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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 8, 2011.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Eternal God, we give You thanks for giving us another day.

Once again we come to You to ask wisdom, patience, peace, and understanding for the Members of this people's House.

Give them the generosity of heart, and the courage of true leadership, to work toward a common solution to the many issues facing our Nation. This might call for compromise, even sacrifice on both sides. As true statesmen and -women, may they find the fortitude to make judgments to benefit all Americans in their time of need.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PITTS. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PITTS. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

GONE ROGUE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the Justice Department appears to have gone rogue. Instead of enforcing the law, they seem to be recklessly encouraging violations of law.

The Justice Department, with the aid of the ATF, apparently facilitated the smuggling of over 2,000 weapons to the drug cartels south of the border—the national enemy of Mexico. Those weapons were used to kill at least 200 Mexican nationals and two U.S. law enforcement agents.

Who is responsible for this conduct? The Attorney General says he was unaware of Fast and Furious. He claims he either didn't get the memo or he didn't read it. That's a lame excuse. The Attorney General is the chief lawyer and law enforcement officer in the country. If people under him violated U.S. or international law, they need to be held accountable, even if it means somebody goes to jail.

We need an independent special counsel to investigate the Justice Department and the ATF. The Department of Justice cannot be trusted to investigate themselves because the agency has lost credibility. Even Washington insiders responsible for Fast and Furious cannot hide from the long arm of American justice because justice is what we do in this country.

And that's just the way it is.

CONSUMER FINANCIAL PROTECTION BUREAU

(Mr. MILLER of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. MILLER of North Carolina. Wall Street may be in disrepute with most Americans, but their power here, their political power in Congress, is undiminished.

Americans strongly support a consumer watchdog, the new Consumer Financial Protection Bureau, but the CFPB has become Republicans' new least favorite agency, which greatly pleases their friends on Wall Street.

Months ago, Republicans in the other body announced that they would block the confirmation of the first Director

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of the new agency, whether the nominee was Elizabeth Warren or anyone else, unless Congress stripped the agency of its independence and of the powers to protect consumers from the abuses that were rampant in the last decade.

In the next day or two, the other body will vote on the confirmation of Richard Cordray to head the CFPB. If the vote goes as expected, Republicans will abuse their constitutional confirmation powers to hobble the new agency. They don't want Elizabeth Warren. They don't want Richard Cordray. They don't want anyone because they don't want the agency, and they don't want the agency because they don't want to protect consumers.

Republicans are willing to leave consumers vulnerable again to predatory lending practices. They're willing to leave the economy vulnerable again to another financial crisis to please their friends on Wall Street.

OVERREGULATING DIETARY SUPPLEMENTS ENDANGERS AMERICANS' JOBS AND HEALTH

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Madam Speaker, I rise today to express my concern over another example of rampant government regulation.

For 17 years, the Food and Drug Administration has sought to ignore congressional intent and create a vast new regulatory regime for dietary supplements. Millions of Americans, including many of my constituents and my family, rely on dietary supplements as part of their everyday health maintenance routine. Moreover, they play an important role in ensuring that people take individual responsibility for preventative health care. We all can agree that the FDA should not limit Americans' access to dietary supplements.

In January President Obama issued an Executive order to ensure that the FDA's new rules will not limit access. Last week, the comment period on the FDA's draft guidance closed. Now that they've heard from the public, and now that I'm sure they've heard from countless Americans who share my concern, I urge them to go back to the drawing board and ensure that they do not limit Americans' access to dietary supplements.

TAX BREAKS FOR RACING INTERESTS—NO ACTION ON PAYROLL TAX CUT AND UNEMPLOYMENT INSURANCE EXTENSION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, at a recent horse sale in Kentucky, Breeder's Cup winner Royal Delta sold for $8.5 million as part of the sale of the late Saudi Prince Saud bin Khaled's farm. Three of the Saudi's other horses also sold for seven figures. A total of 22 horses were sold that day for $1 million or more, compared with only eight sold in 2010.

Every millionaire who purchased these horses benefited from a Republican-sponsored taxpayer subsidy written into the last 2008 farm bill. It allows them to recover the cost of the horse. Even as they call for more budget cuts, Republicans used that bill to transfer wealth—nearly $500 million—from the pockets of ordinary taxpayers to the coffers of wealthy racing interests. This is just one example of how Republicans will go to absurd lengths to support the wealthiest 1 percent of Americans while turning their backs on the middle class and working families.

Now they refuse to take up a payroll tax cut extension and expansion that would mean $1,500 for 160 million people while they protect the tax breaks for 350,000 millionaires. They refuse to extend unemployment insurance to save 200,000 jobs.

Our Nation deserves better leadership than this. Republicans need to stop giving out handouts to millionaire racing horse owners and start addressing the needs of the vast majority of American families.

□ 0910

LIONS CLUB INTERNATIONAL CENTURY OF SERVICE COMMEMORATIVE COIN ACT

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, I rise in support of the Lions Club International Century of Service Commemorative Coin Act. This legislation commemorates the Lions Club's 2017 Centennial, at no cost to the taxpayer, as the cost will be paid for by sales to the public.

As former president and zone chairman of my local Lions Club in Allegheny County in Pennsylvania, I know firsthand the great work done by Lions Club International, which now has 1.3 million members and chapters spanning every corner of the globe.

The Lions Clubs focus on the five goals of preserving sight, combating disability, promoting health, serving youth, and disaster relief, for which Lions Club donated over $50 million in relief funds to Japan, Haiti, and most recently to our own southern States.

I commend the great work carried out by Lions Club International, and look forward to helping them commemorate their 2017 centennial year.

SAFEGUARDING SOCIAL SECURITY BENEFITS

(Mr. REYES asked and was given permission to address the House for 1 minute.)

Mr. REYES. Madam Speaker, I rise today on behalf of the millions of people in this country, including the 55 million seniors, disabled workers, widows, and children currently receiving Social Security benefits that have their Social Security unnecessarily targeted as part of the debt reduction talks. Now, more than ever, we cannot jeopardize earned benefits of seniors who have worked so hard over their lifetime to retire with dignity. Every senior deserves dignity in their retirement. Every senior, no exceptions.

For almost two-thirds of America's seniors, Social Security is the primary source of retirement income. Social Security is also a lifeline for workers who became disabled and for families who have lost a breadwinner. In the 16th District of Texas that I represent, over 98,000 El Pasoans receive Social Security benefits. They depend on these benefits to buy groceries, pay utility bills, and fill their gas tanks.

As their Representative, I want to ensure that we uphold the decades-old promise to the American worker, in return for their years of hard work and contributions, that we ensure dignity in retirement, assistance of the disabled, and support for their surviving children.

GIVE SOMETHING BACK THIS SEASON

(Mr. BARROW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW. Madam Speaker, I rise to encourage my colleagues to give a little something back this season to those who give so much.

Every year we accumulate thousands of frequent flyer miles as we travel between our districts and Washington, DC. For the past several years, I've donated my frequent flyer miles to the Fisher House's Hero Miles Program, which provides free airline tickets to American soldiers and their families, and to the Children's Miracle Network, a nonprofit organization dedicated to saving and improving the lives of children.

Most of my frequent flyer miles this year came from congressional travel, and I don't think it's right to use them for myself. What I do know is that there is no better way for us to use our frequent flyer miles than to help troops and their families see each other, or to help sick kids get well.

I encourage each of my colleagues to join me and donate the frequent flyer miles you receive for government-funded congressional travel to programs like the Fisher House and the Children's Miracle Network, and to do it this holiday season.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1958. An act to extend the National Flood Insurance Program until May 31, 2012.

PROVIDING FOR CONSIDERATION OF H.R. 1633, FARM DUST REGULATION PREVENTION ACT OF 2011

Mr. WEBSTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 487 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 487

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. WEBSTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. WEBSTER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. WEBSTER. Madam Speaker, I rise today in support of the rule and the underlying bill. House Resolution 487 provides for a structured rule for consideration of House Resolution 1633, the Farm Dust Regulation Prevention Act.

The rule makes 8 of the 11 amendments submitted to the Rules Committee in order, a majority of which are Democrat amendments, in order to have robust debate here on the floor of the House of Representatives.

H.R. 1633 passed out of the Energy and Commerce Committee with bipartisan support after proceeding through the committee process under regular order. A subcommittee hearing was followed by a subcommittee markup, and then a markup was held by the full committee, which passed the bill with bipartisan support.

The Farm Dust Regulation Prevention Act is quite simple. It seeks regulatory certainty in the short term and a regulatory, commonsense approach in the long term. Specifically, this legislation does two things. First, in the short term, the Farm Dust Regulation Prevention Act would temporarily prohibit the EPA from issuing a new coarse particulate matter standard for 1 year.

H.R. 1633 does not prohibit EPA from issuing a revised standard for coarse particulate matter after this 1-year timeout. Coarse particulate matter, or PM10, is also known by a much more common name: dust.

Second, in the longer term, this legislation would limit future EPA regulation of nuisance dust to areas where it is not already regulated by State or local government, where it causes substantial adverse effects, and where the benefits of the EPA stepping in would outweigh the costs.

Nuisance dust is particulate matter that is generated primarily from natural sources, dirt roads, earth moving, or other common farm activities. Nuisance dust is pieces of plants plowed up during tilling, soil disturbed by the movement of livestock or bits of rock kicked up by a truck driving down a dirt road. The definition specifically precludes combustion emissions, coal combustion residues and radioactive particulate matter from mining operations.

H.R. 1633 does not eliminate EPA's authority to step in if local or State regulatory efforts fall short of what is needed to adequately protect the public. The bill would allow EPA to step in and regulate ''nuisance dust'' in areas where States and localities do not do so, if it substantially hurts the public health, and if benefits of applying these standards outweigh the cost.

□ 0920

So in summary, if it isn't regulated, it would harm public health, and the benefit of regulation would outweigh the cost of regulation. The EPA could, and presumably would, fill that void.

While EPA Administrator Jackson has announced that she does not plan on changing the standard, EPA has been actively considering a revised, more costly and stringent standard as part of the review process. The same review process increased the stringency of that standard in 1996 and most recently in 2006. Prior to the administrator's announcement, EPA's staff had recommended further changes to the standard.

Despite Administrator Jackson's statement, there is nothing currently on the books preventing the EPA from adopting a stricter regulation. Further, as we all know, the environmental lobby could force a more stringent standard regardless of what the EPA announces, finalizes, or proposes through legal action.

This legislation provides ironclad certainty to farmers, ranchers, small business owners that farm dust would stay off the EPA's to-do list for at least another year. For that very reason, farming, agricultural and rural small business organizations of all shapes and sizes have put their steadfast support behind this legislation. To them, certainty means the ability to grow their business by creating jobs in their communities, feeding every American, and providing for their families through the sale of the fruits of their labors.

The agricultural community and, more largely, rural America is critical to economic growth and job creation. The agricultural sector alone supports 1.8 million American jobs and represents 5 percent of our Nation's total exports. The Obama administration has acknowledged the importance of economic health for rural America. In fact, the President's White House Rural Council has claimed that rural America is ''central to the economic health and prosperity of our Nation.''

Unfortunately, it is often rural communities, particularly those in the western United States, that suffer from the highest rates of unemployment and are least equipped to bear the burden of additional costs stemming from Washington.

So once again, Madam Speaker, I rise in support of this rule and the underlying legislation. The relevant committee of jurisdiction has worked to provide us with a bipartisan bill which, at its core, quite simply offers regulatory certainty in the short term and commonsense regularity relief in the long.

This bill is not a cure-all, but is a step in the right direction. While a small step, it is a commonsense approach to fixing what's wrong in Washington, D.C. It's a step that many in

Congress on both sides of the aisle seem ready and willing to take.

As I mentioned, the Farm Dust Regulation Prevention Act passed out of subcommittee and full committee with bipartisan support. The bill has over 100 bipartisan cosponsors. Companion legislation in the Senate also enjoys that same bipartisan support.

Let's ensure rural businesses and American farmers that at least for 1 more year they can cross dust off the list of the potential bureaucratic burdens passed down from Washington.

I encourage my colleagues to vote ''yes ''on the rule and ''yes'' on the underlying bill, and I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I thank my colleague for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

I rise today in opposition to the rule and the underlying bill.

Today, there are very serious challenges facing our country, facing rural America, suburban America, and urban America. In the next 3 weeks, Congress has to address the payroll tax cut issue, or there will be an enormous tax increase, over $1,000 per family, to the American middle class. This Congress has to pass a budget or the government will shut down. This Congress has to address a number of other expiring tax provisions—all in the next 3 weeks.

This is real work to do, real work that needs to be done for the American middle class, the American people, for farmers, for businessmen and -women, and for workers.

And yet today, this body is not taking on real work. Instead, we're addressing an illusory problem, a fake problem rather than a real one. My colleague from Florida mentioned the specter of someone somehow regulating the dust kicked up by a truck on a dirt road. I don't think there's a single Member of this body that wants to regulate the dust that's kicked up by a truck on a dirt road. The EPA certainly doesn't. The farmers don't want us to. Members of Congress don't want us to.

So what are we exactly talking about? Instead of addressing the serious problems that are facing the Nation, we're talking about a bill that satisfies talking points, has a few unintended consequences, which I'll get into in my remarks, and ignores the real problems of today.

This bill before us claims to block the EPA from implementing a rule that doesn't even exist, hasn't even been thought up, and is opposed by the head of the EPA. That's right. We've got millions of unemployed Americans, a massive tax increase looming, and yet here we have a bill to stop the EPA from doing something it's not doing.

EPA Administrator Lisa Jackson just told Congress specifically that they have no intention of doing a rule in this area because the existing rules passed during the Reagan administration are adequate.

So instead of worrying about a nonexistent farm dust rule, maybe we should pass a regulatory ban on blowing smoke, because that's exactly what Congress is doing with this bill here today.

Not only does this bill seek to address a non-existent problem, Madam Speaker, but it also has a number of unintended consequences. The new loopholes it creates in the mining and other sectors will have severe public health and environmental impacts. Now, there will be a number of amendments that have been allowed under this rule that will go into a discussion and tailoring of this bill to hopefully roll back some of these unintended consequences, but what this bill does, rather than solve a problem, is create a slew of new problems which we would need to address.

This bill is chock full of exemptions for major industries. It allows for more arsenic and lead pollution from industrial sources, with dire consequences for health and well-being. It disables the ambient air quality standards within the Air Quality Act. This bill won't help farmers at all because it won't fend off any onerous regulation because none of the regulations that are being contemplated are even being thought of by anybody in the EPA.

Interestingly, what this bill will do is it allows the release of more pollution from industrial sources like open-pit mining, coal-processing facilities, cement kilns and smelters. This has nothing to do with the family farms that you're going to hear people talk about debating this bill.

That's why this bill's main supporters are not farmers, but they're the mining industry. In fact, this bill has gained vocal support from the National Mining Association; and one of the biggest groups representing farmers, the National Farmers Union, has said this bill isn't necessary. In fact, in October, National Farmers Union president Roger Jackson said, ''The National Farmers Union is pleased to see EPA Administrator Jackson provide final clarification for Members of Congress and the agriculture community that the agency does not have plans to regulate farm dust.''

He went on, ''Lately, there has been considerable anxiety within the farming community that EPA is going to regulate dust on farms. We hope this action finally puts to rest the misinformation regarding dust regulation and eases the minds of farmers and ranchers across the country.''

Yet, instead of letting sleeping dogs lie and quelling the ridiculous rumors that somebody plans to regulate dust kicked up from cars on dirt roads, here we have Members of this body reinvigorating and giving credibility to these false rumors, scaring the hardworking farmers of America into thinking somehow government is about to regulate something that no one is purporting to regulate.

Furthermore, during committee consideration of this bill, an amendment by Congressman BUTTERFIELD would have explicitly limited this bill to agriculture, which is what the proponents of this bill purport it to be about. And yet the majority voted down that amendment, sending a clear message that this bill is not about farmers.

Let us see this bill for what it really is—another effort to attack the EPA and prevent the EPA from implementing the Clean Air Act under its commonsense rules to protect our public health.

It's time to get serious with the business of the House, to take on the real tasks that we have of expanding the payroll tax cut, passing a budget, and stop making up problems and making up solutions that cause more problems than they purport to solve. We've already got enough problems that this Congress and this country need to work on. Let's get to work.

I reserve the balance of my time.

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

Mr. POLIS. Madam Speaker, it is my honor to yield 3 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. I thank the gentleman for yielding time.

Madam Speaker, the bill before us today is entitled the Farm Dust Regulation Prevention Act of 2011.

I want to make something very clear. If we were here today voting on a bill that actually stopped farm dust from being regulated by the EPA, I would support it. Agriculture is hugely important to my home State of Wisconsin, and the thought of regulating farm dust on a Federal level is simply ridiculous. However, there is no attempt by the EPA to regulate farm dust. Administrator Lisa Jackson said that the EPA has no intention of regulating farm dust.

□ 0930

The Republican Senate sponsor of this bill, former Secretary of Agriculture MIKE JOHANNS, states that the EPA has provided ''unequivocal assurance that it won't attempt to regulate farm dust.''

This legislation is not about farm dust. Instead, this bill creates a new category of pollution called ''nuisance dust'' and exempts it from the Clean Air Act entirely. To be clear, ''nuisance dust'' is a made-up term that has no basis in established science.

Under this legislation, particulate pollution from open-pit mines, mine processing plants, sand mines, lead smelters, and cement kilns would be exempt from the Clean Air Act. These facilities emit coarse and fine particulates—arsenic, lead, mercury, and other toxic substances.

Now, I don't know about you, Madam Speaker, but this doesn't sound like ''farm dust'' to me.

I agree with my colleague Congressman JOHN DINGELL, who said, ''This is a solution in search of a problem.'' During the Energy and Commerce Committee markup, the majority

showed us that this bill isn't about farm dust at all; it's about hacking another hole in the Clean Air Act and about stoking the fears of rural Americans and farmers for cheap political points.

Americans are so sick of these political games. They want jobs, not fear mongering and baseless accusations. We shouldn't be wasting our time and theirs dealing with myths. We have real problems that need real solutions.

We should be extending the payroll tax relief for hardworking American families. We should be passing a transportation bill that puts Americans back to work rebuilding our crumbling roads and bridges. We should be extending unemployment insurance to millions of Americans who are still out, pounding the pavement day in and day out, trying to find work.

Republicans need to stop stoking the fears of farmers and rural Americans and get back to fixing the real crisis facing our country—the jobs crisis.

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

Mr. POLIS. Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule to require that we vote on an unemployment benefit extension and that we vote on a payroll tax holiday extension for next year before we leave for the holidays.

I would like to yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. I want to thank my friend and colleague for yielding.

Madam Speaker, I rise today to urge my colleagues to extend unemployment benefits now.

It is amazing that we have time to debate this farm dust bill. We are polluting our air, but we don't have time to create jobs or to help people who have lost their jobs through no fault of their own. It is our moral obligation to give just a little bit of hope, a little bit of justice to help people survive these cold, difficult, hard times.

During this holiday season, I ask each and every one of you to take a deep, hard look within and ask yourselves: Is this how I wish to treat my mother? my father? my sister? my brother? my son? my daughter or my neighbor?

The unemployed lost their jobs through no fault of their own. They don't want handouts. They want jobs. This small amount of money is just enough to squeeze by while they continue to look for jobs. Help them. Please help them keep roofs over their heads, shoes on their feet, food on their tables, and heat in their homes.

Madam Speaker, this is the least we can do. It is the right thing to do. It is the fair thing to do. Fairness cannot wait. Give them just a little bit of hope in the name of those elected to serve them. Let's come together. Let's put politics aside and just get it done. Vote ''no'' on this rule, and extend unemployment insurance here and now.

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

That's a good reason as to why we should pass this bill. The real cure for unemployment is employment. If we can remove the uncertainty from the marketplace for farmers and for those in other places in this country through limited regulation—good regulation but not by overburdening the businesses and the job creators of this country—then we will have the opportunity to solve that problem, to solve it by hiring people.

I am hoping that this bill will pass. In knowing that it probably will pass in the House, I hope the Senate takes it up and the President signs it, and I hope we end up with less regulation in an area where many, many jobs could be created and where certainty could be provided if we would only pass this bill.

I reserve the balance of my time.

Mr. POLIS. I don't see how this bill would create any jobs, because it's purporting to undo regulations that don't exist and that aren't going to exist. So, obviously, if somebody at the EPA were to get the idea to start regulating farm dust, we would probably act to undo those regulations, which might help create jobs. Yet nobody is doing that, so this bill does absolutely nothing.

I would like to yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. There is a lot of mourning among the comedians of this country that Herman Cain has left the field, but I think the Republican caucus is now stepping in to give the comedians things to laugh at.

This bill is about dust. This is dust to throw in the American people's eyes so they won't see what's going on here. We're going home a day early. Why aren't we staying here tomorrow? Because they haven't got anything to do or they can't figure out how to do it. I don't know which it is.

In fact, we have never put out a jobs bill from this House now in 11 months of the Republican majority, who said jobs are the issue. Boy, we've got to get jobs. They haven't produced a single job in 11 months off this floor. They're letting the unemployment extension expire. Beginning in January, 5 million Americans are not going to get benefits from the unemployment insurance because the Republicans have to throw dust in the people's eyes so that they won't see. But they know. They're not stupid.

The American people can see through this game. They know we're going home because you can't get your act together. You run this House and you can't put a bill out here to extend unemployment benefits. Now, I understand that the unemployment bill is an issue, but you can't extend the payroll.

Madam Speaker, what's wrong with the Republicans that they can't get their act together to somehow extend the reduction in the payroll tax?

That's going to take a thousand bucks out of every middle class person's pocket in the next year—but what are we talking about today? Dust. Ah, dust. I can just see it on Jon Stewart—or maybe it will be Sean Hannity. I don't know which it will be.

The fact is that this Congress has been a do-nothing Congress on the issues that affect the American people. The middle class is getting clobbered, and you're talking about dust.

It reminds me of this business we went through, this manufactured stuff, about raising the debt limit. It was such an awful thing, so we created this committee that was going to cut $1.2 trillion. That was magician talk. You don't want to talk about raising the debt limit. You want to talk about this committee that did nothing because the six members on the Republican side who came to that committee said from the very start that they would not raise taxes, that they would not look at revenue.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

□ 0940

Mr. MCDERMOTT. In my view, if you're serious, you sit down and you talk about everything. The last 3 weeks of that committee, they never even met. That was dust in people's eyes.

Get them to talk about a commission. We had all this talk about a commission. Are they going to do this, are they going to do that, what's going to happen? In fact, everybody around here knew it was a lot of baloney from the start, and that's what this is today, more baloney.

You know, Yogi Berra, who is one of my favorite philosophers, said, this is deja vu all over again. We did this last Christmas, we didn't extend the benefits, and we're doing it again this year.

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

Yes, Yogi Berra, it ain't over till it's over. We've got time.

We have a plan. House Republicans have a plan. It's down here on this card. We have a plan, a jobs plan. Twenty-five of those issues have already passed this House and they went to the Senate. And where are they? I don't know. They're there. They're ready to be acted on.

Let me just give one. The union labor in this country rallied around that bill a couple of days ago and said we want to build the pipeline. It's tens of thousands of jobs. Many of the Democrats opposed that, and yes, it's thousands and thousands of jobs. Is it a job creator? Absolutely.

Do we have a plan? We have a plan, and that's just one of the 25 that's waiting in the Senate for action. We need to have action there. We have a plan. We have job plans, this is it, and we're ready to move this country forward, get our economy rolling again, creating jobs, and making this economy better for everyone in America.

I reserve the balance of my time.

Mr. POLIS. Madam Speaker, we have no remaining speakers on our side. I would like to inquire if the gentleman has any remaining speakers.

Mr. WEBSTER. I am prepared to close.

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

We get it and the American people get it. Just because you repeat something enough times doesn't make it true.

What businesses need in this country is long-term certainty and predictability, a fair playing field with clear rules for all. And yet here we are with a bill like this creating more uncertainty by introducing ambiguously drafted bills and new ambiguously drafted standards that skew the rules in favor of some and against others, making it tougher and tougher for small business, entrepreneurs, and innovators who don't have teams of lobbyists in Washington, D.C., monitoring every bit of legislation to get by and succeed.

The American people understand it wasn't the Environmental Protection Agency that caused this recession, that caused this economic mess we're in, and the economic recovery won't come through creating loopholes in public health laws.

If we are serious about helping farmers, there's plenty that we could be doing. But increasing industrial pollution for mining and coal processing isn't something that farmers in my district and across Colorado have asked me to do.

Farmers are concerned about many real-life challenges. Farmers are concerned that their kids can't get financing to go carry on the family business because the startup and liability costs are too high. Farmers are concerned about the estate tax.

Farmers are concerned about getting sued by Monsanto because their crops were contaminated by Roundup Ready pollen. Farmers are concerned about rapid swings in commodity prices because of instability in the market. Political brinksmanship and gridlock create market instability, and bills that create corporate handouts, loopholes, and more uncertainty like this one aren't helping farmers, they're hurting farmers, and they aren't helping the rest of the country either.

In addition to ignoring the needs of farmers, this bill ignores our national debt. In fact, it ignores our own House protocols to pay for things. Oddly enough, not regulating this nonexistent regulation isn't cheap. Because of the bureaucratic changes that would ensue from this bill, the nonpartisan CBO has scored this bill as costing the Federal Government $10 million. So this bill violates the Republican rule for discretionary authorizations.

In fact, while the majority has pledged to adhere to spending limits on all indirect spending bills by including offsetting language, this bill includes no offsetting language, which is particularly grating because this bill doesn't actually do anything besides create more Federal bureaucrats.

Madam Speaker, with only one committee hearing and a quick vote, this bill shouldn't be before us on the floor today. We have real work to do. We need a good-faith effort to get to the bottom of the real issues that affect this country and caused the recession, and help the middle class. This bill is not aimed at doing anything for farmers. It's not even aimed at a real problem.

I urge my colleagues to follow the House CutGo guidelines, to table this bill and focus on the real problems we should be working on. We all must stop pretending the answer to this country's problems is giving handouts and loopholes to those with the most lobbyists here in Washington, D.C.

As I mentioned earlier, Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule.

I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

Mr. POLIS. Madam Speaker, I urge my colleagues to vote ''no'' and defeat the previous question so that we can do the right thing for working families and the millions of people looking for a job and vote on an unemployment extension and a payroll tax holiday and extension before we leave for next year, 3 more weeks.

I urge a ''no'' vote on the rule, and I yield back the balance of my time.

Mr. WEBSTER. Madam Speaker, I yield myself the balance of my time.

This bill provides for ample open debate, allowing for the colleagues here on this floor and across the aisle, both on our side and theirs, to offer amendments to this bill.

The underlying bill isn't particularly controversial. As a matter of fact, it's rather simple. This bill has no effect on direct spending. It does not appropriate any money or have any new appropriation in it at all. This bill creates no new programs. It has nothing to do with CutGo or pay-as-you-go, either way. It doesn't do either.

In the end, I can't imagine 186 different groups being so stirred up in this country to write and to call and to ask for this legislation, groups like the National Corn Growers Association and the Sheep Growers Association and the Association of Cooperatives and the Farm Bureaus across this country and the American Soybean Association and many, many more getting stirred up about nothing?

No, that argument is heifer dust. It is. This argument is real, it's true, and it's right, and it's absolutely just like what's happening in EPA in many other areas.

The underlying bill, as I said, is quite simple. It provides much-needed certainty in the short term for agricultural, ranching, and rural businesses by hitting pause on the EPA's runaway regulatory machine for just one measure for just 1 year.

H.R. 1633 simply says that now is not the time to thrust yet another burdensome, costly and, in EPA's own judgment, unnecessary regulation on rural job creators. In the long term, it offers regulatory relief to rural America by acknowledging that States and local communities are better suited to manage dust in their own communities and thus grant them the flexibility to do so.

It's particularly offensive because it's like the old cookie-cutter approach that Washington uses, the same program that's good for Ocoee, Florida, is good for Butte, Montana, and inner-city New York, and it's wrong. We ought to get rid of the cookie-cutter approach and go back to local communities and State governments and let them solve their problems, as opposed to one-size-fits-all Federal Government.

Given the state of the economy, given the EPA administrator's own comments about the lack of need to further regulate farm dust, given the dearth of scientific evidence that says that this is a danger, there is some sort of danger from farm dust, this legislation represents a commonsense effort to create an environment for job creation that all Members should support. It gives farmers, ranchers, and other rural small business owners the certainty, at least when it comes to dust, that costly regulations would not shackle their ability to focus on growing their business, providing for their families, and creating much needed jobs in rural America.

I ask my colleagues to join me in voting in favor of the rule and passage of the underlying bill.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 487 OFFERED BY MR. POLIS

At the end of the resolution, add the following new sections:

SEC. 2. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to extend the payroll tax holiday beyond 2011, the title of which is as follows: 'Payroll Tax Holiday Extension Act of 2011.'.

SEC. 3. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to provide for the continuation of unemployment benefits, the title of which is as follows: 'Emergency Unemployment Compensation Extension Act of 2011.'.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not

merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WEBSTER. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 50 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1030

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan) at 10 o'clock and 30 minutes a.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: ordering the previous question on H. Res. 487, by the yeas and nays; adoption of H. Res 487, if ordered; motion to suspend the rules on H.R. 1254, de novo; approval of the Journal, de novo.

The first electronic vote will be conducted as a 15-minute vote. The remainder of the votes in this series will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 1633, FARM DUST REGULATION PREVENTION ACT OF 2011.

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 487) providing for consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 241, nays 173, not voting 19, as follows:

[Roll No. 902]

YEAS—241

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
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
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
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)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Ross (AR)
Ross (FL)
Rothman (NJ)
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)

NAYS—173

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
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)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz

Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Inslee
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
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
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—19

Bachmann
Castor (FL)
Clyburn
Davis (IL)
Diaz-Balart
Frank (MA)
Giffords
Hinchey
Hoyer
Israel
Jackson (IL)
Myrick
Nadler
Palazzo
Paul
Pelosi
Rahall
Roskam
Stark

□ 1100

Mr. CLEAVER, Ms. KAPTUR, Messrs. GUTIERREZ, PERLMUTTER, MARKEY, BERMAN, Ms. WASSERMAN SCHULTZ, and Mr. HONDA changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. POLIS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 249, noes 161, not voting 23, as follows:

[Roll No. 903]

AYES—249

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
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
Culberson
Davis (KY)
Denham
Dent
DesJarlais
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
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
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
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)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—161

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Holden
Holt
Honda
Inslee
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Polis
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
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—23

Bachmann
Bilbray
Castor (FL)
Clyburn
Davis (IL)
Diaz-Balart
Frank (MA)
Garrett
Giffords
Hinchey
Hoyer
Israel
Jackson (IL)
Lamborn
Myrick
Nadler
Nugent
Olver
Paul
Pelosi
Rahall
Rooney
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WOMACK) (during the vote). There are 2 minutes remaining in this vote.

□ 1106

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SYNTHETIC DRUG CONTROL ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1254) to amend the Controlled Substances Act to place synthetic drugs in Schedule I, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PITTS) that the House suspend the rules and pass the bill, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. WHITFIELD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 317, noes 98, not voting 18, as follows:

[Roll No. 904]

AYES—317

Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Cicilline
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (CA)
Davis (KY)
DeFazio
DeLauro
Denham
Dent
DesJarlais
Deutch
Dingell
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Huelskamp
Huizenga (MI)
Hunter
Hurt
Inslee
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (CT)
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Pompeo
Posey
Price (GA)
Quayle
Quigley
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Tsongas
Turner (OH)
Upton
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—98

Ackerman
Amash
Andrews
Baldwin
Bass (CA)
Becerra
Blumenauer
Brady (PA)
Brooks
Broun (GA)
Brown (FL)
Butterfield
Campbell
Capuano
Carson (IN)
Chu
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Cohen
Conyers
Crowley
Cummings
DeGette
Dicks
Doggett
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Flake
Foxx
Fudge
Gonzalez
Graves (GA)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Holt
Honda
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Kingston
Kucinich
Labrador
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe
Maloney
Markey
McClintock
McDermott
McGovern
Meeks
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Napolitano
Neal
Olver
Payne
Poe (TX)
Polis
Price (NC)
Richmond
Rohrabacher
Roybal-Allard
Rush
Schakowsky
Scott (VA)
Scott, David
Serrano
Sires
Slaughter
Smith (WA)
Thompson (CA)
Tierney
Towns
Turner (NY)
Van Hollen
Velázquez
Visclosky
Walsh (IL)
Waters
Watt
Woodall
Woolsey
Yarmuth

NOT VOTING—18

Bachmann
Castor (FL)
Clyburn
Davis (IL)
Diaz-Balart
Frank (MA)
Giffords
Hinchey
Hoyer
Hultgren
Israel
Jackson (IL)
Myrick
Nadler
Paul
Pelosi
Rahall
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1113

Messrs. NEAL, TIERNEY, POE of Texas, and AL GREEN of Texas changed their vote from ''aye'' to ''no.''

Ms. RICHARDSON changed her vote from ''no'' to ''aye.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HULTGREN. Mr. Speaker, on rollcall No. 904, had I been present, I would have voted "no."

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

RECORDED VOTE

Mr. WOODALL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 312, noes 94, answered ''present'' 1, not voting 26, as follows:

[Roll No. 905]

AYES—312

Ackerman
Adams
Aderholt
Akin
Alexander
Amodei
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Carnahan
Carney
Carter
Chabot
Chaffetz
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Courtney
Crawford
Crenshaw
Critz
Crowley
Culberson
Davis (CA)
Davis (KY)
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibbs
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Harper
Hartzler
Hastings (WA)
Hayworth
Heinrich
Hensarling
Herger
Higgins
Hinojosa
Hirono
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
Kildee
King (IA)
Kingston
Kissell
Kline
Labrador
Lamborn
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
Loebsack
Lofgren, Zoe
Long
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marino
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Murphy (CT)
Murphy (PA)
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pascrell
Paulsen
Payne
Pearce
Pence
Perlmutter
Peters
Petri
Pingree (ME)
Pitts
Platts
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Rehberg
Reichert
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)

Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner (NY)
Upton
Van Hollen
Velázquez
Walberg
Walz (MN)
Wasserman Schultz
Watt
Waxman
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Young (FL)
Young (IN)

NOES—94

Altmire
Andrews
Baldwin
Bass (CA)
Benishek
Bishop (NY)
Boren
Brady (PA)
Burgess
Capuano
Cardoza
Carson (IN)
Chandler
Chu
Conaway
Costa
Costello
Cravaack
Cuellar
Cummings
DeFazio
Dold
Donnelly (IN)
Duffy
Ellison
Filner
Fitzpatrick
Foxx
Gardner
Garrett
Gibson
Green, Gene
Grijalva
Hanna
Harris
Hastings (FL)
Heck
Herrera Beutler
Holt
Honda
Inslee
Johnson (OH)
Keating
Kind
King (NY)
Kinzinger (IL)
Kucinich
Lance
Latham
Lee (CA)
Lewis (GA)
LoBiondo
Lynch
Markey
Matheson
Matsui
McCotter
McDermott
McGovern
Meehan
Miller, George
Moore
Mulvaney
Olver
Pallone
Pastor (AZ)
Peterson
Poe (TX)
Quayle
Rangel
Reed
Renacci
Ribble
Roe (TN)
Rooney
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Shuler
Slaughter
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tipton
Turner (OH)
Visclosky
Walden
Woodall
Yoder
Young (AK)

ANSWERED ''PRESENT''—1

Amash

NOT VOTING—26

Bachmann
Blumenauer
Cassidy
Castor (FL)
Clyburn
Davis (IL)
Diaz-Balart
Frank (MA)
Giffords
Gohmert
Himes
Hinchey
Hoyer
Israel
Jackson (IL)
Lucas
Myrick
Nadler
Paul
Pelosi
Polis
Rahall
Stark
Walsh (IL)
Waters
Webster

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1119

So the Journal was approved.

The result of the vote was announced as above recorded.

FARM DUST REGULATION PREVENTION ACT OF 2011

Mr. UPTON. 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 H.R. 1633.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 487 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. 1633.

□ 1119

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. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, 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 Michigan (Mr. UPTON) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I yield myself 2 minutes.

No question, from the largest manufacturer to the smallest farm or ranch, not enough businesses are thriving in this economy. The recovery has been slow and weak, job growth has been anemic, and the continuous rollout of expensive new regulations has only made it harder to get the economy back on track. That's why the House continues to approve bipartisan legislation addressing costly EPA rules, and that is why I support this legislation, the Farm Dust Regulation Prevention Act.

This bill achieves two important goals: regulatory certainty in the short term and common sense for rural America in the long term. The bill retains the current coarse particulate matter standard for 1 year—a position that Administrator Lisa Jackson from EPA has embraced with her plans to propose maintaining the standard—and it offers regulatory relief to rural America by recognizing that States and local communities are better equipped to monitor and control farm dust. EPA would no longer be in the business of regulating rural dust except in cases where it is not already regulated and the benefits of EPA regulation outweigh the costs.

Opponents of this bill insist that it's not necessary and that rural America has nothing to worry about, but the voices of rural America tell quite a different story. Listen to the American Farm Bureau Federation and all of its State affiliates. Listen to the Cattlemen's Beef Association and over 185 other organizations who collectively represent a significant portion of the rural economy, including Michigan and across the country. These organizations believe that this bill is necessary, and so do I.

The bill makes clear that the lead role in regulating nuisance dust should rest with State, local, and tribal governments, not the EPA.

This is a smart step for a lot of reasons. For one thing, State, local, and tribal governments already address rural dust issues. For another, dust issues differ greatly from location to location and thus are not well suited to a one-size-fits-all Federal approach. Further, these levels of governments do a much better job than the Federal EPA when it comes to weighing both the costs and the benefits of various options and choosing a path that is cost-effective and achieves the greatest benefits.

Finally, under this bill, in the absence of State, local, and tribal regulation, EPA may step in and regulate nuisance dust if the case for net benefits can be made for it. This bill is a commonsense bill that removes a regulatory threat to economic growth and prosperity across rural America. I urge all my colleagues to support it.

