Act, H.R. 2401. This bill provides a commonsense approach that addresses a series of EPA regulations that will cost jobs and cripple our Nation's economy.

TRAIN requires a commission simply to study the cumulative impact of EPA's regulations, but it would also delay two incredibly expensive regulations—the Utility MACT rule and the Cross-State Air Pollution Rule. The impact of these two EPA regulations on Kansas would be enormous.

The Sunflower Electric Cooperative has been trying to build an 895-megawatt coal plant in Holcomb, Kansas, for years. Holcomb 2 will increase our Nation's energy supply, utilizing environmental controls to reduce air missions. It's a win-win that is good for jobs for Kansas, good for the economy, and good for the environment.

But now this project is in serious jeopardy because of these EPA rules. The Kansas Attorney General has now stepped in, filing a lawsuit in the D.C. Court of Appeals trying to slow down and stop this rule because it will be physically impossible for Kansas utilities to comply with these rules.

The problems in Kansas are the same problems all Americans face because of EPA's refusal to consider the real economic costs of these regulations. Passing the TRAIN Act saves jobs. Let's do it.

THE GREATEST CHALLENGE

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, let's talk about things that we can agree on.

We can agree that the greatest challenge that faces all of us today is to stop the erosion of public confidence. We can also agree that public confidence is critical because that's what is really going to kick-start our economy. We can also agree that when you talk to the people in our various districts, what are they most concerned about? They're concerned about jobs. Because what do jobs represent? They represent the security that they need to provide for the most important part of their life, their families.

We can also agree that if there is a plan out there that can add to GDP 2 percent, add at least 2 million jobs, cut unemployment by 1 percent, that that's a plan we should consider. We can also agree that we want to put teachers, firefighters, and first responders back to work, and that we want to build infrastructure so we can be the greatest country that we've always been. And we can also agree that we want tax cuts for employees and employers.

So what's the problem, Mr. Speaker? Is the problem that this is the President's plan? That shouldn't be the problem. Let's get it together and let's work for the people of this great Nation.

TRANSPARENCY IN REGULATORY ANALYSIS OF IMPACTS ON THE NATION ACT OF 2011

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2401.

The SPEAKER pro tempore (Mr. WOMACK). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 406 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2401.

□ 0920

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 further consideration of the bill (H.R. 2401) to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes, with Mr. DOLD (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, September 22, 2011, all time for general debate pursuant to House Resolution 406 had expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

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

H.R. 2401

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 ''Transparency in Regulatory Analysis of Impacts on the Nation Act of 2011''.

SEC. 2. COMMITTEE FOR THE CUMULATIVE ANALYSIS OF REGULATIONS THAT IMPACT ENERGY AND MANUFACTURING IN THE UNITED STATES.

(a) ESTABLISHMENT.—The President shall establish a committee to be known as the Committee for the Cumulative Analysis of Regulations that Impact Energy and Manufacturing in the United States (in this Act referred to as the ''Committee'') to analyze and report on the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, in accordance with sections 3 and 4.

(b) MEMBERS.—The Committee shall be composed of the following officials (or their designees):

(1) The Secretary of Agriculture, acting through the Chief Economist.

(2) The Secretary of Commerce, acting through the Chief Economist and the Under Secretary for International Trade.

(3) The Secretary of Labor, acting through the Commissioner of the Bureau of Labor Statistics.

(4) The Secretary of Energy, acting through the Administrator of the Energy Information Administration.

(5) The Secretary of the Treasury, acting through the Deputy Assistant Secretary for Environment and Energy of the Department of the Treasury.

(6) The Administrator of the Environmental Protection Agency.

(7) The Chairman of the Council of Economic Advisors.

(8) The Chairman of the Federal Energy Regulatory Commission.

(9) The Administrator of the Office of Information and Regulatory Affairs.

(10) The Chief Counsel for Advocacy of the Small Business Administration.

(11) The Chairman of the United States International Trade Commission, acting through the Office of Economics.

(c) CHAIR.—The Secretary of Commerce shall serve as Chair of the Committee. In carrying out the functions of the Chair, the Secretary of Commerce shall consult with the members serving on the Committee pursuant to paragraphs (5) and (11) of subsection (b).

(d) CONSULTATION.—In conducting analyses under section 3 and preparing reports under section 4, the Committee shall consult with, and consider pertinent reports issued by, the Electric Reliability Organization certified under section 215(c) of the Federal Power Act (16 U.S.C. 824o(c)).

(e) TERMINATION.—The Committee shall terminate 60 days after submitting its final report pursuant to section 4(c).

SEC. 3. ANALYSES.

(a) SCOPE.—The Committee shall conduct analyses, for each of the calendar years 2016, 2020, and 2030, of the following:

(1) The cumulative impact of covered rules that are promulgated as final regulations on or before January 1, 2012, in combination with covered actions.

(2) The cumulative impact of all covered rules (including covered rules that have not been promulgated as final regulations on or before January 1, 2012), in combination with covered actions.

(3) The incremental impact of each covered rule not promulgated as a final regulation on or before January 1, 2012, relative to an analytic baseline representing the results of the analysis conducted under paragraph (1).

(b) CONTENTS.—The Committee shall include in each analysis conducted under this section the following:

(1) Estimates of the impacts of the covered rules and covered actions with regard to—

(A) the global economic competitiveness of the United States, particularly with respect to energy intensive and trade sensitive industries;

(B) other cumulative costs and cumulative benefits, including evaluation through a general equilibrium model approach;

(C) any resulting change in national, State, and regional electricity prices;

(D) any resulting change in national, State, and regional fuel prices;

(E) the impact on national, State, and regional employment during the 5-year period beginning on the date of enactment of this Act, and also in the long term, including secondary impacts associated with increased energy prices and facility closures; and

(F) the reliability and adequacy of bulk power supply in the United States.

(2) Discussion of key uncertainties and assumptions associated with each estimate.

(3) A sensitivity analysis.

(4) Discussion, and where feasible an assessment, of the cumulative impact of the covered rules and covered actions on—

(A) consumers;

(B) small businesses;

(C) regional economies;

(D) State, local, and tribal governments;

(E) local and industry-specific labor markets; and

(F) agriculture,

as well as key uncertainties associated with each topic.

