me they shouldn't have done anything until they at least mapped this out so they knew the proper places to put this stimulus money.

Many of us in Congress, including the chairman, warned of the danger of spending the money before mapping was done and that allocating funds before maps of unserved areas were in place almost guaranteed that the money wouldn't be used effectively. Some cable and phone companies believe awards had been issued for projects that substantially duplicate—duplicate—their existing service areas. Remember, this is stimulus money.

Any time that much taxpayer money is given away so quickly and subject to political pressure, vigilant oversight is required.

H.R. 1343 clarifies the obligations of the agencies and keeps Congress informed to ensure taxpayers' interests are protected when problem awards are identified. Otherwise, as was the case, as the chairman mentioned with Solyndra, red flags are ignored, cash is rushed out the door, and Congress is told all along that everything is fine.

Today's bill clarifies the responsibility of the NTIA and the RUS going forward to terminate failed or failing grants and loans and to return to the U.S. Treasury any rescinded or relinquished funds. That's good.

This is a responsible and necessary bill, and I urge my colleagues to support it.

Mrs. CAPPS. Mr. Speaker, I encourage my colleagues to vote for H.R. 1343, and I yield back the balance of my time.

Mr. WALDEN. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my colleague from Florida who has made some terrific comments regarding this legislation about the importance of oversight. I know my colleague from New Hampshire (Mr. BASS) has been very keenly involved in the oversight efforts as well.

Let me just say, as chair of the Communications and Technology Subcommittee, that we will be doing oversight on how this program is working. We hear some reports that there have been problems getting access to fiber because of the earthquake in Japan that may have slowed build out. We understand that some of the smaller companies may have run into all kinds of problems working their way through rights-of-way issues that have delayed the build out of getting this broadband build out into many of our communities, especially those who don't have broadband today.

So I think it's incumbent upon us, and I won't presume to speak for the minority, but I assume they would agree as well, we need to keep an eye on this just to see how is it working and what impediments are we running into, and are we going to see this broadband actually get built out as it was envisioned. The grants have been issued. The money is obligated, hasn't been spent.

So it looks to me like we have two tasks here. One is to make sure we get what we're paying for as the American taxpayer, and the money that isn't going to get spent comes back or, if there's any kind of fraud developed, all that money we can recover will come back and that there is a very surefire method, without question, that it comes back to the Treasury; and that, also, to take a look at what are the impediments to building out. I know we run into it where I am at, that we do have problems sometimes getting these permits, getting through the various regulations that really impede our opportunity.

I would encourage Members on both sides of the House to approve this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 1343, as amended.

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

A motion to reconsider was laid on the table.

CEMENT SECTOR REGULATORY RELIEF ACT OF 2011

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous material on the bill.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 419 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. 2681.

□ 1300

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. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes, with Mr. WOMACK 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 Kentucky (Mr. WHITFIELD) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

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

There has been a lot of discussion in the 1-minutes this morning about the importance of passing the Obama jobs bill. I would like to remind everyone today that the bailouts, the stimulus packages, all have exceeded $2 trillion in the spending of taxpayer money. And despite the expenditure of all of that money, the unemployment rate in America is still well over 9 percent, even though it was suggested that with the spending of the stimulus money, unemployment would be brought down to less than 8 percent.

I would also remind everyone that within the last 3 days, the Department of Energy shoved out the door approximately $5 billion in loan guarantees for so-called green energy projects without, in my view, the necessary time to clearly evaluate the loans that were being made. And we have proof of this because, in the Solyndra case, the taxpayers are going to have to expend $538 million because that company went bankrupt. Now in the Obama jobs bill, they're asking for another approximately $500 billion to be spent to create jobs.

Well, the reason that we're here today is that if you talk to any businesspeople today, large or small, they will tell you that the reason jobs are not being created in America is because of uncertainty, the uncertainty about health care regulations, not knowing what they're going to be. Already, 8,700 pages of new regulations have been written.

The uncertainty created by the new financial regulations that increase the capital requirements for loans to be made changes the appraisal process. That has created great uncertainty; but, most important, the uncertainty created by this aggressive Environmental Protection Agency. This administrator has been the most aggressive in issuing new regulations in the history of the EPA.

We all are committed to clean air that allows for healthful living in America, but we also want to use common sense, particularly at this time when our economy is struggling. And so when you issue new regulations that create additional obstacles for job creation, that is a major problem.

I noticed today, for example, in The Hill magazine: ''Senate Democrats Buck Obama on Jobs Plan.''

□ 1310

So they have the same concerns that we do.

So, today, we're bringing to the floor H.R. 2681, referred to as the Cement Sector Regulatory Relief Act, which basically says to EPA about their recently issued cement regulatory items, we want you to go back and revisit this bill because evidence shows that 20,000 jobs are at jeopardy and 18 percent of cement plants in America may very well be closed because of this regulation. So we're simply asking EPA in this legislation to go back, revisit this rule, issue a final rule within 15

months after the passage of this legislation and give the affected industry up to 5 years to comply with the new regulations. Because in doing so, we're going to reduce the loss of jobs, which is critical at this time of our Nation's history.

Now, I would also like to say that this legislation introduced by the gentleman from Oklahoma (Mr. SULLIVAN) has bipartisan support. If you look at the sponsors and cosponsors, you will see a lot of Democratic cosponsors of his legislation. I would also say to you that there are over 29 national associations and construction groups that support this legislation led by the American Road & Transportation Builders Association; the Associated General Contractors of America; the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers; the United Brotherhood of Carpenters and Joiners of America; Laborers' International Union of North America; and the International Union of Operating Engineers. So you have businesses and labor unions all supporting this commonsense legislation simply directing EPA to do a more careful analysis before they fully implement this hard-hitting regulation that would close 18 percent of the cement plants in America.

We believe that this can be done and still clearly protect the health of the American people as well as the clean air that we now have in this great country.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I want to at this point yield 5 minutes to the very distinguished ranking member of the Subcommittee on Energy, the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I thank the ranking member of the full committee, and I commend him on his outstanding work not only on this particular matter but in most of the issues that come before this Congress as it relates to not only the purpose of us but the prosperity of the American people.

Mr. Chairman, I rise today in strong, strong opposition to this bill, H.R. 2681. I call it the Dirty Cement Pollution Bill. Let's be perfectly clear, Mr. Chairman. This bill, this measure is not about jobs. For the chairman of the subcommittee, and my friend, just to try to persuade Members of this body that this is about jobs, I think that it's the worst kind of politics. Jobs now is the useful canard, but this is not about jobs. This is about an industry that is singular in its being eliminated or being not under the auspices of the Clean Air Act, and about an industry that is unique because it doesn't have to adhere to any of the provisions of the Clean Air Act. And it's about time that this industry be included with other industries in this Nation to come under the auspices, the jurisdiction, and the standards of the Clean Air Act.

Cement kilns emit nearly 8 tons of mercury each year, making them the Nation's second-largest mercury emitting source. Before the EPA issued its 2010 air toxics rule, these emissions remained essentially unrestrained due to the lack of controls for cement kilns regulating the release of mercury into the atmosphere.

H.R. 2681 would roll back existing Clean Air Act standards by revoking three Clean Air Act rules, including the only national limits on emissions of air toxics, such as mercury, from cement kilns. This Dirty Cement Pollution Bill will also require EPA to propose and finalize weaker replacement rules that will allow for more pollution than the law currently permits.

This bill is intended to significantly change how EPA sets the standards when issuing the alternative rules. H.R. 2681 would indefinitely delay the reductions of air toxics and other hazardous pollutants by prohibiting EPA from finalizing replacement rules prior to March 2013 if this bill were to be enacted at the end of this year.

Also, this bill does not include any statutory deadline for when polluters must reduce emissions, leaving the process ambiguous and open-ended. At the very least, this Dirty Cement Pollution Bill would postpone emission reductions from cement kilns until at least 2018—a 4½-year delay. In fact, the health safeguards from these standards are long, long, long, long overdue. EPA just finalized standards for cement plants in September of last year, making them 13 years overdue under the Clean Air Act amendments of 1990—13 years overdue already. They are overdue 13 years.

The science tells us that these dirty air toxics can cause a variety of serious health effects, including cancer and respiratory neurological impairments, as well as reproductive problems.

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman 1 additional minute.

Mr. RUSH. In particular, mercury exposure can cause great harm to pregnant women, unborn babies, and young children by damaging their developing nervous systems, which affects children's ability to learn and to think.

Additionally, mercury emissions can also damage the environment by polluting our Nation's lakes and streams and the seafood which we eat. In fact, EPA estimates that H.R. 2681 will allow for thousands of additional premature deaths and premature heart attacks, as well as tens of thousands of additional asthma attacks that could have been avoided.

Mr. Chairman, the public health benefits from the reduction of air toxics emissions from cement kilns have already been delayed long enough. Now is the time. The radical Republican majority cannot keep making excuses and exceptions for the largest industrial emitters of mercury in the U.S., cement plants and industrial boilers, while over 100 other industries have already controlled their air toxic pollution.

Mr. WHITFIELD. I know that we're going to be hearing a lot about mercury today. I would like to point out that it's been indicated that 98 percent of the mercury present in America today, air, land, and so forth, comes from natural causes and from sources outside of the United States. And the EPA, in its analysis of the cement regulation that they just issued, did not assign any dollar value that would come from the reduction of mercury emissions.

□ 1320

So I think that this is a red herring that our friends are bringing up on the other side.

At this point in time, I yield 4 minutes to the gentleman from Oklahoma (Mr. SULLIVAN), the author of this legislation.

Mr. SULLIVAN. As we go around our districts, as I go around my district in Oklahoma, many people come up to me and say, JOHN, what are you politicians in Washington going to do to help this economy? What are you going to do to create jobs here in America? Well, you know, we politicians don't create jobs, but what we do do is we get in the way. And one of the things we can do to keep jobs in place and even foster new jobs is getting the heck out of the way with these burdensome over-regulations that are out there.

The EPA has gone rogue, wanting to shut down 20 percent of our cement plants. And President Obama, when he came to the joint session here recently, said he wanted to build roads and bridges and infrastructure. Well, I guess he wants to do that with imported Chinese cement, not American-made cement.

I rise today in strong support of H.R. 2681, the Cement Sector Regulatory Relief Act of 2011. As House Republicans move forward with a bold agenda to grow our economy and put Americans back to work, one area that must be addressed is the issue of over-regulation by the Federal Government.

With our economy suffering, and given that 14 million Americans are out of work, Congress must implement Federal policies that grow jobs, increase domestic manufacturing, and restore the global economic competitiveness of the United States.

Businesses make decisions on where to invest based upon a number of factors, but regulatory certainty ranks among the top factors, which is why H.R. 2681, the Cement Sector Regulatory Relief Act of 2011, is so important.

I introduced this bipartisan legislation with my good friend and colleague from Arkansas, MIKE ROSS, to protect American jobs, jobs that we are in danger of losing due to the Obama administration's radical environmental regulatory agenda.

The purpose of this legislation is to provide EPA additional time to repropose and finalize its rules setting Maximum Achievable Control Technology and other standards for cement manufacturing plants so that the rules are both achievable and protect American jobs.

Specifically, the EPA would be required to repropose the Cement MACT rules 15 months after enactment of this legislation. The bill will also extend the dates for compliance with the rules from 3 to 5 years to give our domestic cement manufacturing industry the time to comply with its rules.

If EPA's Cement MACT rule is not revised, thousands of jobs will be lost due to cement plant closures and high construction costs. This rule alone threatens to shut down up to 20 percent of the Nation's cement manufacturing plants in the next 2 years, sending thousands of jobs permanently overseas and driving up cement and construction costs across the country.

Additionally, the Portland Cement Association estimates it will cost $3.4 billion—half of the industry's annual revenues—to comply with the EPA's Cement MACT rule. Does that make any sense?

The EPA's Cement rule also greatly impacts our Nation's construction industry, where unemployment rates have hovered between 16 and 20 percent nationally. Without my legislation, construction job losses would be further exacerbated with reduced supplies of cement being produced in the United States.

The simple fact is cement is the backbone for the construction of our Nation's buildings, roads, bridges, and crucial water and wastewater treatment infrastructure. Without further investment in cement capacity expansion, the United States will become increasingly dependent on foreign imports.

The CHAIR. The time of the gentleman has expired.

Mr. WHITFIELD. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. SULLIVAN. Additionally, lost supplies of cement resulting from closure of cement plants would also drive up the cost of infrastructure projects and potentially limit the number of projects that may be undertaken.

Now, some of the opponents of this commonsense, bipartisan legislation, including President Obama, say this legislation weakens the Clean Air Act. Nothing could be further from the truth. H.R. 2681 does not change or modify any existing public health protections. It simply directs the EPA to establish regulations achievable in practice by real-world cement plants. At a time of great economic uncertainty, this is something worth doing for the health of our economy.

I do not know if the President is watching, but right now jobs are not being created and our economy is not growing. The cement sector is struggling in the current economic climate and in the face of foreign competition from abroad.

President Obama likes to talk about the need to invest in our Nation's infrastructure, and this legislation will remove one of the several barriers to growth in the construction and manufacturing industries. I am amazed he is opposed to this bipartisan measure, and I encourage my colleagues to support this.

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

I want to put this bill in the perspective of what the House has been doing on the environment. The House has voted 136 times this Congress to block action to address climate change, to halt efforts to reduce air and water pollution, to undermine protections for public lands in coastal areas, and to weaken the protections of the environment in other ways as well. This is the most anti-environment Congress in history.

Last month, the House passed radical legislation to turn back 40 years of progress towards clean air. That bill will nullify pollution control requirements on power plants—the largest source of toxic mercury pollution in the country—and weaken our national clean air goals by basing them on corporate profits, not on public health.

Today, the House continues its frontal assault on public health and the environment. The bills we will consider this week are the next phase of the Republican concerted attack on our environment. The bills would gut the Clean Air Act provisions that protect American families from toxic air pollutants. If these bills are enacted, there will be more cases of cancer, birth defects, and brain damage. The ability of our children to think and learn will be impaired because of their exposure to mercury and other dangerous air pollutants.

In 1990, the Congress, on a bipartisan basis, voted to protect the public from these toxic pollutants. The law directed EPA to set standards requiring the use of a Maximum Achievable Control Technology to control emissions of mercury, arsenic, dioxin, PCBs, and other toxic emissions. This approach has worked well. Industrial emissions of carcinogens and other highly toxic chemicals have been reduced by 1.7 million tons each year.

EPA has reduced pollution from dozens of industrial sectors. More than 100 categories of sources have been required to cut their pollution, and this has delivered major public health benefits to this Nation. But a large source of categories still have not been required to control toxic air pollution due to delays and litigation.

The bill we consider today would nullify and indefinitely delay EPA's efforts to reduce toxic emissions from cement plants. Now, the chairman of the subcommittee said this is a commonsense bill. It's only for a short delay. He said that cement plants would have up to 5 years to comply with pollution control requirements. And you might think, well, a little bit more time is not going to do that much harm. But that is not a correct statement of what this bill would do.

The bill says that EPA cannot require any pollution reduction from any cement plant for at least 5 years. So it's 5 years before they can do anything at EPA. And then there's no deadline thereafter where the facilities ever have to comply. That, to me, is not a simple, commonsense approach to a very dangerous pollution.

Later this week, we are going to have consideration of a bill to indefinitely delay pollution controls on industrial boilers and waste incinerators. Both of these bills would rewrite the standard provisions of the Clean Air Act to weaken the levels of protection and set up new hurdles for EPA rules. We're told that we need to pass these bills because the threat of EPA regulation is dragging down our economy. The reality is that requiring installation of pollution controls will create jobs.

□ 1330

We're going to need more factory workers. We're going to need to build the pollution controls. We're going to need construction workers to install them on-site, cement plant employees to operate them. We hear this all the time, these statements that pollution controls will cost us jobs.

But these arguments have been thoroughly debunked by independent experts. For instance, the Congressional Research Service examined one and concluded ''little credence can be placed in these estimate of job losses.'' The State and local air pollution agencies concluded that one study's assumptions are grossly in error. It's my hope that this body will not be so easily misled.

It was lack of regulation at Wall Street—on the banks and the brokers and the other people who spent their time figuring out very crafty investments for which nothing backed them up—that caused this recession, not because we had environmental regulations that protect children from toxic mercury emissions.

I oppose these bills on substance, and I also have concerns about the process. But let me go into concern about the process.

We were told this is a small issue. It depends on how you look at it. These bills are bad enough to oppose simply on the basis of what they would do. But it shows how the Republican majority in this House wants to adopt rules and regulations on themselves but then not abide by them. The House didn't change the rules, but the majority leader said we have a protocol that, whenever we have a discretionary CutGo rule in the legislative protocols for the 112th Congress, we must have funding authorized to make up for the extra requirement that's going to be required of any government agencies.

And this requires a specific amount to be offset by a reduction in an existing authorization. The majority leader announced that compliance with these protocols would be necessary before legislation could be scheduled for floor consideration.

We had a similar situation where Chairman UPTON said that our committee would follow this discretionary CutGo rule. He sent me a letter, which I'll make part of the record, in June to clarify this discretionary CutGo policy will apply to pending bills before our committee. ''If CBO determines,'' he said, ''that any of these bills will have a significant impact on the Federal budget, we'll offset the newly authorized spending with reductions elsewhere.''

Well, CBO has determined that both of these bills that are on the floor this week will, in fact, authorize new discretionary spending. I read one of the quotes from a Republican staff person. We don't need to worry about it because it doesn't really authorize new spending.

CBO says it does. They determine these bills will have a significant impact on the Federal budget because of the bill's requirement the EPA spend resources on proposing and finalizing new regulations. They said it's only going to cost $2 million over a 5-year period. That's not a lot of money, but it is money, and that's why the Republicans had this protocol. They said we didn't want any money being spent without it being offset.

Now, this is not a rule. We don't have to waive this rule. But what we have is not a waiver of this rule. We have the Republicans ignoring their own protocol and their own policies.

The American people need to focus on the radical agenda of the Republicans that are controlling this House of Representatives. I don't think when the Republicans were voted into office the American people voted for poisoning more children with mercury and letting more of our seniors die prematurely because of uncontrolled pollution.

I oppose this bill, and I reserve the balance of my time.

Mr. WHITFIELD. I might say to the distinguished ranking member that we do not authorize any additional funding in this bill and that EPA does have a $2 billion budget that allows them to deal with regulatory issues.

I yield 4 minutes to the gentleman from Texas (Mr. BARTON), the chairman emeritus of the Energy and Commerce Committee.

Mr. BARTON of Texas. I thank the distinguished subcommittee chairman.

I listened with interest to Mr. WAXMAN's remarks. Sometimes, when there's not a lot you can say substantively against an issue, you just put a lot of stuff out there and hope something sticks; and I would have to characterize most of his remarks as hoping that some of what he said sticks.

The bill that he just spoke against is only 8 pages long. It's just 8 pages. And here's the gist of the bill. It asks the EPA, or directs the EPA, to go back and spend 12 to 15 months to take a look at the rule that it was about to propose, in other words, to go back and reanalyze it. I don't think that's gutting the Clean Air Act.

Then it extends the compliance deadline for an additional 3 to 5 years. Now, that's substantive. That could result in some additional time, which I think is a good thing. But that, in and of itself, shouldn't be a showstopper.

And then it asks that the EPA, when they adopt these new rules, to make sure that it's still allowable for cement manufacturing to use alternative fuels. Well, last time I looked, the Democratic Party was big on alternative fuels and supporting loan guarantees to develop those fuels, so that shouldn't be a showstopper.

Then, finally, it says, whatever rule that you eventually adopt, you have to be able to implement it in the real world. Now, that is an amazing thing, that we want a regulation to be promulgated that you can actually achieve with real-world technology. In Texas, that's called common sense. I'm not sure what it's called up here.

That's the bill. That's the bill. It's an 8-page bill.

Now, Mr. WAXMAN also said that we've had 100 votes trying to do terrible things to the environment in this Congress. We've not had one vote, ladies and gentlemen, that changed an existing statute that's already in place, an existing standard. All these votes that my good friend from California talks about are a time-out and saying, wait a minute, before we make them even tighter, let's make sure they make sense.

We've got an economy that's reeling. We've got unemployment at 10 percent. The compliance cost of this plethora of EPA regulations is in the billions of dollars annually. Billions. Billions. This particular Cement MACT rule, if implemented, would shutter somewhere between 15 to 20 percent of cement production in the United States. That's not trivial, folks. That's real.

So what those of us that support the bill are saying is: Let's take a second look at it. Let's make sure that the rules have time to be implemented. Let's let alternative fuels be used, and let's let whatever regulation is ultimately implemented actually be achievable in the real world.

I think that's worthy of support, and I would ask my friends on both sides of the aisle to support this when it comes up for a vote, I would assume sometime tomorrow probably. We've got 20-something amendments, so we're going to be here debating it.

But this is a good piece of legislation. It's common sense. It would help our economy, and we would still get additional regulation that makes sense for cement kilns.

Mr. WAXMAN. Mr. Chairman, I have in front of me the bill, and it says, whatever regulations the EPA is proposing—and it's taken them a decade to finally come up with these regulations—it'll be null and void. It will have no force of action. It will be treated as though such rule had never taken effect. And then it's going to be replaced.

Now, how is it going to be replaced? Well, it says we're not going to let them replace this rule for 5 years. Well, during this period of time, people are still being exposed to these toxic pollutants. So it says, not earlier—they'll establish compliance and they'll establish new regulations, but nobody has to do anything for 5 years.

But then it doesn't say at any time about when you have to actually come into compliance, which, of course, in existing law is set in place. That's repealed.

And then it goes on to say they're going to have to meet a different standard. The standard that's in the law is going to be replaced by some other standard that basically waters it all down.

□ 1340

The standard in the law, by the way, is the maximum achievable control technology. That means technology that already achieves reductions. But that will be wiped out. They'll have a new standard. It can't be pursuant to the regulation; the regulation can't come out for 5 years; we don't know when it would ever be complied with; and it would be based on a different standard.

That is not simple. That is in effect saying nothing is going to be done. We repeal what is being set in law, and then we are going to insist that nothing be done. That to me is an absurdity, and it's harmful to the public that's going to be exposed to these harmful chemicals.

I would at this time yield 5 minutes to the gentleman from Virginia (Mr. MORAN), who is the lead appropriator on our side of the aisle when it comes to these kinds of issues.

Mr. MORAN. I thank the distinguished ranking member, particularly for his leadership in protecting the public's health.

Mr. Chairman, I rise in strong opposition to this bill. If this bill is enacted, an intolerable number of American babies will be born with birth defects that could have been avoided. The majority sets out a false choice: roll back clean air protections or lose jobs. The real choice is a moral one, but the economic case for defeating this bill is also compellingly clear.

EPA cement kiln rules are designed to reduce harmful pollutants from cement production, including metals like mercury, hydrocarbons, particulate matter, acid gases, sulfur dioxide, and nitrogen oxides. EPA's standards are both achievable and defensible. They will yield far more economic benefits than costs, preserving jobs and Americans' health.

The most harmful of these cement kiln pollutants is mercury. Congress required EPA to regulate mercury emissions in the 1990 Clean Air Act amendments and to identify the largest sources of mercury reductions. EPA has done what we required. These regulations are necessary because cement kilns are the second-largest source of mercury emissions in the United States. Some cement kilns emit more mercury than some coal-fired power plants. One hundred fifty cement kilns operating in the United States emit as much as 27,500 pounds per year, double EPA's estimates from 6 years ago. In Oregon, New York, and California, the largest single mercury pollution source is a cement kiln.

Please focus on this: Mercury is so toxic that just one-seventieth of a teaspoon of mercury, or .0024 ounces, can contaminate a 20-acre lake and render the fish in that lake poisonous to eat. Mercury exposure causes a number of health problems, including heart disease, reduced fertility, genetic mutations, immune system suppression, premature death, and major losses in children's mental capacity.

Elemental mercury from kilns goes up into the air. The rain washes it into our rivers and streams. Then the bacteria in the water converts it into methyl mercury, which is lethally poisonous, because methyl mercury is almost completely absorbed into the blood and distributed to all our tissues, including the brain. It passes readily through the placenta in a mother's womb and into the fetus and into the fetal brain. Mercury then continues to impact the brains of those children as they grow and age. We know this now, which was not as clear as it is now, back in 1990. So if we know mercury does this to our children and that these regs can prevent those children from such irreparable harm, don't we have a concomitant moral responsibility to protect our children from such intellectual deprivation and suffering for the duration of their lives?

Let me say it again. It is well-documented that exposure even to low levels of mercury does reduce a child's IQ. This IQ reduction has real impacts on those children, their families, and ultimately the U.S. economy. If the majority won't listen to health-based arguments, perhaps they will listen to the economics of this issue.

Mercury exposure during pregnancy and childhood has direct and indirect effects on that child's future earning potential. Mercury-exposed children have harder times getting and keeping jobs later in life, and their performance when they get those jobs is worse. The cost to society of this IQ reduction is enormous, but it's not incalculable. Independent scientific studies estimate that the cost is as high as $22,300 per IQ point per child, which cumulatively amounts to $8.7 billion in lost potential per year, based on CDC studies of half a million children who have blood cord mercury levels higher than 5.8 micrograms per liter, the level that adversely affects their IQ.

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman an additional minute.

Mr. MORAN. I thank the gentleman.

We know this $8.7 billion can now be quantified.

There are so many other things that mercury does, I won't go into them. But this cement kiln rule also applies to other harmful pollutants.

The fact is, Mr. Chairman, that the majority constantly urges us to balance the costs and benefits of environmental regulation, but when the benefits of regulating hazardous pollution substantially outweigh the costs, as they do with mercury, all of a sudden that doesn't become an issue for the debate. It ought to be an issue for the debate, because it's about the future health of our children.

If we don't defeat this bill, if it were to be enacted, children will suffer and our economy will become weaker. The fact is that we have both a moral and an economic responsibility to defeat this bill, and thus I urge its defeat.

Mr. WHITFIELD. Mr. Chairman, how much time do we have remaining?

The CHAIR. The gentleman from Kentucky has 15 minutes remaining. The gentleman from California has 7½ minutes remaining.

Mr. WHITFIELD. Thank you, Mr. Chairman.

I now yield 4 minutes to the chairman of the Telecom Subcommittee of Energy and Commerce, the gentleman from Oregon (Mr. WALDEN).

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

I just want to touch on a couple of things. First of all, you can tell we're into October and Halloween is coming because all the scare tactics are out and on display.

We heard several things from the last speaker, and since I'm from the State of Oregon, I want to point out, he mentioned that the biggest polluter of mercury in Oregon is the cement kiln. Why is that? Because we only have one coal plant and it's being closed. So that's it.

The cement factory in Durkee, Oregon, which is in my district, a county of 16,000, 3 years ahead of any of these rules invested $20 million in the latest, most advanced technology to remove their pollutants, reduce their emissions, $20 million, they reduced their emissions by 90 percent, and what this rule would do, the MACT rule under consideration here that we're trying to delay and bring common sense to, it would put them out of business, because they're already using the maximum achievable control technology that is available in the world. They've reduced their emissions by over 90 percent on a consistent basis. There isn't technology available to go further, because the limestone found behind this plant that's been in operation for, I don't know, 30 or 40 years, happens to have a little higher level of mercury.

The Clean Air Act would allow the EPA to create a subcategory. They chose not to. The Clean Air Act says you can't force a company to do more substitution, and yet that's what would have to occur here—except there's no limestone anywhere nearby.