I reserve the balance of my time.

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

Over the past year, Republicans have brought to the floor one bill after another to weaken the Clean Air Act and eliminate EPA authority to protect public health from dangerous air pollution. The House has passed bills to nullify EPA's rules on air pollution from incinerators, power plants, cement kilns, and industrial boilers. But the bill before us today breaks new ground. It would block EPA from taking an action that EPA has no plan to take.

This bill is called the ''Farm Dust Regulation Prevention Act of 2011.'' Well, that's a misleading title. EPA currently does not regulate farm dust and they have no plans to regulate farm dust. EPA Administrator Jackson told Congress that she will propose no change to the current air quality standard for coarse particles, which have been in place since the Reagan administration.

This bill belongs in the False Advertising Hall of Fame. It is not really about farms at all. Its real effect is to exempt industrial mining operations and other large industries from regulation under the Clean Air Act. And it threatens to overturn the particulate pollution standards that protect families in both rural and urban communities.

Section three of the bill exempts so-called ''nuisance dust'' from any regulation under the Clean Air Act. It then defines nuisance dust incredibly broadly. The definition covers both coarse particulates and deadly fine particulates. It covers particulates from earth moving—which means industrial mining operations—and from activities typically conducted in rural areas, which include cement plants, smelters, coal processing plants, and other industrial activities that are common in rural areas.

During the committee markups of this bill, the Republicans amended the definition of so-called ''nuisance dust'' three times. This shows how poorly drafted and broadly worded the definition really is. But they voted down an amendment to clarify that the bill only applies to agricultural dust and another amendment to clarify that the bill does not apply to mining activities. They even voted down an amendment to preserve EPA's authority to regulate emissions of arsenic from copper mines and smelters.

One supporter of this bill is Kennecott Copper, which operates one of the largest open pit copper mines in the world. The company's mining activities are the single largest source of particulate pollution in Utah and a big reason why the 1 million residents of Salt Lake County breathe unhealthy air. This bill would exempt all particulate matter pollution from the Kennecott mine and all other mines from the entire Clean Air Act. Let's be honest: The reason industrial mining operations are pushing this bill has nothing to do with protecting family farms.

The bill would also make unenforceable the national air quality standards for both fine and coarse particulate pollution. Particulate pollution causes aggravated asthma attacks, heart attacks, respiratory diseases, strokes, and premature death. Reductions in particulate pollution under the Clean Air Act account for some of the largest public health benefits produced by the act. Gutting these standards would be radical and devastating.

The American people support the Clean Air Act. People want clean air. And over the past 40 years, the Clean Air Act has brought us dramatic air quality improvements. But House Republicans are intent on undoing these achievements. In bill after bill, for one industry after another, the House has voted to punch holes in the Clean Air Act. It has voted for more weather-altering carbon pollution, more toxic mercury pollution, more arsenic and lead pollution, more particulate matter pollution, more sulfur dioxide pollution, and more nitrogen oxide pollution. In fact, the House has voted 170 times to undermine our Nation's environmental laws—over 60 of those votes were to dismantle the Clean Air Act.

I urge my colleagues to protect clean air and the health of all Americans and oppose H.R. 1633.

I reserve the balance of my time.

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

American farmers, ranchers, and other rural businesses, like many other sectors of our economy, have faced an onslaught of EPA regulations. Now, we all support the environment, but our economy is struggling today, and every regulation adds additional cost.

The Congressional Research Service recently reported that agriculture has been facing new Clean Air Act greenhouse gas standards; engine emission standards; national ambient air quality standards for ozone and particulates; Clean Water Act permitting and other requirements; Superfund reporting requirements; and regulations for disclosure, permitting, and other regulatory requirements relating to the use of pesticides. And until recently, the dairy industry faced ambiguity about whether milk and milk containers would be subject to the EPA oil spill prevention regulations.

We have 2.2 million farms in America employing 1.8 million people and providing 5 percent of this Nation's exports. We need to do everything possible to make it easy for them to do business and still protect the economy.

□ 1130

Today we're going to consider H.R. 1633, the Farm Dust Regulation Prevention Act of 2011. At a time when rural economies are struggling, this bill provides certainty that farmers, ranchers, and other rural businesses will not be burdened with costly and unnecessary new dust regulations from Washington, D.C.

As one might expect, a reasonable and commonsense measure like H.R. 1633 has garnered 120 bipartisan cosponsors. I would like to particularly thank and commend the efforts of Representative KRISTI NOEM, as well as Representative LEONARD BOSWELL, Representative ROBERT HURT, and Representative LARRY KISSELL for their tireless efforts on behalf of rural Americans and this bill.

Our bill makes clear that the lead role in regulating so-called nuisance dust rests with State, local, and tribal governments. And the bill defines nuisance dust to include particulate matter generated primarily from natural sources, unpaved roads, earth moving, and other activities typically conducted in rural areas.

In some ways, it's ludicrous we're sitting here debating about the EPA regulating dust. And I might say that we have 197 organizations supporting this legislation.

Now, why do we need the bill? Well, EPA has been considering more costly, stringent PM10 standards. It is true that the EPA Administrator, Lisa Jackson, recently announced that she would not propose new regulations, that she would retain the current PM10 standards. But the problem with that is, when they finalize a standard, it's uncertain whether EPA will finalize a standard that imposes greater costs to rural businesses. And we all know that many of the regulations and EPA environmental protections today are decided by the court system. So even though Lisa Jackson says she's not going to do anything, lawsuits can be filed requiring her to do certain things. So this legislation simply provides certainty.

I might also say, because the science does not support the regulation of coarse rural dust, EPA itself proposed, in 2006, to exempt this dust from their national ambient air quality standards. And the integrated science assessment for particulate matter at EPA said, for long-term effects of coarse particles, there is next to no evidence in support of long-term health effects.

I would urge all the Members to support this legislation, and I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 5 minutes to our senior member on the committee and former chairman of our committee, the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, this is a magnificent solution to a nonexistent problem. But it's made a lot of money for a lot of lobbyists, and a lot of industrial polluters are going to enjoy this, hiding behind the supposed benefit that it's going to give to the farmers.

In a nutshell, this legislation is not going to help the farmers; it's going to help the people who farm the farmers. And the end result is that, when this nonsensical bill gets over to the courts, the courts are going to look at it and say, Just what, in the name of common sense, is the House trying to do with this legislation?

Nowhere in the Clean Air Act is a word about nuisance dust, but it's very prominently put here in the legislation. And lo and behold, it also has something do, supposedly, with some kind of action that the EPA is supposed to take. But diligent looking at the legislation doesn't reveal what that might be.

The question here, then, is: We have a solution in search of a problem. We've got a job crisis in our Nation, crippling debt, excessive deficit, and the gaping inequality between the poor and the well-to-do is putting democracy at risk. And when this country needs us to focus on serious problems like deficit and national debt, we are here busily scratching around to try and fit a solution on a problem that doesn't exist.

The Clean Air Act Amendments of 1990 were the last major changes to the original Clean Air Act of 1970; and, unlike what we are piddling around with today, those legislations were needed, and they have served us well. The Congress held lengthy hearings and did a tremendous amount of work to understand what it was. Eighteen months or so of consideration of the legislation led finally to its enactment, and it has cleaned up the air for our people.

While the amendments of 1990 were truly bipartisan, only four of the 120 sponsors of this legislation are Democrats. Ten amendments were considered in the committee, but only one Democratic amendment was adopted. The final adoption of the legislation occurred strictly along partisan lines. It should be clear to anyone that this is not compromise legislation.

Supporters insist the legislation is necessary due to uncertainty regarding EPA action. There is no uncertainty here. The Republican author of a similar Senate bill, a former Secretary of Agriculture, takes a different position. In one of his weekly columns, the Senate sponsor stated, ''I asked only for clarity from EPA, and this week Administrator Jackson finally provided it.'' It's obvious to our friends in the Senate and from the EPA Administrator, herself, that EPA will not implement stricter regulations.

Even newspapers in the sponsor's home State have questioned the logic of this legislation. The Sioux Falls Argus Leader wrote that the bill is fighting ''against a made-up problem'' and that it's time for the sponsor ''to let the phantom issue of dust regulation settle.''

The Yankton Daily Press and The Dakotan gave a ''thumbs down'' signal on the bill, in which they say it is unnecessary. The two local papers wish that those who had sponsored this legislation would stop trying to stir the fear of farmers and ranchers and, instead, spend time fighting real problems rather than those which are imaginary.

This bill does not help the farmers and ranchers. It helps the people who farm the farmers and a fine collection of well-to-do lobbyists down on K Street who are profiting mightily on selling a nonsensical piece of legislation which wastes the time of Congress and does nothing for the farmers or the ranchers or the economy or the jobs.

So I hope that the House will reject these half-baked bills that are poorly written, contain no solutions, deal with no problems, help no one, and that the two parties can sit down and find real, important, reasoned compromises to real problems.

I urge my colleagues to vote ''no'' on the bill.

Mr. WHITFIELD. Mr. Chairman, I yield 3 minutes to the gentlelady from South Dakota (Mrs. NOEM), who is a strong advocate for rural America and the creation of jobs in rural America.

Mrs. NOEM. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of H.R. 1633 because I coauthored this bill with my friend and colleague from Virginia (Mr. HURT), and I did it to bring certainty, regulatory certainty to farmers and ranchers across this country. Farmers and ranchers have been working on this issue for a long time. We look forward to passing it off the House floor today.

It's not a partisan issue. I introduced this with my colleagues Mr. BOSWELL and Mr. KISSELL, and 121 of my colleagues from both sides of the aisle are cosponsors.

The Clean Air Act has a worthy goal, but it's not a perfect law, and it does have unintended consequences. My bill would improve the current statute. It also makes permanent what the administrator has said, which is that she did not intend to regulate farm dust.

As South Dakota Farm Bureau President Scott VanderWal said, ''If we don't deal with this issue today, it's going to be right back here 5 years from now.''

□ 1140

I would like to reiterate why this bill is necessary. First, farm dust is already regulated. It is not a myth. It's very real to all of my constituents. We heard testimony from farmers in the hearing in committee that they're currently being regulated as a result of the EPA's standards. Regulation of farm dust is a problem today and will only continue to be a problem into the future if we do not pass this bill.

If my colleagues will take the time to read the bill, they'll notice that this bill doesn't eliminate any regulations. It simply leaves the regulation of rural dust to the States and to the local communities who best understand how to manage what is happening in their own backyard.

Too often, bureaucrats in Washington, D.C. who have never stepped foot on a farm or lived in rural America try to impose a one-size-fits-all approach to regulation.

Let's be realistic. Dust in rural America is not the same as dust in urban areas. It's common sense that dust from a dirt road is much different than soot from a car; and it's common sense that they should be treated differently, which is exactly what this bill does.

I would ask my colleagues on both sides of the aisle to consider this piece of legislation very carefully. Even if you're not from a rural area, this is still an important piece of legislation to all of us who rely on farmers to feed our families.

You don't have to take my word for it. I have a letter here that I would like to submit for the RECORD of over 190 different organizations supporting this bill and its passage. Many of these organizations are local businesses and agriculture groups within all of our districts. They represent thousands and thousands of people across the country.

Let's not forget that we all reap the benefits of the success of our ag producers through safe, nutritious, and affordable food. Let's not burden our communities with overbearing regulations. Let's pass this commonsense legislation and provide farmers, ranchers, and local businesses with the certainty that they need in an already volatile industry.

I urge all of my colleagues to join me in support of rural America and vote ''yes'' on H.R. 1633.

DEC. 5, 2011.

Hon. JOHN BOEHNER,
Speaker, House of Representatives, U.S. Capitol, Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: The undersigned organizations would like to express our strong support for the Farm Dust Regulation Prevention Act of 2011, H.R. 1633. H.R 1633 would bring some much needed certainty to agriculture and other rural businesses by exempting rural ''nuisance dust'' from EPA regulation if states and localities regulate it on their own. Our organizations request your support in keeping jobs in rural America by passing H.R. 1633.

As you are aware, farming and other resource-based industries are dusty professions. From tilling fields, to driving on dirt roads, to extracting resources, rural Americans deal with dust every day. Working in the soil is where they derive their livelihoods, and where the world derives much of its food and other essential resources. If EPA were to revise the dust standard now or in the future, states would be put in a position of having to impose regulatory restraints on rural operations, increasing the cost of production when that cost is already at historically high levels. And, for what purpose? Scientific studies have never shown rural dust to be a health concern at ambient levels.

While the undersigned organizations welcome EPA's Oct. 14 announcement that the agency plans to propose to retain the current coarse particulate matter (PM_{10}) National Ambient Air Quality Standard (NAAQS), the announcement does not provide the certainty that rural America needs. First, it is common for the agency to finalize a rule that is different from the proposed rule. In fact, in 1996 EPA proposed to remove the PM_{10} 24-hour standard altogether, only to bring it back in the final rule. And in 2006, EPA proposed to exempt agriculture dust, but that exemption also disappeared in the final rule. Second, under the Clean Air Act, EPA must review this standard every five years. That means we could be facing the same challenges again in just five short years.

Thankfully, this Congress has the opportunity to ease this potential burden on rural America. H.R. 1633 would exempt rural ''nuisance dust'' from regulation under the Clean Air Act if states and localities regulate it on their own. In the event a state or locality does not regulate rural dust, the administrator could regulate it only if validated scientific analysis shows there is a significant health effect from such dust in a particular area and that the costs to the local economy associated with dust regulation would not outweigh any benefits.

H.R. 1633 is common sense legislation that the undersigned strongly support. We urge the Senate to pass this bill to help protect rural American jobs.

Sincerely,

Agribusiness Association of Indiana; Agribusiness Association of Iowa; Agricultural Council of Arkansas; Agricultural Retailers Association; Agri-Mark, Inc.; Alabama Cattlemen's Association; Alabama Pork Producers Association; All-Terrain Vehicle Association; American Farm Bureau Federation and their 51 state affiliates; American Feed Industry Association; American Highway Users Alliance; American Motorcyclist Association; American Seed Trade Association; American Sheep Industry Association; American Veal Association; Americans for Limited Government; Americans for Prosperity; Americans for Tax Reform; Arkansas Cattlemen's Association; Arkansas Pork Producers Association.

Arkansas Poultry Federation; Arizona Cattle Feeders' Association; Arizona Cattle Growers' Association; Arizona Cotton Growers Association; Arizona Pork Council; California Cattlemen's Association; California Pork Producers Association; CropLife America; Colorado Association of Wheat Growers; Colorado Cattlemen's Association; Colorado Corn Growers Association; Colorado Lamb Council; Colorado Livestock Association; Colorado Pork Producers Council; Colorado Potato Administrative Committee; Colorado Sheep & Wool Authority; Colorado Wool

Growers Association; Council for Citizens Against Government Waste; Dairy Farmers of America; Dairy Producers of New Mexico.

Dairy Producers of Utah; Dairylea Cooperative; South East Dairy Farmers Association; Stewards of the Sequoia; Florida Cattlemen's Association; Florida Nursery, Growers and Landscape Association; Georgia Agribusiness Council; Georgia Cattlemen's Association; Georgia Fruit and Vegetable Growers Association; Georgia Milk Producers; Georgia Pork Producers Association; Georgia Poultry Federation; Georgia Watermelon Association Idaho Cattle Association; Idaho Dairymen's Association; Idaho Grain Producers Association; Idaho Pork Producers Association; Idaho Potato Commission; Idaho Wool Growers Association; Illinois Beef Association; Illinois Pork Producers Association; Independent Cattlemen's Association of Texas.

Indiana Beef Cattle Association Indiana Pork; Iowa Cattlemen's Association; Iowa Pork Producers Association; Kansas Livestock Association; Kansas Pork Association; Kentucky Cattlemen's Association; Kentucky Pork Producers Association; Let Freedom Ring; Livestock Marketing Association; Louisiana Cattlemen's Association; Louisiana Pork Producers Association; Maine Hog Growers Association; Michigan Cattlemen's Association; Michigan Pork Producers Association; Milk Producers Council; Minnesota Grain and Feed Association; Minnesota Pork Producers Association; Minnesota State Cattlemen's Association; Mississippi Cattlemen's Association; Mississippi Pork Producers Association.

Missouri Cattlemen's Association; Missouri Corn Growers Association; Missouri Pork Producers Association; Missouri Poultry Federation; Montana Pork Producers Council; Montana Stockgrowers Association; Montana Wool Growers Association; National All-Jersey; National Association of Manufacturers; National Cattlemen's Beef Association; National Chicken Council; National Cotton Council; National Cotton Ginners Association; National Council of Fanner Cooperatives; National Federation of Independent Business; National Grain and Feed Association; National Livestock Producers Association; National Meat Association; National Milk Producers Federation.

National Mining Association; National Oilseed Processors; Association National Pork Producers Council; National Potato Council; National Renderers Association; National Stone, Sand, and Gravel Association; National Turkey Federation; Nebraska Cattlemen's Association; Nebraska Grain and Feed Association; Nebraska Pork Producers Council, Inc.; New Hampshire Pork Producers Council; New Mexico Cattle Growers' Association; New Mexico Farm and Livestock Bureau; New Mexico Federal Lands Council; New Mexico Wool Growers, Inc.; New York Producers Cooperative, Inc.; North Carolina Agribusiness Council, Inc.; North Carolina Cattlemen's Association; North Carolina Forestry Association; North Carolina Horse Council.

North Carolina Peanut Growers Association North Carolina Pork Council; North Carolina Poultry Federation; North Carolina Soybean Producers Association, Inc.; North Carolina SweetPotato Commission; North Dakota Corn Growers Association; North Dakota Pork Producers Council; Northeast Ag and Feed Alliance; Northeast Dairy Farmers Cooperatives; North Dakota Stockmen's Association; Ohio AgriBusiness Association; Ohio Cattlemen's Association; Ohio Pork Producers Council; Oklahoma Cattlemen's Association; Oklahoma Poultry Federation; Oklahoma Pork Council; Oregon Pork Producers Association; PennAg Industries Association; Pennsylvania Pork Producers; Strategic Investment Program; Public Lands Council.

Recreational Off-Highway Vehicle Association; Rocky Mountain Agribusiness Association; Select Milk Producers; Small Business & Entrepreneurship Council; South Carolina Cattlemen's Association; South Carolina Pork Board; South Dakota Agri-Business Association; South Dakota Association of Cooperatives; South Dakota Cattlemen's Association; South Dakota Dairy Producers; South Dakota Grain & Feed Association; South Dakota Pork Producers Council; South Dakota Soybean Association; South Dakota Stockgrowers Association; South Dakota Wheat Inc.; Southern Cotton Growers; Southern Crop Production Association; Southeast Milk Inc.; Southeastern Livestock Network; Specialty Vehicle Institute of America.

St. Albans Cooperative Creamery; Tennessee Cattlemen's Association; Tennessee Pork Producers Association; Texas Agricultural Cooperative Council; Texas and Southwestern Cattle Raisers Association; Texas Association of Dairymen; Texas Cattle Feeders Association; Texas Pork Producers Association; The Blue Ribbon Coalition; The Fertilizer Institute; Upstate Niagara Cooperative; USA Rice Federation; U.S. Beet Sugar Association; U.S. Chamber of Commerce; Utah Cattlemen's Association; Utah Pork Producers Association.

Utah Wool Growers Association; Virginia Agribusiness Council; Virginia Cattlemen's Association; Virginia Grain Producers Association; Virginia Pork Industry Association; Virginia Poultry Federation; Washington Cattle Feeders Association; Washington Cattlemen's Association; Washington Pork Producers; Western Business Roundtable; Western United Dairymen; West Virginia Cattlemen's Association; Wisconsin Dairy Business Association; Wisconsin Pork Producers; Wyoming Pork Producers; Wyoming Stock Growers Association.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 5 minutes to the leading Democrat on the Energy Committee, the ranking member, the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I want to thank the ranking member for his outstanding leadership and for yielding time to me.

Mr. Chairman, I oppose this ill-conceived, nonsensical, and in all ways awful bill, H.R. 1633, which could have a devastating effect on the EPA's ability to enforce the Clean Air Act on the basis of both procedural and substantive grounds.

Mr. Chairman, the CBO, the Congressional Budget Office, scored this bill and determined that it would cost $10 million in discretionary spending over a 5-year period for the EPA to cover the cost of carrying out changes to existing emission control standards, as well as other activities to study the need and feasibility of modifying the EPA's national monitoring network for particulate matter, as this bill requires.

Since this $10 million is not appropriated anywhere in this bill, this bill would directly violate the discretionary CutGo policy that this majority, that my friends on the other side, voted for that they put in place at the beginning of this Congress.

If we pass this bill, it will be the height of hypocrisy for this atrocious bill to get through this House.

Additionally, Mr. Chairman, on the issue of substance, I oppose this bill because it would dramatically weaken the Clean Air Act by eliminating the EPA's ability to regulate particulate matter from a broad range of sources, as well as jeopardize existing State and Federal regulations that apply to fine and coarse particulate matter.

Although the title of this bill suggests that it only covers dust from farms, this bill creates a whole new broad, new nonscientific category of pollution called ''nuisance dust,'' which it would exempt from the Clean Air Act completely. Nuisance dust would be exempted from the Clean Air Act totally without any basis and science, no scientific evidence whatsoever; and in doing so, this bill would do harm to the public's health.

The bill would exempt from the Clean Air Act any particulate matter pollution that is emitted from sources such as open-pit mines, mining processing plants, sand and gravel mines, smelters, coal mines, coal-processing plants, cement kilns, and waste and recovery facilities. These very facilities emit fine particulates, coarse particulates, arsenic, lead, mercury, cadmium, zinc, chromium, and other heavy metals—all of which would fall under this bill's broad exemption from the Clean Air Act.

Mr. Chairman, as the American Lung Association noted, under the provisions of this bill, our country's most vulnerable populations—poor people, people who depend on the EPA to protect them from the harmful effects of coarse particulates will be most affected.

Children, teens, senior citizens, low-income people, people with chronic lung disease such as asthma, chronic bronchitis, and emphysema will be especially at risk of being sickened by coarse particulates if this bill were to become law.

Additionally, people with other chronic diseases, such as diabetes, cardiovascular disease, high blood pressure, coronary artery disease, and congestive heart failure, they will all be placed at greater risk if this bill becomes law.

Mr. Chairman, as I've noted before, this bill is a solution in search of a problem, and it does more harm than good. This bill should fail. I oppose this bill.

Mr. WHITFIELD. Mr. Chairman, I might say that during the debate on this bill in committee, a lot was made of mining activities in rural America, and I would just point out that there are 17 Federal laws that mining operations must abide by. So we didn't feel like we needed to provide additional protection in that area.

At this time I would like to yield 3 minutes to the gentleman from Virginia (Mr. HURT), one of the prime sponsors of this legislation and a protector of rural America.

Mr. HURT. I thank the gentleman for yielding.

I'd first like to thank Chairmen UPTON and WHITFIELD for this effort and Representative NOEM for her leadership and hard work on this legislation.

Mr. Chairman, I rise today in strong support of the Farm Dust Regulation Prevention Act. This is a bipartisan bill that I am proud to sponsor, along with Representatives NOEM, BOSWELL, and KISSELL, in order to provide greater economic certainty to our rural communities in central Virginia and south side Virginia and across this country.

Since January, this House has been laser focused on advancing policies that will remove the Federal Government as a barrier to job creation and steer us on a course toward economic recovery giving our job creators the opportunity to hire and the confidence to expand. It is with this in mind that we introduced this legislation.

In Virginia's Fifth District, my district, we have a proud heritage in agriculture, manufacturing, Main Street businesses that create jobs and have created jobs for thousands of Virginians. As I travel across Virginia's rural Fifth District, I am constantly reminded by my constituents of how government regulations threaten their businesses and their very way of life. This is why the EPA's national standard for fugitive dust is so troubling to the people that I represent. It is yet another example of the vast expansion of the Federal Government, and it is yet another example of the uncertainty that Washington continues to impose upon our job creators and our rural communities.

□ 1150

The effects of Federal Government overreach are both very real and very tangible in the Fifth District and across this country.

This past year, I spoke with a small business owner in Southside, Virginia, who was warned by a regulator about the amount of dust coming from his property. He was told to take active measures to decrease the dust coming from the dirt road leading into his sawmill.

This is the kind of unnecessary regulation that prevents businesses and farmers from focusing on the needs of their customers. Where I'm from, dust is not a nuisance. Rather, it is a necessary byproduct of the hard work the farmers and businesses in my rural district perform every day, and these farmers and businesses should not suffer losses in production because of overbearing Federal regulations. These are the people who are struggling to survive, to grow, and to create jobs during this stalled economic recovery. These are the people who cannot afford more costly and burdensome regulations handed down by Washington.

While I applaud the EPA's apparent statement that it does not intend to propose a more stringent standard for coarse particulate matter at this time, I remain concerned about the uncertainty of future rulemaking. This bill addresses that uncertainty by providing clarity and stability for our job creators by replacing the current Federal standard for naturally occurring dust in rural America. With unemployment rates nearing 20 percent in some parts of my district, we simply can't afford to perpetuate unnecessary regulations and unnecessary uncertainty for the farmers and businesses in our rural communities.

I strongly urge my colleagues to support this legislation so that we may assure our farmers and businesses that naturally occurring dust will not be subject to regulations by an ever-expanding Federal Government.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman for yielding.

We are now debating on a very real piece of legislation that solves an imaginary problem. The Farm Dust Regulation Prevention Act purports to address the fictitious threat that the Environmental Protection Agency is out to destroy the family farm and countless jobs by regulating the dust emitted by tractors and other farming equipment.

Never mind that EPA Administrator Lisa Jackson has committed to leaving the 1987 standard for large soot particles unchanged; and never mind that EPA Assistant Administrator Gina McCarthy essentially told the Energy and Commerce Committee that EPA was about as likely to regulate fairy dust as it was to regulate farm dust.

While hiding behind its stated purpose of addressing the made-up threat of utter ruin to the family farm, this bill inflicts very real harm. That is because it also blocks EPA from setting standards for the dirty soot that gets spewed out of massive mines and smelters and refineries and some chemical plants. It becomes, in fact, the congressional version of Never Never Land—where the Republicans' answer to the question ''when can we remove the poisons from the air that we breathe?'' is ''never.''

In the play ''Peter Pan,'' Tinker Bell drinks poison that is intended to kill Peter. She begins to die, but Peter Pan implores those in the audience to just clap their hands if they really do believe in fairies, and then maybe, just maybe, Tinker Bell won't die. All small children in the audience then clap so hard their hands sting, and Tinker Bell rises magically back to life.

With this bill, the Republicans are engaging in the very same sort of fantasy. If we just believe EPA has launched a war on jobs, then it must be so, and we must stop it. If we just believe that EPA officials are lying about their secret, nonexistent plans to destroy the livelihood of every farmer in America, then it must be so, and we must stop it. If we just believe that eviscerating every environmental law on the books will not lead to the real deaths of thousands of Americans each and every year, then it must be so.

The Republican lost boys and girls are telling America that the only way to revive the jobs fairy is to kill EPA. To pretend that the deaths, the cancers and other illnesses that the Republican plan will cause are imaginary, or a mere nuisance, really is the stuff of fairy tales.

Let's get back to reality and solve real problems in this country. Vote ''no'' on this very dangerous bill.

Mr. WHITFIELD. The gentleman from Massachusetts may view this as being about Peter Pan and Tinker Bell and fairy dust, but we have 197 organizations representing rural America that consider it a real problem.

At this time, I would like to yield 1½ minutes to the gentleman from West Virginia, a member of the Energy and Commerce Committee, Mr. MCKINLEY.

Mr. MCKINLEY. I rise today in support of H.R. 1633, the Farm Dust bill.

Earlier this year, the House passed H.R. 2273, the bipartisan coal ash legislation. Unfortunately, opponents of the Farm Dust bill believe that nuisance dust in this bill might include fly ash. Therefore, an amendment was offered and adopted to clarify that the definition of ''nuisance dust'' in the Farm Dust bill does not include coal ash or other coal combustion residuals. The amendment makes it perfectly clear that nuisance dust is not composed of any residuals from coal combustion. Unfortunately, opponents of the Farm Dust bill are still, apparently, unaware of the changes that have been made to the bill to address their concerns.

Don't oppose the Farm Dust bill because you don't like fly ash. Let's relieve one more threat to our agricultural community with the passage of this bill. We should be striving to create more jobs, not putting up more barriers with misinformation.

I urge my colleagues to support this legislation.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 2 minutes to an important member of our committee, the gentleman from Texas (Mr. GREEN).

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. I rise in opposition to H.R. 1633, the Farm Dust Regulation Prevention Act of 2011.

I just heard it referred to as ''Tinker Bell,'' but I think this is more like Alice in Wonderland legislation. It seeks to solve a problem that's not there while dancing around a lot of our real problems that we have to deal with in our country and particularly in this Congress.

This bill would prohibit the EPA from proposing, finalizing, implementing, or enforcing any regulation revising the National Ambient Air Quality Standards applicable to coarse particulate matter for 1 year from the date of enactment.

EPA Administrator Lisa Jackson committed in an October 14, 2011, letter that the EPA plans to propose keeping the PM10 National Ambient Air Quality Standards as they are, with no change. These standards have been in place since 1987.

When Gina McCarthy, the Assistant Administrator for Air and Radiation at the EPA, testified before our Energy and Power Subcommittee of the full committee, she also confirmed that this bill is not necessary since the administrator plans to propose retaining the current standards that have been in place since 1987.

For this reason, I did not support H.R. 1633 when it came up for a vote in our Energy and Commerce Committee, and I encourage my colleagues to oppose it today. I've had very public disagreements with the EPA on other regulations they are revising, but this bill is a solution in search of a problem, and it is not a good use of our congressional time. Taking up a bill that's not necessary hurts our efforts to work with the EPA and to revise some of the standards the EPA is setting that are real problems. That's why, Mr. Chairman, I urge a ''no'' vote on this bill.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, Oct. 14, 2011.

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: Thank you for your inquiry on the status of EPA's Review of the National Ambient Air Quality Standards (NAAQS) for particulate matter. Particulate matter includes fine particles (known as PM2.5) and coarse particles (known as PM10). PM2.5 can come from fossil-fuel combustion, including power plants and motor vehicles, and wildfires and PM10 can come from construction and demolition activities, industrial operations, wildfires, and dust from unpaved roads. It is well established that particulate matter emissions are linked to premature death and numerous adverse health impacts.

We have been making steady progress in reducing emissions of particulate matter—both fine and coarse—in this country for more than two decades, improving the public health of Americans while the economy has continued to grow.

It is important that a standard for particulate matter be protective of the health of the public. Based on my consideration of the scientific record, analysis provided by EPA scientists, and advice from the Clean Air Science Advisory Council, I am prepared to propose the retention—with no revision—of the current PM10 standard and form when it is sent to OMB for interagency review.

This rulemaking package will also consider the latest scientific evidence and assessments for PM2.5. Again, thank you for the inquiry. It is EPA's responsibility to protect the health of all Americans—rural and urban—from known pollutants, including particulate matter. Please feel free to contact me if you have any questions, or your staff can contact Arvin Ganesan, Associate Administrator for the Office of Congressional and Intergovernmental Relations at (202) 564–4741.

Sincerely,

LISA P. JACKSON.

Mr. WHITFIELD. I yield 2 minutes to the gentleman from Kansas (Mr. POMPEO), a member of the Energy and Commerce Committee.

Mr. POMPEO. I thank the chairman for yielding.

This is a great day for rural America. H.R. 1633 is going to do what we've been trying to do for a long time, during my entire 11 months in the United States Congress, which is to provide just a little bit of certainty for those folks who are out there trying to create jobs, trying to create food for America, trying to do the things that we've done in the rural parts of our country for so long.

The truth is the other side continues to say we are shooting the fairy dust and talking about Tinker Bell. I can assure you that I'm not amused. I can assure you that the 500 folks with whom I met just 2 weeks ago now at the Kansas Farm Bureau meeting were not amused either.

□ 1200

We understand that the very real risk of Lisa Jackson and the Environmental Protection Agency beginning to clamp down on farm dust still exists. We worked in our committee diligently. There were some valid concerns raised by the folks on the other side, and we endeavored, Mr. Chairman, at every moment to try and meet those concerns. We offered amendments. I offered an amendment in the nature of a full substitute which tried to address some of the concerns that the opposition expressed.

The truth is they just want to leave our farmers and our ranchers and our agricultural community at the whim of the EPA. That's not the place to put good, hardworking Americans who go out there every day trying to do the right thing. The whims of the EPA we have seen all too often present a real risk, a real risk of job destruction, a real risk of higher costs for every consumer in America.

This is a wonderful piece of legislation. It will, for the first time, get the EPA to move their hands away from the throats of our farmers and agricultural communities, and I would urge every one of my colleagues to support it.

Mr. WAXMAN. Mr. Chairman, the standard that's in place has been in place since 1987 when Reagan was President. It has not been changed. Suddenly there is a made-up fear that it's going to be changed and, therefore, we have the legislation that's before us.

We hear a lot about certainty. If this bill goes through, the certainty will be that there will be no regulation pf many industries because EPA will no longer have jurisdiction. The other certainty is that a lot of people are going to get very sick from some dangerous pollutants.

At this time I wish to yield 2 minutes to the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

This bill is dangerous and its title is disingenuous. H.R. 1633 is about much more than farm dust. Our colleague Mr. SHIMKUS acknowledged that much in the Energy and Commerce Committee markup of this bill last week when he said, ''It is called farm dust, but I am here for my open-pit mines in southern Illinois.''

The bill allows major industrial polluters to emit unlimited amounts of particulate matter in violation of the Clean Air Act. Mines, cement plants, and coal processing plants could legally emit unlimited amounts of dangerous chemicals into the air.

Let's be clear. The chemicals we are talking about are incredibly dangerous. Arsenic overexposure leads to skin, bladder, liver, and lung cancer. Lead exposure can damage the central nervous system, kidney, and blood cells. Cadmium exposure leads to severe respiratory damage. Zinc poisoning leads to kidney damage. Mercury pollution results in cognitive deficiencies, especially in children. Those pollutants, emitted from a range of nonfarm sources, could fall under the vague definition of ''nuisance dust.''

It seems to me that this is a piece of legislation that is being disguised as something as innocuous as farm dust, something that, as has been pointed out, has been regulated for a very long time. This is an effort to get around the legislation with a phony name, to get around the effectiveness of the Environmental Protection Agency. And we owe it to our constituents and our country to promote legislation that will stimulate the economy, which our environmental bills do, and protect and promote human health and the environment.

Our colleagues across the aisle have failed in that regard, and I urge a ''no'' vote.

Mr. WHITFIELD. At this time I would like to yield 2½ minutes to the gentleman from Nebraska (Mr. TERRY), a member of the Energy and Commerce Committee.

Mr. TERRY. Mr. Chairman, I am amused, humored by the opposition, all hailing from our greatest cities in the United States, urban areas.

I would like to read a note that I received from a rancher in Nebraska and our Nebraska cattlemen representing those who are affected:

The bill is needed to provide regulatory certainty to rural areas. We applaud the recent statement from Administrator Jackson that EPA does not intend to propose revisions to the current dust standard. The reality is, however, that regulations often change from the proposal stage of a rulemaking to the final. For example, in 1996, EPA proposed to remove the PM10 24-hour standard altogether, only to bring it back in the final rule. And in 2006, EPA proposed to exempt agriculture dust, but that exemption also disappeared in the final rule. Second, under the Clean Air Act, EPA must review this standard every 5 years. That

means we could face the same challenges again in just 5 short years. Also, citizen lawsuits could be brought that could result in a court deciding farm dust should be regulated. H.R. 1633 is the only way to provide regulatory certainty to farmers, ranchers, and rural residents.

Nuisance dust occurs naturally in rural areas. The type of ''nuisance dust'' that this bill would exempt from Federal regulation occurs naturally in rural areas, especially in arid and windy areas of the Plains and western States. This dust does not stay in the air but falls out quickly. Rural fugitive dust travels only a short distance from emission point. It settles out of the air quickly because of its size, making dust a localized issue. In fact, according to a study done by Hoffnagle, rural dust will fall out of the air within a thousand meters of its source.

This is not fairy dust or fables or tales to our folks in rural America; this is real and they want certainty.

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

Mr. WHITFIELD. I yield 1½ minutes to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Chairman, I rise today in support of the Farm Dust Regulation Prevention Act brought today by my friend and colleague, Congresswoman KRISTI NOEM.

This good piece of legislation is a commonsense solution to a bureaucratic problem that is causing concern among many Arizonans. It's almost unfathomable to think that this legislation is necessary to protect Arizona against Federal bureaucrats who want to regulate dust, but here we are. That's exactly what the EPA is doing with its overreaching policies, holding individuals and businesses accountable for naturally occurring dust particles.

I stand here today to raise my voice against the unreasonable Federal regulations which would allow simple haboobs, dust clouds, and wind storms to pose an economic threat to the economic livelihood of farmers in and around my district.

It is important to also note that this bill covers dust which has been found to have no adverse human health effects.

Also notable among this bill's many supporters are the Arizona Farm Bureau Federation, the Arizona Cattle Feeders' Association, the Arizona Cattle Growers' Association, the Arizona Cotton Growers Association, and the National Cattlemen's Association.

Again, I support this legislation and encourage you to pass this good bill today.

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

Mr. WHITFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

With the economy the way it is, with unemployment very high, we don't need more government regulations. More regulations strangle the private sector and create more economic problems, and especially right now we don't need more regulations.

The Obama administration continues to circumvent Congress to go around us by passing more regulations, and the economy can't stand it. We need to stop more regulations. Even the threat, even the threat of more regulations must be stopped.

I mean, farm dust? Farm dust? Give me a break. We can't give these bureaucrats more authority. We don't need to give this administration or the bureaucracy more control over the lives of Americans.