(c) METHODS.—In conducting analyses under this section, the Committee shall use the best available methods, consistent with guidance from the Office of Information and Regulatory Affairs and the Office of Management and Budget Circular A–4.

(d) DATA.—In conducting analyses under this section, the Committee—

(1) shall use the best data that are available to the public or supplied to the Committee by its members, including the most recent such data appropriate for this analysis representing air quality, facility emissions, and installed controls; and

(2) is not required to create data or to use data that are not readily accessible.

(e) COVERED RULES.—In this section, the term ''covered rule'' means the following:

(1) The following published rules (including any successor or substantially similar rule):

(A) ''Federal Implementation Plans To Reduce Interstate Transport of Fine Particulate Matter and Ozone'', published at 75 Fed. Reg. 45210 (August 2, 2010).

(B) ''National Ambient Air Quality Standards for Ozone'', published at 75 Fed. Reg. 2938 (January 19, 2010).

(C) ''National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters'', published at 76 Fed. Reg. 15608 (March 21, 2011).

(D) ''National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers'', published at 76 Fed. Reg. 15554 (March 21, 2011).

(E) ''National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units'', signed by Administrator Lisa P. Jackson on March 16, 2011.

(F) ''Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities'', published at 75 Fed. Reg. 35127 (June 21, 2010).

(G) ''Primary National Ambient Air Quality Standard for Sulfur Dioxide'', published at 75 Fed. Reg. 35520 (June 22, 2010).

(H) ''Primary National Ambient Air Quality Standards for Nitrogen Dioxide'', published at 75 Fed. Reg. 6474 (February 9, 2010).

(2) The following additional rules or guidelines promulgated on or after January 1, 2009:

(A) Any rule or guideline promulgated under section 111(b) or 111(d) of the Clean Air Act (42 U.S.C. 7411(b), 7411(d)) to address climate change.

(B) Any rule or guideline promulgated by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency under or as the result of section 169A or 169B of the Clean Air Act (42 U.S.C. 7491, 7492).

(C) Any rule establishing or modifying a national ambient air quality standard under section 109 of the Clean Air Act (42 U.S.C. 7409).

(f) COVERED ACTIONS.—In this section, the term ''covered action'' means any action on or after January 1, 2009, by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency as a result of the application of part C of title I (relating to prevention of significant deterioration of air quality) or title V (relating to permitting) of the Clean Air Act (42 U.S.C. 7401 et seq.), if such application occurs with respect to an air pollutant that is identified as a greenhouse gas in ''Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act'', published at 74 Fed. Reg. 66496 (December 15, 2009).

SEC. 4. REPORTS; PUBLIC COMMENT.

(a) PRELIMINARY REPORT.—Not later than January 31, 2012, the Committee shall make public and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a preliminary report containing the results of the analyses conducted under section 3.

(b) PUBLIC COMMENT PERIOD.—The Committee shall accept public comments regarding the preliminary report submitted under subsection (a) for a period of 90 days after such submission.

(c) FINAL REPORT.—Not later than August 1, 2012, the Committee shall submit to Congress a final report containing the analyses conducted under section 3, including any revisions to such analyses made as a result of public comments, and a response to such comments.

SEC. 5. REGULATORY DEFERRAL OF CERTAIN RULES.

(a) NO FINAL ACTION.—The Administrator of the Environmental Protection Agency shall not take final action with respect to the rule listed in subparagraph (E) of section 3(e)(1) (relating to national emission standards and standards of performance for certain electric generating units) until a date (to be determined by the Administrator) that is at least 6 months after the day on which the Committee submits the final report under section 4(c).

(b) RULES FINALIZED PRIOR TO ENACTMENT.—Notwithstanding the final action taken with respect to the rule listed in subparagraph (A) of section 3(e)(1) (relating to Federal implementation plans to reduce interstate transport of fine particulate matter and ozone) and final action (if any) taken with respect to the rule listed in subparagraph (E) of section 3(e)(1) prior to the date of the enactment of this Act—

(1) such final action shall not be or become, as applicable, effective until a date (to be determined by the Administrator) that is at least 6 months after the day on which the Committee submits the final report under section 4(c); and

(2) the date for compliance with any standard or requirement in either such finalized rule, and any date for further regulatory action triggered by either such finalized rule, shall be delayed by a period equal to the period—

(A) beginning on the date of the publication of the final action for the respective finalized rule; and

(B) ending on the date on which such final action becomes effective pursuant to paragraph (1).

(c) APPLICABILITY OF CLEAN AIR INTERSTATE RULE DURING INTERIM PERIOD.—Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall continue to implement the Clean Air Interstate Rule and the rule establishing Federal Implementation Plans for the Clean Air Interstate Rule as promulgated and modified by the Administrator of the Environmental Protection Agency (70 Fed. Reg. 25162 (May 12, 2005), 71 Fed. Reg. 25288 (April 28, 2006), 71 Fed. Reg. 25328 (April 28, 2006), 72 Fed. Reg. 59190 (Oct. 19, 2007), 72 Fed. Reg. 62338 (Nov. 2, 2007), 74 Fed. Reg. 56721 (Nov. 3, 2009)) until the date on which final action with respect to the rule listed in subparagraph (A) of section 3(e)(1) becomes effective pursuant to subsection (b)(1).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this Act for fiscal year 2012—

(1) $3,000,000 to the Department of Commerce, of which not more than $2,000,000 shall be for carrying out section 3; and

(2) $500,000 to the Environmental Protection Agency.

(b) OFFSET.—Effective October 1, 2011, section 797(a) of the Energy Policy Act of 2005, as amended by section 2(e) of the Diesel Reduction Act of 2010 (Public Law 111–364), is amended—

(1) by striking ''2012'' and inserting ''2013''; and

(2) by inserting ''$46,000,000 for fiscal year 2012 and'' after ''to carry out this subtitle''.

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in House Report 112–213. 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 MR. WELCH

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–213.

