (PA)	Olson	Smith (TX)	Denham	Kelly (PA)	Rooney, Francis
Cartwright	Jayapal	Polis	King (IA)	Palazzo	Smucker	Dent	King (IA)	Rooney, Thomas J.
Castor (FL)	Jeffries	Price (NC)	King (NY)	Palmer	Stefanik	DeSantis	King (NY)	Roskam
Castro (TX)	Johnson (GA)	Quigley	Kinzinger	Paulsen	Stewart	DesJarlais	Kinzinger	Ross
Chu, Judy	Johnson, E. B.	Raskin	Knight	Pearce	Stivers	Diaz-Balart	Knight	Rothfus
Cicilline	Jones	Rice (NY)	Kustoff (TN)	Perry	Taylor	Donovan	Kustoff (TN)	Rouzer
Clark (MA)	Kaptur	Richmond	LaHood	Peterson	Tenney	Duffy	LaHood	Royce (CA)
Clarke (NY)	Keating	Rosen	LaMalfa	Pittenger	Thompson (PA)	Duncan (SC)	LaMalfa	Russell
Clay	Kelly (IL)	Roybal-Allard	Lamborn	Poe (TX)	Thornberry	Duncan (TN)	Lamborn	Rutherford
Cleaver	Kennedy	Ruiz	Lance	Poliquin	Tiberi	Dunn	Lance	Schweikert
Clyburn	Khanna	Ruiz	Latta	Posey	Tipton	Emmer	Latta	Scott, Austin
Cohen	Kihuen	Rush	Lewis (MN)	Ratcliffe	Trott	Estes (KS)	Lewis (MN)	Sensenbrenner
Connolly	Kildee	Ryan (OH)	LoBiondo	Reed	Turner	Farenthold	Long	Sessions
Conyers	Kilmer	Sánchez	Long	Reichert	Upton	Ferguson	Loudermilk	Shimkus
Cooper	Kind	Sarbanes	Loudermilk	Renacci	Valadao	Fleischmann	Love	Shuster
Correa	Krishnamoorthi	Schakowsky	Love	Rice (SC)	Wagner	Flores	Lucas	Simpson
Costa	Kuster (NH)	Schiff	Lucas	Roby	Walberg	Fortenberry	Luetkemeyer	Smith (MO)
Courtney	Langevin	Schneider	Luetkemeyer	Roe (TN)	Walden	Fox	MacArthur	Smith (NE)
Crist	Larsen (WA)	Schrader	MacArthur	Rogers (AL)	Walker	Franks (AZ)	Marchant	Smith (TX)
Crowley	Larson (CT)	Scott (VA)	Marchant	Rogers (KY)	Walorski	Frelinghuysen	Marino	Smucker
Cuellar	Lawrence	Scott, David	Marino	Rohrabacher	Walters, Mimi	Gaetz	Marshall	Stewart
Davis (CA)	Lawson (FL)	Serrano	Marshall	Rokita	Weber (TX)	Gallagher	Massie	Stivers
Davis, Danny	Lee	Sewell (AL)	Massie	Rooney, Francis	Webster (FL)	Garrett	McCarthy	Taylor
DeFazio	Levin	Shea-Porter	Mast	Rooney, Thomas J.	Wenstrup	Gianforte	McCaul	Tenney
DeGette	Lewis (GA)	Sherman	McCarthy	J.	Westerman	Gibbs	McClintock	Thompson (PA)
Delaney	Lieu, Ted	Sinema	McCaul	Ros-Lehtinen	Williams	Gohmert	McHenry	Thornberry
DeLauro	Lipinski	Sires	McClintock	Roskam	Wilson (SC)	Goodlatte	McKinley	Tiberi
DelBene	Loeb	Slaughter	McHenry	Ross	Wittman	Gosar	McMorris	Tipton
Demings	Lofgren	Smith (WA)	McKinley	Rothfus	Womack	Gowdy	Rodgers	Trott
DeSaulnier	Lowenthal	Soto	McMorris	Rouzer	Woodall	Graves (GA)	McSally	Turner
Deutch	Lowe	Speier	Rodgers	Royce (CA)	Yoder	Graves (LA)	Meadows	Upton
Dingell	M. Lujan Grisham,	Suozi	McSally	Russell	Yoho	Graves (MO)	Meehan	Upton
Doggett	M.	Swalwell (CA)	Meadows	Rutherford	Young (AK)	Griffith	Messer	Valadao
Doyle, Michael F.	Luján, Ben Ray	Takano	Meehan	Sanford	Young (IA)	Grothman	Mitchell	Walberg
Ellison	Lynch	Thompson (CA)	Schweikert	Schweikert	Zeldin	Guthrie	Moolenaar	Walden
Engel	Maloney,	Thompson (MS)				Handel	Mooney (WV)	Walker
Eshoo	Carolyn B.	Titus	Cummings	Napolitano	Welch	Harper	Mullin	Walorski
Espallat	Maloney, Sean	Tonko	Granger	Ruppersberger		Harris	Murphy (PA)	Walorski, Mimi
Esty (CT)	Matsui	Torres	Labrador	Scalise		Hartzler	Newhouse	Weber (TX)
Evans	McColum	Tsongas				Hensarling	Noem	Webster (FL)
Foster	McEachin	Vargas				Herrera Beutler	Norman	Wenstrup
Frankel (FL)	McGovern	Veasey				Hice, Jody B.	Nunes	Westerman
Fudge	McNerney	Vela				Higgins (LA)	Olson	Williams
Gabbard	Meeks	Velázquez				Hill	Palazzo	Wilson (SC)
Gallego	Meng	Visclosky				Holding	Palmer	Wittman
Garamendi	Moore	Walz				Hollingsworth	Paulsen	Womack
Gomez	Moulton	Wasserman				Hudson	Pearce	Woodall
Gonzalez (TX)	Murphy (FL)	Schultz				Huizenga	Perry	Yoder
Gottheimer	Nadler	Waters, Maxine				Hultgren	Peterson	Yoho
Green, Al	Neal	Watson Coleman				Hunter	Pittenger	Young (AK)
Green, Gene	Nolan	Wilson (FL)				Hurd	Poe (TX)	Young (IA)
	Norcross	Yarmuth				Issa	Posey	Zeldin
	O'Halleran					Jenkins (KS)	Ratcliffe	