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

Mr. WHITFIELD. I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I often hear complaints from farmers back home about the numerous regulatory burdens placed on them by the government. In fact, this whole past summer we worked with the farmers who have been in a real brouhaha with the EPA concerning the runoff from their stockyards, and even small ones at that.

□ 1210

These are life-threatening types of regulations to continuing their farming. And now we come up with another one, this one on dust.

EPA is in the process of reviewing its dust standards. In 2009, EPA said farm dust ''likely is not safe'' and could cut the allowable dust levels in half. Because of the furor this has created, the EPA said last October they would not regulate farm dust. First they said they would regulate it; now they said they won't regulate it. So to codify this understanding or these contradictory statements by the EPA, I'm sure that all of my colleagues will have no problem in voting for this bill.

H.R. 1633 will prevent the EPA from imposing new Federal regulations on naturally-occurring dust in rural America. It will allow States and localities to regulate farm dust as they see fit based on sound science. Farmers in Illinois already struggle to comply with current standards. If Washington imposes another one-size-fits-all solution to farm dust, this could mean even more unemployment in rural areas throughout Illinois and the Nation.

I urge my colleagues to support H.R. 1633.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. RUSH).

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

Mr. Chairman, I want to share with the Members of this body the administration's position on this particular bill that is under discussion right now. This is a Statement of Administration Policy:

''The administration strongly opposes H.R. 1633. As drafted, this bill would create serious problems for implementing Clean Air Act public health protections that have been in place for years while adding uncertainty for businesses and States. The bill, therefore, goes far beyond its stated intent of prohibiting the EPA from tightening national standards for coarse particles, which the administration has repeatedly explained that it has no intention of doing.''

It goes on to say: ''This ambiguously written bill would create high levels of regulatory uncertainty regarding emission control requirements that have been in place for years. Specifically, the bill's exclusion from the entire CAA of a new class of air pollutants called 'nuisance dust,' an imprecise and scientifically undefined term, could be used to roll back existing public health protection limiting pollution from mining operations, industrial activities, and possibly other sources.

''The bill also raises serious issues about whether the EPA could continue to implement the existing health-based fine and coarse particle programs, which play a vital, ongoing role in preventing adverse health effects of air pollution, including premature deaths, childhood asthma attacks, and other respiratory problems.''

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman an additional 30 seconds.

Mr. RUSH. I thank the gentleman for yielding.

''This administration remains committed to commonsense approaches to improving air quality across the country and preserving the competitiveness of every economic sector. Because H.R. 1633 is not only unnecessary, but also could have significant adverse public health consequences, the administration strongly opposes this bill.

''If H.R. 1633 were presented to the President, his senior advisers would recommend that he veto this bill.''

Why are we wasting our time on this nuisance which is nonsense?

Mr. WHITFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. Thank you very much.

I rise today in disgust with the dust. The regulations the Environmental Protection Agency are proposing to regulate, coarse particulate matter, what you and I know as dust, is ridiculous. It's indicative of what is wrong in Washington, D.C. with the regulatory framework that has gone wild. This just defies common sense. You cannot farm without kicking up dust.

I was raised on the farms and ranches in south Texas. As we drive to tend the cattle herds, till the fields, or check out what's going on, there's no way to do it without dust. This opens the door to massive regulations. First we start with the farmer. Where's the EPA going to be next, checking under my

bed for dust bunnies, putting on a white glove, running their fingers across the top of my doors, or making sure my car is adequately washed?

The EPA's regulation on this is the height of government overreach, the height of a waste of time, the height of a waste of money, and a perfect example of what is wrong with Washington.

We've got to stop this type of crazy government regulation so we can get people back to work, we can get jobs on track, and we can keep our farmers feeding our country and the world.

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

The unemployment rate in this country is close to 9 percent, and we're not doing anything about that problem. The deficit is a real threat to our economy, and the Republicans nearly made us default on our debts because they wouldn't go along with a real deficit reduction bill. We are looking at sequestrations of our national budget for the military, and our Secretary of Defense says that could be a threat to the Nation. And that sequestration will take place because the Republicans wouldn't allow the so-called supercommittee to do its job.

I want to read from an editorial in the Sioux Falls ArgusLeader:

''There are important issues at the Federal level right now that will have direct impact on our State—the dwindling funding for the Lewis and Clark water project and the fight to maintain our State's Medicare reimbursements through the Frontier States Provision . . . These are real issues . . . So it's disappointing to see [this] fight against a made-up problem like the potential for farm dust regulations by the Environmental Protection Agency.

When the EPA announced it would not pursue anything along these lines and they had no intention to do it, the Senate sponsor of this same bill declared victory and he pulled back on his companion bill for the other body. The Republicans ought to declare victory and allow us to deal with the real problems in this country, not this made-up threat that they want to help protect us from. I urge Members to vote against this bill.''

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I have been told that we have no further speakers; so if the gentleman from California would like to close, then I would follow him.

Mr. WAXMAN. I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, we certainly do appreciate this discussion on this important bill. I can tell you that rural America does consider this to be a real problem. The gentleman from California mentioned, correctly so, that we're operating under 1987 particulate matter standards. In 1997 and in 2006, the EPA went back to review that standard. They made a determination at that time that they would not take further action, but they were sued. Litigation ensued, and every 5 years the EPA is required by the Clean Air Act to look at this.

□ 1220

We know there are going to be further lawsuits. And so that's why we think it's absolutely mandatory that Congress assert itself and set out the policy that we do not want EPA regulating the dust on farms and ranches in America.

I might also add that in the letter we received from the board of supervisors of the county of Imperial in Arizona, they said the original rule that EPA had covered farms of 40 acres or more, which is 97 percent of all farmland in the Valley. EPA is now insisting that that be changed to all farms of 10 acres or more. And for what purpose? It seems clear that there's absolutely no justification for imposing requirements that would have a negative impact on the economy and the employment in Imperial County when the rules and controls would not change the ability of the county to meet the standards on the few high particulate matter days that are caused by exceptional events.

So, in closing, I would simply say we view this as a real problem. Congress needs to assert itself and set a definitive policy on this issue. I would urge all Members to support this legislation.

I yield back the balance of my time.

Mr. HENSARLING. Mr. Chair, I am proud to support yet another jobs bill put forth by House Republicans to empower small business owners and eliminate burdensome Washington regulations that prevent job creation and hinder economic growth. This bill prevents the EPA from issuing new dust regulations. Additionally, it gives states the flexibility to address any rural dust issues rather than the federal government.

During this debate we have heard a lot about the need to protect our air quality and the need to ensure clean air for future generations. As the grandson of a farmer, I know the value and importance agriculture producers place on protecting the soil and water they use to grow quality food to feed the country. I would argue there are no greater stewards of the land than farmers, and that additional rules on these hard-working Americans to regulate rural dust are not only unnecessary, they can be detrimental.

In this time of record unemployment, Washington should be on the side of job creators and family farmers, not on their backs. We should support smart regulations that instill confidence in job creators, not abusive red tape that only leads to closed farms and longer unemployment lines.

You don't have to take my word for it though. Just listen to some of my constituents:

Mr. Cummins of Canton writes, ''Their proposed regulations on milk spills or dust . . . would create undue hardships and be economically unfeasible to attain.''

Mr. Johnson of Mineola writes, ''I feel like the government is passing a law, regulation, unfunded mandate at the drop of a hat these days. [. . .] farmers controlling dust, dairy farmers documenting and controlling milk spills, telling me what kind of light bulb to buy . . . what kind of health care I must have, it is just never ending these days.''

The Farm Dust Regulation Prevention Act is the 35th jobs bill produced by the House Republican Plan for America's Job Creators to restore the freedom and confidence our private sector needs to grow again.

After today, with this bill, there will be 27 House-passed bipartisan jobs bills stacked like cordwood on the doorstep of the Democrat-controlled Senate.

As America weathers through the Obama Economy and the worst jobs climate since the Great Depression, I urge my colleagues to support our nation's farmers and ranchers and pass this jobs bill.

Mr. PENCE. Mr. Chair, I rise as a cosponsor and strong supporter of the Farm Dust Regulation Prevention Act (H.R. 1633). I want to express my appreciation to the gentlelady from South Dakota, Congresswoman NOEM, for her strong leadership on this issue. As a family farmer and sponsor of this legislation, Congresswoman NOEM is keenly aware of the devastating effects Environmental Protection Agency regulations can have on our Nation's farmers.

For those who are unfamiliar with farm dust, it is quite simply the everyday dirt and dust present in rural America on fields and country roads. It occurs naturally from dry weather or wind blowing across wide open spaces. Or it can be caused by the act of farming—tilling-up the land or harvesting crops. If you come from rural areas like my home district in Eastern Indiana, you know that farm dust is a part of daily life, and if you make a living on a farm, you probably have never even given farm dust a second thought. But, the EPA, despite the fact that rural farm dust has not been shown to pose a significant health concern, has done nothing to clarify the difference between rural farm dust and harmful pollutants that are common in urban areas. This legislation differentiates farm dust from these harmful air pollutants and gives family farms the certainty of knowing the federal government will not regulate their windblown soil.

Mr. Chair, the EPA needs to leave farmers alone and let them get about the business of farming. The Farm Dust Regulation Prevention Act will go a long way in securing the long-term stability of family farms and rural businesses. It would limit the EPA's regulation of this naturally occurring dust by giving state and local governments the ability to address the issue, and it would delay any new National Ambient Air Quality Standards issued by the EPA for one year.

In this difficult economy, family farms must be protected from burdensome, costly federal redtape. The EPA has no business regulating the dirt kicked-up on the farms and back roads of rural Indiana, and I urge my colleagues to support this commonsense legislation.

Mr. DEFAZIO. Mr. Chair, today, my Republican colleagues missed an opportunity to pass targeted, nonpartisan legislation to protect farmers and small businesses from unnecessary federal regulation.

There is widespread and bipartisan agreement that ''farm dust,'' dust produced during activities on farms and ranches, should not be regulated by the Environmental Protection Agency (EPA) under the Clean Air Act. The EPA doesn't want to regulate it. And Members of Congress do not want the EPA to regulate it, myself included.

But instead of writing legislation to codify a simple ban on regulating farm dust—legislation that would have won my support and the

support of most of my Democratic colleagues—the Majority wrote a bill creating major loopholes in the Clean Air Act that would have significant consequences for public health and the environment.

H.R. 1633 imposes a blanket, one-year moratorium on any regulation updating the national ambient air quality standards applicable to all coarse particulate matter, which includes: fly ash, diesel soot, asbestos, arsenic, lead, mercury, and heavy metals.

None of these harmful toxins are defined as farm dust. Yet, this far-reaching bill would prohibit EPA from protecting American families from these harmful toxins for at least a year.

H.R. 1633 would also exempt major industrial activities, including open-pit mining and aluminum smelters, from EPA's review. Again, arsenic, beryllium, cadmium, nickel, and mercury—all particulates emitted from mines and industrial activities—would be exempt from federal oversight, even though they have nothing to do with "farm dust."

The Environmental Protection Agency (EPA) does not regulate farm dust. The EPA has no plans to start regulating farm dust. And, if the EPA ever proposed regulations for farm dust, I would vociferously oppose them and sponsor legislation to prevent their implementation.

But that's not the bill before the House today. The bill before the House today is a distraction from the most pressing issue facing our country and economy: jobs, jobs, and jobs.

Mr. Chair, I support a ban on regulating farm dust. That's common sense. But I do not support creating Clean Air Act loopholes for big industry under the guise of helping small farmers and businesses. I am voting no on H.R. 1633.

Mr. VAN HOLLEN. Mr. Chair, farm dust is not regulated by the EPA, and EPA Administrator Jackson has clearly stated that the EPA has no plans to regulate farm dust in the future—which makes the Farm Dust Regulation Prevention Act a solution in search of a problem.

Unfortunately, today's legislation is more than just a mere waste of time. Under the guise of protecting farmers from non-existent regulation, H.R. 1633 would define and then exempt a completely new category of particle pollution from the entire Clean Air Act, except under very narrow circumstances. This new exempt category of particle pollution would include both coarse and fine particles from sources that have nothing to do with farming—including particulate matter from mining and other industrial operations like smelters, cement kilns and coal-processing facilities. Whether this consequence is intended or simply the result of sloppy drafting, this legislation should be roundly rejected.

Mr. Chair, with barely a week left on this year's congressional calendar, we simply don't have the time to waste on imaginary problems. The challenges our constituents face are real, and the hour is late. We need to focus on growing the economy, reducing our debt and getting people back to work before we adjourn for the year.

Mr. BOSWELL. Mr. Chair, I rise in support of H.R. 1633, the Farm Dust Regulation Prevention Act.

As a farmer, and an original cosponsor of this legislation, I appreciate the opportunity to this discuss this bill and speak in support of its common sense approach to rural dust regulations.

I have traveled the rural parts of my district and I have farmed my own fields. I know that when I'm harvesting my crops in the combine that I'm going to stir up some dust. Whether I am planting, tiling, or transferring crop to the grain bin, I cannot control the fact that there will be dust.

A one size fits all approach to regulating particulate matter, does not take into consideration that there are many sources of dust.

This legislation allows the flexibility for our states and municipalities to manage dust in rural areas, so that local residents and workers can determine which types may be harmful, and what is simply the result of hard-working Americans of doing their jobs.

Our farmers, ranchers, and rural business leaders are facing the same economic uncertainties as the rest of the country and they cannot afford additional, costly regulations on dust.

Particularly, those producers who are in areas where natural disasters have created new challenges for tilling soil that has been harmed by drought, fire and flood. For these individuals, many of the challenges remain unknown. Additional regulations will only increase their burdens and limit their ability to return to their job and contribute to the economy of rural America.

I know that Administrator Jackson has stated that the agency plans to maintain current standards. I thank her for that. I appreciate her intention to work with Congress and our farmers and ranchers.

However, her statement alone does not protect the farm operations across our nation and it does not prevent this body from legislating on behalf of our producers.

This legislation provides the protections needed for rural Americans to continue to do their day to day work without the threat of new regulation interfering with their mission to grow safe, plentiful, and affordable food for our nation.

We all have a vested interest to ensure that farmers and ranchers can provide for their families and all Americans.

I encourage my colleagues to support his legislation

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, 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. 1633

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 ''Farm Dust Regulation Prevention Act of 2011''.

SEC. 2. TEMPORARY PROHIBITION AGAINST REVISING ANY NATIONAL AMBIENT AIR QUALITY STANDARD APPLICABLE TO COARSE PARTICULATE MATTER.

Before the date that is one year after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency may not propose, finalize, implement, or enforce any regulation revising the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers under section 109 of the Clean Air Act (42 U.S.C. 7409).

SEC. 3. NUISANCE DUST.

Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

''SEC. 132. REGULATION OF NUISANCE DUST PRIMARILY BY STATE, TRIBAL, AND LOCAL GOVERNMENTS.

''(a) IN GENERAL.—Except as provided in subsection (b), this Act does not apply to, and references in this Act to particulate matter are deemed to exclude, nuisance dust.

''(b) EXCEPTION.—Subsection (a) does not apply with respect to any geographic area in which nuisance dust is not regulated under State, tribal, or local law insofar as the Administrator finds that—

''(1) nuisance dust (or any subcategory of nuisance dust) causes substantial adverse public health and welfare effects at ambient concentrations; and

''(2) the benefits of applying standards and other requirements of this Act to nuisance dust (or such subcategory of nuisance dust) outweigh the costs (including local and regional economic and employment impacts) of applying such standards and other requirements to nuisance dust (or such subcategory).

''(c) DEFINITION.—In this section—

''(1) the term 'nuisance dust' means particulate matter that—

''(A) is generated primarily from natural sources, unpaved roads, agricultural activities, earth moving, or other activities typically conducted in rural areas;

''(B) consists primarily of soil, other natural or biological materials, or some combination thereof;

''(C) is not emitted directly into the ambient air from combustion, such as exhaust from combustion engines and emissions from stationary combustion processes; and

''(D) is not comprised of residuals from the combustion of coal; and

''(2) the term 'nuisance dust' does not include radioactive particulate matter produced from uranium mining or processing.''.

The CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 112–317. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. RUSH

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–317.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 2, strike ''applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers'' and insert ''for PM_{10}''.

At the end of section 2, add the following: ''Nothing in this Act precludes the Administrator from proposing, finalizing, implementing, or enforcing the national primary ambient air quality standard or the national

secondary ambient air quality standard for $PM_{2.5}$.''.

Strike section 3.

The CHAIR. Pursuant to House Resolution 487, the gentleman from Illinois (Mr. RUSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. RUSH. Mr. Chairman, if the premise of this bill is to simply provide regulatory certainty to rural farmers and reiterate what Administrator Jackson has already publicly stated—that EPA would not alter the Bush-era standards for coarse particulate matter—then the Rush amendment would satisfy that objective.

During the subcommittee hearing on H.R. 1633, we heard testimony from the bill's sponsor that the intent of this legislation was to address the regulatory uncertainty over ''farm dust.'' However, during that same hearing, we heard testimony from the Assistant Administrator of the Office of Air and Radiation, Gina McCarthy, where she expressed a serious concern over the ambiguous language in the bill and the overly broad impact it could have on existing Clean Air Act programs.

Mr. Chairman, the Rush amendment would remove the ambiguity and provide clarity to the bill's intent so that we can keep in place standards to protect our Nation's most vulnerable populations. At the end of section 2, my amendment would add the following: ''Nothing in this Act precludes the Administrator from proposing, finalizing, implementing, or enforcing the national primary ambient air quality standard or the national secondary air quality standard for PM2.5.'' Additionally, because there is such widespread suspicion that the real intent of this bill is to roll back existing Clean Air Act protections, my amendment would strike section 3 altogether, which contains the most overly ambiguous and excessively broad provisions of the bill. In section 3, the bill's exclusion for particulate matter from combustion would not exclude particulate pollution from sources such as open-pit mines, mining processing plants, sand and gravel mines, smelters, coal mines, coal-processing plants, cement kilns, and waste and recovery facilities.

Mrs. McCarthy raised serious concerns about the effect of this bill on existing health-based standards due to the fact that the term ''nuisance dust'' is not a scientifically-defined term, and it would be very difficult to incorporate into a scientifically-based program. As Mrs. McCarthy noted, ''Coarse particles have been linked to a variety of adverse health effects, including hospitals visits related to cardiovascular and respiratory disease, and premature death. While the body of scientific evidence is much more limited for coarse PM than for fine particles, the agency's review of the studies indicate that short-term exposures to coarse particles remain a concern.''

Mr. Chairman, the Rush amendment would provide regulatory certainty to rural farmers while also protecting our Nation's most vulnerable population, including our children, our senior citizens, people with low incomes, and people with chronic lung disease such as asthma, chronic bronchitis, and emphysema.

I urge all my colleagues to support my amendment.

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

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

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

Mr. WHITFIELD. While I have a great deal of respect and admiration for the gentleman from Illinois, I am going to oppose this amendment.

I would say, first of all, that this legislation does not change in any way the current EPA standard relating to particulate matter on coarse materials. His amendment would strike the provision in the bill addressing nuisance dust, keeping only that which prohibits a change to the existing PM10 standard for 1 year, which we agree with. But because it strikes section 3, which is the main part and the substantive part of this bill because it would eliminate our nuisance dust definition, I would respectfully oppose the amendment and urge all Members to vote ''no'' on the amendment.

I yield back the balance of my time.

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

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

Mr. RUSH. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 2 OFFERED BY MRS. CHRISTENSEN

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–317.

Mrs. CHRISTENSEN. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 132(b) of the Clean Air Act, as proposed to be added by section 3 of the bill, after ''is not regulated under State, tribal, or local law'' insert ''at a level requisite to protect public health (as determined by the Administrator),''.

The CHAIR. Pursuant to House Resolution 487, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

□ 1230

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

This bill stands as an effort to dramatically weaken the Clean Air Act and delay implementation of vital public health protections against toxic particles.

The adverse health effects of particulate matter are serious and have been well documented. Thousands of studies published over the last 9 years make a much stronger case for the regulation of fine particles and indicate that the current standards must be revisited in order to ensure the public health is protected.

The major health effects of fine particulate matter include reduced lung function, cough, wheezing, missed school days due to respiratory symptoms, increased use of asthma medication, strokes, emergency room visits, hospital admissions, lung cancer, and premature death—at levels well below the current national air quality standards.

This bill, H.R. 1633, eliminates EPA's authority to control so-called ''nuisance dust'' except in a very narrow set of circumstances.

First, the Administrator must find that nuisance dust causes substantial adverse public health and welfare effects.

Second, even if the Administrator determines that nuisance dust causes substantial harm, she must also find that the benefits of regulating nuisance dust outweigh the cost, including impacts on employment. This approach upends the way EPA has been setting health-based air pollution standards for 40 years.

The Clean Air Act requires EPA to set each air quality standard based purely on science and medical evidence showing the health effects of exposure to the pollutant. The standard basically identifies the level of pollution that is safe to breathe. The Clean Air Act also requires EPA to set the standard with an adequate margin of safety to account for uncertainty and protect sensitive subpopulations, such as children with asthma. Essentially, this bill would require EPA to determine the level of air pollution that is safe to breathe based on the costs of control, not the medical evidence.

Third, under this bill, the Administrator only has this limited authority in areas where State, local or tribal governments are not regulating nuisance dust. But the bill provides no minimum standard of protection, no Federal floor. That means that even the most minimal State or local requirement is sufficient to bar EPA action on anything that falls under the definition of nuisance dust.

It is absurd, Mr. Chairman, to claim that any State or local dust regulation, no matter how minimal, would be sufficient to protect the public health. We tried to address air pollution only on the State and local level throughout the 1960s. It did not work. Companies blocked cleaner air protections by threatening to leave for other States with weaker standards.

This widely acknowledged failure produced overwhelming support for the

cooperative federalism approach embodied in the Clean Air Act since 1970. Under this approach, the Federal Government sets minimum uniform standards to protect health, and States and localities then decide how to achieve those standards.

Since 1970, every American has had the same basic right to clean and healthy air. My amendment simply preserves those rights. It ensures that the residents of every State and locality are afforded a baseline level of protection against particle pollution. My amendment says that if the State, local, or tribal laws are not sufficient to protect public health from exposure to dangerous particle pollution, then EPA has the authority under the Clean Air Act to step in and take action to reduce that pollution.

This bill tries to turn back the clock to a time when State and local air pollution laws weren't strong enough to protect public health. Those who are ignorant of history are doomed to repeat it. Let's learn our history and recognize that both States and the Federal Government play valuable roles in ensuring that Americans breathe clean and healthy air.

I urge my colleagues to support my amendment, and I reserve the balance of my time.

Mr. HURT. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. HURT. I thank the Chairman.

This amendment would allow the EPA to override the State and local regulations and thereby gut the purpose of this bill.

Let's remember what the commonsense purpose of this bill is. There's nothing radical at all about this bill. In fact, in section 3 this bill protects public health. It protects public health by relying on the State and local regulators who are best equipped to make judgments about naturally occurring dust. And it does nothing at all to affect the particulate matter 2.5 standard. I think that's important to note inasmuch as it seems that the opposition seems to want to forget that.

Let's remember the ultimate purpose of this bill, and that is to protect the farmer and the rural businesses from overreaching Federal regulation that causes uncertainty and it causes job loss.

However, the EPA and the opposition talked about the myth. They say that it's more likely that the EPA would regulate fairy dust. They say that this is a solution in search of a problem. But our farmers know better; our rural business owners know better. They know better because they have looked at the proposed regulations and the proposals from the EPA staff that was dated back in April in which they proposed looking at and revising the PM10 standard. They also have seen the letter that was sent to my office in May of this year in which Ms. McCarthy, the assistant administrator, makes it clear that agricultural dust and dust coming off of roads is absolutely within the larger view of these standards. That's what our farmers know.

But most of all, they know their experience. They know what they have endured over the years—over the decades—of what comes out of Washington and how it affects their everyday life. If you look at their track record, you can only see why there is uncertainty and why they believe this is a very, very real threat.

I am proud to be able to travel across my rural district in south side Virginia and central Virginia and talk to farmers. In August, I sat down with a group of farmers in Nelson and Albemarle Counties. One of the farmers that was there is a peach farmer, a fruit grower. He said to me, Mr. HURT, on my farm, where my family has been for generations growing peaches for our customers, I'm regulated by the Department of Labor, the Department of Agriculture, the FDA, the IRS, the Department of Transportation, the Corps of Engineers, the EPA—and the list goes on when you add the State and local regulators. He said, I'm regulated by all those different agencies, most of them Federal agencies; and all I'm trying to do is grow a peach. How hard can it be?

And I think when you look at the commonsense purpose of this bill, you will see that this amendment would gut it. It is for that reason that I would urge my colleagues to vote against this amendment.

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

The CHAIR. The gentlewoman from the Virgin Islands has 30 seconds remaining.

Mrs. CHRISTENSEN. I would just like to add that my amendment does not really take away any authority from the State, local, and tribal governments; it just ensures that they set standards that are based on the protection of the public health.

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

The CHAIR. The question is on the amendment offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

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

Mrs. CHRISTENSEN. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 3 OFFERED BY MR. CRAWFORD

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–317.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 132(b) of the Clean Air Act, as proposed to be added by section 3 of the bill, after ''insofar as the Administrator'' insert '', in consultation with the Secretary of Agriculture,''.

The CHAIR. Pursuant to House Resolution 487, the gentleman from Arkansas (Mr. CRAWFORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas.

Mr. CRAWFORD. Mr. Chairman, my amendment is very straightforward, and I believe it will help provide the proper amount of interagency communication with the EPA when they go to write air quality standards for particulate matter.

The legislation being considered today excludes nuisance dust from the EPA regulatory net, but the bill provides an exemption if the EPA determines that the economic benefits of regulating dust outweigh the cost. My amendment would simply direct the EPA to consult with the Department of Agriculture in making this determination.

As a member of the Ag Committee, I've heard testimony from both the Secretary of Agriculture and the EPA Administrator on how their respective agencies propose and write regulations. A problem that became apparent to me is that the two agencies don't even seem to communicate. Neither agency could give me a sufficient explanation of the protocol for interagency communication between the EPA and the USDA. Their responses were bureaucratic and vague.

I find this troubling because if you ask the farmers and ranchers in my Arkansas district about the greatest threat to their operations, they always respond with three letters: EPA. I don't think their response would be the same if both agencies worked together more often.

□ 1240

Perhaps the best example of the right hand not knowing what the left hand is doing occurred this past summer when the President was in his home State of Illinois for a town hall event. One farmer asked the President why the EPA was targeting new regulations at farmers after a difficult growing season through the Midwest and Midsouth this year. The President pointed to Ag Secretary Vilsack for backup and asked the farmer to explain the specific regulations.

The farmer cited rules that would be crippling to the ag community, including regulating farm dust. President Obama defiantly dismissed the question by saying, ''Don't always believe what you hear.'' He later told the crowd: If you ever have a question as to whether it's going to make it harder for you to farm, contact USDA.

It seems to me that the President didn't understand that it's the EPA, not the Department of Agriculture, that was the source of this man's frustration. If the President doesn't realize

that the EPA is coming down hard on our Nation's farmers and ranchers, then why would the agency, itself, find it necessary to consider agriculture in proposing regulations? Clearly, it does not.

My amendment would ensure that the EPA and the Department of Agriculture work together if the EPA seeks to further regulate the agriculture industry in the future. The Department of Agriculture understands the economic well-being of our Nation's farmers and ranchers better than any other agency and should have a degree of input whenever the EPA writes rules that directly impact farmers and ranchers.

This amendment would be a small but important step in that direction.

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

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent that I be able to control the time that would be allotted to those in opposition.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. Mr. Chairman, the Crawford amendment simply requires EPA to consult with the Secretary of Agriculture before making any determination about the health threat posed by pollution in an area, as well as the costs and benefits of taking action.

I don't know that the Department of Agriculture has much to contribute in terms of the health threats; but the bill is so objectionable already, it's hard to argue that this amendment makes it discernibly worse. It's a drop in a very large bucket.

For that reason, I will not oppose this amendment. We're willing to accept it, but I still am in opposition to the bill.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arkansas (Mr. CRAWFORD).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MARKEY

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–317.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 132(c) of the Clean Air Act, as proposed to be added by section 3 of the bill, strike ''and'' at the end of paragraph (1), strike the period at the end of paragraph (2) and insert ''; and'', and add at the end the following paragraph:

''(3) the term 'nuisance dust' does not include particulate matter containing arsenic or other heavy metals that are hazardous to human health.''.

The CHAIR. Pursuant to House Resolution 487, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. I yield myself 2 minutes.

In this legislation, the Republican majority exempts all so-called nuisance dust from the protective air quality standards for coarse particle or soot pollution under the Clean Air Act.

Republicans have defined ''nuisance dust'' to include particulate matter that is generated from ''earth moving or other activities that are typically conducted in rural areas.'' This legislation's broad definition means a bill which is supposed to be all about tractors and farms is actually about barring EPA from regulating the toxic soot that comes out of mines, smelters, chemical plants. And that's because all of these materials come from earth moving, natural materials, or activities that take place in rural areas.

Now, I don't know about the majority, but when most people hear the word ''nuisance'' they think of things like honking horns, telemarketers, and buzzing flies. They don't think of poison. By preventing EPA from regulating the toxic soot spewing out of mining operations, smelters, chemical facilities, and construction sites, Republicans have apparently decided that poisonous chemicals such as arsenic, lead, and mercury are mere nuisances.

This false advertising is not a total surprise. We have heard from Republican witnesses in the past who, in defense of the most polluting industries, have unwillingly offered up the absurd. In fact, in the last Congress, at a hearing I chaired, the Republican witness said he would be happy to sprinkle arsenic-laced coal ash on his cereal.

It turns out that the Republican witness is not alone in his suggestion to use arsenic as a dietary supplement. Arsenic, which is a major component of mining activities, was famously used to poison and kill a number of prominent people throughout history, including Napoleon, King George III, and the Emperor of China.

I reserve the balance of my time.

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

The CHAIR. The gentleman from Nebraska is recognized for 5 minutes.

Mr. TERRY. I thank the chairman and appreciate the gentleman from Boston's arguments here suggesting that this bill somehow exempts arsenic and all these poisons. The reality is it does not. It's an unnecessary amendment. It, one, is to make a point that I think is inflated.

The reality is emissions of arsenic above the standard would still be in violation of EPA rules. The reality also exists then, if you're going to move the goalpost to a zero particulate, then we've got a different issue here.

Now, the dust that we're talking about from agricultural activities—plowing, harvesting, driving on roads—in our own definition says that consists primarily of soil and other natural and biological materials. So, if you're going to adopt a new standard totally different than current standards at the EPA on such issues as arsenic, the reality in rural America is that it is a natural part of our soil, and when dust would kick up and blow, it will be at a particulate level below what the standards are.

We're just trying to say, look, the reality is the EPA even says that at the extremely minor level of particulates that would be inherent in topsoil that could be kicked up by wind or farming activities is not a health risk. In fact, one of the authors of the EPA's most recent integrated science assessment for particulate matter issued in 2010 testified before our committee and stated, ''For long-term effects of coarse particulates, there is next to no evidence in support of long-term health effects.''

In rural America, in Nebraska, we can show you real-life examples. In rural America, they have the highest health standards and longevity of life and health.

So with that, I will let the gentleman close on his amendment and yield back the balance of my time.

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

In the 19th century, mercury, another common mining waste, was used as a cure-all for toothaches and other ailments. It turns out that the mercury is also highly toxic. It causes severe impacts on the brain and, throughout history, has been identified as the poison behind many other notable illnesses and deaths in the history of our planet.

By defining nuisance dust this way, the Republicans are, essentially, providing the mining industry with the holiday gift of pollution. Instead of gold and frankincense and myrrh, the Republicans are bearing gifts of arsenic and lead and mercury for every family in our country.

My amendment simply states that so-called nuisance dust doesn't include poisonous arsenic or other heavy metals that are hazardous to human health, because cancer is not a nuisance. The development of a child's brain is not a nuisance. Yet the Republicans would treat these conditions as a nuisance rather than as medical catastrophes for the families of America.

So let's be clear what this bill is all about. This is another attempt by the Republicans to protect Big Coal by creating another loophole to avoid the Clean Air Act so that families don't have to worry that their children are inhaling these dangerous materials, the arsenic, the lead, the mercury that they are petrified are going to have a negative long-term impact on their children's development.

□ 1250

That's what this is all about, bottom line. And the coal industry is saying ''no.'' The Republicans are using the guise of some farm dust cloud of confusion to mask what they're really trying to do, which is to allow the coal industry to continue to send this lead,

this mercury, this arsenic up into the air and into the lungs of children across our country, especially those that are so young that we know it has an impact on their development, especially of their brain.

So I urge an ''aye'' vote on this amendment, and I don't think there can be a more important amendment that we're going to vote upon in this Congress.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

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

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 5 OFFERED BY MR. WAXMAN

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–317.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 132(c) of the Clean Air Act, as proposed to be added by section 3 of the bill, strike ''and'' at the end of paragraph (1), strike the period at the end of paragraph (2) and insert ''; and'', and add at the end the following paragraph:

''(3) the term 'nuisance dust' does not include any particulate matter produced from mining activities.

The CHAIR. Pursuant to House Resolution 487, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

The supporters of this bill said they're simply trying to exempt harmless dirt from farms and ranches from regulation under the Clean Air Act. That simply is not the case. This bill is nothing more than a bait-and-switch. The title says it's about farm dust, but in reality, it would exempt air pollution from a number of industrial sources from the entire Clean Air Act, including mines.

The bill defines ''nuisance dust'' to include particulate matter, that consists primarily of natural materials generated from sources that include ''earth moving.'' So when you look at that definition, it would allow mines to be exempted from the requirements of the Clean Air Act. This is an egregious overreach that would allow mines to release particulate matter into the air without any controls.

The Kennecott, Utah, Copper Mine serves as a perfect example of why this is such a problem. Kennecott Copper operates one of the largest open-pit copper mines in the world, in Utah. The mine is even visible from space.

Every day, they mine about 150,000 tons of copper ore and 330,000 tons of waste rock from the Bingham Canyon mine. Kennecott's operations are the single largest source of particulate pollution in Utah.

The mine is having a significant impact on air quality, even with the pollution control requirements in place. There is simply no reason, therefore, to say well, we're going to address farm dust by exempting this mine from regulation under the Clean Air Act. And that is what this bill would do. It would exempt all particle pollution from the mine's activities from the entire Clean Air Act.

That mine is now subject to the requirements of the Clean Air Act. They're doing what they need to do to control pollution from that mine. If we adopt this bill, it would allow them to refrain from doing anything other than just simply spewing the pollution.

These mining operations, Kennecott and others, can have a significant impact. They emit large quantities of both fine and coarse particulate matter. Yet under this bill, they would be exempt from regulation.

So my amendment simply clarifies that this bill does not apply to particle pollution from any mining activities.

The science shows that coarse and fine particle pollution, regardless of the source, can trigger asthma attacks, heart attacks, stroke, and premature death. That's why I oppose exempting favored sources of this pollution from the Clean Air Act, and that's why I oppose the bill.

But at a minimum if we adopt this amendment, we would ensure that the bill is true to its name—the Farm Dust Regulation Prevention Act. Large industrial open-pit mines and gravel mining operations shouldn't get a free pass to pollute under the clever pretense of being involved with farms.

I would urge my colleagues to support this amendment removing mine operations from coverage under this bill and making sure the bill only covers farming operations.

I reserve the balance of my time.

Mrs. MCMORRIS RODGERS. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentlewoman from Washington is recognized for 5 minutes.

Mrs. MCMORRIS RODGERS. I yield myself such time as I may consume.

Just to let me clarify, the purpose of this legislation, H.R. 1633, is to exempt rural dust from costly and unnecessary Federal regulation. It doesn't do anything to exempt any kind of facility, source, or mine from environmental regulation. The northeastern part of Washington State, which I represent, is one of the toughest places in the world to mine. This bill isn't going to change that. Mining and agricultural dust is comprehensively regulated by State agencies and many, many Federal statutes currently in place, including the Surface Mining and Control Reclamation Act, Federal Mine Safety and Health Act, Resource Conservation and Recovery Act, Clean Water Act, Federal Land Policy and Management Act, the National Environmental Policy Act, and many others. This includes regulation by the Department of Interior of dust from wind erosion and vehicle traffic associated with mines. State and local authorities will still have full authority to impose nuisance dust controls, and rural America needs certainty that they won't be second-guessed by the EPA.

I urge a ''no'' on this amendment.

Bottom line, if you stop and think about it, there's a story here, a story of two paths forward. One path has the potential to bring economic growth, jobs, and energy independence to this country; the second path has brought and will continue to bring economic stagnation to our Nation.

The irony is that the administration seems to continue to advocate for the second path. And of course I'm talking about the path of EPA overregulation that continues to put a stranglehold on businesses and economic growth in this country.

The next phase of the EPA's path is America's farmland. Whether you're working in the field herding cattle or driving down a dirt road, the EPA wants to regulate the dust you pick up.

The Farm Dust Regulation Protection Act of 2011 will ensure that this path is stopped by prohibiting the implementation of a stricter PMT standard for 1 year and exempting nuisance dust, like farm dust, from any future PMT regulation.

I applaud my colleagues, Representatives NOEM and HURT, for introducing this important legislation. I urge my colleagues to support it.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, farm dust is not the same thing as pollution from a mine. My amendment would exclude pollution from a mine from this legislation so that it stays under EPA regulation under the Clean Air Act, as it is today. There is no reason to give mining operations, whether they're in rural or in urban areas, a pass so that they need not even meet requirements to protect the public from unsafe pollutants that could cause adverse health impacts.

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

Mrs. MCMORRIS RODGERS. I would like to yield the balance of my time to the chairman of the subcommittee.

Mr. WHITFIELD. Mr. Chairman, this is a little off topic. We have a young man who served the Energy and Commerce Committee and me personally for many years and did an outstanding job. His name is Jeff Mortier. Tomorrow is his last day as an employee of the House of Representatives. I just want to take this opportunity to thank him for the great job that he did and to wish him the very best in his new endeavor.