According to the EPA's own ''Roadmap for Mercury'' study in 2006, 83 percent of the mercury deposited in the U.S. originates from international sources. This is the State of Oregon. Guess what's out here somewhere: It would be China. We get it in from the atmosphere. So what we're doing here is trading our jobs to China, buying our cement there, they don't have these rules, we get their pollution, we lose, and you put a plant out of business.

□ 1350

You want to talk about jobs? There are 109 individuals who work at the Ash Grove Cement Company in Durkee, Oregon. The Teamsters wrote to me back in March, imploring me to do everything I could to ensure these jobs:

''As you are aware, this cement plant is important to the community in Durkee, and also, their product is vital to rebuilding and building our infrastructure. Economic stability and jobs should be the number one priority for all of us,'' Lynn Lehrbach, Representative, Joint Council of Teamsters No. 37.

The entire Oregon delegation recently signed a letter to the EPA, advocating Ash Grove for their Clean Air Excellence Award. In that letter, it reads:

''Ash Grove's commitment to proactively reduce mercury emissions at its Durkee, Oregon, plant 3 years ahead of the new EPA rules taking effect is commendable. This type of action by Ash Grove's and their ultimate success in making meaningful reductions is a model that others should emulate.''

Yet if these rules were to go into effect, they can't meet the new rules because the new rules would make them reduce their emissions by 98.4 percent. Now, this is the biggest employer in Baker County with direct and indirect jobs of some 654 in the area. They have been a good corporate citizen. They care about the people of Baker County and the surrounding areas. They are working day and night to reduce their emissions, and it's simply not achievable. Baker already has 10.7 percent unemployment. You take this away, and think what that unemployment rate will be. They have reduced their emissions. The emissions we're getting—83 percent according to the EPA—are already coming in from elsewhere, deposited in the United States from international sources, both natural and remitted.

Look, we're just trying to find some balance here. We're saying the Clean Air Act set the maximum achievable control technology, but that can't be met here. It doesn't work. They're already using the activated carbon injection filtering system. They've already

spent $20 million to achieve their goals. We're just saying we care about the jobs, too. We care about the air, and we care about the jobs.

So when Assistant Administrator Gina McCarthy testified before our committee, I asked her, I'm concerned about these health problems. Would you provide for me the effects in Baker County in Oregon that you've demonstrated to come up with these data points.

Twenty-seven days later, we still have no response.

I urge my colleagues to support this bill, to save the jobs and to bring responsible management to air control and quality improvement.

JOINT COUNCIL OF
TEAMSTERS NO. 37,
Portland, Oregon, March 31, 2011.

Hon. GREG WALDEN,
U.S. Representative, Oregon District 2, Rayburn House Office Building, Washington, DC.

Hon. GREG WALDEN,
U.S. Representative, Oregon District 2, Medford, OR.

DEAR REPRESENTATIVE WALDEN: The current economic conditions are affecting most of our Teamster Industries. One in particular is our Durkee Cement Plant in your district.

The EPA/Oregon DEQ is attempting to shut the Durkee Cement Plant down for not meeting emission standards. The Durkee Plant spent $20 million to retrofit their plant to meet the EPA's requirement. They came close, but no horseshoe.

As you are aware, this cement plant is important to the community in Durkee, and also, their product is vital to rebuilding and building our infrastructure. Economic stability and jobs should be the No. 1 priority for all of us.

We are asking for your help to keep the Durkee Cement Plant in operation. Thank you for your attention to this most important issue.

If you have questions, please do not hesitate to call.

Sincerely,

LYNN R. LEHRBACH,
Representative.

CONGRESS OF THE
UNITED STATES,
September 27, 2011.

Re Clean Air Excellence Awards—Ash Grove Cement Company, Durkee, OR

Attn: PAT CHILDERS,
U.S. EPA, Office of Air and Radiation, Washington, DC.

DEAR MR. CHILDERS: Please accept our endorsement of Ash Grove Cement Company's application for consideration of the 12th annual EPA Clean Air Excellence Awards in the categories of Clean Air Technology and the Gregg Cooke Visionary Award. Ash Grove commitment to proactively reduce mercury emissions at its Durkee, Oregon, plant three, years ahead of the new EPA rules taking effect is commendable. This type of action by Ash Grove and their ultimate success in making meaningful reductions is a model that others should emulate.

In 2008, after several years of involvement from citizens, scientists and leaders from the local community and from around Oregon, Ash Grove signed an agreement with the Oregon Department of Environmental Quality to voluntarily reduce mercury emissions at the Durkee plant. This led to the development and implementation of a first-of-its-kind Enhanced Activated Carbon Injection system, based on the best available science and peer-reviewed technology in the world. Ash Grove invested more than $20 million in this project with the goal of reducing mercury emissions by at least 75 percent. In actuality, the mercury control efficiency has been in excess of 95 percent.

Located in rural eastern Oregon, Ash Grove's Durkee plant is the last remaining manufacturing business in Baker County. Unfortunately, the region's limestone contains naturally high concentrations of mercury due to the region's volcanic geologic history. Ash Grove's willingness to step up and address mercury emissions at its plant is vital to the social, economic and environmental welfare of our constituents.

We admire Ash Grove for proactively taking on this important environmental challenge. The results of their efforts will have a lasting benefit for Oregonians and the U.S. for generations to come and they are deserving of recognition for this contribution.

Respectfully yours,

JEFFREY A. MERKLEY,
U.S. Congress.
RON WYDEN,
U.S. Congress.
GREG WALDEN,
U.S. Congress.
KURT SCHRADER,
U.S. Congress.
EARL BLUMENAUER,
U.S. Congress.
PETER DEFAZIO,
U.S. Congress.

Mr. WAXMAN. I yield myself 2 minutes.

I want to acknowledge that the gentleman from Oregon is pointing out a real problem for his district, but it is a unique problem in his district because the limestone that's used in the kiln has a high content of mercury. I understand that EPA is trying to work through that issue, but I do want to point out to my colleagues that this example should not serve as the basis for this bill that's before us.

We've heard over and over again from my colleagues on the other side of the aisle that 99 percent of the mercury in America comes from nature, from outside other countries that the trade winds bring here to our land. Chairman BARTON even said most mercury that's emitted is emitted by natural causes. In 2000, EPA estimated that roughly 60 percent—not 99 percent as Mr. WHITFIELD pointed out—of the total mercury deposited in the United States comes from anthropogenic air emission sources within the United States, such as from power plants, incinerators, boilers, cement kilns, and others, and that the remaining 40 percent comes from the combination of sources of natural emissions and remission into the United States from the wind.

It hasn't changed much since the year 2000. An example is one study by the University of Michigan, which found that the majority of mercury deposited at a monitoring site in eastern Ohio came from local and regional sources. EPA estimated that 80 percent of the mercury deposited in Pines Lake, New Jersey, comes from man-made U.S. sources. There was a bit of peer-reviewed scientific study that found two-thirds to three-quarters of the annual global mercury emissions are caused by human activity. So let us not minimize the problem where those who are living near these facilities are experiencing a great deal of harm.

I reserve the balance of my time.

Mr. WHITFIELD. I yield 2 minutes to the gentleman from Texas, a member of the Energy and Commerce Committee, Mr. OLSON.

Mr. OLSON. I thank the chairman of the subcommittee for yielding.

Mr. Chairman, today, the House takes another step to ensure a stable regulatory environment for the cement industry. In a rush to regulate, the EPA issued economically damaging rules that jeopardize 4,000 American jobs in the cement industry. The cement industry has stated that it cannot comply with these rules even with the best current technology.

CEMEX is a cement company with operations based in Houston, Texas. They've asked Washington for help in negotiating with EPA on these unachievable rules. CEMEX is just one company of many that Congress has repeatedly heard from that may be forced to move operations overseas where regulations are more reasonable.

EPA's failure to strike the proper regulatory balance puts U.S. jobs in jeopardy and hurts our global competitiveness. The bill before the House today simply gives EPA the needed time to ensure the rules are reasonable and attainable in the real world.

Mr. Chairman, I urge my colleagues to vote for H.R. 2681, the Cement Sector Regulatory Relief Act, so we can stop exporting American jobs.

Mr. WAXMAN. I continue to reserve the balance of my time.

Mr. WHITFIELD. I yield 1½ minutes to the gentleman from Mississippi (Mr. HARPER).

Mr. HARPER. Mr. Chairman, I rise today in support of H.R. 2681, the Cement Sector Regulatory Relief Act of 2011.

H.R. 2681 is on the House floor today as part of the Republican regulatory relief agenda to reduce job-killing government regulation on businesses. This bipartisan bill would provide a much needed legislative stay for the EPA to redraft new cement requirements that would affect approximately 100 cement plants and thousands of jobs.

This type of government regulation hinders job creation and forces American jobs overseas. The American public is growing increasingly concerned about government regulation coming out of the Environmental Protection Agency. A recent survey found that 74 percent of American voters throughout the country believe that businesses and consumers are overregulated. This overregulation has a chilling effect on job creation.

I urge my colleagues to support H.R. 2681 in an effort to rein in the EPA and government regulation.

Mr. WAXMAN. I continue to reserve the balance of my time.

Mr. WHITFIELD. I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. I thank the gentleman for yielding.

I think we can all agree on some things. I think Mr. WAXMAN would agree and Mr. MORAN, number one, that we want to preserve American jobs if we can; but I think, number two, we don't want to compromise our health standards. There has been a lot of talk today about we have to either do one or the other, but I think we can do both.

Now, if you'll look at the EU, which passed what they call the ''gold standard'' on emissions from cement plants, they determined that mercury they could bring down to .05. What has the EPA said? They've said they want to bring it down to .01. That's five times more restrictive than in Europe. .5, which is the European standard, is about four times more strict than in Mexico. I think we all agree that even the EPA said we'd close 20 percent of our factories, but we would get that cement, according to the Congressional Budget Office, from Mexico, which is polluting our air and does not have nearly the standards we have.

So if mercury is a problem, why would we shift production to something that is four times more dangerous than even that of the European Union? On the other hand, as to the European Union, which is the strictest on environmental standards in the world now, why are their standards so bad? They don't go below this.

One reason with mercury is it is naturally occurring. There's a debate whether it's 60 or 40, but let me say this: At .01, it's actually more severe than what is naturally occurring in some of the supply.

□ 1400

Yes, I have a vested interest. The second largest employer in my second biggest county is a cement plant. The largest employer in one of my cities of 20,000 people is a cement plant.

Those jobs won't exist. They're willing to spend $350,000; but in an industry that only had $2 billion worth of revenue, there is no way they can spend $10 billion.

Let's restore a little sanity, and we can do that. Common sense dictates that we can have jobs, and we can have safety, and we can do that not by these onerous standards on hydrochloric acid and other things.

U.S. VS. EUROPEAN EMISSION STANDARDS

Parameter (mg/Nm^3 at 10% O_2)	U.S. standards (EPA final rule)	European standards
Mercury	0.01	0.05
Hydrochloric Acid	3.83	10
Particulate Matter	7.72	20

Prepared by the Office of Congressman Spencer Bachus.

Mr. WAXMAN. I continue to reserve the balance of my time.

Mr. WHITFIELD. I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I thank the chairman.

Mr. Chairman, I rise in support of the Cement Sector Regulatory Relief Act. The cement industry is in its weakest economic condition since the 1930s. Domestic demand for cement has dropped by more than 35 percent in the last 4 years, killing more than 4,000 manufacturing jobs.

In March of last year, 136 cement workers were laid off at the Wampum cement plant in my district. It was the oldest continuously operating Portland cement manufacturing site in the United States, but now cement production at Wampum has ceased and only 15 jobs remain.

Despite this bleak scenario, the EPA issued its regulation which has a $3.4 billion price tag and standards that no cement plant in the United States can achieve while demand languishes. The economy will have to improve for these jobs to return to Wampum; but when the EPA issues unfair, unachievable regulations, it sets these manufacturers back even further.

I urge my colleagues to support this bill.

Mr. WAXMAN. I continue to reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, how much time remains on each side?

The CHAIR. The gentleman from Kentucky has 6½ minutes remaining, and the gentleman from California has 4½ minutes remaining.

Mr. WHITFIELD. I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I appreciate this opportunity to speak on this bill.

First, I am the co-chair of the Cement Caucus, along with Congressman MIKE ROSS of Arkansas.

My district is the largest cement producing district in America. I have a town in my district called Cementon. I have a high school team called the Konkrete Kids. This is what we do in my district in large part.

I have five cement plants, Lafarge, Buzzi, Keystone, Essroc, Heidleberg-Hanson, Lehigh Portland cements. I have a company that manufactures and constructs cement plants, FLSmidth-Fuller. This is a big business where I live. It's an important business, the basic industry and the manufacturing to the industrial sector of this country.

These three rules that we are dealing with are going to have a dramatically negative impact on cement production in America. Foreign imports currently make up more than 20 percent of total U.S. cement sales, and that number is going to grow if these regulations are implemented.

Many of these foreign producers, as has been pointed out by some of the previous speakers, do not operate with anything close to the types of regulations that we are talking about here today, whether they be in Europe or Mexico, China or elsewhere. And as has been stated previously, close to 20 percent of all cement production facilities in this country are likely to close as a result of these three rules.

What are they? It's NESHAP rule, which cobbles together a whole range of different performance characteristics for different pollutants without determining if it is possible for any single cement plant to comply with all the various standards simultaneously.

Also one called CISWI—and I won't read the acronym—but that is going to have an impact on the ability to use solid waste in the form of tires, waste plastics, and other materials that we use in cement plants. This material would be land-filled. We'd have unsightly tire piles all over America, breeding grounds for mosquitos and West Nile virus. We burn them in cement plants. They have high Btu content. This will make it much more difficult, these rules, if they are implemented. So we have to stop it.

So what this bill does, it scraps its three existing rules and requires the EPA administrator to develop and propose more realistic and achievable regulations within 15 months. This is completely reasonable. Support this. This is about protecting American jobs. I urge a ''yes'' vote.

Mr. WAXMAN. I continue to reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. Mr. Chairman, I rise today in support of H.R. 2681, and I just want to talk a little bit about the real-world effects that have been alluded to.

I have firsthand knowledge. My family's company, now owned by my cousins, but a company started by my father and my uncle has been in the Redi Mix concrete business for over 40 years. I own a sand and gravel company back in Michigan.

I just want to point out that this is actually not an attack on clean air, as some of my colleagues on the other side have said. This stops an attack on the American worker. Let's talk about some of those real-world effects.

We will be buying more cement from outside the United States, as has been pointed out, and it is much dirtier produced over there. What are the challenges that we have been seeing in this industry over the last few years?

We know that a soft economy means less construction. Other challenges that we have been dealing with: increased fuel costs, increased health care costs under ObamaCare and other requirements, increased unemployment insurance requirements, increased labor regulations, now even greater costs with little or no benefit directly coming to us.

I don't quite understand what my colleagues on the other side think is going to happen when we are talking about building roads. Do they want to drive on wooden roads? Do they want to live in mud brick hovels and shiver in the cold?

I mean, we have got to have concrete and cement as the backbone of the recovery here that we are going to be having. We will simply be forced to buy that cement from outside the United

States, and I don't understand why this administration insists on attacking the engine of our recovery.

This stops an attack on the American worker and job creators, and I support the bill.

Mr. WAXMAN. Mr. Chairman, may I inquire if the gentleman from Kentucky has more than one speaker?

Mr. WHITFIELD. Mr. Chairman, I have one more speaker and he will be closing. Other than that, I have no further requests for time.

Mr. WAXMAN. May I inquire, Mr. Chairman, which side has the prerogative to close?

The Acting CHAIR (Mr. LATOURETTE). The gentleman from Kentucky has the right to close.

Mr. WHITFIELD. Mr. Chairman, may I inquire how much time remains?

The Acting CHAIR. The gentleman from Kentucky has 3 minutes remaining, and the gentleman from California has 4½ minutes remaining.

Mr. WAXMAN. I yield myself such time as I may consume.

Mr. Chairman, the EPA has been working on this regulation since the 1990s. Under the 1990 law, they are required to put in place a regulation to protect from these toxic pollutants.

They are required to be put into place by the year 2000. They tried, thrown it out of court, they have now tried again, and they have already proposed a rule that is now going to be repealed by this legislation. So it's taken them over a decade to finally get to this point.

It's a long, overdue rule that requires cement kilns to reduce their emissions of toxic air pollutants. EPA estimates that this rule will reduce mercury emissions from cement kilns by 16,400 pounds, or 92 percent, compared with projected levels, that is, if they are allowed to remain in effect; and they also had to do a cost-benefit analysis.

They said that this rule will yield $7 to $19 in health benefits for every dollar that's spent to meet the standards and will prevent up to 2,500 premature deaths and 17,000 asthma attacks each year. So EPA has been mindful of the costs and the benefits.

The bill before us effectively vacates the cement rules, kiln rules, nullifies these health benefits, forces EPA to start all over again. They give EPA 15 months to come up with more regulation, and then they bar EPA from enforcing any final rules for at least 5 years.

During all this time—and we have no guarantee after 5 years if anything will happen—cement kilns will avoid having to clean up their toxic air pollution, maybe indefinitely. The bill threatens EPA's ability to ever reissue limits on toxic air pollution from cement kilns.

□ 1410

This bill that's before us would set a new and unworkable methodology. They're not looking at the methodology that Congress provided to at least use the maximum achievable control limits. They will simply be told they have to take a subjective approach that lumps all pollutants together, and then they have to decide whether emitting more mercury but less lead is better or worse for public health than the reverse. It's an impossible choice. It's going to guarantee years of litigation.

The bill prevents EPA from setting any emission limits at all. Under this legislation, it would require EPA to select regulatory alternatives that are the least burdensome. But the ''least burdensome'' to cement kilns does not mean that we will get the option that provides the best public health benefits. In effect, the bill would exempt cement kilns from ever having to achieve meaningful reductions in toxic air pollution.

So in other words, they postpone the time for regulation, then postpone for 5 more years compliance with that regulation. They change the standard from the maximum achievable under existing technology to something else. The something else is the least burdensome to the kilns. And during all that time, we will have people exposed to these toxic pollutants.

This strikes me as not a simple, fair-minded approach. It's turning our back on the purpose of the Clean Air Act. It's turning our back on the harm that's going to be done, especially to children, from the poisoning they'll get from the mercury levels from the cement kilns.

I think this is inexcusable legislation. I think we ought to stay with the work done by the EPA, not pass a law, tell them to do the job, and then wipe out their work after 11 years and say we want another decade or more to get around to doing regulations that should have already been in place long ago.

I want you to know that many organizations oppose this regulation. You would expect all of the public health groups and the environmental groups, but even sporting organizations and outdoor groups and the people who work in the field at the State level on air pollution matters tell us: Do not support this legislation.

I urge opposition to it, and I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of H.R. 2681, a bill designed to prevent the collapse of a strategic domestic industry, the United States cement industry.

About a year ago, I became active on this issue and made it a priority of mine to help save the American cement industry and the hardworking Americans at work in those industries. Some have questioned my motives, and they are welcome to do that. But for me it's as simple as this: The new regulations on the cement industry is the wrong rule at the wrong time. It asks too much too soon. NESHAP is a rule based on questionable science and promises to export American jobs and, ultimately, result in the import of pollution from other countries.

The U.S. cement industry is suffering through the greatest decline since the 1930s, with current employment down to a mere 15,000 jobs and less than $6.5 billion in 2010 annual revenues. This represents a 25 percent reduction in employment and over a 35 percent reduction in revenues from prerecession levels. The cement and concrete product manufacturing sectors combined have shed more than 62,000 jobs between 2005 and 2009.

At this critical time when the cement industry can least afford significant investments from new mandates, analysts estimate this single EPA rule would cost $3.4 billion in compliance costs, representing approximately half of the cement industry's annual revenues. This is very onerous. Let us repeat, Mr. Chairman, the NESHAP rule will cost $3.4 billion compliance costs out of a $6.5 billion annual revenue. That's over 50 percent of the industry's revenues.

Now, if you own a cement plant, where is the money for compliance costs going to come from? Probably from closing down a plant, stalling plans for the construction of new plants, and laying off American workers in high-paying jobs. The average low job in this industry is around $60,000 a year, and they go up from there.

Common sense is the missing ingredient in NESHAP. In fact, at the same time that the EPA finalized the NESHAP emission standards last fall, we just saw a chart that the European Union had just issued their own compliance standards, and the EPA standards are five times more stringent than the famous model of the European Union. So what's wrong with this picture?

Speaking of common sense, if you want to remember that map that we just looked at, the map that shows you all the colors, the red part of that map represents between 80 and 100 percent of the estimated mercury deposits, and they're all from foreign sources.

So, Mr. Chairman, this is the wrong rule at the wrong time, and what we are doing here fixes this problem and gives us time to study.

Mr. TERRY. Mr. Chair. We are lucky in Nebraska.

Our unemployment rate is currently around 4.2%.

Personally, I'd like to see it be an even smaller number.

Without passage of H.R. 2681 and H.R. 2250, we will see job loss in Nebraska.

With regards to the Boiler MACT rules—Nebraska estimates a potential job loss of 921 jobs at a cost of over 57 million dollars.

With regards to the Cement MACT rules—Nebraska estimates a cost of $24–28 million to keep the approximately 135 jobs.

These bills give EPA time to reconsider and re-propose these regulations so the final rules are achievable and based on real-world technologies.

We like our low unemployment numbers in Nebraska and passing these two bills will help ensure our numbers stay low.

Mr. President, don't let the EPA kill jobs in my state.

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to this legislation, which would delay for another five years Clean Air Act standards for cement kilns that are already thirteen years overdue.

Like so many other bills the current House Leadership has brought before us, this bill is premised on a fundamentally false choice—that we can't have good jobs unless we are willing to breathe dirty air. I don't believe that. And I don't think most Americans believe that. In fact, the entire forty year history of the Clean Air Act demonstrates conclusively that it just isn't true.

The Clean Air Act protections at issue in this legislation will for the first time limit mercury, arsenic, soot, hydrochloric acid and other dangerous emissions from cement kilns. The proposed reductions will prevent as many as 2500 premature deaths and 17,000 asthma attacks annually, and produce $7 to $19 in public health benefits for every $1 spent on cleanup costs. Which is why the protections have the support of reputable public health organizations like the American Lung Association, the American Public Health Association and the Asthma and Allergy Foundation of America.

Rather than undermining our nation's public health, we should be focused on enacting a real jobs agenda to put Americans back to work and accelerate our economic recovery.

I urge a no vote.

Ms. JENKINS. Mr. Chair, to spur job creation in this country, we must remove burdensome regulations stifling our job creators.

The EPA's Maximum Achievable Control Technology or MACT rule is set to crush our cement manufacturers.

Eastern Kansas has three cement manufacturers who employ thousands. I recently toured plants at Monarch Cement in Humboldt, Ashgrove Cement in Iola and LaFarge Cement in Fredonia, and heard a similar story from all three.

They have the revenue stream and the desire to hire more Kansans, but the cost of complying with Government regulations, like the cement MACT, restrict their ability to do so.

The EPA shouldn't be implementing regulations that do more economic damage than they achieve in environmental good.

I hope the EPA will take this opportunity to reform this rule and be part of the solution rather than the problem.

Let's end over regulation and get Americans back to work.

The Acting CHAIR. All time for general debate has 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. 2681

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 ''Cement Sector Regulatory Relief Act of 2011''.

SEC. 2. LEGISLATIVE STAY.

(a) ESTABLISHMENT OF STANDARDS.—In place of the rules specified in subsection (b), and notwithstanding the date by which such rules would otherwise be required to be promulgated, the Administrator of the Environmental Protection Agency (in this Act referred to as the ''Administrator'') shall—

(1) propose regulations for the Portland cement manufacturing industry and Portland cement plants subject to any of the rules specified in subsection (b)—

(A) establishing maximum achievable control technology standards, performance standards, and other requirements under sections 112 and 129, as applicable, of the Clean Air Act (42 U.S.C. 7412, 7429); and

(B) identifying non-hazardous secondary materials that, when used as fuels or ingredients in combustion units of such industry and plants are solid waste under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the ''Resource Conservation and Recovery Act'') for purposes of determining the extent to which such combustion units are required to meet the emissions standards under section 112 of the Clean Air Act (42 U.S.C. 7412) or the emission standards under section 129 of such Act (42 U.S.C. 7429); and

(2) finalize the regulations on the date that is 15 months after the date of the enactment of this Act.

(b) STAY OF EARLIER RULES.—

(1) The following rule is of no force or effect, shall be treated as though such rule had never taken effect, and shall be replaced as described in subsection (a): ''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).

(2) The following rules are of no force or effect, shall be treated as though such rules had never taken effect, and shall be replaced as described in subsection (a), insofar as such rules are applicable to the Portland cement manufacturing industry and Portland cement plants:

(A) ''Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units'', published at 76 Fed. Reg. 15704 (March 21, 2011).

(B) ''Identification of Non-Hazardous Secondary Materials That Are Solid Waste'', published at 76 Fed. Reg. 15456 (March 21, 2011).

SEC. 3. COMPLIANCE DATES.

(a) ESTABLISHMENT OF COMPLIANCE DATES.—For each regulation promulgated pursuant to section 2, the Administrator—

(1) shall establish a date for compliance with standards and requirements under such regulation that is, notwithstanding any other provision of law, not earlier than 5 years after the effective date of the regulation; and

(2) in proposing a date for such compliance, shall take into consideration—

(A) the costs of achieving emissions reductions;

(B) any non-air quality health and environmental impact and energy requirements of the standards and requirements;

(C) the feasibility of implementing the standards and requirements, including the time needed to—

(i) obtain necessary permit approvals; and

(ii) procure, install, and test control equipment;

(D) the availability of equipment, suppliers, and labor, given the requirements of the regulation and other proposed or finalized regulations of the Environmental Protection Agency; and

(E) potential net employment impacts.

(b) NEW SOURCES.—The date on which the Administrator proposes a regulation pursuant to section 2(a)(1) establishing an emission standard under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429) shall be treated as the date on which the Administrator first proposes such a regulation for purposes of applying the definition of a new source under section 112(a)(4) of such Act (42 U.S.C. 7412(a)(4)) or the definition of a new solid waste incineration unit under section 129(g)(2) of such Act (42 U.S.C. 7429(g)(2)).

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to restrict or otherwise affect the provisions of paragraphs (3)(B) and (4) of section 112(i) of the Clean Air Act (42 U.S.C. 7412(i)).

SEC. 4. ENERGY RECOVERY AND CONSERVATION.

Notwithstanding any other provision of law, and to ensure the recovery and conservation of energy consistent with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the ''Resource Conservation and Recovery Act''), in promulgating rules under section 2(a) addressing the subject matter of the rules specified in section 2(b)(2), the Administrator—

(1) shall adopt the definitions of the terms ''commercial and industrial solid waste incineration unit'', ''commercial and industrial waste'', and ''contained gaseous material'' in the rule entitled ''Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units'', published at 65 Fed. Reg. 75338 (December 1, 2000); and

(2) shall identify non-hazardous secondary material to be solid waste only if—

(A) the material meets such definition of commercial and industrial waste; or

(B) if the material is a gas, it meets such definition of contained gaseous material.

SEC. 5. OTHER PROVISIONS.

(a) ESTABLISHMENT OF STANDARDS ACHIEVABLE IN PRACTICE.—In promulgating rules under section 2(a), the Administrator shall ensure that emissions standards for existing and new sources established under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429), as applicable, can be met under actual operating conditions consistently and concurrently with emission standards for all other air pollutants regulated by the rule for the source category, taking into account variability in actual source performance, source design, fuels, inputs, controls, ability to measure the pollutant emissions, and operating conditions.