Mr. WELCH. I seek to offer the amendment of Mr. RUSH of Illinois as his designee.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 2(b)(3), insert ''and the Deputy Secretary of Labor'' before the period.

In section 2(b)(4), insert ''and the Deputy Secretary of Energy'' before the period.

At the end of section 2(b), add the following:

(12) The Chair of the Council on Environmental Quality.

(13) The Secretary of the Interior.

(14) The Secretary of Health and Human Services.

(15) The Director of the Centers for Disease Control and Prevention.

(16) The Director of the National Institute of Environmental Health Sciences.

Amend section 2(c) to read as follows:

(c) CHAIR.—The Secretary of Commerce and the Chair of the Council on Environmental Quality shall serve as co-chairs of the Committee. In carrying out the functions of the Chair, the co-chairs shall consult with the members of the Committee.

In section 2(d), insert ''stakeholders and relevant experts, including'' after ''reports issued by,''.

In section 3(b)(1), insert after subparagraph (D) the following (and redesignate accordingly):

(E) any resulting change in the incidences of asthma and asthma attacks and other pulmonary disease;

(F) any resulting change in the occurrence of birth and developmental defects;

(G) any resulting change in the occurrence of premature mortality;

(H) any resulting change in the occurrence of other adverse health effects;

(I) the effect on clean energy jobs;

(J) the effect on clean energy companies, including companies that export clean energy technology;

(K) the effect on regional air quality, including any resulting change in the impairment of visibility, due to reduced pollution;

(L) the effect on the water quality of lakes and streams;

(M) any resulting change in the number of work days missed;

(N) any resulting change in the number of school days missed;

(O) any resulting change in the use of emergency medical services;

In section 3(b)(4), insert after subparagraph (D) the following (and redesignate accordingly):

(E) vulnerable subpopulations, including the elderly, pregnant women, and populations with pulmonary disease;

(F) the environment, including impacts on global climate change;

(G) development of infants and children;

The Acting CHAIR. Pursuant to House Resolution 406, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH. Mr. Chairman, this amendment makes needed changes to the economic analysis mandated by the underlying bill; but fundamentally this bill, itself, we believe, is an assault on the Clean Air Act, not really a bill that requires a study.

The legislation began in committee as a bill to require a new study on the economic impacts of EPA rules to cut air pollution. At that point, the bill simply required a burdensome and redundant study of EPA rules and did not affect any of the rules it proposed to examine.

It changed in committee. The Republican members amended it to indefinitely delay implementation of two very key rules to reduce power plant pollution, the Cross-State Air Pollution Rule and the Mercury and Air Toxics Rule.

Now Mr. WHITFIELD has proposed amending the bill to further eliminate those rules altogether and prevent EPA from being able to clean up power plants in the future. Mr. LATTA has offered an amendment to force EPA to listen to polluters' accountants rather than scientists when setting air quality standards. This bill is now a direct attack on the heart of the Clean Air Act. That act has saved thousands of lives.

The bill still contains a study on the economic impact of EPA rules, although I'm not sure why it would do that. The Rush amendment, Mr. Chairman, would make the study required by this legislation a little less biased and a little more useful.

The bill creates a new government bureaucracy to conduct a complicated study of EPA rules. It's not necessary. In addition, the bill ensures that the final study will be unbalanced and inherently biased. It's one thing to take a hard look at regulations. It's another thing to cook the outcome of that examination.

The Rush amendment ensures that the committee will look at both the costs and the benefits of EPA rules.

The bill's supporters originally presented this bill as a means to gather more facts on key EPA rules. As amended by the Republicans, it's increasingly clear that the facts really don't matter.

I support the Rush amendment, but I remain staunchly opposed to final passage of the bill.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I claim the time in opposition.

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

Mr. WHITFIELD. I rise in opposition to this amendment for a number of reasons. First of all, the TRAIN Act, the underlying bill that we're talking about here, applies to 14 regulations of EPA. It does not delay in any way any of those regulations, except for two, and that's referred to as the Utility MACT and the Cross-State Air Transport Rule. And even on those two acts, it only delays the Cross-State Transport Rule by 3 years, and it delays the Utility MACT by 1 year.

The whole purpose of the TRAIN Act is simply to look more closely at the cumulative impact on jobs, on electricity prices, on American competitiveness in the global marketplace. EPA has done a very thorough job on most of these regulations in calculating benefits, but they had not looked closely in all of them on cost. Under the TRAIN Act, we're simply asking this independent government agency to look at all costs and all benefits.

Another reason that I would speak in opposition to this amendment, one of the things that it requires this independent body to do is to examine the effect on green energy companies. Now, there's nothing in the TRAIN Act that's selecting one industry to give some favorable treatment to, and that's particularly what this amendment does.

I might add, on green energy, the green energy industry has received increases of 153 percent of subsidies. Subsidies have increased 153 percent for green energy. So I don't think that they should be receiving some special benefit from this Rush amendment; and that's why I would oppose it, and I would ask all Members to oppose it.

I reserve the balance of my time.

Mr. WELCH. How much time do I have?

The Acting CHAIR. The gentleman from Vermont has 2½ minutes.

Mr. WELCH. Thank you.

I want to talk a little bit about the Clean Air Act, Mr. Chair. We have power plants that are coal-burning and emit toxins into the air. That's not in dispute. But the attack on any kind of regulation says that if there's any expense associated with providing health and safety to the people downwind of the polluting emitting power plants, they're on their own. They've got to breathe that air, and it's their problem.

Now, I live in Vermont; and the coal-burning plants, the air all comes and falls in Vermont. The Clean Air Act has had tremendous success in actually cleaning up some of these power plants.

Now, of course there's some expense associated with burning clean; but there's also, as you know, Mr. Chair, an enormous cost associated with burning dirty. It may be cheaper for the power plant owner, and it might even be cheaper for the electricity users of that power plant; but the costs associated with the health, the safety, the environmental impacts are simply off-loaded by the polluter on to the innocent members of society who are downwind of the mercury-spewing polluting plants.

So, sure, we can have some debate about what should be the proper expense. But should we really have a debate that it is illegitimate for the Federal Government to take actions, regulatory and legislative, that protect the health and safety of innocent people?