## NOT VOTING—7

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1736

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. TONKO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 199, not voting 5, as follows:

[Roll No. 391]

## AYES—229

Abraham	Cheney	Foxx	Adams	Correa	Gottheimer
Aderholt	Coffman	Franks (AZ)	Aguilar	Courtney	Green, Al
Allen	Cole	Frelinghuysen	Barragan	Crist	Green, Gene
Amash	Collins (GA)	Gaetz	Bass	Crowley	Grijalva
Amodei	Collins (NY)	Gallagher	Beatty	Curbelo (FL)	Gutiérrez
Arrington	Comer	Garrett	Bera	Davis (CA)	Hanabusa
Babin	Comstock	Gianforte	Beyer	Davis, Danny	Hastings
Bacon	Conaway	Gibbs	Blumenauer	DeFazio	Heck
Banks (IN)	Cook	Gohmert	Blunt Rochester	DeGette	Higgins (NY)
Barletta	Costello (PA)	Goodlatte	Bonamici	Delaney	Himes
Barr	Cramer	Gosar	Boyle, Brendan F.	DeLauro	Hoyer
Barton	Crawford	Gowdy	Brady (PA)	DelBene	Huffman
Bergman	Culberson	Graves (GA)	Brown (MD)	Demings	Jackson Lee
Biggs	Curbelo (FL)	Graves (LA)	Brownley (CA)	DeSaulnier	Jayapal
Bilirakis	Davidson	Graves (MO)	Bustos	Deutch	Jeffries
Bishop (MI)	Davis, Rodney	Griffith	Butterfield	Dingell	Johnson (GA)
Bishop (UT)	Denham	Grothman	Capuano	Doggett	Johnson, E. B.
Black	Dent	Guthrie	Carbajal	Doyle, Michael F.	Kaptur
Blackburn	DeSantis	Handel	Cárdenas	Ellison	Keating
Bost	DesJarlais	Harper	Carson (IN)	Engel	Kelly (IL)
Brady (TX)	Donovan	Harris	Cartwright	Eshoo	Kennedy
Brat	Duffy	Hartzler	Castor (FL)	Espallat	Khanna
Bridenstine	Duncan (SC)	Hensarling	Castro (TX)	Esty (CT)	Kihuen
Brooks (AL)	Duncan (TN)	Herrera Beutler	Chu, Judy	Evans	Kildee
Brooks (IN)	Dunn	Hice, Jody B.	Cicilline	Faso	Kilmer
Buchanan	Emmer	Higgins (LA)	Clark (MA)	Fitzpatrick	Kind
Buck	Estes (KS)	Hill	Clarke (NY)	Foster	Krishnamoorthi
Bucshon	Farenthold	Holding	Clay	Frankel (FL)	Kuster (NH)
Budd	Faso	Hollingsworth	Cleaver	Fudge	Langevin
Burgess	Ferguson	Hudson	Clyburn	Gabbard	Larsen (WA)
Byrne	Fitzpatrick	Huizenga	Cohen	Gallego	Larson (CT)
Calvert	Fleischmann	Hultgren	Connolly	Garamendi	Lawrence
Carter (GA)	Flores	Hunter	Conyers	Gomez	Lawson (FL)
Carter (TX)	Fortenberry	Issa	Cooper	Gonzalez (TX)	Lee
Chabot					Levin