(b) REGULATORY ALTERNATIVES.—For each regulation promulgated pursuant to section 2(a), from among the range of regulatory alternatives authorized under the Clean Air Act (42 U.S.C. 7401 et seq.) including work practice standards under section 112(h) of such Act (42 U.S.C. 7412(h)), the Administrator shall impose the least burdensome, consistent with the purposes of such Act and Executive Order 13563 published at 76 Fed. Reg. 3821 (January 21, 2011).

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those received for printing in the portion of the CONGRESSIONAL RECORD designated for that purpose in a daily issue dated October 4, 2011, or earlier and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by a Member who caused it to be printed or a designee and shall be considered as read if printed.

AMENDMENT NO. 11 OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. 6. PROTECTION FOR INFANTS AND CHILDREN.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from any cement kiln if such emissions are harming brain development or causing learning disabilities in infants or children.

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

Mr. WAXMAN. Mr. Chairman and my colleagues, chronic exposure to carcinogens, neurotoxins, and other dangerous chemicals can take a terrible toll on people's health, particularly in communities that live in the shadows of major sources of pollution. I have next to me here a diagram, a picture of cement kilns next to an elementary school.

Everyone in this Chamber probably knows someone who's been stricken by cancer or who has a child with a learning disability or birth defect. Environmental pollution does not cause all cancers or every health problem, but numerous peer-reviewed scientific studies tell us that chemicals classified as carcinogens cause cancers, and those cancers sicken and kill real people.

Chemicals classified as neurotoxins damage the nerve system. They pose a particular threat to infants and developing brains. These effects are significant, tragic, and avoidable. That's why Republicans and Democrats together voted in 1990 to strengthen the Clean Air Act to require dozens of industry sectors to step up and install modern pollution controls on their facilities.

The American people were tired of having their communities harmed by toxic air pollution. They didn't want to live in fear that the factory down the road would give their children cancer or damage their baby's brain. We made a promise to the American people that EPA would require polluters to cut their emissions of mercury, lead, dioxins, and other air pollutants linked to serious health effects.

The Clean Air Amendments of 1990 set up an effective program to reduce toxic air pollution. It would achieve cost effective pollution reductions by simply requiring facilities to use pollution controls that others in their industry were already using.

Since 1990, EPA has set these emission standards for more than 100 different categories of industrial sources. They've reduced emissions of carcinogens and other highly toxic chemicals by 1.7 million tons each year.

□ 1420

But today, this Chamber is seriously proposing to just let these cement kilns pollute our communities with impunity. Cement kilns are one of the largest sources of mercury pollution. For far too long, they were allowed to pollute without installing modern technology to reduce their emissions. In August of last year, EPA finally issued standards they've been working on since the late 1990s. EPA estimated these rules will reduce mercury emissions from cement kilns by 16,400 pounds, or 92 percent, compared with projected levels. The rules would also cut emissions of hydrocarbons by 83 percent and particulate matter by 92 percent.

But the bill that's before us would nullify those rules, and they would force EPA to start all over again with another rulemaking, using new and unworkable criteria. These long overdue public health protections will be delayed, at a minimum, for 6 more years and maybe forever.

And the bill doesn't just delay. By changing the approach adopted in 1990, it threatens EPA's very ability to issue replacement standards for cement kilns that will achieve any meaningful reductions in mercury pollution.

EPA testified before our committee, and they said that this legislation would create new legal ambiguities that would tie up the new rule in litigation for years. Other clean air lawyers testified this bill would eviscerate the ability of the law to control air toxics for cement kilns.

But the Republicans have charged forward in what amounts to legislative negligence. And they say reassuring things like, this is a commonsense, minor approach delaying it for a little while. Well, we cannot afford additional delays. We cannot afford to lose these protections altogether. All across America, communities are living in the shadow of these plants. And I again refer you to this picture. These are plants next door to an elementary school, and nearby these kids and their families live. And the closer you live, the more exposed you are. All of these people who live near these facilities are running a very high risk for dreaded diseases.

Mercury is a potent neurotoxin. Reams of scientific studies show that babies and children who are exposed to mercury may suffer damage to their developing nervous systems, hurting their ability to think, learn, and speak. Children will never reach their full potential.

That is why I ask that we support this amendment that says, in effect, let's not wait any longer when it comes to something that deals with poisoning our kids from mercury.

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

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

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

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to this amendment for the simple reason that in 1999, EPA issued a rule for cement plants in which it regulated emissions from cement plants. All of us are very much aware of the health hazards of certain emissions. And that's why we support the ruling of the EPA in 1999.

Now, in 2006, EPA came back with a new cement rule. But the environmental groups challenged that in court. And so as a result of that challenge, EPA went back, and they came out with the new Cement MACT rules that are the subject of our legislation today. And as we said during the general debate, the economy is unusually weak today, our unemployment is high today, and we think we need a more balanced approach than what EPA came out with in its most recent cement rule, which is in effect, but compliance is not expected until 2013.

So we simply are staying that rule with this legislation asking EPA to come out with a new Cement MACT within 15 months after passage of our legislation and then give industry 5 years to comply, and longer, if the EPA administrator decides to do that. Now, looking at the history of this administrator, I can't conceive that she would be willing to give them any more than that 5 years, but that would be her choice.

So I would urge the Members to oppose this amendment because we already have some basic protections in there. We have the 1999 rule that is in effect if we are successful in passing this legislation that would negate the most recent Cement MACT rule. And as I said before, we hear today from businesses all over the country who are talking about the uncertainty—particularly because of the excess of regulations coming out from EPA—not knowing what standards are required, and in many instances not even having technology that's available to meet the standards.

So I think our H.R. 2681 is a reasonable approach: Ask EPA to step back, propose a new rule, do it within 15 months and give the industry 5 years. And for that reason, I would reiterate all of us have the same concerns that the gentleman from California has. I do not believe that his amendment is necessary, and I would urge all of our Members to oppose his amendment.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. I rise in support of the Waxman amendment, and without the amendment I rise in opposition to H.R. 2681, the Cement Sector Regulatory Relief Act of 2011.

As we all know, cement plants are one of the primary sources of mercury pollution in the U.S. In my State of Texas alone, there are 10 cement plants which emitted 225 pounds of mercury in 2009 alone. It takes only one-seventieth of a teaspoon of mercury to contaminate a 25-acre lake and render the fish unsafe to eat. And children are the most vulnerable.

Mercury exposure impairs a child's ability to learn, write, walk, talk, and read. As a registered nurse, I have seen firsthand how children are particularly sensitive to emissions of mercury and other air toxins. As a mother and a grandmother, I cannot stand by and watch these emissions go unchecked.

I have always been a strong and proud defender of EPA's charge to protect public health and the environment. In 2009, I led a letter to EPA Administrator Lisa Jackson calling for even stronger emissions standards to reduce mercury pollution. Last year, I was pleased to see that EPA finalized standards for cement plant emissions that will reduce mercury and particulate matter pollution by over 90 percent, resulting in health savings of up to $18 billion each year.

Despite all the talk that we have heard in recent months, EPA regulations do not kill jobs. As the ranking member of the Science, Space, and Technology Committee, I know that our Nation's scientific, entrepreneurial, and industrial sectors have and will innovate to meet new standards as they always have. We will reduce air pollution in this country while creating thousands of jobs.

The predictions of widespread economic disruption and collapse of our industrial sector because of what some have called the overreaching Clean Air Act have been proven wrong time and again. We should expect that today's hysteria is no different.

Therefore, I stand with the citizens of Texas and impacted communities across the Nation in opposing this bill and not with the big polluters. Congress passed the Clean Air Act 40 years ago, and we have cleaner air today because of it. But we can always do better. And that is why we must support the purpose and the mission of the EPA and oppose this bill without this amendment. We are not here to kill jobs, but we are here to save lives.

□ 1430

Mr. CARTER. Mr. Chairman, I move to strike the last word.

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

Mr. CARTER. Mr. Chairman, I rise in opposition to this amendment.

I listened to Mr. WAXMAN's argument, and I looked at his amendment. And this amendment targets a specific health issue: brain development and learning disabilities in infant children. We believe the EPA should consider all public health risks.

Mr. WAXMAN raised the issue of accusing the Republicans of, as he said, ''legislative negligence.'' I'm sure it was not legislative negligence on the part of Mr. WAXMAN when he failed to include cancer in this bill even though in his argument to this august body he certainly argued that this amendment would help with cancer.

The truth is this amendment addresses one public health issue, the disability of children, and it addresses it as it relates to mercury. And we've heard arguments in this Chamber about mercury, but we've also seen the air studies that have been done by the electric industry in which they tell us that, at least west of the Mississippi, somewhere between 80 percent and 100 percent of all the mercury pollution in that area comes from outside the United States.

Where outside the United States is fairly obvious, China and India, which have the largest amount of Portland cement manufacturing in the world, also the least amount of protection of the air quality. They are polluting somewhere between 80 and 100 percent of mercury, which is what, according to the argument from the other side, is the issue here. It is not cancer, and this does not address cancer. It is harming the brain development of infant children—mercury.

So if almost 100 percent of it is west of the Mississippi, then more than half the country is polluted from outside this country. And yet we would shut down factories and force them to move to places like China and India—where there is no protection for the health of anybody on this globe—so that they can stay in business because we have adopted a 1 percent standard rather than the 5 percent standard from our so-called ''model'' of the future, the European Union. Now, I think that we need to question this amendment.

I oppose this amendment, and I yield back the balance of my time.

Ms. LEE of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. LEE of California. I rise in strong support of this amendment. However, the underlying bill actually nullifies the EPA's rules to require cement kilns to reduce their emissions of toxic mercury and other toxic pollutants and forces EPA to go back to square one. In doing so, this bill nullifies the rule's promised reductions in mercury pollution from cement kilns, delays any potential future reductions, and threatens EPA's ability to issue replacement standards that will achieve the same benefit for public health.

Mercury is a potent neurotoxin. Babies born to women exposed to mercury during pregnancy can suffer from a range of developmental and neurological abnormalities, including delayed onset of walking, delayed onset of talking, cerebral palsy, and learning disabilities. This is certainly an important issue for Democrats and Republicans to support.

In 1990, Congress amended the Clean Air Act on a bipartisan basis to reduce emissions of mercury and other toxic pollutants from a range of industrial sources, including cement kilns. Cement kilns are one of the largest sources of airborne mercury pollution in the United States. For far too long, they have been allowed to pollute without installing modern technology to reduce their emissions of mercury and other toxic chemicals. The Clean Air Act directed EPA to issue standards to cut emissions of mercury and other toxic pollutants from cement kilns by 2000. That was a decade ago. EPA didn't finalize these rules until August of last year.

EPA estimates that the rules will reduce mercury emissions from cement kilns by 16,400 pounds, or 92 percent, compared with projected levels. Now the Republican leadership wants to nullify these rules to cut mercury pollution and delay these important public health protections. Further delay is unacceptable for the people who have been waiting for these cement kilns to clean up for years.

This amendment is straightforward. It states that the bill does not stop EPA from taking action to clean up toxic air pollution from a cement kiln if that kiln is emitting mercury or other toxic pollutants that are damaging babies' developing brains.

The Republicans deny that this bill is an attack on the Clean Air Act or public health. They argue that this bill won't prevent EPA from reducing toxic mercury pollution from cement kilns. I strongly disagree. And these statements stand in stark contrast to the body of science linking mercury exposure to neurological problems.

And I have to say, instead of working to create jobs, Republicans are bringing up another assault on our public health and the Clean Air Act. We should be passing the President's American Jobs Act and other pieces of emergency jobs legislation that create jobs as soon as possible. But instead of focusing on jobs, the GOP wants to eliminate and delay Clean Air Act regulations. This will jeopardize our public health and the clean air that we breathe.

This clean air regulation will reduce toxic pollutants produced by cement plants and will prevent 2,500 premature deaths every year. This regulation also will provide up to $19 million in public health benefits for every dollar spent on reducing harmful air pollution. So we have to support the amendments that are going to protect the public health of our people.

I urge support of the Waxman amendment, and all of the amendments that are coming today, for the sake of the public health of Americans.

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

Mr. HUIZENGA of Michigan. Mr. Chairman, I move to strike the last word.

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

Mr. HUIZENGA of Michigan. Mr. Chairman, we're talking about common sense. Unfortunately, I don't think we're hearing much of that coming out of the other side because they're talking out of both sides of their mouth here. How in the world does a 20 percent reduction in the number of cement plants in the United States, out of the 100 that we have, how

does that 20 percent loss, or estimation of 18 to 20 cement plants, equal more jobs? I'm a little lost. I know I'm a freshman here, but I'm lost as to how, when we're shutting down businesses, that equals more jobs.

I'm also curious about how in the world we can call this a Maximum Achievable Control Technology when people in the industry and people outside the industry say it's not achievable. We might as well call it the ''maximum dreamed-up control technology.'' We've got to introduce some common sense to this.

Now, we can solve all of our pollution issues coming out of cement plants by shutting every single one of them down. We can shut every single one of those 100 plants down here in the United States. I do not think that India is going to shut theirs down. I don't think China is going to be shutting theirs down. I know Indonesia is not going to be shutting theirs down. I'm betting our friends and neighbors in Canada aren't going to be shutting theirs down.

So we can shut down every single cement plant. That's not going to solve our problems, though, because we have to keep going further. We've got to shut down every power plant. We've got to stop driving every car, every bus, every train. We might as well ban campfires, grilled foods—and cancel Christmas while we're at it. There has got to be some common sense involved here.

Ontario tried this a few years ago when they were going to shut down all of their coal-fired power plants. Their goal: get rid of them all. The outcome: not a single one—zero—was shut down because they know that it wasn't possible. And we're seeing here a proposed regulation that is five times more stringent than what our friends in the European Union are talking about, and in Canada: five times more stringent. How is that going to make the United States more competitive, and how is that going to retain jobs here?

Mr. Chairman, we have got to make sure that, instead of using the ''maximum dreamed-up control technology,'' we actually use the Maximum Achievable Control Technology. And that is what we have today.

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

Mr. RUSH. Mr. Chairman, I move to strike the last word.

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

Mr. RUSH. Mr. Chairman, I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I do want to respond to the gentleman who just spoke about how they're going to shut down these plants. Why do they have to shut down the plants? If they have to put in a control technology that's already being used somewhere else in the country to reduce that mercury pollution, that other cancer-causing pollution, they put the equipment in. They pay for it.

Now, cement kilns are having financial problems, not because of these regulations, but because of the low demand for cement. The industry admits this on their Web site, and they have a problem. But we are telling them that when the economy starts picking up, they'll get a greater demand. But we also want to make sure that they put in the control technology. They don't have to close just simply to do that.

□ 1440

Mr. RUSH. Mr. Chairman, the gentleman prior to me asked, where is the common sense?

Well, common sense begins with science, and the science is clear. I want to let the gentleman know that all sense is not common sense. In this instance, common sense begins with the science, and the science is absolutely clear that EPA must be able to reduce toxic pollution from the cement manufacturing process.

Cement kilns across the U.S. produce more toxic air pollutants, including mercury, arsenic, acid gases, hydrochloric acid, dioxins, and other harmful pollutants that add to the nation's problems with soot and smog. Cement kilns are the third-largest source of mercury emissions in the U.S.

Toxic air pollutants can cause cancer, impair brain development and the ability to learn, damage the eyes, skin, and breathing passages, harm the kidneys, harm the lungs, harm the nervous system, and cause pulmonary and cardiovascular disease and premature death.

Cleaning up cement kilns saves lives and protects children from hazardous air pollutants. EPA estimates that reducing toxic pollution from cement kilns can save up to 2,500 lives each year by 2013. The limit will annually prevent 1,500 heart attacks, 17,000 asthma attacks, over 1,700 hospital and emergency room visits, and 130,000 missed days of work.

The most vulnerable populations depend on the EPA to protect them from the harmful health effects of cement kiln pollution. Children, teens, senior citizens, and people who exercise or work outdoors or with chronic lung diseases such as asthma, COPD, emphysema, these are the children and the people who are most in danger.

People with low incomes or who are members of racial and ethnic minorities are disproportionately affected by air pollution, in part, because they tend to live closer to industrial facilities such as cement kilns.

Mercury is a potent neurotoxin. Reams of scientific studies, common sense studies, show that babies and children who are exposed to mercury may suffer damage to their developing nervous systems, hurting their ability to think, learn, and speak.

Children exposed to mercury may never ever reach their full potential. The National Academy of Sciences estimates that each year about 60,000 American children are born right here in the U.S. with neurological problems that could lead to poor school performance because of exposure to mercury in utero.

The Waxman amendment is straightforward. It is common sense. It states that the EPA can continue to require a cement kiln to clean up toxic air pollution if that kiln is emitting mercury or other toxic pollutants that are causing damage to infants' developing brains.

This amendment simplifies our choice. Allow polluters to continue to harm children, to harm infants, or require facilities that are actually harming our kids to reduce their pollution. It's not too much to ask, and I ask the Members to support the Waxman amendment.

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

Mr. FLORES. Mr. Chairman, I move to strike the last word.

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

Mr. FLORES. Mr. Chairman, job creators across a wide range of industry have sent urgent calls to Washington pleading for Congress to remove burdensome regulations that could destroy hundreds of thousands of jobs nationwide.

Yesterday, I had the opportunity to meet with two of America's job creators, Karl Watson from Houston, Texas, who represents CEMEX, a global leader in the building materials industry, and Brad Slabaugh of Hilltop Basic Resources, a small building materials and ready-mixed concrete producer from Ohio.

While these job creators may hail from different regions of the country, and one employs thousands of workers, versus the one that employs several hundred middle class Americans, they both face the same challenges under the Obama administration's oppressive regulatory regime. That is why Mr. Watson and Mr. Slabaugh came to Washington this week, to discuss their real world examples of how the Obama administration burdensome regulatory policy is devastating to the concrete production industry and to virtually all American employers and job creators. The worst offender that is inflicting this regulatory flaw under the Obama administration is the Environmental Protection Agency.

This week the House is tackling some of the most economically dangerous regulations that the EPA has imposed on our Nation's creators, Boiler MACT and Cement MACT. These unwarranted and indefensible regulations are costing hundreds of thousands of much-needed American jobs at a time when unemployment stands at 9.1 percent and families and small businesses are struggling to stay afloat.

Worse yet, both appear to be based upon ideology versus sound science and real word cost-benefit analyses. Both the Boiler MACT and Cement MACT could have a combined economic impact of more than 230,000 existing American jobs lost and $14.4 billion in

projected compliance, according to the Council on Industrial Boilers.

In my home State of Texas, which is home to 27 boiler facilities, the economic impact of the Boiler MACT rule on boiler and process heater owners and operators is well over $200 million, putting thousands of good-paying jobs at risk, and opening the door to further burdens, not only for large industrial boilers, but also important institutions such as hospitals and universities.

This additional regulatory damage comes within 2 weeks of a large Texas power producer that has announced, due to the EPA's Cross State Air Pollution Rule, it will cause the loss of 500 middle class American jobs and the closure of five job sites in Texas.

The Cement MACT regulations that CEMEX and Hilltop face are some of the harshest of seven proposed or recently finalized EPA regulations targeting an already weakened cement industry. The Portland Cement Association estimates that the Cement MACT would force the shutdown of up to 20 percent of the Nation's 100 existing cement plants, and that does not include the seven plants that have already announced, due to economic or other reasons, that they have faced permanent closure since 2008.

Both CEMEX and Hilltop are experiencing depressed volume levels and are having to shed middle class jobs as they respond to increasing economic uncertainty being generated by unelected, unaccountable Washington bureaucrats. If the commonsense relief that we are currently considering does not pass, these companies will face the shutdown of up to 20 percent of their operations. Such a decrease in production capacity of the cement industry would have a ripple impact across the economy, impacting not only cement manufacturing jobs, but also industries that rely heavily on them, such as construction and building.

Worse yet, for all Americans, these jobs and plants will be relocated to foreign countries, further damaging America's already declining industrial base and middle class job opportunities. The bipartisan legislation coming to the floor today will provide the EPA with at least 15 months to re-propose and finalize new rules regarding the economically dangerous Boiler MACT and Cement MACT.

Without this commonsense regulatory relief, the EPA's current rules endanger hundreds of thousands of American middle class jobs nationwide by forcing plant shutdowns and relocation of American manufacturing and jobs to foreign countries.

Congress and this administration can and should encourage private sector job growth in this country, not hinder it with unreasonable regulations.

I urge my colleagues on both sides of the aisle and the Obama administration to join me in removing barriers to job creation and support both H.R. 2250, the EPA Regulatory Relief Act of 2011, and H.R. 2681, the Cement Sector Regulatory Relief Act of 2011.

□ 1450

Mr. RANGEL. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. RANGEL. I rise in support of the Waxman amendment. As long as Mr. WAXMAN has been in the Congress, he should know that recently a new group has arrived here, and there are three things that you shouldn't do, and that is ask for anything that might be good for the President of the United States, ask for anything that could improve the environment of the people that breathe the air, and for God's sake don't ask them to bring up any bills that could create jobs.

Having said that, it just seems to me that we're involved in a political fight that concerns Democrats and Republicans and others; and yet you would think if you listened to the debate that the air in which we breathe, there's a Democratic area and there's a Republican area, or when you start talking about this is saving lives through providing an opportunity for our youngsters to be able to grow up in a healthy environment that we're just talking about Democratic babies. What we're talking about—pardon the word ''scientific''—is a connection between pollution of the air and how people breathe it and what happens to their general health.

I don't really believe that anyone challenges the fact that whether it happens on a 9/11 site or on a coal mine that what you breathe is going to have an impact and if indeed it leads to illnesses, that's going to be very costly. And so it just seems to me that if we concentrate on what can we do, I know there are people who don't like the President, but there are millions of people that go to sleep every night wondering what the heck are we doing in the Congress, and it just seems so unfair for us to go back and say, we cannot bring out a bill that the President proposed that's going to create jobs.

It would be different if we said we're going to bring it out, and we're not going to vote for it; or we're not going to bring it out because we have our own bill. It just seems to me that very few Americans are going to sleep at night wondering what happens at cement factories throughout the United States. Maybe those from Texas or those that have one or two in their districts might have some concern as to whether it would cost their employers and businesspeople in order to clean the air, but that's a constant problem we always have when it costs a little extra to do the right thing to extend the value and, indeed, the condition of life.

But to get back to jobs, there's something going on in America; and I don't know whether or not it reaches the floor, since the best place to find out what's going on in the country is right here, as we come from 435 different areas and we come to tell what's happening.

In New York, people are mad as hell. They're not going to take it anymore. They're not against Democrats; they're not against Republicans. They just don't see why they have to suffer the way they do after some of them have lost their ability to go to school, have lost their jobs, have lost their savings, have no idea what the future looks like for them, and we're not even giving them hope.

Hope has made our middle class, not the rich that control most of the Nation's wealth, and certainly not the poor that people all over the world would like to escape. But when you see the hope for the middle class just dropping and squeezing and pushing people into poverty, it seems to me that we have a higher responsibility than that.

Often I ask for our spiritual leaders to help us, because, hey, it's right over the Speaker: ''In God We Trust.'' That means that we don't have to trust each other, but maybe if some of the rabbis, ministers, and Catholics could come down and try to get our priorities in order, because if you're talking about human life, that includes the ability to have health care, to have a healthy environment in terms of housing, and I think we do have a moral obligation not only to get ready for the polls in 2012 but to do something for the people who are so completely helpless now.

I would like to emphasize that there's no way to split up the jobs with Democrats or Republicans, and so we are not being fair to the Republicans or that the cement is going to hurt us and not you. These things are so nonpolitical that I just hope that someday, and someday very, very soon, we will respond to the frustrated people we have, even the wealthy, and come up with something on the floor that whether we win or lose, we can be so very proud that we're doing something to improve the economy, put America back to work, have things once again made in America.

I want to thank the gentleman from California for at least directing us to the right track, and I yield back the balance of my time.

Mr. KINZINGER of Illinois. Mr. Chairman, I move to strike the last word.

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

Mr. KINZINGER of Illinois. Thank you, Mr. Chairman.

I was proud to work with my colleagues on the committee in developing the Cement Regulatory Relief Act.

Let's just take a quick gander at what's happened here. Last September, the EPA released new regulations—that's kind of a theme we've been hearing a lot lately—new regulations on the American cement industry. These new requirements will cost $3.4 billion, it will close 18 of America's 100 cement plants, and leave 20,000 more Americans without jobs. In my district alone,

the 11th Congressional District in Illinois, 155 companies use that cement daily.

This is the same story, but just a little bit of a different subject: the same story of over-regulation, more government, more rules, more paperwork, more disclaimers, more everything that people are sick of in Washington, D.C. This is just more of it. This is typical of over-regulation. Somebody comes up with an idea and says, what's the sane thing to do here, or what can we do that will way overstep the role of the Federal Government? Well, that's exactly what came down within the rules.

All we want to do is give a little more time for the cement industry, instead of saying, well, this is catching us flatfooted again, 18 of our plants are going to close, we're looking at this and saying, how can we keep these open and create jobs? There's been a lot of talk in this body, as there should be, about creating jobs, about the economy. Look, I'm 100 percent in. We want to create jobs, and so some of the things we see are, well, we need to spend additional Federal Government money, the size of what we'll call stimulus 2.

I tell you what we need to do. The very first step to creating jobs in this country is to stop killing them. That would be a great move in the right direction. If we stop killing jobs, then we can regroup and say, now how can jobs be created in the private sector? Yet we continue on and on with more and more regulation. We now hear the industry saying, look, this is going to cost 20,000 jobs. It's your prerogative out of Washington, but this is going to cost us 20,000 jobs. This is typical Federal Government over-regulation.

We have a responsibility here to do the right thing. We have a responsibility to do the economically and environmentally sound thing. When this rule goes into effect, the same amount of cement is going to be needed, so it's not like we're closing 18 of 100 plants and we're going to use 18 of 100 plants' less worth of cement.

We're still going to need to use that cement. Right? In fact, in the stimulus 2, they talk about the fact of spending more on cement. Well, then, okay. So what happens is these plants close, and we have to buy that cement from China. This is a great bill, and not the one where we're talking about saving jobs here, but if these rules go into effect, that will be great for creating jobs in China, and China has zero environmental constraints like we have here in the United States.

So what's the environmentally right thing to do? Keep these jobs in the United States, where there are good environmental regulations in place, take a look at what we need to do, but not send them over to a country that all they care about is pumping out cement, and they care nothing about the environment. That's the responsible thing to do. This bill simply gives regulators the time to develop practical rules for cement manufacturing facilities, and it's going to protect jobs in the manufacturing industry, the construction industry, and all those areas, these jobs which are otherwise going to be sent overseas.

Look, enough is enough. I mean, really, enough is enough. I urge my colleagues on both sides of the aisle, please just support this. This doesn't have to be a partisan thing. This is just for America. How are we going to create and save American jobs so that the families who every day wake up and say, I wonder if I can pay my bills next week, I wonder if I can make my house payment, I wonder if I can make my car payment, I wonder if I can send my kids to college.

Some of those people that have those pains and wonder that every day work in the cement industry; and if these rules come into effect, that horror that they are predicting may happen, that they'll lose their job, will happen for 20,000 members and 20,000 citizens of the United States. I call for an end to the madness. Let's be sane about this. Let's finally, once and for all, save American jobs and then create them and do what we have to do to get this economy back to work.

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

□ 1500

Mr. CLAY. Mr. Chairman, I move to strike the last word.