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

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

Mr. WHITFIELD. Mr. Chairman, I demand a recorded vote.

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

□ 1300

AMENDMENT NO. 6 OFFERED BY MR. FLAKE

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–317.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. 4. SENSE OF CONGRESS.

It is the sense of the Congress that the Administrator of the Environmental Protection Agency should implement an approach to excluding so-called ''exceptional events'', or events that are not reasonably controllable or preventable, from determinations of whether an area is in compliance with any national ambient air quality standard (NAAQS) applicable to coarse particulate matter that—

(1) maximizes transparency and predictability for States, tribes, and local governments; and

(2) minimizes the regulatory and cost burdens States, tribes, and local governments bear in excluding such events.

The CHAIR. Pursuant to House Resolution 487, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

While the Clean Air Act obviously serves a useful purpose, all too often States and localities are tied up in knots in just trying to comply with the provisions of it in which the rules that were promulgated in response to the law, or amendments to the law, just weren't well thought out.

In this regard, in 2005 Congress amended the Clean Air Act so States and localities could get off the regulatory hook for so-called ''exceptional events''—dust events—events that they cannot control but that impact air quality. In 2007, the EPA adopted the Exceptional Event Rule, implementing Congress' amendment to the Clean Air Act; but this rule has proven flawed, costly, and inconsistently implemented.

Let me give you an idea of what we're talking about here. Here is a picture. It's an actual photograph of one of the events that happened just this year in the Phoenix metropolitan area which was caused by a monsoon.

The monsoon comes along. When it rolls along flat ground, it tends to pick up every loose bit of dust or dirt that's there, and it causes an event like this. Obviously, this is not something that the State or local government can control; yet we're forced to go then to the EPA and beg for an exception to the Clean Air Act, which has proven to be extremely costly when we have to do it over and over again.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent to speak on this amendment.

The CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. I wanted to say to the gentleman from Arizona that I think his amendment makes a great deal of sense. It complies with what, I think, the EPA ought to do under these exceptional circumstances, and we are prepared to accept his amendment.

I yield back the balance of my time.

Mr. FLAKE. I thank the gentleman from California.

Mr. Chairman, just to give you an idea of how prevalent the problem is, I'll just summarize a little more. In Arizona, the Maricopa Association of Governments, or MAG, has said that there have been about 100 events that have exceeded the PM10 standard this year. All but one was from an exceptional event—dust storms that occurred naturally.

What happens then is States and localities, as I said, have to go to the EPA and beg for an exception to the rule. In some cases, just for an example, if you take all of the events in 2011, the Maricopa Association of Governments is estimating it will cost over $1 million to just argue and put together the paperwork to go to the EPA and say, This was a big monsoon that caused this. It was an exceptional event. In the end, the EPA may rule in our favor, but it is the cost of actually going through it.

This is not just in Maricopa County. It's not just in Arizona. In the San Joaquin Valley, I believe it has noted that the paperwork for just one high-wind exceptional event takes more than 400 staff hours to prepare in order to go to the EPA. It takes 400 staff hours for one exceptional event like this to go and say, This shouldn't count against our air quality or count against us in terms of new regulations and costs that will be imposed on us.

I am a cosponsor of the underlying bill to which this amendment will be attached, and I support it. This is an important amendment. It is not just an academic question, and I'm glad that all sides recognize this. So I thank the gentleman from California for accepting the amendment.

I now wish to yield time to the sponsor of the bill, the gentlewoman from South Dakota (Mrs. NOEM). I thank her for her dogged work in bringing this forward.

Mrs. NOEM. I rise in support of the amendment that the gentleman from Arizona has brought to the floor.

Mr. Chairman, this amendment would add a sense of Congress to this piece of legislation that the EPA should approach and exclude exceptional events and have a provision such as this. It would give us a consistent and a transparent manner for dealing with these events. Certainly, rural America and other parts of America need the certainty that the regulation is not triggered by natural events that are out of our control.

Mr. FLAKE. I thank the gentlelady.

In conclusion, Mr. Chairman, the EPA does recognize there is a problem here, and they are working to correct it. It's just taking a long time. The rule was promulgated in 2007. We've had 3 or 4 years since that time, and every year it costs States and local governments millions of dollars just to seek exceptions with these exceptional events. The language in this amendment simply encourages the EPA to move more quickly, and Congress stands ready to help them to fashion a new rule that will truly account for these exceptional events.

With that, I urge support for the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. SCHOCK

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112–317.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. 4. IMPACTS OF EPA REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY IN THE AGRICULTURE COMMUNITY.

(a) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY IN THE AGRICULTURE COMMUNITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on—

(A) employment levels in the agriculture industry; and

(B) agricultural economic activity, including estimated job losses and decreased economic activity related to agriculture.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall utilize the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31 of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Environmental Protection Agency;

(B) request the Secretary of Agriculture to post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Department of Agriculture; and

(C) request that the Governor of any State experiencing more than a de minimis negative impact post such analysis in the Capitol of such State.

(b) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on agricultural employment levels or agricultural economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days prior to the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—A public hearing required under paragraph (1) shall be held at a convenient time and location for impacted residents. In selecting a location for such a public hearing, the Administrator shall give priority to locations in the State that will experience the greatest number of job losses.

(c) NOTIFICATION.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on agricultural employment levels or agricultural economic activity in any State, the Administrator shall give notice of such impact to the State's Congressional delegation, Governor, and Legislature at least 45 days before the effective date of the covered action.

(d) DEFINITIONS.—In this section, the following definitions apply:

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

(2) COVERED ACTION.—The term ''covered action'' means any of the following actions taken by the Administrator under the Clean Air Act (42 U.S.C. 7401 et seq.) relating to agriculture and the national primary ambient air quality standard or the national secondary ambient air quality standard for particulate matter:

(A) Issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(3) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term ''more than a de minimis negative impact'' means the following:

(A) With respect to employment levels, a loss of more than 100 jobs related to the agriculture industry. Any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment may not be used in the job loss calculation.

(B) With respect to economic activity, a decrease in agricultural economic activity of more than $1,000,000 over any calendar year. Any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment may not be used in the economic activity calculation.

The CHAIR. Pursuant to House Resolution 487, the gentleman from Illinois (Mr. SCHOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

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

I rise today to offer an amendment with my good friend and colleague, Mrs. SHELLEY MOORE CAPITO of West Virginia.

Our amendment is simple. It requires the EPA to consider the impact of new agriculture jobs and the economy before issuing new rules and regulations. A similar amendment to the Clean Water Cooperative Federalism Act passed this House in July, and it enjoyed broad bipartisan support.

My amendment today says if jobs and the economic well-being of farmers would be negatively impacted, the EPA will be required to hold public hearings in the impacted State. It would also require the EPA to notify the State's Governor, legislature, and congressional delegation. It would also require that the EPA post its analysis of the negative job impact on its Web site, request the Secretary of Agriculture to do the same, and request the Governor of that State to post similar analysis on the State capital's Web site.

I don't believe this is too much to ask. We are simply asking the EPA to calculate the number of jobs lost and the economic impact on the agricultural community with a new rule that would do such. If its calculation turns out to be detrimental, we want the EPA to let our Nation's farmers know before it implements additional red tape and new regulations.

We expect the bureaucrats in the EPA here in Washington, D.C. to go out into the real world and understand the impact of the rules that they are implementing, that they are suggesting, and that have a real effect on farmers who are trying to run their operations across America and are helping to feed the world's population.

This past weekend, the Illinois Farm Bureau, in my home State, had its annual meeting. It conducted a survey of the thousands of farmers who participated in that convention, and it asked them an open-ended question:

What posed the biggest threat to their future profitability as family farmers? Was it input costs? lower commodity prices? land prices? commodity price swings?

No. Their answer, overwhelmingly, was government regulation.

Dale Hadden, who is a farmer from Jacksonville, Illinois, recently told me: ''The thought of the EPA continuing to place more regulations on my farming operation is unfounded. My family prides itself on being environmental stewards and making our farm better for the next generation. We do it better here than in any other place in the world.''

Jamie Schaffer, another farmer from my district, in Princeville, Illinois, told me:

''The EPA over-regulation has the potential to shut us down. We wouldn't be able to farm with modern equipment. Livestock walks across the field and creates dust when it's dry out. We need to take regulators out to our farms and personally show them there's no way around dust or dirt. It's just a natural part of the environment.''

Let's let Dale, Jamie, and other farmers in our country continue to do what they do best. Let the EPA bureaucrats understand first, before they implement a new rule, what kind of effect, if any, it will have negatively on jobs and the economy throughout our country.

I urge a ''yes'' vote, and I reserve the balance of my time.

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

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

Mr. WAXMAN. I have several concerns about this amendment, which seems to ignore the reality of how agencies communicate, along with the well-established process for how EPA proposes and finalizes a rule.

First of all, this amendment requires the EPA to conduct additional economic analyses for a broad range of agency actions that could affect agriculture, including guidance documents and policy statements.

□ 1310

Requiring an expensive and time-consuming detailed economic analysis for every policy statement makes no sense.

Secondly, this amendment singles out one favored sector for special treatment. Why should we have an entirely different rulemaking process in place for agriculture? If the Republicans are concerned about the rulemaking process, then they should work with us on a bipartisan basis to improve the way rules are adopted for all sectors, not just one.

This amendment also isn't necessary. EPA already has to evaluate the costs and benefits of each rule to satisfy requirements and numerous statutes. When issuing a rule, EPA has to comply with the Administrative Procedure Act, the Paperwork Reduction Act, the Regulatory Flexibility Act, the Small Business Regulatory Enforcement Fairness Act, the Unfunded Mandates Reform Act, specific environmental statutes, Executive orders on regulatory planning and review requirements of the Office of Management and Budget, and others.

A few minutes ago, we accepted an amendment from the gentleman from Arizona (Mr. FLAKE) that called on EPA not to have a burdensome process when they grant a state flexibility in handling an exceptional event that caused a violation, and he argued we didn't need a burdensome process to get to that result.

This additional burdensome process imposed by this amendment is also unnecessary. According to the GAO, the requirements already in place are quote, ''clearly voluminous and require a wide range of procedural, consultative, and analytical action on the part of the agencies.''

This amendment appears to ignore this well-established process and, instead, would add another burdensome layer to the already lengthy review. It serves no purpose. It bogs down the agency. It creates more bureaucracy. It costs more money. It does not accomplish anything. And insofar as it accomplishes anything, it just stalls the agency from acting in only one area—agriculture.

I urge my colleagues to oppose this amendment as well as oppose the underlying bill.

I reserve the balance of my time.

Mr. SCHOCK. May I inquire as to how much time remains?

The CHAIR. The gentleman from Illinois has 1½ minutes remaining.

Mr. SCHOCK. Thank you, Mr. Chairman.

I would respond to my friend from California with a couple points.

First of all, we did have the opportunity to apply a similar rule to the entire bureaucracy. We passed that yesterday. It's called the REINS Act.

But with regard to specifically pointing out agency by agency, a similar amendment passed earlier this year to the clean water bill, the Clean Water Act, that had bipartisan support, and I would certainly hope that this amendment would as well.

To the concern about expense, I can't imagine what's more expensive than putting Americans out of work. I can't think of what's more expensive than asking American farmers to come up with more cash and more expenses because of bureaucrats' new rules in Washington, D.C.

Finally, this does not prohibit the agency from doing anything. It just requires the agency to know what they're doing, the impact on jobs, and that to be known by the farmers, the State, the congressional delegation, and certainly the bureaucrats at the EPA.

With that, I yield 1 minute to my friend from Colorado (Mr. GARDNER).

Mr. GARDNER. I thank the gentleman from Illinois for this amendment.

It's ironic that the opposition to this amendment characterizes the amendment as a burden. However, the burden being placed, I would suggest, if it's a burden at all, is on the EPA, the EPA who actually has to take a look at whether or not this is impacting jobs before the regulation is promulgated.

How about that? We actually do something around this place that takes a burden off the private sector and makes government do their job to make sure they're not hurting jobs in private industry.

You know, this is an amendment that makes absolute common sense, to look before you leap, to make sure that you understand the impacts of a regulation before you issue it, and that's why I support this amendment.

The CHAIR. The time of the gentleman from Illinois has expired.

Mr. WAXMAN. Mr. Chairman, how much time do I have?

The CHAIR. The gentleman from California has 2 minutes remaining.

Mr. WAXMAN. Mr. Chairman, the EPA goes through an incredible analysis now, the costs and the benefits and all the other considerations. It's appropriate. To add another review of regulations at EPA is to require paralysis by analysis, and perhaps that's the objective of the amendment.

The gentleman from Illinois (Mr. SCHOCK) has said he can't imagine anything more expensive than what this regulation might do to farmers. Well, I'll tell you something that's more expensive: Tax breaks for zillionaires, billionaires, and millionaires is a lot more expensive than requiring EPA to do even more.

Let's not burden the agency with reviews only for one sector that add nothing to the analysis that they already achieved before they adopt any regulation. And these regulations that are already in effect now are not costing jobs.

This whole bill is supposed to prevent regulations that had not even been adopted. And we're not losing jobs because of that. We're losing jobs because our economy is not functioning, because we don't have a willingness by the Republicans to stimulate this economy, get people back to work and get jobs for those who need them.

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

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

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. AL GREEN OF TEXAS

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112–317.

Mr. AL GREEN of Texas. Mr. Chairman, I have an amendment at the desk.

The 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. 4. REPORT ON EFFECT ON JOBS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall transmit to Congress a report estimating the increase or decrease in the number of jobs in the United States that will occur as a result of the enactment of this Act (including the amendment to the Clean Air Act (42 U.S.C. 7401 et seq.) made by section 3 of this Act).

The CHAIR. Pursuant to House Resolution 487, the gentleman from Texas (Mr. AL GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. AL GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

There has been much debate as to whether this bill will create or save jobs. There is much speculation based on whether this bill will create or save jobs. When you have few facts, you, generally speaking, can have much speculation. This amendment addresses speculation.

There is some sense in this country that our approval rating is low in Congress because of much speculation. Speculation can breed distrust. Speculation can lead to fact-free debate, a term my good friend, EMANUEL CLEAVER, Representative from Missouri, uses—fact-free debate.

This amendment can help us eliminate fact-free debate. This amendment contains less than 100 words, and it addresses the elimination of fact-free debate. It reads:

Not later than 180 days after the date of enactment of this act, the Administrator of the Environmental Protection Agency shall transmit to Congress a report estimating the increase or decrease in the number of jobs in the United States that will occur as a result of the enactment of this act.

This amendment eliminates fact-free debates and speculation. So if you really want to eliminate fact-free debates and speculation, then you should support this amendment.

If you believe that this bill really does create or save jobs, then you should support this amendment.

If you believe that Carlisle is right, that no lie can live forever, and this will eliminate the possibility of things being done with malice aforethought, you should support this amendment.

If you believe that William Cullen Bryant is right, that truth, when crushed to Earth, can rise again, you should support this amendment, because this amendment will help us to repeal what the truth is.

If you believe that fact-free debates ought to be eliminated, you ought to support this amendment.

I reserve the balance of my time.

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

The CHAIR. The gentleman from Colorado is recognized for 5 minutes.

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

The question I have on that—I understand the confusion about jobs in the EPA. I think there is a great deal of confusion when it comes to whether or not the EPA is considering jobs in their analysis.

The administration has issued an Executive order. We have actually, through the Energy and Commerce Committee, held a number of hearings on the Executive order that says, hey, you need to take a look at the impact on jobs when a regulation is promulgated.

We have had testimony from various officials at the EPA talking about whether or not they look at jobs.

□ 1320

There seems to be a great deal of confusion at the EPA about whether they actually care about jobs. But the problem is we ought to take a look at those jobs before the regulation is issued. That's exactly what the amendment did that we just passed by Mr. SCHOCK. Addressing jobs, clearly, is not the expertise of the EPA. In fact, just ask assistant administrator Mathy Stanislaus, who came before our committee and testified that, indeed, when they issued a regulation, they didn't take a look at the jobs impact, even though about 30 seconds before in his statement he said that they did take a look at the impact on jobs.

To the extent the EPA does comment on the jobs impact of its regulatory agenda, it has been widely criticized for understanding the potential for job losses, or for even making farfetched claims that the regulations create jobs. At one time we had a hearing with Gina McCarthy, assistant administrator of the EPA, who testified for every $1 million in regulations, it creates 1.5 jobs; 1.5 jobs for every $1 million in cost of a regulation. That's their idea of a job-creating idea or activity.

State, local, and tribal governments will be able to enforce their own dust regulations in a way that makes sense for local conditions, including on jobs and the economy.

We don't need to spend money on a study to know that avoiding overregulation will benefit the economy. Avoiding overregulation will benefit the economy. Regulations—1.5 jobs for every $1 million. That's the kind of math that my constituents, many constituents across this country, simply don't understand.

I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Chairman, how much time do I have?

The CHAIR. The gentleman has 2½ minutes remaining.

Mr. AL GREEN of Texas. Thank you.

It is an opinion, well stated, and I appreciate the opinion that has been well stated. However, the best way to ascertain whether jobs are being created or eliminated is to utilize empirical evidence, empirical evidence developed after the fact as opposed to before the actual implementation of the bill.

If you believe, and I believe your heart's in the right place, if you believe that this is an opportunity for us to dispel any myths, to dispel any speculation, then let's have a study done after the bill has passed and after there has been some time for implementation.

I'm willing to extend the time. I'm willing to have GAO do the study. My heart's in the right place. I want us to have proof positive that this bill does or does not eliminate jobs. I want to eliminate the speculation.

I believe I have enough time left to engage my friend in a colloquy.

How much time do I have, Mr. Chairman?

The CHAIR. The gentleman has 1½ minutes remaining.

Mr. AL GREEN of Texas. I yield to my friend from Colorado.

Mr. GARDNER. Thank you very much for the time and consideration. Again, we did adopt an amendment that actually takes a look at the regulation before it's offered.

Mr. AL GREEN of Texas. Reclaiming my time for just a moment, you say before. You see, empirical evidence under the scientific method is best acquired after you have the actual evidence. So what you would do is utilize speculation to come to a conclusion and then call that a fact. This would eliminate speculation.

I yield to the gentleman.

Mr. GARDNER. I think I know that if I stub my toe, it's going to hurt before I do it. We ought to be able to check out whether or not it's going to cost jobs before we do it.

Mr. AL GREEN of Texas. Reclaiming my time, the question is whether you will actually have the opportunity to hurt your toe, as you put it. There is no need to avoid things that don't exist. Let us get the actual raw empirical evidence and use that to draw our conclusions as to whether this bill creates or saves jobs.

I yield to the gentleman.

Mr. GARDNER. I thank the gentleman.

The empirical evidence that I go on comes from the groups in Colorado that know this issue the best—the farmers and ranchers that I represent. Here's just a listing of a few of the organizations that support this bill as it stands.

Mr. AL GREEN of Texas. Reclaiming my time, because supporting something is not empirical evidence as to whether or not it will do a certain thing. I respect all who are supporting it.

By the way, I don't disrespect you. I believe your heart is in the right place. What I'm trying to get you to see is if you utilize the scientific method, you will get your empirical evidence after you have given this an opportunity to be enacted.

I yield back the balance of my time.

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

Again, I would just like to continue with a list of overwhelming support from those in my district that believe this will, indeed, cost jobs. We've adopted an amendment that says hey, let's take a look at it before it goes into effect. The Colorado agriculture organizations, including the Colorado Association of Wheat Growers, the Colorado Cattlemen's Association, the Colorado Corn Growers, the Colorado Lamb Council, the Colorado Livestock Association, the Colorado Pork Producers Council, the Colorado Potato Administrative Committee, the Colorado Sheep and Wool Authority, the Colorado Wool Growers Authority, and the Colorado Farm Bureau, these are organizations that will work each and every day under this regulation. And perhaps the EPA says hey, you know what, we're not going to do this right now, but they are very concerned.

Mr. AL GREEN of Texas. Will the gentleman yield?

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

Mr. AL GREEN of Texas. With all due respect, the world is larger than Colorado, and there are other States and other organizations.

Mr. GARDNER. Reclaiming my time, I understand there are some big concerns from Boston, there are concerns in Houston, and there are some concerns in Los Angeles; but, I can tell you in rural Colorado, in rural America, there are grave concerns that there are many people in this body that think their concerns over farm dust are nothing more than concerns over pixie dust.

I would just close with this argument.

Mr. AL GREEN of Texas. Will the gentleman yield?

Mr. GARDNER. I yield to the gentleman.

Mr. AL GREEN of Texas. In my city we have a rock-crushing company. It yields dust, particulate matter. That is something that is a concern to rural people as well.

Mr. GARDNER. Reclaiming my time, the gentleman will recognize that State, local, and tribal governments will be able to enforce their own dust regulations according to local conditions. So I understand where you're coming from. I would just oppose this amendment. I believe that we need to get on to the underlying bill and adopt the underlying bill so that we can move forward, creating jobs, making sure that we're not killing jobs, and do what's right for this country when it comes to our economy.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. AL GREEN).

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

Mr. AL GREEN of Texas. I demand a recorded vote.

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

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112–317 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. RUSH of Illinois.

Amendment No. 2 by Mrs. CHRISTENSEN of the Virgin Islands.

Amendment No. 4 by Mr. MARKEY of Massachusetts.

Amendment No. 5 by Mr. WAXMAN of California.

Amendment No. 8 by Mr. AL GREEN of Texas.

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

AMENDMENT NO. 1 OFFERED BY MR. RUSH

The 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 150, noes 255, not voting 28, as follows:

[Roll No. 906]

AYES—150

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Courtney
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Napolitano
Neal
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—255

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
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
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 (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Noem
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
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
Sewell
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)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—28

Bachmann
Becerra
Bilirakis
Campbell
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Dold
Engel
Fudge
Giffords
Granger
Hinchey
Jackson (IL)
Labrador
McKeon
Miller, George
Myrick
Nadler
Neugebauer
Nugent
Olver
Owens
Paul
Rahall
Ryan (OH)
Smith (WA)

□ 1351

Messrs. SCHWEIKERT, ALTMIRE, GRIFFIN of Arkansas and SULLIVAN changed their vote from ''aye'' to ''no.''

Mr. GRIJALVA and Ms. SPEIER 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. BECERRA. Mr. Chair, earlier today I was unavoidably detained and missed rollcall vote 906. If present, I would have voted "aye" on rollcall vote 906.

Stated against:

Mr. DOLD. Mr. Chair, on rollcall No. 906 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 2 OFFERED BY MRS. CHRISTENSEN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 250, not voting 24, as follows:

[Roll No. 907]

AYES—159

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Napolitano
Neal
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—250

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson

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
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)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
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
Sewell
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—24

Amodei
Bachmann
Campbell
Cardoza
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Forbes
Franks (AZ)
Fudge
Giffords
Gingrey (GA)
Hinchey
Jackson (IL)
LaTourette
Miller, George
Myrick
Nadler
Neugebauer
Olver
Owens
Paul
Rahall

ANNOUNCEMENT BY THE CHAIR

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

□ 1355

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. MARKEY

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 249, not voting 19, as follows:

[Roll No. 908]

AYES—165

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
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
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
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 (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
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
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)
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
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
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
Sewell
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)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—19

Bachmann
Boustany
Campbell
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Fudge
Giffords
Hinchey
Hirono
Jackson (IL)
Miller (FL)
Miller, George
Myrick
Nadler
Olver
Paul
Rahall

ANNOUNCEMENT BY THE CHAIR

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

□ 1358

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MILLER of Florida. Mr. Chair, on rollcall No. 908, had I been present, I would have voted "no."

AMENDMENT NO. 5 OFFERED BY MR. WAXMAN

The 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 ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 158, noes 257, not voting 18, as follows:

[Roll No. 909]

AYES—158

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Peters
Pingree (ME)
Polis
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
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—257

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
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
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
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
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)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pastor (AZ)
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
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
Sewell
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)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—18

Bachmann
Campbell
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Fudge
Garrett
Giffords
Hinchey
Jackson (IL)
Jackson Lee (TX)
Miller, George
Myrick
Nadler
Paul
Rahall
Tierney

ANNOUNCEMENT BY THE CHAIR

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

□ 1402

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. JACKSON LEE of Texas. Mr. Chair, on rollcall No. 909 which is on the Waxman Amendment to the bill H.R. 1633, I was detained with official matters pertaining to my office and failed to make the vote. Had I been present, I would have voted "aye."

AMENDMENT NO. 8 OFFERED BY MR. AL GREEN OF TEXAS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. AL GREEN) 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 170, noes 247, not voting 16, as follows:

[Roll No. 910]

AYES—170

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Garamendi
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Renacci
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)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—247

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
DesJarlais
Dingell
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
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
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
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—16

Bachmann
Campbell
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Fudge
Giffords
Hinchey
Jackson (IL)
Miller, George
Myrick
Nadler
Paul
Rahall
Speier

ANNOUNCEMENT BY THE CHAIR

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

□ 1405

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOODALL) having assumed the chair, Mr. WOMACK, 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. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes, and, pursuant to House Resolution 487, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT

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

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

Ms. DEGETTE. Yes, sir, most definitely I am.

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

The Clerk read as follows:

Ms. DeGette moves to recommit the bill H.R. 1633 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith, with the following amendment:

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

SEC. 4. PROTECTING THE PUBLIC FROM TOXIC DUST THAT CAUSES CANCER AND BRAIN DAMAGE.

Nothing in this Act or the amendment made by this Act shall prohibit the Administrator of the Environmental Protection Agency from proposing, finalizing, implementing, or enforcing any regulation promulgated under the Clean Air Act (42 U.S.C. 7401 et seq.) relating to emissions in particulate form of cadmium, lead, or asbestos, including vermiculite asbestos released from mining activities and asbestos released from demolition and renovation activities.

The SPEAKER pro tempore. The gentlewoman from Colorado is recognized for 5 minutes.

Ms. DEGETTE. Thank you, Mr. Speaker.

Really? Really, Mr. Speaker?

With 1 week left in the legislative session, we've spent an entire day debating about a bill that does not address an existing problem; and with the continuing resolution expiring 1 week from tomorrow, we're not working on an appropriations bill to keep our government operating? We're not here today voting on an extenders bill that would extend the payroll tax cut for middle Americans just as the economy begins to recover?

Really?

We're not voting on extending unemployment benefits to help struggling families stay afloat while they continue to look for work?

Really, Mr. Speaker?

And once again, we're not doing one thing today to put Americans back to work?

Unfortunately, as ridiculous as today's effort has been, the consequences of the bill are no laughing matter. The truth is the EPA does not currently regulate farm dust. This bill would prevent a regulation that doesn't actually exist from overseeing something undefined.

□ 1410

Also, EPA Administrator Lisa Jackson has said unequivocally that she does not intend to regulate farm dust in the future.

But to add insult to injury, the consequences of this proposed solution could be devastating. The bill that came out of the Energy and Commerce Committee could be interpreted broadly to limit existing and future Clean Air Act public health protections for different pollutants.

This final amendment that I offer today offers us the chance to protect our children and our grandchildren from asbestos, lead, cadmium, and other toxic air pollutants. I want to be clear: this is the final amendment to the bill; and even though I'd like to, it will not kill the bill or send it back to committee. If adopted, it would then be voted on at final passage, as amended.

Now, Mr. Speaker, if we are going to adopt this bill, we should make sure that we don't inadvertently roll back EPA rules relating to toxic dust containing cadmium, lead, and asbestos. This should be something all of us can agree on. Currently, the bill exempts particulate matter from regulation under the Clean Air Act if it is natural material, commonly produced in rural areas, and is not produced by combustion.

Asbestos is a natural material. Activities involving asbestos are considered typical in rural areas, and asbestos emissions from mining and demolition do not involve combustion. Unfortunately, asbestos is also a known carcinogen.

What would happen if we exempted asbestos from the Clean Air Act?

We already know. To see the realities of asbestos, a natural material, we could simply ask the rural families of Libby, Montana.

In 2009 the Environmental Protection Agency declared a public health emergency in Libby after decades of asbestos exposure from local mines. Even though the vermiculite asbestos mine closed in 1990, the EPA believes that current conditions continue to present significant ongoing threats to public health. There remain significantly higher rates of asbestos-related disease in Libby compared with the national average.

Too bad the managers of the mine told their workers that the dust they inhaled daily was just ''nuisance dust'' and would have no permanent effects.

H.R. 1633 would also exempt lead and cadmium particulate emissions from the Clean Air Act. Because lead and cadmium are natural materials, activities involving lead and cadmium, such as cement kilns and smelters, are typical in rural areas; and activities at cement kilns and smelters produce lead and cadmium without combustion.

Sounds safe; right?

Unfortunately, cadmium is a known human carcinogen. Exposure to cadmium may cause lung, kidney, prostate, and bladder cancer.

Lead is a potent neurotoxin. Infants and young children are especially sensitive to even low levels of lead, which may contribute to behavioral problems like learning deficits and lower IQs.

Is that what this distinguished body really wants to do, actively take steps to cause behavioral problems, learning deficiencies and lower IQs in our Nation's rural children?

Mr. Speaker, this entire session of Congress has felt to many of us like a trip into Alice's Wonderland. While our Nation struggles with a devastating economy, we do nothing about jobs or about getting Americans back to work. Instead, we repeatedly fall down the rabbit hole of extreme legislation. Now, with this so-called Farm Dust Regulation Prevention Act, it seems that we're even having tea with the Cheshire Cat.

To paraphrase our friend, the Cheshire Cat: We're all mad here. I'm mad. You're mad. You must be mad or you wouldn't have come here.

Sadly, for the American people, H.R. 1633 simply underscores the madness of this body right now. It's a mad solution to an imaginary problem.

Vote ''no.''

Mr. WHITFIELD. Mr. Speaker, I claim time in opposition to the motion.

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

Mr. WHITFIELD. American farmers, ranchers and other rural businesses, like many other sectors of this economy, have faced an onslaught of EPA regulations—regulations that are costly and that make it more difficult to create jobs in America at a time when America needs jobs.

The Congressional Research Service recently reported that agriculture alone has been facing new Clean Air Act greenhouse gas standards; engine emission standards; National Ambient Air Quality Standards for ozone and particulates; Clean Water Act permitting and other requirements; Superfund reporting requirements; and regulations for disclosure, permitting and other regulatory requirements related to the use of pesticides.

There are 2.2 million farms in America. There are 1.8 million people employed by those farms. Those farms provide 5 percent of the exports from America, and they provide $154 billion to our economy.

This legislation that we have on the floor today has the support of 120 Democrats and Republicans, and we have over 197 organizations representing rural America that support this legislation. The bill is very simple. It does not change any of the existing EPA regulations. It just says that the EPA cannot change its PM10 standard for coarse material earlier than 1 year after the enactment of this legislation, and it defines and exempts nuisance dust.

So why do we need this bill? People are saying that Lisa Jackson has said she is not going to regulate PM10.

That is true. She has said that. Yet we know that many of the environmental decisions in America today are made by people and groups and entities that file lawsuits against the EPA. Every time that has happened recently, the EPA has run and entered into a consent decree, and then it has paid the legal fees for the entity that has brought the lawsuit, which is exactly what we are afraid is going to happen in this instance. In this way, we can pass this legislation and make certain that local governments, State governments, and tribal governments will decide this issue of nuisance dust.

Now, some people have said, Oh, my God, this dust is so dangerous to one's health, and it includes all sorts of substances.

I might remind everyone that one of the authors of the EPA's most recent Integrated Science Assessment for Particulate Matter testified before our committee. He said, as to the long-term effects of coarse particles, there is not one shred of evidence in support of long-term health effects.

This is a commonsense piece of legislation. It protects jobs in America, and it protects our exports. So I would urge everyone to vote against the motion to recommit.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. DEGETTE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 166, noes 252, not voting 15, as follows:

[Roll No. 911]

AYES—166

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
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
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
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
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
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
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)
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
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes

Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
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)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—15

Bachmann
Campbell
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Fudge
Giffords
Hinchey
Jackson (IL)
Miller, George
Myrick
Nadler
Paul
Rahall

□ 1436

Ms. HAYWORTH changed her vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. DEGETTE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 268, noes 150, not voting 15, as follows:

[Roll No. 912]

AYES—268

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
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
Garamendi
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
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
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 (OH)
Ryan (WI)
Sanchez, Loretta
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—150

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—15

Bachmann
Campbell
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Fudge
Giffords
Hinchey
Jackson (IL)
Miller, George
Myrick
Nadler
Paul
Rahall

□ 1444

Ms. JACKSON LEE of Texas and Mr. HOYER changed their vote from ''aye'' to no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

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

H.R. 470. An act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3538

Mr. MICA. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee (Mr. COOPER) be removed as a cosponsor from H.R. 3538.

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

There was no objection.

PRAY FOR VICTIMS OF VIRGINIA TECH SHOOTING

(Mr. GRIFFITH of Virginia asked and was given permission to address the House for 1 minute.)

Mr. GRIFFITH of Virginia. I ask everyone here and across the Nation to pray for those individuals at Virginia Tech in Blacksburg, Virginia, who are currently dealing with the shootings that took place there today and the two people who, regrettably, have passed away.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, before yielding to the majority leader to inquire about the schedule for the week to come, let me say I join with the gentleman from Virginia, and I know certainly Mr. CANTOR, who also represents Virginia, but the entire country as

well. We don't know the facts yet. We don't know exactly what's happened. But the information I have is that two people may well have lost their lives at this point in time. We certainly want to send our deepest sympathies to Virginia Tech and to the families that are affected by this incident and hope sincerely that there is no further loss of life.

On that issue, let me yield to the majority leader, who I know will want to say something as well.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Maryland, the Democratic whip, for yielding.

I too want to join the gentleman in expressing our sorrow and extending our thoughts and prayers to those in the Hokie Nation in Blacksburg who, unfortunately, have endured more pain today, reminiscent of the pain that so many have felt in that fine university in the past. Hopefully, things can look up. I know that there are reports that law enforcement was involved. We also want to extend our thanks to law enforcement in that community as well as everywhere else in this country—certainly in this Capitol—for what individuals of the Capitol Police and other police forces across the country do for us every single day.

Again, we express our sorrow to those who are mourning the loss of life and extend our thoughts to President Steger at Virginia Tech and to that community.

I do thank the gentleman from Maryland for yielding.

Mr. Speaker, on Monday, the House will meet at noon for morning hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m.

At this point, the House is scheduled to be in session for the remainder of the week, with a weekend session possible. Per our usual weekly schedule, I would expect morning hour on most days to begin at 10 a.m. and legislative business to start by noon. However, because this will likely be our last week in session prior to the end of the year, the daily convening times may fluctuate to accommodate our year-end business.

I can assure Members, however, that we do not expect votes on Tuesday, December 13, prior to 1 p.m. That is as far as Tuesday, December 13 is concerned.

Mr. Speaker, our legislative business next week will include a number of suspensions, a complete list of which will be announced by the close of business tomorrow. In addition, we expect to consider a conference report on the remaining appropriations bills for FY12 as well as a conference report for the National Defense Authorization Act. I want to thank both Chairman HAL ROGERS and Chairman BUCK MCKEON for their incredibly hard work throughout the year.

Finally, we anticipate a vote on a year-end package of expiring laws that will include extensions of the payroll tax holiday, unemployment benefits, and the physician reimbursement issue.

If the gentleman will continue to yield, Mr. Speaker, I want to take a minute to highlight a bipartisan event that took place here in the Capitol this week.

□ 1450

Yesterday the Democratic whip and I hosted the first-ever Facebook Hackathon, allowing private sector programmers and software developers to get together with us to work on ways to utilize social media in making Congress more accessible to the public. I'm happy to report that over 200 developers from all over the country participated in this bipartisan event and shared their ideas.

I thank the gentleman for joining me and for his help in facilitating this noteworthy cause, and I look forward to working with him to continue to make Congress a more transparent and accessible institution for the people who have sent us here.

Mr. HOYER. I thank the gentleman for his comments and his leadership on the Hackathon event that occurred yesterday.

He and I both had the opportunity to address a large number of—over 250, I think—individuals who were there who will, in fact, bring their expertise, their technical knowledge to bear on what the gentleman referenced as making our institution more accessible and transparent to our citizens. We all believe, I think, that doing that will make the products that we produce better and make citizens better able to make judgments on the work that we do.

So I want to thank the gentleman and his staff for their leadership on this effort. We were glad to join in that.

Mr. Speaker, I understand that the unemployment insurance, the payroll tax issue, which will continue to give the middle class tax cuts to those who need it most, the unemployment, which will keep millions of people from losing their unemployment, as well as the physician adjustment are scheduled next week. It's my understanding that that bill has not been filed yet.

Can the gentleman tell me when he believes that bill will be filed?

Mr. CANTOR. Mr. Speaker, I would respond to the gentleman by saying that we are still in discussion about that bill and in drafting; and we do intend to abide by our necessary 3-day notice period so that all sides and all Members, as well as the public, can enjoy their right to know what will be in that legislation. But the gentleman is correct, we do expect that bill on the floor next week.

Mr. HOYER. I thank the gentleman for that comment.

I have had discussions with the gentleman, and with Mr. MCCARTHY in particular—and also briefly with the Speaker—that we are certainly prepared to participate in discussions leading towards a successful passage of those three pieces of legislation, particularly the unemployment insurance and the payroll tax extension, which we believe are critical before we end this year. So we're pleased to see that legislation moving forward. But I will tell my friend that I would be pleased to participate in discussions with him so that we can assure that that bill will in fact pass and, hopefully, pass in a bipartisan fashion.

I want to tell the gentleman that I'm a little bit concerned, and I want to ask him whether this principle will be followed. I think I used this quote last week, but it bears repeating. Speaker BOEHNER said:

We will end the practice of packaging unpopular bills with must-pass legislation to circumvent the will of the American people. Instead, we will advance major legislation one issue at a time.

That was in the Republican Pledge as well, and the Speaker has reiterated that at the beginning of this session.