## NOES—235

## NOES—199

Lewis (GA)	Panetta	Sewell (AL)
Lieu, Ted	Pascrell	Shea-Porter
Lipinski	Payne	Sherman
LoBiondo	Pelosi	Sinema
Loeback	Perlmutter	Sires
Lofgren	Peters	Slaughter
Lowenthal	Pingree	Smith (NJ)
Lowe	Pocan	Smith (WA)
Lujan Grisham,	Poliquin	Soto
M.	Polis	Speier
Lujan, Ben Ray	Price (NC)	Stefanik
Lynch	Quigley	Suozi
Maloney,	Raskin	Swalwell (CA)
Carolyn B.	Reichert	Takano
Maloney, Sean	Rice (NY)	Thompson (CA)
Mast	Richmond	Thompson (MS)
Matsui	Ros-Lehtinen	Titus
McCollum	Rosen	Tonko
McEachin	Roybal-Allard	Torres
McGovern	Ruiz	Tsongas
McNerney	Ruppersberger	Vargas
Meeks	Rush	Veasey
Meng	Ryan (OH)	Vela
Moore	Sanchez	Velázquez
Moulton	Sanford	Visclosky
Murphy (FL)	Sarbanes	Walz
Nadler	Schakowsky	Wasserman
Neal	Schiff	Schultz
Nolan	Schneider	Waters, Maxine
Norcross	Schrader	Watson Coleman
O'Halleran	Scott (VA)	Welch
O'Rourke	Scott, David	Wilson (FL)
Pallone	Serrano	Yarmuth

## NOT VOTING—5

Cummings	Labrador	Scalise
Granger	Napolitano	

□ 1743

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mrs. NAPOLITANO. Mr. Speaker, I was absent during rollcall votes No. 385, No. 386, No. 387, No. 388, No. 389, No. 390, and No. 391 due to my spouses's health situation in California. Had I been present, I would have voted "yea" on the Castor Amendment. I would have also voted "yea" on the Tonko Amendment. I would have also voted "yea" on the Beyer Amendment. I would have also voted "yea" on the Polis Amendment. I would have also voted "yea" on the McNerney Amendment 5. I would have also voted "yea" on the Democratic Motion to Recommit H.R. 806. I would have also voted "nay" on the Final Passage of H.R. 806—Ozone Standards Implementation Act of 2017.