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

Mr. CLAY. I rise today in support of the Waxman amendment as well as of the subsequent amendments to come, especially the Capps amendment.

Mr. Chairman, we in Congress need to be working to create jobs. Instead of doing anything that would create jobs, my colleagues on the other side of the aisle are making yet another assault on our public health and the Clean Air Act in the form of H.R. 2681. We should pass the President's American Jobs Act and other pieces of emergency jobs legislation that create jobs as soon as possible.

As my friend the President said, ''Pass the bill. Pass the bill.'' Then we will create jobs.

Unemployed Americans need emergency jobs legislation now, not an ideological attack on public health. Instead of focusing on jobs, Republicans want to eliminate or delay reasonable Clean Air Act regulations. This will jeopardize our public health and the clean air that we all breathe—regardless of party affiliation. This clean air regulation will reduce toxic pollutants produced by cement plants and will prevent 2,500 premature deaths every year. It will also be very cost-effective. This regulation provides up to $19 in public health benefits for every dollar spent on reducing harmful air pollution.

I represent the State of Missouri, the St. Louis metropolitan region. Less than 100 miles south of the St. Louis metropolitan area, we have the largest cement kiln in the country. The people that I represent in the St. Louis region suffer disproportionately from pollutants in the atmosphere, pollutants that come from that nearby cement kiln, as well as from other pollutants that are emitted through smokestacks in the region. Children in my district suffer from a high incidence of asthma as well as from other respiratory diseases.

Mr. Chairman, let me make it rather personal. Shortly after my youngest son was born, he contracted asthma. It is no mere coincidence, as we were so close to a cement kiln, that he, as well as thousands of other children in the St. Louis region, suffer disproportionately from asthma attacks and respiratory diseases that are unnecessary.

The Clean Air Act is a commonsense approach, a balance, in order to allow for industry to do its work and create jobs and to also protect those children and others who live in the St. Louis region who have to breathe this air. The Clean Air Act is a commonsense approach, and it does not deserve to be attacked.

I urge my colleagues to pass the Waxman amendment as well as the Capps amendment.

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

Ms. CHU. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. CHU. I rise today in strong opposition to H.R. 2681 and H.R. 2250.

Some in Congress want to use the jobs crisis as an excuse to roll back clean air protections that will prevent 9,000 premature deaths every year. Today, we are debating an unnecessary, wasteful bill that only delays long overdue pollution-reducing regulations at the expense of Americans' health. This is one of the Republicans' so-called ''jobs bills,'' conducting redundant and costly studies that will do nothing but add paper to landfills instead of creating jobs by upgrading cement kilns so that they are no longer a threat to public health.

These studies have been done. Americans are still breathing mercury, arsenic, and lead; but we have a means to clean it up. It's called the Clean Air Act, and it was passed in 1963. It is known as one of the most successful pieces of legislation in congressional history; yet the Republican majority is trying to gut it over and over, bill after bill, wasting time and energy that could be spent passing legislation that would help create new jobs for Americans. Today's bill would cancel requirements to clean up toxic air pollution, smog, and soot from cement plants.

So, while big companies save a penny or two, American families will face billions of dollars in increased health costs. Thousands more people will go to hospitals with cases of bronchitis, heart attacks, asthma attacks, and

thousands more will die prematurely. These pollutants are also neurotoxins, causing major harm to the development of unborn babies, infants, and children.

While the majority claims that eliminating this antipollution rule for the cement industry will be good for business and the economy, the EPA rule institutes new standards based on the best available technology already in use in the industry. Let me repeat that. This rule that the Republicans are trying to weaken is based on the best available technology already in use voluntarily by a good portion of the companies in the industry.

What does that mean? These antipollution standards are actually achievable today, and companies are already using them and making a profit.

So today's bill is just another in a long string of anti-environment/anti-health attacks that look out for corporate interests over the best interests of American families. We cannot afford to give polluters a free pass to spew deadly, toxic air pollution that hurts our health and puts our children at risk. No matter what anyone says, increased pollution is not a sustainable path to job creation. Instead, we should be saving lives, saving our environment, and investing in the clean-tech jobs of the future.

I urge my colleagues to oppose this bill and the anti-environment/anti-American health bill that is up for a vote tomorrow.

I yield back the balance of my time.

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

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

Mr. WAXMAN. 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. 7 OFFERED BY MR. RUSH

Mr. RUSH. 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 5, add the following:

(c) RULE OF CONSTRUCTION.—This section is intended to supplement the provisions of, and shall not be construed to supersede any requirement, limitation, or other provision of, sections 112 and 129 of the Clean Air Act (42 U.S.C. 7412, 7429).

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

Mr. RUSH. Mr. Chairman, this atrocious bill, H.R. 2681, will make permanent changes to the Clean Air Act by weakening health- and science-based standards.

Cement kilns are a major source of mercury pollution as well as of other toxic air pollution. However, until last year, these plants had managed to avoid any sort of requirement to reduce these emissions. Last year, the EPA finally finalized requirements for cement kilns to use readily available technology to cut their pollution. This bill that is before us today will now nullify the new health standards and direct the EPA to go back to the drawing board.

Mr. Chairman, my Republican colleagues would like to frame this as a debate between jobs and public health benefits, but I believe that this is, indeed, a false choice.

□ 1510

I am for jobs. The people in my district need jobs, but also we need clean air in order to be alive to get to those jobs and to work those jobs.

We know that since the inception of the Clean Air Act opponents of this law have been exaggerating the costs of implementing the regulations associated with the act while at the same time downplaying the benefits that the new rules have brought.

H.R. 2681, the bill before us, does not take into account the positive impacts on the economy and jobs that EPA regulations will have by spurring additional research and development of cleaner technologies and by making these same plants more efficient.

In a recent Washington Post article, the economist Steven Pearlstein takes issue with the Republican analysis of regulatory costs in an article aptly entitled, ''The magical world of voodoo 'economists.' ''

Mr. Pearlstein correctly notes that these EPA rules spur the creation of innovative new technologies that will not only control pollution but also create new jobs to install the emissions-control equipment.

Supporters of this bill, Mr. Chairman, will also argue that it will provide certainty to industry when, in fact, this bill as currently drafted does precisely the opposite.

As written, section 5 of H.R. 2681 will raise legal uncertainty and ambiguity by requiring the EPA to select the ''least burdensome'' regulatory alternative even if a stronger standard is feasible and would provide more public health benefits.

However, under current law, plant owners already have the flexibility to select an appropriate combination of controls to comply based on the practices of the cleanest and most efficient plants that are operating today.

The Clean Air Act requires that the EPA set toxic air pollution standards for cement kilns based on numeric emission levels that cleaner facilities are actually achieving right here, right now, today in this world, the real world.

Pollution control technologies that meet the requirements are commercially available and, in fact, many plants in this Nation have already installed modern pollution control technology, even as you argue for this bill and against my amendment.

Mr. Chairman, even for policymakers that are responsible for enacting this legislation, the language in section 5 is ambiguous and vague.

I ask, Mr. Chairman, that my colleagues support this amendment.

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

Mr. WHITFIELD. Mr. Chairman, I move to strike the last word.

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

Mr. WHITFIELD. I rise in opposition to the amendment by my friend, the gentleman from Illinois.

As I sit here and listen to the other side, they seem to be making the argument that if you pass regulations, then you are going to create jobs. It reminds me of what you hear in China and Russia, with more government intervention, more government regulations. Our friends on the other side of the aisle say that's creating new jobs. Yet on this regulation, we have had hearing after hearing after hearing in which people in the business come to Congress and say we don't know that we can meet these standards in the timeframe necessary.

We heard today, one cement kiln in Oregon has already spent $20 million and still cannot meet the requirements of this regulation, and they have said they are going to have to close down. We have heard testimony that of 100 cement plants in America, 18 percent of them are going to have to shut down. So how do you create jobs by issuing regulations that make people close plants and lose jobs?

Now, I understand that we have a balance that we are trying to reach here, and that's the purpose of this legislation. We want to protect health. And, by the way, EPA in 1999 issued a cement regulation. And between 1999 and 2005, mercury emissions decreased by 58 percent during that time period. In 2006 they came out with a new regulation, and certain environmental groups didn't like it; so they filed a lawsuit. So as a result of that lawsuit, EPA had to come out with another regulation.

So our legislation today is simply staying the most recent regulation. As I said, they issued the regulation in 2006, environmentalists filed lawsuits, and EPA had to come back and issue a new regulation. Our legislation, because of testimony that is indisputable, that plants are going to close and jobs will be lost, simply asks EPA to go back and, within 15 months after the legislation is passed, come out with a new regulation and give the industry 5 years to comply. And if the administrator of the EPA wants to give them longer than that to comply, she may. Of course we don't expect that she would do that.

But we have heard about mercury today, for example. EPA in its own estimates said that the Cement MACT

that they've issued would reduce mercury emissions by less than one-fourth of 1 percent of global emissions. In fact, it is so small that they did not even give a dollar value of benefits to the reduction of mercury emission by their regulation.

So mercury, we know, is emitted naturally. It's also emitted globally. In fact, the Department of Energy said that 11 million pounds of mercury was emitted globally in 2005 from both natural and human resources. So this regulation that we are trying to delay is not going to have any impact on reducing mercury emissions by any significant amount.

Now, we have heard a lot about why don't you pass the Obama jobs bill. That's how you create jobs, instead of fighting EPA over regulations. The United States Congress has an obligation and a responsibility to question regulations that we believe are harming the economy, and I notice in today's The Hill it said Senate Democrats bucked Obama on his jobs plan.

So we are all committed to jobs, but I do not believe that issuing more regulations creates jobs when we have business owners large and small testify repeatedly that these regulations are going to lose jobs, that they are going to have to shut down plants at a time when the President wants to put more money into infrastructure needs in America, which is fine. You need cement to do that. Our plants are going to be closed, so we are going to be importing more cement from China, India, and elsewhere.

So I would respectfully, though I have much admiration for my friend from Illinois, oppose this amendment.

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

□ 1520

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

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

Mr. WAXMAN. I yield to the gentleman from Illinois.

Mr. RUSH. I thank the ranking member for yielding.

Mr. Chairman, I have some questions that I want to ask the Members on the other side.

How much time do you need? How much time are you asking the American people to wait? How much longer do they have to wait for the EPA to finally come up with rules and regulations that will regulate the cement kiln industry, an industry that up until this date, 13 years later—13 years later—still no regulation on the cement kiln industry? Thirteen years. And then you have the audacity to come before this Congress and come before the American people and say, after 13 years, We want you to wait even longer. Another year and a half for the EPA to act on this bill and another 5 years, another 5 years before this bill will force them to comply. That's a total of 18 years, 19 years, 19½ years. You want the American people to continue to breathe bad air, to get diseases, cancer, lung diseases, another 19 years?

How dare you come before the American people and come before this Congress and say you want more time. They've had 13 years, and most of the industries in this Nation have already complied. This one industry, the only one, the one you're trying to protect, it's the only one that's excluded. And I say we can't wait any longer. The American people can't wait any longer. Our children can't wait any longer. Our senior citizens can't wait any longer. We can't wait any longer. We cannot give them another 7 years.

Mr. WAXMAN. If I might reclaim my time, I think the gentleman is absolutely right. The gentleman from Kentucky said that they had a witness that said it's irrefutably true that they're going to lose all of these jobs. That same witness urged our committee to repeal the Clean Air Act, which seems like what the Republicans would like to do, but they want to do it bit by bit.

This amendment before us by Mr. RUSH addresses one of the most egregious provisions of the bill. It changes the requirement. It changes the standard. And it would set up a standard that would be litigated for many, many more years. He talked about how long they have been let off the hook. They'll wait many years after that because the courts will have to decide it.

What his proposal is and this pending amendment is to say this bill would be in addition to a standard that's already in place, and that standard is to require the use of a maximum achievable control technology to control the emissions of mercury, arsenic, dioxin, PCBs, and other toxic emissions. This is not a pie-in-the-sky technology. It's requiring technology that's already being used at the present time.

And so it would set up a floor for each toxic air pollutant that reflects the emission levels that are actually being achieved in the real world. The bill before us would strike that and replace it with a requirement that would be the least burdensome on the industry, even if it's the least effective in stopping the harm to children and others from the mercury and other toxic pollutants.

So I rise in support of the Rush amendment. I urge my colleagues to adopt it. It simply states that we're not replacing the requirement that's in the law. A requirement would be added onto it, and it would clarify that EPA should set numeric emission limits to reduce the air toxic pollution from cement kilns unless such limits are not feasible as described in the statute.

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

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair would remind all Members that remarks should be directed to the Chair and not addressed to other Members.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

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

Mr. HOYER. Mr. Chairman, I appreciate the recognition, and I rise in support of the Rush amendment and in opposition to the underlying bill.

First of all, let us lament the fact that we are not considering on the floor today a jobs bill. Now, I understand that my friend from Kentucky believes this affects jobs. He may well be right. But it doesn't affect jobs in the short term. In fact, as the gentleman knows, one of these regulations that is the subject of legislation this week has been stayed until next year, and the EPA is working very closely with the cement industry and particular individuals in the cement industry to try to work towards an implementation which they can in fact comply with.

What is lamentable, however, and the gentleman from Kentucky mentioned it, that somehow, and he pointed at the Senators, the Senators don't agree with the President's jobs bill. In fact, the Senators do agree with the jobs bill; they don't agree with how it's paid for. And so they have a different payfor. That, I suggest to you, is the legislative process.

But what I tell my friend from Kentucky, what my friends on the Democratic side in the Senate and the Democrats in the House both agree on, we ought to be considering jobs legislation. We ought to have every day on this floor, 5 days a week, legislation trying to get Americans back to work; millions of Americans who can't find jobs, who can't support their families, who psychologically are being damaged daily by their inability to have a job. That's what we ought to be doing. We've been in this Congress now for almost 10 months, 9 months plus, and we haven't had a jobs bill on this floor.

The President of the United States came before the Congress and the American people and said: I've got a bill, the Americans Jobs Act, and it invests in creating jobs, invests in putting money in people's pockets, and invests in making small businesses more able to expand their base, expand jobs, and grow their businesses. It invests in making sure that our schools are appropriate for our kids, and it invests in making sure that 240,000 teachers stay on the job educating our kids so when they get out of school they can get a job.

And yet, my friends, we're here talking about two industries vital to America's well-being. I couldn't agree more with the gentleman from Kentucky, we need to have regulations and rules that are consistent with Americans being able to grow their businesses. And the gentleman from Kentucky said you're concerned about the air. I'm absolutely convinced of that. I know you are. But I'm also convinced that the gentleman from California, who's been such a

giant in this effort for clean air in America, was correct when he said the witness said you ought to do away with the Environmental Protection Agency and the Clean Air Act.

I have a granddaughter who has asthma. Now, luckily, we have an intervention that she puffs on every morning and every evening that helps her. But throughout the rest of the day, she puffs on the air in our country, in our State and in our county. And Americans expect us as their Representatives to try, to the extent we can, to make sure that air is healthy and breathable and life-sustaining.

And so, yes, we have to make a balance. And that balance is between making sure that our people are healthy and making sure also, hopefully, that they're wealthy; not wealthy in the sense of being rich, but wealthy in terms of having a job, having the self-respect of a job and the ability to support themselves and their families.

We ought to be considering a jobs bill. I know you say these regulatory bills are jobs bills, but I want to call your attention to an article written by somebody who you may know, Mr. Bruce Bartlett. As you know, Mr. Bruce Bartlett was in the Reagan and George H.W. Bush administrations and served on the staffs of Representatives Jack Kemp and RON PAUL. He has never been on our press staff.

He says the focus on these regulations as if they are job creators or job destroyers is inaccurate. That does not mean we shouldn't pay attention to them; we should. But, ladies and gentlemen, we ought to have on this floor jobs legislation, job creation legislation.

Bring to the floor the President's bill. If you don't like it, vote against it. If you don't like it, amend it, but give the American public, the American people the chance to have a jobs bill considered on this floor to give them hope and opportunity.

I yield back the balance of my time.

□ 1530

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to others in the second person.

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

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

Mr. CARTER. Mr. Chairman, there's a pretty heated argument going on here, and there are a couple of things I would like to point out here. First off, the EPA is conducting a reconsideration of certain aspects of the recent cement rules. However, EPA is only reconsidering a certain aspect of these rules. EPA has stayed the effective date on only one of the three rules proposed. They have stayed it only for a short period of time, and environmentalists have sued the EPA for staying the rule. None of the compliance dates for any of the three recent cement sector rules have been changed, and it is not clear that they will be. Only a legislative stay will provide regulatory certainty for these rules.

President Obama has publicly stated to us that he learned that ''shovel-ready'' doesn't always mean ''shovel-ready,'' and that we are still waiting for some of the projects from the original stimulus bill to be created because ''shovel-ready'' doesn't mean ''shovel-ready.'' And, in fact, we have a few of these in my district.

But let me say this: What we're talking about here is something that we've heard from the administration since the Obama administration has been in charge, and that is it is a success if you have prevented the loss of jobs. So you take credit for saying we didn't lose certain jobs because of this action. Well, we have evidence here that says we are going to lose certain jobs because of this action. In fact, we are told that we could have the close-down of 20 percent of the cement factories currently in existence within the next 2 years. That means shut down and either moved overseas or just shut down and no longer in business as a result of the regulations that are imposed by EPA. And that's actually not only the industry, but even EPA acknowledges that that is a possibility.

So what this amendment that is proposed here does is it says—and the argument we heard was we ought to be ashamed of ourselves for the position we're taking and that for 18 years we've done nothing. Well, for 18 years, we've not exactly done nothing. In 1999, regulations were imposed by the EPA which were submitted to the cement industry; and they, by their own statement of EPA, they put those in place, and then the regulations changed in '06 and they were in process; and many, as we heard from our friend from Oregon, have put those regulations in place to reduce emissions. In fact, we have reduced mercury emissions by 56 percent by the regulations that have been put in place and the implementation that the industry has done.

So it seems to be maybe another case of legislative negligence here to make the accusation that we have done nothing for the 13 years that have gone forward. Of course, that is just not true. They have done something.

But now we've got the example of the plant that is in Oregon which has met the '99 and met the '06 regulations, and now they're looking at these regulations and the standard we have to meet, which is a 1 percent versus a 5 percent standard, .01 versus a .05 percent standard, that the folks in the European Union have set as a clean air standard. They are five times dirtier than what we are proposing, and they've taken a look at it and said, we can't meet this standard within the time frame that EPA has set forth for us.

So what we, by the underlying bill in this case, have said is EPA is supposed to be a real-world operation that this is supposed to meet. It is clearly—at least the industry feels in the timeframe set we can't meet that real-world standard. Therefore, how about taking another look for the next 15 months at these standards; and then when you come up with something that can be met in the real world, give us 5 years to implement, which is pretty reasonable if you look at the distance between '99 and '06, between the time the regulations changed the last time. It is right within the same time frame. But all of a sudden, we have accelerated the implementation of these rules, and we've set standards that we pretty well agree, everyone agrees, are not meetable.

I oppose this amendment and I support the underlying bill.

I yield back the balance of my time.

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

The question was taken; and the Acting Chair announced that the noes 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.

AMENDMENT NO. 17 OFFERED BY MRS. CAPPS

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:

After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that according to the Environmental Protection Agency, if the rules specified in section 3(b) are in effect, then for every dollar in costs, the rules will provide at least $7 to $19 in health benefits, due to the avoidance each year of—

(1) 960 to 2,500 premature deaths;
(2) 1,500 nonfatal heart attacks;
(3) 1,000 emergency room visits;
(4) 17,000 cases of aggravated asthma; and
(5) 130,000 days of missed work.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. CAPPS. Mr. Chairman, it's my sincere hope that we can all agree to this amendment because it would simply add a finding to the underlying bill of illustrating the health benefits of EPA's mercury and air toxics cleanup standards for large cement plants. Opponents of these clean-up standards argue that they cost too much. I don't happen to agree with that assessment. But while we can debate the cost of the standards, the health benefits are not in dispute, and that is why those facts should be included as part of this bill; and that is what this amendment makes in order.

Mr. Chairman, for decades, cement plants have been one of the largest pollution emitters in the United States.

They are responsible for some of the most dangerous air pollutants in the Nation, including mercury and other emissions that react in the air to form soot and smog. But some cement plants are still failing to comply with basic Clean Air Act protections that are 13 years overdue. And that's why the EPA took final action last year to require these large cement plants to cut their emissions and to simply follow the law.

EPA science and health standards are based on the track record of the existing plants that do the best job at limiting harmful emissions. In fact, many plants have already installed modern pollution control technology that meets these requirements. But instead of supporting the EPA's lifesaving clean-up standards, the bill before us would delay these standards by at least 4½ additional years. And it eliminates any deadline by which cement plants must comply with EPA's safeguards. This could mean thousands and thousands of additional pounds of mercury and other toxic pollution released into our air each and every year.

These pollutants can cause cancer. They can impair brain development, and they can harm children's ability to learn. They affect the kidneys, the lungs and the nervous system, and they cause lung and heart disease and premature deaths.

Now, you've heard that some large cement plants want a free pass from cleaning up air pollution in the name of jobs. But indefinitely delaying EPA's clean-up standards will not prevent job losses. What it will do for certain is to put the lives and the health of millions of Americans at risk. Failing to implement the EPA's air pollution standards for cement plants over 1 year would lead to as many as 2,500 premature deaths, as many as 1,500 heart attacks, about 1,000 emergency room visits, about 17,000 cases of aggravated asthma, and 130,000 days of work missed by people affected.

It's clear that the benefits of these pollution safeguards significantly outweigh these costs. For every dollar the cement industry spends to clean up one of its plants, Americans get up to $19 in health benefits back, and this fact is backed by peer-reviewed science.

□ 1540

What other investment results in this astonishing return for the American people? That's why I'm offering this simple amendment today. It would remind us of all the tremendous health benefits that EPA's mercury and air toxic clean-up standards will achieve.

So I urge my colleagues to support this straightforward amendment to the bill.

I yield back 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. Mr. Chairman, I rise in opposition to the gentlewoman from California's amendment. In doing so, I would be the first to recognize that she has been one of the real leaders in the Congress of looking after the health of all of our constituents in the U.S. The reason that I'm opposed to this particular amendment, however, is that she asks us to adopt EPA's findings about health and cost benefits. She wants that to be adopted as a finding in the legislation. In our legislation, we don't have any findings that we're adopting at all. And one of the reasons, among many, that we are opposed to putting the health and cost benefits as a finding in the legislation is that we have not had the ability to undertake any full analysis of EPA's methodology in assessing those health benefits and costs. And we furthermore do not have any idea what assumptions they used.

And another reason that I personally am opposed to their health and cost benefits is that we know for a fact that they do not include as a cost the health benefits lost by family members of those people who lose jobs as a result of the regulation adopted by EPA.

So if you're going to look at the cost of health benefits that people incur for the emissions that may be affected by the regulation, you most certainly should examine and analyze the cost of the health benefits to those people who lose jobs, lose their health insurance, because there has been shown to be a direct correlation between economic livelihood and health. So because of that, I would be very much opposed to adopting this as a finding. We already know that EPA has set out their cost benefits and analysis. That's available to the public, so we're not really accomplishing any purpose by putting it in this legislation.

I would also just like to make one additional comment going back to my friend from Illinois about delay, delay, delay. And I would reiterate what the gentleman from Texas said. EPA adopted the first cement regulation in 1999. They came back in 2006 and adopted another one. That would be in effect today except that the environmental groups filed a lawsuit against it. And as we know, the pattern seems to be environmental groups file the lawsuit, EPA enters a consent decree agreeing, and then they pay the legal fees of the environmental groups. So these regulations would have been in effect a long time ago if that lawsuit had not been filed.

So all we're saying is the industry and EPA and others had agreed to those second regulations, but once the lawsuit was filed, the regulations became so stringent that the testimony has shown that many of these plants simply cannot meet those standards.

So with that, I yield back the balance of my time and ask Members to oppose the Capps amendment.

Ms. WOOLSEY. Mr. Chairman, I rise in favor of the Capps amendment, and I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Chairman, it's been 274 days since the Republicans took over the House. What do we have to show for it? Well, first up, they've introduced a budget that would end Medicare as we know it. Then the Republican-led House voted to take money away from NPR. Next up, they voted to make it easier to outsource jobs. And just last week, they even voted to cut programs supporting green jobs. Quite a record: not one single job-creation bill. So what's on deck for today? A bill that would allow more toxic pollutants in the air that we breathe.

I'm certain, Mr. Chairman, that if we went outside and asked 100 people, would you prefer dirtier, more toxic air, we are going to get 100 ''noes.'' So why are we taking this up today? It's not because working families are clamoring for more toxins in their homes, at the workplace, or in the parks. This bill is a handout to the polluters of America. It says that their profits are more important than the health of our Nation. More asthma? Who cares. We've got to make a profit.

Well, let's admit what this underlying bill is really about. It's one more break for Big Business at the expense of working families and our communities.

The American people have had enough, Mr. Chairman. Let's stand up for public health. Let's stand up for common sense. I urge my colleagues to vote ''no'' on this dangerous and reckless legislation, and I urge the Republicans to get behind President Obama's jobs bill and put America back to work.

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

Mr. ELLISON. Mr. Chairman, I move to strike the last word.

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

Mr. ELLISON. Mr. Chairman, I rise in favor of the amendment because I'd like to make the point that Americans watching this debate, Mr. Chairman, should not be fooled into believing that there is some false choice between being able to breathe and having a job. This is just a false choice. It's a trick bag, and it's unfair to make this argument to the American people.

The fact is we can breathe and we can avoid asthma and mercury poisoning and have a job. You don't have to have one or the other. And the fact is, Mr. Chairman, is that the folks who argue against regulations that protect our health and sometimes impose a reasonable cost on industry, these folks have never liked regulations that ask business to do their fair share.

This is not a new thing. This is not unique to the cement industry. This is an ongoing ideological debate which has been going on for a long time. But thankfully, Americans recognized that

we needed to breathe and work. So we passed regulations. We passed and enacted the EPA. And we brought laws and regulations into being that would protect our health. But now we're being asked to say, Your health or a job? And this is being done in the middle of one of the most dramatic recessions since the Great Depression.

The fact is, this claim that if you get rid of all the regulations these corporations are just going to spring forward and start hiring people is untrue. There's no evidence of it. I'd love to see some proof of this claim. It's not the case. And you can't tell me that if some self-interested business person comes to a hearing and says, I would hire if we could get rid of regulations, I don't buy that. I want to see some real evidence. But there is none. That's why you don't see it.

The fact is is that if you want to put people back to work today, we've got to pass the President's American Jobs Act. We ought to be on the floor talking about the President's American Jobs Act. We ought to be talking about the infrastructure bank bill. We need to be getting Americans back to work because the real reason that our economy is dragging along and unemployment is so high is because our government is not putting people back to work by investing in infrastructure, by refurbishing our school system, by putting the necessary investments into the 21st century. That's what we need to be doing, not just relieving industry of the responsibility to respect our environment and our lungs.

So I just want to say, and to say again, Mr. Chairman, that I hope the folks watching C–SPAN don't fall for the okeydoke, and be very, very careful in listening to this debate, and don't allow themselves to be fooled into thinking that they can either have a job or they can have lungs, but they can't have both.

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

Mr. CARTER. Mr. Chairman, I move to strike the last word.

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

Mr. CARTER. Mr. Chairman, I rise in opposition to the Capps amendment.

First let me say that the underlying concept behind the Capps amendment is fine. We are all concerned about the health of people.

Everybody's using examples of asthma. I have asthma, okay; that's why I sound like this. All right. So I understand asthma. But I want to point out some things about this that concern me.