The law of physics has air-carrying pollutants going in the direction that nature sends it, and that means everybody downwind gets affected. It's really astonishing that in the legitimate effort to ask legitimate questions about whether a regulation is serving a useful purpose, whether the regulation achieves the intended goal, whether there's a way to achieve that goal at less expense, those are all fair questions. But to abolish the regulations altogether, to suggest that everybody who will be affected by mercury pollution has no remedy and cannot look to the Federal Government to provide them with some protection for their health, for the health of their children, that's extreme, and it's unacceptable, and it's expensive.

I yield back the balance of my time.

Mr. WHITFIELD. May I ask how much time I have remaining?

The Acting CHAIR. The gentleman from Kentucky has 3 minutes.

Mr. WHITFIELD. Well, I would say first to the distinguished gentleman that while we're delaying this Cross-State Air Transport Rule, we have in effect today the CAIR Act, which has been in effect since 2005. The EPA itself has said that this act that is currently controlling the cross-wind interstate movements will reduce sulfur dioxide and NO_X emissions by 57 and 63 percent respectively. That regulation is still going to be in effect.

I would also remind everyone that EPA, when they implemented the CAIR Act, pointed out that it would have $100 billion in health benefits each year, preventing 17,000 premature deaths, 22,000 nonfatal heart attacks, 12,300 hospital admissions, 1.7 million lost workdays, 500,000 lost school days, and it goes on to all of the benefits.

□ 0930

Simply because a court invalidated the CAIR Act because EPA was looking at a regional program rather than at a State-by-State program does not mean that this is not an effective regulation that's in existence today. Even many environmental groups actually supported EPA in opposing the effort to invalidate the CAIR Act. EPA made strong arguments that the CAIR Act was adequate.

So all we're doing is trying to delay this cross-State rule. As I said, even respected independent analyses have indicated that these two rules—the Utility MACT and the Cross-State Air Transport Rule—will have a net effect of a loss of 1.4 million jobs and will increase electric utility bills by 23 percent.

Now, at a time when our economy is so weak and when we're trying to create jobs, we simply wanted to look at it more closely and give EPA a little bit more time. That's all that we're trying to do with our act, and that's why we're very much opposed to the Rush amendment.

I yield back the balance of my time.

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

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

Mr. MCNERNEY. 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 gentleman from Vermont will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. MCNERNEY

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–213.

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:

Page 6, line 22, strike ''; and'' and insert a semicolon.

Page 6, line 24, strike the period and insert ''; and''.

Page 6, after line 24, insert the following new subparagraph:

(G) the effect on clean energy jobs and clean energy companies, including companies that export clean energy technology.

The Acting CHAIR. Pursuant to House Resolution 406, 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. Chairman, I rise to offer a simple and straightforward amendment to H.R. 2401.

My amendment will help make sure that the reports required by H.R. 2401 are fair—not skewed to support the majority's favorite talking points. It's critical that the reports look at the beneficial consequences of environmental protection, including the fact that good environmental policies create jobs in the clean energy sector.

I reject the argument that the majority is making here today. Contrary to what we've heard members of the majority say over and over during today's debate, policies that protect our environment also create jobs. They create good family-wage jobs.

Before I came to Congress, I spent my career as a clean energy engineer. I helped design windmills that overlooked my congressional district in California, and I've seen hundreds of jobs created in the clean energy sector; but to my great distress, I also watched many of those jobs get shipped overseas to places like Germany because our country did not have the right policies in place to support that industry.

I am committed to creating jobs and seeing more goods produced right here in America, a goal I am confident that every Member of this Chamber shares. The clean energy industry is poised to lead the way but only if we make the right decisions. Policies that promote a clean, healthy environment create new incentives for investments in clean energy, creating thousands of jobs, supporting new industries, promoting exports, and benefiting public health.

My amendment simply ensures that we include the job-creating effects of environmental policies on the clean energy sector in the reports provided by this bill. I am confident that a fair, unbiased assessment of environmental rules will show that they also create good, family-wage, clean energy jobs. I hope the majority will accept this amendment.

I reserve the balance of my time.

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

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

Mr. WHITFIELD. While I have great respect for the gentleman from California, I would remind everyone that, in his 2008 convention speech, Barack Obama promised to create 5 million green energy jobs, and those jobs have not been created.

I would also point out that renewable energy subsidies increased by 186 percent over the last 3 years: from $5.1 billion to $14.7 billion. The wind industry, for example, received a tenfold increase: from $476 million to $4.986 billion. Solar subsidies increased by more than a factor of 6: from $179 million to $1.134 billion.

Then we noted that, over at the Department of Energy, there are loan guarantee programs. As this article in The New York Times stated, they gave an example of one company that had received $300 million to create green technology jobs. They ended up creating 150 jobs at a cost of $2 million per job. Now, coal, nuclear, and natural gas still provide about 95, 96 percent of the electricity produced in America; but the reason we oppose this amendment is that it also gives special treatment to green energy. As illustrated by the increase in renewable subsidies available to them, I think it's quite obvious that government programs favor green energy right now.

Our position is, with the three basics—coal, nuclear, and natural gas—providing the base load to create the industrial growth of this country by providing low-cost electricity, we do not need this amendment to instruct this independent body to look at specifically the impact on green energy exporting companies. So, for that reason, I would oppose the amendment.

I reserve the balance of my time.

Mr. MCNERNEY. Mr. Chairman, I don't dispute the facts of my good friend from Kentucky. Basically what I'm asking is that we make sure that these jobs are counted, that they're not ignored or looked over, which is what I'm afraid will happen.

At this point, I would like to yield 2 minutes to my colleague from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I thank the gentleman for yielding.

I want to emphasize what my friend from California just said. What the amendment does is to make sure that you add to the analysis the impact on clean energy jobs and clean energy companies. Why wouldn't you want to make sure explicitly that that is a part of the analysis?