Now, I am concerned because Republican Study Committee Chairman JIM JORDAN of Ohio is quoted in The Washington Post as saying the following:

''The fact the President doesn't like it''—the ''it'' referring to the Keystone pipeline provision, which we understand is under discussion. I'm glad to hear those discussions have not concluded. But he again quoted, ''The fact that the President doesn't like it makes me like it even more . . . said of the GOP leadership proposal as he left Thursday morning's closed-door meeting.''

I will say to my friend that we are at the end of the session. We are hopeful, as I have said—and as we have demonstrated on the two CRs and the debt extension and on the minibus appropriation bill that we passed—that we are prepared to respond in a bipartisan fashion to assist in passing must-pass legislation and would hope very much that we don't put controversial items in that. The President has clearly annunciated that he will veto a bill that has the Keystone pipeline.

I will say, as my friend clearly knows, there is bipartisan concern—as a matter of fact, the Governor of Nebraska, a Republican, and the Republican legislature, which although nominally nonpartisan, as the gentleman knows, is two-thirds Republican, one-third Democrat, have all voted to delay this project because of their concern about the aquifer and the impact that the Keystone pipeline, as currently platted, will have in reference to the aquifer, so that there is a bipartisan concern.

As the gentleman knows, as a result of Nebraska's passing legislation which said they wanted to do a study on the aquifer and alternative siting of the Keystone pipeline course, that that study would take them 5 to 6 to 7 months, as a result, the President indicated they would give time to the Nebraska Governor and the Nebraska Legislature—again, Republican organs—to look at that, has given them

additional time and said he won't act until the beginning of 2013.

I ask the gentleman, does he believe that provision—I understand what Mr. JORDAN says. It may be a nice political gesture, but I would hope that that would not be the kind of provision that would be included in the legislation, whether it's individual bills or a comprehensive bill, including those three items that hopefully we can pass in a bipartisan fashion.

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I thank the gentleman.

I understand the point he is trying to make.

Mr. HOYER. If I may, I thought I did make the point.

Mr. CANTOR. Well, you may have made the point.

Maybe, Mr. Speaker, what I'm trying to say is that I disagree with the gentleman, that if the provisions dealing with the Keystone pipeline are in the measure that makes it to the floor that we shouldn't join together and do what was done in the past, and that is demonstrate a strong bipartisan vote in support of that project. Because, as the gentleman knows, organized labor in this country is very supportive of that bill, of that provision. It means immediate jobs. The President continues to say he is for creating jobs, doing all we can to get America back to work. This is a provision that allows for that.

We also have seen, Mr. Speaker, in response to the gentleman's concerns about Nebraska and the issues raised by its Governor as well as its State legislature, I believe and am told that there have been many discussions in which an alternative route has been determined, and there is agreement on that to allow for the proceeding of the construction of the pipeline.

Again, knowing that there is strong bipartisan support for the project, knowing that labor is in support of it, knowing that it puts people back to work immediately, it would seem to me that this is a consistent provision to go along with making sure that we deal with the unemployment situation in this country through an extension of the UI provisions—with, hopefully, some reforms—as well as the extension of the payroll tax holiday.

As the gentleman knows, our side is concerned. We don't want taxes to go up on anybody, especially in an economy like this. But again, I hope the gentleman can consider joining us in terms of helping promote an environment for job creation.

Mr. HOYER. I thank the gentleman for his comment.

I will say this, though, it seems inconsistent, when the President of the United States yesterday said he would veto such a provision, that we would include it in legislation that is must pass.

By the way, the unemployment insurance, economists tell us, will provide for 100 times as many jobs; so, therefore, we're for that. Some 500,000 jobs may be affected by extending the unemployment insurance.

In addition to that, I tell my friend, the President has offered a jobs bill. I know that you're concerned about jobs. The pipeline bill, in and of itself, is about 5,000 to 6,000 jobs over the lifetime of the pipeline. The jobs bill, economists tell us, is 1 million jobs, or 200 times as many jobs. Notwithstanding that, very frankly, that has been languishing since September and not brought to this floor.

So it seems to me that, if we are really interested—and I think you are—in extending unemployment insurance and providing for a continued tax cut for middle-income Americans and for providing for the payment of doctors who are serving Medicare patients, that we not include in that bill an item that apparently is popular on your side just because the President doesn't like it, according to Mr. JORDAN.

□ 1500

I think that's not the way we ought to be operating. The last 7 days of the session, or 5 days, 6 days, 7, assuming we went through Sunday, we shouldn't be doing that, I suggest respectfully to my friend, the majority leader, because it will simply put us back into the situation the American public doesn't want us in, and that's confronting one another, playing chicken with one another, bringing us to the precipice of defeat and lack of success.

The public doesn't want us there. We shouldn't want us there. And I would urge the gentleman not to include items, as I have urged you with respect to the appropriation bills that also must be passed. That's not in this list, but you did mention it, of course, in the announcement, Mr. ROGERS and Mr. DICKS have been working hard, and others have been working hard to get our appropriations bills done.

We have urged that we not put controversial items in that, and we showed our good faith on that representation when we passed the minibus, and 165 Democrats joined 135 Republicans to pass that legislation.

So, again, I would urge the gentleman to, if he feels strongly about that, and I know that he feels—he said labor is for that bill. Labor is for that bill. I think I'm for that bill, I want the gentleman to know. So this does not come from my particular opposition to this bill.

I am concerned about the alignment and the aquifer. I think that's a legitimate concern. But I think that that oil is going to be drilled no matter what we do. It seems to me that it's better for us to have it than for others to have it and have that availability.

But having said that, gratuitously putting it into a bill that the President has already said I don't agree with that is simply playing chicken on legislation that's very important.

If the gentleman wants to comment on that, I would be glad to yield to him.

Mr. CANTOR. I'd just say to the gentleman I've already responded to the notion of issues arising in Nebraska that I am told have been resolved, so the issue that he is concerned about has apparently been resolved.

I would say to the gentleman there are 47 Members on his side of the aisle, including five ranking members of committees, that have supported the measure allowing for the construction proceeding on the Keystone pipeline.

There's no gratuitous move here. It's an attempt to try and bring the two sides together on the most important issue, which is creating jobs. This is a provision that I believe has been demonstrated has support on both sides of the aisle.

Again, Mr. Speaker, I would hope the gentleman could refrain from trying to say and impute motives here. We're trying to work in a fashion—open, transparent, together so that we don't come to any kind of end that doesn't produce a result for the people. That's it.

Again, I appreciate the gentleman's sentiments.

Mr. HOYER. I thank the gentleman. I was quoting, not imputing. Mr. JORDAN's comments seem to be pretty clear.

Before we conclude, the STOCK Act, TIM WALZ had a bill that was ready for markup in the committee. We understand that was pulled.

As you know, that bill has 220 cosponsors and is a bipartisan sponsorship. It simply says that Members should not use insider information to trade with, information the general public may not have about legislation that may or may not be reported or passed to the floor. And I understand that was pulled. I think that was unfortunate.

Can the gentleman tell me what the status of that piece of legislation is?

Mr. CANTOR. Sure. Absolutely.

First of all, the issue of insider trading is something that we abhor as well, do not tolerate, and believe that all Members of Congress should fall under the same laws that apply to anyone, and want to make sure that is the case, if it is not.

And transparency is the key because the public needs to know what their Members are doing. We intend to take this issue, make sure that concerns that have been raised by Members on both sides of the aisle are being vetted. This is an issue of extreme import for the confidence of the public towards this institution. We intend to do so in a deliberate manner.

There were issues raised again by Members on both sides of the aisle about this bill not being brought up in a vetted way. There are many other chairmen who have jurisdiction in this matter who need to be involved in this with a full vetting, and we intend to do that. And I do hope the gentleman will work with us in doing so.

Mr. HOYER. I thank the gentleman for his comments.

As he knows, Congressman WALZ has been working hard on this, and I know that he will be very inclined to work with you and with the committees of jurisdiction; and I will certainly be able to work with you as well on this issue because, as I say, Congressman WALZ has worked very hard on this.

I think all of us agree, as you just indicated, that no Member of Congress ought to be using insider information to trade in the stock market to disadvantage, obviously, others who are trading in the stock market. So I thank the gentleman for his comments, look forward to working with him and, again, in closing, hope that we can reach bipartisan agreement on so many major pieces of legislation that we need to pass prior to leaving this.

I will tell the gentleman I hope his side agrees, my side will not want to adjourn, nor will it support adjournment, until such time as we act on the unemployment insurance and the middle class tax cuts.

I yield back the balance of my time.

HOUR OF MEETING ON TOMORROW

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at noon on Monday, December 12, 2011, for morning-hour debate and 2 p.m. for legislative business.

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

There was no objection.

EXTEND THE MIDDLE CLASS TAX CUT

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, I rise today on behalf of Nevada's middle class families. Because of the economic downturn, thousands of Nevadans are struggling to find a job, pay their rent, and put food on their families' tables. They cannot afford a tax increase.

However, Washington gridlock is threatening just that, a massive tax increase on middle class families. Why? Because some Washington Republicans refuse to roll back special tax breaks for Wall Street millionaires in order to pay for a middle class tax cut for 1.2 million Nevadans. That's just not right.

So my message today is this: no holiday vacation for Congress without extending the middle class tax cut. We cannot go home while Nevada families are hurting and desperate for this extension of their payroll tax cuts.

However, that's going to require Washington Republicans to stop protecting Wall Street millionaires and start putting Nevada's families first. The only fair way to achieve this is to roll back special tax breaks for Wall Street millionaires, not slash Medicare benefits, not layoff thousands of people.

It's time to stop putting Wall Street first and before Main Street. Washington ought not go on vacation until we take care of this problem.

CHINA ORGAN HARVESTING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, an article in last Monday's Weekly Standard reveals the systematic execution and harvesting of organs in China's prisons.

The article provides firsthand accounts of the targeted elimination of religious prisoners, prisoners of conscience, and political opponents of the regime. Minorities, including Falun Gong, Uyghurs, House Christians, and Tibetans have been executed, followed by organ transplant surgeries—some being performed while the victims are still alive, numbering in the tens of thousands.

Furthermore, foreign companies are already making investments to benefit off of the thriving organ transplant market. Pharmaceutical companies like Roche and Isotechnika Pharma have been involved in clinical drug testing of transplant patients. A British firm, TFP Ryder Healthcare, is proposing a medical facility that would include an organ transplant center.

Before they follow suit, U.S. companies must understand the unethical climate that exists in China. And our State Department and the U.N. must treat these actions as an abuse of China's international agreements and human rights of their own people.

[From WeeklyStandard.com, Dec. 5, 2011]

THE XINJIANG PROCEDURE

(By Ethan Gutmann)

To figure out what is taking place today in a closed society such as northwest China, sometimes you have to go back a decade, sometimes more.

One clue might be found on a hilltop near southern Guangzhou, on a partly cloudy autumn day in 1991. A small medical team and a young doctor starting a practice in internal medicine had driven up from Sun Yat-sen Medical University in a van modified for surgery. Pulling in on bulldozed earth, they found a small fleet of similar vehicles—clean, white, with smoked glass windows and prominent red crosses on the side. The police had ordered the medical team to stay inside for their safety. Indeed, the view from the side window of lines of ditches—some filled in, others freshly dug—suggested that the hilltop had served as a killing ground for years.

Thirty-six scheduled executions would translate into 72 kidneys and corneas divided among the regional hospitals. Every van contained surgeons who could work fast: 15–30 minutes to extract. Drive back to the hospital. Transplant within six hours. Nothing fancy or experimental; execution would probably ruin the heart.

With the acceleration of Chinese medical expertise over the last decade, organs once considered scraps no longer went to waste. It wasn't public knowledge exactly, but Chinese medical schools taught that many otherwise wicked criminals volunteered their organs as a final penance.

Right after the first shots the van door was thrust open and two men with white surgical coats thrown over their uniforms carried a body in, the head and feet still twitching slightly. The young doctor noted that the wound was on the right side of the chest as he had expected. When body #3 was laid down, he went to work.

Male, 40-ish, Han Chinese. While the other retail organs in the van were slated for the profitable foreigner market, the doctor had seen the paperwork indicating this kidney was tissue-matched for transplant into a 50–year-old Chinese man. Without the transplant, that man would die. With it, the same man would rise miraculously from his hospital bed and go on to have a normal life for 25 years or so. By 2016, given all the anti-tissue-rejection drug advances in China, they could theoretically replace the liver, lungs, or heart—maybe buy that man another 10 to 15 years.

Body #3 had no special characteristics save an angry purple line on the neck. The doctor recognized the forensics. Sometimes the police would twist a wire around a prisoner's throat to prevent him from speaking up in court. The doctor thought it through methodically. Maybe the police didn't want this prisoner to talk because he had been a deranged killer, a thug, or mentally unstable. After all, the Chinese penal system was a daily sausage grinder, executing hardcore criminals on a massive scale. Yes, the young doctor knew the harvesting was wrong. Whatever crime had been committed, it would be nice if the prisoner's body were allowed to rest forever. Yet was his surgical task that different from an obstetrician's? Harvesting was rebirth, harvesting was life, as revolutionary an advance as antibiotics or steroids. Or maybe, he thought, they didn't want this man to talk because he was a political prisoner.

Nineteen years later, in a secure European location, the doctor laid out the puzzle. He asked that I keep his identity a secret. Chinese medical authorities admit that the lion's share of transplant organs originate with executions, but no mainland Chinese doctors, even in exile, will normally speak of performing such surgery. To do so would remind international medical authorities of an issue they would rather avoid—not China's soaring execution rate or the exploitation of criminal organs, but rather the systematic elimination of China's religious and political prisoners. Yet even if this doctor feared consequences to his family and his career, he did not fear embarrassing China, for he was born into an indigenous minority group, the Uighurs.

Every Uighur witness I approached over the course of two years—police, medical, and security personnel scattered across two continents—related compartmentalized fragments of information to me, often through halting translation. They acknowledged the risk to their careers, their families, and, in several cases, their lives. Their testimony reveals not just a procedure evolving to meet the lucrative medical demand for living organs, but the genesis of a wider atrocity.

Behind closed doors, the Uighurs call their vast region in China's northwest corner (bordering on India, Pakistan, Afghanistan, Tajikistan, Kyrgyzstan, Kazakhstan, and Mongolia) East Turkestan. The Uighurs are ethnically Turkic, not East Asian. They are Muslims with a smattering of Christians, and their language is more readily understood in Tashkent than in Beijing. By contrast, Beijing's name for the so-called Autonomous Region, Xinjiang, literally translates as ''new frontier.'' When Mao invaded in 1949,

Han Chinese constituted only 7 percent of the regional population. Following the flood of Communist party administrators, soldiers, shopkeepers, and construction corps, Han Chinese now constitute the majority. The party calculates that Xinjiang will be its top oil and natural gas production center by the end of this century.

To protect this investment, Beijing traditionally depicted all Uighur nationalists—violent rebels and non-violent activists alike—as CIA proxies. Shortly after 9/11, that conspiracy theory was tossed down the memory hole. Suddenly China was, and always has been, at war with al Qaeda-led Uighur terrorists. No matter how transparently opportunistic the switch, the American intelligence community saw an opening for Chinese cooperation in the war on terror, and signaled their acquiescence by allowing Chinese state security personnel into Guantanamo to interrogate Uighur detainees.

While it is difficult to know the strength of the claims of the detainees' actual connections to al Qaeda, the basic facts are these: During the 1990s, when the Chinese drove the Uighur rebel training camps from neighboring countries such as Kazakhstan and Pakistan, some Uighurs fled to Afghanistan where a portion became Taliban soldiers. And yet, if the Chinese government claims that the Uighurs constitute their own Islamic fundamentalist problem, the fact is that I've never met a Uighur woman who won't shake hands or a man who won't have a drink with me. Nor does my Jewish-sounding name appear to make anyone flinch. In one of those vino veritas sessions, I asked a local Uighur leader if he was able to get any sort of assistance from groups such as the Islamic Human Rights Commission (where, as I found during a brief visit to their London offices, veiled women flinch from an extended male hand, drinks are forbidden, and my Jewish surname is a very big deal indeed). ''Useless!'' he snorted, returning to the vodka bottle.

So if Washington's goal is to promote a reformed China, then taking Beijing's word for who is a terrorist is to play into the party's hands.

Xinjiang has long served as the party's illicit laboratory: from the atmospheric nuclear testing in Lop Nur in the mid-sixties (resulting in a significant rise in cancers in Urumqi, Xinjiang's capital) to the more recent creation in the Tarim Desert of what could well be the world's largest labor camp, estimated to hold 50,000 Uighurs, hardcore criminals, and practitioners of Falun Gong. And when it comes to the first organ harvesting of political prisoners, Xinjiang was ground zero.

In 1989, not long after Nijat Abdureyimu turned 20, he graduated from Xinjiang Police School and was assigned to a special police force, Regiment No. 1 of the Urumqi Public Security Bureau. As one of the first Uighurs in a Chinese unit that specialized in ''social security''—essentially squelching threats to the party—Nijat was employed as the good cop in Uighur interrogations, particularly the high-profile cases. I first met Nijat—thin, depressed, and watchful—in a crowded refugee camp on the outskirts of Rome.

Nijat explained to me that he was well aware that his Chinese colleagues kept him under constant surveillance. But Nijat presented the image they liked: the little brother with the guileless smile. By 1994 he had penetrated all of the government's secret bastions: the detention center, its interrogation rooms, and the killing grounds. Along the way, he had witnessed his fair share of torture, executions, even a rape. So his curiosity was in the nature of professional interest when he questioned one of the Chinese cops who came back from an execution shaking his head. According to his colleague, it had been a normal procedure—the unwanted bodies kicked into a trench, the useful corpses hoisted into the harvesting vans, but then he heard something coming from a van, like a man screaming.

''Like someone was still alive?'' Nijat remembers asking. ''What kind of screams?''

''Like from hell.''

Nijat shrugged. The regiment had more than enough sloppiness to go around.

A few months later, three death row prisoners were being transported from detention to execution. Nijat had become friendly with one in particular, a very young man. As Nijat walked alongside, the young man turned to Nijat with eyes like saucers: ''Why did you inject me?''

Nijat hadn't injected him; the medical director had. But the director and some legal officials were watching the exchange, so Nijat lied smoothly: ''It's so you won't feel much pain when they shoot you.''

The young man smiled faintly, and Nijat, sensing that he would never quite forget that look, waited until the execution was over to ask the medical director: ''Why did you inject him?''

''Nijat, if you can transfer to some other section, then go as soon as possible.''

''What do you mean? Doctor, exactly what kind of medicine did you inject him with?'' ''Nijat, do you have any beliefs?''

''Yes. Do you?''

''It was an anticoagulant, Nijat. And maybe we are all going to hell.''

I first met Enver Tohti—a soft-spoken, husky, Buddha of a man—through the informal Uighur network of London. I confess that my first impression was that he was just another emigre living in public housing. But Enver had a secret.

His story began on a Tuesday in June 1995, when he was a general surgeon in an Urumqi hospital. Enver recalled an unusual conversation with his immediate superior, the chief surgeon: ''Enver, we are going to do something exciting. Have you ever done an operation in the field?''

''Not really. What do you want me to do?''

''Get a mobile team together and request an ambulance. Have everyone out front at nine tomorrow.''

On a cloudless Wednesday morning, Enver led two assistants and an anaesthesiologist into an ambulance and followed the chief surgeon's car out of Urumqi going west. The ambulance had a picnic atmosphere until they realized they were entering the Western Mountain police district, which specialized in executing political dissidents. On a dirt road by a steep hill the chief surgeon pulled off, and came back to talk to Enver: ''When you hear a gunshot, drive around the hill.''

''Can you tell us why we are here?''

''Enver, if you don't want to know, don't ask.''

''I want to know.''

''No. You don't want to know.''

The chief surgeon gave him a quick, hard look as he returned to the car. Enver saw that beyond the hill there appeared to be some sort of armed police facility. People were milling about—civilians. Enver half-satirically suggested to the team that perhaps they were family members waiting to collect the body and pay for the bullet, and the team responded with increasingly sick jokes to break the tension. Then they heard a gunshot, possibly a volley, and drove around to the execution field.

Focusing on not making any sudden moves as he followed the chief surgeon's car, Enver never really did get a good look. He briefly registered that there were 10, maybe 20 bodies lying at the base of the hill, but the armed police saw the ambulance and waved him over.

''This one. It's this one.''

Sprawled on the blood-soaked ground was a man, around 30, dressed in navy blue overalls. All convicts were shaved, but this one had long hair.

''That's him. We'll operate on him.''

''Why are we operating?'' Enver protested, feeling for the artery in the man's neck. ''Come on. This man is dead.''

Enver stiffened and corrected himself. ''No. He's not dead.''

''Operate then. Remove the liver and the kidneys. Now! Quick! Be quick!''

Following the chief surgeon's directive, the team loaded the body into the ambulance. Enver felt himself going numb: Just cut the clothes off. Just strap the limbs to the table. Just open the body. He kept making attempts to follow normal procedure—sterilize, minimal exposure, sketch the cut. Enver glanced questioningly at the chief surgeon. ''No anaesthesia,'' said the chief surgeon. ''No life support.''

The anaesthesiologist just stood there, arms folded—like some sort of ignorant peasant, Enver thought. Enver barked at him. ''Why don't you do something?''

''What exactly should I do, Enver? He's already unconscious. If you cut, he's not going to respond.''

But there was a response. As Enver's scalpel went in, the man's chest heaved spasmodically and then curled back again. Enver, a little frantic now, turned to the chief surgeon. ''How far in should I cut?''

''You cut as wide and deep as possible. We are working against time.''

Enver worked fast, not bothering with clamps, cutting with his right hand, moving muscle and soft tissue aside with his left, slowing down only to make sure he excised the kidneys and liver cleanly. Even as Enver stitched the man back up—not internally, there was no point to that anymore, just so the body might look presentable—he sensed the man was still alive. I am a killer, Enver screamed inwardly. He did not dare to look at the face again, just as he imagined a killer would avoid looking at his victim.

The team drove back to Urumqi in silence.

On Thursday, the chief surgeon confronted Enver: ''So. Yesterday. Did anything happen? Yesterday was a usual, normal day. Yes?''

Enver said yes, and it took years for him to understand that live organs had lower rejection rates in the new host, or that the bullet to the chest had—other than that first sickening lurch—acted like some sort of magical anaesthesia. He had done what he could; he had stitched the body back neatly for the family. And 15 years would elapse before Enver revealed what had happened that Wednesday.

As for Nijat, it wasn't until 1996 that he put it together.

It happened just about midnight, well after the cell block lights were turned off. Nijat found himself hanging out in the detention compound's administrative office with the medical director. Following a pause in the conversation, the director, in an odd voice, asked Nijat if he thought the place was haunted.

''Maybe it feels a little weird at night,'' Nijat answered. ''Why do you think that?''

''Because too many people have been killed here. And for all the wrong reasons.''

Nijat finally understood. The anticoagulant. The expensive ''execution meals'' for the regiment following a trip to the killing ground. The plainclothes agents in the cells who persuaded the prisoners to sign statements donating their organs to the state. And now the medical director was confirming it all: Those statements were real. They just didn't take account of the fact that the prisoners would still be alive when they were cut up.

''Nijat, we really are going to hell.''

Nijat nodded, pulled on his beer, and didn't bother to smile.

On February 2, 1997, Bahtiyar Shemshidin began wondering whether he was a policeman in name only. Two years before, the Chinese Public Security Bureau of the Western city of Ghulja recruited Bahtiyar for the drug enforcement division. It was a natural fit because Bahtiyar was tall, good-looking, and exuded effortless Uighur authority. Bahtiyar would ultimately make his way to Canada and freedom, but he had no trouble recalling his initial idealism; back then, Bahtiyar did not see himself as a Chinese collaborator but as an emergency responder.

For several years, heroin addiction had been creeping through the neighborhoods of Ghulja, striking down young Uighurs like a medieval plague. Yet inside the force, Bahtiyar quickly grasped that the Chinese heroin cartel was quietly protected, if not encouraged, by the authorities. Even his recruitment was a bait-and-switch. Instead of sending him after drug dealers, his Chinese superiors ordered him to investigate the Meshrep—a traditional Muslim get-together promoting clean living, sports, and Uighur music and dance. If the Meshrep had flowered like a traditional herbal remedy against the opiate invader, the Chinese authorities read it as a disguised attack on the Chinese state.

In early January 1997, on the eve of Ramadan, the entire Ghulja police force—Uighurs and Chinese alike—were suddenly ordered to surrender their guns ''for inspection.'' Now, almost a month later, the weapons were being released. But Bahtiyar's gun was held back. Bahtiyar went to the Chinese bureaucrat who controlled supplies and asked after it. ''Your gun has a problem,'' Bahtiyar was told.

''When will you fix the problem?''

The bureaucrat shrugged, glanced at his list, and looked up at Bahtiyar with an unblinking stare that said: It is time for you to go. By the end of the day, Bahtiyar got it: Every Chinese officer had a gun. Every Uighur officer's gun had a problem.

Three days later, Bahtiyar understood why. On February 5, approximately 1,000 Uighurs gathered in the center of Ghulja. The day before, the Chinese authorities arrested (and, it was claimed, severely abused) six women, all Muslim teachers, all participants in the Meshrep. The young men came without their winter coats to show they were unarmed, but, planned or unplanned, the Chinese police fired on the demonstrators.

Casualty counts of what is known as the Ghulja incident remain shaky. Bahtiyar recalls internal police estimates of 400 dead, but he didn't see it; all Uighur policemen had been sent to the local jail ''to interrogate prisoners'' and were locked in the compound throughout the crisis. However, Bahtiyar did see Uighurs herded into the compound and thrown naked onto the snow—some bleeding, others with internal injuries. Ghulja's main Uighur clinic was effectively shut down when a squad of Chinese special police arrested 10 of the doctors and destroyed the clinic's ambulance. As the arrests mounted by late April, the jail became hopelessly overcrowded, and Uighur political prisoners were selected for daily executions. On April 24, Bahtiyar's colleagues witnessed the killing of eight political prisoners; what struck them was the presence of doctors in ''special vans for harvesting organs.''

In Europe I spoke with a nurse who worked in a major Ghulja hospital following the incident. Nervously requesting that I provide no personal details, she told me that the hospitals were forbidden to treat Uighur protesters. A doctor who bandaged an arm received a 15-year sentence, while another got 20 years, and hospital staff were told, ''If you treat someone, you will get the same result.'' The separation between the Uighur and Chinese medical personnel deepened: Chinese doctors would stockpile prescriptions rather than allow Uighur medical staff a key to the pharmacy, while Uighur patients were receiving 50 percent of their usual doses. If a Uighur couple had a second child, even if the birth was legally sanctioned, Chinese maternity doctors, she observed, administered an injection (described as an antibiotic) to the infant. The nurse could not recall a single instance of the same injection given to a Chinese baby. Within three days the infant would turn blue and die. Chinese staffers offered a rote explanation to Uighur mothers: Your baby was too weak, your baby could not handle the drug.

Shortly after the Ghulja incident, a young Uighur protester's body returned home from a military hospital. Perhaps the fact that the abdomen was stitched up was just evidence of an autopsy, but it sparked another round of riots. After that, the corpses were wrapped, buried at gunpoint, and Chinese soldiers patrolled the cemeteries (one is not far from the current Urumqi airport). By June, the nurse was pulled into a new case: A young Uighur protester had been arrested and beaten severely. His family paid for his release, only to discover that their son had kidney damage. The family was told to visit a Chinese military hospital in Urumqi where the hospital staff laid it out: One kidney, 30,000 RMB (roughly $4,700). The kidney will be healthy, they were assured, because the transplant was to come from a 21-year-old Uighur male—the same profile as their son. The nurse learned that the ''donor'' was, in fact, a protester.

In the early autumn of 1997, fresh out of a blood-work tour in rural Xinjiang, a young Uighur doctor—let's call him Murat—was pursuing a promising medical career in a large Urumqi hospital. Two years later he was planning his escape to Europe, where I met him some years after.

One day Murat's instructor quietly informed him that five Chinese government officials—big guys, party members—had checked into the hospital with organ problems. Now he had a job for Murat: ''Go to the Urumqi prison. The political wing, not the criminal side. Take blood samples. Small ones. Just to map out the different blood types. That's all you have to do.''

''What about tissue matching?''

''Don't worry about any of that, Murat. We'll handle that later. Just map out the blood types.''

Clutching the authorization, and accompanied by an assistant from the hospital, Murat, slight and bookish, found himself facing approximately 15 prisoners, mostly tough-guy Uighurs in their late twenties. As the first prisoner sat down and saw the needle, the pleading began.

''You are a Uighur like me. Why are you going to hurt me?''

''I'm not going to hurt you. I'm just taking blood.''

At the word ''blood,'' everything collapsed. The men howled and stampeded, the guards screaming and shoving them back into line. The prisoner shrieked that he was innocent. The Chinese guards grabbed his neck and squeezed it hard.

''It's just for your health,'' Murat said evenly, suddenly aware the hospital functionary was probably watching to make sure that Murat wasn't too sympathetic. ''It's just for your health,'' Murat said again and again as he drew blood.

When Murat returned to the hospital, he asked the instructor, ''Were all those prisoners sentenced to death?''

''That's right, Murat, that's right. Yes. Just don't ask any more questions. They are bad people—enemies of the country.''

But Murat kept asking questions, and over time, he learned the drill. Once they found a matching blood type, they would move to tissue matching. Then the political prisoner would get a bullet to the right side of the chest. Murat's instructor would visit the execution site to match up blood samples. The officials would get their organs, rise from their beds, and check out.

Six months later, around the first anniversary of Ghulja, five new officials checked in. The instructor told Murat to go back to the political wing for fresh blood. This time, Murat was told that harvesting political prisoners was normal. A growing export. High volume. The military hospitals are leading the way.

By early 1999, Murat stopped hearing about harvesting political prisoners. Perhaps it was over, he thought.

Yet the Xinjiang procedure spread. By the end of 1999, the Uighur crackdown would be eclipsed by Chinese security's largest-scale action since Mao: the elimination of Falun Gong. By my estimate up to three million Falun Gong practitioners would pass through the Chinese corrections system. Approximately 65,000 would be harvested, hearts still beating, before the 2008 Olympics. An unspecified, significantly smaller, number of House Christians and Tibetans likely met the same fate.

By Holocaust standards these are piddling numbers, so let's be clear: China is not the land of the final solution. But it is the land of the expedient solution. Some will point to recent statements from the Chinese medical establishment admitting the obvious—China's medical environment is not fully ethical—and see progress. Foreign investors suspect that eventually the Chinese might someday—or perhaps have already—abandon organ harvesting in favor of the much more lucrative pharmaceutical and clinical testing industries. The problem with these soothing narratives is that reports, some as recent as one year ago, suggest that the Chinese have not abandoned the Xinjiang procedure.

In July 2009, Urumqi exploded in bloody street riots between Uighurs and Han Chinese. The authorities massed troops in the regional capital, kicked out the Western journalists, shut down the Internet, and, over the next six months, quietly, mostly at night, rounded up Uighur males by the thousands. According to information leaked by Uighurs held in captivity, some prisoners were given physical examinations aimed solely at assessing the health of their retail organs. The signals may be faint, but they are consistent, and the conclusion is inescapable: China, a state rapidly approaching superpower status, has not just committed human rights abuses—that's old news—but has, for over a decade, perverted the most trusted area of human expertise into performing what is, in the legal parlance of human rights, targeted elimination of a specific group.

Yet Nijat sits in refugee limbo in Neuchatel, Switzerland, waiting for a country to offer him asylum. He confessed to me. He confessed to others. But in a world eager not to offend China, no state wants his confession. Enver made his way to an obscure seminar hosted by the House of Commons on Chinese human rights. When the MPs opened the floor to questions, Enver found himself standing up and speaking, for the first time, of killing a man. I took notes, but no British MP or their staffers could be bothered to take Enver's number.

The implications are clear enough. Nothing but self-determination for the Uighurs

can suffice. The Uighurs, numbering 13 million, are few, but they are also desperate. They may fight. War may come. On that day, as diplomats across the globe call for dialogue with Beijing, may every nation look to its origins and its conscience. For my part, if my Jewish-sounding name tells me anything, it is this: The dead may never be fully avenged, but no people can accept being fatally exploited forever.

□ 1510

YUCCA MOUNTAIN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHIMKUS. Mr. Speaker, it's great to get a chance to come back down to the floor to visit with my colleagues and talk about an issue that I've been raising seven or eight weeks in a row. I'll have a little more extended time to go over what has transpired over the past 6 to 7 months, and that's that this country really needs to address this high-level nuclear waste problem in this country.

I'm glad to be joined with some of my colleagues who I'll yield to in a couple of minutes.

But just to start in a synopsis, based upon the parts of the country that we visited, for us to move past the logjam that's in the other body, we have to find 60 Senators who will vote to move forward what we know is Federal law. The Nuclear Waste Policy Act of 1982 recognized and determined that Yucca Mountain would be the national repository for high-level nuclear waste.

I think a lot of folks would say, well, so if it's a law, why aren't we there? Well, the reason we're not there now is because the majority leader of the Senate has blocked it, along with the President of the United States.

This time is being spent to help educate the American public, Mr. Speaker, on where is the high level nuclear waste, what communities, what States are affected, and what Senators should be held somewhat accountable for the positions they take as far as high-level nuclear waste?

On the chart to my far left, throughout this last half a year, we need 60 votes. We've got at least 27 Senators who we know already support this based upon votes or public statements. We have eight that really have not had a chance to address this by a vote or haven't made a public statement on it yet. And we have seven ''nays'' or seven ''no'' votes.

With that, just because I appreciate my colleagues taking time out, I would like to first yield to my colleague from the State of Illinois, no disrespect to my colleague from the State of Georgia, to go into a discussion about one of the areas that we addressed, one of the first sites we talked about. I figured I'd better come forward and talk about my own State. If I'm going to talk about other States, I better talk about my own State, the State of Illinois.

In the State of Illinois, 50 percent of our electricity is generated by nuclear power. We're one of the biggest nuclear power States in the country. We picked a facility that's actually closed, which is Zion Power Plant.

With that, I'd yield to my colleague, Mr. DOLD, to kind of talk about Zion, the State of Illinois, and its location.

Mr. DOLD. I want to thank the gentleman for yielding and certainly for taking this issue up, which I think is so very, very critical not only for just the State of Illinois but for facilities all across the country as we look at how we can best store the used material from the nuclear facilities—the spent fuel rods, more specifically.

If you'll notice here in Zion, which is just north of the district but certainly affects the district just north of Chicago and the 10th district which I represent, it's right on the shores of Lake Michigan. The Great Lakes, 95 percent of all fresh surface water in the United States is from the Great Lakes.

When we look at the amount of drinking water that the State of Illinois uses, it's an enormous percentage. It's coming from the Great Lakes. Yet, in our infinite wisdom we've decided that we want to store the fuel rods just a sheer several hundred feet from the shores of Lake Michigan, 5 feet above the water table.

If we take a look at Yucca Mountain, the reason why Yucca Mountain was chosen was Yucca Mountain is uniquely suited as the premier place. If we were to store any place spent fuel rods, this would be the ideal location. A thousand feet below the ground. A thousand feet above the water table. A very dry, arid environment. And correct me if I'm wrong: Where are the nearest inhabitants of Yucca Mountain? Is it 100 miles?

Mr. SHIMKUS. The city of Las Vegas, which is the major metropolitan area, is a hundred miles from Yucca Mountain.

What people have a hard time understanding about the nuclear test area, this is where the nuclear test site was. The Federal Government owns numerous parcels of land around Yucca Mountain. The communities right outside the reservation—and I think the whole test site area is like the size of New Hampshire—but the communities, what's interesting about this debate, the communities right outside the gate are fully supportive of Yucca Mountain being the repository for high-level nuclear waste. And why do I know that? Because I visited them. I've been in their communities. I went to the community center. They welcomed me, and we talked about how this was important for the country and their local communities.

Mr. DOLD. This is absolutely critical for the country. When we look at just the State of Illinois, the State of Illinois has got 13 commercial reactors at seven sites across the State of Illinois. Our neighbors to the north have three commercial reactors operating on two different sites, both of those on Lake Michigan.

So when we look at the 8.5 million people that rely on the drinking water, much less the recreation, the fishing, all of the different forms of commerce that happen on our Great Lakes, this is something that I think is critical.

The Senators from both the State of Illinois and the State of Wisconsin have all been in favor of trying to utilize this facility out at Yucca Mountain, and it just makes sense.

Why would we want to store, Mr. Speaker, over a thousand metric tons of nuclear waste hundreds of feet away from the greatest source of fresh surface water in our Nation? It is indeed the jewel of our ecosystem. This is something that we need to protect, something that we need to have a long-term vision for.

Yet what we don't need to do is have scattered sites all across our country of nuclear waste that has a greater potential for disasters to happen. They're being stored right now in casks that are about 5 feet above the ground water, above the water table, and what we'd like to do is take it a thousand feet above the water table, a thousand feet below ground.

This is something that makes absolutely perfect sense, and I welcome the gentleman's colloquy in terms of talking about not only this site, and I thank you for bringing it up week after week, trying to make sure that we try and get through to our colleagues on the other side of the building to make sure they can move this commonsense piece of legislation forward.

How much have we spent already at Yucca Mountain? I think it's in the $14 billion range.

Mr. SHIMKUS. My colleague is correct. We've already spent about $14.5 billion dollars in the research, the development, the exploration, the testing. A lot of money, time, effort, and some of our greatest minds have been involved.

I don't really think you have to be one of the greatest minds. The point I always say is, common sense says in the desert underneath a mountain. Isn't that where you would want high-level nuclear waste versus right off the shore of Lake Michigan?

Mr. DOLD. It seems certainly like common sense to me, and I certainly applaud the gentleman's efforts and thank you for giving me the time. I just want to make sure that this isn't just important for the folks in the State in Illinois and the folks in Wisconsin, and the people in Michigan that are surrounding the Great Lakes, and specifically Lake Michigan; it's all the Great Lakes. And it's not just in Illinois. There are nuclear power facilities all across the country.