First and foremost, we have scientific information. And what the chairman of the subcommittee said is that we don't know exactly upon what methodology the EPA bases its analysis of the health care incidents that occurred from this industry.

□ 1550

There probably are health care incidents. The question is, what's the analysis? And I would start with scientific evidence that has appeared here today that somewhere between 100 and 85 percent of the mercury pollution that's found from the Pacific Ocean to the Mississippi River comes from foreign sources.

My first question would be, in their analysis, did they analyze that relative to the mercury—infant child brain damage relative to the somewhere between 100 and 85 percent of the mercury—that comes from foreign sources, which we have no control over? And we could shut all our concrete plants down, which we may do, and the result would be, I don't know, somewhere between 15 percent better and no better, at least west of the Mississippi. So did they analyze it that way accordingly?

And then, therefore, if they said that they did it that way, is the number they're talking about relative to the 15 percent or the 0 percent that these plants are creating?

I don't know the answer to that question. But that's the reason I think it would be an irregular thing for this Congress to do to adopt the findings of the EPA or other health organizations without us knowing what actual facts they used in their analysis of doing this. And I would think that would require a pretty hard and tough inquiry, not that I'm saying there's not health care issues with anything that goes in the air. Certainly, there's got to be.

Then another question we hear today is, why don't you guys quit talking—you're not talking about creating any jobs. No, we're talking about the same argument that the administration's been using for the entire length of the administration. We're talking about saving American jobs, because there's no evidence to the contrary that if you close down a plant and it employs 15 to 30 workers, you lose 15 to 30 jobs, not 15 to 30 corporations, 15 to 30 American worker jobs.

If you close 20 percent of the plants, and there's approximately 100 in the country, then you're going to have 20 times somewhere between 15 and 20 jobs, whatever the number is. And these are $65,000 to $85,000-a-year jobs by labor. But we're going to lose those jobs. And this bill that this amendment is seeking to be attached too, its purpose is to save those people's jobs, those American laborers' jobs. I think it's something we should think about.

The American Jobs Act, if it can get the support in the Senate—to my knowledge, it has not yet been dropped in the House, but I'm sure it will be sometime; someone will step up and do it.

And then the question becomes, what about the President's public statement that shovel-ready doesn't mean shovel-ready?

Well, if you're going to have to bring in a part, a major part of fixing highways and schools, which is concrete, if you're going to have to bring in the element of concrete, because Portland cement, as my colleague has corrected my Texas language, is an integral portion of that, if that has to be brought in from China, don't you think that also is going to slow down again the President's complaint that shovel-ready doesn't always mean shovel-ready? I think it is.

And, in fact, do we have any quality assurance that when we build that bridge across the Mississippi River, like we did in Minnesota, that the cement that we put into that bridge is of an adequate quality that we feel safe driving over? I don't know, but that's going to be our option if our cement industry goes overseas.

So at some point in time we have to ask ourselves, we're losing jobs when they close plants. If it's so onerous that they have to move, then why not take time to study and come up with something that actually works in the real world, as this EPA rule is supposed to work?

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

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

Mr. WAXMAN. I rise in support of the Capps amendment.

The Capps amendment doesn't change the bill. It allows the bill to go into effect, but the amendment would simply add the health benefits findings in the legislation. It doesn't change what the bill does, but it does provide crucial context for the bill's provisions.

Now, I should point out that the bill, itself, nullifies the cement kiln rules and forces EPA to start all over again. In doing so, the bill nullifies all of these health benefits such as fewer asthma attacks, avoided premature deaths, reduced exposure to toxic pollution. In its place the bill offers no guarantee that any new rules will have to achieve the same level of public health protection. So the Capps amendment ensures that we have an honest accounting of the health benefits that the Republican leadership says we should erase because they just aren't worth it.

Well, I would urge that we vote for the Capps amendment because this finding is important for Members to have so that they understand they're voting with their eyes wide open to eliminate those very health benefits.

I just want to respond to this business about China. It's like we're going to close down cement plants and bring it all into the United States from China. Well, that just doesn't make a lot of sense. That's just not credible. U.S. clinker output has dropped nearly 50 percent since 2006, but the imports have declined by more than 80 percent. How could that be?

Well, there's a lack of demand. That's the reason we have a problem. The domestic cement industry is regional in nature. According to the Portland Cement Association, the cost of shipping cement prohibits profitable distribution over long distances. As a

result, customers traditionally purchase cement from local sources. If we're not producing more cement, it's not because we're bringing it in from China. It's because the demand is not there.

Now, the findings that the Capps amendment would put into place are based on the EPA's economic analysis that has to follow criteria set by the Office of Management and Budget. So they're based on peer-reviewed studies. They're transparent. They're subject to public comment. They're reviewed by the Office of Management and Budget.

The industry studies meet none of these criteria. Members can get up here and say numbers of jobs that will be lost, but we don't know where those numbers have come from. We haven't seen any peer-reviewed studies.

In 40 years of experience in implementing the Clean Air Act, we've heard these predictions of disaster time after time, and yet the economy has continued to grow. Chicken Little has nothing on industry when it comes to requirements to clean up pollution.

So when we hear that we can't protect our children from toxic pollution, from brain damage, from cancers because plants will close down, I would urge my colleagues not to believe it. I don't think we have to make that stark choice. And if you're going to make that stark choice, don't oppose the findings being in the bill because you don't like those findings, you don't want to face those findings. I think we ought to have them in the bill because that's exactly what we're going to do.

So if you're going to support this bill, then support it with the understanding that those public health benefits will be lost.

Mr. CARTER. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Texas.

Mr. CARTER. I thank the gentleman for yielding. I just want to correct—maybe you said it wrong; maybe I said it wrong. If I did, I apologize. I'm not saying Chinese industry will move to the United States. I'm saying that if they close down plants in the United States, which the industry has given us a percentage of at least 20 percent of the plants will close—and we know the construction of a new plant in Alabama will stop until the stay—then I'm saying that then we would have to supplement that by overseas shipments from the largest producer of cement in the world, China.

Mr. WAXMAN. Reclaiming my time, I did understand you to say that, and I just can't think of that as a credible statement because we've already had a drop of nearly 50 percent since 2006 of cement in the United States. That didn't mean we brought in more from China. In fact, our demand, our imports from anywhere else declined by more than 80 percent.

□ 1600

So it's not a question of we're going to have to come from China; we just don't have the demand. I think we should take the cement industry at their word, when the Portland Cement Association tells us the cost of shipping cement prohibits profitable distribution over long distances. We can continue with our own industry and still meet these health-based standards.

I yield back the balance of my time.

Mr. KINZINGER of Illinois. I move to strike the last word.

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

Mr. KINZINGER of Illinois. Thank you, Mr. Chairman. I'll be pretty brief in saying this.

It seems like we've often taken this idea of jobs and everything else, and, again, in Washington D.C., we have two epic competing viewpoints right now: One says that we need jobs; the other says we need jobs. One says we need jobs through more government spending, more government interaction, more stimulus. In fact, I had a colleague once tell me that the problem with the stimulus is it wasn't large enough. Well, I guess stimulus 2 that's being proposed is actually half as large.

There's different competing things on how to create jobs, but the one thing we can all agree on is the Environmental Protection Agency needs to protect the environment and it needs to do so at prevention of killing and stopping job creation or putting people out of work.

Again, when we talk about this whole issue, I think the thing that needs to be very obvious here is we need cement, obviously, to build infrastructure. The industry is saying, You're going to cost us 18 out of 100 plants and you're going to cost 20,000 jobs. Now, we can take issue with that. I just heard my colleague say that we have to take the cement industry at their word. I agree. This is what's being said: 20,000 jobs.

So the question is, now, do we just go ahead and say, Well, let's not give any additional time to figure out how to comply with these regulations so those jobs aren't lost; let's just take the arbitrary number and move forward? All we're trying to do is buy a little more time to allow the industry to protect those 20,000 people.

Imagine right now—and it's not just a number. Imagine there are 20,000 people out there in the United States right now that are going about their business. It's 4 o'clock on the east coast, so some are maybe getting off of work, or maybe they're going to a second shift, and they have no idea that this faceless 20,000 number is actually them. They are that 20,000 number right now. They don't realize it. They've got the little ''20,000'' above their head. They say, I hope my job's safe; but no, it's them. Because if these rules are allowed to go into effect haphazardly like this, they will be out of work.

Again, we have two competing philosophies here, and we can talk about those philosophies, but ultimately the first thing we have to do is quit killing jobs. It's the Environmental Protection Agency. It's not the Employment Prevention Agency or anything along that line.

We've got a lot of work to do. This is a great bill, and I would urge my colleagues to support it.

I yield back the balance of my time.

The Acting CHAIR (Mrs. CAPITO). 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 ayes appeared to have it.

Mr. WHITFIELD. 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. 1 OFFERED BY MS. SCHAKOWSKY

Ms. SCHAKOWSKY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that mercury released into the ambient air from cement kilns addressed by the rules listed in section 2(b) of this Act is a potent neurotoxin that can damage the development of an infant's brain.

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

Ms. SCHAKOWSKY. Thank you, Madam Chair.

My amendment is simple. It would include in the findings the scientific fact that mercury released into the ambient air from cement kilns is a potent neurotoxin that can damage the development of an infant's brain.

Let me just read the finding from my amendment. It says, ''The Congress finds that mercury released into the ambient air from cement kilns addressed in this act is a potent neurotoxin that can damage the development of an infant's brain.''

That is just fact. This is not up for debate. That is just a fact and should be acknowledged in the legislation, that mercury is one of the most harmful toxins in our environment. Forty-eight tons of mercury is pumped into our air each year, threatening one in six women nationwide with dangerous levels of mercury exposure. Pregnant women, infants, and young children are most vulnerable to mercury poisoning, which harms a developing child's ability to walk, talk, read, write, and comprehend. Developing fetuses and children are especially at risk to even low-level mercury exposure that causes adverse health effects. Up to 10 percent of U.S. women of childbearing age are estimated to have mercury levels high

enough to put their developing children at increased risk for cognitive problems.

Cement kilns are among the largest sources of airborne mercury pollution in the United States, and there is existing technology right now that would prevent that. When mercury is pumped into our air, very often it ends up in bodies of water and is ingested by fish. Mercury-contaminated fish are found in almost every American body of water, and eating contaminated fish is the dominant cause of mercury exposure in people.

This is a serious problem in my home State of Illinois. In April, Environment Illinois issued a report showing that the amount of mercury in the average sport fish tested in 36 counties exceeds the EPA safe limit for regular consumption. Due to this contamination, the Illinois Department of Public Health warns women and children to limit their consumption of fish.

Illinois is not unlike other States. According to the EPA, nearly every fish nationwide contains mercury. The EPA actually advises women who are pregnant or who may become pregnant to eat no more than 12 ounces of any fish per week, and to eat limited or no amounts of fish that have high mercury content. That advisory has also been issued for infants and children. That's because we know beyond any scientific doubt that mercury inhibits brain development in the fetal and early childhood development stages. EPA analysis and peer-reviewed studies show that mercury leads to increased incidence of neurological disorders, increased incidence of learning disabilities, and increased incidence in developmental delay.

The EPA cement plant standards would reduce this major threat without undue burden to industry. The standards will lower the mercury exposure of more than 100,000 women of childbearing age in Illinois whose blood mercury levels exceed the recommended limit. When fully implemented, EPA estimates that mercury emissions from cement kilns will be reduced by 92 percent. The legislation we consider today will block EPA's efforts. It will send EPA back to the drawing board with new untested and legally vulnerable guidance for setting air pollution standards.

My colleagues across the aisle talk a lot about not wanting to burden the next generation with debt. Where is their concern with burdening the next generation with reduced brain capacity? H.R. 2681 patently ignores the scientifically proven fact that mercury exposure inhibits brain development, especially in infants. If we are prepared to pass legislation that would jeopardize the health of children by increasing mercury emissions, we should be willing to acknowledge the scientific fact that EPA inaction poses a serious health risk.

The previous speaker, my colleague from Illinois who spoke, said we have different philosophies. I hope not. I hope we agree that it is a rightful function of government to say that we don't want to overburden industry but we do want to say that our job is to protect the health and safety of the people of the United States, and mercury is a danger that is proven.

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

□ 1610

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

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

Mr. WHITFIELD. The gentlelady from Illinois is certainly a valuable member of the Energy and Commerce Committee, and is an effective advocate for her positions, but her amendment would require a finding that mercury emitted from the cement kiln is a neurotoxin.

I would first point out that EPA, itself, in its reports, has indicated that the regulation of domestic mercury, because of the Clean Air Act, has already decreased by 58 percent. It has also estimated that the Cement MACT that it issued, which is at issue in this legislation, would reduce global emissions of mercury by less than one-fourth of 1 percent. It also said that the Department of Energy estimated that the global emissions of mercury amount to about 11 million pounds.

So the amount of mercury that we're talking about in this cement regulation is so minute that the EPA, itself, did not even assign a dollar value to the benefit because it was so, in its opinion, inconsequential.

Obviously, Congress is not a scientific body. We know that mercury is dangerous, but when mercury comes out of a cement kiln, it comes out as elemental mercury. It then must fall into water, where organisms convert it to methylmercury. A fish has to take in the methylmercury, and that fish has to be cooked. Then someone has to eat it for it to be damaging to that person.

So these are very scientific assumptions. As I said, Congress is not a scientific body. The scientific understanding of mercury is certainly far more complicated than is reflected in this finding that asks to be included in the bill. This statement simply assigns the responsibility for specific health impacts to specific sources when there are multiple sources of mercury in the environment, including natural resources. There is some mercury in the air as a result of cement kilns, but there is an awful lot in there which is natural, and then there is an awful lot that comes from sources outside the U.S.

We do not believe that the EPA can quantify any health benefit from reducing emissions of mercury from these sources, because they've said that themselves. Because of that, I would oppose putting into a finding this particular statement. I might also say to the gentlelady from Illinois that we don't have any findings in this legislation at all, so I would respectfully request that the Members oppose this particular amendment.

I yield back the balance of my time.

Mr. WAXMAN. I rise in support of the amendment.

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

Mr. WAXMAN. Madam Chair and my colleagues, this amendment simply states the finding of the science.

It simply says that Congress finds that mercury released into the ambient air from cement kilns, addressed by these rules listed in 2(b) of this act, is a potent neurotoxin that can damage the development of infants' brains.

That's the finding. It's a scientific finding.

As I heard the argument of the gentleman from Kentucky, the chairman of the subcommittee, he said it depends on how much you've ingested and all that, but nobody's talking about that. This is just a finding of the science. He also indicated there is no finding in this bill. So what? This is an amendment to the bill.

EPA didn't put a dollar figure on the potential health benefits from reducing the emissions of mercury, carcinogens, and other toxic pollutants.

It's not that there won't be any benefits. EPA simply couldn't produce a well-supported dollar value estimate of those benefits given the time and methodological constraints. So I don't see how anybody can oppose this amendment, because it simply states a scientific fact. Let me be very concrete about it. This is a simple statement of a scientific fact. If Congress wants to go on record, as we already have in other legislation, that we don't believe in science, you can do it, but it doesn't wish the scientific finding away.

Mercury exposure in the womb, which can result from a mother's consumption of mercury-tainted fish and shellfish, can adversely affect the developing brain and nervous system.

You can't wish that away. You can't vote it down and say that it's not true.

Babies that were exposed to mercury in utero can suffer long-term problems with cognitive thinking, memory, attention, language, and fine motor and visual spatial skills.

You can't say that's not true. That's what the scientists have concluded.

In 1990, we adopted the Clean Air Act. We asked that these cement kilns and other polluters reduce those pollutants because they are toxic air pollutants. The Schakowsky amendment says there is a scientific basis for this law. She repeats the science. Republicans can amend the Clean Air Act and say we're not going to do anything about it, but they cannot amend the laws of nature. They cannot change the scientific reality.

I must also point out with this bill that, not only are Republicans urging

that we deny the scientific reality, but they want to make sure we don't do anything about that scientific reality. The Schakowsky amendment doesn't change that. It only says that we ought to face the scientific fact, as I indicated, which is the overwhelming scientific consensus. I don't know anybody who's against this scientific consensus. If we vote against her amendment, we're denying the scientific fact that mercury is a potent neurotoxin that can damage the development of an infant's brain. I don't see how anybody could vote against that.

Even if you want to postpone the rules, even if you want to give the EPA more time and make the industry have to avoid coming into compliance for 10, 16, 18, 20 years, whatever it may be, it's irrefutable. This is the reason we want these rules in place. Otherwise, the Republicans ought to say, ''We don't want the rules in place,'' because there's no reason to have these rules. If that's what they believe, then they can vote against the Schakowsky amendment, but it doesn't make any sense.

I don't know if I have any remaining time, but I would be happy to yield to the gentlelady from Illinois (Ms. SCHAKOWSKY) if she wants to say anything more.

The Acting CHAIR. The gentleman from California has 30 seconds remaining.

Mr. WAXMAN. I'll not even take that 30 seconds.

This is a question of voting on the scientific conclusion, so I urge my colleagues to vote for the Schakowsky amendment.

I yield back the balance of my time.

Mr. DENT. Madam Chairman, I move to strike the last word.

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

Mr. DENT. I rise with strong reservations about this amendment, but I also want to talk about the underlying legislation.

I think, really, what we have to be focused on here is jobs. Again, as I stated earlier during floor debate, I represent the largest cement-producing district in America. We have five cement plants in my district. Those five cement plants produce more cement than did the 50 plants that preceded them. We used to have 50 plants in my district, and now those five plants that are remaining produce more than the 50. The point is that the industry has become much more productive in many respects, including being environmentally more productive and sensitive.

That said, these new rules, these three rules in particular, will restrict the industry's ability to remain competitive with foreign producers. These foreign imports currently make up more than 20 percent of the total U.S. cement sales. If these three rules are implemented, we will see less domestic cement production.

To add insult to injury with respect to what the EPA is doing with their regulatory assault on the cement industry as well as on the coal industry, what they are doing here is just unfair to basic industry—to manufacturing, to industrial America. When you look at the stimulus law that was enacted a couple of years ago, look at what happened. Our stimulus dollars, Federal dollars, are being used to finance a cement importation terminal in New York City for the purpose of bringing in Peruvian cement.

□ 1620

No, I am not making that up; that's real. And I've talked about this issue before on the House floor. Because this regulatory assault on domestic cement and our own Federal Government, another arm of the Federal Government, trying to basically subsidize the importation of foreign cement, it's going to have a very negative impact on my congressional district, which is, again, the largest cement producing district in America.

And it's been stated before these NESHAP rules just cobble together a range of different performance characteristics for different pollutants without determining if it is possible for any single cement company to comply with all these standards simultaneously.

There are two other rules, the CISWI rule and the nonhazardous solid waste rule, that will deal with issues like tires.

And many modern cement plants here, as well as in Europe, use alternative fuel sources with high Btu content. They use tires. They use waste plastics ground up. Many of these materials and waste would be otherwise, ordinarily, landfill. We burn them in cement kilns with a high Btu content, and that replaces other fuels like coal.

So this is very important. It's a great reuse of these materials. If we leave those unsightly tire piles out and about, what will happen is we'll see another situation like we saw in Philadelphia years ago where the tire pile ignited and melted the I–95 bridge in Philadelphia. That's when many people started to realize that there was a better use for tires than letting them sit in these piles under interstate freeways and use them in cement kilns. It makes great sense, and these new rules will imperil our ability to use those types of waste fuel oils, waste tires and ground-up plastics. So this is something I think we really have to focus on as we deal with this issue.

Finally, I wanted to mention a couple of other things about what's occurring here. By scrapping these three existing rules and requiring the EPA administrator to develop and propose more realistic and achievable regulations within 15 months, we are going to provide more time for the industry to prepare for full implementation and compliance.

We are going to require that the EPA administrator establish compliance dates and requirements after considering compliance costs, non-air quality health and environmental impacts, energy requirements, the feasibility of implementation, the availability of equipment suppliers and labor, and the potential net employment impacts. That means jobs.

As has been pointed out at various points here, the industry today employs about 17,000 Americans, and we have lost more than 4,000 jobs in the cement industry since 2008. As I pointed out, in a district like mine where we have five cement plants that are operating, and operating effectively—and not only the cement plants, but we also have ancillary industries, like the FLSmidth Company, formerly the Fuller Company, where they actually make cement equipment and build cement plants. These types of jobs are good-paying jobs, are essential to America's industrial base, to our basic industry.

We have to stop this regulatory assault on these types of manufacturing jobs. We can make things in America if our government will just allow us.

So, once again, I want to express my concerns regarding the underlying amendment but, at the same time, expressing my strong and unreserved support for the underlying legislation, which is much overdue.

Again, cement is a critical industry to our Nation, and it's time that we adopt this very important Cement MACT legislation.

I yield back the balance of my time.

Ms. HIRONO. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Hawaii is recognized for 5 minutes.

Ms. HIRONO. Madam Chair, I rise today in opposition to the two bills before the House, H.R. 2250 and H.R. 2681.

There is an old saying, ''The people have spoken.'' The people spoke clearly back in 1990. They said, We want cleaner air and healthier communities. So President George H.W. Bush proposed changes to strengthen the Clean Air Act.

The legislation to carry out these changes was introduced by a coalition of 22 Senators from both sides of the aisle, Democrats and Republicans. Then, after an overwhelmingly bipartisan vote of 401–25 in the House and 89–10 in the Senate, the Clean Air Act Amendments of 1990 were signed into law. That was 21 years ago that these updates to the Clean Air Act were enacted. The law required acid rain, urban air pollution, and toxic air emissions to be combated by reducing the release of 189 poisonous pollutants. The deadline for implementing these changes was the year 2000. Eleven years later, the people of Hawaii and the United States are asking for the certainty that they were promised, the certainty that by 2000 their air, our air, would be on the path to being cleaner.

We have heard the arguments against these regulations before: They are too expensive; they will kill jobs. We have heard the same arguments for years.

However, since the passage of the Clean Air Act 40 years ago, our Nation's economy has grown 200 percent.

When acid rain regulations were proposed after the 1990 law was enacted, industry claimed that it would cost $7.5 billion to comply and tens of thousands of jobs. But we know that that was not what happened. Instead, our economy added 21 million jobs and had the longest-running expansion in our Nation's history.

Recent surveys also show the biggest challenge facing small businesses today isn't regulation. The biggest challenge is that consumer demand for products and services is low.

We all agree that we need to help our economy and create more jobs, but we shouldn't be doing that at the expense of the health of our communities and our families. That is not the way to create jobs. Instead, it's time to give the American people the certainty that the air that we breathe won't contribute to asthma or heart attacks or birth defects; and it's time to give the American people the certainty that when they speak, as they did in 1990, their government will carry out their will.

So enough is enough. The deadlines are passed; the issues have been studied; the rules have been litigated and, in some cases, relitigated. Now is the time for the Environmental Protection Agency to finish the job it was given by Congress and finish these rules, and let's get to work on legislation to create jobs.

I urge my colleagues to join me in opposing both of these bills. The American people want jobs legislation now, not ideological attacks on the Clean Air Act.

I yield back the balance of my time.

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

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

Mr. WAXMAN. Madam 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 Illinois will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. WAXMAN

Mr. WAXMAN. 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 the bill, add the following section:

SEC. 6. DETERMINATION; AUTHORIZATION.

Not later 10 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Chief Financial Officer of the Environmental Protection Agency, the Comptroller General of the United States, and the Director of the Congressional Budget Office, shall make a determination regarding whether this Act authorizes the appropriation of funds to implement this Act and, if so, whether this Act reduces an existing authorization of appropriations by an offsetting amount. The provisions of this Act shall cease to be effective if it is determined that this Act authorizes the appropriation of funds without an offsetting reduction in an existing authorization of appropriations.

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

Mr. WAXMAN. Madam Chair, I oppose this bill on substantive grounds because it nullifies EPA's rules to cut toxic pollution from cement kilns and threatens EPA's ability to reissue rules that are protective of public health.

And we certainly had an exhaustive discussion of why we think this is not a good bill, but this bill has another problem: It does not comply with the Republican leadership's policy for discretionary spending.

When Congress organized this year, the majority leader announced that the House would be following a discretionary CutGo rule. This requires that when a bill authorizes discretionary funding, that funding is explicitly limited to a specific amount. The protocols also require that the specific amount be offset by a reduction in an existing authorization.

This rule was embodied in a document entitled, ''Legislative Protocols for the 112th Congress.'' The majority leader announced that compliance with these protocols is necessary for legislation to be complied with before the bill would be scheduled for floor consideration.

Well, this bill fails to meet these protocols on two counts:

First, the bill does not include a specific authorization for EPA to complete the rulemaking required by the bill. After all, EPA finalized the cement rulemaking more than a year ago. EPA will have to start from scratch, according to this bill, and follow a whole new approach for setting emission standards. That's going to cost money.

□ 1630

Second, the bill does not offset the new spending with cuts in an existing authorization. In addition to violating the protocols of the majority leader, the bill violates the policies of the Energy and Commerce Committee. Chairman UPTON said the committee would be following a discretionary CutGo rule. He sent me a letter in June to clarify this CutGo policy with regard to bills pending before our committee, which said: If CBO determines that any of these bills will have a significant impact on the Federal budget, we will offset the newly authorized spending with reductions elsewhere.

Well, CBO has determined that H.R. 2681 does, in fact, authorize new discretionary spending. CBO determined that this bill will have a significant impact on the Federal budget because it requires EPA to spend resources on proposing and finalizing new regulations. CBO estimates that implementing this bill would cost EPA $1 million over a 5-year period.

Now, my Republican colleagues claim that this bill doesn't trigger the CutGo requirement. They say that EPA can use existing funds to complete the work mandated by the bill, but that's not how the appropriations law works. Not including an authorization in H.R. 2681 does not have the effect of forcing the executive branch to implement the legislation with existing resources. To the contrary, it has the effect of creating an implicit authorization of ''such sums as may be necessary.'' Anyone familiar with Federal appropriations law knows this and the Government Accountability Office or the Congressional Budget Office can confirm it.

My amendment would simply ask a third party to settle the debate. It requires the Director of the Office of Management and Budget, in consultation with EPA's Chief Financial Officer, the Comptroller General of GAO, and CBO, to determine whether this bill authorizes the appropriation of funds to implement its provisions and, if so, whether this bill reduces an existing authorization of appropriations by an offsetting amount.

If it is determined that this act authorizes the appropriation of funds without an offsetting reduction, the provisions in the act will be nullified. This is a truth-in-advertising amendment. With great fanfare, the Republicans announced they were so serious about addressing the Federal deficit that they would live by a new protocol on discretionary CutGo.

This amendment is an opportunity for the Republicans to live by their word. If we adopt this amendment and the legislation complies with discretionary CutGo, then the amendment will have no effect. If, on the other hand, this legislation fails to comply, as the Congressional Budget Office indicates, and has a significant impact on the Federal budget, then my amendment will ensure that the offending provisions do not go into effect.

I urge all Members to support this amendment. Let's hold the Republican leadership to their word.

I yield back the balance of my time.

Mr. WHITFIELD. Madam Chair, I rise in opposition to the amendment.

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

Mr. WHITFIELD. All of us are very much concerned about excessive spending by the Federal Government. We know we have a serious debt, we have a serious deficit, and all of us are determined to bring that in line and to solve that problem.

Now, the gentleman from California's amendment is trying to use the so-called CutGo rule as a means to invalidate this legislation. In our legislation, we do not authorize the appropriation of any additional funds. We do not create any new programs in this legislation.