## REPORT ON H.R. 3280, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2018

Mr. GRAVES of Louisiana, from the Committee on Appropriations, submitted a privileged report (Rept. No. 115-234) on the bill (H.R. 3280) making appropriations for financial services and general government for the fiscal year ending September 30, 2018, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. BANKS of Indiana). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2910, PROMOTING INTER-AGENCY COORDINATION FOR REVIEW OF NATURAL GAS PIPELINES ACT; PROVIDING FOR CONSIDERATION OF H.R. 2883, PROMOTING CROSS-BORDER ENERGY INFRASTRUCTURE ACT; PROVIDING FOR CONSIDERATION OF H.R. 218, KING COVE ROAD LAND EXCHANGE ACT; AND FOR OTHER PURPOSES

Ms. CHENEY, from the Committee on Rules, submitted a privileged report (Rept. No. 115-235) on the resolution (H. Res. 454) providing for consideration of the bill (H.R. 2910) to provide for Federal and State agency coordination in the approval of certain authorizations under the Natural Gas Act, and for other purposes; providing for consideration of the bill (H.R. 2883) to establish a more uniform, transparent, and modern process to authorize the construction, connection, operation, and maintenance of international border-crossing facilities for the import and export of oil and natural gas and the transmission of electricity; providing for consideration of the bill (H.R. 218) to provide for the exchange of Federal land and non-Federal land in the State of Alaska for the construction of a road between King Cove and Cold Bay; and for other purposes, which was referred to the House Calendar and ordered to be printed.

## MOMENT OF SILENCE HONORING OFFICER MIOSOTIS FAMILIA AND STATE TROOPER JOEL DAVIS

(Mr. ESPAILLAT asked and was given permission to address the House for 1 minute.)

Mr. ESPAILLAT. Mr. Speaker, it is with both sadness and pride that I rise today to honor the memory of a leader, a hard worker, and an outstanding member of our community, Police Officer Miosotis Familia.

Officer Familia served in the New York City Police Department for 12 years. She grew up in Washington Heights, a neighborhood that I represent in Manhattan. On the Fourth of July, her life was tragically taken in an act of violence.

Her mother, Adriana, was one of her best friends, and the two constantly spent time together. Officer Familia had three children of her own, Genesis, Delilah, and Peter. She gave them all the love her mother had given her in the past.

Today, Officer Familia's legacy lives on through her family, the police officers of the 42nd precinct, and all her loved ones, including all New Yorkers.

My New York colleagues and I stand here on the House floor to salute the memory and the legacy of Officer Miosotis Familia, as well as other officers who have been killed in the line of duty—including State Trooper Joel Davis, who, about a week ago, was also tragically killed in upstate New York.

I now invite my colleagues to join me in a moment of silence in their honor.

## RECOGNIZING SCOTT WALDRUP

(Mr. CARTER of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER of Georgia. Mr. Speaker, I rise today to recognize Mr. Scott Waldrup who was a victim of violent crime during the Fourth of July festivities in Savannah, Georgia.

A Cary, North Carolina, native, Mr. Waldrup came to Savannah in 2011 to join the city's booming food service industry. He tirelessly worked in the industry until he became the general manager at one of Savannah's most popular restaurants, The Grey.

Mr. Waldrup certainly never knew a stranger. His family and friends described him as being adventurous and bold, yet caring and selfless.

During the violence in Savannah that night, Mr. Waldrup selflessly helped others to safety until he was hit by the gunman's car during a police chase to apprehend the criminal. By all accounts, Mr. Waldrup was a hero.

I wish his family, his friends, and his coworkers the best during this very, very difficult time. I will certainly be thinking about all of them.

I encourage others to learn from Mr. Waldrup's example and hope his life serves as a reminder of the tragedies involved in violent crime and deter others from acting violently and recklessly.

## RECOGNIZING BINGHAMTON RUMBLE PONIES

(Ms. TENNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TENNEY. Mr. Speaker, I rise today to recognize the Binghamton Rumble Ponies, the Double-A affiliate of the New York Mets, who recently invited me to throw out the first pitch at their Fourth of July celebration.

Previously known as the Binghamton Mets, this is the first season that the Rumble Ponies have galloped onto the field at NYSEG Stadium with their new name.

Binghamton, New York, has the unique distinction of being the carousel capital of the world. While there are fewer than 170 antique carousels in the United States and Canada, 6 of them are in Binghamton and the surrounding region. It is this proud local distinction to which the Rumble Ponies owe their name.

I also had the pleasure of watching the game with Jeff Wilpon, the owner of the New York Mets. I know I speak for everyone in the Southern Tier when I say that it is time to "Saddle up for Funn."