We need to have a safe, secure way to be able to store these spent fuel rods, and I think Yucca Mountain has been

proven to be the place to do it. And I think we should move forward on it.

Mr. SHIMKUS. Can you tell me the disposition of what's going on with the Zion Power Plant? What's going on there right now?

Mr. DOLD. The Zion Power Plant has actually been decommissioned at this point in time. So right now they are putting it in mothballs, they are taking the spent fuel rods, they're in casks, they are being transported to a location that's on the site. It's just literally a few hundred feet away from the beaches there, and probably about 20 to 30 miles north of the city of Chicago.

This is not the place that we want to be storing spent fuel rods.

Zion was a great source of electricity for the people around the area and has been decommissioned over the last 2 years. So it is now sitting idle, and they're trying to go through the process of dismantling it.

□ 1520

Mr. SHIMKUS. Yes. I think I briefly tried to show this article from The Salt Lake Tribune, dated December 8, which talks about some of the reactor parts that are going to go out to Utah.

What the article ends up saying is:

The site will not, however, take the Illinois plant's used fuel rods. The United States currently has no site to dispose of spent fuel from commercial reactors, a form of high-level nuclear waste.

So if we don't have a location, where is that high-level nuclear waste, the spent fuel, going to remain?

MR. DOLD. It's going to remain, seriously, right in the middle of a high-population area and hundreds of feet away from the jewel of our ecosystem—in the Great Lakes, in Lake Michigan. It's the wrong place for it to be. Common sense would say to move it out to a place, to a location, just like Yucca Mountain; $14 billion of research and dollars have gone into the site. Let's put it 1,000 feet below the ground, 1,000 feet above the water table, in an arid environment. It's absolutely perfect for it. It's something that we should move forward on. It's in the best interest and safety of the American public to do something along these lines.

Mr. SHIMKUS. I'm told that Zion is, what, 40 miles from downtown Chicago.

Mr. DOLD. It's 40 miles from downtown Chicago. So, obviously, in the greater Chicago area, you probably have about 6.5 to 7 million people. It's certainly not what we want to have in terms of this nuclear waste disposal.

Mr. SHIMKUS. The reason this is important is, unfortunately, due to Fukushima Daiichi in Japan, which is a great tragedy. A lot of people think about the containment issue, which has always been the fear. Part of the Fukushima Daiichi problem was the spent fuel in the pools, which might be a bigger environmental disaster based upon things that cannot be planned. That's why we continue to push this.

I appreciate my colleague for coming down.

Mr. DOLD. I thank the gentleman for allowing me to have some time with you today and, again, for talking about this very important issue.

Mr. SHIMKUS. Now I'm going to turn to my colleague from Georgia, who also serves with me on the Energy and Commerce Committee. We have jurisdiction over this. My subcommittee is the Environment and the Economy. I deal with a lot of these waste disposal issues, nuclear waste being one of those.

My colleague from Georgia has followed this issue as long as I have. The last time I came to the floor, I mentioned a couple facilities in Georgia, but the one that I have highlighted is the Savannah River. As I finish, I'll get this picture up to my colleague.

But the point we're trying to make today is that here you have Yucca Mountain, which is a mountain in a desert. Then you have nuclear waste all over this country. Look at this one. It's right next to the Savannah River. At Yucca Mountain, we have no nuclear waste on site. At the Savannah River, there are 6,300 canisters of waste on site. The waste would be stored, as my colleague BOB DOLD said, 1,000 feet underground; whereas, at the Savannah River, it's stored right below the ground. At Yucca Mountain, it's 1,000 feet above the water table. At the Savannah River, it would be zero to 160 feet above the water table. The waste at Yucca Mountain is 100 miles from the Colorado River. Well, you can see that it's adjacent to the Savannah River.

So I appreciate the gentleman from Georgia, Congressman GINGREY, for joining me; and I yield to him to enter into the colloquy.

Mr. GINGREY of Georgia. Mr. Speaker, I am glad to join my colleague from Illinois, the chairman of the Environment and the Economy Subcommittee on the Committee of Energy and Commerce, on this very important subject.

Our colleagues from Illinois specifically pointed out the existing situation in their State in regard to these nuclear reactor sites in Illinois and what they do with spent nuclear fuel.

The poster that the gentleman has presented in regard to my great State and my neighboring State of South Carolina as to what we're faced with is equally as telling. I think it might be instructive, Mr. Speaker, if I go back and take a walk down memory lane just a little bit in regard to my background.

When I was growing up in North Augusta, South Carolina, this central Savannah River area, which includes the southern part, if you will, or the western part of South Carolina and the eastern part of Georgia, is separated by the Savannah River. There was a facility built on the South Carolina side in a town called Ellington, South Carolina, back in 1950. I hate to tell my age, but I was 7 or 8 at the time. Mr. Speaker, my parents owned a little motel on the river, and they very insightfully named the mom-and-pop, 25-unit motel the Riviera Motel.

During the construction of this nuclear plant, there were 50,000 construction workers involved in constructing that facility for 3 years. Every evening when the Sun went down, I can't tell you how happy my parents were to turn on that ''no vacancy'' sign at the Riviera Motel, because all of these workers stayed with us. We didn't get rich; they were only paying $8 a night. It's just to point out the importance of jobs in the nuclear industry and the capability of expanding our employment sector in this particular lane of energy.

In this country right now, today, I'm told that we produce about 20 percent of our electricity from nuclear power. In the State of Georgia, it's 24 percent. It's not much higher. We have two sites and four reactors. We're in the process of adding two more right on the Savannah River, as the gentleman from Illinois points out, at Plant Vogtle; and, hopefully, we'll get that done.

The problem, which the gentleman is bringing before all of our colleagues—and hopefully to a lot of other folks who are viewing or listening—is: Why is it for the last 30 years we have had no new nuclear sites? We've literally had a moratorium. You have about 103 across the country—those in Illinois, those in Georgia—and what are they doing with this spent nuclear fuel? It is either shallow, underground in pool tanks, not very much above the water table or—even worse—it's aboveground in these concrete and steel containers. Talk about the risk of a terrorist attack in a radiation release.

So the gentleman was so generous to ask me to join him in this colloquy about the issue. I'm looking forward to continuing, as I yield back to him, to discuss the real problem here of what to do with that spent fuel.

Mr. SHIMKUS. Again, I appreciate your joining me today.

I want to quote from a Chicago Tribune editorial of March 19. I'll just read three short paragraphs:

''Here's why that is potentially a bigger problem than a meltdown: In the Japanese reactors, as in many U.S. reactors, the spent fuel is housed in large water-filled pools in the reactor building but outside the concrete-and-steel fortress that surrounds the reactor core.

''If the core melts down, any radiation released is likely to be partly bottled up by the containment vessel.

''Not so for the spent fuel pools, which often contain far more radioactive material than in the reactor. If the water that keeps those rods cool drains or boils away, the used fuel can catch fire. Result: A dangerous plume of extremely high radioactivity spewed into the air.

''Obvious question: Why do nuclear plants store spent fuel that way?

''Obvious answer in the U.S.: Yucca Mountain isn't open. In the 1980s, the

Federal Government launched plans to ship nuclear waste to a storage lair carved into the mountain in Nevada and let it slowly and harmlessly decay.''

So there are benefits to nuclear power. If you're a climate change person and if you don't want carbon dioxide and if you still want a lot of electricity for us to use in all of our new technology, you'll have to have a generator. Yet, in this case, it's the used fuel. It is properly stored, but it would be better stored in a single repository underneath a mountain in the desert for all of those reasons.

□ 1530

You're talking about four reactors right now in Georgia; two more coming online, that's six; Illinois has 11. There are over 104 across this whole country and, of course, we spent our time talking about the used nuclear fuel from the industry.

But when I started this debate about what do we do with high-level nuclear waste, I started with a DOE facility that goes back to World War II and the development of the nuclear bomb and the Fat Man bomb, which was built at Hanford, Washington. And all that waste, going all the way back to World War II, is in Hanford. And there are 53 million gallons of nuclear waste on site, buried right off the surface of the ground in tanks that are 750,000 to a million gallons each. Only about 40 of them—there is over 100. Only about 40 of them are double-lined. That means the rest are not. Some are leaking.

Mr. GINGREY of Georgia. Will the gentleman yield?

Mr. SHIMKUS. I yield to the gentleman.

Mr. GINGREY of Georgia. And the question of who is responsible in Hanford or Barnwell, South Carolina, or New Ellington to guard and protect, a tremendous burden on the States. But even if the Department of Homeland Security—maybe they do some oversight and protection of these sites. But 103 different sites across the country, how much simpler, how much safer, how much cheaper if they had one site to protect, that being 100 miles from Las Vegas at Yucca Mountain?

Mr. SHIMKUS. Continuing to speak on this issue of just looking at it, to kind of get away from just the nuclear generating profit sector, to address our responsibility as stewards of a program that was developed to stop World War II and then eventually remedy these environments that had an environmental impact.

Yucca Mountain, the waste storage plan for Hanford—and I've just toured it this year. The plan to gather up, deliquify, reprocess, put it in these canisters is designed to go to one location. Do you know what that location is? That location is Yucca Mountain.

So our failure to move forward, or our failure—actually, the other Chamber's failure, the leader of the Senate's failure, the President of the United States' failure, just tells Washington State what? Guess what. You've got this high-level nuclear waste that's leaking, that's close to the Columbia River, and just deal with it. Just deal with it.

I find that unacceptable after, as my colleague from Illinois said, $14.5 billion we've spent to prepare this site at Yucca Mountain only to have it stopped for political purposes.

Mr. GINGREY of Georgia. Well, if the gentleman will yield to me again, and I appreciate the opportunity to discuss this, because what year did we commission a group to study—and there were a number of potential sites for permanent storage from all these 103 facilities—one unified central site?

I'm relatively sure—the gentleman could correct me if I am wrong, but it was at least a 5-year process before it was settled in 1987 and Congress at that time designated Yucca Mountain as the sole site for permanent high-level nuclear waste repository after years of contentious applications.

So this is set in law, is it not?

Mr. SHIMKUS. The Nuclear Waste Policy Act of 1982 established Yucca Mountain as the national repository for high-level nuclear waste. And, again, for the educational purposes, Mr. Speaker, that is spent fuel. Sometimes it's spent nuclear waste from our Department of Defense, now controlled by the Department of Energy sites like Hanford.

Our argument is: Let's consolidate this waste safely, securely at one location so that, as my colleague from Georgia says, we can more safely, I think, effectively, I think, efficiently, I think, cost effectively manage, protect, and eventually try to remediate some of the damage that's been done over decades because of this high-level nuclear waste being located all over the country.

I yield to the gentleman.

Mr. GINGREY of Georgia. I have had the opportunity, as a Member of Congress, and particularly as a member of the Energy and Commerce Committee, Mr. Speaker, to travel to France and Scandinavia recently to look at their nuclear facility but, in particular, their ability to reprocess in France and their ability to store in Scandinavia.

We have described a little bit about the physiognomy, if you will, of the Yucca Mountain area, the nuclear test site, that arid desert of northern Nevada; and they have, in Scandinavia, developed a laboratory. I think they call it The Clad. But it is literally 1,400 meters below ground in bedrock, and you could drive 18-wheel trucks down to something like 2 miles deep in the ground where their spent nuclear fuel is stored. And that's the model, and that's really what we are looking at and planning for at Yucca Mountain. Nothing, really, nothing could be safer in regard to storage.

The other thing is, while we were in France, we looked at a facility where they take that spent fuel, Mr. Speaker, and they reprocess it. So at some point in the future, we decide and we have the technology to do that, that source of spent nuclear fuel that's stored in Yucca Mountain could be used to recycle and to get more energy out of this spent nuclear fuel.

It's beyond me how a President, by Executive order, can stop the will of Congress. And maybe we ought to talk about that in regard to things like the Keystone energy pipeline and expand this discussion a little further.

Mr. SHIMKUS. Again, I thank my friend from Georgia for helping out on the Special Order and just addressing the issue of recycling. What do we do? Because those of us who follow the nuclear fuel cycle, most people want it closed. And how do you get it closed? You get it closed by getting as much energy out of the fuel rods as you can. You do that by reprocessing. But it would make sense that if there was someone who is going to attempt to do that, that the nuclear fuel would be close by.

There's probably some discussions about if we were going to have a reprocessing facility sometime in this country like France, where would you locate it? Where would it be situated? I mean, I am just a layman in this debate, but I think you would want it close by where the nuclear material is, the material that you want to use to reprocess, to create fuel.

I can't speak for the entire body. I do know that the House spoke on Yucca Mountain and bringing a finality to this—297 Members voted to ensure that we had the final dollars to do the final scientific study to move this process forward. And in that debate, it just showed that the will of the House was supportive and this is bipartisan. I mean, we don't have 297—or whatever the number is—Members who are just Republicans. We have 242. That means we brought a lot of our colleagues from the other side on this debate. Some of those really believe that the future is reprocessing and that we ought to be exploring that, and it's much better to have them located where you can recover that material.

□ 1540

If my colleague from Georgia wouldn't mind, we are joined by another colleague from Illinois. People wonder why we take up this cause. It's because we're a big nuclear State. It's about 50 percent of our electricity generation. I do a lot of coal. Coal is very important to me, but we are a nuclear power State which means we have a lot of sites, a lot of reactors, and we have a lot of nuclear waste.

So I yield to my colleague and thank him for coming down.

Mr. KINZINGER of Illinois. I thank my colleague from Illinois. I just want to say thank you for your leadership on this issue, among many other things. This is an issue that is very important. It is important not just for the country. It is important for my State, and

it's important for my district. The 11th District of Illinois is kind of north central Illinois. It's a beautiful place. Come spend money there sometime.

But we have three nuclear power plants there. In fact, at each nuclear power plant of course there is stored nuclear waste on site. And then we also have an area that was intended to be early on, the original site of what was going to be nuclear reprocessing in this country, and now it is really just a pool with stored nuclear waste in it.

So in one district—I think there's 131 locations across the country where we are storing this nuclear waste, and in my district alone we have four of those. So this is an issue that is very important not just to the people of Illinois, the people of the 11th District, but mainly to the people of this country.

I mean, Yucca Mountain, the fund was created for this sole purpose of finding a place, a safe place, a safe alternative to store nuclear waste.

Now, going back to the very beginning part of the debate as to why do we need nuclear power, I think we have addressed that. I think most Americans are on board with the understanding that it is good, clean power. It provides a lot of great jobs. I have toured some of the plants in my district, and I can tell you they are good, high-paying American jobs. They take us on that road to energy independence. So understanding then that we need nuclear power and understanding that nuclear power plays an important role, we have to talk about the unfortunate side of it, which is the storage.

Yucca Mountain has been, or was being, created until it was zeroed out for the purpose of storing all of this waste; and it just makes sense. You know, regardless of whether we build the nuclear reactors or reprocess them, we have to store this somewhere. Now here's the question, though. If Yucca Mountain is technologically unable to store this fuel, then I would think the NRC, the Nuclear Regulatory Commission, needs to come out and tell us it's technologically insufficient and show us why.

But they're not doing that because the truth is technologically it's almost perfect, as far as something like this would go. But the chairman of the NRC has turned this into not necessarily what's the right thing to do for the industry, what's the right thing to do for the country, but what's the political thing to do, and turned the commission into a political commission.

When you talk about this and when you talk about the safety of our country, I think for something very basic like this, and I think it is very evident, I think we should take politics out of that. And I would think all of my colleagues joining me today would agree this doesn't need to be a political issue. We need to have the NRC free of the political manipulations; and only President Obama, frankly, can determine the fate of the chairman. I hope he takes that into account. I hope he takes into account what's the right thing to do for this country in the long run.

So we have great jobs here. We have a need for nuclear power. Let's just complete the puzzle, and let's put this stuff at Yucca Mountain.

Mr. SHIMKUS. If my colleague would continue to discuss this for a few minutes, you mentioned a fund in your kind of opening statement. For the benefit of the Speaker, could you explain where this fund comes from and who is paying into it and what is it designed to do and what's going on with it right now.

Mr. KINZINGER of Illinois. Look, if you pay for any kind of nuclear power, ratepayers pay for this fund.

Mr. SHIMKUS. So you have constituents who have been paying into this fund?

Mr. KINZINGER of Illinois. Sure. And paying for a long time. Let me add, for every year we delay opening—Yucca Mountain is not going away; it doesn't disappear off the face of the Earth—for every year we delay, it's costing us half a billion dollars more than what it's ultimately going to cost.

So my constituents, your constituents, anybody who uses any aspect of nuclear power, which is almost everybody, has been paying for this. This isn't some giant expenditure we're going to have to make out of the general fund when we don't have any money. This is already being funded. It's already being paid for. It only makes sense. I think the colleagues that are joining me here today will say the same thing: this just makes sense.

Mr. SHIMKUS. And part of this debate about the nuclear waste and where it's stored and the nuclear waste fund has been litigated in Federal court, and the courts have said it is the responsibility of the national government to take this waste as part of the law, complying with the law. Obviously, we have no place to take it. So we end up having the utility store the high-level nuclear waste on site; and some of them, some have not asked us yet, some of them we are actually paying to hold the waste that we're supposed to be holding.

Mr. KINZINGER of Illinois. If my colleague wouldn't mind, and you mentioned it just a few minutes ago, this idea passed this body with a large majority. That to me seems like this is the will of the American people. It's not just some agenda or some crazy pie-in-the-sky idea. This is the will of the American people, and it's the responsibility of us to ensure that we're being safe. I mean, it just seems very basic to me, and so I'm having a hard time figuring out how and why politics has come into play on this. I think this is a debate we solved decades ago. But nonetheless, out in Washington, D.C., nothing surprises me in the 10 months I've been out here.

Mr. GINGREY of Georgia. If the subcommittee chair from Illinois would yield to me, if the gentleman from the 11th of Illinois lets the gentleman from the 11th of Georgia be somewhat instructive in regard to the politics, because that pure and simple is what it is. Of course comments were made in regard to the chairman of the Nuclear Regulatory Commission.

But the fact is that it is the Secretary of Energy, it's the Secretary of Energy. This Secretary of Energy, a Nobel Laureate in nuclear physics who was essentially told by this administration to tell the Nuclear Regulatory Commission that he was requesting that the license application for Yucca Mountain be withdrawn from the NRC, taken out of their hands, the licensing process stopped with prejudice.

Now, I'm not a lawyer, but if there are any lawyers in the body, they understand when you withdraw something with prejudice, that means you can't bring it back up. So this $14 billion that has been taken out of the ratepayers from the 50 States, or at least where these 103 reactors exist, they are paying for this. And yet this political pressure on a gentleman who's got to be much, much smarter than any of us, a Nobel Laureate in nuclear physics; if I were him, as soon as that word came down to me and I got the memo from the White House, I would immediately resign over righteous indignation.

Mr. KINZINGER of Illinois. If I can just say quickly on that point, Aby Mohseni, acting director for licensing and inspections at the NRC, made this remark: ''Some senior managers contributed to the manipulation of the budget process and information to apparently make sure that the Yucca Mountain project would be left unfunded even if the license application was still before the NRC. We were unprepared for the political pressures and manipulations of our scientific and licensing processes that would come with the appointment of Chairman Jaczko in 2009.''

Mr. GINGREY of Georgia. But, fortunately, if I might interject, the board of the NRC rejected that, rejected what he recommended.

Mr. SHIMKUS. Reclaiming my time, I would kind of close this circle, Mr. Speaker, reminding folks that the chairman of the NRC, Mr. Jaczko, used to work for now-majority leader in the Senate, HARRY REID. And it's the majority leader in the Senate that is blocking the funding for the final scientific analysis, and it is the chairman of the NRC who used to work for the majority leader who is complicit in this plan to shut down an investment of this country of $14.5 billion to comply with Federal law that we passed in 1982.

Now, in 1982 I was serving my country as an Army lieutenant in West Germany before the Wall came down. That's a long time ago. This has been the policy of this country for decades. And to have one man, one majority leader of the Senate, put a halt to that,

that's why we're down here, because he has raised this to a political debate, not a scientific debate.

□ 1550

And because it's a political debate, what I'm attempting to do over a series of weeks is go around the country and just identify where is high-level nuclear waste stored, and would it be better for that waste to be stored underneath a mountain in a desert, the most investigated piece of property on the history of this Earth. There is no piece of property that has been more studied than Yucca Mountain anywhere on the face of this Earth.

So I know this is hard for some folks to see. We're doing a tally as we go around the country to look at, where are the votes? And we have 27 people, bipartisan, who have said this is where it should go from Washington State; of course, Illinois and Wisconsin, Georgia, South Carolina, Arizona, Idaho, Utah, Wyoming, Maine, Vermont, Florida, Alabama, Mississippi, and Louisiana. We have new Senators who have not had an opportunity to publicly either make a statement on it or cast a vote. They're in the middle. We have 27 ''yes,'' 8 unknown. We're going to give them the benefit of the doubt. MERKLEY. FEINSTEIN was a ''no'' but Fukushima Daiichi and the two nuclear power plants that are on the Pacific Ocean in California and the high-level nuclear waste that's stored in ponds have her in a quandary based upon the representation of that State.

TESTER of Montana, unknown; LEE of Utah; BROWN of Massachusetts; AYOTTE of New Hampshire; SHAHEEN of New Hampshire; WICKER of Mississippi.

Bona fide ''noes'': REID of Nevada, HELLER of Nevada, CANTWELL of Washington, BOXER of California, BAUCUS of Montana, KERRY of Massachusetts, and SANDERS of Vermont.

So it's a chance to use the bully pulpit and my position as chairman of the subcommittee to help educate not only the floor, my colleagues, the Speaker, those who are following us, that there's got to be a better way to store high-level nuclear waste than in pools next to Lake Michigan, next to the Savannah River, next to the Pacific Ocean. Surely, there's a better place. And we know there is.

Thirty years of study and research—Federal law says Yucca Mountain in the desert underneath a mountain is probably as good a place as you're going to find, at least in the United States.

Mr. KINZINGER of Illinois. If the gentleman would grant me just a moment. When you said there's a mountain in the desert, or there's I think 131 locations as it exists today, I can tell you I have four of those locations in the 11th District in Illinois. I believe nuclear power is safe, effective, cheap, efficient. But right now there's four nuclear storage waste facilities in the district. That's by the Midewin Tallgrass Prairie. That's by populated areas and towns.

There are a lot of big issues going on in Washington, and this probably isn't at the top of people's priorities, but I would encourage anybody that's watching us right now who sees their senator's name on that board you had up earlier and says, Hey, my senator is a ''yea,'' call and say, Thank you. Encourage that senator if they're unsure. If they have the three yellow question marks, probably call that senator and say, Hey, I really would like to get you onboard with safe nuclear storage. And if they're a ''nay,'' please call them twice. Because we react to what we hear. And if the American people want safe storage—and I know they do—then this is the right alternative.

Mr. SHIMKUS. I appreciate, again, my colleague for coming down for this hour of discussion on really what should be the national policy on high-level nuclear waste in this country.

I didn't get a chance to go through all the areas but I'm going to end with Yucca Mountain versus the San Onofre Nuclear Generation Station between L.A. and San Diego. This is one of the ones I'm talking about. How much nuclear waste is in the desert underneath the mountain? None. How much is on the Pacific Ocean right on the coastline? There's the photo. That's 2,300 waste rods on site. The waste would be stored a thousand feet underground at Yucca. The waste is stored above the ground in pools right on the shoreline of the Pacific Ocean. The waste would be a thousand feet above the water table here. Of course, as you can see from the photo, the waste is right next to the Pacific Ocean. The waste at Yucca Mountain would be a hundred miles from the Colorado River. Again, you can see the waves breaking almost right up to the nuclear generating station between LA and San Diego.

I've gone to Massachusetts. I should have talked about Florida today. I've talked about Illinois. DOE locations like Washington State. There's a lot of nuclear waste defined differently all over this country. Let's do the correct public policy and get it at a single repository in the desert underneath a mountain.

With that, Mr. Speaker, I appreciate your diligence, and I yield back the balance of my time.

CONGRESSIONAL PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the minority leader.

Mr. ELLISON. My name is KEITH ELLISON. I am the cochair of the Progressive Caucus and a Member of Congress from the great State of Minnesota. I'm here claiming time to speak on behalf of the Congressional Progressive Caucus.

The Congressional Progressive Caucus, Mr. Speaker, is 77 members in the United States Congress who believe that when we say the Pledge of Allegiance and we say liberty and justice for all, that means all—all means blacks, whites, Latinos, Asians, straight, gays, the senior citizens and the youngest among us, people with disabilities and people who are able-bodied. It means the great mass of American people included in ''in liberty and justice for all.''

The Progressive Caucus believes in economic justice. We believe in civil rights and human rights for all people. We believe that public employees are valuable to our society, and we honor and respect the services that they give to us. We believe that America, with our awesome military power, should use that power to promote peace in the world. We are the ones who called for the U.S. to not go into Iraq. When we went in there, we were the ones to push to get us out. We are the ones who are raising the issues around Afghanistan. And we'll continue to argue the case for diplomacy and for development and to make friends with the world, to be a good member of the international community in the United Nations and under international bodies.

We're not the ones who believe that the world is a scary, dangerous place and we've got to jack up the military as much as we can. We're not the ones who think that the rich don't have enough money and the poor have too much. We're not the people who believe in dividing Americans based on culture and color and gender and urban versus rural. We believe in unifying Americans and having equal rights for all people.

Yes, we are liberal, and we are proud of it. We're the Progressive Caucus.

Today, Mr. Speaker, I'm here to deliver the Progressive message. The Progressive message is what we're talking about today. The topic I'm going to address, Mr. Speaker, is going to be jobs in this American economy.

Today, Mr. Speaker, we want to speak as bipartisan as we can, but there's no question that the arguments that we have in Congress have a partisan tone. Therefore, for us to sit up here and say we're all just getting along here in Congress and we don't have a different point of view would be not exactly being straight with the American people.

□ 1600

So we're going to say that the debates that we have been having in the House of Representatives have to do with those of us who believe that we as Americans need to live in harmony with the planet, need to try to cut down our carbon footprint, need to try to diminish pollution. And those others of us—mostly on the Republican side of the aisle—who make the case that, for the sake of industry, we have to sacrifice our health, our lungs, our good clean environment, they're making that case.

We're trying to ask Americans to look carefully at the different programs that are being offered on this House floor and to make a decision: Do you believe that we have a responsibility to the poor? The Progressive Caucus does.

Do you believe that public employees and government brings quality and improves the quality of life for Americans? Not all the time. Government needs to be refined like everybody. But the Republicans and conservatives in this House who make the case that government is the problem, we wholeheartedly reject that point of view. That is wrong. We believe in a mixed economy, where the private sector and the public sector exist to benefit the American people in general.

So we're here to talk about these things tonight, and we're here to lay it on the table so that Americans of all backgrounds, all colors, all cultures, all faiths can make decisions about what kind of America they want. Because there are clearly two different visions of what America is about being offered on this House floor every day for the last year and for the next year, and I think Americans should be able to say, I think this is the kind of America I want. And others who think that rich people don't have enough money and poor people have too much, they can support the Republican program.

Mr. Speaker, I want to talk a little bit about jobs tonight; and, therefore, I just want to make the case that, again, I don't think it's a good idea to always draw the partisan divide, but I think it is important to be honest. And my Republican colleagues just have not—even though they're the majority—have not introduced a single bill for jobs this whole time they've been in the majority.

They will say, Oh, yes, we've brought jobs. We had jobs bills. We had jobs bills. Didn't you see us cutting the EPA?

That's not a jobs bill.

Didn't you see us trying to let cement companies be able to emit more pollution in the air?

That's not a jobs bill.

Didn't you see us trying to let coal companies, electric coal companies be able to put more emissions in the air?

That's not a job bill. That's just saying industry can do what it wants to our lungs.

But a jobs bill to help rebuild America's infrastructure? Haven't seen that from our friends on the Republican side of the aisle. A jobs bill that would help refurbish public buildings like schools, haven't seen that. They don't want to do that.

A jobs bill that would say, Look, you know what? We need to train Americans to be able to do the jobs of the 21st century and to promote solar, wind, biomass, the waves, all these kind of ways that we can live in harmony with the Earth and power the Earth at the same time. They haven't had any jobs doing that. To make our grids smarter, our electrical grids smarter, they don't want to put money in that. They think that is a waste of money.

The fact is Republicans have not come up with a jobs agenda. I call it the Republican no jobs agenda.

And, you know, it's clear that the government has an important role in terms of jobs. You hear some of my Republican colleagues say the government doesn't create jobs. This is absurd.

Ask any small retailer out there who's trying to make a go of it in their local community. They may have a nail shop or they may have a hair shop or they may sell retail clothing or they may have just a small little business that they opened up. If they don't have any police protection—that's the government—then that's going to cut the number of customers that come to them. That is going to hurt their business. Government helping business to thrive.

Ask a trucker, somebody who may own their own rig or maybe somebody who owns a trucking company. If we don't have public roads, highways and things like that—that's the government—where would their business model be?

The Internet. Think about Google. Think about all of the wondrous economic activity associated with the Internet. Well, the Internet was started by the government—yes, it was.

I'm telling you that, whether it's the National Institutes of Health coming up with lifesaving innovation and funding important basic research or whether it is the Food and Drug Administration giving Americans confidence that when they buy that product it's not going to kill them, the government helps business thrive. It helps the market operate properly so that we don't have caveat emptor, so that the buyer doesn't have to beware. The buyer knows that somebody somewhere is looking to make sure that the food is edible and the water is drinkable.

Now, my friends on the Republican side of the aisle that say government doesn't do anything to help the economy are wrong.

I was so proud to hear the President discredit the false economic theory of trickle down. What is trickle down? Mr. Speaker, trickle down is the theory that, look, if we give as much money as we possibly can to the richest Americans and we take it from the poorest Americans and the middle class, then maybe the rich people, through investments and stuff, will put money into the economy and maybe it will trickle down and other people will be able to get something out of it. Well, the President said it's an okay theory except for it doesn't work.

The President's right: Trickle down is a failure, and trickle down doesn't work. I'm so glad that the President really helped explain this to the American people. Because trickle down, at the end of the day, it doesn't trickle down. It just stays up there. And that's why we see so much wealth concentrated in the hands of so few, because Republicans think the only way to make the economy work is to cut all of our health and environmental regulations and to give tax breaks to people who already have more money than they know what to do with.

Some of my Republican friends like to say, well, you've never met a payroll. I met a payroll. I was a small business owner for many years. I was a lawyer and ran a law firm, had to pay my staff. And it wasn't taxes and stuff that I worried about. You know what I worried about? Mr. Speaker, I worried about customers. Could I get some clients coming through the door asking me to write a will, to incorporate their business? Could I get some clients to say, Would you represent me in this accident? Or, I got in a little trouble. Would you represent me in that?

Clients is what I needed. And if my customers didn't have any money, they wouldn't be able to hire me. But if the customers aren't working and the economy is poor and there's no money circulating amongst working folk, my business suffered. And if people were doing well, my business would thrive. You ask any business person: What would you rather have, a tax cut or a lot of customers? They're going to say, Customers. I want customers.

And so this claim that the Republicans make, that we don't need to make sure that the average working American is doing well, we just make sure that the money gets up to the top and it will trickle down, is not true. And I'm so glad that the President made that point today.

We've got to destroy myths around this economy because, again, there are people who tell self-serving narratives. They tell stories and narratives that help them make more money.

I'm sure that the Koch bothers, who have given a lot of donations around and who own this big refinery and make a lot of money, would really like it if we all believed that giving them a huge tax cut and getting rid of environmental regulations was good for the economy. Of course we don't believe it because it isn't true. But we know that if we keep on arguing, that masses of American people will say, You know what? I think it's okay to have unemployment insurance for people who are out of work. You know, I think it's okay to, in an economy like this, to extend the payroll tax cut.

Rich people get tax cuts. Republicans like it when rich people get tax cuts. They don't like it when working middle people get tax cuts. They would rather have just the rich people get them.

But the fact is people are waking up all over America. They're saying, Hey, you know, when I voted last time or I didn't vote last time, I was upset because of the job situation. And my friends on the Republican side of the

aisle didn't get to the business of jobs. They got in here going after the EPA and going after tax cuts for the wealthiest Americans. And because of that, you know, things haven't been good.

Now, I will give President Obama some credit. Because of the good work that he has done, we have seen private job growth continue for about 24 months.

□ 1610

The problem is we have cut the government so badly, and at the wrong time, that State and local governments have had to shed public employees left, right, and center. We are literally seeing gains in private sector employment being offset by cuts in public sector employment, and it's unfortunate that that's the situation that we have.

So today, I'm here with the progressive message. Today we're here to illustrate what's at stake in America today. And this week, thousands of Americans all across the country came here to Washington to raise their voices. They call themselves the 99 percent. And I have to say, it's starting to feel like the people's House around here.

I had a number of folks in my office who came on a 24-hour bus ride, Mr. Speaker, from my district in Minneapolis, to come tell me that, look, you know, we've got to rebuild America and put people back to work. Infrastructure crumbling, people can work to rebuild it.

They said, hey, look, you know this income inequality is not working. And as you give more and more tax cuts and loopholes to the richest, it just ends up hurting us.

I had to tell them that two-thirds of all American corporations don't pay any taxes at all. Two-thirds of all American corporations don't pay any taxes at all. And I brought in this chart, Mr. Speaker. I pulled this chart out because they were—it was hard for them to believe.

I told them, I said, you know, the companies on this chart that I'm about to show you, you know, show me however much money you have in your pocket, you paid at least as much taxes as these companies, because if you paid nothing, then you paid the same as them. If you got one penny, you paid more than them.

Bank of America paid no taxes. Now, let me tell the story about Bank of America, Mr. Speaker. Bank of America made bad business deals. When you make a bad deal in business, you're supposed to pay for that. You know, things go wrong, people go out of business.

Bank of America, they went and bought Merrill Lynch after this guy, this CEO named Stan O'Neal, ran the company into the ground. They still gave him a golden parachute of, like, several hundred million dollars. And I often joke and say I'd have been happy to run the company into the ground for just a million dollars. But he did it, they paid him millions to run Merrill Lynch into the ground. And Bank of America bought that company.

And then Countrywide, which is the leading predatory lender, subprime lender, bought them, Bank of America did. Got all these bad mortgages that weren't performing because they were never properly underwritten because people made money by just selling the mortgage and then selling the paper. And it was like a hot potato. Once you sold the mortgage, you got the fees out of it, send it to somebody else to be securitized into a mortgage-backed security. So a lot of those happened.

And Bank of America bought those two companies, and then it started causing them losses. And then they said, America, America, we're going down. Help us, please. And then they called us all together in September and October 2008 and said, we need a bailout, please.

We came up with a bill called TARP and Bank of America got bailed out. Now, the problem is, after Bank of America got bailed out and got back up on its feet somewhat, they paid all their executives big giant bonuses, they laid off 30,000 people.

What? Yeah. That's how they repay the American people helping them out.

Citigroup, another one, paid no taxes. They got saved. They were absolutely going down. They probably are, I don't know, Citigroup is a company with a lot of problems. Paid no taxes.

ExxonMobil. Now these people are making money hand over fist. They are making money. They are very, very, very, profitable. Why? Because you're happy to pay $3 gas. If you can go pay $3 you'd be, like, hooray; this is the store I'm going to go to. And you know you see it going up to four. And over the last few years, it's fluctuated between three and four.

Well, do you think that ExxonMobil is not making money on that? They are absolutely making money hand over fist because of that, and yet they pay no taxes.

So, look, the fact is—oh, GE. Don't let me forget about my friends at GE. I think they're the biggest corporation in the world. No taxes. GE pays no taxes.

I'm like, look, you know, GE, we, the government, because we've cut taxes for the wealthiest people, and two-thirds of all corporations don't pay any taxes, we don't have that much money. We're in a position where we may have to cut Head Start, home heating oil program for senior citizens. Do y'all think you could do a little bit better?

And they say, nope, can't do nothing for you. This is amazing. You mean to tell me you've got more—the executives of these companies got more houses than they could ever, ever visit; they've got more lakes that they live on than they could ever water ski on. They've got more $1,500 Armani suits than they could ever wear. They've got more monogrammed shirts that are tailored than they could ever put on. They've got more expensive shoes. They travel all over the world. They fly around in jets. And they won't pay nothing, and we've got to then talk about cutting home heating oil, the LIHEAP program, cut the food stamp program.

I mean, how do you sleep at night? It's amazing to me. Shocking. Shocking.

And I'm sure all of them look at each other and they say well, you know, we earned it. You can't tell me that you earned that.

This is—and I'm going to tell you, you know, Mr. Speaker, some people want to say, well, they work hard. No, no. This is not true. What they do is they take all that money that they make, and they come down here and they get us to go argue for loopholes for them, and they—$50 million is spent lobbying Congress; $130 million spent giving donations to campaigns.

As of 2008, 94 percent of all candidates with the most money win the election.

And about 261 Members of Congress—and there's only 535 of us—are millionaires. The average worth here is about $700,000. And let me tell you, I'm not one of those rich guys. I actually live on the money my constituents pay me because I'm working for them 24/7. And yet, you know, I go to the grocery store. I know how much bread costs.

And so what I'm saying is, to whom much is given, much is expected. And if America, Nation that I love so much, has a military which protects us all, has a police department that protects us in our local communities, has a fire department that makes sure that Bank of America branches don't burn to the ground, America, if one of their executives or employees gets sick, the EMT truck, the emergency medical truck is going to come help them and bring them back to life if they can. The roads and the bridges that people drive to work on to all these companies, publicly paid for.

And yet they turn around and say, yeah, you've done all that for us, America; but we've got nothing for you. Zero taxes.

It's wrong. And there should be an Occupy movement to say so.

Now, this is a chart, Mr. Speaker, that I do like to pull out now and again. And I want to say that I actually have no beef with Donald Trump or Paris Hilton. I'm sure they're both nice people.

But, you know, do you really think they need a tax break, Mr. Speaker? I think they're getting along just fine.