I invite you to come to Portland, Oregon, where it is, I think, the wind energy capital. It's making a lot of difference in our community and across America. Wind energy, for instance, is the fastest growing in terms of installed capacity, and costs are going down. It is an area that makes a difference to the economy. What my colleague from California is urging is to make sure that it's a part of the study.

It is unfortunate that we're to this point this morning anyway. We started this odyssey in 1990 with the Clean Air Act. After 8 years of study at EPA, the conclusion was this is a real problem, and the Clinton administration and the EPA started the rulemaking process. The Bush administration drug its feet until 2005 with an inadequate response that was thrown out by the courts. Finally now, after 21 years, we're starting to move forward with something that wouldn't take effect until 2015. In the meantime, there would be many jobs that would be available in construction and in clean technology.

At least, at least, at least I hope you're not successful in stretching this out even further to delay the action; but at a minimum, you would think that you would want to have a full picture. Look at the people, like in my community, who are producing product and making it available for export.

Support this amendment.

Mr. MCNERNEY. Mr. Chairman, may I inquire as to how much time is remaining?

The Acting CHAIR. The gentleman from California has 45 seconds remaining.

Mr. MCNERNEY. I reserve the balance of my time.

□ 0940

Mr. WHITFIELD. Does the gentleman from California have the right to close?

The Acting CHAIR. The gentleman from Kentucky has the right to close.

Mr. WHITFIELD. Does the gentleman from California have anything else to say on the amendment?

Mr. MCNERNEY. Thank you.

Basically I just want to emphasize I have actually experienced job creation in the green energy sector. I have seen hundreds if not thousands of jobs created. I want to make sure we count those jobs. I don't want this to be a whitewash or anything like that. It's important that this analysis be open

and that it be fair and balanced, and that's all that we are asking on this side.

With that, I yield back the balance of my time.

Mr. WHITFIELD. I would say to the gentleman, we all recognize the importance of green energy, but there isn't one of these regulations that we are looking to for an analysis that has any negative impact on green energy. In fact, every one of these regulations will help green energy.

And, as I said, the government's philosophy right now is to do everything possible for green energy, more subsidies, a study going on all of the time on the impact on the jobs. For that reason, we do not feel that this amendment is necessary and would ask the Members to oppose the amendment.

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. Chairman, 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. 3 OFFERED BY MS. MOORE

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–213.

Ms. MOORE. Mr. Chair, I offer an amendment that is at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, after line 10, insert the following new subparagraphs (and redesignate accordingly):

(E) low-income communities;

(F) public health;

The Acting CHAIR. Pursuant to House Resolution 406, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. I do thank you, Mr. Chair.

My amendment would simply ensure the low-income communities and the public health generally of all Americans are considered in the bill's section on studies about the impact of this regulation.

I offer this amendment, Mr. Chair, in hopes that we might have an honest debate, a debate that is inclusive of those most affected by the very policies that my colleagues are attempting to tie up and, in two cases, outright prevent.

Let me be frank with you, Mr. Chair. I was born in 1951, and I grew up gasping for breath most of my life. I grew up in an industrial city, a manufacturing city in Milwaukee, Wisconsin, and I had my first asthma attack shoveling coal into a furnace and then gasping for breath because of the smog that was generated from manufacturing. Thank God for the 1990 Clean Air Act amendments.

We have seen tremendous health benefits over the years, thanks to the work of the Environmental Protection Agency, and not only the bureaucracy, but the courts that have made sure the deadlines are enforced and not simply thrown to the curb. According to a recent EPA study, we have substantial and hard scientific proof that protecting our Nation's air quality from hazardous pollutants is a very substantial benefit.

In 2010, the reductions in fine particle and ozone pollution from the 1990 Clean Air Act amendments prevented more than 160,000 cases of premature mortality, 130,000 heart attacks, 13 million lost workdays, and 1.7 million asthma attacks.

We do know that the Clean Air Act regulations by the EPA especially helped low-income communities who are often impacted by environmental injustices and other vulnerable populations.

A recent 2-year-old study by the University of Massachusetts and the University of Southern Carolina analyzed 300 different metropolitan areas and ranked them based on how pollution affects low-income and minority communities.

This study cited that air pollution is unevenly distributed within States as well as between them. A growing body of research has demonstrated that people of color and low-income communities often face the greatest environmental hazards. And the area that I represent in the metro Milwaukee area came in in the top 10 cities in both cases.

I just would like to add my own personal experience to the body of this research.

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

Mr. WHITFIELD. I claim time in opposition to the amendment.

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

Mr. WHITFIELD. I would like to remind everyone once again that the TRAIN Act is applied to 14 regulations coming out of EPA, and it's seldom that Congress intervenes in these regulations. But there are so many of these, and the cost of jobs and the cost of buying the equipment and the lack of achievability of many of them to meet the criteria is the reason we want to do this study. I would remind everyone we do not delay in any way any of these regulations except two of them.

I would say to the gentlewoman from Wisconsin that I agree with her. Many of the communities that would most suffer high energy prices and unemployment as a result of the EPA regulations are those communities that rely on affordable, reliable, coal-fired energy to light their homes and run their businesses. These communities are the least able to afford increased unemployment, increased energy prices, and the illness that results from unemployment and being unable to afford fuel.

And I might say that when EPA does their analysis, they never look at the effect of the health of the children of the people working in the coal mines and the utility plants who lose their jobs, and there is an impact on it.

But I think this is a good amendment that would help the analysis, and I would like to tell the lady from Wisconsin we would be happy to accept this amendment.

Ms. MOORE. I'm sorry. You would be happy to accept it, you say?

Mr. WHITFIELD. Yes, ma'am.

Ms. MOORE. Well, I do thank the gentleman for accepting this amendment.

I do repeat that the two parts that this bill had formally included prior to your accepting my amendment would have made it impossible for a State that wanted clear air—they would find themselves hopeless because it would basically eviscerate their ability to prevent pollution from crossing the border. So I do appreciate the gentleman accepting my amendment.

With that, I yield back the balance of my time.

Mr. WHITFIELD. I would just like to remind the gentlelady that the CAIR Act is still in effect. As I read earlier, all the benefits are there that the EPA said would be there, and it's significantly reduced NO_X emissions, SO_X emissions. We're not doing anything to change that existing law.