And I might say that each year EPA receives an appropriation for its activities, and we know that more than any other agency in the Federal Government, EPA is sued more than almost any other agency. At any one time, they have 400 or 500 lawsuits going. As a result of many of those lawsuits, they have to go back and they have to re-look at rules and so forth; and there's never any additional money appropriated to them for that purpose. So what we're doing in this legislation is no different than what they deal with at EPA every year.

Now, CBO did come forth and say that over a 5-year period, because they would have to re-look at these rules and issue new rules and so forth, there would be maybe a million dollars in additional cost. But that's not any different than what EPA goes through every year, as I said, because of lawsuits that are filed.

Our position is we do not authorize additional money in this legislation. We do not create a new program in this legislation; and, therefore, the CutGo rules are not applicable. And it is the decision of the House leadership to determine if that is the case or not, and they've determined that is not the case. So for those reasons, I would oppose the gentleman's amendment and would urge all 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. WAXMAN).

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

Mr. WAXMAN. Madam 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. 16 OFFERED BY MR. WAXMAN

Mr. WAXMAN. Madam Chair, as the designee of the gentleman from Massachusetts (Mr. MARKEY), I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate the subsequent sections accordingly):

SEC. 2. FINDING.

The Congress finds that if the rules specified in section 3(b) remain in effect, they are expected to reduce the amount of mercury that deposits to land and water by up to—

(1) 30 percent in some areas of the western United States; and

(2) 17 percent in some areas of the eastern United States.

Page 5, line 11, strike ''section 2'' and insert ''section 3''.

Page 6, line 14, strike ''section 2(a)(1)'' and insert ''section 3(a)(1)''.

Page 7, line 8, strike ''section 2(a)'' and insert ''section 3(a)''.

Page 7, lines 9 and 10, strike ''section 2(b)(2)'' and insert ''section 3(b)(2)''.

Page 8, line 3, strike ''section 2(a)'' and insert ''section 3(a)''.

Page 8, line 14, strike ''section 2(a)'' and insert ''section 3(a)''.

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

Mr. WAXMAN. Madam Chair, this amendment was going to be offered by Mr. MARKEY, and he strongly supports it, and I want to offer it in his place.

Power plants, cement kilns, incinerators, manufacturing facilities, and other industrial sources release toxic mercury into the air. These emissions travel through the atmosphere and eventually deposit to land or water. Once deposited, the mercury can build up in fish, shellfish, and animals that eat fish. Consumption of fish and shellfish is the main route of mercury exposure to humans.

EPA and FDA have warned women who are pregnant, of childbearing age, or nursing that they should limit their consumption of certain types of fish and avoid others entirely due to mercury contamination.

EPA's cement kiln rules are designed to cut emissions of mercury as well as other hazardous air pollutants. EPA estimates that the rules will reduce mercury emissions from cement kilns by 16,400 pounds, or 92 percent, compared with projected levels.

EPA looked at how these reductions would affect the emissions that are deposited to land or water. EPA estimated that the cement rules would reduce mercury deposition by up to 30 percent in the West and up to 17 percent in the East by 2013. The agency's modeling indicates that the mercury deposition reductions would be the greatest nearest the cement kilns.

This amendment adds a simple finding to the bill, stating that EPA's cement kiln rules are expected to reduce mercury deposition in the eastern and western United States. This amendment does not change the substance of the bill. The bill still nullifies EPA's cement rules, which have been in place for a year. The amendment simply adds important context for this nullification. By nullifying the cement rules, this bill erases the reductions in mercury deposition that the rules would achieve.

This debate has shown us how we need this context. The bill's supporters have claimed that 99 percent of mercury is natural; and, thus, they imply, we don't need to worry about it. I have no idea where they get that figure. It wasn't from the EPA. But if that's why they're supporting this bill, their support isn't based on the facts.

The amendment sets the record straight. It makes it clear to all Members that the cement rules will have a real and significant impact on mercury deposition. These effects will be the largest, of course, closest to the plants that will have to clean up their pollution.

□ 1640

But before we vote to throw out rules that have been in the works for over a decade, before we vote to leave communities exposed to toxic air pollution for years or decades more, let's at least recognize what we are throwing away. And what we'd be throwing away is this particular finding that is so important.

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

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

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

Mr. SULLIVAN. Madam Chair, Congress should not adopt as its own specific findings made by EPA in the context of these rulemakings. Congress has not undertaken a full analysis of the EPA's methodology in assessing these reductions. EPA's estimates encompass multiple assumptions that may or may not be true and which deserve further scrutiny.

EPA estimates that the Cement MACT will reduce mercury emissions by 16,400 pounds per year, an amount that is only 0.15 percent of global emissions. Mercury is emitted naturally and also globally. The Department of Energy estimates that 5,500 tons, or 11 million pounds, of mercury was emitted globally in 2005 from both natural and human sources. Emissions from these sources are modest when considered relative to natural and foreign emissions.

These projections are complex. Where these estimates have not been subject to rigorous scrutiny, it would be irresponsible for Congress to simply adopt EPA's findings as its own.

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 gentleman from California (Mr. WAXMAN).

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

Mr. WAXMAN. Madam 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. 21 OFFERED BY MR. PALLONE

Mr. PALLONE. Madam 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:

After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that Federal departments and agencies should support efforts to achieve the science-based, 10-year national objectives for improving the health of all Americans through reduced exposure to mercury that are established in Healthy People 2020 and were developed under the leadership of the National Institutes of Health and the

Centers for Disease Control and Prevention during two presidential administrations.

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

SEC. 7. REDUCING BLOOD-MERCURY CONCENTRATIONS.

The provisions of this Act shall cease to be effective, and the rules specified in section 3(b) shall be revived and restored, if the Administrator finds, in consultation with the directors of the National Institutes of Health and the Centers for Disease Control and Prevention, that by allowing continued uncontrolled emissions of mercury from cement kilns this Act threatens to impede efforts to achieve the science-based, 10-year national objective for reducing mercury concentrations in children's blood that is established in Healthy People 2020.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. Madam Chair, I offer this amendment to this legislation that will ensure that the public health of Americans is protected under the bill.

In December of last year, the U.S. Department of Health and Human Services released their Healthy People 2020 report. And this report is a culmination of a major undertaking initiated under the Bush administration and completed by the Obama administration. It sets goals and objectives with 10-year targets designed to guide national health promotion and disease prevention efforts to improve the health of all people in the United States.

In Healthy People 2020, HHS sets a goal to reduce the American people's exposure to mercury. Mercury can cause aggravated asthma, irregular heartbeat, heart attacks, and premature death in people with heart and lung disease. In addition, mercury is a potent neurotoxin. It is toxic to all of us, but it's particularly dangerous to our children. That's why as part of the Healthy People 2020 report, HHS set a goal to reduce concentrations of mercury found in children's blood samples by 30 percent by 2020.

Children who are exposed to mercury during pregnancy can suffer from a range of developmental and neurological abnormalities, including delayed onset of walking, delayed onset of talking, cerebral palsy, and learning disabilities. The National Academy of Sciences estimates that each year about 60,000 children may be born in the U.S. with neurological problems that could lead to poor school performance because of exposure to mercury.

Cement kilns are one of the largest sources of air-borne mercury pollution in the United States, and yet here we are, Madam Chair, debating bills on the House floor that would go in the opposite direction. We're talking about nullifying regulations that are already on the books to increase infants' and children's exposure to mercury by indefinitely delaying implementation of a law to reduce these toxic emissions from cement kilns.

When the rules were finalized last year to cut pollution from cement kilns, the EPA conducted an analysis of the effects of the rule. The agency found that this rule would cut emissions of mercury from cement plants by 92 percent—almost 17,000 pounds of mercury each year that would be prevented from being released into our environment. For some places, like in the heart of the Western United States, that means a reduction of mercury deposition by 30 percent. And now in one fell swoop, Madam Chair, this legislation will reverse that 30 percent reduction.

My amendment would not let this happen if doing so would interfere with achieving HHS' goal. It would prevent this bill from going into effect if it interferes with the Department of Health and Human Services' goal of reducing our children's exposure to mercury. And I don't want to see this legislation enacted if it's going to affect our children's ability to talk, read, write, or learn. I don't want more people to be at risk for asthma and heart attacks, and I want Health and Human Services to be able to do their job. If they have identified mercury exposure as a risk to our children and to our citizens, I want them to be able to minimize that risk, and we should not interfere.

So, Madam Chair, I urge my colleagues to support this amendment and ensure that we can keep our country progressing towards improved public health and keep our children safe from environmental pollutants.

I yield back the balance of my time.

Mr. SULLIVAN. I rise in opposition to the Pallone amendment.

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

Mr. SULLIVAN. This amendment calls for findings and also would effectively veto this bill. These are not findings for which we established an underlying record in the proceedings relating to this bill. The MACT program is a separate mandate for regulation and it operates separately from the Healthy People 2020 initiative as far as we are aware.

EPA estimates that the Cement MACT will reduce mercury emissions by 16,400 pounds per year, an amount that is only 0.15 percent of global emissions. Mercury is emitted naturally and also globally. The Department of Energy estimates that 5,500 tons, or 11 million pounds, of mercury was emitted globally in 2005 from both natural and human sources.

For these reasons, I urge my colleagues to vote ''no'' on this amendment, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I rise in support of the Pallone amendment.

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

Mr. WAXMAN. First, this amendment simply adds a congressional finding that Federal agencies should support ongoing efforts to reduce Americans' exposure to mercury. This seems to me a no-brainer.

For the past 30 years, under both the Democrats and the Republicans, the Department of Health and Human Services, the National Institutes of Health, the Centers for Disease Control and other agencies at the federal, State, and local levels have worked together to set science-based, 10-year national objectives for improving the health of all Americans. This is called the Healthy People initiative.

The Healthy People initiative has set critical public health objectives for 2020. These goals are the product of an extensive stakeholder process that involved public health experts, a wide range of federal, State, and local government officials, a consortium of more than 2,000 organizations, and the public.

The Healthy People 2020 initiative set a goal for reducing mercury exposure. This goal is to reduce the level of mercury in the blood of children and women of childbearing age by 30 percent by 2020. Mercury exposure in the womb or at a young age can adversely affect the developing brain and nervous system, damaging a child's long-term cognitive thinking, memory, attention, language, and fine motor skills.

This amendment states that Congress agrees that we ought to set this goal and we ought to try to achieve this goal as a way to reduce the mercury levels in children. I hope we can all agree this is a worthwhile objective.

The amendment also puts some weight behind this finding. If the EPA administrator determines that allowing cement kilns to continue emitting toxic mercury without controls threatens to block attainment of the Healthy People standard by 2020 to reduce mercury in children, then the bill has no effect. The administrator can reach this determination only after consultation with experts at NIH and CDC.

This amendment is common sense. There's no point in engaging in an extensive process to set broadly agreed upon goals to guide agency actions to improve the health of Americans and then adopt laws that prevent agencies from meeting these goals.

Now, if Republicans want to vote against these goals, that's what they'll be doing if they vote against the Pallone amendment. Unfortunately, the bill we're considering today could hinder this initiative's goal to reduce children's mercury exposure by nullifying long overdue rules to reduce toxic mercury pollution from cement kilns.

□ 1650

But the Republicans have told us that their bill will not hurt public health. They've argued that mercury reductions achieved by cement and boiler rules won't have a discernable effect for public health. It won't even benefit us in how we achieve these goals. Well, if they actually believe that, then those who support this bill should consider this amendment as an opportunity to prove that the bill has

no impact on the mercury levels in children's blood.

I would urge my colleagues to support this amendment, to support these goals, and not to nullify the goals as they would like to nullify the EPA rules.

I support the Pallone amendment and urge my colleagues to vote for it.

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

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

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

Mr. PALLONE. Madam 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 Jersey will be postponed.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Madam 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:

Page 5, lines 16 and 17, strike ''not earlier than 5 years after the effective date of the regulation'' and insert ''not later than 3 years after the regulation is promulgated as final''.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. I've been to the floor before and I've used these famous words, and I think I've even used them in committee: Can we all get along?

I just can't imagine that if we queried this industry that so many people would want to, if you will, ignore the facts that are impacting not only our community but our children.

First of all, it's important to note that the CBO has established that H.R. 2681 will cost $1 million.

I want jobs to continue. I want jobs to be created. I think the service dealing with our industry is important, but I think lives are important. And I cannot imagine in this particular instance why we would want to block the EPA from finding a way to save lives. And so I rise today to introduce an amendment that would establish the fact that compliance would come by 3 years after the implementation of the resolution by the EPA.

Remember now that every party has an opportunity to participate, but listen to what is happening with the impact of mercury on our children.

If these safeguards are blocked, up to 34,300 premature deaths would be in place. These will be the consequences of it. Over 17,800 more heart attacks; over 180,000 additional asthma attacks; over 3 million more days of missed work or school; and billions of taxpayer dollars wasted treating these preventible accidents—or illnesses, if you will.

In addition, I believe that the idea of jobs should not be a threat to life. Currently, the bill requires the cement industry to comply with EPA rules no earlier than 5 years after the rules have been finalized. The bill also allows indefinite noncompliance. There is no deadline set for the industry compliance. That's an unfair imbalance between jobs and lives, and I know that we can find the right balance.

These industry leaders are citizens in communities. They support Boy Scouts and Girl Scouts. They support PTOs and school athletic teams. Their very constituents are their workers and their families, some of those very families that will be subject to the conditions where schools are near concrete manufacturing companies. It is happening all over America.

I have offered this amendment to ensure that the EPA has the ability to reduce toxic emissions from numerous industrial sources, including the cement industry, as they're required to do under the Clean Air Act. The EPA has issued 100 rules targeting this and have resulted in saving—a 1.7 million ton reduction of air pollution per year.

My amendment simply says that to comply with the EPA rules, it should occur no later than 3 years after the rules have finalized.

Let me tell you why this is a good amendment. It gets people to work. It gets you focusing quickly on the remedy. It helps you put the remedy in place, and it helps to save lives.

This is a task that has been given to the EPA for 40 years. In fact, it was given to the EPA under a Republican administration, as I recall, Richard Nixon. We worked together then because we believed that America could be better by creating jobs but also protecting our environment.

There has been a consistent theme of chipping away at the ability of the EPA to protect our air, but I believe we can do both. We can work together.

There is pollution; it does exist. Just come to a city like Houston where asthma rates are up because of the pollution that we have.

It is important to find a way to balance the lives of those who are impacted by things like chest pain, coughing, digestive problems, dizziness, fever, lethargy, sneezing, shortness of breath, throat irritation, watery eyes, while keeping our jobs.

How do we do it? We rush toward fixing the problem. We rush toward creating the jobs by having the kind of technology that allows us to cure this problem and keep these jobs.

Colleagues, I believe this is an important approach. It is to find the new technology that allows us to clean the air. It is not to stall and block the EPA. It is to find a way to get quickly to the solution to be able to save lives.

Let me say that I am hopeful that the amendment will be perceived as an amendment that rushes toward helping those who are creating jobs, but it is rushing toward allowing the EPA to save lives. Let us not sacrifice lives for convenience. Let us save lives.

My amendment is a very constructive amendment to allow compliance in 3 years. I would ask my colleagues to support this amendment.

Madam Chair, I rise today in support of my amendment to H.R. 2681 the "Cement Sector Regulator Relief Act." My amendment requires the cement industry to comply with Environmental Protection Agency (EPA) rules no later than 3 years after the rules have been finalized.

Currently, the bill requires the cement industry to comply with EPA rules no earlier than five years after the rules have been finalized. The bill also allows indefinite noncompliance; there is no deadline set for industry compliance.

I have offered this amendment to ensure that the EPA has the ability to reduce toxic emissions from numerous industrial sources, including the cement industry, as they are required to do under the Clean Air Act. The EPA has issued 100 rules targeting 170 different types of facilities which have resulted in a 1.7 million ton reduction in air pollution per year. EPA rules are now being finalized for the cement kiln industry and these bills are intended to indefinitely delay compliance with EPA's Maximum Achievable Control Technology (MACT) standards, prior to their promulgation.

For more than 40 years the EPA has been charged with protecting our environment. There has been a consistent theme of chipping away at the ability of the EPA to protect our air. We have to consider the long term costs to public health if we fail to establish reasonable measures for clean air.

Outdoor air pollution is caused by small particles and ground level ozone that comes from car exhaust, smoke, road dust and factory emissions. Outdoor air quality is also affected by pollen from plants, crops and weeds. Particle pollution can be high any time of year and are higher near busy roads and where people burn wood.

When we inhale outdoor pollutants and pollen this can aggravate our lungs, and can lead us to developing the following conditions; chest pain, coughing, digestive problems, dizziness, fever, lethargy, sneezing, shortness of breath, throat irritation and watery eyes. Outdoor air pollution and pollen may also worsen chronic respiratory diseases, such as asthma. There are serious costs to our long term health. The EPA has promulgated rules and the public should be allowed to weigh in to determine if these rules are effective.

The purpose of having so many checks and balances within the EPA is to ensure that the needs of industries and the needs of our communities are addressed. This bill is a step in the wrong direction. The EPA has spent years reviewing these standards before attempting to issue regulations. The proposed regulations to the industrial boiler industry will significantly reduce mercury and toxic air pollution from power plants and electric utilities.

The EPA estimates that for every year this rule is not implemented, mercury and toxic air pollution will have a serious impact on public health.

Think for a moment about the lives that can be saved. We are talking about thousands of health complications and deaths. What more

do we need to know. According to the Natural Resources Defense Council, this rule would prevent the following:

9,000 premature deaths;
5,500 heart attacks;
58,000 asthma attacks;
6,000 hospital and emergency room visits;
6,000 cases of bronchitis; and
440,000 missed work days.

The EPA has done its due diligence; a comprehensive review of all aspects of these regulations has been done, and the EPA is currently in the process of revising its proposed rules in order to reflect industry concerns. If the EPA is willing to compromise, the cement industry must be as well.

I understand the economic impacts of regulation, but we must also act responsibly. We cannot ignore the public health risks of breathing polluted air, nor can we pretend that these emissions do not exacerbate global warming. Alternatively, we certainly do not want to hinder job creation and economic growth. Congress passed the Clean Air Act to allow the EPA to ensure that all Americans had access to clean air, and we must not strip the agency of that right.

Lest we forget that since 1999, Houston has exchanged titles with Los Angeles for the poorest air quality in the nation. The poor air quality is attributed to the amount of aerosols, particles of carbon and sulfates in the air. The carcinogens found in the air have been known to cause cancer, particularly in children. The EPA is the very agency charged with issuing regulations that would address this serious problem. This bill may very well jeopardize the air that we breathe, the water that we drink, our public lands, and our public health by deep funding cuts in priority initiatives.

My friends on the other side of the aisle seem much more interested in stripping the EPA of its authority than passing jobs legislation. It has been nearly 10 months since the Republicans took control of the House, promising the American people they would create jobs. As October begins, they have not offered a single jobs bill, nor have they brought President Obama's American Jobs Act to the floor for a vote.

The focus of this Congress must be on passing President Obama's American Jobs Act and other legislation that will create jobs and put the American people back to work. Last weekend, I had the opportunity to visit several small businesses at home in the 18th Congressional District of Texas. I was able to roll up my sleeves and get involved with the hard working men and women of Houston.

I visited Dr. German Ramos at the Canal Medical Center, where I had the opportunity to meet with Dr. Ramos and his employees. I visited Atlantic Petroleum and Mineral Resources where I met with President and CEO Donald Sheffield, and got to work at De Walt Construction Company, owned by single mother Wanda De Walt, who employs 15 people and wants to hire more. I also had the opportunity to visit floral shops, beauty salons, bakeries and other small businesses throughout Houston.

I spoke with these entrepreneurs and small business owners who represent America's biggest job creators, and their message was clear. These business owners and entrepreneurs encouraged me to work to pass powerful bipartisan, specific proposals to create jobs. It was a privilege to perform the hands on duties these hard working Houstonians do every day. We must engage and support entrepreneurs, innovators and small businesses to create jobs. I will be proposing a bill that will create jobs, and I look forward to bipartisan support.

Madam Chair, there are times in which we are 50 individual states, and there are times when we exist as a single nation with national needs. One state did not defend the nation after the attacks on Pearl Harbor. One state, on its own, did not end segregation and establish civil rights. Every so often, there comes an issue so vital we must unite beyond our districts, and beyond our states, and act as a nation, and protecting the quality of our air is one of those times.

I encourage my colleagues to support the Jackson Lee amendment in order to uphold the EPA's authority to enforce the Clean Air Act. By ensuring the cement industry must comply with finalized EPA regulations, we are protecting the quality of the air that all of our constituents breathe. Surely preventing illness and premature death by ensuring every American has access to clean air is not controversial. Again, I urge my colleagues to support my amendment.

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

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

Mr. WHITFIELD. Under the existing Clean Air Act, cement plants have 3 years to comply with section 112 standards; incinerators have 5 years to comply with section 129 standards. Because of the testimony that we heard over a series of hearings, the affected industry has indicated that they need some conformity in complying with these new regulations.

As you know, there were regulations adopted in 2005 or 2006 that were invalidated by the courts. EPA came back with new regulations that were a little bit more complicated, more strenuous; and as a result of that, we've discovered that these cement industries have had difficulty complying with the 112 and 129 within the time period. So our legislation simply directs the EPA to go back, relook at the regulations, and within 15 months come back with a new regulation and then give the industry 5 years to comply on the cement side and the incinerator side. So we provide some conformity in our legislation.

The gentlewoman from Texas is basically changing that back to 3 years. And the whole purpose of our legislation, because of the hearings, because of the technology required, it was quite evident that more time was needed. So we set a time period, a minimum time of 5 years to comply. The administrator of the EPA may grant additional time, if necessary, but we doubt that that would happen.

So for that reason, for a pragmatic reason, I would oppose the gentlewoman's amendment so that we can have some conformity in these regulations.

Ms. JACKSON LEE of Texas. Will the gentleman yield?

Mr. WHITFIELD. I yield to the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I thank the gentleman.

I think the very argument that you just made is one that I would like to utilize and suggest that conformity could be 3 or 5. And I'm suggesting conformity should be 3 years, with the EPA doing just as you said, having the discretion to give more time. I think it shows us, as a Congress, being as balanced for jobs—which I know that you're trying to do—as trying to save lives. And there are lives that are impacted by the conditions that these companies generate.

□ 1700

Mr. WHITFIELD. Well, thank you very much.

Reclaiming my time, like I said, the purpose of our legislation is to extend it to 5 years because of the complications involved. And for that reason, I would respectfully oppose the gentlelady's amendment and ask Members to vote against the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

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

Ms. JACKSON LEE of Texas. Madam 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 Texas will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. QUIGLEY

Mr QUIGLEY. Madam 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 the bill, add the following section:

SEC. 6. PROTECTION FROM AVOIDABLE CASES OF CANCER.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from any cement kiln if such emissions are increasing the risk of cancer.

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

Mr. QUIGLEY. Madam Chair, my amendment permits the EPA to continue to enforce and finalize the regulations preempted by the bill at hand if the emissions limited by these regulations are found to cause cancer. In other words, this amendment says the administrator shall not delay actions to reduce the emissions from any cement kiln if such emissions are increasing the occurrence of cancer.

We stand here today having an argument that is predicated on the notion that when it comes to matters of job creation and environmental stewardship and protection of public health,

you can only have one or the other. You must pick between creating and retaining jobs, they'll tell you, or protecting and conserving our land, air, water, and keeping our public healthy. This is a false notion, born of scare tactics and the fact that those who purport these ideas aren't basing their beliefs on science.

There are both economic and societal factors involved. It's not an either/or. It's dollar signs, yes; but it's also lives, days in hospitals, cancer treatments, and trips to the emergency room for small children and the elderly.

Come to Chicago, the asthma morbidity and mortality capital of the United States.

Cement kilns are the third largest source of mercury emissions in the U.S. Mercury is a powerful neurotoxin that impacts and impairs the ability of infants and children to think and learn. The toxic air pollutants found in cement kiln emissions can cause cancer, and they do.

The toxic air pollutants found in cement kiln emissions damage the eyes, skin, and breathing passages. The toxic air pollutants found in cement kiln emissions harm the kidneys, lungs, and nervous systems. They cause pulmonary and cardiovascular disease and premature death.

The carcinogens found in cement kiln emissions include toxic air pollutants including mercury, arsenic, acid gases, hydrochloric acid, dioxins, and other harmful pollutants that add to the Nation's problems with soot and smog. They are known carcinogens, known carcinogens pumped from these sources into our air, into our land, and into our waters. They even land on the grass in Wisconsin eaten by cows and drunk in milk.

But don't take my word for it. Look at the numbers. Plain and simple, Madam Chair, the Clean Air Act saves lives. The Clean Air Act has saved the lives of over 160,000 people in the 40 years it has been on the books. This is not a number to be debated. In fact, this is a number that is conservatively estimated by the EPA.

This is not some inflated statistic designed for shock value or for any other reason. We know that the Clean Air Act has human value. Since 1990, EPA has set numeric emission limits on a pollutant-by-pollutant basis for more than 100 industry source categories. This approach has been a major success, reducing emissions of carcinogens and other highly toxic chemicals by 1.7 million tons each year.

Each of EPA's proposed rules would save thousands more lives each year. One example, an example we're dealing with today, pertains to the EPA's proposed rule regarding toxic emissions from cement kilns. This rule simply calls for cement kilns to meet numeric emission standards for mercury and other toxic pollutants.

This so-called ''job-killing'' rule is predicted to save up to 2,500 lives each year. The limit will annually prevent 1,500 heart attacks, 17,000 asthma attacks and over 1,700 hospital and emergency room visits and 130,000 days of missed work. Any rule that saves lives is a matter of public health.

We're dealing with skyrocketing rates of death due to asthma and burdening more children at earlier ages with lifelong and sometimes debilitating cases of asthma from particulate matter being pumped into our air.

A report released by the American Lung Association reported nearly 60 percent of Americans live in areas where air pollution has reached unhealthy levels that can and do make people sick.

These are measures that will help keep us alive and able to work. These are measures that will create jobs in the clean and green industrial industry.

Attacks on the Clean Air Act and the EPA's ability to regulate greenhouse gases are a huge piece of the larger climate crisis, a crisis that has a hefty cost: our lives. The need to crack down on greenhouse gas emissions is based on sound science, the results of hundreds of peer-reviewed studies that show their debilitating effects on our health and our planet—zero peer-reviewed studies that show that global warming does not exist and that man does not contribute to it.

We're asked to go back now. Why? Why are we considering legislation to halt rules that have been considered for now 10 years? This is beyond me. Why are we considering legislation to halt rules that will keep us at work, healthy and alive?

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

Mr. WHITFIELD. Madam Chair, I rise in opposition to the amendment.

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

Mr. WHITFIELD. This amendment directs the administrator of the EPA to implement current cement plants rules if emissions at cement kilns are increasing the risk of cancer. This amendment would, in effect, defeat the entire purpose of our legislation.

Our bill directs EPA to protect public health, also consider jobs and the effect of that on the economy, and all the aspects of American well-being, health benefits, not just one. So we think it's important that EPA consider all public health risks, not just cancer.

All of the testimony has indicated that there needs to be a more balanced approach in this cement rule issued by EPA. As you know, EPA first adopted a cement rule in 1999. They did another one in 2005. It was challenged in court. They came back with another one in 2006. That one is so vigorous that it's very difficult for the industry to meet those standards.

So for the fact that this amendment is focusing only on one public health risk, and I believe that it would defeat the entire purpose of our bill, which is to protect public health, but also to strengthen the economy by preventing a loss of jobs, and to look at the entire public health benefits, for that reason I would respectfully urge the defeat of this amendment.