I think that some of my neighbors who are firefighters and cops and teachers, or who work at the local bank branch, or who work at the local grocery store stocking up groceries, I think they could use a little help. But I do believe that if Donald and Paris don't get a tax break, they'll manage just fine.

These are the millionaires and billionaires of our society. When we cut

taxes for the richest people, you're putting more money in the hands of these folks. I don't think that's wise public policy.

So my point, Mr. Speaker, is just this: you know, you want to talk tax breaks. We're actually talking about extending the payroll tax deduction so that $1,500 bucks, you know, could stay in the hands of people who are really struggling.

We asked—in the U.S. Senate there was a bill that said, you know, millionaires, on your first million, we're not asking you for no more taxes on your first million. But on your second million, can we have 3 percent? You know. What do you think?

They're, like, nope, nothing doing.

I said, even if it's going to help working class people, you know? Will you help then?

Nope. No. Can't do it. Cannot possibly do it. It might sap their incentive to work. If we were to help the working class people of America, it might sap their incentive to work, so we can't help them.

□ 1620

Tax breaks for billionaires or tax breaks for teachers, police, firefighters, job training, small business, investment, better schools, clean energy, health care, infrastructure investment, college affordability.

Now, my question is, Mr. Speaker, what are America's priorities? I've got a feeling that they're with these folks down here. I think America would rather help these folk than these folks. Just a wild guess.

So that's all we're asking for. This payroll tax deduction, you know, $1,000, $1,500 in the pockets of people who really need it. We asked billionaires and millionaires to pony up just a little more. They wouldn't even notice it, wouldn't have to cancel any of your country club memberships. But they said no.

There is a loss of civic virtue among some of our most privileged Americans, but I'm proud to tell you about a group of guys and women called the Patriotic Millionaires. They came to a forum that the Progressive Caucus organized last week, Mr. Speaker, and the Patriotic Millionaires said, You know what, you've invested in research which we used to make our products that made us rich. You invested in roads and bridges and education that we used to help make us rich. And we love America more than we love all that money, and we're here to pay taxes.

And then some smarty-pants Republican said, Well, if you want to pay extra and you're rich, you can. I'm sure the Treasury will accept your checks. And then one of the Patriotic Americans said something really wise. He said, You know, America is not a charity. America is all of our responsibility, and that's what taxes are.

I'm here today, Mr. Speaker, to argue that taxes are the dues we pay to live in a civilized society. Taxes are not a punishment. When they talk about tax relief, really, from what, from good schools and clean water? When they say ''tax burden,'' I mean, let me tell you.

If you want to live in a society where there's no taxes and therefore no public services, you could move to Somalia. That's what it is. No government. I don't see any of our friends who love—I call them the free market fundamentalists—I don't see them running to Somalia, moving to Mogadishu.

So, Mr. Speaker, I just want to say quite frankly that on this Thursday night in this great country, in my view the greatest country in the history of the world, Americans have a question before themselves. Are we going to choose community, choose each other, or is it going to be a selfish pursuit where everybody is only on their own? I view America as people who would look out for each other, even the least-to-be.

Americans don't think that helping seniors who are on Social Security is a bad thing to do. Americans don't think that helping the poor and the sick is somehow a bad thing to do.

In fact, one of the things that illustrated this national debate we're having, Mr. Speaker, is something that happened in the United States Senate today, the other body.

Today, I can't blame my friends in the House, my Republican friends in the House. They didn't do this one. But today, Republicans in the Senate voted to block President Obama's appointment of Richard Cordray to head the Consumer Financial Protection Bureau.

Now, look, the Consumer Financial Protection Bureau came about because of the massive failure of decency on Wall Street that resulted in all of the foreclosures and America having to bail out the likes of Bear Stearns, and Bank of America and a whole bunch of others. And they said, look, you know, a mortgage document can be very complicated, and we just want to have a bureau that will try to make these things simpler so people know what they're signing up for; a bureau that will say you've got to say what the interest rates are going to be, you've got to say what the terms are going to be so that we can have transparency.

Actually, the real free marketeers around here would never be against more information and better and more effective information going to the consumer. I mean, Adam Smith, the one who wrote—oh, my goodness, I can't believe I can't remember the name of that great book—but the one in which he describes the invisible hand and how markets move and people operate and their individual interest yields the economy. He said in that book that consumer information is key to a good market operating. So I don't know why people wouldn't want a good market to operate.

But anyway, Republicans in the Senate—can't blame the House members this time—like to claim that the new Consumer Financial Protection Agency would be reformed before it gets a new director. They say they won't even allow it to exist. They won't allow it to have a director until they change it. Well, we had a vote and it came into being. So now they're trying to wreck it before it even gets up and running.

The truth is that these folks who are against consumer protection and the lobbyists that support them are trying to water down our new consumer watchdog's power so they can't hold Wall Street and predatory lenders accountable. And that's too bad. They don't want anybody to be the new cop on the beat protecting all Americans against these predatory lenders.

I've always said, look, if you're offering a good financial product that helps people and is fair, why would you be afraid of a little transparency? Only if your business model is based on bilking and cheating customers would you want to fight against a Consumer Financial Protection Bureau.

Without an enforcer and without real powers to crack down on predatory loans, we will keep on seeing mortgages that are designed to fail from the very beginning, tricking people with the fine print, cheating consumers to make a quick buck.

So, Mr. Speaker, I see that Republicans are ready to take the time. I'm happy to yield it. I'm going to yield back the balance of my time in just a moment.

But I just want to say that America was a good idea. America is a good idea. But it's an idea that you have to fight for; and the idea of liberty and justice for all living in a fair, prosperous economy is something that Americans all over this country have to stand up for and assert because if we leave it to the big guys, to the 1 percent, to the people with all the money and all the dough, they're going to snatch this great American Dream away from us.

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

THE SPECTER OF GLOBAL GOVERNANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. ROHRABACHER) is recognized for 30 minutes.

Mr. ROHRABACHER. Thank you, Mr. Speaker.

Before I go into my prepared remarks, I would like to point out that I personally have opposed all of the bailouts and the hundreds of billions of dollars that the Obama administration has channeled to different financial wheeler-dealers and cronies, like Goldman Sachs and the others that have received so much money as directed to them from this administration, just to put it on the record.

Many of these so-called corporations that my colleague just pointed out, if

we take a look, when we say if we're going to increase taxes on them, these corporations' biggest stockholders happen to be pension funds. What we're really talking about by trying to say we're going to just tax these big corporations, what we're really doing is taxing the pension funds and are taxing the entities that provide the money for the pension funds for the rest of the citizens of this country. But that is another issue that I will discuss some other day.

Today, Mr. Speaker, as a strong advocate of human progress through advancing mankind's understanding of science and engineering, I rise to discuss the blatant abuse and misuse of science. A few nights ago, I watched a video of President Eisenhower's 1961 farewell address. Unfortunately, his much-heralded warnings about the military industrial complex, which were right on target, I might add, that warning has unfortunately obscured another warning in that farewell address that is just as significant.

□ 1630

Eisenhower pointed to the danger ''of domination of the Nation's scholars by Federal employment, project allocations, and the power of money is ever present—and is gravely to be regarded. Yet, in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite.''

In my lifetime, there has been no greater example of this threat, which Eisenhower warned us about, than the insidious coalition of research science and political largesse—a coalition that has conducted an unrelenting crusade to convince the American people that their health and their safety and—yes—their very survival on this planet is at risk due to manmade global warming. The purpose of this greatest-of-all propaganda campaigns is to enlist public support for, if not just the acquiescence to, a dramatic mandated change in our society and a mandated change to our way of life. This campaign has such momentum and power that it is now a tangible threat to our freedom and to our prosperity as a people.

Ironically, as the crusade against manmade global warming grows in power, more evidence surfaces every day that the scientific theory on which the alarmists have based their crusade is totally bogus. The general public and decisionmakers for decades have been inundated with phony science, altered numbers, and outright fraud. This is the ultimate power grab in the name of saving the world; and like all fanatics, disagreement is not allowed in such endeavors.

Prominent scientists who have been skeptical of the claims of manmade global warming have themselves been cut from research grants and have been obstructed when trying to publish peer-reviewed dissenting opinions. How the mainstream media or publications like the National Journal, for example, have ignored the systematic oppression that I speak about is beyond me.

If you've heard the words ''case closed,'' it doesn't take a genius to figure out that the purpose of such a proclamation is to limit and repress debate. Well, the case isn't closed, so let's start with some facts about manmade global warming and the theory of manmade global warming.

First and foremost, the Earth has experienced cooling and warming climate cycles for millions of years, which a significant number of prominent scientists believe is tied to solar activity—just like similar temperature trends have been identified on Mars and other bodies in the solar system—and that is the Sun.

So how about those icecaps on Mars that seem to expand and recede, mirroring our own polar icecaps? Doesn't that point to the Sun rather than to human activity? After all, there are very few, if any, human beings around on Mars, and certainly millions of years ago, when we had other cycles in the world, there weren't very many human beings, if any, around. So where do the climate cycles come from? What causes climate cycles?

Right off the bat, let's acknowledge that manmade global warming advocates, who I suggest are alarmists, do not believe the Sun has no impact on climate cycles. They just believe that the Sun has a minimal impact as compared to the increasing level of CO_2 in the atmosphere. Basically, they believe that the Sun does have some impact but nothing compared to the increase in CO_2 in the atmosphere. Today, they believe this increase in CO_2 in the atmosphere has become very frightening because mankind is using fossil fuels, which they believe is causing this dramatic increase in CO_2.

Similarly, skeptics like me believe the solar activity of the Sun is the major factor in creating the Earth's climate cycles, including the one that we're currently in. We also believe that manmade CO_2 buildup may have a minor impact. The debate isn't all Sun or all manmade CO_2. It's over which of these factors is a major determinant or even the significant determinant.

At this point, one other fact needs to be understood. Many intelligent people believe that CO_2—carbon dioxide—represents 10, 20, even 30 percent of the atmosphere. If anyone is reading this or is listening to this, answer this question:

What do you think the percentage is after all we've heard, time and time again, of how CO_2 is changing the climate of our planet?

As I say, most people think it's 10, 20, even 30 percent of the atmosphere. In reality, CO_2 is less—less—than one half of one-tenth of 1 percent of the atmosphere, and humankind's contribution to that one half of one-tenth of 1 percent is a small fraction of that. So to say that what we're talking about is minuscule, no, that's not smart enough. What it really is is microscopic.

Frankly, I believe that CO_2 is so irrelevant that it should not be the focus of air standards and regulations. After all, it is not harmful to human beings unless, of course, you stick it into your automobile in the garage and shut the door for hours and hours at a time. The CO_2 that's in the atmosphere is not harmful. Other gases, like NO_X, which are damaging to human health, should be a much higher priority than CO_2. NO_X is harmful to people's health. It's global pollution, not global warming, that we should be concerned about.

Not making this distinction has cost us billions, maybe more. The temperature of this planet isn't manmade, and we can't do anything about it. Our energy challenges and the air quality that we have are man-influenced, if not manmade. We can do something about these maladies.

But the alarmists are not interested in solving those problems. They are part of a coalition that wants to change our way of life, which requires us to acquiesce—or, better yet, to frighten us into submission. Make no mistake: The manmade global warming theory is being pushed by people who believe in global government. They have been looking for an excuse for an incredible freedom-busting centralization of power for a long time, and they've found it in the specter of manmade global warming.

For the past 30 years, the alarmists have been spouting ''Chicken Little'' climate science. This campaign was turbocharged in the 1990s when the Clinton administration made it part of its agenda, thanks to Vice President Al Gore. One of the first actions that the administration took was to fire the top scientist at the Department of Education, Dr. William Happer, a professional who, at the time, dared to be open-minded about the global warming theory. Al Gore decided Dr. Happer just didn't fit in, and out he went. From there, the pattern became all too clear. In order to receive even one iota of Federal research funds, a scientist had to toe the line on manmade global warming.

There is a biblical quote: ''The truth shall set you free.'' Well, this is a battle for the truth, and we are up against a political machine that has been yelling, ''Case closed,'' and restricting Federal research grants only to those who agree with them.

That we have politicos who believe in centralizing power and are willing to use their own power certainly should surprise no one, but that a scientific-technological elite, the very group that President Eisenhower warned us against 50 years ago, has allied itself with such a political power play is totally contrary to what science and scientists are supposed to be all about.

Because of the retaliation of those alarmists in charge of bestowing the

Federal research grants, opposition to this power grab has taken time to coalesce; but the opposition to the manmade global warming theory is now evident and won't be ignored.

There have been major conferences here in Washington and at other locations around the Nation, with hundreds of prominent members of the scientific community. Individuals, many of whom are renowned scientists, Ph.D.'s and heads of major university science departments, including a few Nobel Prize winners, have all stepped up and spoken out.

□ 1640

Even with little news coverage, this group, who are accurately referred to as skeptics, are gaining ever more recognition and ever more influence. They face a daunting challenge, however, and they, as I say, have to fight for any attention, even though they have just as good credentials as those people who are advocating on the other side. For a list of some of these credentialed and very well-respected skeptics, one can visit my Web site. I'm Congressman DANA ROHRABACHER from California.

So what is this apocalyptic manmade global warming theory that the globalists and radical environmentalists would have us believe? It is that our planet is dramatically heating up because we human beings, especially Americans, put large amounts of CO_2 into the atmosphere as a result of using oil, gas, and coal as fuel.

The CO_2 has an impact in that it entraps a certain amount of heat in the atmosphere, thus dangerously warming the planet. We have been warned about huge changes in our environment, including a 10-degree jump in the overall temperature, and thus a serious rise in the level of the oceans of the world.

Vice President Gore, in his movie, ''An Inconvenient Truth,'' showed what seemed to be a video of melting and breaking icecaps. Inconveniently, somebody squealed, the video was actually a special effect. It was Styrofoam made to look like melting and breaking icecaps. But that's no problem. People still listen to Al Gore.

Over and over again, the alarmists have said that the Earth is dramatically heating up. Look closely at the data that they're talking about. Look closely at the date that was picked by these people as a baseline for comparing temperatures. It is 1850. And what is 1850? It's the end of a 500-year decline in the Earth's temperature. The Little Ice Age was ending in the 1850s. Skeptics say that a 1- or 2-degree increase in the planet's temperature is irrelevant if the basis of comparison is a 500-year low in the Earth's temperature. To skeptics, currently we are just in another natural climate cycle. That's what we as skeptics believe. This is another natural climate cycle, and it's been going on, as was the 500-year decline in the Earth's temperatures. If it's going up a little bit now, that is a natural climate cycle.

To alarmists, however, the sky is falling. A couple of degrees warmer and the sky is heating, or it's falling, that is, or heating, and all of this is caused by mankind pumping CO_2 into the air.

This theory of manmade CO_2 causing global warming emerged when scientists mistakenly believed that the data they were studying from ice cores indicated that a warming of our planet was happening after a major increase in CO_2.

However, later, it was found that the ice cores were misread. Nicholas Caillon pointed out in Science magazine in 2003 that the CO_2 increase lagged Antarctic deglacierization warming by 800 to 200 years, give or take 200 years. So the heating came first, and then the CO_2 increased, not the other way around.

Yes, when Earth heats up, there is more CO_2. But we've been told the opposite over and over again, and we were told it was the CO_2 that was making the Earth heat up, and they were telling us that the Earth will keep heating up until it reaches a tipping point, and then there will be a huge jump in the temperature. The temperature will shoot up once it reaches this tipping point. And we could expect, this is what we were told over and over again by the scientists predicting over and over again that we could expect this warming to go on and on until we quit using CO_2 and quit using these CO_2-emitting fossil fuels as a major source of our energy.

The future they described was hot and bleak, but their frightening illusion began to disintegrate when, about 9 years ago, even as more CO_2 was being pumped into the air and has continued to be pumped into the air, the Earth quit warming and, in fact, it may be now in a cooling cycle. That's right. The NOAA National Climate Data Center shows that ground surface temperatures have flattened, and there hasn't been any net warming since 1998, and the RSS microwave sounding units—that's MSU—operating on NOAA satellites show a net cooling since 1998.

It's totally the opposite of every prediction of the United Nations Intergovernmental Panel on Climate Change, that's the IPCC, and their faulty computer models, as well as the army of global warming scientists who have been warning us about higher and higher temperatures of what we could expect.

Well, miraculously, the frantic claims and predictions of manmade global warming have now been replaced with an all-new encompassing warning. So if it gets colder, or it gets warmer, the alarmists will have their way because that's being caused by too much CO_2.

Well, what is being caused? Well, whatever it is, it's being caused by it. And so they changed the words from global warming to climate change and have replaced, as I say, global warming with their climate change.

Well, I guess they think that we would just forget about the predictions and their predictions over and over again being 100 percent wrong. Even the much-touted melting of the icecaps has now reversed itself in the last few years. According to the most recent data from the National Snow and Ice Data Center in Boulder, Colorado, not all the icecaps are melting now. There's melting, and there is also refreezing going on.

So the polar icecaps aren't going away and, yes, the polar bears are not becoming extinct. They were put on the extinct list even though they weren't extinct. In fact, there are some number of polar bear families that are growing dramatically in the last few years, even as we were warned that polar bears were becoming extinct.

Warming has ended, but the power grab continues. What we are now finding out is exactly how ruthless and, yes, deceitful that power grab has been. One example of blackballing is of prominent scientists like Dr. William Gray, Emeritus Professor of Atmospheric Science at Colorado State University and the head of the Tropical Meteorology Project at CSU's Department of Atmospheric Science. Gray had the courage and honesty to point out that there have not, in recent years, been more or stronger hurricanes and other such storms than in the past. No more research grants for him, no attention in the media, either.

Zealots can usually find high-sounding excuses for their transgressions against other professionals like Dr. Gray. Professional figures in white coats with authoritative tones of voices and lots of credentials repeatedly dismiss criticism by claiming that their so-called scientific findings had been peer reviewed, verified by other scientists. It sounds so much beyond reproach. They gave each other prizes as they selectively handed out research grants.

To those who disagreed, like Dr. Gray, no matter how prominent, they were treated like nonentities, like they didn't exist, or were personally disparaged with labels like ''denier.'' Well, you know, Holocaust denier, that's what you do. Now, how much uglier does it get? How much against the standard of professional science can you be than to try to paint someone like that because he disagrees with you?

□ 1650

Well, these unprofessional tactics won't work forever, and it's becoming ever clearer that the man-made global warming steamroller is beginning to fall apart. We now know that the scientists clamoring for subservient acceptance to their theory of man-made global warming were themselves making a sham out of the scientific methodology. We now know what they were doing. I'm speaking, of course, of Climategate, the publication of over 1,000 emails and 3,000 other unofficially

obtained documents from one of the world's foremost global warming research institutes, the Climate Research Unit of East Anglia University in the United Kingdom. And we have all heard of those quotes. Here's a few of them:

''We can't account for the lack of warming at the moment, and it's a travesty that we can't.''

How about another quote: ''I've just completed Mike's nature trick . . . to hide the decline.''

Here's another quote: ''We'll keep them''—meaning the skeptics of their science. ''We'll keep them out somehow—even if we have to redefine what peer-review literature is.''

How about this for another quote: ''If they ever hear there is a Freedom of Information Act now in the U.K., I think I'll delete the file rather than send it to anyone.''

Deleting files? Trying to prevent peer review? What kind of scientists were these? Well, arrogant and politically motivated scientists, that's who.

The unauthorized release of those internal memos exposed the shenanigans of the man-made global warming alarmists and the crime being committed against science and the public. Even though handpicked panels of their peers held the a kangaroo court—yeah, their own peers judged them, that's right—and that kangaroo court loudly proclaimed there had no wrongdoing by these people, well, public confidence was justifiably shaken in the global warming science advocates.

Now, just as that scandal was about to be forgotten, we have an even larger database being exposed showing even more clearly how this elite operates, and it ain't pretty.

Here are some of the quotes from the newly released database: Unfortunately, there is no way to fix the IPCC, and there never was. The reason is that its information over 20 years ago was to support political and energy policy goals, not to search for scientific truth.

Here's another quote: If you disagree with their interpretation of climate change, you were left out of the IPCC process. They ignore or fight against any evidence which does not support their policy-driven mission, even to the point of pressuring scientific journals not to publish papers which might hurt the IPCC's effort.

Here's another one regarding the IPCC: I also think the science is being manipulated to put a political spin on it.

Here's another one: It's very likely that the mean temperature has shown much larger past variability than caught by previous reconstructions. We cannot, from these reconstructions, conclude that the previous 50-year period has been unique in the context of the last 500 to 1,000 years.

What's that mean? That means the current cycle we're in has nothing to do with the burning of fossil fuel by human beings.

I would like to insert an article from James Taylor of Forbes magazine who said Climategate 2: ''These scientists view global warming as a political 'cause' rather than a balanced scientific inquiry.''

CLIMATEGATE 2.0: NEW E-MAILS ROCK THE GLOBAL WARMING DEBATE

(By James Taylor)

A new batch of 5,000 emails among scientists central to the assertion that humans are causing a global warming crisis were anonymously released to the public yesterday, igniting a new firestorm of controversy nearly two years to the day after similar emails ignited the Climategate scandal.

Three themes are emerging from the newly released emails: (1) prominent scientists central to the global warming debate are taking measures to conceal rather than disseminate underlying data and discussions; (2) these scientists view global warming as a political ''cause'' rather than a balanced scientific inquiry and (3) many of these scientists frankly admit to each other that much of the science is weak and dependent on deliberate manipulation of facts and data.

Regarding scientific transparency, a defining characteristic of science is the open sharing of scientific data, theories and procedures so that independent parties, and especially skeptics of a particular theory or hypothesis, can replicate and validate asserted experiments or observations. Emails between Climategate scientists, however, show a concerted effort to hide rather than disseminate underlying evidence and procedures.

''I've been told that IPCC is above national FOI [Freedom of Information] Acts. One way to cover yourself and all those working in AR5 would be to delete all emails at the end of the process,'' writes Phil Jones, a scientist working with the United Nations Intergovernmental Panel on Climate Change (IPCC), in a newly released email.

''Any work we have done in the past is done on the back of the research grants we get—and has to be well hidden,'' Jones writes in another newly released email. ''I've discussed this with the main funder (U.S. Dept of Energy) in the past and they are happy about not releasing the original station data.''

The original Climategate emails contained similar evidence of destroying information and data that the public would naturally assume would be available according to freedom of information principles. ''Mike, can you delete any emails you may have had with Keith [Briffa] re AR4 [UN Intergovernmental Panel on Climate Change 4th Assessment]?'' Jones wrote to Penn State University scientist Michael Mann in an email released in Climategate 1.0. ''Keith will do likewise. . . . We will be getting Caspar [Ammann] to do likewise. I see that CA [the Climate Audit Web site] claim they discovered the 1945 problem in the Nature paper!!''

The new emails also reveal the scientists' attempts to politicize the debate and advance predetermined outcomes.

''The trick may be to decide on the main message and use that to guid[e] what's included and what is left out'' of IPCC reports, writes Jonathan Overpeck, coordinating lead author for the IPCC's most recent climate assessment.

''I gave up on [Georgia Institute of Technology climate professor] Judith Curry a while ago. I don't know what she thinks she's doing, but its not helping the cause,'' wrote Mann in another newly released email.

''I have been talking w/ folks in the states about finding an investigative journalist to investigate and expose'' skeptical scientist Steve McIntyre, Mann writes in another newly released email.

These new emails add weight to Climategate 1.0 emails revealing efforts to politicize the scientific debate. For example, Tom Wigley, a scientist at the University Corporation for Atmospheric Research, authored a Climategate 1.0 email asserting that his fellow Climategate scientists ''must get rid of'' the editor for a peer-reviewed science journal because he published some papers contradicting assertions of a global warming crisis.

More than revealing misconduct and improper motives, the newly released emails additionally reveal frank admissions of the scientific shortcomings of global warming assertions.

''Observations do not show rising temperatures throughout the tropical troposphere unless you accept one single study and approach and discount a wealth of others. This is just downright dangerous. We need to communicate the uncertainty and be honest. Phil, hopefully we can find time to discuss these further if necessary,'' writes Peter Thorne of the UK Met Office.

''I also think the science is being manipulated to put a political spin on it which for all our sakes might not be too clever in the long run,'' Thorne adds.

''Mike, The Figure you sent is very deceptive . . . there have been a number of dishonest presentations of model results by individual authors and by IPCC,'' Wigley acknowledges.

More damaging emails will likely be uncovered during the next few days as observers pour through the 5,000 emails. What is already clear, however, is the need for more objective research and ethical conduct by the scientists at the heart of the IPCC and the global warming discussion.

Perhaps the most perplexing aspect of all of this, amid all of the consternation about their malpractices to which we have now been exposed: The global warming elite just keeps a straight face. They keep up their PowerPoint presentations, distorted graphs and all, and continue projections of man-made global doom and gloom. They try to ignore the uproar and change the subject, but these recent revelations seriously call into question the basic science of man-made global warming fanatics.

In the meantime, a report was recently issued by world-respected scientists at CERN in Switzerland. The CERN study demonstrated it is cosmic rays from the sun that determine global cloud cover, and the clouds have dramatically more to do with temperature than the minuscule amounts of CO_2 in the atmosphere.

The Cloud Project at a highly respected CERN laboratory published a paper in the journal Nature this past August based on this research which shows that the sun's activity is influencing cloud formation and may account for most of the recorded temperature changes in the last century.

I would like to submit an editorial about this project from The Wall Street Journal by Anne Jolis for the RECORD.

THE OTHER CLIMATE THEORY

Al Gore won't hear it, but heavenly bodies might be driving long-term weather trends.

(By Anne Jolis)

In April 1990, Al Gore published an open letter in the New York Times ''To Skeptics on Global Warming'' in which he compared them to medieval flat-Earthers. He soon became vice president and his conviction that

climate change was dominated by man-made emissions went mainstream. Western governments embarked on a new era of anti-emission regulation and poured billions into research that might justify it. As far as the average Western politician was concerned, the debate was over.

But a few physicists weren't worrying about Al Gore in the 1990s. They were theorizing about another possible factor in climate change: charged subatomic particles from outer space, or ''cosmic rays,'' whose atmospheric levels appear to rise and fall with the weakness or strength of solar winds that deflect them from the earth. These shifts might significantly impact the type and quantity of clouds covering the earth, providing a clue to one of the least-understood but most important questions about climate. Heavenly bodies might be driving long-term weather trends.

The theory has now moved from the corners of climate skepticism to the center of the physical-science universe: the European Organization for Nuclear Research, also known as CERN. At the Franco-Swiss home of the world's most powerful particle accelerator, scientists have been shooting simulated cosmic rays into a cloud chamber to isolate and measure their contribution to cloud formation. CERN's researchers reported last month that in the conditions they've observed so far, these rays appear to be enhancing the formation rates of pre-cloud seeds by up to a factor of 10. Current climate models do not consider any impact of cosmic rays on clouds.

Scientists have been speculating on the relationship among cosmic rays, solar activity and clouds since at least the 1970s. But the notion didn't get a workout until 1995, when Danish physicist Henrik Svensmark came across a 1991 paper by Eigil Friis-Christensen and Knud Lassen, who had charted a close relationship between solar variations and changes in the earth's surface temperature since 1860.

''I had this idea that the real link could be between cloud cover and cosmic rays, and I wanted to try to figure out if it was a good idea or a bad idea,'' Mr. Svensmark told me from Copenhagen, where he leads sun-climate research at the Danish National Space Institute.

He wasn't the first scientist to have the idea, but he was the first to try to demonstrate it. He got in touch with Mr. Friis-Christensen, and they used satellite data to show a close correlation among solar activity, cloud cover and cosmic-ray levels since 1979.

They announced their findings, and the possible climatic implications, at a 1996 space conference in Birmingham, England. Then, as Mr. Svensmark recalls, ''everything went completely crazy. . . . It turned out it was very, very sensitive to say these things already at that time.'' He returned to Copenhagen to find his local daily leading with a quote from the then-chair of the U.N. Intergovernmental Panel on Climate Change (IPCC): ''I find the move from this pair scientifically extremely naive and irresponsible.''

Mr. Svensmark had been, at the very least, politically naïve. ''Before 1995 I was doing things related to quantum fluctuations. Nobody was interested, it was just me sitting in my office. It was really an eye-opener, that baptism into climate science.'' He says his work was ''very much ignored'' by the climate-science establishment—but not by CERN physicist Jasper Kirkby, who is leading today's ongoing cloud-chamber experiment.

On the phone from Geneva, Mr. Kirkby says that Mr. Svensmark's hypothesis ''started me thinking: There's good evidence that pre-industrial climate has frequently varied on 100-year timescales, and what's been found is that often these variations correlate with changes in solar activity, solar wind. You see correlations in the atmosphere between cosmic rays and clouds—that's what Svensmark reported. But these correlations don't prove cause and effect, and it's very difficult to isolate what's due to cosmic rays and what's due to other things.''

In 1997 he decided that ''the best way to settle it would be to use the CERN particle beam as an artificial source of cosmic rays and reconstruct an artificial atmosphere in the lab.'' He predicted to reporters at the time that, based on Mr. Svensmark's paper, the theory would ''probably be able to account for somewhere between a half and the whole'' of 20th-century warming. He gathered a team of scientists, including Mr. Svensmark, and proposed the groundbreaking experiment to his bosses at CERN.

Then he waited. It took six years for CERN to greenlight and fund the experiment. Mr. Kirkby cites financial pressures for the delay and says that ''it wasn't political.''

Mr. Svensmark declines entirely to guess why CERN took so long, noting only that ''more generally in the climate community that is so sensitive, sometimes science goes into the background.''

By 2002, a handful of other scientists had started to explore the correlation, and Mr. Svensmark decided that ''if I was going to be proved wrong, it would be nice if I did it myself.'' He decided to go ahead in Denmark and construct his own cloud chamber. ''In 2006 we had our first results: We had demonstrated the mechanism'' of cosmic rays enhancing cloud formation. The IPCC's 2007 report all but dismissed the theory.

Mr. Kirkby's CERN experiment was finally approved in 2006 and has been under way since 2009. So far, it has not proved Mr. Svensmark wrong. ''The result simply leaves open the possibility that cosmic rays could influence the climate,'' stresses Mr. Kirkby, quick to tamp down any interpretation that would make for a good headline.

This seems wise: In July, CERN Director General Rolf-Dieter Heuer told Die Welt that he was asking his researchers to make the forthcoming cloud-chamber results ''clear, however, not to interpret them. This would go immediately into the highly political arena of the climate-change debate.''

But while the cosmic-ray theory has been ridiculed from the start by those who subscribe to the anthropogenic-warming theory, both Mr. Kirkby and Mr. Svensmark hold that human activity is contributing to climate change. All they question is its importance relative to other, natural factors.

Through several more years of ''careful, quantitative measurement'' at CERN, Mr. Kirkby predicts he and his team will ''definitively answer the question of whether or not cosmic rays have a climatically significant effect on clouds.'' His old ally Mr. Svensmark feels he's already answered that question, and he guesses that CERN's initial results ''could have been achieved eight to 10 years ago, if the project had been approved and financed.''

The biggest milestone in last month's publication may be not the content but the source, which will be a lot harder to ignore than Mr. Svensmark and his small Danish institute.

Any regrets, now that CERN's particle accelerator is spinning without him? ''No. It's been both a blessing and the opposite,'' says Mr. Svensmark. ''I had this field more or less to myself for years—that would never have happened in other areas of science, such as particle physics. But this has been something that most climate scientists would not be associated with. I remember another researcher saying to me years ago that the only thing he could say about cosmic rays and climate was that it was a really bad career move.''

On that point, Mr. Kirkby—whose organization is controlled by not one but 20 governments—really does not want to discuss politics at all: ''I'm an experimental particle physicist, okay? That somehow nature may have decided to connect the high-energy physics of the cosmos with the earth's atmosphere—that's what nature may have done, not what I've done.''

Last month's findings don't herald the end of a debate, but the resumption of one. That is, if the politicians purporting to legislate based on science will allow it.

In this piece, she says: charged subatomic particles from outer space, or cosmic rays, might significantly impact the type and quality of clouds covering the Earth, providing a clue to one of the least understood but most important questions about climate. Heavenly bodies might be driving long-term weather trends.

And while scientists have discovered the sun's relationship to cloud cover, even more recently there's been a study directly undermining the theory that CO_2 levels are a major determinant of the Earth's temperature.

A recent editorial from Investor's Business Daily on the topic of this new study about temperature sensitivity to carbon dioxide undermines the case-closed arguments of the scientific elite.

From the editorial: The left's proposed solutions to the world's ills are based on the idea that carbon dioxide is a climate-heating poison that must be scrubbed from the global economy at all costs. Yet another study shows this to be foolishness.

And I submit that for the RECORD at this point as well.

[From the Investor's Business Daily Editorial, Nov. 25, 2011]

GLOBAL WARMING MODELS CALLED INTO QUESTION BY NEW STUDY

Climate: The left's proposed solutions for the world's ills are based on the idea that carbon dioxide is a climate-heating poison that must be scrubbed from the global economy at all cost. Yet another study shows this is foolish.

The study in the journal Science found that global temperatures appear to be far less sensitive to the amount of CO2 in the atmosphere than originally estimated.

This sounds prosaic, but it's a bombshell—another in a long line of revelations showing the scientific fraud at the heart of the anti-global warming movement.

The study's findings are simple and devastating. ''This implies that the effect of CO2 on climate is less than previously thought,'' said Oregon State University's Andreas Schmittner, the study's main author.

Even with a doubling of CO2 from levels that existed before the Industrial Revolution, the study found a likely increase in Earth's temperature only from about 3.1 degrees Fahrenheit to 4.7 degrees Fahrenheit.

That compares with the U.N. Intergovernmental Panel on Climate Change's 2007 report, which predicted an increase of 3.6 degrees to 8.6 degrees.

Coupled with the fact the average global temperature hasn't increased at all over the past decade—even though under all of the global warming models now in use, this is

impossible—warmist ideology is crumbling. There is no climate armageddon on the horizon.

But don't expect global warm-mongers to admit this. As we've discovered from a new trove of emails sent by leading European climate-change scientists, there has been a vast, global green conspiracy to silence scientific opposition to the idea—even to the point of falsifying data and ruining others' careers.

Subscribe to the IBD Editorials Podcast—The left's entire prescription for solving the world's ills—ranging from population control to strict regulation of businesses to shrinking CO2 output—are premised on the notion that carbon-dioxide is a poison.

Happily, the left's pernicious, economy-destroying and false global warming ideology is collapsing under a growing body of evidence that the CO2 scare is a fraud.

Who says we have nothing to be thankful for?

And despite the weaknesses of the linkage between CO_2 and temperature, the alarmists continue with their tactics. We just heard a report published in Nature Climate Change in the last few days that CO_2 emissions in 2010 went up by 5.9 percent, which scientists claimed was the highest total annual growth ever recorded—except they didn't record any CO_2 emissions. They estimated that based on energy use. They didn't take into account new technologies that make gas and oil and coal cleaner and greener. The scientists didn't care about how cleanly coal and oil might be being burned; they just estimated—or guesstimated—CO_2 emissions based on the total amount of coal and oil used. And the media, like their lapdogs, faithfully reported that this sounds like a calamity when you have so much more CO_2 coming in, even though they never measured any CO_2 emissions. None of it was actually recorded.

The truth is CO_2 is not a pollutant. Anybody perpetuating that myth that CO_2 is dangerous, a dangerous pollutant, is contributing to the health-destructive impact of real pollution by diverting resources and attention away from these very real challenges. We have wasted $25 billion or more on this foolishness. That is money that could have been used to develop new energy technologies, for example, that could have moved us off of our dependence on foreign oil.

Some examples of these technologies are the small modular nuclear reactors which could offer us safety and no pollution, no leftover waste, but we didn't have the money for that. How about space-based solar power, which could collect solar energy from the sun out in outer space and transmit it to the Earth?

Developing these new technologies will take hundreds of millions of dollars for these new reactors, billions of dollars for a space-based solar. Instead, we've squandered our billions of dollars and our limited science money and technology dollars on trying to prove that man-made global warming is something that we have to worry about and spread the fear.

We have not pursued these or other technologies which could have fundamentally benefited everyone on the Earth because we have been wasting our time and our resources. We have been trying to figure out how to bury carbon in the ground and other such things.

Well, Mr. Speaker, I'm here to explain that this is utter nonsense and to warn of the danger that lurks behind this high-sounding cause.

Don't miss the significance, by the way, of the Durban conference in South Africa that is gathering now to determine how best to control our lives.

□ 1700

As happened in Kyoto and Copenhagen in the past, they now are meeting in Durban to try to find ways of issuing mandates to the people of the world in the name of stopping global warming.

Mr. Speaker, I would suggest to the people of the United States they pay close attention to this. Eisenhower isn't here to protect us anymore. The fact is our freedom is at stake. The globalists would like to control the people of the United States. It's up to us to defend our freedom. The patriots will win if we stand together.

I yield back the balance of my time.

YEAR IN REVIEW: FIRST SESSION OF 112TH CONGRESS

The SPEAKER pro tempore (Mr. KINZINGER of Illinois). Under the Speaker's announced policy of January 5, 2011, the gentleman from Florida (Mr. WEST) is recognized for 30 minutes.

Mr. WEST. Thank you, Mr. Speaker.

I think it's very important that, as we draw to the close of this first session of the 112th Congress, we come back and we do what I believe is a yearly review or an assessment.

Mr. Speaker, today, the 8th of December, was the target adjournment day that the leadership of the new majority of the United States House of Representatives hoped would mark the end of the first session of the 112th Congress. Yet today we are short of completing some of the most important work that we must accomplish.

As we enter the final days of 2011 and approach the end of this first session of the 112th Congress, I must take the time to offer an apology to the citizens of the 22nd Congressional District of Florida and to all my fellow citizens across this great Nation. It is not because we have not changed the conversation here in Washington, D.C., but because I would have hoped our exertions would have been as a collective body a bit greater. Failure to pass a balanced budget amendment was a great disappointment and an example of a lack of exertion.