Thank you for making the amendment. As I said, we feel like it will really help on this study.

I yield back the balance of my time.

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

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

Ms. MOORE. 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 gentlewoman from Wisconsin will be postponed.

□ 0950

AMENDMENT NO. 4 OFFERED BY MRS. CAPPS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–213.

Mrs. CAPPS. 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:

Page 7, after line 15, insert the following new paragraph:

(5) Estimates of the impacts of delaying the covered rules and covered actions on the incidence of birth and developmental defects and infant mortality.

The Acting CHAIR. Pursuant to House Resolution 406, the gentlewoman from California (Mrs. CAPPS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. CAPPS. Thank you, Mr. Chairman, and I yield myself such time as I may consume.

You know, it's clear that the goal of the TRAIN Act is not simply to study EPA standards. The goal of the majority is to block the efforts of EPA to cut mercury and other toxic pollution from dirty power plants. That's dangerous and it's misguided.

The research is clear, unless EPA enforces these standards, there will be more premature deaths, more heart and asthma attacks, more hospital and emergency room visits.

Up until recently, I thought I was safe from this pollution. I don't live next door to a power plant; I live near the coast of the Pacific Ocean. But I learned that you don't need to live near a dirty power plant to be exposed to its harmful effects. I received test results this summer showing that I have an unsafe level of mercury in my body. And I'm not alone. Tens of millions of American women of child-bearing age, and their children, are at risk from mercury and other toxins that are released into our air each and every year. Every year, hundreds of thousands of babies are exposed to mercury.

Mercury exposure can cause learning disabilities, developmental delays, and other developmental problems. We owe it to our children to clean up toxic mercury pollution, and that's why I'm offering this amendment.

The amendment would simply require that this committee designate the analysis of the true costs of including health effects in blocking EPA's lifesaving clean air safeguards. These costs are clear to mothers and grandmothers across the Nation—brain damage, developmental problems, infant deaths. Support my amendment.

I reserve the balance of my time.

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

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

Mr. WHITFIELD. All of us certainly are concerned about impacts on children. One of the problems that we have with this amendment is that when you try to determine specifically what causes a birth defect, for example, there are lots of different reasons. Folic acid is a B vitamin. Taking folic acid supplements before getting pregnant and in early pregnancy lowers the risk of having a baby with serious birth defects. Drinking alcohol increases the likelihood of serious birth defects. Smoking. Women who are obese when they get pregnant are at higher risk of having a baby with serious birth defects. Poor control of diabetes in pregnant women increases the chance of having a birth defect. So there's lots of different reasons, and it's difficult to set out a causal reason.

I would say to the gentlelady from California who we know is genuinely concerned about these health issues and has distinguished her career by raising them frequently, the EPA did extensive analysis of the health benefits of all of these rules with the exception of greenhouse gas. They didn't do any study on anything there. So we have a lot of information about the health benefits.

As far as the mercury issue, I would say to the gentlelady that the Utility MACT, EPA itself said that this would reduce mercury by such a small amount that it would represent only 0.004 percent of the total claimed benefits of the rule, and the remaining 99.996 percent would be due to particulate matter reduction.

And I would also remind the gentlelady that the Department of Energy and other groups have indicated that 99 percent of mercury deposits in the U.S. do not come from utility companies, but they originate from nature and foreign industrial sources in which the wind brings them to the U.S.

We believe that there's adequate information on health benefits. Furthermore, the TRAIN Act does ask the independent body to look at benefits—it can be health, whatever—and cost. For that reason, we would oppose the gentlelady's amendment.

I reserve the balance of my time.

Mrs. CAPPS. Mr. Chairman, I would say to the gentleman, power plants are the biggest industrial source of mercury pollution in the United States, and I believe that the remarks of the chairman of the Energy Committee underscore the very reason that we should have the studies of the health effects included in the study that is requested by the TRAIN Act.

I am pleased to yield 1 minute to my colleague from Oregon (Mr. BLUMENAUER), a champion of livable cities, to speak on this topic.

Mr. BLUMENAUER. I appreciate the gentlelady's courtesy, and I appreciate your offering this amendment. My friends on the other side of the aisle can't have it both ways. There has been a lot of study. For heaven's sake, EPA has already estimated cost of compliance, less than $1 billion, and the savings to Americans from lives saved, health care costs avoided and days of work and school not missed between $120 billion and $280 billion. This is a part of the study effort that has been going on for 20 years.

We had hoped that on the 25th anniversary of the Clean Air Act in 2015 we would probably have full compliance. Yet we are quibbling here about things that EPA has been unable to monetize like a birth defect—but for Heaven's sake, it's serious—in addition to the hundreds of billions that they can monetize.

It is, I think, unfortunate that if this approach is approved, it will enable the Chinese to get ahead of us again. Remember, I put in the RECORD last night the front page of the Chinese Daily where they are moving ahead to reduce emissions. They are willing to incur the costs because of the health benefits, but it's not enough for my friends on the other side of the aisle to go ahead after 25 years.

I thank the gentlelady.

Mr. WHITFIELD. Does the gentlelady from California have any time left?

Mrs. CAPPS. May I ask how much time is left?

The Acting CHAIR. The gentleman from Kentucky has 2½ minutes. The gentlewoman from California has 1 minute.

Mr. WHITFIELD. I don't have any other speakers, so I reserve the balance of my time to close.

Mrs. CAPPS. I am happy to yield my 1 minute to my colleague from Florida, DEBBIE WASSERMAN SCHULTZ, a mother of three young children.

Ms. WASSERMAN SCHULTZ. Mr. Chair, I rise in strong support of the amendment offered by my friend and colleague, Congresswoman LOIS CAPPS, and in opposition to the underlying bill—the majority's latest assault on clean air and public health. I'd like to thank Congresswoman CAPPS and all of my colleagues who've spoken in opposition to this bill, which puts the health of all Americans—especially our children—at great risk.

This amendment simply requires recognition of the very real health consequences of air pollution. For example, curbing mercury pollution will protect children and mothers from toxins that damage a developing brain.