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

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

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

Mr. QUIGLEY. 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.

AMENDMENT NO. 18 OFFERED BY MR. CONNOLLY OF VIRGINIA

Mr. CONNOLLY of Virginia. Madam 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 the bill, add the following section:

SEC. 6. PROTECTION FROM RESPIRATORY AND CARDIOVASCULAR ILLNESS AND DEATH.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from any cement kiln if such emissions are causing respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks, and bronchitis.

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

Mr. CONNOLLY of Virginia. Madam Chairman, this congressional session is not even a year old and the Republican leadership has already tried to pass more than 125 anti-environmental bills, amendments, and riders.

They started by attacking public health standards to reduce carbon dioxide pollution on the premise that we should trust oil-funded soothsayers over climatologists and reject the overwhelming scientific consensus that global warming is already occurring and threatens our environment and public health.

When the Republicans attacked greenhouse gas standards, they claimed that they, nonetheless, supported Clean Air Act standards to reduce toxic pollutants like mercury. After all, it was a Republican President who signed this legislation creating the Environmental Protection Agency more than 40 years ago.

A Republican President signed the Clean Air Act of 1970, which established the process that the EPA is using today to reduce toxic pollution, including mercury and dioxin. A Republican President signed the Clean Air Act amendments of 1990 establishing—steel yourself—a cap-and-trade program to reduce sulfur dioxide pollution. That Clean Air Act bill of 1990 also accelerated reductions of other toxic pollutants because Congress believed that

the EPA was not moving quickly enough to reduce toxic pollution.

□ 1710

All of these major clean air bills were passed by Democratic Congresses with Republican Presidents. While it may seem unbelievable in today's political climate, there was a time in the not-so-distant past when environmental protection had bipartisan support. As a result of the bipartisan effort to protect the environment, our economy grew while air pollution levels fell and public health improved.

Air quality here in Washington, D.C., in Los Angeles, and other major cities is healthier today than it was in 1970 thanks to the Clean Air Act. Our automobiles no longer emit unlimited quantities of asthma and lung cancer-causing pollution, or lead. Our power plants now have scrubbers to reduce the sulfur dioxide pollution that caused acid rain and poisoned rivers and streams throughout the United States before 1990. Mercury pollution has fallen 80 percent thanks to that act. Thanks to these improvements in air quality, the Clean Air Act saves approximately 160,000 lives a year by preventing deaths otherwise caused by pollution.

When this new Republican Congress attacked greenhouse gas regulations, they claimed that they would not reverse the improvements that the Clean Air Act has made in reducing toxic pollution. Of course, their attempt to block greenhouse gas pollution standards was only the opening salvo. This Republican House has passed dozens of bills and amendments effectively repealing the Clean Air Act by blocking regulation of soot, smog, and dioxin. Their assault on the Clean Air Act is so comprehensive that they have passed regulation to deregulate multiple kinds of soot. Today, we'll vote on a bill to deregulate mercury and other toxic pollution from cement factories.

This bill would not only deregulate mercury pollution from cement factories, it would also block the EPA public health standards for other deadly pollutants such as the particulate pollution that scars lung tissue and causes cancer and emphysema. Blocking public health standards for cement kilns will increase net costs for American taxpayers by $6.3 billion to $17.6 billion every year by increasing the incidence of heart attacks, lung cancer, asthma attacks, and developmental disabilities in children.

They claim that these antipublic health bills would create jobs. The fact is that while the Clean Air Act has reduced dangerous air pollution for the last 40 years, saving 160,000 lives last year alone, America's economy doubled in size. It didn't shrink, the sky didn't fall, and the worst predictions of our friends on the other side, not one of them came true.

I have introduced two amendments to H.R. 2681. I'm only going to move this one, Madam Chairman. This will clarify that the provisions in this bill will not go into effect if it causes respiratory illness, cardiac disease, other diseases, or death. This amendment would apply throughout the country, ensuring that rural, suburban, and urban Americans would be protected equally from reckless provisions in the underlying bill.

My amendment says, ''The administrator shall not delay actions to reduce emissions from any cement kiln if such emission is causing respiratory and cardiovascular illness and death, including cases of heart attacks, asthma attacks, and bronchitis.'' This ensures that if H.R. 2681 passes, God help us, we will not be increasing the rate of respiratory disease or sending more children to the hospital with asthma attacks. Since members of the majority claim to be equally concerned about the health of our constituents, I wanted to give them an opportunity to prove it.

I yield back the balance of my time.

Mr. WHITFIELD. I move to strike the last word.

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

Mr. WHITFIELD. I rise in opposition to this amendment offered by the distinguished gentleman from Virginia.

I might also add that the last significant change to the Clean Air Act was back in 1990, and I don't think anyone would ever suggest that Congress does not have a right to go back and look at legislation that was passed 21 years ago and that there may be problems with some of that legislation.

There is no question that we've benefited from the Clean Air Act, but there is also no question that this administration, this EPA, has been the most aggressive in recent memory. They've been passing some of the most expensive regulations ever adopted by EPA, and it's having an impact on the economy because jobs are being lost as a direct result of many of these regulations.

Our bill has directed EPA to protect public health, to balance the economic needs, the jobs needs, all of this, as a part of an overall balanced view of EPA regulations.

Mr. CONNOLLY of Virginia. Will the gentleman yield?

Mr. WHITFIELD. I would be happy to yield.

Mr. CONNOLLY of Virginia. My colleague, whom I respect, said that we're losing jobs because of this onerous regulation. I'm just wondering if my colleague has any data on how many jobs were lost in the last 40 years due to the Clean Air Act—net.

Mr. WHITFIELD. Let me just say to you that the last 40 years, we've had a lot of economic expansion. Right now we've just come out of a recession. We have a 9.1 percent unemployment rate. Everyone's talking about jobs, and all of the testimony that we've received about these regulations indicates that jobs will be lost. So what's the difference then, if you lose a job, you lose a job? That makes unemployment rates go up.

I'm not debating with you that over the last 40 years, generally speaking, we've had economic expansion and job creation, but we're in a very unique time right now, and we think that this is a time in which we need a more balanced approach to some of these regulations.

Your amendment specifically looks at respiratory, cardiovascular illnesses, and death, including heart attacks, asthma attacks, and bronchitis. We know that EPA looks at all of this in its health benefits and costs, and we do not think it's necessary to specifically spell this out in our legislation. For that reason, I would respectfully oppose the amendment and ask Members to vote against the amendment.

I yield back the balance of my time.

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

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

Mr. CONNOLLY of Virginia. Madam 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 Virginia will be postponed.

AMENDMENT NO. 20 OFFERED BY MR. WELCH

Mr. WELCH. Madam 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:

After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that the American people are exposed to mercury from industrial sources addressed by the rules listed in section 2(b) of this Act through the consumption of fish containing mercury and every State in the Nation has issued at least one mercury advisory for fish consumption.

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

Mr. WELCH. Madam Chair, in this legislation there are findings. It is common in our legislation for there to be a finding section. This amendment would propose a finding for inclusion in this important legislation, and that finding would read that ''Congress finds that the American people are exposed to mercury from industrial sources addressed by the rules listed in section 2(b) of this act through the consumption of fish containing mercury, and every State in the Nation has issued at least one mercury advisory for fish consumption.''

So the question is, to the proponents of this legislation, as to whether there would be an objection to include this finding about mercury and the scientific community's absolute conclusion that mercury is hazardous to the

health of those who consume it. That's the question. If you believe that science has a place in our consideration of important legislation that affects health and safety, then it would suggest that you would want to have a finding affirming Congress's acceptance of the scientific conclusion that mercury causes harmful health effects.

So this amendment offers this Congress the opportunity to say the obvious, and that is: Mercury poisoning is bad for our health.

The reason why I ask that this Congress consider this finding is that this Congress has been debating the applicability of science to our deliberations. This is not a question of whether a regulation is onerous or not or the cost is too great for the benefits derived; it's a question of whether we will accept the responsibility to acknowledge that mercury does have significant detrimental health consequences. This should be acknowledged. It should be part of this legislation.

What this Congress cannot do, whatever its dispute is about the degree of regulation, the effectiveness of regulation, whether it's too onerous or not, is have the point of view that we can, by legislation, defy science. It does not allow us to do that.

So, Madam Chair, I urge that this Congress accept this finding, and I yield back the balance of my time.

□ 1720

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

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

Mr. CULBERSON. Madam Chairman, the air contains mercury. The environment contains mercury from natural sources. The Communist Chinese, of course, are the world's largest polluter, and the plume of pollution from Communist China stretches all the way across the Pacific Ocean and covers up the Western and Central part of the United States.

This map, which I hope you can see there, Madam Chairman, shows the Western and Central U.S. covered by a plume of red. These are mercury deposits coming from Communist China. The United States, through the Clean Air Act and with the efforts of industry and individuals across the Nation, has dramatically reduced pollution levels in the air and in the water.

We are all committed to making sure that our kids are drinking clean water and breathing clean air. This amendment offered by the gentleman from Vermont is a simple statement that we find we're exposed to mercury. Congress might as well also issue a finding that we're exposed to carbon dioxide. I'm exposed to carbon dioxide right here. They're trying to make that a pollutant.

What the Obama Democrats have done to crush jobs in the cement industry is an illustration of what Obama Democrats have done in their attempt to crush job creation all over the United States.

In this EPA regulation on the cement industry, the Obama Democrats have set an impossibly high standard far beyond what even the European Union seeks. What the Obama Democrats attempt to impose on the cement industry is like asking them to win the decathlon, where you have to get a gold medal in every event. They've set, for example, this rule that 98 percent of all mercury has to be eliminated. The technology doesn't exist for that, yet the industry has to comply with the Obama Democrat rule by next September, wiping out much of the cement industry in the United States at a time when the construction industry in America is already in a state of depression.

It is evident from the record that the cement industry today is producing at a rate equivalent to 1962, yet the Obama Democrats seek to crush it further and eliminate more job creation in an absolutely vital sector of American industry, which will simply have the effect, as they have already done in so many other industries, of driving the work offshore—driving more cement production to Communist China, where they have no pollution controls.

For example, in the auto industry, the Obama Democrats have set automobile mileage standards so impossibly high that no automobile in America today can meet it other than the Prius. So the auto industry is going to be crushed. In the oil industry, they've set impossibly high standards for drilling in the Gulf of Mexico, driving offshore drilling to Brazil and other countries. All those big rigs are gone. They won't come back, but we're trying to open up drilling in the gulf.

In sector after sector after sector, Obama Democrats are crushing the American economy and crushing American business owners with impossible regulations that cannot be met.

This is common sense. Constitutional conservatives in the House are trying to get this economy back on track and to grow jobs by eliminating regulation, by cutting taxes, and by cutting spending. This legislation today is a straightforward, simple attempt to postpone the damage. All we can do by controlling the House is to stop the damage inflicted by Obama Democrats on the American economy. That's what we can do with this legislation.

Give us 5 years more to implement it until we get reinforcements and have a constitutionally conservative Senate and a constitutional conservative in the White House, which is when we can really grow this economy and cut taxes and cut spending and can put the Federal Government back in the box designed by the Founders.

Get out of my pocket. Get out of my way. Get off my back. Unleash American entrepreneurship, and you'll really see the American economy grow if you'd just leave us alone. Let Texans run Texas. Let Kentuckians run Kentucky. Let us manage our own businesses, our own families, our own affairs—to manage and invest and save or spend our own money in the way we wish.

You'll see American industry protect the environment, grow jobs, drill here and drill now for oil and gas safely and cleanly in the Gulf of Mexico and across the United States. You'll see the cement industry and the construction industry come back if we just stop crushing them with impossible regulations that cannot be met by any available technology anywhere on Earth.

For all of those reasons, I ask the Members of the House to oppose this amendment, and 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 ayes appeared to have it.

Mr. WHITFIELD. Madam 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 Vermont will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. MOORE

Ms. MOORE. Madam 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:

Add at the end of the bill the following:

SEC. 6. DELAYED EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall not take effect until the President certifies that implementation of this Act—

(1) will not adversely affect public health in the United States; and

(2) will not have a disproportionately negative impact on subpopulations that are most at risk from hazardous air pollutants, including communities with a high proportion of minorities, low-income communities, pregnant women, and the elderly.

(b) DETERMINATION REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the President shall publish in the Federal Register—

(1) the certification described in subsection (a); or

(2) an explanation of why such certification is not warranted.

The Acting CHAIR. The gentlewoman from Wisconsin is recognized for 5 minutes.

Ms. MOORE. Madam Chair, my amendment would simply require that the President certify that this bill will not have an adverse effect on the health of Americans. It would specifically and additionally ensure that the legislation would not result in a disproportionately adverse impact on at-risk subpopulations.

I would submit that the majority should be enthused about my amendment to require the President to certify that the delay of cement kiln standards won't harm the public health of Americans and have this disproportionate adverse impact. This is since we have heard all day the majority speak of how the majority of mercury,

for example, comes from natural sources, that it comes from foreign sources from the Pacific to the Mississippi, and that the dangers of mercury should not be unfairly burdened and blamed on cement kilns.

This Presidential certification would allow them to rebut those assertions. This Presidential certification would allow them to rebut that cement kilns are the second-largest source of airborne mercury pollution in the United States or that mercury is a powerful neurotoxin that can affect the mental development of children.

Since this majority has questioned the methodology of the EPA findings using OMB standards, the assumptions, they should welcome this Presidential finding to rebut the assertion that EPA has made that cement kilns also emit lead, arsenic, and other toxic metals that could be carcinogenic and seriously dangerous.

We do know that, throughout the history of the Clean Air Act, we have seen tremendous benefits in quality of life for Americans. Under the Clean Air Act, the individual emissions of carcinogens and other highly toxic chemicals have been reduced by 1.7 million tons each year through actions taken, voluntarily in many cases, by more than 170 industries. The health benefits just keep adding up, and they've been tremendously important. In 2010, the reductions in fine particles 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.

But there is so much more work to be done.

This neurotoxin is widespread in our Nation's waterways. Currently, 48 States have issued fish consumption advisories due to mercury contamination, including 23 States that have issued Statewide advisories for all of their lakes and rivers. My district, of course, in Milwaukee, Wisconsin, is located on one of the Great Lakes, which is a major resource for my community, for the region and, indeed, for the world, and it has been subject to large amounts of mercury contamination from airborne pollutants.

I would certainly be interested in a Presidential certification and in the assurance that the delay of this bill would not have an adverse impact on my constituents. The Great Lakes Regional Collaboration Mercury Emissions Reduction Strategy compiled mercury emissions data for the eight Great Lakes States and found that, in 2005, Portland cement plants in these States emitted 1.4 tons of mercury, which is roughly 4 percent of the total of 34.9 tons.

□ 1730

I would be immensely, Madam Chair, interested in a certification by the President of the United States that indeed, indeed, this mercury contamination was not caused by these cement kilns but, instead, was caused by natural causes or from foreign sources. This, I think, would vindicate those who are trying to delay this process, and it would work toward advancing their theory that economic development should not be hindered by untoward, unproven health concerns.

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

Mr. CARTER. Madam Chair, I rise in opposition to the amendment.

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

Mr. CARTER. Madam Chair, this amendment should really be called the ''Moore veto amendment'' because what it effectively does is veto this bill.

I would point out that Paul Valberg, former member of the Harvard School of Public Health, testified before the Energy and Commerce Committee that by every public health measure, from infant mortality to life expectancy, we are healthier today and exposed to fewer hazards than ever before.

Our present-day air is much cleaner than it was a year ago, and our air quality is among the best in the world. H.R. 2681 does not change or modify any existing public health protection. It simply sets forth a process for EPA to implement stronger protections as called for in the Clean Air Act that are achievable, and the issue here is achievability. Standards in this act are set in such a manner that it's going to take time to achieve these emissions.

As we pointed out, the EU, which is supposedly one of the standards of the world on air and water quality, has set a standard that ours is five times less onerous than the one that is being imposed by the EPA; and, arguably, the industry says meeting that standard is going to take more technology and more time.

This bill simply directs the EPA to follow the language of the Clean Air Act statute and write standards that real-world cement plants can meet. It may be the EU standards are the standards they can meet. I am not here to make that determination.

But the standards that we are presently asked to meet in the cement industry are not attainable at this time, and it takes time to make it work.

Well, in H.R. 2681, the costs are certain. It's going to be astronomical and certain enough that the businesses tell us that it will shut down plants. And when you shut down a plant, you kill jobs and the labor that works in that plant will be unemployed; and that will be part of the unemployment figures we will read within the next year as the plant shuts down.

So achievable standards give you the opportunity to work towards the objective that we're all seeking here. But unachievable standards cause panic, cause excess costs, and that unachievable regulation causes the industries, some of which are not tied together, they are separate companies owned by separate people, to say we can't meet this standard, not within the time we have been given.

We might as well shut the plant and go someplace else, and so they shut the plant and go someplace else. Americans lose jobs that pay $65,000 to $80,000 a year, and the plant goes over to China and joins in China's belch of mercury—which many people have talked about here today—that sweeps across our country every day because they don't meet the clean air standards that we already meet in this great Nation.

At some point in time, reasonableness and common sense have to come into these regulations. Give the industry a chance to achieve something that is achievable, and that's what this bill does. It says, take another look, come up with achievable standards, and then give us the time to achieve them. I don't think that is an unreasonable position to take.

I think it's the proper position to take to save this industry, the cement industry, from possible annihilation in this country; and soon we would face, once again, people saying why are all the cement jobs overseas.

Madam Chair, I oppose the Moore amendment. I was tempted to call this the ''fox watching the hen house amendment,'' but I'm not going to do that.

We need to get this done, and having veto power over this amendment is not the suggestion that is relative to the debate we are having here today.

I ask that there be a ''no'' vote on this amendment, and I yield back the balance of my time.

Mr. WAXMAN. Madam Chair, I rise in support of the amendment.

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

Mr. WAXMAN. This amendment says that the President, whoever that President is or will be, would certify that implementation of the act will not adversely affect public health in the country and will not have a disproportionate impact, a negative impact on sub-populations that are most at risk from hazardous air pollutants, including communities with a high proportion of minorities, low-income communities, pregnant women, and the elderly.

I don't know how my Republican colleagues can oppose that. First of all, I didn't like that little slur that I heard about the President of the United States. I think the President would make an honest call. I trust any President of the United States to make an honest call if this amendment were adopted.

But the whole idea of our environmental laws is that we could all live together. If an elderly person is more susceptible to asthma, and if children are more susceptible to harm from air pollution, we don't want to say that they have to live somewhere else. We should all be able to live together. But

there are some sub-populations that are at greater risk; and we ought to recognize that, especially low-income populations.

A lot of minority groups are more susceptible to asthma. And when you talk about minority and low-income people, they don't have houses where they can send their kids down to the playroom. They can have their kids play outside, and they are going to be breathing in a lot of this air pollution.

So I think that before we implement this law to delay for 6, 8, 10 years any impact to control the harmful air pollution, we ought to have some certification that we are not going to be putting these populations at risk.

Mr. CULBERSON. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Texas.

Mr. CULBERSON. Mr. WAXMAN, there is no definition of ''adverse'' in the act. That's in this amendment. That's one of the concerns. If there's any adverse impact, then the act doesn't go into effect, nor is there any definition of ''disproportionately.'' Those terms are not defined. Would you agree there is no definition?

Mr. WAXMAN. No, I don't agree with you. First of all, it says ''adverse.'' I think adverse is pretty understandable. Adverse would be negative, negative.

Mr. CULBERSON. Any negative.

Mr. WAXMAN. Well, negative to air pollution. We're talking about air pollution, the harm from air pollution. We are talking about asthma, cancer. Toxic pollutants can cause brain damage.

We're not talking about some inconvenience to them. We're talking about adverse public health impact on the public in the United States, first of all, and then a disproportionate negative impact on sub-populations that are most at risk for hazardous air pollutants.

Mr. CULBERSON. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman.

Mr. CULBERSON. If there is any adverse impact or any disproportionate negative impact, the act is not going to affect that, no matter how small.

Mr. WAXMAN. It says will not have a disproportionate negative impact or adversely affect public health. I think the language is clear enough for the President to make a finding and get the guidance on it in order to determine whether this bill should be held up.

So we may disagree, but I don't think that the language is poorly drafted. I think it's pretty clearly drafted, and I would support the amendment.

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 noes appeared to have it.

Ms. MOORE. Madam 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.

□ 1740

AMENDMENT NO. 14 OFFERED BY MR. ELLISON

Mr. ELLISON. Madam 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:

Page 5, after line 8, insert the following subsection:

(c) NOTICE IN FEDERAL REGISTER.—Not later than 60 days after the date of enactment of this Act, the Administrator shall publish a notice in the Federal Register estimating the public health impact of delaying regulation for the Portland cement manufacturing industry and Portland cement plants until the compliance date of the rules required by subsection (a) instead of the compliance date of the rules made ineffective by subsection (b).

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

Mr. ELLISON. Madam Chair, this amendment is very simple. All it says is that if we're going to delay these important rules, these lifesaving rules, then the EPA would be required to publish in the Federal Register the public health impact of delaying this regulation.

For example, one of the public health impacts of clean air standards for cement plants is the prevention of 17,000 cases of asthma. All we're saying is that transparency, information given to the public, so the public will know what the impact of these delayed regulations will be.

I can see no reason why Republicans wouldn't adopt a commonsense amendment like this because, quite frankly, if they feel this is such an important measure that they clearly acknowledge based on their response to the last amendment offered, they acknowledged that there will be health impacts, they most certainly would have to agree that telling the public what the health impacts will be would be a fair and important thing to do.

So my amendment is very simple. As we delay these important environmental regulations, they are proposing delaying these important environmental regulations to protect people from dirty air emitted from cement plants, let's just tell the public how many heart attacks, how many asthma attacks, how many deaths, how much mercury contamination, how much lead and arsenic will impact the health of our citizens. How much cancer. What will be the health impacts of delaying these important rules; let's print it in the Federal Register.

I'm sure that people who favor this legislation would be happy to say, you know what, yes, we're giving you cancer; yes, we're giving you heart attacks; yes, we're giving you asthma attacks, but we have to do it because we believe it'll save jobs. You have to be sick so somebody might theoretically be able to get a job in a cement plant.

The fact is, as I pointed out many times, it's a false choice between a job and a regulation. It's a false choice between economic activity and clean air and a healthy environment. But since my friends on the other end of the aisle want to make the case that we need to delay these important environmental regulations in order to promote jobs, at least let's talk about and be honest with the public about the health impacts.

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

Mr. WHITFIELD. Madam Chair, I move to strike the last word.

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

Mr. WHITFIELD. I rise in opposition to this amendment for a couple of reasons. Number one, because EPA has already comprehensively and exhaustively examined the health benefits cost and every other analysis relating to their regulations. We have voluminous information about those benefits.

I would also say that we've heard testimony after testimony from experts who say that you cannot in any way with certainty say how many lives are going to be saved, how many people are not going to be put in the hospital, how many cases of asthma are going to be not contracted because of passing a regulation or not passing a regulation. They have models. They come up with estimates, and there's not anything in this amendment that would provide any more certainty. And for that reason, I oppose the amendment and ask that it be defeated.

I yield back the balance of my time.

Mr. WAXMAN. Madam Chair, I rise in support of the amendment.

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

Mr. WAXMAN. I yield to the author of the amendment.

Mr. ELLISON. I just want to make a few points in rebuttal.

First of all, Congresswoman CAPPS offered an amendment that contained the EPA findings on the health impact, and that was opposed pretty vigorously. We could have known for the public record; we would have had it there. That was opposed, though. So the response that we just heard from the other side of the aisle is interesting, to say the least.

The other important point, the fact is, if you believe this is an important measure to pass, why not disclose this to the public, let the public know what we're getting into, and I would think this would be a commonsense measure and would get approval from all sides.

Mr. WAXMAN. Reclaiming my time, I think the public has a right to know, and I don't think the Congress of the United States ought to deny them that information. As I heard the argument from the gentleman from Kentucky,

it's already been evaluated and is in the record by the EPA. I think putting it in the CONGRESSIONAL RECORD is not even enough. If the public wants to know, we ought to have full-page ads in the newspapers. That's my view.

But that's not as far as the amendment would go, simply to put it in the Federal Register and hope that the press would pick it up and inform people. Let people know. Don't pass a bill to let the cement kilns avoid coming to terms with regulations that will protect the public health from all of these different incidents of serious diseases and then not tell the American people that we've let them off the hook and they should understand one of the consequences will be all of these diseases and all of these deaths that otherwise could have been prevented.

So I strongly support the gentleman's amendment, and I yield back the balance of my time.

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

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

Mr. ELLISON. Madam 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 Minnesota will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

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

Amendment No. 11 by Mr. WAXMAN of California.

Amendment No. 7 by Mr. RUSH of Illinois.

Amendment No. 17 by Mrs. CAPPS of California.

Amendment No. 1 by Ms. SCHAKOWSKY of Illinois.

Amendment No. 9 by Mr. WAXMAN of California.

Amendment No. 16 by Mr. WAXMAN of California.

Amendment No. 21 by Mr. PALLONE of New Jersey.

Amendment No. 4 by Ms. JACKSON LEE of Texas.

Amendment No. 8 by Mr. QUIGLEY of Illinois.

Amendment No. 18 by Mr. CONNOLLY of Virginia.

Amendment No. 20 by Mr. WELCH of Vermont.

Amendment No. 2 by Ms. MOORE of Wisconsin.

Amendment No. 14 by Mr. ELLISON of Minnesota.

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

AMENDMENT NO. 11 OFFERED BY MR. WAXMAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) 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 vote was taken by electronic device, and there were—ayes 166, noes 246, not voting 21, as follows:

[Roll No. 747]

AYES—166

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Price (NC)
Quigley
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Shuster
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey

NOES—246

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—21

Bachmann
Boren
Cohen
Davis (CA)
Deutch
Engel
Giffords
Larson (CT)
Lowey
Maloney
McIntyre
Nadler
Pastor (AZ)
Polis
Rangel
Ryan (OH)
Schwartz
Sutton
Thompson (MS)
Wilson (FL)
Yarmuth

□ 1811

Messrs. AMODEI, BENISHEK, THOMPSON of Pennsylvania, FLORES, CANSECO, WALBERG, BISHOP of Utah, ROE of Tennessee and Mrs. BLACK changed their vote from ''aye'' to ''no.''

Messrs. GENE GREEN of Texas and BISHOP of Georgia changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MCINTYRE. Madam Chair, on roll-call No. 747, had I been present, I would have voted ''aye.''

AMENDMENT NO. 7 OFFERED BY MR. RUSH

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

vote on the amendment offered by the gentleman from Illinois (Mr. RUSH) 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 162, noes 251, not voting 20, as follows:

[Roll No. 748]

AYES—162

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Ribble
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey

NOES—251

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—20

Bachmann
Boren
Cohen
Culberson
Davis (CA)
DeFazio
Dreier
Giffords
Goodlatte
Gutierrez
Larson (CT)
Lowey
Maloney
Polis
Ryan (OH)
Sarbanes
Sutton
Thompson (MS)
Wilson (FL)
Yarmuth

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains in this vote.