When I was elected to the House of Representatives in November 2010, I was one of over 80 new Members that you, the American people, sent to the House of Representatives, entrusting each one of us to come to Capitol Hill and work diligently—and differently than our predecessors—on the critical issues our country was facing during these challenging times. Record high unemployment; a quickly growing debt; out-of-control spending that leads to budget deficits year after year; a spiraling foreclosure rate around the country, and specifically back in our district in south Florida; businesses shutting their doors, due in part to increasing uncertainty provided by the government from crushing regulations issued by Federal agencies in Washington, D.C., and the list goes on.

Friends, neighbors, colleagues, and our fellow citizens all believed our Nation was on the wrong track, and we were concerned for our future. Many of them felt our country's best days were in the past and that our future looked bleak. Each of them wanted our Federal Government to take a different course of action.

Mr. Speaker, I spent the majority of my adult life—22 years—serving in the United States Army, never having been elected to public office. I have dedicated my career to serving our great Nation. But unlike many of those whom I serve with here in Congress, I am not a career politician. I have led soldiers in combat on foreign battlefields, and was ready to go to our Nation's Capitol and lead from the front on this new battlefield. I understood that where my political experience would fall short, my military training would enable me to serve my constituents well in the Halls of Congress, because in the military we were taught a simple principle, Mr. Speaker, and I think you know it well: We work until the mission is complete. And on election night of 2010, I knew that I was embarking, along with my new colleagues, on one of the most challenging missions that I would ever face.

The leadership of the new majority in the House of Representatives created a calendar for the first session of this Congress, and as a newly elected Member of this body, I provided my assessment, stating that I believed the schedule did not provide the necessary days on Capitol Hill to address the pressing issues our Nation faced. Now, 1 year later, unfortunately, it seems I was correct. On the eve of the holiday season, the United States Congress is dealing with some of its most important issues, all while pressed against the desire to be home and with our families and loved ones.

Mr. Speaker, I, along with you, spent many holidays away from my family and friends while serving our country in the Armed Forces. Every time I was away from home during the holiday season, as well as I'm sure you did, I proudly put on my uniform and did my duty on behalf of the American people. And while I may not wear the uniform of the United States Army any longer, I am proud to put on my new uniform of a suit and tie and spend this holiday away from home, once again putting our country first so that we may finish

the job our constituents entrusted us to do.

Now, I don't want people to think that I am not happy about certain things, because I am truly pleased that the regular order has been established here and returned to the House floor. The American people are able to see vibrant debate on the pressing issues and legislation is developed by Members and cleared through committee. We are slowly seeing a move away from megabills. Yet these so-called omnibus bills do a disservice to the American people because, rather than allowing elected representatives to vote ''aye'' or ''nay'' on certain provisions, these bills create a bill that includes hundreds of provisions for passage.

During the first session in the month of April, I was able to bring to the House floor H.R. 1246. This bill cut $35.7 million of wasteful spending in the form of printing and reproduction at the Department of Defense. What was so important about this legislation is that the vote was 393–0, meaning that we were able to get unanimous support from both Republicans and Democrats.

The American people expect their elected to work together to deal with the issues of our Nation. However, Mr. Speaker, we have witnessed over 900 days without the United States Senate passing a budget. That's 900 days. When the House of Representatives did our job and passed a budget on the 15th of April 2011, Democrats continued to use it as a political weapon since it finally addresses the exorbitant mandatory spending that is bankrupting our country and leaving critical programs like Social Security and Medicare on an unsustainable path.

Americans continue to struggle with 9 percent-plus unemployment for over a year. In south Florida, it is even higher. But instead of debating the 20-plus bills passed by the House, many bipartisan, that address the anemic jobs situation in which we are stuck, these bills languish on Senate Majority Leader HARRY REID's desk while President Obama continues to try to convince the American people that this is a ''do-nothing'' Congress. It is indeed a ''do-nothing'' Senate.

One of the most important and constitutionally mandated functions of the Congress is to fund the Federal Government each year before the beginning of the fiscal year on October 1. This year, of the 12 funding bills, the House completed six of those bills and the United States Senate only completed one. Congress did not finish conferencing any appropriations bills to be signed by the President by the October 1 deadline. This means that once again we had to pass continuing resolutions to prevent a shutdown of the Federal Government.

I wrote the chairman of the House Committee on Appropriations suggesting that appropriations bills should be considered on a priority-based tiered system. I presented several questions, such as what he believed should be considered priority bills and whether or not certain appropriations bills should cover a 2-year period in order to provide more certainty in the marketplace.

Mr. Speaker, in the military something that continues to fail means that it is broken. And when something is broken, it must be fixed. Our fellow citizens understand that the path we are on is broken and they also understand it is time to fix it. Therefore, we must focus on structural reforms to our legislative and appropriations process.

Over the course of my first year in office, I have been asked numerous times why we refuse to compromise and why can't we just get something done. Mr. Speaker, I find it very funny that no one talked about compromise in regard to a $2 trillion health care law or a $1 trillion stimulus package or cap-and-trade or Card Check. But my answer is simple: The House of Representatives has tried to work with the Senate and President Obama; yet they refuse to listen to the will of the people. Tabling the cut, cap, and balance piece of legislation during the debt debate is a prime example. Instead, they wish to remain on the same path that has proved to be a failure year after year. They refuse to believe that we need major structural reforms. They did not heed the message of the American people of November of 2010.

□ 1710

And while Washington, D.C. has a budget deficit, the leadership deficit is even more disconcerting. Mr. Speaker, leaders take responsibility; and rarely do they take credit, a simple lesson that was taught to me as a young captain in the United States Army. A strong American leader would not take the misfortunes facing the American people and leverage it for political gain. And the facts speak for themselves.

Since January of 2009, more than 2 million Americans are unemployed, close to 26 million are underemployed. National unemployment has been at or above 9 percent for 28 straight months, at or above 8 percent for 34 straight months. And it is double that in the black community.

Average gas prices have gone from $1.83 to over $3.45. The Federal debt has gone from $10.6 trillion to over $15 trillion, with 3 straight years of trillion-dollar-plus deficits. And the debt per person, Mr. Speaker, has gone from $34,000 to $48,000.

Food stamp recipients are up by 41 percent. Americans in poverty up 16 percent, with an increase of 6.4 million Americans. The Misery Index is up 65 percent, and nearly 48.5 percent of Americans are on some form of government aid.

Home values are down 11 percent, and health insurance premiums are up 23 percent, from $3,354 to over $4,000. United States global competitiveness is down from first to fifth in the world.

We currently borrow 42 cents on every dollar, a dollar which soon, thanks to the insidious monetary policies emanating from the Federal Reserve, may not any longer be the default currency of the world.

Yet with these abysmal statistics, all we hear from the big megaphone of the White House is that we need to tax people—particularly certain people—more. We hear about extending a payroll tax holiday, which is nothing but a Band-Aid approach that only provides a very short-term impetus. What no one is telling the American people, especially our seniors, is that the constant use of payroll tax breaks continues to erode the funding of Social Security, which for the first time this year was running at a deficit.

When combined with the unemployment situation, we are speeding up the demise of Social Security in America. At some point, there must be structural tax and unemployment reform; and we must incentivize our job creators.

America is suffering, Mr. Speaker, from crony capitalism in which the government is picking the winners and the losers in the free market, using our hard-earned taxpayer dollars. We have an Obama administration which believes it is the preeminent venture capitalist in our Nation. Episodes such as Solyndra and MF Global should cause us all grave concern.

You see, American exceptionalism is not constrained by class or caste. There are income levels in our country; but sound economic, tax, and regulatory policies enable our citizens to transit those levels because America is about equal opportunity and not equal achievement, where liberal progressives believe that they are the arbiters of fairness.

There is no leadership emanating from the White House. Instead, we have policy by election-cycle sound bites where the purpose is just to get reelected.

Too many politicians are now focused on manipulative and deceitful rhetoric and not developing visionary, pro-growth economic policies for America. The obvious goal, it seems to me, Mr. Speaker, is to create more victims in America, an America of dependency, not individual independence.

Therefore, our Nation is truly at a crossroads. There is an ever-widening ideological chasm of what we are going to become as a Nation: Shall America continue as a constitutional Republic led by men and women of courage, conviction, and character? Or shall America become a bureaucratic nanny state, ruled by manipulative deceivers seeking their own political gain?

Is America truly that shining city that sits upon a hill, Mr. Speaker, or will that light be forever extinguished? The choice lies before the American people. I hope that they will choose wisely because our children and our grandchildren are watching, as well as our enemies abroad.

But, Mr. Speaker, for America I say this: fear not, for the Guardians of America's Honor shall ensure that the greatest days for this constitutional Republic lie ahead.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today.

Mr. JACKSON of Illinois (at the request of Ms. PELOSI) for today on account of district/constituent matters.

Mr. PASTOR of Arizona (at the request of Ms. PELOSI) for December 12 and until 4 p.m. December 13 on account of official business in the district.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1958. An act to extend the National Flood Insurance Program until May 31, 2012; to the Committee on Financial Services.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 535. An act to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes.

S. 683. An act to provide to the conveyance of certain parcels of land to the town of Mantua, Utah.

ADJOURNMENT

Mr. WEST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, December 9, 2011, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4206. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Increased Assessment Rate [Doc. No.: AMS-FV-11-0062; FV11-984-1 FR] received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4207. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Onions Grown in Certain Designated Counties in Idaho, and Malheur County, OR; Modification of Handling Regulations [Doc. No.: AMS-FV-11-0025; FV11-958-1 FR] received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4208. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Abamectin (avermectin); Pesticide Tolerances [EPA-HQ-OPP-2010-0619; FRL-8890-2] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4209. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Amides, C5-C9, N-[3-(dimethylamino)propyl] and amides, C6-C12, N-[3-(dimethylamino)propyl]; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0093; FRL-8890-8] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4210. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flutriafol; Pesticide Tolerances [EPA-HQ-OPP-2010-0876; FRL-9325-6] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4211. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methacrylic acid-methy methacrylate-polyethylene glycol monomethyl ether methacrylate graft copolymer; Tolerance Exemption [EPA-HQ-OPP-2011-0583; FRL-8891-4] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4212. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methacrylic Polymer; Tolerance Exemption [EPA-HQ-OPP-2011-0333; FRL-8891-1] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4213. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Trifloxystrobin; Pesticide Tolerances [EPA-HQ-OPP-2011-0456; FRL-8890-1] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4214. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Transfer and Redesignation of Certain Regulations Involving State Savings Association Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (RIN: 3064-AD82) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4215. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Rescission of Outdated Rules and Forms, and Amendments to Correct References [Release Nos.: 33-9273, 39-65686, 34-2480, IA-3310 and IC-29855] received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4216. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Miscellaneous Metal and Plastic Parts Surface Coating Rules [EPA-R05-OAR-2010-1001; FRL-9478-4] received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4217. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Drum and Pail Coatings [EPA-R03-OAR-2011-0610; FRL-9479-4] received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4218. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Plastic Parts and Business Machines Coatings [EPA-R03-OAR-2011-0600; FRL-9479-6] received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4219. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Transportation Conformity Rule: MOVES Regional Grace Period Extension [EPA-HQ-OAR-2011-0393; FRL-9478-1] (RIN: 2060-AR03) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4220. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — OMB Approvals Under the Paperwork Reduction Act; Technical Amendment; Community Right-to-Know Toxic Chemical Release Reporting [FRL 94884] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4221. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0312; FRL-9485-4] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4222. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Regulatory Changes to Implement the United States/Australian Agreement for Peaceful Nuclear Cooperation [NRC-2011-0072] (RIN: 3150-AI95) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4223. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Exports and Reexports to the Principality of Liechtenstein [Docket No.: 110818514-1531-01] (RIN: 0694-AF33) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4224. A letter from the Chief Acquisition Officer, General Service Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Set-Asides for Small Business [FAC 2005-54; FAR Case 2011-024; Item VI; Docket 2011-0024, Sequence 01] (RIN: 9000-AM12) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4225. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Sudan Waiver Process [FAC 2005-54; FAR Case 2009-041; Item VII; Docket 2010-0105, Sequence 1] (RIN: 9000-AL65) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4226. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Successor

Entities to the Netherlands Antilles [FAC 2005-54; FAR Case 2011-014; Item VIII; Docket 2011-0014, Sequence 1] (RIN: 9000-AM11) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4227. A letter from the Chief Acquisition Office, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions [FAC 2005-54; FAR Case 2008-025; Item II; Docket 2009-0039, Sequence 1] (RIN: 9000-AL46) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4228. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Certification Requirement and Procurement Prohibition Relating to Iran Sanctions [FAC 2005-54; FAR Case 2010-012; Item IV; Docket 2010-0102, Sequence 1] (RIN: 9000-AL71) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4229. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Representation Regarding Export of Sensitive Technology to Iran [FAC 2005-54; FAR Case 2010-018; Item V; Docket 2010-0018, Sequence 1] (RIN: 9000-AL91) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4230. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-54; Small Entity Compliance Guide [Docket: FAR 2011-0077; Sequence 6] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4231. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-54; Item X; Docket 2011-0078; Sequence 3] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4232. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Labor Relations Costs [FAC 2005-54; FAR Case 2009-006; Item IX; Docket 2010-0084, Sequence 1] (RIN: 9000-AL39) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4233. A letter from the Office of Sustainable Fishies, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA757) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4234. A letter from the Deputy Assistant General Counsel for the Office of Aviation Enforcement and Proceedings, Department of Transportation, transmitting the Department's final rule — Enhancing Airline Passanger Protections [Docket No.: DOT-OST-2010-0140] (RIN: 2105-AD92) received November 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4235. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Generation-Skipping Transfers (GST) Section 6011 Regulations and Amendments to the Section 6112 Regulations [TD 9556] (RIN: 1545-BG89) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports on committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 443. A bill to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; with an amendment (Rept. 112–318, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1466. A bill to resolve the status of certain persons legally residing in the Commonwealth of the Northern Mariana Islands under the immigration laws of the United States (Rept. 112–319, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1740. A bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; with an amendment (Rept. 112–320). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2719. A bill to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes (Rept. 112–321). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3069. A bill to amend the Marine Mammal Protection Act of 1972 to reduce predation on endangered Columbia River salmon and other nonlisted species, and for other purposes (Rept. 112–322). Referred to the Committee of the Whole House on the state of the Union.

Ms. ROS-LEHTINEN: Committee on Foreign Affairs. H.R. 2829. A bill to promote transparency, accountability, and reform within the United Nations system, and for other purposes; with an amendment (Rept. 112–323). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the following actions were taken by the Speaker:

The Committee on Energy and Commerce discharged from further consideration. H.R. 443 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

The Committee on the Judiciary discharged from further consideration. H.R. 1466 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, and Mr. MCCOTTER):

H.R. 3605. A bill to prevent United States businesses from cooperating with repressive governments in transforming the Internet into a tool of censorship and surveillance, to fulfill the responsibility of the United States Government to promote freedom of expression on the Internet, to restore public confidence in the integrity of United States businesses, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FINCHER (for himself, Mr. CARNEY, Mr. BACHUS, Mr. CROWLEY, Mr. GARRETT, Mr. MCHENRY, Mr. SCHWEIKERT, Mr. WESTMORELAND, Mr. GARAMENDI, Mr. RENACCI, Mr. HUIZENGA of Michigan, Mr. KIND, Mrs. BLACKBURN, Mr. DESJARLAIS, Mr. TIPTON, Mr. POLIS, Mr. CRAWFORD, Mr. GRIFFIN of Arkansas, Mr. AUSTIN SCOTT of Georgia, Mr. PERLMUTTER, Mr. HIMES, Mrs. MCCARTHY of New York, Mr. CONNOLLY of Virginia, Mr. PETERS, Mr. GRIMM, Mrs. CAPITO, Mr. HENSARLING, and Ms. ESHOO):

H.R. 3606. A bill to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; to the Committee on Financial Services.

By Mr. SMITH of Washington (for himself and Mr. DICKS):

H.R. 3607. A bill to establish a program to improve freight mobility in the United States, to establish the National Freight Mobility Infrastructure Fund, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACKBURN (for herself, Mr. FORBES, Mrs. LUMMIS, Mr. WALSH of Illinois, Mr. FLEMING, Mr. POSEY, Mr. FLORES, Mr. GARRETT, Mr. WESTMORELAND, Mr. MARCHANT, Mr. GINGREY of Georgia, Mr. DUNCAN of Tennessee, Mr. POE of Texas, Mr. SAM JOHNSON of Texas, Mr. SENSENBRENNER, Mr. SULLIVAN, Mr. MICA, Mr. KINGSTON, Mr. PENCE, Mr. REICHERT, Ms. HERRERA BEUTLER, Mr. BISHOP of Utah, Mrs. ELLMERS, Mr. GRIFFIN of Arkansas, Mr. BURTON of Indiana, and Mr. KING of Iowa):

H.R. 3608. A bill to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to prohibit certain employees of the Transportation Security Administration from using the title of ''officer'' and from wearing uniforms and carrying badges resembling those of law enforcement officers; to the Committee on Homeland Security.

By Mr. LANKFORD (for himself, Mr. BOREN, Mr. GERLACH, and Mrs. BLACKBURN):

H.R. 3609. A bill to provide taxpayers with an annual report disclosing the cost of, performance by, and areas for improvements for Government programs, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. FOXX (for herself, Mr. ROE of Tennessee, Mr. WILSON of South

Carolina, Mr. ROKITA, Mr. GOWDY, Mrs. ROBY, Mr. HECK, and Mr. KELLY):

H.R. 3610. A bill to consolidate and streamline redundant and ineffective Federal workforce development programs to increase accountability, reduce administrative bureaucracies, and put Americans back to work; to the Committee on Education and the Workforce, and in addition to the Committees on Armed Services, Veterans' Affairs, Agriculture, Natural Resources, the Judiciary, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HECK (for himself, Ms. FOXX, Mr. ROE of Tennessee, Mr. HANNA, Mr. GOWDY, and Mr. KELLY):

H.R. 3611. A bill to amend the Workforce Investment Act of 1998 to increase business engagement and improve training opportunities for occupations that are in-demand in order to get Americans back to work; to the Committee on Education and the Workforce.

By Mr. GIBSON (for himself, Mr. DOGGETT, Mr. WALZ of Minnesota, and Mr. REHBERG):

H.R. 3612. A bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of Georgia (for himself, Mr. FARR, Mr. KISSELL, Ms. JACKSON LEE of Texas, Mr. CONYERS, Ms. LEE of California, Mr. HONDA, Mr. GRIJALVA, Mr. MICHAUD, Ms. RICHARDSON, Ms. FUDGE, Mr. RYAN of Ohio, Mrs. CHRISTENSEN, Mr. CARSON of Indiana, Mr. TOWNS, Mr. OLVER, Mr. FRANK of Massachusetts, Mr. CLAY, Ms. ROYBAL-ALLARD, Mr. BOSWELL, Mr. FILNER, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Ms. NORTON, Mr. DEUTCH, Mr. HINCHEY, Ms. MOORE, Mr. JACKSON of Illinois, Ms. WOOLSEY, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. LEWIS of Georgia, Mr. KILDEE, and Mr. JONES):

H.R. 3613. A bill to amend title XVIII of the Social Security Act to allow for fair application of the exceptions process for drugs in tiers in formularies in prescription drug plans under Medicare part D; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROYBAL-ALLARD (for herself, Mr. HINOJOSA, and Mr. CARNAHAN):

H.R. 3614. A bill to reauthorize the Enhancing Education Through Technology Act of 2001; to the Committee on Education and the Workforce.

By Mr. PEARCE:

H.R. 3615. A bill to amend title III of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of unemployment compensation; to the Committee on Ways and Means.

By Mr. BERG:

H.R. 3616. A bill to provide that the rules of the Environmental Protection Agency entitled ''National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines'' have no force or effect with respect to existing stationary compression and spark ignition reciprocating internal combustion engines operated to generate electricity for emergency or demand response purposes, or for the purpose of operating a water pump; to the Committee on Energy and Commerce.

By Ms. CLARKE of New York:

H.R. 3617. A bill to amend the Child Abuse Prevention and Treatment Act to require States receiving funds under section 106 of such Act to have in effect a State law providing for a criminal penalty on a person who has knowledge of child abuse or neglect, but fails to report such abuse or neglect to a law enforcement official or child protective services; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Mr. ACKERMAN, Ms. BROWN of Florida, Mr. COHEN, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DINGELL, Mr. ELLISON, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HONDA, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Mr. JOHNSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON LEE of Texas, Ms. LEE of California, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. GEORGE MILLER of California, Ms. NORTON, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RANGEL, Ms. RICHARDSON, Mr. RICHMOND, Mr. ROTHMAN of New Jersey, Mr. RUSH, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. TOWNS, and Mr. WATT):

H.R. 3618. A bill to eliminate racial profiling by law enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. ELLISON (for himself and Mr. STARK):

H.R. 3619. A bill to permanently extend the Protecting Tenants at Foreclosure Act of 2009 and establish a private right of action to enforce compliance with such Act; to the Committee on Financial Services.

By Mr. ENGEL:

H.R. 3620. A bill to amend title IX of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing a maternity care quality measurement program, evaluating maternity care home models, and supporting maternity care quality collaboratives; to the Committee on Energy and Commerce.

By Mr. ISRAEL:

H.R. 3621. A bill to suspend temporarily the duty on certain adjustable metal lighting fixtures; to the Committee on Ways and Means.

By Mr. ISRAEL (for himself, Mr. TIBERI, Mr. GRIJALVA, Mr. HINCHEY, Mr. ELLISON, Mr. FRANK of Massachusetts, and Ms. NORTON):

H.R. 3622. A bill to amend title XVIII of the Social Security Act to provide comprehensive cancer patient treatment education under the Medicare program and to provide for research to improve cancer symptom management; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATTA (for himself and Ms. KAPTUR):

H.R. 3623. A bill to authorize and request the President to award the congressional Medal of Honor to Arthur Jibilian for actions behind enemy lines during World War II while a member of the United States Navy and the Office of Strategic Services; to the Committee on Armed Services.

By Mr. MICHAUD:

H.R. 3624. A bill to authorize the Secretary of Education to enter into voluntary, flexible agreements with certain guaranty agencies to provide delinquency prevention and default aversion services for borrowers and potential borrowers of Federal Direct Loans under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PALLONE:

H.R. 3625. A bill to amend title III of the Public Health Service Act to authorize and support the creation of cardiomyopathy education, awareness, and risk assessment materials and resources by the Secretary of Health and Human Services through the Centers for Disease Control and Prevention and the dissemination of such materials and resources by State educational agencies to identify more at-risk families; to the Committee on Energy and Commerce.

By Ms. PINGREE of Maine (for herself, Mr. MICHAUD, Mr. WELCH, Mr. LANGEVIN, Mr. CICILLINE, and Mr. MARKEY):

H.R. 3626. A bill to provide level funding for the Low-Income Home Energy Assistance Program; to the Committee on Appropriations, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROE of Tennessee (for himself and Mr. HOYER):

H.R. 3627. A bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools; to the Committee on Energy and Commerce.

By Mr. SCALISE (for himself, Mr. BOUSTANY, Mr. LANDRY, Mr. PALAZZO, and Mr. RICHMOND):

H.R. 3628. A bill to extend the National Flood Insurance Program until May 31, 2012; to the Committee on Financial Services.

By Mr. SERRANO:

H.R. 3629. A bill to require retail establishments that use mobile device tracking technology to display notices to that effect; to the Committee on Energy and Commerce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SMITH of New Jersey:

H.R. 3605.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. FINCHER:

H.R. 3606.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. SMITH of Washington:

H.R. 3607.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 3—''To regulate Commerce with foreign Nations, and among the several States, and within the Indian Tribes.''

By Mrs. BLACKBURN:

H.R. 3608.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution of the United States and Article I, Section 8, Clause 18 of the Constitution of the United States.

By Mr. LANKFORD:

H.R. 3609.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

By Ms. FOXX:

H.R. 3610.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. HECK:

H.R. 3611.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. GIBSON:

H.R. 3612.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have Power * * * To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. JOHNSON of Georgia:

H.R. 3613.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution, which sets forth the constitutional authority of Congress to regulate interstate commerce.

By Ms. ROYBAL-ALLARD:

H.R. 3614.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. PEARCE:

H.R. 3615.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution

By Mr. BERG:

H.R. 3616.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4.

By Ms. CLARKE of New York:

H.R. 3617.

Congress has the power to enact this legislation pursuant to the following:

This bill, the See Something, Say Something Act, is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. CONYERS:

H.R. 3618.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Section 5 of the Fourteenth Amendment to the United States Constitution, Congress shall have the power to enact appropriate laws protecting the civil rights of all Americans.

By Mr. ELLISON:

H.R. 3619.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. ENGEL:

H.R. 3620.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under the following provisions of the United States Constitution:

Article I, Section 1;

Article I, Section 8, Clause 1;

Article I, Section 8, Clause 3; and

Article I, Section 8, Clause 18.

By Mr. ISRAEL:

H.R. 3621.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the Constitution of the United States.

By Mr. ISRAEL:

H.R. 3622.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the Constitution of the United States. Article 1, Section 8, Clause 18 of the Constitution of the United States.

By Mr. LATTA:

H.R. 3623.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clauses 13 and 14 of the United States Constitution.

By Mr. MICHAUD:

H.R. 3624.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. PALLONE:

H.R. 3625.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the United States Constitution.

By Ms. PINGREE of Maine:

H.R. 3626.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1—The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. ROE of Tennessee:

H.R. 3627.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

Article I, Section 8, Clause 18

By Mr. SCALISE:

H.R. 3628.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1

By Mr. SERRANO:

H.R. 3629.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution.

The Congress shall have Power * * * To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

In addition, Congress has the power to enact this legislation pursuant to the following:

Clause 18 of section 8 of article I of the Constitution.

The Congress shall have Power * * * To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. BARROW and Mr. AL GREEN of Texas.

H.R. 50: Ms. NORTON.

H.R. 68: Mr. FRANKS of Arizona.

H.R. 104: Mr. KING of Iowa.

H.R. 111: Mr. COOPER.

H.R. 121: Mr. FRANKS of Arizona.

H.R. 139: Mr. MURPHY of Connecticut and Mr. MICHAUD.

H.R. 157: Mr. SHIMKUS and Mr. DUNCAN of South Carolina.

H.R. 234: Ms. JENKINS.

H.R. 361: Mr. ROGERS of Alabama and Mr. AMASH.

H.R. 396: Mr. THORNBERRY.

H.R. 420: Mr. FITZPATRICK.

H.R. 468: Ms. HANABUSA.

H.R. 615: Mr. PEARCE.

H.R. 809: Mr. WELCH.

H.R. 812: Mr. MCGOVERN, Ms. PINGREE of Maine, Mr. MICHAUD, and Mr. MCDERMOTT.

H.R. 814: Mr. ALTMIRE.

H.R. 933: Ms. CLARKE of New York, Ms. LEE of California, Ms. CHU, Mrs. NAPOLITANO, Ms. MOORE, Mr. SERRANO, and Mr. FARR.

H.R. 959: Mr. HEINRICH.

H.R. 1041: Mr. BASS of New Hampshire.

H.R. 1148: Mr. ENGEL, Ms. ZOE LOFGREN of California, Mr. SARBANES, Mr. SCOTT of South Carolina, Mr. BOUSTANY, Mr. MEEHAN, Mr. PAULSEN, Mr. CROWLEY, Mr. MCNERNEY, Mr. BRADY of Pennsylvania, Mr. GARAMENDI, Mr. PERLMUTTER, Mr. BUTTERFIELD, Mrs. SCHMIDT, Mr. FALEOMAVAEGA, Mr. ANDREWS, Mr. CARDOZA, Mr. GALLEGLY, Mr. BACA, and Mr. DESJARLAIS.

H.R. 1159: Mr. BUCSHON.

H.R. 1172: Mr. RUSH.

H.R. 1195: Mr. CASSIDY.

H.R. 1206: Ms. HERRERA BEUTLER.

H.R. 1236: Mr. LATOURETTE, Mr. LOEBSACK, Mr. MILLER of North Carolina, Mr. BURTON of Indiana, and Mr. COBLE.

H.R. 1259: Mr. BASS of New Hampshire.

H.R. 1265: Mr. CROWLEY, Mr. BARLETTA, and Ms. MOORE.

H.R. 1294: Ms. HIRONO and Ms. CASTOR of Florida.

H.R. 1295: Mr. CARSON of Indiana.

H.R. 1348: Mr. PLATTS and Mr. FITZPATRICK.

H.R. 1370: Mr. MARINO and Mr. GRIFFITH of Virginia.

H.R. 1418: Ms. WILSON of Florida.

H.R. 1443: Mr. BOUSTANY.

H.R. 1463: Mr. SCHOCK and Mr. BERMAN.

H.R. 1478: Mr. TIBERI.

H.R. 1511: Mr. PASTOR of Arizona.

H.R. 1513: Mr. RUSH, Ms. ESHOO, and Ms. CLARKE of New York.

H.R. 1546: Mr. MCGOVERN.

H.R. 1614: Mr. HARRIS.

H.R. 1676: Mr. COOPER.

H.R. 1718: Mr. CONNOLLY of Virginia.

H.R. 1738: Mr. SHERMAN.

H.R. 1744: Mr. MARINO.

H.R. 1895: Mr. DOYLE, Ms. NORTON, and Mrs. LOWEY.

H.R. 1957: Mr. LEWIS of Georgia.

H.R. 1964: Mr. PIERLUISI, Mr. GALLEGLY, Mr. ISSA, Mrs. ELLMERS, and Mr. MARCHANT.

H.R. 1996: Mr. DUNCAN of South Carolina.

H.R. 2001: Mr. FARENTHOLD.

H.R. 2033: Mr. COOPER.

H.R. 2139: Mr. WALBERG, Mr. CANSECO, Mr. CLAY, Ms. PINGREE of Maine, Mr. LATOURETTE, Mr. GRIFFIN of Arkansas, and Mr. FLEISCHMANN.

H.R. 2140: Ms. DEGETTE and Mr. TOWNS.
H.R. 2288: Mr. BARROW.
H.R. 2313: Mr. CASSIDY and Mr. WESTMORELAND.
H.R. 2359: Mr. TIERNEY.
H.R. 2396: Mr. PRICE of North Carolina.
H.R. 2412: Ms. EDWARDS.
H.R. 2432: Mr. LUETKEMEYER.
H.R. 2466: Mr. OLSON.
H.R. 2499: Mr. FARR.
H.R. 2500: Mr. COHEN.
H.R. 2528: Mr. SHIMKUS.
H.R. 2530: Ms. CHU.
H.R. 2536: Ms. HIRONO.
H.R. 2541: Mr. GRIFFITH of Virginia.
H.R. 2543: Mr. COHEN.
H.R. 2547: Mr. HINOJOSA and Mr. HASTINGS of Florida.
H.R. 2569: Mr. NUNES and Mr. CONNOLLY of Virginia.
H.R. 2595: Mr. BLUMENAUER.
H.R. 2617: Mr. SCOTT of Virginia.
H.R. 2655: Ms. MOORE and Mr. RICHMOND.
H.R. 2697: Ms. BROWN of Florida.
H.R. 2706: Mr. LANDRY.
H.R. 2755: Mr. GERLACH.
H.R. 2809: Ms. BERKLEY, Ms. LEE of California, Mr. CLARKE of Michigan, Mr. THOMPSON of Mississippi, and Mr. RUSH.
H.R. 2810: Mr. MARCHANT.
H.R. 2834: Mr. REHBERG.
H.R. 2900: Mr. POSEY.
H.R. 2962: Mr. DENT and Mr. POSEY.
H.R. 2969: Mr. COOPER, Mr. PAYNE, Mr. BENISHEK, and Mr. LUETKEMEYER.
H.R. 3014: Ms. NORTON.
H.R. 3059: Mr. THOMPSON of Pennsylvania, Mr. WALDEN, Mrs. BONO MACK, and FARENTHOLD.
H.R. 3062: Mr. PEARCE.
H.R. 3076: Ms. NORTON.
H.R. 3096: Mr. FLEISCHMANN.
H.R. 3138: Ms. CHU.
H.R. 3166: Mr. WOLF.
H.R. 3200: Mr. BUTTERFIELD.
H.R. 3202: Mr. HIGGINS and Ms. PINGREE of Maine.
H.R. 3207: Mr. GUTHRIE and Mr. MCKINLEY.
H.R. 3216: Mr. GIBBS and Mr. RUNYAN.
H.R. 3243: Mr. FRANKS of Arizona.
H.R. 3269: Mr. LATTA, Mr. JONES, Ms. BALDWIN, Mrs. BIGGERT, Ms. CHU, Mrs. MCCARTHY of New York, Mr. GARDNER, Mr. HIGGINS, Mr. TERRY, Mr. KELLY, and Mr. PEARCE.
H.R. 3307: Mrs. CAPPS, Ms. BORDALLO, Ms. BERKLEY, Mr. ROTHMAN of New Jersey, Mr. BERMAN, Mr. WAXMAN, Mr. MCGOVERN, Mr. MARKEY, Mr. GEORGE MILLER of California, Mr. ISRAEL, and Mr. LEVIN.
H.R. 3325: Mrs. LOWEY.
H.R. 3346: Mr. THOMPSON of California and Mr. MICHAUD.
H.R. 3365: Mr. REICHERT.
H.R. 3366: Mr. SCHOCK.
H.R. 3378: Mr. DINGELL.
H.R. 3393: Mr. BILIRAKIS and Mr. YOUNG of Alaska.
H.R. 3397: Mr. REHBERG.
H.R. 3399: Ms. ROS-LEHTINEN.
H.R. 3400: Mr. CHABOT, Mr. FLAKE, Mr. MANZULLO, Mr. WEST, and Mr. FLEISCHMANN.
H.R. 3421: Mr. BLUMENAUER, Mr. MURPHY of Connecticut, Mr. GRIJALVA, Mr. SARBANES, Ms. WILSON of Florida, Mr. ISRAEL, Ms. ZOE LOFGREN of California, Mr. RUPPERSBERGER, Mr. COOPER, and Mr. BISHOP of Georgia.
H.R. 3425: Mr. SERRANO, Mr. LEVIN, and Mr. BACA.
H.R. 3435: Mr. BERMAN, Mr. CLARKE of Michigan, Mr. CARDOZA, Mr. BOSWELL, Mr. CROWLEY, and Mr. CONYERS.
H.R. 3437: Mr. SERRANO.
H.R. 3440: Mr. SCHWEIKERT, Mr. DUNCAN of Tennessee, Mr. POSEY, and Mr. CALVERT.
H.R. 3441: Mrs. LUMMIS, Mr. DUNCAN of Tennessee, Mr. ROE of Tennessee, Mr. LAMBORN, Mr. TERRY, Mr. MICA, Mr. AMODEI, Mr. ROONEY, Mr. HALL, and Mr. JORDAN.
H.R. 3453: Mr. PETRI and Mr. CAMP.
H.R. 3457: Mrs. LOWEY.
H.R. 3462: Mrs. LOWEY.
H.R. 3465: Mr. PALLONE.
H.R. 3474: Mr. GRIMM.
H.R. 3480: Mr. KELLY.
H.R. 3483: Ms. BROWN of Florida.
H.R. 3503: Mr. FRANK of Massachusetts.
H.R. 3521: Mr. SHULER, Ms. CASTOR of Florida, Mr. HENSARLING, and Mr. DUNCAN of South Carolina.
H.R. 3523: Mr. LATTA, Mr. QUAYLE, Mr. MCHENRY, Mr. FRELINGHUYSEN, and Mr. YODER.
H.R. 3548: Mr. BROUN of Georgia, Mr. FLORES, Mr. LAMBORN, and Mr. WALDEN.
H.R. 3572: Mr. POE of Texas.
H.R. 3578: Mr. MCCLINTOCK and Mr. GOHMERT.
H.R. 3581: Mr. DUNCAN of South Carolina.
H.R. 3583: Mr. DUNCAN of South Carolina and Mr. BOREN.
H.R. 3590: Mr. SABLAN.
H.R. 3594: Mr. COBLE and Mr. MARCHANT.
H.J. Res. 88: Mr. WELCH.
H.J. Res. 90: Mr. ELLISON.
H.J. Res. 92: Ms. LEE of California.
H. Con. Res. 85: Mr. LANGEVIN, Mr. CARSON of Indiana, and Mr. QUIGLEY.
H. Con. Res. 87: Mr. BENISHEK and Mr. FILNER.
H. Con. Res. 89: Mr. GOHMERT, Mr. MULVANEY, Mr. FLORES, Mr. GARRETT, Mr. BROOKS, Mrs. SCHMIDT, Mrs. BLACKBURN, Mr. FORBES, Mrs. LUMMIS, Mrs. HARTZLER, Mr. RIBBLE, Mr. WEST, Mr. STUTZMAN, Mr. MCCLINTOCK, Mr. PEARCE, Mr. YODER, Mr. ROE of Tennessee, Mr. BURGESS, Mr. FLEISCHMANN, Mr. COLE, Mr. GOODLATTE, Mr. WALSH of Illinois, Mr. HUELSKAMP, Mr. FLEMING, Mr. GINGREY of Georgia, Mr. CONAWAY, Mr. POSEY, Mr. CHABOT, Mr. BARTON of Texas, Mr. GRAVES of Georgia, Mr. CAMPBELL, Mr. DUNCAN of South Carolina, Mr. ROKITA, Mr. CHAFFETZ, Mr. LANKFORD, Mr. QUAYLE, Mr. LABRADOR, Mr. WILSON of South Carolina, Mr. HARRIS, Mr. FORTENBERRY, Mr. MANZULLO, MR. HULTGREN, and Mr. HUIZENGA of Michigan.
H. Res. 134: Mr. FALEOMAVAEGA, Mr. RIVERA, and Mr. DUNCAN of South Carolina.
H. Res. 262: Mr. COHEN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3538: Mr. COOPER.