With this amendment, the required report must assess the effect on birth and developmental defects and infant mortality rates caused by the delay in better clean air standards. What's wrong with that? Who could be opposed to that?

For such a small additional effort, this assessment would provide crucial information affecting the health of all American families.

As a mother of three young children, whose health is among my absolute greatest concerns, I urge my colleagues who are parents and grandparents to take a moment and consider the impacts of this bad bill.

Delaying EPA's Mercury and Air Toxics Standards will have serious consequences on their children and grandchildren. Remember that we are their first line of defense in this world.

I urge my colleagues to join me in supporting this good amendment and opposing the underlying bill.

Mr. WHITFIELD. I would remind everyone just once again that we're talking about 14 regulations. We're not delaying 12 of them in any way. We're asking for further analysis of two of them. For that reason, I would oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

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

Mrs. CAPPS. 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 California will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. KINZINGER OF ILLINOIS

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–213.

Mr. KINZINGER of Illinois. 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:

At the end of section 3(e)(2), add the following:

(D) Any rule addressing fuels under title II of the Clean Air Act (42 U.S.C. 7521 et seq.) as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060-AQ86, or any substantially similar rule, including any rule under section 211(v) of the Clean Air Act (42 U.S.C. 7545(v)).

The Acting CHAIR. Pursuant to House Resolution 406, the gentleman from Illinois (Mr. KINZINGER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

□ 1000

Mr. KINZINGER of Illinois. I want to thank my colleague from Texas (Mr. GONZALEZ) for coauthoring this amendment with me to H.R. 2401, the TRAIN Act. It's an important bipartisan amendment that hits directly on what Americans, particularly my constituents in Illinois, are facing every day, the high cost of gasoline.

Later this year, it's expected that the EPA will promulgate rules on gasoline refiners mandating that they offer sulfur levels and vapor pressure by 70 percent. This would be even further below the already low levels mandated in 2004.

In 2004, the EPA's tier 2 rules lowered sulfur and gasoline by 90 percent. The impacts of these new rules could force refineries in the U.S. to slash their gasoline production by up to 14 percent, leaving the United States even more dependent on foreign sources of oil.

Our amendment would require the EPA just to study the economic costs of these new fuel requirements. Before delivering what could be a devastating blow to the customer and to our economy, the EPA should first provide data to show lowering the sulfur content will actually achieve cost-effective, real emissions reductions in air quality and health and welfare benefits.

Americans are fed up with the volatility in the gasoline markets. While we may not be able to control the price of oil on the global market, we can control the cost of regulations on our fuel. Every dollar that's taken out of the taxpayer pocket due to new regulation is a dollar that's not going to refuel the American economy.

We need commonsense regulations, and we need to know the impacts of regulations on families and businesses before they go into effect.

This amendment is a commonsense approach to ensure Americans are getting the cause-worthy benefits that we need out of regulations. I urge my colleagues to support the amendment.

At this time it is my honor to yield 2 minutes to my distinguished colleague from Texas (Mr. GONZALEZ), coauthor of the amendment.

Mr. GONZALEZ. Mr. Chairman, first of all, I extend my thanks to my colleague from Illinois for joining me in cosponsoring what I believe is a very important amendment.

We offered this amendment because we have concerns with EPA's intent to proceed with a tier 3 rulemaking which would establish new fuel specification standards without justifying it with the sufficient data that has already been called to be conducted under a study in a previous bill.

In 2007, Congress included a provision in the Energy Independence and Security Act of 2007 that directed EPA to study and implement fuel changes to negate any detrimental air quality impact resulting from the renewable fuel standard. EPA has not conducted this required study.

I am concerned that EPA may be moving too quickly with tier 3 regulations. EPA should complete the study first and provide for adequate comment and feedback from stakeholders before proceeding with the proposed rule. Any proposed changes to gasoline sulfur content and vapor pressure should be backed by sound data. These reductions must be justified because they have real costs. I have concerns about the effects these new regulations could have on refiners. These costs could result in decreased gasoline supplies and possible refinery closures, both of which could undermine our Nation's energy security.

Our amendment simply adds any proposed tier 3 rulemaking to the list of regulations where EPA must conduct additional analyses, as outlined in TRAIN. This additional study will ensure that all of the costs and impacts are known before EPA proceeds with its proposal.

I hope my colleagues in the House can support this straightforward amendment. It simply calls on an agency to simply do that which it was directed to do years ago before proceeding and not to basically proceed before you have the vital information on which to base some very important regulations.

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

Mr. RUSH. I rise in opposition to the amendment.

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

Mr. RUSH. Thank you.

Even if this amendment passes to improve the study of EPA rules, that will not address the underlying problems with this bill. Proponents of this bill imply that it simply requires EPA to study the cumulative impact of EPA rules. That is false. What began as a bill to study EPA rules has morphed into a bill to actually block the EPA rules. In fact, the bill blocks and indefinitely delays two of the most important air pollution rules in decades.

First, the bill blocks EPA from finalizing a proposed rule to cut toxic air pollution from power plants, which are the most egregious and the largest source of toxic mercury pollution in our Nation. Mercury is dangerous in small amounts, and mercury can damage the developing brains of infants and children.

The proposed rule would prevent more than 90 percent of the mercury in coal from being emitted into the air. The rule also would reduce fine particle emissions by more than a quarter, producing tremendous widespread health benefits.

For each year this bill delays the Mercury and Air Toxics Standards rule, it will allow up to an additional 17,000 premature deaths, 120,000 cases of asthma, and 850,000 days when people miss work due to illness.

But that's not all. The bill also blocks the EPA from implementing the Cross-State Air Pollution Rule to require 27 States to reduce power plant emissions that pollute the air in downwind States.

Each year of delay in implementing this rule will produce up to an additional 35,000 premature deaths, 400,000 cases of asthma, and 1.8 million days when people will miss work or school due to illness.

The benefits of these rules far exceed the costs. For the Cross-State Air Pollution Rule alone, the pollution reductions will yield annual health benefits that outweigh the rule's costs by up to 350 to 1.