□ 1815

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GOODLATTE. Madam Chair, on rollcall No. 748, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 17 OFFERED BY MRS. CAPPS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the ayes 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 158, noes 254, not voting 21, as follows:

[Roll No. 749]

AYES—158

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly (VA)
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Ellison
Engel
Eshoo
Farr
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey

NOES—254

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz

Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—21

Bachmann
Berg
Bilbray
Boren
Cohen
Conyers
Davis (CA)
Edwards
Fattah
Giffords
Hunter
Johnson, Sam
Larson (CT)
Lowey
Maloney
Polis
Sullivan
Sutton
Thompson (MS)
Wilson (FL)
Yarmuth

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains in this vote.

□ 1818

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. DAVIS of California. Madam Chair, on rollcall Nos. 747, 748, and 749, I was unable to vote. Had I been present I would have voted on 747—"yes," on 748—"yes," and on 749—"yes."

AMENDMENT NO. 1 OFFERED BY MS. SCHAKOWSKY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) 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 175, noes 248, not voting 10, as follows:

[Roll No. 750]

AYES—175

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Burton (IN)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—248

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Bachmann
Boren
Giffords
Hirono
Larson (CT)
Maloney
Polis
Sutton
Thompson (MS)
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains in this vote.

□ 1822

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. WAXMAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) 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 167, noes 254, not voting 12, as follows:

[Roll No. 751]

AYES—167

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—254

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—12

Bachmann
Boren
Canseco
Giffords
Gohmert
Larson (CT)
Maloney
McMorris Rodgers
Polis
Sutton
Thompson (MS)
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains in this vote.

□ 1826

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. CANSECO. Madam Chair, on rollcall No. 751, had I been present, I would have voted "no.".

AMENDMENT NO. 16 OFFERED BY MR. WAXMAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) 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 169, noes 254, not voting 10, as follows:

[Roll No. 752]

AYES—169

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—254

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole

Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Bachmann
Boren
Giffords
Larson (CT)
Maloney
Polis
Sutton
Thompson (MS)
Wilson (FL)
Yoder

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains in this vote.

□ 1830

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 21 OFFERED BY MR. PALLONE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. PALLONE) 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 166, noes 253, not voting 14, as follows:

[Roll No. 753]

AYES—166

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—253

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—14

Bachmann
Boren
Deutch
Emerson
Franks (AZ)
Giffords
Griffith (VA)
Larson (CT)
Maloney
Perlmutter
Polis
Sutton
Thompson (MS)
Wilson (FL)

□ 1833

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) 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 162, noes 262, not voting 9, as follows:

[Roll No. 754]

AYES—162

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—262

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Bachmann
Boren
Giffords
Larson (CT)
Maloney
Polis
Sutton
Thompson (MS)
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1837

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. QUIGLEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY) 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 175, noes 248, not voting 10, as follows:

[Roll No. 755]

AYES—175

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—248

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)

Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Bachmann
Boren
Giffords
Gohmert
Larson (CT)
Maloney
Polis
Sutton
Thompson (MS)
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains in this vote.

□ 1840

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) 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 176, noes 248, not voting 9, as follows:

[Roll No. 756]

AYES—176

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—248

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Bachmann
Boren
Giffords
Larson (CT)
Maloney
Polis
Sutton
Thompson (MS)
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1846

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 20 OFFERED BY MR. WELCH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. WELCH) on which further proceedings were postponed and on which the ayes 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 174, noes 249, not voting 10, as follows:

[Roll No. 757]

AYES—174

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wolf
Woolsey
Yarmuth

NOES—249

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Bachmann
Boren
Dicks
Giffords
Larson (CT)
Maloney
Polis
Sutton
Thompson (MS)
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1850

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MS. MOORE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE) 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 167, noes 256, not voting 10, as follows:

[Roll No. 758]

AYES—167

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—256

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger

Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Bachmann
Boren
Dicks
Giffords
Larson (CT)
Maloney
Polis
Sutton
Thompson (MS)
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains in this vote.

□ 1853

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MR. ELLISON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. ELLISON) 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 170, noes 252, not voting 11, as follows:

[Roll No. 759]

AYES—170

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—252

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—11

Bachmann
Boren
Cardoza
Dicks
Giffords
Larson (CT)
Maloney
Polis
Sutton
Thompson (MS)
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains in this vote.

□ 1857

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Madam Chair, on October 5, 2011, I was not present for rollcall votes 747–759 due to the death of a close family friend. If I had been present for these votes, I would have voted: ''aye'' on rollcall vote 747; ''aye'' on rollcall vote 748; ''aye'' on rollcall vote 749; ''aye'' on rollcall vote 750; ''aye'' on rollcall vote 751; ''aye'' on rollcall vote 752; ''aye'' on rollcall vote 753; ''aye'' on rollcall vote 754; ''aye'' on rollcall vote 755; ''aye'' on rollcall vote 756; ''aye'' on rollcall vote 757; ''aye'' on rollcall vote 758; ''aye'' on rollcall vote 759.

AMENDMENT NO. 23 OFFERED BY MR. COHEN

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

The Acting CHAIR (Mr. ROSS of Florida). The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 11, strike ''and'' after the semicolon.

Page 6, line 12, strike ''impacts.'' and insert ''impacts; and''.

Page 6, after line 12, insert the following subparagraph:

(F) potential reductions in the number of illness-related absences from work due to respiratory or other illnesses.

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

□ 1900

Mr. COHEN. Mr. Chair, my amendment simply requires—it's a very simple amendment—that the Environmental Protection Agency administrator consider the potential reductions in the number of illness-related absences from work when establishing a compliance date for this cement kiln rule.

Cement kilns are the second-largest source of airborne mercury pollution in the United States and also a leading emitter of lead, arsenic, and other toxic dangerous metals—nothing, of course, that anybody on either side of the aisle would like to see floating around the atmosphere and absorbed in our bodies. Dramatically reducing the amount of toxic pollutants cement kilns can spew in our Nation's air and water will make America a healthier, more productive nation.

The EPA projects that every year that this particular rule is applicable, the administration's cement kiln rule will prevent up to 2,500 premature deaths, 17,000 asthma attacks, and 130,000 days when people will be too sick to go to work. Despite the erroneous claims from a handful of vocal individuals within the cement industry that this rule will ruin the economy, the truth is the cement kiln rule will strengthen America's economy and the American worker because cement kilns emit thousands of pounds of mercury and acid gases every year, thousands of workers are unable to go to work because they are simply too sick, meaning every day hardworking Americans are unable to work and earn a paycheck so they can put food on their family's table. Not only are these hardworking Americans not generating income, but many of them are forced to spend their limited income on doctors' bills, emergency room visits, and expensive medicines.

These Americans want to work. They want to be productive citizens. Their employers want them to work, but the employers are spewing environmental disaster into the air that prevents them from working. Despite their most sincere interest and desire to put in a hard day's work, they can't because the dirty cement kiln is spewing toxic pollutants into the air making them sick and making them drive to the hospital instead of their offices.

If the EPA administrator has to factor in issues such as potential net employee impacts when establishing compliance dates when they shouldn't, the administrator also will have to factor in potential reductions in the number of illness-related absences from work. But what good is saving 1 day's work at a cement plant if it means that dozens of people will be too sick to go to work that day?

If the United States is going to retain its status as the world's economic engine, then we need to have the world's healthiest and most productive workforce. But that will not happen if we continue to let a handful of dirty cement kilns scattered across the country undermine the health and well-being of thousands of American workers.

I encourage my colleagues to understand the importance of a healthy workforce and support my amendment. We must recognize that any establishment of a compliance date that does not factor the health of the American workforce is fundamentally flawed and inadequate.

I also would mention that this will affect horses, for horses and animals, dogs and horses will breathe in the same air and it will affect their well-being—well noted. On behalf of the hundreds and thousands of American workers and animals who have been forced to miss work because of the sickness incurred by breathing in toxic pollutants from cement kilns, I ask you to support this amendment. It's time for this Congress to stand up to protect our Nation's most valuable resource, the American worker, and also the American worker's best friend, his dog, and sometimes his horse.

I urge passage of my amendment, and I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I move to strike the last word.

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

Mr. WHITFIELD. I certainly want to thank the gentleman from Tennessee for offering this amendment and particularly pointing out that it relates to animals as well as people, and I would say that from our analysis, certainly EPA considers work-related illnesses and absences when they issue these regulations, and the specific section of the bill, H.R. 2681, which the gentleman from Tennessee is amending relates to the provisions that the administrator must consider relating to the industry in trying to comply with the regulation.

This amendment would add to that illness-related work absences would have to be considered as well, and we think that that would really be duplicative of what they already considered. And because of that, despite the great respect we have for the gentleman from Tennessee, I would urge that this amendment not be adopted and urge other Members to vote ''no'' on the amendment.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

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

Mr. WAXMAN. I would yield to the gentleman from Tennessee if he wishes to make any further statements.

Mr. COHEN. Mr. Chair, I respect the gentleman from Kentucky greatly and appreciate his remarks, but I would say if his position is there's no harm, no foul, if there's no harm, no foul and it's duplicative, then there's no reason not to adopt it in case he's wrong, and I think he is. I think it does add something. So the best case is you protect the worker, and the worst case is you have a couple of extra sentences in the law that make no difference.

So I would ask that we all join together in a bipartisan Kumbaya moment that we've been missing and need to have again, and I ask you to support it.

Mr. WAXMAN. In light of that argument, I'd be pleased to yield to the gentleman from Kentucky if he's now been convinced of the rebuttal. If not, I will yield back my time.

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

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

Mr. COHEN. 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 Tennessee will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. KEATING

Mr. KEATING. 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 5, beginning on line 13, strike paragraph (1) and insert the following paragraph (and redesignate the subsequent paragraph accordingly):

(1) shall establish a date for compliance with standards and requirements under such regulation in accordance with section 112(i)(3) of the Clean Air Act (42 U.S.C. 7412(i)(3));

(2) may, if the Administrator determines there is a compelling reason to extend the date for such compliance, provide an extension, in addition to any extension under section 112(i)(3)(B) of such Act (42 U.S.C. 7412(i)(3)(B)), extending the date for such compliance up to one year, but in no case beyond the date that is 5 years after the effective date of such regulation; and

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

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

Mr. KEATING. Mr. Chairman, this bill gives the impression that we're going to deal with this issue in 5 years. If you look at the bill carefully, you will find out, Mr. Chair, that indeed what it could postpone is the effect of this amendment forever. In fact, in terms of pollution, in terms of toxins, this is the equivalent of the ''pollution road to nowhere'' where there's no ending in sight, none that will ever be reached, and it's just nothing but a guise for the people to think they're doing something within the 5-year timeframe.

Now, my amendment would allow the 5 years, but it would be a maximum of

5 years before the source has to be implemented and the appropriate changes are met in terms of emissions.

Now, what else would this amendment do? This amendment would save 10,000 related deaths, avert 6,000 heart attacks, avoid nearly 70,000 asthma attacks, and the pollution reductions required in this rule would cut mercury emissions from cement kilns by over 90 percent.

As all of us know, Mr. Chairman, mercury is a poisonous substance that affects the ability of infants and children to learn and to think. It also results in birth defects and cognitive disabilities. Cement kilns emit lead and arsenic which cause cancer and damage the nervous system.

Now let's line up the costs and benefits. The costs—birth defects, cognitive disabilities, cancer, heart attacks, asthma, and attacks on the nervous system—are on one side of the ledger. On the other side of the ledger are marginal savings by the companies for not doing what they really should be doing in terms of keeping people safe.

Now let's add up the cost of that versus the cost of all those ailments, all those things that affect young people and that will affect taxpayers funding this for decades to come, a multiple of whatever savings is there for the industries that are in question.

So I hope this amendment passes. I think what this attempts to do is say let's cut through the guile. If you mean 5 years, you mean 5 years. And so we should be in agreement on this if that is indeed the case. And I hope this amendment gets the support from my colleagues that believe 5 years is a reasonable time.

I yield back the balance of my time.

□ 1910

Mr. WHITFIELD. Mr. Chairman, I move to strike the last word.

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

Mr. WHITFIELD. The amendment offered by the gentleman would set a 3-year compliance date and allow case-by-case extensions for up to 2 years if the administrator of EPA determines that there is a compelling need to do so.

The purpose, of course, of this legislation is to protect health, provide feasibility and regulatory certainty, protect jobs, and minimize plant shutdowns. Under the Clean Air Act, sources already have 3 years to comply with section 112 standards for cement kilns, with a potential 1-year extension by the EPA administrator or a State-permitting authority. This amendment would allow for a second possible 1-year extension, so a source might be able to get 5 years for compliance. The amendment would impose additional regulatory burdens on both the EPA and those facilities trying to comply. It would require a facility to compile evidence to justify the need for an additional year, and would require the administrator to make a case-by-case determination about whether that justification is compelling.

All of the testimony in the hearings on this indicated that the current 3-year compliance timeframe is simply not workable and a definitive period of at least 5 years is needed. And so for that reason, with all due respect, we would urge the defeat of the gentleman's amendment.

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

Mr. WAXMAN. Mr. Chair, I rise in support of the pending amendment.

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

Mr. WAXMAN. I would like to yield to the author of the amendment, the gentleman from Massachusetts.

Mr. KEATING. I thank the gentleman for yielding.

I would just say this: When you talk about certainty, the only thing that is certain about this bill is there's no end to it. So if you call certainty meaning there's no timeframe that can ever be reached for certain, then I don't understand the paradox.

And when you're talking about the cost to the EPA and the marginal cost that might be there to the industry in terms of savings, that pales in comparison—by multiples—to the cost that taxpayers are going to have to pay for the cognitive disabilities, the birth defects of infants and young children that will be borne, in most cases, by the taxpayer because we're not making these industries do what they're supposed to do.

Mr. WAXMAN. I want to reclaim my time because the gentleman is absolutely correct. There is no end point to when there would be compliance so that we can get the health benefits because of that compliance.

But let's go through the bill again. The bill would nullify EPA's emission standards for cement kilns. It ensures that if EPA is able to issue a new standard, the new standard would be less protective of public health and more protective of the cement manufacturers' profits. And even then, the bill allows for implementation of any new standard to be indefinitely delayed. It blocks EPA from requiring cement kilns to comply with the new rules for at least 5 years, and fails to establish any deadline for compliance whatsoever. This could allow cement kilns to continue to pollute without limit indefinitely.

I support this amendment because it would use this existing framework of the bill as a baseline for compliance, but it would also allow the administrator to provide additional extensions of 1 year for existing sources if she determines there is a compelling reason. No polluter can have more than 5 years to comply. Already under the Clean Air Act, every facility has complied no later than 3 years after the limits go into effect.

Over the past 20 years, tens of thousands of sources across about 100 industries have cleaned up their toxic air pollution within that 3-year period. I think the statutory timeframe is sufficient. Five years is a long time to wait for the communities living in the shadow of these cement kilns. At least this amendment sets an outer bound for when cement kilns will have to comply, unlike the underlying legislation.

I urge my colleagues to support the amendment.

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

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

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

Mr. KEATING. 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 Massachusetts will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. EDWARDS

Ms. EDWARDS. 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:

After section 1, insert the following section (and redesignate the subsequent sections accordingly):

SEC. 2. FINDING.

The Congress finds that if the rules specified in section 3(b) remain in effect, they will yield annual public health benefits of $6,700,000,000 to $18,000,000,000, while the costs of such rules are $926,000,000 to $950,000,000.

Page 5, line 11, strike ''section 2'' and insert ''section 3''.

Page 6, line 14, strike ''section 2(a)(1)'' and insert ''section 3(a)(1)''.

Page 7, line 8, strike ''section 2(a)'' and insert ''section 3(a)''.

Page 7, lines 9 and 10, strike ''section 2(b)(2)'' and insert ''section 3(b)(2)''.

Page 8, line 3, strike ''section 2(a)'' and insert ''section 3(a)''.

Page 8, line 14, strike ''section 2(a)'' and insert ''section 3(a)''.

The Acting CHAIR. The gentlewoman from Maryland is recognized for 5 minutes.

Ms. EDWARDS. Mr. Chairman, I think it's important for us to take a step back and review our history.

The Clean Air Act has a proven 40-year track record of delivering technological innovation and economic growth for the American people while at the same time protecting public health and our Nation's environment. This bipartisan act was originally signed into law by President Richard Nixon, and the 1990 amendments were enacted by President George H.W. Bush. Unfortunately, my Republican colleagues here today don't see eye to eye even with their own party's former Presidents.

Since its inception, the Clean Air Act has netted Americans $40 in benefits for every $1 that's been spent, making it one of the most successful and significant statutes in our Nation's history. My amendment highlights the

fact that if the rules repealed by this bill remained in effect, they would yield annual public health benefits of between $6.7 billion and $18 billion, at a cost of under $1 billion.

The benefit of complying with the EPA's cement kiln standards exceeds the cost by a factor of at least 7 and as much as 18. And let's say this in really plain language: That is between a 700 percent to an 1,800 percent return on an investment. It sounds like a good investment. And these returns come from avoiding the health care and social costs associated with 2,500 premature deaths, 1,500 heart attacks, 17,000 cases of aggravated asthma, 32,000 cases of respiratory illnesses each year, the cost of 1,000 emergency room visits, 740 hospital admissions, multiple trips to the doctor and taking prescription drugs, and the cost of 130,000 days of missed work a year, costs felt by employers in the form of lost productivity and the employee in the form of lost wages. One person working 7 days a week would have to work 356 years to reach 130,000 days.

This very extreme analogy makes a simple point. If we put it in perspective, the cement industry employs 13,000 workers. And if those workers took the 130,000 sick days, it would shut down the entire cement industry for 10 days every year.

A study published in the May 2011 Health Affairs found that we spend $76 billion a year treating environmental diseases in children like lead poisoning, prenatal methylmercury exposure, childhood cancer, asthma, intellectual disability, autism, and ADHD. Now, cement factory emissions may not be responsible for every one of these instances, but cement kilns are the second-largest source of airborne mercury pollution in the United States—after power plants. It's extraordinary. Mercury is a powerful neurotoxin that when ingested, particularly by pregnant women, in the form of fish, can impair cognitive function in infants and children. In 2000, the National Research Council warned that 60,000 children could be born annually with neurological problems from exposure to mercury while in the womb.

It's a simple fact: At a time when our Nation is struggling with budget deficits, we should be targeting the causes of disease and acting to reduce the need for health care spending. And yet producers of toxic emissions need to step up and assume their fair share of responsibility.

Now, those who want to gut the EPA cement kiln standards say that complying with these rules would force them to jack up the price of cement and drive consumers—mostly construction companies—to buy cheap imports from China instead. It's not true, and it's just a scare tactic. Instead, look at the facts. The EPA estimates that cement makers would recoup nearly 90 percent of their pollution control costs—which are anyway amortized over years of operation—by adding just $4.50 to the price of a ton of cement. This is not a prohibitive hike. And more importantly, cement is expensive to ship, and so the likelihood of shipping it from China seems highly skeptical. The truth is that the cement sector is vulnerable because the construction industry has taken a big hit in the recession and hasn't recovered. And here we're in a Congress trying to gut EPA standards when we actually should be creating jobs.

And if you want to talk about job killers, this bill is a job killer because we should be investing in the industry, allowing it to produce cement for roads, bridges, all of our infrastructure instead of gutting EPA standards. There's no way to do this except by investing in infrastructure.

And so I would urge us to look at the real cost of lowering these standards, the real cost to industry, and urge us instead to think about the Clean Air Act and the benefits to communities, and make sure that we pass this amendment.

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

□ 1920

Mr. WHITFIELD. I move to strike the last word.

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

Mr. WHITFIELD. The last time that the Clean Air Act was amended in any significant way was 1990, over 21 years ago. And Congress certainly has the responsibility, from time to time, to look at the Clean Air Act to make changes when we believe changes should be made. And with the current situation in our economy, and the high unemployment and the number of concerns expressed by industries around the country, as well as individuals about the lack of jobs, we made a decision that we would start questioning some of the regulations coming out of the EPA.

The gentlelady from Maryland, who is a very effective Member of this body, is suggesting that, in our legislation, that we adopt as a finding the health benefits and costs as computed by EPA.

Now, we have difficulty just adopting their health benefits and costs and putting it in our legislation as a finding for a number of reasons. Number one, we don't really know the assumptions that they're using. Number two, many universities and others have questioned the models being used by EPA in computing costs and benefits. And many people have found that there is a lack of transparency in the methodology used at EPA in making many of these calculations.

I might also say that, because of that, for example, EPA determined that the cost of these rules would be between $926 million to $950 million; and yet other independent analyses have indicated that the cost would be anywhere up to $3.4 billion. So we genuinely believe that for Congress to simply take those calculations and put them in as a finding of this legislation would be irresponsible.

I might also add that, with respect to the benefits, EPA itself has acknowledged that it has not even quantified the benefits from the reductions of hazardous air pollutants, which are the very pollutants that these rules, these cement rules, were intended to target. Rather, EPA's estimates of benefits are all related to incidental health benefits by the reduction of particulate matter, which are already regulated by other parts of the Clean Air Act.

So for all of those reasons, I would respectfully urge Members to oppose the gentlelady's amendment and request that they vote in opposition to it.

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

Mr. WAXMAN. I rise in support of the amendment.

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

Mr. WAXMAN. For decades, regulated industry has claimed that EPA rules are not worth the cost. For decades, they've pushed laws and executive orders to require more and more detailed cost-benefit analyses. So now, that's what EPA does for every major rule. EPA conducts a regulatory impact analysis that quantifies and monetizes, to the extent possible, the costs and benefit of each rule.

These analyses are based on peer-reviewed science. They're reviewed by the Office of Management and Budget. The analyses are usually a couple hundred pages long. EPA prepares a draft analysis for the proposed rule, which is available for public comment before it is finalized with the final rule.

The information about the costs and benefits of the rules helps EPA make a sensible decision about how stringent the standards should be. For example, as a consequence, EPA almost never adopts rules where monetized costs outweigh the benefits.

Last year, EPA finalized long overdue standards to cut emissions of mercury and other toxic air pollutants from cement kilns. As it does for every rule, EPA conducted a thorough regulatory impact analysis of cement kiln rules following the process I just described. This analysis found that the benefits of these rules for public health far outweigh the costs to the polluters. That means that, as a Nation, we're far better off with these rules than without them.

But now the Republicans aren't interested in the cost-benefit analysis. They're only interested in the costs, regardless of how much those costs are outweighed by the benefits.

Here's why these rules are such a good deal for the American public: the rules will significantly reduce emissions of fine particle pollution which can lodge deep in the lungs and cause

serious health problems. By cutting emissions of fine particles, EPA estimates that these rules will prevent up to 2,500 premature deaths, 1,500 nonfatal heart attacks, 17,000 cases of aggregated asthma, and 130,000 days when people miss work or school each year.

EPA estimates that the cost to comply with the rules will be about $950 million in 2013. In contrast, EPA estimates that the monetized health benefits associated with reduced exposure to air pollution range from $6.7 billion to $18 billion in 2013 and annually thereafter.

Moreover, these figures likely underestimate the health benefits of the rule because, given time and data limitations, EPA wasn't able to put a dollar value on the health benefits of reducing cement kiln emissions of carcinogens and other toxic substances such as mercury, which is a powerful neurotoxin.

Well, this amendment simply restates the conclusions of EPA's cost-benefit analysis. This amendment does not change what the bill does. If this amendment passes, the bill would still nullify the cement kiln rules and force EPA to start all over again. The bill would still rewrite the Clean Air Act in such a way that EPA may never be able to reissue emission limits for toxic air pollution from cement kilns.

But this amendment provides an important reminder. By nullifying the rules, the bill also nullifies the $6.7 billion to $18 billion in annual health benefits that would have made Americans better off if the rules remain in place. This amendment ensures that we have a clearly stated accounting of the monetized costs and benefits of this bill.

The Republicans have been eager to talk about the benefit to industry of shielding them from having to cut their toxic and mercury emissions. This amendment simply outlines the costs to public health of nullifying these rules.

When it came to Congressman ELLISON's amendment, where he wanted the benefits clearly stated, the Republicans opposed it because they said that EPA had already studied it, so why should we have to put it in the finding. When it comes to this amendment they say, well, maybe they haven't studied it well enough; and they didn't want to put it in the findings for that reason. I find both arguments not only inconsistent, but not very persuasive.

So I'd urge my colleagues to vote for 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 Maryland (Ms. EDWARDS).

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

Ms. EDWARDS. 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 Maryland will be postponed.

Mr. WHITFIELD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRIFFITH of Virginia) having assumed the chair, Mr. ROSS of Florida, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes, had come to no resolution thereon.

□ 1930

HOUR OF MEETING ON TOMORROW

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

THE GOP JOBS OFFENSIVE: ROLLING BACK JOB-KILLING REGULATIONS

The SPEAKER pro tempore (Mr. ROSS of Florida). Under the Speaker's announced policy of January 5, 2011, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 60 minutes as the designee of the majority leader.

Mr. WHITFIELD. Thank you very much.

Over the last year particularly, great attention has been paid in this country to the state of our economy; and despite all of the efforts of the bailouts, the stimulus spending and other efforts, our unemployment rate is still above 9 percent nationally.

We were told that when we adopted the bailouts, when we made money available for the stimulus plans, that unemployment would be reduced in the U.S. to a maximum of 8 percent. Well, that has not come to pass. And as you talk to business leaders large and small around the country, they will tell you that one of the primary reasons that our economy has not been stimulated is because of the uncertainty that has been caused by this administration.

Now, the uncertainties that I'm talking about are, number one, all of those uncertainties that are related to the health care legislation that passed in the last Congress. We know that that health care bill will not be fully implemented until the year after the year 2014. We've been told that CMS and HHS and others have already written 8,700 pages of additional regulations. It's quite clear from discussions with physicians, hospital administrators, and other health care providers that they do not know what to do. Businesses do not know what to do because they are not able to determine what the cost of health care is going to be because they still do not even know what is in the health care bill.

So with the uncertainty caused by the health care legislation, the uncertainty caused by the financial regulatory regime, the raising of the capital requirements, the changing in the methods used for conducting appraisals, all of that has generated a lot of uncertainty, and it's more difficult particularly for community banks to make loans.

A third area of uncertainty is related to regulations implemented by this Environmental Protection Agency. Under the administrator, Lisa Jackson, this has been the most aggressive EPA in the history of the agency. Trying to keep up with all of the regulations coming out has been very difficult to do. Lawsuits have been filed, consent decrees have been entered, court decisions have been rendered, environmental groups have been reimbursed for their legal costs, the regulations are changing; and so businesspeople are saying, we're not going to invest one dollar, much less millions of dollars, until we have some certainty about these regulations.

So the uncertainty related to health care, the uncertainty related to financial regulation, and the uncertainty related to EPA regulations have been a tremendous obstacle for investment to be made and for additional jobs to be created.

I think it's essential that if we're going to get this economy back on track that we have to have certainty in a lot of these areas, and that's precisely what the leadership in this House of Representatives is attempting to do. We're calling upon the leadership in the Democratic-controlled Senate to do the same thing; and the sooner that we can do that, the more likely it is that we're going to stimulate this economy. It's not going to be stimulated by additional regulation, it's not going to be stimulated by additional government expenditures, which is basically what the President's jobs plan is all about, and I might refer to today's article in The Hill and the headline that says Senate Democrats Buck Obama on Jobs Plan.

So let's get back to providing certainty; and when we do that, we're going to encourage investment in our economy to create more jobs.

With that, Mr. Speaker, I would like to yield back the balance of my time.

The SPEAKER pro tempore. The balance of the majority leader's time is reallocated to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Thank you, Mr. Speaker, I appreciate that, and I thank my friend from Kentucky for being here. I wanted to let him know that I have enjoyed the day. It's been a wonderful challenge and great working with him. I thank my friend for all the good work we did today.