Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
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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)

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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
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Heck
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Lee (CA)
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LoBiondo
Lynch
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Matsui
McCotter
McDermott
McGovern
Meehan
Miller, George
Moore
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Olver
Pallone
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Quayle
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Reed
Renacci
Ribble
Roe (TN)
Rooney
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Shuler
Slaughter
Sutton
Terry
Thompson (CA)
Thompson (MS)
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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