The bill still creates a new government bureaucracy to produce a study of EPA rules, but this study is just a Trojan horse to disguise the true intent of this legislation: to block and delay two important EPA rules to protect public health from air pollution.

The bill that emerged from committee already is a horrible, terrible bill. But it promises to get even worse, significantly worse, as my Republican colleagues amend this horrible and horrendous bill before us.

Mr. WHITFIELD himself has offered amendments that completely nullify the two power plant rules and force EPA to start all the way back to the beginning, to start from scratch—but with new limits on what the agency can do to reduce pollution. According to the EPA administrator, these changes could prevent the EPA from ever reissuing these same rules, deny them far into the future from ever reissuing these same rules.

Mr. LATTA has offered an amendment that strikes at the heart of the Clean Air Act by requiring the EPA to prioritize cost over public health when setting national air quality standards. These standards form the foundation of why we have been able to clean up air pollution, and Mr. LATTA wants to throw it out the window.

The Acting CHAIR. The time of the gentleman has expired.

Mr. RUSH. I urge my colleagues to oppose this bill.

Mr. KINZINGER of Illinois. Mr. Chairman, can I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman has 1 minute.

Mr. KINZINGER of Illinois. I yield the balance of my time to my good friend from Texas (Mr. GREEN).

Mr. GENE GREEN of Texas. I thank my colleague from Illinois for yielding to me.

The EPA is currently developing a tier 3 rulemaking that would further reduce sulfur levels in gasoline to an average of 10 parts per million, a 70 percent change from today's already low standards, while reducing the gasoline volatility.

□ 1010

The EPA is expected to issue a proposed rule by the end of this year. The problem we have is that in the Energy Independence and Security Act of 2007, section 209 required the EPA to conduct a study 18 months after the enactment to determine whether the renewable fuels required by the section would adversely impact air quality and not later than 3 years after that enactment. The problem is EPA has not finished that study we require them to conduct even before these new regulations. Now they're moving forward with a rule with a half-baked study, and that's why I support this amendment to the TRAIN Act, Mr. Chairman. This is not a delay amendment. This is just to make sure we don't get the cart in front of the horse, and we need to have that study finished before the EPA moves forward with that sulfur criteria.

That's why I support my colleague from Illinois' and my colleague from Texas' amendment, and I encourage my colleagues to support it.

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

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

Mr. RUSH. 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 gentleman from Illinois will be postponed.

The Committee will rise informally.

The SPEAKER pro tempore (Mr. KINZINGER of Illinois) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title.

H.R. 2883. An act to amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

TRANSPARENCY IN REGULATORY ANALYSIS OF IMPACTS ON THE NATION ACT OF 2011

The Committee resumed its sitting.

AMENDMENT NO. 6 OFFERED BY MR. DENT

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–213.

Mr. DENT. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, after line 20, insert the following:

(I) ''National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants'', published at 75 Fed. Reg. 54970 (September 9, 2010).

The Acting CHAIR. Pursuant to House Resolution 406, the gentleman from Pennsylvania (Mr. DENT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. DENT. Thank you, Mr. Chairman.

This amendment simply adds the National Emission Standards for Hazardous Air Pollutants, NESHAP or Cement MACT, to the covered rules within H.R. 2401. Reasonable efforts to limit the emissions of hazardous pollutants by cement manufacturing facilities are most certainly appropriate, but EPA has failed to craft effective and efficient regulations.

These NESHAP standards will be very, very difficult and extremely costly for domestic cement manufacturers to meet, severely jeopardizing the ability of an essential American basic industry to remain competitive with foreign importers. Including NESHAP and H.R. 2401 will allow the loss of American jobs and the weakening of domestic manufacturers' global competitiveness to become key considerations during the completion of the rulemaking process.

We must understand the impacts of these rules on jobs and our manufacturing competitiveness. Here now are some simple, basic facts about the American cement industry, and I represent the largest cement-producing district in America. I'm cochair of the Cement Caucus along with cosponsor MIKE ROSS of Arkansas. This industry employs about 13,000 Americans. Four thousand of those jobs have been lost since 2008. There are 97 cement plants in America producing today, and there's a presence in nearly every State as well, I might add. Cement is an absolutely essential basic industry in American manufacturing. It plays a major role in the development of our Nation's infrastructure.

I think we need to better understand some of this background, too, regarding these NESHAP rules.

NESHAP, of course, amends EPA's maximum achievable control technology, or MACT, and performance standards for cement kilns. And this is utilizing an unrealistic pollutant-by-pollutant approach for application of MACT. MACT requirements are designed to direct industries toward the pollution control technology used by the best performers in a certain industry sector. It cobbles together a range of different performance characteristics applicable to different pollutants without determining if it is feasible or even possible for any one kiln to comply with all of these standards.

The truth is there is not a single cement manufacturing plant in America that can comply with all of these standards simultaneously. The chemical composition, too, of key cement inputs, such as limestone, vary from region to region. Consequently, NESHAP will have disproportionate impacts on different manufacturing locations across the country simply based on the type of limestone being used in the process of manufacturing cement.

We should talk, too, about the impacts on the domestic cement industry: $2.2 billion worth of compliance costs, and that's an EPA estimate; $3.4 billion in compliance costs, and that's the industry estimate. So there's a lot of cost here. We're in the billions.

There are numerous plants. There are estimates that from 12 to 18 of these plants across the country may be idle or permanently shut down. And these are massive facilities with tremendous capital investment. And we believe that the national price for Portland cement may increase by 5.4 percent. Domestic production will fall by 11 percent. Thousands of high-quality jobs could or would be lost.

One major domestic cement producer has already publicly announced that, due to other regulatory uncertainties of this NESHAP and other pending regulations, it is halting construction of a new state-of-the-art cement kiln, suspending over $350 million in new investment and the creation of over 1,500 construction jobs.

With respect to global emissions, what will this mean? The reduction of domestic production of cement will naturally lead to an increase in our Nation's reliance on foreign cement. And I can assure you those foreign producers are not going to be complying with the NESHAP rules. So this is going to shift overseas production and will likely increase global greenhouse emissions in two ways: